

# Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes  No

If yes, who have you spoken with? \_\_\_\_\_

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. Consultation:

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

**Name/s:**

David John Nute & Julia Allison Nute

**Email:**

julianute@aol.com

**Phone number:**

**Work** 0275225817

**Home**

**Postal address:**

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

128 Te Kowhai Point Road

RD 1

Kerikeri

**Postcode**

0294

Office Use Only  
Application Number:

## 5. Address for Correspondence

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

Name/s:

Williams & King, Attention: Natalie Watson

Email:

Phone number:

Postal address:

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

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

## 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:

As per applicant details.

Property Address/  
Location:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postcode

## 7. Application Site Details

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

Name/s:

Site Address/  
Location:

128 Te Kowhai Point Road

RD1

Kerikeri

Postcode

0294

Legal Description:

Lot 2 DP 620252

Val Number:

00213-41622

Certificate of title:

1249888

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

### 7. Application Site Details (continued)

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.*

Please contact applicant if site visit is required.

### 8. Detailed description of the proposal:

This application relates to the following resource consent: RC 2250275-RMAVAR/A (Stage 2)

Specific conditions to which this application relates:

Activity A:  
Conditions 1 & 2  
Stage 2 Conditions 10 & 11  
Activity B:  
Conditions 13 & 14

Describe the proposed changes:

Adjust boundaries of Lots 2 & 3 of Stage 2, remove easement N and associated conditions requiring formation of private access over easement N.

### 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

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

### 11. 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 (including consultation from iwi/hapū).

Your AEE is attached to this application  Yes

## 12. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision?  Yes  No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days?  Yes  No

## 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 in full) Julia Nute

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information:

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

### Declaration concerning Payment of Fees:

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

**Name:** (please write in full)

J. A. NUTE

**Signature:** (signature of bill payer)

Date 29/5/2026

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

### 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 write in full)

J.A. NUTE

Signature:

Date 29/3/2026

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

- Payment (cheques payable to Far North District Council)
- Details of your consultation with Iwi and hapū
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

# **SURVEY & PLANNING SOLUTIONS (2010) LTD**

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LAND SURVEYORS - RESOURCE PLANNERS

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Ref: 24445

9 June 2026

Resource Consents Department  
Far North District Council  
John Butler Centre  
60 Kerikeri Road  
Kerikeri

Dear Sir or Madam,

**Re: Proposed Variation of RC 2250275-RMAVAR/A for David John Nute & Julia Allison Nute -**

Please find enclosed an application form in support of our clients' request to vary the consent conditions of Stage 2 RC 2250275-RMAVAR/A.

## **1. Overview & Site Description**

David and Julia Nute were granted combined subdivision and land use consent to comprising three activities (RC 2250275-RMACOM):

*Activity A: Subdivision to create three additional Records of Title in the General Coastal zone as a non-complying activity.*

*Activity B: To undertake earthworks to form property access to the boundary of each allotment as a Discretionary Activity in the General Coastal zone.*

*Activity C: To cancel consent notice D562591.2 insofar as it relates to Lot 2 DP 205281 pursuant to s221(3) of the RMA 1991.*

This was subsequently varied to allow the consent to be completed in two stages (RC 2250275-RMAVAR/A). Stage 1 has been fully implemented.

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The current proposed variation relates to Stage 2 of RC 2250275-RMAVAR/A, which involves further subdivision of the vacant balance lot to create three sites (two additional), being Lots 2, 3 and 4, with areas of 3.7667ha, 3.6683ha and 3.8384ha respectively (subject to survey).

It is noted that subdivision consent has been granted to allow further subdivision of Lot 4, Stage 2, of RC 2250275/RMAVAR/A (this is referenced RC 2260379); however, this is not relevant to the current proposal.

RC 2250275-RMAVAR/A is appended in **Attachment 1**.

It is proposed to adjust the boundary between Lots 2 and 3 of Stage 2 RC 2250275-RMAVAR/A in order to transfer the area within easement 'N' and an area of land to the north of easement 'N' from Lot 3 to Lot 2. As a result, there will be no need to form access over easement 'N', as access will be provided to the boundary of Lot 2 via the formed access over easement 'M'.

The revised Stage 2 Scheme Plan is provided in **Attachment 2**.

The subject site for Stage 2 is legally described as Lot 2 DP 620252 and held in Record of Title 1249888, with an area of 11.2500ha more or less. The Record of Title is provided in **Attachment 3**. The site is located at 128 Te Kowhai Point Road, approximately 7.3km north east of central Kerikeri. Refer to the Location Map in **Figure 1**.



Figure 1: Location Map

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The land is vacant and generally in pasture with areas of revegetation around the dam and riparian areas.

The subject land has frontage Te Kowhai Point Road, with an entrance having been formed near the termination of the legal road reserve, i.e. before Te Kowhai Point Road becomes a private road. The internal access works over easements 'O' and 'M' required by RC 2250275-RMAVAR/A have commenced and are nearing completion.

## **2. Description of Variation**

As noted, it is proposed to adjust Lots 2 and 3 of Stage 2 RC 2250275-RMAVAR/A in order to transfer the area within easement 'N' and an area of land to the north of easement 'N' from Lot 3 to Lot 2. Resultantly, there will be no need to form access over easement 'N', as access will be provided to the boundary of Lot 2 via the formed access over easement 'M'.

Note that Engineering Plan Approval has been issued for the private accessway and associated geotechnical and hydrological assessments has been issued in satisfaction of Condition 10(a) of RC 2250275-RMAVAR/A. The approved plans show access formation over easement 'N'. It is not intended to obtain updated engineering plan approval; instead, the relevant section 224c completion conditions shall specify that the private access must only be formed to the end of easement 'M'.

The reasons for the proposed variation relate to the delays caused by wet weather, which have hindered construction of the private accessway and have prevented completion of access over easement 'N' this season.

Additionally, Lot 2 will benefit the most from access over area 'N', while a future building site on Lot 3 can be accessed without needing to use this area. It therefore makes sense for Lot 2 to have an individual driveway over area 'N', and for this to be incorporated into Lot 2.

Finally, it has been observed that the small triangle of land north of easement 'N' is unlikely to be of practical use to Lot 3, given that it would be separated by a driveway formation. It is considered to be preferable that Lot 2 own this land.

Changes to the conditions of Activity A and B are proposed to cater for the proposed variation. Proposed insertions are shown in bold and underlined, deletions are struck through. A summary of the proposed changes are outlined as follows.

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## Activity A: Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 Stage 1, ~~Stage 2 and Overall~~, dated June 2025 **and Stage 2 dated 21/05/2026**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The activity shall be carried out in general accordance with the Site Suitability Report prepared by Vision Consulting Engineers, referenced Proposed Subdivision of 128 Te Kowhai Point Road, dated 11/04/2025, **and the Vision Consulting Site Suitability Report Addendum dated 4/06/2026** ~~and attached to this consent with the Council's "Approved Stamp" affixed to it.~~

## Stage 2

### Survey plan approval (s223) conditions

10. Prior to the approval of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:

a. The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Engineering Standards. The engineering plans are to be submitted to the Council's Development Engineer for Engineering Plan Approval. Plans are to include but are not limited to:

ii. Design details for constructing the private accessways along easements O, **and M and N** indicated on Williams & King scheme plan referenced 24445.01 April 2025 **21/05/2026**. Design details shall include typical cross sections, long sections, passing bays, culverts, drainage flow paths, and pavement design details. The accessways shall be designed to accommodate a medium rigid truck of 8m length and have the following minimum surfaced widths:

Location	Lots Serviced	Minimum Carriageway Width (ODP 3B-1)
ROW O	Lots 2,3,4	3m with passing bays
ROW M <del>+N</del>	Lots 2,3	3m with passing bays where visibility is restricted

### Section 224(c) compliance conditions

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

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- a. Provide confirmation that all works on the approved engineering plans in Condition 6(a) is to be carried out to the approval of the Resource Consent Engineer, **including private accessway over easements O and M (private accessway does not need to be formed over easement N)**. Compliance with this condition shall be determined by:
- PS4A and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works in general accordance with Council's Engineering Standards 2023.
  - "Certificate of Completion of Resource Consent Works" from the Contractor.

## Activity B: Land Use

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following conditions:

13. The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 Stage 1, ~~Stage 2 and Overall~~, dated June 2025 **and Stage 2 dated 21/05/2026**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

14. The activity shall be carried out in general accordance with the Site Suitability Report prepared by Vision Consulting Engineers, referenced Proposed Subdivision of 128 Te Kowhai Point Road, dated 11/04/2025 **and the Vision Consulting Site Suitability Report Addendum dated 4/06/2026**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

**Activity C** – no change.

**Activity D** – no change.

## **3. Consultation**

Section 127(4) of the Act states:

*"For the purposes of determining who is adversely affected by the change or cancellation, the local 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.*

The decision on the original application concluded that *"By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no*

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*special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.”<sup>1</sup>*

The changes sought will not have any implications in terms of off-site effects. As such, it is considered that the proposal will not result in any person being adversely affected.

## **4. Assessment of Environmental Effects**

*The following assessment of environmental effects focuses on the effects of the proposed change to RC 2250275-RMAVAR/A as set out under the ‘Description of Variation’.*

### **4.1 Property Access**

The proposed variation reduces the extent of private access that needs to be formed at subdivision stage by incorporating previous easement ‘N’ into Lot 2, which is the property that will use this accessway. This will then be formed as a private driveway at the time that the lot is developed.

No changes are proposed in terms of the standard of the vehicle crossing off Te Kowhai Point Road (which has been formed) or private access where this is shared between two or more lots, and there will be no additional traffic being generated as a result of the proposed variation. Therefore, no adverse effects will arise in terms of the safety and efficiency of public or private property access.

### **4.2 Natural and Other Hazards**

The proposed variation will not result in any adverse effects in terms of natural hazards, with existing recommendations and resulting conditions relating to the following matters will be retained:

- Water supply for fire fighting purposes in association with future residential units.
- Provision of suitable building sites subject to site specific geotechnical assessment at building consent stage.
- Geotechnical assessment of the load bearing capacity of the dam embankment.

### **4.3 Water Supply**

The proposal will not result in any adverse effects in terms of water supply.

### **4.4 Stormwater Disposal**

The area of Lot 3 will reduce slightly, however existing impermeable surfaces on the lot will remain within the permitted activity standard of 10% in terms of the General Coastal Zone Stormwater Management rule of the Operative District Plan, and likewise it is feasible that future development of the lot will also comply with the permitted standard.

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<sup>1</sup> Refer to ‘Reasons for the Decision’ (1) of RC 2250275-RMAVAR/A.

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Conditions relating to stormwater management, including details of dam outlet capacity, maintenance of outlet and drainage infrastructure, and stormwater attenuation where future impermeable surface coverage exceeds 10% will be retained. These are commented on where relevant within the Site Suitability Report addendum.

No adverse effects will arise with regards to stormwater.

## **4.5 Sanitary Sewage Disposal**

The adjusted area of land is not part of the noted suitable areas for wastewater land application for Lot 3.

Existing consent notice conditions requiring that on-site wastewater be appropriately designed at building consent stage will be retained.

As such, the proposal avoids adverse effects in relation to sanitary sewage disposal.

## **4.6 Energy & Telecommunications Supply**

No adverse effects will arise from the proposed variation, with the existing consent notice condition specifying that the responsibility for providing power and telecommunications will remain with the property owner continuing to be applied to the vacant lots.

## **4.7 Easements for any Purpose**

The revised set of easements shown in the Memorandum on the Scheme Plan will be created. Easement 'N' is no longer required.

## **4.8 Preservation of Heritage Resources, Vegetation, Fauna and Landscape**

The variation will not cause any actual or potential adverse effects on the above resources.

## **4.9 Access to Reserves and Waterways**

The proposal has no implications in terms of public access to reserves or waterways.

## **4.10 Land Use Compatibility**

The varied subdivision will not generate any adverse effects associated with land use compatibility or reverse sensitivity issues.

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## **5. District Plan Activity Status**

### **5.1 Operative District Plan**

The proposed variation does not result in any change to the overall non-complying activity status of the activity under the Operative District Plan, and no new infringements to the relevant Zone, Natural and Physical Resources or Subdivision rules have been identified.

### **5.2 Proposed District Plan**

Under the Proposed District Plan, the site is zoned Rural Production. In terms of the relevant rules with legal effect (EW-R12 and EW-R13), the proposal continues to achieve a permitted activity status.

## **6. Statutory Assessment**

### **6.1 Regional Policy Statement**

It is considered that the proposed activity remains consistent with the Northland Regional Policy Statement.

### **6.2 Operative Far North District Plan**

The proposal continues to be in agreement with the relevant objectives and policies of the Operative District Plan, as set out in the 'Reasons for the Decision' for RC 2250275-RMAVAR/A. The proposed variation does not detract from the characteristics of the proposal which ensure consistency with those strategies.

### **6.3 Proposed Far North District Plan**

The proposal remains consistent with the objectives and policies of the Proposed District Plan, as set out in the 'Reasons for the Decision' for RC 2250275-RMAVAR/A. The proposed variation does not detract from the characteristics of the proposal which ensure consistency with those strategies.

### **6.4 Weighting of Operative and Proposed Far North District Plans**

The relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and

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policies under both the operative and proposed plans. As the outcome for the proposed variation is similar under both the operative and proposed District Plan, a weighting assessment is not considered necessary.

## **7. Resource Management Act 1991 Purpose and Principles**

The varied activity continues to achieve the purpose and principles of the Resource Management Act 1991.

## **8. Conclusion**

It is respectfully requested that Council consider this application as soon as is possible. Please do not delay in contacting me should you require further information.

Yours faithfully  
Williams & King, Kerikeri



Natalie Watson  
Resource Planner

## **Attachments**

1. RC 2250275-RMAVAR/A
2. Revised Stage 2 Scheme Plan
3. Record of Title
4. Vision Consulting Engineers Site Suitability Report Addendum

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**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** 1249888  
**Land Registration District** North Auckland  
**Date Issued** 03 March 2026

**Prior References**

NA132C/342

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**Estate** Fee Simple  
**Area** 11.2500 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 620252

**Registered Owners**

David John Nute and Julia Allison Nute

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**Interests**

Subject to Section 8 Mining Act 1971

Subject to Section 168A Coal Mines Act 1925

Appurtenant hereto are right of way and rights to convey water, telecommunications and electricity created by Transfer D066530.8 - 12.11.1996 at 12:10 pm

The easements created by Transfer D066530.8 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way and a right of way (pedestrian access only) and appurtenant to part formerly Lot 2 DP 179691 contained in NA110D/364 are telecommunications and power rights specified in Easement Certificate D371759.3 - produced 25.3.1999 at 2.44 pm and entered 8.4.1999 at 9.00 am

The easements specified in Easement Certificate D371759.3 are subject to Section 243 (a) Resource Management Act 1991 D562591.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - entered 1.12.2000 at 2.13 pm and entered 14.12.2000 at 1.19 pm

11721278.1 Mortgage to ASB Bank Limited - 25.3.2020 at 2:54 pm

13441826.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.3.2026 at 3:03 pm

Subject to a pedestrian right of way over part marked H and M on DP 620252 created by Easement Instrument 13441826.3 - 3.3.2026 at 3:03 pm

Appurtenant hereto is a right to convey electricity and telecommunications created by Easement Instrument 13441826.3 - 3.3.2026 at 3:03 pm

Land Covenant in Covenant Instrument 13441826.4 - 3.3.2026 at 3:03 pm (Limited as to duration)



## DECISION ON SECTION 127 APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

### Decision

Pursuant to section 34A(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change and cancel conditions , 4, 6d, 7a and 7c of resource consent 2250275-RMACOM to:

<b>Applicant:</b>	David John Nute and Julia Allison Nute
<b>Council Reference:</b>	2250275-RMAVAR/A
<b>Property Address:</b>	128 Te Kowhai Point Road, Kerikeri 0294
<b>Legal Description:</b>	LOT 2 DP 205281
<b>Description of Application:</b>	<p>Activity A:</p> <p>Vary conditions 1, 4, 7a and 7c, delete condition 6d and undertake the approved subdivision in two stages as a Discretionary Activity in General Coastal Zone.</p> <p>Activity B:</p> <p>Pursuant to Section 221(3) Council consents to the cancellation of the Consent Notice conditions recorded in Stage 1 Condition 8 as they relate to Lot 2 of Stage 1. This may only be actioned subsequently to, or simultaneously with, registration of the consent notice conditions of Stage 2.</p>

### The following changes and/or cancellations to the conditions of resource consent 2250275-RMACOM are made:

(~~Strikethrough~~ indicates deletions and underline indicates additions and changes)

For clarity a complete set of conditions, as amended, are provided in Schedule 1 to this decision.

#### Activity A: Vary Condition 1:

The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 **Stage 1, Stage 2 and Overall**, dated ~~Apr 2025~~ **June 2025**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### Activity A: Vary Condition 4:

Landscape assessment carried out in general accordance with the ~~Site Suitability Report~~ **Landscape Assessment** prepared by ~~Bay~~ Simon Cocker Landscape Architect, referenced

Landscape assessment, dated 18 December 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

*Activity A: Delete Condition 6d:*

~~Provide a landscape plan from a suitably qualified experienced person to Council's Resource Consent Principal Planner or delegated representative. The landscape plan shall include planting along ROW O to prevent headlamp glare when vehicles on the different ROWs are going in opposite directions.~~

*Activity A: Vary Condition 7a:*

Provide confirmation that all works on the approved engineering plans in Condition 3(d) **6(a)** is to be carried out to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by;

...

*Activity A: Vary Condition 7c:*

Ensure that pasture in proposed work areas should be grazed short prior to earthworks to avoid provision of shelter for kiwi, **or kiwi dog check is undertaken prior to clearance of vegetation to avoid any potential effects on kiwi. Provide confirmation from a suitably qualified experience person that proposed work areas has been grazed short or kiwi sniffer dog check has been undertaken prior to commencement of earthworks.**

*Activity A: Add Condition 8(q) and 12(q)*

**The lot owners must ensure all existing vegetation within easement O and parallel to Te Kowhai Point Road (as shown on the scheme plan) is retained and shall not without the prior written consent of the Far North District Council cut down, damage or destroy any of the existing vegetation. The owner shall be deemed to be not in breach of this prohibition if any of the vegetation dies from natural causes, however the lot owners must replace the damaged vegetation as soon as possible, or within the next planting season.**

*Activity B: Condition 13*

The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 **Stage 1, Stage 2 and Overall**, dated ~~Apr 2025~~ **June 2025**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

## Advice Notes

### Lapsing of Consent

1. *The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.*

### Right of Objection

2. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) 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.*

## Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
  - a. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
  - b. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as:
    - There will be no reverse sensitivity effects as the variation is consistent with the current use of the existing activities in the wider environment.
    - The decrease the area of proposed Lot 2 will not generate or increase any risks associated with natural and other hazards on-site. The size of the lots proposed is consistent with the pattern of surrounding development, as is the rural-residential land use the subdivision enables.
    - The change of the conditions would not 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.
    - Deleting condition 6(d) will not result in headlight glare as a consent notice requiring the retention of the existing vegetation is imposed on Lots 2 - 4.
  - c. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
  - d. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
    - a. Operative Far North District Plan 2009,
    - b. Proposed Far North District Plan 2022

### Operative Far North District Plan

There have been no changes to the objectives and policies of the relevant Chapters of the Operative Far North District Plan (ODP) since the approval of the underlying subdivision consent RC 2250275-RMACOM. As such, the activity remains consistent with the ODP.

### Proposed District Plan

The subject site is zoned Rural Production under the Proposed District Plan (PDP) and as the variation relates staging the subdivision, minor correction of conditions, deleting a condition relating to planting along ROW O to prevent headlamp glare when vehicles on the different ROWs, adding Activity D which relates cancellation of the Consent Notice conditions recorded in Stage 1 as they relate to Lot 2 of Stage 1.

The proposal was considered to be consistent with the objectives and policies of the Proposed District Plan, as set out in the 'Reasons for the Decision' for RC 2250275-

RMACOM. The staging of the consent does not detract from the characteristics of the proposal which ensure consistency with those strategies.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

- e. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
- f. Based on the assessment above the proposed change will be consistent with Part 2 of the Act.  
  
The proposed change will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the proposed change. The proposal remains an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
- g. Overall, for the reasons above it is appropriate for the changes and cancellation of the conditions of consent to be granted.

## Approval

This resource consent has been prepared by Swetha Maharaj, Senior Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



**Name: Pat Killalea**

**Date: 9<sup>th</sup> July 2025**

**Title: Independent Commissioner**

## Schedule 1

### Complete set of Consent Conditions for 2250275-RMACOM as Amended by 2250275-RMAVAR/A

#### Activity A: Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following conditions:

1. The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 Stage 1, Stage 2 and Overall, dated June 2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The activity shall be carried out in general accordance with the Site Suitability Report prepared by Vision Consulting Engineers, referenced Proposed Subdivision of 128 Te Kowhai Point Road, dated 11/04/2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.
3. The activity shall be carried out in general accordance with the Site Suitability Report prepared by Bay Ecological Consultancy, referenced ECOLOGICAL IMPACT ASSESSMENT, dated 10 December 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.
4. The activity shall be carried out in general accordance with the Landscape Assessment prepared by Simon Cocker Landscape Architect, referenced Landscape assessment, dated 18 December 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### Stage 1

##### Survey plan approval (s223) conditions

5. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. Areas shown A - L & P - U hereon are to be subject to Land Covenants for Wetland and indigenous vegetation protection.
  - b. Areas shown A, E & P - U hereon are to be subject to Land Covenants for No buildings, structures or development.
6. Prior to the approval of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:
  - a. Provide for the certification of the Resource Consents Principal Planner or other duly delegated representative, a pest and weed management plan for the lots in general accordance with the Ecological Impact Assessment prepared by Bay Ecological Consultancy Ltd dated 10 December 2024. The management plan shall be written to address the future allocation of ongoing implementation responsibilities once the Stage 2 subdivision is completed. The management plan shall include:
    - i. Pest and weed management measures including ongoing maintenance;
    - ii. Appropriate signage;

- iii. Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner;
- iv. Reporting mechanisms including progress of weed and pest management;
- v. Any other relevant matter for the purposes of managing the allotments;
- vi. Predator control to provide higher functionality of remaining habitat;
- vii. Browser control to allow establishment of revegetation and natural regeneration as the site develops;
- viii. Ongoing prevention/ removal of exotic infestations enabling increased and more diverse natural regeneration assisted by the browser control and infill of gaps;
- ix. Effectively increasing values of wetland and protect extent from invasion of non wetland shrubs and herbaceous species;
- x. Revegetation of areas P R T.

### **Section 224(c) compliance conditions**

7. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Construct a new unsealed vehicle crossing from Te Kowhai Point Road in accordance with Sheet 21 Rural Type 1A Crossing (2 or Less Lots or can be formed for 3 – 5 Lots if the consent holder wants to form it to the standard required for Stage 2) and sheets 22 & 23 and 4 of Council's Engineering Standards 2023 Edition. The vehicle crossing centre is to be located a minimum of 44m west of the end of Te Kowhai Point Road legal road formation. Vehicle Crossing approach angle with the road carriageway be between 70-90 degrees to enable visibility in both directions.
  - b. Complete revegetation within areas P, R & T in general accordance with the proposed species list and approximate plant numbers specified in Appendix 4 of the Ecological Impact Assessment prepared by Bay Ecological Consultancy Ltd dated 10 December 2024.
  - c. Complete planting specified in area C in accordance with Section 2 of the Landscape Assessment prepared by Simon Cocker Landscape Architecture dated 18 December 2024.
  - d. Carry out initial implementation of weed and pest management plan and provide written confirmation from a suitably qualified ecologist.
  - e. Ensure that pasture in proposed work areas should be grazed short prior to earthworks to avoid provision of shelter for kiwi, or kiwi dog check is undertaken prior to clearance of vegetation to avoid any potential effects on kiwi. Provide confirmation from a suitably qualified experience person that proposed work areas has been grazed short or kiwi sniffer dog check has been undertaken prior to commencement of earthworks.

- f. Provide to the Far North District Council's duly delegated officer (planning.support@fndc.govt.nz), evidence of the existing dogs or cats on site for Lot 1. The evidence shall include:
        - i. Photograph of the dog and/or cat;
        - ii. Written confirmation that the cat has been neutered
        - iii. Written confirmation that the cat and/or dog has been microchipped;
        - iv. For any dog, written confirmation that the dog has a current kiwi aversion training certification along with the expiry date for the certification.
8. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
  - a. In conjunction with the construction of any building requiring building consent, a geotechnical report prepared by a Suitably Qualified and Experienced Person shall be provided. Any future development including building platform shall comply with the restrictions and recommendations identified in the Vision Consulting Engineers Site Suitability report reference J15729 dated 11 April 2025 unless an alternative engineering report prepared by a Suitably Qualified and Experienced Person is approved in writing by Council. **[Lot 2]**
  - b. Upon construction of any habitable building, sufficient water supply for fire fighting purposes is to be provided and be accessible by fire fighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ. **[Lot 2]**
  - c. In conjunction with the construction of any buildings which includes a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012 or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance with the Northland Regional Council Regional Plan for Northland requirements. **[Lot 2]**
  - d. Electricity and telecommunications connections have not been provided at subdivision stage. Future lot owners are responsible for obtaining these connections. **[Lot 2]**
  - e. The owner/s of Lot 2 are responsible for maintaining the "Gerrard Dam" outlet structure where it is located within the Lot 2 property boundaries to ensure the spillway structure is clear of debris and operating adequately. It is recommended that visual appraisals of the dam be undertaken by the property owner, annually, or following periods of intense or prolonged rainfall, to confirm the findings and recommendations of the Fraser Thomas report reference G00510 dated 16 July 2024 remain valid. **[Lot 2]**

- f. The owner of Lot 2 is responsible for maintaining the “Chignell Dam” embankment and drainage infrastructure and is to ensure the spillway structure is clear of debris and operating adequately. It is recommended that visual appraisals of the dam be undertaken by the lot owner/s, annually, or following periods of intense or prolonged rainfall. **[Lot 2]**
- g. Accessways and vehicular circulation and manoeuvring spaces are to be constructed from blue metal, a dark seal surface, or from exposed aggregate with a dark oxide additive as per the SCLA Landscape Assessment referenced 24061\_01 dated 18 December 2024 submitted with the subdivision consent application. **[Lot 2]**
- h. Wetlands have been identified on Lot 2, with overland flowpaths from Lot 2 contributing to the wetland areas. Future development of the lots shall take into consideration wastewater disposal setbacks, stormwater quality and earthworks disturbance and rules and setbacks required by the Northland Regional Council Regional Plan and NES-F 2020. Stormwater shall be managed to prevent sedimentation, scouring and erosion of the wetland areas. Refer to Bay Ecological Consultancy Ltd Ecological Impact Assessment for Proposed Subdivision Lot 2 DP 205281 provided with the subdivision resource consent application for details. **[Lot 2]**
- i. Any building consent, which increases impermeable surfaces beyond the permitted threshold of 10% of the total Lot area are to attenuate flows to the permitted levels for rainfall events up to a 10% Annual Exceedance Probability (10% AEP) with an allowance for the RCP6.0 climate change scenario. **[Lot 2]**
- j. The site is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. **[Lot 2]**
- k. The lot is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. **[Lot 1]**

*Note: This Consent Notice does not relate to the existing dogs on site currently registered under 224 condition 7.e and will be put into effect once the existing dogs or cats are no longer living and/or not kept on the lot(s).*

- l. Exotic vegetation which could adversely affect natural regeneration is not to be introduced to the site. This includes environmental weeds, and those plants listed in the National Pest Plant Accord. **[Lot 2]**
- m. Any building or structures are to be located and designed to meet the design controls specified in the Landscape Assessment by Simon Cocker Landscape Architecture under the headings ‘Building Area’ (the allowed building area for Lot 2, Stage 1 is that defined for Lot 4 in the Landscape Assessment), ‘Building height and RL of building platform’, ‘Building Form and design’, ‘external finishes for buildings and structures’, ‘Internal roading and driveways’ and ‘Earthworks and retaining walls’. A statement prepared by a qualified Landscape Architect or Architect is to be provided at Building Consent stage to demonstrate compliance. **[Lot 2]**

- n. Building construction and any other development that poses a risk to life or property within the identified inundation zone shown as areas 'A', 'E', 'P', 'Q', 'R', 'S', 'T' and 'U' on the survey plan is prohibited, these areas also having been set aside for riparian margin revegetation. **[Lot 2]**
- o. The pest and weed management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council. **[All Lots]**
- p. The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as areas A - L & P - U and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. **[All Lots]**
- q. The lot owners must ensure all existing vegetation within easement O and parallel to Te Kowhai Point Road (as shown on the scheme plan) is retained and shall not without the prior written consent of the Far North District Council cut down, damage or destroy any of the existing vegetation. The owner shall be deemed to be not in breach of this prohibition if any of the vegetation dies from natural causes, however the lot owners must replace the damaged vegetation as soon as possible, or within the next planting season. **[Lot 2]**

## Stage 2

### Survey plan approval (s223) conditions

- 9. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. Existing Areas shown A - L & P - U being Land Covenants for Wetland and indigenous vegetation protection.
  - c. Existing Areas shown A, E & P - U hereon being Land Covenants for No buildings, structures or development.
- 10. Prior to the approval of the Survey Plan pursuant to Section 223 the following conditions shall be complied with:
  - a. The consent holder must submit a detailed set of engineering plans prepared in accordance with Council's Engineering Standards. The engineering plans are to be submitted to the Council's Development Engineer for Engineering Plan Approval. Plans are to include but are not limited to:
    - i. If not already formed at Stage 1, design details of the construction of a new unsealed vehicle crossing from Te Kowhai Point Road in accordance with Sheet 21 Rural Type 1A Crossing (3-5 lots) and sheets 22 & 23 and 4 of Council's Engineering Standards 2023 Edition. The vehicle crossing centre is to be located a minimum of 44m west of the end of Te Kowhai Point Road legal road formation. Vehicle Crossing

approach angle with the road carriageway be between 70-90 degrees to enable visibility in both directions.

*Note: Entrance crossings are to be designed and constructed in such a shall manner that will control stormwater run-off entering a property from the accessway, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the accessway from a property.*

- ii. Design details for constructing the private accessways along easements O, M and N indicated on Williams & King scheme plan referenced 24445 April 2025. Design details shall include typical cross sections, long sections, passing bays, culverts, drainage flow paths, and pavement design details. The accessways shall be designed to accommodate a medium rigid truck of 8m length and have the following minimum surfaced widths:

Location	Lots Serviced	Minimum Carriageway Width (ODP 3B-1)
ROW O	Lots 2,3,4	3m with passing bays
ROW M + N	Lots 2,3	3m with passing bays where visibility is restricted

*Note: Where the carriageway width is less than 4.5m, passing bays shall be provided at points of intervisibility. For such passing bays the carriageway width shall be increased to 5.5m over a 15m length including 5m tapers at each end in accordance with 3.2.28.2 of the FNDC Engineering Standards 2023.*

- iii. Details of proposed accessway earthworks including cut/ fill volumes, batter slopes, stockpile locations, and locations where excess cut material is to be distributed on site (if applicable).
- iv. Details of a safety barrier with appropriately spaced bollards, complying with AS/NZS 3845:2017, to be installed along the upstream side of ROW M Accessway to prevent vehicles from leaving the roadway and entering the “Chignell Dam” waterway.
- v. A comprehensive geotechnical assessment of the dam embankment supporting ROW M to confirm its load bearing capacity and address potential impacts of accessway construction. The assessment shall outline any restrictions to vehicle type/ weight able to use the accessway and permanent load limit signage (if applicable).
- vi. Design details of the “Chignell Dam” (northern Dam under ROW M) dam overflow culvert upgrade to a 450mm diameter plastic culvert to convey the 1% AEP plus climate change event, and factor in increased runoff from future lot impermeable surface coverage.

- vii. Provide an assessment of the “Gerrard Dam” outlet located within Lot 3 to confirm its suitability to convey stormwater flows from a 1% AEP + climate change event and any remediation work required. The assessment shall be carried out by a Suitably Qualified and Experienced Person as defined in the FNDC Engineering Standards 2023.

*Note: no construction works are to commence onsite until the engineering plans required in condition 10(a) have been approved.*

- viii. Provide to Council’s Resource Consent Engineer or delegated representative before works a Construction Management Plan (“CMP”) for certification, and shall include:
- Details of the site manager including full contact details;
  - Details of the supervising engineer;
  - Details of the successful contractor;
  - The timing of construction works, including hours of work, key project and site management personnel;
  - A traffic management plans, specifically in relation to any Council roads affected by works;
  - Details of how construction materials will be moved to and from the site, including vehicle access through marked entry and exit points, and how materials will be loaded and unloaded;
  - Proposed procedures for controlling sediment runoff and dust generation;
  - Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
  - All buried services within the road boundary shall be located, marked and adequately protected prior to any works commencing.
  - Programme of works;
  - Proposed hours of work on the site.
- b. Provide to Council’s Resource Consent Engineer or delegated representative an erosion and silt control plan for certification. The ESCP is to be prepared in accordance with Auckland Council GD05 requirements.
- c. Provide to Council’s Resource Consent Engineer or delegated representative a draft easement document for ROW M to outline the Lot 2 and 3 owners responsibilities for maintenance of the dam embankment and drainage infrastructure.

### **Section 224(c) compliance conditions**

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

- a. Provide confirmation that all works on the approved engineering plans in Condition 6(a) is to be carried out to the approval of the Resource Consent Engineer. Compliance with this condition shall be determined by:
    - PS4A and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works in general accordance with Council's Engineering Standards 2023.
    - "Certificate of Completion of Resource Consent Works" from the Contractor.
  - b. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Resource Consent Engineer or delegated representative.
  - c. Ensure that pasture in proposed work areas should be grazed short prior to earthworks to avoid provision of shelter for kiwi, or kiwi dog check is undertaken prior to clearance of vegetation to avoid any potential effects on kiwi. Provide confirmation from a suitably qualified experience person that proposed work areas has been grazed short or kiwi sniffer dog check has been undertaken prior to commencement of earthworks.
  - d. Complete planting specified in areas I and E in accordance with Section 2 of the Landscape Assessment prepared by Simon Cocker Landscape Architecture dated 18 December 2024.
12. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder.
- a. In conjunction with the construction of any building requiring building consent, a geotechnical report prepared by a Suitably Qualified and Experienced Person shall be provided. Any future development including building platform shall comply with the restrictions and recommendations identified in the Vision Consulting Engineers Site Suitability report reference J15729 dated 11 April 2025 unless an alternative engineering report prepared by a Suitably Qualified and Experienced Person is approved in writing by Council. **[Lots 2-4]**
  - b. Upon construction of any habitable building, sufficient water supply for fire fighting purposes is to be provided and be accessible by fire fighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ. **[Lots 2-4]**
  - c. In conjunction with the construction of any buildings which includes a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012 or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance

with the Northland Regional Council Regional Plan for Northland requirements. **[Lots 2-4]**

- d. Electricity and telecommunications connections have not been provided at subdivision stage. Future lot owners are responsible for obtaining these connections. **[Lots 2-4]**
- e. The Lot 3 building platform shall be setback at least 10 metres from the top of the Gerrard Dam spillway bank (refer to the Vision Consulting Engineers Memorandum reference J15729 v4 dated 24/04/2025 submitted with the subdivision application for more details.) **[Lot 3]**
- f. The owners of Lot 3 are responsible for maintaining the “Gerrard Dam” outlet structure where it is located within the Lot 3 property boundaries to ensure the spillway structure is clear of debris and operating adequately. It is recommended that visual appraisals of the dam be undertaken by the property owner, annually, or following periods of intense or prolonged rainfall, to confirm the findings and recommendations of the Fraser Thomas report reference G00510 dated 16 July 2024 remain valid. **[Lot 3]**
- g. The owners of Lots 2 and 3 are jointly responsible for maintaining the “Chignell Dam” embankment and drainage infrastructure referenced as easement ROW M and to ensure the spillway structure is clear of debris and operating adequately. It is recommended that visual appraisals of the dam be undertaken by the lot owners, annually, or following periods of intense or prolonged rainfall. **[Lots 2 and 3]**
- h. Accessways and vehicular circulation and manoeuvring spaces are to be constructed from blue metal, a dark seal surface, or from exposed aggregate with a dark oxide additive as per the SCLA Landscape Assessment referenced 24061\_01 dated 18 December 2024 submitted with the subdivision consent application. **[Lots 2-4]**
- i. Wetlands have been identified on Lots 3 and 4, with overland flowpaths from Lots 2-4 contributing to the wetland areas. Future development of the lots shall take into consideration wastewater disposal setbacks, stormwater quality and earthworks disturbance and rules and setbacks required by the Northland Regional Council Regional Plan and NES-F 2020. Stormwater shall be managed to prevent sedimentation, scouring and erosion of the wetland areas. Refer to Bay Ecological Consultancy Ltd Ecological Impact Assessment for Proposed Subdivision Lot 2 DP 205281 provided with the subdivision resource consent application for details. **[Lots 2-4]**
- j. Any building consent, which increases impermeable surfaces beyond the permitted threshold of 10% of the total Lot area are to attenuate flows to the permitted levels for rainfall events up to a 10% Annual Exceedance Probability (10% AEP) with an allowance for the RCP6.0 climate change scenario. **[Lots 2-4]**
- k. The site is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. **[Lots 2-4]**

- l. Exotic vegetation which could adversely affect natural regeneration is not to be introduced to the site. This includes environmental weeds, and those plants listed in the National Pest Plant Accord. **[Lots 2 – 4]**
- m. Any building or structures are to be located and designed to meet the design controls specified in the Landscape Assessment by Simon Cocker Landscape Architecture under the headings 'Building Area', 'Building height and RL of buildingplatform', 'Building Form and design', 'external finishes for buildings and structures', 'Internal roading and driveways' and 'Earthworks and retaining walls'. A statement prepared by a qualified Landscape Architect or Architect is to be provided at Building Consent stage to demonstrate compliance. **[Lots 2 – 4]**
- n. Building construction and any other development that poses a risk to life or property within the identified inundation zone shown as areas 'A', 'E', 'P', 'Q', 'R', 'S', 'T' and 'U' on the survey plan is prohibited, these areas also having been set aside for riparian margin revegetation. [Lots 3 & 4]
- o. The pest and weed management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council. **[All Lots]**
- p. The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as areas A - L & P - U and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. **[All Lots]**
- q. The lot owners must ensure all existing vegetation within easement O and parallel to Te Kowhai Point Road (as shown on the scheme plan) is retained and shall not without the prior written consent of the Far North District Council cut down, damage or destroy any of the existing vegetation. The owner shall be deemed to be not in breach of this prohibition if any of the vegetation dies from natural causes, however the lot owners must replace the damaged vegetation as soon as possible, or within the next planting season. **[Lots 2 – 4]**

## Subdivision Advice Notes

### Lapsing of Consent

3. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

### Section 224 Certification

4. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

### **General**

5. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
6. *The discharge across boundaries, particularly with regard to the concentration of flows, is to be managed at all times, to avoid the likelihood of damage or nuisance to other properties in accordance with the Council Stormwater Bylaw.*
7. *The site is adjacent to, accessed off and in close proximity to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the future dwellings are either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.*
8. *The applicant is advised that a further site inspection of completed works will be required if a period greater than 3 months has passed since the last Council inspection prior to Council issuing the 224(c) certificate.*
9. *Erosion and sediment control is to be done in accordance Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region GD05.*
10. *The consent holder is responsible for arranging for buried services to be located and marked prior to commencing the vehicle crossing construction works and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.*
11. *The consent holder is responsible for the repair and reinstatement of the road carriageway, damaged as a result of the vehicle crossing works. Such works, where required, will be completed to the satisfaction of the Councils Roading Manager.*
12. *Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.*
  - *A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.*
  - *A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Co-ordinator, [corridor.access@nta.govt.nz](mailto:corridor.access@nta.govt.nz).*

13. *This consent requires the ongoing protection of an area of wetland. Regeneration of wetlands is an important environmental goal and funding is available from Northland Regional Council for fencing and replanting via the Northland Regional Council Environmental Enhancement Fund.*

### **Activity B: Land Use**

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following conditions:

13. The activity shall be carried out in general accordance with the approved plans prepared by Williams & King, referenced Proposed Subdivision of Lot 2 DP 205281 Stage 1, Stage 2 and Overall, dated June 2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.
14. The activity shall be carried out in general accordance with the Site Suitability Report prepared by Vision Consulting Engineers, referenced Proposed Subdivision of 128 Te Kowhai Point Road, dated 11/04/2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.

### **Pre-Commencement**

15. One weeks prior to commencement of earthworks on site, the consent holder shall advise Council Resource Consent Monitoring officer in writing (email: rcmonitoring@fndc.govt.nz) of the appointment of the engineer that will be monitoring the earthworks on site, and when work is to commence.
16. 48 hours prior to commencement of any physical works on site, the consent holder shall provide the approved engineering plans (EPA), to Councils Resource Consent Monitoring Officer.
17. 48 hours prior to commencement of any physical works on site, the consent holder is to provide photo evidence to the FNDC Resource Consents Monitoring Officer (Email to: Consents Monitoring rcmonitoring@fndc.govt.nz) that sediment and dust control measures are constructed and are in place prior to the commencement of bulk earthworks in accordance with the approved plans specified above in 223 condition 6(e) and the principles and practices contained the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region". These measures are to be maintained during the construction phase and can only be removed once appropriate stabilization has been completed.
18. Prior to commencement of any earthworks, the consent holder shall provide written evidence to the FNDC Resource Consents Monitoring Officer (Email to: Consents Monitoring rcmonitoring@fndc.govt.nz), that the Matoa Block Trustees have been invited to be present during excavation.

### **During Construction**

19. Earthworks are to be carried out in accordance with Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) and erosion and sediment controls plans

constructed in accordance with 223 condition 6(e) above, shall remain in place for the duration of the works.

20. If earthworks are undertaken in the winter months (between 30 April and 1 October) the consent holder shall submit a construction methodology at least two weeks before 30 April in general accordance with GD05 prepared by a suitably qualified experienced engineer, to Councils Resource Consent engineer officer or designate for approval.

## **Land Use Advice Notes**

### **Lapsing of Consent**

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) The consent is given effect to; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

## **General Advice Notes**

### **Right of Objection**

1. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) 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.

### **Archaeological Sites**

2. 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.

### **General Advice Notes**

3. The site is accessed off unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.

### **Activity C: Cancel of consent notice pursuant to s221(3) of the RMA 1991.**

21. Pursuant to Section 221(3) Council consents to the cancellation of the existing Consent Notice D562591.2 as it relates to LOT 2 Deposited Plan 205281, Record of Title NA132C/342.

### **Activity D: Cancel of consent notice pursuant to s221(3) of the RMA 1991.**

22. Pursuant to Section 221(3) Council consents to the cancellation of the Consent Notice conditions recorded in Stage 1 Condition 8 as they relate to Lot 2 of Stage 1. This may only be actioned subsequently to, or simultaneously with, registration of the consent notice conditions of Stage 2.



Proposed Easements

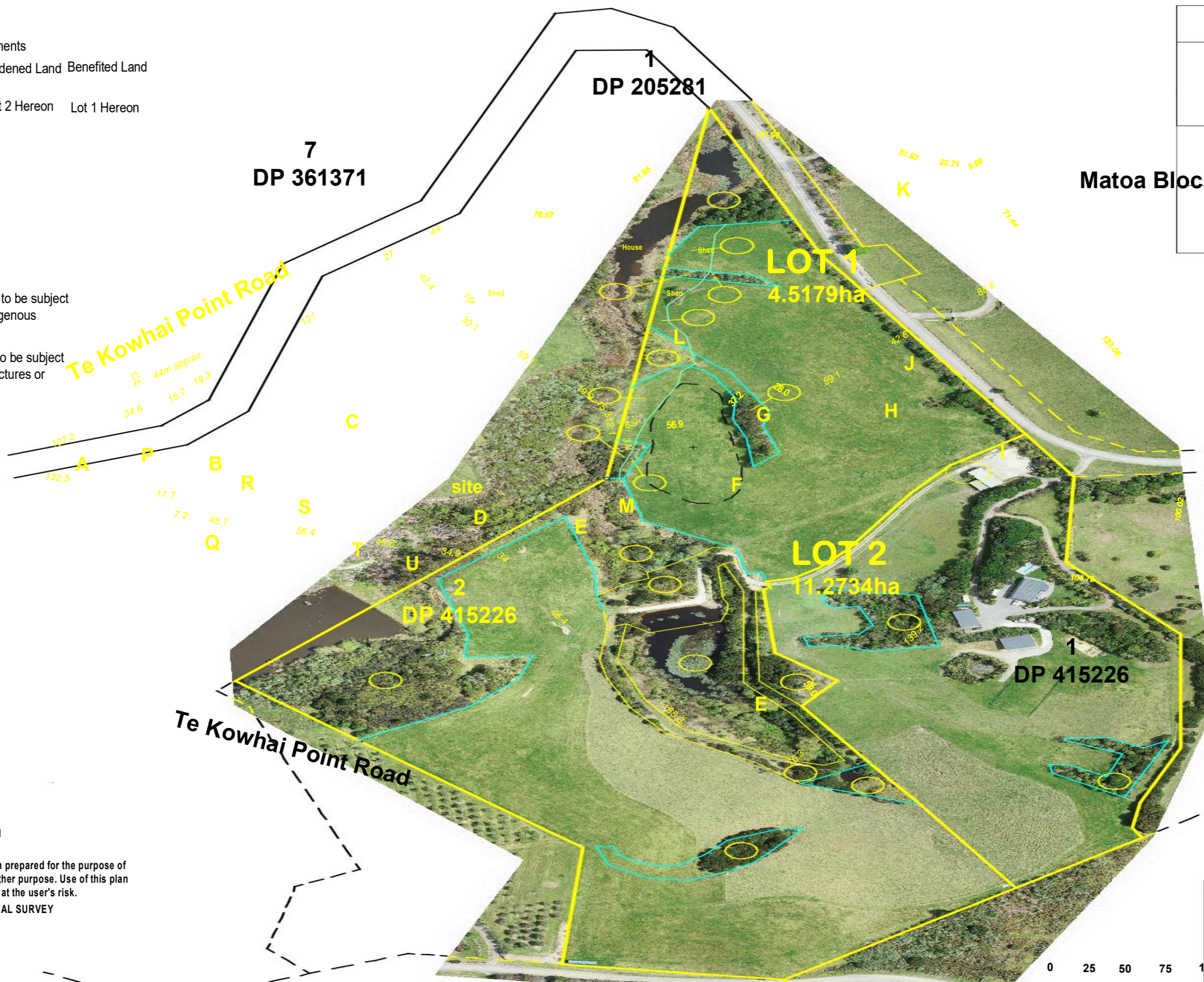
Shown	Purpose	Burdened Land	Benefited Land
H & M	Pedestrian Right of Way	Lot 2 Hereon	Lot 1 Hereon


Matoa Block

Proposed Land Covenants

Areas shown A - L & P - U hereon are to be subject to Land Covenants (Wetland and indigenous vegetation protection)

Areas shown A, E & P - U hereon are to be subject to Land Covenants (No buildings, structures or development)



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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council

Total Area: 15.7915ha  
Comprised in: NA132C/B42

Levels in terms of: NZ Vertical Datum  
Contour interval is: 1.0m

**WILLIAMS AND KING**  
Registered Land Surveyors, Planners &  
Land Development Consultants

Ph: (09) 447 6030      27 Hobson Ave  
Email: kerikeri@saps.co.nz      PO Box 937 Kerikeri

# Proposed Subdivision of Lot 2 DP 205281

**APPROVED PLAN**  
Planner: S Maharaaj  
RC: 2250275-FM/AVARIA  
Date: 09/02/2025

0 25 50 75 100 150 200m

Prepared for: D J & J A Nute

Survey Design Name Date ORIGINAL SCALE SHEET SIZE  
Drawn W & K Jun 2025 **24445**  
Rev **1:2500 A3 .01**

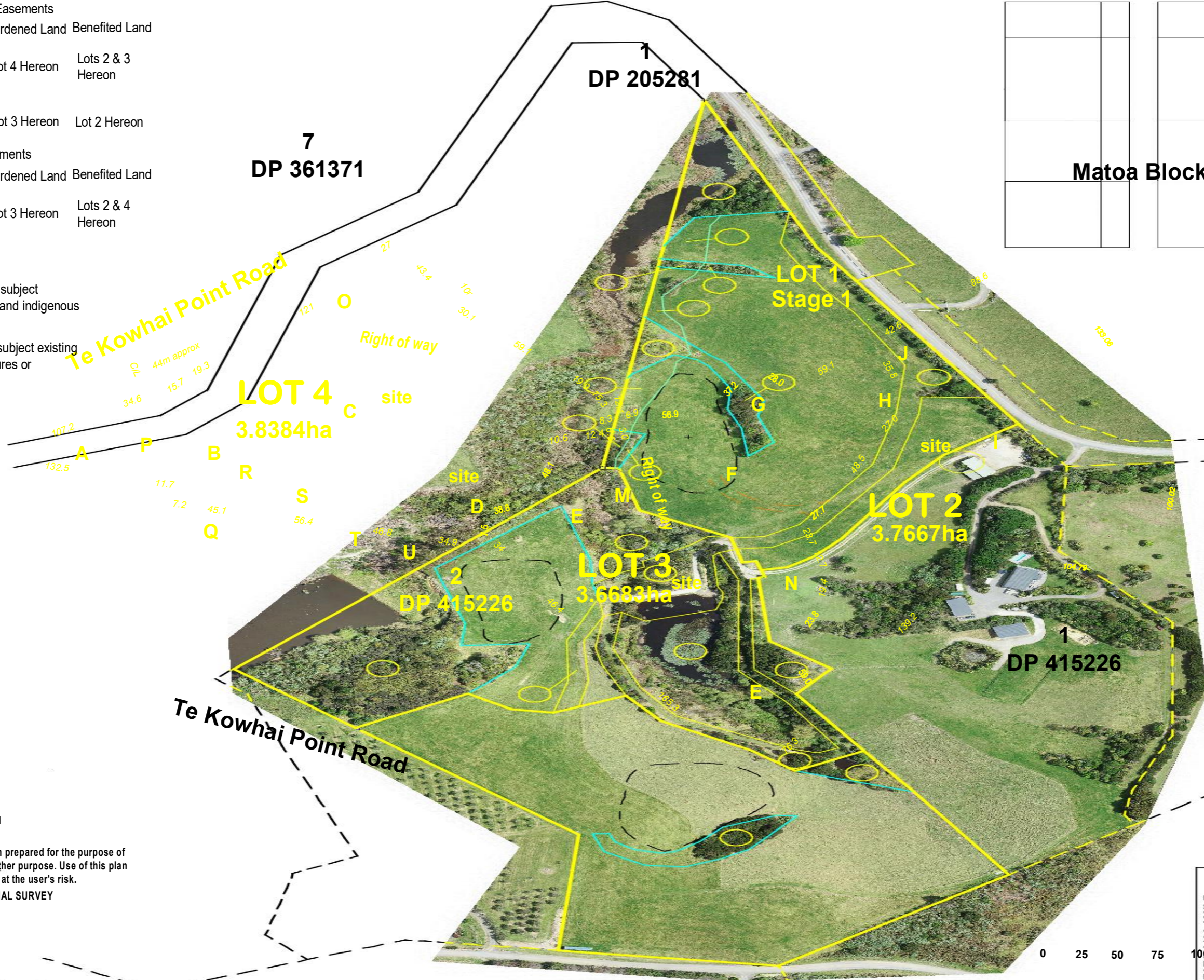
Shown	Purpose	Burdened Land	Benefited Land
O	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 4 Hereon	Lots 2 & 3 Hereon
M & N		Lot 3 Hereon	Lot 2 Hereon

Shown	Purpose	Burdened Land	Benefited Land
H & M	Proposed Easements Pedestrian Right of Way	Lot 3 Hereon	Lots 2 & 4 Hereon

**Proposed Land Covenants**  
 Areas shown A - J & P - U hereon are subject to existing Land Covenants (Wetland and indigenous vegetation protection) - Stage 1  
 Areas shown A, E & P - U hereon are subject existing Land Covenants (No buildings, structures or development) - Stage 1


**Matoa Block**



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 AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
 Local Authority: Far North District Council

Total Area: 11.2734ha
Comprised in: Lot 2 Stage 1
Levels in terms of: NZ Vertical Datum
Contour interval is: 1.0m

**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants

Ph: (09) 447 6030      27 Hobson Ave  
 Email: kerikeri@saps.co.nz      PO Box 937 Kerikeri

**STAGE 2**  
**Proposed Subdivision of**  
**Lot 2 Stage 1**

0 25 50 75 100 150 200m

Prepared for: D J & J A Nute

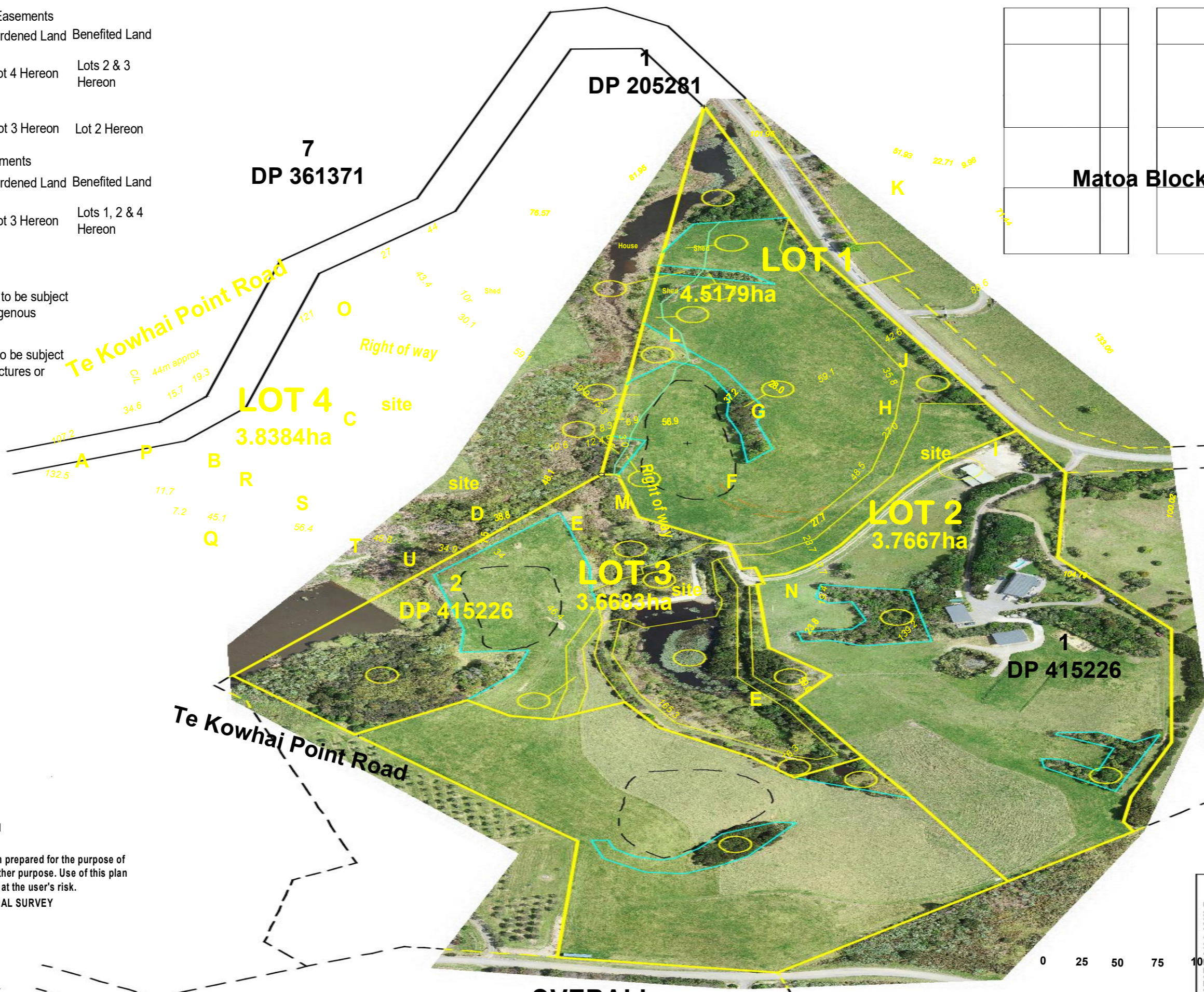
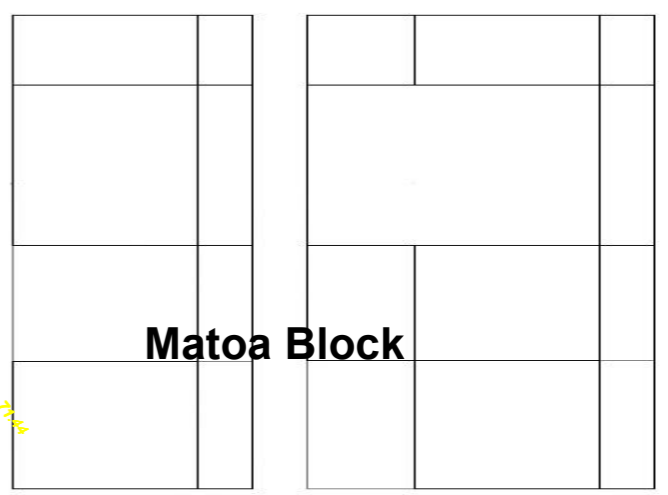
APPROVED PLAN
Planner: S Maharaj
RC: 2250275-FM/AVARIA
Date: 09/02/2025

Name      Date  
 Survey Design      W & K      Jun 2025  
 Drawn  
 Rev

ORIGINAL SCALE SHEET SIZE  
 1:2500 A3      **24445**  
**.01**

Shown	Purpose	Burdened Land	Benefited Land
O	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 4 Hereon	Lots 2 & 3 Hereon
M & N	Proposed Easements	Lot 3 Hereon	Lot 2 Hereon
Shown	Purpose	Burdened Land	Benefited Land
H & M	Pedestrian Right of Way	Lot 3 Hereon	Lots 1, 2 & 4 Hereon

**Proposed Land Covenants**  
 Areas shown A - L & P - U hereon are to be subject to Land Covenants (Welland and indigenous vegetation protection)  
 Areas shown A, E & P - U hereon are to be subject to Land Covenants (No buildings, structures or development)



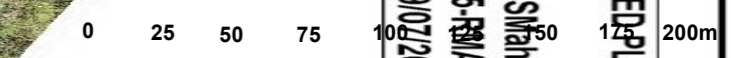
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 AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
 Local Authority: Far North District Council

Total Area: 15.7915ha  
 Comprised in: NA132C/342  
 Levels in terms of: NZ Vertical Datum  
 Contour interval is: 1.0m

**WILLIAMS AND KING**  
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Ph: (09) 407 6030 27 Hobson Ave  
 Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

**OVERALL**  
**Proposed Subdivision of**  
**Lot 2 DP 205281**



Prepared for: D J & J A Nute

**APPROVED PLAN**  
 Planner: S Maharaaj  
 RC: 2250275-FR/ANAVARIA  
 Date: 09/07/2025

Survey Design Name Date ORIGINAL SCALE SHEET SIZE  
 Drawn W & K Jun 2025 24445  
 Rev 1:2500 A3 .01

# A SITE SUITABILITY REPORT ADDENDUM FOR 128 TE KOWHAI POINT ROAD, KERIKERI.



Tel: 09.401.6287  
info@vce.co.nz

Level 1  
62 Kerikeri Road  
Kerikeri 0230

[www.vce.co.nz](http://www.vce.co.nz)

Project Reference: 15979  
4/06/2026

128 Te Kowhai Point Road,  
Kerikeri

Dear David and Julia,

Vision Consulting Engineers (VISION) completed a Site Suitability Report for 128 Te Kowhai Point Road, Kerikeri, dated 11 April 2025, reference J15729.

It was proposed to further subdivide Lot 4 into two lots, Lot 5 and Lot 6 as described in the Site Suitability Report Addendum dated 4<sup>th</sup> February 2026. Lots 5 and 6 are authorised by a separate resource consent.

It is now proposed to slightly modify the boundary at the entrance to Lots 2 and 3 as shown in Figure 1 on the following page. This boundary adjustment is part of the second stage of the first consent; hence Figure 1 is shown without the further Lots 5 & 6 subdivision.

This addendum to the site suitability report updates each section of the report with the boundary change details. Note that for consistency, section headers and figure numbering in this addendum match those in the original J15729 report.

## 1 Introduction

It is proposed to modify the boundary of Lots 2 and 3 as shown in the Proposed Subdivision Plan in Figure 1.

The site access has now been formed from Te Kowhai Point Road into the development site.

This addendum only covers the proposed boundary change at Lot 2 and 3.

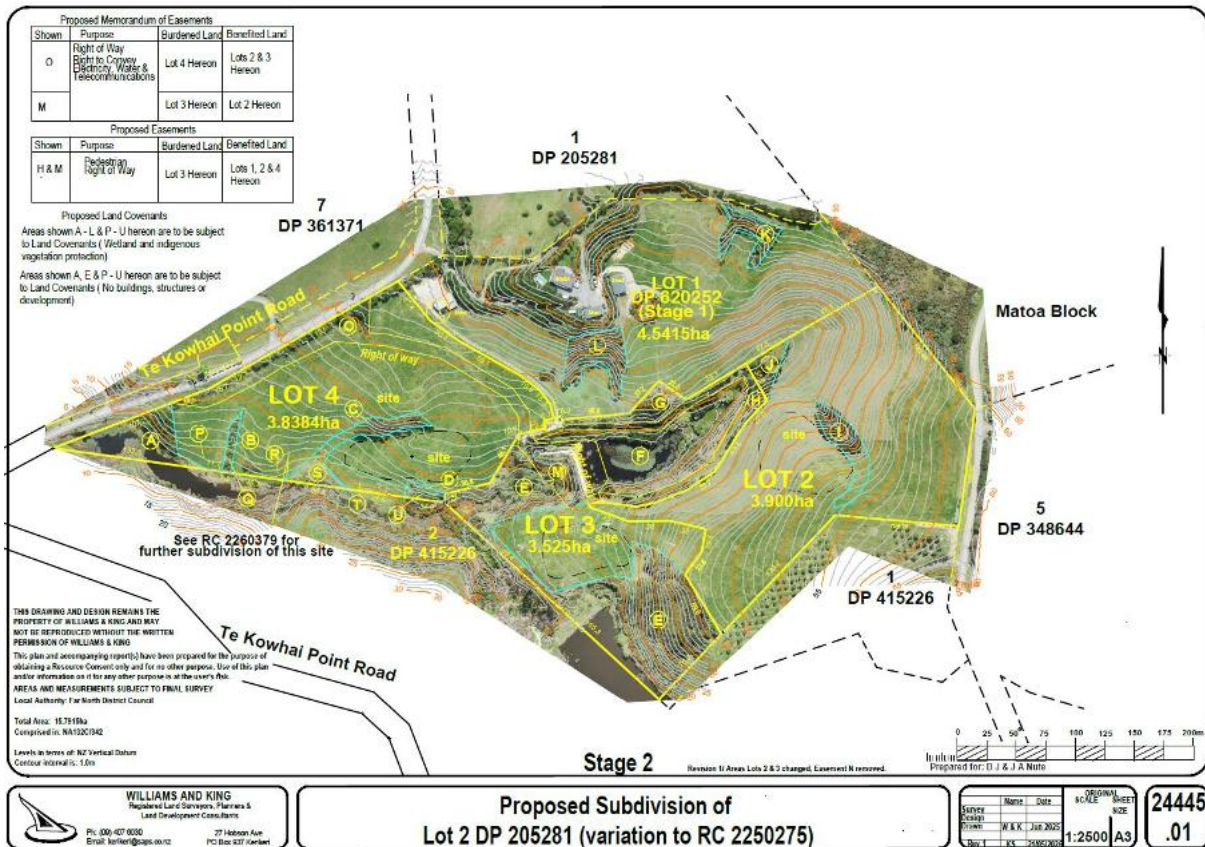


Figure 1: Proposed Subdivision Scheme Plan

## 2 Scope of Work

Unchanged.

## 3 Industry Guidance

Unchanged.

## 4 Site Description & Details

This report section is largely unchanged other than confirming the lot sizes as Lot 2 = 3.9000 ha and Lot 3 = 3.525 ha.

### 4.1 Council Hazard Mapping

Unchanged.

## 5 Site Evaluation

Unchanged other than site areas as described previously.

## 6 Soils

Unchanged

## 6.1 Published Soil Information

Unchanged

## 6.2 Soil Survey and Analysis

Unchanged.

## 7 Site Earthworks and Geotechnical Requirements

### 7.1 Geomorphology

Unchanged.

### 7.2 Earthworks

Unchanged.

#### 7.2.1 Site Fills

Unchanged.

#### 7.2.2 Site Cuts

Unchanged.

#### 7.2.3 Infrastructure

Unchanged.

### 7.3 Land Stability

Unchanged.

### 7.4 Foundations

Unchanged.

## 8 Roads

The access alignment remains unchanged. However; it now terminates at the boundary of the Lot (an approximate 90 m shorter alignment). Engineering recommendations remain as per previously reported.

### 8.1.1 Te Kowhai Point Road Crossing

The access into the site has been formed as part of Stage 1.

### 8.1.2 Dam Embankment Crossing

Unchanged.

## 9 Local Hydrology and Flooding

The wider catchment hydrology is unchanged. The main change associated with the boundary correction relates to directly the Lot 2 driveway drainage into the Chignell Dam (more northern dam).

Based on a 10% maximum impermeability threshold, the additional runoff draining to Chignell Dam in the 1 in 100-year event, above the undeveloped site is 372 m<sup>3</sup> in the 24-hour rainfall event. Peak velocity leaving the dam in this event with the reconfigured outlet is 0.913 m/s.

The dam's outlet was reconfigured as a recommendation of the previous site suitability reporting to include an upsized outflow culvert to provide additional freeboard. The culvert invert was set to 17.22 m NZVD, and the dam crest roadway was raised to 18.202m NZVD.

Given that the dam is freely discharging through the upsized 450 mm diameter outlet culvert during the entire 24-hour rainfall event, the additional water draining to the dam results in a negligible increase in water level of 51 mm. The peak water level recorded in the modelled event was 17.580 m NZVD, still resulting in over 0.5 m of freeboard.

In our opinion, the increase in water depth is negligible and does not change the hazard level or safe operation of the dam.

## 9.1 Hydraulic Analysis

As per Section 9.

### 9.1.1 Model Domain and Build

Unchanged.

### 9.1.2 Land Cover and Infiltration

Unchanged.

### 9.1.3 Rainfall Design Storm Data

Unchanged.

### 9.1.4 Baseline Hydraulic Model Results

Unchanged.

### 9.1.5 Hydraulic Structure Sizing and Freeboard

Unchanged.

## 9.2 Initial Dam Breach Assessment

The previous analysis is unchanged.

# 10 Attenuation and Stormwater Management

## 10.1 Far North District Plan

The Far North District Plan (DP) provides rules relating to stormwater management at a site. The DP provides thresholds for permitted activities on a site which are deemed to have a no more than minor effect on the receiving environment. The permitted requirement for this site is defined in rule 8.6.5.1.3 of the DP as follows:

### 10.6.5.1.6 IMPERMEABLE SURFACES

*"The maximum total site area covered by buildings and other impermeable surfaces shall be 10%."*

Table 5 shows the permitted impermeable surface area for proposed lots:

**Table 5: Permitted Impermeable Surfaces**

<b>Proposed Lot</b>	<b>Area (m<sup>2</sup>)</b>	<b>Permitted impermeable surfaces (10%) (m<sup>2</sup>)</b>
Lot 2	39,000	3,900
Lot 3	35,250	3,525

Where impermeable surfaces exceed 10% of the gross site area, stormwater management and attenuation will be required as a controlled or restricted discretionary activity under the DP.

## 10.2 FNDC Engineering Standards & Guidelines

Unchanged.

## 10.3 On-site Attenuation

Unchanged.

## 11 Wastewater Treatment System Selection

Unchanged.

### 11.1 Alternatives Considered

Unchanged.

### 11.2 Treatment System

Unchanged.

### 11.3 Land Application

Unchanged.

## 12 Summary of Recommendations

Unchanged.

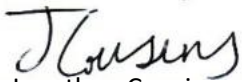
### 13 Statement of Limitations

This addendum to the Site Suitability Report for 128 Te Kowhai Point Road, Kerikeri, dated 11 April 2025, reference J15729 has been prepared by Vision Consulting Engineers Ltd (VISION) for our clients, David and Julia Nute, and is based on the scope of our engagement. It is solely for the client's use for the purpose for which it is intended. VISION does not accept any liability in relation to the use of this report contrary to the above. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. This addendum provides hazard information only and does not constitute advice on whether to purchase the property or on insurability.

Yours sincerely

**Vision Consulting Engineers Ltd**

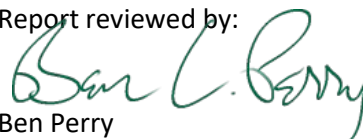
Report prepared by:



Jonathan Cousins

Senior Hydrological Engineer  
Meng (Civil)

Report reviewed by:



Ben Perry

Managing Director  
FMEngNZ CPEng

Proposed Memorandum of Easements

Shown	Purpose	Burdened Land	Benefited Land
O	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 4 Hereon	Lots 2 & 3 Hereon
M		Lot 3 Hereon	Lot 2 Hereon

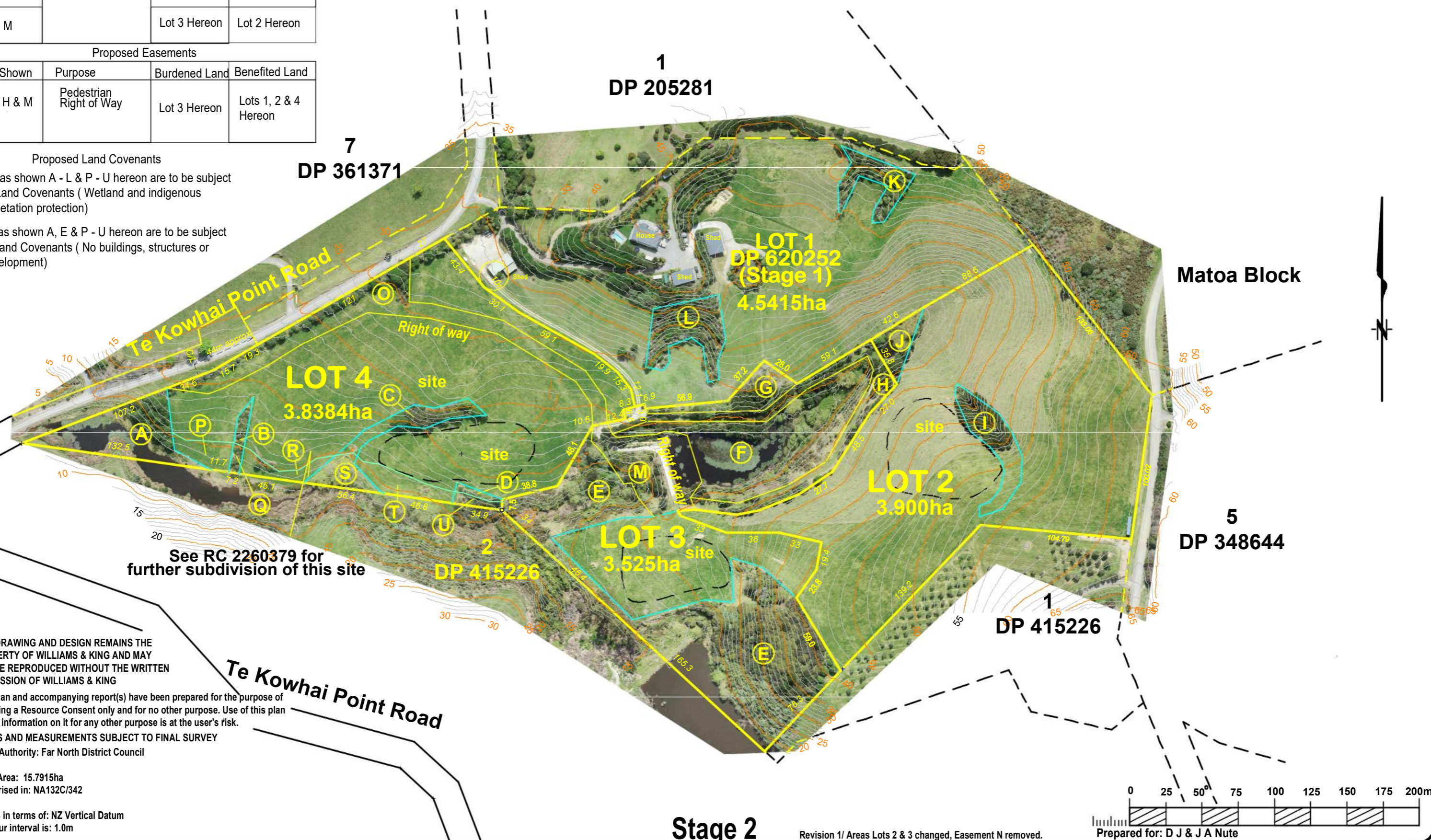
Proposed Easements

Shown	Purpose	Burdened Land	Benefited Land
H & M	Pedestrian Right of Way	Lot 3 Hereon	Lots 1, 2 & 4 Hereon

Proposed Land Covenants

Areas shown A - L & P - U hereon are to be subject to Land Covenants ( Wetland and indigenous vegetation protection)

Areas shown A, E & P - U hereon are to be subject to Land Covenants ( No buildings, structures or development)



See RC 2260379 for further subdivision of this site

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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
Local Authority: Far North District Council

Total Area: 15.7915ha  
Comprised in: NA132C/342

Levels in terms of: NZ Vertical Datum  
Contour interval is: 1.0m

Stage 2

Revision 1/ Areas Lots 2 & 3 changed, Easement N removed.

Prepared for: D J & J A Nute

**WILLIAMS AND KING**  
Registered Land Surveyors, Planners &  
Land Development Consultants

Ph: (09) 407 6030      27 Hobson Ave  
Email: kerikeri@saps.co.nz      PO Box 937 Kerikeri

**Proposed Subdivision of  
Lot 2 DP 205281 (variation to RC 2250275)**

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design			1:2500	A3
Drawn	W & K	Jun 2025		
Rev 1	KS	21/05/2026		

**24445**  
**.01**