

20th March 2026

Resource Consents Team
Far North District Council
Private Bag 752
Kaikohe 0440

Attention: Team Leaders

APPLICATION UNDER SECTION 127 OF THE ACT TO CHANGE CONDITION OF RC 2250129 BEING AN APPROVED CONSENT FOR SITE SCOPE TO ESTABLISH A MODULAR BUILDING CONSTRUCTION FACILITY AT 759 STATE HIGHWAY 10, PUKETONA

Zenith Planning Consultants Limited has been engaged by Andrew Abercrombie of Modspace to assist in the preparation Section 127 application to change conditions of an approved Resource Consent (RC 2250129) with respect to stormwater requirements imposed on this decision.

The application represents a Discretionary activity.

I have attached the following information in support of the application:

- Completed Application Form 9
- Planning Report and Assessment of Effects
- Updated site plan and related stormwater information
- Certificate of Title

With respect to the application fee, the applicant has paid online on 20th March 2026.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

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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

If yes, who have you spoken with?

2. Type of consent being applied for

(more than one circle can be ticked):

Land Use

Discharge

Fast Track Land Use*

Change of Consent Notice (s.221(3))

Subdivision

Extension of time (s.125)

Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)

Other (please specify)

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the fast track process?

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant details

Name/s:

Andrew Abercrombie

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? Yes No

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Zenith Planning Consultants - Wayne Smith

Email:

Phone number:

Postal address:

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

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

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7. 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:

Andrew Frederic Abercrombie and Adele Patricia Abercrombie

Property address/
location:

759 State Highway 10

Puketona Junction

Kerikeri

Postcode

8. Application site details

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

Name/s:	Andrew Frederic Abercrombie and Adele Patricia Abercrombie		
Site address/ location:	759 State Highway 10		
	Puketona Junction		
	Kerikeri		
			Postcode
Legal description:	Lot 1 DP 170731	Val Number:	
Certificate of title:	NA104B/464		

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.

The application site is presently a construction site and so access is restricted. Please phone Andrew or
prior to undertaking any site visit

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

To change conditions of consent under s127 of the Act for RC 2250129.

If this is an application for a 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), with reasons for requesting them.

10. Would you like to request public notification?

Yes No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

<input checked="" type="radio"/> Building Consent	BC 2025 782 here (if known)
<input type="radio"/> Regional Council Consent (ref # if known)	Ref # here (if known)
<input type="radio"/> National Environmental Standard Consent	Consent here (if known)
<input type="radio"/> Other (please specify)	Specify 'other' here

14. Billing Details:

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

Name/s: (please write in full)	Andrew Abrcrombie
Email:	
Phone number:	
Postal address: (or alternative method of service under section 352 of the act)	

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)	Andrew Abercrombie
Signature: (signature of bill payer)	
	Date 13/03/2026

15. 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.

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)
- Details of your consultation with Iwi and hapū
- 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.

Planning Report and Assessment of Effects

Andrew Abercrombie

**Section 127 Application for RC
2250129.**

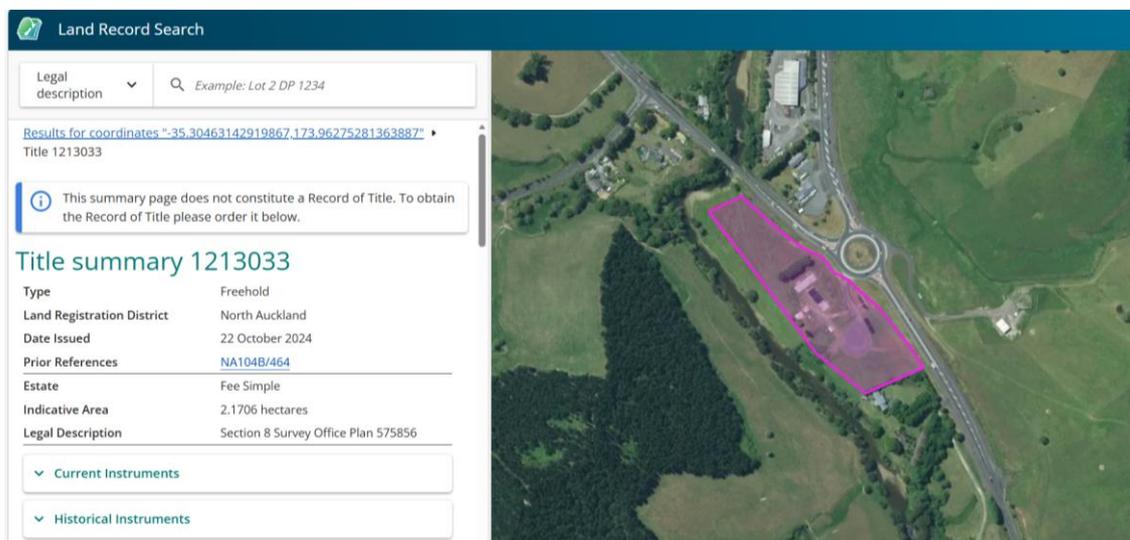
**An Application for a Proposed
Modular Building and
Construction Facility**

759 State Highway 10, Puketona

PLANNING REPORT AND ASSESSMENT OF EFFECTS

1.0 Application Description and Project Background

- 1.01 Our client, Andrew Abercrombie, secured consent for RC 2250129 on 14th November 2024 to establish a modular building construction facility on a property located at Puketona Junction – 759 State Highway 10, Puketona. This application seeks to change several conditions of the approved decision based on recent on site observations and provide an alternative means of addressing the potential effects of the development as it relates to stormwater management. The approved design does not address potential stormwater effects and will be largely redundant in adverse weather events where flooding of a portion of the site occurs.
- 1.02 The applicant has almost completed the buildings for the construction facility and will be able to commence the production of Modspace buildings once the final aspects are completed. One of the remaining aspects relates to stormwater management and the proposed management of this within the site. The original application exceeded the permitted impermeable surfaces with one of the breaches being related to the Stormwater rules. To mitigate effects from the additional impermeable surfaces, the consulting Engineer recommended a combination of water tanks and stormwater detention ponds. The consent holder has provided a number of tanks which capture roof water from the buildings but seeks to change the retention pond requirement. There are several reasons for this which will be reviewed as part of the assessment of effects.



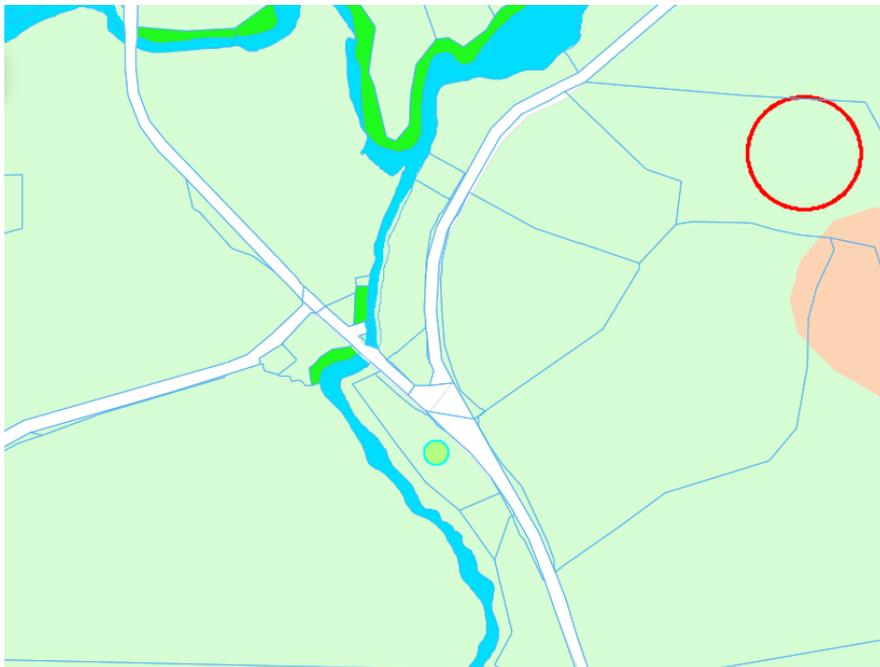
The site is located adjacent to Puketona Junction and borders the Waiarui River which merges into the Waitangi River north of Puketona Junction.

- 1.03 The property is susceptible to flooding from the Waiarui River which borders the application site on the western and northern boundaries as noted on the attached maps. The buildings constructed are not at any significant risk from flooding. The location of some of the non-building, stormwater mitigation measures required to be installed, are

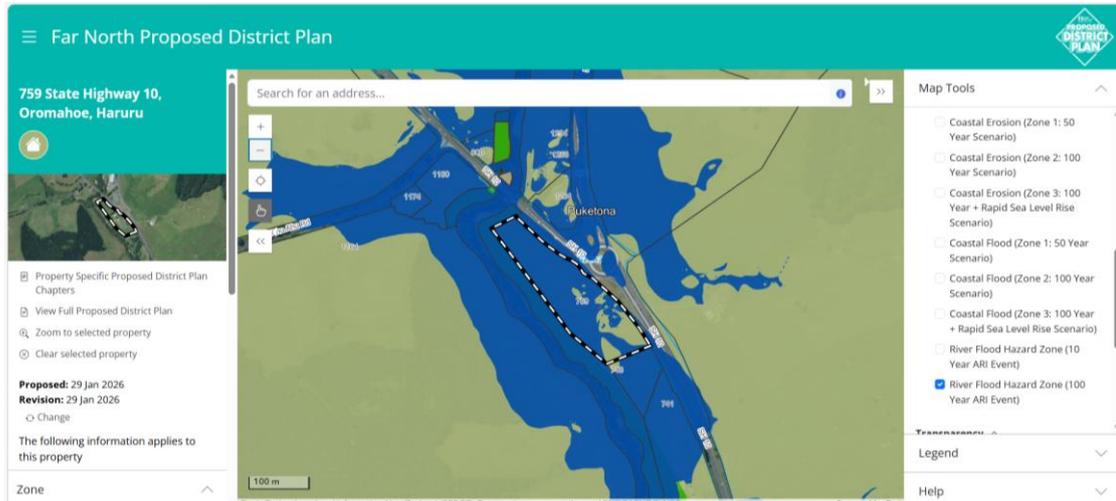
above the natural fall of the site within the flood plain area. It is also contended that the lower portions of the metalled car park and turning area could be flooded in more extreme weather events. The existing fall of the carpark is lower than the approved stormwater pond height. If the pond was to be constructed below the level of the lower portions of the car park and manoeuvring this pond would also be inundated making the pond redundant. The purpose and requirement of the retention ponds would be ineffective. This application offers an alternative solution which while not resolving the flood inundation matter would offer a more practical solution moving forward. Council staff have meet on site and agreed in principle to the suggested change. This application formalises those discussions and corrects the decision accordingly.

1.04 The applicant has named the development “Puketona Business Park” and references within correspondence and reports may refer to this name. The entrance to the application site is located directly off the Puketona Junction roundabout and was specifically designed for a commercial activity particularly with the site’s with past use as a motel and the proposed commercial use which is to commence shortly.

1.05 The application site is zoned Rural Production under the Operative Far North District Plan and there are no relevant resource features which apply to the site. Within the Proposed Plan the site remains Rural Production but does have several notations around flood risk which apply to the site.



The site is zoned Rural Production under the Operative Plan



The site is subject to Flood Hazards in the 100 Year ARI event. The site is not subject to the equivalent 10 Year ARI event.

- 1.06 The buildings for the modular construction company are located free of the 100 Year ARI event and the land on which the building is positioned was slightly raised with a large metal pad to be at a similar level to the former motel location.
- 1.07 The applicant has discussed with Council staff the suggested changes and they do not have any issue with them. This included a site visit to detail why the changes were required and how the current design would be ineffective in more severe weather events.
- 1.08 The proposed changes are detailed as follows with new conditions and wording being underlined and words to be ~~deleted~~ ~~crossed out~~. The proposed changes to activities and conditions do not change the original activity status. The application remains within the scope and scale of the original development. These changes are suggested only for the purposes of the change sought but may require further refinement as part of the application process.
 1. *The activity shall be carried out in general accordance with the approved plans and attached to this consent with the Council’s “Approved Stamp” affixed to them. These plans include the following:*
 - *Proposed Development Plan Drawing A03, except for stormwater changes as per the updated stormwater plan Prepared by Site Scope, undated.*
 - *Proposed Stormwater Plan Drawing A02 – Rev A drawn by AFA, undated*
 - *Floor Plan Drawing AF-100, Prepared by Site Scope, Dated 10/04/2024.*
 - *Elevations Drawing AF-200, Prepared by Site Scope, Dated 10/04/2024.*
 - *Floor Plan1 Drawing A05, Prepared by Aztech Buildings, Dated 20/03/2024.*
 - *ELEV1 Drawing A07, Prepared by Aztech Buildings, Dated 20/03/2024.*
 - *ELEV2 Drawing A08, Prepared by Aztech Buildings, Dated 20/03/2024.*
 4. *The consent holder shall ensure that the stormwater discharge is managed in general accordance and on an ongoing basis ~~with the recommendations of the Stormwater~~*

~~Engineering Report for a development at 759 SH10, Puketona, as detailed within the updated stormwater plan, prepared by ANSED Ltd, date:19/7/24.~~

5. ~~The consent holder is to install three five 25,000L stormwater detention tanks with attenuated outflow to limit runoff from the site to the pre-development levels for rainfall events up to those with a 1% AEP. The consent holder is to provide the design and details of the system to the Council for approval prior to installation. The detention storage shall be installed prior to code of compliance. Stormwater infrastructure over reserves is prohibited.~~
6. ~~Provide, at the time of lodging a building consent application, an updated stormwater design, prepared by a suitably qualified person. This should address stormwater management measures proposed in the application, especially the proposed pond, manhole, rock riprap swale, outlet structure.~~

1.09 The updated conditions for the full decision will read as follows:

1. *The activity shall be carried out in general accordance with the approved plans and attached to this consent with the Council's "Approved Stamp" affixed to them. These plans include the following:*
 - *Proposed Development Plan Drawing A03, except for stormwater changes as per the updated stormwater plan Prepared by Site Scope, undated.*
 - *Proposed Stormwater Plan Drawing A02 – Rev A drawn by AFA, undated*
 - *Floor Plan Drawing AF-100, Prepared by Site Scope, Dated 10/04/2024.*
 - *Elevations Drawing AF-200, Prepared by Site Scope, Dated 10/04/2024.*
 - *Floor Plan1 Drawing A05, Prepared by Aztech Buildings, Dated 20/03/2024.*
 - *ELEV1 Drawing A07, Prepared by Aztech Buildings, Dated 20/03/2024.*
 - *ELEV2 Drawing A08, Prepared by Aztech Buildings, Dated 20/03/2024.*
2. *The consented activity is not to operate outside the hours of 7am to 5pm, Monday to Friday (inclusive). This condition does not preclude deliveries from taking place outside of these hours.*
3. *No more than 30 staff are to be employed on site at any given time. Should there be more than 30 staff employed by the business, a new resource consent must be applied for.*
4. *The consent holder shall ensure that the stormwater discharge is managed in general accordance and on an ongoing basis for a development at 759 SH10, Puketona, as detailed within the updated stormwater plan.*
5. *The consent holder is to install five 25,000L stormwater detention tanks with attenuated outflow to limit runoff from the site to the pre-development levels for rainfall events up to those with a 1% AEP. The consent holder is to provide the design and details of the system to the Council for approval prior to installation. The detention storage shall be installed prior to code of compliance. Stormwater infrastructure over reserves is prohibited.*
6. *Deleted*
7. *An erosion and sedimentation control plan are required for all developments where runoff from a construction site can enter into either a FNDC stormwater pipe or open watercourse. The consent holder shall provide an erosion and sedimentation control plan at building consent submission stage.*

8. *The consent holder shall provide evidence that New Zealand Transport Agency is satisfied that the conditions stipulated in the written approval letter, referenced 2022 1398 and dated 28 November 2022 have been completed.*
9. *Provide to Council for certification by the Council's Resource Consents Monitoring Officer, a copy of the graphics relating to 'Signage on the buildings' referenced in the application documents, prior to the signs being installed. This should also include the location in reference to the site plan submitted with 2250129. The certified graphics shall be adhered to for the duration of this consent unless prior approval for the change has been received from Council.*

1.10 The essence of the changes see the removal of references to the approved stormwater pond and its replacement with the updated plan prepared.

2 SECTION 127 ASSESSMENT INCLUDING ASSESSMENT OF EFFECTS

- 2.01 A consent holder may apply to the consent authority under Section 127 of the Act to change any condition (except duration) of a landuse consent. For the purposes of the application, the proposed changes represent a Discretionary Activity and Sections 88-121 apply. The application is treated like an ordinary resource consent application.
- 2.02 With the application having been processed non-notified consideration of the changes sought need to be evaluated accordingly. The change in essence is to remove the requirement for a stormwater retention pond as located on the approved plans and to replace this with a swale drain as illustrated on the updated plan. The swale drain will capture water from the metalled car park and turning areas during any rainfall. The swale drain unlike the proposed pond is located lower on the site and will not increase the potential risk of site inundation when parts of the site will flood. The swale does also not require extensive onsite earthworks for what would be a largely redundant piece of infrastructure.
- 2.03 As detailed within the application introduction the consented retention pond becomes largely redundant when the flooding of the lower portions of the site occurs. Location wise this pond would be higher than the lower portions of the car park and would not capture this water unless significantly lower and this would require substantial earthworks.
- 2.04 In order to consider the potential effects of the proposal, it is necessary to consider the existing environment, the permitted baseline and utilize the district plans assessment criteria for stormwater matters. For this Section 127 application the Stormwater assessment criteria has been updated accordingly.

The Existing Environment

- 2.05 The existing environment, with the establishment of the Modspace construction facility is a pocket of commercial/ industrial uses. The site has always been commercial but this proposal has modified the facility to now be a building construction facility. In addition the rural farmland, several lifestyle properties to the north and south of the site and several commercial/ industrial uses. The application site is surrounded by a long established café, a more recently established small shed manufacturing business, and

Top Energy's southern Puketona depot which combines offices and workshop/ industrial 2.08type uses and outdoor material storage. This collection of uses have been a key feature of this major intersection between State Highway 11 and State Highway 10. Increased road traffic, a need to future proof the roading infrastructure and safety management prompted the change from a "T Intersection" to a roundabout. This change has greatly improved the flow and safety of traffic. While all other uses directly access off State Highway 11, the application site accesses directly off the roundabout.

- 2.06 The site entrance constructed directly off the roundabout was designed to accommodate the former motel activities but also acceptable for the proposed building factory as detailed and noted in email correspondence between the applicant and NZTA within the original consent application.
- 2.07 The existing environment is an important consideration because the proposal is not dissimilar to other sites within the immediate area such as the Top Energy site and is also on a site which has regularly had a commercial use or activity within it.

Permitted Baseline

- 2.08 Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline").
- 2.09 The permitted baseline refers to permitted activities on the subject site and the existing environment for which resource consent has been secured. The consented development of the construction facility forms part of the environment. This is an important consideration given that the works proposed in terms of earthworks volume would be comparable with the key difference being the location and means to address stormwater.
- 2.10 The Permitted Baseline is an important and relevant consideration in this context.

ASSESSMENT OF EFFECTS

- 3.01 The application is a Discretionary Activity and therefore all relevant planning matters can be considered in assessing the merits of the application. However as this proposal seeks to amend specific stormwater conditions, only this aspect is required to be addressed.

STORMWATER MANAGEMENT

- 3.02 The stormwater management rule is breached as approximately 23.5% of the site is in some form of impermeable surfaces. In the context of the site and the immediate surrounds it is important to impose suitable mitigation measures to control stormwater and its related effects. The development adequately addresses the buildings with five water tanks located on the application site. For the large parking and manoeuvring areas there are proposed changes as previously noted. The change sought does not result in a different conclusion with the potential effects being less than minor.

- (a) The extent to which building site coverage and impermeable surfaces result in increased stormwater runoff and contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment.

The total impermeable surfaces is 5439m² with buildings comprising 1281m². The roof water is to be collected with some used potentially as a potable supply. The remaining water will be stored and used as required with 5 water tanks installed. Water from the tanks will flow through a water drain for release into the river.

The stormwater detention pond is to be replaced as this does not capture water from the carpark and manoeuvring areas. The pond is located above the lowest level of the car park area which is subject to flooding. The pond would need to be excavated to levels below the carpark area which is already susceptible to flooding resulting in the lowered pond area also being susceptible when it currently is not at risk. The proposed replacement swale drain will provide a suitable alternative with comparable effectiveness.

In controlling the flow of stormwater into the network the effects of the additional impermeable surfaces are considered to be less than minor.

- (b) The extent to which Low Impact Design principles have been used to reduce site impermeability.

The use of Low Impact designs have been utilized as appropriate within the design proposed.

- (c) Any cumulative effects on total catchment impermeability.

It is considered that the cumulative effects of the additional stormwater is less than minor. The full extent of the additional loading is very small in relation to the overall surrounding catchment.

- (d) The extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water.

The constructed hardstand area has altered the ground levels for the application site to reduce the flood risk for the property. The manoeuvring area and some parking areas remain at risk of flooding in severe weather events. The change will retain the ability to control water effectively which will continue to be collected and then dispersed into the catchment area on a controlled basis.

- (e) The physical qualities of the soil type.

The proposal does not affect the qualities of the soil types with the hardstand area already constructed.

- (f) Any adverse effects on the life supporting capacity of soils.

The site is not used in the capacity of production other than pastoral grazing on the non-developed area.

- (g) The availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites.

The proposed wastewater system is to be positioned as detailed within the attached Engineering report. There is sufficient space provided within the site to accommodate the system with sufficient reserve area also provided.

- (h) The extent to which paved, impermeable surfaces are necessary for the proposed activity.

The extent of impermeable surfaces is required to meet the area required for the proposed activity.

- (i) The extent to which landscaping may reduce adverse effects of run-off.

It is not considered that there is any specific landscaping required to improve the quality of the stormwater runoff. Landscaping can in some instances adversely impact on the effectiveness of the proposed drainage system especially if the vegetation grows into the system and disrupts the related flows.

- (j) Any recognised standards promulgated by industry groups.

The usual industry standards are being used by the applicant and the within the technical reports.

- (k) The means and effectiveness of mitigating stormwater run-off to that expected by the permitted activity threshold.

The stormwater management design continues to achieve permitted levels as required.

- (l) The extent to which the proposal has considered and provided for climate change.

Provision for climate change has been considered in the design.

- (m) The extent to which stormwater detention ponds and other engineering solutions are used to mitigate any adverse effects.

The extent of measures used includes the use of tanks as a potential potable source and as retention tanks. The detention pond as originally recommended would not function in its approved location with water unable to move upwards. The use of a swale drain is considered to be appropriate and will ultimately disperse into the receiving water catchment at appropriate rates.

- 3.03 The extent of the stormwater created by the impermeable surfaces can be managed appropriately with the use of water tanks and a stormwater retention pond. The effects are concluded as being less than minor with appropriate measures proposed to be put in place to reduce the potential effects on downstream properties.

CONCLUSION

3.04 The potential effects of the proposed condition(s) changes which removes the detention pond and replaces with a swale drain is considered to be less than minor.

OPERATIVE DISTRICT PLAN OBJECTIVES AND POLICIES

4.01 As a Discretionary Activity the proposal is assessed in accordance with the objectives and policies of the district plan.

4.02 The following objectives are considered to be the most relevant to the proposed operation.

RURAL ENVIRONMENT

8.3 OBJECTIVES

8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.

The proposed changes to conditions do not conflict with this objective. The site is self-sufficient in terms of infrastructural servicing and the minor change as proposed will continue to meet stormwater management expectations. The proposal is considered to continue representing the sustainable management of natural and physical resources.

8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.

The assessment of effects concludes that the potential effects from the changes sought is less than minor with the proposal being readily able to be absorbed into the receiving environment.

8.4 POLICIES

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

The activity, development and proposed condition changes do not result in adverse effects for the receiving environment. The proposal is not considered to be contrary to this policy consideration.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded and rural productive activities are able to continue.

It is contented that the application achieves this policy consideration given the effects of the proposal are considered to be less than minor.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes

The proposal will provide for its own onsite servicing requirements which is typical in a rural environment. This application does not conflict with this policy consideration.

RURAL PRODUCTION

8.6.3 OBJECTIVES

These objectives supplement those set out in Section 8.3.

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

It is contended that the application to change conditions around stormwater is not contrary to this consideration.

8.6.4 POLICIES

These policies supplement those set out in Section 8.4.

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

As previously noted, this proposal remains an appropriately scaled operation which does not change with the conditions to be amended. Effects remain less than minor.

PROPOSED DISTRICT PLAN – OBJECTIVES AND POLICIES

4.03 With the proposal being a Discretionary activity consideration of the Proposed Plan Objectives and Policies is required. This is particularly relevant as there are no rules which have immediate legal effect such as excavation and filling which are not able to be complied with by the applicant.

4.04 Notwithstanding the proposal's compliance with rules which have "immediate legal effect", the application is generally consistent with the relevant objectives and policies. This is concluded from the past and proposed use of the site and that similar outcomes are sought from the plan provisions. The proposed activity and development will not be inconsistent with those already within the receiving environment.

4.05 It is considered that the proposal is consistent with the objectives and policies of the Proposed District Plan.

REGIONAL POLICY STATEMENT CONSIDERATIONS

5.01 The changes proposed by way of condition amendments has been reviewed in relation to key objectives and policies of the Northland Regional Policy Statement. The proposal is generally consistent with objective and policy considerations from the Regional Policy Statement.

PART 2 CONSIDERATIONS

6.01 The application does not conflict with any matter or consideration under Part 2 of the Act. The proposal provides for the social and economic well-being of the district and its residents while ensuring the potential effects of the proposal are less than minor.

6.02 It is therefore contended that the application to change several conditions around stormwater management is appropriate and consistent with the intent and purpose of the Act.

NOTIFICATION ASSESSMENT S95A TO 95G OF THE ACT

7.01 Sections 95A to 95G require Council to follow specific steps in determining whether to notify an application. In considering the conclusions findings within this report are relied upon.

7.02 Public Notification section 95A

Step 1

Mandatory public notification in certain circumstances

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under section 95C;
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicant has not requested public notification and none of the remaining matters as described are applicable.

Step 2 Public Notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity:

- (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:
- (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:
- (iv) a prescribed activity (see section 360H(1)(a)(i)).

The activity is not precluded from public notification. Even though the application is a Discretionary Activity it is not a residential activity - as defined in section 95A(6). It has however been concluded that the effects on the wider environment are considered to be less than minor. The changes sought to conditions are inconsequential in the overall development.

Step 3 – Public Notification required in certain circumstances

The criteria for Step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

The NES Regulation is not relevant to this application.

7.03 Affected Persons Assessment – Limited Notification Section 95B

If the application is not required to be publicly notified, a Council must follow the steps of section 95B to determine whether to limited notify the application.

Step 1: certain affected groups and affected persons must be notified

- (2) Determine whether there are any—
 - (a) affected protected customary rights groups; or
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

There are no protected customary rights or customary marine titles which apply to the application site.

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

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:
- (b) the application is for a resource consent for either or both of the following, but no other, activities:

- (i) a controlled activity that requires consent under a district plan (other than a subdivision of land);
- (ii) a prescribed activity (see section 360H(1)(a)(ii)).

The application is not precluded from Limited Notification as neither of the exemptions as described above apply to the application.

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

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:
 - (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
 - (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

The changes sought do not affect any neighbours or other parties who were involved in the original application.

No other persons from surrounding properties are considered to be affected by the application proposal.

7.04 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine that the application can be processed non-notified for the following reasons:

- In accordance with section 95A, public notification is not required, and in particular adverse effects are considered to be less than minor;
- In accordance with section 95B, no persons are deemed to be potentially affected by the proposed changes to conditions; and,
- In accordance with section 95A(9) and 95B(10), there are no special circumstances to require public or limited notification.

SUMMARY

- 8.01 The application seeks to change several conditions imposed as part of the approval for RC 2250129 which sought and obtained consent for a modular building construction facility, located at 759 State Highway 10, Puketona Junction.
- 8.02 The changes essential see the detention pond which was to be located in an unworkable location – above the areas to which the pond was to collect water from (ie the car park and manoeuvring areas) with a swale drain to be positioned just below the levels of the carpark and manoeuvring areas.
- 8.03 If the detention pond was constructed it would need to be at a level lower than the carpark and manoeuvring spaces which is within an area susceptible to occasional flooding therefore negating the effectiveness of the pond.
- 8.04 If the pond was constructed below the level of the car park it would unnecessarily put at risk another part of the site from inundation in a flood event.
- 8.05 It is concluded within the assessment of effects that the potential effects of the proposed operation are less than minor and that consent for the changes sought should be granted.
- 8.06 The proposal is not contrary to relevant objectives and policies of the Operative or Proposed District Plans and the Regional Policy Statement.
- 8.07 In respect to conditions of to be changed. We would appreciate reviewing the draft conditions for comments and consideration prior to the issuance of the decision.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

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Principal | Director

BPlan | BSocSci | MNZPI

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




R. W. Muir
Registrar-General
of Land

Identifier **1213033**
Land Registration District **North Auckland**
Date Issued 22 October 2024

Prior References
NA104B/464

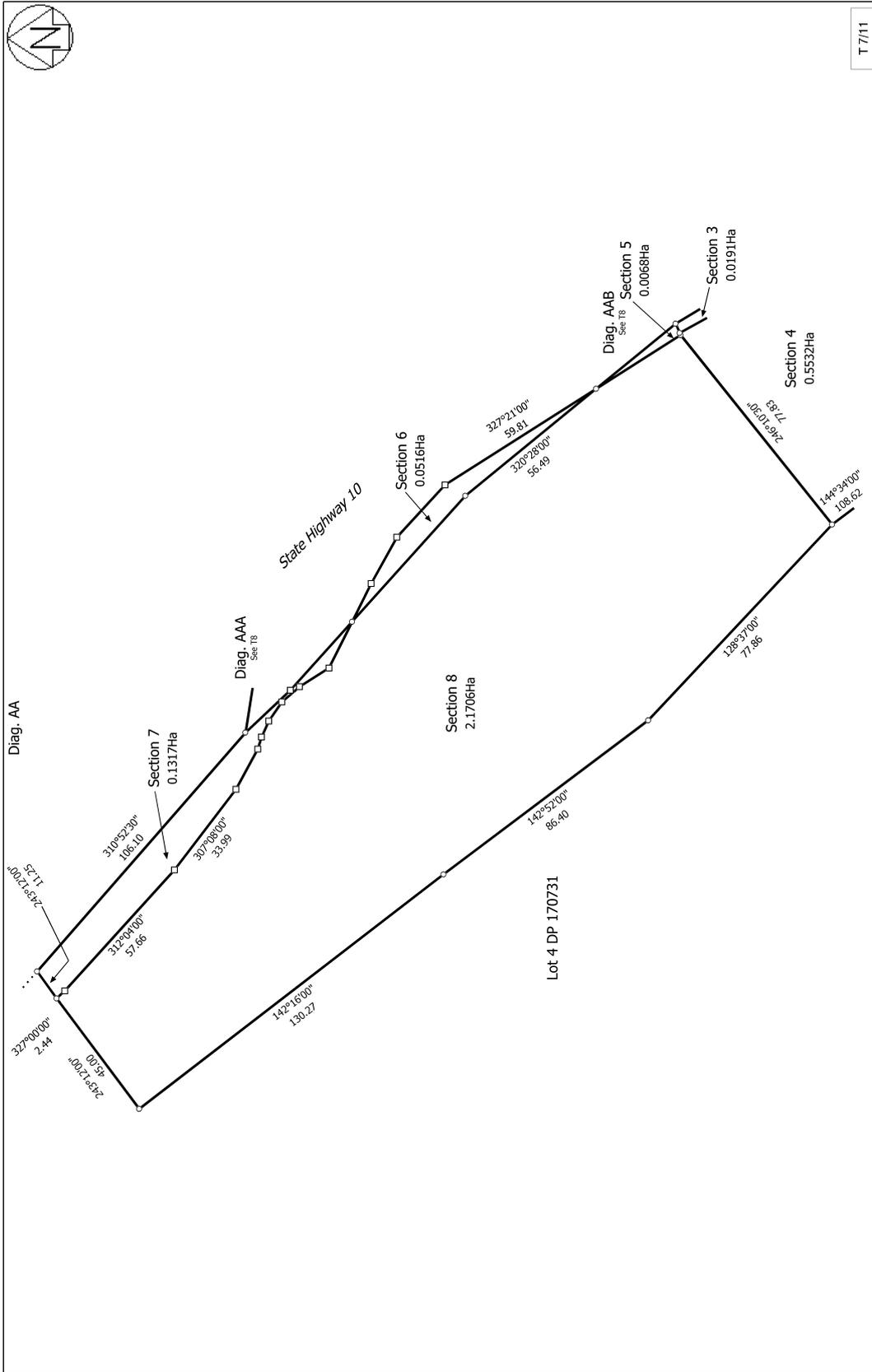
Estate Fee Simple
Area 2.1706 hectares more or less
Legal Description Section 8 Survey Office Plan 575856

Registered Owners
Andrew Frederic Abercrombie and Adele Patricia Abercrombie

Interests

750179.1 Gazette Notice (NZ Gazette 14.12.1978 No 108 p3422) declaring the adjoining State Highway No. 10 (Paparaka to Awanui via Maungomui) to be a limited access road - 2.8.1979 at 10.42 am

5845144.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 18.12.2003 at 9:00 am



T 7/11

Title Plan
SO 575856
Approved on: 25/03/2024

Surveyor: Shane Michael Stratton
Firm: Shane Stratton Surveying Ltd

Sections 1 to 19

Land District: North Auckland
Digitally Generated Plan
Generated on: 25/03/2024 11:32am Page 12 of 16

STORMWATER REVISED SCOPE FOR ATTENUATION BC 2025 782:

- 1. Unchanged - SW from Factory & Office Roof areas**
Stormwater to be attenuated from Factory & Office roof as per BC approved Ansed SW Report - Attenuation tanks. The stormwater from the proposed office block & factory is collected and piped to tanks along the Southern boundary. Three of these tanks are connected together and allocated to be used for attenuation of the roofs.
- 2. Proposed Change - Carpark**
Due to the lower edge of the carpark area being encroached on in a 10 year event, the attenuation is practically impossible and would have minimal downstream effects (less than NRC threshold of 20mm). During a localised 10 year rain the river level is typically very low, therefore the catchment is large, so carpark runoff is easily accommodated with no downstream effects.
As shown, it is proposed to have spread the car park runoff evenly, by constructing a swale drain (50LM x 1200w x 500d level along existing contour lines) to catch sediment, and then evenly distributed water runoff towards the lower boundary.

