

Leeara Maxwell

From: Andrew McPhee <andrew@bayplan.co.nz>
Sent: Wednesday, 24 September 2025 8:17 am
To: Swetha Maharaj
Subject: 2260100-RMASUB, 52 Rotokawau Road, Waipapakauri
Attachments: Approved PIM Certificate.pdf

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Good morning Swetha

I would like to provide some important context in respect of this application before addressing your specific points below, principally, this application is for a three-lot subdivision only.

The application is only creating new titles around an existing, legally established development. All physical works, including the construction of the three dwellings, garages, wastewater systems, accessways, and any associated earthworks and vegetation clearance have been completed. There are no siting and design breaches resulting from the proposed subdivision.

The earthworks and vegetation clearance were mainly historical prior to the applicant owning the site and minor earthworks to facilitate the development that building consent EBC-2023-409/0. By way of further context, the entire site was previously planted in pines. The applicant has planted the tea tree that is existing and along with the previous landowner has been managing the gorse and wattle. There has been no vegetation clearance other than spraying wildling pines, gorse and wattle.

I have attached the approved Project Information Memorandum (PIM) associated with the approved building consent. Nothing was identified in the PIM requiring resource consent.

As this is Councils building consent, the processing officer can easily acquire the said building consent. This is far more practical as there are a number of large files included. Below is the extract from Far North Maps.

Far North Atlas / Kohinga Mahere

Regulatory Water services Hazards Natural environment District

Regulatory layers More information

- Address (LINZ)
- FNDC resource consents
- Building consents (FNDC) - public
- NRC current resource consents
- Easements / non-primary parcels (LINZ)
- Parcels (LINZ/FNDC)
- Contours (NRC)
- Māori land interests
- Zones - Proposed District Plan

Building consent: EBC-2023-409/0

Application description	3x Dwellings with Garages and 3x Water Systems
Lodged date	10/6/2022
Processing status	BC Issued
Application status	BC Issued
Decision date	11/9/2022

Building consent: EBC-2023-409/0

Decision type	BC GRANTED
Expiry date	11/8/2025
Legal description	Lot 2 DP 394720
Parcel ID	7069649
Property ID	3352083
Title	378745

As stated in the AEE, no land use consent was required as the density to implement the dwellings, and associated infrastructure was a permitted activity in the ODP.

The subdivision itself proposes no further land use change, no new construction, and no additional physical works. Therefore, it will not generate new environmental effects beyond those already existing from the permitted land use. Many of the points raised in your letter appear to relate to the effects of establishing the land use, not the effects of the subdivision. I question the justification for requesting information on matters that fall outside the scope of the activity for which consent is sought.

I respond to your specific points raised in the s92 request below.

Point 1 - Engineering: Sight Distance for the Entrance

The access from West Coast Road is existing and services the three legally established dwellings. The vehicle movements associated with this land use are an existing effect. The subdivision does not alter the location, design, or intensity of use of this access. As access was presumably addressed under building consent EBC-2023-409/0, I do not agree that a new assessment is required to assess the effects of a boundary change to support the established land use.

Points 2, 8 & 9. Cultural Heritage, Effects on Pā, and Archaeological Assessment

The AEE was prepared based on an assessment of the ODP (and PDP in part), which does not identify any scheduled cultural or archaeological sites on the property. While I acknowledge the CIA provided to you by Te Rūnanga o Ngāi Takoto presents new information, I reiterate that all physical disturbance associated with the development is complete. These works were either historic (prior to the applicant owning the site) or undertaken lawfully to establish the dwellings. I do not understand the rationale for a retrospective assessment of the effects of the construction on cultural heritage. This would appear outside the scope of this subdivision application as no development is proposed.

I note that the applicant purchased the property in 2017, at which time the roading/access through the site and building sites were already present/established, as is evident from the aerial images within the AEE (Figures 5-8). The only earthworks conducted under the applicant's ownership were minor slab cuts required for the new dwellings and the maintenance of existing access lanes, with volumes that did not require an earthworks permit. In respect of vegetation clearance, the property has had significant weed issues from prior forestry use and the overall plan for the site is to control these weeds to allow natives to regenerate.

I note that the approved plans subject to the building consent require as at 27 July 2022 the requirement for compliance with the Auckland Council Guidance Document GD005 for erosion and silt control and with the accidental discovery protocol. I note that the applicant maintains that no remains were found while undertaking the minor earthworks to cut the slabs for the dwellings. If there has been then they would have been reported as required, which is standard protocol for their construction company.

3 & 4. Vegetation Clearance & Earthworks

The AEE is clear that no earthworks are required as part of the subdivision and no vegetation clearance is proposed. As already mentioned, the clearance and earthworks visible on historical aerials was already present when the property was purchased. The enabling works for the consented dwellings were completed as a permitted activity. As this application does not propose any further such works, a request for information on the effects of past activities is not relevant to assessing the effects of the proposed subdivision.

5. Existing Dwellings

As stated in the AEE and above, building consent EBC-2023-409/0 has been granted by Council. Council can easily access this building consent to confirm. The approved building consent, which Council deemed did not require resource consent, is not relevant to this subdivision consent.

6 & 7. Setback from Lakes & NES-F

Compliance with these provisions relates to the land use activity of establishing the dwellings. This land use was permitted and subject to building consent approval. The subdivision does not change the physical location of the established dwellings in relation to any water body. Assessing these matters now is not relevant to the subdivision proposal, as the effect is already lawfully established.

10. Department of Conservation (DOC) Consultation

The land use is existing and established through building consent. The subdivision does not create any new or different effects on surrounding conservation land. Therefore, I do not consider DOC to be an affected party in relation to the subdivision proposal and do not agree that consultation is required.

11. Updated NPS-HPL Assessment

The AEE provides a thorough assessment of effects on highly productive land. It concludes that effects are negligible, as the dwellings are sited on unproductive Class 6 soil and the small areas of Class 3 soil are constrained by topography. The fragmentation of the land has already occurred as a result of the permitted land use. The subdivision merely formalises this outcome by putting legal boundaries around the existing dwellings. The analysis in the AEE is therefore considered robust and sufficient.

12. Updated AEE and Scheme Plans

In consideration of the points made in this email, I do not agree that an update of the AEE is necessary. This letter serves as our formal response to your s92 request and clarifies that the majority of the information sought relates to matters beyond the scope of the current subdivision application.

The application for Council to assess is for a subdivision to create titles for three legally established dwellings. It does not involve any further development. I respectfully request that, upon receipt of this clarification, you reconsider the necessity of the remaining information and proceed with the processing of this application on the basis that the effects of the subdivision are less than minor.

I am happy to meet to discuss these matters if it is considered necessary.

Kind regards
Andrew

From: Swetha Maharaj <Swetha.Maharaj@fndc.govt.nz>
Sent: Monday, 22 September 2025 3:07 pm
To: Andrew McPhee <andrew@bayplan.co.nz>; Office - Bay of Islands Planning <Office@bayplan.co.nz>
Subject: 2260100-RMASUB, 52 Rotokawau Road, Waipapakauri

Kia ora Andrew,

Find attached s92 request for further information for this application. Please note s37 (double timeframes), has also been applied to the application.

If you have any questions, or would like to have a meeting, let me know.



Swetha Maharaj

Senior Resource Planner - Resource Consents -

Tima Kakapo

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6494089407 | Swetha.Maharaj@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

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

fndc.govt.nz





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PROJECT INFORMATION MEMORANDUM

Section 34-39, Building Act 2004

Application Number: **EBC-2023-409/0**

THE BUILDING

Street Address of Building

52 Rotokawau Road, Waipapakauri 0486

Legal description of land where building is located:

Lot 2 DP 394720

Building Name:

Location of Building within site / block number:

Level/unit number:

THE OWNER

Name of Owner:

Sean Frieling and Leah Maree Frieling

Contact Person Name:

Sean Frieling and Leah Maree Frieling

Mailing Address:

295C State Highway 1

RD 2

Kaitaia 0482

Street Address / Registered Office:

Phone Number:

Landline:

Mobile:

027 3059767

Daytime:

After Hours:

Facsimile Number:

Email Address:

office@kustombuild.co.nz

Website:

First point of contact for communications with the Territorial Authority:

Leah or Sean Frieling

295C State Highway 1

RD 2

Kaitaia 0482

Email: office@kustombuild.co.nz

Ph: 027 3059767 or 021 855 080

Building Work

This assessment has been carried out for the following building work:

3x Dwellings with Attached Garages and 3x On-Site Wastewater Systems

Application Type:

Project Information Memorandum and Building Consent

Council is aware of the following information that affects your project:-

Heritage Status and Special Features of the Land

There are no known features affecting the heritage status of this site.

Natural Hazards

There are no known natural hazards affecting this site.

Land Features (Data from BRANZ Maps)

Wind zone: Extra high Earthquake zone: Zone 1

Exposure zone: Zone C Climate zone: Zone 1

Site Contamination

Council has no knowledge of any land contamination affecting this site.

Services Available to site

There are no services available to site.

Fire Evacuation Plan

N/A for the proposed building work.

Access and facilities for disabled persons

N/A for the proposed building work.

Network Utility Authorisations

N/A for the proposed building.

Building on two or more allotments

N/A for the proposed building work.

Details of authorisations which have been granted

N/A for the proposed building work.

Details of authorisations which have been refused

N/A for the proposed building work.

Notification of any authorisation which must be obtained before the proposed building work may be undertaken

N/A for the proposed building work.

This Project Information Memorandum is confirmation that

The proposed building work may be carried out subject to the requirements of a building consent and all other necessary authorisations being obtained.

Attachments

There are no attachments.

Signature:



Position:

Dr Dean Myburgh

On behalf of:

General Manager, District Services

Far North District Council (Building Consent Authority & Territorial Authority)

Date:

17-Oct-2022