

8054

9 April 2025

Resource Planner  
Far North District Council  
Private Bag 752  
**KAIKOHE 0440**

**RC 2240277-RMACOM**

29 Koropewa Road, Kerikeri

VARIATION TO RESOURCE CONSENT PURSUANT TO SEC 37 and 133A RMA 1991

The applicant seeks a variation to RC 2240277 as a minor error correction.

The proposed change is necessary to correct the reference to engineering plan approval, as the current wording implies a preference for Chartered Professional Engineers (CPEng) only, rather than recognising other Suitably Qualified and Experienced Practitioners (SQEPs) as provided for under the Council's Engineering Standards and Guidelines 2023.

The change is a minor technical wording correction and does not result in any effects that would warrant re-assessment.

**Proposed variation**

**Stage 1 – Lots 1, 2, 3 and 11**

Survey plan approval (s223) conditions

2)

Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:

d. Submit plans and details of all works that have been certified by a **Chartered Professional Engineer** ~~an SQEP~~ by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with Far North District Council: Engineering Standards 2023 (include Sheet 1) & Guidelines and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. Design is to identify construction at Stage 1. Plans are to include calculations.

Section 224(c) compliance conditions

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

d. An **Chartered Professional Engineer** SQEP shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the stage 1 works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.



**Stage 2 – Lots 4-12**

Survey plan approval (s223) conditions

2) Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:

- d. Submit plans and details of all works that have been certified by a ~~Chartered Professional Engineer~~ **an SQEP** by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with Far North District Council: Engineering Standards 2023 (include Sheet 1) & Guidelines and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. Design is to identify construction at Stage 1. Plans are to include calculations.

Section 224(c) compliance conditions

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

- d. An ~~Chartered Professional Engineer~~ **SQEP** shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the stage 1 works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.

An assessment of Environmental effects is not applicable to the proposed changes.

Yours faithfully,

**Micah Donaldson**

*Registered Professional Surveyor*



Attachments :

- *Application fee \$1232*
- *Record of Title*
- *Resource Consent*
- *Wastewater Assessment*
- *Scheme plan – proposed subdivision*

# Quickmap Title Details



Information last updated as at 06-Apr-2025

## RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

**Identifier** NA129B/873

**Land Registration District** North Auckland

**Date Issued** 09 June 2000

### Prior References

NA102A/553

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**Type** Fee Simple  
**Area** 6.2232 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 202022

### Registered Owners

Smith & Partners Trustee Co. Limited and Maria Ann Vlug

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Appurtenant hereto is a water right specified in Easement Certificate C082835.3

Subject to a water right over parts marked B, E, G and H on DP 202022 specified in Easement Certificate C082835.3

Appurtenant hereto is a right to drain water specified in Easement Certificate D513440.4 - 9.6.2000 at 3:44 pm

Subject to a right of way, and to electricity, telecommunications and water supply rights over parts marked A B and C on DP 202022 specified in Easement Certificate D513440.4 - 9.6.2000 at 3:44 pm

The easements specified in Easement Certificate D513440.4 are subject to Section 243 (a) Resource Management Act 1991

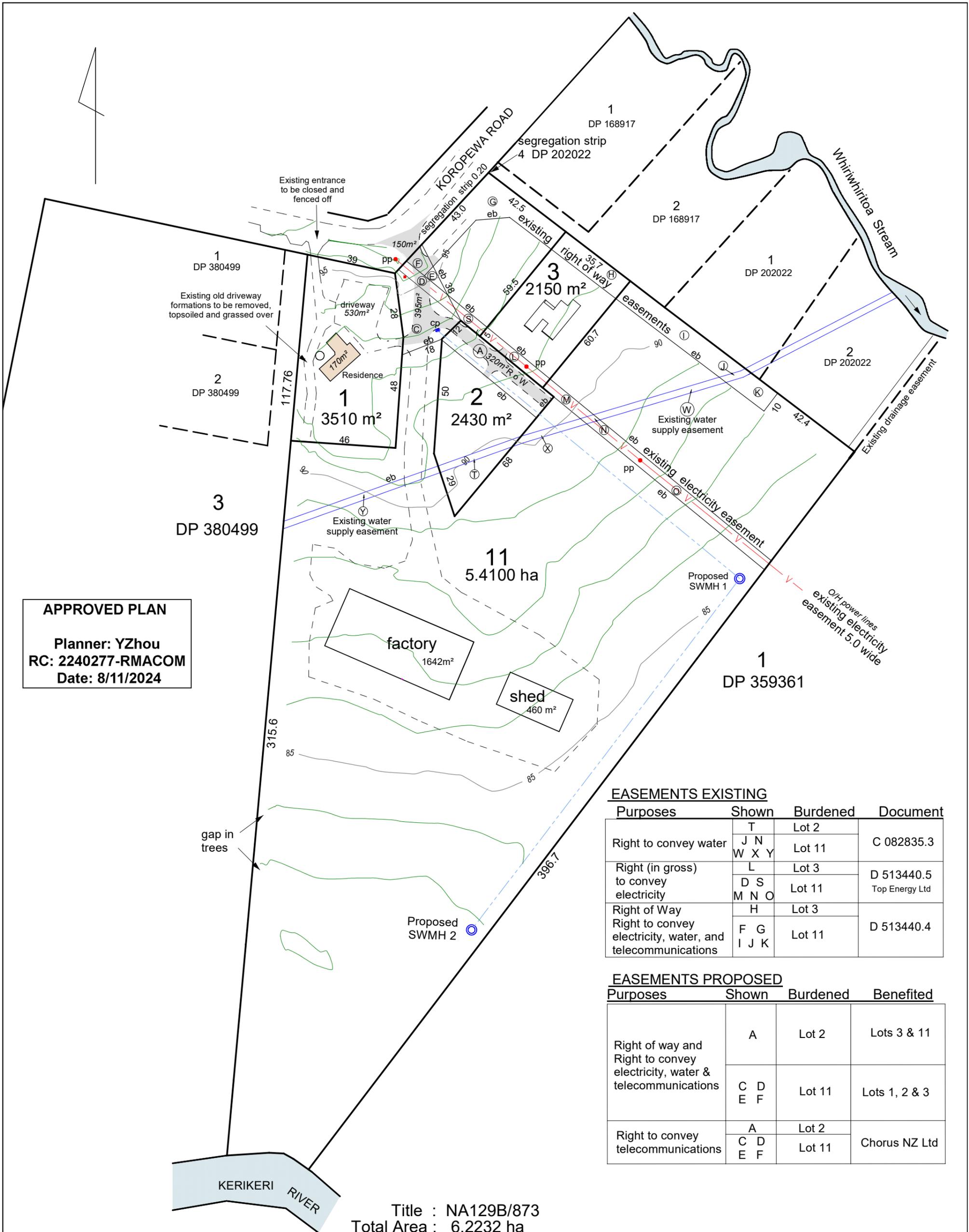
Subject to a right (in gross) to transmit electricity over parts marked D, E, F on DP 202022 in favour of Top Energy Limited created by Transfer D513440.5 - 9.6.2000 at 3:44 pm

The easements created by Transfer D513440.5 are subject to Section 243 (a) Resource Management Act 1991

*The information provided on this report forms a guideline only. As a result, Custom Software Limited cannot and does not provide any warranties or assurances of any kind in relation to the accuracy of the information provided through this report, the Site and Service. Custom Software Limited will not be liable for any claims in relation to the content of this report, the site and this service.*



0 10 20 30 40 50 100 150  
 Scale @ A3 : 1:1500  
 file 8054 Scheme plan Overall.mjo



**APPROVED PLAN**  
 Planner: YZhou  
 RC: 2240277-RMACOM  
 Date: 8/11/2024

EASEMENTS EXISTING			
Purposes	Shown	Burdened	Document
Right to convey water	T	Lot 2	C 082835.3
	J N	Lot 11	
	W X Y		
Right (in gross) to convey electricity	L	Lot 3	D 513440.5 Top Energy Ltd
	D S	Lot 11	
	M N O		
Right of Way	H	Lot 3	D 513440.4
Right to convey electricity, water, and telecommunications	F G I J K	Lot 11	

EASEMENTS PROPOSED			
Purposes	Shown	Burdened	Benefited
Right of way and Right to convey electricity, water & telecommunications	A	Lot 2	Lots 3 & 11
	C D E F	Lot 11	Lots 1, 2 & 3
Right to convey telecommunications	A	Lot 2	Chorus NZ Ltd
	C D E F	Lot 11	

Title : NA129B/873  
 Total Area : 6.2232 ha  
 Zone : Rural Production

0 10 20 30 40 50 100 150

**STAGE 1 OF 2 STAGES**

**LOTS 1 - 3 & 11 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022**

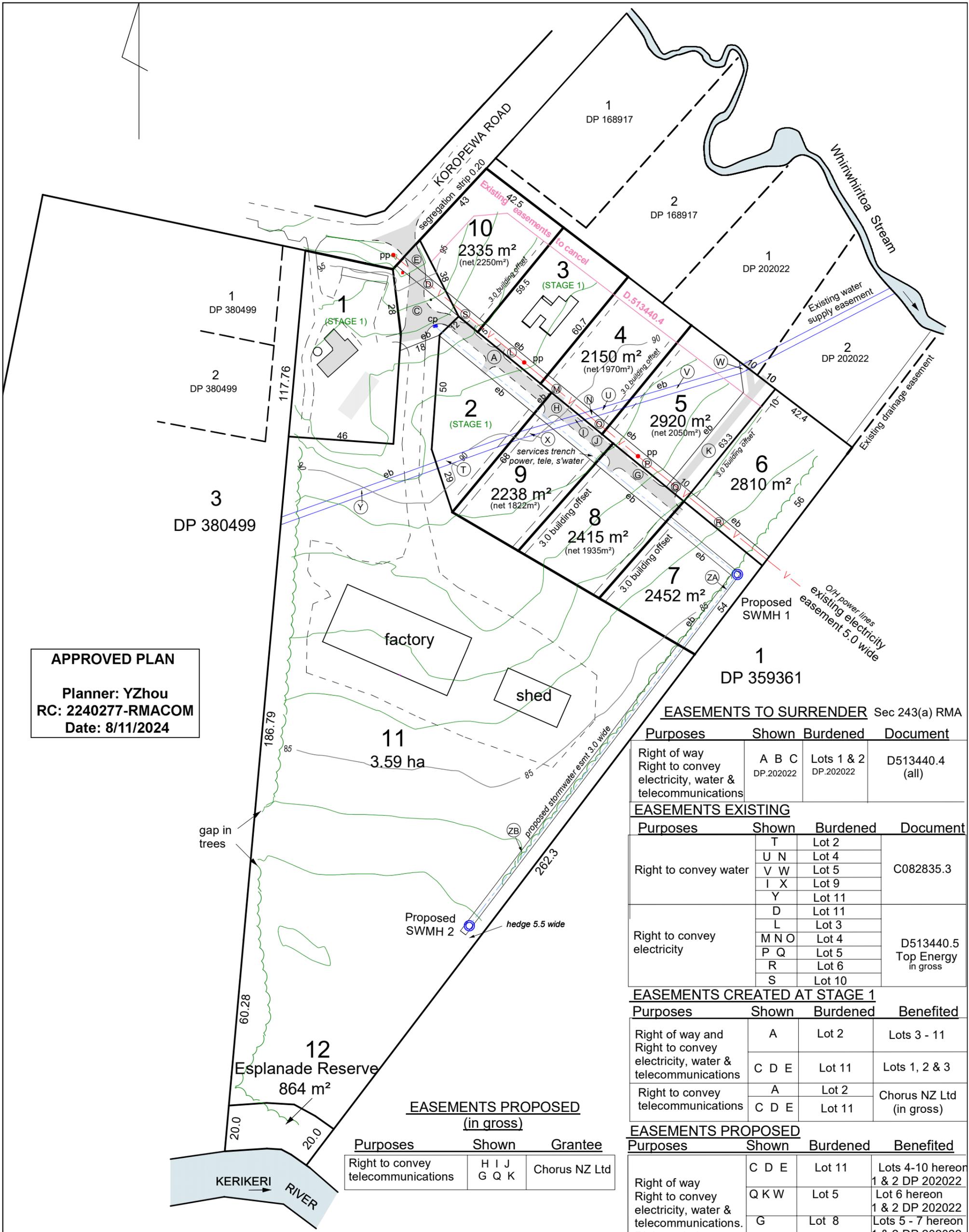
file 8054 Scheme plan Stage 1.mjo

Contour interval : 1 m  
 Scale @ A3 : 1:1500  
 Date : 27 May 2024

Ref : 8054

Notes:  
 Areas and measurements are subject to survey  
 For resource consent purpose only.





**APPROVED PLAN**  
 Planner: YZhou  
 RC: 2240277-RMACOM  
 Date: 8/11/2024

**EASEMENTS TO SURRENDER** Sec 243(a) RMA

Purposes	Shown	Burdened	Document
Right of way Right to convey electricity, water & telecommunications	A B C DP.202022	Lots 1 & 2 DP.202022	D513440.4 (all)

**EASEMENTS EXISTING**

Purposes	Shown	Burdened	Document
Right to convey water	T	Lot 2	C082835.3
	U N	Lot 4	
	V W	Lot 5	
	I X	Lot 9	
Right to convey electricity	Y	Lot 11	D513440.5 Top Energy in gross
	D	Lot 11	
	L	Lot 3	
	M N O	Lot 4	
	P Q	Lot 5	
	R	Lot 6	
	S	Lot 10	

**EASEMENTS CREATED AT STAGE 1**

Purposes	Shown	Burdened	Benefited
Right of way and Right to convey electricity, water & telecommunications	A	Lot 2	Lots 3 - 11
	C D E	Lot 11	Lots 1, 2 & 3
Right to convey telecommunications	A	Lot 2	Chorus NZ Ltd (in gross)
	C D E	Lot 11	

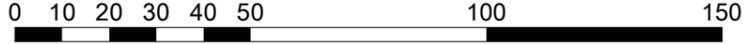
**EASEMENTS PROPOSED**

Purposes	Shown	Burdened	Benefited
Right of way Right to convey electricity, water & telecommunications. Right to drain water.	C D E	Lot 11	Lots 4-10 hereon 1 & 2 DP 202022
	Q K W	Lot 5	Lot 6 hereon 1 & 2 DP 202022
	G	Lot 8	Lots 5 - 7 hereon 1 & 2 DP 202022
	H I J	Lot 9	Lots 4 - 8 hereon 1 & 2 DP 202022
Right to drain water	ZA	Lot 7	Lots 2 - 6, 8 - 10
	ZB	Lot 11	Lots 2 - 10

**EASEMENTS PROPOSED**

(in gross)

Purposes	Shown	Grantee
Right to convey telecommunications	H I J G Q K	Chorus NZ Ltd



Scale @ A3 : 1:1500

file 8054 Scheme plan Stage 2.mjo

**STAGE 2 OF 2 STAGES**

**LOTS 4 - 12 BEING A PROPOSED  
 SUBDIVISION OF LOT 3 DP 202022 (BAL.)**

Area 5.4100 ha  
 Contour interval : 1m  
 Date : 15 August 2024

**Ref : 8054**



Tall hedge mix				
Common name	Species	Spacing	% mix	Comments
apuka	<i>Griselinia littoralis</i>	1.4m	10	
karamu	<i>Coprosma robusta</i>	1.4m	20	
Karo	<i>Pittosporum crassifolius</i>	1.4m	10	
kānuka	<i>Kunzea ericoides</i>	1.4m	40	
kohuhu	<i>Pittosporum tenuifolium</i>	1.4m	10	
mapou	<i>Myrsine australis</i>	1.4m	10	

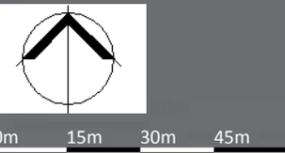
Low hedge mix				
Common name	Species	Spacing	% mix	Comments
harakeke	<i>Phormium tenax</i>	1.4m	10	
karamu	<i>Coprosma robusta</i>	1.4m	20	Prune to maintain height
koromiko	<i>Hebe speciosa</i>	1.4m	10	
mānuka	<i>Leptospermum scoparium</i>	1.4m	60	Prune to maintain height

Shelterbelt			
Common name	Species	Spacing	Comments
kohuhu	<i>Pittosporum tenuifolium</i>	1m	
karo	<i>Pittosporum crassifolium</i>	1m	
tarata	<i>Pittosporum eugenoides</i>	1m	

Plant one or mix of the above species at 1.0m centres



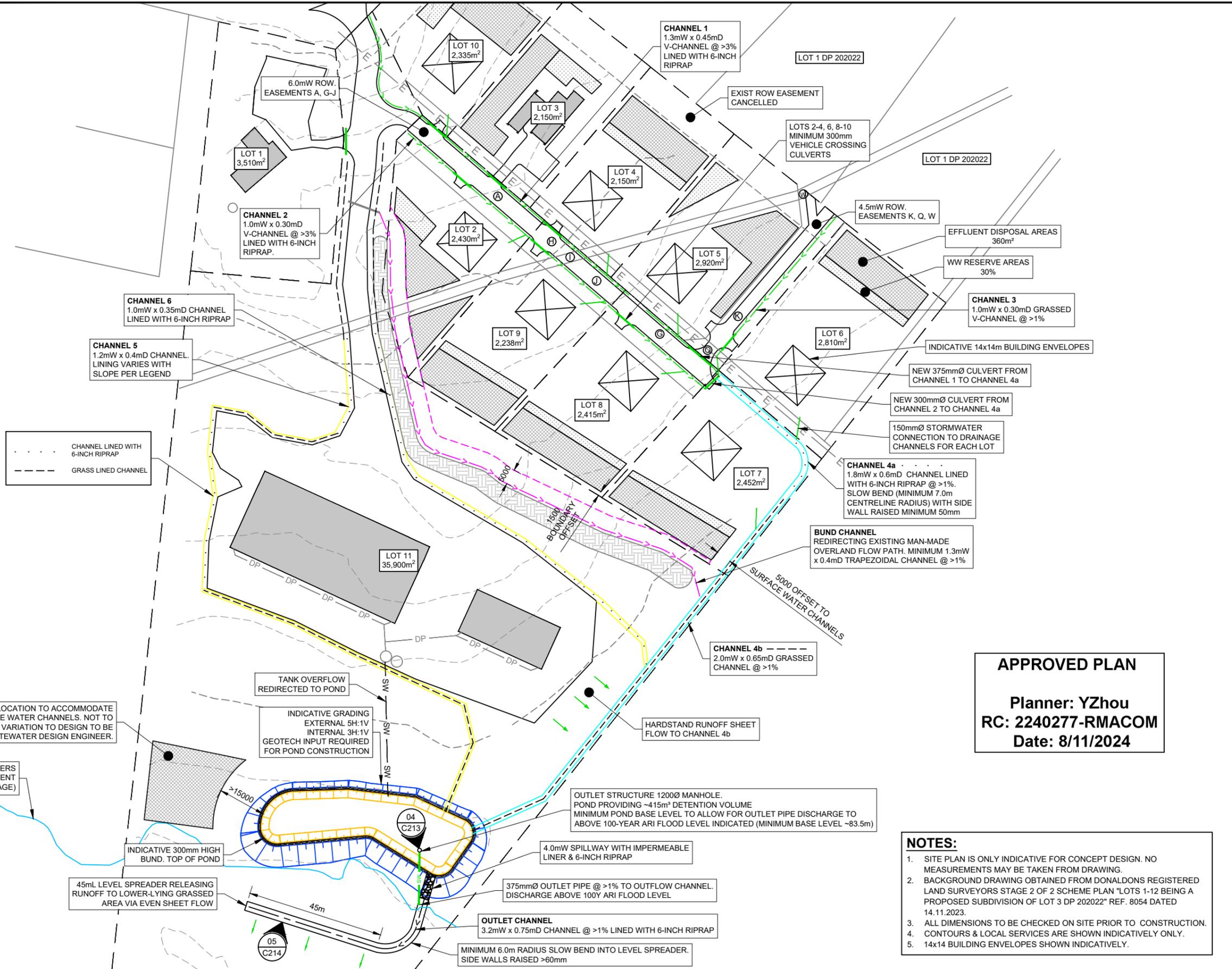
**APPROVED PLAN**  
 Planner: YZhou  
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 Date: 8/11/2024



- Low native screen mix (under power lines - 2.5 - 4m)
- Extent of bund
- Access
- Retain ex. shelterbelt
- Plant new shelterbelt
- Specimen trees (*Vitex lucens* - puriri - or similar. 45L)

**BREAKWATER TRUST**  
**Subdivision of Lot 3 DP 202022**  
 FIGURE 2a: The Proposal





REFER LDE WW REPORT REF. 20665. FINAL LOCATION TO ACCOMMODATE OFFSETS >15m TO POND WL AND >5m TO SURFACE WATER CHANNELS. NOT TO BE PLACED ON FILL MATERIAL. FINAL LOCATION VARIATION TO DESIGN TO BE CONFIRMED ACCEPTABLE BY WASTEWATER DESIGN ENGINEER.

INDICATIVE NRC PRIORITY RIVERS  
100Y ARI FLOODPLAIN EXTENT  
(FROM NRC GIS / AERIAL IMAGE)

INDICATIVE 300mm HIGH BUND. TOP OF POND  
45mL LEVEL SPREADER RELEASING RUNOFF TO LOWER-LYING GRASSED AREA VIA EVEN SHEET FLOW

TANK OVERFLOW REDIRECTED TO POND  
INDICATIVE GRADING EXTERNAL 5H:1V  
INTERNAL 3H:1V  
GEOTECH INPUT REQUIRED FOR POND CONSTRUCTION

OUTLET STRUCTURE 1200Ø MANHOLE. POND PROVIDING ~415m³ DETENTION VOLUME  
MINIMUM POND BASE LEVEL TO ALLOW FOR OUTLET PIPE DISCHARGE TO ABOVE 100-YEAR ARI FLOOD LEVEL INDICATED (MINIMUM BASE LEVEL ~83.5m)

OUTLET CHANNEL  
3.2mW x 0.75mD CHANNEL @ >1% LINED WITH 6-INCH RIPRAP  
MINIMUM 6.0m RADIUS SLOW BEND INTO LEVEL SPREADER. SIDE WALLS RAISED >60mm

**APPROVED PLAN**  
**Planner: YZhou**  
**RC: 2240277-RMACOM**  
**Date: 8/11/2024**

- NOTES:**
- SITE PLAN IS ONLY INDICATIVE FOR CONCEPT DESIGN. NO MEASUREMENTS MAY BE TAKEN FROM DRAWING.
  - BACKGROUND DRAWING OBTAINED FROM DONALDONS REGISTERED LAND SURVEYORS STAGE 2 OF 2 SCHEME PLAN "LOTS 1-12 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022" REF. 8054 DATED 14.11.2023.
  - ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.
  - CONTOURS & LOCAL SERVICES ARE SHOWN INDICATIVELY ONLY.
  - 14x14 BUILDING ENVELOPES SHOWN INDICATIVELY.

**WILTON JOUBERT**  
Consulting Engineers

Northland: 09 945 4188  
Auckland: 09 527 0196  
Christchurch: 021 824 063  
Wanaka: 03 443 6209  
www.wiltonjoubert.co.nz

ISSUE / REVISION				
No.	DATE	BY	DESCRIPTION	
A	27 JAN '23	GB	CIVIL SITE SUITABILITY REPORT	
B	AUG '23	PM	CIVIL SITE SUITABILITY REPORT	
C	SEP '23	PM	CIVIL SITE SUITABILITY REPORT	
D	NOV '23	PM	CIVIL SITE SUITABILITY REPORT	
E	JUN '24	PM		

DESIGNED BY: PM  
DRAWN BY: PM  
CHECKED BY: BGS  
SURVEYED BY: OTHER

**SERVICES NOTE**  
WHERE EXISTING SERVICES ARE SHOWN THEY ARE INDICATIVE ONLY AND MAY NOT INCLUDE ALL SITE SERVICES. WILTON JOUBERT LTD DOES NOT WARRANT THAT ALL, OR INDEED ANY SERVICES ARE SHOWN. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING SERVICES PRIOR TO AND FOR THE DURATION OF THE CONTRACT WORKS.

**RESOURCE CONSENT**  
DESIGN / DRAWING SUBJECT TO ENGINEERS APPROVAL

DRAWING TITLE:  
**STAGE 2 SITE PLAN**

PROJECT DESCRIPTION:  
**CIVIL SITE SUITABILITY REPORT**

PROJECT TITLE:  
**LOT 3 DP 202022  
29C KOROPEWA ROAD  
KERIKERI**

ORIGINAL DRAWING SIZE: <b>A3</b>	OFFICE: <b>OREWA</b>
DRAWING SCALE: <b>1:1250</b>	CO-ORDINATE SYSTEM: <b>NOT COORDINATED</b>
DRAWING NUMBER: <b>123295-C201</b>	ISSUE: <b>E</b>
COPYRIGHT - WILTON JOUBERT LIMITED	

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

### Decision

Pursuant to section 34(1) and sections 104, 104B, 108, 106, 243(e), 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use and subdivision resource consent for a Non-Complying activity, subject to the conditions listed below, to:

**Applicant:** Maria Ann Vlug

**Council Reference:** 2240277-RMACOM  
2240001-RMAVAR/A  
2300369-RMAVAR/B  
2230218-RMAVAR/A

**Property Address:** 29 Koropewa Road, Kerikeri 0295

**Legal Description:** LOT 3 DP 202022

#### The activities to which this decision relates are listed below:

**Activity A:** Proposed subdivision to create overall 11 allotments (including 10 rural residential allotments) and an esplanade reserve in the Rural Production Zone with 2 stages as a Non-Complying Activity. Consent under NESCS as a Controlled Activity is required. The breaches are as follows:

Rule Number and Name	Non Compliance Aspect	Activity Status
13.7.2.1 Minimum Lot Sizes	Both Stages cannot comply with the Dictionary Activity in the Rural Production Zone as the minimum lot size does not comply with the minimum lot size of 4ha, and the title of the site is created post 28 April 2000.	Non-Complying Activity
13.7.2.2 Allotment Dimensions	Lot 2 will be unable to provide the concept building envelope due to the proposed dimensions.  Lots 4-10 of Stage 2 do not have the required lot dimensions to be able to support the concept building envelope whilst meeting the required setback provisions.	Discretionary Activity

Rule Number and Name	Non Compliance Aspect	Activity Status
Regulation 9(3) of NESCS	HAIL A10 and I are applicable to the site and a Detailed Site Investigation report has been provided, which meets criteria (a).	Controlled Activity

**Activity B:** To breach the Stormwater Management, Residential Intensity, Building Coverage, Scale of Activities and Private Accessways in the Rural Production Zone as a Discretionary Activity. The breaches are as follows:

Rule Number and Name	Non Compliance Aspect	Activity Status
8.6.5.1.3 Stormwater Management (Stage 1)	Lot 1 – 19.9% or 700m <sup>2</sup>	Controlled Activity
	Lot 2 – 29.2% or 710m <sup>2</sup>	Discretionary Activity
	Lot 3 - 27.7% or 595m <sup>2</sup>	Discretionary Activity
	Lot 11 - 16.6% or 9, 009m <sup>2</sup>	Controlled Activity
8.6.5.1.3 Stormwater Management (Stage 2)	Lot 1 – 19.9% or 700m <sup>2</sup>	Controlled Activity
	Lot 2 – 29.2% or 710m <sup>2</sup>	Discretionary Activity
	Lot 3 – 21.9% or 470m <sup>2</sup>	Discretionary Activity
	Lot 4 – 18.1% or 390m <sup>2</sup>	Controlled Activity
	Lot 5 – 23.7% or 691m <sup>2</sup>	Discretionary Activity
	Lot 7 – 16.7% or 410m <sup>2</sup>	Controlled Activity
	Lot 8 – 26.5% or 640m <sup>2</sup>	Discretionary Activity
	Lot 9 – 27% or 604m <sup>2</sup>	Discretionary Activity
	Lot 10 – 16.7% or 390m <sup>2</sup>	Controlled Activity
	Lot 11 – 29.4% or 10,562m <sup>2</sup>	Discretionary Activity
8.6.5.1.10 Building Coverage	Lot 3 containing the existing consented new dwelling will have a building coverage of 13%.	Controlled Activity
8.6.5.1.11 Scale of Activities	The existing boat building factory will be contained within smaller Lot 11 at stage 1 and further subdivided Lot 11 at Stage 2. As this rule is based on the net site area, a technical breach will be applied for under this rule for the boat building factory.	Discretionary Activity
15.1.6C.1.1 Private Accessway in All Zones (Stage 2)	Consent is required as part of Stage 2 due to Easement A, C, D and E servicing more than eight household equivalents  In addition, Consent is required as Easement A and Easements C, D & E will not be vested as public road as NTA were not supportive of	Discretionary Activity

	the portions being vested for public use.	
8.6.5.4.1 Residential Intensity	Cond. 3 of RC 2240001-RMALUC is proposed to be removed under s127, which will result in two dwellings on the parent lot (Lot 3 DP202022) prior to the subdivision.	Discretionary Activity

**Activity C:** A s243(e) certificate is required to revoke an existing right of way due to access arrangements being altered as part of stage 2.

**Activity D:** Variation to Conditions 2 and 3 of RC 2240001-RMALUC pursuant to s127 of the RMA.

**Activity E:** Variation to conditions 2, 3, 5 and 6 of RC 2300369-RMAVAR/A pursuant to s127 of the RMA.

**Activity F:** Variation to Conditions 2 and 4 of 2230218-RMALUC pursuant to s127 of the RMA.

## Conditions:

### Decision A: Subdivision Conditions

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

- 1) The activity shall be carried out in general accordance with the approved plans below:
  - Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled "LOTS 1 - 3 & 11 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022", dated 27/05/2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.
  - Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled "LOTS 4 - 12 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022 (BAL.)", dated 15/08/2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.
  - Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled "LOTS 1 - 12 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022", dated 27/05/2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.
  - Landscaping planting as per Figure 2a of the report prepared by Simon Cocker Landscape Architecture Limited, titled 'Assessment of Landscape Effects' dated 29 May 2024 and referenced 24015\_01 Rev 1, prepared for Breakwater Trust, and attached to this consent with the Council's "Approved Stamp" affixed to it.
  - Plan prepared by Wilton Joubert, titled "Stage 2 Site Plan", Drawing no. 123295-C201, Rev E, dated June 2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Stage 1 – Lots 1, 2, 3 and 11**

Survey plan approval (s223) conditions

- 2) Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:

- a. Submit survey plan for approval in general accordance with scheme plan (stage 1) prepared by Donaldson Surveyors dated 27 May 2024 (ref. 8054).
- b. On the survey plans show all easements in the memorandum to be duly granted or reserved.
- c. Show easements for stormwater related to the detention pond on the survey plan.
- d. Submit plans and details of all works that have been certified by a Chartered Professional Engineer by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with Far North District Council: Engineering Standards 2023 (include Sheet 1) & Guidelines and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. Design is to identify construction at Stage 1. Plans are to include calculations.

Plans are to include but are not limited to:

- i. Details of the vehicle crossing from Koropewa Road to site including pavement structural design details, typical cross sections (including earthworks) and pavement marking. Vehicle crossing is to be in accordance with sheet 21 Type 1B and sealed.
- ii. Design details of the construction of the private access road and ROW including pavement structural design and typical cross sections. Design is to be in accordance with the recommendations of Site Suitability Report prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F. ROW Easements C-F is to be formed with a surface width of 7.0m with additional widening at bends to allow for a truck and opposing car to pass with adequate clearance. ROW Easement A should be formed with a surface width of 6m and legal width of 10m. Plans should also show details of a bi-directional chevron sign opposite the vehicle crossing to the site.
- iii. Design details of the construction of all new stormwater infrastructure including culvert sizes and connection points, and typical cross sections.
- iv. Provide design details of the construction of the privately owned Detention Pond in accordance with the Site Suitability Report prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F. Design details for detention pond are to include security fencing and future vehicle and machinery all-weather access.
  - a. Stormwater Drawings are to be supported by calculations for the channel outlet showing that they have sufficient capacity to contain the overflows from the 1% AEP rain event plus climate change. Calculations are also to detail flow velocities, (including dispersed flow) and scour protection in accordance with Engineering Standards. This will be in addition to the flows into the open drain from the subdivision.
- v. Erosion and sediment control measures to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

## Section 224(c) compliance conditions

- 3) Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
- a. The consent holder shall provide 24 hour notice to the Far North District Council's Development Engineer or delegated representative prior to the commencement of any work associated with conditions included in this notice.
  - b. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
  - c. Provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossing being upgraded.
  - d. A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the stage 1 works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.
  - e. Erosion and sediment control measures to be in place for the duration of the works in accordance with the principles and practices contained the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region". Evidence of installation of sediment and erosion installation being undertaken prior to earthworks taking place are to be sent to [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz)
  - f. The consent holder will be responsible for the repair and reinstatement of the public road (Koropewa Road) carriageway, if damaged as a result of the construction of the vehicle access crossing and paper road. Such works, where required, will be completed to the satisfaction of the Council's Roding Manager.
  - g. The consent holder will ensure that construction vehicles are not parked on Koropewa Road.
  - h. On completion of works the consent holder shall submit to Council As-built information, RAMM data and test results in accordance with the requirements of the FNDC Engineering Standards 2023 and NZS 4404:2010.
  - i. Upon completion of the works, provide certification (PS3) of the work from the contractor's representative that all work has been completed in accordance with the approved plans.
  - j. The existing vehicle crossing to Lot 1 shall be permanently closed. The redundant vehicle crossing shall be removed. This shall be undertaken at the consent holder's expense and to the satisfaction of the Council. Written confirmation that this has been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
  - k. The vehicle crossing and right of ways shall be formed in accordance with Condition 2.d.i and ii.



- a. In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system the applicant shall submit for Council approval a ES-SEW1 Report prepared by a Chartered Professional Engineer or a Suitably Qualified and Experienced Person. The report shall identify a suitable method of wastewater treatment with secondary treatment for the proposed development along with an identified effluent disposal area plus a 30% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water and Soil Plan permitted activity standards. For any on-site wastewater disposal system:
- i) The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.
  - ii) Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. [All]
- b. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of a tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. Alternative firefighting water supplies can be used if the design and volume is approved by an authorized representative of Fire and Emergency NZ. [All]
- c. In conjunction with the construction of any building requiring building consent, or any development where the impermeable surface coverage exceeds the approved coverage in the table below, the lot owner shall submit for the approval of Councils Resource Consents Engineer or other designate a stormwater management report in general accordance with the recommendations made within the Site Suitability Report for RC 2240277-RMACOM prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F.

The system shall be designed such that post-development runoff flows from the site are no greater than the flows that would result from the total permitted impermeable coverage given in the table below for the respective lot for a 10% and 1% AEP storm event plus an allowance for climate change. The report is to be prepared by a Chartered Professional Engineer or other suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. [Lots 1 and 2]

Lot 1 – 19.9% or 700m <sup>2</sup>
Lot 2 – 29.2% or 710m <sup>2</sup>

Note: This condition relates to the land use component of resource consent 2240277-RMACOM. This consent will lapse 8 years after the date of grant of consent (8/11/2032) unless, before the consent lapses:

- i. The consent is given effect to; or
- ii. An application is made to the Council to extend the period of consent, and the council decides to grant an extension.

For the purpose of section 221(5), this condition shall expire on the same date that the consent lapses.

- d. Electricity and Telecommunications supply are not a condition of this consent and power has not been reticulated to the boundary of the lot. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. A transformer has been installed to supply power to the subject lot as part of this subdivision. [All Lots]
- e. Buildings and structures shall be a maximum of 6.5m in height above the existing ground level, using the rolling height method of measurement. All built development on the lot shall not exceed a maximum GFA of 180m<sup>2</sup>. [Lot 2]
- f. Any water tanks introduced to the site shall be buried to a depth of 2/3 of their height or shall be screened from views external to the lot on which they are situated. [Lot 2]
- g. Fences, walls and screens may be used for shelter, privacy and screening associated with buildings and outdoor living areas. These should 'read' as extensions to the building and be formed of / rendered with similar materials. Tall solid structures must not be used for boundary delineation. Should delineation of house curtilages be required, either low solid fencing (1.1m max height), or visually permeable materials shall be used (1.8m max). [All Lots]
- h. All existing or new plantings shall be maintained in compliance with the approved landscape plan shown in Figure 2a of the report prepared by Simon Cocker of Simon Cocker Landscape Architecture Limited 2024, titled 'Assessment of Landscape Effects' dated 29 May 2024 and referenced 24015\_01 Rev 1, prepared for Breakwater Trust, for 2240277-RMACOM, in perpetuity, and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, be cut down, damaged or destroyed. The owner shall be deemed to not be in breach of this prohibition if any such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible, but shall replace with a similar specimen before the end of the next following planting season (1st May to 30th September). [All Lots]
- i. For assessment of future soil disturbance activities such as Building Consent Application within the site, the permitted activity volumes for NES:CS assessment are stated within the Detailed Site Investigation Report completed by NZ Environmental Management Dated 6 November 2023, Rev 4, Table I 5. If these threshold values are exceeded, a resource consent will be required. [Lots 1-3]
- j. No person occupying any residential dwelling on the subject lot can lawfully complain about the associated activities from the Boat Building Business on Lot 11, resulting in reverse sensitivity onto the listed allotments. [All Lots]

## **Stage 2 – Lots 4-12**

### Survey plan approval (s223) conditions

- 5) Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall:
- a. Submit survey plan for approval in general accordance with scheme plan (stage 2) prepared by Donaldson Surveyors dated 15 August 2024 (ref. 8054).
  - b. All easements in the memorandum to be duly granted or reserved.
  - c. Submit plans and details of all works that have been certified by a Chartered Professional Engineer by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in accordance with Far North District Council: Engineering Standards 2023 (include Sheet 1) & Guidelines and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative. Design is to identify construction at Stage 2. Plans are to include calculations

Plans are to include but are not limited to:

- i. Design details of the construction of the private access road and ROW including pavement structural design and typical cross sections. Design is to be in accordance with the recommendations of Site Suitability Report prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F. ROW Easements G-J should be formed with a surface width of 6m and legal width of 10m. ROW Easements K, Q and W should be formed with a surface width of 4.5m and legal width of 10m.
  - ii. Design details of the construction of all new stormwater infrastructure including culvert sizes and connection points, and typical cross sections.
  - iii. Erosion and sediment control measures to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).
- d. Lot 12 shall vest in the Far North District Council as Esplanade Reserve. Lot 12 shall be shown on the survey plan as Local purpose (esplanade) reserve/ or Esplanade strip of minimum 20m width. The location of the bank of the stream shall be clearly defined and located by recent survey. The bed of the river that is required by Section 237A of the RMA shall be shown on the survey plan and shall vest in the Crown pursuant to Section 239 of the Act.
- e. The consent holder shall provide evidence that a preferred road name and two alternatives for Right of ways A, C, D, E, H, I, J and G have been supplied to the Far North District Council Administration Officer, Infrastructure & Asset Management Department for approval.

### **Advice notes:**

*The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the Area. Information and advice on applying for road naming can be sought from the FNDC website, <https://www.fndc.govt.nz/Services/Transport/roads/road-naming-and-renaming>. The road naming application should use the form on the FNDC website and be submitted to [roadingalliance@fndc.govt.nz](mailto:roadingalliance@fndc.govt.nz).*

- 6) Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
- a. The consent holder shall provide 24 hours notice to the Far North District Council Councils' Development Engineer or delegated representative prior to the commencement of any work associated with conditions included in this notice.
  - b. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
  - c. A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required prior to the commencement of works and certify that the stage 2 works has been completed in accordance with the approved plans by way of producer statement (PS 4). The construction monitoring level determination shall be done in accordance with the Engineering New Zealand Construction Monitoring Services Guidelines.
  - d. Erosion and sediment control measures to be in place for the duration of the works in accordance with the principles and practices contained the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region". Evidence of installation of sediment and erosion installation being undertaken prior to earthworks taking place are to be sent to [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz).
  - e. The consent holder will ensure that construction vehicles are not parked on Koropewa Road.
  - f. On completion of works the consent holder shall submit to Council As-built information, RAMM data and test results in accordance with the requirements of the FNDC Engineering Standards 2023 and NZS 4404:2010.
  - g. Upon completion of the works, provide certification (PS3) of the work from the contractor's representative that all work has been completed in accordance with the approved plans.
  - h. The right of ways shall be formed as per Condition 5.c.i.
  - i. The landscaping/planting approved by Condition 1 above, is to be implemented within the next planting season for lots 3-11 (1st May to 30th September) following the completion of the building works and is to be maintained for the duration of the consent. Any plants/trees that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).
  - j. The consent holder shall vest Lot 12 in Far North District Council as Local Purpose (Esplanade) Reserve pursuant to section 239 of the RMA 1991 in accordance with Scheme Plan (stage 2) prepared by Donaldson Surveyors dated 15 August 2024

(ref. 8054). The esplanade reserve must vest in the Council free of all structures, pipes, and other infrastructure assets.

- k. The consent holder shall undertake the following works on the Esplanade reserve Lot 12 to the satisfaction of the Parks and Reserves Planner or other nominated staff member:
  - i. Removal of all organic and inorganic rubbish from Lot 12;
  - ii. Lot 12 shall be free of possible health and safety hazards such as large holes, dangerous trees;
  - iii. Removal of all invasive weed species as listed in the Regional Pest Management Strategies (RPMS) (Northland Regional Council) which are located within the boundary of lot 12.
- l. The consent holder shall provide evidence that the cost of purchasing and installing a road name sign for the private Right of Ways has been paid to Council contractors:
  - i. Southern Area – Ventia (09) 407 7851
  - ii. Note Private Right of Way signs are to have blue letters on a white background.
- m. The consent holder shall construct a single, communal mailbox structure in the approximate location shown on Figure 2a of the report prepared by Simon Cocker Landscape Architecture Limited, titled 'Assessment of Landscape Effects' dated 29 May 2024 and referenced 24015\_01 Rev 1, prepared for Breakwater Trust, and attached to this consent with the Council's "Approved Stamp" affixed to it.

7) Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

- a. In conjunction with the construction of any building requiring building consent, or any development where the impermeable surface coverage exceeds the approved coverage in the table below, the lot owner shall submit for the approval of Councils Resource Consents Engineer or other designate a stormwater management report in general accordance with the recommendations made within the Site Suitability Report for RC 2240277-RMACOM prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F. The system shall be designed such that post-development runoff flows from the site are no greater than the flows that would result from the total permitted impermeable coverage given in the table below for the respective lot for a 10% and 1% AEP storm event plus an allowance for climate change. The report is to be prepared by a Chartered Professional Engineer or other suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. [Lots 4-11]

Lot 4 – 18.1% or 390m <sup>2</sup>
Lot 5 – 23.7% or 691m <sup>2</sup>
Lot 6 – 14.6% or 410m <sup>2</sup>
Lot 7 – 16.7% or 410m <sup>2</sup>
Lot 8 – 26.5% or 640m <sup>2</sup>

Lot 9 – 27% or 604m <sup>2</sup>
Lot 10 – 16.7% or 390m <sup>2</sup>
Lot 11 – 29.4% or 10,562m <sup>2</sup>

Note: This condition relates to the land use component of resource consent 2240277-RMACOM. This consent will lapse 8 years after the date of grant of consent (8/11/2032) unless, before the consent lapses:

- i. The consent is given effect to; or
- ii. An application is made to the Council to extend the period of consent, and the council decides to grant an extension.

For the purpose of section 221(5), this condition shall expire on the same date that the consent lapses.

- b. Buildings and structures shall be a maximum of 6.5m in height above existing ground level, using the rolling height method of measurement and all built development on the lot shall not exceed a maximum GFA of 180m<sup>2</sup>. [Lots 4, 8, 9 & 10]
- c. Buildings and structures shall be a maximum of 6.5m in height above existing ground level, using the rolling height method of measurement and all built development on the lot shall not exceed a maximum GFA of 200m<sup>2</sup>. [Lots 5, 6 & 7]
- d. Water tanks shall be buried to a depth of 2/3 of their height or shall be screened from views external to the lot on which they are situated. [Lots 4-10]
- e. For assessment of future soil disturbance activities such as Building Consent Application within the site, the permitted activity volumes for NES:CS assessment are stated within the Detailed Site Investigation Report completed by NZ Environmental Management Dated 6 November 2023, Rev 4, Table I 5. If these threshold values are exceeded, a resource consent will be required. [Lots 4-10]

## Subdivision Advice Notes

### Lapsing of Consent

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

### General

2. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).

### **Right of Objection**

3. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

### **Archaeological Sites**

4. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.*
5. *The site is being identified as being within a Kiwi Present Zone. Any cats and/or dogs onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island Brown Kiwi by domestic cats and dogs. [Lots 1-11]*
6. *Establishment of planting in advance of application for Stage 2 s224c will remove a requirement for an uncompleted works bond for this work.*
7. *Provision of legal walking access for residential lots for residents of the development to the esplanade reserve and river is encouraged and could be provided by pedestrian rights of way.*
8. *Conditions 3.p) and 4.j under s224(c) conditions of Stage 1 were volunteered by the agent.*

## **Decision B: Land Use Conditions**

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

1. The activity shall be carried out in general accordance with the approved plans and report below:

- Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled “LOTS 1 - 3 & 11 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022”, dated 27/05/2024, and attached to this consent with the Council’s “Approved Stamp” affixed to it.
  - Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled “LOTS 4 - 12 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022 (BAL.)”, dated 15/08/2024, and attached to this consent with the Council’s “Approved Stamp” affixed to it.
  - Plan prepared by Donaldsons Registered Land Surveyors, referenced no. 8054, titled “LOTS 1 - 12 BEING A PROPOSED SUBDIVISION OF LOT 3 DP 202022”, dated 27/05/2024, and attached to this consent with the Council’s “Approved Stamp” affixed to it.
  - Landscaping planting as per Figure 2a of the report prepared by Simon Cocker Landscape Architecture Limited, titled ‘Assessment of Landscape Effects’ dated 29 May 2024 and referenced 24015\_01 Rev 1, prepared for Breakwater Trust, and attached to this consent with the Council’s “Approved Stamp” affixed to it.
  - Site Suitability Report prepared by Wilton Joubert dated 3<sup>rd</sup> October 2024, Ref: 123295, Rev F
  - Plan prepared by Wilton Joubert, titled “Stage 2 Site Plan”, Drawing no. 123295-C201, Rev E, dated June 2024 and attached to this consent with the Council’s “Approved Stamp” affixed to it
2. Prior to the construction of any new dwelling, the stormwater attenuation system shall be formed in general accordance with the plan prepared by Wilton Joubert, titled "Stage 2 Site Plan," Drawing No. 123295-C201, Rev E, dated June 2024. The new dwelling and its associated driveway shall be connected to the detention pond as outlined in the “Stage 2 Site Plan”.

## Land Use Advice Notes

### Lapsing of Consent

1. *It is noted that this resource consent will lapse 8 years after the date of grant of consent unless, before the consent lapses;*
  - a) *The consent is given effect to; or*
  - b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension.*

## General Advice Notes

### Right of Objection

2. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

## Decision C: Cancellation of Existing Right of Ways (Stage 2)

Pursuant to section 243(e) of the Act:

1. Post submitting to the Council satisfactory evidence that new right of ways G-J and K, Q, W have been formed as per Stage 2 Condition 5.c.i of 2240277-RMACOM, Council grants approval to revoke easements for Right of Way 'A', 'B' and 'C' on DP 202022 / Easement Certificate D513440.4 under section 243(e) of the Act.

### Advice Notes

1. *The conditions of this consent will be monitored by Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to rcmonitoring@fndc.govt.nz.*

## Decision D: Changes of Consent Conditions of RC 2240001-RMALUC Pursuant to s127 of the RMA.

The following changes to the conditions of resource consent 2240001-RMALUC are made:

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

Condition 2 amended to read:

2. Prior to making an application for Code of Compliance Certificate, the consent holder shall either:

a. ensure that the stormwater disposal system is installed in accordance with the design details and recommendations of the Stormwater Mitigation Report prepared by Wilton Joubert, drawing number 126668-C200, Issue B, dated 29/06/2023; or

b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

Condition 3 amended to read:

~~3. Within 2 months of the Code of Compliance being issued for the proposed dwelling, the consent holder shall either:~~

~~a. Remove the facilities within the existing shed which result in the building being defined as a 'residential unit'; or~~

~~b. Obtain resource consent to allow for the second residential unit on the site; or~~

~~c. Provide confirmation to Council's resource consents monitoring officer that the building can comply with the permitted standards in the District Plan for 'Residential Intensity'.~~

### Advice Notes

#### Lapsing of Consent

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

## Right of Objection

2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

## Decision E: Changes of Consent Conditions of 2300369-RMAVAR/A Pursuant to s127 of the RMA.

The following changes to the conditions of resource consent 2300369-RMAVAR/A are made:

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

Condition 2 amended to read:

2. The consent holder shall, prior to the construction of the building or site development works commencing, clearly identify the extent of flooding (e.g. onsite visible markers) on the property, to ensure that the earthworks, proposed building and stormwater management and mitigation system are located outside of this area.

This will not be required if the stormwater disposal system and associated earthworks are installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

Condition 3 amended to read:

a. in conjunction with obtaining building consent for the proposed building, provide for approval of Council's Resource Consent Engineer or designate a stormwater management and mitigation plan for proposed building and access. The design shall be prepared by a suitably qualified engineer. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for 10% and 1% AEP rainfall events plus allowance for climate change (Note: consultation with council engineers prior to design commencing is recommended); or

b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

Condition 5 amended to read:

5 (a). The consent holder shall within 3 months of the issue of this consent upgrade the existing western entrance (adjacent to 33 Koropewa Rd vehicle crossing) to comply with the Council's Engineering Standard FNDC/S/2, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal or concrete the entrance plus splays for a minimum distance of 5m from the existing seal edge. Removal of vegetation is required on bend to improve sight line distances, and improvement of grade to meet vehicle breakover requirements. This entrance shall remain single width, and is not to be used by commercial vehicles. Note: A corridor access request and traffic management plan approval will be required from ~~Northern Transport Alliance (NTA)~~ Far North District Council prior to commencing work in the legal road.

(b). Upgrading of this western entrance to the site will not be required if the crossing is closed permanently as part of the subdivision application under RC 2240277-RMACOM.

Condition 6 amended to read:

The consent holder shall prior to the occupation of proposed building or activity commencing provide to Council's Development Engineer or designate for approval a specific design prepared by a suitably qualified engineer for upgrading the existing vehicle crossing (current entrance to R.O.W on bend to 29 Koropewa Rd) to a concreted double width commercial vehicle crossing (see associated Advice Notes below) or a sealed Type 1B rural crossing in accordance with Sheet 21 in accordance with subsequent 2240277-RMACOM.

## Advice Notes

### Lapsing of Consent

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

### Right of Objection

2. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

## Decision F: Changes of Consent Conditions of 2230218-RMALUC Pursuant to s127 of the RMA.

**The following changes to the conditions of resource consent 2230218-RMALUC are made:**

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

Condition 2 amended to read:

2. a. Prior to Code of Compliance being issued on the shed, the consent holder shall ensure that the development is carried out in accordance with the recommendations within the Stormwater Neutrality Report, prepared by LDE Development and Engineering, Project Reference 20665, dated July 18, 2022; or

b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

Condition 4 amended to read:

The commercial or rural vehicle crossing shall be constructed in accordance with conditions 6 and 7 of RC 2300369-RMAVAR/A or subsequent 2240277-RMACOM prior to the Code of Compliance being issued for the shed.

## **Advice Notes**

### **Lapsing of Consent**

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

### **Right of Objection**

*2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

## **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. The purpose of the proposal is to create 10 rural residential allotments from the site. considering the site location is within a transition area surrounded by rural residential living and close to Waipapa town centre associated with intensive residential areas, the proposed residential allotments are of acceptable sizes and not out of character within the receiving environment.
  - b. A traffic impact assessment (TIA) has been provided in support of the application. No special concern has been raised from the processing engineer or FNDC Rooding.
  - c. No significant impact of potential flooding is anticipated within the proposed rural-residential lots.
  - d. Conditions related to services of the proposed subdivision have been imposed.
  - e. As mitigation, a landscape plan has been provided and will be implemented with the subdivision.
  - f. The site does not contain any outstanding historical or natural features.
  - g. The northern immediate neighbours of the site are of similar rural-residential use as proposed Lots 1-10 and their written approvals have been provided as part of the application. The southern of the site is adjoining Kerikeri river, and the proposed subdivision and development are concentrated on the upper-northern of the site and far away from its southern boundary. The east of the site (Lot 1 DP359361) is Advanced Build factory for constructing 'tiny homes'. Considering this neighbouring site will mostly adjoin balance Lot 11 which does not involve any new development as part of the application; Lots 6 and 7 are far away from the main activity area within Lot 1 DP 359361; and the existing shelterbelt/ hedges

along the eastern boundary of the subject site will be retained, any adverse effect onto this immediate neighbour will be less than minor. Only Lot 1, balance Lot 11 and the newly created esplanade reserve (Lot 12) will immediately adjoin the western neighbours. Considering no new development is proposed on those allotments, any adverse effect onto the western neighbours will be less than minor.

- h. A Detailed Site Investigation (DSI) was undertaken on the site by NZ Environmental Management (issued date: 06/11/2023). Based on the DSI, "As per regulation 9 (3)(b) - *it is demonstrated that soil contamination does not exceed the applicable standard in NESCS regulation 7*", and "*it is highly unlikely that the proposed subdivision with any subsequent change of use and soil disturbance of Lot 3 DP 202022 poses a risk to human health*".
  - i. The proposal requires a further resolution under s243(e) to revoke ROW easement D513440.4 as part of Stage 2. The affected Lots 1 & 2 DP 202022 will gain access via new right of ways and those two neighbours written approvals have been obtained.
  - j. The s127 applications are in line with the proposed subdivision.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
  5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
    - a. National Environmental Standards,
    - b. National Policy Statements,
    - c. Northland Regional Policy Statement 2016,
    - d. Operative Far North District Plan 2009,
    - e. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 68-90 of the Assessment of Environmental Effects submitted with the application.

#### *National Policy Statements for Highly Productive Land (NPS-HPL)*

It is noticed that the site contains LUC 2s1 and LUC 3w2 soils based on the FNDC Land Cover and Land Use record. Despite being classified as highly productive land, the site contains significant, long-term constraints that limit its suitability for agricultural or horticultural production. This aligns the proposal with clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL), which accounts for enduring site-specific constraints.

#### **Soil Quality**

Soil report prepared by AgFirst dated 28 July 2022 has reclassified the property's soils from Class 2s1 to Class 4s2 and Class 6, reflecting severe limitations, including high iron and aluminum content, poor drainage, and susceptibility to flooding. These characteristics make the soil unsuitable for intensive production activity. This physical limitation constitutes a long-term constraint that impacts the land's productive potential.

#### **Reverse Sensitivity and Compatibility with Surrounding Uses**

The property is surrounded by rural-residential, industrial, and commercial developments, including a boat-building factory on site. These surrounding land uses create reverse sensitivity issues, as intensive horticulture would require pesticide

spraying and use of heavy machinery, likely causing conflicts with adjacent residential properties. Nearby residents also rely on rainwater collection, which could be compromised by agricultural sprays, leading to potential health risks and community opposition. These incompatibility issues further limit the feasibility of productive agricultural operations on the site.

In summary, due to these enduring constraints, including soil limitations, reverse sensitivity concerns, and an established non-productive land use context, the site does not can be exempted from the requirement not to subdivide land or undertake inappropriate land uses as the land is subject to long term constraints which make productive use not viable in the long term.

#### *Operative Far North District Plan*

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan because the size, layout and level of intensity of the proposal is considered not contrary to the amenity and rural character already present in the area.

#### *Proposed Far North District Plan*

The proposal does not align with the Horticulture Zone's objectives and policies under the Proposed District Plan (PDP) due to its limited suitability for horticultural use.

**Objective HZ-O1** - The objective of ensuring long-term availability of the Horticulture Zone for productive uses is not applicable to this site, as the land is unsuitable for intensive horticulture. Soil analysis has reclassified the site's soil as Class 4s2 and Class 6, making it poorly suited to productive horticulture. Moreover, the site's south-facing orientation, seepage areas, and overland flow paths contribute to excessive wetness and cold, which further limit horticultural viability. Given the land's limited productive capacity, its availability for horticultural use is inherently constrained.

**Objective HZ-O2** - The close proximity of rural-residential neighbors presents challenges in managing adverse effects such as spray drift, noise, and dust within the property. Intensive horticultural activities would likely conflict with nearby residential uses, making it challenging to meet this objective.

**Objective HZ-O3** - The proposal does not sterilize highly productive land, as the site lacks versatile soils and productive capacity. The land's reclassification as low-productivity soil limits any potential for significant horticultural use, and existing rural-residential development north of the site constraints operation of primary production activities.

**Policy HZ-P1** - The site does not meet the Horticulture Zone criteria. As assessed in the Soil report prepared by AgFirst:

*"As the sections above on soils and land use capability explain, the soil types on the property are, at best, very marginally suited to orcharding, market gardening or other forms of horticulture. They are not highly versatile soils and are capable of economically growing only a very limited range of tree, vine or crop species. The land is colder because it is south-facing and has seepage areas and overland flow paths too wet for horticulture and at risk of overland stormwater flow, causing crop damage and soil erosion.*

*The parcel of land has insufficient horticultural potential and has insufficient usable land to attract commercial investment in horticulture, even if the soil limitations could be mitigated.”*

**Policy HZ-P2** - The proposal does not result in incompatible land use or reduce productive capacity, as the site’s soils and environmental limitations cannot reliably support intensive horticulture.

**Policy HZ-P3 and HZ-P4** - As discussed above, intensive horticulture would likely conflict with nearby residents due to pesticide spray drift, noise, and dust. The current proposal is more compatible with surrounding uses.

**Policy HZ-P5** - The proposal does not fragment productive land, as the property’s soil and environmental constraints inherently limit its suitability for horticulture. The property’s productive value is minimal and more suited to non-productive uses aligning with its nearby residential and industrial development.

**Policy HZ-P6** - Amalgamation or boundary adjustments is not very likely to enhance horticultural viability of the site, given the limited productive potential of its soils and environmental constraints, amalgamating with other land parcels would not meaningfully increase its capability for horticultural activities.

**Policy HZ-P7** - The proposal aligns more closely with the existing character of the area than horticultural production, addressing key criteria under Policy HZ-P7. The property’s Pungaere soils lack productive capacity and are unsuitable for viable horticulture. The surrounding rural-residential and commercial/industrial developments make the proposal compatible with the existing environment, minimizing potential conflicts and reverse sensitivity issues. The site lacks access to water sources and infrastructure needed for horticulture. Additionally, the proposal is not anticipated to impact historic or cultural values as the site does not contain any outstanding historical or natural features.

In summary, whilst the proposal does not meet the PDP’s Horticulture Zone objectives and policies, given the site’s unsuitable soil composition, environmental limitations, and surrounding rural-residential and industrial context, the proposed land use aligns better with the surrounding environment.

In regard to Subdivision chapter’s Objectives and Policies under the PDP:

**Objective SUB-01** – Whilst the proposal does not achieve the objectives and policies of Horticulture Zone as assessed above, the proposal aligns with the local character, as it reflects the adjacent rural-residential developments, creating a cohesive sense of place in the area. By avoiding intensive horticulture, which would likely conflict with neighboring rural-residential properties, the proposal reduces reverse sensitivity risks. The proposal also incorporates stormwater mitigation measures to manage runoff and maintain environmental stability.

**Objective SUB-02** - The proposal does not affect highly productive land, as soil and environmental constraints limit the site’s viability for horticultural use. The site does not contain any outstanding historical or natural features.

**SUB-03** - The site’s planned infrastructure, particularly in terms of stormwater management, supports a future-proofed manner in alignment with this objective.

**Objective SUB-O4** - The subdivision design is accessible and reasonably integrated with the surrounding environment, and provides for esplanade reserve along Kerikeri River.

**Policy SUB-P1** – The proposal is not for boundary adjustment therefore this policy is not applicable.

**Policy SUB-P2** – The proposal is for the purpose of creating multiple rural-residential allotments therefore this policy is not applicable.

**Policy SUB-P3** – The proposed subdivision has been designed with space for future residential development and can be serviced with legal and physical access.

**Policy SUB-P4** - The site does not contain any outstanding historical or natural features. The proposed esplanade reserve aligns with natural and cultural value protection, contributing positively to local ecosystem continuity and respecting cultural considerations for water margins.

**Policy SUB-P5** – The site is within Horticulture Zone under the PDP therefore this policy is not applicable.

**Policy SUB-P6** – Appropriate infrastructure for stormwater, wastewater and water will be provided serving the proposed subdivision and the underlying residential development.

**Policy SUB-P7** - The inclusion of an esplanade reserve along the Kerikeri River fulfills the requirement.

**Policy SUB-P8** - It's worth noting that the proposal avoids compromising productive land by confirming that the site is unsuitable for commercial horticulture, aligning with the intent of avoiding inappropriate land fragmentation.

**Policy SUB-P9** – The subdivision is not under management plan subdivision therefore this policy is not applicable.

**Policy SUB-P10** – The proposal is not to subdivide with a minor residential unit therefore this policy is not applicable.

**Policy SUB-P11** – The proposal does not contribute to the productive purposes of the zone due to the land's limited horticultural viability. However, it is in line with the rural-residential character to its north. Future dwellings can be well contained within the proposed rural-residential allotments with suitable services provided. No special historic or natural features are identified on site.

Overall, the proposal generally meets the Subdivision objectives and policies of the Proposed District Plan, making practical use of land with limited horticultural potential.

### **Weighting**

For this resource consent application the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

The ODP's Rural Production Zone (RPZ) objectives and policies primarily focus on promoting sustainable management and efficient use of land for rural production, while maintaining amenity values and mitigating conflicts (reverse sensitivity) between

different land uses. However, this proposal demonstrates that the site, with its poor soil quality and surrounding rural-residential environment, is unsuitable for productive agricultural use. The proposal aligns with the ODP's objectives and policies by utilizing land in a manner that supports the existing character of the area and mitigates potential adverse effects on neighbours.

The PDP, on the other hand, places increased emphasis on protecting productive land and promoting horticultural use where possible, aiming to avoid fragmentation of high-quality land. The PDP policies are less supportive of the proposal in terms of land use objectives. However, the PDP also acknowledges the need to manage reverse sensitivity and align development with the surrounding environment, where this proposal meets those criteria effectively.

In summary, while the PDP would typically discourage rural-residential use in Horticulture zones, the site's limitations, including soil type, environmental constraints and existing rural-residential context nearby, render it less viable for horticulture activities. Given that the Horticulture Zone rules under the PDP currently have no legal effect, greater consideration is placed on the operative district plan and the higher NPS-HPL which indicates that the proposal can be exempted under clause 3.10.

## 6. Precedent Effects

Section 104(1)(c) of the Act provides that as a non-complying activity, precedent effects are a relevant consideration.

The proposed development is unlikely to create a precedent effect under s104(c) of the Resource Management Act, given the site's unique characteristics that distinguish it from general rural land. Case law suggests that precedent effects are most relevant when a non-complying activity lacks unique or unusual qualities. In this instance, several long-term constraints limit the site's viability for intensive production use. Soil testing has shown that the property's soil, though initially mapped as versatile, along with environmental constraints, is poorly suited for most productive/ horticulture uses.

Additionally, the site is adjacent to rural-residential properties to its north and is located near industrial and commercial areas, placing it within a transitional buffer between urban and rural uses. The northern allotments adjacent to the proposal site are characterized by a rural-residential and lifestyle focus, aligning closely with the intended use of the proposal. The northern neighbours reinforce the non-productive nature and rural-residential potential of the proposed rural-residential allotments.

Further, the site will be screened by existing/ new shelterbelts, mitigating visual impact onto the public realm and neighbouring sites and maintaining the rural character and amenity values.

In regard to the positive effects, the proposal aligns with the existing character of the area and meets local demand for rural-residential development. There is also a legally established boat-building factory on-site, adding to the unique demand for accommodation specific to this location.

In conclusion, the combination of these factors - soil unsuitability, surrounding transitional land use, visual screening, and the existing industrial activity - supports that

this proposal is site-specific and would not set a precedent for similar developments elsewhere in the Rural Production Zone.

7. In regard to section 104D of the Act the activity meets at least one test as any adverse effects arising from this proposed activity will not be more than minor, and while it is contrary to the objectives and policies of the Proposed District Plan, it generally aligns with those of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
8. In terms of s106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
9. Based on the assessment above the activity will be consistent with Part 2 of the Act.

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

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

## Approval

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



Simeon McLean

Date: 8 November 2024

**Independent RMA Commissioner**

## Schedule 1

### Complete set of Consent Conditions for RC 2240001-RMALUC as Amended by 2240001-RMAVAR/A

For the purpose of clarity the complete amended conditions of consent are as follows:

#### Conditions

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

1. The activity shall be carried out in general accordance with the approved plans prepared by A1 Homes, referenced "*Proposed New Home for: Allan & Sian Shaw Address: 29 Koropewa Road, Waipapa*", dated 03/04/2023, Job Number PO811, and attached to this consent with the Council's "Approved Stamp" affixed to them:

a. Prepared by A1 Homes, referenced '*Allan & Sian Shaw: 29 Koropewa Road, Waipapa*', and Job Number PO811:

i. Location Plan – Sheet 2

ii. Site Plan – Sheet 3

2. Prior to making an application for Code of Compliance Certificate, the consent holder shall either:

a. ensure that the stormwater disposal system is installed in accordance with the design details and recommendations of the Stormwater Mitigation Report prepared by Wilton Joubert, drawing number 126668-C200, Issue B, dated 29/06/2023; or

b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

#### Advice Notes

#### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

a) The consent is given effect to; or

b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

#### Right of Objection

2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

#### Archaeological Sites

3. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological

site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

## Schedule 2

### Complete set of Consent Conditions for RC 2300369-RMAVAR/A as Amended by 2300369-RMAVAR/B

For the purpose of clarity the complete amended conditions of consent are as follows:

#### General Conditions

- 8) The activity shall be carried out in general accordance with the approved plan, prepared by Total Design and amended by Northland Planning (30.09.2022), referenced Site Plan, drawing No 1 of 15 and the plans prepared by Total Design, referenced;
- Floor Plans, Drawing No 2 of 13, dated 20.06.2022
  - Elevations, Drawing No 3 of 13, dated 20.06.2022
- and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### Prior to Construction

- 9) The consent holder shall, prior to the construction of the building or site development works commencing, clearly identify the extent of flooding (e.g. onsite visible markers) on the property, to ensure that the earthworks, proposed building and stormwater management and mitigation system are located outside of this area.

This will not be required if the stormwater disposal system and associated earthworks are installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

- 10) The consent holder shall:
- a. in conjunction with obtaining building consent for the proposed building, provide for approval of Council's Resource Consent Engineer or designate a stormwater management and mitigation plan for proposed building and access. The design shall be prepared by a suitably qualified engineer. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for 10% and 1% AEP rainfall events plus allowance for climate change (Note: consultation with council engineers prior to design commencing is recommended); or
  - b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

#### Construction

- 11) All construction works on-site are to be carried out in accordance with the noise limits recommended for residential areas in NZS6803P 1984. "Measurement and assessment of noise from construction, maintenance and demolition work"
- 12) (a). The consent holder shall within 3 months of the issue of this consent upgrade the existing western entrance (adjacent to 33 Koropewa Rd vehicle crossing) to comply with the Council's Engineering Standard FNDC/S/2, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal or concrete the entrance plus splays for a minimum distance of 5m from the existing seal edge. Removal of vegetation is required on bend to improve sight line distances, and improvement of grade to meet vehicle breakover requirements. This entrance shall remain single width, and is not to be used by commercial vehicles. Note: A corridor access request and traffic management plan

approval will be required from Far North District Council prior to commencing work in the legal road.

(b). Upgrading of this western entrance to the site will not be required if the crossing is closed permanently as part of the subdivision application under RC 2240277-RMACOM.

- 13) The consent holder shall prior to the occupation of proposed building or activity commencing provide to Council's Development Engineer or designate for approval a specific design prepared by a suitably qualified engineer for upgrading the existing vehicle crossing (current entrance to R.O.W on bend to 29 Koropewa Rd to a concreted double width commercial vehicle crossing (see associated Advice Notes below) or a sealed Type 1B rural crossing in accordance with Sheet 21 in accordance with subsequent 2240277-RMACOM.
- 14) The consent holder shall prior to the occupation of proposed building or activity commencing construct the vehicle crossing as approved under condition 6 above and ensure for the duration of this consent that commercial and heavy vehicles access and egress to/from the site is from this upgraded crossing only.

#### Post Construction and Conduct of Activity

- 15) The consent holder shall prior to the occupation of proposed building or activity commencing and for the duration of this consent ensure that formed, surfaced, and drained access, manoeuvring, and parking for 15 vehicles, including one accessibility park, constructed in accordance with NZS4121:2001 is provided and maintained.
- 16) The consent holder shall maintain the vegetation along the western boundary to provide visual screening between the boat building activity and Lots 1 and 2 DP 380499. This vegetation shall not be removed except with written approval from Council's Delegated Officer and then only in strict compliance with any Council conditions. Note: This does not restrict vegetation clearance required to maintain sight distances at the vehicle crossing.
- 17) The exterior of the building shall be finished in a natural recessive colours and materials. This scheme shall be maintained for the lifetimes of the building and shall only be altered with written approval from Council's Delegated Officer and then only in strict compliance with any Council conditions.
- 18) The number of persons employed on site or making use of the facilities shall be restricted to 20 persons per day. (Note: this does not include occasional visitors, customers or deliveries)
- 19) The boatbuilding activity shall only be carried out within the building to reduce noise emissions from the site.
- 20) The boat building activity hours of operation shall be limited to 7.30am to 5pm weekdays.

- 21) Within 6 months of the activity commencing the consent holder will provide Council's Resource Consents Monitoring Officer with a noise management plan prepared by a suitably qualified person. The report shall verify whether noise emissions comply with the permitted standards for noise in the Rural Production zone and, if required, make recommendations to ensure ongoing compliance with the permitted standards.
  
- 22) In accordance with section 128 of the Resource Management Act 1991, within 12 months of the activity establishing and annually thereafter, the Far North District Council may serve notice on the consent holder of its intention to review the conditions of this consent. The review may be initiated for any of the following purposes:
  - To require the adoption of the best practicable option to remove or reduce any adverse noise effect on the environment.
  - To deal with any inadequacies or inconsistencies the Far North District Council or duly delegated Council Officer considers there to be, in the conditions of the consent, following the establishment of the activity the subject of this consent.
  - To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at any time for this reason).

The consent holder shall meet all reasonable costs of any such review

#### **Advice Notes**

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. Prior to conducting the upgrade of any vehicle crossing in or close to Koropewa Road reserve the consent holder shall submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP)
3. Ground suitability assessment may be required at building consent stage for proposed building.
4. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 - Land within this lot has been identified as land that will potentially be covered by the above legislation. It will be the responsibility of the lot owner to address the regulations if proposing any further development on the site. Activities covered by the regulations include the removing or replacing of a fuel storage system; soil sampling, disturbance and/or removal; subdivision; and changing the use of the land.
5. The proposed activity is to comply with the permitted noise levels as set out in the District Plan. Any issue of non-compliance with the prescribed levels will necessitate monitoring by Council, the costs of which may be required to be recovered from the applicant.

6. Activities involving discharges to air, land or water may be subject to the requirements of the Northland Regional Council Regional Plan.

#### Lapsing of Consent

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

#### Right of Objection

8. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

## Schedule 3

### Complete set of Consent Conditions for RC 2230218-RMALUC as Amended by 2230218-RMAVAR/A

For the purpose of clarity the complete amended conditions of consent are as follows:

## Conditions

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

1. The activity shall be carried out in accordance with the information provided in the application and the approved plans prepared by Total Design, referenced Site Plan, dated 18.07.2022; and the plans prepared by ITM, referenced;

- i. Elevations, - North & South, Drawing No: A104, dated 19.12.2021; 36
  - ii. Elevations – East & West, Drawing No A105, dated 19.12.2021; 37
  - iii. Setout Plan, Drawing No A102, dated 19.12.2021;
- and attached to this consent with the Council's "Approved Stamp".

2. a. Prior to Code of Compliance being issued on the shed, the consent holder shall ensure that the development is carried out in accordance with the recommendations within the Stormwater Neutrality Report, prepared by LDE Development and Engineering, Project Reference 20665, dated July 18, 2022; or

b. ensure that the stormwater disposal system is installed in accordance with Subdivision Condition 2.d.iv of Stage 1 under RC2240277-RMACOM.

3. The exterior of the building shall be finished in a natural recessive colours and materials. This scheme shall be maintained for the lifetimes of the building and shall only be altered with written approval from Council's Delegated Officer and then only in strict compliance with any Council conditions.

4. The commercial or rural vehicle crossing shall be constructed in accordance with conditions 6 and 7 of RC 2300369-RMAVAR/A or subsequent 2240277-RMACOM prior to the Code of Compliance being issued for the shed.

## Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

a) The consent is given effect to; or

b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

### Right of Objection

2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

### Archaeological Sites

3. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.*

**General Advice Notes –**

4. *If there is an increase in person's on-site beyond what has been approved under 2300369, additional resource consent will be required for Scale of Activity.*

5. *If additional impermeable surfaces are required beyond what has been included in this resource consent, additional resource consent will be required for Stormwater Management.*

6. *Prior to conducting the upgrade of any vehicle crossing in or close to Koropewa Road reserve the consent holder shall submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP)*