

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

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes No

If yes, who have you spoken with? _____

2. Type of Consent being applied for

Change of conditions (s.127)

3. Consultation:

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

4. Applicant Details:

Name/s:

Projects + Infrastructure (Robert Woolf)

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s:

Bay of Islands Planning

Email:

Phone number:

Postal address:

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

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

6. Details of Property Owner/s and Occupier/s

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

Name/s:

Ramon Noel Archer and Mabel Lam

Property Address/
Location:

Postcode

7. Application Site Details

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

Name/s:

Site Address/
Location:

17 Tapeka Heights Lane, Russell

Postcode

0202

Legal Description:

Lot 87 DP 61184

Val Number:

Certificate of title:

NA16C/984

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

Site visit requirements:

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

Is there a dog on the property? Yes No

7. Application Site Details (continued)

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details.

This is important to avoid a wasted trip and having to re-arrange a second visit.

8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

9. Would you like to request Public Notification?

Yes No

10. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

11. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

12. Draft Conditions:

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

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

13. Billing Details:

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

Name/s: (please write in full)

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)

Signature: (signature of bill payer)

MANDATORY

14. Important Information:

Note to applicant

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

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

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive

information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

Declaration

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

Name: (please write in full)

Signature:

Date

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

Checklist (please tick if information is provided)

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

Please refer to chapter 4 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

12. Draft Conditions:

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

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

13. Billing Details:

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

Name/s: (please write in full) Projects & Infrastructure Holdings Pty Ltd

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.

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Name: (please write in full)

Robert Woolf

Signature: (signature of bill payer)

Date 06-Sep-2024

MANDATORY

Bay of Islands Planning Ltd

Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri

Email – office@bayplan.co.nz Website - www.bayplan.co.nz

11 September 2024

Far North District Council
John Butler Centre
Kerikeri

Application for consent condition variation s127 – Proposal to amend conditions of existing consent -
17 Tapeka Heights Lane, Russell

Please find attached a s127 application in relation to a proposed variation of consent conditions associated with 2200299-RMALUC. RC 2200299 approved the construction of a new dwelling, access and garage at 17 Tapeka Heights Lane for various rule breaches.

The applicant is intending to build within a similar footprint to the previous application, having made some design changes / adjustments that require FNDC approval. As a result of the changes, consequential amendments are also required to other conditions within the approval suite.

The conditions to be varied are sought under s127 of the Resource Management Act 1991 (**RMA**), which is a **Discretionary Activity**.

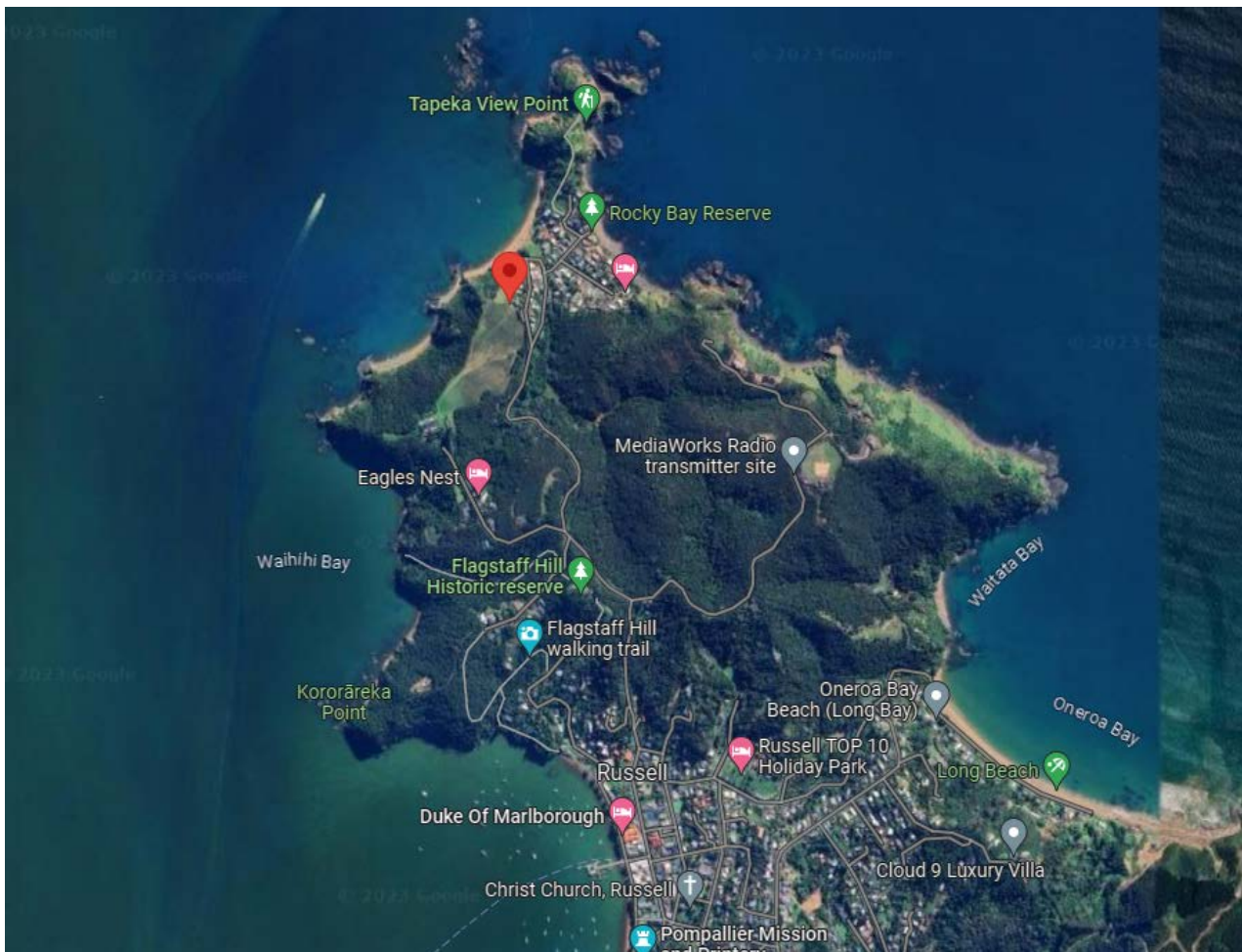
Yours sincerely,



Andrew McPhee
Consultant Planner



Reviewed
Steven Sanson
Consultant Planner



Assessment of Environmental Effects (AEE)

Application for Resource Consent:

Change of consent conditions under s127 of the RMA.

Prepared for: Projects + Infrastructure

Prepared by: Andrew McPhee | Consultant Planner

Reviewed by: Steve Sanson | Consultant Planner

APPLICANT & PROPERTY DETAILS

Applicant	Projects + Infrastructure
Address for Service	Bay of Islands Planning [2022] Limited Kerikeri House Suite 3 88 Kerikeri Road Kerikeri C/O – Andrew McPhee andrew@bayplan.co.nz 021-784-331
Legal Description	Lot 87 DP 61184
Certificate Of Title	NA16C/984
Physical Address	17 Tapeka Heights Lane, Russell
Site Area	943m ²
Owner of the Site	Ramon Noel Archer and Mabel Lam
Operative District Plan Zone / Features	Coastal Residential Zone [ODP]
Proposed District Plan	General Residential Zone [PDP], Coastal Overlay
Archaeology	Nil
NRC Overlays	Nil
Soils	Residential
Protected Natural Area	Nil
HAIL	Nil

Schedule 1

SUMMARY OF PROPOSAL

Proposal	A variation to consent conditions of RC 2200299 RMALUC which is land use consent approval for a new dwelling at 17 Tapeka Heights Lane, Tapeka Point, Russell.
Reason for Application	The proposed variation is required because of the amended design to the approved dwelling under RC 2200299 RMALUC. An application under s127 of the RMA is needed.
Appendices	Appendix A – Record of Title & instruments Appendix B – Projects and Infrastructure Plans Appendix C – Copy of 2200299 RMALUC – Application Appendix D – Archaeological Assessment Appendix E – FENZ Approval Appendix F – 2200299-RMALUC Decision Appendix G – RS Eng ROW Civil Drawings
Consultation	Not applicable
Pre Application Consultation	Not applicable

INTRODUCTION & PROPOSAL

Report Requirements

This report has been prepared for Projects + Infrastructure in support of a s127 application in relation to the proposed variation of a consent conditions 1 and 4 associated with 2200299-RMALUC, which relates to an application to construct a new dwelling, access and garage at 17 Tapeka Heights Lane, Russell.

Decision documents associated with the original application 2200299-RMALUC can be found in Appendix F.

Section 127 allows the holder of a resource consent to apply to the consent authority for a change or cancellation of a condition of the consent.

Sections 88 to 121 apply, with all necessary modifications, as if—

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

Section 127(4) also applies including:

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- (4) For the purposes of determining who is adversely affected by the change or cancellation, the consent 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.

The conditions sought to be changed with the proposed wording is outlined below.

- Condition 1 – in relation to referring to new approved plans.
- Condition 4 – in relation to an updated approval letter received from FENZ.

The proposed variation to read as follows (refer underlined for additions and ~~striketrough for deletions~~):

1. The activity shall be carried out in general accordance with the approved information, plans and elevations outlined below, submitted with the application and attached to this consent with the Council's "Approved Stamp" affixed to them.

Projects & Infrastructure

- ~~Site Plan (Lot 1), Sheet No. 103, dated 11/05/2020;~~
- ~~Ground Floor Plan (Lot 1), Sheet No. 202.1, dated 22/11/2019;~~
- ~~Lot 1 Elevations, Sheet No. 202.2-202.3, dated 22/11/2019~~
- Site Plan, Sheet No. GA050 B, dated 06/09/24
- GA Plan Garage, Sheet No. GA110 B, dated 06/09/24
- GA Plan – L1, Sheet No. GA112 B, dated 06/09/24
- GA Plan – Roof, Sheet No. GA113 B, dated 06/09/24
- Sections 1, Sheet No. GA203 B, dated 06/09/24
- Sections 2, Sheet No. GA204 B, dated 06/09/24
- Elevations 1, Sheet No. GA303 B, dated 06/09/24
- Elevations 2, Sheet No. GA304 B, dated 06/09/24

TMC Consulting Engineers

- Site Suitability Report, Report Reference. S0646-J01402, dated 17/05/2018;

RS Eng Reports & Plans

- Earthworks Management Plan, Report Reference. 16743, dated 14/05/2020;
- ~~Proposed ROW Access Engineering Drawings, Sheets 1-2, dated 09/04/2020;~~
- ~~Proposed ROW Access Engineering Drawings, Sheet 6, dated 09/04/2020;~~
- Proposed ROW Civil Drawings, Sheets 1-5, dated 05/09/2024
- Stormwater Attenuation Design, Report Reference. 16743, dated 22/10/2019;
- Stormwater Attenuation Storage Pit, Sheet 1, dated 22/10/2019;
- Tapeka Point – Retaining Wall Design, File No. 16743, dated 19/07/2019.

Archaeology Solutions Ltd

- Archaeological Survey and Assessment of Effects: Tapeka Road, Russell, Northland, Reference. 20_04, dated 31/05/2020.

2. All earthworks, retaining and foundation design shall be carried out in accordance with the recommendations of the Site Suitability Report, outlined in Condition 1 of this resource consent.
4. Water for fire-fighting purposes must be provided in accordance with Fire and Emergency New Zealand's approval for the site, dated ~~04/06/2019~~ 05/09/2024 that supported the resource consent application. In particular, 25,000l of water is required

at all times for firefighting purposes and the tank must be fitted with an appropriate fire service coupling for emergency appliance use.

The rationale behind the changes are self-explanatory to a certain extent but revolve around the following:

- Condition 1: The proposal has gone through design changes which require FNDC approval / consideration. These design changes are considered to result in breaches which are within the confines of the original application and relevant breaches to the ODP.
- Condition 4: We have received an updated letter from FENZ for consistency and this necessitates the need for a change in this condition.

Should there be any other changes (consequential or otherwise) that arise during process, we retain the right to make further alternations and also provide FNDC staff with discretion to make changes that assist in workability and better implementation of consent conditions.

Section 127

The RMA establishes that a request under s127 is deemed to be discretionary activity and Section 88 to 121 apply with the necessary modifications. Additionally, in considering the request to change the condition Council is limited to only considering what is being sought within the condition change and the effects there from.

The original resource consent application was not the subject of a publicly notified process with the approval being issued under delegated authority. The decision was not the subject of an appeal. In terms of the effects created by this variation these factors are addressed as follows.

Background: Details of the site and surrounds can be found in the original application RC 2200299 (See [Appendix C](#)).

Application Site: A range of details regarding the site are outlined in [Schedule 1](#) of this report. These details are supplemented by the Record of Title and relevant instruments located in [Appendix A](#).

Land use Consent: Approval was gained for a dwelling (RC 2200299), which has not been given effect to.

Projects + Infrastructure are proposing to build a house on a similar footprint to that already consented under RC 2200299.

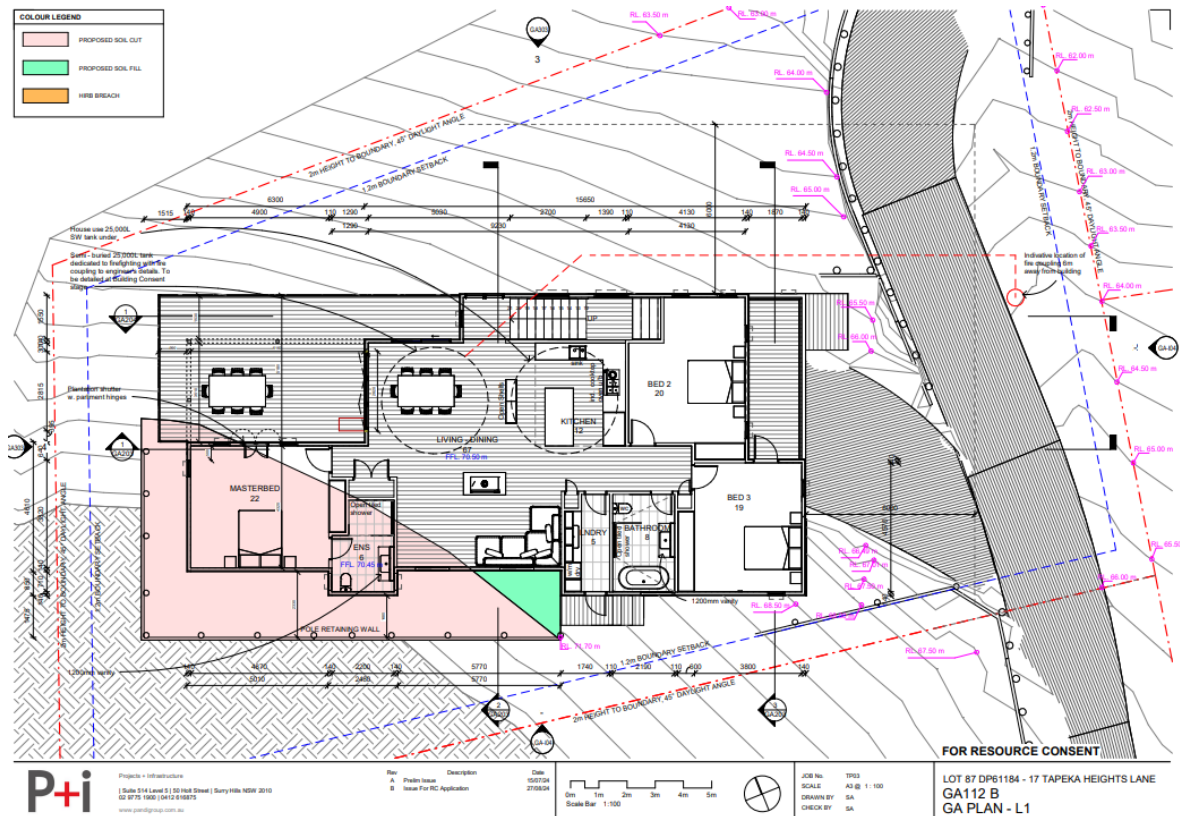


Figure 1 – Site Plan (Source: Projects + Infrastructure)

Application Comparison

The original application breached the following rules:

Rule # & Name	Non Compliance Aspect	Activity Status
10.8.5.1.5 Sunlight	Breaches recession planes taken 2m up from the boundary over corner sections of the dwelling.	Discretionary
10.8.5.1.7 Setback from Boundaries	The dwelling house location complies however the retaining wall adjoining the garage is within the setback.	Restricted discretionary
12.3.6.1.2 Earthworks	281m ³ of cut earthworks. Engineered retaining walls exceeding 2 metres in height.	Discretionary

12.4.6.1.2 Fire Risk to Residential Units	The proposed dwellings is within 20m of the adjacent bush area.	Discretionary
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The proposed dwelling breaches the following rules.

Rule # & Name	Non Compliance Aspect	Activity Status
10.8.5.1.5 Sunlight	Breaches recession planes taken 2m up from the boundary over corner sections of the dwelling on the eastern boundary.	Discretionary
10.8.5.1.7 Setback from Boundaries	The dwelling house location complies however the retaining wall on the southern boundary is within the setback.	Restricted discretionary
12.3.6.1.2 Earthworks	315m ³ of cut and fill earthworks are proposed. Engineered retaining walls exceeding 2 metres in height.	Discretionary
12.4.6.1.2 Fire Risk to Residential Units	The proposed dwellings is within 20m of the adjacent bush area.	Discretionary

Application Process

The Council retains the discretion to determining whether a discretionary activity should be notified. In determining this factor, it is the change in the effects of the consent conditions which are assessed against any possible adverse effects upon any person.

The RMA also requires Council to consider the effect of the change on those persons who lodged a submission to the original application. In this case the original consent was processed non-notified.

This aspect requires the Council to assess if the effects of the condition change would have an adverse effect upon any of the submitters. This would not apply as no persons submitted. As such it is considered fanciful that a person would specifically be adversely affected by what is contained in this application.

The change of conditions would not in our opinion create any adverse effects that are more than minor. It is also considered the change to consent conditions does not create effects of a nature that would necessitate involving any third party beyond FENZ.

Overall, it is considered that the application to change the condition can be processed without notification.

Effects

For this application, the potential adverse effects to be assessed are those arising from aspects of the proposal that have been identified as differing from the consented proposal. The new house plans have deliberately been designed to be within a similar footprint of the plans approved under RC 2200299 (see [Appendix B](#)).

A sunlight breach remains on the eastern boundary of the property, largely due to the topography of the site. While there is an additional breach on the northeastern corner of the dwelling, the overall quantum of breach is smaller than that already consented (see Figures 2 and 3).

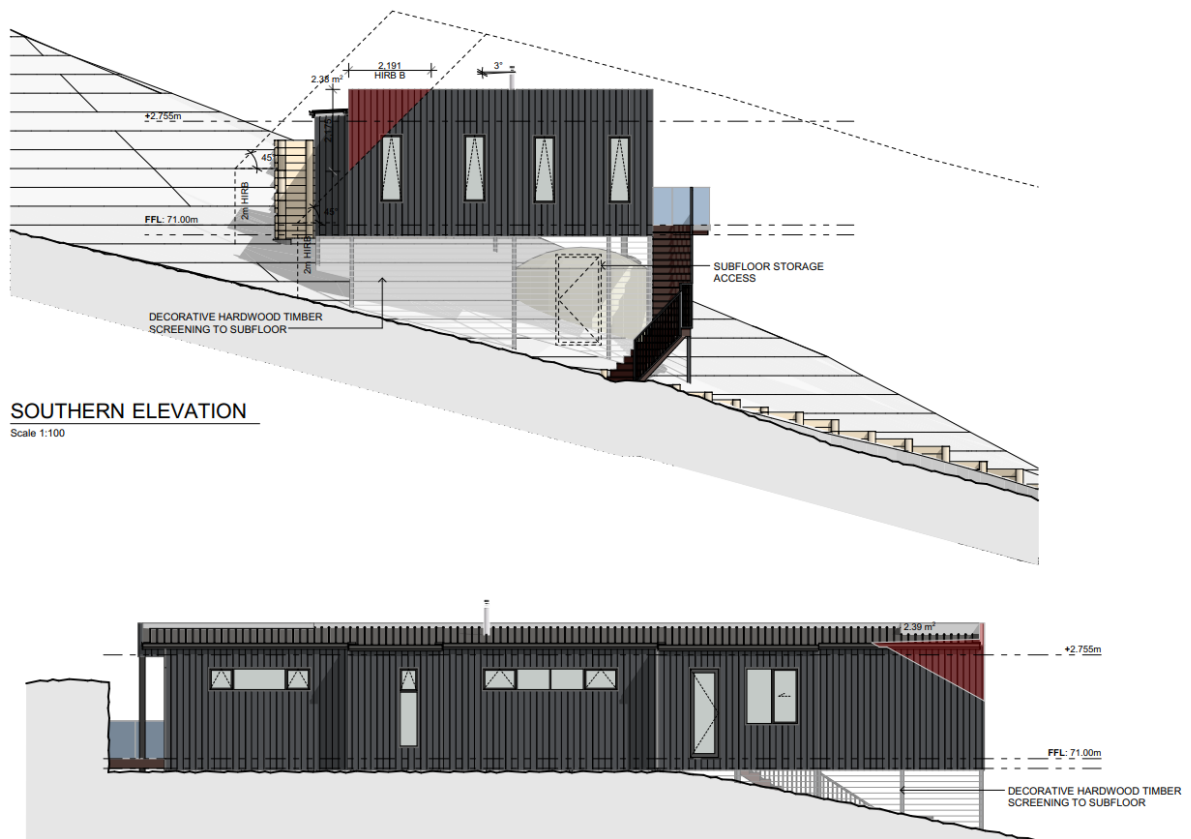


Figure 2 – Height in relation to boundary breach RC2200299 (Source: Projects + Infrastructure)

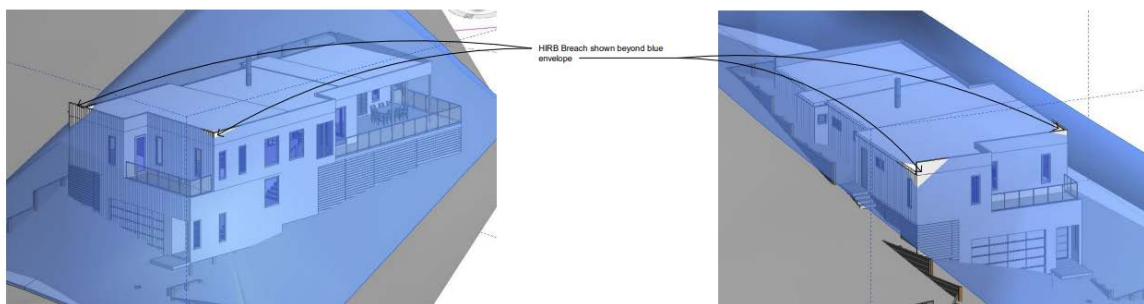


Figure 3 – Proposed height in relation to boundary breach (Source: Projects + Infrastructure)

The unimplemented consent determines the ‘existing environment’ and it is considered that the proposed breach will incur very similar effects to that consented on the neighbouring property. As such, it is not considered necessary to seek written approval for this breach.

The technical breach of the setback from boundaries control for the retaining wall remains. Similarly to the previously approved consent, there is no setback from boundaries breach for the dwelling.

The volume of earthworks is expected to be 315m³, which is more than the previously approved 281m³. While there is a decrease in the cut volume to that previously consented (281m³ to 266m³), the increase in overall volume is attributed to two areas of fill on the property. Therefore, it is considered that the proposed earthworks can easily be managed in accordance with the recommendations provided in the site suitability report and earthworks management plan, ensuring adverse effects are less than minor.

FENZ have provided approval for the new plans, included in [Appendix E](#), the effects associated with the change in water supply are therefore considered appropriate.

Conclusion

Based on the above assessment, it is considered that the actual and potential adverse effects of the proposal that would be no more than minor and that any potential fire risk to the dwelling can be adequately mitigated.

STATUTORY CONTEXT

Objectives, Policies and Rules

The variation is to be assessed as a Discretionary Activity as if it was a resource consent. Section 104B requires the consideration of any relevant objectives and policies in addition to the effects of the activity. It is considered these factors have been addressed within the original land use application, however further assessment has been provided in the tables below. The Proposed District Plan was not previously considered therefore the relevant objectives, policies and rules are assessed below as well.

Far North District Plan Assessment

An assessment of the relevant objectives and policies associated with the Far North District Plan has been undertaken:

Table 1 – ODP Coastal Environment Assessment

Objectives	Assessment
10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.	The proposal has been designed to minimise any adverse effects on the natural and physical resources in the district.
10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance: (a) the natural character of the coastline and coastal environment; (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (c) outstanding landscapes and natural features; (d) the open space and amenity values of the coastal environment; (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).	The site is zoned Coastal Residential. Residential buildings are anticipated and provided for in this zone. The site although in the coastal environment is not in an outstanding landscape and has no indigenous vegetation.
10.3.3 To engage effectively with Māori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.	This is not considered necessary as the proposal involves the development of a single residential unit and garage on an existing site and no sites of significance to

	Māori in the immediate vicinity of the property are identified in the District Plan. The development of the site would not impact any areas where customary title exists or is applied for.
10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Māori cultural values, and public health and safety.	There is no public access to the CMA in this location.
10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Māori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.	This is not applicable in this location.
10.3.6. To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary	The proposal is within the coastal residential zone.
10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.	Not Applicable.
10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round	The proposal includes water storage for potable water and a 25,000L reserve for firefighting purposes.
10.3.9 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.	Not applicable.
Policies	Assessment

<p>10.4.1. That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally: (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and (d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and (e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and (f) recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and (h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.</p>	<p>The application sits within the Coastal Residential Zone which is designed to allow for residential development in a coastal location. Minor infringements aside, development of the dwelling house would ordinarily be permitted without consent. The main reason for consent being the topography of the site. Overall, it is considered the dwelling house is not in conflict with this Policy.</p>
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<p>10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.</p>	<p>The house is the first dwelling on the site.</p>
<p>10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.</p>	<p>Not present in this location.</p>
<p>10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.</p>	<p>Public access to the CMA is not provided for in this location.</p>
<p>10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Māori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council’s “Tangata Whenua Values and Perspectives (2004)”.</p>	<p>No sites of significance have been identified on the property in the District Plan and the proposal has no effects on the ability of Māori to access or use the coastal waters in the vicinity.</p>
<p>10.4.6 That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly</p>	<p>These are not known to be located on the site.</p>

<p>through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.</p>	
<p>10.4.7 To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate: (a) parking; (b) rubbish disposal; (c) waste disposal; (d) dinghy racks</p>	<p>Not Applicable.</p>
<p>10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga</p>	<p>Refer to 10.4.5 above.</p>
<p>10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.</p>	<p>Not Applicable.</p>
<p>10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.</p>	<p>The proposal includes water tanks with sufficient capacity for year round potable and firefighting water supply.</p>
<p>10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.</p>	<p>The proposal will be subject to the previously approved earthworks, stormwater attenuation and wastewater plans.</p>
<p>10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:</p>	<p>The property is within the coastal residential zone therefore natural character of the coastal environment is not given the same importance as other coastal zones. These</p>

<p>(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;</p> <p>(b) the number of buildings and intensity of development;</p> <p>(c) the colour and reflectivity of buildings;</p> <p>(d) the landscaping (including planting) of the site;</p> <p>(e) the location and design of vehicle access, manoeuvring and parking areas.</p>	<p>matters have been addressed within the application and the plans lodged.</p>
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Table 2 – ODP Coastal Residential Zone Assessment

Objectives	Assessment
<p>10.8.3.1 To enable the development of residential activity in and around existing coastal settlements.</p>	<p>The proposal is within the coastal residential settlement of Tapeka Point.</p>
<p>10.8.3.2 To protect the coastline from inappropriate subdivision, use and development.</p>	<p>The proposed dwelling is an anticipated development on coastal residential section.</p>
<p>10.8.3.3 To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible.</p>	<p>This proposal is within a coastal settlement</p>
Policies	Assessment
<p>10.8.4.1 That standards in the zone enable a range of housing types and forms of accommodation to be provided, recognising the diverse needs of the community and the coastal location of the zone.</p>	<p>Not Applicable.</p>
<p>10.8.4.2 Non-residential activities within the Coastal Residential Zone shall be designed, built, and located so that any effects that are more than minor on the existing character of the residential environment or the scale and intensity of residential activities, are avoided, remedied or mitigated.</p>	<p>Not Applicable.</p>
<p>10.8.4.3 That residential activities have sufficient land associated with each</p>	<p>Noted.</p>

household unit to provide for outdoor space and sewage disposal.	
10.8.4.4 That the portion of a site covered in buildings and other impermeable surfaces be limited to enable open space and landscaping around buildings and avoid or mitigate the effects of stormwater runoff on receiving environments	Noted.
10.8.4.5 That provision be made for ensuring sites have adequate access to sunlight and daylight.	Noted
10.8.4.6 That activities with net effects greater than a single residential unit could be expected to have, be required to minimise adverse effects on the amenity values and general peaceful enjoyment of any adjacent residential activities.	Not Applicable.
10.8.4.7 That provision be made to ensure a reasonable level of privacy and amenity for inhabitants of buildings	Noted.

FNDC Proposed District Plan

These comprise relevant rules that have immediate effect under the PDP.

Matter	Rule/Std Ref	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 development	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 area or a scheduled heritage resource	Yes	Not relevant as no such substances proposed.

<p>within an SNA – which is not mapped</p>	<p>HS-R5, HS-R6, HS-R9</p>		
<p>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)</p>	<p>All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)</p>		<p>Not indicated on Far North Proposed District Plan</p>
<p>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</p>	<p>All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect</p>		<p>Not indicated on Far North Proposed District Plan</p>

<p>Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map</p>	<p>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</p>		<p>Not indicated on Far North Proposed District Plan</p>
<p>Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Māori 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)</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect</p>		<p>Not indicated on Far North Proposed District Plan</p>
<p>Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example</p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>		<p>Not indicated on Far North Proposed District Plan. No vegetation clearance proposed.</p>

Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)		Not indicated on Far North Proposed District Plan
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	Complies	Not anticipated but any additional proposed earthworks will be in accordance with the relevant standards including GD-05 and will have an ADP applied.
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		Not indicated on the Far North Proposed District Plan.
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		Not indicated on Far North Proposed District Plan

Proposed District Plan Objectives and Policies

PDP General Residential Zone Assessment

Objective	Assessment
<p>GRZ- O1 The General Residential zone provides a variety of densities, housing types and lot sizes that respond to:</p> <ul style="list-style-type: none"> a. housing needs and demand; b. the adequacy and capacity of available or programmed development infrastructure; c. the amenity and character of the receiving residential environment; and d. historic heritage. 	<p>The proposal meets this objective as it is for a residential dwelling.</p>
<p>GRZ- O2 The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.</p>	<p>This proposal is for a dwelling on vacant property.</p>
<p>GRZ-O3 Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone</p>	<p>The proposal relates to a residential activity.</p>
<p>GRZ-O4 Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.</p>	<p>The proposed dwelling can be serviced appropriately.</p>
<p>GRZ – O5 Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments</p>	<p>The proposed dwelling is considered to achieve this objective.</p>

<p>GRZ -O6 Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.</p>	<p>The proposal is considered to achieve this objective.</p>
<p>Policy</p>	<p>Assessment</p>
<p>GRZ-P1 Enable land use and subdivision in the General Residential zone where:</p> <ul style="list-style-type: none"> a. there is adequacy and capacity of available or programmed development infrastructure to support it; and b. it is consistent with the scale, character and amenity anticipated in the residential environment 	<p>The proposal can achieve this policy.</p>
<p>GRZ-P2 Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot:</p> <ul style="list-style-type: none"> a. telecommunications: <ul style="list-style-type: none"> i. fibre where it is available; or ii. copper where fibre is not available; b. local electricity distribution network; c. wastewater; and potable water and stormwater where it is available. 	<p>These services are available to the site or else can be accommodated onsite.</p>
<p>GRZ – P3 Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.</p>	<p>The proposal is for a single residential dwelling.</p>
<p>GRZP4 Enable non-residential activities that:</p> <ul style="list-style-type: none"> a. do not detract from the vitality and viability of the Mixed Use zone; 	<p>The proposal relates to residential activity.</p>

<ul style="list-style-type: none"> b. support the social and economic well-being of the community; c. are of a residential scale; and d. are consistent with the scale, character and amenity of the General Residential zone. 	
<p>GRZ P5 Provide for retirement villages where they:</p> <ul style="list-style-type: none"> a. compliment the character and amenity values of the surrounding area; b. contribute to the diverse needs of the community; c. do not adversely affect road safety or the efficiency of the transport network; and d. can be serviced by adequate development infrastructure. 	<p>The proposal does not relate to retirement villages.</p>
<p>GRZ P6 Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources</p>	<p>Onsite water storage is proposed that will supply potable and fire fighting water for the proposed dwelling.</p>
<p>GRZ P7 Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.</p>	<p>Not proposed.</p>
<p>GRZ P8 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, design, amenity and character of the residential <u>environment</u>; b. the location, scale and design of <u>buildings</u> or <u>structures</u>, potential for shadowing and visual dominance; c. for <u>residential activities</u>: 	<p>These matters have been considered in the original application and the proposed variation application.</p>

<ul style="list-style-type: none"> i. provision for <u>outdoor living space</u>; ii. privacy for adjoining <u>sites</u>; iii. access to sunlight; d. for non-residential activities: <ul style="list-style-type: none"> i. scale and compatibility with <u>residential activities</u> ii. hours of operation e. at zone interfaces, any <u>setbacks</u>, fencing, screening or <u>landscaping</u> required to address potential conflicts; f. the adequacy and capacity of available or programmed <u>development infrastructure</u> to accommodate the proposed activity, including: <ul style="list-style-type: none"> i. opportunities for low impact design principles ii. ability of the <u>site</u> to address <u>stormwater</u> and soakage; g. managing <u>natural hazards</u>; and h. any historical, spiritual, or cultural association held by <u>tangata whenua</u>, with regard to the matters set out in Policy TW-P6. 	
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PDP Coastal Environment Assessment

Objectives	Assessment
CE-O1 - The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.	The coastal environment is identified with associated rules within the Proposed District Plan.
CE-O2 - Land use and subdivision in the coastal environment:	The proposal is anticipated to fit within the coastal environment with minimal adverse effects given the coastal urban area it is within.

<ul style="list-style-type: none"> a. preserves the characteristics and qualities of the natural character of the coastal environment; b. is consistent with the surrounding land use; c. does not result in urban sprawl occurring outside of urban zones; d. promotes restoration and enhancement of the natural character of the coastal environment; and e. recognizes tangata whenua needs for ancestral use of whenua Māori. 	
<p>CE-O3 - Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.</p>	<p>The site is within an urban zone and is consistent with the existing built development.</p>

Policy	Assessment
<p>CE-P1 - Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.</p>	<p>This is done within the Proposed District Plan maps.</p>
<p>CE-P2 - Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:</p> <ul style="list-style-type: none"> a. outstanding natural character; b. ONL; c. ONF. 	<p>The site does not contain any of these features.</p>
<p>CE-P3 - Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:</p> <ul style="list-style-type: none"> a. outstanding natural character; b. ONL; c. ONF. 	<p>The site does not contain any of these features.</p>

<p>CE-P4 - Preserve the visual qualities, character and integrity of the coastal environment by:</p> <ul style="list-style-type: none"> a. consolidating land use and subdivision around existing urban centres and rural settlements; and b. avoiding sprawl or sporadic patterns of development. 	<p>The proposal is not anticipated to adversely affect the visual qualities and character associated with the coastal environment given it is within an existing settlement.</p>
<p>CE-P5 - Enable land use and subdivision in urban zones within the coastal environment where:</p> <ul style="list-style-type: none"> a. there is adequacy and capacity of available or programmed development infrastructure; and b. the use is consistent with, and does not compromise the characteristics and qualities. 	<p>The site is within an urban zone and can be adequately serviced.</p>
<p>CE-P6 – Enable farming activities within the coastal environment where:</p> <ul style="list-style-type: none"> a. the use forms part of the values that established natural character of the coastal environment; or b. the use is consistent with, and does not compromise the characteristics and qualities. 	<p>The proposal does not relate to farming.</p>
<p>CE-P7 - Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where:</p> <ul style="list-style-type: none"> a. the use is consistent with the ancestral use of that land; and b. the use does not compromise any identified characteristics and qualities. 	<p>The site does not relate to Māori Purpose zoned land and Treaty Settlement land.</p>
<p>CE-P8 - Encourage the restoration and enhancement of the natural character of the coastal environment.</p>	<p>The proposal development is anticipated to fit within the existing coastal urban character of the area.</p>
<p>CE-P9 - Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and</p>	<p>The site is not within an outstanding natural character area.</p>

<p>qualities in outstanding natural character areas.</p>	
<p>CE-P10 - Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and 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"> a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall quality of coastal waters; and 	<p>These aspects are covered within the application.</p>

<p>m. any positive contribution the development has on the characteristics and qualities.</p>	
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Proposed Far North District Plan Objectives & Policies & Weighting

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*³, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the General Residential Zone and Coastal Environment Overlay however this has still been provided. The change in the conditions is not deemed to offend the relevant objectives and policies.

Overall, and considering the above, the proposal is considered to be consistent with the objectives and policies of all relevant statutory documents. In the context of the PDP, the appropriate weighting to give those objectives and policies are nil as they have yet to go through sufficient public scrutiny to determine the application at hand.

PART 2 ASSESSMENT

Section 5 – Purpose of The RMA

Section 5 in Part 2 of the RMA identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being which sustain those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding remedying or mitigating adverse effects on the environment.

It is considered that proposal represents a sustainable use of existing resources that allow people and the community to provide for its social and economic wellbeing in a manner that mitigates adverse effects on the environment.

Section 6 – Matters of National Importance

In achieving the purpose of the RMA, a range of matters are required to be recognised and provided for. This includes:

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

In context, the relevant items to the proposal have been recognised and provided for in the design of the development.

Section 7 – Other Matters

In achieving the purpose of the RMA, a range of matters are to be given particular regard. This includes:

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

These matters have been given particular regard through the design of the proposal.

Section 8 – Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

Part 2 Conclusion

Given the above, it is considered that the proposal meets the purpose of the RMA.

CONCLUSION

This application seeks a consent notice variation under s127 to amend existing consent conditions in relation to the house plans and FENZ approval at 17 Tapeka Heights Lane, Russell. For the reasons outlined in the application, the effects of undertaking this proposal will be no more than minor on the surrounding environment.

The original proposal was considered to be consistent with the purpose of the National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health and National Environmental Standard for Freshwater. No currently gazetted National Policy Statements including the New Zealand Coastal Policy Statement and National Policy Statement for Highly Productive Land were considered to be undermined by this proposal.

The Regional Policy Statement for Northland was also reviewed as part of the original application. The proposal was considered to be consistent with the aims of this document. The proposed variation is not anticipated to change this original assessment.

In terms of the ODP, the original proposal was assessed against the objectives and policies for the Coastal Environment in general, District Wide Matters and the Coastal Residential Zone, with the conclusion that it is generally compatible with the aims of the District Plan as expressed through those relevant objectives and policies. The proposed variation is not anticipated to change this original assessment.

The PDP has also been assessed against the objectives and policies for the General Residential zone and Coastal Environment Overlay, with the conclusion that it is generally compatible with the aims of the PDP as expressed through those relevant objectives and policies.

There are not considered to be any directly affected parties to this proposal as all effects are adequately mitigated.

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

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.

Please provide us with an opportunity to review the draft conditions before variation is signed off.

Yours sincerely,



Andrew McPhee
Consultant Planner

Reviewed



Steve Sanson
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

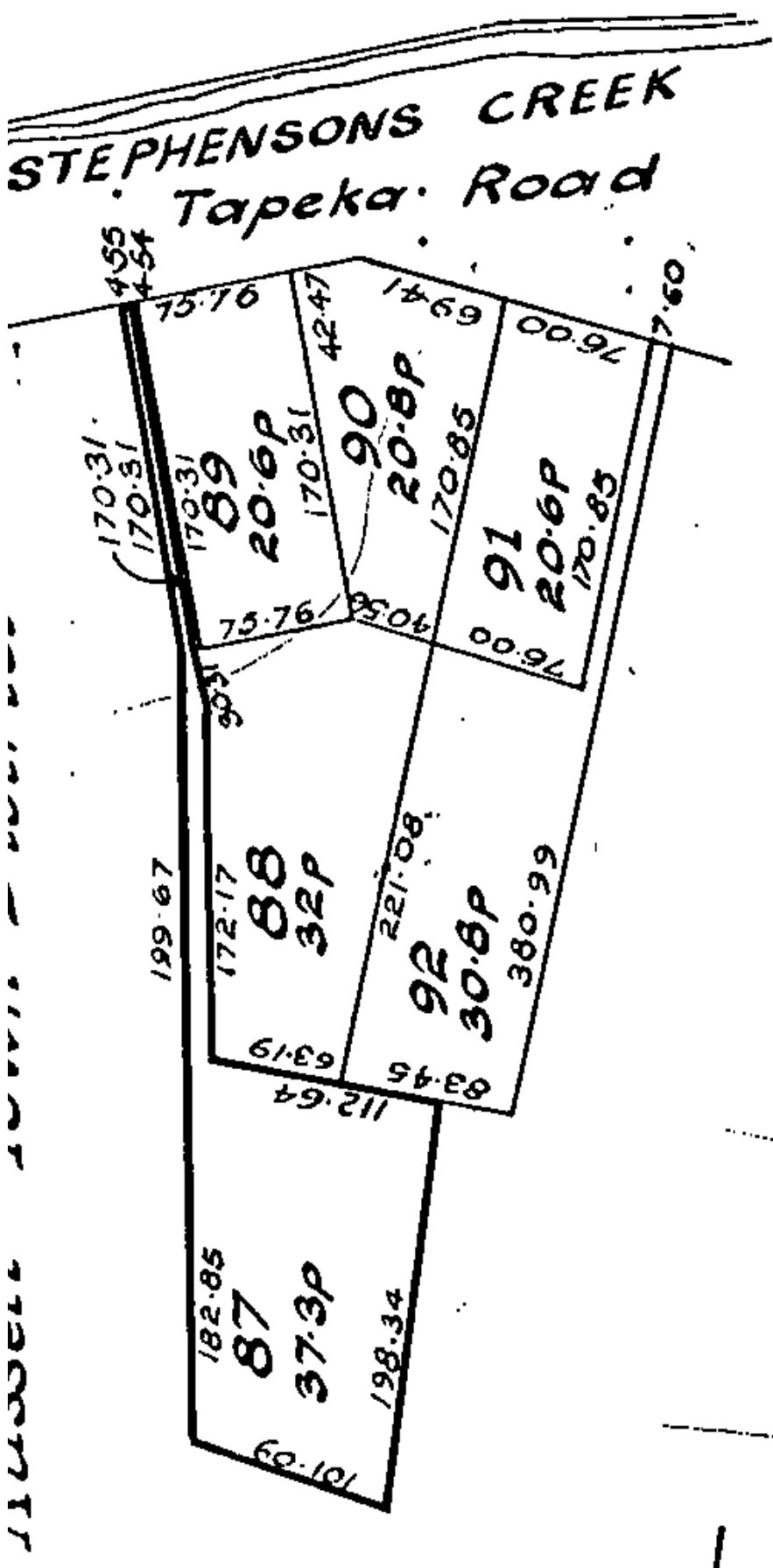
Identifier **NA16C/984**
Land Registration District **North Auckland**
Date Issued 17 July 1969




Prior References
NA15A/754

Estate Fee Simple
Area 943 square metres more or less
Legal Description Lot 87 Deposited Plan 61184
Registered Owners
Ramon Noel Archer and Mabel Lam

Interests

Appurtenant hereto are rights of way specified in Easement Certificate A388881 - 13.5.1969 at 11.15 am
Subject to a right of way over part coloured blue on DP 61184 specified in Easement Certificate A388881 - 13.5.1969 at 11.15 am
The easements specified in Easement Certificate A388881 are subject to Section 37 (1) (a) Counties Amendment Act 1961
Appurtenant hereto are rights of way specified in Easement Certificate A398154 - 25.6.1969 at 11.40 am
Subject to a right of way over part coloured yellow on DP 61184 specified in Easement Certificate A398154 - 25.6.1969 at 11.40 am
The easements specified in Easement Certificate A398154 are subject to Section 37 (1) (a) Counties Amendment Act 1961
Appurtenant hereto is a right of way created by Transfer B710178.2
Appurtenant hereto is a right of way and electricity, telephone, water supply and drainage rights created by Transfer D514636.4 - 14.6.2000 at 1.17 pm
Appurtenant hereto is a right of way and a right to convey water, electricity and telecommunications created by Easement Instrument 12863374.1 - 21.11.2023 at 10:03 am



COLOUR LEGEND	
	PROPOSED SOIL CUT
	PROPOSED SOIL FILL
	HIRB BREACH

SITE INFORMATION:
TAPEKA HEIGHTS LANE, RUSSELL, NORTHLAND

LEGAL DESCRIPTION:
LOT 87 DP61184

ZONING: FNDC - COASTAL RESIDENTIAL ZONE.
EARTHQUAKE ZONE: 1
WIND ZONE: **VERY HIGH**
EXPOSURE ZONE: D
SEASPRAY ZONE: YES
MAX BUILDING HEIGHT 8m

SITE AREAS: LOT 87 - 837m²

BUILDING AREAS LOT 87:
PROPOSED DWELLING:
LEVEL 1 158.09 m²
COVERED AREAS 25 m²
PROPOSED DECKS 53.97m²

BUILDING COVERAGE
(INCLUDING COVERED AREAS & DECKS)
(234.7m² / 837m²) **28.04%**
(MAX 45% BUILDING AREA)

SURVEY NOTES:
SITE CONTOURS & SERVICE LOCATIONS
TAKEN FROM SURVEY PLAN BY WILLIAMS &
KING REGISTERED LAND SURVEYORS.
REFER TO JOB NO. 22255 TAPEKA HEIGHTS,
DATED: APRIL 2018

IMPERMEABLE SURFACE AREAS:
ROOF AREA ON PLAN: 192.40m²
DRIVEWAY: 131.40m²
(312.91m² / 837m²) **38.7%**
(50% MAX. IMPERMEABLE SURFACES)

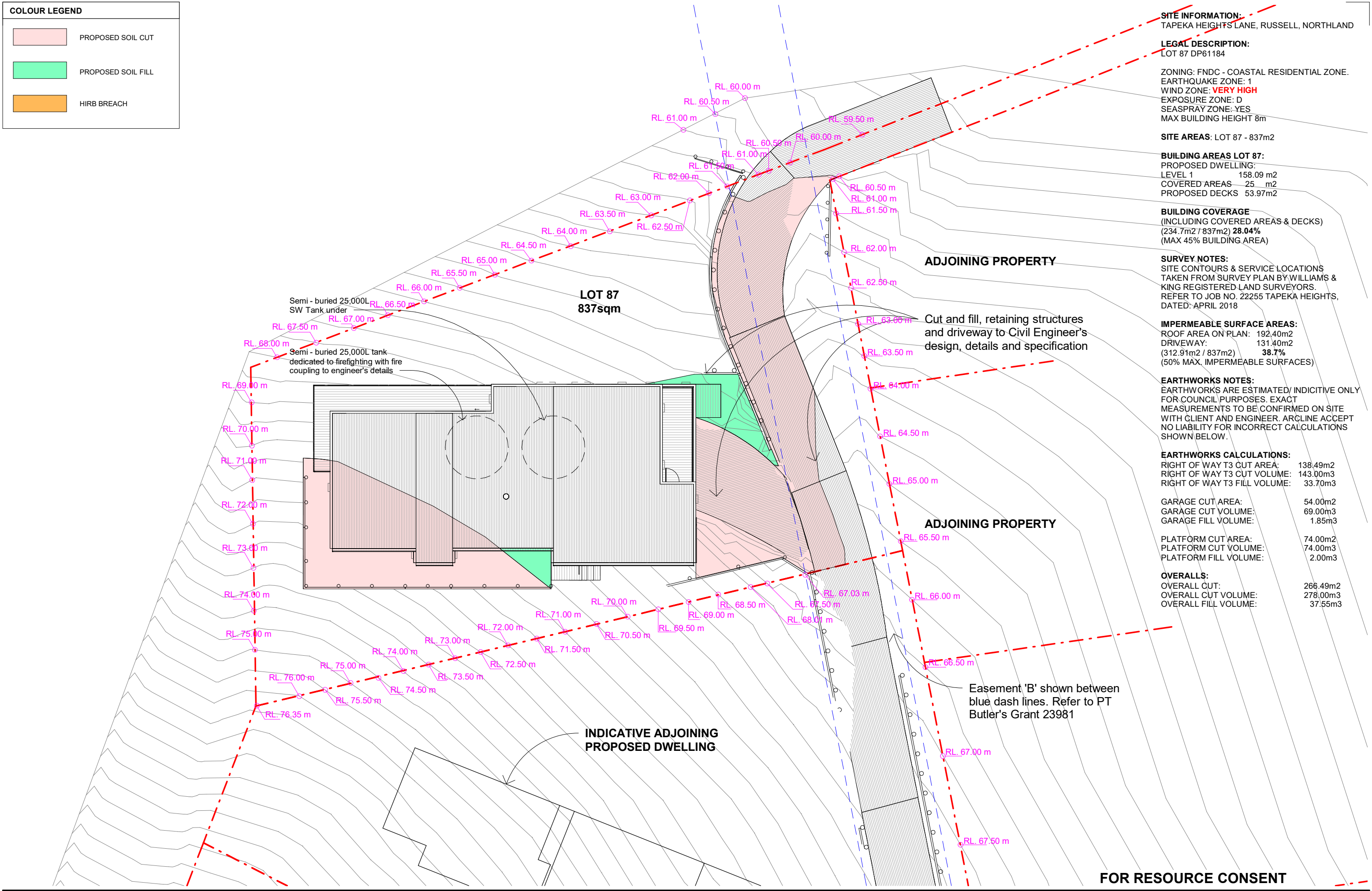
EARTHWORKS NOTES:
EARTHWORKS ARE ESTIMATED/ INDICATIVE ONLY
FOR COUNCIL PURPOSES. EXACT
MEASUREMENTS TO BE CONFIRMED ON SITE
WITH CLIENT AND ENGINEER. ARCLINE ACCEPT
NO LIABILITY FOR INCORRECT CALCULATIONS
SHOWN BELOW.

EARTHWORKS CALCULATIONS:
RIGHT OF WAY T3 CUT AREA: 138.49m²
RIGHT OF WAY T3 CUT VOLUME: 143.00m³
RIGHT OF WAY T3 FILL VOLUME: 33.70m³

GARAGE CUT AREA: 54.00m²
GARAGE CUT VOLUME: 69.00m³
GARAGE FILL VOLUME: 1.85m³

PLATFORM CUT AREA: 74.00m²
PLATFORM CUT VOLUME: 74.00m³
PLATFORM FILL VOLUME: 2.00m³

OVERALLS:
OVERALL CUT: 266.49m²
OVERALL CUT VOLUME: 278.00m³
OVERALL FILL VOLUME: 37.55m³



ADJOINING PROPERTY

Cut and fill, retaining structures
and driveway to Civil Engineer's
design, details and specification

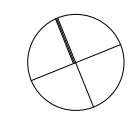
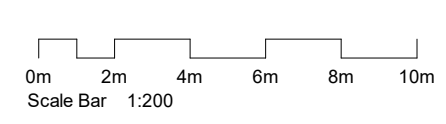
ADJOINING PROPERTY

INDICATIVE ADJOINING
PROPOSED DWELLING




Easement 'B' shown between
blue dash lines. Refer to PT
Butler's Grant 23981

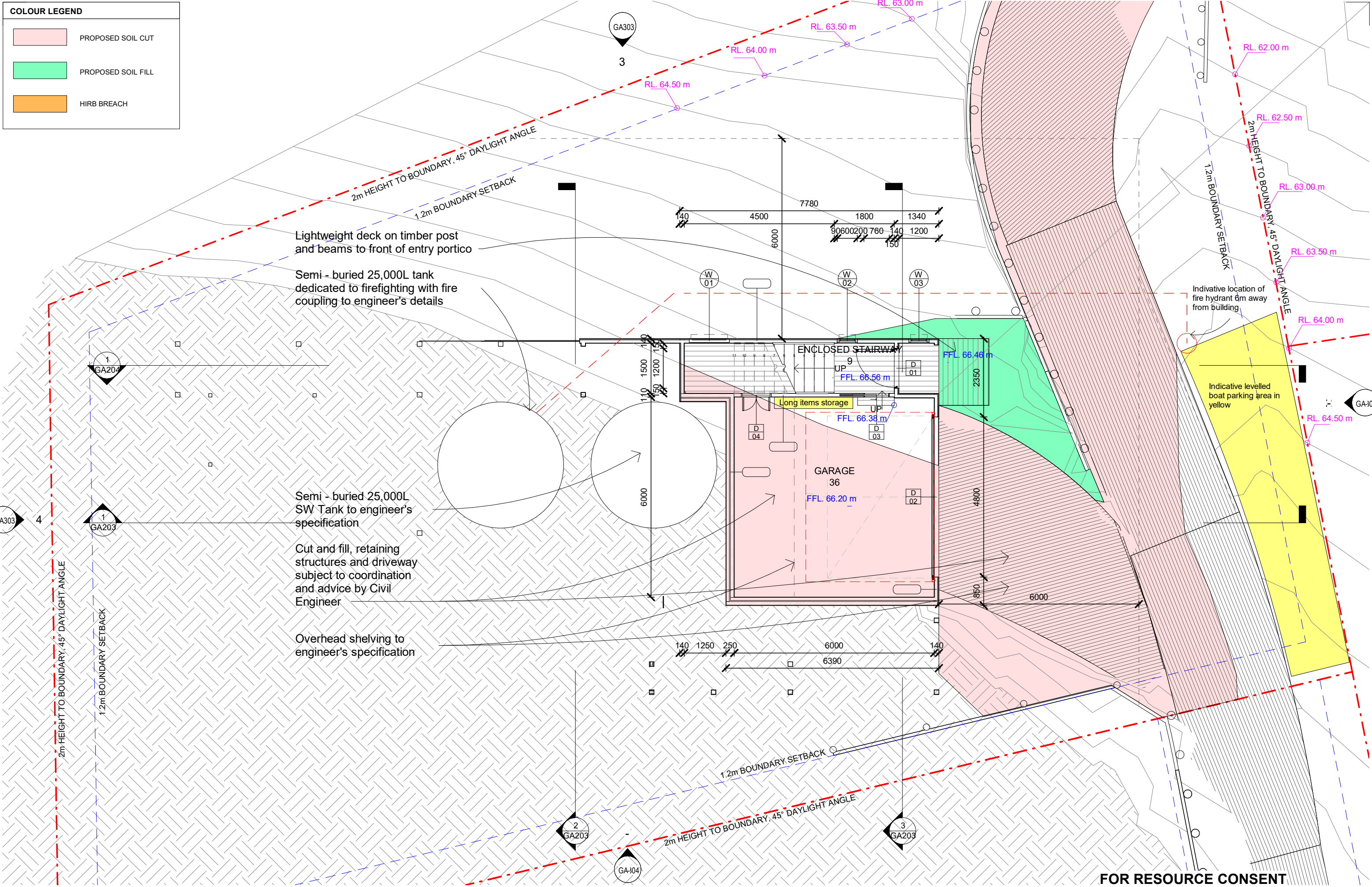
FOR RESOURCE CONSENT

Rev	Description	Date
A	Prelim Issue	15/07/24
B	Issue For RC Application	06/09/24



JOB No. TP03
SCALE A3 @ 1:200
DRAWN BY SA
CHECK BY SA

COLOUR LEGEND	
	PROPOSED SOIL CUT
	PROPOSED SOIL FILL
	HIRB BREACH



Lightweight deck on timber post and beams to front of entry portico

Semi - buried 25,000L tank dedicated to firefighting with fire coupling to engineer's details

Semi - buried 25,000L SW Tank to engineer's specification

Cut and fill, retaining structures and driveway subject to coordination and advice by Civil Engineer

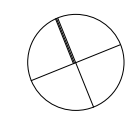
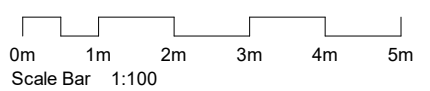
Overhead shelving to engineer's specification

Indicative location of fire hydrant 6m away from building

Indicative levelled boat parking area in yellow

FOR RESOURCE CONSENT

Rev	Description	Date
A	Prelim Issue	15/07/24
B	Issue For RC Application	06/09/24

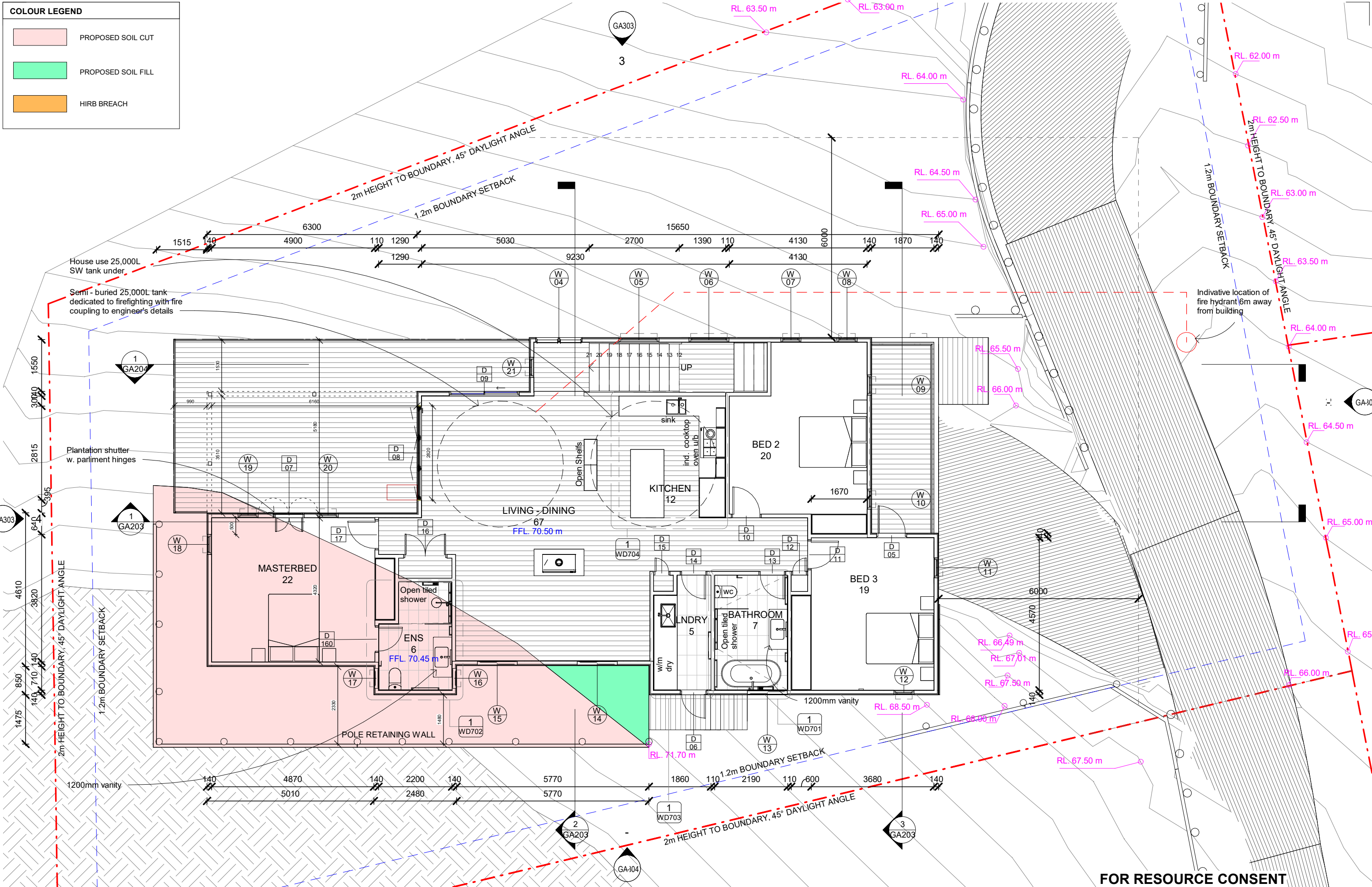


JOB No.	TP03
SCALE	A3 @ 1:100
DRAWN BY	SA
CHECK BY	SA

LOT 87 DP61184 - 17 TAPEKA HEIGHTS LANE
GA110 B
GA PLAN - GARAGE

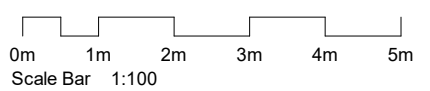
COLOUR LEGEND

- PROPOSED SOIL CUT
- PROPOSED SOIL FILL
- HIRB BREACH






FOR RESOURCE CONSENT

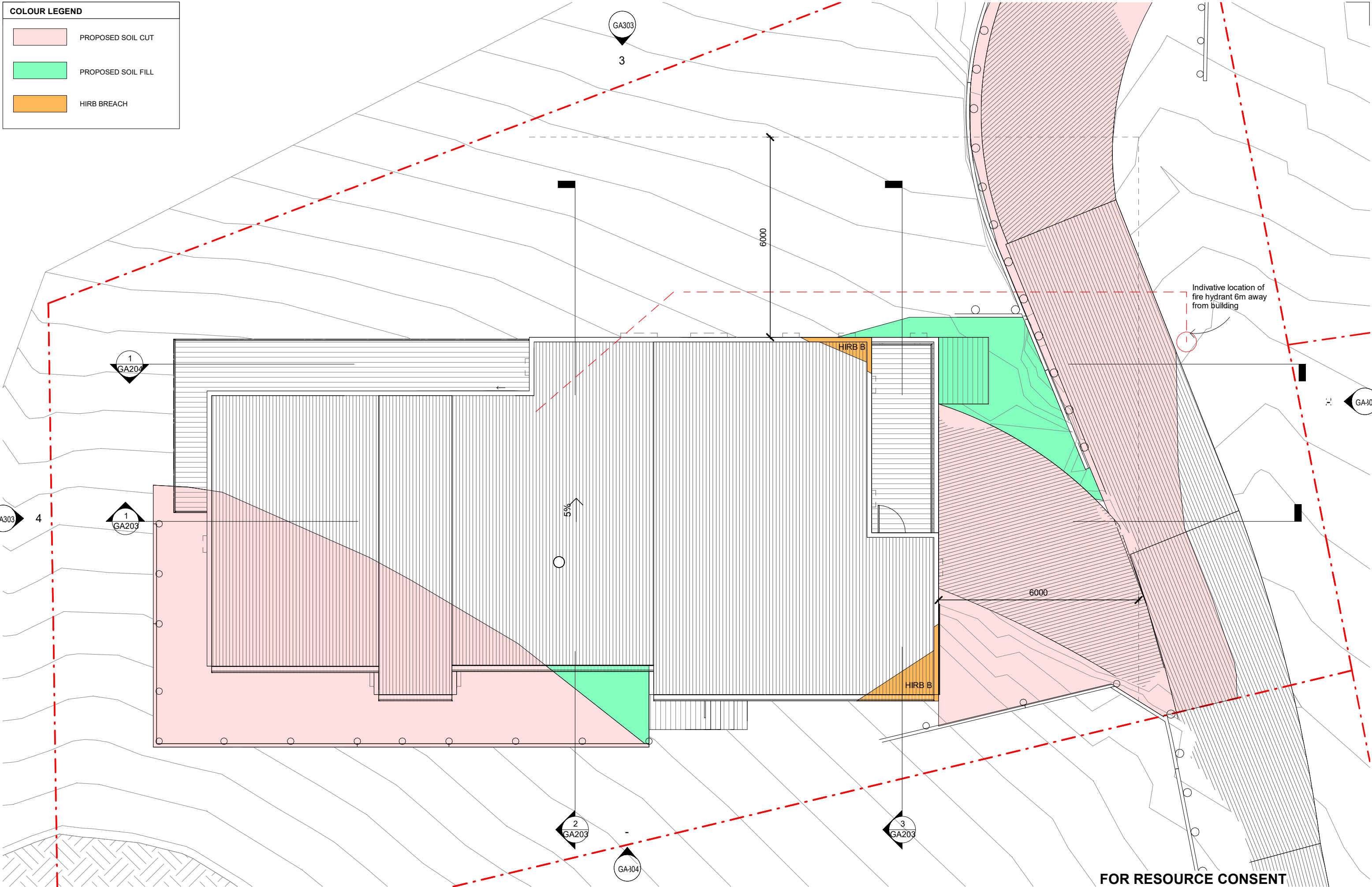
Rev	Description	Date
A	Prelim Issue	15/07/24
B	Issue For RC Application	06/09/24



JOB No. TP03
 SCALE A3 @ 1:100
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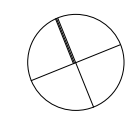
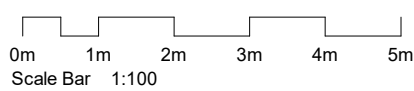
LOT 87 DP61184 - 17 TAPEKA HEIGHTS LANE
 GA112 B
 GA PLAN - L1

COLOUR LEGEND	
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	PROPOSED SOIL FILL
	HIRB BREACH



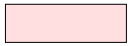


FOR RESOURCE CONSENT

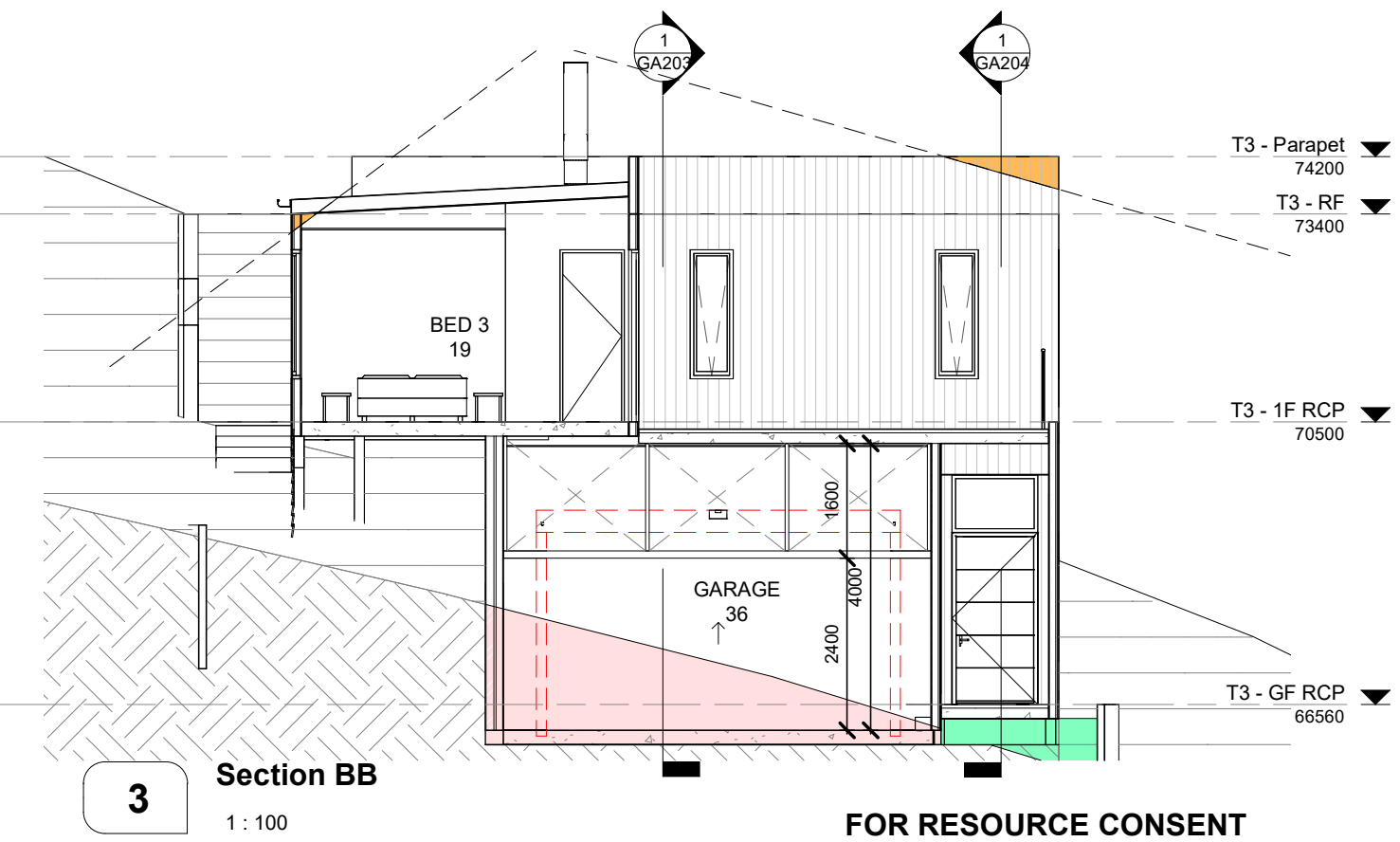
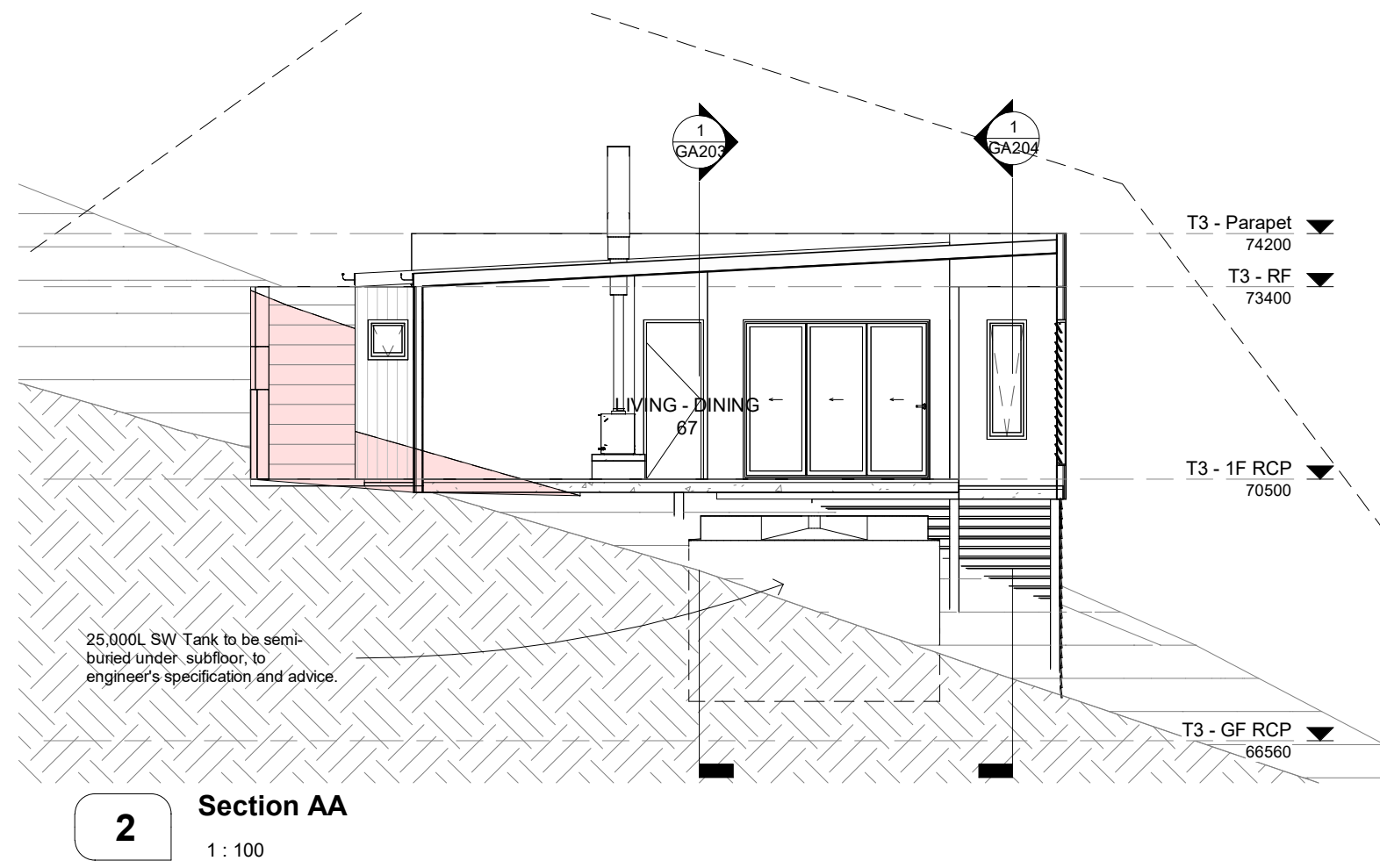
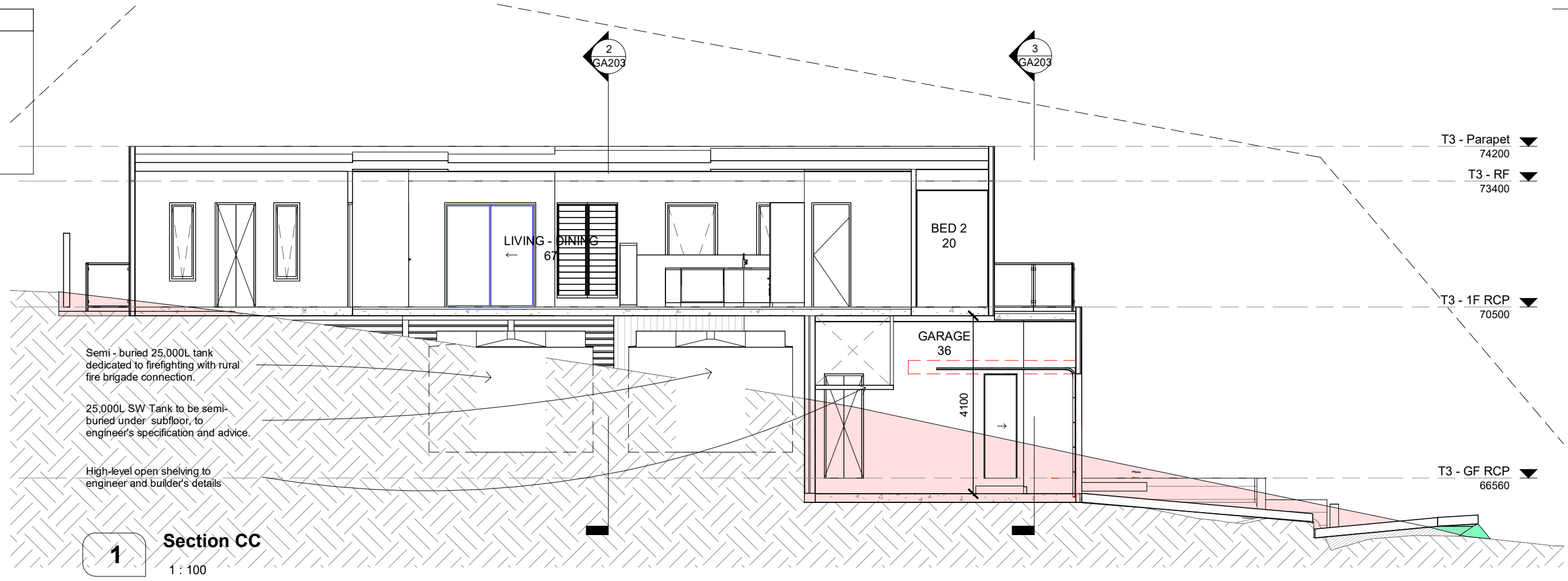
Rev	Description	Date
A	Prelim Issue	15/07/24
B	Issue For RC Application	06/09/24



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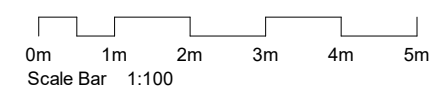
LOT 87 DP61184 - 17 TAPEKA HEIGHTS LANE
 GA113 B
 GA PLAN - ROOF

COLOUR LEGEND	
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	PROPOSED SOIL FILL
	HIRB BREACH






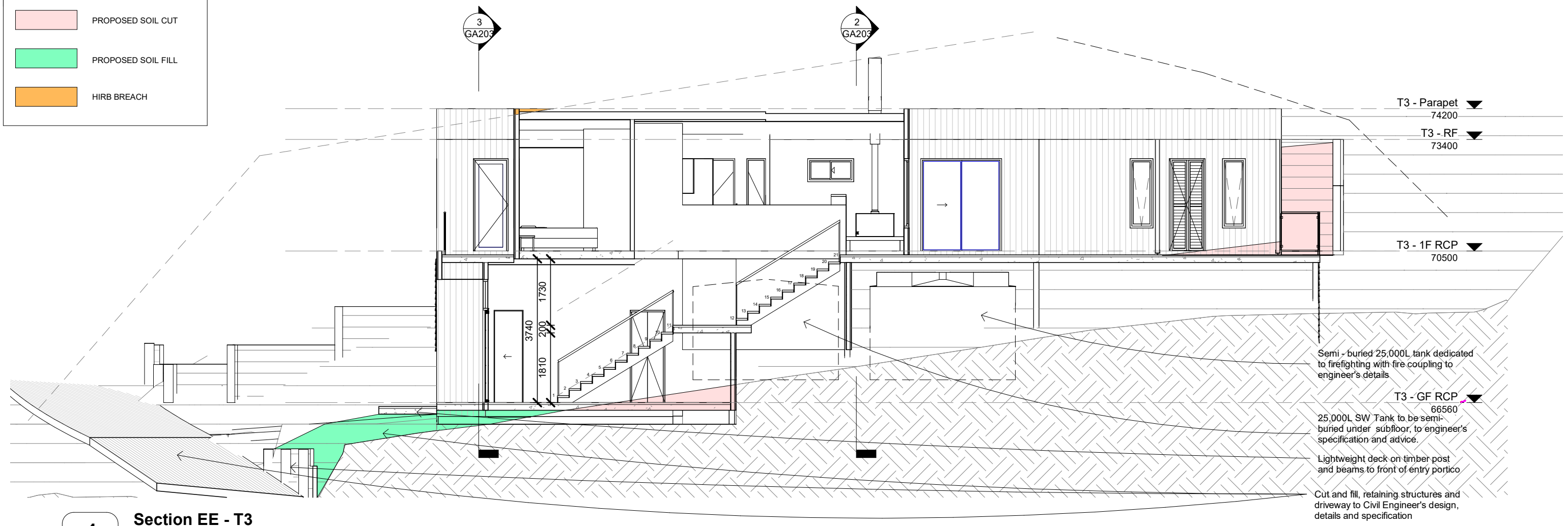
FOR RESOURCE CONSENT

Rev	Description	Date
B	Issue For RC Application	06/09/24

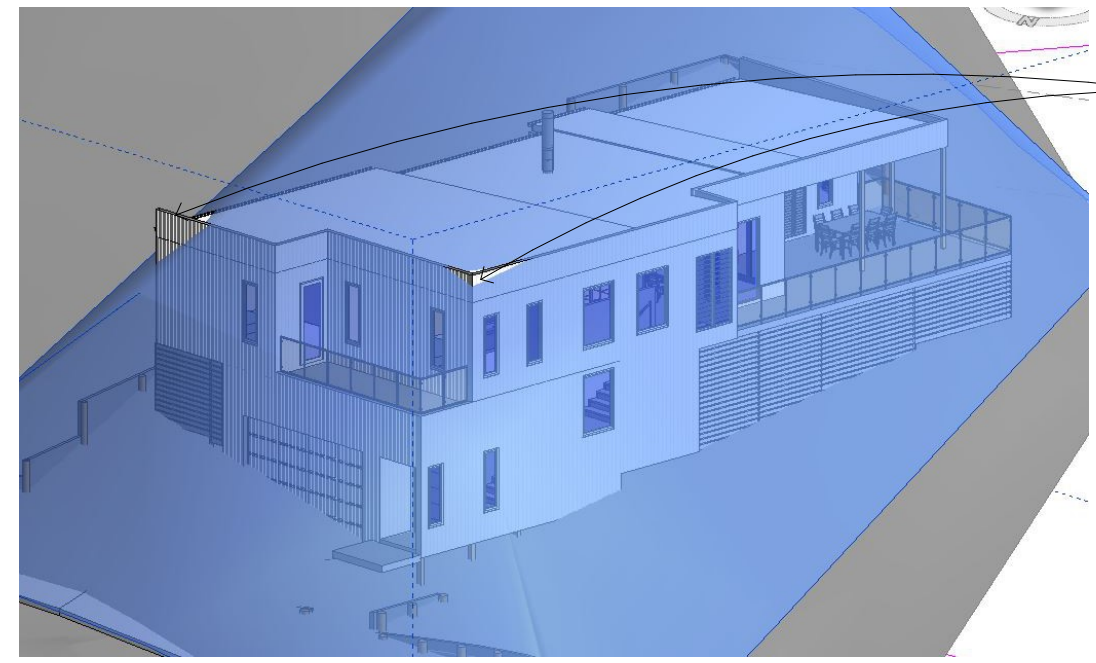


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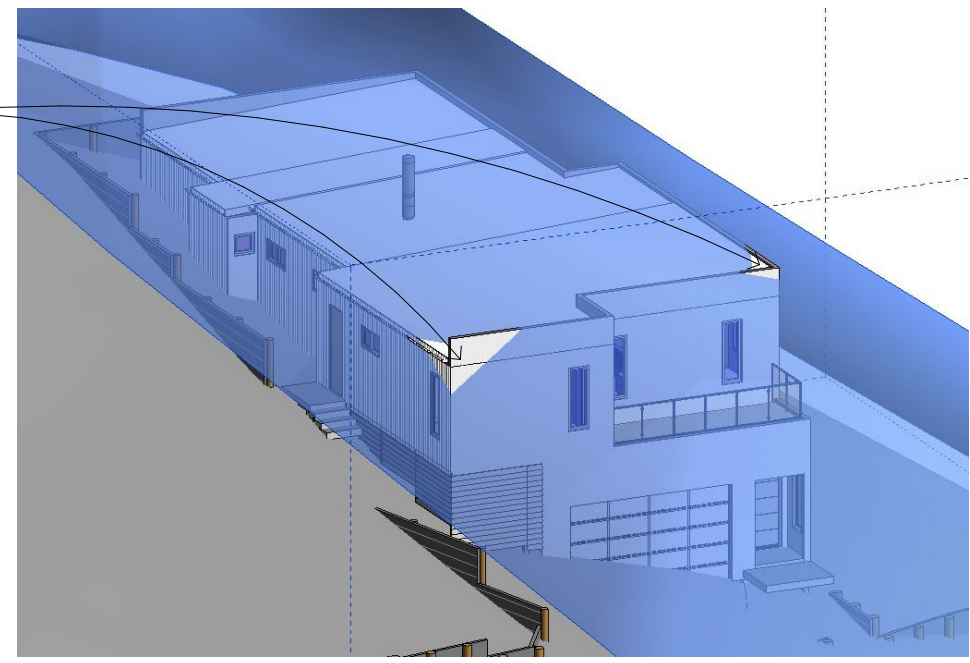
COLOUR LEGEND	
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	HIRB BREACH



1 Section EE - T3
1 : 100



HIRB Breach shown beyond blue envelope

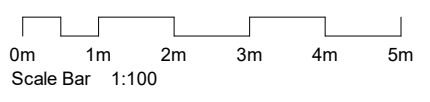


FOR RESOURCE CONSENT






Projects + Infrastructure
| Suite 514 Level 5 | 50 Holt Street | Surry Hills NSW 2010
02 9775 1900 | 0412 616875
www.pandigroup.com.au

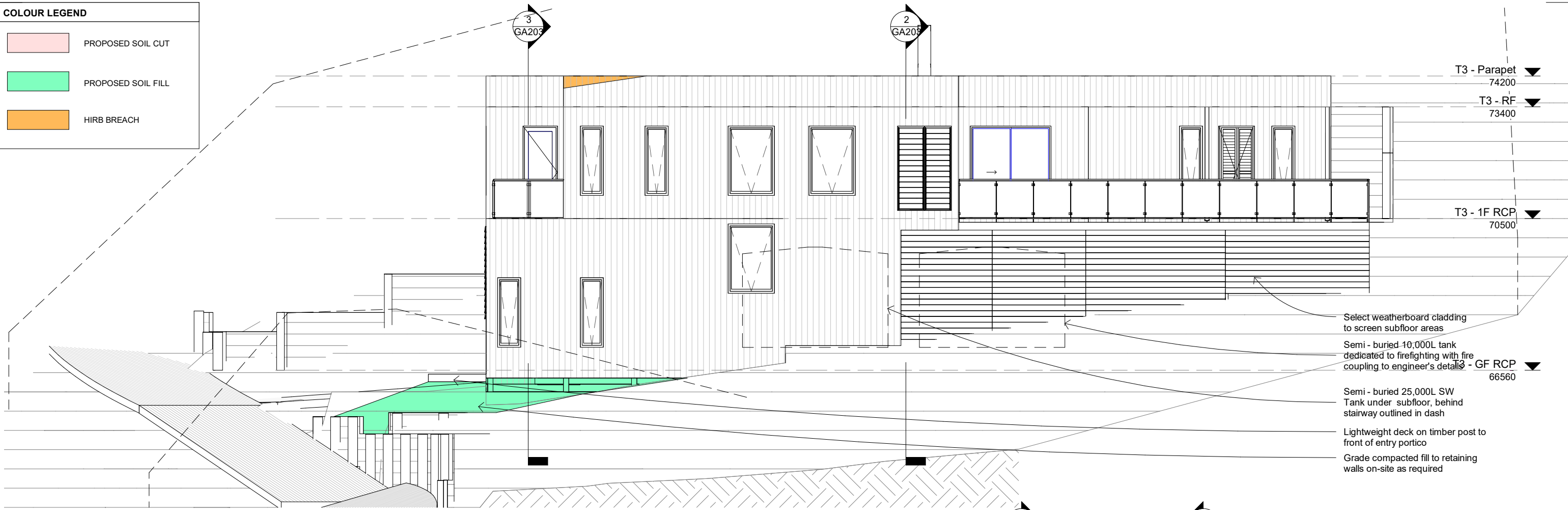
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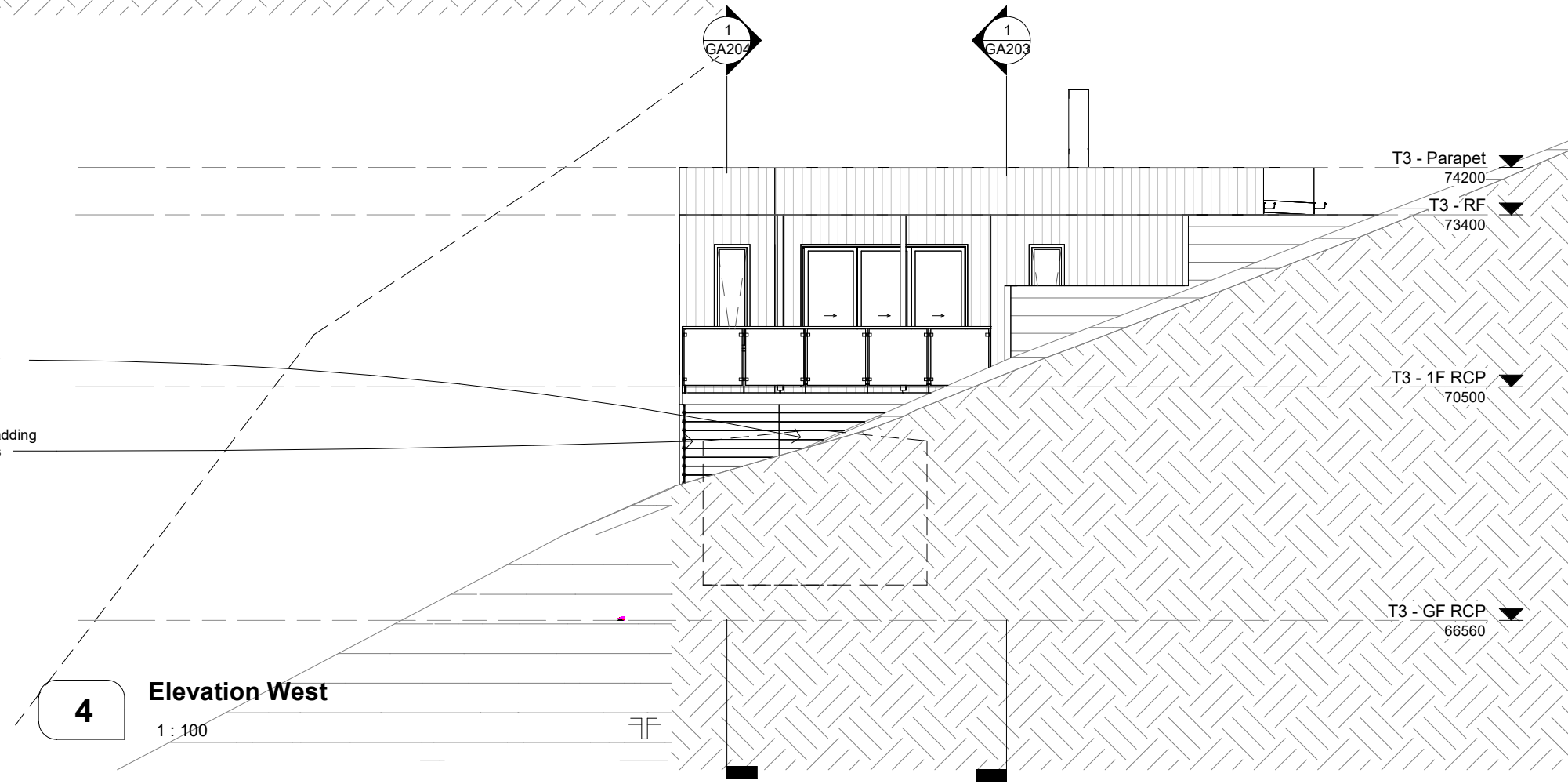
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LOT 87 DP61184 - 17 TAPEKA HEIGHTS LANE
GA204 B
SECTIONS 2

COLOUR LEGEND	
	PROPOSED SOIL CUT
	PROPOSED SOIL FILL
	HIRB BREACH



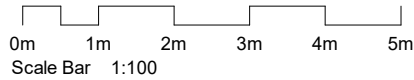
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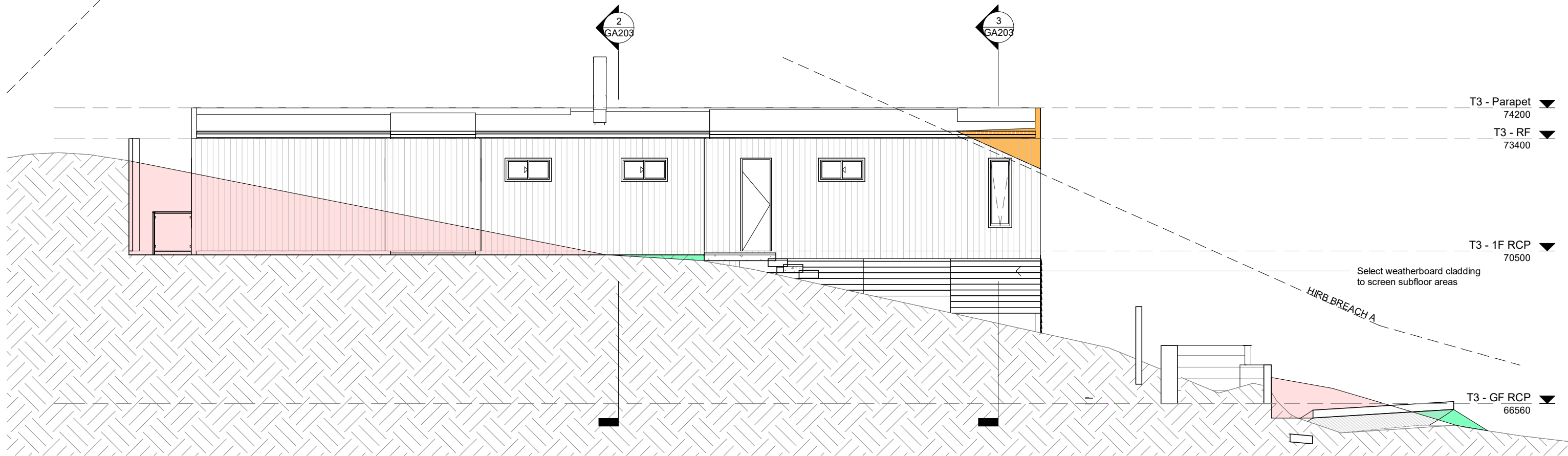
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FOR RESOURCE CONSENT

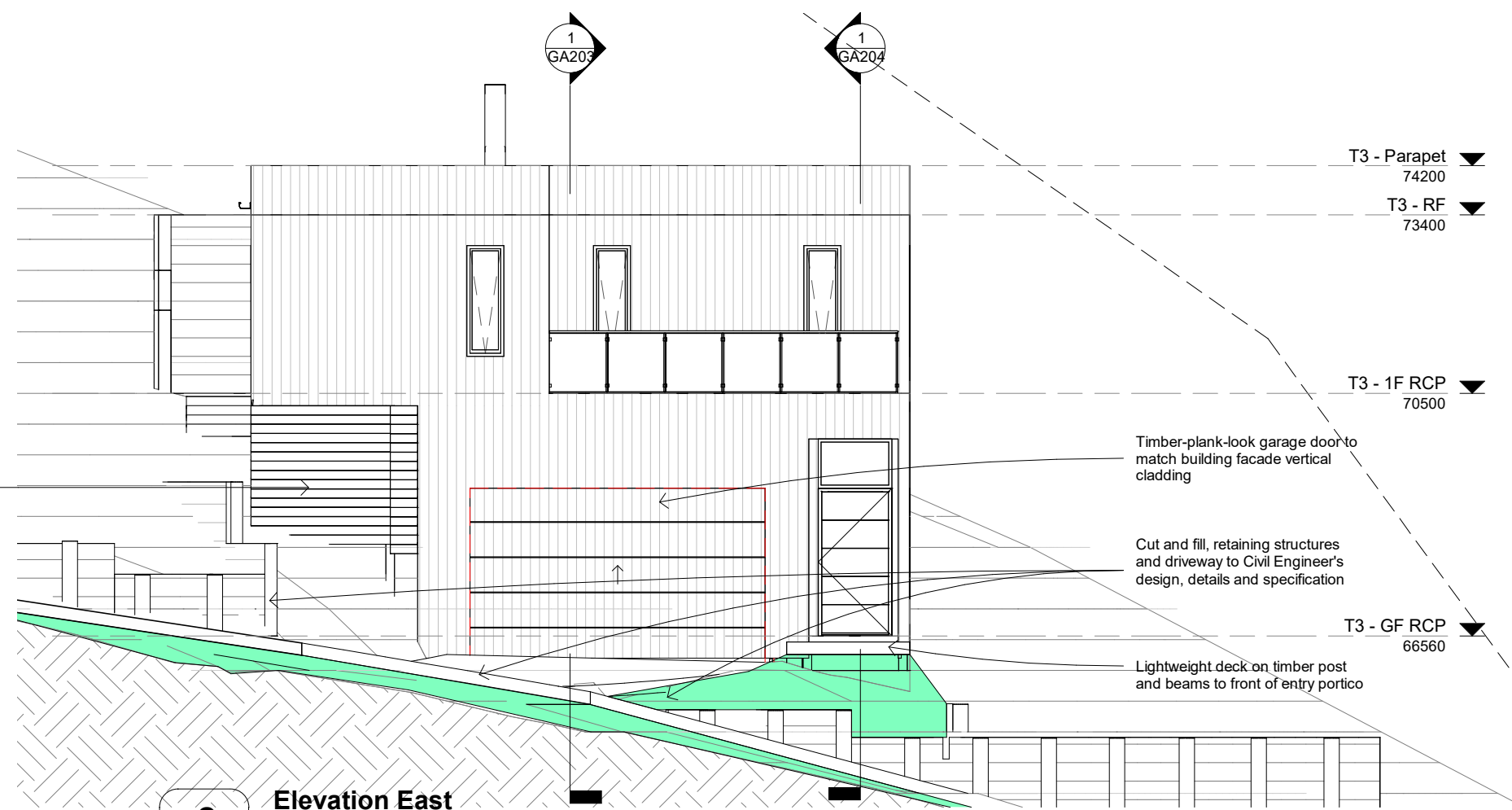
Rev	Description	Date
B	Issue For RC Application	06/09/24



JOB No.	TP03
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1 Elevation South
1 : 100



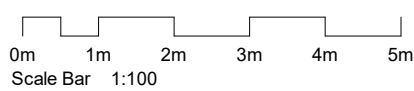
2 Elevation East
1 : 100

COLOUR LEGEND

	PROPOSED SOIL CUT
	PROPOSED SOIL FILL
	HIRB BREACH

FOR RESOURCE CONSENT

Rev	Description	Date
B	Issue For RC Application	06/09/24



JOB No.	TP03
SCALE	A3 @ 1 : 100
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BAY OF ISLANDS PLANNING LIMITED

PO Box 795

Kerikeri

Phone [09] 407 5253; Email – info@bayplan.co.nz

Environmental Management Department
Far North District Council
John Butler Centre
Kerikeri

25 November 2019

Attention: Ms Louise Wilson and Trish Routley

Dear Louise and Trish,

Application for Resource Consent - Proposed New dwelling – Projects + Infrastructure [Tapeka Residential Limited].

I am pleased to attach our clients' application for a new dwelling at a site at 17 Tapeka Heights Lane, Russell, Lot 87 DP 61154. This site is the subject of a boundary adjustment lodged under RC 2200295 , and has the effect of increasing the existing site area from 942.56m² to 1009.0m². For the purposes of the application this new site area has been assessed.

The application requires resource consent relating to the following matters:

- Sunlight (Recession Plane)
- Earthworks
- Retaining wall set back
- Fire Risk

Overall the application is a **Discretionary Activity**.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Director
Bay of Islands Planning Limited
on behalf of Projects + Infrastructure [Tapeka Residential Limited]

Form 9

APPLICATION FOR RESOURCE CONSENT

Section 88, Resource Management Act 1991

To **Far North District Council**:

We, **Tapeka Residential Limited**, apply for the following type of resource consent:

Land Use Consent to construct a new dwelling in the Coastal Residential Zone.

The location of the proposed activity is as follows:

17 Tapeka Heights Lane, Russell, **legally described as Lot 87 DP 61154 [Lot 1 RC 2200295]**

No additional resource consents are needed for the proposed activity.

We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of effects on the environment that corresponds with the scale and significance of the effects that the proposed activity may have on the environment. **[see below]**

We attach any information required to be included in this application by the District Plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act, as listed below:

- **Planning Report and Assessment of Effects on the Environment [Bay of Islands Planning]**
- **Certificate of Title**
- **Site and Building Elevation Plans [Arcline Architecture]**
- **Site Suitability Report [TMC Consulting Engineers - Reference 29 Tapeka Road , Russell]**
- **Earthworks Management Plan , Stormwater Attenuation and Traffic Report [RS Eng Ltd]**



.....

Date: 25 November 2019

Jeff Kemp

on behalf of Project + Infrastructure [Tapeka Residential Limited]

Address for service: Bay of Islands Planning Limited, PO Box 795, Kerikeri 0245

Telephone: (09) 4075253

email: info@bayplan.co.nz

1.0 INTRODUCTION

1. The applicant Tapeka Residential Limited seeks resource consent to construct a new dwelling on a 'Coastal Residential' zoned site at 17 Tapeka Heights Lane, Russell.
2. The subject site has an area of 942m² and is legally described as Lot 4 DP 133256. A copy of the certificate of title is attached at **Appendix A**. The site is subject to RC 2200295 which increases the land area from 942m² to 1009.0m². This allows for the construction of a garage.
3. The dwelling proposal is supported by detailed site and building elevation plans prepared by Arcline Architecture that are attached at **Appendix B**. Excavation plans and an engineering assessment prepared by RS Eng is attached at **Appendix C**.

2.0 SITE DESCRIPTION

4. The application site is located on the upper western side of Tapeka Heights Lane, which is a private road accessed from Tapeka Road. This rectangular shaped, north-east facing site is elevated above an established cluster of suburban residential coastal properties on the northern side of Flagstaff Hill near Russell.
5. The site is currently vacant and clear of vegetation other than grass. The site is a moderate to steep sloping property that will have vehicle access from Tapeka Heights Lane via an existing right-of-way. The typical residential character of this area is single residential dwellings of various styles and eras.
6. The application also includes a double garage which is located on what was part of Lot 3 DP 133256, and is the subject of RC 2200295. The adjoining site to the south (7 Tapeka Heights Lane) is also vacant and is owned by the applicant. This site is the subject of separate resource consent application for a residential dwelling. To the north is an existing two storey dwelling accessed from the same driveway, with an outlook to the north-east. To the east and south-east, below the site are established residential properties that have coastal outlooks to the east. Above the site to the west is bush clad Conservation zoned land.
7. In terms of stability, the site suitability report prepared by RS Eng Ltd indicates that the site is stable with no sign of deep-seated instability. Some uncontrolled fill and organic matter has been identified at a sub-surface level around the existing retaining wall area. Engineering recommendations are provided in terms of the proposed excavations, retaining, foundation design and stormwater disposal. This report is attached at **Appendix C**.



Subject Site (as depicted on Far North Maps)

3.0 DESCRIPTION OF THE PROPOSAL

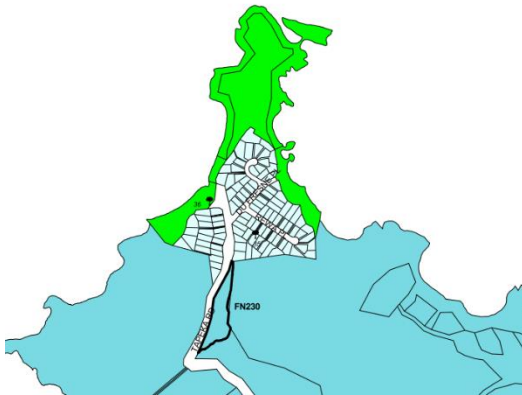
8. The applicant proposes to construct a single dwelling and garage on the site. The proposed site layout and building elevation plans prepared by Arcline Architecture are attached at **Appendix B**.
9. The proposed house is a contemporary, single level, mono-pitched roof dwelling with a timber enclosed pole foundation as detailed on the plans. A separate double garage is also proposed to be constructed.
10. The position of the building relative to the contour and all exterior colours and building materials have been selected to be visually sympathetic to the sites' elevated coastal location and to orientate the living and bedroom areas toward the north-eastern coastal outlook. A north-east facing timber deck with glass balustrade will extend from the master bedroom around to the open plan living areas. Building cladding is vertical shiplap timber. Roofing materials will be coloursteel.
11. A maximum 2.1 metre high, engineered retaining wall independent of the dwelling structure would be constructed along the southern and western rear sides of the house. A second retaining wall is proposed along the north-eastern side of the driveway and to construct a pathway access up to exterior stairs that will access the entrance to the dwelling.
12. Vehicle access to the site will be via an existing 3.7m wide formed right-of-way driveway accessed from Tapeka Heights Lane. The proposed house site would be within 90 metres of the road. Power telephone and water supply services are provided to the site. Two 25,000 litre water tanks are proposed of which 20,000 litres would be dedicated to fire-fighting water supply. Wastewater disposal will be reticulated to Council services. The two engineering reports address the management of storm water , waste water and site development management.
13. In terms of site preparation, earthworks excavations are required to construct the building platform and the driveway and vehicle turning area. Earthworks volumes for the driveway and building platform construction totalling 281m³ are detailed on the Arcline Plan 103 . As indicated on the site and elevation plans, engineered retaining wall cuts exceeding 2 metres in height are proposed to construct the dwelling and the driveway.

14. Earthworks will be staged as set out in the Earthworks Staging and Sediment Plan prepared by RS Eng.

4.0 RESOURCE CONSENT REQUIREMENTS

Far North District Council District Plan

15. The Far North District Plan zones the site **Coastal Residential**. No other special resource features or values have been identified in the Plan as affecting the site other than it being within a 'kiwi concentration' area



Coastal Residential zone – Far North District Plan

16. **Table 1** below provides an assessment against the applicable Far North District Plan performance standards and identifies the reasons for resource consent. These comprise the rules of the Part 2- Environment Provisions (Coastal Residential Zone) and Part 3 - District Wide Rules.

Table 1 Coastal Residential Zone Performance Standards

Coastal Residential Zone Performance Standards		
Rule #		Comment
10.8.5.1.1 Relocated Buildings		Not applicable
10.8.5.1.2 Residential Intensity	Minimum site area: Sewered = 800m ² Unsewered = 3,000m ²	Not applicable
10.8.5.1.3 Scale of Activities		Not applicable
10.8.5.1.4 Building Height	Permitted Standard: Maximum Height = 8m Restricted Discretionary Standard: Maximum Height = 9m	Complies
10.8.5.1.5 Sunlight	Permitted Standard: No part of any building to project beyond 45-degree recession plan as measured inwards from any point 2m vertically above the ground on any site boundary except that: (a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in Chapter 3 – Definitions); and (b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way,	HIRB over corner sections of dwelling house. DA

	access lot, or access way.	
10.8.5.1.6 Stormwater Management	Permitted Standard: Maximum impermeable surface = 50% or 1,000m ² whichever is the lesser	Complies @ $273.12/1009m^2 = 27.00\%$ PA
10.8.5.1.7 Setback from Boundaries	Permitted Standard: Minimum 1.2m on boundaries other than road boundaries. No setback boundary required for maximum total length of 10m along one such boundary	The dwelling house location complies however the retaining wall adjoining the garage is within the setback. RDA
10.8.5.1.8 Screening for Neighbours Non-Residential Activities		Not applicable
10.8.5.1.9 Outdoor Activities		Not applicable
10.8.5.1.10 Transportation		See below
10.8.5.1.11 Site Intensity – Non-Residential Activities		Not applicable
10.8.5.1.12 Hours of Operation – Non-Residential Activities		Not applicable
10.8.5.1.13 Keeping of Animals		Not applicable
10.8.5.1.14 Noise		To be complied with
10.8.5.1.15 Helicopter Landing		Not applicable
10.8.6.1.16 Building Coverage	Permitted Standard: Maximum 45% of site area or 900m ² whichever is the lesser	Complies @ $273.12/1009m^2 = 27.00\%$ PA

Chapter 12 - Natural and Physical Resources Performance Standards

Section 12. 1 Landscape and Natural Features		
12.1.6.1.1	Protection of Outstanding Landscape Features	Not applicable
12.1.6.1.2	Indigenous Vegetation Clearance in Outstanding Landscapes	Not applicable
12.1.6.1.3	Tree Planting in Outstanding Landscapes	Not applicable
12.1.6.1.5	Excavation and/or filling within an outstanding landscape	Not applicable
12.1.6.1.5	Buildings within Outstanding Landscapes	Not applicable
12.1.6.1.6	Utility Services in Outstanding Landscapes	Not applicable
Section 12.2 Indigenous Flora and Fauna		
12.2.6.1.1	Indigenous Vegetation clearance permitted throughout the District	Not applicable – no vegetation clearance proposed
12.2.6.1.2	Indigenous Vegetation clearance in the Rural Production and Minerals zones	Not applicable
12.2.6.1.3	Indigenous vegetation clearance in the General Coastal zone	Not applicable
12.2.6.1.4	Indigenous vegetation clearance in other zones	Not applicable
Section 12.3 Soils and Minerals		
12.3.6.1.2	<p>Permitted Standard: Excavation, and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential or Russell Township zones is permitted, provided that:</p> <ul style="list-style-type: none"> (a) Does not exceed 200m³ in any 12-month period per site; and (b) It does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m. 	<p>281m³ of earthworks proposed</p> <p>Engineered retaining walls exceeding 2 metres in height are proposed.</p> <p>DA</p>

	<p>Restricted Discretionary Standard: Excavation, and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential or Russell Township zones is permitted, provided that:</p> <ul style="list-style-type: none"> (a) It does not exceed 500m³ in any 12-month period per site; and (b) It does not involve a cut or filled face exceeding 1.5m in height 	
Section 12.4 Natural Hazards		
12.4.6.1.1	Coastal Hazard 2 Areas	Not applicable
12.4.6.1.2	<p>Fire Risk to Residential Units:</p> <ul style="list-style-type: none"> (a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest. (b) Any trees in a deliberately planted woodlot or forest shall be planted at least 20m away from any urban environment zone, Russell Township or Coastal Residential Zone boundary, excluding replanting of plantation forests existing at July 2003. 	<p>The proposed dwelling is within 20m of the adjacent Conservation zoned bush area to the west.</p> <p>DA</p>

Chapter 15- Transportation Performance Standards		
Section 15. 1 Landscape and Natural Features		
15.1.6A	Maximum Daily One Way Movements Permitted (Residential) = 20	Complies
15.1.6B	Parking (Appendix 3C)	Complies
15.1.6C	<p>Access</p> <p>Minimum access width for a private access serving 2 lots is 5.0m with a 3.0m sealed carriageway</p>	<p>Existing ROW access width is 3.71m. Sealed width is 3.5m</p> <p>PA</p>

17. Overall, the application falls to be considered as a **Discretionary Activity** on the basis of a Fire Risk to Residential Units, Setback , Earthworks and Sunlight.

5.0 SECTION 104 ASSESSMENT

18. Section 104B governs the determination of applications for discretionary and non-complying 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](#).

Applications for discretionary activities may be granted or refused and if granted, may be subject to conditions of consent.

19. When considering an application for resource consent, a consent authority must have regard to the matters under section 104 of the Resource Management Act 1991, including any matters relating to Part 2. It is noted that recent caselaw has established that references to Part 2 in applications are only required where Plans may be deficient in terms of giving effect to the purpose and principles of the Act.
20. Section 104 specifies that consent authorities have regard to the following matters when considering whether to grant or refuse and application for resource consent.
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of –*
 - (i) *a national environment standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement: and*
 - (iv) *a New Zealand Coastal Policy Statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*
21. In the case of the subject application those considerations include the actual and potential effects of an activity on the environment, the relevant provisions of the NZCPS, regional policy statement or other relevant statutory document, a district plan and any other matter the consent authority considers relevant and reasonably necessary to determine the application.
22. The following assessment addresses all relevant considerations under s104 of the RMA.

5.1 Assessment of Effects on the Environment

23. The RMA definition of 'Environment' includes:

- (a) *Ecosystems and the constituent parts, including people and communities; and*
- (b) *All natural and physical resources; and*
- (c) *Amenity values; and*
- (d) *The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.*

The definition of 'Environment' has been further defined in case law to include the concept of a 'future state of the environment' where the environment as it currently exists might be modified by permitted activities and by resource consents that have been granted, and where it appears likely that those consents will be implemented. In respect of this application, the existing environment is a vacant residential lot set within an elevated coastal environment as defined in the NZPCS, Northland Regional Policy Statement and Far North District Plan Coastal Residential zone. The Coastal Residential zone enables development that includes single dwellings and associated vehicle access, car parking and servicing infrastructure. There are no unimplemented resource consents that relate to this site.

24. Section 104(2) of the RMA states that:

"when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect."

25. This is referred to as the "permitted baseline" which includes effects on the environment arising from permitted activities and development controls that form part of a District Plan. In the context of this application, the permitted baseline includes the permitted residential activities standards for the Coastal Residential zone and the relevant district wide rules. Any adverse effects associated with these activities are deemed to be acceptable to the extent that they are permitted and may be disregarded in accordance with Section 104(2). Within the Coastal Residential zone this would include a complying single residential dwelling. The actual and potential adverse effects arising from this proposal are assessed in the context of the District Plan residential 'Coastal Residential' zone objectives and policies and those environmental matters that apply district wide.

26. Potential effects on the environment, including positive effects are assessed in the context of the RMA meaning of 'effect' and the environmental values and features the Council has identified in the Far North District Plan that warrant protection and management.

27. The RMA meaning of 'effect' includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

28. For this application, the potential adverse effects to be assessed are those arising from aspects of the proposal that have been identified as requiring resource consent in **Table 1** above, although it is noted that the Council has discretion to consider all matters relating to the proposal. Positive effects also require consideration. In respect of this application, positive effects include the wellbeing of the applicant to establish a new home within a coastal environment that is zoned for residential activity. The proposed dwelling has been designed sympathetically to avoid adverse visual effects on its elevated coastal location. The proposed excavation and retaining walls are necessary to stabilise slopes behind the dwelling and to construct the driveway and access to the dwelling.

Stormwater and wastewater effects

29. Registered engineers, RS Eng Ltd has designed a suitable on-site stormwater and wastewater disposal system for the site. This addresses the potential adverse stormwater effects including runoff from the additional impervious surfaces including the roof areas and hard surfaces within the driveway and vehicle turning areas resulting in erosion and flooding within the site or beyond the site boundary.
30. Wastewater would be collected and discharged into existing Council reticulated services.
31. Based on the proposed design, it is considered that any potential adverse effects arising from the modified stormwater runoff at the site and the disposal of wastewater would be less than minor.

Earthworks and Construction Effects

32. 281.99m³ of earthworks are proposed at the site to establish suitable driveway access and to retain and stabilize the slopes behind the dwelling and garage. The visual effects of the earthworks would be temporary over the time period required to construct the dwelling and the site works associated with the construction of the driveway. Earthworks would be managed in accordance with the erosion and sediment control plan prepared by RS Eng Ltd.
33. Given the engineered nature of the proposed earthworks and building design, any potential adverse effects arising from earthworks activities would be no more than minor.

Sunlight and Privacy Effects

34. Potential adverse effects associated with the dwelling and garage building recession plane (sunlight) and building height infringement include potential loss of access to daylight and building dominance experienced at 7 Tapeka Heights Lane to the south-west. Due to the minor and isolated nature of the infringements, this would have a negligible effect on this property. It is noted that this neighbouring site is owned by Ramon Archer and Mabel Lam. The applicant 'Projects & Infrastructure' acts on behalf of the owner of all the three adjacent sites.

Fire Risk Effects

35. Potential fire risk effects exist due to the proximity of the proposed dwellings to the conservation bush area to the north which is less than 10 metres. Fire risk is managed by the District Plan in terms of avoiding risk to habitable buildings. A copy of the application proposal has been provided to Fire & Emergency New Zealand. Their water supply requirement is being attained as well as implementing the fire risk recommendations.

Conclusion

36. Based on the above analysis, it is considered that the actual and potential adverse effects of the proposal that would be less than minor.

STATUORY CONSIDERATIONS

New Zealand Coastal Policy Statement 2010

37. The New Zealand Coastal Policy Statement 2010 [NZCPS 2010] contains objectives and policies designed to achieve the sustainable management purpose of the Resource Management Act in respect of New Zealand's coastal environment. It is relevant to this application to the extent that the lower order regional and district plans must consistently give effect to the NZPCS in terms of any proposed subdivision, use or development of land or coastal areas comprising the coastal environment.
38. As the proposal involves the use of land for residential purposes that is within the regionally identified coastal environment, it is subject to any regulatory provisions relating to the management of that environment. However, the size and scale of the proposal (and its location outside of any protected landscapes or ecological areas) does not require any further consideration of the NZPCS and can be adequately managed in terms of district level provisions.

Northland Regional Council Proposed Regional Policy Statement

39. The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (operative May 2016). With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Area, but is within the Coastal Environment as indicated below:



Northland Regional Policy Statement Maps

40. Of statutory relevance to this proposal are regional objectives and policies relating to water quality (particularly coastal water) and the protection of the coastal environment's natural character. However, in terms of regional management and the matters over which regional councils have governance responsibility, the proposed earthworks volumes and land disturbance surface areas required to establish the dwelling site are well below any regional thresholds for managing sediment runoff and are adequately managed in terms of district plan provisions.
41. With respect to the coastal environment, the development of the site will be undertaken in a manner that has regard to its visible coastal location, including a modest house design situated below the vegetated ridgeline; limiting earthworks to that which is necessary to achieve the house and driveway design, establish a safe and stable building platform and also vehicle access and parking; and appropriate treatment and disposal of stormwater.
42. Overall it is considered that the proposal would not be inconsistent with the Northland Regional Policy Statement.

Operative Far North District Plan

43. The District Plan provisions of relevance to this application are the objectives and policies for the Coastal Residential zone and environmental and transport assessment matters that apply district wide.

District Plan Objectives and Policies

44. The relevant objectives and policies of the Plan are those related to the Coastal Environment in general, and the Coastal Residential zone. The extent to which the proposal meets these objectives and policies is addressed in Tables 1 and 2 below.
45. The Far North District encompasses an extensive coastal environment within which preservation of the coasts' natural character and outstanding natural features, landscapes and vegetation from

inappropriate subdivision, use and development is a matter of national importance RMA S6(a-c). The District Plan provides for coastal residential living in the coastal environment, primarily within the Coastal Living and Coastal Residential zones which respectively provide for dispersed or more concentrated urban style residential activities. The subject site is zoned Coastal Residential. The zone provides a transition between residential settlements on the coast and the more rural General Coastal zone. It is a zone where land has already been developed for residential settlement but still retains a high level of amenity associated with the coast. Particular effects to be managed in this zone are those impacting the coasts' natural and physical character, water quality and valued visual and amenity attributes as enjoyed by neighbours and the public.

Table 1 Objectives and Policies for the Coastal Environment

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
OBJECTIVES		
10.3.1	To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.	The proposed residential dwelling is subject to the residential Coastal Residential rules and other relevant district wide rules governing earthworks, and vehicle access and carparking. It is considered that the proposed house design is appropriate to the coastal landscape within which it is situated and is not dissimilar in size and scale to other dwellings nearby.
10.3.2	To preserve, and where appropriate in relation to other objectives, to restore, rehabilitate protect or enhance: <ul style="list-style-type: none"> ▪ the natural character of the coastline and coastal environment; ▪ areas of significant indigenous vegetation and significant habitats of indigenous fauna; ▪ outstanding landscapes and natural features; ▪ the open space and amenity values of the coastal environment; ▪ water quality and soil conservation (insofar as it is within the jurisdiction of the Council). 	The site is zoned Coastal Residential. Residential buildings and activity within defined parameters are anticipated and provided for in this zone. It is considered that the proposed dwelling is consistent with the zone intentions.
10.3.3	To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised and provided for.	This is not considered necessary as the proposal involves the development of a single residential unit and garage on an existing site and no sites of significance to Maori in the immediate vicinity of the property are identified in the District Plan. The development of the site would not impact any areas where customary title exists or is applied for.
10.3.4	To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values and public health and safety.	The proposal will have no effect on public access to or along the coast.
10.3.5	To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the <i>Esplanade Priority areas</i> maps in the District Plan.	Refer to comments on 10.3.4 above.
10.3.6	To minimise adverse effects from activities in the coastal environment that cross the Coastal Marine Area boundary.	Not applicable.

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
10.3.7	To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.	Not applicable.
10.3.8	To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.	This is a general objective for coastal communities as a whole. This proposal is for a dwelling house and is 'self-sufficient' in terms of water supply and exclusive water supply for fire-fighting purposes.
10.3.9	To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.	Not applicable.
POLICIES		
10.4.1	That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision use and development is that where the activity generally: (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and <i>Continued</i>	The application sits within the Coastal Residential Zone which is designed to allow for residential development in a coastal location. Save the minor infringements of some district plan rules to development of the dwelling house would be permitted without consent. Only by reason of the topography is the consent required. Overall it is considered the dwelling house is not in conflict with this Policy.
10.4.2	That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.	The site is an existing lot and the proposed development is consistent with what has already occurred within surrounding sites in this location.
10.4.3	That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.	Refer to response to item 10.4.1 above.
10.4.4	That public access to and along the coast be provided, where it is compatible with the preservation of the natural character, and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas;	Not applicable

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
10.4.5	That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer <i>Chapter 2</i> , and in particular <i>Section 2.5</i> , and Council's <i>Tangata Whenua Values and Perspectives(2004)</i> .	No sites of significance have been identified on the property in the District Plan and the proposal has no effects on the ability of Maori to access or use the coastal waters in the vicinity.
10.4.6	That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous vegetation and habitats, will be encouraged by the Council.	This policy is aimed more at larger scale developments or new subdivisions. The level of natural character is influenced by the existing dwellings on other sites and the land forms as past modifications have altered the vegetation patterns significantly. The proposal would not affect any existing vegetation and the building has been sited and designed to minimise adverse visual effects on the natural character of the coastal environment.
10.4.7	To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate: (a) parking (b) rubbish disposal (c) waste disposal (d) dinghy racks	Not applicable.
10.4.8	That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.	Refer to 10.4.5 above.
10.4.9	That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.	The proposal is to locate the house and driveway within the moderately steep slopes which is below the Conservation land ridgeline. The development has been designed in conjunction with suitably qualified engineers who have assessed the suitability of the ground conditions, excavations, retaining and stormwater and wastewater disposal. Potential risk to people and property would be minimal and will also be subject to building controls as regulated by the Building Act.
10.4.10	To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.	Sufficient water storage for both domestic consumption and fire-fighting will be provided on site.
10.4.11	To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the Coastal Marine Area.	This has been achieved by directing stormwater and waste water to appropriate disposal area well away from the coastal marine area

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
10.4.12	That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas.	All of these matters have been addressed within the application and the plans lodged.

Table 2 Objectives and Policies for the Coastal Residential Zone

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
OBJECTIVES		
10.8.3.1	To enable the development of residential activity in and around existing coastal settlements.	These objectives are enabling of residential activity in coastal identified coastal settlements what that form of development is compatible with coastal environmental values. The proposal is for a single residential dwelling that with the exception of sunlight controls relative to the north-east boundary, complies with the size and scale of development anticipated in the Coastal Residential zone. It is considered that the potential adverse effects of the sunlight breach are not significant in the context of the surrounding coastal environment and would have a less than minor effect on the adjacent property to the north-east.
10.8.3.2	To protect the coastline from inappropriate subdivision, use and development	
10.8.3.3	To enable the development of coastal settlements where urban amenity and coastal environmental values are compatible	
POLICIES		
10.8.4.1	That standards in the zone enable a range of housing types and forms of accommodation to be provided, recognising the diverse needs of the community and the coastal location of the zone.	The proposed dwelling reflects the enabling standards of the plan that adopts an 8m rolling height control, sunlight and daylight controls. The triangular configuration of the site and the desire to orientate the building towards the north-east coastal outlook limits the opportunities for a complying building position. Given the orientation of the proposed building on the adjacent site and on neighbouring sites below the subject site, the proposed infringement would not generate a significant dominance or shading effect.
10.8.4.2	Non-residential activities within the Coastal Residential Zone shall be designed, built, and located so that any effects that are more than minor on the existing character of the residential environment or the scale and intensity of residential activities, are avoided, remedied or mitigated.	Not applicable

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
10.8.4.3	That residential activities have sufficient land associated with each household unit to provide for outdoor space and sewage disposal.	Given the topographical nature of this sloping site, provision for outdoor space is largely provided for within the mid and upper floor outdoor deck areas. This is considered to be sufficient in this location given the proximity of the site to local beaches and reserve areas. Sewage disposal in this location is reticulated with Council services therefore on-site disposal is not required.
10.4.4.4	That the portion of a site covered in buildings and other impermeable surfaces be limited to enable open space and landscaping around buildings and avoid or mitigate the effects of stormwater runoff on receiving environments	Proposed building coverage, impermeable surfaces and setbacks have been designed to comply with the permitted standards for the Coastal Residential zone. Stormwater can be adequately managed within the site.
10.8.4.5	That provision be made for ensuring sites have adequate access to sunlight and daylight	The proposal includes a building recession plan (sunlight) infringement. The adjacent site is currently vacant but subject to resource consent application for a new dwelling that would also be orientated towards the north-east. There are no proposed windows, main living areas or outdoor areas on the adjacent site that would experience a significant loss of sunlight as a result of the infringement. It is considered that the proposal would still achieve the intent of this policy.
10.8.4.6	That activities with net effects greater than a single residential unit could be expected to have, be required to minimise adverse effects on the amenity values and general peaceful enjoyment of any adjacent residential activities.	It is considered that the net effects arising from the proposed dwelling are commensurate with a single residential dwelling and would not adversely effects any adjacent residential activities beyond that anticipated by the District Plan.
10.8.4.7	That provision be made to ensure a reasonable level of privacy and amenity for inhabitants of buildings.	Privacy and amenity of inhabitants of buildings is achieved through the overall building design and its orientation. This reflects the same orientation of existing dwellings that enjoy the north-east coastal outlook on this side of Tapeka Road.

Table 3 Objectives and Policies for District Wide Provisions – Indigenous Flora and Fauna, Soils & Minerals and Natural Hazards

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
Indigenous Flora and Fauna Objectives		
12.2.3.1	To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District’s indigenous biological diversity.	The proposal would have no effect on local ecosystems or biodiversity beyond that enabled by the District Plan.
12.2.3.2	To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.	The site is not within an identified area of significant indigenous vegetation. The site is within an identified brown kiwi and weka habitat

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
12.2.3.3	To recognise issues of wellbeing including equity for landowners in selecting methods of implementation.	Not applicable
12.2.3.4	To promote an ethic of stewardship.	The District Plan rules promote a conservative approach to vegetation clearance and a clear understanding of potential impacts on ecological values. There is an expectation that clearance will be limited to what is necessary to enable a reasonable level of residential activity and an intention to promote enhancement planting and avoid predator threat to endangered indigenous species....
Indigenous Flora and Fauna Policies		
12.2.4.1	That areas of significant indigenous vegetation and significant habitats of indigenous fauna be protected for the purpose of promoting sustainable management with attention being given to: (a) maintaining ecological values; (b) maintaining quality and resilience; (c) maintaining the variety and range of indigenous species contributing to biodiversity; (d) maintaining ecological integrity; and (e) maintaining tikanga Maori in the context of the above. Note: In determining whether a subdivision, use or development is appropriate in areas containing significant indigenous vegetation and significant habitats of indigenous fauna, Council shall consider each application on a case by case basis, giving due weight to Part II of the Act as well as those matters listed above.	There are no significant areas of indigenous vegetation or fauna habitat on the site.
12.2.4.2	That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of "significant" in 12.2.5.6).	Not applicable

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
12.2.4.3	That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by: (a) seeking alternatives to the disturbance of habitats where practicable; (b) managing the scale, intensity, type and location of subdivision, use and development in a way that avoids, remedies or mitigates adverse ecological effects; (c) ensuring that where any disturbance occurs it is undertaken in a way that, as far as practicable: (i) minimises any edge effects; (ii) avoids the removal of specimen trees; (iii) does not result in linkages with other areas being lost; (iv) avoids adverse effects on threatened species; (v) minimises disturbance of root systems of remaining vegetation; (vi) does not result in the introduction of exotic weed species or pest animals; (d) encouraging, and where appropriate, requiring active pest control and avoiding the grazing of such areas.	Not applicable
12.2.4.4	That clearance of limited areas of indigenous vegetation is provided for.	
12.2.4.5	That the contribution of areas of indigenous vegetation and habitats of indigenous fauna to the overall biodiversity and amenity of the District be taken into account in evaluating applications for resource consents.	
12.2.4.6	That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.	Not applicable
12.2.4.7	That community awareness of the need and reasons for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna be promoted.	This is a public initiative undertaken by the FNDC
12.2.4.8	That restoration and enhancement of indigenous ecosystems is based on plants that would have occurred naturally in the locality and is sourced from local genetic stock where practicable.	
12.2.4.9	That the Council will work with landowners and communities to ensure outcomes are achieved in an effective and equitable manner.	This is a FNDC initiative

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
12.2.4.10	In order to protect areas of significant indigenous fauna: (a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal; (b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.	The applicant is not proposing to have dogs or cats at the site.
12.2.4.11	That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.	This will be subject to Council discretion.
12.2.4.12	That habitat restoration be promoted.	Proposed planting will re-establish appropriate native vegetation at the site to integrate the development with the surrounding area
12.2.4.13	That the maintenance of riparian vegetation and habitats be recognised and provided for, and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.	Not applicable
12.2.4.14	That when considering an application to clear areas of significant indigenous vegetation or significant habitats of indigenous fauna, enabling Maori to provide for the sustainable management of their ancestral land will be recognised and provided for by Council.	
Soil & Minerals Objectives		
12.3.3.1	To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.	Not applicable at site development level
12.3.3.2	To maintain the life supporting capacity of the soils of the District.	This site is not zoned for productive purposes
12.3.3.3	To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.	Earthworks would be managed appropriately on the site to mitigate adverse effects
12.3.3.4	To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.	Not applicable
Policies Soils & Minerals		
12.3.4.1	That the adverse effects of soil erosion are avoided, remedied or mitigated.	Earthworks would be managed in accordance with an earthworks and sediment control plan to avoid soil erosion.

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
12.3.4.2	That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.	Not applicable
12.3.4.3	That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where: (a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living; (b) there are significant ecological, landscape, cultural, spiritual or heritage values; (c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline; (d) natural hazards may pose unacceptable risks.	Not applicable
12.3.4.4	That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.	To be managed in accordance with the proposal and conditions of consent
12.3.4.5	That soil conservation be promoted	Earthworks volumes will be limited to those necessary to establish the proposed residential use of the site,
12.3.4.6	That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.	Not applicable
12.3.4.7	That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.	Not applicable
12.3.4.8	That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.	Not applicable
12.3.4.9	That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.	Not applicable
12.3.4.10	To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.	To be managed in accordance with the proposal and conditions of consent
Objectives – Natural Hazards		
12.4.3.1	To reduce the threat of natural hazards to life, property and the environment, thereby to promote the well-being of the community.	Vegetated state of the site is subject to potential fire risk from the adjoin site and is to managed in accordance with the recommendations of ESNZ.

OBJECTIVE/POLICY		PERFORMANCE OF PROPOSAL
12.4.3.2	To ensure that development does not induce natural hazards or exacerbate the effects of natural hazards.	The engineered nature of the proposed house and site design is such that the development would not induce or exacerbate the effects of natural hazards, particularly land instability
12.4.3.3	To ensure that natural hazard protection works do not have adverse effects on the environment	Not applicable
12.4.3.4	To ensure that the role in hazard mitigation played by natural features is recognised and protected.	Not applicable
12.4.3.5	To improve public awareness of natural hazards as a means of helping people to avoid them.	Not applicable
12.4.3.6	To take into account reasonably foreseeable changes in the nature and location of natural hazards	Not applicable
Policies – Natural Hazards		
12.4.4.7	That the risk to adjoining vegetation and properties arising from fires be avoided.	Vegetated state of the site is subject to potential fire risk to managed in accordance with the recommendations of ESNZ including the provision of sufficient dedicated fire-fighting water supply.

46. Overall it is considered that the proposed dwelling would not be contrary to any identified district plan objective or policy

Applicable Assessment Criteria

47. Discretionary activity assessment criteria contained in Chapter 11 of the District Plan are relevant to the consideration of this application. Specifically, assessment matters relating to 11.2 'Building Height, Scale and Sunlight'.

11.2 Building Height, Scale and Sunlight

(a) The extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight.

The proposed sunlight infringements are considered to not result in any adverse visual domination, overshadowing or loss of privacy effects on the neighbouring property to the south. The adjacent site is owned by the applicant who proposes to develop this site with a single storey dwelling with a predominant living area outlook towards the north-east. Furthermore, the roofline of the subject dwelling would be elevated approximately 3.5m below the finished floor level of the dwelling to the south. Living areas within this proposed neighbouring dwelling would not be affected.

(b) The ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

The minor nature of the infringement does not warrant any increase separation distances or additional landscaping or screening.

- (c) *The extent of the building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity.*

The surrounding residential area has a mixed character with varying styles and building eras. The proposed single storey dwelling would be compatible with the surrounding neighbourhood.

- (d) *The spatial relationship between the new building and adjacent residential units, and the outdoor space used by those units.*

This criterion is not applicable.

- (e) *The nature of the activity to be carried out within the building and its likely generated effects.*

The proposed activity is residential. These effects are anticipated and provided for in the Coastal Residential zone.

48. The proposal has been assessed against the general objectives and policies for the Coastal Environment and those specific to the Coastal Residential Zone. In particular, potential adverse effects associated with the building design and the management of fire risk are considered. In relation to setback the intrusion within the boundary threshold is mitigated through the applicants owning the sites over which the intrusion is being applied and received. The effects between the two sites is agreed with no off site effects being created.

49. These matters are assessed in both the AEE and the specialist reports provided with this application demonstrate the appropriateness, protection of natural character, visual amenity and soil conservation, which are raised in the assessment criteria relating to visual amenity and boundary setback with similar conclusions being reached. The proposal is therefore considered to be in accordance with the provisions of the District Plan.

CONCLUSION

50. This application is for the construction of a single dwelling on a vacant site within the Coastal Residential Zone. The site forms part of an existing environment that includes similar size sites, many of which have single dwelling houses on sloping land facing the coast.

51. On the basis of the reasons identified in this application, a bundled resource consent for a Discretionary Activity is required.

52. As a Discretionary Activity, the application has been assessed under the matters contained in section 104 of the Resource Management Act.

53. The assessment of effects on the environment, concludes that the actual and potential effects on the amenity of adjacent properties would be less than minor. The particular matters for consideration are breaches to sunlight and building height standards, fire risk and earthworks.

54. The proposal would be consistent with the objectives of both the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland and would give effect to relevant policies within those documents.
55. In terms of the operative Far North District Plan, the proposal is assessed against the general objectives and policies for the Coastal Environment and those specific to the Coastal Residential Zone. It is considered that this proposal would not be contrary to those provisions.
56. The relevant assessment criteria within the District Plan have also been considered. It is concluded that these would also be met.
57. The relevant provisions within Part 2 of the Act have been considered in the context of the relevant statutory documents. The proposal would achieve the sustainable management of the land resources within the site and the surrounding coastal environment.

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MNZPI

**Archaeological Survey and Assessment of Effects:
Tapeka Road
Russell, Northland**



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1. Executive Summary

Three properties overlooking Tapeka Road show small, sloping terracing. A couple of manual test pits confirm a deep, three layered soil, whereby the middle layer is likely a made planting soil. The natural sequence would be just two layered, topsoil over subsoil. And the topsoil would be naturally quite thin due to erosion on the slope. This means that the three layered soil, deep topsoil, secondary topsoil layer, subsoil, is most likely anthropogenic.

These terraces are indicative of Maori gardens that once covered the whole slope. The garden beds indicate an archaeological site.

It is recommended to apply for an authority to modify/destroy unknown archaeological sites under the Heritage New Zealand Pouhere Taonga Act (2014) with Heritage NZ Pouhere Taonga. This will mitigate the risk of delays during the development due to discoveries of archaeological features.

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Cover photo: View from study area towards the outer Bay of Islands (by Hans-Dieter Bader 2020)

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2. Glossary

Table 1: Archaeological terms.

C14	Dating method using the deterioration of Carbon 14 in living organisms
Firescoop	Fireplace used for various reasons (cooking, warming, etc.)
Hangi	Subterranean cooking oven using heated stones
Hapu	Māori sub tribe, part of a larger tribal federation
Kai moana	Seafood exploited by Māori including fish, shell fish and crustaceans.
Kainga	Māori undefended open settlement.
Kaumatua	Male elder(s) of a hapu (sub tribe)
Kuia	Female elder(s) of a hapu (sub tribe)
Mana Whenua	People of the land with mana or customary authority
Midden	Refuse from a settlement, mainly shell fish.
Pa	A site fortified with earthworks and palisade defences. Modern meaning differs from archaeological use of the word.
Pit	Rectangular excavated pit used to store crops by Māori
Posthole	Archaeological remains of a post used for various reasons
Prehistory	Period before European arrival
Rohe	Settlement area of a Māori sub tribe (hapu)
Terrace	A platform cut into the hill slope used for habitation or cultivation
Urupa	Burial ground
Wahi tapu	Sites of spiritual significance to Māori
Whare	Traditionally built Māori sleeping house

3. Introduction

3.1. Purpose and Scope

Archaeology Solutions Ltd (ASL) have been commissioned to undertake a heritage assessment on three properties in Tapeka, close to Russell. The assessment was undertaken to identify the possibility of recorded and/or unrecorded archaeological remains in the vicinity of the proposed works of the project and to assess any impact the proposed works could have on any heritage values of the location.

This report outlines the results of the investigations.

This report has been prepared to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) and as part of the required assessment of effects accompanying a resource consent application under the Resource Management Act (RMA).

This survey and report do not necessarily include the location of *wahi tapu* and/or sites of cultural or spiritual significance to the local Māori community who may need to be consulted for any information or concerns they may have regarding the proposed works.

3.2. Project Description

It is proposed to construct and use three dwelling houses on three adjoining sites in Tapeka. For this purpose, boundary adjustments will be necessary.

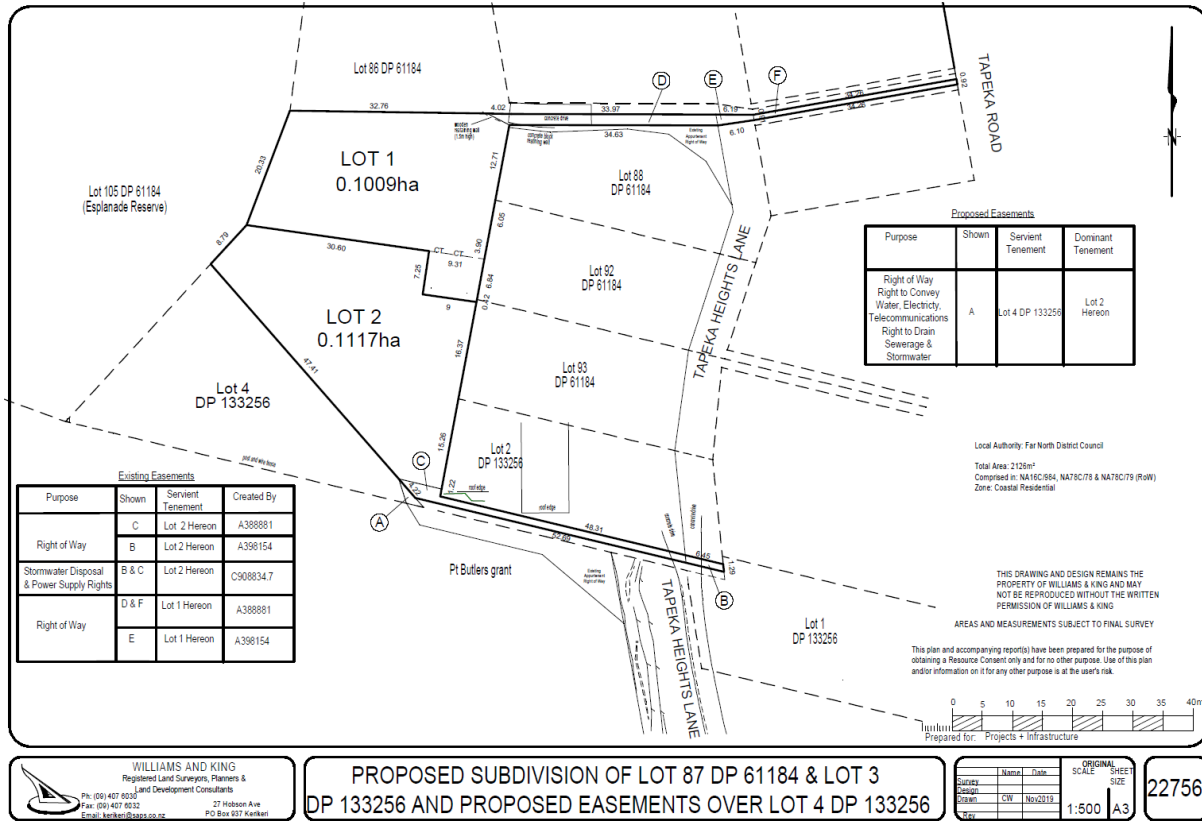


Figure 1: Scheme Plan

3.3. Legal description of land affected

The legal descriptions of the three lots are:

Lot 87 DP 61184, NA16C/984

Lot 4 DP 133256, NA78C/79

Lot 3 DP 133256, NA78C/78

3.4. Study Area

The study area is three properties above Tappeka Rd, next to Butlers Crown Grant.

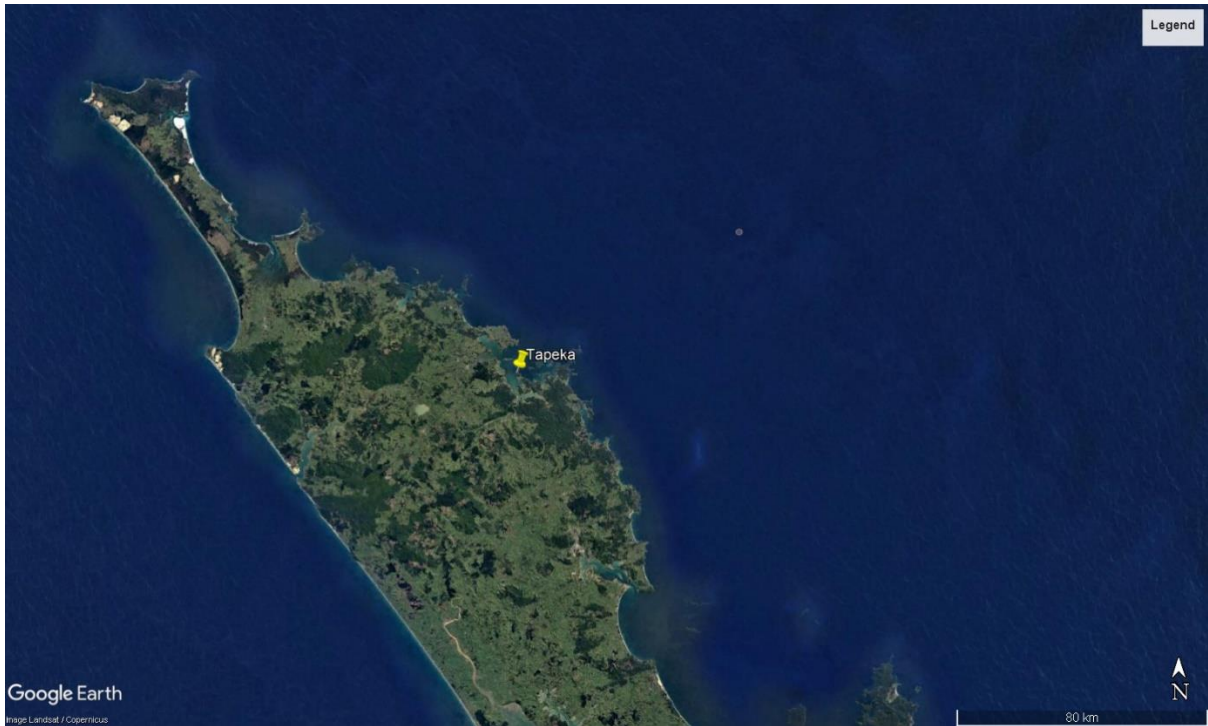


Figure 2: Location of Tapeka within Northland.



Figure 3: Location of properties within Tapeka.

4. Statutory Requirements

There are two main pieces of legislation in New Zealand that control work affecting archaeological sites. These are the *Heritage New Zealand Pouhere Taonga Act 2014* (HNZPTA) and the *Resource Management Act 1991* (RMA)

This assessment considers only archaeological sites as defined in the HNZPTA as outlined below.

4.1. Heritage New Zealand Pouhere Taonga Act 2014

Heritage New Zealand Pouhere Taonga (HNZ) administers the HNZPTA. The HNZPTA contains a consent (authority) process for any work affecting archaeological sites, where an archaeological site is defined as:

- “6(a) any place in New Zealand, including any building or structure (or part of a building or structure), that –*
- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- 6(b) includes a site for which a declaration is made under section 43(1)”*

Any person, who intends carrying out work that may damage, modify or destroy an archaeological site, or to investigate a site using invasive archaeological techniques, must first obtain an authority from HNZ. The process applies to sites on land of all tenure including public, private and designated land. The HNZPTA contains penalties for unauthorized site damage or destruction

The archaeological authority process applies to all sites that fit the HPA definition, regardless of whether:

- The site is recorded in the NZ Archaeological Association Site Recording Scheme or registered by HNZ,
- The site only becomes known about as a result of ground disturbance, and/ or
- The activity is permitted under a district or regional plan, or a resource or building consent has been granted

HNZ also maintains the List of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas. The List can include archaeological sites. The purpose of the List is to inform

members of the public about such places and to assist with their protection under the Resource Management Act (1991).

4.2. Resource Management Act 1991

Under Section 6 of the *Resource Management Act 1991* (RMA) it is stated that the protection of historic heritage is a matter of national importance,

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

[...]

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

(f) the protection of historic heritage from inappropriate subdivision, use, and development.”

“Historic heritage” is defined in the RMA as being “those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures” and includes archaeological, architectural, cultural, historic, scientific and technological qualities.

Historic heritage includes:

- historic sites, structures, places, and areas
- archaeological sites;
- sites of significance to Māori, including wahi tapu;
- surroundings associated with the natural and physical resources (RMA section 2).

These categories are not mutually exclusive and some archaeological sites may include above ground structures or may also be places that are of significance to Māori.

Where resource consent is required for any activity the assessment of effects is required to address cultural and historic heritage matters (RMA 4th Schedule and the district plan assessment criteria).

Section 17 of the RMA states “*Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person*”, and this includes historic heritage.

5. Methodology

5.1. Investigation Methodology

This assessment was carried out using both desktop research and one site visit.

5.2. Desktop Research Methodology

Sources for desktop research include:

- NZ Archaeological Association (NZAA) online site recording database Archsite and associated site records
- LINZ database of historic maps and survey plans via Quickmaps
- Heritage New Zealand Heritage List/ Rārangi Kōrero of historic places, historic areas and wahi tapu areas
- Heritage New Zealand online reports database
- Local histories – published and unpublished
- Archaeological reports
- Aerial photographs
- National Library cartographic collection

5.3. Site Surveys

One site visit was undertaken during late January 2020. Testpits were recorded with GPS points and digital photographs.

6. Background

6.1. Physical Environment

The location of the development area is to the entrance of a small peninsula close to Russell, Bay of Islands. The area is gently to steep sloping with north eastern aspect.

The ground is sandstone of the Waipapa formation and the soil is silty clayish. On an aspect like this the soil is usually quite thin due to erosion.

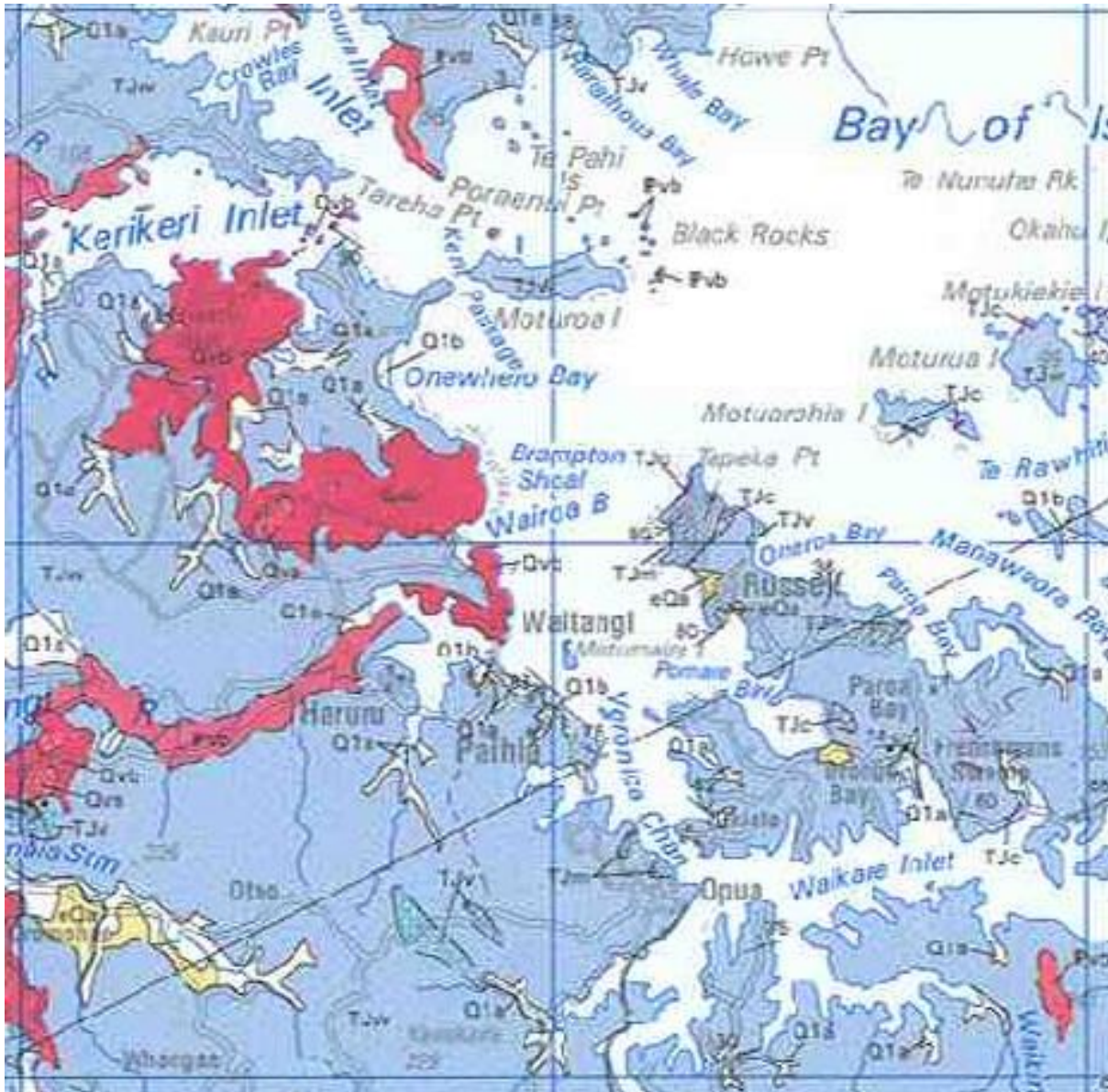


Figure 4: Detail of geological map 'Whangarei'. Tapeka Pt is marked out in the middle of the map. The blue colour implies Waipapa formation of sandstone (copyright GNS).

6.2. Archaeological Context

No archaeological sites are recorded within the development.

The closest archaeological sites are Tapeka Pa, Q05/1, to the north and a shell midden to the east Q05/1279.

It should be noted that Maori gardening has often been not recorded. Recent research into Maori gardening has been undertaken by DoC at Urupuka.

Table 2 Details of previously recorded heritage and archaeological sites in the vicinity of.

NZAA Site #	Site Type/Name	Potential effects	Description
Q05/1	pā	none	Large defended settlement at the point of the peninsula.
Q05/1279	Shell midden	none	Kai moana exploitation

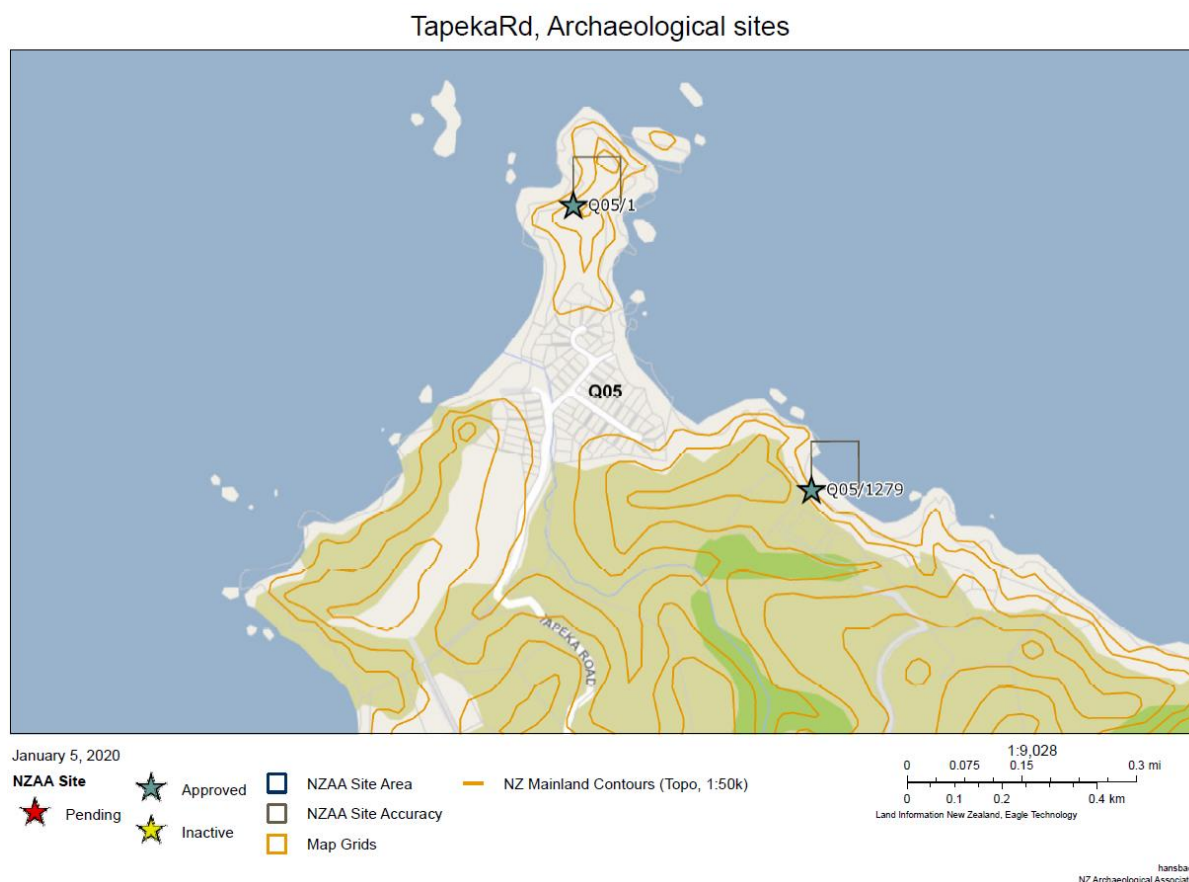


Figure 5: Archaeological sites recorded in the Site Recording Scheme of the NZ Archaeological Association (ArchSite).

6.3 Historical context

The history of settlement of Peiwhairangi is complex and goes back to the first Polynesian navigators. This report is not the place trying to recount it. The following is sufficient.

A number of hapū (sub-tribes), with Ngāpuhi and/or Ngāti Hine affiliations, have a lengthy association with the bay. It was first visited by the ancestral navigators Kupe and Ngake (or Ngahue), and later Toikairākau (<https://teara.govt.nz/en/northland-places/page-5>).

With the arrival of the whaling ships from about the 1790s onwards, the need to re-supply them with food resulted in a surge of large-scale food plantations in many areas of Peiwhairangi.

The land around Kororareka / Russell would have been sold for use rights early on to Europeans who established themselves in this kainga. The study area is part of the Old Land Claim (OLC) 229, next to OLC91 and Butlers Crown Grant. It is not apparent that the land in European hands has been used for anything else than animal grazing.

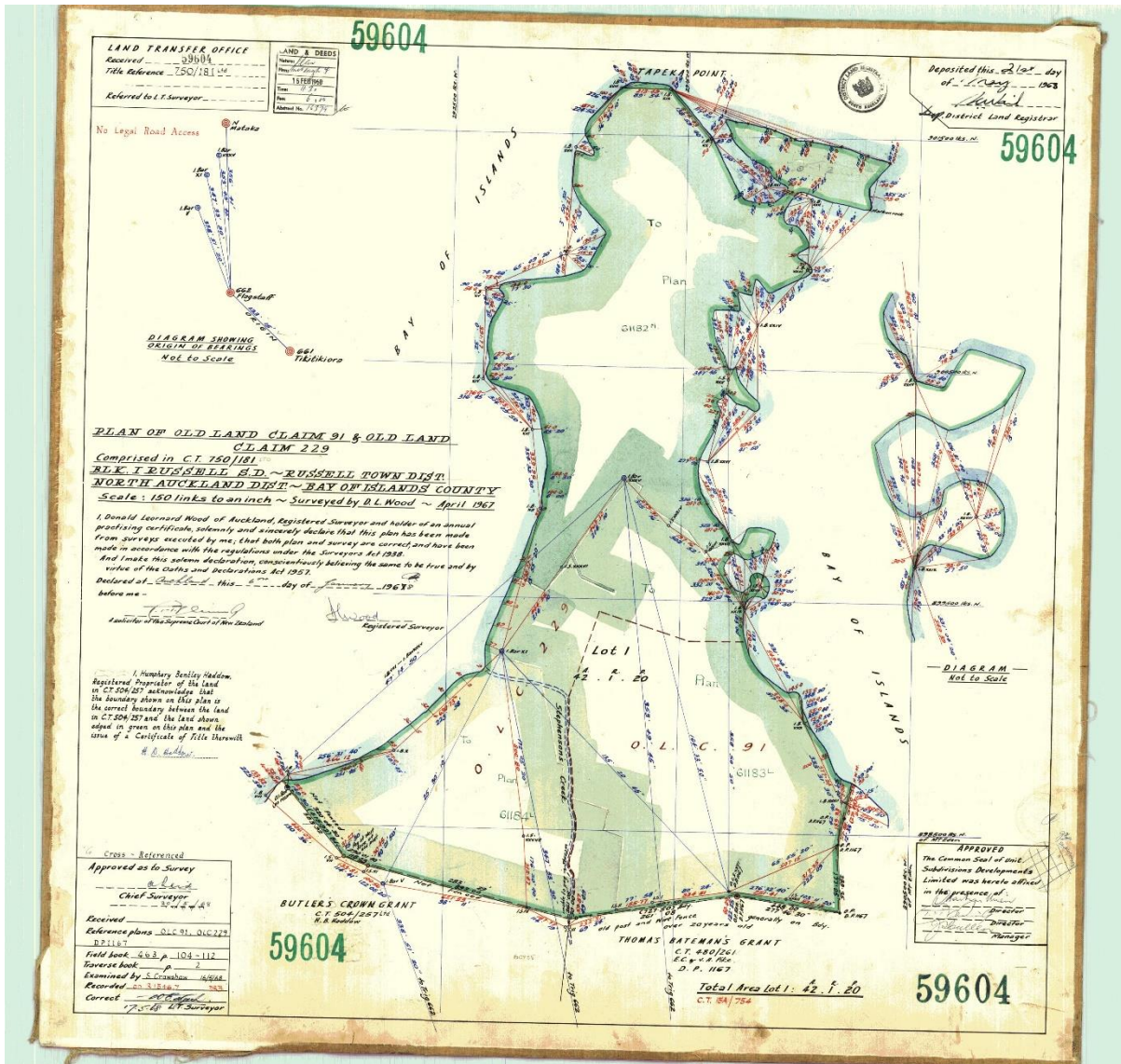


Figure 6: DP 59604, the study area is on the southern boundary of OLC 229 next to 'Butlers Crown Grant'. The reserve in the north is Tapeka paa.

6.3. Previous archaeological surveys

The affected area has not been surveyed previously.

6.4. Previous archaeological work within the area affected

There has no previous archaeological work been undertaken within the affected area.

6.5. Previous archaeological investigations in the surrounding area

There have been no archaeological investigations being undertaken close to the development area (to the best knowledge of the author).

7. Results of Site Survey and Research

The site survey showed a generally steep slope with about seven or eight gently sloping terraces across all three properties.

A couple of testpits were dug into two of the terraces. These test pits showed a deep topsoil and a three-layered soil structure, the modern topsoil, a second type of topsoil with some charcoal mixed into it and finally the natural sub soil.

This three-layered soil indicates that the area was used in pre or early Contact time for Māori cultivations, kumara or potatoes.

The sloping terraces are further indications for this and an older aerial (2016) shows vegetation traces that could indicate borders between fields running straight down hill.

It seems most likely that individual terraced garden plots were bordered by either small walls or more likely separated by drainage channel and / or walkways to access the individual terraces.



Figure 7: Sloping terraces along the steep slope.



Figure 8: three layered soil structure. Middle soil layer is probable Maori cultivation soil.



Figure 9: Location of one of the testpits on one of the terraces.

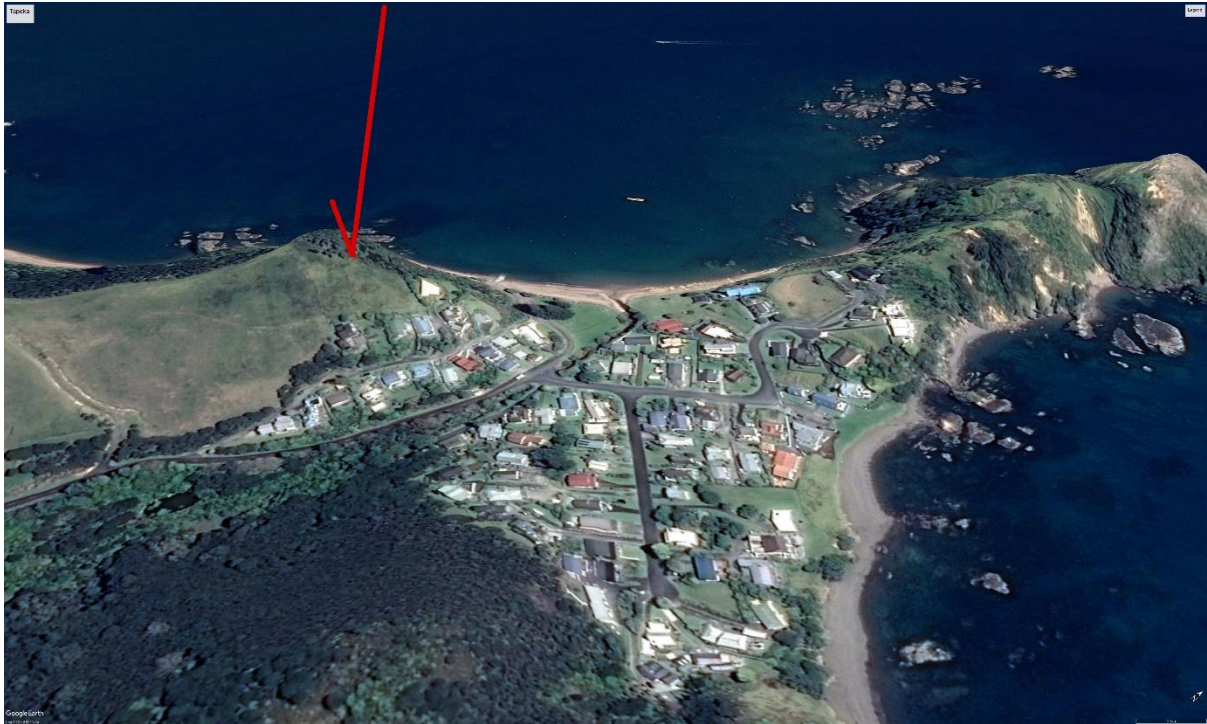


Figure 10: Oblique representation of aerial 2016. Crop marks indicate wall and / or channels dividing the slope into long sections. The arrow indicates the location of the study area.

8. Discussion

If we take all the evidence together:

- Sloping terraces
- 3 layered soil structure
- Charcoal in the middle soil layer
- North-eastern aspect of the slope
- Crop marks indicating long downhill structures,

The probability of Maori garden systems covering the study area and beyond is high.

This also fits well into the historic narrative, as especially in the early Contact period, gardens were largely expanded to feed not only the population but to trade with the visiting whaling ships.

9. Constraints and Limitations

Small testpits can not replace long soil profiles to form a definitive understanding of the small archaeological remains of Māori gardens.

This survey and report do not necessarily include the location of *wahi tapu* and/or sites of cultural or spiritual significance to the local Māori community who may need to be consulted for any information or concerns they may have regarding the proposed works.

10. Archaeological Values

10.1. Assessment Criteria

“Archaeological values relate to the potential of a place to provide evidence of the history of New Zealand. This potential is framed within the existing body of archaeological knowledge, and current research questions and hypotheses about New Zealand’s past. An understanding of the overall archaeological resource is therefore required” (NZHPT 2006).

The following value assessment is based on Gumbley (1995), Walton (2002).

The assessment criteria are split into two sections: Main Archaeological values and Additional values:

The first archaeological values look at an *intra (within the) site context*.

- **Condition:**
How complete is the site? Are parts of it already damaged or destroyed?
Condition varies from undisturbed to destroyed and every variation in between. It is also possible that the condition of various parts of the site varies.
- **Rarity/Uniqueness:**
Rarity can be described in a local, regional and national context. Rarity can be rare as a site, or rarely examined or today a rare occurrence in the records.
- **Information Potential:**
How diverse are the features to be expected during an archaeological excavation on the site?
How complete is the set of features for the type of site?
Can the site inform about a specific period or specific function?

The second set of archaeological values are *inter site (between sites) context* criteria:

- **Archaeological landscape / contextual value:**
What is the context of the site within the surrounding archaeological sites?
The question here is the part the site plays within the surrounding known archaeological sites. A site might sit amongst similar surrounding sites without any specific features. Or a site might occupy a central position within the surrounding sites. Though a site can be part of a complete or near complete landscape, whereby the value of each individual site is governed by the value of the completeness of the archaeological landscape.
- **Amenity value:**
What is the context of the site within the physical landscape?
This question is linked to the one above, but focuses onto the position of the site in the landscape. Is it a dominant site with many features still visible or is the position in the landscape ephemeral with little or no features visible? This question is also concerned with the amenity value of a site today and its potential for onsite education.
- **Cultural Association:**
What is the context of the site within known historic events or to people?

This is the question of known cultural association either by tangata whenua or other descendant groups. This question is also concerned with possible commemorative values of the site.

Additional values can include (NZ Historic Places Trust (NZHPT) 2004):

- 1 Architectural
- 2 Historic
- 3 Scientific
- 4 Technological
- 5 Aesthetic/Visual impact
- 6 Cultural

The last value, cultural, acknowledges if there is an impact onto Māori cultural values. This assessment will not evaluate these, but rather state their relevance in relation to the other values.

10.2. Archaeological Values Assessment

No archaeological site has been previously recorded in the study area. But the evidence points towards Māori gardens in and beyond the study area.

For the assessment this potential is considered and assessed.

Table 3: Summary of archaeological values.

Sites	Value	Assessment
Possible gardening site	Condition	The terraces seem to indicate that subsurface structures are still in good condition. There are no signs of earthworks related to the later European farming.
	Rarity/ Uniqueness	Māori gardens are not rare, especially in the Bay of Islands. But they are rarely documented or investigated.
	Contextual Value	The context of the later Russell, close to the flagstaff is important. If there are gardens, they are of unknown date yet. But it seems likely that they were used so close to a hub of activity in the end of the 18 th and early 19 th century.
	Information Potential	The information potential of the possible archaeological features will be restricted to gardening.
	Amenity Value	The terracing is barely visible and would need extensive explanations to have amenity value.
	Cultural Associations	Apart from the obvious relationship with mana whenua, the author is not aware of any special relationships of the study area.

10.3. Additional values assessment

Table 4: Summary of additional values.

Sites	Value	Assessment
	Architectural	n/a.
	Historic	unknown
	Scientific	n/a.
	Technological	n./a.
	Aesthetic/Visual impact	n/a.
	Cultural	Unknown, apart from the obvious relationship with mana whenua

The possibility of a burial site is excluded from the value assessment as separate procedures would come into effect on the event of discovering a burial.

11. Assessment of Effects

The assessment of effects follows the basic guidelines for preparing assessment of environmental effects that includes a discussion on the nature of environmental effects (MfE 1999). It should be remembered that an archaeological excavation of a site mitigates only the loss of archaeological information but not the loss of the site and its contextual, cultural and educational values (NZHPT 2006).

Effects must be considered,

- of how much of the site will be affected

- if the future risk of damage is increased

- whether a design change may avoid adverse effects on the site(s)

The actual effects are unknown at this stage as no definitive features have been observed during the survey. Any investigation is a precautionary measure to minimize the risk of delays to the development.

If houses were to be built on this steep slope, earthworks are likely to impact over the entire slope. Nonetheless no detailed plans have been drawn up and the assumption has to be made that earthworks will impact upon all probable archaeological features.

11.1. Site Management & Mitigation

Possible methods to protect sites, and avoid, minimize or mitigate adverse effects will be discussed.

The following mitigation process for the risk of uncovering unrecorded archaeological features is proposed for all stages:

- **Archaeological induction** of all contractors.
- **Systematic monitoring.**
- Sample, record, analyse and date any archaeological features using standard archaeological methods.
- If substantial remains are found, interpret the results and display them using modern dissemination methods in a publicly accessible space along the final constructed development. It could also include interpretation resources for local schools (“Sense of place”, “Place-making”).

To allow for this suggested mitigation process a general Authority to Modify unrecorded archaeological sites is to be sought from HNZPT under the Heritage New Zealand Pouhere Taonga Act 2014.

12. Conclusions & Recommendations

It is highly likely that the study area contains remains of Māori gardening.

It is recommended that an application is made for an Authority to Modify unrecorded Archaeological Sites with Heritage NZ to mitigate this risk for all three properties covering the excavation of the topsoil.

It is recommended to undertake the following steps in each property:

1. Induct all subcontractors before the enabling earthworks
2. Systematic Monitoring
3. Recording any archaeological features

13. Acknowledgments

The author would like to thank staff at Bay of Islands Planning.

14. References

- Gumbley, Warren. 1995. Guidelines for the provision of archaeological information and assessment for authority applications under section 11 or 12 of the Historic Places Act 1993. *Archaeology in New Zealand* 38 (2):100-105.
- NZ Historic Places Trust (NZHPT). *Heritage Management Guidelines for Resource Management Practitioners* 2004. Available from www.heritage.org.nz.
- Walton, Anthony. 2002. Assessing archaeological value. *Archaeology in New Zealand* 45 (3):220-236.



FIRE
EMERGENCY

NEW ZEALAND

Non-Reticulated Firefighting Water Supplies, Vehicular Access & Vegetation Risk Reduction Application for New and Existing Residential Dwellings and Sub-Divisions

Applicant Information

Applicants Information	
Name:	Project & Infrastructure Group
Address:	Suite 514 Level 5, 50 Holt Street, Surry Hills NSW 2010I
Contact Details:	0061412616875
Return Email Address:	robw@pandigroup.com.au

Property Details

Property Details	
Address of Property:	17 Tapeka Heights Lane, Russell
Lot Number/s:	Lot 87 DP 61184
Dwelling Size: (Area = Length & Width)	158m2 not including basement garage
Number of levels: (Single / Multiple)	1 with basement



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Firefighting Water Supplies and Vegetation Risk Reduction Waiver

“Fire and Emergency New Zealand strongly recommends the installation of automatic fire detection system devices such as smoke alarms for early warning of a fire and fire suppression systems such as sprinklers in buildings (irrespective of the water supply) to provide maximum protection to life and property”.

Waiver Explanation Intent

Fire and Emergency New Zealand [FENZ] use the New Zealand Fire Service [NZFS] Code of Practice for firefighting water supplies (SNZ PAS 5409:2008) (The Code) as a tool to establish the quantity of water required for firefighting purposes in relation to a specific hazard (Dwelling, Building) based on its fire hazard classification regardless if they are located within urban fire districts with a reticulated water supply or a non-reticulated water supply in rural areas. The code has been adopted by the Territorial Authorities and Water Supply Authorities. The code can be used by developers and property owners to assess the adequacy of the firefighting water supply for new or existing buildings.

The Community Risk Manager under the delegated authority of the Fire Region Manager and District Manager is responsible for approving applications in relation to firefighting water supplies. The Community Risk Manager may accept a variation or reduction in the amount of water required for firefighting for example; a single level dwelling measuring 200^m² requires 45,000L of firefighter water under the code, however the Community Risk Manager in Northland will except a reduction to 10,000L.

This application form is used for the assessment of proposed water supplies for firefighting in non-reticulated areas only and is referenced from (Appendix B – Alternative Firefighting Water Sources) of the code. This application also provides fire risk reduction guidance in relation to vegetation and the 20-metre dripline rule under the Territorial Authority’s District Plan. Fire and Emergency New Zealand are not a consenting authority and the final determination rests with the Territorial Authority.

For more information in relation to the code of practice for Firefighting Water supplies, Emergency Vehicle Access requirements, Home Fire Safety advice and Vegetation Risk Reduction Strategies visit www.fireandemergency.nz

1. Fire Appliance Access to alternative firefighting water sources - Expected Parking Place & Turning circle

Fire and Emergency have specific requirements for fire appliance access to buildings and the firefighting water supply. This area is termed the hard stand. The roading gradient should not exceed 16%. The roading surface should be sealed, able to take the weight of a 14 to 20-tonne truck and trafficable at all times. The minimum roading width should not be less than 4 m and the property entrance no less 3.5 metres wide. The height clearance along access ways must exceed 4 metres with no obstructions for example; trees, hanging cables, and overhanging eaves.

1 (a) Fire Appliance Access / Right of Way	
Is there at least 4 metres clearance overhead free from obstructions?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is the access at least 4 metres wide?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is the surface designed to support a 20-tonne truck?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are the gradients less than 16%	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Fire Appliance parking distance from the proposed water supply is approx 1 metres	

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

If access to the proposed firefighting water supply is not achievable using a fire appliance, firefighters will need to use portable fire pumps. Firefighters will require at least a one-metre wide clear path / walkway to carry equipment to the water supply, and a working area of two metres by two metres for firefighting equipment to be set up and operated.

1 (b) Restricted access to firefighting water supply, portable pumps required
Has suitable access been provided? <input type="checkbox"/> YES <input type="checkbox"/> NO
Comments: Click or tap here to enter text.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

2. Firefighting Water Supplies (FFWS)

What are you proposing to use as your firefighting water supply?

2 (a) Water Supply Single Dwelling	
Tank	<input checked="" type="checkbox"/> Concrete Tank <input type="checkbox"/> Plastic Tank <input type="checkbox"/> Above Ground (Fire Service coupling is required - 100mm screw thread suction coupling) <input checked="" type="checkbox"/> Part Buried (max exposed 1.500 mm above ground) <input type="checkbox"/> Fully Buried (access through filler spout) Volume of dedicated firefighting water 25,000litres

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

2 (b) Water Supply Multi-Title Subdivision Lots / Communal Supply	
Tank Farm	<input type="checkbox"/> Concrete Tank <input type="checkbox"/> Plastic Tank <input type="checkbox"/> Above Ground (Fire Service coupling is required - 100mm screw thread suction coupling) <input type="checkbox"/> Part Buried (max exposed 1.500mm above ground) <input type="checkbox"/> Fully Buried (access through filler spout) Number of tanks provided Click or tap here to enter text. Number of Tank Farms provided Click or tap here to enter text. Water volume at each Tank Farm Click or tap here to enter text. Litres Volume of dedicated firefighting water Click or tap here to enter text. litres

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

2 (c) Alternative Water Supply

Pond:	Volume of water: Click or tap here to enter text.
Pool:	Volume of water: Click or tap here to enter text.
Other:	Specify: Click or tap here to enter text.
	Volume of water: Click or tap here to enter text.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

3. Water Supply Location

The code requires the available water supply to be at least 6 metres from a building for firefighter safety, with a maximum distance of 90 metres from any building. This is the same for a single dwelling or a Multi-Lot residential subdivision. Is the proposed water supply within these requirements?

3 (a) Water Supply Location

Minimum Distance:	<i>Is your water supply at least 6 metres from the building?</i> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Maximum Distance	<i>Is your water supply no more than 90 metres from the building?</i> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

3 (b) Visibility

How will the water supply be readily identifiable to responding firefighters? E.g.: tank is visible to arriving firefighters or, there are signs / markers posts visible from the parking place directing them to the tank etc.

Comments:

The hydrant will be visible on the side of the driveway

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

3 (c) Security

How will the FFWS be reasonably protected from tampering? E.g.: light chain and padlock or, cable tie on the valve etc.

Explain how this will be achieved:

Click or tap here to enter text.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

4. Adequacy of Supply

The volume of storage that is reserved for firefighting purposes must not be used for normal operational requirements. Additional storage must be provided to balance diurnal peak demand, seasonal peak demand and normal system failures, for instance power outages. The intent is that there should always be sufficient volumes of water available for firefighting, except during Civil Défense emergencies or by prior arrangement with the Fire Region Manager.

4 (a) Adequacy of Water supply

Note: *The owner must maintain the firefighting water supply all year round. How will the usable capacity proposed be reliably maintained? E.g. automatically keep the tank topped up, drip feed, rain water, ballcock system, or manual refilling after use etc.*

Comments:

Rain water

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

5. Alternative Method using Appendix's H & J

If Table 1 + 2 from the Code of Practice is not being used for the calculation of the Firefighting Water Supply, a competent person using appendix H and J from the Code of Practice can propose an alternative method to determine firefighting water supply adequacy.

Appendix H describes a method for determining the maximum fire size in a structure. Appendix J describes a method for assessing the adequacy of the firefighting water supply to the premises.

5 (a) Alternative Method Appendix H & J

If an alternative method of determining the FFWS has been proposed, who proposed it?

Name: Click or tap here to enter text.

Contact Details: Click or tap here to enter text.

Proposed volume of storage?

Litres: Click or tap here to enter text.

Comments:

Click or tap here to enter text.

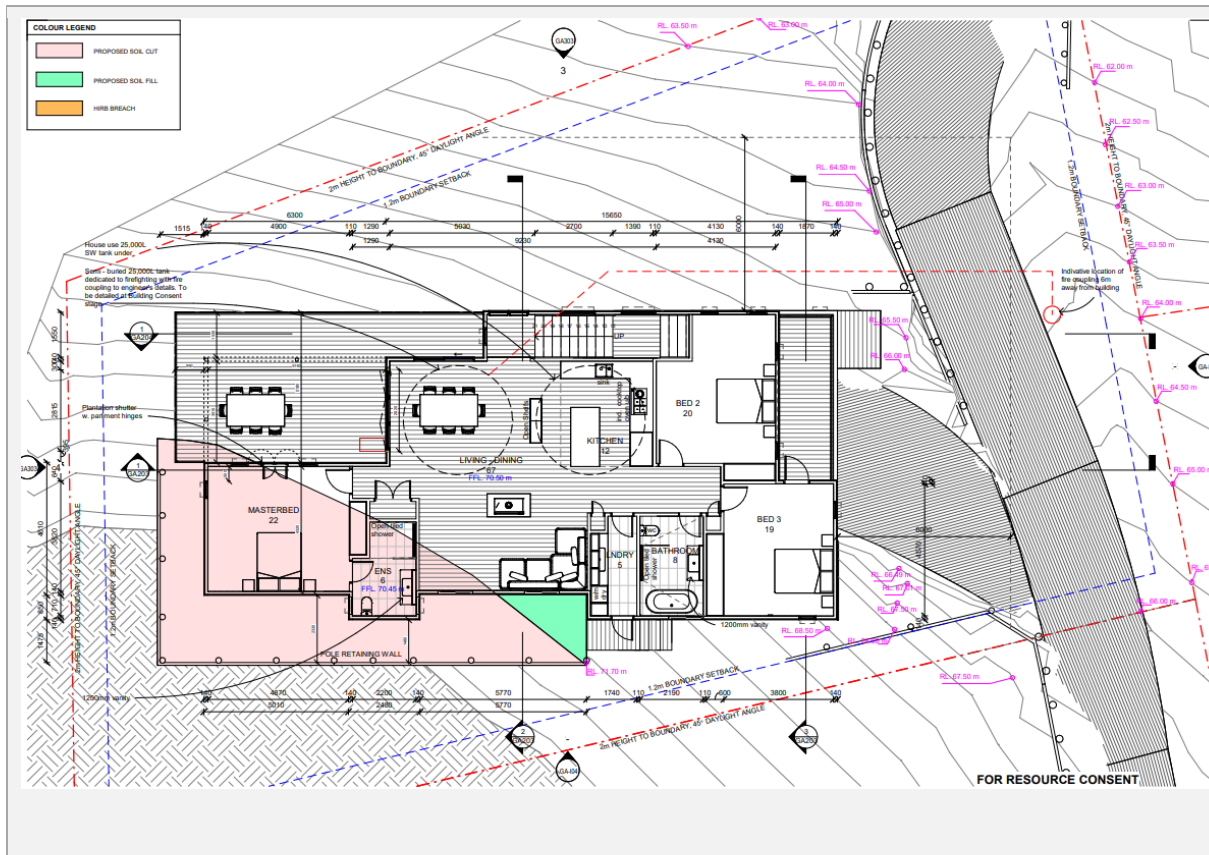
** Please provide a copy of the calculations for consideration.*

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

6. Diagram

Please provide a diagram identifying the location of the dwelling/s, the proposed firefighting water supply and the attendance point of the fire appliance to support your application.



Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

7. Vegetation Risk Reduction - Fire + Fuel = Why Homes Burn

Properties that are residential, industrial or agricultural, are on the urban–rural interface if they are next to vegetation, whether it is forest, scrubland, or in a rural setting. Properties in these areas are at greater risk of wildfire due to the increased presence of nearby vegetation.

In order to mitigate the risk of fire spread from surrounding vegetation to the proposed building and vice-versa, Fire Emergency New Zealand recommends the following;

I. Fire safe construction

Spouting and gutters – Clear regularly and consider screening with metal mesh. Embers can easily ignite dry material that collects in gutters.

Roof – Use fire resistant material such as steel or tile. Avoid butanol and rubber compounds.

Cladding – Stucco, metal sidings, brick, concrete, and fibre cement cladding are more fire resistant than wood or vinyl cladding.

II. Establish Safety Zones around your home.

Safety Zone 1 is your most important line of defence and requires the most consideration. Safety Zone 1 extends to 10 metres from your home, you should;

- a) Mow lawn and plant low-growing fire-resistant plants; and*
- b) Thin and prune trees and shrubs; and*
- c) Avoid tall trees close to the house; and*
- d) Use gravel or decorative crushed rock instead of bark or wood chip mulch; and*
- e) Remove flammable debris like twigs, pine needles and dead leaves from the roof and around and under the house and decks; and*
- f) Remove dead plant material along the fence lines and keep the grass short; and*
- g) Remove over hanging branches near powerlines in both Zone 1 and 2.*

III. Safety Zone 2 extends from 10 – 30 metres of your home.

- a) Remove scrub and dead or dying plants and trees; and*
- b) Thin excess trees; and*
- c) Evenly space remaining trees so the crowns are separated by 3-6 metres; and*
- d) Avoid planting clusters of highly flammable trees and shrubs*
- e) Prune tree branches to a height of 2 metres from the ground.*

IV. Choose Fire Resistant Plants

Fire resistant plants aren't fire proof, but they do not readily ignite. Most deciduous trees and shrubs are fire resistant. Some of these include: poplar, maple, ash, birch and willow. Install domestic sprinklers on the exterior of the sides of the building that are less 20 metres from the vegetation. Examples of highly flammable plants are: pine, cypress, cedar, fir, larch, redwood, spruce, kanuka, manuka.

For more information please go to <https://www.fireandemergency.nz/at-home/the-threat-of-rural-fire/>

If your building or dwelling is next to vegetation, whether it is forest, scrubland, or in a rural setting, please detail below what Risk Reduction measures you will take to mitigate the risk of fire development and spread involving vegetation?

7 (a) Vegetation Risk Reduction Strategy

Click or tap here to enter text.

Internal FENZ Risk Reduction comments only:

Click or tap here to enter text.

8. Applicant

Checklist	
<input checked="" type="checkbox"/>	Site plan (scale drawing) – including; where to park a fire appliance, water supply, any other relevant information.
<input checked="" type="checkbox"/>	Any other supporting documentation (diagrams, consent).

I submit this proposal for assessment.

Name: Project & Infrastructure Group Dated: 3/09/2024

Contact No.: 0061412616875

Email: andrew@bayplan.co.nz

Signature: c/o Andrew McPhee (Bay of Islands Planning)

9. Approval

In reviewing the information that you have provided in relation to your application being approximately a 158 square metre, Single Level dwelling/sub division, and non-sprinkler protected.

The Community Risk Manager of Fire and Emergency New Zealand under delegated authority from the Fire Region Manager, Te Hiku, and the District Manager has assessed the proposal in relation to firefighting water supplies and the vegetation risk strategy. The Community Risk Manager Choose an item. agree with the proposed alternate method of Fire Fighting Water Supplies. Furthermore, the Community Risk Manager agrees with the Vegetation Risk Reduction strategies proposed by the applicant.

Name: Click or tap here to enter text.

Signature: Click or tap here to enter text. Dated: Click or tap to enter a date.

P.P on behalf of the Comm

Fire and Emergency New Zealand Te Tai Tokerau / Northland District
APPROVED By GoffinJ at 8:52 am, Sep 05, 2024
Jason Goffin- Advisor Risk Reduction



Fire And Emergency New Zealand

Muri Whenua Area Office
9 Homestead Road,
Kerikeri 0230.

Phone: 09 407 6817

Tuesday, 4 June 2019

Applicant Name: Tapeka Residential Limited

Address of Property: 17 Tapeka Heights Lane

Applicant contact: C/ Deane Rogers

Assessing Alternative Firefighting Water Supplies to the Code of Practice SNZ PAS 4509:2008 and Fire Risk Mitigation Tactics

"Fire and Emergency New Zealand strongly recommends the installation of automatic fire detection system devices such as smoke alarms for early warning of a fire and fire suppression systems such as sprinklers in buildings (irrespective of the water supply) to provide maximum protection to life and property".

Kia ora

Thank you for your enquiry in relation to Firefighting Water Supplies for your property at the above address. I provide the following information below;

In reviewing the information that you have provided in relation to your dwelling being approximately 230 square meters, single-level and non-sprinkler protected. I have assessed the requirements for firefighting water supplies against the code using Table 1, which is the classification of water supply required to meet the code. The dwelling has a classification of Fire Water classification two [FW2] with Fire Hazard Category of one [FHC 1], the requirements under the code for this size structure is for 45,000l of firefighting water to be supplied however, Fire and Emergency New Zealand [FENZ] will accept a reduction to 20,000l of water for firefighting.

There are other requirements for the firefighting water supplies such as;

1 Security

- 1.1 The water supply must be reasonably protected from vandalism and tampering that may negate it being usable, for example, with a locked off valve on the outlet pipe that can be cut off with bolt cutters, examples include a locked lightweight, padlock or cable tie.

2 Access to Firefighting Water

- 2.1 The requirements for the fire appliance access; the driveway must be,

- At least 4 metres wide; and
- At least 4 metres clearance overhead that is free of obstructions such as overgrown vegetation, hanging cables, and building projections; and
- Surface designed to support 20 tonne truck; and
- Have a gradient less than 16%

- The fire appliance must park on a hardstand that is no more than 5 meters from the water source.

3 Visibility

- 3.1 The firefighting water supply and firefighting access is to be readily identifiable to responding firefighters by use of signs, marker posts or other suitable identifiers.

4 Adequacy of supply

- 4.1 The owner must establish an acceptable means to reliably maintain any tank to a usable capacity. Provision shall be made on all storage tanks and elevated tanks to:
- a) Automatically keep the tank topped up;
 - b) Manually refill the tank after emptying.

5 Storage

- 5.1 Location of water source is to be within 90m of the building and there should be unimpeded access to the water supply.
- 5.2 If the water source is stored in a tank (as you have indicated) it should be at least 6m from the building to provide firefighters with adequate protection from radiant heat and smoke whilst accessing the water supply.

NB: Where plastic tanks are used for storing firefighting water, consideration needs to be given to shielding them from the effects of radiant heat from the fire.

- 5.3 An approved Fire Service connection and valve must be supplied on the tank for use by firefighters, please refer to the attached documents for further information.

NB: FENZ do not expect firefighters to climb on tanks or insert suction hose into tank openings which are at a height greater than 1.2 meters above the level of the provided working space.

- 5.4 If access for the fire appliance is not practical to within 5 meters of the water source, there should be a 2 meters wide access route provided and a clear and safe working area of at least 2 meters by 2 meters for firefighter to be able to set up portable pumps and associated equipment at the water source.

NB: This access route must not come any closer than 3 meters to any part of the any building on the property, **or** there must be two access routes to the water source that are reasonably far apart to provide an alternative access route should one not be usable. These provisions are to ensure there is a safe access route for firefighters to use without being exposed to excessive heat and smoke from a fire.

- 5.5 The volume of storage that is reserved for firefighting purposes must not be used for normal operational requirements. Additional storage must be provided to balance diurnal peak demand, seasonal peak demand and normal system failures, for instance power outages. The intent is that there are always sufficient volumes of water available for firefighting, except during Civil Defense emergencies or by prior arrangement with the Fire Region Manager (refer to Appendix K, K2).

6 Fire Risk Mitigation Strategies in Relation to Territorial Authority Fire Risk to Residential Units and 20 m Dripline

The 20-meter dripline requirements are from the Council District Plan rules, 12.4.6.1.2 Fire Risk to Residential Units. Fire and Emergency New Zealand are not a Consenting Authority however we do provide the following recommendations in relation to the above rule for guidance.

6.1 In order to mitigate the risk of fire spread from surrounding vegetation to the proposed building and vice-versa, Fire Emergency New Zealand recommends the following -

- Remove all trees, long grass, shrubs, log, branches, twigs and needles within 10 metres of the building.
- Thin trees (with 3-6 metres between crowns) for at least 30 metres from the building.
- Prune tree branches to a height of 2 metres from the ground.
- Enclose all eaves and screen all vents.
- Clear the vegetation back around the building to 20 metres from the dwelling and plant grass. Where this is not possible, clear it as far as possible to the property boundary.
- If the vegetation is to be cleared less than 20 metres from the building, clear the understorey of any dead/dry vegetation and undergrowth and maintain this to a distance of 20 metres from the building **and**,
- Install fire resistant cladding and roofing on the sides of the building that are less than 20 metres from the vegetation; **and/or**
- Install domestic sprinklers on the exterior of the sides of the building that are less than 20 metres from the vegetation.

7 APPROVAL

Fire and Emergency New Zealand Area Manager of Muri Whenua Area 1, Region 1, under the delegated authority of the Regional Manager Region 1 has assessed the firefighting water supply requirements for the above property against the provisions and intent of The Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 and does agree with the proposed alternate water supply method.

PP: Area Manager Area 1, Wipari Henwood

FIRE AND EMERGENCY NEW ZEALAND
MURI WHENUA AREA 1 / REGION 1
FF WATER SUPPLIES APPROVED BY:
POSITION: Area Manager NAME: Sofia
SIGNATURE: [Signature] DATE: 4/6/19

RESIDENTIAL Firefighting Water Supplies (non-reticulated), Access & Vegetation

Application for Consent

Applicant: Tapeka Residential Limited

Street Address: 17 Tapeka Heights Lane, Russell



“Fire and Emergency New Zealand strongly recommend that sprinklers are installed in all structures (and especially houses) sited more than a 10-minute response time from a fire station.”

This document is for the use of territorial authorities, water supply authorities, developers and property owners and Fire and Emergency to assess the adequacy of the firefighting water supply, access for fire appliances and equipment and surrounding vegetation assessment to new or existing residential properties. If this is a Commercial Building, please use FFF ChecksheetV9 (available on request).

The code of practice document (SNZ PAS 5409:2008) is based on an assessment of the water supplies required to fight a fire and to limit fire spread. This document is partially based on the criteria set out in the Code.

Applicant Information

Applicants Information	
Name:	Tapeka Residential Limited
Address:	17 Tapeka Heights Lane, Russell
Contact Details:	c/- Deanne Rogers
Return Email Address:	deanne@bayplan.co.nz

Property Detail

Property Details	
Lot Number:	87
D.P. Number:	61154
TLA District Plan Zone:	Coastal Residential
Land Subdivision Only	Go to Subdivision & Vegetation Sections P4 & 5
New Building	Dwelling
Dwelling Size: Area = (Length x Width Largest Floor)	225.77m ²
Number of Levels: Indicate whether upper levels or basement	1

Firefighting Water Supplies (FFWS)

What are you proposing to use as your firefighting water source?

Water Supply	
Tank:	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Plastic <input type="checkbox"/> Fully Buried (access through filler spout) <input type="checkbox"/> Part Buried (max exposed 1500mm access through filler spout) <input checked="" type="checkbox"/> Ground/Surface Mounted Fire Coupling attached to tank base Volume of dedicated firefighting water _____ TBC _____ litres 25000 L
	<p><i>Note: we do not expect firefighters to climb on tanks, or put suction into tank openings which are not orientated to our working space, or are greater than 1m above the level of the provided working space. An approved firefighting connection and valve may be used to meet this requirement.</i></p> <p><i>If tanks are not buried Fire and Emergency New Zealand recommend that a Fire Brigade coupling be attached to the dedicated firefighting water access with either a 100mm screw thread or Stortz Coupling.</i></p>
All Water Supply	<p><i>Note: location of tanks TBC – waiting for engineering assessment due to slope gradient</i></p>
Max 90m from building?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Tank Separation distances from buildings: Minimum 3m Concrete tanks, 6m Plastic tanks. (Show these distances on your site plan)
Open Water:	<p>Alternative Supplies (other than Tank Supply)</p> <p><i>If considering using a neighbouring property a signed written agreement must be obtained from the other party and be included with this application. This document should also be filed in the LIM Report for both properties at the TLA, as the agreement is in perpetuity.</i></p> <p><i>Fire and Emergency need to be able to access the alternative water supply with either a fire appliance or portable pump. You need to ensure a clear 1-metre-wide walkway to carry portable equipment to the water supply, and a working area 2m x 2m for firefighting equipment set up. For open water the minimum water depth must be 1m within 2 metres of the working (hardstand) area at all times of the year.</i></p>
Pond:	Volume of water _____ litres (Supply MUST BE year round access)
Pool:	Volume of water _____ litres (Pool MUST BE constructed and filled by house occupation time)
Other:	Specify: _____ Volume of water _____

Alternative Supply

If an alternative method is being used for the Firefighting Water Supply calculations, a competent person using appendix H and J from the SNZ PAS 5409:2008 Code of Practice Firefighting Water Supplies can propose another method to determine firefighting water supply. Their technical report needs to accompany this application.

Supply	
If an alternative method of determining FFWS has been proposed, who proposed it?	
Name: <input type="text"/>	Contact: <input type="text"/>
Proposed volume & type of storage?	<input type="text"/> Litres
Comments: <input style="width: 100%; height: 40px;" type="text"/>	
* Please mark on scale drawing. Appendix technical workings to this application	

Fire Appliance Access - Expected Parking Place & Turning

Specify whether access to your property is via a designated Right of Way (R.o.W) or a Driveway. Private driveways are not included in this criteria. Generally, fire appliance access and weight criteria in an urban area is met by the street frontage.

Indicate the formed width of the R.O.W. Maximum length metres.

Fire Appliance Access	
R.o.W or Driveway (If driveway go to Vegetation Section)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is there at least 4 metres clearance overhead free from obstructions on driveways and/or R.o.W's?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If not the street, is the R.o.W. access at least 4 metres wide?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If not the street is the R.o.W. surface designed to support a 20 tonne truck?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are the gradients less than 16%	<input type="checkbox"/> YES <input type="checkbox"/> NO
Right of Way Minimum Width – formed compacted/sealed 4 metres. If this cannot be met for various circumstances, please explain reasons in commentary below	
Comments: Unclear about street weight capacity. The existing ROW easement is 4m wide and would serve two houses. <i>Remove Vegetation to enable access</i>	

** Please mark proposed appliance parking on drawing if not the street*

Multi-Title Subdivision Lots

Tank Farm proposal or open water for Multi-Lot residential subdivisions.

Tanks should be signposted and an indication of their type (Concrete/Plastic) and fully buried, part or Ground Mounted indicated on the plan/commentary.

Designated tank supply or open water within 90m of all houses – not a radius, but taking into consideration travel distances via streets and R.o.Ws etc. Distance measurement is usually taken to the property front gate/entrance, provided the distance from the entrance to the house is 20m or less.

Tank Farm

Number of tanks

Number of Tank Farms Required

Water volume at each Tank Farm Litres

Within 90m Yes

Buried Semi Buried Ground Mount

Open Water

Total volume at open water Litres

Access to water supply:

Designated hardstand

Signposted

Easy brigade access

Within 90m Yes

Comments:

** Please show approximate tank locations, stored volume and methodology for access on the site plan.*

Vegetation Clearance Areas Zoned Rural Living or Urban Rural Living Interface (including Subdivisions)

Whilst living amongst the bush may be a great experience – in a rural setting there are inherent dangers associated with flammable vegetation too close to buildings. Please indicate if you intend living in close proximity to vegetation. Setting up a Defensible Zone around your home reduces the ability of fire spread from your property into close proximity vegetation or spread from a fire in vegetation damaging your home.

Indicate One:

- Defensible Zone Required**
- Urban- Not Applicable to this application**

The flammability levels of some native vegetation will dictate safe distances to buildings. Highly flammable vegetation such as Manuka, Ti-Tree, Toitoi, Pampas, Gorse and Flax should be at least 30m from your house, especially on the prevailing wind side. A full list of Flammability Levels of Native Plants is available on request.

This doesn't mean the Defensible Zones have to be devoid of vegetation. As well as lawn, plant trees and shrubs of a lesser flammability level.

Other options:

- *Thin trees (with 3-6m between crowns) for at least 30m from the house.*
- *Prune tree branches up to 2m from the ground.*
- *Clear the understorey of dead/dry vegetation and maintain this area up to 20 from buildings.*
- *Regular yard clean-up - especially over summer - of branches, twigs, needles, leaves at least 10 metres from building.*

If Defensible Zone conditions cannot be met (possibly due to Covenants) you must ensure your Insurer is notified. Indicate if this is due to Covenanted Land Use.

Other options include installation of fire resistant cladding and roofing for buildings less than 20m from the vegetation; and external sprinkler heads on the exterior side of the building; enclosing eaves and screen vents.

Also note that there is no legal requirement to request vegetation removal from neighbouring properties, parks or reserves.

Indicate below what your Defensible Zone Plan is

Where appropriate indicate flammable vegetation locations on site plan and show maximum distances.

Defensible Zone Comments: The existing vegetation on the site is grass. There are existing bush areas on the Conservation land to the north-west that would be within 20m of the building

Applicant

I submit this proposal for assessment.

Name: Tapeka Residential Ltd

Dated: 15 May 2019

Contact No.: (09) 407 5253 or 021 0234 2697

Email: deanne@bayplan.co.nz

To assist Fire and Emergency New Zealand process your application with ease please ensure you have completed all the relevant sections in the application, included all the data on your site plan, and added explanatory commentary or pertinent information if required.

In your email with your application include the property street address in the Subject Line.

The approval will be emailed back to the sender email address. The approved document can then be submitted to your Council as supporting information with Resource/Building Consent Application.

Email your application to:

cpuwhangareikaipara@fireandemergency.nz for Whangarei & Kaipara TLA's

cpumuriwhenua@fireandemergency.nz for Far North TLA

FIRE AND EMERGENCY NEW ZEALAND

MURI WHENUA AREA 1 / REGION 1

FF WATER SUPPLIES APPROVED BY:

POSITION: FRM6 NAME: Gordon

SIGNATURE: [Signature] DATE: 4/6/19



SITE INFORMATION:

TAPEKA HEIGHTS LANE, RUSSELL,
NORTHLAND

LEGAL DESCRIPTION:

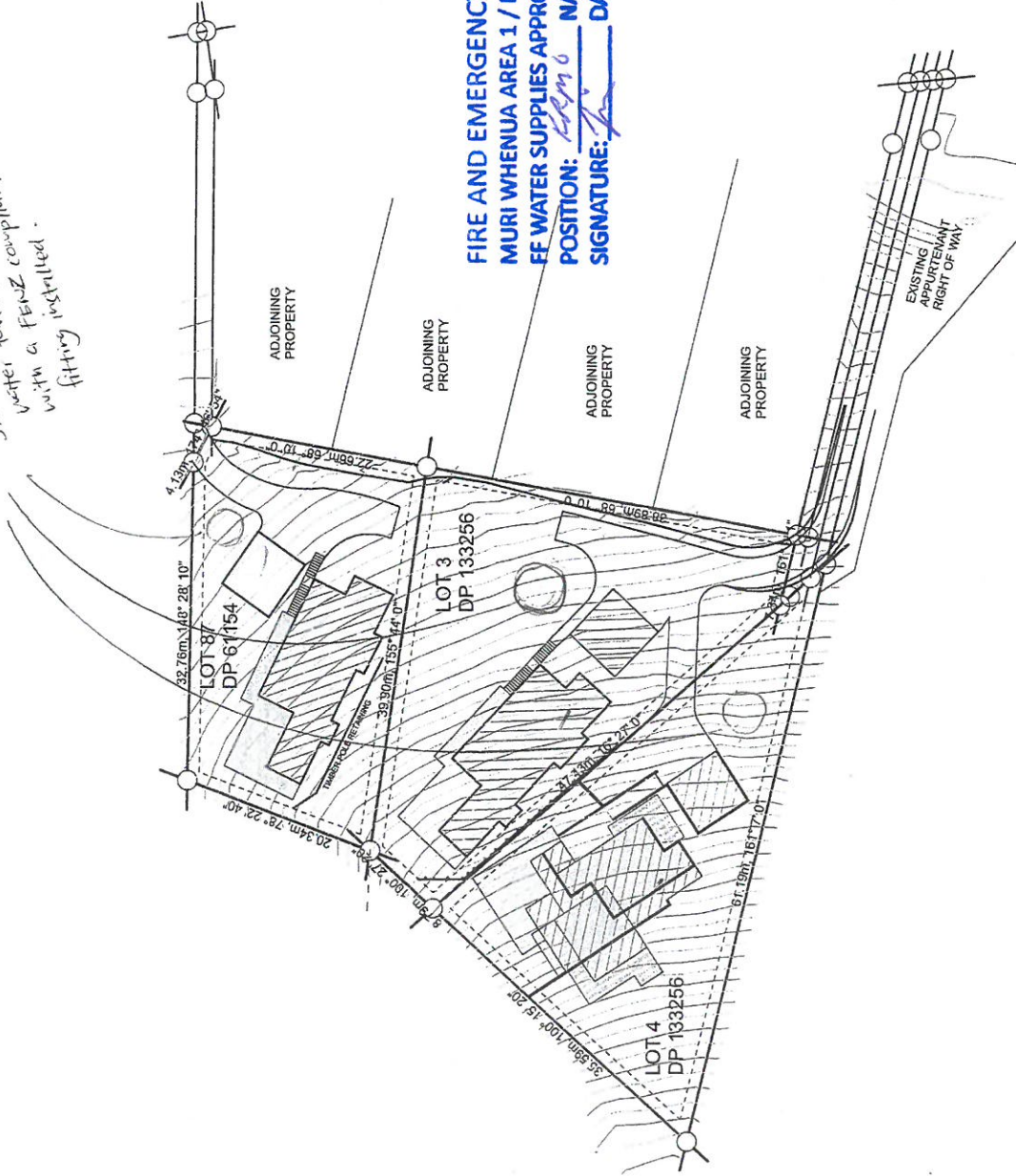
LOT 4 DP 133256
LOT 3 DP 133256
LOT 87 DP 61184

ZONING: FNDC - COASTAL RESIDENTIAL
ZONE.

EARTHQUAKE ZONE: 1 VERY HIGH
WIND ZONE: D
EXPOSURE ZONE: D
SEASPRAY ZONE: YES
MAX BUILDING HEIGHT: 8m

SITE AREAS: LOT 4 1013.78m²
LOT 3 1183.45m²
LOT 87 942.56m²

*3x Ductcrete 15,000L
water tanks, buried,
with a FENZ compliant
fitting installed.*



FIRE AND EMERGENCY NEW ZEALAND
MURI WHENUA AREA 1 / REGION 1
FE WATER SUPPLIES APPROVED BY:
POSITION: *Lot 6* **NAME:** *Goffin*
SIGNATURE: *[Signature]* **DATE:** *4/1/19*

SITE LOCALITY PLAN

Scale 1:500
PRELIMINARY ONLY - NOT FOR CONSTRUCTION

P+i
Projects+Infrastructure
1 Suite 514 Level 5 | 50 Holt Street | Surry Hills NSW 2010
02 9775 1900 | 0412 616875
www.projectsinfrastructure.com.au

SITE LOCALITY PLAN

TAPEKA HEIGHTS RESIDENCES
TAPEKA HEIGHTS LANE, RUSSELL,
NORTHLAND

Scale: 1:500
@ A3
Drawn By: DF

Date printed:
6/05/2019
Issue status:
SK-02

101
Sheet No.
X OF X

FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2200299-RMALUC

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

Projects and Infrastructure

The activities to which this decision relates are listed below:

The proposed activity is to construct a new dwelling, access and garage on site including earthworks breaching the Lane including earthworks breaching the Building Height, Sunlight, Fire Risk to Residential Units, Earthworks and Setback from Boundaries rules in the Coastal Residential Zone.

Subject Site Details

Address: 17 Tapeka Heights Lane, Russell 0202
Legal Description: Lot 87 DP 61184
Certificate of Title reference: NA16C/984

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

1. The activity shall be carried out in general accordance with the approved information, plans and elevations outlined below, submitted with the application and attached to this consent with the Council's "Approved Stamp" affixed to them.

Projects & Infrastructure

- Site Plan (Lot 1), Sheet No. 103, dated 11/05/2020;
- Ground Floor Plan (Lot 1), Sheet No. 202.1, dated 22/11/2019;
- Lot 1 Elevations, Sheet No. 202.2-202.3, dated 22/11/2019.

TMC Consulting Engineers

- Site Suitability Report, Report Reference. S0646-J01402, dated 17/05/2018;

RS Eng Reports & Plans

- Earthworks Management Plan, Report Reference. 16743, dated 14/05/2020;
- Proposed ROW Access Engineering Drawings, Sheet 1 & 4, dated 09/04/2020;
- Proposed ROW Access Engineering Drawings, Sheet 6, dated 09/04/2020;

- Stormwater Attenuation Design, Report Reference. 16743, dated 22/10/2019;
- Stormwater Attenuation Storage Pit, Sheet 1, dated 22/10/2019;
- Tapeka Point – Retaining Wall Design, File No. 16743, dated 19/07/2019.

Archaeology Solutions Ltd

- Archaeological Survey and Assessment of Effects: Tapeka Road, Russell, Northland, Reference. 20_04, dated 31/05/2020.

2. All earthworks, retaining and foundation design shall be carried out in accordance with the recommendations of the Site Suitability Report, outlined in Condition 1 of this resource consent.
3. Prior to any works being commenced in relation to this application, provide to Council an approved archaeological authority from Heritage New Zealand Pouhere Taonga for the proposed modification/destruction of the archaeological site(s) on the property. Development of the site is to be carried out in accordance with the Conditions of Authority.
4. Water for fire-fighting purposes must be provided in accordance with Fire and Emergency New Zealand's approval for the site, dated 04/06/2019 that supported the resource consent application. In particular, 25,000l of water is required at all times for firefighting purposes and the tank must be fitted with an appropriate fire service coupling for emergency appliance use.
5. Prior to earthworks taking place, the sediment and earthworks control measures as recommended in the approved Earthworks Management Plan outlined in Condition 1 shall be implemented and maintained until non-erodible cover has been established on site.
6. Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant.
7. During the construction period, being a maximum of 11 months from the start of any works associated with this consent, the consent holder shall:
 - a. Ensure the noise from construction activities meets the limits of the New Zealand Standard NZS 6803P:1999 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work; and
 - b. Not carry out any construction or earthworks activities between the hours of 1700pm and 0700am Monday to Saturday. No works are to be carried out on any Sunday or public holiday (including any Monday on which that public holiday is observed).
8. In conjunction with an application for building consent for the dwelling and garage, provide for the approval of Council, a report from a Chartered Professional Engineer

detailing the specific stormwater mitigation measures proposed. The measures proposed are to be in general accordance with the recommendation of the Stormwater Attenuation Design Report outlined in Condition 1 of this consent.

9. The site is within a high-density kiwi area therefore to sustain inter alia a viable population of North Island Brown Kiwi, the applicant shall comply in perpetuity with the following methods:
 - (a) No occupier of the land shall keep or introduce on to the site new carnivorous or omnivorous exotic animals (such as cats, dogs, or mustelids) which have the potential to be kiwi predators.
 - (b) Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi.

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. Kororareka Marae is a registered collector of taonga tuturu and ko-iwi. If any such artefacts are uncovered in the course of any works in their rohe, then work should stop immediately and Kororareka Marae informed.

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. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) New Zealand Coastal Policy Statement 2010;
 - b) The Northland Regional Policy Statement 2016;
 - c) Regional plans (including proposed);
 - d) Far North District Plan 2009.
3. In terms of the New Zealand Coastal Policy Statement, the application contains a thorough appraisal of this statutory document which is concurred with. In summary, the proposal is considered to be an *appropriate* activity in the Coastal Environment for the following reasons:

- a. OBJ1 – The proposal has limited impact on the integrity, form, functioning and resilience of the Coastal Environment owing to its location, being removed from these coastal processes.
 - b. OBJ2 – The proposal is within the coastal residential zone and preservation of the natural character of the coastal environment is not adversely impacted by appropriate residential use.
 - c. OBJ3 – The proposal has considered the role of tangata whenua through consultation and the archaeological assessment provided with the application.
 - d. OBJ4 – The application does need to promote additional public access as this is already appropriately provided for in the area.
 - e. OBJ5 – The application is supported by various engineering reports which have considered the sites suitability. Fire hazard risk is mitigated through on site water tanks.
 - f. OBJ6 – The proposal finds the appropriate balance for social, economic and cultural well-being, having considered these aspects during the design process.
 - g. OBJ7 – This objective is not relevant.
4. The relevant policies echo the sentiments of the objectives and overall, the proposal is considered to be consistent with the New Zealand Coastal Policy Statement.
5. In terms of the Regional Policy Statement for Northland, for the following reasons the application is considered to be consistent with its intents and aims:
- a. Fresh and coastal water – the proposal does little to impact fresh and coastal water, and the application was supplemented by an Engineering Report, concluding that wastewater disposal is achievable with specific measures for stormwater disposal.
 - b. Indigenous ecosystems and biodiversity – the proposal avoids effects on indigenous biodiversity as the sites are in pasture. Consent conditions include the prohibition of cats, dogs and mustelids.
 - c. Economic potential and social wellbeing – the proposal provides for economic development through jobs and employment via construction.
 - d. Regional form – The development has been designed to consider the broader cognisance of the requirements of the Coastal Residential Zone. Character, sense of place and reverse sensitivity issues have been appropriately mitigated.
 - e. Tangata whenua – the application carried out consultation with local marae and included an archaeological assessment. An Archaeological Authority is required as part of the conditions suite.
 - f. Natural hazards – hazards have been considered by suitably qualified experts with their recommendations engrained in the design and conditions of the proposal.
 - g. Natural character, features / landscapes and historic heritage – except for archaeological features, these items are not located on site and are not relevant.
6. In terms of the Far North District Plan, there are no specific matters that haven't already been canvassed in the higher policy documents above. The proposal is considered to meet the Environmental Outcomes Expected and not be inconsistent with the Far North District Plan aims and intents.

7. In accordance with an assessment under s104(1)(c) of the RMA the following non – statutory documents are considered appropriate. In this instance, no other non – statutory documents were considered relevant in making this decision.
8. 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.
9. In summary it is considered that the activity is consistent with the sustainable management purpose of the Act.

Approval

This resource consent has been prepared by Steven Sanson (Sanson & Associates), 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: 30th September 2020

Right of Objection

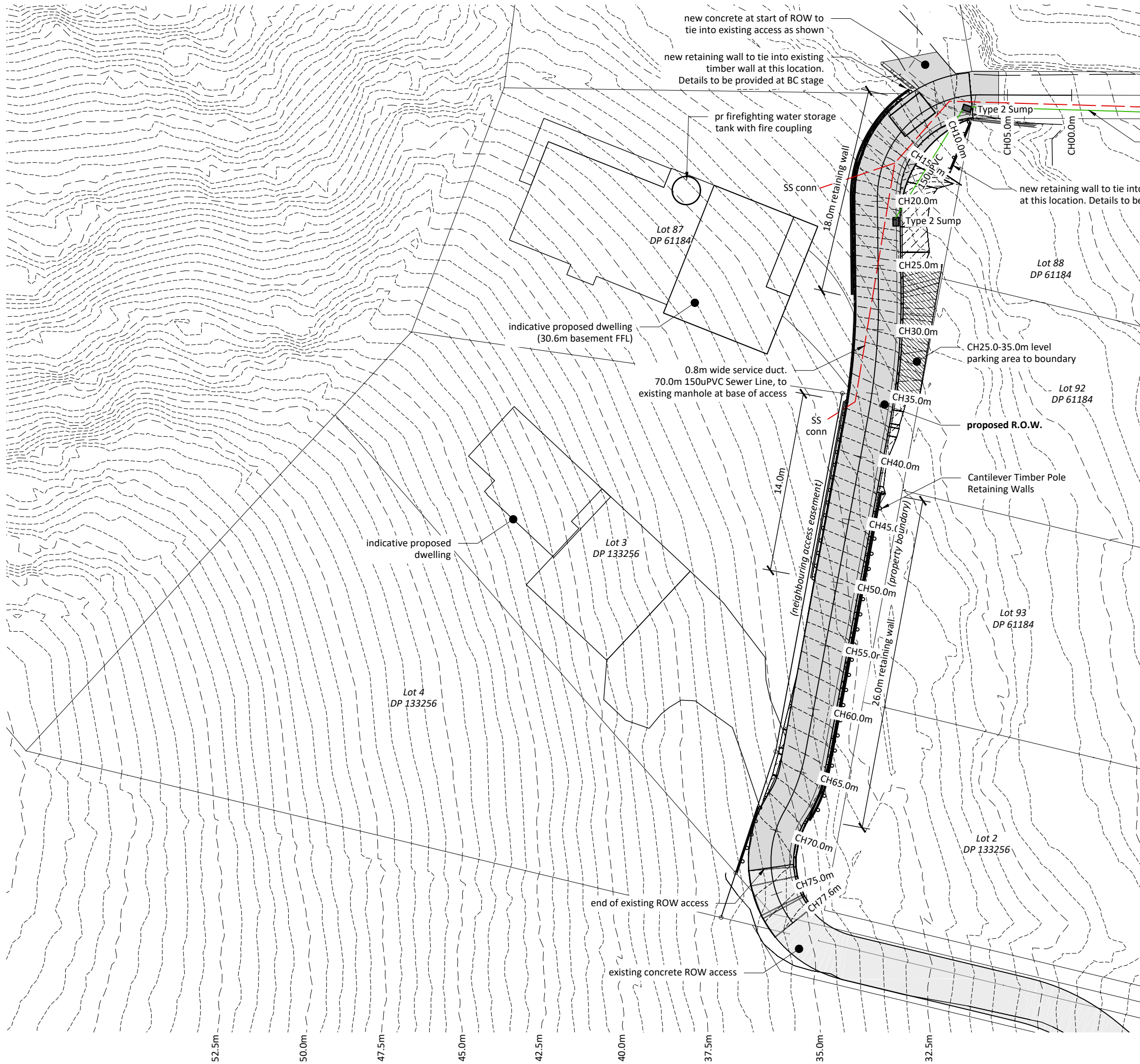
If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt 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.



- NOTES:**
- All services should be located on-site prior to commencement of works.
 - All works to comply with all relevant local authority by-laws and council regulations where applicable.
 - Contractors to confirm all dimensions on site prior to commencing any work.
 - Do not scale off drawings.
 - These drawings are to be read in conjunction with specifications - plans take precedence.
 - If any part of these documents are unclear, please contact RSEng Ltd.
 - This plan is copyright to RSEng Ltd and should not be reproduced without prior permission.



- KEY**
- proposed Retaining Wall
 - proposed Right-Of-Way
 - 150uPVC sewer line
 - 150uPVC stormwater line

Contours are shown at 0.5m crs.
Contours are derived from LiDAR (2018) and are shown at NZVD2016 Vertical Datum.

52.5m 50.0m 47.5m 45.0m 42.5m 40.0m 37.5m 35.0m 32.5m



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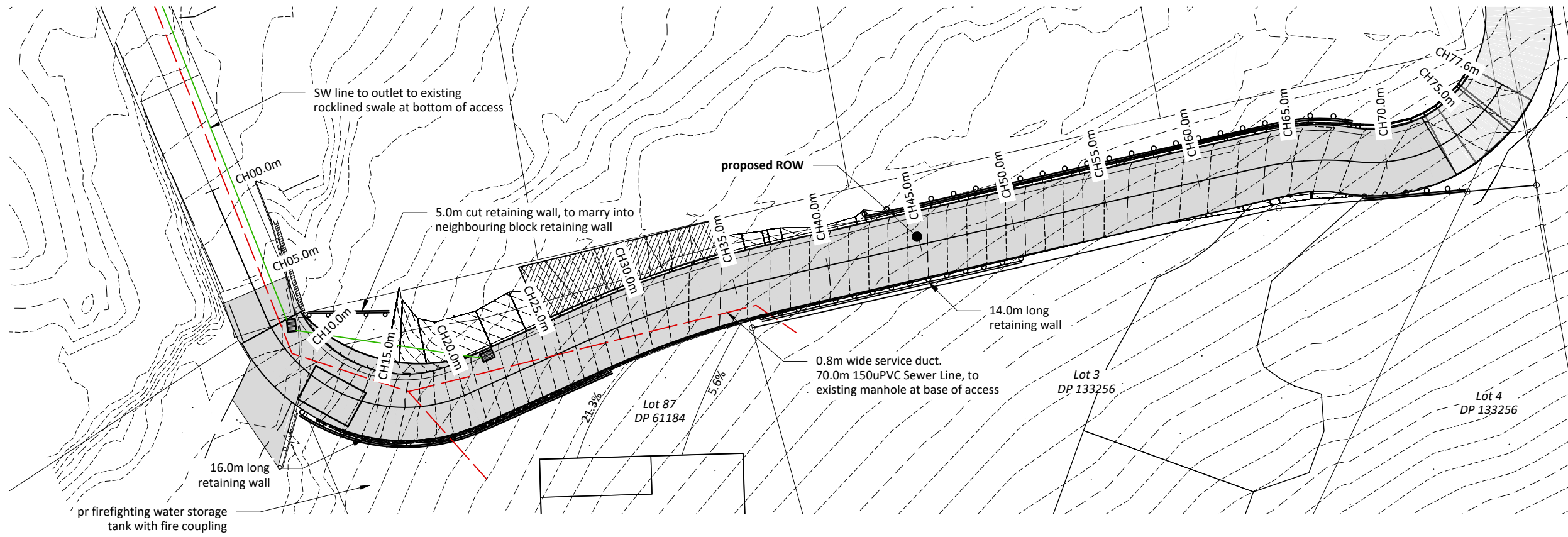
Title
**PROPOSED R.O.W.
CIVIL DRAWINGS
SITE PLAN**

Client
PROJECT & INFRASTRUCTURE GROUP

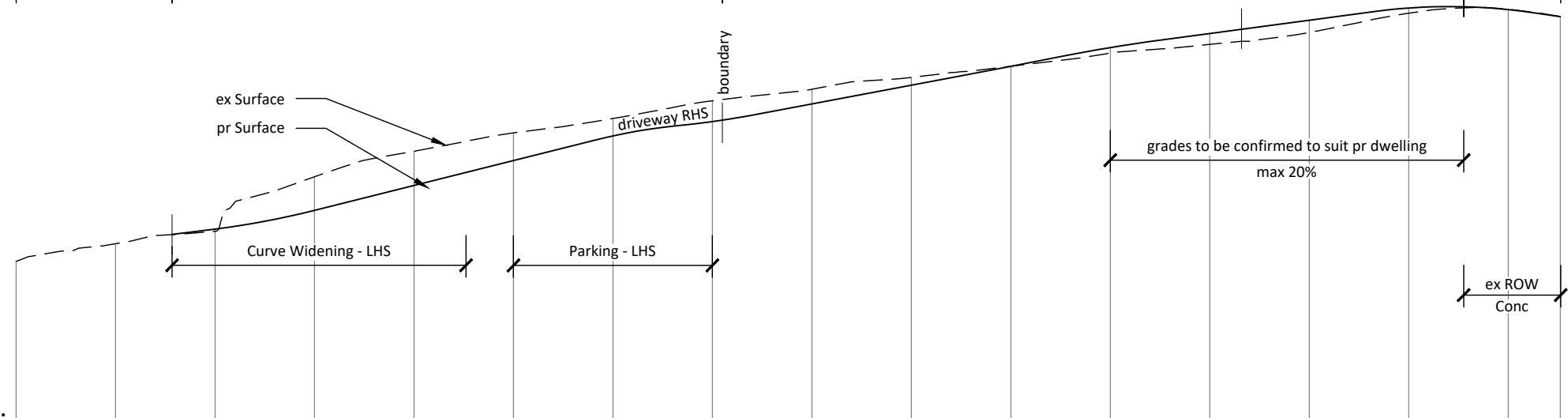
Location
**17 TAPEKA HEIGHTS LANE
RUSSELL**

Date	Rev	Notes
05/09/2024	B	RC Issue
16/08/2024	A	Work in Progress

Scale	Original	Rev
1:300	A3	B
Drawn	Approved	File #
NW	MJ	16743
		Sheet
		1



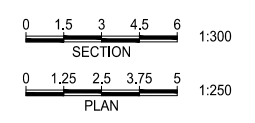
- NOTES:**
- All services should be located on-site prior to commencement of works.
 - All works to comply with all relevant local authority by-laws and council regulations where applicable.
 - Contractors to confirm all dimensions on site prior to commencing any work.
 - Do not scale off drawings.
 - These drawings are to be read in conjunction with specifications - plans take precedence.
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SCALE 1:1000horiz
1:200vert
Datum 15.000m R.L.

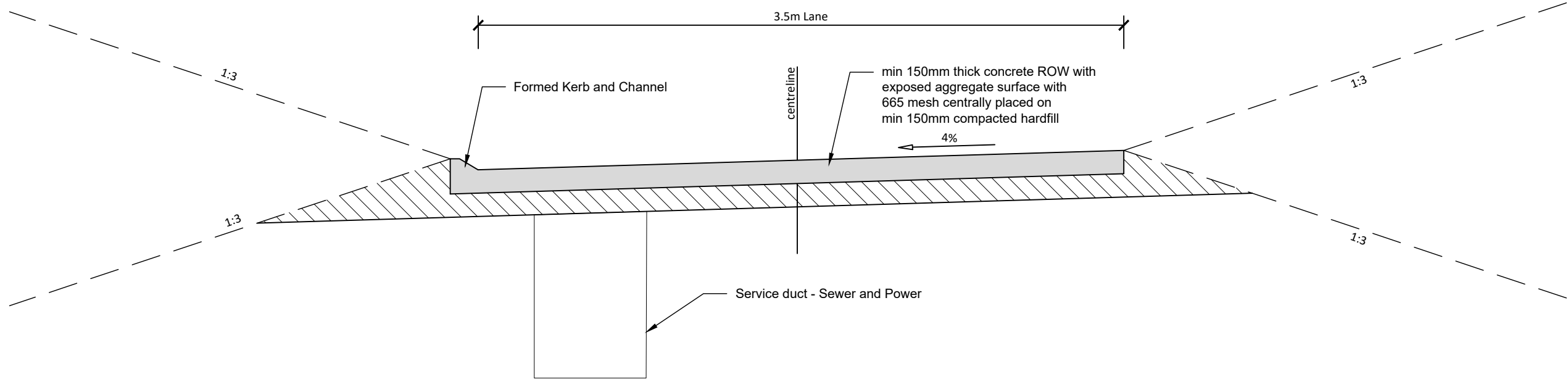
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DESIGN LEVELS			24.431	24.701	25.639	26.889	28.139	29.377	30.100	30.984	31.927	32.874	33.814	34.521	35.188	35.799	35.720	35.366
DEPTH			0.111	-1.690	-1.721	-1.393	-0.876	-1.044	-0.736	-0.393	0.000	0.264	0.548	0.613	0.260	-0.014	0.000	
EXISTING LEVELS	23.088	23.966	24.590	27.329	28.610	29.532	30.253	31.144	31.720	32.319	32.875	33.551	33.973	34.575	35.539	35.734	35.366	
VERT. GEOMETRY			2% 50%	R39.99m	25.00%	R26.71m	10.03%	R45.35m	18.85%	R587.93m	Vertical	R78.61m	13.34%	R28.73m	1.4% 5%			
HORIZ. GEOMETRY	7.11m Lth.		R8.00m	7.43m Lth.		R50.00m		26.42m Lth.		R15.00m		R7.75m						

Contours are shown at 0.5m crs.
Contours are derived from LiDAR (2018) and are shown at NZVD2016 Vertical Datum.



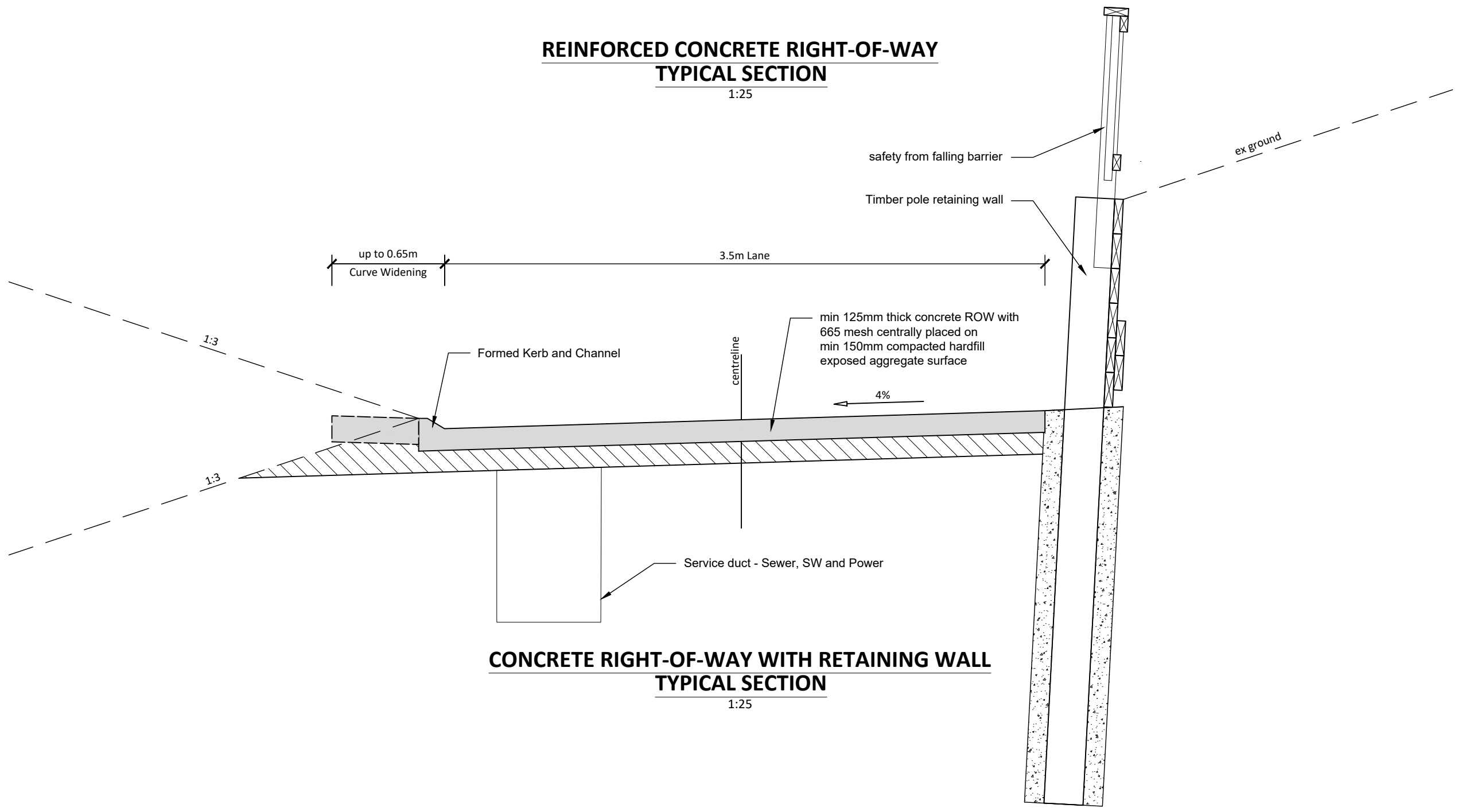
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Title PROPOSED R.O.W. CIVIL DRAWINGS LONGITUDINAL SECTION		
Client PROJECT & INFRASTRUCTURE GROUP		
Location 17 TAPEKA HEIGHTS LANE RUSSELL		
Date	Rev	Notes
05/09/2024	B	RC Issue
16/08/2024	A	Work in Progress
Scale		Rev
AS SHOWN	Original A3	B
Drawn	Approved	File #
NW	MJ	16743
Sheet		2



**REINFORCED CONCRETE RIGHT-OF-WAY
TYPICAL SECTION**

1:25

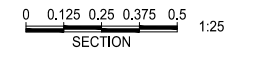



**CONCRETE RIGHT-OF-WAY WITH RETAINING WALL
TYPICAL SECTION**

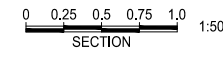
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NOTES:

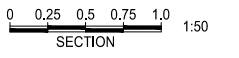
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		Title PROPOSED R.O.W. CIVIL DRAWINGS TYPICAL SECTIONS	
Client PROJECT & INFRASTRUCTURE GROUP		Location 17 TAPEKA HEIGHTS LANE RUSSELL	
Date 05/09/2024		Rev B	Notes RC Issue
Date 16/08/2024		Rev A	Notes Work in Progress
Scale 1:25	Original A3	Rev B	Sheet 3
Drawn NW	Approved MJ	File # 16743	



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Title		
PROPOSED R.O.W. CIVIL DRAWINGS R.O.W. CROSS SECTIONS		
Client		
PROJECT & INFRASTRUCTURE GROUP		
Location		
17 TAPEKA HEIGHTS LANE RUSSELL		
05/09/2024	B RC Issue	
16/08/2024	A Work in Progress	
Date	Rev Notes	
Scale	Original	Rev
1:50	A3	B
Drawn	Approved	File #
NW	MJ	16743
Sheet		4



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		Title PROPOSED R.O.W. CIVIL DRAWINGS R.O.W. CROSS SECTIONS	
Client PROJECT & INFRASTRUCTURE GROUP		Location 17 TAPEKA HEIGHTS LANE RUSSELL	
05/09/2024	B	RC Issue	
16/08/2024	A	Work in Progress	
Date	Rev	Notes	
Scale	Original	Rev	B
1:50	A3	Sheet	
Drawn	Approved	File #	5
NW	MJ	16743	