

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> 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 Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Paul Davison

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Bay of Islands Planning (2022) Limited

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.*

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:

Paul Davison

**Property Address/
Location:**

34B Florance Avenue, Russell,

Postcode

0202

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.

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**

- | | |
|--|--|
| <input type="radio"/> Subdividing land | <input type="radio"/> Disturbing, removing or sampling soil |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application ☐ **Yes**

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

Email:

Phone number:

Work

Home

Postal address:

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

Postcode

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Signature:

(signature of bill payer)

Date

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Steven Sanson

Signature:

[Redacted Signature]

Date 06-May-2025

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

Checklist (please tick if information is provided)

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

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

14. Billing Details:

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

Name/s: (please write in full)

PAUL MICHAEL DAVISON

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

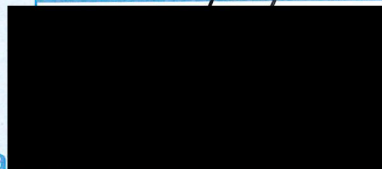
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Name: (please write in full)

PAUL MICHAEL DAVISON

Signature:

(signature of bill payer)



Date

2/5/25

MANDATORY

15. Important Information

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BAY OF ISLANDS PLANNING (2022) LIMITED

**Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri**

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

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6 May 2025

Dear Team Leaders

Re: Proposed residential development at 34B Florance Avenue, Russell

Our client, Paul Davison, seeks a land use consent for a new dwelling at 34B Florance Avenue, Russell. We attach information required to be included in this application by the relevant statutory documents as follows:

- **Planning Report and Assessment of Environmental Effects**
- **Appendix A – Record of Title & Instruments;**
- **Appendix B – Architectural Drawings [Skyline];**
- **Appendix C – Council correspondence**

Please do not hesitate to contact me should you require any further information.



Steven Sanson
Consultant Planner

1.0 APPLICANT AND PROPERTY DETAILS

Applicant	Paul Davison
Address for Service	Bay of Islands Planning [2022] Limited PO Box 318 PAIHIA 0247 C/O - Steven Sanson steve@bayplan.co.nz 021-160-6035
Legal Description	Lot 8 DP 180993 &
Certificate Of Title	78203
Physical Address	34B Florance Avenue, Russell, Northland
Site Area	911m ²
Owner of the Site	Michael Paul Davison
Operative District Plan (ODP)	Russell Township Zone
Proposed District Plan (PDP)	Kororāreka Russell Township Zone Coastal Environment Overlay Coastal Flood Zones 1, 2 and 3 Overlay
Archaeology	Nil
NRC Overlays	Nil
Soils	Town
Protected Natural Area	Nil
HAIL	Nil

2.0 INTRODUCTION

This report has been prepared for Paul Davison in support of a land use consent application for a dwelling at 34B Florance Avenue, Russell. The site is legally described as Lot 8 DP 180990, which comprises a total land area of 911m². A copy of the Record of Title is attached at **Appendix A**.

The application is supported by a Site Plan produced by Skyline, attached at **Appendix B**.

The application has been prepared in accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (**RMA**). This report serves as the Assessment of Environmental Effects (**AEE**) required under both provisions.

The report also includes an analysis of the relevant provisions of the Far North District Plan, relevant Regional Planning documents, National Policy Statements and Environmental Standards, as well as Part 2 of the RMA.

The AEE concludes that the proposal is acceptable subject to conditions of consent and that the proposal is consistent with the RMA.

3.0 SITE AND LOCALITY DESCRIPTION

3.1 The Site

The site is located on the east of the Russell Township. The site is regular in shape, measures a total area of 911m² and located on the northern side of Florance Avenue.

The site is accessed via a shared access lot and vehicle crossing with seven other users. The access lot has its own title where each of the eight users hold a 1/8th share (see **Appendix A**).

The site is undeveloped containing only a storage container and two water tanks with gravel access from the shared access lot. The boundaries are vegetated with and in lawn.

The site is generally flat.

The property is not subject to any HAIL activities. Mapping identifies that there are no sites of significance, notable trees, or archaeological sites.



Figure 1: Site (Source: Prover)

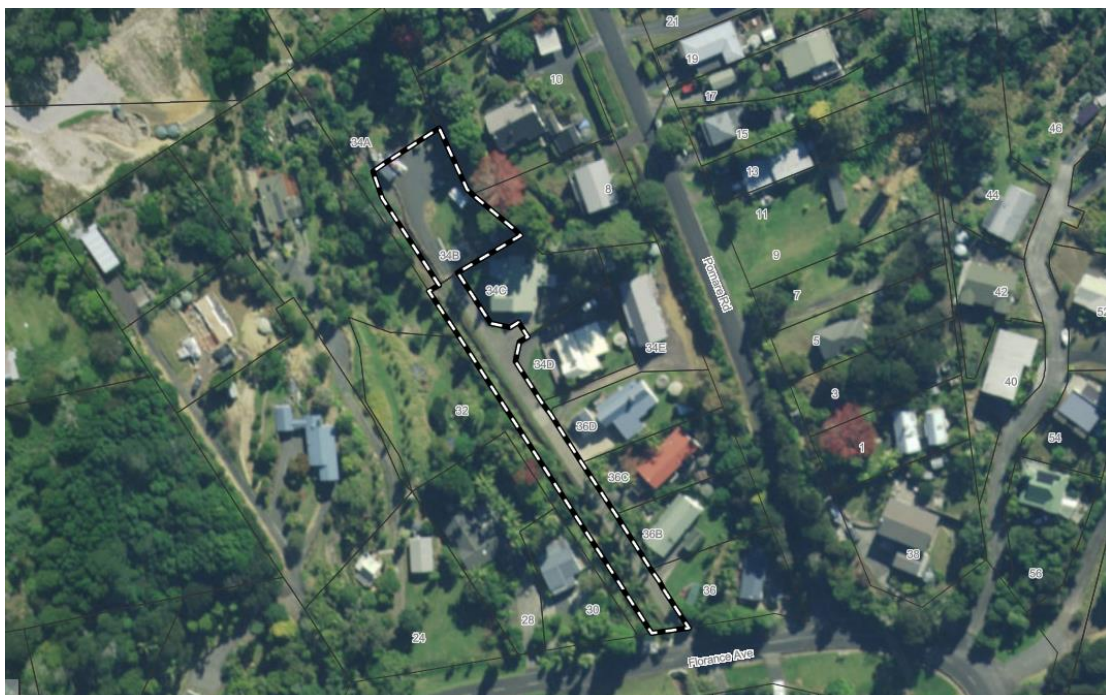


Figure 2: Site Aerial (Source: PDP Maps)

3.2 The Surrounding Environment

The subject site is located centrally within the Russell Township Zone, east and north of The Strand Heritage Precinct. The immediate and surrounding environment is zoned Russell Township zone and is predominantly residential in nature. Houses within the immediate surrounds take up a large portion of site area. There is modest vegetation that intersperses development.



Figure 3: Zoning Map – Russell Township zone (Source: Far North Maps)



Figure 4: Entrance to the site via the shared driveway on the right (Source: Google Earth)

3.3 Record of Title (Instruments)

The site Record of Title is attached at **Appendix A**. An encumbrance is registered against the title along with a variation to that encumbrance (D170011.4 & 5506595.4). The following matters are relevant:

- D170011.4 – The owner will only erect a building on the property if it is connected to a reticulated sewerage system approved by Council [this clause is varied by 5506595.4];
- 5506595.4 – The Council will permit the erection of buildings on the land described in the second schedule and the storage of sewage in approved holding tanks on the land for offsite treatment and disposal. The land must be connected to a reticulated sewerage system approved by Council as soon as such connections become available.

The site has approval to connect to a Council reticulated sewerage system via approved building consent.

As will be described below as there is a requirement to connect to the system this has influenced the location of the proposed dwelling [with consequential breaches resulting].

4.0 DESCRIPTION OF THE PROPOSAL

The proposal is for a modest 118.8m² dwelling with a 39.6m² verandah on the northern aspect and a small 4.32m² verandah on the southern aspect. The proposed height of the shed is ~4.7m. Earthworks are required to scrape topsoil only for the building platform. Please refer to **Appendix B**.

The location of the dwelling has largely been dictated by Council engineers requiring a 1.7m setback from the Council Sewerage line running through the property (refer **Appendix C**). This has resulted in the dwelling having to be located closer to the eastern boundary than desired. This has generated consequential breaches in terms of setback and sunlight along one of the boundaries.

Services

The site has access to FNDC wastewater, however water and stormwater needs to be managed on site.

Two x 25,000l water tanks are provided and stormwater will be via the water tanks with overflow directed to Councils swale [Councils unlined channel Id:20081028145358] down the shared driveway to Florence Avenue.

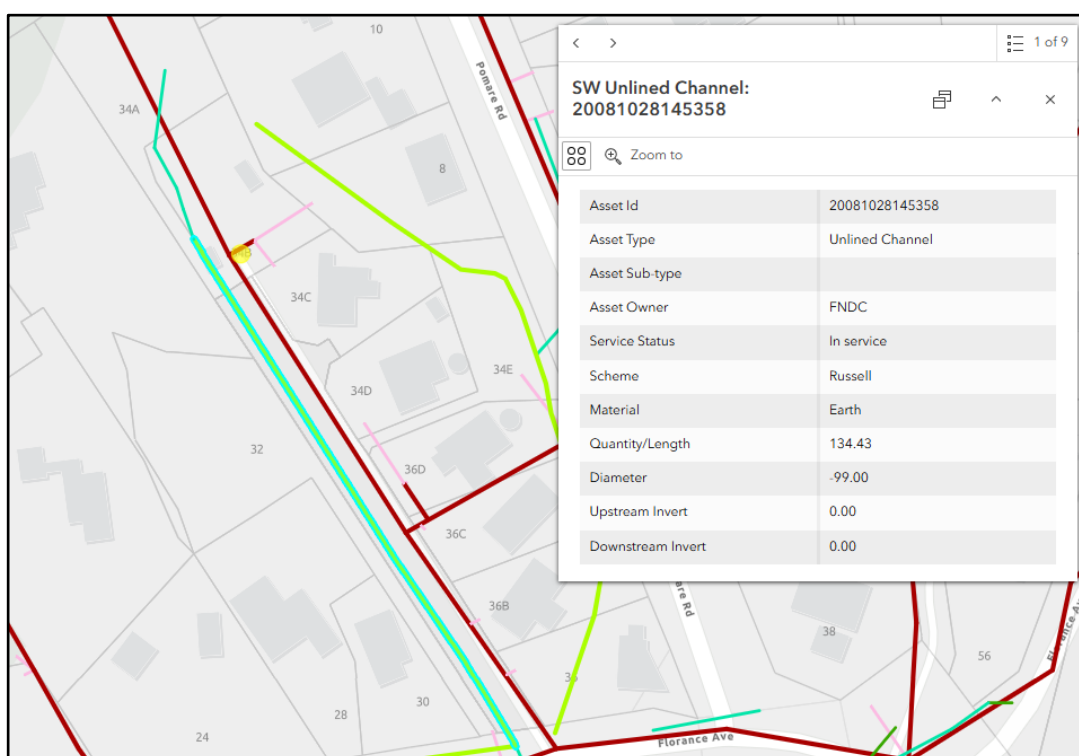


Figure 7: Council services (Source: Far North Maps)

5.0 REASONS FOR CONSENT

The ODP zones the site Russell Township Zone. The site is zoned Kororāreka Russell Township under the PDP. The site is located within the Coastal Environment.

The site is not implicated by any resource features. Soils are Classed 'Town'. Under the ODP, the site is zoned with no additional features or overlays.

The site is / was not known to be a HAIL and there is existing residential development surrounding the site. The proposal is not seeking to change this use. Table 1 below

provides an assessment against the applicable ODP performance standards (rules) and identifies the reasons for resource consent.

Table 1 – Consideration of relevant ODP Rules

Chapter 10 – Residential Performance Standards	
Performance Standard	Comment
<p><u>10.9.5.1.2 Residential Intensity</u></p> <p>Each residential unit for a single household shall have available to it a minimum net site area of 1000m² for sewerer sites.</p> <p>Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.</p>	<p>One dwelling is proposed for the site. The site is sewerer.</p> <p><u>Permitted</u></p>
<p><u>10.9.5.1.4 Building Height</u></p> <p>Permitted Standard: Maximum Height = 7.2m</p>	<p>The height of the dwelling is ~ 4.7m.</p> <p><u>Permitted</u></p>
<p><u>Rule 10.9.5.1.5 Building Scale</u></p> <p>The maximum net ground floor area of all the buildings on the site shall not exceed 20% of the net site area;</p>	<p>The final dwelling design will have a gross floor area of 162.72m² including the verandahs, which equates to 17.8%.</p> <p><u>Permitted</u></p>
<p><u>10.9.5.1.6 Sunlight</u></p> <p>Permitted Standard: No part of any building to project beyond 45-degree recession plan as measured inwards from any point 2m</p>	<p>Refer to Architectural Drawings within <u>Appendix B.</u></p> <p>A portion of the apex of the dwellings roof is higher than 4 metres so the recession</p>

<p>vertically above the ground on any site boundary</p> <p>Restricted Discretionary Standard:</p> <p>No part of any building to project beyond 45-degree recession plan as measured inwards from any point 3m vertically above the ground on any site boundary for a length not exceeding 25% of the relevant boundary.</p>	<p>plane is breached for any part of the building over 4m in height along the eastern boundary as the setback is 1m.</p> <p><u>Discretionary</u></p>
<p><u>10.9.5.1.7 Stormwater Management</u></p> <p>Permitted Standard:</p> <p>Maximum proportion of the gross site area covered by impermeable surfaces is 35%.</p> <p>Restricted discretionary standard:</p> <p>Maximum proportion of the gross site area covered by impermeable surfaces is 40%.</p>	<p>The proposal will have a final impervious area of 342.72m² (37.62%) for Lot 8 DP180990</p> <p>The shared driveway [Lot 11 DP180990] has an approximate impervious area of 480m², being 4m wide and 120m in length, which is 38%.</p> <p><u>Restricted Discretionary</u></p>
<p><u>10.9.5.1.8 Setback from Boundaries</u></p> <p>Permitted Standard:</p> <p>Minimum setback from road boundaries shall be 3m.</p> <p>The minimum setback from any boundary other than a road boundary shall be 1.2m, except that no setback is required for a maximum total length of 10m along any one such boundary; not less than 50% of that part of the site between the road boundary and a</p>	<p>The proposed dwelling will be more than 1.2 metres from all boundaries except the eastern boundary, where the dwelling is setback 1m. While the dwelling itself is less than 10m in length [9m], the verandah on the northern aspect is 3m in length making the length of the building on the eastern boundary 12m in total.</p> <p><u>Discretionary</u></p>

parallel line 6m there-from shall be landscaped.	
<u>10.9.5.1.13 Noise</u>	<p>The residential activity will meet these standards.</p> <p><u>Permitted</u></p>
Chapter 12 - Natural and Physical Resources Performance Standards	
Section 12.2 Indigenous Flora and Fauna	
Matters	Comment
<p><u>12.2.6.1.4 Indigenous vegetation clearance in other zones</u></p> <p>The clearance of indigenous vegetation is a permitted activity if the site meets the definition of an “urban environment” site as specified in Rule 12.2.6.1.1(p) above.</p> <p>On all other sites in other zones, the clearance of indigenous vegetation is a permitted activity, provided that the clearance does not increase the total area of cleared land on the site above 500m².</p>	<p>Clearance is not required to provide for the development on the site.</p> <p><u>Permitted</u></p>
Section 12.3 Soils and Minerals	
<p>12.3.6.1.2 Permitted Standard (Russell Township Zone)</p> <p>Excavation, and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal</p>	<p>Earthworks are required to scrape topsoil only for the building platform, which will be well below the permitted quantum. No retaining walls are required.</p> <p><u>Permitted</u></p>

Residential, Russell Township Zones, is permitted, provided that:	
<p>(a) Does not exceed 200m³ in any 12-month period per site; and</p> <p>(b) It does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.</p>	
Chapter 15 - Transportation	
Performance Standard	Comment
<p>15.1.6A.2 Traffic Intensity</p> <p>Permitted: 20 one way movements.</p> <p>The first residential unit on a site is exempt from this rule.</p>	<p>Only one residential unit is proposed on the site.</p> <p>Permitted</p>
<p>15.1.6B.1 Parking</p> <p>Two carpark are required for a residential</p>	<p>Two parks can be accommodated on the site.</p> <p>Permitted</p>
<p>15.1.6C Access</p> <p>5-8 HEs requires a carriageway width of 5m.</p>	<p>The site contains an existing vehicle crossing and accessway on a separate title servicing eight sites. Each site has 1/8th share.</p> <p>The width of the accessway is ~4m or the 120m length.</p> <p>Discretionary [Permitted by Existing Use / Previous Consent]</p>

The application is a **Discretionary Activity** under the ODP.

Table 2 –Relevant Rules in the PDP

Proposed District Plan

Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	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 HS-R5, HS-R6, HS-R9	N/A		Not relevant as no such substances proposed.
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A		Not indicated on Far North Proposed District Plan
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)).	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A		Not indicated on Far North Proposed District Plan

<p>Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>				
<p>Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map</p>	<p>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</p>	N/A		<p>Not indicated on Far North Proposed District Plan</p>
<p>Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect</p>	N/A		<p>Not indicated on Far North Proposed District Plan</p>

site of cultural significance to Maori)				
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A		Not indicated on Far North Proposed District Plan. No vegetation clearance proposed.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A		Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Complies	Proposed earthworks will be in accordance with the relevant standards including GD-05 and will have an ADP applied.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A		Not indicated on Far North Proposed District Plan
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal	N/A		Not indicated on Far North

(Property specific as rule relates to a zone only)	effect because RD-1(5) relates to water			Proposed District Plan
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No consents are required under the PDP.

Having considered the proposal against the Proposed Regional Plan, no regional council consents are required.

Overall, consent is required as a **Discretionary Activity**.

6.0 Statutory Considerations

Section 104B governs the determination of applications for Discretionary Activities.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

With respect to Discretionary activities, a consent authority may grant or refuse the application, and may impose conditions under section 108 of the RMA.

Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent,

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, 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 to offset or compensate for any adverse 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.

For this application, the following relevant RMA plans, policy statements and national environmental standard have been considered:

- The New Zealand Coastal Policy Statement
- National Policy Statement for Urban Development
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, 2011
- The Northland Regional Policy Statement
- Operative Far North District Plan 2009
- Proposed Far North District Plan 2022

As part of this application and Assessment of Effects, the relevant matters relevant to sunlight, stormwater management, setback from boundary and access breaches in the ODP have been considered.

The following assessment addresses all the relevant considerations under s104 of the RMA.

6.1 Effects Assessment

The RMA (section 3) meaning of effect includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 104(2) of the RMA states that:

“when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”

This is referred to as the “permitted baseline”, which is based on the permitted performance standards and development controls that form part of a district plan. For an effects-based plan such as the Far North District Plan where specified activities are not regulated, determining the permitted baseline is a useful tool for determining a threshold of effects that are enabled by the zone.

When applying the permitted baseline such effects cannot then be taken into account when assessing the effects of a particular resource consent application.

The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.

In relation to the rule breaches the consideration of the effects of the following will be undertaken:

- The effects of the small section of roof more than 4m along the eastern boundary [a small section of the apex of the roof exceeds 4m in height breaching the sunlight rule];
- The effects of the additional ~3% of impermeable surface in respect of stormwater management [35% impermeable coverage is permitted activity, the site, including the share of the driveway has ~38%];
- The effects of placing the dwelling 1m from the eastern boundary for a length of 12m [1.2m setback is permitted, or closer than 1.2 where there the building is no more than 10m in length].
- The effects of having a carriageway width of 4m [5m width is required for eight household equivalents].

The matters of discretion in the zone chapter and the assessment criteria identified in Chapter 11 of the ODP provide focus in terms of what to assess under each of the breaches identified for this application.

Sunlight

- *the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;*
- *the location and proximity of adjacent residential units, and the outdoor space used by those units;*
- *the ability to mitigate any adverse effects of loss of sunlight;*
- *The ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening;*
- *The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity;*
- *The spatial relationship between the new building and adjacent residential units, and the outdoor space used by those unit;*
- *The nature of the activity to be carried out within the building and its likely generated effects.*

It is considered that any effects associated with visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight will be less than minor. The house is of modest scale (118.8m²) and is the only dwelling proposed on the site, which is commensurate with development surrounding the property.

The dwelling on the adjacent property at 10 Pomare Road is setback ~12m from the affected boundary and there is significant vegetation between the sites in this location.



Figure 8: Vegetation on the eastern boundary in the location of the proposed dwelling

The vegetation on the site boundary in this location ensures that any effects in respect of loss of sunlight or useable outdoor space are negligible on the neighbouring property.

This breach is as a result of the setback requirement from the sewer line, noting that the property must connect to the sewer. In any event, the affected person / neighbour is located on an upper contour and has existing vegetation which already impacts the items required to be assessed [privacy, domination, sunlight etc]. In closing, I do not consider that the sunlight breach impacts the affected neighbour nor the environment.

Stormwater management

The collective stormwater percentage breach over the site and accessway is within the restricted discretionary standard and only ~3% higher than the permitted baseline. The consideration below considers the additional ~3% only.

- *the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment;*
- *the extent to which Low Impact Design principles have been used to reduce site impermeability;*
- *any cumulative effects on total catchment impermeability;*

- *the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;*
- *the physical qualities of the soil type;*
- *any adverse effects on the life supporting capacity of soils;*
- *the availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites;*
- *the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;*
- *the extent to which landscaping and vegetation may reduce adverse effects of run-off;*
- *any recognised standards promulgated by industry groups;*
- *the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold;*
- *the extent to which the proposal has considered and provided for climate change.*

The property has Councils unlined channel [Id:20081028145358] down the shared driveway to Florence Avenue (see Figure 7 above). Overflow from the two 25,000 litre tanks will be directed to this infrastructure. Further, the site already contains a low impact stormwater mechanism (a rock lined channel) on the western boundary of the site. The rock lined channel feeds into Councils swale drain along the accessway to the site. This then feeds into the overall network which ultimately discharges to the CMA.



Figures 9 & 10: Rock lined channel on the western boundary.

The size of the dwelling is modest and is located at the rear of the section for privacy reasons and to maximise the outdoor living space on the site, it is therefore the extent of the gravel driveway and manouvering space that increase the impermeable surface to a total exceeding the permitted standard.

While gravel is considered an impermeable surface within the definitions of the ODP, they do obtain a level of permeability. It is considered that the minor extent of the breach combined with the location of the driveway in proximity to the rock lined channel and Councils reticulated swale along the accessway will ensure that any effects of stormwater will be less than minor. As such it is not considered necessary to provide a detailed stormwater assessment in the instance.

Setback from Boundaries

The setback breach is 0.2 metres on the eastern boundary. The exception within the rule cannot be achieved due to the outdoor living space on the northern aspect, by way of the verandah. The dwelling itself is less than 10m in length, however the verandah is 3 metres in length taking the total length to 12 metres along the eastern boundary.

It is important to note that Council engineers required a 1.7 metre setback from the sewerage line on the western side of the dwelling, which pushed the dwelling east creating the breach.

- *where there is a setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;*
- *the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;*
- *the extent to which the buildings restrict visibility for vehicle manoeuvring;*
- *the ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting;*
- *the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.*
- *The extent to which provision has been made to enable and facilitate all building*
- *maintenance and construction activities to be contained within the boundaries of the site.*

The site is setback ~120m from Florance Avenue and cannot be seen from the road.

The scale of the development is modest, being a dwelling that is 118.8m² and is considered reduced in building scale when compared with surrounding residential development.

Outlook and privacy have been addressed above in respect of the sunlight breach, but in summary the neighbour is topographically located above the application site with no effects resulting.

It is considered therefore that the minor setback infringement on the eastern boundary will result in effects that are no more than minor.

Access

Access to the site is by way of an existing concrete driveway, which services eight properties in total. The land over which the access sits has its own certificate of title (Lot 11 DP180990) and each of the eight properties serviced own a 1/8th share. The driveway is ~120 in length and ~4m wide.

Consideration of the adequacy of this access would have been undertaken at the time of subdivision and has been constructed to a level appropriate to service the eight lots. As such it is not considered necessary to undertake an extensive assessment of the accessway as the development of the first dwelling would be within the realm of existing use rights.

Upkeep of the access is the responsibility of the eight owners and it is currently finished to a high quality. There are sufficient driveways along the eastern extent of the driveway to provide sufficient room for two vehicles to safely pass and there is good visibility being it is straight.

Through the approved subdivision, the subject site would be expected to accommodate a dwelling. As such, any effects on Florance Avenue have already been considered through the subdivision creating the site.

The effects of providing access to the site along the constructed accessway, designed to accommodate the eight sites is considered adequate for the purposes of providing a dwelling. The effects on Florance Road would have been considered at the time of subdivision consent, so any effects are attributed to those who own and maintain the accessway, including the applicant. It is fanciful to anticipate no dwelling be placed on the subject site, so can reasonably conclude that any effects will be no more than minor.

National Policy Statements & National Environmental Standards

When considering this activity, it is noted that:

- The site is identified within the Coastal Environment, so the New Zealand Coastal Policy Statement is relevant. The location of the site and proposed dwelling is not highly visible from any public vantage point [the only being

Florance Avenue 120m away]. A house is not anticipated in the zone and this location. It is considered the proposal will not adversely affect the natural aspects within the coastal environment nor will the proposal create any adverse effects on the natural character and amenity values within the area.

- The site has 'Town' soils. Therefore, the National Policy Statement for Highly Productive Land is not relevant.
- The site is not known to be HAIL. Therefore, the National Environmental Standard for Soil Contamination is not relevant.
- The site is considered urban. However, Russell Township is not considered to meet the definition of an 'urban environment' in accordance with the definition within the National Policy Statement for Urban Development. Therefore it is not relevant.
- There are no known wetlands that affect the proposal. The National Environment Standard for Freshwater Management is not relevant.

Regional Policy Statement for Northland (RPS)

The role of the RPS is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northlands natural and physical resources. While the subject site is located within the coastal environment, as identified in the RPS, a dwelling is anticipated on an urban piece of land. As such, the proposal is considered to meet the aims and intents of the RPS.

The Proposed Far North District Plan (PDP)

The PDP was notified in July 2022. The subject site is zone Kororāreka Russell Township in the PDP. While the rules in the PDP do not apply to this application until decisions have been released, consideration of the objectives and policies are relevant.

Little weighting can be given to the relevant objectives and policies that relate to this application at this juncture as the hearing of submissions is yet to commence.

In terms of the objectives and policies in the Kororāreka Russell Township:

- The site is being used to accommodate a modest dwelling, which will be serviced by infrastructure available in this location.
- The vegetation on the eastern boundary is proposed to be protected through a consent condition.
- The proposed dwelling is located outside of 'The Stand' heritage area.

It is considered that the application is consistent with the relevant objectives and policies in the PDP.

Operative Far North District Plan (2009)

The following objectives and policies of the District Plan have been considered:

- Russell Township Zone ;
- Transportation.

In terms of the Russell Township Zone, there is nothing out of line with the proposal for a house / dwelling on a vacant section. Whilst there are siting and design breaches, these result in minimal to negligible adverse effects. Overall, the aims and intents of the Russell Township Zone are adhered to.

In terms of the Transportation Chapter, the adequacy to the access to service the eight lots would have been considered at the time of subdivision, including any effects of ingress and egress onto Florance Avenue. The eight lots obtaining access via the driveway are the owners of the lot and are responsible for its maintenance. It is fanciful to suggest that the seven other owners of the access lot would not expect a dwelling to be placed on the subject site.

Proposed Far North District Plan

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In this instance, the proposed subdivision is consistent with the relevant objectives and policies of the Proposed District Plan.

Summary

The development is largely consistent with the outcomes anticipated under the zone being a modest dwelling on an urban piece of land.

The development has been designed to provide acceptable on-site residential amenity for residents whilst minimising any adverse amenity effects such as shading, dominance, overlooking or privacy effects on adjoining sites and people to an acceptable level.

The proposal will also result in positive effects, including, providing for economic and social wellbeing for the current site owner through providing a residential dwelling on an underutilised site. The proposal also adds an additional dwelling to the local housing stock.

Overall, it has been demonstrated in the above assessment that adverse effects on the environment will be less than minor.

6.2 Public Notification and Limited Notification of Applications

Public Notification

Section 95A of the RMA specifies the steps to be taken to determine whether to publicly notify an application.

Step 1: Mandatory public notification in certain circumstances

- *The applicant has requested public notification*
- *Public notification is required under section 95C*
- *The application is made jointly with an application to exchange recreation reserve land.*

The applicant does not request public notification, and it is assumed that the latter two points will not apply.

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

- *A national environmental standard precludes public notification.*
- *The application is for a resource consent for 1 or more of the following, but no other, activities:*
- *a controlled activity:*

- *a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:*

None of the above apply to the activity.

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

The criteria for step 3 are as follows:

- *the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
- *the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

As demonstrated through this assessment, the adverse effects are considered to be less than minor.

Step 4: Public notification in special circumstances

- *Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified*

No special circumstances have been identified to warrant public notification. The proposal for a dwelling is not considered to be controversial or of significant public interest. The dwelling is proposed on private land, which is considered neither exceptional nor unusual.

Limited Notification

Section 95B of the RMA specifies the steps to be taken to determine whether to limited notify an application.

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

- *Determine whether there are any affected protected customary rights groups or affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*
- *Determine whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an RMA specified in Schedule 11; and whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

It is considered that there are no affected protected customary rights groups or affected customary marine title groups, and the proposal will not affect any land subject to a statutory acknowledgment.

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

The criteria for step 2 are as follows:

- *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:*
- *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).*

None of the above apply to the activity

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

Determine whether, in accordance with section 95E the following persons are affected persons:

- *in the case of a boundary activity, an owner of an allotment with an infringed boundary; and*
- *In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

- *Notify each affected person identified above of the application.*

The application does include an infringement of the Sunlight and Setback from Boundaries permitted standard. However, as demonstrated above the infringement is considered less than minor in nature due to design requirements and location of surrounding activities.

With respect to section 95B(8) and section 95E, the Russell Township zone anticipates a dwelling for a residential use. It is concluded therefore that any adverse effects in relation to adjacent properties will be less than minor, and accordingly that no persons are adversely affected.

Step 4: Further notification in special circumstances

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

No special circumstances have been identified to warrant limited notification.

Based upon the above it is considered that there is no requirement for Council to publicly notify the application.

7.0 PART 2 ASSESSMENT

7.1 Section 5 – Purpose of The Act

Section 5 in Part 2 of the Act identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being which sustain those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding remedying or mitigating adverse effects on the environment.

It is considered that proposal represents a sustainable use of existing resources that allow people and the community to provide for its social and economic wellbeing in a manner that mitigates adverse effects on the environment.

7.2 Section 6 – Matters of National Importance

In achieving the purpose of the Act, a range of matters are required to be recognised and provided for. This includes:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- f) the protection of historic heritage from inappropriate subdivision, use, and development:
- g) the protection of protected customary rights:
- h) the management of significant risks from natural hazards.

In context, the relevant items to the proposal and have been recognised and provided for in the design of the residential development.

7.3 Section 7 – Other Matters

In achieving the purpose of the Act, a range of matters are to be given particular regard.

This includes:

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

These matters have been given particular regard through the design of the proposal.

7.4 Section 8 – Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

7.5 Section 8 – Part 2 Conclusion

Given the above, it is considered that the proposal meets the purpose of the RMA.

8.0 CONCLUSION

This application seeks a discretionary resource consent to undertake a residential dwelling within the Russell Township Zone. The assessment of effects on the environment concludes that for the reasons outlined in the application, the effects of undertaking this proposal will be less than minor on the surrounding environment.

The proposal is not precluded from public notification and is considered to have less than minor effects on the wider environment. Through assessment, there are considered to be no affected persons.

The proposal is consistent with the objectives and policies of the Far North District Plan, the Regional Policy Statement for Northland, and achieves the purpose of the RMA.

Given the assessment carried out in this report, it is considered that this proposal can be determined non-notified under the RMA.

We would appreciate the review of draft conditions when available.

Regards,



Steven Sanson

Consultant Planner



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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

Identifier **78203**
Land Registration District **North Auckland**
Date Issued 04 March 2003

Prior References
NA112B/329

Estate Fee Simple
Area 911 square metres more or less
Legal Description Lot 8 Deposited Plan 180990
Registered Owners
Michael Paul Davison

Estate Fee Simple - 1/8 share
Area 1254 square metres more or less
Legal Description Lot 11 Deposited Plan 180990
Registered Owners
Michael Paul Davison

Interests

Fencing Agreement in Transfer 167342
Fencing Agreement in Transfer 190520
Subject to Section 241(2) Resource Management Act 1991 (affects DP 180990)
Subject to a right of way and a drainage right over part marked A on DP 165141 specified in Easement Certificate C844502.5 - 22.5.1995 at 10.51 am
The easements specified in Easement Certificate C844502.5 are subject to Section 243 (a) Resource Management Act 1991
D170011.4 Encumbrance to Far North District Council - 10.7.1997 at 2:46 pm
Subject to a right (in gross) to an electricity transmission over Lot 11 DP 180990 in favour of Top Energy Limited created by Transfer 5506595.1 - 4.3.2003 at 9:00 am
5506595.4 Variation of Encumbrance D170011.4 - 4.3.2003 at 9:00 am
13152346.2 Mortgage to Westpac New Zealand Limited - 6.11.2024 at 3:58 pm

A vertical ruler with a date stamp "31 JUL 1997" at the top. The ruler is marked in centimeters from 1 to 47. The word "CENTIMETRES" is printed vertically along the left side of the ruler.

MEMORANDUM OF ENCUMBRANCEWHEREAS:

- I. BRAMWELL CONE of Russell, Company Director (hereinafter called "the Encumbrancer") is registered as proprietor of an estate in fee simple subject however to such encumbrances liens and interests as are notified by Memoranda underwritten or endorsed hereon in the land described in the schedules hereto.
- II. The Encumbrancer has requested THE FAR NORTH DISTRICT COUNCIL (hereinafter called "the Council") to consent to a plan of subdivision of the land described in the first schedule hereto.
- III. The Council has agreed to consent to such subdivision on the condition (inter alia) that the Encumbrancer enter into and execute the presents.

NOW THIS MEMORANDUM WITNESSETH that:-

1. THE Encumbrancer hereby encumbers all the land described in the Second Schedule hereto for the benefit of the Council for a term of 999 years with an annual rent charge of 5 cents to be paid on the 1st day of June each year if demanded by that date.

2. THE Encumbrancer covenants with the Council as follows:-

No building will be erected on the land described in the Second Schedule hereto unless it is connected to a reticulated sewerage system approved by the Council.

3. THE Encumbrancer shall pay the costs of preparation, stamping and registration of this encumbrance and any other costs incurred by the Council in relation to this encumbrance.

4. SECTION 104 of the Property Law Act 1952 applies to this Memorandum of Encumbrance but otherwise (and without prejudice to the Council's rights of action at common law as a rent charger or encumbrance):-

- (a) The Council shall be entitled to none of the powers and remedies given to encumbrances by the Land Transfer Act 1952 and the Property Law Act 1952, and;
- (b) No covenants on the part of the Encumbrancer and his successor in title are implied in this memorandum other than the covenants for further assurance implied by Section 154 of the Land Transfer Act 1952.

IN WITNESS WHEREOF these presents have been executed the 28 day of April 1997.

FIRST SCHEDULE

All Certificate of Title 55D/882 (North Auckland Registry).

SECOND SCHEDULE

All Certificates of Title. 1128/322 to 1128/329 inclusive

SIGNED by/for
BRAMWELL CONE
in the presence of;

*Bramwell Cone by
his attorney*

THE COMMON SEAL of THE
FAR NORTH DISTRICT COUNCIL
was hereunto affixed in the
presence of:

S. J. WOOLDRIDGE.

[Signature]

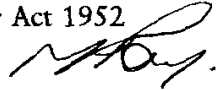
MAYOR
[Signature]

GENERAL MANAGER



MEMORANDUM OF ENCUMBRANCE

Correct for the purposes of the Land
Transfer Act 1952



SOLICITOR FOR COUNCIL

BRAMWELL CONE

Encumbrancer

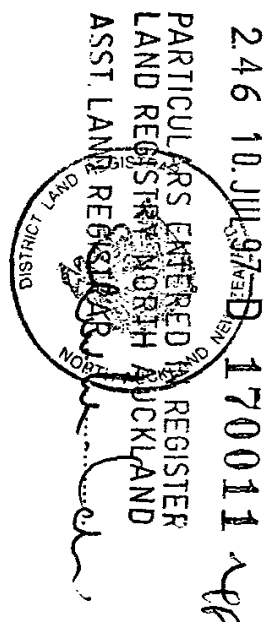
THE FAR NORTH DISTRICT
COUNCIL

Council

Particulars entered in the Register as
shown in respect of the land referred
to herein

Assistant/District Land Registrar in the
District of

LAW NORTH PARTNERS
SOLICITORS
KERIKERI



CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, the Attorney described in the schedule below hereby certify:

1. THAT by a Power of Attorney bearing the date shown in the schedule below, the appointor thereof being the person described in the schedule below, appointed me his Attorney on the terms and subject to the conditions set out in the said Power of Attorney.
2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the death of the said appointor or otherwise.
3. THAT, in the event of the Power of Attorney having been deposited in the Land Transfer Office at Auckland the Power of Attorney was deposited under the number shown in the schedule below.

SIGNED at *Kaikohe*
the date set forth in the schedule
below:

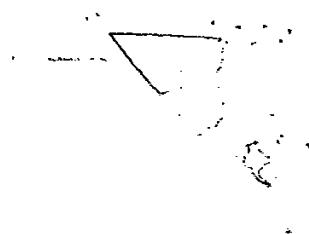
)
)
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SCHEDULE

Name of Attorney:	SUZANNE JOAN WOOLDRIDGE
Place of residence of Attorney:	KAIKOHE
Occupation of Attorney:	BARRISTER & SOLICITOR
Date of Power of Attorney:	3 AUGUST 1992
Name of Appointor:	BRAMWELL CONE
Place of residence of Appointor:	RUSSELL
Occupation of Appointor:	COMPANY DIRECTOR
Land Transfer Number:	C.610656.1
Date of this Certificate:	28 APRIL 1997



170511.4





MEMORANDUM OF VARIATION OF ENCUMBRANCE

BACKGROUND

1. **BRAMWELL CONE** of Russell, company director, ("the Encumbrancer") and **THE FAR NORTH DISTRICT COUNCIL** at Kaikohe ("the Council") are parties to a memorandum of encumbrance ("the encumbrance") dated 28 April 1987 and registered against the land described in the schedule to the encumbrance. (D1700114)

The Encumbrancer and the Council have agreed to vary the encumbrance.

OPERATIVE PART

1. The Encumbrancer and the Council agree to vary the encumbrance by addition of the following:
 - 2A Notwithstanding clause 2 above, the Council will permit the erection of buildings on the land described in the second schedule ("the land") and the storage of sewerage in approved holding tanks on the land for offsite treatment and disposal. The land must be connected to a reticulated sewerage system approved by the Council as soon as such connections become available.
 - 2B Lots 1 and 10 on DP1800990 shall not be capable of being disposed of individually.
2. The Encumbrancer will pay the costs of preparation and registration of this variation of encumbrance and any other costs incurred by the Council in relation to this variation of encumbrance.
3. Section 104 of the Property Law Act 1952 applies to this Memorandum of Encumbrance but otherwise (and without prejudice to the Council's rights of action at common law as a rent charger or encumbrancee):
 - (a) The Council shall be entitled to none of the powers and remedies given to encumbrances by the Land Transfer Act 1952 and the Property Law Act 1952, and;
 - (b) No covenants on the part of the Encumbrancer and his successor in title are implied in this memorandum other than the covenants for further assurance implied by Section 154 of the Land Transfer Act 1952

IN WITNESS WHEREOF these presents have been executed this 18th day of December 2002

SIGNED by
BRAMWELL CONE
In the presence of

THE COMMON SEAL of
THE FAR NORTH DISTRICT COUNCIL
Was hereunto affixed in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

Greeme J. Doyle - Distributor
Greeme J. Doyle
Oneiroa Rd
Russell.

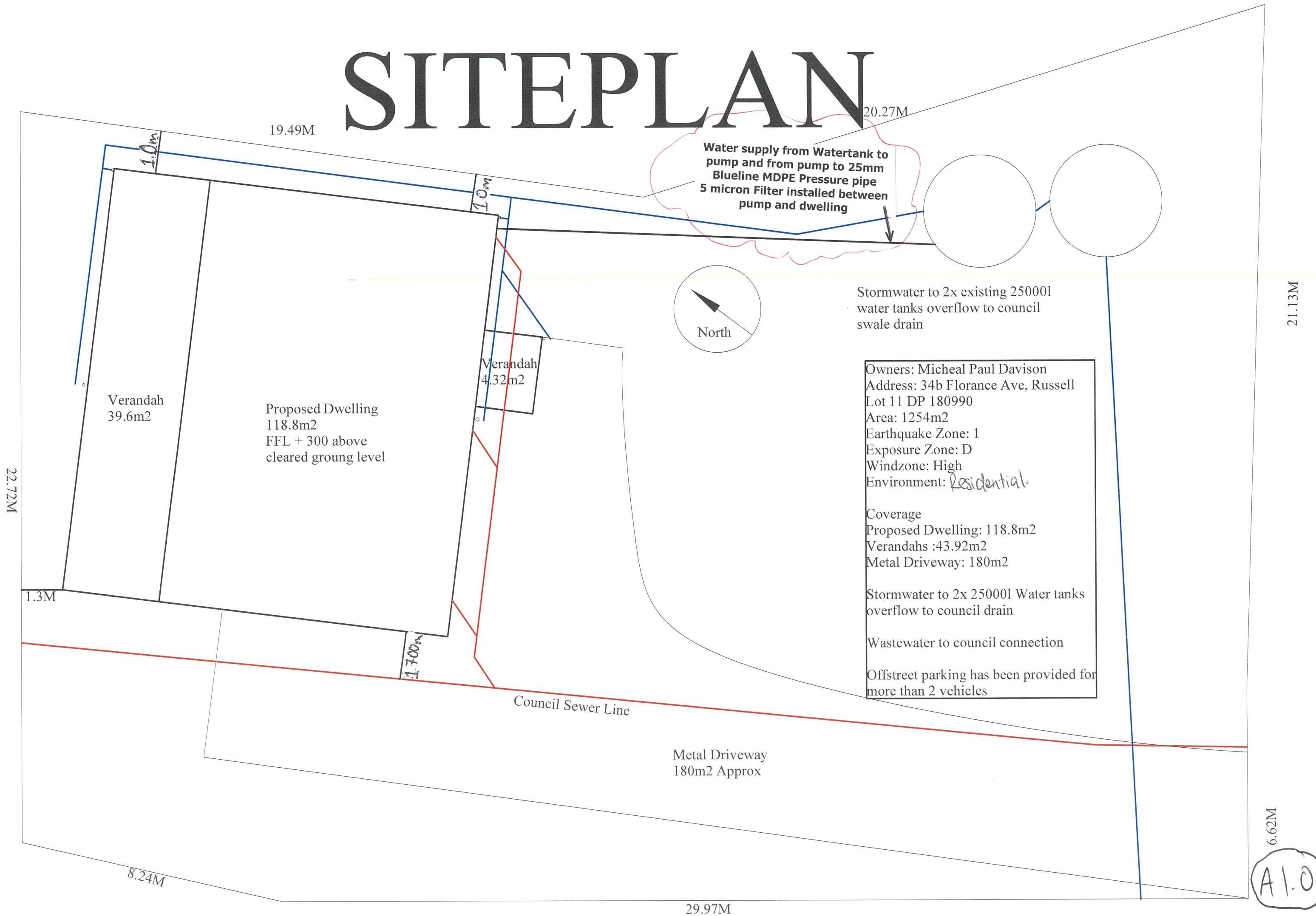


REF. 4090 /1

*Certified correct for
Land Transfer purposes*

[Signature]
Solicitor for the
Registered Proprietor
parties

SITEPLAN



Stormwater to 2x existing 25000l water tanks overflow to council swale drain

Owners: Micheal Paul Davison
Address: 34b Florance Ave, Russell
Lot 11 DP 180990
Area: 1254m²
Earthquake Zone: 1
Exposure Zone: D
Windzone: High
Environment: Residential

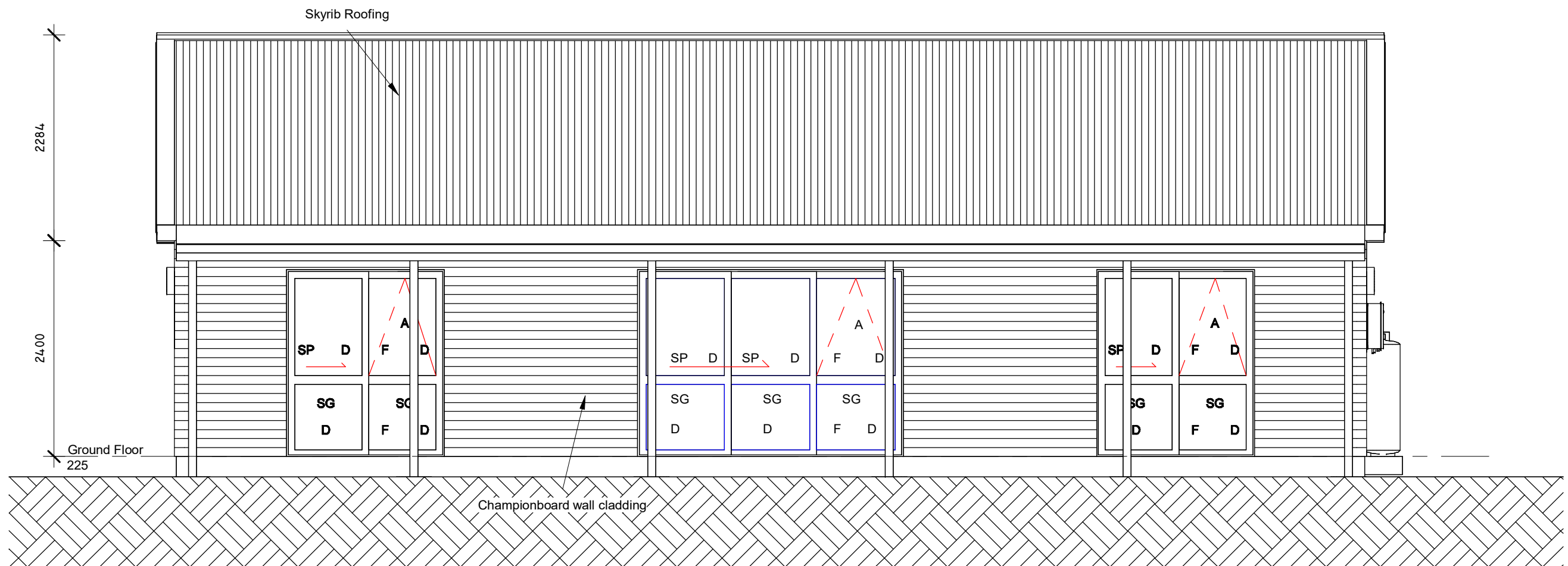
Coverage
Proposed Dwelling: 118.8m²
Verandahs :43.92m²
Metal Driveway: 180m²

Stormwater to 2x 25000l Water tanks overflow to council drain

Wastewater to council connection

Offstreet parking has been provided for more than 2 vehicles

A1.0



1 North Elevation
1 : 50

NOTES

LEGEND: WINDOW PANELS

SP	-	Sliding Panel
F	-	Fixed Panel
A	-	Awning Panel
O	-	Obscure Glazing
SG	-	Safety Glass
D	-	Double Glazing
S	-	Single Glazing
LF	-	Louvre Fixed Panel

Distributor: Whangarei

Salesperson:

Revision:

Drawn by: SP

Scale: As indicated

Date: 6/03/2025 10:06:38 a.m.

Project: Proposed 13.2 x 9.0 house with garaport and veranda

For: Paul and Audrey Davison

At: 34 Florance Avenue, Russell

COPYRIGHT
SKYLINE BUILDINGS LIMITED
1 RYMER PLACE
MANGERE BRIDGE

Sheet Name: Elevations

PHONE: (09) 636 0200
FAX: (09) 636 0201

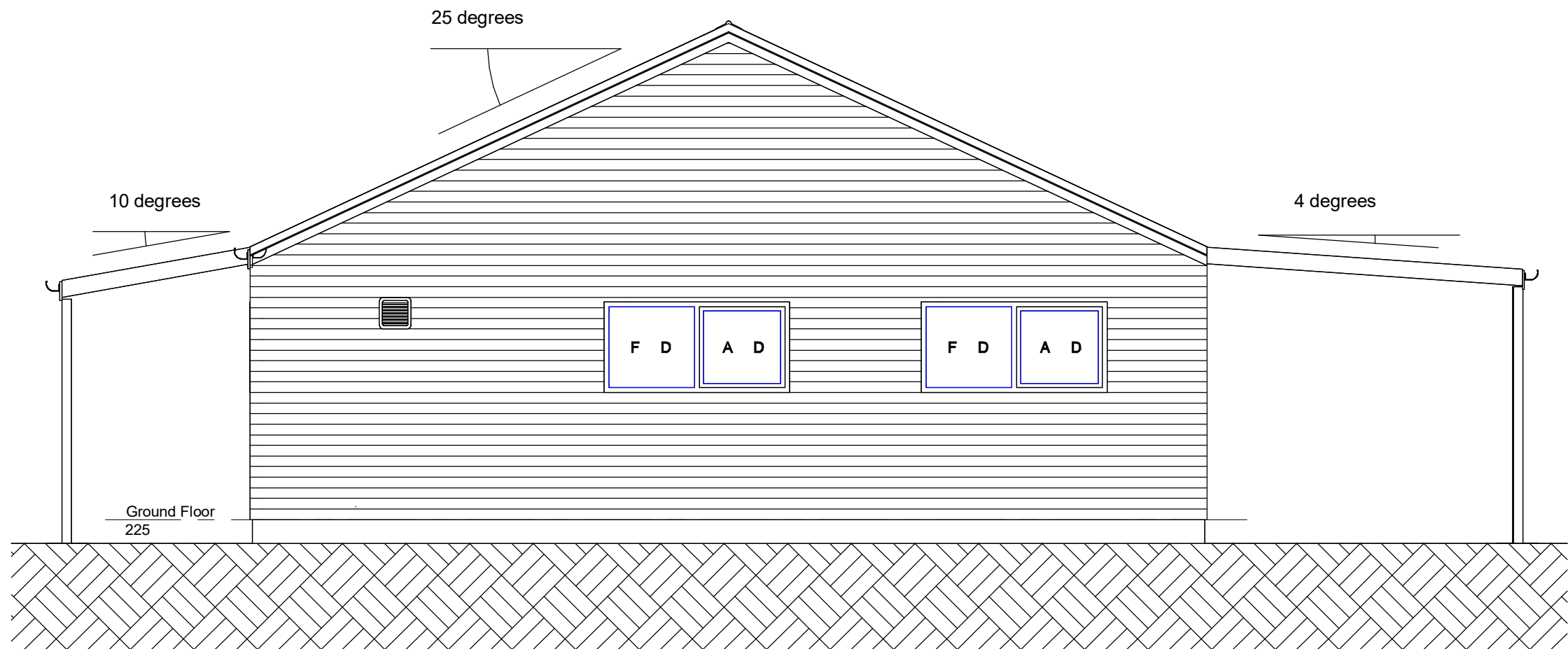
www.skylinebuildings.co.nz



SHEET

Number

A2.0




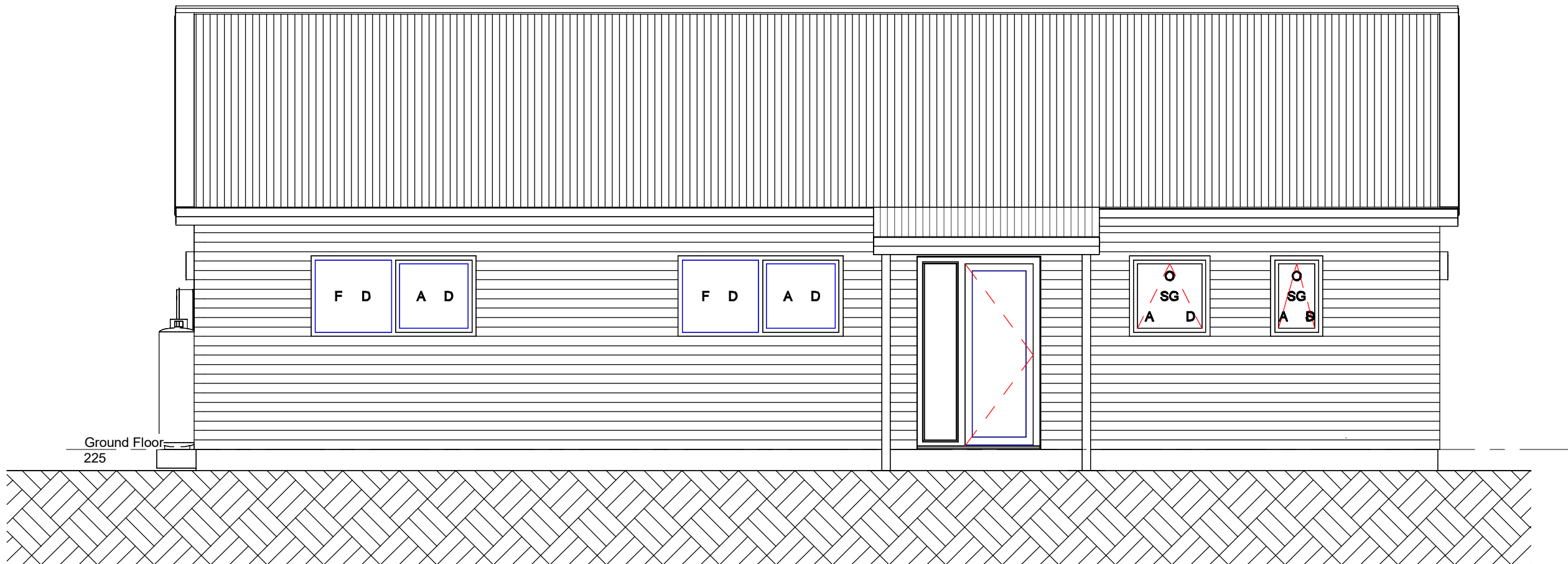
1 East Elevation
1 : 50

NOTES

LEGEND: WINDOW PANELS

SP	-	Sliding Panel
F	-	Fixed Panel
A	-	Awning Panel
O	-	Obscure Glazing
SG	-	Safety Glass
D	-	Double Glazing
S	-	Single Glazing
LF	-	Louvre Fixed Panel

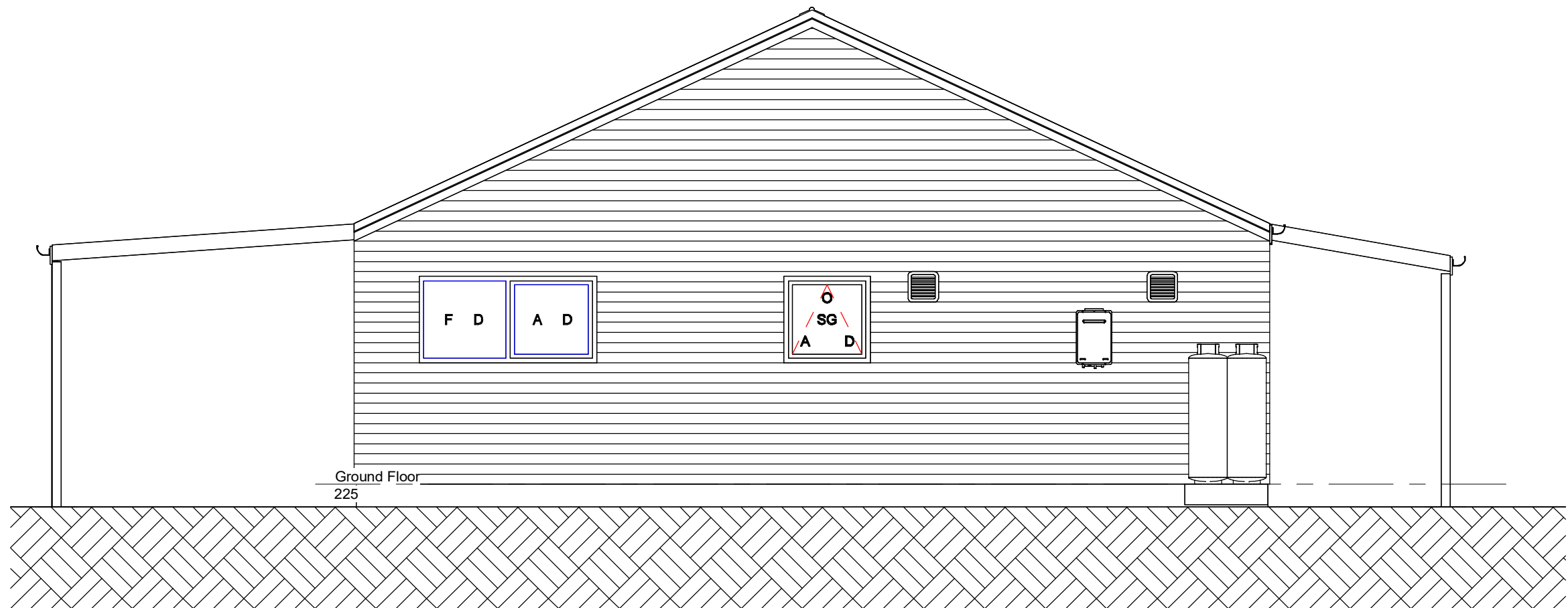
Distributor: Whangarei	Drawn by: SP	Project: Proposed 13.2 x 9.0 house with garaport and veranda	COPYRIGHT SKYLINE BUILDINGS LIMITED 1 RYMER PLACE MANGERE BRIDGE	PHONE: (09) 636 0200 FAX: (09) 636 0201 www.skylinebuildings.co.nz		SHEET Number A2.1
Salesperson:	Scale: As indicated	For: Paul and Audrey Davison	Sheet Name: Elevations			
Revision:	Date: 6/03/2025 10:06:38 a.m.	At: 34 Florance Avenue, Russell				



1 South Elevation
1 : 50

NOTES		
LEGEND: WINDOW PANELS		
SP	-	Sliding Panel
F	-	Fixed Panel
A	-	Awning Panel
O	-	Obscure Glazing
SG	-	Safety Glass
D	-	Double Glazing
S	-	Single Glazing
LF	-	Louvre Fixed Panel

Distributor: Whangarei	Drawn by: SP	Project: Proposed 13.2 x 9.0 house with garaport and veranda	<div><div><div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div><div></div><div></div><div></div><div></div><di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1

West Elevation

1 : 50

NOTES

LEGEND: WINDOW PANELS

- SP - Sliding Panel
- F - Fixed Panel
- A - Awning Panel
- O - Obscure Glazing
- SG - Safety Glass
- D - Double Glazing
- S - Single Glazing
- LF - Louvre Fixed Panel

Distributor: Whangarei

Drawn by: SP

Project: Proposed 13.2 x 9.0 house with garaport and veranda

COPYRIGHT
SKYLINE BUILDINGS LIMITED
1 RYMER PLACE
MANGERE BRIDGE

PHONE: (09) 636 0200
FAX: (09) 636 0201
www.skylinebuildings.co.nz



Salesperson:

Scale: As indicated

For: Paul and Audrey Davison

Sheet Name: Elevations

Revision:

Date: 6/03/2025 10:06:39 a.m.

At: 34 Florance Avenue, Russell

SHEET

Number

A2.3

NOTES

Application Description Air
Changes Per Hour

Bathrooms -	11 - 15
Toilets -	6 - 10
Laundries - (with ducted drier)	6 - 10
Laundries - (without ducted drier)	10 - 30

-- x -- ARCH = -- m³/hr
Select Fan With Similar Performance.

Mechanical extract fans (including associated ducting) must have a flow rate not less than 25 L/s for showers and baths, and 50 L/s for cooktops.

Wet Areas

Shower - Acrylic moulded shower tray with wall upstands. Acrylic impervious wall linings.

Kitchen / Bathroom - Vinyl sheet material with sealed joints or selected tiles.

Kitchen / Bathroom walls - Gib Aqualine sheet material with enamel paint finish or selected tiles.

Ardex WPM on wet areas walls.

SD Domestic smoke alarms in accordance to F7/AS1, Smoke alarms are to include a hush facility and at least one of the following: AS3786 or BS5446: Part 1 Smoke alarms are photo electric type

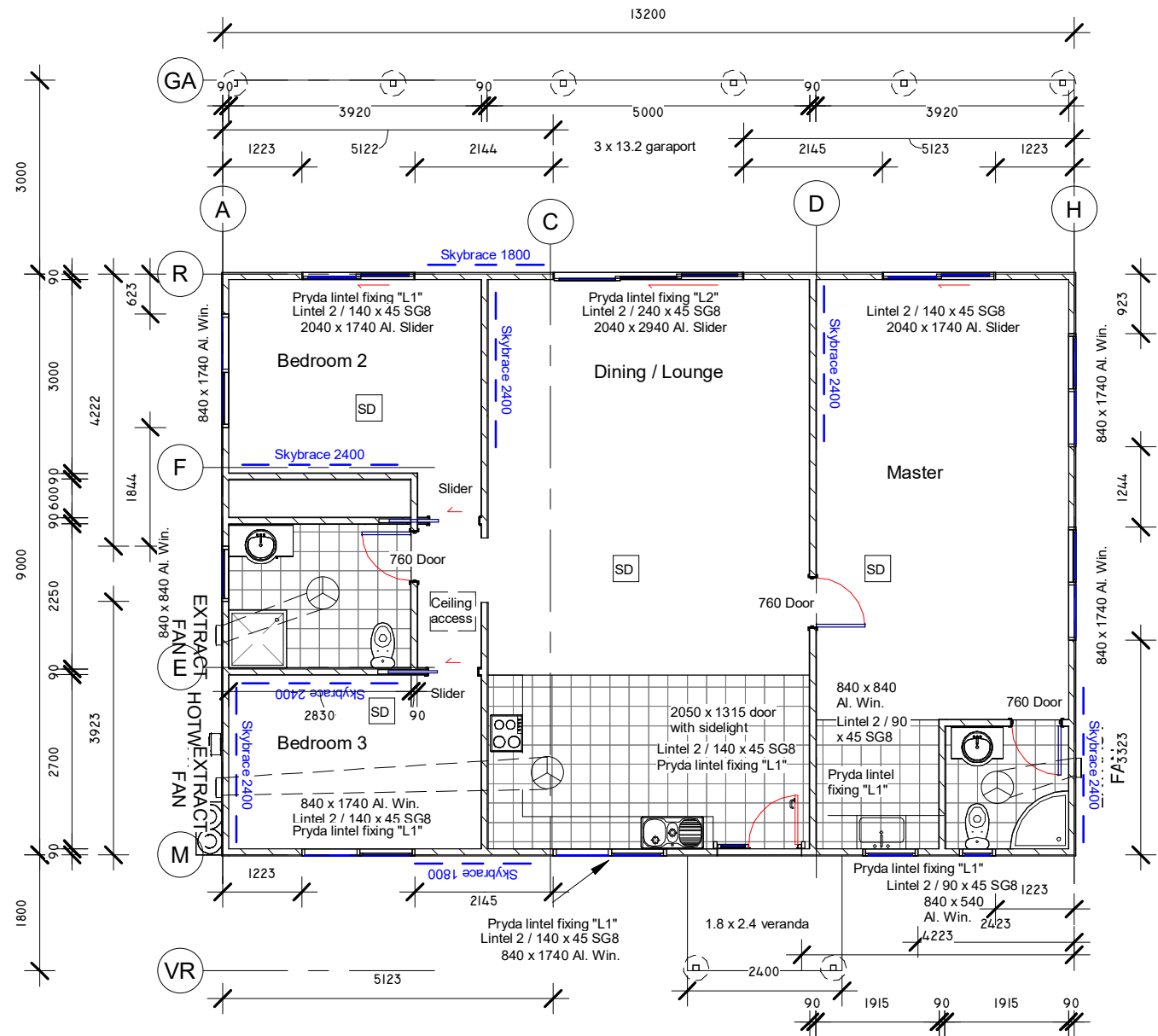
Structural gable truss:

No lintel required for galbe end openings as it's under a structural gable truss.

LEGEND: DOORS & WINDOWS

SGD	Sectional Garage Door
TGD	Tilt Garage Door
RGD	Rollor Garage Door
SD	Sliding Door
OSD	Outward Sliding Door
AW	Aluminium Window
FW	Fixed Window
PA	PA Door

Fixed Windows: windows between studs. No lintels needed.



1 Ground Floor
1 : 100

Distributor: Whangarei

Salesperson:

Revision:

Drawn by: SP

Scale: As indicated

Date: 6/03/2025 10:06:39 a.m.

Project: Proposed 13.2 x 9.0 house with garaport and veranda

For: Paul and Audrey Davison

At: 34 Florance Avenue, Russell

COPYRIGHT
SKYLINE BUILDINGS LIMITED
1 RYMER PLACE
MANGERE BRIDGE

Sheet Name: Floor Plan

PHONE: (09) 636 0200
FAX: (09) 636 0201

www.skylinebuildings.co.nz



SHEET

Number

A3.0

Sent: Friday, 4 April 2025 3:14 pm

To: skylinewhangarei@gmail.com

Cc: Wally Harris <Walter.Harris@fndc.govt.nz>

Subject: EBC-2025-734/0 34B Florance Avenue, Russell 0202 -

Tena koe Rick

Further to my email on 02/04/2025 advising FNDC Development Engineer had been notified of this application due to works being proposed within 1.5m of a Council wastewater line. The Engineer has responded and advises the clearance from the pipe would have to be at least 1.7m to be clear of the zone of influence.

Please consult with your client to provide revised plans to accommodate the required clearance.

Unfortunately, if the house is moved 0.2m away from the wastewater line, the proposal will incur a breach of Russell Township Zone rule 10.9.5.1.6 Setback from boundaries. This rule has an exception that no setback is required for a maximum total length of 10m along any one boundary that is not a road boundary. But the plans show the length of the dwelling and verandah as 12m.

Nga mihi



Lysigna Mare

PIM's Officer - Building Services Administration

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

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