

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- ☒ Land Use ☐ Discharge
- ☐ Fast Track Land Use* ☐ Change of Consent Notice (s.221(3))
- ☐ Subdivision ☐ Extension of time (s.125)
- ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- ☒ Other (please specify) Change of consent conditions under s127 of the Act

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

3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

Heritage NZ

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

5. Applicant Details

Name/s:

John Oates

Email:

Phone number:

Work

Home

Postal address:

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

PO Box 7

Russell

Postcode

0242

6. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

Email:

Phone number:

Work

Home

Postal address:

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

112 Commerce Street, Kaitia

Postcode

0441

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

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

John Oates and Christopher Needham

**Property Address/
Location:**

150 Te Wahapu Road

Russell

Postcode

8. Application Site Details

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

Name/s:

John Oates

**Site Address/
Location:**

150 Te Wahapu Road, Russell

Postcode

Legal Description:

See Title

Val Number:

Certificate of title:

NA18A/1385

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☒ Yes ☐ No

Is there a dog on the property? ☐ Yes ☒ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

Please contact applicant to arrange site visit.

9. Description of the Proposal:

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

Proposal to vary consent conditions of previously approved RC2220843 and RC2240380 as well as include an additional setback infringement for the proposed new retaining wall, vegetation clearance and change of access location to Lot 3.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

☒ Building Consent here (if known)

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☒ Yes ☐ No ☐ Don't know

☒ Subdividing land

☐ Changing the use of a piece of land

☐ Disturbing, removing or sampling soil

☐ Removing or replacing a fuel storage system

13. 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.

Your AEE is attached to this application ☒ Yes

13. 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

14. Billing Details:

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

Name/s: (please write in full)

John Oates

Email:

Phone number:

Work

Home

Postal address:

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

PO Box 7

Russell

Postcode

0242

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)

Signature:

(signature of bill payer)

John Oates

Date

7 Nov '25

MANDATORY

15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Rochelle Jacobs

Signature:

[Redacted Signature]

Date 07-Nov-2025

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

Checklist (please tick if information is provided)

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

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

**Variation of Consent Conditions For 2220843-RMACOM & 2240380-RMALUC
and Land Use Consent for additional infringements**

**John Oates
150 Te Wahapu Road, Russell**

Date: 7 November 2025

Attention: Liz Searle and Nick Williamson

Please find attached:

- an application form to change consent conditions pursuant to Section 127 of the Resource Management Act;
- an Assessment of Environmental Effects in support of the change to conditions 3a and 3b of the subdivision component of RC2220843 and conditions 1 and 3 of the landuse component of RC2220843. As well as condition 1 of RC2240380.
- Land Use Consent is also sought for setback infringements of a proposed new retaining wall which will support the existing accessway as well as consent being required for an increase in the amount of cleared vegetation within the site.

The variation to consent conditions has been assessed as a **Discretionary Activity** under Section 127 of the Resource Management Act 1991. The setback infringement and additional vegetation clearance application have been assessed as a **Discretionary Activity** under the Far North Operative Plan.

Regards,



Alex Billot

Resource Planner

Reviewed by:



Rochelle Jacobs

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



Contents

1. Description of the Proposed Activity	4
2220843-RMACOM	4
2240380-RMALUC.....	6
2. Site Description	7
3. Activity Status of the proposal.....	7
Operative District Plan	7
Variation to Consent Conditions	12
Land Use Consent.....	12
Proposed District Plan	12
4. Statutory Assessment	14
Section 127 of the RMA	14
Section 104B of the Act	15
Section 104(1)(a) of the Act	15
5. Assessment of Environmental Effects.....	16
Excavations	17
Stormwater	18
Setback from Boundaries.....	18
Indigenous Vegetation Clearance	20
Access.....	22
Summary	23
6. Variation to consent conditions.....	24
RC2220843.....	24
Subdivision	24
Land Use.....	24
RC2240380	25
7. Policy Documents.....	25
National Environmental Standards	26
National Policy Statements	26
Regional Policy Statement	26
Far North District Plan.....	27
Proposed District Plan	27
Summary	27
8. Notification Assessment – Sections 95A to 95G of the Act	27
Public Notification Assessment	27
Step 1 Mandatory public notification in certain circumstances	27



Step 2: Public Notification precluded in certain circumstances	28
Step 3: If not precluded by Step 2, public notification required in certain circumstances.....	28
Step 4: Public notification in special circumstances	28
Public Notification Summary	29
Limited Notification Assessment	29
11.2.1 Step 1: Certain affected groups and affected persons must be notified	29
Step 2: Limited notification precluded in certain circumstances	29
Step 3: Certain other affected persons must be notified	29
Step 4: Further notification in special circumstances	31
Limited Notification Assessment Summary	31
Notification Assessment Conclusion	31
9. Part 2 Assessment.....	31
10. Conclusion.....	32
11. Limitations	32

Appendices

1. FNDC Application Form signed
2. Record of Title – LINZ
3. EBC-2026-225 – Approved Plans – *Peter Hawkin Architecture*
4. EBC-2026-225 – Approved Engineering Report – *Northland Geotechnical Specialists*
5. Retaining Wall Earthworks Calcs – *Peter Hawkin Architecture*
6. Form 4 EBC-2026-225 – FNDC
7. Form 5 EBC-2026-225 - FNDC
8. RC2220843 Approved Decision – FNDC
9. RC2220843 Approved Plans – FNDC
10. RC2240380 – Approved Decision – FNDC
11. RC2240380 – Approved Plans – FNDC
12. Correspondence – *Archaeology Solutions Ltd*



Assessment of Environment Effects Report

1. Description of the Proposed Activity

- 1.1. The proposal is seeking to vary conditions of consent held within approved subdivision and landuse consents for the subject site. The variation of consent conditions has been triggered by the need to accommodate a retaining wall to stabilise the access on site. This in turn has required a redesign of the access to Lot 3 of RC2220843. The approved consents and proposed variations will be detailed below for context.
- 1.2. New landuse consent is sought to support the realigned accessway and retaining wall. The proposed retaining wall will carry a surcharge and therefore is classified as a building. The retaining wall will be located within 10 metres from the road boundary as well as within 10 metres of the proposed lot boundaries under RC 2220843 and as such triggers consent for setback. Building consent for the retaining wall has been issued under EBC-2026-225/0 which is dated 14th October 2025 and included within **Appendix 7**. The new accessway will also require vegetation clearance, which increases the amount of clearance approved on site. As such, consent is also sought for this technical breach. A breach of the access rules is also sought given Lot 3 will now gain access directly from Te Wahapu Road rather than the right of way.

2220843-RMACOM

- 1.3. 2220843-RMACOM was approved on 24/01/2025 for the proposed subdivision of the site to create one additional allotment as well as a slight boundary adjustment with Lot 1 DP 164075 to fix up an historic boundary issue. Land use consent was also sought to allow a lesser setback distance for any future buildings within the defined building envelope within Lot 3 as well as infringements of the permitted threshold for excavation and/or filling in the Coastal Living zone. The combined proposal was assessed as a Discretionary Activity. It is worth noting that as part of the original application, a technical infringement of stormwater management was applied for given the lot size which contained the existing consented impermeable surfaces, was decreasing in size. Given the complexity and length of processing of the application which resulted in changes to the processing planners on 3 occasions, it appears that the stormwater management infringement was missed and as such had not been approved as part of RC2220843.
- 1.4. As part of this consent, Lot 3 was to utilise the existing entrance from Te Wahapu Road, which was to service all three allotments, with internal access to Lot 3 being from proposed easement A. Conditions of consent were imposed to seal and concrete the double width crossing to easement A with an entrance that complied with Councils Engineering Standard FNDC/S/6 and 6B, provide a suitable vehicle crossing to Lot 3 from right of way A and confirmation being provided from a Licensed Cadastral Surveyor that the access carriageway (easements A and stub access into Lot 1) were fully contained within the property extents and easements provided for access.
- 1.5. The proposed variation will see a separate access created to Lot 3 which is parallel with Easement A. The crossing place from Te Wahapu Road will be widened such that access to Lot



3 will be directly from the crossing place. This will remove the need for a future dwelling on Lot 3 to utilise Easement A which will continue to provide access to Lot 1. As a result of investigating this amendment, it was determined that a retaining wall was required to be constructed along the southernmost boundary of Easement A. This retaining wall will service both the amended driveway proposal and also the existing driveway. Regardless of its height it will carry a surcharge and therefore is classified as a building. The retaining wall will be located within 10 metres from the road boundary, within 10m from the new Lot 1 & Lot 3 boundary near Te Wahapu Road and within 10m from the Lot 1 & 3 boundary on the Eastern perimeter of Easement A such that landuse consent for setback from boundaries is triggered. It is also noted that the proposed boundaries are yet to be surveyed, and boundary locations can alter slightly from approved plan to survey. It appears that the eastern extent of the retaining wall may encroach onto Lot 1. If this is the case, it is likely that there will be a slight shift in the boundaries to accommodate the wall within Lot 3.

- 1.6. Earthworks will be required to construct the new entrance in addition to what has previously been approved. The creation of the new access will also result in additional impermeable surfaces.
- 1.7. S223 has yet to be obtained for this resource consent such that a variation to the conditions of consent will be made in accordance with Section 127 of the Act. Variation to the following conditions are proposed:
- Subdivision Conditions 3(a) & 3(b)
 - Land Use Conditions 1 & 3
- 1.8. New Land use consent is also sought for the setback from boundaries infringement of the new retaining wall as well as the additional vegetation clearance required to form the new accessway to Lot 3.
- 1.9. The new access will shift development closer to the recorded archaeological site on the property. Correspondence with both the consultant archaeologist and Heritage New Zealand is included within this application, confirming that both parties are satisfied that there will be no adverse effects on heritage.
- 
- Figure 1: RC2220843 approved plan showing approved access configuration to Lot 3.**



Figure 1: RC2220843 approved plan showing approved access configuration to Lot 3.



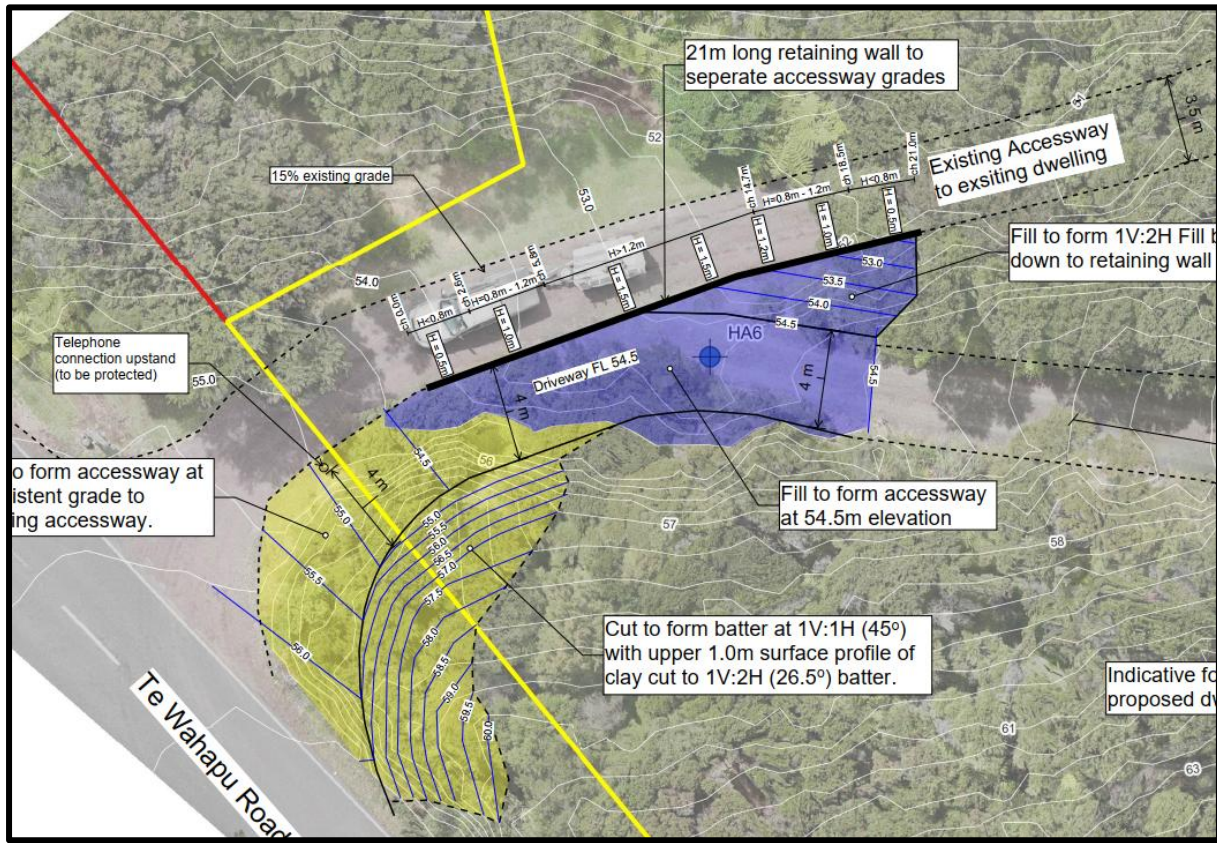


Figure 2: Proposed variation showing proposed access to Lot 3.

2240380-RMALUC

- 1.10. 2240380-RMALUC was approved on 11/04/2024, prior to the above-mentioned consent. This landuse consent consisted of undertaking alterations and additions to the existing dwelling on the site which resulted in infringements of the permitted rules for Stormwater Management, Fire Risk to Residential Units and Setback from Boundaries. The proposal was assessed as a Discretionary Activity.
- 1.11. As a result of the proposed variation application, there will be an increase in the amount of impermeable surfaces within the site. Given the subdivision has not yet been completed, this will apply to the underlying title. As part of RC 2240380, consent was approved for 1452m² of impermeable surfaces. The proposed variation will result in an increase in impermeable surfaces of 50m² bringing the total amount to 1501.8m².
- 1.12. As a result, variation to RC2240380 is requested under s127 of the Act. RC2240380 contains only one condition which refers to the approved plans in which the activity is to be carried out in accordance with. This will require varying as a result of this proposal.



2. Site Description

2.1. The site is located at 150 Te Wahapu Road which is legally described as Lot 2 DP 61655 and Lot 36 DP 17694. The site is located in the northern side of Te Wahapu Road and extends towards the coastal marine area. The site is irregular in shape and is one of the larger Coastal Living blocks left on the peninsula at 5ha with many neighbouring blocks being around 4000m². The site is accessed directly off Te Wahapu Road.



Figure 3: Site location in red and surrounding environment.

2.2. The topography of the site is undulating with a moderate downwards slope from the road to the coast. The site has a gully present within the centre of the property. This is easily viewed from the aerial above. Vegetation cover is generally native bush. The site is currently developed with a dwelling, boat shed, an implement shed and various tracks. The surrounding environment consists of residential allotments.

3. Activity Status of the proposal

Operative District Plan

3.1. The previous applications RC 2220843 and RC 2240380 were both assessed as Discretionary Activities. The proposal will see an increase in impermeable surfaces, additional excavations and vegetation clearance and the addition of a retaining wall which is classified as a building. Given the above, an assessment of the relevant zone and district wide rules for the Coastal Living zone will be undertaken below for completeness.

ASSESSMENT OF THE PERMITTED COASTAL LIVING ZONE RULES:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
10.7.5.1.1	VISUAL AMENITY	This proposal does not include consent for any future buildings over 50m ² . Permitted.
10.7.5.1.2	RESIDENTIAL INTENSITY	This proposal does not include consent for any future dwellings.



		Permitted.
10.7.5.1.3	SCALE OF ACTIVITIES	Not applicable.
10.7.5.1.4	BUILDING HEIGHT	The height of the retaining wall is noted within the Plan Set, with the closest point to the road boundary being 0.5m in height, which increases to 1.5m approximately 10m chainage along the retaining wall and it then decreases in height back to 0.5m at the furthest point from the road boundary. The proposed retaining wall complies with the permitted building height. Permitted.
10.7.5.1.5	SUNLIGHT	The proposal will not see any boundaries changed and the proposed retaining wall is not considered to create any sunlight infringements from previously consented boundaries given its height nearest to the boundaries is less than 1 metre in height. Permitted.
10.7.5.1.6	STORMWATER MANAGEMENT	Given the subdivision has not yet been completed, the impermeable surfaces will be contained within Lot 2 DP 61655 and Lot 36 DP 17694 which are held within the same Record of Title. The total impermeable surfaces within the lot and what has been previously consented under RC2240380 1452m². The proposal will see a slight increase in impermeable surfaces to accommodate the new access to Lot 3 which will be constructed with a metalled surface. The proposal will see an additional 50m² of impermeable surfaces created which brings the total amount to 1501.8m². As such, a variation to RC2240380 is sought to include the proposed impermeable surfaces. Discretionary – Variation to RC2240380.
10.7.5.1.7	SETBACK FROM BOUNDARIES	The proposed retaining wall will be located within the 10 metre setback from the road boundary. At present, there is no avenue to obtain written approval on behalf of the Roding Authority and as such, no approval has been sought. The proposed retaining wall will also be within the 10 metre setback from the proposed northern and eastern dividing boundaries between Lots 1 & 3. Given that these proposed



		allotments are owned by the applicant, no additional written approvals have been sought. Given the setback infringements were not applied for as part of RC2220843 or RC2240380, new infringements are created and requested to be included within the decision document. Restricted Discretionary – New Infringements
10.7.5.1.8	SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES	Not applicable.
10.7.5.1.9	TRANSPORTATION	Addressed below.
10.7.5.1.10	HOURS OF OPERATION NON-RESIDENTIAL ACTIVITIES	Not applicable.
10.7.5.1.11	KEEPING OF ANIMALS	Not applicable.
10.7.5.1.12	NOISE	Not applicable.
10.7.5.1.13	HELICOPTER LANDING AREA	Not applicable

Assessment of the applicable permitted DISTRICT WIDE RULES:		
PERFORMANCE STANDARDS		
Plan Reference	Rule	Performance of Proposal
12.2.6.1.4 12.2.6.2.2	INDIGENOUS VEGETATION CLEARANCE IN OTHER ZONES	The site does not meet the definition of urban environment, as such the 500m² standard is applicable. Consent was granted in 2019 for vegetation clearance exceeding 500m² in area, as such any additional vegetation clearance will trigger consent. The proposal will result in less than 100m² of vegetation clearance in order to undertake the construction of the proposed internal access and retaining wall. The activity therefore results in a technical breach of this rule as the clearance on the site will be increasing above what was already consented. The activity is a Restricted Discretionary activity in accordance with Rule 12.2.6.2.2. For the purposes of this infringement, we are treating this as a LUC as vegetation clearance did not form part of the approved subdivision.



		Restricted Discretionary Activity – New Infringement
12.3.6.1.2	EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE COASTAL LIVING ... ZONES.	Consent for an infringement of the permitted thresholds for excavations was approved under RC 2220843 for the proposed subdivision. The proposal will result in an additional 81m³ of fill and 190m³ of cut. It is requested that the relevant conditions within RC2220843 are varied to also reference the proposed earthworks plan subject of this consent. Discretionary Activity – variation to RC2220843 required.
12.4.6.1.2	FIRE RISK TO RESIDENTIAL UNITS	The proposal will not see any residential units proposed. Not Applicable.
12.7.6.1.2	SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS	No development is proposed within proximity to the small stream/wetland on the site. Permitted.
15.1.6A.2.1	TRAFFIC INTENSITY	The proposal will not alter what has been previously approved. Permitted.
15.1.6B.1.1	ON SITE CAR PARKING SPACES	The proposal will not alter what has been previously approved. Permitted.
15.1.6B.1.2 – 6	Not applicable	
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	Permitted Activity The proposal will not see an increase in the number of users of the approved right of ways. Proposed Lot 3 will instead utilise an independent access, rather than using ROW A. As an owner of ROW A Lot 3 retains the ability to use the ROW. A variation to the conditions relating to access will be required as will be detailed within this application. The crossing point is existing and is not within 30m of a local road.



15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	Permitted Activity Will remain unchanged.
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	Permitted Activity The double-crossing point will act as a passing bay.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	Permitted Activity Not applicable.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	Permitted Activity The existing crossing point will be upgraded to comply with the permitted standards as per the existing condition of consent. This will remain unchanged.
15.1.6C.1.6	VEHICLE CROSSING STANDARDS IN URBAN ZONES	Permitted Activity Not applicable.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	Permitted Activity (a) There will be adequate turning on each site once developed. (b) The bends and corners on the private access are only slight, such that they could easily accommodate a heavy rigid vehicle. (c) The excess legal width will remain vegetated. (d) Stormwater will be managed on site.
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	(a) Te Wahapu Road is able to meet the legal road with standards. (b) Te Wahapu Road is a rural sealed road which has two lanes. The road is considered to comply with the permitted standards. (c) It is noted that Proposed Lot 3 will have frontage to ROW A, however given the terrain it is not practical for access to be provided via ROW A. There is a retaining wall also required where the existing stub access into Lot 3 is located such that access to Lot 3 from ROW A is not physically possible. Hence the proposed access layout has been provided for consideration. The proposal will see Lot 3 accessed directly from the crossing place at Te Wahapu Road. This will result in a technical breach of this rule given access will not be via ROW A. Consent required. (d) The legal road carriageway does not encroach upon the subject property. Discretionary Activity – New Infringement
15.1.6C.1.9 – II	Not applicable to this development.	



Variation to Consent Conditions

- 3.2. The proposal is therefore to vary a suite of conditions relating to the access and physical formations of the access. The original combined subdivision and landuse consent under RC2220843 was assessed as a Discretionary Activity and it is proposed to vary the relevant conditions in relation to the access and associated earthworks to reflect the proposed design.
- 3.3. The subsequent landuse consent under RC2240380 for the addition to the dwelling on the site which increased the non-compliance of the impermeable surfaces on the site, was also assessed as a Discretionary Activity. As the impermeable surface infringement was not included in the combined subdivision and landuse consent RC2220843 decision, it is therefore requested to vary RC2240380 to include the impermeable surfaces associated with the new access to what will be Proposed Lot 3.
- 3.4. The variations are assessed as a **Discretionary Activity**, under section 127 of the Act.

Land Use Consent

- 3.5. The proposal will also include additional infringements which were not considered at the time RC2220843 was approved. The proposal seeks to construct a new retaining wall which will be located along the accessway. This retaining wall will be located within the 10 metre setback from the road boundary as well as within the northern and eastern dividing boundaries of Lots 1 & 3 and as such creates an infringement of permitted rule 10.7.5.1.7 Setback from Boundaries. The setback infringements can comply with the Restricted Discretionary provisions.
- 3.6. The new accessway to Lot 3 will also include additional vegetation clearance equating to less than 100m². As the site has already obtained retrospective consent for previous vegetation clearance of over 500m², the proposal will add to this, therefore creating a further infringement of permitted rule 12.2.6.1.4 indigenous vegetation clearance in other zones. The vegetation clearance is assessed as a Restricted Discretionary Activity.
- 3.7. As Lot 3 will not be accessed via the proposed right of way as part of the subdivision, an infringement of permitted rule 15.1.6C.1.8(c) is created. This results in a Discretionary Activity.
- 3.8. The land use consent will be combined and assessed as a **Discretionary Activity**.

Proposed District Plan

- 3.9. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural-Lifestyle. Assessment of the matters relating to the Proposed District Plan that are known to have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant	Not applicable. The proposal does not include a new significant hazardous facility nor is the



	hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource Rules HS-R5, HS-R6, HS-R9	property located within an area with a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource
Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable. The site is not located within a Heritage Area Overlay.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site does not contain any areas of historic heritage.
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any notable trees.
Sites and Areas of Significance to Māori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Not applicable. The site does not contain any sites or areas of significance to Māori.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Permitted. The proposal will result in vegetation clearance. The total area equates to less than 100m ² . As per IB-R4 PER-2, indigenous vegetation clearance and land disturbance is a permitted activity if the clearance does not exceed 100m ² per site in any calendar year. The activity can comply with this and is therefore assessed as a Permitted Activity.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Not applicable. The proposal is not for subdivision.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.



Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Permitted. Earthworks as part of this proposal will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.

3.10. The assessment above indicates that the proposal is **Permitted** insofar as the rules we are aware of having immediate legal effect within the Proposed District Plan.

4. Statutory Assessment

Section 127 of the RMA

4.1. The following section of the Resource Management Act (RMA) is relevant to the proposed change to consent conditions.

127 Change or cancellation of consent condition on application by consent holder

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

(a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and

(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

(2) [Repealed]

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

(a) the application were an application for a resource consent for a discretionary activity; and

(b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the



application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

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

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

4.2. The variations are assessed as a **Discretionary activity**, under section 127 of the Act.

Section 104B of the Act

4.3. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

Section 104(1)(a) of the Act

4.4. Section 104(1) of the Act states that when considering an application for resource consent –

“the consent authority must, subject to Part II, have regard to –

(a) Any actual and potential effects on the environment for allowing the activity; and
(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and

(b) Any relevant provisions of –

- (i) A national environmental standard*
- (ii) Other regulations*
- (iii) A national policy statement*
- (iv) A New Zealand Coastal Policy Statement*
- (v) A regional policy statement or proposed regional policy statement*
- (vi) A plan or proposed plan; and*

(c) Any other matter the consent authority considers relevant and reasonable necessary to determine the application.’

4.5. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the Act). As will be discussed within this application, the proposal will have actual and potential effects that are acceptable.

4.6. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. The proposal results in positive effects on the environment as access to the proposed lots will be provided for safely with the appropriate supporting infrastructure



provided to ensure vehicle access to and from the site can be undertaken in a safe manner without compromising the integrity of the access or the surrounding environment.

- 4.7. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in Section 5 below.
- 4.8. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

5. Assessment of Environmental Effects

- 5.1. For the purposes of this assessment, in relation to the assessments for Excavations & Stormwater, consideration of the effects of the proposal has been limited to the proposed changes rather than re-visit the effects of the original application.
- 5.2. For the infringements relating to Setback, Access and Indigenous vegetation clearance, these effects have been assessed in full below.
- 5.3. The access to Proposed Lot 3 has been redesigned to provide practical and coherent access to Lot 3. The proposed redesign will include widening the existing crossing place which services the site, to enable access to Lot 3 to directly come from the crossing place. This will include excavations in the form of cut to form the accessway to a consistent grade, as per Figure 4 below. An internal accessway to Lot 3 will then be created parallel to ROW A, which will connect with the existing internal accessway to Lot 3.
- 5.4. A 21 metre long, 1.5m high steel UC pile retaining wall will be constructed on the southern edge of ROW A, which will separate ROW A and the internal accessway to Lot 3. Fill will be located along this area to enable a level area for the internal accessway to Lot 3, which will be battered down to the proposed retaining wall. This is also depicted within Figure 4 below.



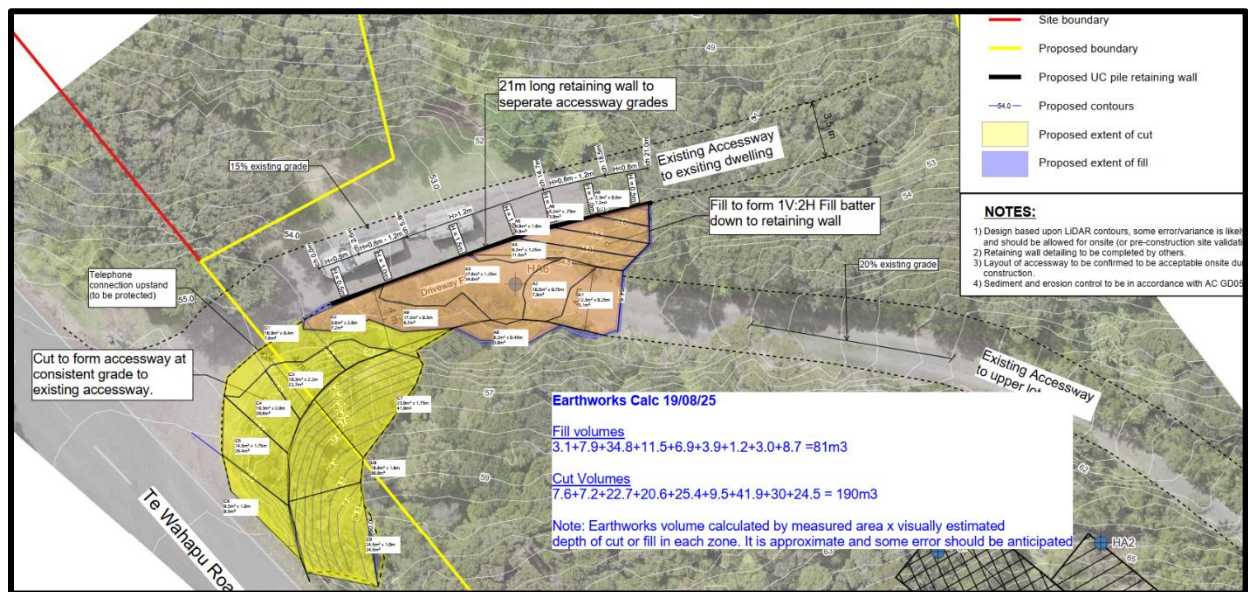


Figure 4: Image showing proposed excavations and retaining wall as well as proposed access to Lot 3.

5.5. Given the steep terrain and location of Lot 3, the redesign has been proposed to enable practical access to Lot 3. As can be seen in Figure 4 above, a retaining wall is required to be located where Lot 3 would have access from ROW A. This retaining wall is required to ensure safe design and integrity of the access. As a result physical access from ROW A to Lot 3 cannot be provided. As such, the redesign has utilised the existing crossing place to create an independent access to Lot 3, which is considered to be the best outcome by utilising existing infrastructure whilst remaining outside of the areas within Lot 3 proposed to be used for onsite wastewater disposal as well as outside of the areas noted as being Archaeological sites. The construction of the access will also involve less than 100m² of indigenous vegetation clearance and will utilise a portion of the site which would not be utilised for any other purpose.

5.6. The proposed redesign is considered suitable for the site and proposed subdivision. The proposal enables the integrity of the right of way access to be increased ensuring that access is not jeopardized whilst utilising existing and proposed infrastructure to enable safe access to Lot 3.

Excavations

5.7. In terms of the excavations required, Northland Geotechnical Specialists (NGS) have provided a Geotechnical Report for a concept dwelling (which does not form part of this application) which included the accessway as well as the proposed retaining wall. 81m³ of fill and 190m³ of cut will be required for the proposed works. A Geotechnical Analysis has also been included within the NGS report. NGS have recommended that a subsoil drain and free draining backfill is also incorporated into the design for the retaining wall. A 4m wide accessway to Lot 3 will be provided for, with the cut batters being specified. It is expected that fill will comprise the cut material from the site.



- 5.8. Given that an excavation infringement was sought and approved under RC 2220843, it is considered appropriate to vary the existing conditions of consent to include reference to the NGS report and associated plans. This ensures any works are carried out in accordance with the updated documents. It is noted that the LUC conditions within RC 2220843, namely Conditions 3, 4, 5 & 6 require all earthworks to be designed by a suitably qualified practitioner as well as monitoring, installation and operation of erosion and sediment control measures. All internal roading and accesses to Lot 3 are also required to have evidence provided that a silt and sediment control plan has been designed by a suitably qualified practitioner as well as certain requirements of such plan being listed. These conditions are proposed to remain and will ensure that the excavations proposed for the internal access have appropriate silt and sediment control.
- 5.9. Given the existing conditions within RC 2220843, it is considered that effects from the additional excavations will be less than minor. Some minor variations to the relevant conditions of consent will be required to reference the new plans as will be detailed in the latter section of this report.

Stormwater

- 5.10. The proposed redesign will result in 50m² increase of impermeable surfaces given the new portion of access to Lot 3. NGS have recommended that the retaining is to have a subsoil drain and free draining backfill as well as an allowance for a downslope swale/water table drain or similar. It is considered that swale drains will be utilised along the access within Lot 3, or stormwater runoff will be via sheetflow to the existing vegetated areas within the site. It is considered that given the small increase in impermeable surfaces as well as the nature of the impermeable surfaces, effects will be less than minor. A variation to RC2240380 is proposed to include reference to the proposed access plan.

Setback from Boundaries

- 5.11. As a result of the subdivision process, it was determined that a 21m long retaining wall would be required along the southern boundary of ROW A to support the accessway. This retaining wall is located within 10 metres of the road boundary as well as within 10 metres from the northern and eastern dividing boundaries of Lots 1 and 3, as per the Site Plan attached with this application. As mentioned, it is also noted that the proposed boundaries are yet to be surveyed, and boundary locations can alter slightly from approved plan to survey. It appears that the eastern extent of the retaining wall may encroach onto Lot 1. If this is the case, it is likely that there will be a slight shift in the boundaries to fully accommodate the wall within Lot 3. Given the proposed retaining wall was not a consideration of the subdivision at the time of RC 2220843, assessment has been included as a separate land use consent.
- 5.12. Given there is no delegated authority at present to issue written approvals on behalf of the Roading Authority, within Council, written approval for the application has not been sought, as there is no avenue to seek written approval.



- 5.13. The subdivision has yet to be finalised and as such, the Applicant is the owner of both Lots 1 & 3, such that no additional written approvals are considered necessary for the internal infringements.
- 5.14. The proposed retaining wall will be located perpendicular to the road boundary, such that the closest point will be 5 metres from the road boundary and the remainder increasing in distance along the 21 metre length, as can be seen in Figure 5 below. The height of the retaining wall is 0.5m in height on its western periphery, and increases to 1.5m at approximately 10m chainage. It then decreases in height back to 0.5m at its Eastern extent.

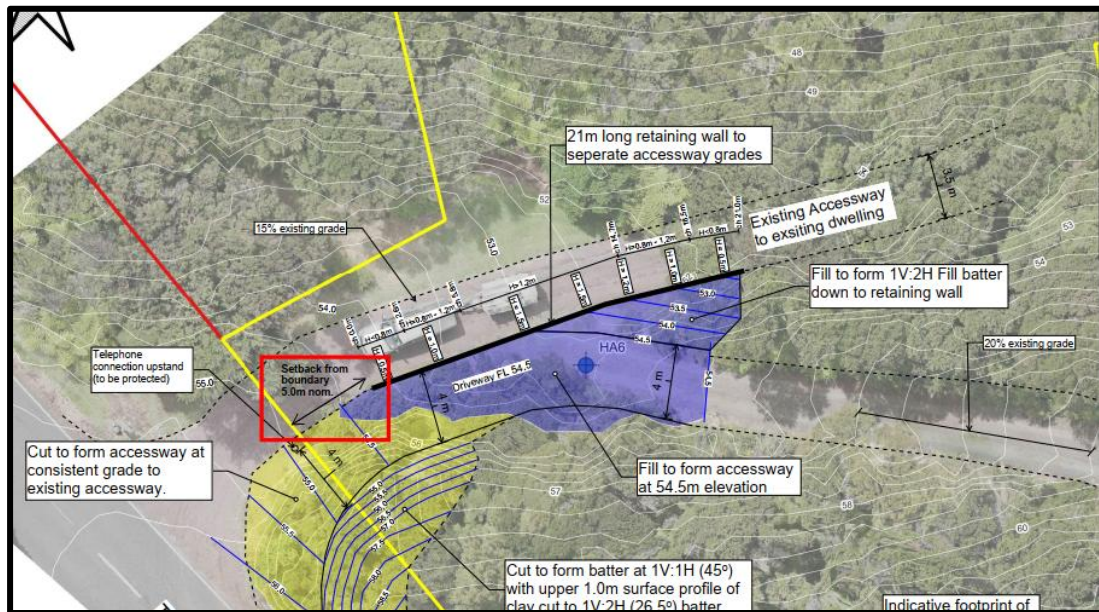


Figure 5: Image showing location and details of proposed retaining wall.

- 5.15. Section 11.6 of the ODP sets out the criteria for assessment of a setback from boundaries infringement. This assessment criteria is listed below:

11.6 SETBACK FROM BOUNDARIES

- (a) Where there is a setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites.
- (b) The extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties.
- (c) The extent to which the buildings restrict visibility for vehicle manoeuvring.
- (d) The ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting.
- (e) The extent to which provision has been made to enable and facilitate all building maintenance and construction activities to be contained within the boundaries of the site.

- 5.16. The proposed retaining wall is not considered to adversely affect the character and form of the road given that the retaining wall will be less than 1.5m in height where the setback breach occurs and is set back a sufficient distance such that it will not intrude onto the street scene. Given the steep terrain of the area, retaining walls are not unusual or out of character in the



surrounding environment. The scale and proportion of the retaining wall is small compared to other structures in the area and as it will support the existing and proposed accessway, it is considered that it will be absorbed into the surrounding environment.

- 5.17. Given the nature of the retaining wall as a support structure, the outlook and privacy of adjacent properties are not anticipated to be affected. The retaining wall is setback a significant distance from all other adjoining property boundaries. The setback infringement along the northern and eastern dividing boundaries of Lots 1 & 3 is not considered to affect outlook and privacy within Lot 1, given that built development within Lot 1 is existing and is located in the northernmost portion of the site, furthest from the proposed retaining wall.
- 5.18. The retaining wall is not anticipated to restrict visibility for vehicle manoeuvring and is required to support the accessways.
- 5.19. No mitigation measures are proposed given effects are considered to be less than minor. Any planting could affect the integrity of the wall and impede on vehicle access.
- 5.20. The retaining wall will be located on the southern boundary of ROW A, which is not located near any property boundaries for the parent lot, such that maintenance and construction activities can be adequately accommodated. As mentioned, there is a 5m setback from the road boundary such that works can be adequately contained within the site boundaries. The retaining wall is anticipated to be constructed prior to finalisation of the subdivision, such that works will most likely occur within the parent lot rather than within the newly created lots.
- 5.21. Overall, it is considered that given the retaining wall is required to support the accessway and ensure safe and practical use of the access, the proposal is not impractical or objectionable with the surrounding environment. The retaining wall will be at a maximum 1.5 metres in height with the majority of the wall being less than this, such that it is not considered to intrude into the street scene. The retaining wall will have at least 5 metres of separation distance from the road boundary which allows for adequate space for maintenance and construction works as well as ensuring the retaining wall does not create any dominance effects on road users. The proposed retaining wall is not considered to impact the use of the road nor jeopardise safety of the users of the road. The retaining wall is considered to have less than minor effects created by the setback breach.

Indigenous Vegetation Clearance

- 5.22. The proposed activity will result in less than 100m² of additional vegetation clearance to construct the proposed accessway to Lot 3. As any additional clearance within the site will result in an infringement of the permitted rule for indigenous vegetation clearance, the proposed activity requires consent under this rule. An assessment of Section 12.2.7 has been made below.

(a) the significance of the area assessed using the criteria listed in Method 12.2.5.6;

(b) the location and scale of any activity and its potential to adversely affect the natural functioning of the ecosystem;



- (c) the potential effects on the biodiversity and life supporting capacity of the area;*
- (d) the extent to which the activity may adversely affect cultural and spiritual values;*
- (e) the extent to which the activity may impact adversely on visual and amenity values;*
- (f) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated;*
- (g) the extent to which any proposed measures will result in the permanent protection of the area, and the long term sustainability of revegetation and enhancement proposals;*
- (h) whether a voluntary agreement by a landowner to protect indigenous vegetation and/or habitats is registered with the Council;*
- (i) whether dogs, cats or mustelids will be excluded;*
- (j) proposals for the re-establishment of populations of threatened species, either in areas where the species previously inhabited or other suitable habitat, and/or replanting or restoration of habitats and indigenous vegetation;*
- (k) the environmental effect of the increase in residential intensity and/or extra lots in relation to the benefits of achieving permanent legal protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;*
- (l) the value of vegetation in protecting the life supporting capacity of soil, maintaining or improving water quality and reducing the potential for downstream siltation and flooding;*
- (m) the extent to which the activity may adversely affect areas of known high density kiwi habitat;*
- (n) the environmental effects of a proposed development in relation to the benefits of achieving permanent protection and/or management of areas of significant indigenous vegetation or significant habitats of indigenous fauna;*
- (o) the extent to which there are reasonable alternatives to provide for sustainable management;*
- (p) the extent to which the habitat policies of any national policy statement, the Regional Policy Statement for Northland and the District Plan are implemented;*
- (q) the extent to which other animals or plants that will be introduced as a result of the application and may have a significant adverse effect on indigenous ecosystems are excluded or controlled;*
- (r) the effectiveness of any proposed pest control programme.*

- 5.23. The area of proposed vegetation clearance was not assessed as being of significant value under RC 2220843 and was not set aside for protection. Given that the clearance will occur alongside the existing accessway, it is considered that no adverse effects will be created that will affect the natural functioning of the ecosystem. The vegetation to be set aside by formal protection will remain unchanged. The vegetation clearance will be minor. As detailed in the report above, the clearance is a permitted activity under the Proposed District Plan. No effects on the biodiversity and life supporting capacity of the area is anticipated. Cultural and spiritual values are considered to not be adversely affected given the small area of clearance and the non-significant value of the vegetation. Confirmation has been received from the Archaeologist (Archaeology Solutions) that the revised works will not impact the existing archaeological features within the site. Given this, Heritage NZ have also advised that they do not have any objections to the proposal. In terms of visual and amenity values, these are considered to remain unchanged given that the addition of a driveway is not considered objectionable or



unusual in the surrounding environment. There are ample areas of vegetation within the site and given the small area of vegetation clearance required will result in negligible effects on the surrounding ecosystem. No adverse effects on features listed within (f) are anticipated given the nature of the proposal and the large amount of vegetation remaining within the site. Permanent protection of areas of value was offered within RC 2220843 and will remain unchanged as part of this proposal. Restrictions on cats, dogs and mustelids will remain unchanged from what has been previously approved. The proposal will not alter the already approved residential intensity for the site. Stormwater management methods will be implemented to ensure there are no adverse downstream effects from runoff. The site is within an area of kiwi high density as assessed under RC 2220843, however the minor clearance is not anticipated to create adverse effects on kiwi. No alternatives have been proposed given formal protection of areas of high value was offered as part of RC 2220843. The relevant NPS and RPS was assessed as part of RC 2220843 and given the minor nature of the proposal and the low significance of the vegetation which will be cleared, re-assessment is not considered necessary. No additional plants or animals will be introduced given the area will be utilised as a driveway and animals are restricted as per RC 2220843. No additional pest control is proposed compared to what was approved under RC 2220843.

Access

5.24. The proposal will see Lot 3 accessed directly from Te Wahapu Road, rather than the proposed right of way and as such an infringement is created. The new access is required given the retaining wall required to support the accessway to Lot 1 which restricts access into Lot 3. Subsequently an alternative access location to Lot 3 has been proposed from the existing crossing location. An assessment of the relevant criteria within 15.1.6C.4.1 Property Access has been provided below.

- (a) Adequacy of sight distances available at the access location.*
- (b) Any current traffic safety or congestion problems in the area.*
- (c) Any foreseeable future changes in traffic patterns in the area.*
- (d) Possible measures or restrictions on vehicle movements in and out of the access.*
- (e) The adequacy of the engineering standards proposed and the ease of access to and from, and within, the site.*
- (f) The provision of access for all persons and vehicles likely to need access to the site, including pedestrian, cycle, disabled and vehicular.*
- (g) The provision made to mitigate the effects of stormwater runoff, and any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties.*
- (h) For sites with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:*
 - (i) the visual impact of hard surfaces and vehicles on the natural character;*
 - (ii) the cumulative effects of additional vehicle access onto Kerikeri Road and the potential vehicle conflicts that could occur;*
 - (iii) possible use of right of way access and private roads to minimise the number of additional access points onto Kerikeri Road;*



(iv) the vehicle speed limit on Kerikeri Road at the additional access point and the potential vehicle conflicts that could occur.

(i) The provisions of the roading hierarchy, and any development plans of the roading network.

(j) The need to provide alternative access for car parking and vehicle loading in business zones by way of vested service lanes at the rear of properties, having regard to alternative means of access and performance standards for activities within such zones.

(k) Any need to require provision to be made in a subdivision for the vesting of reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land; future connection of pedestrian accessways from street to street; future provision of service lanes; or planned road links that may need to pass through the subdivision; and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.

(l) Enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available (consent notices shall be registered on such Certificates of Title pursuant to Rule 13.6.7).

(m) With respect to access to a State Highway that is a Limited Access Road, the effects on the safety and/or efficiency on any SH and its connection to the local road network and the provision of written approval from the New Zealand Transport Agency.

5.25. The access location was assessed as part of RC 2220843 and subsequently approved. The increase in crossing width to accommodate the new access to Lot 3 is considered to not affect the sight distances available. There are no known traffic safety or congestion problems in the area. Traffic patterns could marginally increase, however as the peninsula is already well developed this is not anticipated. No measures or restrictions on vehicle movements are considered necessary given the access will be for the purpose of residential use. The access point and accessway is proposed to be constructed to the required engineering standards. No provision for pedestrian or cycle use has been provided given that vehicle use will be the main use of the access in this rural location. Stormwater runoff will be managed as required. The site does not have frontage with Kerikeri Road. There are no known development plans for the roading network in the area. The anticipated use is residential use so no additional carparking or vehicle loading has been provided for as part of this application. No vesting of roads is proposed, and the site is not accessed off a State Highway.

Summary

5.26. The alternative concept is not considered to change the original assessment of the proposal, and it is considered that the proposal can still achieve the intent of what was sought under the consent that was granted. The proposal does not seek to increase the number of allotments, rather reconfigure the access to Lot 3 based on geotechnical engineering findings as part of further investigation of the site post subdivision which identified the need for a retaining wall to support the existing accessway.

5.27. Changes to the conditions are directly related to the change in layout of the access to Lot 3 and the flow on effects from this. There are no effects that are increased adversely or exacerbated by the variation.



- 5.28. Land use consent is sought for the setback infringement of the proposed retaining wall which will support the existing accessway as well as the additional vegetation clearance required for the accessway and the fact the access to Lot 3 will not be from the right of way given the physical constraints for the topography.
- 5.29. Overall, it is considered that the proposal will result in no more than minor environmental effects and will in fact provide a superior outcome to what was previously proposed. The minor increase in impermeable surfaces, vegetation clearance and excavations are not anticipated to create any adverse effects given these can be controlled via existing conditions of consent.

6. Variation to consent conditions

- 6.1. The variation will involve changes to various conditions within RC2220843 as well as RC2240380 as will be detailed below. The conditions are shown below, with the amendments shown in red.

RC2220843

Subdivision

6.1.1. Condition 3(a):

*Provide a sealed or concreted double width vehicle crossing to right of way A **and Proposed Lot 3**, providing an entrance which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004. Minimum of a 375mm class 4 concrete culvert, seal or concrete the entrance plus splays for a minimum distance of 5m from the existing seal edge.*

- 6.1.2. Change to include the additional works required to give effect to the extended crossing point to Proposed Lot 3 and new access layout.

6.1.3. Condition 3(b):

~~*Provide a suitable vehicle crossing to lot 3 from right of way A. Crossing shall be formed to allow a 95% percentile passenger vehicle to access and include drains and culverts as required to direct and control stormwater runoff.*~~

- 6.1.4. Delete condition in its entirety given Lot 3 will have direct access from the crossing place to be upgraded in Condition 3(a).

Land Use

6.1.5. Condition 1:

The subdivision shall be carried out in general accordance with:

- *the approved plan of subdivision prepared by WILLIAMS AND KING, referenced LOT 1 DP 164075, LOT 36 DP 17694 & Pt LOT 2 DP 61655, dated Dec 24 and;*



- *The Site Plan prepared by Peter Hawtin Architecture Ltd, referenced Driveway Retaining Wall 150 Te Wahapu Road, Russell For John Oates, dated 02/10/25 and;*
- *The Plan Set prepared by Northland Geotechnical Specialists, referenced Project No: 0406 dated 23/07/25 revision 0,*

attached to this consent with the Council's "Approved Stamp" affixed to it.

6.1.6. This condition has been updated to reference the plans showing the subject retaining wall and access.

6.1.7. Condition 3:

The consent holder shall ensure that earthworks are limited to the Earthworks plan submitted by Geologix Consulting engineers, dated 08/07/2024, rev B, Project N C159, Sheets 600-602 and Northland Geotechnical Specialists Retaining Wall Plan Project No: 0406, dated 23/07/25. Volume of earthworks shall not exceed 756m³ of cut and fill. ~~Volume of earthworks shall not exceed 485m³ of cut and fill.~~

6.1.8. Condition amended to include reference to the additional earthworks required for the new access layout.

RC2240380

6.1.9. Condition 1:

1. The activity shall be carried out in general accordance with the approved plans prepared by Peter Hawtin Architecture Ltd, referenced:

- *Additions & Alterations – 150 Te Wahapu Road, Russell – For John Oates, dated 24/10/2023; and*
- *Additions & Alterations – 150 Te Wahapu Road, Russell – For John Oates, dated 11/03/2024.*
- *Plan Set - Driveway retaining wall – 150 Te Wahapu Road, Russell – For John Oates, dated 02/10/25.*

All are attached to this consent with the Council's "Approved Stamp" affixed to them

6.1.10. The condition has been updated to include the retaining wall plan which states the total proposed and existing impermeable surfaces as well as the setback distances.

7. Policy Documents

7.1. Section 104(1)(b) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to:

Any relevant provisions of –

- i. A national environmental standard;
- ii. Other regulations;



- iii. A national policy statement;
- iv. A New Zealand coastal policy statement;
- v. A regional policy statement or proposed regional policy statement;
- vi. A plan or proposed plan

7.2. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

National Environmental Standards

7.3. As detailed within the original subdivision and landuse applications, the proposal is not considered to trigger consent under the NES. This remains unchanged as part of the proposal.

National Policy Statements

7.4. There are currently eight National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy on Electricity Transmission
- New Zealand Coastal Policy Statement
- National Policy for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for Greenhouse Gas Emissions from industrial Process Heat 2023

7.5. The previous applications under RC 2220843 and RC 2240380 provided a comprehensive assessment of the relevant NPS documents, which has remained unchanged as part of this proposal. It is considered that the statements made within the previous application are relevant to this proposal and will not change as a result of the variation.

Regional Policy Statement

7.6. A full assessment of the relevant objectives and policies within the RPS was undertaken as part of the previous consent applications. As the proposal will not alter the number of allotments, it is considered that the statements made within the recent application are relevant to this proposal and will not change as a result of the variation. The proposal will see a minor increase in the amount of vegetation clearance within the site, however this is not considered to create any adverse effects given the areas set aside for formal protection as part of RC 2220843 will remain unchanged and the clearance required is for an accessway which is not considered to be objectionable or unusual in the surrounding environment. The retaining wall is not anticipated to be visually obtrusive and is required to support the existing accessway.



Far North District Plan

- 7.7. A full assessment of the relevant objectives and policies within the Operative District Plan was undertaken as part of the previous consent applications. As the proposal will not alter the number of allotments, it is considered that the statements made within the recent application are relevant to this proposal and will not change as a result of the variation. The application does include additional land use infringements, however as assessed within Section 5 of this report, effects from these infringements are considered to be less than minor and will not alter the overall objective of RC 2220843. As such, reassessment of the objectives and policies of the ODP has not been deemed necessary.

Proposed District Plan

- 7.8. Under the Proposed District Plan, the site is zoned as Rural Lifestyle as well as being within the Coastal Environment Overlay and the majority of the site being classified as having high natural character. Given that the proposal will see the introduction of a new retaining wall to support the accessway as well as a small increase in impermeable surface to accommodate access to Lot 3, it is considered that the proposal will not create more than minor adverse effects on the surrounding environment and is consistent with the intent of the surrounding environment and zone. The proposal will not alter the dimensions of the lots, the building envelopes or the areas to be set aside for formal protection. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Summary

- 7.9. The assessment above demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

8. Notification Assessment – Sections 95A to 95G of the Act

Public Notification Assessment

- 8.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and
(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.



- 8.1.1. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity;

(ii) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

(iv) [Repealed]

(6) [Repealed]

- 8.1.2. The application is not subject to a rule or NES that precludes public notification. The application is not for a controlled activity. The proposal includes activities which are not boundary activities. Therefore Step 3 must be considered.

Step 3: If not precluded by Step 2, public notification required in certain circumstances

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

- 8.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

Step 4: Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 8.1.4. There are no special circumstances that exist to justify public notification of the application.



Public Notification Summary

- 8.1.5. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

Limited Notification Assessment

- 8.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

11.2.1 Step 1: Certain affected groups and affected persons must be notified

(2) Determine whether there are any—

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

- 8.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application.

Step 2: Limited notification precluded in certain circumstances

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 8.2.2. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity. Therefore Step 2 does not apply and Step 3 must be considered.

Step 3: Certain other affected persons must be notified

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

- 8.2.3. The proposal does involve a boundary activity.

- 8.2.4. In deciding who is an affected person under section 95E, a council under section 95E(2):



(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in e.

8.2.5. A Council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.

8.2.6. A setback breach occurs given the location of the proposed retaining wall is within 10 metres of the road boundary and the northern and eastern dividing boundaries of Lots 1 & 3. No written approval from the Roding Authority has been sought as there is currently no avenue to do so. As assessed within Section 5 of this report, the setback infringements are not considered to create any adverse effects given that there is ample area between the retaining wall and road reserve to allow for construction and maintenance of the retaining wall within the site boundaries as well as ensuring that vehicle use of the road is not impeded. The retaining wall is relatively small in height such that sunlight effects are not anticipated. Given the topography of the surrounding environment, retaining structures for access are not unusual or objectionable. The retaining wall has been determined to be necessary to support the existing accessway. As such, the effects of the setback infringements are considered to be less than minor.

8.2.7. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 5 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 4, 5, 6 & 7 are also relied on and the following comments made:

- The proposal includes setback infringements from the road boundaries and northern and eastern dividing boundaries between Lots 1 & 3, with effects determined to be less than minor.
- Impermeable surfaces, excavations and vegetation clearance will increase to account for the new accessway to Lot 3, however as assessed, effects from this will be less than minor.
- Access to Lot 3 will be directly from the existing crossing place, with works proposed to accommodate this and bring the crossing place up to the required standard.
- The proposal is consistent with other development in the area;
- The proposal is not considered to be contrary to the objectives and policies under the Operative & Proposed District Plans, Regional Policy Statement and Regional Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.



- 8.2.8. Therefore, no persons will be affected to a minor or more than minor degree.
- 8.2.9. Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

- 8.2.10. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

- 8.2.11. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

- 8.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

9. Part 2 Assessment

- 9.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 9.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the existing character of the site and surrounding environment.
- 9.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The proposal is located within the coastal environment and is not considered to create any adverse effects on the natural character of the coastal environment. Some vegetation clearance is proposed however this will be less than 100m² and will not be within an area proposed to be set aside by formal protection. Public access is not considered relevant. The site is not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The proposal is not considered to impact any areas of historical significance, as confirmed by Archaeology Solutions and Heritage NZ. The proposal does not increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.



- 9.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 9.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 9.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

10. Conclusion

- 10.1. The proposed variations and land use consent is considered suitable in the context of the site and surrounding environment. The amendment to the relevant conditions will still achieve the intent of the original proposals. The proposal will see the crossing place to the site widened to enable Lot 3 to have an independent internal access, as well as a new retaining wall constructed to support the existing accessway.
- 10.2. No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity are considered to be managed within the property boundaries. Overall, it is considered that the proposal will result in no more than minor effects on the environment.
- 10.3. Written approval has not been sought from any parties, given that the proposal is not considered to adversely affect adjacent property owners/occupiers and there is no avenue at present to obtain written approval from the Rounding Authority.
- 10.4. As a Discretionary Activity, the application has been assessed under the matters specified under Section 127 of the Resource Management Act 1991 as well as against the relevant objectives, policies and assessment criteria contained within the Operative District Plan and Proposed District Plan. It is considered that the proposed activity would not be contrary to those provisions and that any potential adverse effects can be avoided or mitigated. It is considered appropriate for consent to be granted on a non-notified basis.

11. Limitations

- 11.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.



- 11.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 11.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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




R.W. Muir
Registrar-General
of Land

Identifier **NA18A/1385** **Part-Cancelled**

Land Registration District **North Auckland**

Date Issued 19 February 1970

Prior References

NA15D/1322 NA15D/1337

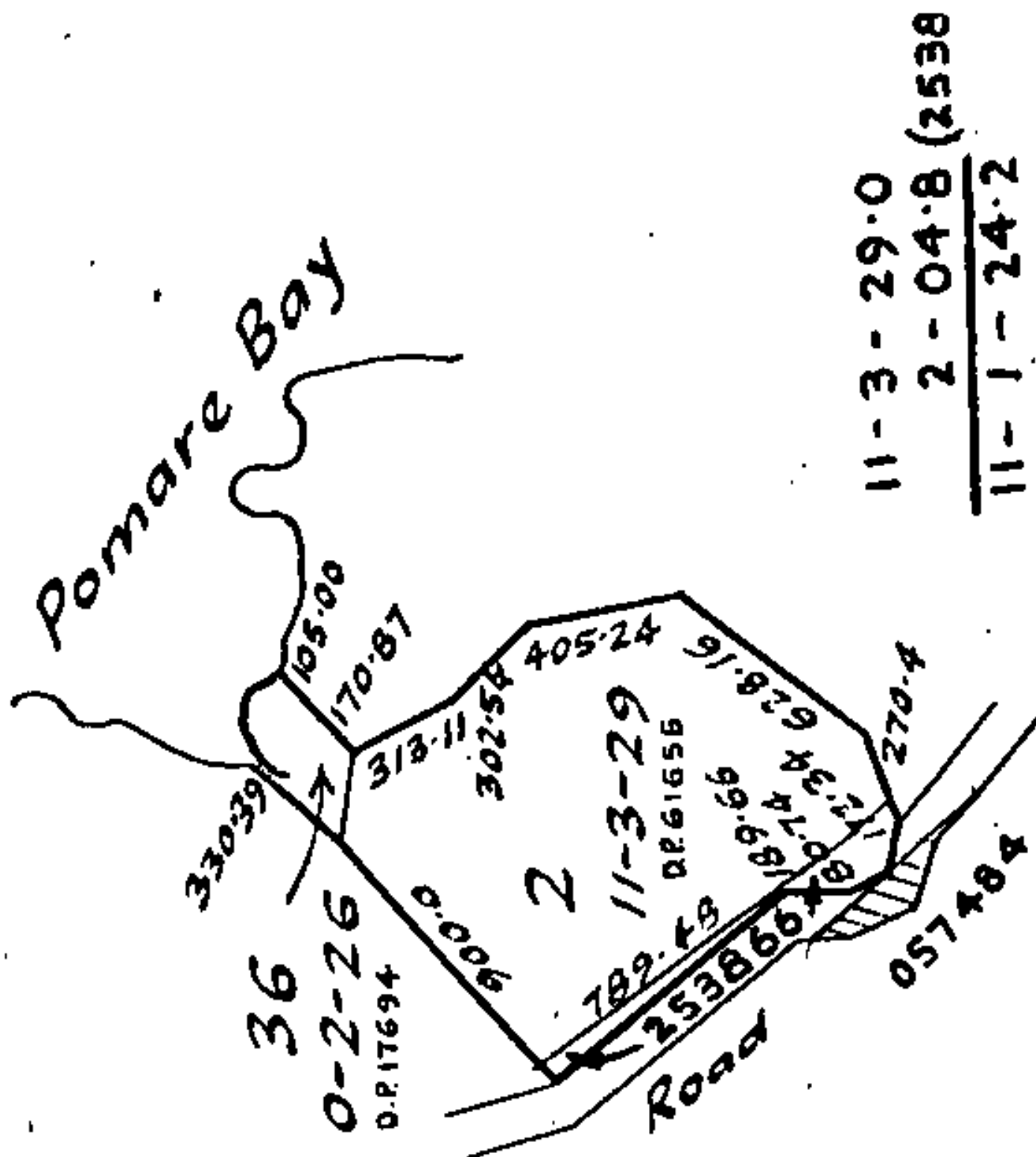
Estate Fee Simple
Area 5.0965 hectares more or less
Legal Description Lot 2 Deposited Plan 61655 and Lot 36
Deposited Plan 17694

Registered Owners

John Irving Oates and Christopher Peter Needham

Interests

253866.1 Gazette Notice proclaiming part (2 roods 4.8 perches) as a road and vesting same in the Bay of Islands County Council - 12.3.1974 at 1.50 pm



18 September 2025

John Irving Oates
PO Box 7
Russell 0242

Dear Sir / Madam,

Building consent number: EBC-2026-225/0
Property ID: 3319315
Address: , Te Wahapu Road, Russell 0272
Description: New retaining wall

Requirement for Resource Consent

PIM Assessment of your application has highlighted the need for Resource Consent that must be granted prior to any building works or earthworks commencing.

NB: As of 27th July 2022, some rules and standards in the Far North District Council Proposed District Plan took legal effect and compliance with these rules applies to your building consent. Please visit our website to see these rules
[Far North Proposed District Plan \(isoplan.co.nz\)](http://isoplan.co.nz)

The site is zoned **Coastal Living** under the Operative District Plan and Resource Consent is required for breach of the following:

Rule:	10.7.5.1.6 STORMWATER MANAGEMENT The maximum proportion or amount of the gross site area which may be covered by buildings and other impermeable surfaces shall be 10% or 600m ² whichever is the lesser.
Reason:	10% = 5,096.50m ² therefore the permitted threshold is 600m ² being the lesser. Impermeable coverage on site is stated as 1,501.8m ² . 2240380-RMALUC approved impermeable coverage on site of 1452m ² .

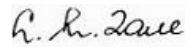
Rule:	10.7.5.1.7 SETBACK FROM BOUNDARIES Buildings shall be set back a minimum 10m from any site boundary, except that on any site with an area less than 5,000m ² this set back shall be 3m from any site boundary.
Reason:	Part of the Retaining Wall is within the 10m setback from boundary on this 5.0965Ha site.

Please note there may be other rule breaches found during the Resource Consent process. It is your responsibility to ensure the Resource Consent approved plans match the Consented approved plans.

The application form can be downloaded from www.fndc.govt.nz and submitted to Council's (Planning Department) with the appropriate documentation and instalment fee.

If you have any queries, please contact the Duty Planner on Duty.Planner@fndc.govt.nz or 0800 920 029.

Yours faithfully



Leeanne Tane
PIM Officer
Delivery and Operations

Emailed to: peter@pha.net.nz; johnnoatesnz@gmail.com

FORM 4
Certificate attached to
PROJECT INFORMATION MEMORANDUM
Section 37, Building Act 2004

Building Consent Number: EBC-2026-225/0

**RESTRICTIONS ON COMMENCING BUILDING WORK UNDER
RESOURCE MANAGEMENT ACT 1991**

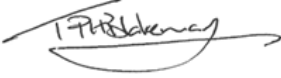
The building work referred to in the attached Project Information Memorandum is also required to have the following **Resource Consent(s)** under the Resource Management Act 1991:

• **Resource Consent – REQUIRED**

As the above Resource Consent(s) will affect the building work to which the Project Information Memorandum relates, until this has been granted no building work may proceed.

Failure to comply with the requirements of this notice may result in legal action being taken against you under the Resource Management Act 1991.

Signature:



Trent Blakeman
Manager - Building Services –
Delivery and Operations
Far North District Council (Building Consent Authority)
18 September 2025

Position:

On behalf of:

Date:

**FORM 5
BUILDING CONSENT**

Section 51, Building Act 2004

Building Consent Number: EBC-2026-225/0

THE BUILDING

Street Address of Building

, Te Wahapu Road, Russell 0272

Building Name:

Level/unit number:

Legal description of land where building is located:

Pt Lot 2 DP 61655 Lot 36 DP 17694

Location of Building within site / block number:

THE OWNER

Name of Owner:

John Irving Oates and Christopher
Peter Needham

Mailing Address:

PO Box 7

Russell 0242

Street Address / Registered Office:

Contact Person Name:

Phone Number:

Landline:

Mobile:

Daytime:

After Hours:

Facsimile Number:

Email Address:

Website

johnnoatesnz@gmail.com

First point of contact for communications with the building consent authority:

Peter Hawtin Architecture

Peter Hawtin

34 Kensington Ave, Christchurch 8013

Ph: 021 644 053

Email: peter@pha.net.nz

BUILDING WORK

The following building work is authorised by this building consent:

New retaining wall

This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building). This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

THIS BUILDING CONSENT IS SUBJECT TO THE FOLLOWING CONDITION(S)

Section 90 Inspections by the Building Consent Authority (BCA) and Third Parties

Agents authorised by the BCA (Council) are entitled to inspect, at all times during normal working hours or while building work is being done. Inspection means the taking of all reasonable steps to ensure that building work is being carried out in accordance with this building consent.

Attached to this document are a list of the inspections that Council will undertake (refer attachments for details) and a list of inspections and supporting documentation required by third parties e.g. your engineer or accredited inspection body (refer attachments for details)

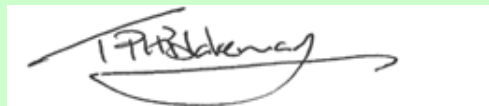
COMPLIANCE SCHEDULE

- A compliance schedule is not required for the building.

ATTACHMENTS

Copies of the following documents are attached to this building consent:

- ☐ Project information memorandum
- ☐ Development contribution notice
- ☒ Notification of requirement to obtain Resource Consent (Form 4)
- ☒ Schedule of Inspections required by the BCA and 3rd Parties. These schedules identify certificates and producer statements required during construction. Please ensure you read these documents carefully.



Position:
On behalf of:
Date:

Trent Blakeman
Manager – Building Services
Far North District Council (Building Consent Authority)
14-Oct-2025

Part 1: Schedule of BCA (Council) Inspections required under s.90 of the Building Act

The following inspections are required to confirm compliance during construction. Where construction monitoring or certification is also required, refer to Part 2 for further detail.

209E Pole Retaining Wall Foundation

Retaining wall footings are similar to bored pile footings. A series of holes are drilled, and posts are then placed in the hole before it is filled with concrete. The purpose of this inspection is to check the size and location of the holes. This inspection takes place prior to the concrete being placed. Sub-soil drains can be inspected during this inspection. Sub-soil drains are required at the base of the retaining wall, to drain away any water that gets caught behind the wall.

306G Final Inspection – Retaining Walls

The purpose of this inspection is to ensure all building work is completed. Retaining walls in most cases with have been designed and inspected by an engineer if the design has a PS1 than a PS 4 is required if stated on the PS1. Drainage from behind the wall should be directed to an out fall. If the wall is above 1m in height and has a trafficable above the wall where assess to the edge is Easley attained, then it is likely a barrier to arrest falling will be required. Compliance with F4 will depend on the situation.

Part 2: Schedule of 3rd party inspections and documentation for general construction

The following 3rd party inspections, certificates, producer statements and documents are required to confirm compliance during construction. For information about inspection and documentation for specified systems, refer to Part 3 for further details.

Geotechnical (PS4)

Producer statement construction review (PS4) is to be submitted by the geotechnical engineer for the observation and construction of the building platform, including site excavations, the installation of any sub-soil drainage and placement of compacted fill as necessary to form the building platform. Confirmation is also required that the work complies with the design approved by this building consent and meets the requirements and/or recommendations of the geotechnical report submitted at building consent.

Retaining wall steel posts, timber rails, and wire infill (PS4)

Producer statement construction review (PS4) is to be submitted by the design engineer for the observation and construction of the retaining wall confirming that work complies with the design approved in this building consent.

Part 3: Schedule of 3rd party inspections and documentation for Specified Systems

The following 3rd party inspections, certificates, producer statements and documents are required to confirm compliance for specified systems during construction.

N/A

RECORD OF INSPECTIONS FOR EBC-2026-225/0

Applicant Name: John Irving Oates
Project: New retaining wall
Address: , Te Wahapu Road, Russell 0272

- Please refer to the attached Form 5 document for a list of inspections required for this project.
- The purpose of this form is to assist home owners and contractors with the management of inspections.

Building conditions, inspections, advice notes and documentation requirements have been discussed with the Owner / Agent / Builder / Other

Date: Print Name & Initial:

Role:

[illegible]

Minor Variations

[illegible]

Documents required at Final

[illegible]

DECISION ON COMBINED RESOURCE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use and subdivision resource consent for a Discretionary activity, subject to the conditions listed below, to:

Applicant:	John Irving Oates
Council Reference:	2220843-RMACOM
Property Address:	1 Kanuka Grove, Russell, 150 Te Wahapu Road, Russell
Legal Description:	Lot 1 DP 164075, Part Lot 2 DP 61655 and Lot 36 DP 17694

The activity to which this consent relates is:

Activity A – Subdivision:

Subdivision to create 1 additional allotment, and boundary adjustment with Lot 1 DP 164075 in the Coastal Living Zone as a Discretionary Activity.

Activity B – Land Use:

The proposal allows for a lesser setback distance for any future buildings within the identified building envelope on Lot 3 and breaches the permitted threshold for excavation and/or filling in the Coastal Living Zone as a Discretionary Activity.

Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by WILLIAMS AND KING, referenced LOT 1 DP 164075, LOT 36 DP 17694 & Pt LOT 2 DP 61655, dated Dec 24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. 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. Areas identified as U, X & Y in the Scheme Plan are to be subject to land covenants for conservation.

Section 224(c) compliance conditions

- 3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide a sealed or concreted double width vehicle crossing to right of way A providing an entrance which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004. Minimum of a 375mm class 4 concrete culvert, seal or concrete the entrance plus splays for a minimum distance of 5m from the existing seal edge.
 - b. Provide a suitable vehicle crossing to lot 3 from right of way A. Crossing shall be formed to allow a 95% percentile passenger vehicle to access and include drains and culverts as required to direct and control stormwater runoff.
 - c. Provide formed and metalled access on right of way easement A to a minimum 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. Note Water shall not be directed onto Te Wahapu Road. Swale drains will form part of the ROW. The swale drain should outlet via pipes or pipe socks to a stabilised outfall to the OLFP as recommended in GWE Consulting Engineers Site Suitability Report (V3), section 7&9-10, Job No J3130, dated March 2022 and submitted with the application.
 - d. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway (easements A and stub access into Lot 1) is fully contained within the property extents and easements provided for access.
- 4. 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. At the time of building consent, all habitable buildings, load bearing retaining walls or Importance level 2 and greater structures (as defined in AS/NZS 1170) will require engineering assessment for foundations and ground suitability. Design shall be by a Chartered Professional Engineer with recognised competence in relevant geotechnical, structural matters and include an indication of construction monitoring requirements for the foundation construction. The foundation design details shall be submitted in conjunction with the Building Consent application and reference GWE Consulting Engineers Site Suitability Report (V3) section 4, Job No J3130, dated March 2022 and GWE Consulting Engineers Preliminary Geotechnical Assessment (V1), ref J3130, dated November 2021.

[Lots 1 & 3]
 - b. At the time of building consent, all storm water originating from impermeable surfaces, roofs, paved surfaces, and water tank overflow is to be managed and mitigated to reduce effects on scour and erosion. Design shall reference GWE Consulting Engineers Site Suitability Report (V3) section 7, Job No J3130, dated March 2022.

[Lot 1 & 3]

c. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval an onsite wastewater Report prepared by a Chartered Professional Engineer or an approved council Report Writer. The report shall reference GWE Consulting Engineers Site Suitability Report (V3) Section 6, Job No J3130. dated March 2022 and submitted with Resource Consent application RC2220843 and identify a suitable method of wastewater treatment for the proposed development along with an effluent and reserve disposal area.
[Lot 3]

d. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
[Lot 3]

e. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
[Lot 3]

f. In conjunction with the construction of any dwelling, the owner shall submit a landscape plan that is prepared by a Suitably Qualified and Experienced Person with the Resource consent or Building Consent application. The plan shall include (however is not limited to) areas within 10m of the future buildings all vegetation which is either nonnative, and/or not low or low-moderate flammability will be removed and replaced with native species with low and low-moderate flammability.
[Lot 1 & 3]

g. 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 1 & 3]

g. The owner must preserve the indigenous trees and bush identified as “U, X & Y” in the Scheme Plan 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 must 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.
[Lot 1 & 3]

h. No outdoor fires or use of fireworks are allowed on the proposed lots to reduce the risk of accidentally starting a native forest fire.
[Lot 1 & 3]

i. No floodlighting is allowed on the proposed lots. If outdoor lighting is installed it shall be hooded and no blue light spectrum.
[Lot 1 & 3]

- j. In conjunction with any earthworks (lot 1 and 3) or any changes to the existing boat shed development (lot 1), the lot owner shall submit an archaeological report that is prepared by a Suitably Qualified and Experienced Person with the Resource consent or Building Consent application.

[Lot 1 & 3]

Subdivision 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) 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.

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.

Archaeological Sites

3. 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

4. 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).
5. In conjunction with the construction of any dwelling, the lot owner shall provide written approval from Fire and Emergency New Zealand.

Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by WILLIAMS AND KING, referenced LOT 1 DP 164075, LOT 36 DP 17694 & Pt LOT 2 DP 61655, dated Dec 24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. Prior to commencement of any physical work on site, the consent holder shall provide a Pest Management & Weed Management Plan specifying monitoring and reporting procedures prepared by a suitably qualified and experienced ecologist designed in general accordance with the EclA to ensure resilience and functional habitat to the satisfaction of Council.

The plan must include, however is not limited to:

- i. mitigate clearance areas through increasing predator control to provide higher functionality of remaining habitat.
- ii. removal of intergraded exotic infestations enabling increased and more diverse natural regeneration assisted by the browser control.
- iii. effectively increasing values of wetland and protect extent from invasion of non-wetland shrubs and herbaceous species e.g. wild ginger *Hedychium Gardnerian*; mistflower *Ageratina riparia*.
- iv. Where possible (especially in the moist valley sites) plant appropriate native species that provide quality food for native wildlife.
- v. Establish a planting programme using native species that are appropriate for the conditions.

Earthworks

3. The consent holder shall ensure that earthworks are limited to the Earthworks plans submitted by Geologix Consulting engineers, dated 08/07/2024, rev B, Project No C159, Sheets 600-602. Volume of earthworks shall not exceed 485m3 of cut and fill.
4. The consent holder shall for the duration of the earthworks engage a suitably qualified practitioner that designs, monitors installation and operation of erosion and sediment control measures in general accordance with the recommendations of GWE Consulting Engineers Site Suitability Report (V3) section 10, Job No J3130, dated March 2022, submitted with Resource Consent application RC2220843 and Auckland Council document GD05.
5. The consent holder shall ensure for the duration of the earthwork, that erosion and sediment controls remain in place and on completion, cover all exposed surfaces with aggregate or Mulch to suppress dust or erosion and within 6 months of completing the earthworks, re-establish vegetation cover on all exposed cut surfaces.
6. The consent holder shall prior to undertaking earthworks for internal roading and accesses to Lot 3, provide evidence that a silt and sediment control plan has been designed by a suitably qualified practitioner to council's resource consent monitoring officer or designate rcmonitoring@fndc.govt.nz The plan is to contain information on and site management procedures for the following matters:
 - a. The measures proposed to minimise silt and sediment runoff during earthworks, and location of such measures in general accordance with GD05. Such mitigation measures may include interception drains, collection drains, silt fences, settlement pits and points of discharge to vegetated areas.
 - b. The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details.
 - c. The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles.
 - d. Control of dust and any appropriate avoidance or remedial measures.
 - e. Prevention of earth, mud, gravel, or other material being deposited on adjoining roads by vehicles exiting the site; and remedial measures should that occur.

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 Consent holder shall when conducting the upgrade of the vehicle crossing in or close to Te Wahapu Road reserve shall submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP) from council prior to any excavation or works commencing. Application for TMP and CAR are made via <https://www.fndc.govt.nz/services/transport/Roads/road-closures-and-restrictions>.

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 also no affected persons, and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 10.7.5.1.6- Stormwater management, 12.4.6.1.2- Fire risk for residential unit, 12.3.6.1.2 Excavation and/or filling in coastal living zone, 13.7.1- Boundary adjustment, 13.7.2.1 Minimum lot sizes are of particular relevance.

3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The proposal has demonstrated that the proposed allotments can accommodate onsite infrastructure in a manner which does not adversely affect the safety and efficiency of the roading network.
 - b. There will be no reverse sensitivity effects as the activity is consistent with the current use of the existing activities in the wider environment.
 - c. The proposal will also result in positive effects in enabling the lots to be independently disposed of.
4. In regard to section 104(1)(ab) of the Act, the application includes legal protection of larger area of indigenous vegetation than is being subdivided for a new building site.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. New Zealand Coastal Policy Statement 2011,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

New Zealand Coastal Policy Statement 2011

The New Zealand Coastal Policy Statement 2010 (NZCPS) guides councils in their day-to-day management of the coastal environment. The objectives and policies of the New Zealand Coastal Policy Statement are designed to achieve the sustainable management of New Zealand's coastal environment. The property is within the regionally identified coastal environment therefore it is subject to the regulatory provisions relating to the management of that environment.

The natural character of the coastal environment is not anticipated to be adversely affected by the proposal given the existing development in this area and the distance from the CMA.

- The site is impacted by a protected natural area named the Edwards Tikitikioure Coastal Habitat and is located within a kiwi concentration area. Land covenant for conservation is conditioned to ensure the owner must preserve the indigenous trees and bush identified on site.
- Coastal water quality will not be adversely impacted as stormwater originating from impermeable surfaces, roofs, paved surfaces, and water tank overflow is to be managed and mitigated to reduce effects on scour and erosion in accordance with GWE Consulting Engineers Site Suitability Report.
- The District Plan and the Proposed Regional Plan have not identified the development site as containing any sites of significance to Maori or Tangata Whenua. The property does contain some areas of archaeology within proposed Lot 3 however a consent notice for archaeological assessment if earthworks is undertaken has been conditioned.
- The proposed vacant site is located in the upper catchment of the site outside of areas prone to coastal hazard risk.

Overall, the proposal is considered to be consistent with the NZCPS and there are no adverse effects on the functioning of the Coastal Environment given the separation distances from the CMA and other key coastal attributes.

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies, and assessment criteria of the ODP because the objectives and policies under Chapter 10 aim to enable development of coastal settlements in a way that is compatible with the coastal environment, and which preserves the natural character of the coastal environment.

- The proposed subdivision continues to achieve residential development at similar densities to those prevailing at present and results in effects that are compatible with the effects of residential activity.
- Servicing of the site for sanitary sewer, reticulated stormwater system, water supply, power and telecommunications can all be achieved without generating adverse effects on those systems.
- The archaeological site on the property will be protected as archaeological assessment will be required in conjunction with an application for building consent on Lot 3.
- The proposal aims to protect indigenous biodiversity in the coastal environment, and the proposed works will remove pest plants and animals and ensure that the indigenous biodiversity is improved. The applicant proposed on-going weed and pest management which will have positive effects on the natural values of the area.

The objectives and policies under Chapter 15 of the Operative District Plan aims to minimise the adverse effects of traffic on the natural and physical environment. The proposal has been designed to provide safe and efficient access within the district for pedestrians, cyclists and motorists and appropriate provision of car parking via an existing crossing. Traffic is an integral part of the operation of most activities and in particular, motorised vehicular traffic creates noise, visual disruption, and safety issues. The proposal accommodates access and manoeuvring areas for its traffic generating capacity.

Furthermore, the fire risk reduction controls proposed will sufficiently mitigate any wildfire hazards and risks associated with the proposal.

Proposed Far North District Plan

In assessing the proposal against the objectives and policies of the Proposed District Plan, particular regard has been given to those provisions that are directive on their face and do not rely on rules or methods still subject to submissions and appeals for their interpretation and application.

There is greater uncertainty applying PDP provisions that rely on rules and methods still subject to change through the submission and hearing process.

However, it is acknowledged the PDP was only recently notified in July 2022 and hearings have only recently commenced. There is substantial scope for provisions to evolve through the submission and appeal process. Therefore, at this early stage of the PDP process, limited weighting has been placed on these PDP provisions relative to the Operative Plan. The Operative Plan remains the primary planning instrument for determining this application.

The activity is consistent with the relevant objectives, policies, and assessment criteria of the Proposed District Plan because:

- The proposal is for a residential activity that is consistent with existing development on neighbouring properties.
- The proposed dwelling can be supported by the necessary infrastructure.
- The natural character of the coastal environment is not anticipated to be adversely affected by the proposal given the existing development in this area and the distance from the CMA.
- The site is not located within a Statutory Acknowledgement Area and is not mapped as being located within an Areas of Interest for any iwi or hapu group. The site is not subject to any outstanding landscapes or other resource features.

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

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act.
The activity 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. The proposal is 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.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

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.



Nick Williamson

Date: 24/01/2025

Resource Consent Team Leader

DECISION ON LAND USE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 108 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council grants land use resource consent for a Discretionary activity, subject to the conditions listed below, to:

Applicant:	John Irving Oates
Council Reference:	2240380-RMALUC
Property Address:	150 Te Wahapu Road, Russell 0272
Legal Description:	Lot 2 DP 61655 and Lot 36 DP 17694 (NA18A/1385)

The activities to which this decision relates are listed below:

To undertake alterations and additions to existing dwelling in the Coastal Living Zone breaching Stormwater Management, Fire Risk to Residential Units and Setback from Boundaries as a Discretionary Activity.

Conditions

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

1. The activity shall be carried out in general accordance with the approved plans prepared by Peter Hawtin Architecture Ltd, referenced:
 - Additions & Alterations – 150 Te Wahapu Road, Russell – For John Oates, dated 24/10/2023; and
 - Additions & Alterations – 150 Te Wahapu Road, Russell – For John Oates, dated 11/03/2024.

All are attached to this consent with the Council's "Approved Stamp" affixed to them.

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.*

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.*

Archaeological Sites

3. *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

4. *The consent holder is advised that any development and any earthworks undertaken as a result of this activity, or the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.*
5. *The conditions of this consent will be monitored by Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to rcmonitoring@fndc.govt.nz*

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 also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 12.4.7 Assessment Criteria, 11.3 Stormwater Management, and 11.6 Setback from Boundaries of the Operative District Plan are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The proposal is consistent with other development in the surrounding environment and existing vegetation will serve to absorb the proposed additions and alterations to the existing dwelling into the landscape thus avoiding visual dominance.
 - b. To compensate for the proposed Fire Risk to Residential Units breach adequate storage of water for firefighting services exists on site which could support fire service vehicles, when needed.

- c. The owners of Lot 4 DP 173775 have provided written approval and as such the effects on this neighbouring property can be disregarded.
 - d. The effects of the proposal will be managed within the site boundaries and are not contrary to the objectives and policies of the District Plan.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
- a. National Environmental Standards for Freshwater 2020,
 - b. National Policy Statement for Indigenous Biodiversity,
 - c. New Zealand Coastal Policy Statement 2011,
 - d. Northland Regional Policy Statement 2016,
 - e. Operative Far North District Plan 2009,
 - f. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 24-36 of the Assessment of Environmental Effects submitted with the application. In particular:

National Environmental Standards for Freshwater 2020

The objective of the National Environmental Standard for Freshwater is to regulate activities which pose a risk to the health of freshwater ecosystems. There is a hydrological connection between the development area and the wetland on site because run-off from the development area is directed via sealed pipes to the existing water tanks on site, and the overflow from these tanks is directed to approved outfall via natural water course leading to the wetland. The proposed additions and alterations to the existing dwelling do not alter the existing hydrological connection between the development area and the wetland on site because these additions and alterations do not increase the area of roof for which run-off is collected from. This outfall was approved prior to the date the National Environmental Standards for Freshwater came into force.

National Policy Statement for Indigenous Biodiversity

The objectives and policies of the Indigenous Biodiversity Statement recognises the importance of indigenous biodiversity within New Zealand therefore aim to promote resilience through maintaining indigenous biodiversity across the country in such a way that loss of indigenous biodiversity is avoided. The proposed additions and alterations to the existing dwelling do not encroach into the areas of indigenous vegetation and will not contribute to any loss in indigenous biodiversity.

New Zealand Coastal Policy Statement 2011

The objectives and policies of the New Zealand Coastal Policy Statement are designed to achieve the sustainable management of New Zealand's coastal environment. The property is within the regionally identified coastal environment therefore it is subject to the regulatory provisions relating to the management of that environment. The subject site was created with the intent that the site would be used for residential purposes. The proposed additions and alterations to the existing dwelling are consistent with

other development in the surrounding environment. The existing vegetation on site will serve to absorb the building inclusive of the additions and alterations into the landscape. Overall, the proposal is anticipated within this part of the coastal environment thus is compatible with the New Zealand Coastal Policy Statement.

Northland Regional Policy Statement 2016

The Northland Regional Policy Statement provides a framework to promote the sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources. The proposed additions and alterations to the existing dwelling are compatible with the intent of the Regional Policy Statement for Northland because they are not considered to be objectionable with the surrounding environment. Furthermore, the stormwater run-off from the proposal is being directed to the existing water tanks on site with the overflow from the water tanks being directed to the approved outfall.

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan because:

The objectives and policies under Chapter 10.3 and 10.4 of the Operative District Plan recognises the importance of coastal areas because they provide significant ecological value, habitats, and are culturally important to Tangata Whenua. As a result of this recognition, the Operative District Plan has set rules to achieve integrated management of the coastal environment within the Far North district. The objectives and policies under Chapter 10.7.3 and 10.7.4 of the Operative District Plan aims to enable development of coastal settlements in a way that is compatible with the coastal environment and preserves the natural character of the coastal environment. The proposed additions and alterations to the existing dwelling are consistent with other development in the surrounding environment, and the existing vegetation on site will serve to absorb the building into the landscape.

Objectives and policies of Natural Hazards seek to reduce the threat of natural hazards to life, property, and the environment, and to ensure development does not exacerbate the effects of natural hazards, thereby to promote the wellbeing of the community. The subject site contains sufficient water supply which is accessible for firefighting services and can support fire service vehicles should the need arise.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan because:

The objectives and policies of the Rural lifestyle zone promotes the sustainable management of natural and physical resources while enabling the efficient use and rural lifestyle development in areas of good access to adjacent urban zones, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing along with promoting the maintenance and enhancement of rural amenity values to a level that is consistent with the small scale productive intent of the Rural lifestyle zone. The proposed additions and alterations to the existing dwelling are compatible with the intent of the Rural lifestyle zone and maintains the rural amenity values of the surrounding environment.

The objectives and policies of the Coastal Environment promotes the sustainable management of natural and physical resources while enabling the efficient use of coastal settlement areas, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing along with promoting the maintenance and enhancement of the coastal environment. The existing vegetation on site will serve to absorb the building inclusive of the additions and alterations into the landscape. As such, it is considered that the proposed additions and alterations to the existing dwelling are consistent with the surrounding environment.

Objectives and policies of Natural Hazards seek to reduce the threat of natural hazards to life, property, and the environment, and to ensure development does not exacerbate the effects of natural hazards, thereby to promote the wellbeing of the community. There is a sufficient water supply on site which is available for firefighting purposes should the need arise.

For this resource consent application, 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 policies under both the operative and proposed plans.

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

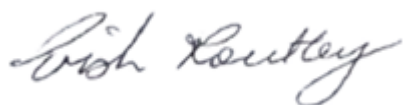
6. Based on the assessment above the activity will be consistent with Part 2 of the Act.

The activity 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 application. The proposal is 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.

7. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Aroha Chase, Resource 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: Patricia (Trish) Routley

Date: 11/4/24

Title: Manager Resource Consents

Alex Billot

From: Rochelle
Sent: Wednesday, 5 November 2025 6:13 pm
To: Alex Billot
Subject: Fw: Proposed variation 150 Te Wahapu Road - Oates

Get [Outlook for Android](#)

From: Hans-Dieter Bader <hans@archaeologysolutions.co.nz>
Sent: Wednesday, November 5, 2025 5:19:01 PM
To: Rochelle <rochelle@northplanner.co.nz>
Subject: Re: Proposed variation 150 Te Wahapu Road - Oates

Kia ora Rochelle,

I had a look at all existing reports and my own pictures and documents from previous site visits and I conclude that the change of the driveway will get closer to the archaeological site but still will not impact on those rut marks. They run into the road reserve and disappear well before the changed proposed cut for the driveway.

Therefore, the recommendations previously stated, are still valid.

Please let me know if you need anything else, or let me know if there are any further questions.

Ka kite ano,
Hans

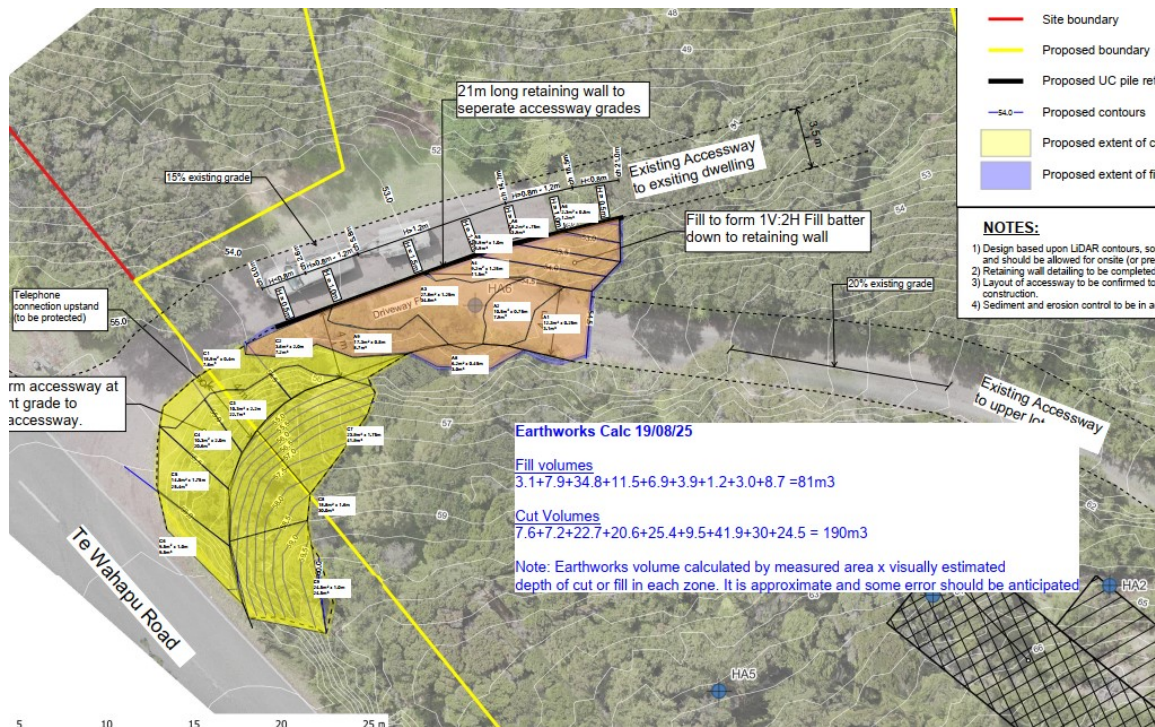
Dr. Hans-Dieter Bader, Archaeologist
Archaeology Solutions Ltd
PO Box 48134
Blockhouse Bay
Auckland 0644
021 626 789
www.archaeologysolutions.co.nz

On Fri, 31 Oct 2025 at 10:35, Rochelle <rochelle@northplanner.co.nz> wrote:

Good morning Hans,

As discussed over the phone yesterday, please see below further detail of the proposal.

The Applicant is seeking to vary the previous approved consents to provide for the new access layout to Proposed Lot 3. The proposal will see the existing crossing place widened to allow for an independent access to Proposed Lot 3, with the internal access to the lot running parallel to Easement A. A retaining wall is also proposed along Easement A, as shown in the attached Plan set. The proposal will see an additional 81m³ of fill and 190m³ of cut with an increase of approximately 50m² of metalled access.



If you could please provide a confirmation letter that your recommendations within the previous report are still relevant given the revised proposal or advise of any additional comments for the proposed works, that would be greatly appreciated.

I have attached the relevant documents within the dropbox link below.

 [Oates - Arch](#)

Let me know if you require any further information.

Kind regards,



Rochelle Jacobs

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020
Limited

