

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:

Lynette Gaynor Rule & Selwyn James Rule

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:

Northland Planning & Development 2020 Ltd

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Lynette Gaynor Rule and Selwyn James Rule

**Property Address/
Location:**

125 & 127 North Road

Kaitiaki

Postcode 6022

8. Application Site Details

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

Name/s:	Lynette and Selwyn Rule		
Site Address/ Location:	125 & 127 North Road		
	Kaitaia		
	Postcode		
Legal Description:	Lot 2 DP322923 & Lot 1 DP38749	Val Number:	
Certificate of title:	91775 & NA12B/146		

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 applicant to arrange 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.

Proposal to subdivide by way of boundary adjustment where no additional titles will be created. Proposal includes an amalgamation condition which will need to be approved by LINZ. Previous consent under RC2200362 lapsed and the proposal is essentially re-consenting the previously approved proposal.

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

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

<input type="checkbox"/> Building Consent	<input type="text" value="Enter BC ref # here (if known)"/>
<input type="checkbox"/> Regional Council Consent (ref # if known)	<input type="text" value="Ref # here (if known)"/>
<input type="checkbox"/> National Environmental Standard consent	<input type="text" value="Consent here (if known)"/>
<input type="checkbox"/> Other (please specify)	<input type="text" value="Specify 'other' here"/>

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Subdividing land | <input type="checkbox"/> Disturbing, removing or sampling soil |
| <input type="checkbox"/> Changing the use of a piece of land | <input type="checkbox"/> Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

Sewyn James Rule

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)

Sewyn James Rule

Signature:

(signature of bill payer)

MANDATORY

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)

SELWIN JAMES RICE & Lynda GARNER RICE

Signature:

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

Checklist (please tick if information is provided)

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

Subdivision Resource Consent Proposal

Selwyn & Lynette Rule

125 & 127 North Road, Kaitaia

20 January 2026

Please find attached:

- an application form for a Subdivision Resource Consent by way of boundary adjustment, in the Commercial and Industrial Zone; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision application has been assessed as a **Controlled Activity** under the Far North Operative District Plan.

The following **amalgamation condition** is proposed.

'That Lot 2 hereon is to be transferred to the owner of Lot 1 DP484505 (CFR686723) and one Computer Freehold Register is to be issued to include both parcels.'

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

Regards,

Alex Billot



Resource Planner

Reviewed by:



Sheryl Hansford

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



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Attachments

1. FNDC Resource Consent Application – Signed
2. Record of Title 125 North Rd – LINZ
3. Record of Title 127 North Rd – LINZ
4. Scheme Plan – Von Sturmers
5. Consent Notice 6159094.1 - LINZ
6. Correspondence – NZTA
7. Correspondence – Top Energy Completion Letter
8. Correspondence – Top Energy comments
9. Correspondence – Chorus
10. Design Report – Fulton Hogan
11. Correspondence – Road Naming Completion Letter
12. Correspondence – Water Meter Completion Letter



Assessment of Environment Effects Report

1.0 Description of the Proposed Activity

- 1.1 The proposal is to reapply for a previously approved subdivision which has recently lapsed. To provide some context, RMASUB-2200362 was approved on 28th May 2020 which included a proposal to subdivide Lot 1 DP38749 & Lot 2 DP322923 by way of boundary adjustment. The proposed subdivision was assessed as a Controlled Activity. A variation to RC2200362 was lodged in 2022 due to an amended scheme plan which included two lots (still by way of boundary adjustment) with no amalgamation condition or requirement for land to vest. This was processed under 2200362-RMAVAR/A and was approved on 18th November 2022. Given the proposal was a variation, the application was assessed as a Discretionary Activity in accordance with Section 127 of the Act.
- 1.2 The Applicant's did not receive the s223 certificate for the approved subdivision prior to the lapsing date, and as such, the consent has lapsed.
- 1.3 It is now proposed to re-apply for the original subdivision proposal by way of boundary adjustment (subdivision approved under RMASUB-2200362) as a Controlled Activity.

Subdivision

- 1.4 The proposal is to subdivide Lot 1 DP 38749 & Lot 2 DP 322923 by way of boundary adjustment. No additional Record of Titles will be created as a result of this application. The subject site is located at 125 North Road, Kaitaia. Lot 1 DP 38749 is zoned Commercial and Lot 2 DP 322923 is zoned Industrial. At present, Lot 1 DP 38749 contains an existing dwelling and Lot 2 DP 322923 is used as a grazed lifestyle block. It is proposed that Lot 1 DP 38749 is increased in size from 2266m² to 1.075 hectares, which is shown on the scheme plan from Von Sturmers, as proposed Lot 1.
- 1.5 Lot 2 DP 322923 is proposed to be split into two new allotments and decrease in size. Proposed Lot 2 will be 1148m² in area and is to be amalgamated with the adjoining lot, Lot 1 DP484505, which is 2098m² in area. This will take the total combined area to 3246m². Proposed Lot 3 is to be 2.2656 hectares and will remain as vacant land.
- 1.6 The proposed allotment sizes are as follows (as shown below on the scheme plan excerpt):
- **Proposed Lot 1** – 1.0750 hectares (to include existing dwelling)
 - **Proposed Lot 2** – 1148m² (to be amalgamated with adjoining Lot 1 DP 484505). Total combined land area will be 3246m²
 - **Proposed Lot 3** – 2.656 hectares

Areas and measurements are subject to final survey



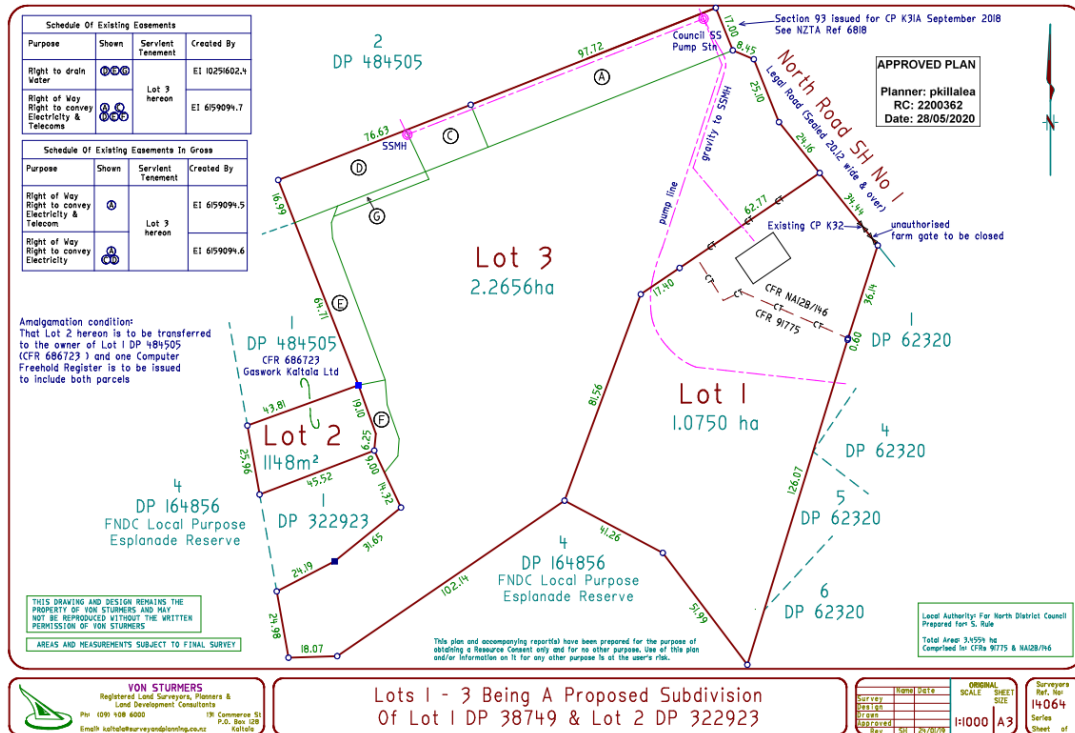


Figure 1: Previously approved scheme plan under RC2200362 which is also subject of this proposal.

- 1.7 The following amalgamation condition is also proposed, which will need to be approved by LINZ.
- ‘That Lot 2 hereon be transferred to the owners of Lot 1 DP484505 (CFR 686723) and that one Computer Freehold Register is to be issued to include both parcels.’***

2.0 Site Description

- 2.1 The subject sites are located at 125 North Road, Kaitiaki and 135 Rules Way, Kaitiaki and are located in the ‘Commercial and Industrial zones’ on the outskirts of the Kaitiaki township. As previously mentioned, Lot 1 DP 38749 is zoned as Commercial and Lot 2 DP 322923 is zoned as Industrial. Lot 1 DP 38749 currently contains an existing dwelling and Lot 2 DP 322923 is used as a lifestyle block for grazing.
- 2.2 Access to Lot 1 DP38749 is from State Highway 1, with Lot 2 and 3 being accessed via a private accessway from State Highway 1.
- 2.3 Lot 2 DP 322923 is bounded by Awanui River to the west and south-west of the site. An esplanade reserve (Lot 4 DP 164856) separates the site from Awanui River. This can be seen in the screenshot below from QuickMap and FNDC Maps. Industrial activities occur on the allotments to the north and north-west of the site.
- 2.4 State Highway 1 directly adjoins the easternmost boundary of both allotments, with commercial activities occurring on the other side of State Highway 1. To the south-east of the



Subdivision Consent

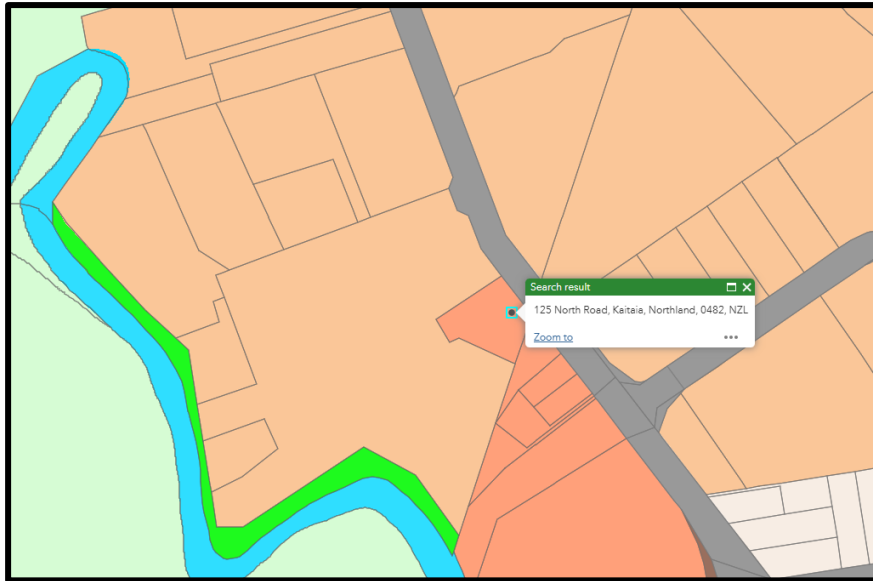


Figure 4: FNDC ODP Zoning Maps

Title

- 2.5 125 North Road, Kaitia is held within Record of Title NA12B/146, which is dated 28 July 1967. The site is legally described as Lot 1 DP38749 with an area of 2266m². There are no consent notices or easements registered on the title.
- 2.6 127 North Road, Kaitia is held within Record of Title 91775, which is dated 23 September 2004. The site is legally described as Lot 2 DP322923 with an area of 3.2288ha. There is one consent notice document registered on the title under document 6159094.1. There are also existing rights of way registered over the internal access named Rules Way, where the subject site is the burdened land. There are also existing easements for telecommunications and power supply as well as rights to drain water. These easement documents and consent notice are detailed below.

Consent Notice 6159094.1

- 2.7 There is one condition listed within this document which states the following:
'No vehicular access is permitted from either Lot 2 or Lot 4 on to the State Highway, except at Registered Crossing Point K31A (the easement (A) / State Highway Intersection.'
- 2.8 As will be explained further in Section 6 of this report, the only crossing places that will be utilised as part of this proposal will be the existing registered crossing places, which have been approved, subject to conditions, from NZTA. As there will be no new certificate of titles created, there is no need for any new or additional crossing places.

Easement Instrument 6159094.5, 6159094.6, 6159094.7 & 10251602.4

- 2.9 All existing easements are shown on the scheme plan within the Schedule of Existing Easements. All existing easements will remain unchanged as part of this proposal.



Background

2.10 As has been mentioned, there have been various subdivision consents lodged for the subject sites. Below is a breakdown of the subdivision history of the sites.

RMASUB-2180469

2.11 This subdivision application was lodged on 12th February 2018 and was subsequently withdrawn as the applicant decided to proceed with a boundary adjustment rather than a subdivision.

RMASUB-2200362

2.12 This proposal involved subdividing Lot 1 DP38749 & Lot 2 DP322923 by way of boundary adjustment. The same scheme plan approved under RC2200362 is being used for this application. The subdivision was approved on 28th May 2020 and has recently lapsed.

2.13 As part of this subdivision application, it was proposed that the existing series of rights of way were vested as road to vest. NTA advised that if the road were to be vested, the road would have to be upgraded in accordance with Type B Urban Road standards, which required kerb and footpaths. Given that the proposal was for a boundary adjustment only, where no additional titles would be created, the cost for the upgrades outweighed the benefit of vesting the road and as such, the applicant decided not to proceed with the vesting of the road. Internal discussions were had on the recently improved and upgraded access with FNDCs Engineer agreeing that there was sufficient area within the right of way to turn heavy vehicles as well as no requirement for design details being required given the proposal was for a boundary adjustment, where no additional titles or traffic movements were being created.

2.14 Conditions imposed on the decision document for RC2200362 related to providing easements for drainage, vesting land to 'top up' the existing esplanade reserve (Lot 4 DP164856) to 15m, where it adjoined Lots 1, 2 & 3, complying with NZTA requirements, providing a road name for the accessway as well as some consent notice conditions being issued on the new titles for Lots 1 & 3.

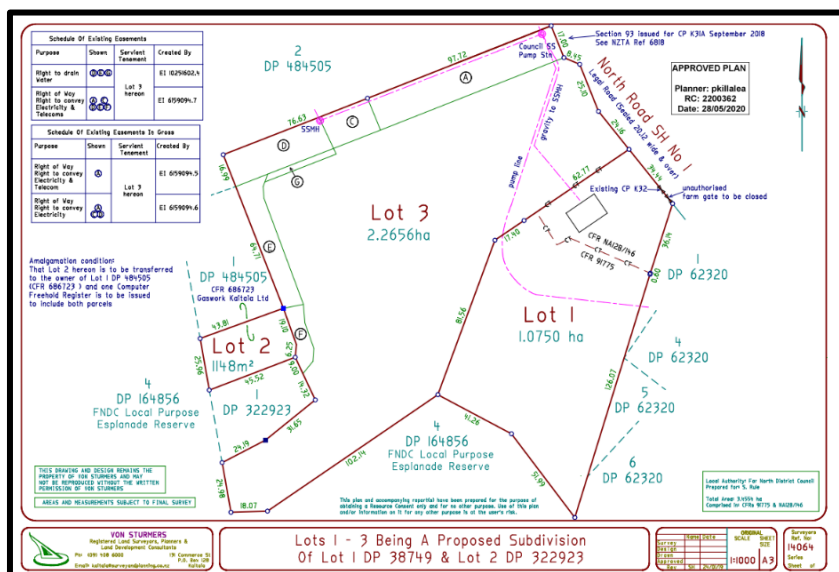


Figure 5: Approved plan under RC2200362.



RMAVAR/A-2200362

- 2.15 A variation to RC2200362 was applied for due to a proposed change to the scheme plan. Proposed Lot 2 was no longer required and therefore, that portion of land was to be incorporated into the balance lot, also removing the requirement for an amalgamation condition. The proposal did not result in any physical changes to the sites nor did it create any additional breaches under the ODP. Changes and deletion of conditions within decision document RC2200362 were required to reference the amended scheme plan as well as delete the amalgamation condition requirement. The requirement for vesting land in Council for the purpose of esplanade reserve in order to 'top up' the existing esplanade reserve area was also deleted, given that this portion of land is not accessible to the public and is land-locked as well as the proposal being for a boundary adjustment only. This stance will be taken as part of this application as well.

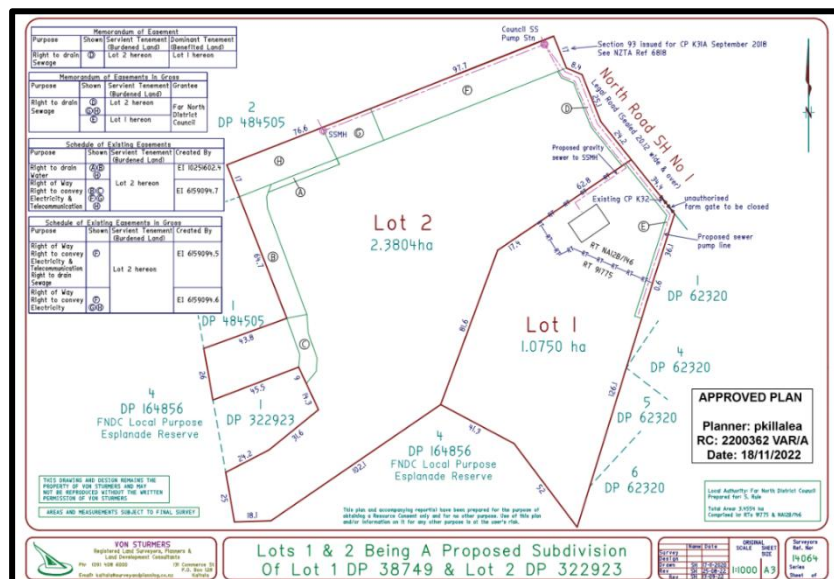


Figure 6: Approved plan under RMAVAR/A 2200362.

Site Features

- 2.16 Under the Operative District Plan, 125 North Road is zoned as Commercial and 127 North Road is zoned as Industrial. The sites are not subject to any Outstanding Landscapes or other resource features.
- 2.17 Under the Proposed District Plan, 125 North Road is zoned as Mixed Use and 127 North Road is zoned as Light Industrial. The sites are within a Treaty Settlement Area for Ngāi Takoto, Te Aupōuri and Te Rarawa.
- 2.18 The sites are in an area where reticulated wastewater and water services are provided for. The existing connections for the dwelling will remain.



- 2.19 The Hazard Maps indicate that the sites are susceptible to flooding, as shown in **Figure 7**. There is existing development within Lot 1 which will remain unchanged as well as ample area within Lot 3 to cater for future development outside of the flood areas. Given the proposal will not create any additional titles, the proposal is not considered to exacerbate natural hazards, as will be discussed further within this report.

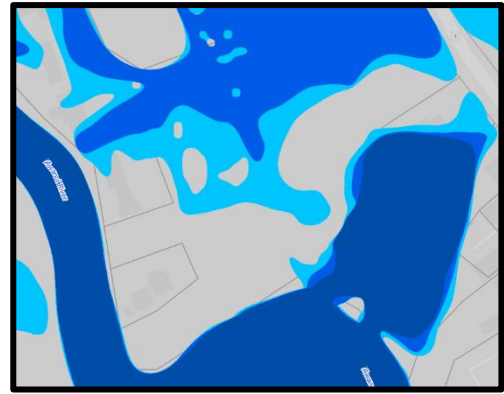


Figure 7: Hazard Maps

- 2.20 With regard to the Regional Policy Statement for Northland the sites are not located within the Coastal Environment nor within an area of Outstanding Natural Feature or Landscape.
- 2.21 There are no historic sites registered within the subject sites on the NZAA Maps and the sites are not shown to be within an area where kiwi are present.
- 2.22 Given the sites are zoned Commercial and Industrial, it is considered that the National Policy Statement for Highly Productive Land (NPS-HPL) is not applicable to the proposal and no assessment of this National Policy Statement will be undertaken as part of this application.
- 2.23 The Awanui River is noted as being a Statutory Acknowledgement Area. Awanui River is separated from the site by an existing esplanade reserve and therefore does not directly adjoin the site. Furthermore, the proposal is not changing what is currently in existence in relation to the western boundary.

3.0 Weighting of Plans

- 3.1 The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023.
- 3.2 A large number of comprehensive submissions were received across the board such that the Council has confirmed that other than the rules which were initially identified as having immediate legal effect no additional rules will have legal effect until such time as a decision is made on those provisions.
- 3.3 District Plan hearings on submissions have recently concluded. No decisions on the PDP have been issued. For this reason, little weight is given to the PDP provisions.



4.0 Activity Status of the proposal

Operative District Plan

- 4.1 The subject sites are located within the Commercial and Industrial Zones. An assessment of the relevant subdivision, zone and district wide rules of the District Plan is set out in the tables below.

Subdivision

Table 1 - Assessment of the applicable Subdivision Rules:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.1	BOUNDARY ADJUSTMENTS	<p><i>Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:</i></p> <p>(a) <i>there is no change in the number and location of any access to the lots involved; and</i> The access to the lots will remain unchanged. Complies.</p> <p>(b) <i>there is no increase in the number of certificates of title; and</i> There will be no increase in the number of certificates of titles. Complies.</p> <p>(c) <i>the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and</i></p> <p>The sites are zoned Commercial and Industrial. The proposed lot sizes are:</p> <ul style="list-style-type: none"> - Lot 1 – 1.0750ha - Lot 2 – 1148m², to be amalgamated with Lot 1 DP484505 (2097m² in area) which equates to a total area of 3245m². - Lot 3 – 2.265ha <p>The controlled activity minimum lot size for the Commercial zone is 250m² for sewerer sites and 500m² for the Industrial zone. The proposal can therefore comply with the minimum lot size for the zones as a controlled activity. Complies.</p>



		<p>(d) <i>the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and</i> The area affected by the boundary adjustment is within the area of the original lots. Complies.</p> <p>(e) <i>all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and</i> The proposal complies with the relevant land use rules as shown in the following table. Complies.</p> <p>(f) <i>all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites</i> The existing dwelling on Proposed Lot 1 is connected to the reticulated wastewater system. No breaches are created. Complies.</p> <p>The proposal can therefore meet the provisions for a boundary adjustment.</p> <p>Controlled Activity</p>
13.7.2.1	MINIMUM LOT SIZES	Not applicable. As assessed above, the proposal can comply with the provisions within 13.7.1.
13.7.2.2	ALLOTMENT DIMENSIONS	Permitted Lot 1 will contain an existing dwelling. Lot 2 will be amalgamated with Lot 1 DP484505 and Lot 3 is of ample area to provide for a 30m x 30m concept building envelope. No new dwellings are proposed.
13.7.2.4	LOTS DIVIDED BY ZONE BOUNDARIES	Permitted. There are two zones applicable to the proposal and as detailed above, the proposed lot sizes can comply with the minimum controlled activity lot size applicable in each zone.
13.7.2.3 & 13.7.2.5 - 9	Not Applicable for this application.	

Commercial and Industrial Zone standards

Table 2 - Assessment of the permitted Commercial and Industrial Zone Rules:

PERFORMANCE STANDARDS		
Plan Reference	Rule	Performance of Proposal
7.7.5.1.1 (Commercial) 7.8.5.1.8 (Industrial)	BUILDING HEIGHT	Not applicable. There are no new buildings proposed as part of this proposal that would trigger assessment



		under these rules. The existing dwelling on the site has been legally established.
7.7.5.1.2 (Com) 7.8.5.1.1 (Ind)	SUNLIGHT	Not applicable. The subject sites adjoin Industrial and Commercial zones and therefore do not trigger assessment under these rules.
7.7.5.1.3 (Com) 7.8.5.1.2 (Ind)	VISUAL AMENITY AND ENVIRONMENTAL PROTECTION	Not applicable. No new structures are proposed.
7.7.5.1.4 (Com) 7.8.5.1.7 (Ind)	SETBACK FROM BOUNDARIES	Permitted For the Commercial zone rules, the road frontage is not classified as a 'Pedestrian Frontage' on the zone maps and is not located in Paihia. No structures are located in the Industrial zone.
7.7.5.1.5 (Com) 7.8.5.1.3 (Ind)	NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES	Not applicable. No new residential activity is proposed.
7.7.5.1.6 (Com) 7.8.5.1.4 (Ind)	TRANSPORTATION	Permitted. <u>Traffic</u> The proposal will not alter the existing TIF for the sites as the proposal is for a boundary adjustment where no additional titles or traffic movements will be created. <u>Parking</u> There is ample area on site for future parking within Lot 3. The parking within Lot 1 will remain unchanged. Lot 2 is to be amalgamated with adjoining Lot 1 DP484505. <u>Access</u> As has been discussed, Rules Way which contains the series of right of way easements, has recently been upgraded. As per RC2200362, the proposal will not alter the traffic movements that are already existing given that the proposal is for a boundary adjustment where no new titles will be created. The recent upgrades were also considered satisfactory such that there was no requirement for upgrade of the accessway. The right of way has been named. NZTA have been consulted and their approval is attached with this application.
7.7.5.1.7 (Com) 7.8.5.1.5 (Ind)	KEEPING OF ANIMALS	Not applicable. No keeping of animals are proposed as part of this application.



7.7.5.1.8 (Com) 7.8.5.1.6 (Ind)	NOISE	Permitted. The proposal is for a subdivision by way of boundary adjustment only.
7.7.5.1.10 (Com)	ROOF PITCH	Not applicable. The subject site is not located within Area A5 on Map 91 or in the Industrial zone at Opua (Map 92).
7.7.5.1.11 (Com) 7.8.5.1.9 (Ind)	STORMWATER	Not applicable. No new buildings are proposed as part of this application.
7.7.5.1.12 (Com) 7.8.5.1.10 (Ind)	HELICOPTER LANDING AREA	Not applicable. No helicopter landing areas are proposed.

District Wide Standards

Table 3 - Assessment of the applicable permitted DISTRICT WIDE RULES:		
<u>PERFORMANCE STANDARDS</u>		
Chapter 12 – Natural and Physical Resources		
12.1	LANDSCAPES AND NATURAL FEATURES	Not Applicable.
12.2	INDIGENOUS FLORA AND FAUNA	Not applicable.
12.3 12.3.6.1.3 (P)	EXCAVATION AND/OR FILLING	Permitted. No excavations are anticipated as part of this proposal as everything is existing.
12.4	NATURAL HAZARDS	Not Applicable.
12.5	HERITAGE	Not Applicable.
12.6	AIR	Deleted Chapter
12.7	LAKES, RIVERS, WETLANDS AND THE COASTLINE	Permitted. The Awanui River does not directly adjoin the site, but is located within proximity to the site. The proposal does not include any new impermeable surfaces or buildings or discharge of human effluent which would trigger consent under this chapter.
12.8	HAZARDOUS SUBSTANCES	Not Applicable.
12.9	RENEWABLE ENERGY AND ENERGY EFFICIENCY	Not Applicable
Chapter 14 – Financial Contributions		
14.6.1	ESPLANADE AREAS	Permitted. The subject sites do not directly adjoin the bank of the Awanui River, as an existing Local Purpose Esplanade Reserve,



		<p>contained within Lot 4 DP164856, separates the sites and the Awanui River.</p> <p>As such, it is considered that the requirement for an esplanade area is not triggered in this case. As per RC220362 RMAVAR/A, there was no requirement for vesting of land for the purpose of esplanade reserve.</p> <p>It is worth noting that the esplanade reserve already contains mature vegetation and is already fenced for stock control. The esplanade reserve that adjoins the subject site is not accessible to the public and is land locked. Surveying of this boundary was done in 1987 and now contains heavy mature vegetation which would require an element of vegetation removal in order to re-survey. It is requested this boundary remains the same so additional surveying work is not required, and the mature vegetation and existing fence can also remain in place.</p>
Chapter 15 - Transportation		
15.1.6A	TRAFFIC	<p>Permitted.</p> <p>The permitted TIF for the Commercial & Industrial zone is 200. Proposed Lot 1 will contain one existing dwelling. Proposed Lot 2 will be vacant and is to be amalgamated with Lot 1 DP484505, and Lot 3 will be vacant land.</p> <p>As per Rule 15.1.6A.2.1, the first residential unit on a site is exempt. As the proposal is for a boundary adjustment where no additional titles or activities will be created, the proposal will not alter the existing TIF of the sites which are permitted in terms of this rule.</p>
15.1.6B	PARKING	<p>Permitted.</p> <p>The parking areas within Proposed Lot 1 will remain unchanged. Proposed Lot 2 will be amalgamated with Lot 1 DP484505, with the existing parking on this site being utilised. Lot 3 will be vacant with ample area for any future parking requirements.</p>
15.1.6C	PRIVATE ACCESSWAY IN ALL ZONES	<p>Permitted.</p> <p>As has been discussed, Rules Way which contains the series of right of way easements, has recently been upgraded. As per RC2200362, the proposal will not alter the traffic movements that are already existing given that the proposal is for a boundary adjustment where no new titles will be created. The recent upgrades were also considered satisfactory such that there was no requirement for upgrade of the accessway. The right of way has been named Rules Way. NZTA have been consulted and their approval is attached with this application.</p>

4.2 The proposal is therefore deemed Permitted in terms of the Zone and District Wide Rules.

Overall Status of the proposal under the District Plan:

4.3 The subdivision proposal has been assessed as follows:



13.7.1 Boundary Adjustments

- 4.3.1 The proposal can comply with the assessment criteria under Rule 13.7.1 and is therefore assessed as a Controlled Activity Boundary Adjustment.
- 4.4 In accordance with *Controlled Activities 13.7.3* the subdivision by way of boundary adjustment will be assessed as a **Controlled Activity**. The relevant sections of Chapter 13 will be assessed as part of this application.

Proposed District Plan (PDP)

- 4.5 The proposal is subject to the Proposed District Plan (PDP) process. The subject sites are proposed to be zoned Mixed Use and Light Industrial and are within the Treaty Settlement Area and River Flood Hazards Overlays.
- 4.6 Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Table 4 – Assessment against the PDP rule standards that have immediate legal effect		
Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	<p>The following rules have immediate legal effect:</p> <p>Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource</p> <p>Rules HS-R5, HS-R6, HS-R9</p>	<p>Not applicable.</p> <p>The site does not contain any hazardous substances to which these rules would apply.</p>
Heritage Area Overlays	<p>All rules have immediate legal effect (HA-R1 to HA-R14)</p> <p>All standards have immediate legal effect (HA-S1 to HA-S3)</p>	<p>Not applicable.</p> <p>The site is not located within a Heritage Area Overlay.</p>
Historic Heritage	<p>All rules have immediate legal effect (HH-R1 to HH-R10)</p> <p>Schedule 2 has immediate legal effect</p>	<p>Not applicable.</p> <p>The site does not contain any areas of historic heritage.</p>
Notable Trees	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	<p>Not applicable.</p> <p>The site does not contain any notable trees.</p>



Sites and Areas of Significance to Māori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Not applicable. The site does not contain any sites or areas of significance to Māori.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable. The site does not contain any ecosystems or indigenous biodiversity to which these rules would apply.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Permitted. The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Complies. Any earthworks will proceed under the guidance of an ADP in accordance with Rule EW-R12 and EW-S3.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.

4.7 The assessment above indicates the proposal is able to comply with the Proposed District Plan rules that have immediate legal effect.

National Environmental Standards

4.8 A site visit and review of aerials of the subject sites did not indicate that the site was HAIL. No such assessment of the National Environmental Standard for Assessing and Managing



Contaminants in Soil to Protect Human Health has therefore been undertaken. The application has been considered **Permitted** in terms of this regulation.

- 4.9 The site does not directly adjoin any freshwater bodies such as lakes, rivers, or wetlands. The proposal will not alter the number of titles nor increase impermeable surfaces within the sites and there will be no change to the existing stormwater control measures. As such the National Environmental Standard for Freshwater Management was not considered applicable to this development. The application has been considered Permitted in terms of this regulation.
- 4.10 No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

5.0 Statutory Assessment

Section 104A of the Act

- 5.1 Section 104A governs the determination of applications for Controlled Activities. With respect to Controlled Activities, a consent authority may not refuse an application, unless s106 applies. Council may impose conditions under s108 only for those matters which control is reserved in a national environmental standard, an operative or proposed plan or other regulations.

Section 104(1)(a) of the Act

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

“the consent authority must, subject to Part II, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national environmental standard:*
 - ii. other regulations:*
 - iii. a national policy statement:*
 - iv. a New Zealand Coastal Policy Statement:*
 - v. a regional policy statement or proposed regional policy statement:*
 - vi. a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

- 5.3 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the Act). Positive effects arising from this subdivision is that the proposed boundary adjustment will see an underutilised portion of Lot



2 DP322923 be subdivided and amalgamated with adjoining Lot 1 DP484505 as well as increasing the area of land around the existing dwelling (Proposed Lot 1), to increase the outdoor space of the subsequent lots as well as ensuring that the existing built development on the sites are wholly contained within Proposed Lot 1, rather than spread across two allotments. The proposal will provide additional open space for adjoining Lot 1 DP484505 and the area around the existing dwelling which will also increase the overall amenity of the property. No additional titles will be created nor any additional access points as the proposal will not change what is currently in existence in terms of built development and impermeable surfaces.

- 5.4 Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 5.5 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.0 below.
- 5.6 Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application’. There are no other matters relevant to this application.

6.0 Environmental Effects Assessment

- 6.1 Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 6.2 The proposal is a Controlled activity as per Rule 13.7.1. The criteria within 13.7.3 of the District Plan is therefore to be used for assessment of the subdivision, in conjunction with the matters set out under Sections 104, 104A, and 106 of the Resource Management Act 1991. An assessment that corresponds with the scale and significance of the effects on the environment is provided below:

Subdivision

- 6.3 An assessment has been undertaken in accordance with Section 13.7.3 Assessment Criteria of the District Plan below.



13.7.3.1 Property Access

- 6.3.1 The subject sites currently gain access from State Highway 1 via independent crossing places. As access is from State Highway 1, approval was sought from NZTA. It is worth noting that consent was granted from NZTA for the previous approved subdivision under RC2200362.
- 6.3.2 It was previously a requirement from NZTA that CPK32 which provides access to Proposed Lot 1, be upgraded to comply with NZTA's Diagram C standard as well as the unauthorised farm gate being permanently closed. This had subsequently been completed and as such, is no longer a requirement within the most recent NZTA approval letter.
- 6.3.3 It was also previously a requirement from NZTA for RC2200362, that CP K31A which provides access to Rules Way from the State Highway, be upgraded to a 3.0m MOTSAM Right Turn Bay. NZTA have assessed the crossing place and access as part of this application and have advised the following (see correspondence within **Appendix 6** for further detail):

The NZTA Safety Engineer has confirmed that:

- the existing roading environment is sufficiently marked as to not require a right turn bay or additional widening on the opposite shoulder*
- the proposed limit line supported by the appropriate Give Way sign (with accompanying marking) and centre line on the side road (Rules Way) is sufficient and considered appropriate*
- due to the 60km/h speed zone and existing layout, there is no requirement to increase/change the current radii of CP K31A (the Rules Way/SH1 intersection), however a proposed increase to 15m in accordance with the intersection markup provided would be supported.*

Upgrading of CP K31A

1. Crossing Place CP K31A must be remarked with accompanying signage installed to the satisfaction of the New Zealand Transport Agency Network Manager in accordance with the detailed design plans certified by the New Zealand Transport Agency under Condition 2. This remarking must include:

- Give-way signage and markings on Rules Way*
- a centre line defining the inbound and outbound lanes on Rules Way*

2. Prior to the upgrade of the intersection required by Condition 1, detailed design plans of the proposed intersection upgrade must be submitted to the New Zealand Transport Agency for review and certification that the design is acceptable to the New Zealand Transport Agency.

- 6.3.4 It is therefore considered that the conditions listed within the NZTA Correspondence letter will be imposed as conditions of consent on the decision document for CP K31A.
- 6.3.5 In terms of the private accessway contained within the series of rights of way, the proposal will not alter nor see an increase in the number of traffic movements along the series of rights of way. As per RC220362, it is considered that the private accessway is of sufficient standard to allow for heavy vehicles which utilise the right of way. Fulton Hogan completed a Design



Report which describes the rehabilitation methodology used for the accessway, which is attached within **Appendix 10** of this application. It is anticipated that there will be no conditions in relation to upgrading of the private accessway within the decision document.

- 6.3.6 As demonstrated within Section 4 of this report, the proposal is able to comply with the permitted thresholds outlined in Chapter 15 Transportation.
- 6.3.7 Overall, it is considered that the proposal will not have any adverse effects in relation to access and traffic movements, as what is currently in existence will not alter as a result of the subdivision.

13.7.3.2 Natural Hazards

- 6.3.8 As detailed earlier in this report, the subject sites are shown to be susceptible to river flood hazards. The majority of Proposed Lot 1 is shown to be susceptible to river flood hazards, however this lot will contain existing built development. Proposed Lot 2 is shown to be clear of river flood hazards, with Proposed Lot 3 is shown to have some areas as susceptible to river flood hazards however there is also areas outside of the hazard for any future development. Given Proposed Lots 2 & 3 will remain vacant as part of this proposal, it is considered that the proposal does not result in any adverse effects in terms of natural hazards.

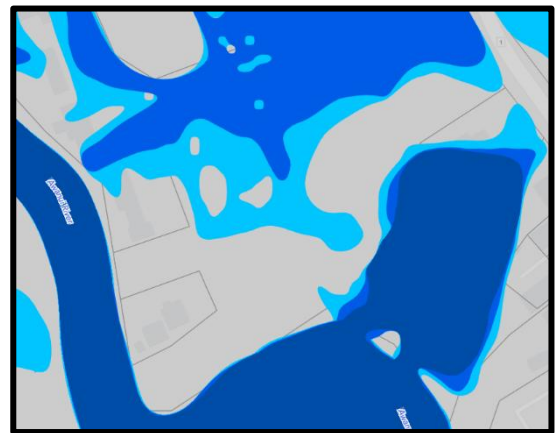


Figure 8: Hazard Maps

- 6.3.9 Proposed Lot 3 is currently zoned as Industrial with the proposed zoning being Light Industrial and as such, it is anticipated that this lot will most likely be developed for industrial use in the future and therefore the requirements for built development in flood areas may be less stringent than for residential development. However, as there is potential for Lot 3 to be developed in the future and given there is adequate area for future development within this lot, which is outside of the flood susceptible areas, it is considered that a consent notice condition be issued on the new title for Lot 3, advising of localized flood susceptibility, which is considered to be a suitable measure to mitigate effects. This could also be imposed for Lot 1 given the areas of flood susceptibility on the proposed lot. This would be consistent with the measures imposed for RC2200362. An example of a such a consent notice condition is provided below:

'The site contains areas which are identified by Council as likely to be flood susceptible. Any future habitable dwelling established to be located within the flood extent requires an Engineering Report prepared by a suitably qualified chartered engineer to determine appropriate finished floor levels.' **[Lots 1 & 3]**

- 6.3.10 Given the above, it is considered that the proposal does not result in significant risk from natural hazards. As the proposal will not increase the number of titles nor the existing access



provisions, it is considered that the existing access provisions are adequate for the proposal. As such, it is considered that there are no circumstances in relation to s106 of the Act which would require Council to refuse the consent.

13.7.3.3 Water Supply

- 6.3.11 As there are no additional allotments being created, water supply will remain as what is currently existing. The existing dwelling which will be contained within Proposed Lot 1 has existing water supply via Council's reticulated services.
- 6.3.12 Proposed Lot 2 is to be amalgamated with Lot 1 DP 484505, which will utilise the existing connection. Proposed Lot 3 will be vacant and can connect to the reticulated water supply once a building requiring water supply is constructed. The Applicant has advised that a water meter connection for this lot was provided for in 2020, as per the Completion Letter issued by Council and attached within **Appendix 12** of this application.

13.7.3.4 Stormwater Disposal

- 6.3.13 The stormwater disposal will remain as existing. The proposed subdivision does not include any additional impermeable surfaces. Stormwater will follow existing flow paths to the Awanui River and roadside drainage systems.
- 6.3.14 Proposed Lot 1, will contain the existing dwelling and will increase in area. The stormwater run off from the existing dwelling will remain unchanged. Proposed Lot 2 will be amalgamated with Lot 1 DP484505. Proposed Lot 2 is currently vacant land, so stormwater will follow the existing natural flow paths towards Awanui River. Proposed Lot 3 is of sufficient size to cater for stormwater disposal and stormwater will follow the existing natural flow paths.
- 6.3.15 Each respective lot is of sufficient size to cater for stormwater disposal within the lot boundaries. As there will be no change in use of the site, it is considered that there will be no adverse effects from stormwater disposal.

13.7.3.5 Sanitary Sewage Disposal

- 6.3.16 Proposed Lot 1 is to contain the exiting dwelling which has existing connection to Council's reticulated sewer services. Proposed Lot 2 is to be amalgamated with Lot 1 DP 484505 and hence will not require individual sewage disposal as an individual lot, as it will be amalgamated with Lot 1 DP 484505.
- 6.3.17 Proposed Lot 3 also has access to Council's reticulated sewer system and hence will not require onsite sewage disposal.
- 6.3.18 Hence, as the proposal will not be creating any additional allotments, the provision for sanitary sewage disposal is existing and there will be no change to what is currently in existence or any additional increase in demand on infrastructure. The reticulated sewer lines are shown on the scheme plan from Von Sturmers.



13.7.3.6 Energy Supply and 13.7.3.7 Telecommunications

6.3.19 No additional connections are proposed as part of this subdivision by way of boundary adjustment. Top Energy and Chorus have been contacted as part of this application process and advised that their requirements were nil, with their correspondence attached with this application. The connections to the lots have already been provided for.

13.7.3.8 Easements for any purpose

6.3.20 The Schedule of Existing Easements and Schedule of Existing Easements in Gross are shown on the scheme plan which cover the existing easements registered on the titles. These will transfer to Lot 3 being the servient tenement.

6.3.21 It is noted that the following easements were required as part of RC2200362:

- Easement in gross (right to drain sewage) in favour of Council over the Council sewer line and manhole within Rights of Way C & D.
- 3m wide easement in gross (right to drain sewage) in favour of Council over the existing pressure sewer line on Lots 1 & 3
- Drainage easement on Lot 3 benefiting Lot 1 over the existing wastewater line to Lot 1

6.3.22 It is anticipated that the above will be issued on the decision document to be registered prior to s223 approval.

6.3.23 It is also noted that as part of RC2200362, Council required that rights of access be issued over Easements A, C, D, E & F to benefit Proposed Lot 2. This is not considered necessary given that Proposed Lot 2 will be held within the same Record of Title as Lot 1 DP484505 which already has existing rights for access.

13.7.3.9 Preservation of heritage resources, vegetation, fauna and landscape, and land set aside for conservation purposes

6.3.24 The subject sites are located within the Commercial and Industrial Zones and do not include any of the items noted under this section. The sites are not known to contain any archaeological sites and are not within an area where kiwi is present. The subject sites also do not contain any areas of indigenous flora or fauna. As mentioned, there is an existing esplanade reserve separating the subject site from the Awanui River, such that no additional land to vest for esplanade reserve is considered necessary. The proposal is not considered to trigger the requirement for vesting of land for the purpose of a reserve, given no new lots will be created nor will the use of the sites be changing.

13.7.3.10 Access to reserves and waterways

6.3.25 There is an existing Esplanade Reserve (Lot 4 DP 164856) which separates the subject sites and Awanui River. The existing esplanade reserve provides protection of Awanui River from development and also the vegetation located alongside the stream. It is considered that any additional esplanade reserves are not warranted as part of this proposal as the existing esplanade reserve provides adequate protection of Awanui River as well as sufficient area for any future access to this portion of Awanui River.



13.7.3.11 Land Use Compatibility

- 6.3.26 In terms of land use compatibility, the current use of the subject sites will remain unchanged. As the proposal will not create any additional allotments and is a controlled activity, it is considered that the proposed lots are consistent with the character of the locality and will have no more than minor effects on the character and amenity values of the area.
- 6.3.27 The proposal will not increase the number of titles nor alter access, parking or manoeuvring on the sites. The proposal will not alter the physical appearance of the streetscape or how the environment is viewed, as there will be no additional development on the lots as part of this proposal.
- 6.3.28 The proposal is not considered out of character or objectional in the surrounding environment. The proposal will enable the best utilization of the land while still maintaining the urban character. The proposal will not generate any additional effects as the built development is existing and the use of the sites will remain unchanged.

13.7.3.12 Proximity to Airports

- 6.3.29 The subject sites are not located within the Airport Noise Buffer under the ODP Maps.

7.0 Policy Documents

- 7.1 In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

National Environmental Standards

- 7.2 As discussed in the sections above the proposal is permitted in terms of the relevant National Environmental Standard documents.

National Policy Statements

- 7.3 There are currently 8 National Policy Statements in place. These are as follows:
- National Policy Statement on Urban Development.
 - National Policy Statement for Freshwater Management.
 - National Policy Statement for Renewable Electricity Generation.
 - National Policy Statement on Electricity Transmission.
 - National Policy Statement for Highly Productive Land.
 - New Zealand Coastal Policy Statement.
 - National Policy Statement for indigenous Biodiversity.
 - National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- 7.4 The above-mentioned National Policy Statements are not considered applicable to the proposed subdivision by way of boundary adjustment and therefore, no assessment of the above policies will be made.



Regional Policy Statement for Northland 2016 and Regional Plan for Northland (February 2024)

- 7.5 The role of The Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.
- 7.6 This proposal is of a small scale, containing existing development and outside of areas containing any resource features. The proposal will not increase the number of titles nor alter any existing access arrangements. The proposal is considered compatible with the intent of the RPS.

Far North District Plan

- 7.7 In terms of the objectives and policies for the Urban Environment and Commercial and Industrial zones, the proposal does not result in infringements of the permitted rule standards for the underlying zones and is therefore considered to be anticipated by the plan and consistent with development in the area and zones in general. Given the subdivision activity is assessed as a Controlled Activity, which is a subdivision by way of boundary adjustment where no additional titles will be created, it is also considered that the proposal is anticipated by the plan and therefore does not result in adverse effects. The proposal will not alter the character or amenity of the sites or surrounding environment.
- 7.8 As assessed above, it is considered that the proposed subdivision by way of boundary adjustment will generate no more than minor effects on the receiving environment, including the adjacent sites. The proposal is considered consistent with the relevant objectives and policies of the ODP.

Proposed District Plan

- 7.9 Under the Proposed District Plan, the sites are zoned Commercial and Industrial, and within the Treaty Settlements Area and River Flood Hazards overlay. The proposal is considered to create no more than minor effects on these environments and is consistent with the intent of the surrounding environment and the zone. The proposal is considered to be consistent with the Objectives and Policies of the Proposed District Plan.

Summary

- 7.10 The above assessment of the relevant policy documents demonstrates that the proposal will be consistent with the relevant objectives and policies of those statutory documents.



8.0 Notification Assessment – Sections 95A to 95G of the Act

Public Notification Assessment

- 8.1 Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

- (2) Determine whether the application meets any of the criteria set out in subsection (3) and, —*
(a) if the answer is yes, publicly notify the application; and
(b) if the answer is no, go to step 2.
(3) The criteria for step 1 are as follows:
(a) the applicant has requested that the application be publicly notified;
(b) public notification is required under section 95C;
(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

- 8.1.1 It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances.

- (4) Determine whether the application meets either of the criteria set out in subsection (5) and, —*
(a) if the answer is yes, go to step 4 (step 3 does not apply); and
(b) if the answer is no, go to step 3.
(5) The criteria for step 2 are as follows:
(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;
(b) the application is for a resource consent for 1 or more of the following, but no other, activities:
(i) a controlled activity;
(ii) [Repealed]
(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.
(iv) [Repealed]
(6) [Repealed]

- 8.1.2 The application is for a Controlled Activity, therefore step 3 does not apply and step 4 must be applied.

Step 4; Public notification in special circumstances

- (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and, —*
(a) if the answer is yes, publicly notify the application; and
(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 8.1.3 There are no special circumstances that exist to justify public notification of the application because the proposal is not considered to be controversial or of significant public interest, particularly given that it is private land, and the application is for the subdivision by way of



boundary adjustment, where no additional titles will be created. The application is neither exceptional nor unusual.

Public Notification Summary

- 8.1.4 From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

Limited Notification Assessment

- 8.2 If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

Step 1: Certain affected groups and affected persons must be notified

(2) Determine whether there are any—

(a) affected protected customary rights groups; or

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

(3) Determine—

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

- 8.2.1 There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application. Awanui River is noted as being a Statutory Acknowledgement Area, however is separated from the site by an existing esplanade reserve (Lot 4 DP164856). The proposal will not create any additional titles nor change the use of the sites, such that no adverse effects are anticipated. The proposal is also for the same subdivision which has now lapsed and is therefore not considered to be new or objectionable. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Limited notification precluded in certain circumstances

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 8.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application is for a controlled activity. Therefore Step 3 is not applicable and we move to step 4.



Step 3: Certain other affected persons must be notified.

(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.

(9) Notify each affected person identified under subsections (7) and (8) of the application.

The proposal is not for a boundary activity nor is it a prescribed activity.

8.2.3 Not applicable.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

8.2.4 The proposal is to undertake a subdivision by way of boundary adjustment where no additional titles will be created. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

8.3 Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

8.4 Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

9.0 Part 2 Assessment

9.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.

9.2 The proposal will meet Section 5 of the RMA as there will be no changes to the natural and physical resources which currently exist on the sites. The proposal is considered to retain the existing character of the immediate surrounding environment. In addition, the proposal will avoid adverse effects on the environment and will maintain the urban character of the sites and surrounding environment.

9.3 Section 6 of the Act sets out a number of matters of national importance. The natural character of the Awanui River is considered to remain unchanged, given there is an existing esplanade reserve separating the sites from the Awanui River and the fact the proposal will not increase the number of titles. There are no areas of outstanding natural features or landscapes within the subject site nor areas of indigenous vegetation or fauna. Public access within the adjoining esplanade reserve will remain unchanged. The relationship of Māori and their culture and traditions are considered to remain unaffected by this subdivision by way of boundary adjustment. The sites are not known to contain any areas of historic heritage or areas affected by customary rights. Natural hazards are not anticipated to be exacerbated.



- 9.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal will not create any additional titles.
- 9.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject sites are not known to be located within an area of significance to Māori and no physical development is proposed as a result of this subdivision. The proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.
- 9.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the Objectives, Policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

10.0 Conclusion

- 10.1 The proposal is to undertake a subdivision by way of boundary adjustment to increase the size of Proposed Lot 1 to encapsulate all buildings as well as an area of open space, as well as create a piece of land which can be amalgamated with Lot 1 DP484505, to increase the potential of the land. This will see underutilised areas of the balance lot incorporated into the other allotments, which will increase the outdoor area of the sites, enhancing the use of the piece of land. No additional titles will be created as a result of the proposal and no additional connections to infrastructure or access points are required.
- 10.2 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less than minor.
- 10.3 It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 10.4 The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.
- 10.5 As a Controlled activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. It is considered that the proposal results in no more than minor effects on the environment and the proposal is generally consistent with the relevant Objectives and Policies set out under the District Plan and the Regional Policy



Statement. The development is considered appropriate for consent to be granted on a non-notified basis.

11.0 LIMITATIONS

- 11.1 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 11.2 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 11.4 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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

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




R.W. Muir
Registrar-General
of Land

Identifier **NA12B/146**
Land Registration District **North Auckland**
Date Issued 28 July 1967

Prior References
NA2C/582

Estate Fee Simple
Area 2266 square metres more or less
Legal Description Lot 1 Deposited Plan 38749
Registered Owners
Selwyn James Rule and Lynnette Gaynor Rule

Interests

A237300 CAVEAT BY IRIS CONSTANCE BRENT - 28.7.1967 AT 11.50 AM
B718143.1 Mortgage to Countrywide Banking Corporation Limited - 18.8.1987 at 9.17 am
C345446.1 Certificate pursuant to Transit New Zealand Act 1989 declaring that part No. 1 State Highway (Awanui-Bluff) from its junction with Wireless road to its intersection with Kaitaia Borough Boundary to be a Limited Access Road - 10.2.1992 at 9.42 am

Great North Road

171.22

179.63

214.63

311.18

94.93

215.0

0. 2. 09.6

Scale: 1 inch = 60 links

Det: M.C.W.

MEI HIL AREA 12

2260m²

Conversion Factors:

1 Acre = 4046 m²

1 Perch = 25.29 m²

1 Link = 2012 metres



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

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




R.W. Muir
Registrar-General
of Land

Identifier 91775
Land Registration District North Auckland
Date Issued 23 September 2004

Prior References
NA99B/441

Estate Fee Simple
Area 3.2288 hectares more or less
Legal Description Lot 2 Deposited Plan 322923
Registered Owners
Selwyn James Rule and Lynette Gaynor Rule

Interests

C345446.1 Certificate pursuant to The Transit New Zealand Act 1989, declaring the adjoining State Highway No.1 to be a limited access road - 10.2.1992 at 9.42 am

D462269.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 14.12.1999 at 10.55 am

6159094.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 23.9.2004 at 9:00 am

Subject to rights (in gross) to right of way, electric power supply, telecommunications & drain sewage easements over part marked A on DP 322923 in favour of Far North District Council created by Easement Instrument 6159094.5 - 23.9.2004 at 9:00 am

Some of the easements created by Easement Instrument 6159094.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to rights (in gross) to right of way and electric power supply easements over parts marked A & B on DP 322923 in favour of Top Energy Limited created by Easement Instrument 6159094.6 - 23.9.2004 at 9:00 am

The easements created by Easement Instrument 6159094.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way, telecommunications & electric power supply easements over parts marked A, B & C on DP 322923 created by Easement Instrument 6159094.7 - 23.9.2004 at 9:00 am

The easements created by Easement Instrument 6159094.7 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to drain water over part marked A on DP 484505 created by Easement Instrument 10251602.4 - 4.12.2015 at 4:09 pm

The easements created by Easement Instrument 10251602.4 are subject to Section 243 (a) Resource Management Act 1991

Guaranteed Search Copy Dated 30/01/26 2:01 pm, Page 2 of 2
Register Only

Schedule Of Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right to drain Water	(D)(E)(G)	Lot 3 hereon	EI 10251602.4
Right of Way Right to convey Electricity & Telecoms	(A)(C) (D)(E)(F)		EI 6159094.7

Schedule Of Existing Easements In Gross			
Purpose	Shown	Servient Tenement	Created By
Right of Way Right to convey Electricity & Telecom	(A)	Lot 3 hereon	EI 6159094.5
Right of Way Right to convey Electricity	(A)(C)		EI 6159094.6

Amalgamation condition:
That Lot 2 hereon is to be transferred to the owner of Lot 1 DP 484505 (CFR 686723) and one Computer Freehold Register is to be issued to include both parcels

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY



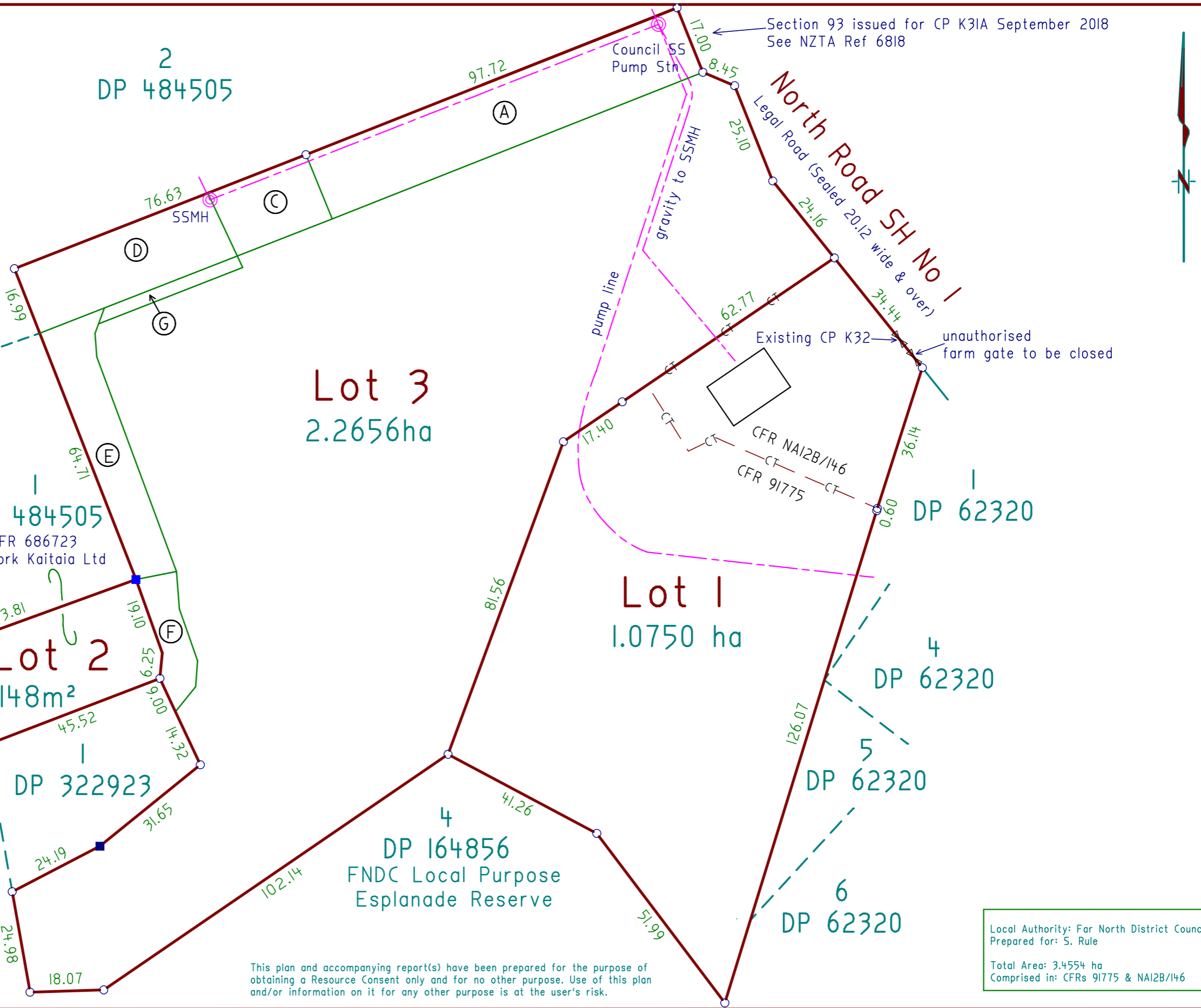
VON STURMERS

Registered Land Surveyors, Planners & Land Development Consultants

Ph: (09) 408 6000

Email: kaitaia@surveyandplanning.co.nz

131 Commerce St
P.O. Box 128
Kaitaia



Lots 1 - 3 Being A Proposed Subdivision Of Lot 1 DP 38749 & Lot 2 DP 322923

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design				
Drawn			1:1000	A3
Approved				
Rev	SH	24/01/19		

Surveyors Ref. No:	14064
Series	
Sheet of	



FAR NORTH DISTRICT COUNCIL

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 - CONSENT NOTICE

CONO 6159094.1 Consen

Cpy - 01/04, Pgs - 007, 01/10/04, 10, 29



DocID 311612489

REGARDING RC 2031005

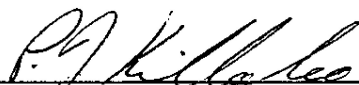
The subdivision of Lots 1 & 2 DP 164856
North Auckland Registry.

PURSUANT to Section 221 for the purposes of Section 224 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 is to be registered on the title of Lots 2 & 4 DP 322923

SCHEDULE

- i. No vehicular access is permitted from either Lot 2 or Lot 4 on to the State Highway, except at Registered Crossing Point K31A (the easement (A) / State Highway intersection).

SIGNED:


by the FAR NORTH DISTRICT COUNCIL
under delegated authority:
RESOURCE CONSENTS MANAGER

DATED at **KAIKOHE** this 25th day of May 2004

RC2031005
SRM\CERT\3221
4rule221



FAR NORTH DISTRICT COUNCIL

Private Bag 752, Memorial Ave, KAIKOE 0400
Freephone: 0800 920 029, Ph: (09) 405 2750, Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz, Website: www.fndc.govt.nz

Our Ref: RC 2031005

15 September 2004

The District Land Registrar
Land Information New Zealand
Private Bag 92016
AUCKLAND 1020

Dear Sir

**RE: RC 2031005-- REVOCATION OF EXISTING RIGHT OF WAY
EASEMENT (A) ON DP 164856**

Please refer to the attached correspondence from Clive Patterson (Barrister and Solicitor, acting for S and L Rule). This includes copies of Deposited Plans 322923 and 164856, with the relevant sections highlighted.

In accordance with Mr Patterson's letter, I would confirm that the revocation of the telecommunications right shown on DP 164856 is in order. Please confirm that this has been actioned.

Yours faithfully

Doug Bray
Resource Planner (Kaitaia)



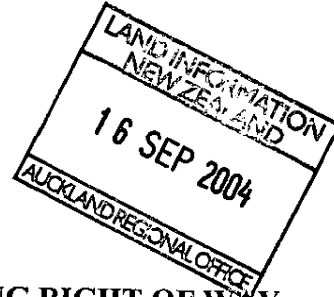
FAR NORTH DISTRICT COUNCIL

Private Bag 752, Memorial Ave, KAIKOHE 0400
Freephone: 0800 920 029, Ph: (09) 405 2750, Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz, Website: www.fndc.govt.nz

Our Ref: RC 2031005

15 September 2004

The District Land Registrar
Land Information New Zealand
Private Bag 92016
AUCKLAND 1020



Dear Sir

**RE: RC 2031005— REVOCATION OF EXISTING RIGHT OF WAY
EASEMENT (A) ON DP 164856**

Please refer to the attached correspondence from Clive Patterson (Barrister and Solicitor, acting for S and L Rule). This includes copies of Deposited Plans 322923 and 164856, with the relevant sections highlighted.

In accordance with Mr Patterson's letter, I would confirm that the revocation of the telecommunications right shown on DP 164856 is in order. Please confirm that this has been actioned.

Yours faithfully


Doug Bray
Resource Planner (Kaitaia)

Dealing 6116288

29 September 2004

Ref: 5785

District Land Registrar
Land Information New Zealand
Private Bag 92016
AUCKLAND

A Casmara

Re: Dealing 6159094

We Raymond Clyde Edwards and Raey Edwards as mortgagees under mortgage 5871456.3 over CT 99B/440 confirm that the easements in C871461.80 are redundant.

RB Edwards

R. Edwards

Date: 1-10-04

CLIVE PATTERSON BARRISTER & SOLICITOR
Professional Chambers: 117 Commerce Street, Kaitaia, New Zealand

24 September 2004

Ref: 5785

The District Land Registrar
Land Information NZ
PB 92016
AUCKLAND

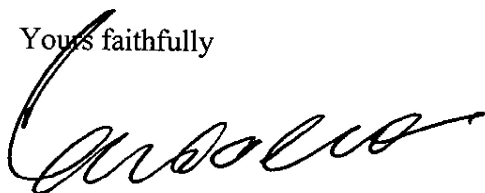
A Casmara

Dear Sir,

Re: ⁴Dealing 6159094 - Rule & McDonald

I confirm that the Easements in C.871461.8 are redundant.

Yours faithfully



Clive Patterson

Clive Arthur Patterson

Principal
LLB Notary Public

PO BOX 283

DX AA20002

Mark Stephen Patterson

Staff Solicitor
BSc LLB

KAITAIA

Jan MacLean

Registered Legal Executive
NZILE Fellow

PH: 09 408 1600

FAX: 09 408 1602

Email: clivepatlaw@xtra.co.nz

Landonline User ID:

CHOLTZ001

LODGING FIRM:

DE GRAAF & CO

Address:

BP65004

NORTHCOTE

Uplifting Box Number:

N/A

ASSOCIATED FIRM:

CLIVE PATTERSON

Client Code / Ref:

RULE:4500

HEREWITH

Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Cable Sheets (#)

Survey Report

Dealing / SUD Number:

(LINZ Use only)

Priority Barcode/Stamp
(LINZ use only)

Plan Number Pre-Allocated or
to be Deposited:

Rejected Dealing Number:

6116288

CONO 6159094.1 Consen

Copy - 02/04, Pgs - 007, 01/10/04, 10:29

Copies
(inc. original)

DocID 311612485

Priority Order	CT Ref	Type of Instrument	Name of Parties	DOCUMENT OR SURVEY FEES	MULTITITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	99B/440 99B/441	CONO	FAR NORTH DISTRICT COUNCIL	0.00							
2	91774 91775	PDM	6056788.3 WESTPAC BANKING	0.00							
3	99B/441	T	KAITIAA CIVIL CONSTRUCTION LTD TO PJ & BC PINSON	50.00							\$50.00
4	99B/440 99B/441	ONCT	SAME AS ABOVE NW CTS 91774-76	0.00							
5	91775	EI	KAITIAA CIVIL CONSTRUCTION LTD TO FR NPTH DISTRICT	\$20.00							\$20.00
6	91775	EI	KAITIAA CIVIL CONSTRUCTION LTD TO TP ENERGY LTD	0.00							

Land Information New Zealand Lodgement Form

Amendments (LINZ use only)

Fees Receipt and Tax Invoice
GST Registered Number 17-022 893
LINZ Form P005

Original Signatures?

Subtotal (for this page) \$70.00
Total for this dealing \$70.00
Less Fees paid on Dealing # 6116288
Cash/Cheque enclosed for \$70.00

Landonline User ID: **CHOLTZ001**
LODGING FIRM: **DE GRAAF & CO**

Dealing / SUD Number:
(LINZ Use only)

Provisional Endorsement Stamp
(LINZ use only)

Plan Number Pre-Allocated or
Plan Number to be Deposited:

Client Code / Ref: **RULE4500**

Rejected Dealing Number: **6116288**

Priority Order	[C] Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
7		E	KAITIAA CVL CNSTRCTN LTD & PJ & BC PINSON	0.00							
8	91774 91775	T	KAITIAA CVL CNSTRCTN LTD TO SJ & LG RULE	0.00							
9											
10											
11											
12											
13											
Land Information New Zealand Lodgement Form				Annotations (LINZ use only)							
Fees Receipt and Tax Invoice											
GST Registered Number 17-022-895											
LINZ Form P005											
LINZ Form P005 - PDF											
Subtotal (for this page)											

NZ Transport Agency Waka Kotahi Reference: Application-2025-0872

18 December 2025

Paul Wilson & Sheena Wilson
C/O Sheryl Hansford
Northland Planning and Development
12 Commerce Street,
Kaitaia
0410

Sent via Email: info@northplanner.co.nz

Dear Sheryl,

Proposed re-approval of lapsed 3-lot subdivision consent – 125 North Rd, Kaitaia – Paul & Sheena Wilson

Thank you for your request for written approval from NZ Transport Agency Waka Kotahi (NZTA) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

Proposal

Resource consent is sought for a boundary adjustment of three existing lots with easements for access and services, with an unauthorised farm gate to be permanently removed. The existing lots and associated crossing places (CP) onto the state highway are:

- Lot 1 DP 38749 - CP K32
- Lot 2 DP 322923 - CP K31a
- Lot 1 DP 484505 - CP K31a

The proposed lots and associated crossing places are:

- Lot 1 (1.0550ha) - CP K32 (amalgamation of Lot 1 DP 484505 with part of Lot 2 DP 322923)
- Lot 2 (~3246m² = 1148m² + 2098m²) - CP K31a (balance of Lot 2 DP 322923)
- Lot 3 (2.2656ha) - CP K31a (amalgamation of Lot 1 DP 38749 with part of Lot 2 DP 322923)

Assessment

In assessing the proposed activity, NZTA notes the following:

- NZTA approved a four-lot subdivision on the site in 2018. This required an upgrade of CP K31A to a MOTSAM Right Turn Bay, CP K32 to an NZTA PPM Diagram C standard and the removal of the unauthorised farm gate.
- NZTA approved a three—lot boundary adjustment of the site in 2019. The application was for a boundary adjustment with no new lots being created.
 - The applicant indicated that the proposal would comply with the permitted traffic intensity factors of the Far North District Plan for commercial/industrial developments, allowing for 200 one-way daily traffic movements per site.
 - This approval has expired, and the associated resource consent has lapsed.

- As such, the traffic safety engineer commented that given the application was for a boundary adjustment that does not alter the number of permitted movements from the site, that the recommendation in relation to CP K31A was to be made as an advice note.
- The current application is to replace the expired 2019 approval. The proposal has not changed from what was approved in 2019, and there have been no significant changes in the surrounding environment since that approval.
 - Under the Operative Far North District Plan, proposed Lots 2 and 3 are zoned Industrial and proposed Lot 1 is zoned Commercial.
 - Under the Proposed Far North District Plan, proposed Lots 2 and 3 are zoned Light Industrial and proposed Lot 1 is zoned Mixed use.
 - Far North District Council have notified the Proposed District Plan, however the rules of the Proposed Plan do not apply as Council has not made or notified a decision on the Proposed Plan, so the provisions of the Proposed Plan are not relevant.
- Crossing Place CP K32 has been upgraded to a Diagram C standard and the unauthorised farm gate has been permanently removed, per an email from Bruce Hawkins of NZTA dated 22 January 2025 confirming Conditions 1 and 2 of the expired 2019 approval have been met.
- The previous assessments remain generally applicable and appropriate. The previous conditions require updating for consistency with national practice and as Conditions 1 and 2 of the expired 2019 approval have been met.
- The NZTA Safety Engineer has confirmed that:
 - the existing roading environment is sufficiently marked as to not require a right turn bay or additional widening on the opposite shoulder
 - the proposed limit line supported by the appropriate Give Way sign (with accompanying marking) and centre line on the side road (Rules Way) is sufficient and considered appropriate
 - due to the 60km/h speed zone and existing layout, there is no requirement to increase change the current radii of CP K31A (the Rules Way/SH1 intersection), however a proposed increase to 15m in accordance with the intersection markup provided would be supported.

Limited Access Road (LAR)

Your clients' site adjoins State Highway 01N which is identified as a limited access road. Per Section 91 of the Government Rounding Powers Act 1989, to access your clients' site your clients require a crossing place authorised by NZTA. In this instance the subject property has two registered state highway crossing places referenced as CP K31A and CP K32.

Conditions

In discussion with NZTA your clients have agreed to include the following conditions as part of your clients' resource consent application. The legal name of NZTA is the **New Zealand Transport Agency**; therefore our full legal name is referred to in the conditions and approval.

Upgrading of CP K31A

1. Crossing Place CP K31A must be remarked with accompanying signage installed to the satisfaction of the New Zealand Transport Agency Network Manager in accordance with the detailed design plans certified by the New Zealand Transport Agency under Condition 2. This remarking must include:
 - a. Give-way signage and markings on Rules Way
 - b. a centre line defining the inbound and outbound lanes on Rules Way

Pre-construction Conditions

2. Prior to the upgrade of the intersection required by Condition 1, detailed design plans of the proposed intersection upgrade must be submitted to the New Zealand Transport Agency for review and certification that the design is acceptable to the New Zealand Transport Agency.

Advice Note:

The intersection markings and signage must be in accordance with the provisions of the Traffic control devices manual (the TCD Manual): Part 4 Traffic control devices for general use. Unless otherwise approved by NZTA:

- *Give-way signage and markings should comply with Clause 10.3(1) of the Traffic Control Devices Manual*
- *Centrelines should comply with Section 4.2.4 Centre-lines of the TCD manual*

Post-construction Compliance and Crossing Place Registration

3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the works required by Condition 1, have been constructed to the New Zealand Transport Agency standards.
4. The interest on the Parent title relating to the Limited Access Road must be drawn down and registered on the new Certificate of Titles.
5. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant similar documentation such as a draft LT (Land Transfer) plan, or SO (Survey Office) plan, to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roadway Powers Act 1989.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Limited Access Road

As the site fronts a Limited Access Road, the New Zealand Transport Agency provides approval under Section 93 of the Government Roadway Powers Act 1989 for the site to gain direct access from the state highway as described in this written approval.

We are happy for you to provide this letter to the territory authority as evidence of our s95E RMA and s93 GRPA approvals.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to via www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

As the properties have access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Roadway Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from The New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact the Environmental Planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely,



Jordan Pauw
Planner

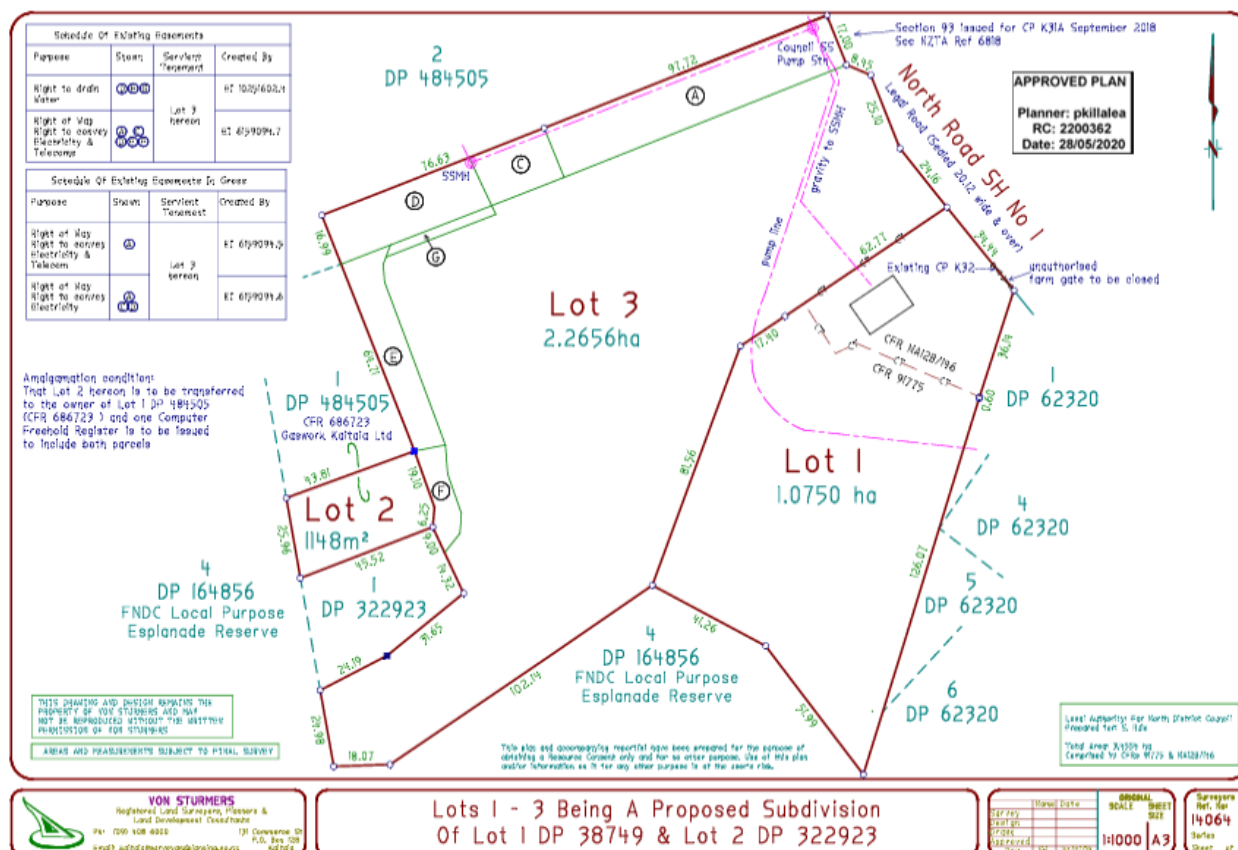
Poutiaki Taiao / Environmental Planning, System Design, on behalf of NZ Transport Agency Waka Kotahi.

cc: aran.arietta@nzta.govt.nz

Enclosed:

- Attachment 1: Proposed Scheme Plan

Attachment 1: Proposed Scheme Plan



9 June 2025

S J Rule & L G Rule
125 North Road
KAITAIA 0482

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

To Whom It May Concern:

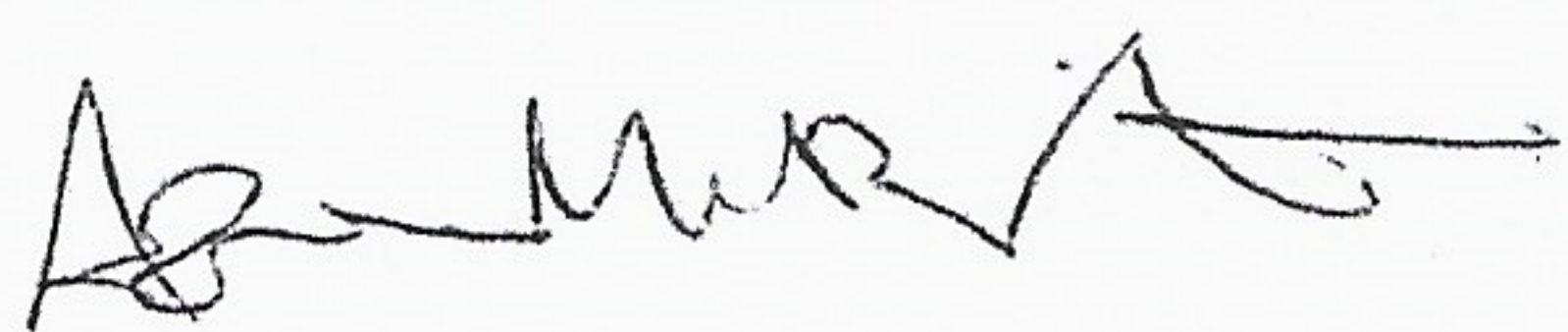
RE: COMPLETION RC-2200363-RMASUB
Lynette and Selwyn Rule, 125 North Road, Kaitaia. Lot 1 DP 38749.

Thank you for your recent correspondence regarding the above subdivision.

Top Energy wish to advise that the sub divider has made provision for power as per conditions of Resource Consent Number: 2200363-RMASUB section 3(a).

If you have any further queries, please do not hesitate to contact the writer.

Yours sincerely



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



Top Energy Limited

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

3 July 2025

Sheryl Hansford
Northland Planning & Development 2020 Ltd

Email: info@northplanner.co.nz

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION/BOUNDARY ADJUSTMENT
Lynette and Selwyn Rule, 125 North Road, Kaitaia. Lot 1 DP 38749.**

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

Top Energy's requirements for this subdivision are nil.
Top Energy advises that power is available and the easements are in place.

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

Yours sincerely

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

Chorus New Zealand Limited

03 July 2025

Chorus reference: 11286473

Attention: Sheryl Hansford

Quote: New Property Development

1 connections at 125 North Road , Kaitaia, Far North District, 0482

Your project reference: N/A

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

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

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

The total contribution we would require from you is **\$0.00 (including GST)**. This fee is a contribution towards the overall cost that Chorus incurs to link your development to our network. This quote is valid for 90 days from 03 July 2025. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

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

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

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

Kind Regards

Chorus New Property Development Team





DESIGN REPORT

Project; Pavement rehabilitation of service lane

127 North Road – Kaitaia

Client; Selwyn Rule, Bryce McDonald.

Contractor; Fulton Hogan Ltd

Date; May 2020

INTRODUCTION

This service lane provides access to ten separate businesses mostly industrial and commercial. There is also access to one residential property and an adjoining farm property. The service lane is off SH1 127 North Road – Kaitaia. The roadway is 180 long x 6.5m wide.

This report summarises the results of the site investigation conducted for this site, and describes the rehabilitation methodology used for this roadway.

PREVIOUS CONDITION

The service lane was a sealed surface of 180m length. The pavement and seal surface were in a damaged condition with uneven shape and several failed areas. The seal coat was approximately 15-20 years old. The access ways off the service lane were unsealed and in a rough condition. Test pits were dug to determine the existing pavement depths and subgrade. The average metal depth was 200mm of varying aggregate sizes from GAP 100 to Gap 30. The subgrade is a firm clay material.

PAVEMENT REHABILITATION DESIGN

Modified Basecourse Overlay – this involved a minimum of 100mm of GAP 40 aggregate overlay over the existing surface. Because of the uneven shape and cross fall of the existing road the metal overlay was in places up to 150mm deep – especially on the shoulders. The existing pavement was scarified prior to placing of the new aggregate. The new formation was lime stabilised at 12kg/m² to a depth of 200mm. The surface was a two coat seal – grade 3 and 5. Testing of the surface prior to sealing using a Clegg hammer showed an average reading of 45.

The driveways and frontage access to properties was overlaid with aggregate, shaped, stabilised and sealed to match into the main access road.



Junction with SH1 North Road



Completed construction – driveway to property on right formed and sealed



Driveway and frontage sealed



View of completed service lane from end of road.





From: Selina Topia >

To: lynselrule@gmail.com >

Hide



NEW ROAD NAME - Rules Way Kaitaia

Yesterday at 12:19 PM

Kia ora Mr and Mrs Rule,

Re: New Road Name addressed at 127 North Road Kaitaia.

I am pleased to advise that the resolution was passed at the Te Hiku Community Board meeting held on the 11 November 2020 as per below:

Arrangements can be made with Fulton Hogan Ltd to help you in supplying and installing the correct sign. Costs for the signage can be paid directly to the contractor.
Resolution 2020/64

Moved: Chairperson Adele Gardner

Seconded: Member Darren Axe

That the Te Hiku Community Board, pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private right-of-way, Rules Way, that is currently addressed at 127 North Road Kaitaia.

Carried

Abstained: Cr Felicity Foy

Notifications will be sent to St John, NZ Fire Service, Top Energy, NZ Post, Registrar of Electors, and Land Information NZ, to advise of the new road name.

03 December 2020

Valuation Number: **00031-16501**
Lynette Gaynor Rule and Selwyn James Rule
125 North Road
RD 2
Kaitaia 0482

Private Bag 752, Memorial Avenue
Kaikohe 0440, New Zealand

Freephone: 0800 920 029

Phone: (09) 401 5200

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

Dear Sir/Madam

Re: New Water Meter Connection

Assessment Number: WA 5019991-8
Property Location: 127 North Road, Kaitaia 0410

Thank you for your application to connect to the Council water supply. Our contractors have installed a water meter as per your application.

The new meter details are as follows:

Meter ID: 15A649602
Meter Location: 6 Meters on the Right Hand Side of the Right of Way

Please contact our Rates Team on 0800 920 029 or visit our website at www.fndc.govt.nz if you have any questions. We are here to help.

Yours faithfully

Pamela Callaghan
FINANCIAL SERVICES