

Office Use Only Application Number:

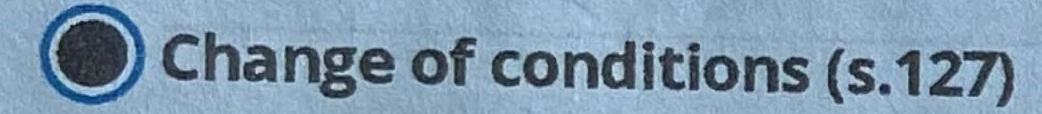
Application for change or cancellation of resource consent condition (S.127)

(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 — <u>both available on the Council's web page</u>.

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? Robin Rawson

2. Type of Consent being applied for



3. Consultation:

Have you consulted with lwi/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:

Kristin Farrand

Email: Phone number: Postal address: (or alternative method of service under section 352 of the act)

Office Use Only Application Number:

Form 10 Application for change or cancellation of resource consent condition

5. Address for Correspondence

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

Name/s:

Email:

Phone number:

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

Northland Planning and Development Limited C/o Rochelle Jacobs

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:

Property Address/ Location:

Kristin Farrand & KJ Farrand Trustee Limited

80 Riverview Road, Kerikeri



7. Application Site Details Location and/or pro

Name/s:

Site Address/ Location:

| Kristin Farrand | |
|-----------------------------|-------|
| 80 Riverview Road, Kerikeri | |
| | |
| | |
| Pos | tcode |

Val Number:

Lot 1 DP 93731 Legal Description: Certificate of title: NA 50A/393

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? OYes ONo

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.

Not applicable.

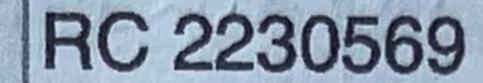
8. Detailed description of the proposal:

This application relates to the following resource consent: Specific conditions to which this application relates:

Condition 1, 6 & 7.

Describe the proposed changes:

Condition 1 - change plan reference to updated plan set, include landscape plan. Condition 6 - delete requirement to provide landscaping plan (as one has now been included). Condition 7 - Amend timeframe's and provide clarifications.



9. Would you like to request Public Notification?



10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

Building Consent EBG-2023-4136/0/A (if known) Regional Council Consent (ref # if known) Ref # here (if known) National Environmental Standard consent Consent here (if known)

Other (please specify) Specify 'other' here

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 (V) Yes

Form 10 Application for change or cancellation of resource consent condition 3

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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

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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) Kristing T

Email:

Phone number:

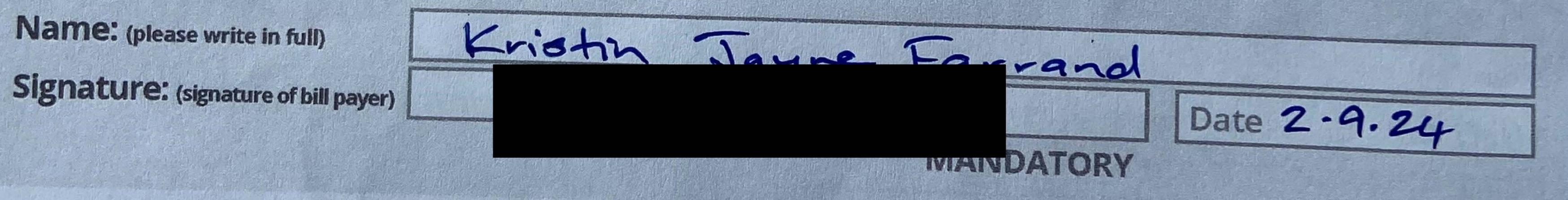
Postal address: (or alternative method of service under section 352 of the act)

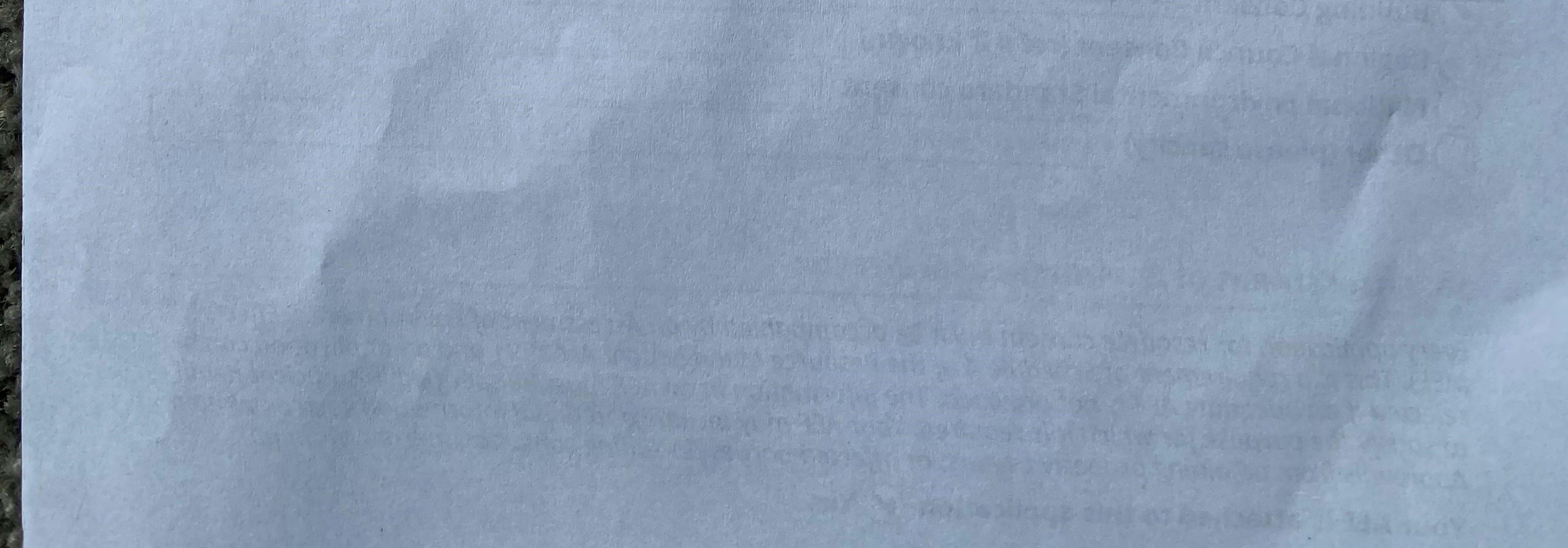
Fees Information:

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.







Variation of Consent Conditions for RC 2230569

Kristen Farrand

80 Riverview Road, Kerikeri

Date 11 September 2024

Please find attached:

- An application for a Variation to a Landuse Consent to re-construct a dwelling in the **Rural** Living Zone.
- An assessment of Environmental Effects in support of the change to conditions.

The proposed variation application has been assessed as a **Discretionary Activity** under section 127 of the Resource Management Act.

If you require further information, please do not hesitate to contact me.

Regards,

Rochelle Jacobs

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED





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Attachments

- 1. FNDC Application Signed
- 2. Certificate of Title and Easement Documents LINZ
- **3.** Updated Plans Spooner Architectural
- 4. Landscape Discussion and Plans Hawthorn Landscape Architects
- 5. Approved RC 2230569 FNDC





Assessment of Environment Effects Report

1.0 Description of the Proposed Activity

- 1.1 The proposal is seeking to vary the external deck design approved under RC 2230569.
- 1.2 Consent was originally obtained by Hugh Fenwick to rebuild his dwelling after it was destroyed by fire. He has subsequently sold the property to Kristen Farrand and as a result of the change of ownership a couple of design changes have been sought.
 - Enclose the carport to create a garage.
 - Extend the lower storey floor area beneath the upper floor to create a new location for bedroom 3 (previously approved bedroom 3 shrinks and becomes a study).
 - Widen the external timber deck so that it connects to the master bedroom.
- 1.3 While the first two items do not trigger or change any of the approved land-use breaches, the third item varying the approved deck does change the original considerations made by the Councils Reserves Planner as there will be a further encroachment on the setback from boundaries and sunlight rules.
- 1.4 Pre-consultation with Robin Rawson, the Councils Reserves Planner has been undertaken. The final design now sought has been assessed and Robin has confirmed in her preliminary review that the effects on the reserve can be adequately mitigated.
- 1.5 The proposal remains as a Discretionary Activity insofar as the Operative District Plan, and no further rules are breached as a result of this proposal. To reiterate, those infringements are as follows:
 - Sunlight
 - Setback from Boundaries
 - Setback from the Coastal Marine Area
 - Stormwater Management, and
 - Building Coverage.

2.0 Site Description

- 2.1 The site is located at 80 Riverview Road, Kerikeri. At present, works have started on the new house build. The site is accessed via an access leg owned by the subject site, shown as Easement D on the deposited plan as well as via Easement E, which is owned by the adjoining property Lot 2 DP 93731.
- 2.2 The site is zoned Rural Living in the Operative District Plan and adjoins an Esplanade Reserve to the east, which then leads on to the Kerikeri Inlet. The site adjoins Lot 2 DP 93731 to the west and south and a larger lifestyle allotment to the north.



Title

- The subject site is held within Record of Title NA50A/393 which is dated 2nd November 1981.
 The site is legally described as Lot 1 DP 93731 with an area of 835m2.
- 2.4 There are no consent notices registered on the title, however there are existing easements, as has been discussed above. These easements provide for the provision of access to the site and to the adjoining allotments.

3.0 Consent Requirements

Weighting of Plans

3.1 The proposal is subject to the Proposed District Plan process that was notified 27 July 2022. The submission and further submission periods have closed. PDP hearings are underway. As no decisions on submissions have been made, little weight is attributed to the proposed provisions.

Operative District Plan

- 3.2 The subject site is located within the Rural Living Zone.
- 3.3 An updated assessment of the relevant rules of the Operative District Plan is set out in the tables below as a comparison to what was originally approved.





Rural Living Zone Assessment

| | | Assessment of the permitted RURAL LIVING ZONE RULES: | | | |
|-----------------------|----------------------------|---|---|--|--|
| PERFORMANCE STANDARDS | | | | | |
| Plan Reference | Rule | RC 2230569 Performance of Proposal | Updated Performance of Proposal | | |
| 8.7.5.1.1 | RESIDENTIAL INTENSITY | Permitted The proposal will not increase the residential intensity of the site as the proposal will result in just one dwelling on the allotment. | Permitted No change | | |
| 8.7.5.1.2 | SCALE OF ACTIVITIES | Permitted The proposal does not involve any business activities. | Permitted No change | | |
| 8.7.5.1.3 | BUILDING HEIGHT | Permitted The approx. height of the dwelling will be around 7m, which is well within the permitted height of 9m and generally within the envelope of the previous dwelling. | Permitted No change | | |
| 8.7.5.1.4 | SUNLIGHT | Restricted Discretionary Activity The proposal breaches sunlight when measured from the eastern public boundary. The sunlight breach sits outside of the previous consented building envelope. | Restricted Discretionary Activity HIRTB remains the same, however it is noted that the new deck will also breach this standard. | | |
| 8.7.5.1.5 | STORMWATER MANAGEMENT | Discretionary Activity The site as previously developed had an approved site coverage of 484.14m2. The proposal will decrease this to 479.68m2 which is a decrease of approximately 4m2. | Discretionary Activity As the deck is open slatted there will be no change to the impermeable surface coverage. | | |
| 8.7.5.1.6 | SETBACK FROM BOUNDARIES | Restricted Discretionary Activity The house design was generally located within the building envelope of the previous dwelling. The approved deck was however located outside of this. A portion of this deck shown below in red encroached | Restricted Discretionary Activity The updated proposal seeks to extend the deck, such that at its closest point it will sit at 1.043m from the site boundary. | | |





| | | upon the permitted 3m setback from the public reserve at its southern | (3) (4) (F) |
|------------|--|--|--|
| | | end. The minimum approved setback was 1.7m. | 3.30 2.800 400 1.070, 160 1.070, 100 1.070, 100 |
| 8.7.5.1.7 | SCREENING FOR NEIGHBOURS – NON-RESIDENTIAL ACTIVITIES | Not applicable. | Not applicable. |
| 8.7.5.1.8 | TRANSPORTATION | Permitted The proposal will not increase the TIF of the site nor alter the access. It will generally keep the parking and manoeuvring areas the same. | Permitted No change |
| 8.7.5.1.9 | HOURS OF OPERATION – NON- RESIDENTIAL ACTIVITIES | Not applicable. | Not applicable. |
| 8.7.5.1.10 | KEEPING OF ANIMALS | Not applicable. | Not applicable. |
| 8.7.5.1.11 | NOISE | Not applicable. | Not applicable. |
| 8.7.5.1.12 | HELICOPTER LANDING AREA | Not applicable. | Not applicable. |
| 8.7.5.1.13 | BUILDING COVERAGE | Discretionary Activity RC 2230569 approved building coverage of up to 246.15m2 or 29.2% coverage. | Discretionary Activity The extension of the deck increases this to 271.37m ² which is still lessor than what was |





| | in existence with the previous development (274.12m ²). |
|--|---|
|--|---|

District Wide Matters

| | | Assessment of the applicable District Wide Chapters | |
|-------------------|------------------------------------|--|---|
| Plan Reference | Rule | RC 2230569 Performance of Proposal | Updated Performance of Proposal |
| Chapter 12.1 | Landscapes and Natural Features | Complies Not applicable as no features are mapped on site. | Permitted No change |
| Chapter 12.2 | Indigenous Flora & Fauna | Complies No vegetation clearance will be undertaken as part of this development. | Permitted No change |
| Chapter 12.3 | Soils and Minerals | Earthworks Permit Approved 128m3 + 130m3 = 258m3 of earthworks has been approved on site. This remains within the permitted standard of 300m³. The cut height approved at 2.3m. While generally anything over 1.5m in height requires consent as this cut face is behind a properly designed retaining wall, completed to engineer's design and with building consent the cut face becomes exempt such that consent was not required. | Permitted It is noted that on the earthworks plans there is a difference in the mapped area of works, however the volumes have not changed. This is because the additional works are all within the consented building footprint and are foundations works only. Given that they are foundations they are exempt from the definitions of earthworks within the District Plan and Control of Earthworks bylaw. As such no further works are required to give effect to this variation. |
| Chapter 12.4 | Natural Hazards | Complies The site and development area are not subject to natural hazards, nor are there any large stands of vegetation which could trigger fire risk. | Permitted No change |
| Chapter 12.5 | Heritage | Complies There are no heritage resources mapped on site. | Permitted No change |





| Chapter 12.6 | Air | Deleted. | |
|--------------|--------------------|--|--|
| Chapter 12.7 | Lakes, Rivers, | Discretionary Activity | Discretionary Activity |
| | Wetland and the | The site is located approx. 20m from the Kerikeri Inlet. | The permitted setback from the CMA is 30m. |
| | Coastline | | As such, almost all development on site is |
| | | The deck was situated at 1.79m from the boundary meaning the minimum setback from the CMA was 21.79m. | located within the permitted setback. |
| | | | The new minimum setback from the deck to |
| | | There are no other water bodies within proximity to this site. | the CMA will be 21.04m. |
| | | The wastewater disposal system on site is existing and will be utilised for this development. This system has existing use rights. | |
| Chapter 12.8 | Hazardous | Complies | Permitted |
| | Substances | Not applicable | No change |
| Chapter 12.9 | Renewable Enginery | Complies | Permitted |
| | | Not applicable | No change |





District Plan Breaches

3.4 The assessment above has identified that there are no new rule infringements as a result of the changes and that the overall activity status remains as a Discretionary Activity.

Control of Earthworks Bylaw

3.5 No further earthworks as defined by the bylaw definition will be undertaken on site.

4.0 Statutory Assessment

Section 127 of the RMA

4.1 The following section of the Resource Management Act (RMA) is relevant to the proposed change to consent conditions.

127 Change or cancellation of consent condition on application by consent holder

(1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:

(*a*) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and

(b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.

- (2) [Repealed]
- (3) Sections 88 to 121 apply, with all necessary modifications, as if-

(a) the application were 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.

(3A) If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.

(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.

4.2 Consent is sought to change **the following conditions** of RC2230569-RMALUC.

- Condition 1 change to reference the amended plans, showing the carport changed to an enclosed garage, bedroom 3 relocated and a study added, and the deck along the reserve boundary extended.
- Condition 1 to include a new reference to a landscape plan.





- Condition 6 delete as an approved landscaping plan will be included within condition 1.
- Condition 7 Amend to reference the approved landscaping plan provided with this application, and amend timeframes.
- 4.3 The amendment to the consent conditions is therefore a **Discretionary Activity** as per Section 127 of the RMA.

Section 104B of the Act

4.4 Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

Section 104(1)(a) of the Act

4.5 Section 104(1) of the Act states that when considering an application for resource consent –

"the consent authority must, subject to Part II, have regard to -

(a) Any actual and potential effects on the environment for allowing the activity; and (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and

- (b) Any relevant provisions of -
 - (i) A national environmental standard
 - (ii) Other regulations
 - (iii) A national policy statement
 - (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 reasonable necessary to determine the application.'
- 4.6 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the act). As assessed in Section 6 below, the proposal will have actual and potential effects that are acceptable.
- 4.7 Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes 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'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 4.8 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds





with the scale and significance of the effects that the activity may have on the environment has been provided in Section 7 below.

4.9 Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

5.0 Variation to consent conditions

- 5.1 The variation conditions are shown below, with the amendments shown in red.
- 5.1.1. Condition 1 states the following:

The activity shall be carried out in accordance with the approved plans prepared by Spooner Architectural and attached to this consent with the Council's "Approved Stamp" affixed to them:

- Site Plan, WD01, 02.05.23
- Siteworks Plan, WD02, 02.05.23
- Elevations, WD05, 02.05.23
- Elevations, WD06, 02.05.23
- 5.1.2. The following changes are sought.

The activity shall be carried out in <u>general</u> accordance with the approved plans:

Prepared by Spooner Architectural: and attached to this consent with the Council's "Approved Stamp" affixed to them

- Site Plan, sheet no. WD01, Revision D, dated 21.08.24 02.05.23
- Siteworks Plan, <u>sheet no.</u> WD02, <u>Revision A, dated 2702</u>.05.23
- Lower Floor Plan, sheet no. WD03, Revision C, dated 17.05.24
- Proposed Ground Floor Plan, Sheet no. WD04, Revision D, dated 21.08.24
- Elevations, sheet no. WD05, Revision B, dated 21-08-24 02.05.23
- Elevations, sheet no. WD06, Revision B, dated 21-08-24 02.05.23

And prepared by Hawthorn Landscape Architects:

• Landscape Plan, Drawing # 1.0, Revision # A, dated 21-08-24.

and attached to this consent with the Council's "Approved Stamp" affixed to them.

5.1.3. Condition 6 states the following:

Within 12 months following the approval of this consent, the consent holder shall provide a Landscape Plan for the land between the house and Esplanade Reserve, and extending into the adjoining Esplanade Reserve for the approval of the Parks and Reserves Planner (hereafter called the "Approved Landscape Plan"). The Landscaping





Plan which is to be approved by Council shall include but not be limited to:

• Boundary definition by planting or low structures to demarcate private and public land while maintaining sight lines into the reserve; and

• The plan may include the removal of planting or landscaping within the reserve areas.

5.1.4. The following change is sought to delete this condition in its entirety.

Within 12 months following the approval of this consent, the consent holder shall provide a Landscape Plan for the land between the house and Esplanade Reserve, and extending into the adjoining Esplanade Reserve for the approval of the Parks and Reserves Planner (hereafter called the "Approved Landscape Plan"). The Landscaping Plan which is to be approved by Council shall include but not be limited to: • Boundary definition by planting or low structures to demarcate private and public land while maintaining sight lines into the reserve; and

• The plan may include the removal of planting or landscaping within the reserve areas.

5.1.5. Condition 7 states the following:

The consent holder shall implement the Approved Landscape Plan the planting season (April to August) following the approval of the plan. Council will need to be advised in advance of when work is proposed to take place, and Council's health and safety and operational requirements complied with.

5.1.6. The following changes are sought:

The consent holder shall implement the Approved Landscape Plan <u>within</u> the planting season (April to August) following the <u>construction of the dwelling approval of the plan</u>. Council's <u>Resource Consents Monitoring officer</u> will need to be advised in advance of when work is proposed to take place, and Council's health and safety and operational requirements <u>shall be</u> complied with <u>if any works are undertaken within the Esplanade Reserve</u>.

6.0 Assessment of Environmental Effects

- 6.1 For the purposes of this assessment, consideration of the effects of the proposal has been limited to the proposed changes rather than re-visit the effects of the original application.
- 6.2 The proposal includes; enclosing the carport to create a garage, extending the lower storey floor area beneath the upper floor to create a new location for bedroom 3 (previously approved bedroom 3 shrinks and becomes a study) and extension of the external timber deck such that the Lounge area is able to connect through to the kitchen and master bedroom.





- 6.3 Enclosing the carport such that it becomes a garage at the rear of the site does not increase any impermeable surfaces, nor does it increase the approved building coverage. The cladding will follow the same theme as the remainder of the building. The effects of this amendment are considered no more than minor on the surrounding environment.
- 6.4 Extending the lower floor area beneath the dwelling will result in some minor foundation earthworks. These works do not meet the definition of earthworks within both the Operative District Plan and the Control of Earthworks Bylaw such that no assessment of these is necessary. There will be no change to the impermeable surface coverage, nor building coverage as the works will all be located underneath the approved first floor. While there may be some additional bulk to the building this area will be screened from the neighbouring reserve by a Corokia Hedge which will be maintained at 1m in height. This not only provides some boundary definition, but also provides some screening to anyone using the adjacent reserve and privacy to the occupants using the bedroom. The effects of this lower extension are also therefore considered no more than minor.
- 6.5 The external deck has been extended to provide outdoor living in front of the living room, kitchen and master bedroom. There is no increase in impermeable surface runoff. The only impact is in relation to the neighbouring reserve boundary. Consultation with Robin Rawson has been undertaken and she has provided feedback to the proposal which has resulted in the final design. This feedback has considered the impact of the development on the public utilising the reserve area and it has been determined that with the landscape planting that the effects will be no more than minor.

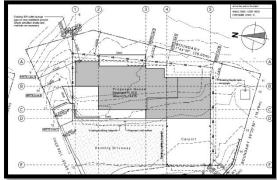


Figure 1 - Deck approved under RC 2230569

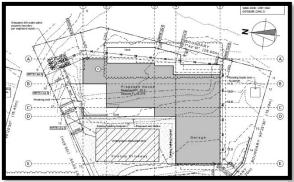


Figure 2 - Proposed extended deck

- 6.6 Changes to the conditions are related to the change in reference to the amended plan set, the removal of a condition to provide a landscape plan as this plan now forms part of the approved plans in condition 1, and amendments to the condition requiring the landscaping to be implemented.
- 6.7 In regard to the amendments to condition 1 and 6, these are updates only. In relation to condition 7 the changes note that the works shall be undertaken following the construction of the dwelling. This ensures that the plants do not get damaged during construction activities given the proximity of works to the site boundary. The changes also clarify who in council



needs to be advised of the works starting and that the council's safety and operational requirements only apply to the Council reserve and not the subject site.

6.8 Overall, it is considered that the proposal will result in no more than minor environmental effects.

7.0 Policy Documents

7.1 Section 104(1)(b) requires that when considering an application for a resource consent, the consent authority must, subject to Part 2, have regard to:

Any relevant provisions of -

- i. A national environmental standard;
- ii. Other regulations;
- iii. A national policy statement;
- iv. A New Zealand coastal policy statement;
- v. A regional policy statement or proposed regional policy statement;
- vi. A plan or proposed plan
- 7.2 As the proposal has only recently been granted and the changes being sought are minor in nature it is considered that the previous policy assessment is still relevant and can continue to be relied upon in this case. The conclusion remains that the development is still generally consistent with the relevant objectives and policies of those statutory documents.

8.0 Consideration of potentially affected parties

8.1 Sections 95D and 95E (shown below) detail the requirement of consideration of likely effects on any person or party by the consenting authority to determine if a person is considered to be an "affected" by the proposed activity.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(2)(a), whether an activity will have or is likely to have adverse effects on the environment that are more than minor— (a) must disregard any effects on persons who own or occupy—

(i) the land in, on, or over which the activity will occur; or

(ii) any land adjacent to that land; and

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

(c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(d) must disregard trade competition and the effects of trade competition; and

(e) must disregard any effect on a person who has given written approval to the relevant application.





8.2 The proposal includes assessment of the effects, that demonstrates that the actual and potential adverse effects of the proposal are no more than minor on the environment.

95E Consent authority decides if person is affected person

(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

(2) The consent authority, in making its decision, —

(a) may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect; and

(b) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

(3) Despite anything else in this section, the consent authority must decide that a person is not an affected person if—

(a) the person has given written approval to the activity and has not withdrawn the approval in a written notice received by the authority before the authority has decided whether there are any affected persons; or

(b) it is unreasonable in the circumstances to seek the person's written approval.

The application must be limited notified to the relevant persons if the following are determined, as specified by section 95B(2) and (3):

(2) (a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in <u>Schedule 11</u>; and (b) whether the person to whom the statutory acknowledgement is made is an affected person under <u>section 95E</u>.

- 8.3 There are no rules or NES that permit the activity. The variation is not a controlled or restricted discretionary activity. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application as per the assessment undertaken in RC2230569.
- 8.4 Other affected persons must be notified in the following circumstances specified by section 95B(7) and (8):

(7) Determine whether, in accordance with section 95E, the following persons are affected persons:

(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and

(b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.



8.5 The proposal involves extending the deck along the Esplanade Reserve boundary. Consultation has been undertaken with Robin Rawson the Councils Reserves Planner and she has provided feedback to the proposal. It is recommended that this application is sent through to her for formal approval.

In deciding who is an affected person under section 95E, a council under section 95E(2): (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and
(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

- 8.6 A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.
- 8.7 With respect to section 95B(8) and section 95E, the effects of the proposal was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be no more than minor. In regard to effects on persons, the assessment in the sections above are also relied on and the following comments made:
 - The proposed changes are not considered to be contrary to the objectives and policies under the District Plan or the Proposed District Plan.
 - The proposed changes are not contrary to the National Coastal Policy Statement or the Northland Regional Policy Statement.
 - The variation can still achieve the intent of the original land-use consent.
 - The proposal will result in a more cohesive design and better outdoor living opportunities for the future residents, while at the same time taking into consideration the impacts on the Esplanade Reserve and providing suitable mitigation measures.
 - The proposal will not result in any adverse effects on any other adjoining sites.
- 8.8 Taking into account the intent of the original land-use consent and the consent conditions that are in place to mitigate the various effects; it is considered that no persons or parties with the exception of Council are considered to be actually or potentially affected by the proposal. Overall, the adverse effects on any persons are considered to be less than minor.

9.0 Part 2 Assessment

9.1 There is no change to this assessment from RC 2230569.

10.0 Conclusion

10.1 The original application was approved to redevelop a site where the original dwelling succumbed to fire. It was determined that this proposal was not considered to create any adverse effects on the rural environment, adjoining properties or the locality in general.



- 10.2 This variation has been sought to make some amendments to the original design including enclosing the carport to create a garage, extending the lower storey floor area beneath the upper floor to create a new location for bedroom 3, and to extend of the external timber deck. The overall development will continue to ensure that the building remains set into its environment.
- 10.3 No significant adverse effects are anticipated to arise from the amended plans. All effects of the activity will continue to be managed within the property boundaries. Overall, it is considered that the varied proposal will result in no more than minor effects on the environment.
- 10.4 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will continue to be no more than minor. It is also considered that the proposal will have no more than minor adverse effects on the wider environment. Various discussions have been held with Robin Rawson Councils Reserves Planner, prior to lodging the application and she is satisfied that the effects on the reserve are acceptable. No other persons will be adversely affected and there are no special circumstances.
- 10.5 In terms of section 104(1)(b) of the Act, the proposal continues to be generally consistent with the objectives, policies and assessment criteria of the relevant statutory documents.
- 10.6 As a Discretionary Activity, the application has been assessed under the matters specified under Section 104 and 104B of the Resource Management Act 1991. It is considered that the proposal results in no more than minor effects on the environment. It is considered appropriate for consent to be granted on a non-notified basis, subject to fair and reasonable conditions.

11.0 Limitations

- 11.1 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 11.2 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.





11.4 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD

Search Copy



R.W. Muir Registrar-General of Land

IdentifierNA50A/393Land Registration DistrictNorth AucklandDate Issued02 November 1981

Prior References NA44D/582

EstateFee SimpleArea835 square metres more or lessLegal DescriptionLot 1 Deposited Plan 93731Registered OwnersKristin Jayne Farrand and KJ Farrand Trustee Limited

Interests

Appurtenant hereto is a right of way specified in Easement Certificate 575391.2

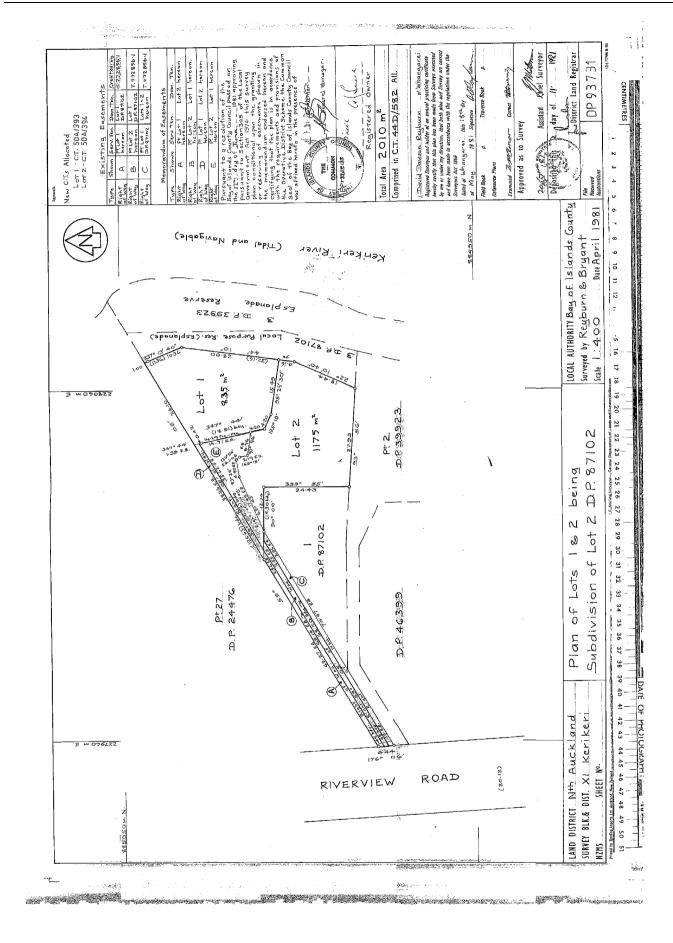
Subject to a right of way over part marked A on DP 93731 specified in Easement Certificate 575391.2

The easements specified in Easement Certificate 575391.2 are subject to Section 37 (1) (a) Counties Amendment Act 1961

Appurtenant hereto are rights of way specified in Easement Certificate 992993.6 - 2.11.1981 at 1.30 pm

Subject to rights of way over parts marked A and D on DP 93731 specified in Easement Certificate 992993.6 - 2.11.1981 at 1.30 pm

The easements specified in Easement Certificate 992993.6 are subject to Section 309 (1) (a) Local Government Act 1974



575391.2 EC

L. & D. 82 (T)

New Zealand

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EASEMENT CERTIFICATE

(IMPORTANT-Registration of this certificate does not of itself create any of the easements specified herein.)

DONALD CLYDE of Kerikeri Manager and RUTH EILEEN CLYDE

his wife

1,

being the registered proprietor of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at on the day of 19 under No.

are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE Deposited Plan No. 87102

| | SERV | IENT TENEMENT | Dominant | |
|--|------------------------------------|---|---------------------------------|--------------------|
| Nature of Easement (e.g., Right of Way, etc.) | Allotment No. | Colour, or Other Means of Identification, of Part Subject to Easement | Tenement Allotment No(s). | Title Reference |
| Right of way | Part Lot designate 87102 | 2 D.P.87102 d "A" on D.P. | Lot 1 D.P.87102 | 44D/581 |
| Right of way | Part Lot Area desi Plan 8710 | 1 D.P.87102 gnated "B" on)2 | Lot 2 D.P.87102 | 44D/582 |
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1. Rights and powers:

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State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

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2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Dated this // day of Secender 1928

DONALD CLYDE and RUTH EILEEN CLYDE Signed by the above-named in the presence of :

- Ruth 6. Clyde P. blyde

..... Witness. Occupation 2 ۶ ~ Address: k

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EASEMENT CERTIFICATE

RIGHTS AND POWERS OF GRANTEES IMPLIED IN CERTAIN EASEMENTS BY SECTION 90D OF THE LAND TRANSFER ACT 1952

"1. RIGHT OF WAY

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee, his servants, tenants, agents, workmen, licensees, and invitees (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times by day and by night to go pass and repass, with or without horses and domestic animals of any kind and with or without carriages, vehicles, motor vehicles, machinery, and imple-ments of any kind, over and along the land over which the right of way is granted or created.

"2. RIGHT TO CONVEY WATER

"2. RIGHT TO CONVEY WATER The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to take, convey, and lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity, consistent with the rights of other persons having the same or similar rights, from the source of supply or point of entry, as the case may be, and following the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause S of this Schedule.

"3. RIGHT TO DRAIN WATER

"3. RIGHT TO DRAIN WATER The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to drain and discharge water (whether rain, tempest, spring, soakage, or seepage water) in any quantities along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause 5 of this Schedule (or, where open drains are provided for, similar rights in regard to those drains, with the necessary modifi-cations as are provided for in respect of pipe lines in the additional rights so set out). rights so set out).

"4. RIGHT TO DRAIN SEWAGE

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) from time to time and at all times to drain, discharge, or convey sewage and other waste material and fluid in any quantities along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created, together with the additional rights incidental thereto set out in clause 5 of this Schedule this Schedule.

"5. ADDITIONAL RIGHTS ATTACHING TO EASEMENTS OF RIGHT TO CONVEY WATER AND OF RIGHT TO DRAIN WATER AND OF RIGHT TO DRAIN SEWAGE

- WATER AND OF RIGHT TO DRAIN SEWAGE
 The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee and his tenants (in common with the grantor, his tenants, and any other person lawfully entitled so to do) for the purposes of the easement concerned—

 (a) To use any line of pipes already laid on the stipulated course or any pipe or pipes in replacement or in substitution for all or any of those pipes:
 (b) Where no such line of pipes exists, to lay, place, and maintaind, or to have laid, placed, and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under or over the surface (as the parties decide) of the land over which the easement is granted or created and along the line defined for the purpose where such a line has been so defined:
 - purpose where such a line has been so defined:
 (c) In order to construct or maintain the efficiency of any such pipe line, the full, free, uninterrupted, and unrestricted right, liberty, and privilege for the grantee, his tenants, servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose to enter upon the land over which the easement is granted or created (or, where only the position of the pipe line is defined in the easement, upon such part of the land of the grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing. inspecting, cleansing, repairing, maintaining, and renew-ing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the lend of the surface and that the surface is necessary the land of the grantor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired."

Correct for the purposes of the Land Transfer Act.

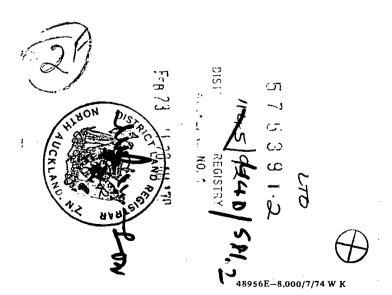
the Registered Proprietor.

Particulars entered in the Register as shown herein on the date and at the time stamped below.

.....

District Land Registrar Assistant

of the District of.....





Approved by the District Land Registrars: North Auckland 4221175, South Auckland H.008116/1974, Canterbury 957768, Marlborough 75776, Gisborne 112239.9, Hawkes Bay 303051, Taranaki 217464.1, Wellington A038045, Westland 45629,

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

K WE, ALFRED JOHN SNELL of Kerikeri, School Teacher

and HELEN MARGARETTA SNELL his wife

being the registered proprietor of the land described in the Schedule/hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at day of 19 81 under No. 93731

are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE

DEPOSITED PLAN NO. 93731

| | | | | Ser | Servient Tenement | | | · · · · · | | |
|---|--|-------|-----------------|------------------------------------|--|-----------|---|-------------------------------|---------|------------|
| e used | Nature of Easement (e.g., Right of Way, etc.) | | or other of Ide | | Colour, or Othe of Identification Subject to Eas | , of Part | Dominant Tenement Lot No.(s) or other Legal Description | Title Reference | | |
| N.B. On no account should this margin be used | Rig | ht of | Way | Part Lot Deposited Plan 9373 | E | marked | Α. | Lot 2 Deposited Plan 93731 | 50A/394 | |
| unt should t | Rig | ht of | Way | Part Lot Deposited Plan 9373 | 1 | marked | В | Lot 1 Deposited Plan 93731 | 50A/393 | |
| On no acco | Rig | ht of | Way | Part Lot Deposited Plan 9373 | 1 | marked | D | Lot 2 Deposited Plan 93731 | 50A/394 | 1100 C 110 |
| | Rigl | nt of | | Part Lot Deposited Plan 9373 | ι ' | marked | E | Lot 1 Deposited Plan 93731 | 50A/393 | |
| ŗ | * | AND | <u> </u> | BLANCHE A | NN | BERRY of | Ker | ikeri, Restaura | teur | # |
| | | being | | | | | | f Lot 1 Deposit | | ĺ |
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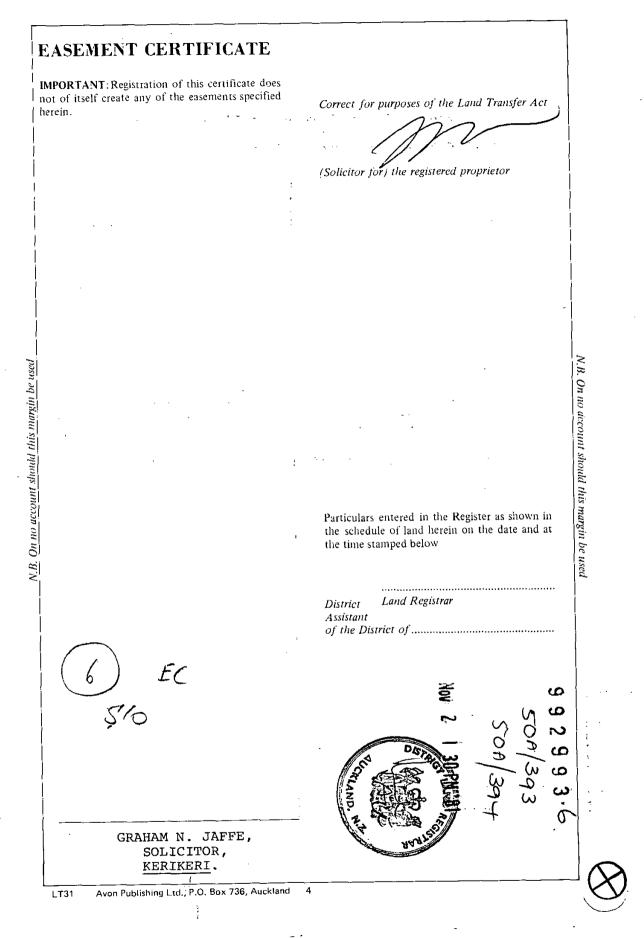
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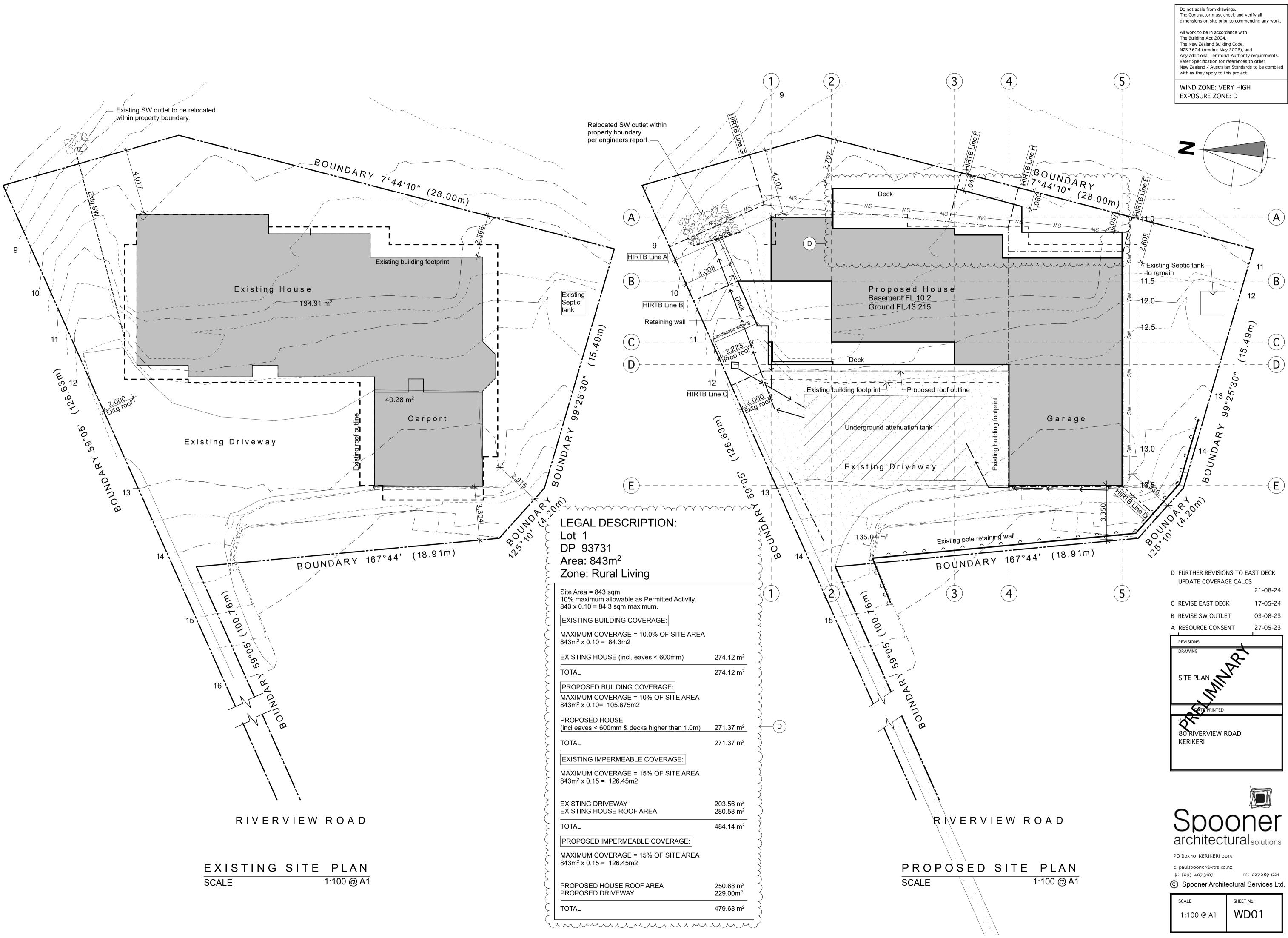
State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952. nil Rights and powers: 1. N.B. On no account should this margin be used N.B. On no account should this margin be used . 2 LT31

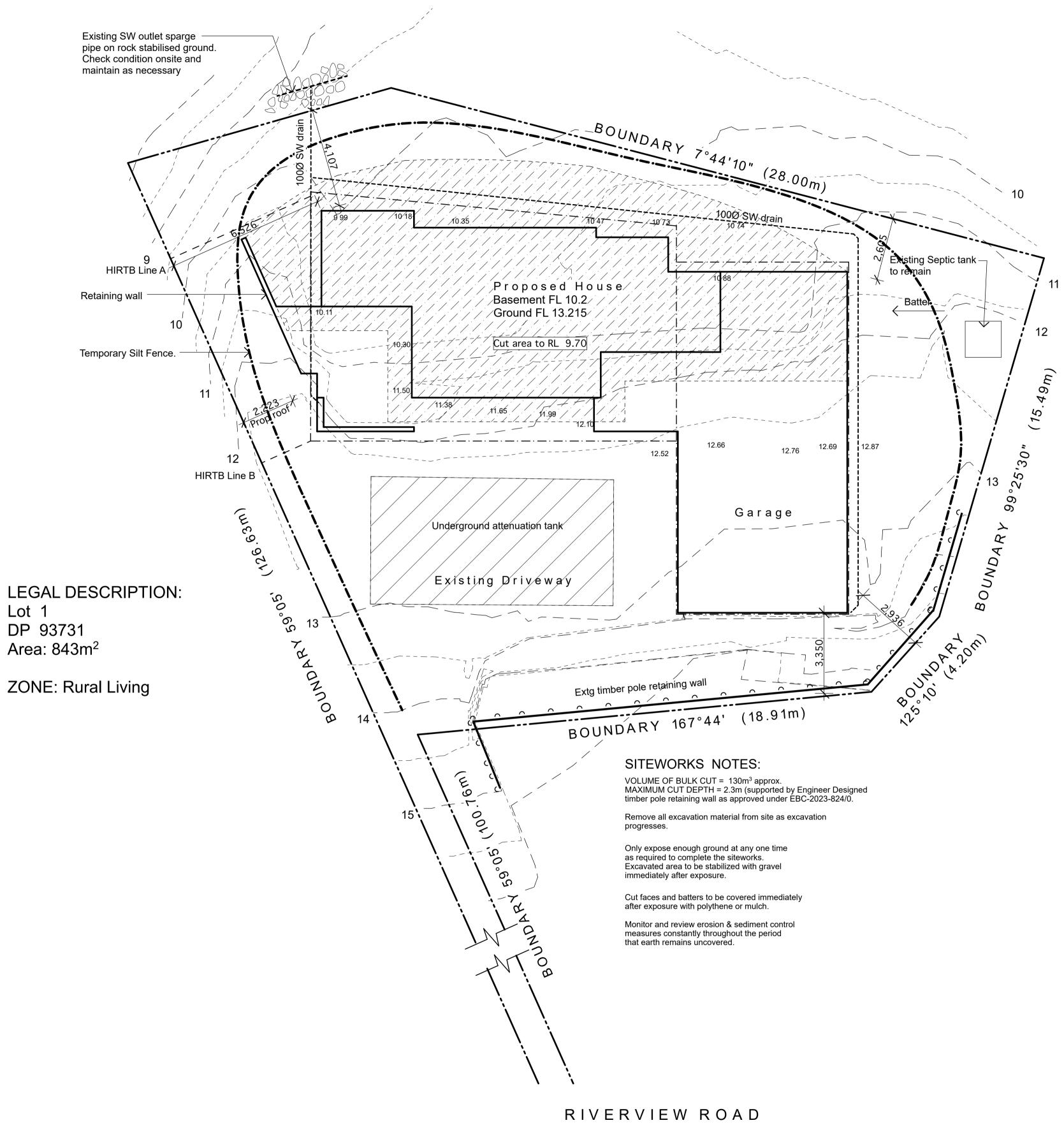
2. Terms, conditions, covenants, or restrictions in respect of any of the above easements: XXX (a) In respect of the rights of way intended to be created the following terms and conditions shall apply to the maintenance, repair and general upkeep of certain parts of the right of way where no negligence can be attributed to any specific owner for the time being entitled to use the right of way. (i) For that part of the right of way marked A, B and C the owners for the time being of Lots 1 and 2 and the owner of Lot 1 on Deposited Plan 87102 shall bear the costs equally. For that part of the right of way marked D and E (ii) the owner for the time being of Lots 1 and 2 shall bear the costs equally. (b) That no building or other improvement shall be erected or constructed and no tree, plant or shrub planted in any position likely to obstruct or interfere with the exercise of the right of way herein expressed or to damage any permanent paving laid. N.B. On no account should this margin be used (c) That no owner whose Lot is subject to or has > .8 appurtenant rights of way that will be created in the terms hereof and by the operation of Section 90A of the On no account should this margin be used Land Transfer Act 1952 or which have already been created by Transfer 575391.2 will do or permit any act matter or thing whereby any other person entitled to use the said right of way shall be prevented or in any way impeded from so doing. Dated this dav of 19 81 Signed by the above-named ALFRED JOHN SNELL and HELEN MARGARETTA SNELL in the presence of Witness. Occupation . Address SIGNED by BLANCHE ANN BERRY in the presence of: 2 3 LT31

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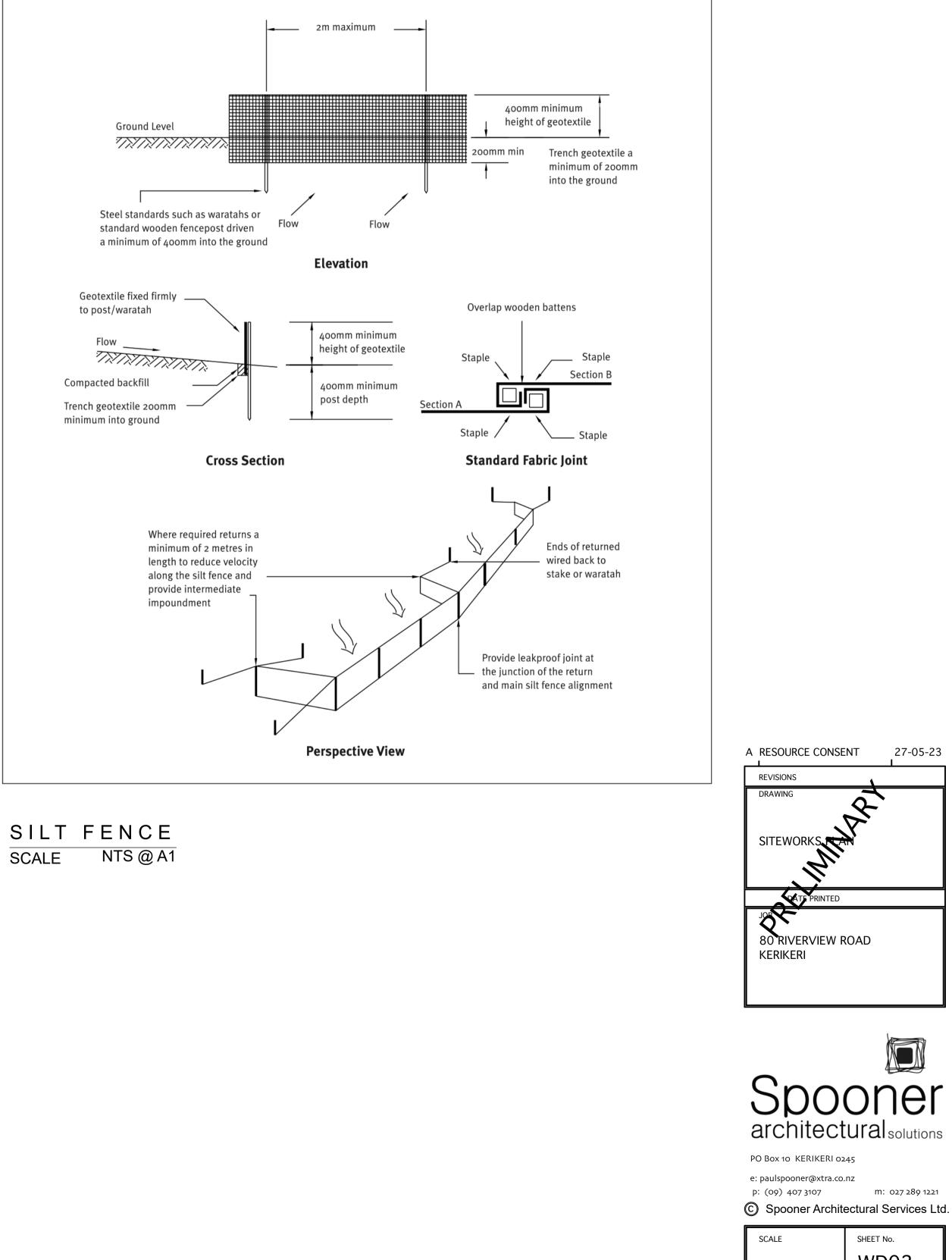


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SITEWORKS PLAN SCALE 1:100 @ A1



SCALE



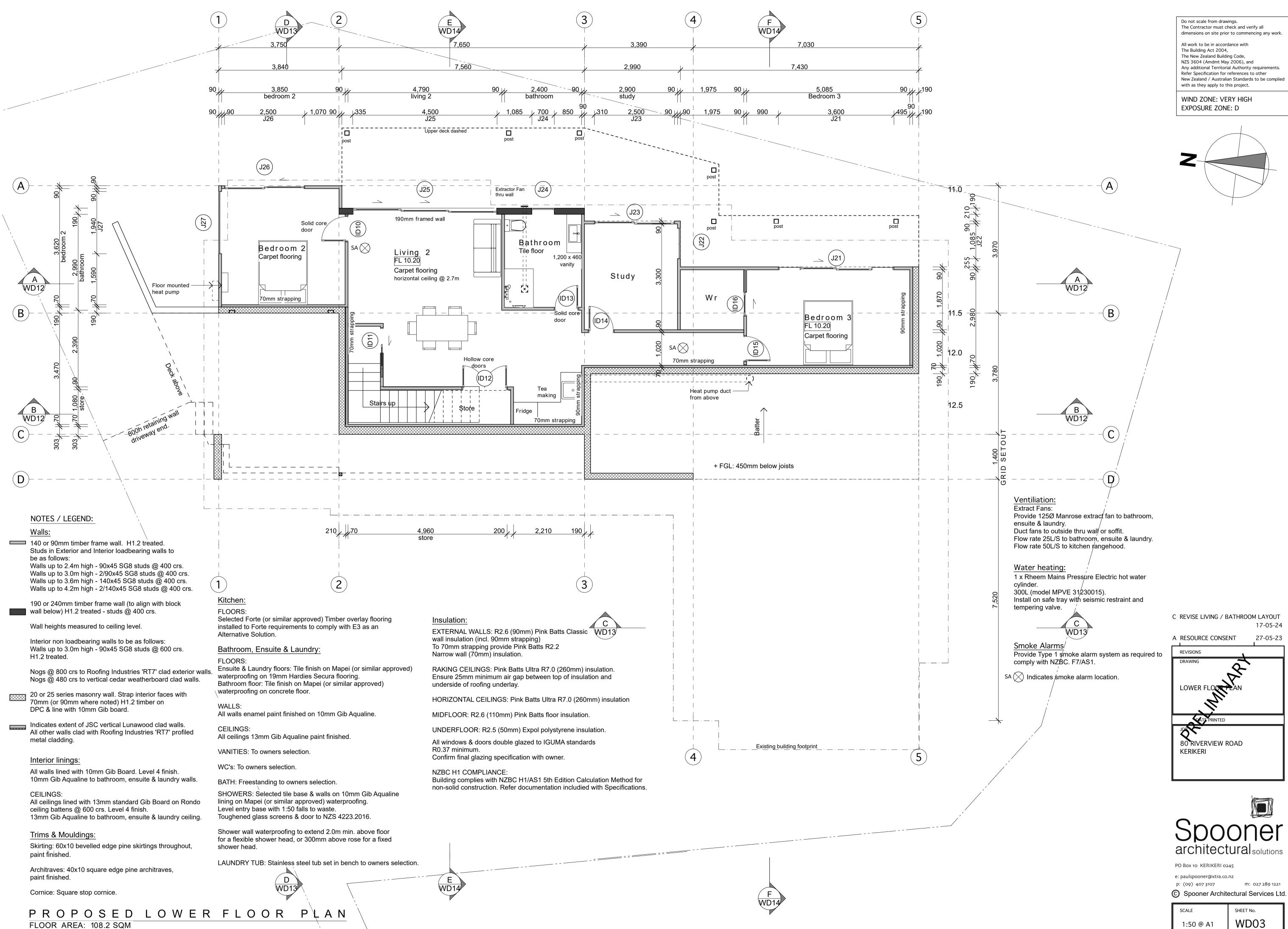
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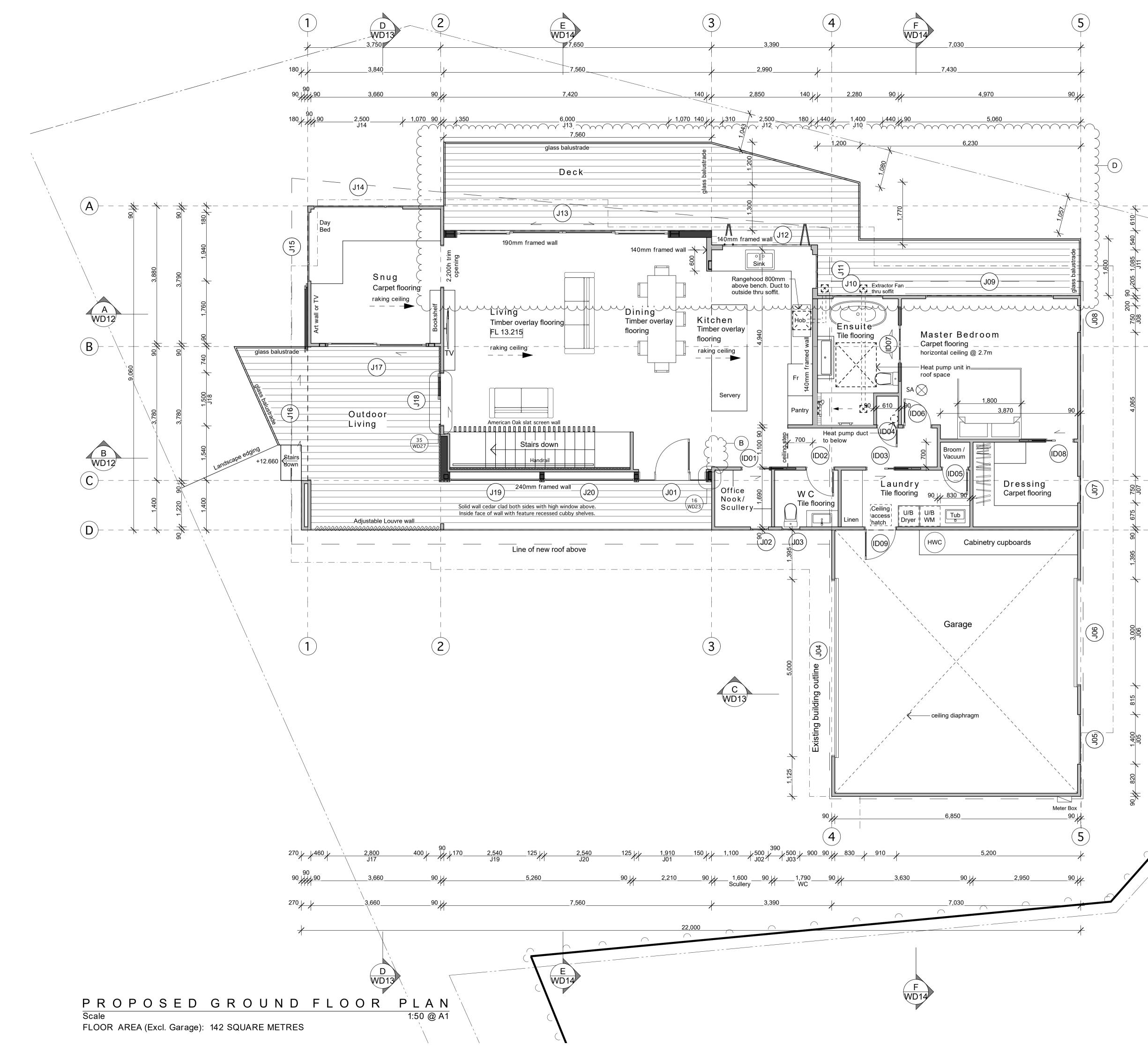
SHEET No.

WD02

EXPOSURE ZONE: D



Scale 1:50 @ A1



Refer Specification for references to other New Zealand / Australian Standards to be complied with as they apply to this project. WIND ZONE: VERY HIGH EXPOSURE ZONE: D (A) -210 $\circ +$ λŃ Α WD12 (\mathbf{B}) В WD12/ (\mathbf{C}) ____ -(D) D FURTHER REVISIONS TO EAST DECK 21-08-24 C REVISE EAST DECK 17-05-24 С WD13 A RESOURCE CONSENT 27-05-23 REVISIONS DRAWING PROPOSED GROUND DATE PRINTED No. 80 RIVERVIEW ROAD KERIKERI Spooner architecturalsolutions PO Box 10 KERIKERI 0245 e: paulspooner@xtra.co.nz p: (09) 407 3107 m: 027 289 1221 © Spooner Architectural Services Ltd. SCALE SHEET No. WD04 1:50 @ A1

Do not scale from drawings.

The Building Act 2004, The New Zealand Building Code,

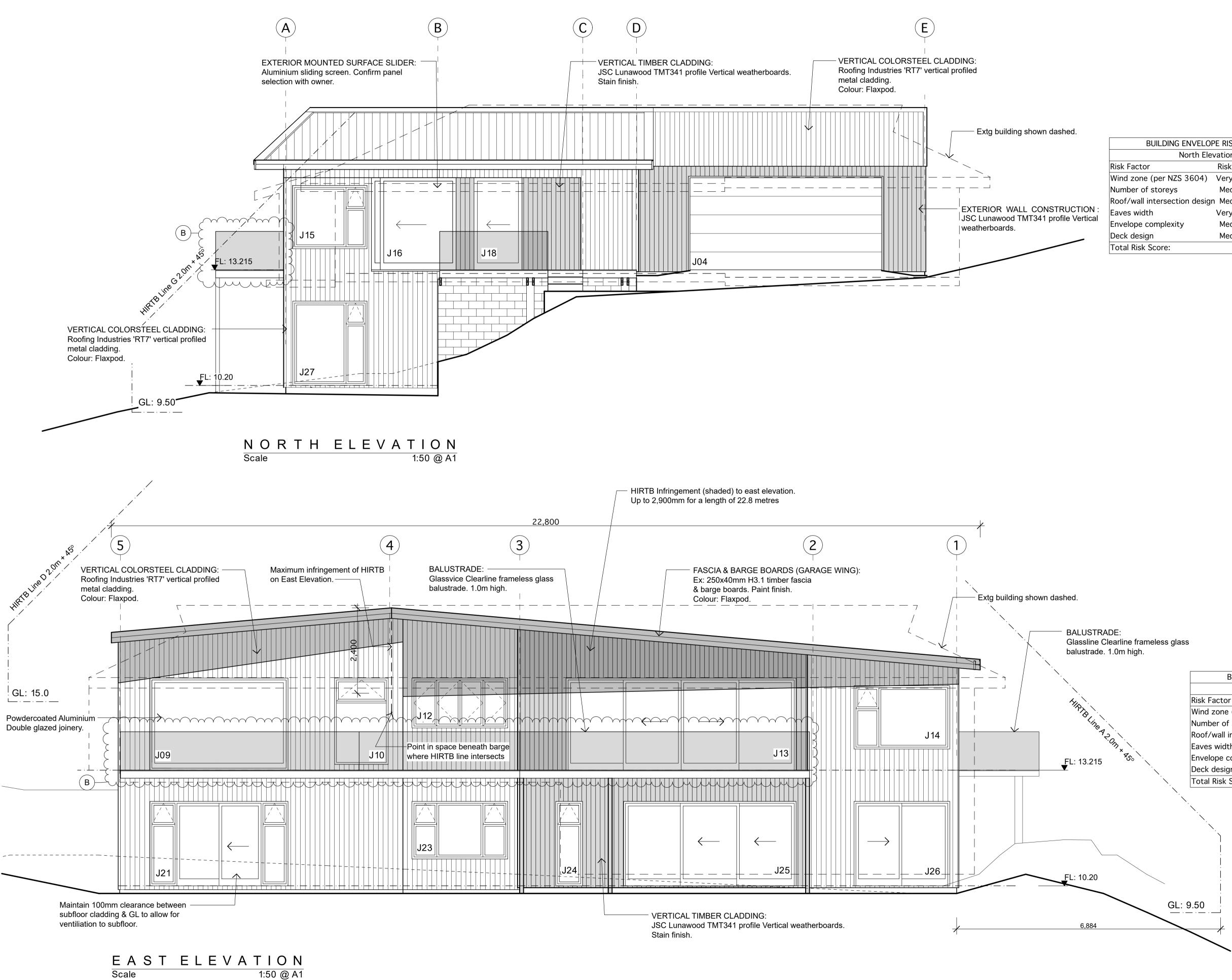
All work to be in accordance with

NZS 3604 (Amdmt May 2006), and

The Contractor must check and verify all

dimensions on site prior to commencing any work.

Any additional Territorial Authority requirements.

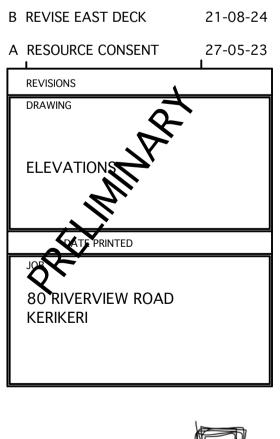


| Do not scale from drawings. The Contractor must check and verify all dimensions on site prior to commencing any work. |
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| All work to be in accordance with The Building Act 2004, The New Zealand Building Code, NZS 3604 (Amdmt May 2006), and Any additional Territorial Authority requirements. Refer Specification for references to other New Zealand / Australian Standards to be complied with as they apply to this project. |
| WIND ZONE: VERY HIGH |

EXPOSURE ZONE: D

| INVELOP | NVELOPE RISK MATRIX | | | | |
|-----------|---------------------|------------|--|--|--|
| orth Elev | ation | | | | |
| | Risk Severity | Risk Score | | | |
| 3604) | Very high risk | 2 | | | |
| | Medium risk | 1 | | | |
| n design | Medium risk | 1 | | | |
| | Very high risk | 5 | | | |
| | Medium risk | 1 | | | |
| | Medium risk | 2 | | | |
| | | 12 | | | |

| BUILDING ENVELOPE RISK MATRIX | | | | | |
|------------------------------------|----------------|---|--|--|--|
| East Elev | East Elevation | | | | |
| Risk Factor Risk Severity Risk Sco | | | | | |
| Wind zone (per NZS 3604) | Very high risk | 2 | | | |
| Number of storeys | Medium risk | 1 | | | |
| Roof/wall intersection design | Low risk | 0 | | | |
| Eaves width | High risk | 2 | | | |
| Envelope complexity | Low risk | 0 | | | |
| Deck design | Medium risk | 2 | | | |
| Total Risk Score: | | 7 | | | |

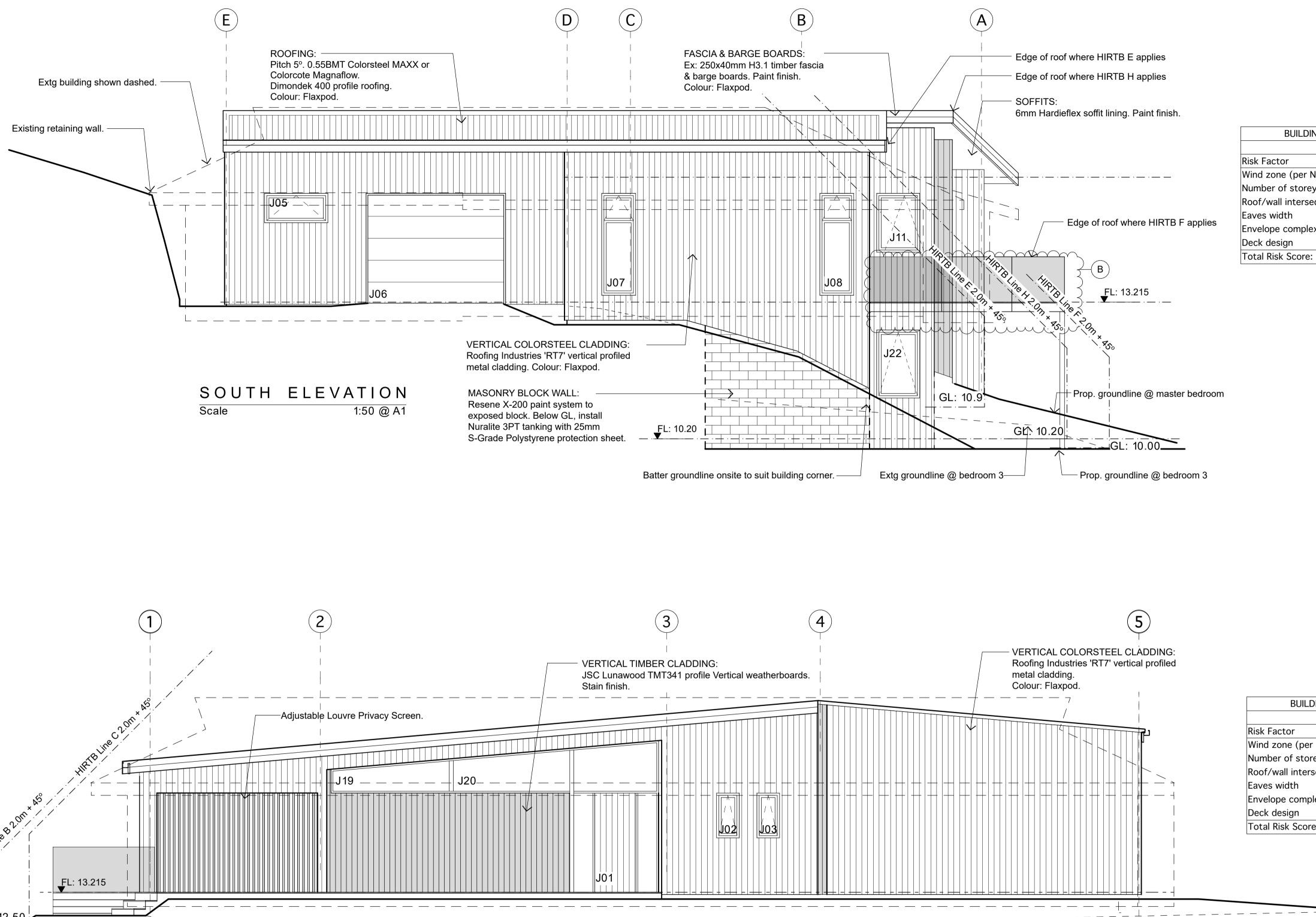


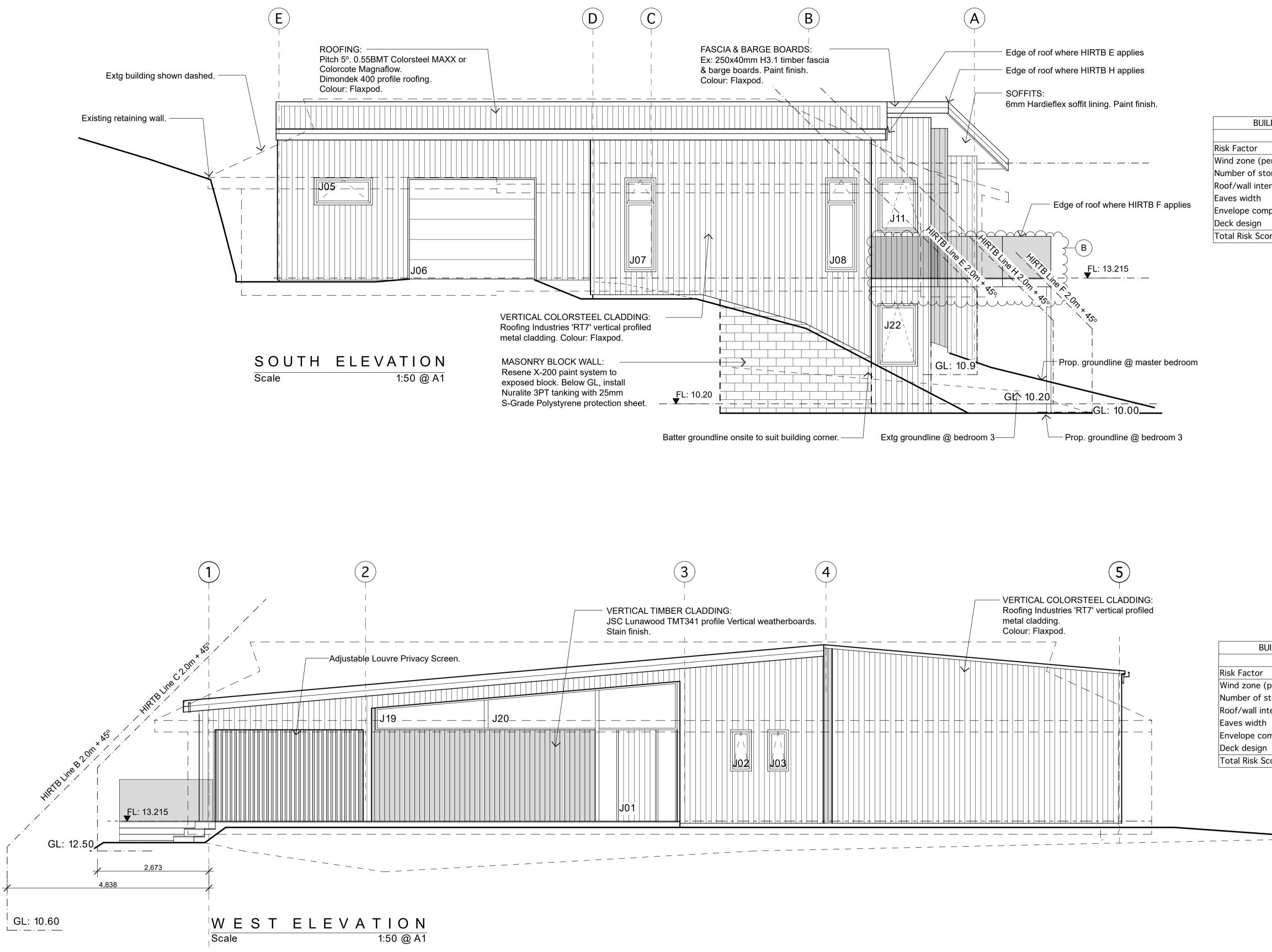


PO Box 10 KERIKERI 0245 e: paulspooner@xtra.co.nz

 p: (09) 407 3107
 m: 027 289 1221

 C Spooner Architectural Services Ltd.



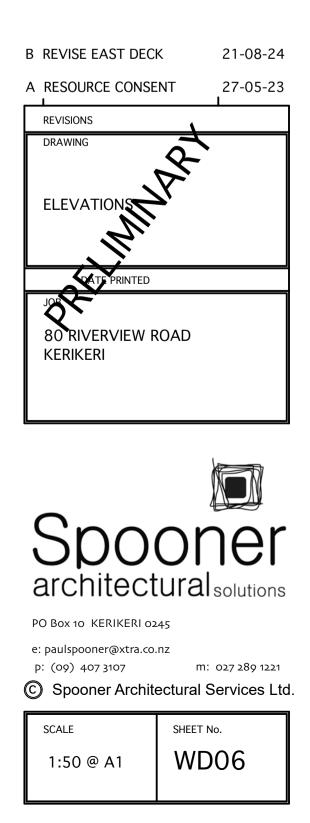


| Do not scale from drawings. The Contractor must check and verify all dimensions on site prior to commencing any work. |
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| All work to be in accordance with The Building Act 2004, The New Zealand Building Code, NZS 3604 (Amdmt May 2006), and Any additional Territorial Authority requirements. Refer Specification for references to other New Zealand / Australian Standards to be complied with as they apply to this project. |
| WIND ZONE: VERY HIGH |

EXPOSURE ZONE: D

| ING ENVELOPE RISK MATRIX | | | | |
|--------------------------|--------------------|-------|--|--|
| South Elev | ation | | | |
| | Risk Severity Risk | Score | | |
| NZS 3604) | Very high risk | 2 | | |
| eys | Medium risk | 1 | | |
| ection design | Low risk | 0 | | |
| | Very high risk | 5 | | |
| exity | Low risk | 0 | | |
| | Medium risk | 2 | | |
|): | | 10 | | |

| DING ENVELOPE RISK MATRIX | | | | |
|------------------------------|--------------------------|----|--|--|
| West Elev | /ation | | | |
| | Risk Severity Risk Score | | | |
| r NZS 3604) | Very high risk | 2 | | |
| reys | Medium risk | 1 | | |
| section design Medium risk 1 | | | | |
| | Very high risk | 5 | | |
| olexity | Medium risk | 1 | | |
| | Low risk | 0 | | |
| re: | | 10 | | |
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15th July 2024

Rochelle Jacobs Northland Planning & Development **Kerikeri**

Dear Rochelle

<u>Re: K Farrand - 80 Riverview Road, Kerikeri – Deck Extension</u>

I have visited the subject site and viewed the architectural plans prepared by Spooner Architectural. I understand that the deck shown in Figure 1 has been granted consent by FNDC. The deck shown in Figure 2 is the amended layout that the client wishes to gain consent for.

The currently proposed deck is larger and will extend closer to the boundary with the adjacent Esplanade Reserve to the east (Lot 3 DP 87102).

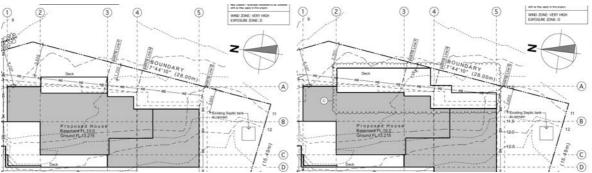


Figure 1: Approved deck

Figure 2: Proposed amendment to deck

I understand that FNDC would like some measures implemented to ensure that the deck extension will not adversely affect the visual amenity values of the reserve, particularly the aspect of visual domination of the structure for users upon the reserve areas.

I have appended some photographs below (Figures 3 - 7 that I took on my site visit which depict views of the reserve from the subject site and views from on the reserve below the site looking back up towards the proposed building (which is currently under construction).

The reserve areas that are located to the east of the application site are made up of two parcels, Lot 3 DP 87102 directly adjoins the site and a neighbouring property to the south (Lot 2 DP 93731). This reserve does not and cannot ever extend any further to the south due to the house and gardens located on Part Lot 2 DP 39923. This reserve effectively comes to a dead end one lot to the south of the site. This will ultimately direct any future walkway route closer to the east (water), and not inland towards the application site. This will minimise future potential views of the proposed deck. Refer to the attached Landscape Plan.

The other Esplanade Reserve parcel is Lot 3 DP 39923, this extends from the reserve adjoining the application site and is bound by the Kerikeri Inlet to the east. This section of the reserve continues to extend further southwards. It does not currently extend further north due to privately owned land, Part Lot 27 DP 24476 being an old title that has riparian rights. If that title was ever subdivided the Esplanade Reserve could then be extended further north, with the goal of a reserve running the full length of the shoreline of the Kerikeri Inlet. When this does



occur it will allow public walking access along the reserve that is located to the east of the application site (this is currently not possible). When a walking track is formed it would most likely be located on the lower reserve (Lot 3 DP 87102) due to more appropriate contour and the ease of connectivity of this reserve along the full length of the shoreline. The areas shown in Figures 3 and 4 depict the lower reserve adjacent to the water. The lawn area in this image is located on the reserve adjoining the application site.

When located near the edge of the reserve adjoining the inlet the view towards the site and future dwelling/deck is partially screened from view by the steep nature of the reserves topography and existing vegetation as shown in Figure 5. This view is from the northern end of the reserve and depicts why it is not necessary for a hedge along the full length of the reserve to the north. At this northern end of the house the proposed deck will not generate any noticeable change from what has previously been approved.

As shown in Figure 6 at the southern end of the reserve there is existing vegetation on the steep slope of the neighbouring property and no physical access along this part of the reserve for the public. This area will not be frequented by visitors, and the deck does not extend into this area, as such there is no need for a hedge in this area.

The openings at either end of the hedge will allow the applicant to maintain the reserve. As there is no access to the reserve for FNDC other than by boat, any maintenance along this area of the reserve is done by adjoining owners.

The proposed hedge is located on the application site along the section of the shared boundary where the deck area borders the reserve. This will demark the boundary defining private and public land. A Corokia hedge is proposed, this is a native species which will form and dense hedge that can be clipped and maintained at a height of 1m. Refer to the attached Landscape Plan.

Bearing in mind the current and future potential use of the esplanade reserves the proposed hedge will mitigate any potential adverse visual amenity effects of the deck located in this position adjacent to the reserve.

Yours sincerely

Christine Hawthorn BLA (Hons.) Hawthorn Landscape Architects Ltd.

Attachments:

Landscape Plan





Figure 3: View of existing terraces and shell pathways on reserve below house site



Figure 4: View from the southern side of the reserve (Lot 3 DP 87102) below house site



Figure 5: View from the northern end of the reserve looking up towards house site

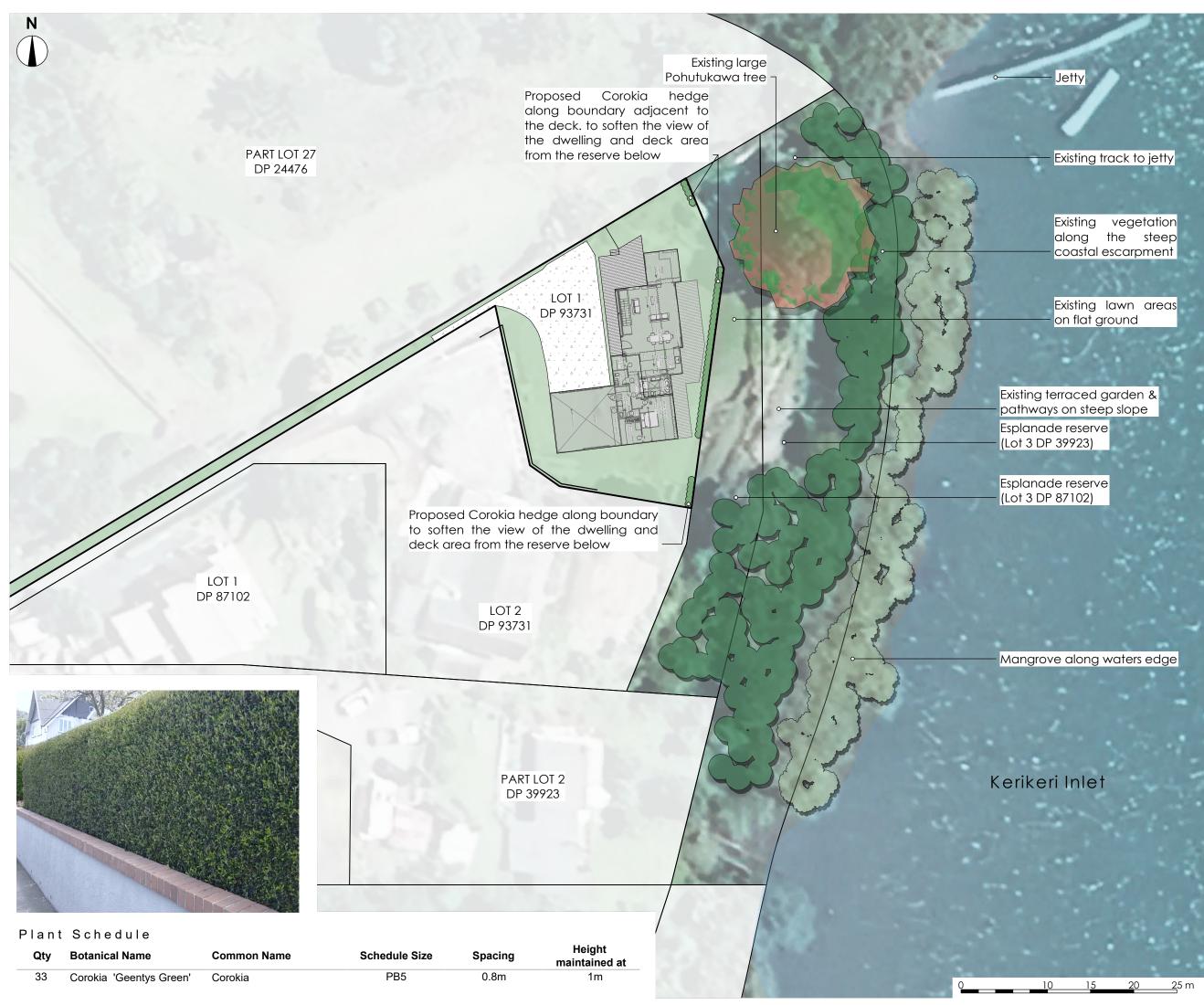




Figure 6: View looking south at reserve areas extending south in front of neighbouring properties



Figure 7: View from the southern side of the house looking east towards the reserve and area where the hedge will be located.





HAWTHORN

Landscape Architects

21/08/2024

Landscape Plan

Farrand 80 Riverview Road, Kerikeri

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| 1. 2. 3. 4. | must not be used, copied or repro Contractors shall verify and be resp Do not scale off this drawing. Landscape Architect to be notified dimesions and those shown on the | d of any variations between on site plan. Hawthorn Landscape Architects d changes to the details changes to |
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All construction work based on these plans is to comply wi local authority regulations and all NZ building codes and s



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

Decision

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

| Applicant: | Hugh Durham Fenwick and Julie Ann Fenwick | | | |
|--------------------|---|--|--|--|
| Council Reference: | 2230569-RMALUC | | | |
| Property Address: | 80 Riverview Road, Kerikeri 0230 | | | |
| Legal Description: | LOT 1 DP 93731-SUBJ TO & INT IN ROW | | | |

The activities to which this decision relates are listed below:

Proposal to construct a dwelling in the Rural Living Zone breaching Sunlight, Setback from Boundaries, Stormwater Management, Building Coverage and Setback from the Coastal Marine Area. The applicant has also applied for an exemption from requiring a separate Earthworks Permit.

Conditions

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

- 1. The activity shall be carried out in accordance with the approved plans prepared by Spooner Architectural and attached to this consent with the Council's "Approved Stamp" affixed to them:
 - Site Plan, WD01, 02.05.23
 - Siteworks Plan, WD02, 02.05.23
 - Elevations, WD05, 02.05.23
 - Elevations, WD06, 02.05.23
- 2. The consent holder shall install a commonly owned and maintained stormwater system including stormwater retention tanks, and flow attenuation devices, and/or other such devices required to provide for the proper operation of the stormwater system. The works shall be carried out in accordance with the approved drawings and document provided with the application, specifically the Stormwater Design by PK Engineering (Ref.21-126, dated September 2023, received 06.10.2023).
- 3. The consent holder shall ensure that post construction regular maintenance shall be undertaken as required to ensure efficacy of the stormwater system. The stormwater outlet sparge pipe and rock stabilised ground at the discharge point is required to be well maintained and any objects and/or overgrown vegetation kept clear as to allow runoff to freely disperse at all times, particularly before, during and after any storm events.

- 4. Prior to the commencement of construction, the consent holder shall put in place sediment and dust control measures that are constructed in accordance with the Siteworks Plan by Spooner Architectural (sheet no. WD02, dated 02/05/23) and with the principles and practices contained the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".
- 5. The consent holder shall arrange for any buried services to be located and marked prior to commencing earthworks.
- 6. Within 12 months following the approval of this consent, the consent holder shall provide a Landscape Plan for the land between the house and Esplanade Reserve, and extending into the adjoining Esplanade Reserve for the approval of the Parks and Reserves Planner (hereafter called the "Approved Landscape Plan"). The Landscaping Plan which is to be approved by Council shall include but not be limited to:
 - Boundary definition by planting or low structures to demarcate private and public land while maintaining sight lines into the reserve; and
 - The plan may include the removal of planting or landscaping within the reserve areas.
- 7. The consent holder shall implement the Approved Landscape Plan the planting season (April to August) following the approval of the plan. Council will need to be advised in advance of when work is proposed to take place, and Council's health and safety and operational requirements complied with.

Advice Notes

Lapsing of Consent

- 1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) The consent is given effect to; or
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

Right of Objection

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

Archaeological Sites

3. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

General Advice Notes

- 4. The consent holder is reminded that they are responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.
- 5. During Construction, the consent holder shall ensure that all earthworks' operations are carried out in a manner that minimises the potential for slope instability and soil erosion. Effective mitigation measures shall be installed as required to mitigate and/or remedy any slope failures.
- 6. The consent holder must also ensure all offsite stormwater is directed away from earthworks areas and no drainage pathways are constructed or permitted to flow over fill areas in a manner that increases erosion of the cut or fill material. Likewise, no drainage paths shall be constructed or permitted to flow over the southern portion of the site where the steep gully is present.
- 7. At Completion, the consent holder is responsible for the repair and reinstatement of the road carriageway, the kerb damaged as a result of the earthworks. Such works, where required, shall be completed to the satisfaction of the Council's Roading Manager.
- 8. The consent hold is also reminded they are responsible for any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant.
- 9. All earthworks should be carried out in periods of fine weather within the typical October to April earthwork season.
- 10. Earthworks effects have been accessed as part of the resource consent and a separate Earthworks permit is not required as the applicant has applied for an exception.

Reasons for the Decision

- 1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
- 2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters.
- 3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. Stormwater, Amenity (Building Coverage), Earthworks, Effects on Coastal Marine Area, Effects on FNDC Esplanade Reserve
 - b. The applicant has agreed to a landscape planting plan to delineate the boundary between the FNDC Reserve and their property. The applicant has also offered an improved stormwater management system which will restore stormwater overflow to predevelopment levels.

- c. The proposal will also result in positive effects, including the rebuilding of the original dwelling which succumbed to fire.
- 4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
- 5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Operative Far North District Plan 2009,
 - b. Proposed Far North District Plan 2022

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan.

Rural Living Zone

Objective 8.7.3.2 – this development is suitably low density so that adverse impacts on the rural environment will not occur. Where there were potentially adverse effects on the natural environment, such as with stormwater effects, these have been mitigated by the applicant.

Policy 8.7.4.3 – there is sufficient space onsite to provide outdoor space and sufficient effluent disposal.

Policy 8.7.4.9 – the amenity effects related to this proposal are no more than a single residential unit would be expected to have.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan.

Rural Residential Zone

RRZ-O1 – This development is compatible with the rural character and amenity of the zone.

RRZ-O4 – This development maintains rural character and have no reverse sensitivity issues.

RRZ-P5 – this development has considered the capacity of the site to cater for on-site infrastructure and upgraded the infrastructure from what was originally provided.

Weighting

For this resource consent application the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

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

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

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

8. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

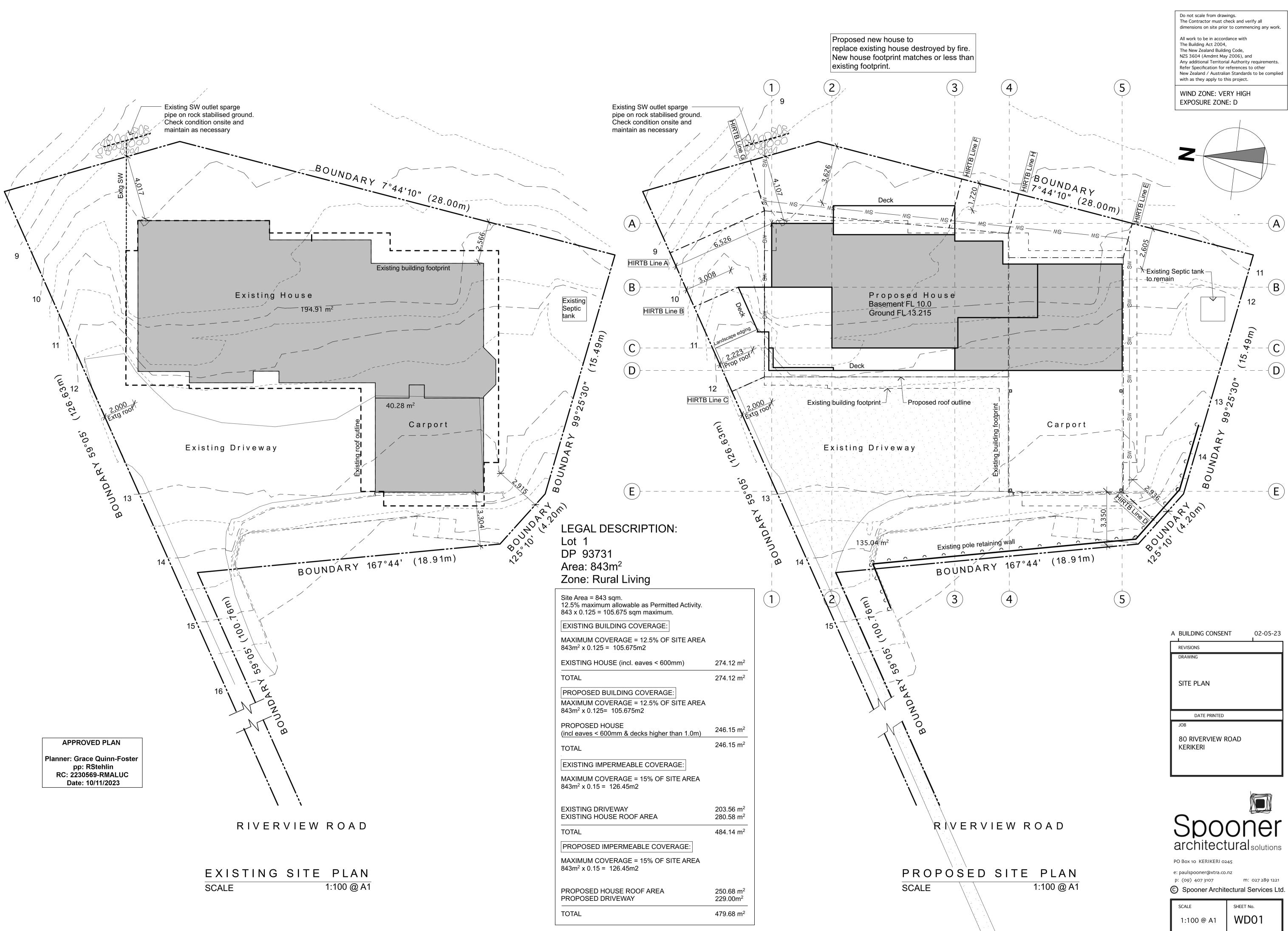
Approval

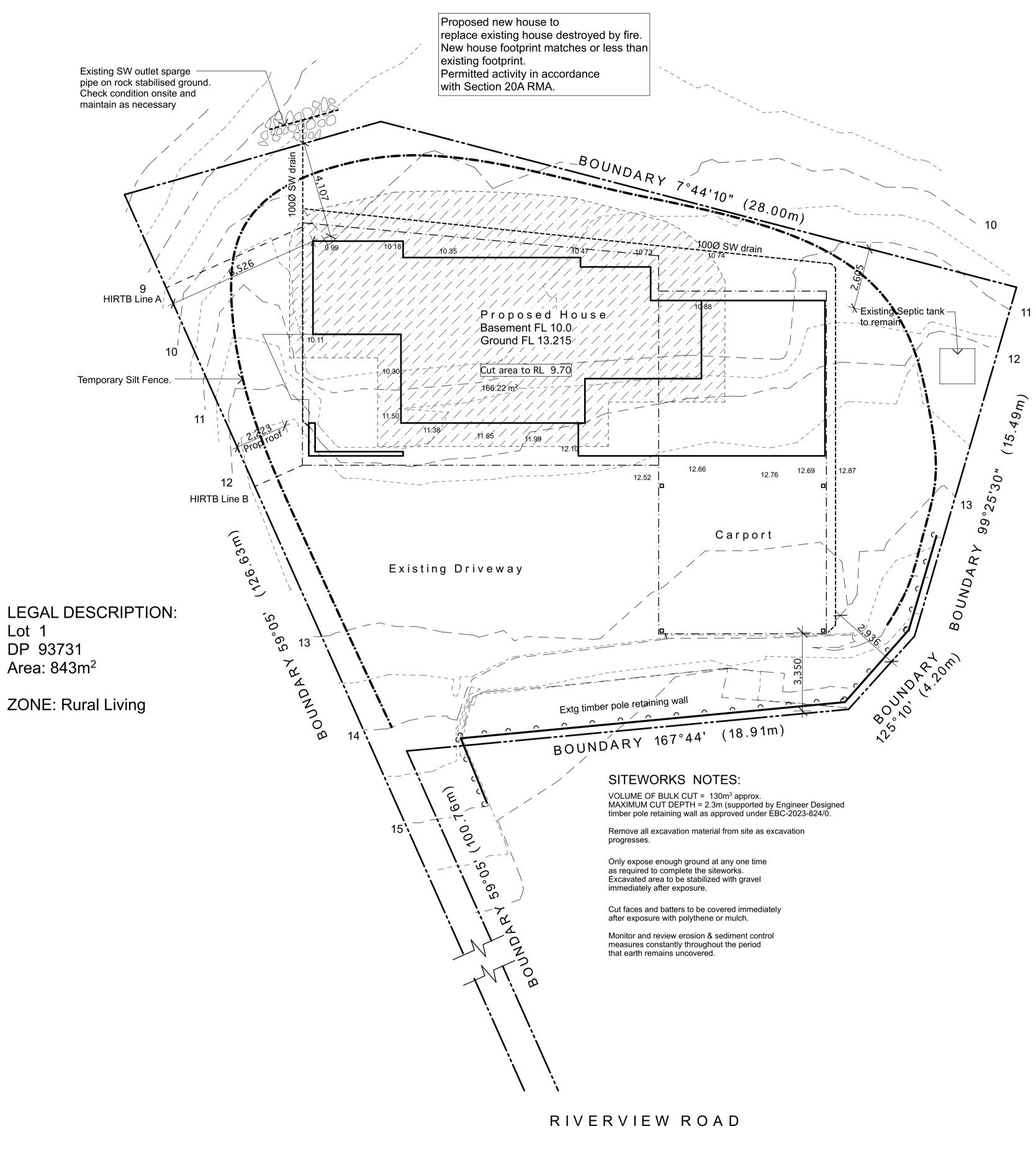
This resource consent has been prepared by Grace Quinn-Foster, Intermediate Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.

lapoto

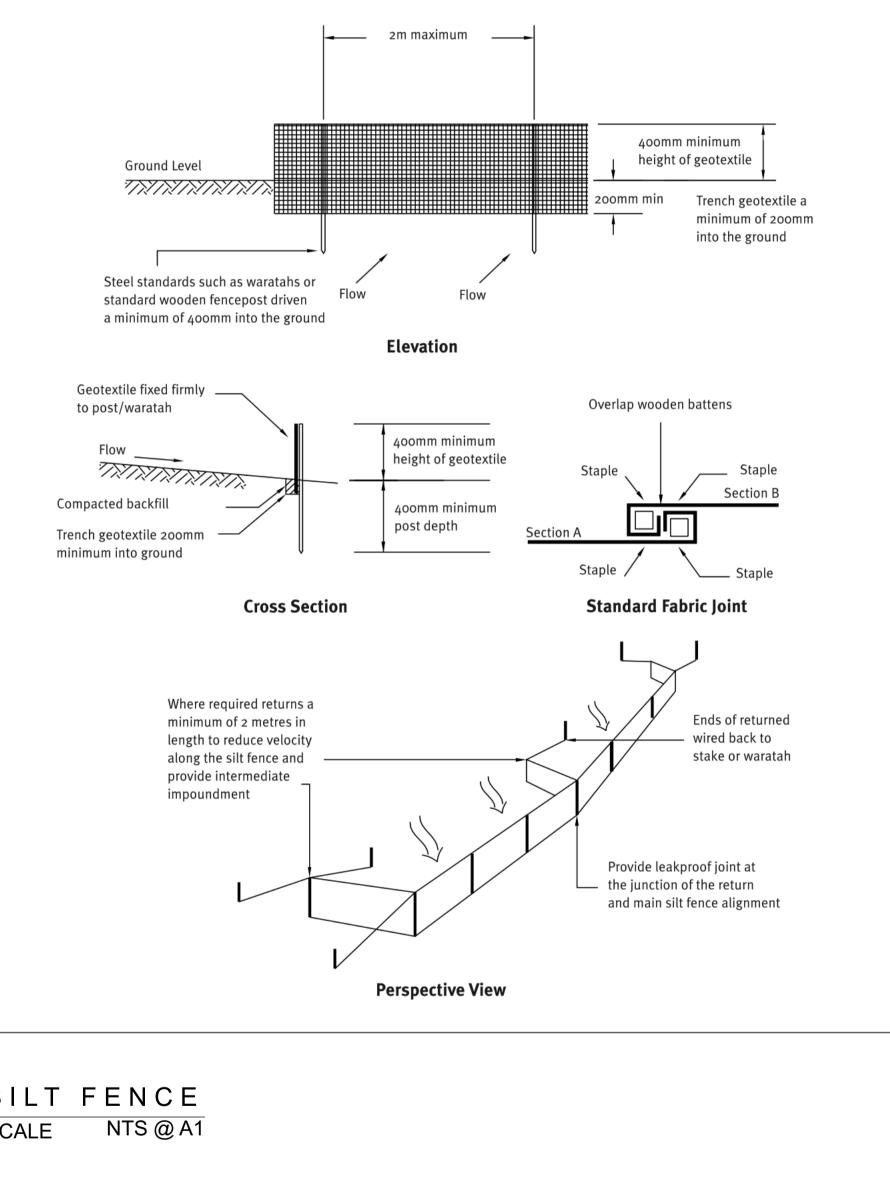
Celeste Cupido Resource Consents Team Leader

Date: 10.11.2023





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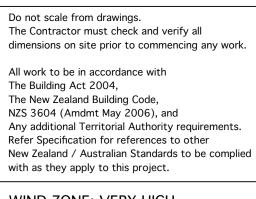


SILT FENCE

SCALE

APPROVED PLAN

Planner: Grace Quinn-Foster



WIND ZONE: VERY HIGH EXPOSURE ZONE: D

pp: RStehlin RC: 2230569-RMALUC Date: 10/11/2023



A BUILDING CONSENT

SITEWORKS PLAN

DATE PRINTED

80 RIVERVIEW ROAD

REVISIONS

DRAWING

JOB

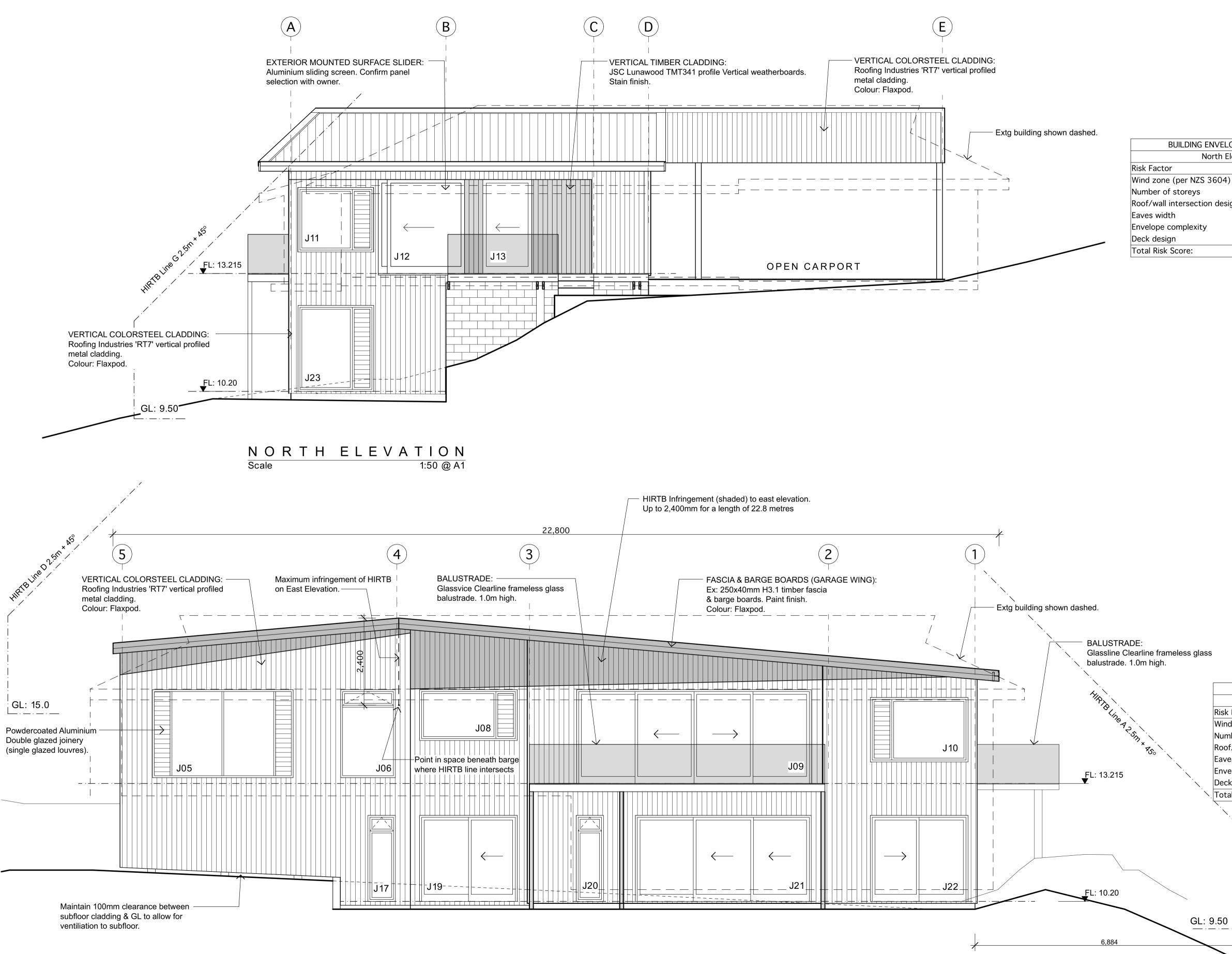
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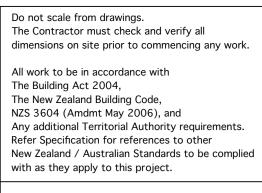
PO Box 10 KERIKERI 0245 e: paulspooner@xtra.co.nz

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WIND ZONE: VERY HIGH EXPOSURE ZONE: D

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| orth Elevation | | | | |
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| 3604) Very high risk | 2 | | | |
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| n design Medium risk | 1 | | | |
| Very high risk | 5 | | | |
| Medium risk | 1 | | | |
| Medium risk | 2 | | | |
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APPROVED PLAN

Planner: Grace Quinn-Foster pp: RStehlin RC: 2230569-RMALUC Date: 10/11/2023

| BUILDING ENVELOPE RISK MATRIX | | | | |
|-------------------------------|--------------------|-------|--|--|
| East Elevation | | | | |
| Risk Factor | Risk Severity Risk | Score | | |
| Wind zone (per NZS 3604) | Very high risk | 2 | | |
| Number of storeys | Medium risk | 1 | | |
| Roof/wall intersection design | Low risk | 0 | | |
| Eaves width | High risk | 2 | | |
| Envelope complexity | Low risk | 0 | | |
| Deck design | Medium risk | 2 | | |
| Total Risk Score: | | 7 | | |
| ×. | | | | |

A BUILDING CONSENT

02-05-23

REVISIONS DRAWING

JOB

ELEVATIONS

DATE PRINTED

80 RIVERVIEW ROAD KERIKERI



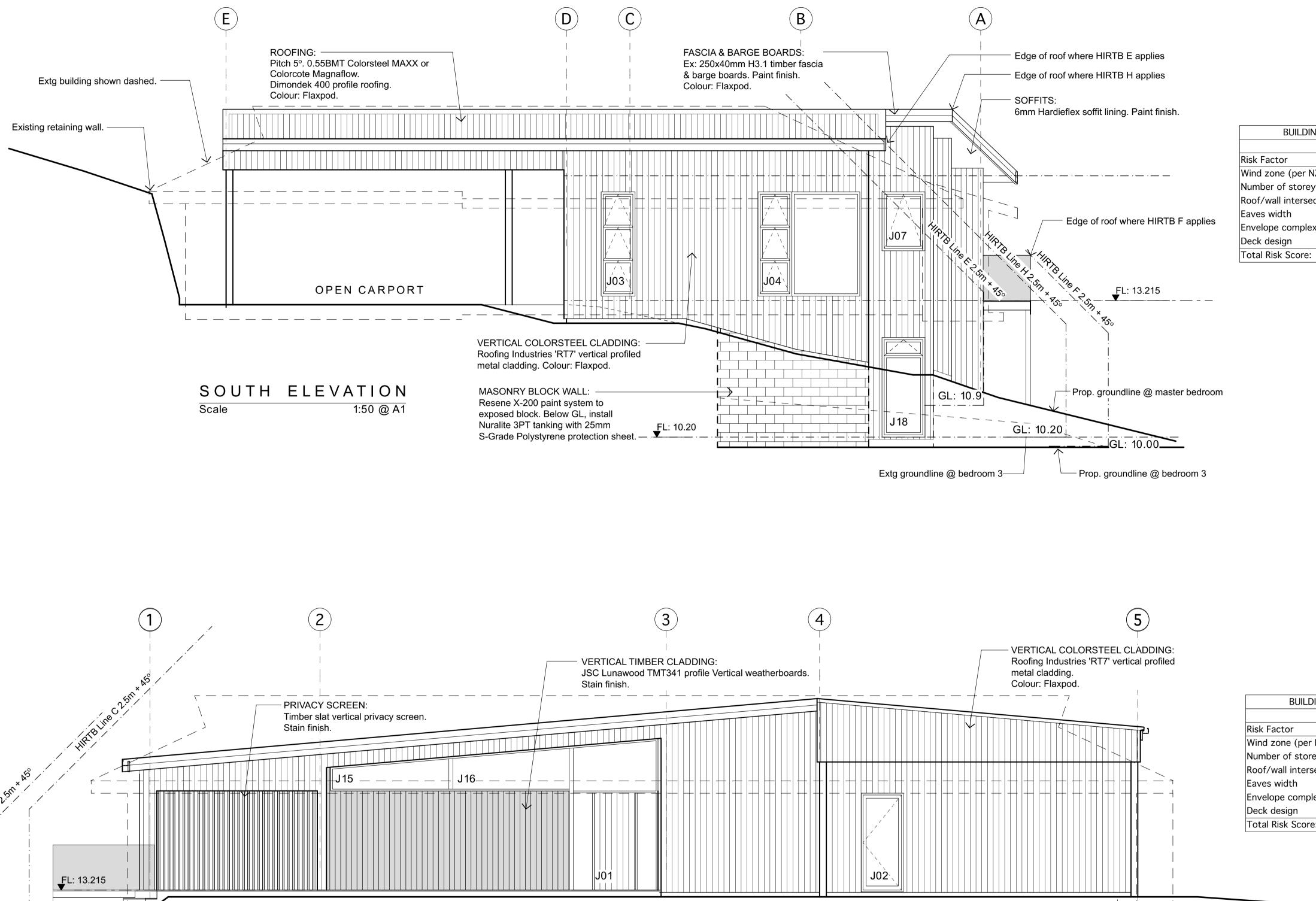
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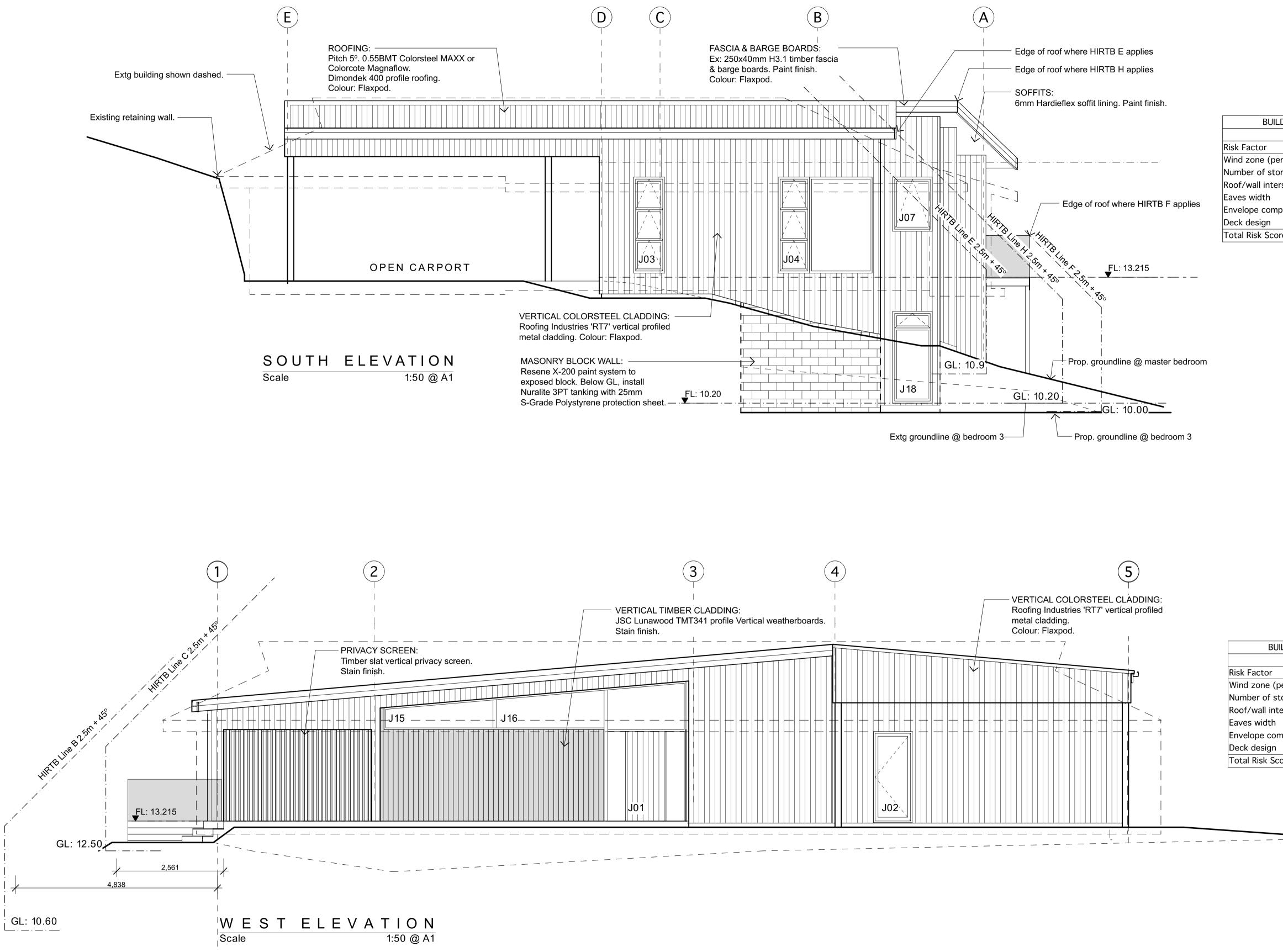
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SHEET No.

WD05

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| Do not scale from drawings. The Contractor must check and verify all dimensions on site prior to commencing any work | |
|--|----|
| All work to be in accordance with The Building Act 2004, The New Zealand Building Code, NZS 3604 (Amdmt May 2006), and Any additional Territorial Authority requirements. Refer Specification for references to other New Zealand / Australian Standards to be complied with as they apply to this project. | ed |

WIND ZONE: VERY HIGH EXPOSURE ZONE: D

| ING ENVELOPE RISK MATRIX | | | | |
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| South Elevation | | | | |
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APPROVED PLAN

Planner: Grace Quinn-Foster pp: RStehlin RC: 2230569-RMALUC Date: 10/11/2023

| DING ENVELOPE RISK MATRIX | | | | |
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| West Elevation | | | | |
| | Risk Severity Risk | Score | | |
| r NZS 3604) | Very high risk | 2 | | |
| reys | Medium risk | 1 | | |
| section design | Medium risk | 1 | | |
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| olexity | Medium risk | 1 | | |
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A BUILDING CONSENT

02-05-23

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ELEVATIONS

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