



Our Reference: 10523.2 (FNDC)

21 February 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Land Use (access standard) & subsequent variation to RC 2250125-  
RMASUB, a subdivision of land at 13 Charlotte Kemp Drive, Kerikeri – Margaret  
McIntosh**

I am pleased to submit application on behalf of Margaret McIntosh for a land use consent for a breach of private access standard (private driveway) to serve a single rear lot in a subdivision already consented (RC 2250125), and a change to condition 3(b) of RC 2250125. The applications are presented as a single planning report and AEE, and accompanied by a single application form.

The land use and variation are both considered minor and a fee of \$2,221 has been paid via direct credit. The property is zoned Residential and the application is a discretionary activity.

Regards

Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**

# Application for resource consent or fast-track resource consent

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

## 1. Pre-Lodgement Meeting

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

## 2. Type of Consent being applied for

*(more than one circle can be ticked):*

- Land Use
  Discharge  
 Fast Track Land Use\*
  Change of Consent Notice (s.221(3))  
 Subdivision
  Extension of time (s.125)  
 Consent under National Environmental Standard  
 (e.g. Assessing and Managing Contaminants in Soil)  
 Other (please specify) s127 change of conditions

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

## 3. Would you like to opt out of the Fast Track Process?

Yes  No

## 4. Consultation

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant Details

**Name/s:**

Margaret McIntosh

**Email:**

**Phone number:**

**Postal address:**

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

## 6. Address for Correspondence

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

**Name/s:**

Lynley Newport

**Email:**

**Phone number:**

**Postal address:**

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

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

## 7. Details of Property Owner/s and Occupier/s

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

**Name/s:**

Margaret McIntosh

**Property Address/  
Location:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Postcode

## 8. Application Site Details

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

Name/s:

As above.

Site Address/  
Location:

31 Charlotte Kemp Drive

KERIKERI

Postcode

Legal Description:

Lot 62 DP 358589

Val Number:

Certificate of title:

238568

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff?  Yes  No

Is there a dog on the property?  Yes  No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

The applicant does not reside on the property. In the event that a site visit is considered necessary, please contact the applicant in advance of any such visit.

## 9. Description of the Proposal:

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

Land use consent for a breach of access formation standard; and change to condition 3(b) of RC 2250125-RMACOM.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

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

Yes  No

### 11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- Building Consent
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

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

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

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

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

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- Removing or replacing a fuel storage system

### 13. Assessment of Environmental Effects:

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

Your AEE is attached to this application  Yes

### 13. Draft Conditions:

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

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

## 14. Billing Details:

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

**Name/s:** (please write in full)

Margaret McIntosh

**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)

MARGARET ANNE MCINTOSH

**Signature:**

(signature of bill payer)

Date 19/2/25

**MANDATORY**

## 15. Important Information:

### Note to applicant

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

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

### Fast-track application

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

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](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.

## 15. Important information continued...

### Declaration

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

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

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

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

# Margaret McIntosh

## AMENDMENT TO ACCESS CONDITIONS IN RC 2250125; ALSO REQUIRING LAND USE CONSENT

31 Charlotte Kemp Drive, Kerikeri

### PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd  
Kerikeri

## 1.0 INTRODUCTION

### 1.1 Background & Proposal

RC 2250125 was issued on 12<sup>th</sup> November 2024, and granted consent under both the Far North District Plan and National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, for a two lot subdivision and associated land use consent for height to boundary and stormwater management rules, resulting from new boundaries and lot areas. RC 2250125 is attached in Appendix 1.

In moving forward to give effect to RC 2250125, the consent holder is concerned that too much of the impermeable surface allowance for the proposed vacant lot, will be taken up with forming access within the panhandle portion of that lot. They would prefer to have a greater allowance for impermeable surfaces for building(s) and parking/turning area within the site proper (beyond the panhandle).

Condition 3(b) of RC 2250125 requires:

*"Provide formed and concreted or sealed access to Lot 2 over the panhandle of Lot 2 and ROW easement to 3m finished carriageway width. The formation shall include kerbing or a concreted dish channel to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff."*

Such a formation complies with Appendix 3B-1 of the District Plan, but falls within the definition of 'impermeable surfaces'.



The consent holder would prefer an alternative formation for what is in effect an internal driveway to a single (small) dwelling, on reasonably level (and well draining) land. The proposal is to form a driveway by installing parallel concrete strips, less than 1m in width and with a separation width from any other impermeable surface, of more than 1m. This provides suitable access on a site such as this, and is excluded from the definition of impermeable surfaces. It is also low impact design in terms of stormwater management as it retains more permeable surface.

Such a change results in an additional rule breach such that the proposal cannot be regarded solely as a variation to the original consent, although a single condition is changing. Instead the change must also be consented as a land use, enabling a change to condition 3(b). In a recent similar situation, RC2200527-RMASUB refers, the Council chose to process the variation and land use as one, referencing it as a variation.

In any event, both applications (land use and variation) should be processed concurrently. Both are discretionary activity status. This report and AEE has been written to incorporate an assessment of both consenting requirements.

## **1.2 Scope of this Report**

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent for a breach of rule 15.1.6C.1.1 of the District Plan, as a discretionary activity level application, and subsequent change to consent condition 3(b) of RC 2250125, pursuant to s127, also as a discretionary activity.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form. Information required by Form 10 (s127 application form) has been incorporated into the Form 9.

## **1.3 The Proposal**

The land use consent application is lodged for a breach of rule 15.1.6C.1.1(a) – construction of private accessway to be in accordance with Appendix 3B-1 in Part 4 of the Plan. Whilst a portion of accessway is via easement over the already developed Lot 1, it is in effect a private driveway serving a single household unit. The already developed Lot 1 has no need of it as their driveway, parking area and garage are on the other side of the lot.

Appendix 3B-1 does not specify a minimum legal width for a driveway serving a single household unit, but does specify 3m carriageway width with stormwater drain.

Two parallel concrete/paved strips, separated slightly from the footpath and from the internal parking/turning area, will provide adequate all weather access for the rear lot.

Vehicles need not traverse grass/soil over the length of the driveway and therefore traction will not be an issue. Neither will excessive dirt be carried onto the road.

The following amendment regarding private accessway formation is proposed. Replace condition 3(b) with the following:

"Provide suitable all weather access strips within the panhandle of Lot 2 and ROW easement, to the building area within Lot 2. The design is to include measures to control and direct discharge of stormwater runoff."

## 2.0 PROPERTY DETAILS

Location: 31 Charlotte Kemp Drive, Kerikeri

Legal description: Lot 62 DP 358589, held in Record of Title 238568.

## 3.0 SITE DESCRIPTION

### 3.1 Physical characteristics

The application site is as described in the planning report/AEE accompanying application for RC 2250125.

### 3.2 Legal Interests

The property's legal interests are as listed in application for RC 2250125. No new/varied 'interests' have been registered on the title since then.

### 3.3 Consent History

Consent history is unchanged from RC 2250125, with the addition of that RC now recorded on the property file.

## 4.0 COMPLIANCE ASSESSMENT

### 4.1 Operative District Plan (ODP)

The additional land use breach, of Rule 15.1.6C.1.1(a), defaults to **discretionary activity** status under the ODP.

### 4.2 Applications pursuant to s127 of the Act

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **discretionary activity** application. Sections 88 to 121 of the Act apply, and the following planners report

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and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act.

### **4.3 Proposed District Plan (PDP)**

Rules in the PDP relating to access are yet to have legal effect.

## **5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Clause 15.1.6C.4 Assessment Criteria apply in this instance.

### **5.1 Adequacy of Sight Distances**

No change is being sought to the crossing location or standard. The change to access standard does not affect the adequacy of sight distances.

### **5.2 Traffic safety or congestion issues**

No change is being sought to the crossing into the site off Charlotte Kemp Drive. This road is not identified as having any congestion issues. Refer below to commentary in regard to proposed construction standard.

### **5.3 Adequacy of construction standards proposed**

The accessway in question is effectively an internal driveway to a single house. The Council does not normally impose a specific standard for internal driveways to a house within a lot, unless there are gradient or earthworks / stability issues and specific design considerations. None of those circumstances exist here. The proposed alternative of two parallel strips rather than solid 3m formation, still provides for all weather access to the one home at the rear. In addition, the alternative design minimises impact on the existing footpath.

### **5.4 Stormwater management**

Less impermeable surface results in less stormwater runoff.

### **5.5 Effects on Water Quality & Ecosystems**

The site is in an urban area. The change has no adverse effect on water quality or ecosystems.

## **6.0 STATUTORY ASSESSMENT**

### **6.1 Operative District Plan (ODP) Objectives and Policies**

The consent is already granted and determined to be consistent with the relevant objectives and policies of the ODP (subdivision chapter and Residential Zone). Additional objectives

and policies relevant to this alternative access formation proposal are those contained in Chapter 15 Traffic, Parking and Access, specifically those related to access.

### **15.1.3 OBJECTIVES**

*15.1.3.1 To minimise the adverse effects of traffic on the natural and physical environment.*

*15.1.3.2 To provide sufficient parking spaces to meet seasonal demand in tourist destinations.*

*15.1.3.3 To ensure that appropriate provision is made for on-site car parking for all activities, while considering safe cycling and pedestrian access and use of the site.*

*15.1.3.4 To ensure that appropriate and efficient provision is made for loading and access for activities.*

*15.1.3.5 To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.*

The proposed alternative will have less impact on the natural and physical environment. The proposal is not related to parking spaces or standards. Neither does it impact on loading and access as no change to lot size, dimension or shape is proposed. I believe it will continue to provide for the safe and efficient movement of residential level traffic to and from Lot 2.

### **15.1.4 POLICIES**

*15.1.4.1 That the traffic effects of activities be evaluated in making decisions on resource consent applications.*

*15.1.4.6 That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.*

The above are the only two policies with relevance to the proposal. The other policies relate to parking and loading spaces or pedestrian/cycle access and circulation – none of which are considerations in this proposal.

The effects of traffic have been evaluated in forming this proposal (15.1.4.1). No change is being sought to the crossing off public road (15.1.4.6).

## **6.2 Proposed District Plan Objectives and Policies**

With consent having already been granted, the only objectives and policies of any relevance in the PDP are those related to access in the Transportation Chapter of the PDP. These are of limited relevance given that no Transportation rules or standards yet have legal effect.

Given that the proposal is in regard to internal site access the only relevant objective is TRAN-O4:

Parking, loading and access provisions support the needs of land use and subdivision activities, and ensure safe and efficient operation for users.

The proposal is considered consistent with the above objective. The proposed alternative formation supports the needs of a modest residential development.

The only relevant Policies are TRAN-P3 and TRAN-P8.

TRAN-P3:

Ensure the safe, efficient and well connected operation of the transport network through the management of:

- a. the subdivision layout, location of buildings, structures and other potential visual obstructions that may impact on sightlines and the integrity of the road carriageway;
- b. the design of access and parking;
- c. vehicular access to and from sites;
- d. the volume of traffic from land use activities;
- e. vehicular, pedestrian, and cyclist needs, including persons with a disability or limited mobility;
- f. the adverse cumulative effects of land use and subdivision on the transport network; and
- g. reverse sensitivity effects that may impact regionally significant infrastructure.

Subdivision consent is already granted. The proposal does not impact on sightlines or the integrity of the public road carriageway. The proposed standard of access is considered appropriate.

TRAN-P8

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

- a. the type and level of traffic anticipated;
- b. the location of high traffic activities and their relationship to existing roads and their status under the National Transport Network classification system, and adjacent properties;
- c. low impact design principles, including green spaces;
- d. safety requirements and improvements;
- e. the management of stormwater;
- f. any natural hazards;
- g. any cumulative effects arising from legally established activities in the surrounding environment;
- h. current and future connectivity including pathway and parking, and open space networks;
- i. any traffic assessment prepared by a suitably qualified and experienced transport professional;
- j. impacts on any State Highway or Limited Access Road; and
- k. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The subdivision is already consented, and this proposal does not require resource consent under the PDP, so the above policy is of limited relevance. The Council has already considered the type and level of traffic anticipated. Low impact design principles are to be implemented where possible. Stormwater will be managed. The accessway is outside of any hazard area. No access is off state highway and no change is proposed to the crossing off Council road.

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**6.3 Part 2 Matters****5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal is considered to provide for the sustainable management of natural and physical resources. It provides for a suitable standard of access in the circumstances.

**6 Matters of national importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

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

I consider the proposal to be appropriate for the site and activity. It will result in a lesser level of physical and visual effects than the current requirement. There are no significant risks from natural hazards associated with the development.

**7 Other matters**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga;
- (aa) the ethic of stewardship;

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

The subdivision has already been consented and the proposed access standard will result in fewer physical effects than the standard required by the consent.

#### 8 Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The principles of the Treaty of Waitangi have been considered and it is believed that this proposal does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

## 6.4 National Policy Statements and Environmental Standards

No change is being sought in regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. In fact the change requires less earthworks than the existing consent condition would.

## 7.0 CONSULTATION & s95 ASSESSMENT

The original consent was issued under delegated authority, with Written Approvals provided by all immediately adjacent property owners. It is acknowledged that the application, as originally applied for, did not specifically include a breach of access formation standard. However, as stated earlier, this is simply a driveway to a house site within a property – not a shared private accessway. The consent already requires driveway formation on the boundary with the adjacent property and this variation does not change that requirement, only the surface treatment.

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## 8.0 CONCLUSION

The proposed construction standard for internal access is considered appropriate, and effects on the wider environment are less than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the land use consent and variation to conditions, on a non notified basis.



Lynley Newport  
**Senior Planner**  
**Thomson Survey Ltd**

Date 21<sup>st</sup> February 2025

## 9.0 APPENDICES

- |                   |                           |
|-------------------|---------------------------|
| <b>Appendix 1</b> | RC 2250125-RMASUB         |
| <b>Appendix 2</b> | Current title information |



## **Appendix 1**

RC 2250125-RMASUB

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

### Decision

Pursuant to section 34(1) and sections 104, 104B, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Discretionary activity, subject to the conditions listed below, to:

<b>Applicant:</b>	Margaret Anne McIntosh
<b>Council Reference:</b>	2250125-RMASUB
<b>Property Address:</b>	31 Charlotte Kemp Drive, Kerikeri
<b>Legal Description:</b>	Lot 62 DP 358589

#### The activity to which this consent relates is:

Activity A: Proposal to carry out a subdivision of their property at 31 Charlotte Kemp Drive, Kerikeri to create two residential allotments (one additional), breaching Allotment Dimensions, Minimum Lot Sizes in Residential Zone as a Discretionary activity and Consent under NESCS as a Controlled Activity is required.

Activity B: To breach the Sunlight rule along the new proposed boundary between two lots and Stormwater Management in Residential Zone as a Restricted Discretionary Activity.

### Decision A: Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced Proposed Subdivision of Lot 62 DP 358589, 31 Charlotte Kemp Drive, Kerikeri, dated 16.09.2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.

#### 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. Provide a formed and concreted entrance to Lot 2 that matches the finish of nearby vehicle crossings in Charlotte Kemp Drive and which complies with the FNDC Engineering Standard 2023, sheets 18, 22 and 23.
  - b. Provide formed and concreted or sealed access to Lot 2 over the panhandle of Lot 2 and ROW easement to 3.0 m finished carriageway width. The formation shall include kerbing or a concreted dish channel to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.
  - c. Provide evidence that separate stormwater connections to the Council's stormwater system for Lots 1 and 2 have been installed in accordance with the FNDC Engineering Standards 2023.
  - d. Provide evidence that separate wastewater connections to Council's reticulated wastewater system for Lots 1 and 2 have been installed in accordance with the FNDC Engineering Standards 2023.
  - e. Provide evidence that separate metered water supply connection to Council's reticulated water supply system for Lots 1 and 2 have been installed in accordance with the FNDC Engineering Standards 2023.
  - f. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services to the boundary of Lot 2.
4. 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. Stormwater runoff for new buildings and impermeable surface areas on Lot 2 shall be restricted to that of 80% of pre-development levels for the 20% and 50% AEP storm events plus an allowance for climate change.  
**[Lot 2]**
  - b. Lot 2 is identified as HAIL category A10 - *Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds*. All activities on site shall comply with Soil Regulation 8(3) of the NESCS or the landowner shall obtain written consent of the Council.  
**[Lot 2]**
  - c. In addition to the area of easement G. No buildings, other structures or earthworks shall be constructed within 2.0 metres of the Council sewer line or zone of influence of the pipe, whichever is the greater.  
**[All lots]**

## 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.*

### **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. *The owner of the site is advised of the limitations of soil disturbance and soil removal from the site, in carrying out the subdivision works.*

## **Activity B: Land Use Conditions**

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

1. The landuse activity shall be carried out in general accordance with the approved plan and all information submitted with the application prepared by Thomson Survey Ltd, referenced Proposed Subdivision of Lot 62 DP 358589, 31 Charlotte Kemp Drive, Kerikeri, dated 16.09.2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

## **Advice Notes**

### **Lapsing of Consent**

2. *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**

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**

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### **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. Under section 104 the Council can consider all relevant matters. In particular the matters listed in 7.6.5.1.5 Sunlight and 13.7.2.1 Minimum Lot Sizes are of particular relevance.
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 subject sites do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscape, nor outstanding natural/landscape feature.
  - b. The proposal has demonstrated that the proposed allotments can accommodate onsite infrastructure in a manner which does not adversely affect the safety and efficiency of the roading network
  - c. The proposal will also result in positive effects in enabling the lots to be independently disposed of.
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. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
  - b. Operative Far North District Plan 2009,
  - c. Proposed Far North District Plan 2022

*National Environmental Standard for Assessing and Managing Contaminants*

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is relevant to the application noting the land's historic use.

A detailed site investigation report has been prepared by NZ Environmental which concludes that the site is highly unlikely to be a risk to human health as a result of the subdivision and future residential use. Soil contamination does not exceed the applicable standard for NESCS purposes. As such the activity is a controlled activity pursuant to the NESCS).

In respect to future activity on site, Soil Regulation 8(3) of the NESCS does allow for relatively small-scale soil disturbance that may occur on land, such as minor landscaping, foundation excavations, and replacement of underground services, to occur without the need for resource consent. The detailed site investigation notes, *earthworks requirements for any future build are unknown but may include preparation of building platform and installation of driveway and services and any soil to be removed from Site must be disposed of at a facility authorized to take this material.*

The Site is not listed on the NRC Selected Land Use Register therefore a consent notice has been imposed for future owners.

It is concluded that soil disturbance volumes associated with the subdivision are below the regulation 8(3) requirements. The DSI report further concludes that *it is highly unlikely that the proposed subdivision and any future soil disturbance of at 31 Charlotte Kemp Drive, Kerikeri pose a risk to human health.*

#### Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan because the density is compatible, so too are the activities which are residential in nature.

The proposal is not contrary to the relevant objectives and policies of the ODP. The proposed subdivision continues to achieve residential development at similar densities to those prevailing at present and results in effects that are compatible with the effects of residential activity. The overall prevailing density along the whole of Charlotte Kemp Drive is similar to what is proposed and resultantly residential use, which will match much of the existing development in the immediately surrounding properties.

#### Proposed Far North District Plan

The Assessment of Environmental Effects provided in support of the application, on pages 18-22, provides an adequate assessment of the relevant objectives and policies in the Proposed Far North District Plan and concludes that the activity is consistent with these articles. I adopt this assessment for the purpose of this report and conclude that the activity is consistent with the relevant objectives and policies of the Proposed District Plan.

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 and reasonably necessary to determine the application.
7. 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.
8. 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.
9. 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 Swetha Maharaj, 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.



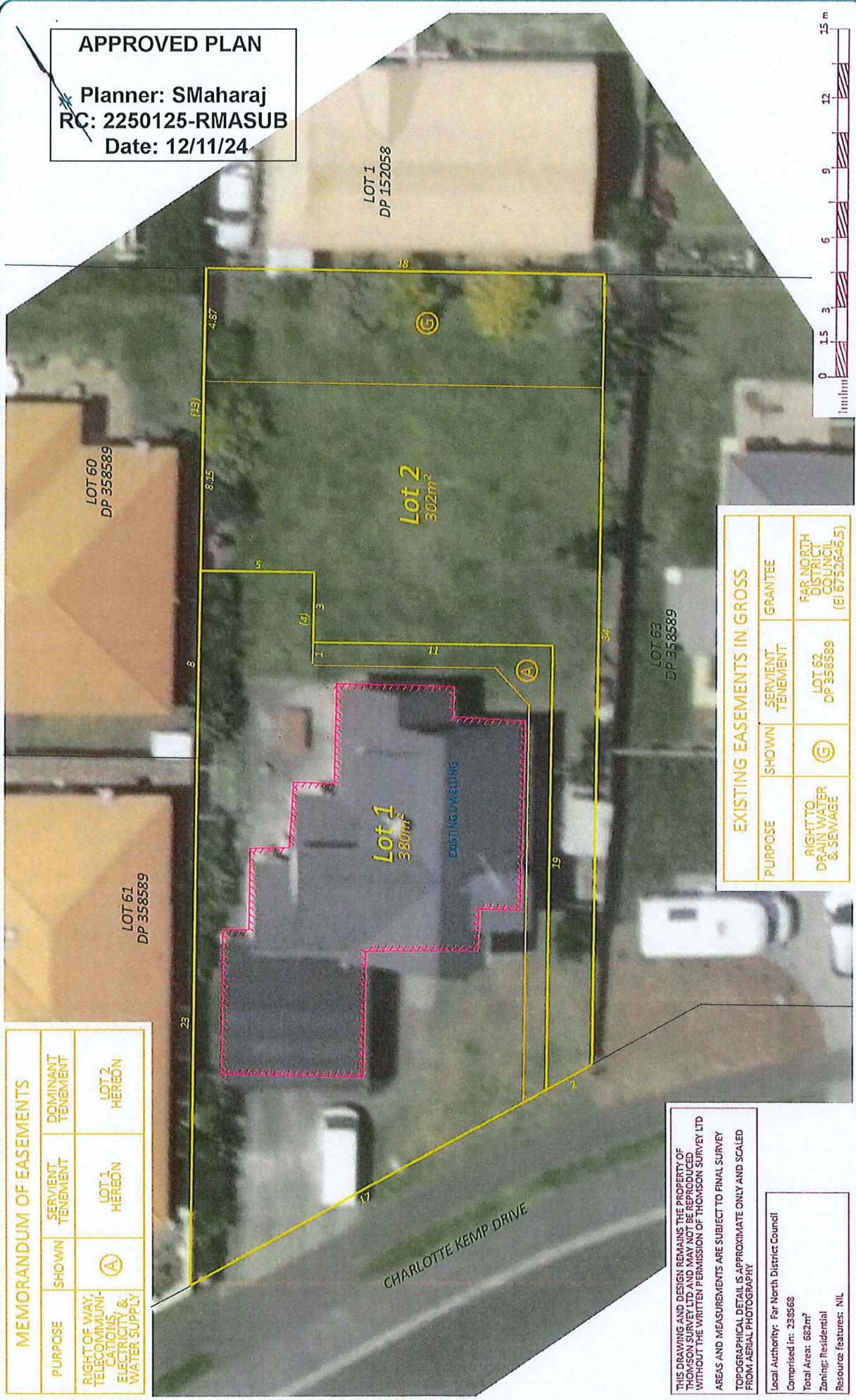
Simeon McLean

Date: 12 November 2024

**Independent RMA Commissioner**

**APPROVED PLAN**

Planner: SMaharaj  
 RC: 2250125-RMASUB  
 Date: 12/11/24



MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT / DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)	LOT 1, HEREON / LOT 2, HEREON

EXISTING EASEMENTS IN GROSS		
PURPOSE	SHOWN	SERVIENT TENEMENT / GRANTEE
RIGHT TO DRAIN, WATER & SEWAGE	(G)	LOT 62, DP 358589
		FAR NORTH DISTRICT COUNCIL (E1 6752646.5)

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD. AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY.

Local Authority: Far North District Council  
 Comprised in: 239966  
 Total Area: 662m²  
 Zoning: Residential  
 Resource features: NIL

Surveyors Ref. No.: 10523  
 Sheet: 1 of 1

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	KY 05.09.23	1:150	A3
Approved	KY 16.09.24		
Rev.			

10523 Scheme

**PROPOSED SUBDIVISION OF**  
**LOT 62 DP 358589**  
 31 CHARLOTTE KEMP DRIVE, KERIKERI

PREPARED FOR: M. McIntosh

**THOMSON SURVEY**  
 315 Kerikeri Rd  
 P.O. Box 372 Kerikeri  
 Email: kerikeri@tsurvey.co.nz  
 Ph: (09) 4077360 Fax: (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants



MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)	LOT 1 HEREON	LOT 2 HEREON

**APPROVED PLAN**  
**Planner: SMaharaj**  
**RC: 2250125-RMASUB**  
**Date: 12/11/24**

LOT 1  
 DP 152058

LOT 60  
 DP 358589

LOT 61  
 DP 358589

Lot 2  
 302m<sup>2</sup>

Lot 1  
 380m<sup>2</sup>

EXISTING DWELLING

LOT 63  
 DP 358589

CHARLOTTE KEMP DRIVE

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO DRAIN WATER & SEWAGE	(G)	LOT 62 DP 358589	FAR NORTH DISTRICT COUNCIL (E16752646.5)

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY AND WILL BE RETURNED TO THEM WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD. AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY. TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY.

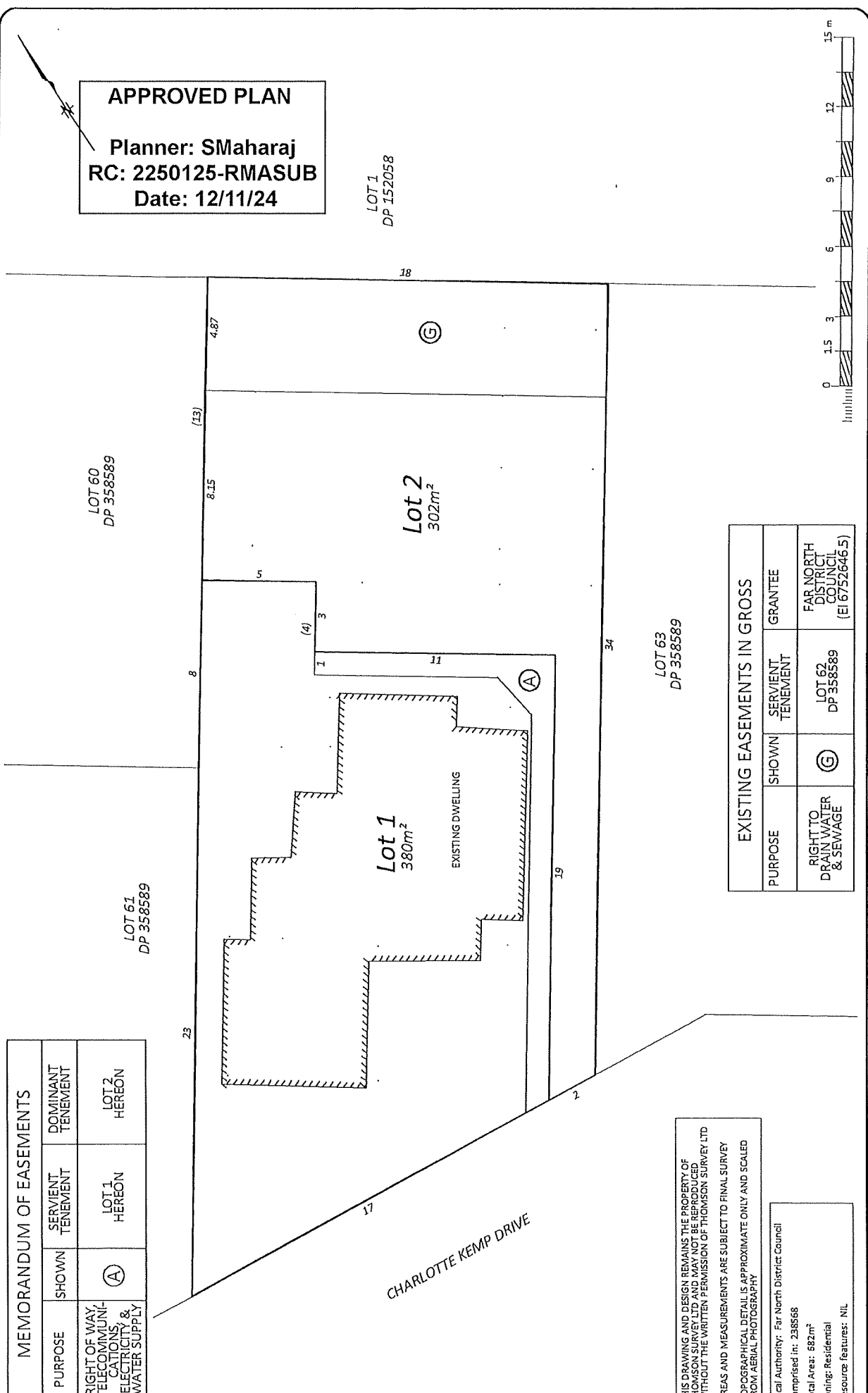
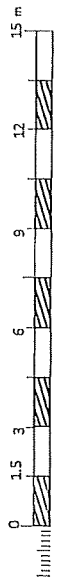
Local Authority: Far North District Council  
 Comprised in: 238568  
 Total Area: 692m<sup>2</sup>  
 Zoning: Residential  
 Resource Features: NIL

**THOMSON SURVEY**  
 315 Kerikeri Rd  
 P.O. Box 372 Kerikeri  
 Email: kerikeri@tsurvey.co.nz  
 Ph: (09) 4077860 Fax: (09) 4077322  
 Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF LOT 62 DP 358589**  
 31 CHARLOTTE KEMP DRIVE, KERIKERI  
 PREPARED FOR: M. McIntosh

Name	Date	ORIGINAL SHEET
Survey		
Design		
Drawn	KY 05.09.23	
Approved	KY 16.09.24	
Rev		
10523 Scheme		

Surveyors Ref. No: 10523  
 Sheet 1 of 1



## **Appendix 2**

Current title information



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



*R. W. Muir*  
Registrar-General  
of Land

**Identifier** **238568**  
**Land Registration District** **North Auckland**  
**Date Issued** 14 February 2006

**Prior References**  
176972

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<b>Estate</b>	Fee Simple
<b>Area</b>	682 square metres more or less
<b>Legal Description</b>	Lot 62 Deposited Plan 358589

**Registered Owners**  
Margaret Anne McIntosh

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**Interests**

Appurtenant hereto are rights to transmit electricity and convey water specified in Easement Certificate C489374.4 - 15.6.1993 at 2.32 pm

The easements specified in Easement Certificate C489374.4 are subject to Section 309 (1) (a) Local Government Act 1974

Fencing Covenant in Transfer D608075.1 - 29.5.2001 at 9.07 am

5531271.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 25.3.2003 at 9:00 am

Appurtenant hereto is a right to drain stormwater created by Easement Instrument 5531271.7 - 25.3.2003 at 9:00 am

The easements created by Easement Instrument 5531271.7 are subject to Section 243 (a) Resource Management Act 1991

5531271.8 Land Covenant - 25.3.2003 at 9:00 am

Land Covenant in Easement Instrument 5555467.1 - 15.4.2003 at 9:00 am

Fencing Covenant in Easement Instrument 5555467.1 - 15.4.2003 at 9:00 am

5627172.1 Variation of the Land Covenant in Easement Instrument 5531271.8 - 18.6.2003 at 9:00 am

5896535.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 12.2.2004 at 9:00 am

Appurtenant hereto is a right to drain water easement created by Easement Instrument 5896535.4 - 12.2.2004 at 9:00 am

The easements created by Easement Instrument 5896535.4 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights to drain sewage & water easements created by Easement Instrument 5896535.5 - 12.2.2004 at 9:00 am

The easements created by Easement Instrument 5896535.5 are subject to Section 243 (a) Resource Management Act 1991

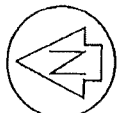
Land Covenant in Easement Instrument 5958514.1 - 6.4.2004 at 9:00 am

Subject to a right to drain water and sewerage (in gross) over part marked G on DP 358589 in favour of the Far North District Council created by Easement Instrument 6752646.5 - 14.2.2006 at 9:00 am

The easements created by Easement Instrument 6752646.5 are subject to Section 243 (a) Resource Management Act 1991



Areas (B), (C), (D) & (E) are to be subject to a Land Covenant (overland Flowpath Protection)

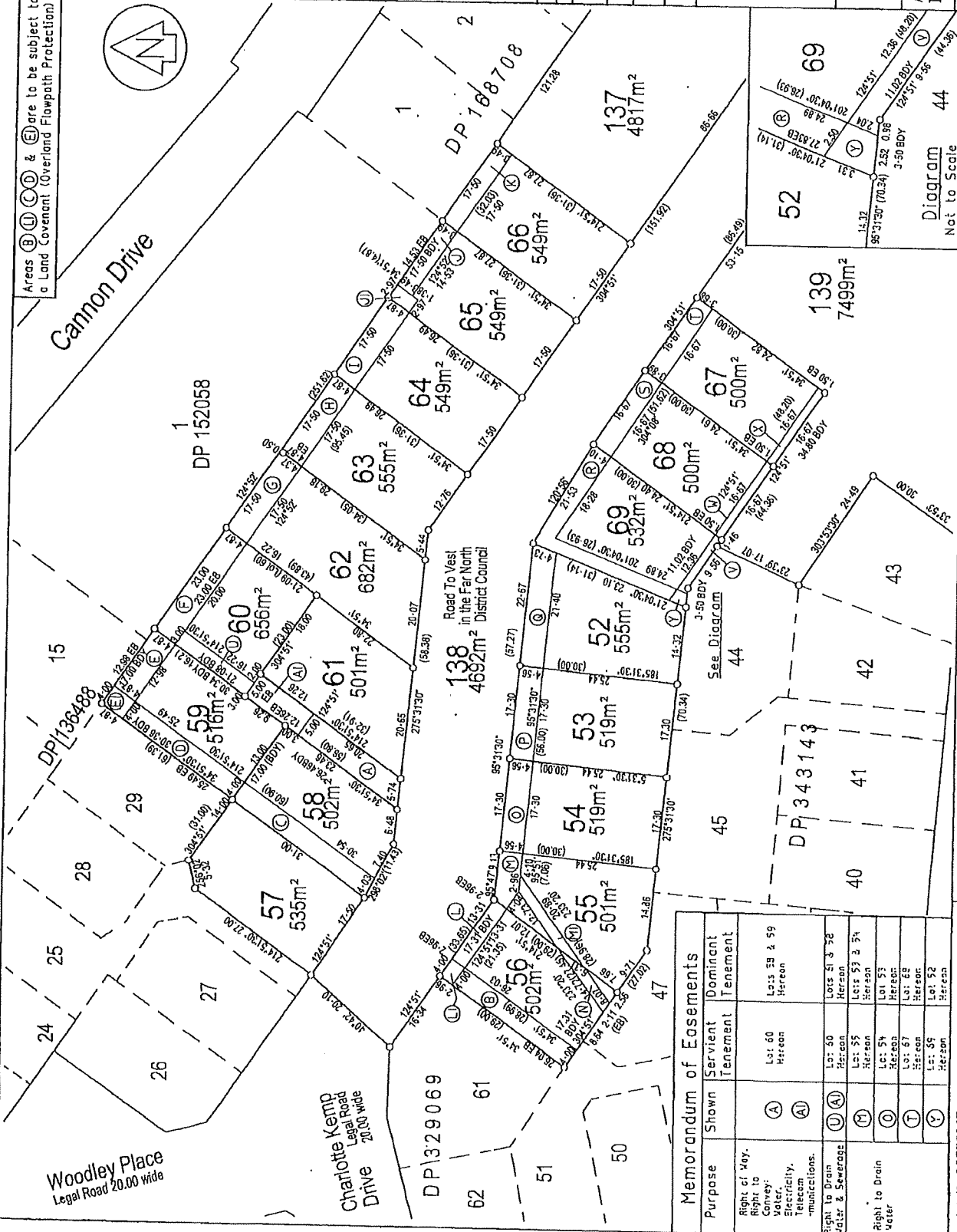


Cannon Drive

Woodley Place  
Legal Road 20.00 wide

Charlotte Kemp  
Legal Road 20.00 wide

138 Road To Vest  
in the Far North  
District Council



Memorandum of Easements	
Purpose	Servient Tenement
Right of Way, Convey, Water, Electricity, Telecommunications.	Lot: 60 Hereon
Right to Drain Water & Sewerage	Lot: 60 Hereon
Right to Drain Water	Lot: 60 Hereon

LAND DISTRICT: NORTH AUCKLAND  
SURVEY BLK & DIST: XI Kerikeri  
NZMS SHEET No.

Lots 52-69 & 136-140  
Being a Subdivision of Lot 136 DP 343143

LOCAL AUTHORITY: Far North District  
Surveyed by: Thomson Survey Ltd  
Scale: 1:500 Date: Aug 2005

Diagram  
Not to Scale

Memorandum of Easements in Gross	
Purpose	Servient Tenement
Right to drain Water & Sewerage	Lot 59 Hereon
	Lot 60 Hereon
	Lot 62 Hereon
	Lot 63 Hereon
	Lot 64 Hereon
	Lot 65 Hereon
	Lot 66 Hereon
	Lot 67 Hereon
	Lot 68 Hereon
	Lot 69 Hereon
Right to drain Water	Lot 59 Hereon
	Lot 60 Hereon
	Lot 62 Hereon
	Lot 63 Hereon
	Lot 64 Hereon
	Lot 65 Hereon
	Lot 66 Hereon
	Lot 67 Hereon
	Lot 68 Hereon
	Lot 69 Hereon
Right to drain Sewerage	Lot 59 Hereon
	Lot 60 Hereon
	Lot 62 Hereon
	Lot 63 Hereon
	Lot 64 Hereon
	Lot 65 Hereon
	Lot 66 Hereon
	Lot 67 Hereon
	Lot 68 Hereon
	Lot 69 Hereon
Existing Easements in Gross	
Purpose	Shown
Right to Transmit Electricity	(B) 6995793.7
Sheet 2 of 2 Class of Survey: Class 1	
Total Area Comprised in	
1. Denis McGregor Thomson, being a person entitled to practice as a licensed cadastral surveyor, certifies that the surveys to which this document relates are accurate, and were made by him or under his direction in accordance with the Cadastral Survey Act 2002 and the Surveyor General's Rules for Cadastral Survey 2003 and he has treated in accordance with that Act and those Rules.	
Signed: Denis McGregor Thomson	
Dated: 17/10/2005	
Field Book: Far North District Council	
Reference Plans: Correct	
Examined: Correct	
Approved as to Survey by Land Information NZ on 17/10/2005	
Deposited by Land Information NZ on 17/10/2005	
File 1009 Scan 3169 & Title Instructions 107-001-2005	
Appraiser: M.C.M. 00702	

DP 358589