

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

If yes, who have you spoken with?

2. Type of consent being applied for

(more than one circle can be ticked):

Land Use

Discharge

Fast Track Land Use*

Change of Consent Notice (s.221(3))

Subdivision

Extension of time (s.125)

Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)

Other (please specify)

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

3. Would you like to opt out of the fast track process?

Yes No

4. Consultation

Have you consulted with iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant details

Name/s:

Emily Ashby

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:

Bay of Islands Planning Ltd - Andrew McPhee

Email:

Phone number:

Postal address:

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

Postcode

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:

Emily Elizabeth Ashby and Diane Maree Bridge

Property address/
location:

97 Waimate North Road

Kerikeri

Postcode

8. Application site details

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

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

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.

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

10. Would you like to request public notification?

Yes No

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

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard Consent

Other (please specify)

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

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

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

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

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of environmental effects:

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

Your AEE is attached to this application Yes

14. 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.

15. 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)

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.

15. Billing details continued...

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)

Signature:

(signature of bill payer)

Date

MANDATORY

16. 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.

17. Declaration

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

Name (please write in full)

Signature

Date

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

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

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

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

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:

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Name/s: (please write in full)

Emilia Ashby

Email:

Phone number:

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

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Name: (please write in full)

Emily Ashby

Signature:

[Redacted Signature]

Date 19/2/26

16. Important Information:

Note to applicant

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17. Declaration

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

Name (please write in full)

Emily Ashby

Signature

[Redacted Signature]

A signature is not required

Date

See overleaf for a checklist of your information

BAY OF ISLANDS PLANNING (2022) LIMITED

**Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri**

Email – office@bayplan.co.nz Website - www.bayplan.co.nz

26 February 2026

Re: Proposed 2 lot Subdivision, 97 Waimate North Road, Kerikeri

Our client, Emily Ashby seeks a subdivision consent to subdivide a 10.27-hectare rural property into two lots.

The application is a Restricted Discretionary Activity under the Operative Far North District Plan (**ODP**) that can meet the applicable subdivision performance standards specified in the Rural Production Zone. In terms of the Proposed Far North District Plan (**PDP**) the property is zoned Horticulture. We attach the following information to support the application:

- **Planning Report and Assessment of Environmental Effects**
- **Appendix A – Record of Title**
- **Appendix B - Subdivision Plan, dated 10 November 2025**

Please do not hesitate to contact me should you require any further information.



Andrew McPhee
Consultant Planner

1.0 INTRODUCTION

The applicant seeks subdivision consent for a 2-lot subdivision of the 10.27-hectare property at 97 Waimate North Road, Kerikeri.

The site is legally described as Lot 2 DP 114200. A copy of the Records of Title for this property is attached at **Appendix A**.

The application is a Restricted Discretionary Activity subdivision under the ODP, which complies with the minimum alternate subdivision standards for the Rural Production zone.

It is concluded that any potential adverse effects arising from the subdivision would be less than minor and that the proposal reflects an anticipated pattern of development that is enabled by the District Plan.



Figure 1 – Site Aerial 97 Waimate North Road (Source: Prover)

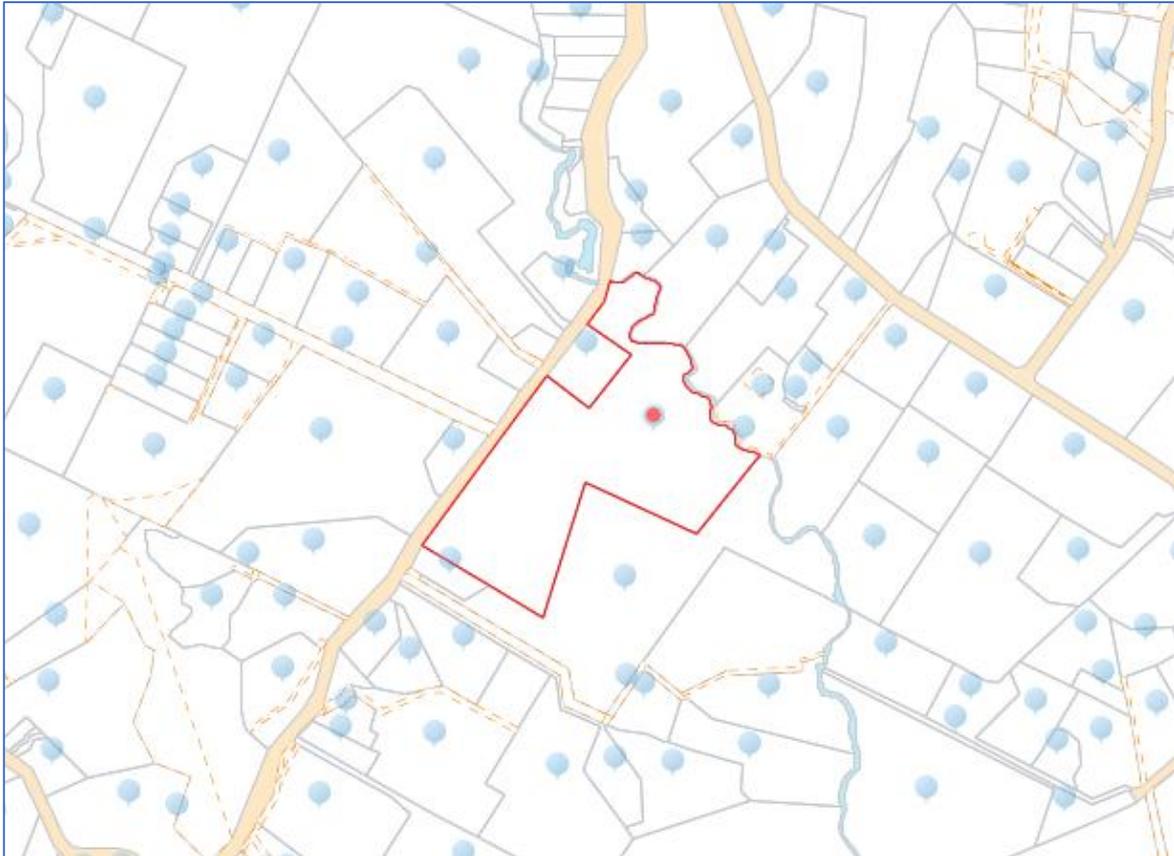


Figure 2 – Site 97 Waimate North Road (Source: Prover)

2.0 SITE AND LOCALITY DESCRIPTION

The application site is accessed from Waimate North Road at the southern end of the site. The property is approximately 600 metres south of the intersection with State Highway 12 and sits opposite Springbank School.

The site is generally characterized by flat to rolling pasture. The south-western portion of the site currently accommodates an existing dwelling gaining access from an established vehicle crossing on Waimate North Road. North of the dwelling the property is currently vacant pasture. The site features versatile soils typical of the surrounding Waimate North and Waipapa rural environment.

A portion of the wider property falls within the Kerikeri Airport Noise Buffer overlay. It is noted that this buffer will no longer be relevant to the site when the decisions on the PDP are notified in May 2026.

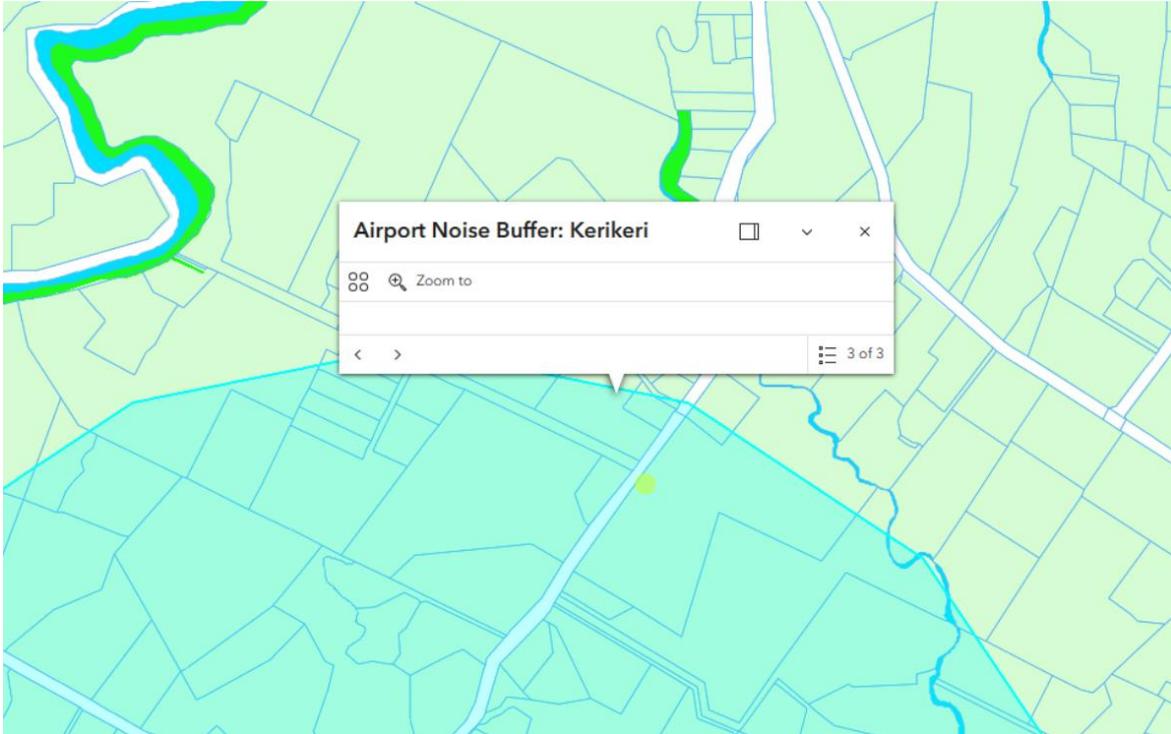


Figure 3 – Airport Noise Buffer (Source: FNDC Maps)

The site has been used for grazing and is not identified as a contaminated site in the NRC land-use register therefore a HAIL report is not considered necessary.

Aside from the school, the surrounds are best described as rural lifestyle with limited rural production activities being undertaken. As such, the surrounding environment is considered similar in nature to that being proposed.

3.0 DESCRIPTION OF THE PROPOSAL

The applicant seeks subdivision consent to subdivide the property at 97 Waimate North Road (Lot 2 DP 114200) into two fee-simple allotments.

- Proposed Lot 1 will have an area of 3.61 hectares and will contain the existing dwelling, associated structures and wastewater system. It will retain its existing physical and legal access via the established vehicle crossing on Waimate North Road.
- Proposed Lot 2 will comprise 6.66 hectares as a vacant rural allotment. Given the substantial size of the allotment, it can accommodate a 30m x 30m building envelope in multiple locations, including outside of the Airport Noise Buffer overlay. An indicative location for a new separate vehicle access directly onto Waimate North Road is shown on the scheme plan to service this lot.

No dwelling is proposed to be located on the property as this juncture.

See the proposed plan below. A detailed subdivision plan is attached at **Appendix B**.

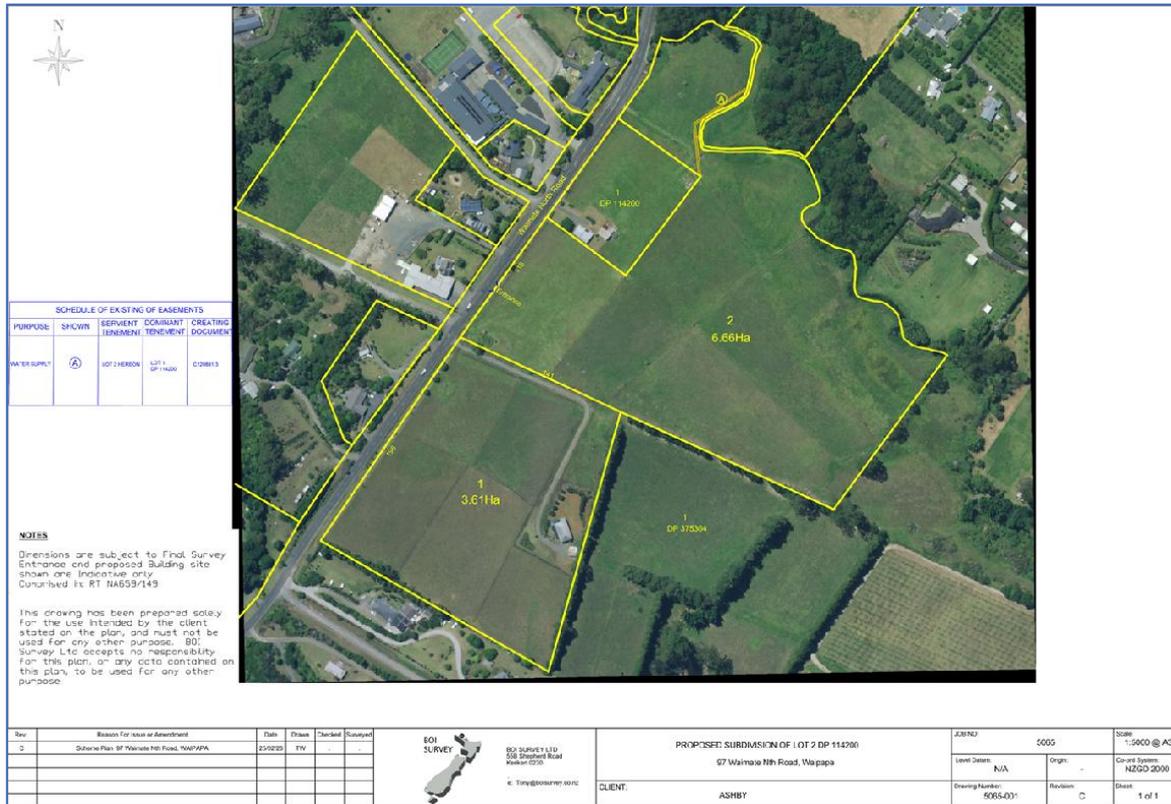


Figure 4 – Subdivision Plan (Source: BOI Survey)

4.0 REASONS FOR CONSENT

Operative Far North District Plan (ODP)

Under the ODP, the site is zoned Rural Production. There are no resource features identified on the site. Soils are Class 3 and are considered to be highly productive in respect of the National Policy Statement for Highly Productive Land (**NPS-HPL**). However, because the subdivision is a restricted discretionary activity, the NPS-HPL is not a consideration as it is not a matter of discretion identified in the ODP.

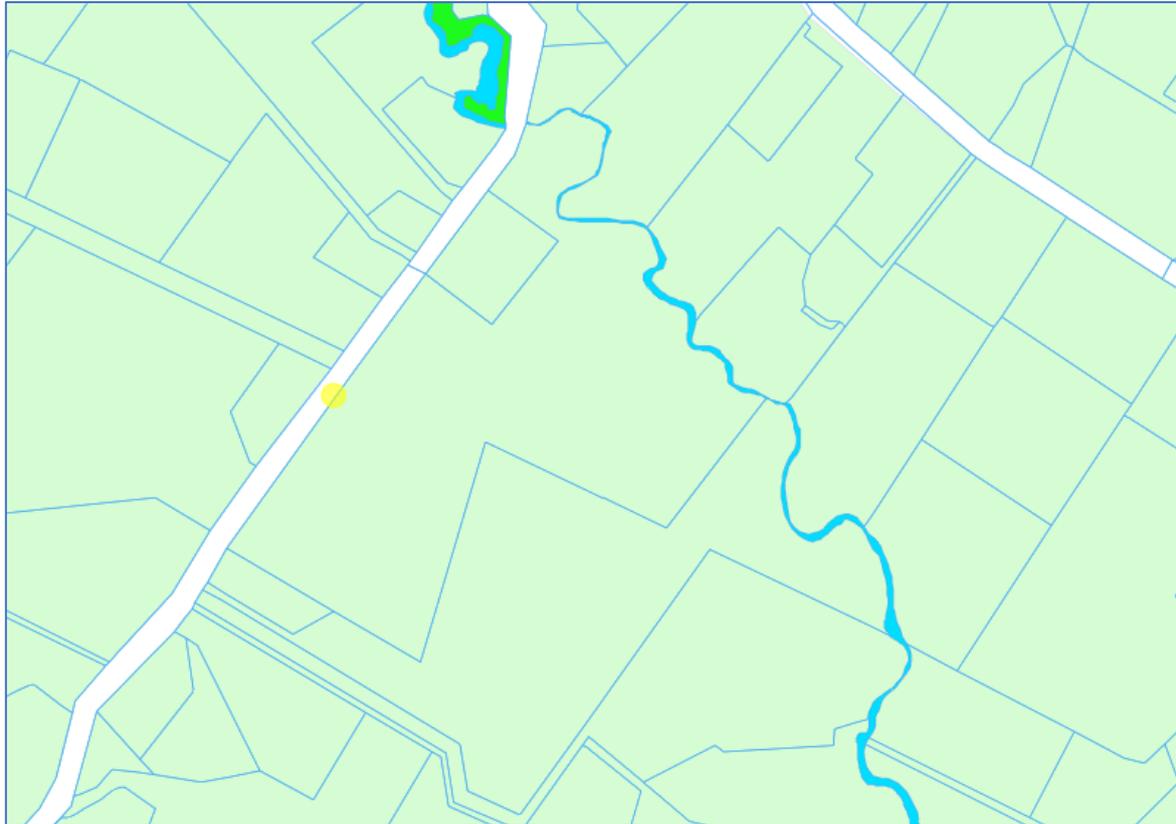


Figure 5 - FNDC Operative District Plan Map – Rural Production zone (Source Far North Maps)

Proposed Far North District Plan (PDP)

Under the PDP, the site is zoned Horticulture. There are no resource features identified on the site. It is noted that the Horticulture zone has been challenged through the PDP Hearings and is now recommended by the Council officer to be an overlay, presumably with an underlying zone commensurate with that of the ODP. This is just the officer’s recommendation to the commissioners at this stage and is not a recommendation by the hearing panel to Council or a decision by Council.



Figure 6 - FNDC Proposed District Plan Map – Horticulture zone (Source Far North Maps)

Subdivision

Chapter 13 Subdivision Rules 13.7.2.1(i) Clause 4 ‘Allotment Sizes, Dimensions and Other Standards’ and Rule 13.8.1(c) ‘Restricted Discretionary Activities’ provide for alternate subdivision outcomes on sites existing as at or prior to 28 April 2000 as follows:

- A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000.

The subdivision proposal is subject to other performance standards as set out in Table 1 below:

Table 1: Subdivision Performance Standards

Performance Standard	Comment
Rule 13.7.2.1 – Minimum Lot Size	The proposal meets the RDA criteria as outlined above. Proposed lots 1 and 2 are larger than 2 hectares. The site existed prior to 28 April 2000.

	Restricted Discretionary Activity
Rule 13.7.2.2 – Allotment dimensions	All proposed Lots can achieve the required 30m x 30m square building envelopes. Complies
Rule 13.7.2.3 -Amalgamation of land in a rural zone with land in an urban or coastal zone	Not applicable
Rule 13.7.2.4 – Lots divided by zone boundaries	Not applicable
Rule 13.7.2.5 - Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature	Not applicable
Rule 13.7.2.6 – Activities, Utilities, Roads and Reserves	Not applicable
Rule 13.7.2.7 – Savings as to previous approvals	Not applicable
Rule 13.7.2.8 – Proximity to Top Energy transmission lines	Not applicable
Rule 13.7.2.9 – Proximity to National Grid	Not applicable

As a Restricted Discretionary Activity, the proposal must consider the matters set out in Table 2 below.

Table 2: Subdivision Rule 13.7.3 Matters

Performance Standard	Comment
Rule 13.7.3.1 – Property Access	Access to proposed Lot 1 is existing and will remain. An indicative location for a new vehicle crossing is shown on the scheme plan for Lot 2. The proposed new vehicle access for Lot 2 will be designed and constructed to comply with the permitted activity standards under Rules 15.1.6C for Rural Zones.
Rule 13.7.3.2 - Natural and other Hazards	There are no hazards identified on the regional council maps and there are no known natural hazards (such as flooding, instability,

	or subsidence) affecting the identified building platforms on either proposed lot.
Rule 13.7.3.3 - Water Supply	Proposed Lot 1 has an existing supply. Proposed Lot 2 will be serviced by standard roof collection and onsite storage tanks at the time of future development.
Rule 13.7.3.4 - Stormwater Disposal	Given the expansive size of the proposed lots (3.61ha and 6.66ha) and the gentle topography, there is more than sufficient area to easily accommodate stormwater management systems (such as detention tanks or swales) well clear of boundaries. The requirement for a detailed civil engineering report at this subdivision stage is considered unnecessary and overly burdensome. It is proposed that detailed engineering design for Lot 2 be deferred and addressed via a standard consent notice at the building consent stage.
Rule 13.7.3.5 - Sanitary Sewage Disposal	Given the expansive size of the proposed lots (3.61ha and 6.66ha) and the gentle topography, there is more than sufficient area to easily accommodate onsite wastewater disposal well clear of boundaries. The requirement for a detailed civil engineering report at this subdivision stage is considered unnecessary and overly burdensome. It is proposed that detailed engineering design for Lot 2 be deferred and addressed via a standard consent notice at the building consent stage.
Rule 13.7.3.6 - Energy Supply	Not a requirement for Rural Production subdivision, however power and telecommunications are already supplied to proposed Lot 1.
Rule 13.7.3.7 - Telecommunications	Not a requirement for Rural Production subdivision, however power and telecommunications are already supplied to proposed Lot 1.
Rule 13.7.3.8 - Easements for any purpose	The existing easement for water supply over the subject property will remain over proposed Lot 2 (refer scheme plan in Appendix B).
Rule 13.7.3.9 - Preservation of heritage resources, vegetation, Fauna and Landscape and Land	Not applicable as Lot 2 is larger than 4ha where it adjoins the Whiringatau Stream.

set aside for conservation purposes	
Rule 13.7.3.10 - Access to reserves and waterways	There are no esplanade priority areas adjacent to the property. The offering of an esplanade reserve in this location is not considered necessary or appropriate.
Rule 13.7.3.11 - Land use compatibility	There are no land use incompatibility issues associated with the proposed subdivision as subdivision of this nature is anticipated by the plan.
Rule 13.7.3.12 - Proximity to Airports	Part of the property is located within the Airport Noise Buffer. While a specific 30m x 30m building envelope has not been identified on the scheme plan for Lot 2, the expansive 6.66-hectare size of the vacant allotment guarantees that a compliant building platform can be easily established in multiple locations, including areas entirely outside of the current airport buffer. Furthermore, it is a relevant consideration that under the PDP, for which decisions are expected to be released in the coming months, the airport buffer overlay is removed from this location entirely. Therefore, any theoretical reverse sensitivity effects or future land use constraints on sensitive activities are inherently temporary. Because an adequate building envelope can be accommodated outside the current buffer, and the buffer restriction itself is imminent for removal, the subdivision avoids any meaningful adverse effects or reverse sensitivity issues regarding the safe and efficient operation of the airport.

For completeness, the existing development on Lot 1 has been checked against the land use rules of the Rural Production Zone. This is assessed in Table 3.

Table 3: Rural Production Zone Performance Standards

Chapter 8 – Rural Environment – Rural Production Zone	
Performance Standard	Comment
8.6.5.1.1 Residential Intensity	There is one existing residential dwelling on the property. This will be contained within proposed Lot 1. The remainder of the proposed sites are vacant in terms of residential units. Permitted Activity

8.6.5.1.2 Sunlight	The existing dwelling and accessory buildings comply. Permitted Activity
8.6.5.1.3 Stormwater Management	The site is currently vacant in terms of impermeable surfaces with the exception of the existing residential dwelling on proposed Lot 1 which is less than 15% of the total area. Permitted Activity
8.6.5.1.4 Setback from boundaries	The existing dwelling and accessory buildings comply. Permitted Activity
8.6.5.1.5 Transportation	Refer Table 5 below
8.6.5.1.6 Keeping of Animals	Not applicable.
8.6.5.1.7 Noise	The proposed use of the site is for rural-residential and rural purposes and is subject to the District Plan noise standards. The existing dwelling on proposed Lot 1 is anticipated to comply as a residential activity. Permitted Activity
8.6.5.1.8 Building Height	The existing buildings can comply with the height standards. Any new buildings would be subject to building height controls. Permitted Activity
8.6.5.1.8 Building Coverage	The existing building coverage on proposed Lot 1 is less than 12.5% of the total area. The other proposed lots are currently vacant in terms of built development. Permitted Activity
8.6.5.1.11 Scale of Activities	Not applicable. Residential or rural activities proposed. Permitted Activity
8.6.5.1.12 Temporary Activities	Not applicable Permitted Activity

District wide rules are assessed below to ensure that subdivision does not result in additional land use consents. These are addressed in the tables below.

Table 4: Natural and Physical Resources Performance Standards

Chapter 12 – Natural and Physical Resources	
12.1 Landscapes and Natural Features	<p>The proposed subdivision is not affected by landscapes and natural features.</p> <p>Permitted Activity</p>
12.2 Indigenous Flora and Fauna	<p>The site is mapped as being within a Kiwi Present area.</p> <p>Vegetation clearance is not required for this proposed subdivision.</p> <p>Permitted Activity</p>
12.3 Soils and Minerals	<p>There are no earthworks associated with the subdivision.</p> <p>Permitted Activity</p>
12.4 Natural Hazards	<p>Generally, there are no identified hazards on the NRC or FNDC natural hazard maps that affect the proposed subdivision. The exception being a small portion on the north tip of the site adjacent to the stream. Any future development on proposed Lot 2 can avoid this area.</p> <p>Permitted Activity</p>
12.5 Heritage	<p>There are no heritage or sites of cultural significance to Māori located on the property.</p> <p>Permitted Activity</p>
12.6 Air	<p>Not applicable</p> <p>Permitted Activity</p>
12.7 Lakes, Rivers, Wetlands and the Coastline	<p>Vacant lots can be developed an appropriate distance from these features.</p>

	Permitted Activity
12.8 Hazardous Substances	Not applicable
	Permitted Activity
12.9 Renewable Energy and Energy Efficiency	Not applicable
	Permitted Activity

Table 5: Transportation Performance Standards

Chapter 15 - Transportation	
15.1.6A.2 Traffic Intensity	The proposed subdivision would enable land use activities that can comply with the permitted traffic intensity rule. Permitted Activity
15.1.6B.1 Parking	On-site carparking can be provided for the range of permitted land use activities enabled by the subdivision. Permitted Activity
15.1.6C Access 15.1.6C.1.5 Vehicle crossing standards in rural zones 15.1.6C.1.8 Frontage to Existing Roads	The existing vehicle crossing to proposed Lot 1 is compliant. The future vehicle crossing for proposed Lot 2 will comply with Council standards. Permitted Activity

FNDC Proposed District Plan (PDP)

These matters below comprise relevant rules that have immediate effect under the Proposed District Plan.

Table 6: PDP Rules

Proposed District Plan		
Matter	Rule/Std Ref	Evidence
Hazardous Substances Majority of rules relates to	Rule HS-R2 has immediate legal effect but only for a new	Not indicated on Far North Proposed District Plan

development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource. HS-R5, HS-R6, HS-R9	
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not indicated on Far North Proposed District Plan
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not indicated on Far North Proposed District Plan
Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not indicated on Far North Proposed District Plan
Sites and Areas of Significance to Māori (Property specific)	All rules have immediate legal effect (SASM-R1 to SASM-R7)	Not indicated on Far North Proposed District Plan

Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	Schedule 3 has immediate legal effect	
Ecosystems and Indigenous Biodiversity SNA are not mapped	All rules have immediate legal effect (IB-R1 to IB-R5)	No vegetation clearance is proposed for the subdivision.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Earthworks (if any) required to establish the proposed subdivision should it be approved will be in accordance with the relevant standards including GD-05 and will have an ADP applied.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not indicated on Far North Proposed District Plan
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not indicated on Far North Proposed District Plan.
Subdivision Rules refer to environmental benefit subdivision. Subdivision of sites within a heritage	The following rules have immediate legal effect SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17.	Not indicated on Far North Proposed District Plan.

overlay, containing a scheduled heritage resource, Māori site/area of significance or SNA.		
Comments:		
Resource consent is not required under the PDP in relation to this subdivision.		

5.0 SECTION 104 ASSESSMENT

Section 104C of the Resource Management Act (RMA) governs the determination of applications for restricted discretionary activities:

104C Determination of applications for restricted discretionary activities

- (1) When considering an application for a **resource** consent for a restricted discretionary activity, a consent authority must consider **only** those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations;
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.
- (2) The consent authority may grant or refuse the application.
- (3) However, if it grants the application, the consent authority may impose conditions under [section 108](#) only for those matters over which—
 - (a) a discretion is restricted in national environmental standards or other regulations;
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.

With respect to restricted discretionary activities, the Council has discretion to grant or refuse an application but only in terms of the matters over which it has restricted its discretion. Section 104C dictates that a consent authority must consider only those matters over which its discretion is restricted in the plan or proposed plan.

When considering an application for resource consent, a consent authority must have regard to the matters under section 104 of the Resource Management Act 1991, including any matters relating to Part 2. References to Part 2 in applications are only required where Plans may be deficient in terms of giving effect to the purpose and principles of the Act.

Section 104 specifies that consent authorities have regard to the following matters when considering an application for a resource consent,

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

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

- (c) *any relevant provisions of –*
 - i. *a national environmental standard:*
 - ii. *other regulations:*
 - iii. *a national policy statement:*
 - iv. *a New Zealand Coastal Policy Statement:*
 - v. *a regional policy statement or proposed regional policy statement:*
 - vi. *a plan or proposed plan; and*

- (d) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

In the case of the subject application the matters of discretion are exhaustively listed in ODP Rule 13.8.1 and the general matters in Rule 13.7.3, and those considerations include the actual and potential effects of an activity on the environment.

As the site is not within the Coastal Environment the NZCPS is not relevant.

Because the protection of highly productive land is not a matter over which the Council has reserved its discretion for this specific rule pathway, an assessment against the NPS-HPL falls outside the statutory scope of this application. It cannot lawfully be used as a basis to assess, request further information on, decline, or impose conditions upon this consent.

The following assessment addresses all relevant considerations under s104 of the RMA.

Section 104 (1)(a) Assessment of Effects on the Environment

Section 104(1)(a) requires that consent authorities have regard to any actual or potential effects on the environment of allowing the activity. Section 2 of the RMA defines ‘Environment’ as follows:

environment includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

Section 3 defines the meaning of ‘effect’ to include:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 3: amended, on 7 July 1993, by section 3 of the Resource Management Amendment Act 1993 (1993 No 65).

Positive effects arising from the subdivision would include enablement of additional rural-residential sites in close proximity to the Kerikeri Township and close to a school. This form and intensity of the subdivision proposed is anticipated in the Rural Production zone.

Potential adverse effects associated with this activity relate to the subdivision of the site. This will be addressed in the sections below.

Effects arising from subdivision

Potential adverse effects arising from subdivision occur because of changes to land use patterns and the activities that are enabled through subdivision. With respect to this application, the proposal seeks to establish a pattern of rural subdivision that is anticipated and provided for in the Rural Production Zone. This includes alternate lots sizes and configurations which must have been established prior to 28 April 2000.

The ODP provides for the specific form of subdivision requested as a Restricted Discretionary Activity through Rule 13.8.1(c). This rule was clearly intended to provide a limited opportunity for subdivision on historic lots that do not meet the standard 20ha minimum.

Proposed Lots one and two would establish a rural site that would enable rural lifestyle activities. The proposed uses are considered consistent with any potential effects on the environment anticipated in the Rural Production Zone, particularly in this case where the property is surrounded by like property sizes.

In accordance with District Plan Rule 13.8.1 (i) and (ii) the Council has reserved its discretion over matters relating to:

- *Effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*

None of the proposed lots are within the coastal environment.

- *Effects of the subdivision within 500 metres of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;*

The land to be subdivided is not within 500 metres of land administered by DOC.

- *Effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*

The property is covered by pasture which is not considered significant indigenous flora or fauna. No vegetation clearance is proposed as part of the subdivision. The site is not within or near a PNA.

- *The mitigation of fire hazards and safety of residents.*

Fire hazard mitigation on rural lots away from reticulated water supply is a matter that would be considered at the time of building consent and can be adequately provided for through the provision of dedicated water supply tanks. This can be conditioned on the titles for each allotment.

It is considered that any potential adverse effects arising from the proposed subdivision would be less than minor. Given the size of the proposed Lot 2 it is considered that it can be adequately and safely serviced with on-site wastewater, water supply and stormwater management that would be subject to the requirements of Rule 13.7.3, which enable the Council to impose conditions of consent in accordance with Rule 13.8.1.

Property Access

Lot 1 will continue to utilise its established vehicle crossing. A new vehicle crossing will be formed for Lot 2. Waimate North Road has a straight alignment along the frontage of proposed Lot 2, ensuring that compliant sight distances are easily achievable. The crossing will be constructed in accordance with Council's Engineering Standards. The addition of one future rural lot will generate a negligible increase in traffic movements, maintaining the safe and efficient operation of the road network.

Natural and Other Hazards

The proposed subdivision avoids the adverse effects of natural hazards. There are no known flooding, overland flow, or instability hazards affecting the property where an identified or future building platform will be located.

Servicing and Infrastructure

Proposed Lot 1 has an existing water supply. Future development on Lot 2 will be serviced by standard roof catchment and onsite storage tanks.

The proposal does not include a detailed civil engineering report, as it is considered unnecessary at this stage. Proposed Lot 1 contains established and functioning services. Proposed Lot 2 comprises 6.66 hectares of predominantly open pasture. It is self evident that a lot of this size can easily accommodate standard onsite wastewater disposal fields and stormwater mitigation well clear of boundaries and watercourses. Forcing detailed engineering design prior to a specific dwelling being proposed introduces unnecessary costs for the applicant at this juncture. The applicant proposes a consent notice be registered on the title for Lot 2 requiring specific wastewater and stormwater design to be submitted and approved at the time of future building consent.

Land Use Compatibility / Reverse Sensitivity

The proposed lot sizes of 3.61ha and 6.66ha provide generous physical separation from boundaries. This ensures that any future residential development on Lot 2 will not create reverse sensitivity conflicts with surrounding rural activities.

Proximity to Airports

Part of the property is located within the Airport Noise Buffer. While a specific 30m x 30m building envelope has not been identified on the scheme plan for Lot 2, the expansive 6.66-hectare size of the vacant allotment guarantees that a compliant building platform can be easily established in multiple locations, including areas entirely outside of the current airport buffer.

Furthermore, it is a relevant consideration that under the PDP, for which decisions are expected to be released in the coming months, the airport buffer overlay is removed from this location entirely. Therefore, any theoretical reverse sensitivity effects or future land use constraints on sensitive activities are inherently temporary. In all likelihood a dwelling will be placed on the property after PDP decisions are notified unencumbered.

The effects on the environment are considered to be less than minor.

Relevant Plan Considerations

Section 104 (1)(b) requires that regard be given to the relevant provisions of:

- A national environmental standard;
- Other regulations;
- A national policy statement;
- A New Zealand coastal policy statement;
- A regional policy statement or proposed regional policy statement;
- A plan or proposed plan

National Environmental Standards

The National Environment Standards (**NES**) for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant to the site. The site has historically been used in a pastoral capacity, and no contamination is known according to NRC maps. The proposal is considered permitted in terms of this legislation.

The NES for Freshwater is not considered relevant to this site. There are no mapped wetlands according to NRC on the site or other known wetlands. The proposal is considered permitted in terms of this legislation. Given the permitted activity status, it is considered that the overarching aim to protect freshwater resources in particular wetlands will be achieved.

National Policy Statements

There are no National Policy Statements directly relevant to this application except for the NPS-HPL. While the site is identified as containing Class 3 soils, the proposal cannot be assessed against the provisions of the NPS-HPL as it is not a matter that Council has restricted its discretion to as a restricted discretionary activity.

The proposal is not anticipated to offend the contents of the NPS for Indigenous Biodiversity as no vegetation clearance is proposed as part of this proposal.

New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (**NZCPS**) aims to provide policies to achieve the purpose of the RMA in respect of the Coastal Environment. This site falls outside the Coastal Environment as mapped within the Regional Policy Statement for Northland.

Northland Regional Policy Statement or Proposed Regional Policy Statement

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (operative May 2016). The jurisdiction for land use

and subdivision activities is governed by the Far North District Council and the policy framework for subdivision activities and the management of potential adverse effects is set out in the Far North District Plan. Nonetheless, this Plan is subject to the governing regional policy framework set out in the Northland Regional Policy Statement. With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Area, or within the Coastal Environment boundary.

Of statutory relevance to this proposal are regional objectives and policies relating to sustainable management, enabling economic wellbeing and planned/coordinated development. The proposed subdivision is considered to promote sustainable management as the additional lots will attract investment to the community and enable more housing to be provided within close proximity to the Kerikeri Township and a school. The cumulative effects of this subdivision are assessed as being compatible within this environment. The development seeks to subdivide land within a rural area, where infrastructure can be provided on site. The existing character of the area is a mixture of rural and rural lifestyle along with undeveloped land, therefore the development will not be out of character.

Overall, it is considered that the proposal would not be inconsistent with the Northland Regional Policy Statement objectives and policies.

Operative Far North District Plan (ODP)

The proposed subdivision relies on a specific pathway provided for in the ODP. Rule 13.8.1(c), in conjunction with Table 13.7.2.1(i), creates a specific Restricted Discretionary activity status for lots that existed prior to 28 April 2000. This provision explicitly anticipates and enables a limited, alternate subdivision outcome for historic lots, such as the subject site, that differs from the standard 20-hectare minimum for the zone. This proposal therefore represents a form of development that was specifically contemplated and provided for by the ODP.

This subdivision application is subject to the provisions of the ODP. The site is zoned Rural Production and is to be assessed in terms of the objectives and policies for the zone and the district-wide subdivision and environment provisions. The subdivision would achieve the purpose of the Rural Production zone which is to ensure its ongoing rural productive purpose that encompasses a wide-range of compatible land use activities, including limited rural lifestyle and residential opportunities in a manner that avoids, remedies or mitigates adverse effects. The ODP anticipates the size and form of subdivision proposed.

Supporting Rural Production Zone policies would also be achieved, in particular as a subdivision proposal that is in accordance with the size and scale of these lots would enable a range of compatible

farming and rural production activities (including rural lifestyle activities) envisaged in the zone and avoid adverse effects on natural and physical environmental values as well as amenity values.

The proposed subdivision would also achieve the District Plan subdivision objectives and policies being a subdivision that is consistent with the purpose of the Rural Production Zone and enabling of land use activities that avoids adverse effects on natural resources and would not exacerbate natural hazards or potential reverse sensitivity conflicts that are not envisaged by the District Plan.

The proposed subdivision would not impact on any identified outstanding landscape, natural feature or any scheduled heritage resource. The proposed lots can provide on-site services where required for further development. The subdivision proposal would not adversely impact on any identified Māori values.

Overall, it is considered that the proposal would not be contrary to any District Plan objective or policy.

Proposed Far North District Plan

Under the PDP, the site is located within the Horticulture zone, which has been heavily challenged under the PDP hearings process with the latest recommendation by Council officers being an overlay. The application is being processed under a specific, ODP Restricted Discretionary pathway. Applying the broader, protective soil policies of the PDP to this proposal would effectively alter the activity status and unlawfully broaden the scope of assessment beyond the parameters established by s104C and the ODP rule.

To the extent that the PDP policies relate to the actual, lawful matters of discretion (such as managing reverse sensitivity, ensuring safe access, and providing adequate servicing), the proposal is entirely consistent with the anticipated outcomes of the PDP.

Proposed Far North District Plan Objectives & Policies & Weighting

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held

that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- *The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;*
- *Circumstances of injustice; and*
- *The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.*

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Horticulture zone and Subdivision, particularly considering the Horticulture zone itself being under challenge and the Council officer recommendation for the change of a zone to a precinct.

6.0 NOTIFICATION ASSESSMENT (s95matters)

The Council will need to determine the basis on which the application will be processed. These include public notification, limited notification, or non-notification.

Public Notification (S95a)

Section 95A outlines the steps that must be followed to determine whether an application should be publicly notified.

Step 1 – Details requirements for mandatory public notification. None of these apply to the proposal.

Step 2 – Details situations where public notification is precluded (if not required under step 2). The application is for a Restricted Discretionary activity, therefore public notification is not precluded under this step.

Step 3 – Details requirements for public notification in certain circumstances. This includes applications that are determined to be publicly notified under s95D. For this application, it is concluded that potential adverse effects would be less than minor.

Step 4 – Details requirements in special circumstances. It is considered that there are no special circumstances that would warrant notification.

Limited Notification (S95b)

The amended s95B also includes steps to be followed when deciding whether an application should be subject to limited notification.

Step 1 – relates to the consideration of certain affected groups and affected persons including any protected customary rights groups or affected marine title groups. There are no such groups affected by this application.

Step 2 – details requirements for limited notification where the application is for one or more activities that is precluded from limited notification by a rule or standard or is a controlled or prescribed activity. This step does not preclude this application from limited notification.

Step 3 – relates to boundary adjustments, where an owner of an infringed boundary is to be notified or a prescribed activity. Also relates to any other activity where it is required to determine if a person is an affected person in accordance with s95E. For the purpose of limited notifying an application, a person is an affected person if a consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). Given the proposed lot sizes can meet the restricted discretionary standard, neighbouring property owners are deemed to be affected in a less than minor way.

Step 4 – relates to requirements to notify where special circumstances exist.

There are no special circumstances that would warrant limited notification of this application.

7.0 PART II OF THE RMA

Purpose

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety.

Proposed Lot 2 is vacant and will be available for future rural living development including housing within this rural area. This provides opportunities for people looking to purchase land and build a home within the area. Those persons help contribute to the local economy and utilise local services and infrastructure. Housing is needed within the local area, in all shapes and sizes to accommodate various members of the community. In doing so, this achieves all four well beings as identified within Part 2. Air, water, soil, and ecosystems are not anticipated to be adversely affected by this subdivision within the Rural Production Zone. Any effects on the environment are not anticipated to be more than minor.

Matters of National Importance

The site is mapped as being within a Kiwi Present area. Māori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted, however in the event anything is discovered the accidental discovery protocol will be adhered to.

Other Matters

The development will result in an efficient use of resources with the development occurring within the Rural Production zone providing for activities associated with this zone including future housing where other activities will not be adversely impacted. There will be no adverse impacts on local ecosystems or overall.

8.0 CONCLUSION

This application seeks a Restricted Discretionary resource consent to undertake a 2-lot subdivision within the Rural Production zone. The assessment of effects on the environment concludes that for the reasons outlined in the application, the effects of undertaking this proposal will be no more than minor on the surrounding environment.

The proposal was considered to be consistent with the purpose of the National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health and National Environmental Standard for Freshwater.

No National Policy Statements, including the New Zealand Coastal Policy Statement and National Policy Statement for Highly Productive Land, were considered relevant to this proposal.

The Regional Policy Statement for Northland was also reviewed as part of this application. The proposal was considered to be consistent with the aims of this document.

In terms of the ODP, the proposal was assessed against the objectives and policies with the conclusion that it is generally compatible with the aims of the ODP as expressed through those relevant objectives and policies. Commentary against the PDP has also been undertaken concluding that to the extent the PDP policies relate to the actual, lawful matters of discretion (such as managing reverse sensitivity, ensuring safe access, and providing adequate servicing), the proposal is entirely consistent with the anticipated outcomes of the PDP.

In terms of the potential adverse effects being minor or more than minor, it is considered that there are no directly affected parties to this proposal as all effects can be adequately mitigated.

An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.

Yours sincerely,



Andrew McPhee
Consultant Planner



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

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




R. W. Muir
Registrar-General
of Land

Identifier **NA65A/149**
Land Registration District **North Auckland**
Date Issued 26 March 1990

Prior References
NA40A/491

Estate Fee Simple
Area 10.2700 hectares more or less
Legal Description Lot 2 Deposited Plan 114200

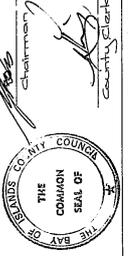
Registered Owners
Emily Elizabeth Ashby and Diane Maree Bridge as Executors

Interests

Subject to Section 59 Land Act 1948 (affects part formerly Section 9 Block 1 Kawakawa Survey District)
Subject to a water supply right over part marked A on DP 114200 specified in Easement Certificate C120881.3 - 26.3.1990 at 1.44 pm
The easements specified in Easement Certificate C120881.3 are subject to Section 309 (1) (a) Local Government Act 1974 D196334.2 Mortgage to ANZ Banking Group (New Zealand) Limited - 19.9.1997 at 2.11 pm

Approved: A L BRIDGE
Registered Owner

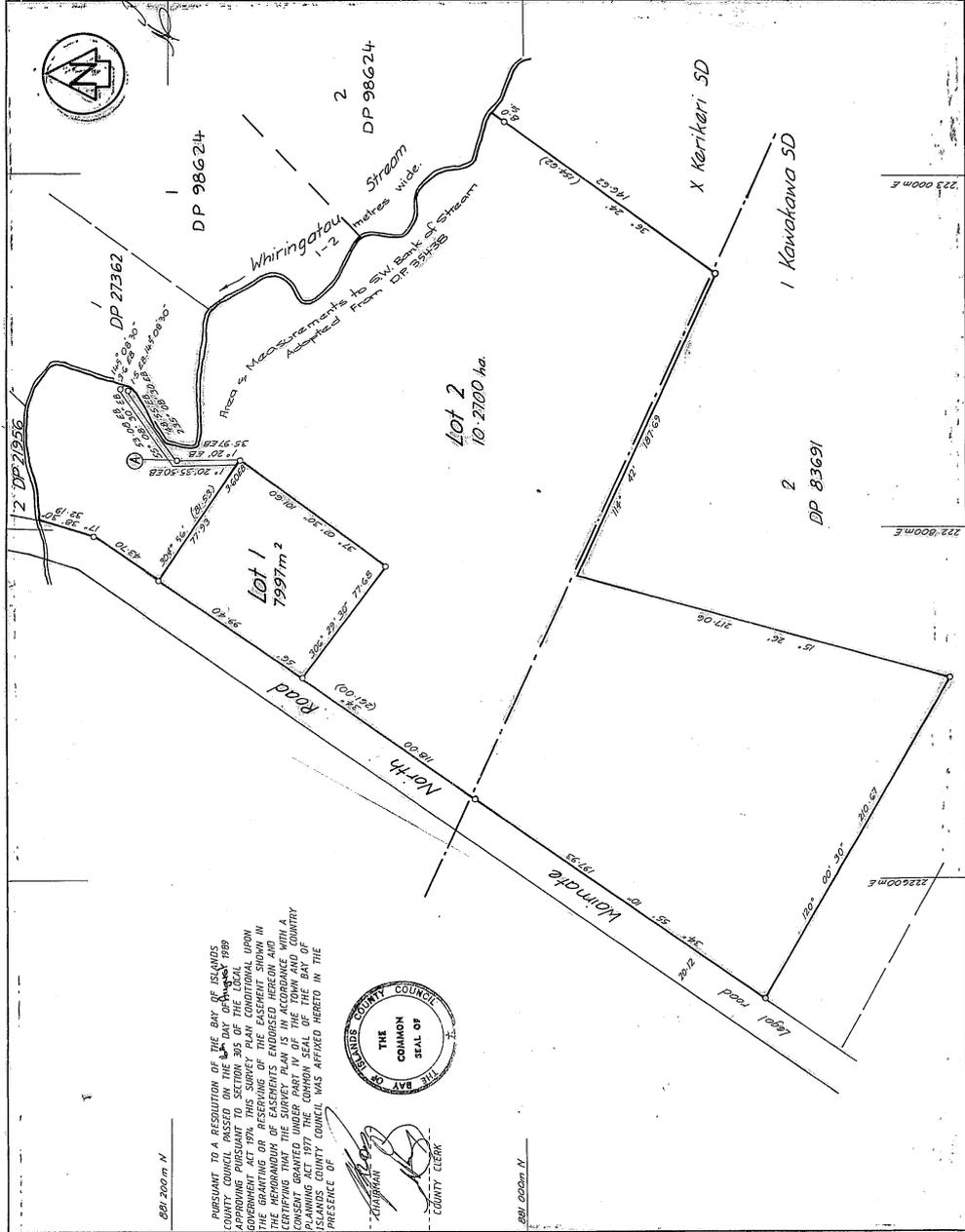
Pursuant to a resolution of the Bay of Islands Council...
1. Approved...
2. Approved...
3. Approved...
4. Approved...
5. Approved...
6. Approved...
7. Approved...
8. Approved...
9. Approved...
10. Approved...



MEMORANDUM OF AGREEMENTS
Purpose: Show Servant Ten Dominant Ten
Water supply: Lot 2, Section 149
New C&T Allocated:
Lot 1, C.T. 65A/148
Lot 2, C.T. 65A/149

Total Area: 10.27100 Ha
Completed in: 1986/1987
Registered Surveyor and holder of an annual practicing certificate...
1. Approved...
2. Approved...
3. Approved...
4. Approved...
5. Approved...
6. Approved...
7. Approved...
8. Approved...
9. Approved...
10. Approved...

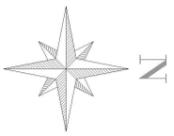
Approved as to Survey: Deputy Chief Surveyor
Deposited this 20th day of March 1986
Title: 64/252
Received: 15th February 1986
D.P. 114-200



LAND DISTRICT: North Auckland
SURVEY BLK & DIST: X Kerikeri SD
NZMS 261 SH1
RECORD MAP No
Territorial Authority: Bay of Islands County
Surveyed by: Royburn and Boyant
Scale: 1:1500
Date: 15th February 1986

Printed by Topway, Wellington, New Zealand





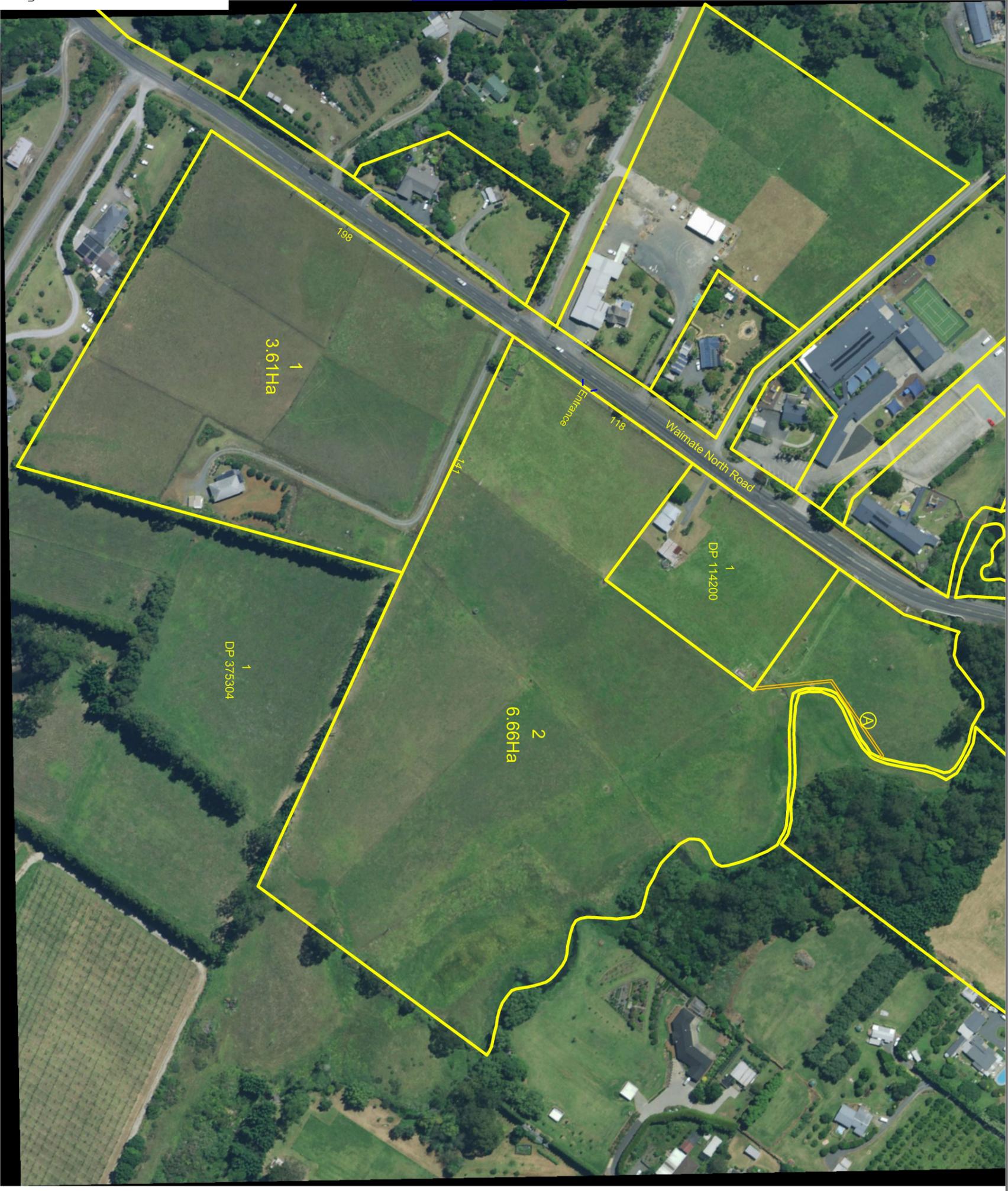
SCHEDULE OF EXISTING OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT	CREATING DOCUMENT
WATER SUPPLY	(A)	LOT 2 HEREON	LOT 1 DP 114200	C1208813

NOTES

Dimensions are subject to Final Survey Entrance and proposed Building site shown are Indicative only
Comprised in: RT NA659/149

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. BOI Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose



Rev.	Reason For Issue or Amendment	Date	Drawn	Checked	Surveyed
C	Scheme Plan 97 Waimate Nth Road, WAIPAPA	25/02/26	TW		

BOI SURVEY LTD
555 Shepherd Road
Kenken 0230
e: Tony@boisurvey.co.nz

PROPOSED SUBDIVISION OF LOT 2 DP 114200
97 Waimate Nth Road, Waipapa
CLIENT: ASHBY

JOB NO:	5065	Scale:	1:5000 @ A3
Level Datum:	N/A	Origin:	-
Drawing Number:	5065-001	Revision:	C
		Sheet:	1 of 1
		Co-ord System:	NZGD 2000