

# Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) 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

If yes, who have you spoken with? N/A

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. 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](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

Name/s:

Northland Regional Council

Email:

Phone number:

Work

Home

Postal address:

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


Postcode

Office Use Only  
Application Number:

## 5. Address for Correspondence

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

Name/s:

Melissa McGrath

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.

## 6. 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:

Far North District Council/Road Authority

Property Address/  
Location:

Private Bag 752, Kaikohe, 0440

Postcode

0440

## 7. Application Site Details

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

Name/s:

Far North District Council - Road Authority

Site Address/  
Location:

Road Reserve -See Appendix 2 for details

Postcode

Legal Description:

Parcel 5238868

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

## 7. Application Site Details (continued)

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.*

## 8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

## 9. Would you like to request Public Notification?

Yes  No

## 10. 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)

## 11. 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 (including consultation from iwi/hapū).*

Your AEE is attached to this application  Yes

## 12. 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

## 13. 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) Northland Regional Council (co Brendon Gray)

**Email:**

**Phone number:**

**Postal address:**  
(or alternative method of service under section 352 of the act)

### Fees Information:

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

### Declaration concerning Payment of Fees:

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

**Name:** (please write in full) Brendon Gray

**Signature:** (signature of bill payer)

**Date** 27-Aug-2024

**MANDATORY**

## 14. 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 must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### 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](http://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.

### Declaration

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

Name: (please write in full)

Signature:

Date

*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)
- Details of your consultation with Iwi and hapū
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.





# S127 Change of Conditions

Northland Tsunami Siren Rollout – Siren 105

Koutu Point Road, Opononi

Assessment of Environmental Effects and Statutory Analysis

26 August 2024

**B&A**

Urban & Environmental

Prepared for:  
Northland Regional Council

B&A Reference:

25380

Status:

Final Revision

Date:

26 August 2024

Prepared by:



**Melissa McGrath**

Senior Associate, Barker & Associates Limited

Reviewed by:



**David Badham**

Partner/Northland Manager, Barker & Associates Limited

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- Appendix 1      Site Plan 230703/14 (Revision B) dated 20-8-24
- Appendix 2      Siren Aerial Location Map
- Appendix 3      2240061-RMALUC - Decision

## 1.0 Applicant and Property Details

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To:	Far North District Council (FNDC)
Site Address:	Road Reserve (Parcel 5238868) adjacent to 59 Koutu Point Road, Opononi
Applicant Name:	Northland Regional Council
Address for Service:	Barker & Associates Ltd PO Box 37, Whangārei 0140 Level 1, 136 Bank Street Whangārei 0112 Attention: Melissa McGrath
Legal Description:	Legal Road (See <b>Appendix 2</b> for an aerial location map)
Site Area:	N/A
Site Owner:	Far North District Council/Road Authority
District Plan:	Operative Far North District Plan ( <b>ODP</b> ) Proposed Far North District Plan ( <b>PDP</b> )
Zoning:	<b>ODP:</b> Coastal Living <b>PDP:</b> Rural Lifestyle
Precinct:	<b>ODP:</b> None <b>PDP:</b> None
Overlays & Controls:	<b>ODP:</b> None <b>PDP:</b> Coastal Environment
Designations:	<b>ODP:</b> None <b>PDP:</b> None
Additional Limitations:	None
Locality Diagram:	Refer to <b>Figure 1</b>
Brief Description of Proposal:	To amend condition 1 of consent 2240061-RMALUC.
Summary of Reasons for Consent:	<b>RMA:</b> To vary condition 1 of consent 2240061-RMALUC, any variation is a discretionary activity under Section 127(3).

## 2.0 Background

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Northland Regional Council (**NRC**) is coordinating the rollout of new tsunami sirens across Te Taitokerau Northland. Barker & Associates (**B&A**) have been engaged to prepare and submit the resource consent application on behalf of NRC.

NRC is coordinating the siren roll out on behalf of all three-district councils within Te Taitokerau Northland. This project has been discussed in depth at Te Taitokerau's Civil Defence and Emergency Management Working Group (**CDEM**) and is fully supported by all iwi representatives, Council's CEO's and Mayors.

Currently, there are 205 sirens located throughout Te Taitokerau that do not meet the National Emergency Management Agency (**NEMA**) standards, the sirens do not meet frequency or messaging requirements of the standard and as such need replacing. 95 new sirens are proposed to replace the old sirens across Te Taitokerau which all have better coverage and will meet NEMA standards.

Resource consent (2240061-RMALUC) granted approval to establish a new tsunami siren (siren 105) within the road reserve at Koutu Point Road, adjacent to 59 Koutu Point Road, Opononi. Upon further investigation, it was considered necessary to shift this siren approximately 100m west within the road reserve.

The siren infrastructure is part of CDEM's toolbox for managing the risk of tsunami across Te Taitokerau Northland. Details of pre-lodgement consultation and relevant consenting history are provided below.

The proposed siren infrastructure will be owned by FNDC, and managed by the Northland Regional Council (**NRC**).

This Assessment of Environmental Effects (**AEE**) has been prepared in accordance with the requirements of Section 88 of and Schedule 4 to the Resource Management Act 1991 (**RMA**) and is intended to provide the information necessary for a full understanding of the activity for which consent is sought and any actual or potential effects the proposal may have on the environment.

### 2.1 Existing Resource Consents

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2240061-RMALUC (**Stage 1**) was lodged on 03/08/2023, and sought consent to install 27 sirens proposed throughout the Far North District. Through the section 92 process, sirens 62, 63, 71, 76, 100 and 101 were removed from Stage 1. Sirens 63, 100 and 101 were sought as part of stage 2. Sirens 62, 71 and 76 were sought as a separate application. Stage 1 was approved on 18/12/2023 and resulted in the approval of a total of 21 sirens consented.

Siren 105 is currently approved under 2240061-RMALUC however there is a proposal to amend the location of the siren to a different location within the same road reserve so a s127 application is being sought.

2240307-RMALUC (**Stage 2 – Package 1**) was lodged on 19/01/2024, and sought consent to install eight sirens throughout the Far North District. Siren 103 was removed from Stage 2 and is being sought as a separate application within stage 3. Stage 2- Package 1 was approved on 19/04/2024 and resulted in the approval of a total of seven sirens consented.

2240382-RMALUC (**Stage 2 – Package 2**) was lodged on 19/03/2024, and sought consent to install nine sirens throughout the Far North District. Stage 2-Package 2 was approved on 10/05/2024 and resulted in the approval of a total of nine sirens consented.

## 3.0 Site Context

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### 3.1 Site Description and Surrounding Context

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Siren 105 is proposed to be located within the road reserve at Koutu Point Road, adjacent to 59 Koutu Point Road Opononi, as show in **Figure 1** below. This to the north of the small coastal settlement of Koutu on the south shore of Hokianga Harbour.

The proposed siren is located within the road reserve and is bounded on both sides by the Coastal Living Zone under the ODP. The site is relatively flat. Koutu Point Road has a carriageway width of approximately 17m and a formed carriageway width of approximately 8m.

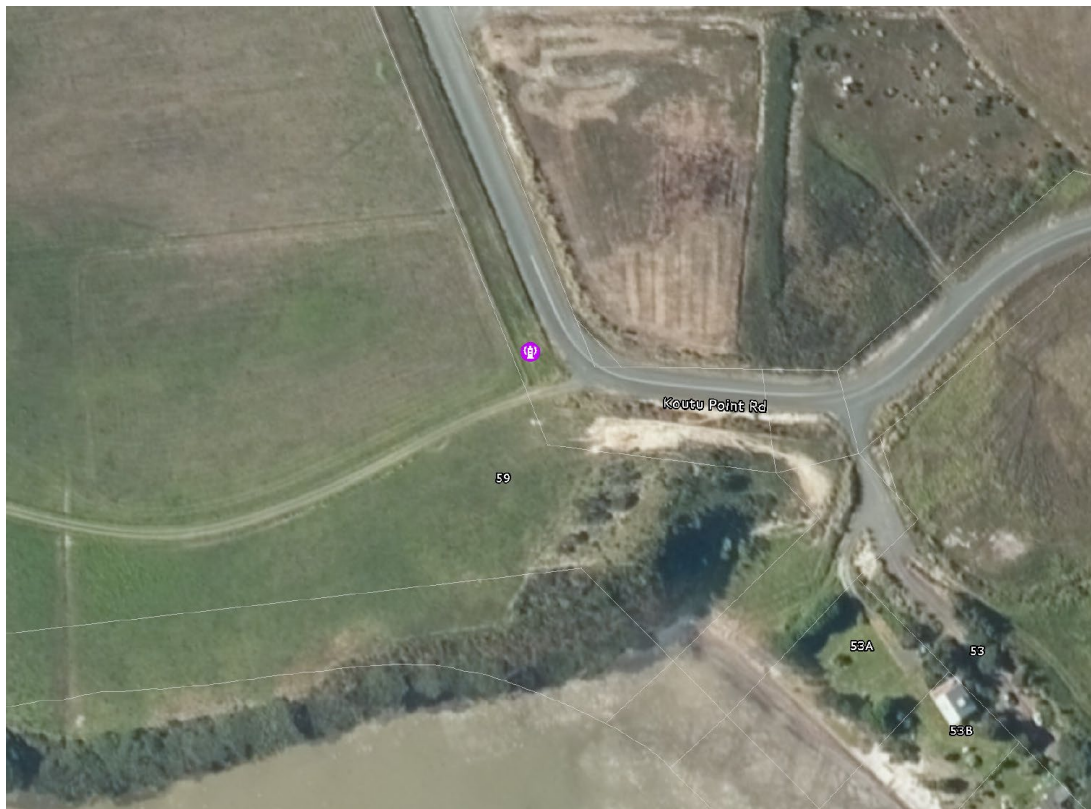
The siren is proposed to be located on the western side of the road reserve in a grass verge area, adjacent to the property at 59 Koutu Point Road.

The immediate vicinity is predominantly made up of land zoned as Coastal Living which houses a number of residential dwellings around the coast. The wider locality is made up of general coastal zone and rural living and is predominantly open pasture land with areas of dense vegetation.

The site and location have been selected based on the following criteria:

- concentration of resident population;
- topography and sound propagation;
- availability of public land;
- access to a power supply and telecommunications; and
- serviceability.

In order for the siren to be effective, it is within coastal settlement or built-up area with resident populations. In addition to this and in order for the siren to function, it is required to be located near an electricity supply, be within cell tower coverage, and be easily accessed for ongoing maintenance.



**Figure 1: Locality plan.**

## 4.0 Proposal

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Since the approval 2240061-RMALUC and the original siren 105 location, a decision was made to relocate the siren location approximately 100m to the west, along the same side of the road reserve. A variation to General Condition 1 of 2240061-RMALUC to refer to the updated site plan Site Plan 230703/14 (Revision B) dated 20-8-24 (included at **Appendix 1**) as follows:

### 4.1 Proposed Changes to Consent Conditions

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It is considered that the change listed above is within scope of the existing resource consent 2240061-RMALUC for the following reasons:

- The proposed siren is located within the same road reserve;
- The proposed siren location is still located on the southern edge of the Koutu Point Road carriageway;
- The proposed siren location will not result in any change to the extent of vegetation clearance, earthworks required.
- The proposed siren location will not result in any additional infringements or effects beyond that considered in the original consent.

It is proposed to amend the condition 1 of the underlying consent (2240061-RMALUC) as follows, amendments are detailed as **strike out** or **additions**:



### *General Conditions*

1. The activity shall be carried out in accordance with the approved plans prepared by Northland Regional Council, referenced Northland Tsunami Siren Network, drawings numbered 230702/02 – 230703/13 and 230703/15 dated 07/23, and 230703/14 (Revision B) dated 20-8-24 and attached to this consent with the Council’s “Approved Stamp” affixed to them.

## 5.0 Reasons for the Application

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The proposed changes are considered to be within scope of the original consent.

The proposal does not require consent for any additional matters over and above what was approved.

### 5.1 Resource Management Act 1991

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Section 127 of the RMA allows for the change or cancellation of a condition or conditions of resource consent (other than a condition as to the duration of the consent).

Sections 88 to 121 of the RMA apply to the consideration of the application, with all necessary modifications, as if:

- (a) The application was for resource consent for a discretionary activity; and
- (b) The references to the resource consent and the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

For the purposes of determining who is adversely affected by the change or cancellation of condition, a local authority must consider, in particular, every person who:

- (a) Made a submission on the original application; and
- (b) May be affected by the change or cancellation of condition.

The main point to consider when assessing whether an application should be processed as a Section 127 change of conditions or a new application is whether the proposed change in conditions will result in a “fundamentally different activity” or “an activity having materially different adverse effects” to those that lawfully exist or that were assessed under the original application.

The proposed changes are considered to be within scope of the original consent and will not result in a fundamentally different activity having materially different adverse effects.

### 5.2 Activity Status

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Overall, this application is for a discretionary activity.

## 6.0 Public Notification Assessment (Sections 95A, 95C and 95D)

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### 6.1 Assessment of Steps 1 to 4 (Sections 95A)

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Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

#### 6.1.1 Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant; or the application is made jointly with an application to exchange of recreation reserved land under section 15AA of the Reserves Act 1977.

The above does not apply to the proposal.

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

Step 2 describes that public notification is precluded where all applicable rules and national environmental standards preclude public notification; or where the application is for a controlled activity; or a restricted discretionary, discretionary or non-complying boundary activity.

In this case, the applicable rules do not preclude public notification, and the proposal is not a controlled activity or boundary activity. Therefore, public notification is not precluded.

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

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or national environmental standards require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

As noted under step 2 above, public notification is not precluded, and an assessment in accordance with section 95A is required, which is set out in the sections below. As described below, it is considered that any adverse effects will be less than minor.

#### 6.1.4 Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary; or
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

It is considered that there is nothing noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

## 6.2 Section 95D Statutory Matters

In determining whether to publicly notify an application, section 95D specifies a council must decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor.

In determining whether adverse effects are more than minor:

- Adverse effects on persons who own or occupy the land within which the activity will occur, or any land adjacent to that land, must be disregarded.

The land to be excluded from the assessment is listed in section 6.3 below.

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded.

In this case under the ODP, there is no relevant permitted baseline as all sirens infringe the noise thresholds.

- Trade competition must be disregarded.

This is not considered to be a relevant matter in this case.

- The adverse effects on those persons who have provided their written approval must be disregarded.

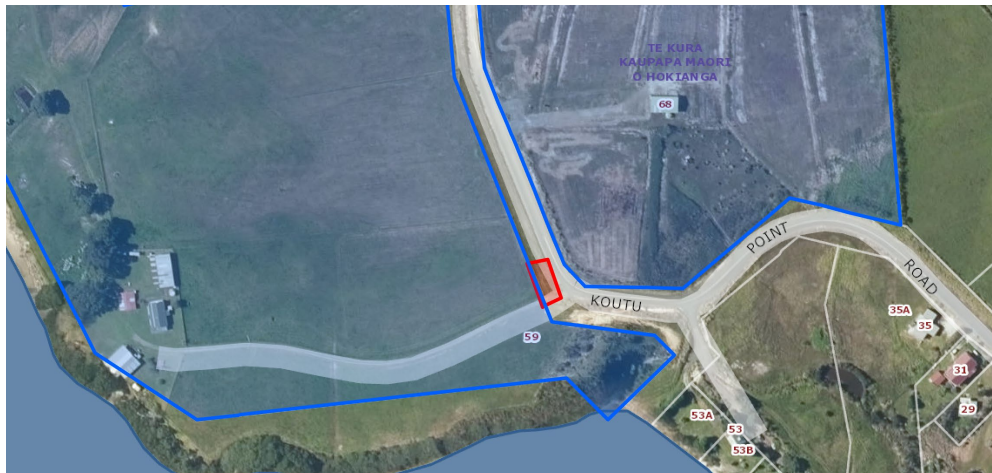
No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95D, including identification of adjacent properties and an assessment of adverse effects.

## 6.3 Land Excluded from the Assessment

In terms of the tests for public notification (but not for the purposes of limited notification or service of notice), the adjacent properties to be excluded from the assessment are shown in **Figure 2** below, and include:

- 59 Koutu Point Road; and
- 68 Koutu Point Road.



**Figure 2: Adjacent properties in relation to subject site. Source: Emaps.**

## 6.4 Assessment of Effects on the Wider Environment

An assessment of wider effects of the proposal, was considered in the Original Assessment of Environmental Effects prepared by Shauna Huddart of Barker and Associates, dated 3 August 2023 in support of the original application. It is considered that the proposed variation does not result in any change to this assessment of effects. Overall, it is considered that any adverse effects on the environment relating to this proposal will be less than minor.

Therefore, based on the conclusions reached it is recommended that this application be processed without public notification.

## 6.5 Summary of Effects

Overall, it is considered that any adverse effects on the environment relating to this proposal will be less than minor.

## 6.6 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is not precluded;
- Under step 3, public notification is not required as it is considered that the activity will result in less than minor adverse effects; and
- Under step 4, there are no special circumstances.

Therefore, based on the conclusions reached under steps 3 and 4, it is recommended that this application be processed without public notification.

## 7.0 Limited Notification Assessment (Sections 95B, 95E to 95G)

### 7.1 Assessment of Steps 1 to 4 (Sections 95B)

If the application is not publicly notified under section 95A, the council must follow the steps set out in section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

#### 7.1.1 Step 1: Certain affected protected customary rights groups must be notified

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups; or affected persons under a statutory acknowledgement affecting the land.

The above does not apply to this proposal.

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

Step 2 describes that limited notification is precluded where all applicable rules and national environmental standards preclude limited notification; or the application is for a controlled activity (other than the subdivision of land).

In this case, the applicable rules do not preclude limited notification and the proposal is not a controlled activity. Therefore, limited notification is not precluded.

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

Step 3 requires that, where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary activity, and therefore an assessment in accordance with section 95E is required and is set out below.

Overall, it is considered that any adverse effects on persons will be less than minor, and accordingly, that no persons are adversely affected.

#### 7.1.4 Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

In this instance, having regard to the assessment in section 6.1.4 above, it is considered that special circumstances do not apply.



## 7.2 Section 95E Statutory Matters

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If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or national environmental standard (the 'permitted baseline') may be disregarded;
- Only those effects that relate to a matter of control or discretion can be considered (in the case of controlled or restricted discretionary activities); and
- The adverse effects on those persons who have provided their written approval must be disregarded.

These matters were addressed in section 6.2 above, and no written approvals have been obtained.

Having regard to the above provisions, an assessment is provided below.

## 7.3 Assessment of Effects on Persons

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Adverse effects in relation to amenity and visual dominance and noise on persons at 59 Koutu Point Road and 68 Koutu Point Road are considered below.

### 7.3.1 Amenity and Visual Dominance

The proposed siren has been designed to fit within the landscape and when compared to light poles and power poles, the sirens are of a similar nature and height, as well as the function of them, in that they provide an operational and functional need within these environments in. The siren is proposed to be located within the public road reserves further than 200m from the residential dwelling within 59 Koutu Point Road and further than 100m from the Kura within 68 Koutu Point Road.

The siren infrastructure itself is comparable to a light pole and will have a siren mounted to the top that ranges in size from 1.15m (H) x 0.85m (W) and 1.78m (H) x 0.85m (W), ensuring the shadow cast by the lifesaving infrastructure will be minimal so as not to unduly impact on adjacent land.

The proposed tsunami infrastructure is not considered to result in a loss of privacy to adjacent land, as the sirens are not occupied.

The construction timeframes for each siren are expected to last no more than 10 working days, as such, effects are temporary. Taking the above into account, adverse visual domination, privacy and overshadowing effects are considered to be less than minor on neighbouring properties

### 7.3.2 Noise

The sirens will be located across various zones that all have different noise thresholds, and will exceed the permitted noise thresholds during an emergency alert and testing. As noted above, this testing regime will encourage and promote tsunami siren evacuation practice and familiarise communities with the warning signals associated with this activity. While it is recognised that these warning systems will be noisy, effects will be temporary and considered necessary to promote

good CDEM practices. Taking into account the temporary nature of the noise exceedance, adverse effects on the properties and persons that experience the exceeded noise levels are considered less than minor. Taking into account the temporary nature of the noise exceedance, adverse effects on the properties and persons that experience the exceeded noise levels are considered less than minor

### 7.3.3 Summary of Effects

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to amenity, visual dominance and noise effects. Wider effects are considered to be less than minor and consistent with the original application.

It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

## 7.4 Limited Notification Conclusion

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Having undertaken the section 95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.

Therefore, it is recommended that this application be processed without limited notification.

## 8.0 Consideration of Applications (Section 104)

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### 8.1 Statutory Matters

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Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a discretionary activity, section 104B of the Act states that a council:

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

## 8.2 Weighting of Proposed Plan Changes: Far North District Plan

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On the 27th July Far North District Council (FNDC) notified their Proposed District Plan (PDP). At the time of preparing this AEE, only rules identified as having immediate legal effect have been considered. This will remain the case until FNDC releases a decision on the PDP (this will occur once hearings have been completed).

## 9.0 Effects on the Environment (Section 104(1)(A))

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Having regard to the actual and potential effects on the environment of the activity resulting from the proposal, it was concluded in the assessment above that any wider adverse effects relating to the proposal will be less than minor and that no persons would be adversely affected by the proposal.

Further, it is considered that the proposal will also result in positive effects including:

- The safety for coastal communities across the Far North District;
- Improved civil defence and emergency management practices within the District, designed to contribute to the regions civil defence and resilience to natural hazards within Te Taitokerau Northland; and
- Currently, the sirens do not achieve the minimum National Emergency Management Agency (NEMA) standards for tsunami sirens and alerts. The proposal will ensure Te Taitokerau Northland is in line with NEMA standards and best practice.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are acceptable.

## 10.0 District Plan and Statutory Documents (Section 104(1)(B))

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### 10.1 Objectives and Policies of the Far North District Plan

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A comprehensive assessment of the relevant objectives and policies was undertaken as part of the approved resource consent (2240061-RMALUC). This proposal will continue to meet the objective and policies of the zone for the following reasons:

- The proposed siren is located within the same road reserve;
- The proposed siren location is still located on the southern edge of the Koutu Point Road carriageway;
- The proposed siren location will not result in any change to the extent of vegetation clearance, earthworks required.
- The proposed siren location will not result in any additional infringements or effects beyond that considered in the original consent.

## 10.2 Summary

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Section 10.0 of the original Assessment of Environmental Effects prepared by Shauna Huddart of Barker and Associates, dated 3 August 2023, provides a detailed assessment of the proposed siren against the relevant objectives and policies of the Operative Kaipara District Plan (ODP), New Zealand Coastal Policy Statement (NZCPS) and Northland Regional Policy Statement (RPS) the proposed variation is considered to retain the same assessment.

In summary, it is considered that the proposed development is generally in accordance with the objectives and policies of the ODP, NZCPS and RPS.

## 11.0 Part 2 Matters

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Section 11.0 of the original Assessment of Environmental Effects prepared by Shauna Huddart of Barker and Associates, dated 3 August 2023, provides a detailed assessment of the proposed siren against Sections 5, 6, 7 and 8 of the RMA, it is considered that the proposed variation will not change this assessment.

## 12.0 Other Matters (Section 104(1)(C))

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### 12.1 Record of Title Interests

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The Record of Title for the site has no interests.

## 13.0 Conclusion

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The proposal involves the construction of a siren (siren 105) at Koutu Point Road.

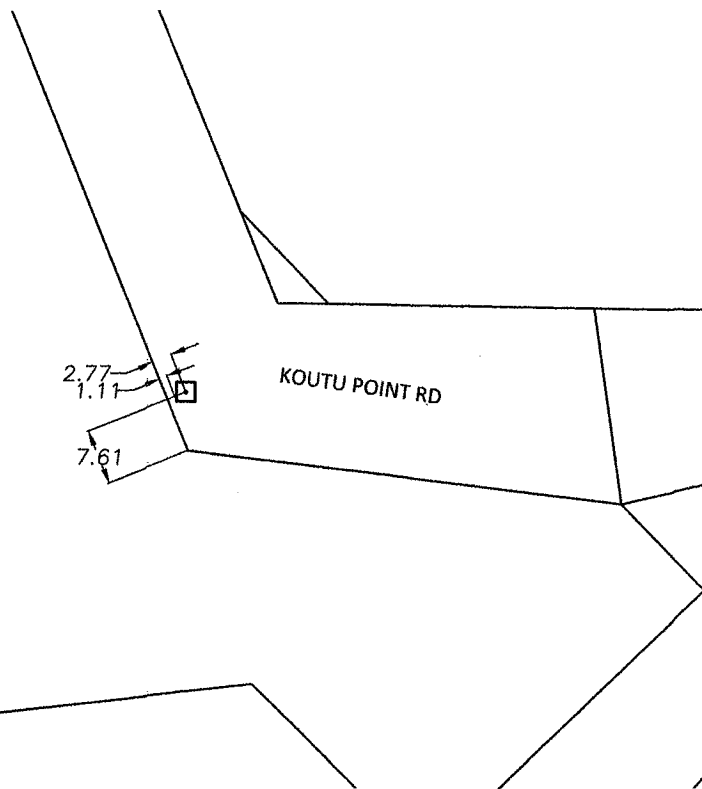
Based on the above report it is considered that:

- Public notification is not required as adverse effects of the proposed variation to conditions of consent are considered to be less than minor. There are also positive effects including the health and safety of coastal communities in the Far North;
- Limited notification is not required as no persons at adjacent properties are considered to be adversely affected;
- The proposal accords with the relevant ODP objectives and policies; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis.



**SITE NO 94 - SIREN TYPE TWS-293**  
**FREESE PARK, 308 HOKIANGA HARBOUR DRIVE, OMAPERE**  
**GEOLOCATION -35.533812N, 173.388253E**



**SITE NO 105 - SIREN TYPE TWS-293**  
**KOUTU POINT RD, OPONONI**  
**GEOLOCATION -35.43676N, 173.28257E**


**NOTE:**

FOUNDATION PAD PLAN SIZE 2.5m  
 BY 2.5m

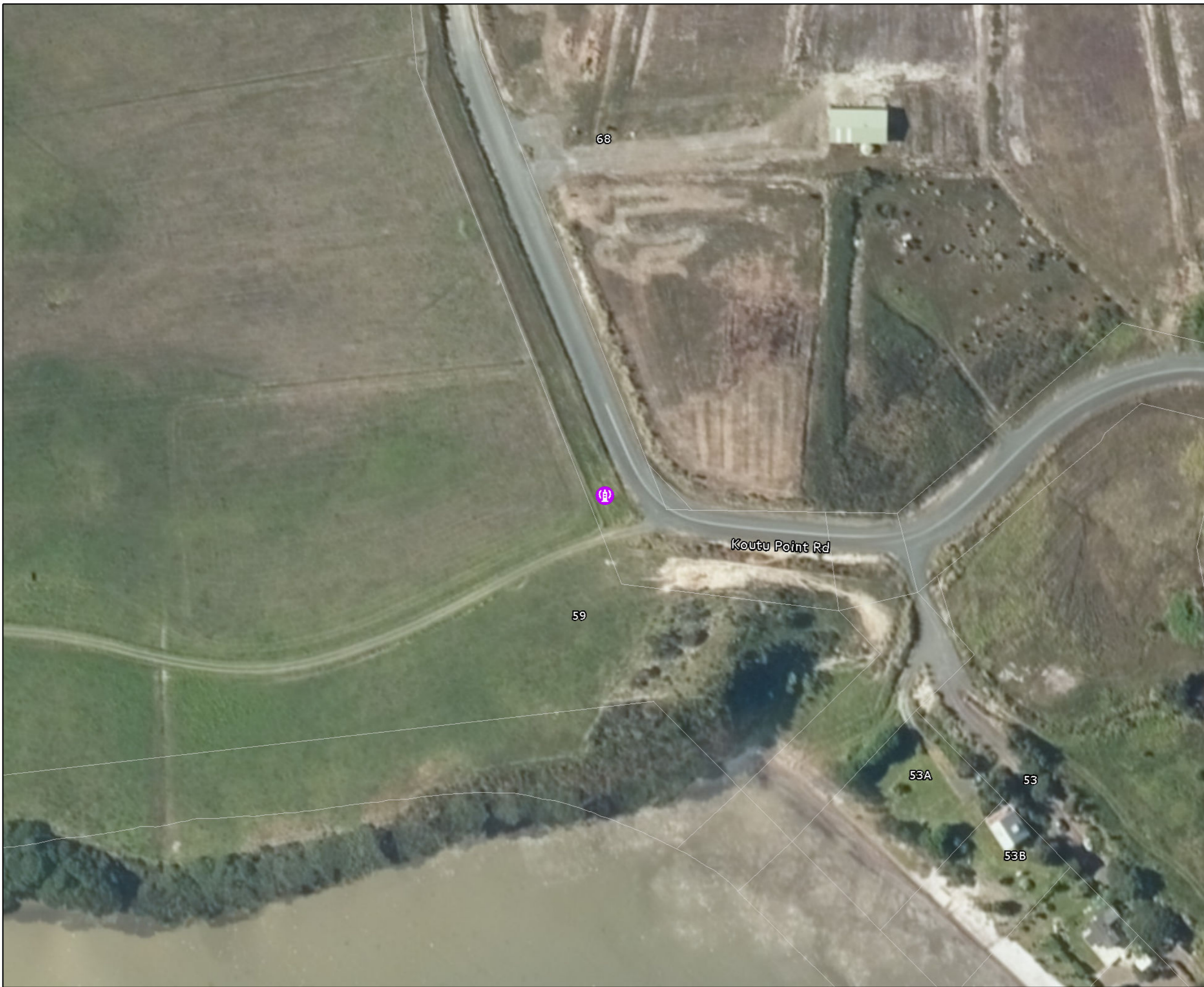
**OVERALL HEIGHTS:**

TWS-293 SIREN MODULE 9.123m

TWS-295 SIREN MODULE 9.758M

<b>TUTUKAKA CONSULTANTS LIMITED</b> Consulting Engineers 50 Taonga Lane, Tutukaka Whangarei 0173 Phone (09) 434 3694, 0221 880 870 E-mail: wayne@tutukakaco.com	client: <b>NORTHLAND REGIONAL COUNCIL</b>	location: <b>FAR NORTH DISTRICT</b>	
	project: <b>NORTHLAND TSUNAMI SIREN NETWORK</b>	drawing title: <b>RESOURCE CONSENT STAGE 1 - SEPARABLE PORTION 1</b>	
 <b>Northland</b> <b>REGIONAL COUNCIL</b> Te Kaunihera ā rohe o Te Taitokerau	SCALES: 1:1000	REVISIONS A ISSUE FOR CLIENT APPROVAL B SIREN 105 LOCATION CHANGED 20-8-24	DRAWING NUMBER <b>230703/14</b>
	FILE: SIREN LOC HOKI-01 DATE: 07/23 ORIGINAL SIZE: A4		REVISION: B





Tsunami Siren # 105  
Siren Type: 293

Location: Adjacent to 59  
Koutu Point Road, Opononi

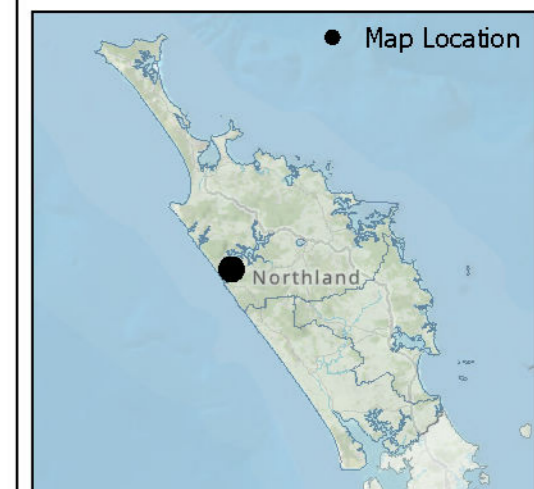
GPS: -35.473944, 173.406124

Property Owner: Far North  
District Council

Parcel ID: 5238868

Legal Desc: Road Reserve

Title:



Data sources: Eagle Technology, Land Information New Zealand and  
Northland Regional Council

## Tsunami Siren # 105 - Koutu Point School

A3 Scale: 1:1,000  
0 12.5 25 50 m





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

### Decision

Pursuant to section 34(1) and sections 104, 104B and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use resource consent for the following:

<b>Council Reference:</b>	2240061-RMALUC
<b>Applicant:</b>	Northland Regional Council
<b>Property Address:</b>	Long Beach Road, Russell 0202
<b>Legal Description:</b>	Sec 4 SO 364056
<b>Description of Application:</b>	To construct and install 21 Tsunami Sirens across the Far North District to Support Northland Civil Defence (CDEM) response to Tsunami Risk. Consent is required for a Discretionary Activity.

### Conditions

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

#### *General Conditions*

1. The activity shall be carried out in accordance with the approved plans prepared by Northland Regional Council, referenced Northland Tsunami Siren Network, drawings numbered 230702/02 – 230703/15 dated 07/23, and attached to this consent with the Council's "Approved Stamp" affixed to them.

#### *Pre Construction Conditions*

2. Prior to the commencement of any physical work authorised under this consent, a Construction Management Plan ("CMP") shall be provided to Council's Engineer, or their delegated representative for certification.
3. Prior to the commencement of any physical work within the Council's road reserve, the Consent Holder shall submit a Corridor Access Request ("CAR") application, including a Traffic Management Plan/s, to the Northern Transportation Alliance Corridor Access Manager or delegated representative and obtain approval.
4. At least 30 working days prior to the commencement of construction works authorised as part of this resource consent, the consent holder shall submit a Temporary Traffic Management Plan (TMP) to the NTA Corridor Access Specialist for certification of the plan.

### *Earthworks conditions*

5. The consent holder shall ensure stormwater diversion and silt control measures are in place in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) prior to the commencement of earthworks. Photographic evidence of ESP measures being in place are to be emailed to FNDC Team Leader Monitoring and Compliance [RCmonitoring@fndc.govt.nz](mailto:RCmonitoring@fndc.govt.nz) referencing 2240061 – RMALUC.
6. The consent holder shall ensure that all earthwork operations are carried out in a way that reduces the risk of slope instability and soil erosion. To reduce and/or minimize any slope failures, effective mitigation measures must be constructed as needed.

### *Operational Conditions*

7. The tsunami siren may be tested twice a year at the turn of daylight savings. Each test shall be undertaken for a maximum duration of two minutes during the daytime. Testing of the sirens shall not occur at night.

## **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.*

## **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more

than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.

2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters.
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 permitted baseline is not relevant in this instance.
  - b. The receiving environment is as described in Section 3 of the notification assessment. There are no known granted but unimplemented consents of relevance to the application.
  - c. Access and traffic effects are less than minor as construction works will be short in duration and the safe operation of the roading network will be maintained during the works.
  - d. Adverse effects associated with landscape character and visual amenity values are less than minor due to the small footprint of the structures and that they will not result in domination, overshadowing or loss of privacy effects.
  - e. Overall, adverse effects associated with aural amenity values from construction the sirens are considered to be less than minor. However, adverse effects associated with aural amenity values from the operation of the sirens are considered to be minor given the testing proposed.
  - f. Effects on Cultural and Archaeological Values are less than minor
  - g. The proposal will also result in positive effects, including:
    - Provide for the safety for coastal communities across the Far North District;
    - Improve civil defence and emergency management practices within the District; and
    - The proposal will ensure Te Taitokerau Northland is in line with NEMA standards and best practice (which current sirens do not achieve).
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. New Zealand Coastal Policy Statement 2011,
  - b. Northland Regional Policy Statement 2016,
  - c. Operative Far North District Plan 2009,
  - d. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 23- 25 of the Assessment of Environmental Effects submitted with the application. In particular:

*New Zealand Coastal Policy Statement 2011 (NZCPS)*

Of particular relevance to this proposal are the NZCPS objectives 2, 4, 6 and policies 6, 13, 18, 19, 24 and 25. The following comments are made in regards to the relevant objectives and policies:

- The sirens are predominately not identified as an outstanding feature or landscape, and it has been established that any adverse effects on natural character will be less than minor.
- The proposed activity does not restrict public access in any way.
- The proposal is considered appropriate and have a functional and operational need to be located within the coastal environment for the reasons discussed throughout the assessment provided as part of this application.
- The tsunami sirens are a method that will mitigate coastal hazards such as tsunami by alerting the community and to ensure their safety.

For the reasons noted above, it is considered that the proposal is aligned with the outcomes sought by the NZCPS.

#### *Northland Regional Policy Statement 2016 (RPS)*

Of particular relevance to this proposal are RPS objectives 3.7, 3.8, 3.13 and policy 4.8.

In regards to those objectives and policies, the following is noted:

- The proposal is considered appropriate and a functional need for the reasons discussed throughout the assessment provided as part of this application.
- The tsunami sirens are a method that will mitigate coastal hazards such as tsunami by alerting the community and to ensure their safety.

On this basis, the proposal is considered to be consistent with outcomes of the RPS.

#### *Operative Far North District Plan*

The proposal results in tsunami siren infrastructure being located within the General Coastal, Conservation, Coastal Living, Recreational Activities, Industrial, Residential, Coastal Residential, and Rural Living Zones.

Overall, it is considered that there is a gap within the ODP with respect to CDEM service activities and emergency services. Tsunami siren infrastructure is considered a fairly unique and uncommon in this context but are nonetheless important and required support the regions civil defence and emergency management response to the risk of tsunami hazards within the region.

Lifesaving infrastructure supports and provides for the health, safety and wellbeing of the communities of the Far North while appropriately managing effects on the localised and wider environment. While the ODP does not specifically provide for the proposed tsunami siren activity, it is considered that the proposal is not contrary to the anticipated outcomes of the ODP.

#### *Proposed Far North District Plan*

The proposal results in tsunami siren infrastructure being located within the Rural Production, Natural open space, Rural Lifestyle, Sport and Active Recreation, Settlement, Open Space, General Residential, and Rural Residential Zones. The proposal also interreacts with overlays that include the Coastal Environment, Coastal Flood Zone 1, 2 and 3, Notable Tree (36 and 141), River Flood Hazard 10- and 100-year ARI Event, Heritage Area – Part A – The Strand and Part C – Christ Church, High Natural Character (204 and 170), Treaty Settlement Area of Interest, Statutory Acknowledgement Area, Rāwene Heritage Area – Part B and Part A, and pedestrian frontage.

Overall, it is considered that there is a gap within the PDP with respect to CDEM service activities, which are considered fairly unique and uncommon in this context but are nonetheless important and required support the Regions civil defence and emergency management response. The proposed tsunami siren infrastructure is pivotal to the Region's resilience plan for managing and addressing the risk of tsunami hazards within Te Taitokerau. Further, the proposal is considered to support the overall health, safety and wellbeing of the Region's communities.

On this basis, the proposal is not considered to be contrary to, but is not entirely consistent with the anticipated outcomes of the PDP.

### *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.

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

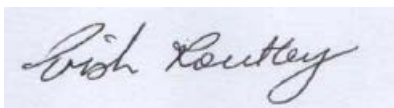
6. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application.
7. Based on the assessment above the activity will be consistent with Part 2 of the Act.

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 sites 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.

8. 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 Elisha Oldridge, Senior Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Patricia (Trish) Routley

Date: 18/12/2023

**Manager Resource Consents**