

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

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

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

☒ Yes ☐ No

4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Kenneth John McInnes

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

as per item 5

Property Address/
Location:

Postcode

8. Application Site Details

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

Name/s:

as per item 5

Site Address/
Location:

Legal Description:

Certificate of title:

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

Site visit requirements:

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

Is there a dog on the property? ☒ Yes ☐ No

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

Please contact agent prior to any site visit

9. Description of the Proposal:

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

Subdivision around existing development on land zoned Rural Production, to create two lots.

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

10. Would you like to request Public Notification?

☐ Yes ☒ No

14. Billing Details:

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

Name/s: (please write in full)

Ken McInnes

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)

Ken McInnes

Signature:

(signature of bill payer)

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Ken McInnes

Signature:

Checklist (please tick if information is provided)

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

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

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

(more than one circle can be ticked):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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



Our Reference: 10769.1 (FNDC)

4 August 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Subdivision around existing development – K McInnes – 210 Purerua Road, Kerikeri

I am pleased to submit application on behalf of K McInnes, for a proposed two lot subdivision of land zoned Rural Production, where each lot contains existing consented residential dwellings. The application is a discretionary activity.

The application fee of \$3,044 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

K McInnes
PROPOSED SUBDIVISION PURSUANT TO
FNDC OPERATIVE DISTRICT PLAN
210 Purerua Road, Kerikeri
PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS
Thomson Survey Ltd
Kerikeri

1.0 THE PROPOSAL

The applicant proposes to subdivide around two existing consented residential units, to create two titles (one additional) at 210 Purerua Road, Kerikeri. The proposal will see Lot 1 of 7.065ha supporting the older residence, and new Lot 2 of 4.391ha supporting a more recently constructed residence.

Both houses have existing access and that access will remain unchanged. The property is accessed from a crossing off Purerua Road.

A copy of the scheme plan(s) is attached in Appendix 1 and location map in Appendix 2.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to subdivide an existing site to create a total of two lots (one additional), as a discretionary activity.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location:	210 Purerua Road, Kerikeri
Legal description & RT's:	Lot 1 DP 578190; held in Record of Title 1069045, copy attached in Appendix 3.

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The site is 11.4545ha in area. It is zoned Rural Production in both the Operative District Plan (ODP) and the Proposed District Plan (PDP). No resource features apply in either the ODP or PDP. The PDP does, however, show a low lying depression running parallel to the existing accessway as being subject to both 10 and 100 year ARI event.

The site is within an area mapped as "Kiwi present". The site is almost entirely LUC class 4 with the northern most corner being LUC class 6.

The site supports two residential dwellings with ancillary structures and has existing driveway access to both dwellings. The site is otherwise in grass with scattered areas of trees. The topography of the site is gently undulating, with the dwelling on Lot 1 located on the high point, accessed via an existing driveway directly off Purerua Road. The second dwelling is also located on a knoll, south and slightly lower elevation than the older dwelling.

The property's southern boundary is with Crown Land reserved from sale, following the boundary of the Rangitane Stream.

3.2 Legal Interests on Titles

The title has appurtenant water supply right in Easement Certificate B559069.5. It is also subject to water supply rights through that same easement certificate.

In addition, the title is subject to right of way, telecoms, water supply, electricity and computer media; and right to drain water as specified in Easement Instruments 7291003.3 and 13062040.3. Existing easements are as shown on the Scheme Plan(s) attached in Appendix 1.

The title is also subject to a Consent Notice (13062040.2), registered in 2024. This will carry over onto both lots. It contains clauses in regard to the kiwi present area; sufficient water supply; power and telecommunications; and the now ceased quarry activity (relating only to Lot 2 DP 578190 and not the application site). There is also a clause relating to cattle yards previously contained with Lot 1 and a potential of a HAIL activity, however, unless the yards were utilised as a long term spray race cattle yards are not regarded as a HAIL activity.

Relevant legal instruments affecting the title form part of Appendix 3.

3.3 Consent History

The property file shows the following resource consent history:

- CU20, issued in 1968 for the quarry;
- RC 1960441-RMALUC, issued in 1996, updating the quarry consent;
- RC's 2060748 and 2060747-RMASUB, issued in 2006;

- RC 2180048-RMASUB, issued in 2017 and creating the application site;
- RC 2240174-RMALUC, issued in 2024 for the second residential dwelling; and
- 3002169-LGAESK, also issued 2024, associated with the building platform works for the second residential dwelling.

As stated earlier, the quarry is not on the application site.

Building consent history is listed below:

- BP5006428, issued in 1986 for new dwelling and barn;
- BC-1999-3121, issued in 2000 to close in the carport;
- BC-2002-1427, issued in 2002 for a pole farm shed;
- EBC-2023-970, PIM only issued in 2023 in relation to the second dwelling; superseded by
- EBC-2023-1167, issued in 2023 for second dwelling; and
- EBC-2024-548, issued in 2024 for a Versatile garage associated with the second dwelling.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 above and 5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Section 3 of this Planning Report for existing activities within the site. The application is for subdivision pursuant to the FNDC's ODP. No other breaches of the ODP have been identified.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is being sought for subdivision, pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity</i>	Refer to Sections 5 and 7 of this Planning Report.

<p>against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</p> <p>(a) any relevant objectives, policies, or rules in a document; and</p> <p>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</p> <p>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</p>	
<p>(3) An application must also include any of the following that apply:</p>	
<p>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));</p> <p>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));</p> <p>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</p>	<p>Refer to section 5. There are two consented residential dwellings on the application site, one to be on each of the proposed new lots.</p> <p>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>
<p>(4) An application for a subdivision consent must also include information that adequately defines the following:</p>	
<p>(a) the position of all new boundaries;</p> <p>(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;</p> <p>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;</p> <p>(d) the locations and areas of any existing esplanade reserves,</p>	<p>Refer to Scheme Plans in Appendix 1.</p>

<p><i>esplanade strips, and access strips:</i></p> <p><i>(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:</i></p> <p><i>(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):</i></p> <p><i>(g) the locations and areas of land to be set aside as new roads.</i></p>	
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Clause 6: Information required in assessment of environmental effects

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of—</i> <i>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;</i> <i>and</i> <i>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons have been identified.
<i>(g) if the scale and significance of the activity's effects are such that</i>	No monitoring is required as the scale and significance of the effects do not warrant it.

<i>monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The site has no high or outstanding landscape or natural character values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6. The subdivision has no effect on ecosystems or habitat.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6. The site has no aesthetic, recreational, scientific, historical, spiritual or cultural values that I am aware of, that will be adversely affected by the act of subdividing.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The subdivision site is not subject to hazard. The proposal does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The site is zoned Rural Production and has no resource features.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; Option 5. N/A as the proposal does not utilise remaining rights.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

The lots are 4ha in area or greater and the subdivision is therefore a **discretionary** subdivision activity.

Other Rules:

Zone Rules:

The proposal does not result in any breaches of Rural Production Zone rules. Both lots support existing built development complying with zone rules.

District Wide Rules:

Chapter 12.1 Landscapes and Natural Features does not apply as there is no landscape or natural feature overlay applying to the site.

Chapter 12.2 Indigenous Flora and Fauna does not apply as no clearance of indigenous vegetation is proposed.

Chapter 12.3 Soils and Minerals does not apply as no excavation/filling is required.

Chapter 12.4 Natural Hazards does not apply as the site is not subject to any coastal hazard as currently mapped in the Operative District Plan (the only hazards with rules). There are no areas of bush from which a 20m buffer is required.

Rules in Chapters 12.5, 5A and 5B Heritage do not apply as the site contains no heritage values or sites, no notable trees, no Sites of Cultural Significance to Maori and no registered archaeological sites. The site is not within any Heritage Precinct.

Chapter 12.7 Waterbodies does not apply as the subdivision does not include any new buildings or other impermeable surfaces, nor on-site wastewater system, breaching the setback requirements specified in this chapter and there is no indigenous wetland within which works are being proposed.

Chapter 12.8 Hazardous Substances does not apply as the activity being applied for is not a hazardous substances facility.

Chapter 12.9 does not apply as the activity does not involve renewable energy.

Chapter 14 Financial Contributions (esplanade reserve) is not relevant as there is no lot less than 4ha in area.

Chapter 15.1 Traffic, Parking and Access is not relevant as the site has existing consented access and all development on the site is existing, i.e. no additional traffic movements.

5.2 Proposed District Plan

The FNDC publicly notified its PDP on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. No earthworks are required to give effect to the subdivision.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Orongo Bay Zone.

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment Sizes and Dimensions

Both lots support existing consented development.

6.2 Natural and Other Hazards

The site contains some areas mapped as being subject to flooding, however development can avoid these areas and in any event, both lots are already built on.

6.3 Water Supply

There is no reticulated water supply to the site, with existing dwellings reliant on their own on-site collection and storage. Note existing consent notice.

6.4 Energy Supply & Telecommunications

Power and phone is not a requirement for rural subdivision. Note existing consent notice. In any event, both lots are already developed.

6.5 Stormwater Disposal

Both lots are already built on, with existing dwellings and other buildings duly consented under both the Building and Resource Management Acts. Impermeable coverage is well within permitted coverage levels for the zone. Should any further development works occur on either lot, then at that time stormwater management and disposal will be a consideration.

6.6 Sanitary Sewage Disposal

Both lots support an existing residential dwelling with on-site wastewater treatment and disposal. Proposed lot boundaries have been drawn to ensure that each house's system will be entirely within new lot boundaries.

6.7 Easements for any purpose & Amalgamation conditions

The property is subject to existing easements, all of which will carry over onto new titles as appropriate. No new easements are required.

6.8 Property Access

Property access is existing. The dwelling to be within Lot 1 has driveway access directly off Purerua Road, as part of, and in conjunction with, a shared existing right of way access. The crossing to Purerua Road is formed to the required standard, with no upgrade required. The dwelling on Lot 2 will utilise the existing shared driveway running the length of the northeast boundary of the lot, before private driveway then takes one up to the dwelling. This shared accessway is already formed, and the dwelling already exists. No upgrading is considered necessary.

6.9 Earthworks & Utilities

The subdivision will not require any on site earthworks.

6.10 Building Locations

Buildings are existing. Both residential dwellings are consented, including land use consent for two residential units on a site of less than 12ha in area.

6.11 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposesVegetation, fauna and landscape

The site has no resource feature overlays. It contains no features mapped as having any high or outstanding landscape or natural values and no mapped biodiversity wetlands. The site does not contain any areas of indigenous vegetation.

The consent notice that will carry over onto both new titles, refers to the property being within a kiwi present area, and requires that care should be taken with the keeping of domestic cats and dogs. All dogs are to be tied up or kept inside at night and any cats are to be kept inside at night. Kiwi aversion training for dogs is recommended, but not compulsory.

Heritage/Cultural

The site does not contain any historic sites, nor any archaeological sites. Neither does the site contain any Sites of Cultural Significance to Maori (as scheduled in the ODP or PDP). Both lots are already built on.

6.12 Soil

The proposal creates two lots around existing development. There are no highly productive soils on site. I do not consider the proposal to adversely affect the life supporting capacity of soil.

6.13 Access to, and protection of, waterbodies

Both lots are in excess of 4ha and do not directly adjoin any waterbody. The Rangitane Stream is separated from the application site by existing marginal strip (Crown Land). This will remain the case. No additional access is required. Development is existing so the subdivision will have no adverse effects on waterbodies.

6.14 Land use compatibility (reverse sensitivity)

The proposal is consistent with rural character where residential living is interspersed with larger holdings. The lots are both already developed. I do not foresee any adverse reverse sensitivity effects resulting from this proposal. The quarry no longer operates.

6.15 Proximity to Airports

The site is outside of any identified buffer area associated with any airport.

6.16 Natural Character of the Coastal Environment

The site is not within the coastal environment.

6.17 Energy Efficiency and renewable Energy Development/Use

The proposal has not considered energy efficiency.

6.18 National Grid Corridor

The National Grid does not run through the application site.

6.19 Effects on Rural Character and Amenity

The proposed lots are rural in nature/character, and already built on. The size of the lots means that rural amenity will be maintained. In my opinion, the proposal will have no adverse effects on rural character.

6.20 Effects on Landscape & Natural Values

The site does not have any high or outstanding landscape or natural values.

6.21 Cumulative and Precedent Effects

Cumulative Effect:

The proposal will create two lots around existing built development, therefore no adverse cumulative effects will result.

Precedent Effect:

Precedent effects are a matter for consideration when a consent authority is considering whether or not to grant a consent. Determining whether there is an adverse precedent effect is, however, generally reserved for non complying activities, which this is not. In any event, the proposed subdivision does not set an adverse precedent effect and does not threaten the integrity of the ODP or those parts of the PDP with legal effect.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapter 8.6 (Rural Production Zone); and 13 (Subdivision), of the District Plan. These are listed and discussed below where relevant to this proposal.

Subdivision Objectives & Policies

Objectives

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities

This is an enabling objective. The Rural Production Zone is predominantly, but not exclusively, a working productive rural zone. The site supports two consented residential units and the subdivision simply subdivides around these. The creation of two separate rural lifestyle lots, with frontage to Council maintained public road is considered a sustainable use of the land.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

The Assessment of Environmental Effects concludes that the proposed subdivision is appropriate for the site and that the subdivision can avoid, remedy or mitigate any potential adverse effects.

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site exhibits none of these features.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

Both lots support existing development, self sufficient in terms of on-site water storage and appropriate stormwater management.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

This objective is likely intended to encourage Management Plan applications, and does not have a lot of relevance to this proposal.

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

And related Policy

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

The site is not known to contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have minimal, if any, impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

The provision of power is not a requirement for rural allotments.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

The subdivision has not considered energy efficiency, and both proposed lots are already built on.

Objective 13.3.11 is not discussed further as there is no National Grid on or near the subject site.

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;
- (b) ecological values;
- (c) landscape values;
- (d) amenity values;
- (e) cultural values;
- (f) heritage values; and
- (g) existing land uses.

The values outlined above, where relevant to the proposal, have been discussed earlier in this report. I believe regard has been had to items (a) through (g) in the design of the subdivision.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties. And

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Access to both lots is existing and off Purerua Road (Council sealed road). No works are required to form or upgrade access. On site wastewater treatment and disposal and stormwater management is already in place for both existing dwellings.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

The site is not identified as being subject to any hazard to the extent this will impact on built development (already in place).

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

Power and telecommunications are not a requirement for rural allotments.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

The site does not contain any heritage resources. There are no areas of indigenous vegetation. The site is not in the coastal environment. The site contains no outstanding landscape or natural features.

Policy 13.4.7 is not relevant as there is no lot less than 4ha in area.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

This is discussed earlier. Each lot has on-site water supply and storage.

Policies 13.4.9 and 13.4.10 are not discussed further. The former relates to bonus development donor and recipient areas, which are not contemplated in this proposal; whilst the latter only applies to subdivision in the Conservation Zone.

13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

The application is not lodged as a Management Plan application.

*13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to **s6 matters**. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:*

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

S6 matters (National Importance) are addressed later in this report.

In addition:

- (a) The proposal subdivides off separate lots around existing development, and provides for an appropriate type and scale of activity for the zone;
- (b) The proposal is in an area not displaying high or outstanding natural values;
- (c) The site contains no indigenous vegetation;
- (d) The site is not within the coastal environment;
- (e) The proposal enables the maintenance of amenity and rural character values;
- (f) The proposal is not believed to negatively impact on the relationship of Maori with their culture;
- (g) There are no identified heritage values within the site; and
- (h) The site is not subject to any natural hazards that impacts on the ability to build.

I consider the proposal to be consistent with Policy 13.4.13.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The subdivision has had regard to the underlying zone's objectives and policies – see below.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following: (a) development of energy efficient buildings and structures; (b) reduced travel distances and private car usage; (c) encouragement of pedestrian and cycle use; (d) access to alternative transport facilities; (e) domestic or community renewable electricity generation and renewable energy use

The subdivision layout has taken the above matters into account.

Policy 13.4.16 is not considered relevant as it only relates to the National Grid.

In summary, I believe the proposal to be more consistent than not with the above Objectives and Policies.

Rural Production Zone Objectives and Policies

Objectives:

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

And policies

8.6.4.1 That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects cannot be avoided remedied or mitigated are given separation from other activities

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural production zone and in neighbouring zones.

Objective 8.6.3.5 and Policy 8.6.4.6 are not considered relevant as they are solely related to Kerikeri Road.

The proposed subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). Reverse sensitivity effects are not considered to be a significant risk (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, and that the underlying goal is to avoid any actual and potential adverse effects of conflicting land use activities. I believe in the case of this proposal, given the site's location, and the existing land uses within the site, that additional adverse reverse sensitivity effects are unlikely. The site does not contain any soils that meet the definition of 'highly versatile soils' or 'highly productive land'.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained and enhanced (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

7.2 Proposed District Plan Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) follows:

SUB-O1

Subdivision results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*
- f. manages adverse effects on the environment.*

SUB-O2

Subdivision provides for the:

- a. Protection of highly productive land; and*
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.*

SUB-O3 *Infrastructure is planned to service the proposed subdivision and development where:*

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;*
- b. esplanade where land adjoins the coastal marine area; and*
- c. esplanade where land adjoins other qualifying water bodies*

I consider the subdivision to achieve the objectives of the relevant zone, and district wide provisions. Local character is not affected; reverse sensitivity issues will not result; risk from

natural hazards will not be increased. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site does not contain land that meets the definition of 'highly productive land'. The site contains no ONF's or ONL's, nor any areas of high or outstanding natural character. There are no 'natural inland wetlands'. There are no lakes or rivers immediately adjoining the site, no Sites and Areas of Significance to Maori and no Historic Heritage. There are no areas of indigenous vegetation (SUB-O2).

The proposal is consistent with SUB-O3 and SUB-O4 does not apply.

SUB-P1

Enable boundary adjustments that:

Not relevant – application is not a boundary adjustment.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not relevant – application does not involve public works, infrastructure, reserves or access lots.

SUB-P3

Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;*
- b. comply with the minimum allotment sizes for each zone;*
- c. have an adequate size and appropriate shape to contain a building platform; and*
- d. have legal and physical access.*

The subdivision results in lots that do not meet the controlled minimum allotment size for the Zone as proposed in the PDP. However, these provisions have no legal effect and are subject to considerable challenge. The allotments will be consistent with the purpose, characteristics and qualities of the zone. Both lots accommodate existing building platforms with residential units established, and have legal and physical access.

SUB-P4

Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The subdivision has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

- a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;*
- b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;*
- c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;*
- d. contributing to a well connected transport network that safeguards future roading connections; and*
- e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.*

Each lot has existing access. Purerua Road is an existing maintained public (sealed) road, to the appropriate standard.

SUB-P6 *Require infrastructure to be provided in an integrated and comprehensive manner by:*

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
- b. ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.*

The subdivision is rural with no nearby Council administered or operated infrastructure except for the road.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No lot less than 4ha in area.

SUB-P8 *Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:*

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
- b. will not result in the loss of versatile soils for primary production activities.*

The subdivision does not avoid rural lifestyle subdivision per se, but could be seen to avoid "additional" rural lifestyle subdivision given that the existing site is not really a rural production unit any more in any event. Both lots support existing consented development. The proposal is not inconsistent with the policy because (a) there is no qualifying SNA to protect, and (b) there is no loss of versatile soils.

SUB-P9

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The subdivision is not a Management Plan subdivision. See above comment under SUB-P8.

SUB-P10

To protect amenity and character by avoiding the subdivision of minor residential units from Principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

Not relevant. No minor residential units exist.

SUB-P11

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

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;*
- b. the location, scale and design of buildings and structures;*
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- d. managing natural hazards;*

e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No consent is required under the PDP so the above policy is of limited relevance. Notwithstanding this, all of the above have been considered (where relevant) in the layout and number of lots being proposed.

In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan.

Objectives

RPROZ-O1

The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O2

The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-O3

Land use and subdivision in the Rural Production zone:

- a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

RPROZ-O4

The rural character and amenity associated with a rural working environment is maintained.

The subdivision creates separate titles around two existing (and consented) residential units. The soils are not regarded as "highly productive land". The subdivision does nothing to impact on rural character and amenity, or productivity. The proposal is not a land use application (RPROZ-O2). The property has no highly productive land and does not create additional reverse sensitivity effects. The property is not subject to natural hazard to the extent that it cannot be developed, and development is existing in any event. The lots are serviced by on-site infrastructure (RPROZ-O3).

Policies**RPROZP2**

Ensure the Rural Production zone provides for activities that require a rural location by:

- a. enabling primary production activities as the predominant land use;
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.

Primary production is not the predominant land use on the site. Each lot supports existing residential units, a use that is compatible with a rural area.

RPROZP3

Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

The lots are already developed. The subdivision creates no additional effects in terms of reverse sensitivity or productive use.

RPROZP4

Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- a. a predominance of primary production activities;
- b. low density development with generally low site coverage of buildings or structures;
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and
- d. a diverse range of rural environments, rural character and amenity values throughout the District.

The proposal maintains rural character and amenity. The subdivision is low density and around existing development. Reverse sensitivity effects, or lack thereof, are discussed earlier.

RPROZP5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;
- c. would result in the loss of productive capacity of highly productive land;
- d. would exacerbate natural hazards; and
- e. cannot provide appropriate on-site infrastructure.

Application is not a land use. N/A.

RPROZP6

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
 - 1. the type of farming proposed; and

-
2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
- c. provides for rural lifestyle living unless there is an environmental benefit.

The subdivision does not result in the loss of highly productive land (no LUC 1, 2 or 3 soils exist on the site), nor was the property large enough in the first place to be an economic production unit. Both lots support existing built development. The proposal cannot be consistent with part (c) as there is no environmental benefit.

RPROZP7

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

- a. whether the proposal will increase production potential in the zone;
- b. whether the activity relies on the productive nature of the soil;
- c. consistency with the scale and character of the rural environment;
- d. location, scale and design of buildings or structures;
- e. for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
- f. at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
- g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;
- h. the adequacy of roading infrastructure to service the proposed activity;
- i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;
- j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The subdivision does not require any consent under the PDP and proposes no land use that requires consent under the PDP. The above policy is therefore of limited relevance. I consider the subdivision to maintain rural character and amenity and the lots are suitable for their existing use.

7.3 Part 2 Matters

5 Purpose

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

-
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

6 *Matters of national importance*

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

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

The site does not exhibit the features in (a) or (h) above.

7 *Other matters*

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

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

Regard has been had to relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d), (f) and (g). Proposed layout and lot size, along with existing waste water and stormwater management, will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the values of ecosystems. The subdivision does not materially affect on the productive capacity of any rural zoned land.

8 Treaty of Waitangi

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

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

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

7.3 National Policy Statements and National Environmental Standards

NES Freshwater

The site does not contain any waterbody that will be impacted by the act of subdivision around existing development.

NPS Highly Productive Land

There is no land within the application site that meets the definition of "highly productive land". The proposal is therefore not subject to the NPS HPL.

NES Assessing and Management Contaminants in Soil to Protect Human Health

The land to be within Lots 1 & 2 has not historically supported any activity to which the NES CS applies.

NPS Indigenous Biodiversity

The site contains no indigenous vegetation and no clearance of vegetation is required.

7.4 Regional Policy Statement

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development**.

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and ...

Policy 5.1.1 seeks to ensure that subdivision in a primary production zone does not “materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities”.

This has been discussed at length elsewhere in this planning report. The subdivision does not “materially reduce the potential for soil-based primary production on land with highly versatile soils”.

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);.....

In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result.

8.0 s95A-E ASSESSMENT & CONSULTATION

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. None exist.

In summary public notification is not required.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, specifically:

- (7) *In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*
- (8) *In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

The application is not for a boundary activity. The s95E assessment below concludes that there are no affected persons to be notified. Limited notification is not required.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

8.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. No written approvals have been considered necessary.

Whilst the activity is a discretionary activity, it is within the expected outcomes of subdivision and development of the Rural Production Zone. Built development already exists on both lots. The subdivision, therefore, creates no adverse effects. I have reached the conclusion that the proposal will not have any minor or more than minor effects on adjacent properties.

The site does not contain any heritage or cultural sites or values and areas of indigenous vegetation are already protected. Existing consent notices will mitigate potential for kiwi predation. The site is not accessed off state highway. No pre lodgement consultation has been considered necessary with tangata whenua, Heritage NZ, Department of Conservation or Waka Kotahi.

9.0 CONCLUSION

The site is considered suitable for the proposed subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent.



Signed
Lynley Newport,
Senior Planner
Thomson Survey Ltd

Dated 4th August 2025

10.0 LIST OF APPENDICES

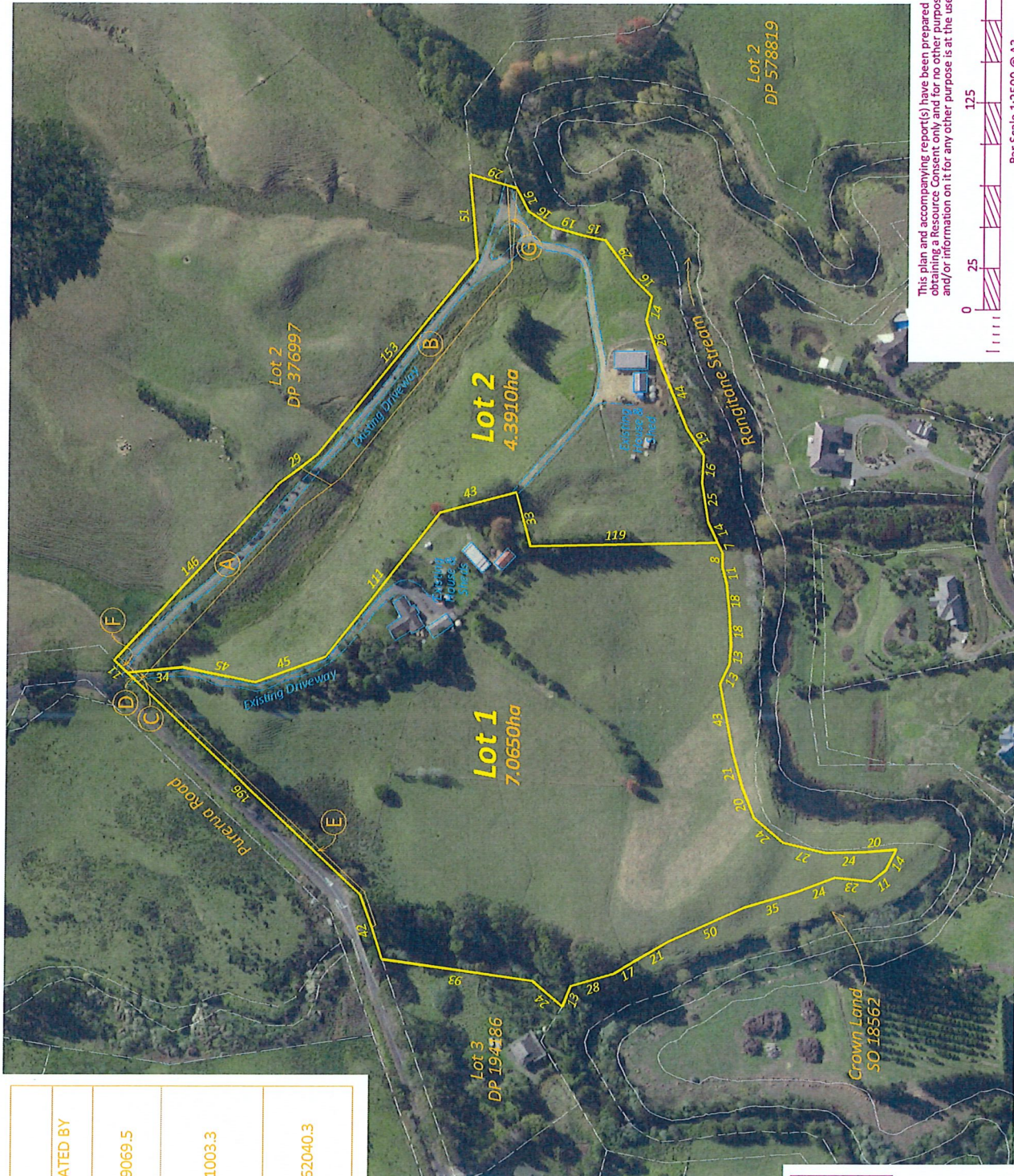
- Appendix 1** Scheme Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Records of Title & Relevant Instruments

Appendix 1

Scheme Plan(s)

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
WATER SUPPLY	(E)	LOT 2 HEREON	B559069.5
	(D)(E)	LOT 1 HEREON	
RIGHT OF WAY, TELECOMMUNI- CATIONS, ELECTRICITY & COMPUTER MEDIA	(A)(B)	LOT 2 HEREON	7291003.3
	(F)	LOT 1 HEREON	
RIGHT OF WAY, TELECOMMUNI- CATIONS, ELECTRICITY & DRAIN WATER	(C)(D)	LOT 1 HEREON	13062040.3
	(A)(B) (F)(G)	LOT 2 HEREON	
	(C)(D)	LOT 1 HEREON	



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



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

Local Authority: Far North District Council
Comprised in: 1069045
Total Area: 11.4545ha
Zoning: Rural Production
Resource features: NIL

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

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF
LOT 1 DP 578190
210 PURERUA ROAD, KERIKERI

PREPARED FOR: K MCINNES

Survey	Name	Date	ORIGINAL
Design			SHEET
Drawn	KY	13.05.25	SIZE
Approved			1:2500 A3
Rev			

Supervisors
Ref. No:

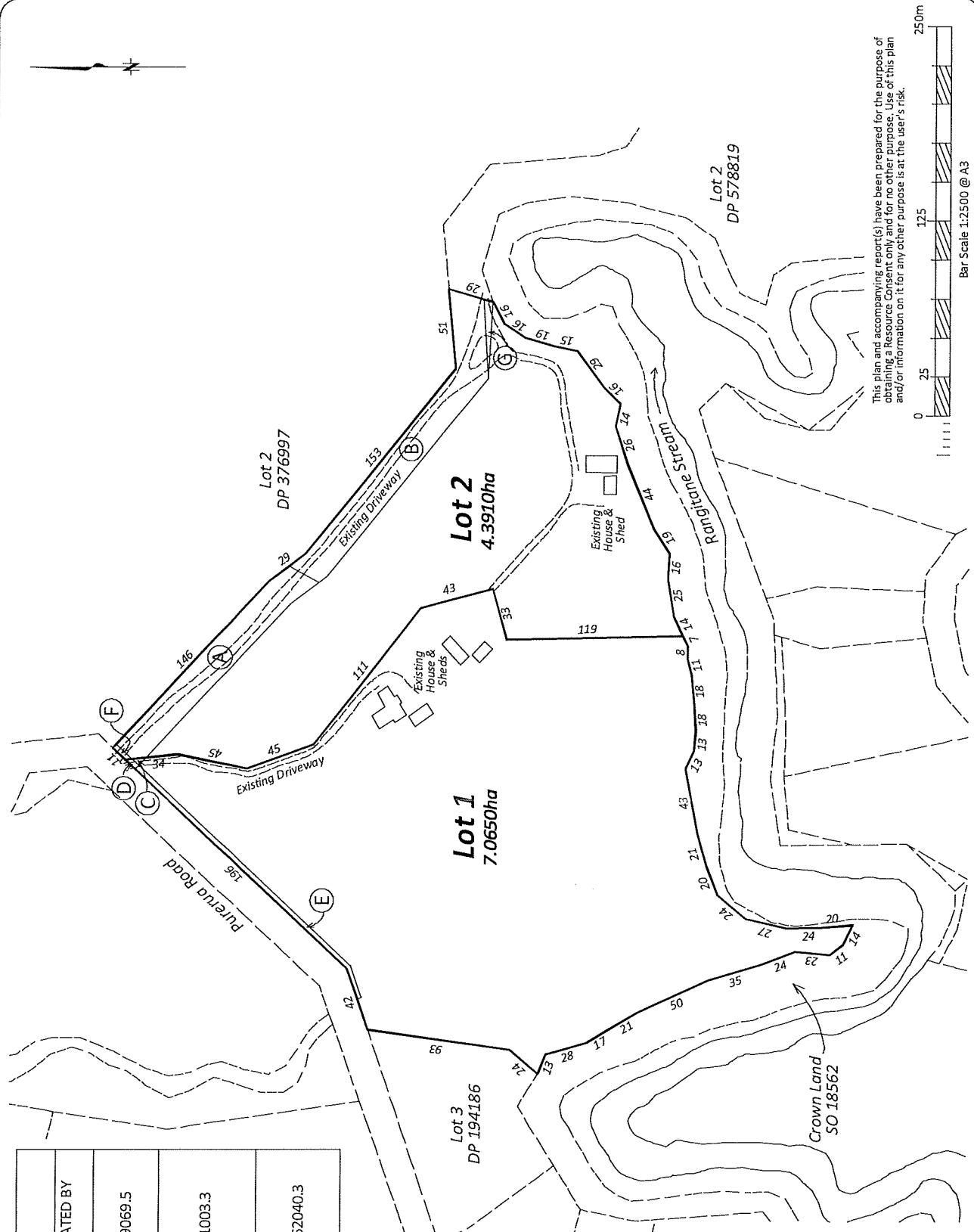
10769

Sheet 1 of 1

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
WATER SUPPLY	(F)	LOT 2 HEREON	B559069.5
	(D)(E)	LOT 1 HEREON	
RIGHT OF WAY TELECOMMUNI- CATIONS	(A)(B)	LOT 2 HEREON	7291003.3
ELECTRICITY WATER SUPPLY & COMPUTER MEDIA	(F)		
	(C)(D)	LOT 1 HEREON	
RIGHT OF WAY TELECOMMUNI- CATIONS	(A)(B)	LOT 2 HEREON	13062040.3
ELECTRICITY WATER SUPPLY & DRAIN WATER	(F)(G)		
	(C)(D)	LOT 1 HEREON	

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TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Comprised in: 1069045
Total Area: 11.4545ha
Zoning: Rural Production
Resource features: NIL



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THOMSON SURVEY
315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@thsurvey.co.nz
Ph: (09) 4077360
www.thsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 1 DP 578190 210 PURERUA ROAD, KERIKERI

PREPARED FOR: K McINNIS

Survey	Name	Date	ORIGINAL
Design	KY	13.05.25	SCALE
Drawn			1:2500
Approved			SHEET SIZE
Rev			A3

Supervisors
Ref. No: 10769
Sheet 1 of 1

Appendix 2

Location Plan

Appendix 3

Records of Title & Relevant Instruments



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



Identifier 1069045
Land Registration District North Auckland
Date Issued 18 July 2024

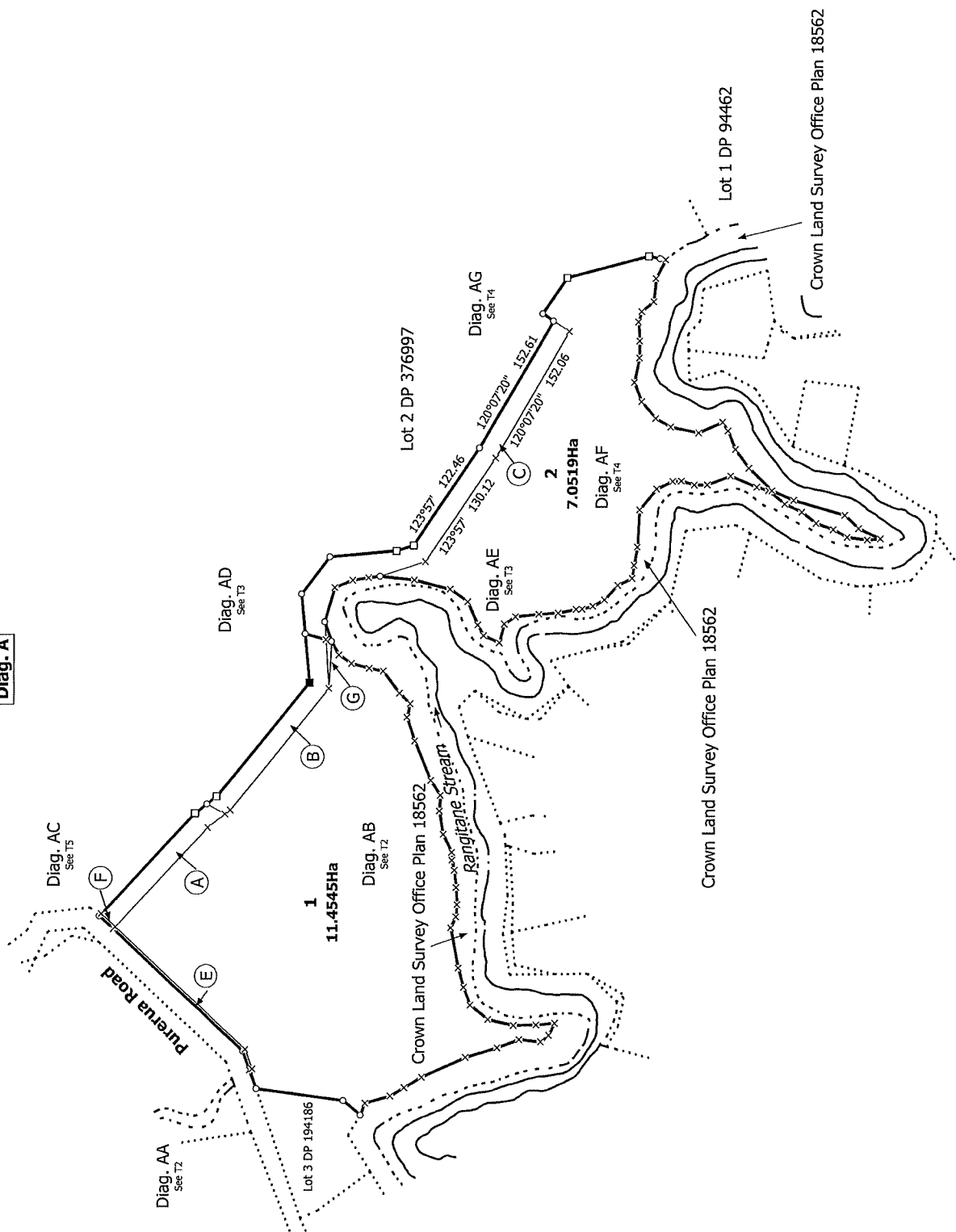
Prior References
309509

Estate Fee Simple
Area 11.4545 hectares more or less
Legal Description Lot 1 Deposited Plan 578190

Registered Owners
Kenneth John McInnes as to a 1/2 share
Sandra Isabel McInnes as to a 1/2 share

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925
Appurtenant hereto is a water supply right specified in Easement Certificate B559069.5 - 21.7.1986 at 9:37 am
Subject to a water supply right over parts marked E and F on DP 578190 specified in Easement Certificate B559069.5 - 21.7.1986 at 9:37 am
Subject to a right of way, telecommunications, water supply, electricity and computer media over parts marked A, B and F on DP 578190 created by Easement Instrument 7291003.3 - 23.3.2007 at 9:00 am
The easements created by Easement Instrument 7291003.3 are subject to Section 243 (a) Resource Management Act 1991
7336182.1 Variation of the conditions of the easement created by Easement Instrument 7291003.3 - 24.4.2007 at 9:00 am
13062040.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.7.2024 at 9:24 am
Subject to a right of way, right to convey electricity, telecommunications and water and right to drain water over parts marked A, B, F and G on DP 578190 created by Easement Instrument 13062040.3 - 18.7.2024 at 9:24 am
The easements created by Easement Instrument 13062040.3 are subject to Section 243 (a) Resource Management Act 1991



T 1/5

Surveyors Ref: 8943 McInnes

Land District: North Auckland

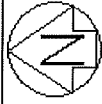
Lots 1 and 2 being a Subdivision of Lot 1 DP 376997

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
DP 578190

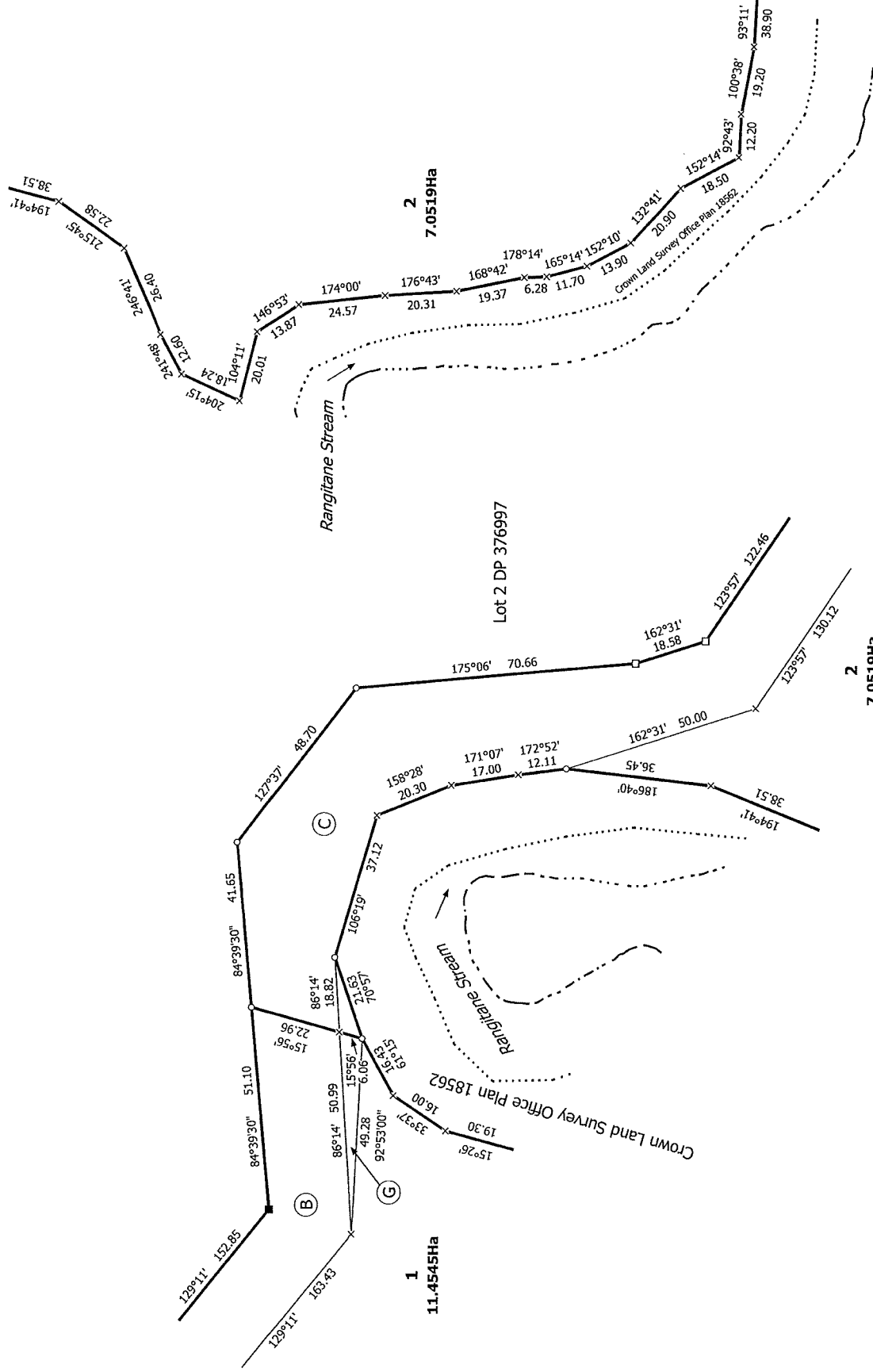
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Deposited on: 18/07/2024



Diag. AD

Diag. AE



T 3/5

Surveyors Ref: 8943 McInnes

Land District: North Auckland

Lots 1 and 2 being a Subdivision of Lot 1 DP 376997

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
DP 578190

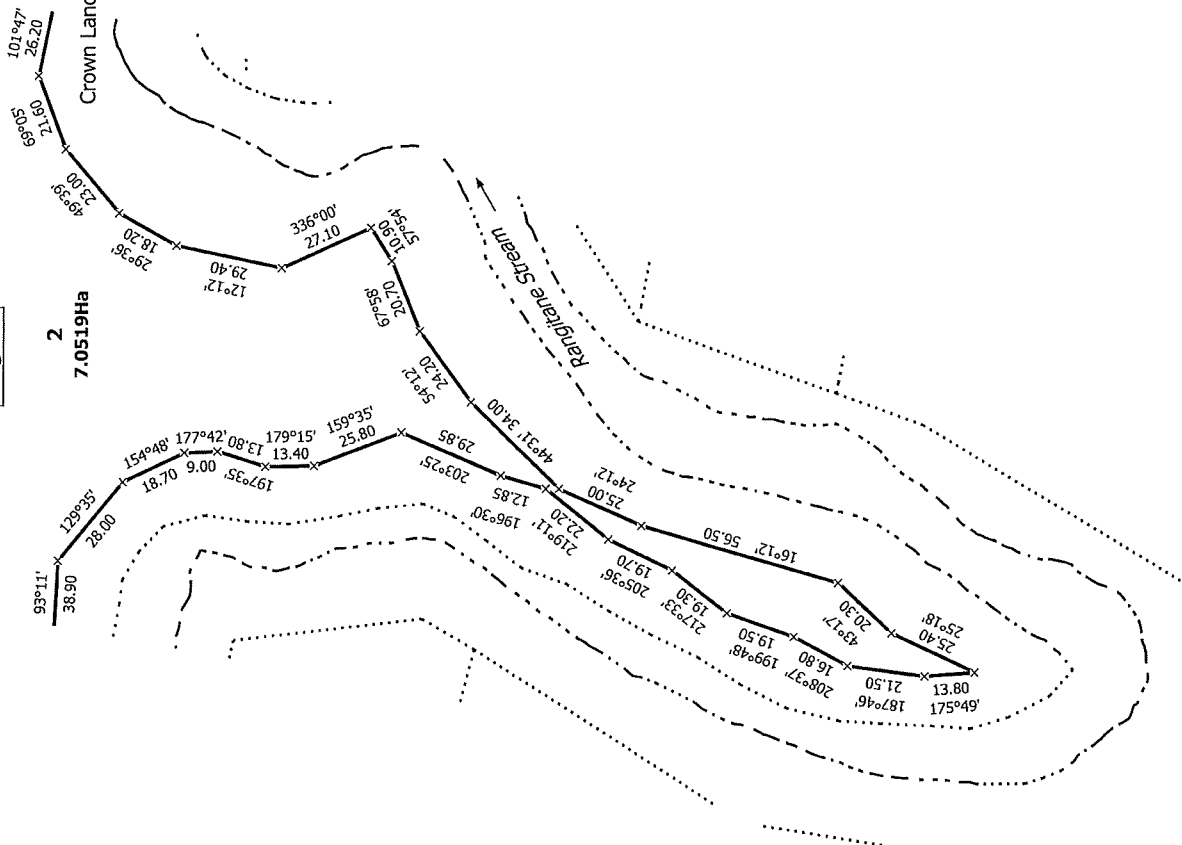
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Deposited on: 18/07/2024

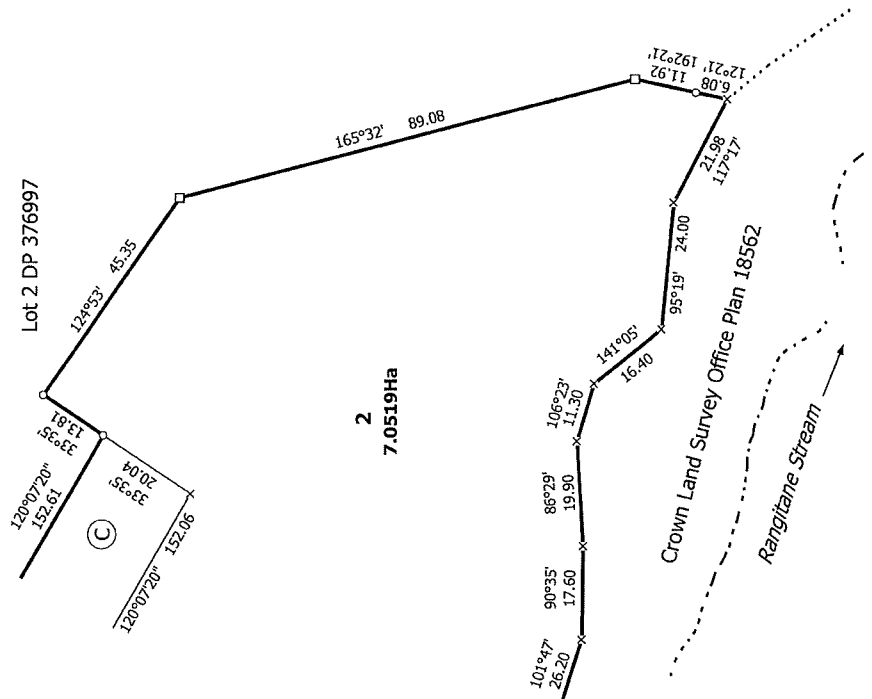


Diag. AF

2
7.0519Ha



Diag. AG



T 4/5

Surveyors Ref: 8943 McInnes

Land District: North Auckland

Lots 1 and 2 being a Subdivision of Lot 1 DP 376997

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

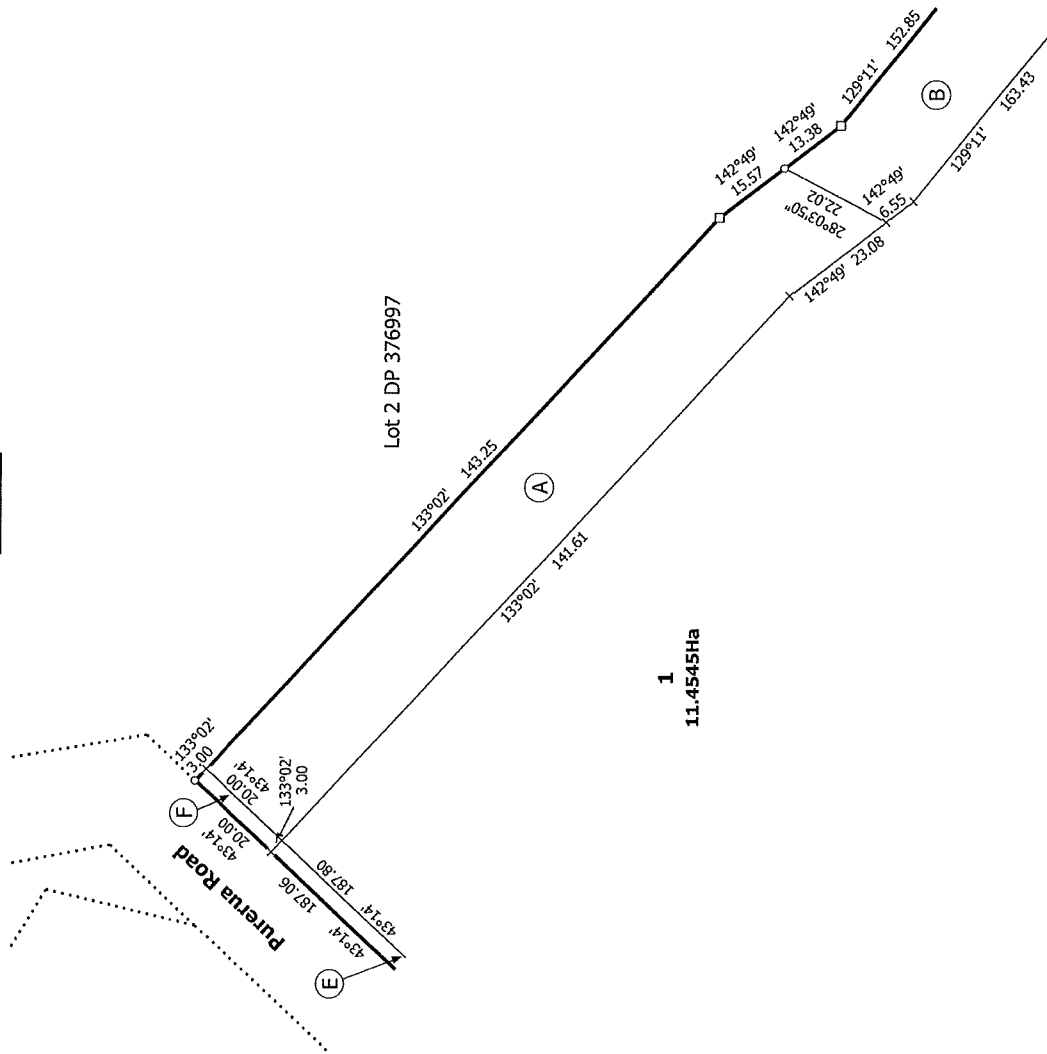
Title Plan
DP 578190

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Generated on: 06/08/2024 09:05am Page 6 of 7

Deposited on: 18/07/2024



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T 5/5

Surveyors Ref: 8943 McInnes

Title Plan
DP 578190

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Deposited on: 18/07/2024

Lots 1 and 2 being a Subdivision of Lot 1 DP 376997

Land District: North Auckland

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Generated on: 06/06/2024 09:05am Page 7 of 7

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

B559069.5 EC

EASEMENT CERTIFICATE

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

~~Now~~ CLINTON JAMES GRANT of Kerikeri, Farmer and
ROBYNNE ANNE GRANT his wife

being the registered proprietor(s) 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 Auckland on the 25th day of Nov. 1985 under No. 108139 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. 108139

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Water Supply	Pt. S.24 Blk VI Kerikeri SD (C.T.58C/ 546)	Marked "A"	Lots 2 and 3	60C/188 60C/189
Water Supply	Part Lot 2	Marked "B"	Lot 3 & Part Section 24 Blk VI Kerikeri SD, (C.T. 58C/546)	60C/189

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.

1. Rights and powers:

In addition to the rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952 as they apply to pipes shall also apply to a water tank and pump for the purposes of the Easement.

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

The Easements herein created shall permit the registered proprietors for the time being of both the dominant and servient tenements & their tenants to draw, pump and convey water only for the purposes of domestic household and livestock consumption and shall not permit the use of the same for the purposes of horticulture irrigation or commercial use.

The registered proprietor for the time being of Lot 3 shall solely at his expense maintain the line of pipes marked "B" from the point where it leaves the water tank to the boundary of Lot 3.

and the cost of electricity consumed in the operation of the pump. The cost of maintaining the water tank and pump shall be shared equally by the registered proprietors for the time being of both the dominant and servient tenements.

3. The rights conferred on the registered proprietor or his tenant of Part Section 24 Block VI Kerikeri Survey District (C.T. 58C/546) as they relate to that part marked "B" referred to herein shall be limited to that portion of the said part from and inclusive of the water tank situated thereon to the boundary of the said land contained in C.T. 58C/546 where "B" meets and joins with that part marked "A" herein referred to and shall not confer any other rights or powers in respect of the said part marked "B".

Dated this 20th day of December, 19 85

Signed by the above-named

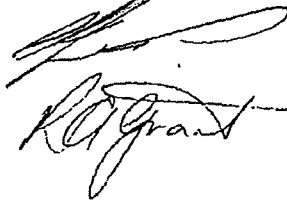
CLINTON JAMES GRANT and
ROBYNNE ANNE GRANT

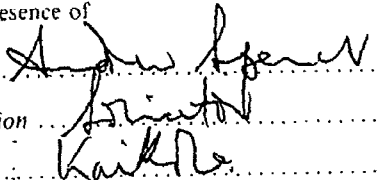
in the presence of

Witness

Occupation

Address





EASEMENT CERTIFICATE

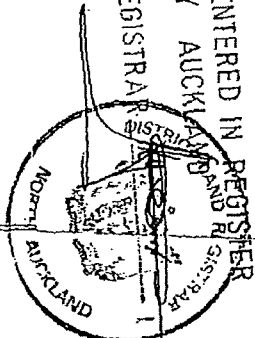
(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

*Correct for the purposes of the
Land Transfer Act*

[Signature]
Solicitor for the registered proprietor

58-1546
100/188
1189

19.37 21.JUL 86 B 559069-5
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR



(S)

WALLACE, SPENCER, MCBREARTY & DODDS,
SOLICITORS,
KAIKOHE.



**Easement instrument to grant easement or
profit à prendre or create land covenant**
Sections 90A and 90F, Land Transfer Act 1952

2003/6180EF
Approved
Registrar-General of Land

Land registration district

NORTH AUCKLAND

EI 7291003.3 Easemen

Cpy - 01/01, Pgs - 006, 23/03/07, 08:58



DocID: 312845381

Grantor

Kenneth John McINNES and Sandra Isabel McINNES

Sumame(s) must be underlined or in CAPITALS.

Grantee

Kenneth John McINNES and Sandra Isabel McINNES

Sumame(s) must be underlined or in CAPITALS.

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

DATED this 8 day of December 2006

Attestation

Signed in my presence by the Grantor

[Handwritten signatures of Kenneth John McINNES and Sandra Isabel McINNES]

Signature [Common Seal]
of Grantor

[Handwritten signature of Richard G A Palmer]
Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name: **RICHARD G A PALMER**
Occupation: **SOLICITOR**
KERIKERI

Address:

Signed in my presence by the Grantee

[Handwritten signatures of Kenneth John McINNES and Sandra Isabel McINNES]

Signature [Common Seal]
of Grantee

[Handwritten signature of Richard G A Palmer]
Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name: **RICHARD G A PALMER**
Occupation: **SOLICITOR**
KERIKERI

Address:

Certified correct for the purposes of the Land Transfer Act 1952

[Handwritten signature]
[Solicitor for] the Grantee

* If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1

2003/6180EF
Approved
Registrar-General of Land

Easement instrument

Dated 08-12-2006 Page 2 of 3 pages

Schedule A

Continue in additional Annexure Schedule if required.

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way, Telecommunications, Water Supply, Electricity, Computer Media	A, B and F on DP 376997	Lot 1 DP376997 Identifier 309509	Lot 2 DP 376997 Identifier 309510

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers provided in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] ~~[negative]~~ [added to] or ~~[substituted]~~ by:

Sgt
2/12/06
[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].

[The provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required

The provisions applying to the specified covenants are those set out in:

Sgt
2/12/06
[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].

[The provisions set out in Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box.

Sgt
2/12/06
W
D

Annexure Schedule

1

2003/5038EF
Approved
Registrar-General of Land

*Easement Instrument

Dated 08-12-2006 Page 3 of 3 pages

** Insert type of instrument.*

Continue in additional Annexure Schedule if required.

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

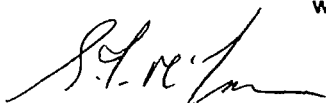
Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

Any maintenance, repair or replacement of the right of way, water drains and pipes, and telecommunication, computer media and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).

In the event the areas marked A and B on Deposited Plan 376997 are required to vest as road or right of way the proprietor for the time being of the dominant or servient tenements hereby consent and if required shall when called upon execute a consent to the vesting and FURTHER if required surrender of the easements herein and in the event there is a mortgage or mortgages registered over the dominant or servient tenement the registered proprietor for the time being of the dominant or servient tenement will obtain their mortgagees consent to the said vesting and if required the said surrender.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

MortgagePage **1** of **1** pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

ASB BANK LIMITED**Mortgage under Mortgage no. C571552.1****Consent**

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The subdivision of land in Certificate of Title NA125B/960, the deposit of Plan 376997 and the issue of two new Certificates of Title and the creation of Easements as required.

Dated this

day of

20 MAR 2007**Attestation**

SIGNED by ASB BANK LIMITED by its Attorney

BRENDA ANNE WATERS

without prejudice to the rights and powers existing
under the interest of the Consentor

Nona Shedde

in the presence of:

Witness:

Bank Officer,

AUCKLAND

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

Signature of Consentor

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

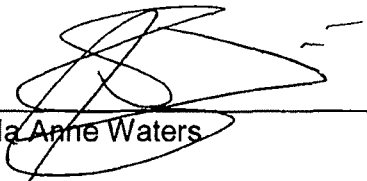
ASB BANK LIMITED
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I Brenda Anne Waters of Auckland, New Zealand, hereby certify:

- 1 THAT by a Deed dated **31 October 2006** and deposited in the Land Information New Zealand office as **No. 7154356.1** ASB Bank Limited appointed the persons holding, or from time to time acting in, the following ASB Bank offices as its attorneys on the terms and subject to the conditions set out in the said Deed:

Senior Manager Business and Rural Documentation
Senior Manager Group Retail Loan Documentation
Senior Manager Loan Security Maintenance
Manager Business and Rural Loan Documentation
Legal Executive, Lending Services
Manager Administration
Manager Security Alterations and Settlements
Manager Inward Documents and Security Filing
Chief Manager Lending Services
Senior Manager Debt Assessment and Recoveries
Manager Business Credit

2. THAT I hold the appointment of Manager Security Alterations and Settlements, Lending Services, with ASB Bank Limited
3. THAT at the date of signing I have not received any notice of or information of the revocation of that appointment by the winding up of the said company or otherwise.



Brenda Anne Waters

SIGNED at Auckland this 20th day of March 2007



View Instrument Details

Instrument No. 13062040.2
Status Registered
Date & Time Lodged 18 Jul 2024 09:24
Lodged By Scully, Simone Marie
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



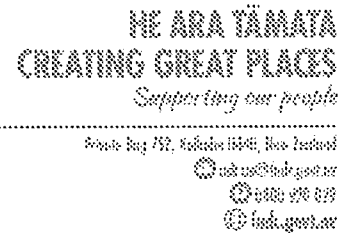
Affected Records of Title	Land District
1069045	North Auckland
1069046	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Danielle Meddings as Territorial Authority Representative on 17/07/2024 04:57 PM

*** End of Report ***



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING CER-2180048-CER224/A
Being the Subdivision of LOT 1 DP 376997
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 1 and 2 DP 578190

- (i) Present and future owners of the lot shall note that the property is located within a kiwi habitat area. Care should be taken with the keeping of domestic cats, dogs and mustelids, as these animals may cause adverse effects on the kiwi population that may inhabit the area. Any dogs that are present on this lot shall be tied up or kept inside at night and any cats shall be kept inside at night. Kiwi aversion training for dogs is also recommended.
- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

Lot 1 only DP 578190

- (iii) Lot 1 has been identified as potentially having an activity listed on the Hazardous Activities and Industries List (HAIL). A Preliminary Site Investigation (PSI) of the site may be required to address the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) Regulations 2011 in the event that a residential dwelling is developed within the area previously used for cattle yards.



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Lots 2 only DP 578190

- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (v) The quarry activities shown on the scheme plan approved by RC 2180048 RMA SUB are now closed for commercial operation. Lot 2 has been created as a lifestyle property. Any proposal to re-open the quarry as a commercial operation will require reassessment under the District Plan provisions and will potentially require land use consent from the Far North District Council. Council will likely require as part of any consent application, written responses from adjacent neighbours. Further, consents may also be required from the Northland Regional Council.

SIGNED:

Mr Simeon Alistair McLean - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

TEAM LEADER – RESOURCE CONSENTS

DATED at **KERIKERI** this 18th day of September 2023



View Instrument Details

Instrument No. 13062040.3
Status Registered
Date & Time Lodged 18 Jul 2024 09:24
Lodged By Scully, Simone Marie
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Records of Title	Land District
1069045	North Auckland
1069046	North Auckland

Annexure Schedule Contains 2 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Danielle Meddings as Grantor Representative on 17/07/2024 04:57 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Danielle Meddings as Grantee Representative on 17/07/2024 04:57 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

Kenneth John McINNES and Sandra Isabel McINNES

Grantee

Kenneth John McINNES and Sandra Isabel McINNES

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Schedule, if required

Continue in additional Annexure

Purpose of Easement, or <i>profit</i>	Shown (plan reference) 578190	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of way, Right to convey electricity and telecommunications, Right to convey water, Right to drain water	A, B, F & G	Lot 1 DP 578190 (identifier 1069045)	Lot 2 DP 578190 (Identifier 1069046)

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby **added to** by:

Continuation of "Easement for Rights and Powers"

Easement of Right of Way

1. Where there is any conflict or inconsistency in the rights and powers implied in the Easement of Right of Way by the Land Transfer Regulations 2018 and Schedule 5 of the Property Law Act 2007, the former shall prevail.
2. No notice pursuant to sections 308-312 of the Property Law Act 2007 shall be available for the purposes of altering or upgrading the state of the land over which the Right of Way is granted unless it is first agreed in writing by both the registered owners for the time being of the Burdened Land and Benefitted Land respectively that the Right of Way shall be altered or upgraded as the case may be.