



Office Use Only Application Number:

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: Kingheim Limited

Electronic Address for Service (E-mail): _____

Phone Numbers: _____

Postal Address: _____
(or alternative method of service under section 352 of the Act)

Post Code: 1010

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

Name/s: Joseph Henehan- Reyburn & Bryant

Electronic Address for Service (E-mail): _____

Phone Numbers: _____

Postal Address: _____
(or alternative method of service under section 352 of the Act)

Post Code: 0140

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: Site Manager – Lesley McCormick

Property Address/
Location: 44 Gillies Road, Karikari Peninsula

7. Application Site Details:

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

Site Address/
Location: _____

44 Gillies Road, Karikari Peninsula

Legal Description: Lot 1 DP 149495 Val Number: _____

Certificate of Title: NA89A/286

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.

Amend the conditions to remove the requirement for landscape hedging and to erect a fence where the landscaping was previously required.

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)

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)

Email:

Postal Address:

Post Code: 1010

Phone Numbers:

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 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: Joseph Henahan (please print)

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

Date: 24/06/2024

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.

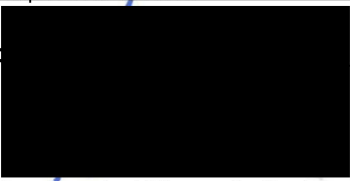
A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

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. 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: Joseph Henehan (please print)

Signature:  (signature)

Date: 24/06/2024

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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

24 June 2024

Far North District Council
Memorial Avenue
Private Bag 752
Kaikohe

ref.17078.jh

To whom it may concern,

RE: APPLICATION PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT (1991) FOR KINGHEIM LTD – 44 GILLIES ROAD, RANGIPUTA – 2200237-RMALUC

1. Summary

This is an application to vary the conditions of 2200237-RMALUC pursuant to Section 127 of the Resource Management Act, 1991 (RMA).

The proposal seeks to amend the conditions to remove the requirement for landscape hedging and to erect a fence where the landscaping was previously required.

2. Consent history

In March 2020, the Far North District Council (FNDC) approved a land use consent to establish 14 self-contained motor home camp sites within an existing motel site (NA89A/286). The consent is reference as 2200237-RMALUC by FNDC – a copy is enclosed.

2200237-RMALUC has been given effect to and therefore has not lapsed. It is noted that the only condition specified in this consent which has not been completed is Condition 4, which required landscape hedging to be planted along a portion of the sites eastern boundary.

In May 2023, FNDC approved a land use consent to undertake alterations and additions to the existing motel site. The consent is referenced as 2230258-RMALUC by FNDC – a copy is enclosed.

3. The proposal

The proposed variation seeks to amend Condition 3 which requires a 2m close board fence to be erected in two locations:

- *Along the northern boundary as outlined in pink on the approved plans in Condition 1; and*

- Extended from the northern boundary area as outlined in Condition 3(a) to the edge of the 'shed' where it aligns with RV 9.

These areas are shown on the approved plan and in [Figure 1](#) below:

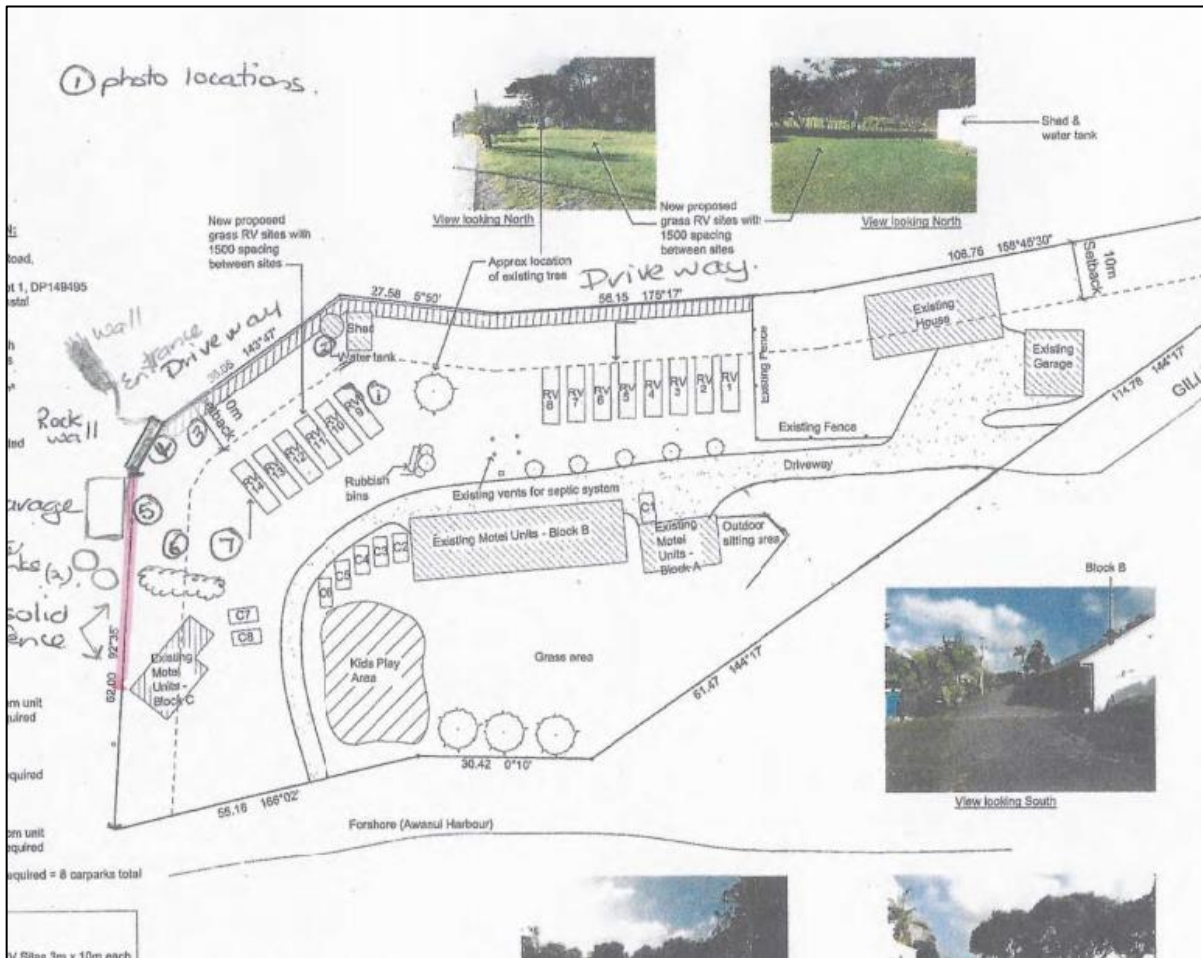


Figure 1: 2200237-RMALUC Approved plans.

It is proposed to expand on Condition 3 as the consent holder would now like to erect a 2m fence in replacement of the required landscape hedging.

As such, the proposed variation seeks to remove Condition 4 which requires landscape hedging is established along the rear boundary.

4. The proposed conditions

To allow for the above, the following changes are proposed to the conditions of consent 2200237-RMALUC1:

¹ Deletions are shown as ~~strikethroughs~~ and amendments are shown in **bold**.

Condition 3

3. Prior to the approved use being undertaken, the Consent Holder shall provide evidence to Council that a 2m close boarded fence has been erected:

- a) Along the northern boundary as outlined in pink on the approved plans in Condition 1; and
- b) Extended from the northern boundary area as outlined in Condition 3(a) to the ~~edge of the 'shed' where it aligns with RV 9.~~ **end of the existing fence line where it aligns with RV 1.**

The applicant is solely responsible for the costs of erecting and maintaining the fence. If the fence is damaged or destroyed by the property owners, tenants, residents or guests residing at the site it must be repaired or replaced within a reasonable timeframe by the property owners.

Condition 4

~~4. Where the 2m closed boarded fence is not required as per Condition 3, the proposed boundary landscaping hedging is to be planted within 6 months of this decision and is to be maintained for the duration of the consent. The minimum height of the hedging is to be 1.8m. Any plants (existing and proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).~~

5. District Plan and statutory context

Operative District Plan

Despite the changes to the conditions of consent, the proposal does not result in additional Far North District Plan (FNDP) infringements (i.e. the proposed fence will continue to comply with the relevant rules set out in the District Plan).

Furthermore, the intensity and scale of the proposed activity will remain generally the same as what was approved by the existing consent. For this reason, it is appropriate in this instance to consider the application under s127 of RMA as the proposal will not change the activity status.

Proposed District Plan

The original application was not considered against the relevant provisions of the Proposed District Plan (PDP) as the consent was approved before the PDP was notified on the 27 July 2022.

Having considered the revised proposal against the relevant rules of the PDP, the proposed fence does not create any infringements under the PDP and does not alter the fundamental components of the original application – this application simply proposes to amend the mitigation measure required by the conditions of consent. The application will therefore remain consistent with the objectives and policies of the PDP. This is addressed further in section 7 of this report.

6. Assessment of effects

The replacement of the landscape hedging with 2m fencing will not generate any adverse effects. The fence will reflect the height and design of the fence detailed in the conditions of 2200237-RMALUC. Furthermore, there will be no material change from the removal of the landscape hedging as the proposed fence will provide the same (if not a greater) level of privacy. In addition to this, the proposed fence will comply with the bulk and location rules.

The proposed change will not increase any degree of adverse effects associated with the activity, nor will they be materially different. The intensity and scale of the approved activity will not be altered in any way.

The effects of the proposed changes will be less than minor, and the relevant conditions can be amended as set out above. No persons are potentially affected by the proposed changes.

7. Objectives and policies assessment

As noted above, the intensity and scale of the approved activity will not be altered. The application simply proposes to amend the landscape planting requirement set out in condition 4 of the existing consent to instead require 2m high close-board fencing to be constructed along the sites eastern boundary. This proposal will provide a greater level of privacy than the existing situation. For these reasons, the proposal will continue to be consistent with the objectives and policies of the FNDP in the same way that was set out in the original application.

As noted earlier, since approval of 2200237-RMALUC, Council have notified their new PDP (notified on the 27 July 2022). As the scale and intensity of the proposed activity will not be altered and the proposed fence complies with the bulk and location rules set out in the PDP, the proposal is considered to be consistent with the objectives and policies of the PDP.

8. Conclusion

The proposal seeks to vary the conditions of 2200237-RMALUC pursuant to s127 of the RMA. The proposed changes are to allow the construction of a fence in place of landscape hedging and that it can be concluded that the proposed change results in no adverse environmental effects that are more than minor.

Please do not hesitate to contact us should you have any questions, otherwise we look forward to receiving the amended decision.

Yours faithfully



Joseph Henehan

Associate

Encl. Application form

Record of title

2200237-RMALUC

2230258-RMALUC



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




R. W. Muir
Registrar-General
of Land

Identifier **NA89A/286**
Land Registration District **North Auckland**
Date Issued 25 March 1992

Prior References

NA77B/529 NA77B/530

Estate Fee Simple
Area 1.1762 hectares more or less
Legal Description Lot 1 Deposited Plan 149495
Registered Owners
Kingheim Limited

Interests

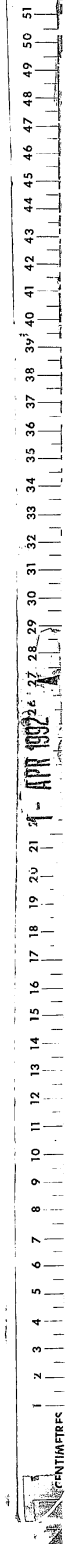
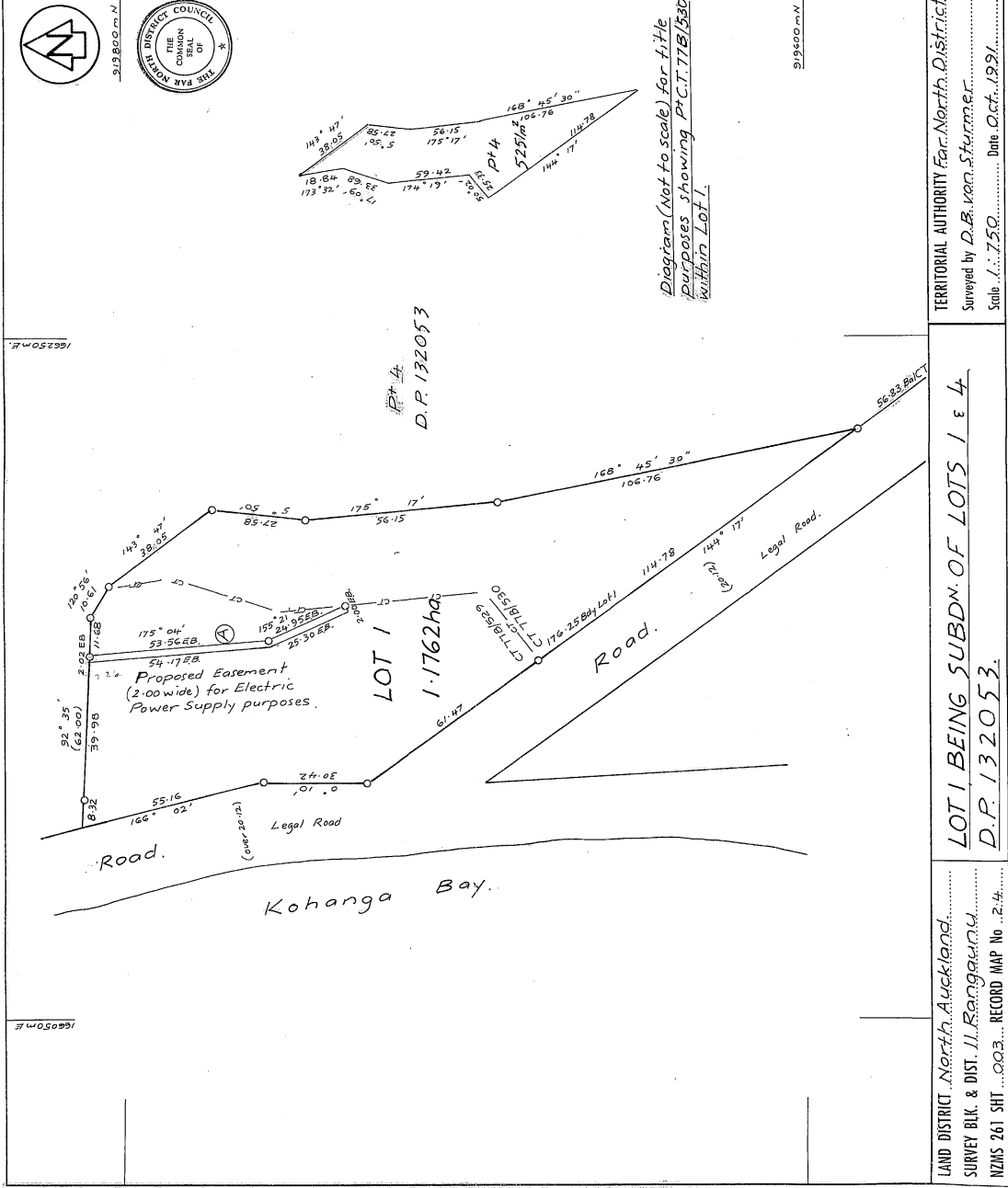
C322643.5 Building Line Restriction - 13.11.1991 at 11.02 am (affects part)

Appurtenant hereto is a right of way and a water supply right specified in Easement Certificate C322643.6 - 13.11.1991 at 11.02 am (affects part)

Some of the easements specified in Easement Certificate C322643.6 are subject to Section 309 (1) (a) Local Government Act 1974 (See Plan 132053)

Subject to an electricity right (in gross) over part marked C on Plan 167475 in favour of Top Energy Limited created by Transfer C862735.1 - 7.7.1995 at 11.36 am

<p>Approvals Approved pursuant to Section 223 of the Resource Management Act 1991, on the 18th day of November 1991. The Common Seal of the Far North District Council is affixed hereto in the presence of:- <i>D. B. van Sturmer</i> Under Delegated Authority</p>		<p>Panel of Proposed Easements:- Purpose Servient Shown Dominant Tenement Electric Power Lot 1 (A) Pt Lot 4 DP 132053</p>	
<p>New C.T. Allocated Lot 1 - 89A/286</p>		<p>Approved <i>D. B. van Sturmer</i> <i>M. Gillies</i></p>	
<p>Registered Owner Total Area... 1.1762 ha</p>		<p>Composed in... C.T. 77B/539 (A1) 9.77 B/530 (B1)</p>	
<p>I, Donald B. van Sturmer, Registered Surveyor and holder of an annual practicing certificate for the purposes of the Survey Act 1980 hereby certify that this plan has been made from a survey executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Act 1980 and that the boundaries shown thereon are true. This plan was deposited in the office of the Registrar of Land on the 11th day of October 1991. Signature: <i>D. B. van Sturmer</i></p>			
<p>Reference Plans... A... Reverse Book... A... Examined... Approved as Survey Chief Surveyor Deposited this... day of... 1991</p>		<p>File Received Instructions DP 149495 25 NOV 1991</p>	





FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (LANDUSE)
As Amended Pursuant to Section 133A of the RMA**

Resource Consent Number: 2200237-RMALUC

Pursuant to Section 104B of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Reef Lodge Motel Limited

The activity to which this decision relates: To add 14 self-contained motor home camp sites within an existing motel site that breaches the Scale of Activity and Traffic Intensity rules.

Subject Site Details

Address: 44 Gillies Road, Rangiputa
Legal Description: Lot 1 DP 149495
Certificate of Title reference: NA89A/286

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

1. The activity shall be carried out in accordance with the approved plans titled "Site Plan" and "Locality Plan", prepared by Dawson Design, ref 19038, dated 16.08.2019, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. Use of the site shall be limited to a maximum of 14 motorhomes at any one. No motorhomes shall be located within a 10m setback as outlined in the approved plans in Condition 1.
3. Prior to the approved use being undertaken, the Consent Holder shall provide evidence to Council that a 2m close boarded fence has been erected:
 - a. Along the northern boundary as outlined in pink on the approved plans in Condition 1; and
 - b. Extended from the northern boundary area as outlined in Condition 3(a) to the edge of the 'shed' where it aligns with RV 9.

The applicant is solely responsible for the costs of erecting and maintaining the fence. If the fence is damaged or destroyed by the property owners, tenants, residents or guests residing at the site it must be repaired or replaced within a reasonable timeframe by the property owners.

4. Where the 2m close boarded fence is not required as per Condition 3, the proposed boundary landscape hedging is to be planted within 6 months of this decision and is to be maintained for the duration of the consent. The minimum height of the hedging is to be 1.8m. Any plants (existing and proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).

5. The approved use is limited to motorhomes that are self-contained only. No additional loading of the existing on-site wastewater system by the motorhomes is permitted without Council's prior approval as to the appropriateness of the existing system to take on additional loading.
6. Noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55 dBA L10

2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax

7. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review conditions. The review may be initiated for any one or more of the following purposes:
 - a) To address the adequacy of the visual mitigation measures on site in the event that these are ineffective or found to not be as effective as anticipated.
 - b) To deal with any adverse effects on the environment that the exercise of the consent may have an influence on.
 - c) To deal with any inadequacies or inconsistencies the Far North District Council or its duly delegated officers consider there to be in the conditions of the consent.
 - d) To deal with any material inaccuracies that may be found in the future in relation to the information made available with the application. (Notice may be served at any time for this reason).

The review may occur within the first 12 months of the consent being given effect to and on an annual basis thereafter. All costs associated with the review are to be met by the consent holder.

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The proposed change of the site to include self contained motor homes on the site will need to comply with the Camping Ground Regulations 1985 or an application for a dispensation to these requirements must be approved by Council.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. Reef Lodge Motel Ltd has applied to establish and operate a motorhome component to their existing motel operation for a maximum exclusive use of 14 self-contained motorhomes. This activity breaches the Scale of Activities and Traffic Intensity thresholds within the General Coastal Zone.
3. The site is zoned General Coastal and it is reasonable to expect some form of development on the site. Of particular relevance to this decision is the impact on surrounding landowner's visual amenity and privacy. Permitted development within the site could include a new building with a gross floor area of less than 50m², up to 8m in height, setback 10m from the boundary and within a 45 degree recession plane as measured inwards from any point 2m from site boundaries. Given that 14 motorhomes could potentially be located on the site at any one time, it was considered reasonable to assess the visual amenity and privacy effects on adjacent persons.
4. In this regard, appropriate conditions of consent have been applied relating to screening and landscaping along the boundary interface with adjacent properties and persons. The suite of mitigation tools, proposed, volunteered, and imposed, include a 10m setback requirement for the motorhomes from boundaries, a 2m close boarded fence to provide instant mitigation from potential visual amenity and privacy, and hedging to provide longer term screening over time.
5. The 2m close boarded fence was initially volunteered as an upgrade to the existing 1.2m fence along the northern boundary. Whilst this has been accepted, the increased extent of the 2m fence has been imposed as a means of further mitigating adverse effects near and along the ROW and entrance to the adjoining property. The neighbouring parties have stated that they have experienced adverse effects from activities in this area. The extension of the 2m close boarded fence along this area will ensure that adverse effects are reduced to a less than minor level.

Policy Assessment

6. The proposed activity is subject to the Objectives and Policies of the New Zealand Coastal Policy Statement (NZCOS), the Northland Regional Policy Statement (RPS) and the Operative Far North District Plan, as detailed below:

NZCPS

7. The applicant has identified that the site falls within the Coastal Environment as defined in the RPS and as such the NZCPS is directly applicable to the application.
8. The NZCPS sets out how the coastal environment should be managed at a national level in order to achieve the purpose of the RMA. The provisions that have been considered in relation to this proposal are: protecting the natural character of the coastal environment and protect natural features and landscape values of the coastal environment from inappropriate subdivision, use and development (Objective 2 and Policies 6, 13, 15); taking into account the principles of the Treaty of Waitangi in relation to the coastal environment and provide opportunities for Maori involvement in decision making (Objective 3, Policy 2); enabling people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through

subdivision, use, and development (Objective 6, Policy 18); protection of historic heritage in the coastal environment (Policy 17).

9. The applicant has provided an assessment against Objective 2 and 6.
10. It is noted that Policy 6 mostly discusses appropriate management of the built environment and the preservation of the natural character of coastal areas which is emphasised by Policy 13 and also Objective 2. While concerns have been raised by some of the surrounding property owners in this regard, overall I am satisfied that the effects on the environment will be no more than minor and any effects in terms of visual amenity will be less than minor (subject to conditions). The proposal is therefore not considered to be inconsistent with these Policies.
11. In terms of Objective 3, Policy 2 and Policy 17 that relate to historic identification heritage and protection and involvement of tangata whenua no comments have been received from iwi or Heritage New Zealand. An Accidental Discovery Protocol has been included with the consent decision.
12. Further policies from the NZCPS include Policy 25 - Subdivision, use, and development in areas of coastal hazard risk, aims to avoid increasing the risk of social, environmental, and economic harm from coastal hazards. In terms of coastal hazards the motor caravans are moveable at any time and therefore should be expected to be moved so there is little risk to people, property or the environment.
13. Overall, given that no more than minor effects are anticipated from the proposal (being subject to consent conditions), the application is not considered to be inconsistent with the Objectives and Policies of the NZCPS.

RPS

14. As mentioned above the proposal is identified as being with the Coastal Environment under the RPS. The RPS sets out a number of Policies and Objectives that relate to the coastal environment which mostly echo the NZCPS. It is noted that there is a focus on protection of coastal water and marine ecosystems, landscape and areas of high and outstanding natural character which are not expected to be affected by the current application.
15. In terms of coastal hazards, the motor caravans are moveable at any time and therefore it is expected that should tsunami, coastal inundation, or erosion threaten the site, the motor caravans can be easily moved so there is no risk to people, property or the environment. The RPS also seeks to protect the natural character of the coastal environment. Conditions of consent volunteered and imposed assist in reducing such effects. Overall the proposal is not considered to be inconsistent with the RPS.

Operative Far North District Plan

16. The environmental outcomes expected for the General Coastal Zone are as follows:
 - a. A General Coastal Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources;
 - b. A General Coastal Zone where the natural of the coastal environment is preserved from inappropriate subdivision, use and development;
 - c. A pattern of development which takes proper account of and provides appropriately for the management of the natural and physical resources of the coastal environment.

17. The proposed activity is consistent with the existing motel use which is confirmed as creating no more than minor effects to the environment and people. Given the existing setting which includes mature vegetation, existing development and proposed screening, the preservation of the natural character is considered to be achieved by the appropriate development. The pattern of development is consistent with the underlying motel use and is likely to be seasonal in nature allowing for natural and physical resources to be sustained for future generations.
18. The applicant has undertaken an assessment against Objectives 10.6.3.1-10.6.3.3 and Policies 10.6.4.1, 10.6.4.2, and 10.6.4.4 – 10.6.4.6. These objectives and policies echo the sentiments found in the environmental outcomes expected associated with appropriate development in the coastal environment. Overall the application is not considered to be inconsistent with the Objectives and Policies of the General Coastal Zone.
19. **Part 2 Matters**
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
20. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

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



Pat Killalea, Principal Planner

Date: 9th March 2020

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.

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;

The consent is given effect to; or

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.



FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (LANDUSE)**

Resource Consent Number: 2200237-RMALUC

Pursuant to section 104B of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Reef Lodge Motel Limited

The activity to which this decision relates: To add 14 self-contained motor home camp sites within an existing motel site that breaches the Scale of Activity and Traffic Intensity rules.

Subject Site Details

Address: 44 Gillies Road, Rangiputa
Legal Description: Lot 1 DP 149495
Certificate of Title reference: NA89A/286

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

1. The activity shall be carried out in accordance with the approved plans titled "Site Plan" and "Locality Plan", prepared by Dawson Design, ref 19038, dated 16.08.2019, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. Use of the site shall be limited to a maximum of 14 motorhomes at any one. No motorhomes shall be located within a 10m setback as outlined in the approved plans in Condition 1.
3. Prior to the approved use being undertaken, the Consent Holder shall provide evidence to Council that a 2m close boarded fence has been erected:
 - a. Along the northern boundary as outlined in pink on the approved plans in Condition 1; and
 - b. Extended from the northern boundary area as outlined in Condition 3(a) to the edge of the 'shed' where it aligns with RV 9.

The applicant is solely responsible for the costs of erecting/upgrading the fence. If the fence is damaged or destroyed, it must be repaired or replaced prior to the approved use being undertaken again.

4. Where the 2m close boarded fence is not required as per Condition 3, the proposed boundary landscape hedging is to be planted within 6 months of this decision and is to be maintained for the duration of the consent. The minimum height of the hedging is to be 1.8m. Any plants (existing and proposed) that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).
5. The approved use is limited to motorhomes that are self-contained only. No additional loading of the existing on-site wastewater system by the motorhomes is permitted

without Council's prior approval as to the appropriateness of the existing system to take on additional loading.

6. Noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at any site zoned Residential, Russell Township or Coastal Residential, or at or within the notional boundary of any dwelling in any other rural or coastal zone:

0700 to 2200 hours 55 dBA L10

2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax

7. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review conditions. The review may be initiated for any one or more of the following purposes:
 - a) To address the adequacy of the visual mitigation measures on site in the event that these are ineffective or found to not be as effective as anticipated.
 - b) To deal with any adverse effects on the environment that the exercise of the consent may have an influence on.
 - c) To deal with any inadequacies or inconsistencies the Far North District Council or its duly delegated officers consider there to be in the conditions of the consent.
 - d) To deal with any material inaccuracies that may be found in the future in relation to the information made available with the application. (Notice may be served at any time for this reason).

The review may occur within the first 12 months of the consent being given effect to and on an annual basis thereafter. All costs associated with the review are to be met by the consent holder.

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The proposed change of the site to include self contained motor homes on the site will need to comply with the Camping Ground Regulations 1985 or an application for a dispensation to these requirements must be approved by Council.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than

minor and that there are no affected persons or affected customary rights group or customary marine title group.

2. Reef Lodge Motel Ltd has applied to establish and operate a motorhome component to their existing motel operation for a maximum exclusive use of 14 self-contained motorhomes. This activity breaches the Scale of Activities and Traffic Intensity thresholds within the General Coastal Zone.
3. The site is zoned General Coastal and it is reasonable to expect some form of development on the site. Of particular relevance to this decision is the impact on surrounding landowner's visual amenity and privacy. Permitted development within the site could include a new building with a gross floor area of less than 50m², up to 8m in height, setback 10m from the boundary and within a 45 degree recession plane as measured inwards from any point 2m from site boundaries. Given that 14 motorhomes could potentially be located on the site at any one time, it was considered reasonable to assess the visual amenity and privacy effects on adjacent persons.
4. In this regard, appropriate conditions of consent have been applied relating to screening and landscaping along the boundary interface with adjacent properties and persons. The suite of mitigation tools, proposed, volunteered, and imposed, include a 10m setback requirement for the motorhomes from boundaries, a 2m close boarded fence to provide instant mitigation from potential visual amenity and privacy, and hedging to provide longer term screening over time.
5. The 2m close boarded fence was initially volunteered as an upgrade to the existing 1.2m fence along the northern boundary. Whilst this has been accepted, the increased extent of the 2m fence has been imposed as a means of further mitigating adverse effects near and along the ROW and entrance to the adjoining property. The neighbouring parties have stated that they have experienced adverse effects from activities in this area. The extension of the 2m close boarded fence along this area will ensure that adverse effects are reduced to a less than minor level.

Policy Assessment

6. The proposed activity is subject to the Objectives and Policies of the New Zealand Coastal Policy Statement (NZCOS), the Northland Regional Policy Statement (RPS) and the Operative Far North District Plan, as detailed below:

NZCPS

7. The applicant has identified that the site falls within the Coastal Environment as defined in the RPS and as such the NZCPS is directly applicable to the application.
8. The NZCPS sets out how the coastal environment should be managed at a national level in order to achieve the purpose of the RMA. The provisions that have been considered in relation to this proposal are: protecting the natural character of the coastal environment and protect natural features and landscape values of the coastal environment from inappropriate subdivision, use and development (Objective 2 and Policies 6, 13, 15); taking into account the principles of the Treaty of Waitangi in relation to the coastal environment and provide opportunities for Maori involvement in decision making (Objective 3, Policy 2); enabling people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development (Objective 6, Policy 18); protection of historic heritage in the coastal environment (Policy 17).
9. The applicant has provided an assessment against Objective 2 and 6.

10. It is noted that Policy 6 mostly discusses appropriate management of the built environment and the preservation of the natural character of coastal areas which is emphasised by Policy 13 and also Objective 2. While concerns have been raised by some of the surrounding property owners in this regard, overall I am satisfied that the effects on the environment will be no more than minor and any effects in terms of visual amenity will be less than minor (subject to conditions). The proposal is therefore not considered to be inconsistent with these Policies.
11. In terms of Objective 3, Policy 2 and Policy 17 that relate to historic identification heritage and protection and involvement of tangata whenua no comments have been received from iwi or Heritage New Zealand. An Accidental Discovery Protocol has been included with the consent decision.
12. Further policies from the NZCPS include Policy 25 - Subdivision, use, and development in areas of coastal hazard risk, aims to avoid increasing the risk of social, environmental, and economic harm from coastal hazards. In terms of coastal hazards the motor caravans are moveable at any time and therefore should be expected. In the event of a tsunami, coastal inundation, or erosion threaten the site, the motor caravans can be easily moved so there is little risk to people, property or the environment.
13. Overall, given that no more than minor effects are anticipated from the proposal (being subject to consent conditions), the application is not considered to be inconsistent with the Objectives and Policies of the NZCPS.

RPS

14. As mentioned above the proposal is identified as being with the Coastal Environment under the RPS. The RPS sets out a number of Policies and Objectives that relate to the coastal environment which mostly echo the NZCPS. It is noted that there is a focus on protection of coastal water and marine ecosystems, landscape and areas of high and outstanding natural character which are not expected to be affected by the current application.
15. In terms of coastal hazards, the motor caravans are moveable at any time and therefore it is expected that should a tsunami, coastal inundation, or erosion threaten the site, the motor caravans can be easily moved so there is no risk to people, property or the environment. The RPS also seeks to protect the natural character of the coastal environment. Conditions of consent volunteered and imposed assist in reducing such effects. Overall the proposal is not considered to be inconsistent with the RPS.

Operative Far North District Plan

16. The environmental outcomes expected for the General Coastal Zone are as follows:
 - a. A General Coastal Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources;
 - b. A General Coastal Zone where the natural of the coastal environment is preserved from inappropriate subdivision, use and development;
 - c. A pattern of development which takes proper account of and provides appropriately for the management of the natural and physical resources of the coastal environment.
17. The proposed activity is consistent with the existing motel use which is confirmed as creating no more than minor effects to the environment and people. Given the existing setting which includes mature vegetation, existing development and

proposed screening, the preservation of the natural character is considered to be achieved by the appropriate development. The pattern of development is consistent with the underlying motel use and is likely to be seasonal in nature allowing for natural and physical resources to be sustained for future generations.

18. The applicant has undertaken an assessment against Objectives 10.6.3.1-10.6.3.3 and Policies 10.6.4.1, 10.6.4.2, and 10.6.4.4 – 10.6.4.6. These objectives and policies echo the sentiments found in the environmental outcomes expected associated with appropriate development in the coastal environment. Overall the application is not considered to be inconsistent with the Objectives and Policies of the General Coastal Zone.
19. **Part 2 Matters**
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
20. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

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



Pat Killalea, Principal Planner

Date: 9th March 2020

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.

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;

The consent is given effect to; or

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.

APPROVED PLAN
Planner: pkillalea
RC: 2200237
Date: 9/03/2020

① photo locations



SITE INFORMATION:
 Address: 44 Gilles Road,
 Kerikeri Peninsula
 Legal Description: Lot 1, DP149495
 Zoning: General Coastal
 Exposure Zone: 1
 Wind Zone: Very High
 Sea Spray Zone: Yes
 Site Area: 13,188m²
 Building Coverage:
 No change - unaffected
 Total: 1063m² / 8%

neighbours Garage
 water tanks (w.o.)
 102m solid beared fence

DAWSON DESIGN
 Plans for living

P.O. Box 1140
 Whangarei Northland
 Ph: (09) 4329189
 Mobile 027 695 7808
 info@dawsondesign.co.nz
 www.dawsondesign.co.nz

NOTES
 Contractor to check all dimensions & conditions on site before commencing work.
 Work only to figured dimensions.
 In the event of a discrepancy contact the designer.

TITLE
 Site Plan

ISSUE DATE
 16.09.2019

VERSION NO.
 2

JOB NO.
 19038

DRAWN BY
 Windlebourne

CHECKED BY
 Colin Dawson

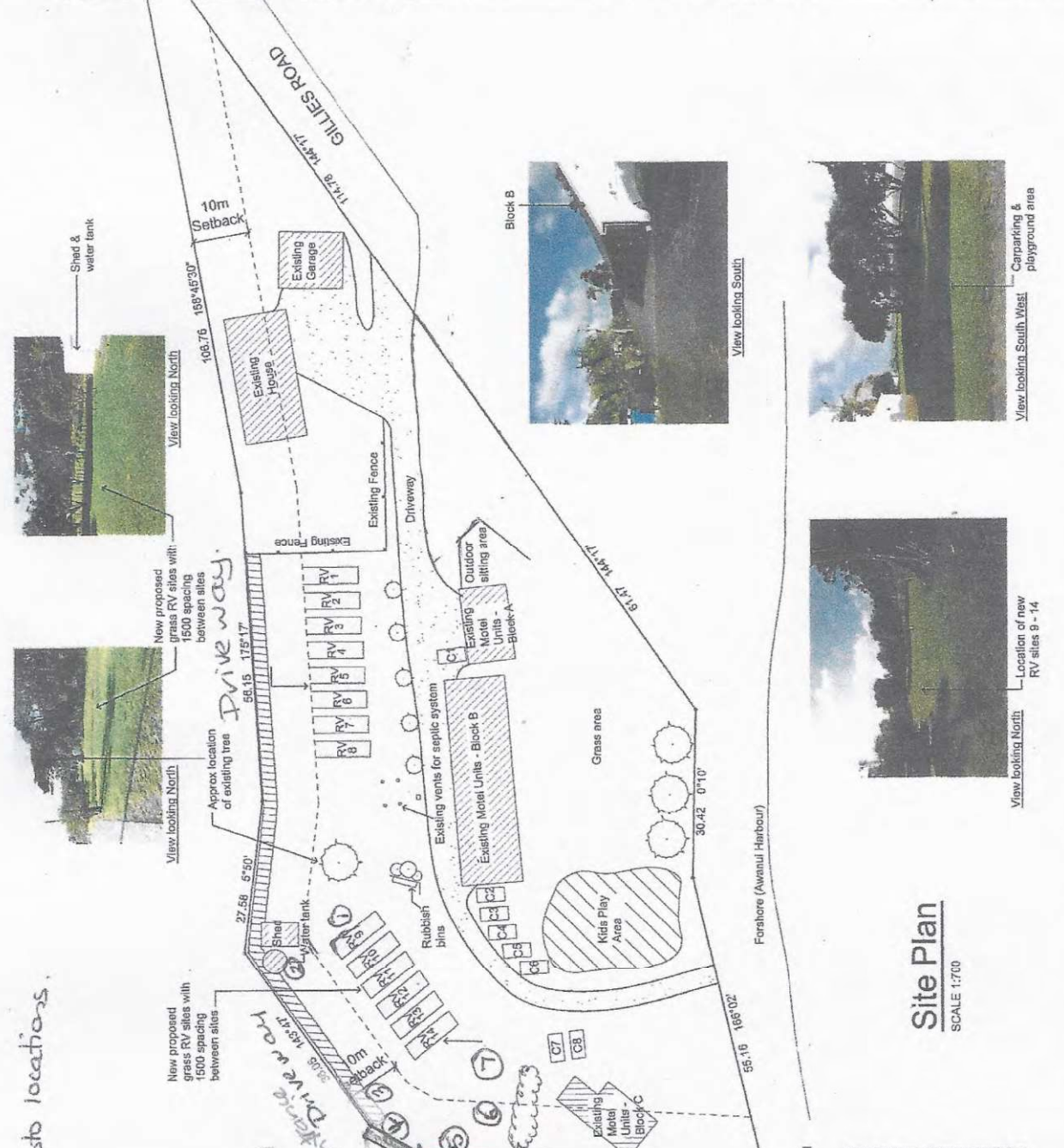
PROJECT

Proposed RV sites for Reef Lodge Motel
 44 Gilles Road
 Kerikeri Peninsula
 Lot 1
 D.P. 149495

SCALE
 1:700

DRAWING CODE
 101

DRAWING STATUS
 Draft set



Site Plan
 SCALE 1:700

KEY:

[RV Symbol]	= New RV Sites 3m x 10m each
[C Symbol]	= Carparks 5m x 2.5m each
[--- Symbol]	= Existing Fence
[Symbol]	= Hedge
[Tree Symbol]	= Trees

1 Carpark per unit required = 8 carparks total

- Block A**
 - 1 Two bedroom unit
 - 1 Carpark required
- Block B**
 - 5 Units
 - 5 Carparks required
- Block C**
 - 1 Studio unit
 - 1 Two Bedroom unit
 - 2 Carparks required

APPROVED PLAN
 Planner: pkillalea
 RC: 2200237
 Date: 9/03/2020

DAWSON
 DESIGN
 Plans for living

P.O Box 1140
 Whangarei Northland
 Ph (09) 4329188
 Mobile 027 895 7808
 info@dawsondesign.co.nz
 www.dawsondesign.co.nz

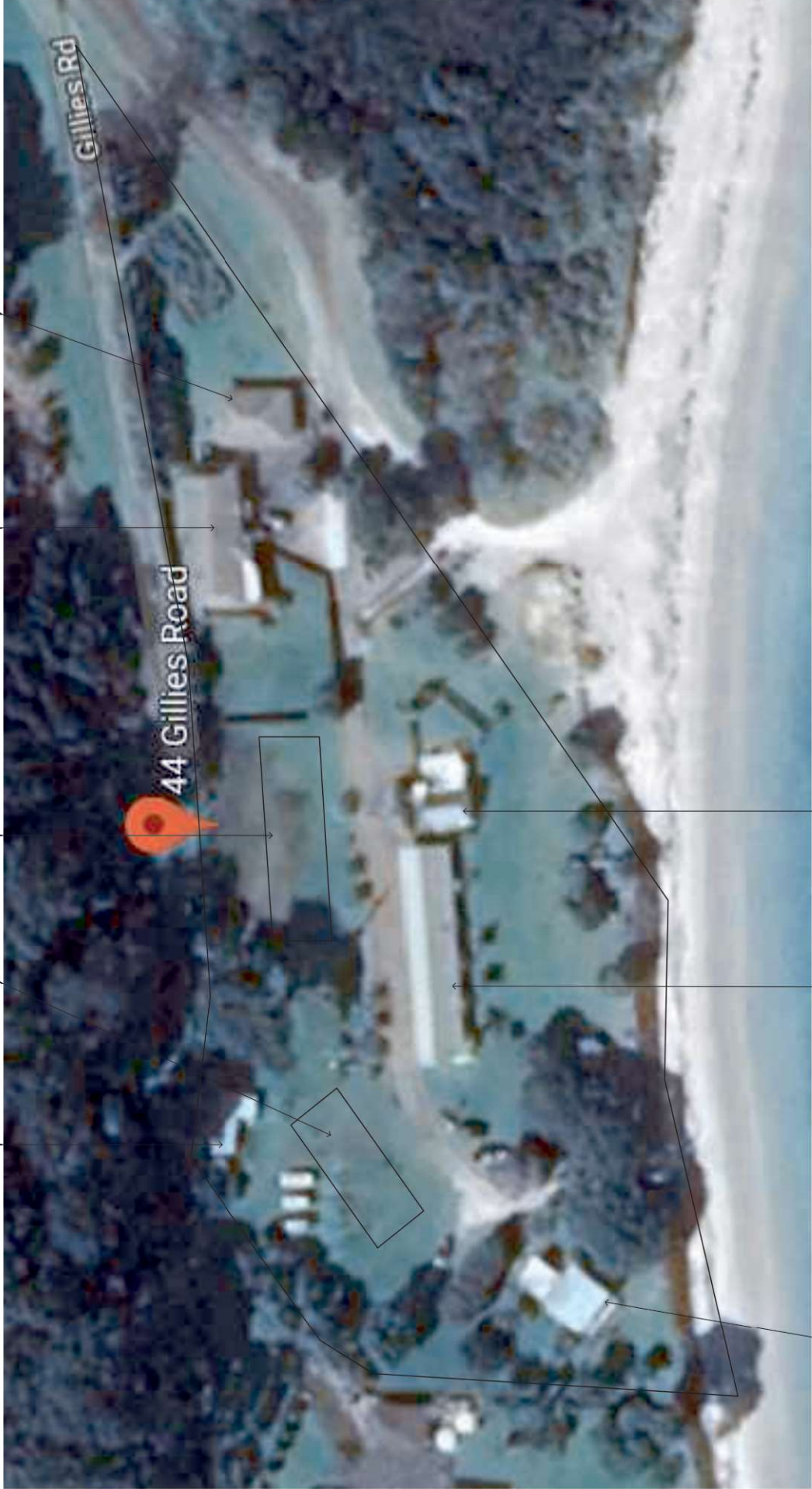
NOTES
 Contractor to check all
 dimensions & conditions
 on site before
 commencing work.
 Work only to figured
 dimensions.
 In the event of a
 discrepancy contact
 the designer.

TITLE
 Locality Plan

ISSUE DATE 16_08_2019
 VERSION No. 2
 JOB No. 19036
 DRAWN BY Elayne Windlebourne
 CHECKED BY Colin Dawson
PROJECT

Proposed RV sites for
 Reef Lodge Motel
 44 Gillies Road
 Karikiari Peninsula
 Lot 1
 D.P. 149495

SCALE
 NTS
DRAWING CODE
 102
DRAWING STATUS
 Draft set



Locality Plan

FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION
Amended pursuant to s133A**

Resource Consent Number: 2230258-RMALUC

Pursuant to Sections 104 and 104D of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Kingheim Limited

The activities to which this decision relates are listed below:

To undertake alterations and additions to the existing Reef Lodge Motel to:

- Demolish existing motel units and construct two residential units
- Relocate an existing manager's house and garage
- Relocate internal access to the site; and,

Cancellation of an existing Building Line Restriction registered on the record of title pursuant to Section 327A of the Local Government Act 1974.

Subject Site Details

Legal Description: Lot 1 DP 149495 (NA89A/286)

Landuse Consent

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

1. The proposal is to be carried out and completed generally in accordance with the information that forms the application and appendices prepared by Reyburn and Bryant Limited dated July 2022, inclusive of the plans provided as Appendix 5 of the application entitled referenced 12812 Sheets SK01 – SK08 Revision RC01, the amended site plan referenced 12812 Sheet SK01 Revision RC02, Landscape Report prepared by JD Landscape Architecture Ltd dated 20/12/2022, and the email advice received from Hawthorn Geddes Engineers and Architects Limited dated 22nd December 2022 addressing the stormwater flood hazard and earthworks volumes, subject to the following conditions.
2. Prior to undertaking any construction works (including earthworks), the consent holder shall provide a Construction Management Plan to the Council's Compliance Officer or delegated representative for certification that shall be adhered to for the duration of all construction activities taking place on the site. The Construction Management Plan shall include the following information:
 - i. Site Manager contact details

- ii. Hours of construction operation, noting that no construction or earthworks activities shall be undertaken on the site between the hours of 1800 and 0730, Monday to Saturday; and must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
 - iii. The methodology and staging of construction, including location of any storage / site office area.
 - iv. Timeframes for key stages of the works
 - v. Dust and soil management measures to avoid any off-site nuisance and tracking of material onto public roads
3. At the time of lodging a building consent for the proposed two level residential unit, the consent holder shall provide suitable evidence by way of certification from a licensed cadastral surveyor to confirm that the maximum roof height above existing ground level shall not exceed 8.6 metres as approved under this consent. The certification shall assess the maximum height based on the definition of 'height' contained in the Operative Far North District Plan as it reads at the date of issuing of this consent.
4. At the time of lodging a building consent for the proposed cottage as shown on the approved plans, the consent holder shall provide suitable evidence by way of certification from a registered architect to confirm that the footprint of the proposed cottage approved under this consent is no greater in size (height, width, length) than the existing building it is intended to replace. For the purpose of providing the certification, the footprint shall consist of the roofed area (including eaves) of the existing and proposed buildings, and confirmation of the dimensions of the existing building will form part of the certification.
5. The proposed buildings (consisting of the two level residential unit and cottage) are both to be completed and finished in colours the same or similar to those specified in the Landscape Report as approved under Condition 1. above. Any colours used for the roof, joinery, and exterior walls shall not exceed a Light Reflectance Value exceeding 30%.
6. No mirrored glass or glazing is to be installed in the proposed buildings.
7. At the time of lodgement of a building consent for one or both of the proposed new buildings (consisting of the two level residential unit and cottage), the consent holder shall provide to the Councils Compliance Officer or delegated representative for certification a landscape planting plan prepared by a landscape architect that sets out proposed planting generally as identified on the Landscape Planting Plan provided with the Landscape Report as approved under Condition 1 above, where all planting is to be undertaken within the site boundaries.

That Plan is to identify the existing vegetation that will be subject to a condition of this consent requiring protection in perpetuity (see Condition 9 below), and areas to be planted with suitable specimens (identified as *metrosideros excelsa*) to provide for infill planting to create a complete screen from the shoreline to soften and screen the structures. The Plan shall include details regarding planting preparation and maintenance for a minimum period of 5 years.

8. On certification of the planting plan required under Condition 8. above, the consent holder shall undertake and complete the required planting prior to the occupation of either of the proposed buildings on the site approved under this consent. Written

confirmation of completion of the planting and implementation of associated preparation and maintenance shall be confirmed in writing by a landscape architect, provided to the Councils Compliance Officer or delegated representative.

9. All planting required to be implemented under Condition 9., in conjunction with the existing vegetation identified on the certified plan required under Condition 8., is to be maintained in perpetuity for the purpose of mitigating any adverse effects on coastal landscape and visual amenity values associated with the activities approved under this consent. The 5 year maintenance programme specified under Condition 8 shall be implemented to ensure planting establishment and survival. This condition is subject to the following:
 - Trimming and removal of dead limbs is permitted subject to confirmation being provided to the Councils Compliance Officer or delegated representative in writing by a qualified arborist that the works are required and will not affect the health of any tree/s
 - Where any tree/s are damaged, destroyed, or otherwise removed due to natural causes, the consent holder shall replant a replacement specimen/s as soon as practically possible.
10. The minimum finished floor level for the proposed buildings (consisting of the two level residential unit and cottage) shall be 3.4 metres New Zealand Vertical Datum 2016.
11. Prior to the occupation of either of the proposed new buildings (consisting of the two level residential unit and cottage), the consent holder shall provide suitable written evidence by way of certification and plans from a Chartered Professional Engineer in accordance with Section 1.5.2.5 of the Councils Engineering Standards 2009 to confirm that:
 - a) The existing vehicle crossing servicing the site from Gillies Road has been dis-established and a physical barrier (such as a fence or hedging) has been located along the site boundary.
 - b) The existing internal access formation has been dis-established, regraded and suitably landscaped such that it is no longer deemed an impermeable surface as defined in the District Plan.
 - c) A new vehicle crossing in the location shown on the approved site plan under Condition 1. above has been constructed. The new crossing shall be designed, constructed, and finished in order to comply with the Section 3.3.7.4 of the Councils Engineering Standards 2009 and FNDC/S/6B double width crossing standard.
 - d) The internal access from the new vehicle crossing to the proposed two-level residential unit is formed and completed to a 4.5 metre wide all-weather standard.
12. In accordance with section 128 of the Resource Management Act 1991, the Council may serve notice on the Consent Holder of its intention to review Conditions 1 – 10. Notice may be served during any two month period starting from the date of commencement of works until 12 months following the completion of all works approved under this consent. Any review will be for the purpose of:
 - a) Addressing any significant adverse effect on the environment arising from the exercise of this consent that was not foreseen at the time the application was determined and is not currently avoided, remedied, or mitigated by the implementation of conditions, or

- b) Requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effects on the environment, where these have not already been identified in the conditions described above.

All costs associated with any review shall be met by the Consent Holder.

Cancellation of Building Line Restriction

Pursuant to Section 327A of the Local Government Act 1974, the Far North District Council hereby consents to the cancellation of a building line restriction (Document C322643.5BLR) registered against the record of title for Lot 1 DP 149495 (NA89A/286).

The consent holder is required to advise Land Information New Zealand of this decision in order to amend the record of title to remove the BLR.

Advice Notes

1. The Northland Regional Council may have consent requirements relating to location and siting of any new effluent disposal fields associated with the proposal.
2. The subject site and proposed buildings are identified as subject to coastal hazards. The consent holder shall be aware that the Council may require registration of a Section 72 notice under the Building Act 2004 as part of any building consent for development on the site.
3. The consent holder shall be aware that this consent does not provide for the continued operation of any motel accommodation on the site. The consent allows for three residential units to be established and occupied on the site, each capable of being utilised as a residential unit. This does not preclude their use for rental or short stay accommodation as a lodge or similar activity.
4. The consent holder shall be aware that the consent granted by Far North District Council (ref 2200237-RMALUC) on the 9th March 2020 (inclusive of the subsequent of the Section 127 decision) for 14 RV parks on the site has been given effect to and therefore has not lapsed. The onus is on the consent holder to ensure that the conditions specified in that consent can be completed independently of the conditions of this consent. It is noted that Condition 3 of that existing consent requires landscape planting to be provided. That planting should be read as being provided in addition to any/all planting required under the conditions of this consent.

Reasons for the Decision

1. The application has previously been assessed in terms of the notification provisions of the RMA as a separate report. The decision is that the application does not require public or limited notification, with careful consideration given to the potential for any adjacent owners to be adversely affected by the proposal.
2. It is recorded that the land use consent sought requires consideration under the relevant provisions of the Resource Management Act and this is addressed below. The request to cancel the building line restriction ('BLR') requires consideration under Section 327A of the Local Government Act 1974. There are no specific matters

identified in the Local Government Act that the application is required to be assessed against. It therefore falls to Councils discretion as to whether the BLR is cancelled or not. As recorded in the separate Notification Assessment report, the basis for the imposition of the BLR was associated with coastal hazards. There has been significant improvement in both engineering / scientific assessment of coastal hazards and the policy responses to them since the BLR was imposed. This has resulted in the demarcation of coastal hazard lines and associated rules and policies at both regional and district level. The use of the BLR to define any hazard is therefore no longer considered necessary or warranted as it is no longer 'fit for purpose.' It is therefore considered appropriate to cancel the BLR as requested.

3. For the purposes of Section 104(1)(a), the adverse effects of the proposed land use activity on the receiving environment are considered to be minor or less than minor and therefore acceptable in the receiving environment. The existing motel complex and associated buildings and activities, and existing environmental effects of these activities, has formed the basis for an assessment of the existing environment.
4. The land use application includes a landscape assessment provided by JD Landscape Architects Limited which addresses the coastal context, visual amenity effects associated with the height infringement, and recommended conditions to mitigate adverse visual and landscape effects. Suitable engineering advice has been provided to address the coastal hazard risk and stormwater management across the site.
5. In terms of Section 108, conditions have been imposed to address the management of construction activities by way of a Construction Management Plan. A suite of conditions has been included based on the recommendations provided in the technical reports, notably addressing provision of landscape planting and specifying minimum floor levels. A condition is included to ensure the new crossing and internal access is suitably formed, and the existing crossing and internal access removed and closed. Matters such as site servicing associated with the new buildings will be addressed through building consents and/or Regional Council rules.
6. Specific conditions have been included to ensure the proposed two level dwelling does not exceed the maximum height sought in the application. In addition, a condition is included to ensure that the proposed cottage is located within the same footprint as the two units that it is intended to replace. This matter is addressed further in considering the NZCPS 2010 policies as they relate to coastal hazards below.
7. A review condition under Section 128 is considered appropriate in this case. In the event that unanticipated adverse effects arise from the consented activity, particularly in terms of engineering and landscape planting matters, a review of the relevant conditions may be considered appropriate.
8. In terms of Section 104(1)(b), Section 6 of the land use application provides a detailed assessment of the relevant New Zealand Coastal Policy Statement 2010 ('NZCPS'), Regional Policy Statement for Northland ('RPS'), and Operative District Plan provisions.
9. It is noted that the Operative District Plan provisions predate both the NZCPS 2010 and RPS. As the NZCPS and RPS contain more recent and focused provisions, it is considered appropriate to address these in some detail as follows.

10. Section 6.5 of the application addresses provisions of the NZCPS, and identifies Objectives 2 and 6, and Policies 6, 13, and 15 as relevant. Those identified provisions are largely orientated towards preservation of the natural character and landscapes associated with the coastal environment, recognising that it does not *'...preclude use and development in appropriate places and forms, and within appropriate limits.'* The subject site is not identified as having high or outstanding natural landscape or natural character values, although the harbour itself adjoining the site is identified as an area of Outstanding Natural Character in the RPS. The property is relatively low lying with an immediate backdrop of a coastal escarpment when viewed from the coastal marine area. No buildings are proposed on any ridgeline or in any location where they would appear against the skyline.
11. The subject site has been developed as a motel, with associated structures and a general level of activity associated with a commercial use inclusive of 14 parks for recreational vehicles on the site. While the proposal will result in different structures and uses on the site, it is considered that there will be a general reduction in adverse effects associated with buildings and activities, and is therefore considered an appropriate development in terms of location and form.
12. In addition to the assessment provided in the application, Objective 5 and Policies 24 – 26 as they relate to coastal hazards are relevant to the proposal inclusive of the cancellation of the BLR. The site is identified as subject to Coastal Hazard ('CHZ') 1 and 2 lines in both the District Plan and Northland Regional Council Natural Hazard maps, running inland parallel to mean high water springs. The proposed cottage will be contained entirely in the CHZ1 zone while the proposed two level dwelling will straddle the CHZ1 and 2 boundaries. These CHZ lines have effectively replaced the use of Local Government Act mechanisms such as BLRs to define hazard areas, and are supported by policy directives from the NZCPS, notably Policy 24 which directs Councils to *'Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunامي), giving priority to the identification of areas at high risk of being affected.'*
13. Policies 25 and 26 of the NZCPS address development in areas subject to identified coastal hazards and consideration of natural defences against coastal hazards. Policy 25 Clauses a. and b. state as follows:

'In areas potentially affected by coastal hazards over at least the next 100 years:

 - a. *avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
 - b. *avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;....'*
14. The directive to avoid increasing risk is sufficient to justify a condition of consent ensuring that the proposed cottage does not extend beyond the existing two motel unit footprint. The applicant has agreed in principle to this approach as per email advice from 22nd February 2023, in addition to the minimum floor level specified as 3.4m NZ Vertical Datum¹ in the engineering report provided in support of the application. This approach is therefore considered to avoid any increase in risk as identified under Clauses a. and b. of Policy 25. In addition, a minimum floor level is specified for the proposed buildings which is currently not achieved by the existing buildings.

¹ The applicant has advised via email of 1 March 2023 that 'The difference between NZVD and OTP64 is only 20mm for the site (NZVD+0.02m=OTP64). The reason for using NZVD is because the Tonkin & Taylor Coastal Flood Hazard Assessment Report for Northland Region specifies flood levels in NZVD.'

15. There is no suggestion that managed retreat or relocation / relocatability of proposed buildings is appropriate on this site, noting that the foreshore is subject to a consented defence structure (rock seawall).
16. Policy 18 of the NZCPS addresses the need for public open space within and adjacent to the coastal marine area, with Clause e. provided for recognition of esplanade reserves and strips to contribute to public open space needs. The site is bounded to the south and west by public road which provides direct public access from a formed road to the beachfront and extending along the foreshore. This matter has been addressed in the separate Section 95 report which sets out reasons why no esplanade reserve or strip is warranted in this case.
17. Section 6.4 of the application addresses the RPS. It is noted that the RPS is required to be consistent with the NZCPS 2010, so those matters relating to landscapes and natural character, and coastal hazards, are considered to be addressed by way of the assessment above and finding that the proposal is generally consistent with the NZCPS 2010.
18. In addition to the assessment provided, the application requires consideration under Objective 3.12 Tangata whenua role in decision-making and Policies 8.1.1 and 8.1.2 as they relate to involvement of tangata whenua in the resource consent process. The Council circulated copies of the application to identified iwi and happy groups at the time of lodgement of the application, with no responses received. A review of previous consents for development on the site including subdivisions, has not identified any cultural values or concerns regarding development on the site. That does not indicate an absence of cultural values or potential effects on any identified values, noting the coastal context. However, in this case, the extent of development is effectively retained within the existing developed areas, rather than development extending into previously undeveloped areas. On this basis, any adverse effects on cultural values are considered to be less than minor.
19. Section 6.1 provides an assessment of the relevant provisions of the Operative Far North District Plan. That assessment is accepted and adopted for the purpose of this report noting that, in general terms, the provisions address similar resource management issues as identified and addressed in both the NZCPS and RPS provisions.
20. Section 104(1)(b)(vi) requires consideration of any proposed Plan. The application was lodged prior to the release of the proposed Far North District Plan for public submission. The relevance of the proposed Plan provisions following lodgement was raised with the applicant in the Section 92 request, at which point the applicant advised that the proposed Plan was relevant and requested that the matter be considered in any decision but did not provide a specific assessment of the provisions. As recorded in the separate Section 95 report, there are no rules in the proposed Plan that have legal effect that are relevant to the proposal at this time. The proposed Plan has been subject to an initial public submission period but a summary of those submissions has yet to be released. Therefore, at such an early time in the commencement of the Schedule 1 process for preparing a District Plan, very little weight can be allocated to any of the provisions that might be relevant to the proposal. In addition, it is noted that the proposed Plan is required to give effect to both the NZCPS 2010 and RPS. Having found that the proposal is consistent with the objectives and policies of both those higher order documents, this supports a position that any weighting given to the proposed Plan provisions is very limited.

21. Overall, it is considered that the proposal is generally consistent with the provisions of the NZCPS, RPS, and Operative District Plan. Minimal weight has been given to any proposed District Plan provisions at this time.
22. Section 104(1)(c) requires consideration of Other Matters. The application addresses the matter of precedent effects and district plan integrity under Section 6.2, recognising the non-complying status of the proposal. The assessment provided is accepted and it is concluded that any precedent effects of effects on District Plan integrity will be minor.
23. As per current case law, an assessment of relevant matters under Section 104 is subject to Part 2. A council must have regard to the provisions of Part 2 when it is appropriate to do so. There is no suggestion that the effects that have been identified and assessed, and the relevant District Plan provisions that require assessment, do not reflect those relevant matters in Part 2. On that basis, it is not considered appropriate or necessary to undertake a detailed assessment of Part 2 matters.
24. As a non-complying activity, Section 104D is relevant. Section 6.3 of the application addresses the 'gateway tests' under Section 104D and concludes that the proposal will pass both gateway tests under Section 140D(1)(a) and Section 104D(1)(b). This assessment and conclusion is accepted and adopted for the purpose of this report. By virtue of passing both 'gateway tests' the Council can consider applying its discretion to grant consent to the proposal.
25. Having assessed the application inclusive of the information and technical report provided, taken into account the existing environment inclusive of existing buildings and activities on the site, it is considered appropriate to grant consent to the land use consent application under Section 104 and 104B, subject to conditions imposed under Section 108 of the RMA.

Approval

This resource consent has been prepared by A Hartstone, Consultant Planner, and is granted under delegated authority (pursuant to Section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 29th March 2023

This Decision has been amended pursuant to s133A of the Resource Management act. Details of the changes can be found in the resource consent file.



Simeon Mclean
Team Leader Resource Consents

Date: 08 May 2023

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.

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;

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