



Our Reference: 10537.1 (FNDC)

30 June 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Subdivision at 222D Newton Road, Omapere – Bouty Tracey

I am pleased to submit application on behalf of B Tracey, for a proposed subdivision of land at Newton Road, zoned Rural Production. The application is a non complying activity.

The application fee of \$2,967 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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:

Bouty B Joy Tracey

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

As per item 5

Property Address/
Location:

222D Newton Road

OMAPERE

Postcode

0473

8. Application Site Details

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

Name/s:	as per item 5		
Site Address/ Location:	222D Newton Road		
	OMAPERE		
	Postcode		0473
Legal Description:	Lot 2 DP 587823	Val Number:	
Certificate of title:	1116410		

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.

Let us know when you plan to visit an we can make sure dog is tied up and gates are open.

Please inform us by email njaland@gmail.com or WhatsApp on +64211320777as we are currently out of the country.

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.

To subdivide land in the Rural Production Zone to create one additional lot.

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):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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

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) Bouty and Natalia Tracey

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)

Bouty B Joy Tracey

Signature:

(signature of bill payer)

Date 28/06/2025

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)

Bouty B Joy Tracey

Signature:

[Redacted Signature]

Date 28/06/2025

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.

Bouty B Joy Tracey

PROPOSED SUBDIVISION

222D Newton Road, Omapere

PLANNING REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicant, proposes to further subdivide recently deposited Lot 2 DP 587823, at Newton Road, Omapere, in order to better provide for family succession land ownership. The subdivision will result in Lot 1 of 1.637ha and Lot 2 of 4.425ha, both containing existing residential living, and both with existing access off the end of Newton Road, a public formed and metalled road.

Refer to Appendix 1 for a copy of proposed Scheme Plan(s). Refer to Appendix 2 for a location plan.

1.2 Scope of this Report

This assessment and report is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to subdivide, as a non complying subdivision activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location: 222D Newton Road, Omapere

Legal description: Lot 2 DP 587823

Record of Title:	1116410 (Refer to Appendix 3)
Land Area:	6.0619ha

3.0 SITE DESCRIPTION

3.1 Characteristics

The property is zoned Rural Production under the Operative District Plan (ODP) with no resource features applying. The property is also zoned Rural Production under the Proposed District Plan with no resource features or layers applying. The property immediately to the north is zoned Maori Purpose – Rural.

Physically, the application site is located at the end of Newton Road, Omapere. The property features an area of indigenous bush at its northern end, subject to an existing bush protection consent notice condition. This bush is mapped as Protected Natural Area (PNA). The property is within a large kiwi present area.

The site is rolling contour which slopes up from the southern end of the property to the northern end.

The property is not identified on the NRC's on-line maps as containing any areas subject to a 1:10 or 1:100 flood event. The northern part of the property is identified as being erosion prone on the NRC on-line maps. No development is proposed in this area. The property contains no LUC Class 1, 2 or 3 soils.

The property does not contain any area of outstanding landscape or natural character values and is not within the coastal environment. There are no cultural or historic sites or features mapped as being within the application site, and no archaeological sites.

3.2 Legal Interests

The application site is subject to four easements and a Consent Notice. Easement Certificate D224879.5, registered in 1997 provides for right of way and telecoms and electricity rights. Transfer D643570.1, registered in 2001 provides a right to convey water. Easement Instrument 8936241.1, registered in 2012 provides a right to convey water, in gross in favour of the Far North District Council. This is shown M on the scheme plan, across proposed Lot 2. More recently, imposed pursuant to the latest subdivision, the property is subject to Easement Instrument 13050277.6, for right of way and right to convey electricity and telecoms. All existing easements as listed, will remain.

The consent notice applying to the title (13050277.4) was imposed at the time of the previous subdivision. It contains three clauses relevant to the application site and that will carry down to both proposed lots. These are:

Prior to undertaking any significant earthworks or clearance of vegetation on the areas noted as "NRC Erosion Prone Area" marked in blue within lots 2, 3, and 4 on approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 1 and 2 DP 184528", dated 02.06.2022, the owner should assess the need for a land

use consent from the Northland Regional Council and/or an earthworks permit under that FNDC General Bylaws and/or an earthworks resource consent from the Far North District Council.

The land owners and occupiers of **Lots 2, 3, and 4** must not cut, damage, fell, wilfully injure or destroy the vegetation (including roots) within the areas shown as covenant area endorsed as **AA**, AB, AC, AD, on the survey plan or execute work in the vicinity of the trees (including a prohibition on excavation, construction or storage of material or debris) without the prior consent in writing from the Council.

The lot owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.

The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

These will continue to be complied with.

3.3 Consent History

The title is dated 30th October 2024.

Resource Consent History

RC 1970286	Proposed Subdivision issued 1996
RC 2200253-RMASUB	originally issued 2020
OBJ/A	Objection upheld in 2021
VAR/A	Variation issued in 2022 to change access conditions and consent notice clauses

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:	
(a) a description of the activity:	Refer Sections 1 and 5 of this Planning Report.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Section 6 of this Planning Report.
(b) a description of the site at which the activity is to occur:	Refer to Section 3 of this Planning Report.

<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	No other activities are part of the proposal. The application is for subdivision pursuant to the FNDC's ODP.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	None are required.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 5 and 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	Refer to section 5.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i>	There is no existing resource consent. Not applicable.
<i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource</i>	The site is not within an area subject to a customary marine title group. Not applicable.

management matters set out in that planning document (for the purposes of section 104(2B)).	
(4) An application for a subdivision consent must also include information that adequately defines the following:	
<p>(a) the position of all new boundaries;</p> <p>(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;</p> <p>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;</p> <p>(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips;</p> <p>(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A;</p> <p>(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A);</p> <p>(g) the locations and areas of land to be set aside as new roads.</p>	Refer to Scheme Plans in Appendix 1.

Clause 6: Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:	
(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Section 6 of this planning report.
(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:	Not applicable as the application does not involve hazardous installations.
(d) if the activity includes the discharge of any contaminant, a description of— <p>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</p> <p>(ii) any possible alternative methods of discharge, including discharge into any other receiving</p>	The subdivision does not involve any discharge of contaminant.

<i>environment:</i>	
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

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

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

options for the treatment and disposal of contaminants:	
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	The subdivision site is not subject to hazard. The proposal does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The application site is zoned Rural Production. There are no resource features applying.

Table 13.7.2.1 Minimum Lot Sizes applies:

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha. Note 1: Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and Rule 13.7.2.5). Note 2: Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 3: Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.	1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;.....	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. 4. Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 1: There is no restriction on the number of 4ha lots in a subdivision (clause 1). Note 2: The effect of the rule under clause 2 is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a noncomplying activity unless the lots are part of a Management Plan application.

The original subdivision was under Option 4 and created all five of the lots provided for under that option, i.e. there was no residual right applying. It subdivided Lot 2 DP 184528 only. However, in the subsequent variation consent, one less lot was created, and land in Lot 1 DP 184528 was included, resulting in four lots created from two titles (two additional). This in effect left residual rights for another 2ha lot to be created at a later date. Were proposed Lot 1 greater than 2ha in area, this application would be a restricted discretionary activity. However, the topography and existing development does not lend itself to a configuration allowing Lot 1 to be 2ha or greater, so that residual right is not being taken. One lot is less than 4ha in area. The application is not a Management Plan subdivision. The subdivision is a **non complying activity**. However, it should be noted that this application does not create any additional development to that which could have been created as a restricted discretionary activity.

Other Rules:

Zone Rules:

The proposal does not result in any breaches of Rural Production Zone rules. Both proposed lots support existing development, located internally to the lot boundaries such there are no boundary related zone rule breaches. Neither the original subdivision, now variation, identified any zone rule breaches.

District Wide Rules:

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

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

Chapter 12.3 Soils and Minerals does not apply as no subdivision site works (earthworks) will be required other than minor works at the access. No earthworks internal to the lots will be required as part of subdivision site works.

Chapter 12.4 Natural Hazards does not apply as the site is not subject to any coastal hazard as currently mapped in the Operative District Plan (the only hazards with rules). There are vacant lots being created.

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

Chapter 12.7 Waterbodies does not apply as the subdivision does not include any buildings or other impermeable surfaces, nor on-site wastewater system, breaching the setback

requirements specified in this chapter and there is no indigenous wetland within which works are being proposed.

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

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

Chapter 14 Financial Contributions (esplanade reserve) is not relevant as there is no qualifying water body.

Chapter 15.1 Traffic, Parking and Access

Compliance with rules in Chapter 15.1.6C was assessed at time of the subdivision creating the application site. All access was considered to either already be to an appropriate standard or capable of upgrade to the appropriate standard. Given that both proposed lots support existing development, no further upgrading should be required.

In summary, I have not identified any land use breaches.

5.2 Proposed District Plan

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

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

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

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

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

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

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

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

No indigenous vegetation clearance is proposed.

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

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

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. Both aspects can be conditions of consent of advice notes.

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

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

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

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment Sizes and Dimensions

Both lots have existing built development and are large enough to comfortably accommodate a 30m x 30m square building envelope.

6.2 Natural and Other Hazards

The site is not known to be subject to any natural hazard and is not within any area shown as being subject to a 1:10 or 1:100 AEE flood event.

The northern part of the property is identified as being erosion prone on the NRC on-line Natural Hazards maps, but this area is away from any area on the proposed lots that already are or will be developed for building sites. Notwithstanding this, the title is subject to an existing consent notice advising that any significant earthworks or clearance of vegetation within the area identified as 'erosion prone' should be assessed to ascertain whether consent is required from the Regional Council and/or an earthworks permit under the FNDC bylaws, or consent under the ODP. All of the area identified as erosion prone is within the bush protection covenant area in any event.

In regards to other hazards, a check of Council records, along with the Northland Regional Council's Selected Landuse Sites (Contaminated Sites) database, has shown no known historic or present Hazardous Activities or Industries undertaken on the site.

I have not identified any reason under s106 of the RMA as to why consent to subdivide cannot be granted.

6.3 Water Supply

The existing buildings have on site water supply. In issuing the consent that created the application site, the Council recognised existing development and did not impose its standard consent notice in regard to fire fighting water supply to the application site, only to the adjacent vacant Lots 1 & 3.

6.4 Stormwater Disposal

Both proposed lots support existing development with access. When assessing the original subdivision, the Council recognised the existing development and accordingly did not impose any ongoing consent notice condition in regard to stormwater management to apply to the application site. Council's consultant engineer for RC 2200253 did not comment on existing built development, but commented that runoff from any future buildings and associated impermeable surface areas should be collected in rainwater tanks with overflows piped to suitable outlet points and discharged in a dispersive manner. This is a requirement at building consent stage in any event.

In summary I do not consider it necessary to impose any condition in regard to stormwater management.

6.5 Sanitary Sewage Disposal

When assessing RC 2200253, Council's consultant engineer commented that the proposed lots were all large enough to accommodate on site wastewater systems. No comment was made in regard to the lot(s) containing existing built development. When considering the variation application, Council's RC Engineer considered there was 'no change' to the original proposal.

Lot 2, acknowledged as containing existing development, is not subject to any ongoing consent notice condition in regard to on-site wastewater.

6.6 Energy Supply & Telecommunications

Power and telecommunications are not required for rural subdivisions. The Council's standard Consent Notice, advising a future lot owner that provision for power and telecommunications is their responsibility, was applied to the original subdivision's vacant lots. Again, recognising existing development within Lot 2 (application site), the Council did not include that consent notice condition to apply to Lot 2.

6.7 Easements for any purpose

All existing easements will carry over, as specified in the Easement Schedule showing on the draft Scheme Plan in Appendix 1. This includes the Easement in Gross in favour of the Council, crossing Lot 2, for the right to convey water.

New easements A, C, K, L and N are shown on the draft Scheme Plan, over proposed Lot 2 in favour of proposed Lot 1. These are for right of way, telecoms and electricity.

6.8 Property Access

The existing access to the development within Lots 1 and 2 is off the end of Newton Road. In order to give effect to the original consent, as varied in 2200253-RMAVAR/A, the consent holder was required to:

- *Construct a turning head designed to accommodate a Heavy Rigid Vehicle, to Council standards, to a metal standard at the end of Newton Road to mitigate the effects of the additional traffic generated on the road by way of the subdivision.*
- *Provide a formed double width entrance, to a metal standard, to the right of way which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standards and NZS4404:2004.*
- *Provide formed and metalled access on ROW easements A, C, G, R, S, K, L, P and Q. The width and formation requirements to be as per Council standards.*

ROW A, C, K, L and P still apply and will provide ongoing access. The turning head has been constructed to Council's satisfaction. The proposal does not create any additional users given the existing built development on both lots. In summary, no further works at the end of Newton Road is necessary, nor any works on ROW's A, C, K, L or P.

The proposal now includes ROW easement N which is additional to any previous easements. This is access driveway, formed in part, to existing development on both lots. ROW N will need to be formed/upgraded to the required council standard, which is 3m metal carriageway width.

6.9 Effects of Earthworks

Earthworks will only be required for forming/upgrading the existing driveway access within ROW N. This will involve less than 5000m³ of earthworks, and appropriate sediment and erosion control measures will be put in place during works.

6.10 Building Locations

Both proposed lots contain existing development.

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

Heritage/Cultural Values

There are no archaeological sites, or Sites of Significance to Maori, recorded in the Operative or Proposed District Plans, or the NZAA Archaeological Site Recording Scheme. There is a Maori Purposes – Rural zoning applying to the adjacent site to the north, however the bush protection covenant area AA is the only part of the site that shares that boundary. As such the proposal will have no adverse effects on the land zoned for Maori Purposes.

Indigenous Flora and Fauna

The northern part of proposed Lot 2 contains an existing bush protection covenant area – showing AA on the Scheme Plan. In addition, the titles will be subject to a consent notice in regard to cats and/or dogs being required to be kept inside and/or tied up at night.

6.12 Soil

There are no high quality soils on the property. The erosion prone land is within a bush protection covenant area. The lots have existing development. The proposal will not adversely affect the life supporting capacity of soils.

6.13 Access to, and protection of, waterbodies

There are no qualifying water bodies requiring access. The lots support existing development. There will be no adverse effects on waterbodies as a result of this proposal.

6.14 Land use compatibility (reverse sensitivity)

The predominant land use in the surrounding area is now lifestyle and bush lots. Both lots support existing development. It is highly unlikely that the proposal will result in any adverse reverse sensitivity effects.

6.15 Natural Character of the Coastal Environment

The site is not zoned Coastal and is not within the "coastal environment".

6.16 Energy Efficiency and renewable Energy Development/Use

The sites have good access to sunlight.

6.17 National Grid Corridor

Not relevant. The National Grid does not run through the application site.

6.18 Other Matters

Positive Effects:

The proposal allows for people to provide for their economic and social wellbeing. The intent of this proposal is to provide separate titles for each family member as a means of succession planning. This enables the family/whanau to maintain their sense of belonging and to retain family owned land.

Cumulative Effect:

The proposal does not create any significant adverse cumulative effects. The lots are developed already and although non complying, the proposal creates no more lots than would have been created had the applicant utilised residual subdivision rights available to them.

Precedent Effect:

Precedent effects are a consideration when considering non complying activities. This activity status, however, only comes about because one of the lots isn't 2ha in area or greater. If it were, the application would have been a restricted discretionary activity because of residual rights available to the land owner. Lot 1 is shaped and sized as proposed because of the topography and location of existing development. I believe this set of circumstances is sufficient for the Council to be satisfied that granting this consent will not set an adverse precedent. The circumstances and nature of the proposal set it apart from other non complying activity applications.

7.0 STATUTORY ASSESSMENT

7.1 Far North District Plan Objectives and Policies

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapters 8 (Rural Environment); and 13 (Subdivision), of the District Plan.

Subdivision Objectives & Policies

Objectives

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

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

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

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

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

Policies

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

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

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

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

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

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

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

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

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

The subdivision is a non complying activity, but creates no additional lots or development rights than could have been created as a restricted discretionary activity, given the applicant's residual rights to subdivide the land. This fact alone makes the proposal

consistent with the above objectives and policies. The subdivision is low density and is considered to represent sustainable management, having minimal adverse effects on natural and physical resources.

Reverse sensitivity effects are not increased and lots contain existing development. The proposal does not exacerbate natural hazards. There are no identified outstanding landscape values and no heritage values or sites of significance. Indigenous vegetation and habitat is already subject to protection.

Future lot owners will be required to continue to provide for appropriate water storage on-site and to continue to provide for on-site wastewater treatment and disposal and stormwater management.

The subdivision is in keeping with the existing character.

Access can be satisfactorily provided.

All of the relevant values listed under 13.4.1 have been had regard to.

Rural Production Zone Objectives and Policies

Objectives and Policies applying to the Rural Production Zone are focused on sustainable management, and avoiding, remedying and mitigating adverse effects.

The proposed subdivision promotes sustainable management and is an efficient use and development of the Rural Production Zone. There are no actual or potential adverse effects (including reverse sensitivity).

The lots support existing development. There is a good balance between open space and built environment – well within permitted activity coverage thresholds.

In summary, having assessed the proposal against the relevant objectives and policies of the Operative District Plan, it is considered that it is consistent with those objectives and policies.

7.2 Proposed District Plan (PDP) Objectives and Policies

Relevant objectives and policies in the PDP include those pertaining to Subdivision and those pertaining to the Rural Production Zone. Given the presence of an area of indigenous vegetation within the site, there may also be objectives and policies relating to indigenous biodiversity that are relevant.

SUB-O1

Subdivision results in the efficient use of land, which:

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

SUB-O2

Subdivision provides for the:

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

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

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

SUB-O4

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

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

I consider the subdivision to represent an efficient use of the land, consistent with the objectives of the zone, overlays and district wide provisions, especially where the site does not contain any *highly productive land* or outstanding natural landscape or character. The underlying title is subject to a bush protection covenant and associated consent notice.

The lots are already developed and the density level remains low. The proposal retains 'rural' character; the likelihood of reverse sensitivity issues arising will not increase; and lots can be developed whilst avoiding risk from natural hazards. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site does not contain any land that meets the definition of 'highly productive land' as laid out in the National Policy Statement Highly Productive Land. The site is not in the Coastal Environment. There are no Sites or Areas of Significance to Māori or any sites of Historic Heritage (as mapped or scheduled in the PDP) within the site, and no Significant Natural Areas as mapped or scheduled in the PDP. There is one area of indigenous vegetation and this is already protected, as mentioned above (SUB-O2). This is the only part of the site that adjoins a Māori Purposes – Rural zone.

The site is rural and will never be serviced by a Council reticulated 3 waters system. The site is accessed off existing sealed Council road (SUB-O3). There is no qualifying waterbody and no lot of less than 4ha to which esplanade requirements might apply. There is no public access across the application site to any of the reserve land and none is proposed.

SUB-P1

Enable boundary adjustments that:

.....

Not relevant – application is not a boundary adjustment.

SUB-P2

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

Not relevant.

SUB-P3

Provide for subdivision where it results in allotments that:

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

The subdivision results in lots that are consistent with the purpose, characteristics and qualities of the zone; that are of an adequate size and appropriate shape to contain building platform (existing in any event), and that have legal and physical access. The proposed lot sizes are not compliant with the PDP's proposed minimum allotment sizes for the zone, however the lots contain existing development.

SUB-P4

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

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

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone....

N/A.

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

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

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

SUB- P7

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

No qualifying water body.

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

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

The proposal is consistent with part (b) in that there is no loss of versatile soils. It is also consistent with the intent of part (a), albeit there is no SNA as such. The area of indigenous vegetation within the site is subject to permanent protection.

SUB-P9

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

Refer to comment under SUB-P8. The subdivision is not a Management Plan subdivision.

SUB-P10

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

Not relevant.

SUB-P11

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

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No consent is required under the PDP so the above policy has little relevance. In summary I believe the proposed subdivision to be more consistent than not with the PDP's objectives and policies in regard to subdivision.

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

Objectives

RPROZ-O1

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

RPROZ-O2

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

RPROZ-O3

Land use and subdivision in the Rural Production zone:

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

RPROZ-O4

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

The subdivision creates rural allotments around existing development. Both lots are capable of providing for ongoing grazing. I do not believe the subdivision will create a scenario where existing primary production activities on adjacent sites will be constrained. Development can occur on the lots without exacerbating natural hazards. The lots are able to be serviced by on-site infrastructure.

Policies

RPROZP2

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

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

The application is not for a primary production activity.

RPROZP3

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

The proposal will not worsen / increase reverse sensitivity effects on existing primary production activities either on the site or on adjacent land.

RPROZP4

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

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

The proposal maintains rural character and amenity. The subdivision is low density and built development can easily comply with the zone's impermeable and building coverage permitted thresholds. Reverse sensitivity effects, or rather the lack thereof, are discussed earlier.

RPROZP5

Avoid land use that:

.....

Application is not a land use. N/A.

RPROZP6

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
 - 1. the type of farming proposed; and
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
- c. provides for rural lifestyle living unless there is an environmental benefit.

The site does not contain any highly productive land. The lots support existing development. There is neither fragmentation, nor sterilisation of highly productive land. There is existing environmental benefit by way of the bush protection covenant.

RPROZP7

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

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

No consent is required under the PDP and the above policy is therefore of limited relevance.

Indigenous Biodiversity objectives and policies are of limited relevance. The indigenous bush on the application site is already subject to protective covenant and the site is already subject to ongoing conditions in regard to dogs and cats. This is consistent with the PDP's objectives and policies.

7.3 Part 2 Matters**5 Purpose**

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

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

6 Matters of national importance

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

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

The site is not within the coastal environment and contains no wetlands, lakes or rivers. The site contains no areas identified as outstanding landscape features or landscapes. The area of indigenous vegetation within the site is protected. There is no public access required. The relationship of Maori and their culture and traditions with their ancestral lands is not adversely affected. There are no historic heritage resources identified on the property and no protected customary rights. There are no significant risks from natural hazards.

7 Other matters

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

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

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

8 Treaty of Waitangi

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

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

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

7.3 National and Regional Planning Documents

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment; but also focus on ensuring that productive land is not subject to fragmentation and/or sterilisation, and that reverse sensitivity effects are avoided, remedied or mitigated.

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

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

(a) Reverse sensitivity for existing:

(i) Primary production activities;

.....

In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result. The area already supports a mixed uses of grazing and bush block lifestyle.

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

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

.....

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

.....

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

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

.....

Policy 5.1.1(f) applies to subdivision and plan changes on land with highly versatile soils in primary production zones. The Regional Policy Statement defines "highly versatile soils" as those with various LUC classifications II and III. The application site, in this instance, does not contain such soils.

Policy 4.4.1 of the Regional Policy Statement is about maintaining and protecting significant ecological areas and habitats. The bush area on the property is subject to protection.

I believe the proposal is not contrary to any of the objectives or policies in the Regional Policy Statement for Northland.

7.4 National Environmental Standards & Policies (NES & NPS)

I have not identified any NES or NPS relevant to the proposal. There is no historical information or Google Earth imagery suggesting that the application site has ever been used for any activity listed in the Ministry for the Environment's Hazardous Activity and Industry List (HAIL). The site is not shown on the Regional Council's Selected Land Use Site on-line maps. There are no natural inland wetlands or rivers on the site. The site contains no highly productive land.

8.0 s104D GATEWAY TEST FOR NON COMPLYING ACTIVITIES

S104D of the Act requires a consent authority to be satisfied of one or other, or both, of the following thresholds to be met, before it can consider granting consent.

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The application will not create adverse effects on the environment of a more than minor nature. The application is not contrary to the objectives and policies of the Operative District Plan and is more consistent than not with the objectives and policies of Proposed District Plan. In summary I consider the proposal to meet both gateway tests.

9.0 s95A-E ASSESSMENT & CONSULTATION**9.1 S95A Public Notification Assessment**

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances, neither of which exists. The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

9.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity and the s95E assessment below concludes that there are no affected

persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

9.3 S95D Level of Adverse Effects

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

9.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. Whilst the activity is a non complying activity it does not create any additional lot or development right than would have been provided for as a restricted discretionary activity utilising the property's residual subdivision rights. This, coupled with the fact that development is existing, lead me to the conclusion that there are no adjacent properties adversely affected by the proposal. The site does not contain any heritage or cultural sites or values and indigenous vegetation is already protected. The site is not accessed off state highway. No pre lodgement consultation has been considered necessary with tangata whenua, Heritage NZ, Department of Conservation or NZTA (Waka Kotahi).

10.0 CONCLUSION

The site is considered suitable for the proposed subdivision. Effects on the wider environment are less than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

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

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



Signed
Lynley Newport,
Senior Planner
Thomson Survey Ltd

Dated 30th June 2025

11.0 LIST OF APPENDICES

- Appendix 1** Scheme Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Record of Title & Relevant Instruments
- Appendix 4** RC 2200253-RMAVAR/A

Appendix 1

Scheme Plan(s)

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A) (C)	LOT 2 HEREON	D224879.5
	(K) (L)	LOT 1 HEREON	13050277.6
	(J)	LOT 1 HEREON	D224879.5
RIGHT TO CONVEY WATER	(P)	LOT 1 HEREON	13050277.6
	(A) (B)	LOT 2 HEREON	D643570.1
	(C) (H)	LOT 1 HEREON	D643570.1
			13050277.6

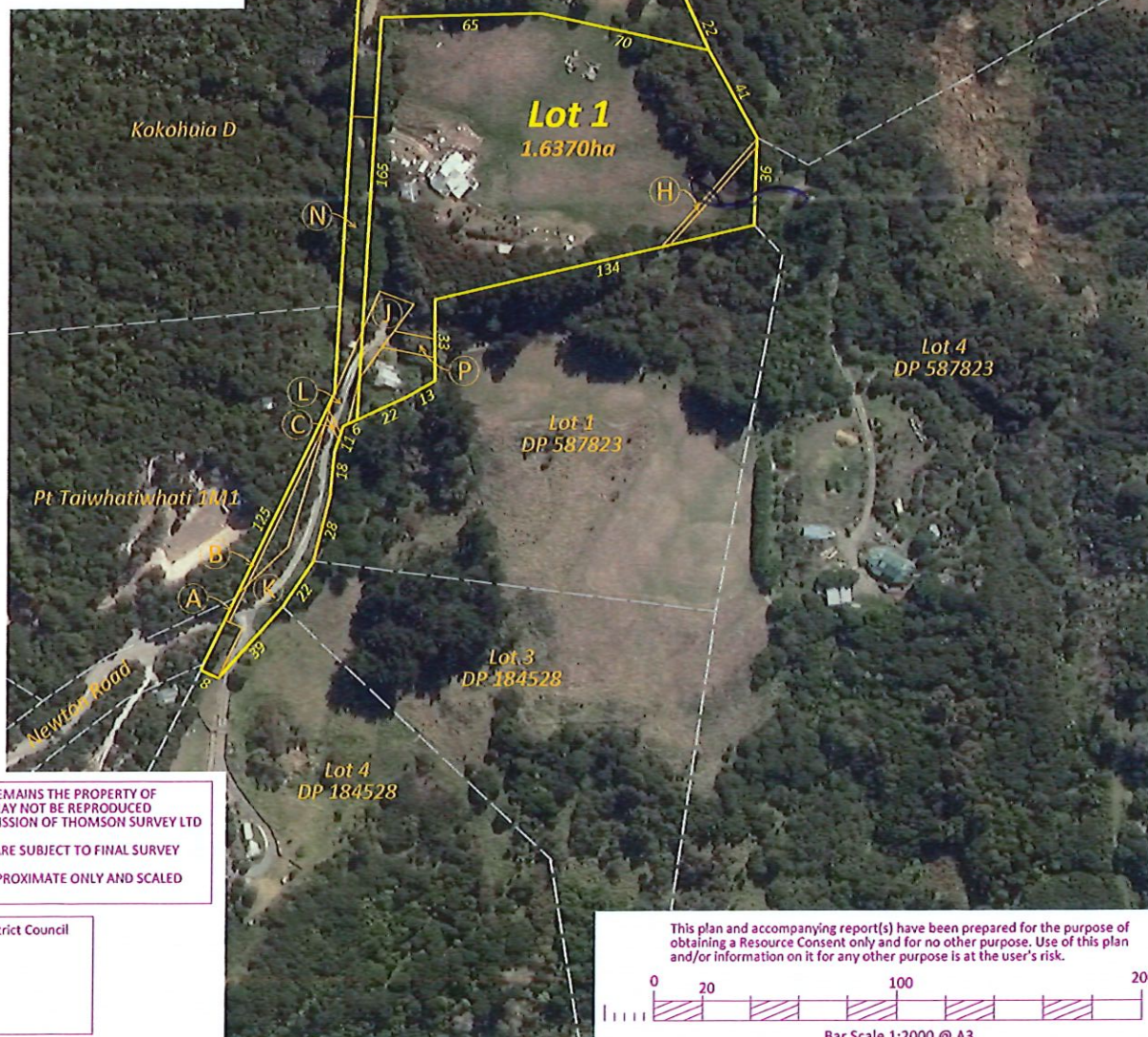
EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY WATER	(M)	LOT 2 HEREON	E.I. 8936241.1

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A) (C)	LOT 2 HEREON	LOT 1 HEREON
	(K) (L)	LOT 2 HEREON	LOT 1 HEREON
	(N)	LOT 2 HEREON	LOT 1 HEREON

AREA SHOWN AS (AA) IS SUBJECT TO AN EXISTING CONSENT NOTICE (BUSH PROTECTION), CREATED BY 13050277.4



THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council

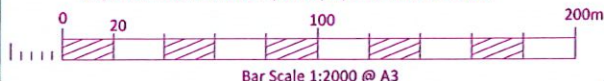
Comprised in: 1116410

Total Area: 6.0619ha

Zoning: Rural Production

Resource features: NIL

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



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

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF
LOT 2 DP 587823**
NEWTON ROAD, OMAPERE
PREPARED FOR: N. LAND

	Name	Date
Survey		
Design		
Drawn	KY	10.08.23
Approved		
Rev	KY	12.03.25
10537 Scheme 20250312		

ORIGINAL
SCALE
SHEET
SIZE
1:2000 A3

Surveyors
Ref. No:
10537
Sheet 1 of 1

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)(C)	LOT 2 HEREON	D224879.5
	(K)(L)	LOT 2 HEREON	13050277.6
	(J)	LOT 1 HEREON	D224879.5
	(P)	LOT 1 HEREON	13050277.6
RIGHT TO CONVEY WATER	(A)(B)	LOT 2 HEREON	D643570.1
	(C)	LOT 2 HEREON	D643570.1
	(H)	LOT 1 HEREON	13050277.6

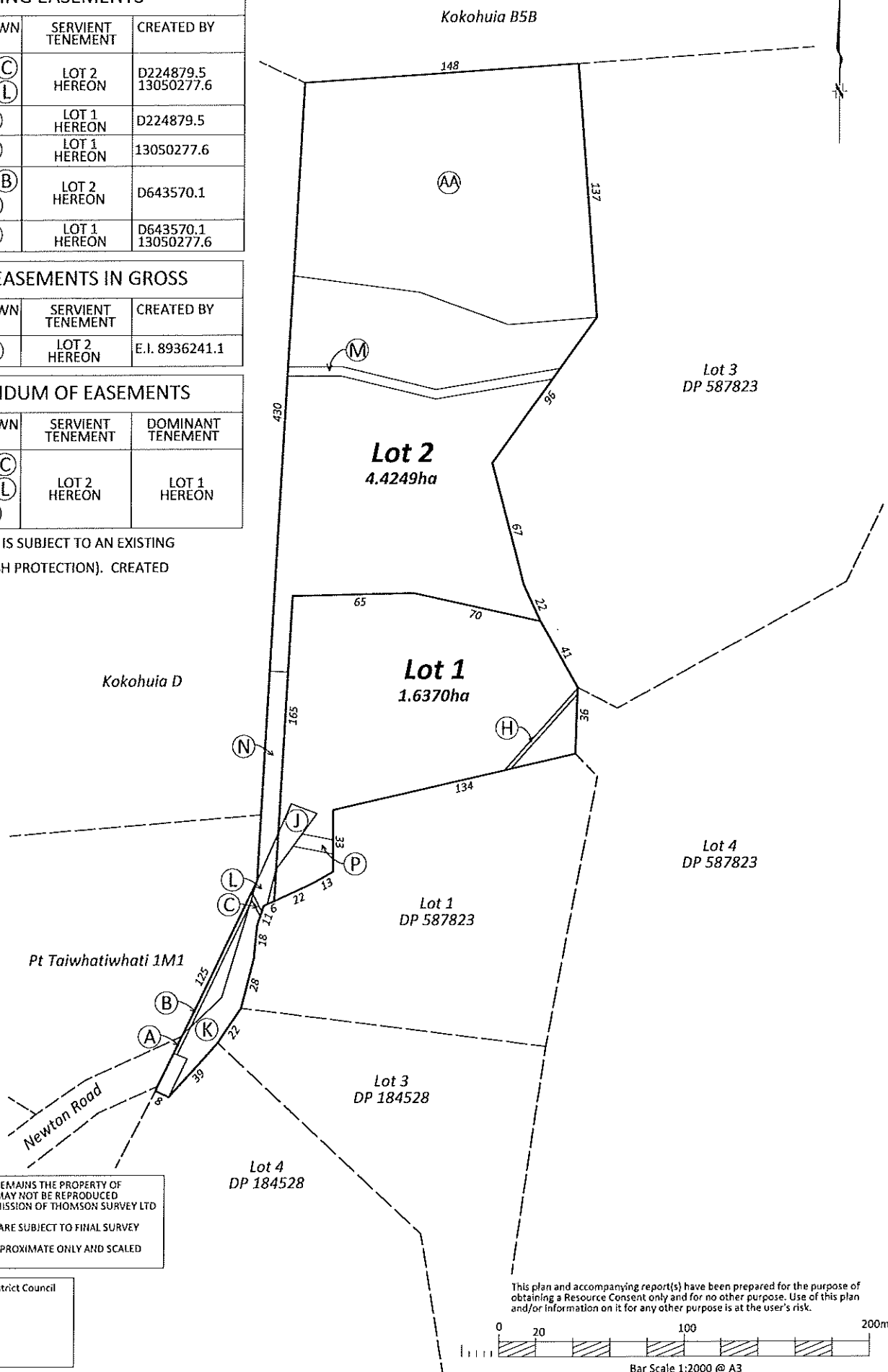
EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY WATER	(M)	LOT 2 HEREON	E.I. 8936241.1

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)(C) (K)(L) (N)	LOT 2 HEREON	LOT 1 HEREON

AREA SHOWN AS (AA) IS SUBJECT TO AN EXISTING CONSENT NOTICE (BUSH PROTECTION). CREATED BY 13050277.4



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 AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised In: 1116410
 Total Area: 6.0619ha
 Zoning: Rural Production
 Resource features: NIL

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Bar Scale 1:2000 @ A3



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

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF
 LOT 2 DP 587823
 NEWTON ROAD, OMAPERE
 PREPARED FOR: N. LAND**

	Name	Date	ORIGINAL
Survey			SCALE
Design			SHEET
Drawn	KY	10.08.23	SIZE
Approved			1:2000 A3
Rev	KY	12.03.25	
10537 Scheme 20250312			

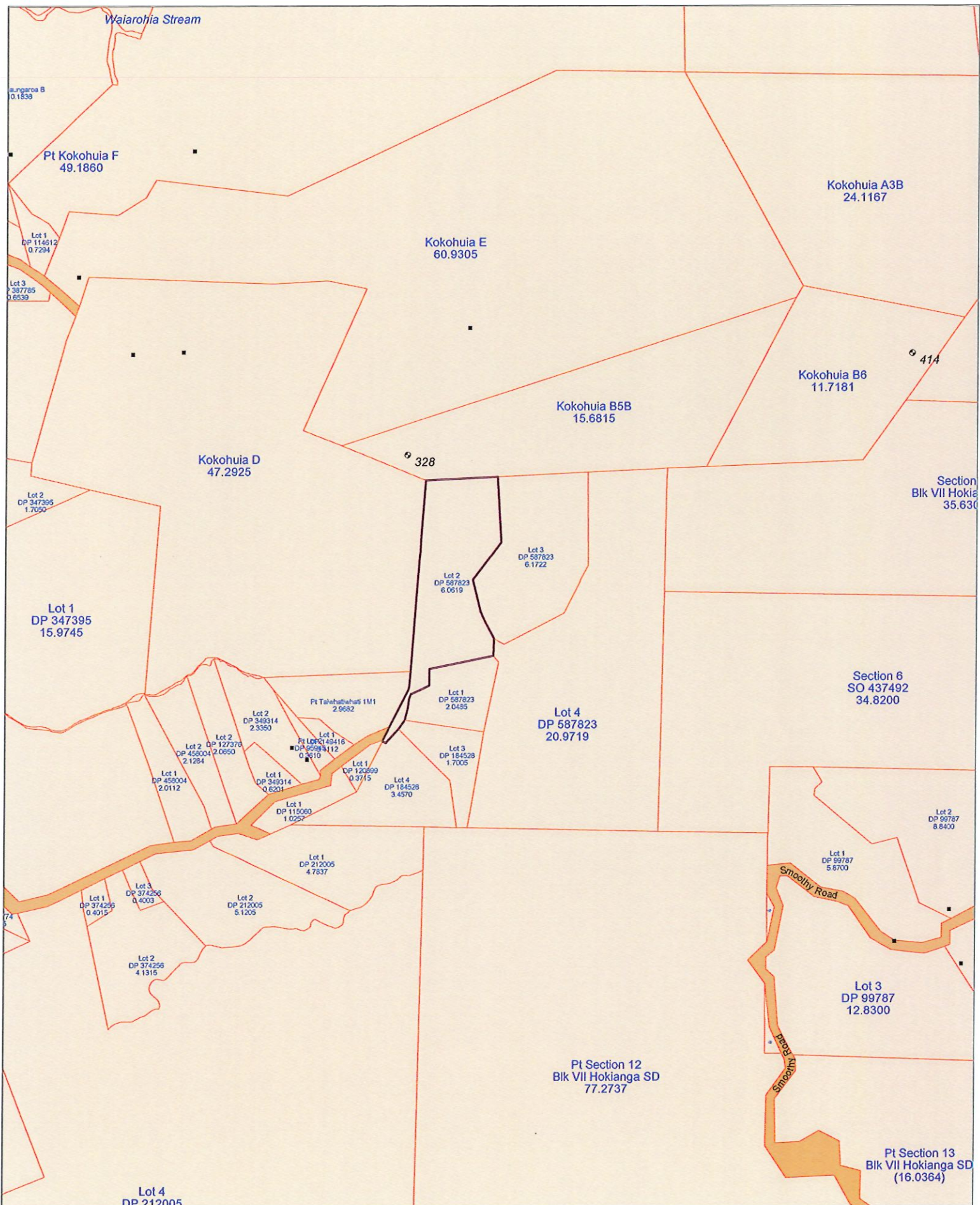
Surveyors
 Ref. No:

10537

Sheet 1 of 1

Appendix 2

Location Plan



QuickMap
Custom Software Ltd



Any person wishing to rely on the information shown on this map must independently verify the information

Scale 1:10000

Topographical and Cadastral map derived from LINZ data. Printed: 23-Jun-2025 12:16.

Appendix 3

Record of Title & Relevant Instruments



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



Identifier 1116410
Land Registration District North Auckland
Date Issued 30 October 2024

Prior References

NA115B/197 NA115B/198

Estate Fee Simple
Area 6.0619 hectares more or less
Legal Description Lot 2 Deposited Plan 587823

Registered Owners
Bouty B Joy Tracey

Interests

Appurtenant to part formerly Lot 1 DP 184528 is a right of way and electricity & telecommunications rights specified in Easement Certificate D224879.5 - 9.12.1997 at 2.47 pm

The easements specified in Easement Certificate D224879.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and to telecommunications and electricity rights over part marked A, C, K and L on DP 587823 specified in Easement Certificate D224879.5 - 9.12.1997 at 2.47 pm

Subject to a right to convey water over part marked A, B, C and H on DP 587823 created by Transfer D643570.1 - 26.9.2001 at 2.07 pm

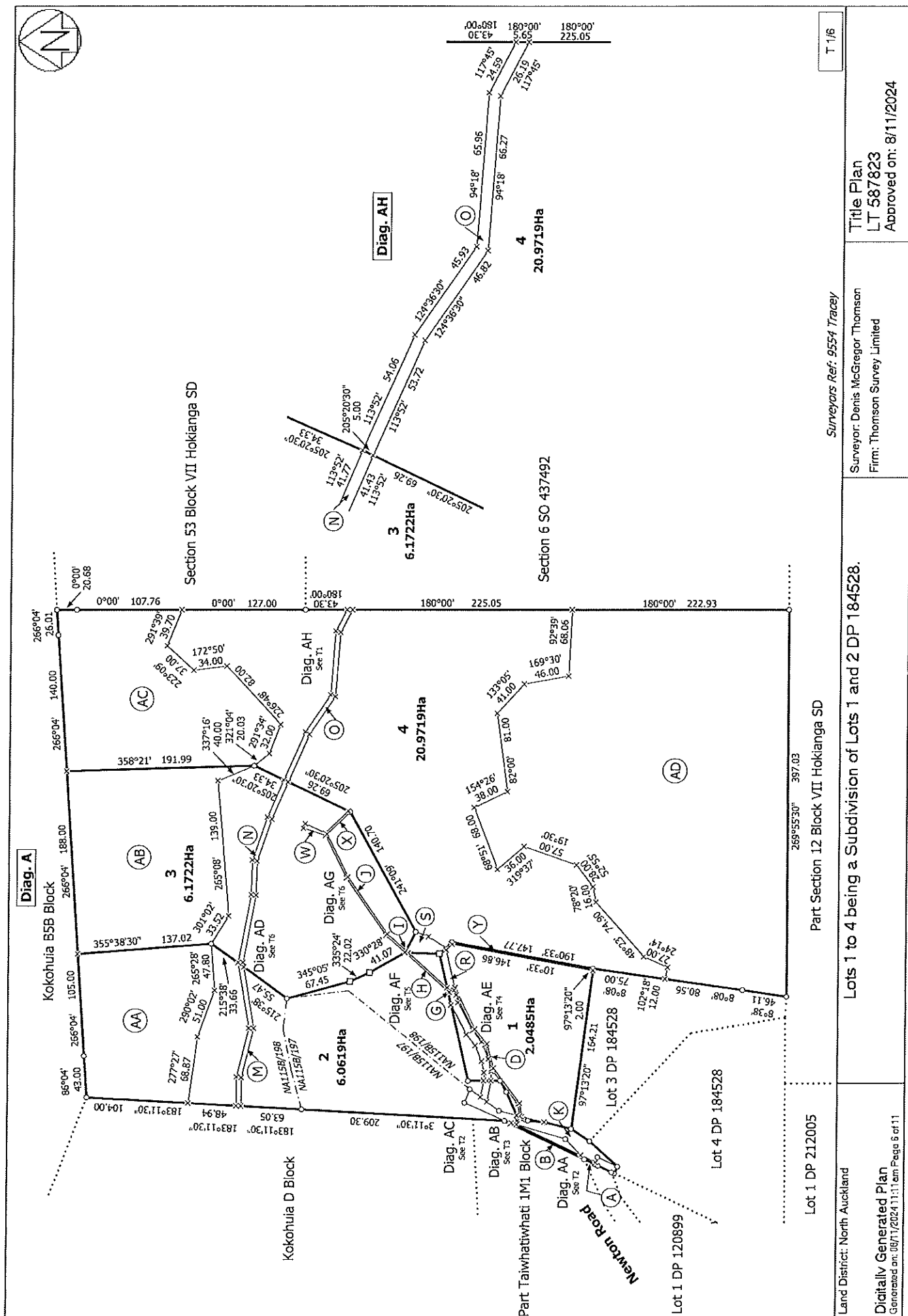
Subject to a right (in gross) to convey water over part marked M on DP 587823 in favour of Far North District Council created by Easement Instrument 8936241.1 - 21.9.2012 at 3:21 pm

13050277.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.10.2024 at 1:43 pm

Subject to a right of way and a right to convey electricity and telecommunications over part marked A, K, C, L and P and a right to convey water over part marked H, all on DP 587823 created by Easement Instrument 13050277.6 - 30.10.2024 at 1:43 pm

Appurtenant hereto is a right of way and a right to convey electricity and telecommunications created by Easement Instrument 13050277.6 - 30.10.2024 at 1:43 pm

Some of the easements created by Easement Instrument 13050277.6 are subject to Section 243 (a) Resource Management Act 1991 (See DP 587823)



0224879.5EC

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

EASEMENT CERTIFICATE

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

1/10/88 SUZANNE MARIE CRABB

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the 10th day of October 19 97 under No. 184528 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO. 184528

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Lot 2 DP 184528 CT 115/198	A	Lots 1, 3 and 4 DP 184528	Dominant Tenements 115/197 115/199 115/200
Right to Transmit Electricity & Telecommunications	Lot 2 DP 184528 CT 115/198	A	Lots 1, 3 and 4 DP 184528	Dominant Tenements 115/197 115/199 115/200

S.M.C.
R

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

1. Rights and powers:

In addition to the rights and powers more particularly set forth in the Seventh Schedule to the Land Transfer Act 1952 the rights implied in easements of vehicular rights of way as set forth in the Ninth Schedule to the Property Law Act 1952 shall also apply and with the additional covenants following:

- (a) The cost of maintaining the right of way shall be shared in proportion to use by the registered proprietors using the easement area.
- (b) Where the need for maintenance is directly attributable to the actions of one of those registered proprietors or their invitees the cost shall in that case be borne wholly by the party to whom that action is directly attributable
- (c) The registered proprietors making use of the stockyards adjacent to the right of way marked A shall ensure that they do not cause an obstruction which could prevent access to any of the lots enjoying the benefit of this right of way.

2. The rights and powers of the Grantee under the rights to convey electric power and telephonic communications are the same rights and powers as those set out in Clauses 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952 as if the words "electric power and telephonic communications" were inserted in lieu of the word "water" wherever the same appears in the said Clause 2 and as if the words "wires cables conduits and poles" were inserted in lieu of the words "line of pipes" "pipe or pipes" and "pipe line" wherever the same appear in the said Clause 5.

S.M.C. A

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said County of ...

ATTEST: My commission expires the ... day of ... 1997

NOTARY PUBLIC

Dated this 8th day of December 1997

Signed by the above-named

SUZANNE MARIE CRABB

S.M. Crabb

in the presence of

Witness 

Occupation ... ADRIENNE MARGARET NEWTON

Address ... LEGAL EXECUTIVE
KAIKOE

EASEMENT CERTIFICATE

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

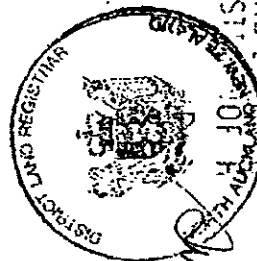
*Correct for the purposes of the
Land Transfer Act*

The above/within easements when created will be/are subject to Section 243(a) Resource Management Act 1991

Solicitor for the registered proprietor

A.L.R.

PARTICULARS ENTERED
LAND REGISTRY
ASST 1/A



2.47 09.DEC97 D 224879-5

LINZ COPY

Palmer Macuailey
Solicitors
KAIKŌHE



D 643570.1 TE.

TRANSFER

Land Transfer Act 1952

This page does not form part of the Transfer.

TRANSFER

Land Transfer Act 1952

If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule; no other format will be received.

Land Registration District

NORTH AUCKLAND

Certificate of Title No. All or Part? Area and legal description — *Insert only when part or Stratum, CT*

115B	198	All	
------	-----	-----	--

Transferor Surnames must be underlined

Suzanne Marie Crabb

Transferee Surnames must be underlined

Stanley John Askew and Lorraine Patricia Askew

Estate or Interest or Easement to be created; *Insert e.g. Fee simple; Leasehold in Lease No.; Right of way etc.*

Easement of right to convey water (continued on page 2 Annexure Schedule)

Consideration

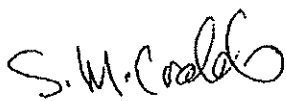

\$1.00

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

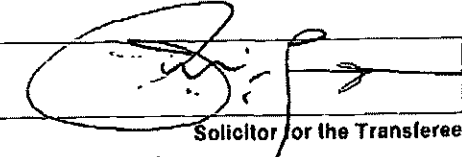
Dated this 20th day of November 2000

Attestation

	Signed in my presence by the Transferor
	Signature of Witness 
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped)
	Witness name GREGORY LESLIE DAVIS Occupation SOLICITOR Address KAIKOHE
Signature, or common seal of Transferor	

Certified correct for the purposes of the Land Transfer Act 1952

Carried out by a person who is a member of the Law Society of New Zealand or a member of the Law Society of New Zealand (DELETED) (APPLICABLE CERTIFICATE)


Solicitor for the Transferee

Annexure Schedule

TRANSFER

Dated

20th November 2020

Page

2

of

2

Pages

Continuation of "Estate or Interest or Easement to be created"

The Transferee shall have the right to convey water over the part of the land in Certificate of Title 115B/198 marked "A" on DP 204203 being forever appurtenant to the land of the Transferee contained in Certificate of Title 540/1406, 137D/1 ✓

The waterline shall have an internal diameter not more than 25mm.

The Transferee shall not be entitled to sell any of the water.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

S.M. Craib



Approved by Registrar-General
of Land under No. 1995/1004

TRANSFER

Land Transfer Act 1952

Law Firm Acting
CONNELL RISHWORTH SOLICITORS WHANGAREI

Auckland District Law Society
REF: 4135

Both
PAICULARS ENTERED IN THE
LAND REGISTRY NO. 1
REGISTRAR-GENERAL OF LAND

This page is for Land Registry Office use only.
(except for "Law Firm Acting")

2.07 26.SEP01 D 643570 -/

LINZ COPY ⊕



View Instrument Details

Instrument No. 8936241.1
Status Registered
Date & Time Lodged 21 Sep 2012 15:21
Lodged By Millar, John Lindsay
Instrument Type Easement Instrument



Affected Computer Registers Land District
NA115B/198 North Auckland

Annexure Schedule: Contains 6 Pages.

Grantor Certifications

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

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

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

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

I certify that the Mortgagee under Mortgage 5251687.1 has consented to this transaction and I hold that consent ☒

Signature

Signed by John Lindsay Millar as Grantor Representative on 21/09/2012 03:18 PM

Grantee Certifications

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

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

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

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

Signature

Signed by John Lindsay Millar as Grantee Representative on 21/09/2012 03:18 PM

*** End of Report ***

Approved by Registrar-General of Land under number 2002/6055

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

Land Registration District

North Auckland

BARCODE

Grantor

Surname must be underlined

Zhann Tracey

Grantee

Surname must be underlined

Far North District Council

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

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

Dated this

22

day of

September

2009 2011

Attestation

S.M. Anderson.
 Zhann Tracey by
 his duly authorized
 attorney Suzanne
 Marie Anderson

Signature [common seal] of Grantor

Signed in my presence by the Grantor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness Name

ADRIENNE MARGARET NEWTON
 LEGAL EXECUTIVE
 KAIKOHU

Occupation

Address



Signature [common seal] of Grantee

Signed in my presence by the Grantee

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness Name LORRAINE JOY BROCKLISS

Occupation ADMINISTRATOR

Address 58 WAIPAPA RD, RD2, KERIKERI

Certified correct for the purposes of the Land Transfer Act 1952

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.
 REF 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2004/8055
Annexure Schedule 1

Easement Instrument Dated / /09 Page 2 of 4 Pages
Schedule A

Purpose (nature and extent) of easement, Profit, or covenant	Shown (plan references)	Servient tenement ("Servient land") (Identifier/CT)	Dominant tenement ("Dominant land") (Identifier/CT or in gross)
Right to convey water	B on DP 385156	CT.NA115B/198	In gross

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

Delete phrases in [] and insert memorandum number as required
Continue in additional Annexure Schedule if required

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule 5 of the of the Property Law Act 2007.

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

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2]~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

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

~~[Memorandum number _____, registered under Section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

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

S.W.  

Approved by Registrar-General of Land under No. 2004/2138

Annexure Schedule 2



Easement Instrument	Dated	1 / 11 / 2009	Page	3	of	4	Pages
---------------------	-------	---------------	------	---	----	---	-------

(Continue in additional Annexure Schedule, if required.)

The Grantee shall have the easements referred to in Annexure Schedule 1 and the following additional provisions shall apply:-

1. Any terms used in this easement that are defined in the Land Transfer Regulations 2002 or in Schedule 5 of the Property Law Act 2007 shall take those meanings.
2. Where there is a conflict between the provisions of Schedule 4 of the Land Transfer Regulations, Schedule 5 of the Property Law Act 2007, and the modifications in this easement instrument, the modifications in this easement instrument shall prevail. If there is conflict between the provisions of Schedule 4 of the Land Transfer Regulations 2002 and Schedule 5 of the Property Law Act 2007 then the provisions of Schedule 5 of the Property Law Act 2007 shall prevail.
3. Reference in Clauses 3(1), 4(1), and 5(1) of Schedule 4 of the Land Transfer Regulations to the dominant land shall be deleted for the purpose of this easement instrument.
4. The Grantee shall have the right to dig up to any depth the soil of the portions of the servient land and to lay down and construct pipes of such size and material as the Grantee thinks fit for the purpose of this easement. Except in the case of emergency the Grantee will exercise its rights under this easement instrument only in dry conditions over that part of the stipulated course which is also part of the Grantor's airstrip.
5. The Grantor covenants with the Grantee not to place any buildings, erect fences or other permanent structures on the Stipulated Course without the specific prior written consent of the Grantee and the Grantor will not at any time commit or suffer any acts whereby the rights, powers, licences and liberties hereby granted to the Grantee may be interfered with or affected. The issue by the Grantee of a building consent pursuant to the Building Act 2004 (or any modification or re-enactment thereof) shall not be regarded as written consent for the purpose of this clause. The parties acknowledge that, at the date of execution of this easement instrument, the Grantor's airstrip crosses the stipulated course for the easement facility.
6. The Grantee shall be responsible for the installation, repair, replacement, and maintenance of the easement facility so as to keep the same in good order and repair and condition and to prevent the same from becoming a nuisance:-
 - (i) The cost of installation, maintenance, repair, and replacement of the easement facility will be the responsibility of the Grantee, and
 - (ii) Except in the case of emergency the Grantee will give to the Grantor not less than 48 hours notice of intention to exercise access to the easement facility for maintenance and repairs.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their Solicitors must put their signatures or Initials here.

S.M.A.



Approved by Registrar-General of Land under No. 2004/2138
Annexure Schedule 2

Easement Instrument Dated 1 / 2009 Page 3 of 4 Pages

(Continue in additional Annexure Schedule, if required.)

The Grantee shall have the easements referred to in Annexure Schedule 1 and the following additional provisions shall apply:-

1. Any terms used in this easement that are defined in the Land Transfer Regulations 2002 or in Schedule 5 of the Property Law Act 2007 shall take those meanings.
2. Where there is a conflict between the provisions of Schedule 4 of the Land Transfer Regulations, Schedule 5 of the Property Law Act 2007, and the modifications in this easement instrument, the modifications in this easement instrument shall prevail. If there is conflict between the provisions of Schedule 4 of the Land Transfer Regulations 2002 and Schedule 5 of the Property Law Act 2007 then the provisions of Schedule 5 of the Property Law Act 2007 shall prevail.
3. Reference in Clauses 3(1), 4(1), and 5(1) of Schedule 4 of the Land Transfer Regulations to the dominant land shall be deleted for the purpose of this easement instrument.
4. The Grantee shall have the right to dig up to any depth the soil of the portions of the servient land and to lay down and construct pipes of such size and material as the Grantee thinks fit for the purpose of this easement. Except in the case of emergency the Grantee will exercise its rights under this easement instrument over the Grantor's airstrip only in dry conditions.
5. The Grantor covenants with the Grantee not to place any buildings, erect fences or other permanent structures on the Stipulated Course without the specific prior written consent of the Grantee and the Grantor will not at any time commit or suffer any acts whereby the rights, powers, licences and liberties hereby granted to the Grantee may be interfered with or affected. The issue by the Grantee of a building consent pursuant to the Building Act 2004 (or any modification or re-enactment thereof) shall not be regarded as written consent for the purpose of this clause. The parties acknowledge that, at the date of execution of this easement instrument, the Grantor's airstrip crosses the stipulated course for the easement facility.
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S.M.A.
[Signature]

Approved by Registrar-General of Land under number 2002/6055

Annexure Schedule – Consent Form
Land Transfer Act 1952 section 238(2)

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

Easement Instrument

Page 1 of 1 Pages

Consentor
Surname(s) must be underlined or in CAPITALS

Capacity and Interest of Consensor
(eg. Caveator and Caveat no./Mortgagee under Mortgage no.)

ANZ National Bank Limited

(now) Mortgagee under Mortgage No.5251687.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent

Delete words in [] if inconsistent with the consent

State full details of the matter for which consent is required

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

[section of the Act]

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

the Consentor hereby consents to:

Easement to convey water granted/created by the annexed Easement Instrument – such consent is issued by the Consensor as mortgagee under Mortgages No.320097.13, 489232.1 and C658344.2

Dated this _____ day of _____, 2009

Attestation

ANZ National Bank Limited
by its Attorney

SHAYAZ SHAMEEL KHAN

Signed In my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness Name

PRABHA NATARAJAN
BANK OFFICER
AUCKLAND

Occupation

Address

Signature of Consensor

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

REF: 7029 – AUCKLAND DISTRICT LAW SOCIETY

**CERTIFICATE OF NON-REVOCATION OF POWER OF
ATTORNEY**

**I, Shayaz Shameel Khan of Auckland, New Zealand, Team
Leader, Retail Loan Support, Lending Services Centre, certify –**

1. That by deed dated 28 June 1996, ANZ National Bank Limited of Wellington, New Zealand appointed me its attorney.
2. That I have not received notice of any event revoking the power of attorney.
3. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the property being dealt with pursuant to the Deed has become the property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.



Shayaz Khan

Signed at **Auckland** this day of

20 APR 2010

Land Information New Zealand, Dealing Numbers:

Auckland	as No.	D.016180	Hokitika	as No.	105147
Blenheim	as No.	186002	Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1	Napier	as No.	644654.1
Dunedin	as No.	911369	Nelson	as No.	359781
Gisborne	as No.	G.210991	New Plymouth	as No.	433509
Hamilton	as No.	B.355185	Wellington	as No.	B.530013.1



View Instrument Details

Instrument No	13050277.6
Status	Registered
Date & Time Lodged	30 Oct 2024 13:43
Lodged By	Allen, Petra Brier
Instrument Type	Easement Instrument

Affected Records of Title	Land District
1116409	North Auckland
1116410	North Auckland
1116411	North Auckland
1116412	North Auckland
NA115B/199	North Auckland

Annexure Schedule	Contains 2 Pages
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Grantor Certifications

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

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

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

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

I certify that the Mortgagee under Mortgage 11935474.3 has consented to this transaction and I hold that consent ☒

I certify that the Mortgagee under Mortgage 5251687.1 has consented to this transaction and I hold that consent ☒

Signature

Signed by Petra Brier Allen as Grantor Representative on 30/10/2024 01:42 PM

Grantee Certifications

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

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

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

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

Signature

Signed by Petra Brier Allen as Grantee Representative on 30/10/2024 01:42 PM

*** End of Report ***

Form 22

Easement instrument to grant easement or *profit à prendre*
(Section 109 Land Transfer Act 2017)

Grantor

Zhann Michel Tracey and Bouty B Joy Tracey

Grantee

Zhann Michel Tracey, Bouty B Joy Tracey, Jim Barry Arthur Peter Ivan Lorenzo Crump

Grant of Easement or *Profit à prendre*

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

Schedule A

Purpose of Easement, or <i>profit</i>	Shown DP587823	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way & Right to Convey Electricity & Telecommunications	A, K, C, L & P	Lot 2 DP587823 - 1116410	Lot 1 DP587823 – 1116409 Lot 3 DP587823 – 1116411 Lot 4 DP587823 – 1116412
	Q, G & R	Lot 1 DP587823 - 1116409	Lot 3 DP587823 – 1116411 Lot 4 DP587823 – 1116412
	T, U & V	Lot 1 DP587823 - 1116409	Lot 2 DP587823 – 1116410 Lot 3 DP587823 – 1116411 Lot 4 DP587823 – 1116412
	S & I	Lot 4 DP587823 - 1116412	Lot 3 DP587823 – 1116411
Right to Convey Water	W & X	Lot 3 DP587823 - 1116411	Lot 4 DP587823 – 1116412
	W & J	Lot 3 DP587823 - 1116411	Lot 3 DP184528 – NA115B/199
	I & S	Lot 4 DP587823 - 1116412	
	H	Lot 2 DP587823 - 1116410	
	G, R & Y	Lot 1 DP587823 - 1116409	

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

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

The implied rights and powers are hereby **varied** by the provisions set out below.

RIGHT OF WAY

The same rights and powers as set out in paragraph 6 of the Fifth Schedule to the Land Transfer Regulations 2018 and Fifth Schedule to the Property Law Act 2007 TOGETHER WITH the rights and powers as set out in paragraphs 10, 11, 12, 13 and 14 of the Fifth Schedule to the Land Transfer Regulations 2018 SAVE THAT where there is a conflict between the provisions of the Fifth Schedule to the Land Transfer Regulations 2018 and the Fifth Schedule to the Property Law Act 2007, the provisions of the Fifth Schedule to the Property Law Act 2007 must prevail.



View Instrument Details

Instrument No	13050277.4
Status	Registered
Date & Time Lodged	30 Oct 2024 13:43
Lodged By	Allen, Petra Brier
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	Land District
NA115B/197	North Auckland
NA115B/198	North Auckland

Annexure Schedule	Contains 2 Pages
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Signature

Signed by Petra Brier Allen as Territorial Authority Representative on 18/10/2024 10:41 AM

*** End of Report ***



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Private Bag 752, Kaikohe 0440, New Zealand

ask.us@fndc.govt.nz

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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2200253-RMAVAR/A

Being the Subdivision of LOTS 1 AND 2 DP 184528

North Auckland Registry

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

SCHEDULE

Lots 1 and 3 DP 587823

- i. In conjunction with the application for building consent for the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit an onsite wastewater report prepared by a Chartered Professional Engineer or a council approved Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. Reserve Disposal Areas for the disposal of treated effluent shall remain free of built development and available for its designated purpose.
- ii. In conjunction with the lodging of a building consent application for the construction of any building, the applicant shall provide a design for stormwater management, prepared by a suitably qualified and experienced practitioner, which addresses stormwater management, and provides suitable mitigation measures to reduce flows from development.
- iii. All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer who is familiar with expansive soils in the region. The design shall reference the Subdivision Suitability Report by LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020). The foundation design details shall be submitted in conjunction with the Building Consent application.
- iv. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.



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- v. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

Lots 2, 3 and 4 DP 587823

- vi. Prior to undertaking any significant earthworks or clearance of vegetation on the areas noted as "NRC Erosion Prone Area" marked in blue within lots 2, 3, and 4 on approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 1 and 2 DP 184528", dated 02.06.2022, the owner should assess the need for a land use consent from the Northland Regional Council and/or an earthworks permit under that FNDC General Bylaws and/or an earthworks resource consent from the Far North District Council.
- vii. The land owners and occupiers of Lots 2, 3, and 4 must not cut, damage, fell, wilfully injure or destroy the vegetation (including roots) within the areas shown as covenant area endorsed as AA, AB, AC, AD, on the survey plan or execute work in the vicinity of the trees (including a prohibition on excavation, construction or storage of material or debris) without the prior consent in writing from the Council.

The lot owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.

Lots 1, 2, 3 and 4 DP 587823

- viii. The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

SIGNED:

Ms Nicola Cowley - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at KERIKERI this 26th day of June 2024

Appendix 4

RC 2200253-RMAVAR/A



**DECISION ON SECTION 127 APPLICATION
UNDER THE RESOURCE MANAGEMENT ACT 1991**

Decision

Pursuant to section 34(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change and cancel conditions of resource consent RC 220253-RMAOBJ.

Council Reference:	2200253-RMAVAR/A
Applicant:	Zhann Tracey
Property Address:	Lot 2, Newton Road, Omapere 0473
Legal Description:	LOT 2 DP 184528
Description of Application:	To have 1 less lot in the subdivision of RC2200253-RMASUB which was a consent to create 4 additional lots in the Rural Production Zone.

The following changes and/or cancellations to the conditions of resource consent RC 220253-RMAOBJ are made:

(~~Strikethrough~~ indicates deletions and underline indicates additions and changes)

For clarity a complete set of conditions, as amended, are provided in Schedule 1 to this decision.

Condition 1 to be amended

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 1 and Lot 2 DP 184528", dated 29.10.20-02.06.2022 and attached to this consent with the Council's "Approved Stamp" affixed to it.

Condition 3(a) to be cancelled

~~(a) The consent holder shall submit plans & details of all works on the right of way upgrading for the approval of Council prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004. The plans shall show the following detail:~~

- ~~i. The plans to show the diversion of the access to the north of the slip in accordance with the recommendations of the report from LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020. The plans shall also show the sediment control measures intended to be installed and maintained during the earthworks.~~

- ii. ~~A copy of the scheme plan or survey plan showing the proposed carriageway widths and the location of passing bays for each section of the proposed right of way carriage upgrading.~~

Condition 5(d) be amended to read;

Provide formed and metalled access on ROW easements ~~A,B,C,D,G,R,S,T,K,U,V,W,O,X and Y-L, P and Q~~. The width of the carriageway shall be as per the requirements of Appendix 3B-1 of the Far North District Plan as specified below. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

Concentrated stormwater runoff is to be discharged in such a manner that there is no erosion.

Right of Way Carriageway Width Requirements:

- ~~- 5-8 lots served, 5 metre carriageway width~~
- ~~- 3-4 lots served, 3 metre carriageway width with passing bays to comply with Rule 15.1.6.1.2 of the District Plan.~~
- ~~- 2 lots served, 3 metre carriageway width~~

Conditions under 5(f) be amended to read.

(f) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

i. In conjunction with the application for building consent for the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit an onsite wastewater report prepared by a Chartered Professional Engineer or a council approved Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. Reserve Disposal Areas for the disposal of treated effluent shall remain free of built development and available for its designated purpose. ~~[Lot 1 & Lots 3-5]~~ [Lots 1 & 3]

ii. In conjunction with the lodging of a building consent application for the construction of any building, the applicant shall provide a design for stormwater management, prepared by a suitably qualified and experienced practitioner, which addresses stormwater management, and provides suitable mitigation measures to reduce flows from development. ~~[Lot 1 & Lots 3-5]~~ [Lots 1 & 3]

iii. All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer who is familiar with expansive soils in the region. The design shall reference the Subdivision Suitability Report by LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020). The foundation design details shall be submitted in conjunction with the Building Consent application. ~~[Lot 1 & Lots 3-5]~~ [Lots 1 & 3]

iv. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. ~~[Lot 1 & Lots 3-5]~~ [Lots 1 & 3]

v. Prior to undertaking any significant earthworks or clearance of vegetation on the areas noted as "NRC Erosion Prone Area" marked in blue within ~~lots 3,4 and 5~~ 2, 3, and 4 on approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 2 DP 184528-Lot 1 and 2 DP 184528", dated 28.04.20 02.06.2022, the

owner should assess the need for a land use consent from the Northland Regional Council and/or an earthworks permit under that FNDC General Bylaws and/or an earthworks resource consent from the Far North District Council. [~~Lots 3-5~~] [Lots 2, 3 & 4]

vi. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. [~~Lot 1 & Lots 3-5~~] [Lots 1 & 3]

vii. The land owners and occupiers of Lot 2, 3, 4 and ~~5~~ must not cut, damage, fell, wilfully injure or destroy the vegetation (including roots) within the areas shown as covenant area endorsed as AA, AB, AC, AE, AD on the survey plan or execute work in the vicinity of the trees (including a prohibition on excavation, construction or storage of material or debris) without the prior consent in writing from the Council.

The lot owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributed to any act or default by or on behalf of the owner or for which the owner is responsible. [~~Lots 2-5~~] [Lots 2-4]

Vii The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. [~~Lots 1-5~~] [Lots 1-4]

Advice Notes

Lapsing of Consent

1. The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.

Right of Objection

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

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as:

- a. The proposal will result in a shortened ROW, which does not extend over an area of land that is unstable which is a positive effect.
 - b. The proposal will result in larger allotment sizes, more consistent with the nature of the zone which is a positive effect.
- 4. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
- 5. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Operative Far North District Plan 2009,
 - b. Proposed Far North District Plan 2022

Operative Far North District Plan

The proposed change is consistent with the relevant objectives and policies of the Operative District Plan because

Chapter 13 - subdivisions.

Objectives: 13.3.1, 13.3.5, 13.3.8

Policies: 13.4.1, 13.4.2, 13.4.6, 13.4.8

The subdivisions is designed in a way that is consistent with the purpose of the zone, while maintaining the protection under the original consent and avoiding hazards. The allotments are able to provide for onsite water and stormwater management.

Proposed Far North District Plan

The proposed change is consistent with the relevant objectives and policies of the Proposed District Plan because

Objectives: SUB-O1, SUB-O3

Policies: SUB-P3, SUB-P4, SUB-P8, SUB-P11

The variation results in larger allotments, which are more consistent with the purpose, characteristics and qualities of the zone which are able to provide for a building location and have better physical access. Protection is maintained to ensure the management of natural environmental resources and so the effects on indigenous vegetation are avoided and mitigated.

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

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

- 6. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant to the application.

7. Based on the assessment above the proposed change will be consistent with Part 2 of the Act.

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

8. Overall, for the reasons above it is appropriate for the change(s) and cancellation of the conditions of consent to be granted.

Approval

This resource consent has been prepared by Shanay Howard (Planning NZ), consultant resource planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: Pat Killalea

Date: 28th September 2022

Title: Principal Planner

Schedule 1

Complete set of Consent Conditions for RC 2200253 as Amended by RC 2200253-RMAVAR

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 1 and Lot 2 DP 184528", dated 02.06.2022 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) All areas of native vegetation to be protected (Areas AA, AB, AC, AD, marked on the approved plan) as "areas to be subject to bush protection covenant"
3. The consent holder must, before the survey plan of subdivision is approved under section 223 of the Act, provide three alternative names for the private way to be constructed over the proposed right of way for the approval of the Council. In giving its approval, the Council will require to be satisfied that the road name is relevant to the history of the area, character of the locality or is otherwise appropriate.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) The Consent Holder shall ensure that the following works are constructed in accordance with the Councils Engineering Standards and Guidelines 2004 and to the approved plans, to the approval of the Council's Resource Consents Engineer-
 - (i) Construct a turning head designed to accommodate a Heavy Rigid Vehicle, to Council Standards, to a metal standard at the end of Newton Road to mitigate the effects of the additional traffic generated on the road by way of the subdivision.
 - (b) Provide a formed double width entrance, to a metal standard, to the right of way which complies with the Councils Engineering Standard FNDC/S/6, 6B/C/D, and section 3.3.7.1 of the Engineering standards and NZS4404:2004.
 - (c) Provide formed and metalled access on ROW easements A,C,G,R,S,K, L, P and Q. The width of the carriageway shall be as per the requirements of Appendix 3B-1 of the Far North District Plan as specified below. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running

course and is to include water table drains and culverts as required to direct and control stormwater runoff. Concentrated stormwater runoff is to be discharged in such a manner that there is no erosion.

Right of Way Carriageway Width Requirements:

- 3-4 lots served, 3 metre carriageway width with passing bays to comply with Rule 15.1.6.1.2 of the District Plan.
- 2 lots served, 3 metre carriageway width

- (d) Prior to earthworks commencing, install erosion and sediment control measures in accordance with Auckland Council Guidance Document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region [GD05]. The measures shall be maintained and cleaned out as necessary until non erodible cover has been established.
- (e) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - i. In conjunction with the application for building consent for the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit an onsite wastewater report prepared by a Chartered Professional Engineer or a council approved Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. Reserve Disposal Areas for the disposal of treated effluent shall remain free of built development and available for its designated purpose. [Lots 1 & 3]
 - ii. In conjunction with the lodging of a building consent application for the construction of any building, the applicant shall provide a design for stormwater management, prepared by a suitably qualified and experienced practitioner, which addresses stormwater management, and provides suitable mitigation measures to reduce flows from development. [Lots 1 & 3]
 - iii. All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer who is familiar with expansive soils in the region. The design shall reference the Subdivision Suitability Report by LDE Slope Stability Analysis of Access Road, Project Reference: 17850 and dated 17 July 2020). The foundation design details shall be submitted in conjunction with the Building Consent application. [Lots 1 & 3]
 - iv. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. [Lots 1 & 3]
 - v. Prior to undertaking any significant earthworks or clearance of vegetation on the areas noted as "NRC Erosion Prone Area" marked in blue within lots 2, 3, and 4

on approved plan of subdivision prepared by Thompson Survey, referenced "Proposed Subdivision of Lot 1 and 2 DP 184528", dated 02.06.2022, the owner should assess the need for a land use consent from the Northland Regional Council and/or an earthworks permit under that FNDC General Bylaws and/or an earthworks resource consent from the Far North District Council. [Lots 2,3 & 4]

- vi. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. [Lots 1 & 3]
- vii. The land owners and occupiers of Lots 2, 3, and 4 must not cut, damage, fell, wilfully injure or destroy the vegetation (including roots) within the areas shown as covenant area endorsed as AA, AB, AC, AD, on the survey plan or execute work in the vicinity of the trees (including a prohibition on excavation, construction or storage of material or debris) without the prior consent in writing from the Council.

The lot owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 2-4]

- viii. The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. [Lots 1-4]

Advice Notes

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

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A) (C) (K)	LOT 2 HEREON	LOTS 1, 3 & 4 HEREON
	(L) (P)	LOT 1 HEREON	LOTS 3 & 4 HEREON
	(G) (Q) (R)	LOT 4 HEREON	LOT 3 HEREON
	(S)		

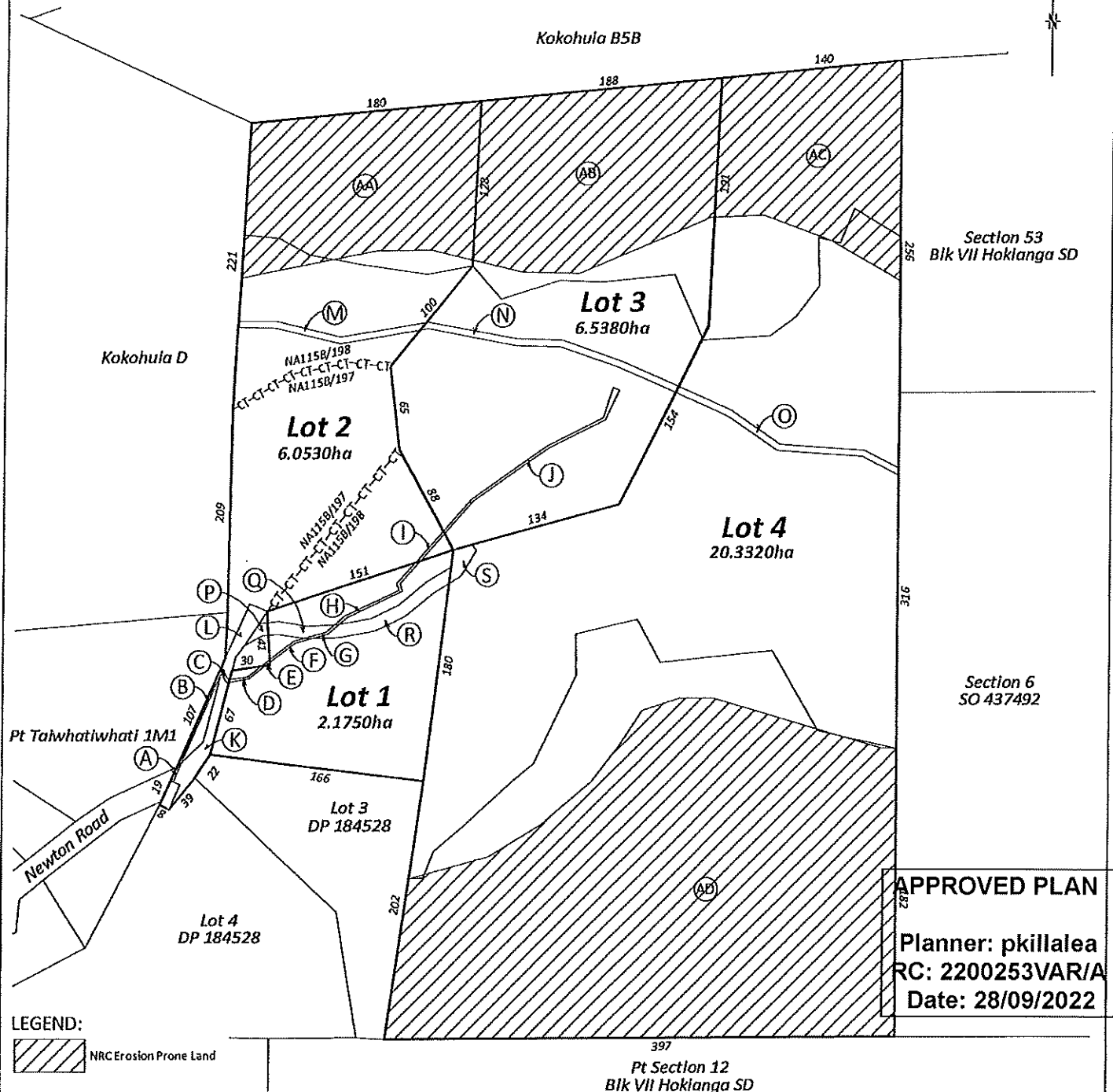
EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A) (C) (K) (L)	LOT 2 HEREON	D224879.5
	(A) (B) (C) (E) (I)	LOT 2 HEREON	
RIGHT TO CONVEY WATER	(D) (F) (G) (H)	LOT 1 HEREON	D643570.1
	(J)	LOT 3 HEREON	

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY WATER	(M)	LOT 2 HEREON	E.I. 8936241.1
	(N)	LOT 3 HEREON	
	(O)	LOT 4 HEREON	

AREAS MARKED (AA) (AB) (AC) (AD) ARE TO BE SUBJECT TO BUSH PROTECTION COVENANT (PNA006/013 WAIOTEMARAMA GORGE FOREST & PNA006/014 WAIWHATWHATA BUSH)



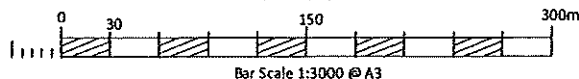
LEGEND:

NRC Erosion Prone Land

Local Authority: Far North District Council
Comprised in: NA1158/197 & NA1158/198
Total Area: 35.2400ha
Zoning: Rural Production
Resource features: NIL

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**PROPOSED SUBDIVISION OF
LOTS 1 & 2 DP 184528
VARIATION TO RC2200253-RMAOBJ/A
PREPARED FOR: Z. TRACEY**

Survey	Name	Date	ORIGINAL	SHEET
Design	KY	02.09.19	SCALE	SIZE
Drawn			1:3000	A3
Approved	KY	02.08.22		
Rev				

Surveyors
Ref. No:
9554
Sheet 1 of 1