

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

\* *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:**

Mike & Wendy Fisher

**Email:**

**Phone number:**

**Postal address:**

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

## 6. Address for Correspondence

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

**Name/s:**

Bay of Islands Planning (2022) Ltd

**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:**

Mike & Wendy Fisher

**Property Address/  
Location:**

7 English Bay Rd

Opua

**Postcode**

## 8. Application Site Details

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

**Name/s:**

**Site Address/  
Location:**

**Postcode**

**Legal Description:**

**Val Number:**

**Certificate of title:**

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

### Site visit requirements:

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

Is there a dog on the property?  Yes  No

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

## 9. Description of the Proposal:

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

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

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

Yes  No

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

(more than one circle can be ticked):

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

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

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

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

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

- 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)

Wendy Jane FISHER Michael John FISHER

**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)

Wendy Jane Fisher Michael John Fisher

**Signature:**

(signature of bill payer)

Date 12 Dec 2024

## 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)

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

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

**BAY OF ISLANDS PLANNING (2022) LIMITED**

**Kerikeri House**

**Suite 3, 88 Kerikeri Road**

**Kerikeri**

**Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) Website - [www.bayplan.co.nz](http://www.bayplan.co.nz)**

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20 January 2025

Far North District Council  
John Butler Centre  
Kerikeri

**Application seeking consent for a two-lot subdivision on Lot 1 DP 594558 in the Coastal Residential zone at 7 English Bay Road, Opuā.**

Please find attached an application for a two-lot subdivision at 7 English Bay Road, Opuā. The site is legally described as Section 6 Block II Town of Opuā and Section 3-5 Block III Town of Opuā (NA31A/1379).

The applicant seeks consent to subdivide a 3,145m<sup>2</sup> site creating two lots as a controlled activity in the Coastal Residential zone within the operative Far North District Plan (ODP). The site is zoned General Residential under the Proposed Far North District Plan (PDP) with a Coastal Environment overlay.

There remains a technical transportation breach in relation to the Transportation chapter in the ODP, which has already been assessed by Council and historic consent granted. This isolated matter makes this application for a two-lot subdivision a **Discretionary activity**.

The application is supported by the following information –

- **Appendix A - Certificate of Title**
- **Appendix B - Scheme Plan prepared by BOI Survey Ltd**
- **Appendix C – Previous subdivision decision, Variation application and Right to Occupy**
- **Appendix D – Top Energy and Chorus approvals**

Regards,



Andrew McPhee  
Consultant Planner

## APPLICANT & PROPERTY DETAILS

Applicant	Mike and Wendy Fisher
Address for Service	Bay of Islands Planning [2022] Limited Kerikeri House Suite 3 88 Kerikeri Road Kerikeri C/O – Andrew McPhee  <a href="mailto:andrew@bayplan.co.nz">andrew@bayplan.co.nz</a> 021-784-331
Legal Description	Section 6 Block II Town of Opua and Section 3-5 Block III Town of Opua
Certificate Of Title	NA31A/1379
Physical Address	7 English Bay Road, Opua
Site Area	3,145m <sup>2</sup>
Owner of the Site	Mike and Wendy Fisher
Operative District Plan Zone / Features	Coastal Residential Zone [ODP]
Proposed District Plan	General Residential Zone [PDP], Coastal Environment overlay
Archaeology	Nil
NRC Overlays	Nil
Soils	N/A
Protected Natural Area	Nil
HAIL	Nil

### Schedule 1



## SUMMARY OF PROPOSAL

Proposal	A two-lot subdivision in the Coastal Residential zone at 7 English Bay Road, Opua.
Reason for Application	<p>Subdivision in the Coastal Residential zone of lots larger than 800m<sup>2</sup>, where sewage is available is a Controlled Activity.</p> <p>There remains a technical transportation breach in relation to the Transportation chapter in the ODP which has already been assessed by Council and historic consent granted. This matter is a Discretionary activity.</p>
Appendices	<p>Appendix A - Record of Title</p> <p>Appendix B - Scheme Plan prepared by BOI Survey Ltd</p> <p>Appendix C – Previous subdivision decision, Variation application and right to occupy</p> <p>Appendix D – Top Energy and Chorus approvals</p>
Consultation	No consultation undertaken.
Pre-Application Consultation	Not applicable.

## 1.0 INTRODUCTION

The applicant seeks resource consent to undertake a two-lot subdivision on their property located at 7 English Bay Road in Opua, legally described as Section 6 Block II Town of Opua and Section 3-5 Block III Town of Opua. The title is provided in **Appendix A**.

The application is supported by a scheme plan provided in **Appendix B**. A copy of the previously approved subdivision and land use consent for the site is also provided in **Appendix C**. **Appendix D** contains subdivision approvals from Chorus and Top Energy.

## 2.0 DESCRIPTION OF THE SITES AND SURROUNDS



Figure 1: Site (Source: Prover)



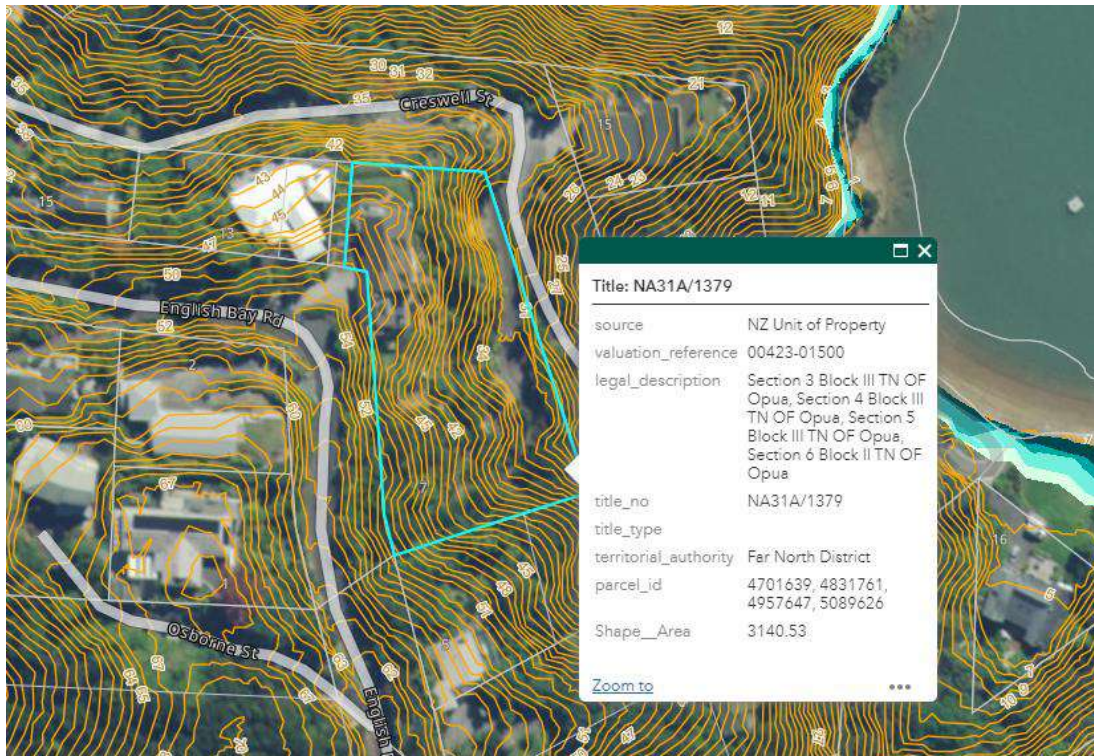
**Figure 2: Site Aerial (Source: Far North Proposed District Plan Maps)**

The site is identified as 7 English Bay Road and is located ~650 metres (as the crow flies) northwest of the Opuia passenger ferry wharf. The site overlooks English Bay and the Veronica Channel, with views extending over to Russell.

The site currently comprises four parcels within the one title.

The site and surrounding area are zoned Coastal Residential in the ODP, with the exception of the southeastern corner adjoining the site which is zoned Conservation. Most of the Coastal Residential sites in the vicinity have been developed.

The site slopes steeply from English Bay Road (west to east). While some vegetation has been previously removed to accommodate the access onto the southern portion of the site, a large quantum remains.



**Figure 3: Topography (Source: Northland Regional Council Maps)**

Proposed Lot 1 currently contains a dwelling, which has gained previous resource consent approval for a multi-unit development (RC 2150037-RMACOM). Proposed Lot 2 does not have any built development other than a cleared building area and access, which was implemented as part of the previously consented subdivision and land use consent (see **Appendix C**).

The existing dwelling is serviced by Council reticulated wastewater (see Figure 4). Potable water is by way of rainwater tanks.



**Figure 4: Servicing (Source: FNDC Water Services Map)**

The site has two formed accesses. The existing dwelling on proposed Lot 1 gains access from English Bay Road (see Figure 5). The second established access to the site is from Creswell Street providing access to proposed Lot 2 (see Figure 6).



**Figure 5: Access off English Bay Road (Source: Google Earth)**



*Figure 6: Access off Creswell Street (Source: Google Earth)*

The site is not subject to any known hazards.

The site is not considered HAIL as it has historically been classified as a ‘built up area (settlement)’ and ‘Indigenous Forest’.

### **3.0 RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS**

The Record of Title is attached at **Appendix A**. There are no instruments applied to the landholding.

### **4.0 DESCRIPTION OF PROPOSAL**

The proposed subdivision seeks to subdivide a 3,145m<sup>2</sup> site, consisting of four amalgamated parcels, to create two lots as a controlled activity in the Coastal Residential zone within the ODP.

The proposed subdivision will create the following lots:

- Lot 1 – 1,026m<sup>2</sup>
- Lot 2 – 2,117m<sup>2</sup>

Section 6 Block II TN OF Opuia will remain a separate parcel and will be amalgamated with proposed Lot 1 in one registered title. The proposal will be in accordance with the scheme plan provided in **Appendix B**.

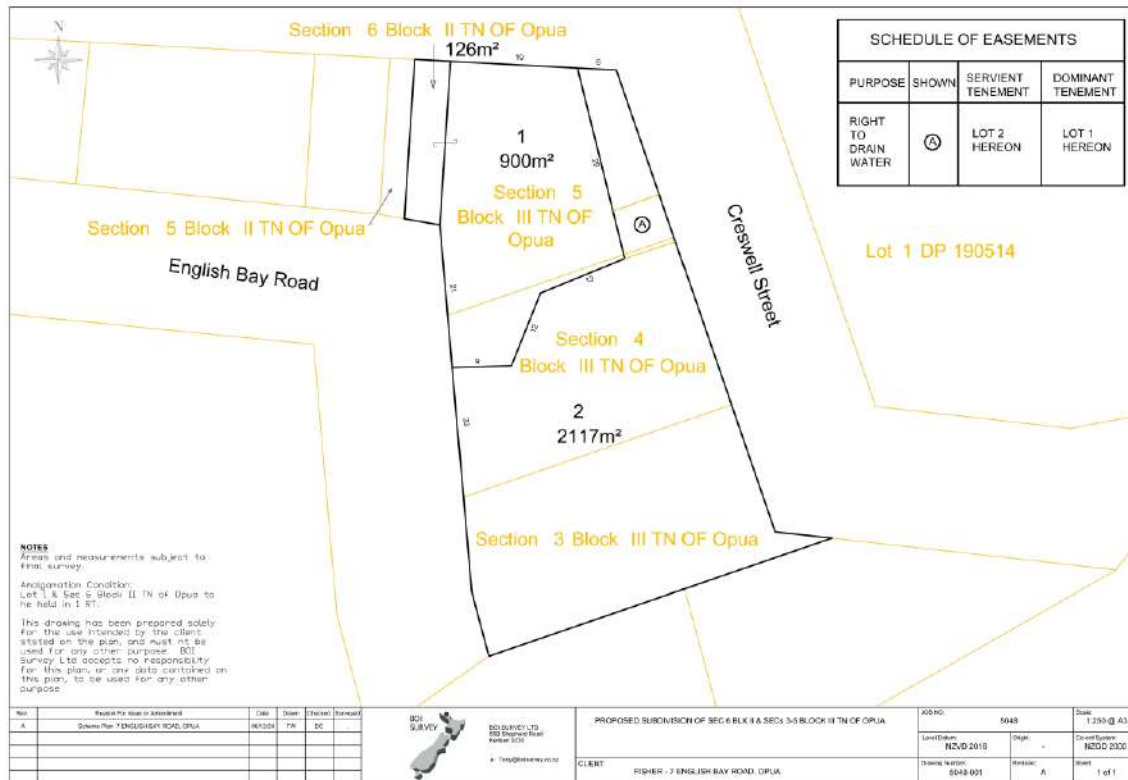


Figure 7: Proposed scheme plan (Prepared by BOI Survey)

Proposed Lot 1 will incorporate the existing dwelling. Access to proposed Lot 1 will be by way of the existing access formed off English Bay Rd. Easement A will allow for drainage of stormwater overflow from the water tank on proposed Lot 1 through proposed Lot 2, which mirrors the approved treatment as part of the previous resource consent (see **Appendix C**). The dwelling on proposed Lot 1 is connected to Councils reticulated wastewater system.

Proposed Lot 2 is a vacant site with a formed access off Creswell Street. Proposed Lot 2 will connect to Councils reticulated wastewater system at a time when a dwelling is proposed.

The site currently has access to power and telecommunications. Availability of these services has been confirmed by Chorus and Top Energy to accommodate the subdivision (see **Appendix D**).

**Resource consent history (2150037-RMACOM & 2150037-RMA/VAR/A & Right to Occupy)**

**2150037-RMACOM**

The site was subject to a land use and subdivision consent lodged in July 2014 by Harbourside Custodians Ltd. Approval was granted on 23 October 2014. Decision A

approved a two-lot subdivision of the subject site as a discretionary activity creating Lots 1 and 2 of 1,304m<sup>2</sup> and 1,842m<sup>2</sup> respectively.

Decision B approved renovations to an existing three storey multi-unit dwelling within proposed Lot 1, where the redevelopment infringed the permitted activity thresholds relating to residential intensity (being two residential units), building height, sunlight, setback from boundaries, parking and vehicle access.

Decision B has been given effect to whereas Decision A has not, as such the subdivision (or Decision A) has lapsed.

#### 2150037-RMA/VAR/A

2150037-RMACOM was subject to a variation which proposed to alter condition 3(a) of Decision A and condition 2 of decision B. This condition related to the requirement for the consent holder to provide evidence that the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring within English Bay Road, has been stopped.

Complications arose when progressing the road stopping application when an objection was received from a member of the public. The applicant then decided, in consultation with Council, to apply for a License to Occupy instead as a way of achieving a similar outcome to the road stopping. There were no physical changes to the environment arising from the proposed variation.

A licence to occupy was issued by Council in April 2016 (see **Appendix C**).

#### Commentary

Decision B has been given effect to and is not considered to have any bearing on this application.

Decision A has lapsed so resource consent is required for the two-lot subdivision. This application largely mirrors the subdivision component of the historic subdivision consent, and it is considered that the technical reports informing the original consent can be relied upon for this application, as the changes are minimal. While the lot sizes are slightly different to those applied for historically, they are still over the 800m<sup>2</sup> controlled activity threshold and do not incur any additional breaches that would change the assessment.

It is considered that there is now only a technical breach in terms of chapter 15 of the ODP for the subdivision relating to vehicles having to reverse off the site. This matter has previously been assessed and consent was granted as part of 2150037-RMACOM. The previous transportation breach relating to the number of carparks provided for proposed Lot 1 has been remedied by the Licence to Occupy issued by Council in April 2016.



The historic application for subdivision (Decision A) was applied for as a discretionary activity because of breaches to standards in chapter 15 of the ODP – Transportation. Specifically:

- Rule 15.1.6.1.1 (now 15.1.6B.1.1) relating to parking requiring four on-site parking spaces on proposed Lot 1 (being two for each residential unit). Two parking spaces are available within the internal garaging, with two additional spaces to be provided within the area of road to be stopped (now a licence to occupy). At the time the application was lodged this was a technical breach as the road had not been stopped and four carparking spaces could not be provided.

*It is considered that this can now be satisfied as the Licence to Occupy provides for the two additional carparking spaces for proposed Lot 1.*

- Rule 15.1.6.1.2(f)(ii) (now 15.1.6C.1.7) relating to vehicle access where the rule identifies that vehicles shall not reverse off a site onto a local road where four or more parking spaces area provided.

*Proposed Lot 1 still cannot comply in this regard. Council considered that the stopping of road reserve (now a license to occupy) would address the issue relating to this matter to the satisfaction of Council's resource consents engineer. It was identified that there is no adjacent footpath and no issues with respect to pedestrian safety. The Licence to Occupy in now in place.*

The subdivision is considered to be a **Discretionary** activity under the ODP, due to the Transportation breach. The discretionary element is considered a technical breach attributed to an isolated land use matter that has been previously assessed and approved through 2150037-RMACOM. The assessment that follows will generally align with a Controlled activity subdivision consent.

Based on the assessment of environmental effects provided below, it is concluded than any potential adverse effects arising from the subdivision would be less than minor and can be mitigated through appropriate conditions of resource consent.

## **5.0 DISTRICT PLAN ASSESSMENT [OPERATIVE AND PROPOSED]**

The Far North District Council (FNDC) zones the sites Coastal Residential in the ODP and General Residential in the PDP. There are no identified Resource features in the ODP. The PDP identifies the site as being within the Coastal Environment overlay.



**Figure 8: ODP zone – Coastal Residential (Source: Far North Maps)**



**Figure 9: PDP zone – General Residential (Source: PDP Maps)**

The subdivision is subject to performance standards as set out in Table 1 below:

**Table 1 - Subdivision Performance Standards**

<b>Subdivision Performance Standard</b>	<b>Comment</b>
<b>Rule 13.6.1 Definition of Subdivision of Land</b>	The application meets the definition of subdivision as defined in the Resource Management Act 1991 ( <b>RMA</b> ).
<b>Rule 13.6.2 Relevant Sections of Act</b>	These are applied to the application.
<b>Rule 13.6.3 Relevant Sections of the District Plan</b>	These are applied to the application.
<b>Rule 13.6.4 Other Legislation</b>	There are no other pieces of legislation which are triggered by the proposal.
<b>Rule 13.6.5 Legal Road Frontage</b>	The site is currently accessed on English Bay Road and Creswell Street.
<b>Rule 13.6.6 Bonds</b>	Not applicable
<b>Rule 13.6.7 Consent Notices</b>	There are no consent notices that currently apply to the site.
<b>Rule 13.6.8 Subdivision consent before work commences</b>	Minimal physical works will be required to complete the subdivision (if any). Earthworks and retaining walls have already been consented and constructed. Access has already been formed for proposed Lot 2.
<b>Rule 13.6.9 Assessing Resource Consents</b>	The application is technically a discretionary activity so conditions can be imposed relative to any associated effects.
<b>Rule 13.6.10 Joint Applications</b>	Not applicable
<b>Rule 13.6.11 Joint Hearings</b>	Not applicable
<b>Rule 13.6.12 Suitability for Proposed Land Use</b>	The application does not create significant risk from natural hazards and has made sufficient provision for legal and physical access to each of the allotments proposed.
<b>Rule 13.7.2 Allotment Sizes, Dimensions and Other Standards</b>	
<b>Performance Standard</b>	<b>Comment</b>
<b>Rule 13.7.2.1 – Minimum Lot Sizes</b>	The proposed two lot subdivision creates lots that are above the controlled activity minimum standard for seweraged sites (all over 800m <sup>2</sup> ).  <b>Controlled</b>
<b>Rule 13.7.2.2 – Allotment dimensions</b>	All new allotments can contain a 14m x 14m allotment dimension.
<b>Rule 13.7.2.3 - Amalgamation of land in a rural zone with land in an urban or coastal zone</b>	Not applicable.

Subdivision Performance Standard	Comment
<b>Rule 13.7.2.4 - Lots divided by zone boundaries</b>	Not applicable.
<b>Rule 13.7.2.5 - Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature</b>	Not applicable
<b>Rule 13.7.2.6 - Activities, Utilities, Roads and Reserves</b>	Not applicable
<b>Rule 13.7.2.7 - Savings as to previous approvals</b>	Not applicable
<b>Rule 13.7.2.8 - Proximity to Top Energy transmission lines</b>	Not applicable
<b>Rule 13.7.2.9 - Proximity to National Grid</b>	Not applicable
<b>Rule 13.7.3 1- Property Access</b>	Access to proposed Lots 1 and 2 is existing. A technical breach exists for rule 15.1.6C.1.7 which was approved under a previous resource consent (see below).
<b>Rule 13.7.3.2 Natural and Other Hazards</b>	No hazards identified.
<b>Rule 13.7.3.3 Water Supply</b>	Water supply for proposed Lot 1 is from rainwater roof collection to an existing water tank. No development is proposed for proposed Lot 2. A consent notice can be applied at the time of development for an approved water supply method for proposed Lot 2.
<b>Rule 13.7.3.4 Stormwater Disposal</b>	A proposed easement subject to previously approved subdivision (RC 2150037-RMACOM) will be applied over Lot 2 in favour of proposed Lot 1 for stormwater overflow from water tank. A consent notice can be applied at the time of development for an approved stormwater disposal method for proposed Lot 2.
<b>Rule 13.7.3.5 Sanitary Sewage Disposal</b>	Proposed Lot 1 is currently serviced by Councils reticulated wastewater network. Proposed Lot 2 will be serviced by Councils reticulated wastewater network at the time of development. A consent notice can be applied at the time of development for proposed Lot 2 to install an appropriate connection.
<b>Rule 13.7.3.6 Energy Supply</b>	Proposed lot 1 is connected. Proposed Lot 2 can be serviced (see <b>Appendix D</b> ).
<b>Rule 13.7.3.7 Telecommunications</b>	Proposed lot 1 is connected. Proposed Lot 2 can be serviced (see <b>Appendix D</b> ).

Subdivision Performance Standard	Comment
<b>Rule 13.7.3.8 Easements for any Purpose</b>	An easement is provided for proposed Lot 1 over proposed Lot 2 for the purpose of stormwater overflow runoff (see <b>Appendix B</b> ).
<b>Rule 13.7.3.9 Preservation of heritage resources, vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes</b>	The site does not contain any of these items. No vegetation clearance is proposed as part of the subdivision application.
<b>Rule 13.7.3.10 Access to Reserves and Waterways</b>	Not applicable
<b>Rule 13.7.3.11 Land Use Compatibility</b>	The application creates a residential site in a coastal residential zone
<b>Rule 13.7.3.12 Proximity to Airports</b>	Not applicable

**Table 2 - Natural and Physical Resources - Performance Standards**

Chapter 12 – Natural and Physical Resources	
<b>12.1 Landscapes and Natural Features</b>	Not applicable
<b>12.2 Indigenous Flora and Fauna</b>	The sites do not contain any significant areas of indigenous vegetation identified on the FNDC PNA maps. No vegetation clearance is proposed as part of the subdivision. The site does not contain any habitats of indigenous fauna.
<b>12.3 Soils and Minerals</b>	No earthworks are required.
<b>12.4 Natural Hazards</b>	Not applicable
<b>12.5 Heritage</b>	Not applicable
<b>12.6 Air</b>	Not applicable
<b>12.7 Lakes, Rivers Wetlands and the Coastline</b>	Not applicable
<b>12.8 Hazardous Substances</b>	Not applicable
<b>12.9 Renewable Energy and Energy Efficiency</b>	Not applicable

**Table 3 - Transportation Performance Standards**

Chapter 15 - Transportation	
<b>15.1.6A.2 Traffic Intensity</b>	<p>The multi-unit development on Lot 1 was subject to a previously approved land use consent.</p> <p>One dwelling can be reasonably expected on proposed Lot 2 and would be exempt.</p>

	60 traffic movements are permitted.  <b>Complies</b>
<b>15.1.6B.1 Parking</b>	Lot 1 was subject to a previous land use consent where dispensation was given for parking.  No development is proposed on Lot 2 at this juncture however, it is of sufficient size to provide parking and manoeuvring for two vehicles.  <b>Complies</b>
15.1.6C Access	Lot 1 was subject to a previously approved land use consent where dispensation was given for vehicles reversing off the site onto a local road.  Proposed Lot 2 will gain access from the established access off Creswell Street.  It is considered that despite the previously approved resource consent addressing this matter, it is a 'technical breach'.  <b>Discretionary</b>
<b>15.1.6C.1.8 Frontage to Existing Roads</b>	Proposed Lot 1 has frontage to English Bay Rd and proposed Lot 2 onto Creswell Street. Both have been considered under a previously approved resource consent.  <b>Complies</b>

An assessment of the proposal against the relevant land-use rules of the ODP is not considered necessary as the only development on the site is the existing dwellings on Lot 1, which have acquired resource consent for any breaches. This application for subdivision does not alter or add any new breaches in respect of the built development. No development is proposed on Lot 2 at this juncture.

Overall, this subdivision application falls to be considered as a **Discretionary** activity.

In terms of the PDP, the following rules are assessed in Table 4 below.

**Table 5 – PDP Standards**

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural	N/A	Yes	Not proposed  <b>Permitted Activity</b>

development within an area or a scheduled SNA – which is not mapped	heritage resource HS-R5, HS-R6, HS-R9			
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A	Yes	Not indicated on Far North Proposed District Plan.  <b>Permitted Activity</b>
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan.  Not within 20m of a scheduled heritage resource  <b>Permitted Activity</b>
Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	No proposed vegetation clearance.

indigenous vegetation on the site for example				<b>Permitted Activity</b>
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Yes	With respect of EW-R12, this requires that the proposed earthworks comply with EW-S3. In effect, EW-S3 triggers the need for an ADP to be applied. It is confirmed that the proposed earthworks will comply with an ADP and this is volunteered as a condition of consent.  EW-R13 links to EW-S5. EW-S5 requires earthworks to be controlled in accordance with GD-05.  <b>Permitted Activity</b>
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>



Subdivision	SUB-R6, R13-R15, and R17	Yes		Not indicated on Far North Proposed District Plan
				<b>Permitted Activity</b>
<b>Comments:</b>				
No consents are required through the PDP.				

## 6.0 STATUTORY CONSIDERATIONS

Section 104B of the RMA governs the determination of applications for Discretionary activities:

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

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

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

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

Section 104 of the RMA states that when considering an application for a resource consent, “the consent authority must, subject to Part II, have regard to –

- (i) any actual and potential effects on the environment of allowing the activity; and
- (ii) any relevant provisions of –
- (iii) a national environment standard;
- (iv) other regulations;
- (v) a national policy statement; and
- (vi) a New Zealand Coastal Policy Statement;
- (vii) a regional policy statement or proposed regional policy statement;
- (viii) a plan or proposed plan; and
- (ix) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

The matters to be addressed under s104 are discussed below which has been guided, where relevant, by the assessment criteria in section 13.10 of the ODP.

No Regional Plan matter is considered to be pertinent to the considerations as no consents are required in this respect.

Those relevant s104 considerations are addressed and followed by an assessment of Part II matters as they apply to the application.

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

The lot sizes proposed through the original subdivision of the subject site are similar to those being proposed through this application.

2150037-RMACOM	This application
Lot 1 – 1,304m <sup>2</sup>	Proposed Lot 1 – 1,026m <sup>2</sup>
Lot 2 – 1,842m <sup>2</sup>	Proposed Lot 2 – 2,117m <sup>2</sup>

As such it is considered that the assessment undertaken in the original consent, and subsequent decision granted, can be generally relied upon for this application.

The main difference between the two applications are:

- this application is only applying for subdivision of the subject site; and
- the site has a Licence to Occupy which addresses the historic boundary issues associated with the dwelling/s and provision of sufficient parking for the multi-unit development on Lot 1.

**Subdivision**

Lots 1 and 2 comply with the controlled activity standard of 800m<sup>2</sup> for a sewered site in the Coastal Residential zone. An allotment dimension of 14m by 14m that does not encroach into the permitted activity setbacks for the Coastal Residential Zone (3 metres from road boundaries and 1.2m from other boundaries) is accommodated by each lot in accordance with the controlled activity Rule 13.7.2.2.

Being that the subdivision is a controlled activity, the effects are well understood by Council and is consistent with the environmental outcomes anticipated by the ODP. As such, the adverse effects of the subdivision are considered to be less than minor.

**Geotechnical**

The original application (2150037-RMACOM) was supported by a geotechnical investigation and site suitability report prepared by Haigh Workman Civil and Structural Engineers. Council's resource consents engineer considered land stability issues as part of that application. On the basis of the information submitted (which also includes a geotechnical/ investigation report' prepared by LDE, no issues were raised in this regard and the proposal was supported by Council. This can be provided on request.

### **Access to proposed lot 1**

The original application (2150037-RMACOM) determined that on-site parking on Lot 1 is inadequate for the purposes of servicing the two residential units on the lot, with limited visibility available for vehicles forced to reverse manoeuvre from the site. At that time the remedy was to implement a road stopping application to address the issue.

The road stopping application was not pursued, instead a Licence to Occupy was applied for and granted covering the same area intended for the road stopping application. The Licence to Occupy achieves the same result as the road stopping application.

At the time of the original application Councils resource consent engineer deemed that the road stopping application would address the access issues for Lot 1. It was also noted that in terms of reversing off the site that there is no adjacent footpath, and no issues identified with respect to pedestrian safety.

### **Allotment sizes and dimensions**

As above, it is considered that that the proposed allotment sizes and dimensions are sufficient to accommodate future land use or the intended use of the land in the Coastal Residential zone (Residential zone in the PDP).

### **Natural Hazards**

Regard has been had to the hazard information held by both FNDC and the Regional Council, which revealed there are no identified natural hazards, contaminated sites or other hazards associated with the landholding. No hazards were identified in the original application either (2150037-RMACOM).

### **Water Supply**

The FNDC on-line GIS Water Services Map indicates that no public potable water services are available to service the property. Proposed Lot 1 currently collects water from the roof into rainwater tanks.

No development is proposed on Lot 2 at this juncture. A consent notice can be placed on the title to ensure that appropriate water supply is provided at the time of development.

### **Stormwater disposal**

An easement is placed over Proposed Lot 2 to accommodate stormwater overflow from proposed Lot 1. This was deemed appropriate through the original consent application

(2150037-RMACOM) and is still deemed appropriate now (see Scheme Plan in **Appendix B**).

No development is proposed on Lot 2 at this juncture. A consent notice can be placed on the title to ensure that appropriate treatment of stormwater on proposed Lot 2 is provided at the time of development.

### **Sanitary sewage disposal**

The existing dwelling/s on proposed Lot 1 have connection to Councils reticulated wastewater.

No development is proposed on Lot 2 at this juncture. A separate wastewater connection will be provided prior to title for Lot 2 in accordance with Engineering Standards.

### **Energy supply and transmission lines**

Contact has been made with Top Energy in respect of the application (see **Appendix D**) and confirms that the proposed subdivision can be accommodated. Their requirements are stated as nil.

### **Telecommunications**

Contact has been made with Chorus in respect of the application (see **Appendix D**) and confirms that the proposed subdivision can be accommodated and outlines the total contribution necessary.

### **Easements**

The Scheme Plan in **Appendix B** identifies a memorandum of easements for the proposal. Area 'A' has been identified for a right to drain water.

### **Access to reserves and waterways**

The landholding does not abut any waterbodies, nor does it prevent public access to and along the coastal marine area or to and along the banks of lakes or rivers.

### **Land use incompatibility**

The proposed subdivision is considered to be compatible with the receiving zone and surrounding land use, which can be best described as residential properties.

### **Proximity to airports**

There is not considered to be any adverse effects from being in proximity to airports in this location.

It is concluded that the effects of the proposed subdivision will incur effects on the environment that are less than minor.

*Section 104 (1)(ab) Any measures to achieve positive effects*

Positive effects arising from the subdivision include enabling the efficient use of land in the Coastal Residential zone and providing sections for much needed housing in the Far North. The anticipated subdivision density enabled in the ODP within the Coastal residential zone are commensurate with the lot sizes proposed in the application.

*Section 104 (b)(i) and (ii) National Environmental Standards & Other Regulations*

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). A review of Council records has revealed no evidence to suggest that a HAIL activity has previously been undertaken on site. It is considered that the NESCS is not applicable to this application.

The NES for Freshwater (NESFW). A review of aerial images, including NRC's wetland maps, reveal no evidence to suggest that there are any wet areas that may be subject to the NESFW provisions. Therefore, no further assessment is required under the NESFW.

*Section 104 (b)(iii) National Policy Statement(s)*

There are not considered to be any relevant National Policy Statements applicable to this site or application.

*Section 104 (b)(iv) New Zealand Coastal Policy Statement*

The New Zealand Coastal Policy Statement (NZCPS). The site is identified within the coastal environment within the Regional Policy Statement for Northland (NPS). The proposed subdivision is a controlled activity within the ODP, as such the development is anticipated and enabled in this location and zone. The proposal is therefore considered to be consistent with the NZCPS.

*Section 104 (b)(v) Regional Policy Statement or Proposed Regional Policy Statement*

The Northland Regional Policy Statement is the applicable regional statutory document that applies to the Northland region. Jurisdiction for subdivision is governed by the FNDC and the policy framework for establishing an appropriate land use pattern across the

district is set out in the ODP. This Plan is subject to the governing regional policy framework set out in the Northland Regional Policy Statement.

**Table 6 – NRC Regional Policy Statement Review Assessment**

<b>Regional Policy Statement for Northland</b>	
<b>Objective / Policy</b>	<b>Assessment</b>
<b>Integrated Catchment Management</b>	Not relevant.
<b>Region Wide Water Quality</b>	Not relevant.
<b>Ecological Flows and Water Quality</b>	Not relevant.
<b>Enabling Economic Wellbeing</b>	The proposal will increase economic wellbeing for the applicants, local building and construction suppliers at a later juncture when land use is undertaken.
<b>Economic Activities – Reverse Sensitivity and Sterilisation.</b>	The purpose of the subdivision is to provide establish residential sections commensurate with the surrounding land use pattern. There are no reverse sensitivity or sterilisation effects from the proposal as it is being development in accordance the zones intent.
<b>Regionally Significant Infrastructure</b>	Not relevant.
<b>Efficient and Effective Infrastructure</b>	Council reticulated wastewater is available at the boundary of the site. The subdivision has been designed so it can utilise these services, other infrastructure can be addressed and accommodated on site.
<b>Security of Energy Supply</b>	Top Energy have confirmed that the subdivision can be connected (see <b>Appendix D</b> ).
<b>Use and Allocation of Common Resources</b>	Not relevant.
<b>Regional Form</b>	The proposal does not result in any reverse sensitivity or change in character. The subdivision will provide for residential lots, which is the intent of the zone in which it sits.
<b>Tangata Whenua Role in Decision Making</b>	Not considered necessary for a controlled activity.
<b>Natural Hazard Risk</b>	Natural Hazards are not considered to be a factor for this

	application.
<b>Natural Character, Outstanding Natural Features, Natural Landscapes and Historic Heritage</b>	While the site is located within the Coastal Environment, the scale of the proposed subdivision is anticipated and enabled by the ODP. It is therefore considered appropriate.

*Section 104 (b)(vi) Plans or Proposed Plans*

This subdivision application is subject to the provisions of the ODP and is subject to consideration (limited weight) of the PDP objectives and policies. The site is zoned Coastal Residential in the ODP and Residential in the PDP.

As the subdivision itself is a controlled activity in the ODP there is no need or requirement to undertake an assessment of the objectives and policies of the subdivision chapter or the zone chapter as the effects are well understood and the activity of subdivision itself in this zone is anticipated and enabled. The application only needs to be assessed in terms of its discretionary component, being the Transportation chapter for the technical non-compliance for reversing off the site (proposed Lot 1).

**Transportation**

The objectives and policies for subdivision are assessed in Table 7 below.

**Table 7 – Transportation Objectives and Policies**

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
<b>OBJECTIVES</b>		
15.1.3.1	To minimise the adverse effects of traffic on the natural and physical environment.	The application of the Licence to Occupy (previously a road stopping application sought) satisfied the Council engineers concerns in this regard.
15.1.3.2	To provide sufficient parking spaces to meet seasonal demand in tourist destinations.	Not applicable.
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.	Sufficient car parking can be provided on both proposed lots.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
15.1.3.4	To ensure that appropriate and efficient provision is made for loading and access for activities.	Access has been addressed in the assessment of effects above. The application of the Licence to Occupy (previously a road stopping application sought) satisfied the Council engineers concerns in this regard.
15.1.3.5	To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.	There is no pedestrian footpath in this location. The application of the Licence to Occupy (previously a road stopping application sought) satisfied the Council engineers concerns in this regard.
<b>POLICIES</b>		
15.1.4.1	That the traffic effects of activities be evaluated in making decisions on resource consent applications.	These have been previously considered and consent was granted in 2014. This application for subdivision does not change any matters already considered.
15.1.4.2	That the need to protect features of the natural and built environment be recognised in the provision of parking spaces.	Sufficient parking is provided for the proposed subdivision.
15.1.4.3	That parking spaces be provided at a location and scale which enables the efficient use of parking spaces and handling of traffic generation by the adjacent roading network.	Sufficient and appropriate parking is provided for the proposed subdivision.
15.1.4.4	That existing parking spaces are retained or replaced with equal or better capacity where appropriate, so as to ensure the orderly movement and control of traffic	Sufficient and appropriate parking is provided for the proposed subdivision.
15.1.4.5	That appropriate loading spaces be provided for commercial and industrial activities to assist with the pick-up and delivery of goods.	Not applicable.
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.	Access arrangements have been previously considered through 2150037 RMACOM and approved. The same access arrangements are proposed in this application.



OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
15.1.4.7	That the needs and effects of cycle and pedestrian traffic be taken into account in assessing development proposals.	These have been taken into account in this location. There is not pedestrian footpath present.
15.1.4.8	That alternative options be considered to meeting parking requirements where this is deemed appropriate by the Far North District Council.	Parking requirements have been met.

Overall, it is considered that the proposal is consistent with the ODP objective or policy framework.

**Table 8 – PDP Transport Section**

OBJECTIVES	
TRAN-O1	The State Highways, transport networks and cycleways of strategic significance are recognised and managed as regionally significant infrastructure to support the economic, cultural, environmental and social wellbeing of current and future generations.
TRAN-O2	The transport network is designed and located to minimise adverse effects on historical, cultural and natural values.
TRAN-O3	Land use and all modes of transport are integrated so that the transport network is safe, efficient and well-connected.
TRAN-O4	Parking, loading and access provisions support the needs of land use and subdivision activities, and ensure safe and efficient operation for users.
TRAN-O5	The safe and efficient movement of vehicular, cycle and pedestrian traffic that also meets the needs of persons with a disability or limited mobility.
TRAN-O6	The transport network is resilient to the likely current and future effects of climate change, and supports urban environments designed to reduce greenhouse gas emissions.
POLICIES	
TRAN-P1	Recognise the transport network as regionally significant infrastructure by having particular regard to the significant social, economic, and cultural benefits of transport projects when determining resource consent applications or making recommendations on notices of requirement.

TRAN-P2	<p>Establish and maintain a transport network that:</p> <ol style="list-style-type: none"> <li>a. provides safe efficient linkages and connections;</li> <li>b. avoids and mitigates adverse effects on historical, cultural and natural environment values to the extent practicable;</li> <li>c. recognises the different functions and design requirements for each road classification under the most current National Transport Network classification system;</li> <li>d. supports reductions of greenhouse gases from vehicle movements;</li> <li>e. considers the likely current and future impacts of climate change when new sections of the network are proposed or existing sections upgraded; and</li> <li>f. provides for existing and future pedestrian and cycling pathways, including the Pou Herenga Tai Twin Coast Cycle Trail.</li> </ol>
TRAN-P3	<p>Ensure the safe, efficient and well connected operation of the transport network through the management of:</p> <ol style="list-style-type: none"> <li>a. the subdivision layout, and location of buildings, structures and other potential visual obstructions that may impact on sightlines and the integrity of the road carriageway;</li> <li>b. the design of access and parking;</li> <li>c. vehicular access to and from sites;</li> <li>d. the volume of traffic from land use activities;</li> <li>e. vehicular, pedestrian, and cyclist needs, including persons with a disability or limited mobility;</li> <li>f. the adverse cumulative effects of land use and subdivision on the transport network; and</li> <li>g. reverse sensitivity effects that may impact regionally significant infrastructure.</li> </ol>
TRAN-P4	<p>Manage the design, location and supply of parking to:</p> <ol style="list-style-type: none"> <li>a. achieve the safe, efficient and effective operation of the transport network;</li> <li>b. support the operational and functional requirements of activities;</li> <li>c. appropriately manage character and amenity effects on the local environment, including on the streetscape;</li> <li>d. minimise the impact of large parking areas on the stormwater network by encouraging low impact design;</li> <li>e. provide sufficient parking for persons with a disability or limited mobility; and</li> <li>f. comply with any relevant Parking Management Plans.</li> </ol>
TRAN-P5	<p>Encourage new land uses to support an integrated and diverse transport network by:</p> <ol style="list-style-type: none"> <li>a. promoting alternative transport modes;</li> <li>b. the provision of safe and secure parking facilities for bicycles and associated changing or showering facilities for staff;</li> <li>c. allocation of parking facilities for motorcycles, car share vehicles, pick/up/drop off areas for ride share services and charging stations for electric vehicles; and</li> <li>d. supporting the establishment and operation of accommodation and tourism related activities in close proximity to the Pou Herenga Tai Twin Coast Cycle Trail, provided reverse sensitivity effects can be avoided.</li> </ol>

TRAN-P6	<p>Provide flexibility for a reduction in on-site parking where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a. there are no adverse effects on public parking or the transport network; or</li> <li>b. there is a lower parking demand; or</li> <li>c. alternative modes of transport are provided for, if appropriate; or</li> <li>d. the reduction will protect cultural or heritage values.</li> </ul>
TRAN-P7	<p>Only allow high traffic generating activities exceeding the thresholds in TRAN-Table 11 - Trip generation where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA). All ITAs should be completed by a suitably qualified and experienced transport professional.</p>
TRAN-P8	<p>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:</p> <ul style="list-style-type: none"> <li>a. the type and level of traffic anticipated;</li> <li>b. the location of high traffic generating activities and their relationship to existing roads and their status under the National Transport Network classification system, and adjacent properties;</li> <li>c. low impact design principles, including green spaces;</li> <li>d. safety requirements and improvements;</li> <li>e. the management of stormwater;</li> <li>f. any natural hazards;</li> <li>g. any cumulative effects arising from lawfully established activities in the surrounding environment;</li> <li>h. current and future connectivity including pathways and parking, and open space networks;</li> <li>i. any traffic assessment prepared by a suitably qualified and experienced transport professional;</li> <li>j. impacts on any State Highway or Limited Access Road; and</li> <li>k. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>

The application is for a two-lot subdivision that will cater for residential activities at a scale commensurate with that anticipated by the zone and the surrounding land use pattern.

A Licence to Occupy a portion of the road adjacent to the subject site ensures that adequate parking is provided for on proposed Lot 1. Access for proposed Lot 2 has been established and will enable safe ingress and egress from the proposed site.

Stormwater is managed by way of an easement proposed over proposed Lot 2 to address any overflow from proposed Lot 1. Stormwater can be addressed in more detail for proposed Lot 2 at the time the site is developed.

No natural hazards are considered to apply to the site.

Transport effects have been addressed in more detail as part of the historic subdivision consent. Resource consent was granted for 2150037-RMACOM, there are no further considerations required for this application.

There are no impacts on any State Highway or Limited Access Rd and there are not considered to be any historical, spiritual or cultural effects resulting from the application.

For the reasons above, and those already provided through this report, the proposal is considered consistent with the objectives and policies under the PDP.

Overall, the proposal is consistent with higher order documents.

#### Section 104 (c) Other Matters

There are no other matters that are considered relevant.

## **7.0 NOTIFICATION (S95A-95D)**

S95A of the RMA determines circumstances when public or limited notification of an application may be appropriate. Section 95A sets out a series of steps for determining public notification. These include:

- *Step 1* – Mandatory public notification in certain circumstances. In respect of this application, the applicant is not seeking public notification, nor is it subject to a mandatory notification requirement.
- *Step 2* – Public notification precluded in certain circumstances. While the subdivision is considered a controlled activity, the technical access breach makes the application discretionary so none of the circumstances in this step apply.
- *Step 3* – Public notification required in certain circumstances. In respect of clause 8(a) the application is not subject to a rule or national environmental standard that requires public notification. In respect of clause 8(b), this assessment of effects on the environment concludes that any adverse effects would be less than minor. For these reasons, it is considered that the application can be processed without public notification.
- *Step 4* – Public notification in special circumstances. ‘Special circumstances’ are those that are unusual or exceptional, but they may be less than extraordinary or unique. (*Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2NZLR 5290).

It is considered that there are no unusual or exceptional circumstances that would warrant notification of this application.

Section 95B sets out a series of steps for determining limited notification. These include:

- *Step 1* – certain affected groups and affected persons must be notified. These include affected customary rights groups or marine title groups (of which there are none relating to this application). Affected groups and persons may also include owners of adjacent land subject to statutory acknowledgement if that person is affected in accordance with s95E. There are no groups or affected persons that must be notified with this application.
- *Step 2* – limited notification precluded in certain circumstances. These include any rule or national environmental standard that precludes limited notification, or the activity is solely for a controlled activity or a prescribed activity. These circumstances do not apply to this application.
- *Step 3* – certain other persons must be notified. An affected person is determined in accordance with s95E. A person is affected if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). Adverse effects on a person may be disregarded if a rule or a national environmental standard permits an activity with that effect or is a controlled or RDA with an adverse effect that does not relate to a matter over which a rule or standard reserves control or discretion. Those circumstances do not apply to this application. S95E(3) states that a person is not affected if the person has given, and not withdrawn their written approval for a proposed activity or a consent authority is satisfied that it is unreasonable in the circumstances for an applicant to seek a person's written approval.

The assessment of effects above has concluded that the effects on the environment will be less than minor. The proposed subdivision density is anticipated and enabled by the zone and is commensurate with surrounding land use, so is consistent within the built development in this locale. It is therefore reasonable to conclude that any future development at a density and scale commensurate with the existing environment is consistent with the character and amenity of the surrounding area, and the proposed two lot subdivision would incur less than minor effects on the adjacent landowners.

Section 95C relates to the public notification after a request for further information which does not apply to this application. Section 95D provides the basis for determining notification under Section 95A(8)(b) if adverse effects are likely to be more than minor. This assessment concludes that potential adverse effects arising from this subdivision proposal would be less than minor.

## **8.0 PART II – RMA**

### Purpose of the RMA

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety. The proposed subdivision will support the provision of housing in the Opua area.

### Matters of National Importance

The proposal is considered to result in effects which are commensurate with the character of the surrounds. Māori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted, however in the event anything is discovered the accidental discovery protocol will be adhered to.

### Other Matters

The development will enable the landowner to subdivide their property, releasing land for residential development zoned for that purpose. As previously discussed, the proposal is not considered to adversely affect the amenity values of the area.

## **9.0 OVERALL CONCLUSION**

This application seeks resource consent to undertake a two-lot subdivision in the Coastal Residential zone as a discretionary activity in the ODP.

Based on the assessment of effects above, it is concluded that any potential adverse effects on the environment would be less than minor and can be managed in terms of appropriate conditions of consent.

The New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland were reviewed as part of this application. The proposal was considered to be consistent with the aims of these documents.

The proposal is consistent with the relevant objectives of policies of the ODP and the PDP.

An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

On this basis, it is considered that the application is able to be processed on a non-notified basis.

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

Kind regards,



Andrew McPhee  
Consultant Planner



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

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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA31A/1379  
**Land Registration District** North Auckland  
**Date Issued** 26 March 1975

**Prior References**  
NA31A/857 NA469/63

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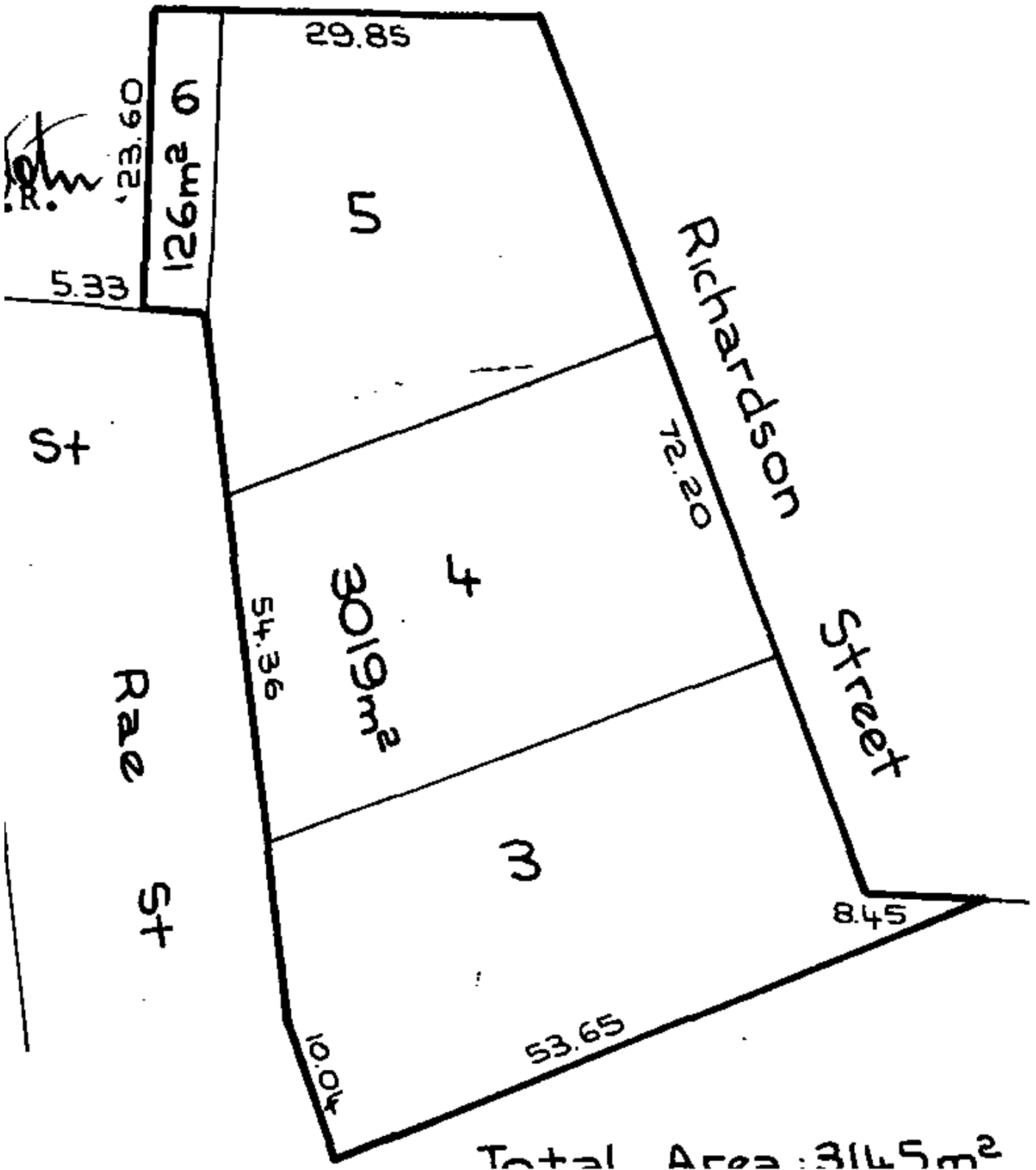
**Estate** Fee Simple  
**Area** 3145 square metres more or less  
**Legal Description** Section 6 Block II Town of Opuia and  
Section 3-5 Block III Town of Opuia

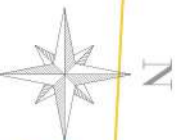
**Registered Owners**  
Michael John Fisher and Wendy Jane Fisher

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**Interests**  
11122700.3 Mortgage to ASB Bank Limited - 28.5.2018 at 3:47 pm







Section 6 Block II TN OF Opua

126m<sup>2</sup>

Section 5 Block II TN OF Opua

English Bay Road

1  
900m<sup>2</sup>

Section 5  
Block III TN OF  
Opua

Section 4  
Block III TN OF Opua

2  
2117m<sup>2</sup>

Section 3 Block III TN OF Opua

Creswell Street

Lot 1 DP 190514

SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN WATER	(A)	LOT 2 HEREON	LOT 1 HEREON

**NOTES**  
Areas and measurements subject to final survey.  
Amalgamation Condition:  
Lot 1 & Sec 6 Block II TN of Opua to be held in 1 RT.  
This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. BOI Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

Rev.	Reason For Issue or Amendment	Date	Drawn	Checked	Surveyed
A	Schema Plan 7 ENGLISH BAY ROAD, OPUA	06/12/24	TW	DC	

BOI SURVEY  
BOI SURVEY LTD  
555 Shepherd Road  
Kenken 0230  
e: Tony@boisurvey.co.nz

PROPOSED SUBDIVISION OF SEC 6 BLK II & SECS 3-5 BLOCK III TN OF OPUA  
CLIENT: FISHER - 7 ENGLISH BAY ROAD, OPUA

JOB NO:	5048	Scale:	1:250 @ A3
Level Datum:	NZVD 2016	Origin:	-
Drawing Number:	5048-001	Revision:	A
		Sheet:	1 of 1



SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN WATER	(A)	LOT 2 HEREON	LOT 1 HEREON

**NOTES**  
 Areas and measurements subject to final survey.  
**Amagamation Condition:**  
 Lot 1 hereon and Sec 6 Blk II TN of Opuu to be held in 1 RT.  
 This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. BOI Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose

Rev.	Reason For Issue or Amendment	Date	Drawn	Checked	Surveyed
A	Scheme Plan 7 English Bay Road, Opuu	16/12/24	TW	DC	TW

**BOI SURVEY**  
  
 BOI SURVEY LTD  
 555 Shepherd Road  
 Kenken 0230  
 e: Tony@boisurvey.co.nz

<b>PROPOSED SUBDIVISION OF SEC 6 BLK II &amp; SECS 3,4 &amp; 5 BLK III TOWN OF OPUA          &amp; LOTS 3-5 DP 570538</b>		<b>JOB NO:</b> 5048	<b>Scale:</b> 1:250 @ A3
<b>CLIENT:</b> FISHER - 7 English Bay Road, OPUA		<b>Levell Datum:</b> NZVD 2016	<b>Co-ord System:</b> NZGD 2000
		<b>Drawing Number:</b> 5048-001	<b>Revision:</b> A
			<b>Sheet:</b> 1 of 1



\*013\*

# APPLICATION

# WILLIAMS & KING

A Division of Survey & Planning Solutions Ltd

LAND SURVEYORS - RESOURCE PLANNERS

Kaitaia, Kerikeri & Paihia

[www.saps.co.nz](http://www.saps.co.nz)

Kerikeri Service Centre

30 OCT 2017

Ref: 21383

30 October 2017

The Resource Consents Manager  
Far North District Council  
John Butler Centre  
60 Kerikeri Road  
Kerikeri

Dear Sir,

**Re: Request for Variation of RC 2150037-RMACOM for  
Harbourside Custodians Ltd – 7 English Bay Road, Opuā**

Please find enclosed an application form in support of our clients' request to vary the conditions of RC-2150037-RMACOM.

**Background**

RC 2150037-RMACOM is a combined subdivision and land use consent enabling subdivision of Section 6 Blk II & Sections 3 – 5 Blk III Town of Opuā to create two lots and renovation of an existing three storey building.

Condition 3(a) of Decision A (Subdivision) and condition 2 of Decision B (Land Use) require that an area of legal road reserve (English Bay Road) beneath the building footprint and protruding eaves, in addition to an area identified for car parking and associated manoeuvring, be stopped, and a solicitors undertaking to be provided to amalgamate the associated area with proposed Lot 1.

After applying for the road stopping and receiving an objection to the application from a member of the public, the Applicant decided, in consultation with Council, to apply for a License to Occupy as a way of achieving a similar outcome to the road stopping.

The License to Occupy was granted has now been granted – see attached.

Note that a License to Occupy has also been issued to cover a small occupation of a Council owned accessway (NA31A/856).

Environmental  
20 NOV 2017  
Management

Environmental  
06 NOV 2017  
Management

**Kerikeri Office**

27 Hobson Ave  
P.O. Box 937 Kerikeri, New Zealand  
Telephone: 09 407 6030  
Facsimile: 09 407 6032  
Email: [kerikeri@saps.co.nz](mailto:kerikeri@saps.co.nz)

*After Hours:*

Chris Williams 09 407 6045  
[chris@saps.co.nz](mailto:chris@saps.co.nz)  
Brett King 09 407 7885  
[king@saps.co.nz](mailto:king@saps.co.nz)

### Description of Variation

It is proposed to vary Condition 3(a) of Decision A and condition 2 of Decision B. The following alternative wording is suggested:

#### *Decision A*

*Condition 3(a): The consent holder shall provide evidence that either:*

- a License to Occupy the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring within English Bay Road has been issued to the current owner of the land, or*
- the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring has been stopped and a solicitors undertaking provided to amalgamate the piece of land with Lot 1.*

#### *Decision B*

*Condition 2: The consent holder shall maintain a License to Occupy over the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring within English Bay Road, or alternatively shall provide evidence that the same area has been stopped and amalgamated with Lot 1 of RC 2150037-RMACOM or with NA31A/1379.*

The proposed variation would not result in any change to the activity status of the subdivision or land use under the Far North District Plan, which would remain a discretionary activity overall.

There are no relevant objectives or policies affected by the proposed variation.

### Consultation

Section 127(4) of the Act states:

*"For the purposes of determining who is adversely affected by the change or cancellation, the 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.*

RC 2150037 was processed as non-notified, and no affected persons or order holders were identified. The proposed change to conditions will not generate any noticeable effect as it simply introduces an alternative legal mechanism to achieve the same outcome. We therefore respectfully request that this application is processed as non-notified.

### **Assessment of Environmental Effects**

*The following assessment of environmental effects focuses on the effect of the proposed variation of RC-2150037-RMACOM; as set out under the 'Description of Variation'.*

The proposal introduces a second mechanism to legalise an existing building encroachment and make adequate car parking and manoeuvring available to the existing building. It may not be possible to comply with the relevant conditions in their current wording as the success of the road stopping application is not guaranteed; however we suggest keeping this option available in the event that any future owner decides to pursue that option.

There will be no physical change to the environment arising from the proposed variation, and none of the effects described in Clause 7 of Schedule 4 of the RMA will arise.

It is respectfully requested that Council consider this application as soon as is possible. Please do not delay in contacting me should you require further information.

Yours faithfully  
Williams & King, Kerikeri



Natalie Watson  
Resource Planner

#### **Attachments:**

1. Fees \$632.00
2. Application Form
3. RC 2150037-RMCOM
4. License to Occupy



2150037-RMAVAR/A  
For: 45 Aucks Road, Russell 0272

20 November 2017

Harbourside Custodians Limited  
C/- Williams & King Att: Natalie  
PO Box 937  
Kerikeri 0245

Dear Sir / Madam

**RE: Return of Incomplete Application Pursuant to Sections 88(3) and 88(3A) of the RMA**

Thank you for your application for resource consent to change the wording of condition 3(a) of Decision A and condition 2 of Decision B of RC 2150037. Your application was received by the Council on 7 November 2017.

The law requires us to assess all new resource consent applications against criteria in the RMA and determine whether or not they are complete. Unfortunately your application is not complete because it does not contain the following information:

- The licence to occupy submitted with the application, does not appear to be authorised by Council. Please provide evidence that the licence has been granted and the appropriate paperwork.

Your application is returned for your review and amendment.

We need the information listed above before we can progress with your application and make a decision. This means we will not do any more work on it at this stage, although you may re-lodge it with us in a modified form.

To progress from here, you might find it helpful to access further details on our website at [www.fndc.govt.nz](http://www.fndc.govt.nz) (Planning and Development page), about the information requirements for resource consent applications. You can also make an appointment with a duty planner and/or request a pre lodgement meeting – refer to our website.

If you decide to re-lodge this application or make a new application including the above information, it will be treated as if it were a new application.

If you paid electronically and decide not to resubmit your application, please contact us on 0800 920 029, to receive a refund of the portion of the initial fee not used.

You are entitled to formally object to the return of this application pursuant to section 357 of the Resource Management Act 1991. If you wish to object then the objection must be made in writing and served on the Council within 15 working days of the receipt of this letter. The objection must state the reasons for objecting.



Please do not hesitate to contact the undersigned if you have any queries in relation to the above information or information that needs to be supplied as part of your application.


Yours sincerely,

Pat Killalea  
**Principal Planner**

**FOR OFFICE USE ONLY**

Assessment No. \_\_\_\_\_  
 Permit No. \_\_\_\_\_  
 Date of Permit \_\_\_\_\_

**COPY****LICENCE TO OCCUPY A PORTION OF ROAD and ACCESS WAY**

This is to certify that		<b>MARK HOKSBERGEN and JOHN CRAN as directors of HARBOURSIDE CUSTODIANS LIMITED</b>		(Full Name)
of	c/- BOI Taxation Limited, 93 Kerikeri Road, Kerikeri 0230.			(Address)
Are granted permission by the Far North District Council (Council) to occupy a portion of <b>ROAD adjoining 7 ENGLISH BAY ROAD and a portion of the ACCESS WAY (NA31A/856) also adjoining 7 English Bay Road (NA31A/1379) – plans attached.</b>				
This application refers to; <b>An historic rock retaining wall, car parking area and to stairs proposed to encroach onto the access way as shown on the attached Williams and King plan and aerial.</b>				
Subject to the undermentioned conditions.				
Dated this	21 <sup>st</sup>	day of	April	2016.
Signed				Gary McGraw Engineer

**CONDITIONS**

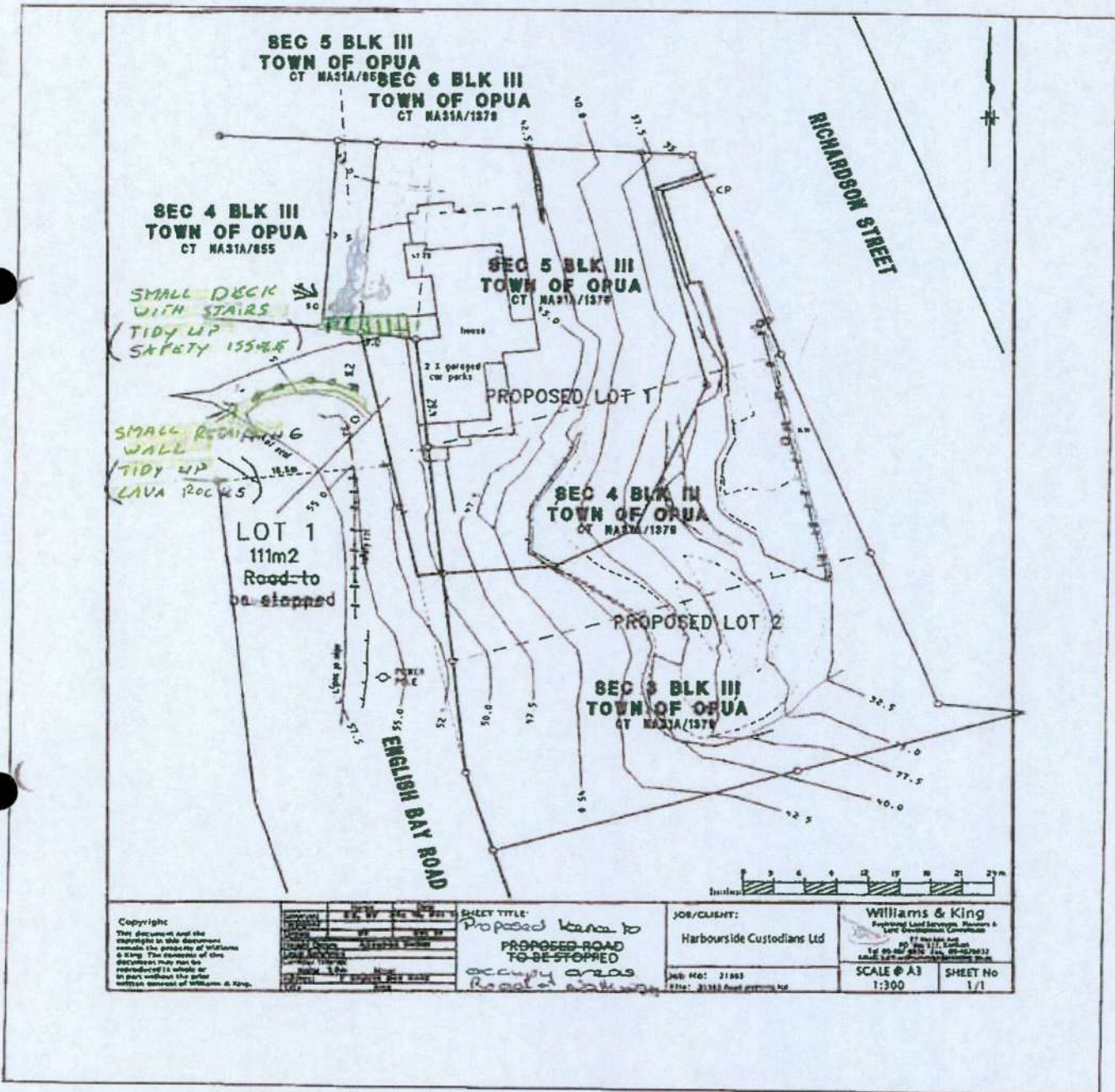
1. This licence gives no tenure to any land enclosed and any fences or other erections thereon must be removed as and when so required by the Council.
2. The Council and any Government Department or Local Body functioning in the locality may enter upon the enclosed land and do such things as if no enclosure existed and be not held responsible to the applicant for any damage or loss thereby occasioned, nor will the applicant have any claim for damage extending on to his land if this results from inadvertence occasioned by the true boundary line not being clearly defined.
3. When required by the Council so to do the applicant will, at his own cost, and without delay, disclose the true position of survey pegs or renew any which may have been destroyed or displaced.
4. No construction shall commence on the proposed encroachment until resource and building consent(s) have been approved by Council
5. The area enclosed must be to the approval of the Engineer but the fact of such approval will place no onus on the Council or relieve the applicant of any of the responsibilities herein stated or implied.
6. The applicant must furnish the Council with a plan showing the shape of the encroachment. It will be sufficient if this is a sketch plan with measurements showing the position of the encroachment in relation to the true boundary. This plan will be filed by the Council for the purpose of reference and to assist in rediscovering the true boundary line at some future date. This requirement, however, places no responsibility on the Council.
7. Trees, shrubs, or live hedges must on no account be planted or maintained on any road encroachment.
8. Public Liability Insurance. The licensee shall take all reasonable precautions against accident or injury arising in respect of any person or property on the said land, and shall indemnify the Council against all legal actions or demands that may be brought against the Council in connection with the rights hereby granted.

PLAN and AERIAL SHOWING THE SHAPE OF ENCROACHMENT

COPY

It will be sufficient if the sketch plan shows the position and measurements in relation to the true boundaries

The True Boundary  
Encroachment Boundary





COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952



Search Copy

  
R. W. Muir  
Registrar-General  
of Land

Identifier **NA31A/1379**  
Land Registration District **North Auckland**  
Date Issued 26 March 1975

**Prior References**

NA31A/857                      NA469/63

---

**Estate**                      Fee Simple  
**Area**                        3145 square metres more or less  
**Legal Description**      Section 6 Block II Town of Opuia and  
   Section 3-5 Block III Town of Opuia

---

**Proprietors**

Harbourside Custodians Limited

---

**Interests**

9585871.3 Mortgage to Makatoti Limited - 3.12.2013 at 6:28 pm



Total Area: 3145m<sup>2</sup>

This drawing is the property of the City of Regina and is not to be used for any other purpose without the written consent of the City of Regina.



Private Bag 752, Memorial Ave  
Kaikohe 0440, New Zealand  
Freephone: 0800 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: ask.us@fndc.govt.nz  
Website: www.fndc.govt.nz

Office Use Only  
Application Number:  
2180037-RMA/VACA

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

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

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for (more than one circle can be ticked):

- Land Use
- Fast Track Land Use\*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) \_\_\_\_\_

\*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.

3. Would you like to opt out of the Fast Track Process? Yes / No

4. Applicant Details:

Name/s: Harbourside Custodians Limited.

Electronic Address for Service (E-mail): makatoti@icloud.com

Phone Numbers: Work: 021-1444957 Home: \_\_\_\_\_

Postal Address: 42 GILBERT MAIR RISE  
RUSSELL

Post Code: 0272

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Williams & King  
Attention: Natalie Watson.

Electronic Address for Service (E-mail): nat@saps.co.nz

Phone Numbers: Work: 09 407 6030 Home: \_\_\_\_\_

Postal Address: PO Box 937  
Kenkeni

Post Code: 0230

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: Harbourside Custodians Ltd.

Property Address/  
Location \_\_\_\_\_  
\_\_\_\_\_

7. **Application Site Details:**

Location and/or Property Street Address of the proposed activity:

Site Address/  
Location: 7 English Bay Road  
Opua

Legal Description: Section 6 Blk II & sections 3-5  
Blk III Town of Opua. Val Number: 00423-01500

Certificate of Title: NA31A/1379

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.

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

8. **Description of the Proposal:**

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Variation of Decision A - subdivision - condition 3(a) and  
Decision B - Land use - condition 2  
to recognise that a licence to occupy has been  
issued and the road stopping process will not be  
completed.  
See attached.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

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 (BC ref # if known)
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify) N/A

11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).  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

12. 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.

Please attach your AEE to this application.

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 all names in full) Harbourside Custodians Ltd.

Email: MAKATOTI@ICLOUD.COM

Postal Address: 42 GILBERT MAIR RISE  
RUSSELL


Post Code: 0292

Phone Numbers: Work: 021-1444957 Home: \_\_\_\_\_ Fax: \_\_\_\_\_

**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 20<sup>th</sup> 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: MARK HOISBERGEN (please print)

Signature:  (signature of bill payer – mandatory) Date: 30-10-2017



**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 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.

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

Name: Natalie Watson (please print)

Signature: N Watson (signature)

Date: 30/10/17

(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) \$632.
- 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 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.

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

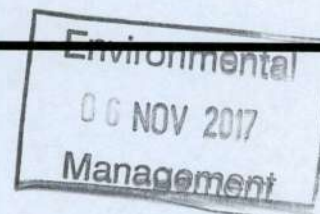
UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

## Simeon McLean

---



**From:** Natalie Watson <nat@saps.co.nz>  
**Sent:** Monday, 6 November 2017 11:49 a.m.  
**To:** Simeon McLean  
**Cc:** Mandy Wilson  
**Subject:** RE: Variation to RC 2150037  
**Attachments:** CT-290865\_Curr(wDiag).PDF; interest\_20071118223845.tif

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Simeon,

Title attached, plus the interests. There are no consent notices registered.

Kind regards,  
Nat

---

**From:** Simeon McLean [<mailto:Simeon.McLean@fndc.govt.nz>]  
**Sent:** Friday, 3 November 2017 7:56 AM  
**To:** Natalie Watson <[nat@saps.co.nz](mailto:nat@saps.co.nz)>  
**Subject:** Variation to RC 2150037

Good morning Nat,

Thank you for your application for Resource Consent.

In order for us to progress your application please provide a current Certificate of Title no more than 6mths old along with any consent notices registered on the title. Alternatively Council can provide a copy at a cost of \$38.00. Please advise.

Please note when all the above application requirements have been received we will then deem it as complete and officially accept it.

Regards,



**Simeon McLean**  
RMA Support

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029  
ddi +6494070459 | [Simeon.McLean@fndc.govt.nz](mailto:Simeon.McLean@fndc.govt.nz)  
[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)



Proud Finalists of the  
2017 New Zealand Spatial Excellence Awards

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Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

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-----  
Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki  
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.



Far North  
District Council

Private Bag 752, Memorial Ave  
Kaitiaki 0440, New Zealand  
Freephone: 0800 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: ask.us@fnkc.govt.nz  
Website: www.fnkc.govt.nz

Application No: 2150037-RMACOM

23 October 2014

Harbourside Custodians Limited  
C/- Williams & King  
PO Box 937  
Kerikeri 0245

*Te Kaunihera o Tai Tokerau Ki Te Raki*

*The top place where talent  
wants to live, work and invest*

Dear Sir/Madam

Re: **RESOURCE CONSENT APPLICATION BY Harbourside Custodians Limited**

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Team Leader Resource Consents of the Far North District Council, pursuant to Section 34A of the Resource Management Act 1991.

It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the planner who prepared the decision.

Please note that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid by the 20<sup>th</sup> of the month following the date of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

Sharon Tipene  
Customer Services Officer - Planning  
**Environmental Management**





FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN DECISION ON RESOURCE CONSENT  
APPLICATION (SUBDIVISION AND LAND USE)

Resource Consent Number: 2150037-RMACOM

Applicant: Harbourside Custodians Ltd.

**Subject Site Details**

Address: 7 English Bay Road, Opuia

Legal Description: Section 6 Block II Town of Opuia and Sections 3-5 Block III Town of Opuia (C.T. NA31A/1379)

**Decision A – subdivision**

Pursuant to sections 104B and 220 of the Resource Management Act 1991 (the Act), Far North District Council hereby grants approval to the subdivision of Section 6 Block II Town of Opuia and Sections 3-5 Block III Town of Opuia as a discretionary activity in the Coastal Residential zone, creating Lots 1 and 2 of 1,304 m<sup>2</sup> and 1,842 m<sup>2</sup>.

Pursuant to section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan '*Proposed subdivision of Lot 2 DP 473446*' prepared by Donaldsons Registered Land Surveyors, reference 6511, dated September 2014, as attached to this consent with Council's 'Approved Stamp' affixed to it.
2. That before the survey plan is approved pursuant to section 223 of the Act the consent holder shall ensure that the following requirements are to have been satisfied:
  - (a) The consent holder shall provide for the approval of Council's duly delegated officer a plan and specific design details for the collection and disposal of stormwater for Lots 1 and 2. The information shall be prepared by a suitably qualified chartered professional engineer in accordance with the recommendations of the engineers' reports submitted in support of application RC2150037 and addressing stormwater management measures.
  - (b) The survey plan shall show the areas of indigenous vegetation to be protected outside of the building and associated curtilage areas, with such areas to be subject to the prior approval of Council's duly delegated officer.
  - (c) All easements in the memorandum are to be duly granted or reserved.
3. That before a Certificate is issued pursuant to section 224(c) of the Act the following requirements are to have been satisfied:
  - (a) The consent holder shall provide evidence that the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring within English Bay Road, has been stopped. A solicitor's undertaking shall be provided to amalgamate the associated area with Lot 1.

- (b) The consent holder shall provide evidence that a separate 100mm sewerage connection has been provided to the boundary of Lot 2 in compliance with Council's engineering standards and guidelines.
- (c) The consent holder shall install the stormwater system submitted to and approved by Council to satisfy condition 2(a) of this consent.
- (d) The consent holder shall provide documentation that the service providers of electric power and telecommunications to Lots 1 and 2 are satisfied with the arrangements made for the provision of these services.
- (e) That the following conditions shall be complied with by the consent holder and/or their successor in title to **Lot 2** on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holder's cost and registered on the titles to the relevant allotments:
  - (i) In conjunction with any habitable building constructed on the lot, the property owner shall obtain all necessary consents, and install a raw sewage storage tank, macerating pump, and delivery line with connection into Council's reticulated sanitary sewerage system. The raw sewage storage tank shall have a sufficient charge capacity to contain a minimum of 24 hours wastewater production and shall be fitted with a high level audible alarm installed to warn of pump or system failure.
  - (ii) The owner shall install a stormwater detention tank with a flow attenuated outlet. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the pre-development flow from the site for rainfall events up to a 2% AEP plus allowance for climate change. The details of the onsite retention storage and flow attenuation shall be prepared by a suitably qualified chartered professional engineer and submitted with the building consent application.
  - (iii) That upon construction of any habitable building on the lot, the building shall have a roof water collection system with minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council
  - (iv) Any building constructed on the lot will require foundations specifically designed by a suitably qualified chartered professional engineer in accordance with design parameters specified by a suitably qualified geotechnical engineer. The foundation design details shall be submitted in conjunction with the building consent application.
- (f) That the following conditions shall be complied with by the consent holder and/or their successor in title to **Lots 1 and 2** on a continuing basis and shall be the subject of a consent notice pursuant to section 221 of the Resource Management Act 1991 to be prepared at the consent holder's cost and registered on the titles to the relevant allotments:
  - (i) The owner shall preserve the indigenous trees and bush within the area/s approved under condition 2(b) of RC2150037 and shall not without the prior written consent of Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this

prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Restoration and/or enhancement and/or pruning of vegetation cover may be undertaken by the landowner should the need arise provided prior approval has been obtained from Council's duly delegated officer.

#### **Decision B – Land use**

**Pursuant to section 104B of the Act, Far North District Council hereby grants approval as a discretionary activity for renovations to an existing three storey multi-unit dwelling within Lot 1 of RC2150037, whereby the redevelopment infringes the permitted activity thresholds relating to residential intensity (being two residential units), building height, sunlight, setback from boundaries, parking and vehicle access in the Coastal Residential zone.**

Pursuant to section 108 of the Act, this consent is issued subject to the following conditions:

1. That subject to any changes required by the conditions of consent, all development shall be carried out in accordance with the information submitted with the application and the approved plans attached to this consent with the Council's 'Approved Stamp' affixed to them. The plans include.
  - 'Site plan' prepared by Going Architectural, reference 3096, sheet S-01 of 10, dated 5 May 2014
  - 'Floor plan – level 1 existing' prepared by Going Architectural, reference 3096, sheet S-02 of 10, dated 5 May 2014
  - 'Floor plan – level 2 existing' prepared by Going Architectural, reference 3096, sheet S-03 of 10, dated 5 May 2014
  - 'Floor plan – level 3 existing' prepared by Going Architectural, reference 3096, sheet S-04 of 10, dated 5 May 2014
  - 'Elevations existing' prepared by Going Architectural, reference 3096, sheet S-05 of 10, dated 5 May 2014
  - 'Floor plan – level 1 proposed' prepared by Going Architectural, reference 3096, sheet S-06 of 10, dated 5 May 2014
  - 'Floor plan – level 2 proposed' prepared by Going Architectural, reference 3096, sheet S-07 of 10, dated 5 May 2014
  - 'Floor plan – level 3 proposed' prepared by Going Architectural, reference 3096, sheet S-08 of 10, dated 5 May 2014
  - 'Elevations proposed' prepared by Going Architectural, reference 3096, sheet S-09 of 10, dated 28 July 2014
  - 'Sections proposed' prepared by Going Architectural, reference 3096, sheet S-10 of 10, dated 26 August 2014
2. Within six months of this decision issuing, the consent holder shall provide evidence that the area of legal road beneath the building footprint and protruding eaves, in addition to the area identified for car parking and associated manoeuvring within English Bay Road, has been stopped. A solicitor's undertaking shall be provided to amalgamate the associated area with Lot 1.

## Advice Notes

1. The consent holder seeks to remove two mature Norfolk pines to the west of the residential unit, located an estimated five metres from the building's footings (as shown on the 'Proposed subdivision of Sec 6 BLK II and Secs 3, 4 and 5 BLK III Town of Opua'). The consent holder believes that the trees are destabilising the bank and have large overhanging limbs threatening damage to the house.

The Norfolk pines were previously protected through RC2010969, however as resource consent issuing for the current proposal will supercede RC2010969 their ongoing protection will require similar conditioning through RC2150037. It is unclear if the future scale of the trees and their proximity to built development was fully considered in January 2003 when the landowner accepted the condition.

The trees have particular landscape and amenity values relating to being markers within the settlement, forming a feature visible from various points around the settlement and including the coastal marine area. Notwithstanding this, the trees are not regarded as significant in the context of surrounding development, with visibility from the coastal marine area reducing as the viewer becomes more removed from the trees. From these locations the trees are more difficult to detect against the backdrop of vegetation and built development, with only the tree tops breaking the skyline as viewed from the water. Having said this, they are unlikely to be used as a point of reference.

In summary, whilst the amenity values of the trees are recognised, it is also noted that removing the trees will open up some views and allow for more light into the surrounding area thereby also enhancing amenity values to an extent. For these reasons it is not considered necessary to ensure the continued protection of the two trees, with the effects of their removal regarded as minor.

2. 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).

Heritage New Zealand Pouhere Taonga has observed that recorded archaeology in the wider environs includes altered soil and midden sites. Notwithstanding the presence of archaeology, the site and subject area is already heavily modified as a result of previous subdivision and development, reducing the likelihood for archaeology to be present, or if it is, intact. Care is advised during the development to report any accidental discoveries. Heritage New Zealand Pouhere Taonga is satisfied that works can proceed using a standard 'Archaeological discovery protocol'. A copy is attached to this decision.

## Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the development will be subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding Council's development contributions policy may be obtained from the Long Term Council Community Plan (LTCCP) or Council's web page at [www.fndc.govt.nz](http://www.fndc.govt.nz).



## Reasons for the Decision

### 1. Description of the Activity

#### Subdivision -

The subdivision is as per the 'Proposed subdivision of Sec 6 Blk II and Secs 3, 4 and 5 Blk III Town of Opua' prepared by Williams and King (Registered Land Surveyors, Planners and Land Development Consultants), reference 21313, dated June 2014.

Lot 1 is to include multi-unit residential development with existing access from English Bay Road and associated outdoor parking to be enhanced via an area of road to be stopped for vesting in the applicant's ownership.

Lot 2 is proposed as a vacant site with vehicle access from Richardson Street.

Lot 2 will be subject to a right to drain easement in favour of Lot 1, shown as easement A that is adjacent to Richardson Street.

#### Land use -

In terms of the alterations to the residential building, the applicant proposes to decrease the scale of residential activity by reducing the number of kitchens within the building from three to two. The alterations are as outlined in the notification decision.

### 2. District Plan rules affected

#### Subdivision -

Whilst the subdivision satisfies the allotment areas for a controlled activity in the Coastal Residential zone, with Lots 1 and 2 satisfying the minimum lot size requirement of 800 m<sup>2</sup> for sewered sites, as it does not satisfy the criteria relating to property access (Rule 13.7.3.1) it is a discretionary activity under Rule 13.9.

#### Landuse -

The proposal meets the permitted activity threshold for impermeable surfaces/stormwater management, traffic intensity, excavation and vegetation clearance.

On the basis of the information submitted, the proposal is assessed as follows under the District Plan:

- Rule 10.8.5.1.2 relating to residential intensity requires that each residential unit for a single household shall have a minimum net site area of 800 m<sup>2</sup> where sites are sewered. As a result of the subdivision, Lot 1 of 1,304 m<sup>2</sup> will include two residential units. Whilst Rule 10.8.5.2.1 provides for minimum net site areas of 600 m<sup>2</sup> as a restricted discretionary activity as the development also breaches the rules relating to building height, sunlight, setback from boundaries, it is a discretionary activity under Rule 10.8.5.3.
- Rule 10.8.5.1.4 limits building height to a maximum of 8 metres as a permitted activity. As the maximum height of the residential unit is to increase to 10.2 metres the proposal is a discretionary activity under Rule 10.8.5.3.
- Rule 10.8.5.1.5 relating to sunlight provides that no part of any building shall project beyond a 45° recession plane as measured inwards from any point 2 metres vertically above ground level on any site boundary. The site plan and elevations submitted, confirm that the proposal will not satisfy this threshold on the eastern and western boundaries. Rule 10.8.5.2.4 provides that as a restricted

discretionary activity, buildings shall not project beyond a 45° recession plane as measured inwards from any point 3 metres vertically above ground level on any site boundary for a length not exceeding 25% of the relevant boundary. Whilst the application is submitted on the basis of compliance with Rule 10.8.6.2.4 (refer to 'Elevations proposed' prepared by Going Architectural, reference 3096, sheet S-09 of 10, dated 28 July 2014), as the development also breaches the rules relating to residential intensity, building height and setback from boundaries, it is a discretionary activity under Rule 10.8.5.3.

- Rule 10.8.5.1.7, relating to setbacks from boundaries, applies a minimum setback of 3 metres from road boundaries and 1.2 metres from other boundaries (except that no setback is required for a maximum total length of 10 metres along any one such boundary). Not less than 50% of that part of the site between the road boundary and a parallel line 2 metres therefrom shall be landscaped.

The residential unit on Lot 1 is unable to meet the road setback and landscaping requirements, with the building and its alterations encroaching into the English Bay Road reserve. Although PA2220 granted approval on 16 August 1991 for construction of the residential unit to the road boundary as per approved plans (refer to section 7 below for details), it did not establish any rights for occupation of the road reserve.

As the development also breaches the rules relating to residential intensity, building height and setback from boundaries, it is a discretionary activity under Rule 10.8.5.3.

- Rule 15.1.6.1.1 relating to parking requires four on-site parking spaces on Lot 1 (being two for each residential unit). Two parking spaces are available within the internal garaging, with two additional spaces to be provided within the area of road to be stopped. As per the discussion above, until the respective land title is changed the proposal cannot be regarded as meeting the parking requirements within the site. As consent is required as a discretionary activity under Part 2 of the District Plan, the activity is regarded as discretionary under the parking requirements.
- Rule 15.1.6.1.2(f)(ii) relating to vehicle access provides that vehicles shall not reverse off a site onto a local road where four or more parking spaces area provided. Lot 1 cannot comply in this regard. As consent is required as a discretionary activity under Part 2 of the District Plan, the activity is regarded as discretionary under the vehicle access requirements.

### 3. Principal issues in contention and main findings on those issues

Section 104B of the Act provides that Council may grant or refuse consent to discretionary activities, imposing conditions under section 108 where consent is granted.

The primary issues requiring consideration in this instance relate to lot size, local landscape and natural character, parking and vehicle access. These matters are addressed in the notification report which concludes that the associated effects of the proposal are regarded as less than minor for the following reasons:

- As the subdivision application is for a controlled activity and no engineering issues have been identified, the subdivision is regarded as consistent with the environmental outcomes anticipated by the District Plan. Conditions of consent are included addressing the collection and disposal of stormwater, stopping an area of road reserve, sewerage connection to Lot 2, and stormwater control.

- As the building footprint is not altering, and the changes to the outer building facades and roofline are relatively minor in the context of the scale of existing built development, there will not be any impact upon the availability or use of open space within Lot 1.
- The applicant is proposing to purchase the 86 m<sup>2</sup> local reserve (access way) to the west of the site (being Sec 5 Blk II, Town of Opua) as there is no longer any public/recreational value to this piece of land as a result of a major slip and the construction of a high retaining wall preventing physical access to Richardson Street to the north. As the reserve already appears as part of the site, its amalgamation with the site will not alter the apparent level of open space adjacent to the development.
- In terms of considering the density of development on Lot 1, as the two residential units are already contained within the multi-level building there will be no change in terms of visual or aural privacy between residential units and their associated outdoor spaces. Based upon the subdivision layout, future built development on Lot 2 will maintain a reasonable degree of separate from the existing residential units.
- The site's natural character value has already been significantly modified and diminished by existing large scale built development. The locality is also characterised by built urban development on other properties in the wider visual catchment (including land on the eastern and western sides of Veronica Channel) that either abuts or is in close proximity to the coastal marine area.
- Whilst the scale of built development will increase beyond the current level, and the height and daylight angle infringements will also increase, the infringements are regarded as less than minor in effect given the scale of existing site development, the topography of the site with respect to the coastal marine area to the north and the higher elevation of built development on sites on the opposite side of English Bay Road to the rear of the property.
- Given the site's zoning for residential purposes, with no District Plan restrictions applying with respect to visual amenity, it is not considered appropriate in this instance to impose any restrictions with respect to the building materials, colour palette, glazing or on-site landscaping. Buildings in the vicinity currently include white facades and other colours of high reflectance value, with landscaping limited in terms of its capability to screen built development on the sloping sites.
- The applicant seeks to remove two mature Norfolk pines to the west of the residential unit, located an estimated five metres from the building's footings (as shown on the '*Proposed subdivision of Sec 6 BLK II and Secs 3, 4 and 5 BLK III Town of Opua*'). The applicant believes that the trees are destabilising the bank and have large overhanging limbs threatening damage to the house.

The Norfolk pines were previously protected through RC2010969, however as resource consent issuing for the current proposal will supercede RC2010969 their ongoing protection will require similar conditioning through RC2150037.

The trees have particular landscape and amenity values relating to being markers within the settlement, forming a feature visible from various points around the settlement and including the coastal marine area. Notwithstanding this, the trees are not regarded as significant in the context of surrounding development, with visibility from the coastal marine area reducing as the viewer becomes more removed from the trees. From these locations the trees are more difficult to detect against the backdrop of vegetation and built development, with only the tree tops breaking the skyline as viewed from the water. Having said this, they are unlikely to be used as a

point of reference.

In summary, whilst the amenity values of the trees are recognised, it is also noted that removing the trees will open up some views and allow for more light into the surrounding area thereby also enhancing amenity values to an extent. For these reasons it is not considered necessary to ensure the continued protection of the two trees, with the effects of their removal regarded as minor.

- The applicant has offered to covenant the areas of indigenous vegetation outside of the building area on the lots. This will assist in maintaining the stability of the embankments whilst also contributing towards local amenity and mitigating the effects of future built development on proposed Lot 2.
- Council's resource consents engineer has had regard to the implications of the building setback upon traffic safety and efficiency. There is no impact in this regard by virtue of the land topography influencing the horizontal and vertical alignment of the adjacent road, and the location of the building below the road carriageway.
- On-site parking on Lot 1 is currently inadequate for the purposes of servicing the two residential units on the lot, with limited visibility available for vehicles forced to reverse manoeuvre from the site. The stopping of road reserve will address this issue to the satisfaction of Council's resource consents engineer. There is no adjacent footpath and no issues have been identified with respect to pedestrian safety.

#### **4. Relevant Statutory Provisions:**

##### **Policy Statements and Plan Provisions**

The Coastal Residential zone provides for the most intensive development of all the zones in the coastal environment. It is applied in areas where an urban residential style and scale of development already exists. It enables the further development of these areas in a way which retains, as far as possible, the natural character of the coastal environment.

The Coastal Residential zone is similar to the Residential zone but has slightly different environmental standards reflecting the character of the small coastal settlements to which it is applied.

The objectives and policies relating to the Coastal Residential zone seek:

- To enable the development of residential activity in and around existing coastal settlements.
- To protect the coastline from inappropriate subdivision, use and development.
- To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible.

Based upon the matters addressed in the notification assessment report relating to environmental effects, the subdivision and land use are considered consistent with the District Plan objectives and policies.

As the Act requires a district plan to give effect to a regional policy statement, with the proviso that the district plan shall be consistent with a regional plan, it is reasonable to assume that the proposal would also achieve the relevant issues, objectives and policies of the Regional Policy Statement for Northland.

The New Zealand Coastal Policy Statement (NZCPS) is of primary relevance to the proposal due to its location within the coastal environment. One of the objectives of the Statement is to safeguard the integrity, form, functioning, and resilience of the coastal environment and sustain its ecosystems. The Statement seeks to preserve the natural character of the coastal environment and protect natural features and landscapes. It recognises that the protection of values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. The NZCPS encourages development that maintains the character of the existing built environment, and where development resulting in change in character would be acceptable. In terms of preserving natural character, the NZCPS also places emphasis upon avoiding significant adverse effects and preserving natural character and protecting it from inappropriate subdivision, use and development.

Although the site forms part of the coastal environment providing a backdrop to the coastal edge, the site and its surroundings are not pristine. The site's natural character value has already been modified and diminished by existing built development. Development in the vicinity is characteristic of the residential zoning of a large number of properties. In summary, the proposal is assessed as having very little impact upon landscape and visual quality values, and natural character levels, with the changes brought about by the proposal regarded as less than minor. Therefore the development will be consistent with the intent of the Statement.

## **Part 2 Matters**

Section 5 sets out the Act's purpose, whilst sections 6, 7 and 8 include principles to assist in achieving that purpose.

The purpose of the Act as outlined in section 5(1) is to promote the sustainable management of natural and physical resources. As outlined in section 5(2), "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."*

Comment: The proposal will not undermine the site features contributing to its natural character and amenity values, particularly having regard to the level of existing development on the site and in the locality. The proposal is therefore regarded as consistent with the purpose of the Act.

Section 6 of the Act, '*Matters of national importance*', lists seven matters of national importance. The matter regarded as most relevant to the proposal relates to 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.

Comment: Whilst the development will establish one additional title, future development will not result in any significant visual denigration to the natural character of the coastal environment.

In achieving the purpose of the Act, section 7 imposes ten matters for Council to have regard to in managing the use, development, and protection of natural and physical resources. These matters include the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and the maintenance and enhancement of the quality of the environment.

Comment: Recognising the scale and location of existing built development on site and in the locality, the application and supporting documentation are regarded as consistent with section 7 of the Act.

Section 8 of the Act requires that all persons exercising functions and powers under the Act take into account the principles of the Treaty of Waitangi in managing the use, development and protection of natural and physical resources. No issues have been identified as arising under the Treaty of Waitangi and the proposal is considered to satisfy section 8.

#### 5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the subdivision and land use are less than minor and that there are no affected persons or affected order holders.

#### 6. Overall Evaluation

Having considered the application against the relevant provisions of the Act and the District Plan, it is recommended that this application be granted subject to compliance with the conditions as discussed above.

### Approval

This resource consent has been prepared by Liz Searle (Senior Resource Consents Planner) and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

  
\_\_\_\_\_

Dated: 23<sup>rd</sup> October 20

Pat Killalea  
**Principal Planner**

(ACTING UNDER DELEGATED AUTHORITY)

### **Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) 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.

The consent holder shall pay all charges set by the Council under section 36 of the Resource Management Act 1991, including any administration, monitoring and supervision charges relating to the conditions of this resource consent. The consent holder will be advised of the charges as they fall.

Section 357B of the Resource Management Act 1991 provides a right of objection in relation to the imposition of additional charges or recovery of costs.

### **Lapsing Of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

- (i) The consent is given effect to; or
- (ii) An application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

**RICHARDSON STREET**

**APPROVED PLAN**

PLANNER *Sawle*  
 RC 2150037 Date 23-10-14

Sec 5  
Blk II TN of Opua  
(FNDC)

Sec 4  
Blk II TN of Opua

**LOT 1**  
1304m<sup>2</sup>

**LOT 2**  
1842m<sup>2</sup>

**RICHARDSON STREET**  
LEGAL ROAD

**ENGLISH BAY ROAD**  
LEGAL ROAD  
SEALED

Stormwater  
Drainage  
Easement

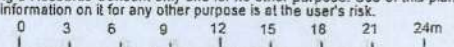
(A)

Sec 2  
Blk III TN of Opua  
Scenic Reserve

Sec 1  
Blk III TN of Opua

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



Prepared for: HARBOURSIDE CUSTODIANS LTD

**Proposed Easements**

Purpose	Shown	Servient Tenement	Dominant Tenement
Right to Drain Stormwater	(A)	Lot 2	Lot 1

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council

Total Area: 0.3146ha  
Comprised in: NA31A/1379

Levels in terms of: Assumed Datum  
Contour interval is: 1m



**WILLIAMS AND KING**  
Registered Land Surveyors, Planners & Land Development Consultants  
 Ph: (09) 407 6030  
 Fax: (09) 407 6032  
 Email: kerikeri@surveyandplanning.co.nz

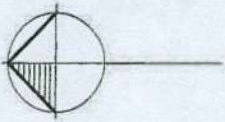
**PROPOSED SUBDIVISION OF  
SEC 6 BLK II & SECs 3, 4 & 5  
BLK III TOWN OF OPUA**

Name	Date
Survey	WF May 14
Design	
Drawn	CW June 14
Rev	

ORIGINAL SCALE SHEET SIZE  
1:300 A3

21313





**Legal Description**

Section 6 Block II Town of Opuia and  
Section 3-5 Block III Town of Opuia  
Area = 3145m<sup>2</sup> (more or less)

SEC 1  
BLK III

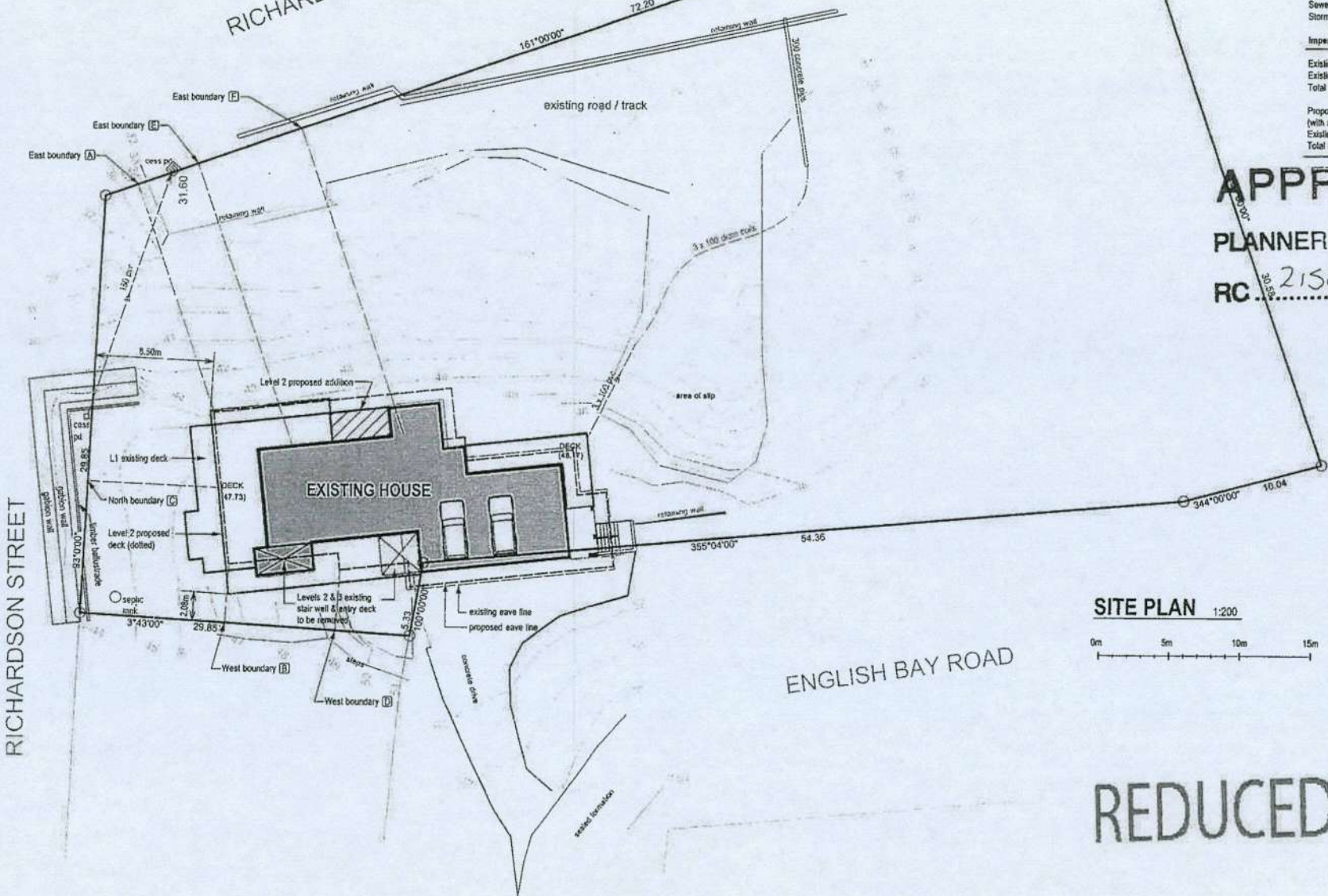
**GENERAL NOTES**

Site Area	3145m <sup>2</sup>
Territorial Authority	Far North District Council
Planning Zone	Coastal Residential Zone
Wind Zone	Very High
Earthquake Zone	1
Corrosion Zone	C
Maximum Building Height	8m
Services	
Power	Existing on site
Phone	Existing on site
Water	Existing on site
Sewerage	Town reticulation - existing connection
Stormwater	Existing connections available

**Impermeable surfaces**

Existing House	= 217m <sup>2</sup>
Existing Water Tank	= 7m <sup>2</sup>
Total Existing	= 224m <sup>2</sup>
Proposed House (with alterations)	= 185m <sup>2</sup>
Existing Water Tank	= 7m <sup>2</sup>
Total Proposed	= 192m <sup>2</sup>

RICHARDSON STREET

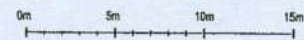


**APPROVED PLAN**  
 PLANNER *ES*  
 RC 2150037 Date 23-10-14

RICHARDSON STREET

ENGLISH BAY ROAD

**SITE PLAN** 1:200



**REDUCED**



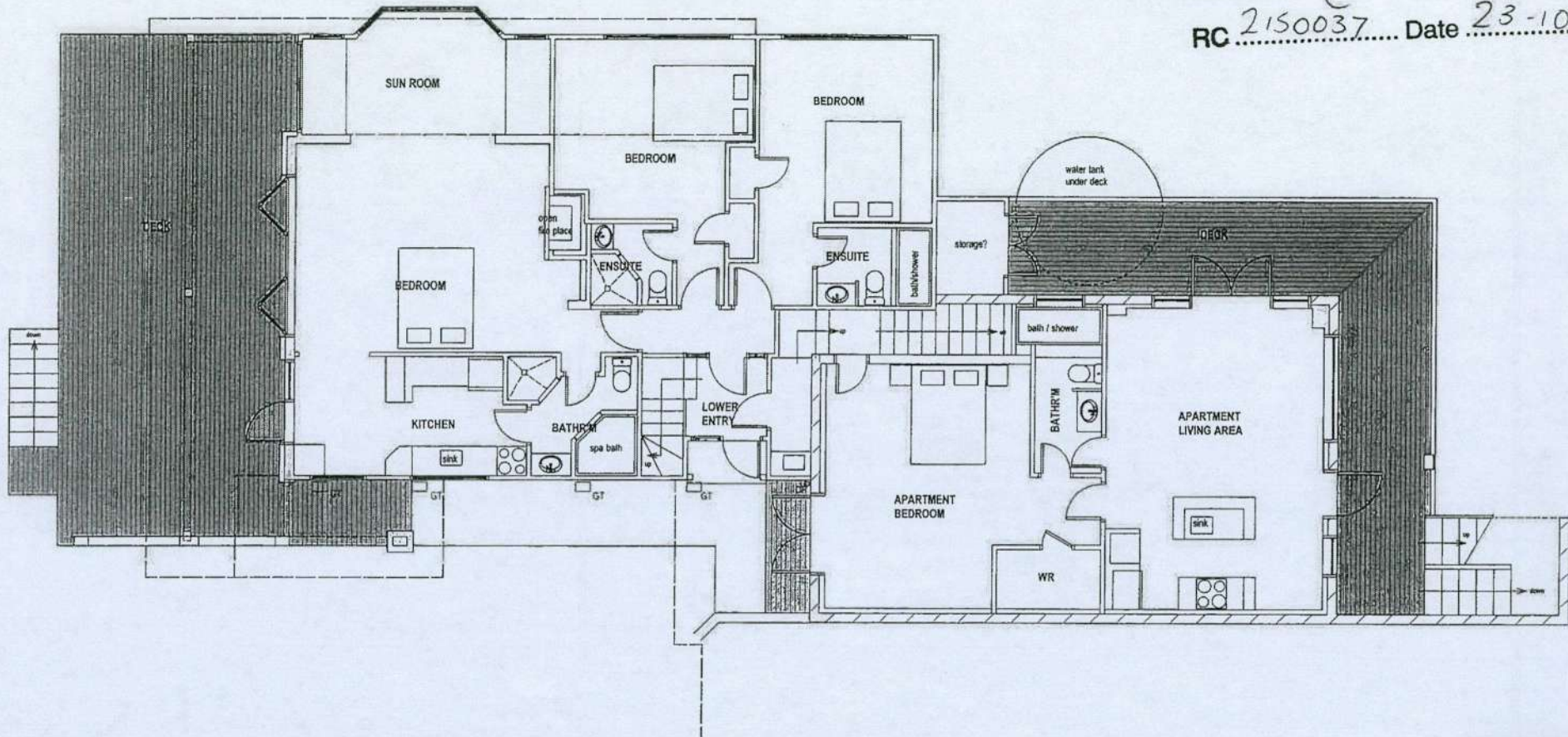
Job:  
 HOUSE ALTERATIONS for  
 Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01

Site Plan	
Date:	5 May 2014
Ref:	3096
Sheet:	S-01 of 10

# APPROVED PLAN

PLANNER: *E Sawle*

RC 2150037 Date 23-10-14



EXISTING FLOOR PLAN - Level 1 1:50

Existing FLOOR AREAS

Level 1 House	= 118.6m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 82.4m <sup>2</sup>
Level 2 House	= 104.8m <sup>2</sup>
Level 2 Garage	= 66.9m <sup>2</sup>
Level 2 Decks	= 66.6m <sup>2</sup>
Level 3 House	= 101.0m <sup>2</sup>
Level 3 Decks	= 30.5m <sup>2</sup>
Total House, Apartment and Garage	= 458.2m <sup>2</sup>
Total Decks	= 179.5m <sup>2</sup>

REDUCED



Job:  
HOUSE ALTERATIONS for  
Harbourside Custodians, LTD  
7 English Bay Road  
OPUA / PIM-01

Floor Plan - Level 1  
Existing

Date: 5 May 2014

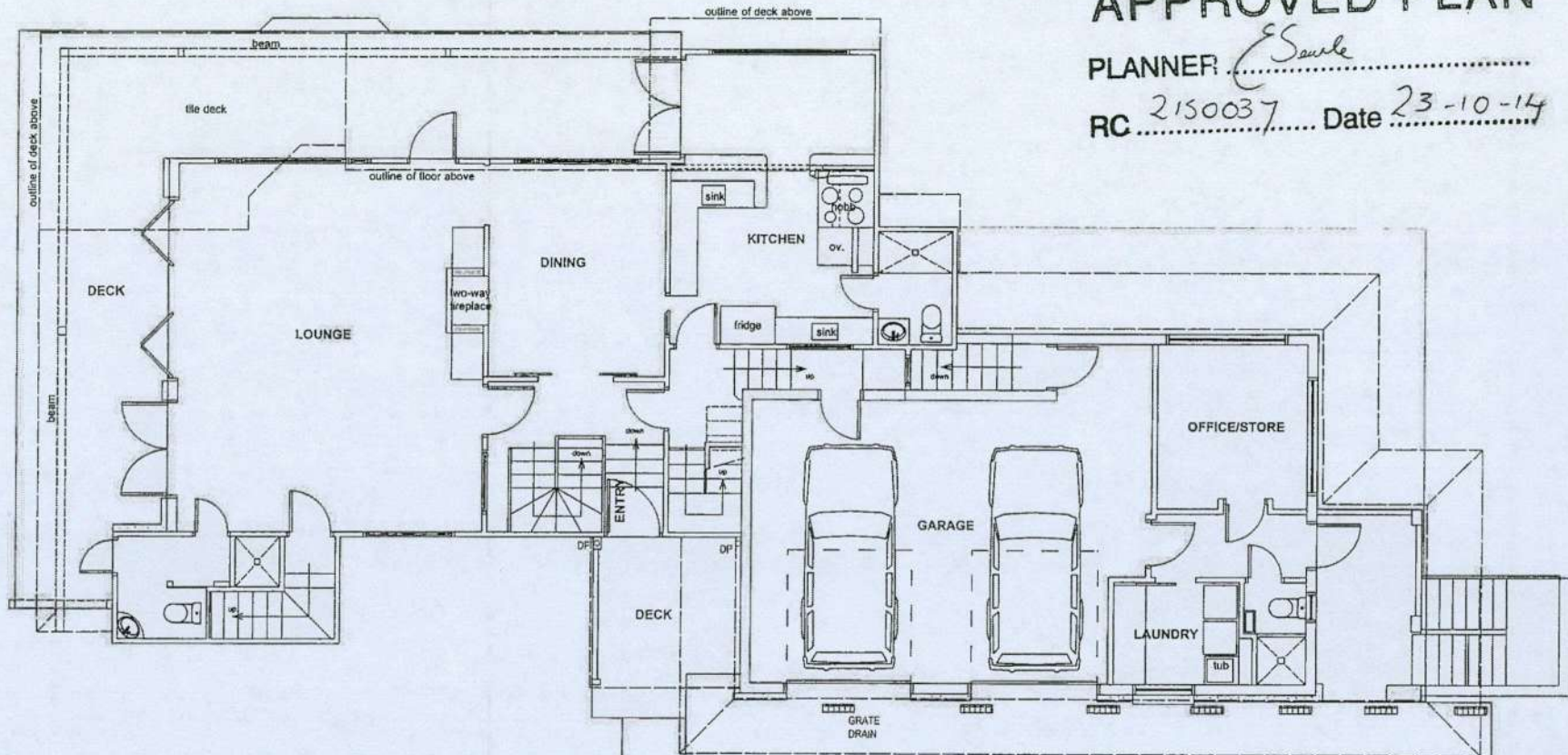
Ref: 3096

Sheet: S-02 of 10

# APPROVED PLAN

PLANNER *E. Saule*

RC 2150037 Date 23-10-14



## EXISTING FLOOR PLAN - Level 2 1:50

### Existing FLOOR AREAS

Level 1 House	= 118.6m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 52.4m <sup>2</sup>
Level 2 House	= 104.6m <sup>2</sup>
Level 2 Garage	= 66.9m <sup>2</sup>
Level 2 Decks	= 66.6m <sup>2</sup>
Level 3 House	= 101.0m <sup>2</sup>
Level 3 Decks	= 30.5m <sup>2</sup>
Total House, Apartment and Garage	= 458.2m <sup>2</sup>
Total Decks	= 179.5m <sup>2</sup>



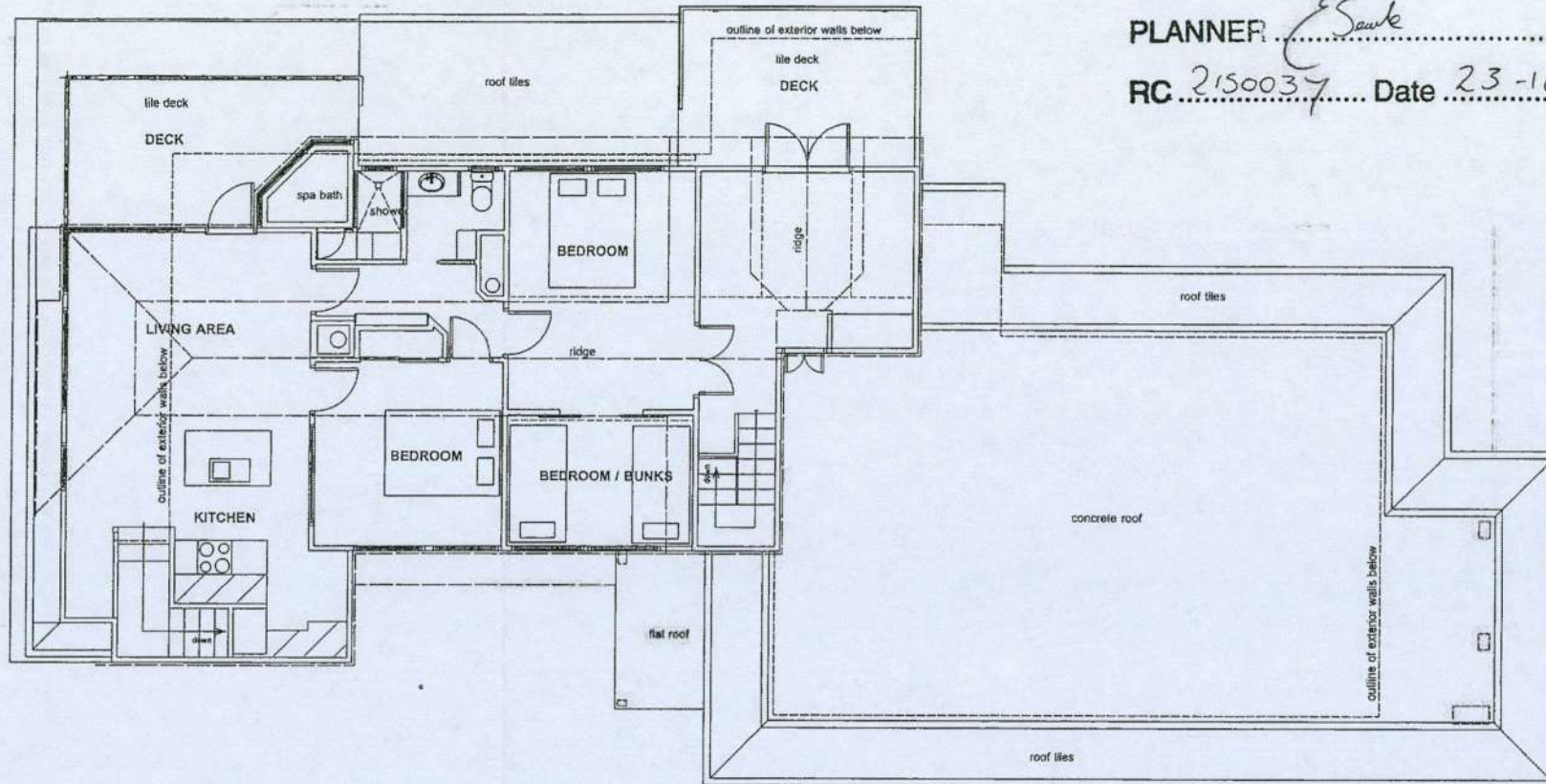
Job:  
 HOUSE ALTERATIONS for  
 Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01  
 Floor Plan - Level 2  
 Existing

Date: 5 May 2014  
 Ref: 3096  
 Sheet: S-03 of 10

REDUCED

# APPROVED PLAN

PLANNER: *E. Sawle*  
 RC 2150037 Date 23-10-14



Elevation Key



EXISTING FLOOR PLAN - Level 3 1:50

Existing FLOOR AREAS

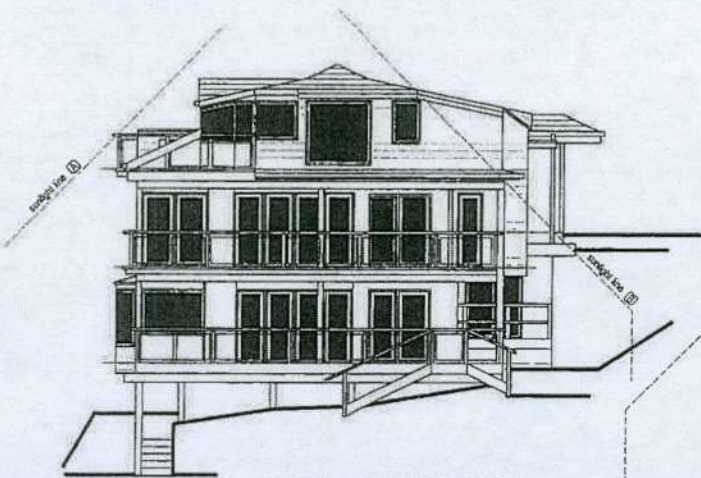
Level 1 House	= 118.5m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 82.4m <sup>2</sup>
Level 2 House	= 104.6m <sup>2</sup>
Level 2 Garage	= 66.9m <sup>2</sup>
Level 2 Decks	= 66.6m <sup>2</sup>
Level 3 House	= 101.0m <sup>2</sup>
Level 3 Decks	= 30.5m <sup>2</sup>
Total House, Apartment and Garage	= 458.2m <sup>2</sup>
Total Decks	= 179.5m <sup>2</sup>

REDUCED



Job: HOUSE ALTERATIONS for Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01  
 Floor Plan - Level 3  
 Existing

Date: 5 May 2014  
 Ref: 3096  
 Sheet: S-04 of 10



Existing ELEVATION 1. 1:100

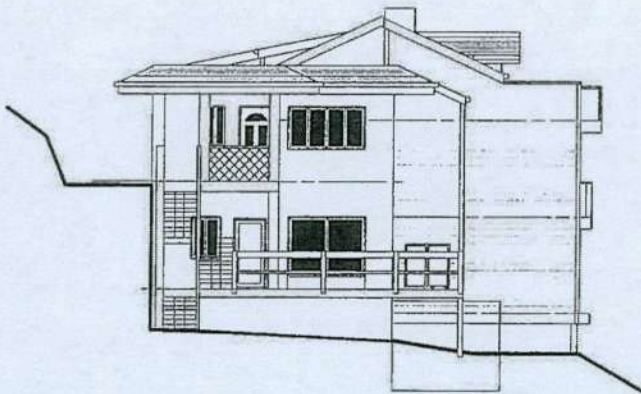


Existing ELEVATION 2. 1:100

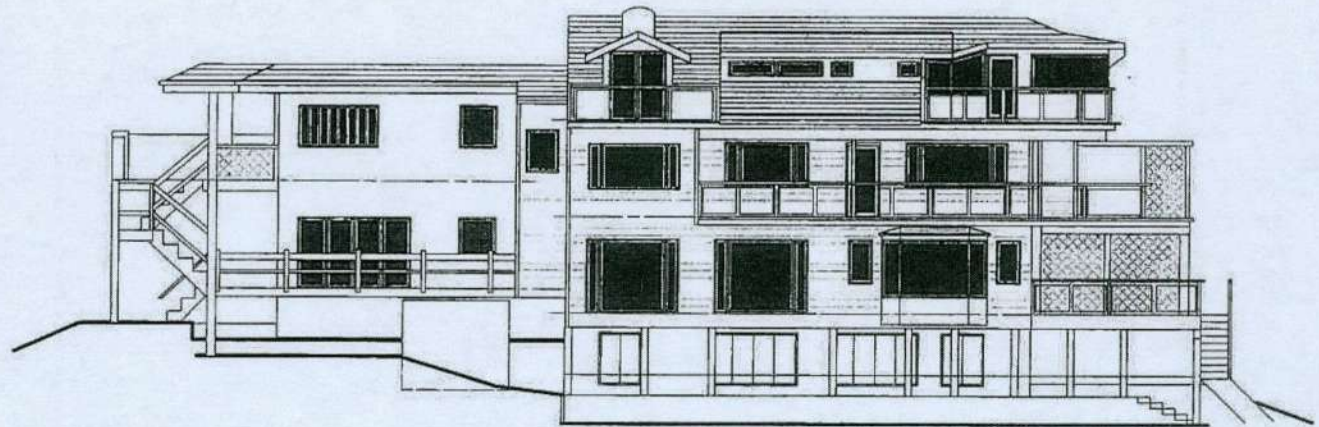
**APPROVED PLAN**

PLANNER: *Seale*

RC *2150037* Date *23-10-14*



Existing ELEVATION 3. 1:100



Existing ELEVATION 4. 1:100

REDUCED



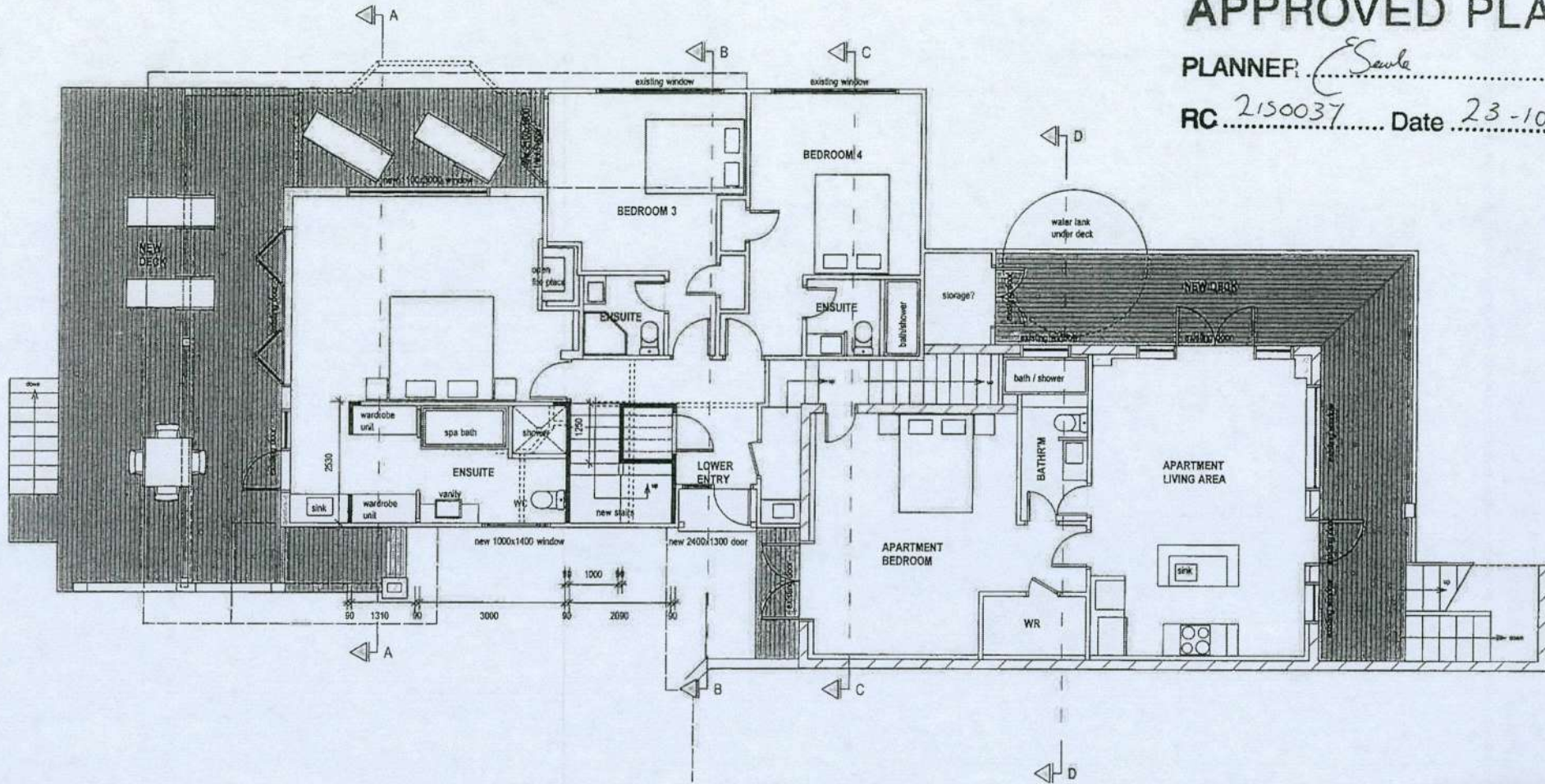
Job: HOUSE ALTERATIONS for Harbourside Custodians, LTD  
7 English Bay Road  
OPUA / PIM-01

Elevations Existing	
Date:	5 May 2014
Ref:	3096
Sheet:	S-05 of 10

# APPROVED PLAN

PLANNER: *Seale*

RC 2150037 Date 23-10-15



Elevation Key



## PROPOSED FLOOR PLAN - Level 1 1:50

- Wall Key**
- existing block walls
  - existing timber walls
  - new timber walls
  - walls to be removed

### PROPOSED FLOOR AREAS

Level 1 House	= 106.8m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 92.9m <sup>2</sup>
Level 2 House	= 103.7m <sup>2</sup>
Level 2 Garage	= 66.9m <sup>2</sup>
Level 2 Decks	= 87.3m <sup>2</sup>
Level 3 House	= 85.0m <sup>2</sup>
Level 3 Decks	= 13.9m <sup>2</sup>
<b>Total House, Apartment and Garage</b>	<b>= 429.5m<sup>2</sup></b>
<b>Total Decks</b>	<b>= 194.1m<sup>2</sup></b>

REDUCED

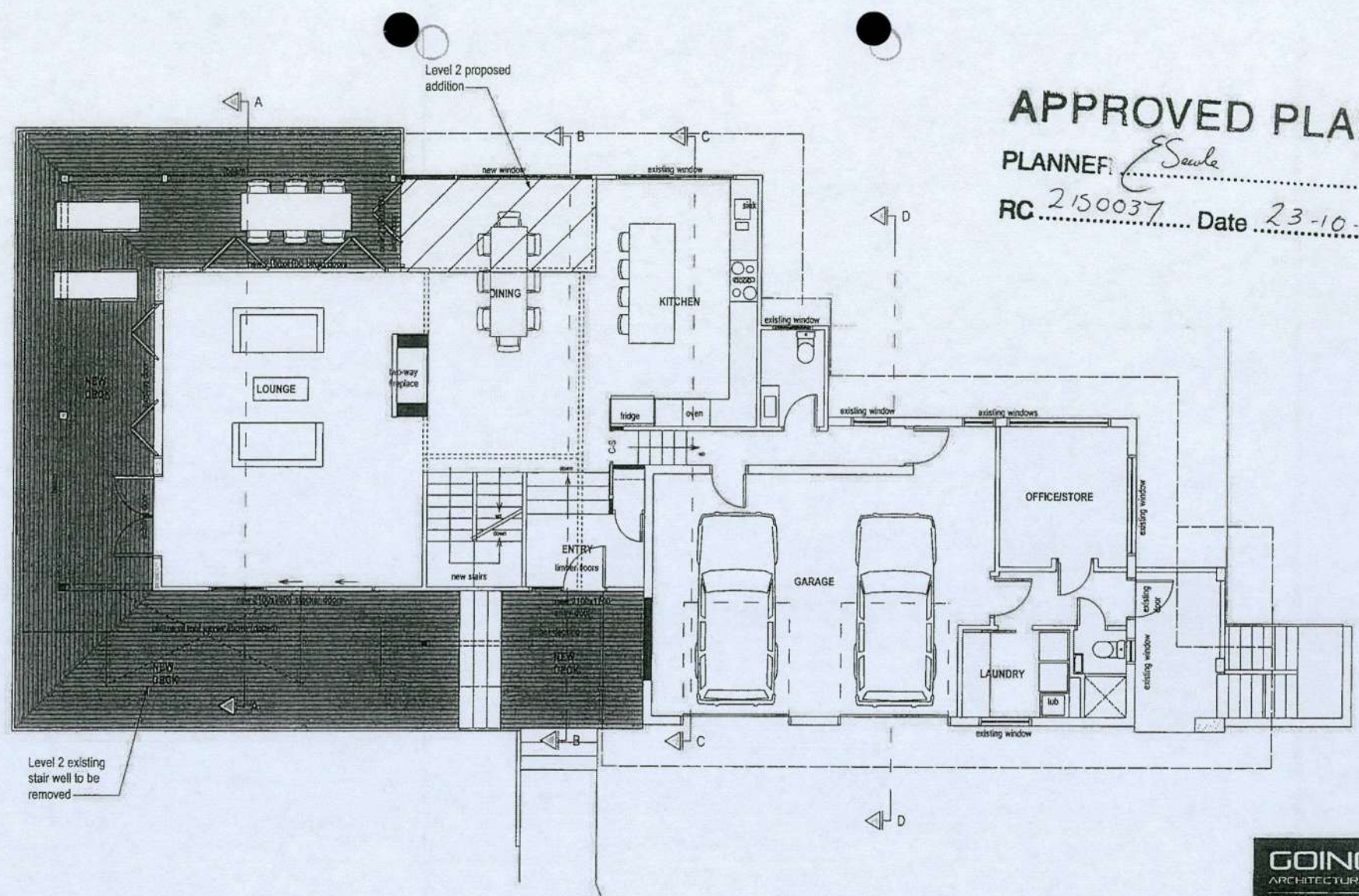


Job: HOUSE ALTERATIONS for Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01

Floor Plan - Level 1  
 Proposed

Date: 5 May 2014  
 Ref: 3098  
 Sheet: S-06 of 10

**APPROVED PLAN**  
 PLANNER: *E. Sawle*  
 RC 2150037 Date 23-10-14



**PROPOSED FLOOR PLAN - Level 2** 1:50

- Wall Key**
- existing block walls
  - existing timber walls
  - new timber walls
  - walls to be removed

**PROPOSED FLOOR AREAS**

Level 1 House	= 106.6m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 92.9m <sup>2</sup>
Level 2 House	= 103.7m <sup>2</sup>
Level 2 Garage	= 66.6m <sup>2</sup>
Level 2 Decks	= 87.3m <sup>2</sup>
Level 3 House	= 85.0m <sup>2</sup>
Level 3 Decks	= 13.9m <sup>2</sup>
<b>Total House, Apartment and Garage</b>	<b>= 420.5m<sup>2</sup></b>
<b>Total Decks</b>	<b>= 194.1m<sup>2</sup></b>

**REDUCED**

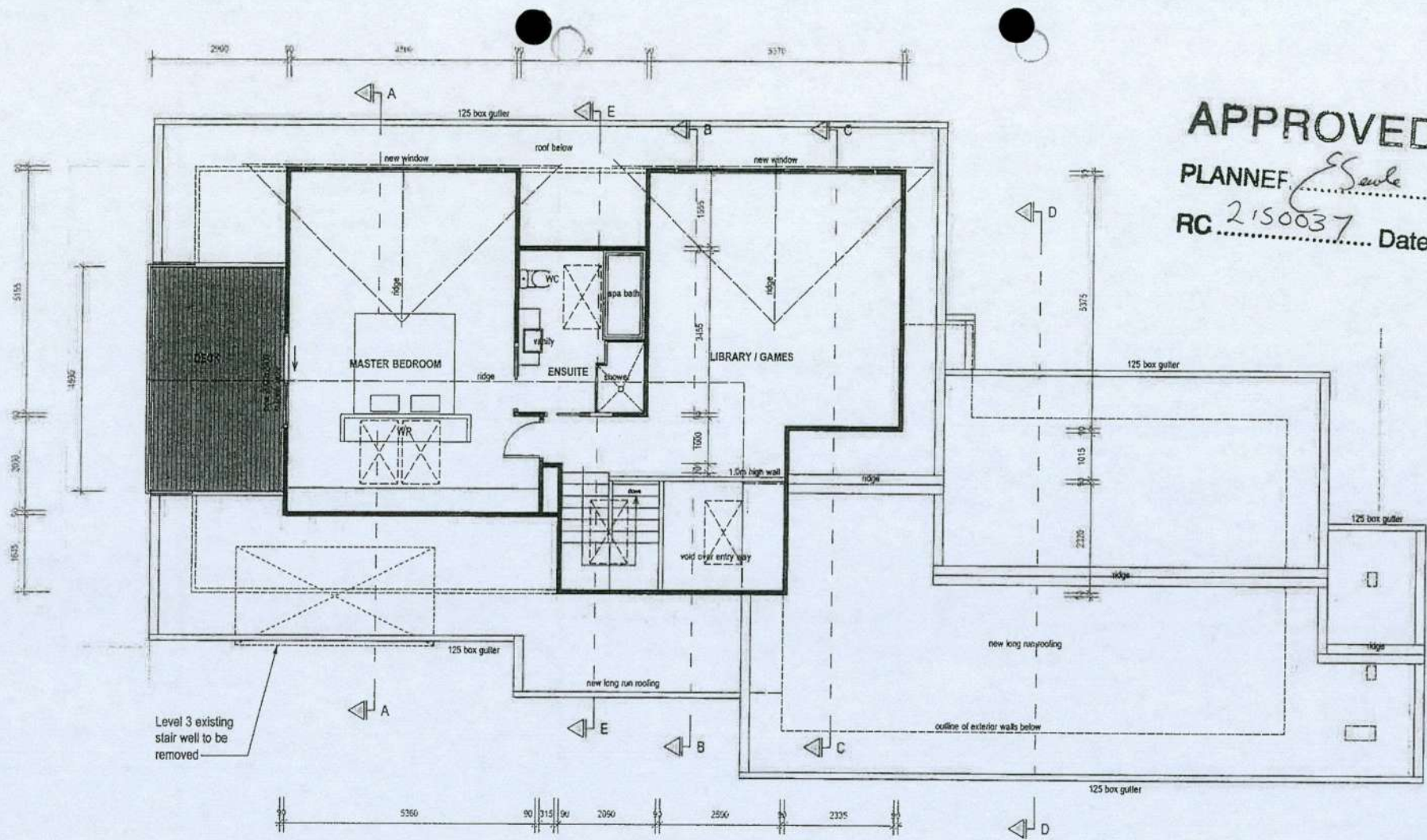


Job: **HOUSE ALTERATIONS for Harbourside Custodians, LTD**  
 7 English Bay Road  
 OPUA / PIM-01

Floor Plan - Level 2  
 Proposed  
 Date: 5 May 2014  
 Ref: 3096  
 Sheet S-07 of 10

# APPROVED PLAN

PLANNED BY *ESawle*  
 RC 2150037 Date 23-10-14



Elevation Key



## PROPOSED FLOOR PLAN - Level 3

1:50

- Wall Key**
- existing block walls
  - existing timber walls
  - new timber walls
  - walls to be removed

### PROPOSED FLOOR AREAS

Level 1 House	= 106.8m <sup>2</sup>
Level 1 Apartment	= 67.1m <sup>2</sup>
Level 1 Decks	= 92.9m <sup>2</sup>
Level 2 House	= 103.7m <sup>2</sup>
Level 2 Garage	= 66.9m <sup>2</sup>
Level 2 Decks	= 67.3m <sup>2</sup>
Level 3 House	= 85.0m <sup>2</sup>
Level 3 Decks	= 13.9m <sup>2</sup>
<b>Total House, Apartment and Garage</b>	<b>= 429.5m<sup>2</sup></b>
<b>Total Decks</b>	<b>= 194.1m<sup>2</sup></b>

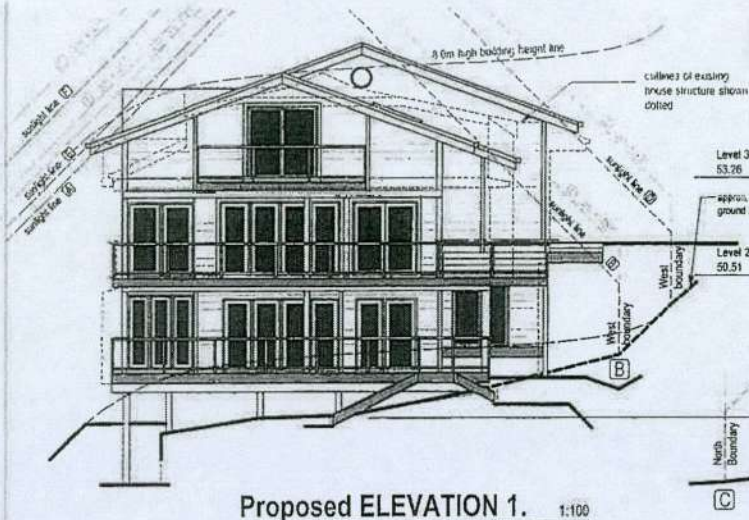


Job: HOUSE ALTERATIONS for Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01

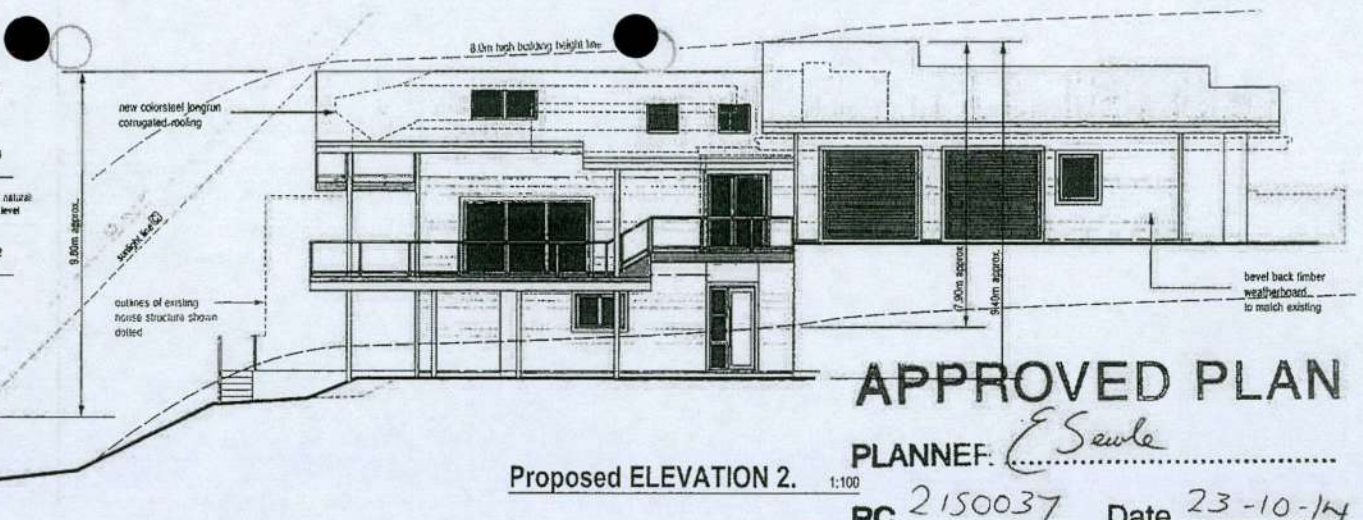
Floor Plan - Level 3  
 Proposed  
 Date: 5 May 2014  
 Ref: 3096  
 Sheet: S-08 of 10

REDUCED





Proposed ELEVATION 1. 1:100

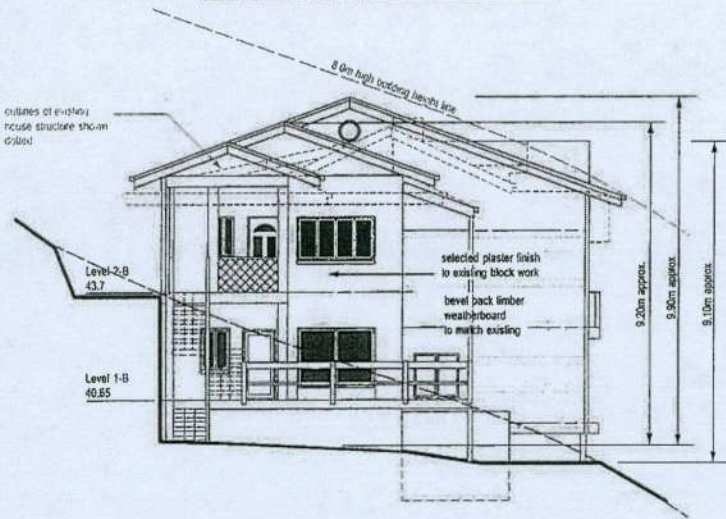


Proposed ELEVATION 2. 1:100

**APPROVED PLAN**

PLANNER: *E Sewle*

RC 2150037 Date 23-10-14



Proposed ELEVATION 3. 1:100



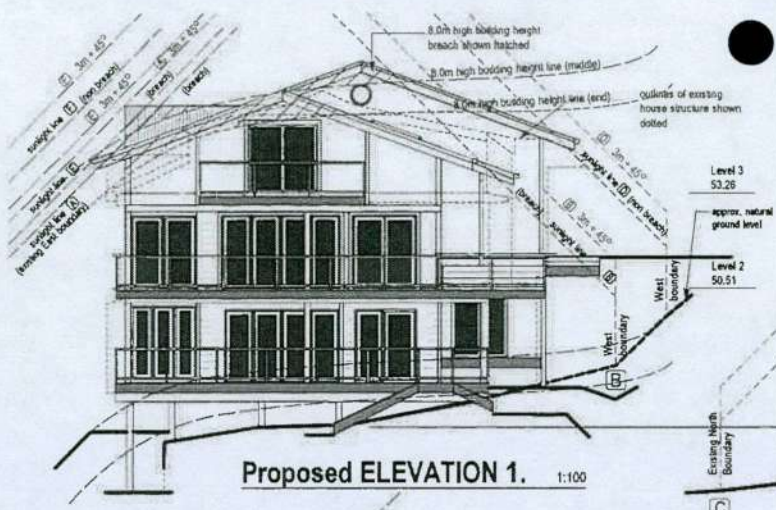
Proposed ELEVATION 4. 1:100



FOR: HOUSE ALTERATIONS for Harbourside Custodians, LTD  
7 English Bay Road  
OPUA / PIM-01

Elevations	Proposed
Date	28 July 2014
Ref	3096
Sheet	S-09 of 10

REDUCED



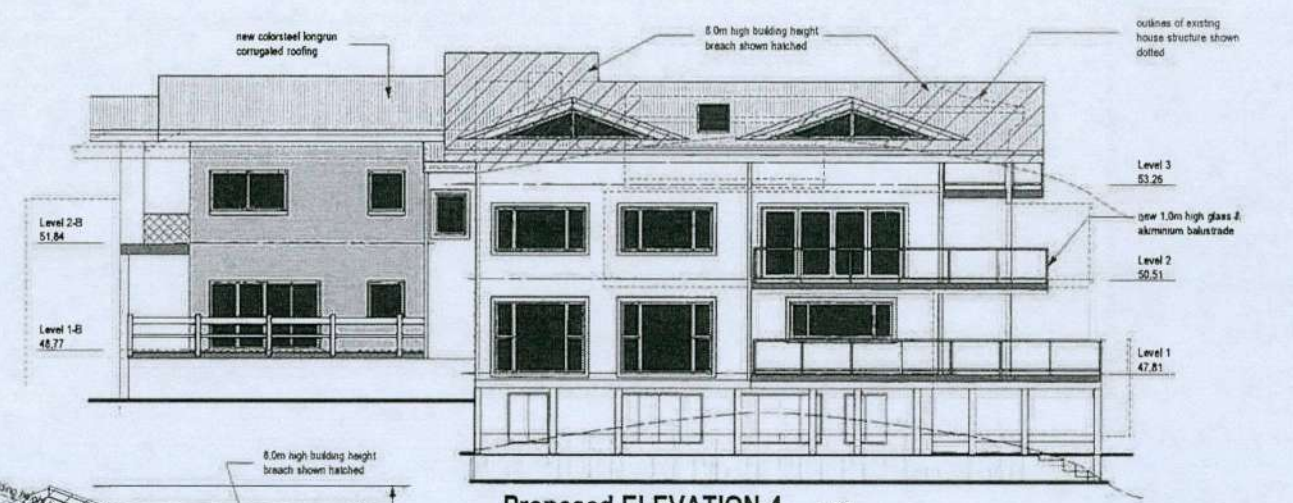
**Proposed ELEVATION 1.** 1:100



**Proposed ELEVATION 2.** 1:100

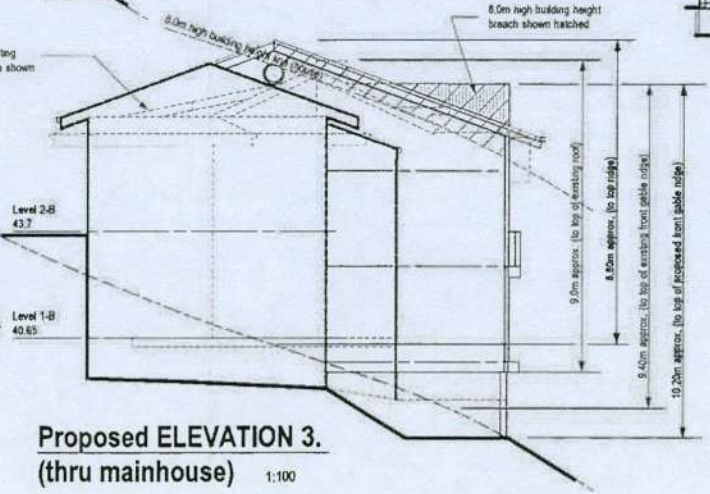


**Proposed ELEVATION 3.** 1:100



**Proposed ELEVATION 4.** 1:100

**APPROVED PLAN**  
 PLANNEE: *E. Sewe*  
 RC 2150037 Date 23-10-14



**Proposed ELEVATION 3.**  
 (thru mainhouse) 1:100



HOUSE ALTERATIONS for  
 Harbourside Custodians, LTD  
 7 English Bay Road  
 OPUA / PIM-01

Date	26 August 2014
Rev	3096
Sheet	S-09 of 10



HERITAGE NEW ZEALAND  
POUHERE TAONGA

## Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 the *New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or a consent has been issued under the Resource Management Act.

Heritage New Zealand Regional archaeologist contact details:

Brooke Jamieson, Area Archaeologist Northland  
NZ Historic Places Trust  
PO Box 836, Kerikeri 0245  
Ph. +64 9 407 0473; mobile 027 249 0864; fax. +64 9 407 3454  
bjamieson@heritage.org.nz

**FOR OFFICE USE ONLY**

Assessment No. \_\_\_\_\_  
 Permit No. \_\_\_\_\_  
 Date of Permit \_\_\_\_\_

**LICENCE TO OCCUPY A PORTION OF ROAD and ACCESS WAY**

This is to certify that		<b>MARK HOKSBERGEN and JOHN CRAN as directors of HARBOURSIDE CUSTODIANS LIMITED</b>		(Full Name)
of	<b>c/- BOI Taxation Limited, 93 Kerikeri Road, Kerikeri 0230.</b>			(Address)
Are granted permission by the Far North District Council (Council) to occupy a portion of <b>ROAD adjoining 7 ENGLISH BAY ROAD and a portion of the ACCESS WAY (NA31A/856) also adjoining 7 English Bay Road (NA31A/1379) – plans attached.</b>				
This application refers to; <b>An historic rock retaining wall, car parking area and to stairs proposed to encroach onto the access way as shown on the attached Williams and King plan and aerial.</b>				
				Subject to the undermentioned conditions.
Dated this		day of		2016.
<b>Signed</b>				<b>Engineer</b>

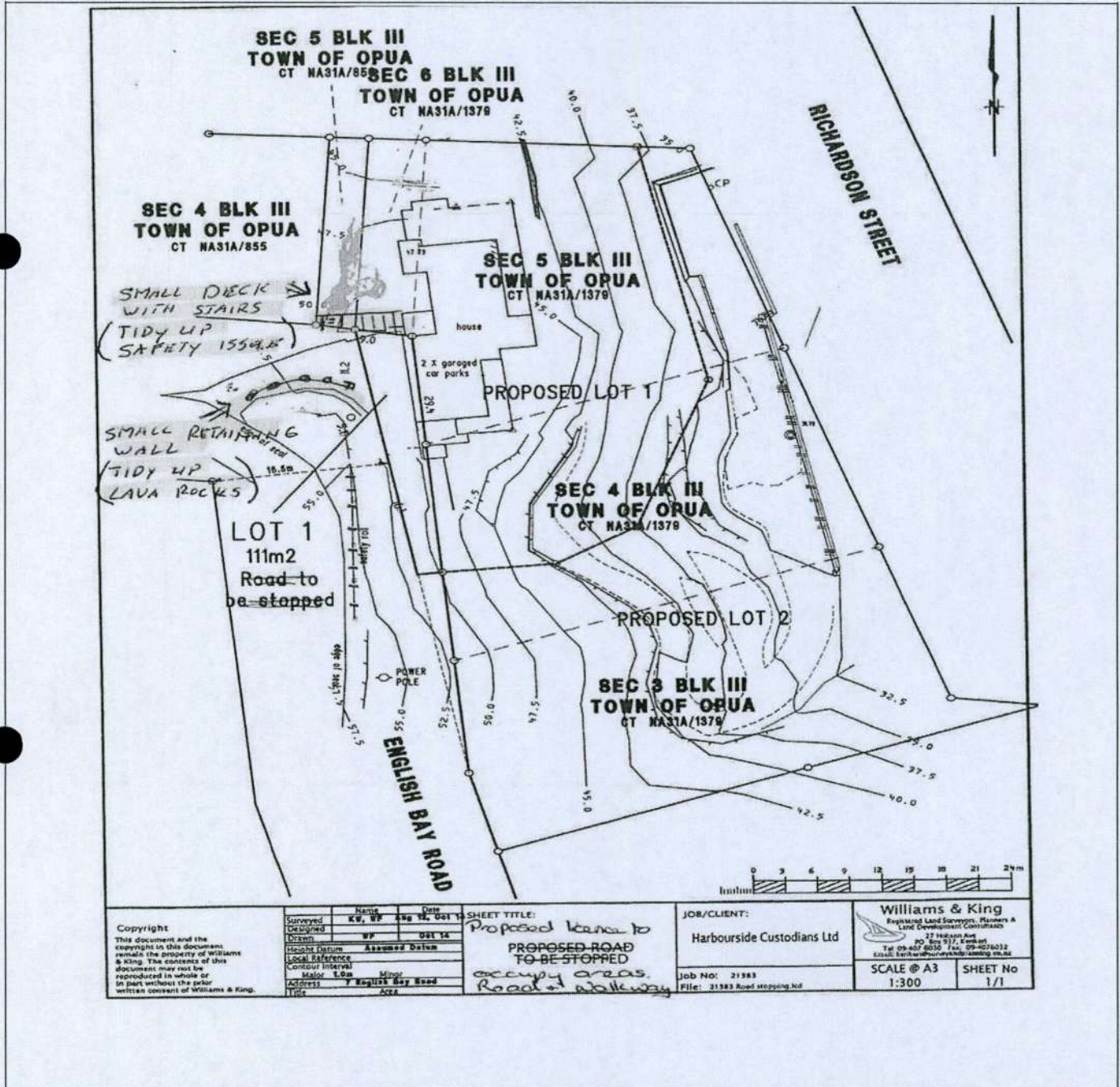
**CONDITIONS**

1. This licence gives no tenure to any land enclosed and any fences or other erections thereon must be removed as and when so required by the Council.
2. The Council and any Government Department or Local Body functioning in the locality may enter upon the enclosed land and do such things as if no enclosure existed and be not held responsible to the applicant for any damage or loss thereby occasioned, nor will the applicant have any claim for damage extending on to his land if this results from inadvertence occasioned by the true boundary line not being clearly defined.
3. When required by the Council so to do the applicant will, at his own cost, and without delay, disclose the true position of survey pegs or renew any which may have been destroyed or displaced.
4. No construction shall commence on the proposed encroachment until resource and building consent(s) have been approved by Council
5. The area enclosed must be to the approval of the Engineer but the fact of such approval will place no onus on the Council or relieve the applicant of any of the responsibilities herein stated or implied.
6. The applicant must furnish the Council with a plan showing the shape of the encroachment. It will be sufficient if this is a sketch plan with measurements showing the position of the encroachment in relation to the true boundary. This plan will be filed by the Council for the purpose of reference and to assist in rediscovering the true boundary line at some future date. This requirement, however, places no responsibility on the Council.
7. Trees, shrubs, or live hedges must on no account be planted or maintained on any road encroachment.
8. Public Liability Insurance. The licensee shall take all reasonable precautions against accident or injury arising in respect of any person or property on the said land, and shall indemnify the Council against all legal actions or demands that may be brought against the Council in connection with the rights hereby granted.

**PLAN and AERIAL SHOWING THE SHAPE OF ENCROACHMENT**


It will be sufficient if the sketch plan shows the position and measurements in relation to the true boundaries.

The True Boundary  
Encroachment Boundary




Copyright This document and the copyright in this document remain the property of Williams & King. The contents of this document may not be reproduced in whole or in part without the prior written consent of Williams & King.	<table border="1"> <tr> <th>Name</th> <th>Date</th> </tr> <tr> <td>Surveyed KW, WF</td> <td>19 12 01</td> </tr> <tr> <td>Designed WF</td> <td>08 12 14</td> </tr> <tr> <td>Drawn</td> <td></td> </tr> <tr> <td>Height Datum</td> <td>Assumed Datum</td> </tr> <tr> <td>Local Reference</td> <td></td> </tr> <tr> <td>Contour Interval</td> <td>Major 1.0m Minor</td> </tr> <tr> <td>Address</td> <td>7 English Bay Road</td> </tr> <tr> <td>Title</td> <td>Acres</td> </tr> </table>	Name	Date	Surveyed KW, WF	19 12 01	Designed WF	08 12 14	Drawn		Height Datum	Assumed Datum	Local Reference		Contour Interval	Major 1.0m Minor	Address	7 English Bay Road	Title	Acres	SHEET TITLE: Proposed kerb to PROPOSED ROAD TO BE STOPPED occupy areas Road & pathway	JOB/CLIENT: Harbourside Custodians Ltd  Job No: 21983 File: 21983 Road stopping kit	Williams & King Registered Land Surveyors, Planners & Land Development Consultants 27 Hebeburn Ave PO Box 217, Auckland Tel: 09-407-6030 Fax: 09-407-6032 Email: <a href="mailto:enquiries@williamsking.co.nz">enquiries@williamsking.co.nz</a>
	Name	Date																				
Surveyed KW, WF	19 12 01																					
Designed WF	08 12 14																					
Drawn																						
Height Datum	Assumed Datum																					
Local Reference																						
Contour Interval	Major 1.0m Minor																					
Address	7 English Bay Road																					
Title	Acres																					
			SCALE @ A3 1:300	SHEET No 1/1																		

7 English Bay Road, Opua (Section 5 Block III Town of Opua)  
 Aerial showing approximate areas of licence to occupy road and walkway




**Far North  
District Council**





PARCEL\_Line


A HOUSE\_ANNOT\_NUM

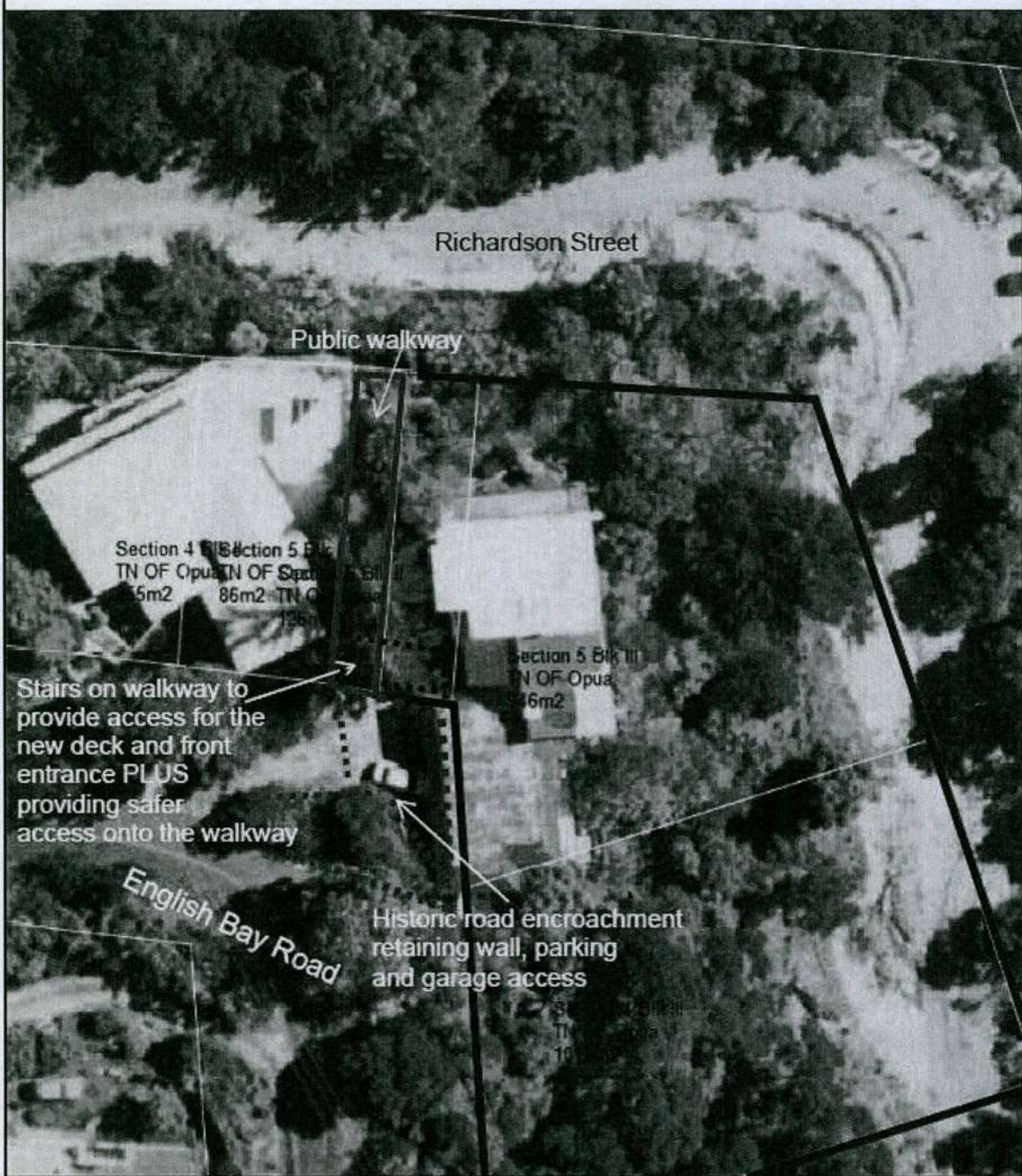
A LEGAL\_ANNOT\_LAB

 Aerial Low 2002

 Satellite 2008

 Aerial High 2006




 Aerial High 2000-2003



This map has been provided in good faith and for information purposes only. The Far North District Council is not liable for any errors or omissions. Any persons considering purchasing property are advised to have all boundaries confirmed by a licensed Cadastral Surveyor.

Produced by the Far North District Council 09:30 12/08/2014

Copyright © 2006 Far North District Council

-  Accessway to remain open to the public (steps for safer access)
-  Area of historical road encroachment - retaining wall and parking
-  Area of steps onto walkway and access to deck

# Chorus New Zealand Limited

11 December 2024

Chorus reference: 11085496

**Attention:** Andrew McPhee

**Quote: New Property Development**

**1 connections at 7 English Bay Road , Opuia, Far North District, 0200**

**Your project reference: 7 English Bay Rd - 2 lot subdivision**

Thank you for your enquiry about having Chorus network provided for the above development.

Chorus is pleased to advise that, as at the date of this letter, we are able to provide reticulation for this property development based upon the information that has been provided:

Fibre network	\$0.00
---------------	--------

The total contribution we would require from you is **\$0.00 (including GST)**. This fee is a contribution towards the overall cost that Chorus incurs to link your development to our network. This quote is valid for 90 days from 11 December 2024. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

If you choose to have Chorus provide reticulation for your property development, please log back into your account and finalise your details. If there are any changes to the information you have supplied, please amend them online and a new quote will be generated. This quote is based on information given by you and any errors or omissions are your responsibility. We reserve the right to withdraw this quote and requote should we become aware of additional information that would impact the scope of this letter.

Once you would like to proceed with this quote and have confirmed all your details, we will provide you with the full New Property Development Contract, and upon confirmation you have accepted the terms and paid the required contribution, we will start on the design and then build.

For more information on what's involved in getting your development connected, visit our website [www.chorus.co.nz/develop-with-chorus](http://www.chorus.co.nz/develop-with-chorus)

Kind Regards

Chorus New Property Development Team





*Top Energy Limited*

Level 2, John Butler Centre  
60 Kerikeri Road  
P O Box 43  
Kerikeri 0245  
New Zealand  
PH +64 (0)9 401 5440  
FAX +64 (0)9 407 0611

6 January 2025

Andrew McPhee  
Bay of Islands Planning (2022) Ltd

Email: [andrew@bayplan.co.nz](mailto:andrew@bayplan.co.nz)

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION**  
**Mike Fisher – 7 English Bay Road, Opuā. SEC 6 BLK II & SEC's 3-5 Block III TN of Opuā**

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirement for this subdivision is nil.

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

Yours sincerely

**Aaron Birt**  
Planning and Design  
T: 09 407 0685  
E: aaron.birt@topenergy.co.nz