

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 [Form 9](#)). 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: Total volume = <input type="text" value=""/> m ³
<i>Note; volumes >3m³ requires NRC Consent.</i> |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Subdivision |
| <input type="radio"/> Change of Consent Notice (s.221(3)) | <input type="radio"/> Existing Use Certificate (s.139A) |
| <input type="radio"/> Certificate of Compliance (s.139) | <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) |
| <input type="radio"/> Extension of time (s.125) | |
| <input type="radio"/> Other (please specify) <input type="text" value=""/> | |

**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:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Jack Lawson

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? Yes No

If yes, please provide details.

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6. Address for correspondence

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

Name/s:

Zenith Planning Consultants

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.

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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:

Jack A Lawson and Carol Ann Lawson

Property address/
location:

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8. Application site details

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

Name/s:	<input type="text" value="Jack A Lawson"/>		
Site address/ location:	<input type="text" value="56 Davis Strongman Place"/>		
	<input type="text" value="Kerikeri"/>		
	<input type="text" value="Postcode"/>		
Legal description:	<input type="text" value="Lot 4 DP 194153"/>	Val Number:	<input type="text"/>
Certificate of title:	<input type="text" value="NA123A/593"/>		

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

Please contact Jack prior to completing the site visit or

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 Lot 4 DP 194153 to create two lifestyle lots

To exceed impermeable surfaces (stormwater rule) for both existing and future development for each lot as a result of the proposed subdivision.

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.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

2009 2023

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. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? Yes No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

Flooding

Active Faults

Landslips

Liquefaction

Coastal Erosion

Tsunami

Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. 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

15. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

16. 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)

Jack A Lawson

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)

Jack A Lawson

Signature:

(signature of bill payer)

Date 11-05-26

MANDATORY

17. 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.

18. Declaration

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

Name (please write in full)

Wayne Smith

Signature

Date

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

See overleaf for a checklist of your information...

Checklist of your information

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.*

12th May 2026

Resource Consents Team
Far North District Council
Private Bag 752
Kaikohe 0440

Attention: Team Leaders

APPLICATION FOR A COMBINED RESOURCE SUBDIVISION AND LANDUSE CONSENT FOR LOT 4 DP 194153 WHICH CREATES TWO LOTS AT 56 DAVIS STRONGMAN PLACE, KERIKERI.

Zenith Planning Consultants Limited has been engaged by Jack Lawson to prepare a combined landuse and subdivision application. The application is non-complying due to lot size.

I have attached the following information in support of the application:

- Completed Application Form 9
- Planning Report and Assessment of Effects
- Scheme plan
- Engineers report addressing stormwater and site suitability
- Certificate of Title and legal instruments

With respect to the application fee, the applicant has paid online using the reference Lawson RC.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

wayne@zenithplanning.co.nz

mob: +64 (0) 21 202 3898

Planning Report and Assessment of Effects

Combined Subdivision and Landuse Resource Consent

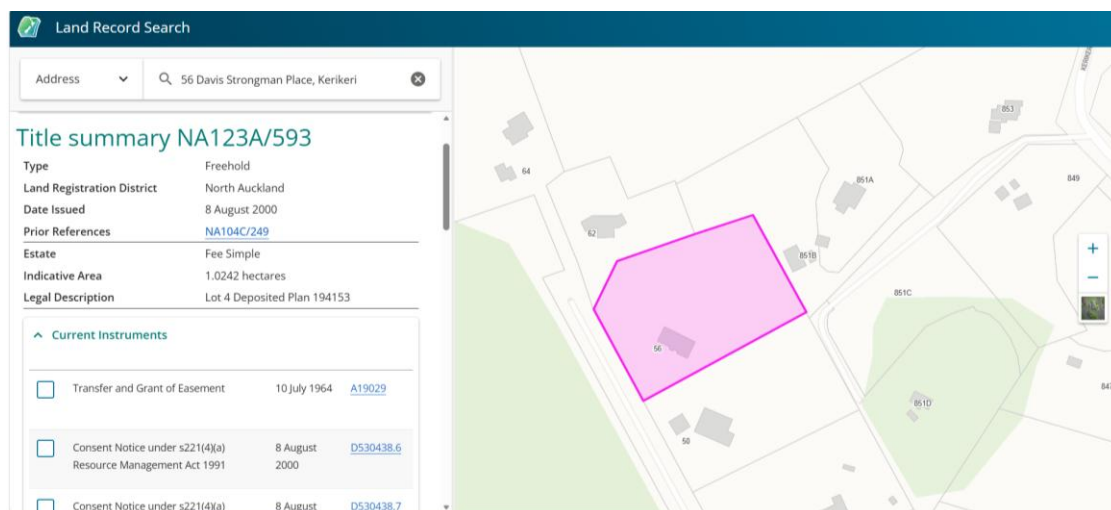
Jack Lawson

56 Davis Strongman Place, Kerikeri

PLANNING REPORT AND ASSESSMENT OF EFFECTS

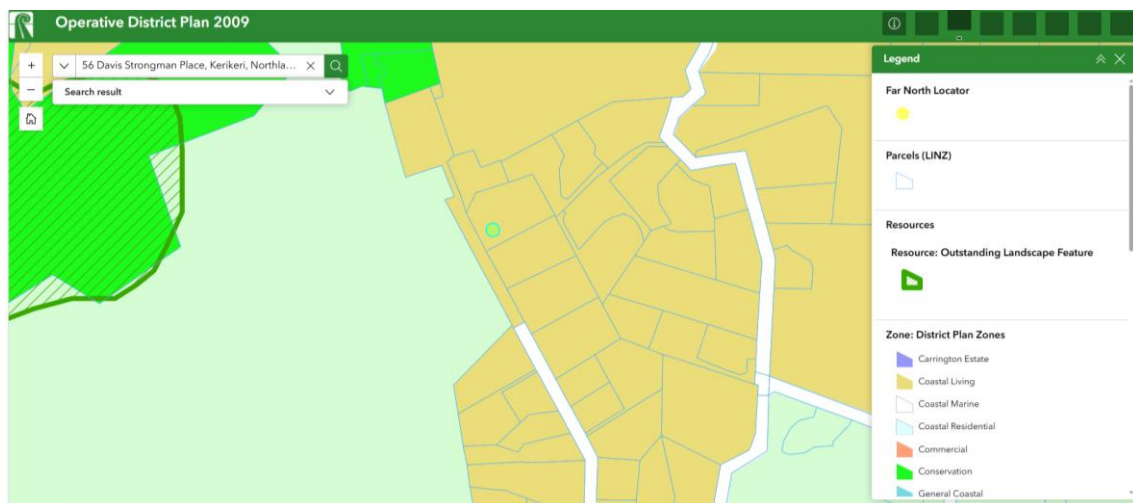
APPLICATION AND SITE DESCRIPTION

- 1.01 Zenith Planning Consultants have been engaged by Jack Lawson to prepare and lodge a combined landuse and subdivision resource consent for his property at 65 Davis Strongman Place, Kerikeri.
- 1.02 The application site is property is 1.0242ha in area and is legally described as Lot 4 DP 194153. The property is accessed via an existing Right of Way easement located on Lot 6 DP 194153 (an adjoining property). The legal road – Davis Strongman Place, stops approximately 130m before the application site entrance. The legal road and ROW access formation standard is the same in terms of construction width and a minor change in formation standard moving from seal to metalled formation. At the end of the ROW easement there are several entrances which branch off the access ROW north of the application site. The ROW easement which services the site is located along the western boundary of the site. The application site contains an existing dwelling and several sheds with a vehicle turning area located between the dwelling and the property entrance. An informal secondary entrance is located further along the ROW easement which will be utilised for the proposed new vacant lot. The proposed lot is proposed to be located on the northern portion of the application site.
- 1.03 The property has a flat contour and has remnant perimeter stone walls on some of the property boundaries. The site has an extensive number of trees, shrubs and amenity gardens of varying types throughout the property. There is a cleared area in the north eastern portion of the site which is the logical dwelling location and confirmation is provided that a 30m x30m building envelope free of required setbacks can fit. There may be some trees required to be removed to accommodate the potential development of proposed Lot 2 but there is no restriction on their removal should it be required.



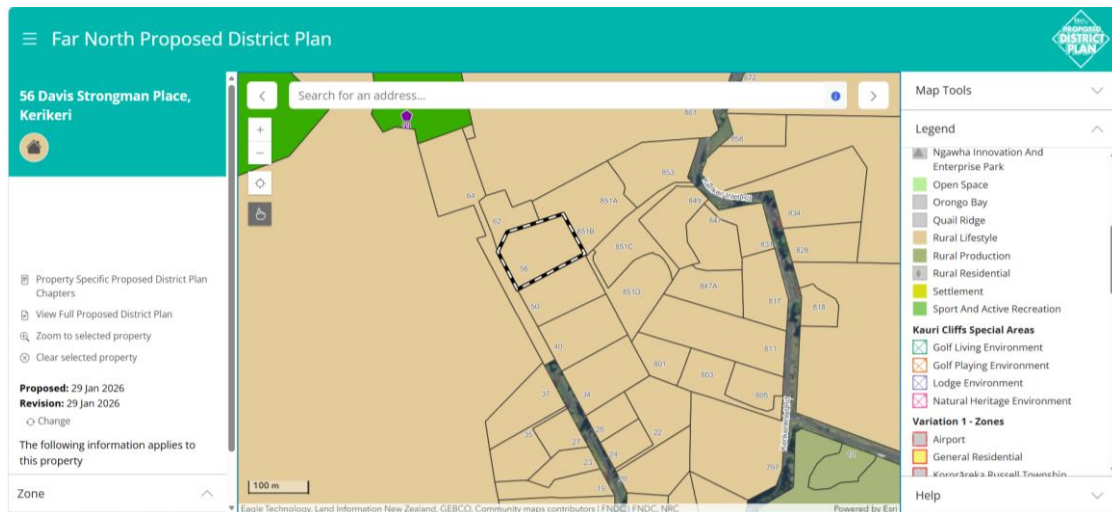
The application site is highlighted and achieves access via an existing ROW easement on the property to the west.

- 1.04 The land is currently used for rural lifestyle property and has limited options for other activities which would utilise the available land. There is no farming activities located near to the application site although some sites do accommodate the occasional sheep or cow to maintain grass levels in non-residential curtilage areas.
- 1.05 There is a significant variety of lot sizes (small to large) some of which have been created from past rules which offered smaller lot options or the current rules which provide for 5000m² lots as a discretionary activity. The mixture of lot sizes is reflective of the location and the rural lifestyle which occupiers enjoy. The proposed density of development is reflective of the rural lifestyle of the surrounding area particularly as productive opportunities for the land are limited and lot sizes of a more manageable size are preferred. The application site is zoned Coastal Living under the Far North Operative District Plan. The current zoning which focuses on effects on the coastal environment requires resource consent for a breach of visual amenity rules for any new dwelling that exceeds 50m² in size and allows one dwelling per lot or one dwelling per 4ha.



The site is highlighted above with the extent of the legal road illustrated in white. Access via the ROW easement is achieved for the application site and several other properties.

- 1.06 Although the application site is zoned Coastal Living, there is limited association with the Coastal Marine Area. There is a modest view of the coast from the site, but this view is distant and only from a small area of the site. A rural based zoning is far more appropriate, and this is confirmed with NRC's recently completed re-evaluation of the "Coastal Environment" where the site is not considered to be coastal moving forward. This change has been recognised and is reflective in the Proposed Plan which has re-zoned the land to Rural Lifestyle which is a far more appropriate zoning. Properties surrounding the site also have the same zoning. The subdivision rules and other development standards within the new zone are being finalised and have no legal weighting at this moment. The new district plan is expected to be endorsed by Council around the end of May 2026 at which time the revised proposed plan will be subject to an appeal period. During the appeal period there will be two sets of rules which will apply to development proposals.



The application site is identified above with a Rural Lifestyle zoning.

- 1.07 The proposed subdivision will result in the existing development on proposed Lot 1 exceeding the permitted threshold for stormwater which is 600m² or 10% for the Coastal Living zone. The current impermeable surfaces are 800m² and this comprises a reasonably large driveway area and manoeuvring area and an average sized dwelling. For completeness, a landuse for both lots is sought for stormwater with a 20% maximum for the vacant smaller Lot 2 and a 15% cap for the developed Lot 1 site where coverage is currently 13.86%. This will enable a modest degree of development on proposed Lot 2. Stormwater management measures are detailed within the Engineer's report and which accounts and provides for the additional impermeable surfaces.

APPLICATION PROPOSAL

- 2.01 The application being considered only concerns the subdivision of land and related landuse consents around stormwater. The landuse does not cover any other elements around the future development thereof. The development of proposed Lot 2 with a 20% coverage has been considered in assessing the potential effects, to ensure that any future dwelling can be established on the lot.
- 2.02 The site is zoned Coastal Living and the rules for subdivision are noted within Table 13.7.2.1 of the Far North Operative District Plan.

Coastal Living Zone – lot sizes

- Controlled Lot size – 4ha
 - Restricted Discretionary – 8000m²
 - Discretionary – 5000m²
- 2.02 The proposed lot sizes for the proposed lots are as follows:
- Proposed Lot 1 – 5770m²
 - Proposed Lot 2 – 4470m²

2.03 With one of the lots below 5000m², the proposal cannot meet the above activity status' and is therefore assessed as a non-complying activity. The subdivision design could have been amended to ensure both exceeded 5000m², but this does not make any practical sense on the ground based on the existing site layout and desired privacy between the lots.

The Subdivision Component is Non-Complying

2.04 The Landuse consent relates to stormwater only (impermeable surfaces) where rules 10.7.5.1.6 and 10.7.5.3.1 are both exceeded by the existing development on proposed Lot 1 and the future development of Lot 2. The existing impermeable surfaces on proposed Lot 1 equates to 13.86% while it is proposed that proposed Lot 2 secure consent for up to 20% - the total impermeable surface being 894m² for the 4470m² lot. The driveway to the indicative dwelling location would use a significant portion of this 20% allowance.

Landuse Component Overall is Discretionary

PROPOSED DISTRICT PLAN

2.05 As noted previously, the majority of rules within the Proposed District Plan do not have legal effect until such time as Council publicly notifies its decisions on submissions which is expected at the end of May 2026. There are however certain rules that have been identified in the proposed plan which have immediate legal effect and that may therefore apply and need to be considered in assessing this application. Such rules may affect the activity status of the application.

2.06 The rules for hazardous substances, scheduled sites or areas of significance to Maori, significant natural areas, excavation and filling, or a scheduled heritage resource do not apply as none of these aspects are applicable to the site. Additionally, Heritage Area Overlays, historic heritage rules, and Notable Trees are also not applicable.

2.07 On this basis there are no rules which have immediate legal effect and which apply to the proposal or the application site. Consideration of relevant objectives and policies is still required however, given the Non-Complying activity status which applies to the proposal.

ASSESSMENT OF EFFECTS

3.01 With the subdivision lot size resulting in the application being non-complying all matters can be considered in terms of assessing the merits of the application. For the purposes of assessing the application, the district plan directs consideration of the proposal to the assessment criteria within section 13 which is detailed below. Where appropriate other matters and considerations including National Environmental Standards and National Policy Statements as they apply to the proposal.

- 3.02 The landuse component has its own assessment criteria and this is used for the purposes of this breach. The landuse breach is solely related to the proposed subdivision and new lot sizes.
- 3.03 It is necessary to consider the potential of Permitted Baseline and Existing Environment comments in considering the relevant matters to be assessed.

PERMITTED BASELINE

- 3.04 Pursuant to section 104(2) of the Act, when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline"). When considering an application for resource consent it is important to reference and place some reliance on Permitted Baseline arguments. This provides the expectation for development proposals within the zone and enables the consideration of the differences between what could be undertaken "as of right" and that which is proposed. When referencing and using Permitted Baseline such arguments should not be fanciful but based on realistic proposals and expectations.
- 3.05 In addition to Permitted Baseline considerations, Existing Use Right considerations could also apply especially where the proposed activity is similar in nature and previously lawfully established.
- 3.06 In this circumstance, any subdivision proposal requires a resource consent application. On this basis it is considered that the Permitted Baseline consideration is not useful to this application. Furthermore, buildings over 50m² trigger a visual amenity breach under the current rules and therefore buildings within the zone are not permitted or controlled (unless they are located within an approved building envelope).
- 3.07 With respect to Existing Use Right considerations which may apply, the existing impermeable surfaces on the current 1.0242ha lot are fully compliant with the current impermeable surfaces of approximately 800m² which is below the 10% threshold but above the 600m² allowance provided for within the zone. The dwelling was constructed in the early 2000's shortly after title issued. Initially impermeable surfaces did not include metallised surfaces when proposals were assessed for compliance but a change to the rules occurred in the definition for the stormwater rule around 2010 where metallised surfaces were now to be counted in the stormwater assessment. At the time the dwelling was established, the current development was permitted from an impermeable surfaces perspective and for this purpose has existing use rights. Visual amenity consent was approved for the dwelling. The existing impermeable surfaces are consented works and should be considered accordingly.
- 3.08 With respect to the ROW access required to be complied with, the access remains compliant and has less than eight users. There is no discernible difference between the legal formation of the road and that which is legally the ROW easement. Formation widths are more than adequate for the existing and future uses and it is probable that Council maintain the ROW easement as it has become a logical extension of Davis Strongman Place.
- 3.09 The future use for the proposed lot will be for a dwelling to be constructed within the vacant lot. The current Coastal Living zone requires compliance with the Visual Amenity

rule and typically any dwelling and most accessory buildings will require a resource consent. However, with the zone change imminent and the site no longer considered to be coastal, the visual amenity consent requirement likely will no longer be applicable (there is no rule in the proposed plan within this zone outside of the Coastal Environment). There may however be other rules such as impermeable surfaces which may trigger a resource consent requirement depending on the thresholds to be confirmed in the future.

- 3.10 It is further noted that there is a prevalence of lifestyle development offering low density development which is present within the surrounding area and that existing development exhibits similar traits in terms of lot sizes and overall concentration of development to the application site.
- 3.11 The existing environment is an important consideration in justifying the appropriateness of the proposed subdivision. The development is not out of character for similar pockets of development within the Coastal Living zone and which is now no longer considered coastal. If the Rural Living zone was applied to the site, the subdivision would be a controlled activity with landuse consent required for a breach of the impermeable surface allowances noted in the relevant Stormwater rule.

ASSESSMENT CRITERIA EVALUATION

SUBDIVISION COMPONENT

- 3.12 The following criteria applies to Discretionary and Non-Complying subdivision applications. Not all matters to be considered are relevant to the application.

13.10 ASSESSMENT CRITERIA

In considering whether or not to grant consent or impose conditions on this application, such work, needs to be completed prior to the issuance of the s224(c) Certificate.

13.10.1 ALLOTMENT SIZES AND DIMENSIONS

- (a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards and any District wide rules for land uses.
- (b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.
- (c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.
- (d) Whether the cumulative and long term implications of proposed subdivisions are sustainable in terms of preservation of the rural and coastal environments.

The operative plan provides for various lot sizes and for the purposes of this site could be subdivided to create two equal sized lots which each exceed 5000m² resulting in the application having a Discretionary status. When evaluating the best location for the boundary for the respective lots, it became apparent that when considering outdoor living space, existing vegetation screening, onsite services, and other elements linked to the existing dwelling that two even sized lots would not be preferred. The proposed boundary line is reflective of what is considered the dwelling's immediate residential curtilage with the land in proposed Lot 2 being considered to be surplus to this dwelling.

This preferred lot boundary configuration results in the proposal being assessed as Non-Complying with proposed Lot 2 being less than the 5000m² required for a Discretionary lot size. The proposed lot does however meet all the usual requirements including the shape factor (30mx30m box) which is free of boundary setbacks and which provides sufficient space on site for onsite servicing.

The proposed lot sizes are comparable to existing and recently consented lot sizes for the zone. With the site and the immediate area no longer considered to be coastal, the more restrictive coastal assessment criteria no longer plays a significant role in development assessment considerations. As highlighted previously, if the current Rural Living zone applied to the site, the subdivision would be a Controlled activity. The rural character of the area would be maintained with the potential dwelling not readily visible from the road and existing vegetation partially screening the dwelling from adjoining and adjacent sites. There is a gap in the perimeter vegetation in the north-eastern corner where a distant view of the coast is possible. This narrow view of the coast is only visible if you were right on the property boundary.

All of the lots within the immediate area are used for lifestyle purposes and the proposed use is consistent with this pattern of development.

13.10.2 NATURAL AND OTHER HAZARDS

In assessing any subdivision, and for the purposes of s106 of the Act, the Council will have regard to:

- (a) Any information held by the Council or the Northland Regional Council regarding natural hazards, contaminated sites or other hazards.
- (b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- (c) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.

The application site contains no natural hazards to which s106 of the Act could apply. This conclusion is aided by the relative flatness of the site and lack of nearby water bodies other than stormwater drains located within the road corridor and on steeper areas within the immediate area where water from overland flow paths is managed. There is small amenity pond on the site within proposed Lot 1.

The potential for hazard related effects is less than minor.

13.10.3 WATER SUPPLY

- (a) Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with "Drinking Water Standards of New Zealand" (1995).
- (b) Whether the provisions of the "Engineering Standards and Guidelines 2004 – Revised March 2009" (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.

The existing dwelling on proposed lot 1 harvests roof water as its potable supply and it is intended that the proposed dwelling on proposed Lot 2 will also harvest roof water for this purpose.

By harvesting roof water, it provides a readily available potable source with occasional top ups potentially required from water supply companies. This will also reduce the potential stormwater water which is absorbed within the site although the existing stormwater system on site is functioning well.

The supply of water for firefighting purposes is a necessary requirement in rural locations. The extent and need for water supply will be in accordance with the required standards and will be confirmed at the Building Consent stage. It is common practice to have a dedicated full water tank for a fire fighting supply with a Section 221 Consent Notice condition reflective of this requirement.

Water supply effects are less than minor.

13.10.4 STORMWATER DISPOSAL

- (d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.
- (e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.
- (k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.

The stormwater management is covered in greater detail within the landuse assessment component where the existing development within proposed Lot 1 will exceed the 10% allowance and the landuse consent for up to 20% is sought for proposed Lot 2.

The existing development is addressing stormwater with a combination of roof water harvesting and surplus water draining away via natural overland flow paths. There was no evidence on site of any adverse effects from the current impermeable surface levels within proposed Lot 1.

As noted previously, the portion of the existing lot to be used for proposed for Lot 2 has no direct connection to the house curtilage and is primarily separated by existing on-site vegetation. The Engineer's report by Haigh Workman identifies no particular concerns with the proposed increases of impermeable surfaces. There are recommended measures for future development which can be tailored for the future development of Lot 2. Such measure will result in a less than minor effects conclusion.

13.10.5 SANITARY SEWAGE DISPOSAL

- (e) Where a reticulated system is not available, or a connection is impractical, whether a suitable sewage treatment or other disposal systems is provided in accordance with regional rules or a discharge system in accordance with regional rules or a discharge permit issued by the Northland Regional Council.

The existing development on proposed Lot 1 provides an onsite wastewater treatment and disposal system which is functioning well.

There is a Section 221 Consent Notice registered on the title which requires that a TP 58 report be prepared for any proposed dwelling. This is now mandatory requirement for any site providing onsite wastewater treatment and disposal. This consent notice condition will roll over onto the new titles. It would seem to be surplus to requirements but can be addressed at a later date.

The Engineer's report confirms that wastewater treatment and disposal can be achieved on both proposed lots.

13.10.6 ENERGY SUPPLY

- (b) Whether the proposed reticulated system to be installed by the subdivider is adequate for the likely development.
- (g) Whether the subdivision design, location of building platforms and proposed electricity supply has had adequate regard to the future adoption of appropriate renewable energy initiatives and technologies.

Existing power and telecommunications are available to the proposed lot with existing easements providing the supply corridor.

The physical provision of a power supply to the property boundary is usually not a requirement of subdivision applications within the Coastal Living Zone. A Section 221 Consent Notice will usually include a condition which states that power and communication services are available and not provided to the lot boundary.

There is no impediment to the future occupiers utilizing renewable energy although given the surround vegetation there may be some shadowing effects which could impact on the efficiency of the system utilized within the proposed lots.

13.10.7 TOP ENERGY TRANSMISSION LINES

Where it is proposed to subdivide land to create new allotments within an area measured 20m of either side of the centre point of an electrical transmission line designed to operate at or above 50 kV, particular regard shall be had to the following matters:

This provision does not apply as there are no 50kV lines near to the application site.

13.10.8 TELECOMMUNICATIONS

- (a) Where the subdivision involves construction of new roads or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost), having regard to the Council's "Engineering Standards and Guidelines 2004 – Revised March 2009 (to be used in conjunction with NZS 4404:2004) and "The National Environmental Standard for Telecommunication Facilities 2008".
- (c) Whether the proposed reticulation system will have potential adverse effects on amenity values.

Supply to the property boundary is not a requirement of subdivision as per the rules of the district plan. Sufficient easements are in place for telecommunications as per the existing easements located within Lot 6 DP 194153 to which the application site is a dominant tenement.

13.10.9 EASEMENTS FOR ANY PURPOSE

Whether there is a need for an easement for any of the following purposes:

- (b) Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title.
- (c) Service easements, whether in gross or private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned and unlikely to require upgrading.
- (d) Easements for any of the following purposes:
 - (i) private ways, whether mutual or not;
 - (ii) stormwater, sanitary sewer, water supply, electric power, gas reticulation;
 - (iii) telecommunications;

There is an existing easement which the application site is a dominant tenement. This easement provides Right of Way, Telephone, Electricity & Water Supply and is located within Lot 6 DP 194153. The rights enjoyed by the application site will be transferred to the two lots as part of this application.

13.10.10 PROVISION OF ACCESS

- (a) Whether provision for access to and within the subdivision, including private roads, has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, including effects on existing roads, visual effects, effects on vegetation and habitats, and natural character.

The application site enjoys ROW easement access over Lot 6 DP 194153 from the end of Davis Strongman Place. These rights are detailed within the legal instrument referenced D530438.10. This subdivision will afford rights to the proposed lot including all conditions that are relevant.

The formation as described earlier is similar to the point that the transition from legal road to ROW easement is not noticeable with sufficient width and formation standard applicable. There is a transition from sealed to metalled but this is not noticeable. A new formed access in accordance with the Council's Engineering Standards is required and this is noted within the Engineer's report.

To construct the access only minor earthworks is required and no vegetation removal is necessary. There is already a gate into the property in this location, and the access point enjoys good visibility in both directions for what is a slow speed environment and the end of the ROW easement.

The effects of the proposed subdivision when considering access related matters is less than minor.

13.10.11 EFFECT OF EARTHWORKS AND UTILITIES

- (a) Whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

There are only minor earthworks required for the access formation in an area which is flat.

Any utilities required will connect to the existing network.

13.10.12 BUILDING LOCATIONS

- (a) Whether the subdivision provides physically suitable building sites.
- (b) Whether or not development on an allotment should be restricted to parts of the site.
- (d) Whether the subdivision design in respect of the orientation and dimensions of new allotments created facilitates the siting and design of buildings able to take advantage of passive solar gain (e.g. through a northerly aspect on an east/west axis).

The proposed vacant lot will contain a suitable building site which can provide for its own on-site servicing. The logical dwelling location is the cleared space noted within the scheme plan as having the building envelope denoted. The remainder of the site could be developed but would need to be carefully designed, probably require some trees to be removed, but could be developed if necessary.

Future development could have passive solar gains if the occupier and owner elects to use this energy source for their development. The site is relative open despite the mature trees and could take advantage of the essentially flat nature of the site to achieve this.

13.10.13 PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

- (b) Whether the means (physical and/or legal) by which ongoing preservation of the resource, area or feature will be achieved is adequate.
- (g) Whether the subdivision will result in the permanent protection and/or enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes, outstanding landscape features or outstanding natural features.
- (h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grow in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

The application site contains no Outstanding Natural Features, Outstanding Landscapes, or other resource features as denoted in the district plan. The trees represent a mixture of species and can be avoided when the vacant lot is developed. No formal protection of indigenous vegetation is proposed.

Water sourced from stormwater collection is of an acceptable quality and any runoff not consumed as a potable supply will be direct to natural overland flow paths.

13.10.14 SOIL

- (a) The extent to which any subdivision will contribute to or affect the ability to safeguard the life supporting capability of soil.
- (b) The degree to which the life supporting capacity of the soil may be adversely affected by the subdivision and the degree to which any soils classified as I, II or III in the NZ Land Resource Inventory Worksheets are adversely affected by the subdivision.

The application site is not noted as noted having highly versatile soils.

13.10.15 ACCESS TO WATERBODIES

The application site contains no permanent waterbodies other than an amenity pond and some minor drainage. This provision does not apply to this application.

13.10.16 LAND USE INCOMPATIBILITY

- (a) The degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

The proposed use for rural lifestyle purposes is consistent with the immediate location. The proposal will further enhance the lifestyle qualities of the site with effects comparable and acceptable. This includes the proposed density and lot sizes which save for a minor reduction in Discretionary lot sizes – around 10% below this standard.

13.10.17 PROXIMITY TO AIRPORTS

The application site is not close to any airport and this provision does not apply.

13.10.18 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

Despite the present zoning, the application site is not located near to the coast, and this is confirmed with the site being no longer considered to be part of the coastal environment.

13.10.19 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT /USE
The extent to which the application promotes energy efficiency and renewable energy development and use through the following initiatives:

- (a) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);

The district plan encourages the ability of lot owners to utilise renewable energy options and to adopt energy efficient design in the development within the lot. This is most commonly applicable to domestic solar energy systems. This subdivision application does not inhibit this potential with both lots able to utilise renewable energy options if they wish too.

13.10.20 NATIONAL GRID CORRIDOR

The application site contains no National Grid Corridor and therefore this provision does not apply to this application.

LANDUSE CONSENT COMPONENT

3.12 The landuse components relates solely to impermeable surfaces which exceed the modest levels noted for the zone and detailed within the respective stormwater rules. Provisions 10.7.5.1.6 and 10.7.5.3.1 are the two provisions which are exceeded either by the existing development or the future development of the lots.

3.13 The existing impermeable surfaces on proposed Lot 1 equates to 13.86% (800m²) while it is proposed that proposed Lot 2 secure consent for up to 20% total impermeable

surfaces (being 894m²) for the 4470m² lot. The driveway to the indicative house site would use a significant portion of this proposed 20% allowance given the setback from the lot entrance.

- 3.14 Haigh Workman as part of their briefing were requested to assess the potential stormwater effects from allowing exceedances as noted above. The proposal will see a maximum development comparable to the development on proposed Lot 1 to be allowed on proposed Lot 2.

11.3 STORMWATER MANAGEMENT

- (a) The extent to which building site coverage and impermeable surfaces result in increased stormwater runoff and contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment.

The proposed subdivision will result in additional impermeable surfaces with the proposal seeking to add a maximum of 894m² being 20% of proposed Lot 2. The roof water from the current and future dwelling(s) is to be harvested as a potable supply. Water as required will also be directed to any dedicated supply for fire fighting purposes. The Engineer's report recommends that surplus stormwater be direct to dedicated soakage areas including the small pond on Lot 1 and avoid onsite areas dedicated for wastewater treatment and disposal and any buildings.

The good drainage present within the site allows for this method to be used for the modest quantity of stormwater to be managed.

- (b) The extent to which Low Impact Design principles have been used to reduce site impermeability.

The principles of Low Impact Design are always considered within the Engineer's design and report considerations.

The proposal provides for the release of surplus water at permitted development levels.

- (c) Any cumulative effects on total catchment impermeability.

The application will see additional impermeable surfaces within the catchment but there is not considered to be a cumulative effect which would create adverse effects. The additional impermeable surfaces as sought under this application would see a maximum of 894m² of surfaces which in the context of the area is minor particularly with some water collected harvested as a potable supply and the site and immediate environs have good drainage characteristics.

The rate of disposal is to be at permitted development levels with measures to ensure this is achieved. During the construction phase of any dwelling on proposed Lot 2 there will need to have sediment control measures incorporated into the construction management plan. Given the flat nature of the application site, it is highly unlikely that extensive sediment control measures would be required with it unlikely that any sediment would extend beyond the construction area within the site.

- (d) The extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water.

The potential development on the vacant proposed Lot 2 will be unlikely to change the contour of the site given that it is currently flat and required earthworks for the construction of a dwelling and access is likely to be relatively modest.

Any required drainage will need to avoid the existing and future dwellings and any onsite servicing areas. The soakage of the soil from soil testing has confirmed that drainage is good and these characteristics will remain on those portions of the site not developed.

The overall effects are less than minor.

- (e) The physical qualities of the soil type.

The soil has good soakage characteristics which means that soakage to ground is a viable option for the disposal of surplus stormwater.

- (f) Any adverse effects on the life supporting capacity of soils.

The proposal does not result in any additional impacts on the life supporting capacity of the soil beyond the existing and potential future development.

- (g) The availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites.

The proposed development of Lot 2 will provide for the appropriate treatment and disposal of wastewater and ensure this area is avoided by stormwater. Stormwater will also be managed to ensure that surplus water is disposed to ground in an efficient and effective manner.

- (h) The extent to which paved, impermeable surfaces are necessary for the proposed activity.

The additional impermeable surfaces are required for the purposes of providing access and suitable buildings for a lifestyle residence. The logical building area is denoted on the scheme plan but this is indicative only. Access to this area will consume at least 27% of the allowable amount for the driveway alone excluding any turnaround area, dwelling, accessory buildings and outdoor living space meeting the impermeable surfaces definition.

When considering the existing development on proposed Lot 1 the development of proposed Lot 2 would be slightly greater than that which currently exists.

If the permitted allowance of 10% was applied this would result in only 447m² of impermeable surfaces with more than half utilised by the driveway alone.

The additional impermeable surfaces is required.

- (i) The extent to which landscaping may reduce adverse effects of run-off.

The implementation of further landscaping will not result in a significant reduction in stormwater runoff. Stormwater runoff from the site is managed efficiently. The site is already well vegetated with no additional plantings considered necessary.

- (j) Any recognised standards promulgated by industry groups.

The stormwater management within the respective lots has been completed in accordance with industry standards for proposed Lot 1 and will be completed in accordance with industry standards for the vacant proposed Lot 2.

- (k) The means and effectiveness of mitigating stormwater run-off to that expected by the permitted activity threshold.

The stormwater will be managed by several means for each of the respective lots. The roof water from the dwelling and (if appropriate and practical) any other buildings will be harvested as a potable supply. Water from roof harvesting will also be used (as required) for any dedicated fire fighting supply required on site.

Surplus water will be directed away from buildings, onsite wastewater treatment and disposal and allowed to soak into the ground. With good soakage this approach will be effective and ensure permitted levels of water is managed. The application site is flat and some water will naturally flow to the lowest part of the site which is located in the north eastern corner of site.

- (l) The extent to which the proposal has considered and provided for climate change.

The stormwater management modelling including recommended measures is required to account for climate change within the calculations provided. There are no issues with this matter within the design and sufficient provision within the design with the relevant standards and which recognises the potential additional loadings from climate change.

- (m) The extent to which stormwater detention ponds and other engineering solutions are used to mitigate any adverse effects.

Stormwater from existing and proposed development is modest when considering that roof water will be harvested. The remaining stormwater will be directed to ground in a controlled manner or to the small pond on proposed Lot 1. Onsite wastewater treatment and disposal will be avoided.

Disposing to ground is possible with the site exhibiting good drainage qualities as noted in the Engineer's report.

- 3.15 With the landuse component of the application assessed as a Discretionary activity, ordinarily other matters can be considered however in this instance it is considered unnecessary to do so. The primary reason is that the activity is not the issue breached but rather a technical breach of the stormwater rule and how this breach will be managed moving forward.

- 3.16 The conclusion reached within the assessment above which focuses solely on stormwater is that the potential effects from approving this increase impermeable surfaces on proposed Lot 2 and existing development breach due to a reduced lot size are less than minor. The proposal does not seek to breach any other development rules and on stormwater considerations only, the effects on the environment and surrounding environment complies with all setback and boundary related rules and therefore effects are considered to be less than minor.

ASSESSMENT OF EFFECTS CONCLUSION

- 3.17 The subdivision application is non-complying but represents a practical reflection of onsite characteristics. The lot size of proposed Lot 2 is below the discretionary threshold but only because of the existing onsite characteristics. The site is considered to readily be able to absorb the additional dwelling and related resulting effects. The pattern and density of development is not out of character for what is now a regular rural lifestyle area. The lot sizes are comparable to other lots located within the same zone and within the general area. Concerns such as precedent and intensity of development are not considered to be matters of concern given previous approvals and existing development intensities within this area.
- 3.18 The landuse component are a direct result of the subdivision and relate solely to the stormwater rules which addresses impermeable surfaces and places development standards for the zone accordingly. A 10% or 600m² (which ever is lessor) allowance is modest for any lot to be developed and triggers many consents for development within the zone. The site exhibits good drainage and can readily manage a higher allowance, and this is the case for this application. From public vantage points and due to the site having extensive vegetation, the level of development will be readily absorbed and will maintain the high amenity level which currently exists within the site and area. The development will blend into the location and have limited visual effects on the receiving environment.
- 3.19 The Engineer's report supports the application and considers the relevant matter related to both the subdivision and the additional impermeable surfaces. In the conclusions of these reports the effects considered under these matters and assessment of the relevant district plan criteria concludes that effects are less than minor.
- 3.20 The assessment of effects does not identify any matters of concern with effects able to be further mitigated via conditions of consent. The application is considered to represent a positive development for the immediate area with no adverse effects created or effects which could be considered as minor or more than minor. The proposal provides an appropriate use of the land and offers an opportunity for new residences to be constructed and will assist new landowners in providing for their families well being.
- 3.21 Overall effects from both components is that they are less than minor.

4.0 OPERATIVE DISTRICT PLAN – OBJECTIVES AND POLICIES

- 4.01 The following assessment of objectives and policies is focused on the relevant subdivision considerations particularly as the subdivision proposal creates the landuse breaches of the plan. The assessment of effects has covered the specific matters in

more detail but as stated there remains sufficient scope within the subdivision provisions to not be required to review other sections. If there were landuse components not relating to the subdivision proposed then these would need to be considered, but this is not the case in this instance.

- 4.02 The following considerations will provide commentary and details as to how the proposal is generally consistent with key objectives and policies for the Subdivision chapter which also includes consideration of stormwater considerations. The following Objectives and Policies are considered to be the most relevant to the application with consideration only of the subdivision chapter.

SUBDIVISION

13.3 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.
- 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.
- 13.3.5 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.
- 13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.
- 13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).
- 13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.4 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;
 - (d) amenity values;
 - (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.

- 13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.
- 13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.
- 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.
- 13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:
- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
 - (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
 - (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.
- 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.
- 13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:
- (a) development of energy efficient buildings and structures;
 - (e) domestic or community renewable electricity generation and renewable energy use.

COMMENTARY ON OBJECTIVES AND POLICIES

- 4.03 The presumption for a non-complying activity is that the proposal is automatically contrary to objectives and policies. In some situations, this is correct, but in others (such as this proposal) they are non-complying because the proposal make practical sense and results in less than minor effects. The rules detail lot sizes and assign activity status classifications to these rules. In this instance compliance with the Discretionary threshold could be achieved but does not reflect the onsite characteristics and arguably would create redundant land or put boundaries where they make no sense.
- 4.04 The lots primary focus to achieve the purpose of the zone and not conflict with the intent of the zone. The proposal is assessed to have achieved this by maintaining amenity values of the site, ensuring property boundaries for the lots reflect the onsite characteristics and which ensures that the additional development afforded by the application can be readily absorbed accordingly.

- 4.05 Many of the above objectives consider the potential effects of the proposal as a potential outcome and seek to ensure the conclusion from an effects perspective is less than minor. The planning assessment and supporting technical report support the conclusion reached and not only meets the intent of the zone but also is acceptable within the receiving environment.
- 4.06 The current zone is mismatched in that the emphasis of the zone is the relationship to the coastal environment and the related regional and national policy statements. This is however conflicted by the review of the Coastal Environment completed by Northland Regional Council. The review concluded that the site is not part of the coastal environment and on this basis less weight on those matters should be given. The remaining considerations focus on the site being able to absorb the proposed development and will maintain amenity and character. The proposal will provide for the well-being of a household who will ultimately reside on the currently vacant area of the proposed lot. Only those objectives and policies not related to the coastal environment hold any weight and have been concluded with the proposal being consistent with the intent and the overall outcomes sought.
- 4.07 The landuse component falls broadly into the into the objectives and policies of the subdivision chapter by virtue of the matters to be considered. The Coastal Living zone's objectives and policies focus on activities and meeting the coastal considerations which no longer apply the site. There are no Objectives considered relevant due to the emphasis on the coastal environment. The following Policies have a loose relationship to the site and the breach of the Stormwater rule.

COASTAL LIVING ZONE

10.7.4 POLICIES

10.7.4.2 That standards be set to ensure that subdivision, use or development provides adequate infrastructure and services and maintains and enhances amenity values and the quality of the environment.

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

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

- 4.08 It is contended that with the emphasis on coastal environment means that there is no conflict if this no longer applies. The emphasis should be on clustering development and ensuring that adequate provision for onsite servicing and infrastructure is provided and not resulting in an adverse visual effect as view from a public vantage point.
- 4.09 The proposed subdivision will create an opportunity for an additional dwelling to be established. The creation of the lots will contribute to the new lot owners social and economic well-being. The existing property is not viable as a farming operation and due to onsite vegetation has a logical separation between the current and future dwelling

sites. but does graze a small number of sheep. The future use of the site for housing will not result in a loss of productive land.

- 4.10 Despite the zoning having limited relevance from an objective and policy perspective, aspects such as visual effects remain important. The proposal will not compromise the high amenity values of the site, and the proposal will not result in adverse visual effects due to the proposed dwelling location and extensive onsite trees and vegetation.
- 4.11 The proposed subdivision will not create any reverse sensitivity concerns as the area is primarily a lifestyle area with limited rural activities which could impact on the daily lives of residents. There are no milking sheds, silage pits, or other rural activities such as intensive horticulture which can become a nuisance to property owners within this area.
- 4.12 The additional traffic from the additional dwelling will have no discernible effect on the existing access with only a new entrance required to be completed.
- 4.13 Power and telecommunications can be accessed off the existing network located within the area with sufficient easements provided to address this matter.
- 4.14 The proposed subdivision is considered to be generally consistent with the relevant subdivision and impermeable surfaces related objectives and policies.

PROPOSED FAR NORTH DISTRICT PLAN

- 4.15 The proposed district plan is has called for submissions and further submissions and Council is now preparing reports and providing recommendations for the forthcoming hearings. The subdivision rules for the Rural Living Zone do not apply to the application at this point in time. Although the rules do not apply it is necessary to consider the relevant Objectives and Policies due to the applications' non-complying activity status. The weighting afforded to the proposed district plan with this status is minor.

Objectives and Policies

- 4.16 The objectives and policies for subdivision are noted as follows acknowledging that only those which are considered to be relevant have been included.

SUBDIVISION OBJECTIVES

SUB-01 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 the risk from natural hazards or risks are mitigated and existing risks reduced;
- f. Manages adverse effects on the environment.

SUBDIVISION POLICIES

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.

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

SUB-P9 Avoid subdivision 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.

SUB-P10 To protect amenity and character by avoiding the subdivision of minor household units from principal residential units where resultant allotments do not comply with the minimum lot size and residential density.

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.

4.17 The key aspect for this application is that the level of residential intensity remains low level and consistent with expected lifestyle properties. It is contended that the proposal is consistent with adjacent and nearby properties which are of a similar size. The Engineering report addresses all the onsite requirements but also addresses access at the end of Davis Stongman Place and impermeable surfaces. The indicative building location is free of all setback requirements and provides more than adequate space for onsite services and internal access.

4.18 It will be difficult to see the proposed dwelling from the ROW access and not possible to view from the legal road. Adjoining properties will see glimpses of the proposed dwelling through the existing perimeter landscaping. The proposal will maintain the high level of local amenity present on the site and within the immediate area.

4.19 The proposal will not result in any increase in hazard risk and will maintain local character values notwithstanding the reduced lot sizes.

4.20 The proposal is considered to be generally consistent with the relevant objectives and policies of the Proposed Far North District Plan.

5.0 REGIONAL POLICY STATEMENT CONSIDERATIONS

5.01 The subdivision of land in this location and with the coastal environment policies no longer being relevant, focus on impacts on the natural character of the rural environment in which the site exists. The proposal is considered to represent appropriate development for a site which is currently used for lifestyle purposes and with a slight increase in intensity of development will maintain this.

5.02 The effects of the proposal are considered to be consistent with the Regional Policy Statement.

6.0 PART 2 CONSIDERATIONS

6.01 The application does not conflict with any matter or consideration under Part 2 of the Act. The proposal provides for the social and economic well-being of the district by improving the environment and enabling appropriate development to be established all while resulting and ensuring the potential effects of the proposal are less than minor.

6.02 It is therefore contended that the proposed subdivision is appropriate and consistent with the purpose of the Act.

7.0 NOTIFICATION ASSESSMENT S95A TO 95G OF THE ACT

7.01 Sections 95A to 95G require Council to follow specific steps in determining whether to notify an application. In considering the conclusions findings within this report are relied upon.

7.02 [Public Notification section 95A](#)

[Step 1](#)

Mandatory public notification in certain circumstances

- (a) the applicant has requested that the application be publicly notified:
- (b) public notification is required under section 95C:
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicant has not requested public notification and none of the remaining matters as described are applicable.

Step 2 Public Notification precluded in certain circumstances

The criteria for step 2 are as follows:

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

- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
- (i) a controlled activity;
 - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;
 - (iv) a prescribed activity (see section 360H(1)(a)(i)).

The subdivision component is non-complying and the landuse component is Discretionary. The proposal is not precluded from public notification.

Step 3 – Public Notification required in certain circumstances

The criteria for Step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

The NES Regulation (contaminated land) is not relevant to this application as there has been no uses which qualify as an activity on the HAIL list, and which have been undertaken on the application site. Furthermore, NRC records confirm there are no known contaminated sites within the application site.

The effects from the proposed subdivision including the breach of impermeable surfaces are considered to be less than minor as concluded within earlier sections of this report.

The proposal will result in an additional dwelling within an established lifestyle location. When developed the dwelling would not be visible from any public vantage point. The potential effects from an additional dwelling on the wider environment is concluded as being less than minor.

7.03 Affected Persons Assessment – Limited Notification Section 95B

If the application is not required to be publicly notified, a Council must follow the steps of section 95B to determine whether to limited notify the application.

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

- (2) Determine whether there are any—
 - (a) affected protected customary rights groups; or
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

There are no protected customary rights or customary marine titles which apply to the application site.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:
- (b) the application is for a resource consent for either or both of the following, but no other, activities:
 - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land):
 - (ii) a prescribed activity (see section 360H(1)(a)(ii)).

The application is not precluded from Limited Notification as neither of the exemptions as described above apply to the application.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:
 - (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
 - (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

The applicant has had some brief discussions with neighbours but it is contended that neighbours are not affected by potential for an additional dwelling within the site. The intensity of development is consistent with a discretionary lot size but due to onsite preferences the 5000m² lot size for proposed Lot 2 cannot be achieved. Neighbours will see glimpse of the future dwelling from their properties but with visual amenity no longer a factor moving forward (the site falls outside the coastal environment) built environment per se is allowable. Onsite vegetation means that both dwellings would be unlikely to be seen with clarity.

The proposal to subdivide results in both lots exceeding the permitted allowances for stormwater but as these matters can be adequately addressed as confirmed within the Engineer's report the overall effects are considered to be less than minor.

More than half of the likely impermeable surfaces for both lots will be related to onsite access and manoeuvring and therefore not readily visible to neighbours. In terms of built form (excluding the impermeable surfaces) there is scope for additional development which would not result in any adverse effect of a conclusion that effects are minor or more than minor. It is not considered necessary that additional landscaping be required and this will be confirmed in any site visit to the property.

It is acknowledged that during any construction phase that there will be additional loadings on the access road but this can be managed and addressed when the development of the sites is completed.

There are no other persons deemed to be potentially affected by the proposed subdivision and subsequent development.

7.04 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine that the application can be processed non-notified for the following reasons:

- In accordance with section 95A, public notification is not required, and in particular the adverse effects on the wider environment are considered to be less than minor;
- In accordance with section 95B, written approvals have not been sought as based on the matters of particular concern, the effects are less than minor and therefore no persons are considered to be affected persons; and,
- In accordance with section 95A(9) and 95B(10), there are no special circumstances to require public or limited notification.

8.0 S104D (GATEWAY TEST) ASSESSMENT

8.01 Section 104D identifies particular restrictions for non-complying activities and also details the circumstances in which Council can approve an application notwithstanding its non-complying status. The provision has the following requirements:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (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.

8.02 It is considered that the proposed subdivision does not create adverse effects on the environment that are minor or more than minor. In considering effects, there are a number of recommended conditions by the consulting Engineer, and these should be reflected in the recommended conditions. Key considerations around character and amenity values remain unaffected by the proposal with the site readily able to absorb the development. There are also positive environmental effects resulting from the proposal relating to the effective use of land not suitable for productive purposes, but which can be used for lifestyle purposes as the zone intends. The removal of the coastal environment overlay is a significant change as the majority of objectives and policies become less important with a focus on effects being minor including onsite servicing.

8.03 It is considered that the proposed subdivision is not contrary to the Objectives and Policies of the Plan or those relevant higher order documents.

8.04 In reaching this conclusion, it is considered that the proposal meets both limbs of the test and therefore the thresholds of s104D of the Act, and that the Council can therefore grant the consent accordingly.

9.0 SUMMARY

9.01 The application is a subdivision consent seeking to create one additional lot which will see an additional dwelling on the current property. The resultant subdivision triggers a landuse breach with respect to impermeable surfaces for the existing development on proposed Lot 1 and a further consent for future development on Lot 2.

9.02 The property is located within the Coastal Living Zone as denoted within the Far North District Plan but has recently been excluded from properties considered to be within the coastal environment by a review completed by Northland Regional Council. This is an important change as the majority of consideration under the Coastal Living zone become redundant and no longer applicable. Amenity values are maintained for this now rural property and the additional dwelling will not be visible from any public vantage point and only partially visible to neighbours. "Rural" character will be maintained and effects readily managed accordingly.

9.03 The proposal is assessed as non-complying as lot sizes cannot meet the minimum lot sizes. (they could meet the discretionary threshold but onsite aspects make the proposed lot arrangement more practical and effective.

Coastal Living Zone

- Controlled Lot size – 4ha
- Restricted Discretionary – 8000m²
- Discretionary – 5000m²

The proposed lot sizes within the subdivision are follows:

- Proposed Lot 1 – 5770m²
- Proposed Lot 2 – 4470m²

Landuse component

a) Impermeable surfaces exceed the permitted allowances on the resultant lots because of existing development and future development. Proposed Lot 1 contains 800m² of impermeable surfaces equating to 13.8%. Proposed Lot 2 seeks to allow up to 20% coverage or 894m².

9.04 Access is achieved off a ROW Easement located at the end of Davis Strongman Place. There are less than 8 users of the ROW easement and formation is sufficient to meet Council requirements. The formation is of a similar width although the formation transitions from a sealed surface to a metalled surface. A new entrance for proposed Lot 2 will be required to be constructed in accordance with the Council's Engineering Standards.

- 9.05 The stormwater breaches for both lots have been assessed within the Engineer's report and concluded that the proposed stormwater can be managed with less than minor effects. Some water will be harvested as a potable supply and some for fire fighting purposes with any surplus water disposed to ground given the good onsite drainage characteristics.
- 9.06 The effects of this subdivision application have been assessed and concluded as being less than minor. No persons are considered to be affected by the proposed subdivision or landuse consent. The effects on the wider environment are considered to be less than minor with appropriate mitigation measures proposed.
- 9.07 The proposal is not contrary to relevant objectives and policies of the Far North District Plan and the Regional Policy Statement.
- 9.08 It is considered that the application can be approved under s104B and 104D of the Act as the two limbs of the "gateway tests" have been met.
- 9.09 With respect to conditions of consent the applicant would appreciate sighting a draft set of conditions for review and comment (if necessary).

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

wayne@zenithplanning.co.nz

mob: +64 (0) 21 202 3898



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




R.W. Muir
Registrar-General
of Land

Identifier NA123A/593
Land Registration District North Auckland
Date Issued 08 August 2000

Prior References
NA104C/249

Estate Fee Simple
Area 1.0242 hectares more or less
Legal Description Lot 4 Deposited Plan 194153

Registered Owners
Jack A Lawson and Carol Ann Lawson

Interests

Appurtenant hereto is a water right created by Transfer A19029

D530438.6 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 8.8.2000 at 9.00 am

D530438.7 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 8.8.2000 at 9.00 am

Appurtenant hereto is a right of way and telephone, electricity and water supply rights specified in Easement Certificate D530438.10 - 8.8.2000 at 9.00 am

The easements specified in Easement Certificate D530438.10 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer D580953.1 - 20.2.2001 at 9.00 am

Fencing Covenant in Transfer D580953.1 - 20.2.2001 at 9.00 am

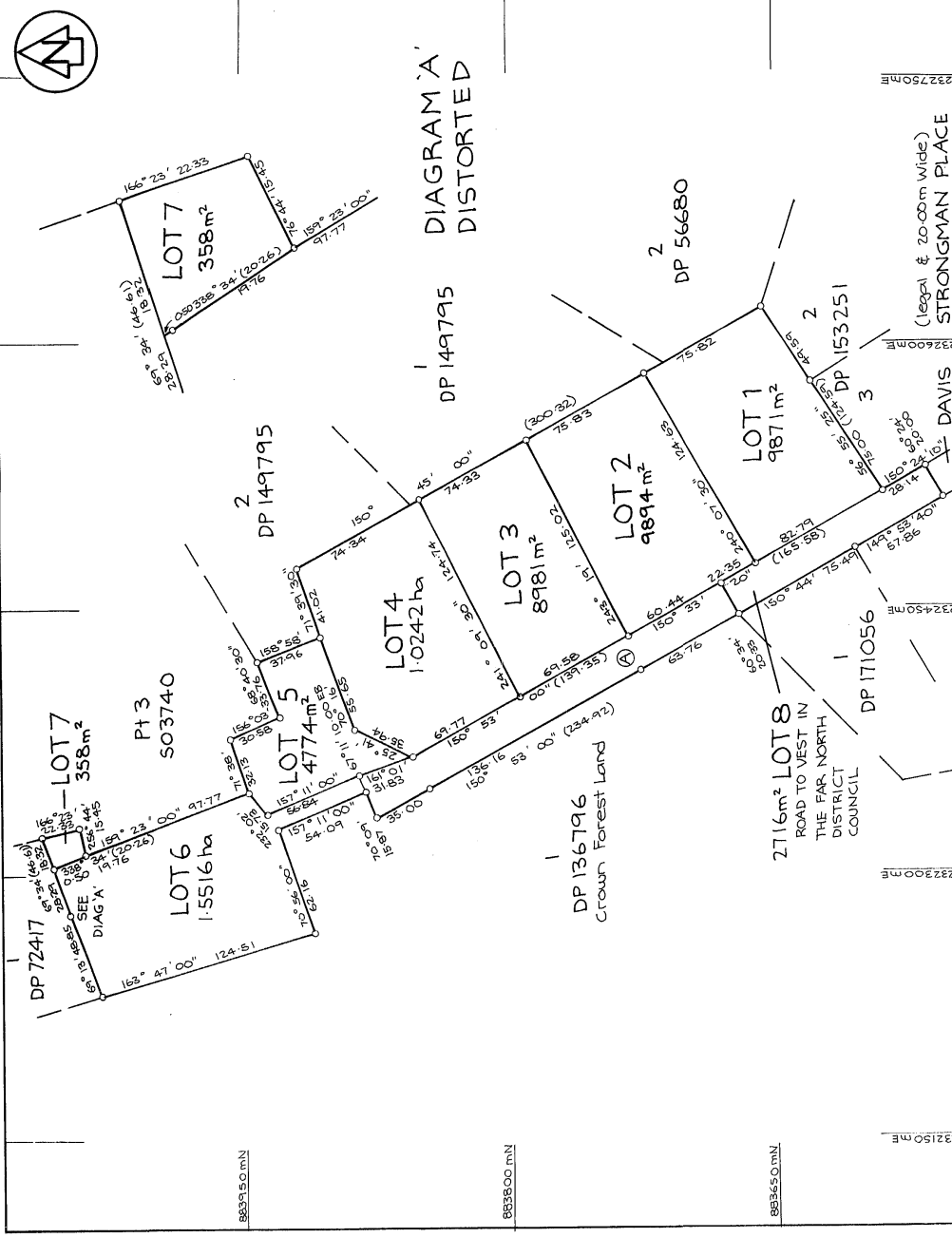
RC 1960645 Ferguson

Approvals
 C. A. Ferguson, Registered Surveyor
 Trevor Ferguson, Catherine Ferguson, registered/owners
 I hereby certify that this plan was prepared by me or under my supervision in accordance with the provisions of section 223 of the Resource Management Act 1991 on the day of 15/08/2000 subject to the granting or reserving of the easements set out in the memorandum hereon.
 Authorised officer
 RC

MEMORANDUM OF EASEMENTS	
Purpose	Shown
Right of way	LOT 6
Telephone, Electricity, Water Supply	LOT 2, LOT 3, LOT 4, LOT 5

New Cert Allocated
 LOT 1 - 123A/590
 LOT 2 - 123A/591
 LOT 3 - 123A/592
 LOT 4 - 123A/593
 LOT 5 - 123A/594
 LOT 6 - 123A/595
 LOT 7 - 123A/596
 Total Area 6.7352 ha
 Comprised in CT 104-C/248, CT 104-C/249 (A10)

I, C. A. Ferguson, Registered Surveyor and holder of an annual practicing certificate for the purposes of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Act 1980 and that the date of this plan is the 15th day of August 2000 at Dunedin, N. Z. P. C. Signature of Registered Surveyor
 Field Book
 Reference Plans
 Examiner
 Approved as to Survey
 Deposited this 15th day of August 2000
 District Land Registrar
 DP 194153
 14 JAN 1995



LAND DISTRICT North Auckland
 SURVEY BLK. & DIST. X11 Kerikeri
 NZMS 261 SH1 P05 RECORD MAP No 7-1
 LOTS 1-8 BEING A SUBDIVISION OF
 LOTS 2 AND 3 DP 171056
 Scaled to 1:1500
 Date 15 AUG 2000
 Surveyed by Thomson & King (Kerikeri)
 TERRITORIAL AUTHORITY For North District
 (Legal & 20.00m Wide)
 STRONGMAN PLACE
 DAVIS
 ROAD TO WEST IN
 THE FAR NORTH
 DISTRICT
 COUNCIL
 DP 171056
 DP 153251
 DP 56680
 DP 149795
 DP 136796
 Crown Forest Land
 222300mE
 222450mE
 222600mE
 222750mE

15 AUG 2000

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

D530438.6 CONO

THE RESOURCE MANAGEMENT ACT 1991
SECTION 221 CONSENT NOTICE

Regarding

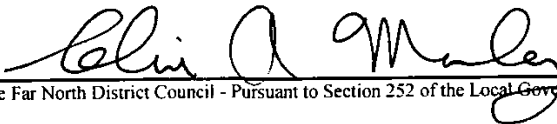
The subdivision of Lots 2 and 3
Deposited Plan 171056
North Auckland Land Registry

Pursuant to Section 221 and for the purpose of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by **THE FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the Schedule below are to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of the survey plan, and is to be registered on the appropriate new Titles.

SCHEDULE

1. For the purpose of protecting the stone walls on Lots 1, 2, 3, 4, 5, and 6 Deposited Plan 194153 the subdividing owner and subsequent owners:
 - (a) shall ensure that no building or other structure is erected within a distance of 2.5 meters from any stone wall and no planting nor any landscaping shall be undertaken with a distance of 2.5 metres from any stone wall.
 - (b) shall not remove or permit to be removed all or any part of the stone walls without first obtaining the written authority of the New Zealand Historic Places Trust.
 - (c) prior to the issue of any building consent for Lots 1 – 6, the applicant for the building consent shall submit a landscaping plan for the approval of the consent's manager for The Far North District Council illustrating the existing and proposed landscaping on the site to avoid remedy or mitigate the adverse effects on the environment of any such building.

SIGNED

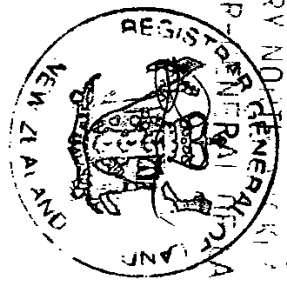

By The Far North District Council - Pursuant to Section 252 of the Local Government Act 1974

DATE

19/1/2000

NEW COPY
9.00 08.AUG00 D 530438. e

ARTICULARS ENTERED N.R.G. STP
LAND REGISTRY NO. GENERAL
for REGISTRAR GENERAL



14

DS30438.7 CONO



FAR NORTH DISTRICT COUNCIL

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING The subdivision of
Lots 2 & 3 DP 171056
North Auckland Registry.

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

SCHEDULE

The following conditions shall be imposed on Lots 1-6 DP 194153.

1. That TP 58 reports be submitted to the Far North District Council prior to any building consents being lifted.
2. Only one dwelling and accessory residential buildings permitted per lot.


The following conditions shall be imposed on Lot 5 DP 194153.

1. The effluent disposal for the proposed lot shall be restricted to the lower ground and shall meet the requirements of the District Engineer of the Far North District Council.

The following conditions shall be imposed on Lot 6 DP 194153.

1. That a single lot aerobic wastewater treatment plant be installed in conjunction with any building constructed. All standards to be approved by the District Engineer of the Far North District Council.

SIGNED:


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

DATED at KAIKOHE this 7th day of July 2000

RC 1960645
SRM\CERT\3ferguson221

lots 1-6



PARTICULARS ENTERED IN THE
LAND REGISTRY NORTH ISLAND
for REGISTRAR-GENERAL

9.00 08.AUG00 D 530438



DS30438.10 EC

EASEMENT CERTIFICATE

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

✓We TREVOR IAN FERGUSON of Kerikeri, Farmer and CATHARINE MARIE FERGUSON his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 2000 under No. 194153 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. 194153

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 Telephone Electricity and Water supply	LOT 6	A	LOTS 2, 3, 4 and 5 hereon	123A/595 123A/591 123A/592 123A/593 123A/594

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.

I. Rights and powers:

- (a) In addition the implied covenants of the Ninth Schedule of the Property Law Act 1952 shall apply
- (b) See attached for Telecommunications and Electricity

RIGHTS AND POWERS

That in respect of the Telecommunications and Electricity Easements referred to in the Schedule hereto, the rights and powers applicable thereto are:

- (a) The full free uninterrupted and unrestricted right liberty and privilege for the occupier and registered proprietor for the time being of the dominant tenement from time to time and at all times to take convey and lead electrical current or any other mode of transmitting telecommunications in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for the purposes of telecommunications under or across the land over which the Easement is created and to erect, lay and maintain poles and cables for such purpose.
- (b) The full free uninterrupted and unrestricted right liberty and privilege for the occupier and registered proprietor for the time being of the dominant tenement from time to time and at all times to take convey and lead electricity in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) under or across the land over which the Easement is created and to erect, lay and maintain poles and cables for such purpose.


CMF.

TERMS CONDITIONS COVENANTS OR RESTRICTIONS IN RESPECT OF ABOVE EASEMENTS:

That in respect of the Electricity and Telecommunications Easements (hereinafter called "the Easements") referred to in the Schedule hereto the terms conditions covenants or restrictions applicable thereto are as follows:-

- (a) All cables placed within or such poles and cable erected upon the servient tenements shall be maintained and as required repaired to a good and serviceable condition by the registered proprietors for the time being of the dominant tenements.
- (b) All the costs and expenses of and incidental to the repairing and maintaining of the Easements herein specified shall be borne by the registered proprietor for the time being of the dominant tenements.
- (c) Any person wishing to carry out any work whatsoever on the Easements herein specified shall first give to the registered proprietor of the servient tenement thereof notice of such intention and of the nature and expense of the said work prior to any such work being commenced.
- (d) Any person carrying out any work whatsoever on the Easements herein specified shall take all reasonable and proper action and care to interfere as little as possible with the comfort and convenience of the occupier or occupiers for the time being of the dominant and servient tenements and shall carry out such work or cause the same to be carried out with the utmost expedition and in a prudent manner and in particular shall during the course of such work:
 - (i) Shore up or cause to be shored up in a proper safe and workmanlike manner any part of the dominant or servient tenement affected thereby.
 - (ii) Take all reasonable and proper steps to preserve the said tenements and all parts thereof and all property and goods thereon from damage.
- (e) Subject to the other terms and conditions covenants and restrictions contained in these presents any person carrying out any work as aforesaid shall have the right to enter and to bring machinery and workmen on to any part of the dominant or servient tenement as shall be necessary for the purposes of carrying out maintenance on the Easements referred to herein and shall have the right to remove all soil roading paving metalling fencing and all other things as shall be reasonably necessary to give unimpeded access to the said Easement PROVIDED HOWEVER that such soil roading paving metalling and fencing which is so removed shall be restored as nearly as possible to its original condition and that any other damage done by reason of the said maintenance is repaired and that as little disturbance as possible is caused to the surface of the land and to the enjoyment of the said tenements by the registered proprietors or occupiers.
- (f) Where the maintenance work which is required to be carried out in terms of these presents involves the total or partial replacement of any cables this work shall be deemed to be maintenance work which may be carried out in accordance with these presents.



CSMF

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


- (a) In addition the implied covenants of the Ninth Schedule of the Property Law Act 1952 shall apply
- (b) See attached for Telecommunications and Electricity

Dated this 4th day of August 2000

Signed by the above-named
TREVOR IAN FERGUSON and
CATHARINE MARIE FERGUSON


Catharine M. Ferguson

in the presence of


Witness RICHARD ADRIAN AYTON
Occupation SOLICITOR
Address KERIKERI

Correct for the purposes of the Land Transfer Act 1952


(Solicitor for) the registered proprietor:

Approved by Registrar-General
of Land under No. 1998/6031

EASEMENT CERTIFICATE

Land Transfer Act 1952

Law Firm Acting
LAW NORTH PARTNERS SOLICITORS <u>KERIKERI</u>

Auckland District Law Society
REF. 4050

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

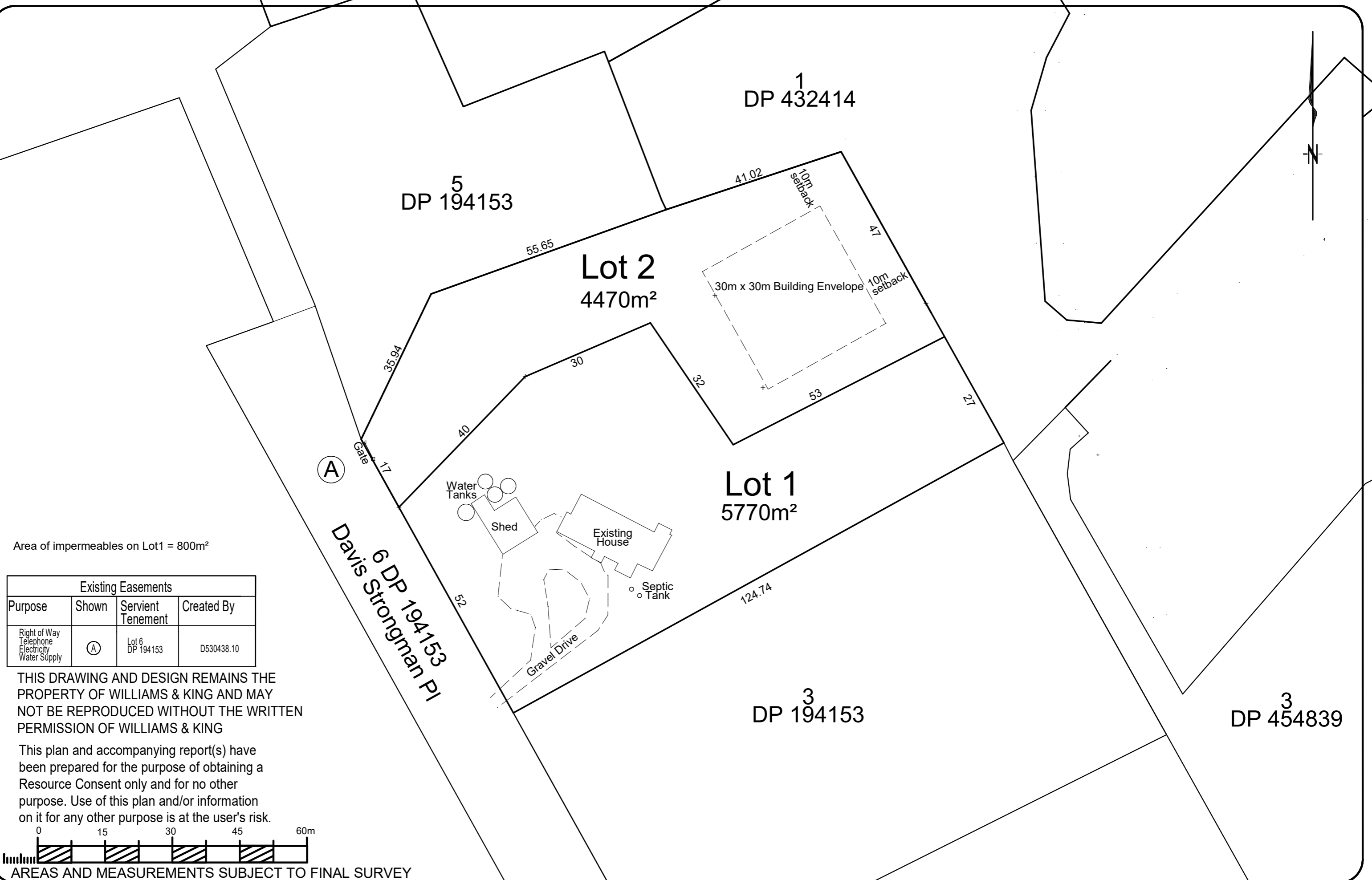


PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
for REGISTRAR GENERAL OF LAND

9.00 08.AUG00 D 530438 10

LNZ000PV



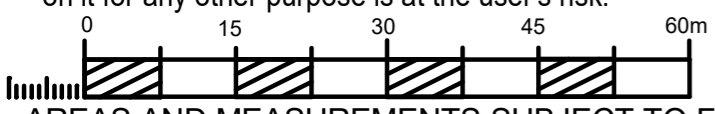


Area of impermeables on Lot1 = 800m²

Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right of Way Telephone Electricity Water Supply	(A)	Lot 6 DP 194153	D530438.10

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

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.



AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

WILLIAMS AND KING
 Registered Land Surveyors, Planners &
 Land Development Consultants
 Ph: (09) 407 6030 27 Hobson Ave
 Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

Local Authority: Far North District Council
 Total Area: 1.0242ha
 Comprised in: NA123A/593
 Zoned Coastal Living (Operative Dist Plan)

PROPOSED SUBDIVISION OF Version 2
LOT 4 DP 194153
 Prepared for: J Lawson

Rev	Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			1:750	A3
Design				
Drawn	W & K	16/02/2026		
Rev				

24775

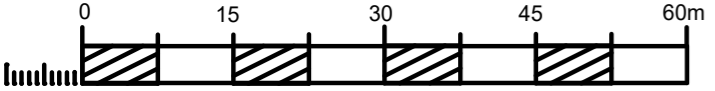


Area of impermeables on Lot1 = 800m²

Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right of Way Telephone Electricity Water Supply	(A)	Lot 6 DP 194153	D530438.10

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Total Area: 1.0242ha
Comprised in: NA123A/593
Zoned Coastal Living (Operative Dist Plan)

PROPOSED SUBDIVISION OF

LOT 4 DP 194153

Version 2
Prepared for: J Lawson

Rev	Name	Date
Survey		
Design		
Drawn	W & K	16/02/2026
Rev		

ORIGINAL SCALE: 1:750
SHEET SIZE: A3

24775

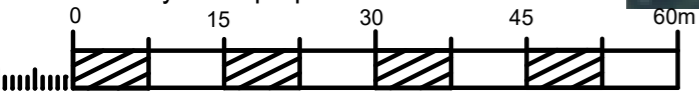


Area of impermeables on Lot1 = 800m²

Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right of Way Telephone Electricity Water Supply	(A)	Lot 6 DP 194153	D530438.10

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WILLIAMS AND KING
Registered Land Surveyors, Planners & Land Development Consultants
Ph: (09) 407 6030 27 Hobson Ave
Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

Local Authority: Far North District Council
Total Area: 1.0242ha
Comprised in: NA123A/593
Zoned Coastal Living (Operative Dist Plan)

PROPOSED SUBDIVISION OF Version 3
LOT 4 DP 194153 Prepared for: J Lawson

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:750	A3
Design			
Drawn	W & K 16/02/2026		
Rev			

24775