

Application for resource consent or fast-track resource consent

Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

1. Pre-Lodgement Meeting

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

Yes No

2. Type of consent being applied for

(more than one circle can be ticked):

- | | |
|---|--|
| <input checked="" type="radio"/> Land Use | <input type="radio"/> Discharge: Total volume = <input type="text"/> m ³
<i>Note: volumes >3m³ requires NRC Consent.</i> |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Subdivision |
| <input type="radio"/> Change of Consent Notice (s.221(3)) | <input type="radio"/> Existing Use Certificate (s.139A) |
| <input type="radio"/> Certificate of Compliance (s.139) | <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) |
| <input type="radio"/> Extension of time (s.125) | |

Other (please specify)

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

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

Yes No

4. Consultation

Have you consulted with iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Mark and Emma Klinac

Email:

Phone number:

Postal address:

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

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

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Northland Planning and Development 2020 Ltd c/o Rochelle Jacobs

Email:

Phone number:

Postal address:

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

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

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7. Details of property owner/s and occupier/s

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

Name/s:

Mark and Deborah Klinac

Property address/
location:

8. Application site details

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

Name/s:	Mark and Deborah Klinac		
Site address/ location:	1897A State Highway 10, Waipapa		
			Postcode
Legal description:	Lot 3 DP 321759	Val Number:	
Certificate of title:	ROT-87084		

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.

9. Description of the proposal

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

To establish a small commercial office on an access lot which infringes the permitted standards for setback from boundaries and Property Access.
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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.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

2009 2023

10. Would you like to request public notification?

Yes No

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

(more than one circle can be ticked):

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

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

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? Yes No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

Flooding

Active Faults

Landslips

Liquefaction

Coastal Erosion

Tsunami

Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. 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

15. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

16. 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)

Mark and Emma Klinac

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Mark Klinac

Signature:

(signature of bill payer)

Date 3/6/26

MANDATORY

17. 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.

18. 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

Date 02-Jun-2026

See overleaf for a checklist of your information...

Checklist of your information

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.*

Landuse Consent

Mark & Emma Klinac

1895 State Highway 10, Waipapa

Date: 2/06/2026

Attention: Jo Graham & Liz Searle, Team Leaders (Resource Consents)

Please find attached:

- an application for a Landuse consent to establish a small-scale commercial office building in the ***Rural Production Zone (RPZ)*** under both the Operative and Proposed District Plans;
- an Assessment of Environmental Effects of the proposal on the environment.

If you require further information, please do not hesitate to contact me.

Regards,



Rochelle Jacobs
Senior Planner / Director
NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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Attachments

1. FNDC Application Form

2. **Title** – *LINZ*
3. **Site Plan** – *O'Brien Design Consulting Ltd*
4. **Written Approval** - *1895 State Highway 10, Waipapa*
5. **Email** – *NZTA*
6. **ODP & PDP Relevant Objectives and Policies** – *Northland Planning and Development 2020 Ltd*

1. DESCRIPTION OF THE PROPOSED ACTIVITY

- 1.1 The Applicants Mark & Emma Klinac are proposing to relocate a 68m² commercial office building onto a site at 1897A State Highway 10, Waipapa. The application site includes Lot 2 and Lot 3 DP 321759. The building would be located on excess land within the existing access lot (Lot 3), which forms part of the application site.
- 1.2 The Applicants live on the neighbouring (rear) property at 1897B State Highway 10 (Lot 1 DP 321759). The proposed building will accommodate the Applicants interior design consultancy and operate as a commercial office space where the Applicant can meet with clients by appointment during weekdays. This may include 2-3 people at any one period of time.
- 1.3 The business will include one permitted sized sign that will be attached to the front of the building. No design has been completed to date.
- 1.4 The existing farm shed and yards are to be removed. The proposed building is a relocatable building that will be confirmed when resource consent for its location is approved. The proposed building dimensions will not exceed 68m² and a height of 6.2m. Carparking for up to six cars will be constructed adjacent to the building. An on-site wastewater system (including the required reserve disposal area) will be located on the western side of the carpark and setback the required 1.5m from the boundary with 1895 State Highway 10. The buildings, carpark and wastewater system will not be within the mapped floodplain.
- 1.5 The building would be located within the area of the existing cattle yards and setback a minimum of 4.235m from the property (southern) boundary with 1895 State Highway 10. The building location within the required 10m setback in the Rural Production Zone (RPZ) is necessary to ensure it is clear of the existing driveway and to accommodate the carparking and wastewater system. Written approval from the affected neighbour to the south (Lot 1 PD 146372) is attached at **Appendix 4**.

SITE

(a) An area of land which is:

- (i) composed of one allotment in one certificate of title or two or more contiguous allotments held together in one or more certificates of title in such a way that the allotments cannot be dealt with separately without the prior consent of the Council; or
- (ii) contained in a single allotment on an approved survey plan of subdivision for which approvals under s223 and/or s224 of the Act have been obtained and for which a separate certificate of title could be issued without further consent of the Council.

(b) Except that in the case of:

- (i) land subdivided under the Unit Titles Act 1972, or stratum subdivision, "site" shall be deemed to be the whole of the land subject to the unit development or stratum subdivision; and
- (ii) land subdivided under the cross lease or company lease systems (other than strata titles), "site" shall be defined as an area of land containing:
 - any building, accessory buildings, plus any land exclusively restricted to the users of those buildings; or
 - a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes.

(c) In the case of Maori land within the meaning of Te Ture Whenua Maori Act 1993:

- (i) includes a parcel of land created by a partition under s289, provided that its area complies with the Residential Intensity rule for the zone in which the land is located; or
- (ii) parcels of land partitioned and given effect to, by approval of the Maori Land Court, before 28 April 2000.

Figure 2 - Extract from the ODP definitions section

2.2 The proposed building and commercial activity would be located within the access lot (Lot 3). The application site is comprised of Lot 2 and Lot 3, which meets the definition of 'site'. There are no District Plan rules that preclude a structure or activity from locating within an access lot, except where access is impeded. The configuration of the access lot is such that the proposed building can be located and utilised without impeding vehicle access.

2.3 Vehicle entrance to the site is from State Highway 10. Access Lot 3 has a relatively wide frontage to the State Highway which is sealed. Within the access lot 3 there are two separate private access ways both formed with a gravel surface. The northern private accessway is located largely within the neighbouring site Lot 2 DP 453153 and provides legal access to Lot 1 & 2 DP 453153 along ROWs B & D and the southern private accessway which services Lot 1 DP 146372 along ROW easements B & C and Lots 1, 2 & 3 DP 321759 along easements B & D.

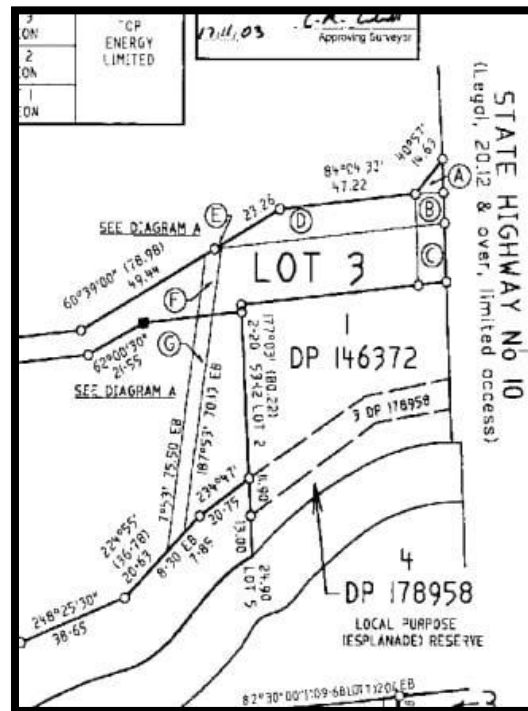


Figure 3 - Title Plan indicating easement locations



Figure 4 - Aerial view of driveway locations in relation to property boundaries.

- 2.4 The remainder of the access lot is grassland south of the driveway and contains a farm shed and yards. The office will replace this building and structure.



Figure 5 - Existing Farm shed and yards

- 2.5 Lot 2 is rural-residential property with an existing house and sheds located at the western end of the property. This site has vehicle access from the State Highway via Lot 3 and a driveway that is mid-point along the access lot. Lot 1 DP 321759 contains the Klinac residence and is the location where the vehicles and machinery for Keriland Earthworks Ltd are stored when not in use.
- 2.6 As shown on the application 'Natural Hazard Plan', Lot 2 and parts of the southern edge of Lot 3 are within the mapped Northland Regional Council floodplain. The proposed building and associated carpark and wastewater / water supply services have been located outside of the floodplain.
- 2.7 The site is not identified as being a HAIL site on the Far North Maps Selected Land-use Register (NRC). The farm shed and yards have been used historically by the owner / applicant for storage of goods and transporting cattle on / off the site.
- 2.8 The site is zoned Rural Production under the ODP and the PDP. The site is located at the southern approach to the Waipapa industrial and commercial centre and on the northern side of the Kerikeri River State Highway 10 bridge. The site is currently rural-residential with industrial type properties and businesses located to the west and north, including Twin Coast Marine shop, ATJ Hire Waipapa and Farm Source. These sites have ROW access over the northern part of access Lot 3 DP 321759. Opposite the site is the State Highway pull over area and carpark entrance to the Kerikeri River track and Te Araroa Trail.

3. ACTIVITY STATUS OF THE PROPOSAL

Operative District Plan

- 3.1 The subject site(s) are located within the Rural Production Zone under the ODP. There are no other resource layers that apply to the site.



Figure 6 – ODP Site Zone – Rural Production

3.2 An assessment of the relevant rules is set out in the tables below.

Table 1 - Assessment of the Permitted Rural Production Zone Rules:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
8.6.5.1	RESIDENTIAL INTENSITY	Permitted The proposal is not a residential activity.
8.6.5.1.2	SUNLIGHT	Permitted The proposed building location can comply with the required recession plane(s).
8.6.5.1.3	STORMWATER MANAGEMENT (Max 15%)	Permitted. The proposed area of impermeable surface with the site(s) is: 2,297m ² or 9.7% of the site area.
8.6.5.1.4	SETBACK FROM BOUNDARIES	Restricted Discretionary

	(min 10m)	The proposed building will be located 4.235m from the southern boundary.
8.6.5.1.5	TRANSPORTATION	Permitted (refer Table 2 below)
8.6.5.1.6	KEEPING OF ANIMALS	Not applicable
8.6.5.1.7	NOISE	Permitted. The proposed activity is a small-scale commercial office activity that will operate within daytime hours
8.6.5.1.8	BUILDING HEIGHT (Max 8m)	Permitted The proposed building height at 4.235m from the boundary will not exceed 6.235m (which is the maximum building height permissible with a minimum setback of 4.235m from the southern boundary). Beyond this point the building will not exceed 8m.
8.6.5.1.9	HELICOPTER LANDING AREA	Permitted. Not applicable.
8.6.5.1.10	BUILDING COVERAGE (Max 12.5%)	Permitted. The total proposed building coverage on Lots 2 and 3 is: 325m ² or 1.4% of the total site area.
8.6.5.1.11	SCALE OF ACTIVITIES (Max 4 persons per site or 1 person per 1 hectare)	Permitted The proposed activity is a small-scale commercial office space that will accommodate a single person, interior design consultancy. No more than 4 people (including the Applicant) will visit the space at any one time.
8.6.5.1.12	Temporary Events	Not applicable

Table 3 - Assessment of the applicable permitted DISTRICT WIDE RULES:

PERFORMANCE STANDARDS

Chapter 12 – Natural and Physical Resources

12.1	LANDSCAPES AND NATURAL FEATURES	Not applicable
12.2	INDIGENOUS FLORA AND FAUNA	Not applicable.
12.3	EXCAVATION AND/OR FILLING (Max 5,000m³ in the RPZ)	<p>Permitted.</p> <p>Minor earthworks are required to construct the wastewater disposal area, carpark and building foundation. Earthworks volumes will be less than 5,000m³.</p> <p>Earthworks (other than for a wastewater disposal field) will not be within 3 metres of a site boundary.</p>
Sections 12.5 – 12.9 are not applicable to this proposal.		
Chapter 15 – Transportation		
15.1.6A	TRAFFIC	
15.1.6A.1	Maximum Daily One Way Traffic Movements	The maximum number of vehicle movements (traffic intensity) on and off a RPZ site that has access from a state highway is 30 .
15.1.6A.2.1	Traffic Intensity	<p>Permitted</p> <p>The proposed activity can be categorised as a commercial premises (office), where based on the ODP Appendix 3A, the traffic intensity is estimated at 10 / 100m².</p> <p>The proposed building area is 68m². The TIF is not expected to exceed 10 per day.</p> <p>The site contains an existing dwelling. This is excluded from the TIF calculation.</p>
15.1.6B	PARKING	Deleted
15.1.6C	ACCESS	
15.1.6C.1.1	Private Accessway in all Zones	<p>Discretionary Activity</p> <p>(a) The proposed activity does not include the construction of a new private accessway.</p> <p>(b) The accessway relies on the existing accessway and vehicle crossing at the boundary of State Highway 10.</p>

		<p>(c) The private accessway servicing this development will serve more than 80 TIF when combined with the other neighbouring users. This triggers the need for consent.</p> <p>(d) This development is not a subdivision.</p> <p>(e) Access onto the State Highway is existing.</p>
15.1.6C.1.2	Private Accessways in Urban Zones	<p>Not applicable</p> <p>The site is not within an urban zone.</p>
15.1.6C.1.3	Passing Bays on Private Accessways in all Zones	<p>Permitted</p> <p>No change to the existing formed accessway is proposed.</p>
15.1.6C.1.4	Access over Footpaths	<p>Not applicable</p>
15.1.6C.1.5	Vehicle Crossing Standards in Rural and Coastal Zones	<p>Permitted</p> <p>The proposed building and activity would rely on the existing vehicle crossing and accessway.</p>
15.1.6C.1.6	Vehicle Crossing Standards in Urban Zones	<p>Not applicable</p>
15.1.6C.1.7	General Access Standards	<p>Permitted</p> <p>The proposed activity would obtain access via an existing vehicle crossing and accessway.</p>
15.1.6C.1.2	Frontage to Existing Roads	<p>Permitted</p> <p>The activity is not a subdivision</p> <p>The site does not have more than one road frontage or frontage to a service lane.</p>
15.1.6C.4.2	New Roads	<p>Not applicable</p>
15.1.6C.4.4	Service Lanes, Cycleways and Pedestrian Accessways	<p>Not applicable</p>
15.1.6C.3	Affected Persons	<p>Discretionary</p>

		The proposed activity does not comply with Chapter 15 Transportation Rule 15.1.6C.1.2. Consultation with NZTA is required.
15.1.6C.4.5	Road Designations	Not applicable
Chapter 16 – Signs and Lighting		
16.6.1	PERMITTED ACTIVITIES	
16.6.1.1	Light Spill & Glare	Permitted No external lighting is proposed.
16.6.1.2	General Requirements for all Signs	Permitted <ul style="list-style-type: none"> (a) The maximum sign area shall not exceed 4m². (b) The maximum height of any sign will not exceed 3m² in the RPZ in accordance with Rule 16.6.1.3 (c) The site is not a double ‘V’. (d) The sign is not reflective, flashing or lit; (e) The number of signs does not exceed one on the site. (f) The sign will not obstruct sight lines, impair views or be confused with a traffic sign.

Proposed District Plan (PDP)

- 3.3 The proposed activities are subject to the PDP provisions. The PDP was publicly notified on the 27th of July 2022. The submission and further submission periods have closed. PDP hearings have concluded with a Council decision on submissions expected on the 11th of June 2026. Hearings Panel recommendations on proposed provisions were released on 25th May 2026. These recommendations indicate that the proposed RPZ for this site is to be retained.
- 3.4 The proposed site zone is **Rural Production**. Adjacent land to the north is to be rezoned ‘Heavy Industrial’. Other than River Flood Hazard Zones that affect Lot 2 and parts of the southern edge of Lot 3, there are no other overlays that apply to the site.



Figure 7 – PDP Site Zoning – Rural Production Zone

3.5 An assessment of the proposed activities against the PDP rules that have immediate legal effect, is set out in **Table 3** below:

Table 3 – Assessment against the PDP rule standards that have immediate legal effect		
Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	<p>The following rules have immediate legal effect:</p> <p>Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource</p>	<p>Not applicable.</p> <p>The site does not contain any hazardous substances nor are any proposed.</p>

	Rules HS-R5, HS-R6, HS-R9	
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)	Not applicable. The site does not contain any known ecosystems or indigenous biodiversity to which these rules would apply.
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	<p>The following rules have immediate legal effect: EW-R12, EW-R13</p> <p>The following standards have immediate legal effect: EW-S3, EW-S5</p>	<p>Permitted.</p> <p>All earthworks in all zones are subject to Accidental Discovery Protocol standards EW-S3 and the GD-005 sediment control standards EW-S5. Any earthworks activity will be carried out in accordance with these standards.</p>
Signs	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p>Not applicable.</p>
Orongo Bay Zone	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p>Not applicable.</p>

District Plan(s) Activity Status

- 3.6 The proposed activity is a **Discretionary Activity** overall under the ODP because of a breach to the Rural Production Zone Rule 8.6.5.1.4 Setback from Boundaries and Rule 15.1.6C.1.1(c) Private Accessway in All zones, as more than 8 Household equivalents (equating to 80 TIF) currently use part of the access lot, and 6.8 traffic movements will be added to this. Consultation with NZTA is required under Discretionary Activity Affected Persons Rule 15.1.6C.3.
- 3.7 The proposal is a **permitted activity** under the PDP.

National Environmental Standards

National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

3.8 The site is not identified as a HAIL site on the Council database of HAIL sites. The site has a pastoral land use history that is well known to the landowner. There is no evidence of past use of agricultural chemicals in this part of the site. The proposal is deemed to be Permitted in terms of the NES regulation.

National Environment Standard for Freshwater Regulations 2020 (NES-F)

3.9 The site does not contain any wetlands and would not affect any wetlands that is protected by the NES-F. The works are not located near or within a riverbed and will not disrupt the passage of fish. The proposal is deemed Permitted in terms of this NES Regulation.

3.10 There are no other NES provisions that apply to this proposal.

4. STATUTORY ASSESSMENT

Section 104B of the Act

4.1 Section 104B governs decisions on applications for Discretionary Activities. A consent authority may grant or refuse an application and may impose conditions under Section 108 of the RMA.

4.2 The proposal is for a small-scale commercial office building that breaches setback from boundaries and the permitted number of household equivalents that may use a private accessway. The activity status is 'Discretionary' overall.

RMA Section 104

4.3 The application proposal is subject to the matters set out in Section 104.

4.4 Section 104(1) of the RMA states that when considering an application for resource consent –
“the consent authority must, subject to Part 2, and section 77M have regard to –

- (a) any actual and potential effects on the environment of 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 reasonably necessary to determine the application.”*

Assessment of Effects on the Existing Environment

- 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 RMA). Positive effects arising from this proposal include the establishment of a small office that will provide the applicant the ability to essentially work from home while at the same time providing for a professional space to meet with clients on the fringe of the established Waipapa industrial area. The site is conveniently located close to Waipapa with good access and visibility from the State Highway. The proposal will make use of a small section of land which is not currently utilised.
- 4.6 Potential adverse effects on the environment are assessed in the context of the existing environment and the identified infringements to the Rural Production Zone and District-wide ODP standards. These include building ‘setback from boundaries’ and the use of ‘Private Accessways’. The Council has broad discretion to consider all effects in the context of the primary objectives and policies for the rural environment and the RPZ and wider District Plan matters including

signage. The majority of zone and district-wide rules are complied with, and potential adverse effects are assessed to be within acceptable standards.

- 4.7 The Applicant has obtained the written approval from the adjacent landowner affected by the location of the building that breaches the required 10m setback from boundaries listed in **Table 4** below. The location of this property is shown in **Figure 8**. In accordance with Section 104(3)(a)(ii), a consent authority must disregard potential adverse effects on these persons.

Table 4: Adjacent landowners

Owner / Occupier	Legal Description	Address	Authorized Signatory
Beryl Lynette Shugg Ronald George Shugg	Lot 3 DP 178958 and Lot 1 DP 146372	1895 State Highway 10 Waipapa	Beryl Lynette Shugg Ronald George Shugg



Figure 8: Premise image with location of affected landowners who have provided written approval to the proposal.

- 4.8 A copy of the infringed boundary landowner approval is attached at **Appendix 4**.

Setback from Boundaries

- 4.9 The proposed building would be located 4.235m from the adjoining (southern) boundary with the neighbour at 1895 State Highway 10. The building will replace the existing cattle yards and farm shed and be set back 11.526m from the boundary with the state highway. In the context of the existing environment, the new commercial building be an addition to existing commercial / industrial type activities that have expanded south into the Rural Production Zone. The character of this area has changed significantly and is reflected in the PDP zoning changes that apply to the sites to the north.
- 4.10 The proposed building is a similar size and height to the existing farm shed that is to be removed. The location of the building closer to the southern boundary will enable efficient use of unutilised land to also accommodate client carparking and necessary on-site wastewater and water supply services. There are existing accessory buildings on the neighbouring property behind the proposed building that will minimise the impact of the new building on the neighbours or any existing outlook. The private open space associated with the neighbours' house is orientated west and east, and away from the new building location. The enjoyment of this property will not be impacted. It is expected that potential adverse effects on this neighbour would be less than minor.
- 4.11 As a Discretionary Activity overall, the Rule 11.6 assessment criteria are relevant to a decision on this application. The proposed building location is in keeping with the land use character and form of this part of the State Highway 10 southern approach to the Waipapa commercial centre. The building is small-scale and will result in very little visual change to this busy industrial environment. Notwithstanding the degree of any potential adverse, the owner(s) of this property have given written approval to this proposal (refer **Appendix 4**). Potential adverse effects on these persons must therefore be disregarded.

Private Accessway / Traffic Effects

- 4.12 The proposed commercial activity will utilise the existing vehicle crossing at State Highway 10 and the existing access Lot 3. Via several right-of-way easements, Lot 3 provides vehicle access to neighbouring sites to the north, the neighbour at 1895 State Highway 10 and Lot 1 DP 321759 (1897B State Highway 10) at the rear. Based on signage, businesses that currently use the

accessway include, 'Farm Machinery Service and Sales', 'Twin Coast Marine', 'ATJ Self Drive Hire', 'Mid North Towing' and the 'Container Shop'.



Figure 9 – View looking east of vehicle crossing from state highway 10, accessway width and south side building site

4.13 The existing crossing is approximately 12 metres wide at the site boundary with splays. Sight lines are excellent both north and south. There is no apparent or reported conflict between vehicles entering or exiting the site. The small-scale nature of the proposed activity is such that the existing accessway is more than adequate for the number of additional vehicles that may be visiting the site.

4.14 Regarding potential adverse effects on property access, Discretionary Activity Assessment Criteria Rule 15.1.6C.4.1 are relevant and commented on as follows:

(a) Adequacy of sight distances available at the access location.

4.14.1 The site entrance is located at the southern approach to the Waipapa commercial center and just north of the Kerikeri River bridge. This section of the state highway is straight with sufficiently long sight lines to provide safe entry and exit to the site.

(b) Any current traffic safety or congestion problems in the area.

- 4.14.2 The Applicant is not aware of any traffic safety or congestion problems in the area.
- (c) Any foreseeable future changes in traffic patterns in the area.*
- 4.14.3 The Applicant is not aware of any future changes in traffic patterns in the area. The development of the community sports fields just north of the site has increased the number of vehicles exiting onto and off the state highway in relatively close proximity to the site, but this has not affected the site itself.
- (d) Possible measures or restrictions on vehicle movements in and out of the access.*
- 4.14.4 Measures or restrictions on vehicle movements in and out of the site are not necessary.
- (e) The adequacy of the engineering standards proposed and the ease of access to and from, and within, the site.*
- 4.14.5 The proposed activity would utilize an existing crossing and accessway.
- (f) The provision of access for all persons and vehicles likely to need access to the site, including pedestrian, cycle, disabled and vehicular.*
- 4.14.6 The site is an industrial type location with numerous vehicles utilizing the existing crossing and accessway throughout the day. The adjacent road environment is a state highway where vehicle speeds are between 70 and 100km / hour. The proposed activity will not affect the existing access situation in terms of its suitability and safety for pedestrians and cyclists. The Applicant will provide carparking adjacent to the building for disabled clients.
- (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.*
- 4.14.7 The Access Lot 3 site is adjacent to a mapped river flood environment. The extent of mapped flooding does not affect the accessway, nor will the proposed activity have any material effect on the accessway, its current drainage pattern or neighboring properties.
- (h) For sites with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:*

4.14.8 Not applicable

(i) 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.

4.14.9 Not applicable.

(j) 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.

4.14.10 Not applicable.

(k) 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).

4.14.11 Not applicable.

(l) 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.

4.14.12 The Applicant has not identified any potential adverse effects on the adjacent state highway that would be generated by the proposed activity. The site is well located on a straight stretch of road with excellent sight lines both north and south. There is also excellent visibility along the accessway past the building site and at the entrances to other businesses. A copy of this application has been sent to NZTA for comment.

4.15 Potential adverse effects arising from use of the existing accessway by the proposed activity are assessed to be no more than minor.

5. Statutory Provisions

5.1. Section 104(1)(b) requires the consideration of any relevant provisions found in national policy statements or standards, regional policy statements or plans and operative or proposed district plans.

Relevant statutory documents include:

- The National Policy Statement for Highly Productive Land
- Regional Policy Statement for Northland
- Far North District Plan
- Proposed Far North District Plan

National Policy Statement for Highly Productive Land (amended 2025)

5.2. As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land (NPS-HPL), consent authorities are required to consider all relevant matters when deciding Discretionary land use consent applications. The application site is zoned rural production and is mapped as LUC 3w2 type land derived from the 'Land Use Capability classification in the New Zealand Land Resource Inventory'. Clause 3.5 (7) of the NPS-HPL states that until such time as the regional policy statement for Northland contains operative maps of highly productive land, LUC 1, 2 and 3 land is subject to the objectives and policies of the NPS-HPL.

5.3. Regarding LUC 3 land, recent amendments to the NPS-HPL have altered how the national direction is to be applied. Clause 3.5(7)(b)(iii) exempts resource consents for activities on LUC 3 land where the activity applied for is not rural lifestyle and where the consent has been lodged at or after the commencement date of the NPS-HPL.

5.4. Based on this new provision, the proposed discretionary activity application that is for a commercial office and not for a rural lifestyle purpose is exempt from consideration under the NPS-HPL.



Figure 10- NZLRI LUC map – source Far North Maps

Regional Policy Statement for Northland

5.5. The purpose of the Regional Policy Statement for Northland (RPS) is to promote the sustainable management of Northland’s natural and physical resources by providing an overview of the region’s resource management issues. The RPS sets out policies and methods to achieve integrated management of Northland’s natural and physical resources. The proposed activity is located outside of any outstanding landscape and areas of high natural character and will not affect any regionally significant area of indigenous vegetation or fauna habitat. Regional policy 5.1.1(f) relates to the protection of highly versatile soils and applies at time of subdivision. The proposed activity is not a subdivision. The proposed activity is not contrary to any RPS objective or policy and can be determined in the context of the ODP (and PDP) objectives and policies.

Operative Far North District Plan

5.6. The proposed activity is broadly subject to both the RPZ and District-wide ODP objectives and policies. The RPZ applies to land that contains most of the Far North’s inland rural environment.

Land Use Consent

The RPZ is where rural production is intended to be the predominant activity. It is typically a 'low density' residential environment with significant distances between dwellings and other buildings. Non-productive activities are scattered throughout the zone. This is particularly evident around the periphery of town centers, including Kerikeri and Waipapa. The existing environment that surrounds the site is a mix of rural production, recreation and industrial / commercial activity.

- 5.7. The natural character of the rural environment is largely pastoral with varied topography and areas of remnant native vegetation and / or planted shelterbelt trees. The Kerikeri rural environment includes large areas of mixed pastoral and horticulture production land, including land south of the site, that is also within a mapped floodplain.
- 5.8. The ODP RPZ context statement describes the zone as '*predominantly a working productive rural zone*'. The zone standards enable a continuation of a wide range of existing and future activities that are compatible with normal farming and forestry activities, and with rural lifestyle and residential uses, while ensuring natural and physical resources are managed sustainably. The emphasis on reverse sensitivity is toward protecting productive rural activities that depend on rural production land and have limited options for where they can be located.
- 5.9. The proposed activity is small-scale and does not trigger the requirement for a resource consent for scale of activities. Compliance matters relate to the location of building relative to property boundaries and access to the site. These types of activities are contemplated and enabled where they do not detract from the character of the existing environment. The proposed activity is appropriately located adjacent to existing commercial and industrial activity, with convenient access from the state highway.
- 5.10. The relevant Rural Environment and RPZ objectives and policies are set out in **Appendix 6** and commented on in the paragraphs below.

Rural Environment

- 5.11. Within the Rural Environment, the ODP Objective 8.3.1 and Policy 8.4.1 enables activities that contribute to the sustainable management of natural and physical resources. This broad objective

Land Use Consent

gives effect to section 5 of the RMA. The appropriateness of a proposed activity locating in the rural environment is based on whether the life-supporting capacity of natural and physical resources such as air, water, soil and ecosystems is safe-guarded and areas of significant indigenous vegetation and fauna habitats are protected (Objective 8.3.2 and Policy 8.4.2). Sustainable management of the rural environment and protection and enhancement of rural amenity values is prioritised (Objective 8.3.7, 8.3.10, Policy 8.4.1, 8.4.2, 8.4.4).

- 5.12. The proposed activity is very small-scale and appropriately located at the southern edge of the industrial / commercial area of Waipapa. The building site is the access lot to a rural-residential property that is not currently used for any commercial scale production activity and is limited in its development potential due to the position of the mapped floodplain. The proposed activity will make efficient use of underutilised land on the site (Policy 8.4.7). The proposed activity will not affect any significant areas of vegetation or fauna habitat (Policy 8.4.6).
- 5.13. The existing character amenity values derive from the surrounding environment which forms part of the Waipapa commercial centre. State Highway 10 is a busy highway which carries significant daily traffic volumes and provides convenient access to customers visiting the site. Policy 8.4.8 states that the Council will have particular regard to intensity, scale and type to ensure that adverse effects on natural resources, landscapes and amenity values are avoided, remedied or mitigated, and also the functional need for the activity in the rural environment, including the potential for cumulative effects. At such a small-scale, these potential adverse effects can be avoided.

Rural Production Zone

- 5.14. The RPZ enables rural production activities, along with a wide range of activities subject to adverse effects, including reverse sensitivity effects being avoided, remedied or mitigated and not to the detriment of rural production (Policy 8.6.4.1). The RPZ amenity value and reverse sensitivity policy focus is on the potential for activities to adversely affect the productive intent of the zone, and the extent to which reverse sensitivity affects production activity (Policy 8.6.4.1). Activities with adverse effects, including reverse sensitivity effects that cannot be avoided, remedied or mitigated are to be separated from other activities (Policy 8.6.4.8). Conflicting land use activities are to be avoided (Policy 8.6.4.7).

5.15. The proposed commercial office is very small-scale and would be located in an environment where commercial activities already predominate and where reverse sensitivity effects can be avoided.

District-wide Transportation Objectives and Policies

5.16. ODP Transportation objectives and policies are concerned with minimising adverse traffic effects on the natural and physical environment, and the provision of suitable access and on-site car parking (Obj 15.1.3.1, 15.1.3.3, 15.1.3.4, and 15.1.3.5). Traffic generated by the proposed commercial office is within the permitted standards for the RPZ.

5.17. Proposed use of the site for a small commercial office will not adversely affect any natural or built environment features that are protected by the Plan (Policy 15.1.4.2). There is sufficient maneuvering space provided on the site (Policy 15.1.4.3). Access is via an existing approved vehicle crossing from the state highway and at the scale proposed is unlikely to result in any conflict with other users of the driveway.

5.18. Overall, it is considered that the proposed activity would not be contrary to any ODP objective or policy.

Proposed Far North District Plan

5.19. The Council is proposing a 'Rural Production' land use zone (RPZ) to apply to most of the rural land throughout the district. The RPZ will also encompass most of the rural parts of the General Coastal Zone. The RPZ is where productive rural activities can operate and be prioritized in terms of other activities seeking to establish, including residential activities. Its' purpose as stated in the zone overview statement is to provide for primary production activities and associated support activities that have a 'functional need' to be in the rural environment. Highly productive soils are protected in this zone. Provision for other activities is more limited as the PDP recognizes that historic fragmentation and land sterilization has undermined the integrity of the rural environment and its ability to function for its intended purpose. Rural-residential activity is not provided for in the RPZ

unless there is an environmental benefit. The proposed Rural-Residential zone (and to an extent the Rural Lifestyle Zone) will provide for rural lifestyle living in the district.

- 5.20. The stated RPZ objectives are set out in **Appendix 6**. While these Plan provisions have limited weight until decisions on submissions have been made, they provide an indication of the direction of the district in terms of prioritizing rural activity. The Council officer's reply on the rural production zone has not recommended any significant change to the zone provisions as proposed. The underlined and strikethrough text in **Appendix 6** indicates where there are recommended wording changes.
- 5.21. Objective RPROZ-O1 (RPROZ-P2) seeks to ensure the availability of the zone for primary production activities and its long-term protection. The proposed activity would not affect the availability of land for rural production through any permanent change to the site. The building location is an access lot that provides access to the parent lots, Lots 1 and 2 that are rural-residential type properties. The productive potential of the RPZ in this location will not be reduced. The location of a small-scale commercial office is consistent with the existing character found in this environment.
- 5.22. RPROZ-O3 sets out the expectations for land use and subdivision in the proposed RPZ. It is considered that the proposed activity would generally achieve the intended outcomes including:
- Avoiding the sterilisation of highly productive land. The application site is a rural-residential property adjacent to the southern edge of the Waipapa commercial centre. The building will be located on surplus land within an access lot that serves surrounding properties. The location of the activity on the site will have no effect on existing production land.
 - Avoiding an adverse impact on the existing rural site activity or any other adjacent production activities.
 - Ensuring the proposed activity does not exacerbate any natural hazards;
 - Ensuring the proposed activity can be serviced by on-site infrastructure

5.23. The PDP RPZ reverse sensitivity management focus is on protecting primary production activities, from sensitive (as defined) and other non-productive activities (RPROZ-P3). Such activities are to be designed and located where the potential for reverse sensitivity effects can be avoided. The proposed activity will have no adverse effect on any existing production activity. The activity is not a rural lifestyle activity.

5.24. RPROZ-P5 states that land use activities that are incompatible with the purpose, character and amenity of the RPZ are to be avoided, as are activities that do not have a functional need to be located in the zone, or would result in the loss of the productive capacity of highly productive land, or exacerbate natural hazards, or cannot be adequately serviced. The compatibility of a landuse with the purpose, character and amenity of the RPZ is a matter to be determined and avoided where it is deemed to be incompatible. The proposed activity would not be incompatible with landuse activity in the existing environment and would have no adverse effect on any production activity.

5.25. RPROZ-P7 provides further matters to be considered when deciding subdivision or non-primary production activity applications. These include:

a) whether the proposal will increase production potential in the zone;

5.25.1. The proposed activity is not a rural production activity but will make complementary use of redundant land within an access allotment. The proposed activity will not affect existing farm / lifestyle activities.

b) whether the activity relies on the productive nature of the soil;

5.25.2. The proposed activity is not a production activity and does not rely on the production soils. Productive soils on the site will not be affected.

c) consistency with the scale and character of the rural environment;

5.25.3. The character of the site location is predominantly industrial with some residential lifestyle properties and recreational sites scattered along the State Highway. The

relocatable building will sit immediately adjacent to the existing shed in place of the existing cattle yards. There will be minimal change to the visible character of the site where one building is replaced with another. Utilization of the site will generally be just the applicant, with occasional meetings. Immediately across the road are service technicians and boat sales which attract higher levels of traffic. Noise will be well within the permitted noise standards and be consistent with the existing ambient noise environment.

d) location, scale and design of buildings or structures;

5.25.4. The proposed relocatable building is small in scale and replaces existing built development on site.

e) for subdivision or non-primary production activities:

a. scale and compatibility with rural activities;

5.25.5. The proposed activity is small-scale relative to the immediate environment and surrounds. The relocatable building will replace an existing shed and yards in an area where there are a number of sheds and industrial buildings and developments.

b. potential reverse sensitivity effects on primary production activities and existing infrastructure;

5.25.6. There will be no reverse sensitivity effects on any farm production activity, which is the focus of Policy RPROZ-P3. The proposed activity will replace existing buildings located on an accessway.

c. the potential for loss of highly productive land, land sterilisation or fragmentation

5.25.7. There will be no loss of production land.

f) at zone interfaces:

a. any setbacks, fencing, screening or landscaping required to address potential conflicts;

b. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalized within the site as far as practicable;

5.25.8. The affected site boundary does not have an interface with any other zone. Adjoining sites to the north are Industrial and accommodate Industrial type activities. The proposal is not considered to create any conflicts.

g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;

5.25.9. Necessary infrastructure can be accommodated on the site as a permitted activity.

h) the adequacy of roading infrastructure to service the proposed activity;

5.25.10. The site has access directly from State Highway 10. The Roding Infrastructure is of adequate standard and the activity is not expected to result in any traffic safety concerns.

i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;

5.25.11. There are no heritage or cultural values, natural values, landscapes or indigenous biodiversity that would be affected by the proposed activity.

j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

5.25.12. There are no known historical, spiritual, or cultural associations with the site held by tangata whenua.

5.26. Overall, it is considered that the proposed activity is compatible and complementary to the existing activities on site and within the immediately surrounding environment. The activity will not detract from the primary activity on site which is rural lifestyle. Noise and traffic generated by use of the site will be minor. Non-rural activities are contemplated in the proposed RPZ. For this reason, it is

considered the proposed activity is not an incompatible land use activity that should be avoided as required by RPROZ-P5(a), nor is it contrary to any other objective or policy.

Plan Weighting Assessment

- 5.27. As required by Section 104(1)(b) of the RMA, a decision on this application must consider the extent to which a proposal is consistent with the relevant provisions of ODP and the PDP. As the operative plan, the ODP provisions retain the greatest weight until such time as the PDP has advanced beyond a Council decision and the resolution of any appeals.
- 5.28. Hearings on the PDP have concluded and the Independent Hearings Panel (IHP) recommendations have been released. The IHP recommendations are based on a lengthy and rigorous hearing process that has included considerable submitter expert evidence and advice from Council reporting officers, including legal counsel. The IHP recommendation for the application site is that it be zoned Rural Production.
- 5.29. Regarding the ODP objectives and policies, the intent of the Rural Production zone is given effect to as the activity is small scale, located within a mixed-use environment and will not have any adverse impact on the productive capacity of land within the site or on adjoining properties.

6. NOTIFICATION ASSESSMENT

- 6.1. Section 95A-95G sets out the public and limited notification criteria for resource consent applications.

Section 95A – Public Notification Assessment

- 6.2. Section 95A requires a council to follow specific steps when deciding whether to publicly notify an application for resource consent. These steps are set out and commented on as follows.

Step 1: Mandatory public notification in certain circumstances

S95A(3)(a)	The applicant requests public notification
S95A(3)(b)	Public notification is required under section 95C
S95A(3)(c)	The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

- 6.3. The Applicant has not requested public notification, nor is it required under section 95C. Section 95A(3)(c) is not applicable.

Step 2: If not required by step 1, public notification in certain circumstances

S95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification.
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but not other, activities; a controlled activity; a restricted discretionary, discretionary or non-complying activity, but only if the activity is a boundary activity.

- 6.4. The proposed activity applied for is not precluded from notification by a rule or a national environmental standard. The activity is not a boundary activity.

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

S95A(8)(a)	The application is for a resource consent for 1 or more activities, and any one of those activities is subject to a rule or national environmental standard that requires public notification.
S95(8)(b)	In accordance with section 95D, the activity has or is likely to have adverse effects on the environment that are more than minor.

- 6.5. The proposed activity applied for is not subject to a rule or national environmental standard that requires public notification.

- 6.6. Section 95D specifies the criteria by which a consent authority may decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor. This includes what a council may or may not have regard to:

S95D(a)(i)-(ii)	A consent authority <u>must</u> disregard any effects on persons who own or occupy- (i) The land in, on, or over which the activity will occur, or (ii) Any land adjacent to that land
S95D(b)	A consent authority <u>may</u> disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.
S95D(c)	A consent authority <u>must</u> , in the case of a restricted discretionary activity, disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts its discretion.
S95D(d)	A consent authority <u>must</u> disregard trade competition and the effects of trade competition.
S95D(e)	A consent authority <u>must</u> disregard any effect on a person who has given written approval to the relevant application

- 6.7. For the purposes of deciding public notification, any effects on persons who own or occupy the application site or adjacent land may be disregarded. The land adjacent to the application site is set out in **Table 4** above.

- 6.8. In accordance with Section 95D(b), the council has discretion to disregard the effects of an activity if a rule or a national environmental standard permits an activity with that effect, referred to as the permitted baseline. In terms of building setback, the proposed activity infringes the required minimum building setback from the southern boundary. Consent is also required for the total number of traffic movements which are utilized by the access lot. No rule or national environmental standard permits activities with the above-mentioned effects.

- 6.9. The proposed activity is not a restricted discretionary activity such that the matters over which the Council has discretion is limited to a national standard or rule.
- 6.10. Written approval from the affected landowners is provided with this application. Potential adverse effects on these persons may be disregarded. Potential adverse effects that extend beyond the site boundary and the immediately adjacent properties are assessed to be less than minor and would not be of a wider public interest to the extent that public notification is warranted.

Step 4: Public notification in special circumstances

S95(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified?
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- 6.11. When considering public notification, current caselaw has defined ‘special circumstances’ as those outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique. The RPZ has a broad objective purpose that is to *‘promote the sustainable management of natural and physical resources...’*. The efficient use of the RPZ is enabled so that people and communities can provide for their social, economic, and cultural wellbeing and for their health and safety.
- 6.12. The RPZ enables a wide range of activities where adverse effects, including reverse sensitively effects can be avoided, remedied or mitigated, and are not to the detriment of rural productivity¹. The opportunity to establish a small-scale commercial office on an existing rural-residential property in the rural environment is not precluded by the RPZ. Rather it is subject to an assessment to determine the extent to which the activity will affect rural productivity and amenity associated with the productive intent of the zone. As a Discretionary Activity, the proposed activity cannot be described as exceptional, abnormal or unusual in the RPZ.

¹ Policy 8.6.4.1

Section 95B – Limited Notification Assessment

6.13. If an application is not publicly notified, a consent authority must follow the steps of section 95B to decide if limited notification is required. A Section 95B assessment requires a decision about whether there are any specified affected groups or affected persons (under section 95E).

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

S95B(2)(a)	Are there any affected protected customary rights groups
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?
S95B(3)(a)	Is the proposed activity adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?

6.14. The proposed activity would not affect any protected customary rights groups or marine title groups. The proposed activity is not adjacent to and would not affect land (or persons) that are the subject of a statutory acknowledgement.

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

S95B(6)(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.
S95B(6)(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).

6.15. The proposed activity is not subject to a rule or national environmental standard that precludes limited notification. The application activity status is not 'controlled'.

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

S95B(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.
S95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

6.16. The proposed activity does not solely involve a boundary activity. The proposed activity is a Discretionary Activity arising from an infringement to both the building setback rule and use of the accessway by more than 80 TIF or 8 household equivalents.

6.17. Section 95E provides the basis on which a person is deemed to be affected by a proposed activity. Section 95E(1) a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but not less than minor). Section 95E(2)(a)-(c) sets out the adverse effects a consent authority can disregard or matters it must have regard to when assessing adverse effects on a person:

Affected Persons

S95E(2)(a)	A consent authority <u>may</u> disregard adverse effect of an activity on the person if a rule or a national environmental standard permits an activity with that effect.
S95E(2)(b)	A consent authority <u>must</u> disregard an adverse effect arising from a controlled activity or a restricted discretionary activity if the effect of the activity does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.
S95E(2)(c)	A consent authority <u>must</u> have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

6.18. The application proposal is a Discretionary Activity. It is not a Permitted or Controlled Activity. For the purpose of determining if a person is affected by a proposed activity, Section 95(3) states that

a person is not affected in relation to an application if the person has given written approval. Table 4 above sets out the affected landowner. These owners have given their written approval to the application, which are attached at **Appendix 4**. On that basis, it is considered that there are no persons who are affected by the proposed activity.

6.19. The Applicant requests that the application is processed on a non-notified basis.

7. PART 2 ASSESSMENT

- 7.1. 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.
- 7.2. 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 productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment in keeping with the productive intent of the RPZ.
- 7.3. Section 6 of the Act sets contains the matters of national importance. These matters of national importance are considered relevant to this application. The proposal is not located within the coastal environment nor is it located near any lakes, rivers or wetlands. The site does not contain any areas of Outstanding Natural Features and Landscapes. The site is not identified as being significant to Māori nor does in contain historic heritage. It is therefore considered that the proposal is consistent with Section 6 of the Act.
- 7.4. 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 which is a mixed rural, recreational and commercial / industrial environment.

- 7.5. 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 within an area of significance to Māori. The proposal has considered the principals of the Treaty of Waitangi and would not be contrary to these principles.
- 7.6. Overall, the application is assessed 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.

8. CONCLUSION

- 8.1. The Applicant is proposing a single 68m² building structure, associated carpark and on-site wastewater and water supply infrastructure services that would accommodate a single person commercial interior design consultancy and space for meeting with clients. The building will be located on land within the access Lot 3 DP 321759 that is together with Lot 2 DP 321759 is a 'site' that is defined in the ODP.
- 8.2. The proposed activity infringes the ODP RPZ setback from boundaries Rule 8.6.5.1.4 and the Transportation private accessway rule as it relates to the number of household equivalents that may use it. The proposed activity complies with all other ODP and PDP (with current legal effect) permitted standards.
- 8.3. The activity would be located on LUC 3 soil. Recent amendments to the NPS-HPL exempt land use activities (other than rural lifestyle) on LUC 3 land from policies that protect highly productive land.
- 8.4. Potential adverse effects on the existing environment are assessed to be no more than minor. The site is adjacent to an existing cluster of industrial businesses, other rural lifestyle properties and recreational sites. The site has access from State Highway 10, which is an arterial road. Written approval has been obtained from the adjoining landowners. Reverse sensitivity effects are assessed to be low.

- 8.5. The relevant provisions of the ODP and PDP apply with greater weight given to the ODP in the absence of a Council decision on submissions and the resolution of any appeals. The proposed activity is consistent with the overall intent of the ODP RPZ which contemplates a wide range of activities where these are not detrimental to rural productivity.

9. LIMITATIONS

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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 **87083**
Land Registration District **North Auckland**
Date Issued 26 July 2004

Prior References
NA110B/643

Estate Fee Simple
Area 2.4256 hectares more or less
Legal Description Lot 1 Deposited Plan 321759

Registered Owners
Mark Branco Klinac and Deborah Michelle Klinac

Estate Fee Simple - 1/2 share
Area 4132 square metres more or less
Legal Description Lot 3 Deposited Plan 321759

Registered Owners
Mark Branco Klinac and Deborah Michelle Klinac

Interests

573901.1 Gazette Notice declaring the adjoining State Highway to be a limited access road - 31.1.1979 at 10.51 am
Subject to a right of way over parts marked B & C on DP 321759 specified in Easement Certificate C327324.3 - 27.11.1991 at 2.08 pm

Appurtenant hereto is a right to convey water specified in Easement Certificate C327324.3 - 27.11.1991 at 2.08 pm
The easements specified in Easement Certificate C327324.3 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a right of way over parts marked B & D & E and a right to convey water over parts marked A, B & C on DP 321759 specified in Easement Certificate D231408.9 - 23.12.1997 at 3.19 pm

Appurtenant hereto is a right to convey water specified in Easement Certificate D231408.9 - 23.12.1997 at 3.19 pm
The easements specified in Easement Certificate D231408.9 are subject to Section 243 (a) Resource Management Act 1991
Subject to Section 241(2) Resource Management Act 1991 (affects DP 321759)

Subject to a right to convey electricity easement over part marked I on DP 321759 created by Easement Instrument 6091245.3 - 26.7.2004 at 9:00 am

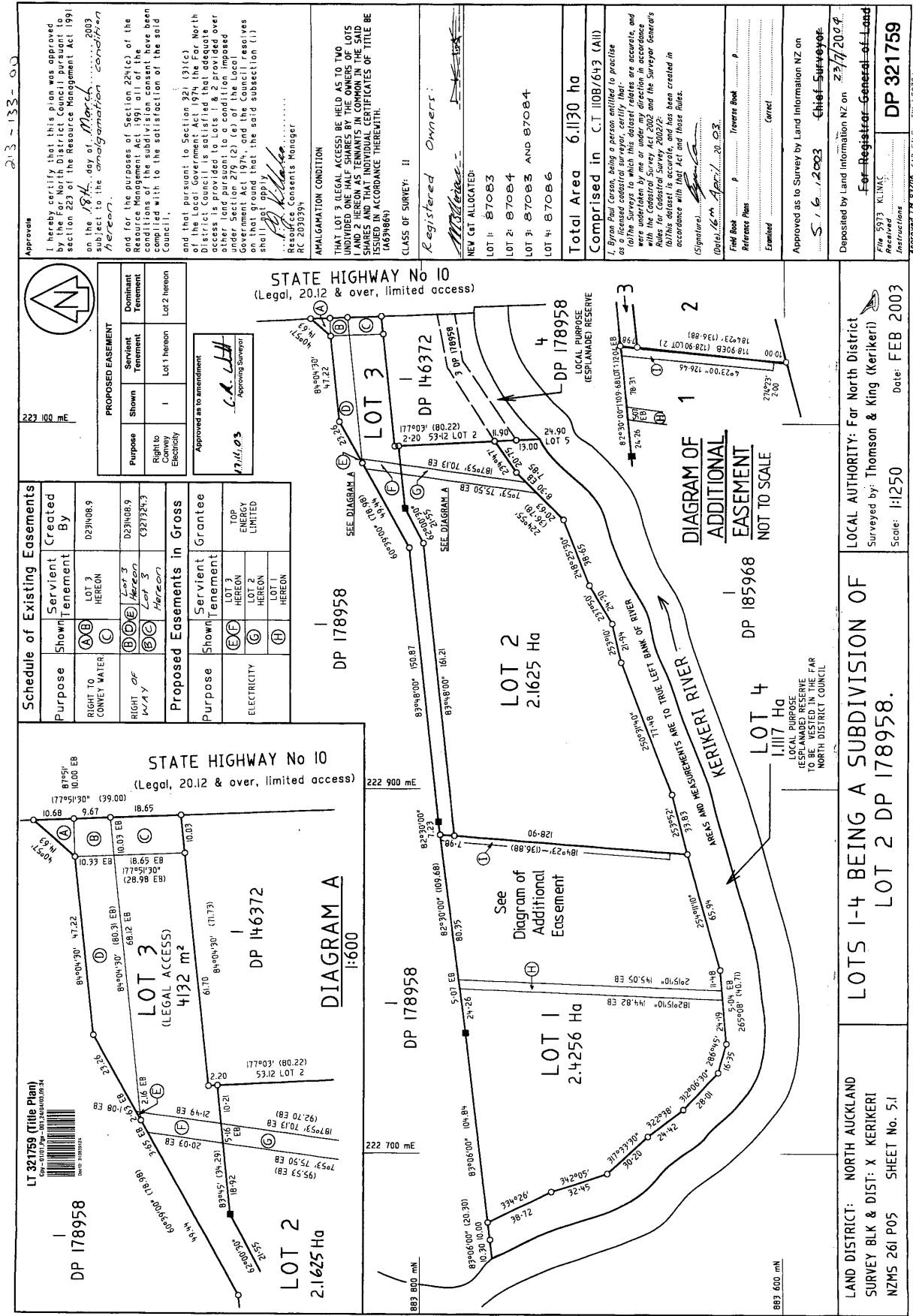
Subject to a right (in gross) to transmit electricity easement over parts marked E, F & H on DP 321759 in favour of Top Energy Limited created by Easement Instrument 6091245.4 - 26.7.2004 at 9:00 am

8605566.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 4.10.2010 at 7:00 am

9189340.2 Mortgage to ASB Bank Limited - 19.10.2012 at 3:49 pm

9292543.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 22.1.2013 at 7:00 am

12944475.4 Variation of Mortgage 9189340.2 - 23.2.2024 at 10:14 am



213-133-00

I hereby certify that this plan was approved by the District Council under section 223 of the Resource Management Act 1991 on the 18th day of March 2004 subject to the amalgamation condition hereon.

and for the purposes of section 224(c) of the Resource Management Act 1991 all of the conditions of the subdivision consent have been complied with to the satisfaction of the said Council.

and that pursuant to Section 321 (3)(c) of the Local Government Act 1974 the Far North District Council is satisfied that adequate provision has been made for the satisfaction of other land pursuant to a condition imposed under section 219 (2) (e) of the Local Government Act 1974, and the Council resolves on that ground that the said subsection (1) and (2) apply.

[Signature]
Resource Consents Manager
RC 2039394

AMALGAMATION CONDITION

THAT LOT 2 (LEGAL ACCESS) BE HELD AS TWO UNITS AND LOT 3 BE HELD AS FIVE UNITS IN COMMON SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH. (A639864)

CLASS OF SURVEY: II

Registered Owner:
[Signature]

NEW CBT ALLOCATED:
LOT 1: 87083
LOT 2: 87084
LOT 3: 87085 AND 87084
LOT 4: 87086

Total Area 6.1130 ha

Comprised in C.T. 1108/643 (All)

I, Byron Paul Carson, being a person entitled to practice as a registered surveyor, hereby certify that the survey to which this diagram relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor General's Rules for Cadastral Survey 2002. The boundaries hereon are true and correct and have been created in accordance with the said Rules.

(Signature) *[Signature]*
(Date) 16th April 2003

Field Book P
Reference Plans P
Examined Correl

Approved as to Survey by Land Information NZ on 27/7/2004

Deposited by Land Information NZ on 27/7/2004

For Registrar General of Land
File 5973 KLIMAS
Received Instructions
DP 321759

Approved LM 93708 CAD FILE: TCS59334p 3PC

PROPOSED EASEMENT		Dominant Tenement		Servient Tenement	
Purpose	Shown	Lot 1 hereon	Lot 1 hereon	Lot 2 hereon	Lot 2 hereon
Right to Convey	Electricity				

Approved as to amendment
17/11/03
C.A. L.H.
Approving Surveyor

Schedule of Existing Easements		Created By	
Purpose	Shown	Servient Tenement	Created By
RIGHT TO CONVEY WATER	(A)(B)(C)	LOT 3 HEREON	D2310689
RIGHT OF WAY	(D)(E)(F)(G)(H)	Lot 3 Hereon	D2310689
		Lot 3 Hereon	C2379241

Proposed Easements in Gross		Grantee	
Purpose	Shown	Servient Tenement	Grantee
ELECTRICITY	(E)(F)(G)(H)	LOT 3 HEREON	TOP ENERGY LIMITED
		LOT 2 HEREON	ENERGY LIMITED
		LOT 1 HEREON	HEREON

Schedule of Existing Easements		Created By	
Purpose	Shown	Servient Tenement	Created By
RIGHT TO CONVEY WATER	(A)(B)(C)	LOT 3 HEREON	D2310689
RIGHT OF WAY	(D)(E)(F)(G)(H)	Lot 3 Hereon	D2310689
		Lot 3 Hereon	C2379241

Proposed Easements in Gross		Grantee	
Purpose	Shown	Servient Tenement	Grantee
ELECTRICITY	(E)(F)(G)(H)	LOT 3 HEREON	TOP ENERGY LIMITED
		LOT 2 HEREON	ENERGY LIMITED
		LOT 1 HEREON	HEREON

LT 321759 (Title Plan)
CPT - 01/11/2003 - 01/11/2003 08:24
DP 178958

LOCAL AUTHORITY: Far North District
Surveyed by: Thomson & King (Kerikeri)
Scale: 1:1250 Date: FEB 2003

LAND DISTRICT: NORTH AUCKLAND
SURVEY BLK & DIST: X KERIKERI
NZMS 261 P05 SHEET No. 5.1

LOTS 1-4 BEING A SUBDIVISION OF LOT 2 DP 178958.

LOCAL PURPOSE (ESPLANADE) RESERVE
FAR NORTH DISTRICT COUNCIL

N



Lot 3 DP 321759 half share: $2,441.32m^2 = 2,066m^2$
 Lot 2 DP 321759: $21,625m^2$
 Total lots areas: $23,691m^2$

Rural Production Zone
 District plan compliance:
 Residential intensity: Complies
 Sunlight rule: Complies
 Stormwater Management

Building height:
 Permitted: 12m max
 Proposed: 6.235m approx. Complies
 Building Coverage:
 Existing shed: $36.0m^2$
 Existing dwelling: $221.0m^2$
 Proposed building: $68.0m^2$
 Total proposed: $325.0m^2$

Total permitted = 12.5% of gross site area = $2,961.4m^2$
 Total Proposed = $325.0m^2 = 1.4%$ Complies

(Impermeable surfaces):
 Existing metal driveway: $1/2$ share: $1845.0m^2 / 2 = 922.5m^2$
 Existing metal driveway: $780.0m^2$
 Existing shed: $36.0m^2$
 Existing dwelling: $221.0m^2$
 Proposed metal driveway: $270.0m^2$
 Proposed building: $68.0m^2$
 Total proposed: $2,297.5m^2$

Total permitted = 15% of gross site area = $3,553.7m^2$
 Total proposed = $2,297.5m^2 = 9.7%$ Complies

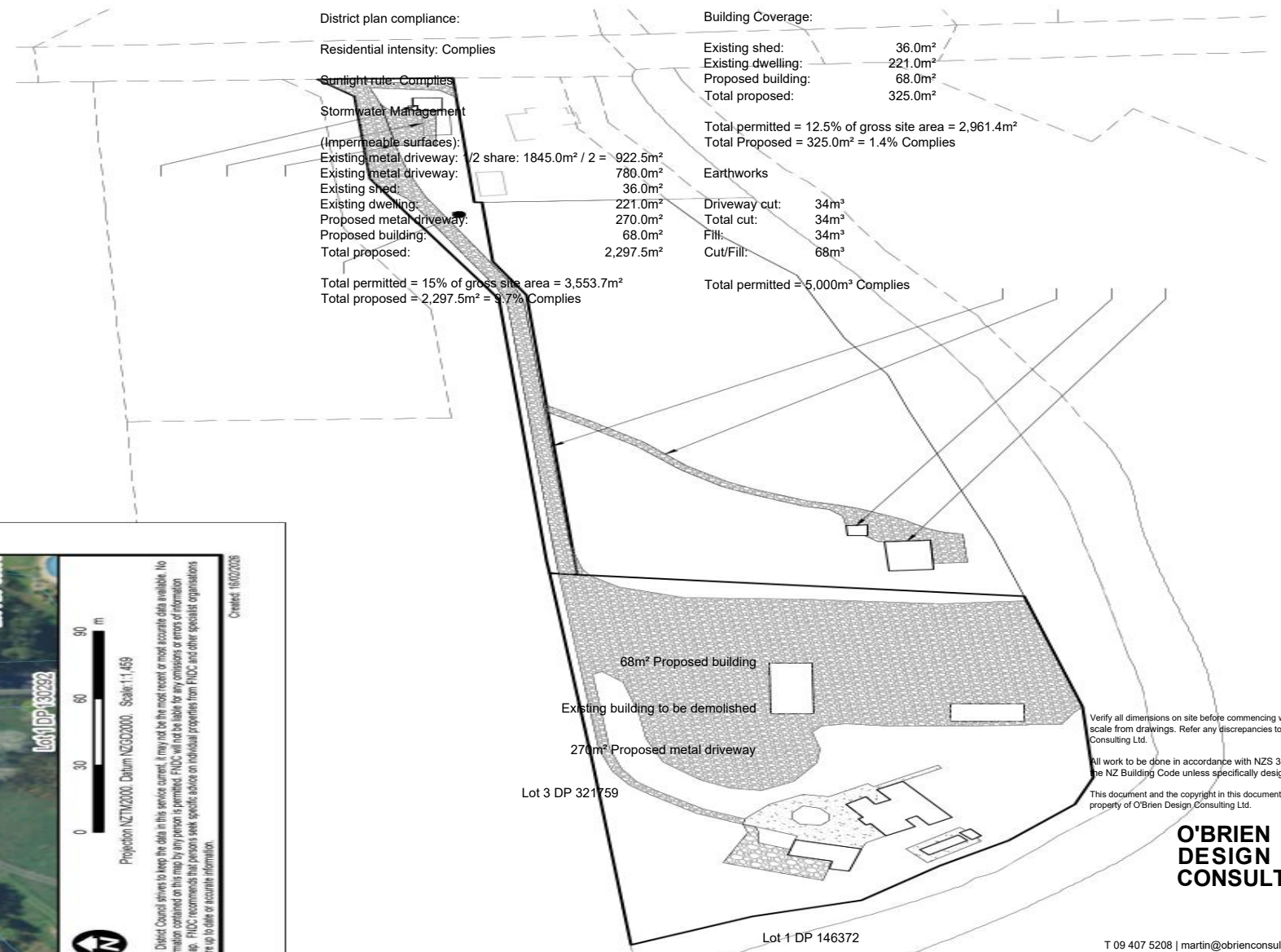
Earthworks
 Driveway cut: $34m^3$
 Total cut: $34m^3$
 Fill: $34m^3$
 Cut/Fill: $68m^3$
 Total permitted = $5,000m^3$ Complies



Projection NZTM2000 Datum NZGD2000. Scale: 1:1,459
 0 30 60 90 m
 Disclaimer:
 While the Far North District Council strives to keep the data in this service current, it may not be the most recent or most accurate data available. No reliance on the information contained on this map by any person is permitted. FNDC will not be liable for any omissions or errors of information contained on this map. FNDC recommends that persons seek specific advice on individual properties from FNDC and other specialist organisations which may hold more up to date or accurate information.
 Created: 19/02/2025

Far North Maps

Te Kōwhiri
 o te Hīkoi te Ika
 Far North District Council



Verify all dimensions on site before commencing work & do not scale from drawings. Refer any discrepancies to O'Brien Design Consulting Ltd.
 All work to be done in accordance with NZS 3604:2011 and the NZ Building Code unless specifically designed.
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O'BRIEN DESIGN CONSULTING

T 09 407 5208 | martin@obrienconsulting.co.nz

Project Title
 Emma & Mark Klinac
 1897 State Highway 10
 Waipapa
 Lot 3 DP 321759

Sheet Title
 Site Location Plan

Drawn 27 May 2026

Project No 4295

Rev E **Sheet** A01

Scale (A3 Original) 1: 2500

25 12.5 0 25 50 m

1,845m² Existing metal driveway
 780m² Existing metal driveway
 36m² Existing shed
 221m² Existing dwelling



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Project Title
Emma & Mark Klinac
1897 State Highway 10
Waipapa
Lot 3 DP 321759

Sheet Title
Natural Hazard Plan

Drawn 27 May 2026

Project No 4295

Rev	Sheet
E	A02

Scale (A3 Original) 1: 500
5 2.5 0 5 10 m



Lot 3 DP 321759: half share: 2 / 4, 132m² = 2,066m²
 Lot 2 DP 321759: 21,625m²
 Total lots areas: 23,691m²

Rural Production Zone
 District plan compliance:
 Residential intensity: Complies
 Sunlight rule: Complies

Stormwater Management

(Impermeable surfaces):
 Existing metal driveway: 1/2 share: 1845.0m² / 2 = 922.5m²
 Existing metal driveway: 780.0m²
 Existing shed: 36.0m²
 Existing dwelling: 221.0m²
 Proposed metal driveway: 270.0m²
 Proposed building: 68.0m²
 Total proposed: 2,297.5m²

Total permitted = 15% of gross site area = 3,553.7m²
 Total proposed = 2,297.5m² = 9.7% Complies

Setbacks to boundaries: 10m min. RC Required
 Building height:
 Permitted: 12m max
 Proposed: 6.235m approx. Complies

Building Coverage:

Existing shed: 36.0m²
 Existing dwelling: 221.0m²
 Proposed building: 68.0m²
 Total proposed: 325.0m²

Total permitted = 12.5% of gross site area = 2,961.4m²
 Total Proposed = 325.0m² = 1.4% Complies

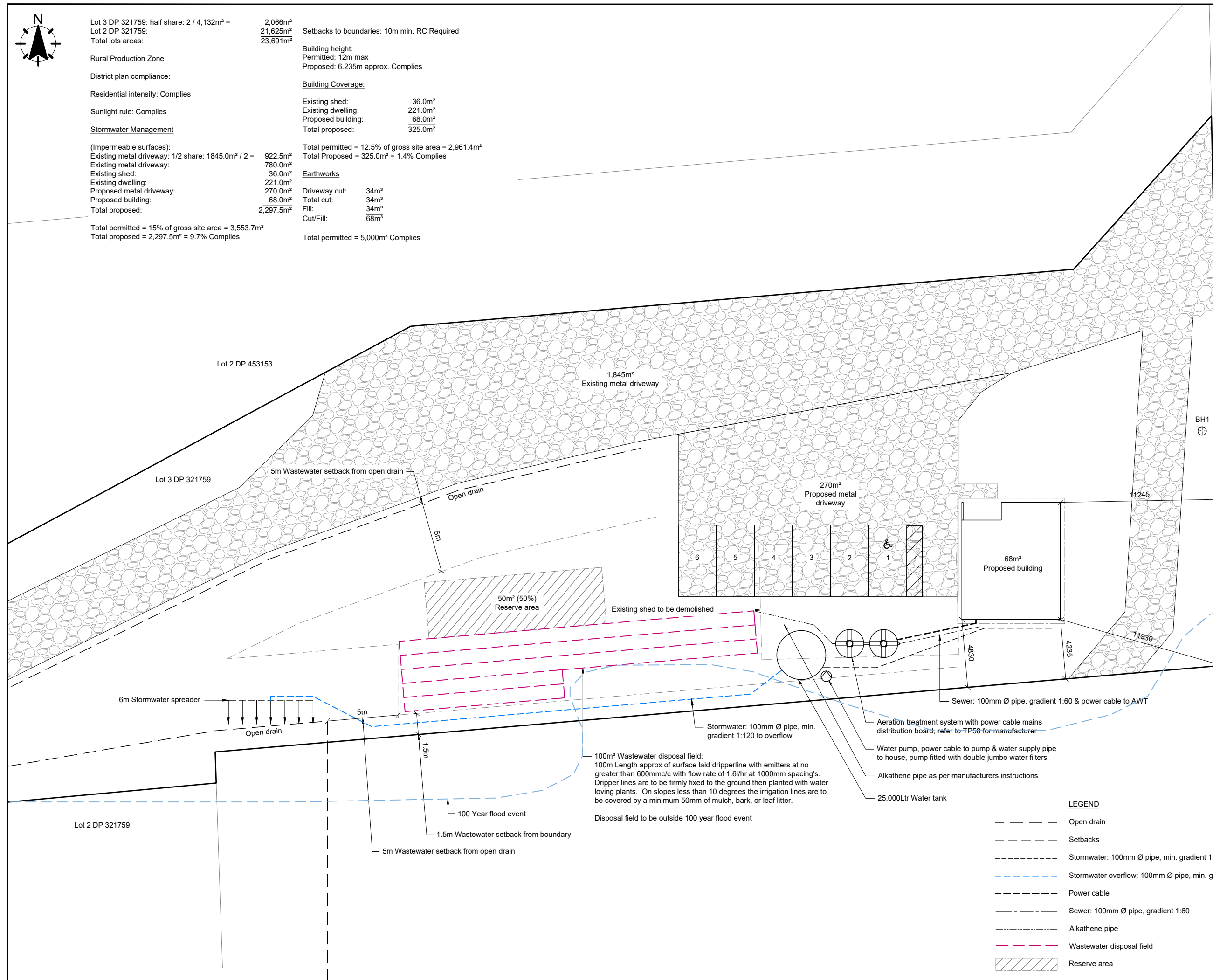
Earthworks

Driveway cut: 34m³
 Total cut: 34m³
 Fill: 34m³
 Cut/Fill: 68m³

Total permitted = 5,000m³ Complies

NOTES

- The proposed wastewater field is to be setback 1.5m from property boundaries. If the wastewater field is to be located close to a boundary, ensure that the boundaries are located prior to installation of the field. If the boundary cannot be easily identified, then the wastewater field should be moved or the land surveyed.
- All drainage to comply with AS/NZS3500 & NZBC G13/AS1. All drainage is diagrammatical, drainlayer to determine on site drainage layout and provide asbuilt plan when complete.
- Length of dripper lines to be no more than 100m between feed points.
- Dripper lines to follow contour lines
- Dripper lines to be setback:
 - 1.5m from buildings
 - 1.5m from property boundaries
- 5m from any intermittent storm water flow path such as a drain or overland flow path down slope of the field
- Overflow from water tanks to be directed well away from the proposed wastewater disposal field.
- Interconnected Smoke alarms to be installed to NZS4514:2021 located in all bedrooms, living spaces, hallways, and landings within the building spaces. Where a kitchen is separated from the living spaces with a door a suitable kitchen smoke alarm shall be installed. This may be a heat alarm to avoid nuisance activations.
- The works which are being proposed will comply with Earthworks EW-S3 Accidental Discovery Protocol and Earthworks EW-S5 Erosion and Sediment Control - Auckland Council Guideline Document GD005 GD05 Erosion and Sediment Control.pdf (aucklanddesignmanual.co.nz)



State Highway 10

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Project Title
 Emma & Mark Klinac
 1897 State Highway 10
 Waipapa
 Lot 3 DP 321759

Sheet Title
 Site Plan

Drawn 27 May 2026

Project No 4295

Rev	Sheet
E	A03

Scale (A3 Original) 1: 250
 2.5 1.25 0 2.5 5 m

LEGEND

- Open drain
- Setbacks
- Stormwater: 100mm Ø pipe, min. gradient 1:120
- Stormwater overflow: 100mm Ø pipe, min. gradient 1:120
- Power cable
- Sewer: 100mm Ø pipe, gradient 1:60
- Alkathene pipe
- Wastewater disposal field
- Reserve area

NOTICE OF WRITTEN APPROVAL

Written Approval of Affected Parties in accordance with Section 95E of
the Resource Management Act

PART A – To be completed by Applicant

Applicant/s Name:

Mark & Emma Klinac

Address of proposed activity:

1897A State Highway 10, Waipapa

Legal description:

Lot 2 and Lot 3 DP 321759

Description of the proposal (including why you need resource consent):

The proposed activity is a small-scale (68m²) commercial building that will accommodate a single person interior design consultancy office and meeting space. The proposal includes carparking and on-site waste water and water supply services.
The proposed activity requires resource consent under the Operative Far North District Plan for the following reasons:
1. Rural Production Zone - Rule 8.6.5.1.4 - Building setback from (southern) boundary breach at 1895 State Highway 10, Waipapa.
2. District-wide Transportation Rule 15.1.6C.1.1(c) - the proposed activity will increase above the permitted rule standard, the number of household equivalents using the existing private accessway that is Lot 3 DP 321759

Details of the application are given in the attached documents & plans (list what documents & plans have been provided to the party being asked to provide written approval):

1. Application Plans - O'Brien Design Consultancy (A-01-A-03), dated 27 May 2026
2. _____
3. _____
4. _____
5. _____
6. _____

Notes to Applicant:

1. Written approval must be obtained from all registered owners and occupiers.
2. The **original copy** of this signed form and **signed plans and accompanying documents** must be supplied to the Far North District Council.
3. The amount and type of information provided to the party from whom you seek written approval should be sufficient to give them a full understanding of your proposal, its effects and why resource consent is needed.

PART B – To be completed by Parties giving approval

Notes to the party giving written approval:

1. If the owner and the occupier of your property are different people then separate written approvals are required from each.
2. You should only sign in the place provided on this form and accompanying plans and documents if you **fully understand** the proposal and if you **support** or have **no opposition** to the proposal. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.
3. Please note that when you give your written approval to an application, council cannot take into consideration any actual or potential effects of the proposed activity on you unless you formally withdraw your written approval **before** a decision has been made as to whether the application is to be notified or not. After that time you can no longer withdraw your written approval.
4. Please sign and date all associated plans and documentation as referenced overleaf and return with this form.
5. If you have any concerns about giving your written approval or need help understanding this process, please feel free to contact the duty planner on 0800 920 029 or (09) 401 5200.

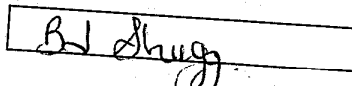

Full name/s of party giving approval: Ronald George Shugg
Beryl Lynette Shugg

Address of affected property including legal description: 1895 St Highway 10 Waipapa

Contact Phone Number/s and email address: Daytime: 0274 780 100 email: helbshuggs@gmail.com

I am/we are the OWNER(S) / OCCUPIER(S) of the property (circle which is applicable)
Please note: in most instances the approval of all the legal owners and the occupiers of the affected property will be necessary.

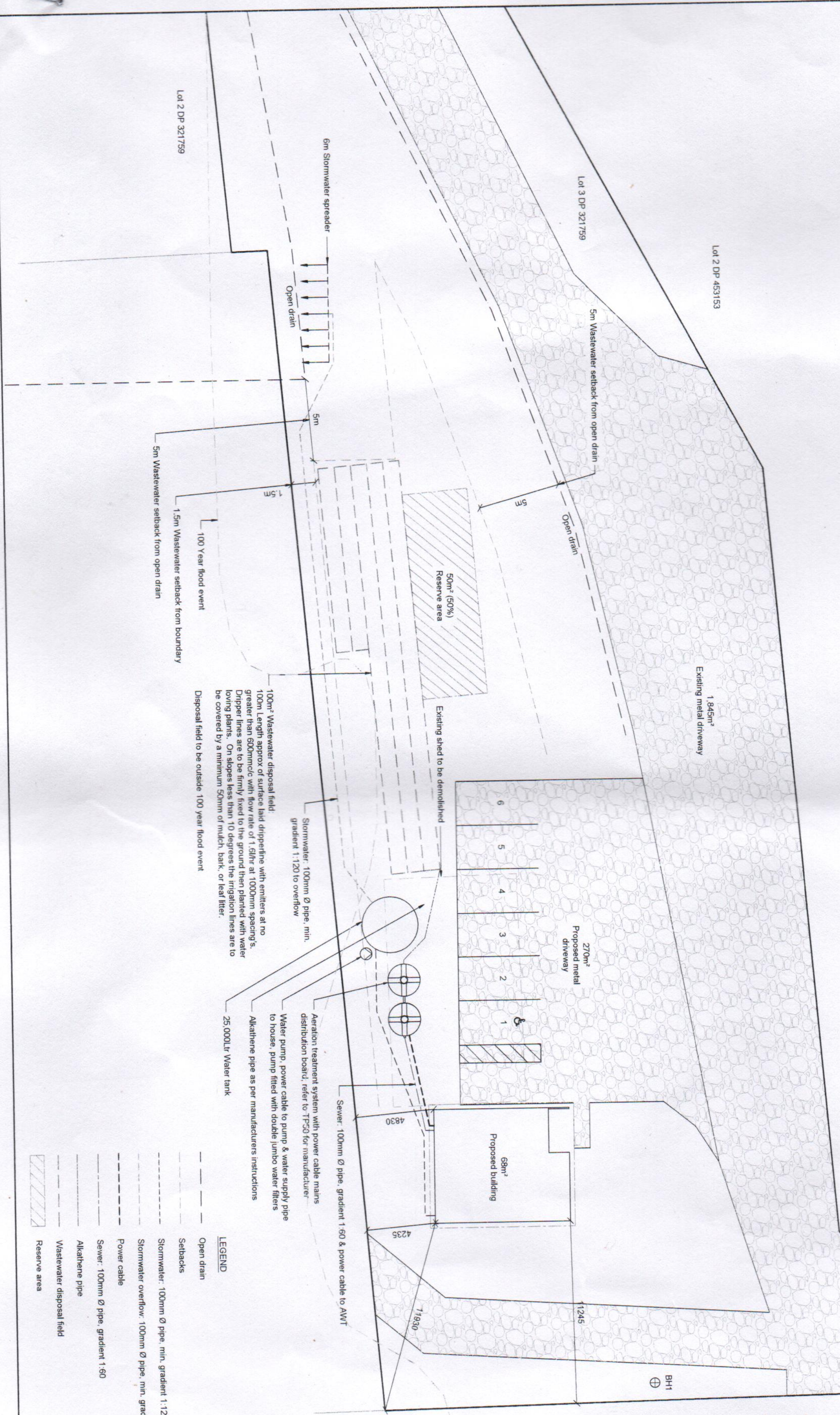
1. I/We have been provided with the details concerning the application submitted to Council and understand the proposal and aspects of non-compliance with the Operative District Plan.
2. I/We have signed each page of the plans and documentation in respect of this proposal (these need to accompany this form).
3. I/We understand and accept that once I/we give my/our approval the Consent Authority (Council) cannot take account of any actual or potential effect of the activity and/or proposal upon me/us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Consent Authority may refuse to grant the application.
4. I/We understand that at any time before the notification decision is made on the application, I/we may give notice in writing to Council that this approval is withdrawn.

Signature		Date	2.06.26
Signature		Date	2.06.26
Signature		Date	
Signature		Date	



Lot 3 DP 321759 - half share 2 / 4 132m ² =	2 069m ²	Setbacks to boundaries: 10m min, RC Required
Lot 2 DP 321759	21 625m ²	
Total lots areas:	23 694m ²	
Rural Production Zone		
District plan compliance:		
Residential Intensity: Complies		
Sunlight rule: Complies		
Stormwater Management		
(Impermeable surfaces)	922.5m ²	Total permitted = 12.5% of gross site area = 2,961.4m ²
Existing metal driveway	780.0m ²	Total Proposed = 325.0m ² = 1.4% Complies
Existing shed	36.0m ²	
Existing dwelling	221.0m ²	
Proposed metal driveway	270.0m ²	
Proposed building	68.0m ²	
Total proposed	2,297.5m ²	
Total permitted = 15% of gross site area = 3,553.7m ²		
Total proposed = 2,297.5m ² = 9.7% Complies		
Building height:		
Permitted: 12m max		
Proposed: 6.235m approx. Complies		
Building Coverage:		
Existing shed:	36.0m ²	
Existing dwelling:	221.0m ²	
Proposed building:	68.0m ²	
Total proposed:	325.0m ²	
Earthworks		
Driveway cut:	34m ³	
Total cut:	34m ³	
Fill:	34m ³	
Cut/Fill:	68m ³	
Total permitted = 5,000m ² Complies		

Handwritten signature: B. J. Shuff



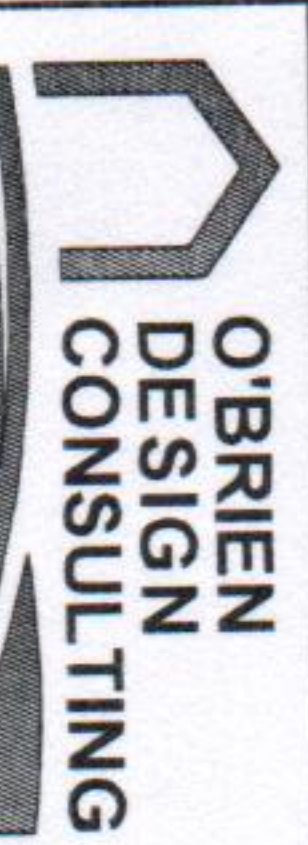
NOTES

- The proposed wastewater field is to be setback 1.5m from property boundaries. If the wastewater field is to be located close to a boundary, ensure that the boundaries are located prior to installation of the field. If the boundary cannot be easily identified, then the wastewater field should be moved or the land surveyed.
- All drainage to comply with AS/NZS3500 & NZSIC G13/A5.1. All drainage is diagrammatical, (drainlayer to determine on site drainage layout and provide as-built plan when complete).
- Length of dripper lines to be no more than 100m between feed points.
- Dripper lines to follow contour lines
- Dripper lines to be setback:

 - 1.5m from buildings
 - 1.5m from property boundaries

- 5m from any intermittent storm water flow path such as a drain or overland flow path down slope of the field
- Overflow from water tanks to be directed well away from the proposed wastewater disposal field.
- Interconnected Smoke alarms to be installed to NZS4514:2021 located in all bedrooms, living spaces, hallways, and lanings within the building spaces. Where a kitchen is situated from the living spaces with a door a suitable kitchen smoke alarm shall be installed. This may be a heat alarm to avoid nuisance activations.
- The works which are being proposed will comply with Earthworks EW-S3 Accidental Discovery Protocol and Earthworks EW-S5 Erosion and Sediment Control - Auckland Council Guideline Document GDD05 GDD05 Erosion and Sediment Control.pdf (aucklanddesignmanual.co.nz)

State Highway 10



T 09 407 5208 | info@obriendesignconsulting.co.nz

Project Title
Emma & Mark Klinac
1897 State Highway 10
Waipapa
Lot 3 DP 321759

Sheet Title	
Site Plan	
Drawn	27 May 2026
Project No	4295
Rev	Sheet
E	A03

Scale (A3 Original) 1 : 250

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R. G. O'Brien
B. L. King

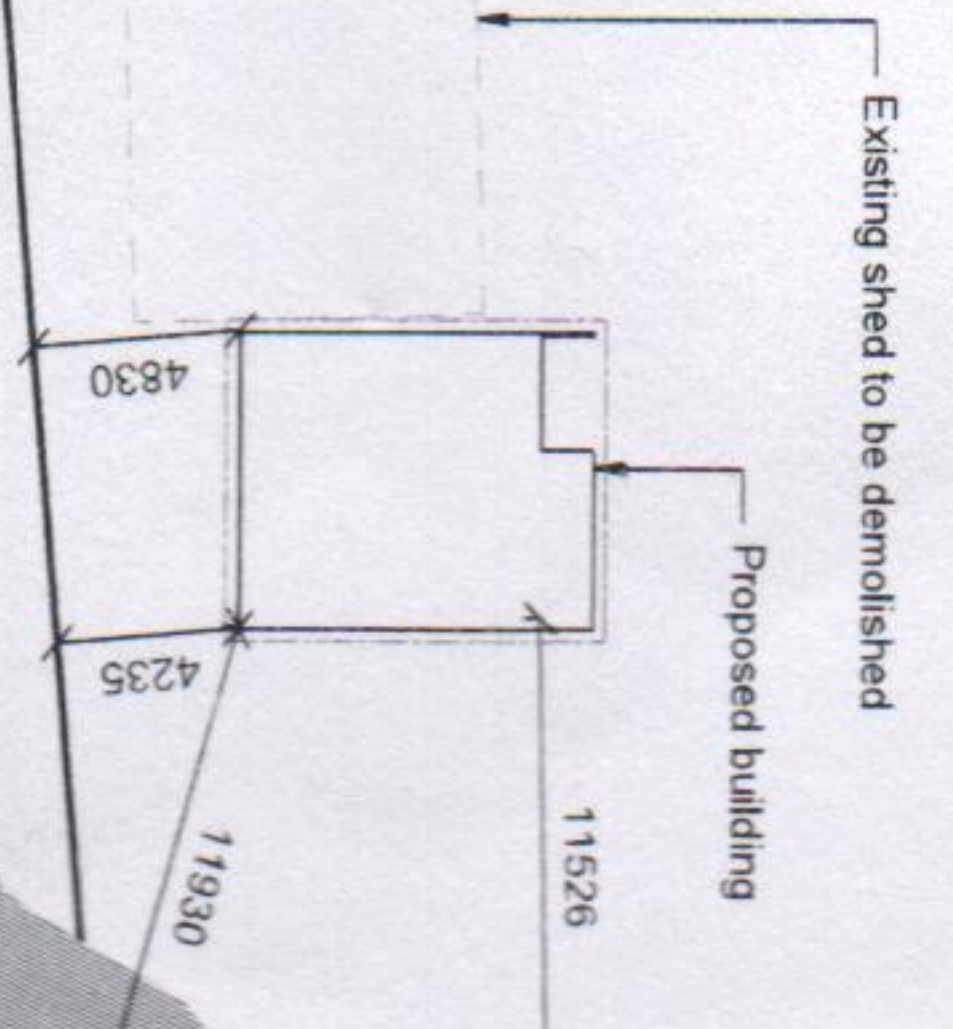
Lot 2 DP 453153

Lot 3 DP 321759

Lot 2 DP 321759

Lot 1 DP 145372

State Highway 10



100 Year flood event

50 Year flood event

10 Year flood event

Verify all dimensions on site before commencing work & do not
 rely on drawings. Refer any discrepancies to O'Brien Design
 Consulting Ltd.
 All work to be done in accordance with NZS 3904: 2011 and
 the NZ Building Code unless specifically designed.
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 DESIGN
 CONSULTING**

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Project Title
 Emma & Mark Klinac
 1897 State Highway 10
 Waipapa
 Lot 3 DP 321759

Sheet Title
 Natural Hazard Plan

Drawn
 27 May 2026

Project No
 4295

Rev	Sheet
E	A02

Scale (A3 Original) 1 : 500

5 2.5 0 5 10
m

Northland Planning Development

From: Northland Planning Development
Sent: Friday, 29 May 2026 3:00 pm
To: Environmental Planning
Subject: Proposed Landuse Consent
Attachments: Appendix 3 - 260527 - 4295 - E - Klinac Application Plans.pdf

Kia ora NZTA,

We have been engaged to prepare a landuse application to establish a small commercial office at 1897A State Highway 10, Waipapa.

The Applicants are proposing to relocate a 68m² commercial office building onto a site at Waipapa. The application site includes Lot 2 and Lot 3 DP 321759. The building would be located on excess land within the existing access lot (Lot 3), which forms part of the application site. The Applicants live on the neighbouring (rear) property at 1897B State Highway 10 (Lot 1 DP 321759). The proposed building will accommodate the Applicants interior design consultancy and operate as a commercial office space where the Applicant can meet with clients by appointment during weekdays. This may include 2-3 people at any one period of time.

The business will include one permitted sized sign that will be attached to the front of the building.

The existing farm shed and yards are to be removed. The proposed building is a relocatable building that will be confirmed when resource consent for its location is approved. The proposed building dimensions will not exceed 68m². Carparking with dimensions enabling up to six cars will be constructed adjacent to the building. An on-site wastewater system (including the required reserve disposal area) will be located on the western side of the carpark and setback the required 1.5m from the boundary with 1895 State Highway 10. The buildings, carpark and wastewater system will not be within the mapped floodplain.

Consent is triggered under the Operative District Plan for 'setback from boundaries' (neighbour to the south), and 'Private Accessways in all zones' due to the access lot already servicing more than 8 Household Equivalents (i.e. 80 Traffic Movements). The overall activity status of the proposal is Discretionary.

The current crossing is well designed, accommodating large trucks hauling machinery and trailers associated with the neighbouring boat yard, hire centre and service mechanics. At the site boundary the crossing width is approx. 12m and has been sealed.

This proposal will add 6.8TIF per day based on Appendix 3A of the Operative District Plan. The effects of this proposal on the adjacent state highway have been assessed as no more than minor.

Could you please provide your comments in relation to the access from the State Highway so we can provide these to the Far North District Council.

The landuse consent application is being finalised either today or early next week if NZTA would like to view the full AEE.

If you have any questions, please do not hesitate to contact our office.

Kind regards,



Rochelle Jacobs

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020 Limited

Northland Planning Development

From: Environmental Planning <EnvironmentalPlanning@nzta.govt.nz>
Sent: Wednesday, 3 June 2026 12:14 pm
To: Northland Planning Development
Subject: DO NOT REPLY – Waka Kotahi NZ Transport Agency - A new Environmental Planning request has been logged with Case Ref - Application-2026-0673 CRM:0093207111

Dear Emma & Mark Klinac,

Thank you for your application. Your reference number is: 1897A State Highway 10, Waipapa, Northland

Your application has been assigned to the Environmental Planning Team and you should expect to receive a response within the next 20 working days. If you have any further queries or concerns on this matter, please do not hesitate to contact us via email quoting case ref: Application-2026-0673 or visit our [website](#).

Kind Regards,

Environmental Planning Team

System Design and Delivery

E environmentalplanning@nzta.govt.nz / **w** <http://www.nzta.govt.nz>

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by NZ Transport Agency Waka Kotahi for information assurance purposes.

OPERATIVE DISTRICT PLAN – RURAL ENVIRONMENT OBJECTIVES AND POLICIES

OBJECTIVES	
8.3.1	<i>To promote the sustainable management of natural and physical resources of the rural environment.</i>
8.3.2	<i>To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.</i>
8.3.3	<i>To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.</i>
8.3.4	<i>To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna</i>
8.3.5	<i>To protect outstanding natural features and landscapes.</i>
8.3.6	<i>To avoid actual and potential conflicts between land use activities in the rural environment.</i>
8.3.7	<i>To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.</i>
8.3.8	<i>To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.</i>
8.3.9	<i>To enable rural production activities to be undertaken in the rural environment.</i>
8.3.10	<i>To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.</i>
POLICIES	

8.4.1	<i>That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.</i>
8.4.2	<i>That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.</i>
8.4.3	<i>That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.</i>
8.4.4	<i>That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.</i>
8.4.5	<i>That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).</i>
8.4.6	<i>That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.</i>
8.4.7	<i>That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.</i>
8.4.8	<i>That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its</i>

	<p><i>intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.</i></p>
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OPERATIVE DISTRICT PLAN – RURAL PRODUCTION ZONE - OBJECTIVES AND POLICIES

OBJECTIVES	
8.6.3.1	<i>To promote the sustainable management of natural and physical resources in the Rural Production Zone.</i>
8.6.3.2	<i>To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.</i>
8.6.3.3	<i>To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.</i>
8.6.3.4	<i>To promote the protection of significant natural values of the Rural Production Zone.</i>
8.6.3.5	<i>To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.</i>
8.6.3.6	<i>To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.</i>
8.6.3.7	<i>To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources</i>
8.6.3.8	<i>To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.</i>
8.6.3.9	<i>To enable rural production activities to be undertaken in the zone.</i>
POLICIES	

8.6.4.1	<i>That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.</i>
8.6.4.2	<i>That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated</i>
8.6.4.3	<i>That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged</i>
8.6.4.4	<i>That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone</i>
8.6.4.5	<i>That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.</i>
8.6.4.6	<i>That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.</i>
8.6.4.7	<i>That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.</i>
8.6.4.8	<i>That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities</i>
8.6.4.9	<i>That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.</i>

**OPERATIVE FAR NORTH DISTRICT PLAN – TRAFFIC, PARKING AND ACCESS –
OBJECTIVES AND POLICIES**

<i>CHAPTER 15 - TRANSPORTATION</i>	
Objectives	
15.1.3.1	<i>To minimise the adverse effects of traffic on the natural and physical environment.</i>
15.1.3.2	<i>To provide sufficient parking spaces to meet seasonal demand in tourist destinations.</i>
15.1.3.3	<i>To ensure that appropriate provision is made for on-site car parking for all activities, while considering safe cycling and pedestrian access and use of the site.</i>
15.1.3.4	<i>To ensure that appropriate and efficient provision is made for loading and access for activities.</i>
15.1.3.5	<i>To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.</i>
Policies	
15.1.4.1	<i>That the traffic effects of activities be evaluated in making decisions on resource consent applications.</i>
15.1.4.2	<i>That the need to protect features of the natural and built environment be recognised in the provision of parking spaces.</i>
15.1.4.3	<i>That parking spaces be provided at a location and scale which enables the efficient use of parking spaces and handling of traffic generation by the adjacent roading network.</i>
15.1.4.4	<i>That existing parking spaces are retained or replaced with equal or better capacity where appropriate, so as to ensure the orderly movement and control of traffic.</i>

15.1.4.5	<i>That appropriate loading spaces be provided for commercial and industrial activities to assist with the pick-up and delivery of goods.</i>
15.1.4.6	<i>That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.</i>
15.1.4.7	<i>That the needs and effects of cycle and pedestrian traffic be taken into account in assessing development proposals.</i>
15.1.4.8	<i>That alternative options be considered to meeting parking requirements where this is deemed appropriate by the Far North District Council.</i>

Proposed District Plan Objectives and Policies (Notified Version)

Rural Production Zone

Objectives

RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-O3 - Land use and subdivision in the Rural Production zone:

(a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;

(b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;

(c) does not compromise the use of land for farming activities, particularly on highly productive land;

(d) does not exacerbate any natural hazards; and

(e) is able to be serviced by on-site infrastructure.

RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained.

Policies

RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:

(a) enabling primary production activities as the predominant land use;

(b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.

RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

(a) a predominance of primary production activities;

(b) low density development with generally low site coverage of buildings or structures;

(c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and

(d) a diverse range of rural environments, rural character and amenity values throughout the District.

RPROZ-P5 - Avoid land use that:

(a) is incompatible with the purpose, character and amenity of the Rural Production zone;

(b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;

(c) would result in the loss of productive capacity of highly productive land;

(d) would exacerbate natural hazards; and

(e) cannot provide appropriate on-site infrastructure.

RPROZ-P6 - Avoid subdivision that:

(a) results in the loss of highly productive land for use by farming activities.

(b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:

1. the type of farming proposed; and

2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.

(c) provides for rural lifestyle living unless there is an environmental benefit.

RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*
- (d) location, scale and design of buildings or structures;*
- (e) for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation**
- (f) at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;**
- (g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- (h) the adequacy of roading infrastructure to service the proposed activity;*
- (i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- (j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*