

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

☐ Yes ☐ No

2. Type of consent being applied for

(more than one circle can be ticked):

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

Henry and Hannah Leventis c/o F Navarro Builders Ltd

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:

Steven Sanson

Email:

Phone number:

Postal address:

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

Postcode

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:

Henry and Hannah Leventis

Property address/
location:

8. Application site details

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

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

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.

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):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

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

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

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

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

☐ Subdividing land

☐ 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)

Frank Navarro

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)

Frank Navarro

Signature:

(signature of bill payer)

30th July 2026

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)

Frank Navarro

Signature

30th July 2026

made by electronic means

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.*

BAY OF ISLANDS PLANNING LIMITED

Kerikeri House

Suite 3, 88 Kerikeri Road

Kerikeri

Email – office@bayplan.co.nz Website – www.bayplan.co.nz

24 July 2026

Far North District Council

Application for Resource Consent: Retrospective consent for an existing swimming pool, deck and pool fence at 43B Edkins Road, Kerikeri

Henry and Hannah Leventis seek retrospective resource consent to authorise an existing swimming pool, associated timber deck and pool fence at 43B Edkins Road, Kerikeri (Lot 2 DP 202783).

The structures were constructed without resource consent and infringe the setback and height in relation to boundary standards of both the Far North Operative District Plan (**ODP**) and the Far North Proposed District Plan – Decisions Version (**PDP**), as well as a consent notice registered on the title.

The application is made as a Discretionary activity.

This report assesses the proposal under the provisions of both the ODP (Rural Living zone) and the PDP (Rural Residential zone and Kerikeri Heritage Area Overlay), and includes an assessment of the relative weight to be given to each plan.

The application also seeks a variation to Consent Notice D519320.4 registered against the title, to exclude the structures approved under this consent from the building restriction it imposes.

This Assessment of Environmental Effects (**AEE**) application is supported by the following information:

- **Appendix A – Record of Title & Instruments**
- **Appendix B – Architectural Plans**
- **Appendix C – Department of Conservation (DOC) Consultation & Approval**

Regards

Steven Sanson

Director / Consultant Planner

Bay of Islands Planning Limited

1. APPLICANT & PROPERTY DETAILS

Applicant	Henry Christodoulos Leventis and Hannah Sonia Leventis
Address for Service	Bay of Islands Planning (2022) Limited Kerikeri House, Suite 3, 88 Kerikeri Road, Kerikeri C/O – Steven Sanson office@bayplan.co.nz
Legal Description	Lot 2 DP 202783
Record of Title	NA131A/210 (North Auckland)
Physical Address	43B Edkins Road, Kerikeri
Site Area	3,651m ² more or less
Owner of the Site	Henry Christodoulos Leventis and Hannah Sonia Leventis
District Plan Zone (PDP)	Rural Residential
District Plan Zone (ODP)	Rural Living
Overlays / Features	Kerikeri Heritage Area Overlay – Part B (PDP) River Flood Hazard Zone (10-year and 100-year ARI events) Adjoins Kerikeri River Scenic Reserve (administered by the (DOC of Conservation)
Archaeology	No scheduled archaeological site recorded on the subject land
NRC Overlays	Nil
Consent Notice	D519320.4 – restriction on structures within 6m of the southern and eastern boundaries
HAIL	Nil

2. SUMMARY OF PROPOSAL

Proposal	Retrospective consent for an existing container swimming pool (2.3m x 8m), timber pool deck and 1.2m frameless glass pool fence, together with the removal of the portion of deck that currently encroaches into the adjoining Kerikeri River Scenic Reserve, so that all structures are contained within the site.
Reason for Application	The existing deck and pool fence do not comply with the setback standard (RRZ-S3) and the height in relation to boundary standard (RRZ-S2) of the Rural Residential zone, being located approximately 1.5m from the southern boundary where a 3m setback and a 35° recession plane apply. The site is within the Kerikeri Heritage Area Overlay – Part B, and the Heritage Area Overlay rules (HA chapter) apply in addition to the zone rules. The structures also breach Consent Notice D519320.4, which prohibits any dwelling or structure within 6m of the southern and eastern boundaries. Collectively these infringements result in a Discretionary activity status under the Proposed District Plan.

Appendices	Appendix A – Record of Title & Instruments Appendix B – Architectural Plans Appendix C – DOC Consultation & Approval
Consultation	DOC (Kaitaia / Pēwhairangi office) – written approval provided (Appendix C).
Pre-Application Consultation	Nil with Council

3. INTRODUCTION

The applicants, Mr and Mrs Leventis, seek retrospective resource consent to authorise a swimming pool, associated timber deck and pool fence which have already been constructed on their property at 43B Edkins Road, Kerikeri. The Record of Title and relevant instruments are provided in **Appendix A**.

The subject site is situated within the Rural Residential zone (**RRZ**) of the PDP, and falls within the Kerikeri Heritage Area Overlay – Part B.

A container pool was installed on the property in approximately 2021. The company installing the pool correctly advised that the pool itself did not require a building consent; however the associated deck and pool fence did require consent, and the boundary was not correctly identified before the works were undertaken.

As a result, a portion of the deck was constructed across the southern boundary and approximately 1.35m into the adjoining Kerikeri River Scenic Reserve.

As part of this application, the applicants propose to remove the portion of the deck and pool fence that encroaches into the reserve (a 1.5m wide section of deck and balustrade) so that all structures are contained wholly within the site. These changes are detailed in the Architectural Plans provided in **Appendix B**.

DOC, as administering body of the reserve, has confirmed in writing that it has no concerns provided the encroaching portion of the deck is removed from the reserve (**Appendix C**).

The proposal triggers a Discretionary activity status under the PDP for the reasons set out in this report.

4. DESCRIPTION OF THE SITE AND SURROUNDS

The subject site is a 3,651m² allotment located at 43B Edkins Road, Kerikeri, legally described as Lot 2 DP 202783 and held in Record of Title NA131A/210. The site is accessed via a right of way over Lot 3 to Edkins Road. It contains an existing dwelling, together with the swimming pool, deck and pool fence which are the subject of this application, located toward the southern part of the site.

The southern boundary of the site adjoins the Kerikeri River Scenic Reserve, which runs along the Kerikeri River and is administered by the DOC. The land falls away steeply to the south, at the top of a bank sloping down toward the Rainbow Falls Track and the Kerikeri River.

The pool deck is located at the top of this bank; at its highest point (the south-eastern corner) it is approximately 1.8m above ground level, with a 1.2m frameless glass pool fence around the edge.

The reserve and river margin are part of the Kerikeri Visual Buffer under the ODP and the site is within the Kerikeri Heritage Area Overlay – Part B under the PDP.

The surrounding environment comprises established rural-residential lifestyle properties to the north along Edkins Road, with regenerating bush and the Kerikeri River scenic reserve corridor to the south. The existing vegetation on the bank effectively screens the structure from the Rainbow Falls Track below.

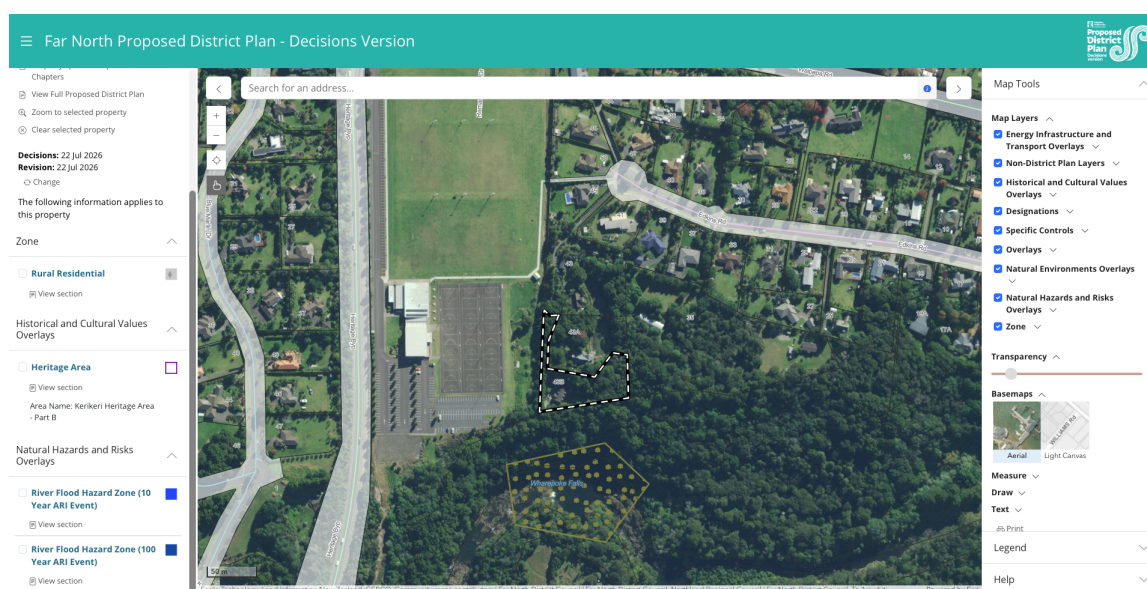


Figure 1: Site aerial – 43B Edkins Road (Source: Far North Proposed District Plan Maps)



Figure 2: Proposed District Plan zoning and Kerikeri Heritage Area Overlay – Part B (Source: Far North Proposed District Plan Maps)



Figure 3: Pool, decking and fence (Source: Brian Hutching)

5. RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

The title records a number of water rights and utility easements which are not affected by the proposal.

Relevantly, the title is subject to Consent Notice D519320.4, issued under Section 221 of the Resource Management Act 1991 in respect of the subdivision of Lots 1–3 DP 187452. The consent notice provides that:

“That the registered proprietor shall not erect any dwelling or other structure within 6.0 metres of the southern and eastern boundaries.”

The existing pool deck and pool fence are located within 6m of the southern boundary and therefore do not comply with the consent notice.

This application accordingly seeks, in addition to land use consent, a variation to Consent Notice D519320.4 so that the condition does not apply to the structures approved under this consent. The proposed variation is addressed in Section 10 of this report.

6. DESCRIPTION OF PROPOSAL

The proposal seeks retrospective consent to authorise the following existing structures, and to remedy the encroachment into the adjoining reserve:

- An existing container swimming pool measuring approximately 2.3m x 8m, located approximately 1.5m from the southern boundary.
- An existing timber pool deck surrounding the pool, at its highest point (south-eastern corner) approximately 1.8m above ground level.
- An existing 1.2m high frameless glass pool fence / balustrade around the deck edge, together with a new 1.8m high safety glass pool fence / balustrade as shown on the architectural plans.
- Removal of a 1.5m wide section of the deck and pool fence along the southern edge, being the portion that currently encroaches approximately 1.35m into the Kerikeri River Scenic Reserve, so that all structures are contained wholly within the site.

Following the alterations, the pool, deck and fence will be located entirely within the subject site, but will remain within the 3m setback and 6m consent notice restriction from the southern boundary, hence the need for this application.

7. DISTRICT PLAN ASSESSMENT – PROPOSED DISTRICT PLAN

Under Section 104(1)(b) of the RMA, the consent authority must have regard to the relevant provisions of both a plan (the ODP) and a proposed plan (the PDP). The following tables considers the relevant provisions, and then provides a weighting assessment.

The Rural Residential zone standards relevant to the proposal are assessed in Table 1 below.

Table 1 – Rural Residential zone performance standards

Provision	Rule / Standard	Assessment / Comment
RRZ-R1	New buildings or structures and alterations to existing buildings or structures. PER-2 requires compliance with standards including RRZ-S2 (Height in relation to boundary) and RRZ-S3 (Setback).	The deck and pool fence do not comply with RRZ-S2 and RRZ-S3. Activity status where compliance not achieved with PER-1 or PER-3: Restricted Discretionary
RRZ-R2	Impermeable surface coverage – no more than 12.5% or 2,500m ² , whichever is the lesser.	Total impermeable surface is 560m ² (15.3% of the site), which exceeds 12.5%. Restricted Discretionary
RRZ-R3	Residential activity – site area per residential unit at least 4,000m ² .	Complies (existing dwelling; no additional unit proposed)
RRZ-R4	Visitor accommodation	N/A
RRZ-R5	Home business	N/A
RRZ-R6	Educational facility	N/A
RRZ-R7	Farming	N/A
RRZ-R8	Conservation activity	N/A
RRZ-R9	Rural produce retail	N/A
RRZ-R10	Artificial crop protection structures and crop support structures	N/A
RRZ-R11	Vegetation within airport protection surface area	N/A
RRZ-R12	Minor residential unit	N/A
RRZ-R13	Retirement village	N/A
RRZ-R14	Community facility	N/A
RRZ-R15	Sport and recreation facility	N/A

Provision	Rule / Standard	Assessment / Comment
RRZ-R16	Activities not otherwise listed in this chapter	N/A
RRZ-R17	Intensive indoor and outdoor primary production	N/A
RRZ-R18	Community corrections activity	N/A
RRZ-R19	Industrial activity	N/A
RRZ-R20	Rural industry	N/A
RRZ-R21	Commercial activity not provided for as a permitted activity	N/A
RRZ-R22	Landfill	N/A
RRZ-R23	Mineral extraction activity	N/A
RRZ-R24	Commercial composting	N/A
RRZ-R25	Offensive trade	N/A
RRZ-S1	Maximum height – 8m above ground level.	Complies
RRZ-S2	Height in relation to boundary – building envelope defined by recession planes measured from each boundary, including 35° at 2m above ground level at the southern boundary.	The deck and 1.8m pool fence, located approximately 1.5m from the southern boundary and up to 1.8m above ground on the bank, breach the 35° southern recession plane. Restricted Discretionary
RRZ-S3	Setback – buildings/structures set back at least 3m from all site boundaries. Standard does not apply to fences or walls no more than 2m in height, or uncovered decks less than 1m in height above ground level.	The deck exceeds 1m in height above ground level (up to 1.8m) and is located approximately 1.5m from the southern boundary. The exemptions for low fences and low uncovered decks do not apply. The setback standard is therefore infringed. Restricted Discretionary
RRZ-S4	Building or structure coverage – no more than 12.5% or 2,500m ² , whichever is the lesser.	Building coverage (house and pool/deck) is 234m ² (6.4%). Complies
RRZ-S5	Sensitive activities setback from boundaries of a Mineral Extraction Zone	N/A
RRZ-S6	Sensitive activities setback from intensive indoor and outdoor primary production activities	N/A
RRZ-R7	Sensitive activities setback from buildings or structures used to house, milk, or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity).	N/A

Note: The Rural Residential zone chapter does not contain rules for setbacks to waterbodies and river margins. The Natural Character chapter has been referred to in relation to the proposal. The land under consideration does not meet the definition of 'Wetland, Lake and River Margins', therefore these rules are not applicable.

The site is located within the Kerikeri Heritage Area Overlay – Part B. Part B covers the archaeologically sensitive slopes surrounding Kororipo Pā and the north and east ridgelines that provide sight lines from Kororipo Pā. The Heritage Area Overlay rules apply in addition to the Rural Residential zone rules. The relevant overlay rules are assessed in Table 2 below.

Table 2 – Kerikeri Heritage Area Overlay performance standards

Provision	Rule / Standard	Assessment / Comment
HA-R1	Maintenance and repair of buildings and structures	This rule relates to a scheduled heritage resource. There are none on the property.
HA-R2	Additions or alterations to existing buildings or structures. PER-1: building/structure is not a scheduled Heritage Resource. PER-2: complies with HA-S1 (setback from scheduled Heritage Resource) and HA-S2 (Heritage Colours). PER-3 (street-facing location) applies to Part A only.	The pool, deck and fence are not a scheduled Heritage Resource. The alterations comply with HA-S1 and HA-S2 The structure is not located between the road and the dwelling. Complies
HAR3	Strengthening or fire protection of scheduled Heritage Resource	N/A
HA-R4	New buildings or structures – Kerikeri Part B. Permitted where the building/structure complies with HA-S1 and HA-S2.	To the extent the new pool fence is treated as a new structure, it complies with HA-S1 and HA-S2 (see below) and is Permitted. Permitted
HA-R5	Earthworks – setback at least 20m from a scheduled Heritage Resource and compliance with HA-S3 (Accidental Discovery Protocol).	No earthworks are proposed. The removal of the deck section involves no ground disturbance. HA-S3 can be volunteered as a condition. Complies
HA-R6	Infrastructure not located within a site containing a scheduled Heritage Resource	N/A
HA-R7	Buildings or structures (including additions and alterations) located within the Alderton Park development	N/A
HA-R8	Artificial crop protection structures	N/A

Provision	Rule / Standard	Assessment / Comment
HA-R9	Infrastructure within a site containing a scheduled Heritage Resource	N/A
HA-R10	Relocation of a Scheduled Heritage Resource	N/A
HA-R11	Demolition or relocation of scheduled Heritage Resource not otherwise listed in rule HA-R12	N/A
HA-R12	Demolition or relocation of a scheduled Heritage Resource	N/A
HA-S1	Setback from a scheduled Heritage Resource – minimum 20m from a scheduled Heritage Resource.	There is no scheduled Heritage Resource (Schedule 2 site) on or within 20m of the structure. Complies
HA-S2	Heritage Colours – exterior façades constructed of natural materials, or painted in a heritage / BS5252 colour scheme.	The deck is natural timber and the pool fence is frameless glass, which is effectively transparent and of very low visibility. The structures are consistent with HA-S2. Complies
HA-S3	Accidental discovery protocol	An ADP can be applied. Complies

The proposal infringes RRZ-R2 (impermeable surface coverage) as a Restricted Discretionary activity, and infringes RRZ-S2 and RRZ-S3 (via RRZ-R1) as a Restricted Discretionary activity.

The Heritage Area Overlay rules are met. However, the retention of a structure within 6m of the southern boundary is contrary to Consent Notice D519320.4, and the variation of that consent notice (a Discretionary activity under section 221(3) RMA and the relevant plan provisions) is required.

Adopting the most stringent status and bundling the components of the application, the proposal falls to be considered under the PDP as a Discretionary activity.

Broader district-wide matters and other chapters have been considered and, other than the Heritage Area Overlay addressed above, none are considered to alter this conclusion.

8. DISTRICT PLAN ASSESSMENT – OPERATIVE DISTRICT PLAN

Under the Rural Environment chapter (Chapter 8) of the ODP, the site is classified within the Rural Living zone. The site adjoins the Kerikeri River Scenic Reserve that is within the Kerikeri Visual Buffer Area under the ODP. The applicable performance standards for the existing swimming pool, deck and pool fence are provided in Table 3 below.

Table 3 – Operative District Plan (Rural Living zone) performance standards

Provision	Rule / Standard	Assessment / Comment
8.7.5.1.1	Residential intensity	N/A
8.7.5.1.2	Scale of activities	N/A

Provision	Rule / Standard	Assessment / Comment
8.7.5.1.3	Building height - Maximum height of any building or structure is 8m above ground level.	The pool, deck and pool fence are well below the 8m height limit. Complies
8.7.5.1.4	Sunlight - Buildings and structures must be contained within a recession plane measured from the boundary.	The elevated deck and 1.8m pool fence at approximately 1.5m from the southern boundary breach the recession plane on the southern boundary. Restricted Discretionary
8.7.5.1.5	Stormwater management – total coverage shall be 12.5% or 3,000m ² , whichever is the lesser.	Total impermeable surface is 560m ² (15.3% of the site), which exceeds 12.5%. Controlled
8.7.5.1.6	Setback from boundaries - Minimum building/structure setback from side and rear boundaries (3m in the Rural Living zone).	The deck and pool fence are located approximately 1.5m from the southern boundary, below the minimum setback. Restricted Discretionary
8.7.5.1.7	Screening from neighbours – non residential activities	N/A
8.7.5.1.8	Transportation	N/A
8.7.5.1.9	Hours of operation	N/A
8.7.5.1.10	Keeping of Animals	N/A
8.7.5.1.11	Noise	N/A
8.7.5.1.12	Helicopter Landing Area	N/A
8.7.5.1.13	Building Coverage	Building coverage (house and pool/deck) is 234m ² (6.4%). Complies

Table 4 – Operative District Plan (District Wide) performance standards

Provision	Rule / Standard	Assessment / Comment
Chapter 12.1	Landscapes and natural features	N/A
Chapter 12.2	Indigenous flora and fauna	N/A
Chapter 12.3	Soils and minerals	N/A
Chapter 12.4	Natural hazards	N/A
Chapter 12.5	Heritage	N/A
Chapter 12.5A & 12.5B	Heritage Precincts	N/A

Provision	Rule / Standard	Assessment / Comment
Chapter 12.6	Air (deleted)	N/A
Chapter 12.7	Lakes, rivers, wetlands and the coastline	There are no buildings or structures within 30m of the river. Complies
Chapter 12.8	Hazardous substances	N/A
Chapter 12.9	Renewable energy and energy efficiency	N/A
Chapter 13	Subdivision	N/A
Chapter 14	Financial contributions	N/A
Chapter 15	Transportation	The structures do not relate to any traffic, parking or access requirement of the ODP. Complies
Chapter 16	Signs and lighting	N/A
Chapter 17	Designations and utility services	N/A
Chapter 18	Special areas	N/A
Chapter 19	Genetically modified organisms	N/A

Having considered the ODP Rural Living zone and District Wide provisions, various rules are breached. Taking into account the consent notice variation, the proposal falls, overall, to be considered under the ODP as a Discretionary activity, the same status reached under the PDP.

The only minor nuance between the two plans, is that the ODP provides a Controlled Activity pathway for

9. WEIGHTING OF PLANS

Where a proposal is assessed against both an operative and a proposed plan under Section 104(1)(b)(vi), the consent authority must have regard to both, and it is well established that the weight to be given to a proposed plan increases as it progresses through the Schedule 1 process and as submission points are resolved.

Far North District Council released the Decisions Version of the Proposed District Plan on 22 July 2026, resolving submissions and appeals to a substantial degree. The Decisions Version represents Council's most recent and considered evaluation of the appropriate policy framework for the district, including the specific application of the Rural Residential zone and the Kerikeri Heritage Area Overlay to this locality.

For these reasons, greater weight is afforded to the Proposed District Plan – Decisions Version, and it is treated as the primary planning document for this assessment. The Operative District Plan is afforded secondary weight.

This weighting does not materially affect the outcome. Under both plans the proposal is a Discretionary activity, and the matters relevant to the exercise of discretion — visual amenity, shading and privacy, effects on the river margin and adjoining reserve, and heritage and rural character — are common to both plans.

The environmental outcomes sought (enabling a low-impact ancillary structure while protecting the reserve, river margin and heritage values, and remedying the encroachment) are mirrored across the two plans. The proposal is consistent with the objectives and policies of both, and the effects assessment in Section 11 applies equally to each.

10. PROPOSED VARIATION TO CONSENT NOTICE D519320.4

Consent Notice D519320.4 was registered under Section 221 of the RMA following the subdivision creating Lot 2 DP 202783. The schedule to the consent notice provides that the registered proprietor shall not erect any dwelling or other structure within 6.0 metres of the southern and eastern boundaries.

The existing pool deck and fence are located within the 6m southern building restriction area and are therefore inconsistent with the consent notice. As part of this application, the applicants seek to vary the consent notice so that the restriction continues to apply generally, but does not apply to the structures approved under this resource consent.

It is proposed that the schedule to Consent Notice D519320.4 be amended to read (amendment shown in bold):

*“That the registered proprietor shall not erect any dwelling or other structure within 6.0 metres of the southern and eastern boundaries, **except for those structures approved under Resource Consent RC XXXXXX (the swimming pool, deck and pool fence at Lot 2 DP 202783).**”*

The consent notice number and consent reference (RC XXXXXX) will be completed once the consent number is issued by Council. The variation is confined in scope to the structures the subject of this application, and does not otherwise alter the operation of the consent notice for the remainder of the southern and eastern building restriction areas. The underlying purpose of the consent notice, which is to keep the built form set back from the sensitive southern and eastern boundaries continues to be met, given that the encroaching portion of the deck is being removed and the retained structures are approved by DoC.

11. STATUTORY CONSIDERATIONS

As the application is a Discretionary activity, the Council may grant or refuse consent and, if granted, may impose conditions under section 108. When considering the application, the consent authority must have regard to the matters under section 104 of the RMA, including any relevant provisions of the matters listed in section 104(1)(b), and any actual and potential effects on the environment of allowing the activity.

Section 104 specifies that consent authorities have regard to the following matters when considering an application for resource consent:

- i. *any actual and potential effects on the environment of allowing the activity; and*

- ii. *any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand Coastal Policy Statement, a regional policy statement or proposed regional policy statement, and a plan or proposed plan; and*
- iii. *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(1)(a) – Assessment of Effects on the Environment

Setback and effects on the reserve / river margin

The most significant effect concerns the relationship of the structures with the adjoining Kerikeri River Scenic Reserve. As built, the deck encroached approximately 1.35m into the reserve. The proposal removes the encroaching portion so that all structures are contained within the site, directly remedying the physical encroachment.

DOC, as the administering body of the reserve, has confirmed in writing that it has no concerns provided the required portion of the deck is removed from the reserve. Following the alterations, there is no occupation of, or structure within, the reserve.

While the retained deck and fence remain within the 3m setback from the southern boundary, the effects of that infringement on the reserve are absolved by way of the written approval.

In any event, the structures sit at the top of a steep bank that is well vegetated, and the existing vegetation effectively screens the structure from the Rainbow Falls Track that runs through the reserve below.

The pool fence is frameless glass and is very difficult to see, being visible only when light reflects off it. There is no loss of public access to or along the river or reserve, and no adverse effect on the recreational values of the Rainbow Falls Track.

Height in relation to boundary

The southern recession plane infringement arises because the deck sits at the top of a bank that falls steeply away to the south. The land immediately to the south is the scenic reserve and river margin, not a residential building platform, so there are no habitable buildings or outdoor living areas that could be shaded or overlooked by the structure. The infringement causes no loss of privacy, sunlight or amenity to any adjoining dwelling. The effects of the recession plane infringement are considered less than minor.

Impermeable surface coverage and stormwater

Impermeable surface coverage is 560m² (15.3%), marginally above the 12.5% permitted threshold, largely reflecting the existing driveway (348m²) and dwelling. The pool and deck contribute a small proportion of the total. The site is large (3,651m²) with substantial pervious area available for stormwater disposal, and the removal of the encroaching deck section slightly reduces impermeable area adjacent to the river. Stormwater from the pool and deck can be managed on-site without adverse effects on the adjoining waterbody. The effects on stormwater and catchment impermeability are less than minor.

Heritage and archaeological effects

The site is within the Kerikeri Heritage Area Overlay – Part B and adjoins the Kerikeri Visual Buffer area. The structures are not a scheduled Heritage Resource, are of natural timber and near-invisible

frameless glass, and are screened by vegetation from the river and track. They do not affect any viewshaft to Kororipo Pā, the Stone Store or Kemp House. No earthworks are involved in the removal of the deck section, so there is no risk of disturbing archaeological material; nonetheless the applicants are willing to accept a condition applying the Accidental Discovery Protocol (HA-S3) should any future ground disturbance occur. The effects on heritage values are less than minor.

Natural hazards

Parts of the site is subject to the River Flood Hazard Zone (10-year and 100-year ARI events). The pool and deck are elevated on the bank above the river and the works do not increase flood risk to any person or property; the removal of structure from the reserve margin is a neutral to positive outcome in hazard terms. The effects are less than minor.

Overall, having remedied the encroachment into the reserve and having regard to the screening, low visibility, and the absence of any affected residential neighbour to the south, the actual and potential adverse effects of the proposal on the environment are considered to be less than minor.

Section 104(1)(b) – Relevant National, Regional and District direction

National Environmental Standards and National Policy Statements

There are no applicable National Environmental Standards. The NPS for Highly Productive Land does not apply to the retention of the existing structures on this rural-residential lot.

No indigenous vegetation is proposed for removal, so the NPS for Indigenous Biodiversity is not engaged.

As mentioned above, whilst the site is subject to flooding hazards, the proposal has no effect to the flooding hazard as the proposal area is not implicated by these features. Therefore the National Policy Statement for Natural Hazards 2025 is not relevant.

New Zealand Coastal Policy Statement (NZCPS)

The site is not within the coastal environment. The NZCPS is not directly relevant to this application.

Regional Policy Statement

The site is within the Northland region and subject to the Regional Policy Statement for Northland (RPS). The RPS seeks to protect the values of rivers and their margins and to maintain public access. The proposal removes structure from the reserve and river margin, maintains public access along the Rainbow Falls Track, and results in less than minor effects on the river margin. The proposal is not inconsistent with the RPS.

District Plan – objectives and policies

The Rural Residential zone provisions (Objectives RRZ-O1 and RRZ-O2, Policies RRZ-P1 and RRZ-P5) enable rural-residential activities and associated structures while maintaining rural-residential character and managing effects on historic heritage and river margins. The pool, deck and fence are ancillary to the established residential use of the site and, following the removal of the encroaching section, are contained within the site and cause less than minor effects on the adjoining reserve and river margin.

The Heritage Area Overlay objective (HA-O1) and policies (HA-P1, HA-P2, HA-P3) seek to protect the heritage values and viewshafts of the Kerikeri Basin from inappropriate development. The structures are of natural timber and frameless glass, are screened by vegetation, are not a scheduled Heritage

Resource, and do not intrude into any protected viewshaft of Kororipo Pā. The proposal is consistent with the heritage objectives and policies.

The proposal is consistent with the objectives and policies of both the Rural Residential zone and the Kerikeri Heritage Area Overlay.

Section 104(1)(c) – Other Matters

The written approval of DOC is a relevant other matter, confirming that the administering body of the affected reserve supports the outcome sought, subject to removal of the encroaching deck. No other matters are considered relevant.

12. NOTIFICATION (S95A–95D)

Section 95A of the RMA sets out a stepped approach for determining public notification:

- *Step 1 – Mandatory public notification in certain circumstances.* The applicant is not seeking public notification, nor is the application subject to a mandatory notification requirement.
- *Step 2 – Public notification precluded in certain circumstances.* The application does not qualify under this step.
- *Step 3 – Public notification required in certain circumstances.* The application is not subject to a rule or national environmental standard requiring public notification, and this assessment concludes that adverse effects on the environment are less than minor. The application can be processed without public notification.
- *Step 4 – Public notification in special circumstances.* There are no unusual or exceptional circumstances that would warrant notification of this application.

Section 95B sets out the steps for determining limited notification. There are no affected customary rights, marine title or protected customary rights groups relating to this application. The one party with a potential interest in the effects is DOC, as administering body of the adjoining reserve. They have provided written approval and are therefore not an affected person under section 95E(3). Having remedied the encroachment, there are no other persons on whom the adverse effects of the activity would be minor or more than minor. There are no adversely affected persons requiring limited notification.

Section 95C (public notification after a request for further information) and section 95D (determining notification where effects may be more than minor) do not alter this conclusion. The application can proceed on a non-notified basis.

13. PART 2 – RMA

Purpose of the RMA

Section 5 identifies the purpose of the RMA as the sustainable management of natural and physical resources. The proposal enables the applicants to provide for their social and economic wellbeing through the ancillary recreational use of their property, while removing structure from the adjoining reserve and safeguarding the values of the river margin and heritage area for future generations. It is considered to achieve the purpose in section 5.

Matters of National Importance (s6)

The relevant matters are the preservation of the natural character of rivers and their margins and their protection from inappropriate use and development (s6(a)), the maintenance and enhancement of

public access along rivers (s6(d)), and the protection of historic heritage from inappropriate use and development (s6(f)). The proposal recognises and provides for these matters by removing structure from the reserve and river margin, maintaining public access along the Rainbow Falls Track, and retaining only low-visibility structures that do not detract from the heritage values of the Kerikeri Basin.

Other Matters (s7) and Treaty of Waitangi (s8)

Particular regard has been given to the efficient use of the physical resource and the maintenance and enhancement of amenity values and the quality of the environment (s7). The Kerikeri Basin is of significance to tangata whenua, however the proposal does not disturb any site of significance and volunteers the Accidental Discovery Protocol, giving appropriate regard to the principles of the Treaty of Waitangi (s8).

14. OVERALL CONCLUSION

This application seeks retrospective resource consent for an existing swimming pool, deck and pool fence at 43B Edkins Road, Kerikeri, together with the removal of the portion of deck encroaching into the adjoining Kerikeri River Scenic Reserve, and a variation to Consent Notice D519320.4.

As the infringements to the setback, height in relation to boundary and impermeable surface coverage standards, and the variation of the consent notice, the application is assessed overall as a Discretionary activity under both the Operative District Plan (Rural Living zone) and the Proposed District Plan – Decisions Version (Rural Residential zone). Greater weight is afforded to the Proposed District Plan as Council's most recent and considered planning framework, and the proposal is consistent with both plans.

The actual and potential adverse effects of the activity on the environment will be less than minor, particularly given the removal of the encroaching deck section and the written approval of the DOC. The proposal is not contrary to the relevant objectives and policies of either the Operative or the Proposed District Plan, including the Rural Residential zone and the Kerikeri Heritage Area Overlay.

It is recommended that resource consent be granted on a non-notified basis, subject to appropriate conditions including the removal of the encroaching deck section and the variation of Consent Notice D519320.4.

Kind regards

Steven Sanson

Director / Consultant Planner

Bay of Islands Planning Limited



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

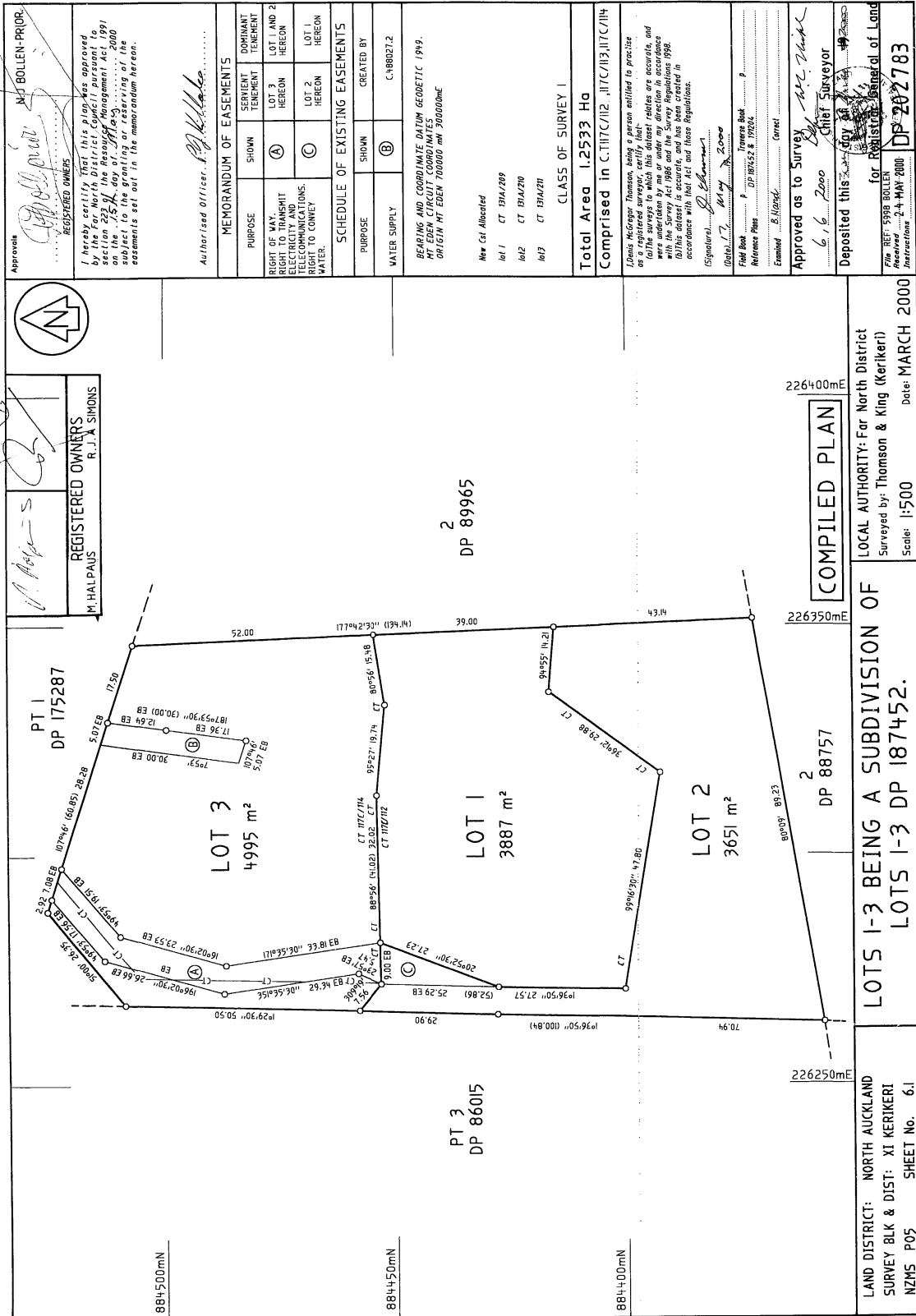
Identifier **NA131A/210**
Land Registration District **North Auckland**
Date Issued 30 June 2000

Prior References
117C/112-113

Estate Fee Simple
Area 3651 square metres more or less
Legal Description Lot 2 Deposited Plan 202783
Registered Owners
Henry Christodoulos Leventis and Hannah Sonia Leventis

Interests

Appurtenant hereto are water rights created by Transfer 752251.3
Appurtenant hereto is a water right created by Transfer 594061.6
The easements created by Transfer 594061.6 are subject to Section 309 (1) (a) Local Government Act 1974
D519320.4 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 30.6.2000 at 9.00 am
Subject to a right of way and right to convey electricity and to telecommunications and water supply rights over part marked C on DP 202783 created by Transfer D519320.13 - 30.6.2000 at 9.00 am
The easements created by Transfer D519320.13 are subject to Section 243 (a) Resource Management Act 1991
D599208.4 Partial Surrender of the right of way and electricity easements in so far as they affect Section 2 SO Plan 69883 - 27.4.2001 at 3.52 pm
Appurtenant hereto are right of way, rights to transmit electricity, telecommunications, computer media, to convey water, to drain water & sewage easements created by Easement Instrument 6190753.17 - 21.10.2004 at 9:00 am
6805340.4 Surrender of the right to convey water, right to transmit electricity, telecommunications and computer media over part marked L on DP 333214 CT 139296 created by Easement Instrument 6190753.17 - 29.3.2006 at 9:00 am
The easements created by Easement Instrument 6190753.17 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto are right to transmit electricity, to transmit telecommunications, computer media, to convey water, to drain water & sewage easements created by Easement Instrument 6190753.20 - 21.10.2004 at 9:00 am
6805340.6 Surrender of the right to convey water, right to transmit electricity, telecommunications and computer media and right to drain water and sewage as affects Cts 136311, 136319 & 136320 created by Easement Instrument 6190753.20 - 29.3.2006 at 9:00 am



0519320.4

02NO

FAR NORTH DISTRICT COUNCIL



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING The subdivision of
Lots 1-3 DP 187452
North Auckland Registry.

PURSUANT to Section 221 for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and is to be registered on the title of Lot 2 DP 202783.

SCHEDULE

That the registered proprietor shall not erect any dwelling or other structure within 6.0 metres of the southern and eastern boundaries.

SIGNED:

by the FAR NORTH DISTRICT COUNCIL
under delegated authority:
RESOURCE CONSENTS MANAGER

DATED at KAIKOHE this 6th day of June 2000

RC 2000777

SRM\CERT\3bollen221

LINZ COPY

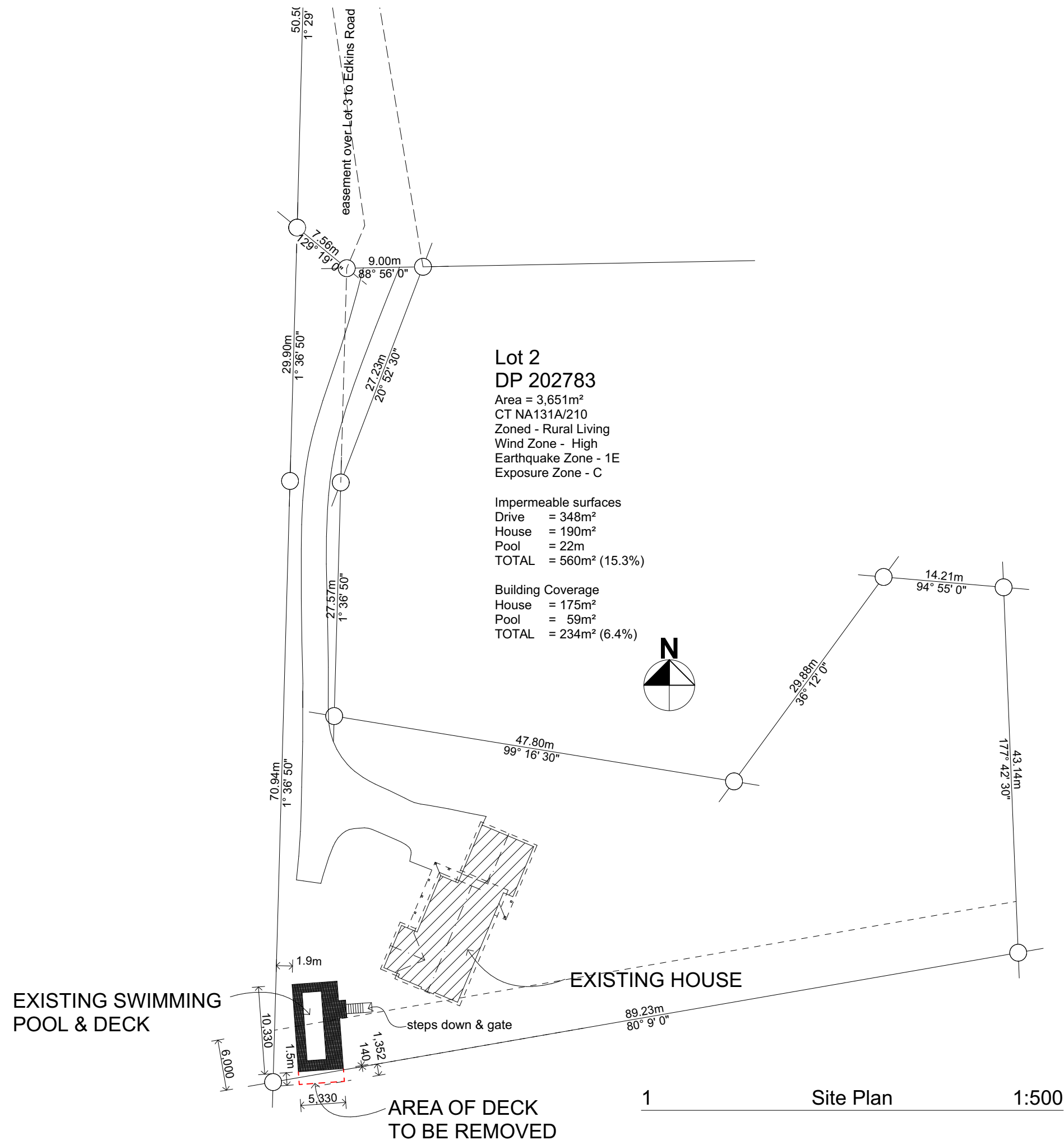
9.00 30.JUN00 D 519320 .4

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH ISLAND
for REGISTRAR-GENERAL OF LAND



17C(112-114





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No.	Date	Revision	Detail
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Check all dimensions on site before construction.
Use figured dimensions in preference to scaling.
All construction to comply with NZS 3604: 2011 and/or NZBC

PROJECT:
Swimming pool Plan

H & H Lenentis

PROJECT ADDRESS:

**43B Edkins Road
Kerikeri**

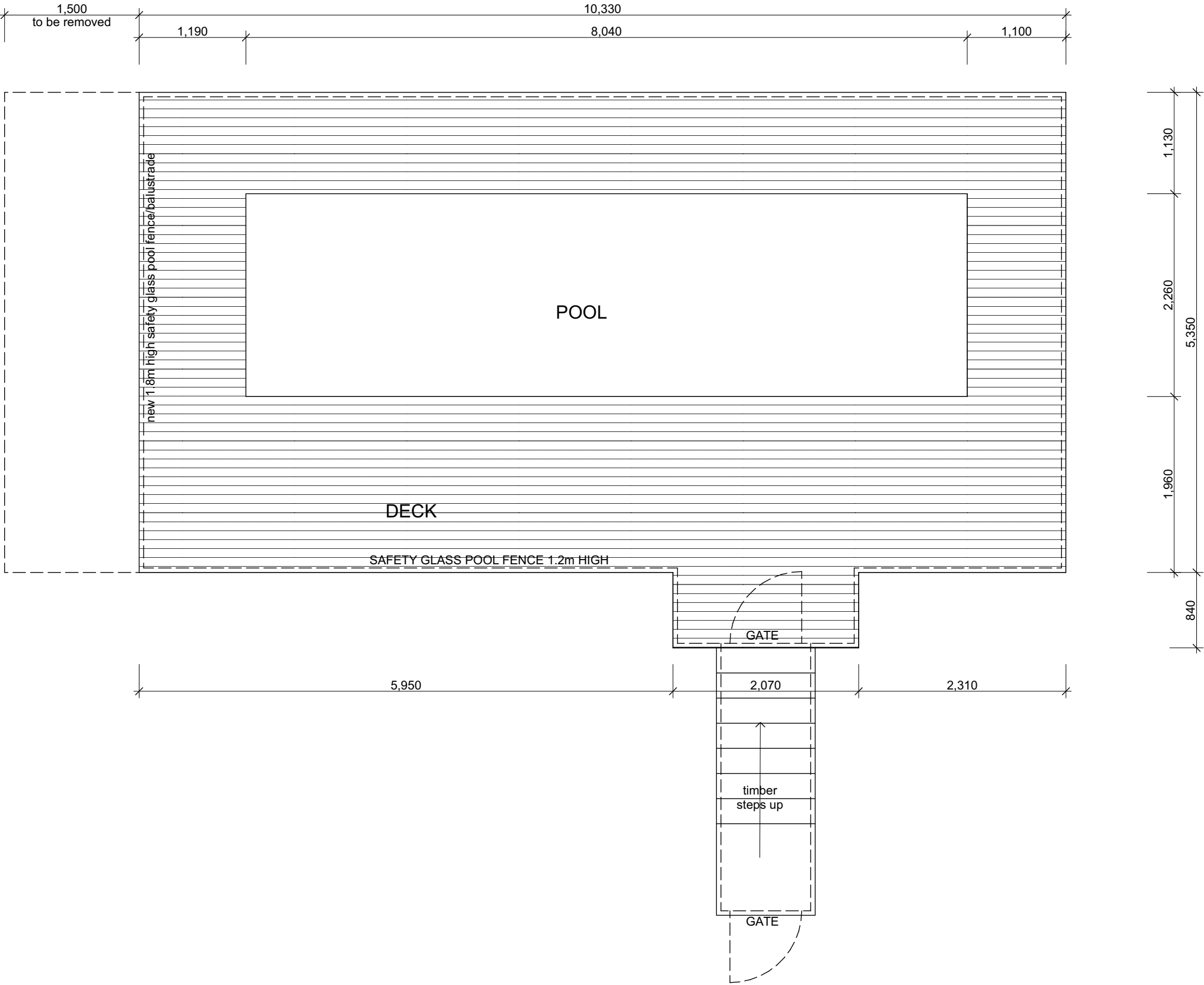
DRAWING:
Site Plan

Drawn: BH	Date: 28/07/2026
SCALE: 1:500	DRAWING No: 1 of 3
PROJECT No: 1830	



National Bank Building
90 Kerikeri road,
P.O.Box 575
KERIKERI 0245

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PROJECT:
Swimming pool Plan

H & H Lenentis

PROJECT ADDRESS:

**43B Edkins Road
Kerikeri**

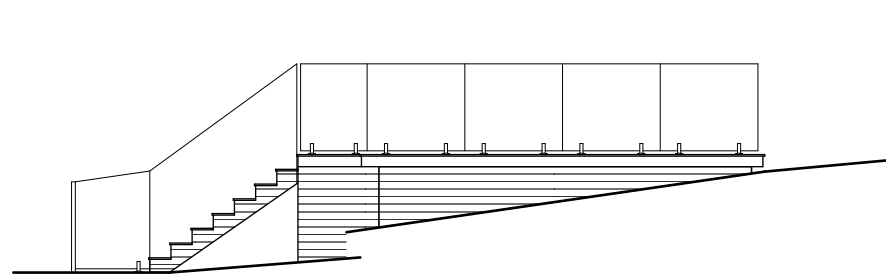
DRAWING:
Pool Plan

Drawn: BH	Date: 28/07/2026
SCALE: 1:50	DRAWING No: 2 of 3
PROJECT No: 1830	

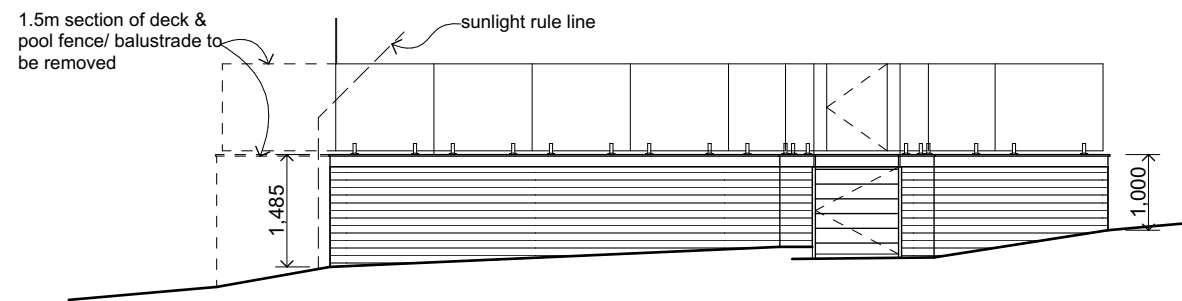


National Bank Building
90 Kerikeri road,
P.O.Box 575
KERIKERI 0245

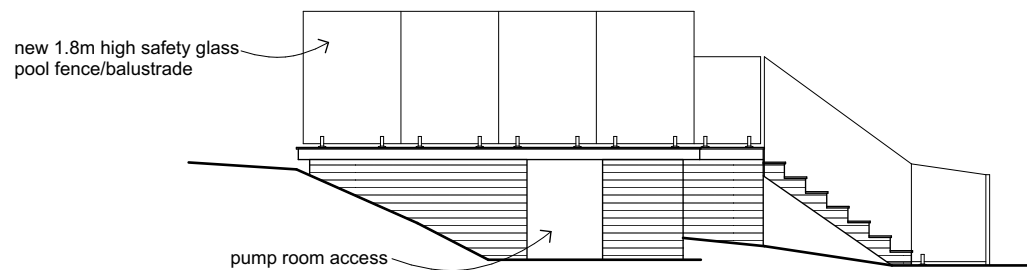
Tel. (09) 407 7049
Mobile. (021) 241 9879
E-mail. brian@totaldesign.co.nz



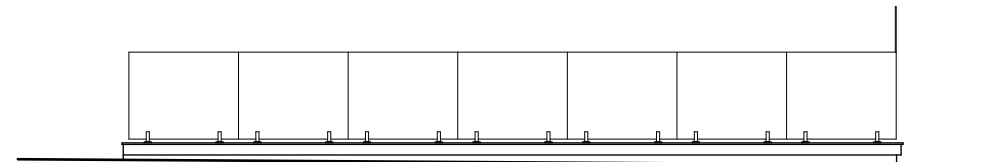
E-03 North Elevation 1:100



E-04 East Elevation 1:100



E-01 South Elevation 1:100



E-02 West Elevation 1:100



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Check all dimensions on site before construction.
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All construction to comply with NZS 3604: 2011 and/or NZBC

PROJECT:
Swimming pool Plan

H & H Lenentis

PROJECT ADDRESS:
**43B Edkins Road
Kerikeri**

DRAWING:
Elevations

Drawn: BH	Date: 28/07/2026
SCALE: 1:100	DRAWING No: 3 of 3
PROJECT No: 1830	



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Tel. (09) 407 7049
Mobile. (021) 241 9879
E-mail. brian@totaldesign.co.nz

Subject: Fw: DOC RMA Consult - 43B Edkins Road, Kerikeri
Date: Thursday, 23 July 2026 at 8:49:25 AM New Zealand Standard Time
From: Brian Hutching
To: Steve Sanson
Attachments: image001.png, Levntis Pool fence COA plans.pdf

Hi Steve

You may remember this one. The pool deck extending over the boundary into the Kerikeri River Reserve. DOC have agreed provided the deck is altered to be entirely with the sites boundaries.

Can you start the application please. I've attached the plans as they stand at the moment. I'll add elevations & sections & send you new plans next week.

Regards

Brian Hutching
Total Design Ltd

P O Box 575
Kerikeri, 0245
New Zealand

Ph: 09-407 7049
Mob: 021-241 9879

From: Debbie Aubrook <daubrook@doc.govt.nz>
Sent: Thursday, 23 July 2026 8:26 am
To: totaldesign@outlook.co.nz <totaldesign@outlook.co.nz>
Cc: Trix Heigan <bheigan@doc.govt.nz>
Subject: DOC RMA Consult - 43B Edkins Road, Kerikeri

Kia ora Brian,

Firstly, my apologies for the late correspondence in this matter. The applicants communicated directly with the Department, and we attended a site visit. Unfortunately, you were kept out of the loop on the discussions.

The Principal Ranger at Pēwhairangi office, Adrian Walker, has informed me that the Department has no concerns as long as the required portion of the deck structure is removed from the Reserve. We have completed our paperwork at this side with the RMA team,

I hope this is sufficient for your application and please let me know if you require anything further.

Ngā mihi

Debbie



Debbie Aubrook

Statutory Adviser – Northern North Island

Department of Conservation Te Papa Atawhai

Kaitaia Office | Northern North Island Region

25 Matthews Avenue, Kaitaia, 0440

Phone: 027 378 9374

Email: daubrook@doc.govt.nz | www.doc.govt.nz

My hours are 8am to 4:30pm – Monday to Friday

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