



<b>Office Use Only</b> Application Number:
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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

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

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

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

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

**4. Applicant Details:**

Name/s: \_\_\_\_\_

Electronic Address for Service (E-mail): \_\_\_\_\_

Phone Numbers: \_\_\_\_\_ Home: \_\_\_\_\_

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

Post Code: \_\_\_\_\_

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

Name/s: Steven Sanson - Bay of Islands Planning [2022] Limited

Electronic Address for Service (E-mail): steve@bayplan.co.nz

Phone Numbers: Work: 0211606035 Home: \_\_\_\_\_

Postal Address: Po Box 318, Paihia, 0247

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

Post Code: \_\_\_\_\_

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

**6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)**

Name/s: Coopers Heights Limited

Property Address/  
Location: Freyja Crescent , Coopers Beach

**7. Application Site Details:**

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

<b>Subject Site Details</b>		
Address:	38 Torsby Road, Coopers Beach 0420, 7 Freyja Crescent, Coopers Beach 0420, 5 Freyja Crescent, Coopers Beach 0420, Lot 22, Freyja Crescent, Coopers Beach 0420, Lot 2, Torsby Road, Coopers Beach 0420	
Legal Description:	Lot 2 DP 402949 Lots 32-34 DP 463703, Lots 22 31 DP 463703, Lot 21 DP 463703, Lot 22 DP 463703, Lot 2 DP 402949 Lot 34 DP 463703	
Certificate of Title reference:	CT-614474, CT-614217, CT-614216, CT-862501, CT-862475	_Val Number: _____

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.**

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**8. Description of the Proposal:**

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

Variation of RC 2180192-RMAVAR/A

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

**9. Would you like to request Public Notification** Yes/No

**10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):**

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

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

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

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

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

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

**12. Assessment of Environmental Effects:**

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

**Please attach your AEE to this application.**

**13. Billing Details:**

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

Name/s: (please write all names in full) As per applicant details

Email: \_\_\_\_\_

Postal Address: \_\_\_\_\_

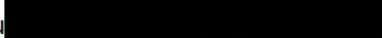
\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone Numbers: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Fax: \_\_\_\_\_

**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 20<sup>th</sup> of the month following invoice date. You may also be required to make additional payments if your application requires notification.

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

Name:  (please print)

Signature:  (signature of bill payer – **mandatory**) Date: 05 December 2023

## 14. Important Information:

### Note to applicant

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

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

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

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

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

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

Name: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_ (signature)

Date: \_\_\_\_\_

(A signature is not required if the application is made by electronic means)

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

*Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.*

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

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**

2 Cochrane Drive, Kerikeri  
127 Commerce Street, Kaitaia  
PO Box 318  
Paihia



25 years serving Northland

Phone [ 09] 407 5253; Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) : [www - bayplan.co.nz](http://www.bayplan.co.nz)

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District Services Department  
Far North District Council  
John Butler Centre  
Kerikeri

Attention: RC Team Leaders.

6 December 2023.

Dear all,

Re; Proposed Variation of Consent Conditions RC 2180192 – RMAVAR/A: Coopers Heights Limited, Freyja Crescent – Coopers Beach

We act for Coopers Heights Limited, who seek to carry out an additional variation of the above resource consent.

The variation 2180192 – RMAVAR/A focused on a number of changes after discussions with FNDC. The subsequent proposed variation is required to remove and amend other conditions that have been found to be impractical for a subdivision of this nature.

Please now find attached the applicable resource consent application [variation] request. Do not hesitate to contact me should you require any further information.

Yours faithfully,

A black rectangular box redacting the signature of Steven Sanson.

Steven Sanson



Form 10

**APPLICATION FOR CHANGE OR CANCELLATION  
OF RESOURCE CONSENT CONDITION**

**Section 127, Resource Management Act 1991**

To Far North District Council:

We, **Coopers Heights Limited**, apply for a change of conditions of a resource consent.

Our application relates to the following resource consent:

**RC 2180192-RMAVAR/A being -**

**The activity to which this decision relates:**

To change the conditions of RC 2180192 RMACOM which was a proposal to subdivide land situated at Freyja Crescent, Coopers Beach to create 20 residential lots (Lots 2-21), amalgamated shared access lot (Lot 22) and common lots (Lots 1, 23 and 24), balance lot (Lot 25) and an amalgamated balance lot (Lot 26 and Lot 34 DP 463703) and further, including the cancellation of consent notices on the underlying titles.

The variation seeks a number of changes to conditions set down by the above decision. Rather than outline these individually, we provide a set of the conditions with proposed changes at Appendix A. For ease of reference deletions are ~~struckthrough~~ and additions are **highlighted**.

We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that a change to the activity may have on the environment. **[see below]**

We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

- **Planning Report, including Assessment of Environmental Effects;**
- **Appendix A – Revised Conditions**
- **Appendix B – Existing Approval**
- **Appendix C – Certificate of Titles**



.....  
S.R.Sanson  
*on behalf of Coopers Heights Limited*

Date: 06 December 2023

Address for service of applicant:  
Bay of Islands Planning [2022] Limited  
P.O. Box 318  
Paihia 0247

**Telephone:** (09) 407 5253 **email:** [office@bayplan.co.nz](mailto:office@bayplan.co.nz)

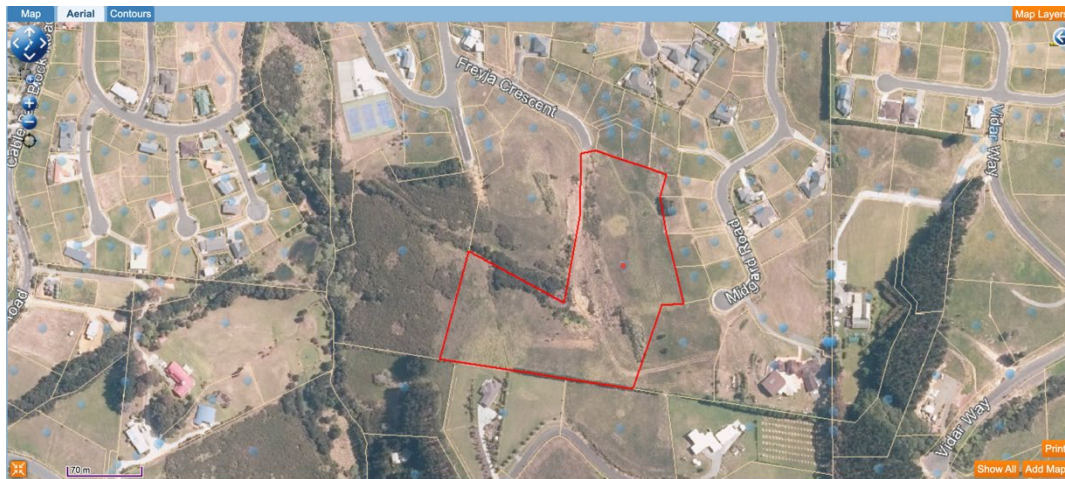
## **PROPOSED VARIATION OF CONDITIONS**

### **1.0 INTRODUCTION and BACKGROUND**

- 1.1 Our client seeks to vary certain conditions of a resource consent in a manner which allows development consistent with the original intent of the approved consent RC 2180192. As above, the approval revolves around 20 residential allotments with associated services.
- 1.2 The changes proposed can be themed as removing completed conditions or unnecessary conditions and conditions relating to the Landscape Integration Plan to enable the Residence Association to look after this aspect.

### **2.0 SITE AND LOCALITY DESCRIPTION**

- 2.1 The site and locality are detailed within the original application documents. The figure below shows the development site spatially in the context of Coopers Beach.



*Location Plan – Prover*

### **3.0 VARIATION OF CONDITIONS**

- 3.1 Please refer **Appendix A** for the specific changes proposed to consent conditions. The recent variation decision is found in **Appendix B**. All relevant titles are found in **Appendix C**.
- 3.2 The proposed changes do not require a change of plans.

### **4.0 APPLICATION STATUS**

- 4.1 The variation of a condition of a resource consent under s.127 of the Act is deemed to be a **Discretionary Activity** in accordance with the Act, and is processed as a resource consent. Assessment of a variation is limited however to the changes in the conditions sought, and the effects if any therefrom.

### **5.0 SECTION 127 - VARIATION OF CONDITIONS.**

- 5.1 The Act provides for the change of a consent condition at the request of the consent holder and that such a request is deemed to be considered a discretionary activity. More particularly the Act reads as follows –

(1)The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

- (a)the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under [section 221](#) for a variation or cancellation of a consent notice after the deposit of the survey plan); and
- (b)no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

(2)[*Repealed*]

(3)[Sections 88 to 121](#) apply, with all necessary modifications, as if—

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

(3A)If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under [section 186H\(3\)](#) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

(4)For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

- (a) made a submission on the original application; and
- (b) may be affected by the change or cancellation.

## 6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 As required by section 88 of the Act, an application for resource consent must contain an Assessment of Environmental Effects prepared in accordance with the Fourth Schedule. The effects considered are only those applicable to the changes of conditions being sought in this application.

6.2 The following **Table** therefore sets out the requirements for an Assessment of Environmental Effects as listed in the Fourth Schedule to the Resource Management Act.

### ***Fourth Schedule Requirements***

FOURTH SCHEDULE REFERENCE & REQUIREMENTS	COMMENTS & PAGE/PARAGRAPH REFERENCE
<b>2 (1) Information required in all applications:</b>	
a) a description of the activity:	Previously described within AEE.
(b) a description of the site at which the activity is to occur:	The application site is at the end of Freyja Crescent – Coopers Beach. Legally described as Lots 21, 22, and 34 DP 463705 and being 5.79902ha in size.



<b>FOURTH SCHEDULE REFERENCE &amp; REQUIREMENTS</b>	<b>COMMENTS &amp; PAGE/PARAGRAPH REFERENCE</b>
(c) the full name and address of each owner or occupier of the site:	Refer to the Form 10 above.
d) a description of any other activities that are part of the proposal to which the application relates	N/a.
e) a description of any other resource consents required for the proposal to which the application relates	No other resource consent is required.
f) an assessment of the activity against the matters set out in Part 2	This is provided within the following under separate heading below.
g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).	The relevant documents have been identified in the relevant sections below.
<b>2(2) Assessment under 2 (1) (g) against:</b>	
a) any relevant objectives, policies, or rules in a document;	The NRC RPS, NRC PRP along with the Far North District Council Operative and Proposed District Plan are considered to be relevant documents.
b) any relevant requirements, conditions, or permissions in any rules in a document; and	Not applicable
c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).	None are known.
<b>2(3) An assessment of the activity's effects on the environment that:</b>	
a) includes the information required by clause 6;	Refer to separate heading below.
b) addresses the matters specified in clause 7;	Refer to separate heading below.
c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.	
<b>3 Additional information required in some applications:</b>	
a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):	The application does not involve a Permitted Activity.
b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):	Not applicable.
c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).	Not applicable.
<b>4 Additional information required in application for subdivision consent:</b>	
	Not applicable.
<b>5 Additional information required in application for reclamation:</b>	
	Not applicable.
<b>6 Information required in assessment of environmental effects:</b>	
1) An assessment of the activity's effects on the environment must include the following information:	

FOURTH SCHEDULE REFERENCE & REQUIREMENTS	COMMENTS & PAGE/PARAGRAPH REFERENCE
Items (a) to (h)	Items (a) to (h) are included in the Assessment of Environmental Effects defined within the Assessment Criteria.
<b>7 Matters that must be addressed by assessment of environmental effects:</b>	
1) An assessment of the activity's effects on the environment must address the following matters:	
Items (a) to (f)	Items (a) to (f) are included in the Assessment of Environmental Effects defined within the Assessment Criteria.

## 7.0 CLAUSES 6 & 7 - ENVIRONMENTAL EFFECTS

7.1 The following assessment addresses the matters listed in Clauses 6 and 7 of the revised Fourth Schedule to the Act. Where appropriate, reference is made to other sections of this report for the provision of details on the application.

### **Clause 6, Information Required in Assessment of Environmental Effects**

#### **Item (a)**

If it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

No significant adverse effects are anticipated to arise from changing the conditions of consent.

#### **Item (b)**

An assessment of the actual or potential effect on the environment of the proposed activity:

The Act requires that an AEE assess environmental effects “includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment”. Furthermore, when considering an application under the tests of section 104, Council may disregard any effect on the environment if the plan permits an activity with that effect.

To that end the assessment is centred on those effects which may arise in the change of the consent conditions. For ease, please read the below in associated with the revised condition set attached.

- *Line marking at the Torsby and Freyja Crescent condition*

This road was vested in 2007, therefore this is not the responsibility of the developer. It is proposed to delete the associated condition accordingly.

- *Earthworks conditions*

Earthworks associated with the subdivision have already been completed in accordance with the outcome of the hearing. Therefore, this condition can be removed without creating any adverse effects.

- *Landscape Integration Plan Conditions*

These conditions should be removed as the Landscape plan was submitted in 2020 and the resident's association should be empowered to manage its implementation. The resident's association can be relied upon to implement the Landscape plan and no adverse effects of this proposed change are anticipated.

- *Maintenance Agreement Condition*

The work was completed over 12 months ago and so it is now irrelevant. The condition can be deleted with no adverse effects anticipated.

Overall, the potential effects from the variation do not raise any new matters not previously identified and considered.

#### **Item (c)**

If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:

This is not relevant.

#### **Item (d)**

If the activity includes the discharge of any contaminant, a description of -  
(i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and  
(ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:

N/a.

#### **Item (e)**

A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

Refer revised condition set.

#### **Item (f)**

Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the views of any person consulted.

No persons are considered to be affected by this variation request. The changes do not represent a significant departure from the existing condition set. In many parts, the revisions are promoted to remove redundant conditions, revise conditions to suit on the ground conditions, and promote a more effective means of moving through the post subdivision approval process.

#### **Item (g)**

If the scale or significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

Monitoring the conditions is not required as this is already embodied into the approved conditions.

**Item (h)**

If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

This is not known to affect the application.

**Clause 7, Matters that must be Addressed by Assessment of Environmental Effects**

**Item (a)**

Any effect on those in the neighbourhood and, where relevant, the wider community including any social, economic or cultural effects:

The proposal is not considered to have any adverse effect on those in the neighbourhood given the scale of the activity and underlying approval. The proposed changes are considered minor in context and would not require the revisiting of submitters to be asked their opinion of such changes.

**Item (b)**

Any physical effect on the locality, including any landscape and visual effects:

The application does not promote a significant departure from the landscape and visual effects previously accepted by independent commissioners.

**Item (c)**

Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

The potential effect on such values is not considered to be altered through the variation.

**Item (d)**

Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

The application has no effect upon these matters.

**Item (e)**

Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

N/A.

**Item (f)**

Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of any hazardous substances or hazardous installations:

N/A.

## Summary

- 7.2 Based on the above assessment, the actual environmental effects arising from the proposed changes to the conditions are considered to be less than minor.

## 8.0 STATUTORY ASSESSMENT

- 8.1 Taking Section 127 into account the following analysis in support of the request is provided.

### Section 127(1)

- 8.2 In terms of subsection (1) the particular condition is identified within the Form 10 with the application providing an explanation of the reason for the changes being sought. Subsection (a) and (b) do not apply to this application –

### Section 127(3)(a) and (b) and (4)

- 8.3 The Act establishes that a request under Section 127 is deemed to be discretionary activity and Section 88 to 121 apply with the necessary modifications. Additionally in considering the request to change the condition Council is limited to only considering what is being sought within the condition change and the effects there from.
- 8.4 The original resource consent application was the subject of a publicly notified process with the approval being issued by independent commissioners. The decision was not the subject of an appeal.
- 8.5 In terms of the effects created by this variation these are considered minor, and of no to little consequence in light of the submissions received in relation to the original decision.
- 8.6 Taking these factors into account it is considered that the change in the consent conditions have less than minor effects.

### **Application process**

- 8.7 Council retains the discretion on determining whether or not a discretionary activity should be notified. In determining this factor it is the change in the effects of the consent conditions which are assessed against any possible adverse effects upon any person.
- 8.8 The Act also requires Council to consider the effect of the change against those persons who lodged a submission to the original application. The original resource consent application was the subject of a publicly notified process with the approval being issued by independent commissioners. The decision was not the subject of an appeal.
- 8.9 This aspect requires Council to assess if the effects of the condition change would have an adverse effect upon any of the submitters. Our view is that the changes are minor in nature and do not represent a significant departure from the aims and intents of the original decision.
- 8.10 The change of the conditions would not, in our opinion, create any minor or more than minor adverse effects. It is also considered the consent condition changes do not create effects of a nature that would necessitate involving any third party.



8.11 Overall it is considered that the application to change the conditions can be processed without notification and it need not require any additional written approval of any party. It is considered that Council can approve the Request as presented.

### Objectives, Policies and Rules

8.12 The variation is to be assessed as a Discretionary Activity as if it was a resource consent. Section 104D requires the consideration of any relevant objectives and policies in addition to the effects of the activity.

8.13 The relevant documents to be assessed are considered to be -

- The Regional Policy Statement.
- Proposed Regional Plan.

8.14 All of these high order documents were considered under the context of the original approval and upon review there is nothing to suggest the amendments within this variation request would undermine the purpose and intent of these documents.

8.15 Similarly the Far North District Council District Plan has generic and specific objectives and policies in relation to the Rural Living Zone. These were addressed as part of the original application process and again recognising the variation is not expanding the scope, nature or scale of the approved activities it is assessed the District Plan is not offended by this variation now sought. The Far North District Council Proposed District Plan has not been assessed in the original application and subsequent variation. Please see the legal effect rule assessment along with objectives and policy assessments within the tables below.

**Table 1: PDP Rules**

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  HS-R5, HS-R6, HS-R9	N/A	Yes	Not indicated on Far North Proposed District Plan
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal	N/A	Yes	Not indicated on Far North Proposed District Plan

heritage area overlays (e.g. in the operative plan they are called precincts for example)	effect (HA-S1 to HA-S3)			
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan
Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan
Ecosystems and Indigenous Biodiversity SNA are not mapped	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	No vegetation clearance is proposed for the subdivision.

Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Yes	Earthworks required to establish the proposed subdivision should it be approved will be in accordance with the relevant standards including GD-05 and will have an ADP applied.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A		Not indicated on Far North Proposed District Plan
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A		Not indicated on Far North Proposed District Plan.
Subdivision Rules refer to environmental benefit subdivision. Subdivision of sites within a heritage overlay, containing a scheduled heritage resource, Māori site/area of significance or SNA.	The following rules have immediate legal effect SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17.	Yes	No	Not indicated on Far North Proposed District Plan.
Comments:				
No consents are required under the PDP in relation to the proposed subdivision.				

## **FNDC Proposed District Plan Objectives and Policies**

### **Part 3 – Area Specific Matters / ZONES / Rural zones / Rural residential**

Objectives	Assessment
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RRZ-O1 - The Rural Residential zone is used predominantly for rural residential activities and small scale farming activities that are compatible with the rural character and amenity of the zone.	The 20 Lot subdivision has been approved. The proposed variation will not change the overall intent of the residential subdivision.
RRZ-O2 - The predominant character and amenity of the Rural Residential Zone is maintained and enhanced, which includes: <ul style="list-style-type: none"> <li>a. peri-urban scale residential activities;</li> <li>b. small-scale farming activities with limited buildings and structures;</li> <li>c. smaller lot sizes than anticipated in the Rural Production or Rural Lifestyle Zones; and</li> <li>d. a diverse range of rural residential environments reflecting the character and amenity of the adjacent urban area.</li> </ul>	The 20 Lot subdivision has been approved therefore the effects on the existing environment are anticipated.
RRZ-O3 - The Rural Residential zone helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned for urban development in the future is not compromised.	The proposed variation will not affect the original propose of the subdivision to provide an additional 20 residential lots.
RRZ-O4 - Land use and subdivision in the Rural Residential zone: <ul style="list-style-type: none"> <li>a. maintains rural residential character and amenity values;</li> <li>b. supports a range of rural residential and small-scale farming activities; and</li> <li>c. is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface.</li> </ul>	The 20 Lot subdivision has been approved therefore the effects on the existing character are anticipated. The proposed variation will not change the overall intent of the residential subdivision.

Policy	Assessment
RRZ-P1 - Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Residential Zone, while ensuring their design, scale and intensity is appropriate, including: <ul style="list-style-type: none"> <li>a. rural residential activities;</li> <li>b. small-scale farming activities;</li> <li>c. home business activities;</li> <li>d. visitor accommodation; and</li> <li>e. small-scale education facilities.</li> </ul>	The 20 Lot subdivision has been approved therefore the effects on the existing character are anticipated. The proposed variation will not change the overall intent of the residential subdivision.
RRZ-P2 - Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Residential Zone including: <ul style="list-style-type: none"> <li>a. activities that are contrary to the density anticipated for the Rural Residential Zone;</li> <li>b. primary production activities, such as intensive indoor primary production or rural industry, that</li> </ul>	The 20 Lot subdivision has been approved therefore it is not considered incompatible. The proposed variation will not change the overall intent of the residential subdivision.

<p>generate adverse amenity effects that are incompatible with rural residential activities; and</p> <p>c. commercial or industrial activities that are more appropriately located in an urban zone or a Settlement Zone.</p>	
<p>RRZ-P3 - Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive and other non-productive activities on primary production activities in adjacent Rural Production Zones and Horticulture Zones.</p>	<p>The 20 Lot subdivision has been approved therefore the effects on the existing character are anticipated including neighbouring activities. The proposed variation will not change the overall intent of the residential subdivision.</p>
<p>RRZ-P4 - Require all subdivision in the Rural Residential zone to provide the following reticulated services to the boundary:</p> <p>a. telecommunications:</p> <ul style="list-style-type: none"> <li>i. fibre where it is available;</li> <li>ii. copper where fibre is not available;</li> <li>iii. copper where the area is identified for future fibre deployment.</li> </ul> <p>b. local electricity distribution network.</p>	<p>The 20 Lot subdivision has been previously consented.</p>
<p>RRZ-P5 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <p>a. consistency with the scale and character of the rural residential environment;</p> <p>b. location, scale and design of buildings or structures;</p> <p>c. at zone interfaces:</p> <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</li> </ul> <p>d. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</p> <p>e. the adequacy of roading infrastructure to service the proposed activity;</p> <p>f. managing natural hazards;</p> <p>g. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and</p>	<p>These matters are considered to be adequately addressed within this application and the previous applications.</p>



<p>h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>	
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### Proposed Far North District Plan Objectives & Policies & Weighting

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*<sup>3</sup>, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Rural Residential Zone however this has still been provided. The proposal is not deemed to offend the relevant objectives and policies for the ODP and PDP.

## 9.0 CONCLUSIONS

2 Cochrane Drive, Kerikeri  
127 Commerce Street, Kaitaia  
PO Box 318  
Paihia



Phone [ 09] 407 5253; Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) : [www - bayplan.co.nz](http://www.bayplan.co.nz)

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District Services Department  
Far North District Council  
John Butler Centre  
Kerikeri

Attention: RC Team Leaders.

5 December 2023.

Dear all,

Re; Proposed Variation of Consent Conditions RC 2180192 – RMAVAR/A: Coopers Heights Limited, Freyja Crescent – Coopers Beach

We act for Coopers Heights Limited, who seek to carry out an additional variation of the above resource consent.

The variation 2180192 – RMAVAR/A focused on a number of changes after discussions with FNDC. The subsequent proposed variation is required to remove and amend other conditions that have been found to be impractical for a subdivision of this nature.

Please now find attached the applicable resource consent application [variation] request. Do not hesitate to contact me should you require any further information.

Yours faithfully,

A black rectangular box redacting the signature of Steven Sanson.

Steven Sanson

- 9.1 The proposed variation of the conditions and the subdivision has been assessed against the provisions applicable under the District Plan with the conclusion that these can be met. It is therefore considered that Council can grant consent to the proposed variation as the other conditions of consent will continue to apply.
- 9.2 The Assessment of Environmental Effects concluded that the effects of the proposed changes would be less than minor.
- 9.3 The application has also been assessed as not being in conflict with the statutory provisions of the Act in respect of section 127, the assessment of discretionary activities under section 104 and the overall purpose of the Act as contained in Part II. The application is therefore considered to pass the statutory tests of the RMA.
- 9.4 As effects on the environment were assessed as being less than minor, no persons are considered to be adversely affected. On this basis the application can be processed without public or limited notification. We therefore look forward to a favourable response from Council.



Steven Sanson  
Consultant Planner



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **614216**  
**Land Registration District** **North Auckland**  
**Date Issued** 09 August 2013

**Prior References**  
409685

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**Estate** Fee Simple  
**Area** 1.2510 hectares more or less  
**Legal Description** Lot 21 Deposited Plan 463703  
**Registered Owners**  
Coopers Heights Limited

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**Interests**

Excepting all minerals within the meaning of the Land Act 1924 on or under the land  
Subject to Section 8 Coal Mines Amendment Act 1950

Appurtenant hereto are drainage rights specified in Easement Certificate D491137.1 - 27.3.2000 at 2.35 pm  
D529997.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - Produced 7.8.2000 at 9.00 am and  
entered 6.9.2000 at 10.55 am

5531376.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 25.3.2003 at 9:00 am

6023684.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 31.5.2004 at 9:00 am

6654577.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.11.2005 at 9:00 am

7890742.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.7.2008 at 10:41 am

Land Covenant in Easement Instrument 7890742.8 - 28.7.2008 at 10:41 am

Appurtenant hereto is a right to drain water and sewage created by Easement Instrument 9458438.5 - 9.8.2013 at 4:45 pm

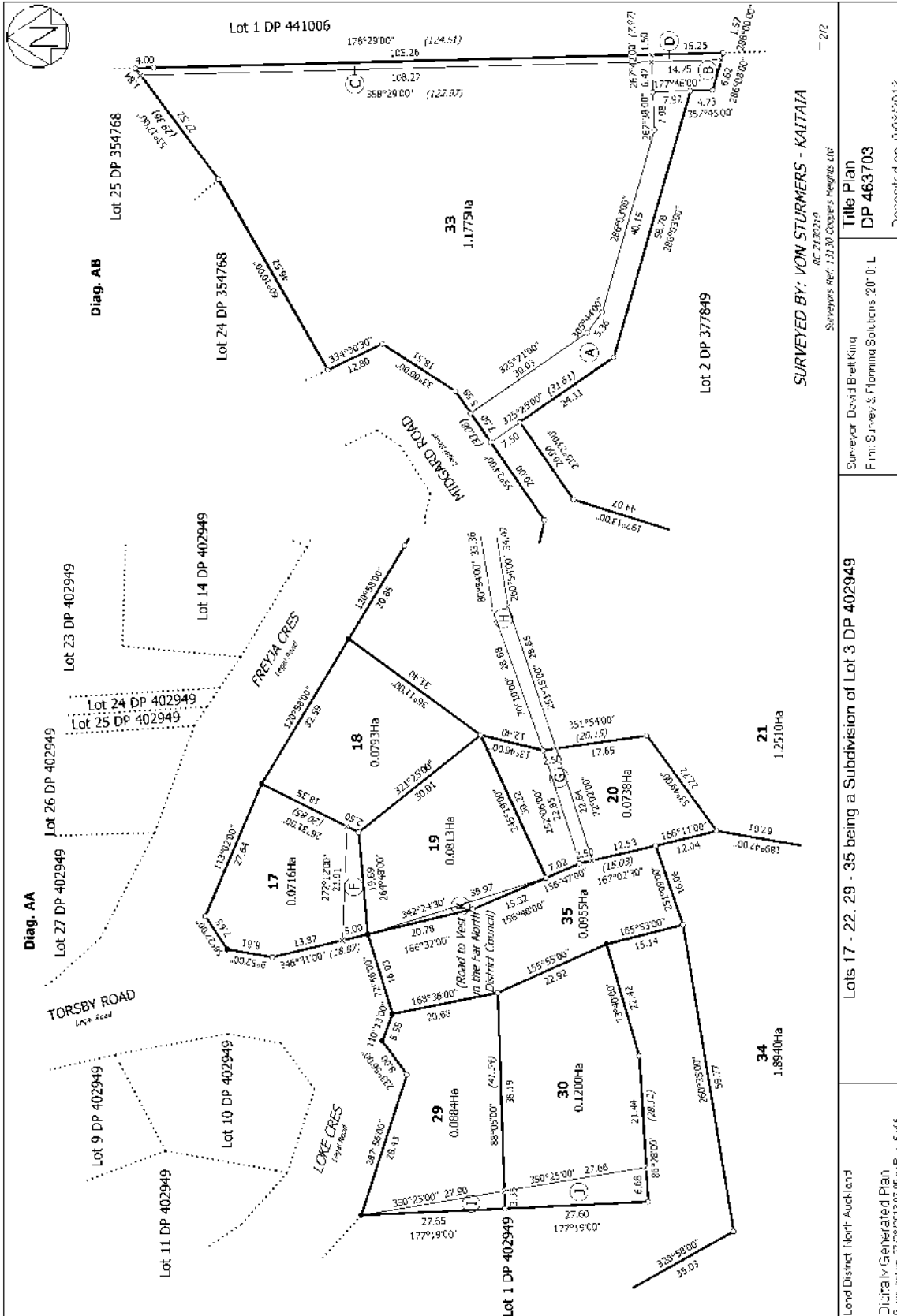
The easements created by Easement Instrument 9458438.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to drain water and sewage (in gross) over part marked H on DP 463703 in favour of the Far North  
District Council created by Easement Instrument 9458438.6 - 9.8.2013 at 4:45 pm

The easements created by Easement Instrument 9458438.6 are subject to Section 243 (a) Resource Management Act 1991







Lot 17 - 22, 29 - 35 being a Subdivision of Lot 3 DP 402949 Title Plan DP 463703 Deposited on: 9/08/2013	Surveyor: David Breckling Firm: Survey & Planning Solutions 2000 L
Lot 17 - 22, 29 - 35 being a Subdivision of Lot 3 DP 402949 Title Plan DP 463703 Deposited on: 9/08/2013	Surveyed By: VON STURMERS - KAITIAKI Date: 06/21/2019 Surveyors: 131, 30 Cooper, Higgins Ltd
Lot 17 - 22, 29 - 35 being a Subdivision of Lot 3 DP 402949 Title Plan DP 463703 Deposited on: 9/08/2013	Lot District North Auctions Digitally Generated Plan Generated on: 27/06/2013 9:05am IP: 51.6.6



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Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **862501**  
**Land Registration District** **North Auckland**  
**Date Issued** 16 October 2018

**Prior References**  
614217

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**Estate** Fee Simple  
**Area** 2.5850 hectares more or less  
**Legal Description** Lot 22 Deposited Plan 463703  
**Registered Owners**  
Coopers Heights Limited

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**Interests**

Excepting all minerals within the meaning of the Land Act 1924 on or under the land  
Subject to Section 8 Coal Mines Amendment Act 1950

Appurtenant hereto are drainage rights specified in Easement Certificate D491137.1 - 27.3.2000 at 2.35 pm  
D529997.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - Produced 7.8.2000 at 9.00 am and  
entered 6.9.2000 at 10.55 am

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6654577.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.11.2005 at 9:00 am

7890742.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.7.2008 at 10:41 am

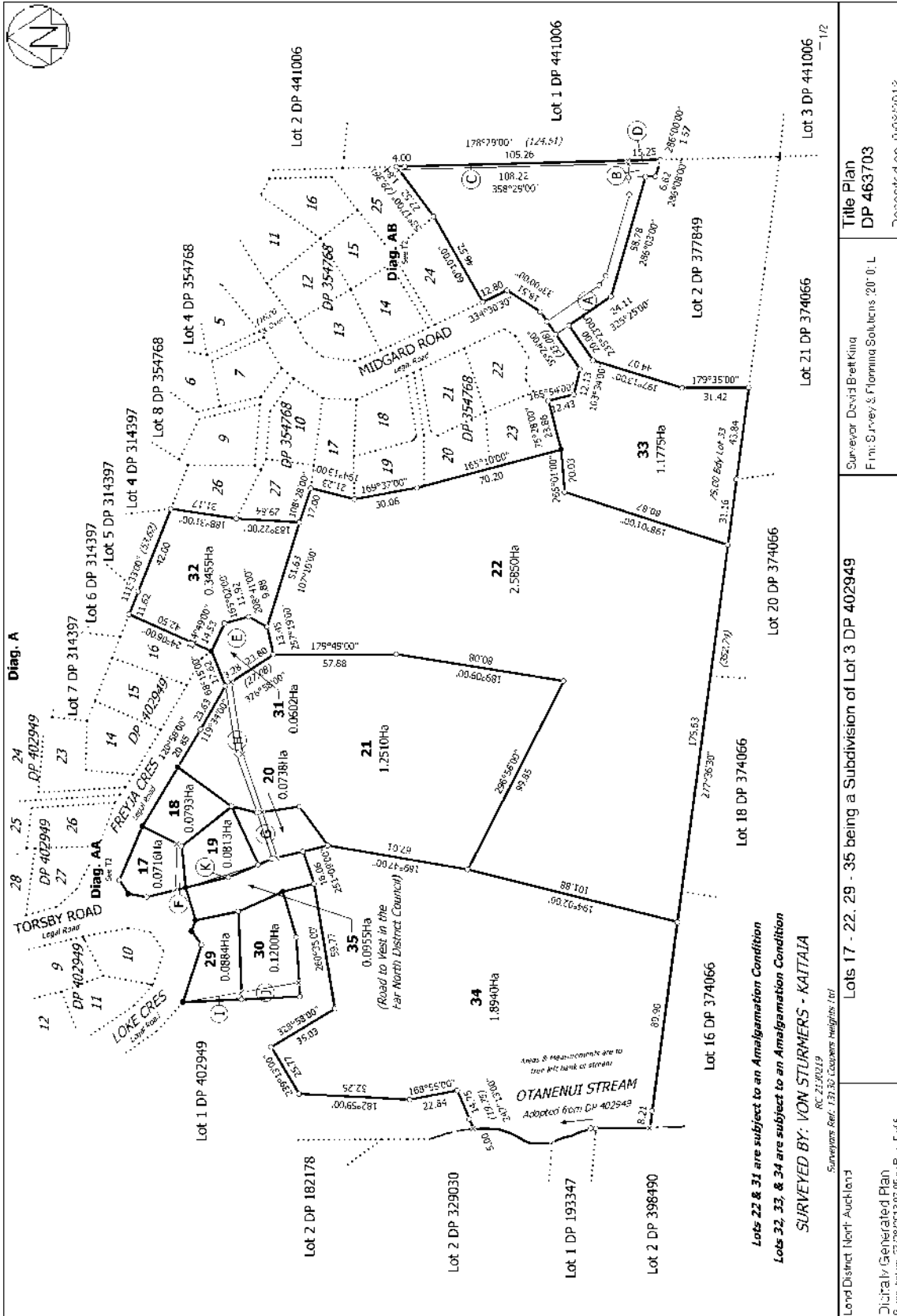
Land Covenant in Easement Instrument 7890742.8 - 28.7.2008 at 10:41 am

11525321.1 CAVEAT BY ROBERT JOHN VARTAN, JANICE MARGARET VARTAN AND FAR NORTH TRUSTEE  
SERVICES 2012 LIMITED - 3.9.2019 at 4:03 pm

11800243.1 CAVEAT BY TOP ENERGY LIMITED - 14.7.2020 at 12:39 pm

12271846.1 CAVEAT BY RODNEY FORD AND IMELDA FORD - 14.10.2021 at 3:21 pm

12774653.2 Mortgage to Squirrel P2P Trustee Limited - 17.7.2023 at 4:42 pm



**Title Plan**  
**DP 463703**  
 Deposited on: 9/08/2013

Surveyor: David Brett King  
 Firm: Survey & Planning Solutions (2010) Ltd

**Lot 17 - 22, 29 - 35 being a Subdivision of Lot 3 DP 402949**

**Lot 1 DP 193347**  
**Lot 2 DP 182178**  
**Lot 2 DP 329030**  
**Lot 1 DP 193347**  
**Lot 2 DP 398490**  
**Lot 1 DP 402949**  
**Lot 2 DP 354768**  
**Lot 3 DP 354768**  
**Lot 4 DP 354768**  
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**Lot 32 DP 354768**  
**Lot 33 DP 354768**  
**Lot 34 DP 354768**  
**Lot 35 DP 354768**



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 996275  
**Land Registration District** North Auckland  
**Date Issued** 22 June 2021

**Prior References**  
862475

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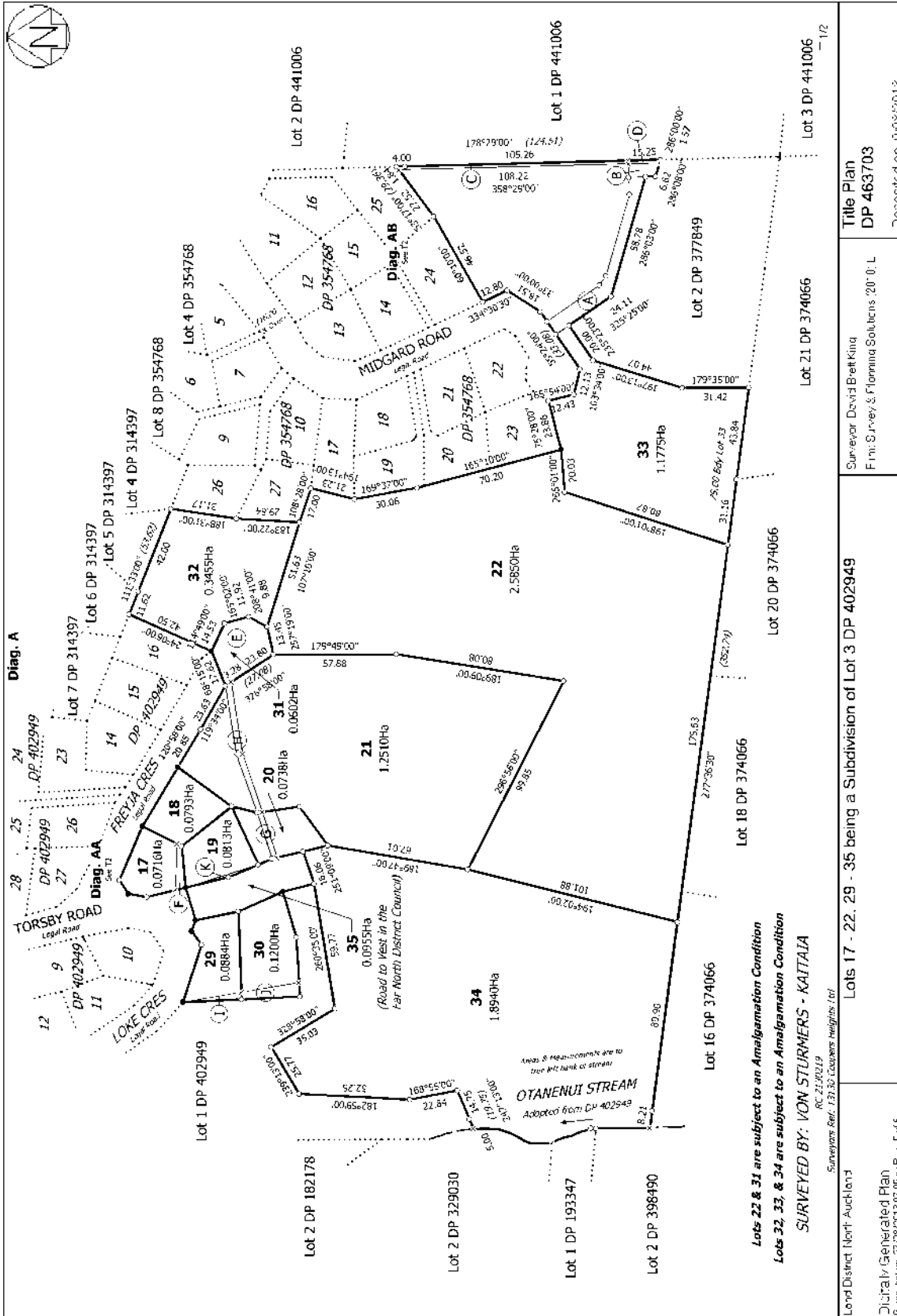
**Estate** Fee Simple  
**Area** 1.8940 hectares more or less  
**Legal Description** Lot 34 Deposited Plan 463703  
**Registered Owners**  
Coopers Heights Limited

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**Interests**

Excepting all minerals within the meaning of the Land Act 1924 on or under the land  
Subject to Section 8 Coal Mines Amendment Act 1950

Appurtenant hereto are drainage rights specified in Easement Certificate D491137.1 - 27.3.2000 at 2:35 pm  
7890742.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 28.7.2008 at 10:41 am  
Land Covenant in Easement Instrument 7890742.8 - 28.7.2008 at 10:41 am  
12175482.2 Mortgage to Family Finance Limited - 16.7.2021 at 11:27 am



Lot 1 DP 441006  
 Lot 2 DP 374066  
 Lot 3 DP 441006  
 Lot 4 DP 354768  
 Lot 5 DP 314397  
 Lot 6 DP 314397  
 Lot 7 DP 314397  
 Lot 8 DP 354768  
 Lot 9 DP 402949  
 Lot 10 DP 402949  
 Lot 11 DP 402949  
 Lot 12 DP 402949  
 Lot 13 DP 402949  
 Lot 14 DP 402949  
 Lot 15 DP 402949  
 Lot 16 DP 374066  
 Lot 17 DP 402949  
 Lot 18 DP 374066  
 Lot 19 DP 402949  
 Lot 20 DP 374066  
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 Lot 22 DP 354768  
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 Lot 31 DP 402949  
 Lot 32 DP 402949  
 Lot 33 DP 374066  
 Lot 34 DP 402949  
 Lot 35 DP 402949

Lot 1 DP 193347  
 Lot 2 DP 329030  
 Lot 3 DP 398490  
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 Lot 7 DP 314397  
 Lot 8 DP 354768  
 Lot 9 DP 402949  
 Lot 10 DP 402949  
 Lot 11 DP 402949  
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 Lot 16 DP 374066  
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Lot 1 DP 193347  
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 Lot 33 DP 374066  
 Lot 34 DP 402949  
 Lot 35 DP 402949



**The following changes are proposed to be made to the consent conditions for RC 2180192-RMAVAR/A**

**Delete Condition 3 (b)(i) and (b)(x)**

- (b) Submit engineering plans and details of all works for certification by Council's Resource Consents Engineer. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404: 2010, unless otherwise specified in this condition, for certification by the Development Engineering Officer or delegated representative.

In particular, the plans shall show:

- (i) ~~The intersection of Torsby Road and Freyja Crescent to be line marked to a Give Way Controlled Intersection in accordance with the MOTSAM Part 2: Section 3 Intersection Pavement Markings March 2011;~~

- (ii) Signage associated with the new development, including the road name and speed limit of 15km/h;

*Note to the condition: The speed limit may be increased to 20km/h if that is found to be a more practicable operational limit.*

- (iii) The internal roading design within the access Lot, 22, to have a carriageway width of 5m, maximum gradient of 1:12 and be formed to Council pavement standards more specifically Section 3.3.16.3 of NZS 4404: 2010;

*Note to the condition: The internal access areas is to be for private use and will operate in a two-way movement. The width will be consistent at 5.0m.*

- (iv) The internal roading design to show the location of parking bays.
- (v) The provision of a reticulated sanitary sewer network, with a connection to the boundary of Lots 2-21;
- (vi) The provision and location of 2 x 25,000 litre water tanks for dedicated firefighting purposes, that meet the requirements of Fire and Emergency New Zealand;
- (vii) A reticulated pipe and swale stormwater system for Lots 1-24, and associated outfall structures including erosion and scour controls, and on-site retention methods;
- (viii) Management of the stormwater system for the internal roading network, detailing that all stormwater runoff can be managed within the access Lots 1, 22, 23 and 24 without overflowing into adjacent Lots and compromising pavement width;

- (ix) Stormwater mitigation measures for Lots 1-24 limiting flows to a predevelopment level for a 10% ARI event plus an allowance for climate change. Where reliance on an existing system is proposed, as-builts, design calculations and a maintenance inspection report shall be supplied to demonstrate compliance with this requirement, including any recommendations for remedial measures to achieve compliance;
- (x) ~~Earthwork controls to manage address erosion and sediment; and,~~
- (xi) A design certificate (PS1) signed by a Chartered Professional Engineer.

## Reasons

Condition 3 (b)(i) – This road was vested in 2007, therefore this is not the responsibility of the developer.

Condition 3 (b)(x) - Earthworks completed long ago in accordance with the outcome of the hearing.

## Delete Condition 3(c)

~~Submit for the certification of Council's Monitoring Manager a **Landscape Integration Plan** 20-working days prior to roadworks commencing. The Plan shall be consistent with Landscape Concept contained in Appendix 2 of the evidence of Simon Cocker. The purpose of the Plan is to integrate the development into the surrounding Landscape Context on the Access and Common Lots 1, 22, 23 and 24 and shall include at least the following:~~

- ~~(i) All access areas shall be formed with recessive materials, e.g. blue metal, concrete with the aggregate exposed or concrete with a black oxide additive.~~
- ~~(ii) The location and species of specimen street trees and the landscape treatment of all areas of the access lots not concreted for access, including details of a suitable growing medium and root zone area, and maintenance regime and period. Street trees and landscape areas shall be located at intervals along the access lots, and within a 1.5m strip on properties adjoining the access lots. Additional trees shall be planted to highlight entrances, nodes and junctions. Trees shall be situated where they do not affect pedestrian and vehicular safety and the efficient use of the access lots;~~
- ~~(iii) A comprehensive Landscape Revegetation and Development Plan for the watercourse and stormwater pond on Lot 23. The Plan shall detail native species, sizes, spacings, preparation and the maintenance regime and period. It shall also identify areas subject to managed rehabilitation of native vegetation, and specify the management regime for these areas;~~
- ~~(iv) A Lighting Plan showing the location and style of bollard lights and streetlights. Streetlights shall be provided the entrance to Freyja Crescent, the northern end of Lots 10 and 14 and the southern end of Lot 13;~~
- ~~(v) The location and design of street furniture;~~
- ~~(vi) The location and screening design for the 2 x 25000l fire-fighting tanks;~~
- ~~(vii) The location and screening design for communal refuse collection point;~~
- ~~(viii) The location and design of letterboxes; and~~
- ~~(ix) The alignment of pedestrian linkages within the access and common lots.~~

~~The Plan shall be prepared in conjunction with and reference to the Engineering Design Plans in Condition 3b and shall demonstrate integration with pedestrian access, parking spaces, and stormwater design.~~

### **Reason**

This should be removed as the Landscape plan was submitted in 2020 and the residents association should be empowered to manage its implementation.

### **Delete Condition 4 (a), (e) and (f)**

4. Prior to the issuing of a certificate pursuant to section 224(c) of the RMA, the consent holder shall:
  - (a) ~~Ensure that excavation and filling works, including any retaining structures and any necessary de-watering requirements and methods, are prepared and supervised by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise.~~
  - (b) Ensure that in the event of an “accidental discovery” of archaeological material the following steps must be taken:
    - (i) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity condition;
    - (ii) The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area;
    - (iii) The contractor/works supervisor/owner will notify the Area Archaeologist of the Heritage New Zealand (Northland Office), tangata whenua and any required statutory agencies if this has not already occurred;
    - (iv) Heritage New Zealand will appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material;
    - (v) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes;
    - (vi) If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of Heritage New Zealand, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga;
    - (vii) Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

- (c) Following completion of construction, provide a works producer statement or certificate from a Chartered Professional Engineer ~~who monitored the works~~, certifying that the works have been completed in accordance with the approved engineering plans, Far North District Council: Engineering Standards & Guidelines 2009 and NZS 4404: 2010, for certification by the Far North District Council's Senior Environmental Engineering Officer.
- (d) A PS4 and PS3 (producer statements) for private works and Schedule 1B and Schedule 1C for subdivision and vested works including supporting evidence of inspections by those persons shall be provided to Council prior to the condition being met. Council may carry out an inspection at their discretion.
- (e) ~~Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum period of 12 months.~~
- (f) ~~Submit written confirmation from a suitably qualified Landscape Architect that the works subject to the Landscape Integration Plan have been completed, or that completion is planned in a reasonable timeframe, in accordance with the certified Plan.~~

## Reasons

Condition 4 (a) - All work was completed in 2022. It is not an appropriate condition for 224.

Condition 4 (e) - The work was completed well over 12 months ago and so this is now irrelevant.

Condition 4 (f) –This should be removed as the resident's association should be empowered to make these decisions.



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

**Resource Consent Number: 2180192-RMAVAR/A**

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

**Northstar Limited**

**The activity to which this decision relates:**

To change the conditions of RC 2180192 RMACOM which was a proposal to subdivide land situated at Freyja Crescent, Coopers Beach to create 20 residential lots (Lots 2-21), amalgamated shared access lot (Lot 22) and common lots (Lots 1, 23 and 24), balance lot (Lot 25) and an amalgamated balance lot (Lot 26 and Lot 34 DP 463703) and further, including the cancellation of consent notices on the underlying titles.

**Subject Site Details**

Address:	38 Torsby Road, Coopers Beach 0420, 7 Freyja Crescent, Coopers Beach 0420, 5 Freyja Crescent, Coopers Beach 0420, Lot 22, Freyja Crescent, Coopers Beach 0420, Lot 2, Torsby Road, Coopers Beach 0420
Legal Description:	Lot 2 DP 402949 Lots 32-34 DP 463703, Lots 22 31 DP 463703, Lot 21 DP 463703, Lot 22 DP 463703, Lot 2 DP 402949 Lot 34 DP 463703
Certificate of Title reference:	CT-614474, CT-614217, CT-614216, CT-862501, CT-862475

**The following changes are made to the consent conditions:**

**Amend Decision A Subdivision, condition 3 (b)**

Prior to the approval of the survey plan pursuant to section 223 of the RMA, the consent holder shall:

(b) Submit engineering plans and details of all works for certification by Council's Resource Consents Engineer ~~prior to commencing construction~~. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404: 2010, unless otherwise specified in this condition, for certification by the Development Engineering Officer or delegated representative.

In particular, the plans shall show:

(i) ~~The Cul-de-sac road drainage and footpaths connections from the existing footpaths on Freyja Crescent;~~

~~(ii) The Cul-de-sac to be designed and constructed to an Urban Type B standard in conjunction with NZS 4404: 2010, more specifically Figure 3.3 and shall be surfaced with 50mm thick Dense Grade 14 hot mix asphalt or 150mm thick reinforced concrete with heavy duty mountable kerb and channels. The Cul-de-sac pavement shall be designed in accordance with the Austroads guides with a design life of 25 years;~~

~~(iii) Lighting at the Cul-de-sac to be designed to NZTA M30:2014 specifications and Guidelines for Roadway Lighting Design;~~

~~Note: If at the time of submission of this design, the Cul-de-sac has been formed and signed off by the Far North District Council, Conditions 3(b)(i), (ii) and (iii) shall be fulfilled;~~

~~(iv) The new vehicle crossing from the Freyja Crescent Cul-de-sac to the proposed Stage 1 development to be constructed to Far North District Council S/2-B standard;~~

~~(iv) The internal roading design to show the location of parking bays, speed bumps and street trees;~~

~~(vi) The provision and location of 4-2 x 25,000 litre water tanks for dedicated firefighting purposes, that meet the requirements of Fire and Emergency New Zealand;~~

#### **Amend condition 3(c)(vi)**

Submit for the certification of Council's Monitoring Manager a **Landscape Integration Plan** 20 working days prior to roadworks commencing. The Plan shall be consistent with Landscape Concept contained in Appendix 2 of the evidence of Simon Cocker. The purpose of the Plan is to integrate the development into the surrounding Landscape Context on the Access and Common Lots 1, 22, 23 and 24 and shall include at least the following:

(vi) The location and screening design for the 4 2x 25000L fire-fighting tanks;

#### **Delete condition 3(d)**

~~(d) Provide to the Infrastructure and Asset Manager, a road condition assessment for St Johns Road and Torsby Road 5 working days prior to construction works commencing. The report shall include, as a minimum but not limited to information on:~~

- ~~(i) Road condition;~~
- ~~(ii) Kerb and channel;~~
- ~~(iii) Vehicle crossing points;~~
- ~~(iv) Catch pits and manholes;~~
- ~~(v) Footpaths;~~
- ~~(vi) Signs;~~
- ~~(vii) Street lighting; (viii) Reserve areas;~~
- ~~(ix) Road side berms conditions; and~~
- ~~(x) Road drainage infrastructure.~~

~~The developer will be responsible for the ongoing maintenance of the carriageway for the duration of the construction period, and for any remediation works required.~~

#### **Delete condition 3(e)**

~~(e) Submit for certification by the Council's Resource Consents Engineer a Construction Traffic Management Plan and Corridor Access Request 20 working days prior to roadworks or subdivision works commencing. The purpose of the Plan is to manage traffic safety on local roads during construction and shall include at least the following:~~

- ~~(i) Expected duration of works and hours of operation;~~



- ~~(ii) Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other users of the surrounding roading network;~~
- ~~(iii) The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits.~~
- ~~(iv) Methods to educate the workforce and suppliers of the site to limit their speed to 40km/hr on St John and Torsby Roads.~~
- ~~(v) Measures to repair any damage, as part of the subdivision works, to the neighbouring public roadways.~~

~~The Construction Traffic Management Plan may be included as part of the Construction Management Plan.~~

~~Note to the condition:~~

~~Within 5 working days of receiving the information required under this condition the Resource Consent Engineer shall confirm whether or not sufficient information has been received. Where sufficient information has been lodged and the documents have not been approved with the 20 working days of being lodged the consent holder is authorised to undertake methodology provided to Council.~~

### **Delete condition 3(f)**

~~(f) Submit for certification by the Council's Resource Consents Engineer a Construction Management Plan 20 working days prior to undertaking bulk earthworks for the subdivision. The purpose of the Plan is to detail site management procedures for the following matters:~~

- ~~(i) The expected duration of works, including hours of operation and key project and site management personnel and their contact details;~~
- ~~(ii) The measures proposed to minimise silt and sediment runoff during earthworks, and location of such measures. Such mitigation measures shall include interception drains, collection drains, silt fences, settlement ponds and points of discharge to vegetated areas;~~
- ~~(iii) Control of dust and noise on-site and any necessary avoidance or remedial measures;~~
- ~~(iv) Prevention of earth and other materials being deposited on surrounding roads from vehicles and remedial actions should it occur; and~~
- ~~(v) The proposed stormwater control works to be in place prior to and during construction.~~

~~Note to the condition:~~

~~Within 5 working days of receiving the information required under this condition the Resource Consent Engineer shall confirm whether or not sufficient information has been received. Where sufficient information has been lodged and the documents have not been approved with the 20 working days of being lodged the consent holder is authorised to undertake the methodology provided to Council.~~

### **Delete condition 4(a) and (b)**

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

~~(a) Following the certification of the plans required above (under 3(b), (c), (f) and (g)), provide to Council written confirmation of the planned start date for works, at least 5 working days prior to works commencing.~~

~~(b) Ensure copies of this consent and the approved plans under Condition 3 are held on site at all times and persons working on the site are made aware of and have access to these documents.~~

#### **Amend condition 4(g)**

(g) Provide evidence that a **maintenance agreement** has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum period of 12 months. ~~A maintenance bond to the minimum value of 10% of the construction cost, shall be held by Council until the maintenance period is completed.~~

#### **Delete Conditions (h) and (i)**

~~(h) Provide a bond for the provision of an anniversary reseal. Approval of the anniversary reseal design and inspection will be required from the Reading Manager or designate, to determine the extent of works or if a reseal is required after a period of 24 months.~~

~~(i) Provide an infrastructure condition assessment report that evaluates the post construction reading infrastructure condition and remedial works to the satisfaction of the Reading Manager. The report shall include as a minimum but not limited to information on:~~

- ~~(i) Re-evaluation of report provided to meet condition 3(d), note the differences, damage and assessment of the current condition of the road infrastructure between construction phases;~~
- ~~(ii) Any repairs conducted to reading infrastructure during construction;~~
- ~~(iii) Kerb and channel, vehicle crossing points, catch pits and manholes, footpaths, signs, street lighting, reserve areas and roadside berms condition; and~~
- ~~(iv) Road drainage infrastructure.~~

#### **Amend condition 4(j)**

(j) Submit written confirmation from suitably qualified Landscape Architect that the works subject to the Landscape Integration Plan have been completed, or that completion is planned in a reasonable time frame, in accordance with the certified Plan.

#### **Delete condition 4(o)**

~~(o) Provide confirmation from the Building Consent Authority or evidence that a Building Code Compliance certificate has been issued confirming that the reticulated wastewater system is installed and includes connections to Lots 2-21.~~

#### **Amend condition 4(t)(vi)iii**

All retaining structures or fences are constructed from natural materials, at no more than 4-6 1.7m in height and shall be finished in a recessive colour or screened with planting;

#### **Amend condition 4(t)(vii)**

The subdivision provides a resource consent for up to 50% impermeable surfaces. At the time of building consent on any lot, the development shall include a ~~5,000 attenuation tank connected~~ connection to the reticulated on-site stormwater system to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the Consent Notice during a design 10% Annual Exceedance Probability storm event, with a recognised allowance for climate change.

### **Delete Advice Notes 3:**

~~3. The consent holder will need to, when conducting works in or close to a road reserve, submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP) prior to any construction commencing.~~

### **Amend Decision B -Landuse: Condition 6**

~~Minor changes to the house plans submitted at the time of Building Consent application(s) shall be permitted, subject to compliance with Conditions 2-5 of this consent and all Consent Notices on the title, particularly compliance with the Design Guidelines. Any changes to the house plans shall be certified by the RMA Consents Manager as being in general accordance with the scale, intensity and character of the approved plans referenced in Condition 1 above.~~

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

#### **Decision A – Subdivision:**

To carry out a subdivision of land to create 20 residential lots (Lots 2-21), amalgamated shared access lot (Lot 22) and common lots (Lots 1, 23 and 24), balance lot (Lot 25) and an amalgamated balance lot (Lot 26 and Lot 34 DP 463703) in the Rural Living zone.

**Pursuant to Sections 108 of the Resource Management Act (RMA), this subdivision consent is issued subject to the following conditions:**

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Von Sturmern, referenced 13130.03, dated August 2017 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to section 223 of the RMA shall show:
  - (a) Easements for wastewater drainage over Lots 1-26;
  - (b) Easements in gross for stormwater primary flow pipelines and overland flowpaths, stormwater control and attenuation, and showing adequate width and capacity for service clearances and maintenance access;
  - (c) The amalgamation Condition that Lot 26 hereon and Lot 34 DP 463703 (pt CFR 614474) be held in the same Computer Freehold Register; and
  - (d) The amalgamation Condition that Lots 1, 22, 23 and 24 hereon be held in the same Computer Freehold Register. [ See 1614710 ]
3. Prior to the approval of the survey plan pursuant to section 223 of the RMA, the consent holder shall:
  - (a) Provide written confirmation from the water and power utility services operators of their consent conditions in accordance with Far North District Council: Engineering Standards & Guidelines 2009 and show any necessary easements on the survey plan. This shall include confirmation that a

reticulated water supply is to be provided within the subdivision, to be available for connection to the residential lots in the subdivision.

- (b) Submit engineering plans and details of all works for certification by Council's Resource Consents Engineer. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines 2009 and NZS 4404: 2010, unless otherwise specified in this condition, for certification by the Development Engineering Officer or delegated representative.

In particular, the plans shall show:

- (i) The intersection of Torsby Road and Freyja Crescent to be line marked to a Give Way Controlled Intersection in accordance with the MOTSAM Part 2: Section 3 Intersection Pavement Markings March 2011;
- (ii) Signage associated with the new development, including the road name and speed limit of 15km/h;

*Note to the condition: The speed limit may be increased to 20km/h if that is found to a more practicable operational limit.*

- (iii) The internal roading design within the access Lot, 22, to have a carriageway width of 5m, maximum gradient of 1:12 and be formed to Council pavement standards more specifically Section 3.3.16.3 of NZS 4404: 2010;

*Note to the condition: The internal access areas is to be for private use and will operate in a two-way movement. The width will be consistent at 5.0m.*

- (iv) The internal roading design to show the location of parking bays.
- (v) The provision of a reticulated sanitary sewer network, with a connection to the boundary of Lots 2-21;
- (vi) The provision and location of 2 x 25,000 litre water tanks for dedicated firefighting purposes, that meet the requirements of Fire and Emergency New Zealand;
- (vii) A reticulated pipe and swale stormwater system for Lots 1-24, and associated outfall structures including erosion and scour controls, and on-site retention methods;
- (viii) Management of the stormwater system for the internal roading network, detailing that all stormwater runoff can be managed within the access Lots 1, 22, 23 and 24 without overflowing into adjacent Lots and compromising pavement width;
- (ix) Stormwater mitigation measures for Lots 1-24 limiting flows to a pre-development level for a 10% ARI event plus an allowance for climate change. Where reliance on an existing system is proposed, as-builts, design calculations and a maintenance inspection report shall be supplied to demonstrate compliance with this requirement, including any recommendations for remedial measures to achieve compliance;

- (x) Earthwork controls to manage address erosion and sediment; and,
  - (xi) A design certificate (PS1) signed by a Chartered Professional Engineer.
- (c) Submit for the certification of Council's Monitoring Manager a **Landscape Integration Plan** 20 working days prior to roadworks commencing. The Plan shall be consistent with Landscape Concept contained in Appendix 2 of the evidence of Simon Cocker. The purpose of the Plan is to integrate the development into the surrounding Landscape Context on the Access and Common Lots 1, 22, 23 and 24 and shall include at least the following:
- (i) All access areas shall be formed with recessive materials, e.g. blue metal, concrete with the aggregate exposed or concrete with a black oxide additive.
  - (ii) The location and species of specimen street trees and the landscape treatment of all areas of the access lots not concreted for access, including details of a suitable growing medium and root zone area, and maintenance regime and period. Street trees and landscape areas shall be located at intervals along the access lots, and within a 1.5m strip on properties adjoining the access lots. Additional trees shall be planted to highlight entrances, nodes and junctions. Trees shall be situated where they do not affect pedestrian and vehicular safety and the efficient use of the access lots;
  - (iii) A comprehensive Landscape Revegetation and Development Plan for the watercourse and stormwater pond on Lot 23. The Plan shall detail native species, sizes, spacings, preparation and the maintenance regime and period. It shall also identify areas subject to managed rehabilitation of native vegetation, and specify the management regime for these areas;
  - (iv) A Lighting Plan showing the location and style of bollard lights and streetlights. Streetlights shall be provided the entrance to Freyja Crescent, the northern end of Lots 10 and 14 and the southern end of Lot 13;
  - (v) The location and design of street furniture;
  - (vi) The location and screening design for the 2 x 25000l fire-fighting tanks;
  - (vii) The location and screening design for communal refuse collection point;
  - (viii) The location and design of letterboxes; and
  - (ix) The alignment of pedestrian linkages within the access and common lots.

The Plan shall be prepared in conjunction with and reference to the Engineering Design Plans in Condition 3b and shall demonstrate integration with pedestrian access, parking spaces, and stormwater design.

4. Prior to the issuing of a certificate pursuant to section 224(c) of the RMA, the consent holder shall:
- (a) Ensure that excavation and filling works, including any retaining structures and any necessary de-watering requirements and methods, are prepared and supervised by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise.
  - (b) Ensure that in the event of an “accidental discovery” of archaeological material the following steps must be taken:
    - (i) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity condition;
    - (ii) The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area;
    - (iii) The contractor/works supervisor/owner will notify the Area Archaeologist of the Heritage New Zealand (Northland Office), tangata whenua and any required statutory agencies if this has not already occurred;
    - (iv) Heritage New Zealand will appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material;
    - (v) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes;
    - (vi) If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of Heritage New Zealand, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga;
    - (vii) Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work commencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.
  - (c) Following completion of construction, provide a works producer statement or certificate from a Chartered Professional Engineer who monitored the works, certifying that the works have been completed in accordance with the approved engineering plans, Far North District Council: Engineering Standards & Guidelines 2009 and NZS 4404: 2010, for certification by the Far North District Council's Senior Environmental Engineering Officer.
  - (d) A PS4 and PS3 (producer statements) for private works and Schedule 1B and Schedule 1C for subdivision and vested works including supporting evidence of inspections by those persons shall be provided to Council prior to the condition being met. Council may carry out an inspection at their discretion.

- (e) Provide evidence that a **maintenance agreement** has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum period of 12 months.
- (f) Submit written confirmation from a suitably qualified Landscape Architect that the works subject to the Landscape Integration Plan have been completed, or that completion is planned in a reasonable timeframe, in accordance with the certified Plan.
- (g) Submit written confirmation from the water and electricity utility services operators that their service has been provided to the boundary of each lot, to their satisfaction.
- (h) Provide written confirmation from a Licenced Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to be certified by the Principal Planner or delegated representative.
- (i) Provide to Council **as-built plans** complying with schedule 1D of NZS4404: 2004 to show the location of new buried services on Council land or those vested in Council. In addition, on completion of works provide RAMM data in the required format.
- (j) Provide confirmation that consent notices referenced in Decision C have been cancelled or part cancelled from applying to subsequent Lots 1-26 and DP 34 DP463703.
- (k) Provide for Council's approval a preferred road name and two alternatives for the private road in accordance with Council's Road Naming and Numbering Policy. The consent holder is advised that in accordance with Community Board policy, road names should reflect the history of the area.
- (l) Pay to Council the cost of purchasing and installing a road name sign for the private road.
- (m) Provide for Council's Principal Planner approval, a legal document setting out the formation and responsibilities in perpetuity of an entity (eg. Incorporated Society or equivalent) for the purposes of:
  - (i) Assuming responsibility for all repairs and maintenance to services to the residential lots including roads, stormwater treatment and disposal, power, fire protection storage and pipelines;
  - (ii) Managing and coordinating ongoing maintenance and operation of the internal roading and access network, including all mitigation plantings and stormwater management measures, and communal facilities;
  - (iii) Ensuring that funding mechanisms are in place and operational for the purpose of achieving (i) and (ii) above, including ensuring it is mandatory for all owners within the development to join the Incorporated Society (or equivalent), and that a sinking fund is available to adequately fund these responsibilities; and
  - (iv) Require that a maximum of two full time occupants is permitted in any dwelling.
 And, provide a solicitor's undertaking to register the document as a private covenant against the titles of the affected Lots 1-24.

- (n) Secure the condition below by way of a **Consent Notice** issued under section 221 of the RMA, to be registered against the titles of **Lots 23, 26 and 34 DP463703**. The costs of preparing, checking and executing the Notice shall be met by the consent holder.
- (i) The ponds and overland flow paths on the site help mitigate the quality and quantity of the stormwater received from the residential lots located to the east. Any future development of the site must ensure that the water quality function of the ponds is maintained and the quantity controls ensure peak stormwater runoff from the developed lots do not exceed the runoff anticipated from the Consent Notice during a design 10% Annual Exceedance Probability storm event, with a recognised allowance for climate change .
- (o) Secure the conditions below by way of a **Consent Notice** issued under section 221 of the RMA, to be registered against the titles of **Lots 2-21**. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- (i) The owner shall be required to be a member of the Incorporated Society (or similar), shall contribute to the sinking fund to maintain the assets and facilities it is responsible for, and shall abide by all rules and obligations;
  - (ii) No more than two full time occupants shall reside in a dwelling;
  - (iii) The internal roading is not designed to Council Engineering Standards and Council takes no responsibility for its adequacy or safety;
  - (iv) At the time of a Building Consent application for a residential unit (dwelling, duplex or town house) a building and foundation design carried out by a Chartered Professional Engineer shall be provided to Council. The design and construction shall follow the recommendations in the Cook Costello Geotechnical Assessment Report dated September 2019 (reference 15121);
  - (v) Prior to commencing construction of any residential buildings, any fill material under the residential building is to be compacted and tested in accordance with NZS 4431 by a suitably qualified Chartered Professional Engineer and certified as suitable for the proposed construction, in accordance with the recommendations in the Cook Costello Geotechnical Assessment Report dated September 2019 (reference 15121)
  - (vi) At the time of a Building Consent application the owner shall demonstrate compliance with the following Design Controls:
    - i. The external colour of all buildings is to be consistent with the building plans included in the application;
    - ii. All paved areas are formed with recessive materials, e.g. blue metal, concrete with the aggregate exposed or concrete with a black oxide additive;



- iii. All retaining structures or fences are constructed from natural materials, at no more than 1.7m in height and shall be finished in a recessive colour or screened with planting;
- iv. Stormwater detention tanks are half buried and finished in a recessive colour;
- v. The landscaped 1.5m strip of the front yard shall be maintained in perpetuity.
- vi. No fencing is located in front yards. Where a site has multiple road frontages, the western or eastern boundary shall be the front yard;
- vii. Two on site car parks are provided. Reverse manoeuvring onto the Shared Access Lots is permitted; and
- viii. Clear numbering of the site address to easily identify it to road users.

(vii) The subdivision provides a resource consent for up to 50% impermeable surfaces. At the time of building consent on any lot, the development shall include a connection to the reticulated on site stormwater system, to ensure peak stormwater runoff from the developed lot does not exceed the runoff anticipated from the Consent Notice during a design 10% Annual Exceedance Probability storm event, with a recognised allowance for climate change.

(viii) The Council assumes no responsibility including costs toward the ongoing maintenance of the stormwater drainage and ponds within easements on Lot 23;

(ix) The lot owners shall maintain on an ongoing basis the stormwater control system which includes the pond and overland flow path on Lot 23;

(x) All stormwater originating from roofs, paved surfaces and tank overflow is to be piped to, and discharged into, the on-site reticulated system.

**Advice Notes:**

1. The consent holder will need to ensure that all construction works on-site are carried out in accordance with the noise limits recommended for residential areas in NZS 6803 1999 'Measurement and assessment of noise from construction, maintenance and demolition works'.
2. A building consent may be required for the installation of the private on site drainage system.

**Decision B – Landuse:**

To breach the following land use rules, as they relate to proposed lot boundaries for Lots 2-21, created by the subdivision approved under Decision A:

- Rule 8.7.5.1.1 Residential Intensity - for up to three residential units on Lot 14;
- Rule 8.7.5.1.5 Stormwater Management – maximum impervious surface of 50% on Lots 2-21;
- Rule 8.7.5.1.6 Setback from Boundaries –1.2m from all non-road boundaries on Lots 2-21;
- Rule 8.7.5.1.13 Building Coverage – up to 45% on Lots 2-21; and

- Rule 12.3.6.2.1 Excavation and Fill – for earthworks exceeding 300m<sup>2</sup> / year.

**Pursuant to Sections 108 of the Resource Management Act 1991 (RMA), this land use consent is issued subject to the following conditions:**

1. The activity shall be carried out in general accordance with the approved plans prepared by Hubert Neeson Architectural Design Ltd referenced 1606 – Sheets 1-7, dated 15 September 2016, and attached to this consent with the Council’s “Approved Stamp” affixed to them.
2. A future dwelling shall be constructed in general accordance with one of the house typologies in the approved plans in Condition 1 and within the building envelopes and site coverage areas created by Conditions 3 and 4.
3. The owner of each allotment shall ensure on an ongoing basis, that stormwater is disposed of to the reticulated stormwater system designed as part of the subdivision. Approval is given to Lots 2-21 to have impermeable surfaces of up to 50% and building coverage of up to 45% of the lot area.
4. Approval is given for 1.2m Setbacks on Lots 2–21 on any boundary other than a road boundary.
5. Approval is given for Lot 14 to contain up to three dwellings on one title, generally in accordance with the Terraced Unit concept typologies of the plans approved in Condition 1.
6. Minor changes to the house plans submitted at the time of Building Consent application(s) shall be permitted, subject to compliance with Conditions 2-5 of this consent and all Consent Notices on the title, particularly compliance with the Design Guidelines.

**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.
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. It is considered that granting/declining [delete one] 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 Consultant Planner (PlanningNZ), 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: 8<sup>th</sup> August 2022**

#### **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.