

Before the Far North District Council Hearings Committee

In the Matter of the Resource Management Act 1991

And

In the Matter of the Proposed Far North District Plan.

Evidence of Joseph Brady Henehan on behalf of Kingheim Ltd (Submitter number S461.001)

Dated 9 June 2025

Reyburn and Bryant 1999 Ltd
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1. Introduction

- 1.1 My name is Joseph Brady Henehan. I am a planning consultant working for Reyburn and Bryant in Whangarei. I hold a Bachelor of Environmental Planning from the University of Waikato. I am a full member of the New Zealand Planning Institute (MNZPI).
- 1.2 I have 11 years of experience as a planning consultant in the Northland region. My role has typically been to lead project teams through various resource consent, notice of requirement, and plan change processes, and to provide environmental and strategic planning advice for these projects.
- 1.3 Most of my work has been in the Northland Region, and so I am very familiar with the history, content, and structure of the Far North District Plan and the higher-level planning documents.

2. Code of conduct

- 2.1 I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses (2023). This evidence is within my area of expertise. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

3. Site description

The site

- 3.1 The submitter is the owner of a site at 44 Gillies Road, Karikari Peninsula. The subject site is legally described as Lot 1 DP 149495 and is held in a single record of title referenced RT NA89A/286. The property comprises an area of 1.1762ha. The site is shown in Figure 1 below:



Figure 1: Site location (Source: FNDC GIS)

- 3.2 The site contains an existing motel/lodge complex known as the Reef Lodge Motel. This was first established in 1982 as a motel and campground and is legally established through various

resource consents and building permits.

- 3.3 The site currently contains several buildings, including eight units, a manager's house, laundry facilities, a spa area, barbeque facilities, a garage and stables.
- 3.4 The eight units on the site are contained in three separate buildings, as follows:
- Unit 1 (an 80m² standalone cottage positioned towards the south end of the property),
 - Units 2-6 (a 250m² row of units positioned centrally on the site),
 - Units 7 & 8 (a 50m² cottage close to the beach at the north-western end of the property).
- 3.5 Recently, an application for resource consent has been approved by FNDC to redevelop the existing motel/lodge (referenced 2230258-RMALUC). Specifically, the proposal was to:
- Demolish the existing unit and laundry block in the centre of the site and construct a single residential dwelling in that location.
 - Demolish the motel units on the northern boundary and construct a cottage in that location.
 - Demolish the barbeque area and spa facility.
 - Relocate the existing access on the site to a new position to improve functionality.
 - Relocate the existing managers' house and garage.
 - Retain the existing stables.
- 3.6 The proposed site and building layouts are shown on the site plan in Figure 2 below:



Figure 2: 2230258 RMALUC approved site plan

- 3.7 It is noted that advice note 3 of 2230258-RMALUC states the following with respect to the ongoing use of the motel, following redevelopment:

3. The consent holder shall be aware that this consent does not provide for the continued operation of any motel accommodation on the site. The consent allows for three residential units to be established and occupied on the site, each capable of being utilised as a residential unit. This does not preclude their use for rental or short stay accommodation as a lodge or similar activity.

Figure 3: Advice note 3 of 2200237-RMAVAR A

- 3.8 Considering the above, while the use of site as a motel is not viable following implementation of 2230258-RMALUC, the use of the proposed buildings for visitor accommodation purposes is not precluded.
- 3.9 In addition to 2230258-RMALUC, the site is also subject to an existing consent (2200237-RMAVAR A) enabling 14 self-contained motor home campsites to be established on the site. The approved motor home campsite locations are shown on the site plan enclosed in **Attachment 1**.
- 3.10 Copies of the 2230258-RMALUC and 2200237-RMAVAR A decisions and approved plans are included in **Attachment 2**.
- 3.11 The site is protected from existing coastal erosion hazards via an existing hard protection structure along its coastal margin. See [Figure 3](#) below:



Figure 4: Existing hard protection structure

- 3.12 The Reef Lodge has historically served as a venue for local tourism events, including fishing

competitions. It also provides high-quality accommodation for visitors to the area, benefiting from its close proximity to key tourist destinations such as Doubtless Bay, Matai Bay, Carrington Estate (vineyard and golf course), Cape Reinga, and the Mangonui Fish and Chip Shop.

Operative and proposed District Plan zoning

- 3.13 The subject site is zoned General Coastal under the operative Far North District Plan (FNDP).

Proposed District Plan zoning and overlays

- 3.14 As shown in [Figure 4](#) below, the site is proposed to be rezoned 'Rural Production' (RPROZ) under the Proposed Far North District Plan (PFNDP). The site is also proposed to be subject to a Coastal Environment (CE) overlay.



Figure 5: PDP maps zoning and overlays

- 3.15 Under PFNDP Variation 1, the site has also been identified as being subject to Coastal Flood Hazard (CFH) overlays as shown in [Figure 5](#) below:



Figure 6: Coastal Flood Hazard Overlays

4. Scope of evidence

- 4.1 This evidence relates to submission number S461.001 and is focussed on the zoning applied to the land owned by Kingheim Ltd (“the submitters”).

Original submission

- 4.2 The original submission sought that the site is rezoned Settlement Zone (SETZ), or, alternative relief with similar effect.
- 4.3 This alternative relief could be that a ‘Reef Lodge Precinct’ (RLP) is created over the subject site, as put forward in the remaining sections of this evidence.

5. Reasons for the request

- 5.1 The original submission sought to have the site rezoned as SETZ (or an alternative zoning with a similar effect). Since that time, the submitter has reconsidered the intent of the proposal – this being to provide for the continued operation, potential redevelopment and maintenance of existing activities, and to align District Plan provisions with existing and approved activities on the site. In light of this, the submitter now proposes a bespoke planning framework in the form of a new precinct, the Reef Lodge Precinct (RLP). A draft of the RLP provisions is included as **Attachment 3**. Upon further consideration, the SETZ zoning initially proposed is now considered too broad, as it would enable a level of development that exceeds the applicant’s intentions for the site.
- 5.2 The RLP is designed to recognise and enable the continued operation of a long-established mixed-use visitor accommodation, rural tourism and residential activity. This includes motel

accommodation, residential units, and a self-contained motorhome campsite. The Reef Lodge has historically served as a venue for local tourism events, including fishing competitions. The RLP chapter introduces a tailored regulatory framework that supports the ongoing use of the site for such events, delivering positive social and economic benefits to the wider area.

- 5.3 Incorporating specific objectives and policies into the District Plan that acknowledge and support the existing legally established activities on the site will ensure that any future consent applications to redevelop or change the activities are assessed within a more appropriate and enabling regulatory context.
- 5.4 The notified Rural Production Zone (RPROZ) does not appropriately reflect or provide for the scale and nature of activities that have been established on the site. These activities are not directly associated with primary production, nor do they have a functional need to be located in a rural environment in the manner contemplated by the zone. Instead, they represent a long-established activity that is not reliant on rural production processes.
- 5.5 The proposed RLP is a more efficient and effective use of the land, particularly given the constraints to using the land for rural production purposes, and the additional benefits associated with the RLP over the RPROZ. Retaining the RPROZ zoning will mean that the site will remain subject to a misaligned zoning framework, requiring unnecessary consents and reducing planning certainty.
- 5.6 The proposal better achieves the purpose of the Act in the context of Section 32.

6. Alignment with FNDC ‘general guidance criteria for rezoning submissions’ (Minute 14)

Strategic direction

- 6.1 The Strategic Direction section of the PFNDP sets out overarching objectives for the District's development, as articulated through several thematic chapters. The most relevant chapters to this proposal are the Rural Environment, Natural Environment, Economic and Social Wellbeing and Historic and Cultural Wellbeing chapters.
- 6.2 The objectives of the Rural Environment chapter generally aim to ensure that primary production activities are able to operate efficiently and effectively (SD-RE-O1) and that highly productive land is protected from inappropriate development (SD-RE-O2). In this case, the site is not identified as containing Highly Productive Land (HPL) (the site contains Land Use Capability (LUC) class 4 soils). Given the existing and consented development on the site, it is not practically capable of being used for primary production. Therefore, the proposed RLP is not in conflict with the objectives of this chapter.

- 6.3 The Natural Environment chapter contains objectives relevant to this proposal that seek to preserve the natural character and ecological values of the coastal environment (SD-EP-O1, SD-EP-O3, SD-EP-O5, and SD-EP-O6). The proposed RLP does not result in any conflicts with these objectives, as it acknowledges existing and approved activities and provides for further amendments and changes in situations where effects can be avoided, remedied or mitigated. As such, no additional adverse effects on the natural environment are anticipated.
- 6.4 Support for the RLP can also be drawn from the Economic and Social Wellbeing Chapter which encourages opportunities for the fulfilment of the community's cultural, social, environmental, and economic wellbeing. Specifically, SD-EP-O2 states that *"existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions"*. The RLP directly supports this objective by ensuring the District Plan zoning reflects and supports the ongoing operation of established commercial activities on the site.
- 6.5 The objectives of the Historic and Cultural Wellbeing Chapter apply across all zones, and the proposed RLP is unlikely to give rise to any inconsistencies with this framework. Notably, the site already benefits from existing consents that authorise a defined scope of development. The proposed RLP will simply enable the continuation of this approved activity whilst ensuring that any future changes to the site that could give rise to historical or cultural effects will be appropriately assessed at the time of development. As such, the proposed RLP is not expected to conflict with the objectives of the Historic and Cultural Wellbeing Chapter.
- 6.6 The Urban Form and Development and Infrastructure and Development Chapters relate to serviced urban areas, so are largely irrelevant to this submission.

Alignment with zone outcomes

- 6.7 According to the RPROZ Chapter, this zone is intended to support a range of primary production activities such as farming, horticulture, forestry, and related processing industries. It also anticipates a level of rural tourism and recreation, provided these activities remain complementary to the primary production focus and preserve the rural character and amenity. This is specifically summarised in the first paragraph of the RPROZ Chapter:

"The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities. The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor primary production, plantation forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may

occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment. This zone includes land subject to the Coastal Environment Overlay, which has provisions to protect the natural character of the coastal environment.¹

- 6.8 The existing and consented land uses (including multiple residential units, a lodge/motel, and a motor home campsite) do not align with the core intent of the RPROZ. These activities are not directly associated with primary production, nor do they have a functional need to be located in a rural environment in the manner contemplated by the zone. Instead, they represent a long-established activity (40+ years) that operates independently of rural production processes. The activity is positioned to take advantage of the sites proximity to the coast, rather than rural productive land uses.
- 6.9 Moreover, the site is constrained in its ability to support productive land-based uses, with LUC Class 4 soils and existing built development limiting the potential for agricultural activities. As a result, enforcing the RPROZ provisions on this site creates unnecessary consenting complexity for potential amendments to existing (legally established) activities that are already approved and well-integrated into the environment. For example:

- Rule RPROZ-R3 applies a non-complying activity status for sites with more than two residential units.

RPROZ-R3	Residential activity
Rural Production zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The <u>site</u> area per <u>residential unit</u> is at least 40ha.</p> <p>PER-2 The number of <u>residential units</u> on a <u>site</u> does not exceed six.</p> <p>PER-1 does not apply to: a single residential unit located on a <u>site</u> less than 40ha.</p>
	<p>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</p> <p>Where:</p> <p>DIS-1 The <u>site</u> area per <u>residential unit</u> is at least 8ha.</p> <p>DIS-2 The number of <u>residential units</u> on a <u>site</u> does not exceed two.</p> <p>Activity status where compliance not achieved with DIS 1 or DIS 2: Non-complying</p>

Figure 7: RPROZ-R3

- Rule RPROZ-R4 applies a discretionary activity status for visitor accommodation activities with more than 10 guests per night.

RPROZ-R4	Visitor accommodation
Rural Production zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The <u>visitor accommodation</u> is within a <u>residential unit</u>, <u>accessory building</u> or <u>minor residential unit</u>.</p> <p>PER-2 The occupancy does not exceed 10 guests per night.</p> <p>PER-3 The <u>site</u> does not share access with another <u>site</u>.</p>
	<p>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary</p>

Figure 8: RPROZ-R4

¹ Underlining is my emphasis.

- Rule RPROZ-R23 applies a restricted discretionary activity status for any rural tourism activities in the RPROZ.

RPROZ-R22 Rural tourism activity		
Rural Production zone	Activity status: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> the character and appearance of the <u>building(s)</u>; the link between the tourism activity and the rural environment; the siting of the <u>building(s)</u>, decks and outdoor areas including parking relative to adjoining <u>sites</u>; whether the <u>building(s)</u> are visually dominant and create a loss of privacy for surrounding <u>residential units</u> and their associated outdoor areas; ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic; servicing requirements and any constraints of the <u>site</u>; whether the location of the <u>building(s)</u> and <u>rural tourism activity</u> could create reverse sensitivity effects on adjacent and surrounding <u>primary production</u> activities; whether the development will result in the <u>site</u> being unable to continue to undertake a <u>primary production</u> activity or undertake one in the future due to loss of productive <u>land</u>; whether the layout of the development maintains the existing rural character of the surrounding area; any lighting or <u>noise effects</u>; the frequency of the use, hours and days of operation and the number of people it can cater for; any <u>natural hazard</u> affecting the <u>site</u> or surrounding area. 	Activity status where compliance not achieved: Not applicable

Figure 9: RPROZ-R23

6.10 If the submitters were to apply for consent under any of the above rules to amend the existing activities on the site, the application would need to be in accordance with (or not contrary to²) numerous RPROZ objectives and policies which appear to be at odds with the existing consented activities. For example:

- RPROZ-O1 requires the RPROZ to be “managed to ensure its availability for primary production activities and its long-term protection for current and future generations”.
- RPROZ-O2 requires the RPROZ to be “used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.”³
- RPROZ-P2 is a supportive policy that enables a range of activities to be established in the RPROZ, but only those “that support primary production activities”.⁴
- RPROZ-P4 requires that activities “are undertaken in a manner that maintains or enhances the rural character and amenity of the RPROZ” including requiring “low density development with generally low site coverage of buildings or structures”.
- RPROZ-P5 is an avoidance policy that seeks to “avoid land use” that:
 - “Is incompatible with the purpose, character and amenity of the RPROZ”;

² In the case of non-complying activities.

³ This objective is recommended to be amended under FNDC Rural Production Zone s42A report include reference to “lawfully established activities”.

⁴ As above, is recommended to be amended under FNDC Rural Production Zone s42A report include reference to “lawfully established activities”.

- *Does not have a functional need to locate in the RPROZ and is more appropriately located in another zone*.⁵

- 6.11 Having considered the above, the RPROZ Chapter clearly does not contemplate the lawfully established activities on this particular site.
- 6.12 The RLP is therefore a more efficient and effective planning response. It provides targeted, site-specific provisions that recognise and enable the continuation and alteration of existing activities without compromising the objectives of the wider RPROZ. The RLP also offers greater certainty for landowners and council alike, by clearly defining the scope of anticipated and expected uses – thereby avoiding ongoing complicated consenting processes (as described above) and better achieving the purpose of the RMA.

Higher order direction assessment

- 6.13 The alignment of the proposed rezoning against relevant higher order planning documents is assessed as follows:

Assessment Against the New Zealand Coastal Policy Statement (NZCPS 2010)

- 6.14 The NZCPS provides national policy guidance for the management of the coastal environment. The following objectives and policies are of particular relevance to the RLP proposal:

- *Natural and coastal character (objectives 1 and 2 / policies 1, 6, 13 and 14)*

Objectives 1 and 2 and policies 13 and 14 seek to safeguard the integrity and natural functioning of the coastal environment, while Policy 6 supports appropriate activities that do not compromise natural character or amenity.

The proposal formalises the continued operation and maintenance of existing and consented activities. These activities are well established, modest in scale, and are not located within any identified areas of outstanding natural character. The RLP therefore maintains the existing character and amenity of the coastal environment and is consistent with these provisions.

- *Coastal hazard risk (objective 5 and policy 25)*

These provisions of the NZCPS require that activities 'avoid' increasing the risk of harm from natural hazards.

In this case, the introduction of the RLP will incorporate a supportive planning framework within the District Plan, without removing the requirement to assess and manage coastal hazard risks

⁵ Underlining is my emphasis.

at the time of development. Therefore, the RLP will not increase the risk associated with these hazards.

Assessment Against the Regional Policy Statement for Northland (RPS 2016)

6.15 The RPS sets out the strategic direction for sustainable resource management in the Northland region. The following objectives and policies are particularly relevant to the proposal:

- *Enabling economic wellbeing (objective 3.5)*

Objective 3.5 promotes the efficient use of resources that supports Northland's economic wellbeing.

The RLP enables the continued operation and maintenance of an existing mixed-use residential and accommodation activity, which contributes to the local rural economy. It utilises land that is not viable for productive primary use and avoids inefficient consenting processes. The proposal is therefore consistent with Objective 3.5.

- *Managing effects on natural character (objective 3.14 and policy 4.6.1)*

These provisions seek to preserve natural character and ensure development is appropriate within the coastal environment.

The RLP does not enable further development or intensification and is limited to activities already established or consented. As such, the natural character of the site and surrounding area will be preserved.

- *Coastal hazard risk (objective 3.13 and policy 7.1)*

In this instance, the proposed RLP will not increase exposure to coastal hazard risks. The RLP simply formalises the continuation and maintenance of existing, consented activities without the need for repeated and burdensome consent processes. The RLP will not alter the District Plan requirements for coastal hazard risk mitigation/avoidance – these matters will still be a relevant consideration at development stage. Therefore, the RLP is assessed to align with these provisions.

6.16 This assessment confirms that the proposed RLP is a site-specific response that better aligns with regional and national planning direction than the notified RPROZ zoning.

Assessment of site suitability, servicing and transport

6.17 In this case, the site contains several existing/approved buildings that support residential and visitor accommodation activities, including three residential units, eight motel units, and several

accessory buildings, all of which are lawfully established and consented. All servicing for these buildings is either existing on-site, or has been approved to be established, and is appropriately scaled to meet existing demand, with no need for infrastructure upgrades. The site is accessed via an established vehicle entrance and has adequate internal parking and manoeuvring space. As the RLP relates to existing lawfully established activities, it will not result in additional pressure on infrastructure or transport networks. If additional activities are proposed on the site over and above what is anticipated under the RLP provisions, resource consent will likely be required and the construction standards set out in the TRA Chapter of the PFNDP will be a relevant consideration. Overall, the RLP represents a more efficient and effective planning approach for the ongoing operation of existing activities and for any future changes/amendments.

- 6.18 A report was prepared by Hawthorn Geddes Engineers and Architects Ltd in July 2022 confirming appropriate servicing measures to be implemented as part of the redevelopment works consented under 2230258-RMALUC. This report also addressed mapped natural hazards present on the site (coastal flooding and erosion) and recommended measures to be implemented at development stage to avoid any potential adverse effects or exacerbation of these hazards. This report is included in **Attachment 4**.

Consultation and further submissions

- 5.7 Consultation has primarily occurred through the statutory PFNDP submissions process. While no direct engagement with tangata whenua has occurred, no submissions have been received expressing an interest in the site.
- 6.19 No further submissions have been received relating to the proposed rezoning request.

Section 32AA evaluation

- 6.20 This section presents an evaluation under Section 32 of the Resource Management Act 1991 (RMA) in relation to the proposed submission. The evaluation has been prepared to assist the Hearings Panel in determining whether the rezoning proposed by the submitter is the most appropriate way to achieve the purpose of the RMA and the objectives of the PDP.
- 6.21 Section 32 of the RMA requires a council evaluate the purpose of the proposal along with the proposed policies and methods, including rules. The evaluation must:
- Examine whether the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA;⁶

⁶ s32(1)(a)

- Examine whether the proposed approach is the most appropriate way of achieving the objective, including identifying other reasonably practicable options;⁷
- Examine the efficiency and effectiveness of the provisions (including identifying and assessing the benefits and costs of new provisions);⁸
- Assess the risks of acting or not acting if there is uncertain or insufficient information.⁹

6.22 A Section 32AA evaluation is provided in the following tables:

Table 1: Appropriateness in achieving the purpose of the Act

Section	Alignment
Section 5 – Purpose of the Act	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources. This involves enabling people and communities to provide for their social, economic, and cultural well-being while sustaining the potential of natural resources for future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and avoiding, remedying, or mitigating any adverse effects on the environment.</p> <p>In this case, the RLP enables efficient and continued use of an existing developed site, without introducing new environmental effects. It supports social and economic wellbeing and avoids unnecessary consenting processes.</p>
Section 6 – Matters of National Importance	<p>This section requires the recognition and provision for matters of national importance, including the preservation of the natural character of coastal environments, wetlands, lakes, rivers, and their margins, the protection of outstanding natural features and landscapes, and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>The proposal does not affect any identified areas of outstanding natural character, significant indigenous vegetation or heritage features. The proposed precinct provisions will align planning framework with what is existing and/or has been approved on the</p>

⁷ s32(1)(b)(i)

⁸ s32(1)(b)(ii) and s32(2)

⁹ S32(2)(c)

	site. Therefore, no additional effects on natural character or areas of indigenous vegetation are expected.
Section 7 – Other Matters	<p>This section requires particular regard to be given to various factors, including kaitiakitanga (guardianship), the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the intrinsic values of ecosystems.</p> <p>The RLP aligns zoning with existing land use, minimising regulatory inefficiency and supporting rural amenity.</p>
Section 8 Treaty of Waitangi	As the proposed RLP allows for the on going operations and modification of an existing lawfully established activity, and existing cultural values are not affected. Engagement will be maintained through any future consenting where required.

6.23 The proposed rezoning strongly aligns with the purpose and principles of Part 2 of the Resource Management Act. It promotes sustainable management, enables efficient and appropriate development, and gives effect to Treaty principles.

6.24 For the reasons stated in paragraphs 6.1-6.12, the proposed rezoning is also the most appropriate way to achieve the objectives of the District Plan, noting specifically that the RLP maintains the current extent of development, avoiding additional effects on natural character, ecological values, heritage or cultural values. The proposed RLP will also support the ongoing viability of an existing business under changing economic conditions, allowing for changes to be made to existing activities that align with a set of District Plan provisions that specifically take into account the existing lawfully established uses on the site. As a result, the RLP will align more closely with the Strategic Direction Chapter of the PFNDP than the notified RPROZ zoning.

Table 2: Costs and benefits

Option	Benefits	Costs
Status quo (retain notified Rural Production Zone)	Maintains consistency with zone framework.	<p>Requires repeated resource consents for any proposed alterations or extensions to existing activities;</p> <p>Misalignment between RPROZ provisions with existing/potential land uses;</p>

		Results in difficulty for effective operations of existing business; Creates regulatory uncertainty.
Reef Lodge Precinct (proposed)	<p>Certainty and clarity for landowners and Council;</p> <p>Removes need for ongoing consents for any changes to existing activities;</p> <p>Tailored provisions reflect actual use;</p> <p>Supports local tourism economy.</p>	Minor administrative costs associated with creating a new precinct.

Table 3: Efficiency and effectiveness

Option	Efficiency	Effectiveness
Status quo (retain Rural Production Zone)	The RPROZ provisions are not well-aligned with the existing use of the site, resulting in inefficiencies through repeated consent requirements for future changes to existing activities. The land's productive potential is constrained, and the current zoning underutilises the established infrastructure and activities.	Ineffective in recognising the established and consented mixed-use activities on the site. Limits the ability to support rural tourism and hospitality enterprises, resulting in a planning misalignment and a poor fit with the site's actual use.
Reef Lodge Precinct (proposed)	Highly efficient – aligns planning provisions with existing activities and supports the ongoing use of buildings on-site and associated infrastructure without intensification. Reduces compliance and administrative costs for both the Council and landowner.	Highly effective – provides a tailored set of rules that enable lawful and ongoing activities, supports rural tourism and accommodation uses, and maintains rural character and environmental integrity. Directly implements the objectives and policies relevant to this site.

- 6.25 The RLP delivers significantly greater efficiency and effectiveness than the RPROZ, providing a more appropriate and responsive planning framework.

Risk of Acting or Not Acting

- 6.26 There is little uncertainty regarding the effects of the existing activities, which are lawfully established and already operating. The risk of acting (i.e., introducing the RLP) is low, as it RLP chapter introduces a tailored regulatory framework that supports the ongoing use of the site for the existing lawfully established activity, delivering positive social and economic benefits to the wider area. Incorporating specific objectives and policies into the District Plan that acknowledge and support the existing activities on the site will also ensure that any future consent applications to redevelop or change the activities are assessed within a more appropriate and enabling regulatory context. Conversely, the risk of not acting is that the site remains subject to a misaligned zoning framework, requiring unnecessary consents and reducing planning certainty.

Overall Conclusion

- 6.27 The proposed Reef Lodge Precinct represents the most appropriate method for achieving the purpose of the RMA and the objectives of the District Plan. It enables the continued operation of (and potential future changes to) an existing visitor accommodation and residential activity in a manner that is efficient, effective, and environmentally responsible. The RLP provides a tailored planning framework that aligns with higher-order planning instruments and ensures appropriate use of land without compromising natural or cultural values.

7. Relief sought

- 7.1 That a 'Reef Lodge Precinct' (RLP) is created over the subject site as per the draft provisions provided in **Attachment 3**.

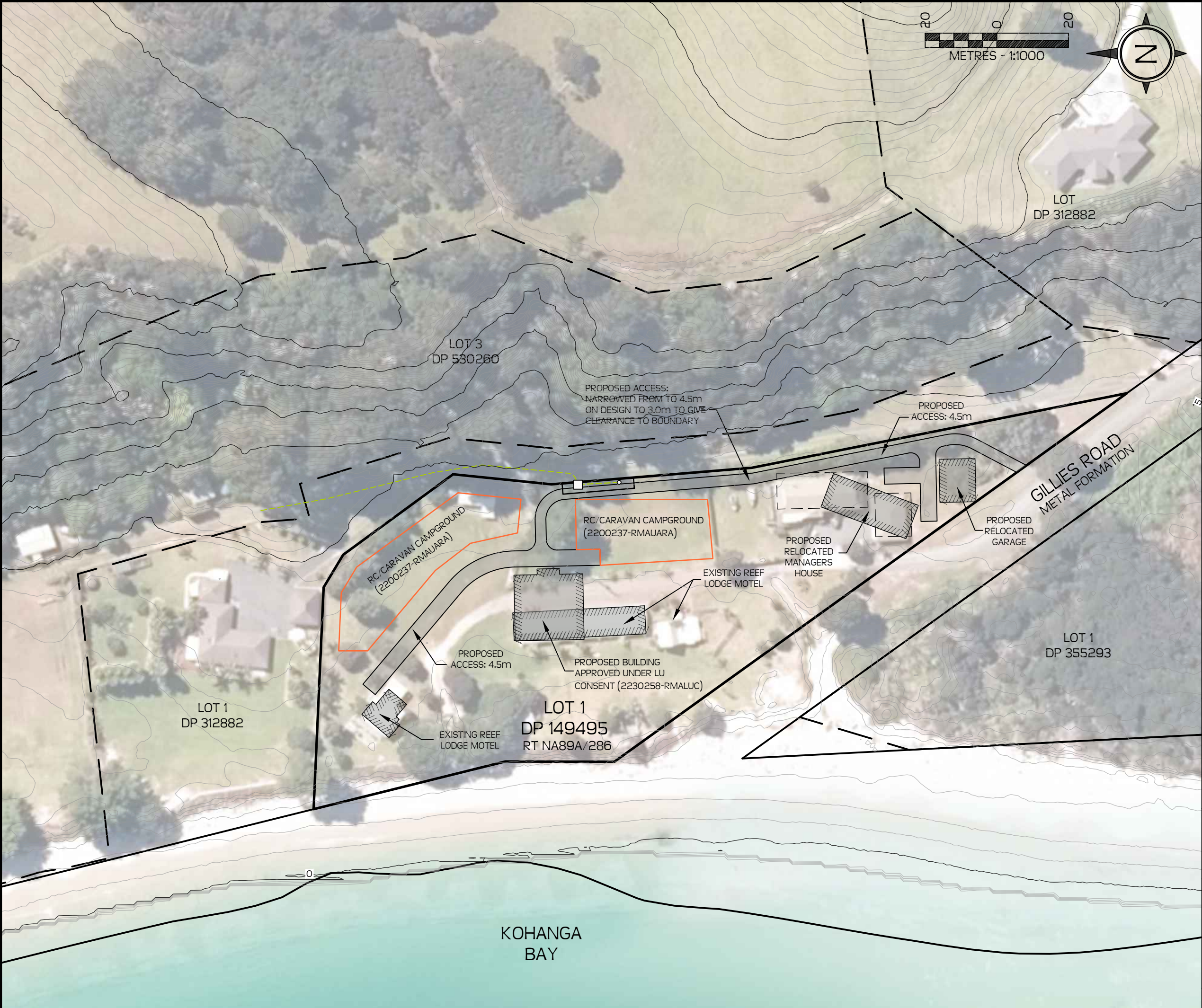


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Joseph Henehan (Planner)

9 June 2025

Attachments

1. Existing and approved development plan
2. 2230258-RMALUC and 2200237-RMAVAR A decisions and approved plans
3. Draft Reef Lodge Precinct Chapter
4. Engineering report [Hawthorn Geddes Engineers and Architects Ltd]



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7 Selwyn Ave, Whangarei

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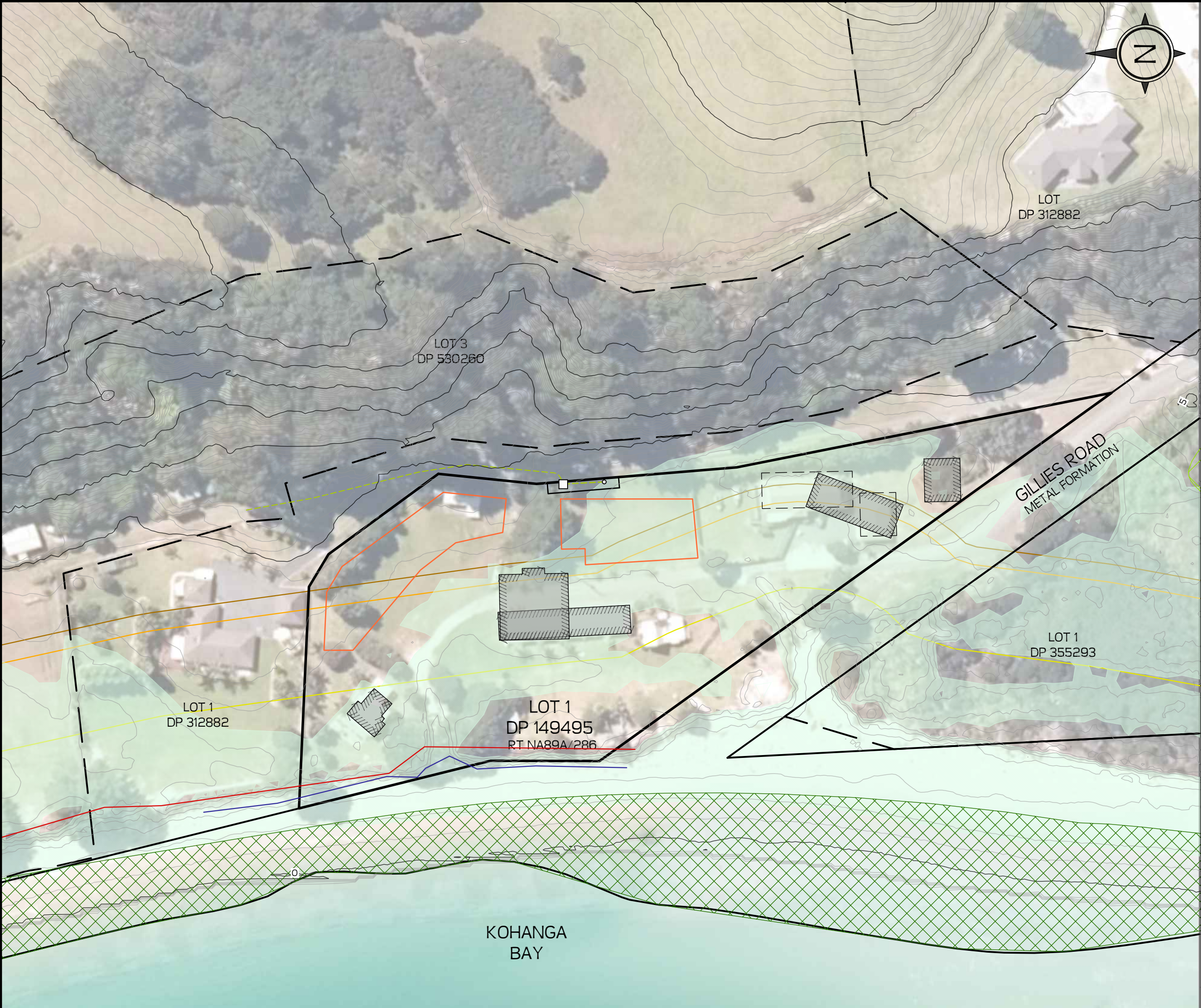
CLIENT

KINGHEIM LTD
44 GILLIES ROAD, KARIKARI
PENINSULA

TITLE

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- DO NOT SCALE OFF DRAWINGS.
- THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
- 04m 2014-2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
- PROPOSED SITE DEVELOPMENT DESIGNED AND PROVIDED BY HAWTHORN GEDDES ENGINEERS & ARCHITECTS LTD. IN REFERENCE QUOTE 12812.

LOT 3
DP 530260

LOT 1
DP 312882

LOT 1
DP 149495
RT NA89A/286

LOT 1
DP 355293

LOT
DP 312882

GILLIES ROAD
METAL FORMATION

KOHANGA
BAY

LEGEND:

- HIGH NATURAL CHARACTER
- COASTAL FLOOD HAZARDS
- COASTAL EROSION CURRENT EXTENT
- COASTAL EROSION ZONE 1
- COASTAL EROSION ZONE 2
- COASTAL EROSION ZONE 3
- EX ROCK REVETMENT WALL

COMPRISED IN: RT NA89A/286

A	23.05.25	FIRST ISSUE - JH/MW
REV	DATE	DESCRIPTION
REF. DATA:		

Ph: 09 438 3563
7 Selwyn Ave, Whangarei

PO Box 191, Whangarei 0140
www.reyburnandbryant.co.nz

CLIENT

KINGHEIM LTD
44 GILLIES ROAD, KARIKARI
PENINSULA

TITLE

REEF LODGE PRECINCT

DATE	MAY 2025	SCALE	1:1000 @A3
DRAWING REF.	RZ17078	SHEET	02 OF 02
		REV	A

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON APPLICATION TO CHANGE CONDITIONS OF A RESOURCE
CONSENT (Section 127)**

Resource Consent Number: 2200237-RMAVAR/A

Pursuant to section 127 of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Reef Lodge Motel Limited

The activity to which this decision relates:

To change the conditions of RC2200237, being a consent to breach the Scale of Activity and Traffic Intensity rules to allow for self-contained motor homes within an existing motel site.

Subject Site Details

Address:	44 Gillies Road, Karikari Peninsula
Legal Description:	LOT 1 DP 149495 BLK II RANGAUNU SD-FLATS 1-8 DP 133550-SUBJ TO ELECTRIC POWER SUPPLY
Certificate of Title reference:	NA-89A/286

The following changes are made to the consent conditions:

1. The activity shall be carried out in accordance with the approved plans titled "Site Plan" and "Locality Plan", prepared by Dawson Design, ref 19038, dated 16.08.2019, and the approved Planting Design Plan dated July 2020 attached to this consent with the Council's "Approved Stamp" affixed to them.
2. Use of the site shall be limited to a maximum of 14 motorhomes at any one time. No motorhomes shall be located within a 10m setback as outlined in the approved plans in Condition 1.
3. Prior to the approved use being undertaken, the consent holder shall provide evidence to Council that a 2m close boarded fence has been erected the planting will be carried out in accordance with the Planting Design Plan dated July 2020:
 - a. Along the northern boundary as outlined in pink on the approved plans in Condition 1; and
 - b. Extend from the Northern boundary as outlined in Condition 3(a) to the edge of the 'shed' where it aligns with RV9.

The applicant is solely responsible for the costs of erecting/upgrading the fence planting and maintaining the vegetation area. ~~If the fence is damaged or~~

~~destroyed by the property owners, tenants, residents or guests residing at the site it must be repaired or replaced within a reasonable timeframe by the property owners. Any plants (existing or proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season.~~

Consequential amendments to condition 4 as a result of varying condition 3.

4. ~~Where the 2m close-boarded fence is not required as per Condition 3, The remainder of the boundary planting outside of the area shown in the Planting Design Plan dated July 2020 condition 3 is to be planted within 6 months of this decision and is to be maintained for the duration of the consent. The minimum height of the hedging is to be 1.8m. Any plants (existing and proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).~~

For the purpose of clarity, the complete amended conditions of consent are as follows:

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

1. The activity shall be carried out in accordance with the approved plans titled "Site Plan" and "Locality Plan" prepared by Dawson Design, ref 19038, dated 16.08.2019, and the approved Planting Design Plan dated July 2020, attached to this consent with the Council's "Approved Stamp" affixed to them.
2. Use of the site shall be limited to a maximum of 14 motorhomes at any one time. No motorhomes shall be located within a 10m setback as outlined in the approved plans in Condition 1.
3. Prior to the approved use being undertaken, the consent holder shall provide evidence to Council that the planting has been carried out in accordance with the landscape plan dated July 2020:
 - a. Along the northern boundary as outlined in pink on the approved plans in Condition 1; and
 - b. Extend from the Northern boundary as outlined in Condition 3(a) to the edge of the 'shed' where it aligns with RV9.

The applicant is solely responsible for the costs of planting and maintaining the vegetation area. Any plants (existing or proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season.

4. The remainder of the boundary planting outside of the area shown in the Planting Design Plan dated July 2020 condition 3 is to be planted within 6 months of this decision and is to be maintained for the duration of the consent. The minimum height of the hedging is to be 1.8m. Any plants (existing and proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).

5. The approved use is limited to motorhomes that are self-contained only. No additional loading of the existing on-site wastewater system by the motorhomes is permitted without Council's prior approval as to the appropriateness of the existing system to take on additional loading.
6. Noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55 dBA L10

2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax

7. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review conditions. The review may be initiated for any one or more of the following purposes:
 - a) To address the adequacy of the visual mitigation measures on site in the event that these are ineffective or found to not be as effective as anticipated.
 - b) To deal with any adverse effects on the environment that the exercise of the consent may have an influence on.
 - c) To deal with any inadequacies or inconsistencies the Far North District Council or its duly delegated officers consider there to be in the conditions of the consent.
 - d) To deal with any material inaccuracies that may be found in the future in relation to the information made available with the application. (Notice may be served at any time for this reason).

The review may occur within the first 12 months of the consent being given effect to and on an annual basis thereafter. All costs associated with the review are to be met by the consent holder.

Advice Notes

1. 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.
2. During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land

covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed changes are no more than minor and that there are no affected persons or affected order holders.
2. There have been no changes to objectives and policies in the Operative District Plan since the original consent was issued, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative District Plan.

Relevant Regional planning provisions include:

- (a) The Northland Regional Policy Statement 2016;
- (b) The Northland Regional Plan 2019;

3. No other matters considered relevant in making this decision
4. **Part 2 Matters**
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. this resource consent application for changes to consent conditions, achieves the purpose of the Act.
5. In summary it is considered that the proposed changes are consistent with the sustainable management purpose of the RMA.

Approval

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



Louise Wilson
Team Leader Resource Consents

Date: 3 December 2020

Right of Objection

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

Lapsing of Consent

You should note that the granting of this consent for a change or cancellation of conditions does not affect the lapsing date of the underlying consent for the proposed activity.

APPROVED PLAN

Planner: Troutley

RC: 2200237 RMAVARA

Date: 3/12/2020

House

Approx location of
proposed RV sites

Shed & Water tank

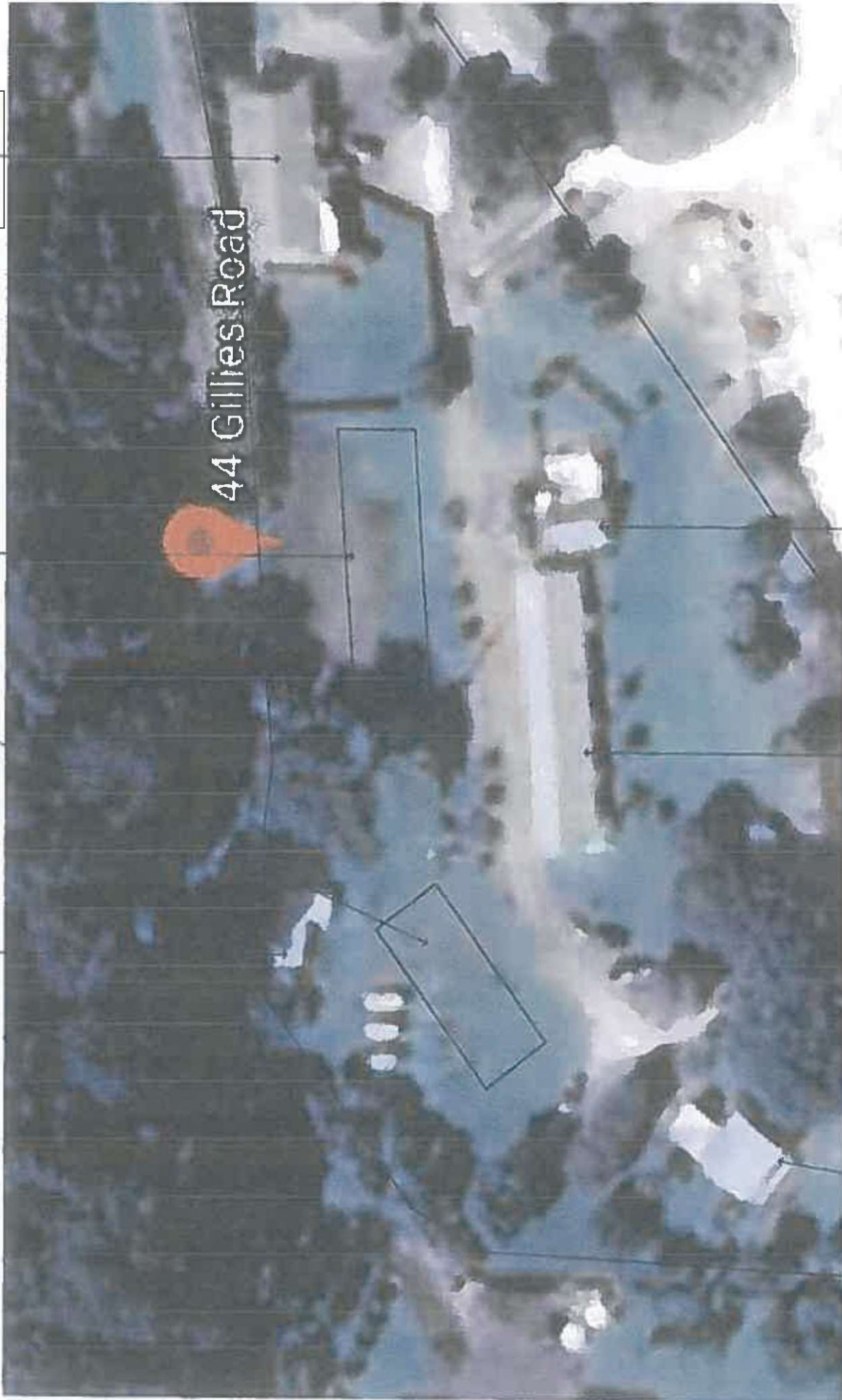
44 Gillies Road

APPROVED PLAN

Planner: pkillalea

RC: 2200237

Date: 9/03/2020



FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION
Amended pursuant to s133A**

Resource Consent Number: 2230258-RMALUC

**Pursuant to Sections 104 and 104D of the Resource Management Act 1991 (the Act),
the Far North District Council hereby grants resource consent to:**

Kingheim Limited

The activities to which this decision relates are listed below:

To undertake alterations and additions to the existing Reef Lodge Motel to:

- Demolish existing motel units and construct two residential units
- Relocate an existing manager's house and garage
- Relocate internal access to the site; and,

Cancellation of an existing Building Line Restriction registered on the record of title pursuant to Section 327A of the Local Government Act 1974.

Subject Site Details

Legal Description: Lot 1 DP 149495 (NA89A/286)

Landuse Consent

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

1. The proposal is to be carried out and completed generally in accordance with the information that forms the application and appendices prepared by Reyburn and Bryant Limited dated July 2022, inclusive of the plans provided as Appendix 5 of the application entitled referenced 12812 Sheets SK01 – SK08 Revision RC01, the amended site plan referenced 12812 Sheet SK01 Revision RC02, Landscape Report prepared by JD Landscape Architecture Ltd dated 20/12/2022, and the email advice received from Hawthorn Geddes Engineers and Architects Limited dated 22nd December 2022 addressing the stormwater flood hazard and earthworks volumes, subject to the following conditions.
2. Prior to undertaking any construction works (including earthworks), the consent holder shall provide a Construction Management Plan to the Council's Compliance Officer or delegated representative for certification that shall be adhered to for the duration of all construction activities taking place on the site. The Construction Management Plan shall include the following information:
 - i. Site Manager contact details

- ii. Hours of construction operation, noting that no construction or earthworks activities shall be undertaken on the site between the hours of 1800 and 0730, Monday to Saturday; and must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
 - iii. The methodology and staging of construction, including location of any storage / site office area.
 - iv. Timeframes for key stages of the works
 - v. Dust and soil management measures to avoid any off-site nuisance and tracking of material onto public roads
3. At the time of lodging a building consent for the proposed two level residential unit, the consent holder shall provide suitable evidence by way of certification from a licensed cadastral surveyor to confirm that the maximum roof height above existing ground level shall not exceed 8.6 metres as approved under this consent. The certification shall assess the maximum height based on the definition of 'height' contained in the Operative Far North District Plan as it reads at the date of issuing of this consent.
 4. At the time of lodging a building consent for the proposed cottage as shown on the approved plans, the consent holder shall provide suitable evidence by way of certification from a registered architect to confirm that the footprint of the proposed cottage approved under this consent is no greater in size (height, width, length) than the existing building it is intended to replace. For the purpose of providing the certification, the footprint shall consist of the roofed area (including eaves) of the existing and proposed buildings, and confirmation of the dimensions of the existing building will form part of the certification.
 5. The proposed buildings (consisting of the two level residential unit and cottage) are both to be completed and finished in colours the same or similar to those specified in the Landscape Report as approved under Condition 1. above. Any colours used for the roof, joinery, and exterior walls shall not exceed a Light Reflectance Value exceeding 30%.
 6. No mirrored glass or glazing is to be installed in the proposed buildings.
 7. At the time of lodgement of a building consent for one or both of the proposed new buildings (consisting of the two level residential unit and cottage), the consent holder shall provide to the Councils Compliance Officer or delegated representative for certification a landscape planting plan prepared by a landscape architect that sets out proposed planting generally as identified on the Landscape Planting Plan provided with the Landscape Report as approved under Condition 1 above, where all planting is to be undertaken within the site boundaries.

That Plan is to identify the existing vegetation that will be subject to a condition of this consent requiring protection in perpetuity (see Condition 9 below), and areas to be planted with suitable specimens (identified as *metrosideros excelsa*) to provide for infill planting to create a complete screen from the shoreline to soften and screen the structures. The Plan shall include details regarding planting preparation and maintenance for a minimum period of 5 years.

8. On certification of the planting plan required under Condition 8. above, the consent holder shall undertake and complete the required planting prior to the occupation of either of the proposed buildings on the site approved under this consent. Written

confirmation of completion of the planting and implementation of associated preparation and maintenance shall be confirmed in writing by a landscape architect, provided to the Councils Compliance Officer or delegated representative.

9. All planting required to be implemented under Condition 9., in conjunction with the existing vegetation identified on the certified plan required under Condition 8., is to be maintained in perpetuity for the purpose of mitigating any adverse effects on coastal landscape and visual amenity values associated with the activities approved under this consent. The 5 year maintenance programme specified under Condition 8 shall be implemented to ensure planting establishment and survival. This condition is subject to the following:
 - Trimming and removal of dead limbs is permitted subject to confirmation being provided to the Councils Compliance Officer or delegated representative in writing by a qualified arborist that the works are required and will not affect the health of any tree/s
 - Where any tree/s are damaged, destroyed, or otherwise removed due to natural causes, the consent holder shall replant a replacement specimen/s as soon as practically possible.
10. The minimum finished floor level for the proposed buildings (consisting of the two level residential unit and cottage) shall be 3.4 metres New Zealand Vertical Datum 2016.
11. Prior to the occupation of either of the proposed new buildings (consisting of the two level residential unit and cottage), the consent holder shall provide suitable written evidence by way of certification and plans from a Chartered Professional Engineer in accordance with Section 1.5.2.5 of the Councils Engineering Standards 2009 to confirm that:
 - a) The existing vehicle crossing servicing the site from Gillies Road has been dis-established and a physical barrier (such as a fence or hedging) has been located along the site boundary.
 - b) The existing internal access formation has been dis-established, regraded and suitably landscaped such that it is no longer deemed an impermeable surface as defined in the District Plan.
 - c) A new vehicle crossing in the location shown on the approved site plan under Condition 1. above has been constructed. The new crossing shall be designed, constructed, and finished in order to comply with the Section 3.3.7.4 of the Councils Engineering Standards 2009 and FNDC/S/6B double width crossing standard.
 - d) The internal access from the new vehicle crossing to the proposed two-level residential unit is formed and completed to a 4.5 metre wide all-weather standard.
12. In accordance with section 128 of the Resource Management Act 1991, the Council may serve notice on the Consent Holder of its intention to review Conditions 1 – 10. Notice may be served during any two month period starting from the date of commencement of works until 12 months following the completion of all works approved under this consent. Any review will be for the purpose of:
 - a) Addressing any significant adverse effect on the environment arising from the exercise of this consent that was not foreseen at the time the application was determined and is not currently avoided, remedied, or mitigated by the implementation of conditions, or

- b) Requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effects on the environment, where these have not already been identified in the conditions described above.

All costs associated with any review shall be met by the Consent Holder.

Cancellation of Building Line Restriction

Pursuant to Section 327A of the Local Government Act 1974, the Far North District Council hereby consents to the cancellation of a building line restriction (Document C322643.5BLR) registered against the record of title for Lot 1 DP 149495 (NA89A/286).

The consent holder is required to advise Land Information New Zealand of this decision in order to amend the record of title to remove the BLR.

Advice Notes

1. The Northland Regional Council may have consent requirements relating to location and siting of any new effluent disposal fields associated with the proposal.
2. The subject site and proposed buildings are identified as subject to coastal hazards. The consent holder shall be aware that the Council may require registration of a Section 72 notice under the Building Act 2004 as part of any building consent for development on the site.
3. The consent holder shall be aware that this consent does not provide for the continued operation of any motel accommodation on the site. The consent allows for three residential units to be established and occupied on the site, each capable of being utilised as a residential unit. This does not preclude their use for rental or short stay accommodation as a lodge or similar activity.
4. The consent holder shall be aware that the consent granted by Far North District Council (ref 2200237-RMALUC) on the 9th March 2020 (inclusive of the subsequent of the Section 127 decision) for 14 RV parks on the site has been given effect to and therefore has not lapsed. The onus is on the consent holder to ensure that the conditions specified in that consent can be completed independently of the conditions of this consent. It is noted that Condition 3 of that existing consent requires landscape planting to be provided. That planting should be read as being provided in addition to any/all planting required under the conditions of this consent.

Reasons for the Decision

1. The application has previously been assessed in terms of the notification provisions of the RMA as a separate report. The decision is that the application does not require public or limited notification, with careful consideration given to the potential for any adjacent owners to be adversely affected by the proposal.
2. It is recorded that the land use consent sought requires consideration under the relevant provisions of the Resource Management Act and this is addressed below. The request to cancel the building line restriction ('BLR') requires consideration under Section 327A of the Local Government Act 1974. There are no specific matters

identified in the Local Government Act that the application is required to be assessed against. It therefore falls to Councils discretion as to whether the BLR is cancelled or not. As recorded in the separate Notification Assessment report, the basis for the imposition of the BLR was associated with coastal hazards. There has been significant improvement in both engineering / scientific assessment of coastal hazards and the policy responses to them since the BLR was imposed. This has resulted in the demarcation of coastal hazard lines and associated rules and policies at both regional and district level. The use of the BLR to define any hazard is therefore no longer considered necessary or warranted as it is no longer 'fit for purpose.' It is therefore considered appropriate to cancel the BLR as requested.

3. For the purposes of Section 104(1)(a), the adverse effects of the proposed land use activity on the receiving environment are considered to be minor or less than minor and therefore acceptable in the receiving environment. The existing motel complex and associated buildings and activities, and existing environmental effects of these activities, has formed the basis for an assessment of the existing environment.
4. The land use application includes a landscape assessment provided by JD Landscape Architects Limited which addresses the coastal context, visual amenity effects associated with the height infringement, and recommended conditions to mitigate adverse visual and landscape effects. Suitable engineering advice has been provided to address the coastal hazard risk and stormwater management across the site.
5. In terms of Section 108, conditions have been imposed to address the management of construction activities by way of a Construction Management Plan. A suite of conditions has been included based on the recommendations provided in the technical reports, notably addressing provision of landscape planting and specifying minimum floor levels. A condition is included to ensure the new crossing and internal access is suitably formed, and the existing crossing and internal access removed and closed. Matters such as site servicing associated with the new buildings will be addressed through building consents and/or Regional Council rules.
6. Specific conditions have been included to ensure the proposed two level dwelling does not exceed the maximum height sought in the application. In addition, a condition is included to ensure that the proposed cottage is located within the same footprint as the two units that it is intended to replace. This matter is addressed further in considering the NZCPS 2010 policies as they relate to coastal hazards below.
7. A review condition under Section 128 is considered appropriate in this case. In the event that unanticipated adverse effects arise from the consented activity, particularly in terms of engineering and landscape planting matters, a review of the relevant conditions may be considered appropriate.
8. In terms of Section 104(1)(b), Section 6 of the land use application provides a detailed assessment of the relevant New Zealand Coastal Policy Statement 2010 ('NZCPS'), Regional Policy Statement for Northland ('RPS'), and Operative District Plan provisions.
9. It is noted that the Operative District Plan provisions predate both the NZCPS 2010 and RPS. As the NZCPS and RPS contain more recent and focused provisions, it is considered appropriate to address these in some detail as follows.

10. Section 6.5 of the application addresses provisions of the NZCPS, and identifies Objectives 2 and 6, and Policies 6, 13, and 15 as relevant. Those identified provisions are largely orientated towards preservation of the natural character and landscapes associated with the coastal environment, recognising that it does not *'...preclude use and development in appropriate places and forms, and within appropriate limits.'* The subject site is not identified as having high or outstanding natural landscape or natural character values, although the harbour itself adjoining the site is identified as an area of Outstanding Natural Character in the RPS. The property is relatively low lying with an immediate backdrop of a coastal escarpment when viewed from the coastal marine area. No buildings are proposed on any ridgeline or in any location where they would appear against the skyline.
11. The subject site has been developed as a motel, with associated structures and a general level of activity associated with a commercial use inclusive of 14 parks for recreational vehicles on the site. While the proposal will result in different structures and uses on the site, it is considered that there will be a general reduction in adverse effects associated with buildings and activities, and is therefore considered an appropriate development in terms of location and form.
12. In addition to the assessment provided in the application, Objective 5 and Policies 24 – 26 as they relate to coastal hazards are relevant to the proposal inclusive of the cancellation of the BLR. The site is identified as subject to Coastal Hazard ('CHZ') 1 and 2 lines in both the District Plan and Northland Regional Council Natural Hazard maps, running inland parallel to mean high water springs. The proposed cottage will be contained entirely in the CHZ1 zone while the proposed two level dwelling will straddle the CHZ1 and 2 boundaries. These CHZ lines have effectively replaced the use of Local Government Act mechanisms such as BLRs to define hazard areas, and are supported by policy directives from the NZCPS, notably Policy 24 which directs Councils to *'Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected.'*
13. Policies 25 and 26 of the NZCPS address development in areas subject to identified coastal hazards and consideration of natural defences against coastal hazards. Policy 25 Clauses a. and b. state as follows:
- 'In areas potentially affected by coastal hazards over at least the next 100 years:*
- a. avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
 - b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;....'*
14. The directive to avoid increasing risk is sufficient to justify a condition of consent ensuring that the proposed cottage does not extend beyond the existing two motel unit footprint. The applicant has agreed in principle to this approach as per email advice from 22nd February 2023, in addition to the minimum floor level specified as 3.4m NZ Vertical Datum¹ in the engineering report provided in support of the application. This approach is therefore considered to avoid any increase in risk as identified under Clauses a. and b. of Policy 25. In addition, a minimum floor level is specified for the proposed buildings which is currently not achieved by the existing buildings.

¹ The applicant has advised via email of 1 March 2023 that 'The difference between NZVD and OTP64 is only 20mm for the site (NZVD+0.02m=OTP64). The reason for using NZVD is because the Tonkin & Taylor Coastal Flood Hazard Assessment Report for Northland Region specifies flood levels in NZVD.'

15. There is no suggestion that managed retreat or relocation / relocatability of proposed buildings is appropriate on this site, noting that the foreshore is subject to a consented defence structure (rock seawall).
16. Policy 18 of the NZCPS addresses the need for public open space within and adjacent to the coastal marine area, with Clause e. provided for recognition of esplanade reserves and strips to contribute to public open space needs. The site is bounded to the south and west by public road which provides direct public access from a formed road to the beachfront and extending along the foreshore. This matter has been addressed in the separate Section 95 report which sets out reasons why no esplanade reserve or strip is warranted in this case.
17. Section 6.4 of the application addresses the RPS. It is noted that the RPS is required to be consistent with the NZCPS 2010, so those matters relating to landscapes and natural character, and coastal hazards, are considered to be addressed by way of the assessment above and finding that the proposal is generally consistent with the NZCPS 2010.
18. In addition to the assessment provided, the application requires consideration under Objective 3.12 Tangata whenua role in decision-making and Policies 8.1.1 and 8.1.2 as they relate to involvement of tangata whenua in the resource consent process. The Council circulated copies of the application to identified iwi and hapu groups at the time of lodgement of the application, with no responses received. A review of previous consents for development on the site including subdivisions, has not identified any cultural values or concerns regarding development on the site. That does not indicate an absence of cultural values or potential effects on any identified values, noting the coastal context. However, in this case, the extent of development is effectively retained within the existing developed areas, rather than development extending into previously undeveloped areas. On this basis, any adverse effects on cultural values are considered to be less than minor.
19. Section 6.1 provides an assessment of the relevant provisions of the Operative Far North District Plan. That assessment is accepted and adopted for the purpose of this report noting that, in general terms, the provisions address similar resource management issues as identified and addressed in both the NZCPS and RPS provisions.
20. Section 104(1)(b)(vi) requires consideration of any proposed Plan. The application was lodged prior to the release of the proposed Far North District Plan for public submission. The relevance of the proposed Plan provisions following lodgement was raised with the applicant in the Section 92 request, at which point the applicant advised that the proposed Plan was relevant and requested that the matter be considered in any decision but did not provide a specific assessment of the provisions. As recorded in the separate Section 95 report, there are no rules in the proposed Plan that have legal effect that are relevant to the proposal at this time. The proposed Plan has been subject to an initial public submission period but a summary of those submissions has yet to be released. Therefore, at such an early time in the commencement of the Schedule 1 process for preparing a District Plan, very little weight can be allocated to any of the provisions that might be relevant to the proposal. In addition, it is noted that the proposed Plan is required to give effect to both the NZCPS 2010 and RPS. Having found that the proposal is consistent with the objectives and policies of both those higher order documents, this supports a position that any weighting given to the proposed Plan provisions is very limited.

21. Overall, it is considered that the proposal is generally consistent with the provisions of the NZCPS, RPS, and Operative District Plan. Minimal weight has been given to any proposed District Plan provisions at this time.
22. Section 104(1)(c) requires consideration of Other Matters. The application addresses the matter of precedent effects and district plan integrity under Section 6.2, recognising the non-complying status of the proposal. The assessment provided is accepted and it is concluded that any precedent effects of effects on District Plan integrity will be minor.
23. As per current case law, an assessment of relevant matters under Section 104 is subject to Part 2. A council must have regard to the provisions of Part 2 when it is appropriate to do so. There is no suggestion that the effects that have been identified and assessed, and the relevant District Plan provisions that require assessment, do not reflect those relevant matters in Part 2. On that basis, it is not considered appropriate or necessary to undertake a detailed assessment of Part 2 matters.
24. As a non-complying activity, Section 104D is relevant. Section 6.3 of the application addresses the 'gateway tests' under Section 104D and concludes that the proposal will pass both gateway tests under Section 140D(1)(a) and Section 104D(1)(b). This assessment and conclusion is accepted and adopted for the purpose of this report. By virtue of passing both 'gateway tests' the Council can consider applying its discretion to grant consent to the proposal.
25. Having assessed the application inclusive of the information and technical report provided, taken into account the existing environment inclusive of existing buildings and activities on the site, it is considered appropriate to grant consent to the land use consent application under Section 104 and 104B, subject to conditions imposed under Section 108 of the RMA.

Approval

This resource consent has been prepared by A Hartstone, Consultant Planner, 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: 29th March 2023

This Decision has been amended pursuant to s133A of the Resource Management act. Details of the changes can be found in the resource consent file.



Simeon Mclean
Team Leader Resource Consents

Date: 08 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 Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing Of Consent

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

- a) The consent is given effect to; 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 Resource Management Act 1991.

Appendix 1 – Reef Lodge Precinct

Overview

The Reef Lodge Precinct applies to the site legally described as Lot 1 DP 149495, which contains an existing accommodation activity known as the Reef Lodge Motel. This precinct provides for the ongoing operation of a mixed-use accommodation and residential activity present on the site, which has historically included motel accommodation, residential units, and a motorhome campsite. The underlying zoning of Rural Production does not adequately provide for the nature and scale of activities established on the site. The purpose of this precinct is to enable these activities to continue in a manner that manages adverse effects on the rural, coastal and natural character of the site and the surrounding environment.

This precinct enables residential, visitor accommodation and associated tourist activities in a manner that maintains the character and amenity values of the rural environment.

Unless otherwise specified, the provisions of the Rural Production Zone apply. Where there is a conflict between the provisions of the Rural Production Zone and the Reef Lodge Precinct, the provisions of the Reef Lodge Precinct shall prevail.

Objectives		
PRECX-O1	Enable the continued operation of existing residential and visitor accommodation activities at the Reef Lodge site without undermining the character, amenity and productive potential of the wider area.	
PRECX-O2	Ensure that development within the precinct is of a scale and design that maintains rural and coastal character of the area and avoids, remedies or mitigates adverse effects on adjoining properties.	
PRECX-O3	Provide for a mixture of residential and visitor accommodation activities that support social and economic wellbeing.	
Policies		
PRECX-P1	Recognise and enable the continued operation of existing activities including: <ul style="list-style-type: none">a. A maximum of three residential units;b. Up to 14 self-contained RV campsites;c. Up to eight self-contained motel accommodation units.	
PRECX-P2	Ensure that buildings and activities are designed and located to maintain rural and coastal amenity values and minimise where possible potential adverse effects including traffic, noise, and visual impacts.	
PRECX-P3	Manage the expansion of activities beyond those provided for in this precinct to ensure that adverse effects on character, amenity or adjoining land uses are avoided remedied or mitigated.	
PRECX-P4	Ensure adequate onsite servicing of all residential and visitor activities, including wastewater and stormwater disposal, to mitigate adverse effects on the environment.	
Rules		
PRECX-R1	Residential activity	
Reef Lodge Precinct	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1 Discretionary

	PER-1 The number of residential units on a site does not exceed three.	
PRECX-R2	Visitor Accommodation	
Reef Lodge Precinct	Activity status: Permitted Where: PER-1 No more than 14 motor home campsites are established and operated on the site. PER-2 No more than eight self-contained motel units are established and operated on the site. PER-3 There are no more than four full-time equivalent persons engaged in the business.	Activity status where compliance not achieved with PER-1 or PER-2or PER- 3: Discretionary
PRECX-R3	Rural Tourism Activity	
Reef Lodge Precinct	Activity status: Permitted Where: PER-1 There are no more than four full-time equivalent persons engaged in the business.	Activity status where compliance not achieved with PER-1: Discretionary
Standards		
PRECX-S1	Maximum height	
Reef Lodge Precinct	The maximum height of a building or structure, or extension or alteration to an existing building or structure is 8.6m above ground level.	Where the standard is not met, matters of discretion are restricted to: <ol style="list-style-type: none"> the character and amenity of the surrounding environment; dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites; loss of privacy to adjoining sites, including potential loss in relation to vacant sites; shading and loss of access to sunlight to adjoining sites; landscaping; and natural hazard mitigation and site constraints.

In reply please quote: 12812 R3

01/07/2022

Kingheim Ltd

Via email: fsb3000@protonmail.com

C/- Reyburn and Bryant

Attention: Joseph Henehan

Via email: joseph@reyburnandbryant.co.nz

ENGINEERING ASSESSMENT FOR PROPOSED DWELLING **44 GILLIES ROAD, KARIKARI PENINSULA - LOT 1 DP 149495**

Introduction/Purpose

The purpose of this letter is to assess the engineering effects from the proposed change of use at the above address. This letter is intended for inclusion in a land use consent application.

Site Description

The site is generally flat and covers some 1.2Ha, currently used as a motel. Buildings & facilities at the site include eight units, a manager's house, laundry facilities, spa area, barbecue facilities, garage and stables.

Development Proposal

Refer to the appended figure. It is proposed to:

- Demolish the existing motel units and laundry in the centre of the site and construct a new residential dwelling in that location.
- Demolish the motel units on the northern boundary and construct a cottage in that location.
- Demolish the BBQ area & spa facility
- Relocate manager's house and garage.
- Relocate the site access approximately 100m south on Gillies Road.

Traffic Effects

The development area is sited at the end of Gillies Road, the site entrance is adjacent to informal boat access to Kohanga Bay.

Traffic volumes sourced from mobileroad.org as at 30/06/2021 are estimated at 50 ADT, with 10% heavy vehicles. Gillies Road can be classed as a low volume road (<250 population served, <25HGV/day). The road is unsealed, 4.0m wide.

A consent was granted in 2020 to establish a caravan park on the site (up to 14 caravans); the movements associated with that consent were included in the baseline traffic assessment. The seasonal variation of vehicle movements associated with the caravan park or the hotel were discounted in the baseline assessment (considering worst case only).

Baseline Traffic Generation from FNDC TIFS

8 motel units	= 24 VPD (3 per unit)
Managers house	= 10 VPD (10 per unit)
Caravan park	= 28 VPD (2 per caravan)
Total	= <u>62 VPD</u>

Likely Traffic Generation from Change in Use

Managers house	= 10 VPD
New dwelling	= 10 VPD
New cottage	= 10 VPD
Caravan park	= 28 VPD (2 per caravan)
Total	= <u>58 VPD</u>

The estimated number of vehicle movements (post-development) is lower than the existing baseline (per FNDC TIFs). As the number of vehicle movements is expected to decrease, there are no anticipated adverse effects on safety or efficiency of the adjacent traffic network.

Stormwater Management

The site lies within the coastal area and has a direct discharge to the tidal environment (discharge to Kohanga Bay). There is no downstream network to protect, or benefit to be gained, from the provision of attenuation and therefore stormwater attenuation is not required. Also, there is no increase in impervious area from the pre-development condition.

The stormwater runoff from the proposed building roof shall be collected by onsite reticulation and discharged to existing open channel outlets which in turn discharge to Kohanga Bay.

Flooding

The property is identified as being within the coastal flood hazard zone 0 (2020), coastal flood hazard zone 1 (2080) and coastal flood hazard zone 2 (2130) of the NRC Coastal Hazard Mapping 2019-2020 by Tonkin & Taylor.

The NRC Coastal Hazard Mapping indicates the Rangiputa coastal flood hazard zones for the 2020, 2080 and 2130 to be approximately 1.7m NZVD, 2.3m NZVD and 2.9m NZVD respectively (Reference- Appendix C of Coastal Flood Hazard Assessment for Northland Region Report by Tonkin & Taylor, 2019-2020). As per the Tonkin & Taylor Report, a 0.6m Sea Level Rise Allowance is made for 2080 and 1.2m Sea Level Rise Allowance is made for 2130.

Given the predicted coastal flood hazard zone 2 level of 2.9m NZVD (1% AEP flood level in 100 years), we recommend the minimum finished floor level to be at least at 3.4m NZVD to comply with the freeboard requirements of the Far North District Council Engineering Standards (FNDC ES 2009).

Coastal Erosion Hazards

The property is identified as being within the coastal erosion hazard zone 0 (2020), coastal erosion hazard zone 1 (2080) and coastal erosion hazard zone 2 (2130) of the NRC Coastal Erosion Hazard Mapping 2019-2020 by Tonkin & Taylor. As per the Tonkin & Taylor Report, a 0.33m Sea Level Rise Allowance is made for 2080 and 0.85m Sea Level Rise Allowance is made for 2130.

However, for the subject site with a consented coastal erosion protection structure in place, coastal erosion hazard zones 1 and 2 does not apply. The proposed buildings are well outside coastal erosion hazard zone 0 (2020).

Wastewater Disposal

Wastewater is currently treated and disposed on site. Details of the treatment system are not known.

Estimated Wastewater Flows (Motel)

Our assessment assumes that the existing on-site wastewater system has been constructed to a compliant standard (in terms on AS/NZS1547) and in accordance with the relevant issue of the Northland Regional Plan / Soil Water Plan.

Based on AS/NZS1547:2012, the estimated design flow rate of the existing treatment system & wastewater field is:

37 guests – (motel units) x 220ℓ/day = 8140ℓ/day

Two resident staff (managers house) x 220ℓ/day = 440ℓ/day

Two non-resident staff (cleaners) x 30ℓ/day = 60ℓ/day

Total = 8640ℓ/day

Estimated Wastewater Flows (Residential)

10 residents (main dwelling, 6 bed) x 180ℓ/day = 1800ℓ/day

5 residents (managers house, 3 bed) x 180ℓ/day = 900ℓ/day

4 residents (cottage, 2 bed) x 180ℓ/day = 720ℓ/day

Total = 3420ℓ/day

The flows and loading on the existing wastewater system will likely reduce from the change in use; the existing wastewater treatment system and disposal field has sufficient capacity to accommodate wastewater flows from the new land use. An assessment of the treatment system should be undertaken at building consent stage to ensure that adverse effects will not occur because of the reduced loads.

Conclusions

Traffic

The change in use will result in an overall decrease in vehicle movements to/from the site; no adverse traffic effects are anticipated.

Stormwater

The site lies within the coastal area and has a direct discharge to a tidal environment, there is no downstream network to protect, or benefit to be gained, from the provision of attenuation and therefore attenuation is not required.

Flooding

In terms of section 6(h) of the Resource Management Act, there is no significant risks from natural hazards provided the minimum finished floor levels of the proposed buildings are at least at 3.4m NZVD.

Coastal Erosion Hazards

The proposed buildings are well outside coastal erosion hazard zone 0 (2020). The coastal erosion hazard zones 1 and 2 does not apply as there is a consented coastal erosion protection structure in place along the shoreline of the subject site.

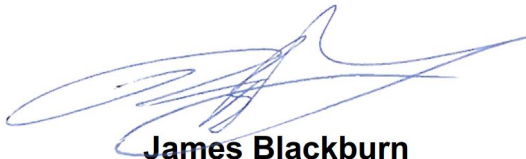
Wastewater Disposal

The existing wastewater system has capacity to accommodate wastewater generated by the new land use.

Limitation

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

Yours faithfully,



James Blackburn
Hawthorn Geddes
engineers & architects Ltd

Letter prepared by: Mathew Chiaroni and Linta Joy

Cc: Simpson Grierson
Attention: Edward Warren
Via email: edward.warren@simpsongrierson.com

Encl: NRC Coastal Erosion Hazard Map
Site Plan



Legend

Parcels

— CEHZ 0

Coastal Erosion Hazard Zone 1 (50 years)

--- CEHZ 1 - uncertain

— CEHZ 1

Coastal Erosion Hazard Zone 2 (100 years)

--- CEHZ 2 - uncertain

— CEHZ 2

Coastal Erosion Hazard Zone 3 (100 years + Rapid Sea Level Rise Scenario)

--- CEHZ 3 - uncertain

— CEHZ 3

NOTE:
BOUNDARY INFORMATION PROVIDED BY QUICKMAP;
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Stables to be retained

Relocated manager's house

Relocated garage

New accessway

4.5m

GILLIES ROAD

Proposed new residence

Motel units to be demolished/removed

Existing 2 units to be replaced with the cottage
(Footprint to remain unchanged)



TO BE READ ONLY IN CONJUNCTION WITH
ASSOCIATED REPORT

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SITE PLAN
SCALE - 1:750

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CLIENT **KINGHEIM LTD**
PROJECT **PROPOSED NEW RESIDENCE**
44 GILLIES ROAD, KARIKARI PENINSULA
DRAWING **SITE PLAN**

SCALE @ A3 1:750
PROJECT No. **12812**
FIGURE No. **01**
REV. **R1**