

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____
- Discharge
- Change of Consent Notice (s.221(3))
- Extension of time (s.125)

* *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:

MNM Lynn Limited

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Reyburn & Bryant

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Murray Richard Lynn and Donald McNaughton (MNM Lynn Ltd)

**Property Address/
Location:**

4

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

MNM Lynn Limited

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)

Mack Lynn

Signature:

(signature of bill payer)

Date 14-May-2026

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Sharon Ndlovu

Signature:

Date 26 May-2026

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

Checklist (please tick if information is provided)

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

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

Subdivision Consent Application

MNM LYNN LIMITED

418 Cable Bay Block Road Taipa, Northland

A topographic map with contour lines and a grid, rendered in white lines on a dark background, occupies the bottom half of the page.

**reyburn
& bryant**
PLANNERS • SURVEYORS

Subdivision Consent Application

MNM LYNN LIMITED

418 Cable Block Road Taipa, Northland

Report prepared for:	MNM Lynn Limited
Author	Sharon Ndlovu, <i>Planner</i>
Reviewed by:	Joseph Henehan, <i>Associate</i>
Consent authority:	Far North District Council
Report reference:	18787
Report status:	Final
Date:	May 2026

© Reyburn and Bryant Limited

This document and its contents are the property of Reyburn and Bryant Limited. Any unauthorised reproduction, in full or in part, is forbidden.

Reyburn and Bryant
P.O. Box 191
Whangarei 0140
Telephone: (09) 438 3563

FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Far North District Council
Memorial Avenue
Private Bag 752
Kaikohe 0440

1. **MNM Lynn Limited** applies for subdivision consent to subdivide Lot 2 DP 402475 into two lots.
2. The location of the proposed activity is 418 Cable Bay Block Road Taipa, Northland.
3. The legal description of the site is Lot 2 DP 402475. The title reference is RT 408079.
4. Murray Richard Lynn and Donald McNaughton Stuart (MNM Lynn Limited) are owners of the sites.
5. There are no other activities that are part of the proposal to which this application relates.
6. No additional resource consents or statutory approvals are needed for the activity to which this application relates that are not being applied for as part of this application.
7. We attach an assessment of the effects on the environment, which includes:
 - (a) The information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) Addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) Includes such detail as corresponds with the scale and significance of the activity's environmental effects.

8. We attach an assessment of the proposed activity against the matters in Part 2 of the Resource Management Act 1991.
9. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
10. No other information is required to be included in the district or regional plan(s) or regulations.



Signature of person authorised to sign on behalf of applicant

Sharon Ndlovu

26 May 2026

Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei

Telephone:

(09) 438 3563

Email:

sharon@reyburnandbryant.co.nz

Contact person:

Sharon Ndlovu

TABLE OF CONTENTS

1. INTRODUCTION	6
1.1 Report basis	6
1.2 Proposal summary	6
1.3 Property details	7
1.4 Resource consents sought	7
1.5 Relevant title memorials	8
1.6 Other approvals required	9
1.7 Processing requests	9
2. THE SITES AND SURROUNDING ENVIRONMENT	10
2.1 The sites	10
2.2 The surrounding environment	16
3. THE PROPOSAL	17
3.1 General	17
3.2 Site suitability	17
3.3 Access	18
3.4 Servicing	18
3.5 Electricity and telecommunications	18
3.6 Archaeological sites	19
4. ASSESSMENT OF ENVIRONMENTAL EFFECTS	20
4.1 Existing environment	20
4.2 Permitted baseline	20
4.3 Effects on amenity values and rural character	20
4.4 Effects on rural production values	21
4.5 Access effects	21
4.6 Electricity effects	22
4.7 Servicing effects	22
4.8 Natural hazards	22
4.9 Archaeological and cultural effect	23
4.10 Adverse effects conclusion	23
5. PLANNING ASSESSMENT	24
5.1 Relevant planning documents	24
5.2 Operative Far North District Plan	24
5.3 Proposed Far North District Plan	29
5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011	32
5.5 National Policy Statement for Natural Hazards	34
5.6 National Policy Statement for Highly Productive Land	36
5.7 Part 2 assessment	36

6. NOTIFICATION	38
7. CONCLUSION	39

LIST OF TABLES

Table 1: Property details.	7
Table 2: Easements Instruments	8
Table 3: Proposed allotment detail.	17
Table 4: River Flooding Risk Matrix	35

LIST OF FIGURES

Figure 1: Location map (Source: Google Earth).	10
Figure 2: The 2 access points (Source: FNDP Maps).	11
Figure 3: Shared access (Source: GRIP).	11
Figure 4: Vehicle Crossing on Taipa Heights Road (Source: Google Streetview)	12
Figure 5: Vehicle Crossing on Cable Bay Block Road (Source: Google Streetview).	12
Figure 6: Vehicle Crossing on Taipa Heights Road (Source: Google Streetview)	13
Figure 7: Archaeological sites (Source: New Zealand Archaeological Association).	14
Figure 8: River Flood Hazard (Source: NRC Maps).	15
Figure 9: Land use capability (Source: OurEnvironment).	15
Figure 10: Surrounding environment (Source: OFNDP Map).	16
Figure 11: Sites of HAIL (Source: NRC).	33
Figure 12: 2003 Image of site (Source: Google Earth History).	34
Figure 13: 1981 image of site (Source: Retrolens).	34

APPENDICES

1. Scheme plan
2. Rule assessment
3. Records of title and associated memorials

ABBREVIATIONS

AEE	Assessment of Environmental Effects
CLZ	Coastal Living Zone
RPZ	Rural Production Zone
HAIL	Hazardous Activities and Industries List
HPL	Highly productive land
HNZPT	Heritage New Zealand Pouhere Taonga Act 2014
FNDC	Far North District Council
FNDP	Far North District Plan
LUC	Land Use Capability
NES-CS	National Environmental Standard – Contaminated Soils
NPS-HPL	National Policy Statement – Highly Productive Land
NRC	Northland Regional Council
OFNDP	Operative Far North District Plan
PFNDP	Proposed Far North District Plan
RMA	Resource Management Act, 1991

1. INTRODUCTION

1.1 Report basis

This report has been prepared for MNM Lynn Limited (the applicant) in support of an application to subdivide 418 Cable Bay Block Road Taipa, Northland.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule.

This report also includes an analysis of the relevant provisions of the Far North District Plan (FNDP), Proposed Far North District Plan (PFNDP)¹, National Policy Statement for Natural Hazards (NPS-NH), National Policy Statement for Highly Productive Land (NPS-HPL) and National Environment Standards for Contaminated Soils (NES-CS), which are pertinent to the assessment and decision required under Section 104 of the RMA.

1.2 Proposal summary

The applicant owns a vacant 222.4820 ha site located at 418 Cable Bay Block Road, Taipa, legally described as Lot 2 DP 402475 (RT 408079). The site is split zoned 'Rural Production' and 'Coastal Living' under the Operative Far North District Plan (OFNDP) and is not subject to any overlays under that plan.

Under the Proposed Far North District Plan (PFNDP), the site is zoned 'Rural Lifestyle' and 'Rural Production' and is subject to the River Flood Hazard Overlay (10, 50 and 100 year events).

The proposal seeks consent to subdivide the site into two lots in accordance with the scheme plan attached in **Appendix 1**. The proposed boundary position

¹ While none of the operative rules are relevant to this application, the rules under which the proposal would require consent and an assessment in the context of the relevant objectives and policies is provided in Section 5 of this report for completeness.

responds to the physical characteristics of the site, rather than aligning exactly with the zoning boundary. No land use or development is proposed as part of this application.

The subdivision complies with the minimum lot size for a **controlled activity** in both zones. However, the subdivision defaults to **Restricted discretionary activity** overall as the proposed lot boundary does not strictly follow the zone boundary.

1.3 Property details

Applicant	MNM Lynn Limited
Landowner	Murray Richard Lynn and Donald McNaughton Stuart
Site location	418 Cable Bay Block Road Taipa, Northland
Legal descriptions and records of title	Lot 2 DP 402475 – RT 408079.
Site area	222.4820ha
Operative District Plan Zone	<ul style="list-style-type: none"> ▪ Rural Production Zone ▪ Coastal Living Zone
Operative District Plan Notations	N/A
Proposed District Plan Zone	<ul style="list-style-type: none"> ▪ Rural Production Zone ▪ Rural Lifestyle Zone
Proposed District Plan Notations	River Flood Hazard Zones (10, 50, 100 years)

Table 1: Property details.

1.4 Resource consents sought

Operative Far North District Plan

The various rules of the OFNDP under which consent is triggered are set out below.

- Rule 13.7.2 ‘Allotment sizes, dimensions and other standards’ – controlled activity. The lots will comply with the minimum lot size allowed in the RPZ and CLZ.
- Rule 13.7.2.4 ‘Lots divided by zone boundaries’ – **restricted discretionary activity**. Due to the proposed lot layout not aligning precisely with the mapped zone boundary.
- 13.7.3 ‘Controlled (Subdivision) activities: Other matters to be taken into account.’ – **Controlled activity**. Matters relating to servicing and land use will be addressed at the building consent stage in accordance with the rule.

A full assessment of the OFNDP rules is attached in **Appendix 2**.

1.5 Relevant title memorials

The site is held in a single record of title referenced RT 408079. This title is subject to several memorials, as outlined in **Table 2** below:

Interests	Comment
Subject to Part IV A Conservation Act 1987	Protection of the reserves. No relevance to this application.
D324021.5	This easement grants a right of way and rights to transmit electricity and telecommunications in favour of Lots 1–3 DP 394584.
7789093.6	<ol style="list-style-type: none"> 1. Lot 4 grants a right of way and rights to transmit electricity, telecommunications and computer media in favour of Lots 1–3 DP 394584. 2. Land Covenant over parts of Lot 2 (marked "B" and "C" on the plan), there is a covenant restricting the height of any fence, structure, or vegetation to a maximum of 1.5m.
8588343.1	Lot 2 DP 408079 grants a right of way to Lot 3 DP 190841 (marked 'A' on the plan).
8588343.2	Lot 2 DP 408079 grants a right of way to Lot 3 DP 190841 (marked 'A' on the plan).

Table 2. Easements Instruments

The titles and associated memorials are attached in **Appendix 3**.

1.6 Other approvals required

No other approvals are required to give effect to the proposal.

1.7 Processing requests

Prior to the issue of any decision for this consent, please forward the draft conditions for review and comment.

2. THE SITES AND SURROUNDING ENVIRONMENT

2.1 The sites

The site is located between the western side of Cable Bay Block Road and the eastern side of Taipa Heights Drive. The site is shown in red below in **Figure 1** below.



Figure 1: Location map (Source: Google Earth).

Built development

The site is largely undeveloped and contains two existing sheds. One shed is located within the south-western part of the site, while the second shed is located within the eastern part of the site. No other built development is present.

Ground cover and vegetation

The site is predominantly grassed pasture. Areas of vegetation comprising trees and shrubland are located within a gully in the northern-central to eastern part of the site. A smaller area of vegetation is also present in the north-western part of the site. Ground cover is shown above in **Figure 1**.

Access

The site has three access points, as shown in **Figure 2** below.

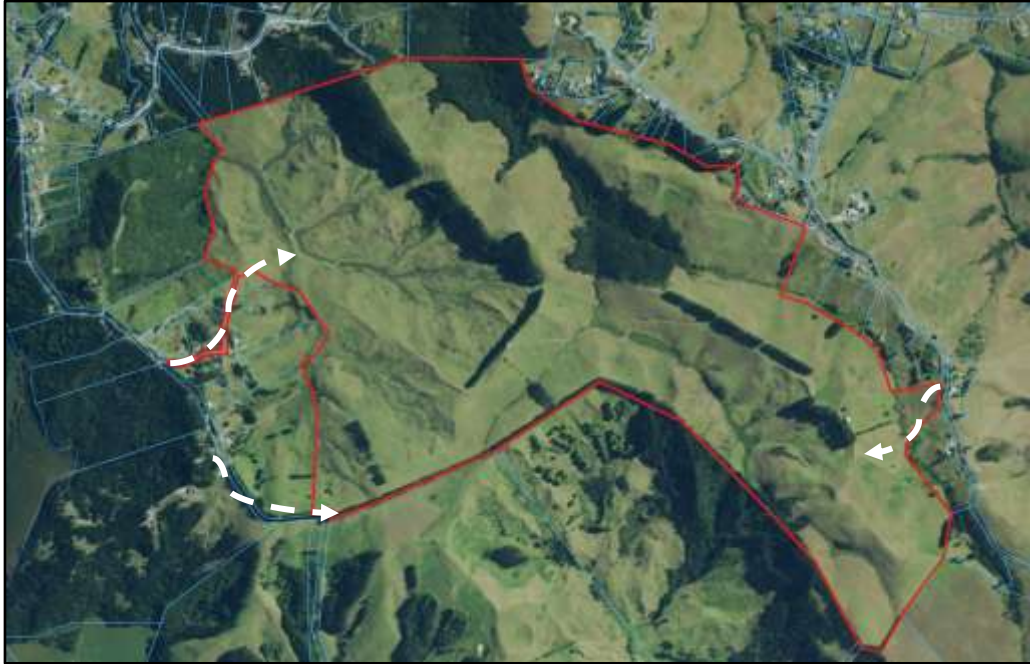


Figure 2: The 2 access points (Source: FNDP Maps).

One vehicle crossing off Taipa Heights Drive currently provides access to five existing lots. The access arrangement is shown in **Figure 3**, with the driveway indicated in red and the benefiting lots shown in yellow.



Figure 3: Shared access (Source: GRIP).

Both the driveway and Taipa Heights Road, are unformed, shown in **Figure 4** below.



Figure 4: Vehicle Crossing on Taipa Heights Road (Source: Google Streetview)

The second vehicle crossing is off Cable Bay Block Road and is a private access. The Vehicle crossing is shown below in **Figure 5**.



Figure 5: Vehicle Crossing on Cable Bay Block Road (Source: Google Streetview).

A third vehicle crossing is located at the end of Taipa Heights Drive. This access is via an unformed paper road and functions as a private access. The Vehicle crossing is shown below in **Figure 6**.



Figure 6: Vehicle Crossing on Taipa Heights Road (Source: Google Streetview)

Topography

The site has an undulating topography that generally falls to the west. A ridgeline extends from the northern-central part of the site through to the south-eastern area. A gully is located to the east of the northern-central ridgeline and falls eastward.

Archaeological sites

Three recorded archaeological sites are mapped in the vicinity of the subject site. The mapped extents are indicative and extend beyond the site boundaries onto adjoining properties. (see **Figure 7** below).

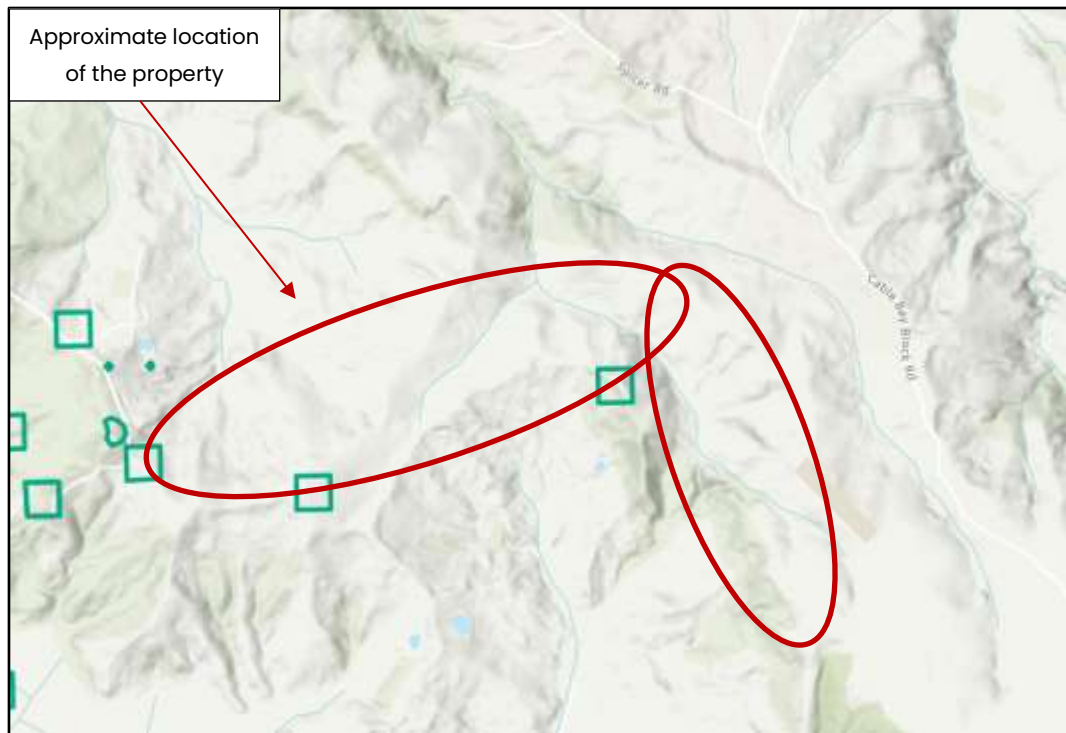


Figure 7. Archaeological sites (Source: New Zealand Archaeological Association).

Natural hazard

Parts of the site are subject to the 10, 50 and 100 year river flood hazard areas identified on the Northland Regional Council hazard maps. These overlays are replicated in the Proposed Far North District Plan. The extent of the overlays are shown in **Figure 8** below.

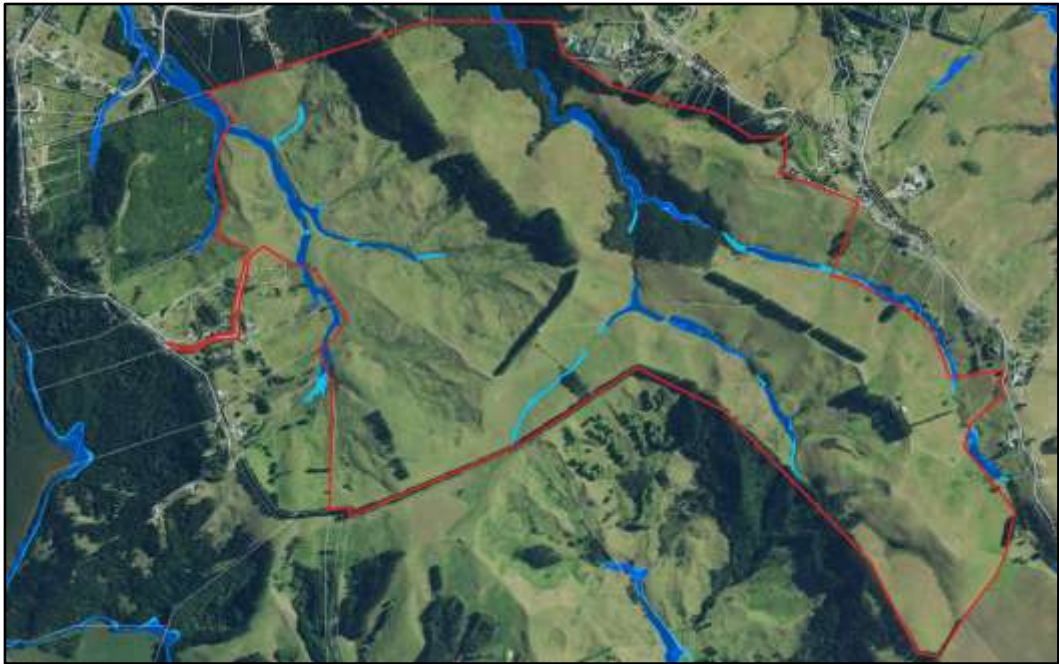


Figure 8: River Flood Hazard (Source: NRC Maps).

Soil composition

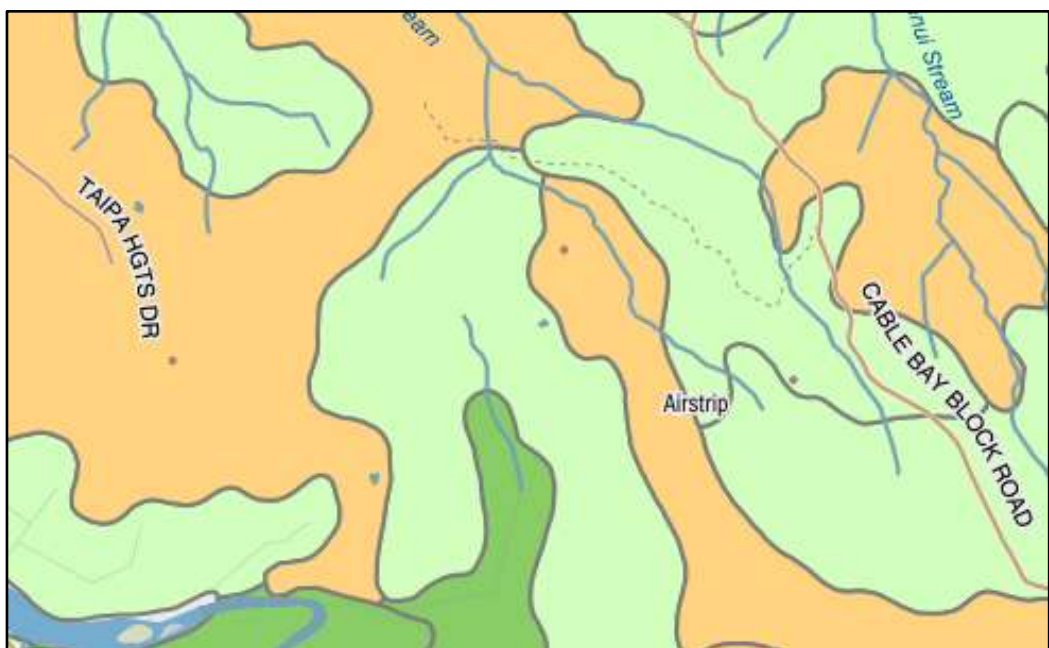


Figure 9: Land use capability (Source: OurEnvironment).

Under the Land Use Classification (LUC) system, the site is classified as Class 4 and 6 soils which are not considered 'highly productive land' under the NPS-HPL. The LUC map is shown the **Figure 9** above.

2.2 The surrounding environment

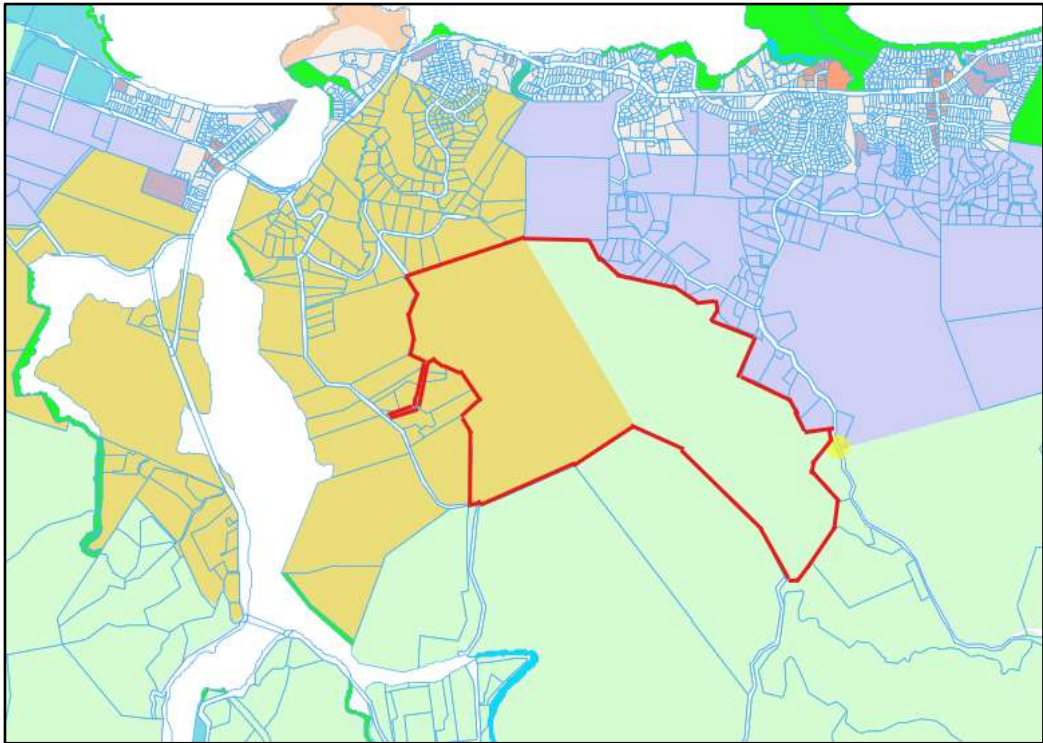


Figure 10: Surrounding environment (Source: OFNDP Map).

The site is located in the CLZ and RPZ within the small coastal settlement of Taipa, just south of Cable Bay in Northland. Land to the west of the site is zoned CLZ and comprises lots of a similar scale, generally ranging from approximately 1 ha to 6 ha in area.

Land to the south is zoned RLZ and contains medium to large-sized rural lots. To the north, the surrounding land is zoned Rural Living and Residential, comprising small to medium sized lots. Cable Beach is located approximately 2 km to the north of the site. The surrounding environment shown in **Figure 10** above.

3. THE PROPOSAL

3.1 General

The proposal is to subdivide Lot 2 DP 402475 into two lots. While the proposed lot boundaries do not align exactly with the mapped zone boundary, they respond to the physical characteristics of the site, including existing gullies and landform features. This results in a more logical subdivision pattern that avoids the fragmentation of landform features and does not undermine the intent or anticipated outcomes of either zone.

The proposed lot configuration is depicted on the scheme plan attached in **Appendix 1**, and is summarised in **Table 2** below:

Lots	Area²
Lot 1	117.2334ha (116.6810ha net)
Lot 2	105.2490ha

Table 3. Proposed allotment detail.

3.2 Site suitability

At the subdivision stage, site suitability assessment is limited to determining whether the land can accommodate future development exacerbating environmental risk. This application is for subdivision only. No earthworks, building platforms, access upgrades, or servicing works are proposed.

Each proposed lot is very large in area. The site contains sufficient land to accommodate future building platforms and on-site servicing in accordance with the relevant zone provisions. The subdivision layout does not constrain future development or require development to occur in any specific location.

While parts of the site are subject to the 10-, 50- and 100-year river flood hazard overlay, the subdivision does not increase exposure to flood risk, as no people, buildings, or infrastructure are authorised. Each lot contains land outside the

² These areas are approximate and subject to survey.

mapped flood hazard extents, with the precise location of any future building platforms to be determined at the land use and building consent stage.

3.3 Access

Proposed Lot 1 has an existing access off Taipa Heights Drive and currently provides access to five existing lots. The access is subject to an existing right of way easement, with Lots 1–3 shown as 'A' and 'B' on the scheme plan. The public road and vehicle crossing are unformed. No upgrades are proposed as the access already serves existing lots.

Proposed Lot 2 has a private access off Cable Bay Block Road, which serves only that lot. The public road and the vehicle crossing are unformed, and no upgrades are proposed as the access already functions in its existing form.

3.4 Servicing

This application is for subdivision only. No servicing infrastructure for three-water management is proposed or required as part of this subdivision.

There is no Council reticulation available in this location. Any future dwellings on proposed Lots will rely on on-site servicing solutions, which will be designed and assessed at the time of land use and building consent.

Each proposed lot is of sufficient size to accommodate on-site servicing, subject to detailed design and compliance with the relevant District Plan and Regional Plan requirements at the time of development.

3.5 Electricity and telecommunications

This application is for subdivision only. No electricity or telecommunications infrastructure is proposed or required as part of this subdivision.

Any future development on proposed Lots 1 and 2 may be serviced by on-site or network-based electricity and telecommunications infrastructure. These services will be designed and provided at the time of development. This will be assessed as part of the building consent process, in accordance with the relevant network utility operator requirements.

3.6 Archaeological sites

Three recorded archaeological sites are mapped in the vicinity of the subject site. The mapped site extents partially overlap the subject land and extend onto adjoining properties.

This application is for subdivision only and does not involve any earthworks. Any future works will comply with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT) and FNDP.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 Existing environment

Section 104(1)(a) of the RMA requires a consideration of any actual and potential effects on the environment of allowing an activity. The existing environment has been described in Section 2 of this report. It includes one existing title: Lot 2 DP 402475, RT 408079 and three existing accesses.

4.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan permits an activity with that effect. This is commonly referred to as the permitted baseline.

Under the provisions of the RPZ and CLZ, the site has the potential to accommodate a residential unit as a permitted activity, subject to compliance with the various bulk and location rules set out in the District Plan. The permitted baseline is therefore limited to the effects associated with a residential activity that will be appropriately sited and designed in accordance with FNDP.

4.3 Effects on amenity values and rural character

The proposed subdivision will create one additional lot of a scale consistent with the existing rural and coastal character anticipated within the RPZ and CLZ.

Proposed Lot 2 is located entirely within the RPZ and remains consistent with the rural character and development pattern anticipated within that zone.

Proposed Lot 1 is predominantly located within the CLZ, with a small portion extending into the RPZ due to landform constraints associated with the gully system. The subdivision layout ensures that proposed Lot 1 remains consistent with the CLZ in terms of scale and character. The layout will avoid adverse effects on rural character values associated with the RPZ.

No physical works are proposed as part of the subdivision, and existing access arrangements will continue to be used. Accordingly, the subdivision will not result in any discernible change to rural or coastal amenity values or character, and any adverse effects are considered to be less than minor.

4.4 Effects on rural production values

The proposed subdivision will enable the continuation of rural production activities on Proposed Lot 2. The lot is located entirely within the RPZ and is substantially larger than the minimum lot size for the zone.

As outlined in Section 2 of this report, the site is not classified as highly productive land. The subdivision does not result in the fragmentation of highly productive land. It will not constrain the continued use of the land for farming or forestry activities.

Accordingly, any adverse effects of the subdivision on rural production values are considered to be less than minor.

4.5 Access effects

Proposed Lot 1 will continue to utilise the existing vehicle access off Taipa Heights Drive, which already serves five existing lots via an established right of way easement. The subdivision does not introduce any additional users to this access. No upgrades to the public road or vehicle crossing are proposed.

Proposed Lot 2 will continue to utilise the existing private access off Cable Bay Block Road, which serves only that lot. No additional users are proposed, and no upgrades to the public road or vehicle crossing are required as part of this subdivision.

The subdivision will not generate additional traffic, alter access arrangements, or introduce new safety risks. The access effects associated with the proposal are less than minor and consistent with the intent of the Transportation Chapter.

4.6 Electricity effects

As no electricity or telecommunications works are proposed as part of the subdivision, no effects arise at this stage. Any future servicing of the Coastal Living zoned land will be addressed at the time of development.

Accordingly, any adverse effects are considered to be less than minor.

4.7 Servicing effects

No servicing infrastructure is proposed as part of the subdivision. Any servicing associated with future development will be assessed at the building consent and/or future development stage. Given the size of the proposed lots, there is sufficient capacity to accommodate on-site servicing within each lot without adverse effects on the surrounding environment.

Accordingly, the servicing effects associated with the subdivision are considered to be less than minor

4.8 Natural hazards

Parts of the site are subject to a river flood hazard overlay. The subdivision does not alter the existing environment or increase exposure to river flood hazard risk.

The application is for subdivision only and does not involve any earthworks, building platforms, access upgrades, or servicing works. As such, the subdivision does not alter the existing landform or floodplain function. It will not introduce new people or structures into areas subject to flooding.

Each proposed lot is large in area and includes land outside the mapped flood hazard extents. This provides sufficient opportunity for future building platforms and associated development to be located outside flood-prone areas.

Accordingly, any adverse effects associated with natural hazards arising from the subdivision are considered to be less than minor.

4.9 Archaeological and cultural effect

Three recorded archaeological sites are mapped in the vicinity of the subject site, with the mapped extents partially overlapping the site and extending onto adjoining properties. The mapped information is indicative only and does not confirm the presence or absence of subsurface archaeological material across the site.

The proposal is for subdivision only and does not involve any earthworks, land disturbance, or development activity. As such, the subdivision will not physically affect recorded archaeological sites.

Any future earthworks associated with development on the proposed allotments will be subject to the requirements of the HNZPT and FNDP. These matters will be addressed at the appropriate development stage. There are no sites of cultural significance identified

Accordingly, the subdivision itself will not result in adverse effects on archaeological or cultural values.

4.10 Adverse effects conclusion

Overall, the effects associated with this proposal will be less than minor relative to the existing environment and the permitted baseline. There are no potentially adversely affected parties.

5. PLANNING ASSESSMENT

5.1 Relevant planning documents

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering all applications for resource consent.

Given the hierarchical nature of planning documents under the RMA, and the requirement for lower order documents to “give effect to” higher order documents, the relevant documents that require assessment under s104(1) of the RMA are the FNDP, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS), and the NPS-HPL.

5.2 Operative Far North District Plan

Context

The objectives and policies of the OFNDP are zone specific. There are also other provisions that relate to district wide matters. Given the nature of this application, the assessment considers the objectives and policies in the Rural Environment Chapter (8), the Coastal Environment Chapter (10), the Subdivision Chapter (13), and the Transportation Chapter (15).

Assessment

Rural Environment – Chapter 8

The Rural Environment Chapter of the FNDP provides for the RPZ specifically prioritises rural production. It enables compatible subdivision and residential use at a scale that maintains rural character and does not compromise productive land values.

This proposal is assessed against these provisions, the subdivision-only nature of the application. The resulting lot pattern remains consistent with the intent of the RPZ.

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

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

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

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

The proposed subdivision results in very large lots that avoid fragmentation of rural land. The layout will not compromise the ability of the land to continue to be used for farming or forestry activities.

No physical works are proposed as part of the subdivision, and there is no change to existing land use patterns or amenity values at this stage. The proposal therefore aligns with these objectives by maintaining rural character, avoiding land use conflict. It also enables continued rural production without adverse effects on natural resources.

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

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

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

In this case, the proposed subdivision does not introduce development intensity inconsistent with the rural environment. There is no change to existing land use patterns or land management practices at this stage. The scale of the resulting lots is consistent with the productive intent of the zone and maintains rural amenity values. It ensures that any future activities can be appropriately managed to avoid adverse effects on natural resources.

Coastal Environment – Chapter 10

The Coastal Environment chapter promotes the protection of coastal character and values. It also ensures that development is managed to avoid or minimise adverse effects. The proposal seeks to maintain the coastal character and values of proposed Lot 1.

Objective 10.7.3.1 To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.

Policy 10.7.4.1 That the adverse effects of subdivision, use, and development on the coastal environment are avoided, remedied or mitigated.

Policy 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;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2, and in particular Section 2.5, and Council’s “Tangata Whenua Values and Perspectives (2004)”);
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

The subdivision layout responds to existing landform patterns and does not alter the existing environment. While parts of the site are subject to the river flood hazard overlay, the proposal is for subdivision only and does not involve any physical works or changes to the site.

As such, the proposal is consistent with the intent of the objectives and policies of the Coastal Environment, with any potential effects associated with future development to be appropriately assessed at the later consent stage.

Subdivision – Chapter 13

The Subdivision chapter provides for subdivision in a manner that is consistent with zone purposes and promotes sustainable management. It seeks to protect environmental values and ensure appropriate access and servicing.

The proposed boundary alignment reflects the natural landform and physical characteristics of the site rather than an artificial division based solely on the mapped zone line. This approach avoids the creation of irregular or constrained lots and supports efficient land use outcomes. The resulting lots remain consistent with the scale, character, and intended outcomes of their respective zones.

Objective 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. Uhfgru

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

The proposal is for subdivision only and results in very large lots that are consistent with the intent of both zones (RPZ and CLZ). No physical works are proposed, and the subdivision does not introduce reverse sensitivity effects or increase exposure to natural hazards.

Accordingly, the proposal aligns with these objectives by providing an appropriate subdivision outcome without adverse effects on the environment.

Policy 13.4.6 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on: (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses.

Policy 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.

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

While recorded archaeological sites are mapped in the vicinity of the site, the subdivision does not involve any earthworks and therefore does not result in effects on heritage values at this stage. The proposal does not rely on more intensive or innovative subdivision outcomes under a management plan rule. The proposal is consistent with these policies by providing an appropriate lot pattern without adverse effects.

Transportation - Chapter 15

The Transportation chapter seeks to ensure safe and efficient access and movement while minimising adverse traffic effects.

Objective 15.1.3.1 To minimise the adverse effects of traffic on the natural and physical environment.

Objective 15.1.3.5 To promote safe and efficient movement and circulation of vehicular, cycle and pedestrian traffic, including for those with disabilities.

Policy 15.1.4.1 That the traffic effects of activities be evaluated in making decisions on resource consent applications.

Policy 15.1.4.6 That the number, size, gradient and placement of vehicle access points be regulated to assist traffic safety and control, taking into consideration the requirements of both the New Zealand Transport Agency and the Far North District Council.

The proposed subdivision relies on existing vehicle crossings, does not introduce additional lots or users, and does not involve any access upgrades.

As a result, the subdivision will not generate additional traffic demand or alter existing access arrangements and is consistent with the intent of the Transportation chapter.

Conclusion

The assessment above confirms that the proposed subdivision is not contrary to and instead aligns with the policy direction of the OFNDP.

5.3 Proposed Far North District Plan

The Proposed Far North District Plan was publicly notified on 27 July 2022, with submissions closing on 21 October 2022 and further submissions closing on 4 September 2023. Hearings have been completed, and the hearings panel is preparing its recommendations, with Council decisions anticipated in May 2026. Pursuant to section 86B(1)(c) of the Resource Management Act 1991, the rules of the Proposed Plan do not yet have legal effect, except where specifically identified.

Nevertheless, an assessment to determine the activity status that this proposal would have under the PFNDP provisions has been made in rule assessment (**Appendix 2**) of this report. While the majority of the rules do not have legal effect, the objectives and policies are a relevant consideration under s104(1)(b)(vi) of the RMA.

Weighting

The Proposed Far North District Plan has progressed through hearings, with Council decisions anticipated in May 2026. As the rules do not yet have legal effect, limited weight is applied to the Proposed Plan. An assessment of the relevant objectives and policies is nevertheless provided for completeness.

Assessment

Rural Lifestyle Chapter

The Rural Lifestyle chapter provides for low-density residential living while maintaining rural character, open space, and amenity values. It seeks to manage subdivision and land use in a way that avoids adverse effects on rural environments and adjacent Rural Production areas.

RLZ-O2 The predominant character and amenity of the Rural Lifestyle zone is characterised by:

- A. low density residential activities;
- B. small scale farming activities with limited buildings and structures;

- C. smaller lot sizes than anticipated in the Rural Production Zone;
- D. a general absence of urban infrastructure;
- E. rural roads with low traffic volumes;
- F. areas of vegetation, natural features and open space.

Proposed Lot 1 is of a size consistent with the lot sizes anticipated within the Rural Lifestyle Zone. As such, the subdivision does not introduce development intensity inconsistent with the rural lifestyle character anticipated by the zone and will not result in any change to existing amenity values at this stage.

RLZ-P4 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- A. consistency with the scale and character of the rural lifestyle environment;
- B. location, scale and design of buildings or structures;
- C. at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
- D. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- E. the adequacy of roading infrastructure to service the proposed activity;
- F. managing natural hazards;
- G. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and
- H. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No change to the existing access arrangements is proposed. While recorded archaeological sites are mapped in the vicinity of the site, no land disturbance is proposed at this stage. Any future works will be addressed through the building consent stage.

Subdivision Chapter

SUB-O1 Subdivision results in the efficient use of land, which:

- A. achieves the objectives of each relevant zone, overlays and district wide provisions;
- B. contributes to the local character and sense of place;

- C. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;
- D. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;
- E. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and
- F. manages adverse effects on the environment

SUB-O2 Subdivision provides for the:

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

The proposal is for subdivision only and does not involve any physical works. Parts of the site are subject to the river flood hazard overlay and recorded archaeological sites are mapped in the vicinity of the site. The subdivision does not alter the existing environment, increase exposure to flood risk, or involve any land disturbance. The proposal therefore aligns with these objectives by providing an appropriate subdivision outcome that manages effects and protects rural values.

Sub-P3 Provide for subdivision where it results in allotments that:

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

The proposed subdivision complies with the relevant minimum lot size standards and landform characteristics of the site. Both proposed lots have existing legal and physical access. The size and configuration of each lot provides flexibility for future building platforms to be assessed at the building consent stage.

Transportation Chapter

TRAN-P8 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- E. the type and level of traffic anticipated;
- F. the location of high traffic generating activities and their relationship to existing roads and their status under the National Transport Network classification system, and adjacent properties;
- G. low impact design principles, including green spaces;
- H. safety requirements and improvements;
- I. the management of stormwater;
- J. any natural hazards;
- K. any cumulative effects arising from lawfully established activities in the surrounding environment;
- L. current and future connectivity including pathways and parking, and open space networks;
- M. any traffic assessment prepared by a suitably qualified and experienced transport professional;
- N. impacts on any State Highway or Limited Access Road; and
- O. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The proposal will not generate additional traffic, alter access arrangements, or create new parking or infrastructure demands. Existing access, servicing, and vehicle movements are retained. There are no adverse effects in relation to traffic safety, stormwater management, natural hazards, or cumulative transport effects.

Conclusion

The assessment provided above confirms the proposal is not contrary to the policy direction of the PFNDP.

5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

All applications that involve subdivision, an activity that changes the use of a piece of land, or earthworks are subject to the provisions of the NES-CS. The regulation sets out the requirements for considering the potential for soil

contamination, based on the HAIL (Hazardous Activities and Industries List) and the risk that this may pose to human health as a result of the proposed subdivision.

A review of aerial photographs and the Northland Regional Council 'selected land-use sites' database was undertaken, which confirmed that no HAIL activities are present or have ever taken place on the subject 'piece of land'. As a result, the NES-CS does not apply to this application.

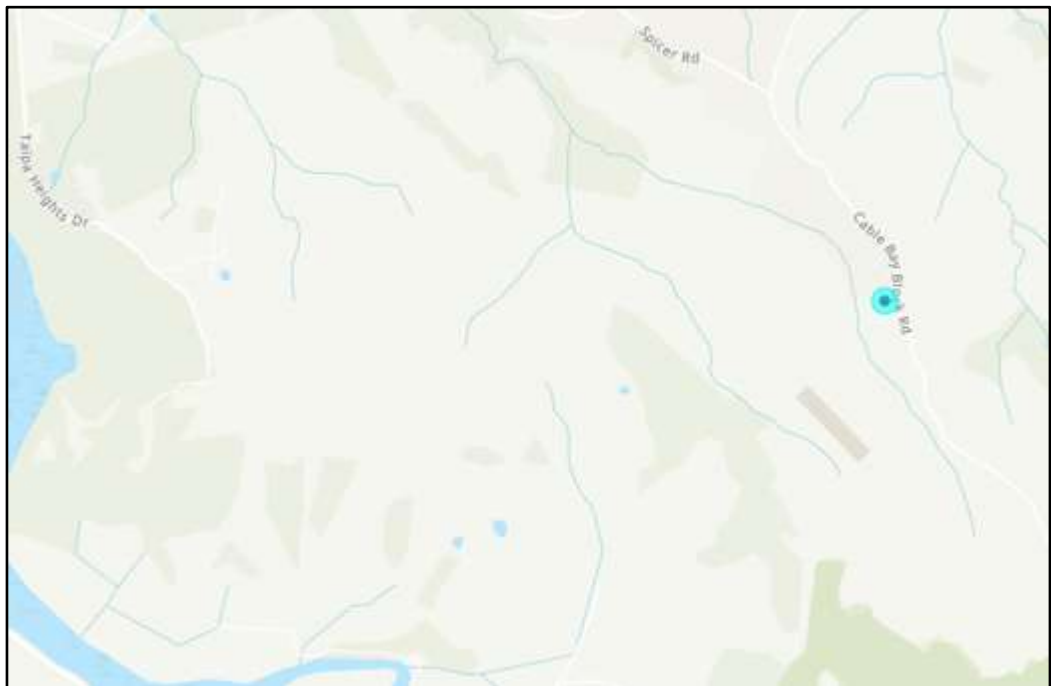


Figure 11: Sites of HAIL (Source: NRC).



Figure 12: 2003 Image of site (Source: Google Earth History).



Figure 13: 1981 image of site (Source: Retrolens).

5.5 National Policy Statement for Natural Hazards

Pursuant to section 104(b)(iii) of the RMA, the following assesses the proposal in the context of the NPS-NH, which came into effect on 15 January 2026. The objective of the NPS-NH is to manage natural hazard risk to people and

property using a risk based and proportionate approach, informed by the likelihood and consequences of hazard events and the best available information.

Parts of the site are subject to identified natural hazards, including river flood hazard overlays. However, this application is for subdivision only and no earthworks involved. The subdivision does not alter the existing environment or increase exposure to natural hazard risk.

Risk Matrix Assessment – River Flood Hazard

Hazard	Likelihood	Consequence	Risk Rating
River Flood Hazard Zone – 10 year event	Very likely	Minor	Medium
River Flood Hazard Zone – 50 year event	Possible	Minor	Medium
River Flood Hazard Zone – 100 year event	Unlikely	Minor	Low

Table 4: River Flooding Risk Matrix

Clause 3.3 of the NPS-NH requires risks assessed as medium or higher to be managed. The risk matrix identifies medium risk for river flood hazard 10, 50 year events (and low risk for the 100-year extents), reflecting minor consequences limited to periodic inundation of land within the mapped hazard areas.

Each proposed lot includes areas of land outside the mapped hazard extents, providing flexibility for future development to be appropriately sited and assessed through the land use and building consent process.

Accordingly, the NPS-NH has limited relevance to the subdivision itself, with detailed hazard risk management to occur at the appropriate development stage.

5.6 National Policy Statement for Highly Productive Land

Pursuant to section 104(1)(b)(iii) of the RMA, the following considers the proposal in the context of the NPS-HPL.

The NPS-HPL came into effect on 17 October 2022. The overarching objective of the document is to protect highly productive land for use in land-based production, both now and for future generations.

In accordance with Clause 3.5(7), all consenting authorities are now required to apply the NPS-HPL where references to highly productive land are references to land that is zoned Rural and that has a soil classification of LUC 1 – 3.

The subject site is zoned Rural under the FNDP and classified as LUC Class 4 and 6, which is not considered highly productive land under the NPS-HPL. Accordingly, the NPS-HPL is not relevant to this application and does not direct the consideration of the proposed subdivision.

5.7 Part 2 assessment

An assessment of Part 2 matters is not required unless there are issues of invalidity, incomplete coverage, or uncertainty in the planning provisions.³ In this case, there is no invalidity, incomplete coverage, or uncertainty amongst the various documents. In that regard, no assessment of the application is required under Part 2. However, for completeness, the proposal accords with the purpose of the RMA for the following reasons:

1. The proposed subdivision is consistent with the amenity values and character associated with the subject sites and the surrounding environment and will not adversely impact the productive capacity associated with the sites or surrounding environment.

³ *R J Davidson Family Trust the Marlborough District Council* [2018] NZCA 316

2. Any adverse effects will be avoided, remedied or mitigated to be less than minor.
3. The proposal will not increase the risk of natural hazards.
4. There are no adverse effects on human health associated with the proposal.

The proposal does not offend any matters of national importance in Section 6, or any of the other matters set out in Section 7 and 8 of the RMA.

6. NOTIFICATION

Public notification

Mandatory public notification is not required, as the applicant has not requested notification, notification is not required under section 95C of the RMA, and the proposal does not involve any exchange of recreation reserve land. Public notification is not precluded by the FNDP. The assessment of environmental effects confirms that any adverse effects will be less than minor, and there are no special circumstances that would warrant notification.

Having regard to the above, the proposal can proceed without public notification.

Limited notification

The requirements of sections 95B and 95E–G of the RMA have been considered. There are no affected protected customary rights groups or customary marine title groups, and the proposal is not adjacent to land subject to a statutory acknowledgement. Limited notification is not precluded by any provisions of the FNDP. The assessment of environmental effects confirms that there are no identifiable adversely affected parties, and the proposal results in effects that are less than minor. Accordingly, the application can proceed without limited notification.

Notification conclusion

The application can proceed on a **non-notified** basis.

7. CONCLUSION

The proposal is to subdivide Lot 2 DP 402475 into two lots at 418 Cable Bay Block Road Taipa, Northland.

The proposed subdivision results in a lot pattern that responds to the physical characteristics of the site. While the proposed boundaries do not align exactly with the mapped zone boundary, they follow existing landform features, including gullies, and avoid the fragmentation of these features.

The proposal is for subdivision only and does not involve any physical works. Existing access arrangements will continue to be used, with no upgrades proposed at this stage. As no earthworks are proposed, the subdivision does not alter the existing environment, increase exposure to river flood hazards, or result in effects on recorded archaeological sites. Any future development will be subject to separate assessment through the appropriate consenting processes.

The environmental effects associated with the proposal have been assessed in Section 4 of this report and have been determined to be less than minor, relevant to the considerations s104(1)(a) of the RMA. No potentially adversely affected parties have been identified.

Section 5 of this report considers the proposal in the context of the objectives and policies of the FNDP. Overall, the proposal is consistent with the objectives and policies of Chapters 4, 6, 11 and 12 of the OFNDP, and is consistent with the objectives and policies of the PFNDP. Section 5.6 confirms that the NES-CS is not relevant to this application. Section 5.7 of this report confirms that the proposal is consistent with the NPS-HPL. Accordingly, appropriate regard has been given to s104(1)(b)(i), s104(1)(b)(iii), and s104(1)(b)(vi) of the RMA.

Having regard to the relevant matters in s104(1) and s104B of the RMA, the proposal can be approved subject to the appropriate conditions of consent.

APPENDIX 1

SCHEME PLAN



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 - AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 - THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 - DO NOT SCALE OFF DRAWINGS.
 - THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 - DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 - 03rd 2023-2024 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 - 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENT SCHEDULE			
PURPOSE	SHOWN	BURDENED	BENEFITED/ CREATED
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY & TELECOM	A	LOT 1 HEREON	LOTS 1 - 3 DP 525050 & LOTS 1-3 DP 394584 #D3240215
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY, TELECOM & COMPUTER MEDIA	B	LOT 1 HEREON	LOTS 1-3 DP 394584 #7789093.6

PROPOSED LAND COVENANTS		
CREATED BY #7789093.6 HEIGHT RESTRICTION		
SHOWN	UNDERLYING PARCEL	AREA
B	LOT 1 HEREON	3295m ²
C		525m ²

SUBJECT TO PART IVA CONSERVATION ACT 1987
 MAJOR CONTOURS AT 10m INTERVALS
 MINOR CONTOURS AT 2m INTERVALS

TOTAL TITLE AREA: 222.4820Ha
 COMPRISED IN: RT 408079(all)

THIS SITE IS ZONED 'RURAL PRODUCTION' (OPERATIVE & PROPOSED PLAN).
 THIS SITE IS ZONED 'RURAL LIFESTYLE' (PROPOSED PLAN).
 THIS SITE IS ZONED 'COASTAL LIVING' (OPERATIVE PLAN).

REV	DATE	DESCRIPTION
A	04.03.26	FIRST ISSUE - JBH/AA

REF. DATA:

reyburn & bryant

Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

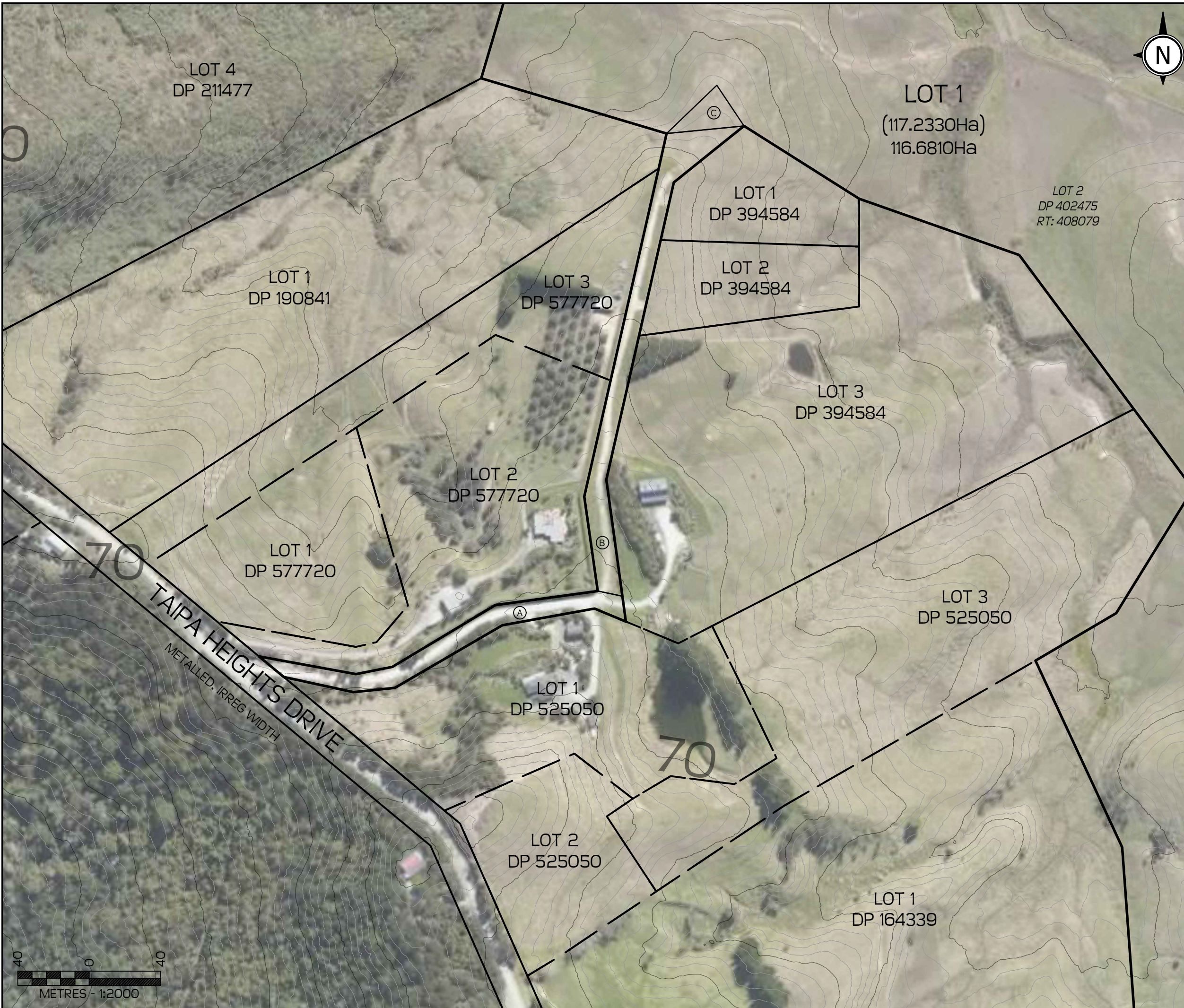
CLIENT

MNM LYNN LIMITED
 418 CABLE BAY BLOCK ROAD
 TAIPA, NORTHLAND

TITLE

**PROPOSED SUBDIVISION OF
 LOT 2 DP 402475**

DATE	MARCH 2026	SCALE	1:8000 @A3
DRAWING REF.	S18787	SHEET	01 OF 02
		REV	A



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 - AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 - THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 - DO NOT SCALE OFF DRAWINGS.
 - THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 - DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 - 03m 2023-2024 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 - 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENT SCHEDULE

PURPOSE	SHOWN	BURDENED	BENEFITED/ CREATED
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY & TELECOM	A	LOT 1 HEREON	LOTS 1 - 3 DP 525050 & LOTS 1-3 DP 394584 #D3240215
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY, TELECOM & COMPUTER MEDIA	B	LOT 1 HEREON	LOTS 1-3 DP 394584 #7789093.6

PROPOSED LAND COVENANTS
CREATED BY #7789093.6 | HEIGHT RESTRICTION

SHOWN	UNDERLYING PARCEL	AREA
B	LOT 1 HEREON	3295m ²
C		525m ²

SUBJECT TO PART IVA CONSERVATION ACT 1987
MAJOR CONTOURS AT 10m INTERVALS
MINOR CONTOURS AT 2m INTERVALS

TOTAL TITLE AREA: 222.4820Ha
COMPRISED IN: RT 408079(all)
THIS SITE IS ZONED 'RURAL PRODUCTION' (OPERATIVE & PROPOSED PLAN).
THIS SITE IS ZONED 'RURAL LIFESTYLE' (PROPOSED PLAN).
THIS SITE IS ZONED 'COASTAL LIVING' (OPERATIVE PLAN).

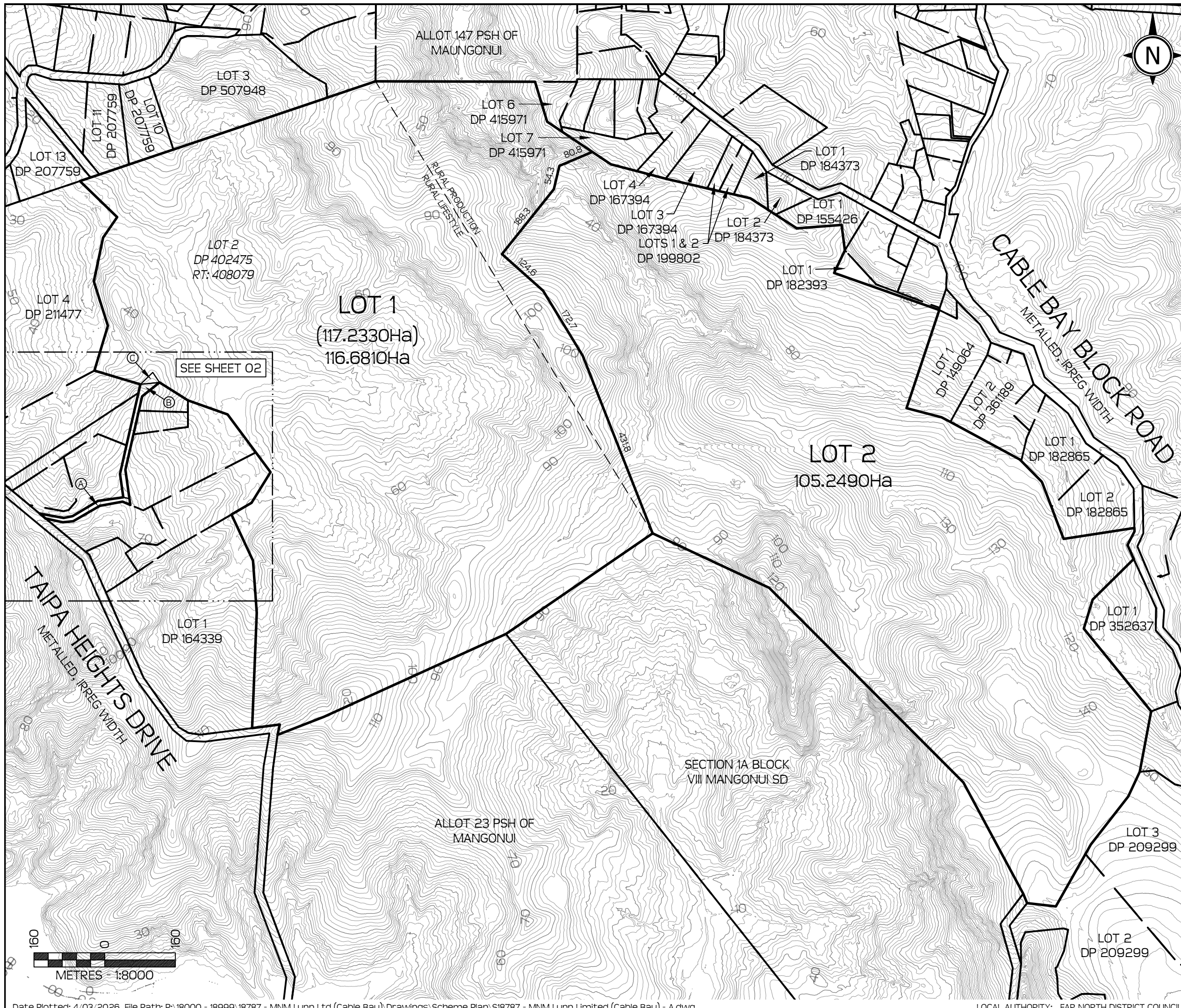
REV	DATE	DESCRIPTION
A	04.03.26	FIRST ISSUE - JBH/AA

reyburn & bryant
Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
MNM LYNN LIMITED
418 CABLE BAY BLOCK ROAD
TAIPA, NORTHLAND

TITLE
**PROPOSED SUBDIVISION OF
LOT 2 DP 402475**

DATE	MARCH 2026	SCALE	1:8000 @A3
DRAWING REF.	S18787	SHEET	02 OF 02
REV			A



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 - AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 - THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
 - SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 - DO NOT SCALE OFF DRAWINGS.
 - THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 - DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 - 03rd 2023-2024 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 - 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENT SCHEDULE

PURPOSE	SHOWN	BURDENED	BENEFITED/CREATED
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY & TELECOM	A	LOT 1 HEREON	LOTS 1 - 3 DP 525050 & LOTS 1-3 DP 394584 #D3240215
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY, TELECOM & COMPUTER MEDIA	B		LOTS 1-3 DP 394584 #7789093.6

PROPOSED LAND COVENANTS
CREATED BY #7789093.6 | HEIGHT RESTRICTION

SHOWN	UNDERLYING PARCEL	AREA
B	LOT 1 HEREON	3295m ²
C		525m ²

SUBJECT TO PART IVA CONSERVATION ACT 1987
MAJOR CONTOURS AT 10m INTERVALS
MINOR CONTOURS AT 2m INTERVALS

TOTAL TITLE AREA: 222.4820Ha
COMPRISED IN: RT 408079(all)
THIS SITE IS ZONED 'RURAL PRODUCTION' (OPERATIVE & PROPOSED PLAN).
THIS SITE IS ZONED 'RURAL LIFESTYLE' (PROPOSED PLAN).
THIS SITE IS ZONED 'COASTAL LIVING' (OPERATIVE PLAN).

REV	DATE	DESCRIPTION
A	04.03.26	FIRST ISSUE - JBH/AA

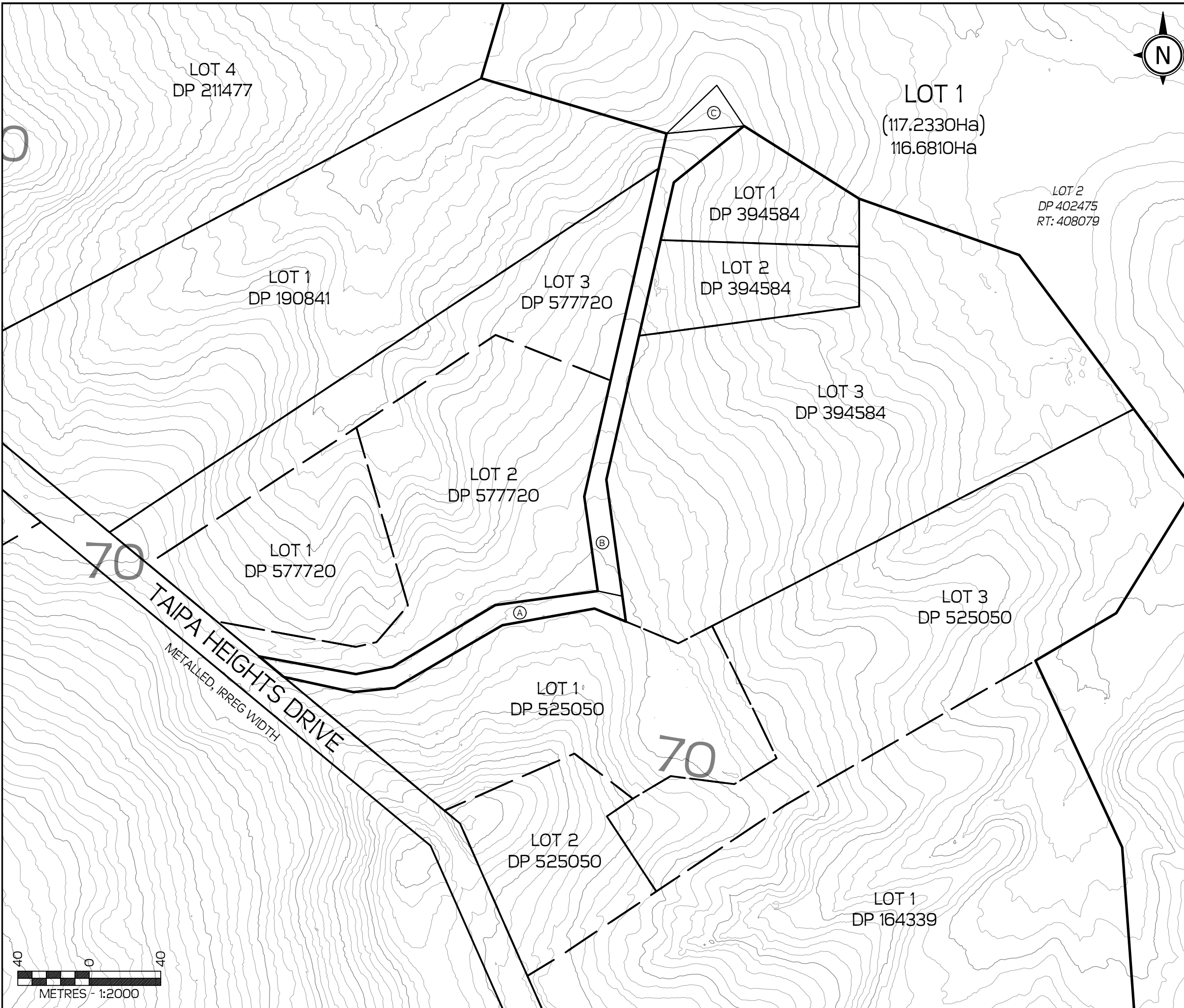
REF. DATA:

Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
MNM LYNN LIMITED
418 CABLE BAY BLOCK ROAD
TAIPA, NORTHLAND

TITLE
**PROPOSED SUBDIVISION OF
LOT 2 DP 402475**

DATE	MARCH 2026	SCALE	1:8000 @A3
DRAWING REF.	S18787	SHEET	01 OF 02
REV		REV	A



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 - AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 - THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 - DO NOT SCALE OFF DRAWINGS.
 - THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 - DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 - 03m 2023-2024 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 - 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENT SCHEDULE

PURPOSE	SHOWN	BURDENED	BENEFITED/CREATED
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY & TELECOM	A	LOT 1 HEREON	LOTS 1 - 3 DP 525050 & LOTS 1-3 DP 394584 #D3240215
RIGHT OF WAY & RIGHT TO CONVEY ELECTRICITY, TELECOM & COMPUTER MEDIA	B	LOT 1 HEREON	LOTS 1-3 DP 394584 #7789093.6

PROPOSED LAND COVENANTS
CREATED BY #7789093.6 | HEIGHT RESTRICTION

SHOWN	UNDERLYING PARCEL	AREA
B	LOT 1 HEREON	3295m ²
C		525m ²

SUBJECT TO PART IVA CONSERVATION ACT 1987
MAJOR CONTOURS AT 10m INTERVALS
MINOR CONTOURS AT 2m INTERVALS

TOTAL TITLE AREA: 222.4820Ha
COMPRISED IN: RT 408079(all)
THIS SITE IS ZONED 'RURAL PRODUCTION' (OPERATIVE & PROPOSED PLAN).
THIS SITE IS ZONED 'RURAL LIFESTYLE' (PROPOSED PLAN).
THIS SITE IS ZONED 'COASTAL LIVING' (OPERATIVE PLAN).

REV	DATE	DESCRIPTION
A	04.03.26	FIRST ISSUE - JBH/AA

reyburn & bryant
Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
MNM LYNN LIMITED
418 CABLE BAY BLOCK ROAD
TAIPA, NORTHLAND

TITLE
**PROPOSED SUBDIVISION OF
LOT 2 DP 402475**

DATE **MARCH 2026** SCALE **1:8000 @A3**

DRAWING REF. **S18787** SHEET **02 OF 02** REV **A**



APPENDIX 2

RULE ASSESSMENT

Operative District Plan Provisions

Chapter 13 Subdivision		
Rule	Status	Comment
13.7 Controlled (Subdivision) Activities		
13.7.1 – Boundary Adjustments: All Zones except the Recreational Activities and Conservation Zones	N/A	Not a boundary adjustment
13.7.2.1 – 13.7.2.3	Controlled	The proposed lots comply with the minimum lot size in the RPZ and CLZ.
13.7.2.4 – Lots divided by zone boundaries	Restricted Discretionary	The site is divided between the Rural Production and Coastal Living Zones. The proposed subdivision generally reflects the zone pattern but does not follow the zone boundary exactly due to landform constraints.
13.7.2.5 – 13.7.2.9	Controlled	The proposed lots comply with the minimum lot dimensions and standards.
13.7.3.1 – Property Access	Permitted	Refer to assessments from Chapter 15 below.
13.7.3.2 – Natural and Other Hazards	Controlled	The site is subject to the River Flood Hazard Overlay (10, 50 and 100 year events). The site currently contains two existing sheds and no dwellings. The proposal is for subdivision only. No development is proposed as part of the subdivision stage.
13.7.3.3 – Water Supply	Controlled	Water supply will be addressed at the building consent stage. No servicing works are proposed as part of the subdivision.
13.7.3.4 – Stormwater Disposal	Controlled	Stormwater disposal will be addressed at the building consent stage. No servicing works are proposed as part of the subdivision.
13.7.3.5 – Sanitary Sewage Disposal	Controlled	Sanitary sewage disposal will be addressed at the building consent stage. No servicing works are proposed as part of the subdivision.
13.7.3.6 – Energy Supply	N/A	Applies to urban allotments within Residential, Commercial, Industrial, Coastal

		Residential, Russell Township and Rural Living Zones. The proposed subdivision is within the Rural Production and Coastal Living Zones; this rule is not applicable.
13.7.3.7 – Telecommunications	N/A	Applies to urban allotments within Residential, Commercial, Industrial, Coastal Residential, Russell Township and Rural Living Zones. The proposed subdivision is within the Rural Production and Coastal Living Zones; this rule is not applicable.
13.7.3.8 – Easements for any purpose	Controlled	Existing easements are already in place over both lots.
13.7.3.9 – Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land set aside for Conservation purposes.	N/A	There are no identified resources which require protection.
13.7.3.10 – Access to Reserves and Waterways	N/A	There are no public reserves, waterways or esplanade reserves on or adjoining the sites.
13.7.3.11 – Land Use Compatibility	N/A	No new land uses are proposed.
13.7.3.12 – Proximity to Airports	N/A	The site is not located in close proximity to an airport.
13.8 Restricted Discretionary Activities		
13.8.1 – subdivision within the rural production zone	complies	<ul style="list-style-type: none"> a) Both lots over 12ha b) N/A c) Only 2 lots i) Lot size complies and matches the natural character of the coastal living zone. ii) N/A
13.8.2 – 13.8.4	N/A	Not proposed.
13.8.5 – Subdivision in the coastal living and south Kerikeri inlet zones	N/A	<ul style="list-style-type: none"> a) Proposed lot 1 (coastal living zone) has an existing access b) Utility services will be designed and installed during building consents stage. c) Building locations will be determined at the building consent stage.

		<ul style="list-style-type: none"> d) No earthworks during subdivision stage. e) Location of the boundaries designed to make sense around the site's natural features. f) Fire hazard mitigation will be addressed at the building consent stage g) Complies h) Existing accesses i) N/A
13.9 Discretionary Activities		
13.9.1 – Minimum net area for vacant new lots and new lots which already accommodate structures	N/A	No new lots are being proposed.
13.9.2 – Management Plan	N/A	A management plan subdivision is not proposed.
13.9.3 – Development Bonus	N/A	No formal protection of an Outstanding Landscape, Outstanding Landscape Feature or an Outstanding Natural Feature is proposed.
13.10 Assessment Criteria		
13.10.1 – 13.10.20	N/A	The proposed subdivision is not a discretionary activity.
13.11 Non-Complying (Subdivision) Activities		
13.11 – Non-Complying (Subdivision) Activities	N/A	The proposal complies.

Chapter 15 Transportation		
Rule	Rule	Rule
15.1.6C Access		
15.1.6C.1.1 – Private accessway in all zones	Permitted	Existing accessway complies.
15.1.6C.1.2 – Private accessways in urban zones	N/A	Not an urban zone.
15.1.6C.1.3 – Passing bays on private accessways in all zones	N/A	Each proposed lots have their own access.
15.1.6C.1.4 – Access over footpaths	N/A	Separate access and unformed public roads.

15.1.6C.1.5 – Vehicle crossing standards in rural and coastal zones	Permitted	<ul style="list-style-type: none"> a. The existing vehicle crossing is in accordance with the FNDC ES. b. The public roads are unformed. c. Each proposed lots have separate accesses.
15.1.6C.1.6 – Vehicle crossing standards in urban zones	N/A	The site is not in an urban zone.
15.1.6C.1.7 – General access standards	Permitted	Both accesses comply.
15.1.6C.1.8 – Frontage to existing roads	N/A	<ul style="list-style-type: none"> a. There is sufficient legal road width. b. Has been constructed to an appropriate standard. c. The sites have only one road frontage. d. The carriageway does not encroach upon the sites.
15.1.6C.1.9 – New roads	N/A	No new roads are to be vested.
15.1.6C.1.10 – Service lanes, cycle and pedestrian accessways	N/A	No new service lanes, cycle or pedestrian accesses are proposed.
15.1.6C.1.11 – Road designations	N/A	The site does not front an existing road which is subject to a designation for road acquisition and widening purposes.

Proposed District Plan Provisions

Subdivision Chapter (SUB)		
Rule	Status	Comment
SUB-R1 – Boundary adjustments	N/A	Both the lots meet the minimum allotment size for controlled activity.
SUB-R2 – Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access	N/A	No public works, infrastructure, reserves or access proposed.
SUB-R3 – Subdivision of land to create a new allotment	Controlled	<ul style="list-style-type: none"> ▪ CON-1: Building platforms and infrastructure servicing can comply with SUB-S2 to SUB-S7. Detailed design will be undertaken at the building consent stage, as the proposal is for subdivision only. ▪ CON-2: The proposed allotments comply with the minimum allotment size requirements of SUB-S1.
SUB-R4 – Subdivision that creates a private accessway	N/A	Existing private accesses.
SUB-R5 – R10	N/A	Not proposed.
Sub-R6 – Environmental benefit subdivision	N/A	No significant indigenous vegetation, significant indigenous habitat, or natural wetlands are present.
SUB-R11 – Subdivision of a site within flood hazard areas	Restricted Discretionary	No building platforms are proposed at subdivision stage. Future development will need to locate platforms outside the floodplain.
SUB-R12 – R21	N/A	Not proposed.
Overall Status	Restricted Discretionary	

Transport Chapter (TRAN)		
Rule	Status	Comment
TRAN-R1 – Parking	Permitted	No dwellings currently exist on the site, and no parking spaces are required or provided at the subdivision stage.
TRAN-R2 – Vehicle crossings and access, including private accessways	Permitted	<ol style="list-style-type: none"> 1. Each proposed lots have their own accessway. 2. Both access provides sufficient access for fire appliances.

		<ol style="list-style-type: none">3. Neither accessway front a State Highway or a road classified arterial or higher.4. There are no unused vehicle crossings.5. The shared access is in accordance with TRAN-Table 9.6. N/A as no new vehicle crossings or passing bays are proposed.
TRAN-R3 – R10	N/A	Not proposed.
Overall Status	Permitted	

APPENDIX 3

RECORD OF TITLES AND ASSOCIATED MEMORIALS



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




R.W. Muir
Registrar-General
of Land

Identifier **408079**
Land Registration District **North Auckland**
Date Issued 13 August 2008

Prior References
378111

Estate Fee Simple
Area 222.4820 hectares more or less
Legal Description Lot 2 Deposited Plan 402475
Registered Owners
Donald McNaughton Stuart and Murray Richard Lynn

Interests

Subject to Part IV A Conservation Act 1987

Subject to a right of way and a right to transmit electricity and telecommunications over part marked A on DP 402475 specified in Easement Certificate D324021.5 - 27.10.1998 at 2:37 pm

Subject to a right of way and a right to convey electricity, telecommunications and computer media over part marked B on DP 402475 created by Easement Instrument 7789093.6 - 17.4.2008 at 2:31 pm

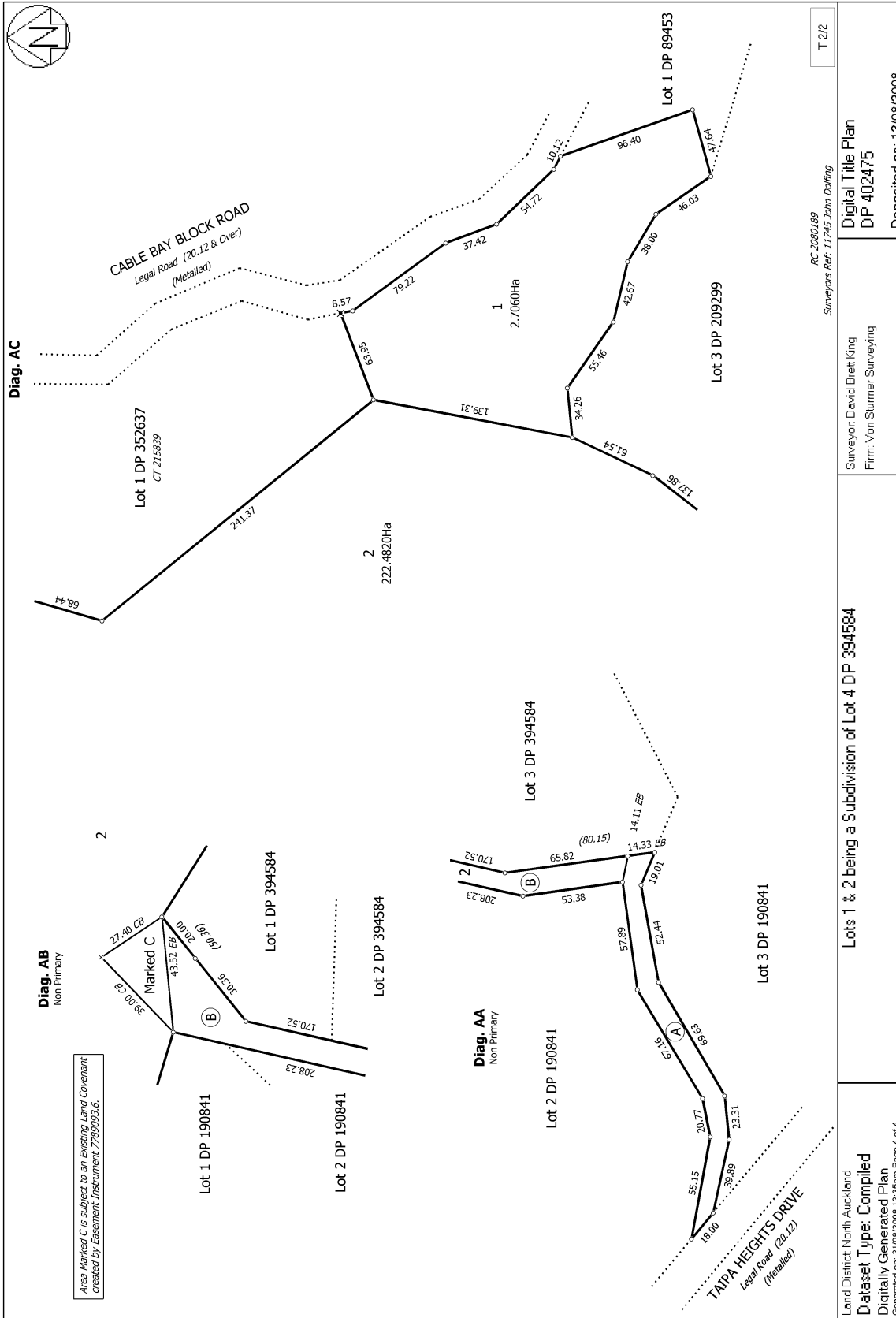
The easements (except computer media) created by Easement Instrument 7789093.6 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7789093.6 - 17.4.2008 at 2:31 pm

8588343.1 Certificate under Section 348 Local Government Act 1974 - 4.10.2010 at 2:51 pm

Subject to a right of way over part marked A on DP 190841 created by Easement Instrument 8588343.2 - 4.10.2010 at 2:51 pm

10368602.3 Mortgage to Bank of New Zealand - 31.3.2016 at 4:22 pm



Approved by Registrar-General of Land under No. 2007/6225
Easement instrument to grant easement or profit à prendre, ~~or~~ create land covenant
 Sections 90A and 90F, Land Transfer Act 1952



Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must be underlined

John DOLFING

Grantee

Surname(s) must be underlined or in CAPITALS.

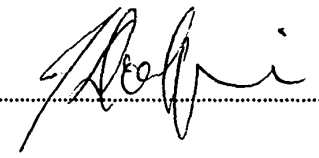
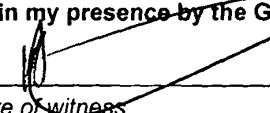


Simon John MILLICHAMP

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

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

Dated this 7th day of APRIL 2008

Attestation

Signed by the said John Dolfing as Grantor:  Signature {common seal} of Grantor	Signed in my presence by the Grantor  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation RICHARD G A PALMER Address SOLICITOR KERIKERI
Signed by the said Simon John Millichamp as Grantee:  Signature {common seal} of Grantee	Signed in my presence by the Grantee  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation R. H. MANNING Address SOLICITOR KAITIA

Certified correct for the purposes of the Land Transfer Act 1952.


 [Solicitor for] the Grantee

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



Easement instrument Dated 2 APRIL 2008 Page 1 of 2 pages

Schedule A (Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
(1) Easements of right of way, right to convey electricity and right to convey telecommunications and computer media	Over that part of Lot 4 Deposited Plan 394584 shown marked "B" on the plan	378111 (Lot 4 Deposited Plan 394584)	378097, 378098 and 378099 (Lots 1, 2 & 3 Deposited Plan 394584)
(2) Land covenant to create height restrictions for any fence or other structures or form of construction of whatever nature and for trees or any other form of vegetation	Over those parts of Lot 4 Deposited Plan 394584 shown marked "B" and "C" on the plan	378111 (Lot 4 Deposited Plan 394584)	378097, 378098 and 378099 (Lots 1, 2 & 3 Deposited Plan 394584)

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

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

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

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

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

[the provisions set out in Annexure Schedule 2].

Covenant provisions

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

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

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

[Annexure Schedule 2].

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

Annexure Schedule 2



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated 7 - APR - 2008 Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

Easements rights and powers including terms, covenants, and conditions (continued)

SUBJECT to the provisos to this clause the easements of right of way, right to convey electricity and right to convey telecommunications and computer media shall be on the same terms as those set forth in Easement Certificate D324021.5 (North Auckland Registry) and shall otherwise contain the same rights and powers implied in those classes of easement as set out in Schedule 4 of the Land Transfer Regulations 2002 or any amendment thereof PROVIDED THAT where the rights and powers, terms, conditions, covenants or restrictions set forth in Easement Certificate D324021.5 conflict with those set forth in Schedule 4 of the Land Transfer Regulations 2002 or any amendment thereof, the former shall prevail AND PROVIDED FURTHER that the reference in Easement Certificate D324021.5 to the Ninth Schedule to the Property Law Act 1952 shall be deemed a reference to Schedule 5 of the Property Law Act 2007 ("the Act") and references to Sections 126C, 126D and 126E of the Property Law Act 1952 shall be deemed references to Sections 308, 309, 310, 311 and 312 of the Act.

Covenant provisions (continued)

Land covenant:

The Grantor HEREBY COVENANTS with the Grantee and agrees for the benefit of each of the dominant tenements and each of their registered proprietors from time to time that the Grantor (or other registered proprietor from time to time of the servient tenement) shall not erect or allow to be erected on those parts of the servient tenement (Lot 4 Deposited Plan 394584) shown marked "B" and "C" on Deposited Plan 394584 any fence or other structures or form of construction of whatever nature exceeding 1.5 metres in height AND that the Grantor (or other registered proprietor from time to time of the servient tenement) shall not allow any trees or any other form of vegetation to grow on those parts of the servient tenement (Lot 4 Deposited Plan 394584) shown marked "B" and "C" on Deposited Plan 394584 to a height exceeding 1.5 metres.

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

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



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

EASEMENT INSTRUMENT

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

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

ANZ NATIONAL BANK LIMITED (formerly the National Bank of New Zealand Limited)

as Mortgagee under Mortgage C205417.2 over the land in computer freehold register 215840 (North Auckland Registry)

Consent

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

Delete words in [] if inconsistent with the consent.

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

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

[section _____ of the _____ Act _____]

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

the Consentor hereby consents to:

the deposit of Land Transfer Plan 394584, the issue of new titles for Lots 1, 2, 3 and 4 on the plan (the Bank's above Mortgage to be brought forward on to the new title to Lot 4) AND TO the registration of the annexed easement instrument to grant easements of right of way, right to convey electricity and right to convey telecommunications and computer media over that part of Lot 4 (as servient tenement) shown marked "B" on the plan in favour of Lots 1, 2 and 3 (as the dominant tenements) and to the creation of the land covenants included in the easement instrument namely height restrictions of 1.5 metres for any fences or other structures or form of construction and for trees and vegetation on those parts of Lot 4 (as servient tenement) shown marked "B" and "C" on the plan in favour of Lots 1, 2 & 3 (as the dominant tenements).

Dated this 8th day of April 2008

Attestation

Signed by ANZ National Bank Limited by its attorney:

KAPUA KATRINA GARDINER

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

Witness: Pauline Ann Peri

Occupation: Bank Officer

Address: Auckland

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

che. 2008

The ANZ National Bank Limited

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **KAPUA KATRINA GARDINER**, Manager Lending Services of Auckland in New Zealand, certify that:

1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

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

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the rights, powers and property covered by the Deed have become the rights, powers and property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. At the date of this certificate, I am a Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
4. At the date of this certificate, I have not received any notice of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

SIGNED by the abovenamed)
Attorney at Auckland on this)
8th day of April 2008)


KAPUA KATRINA GARDINER

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



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

EASEMENT INSTRUMENT

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

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

ANZ NATIONAL BANK LIMITED (formerly the National Bank of New Zealand Limited)	as Mortgagee under Mortgage D494207.3 over the land in computer freehold register NA120C/710 (North Auckland Registry)
--	---

Consent

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

Delete words in [] if inconsistent with the consent.

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

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

[section _____ of the _____ Act _____]

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

the Consentor hereby consents to:

the deposit of Land Transfer Plan 394584, the issue of new titles for Lots 1, 2, 3 and 4 on the plan (the Bank's above Mortgage to be brought forward on to the new titles to Lots 1, 2 and 3) AND TO the registration of the annexed easement instrument to grant easements of right of way, right to convey electricity and right to convey telecommunications and computer media over that part of Lot 4 (as servient tenement) shown marked "B" on the plan in favour of Lots 1, 2 & 3 (as the dominant tenements) and to the creation of the land covenants included in the easement instrument namely height restrictions of 1.5 metres for any fences or other structures or form of construction and for trees and vegetation on those parts of Lot 4 (as servient tenement) shown marked "B" and "C" on the plan in favour of Lots 1, 2 & 3 (as the dominant tenements).

Dated this 8th day of April 2008

Attestation

Signed by ANZ National Bank Limited by its attorney: KAPUA KATRINA GARDINER 	Signed in my presence by the Consentor
	Signature of Witness Witness to complete in BLOCK letters (unless legibly printed)
Signature of Consentor	Witness name Occupation Address
	Witness: Pauline Ann Peri Occupation: Bank Officer Address: Auckland

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

The ANZ National Bank Limited

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **KAPUA KATRINA GARDINER**, Manager Lending Services of Auckland in New Zealand, certify that:

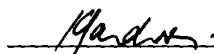
1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

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

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the rights, powers and property covered by the Deed have become the rights, powers and property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. At the date of this certificate, I am a Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
4. At the date of this certificate, I have not received any notice of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

SIGNED by the abovenamed)
Attorney at Auckland on this)
8th day of April 2008)


KAPUA KATRINA GARDINER

View Instrument Details



Instrument No 8588343.2
Status Registered
Date & Time Lodged 04 October 2010 14:51
Lodged By Ticehurst, Anne Louise
Instrument Type Easement Instrument



Affected Computer Registers	Land District
408079	North Auckland
NA120C/709	North Auckland

Annexure Schedule: Contains 1 Page.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage C205417.2 has consented to this transaction and I hold that consent
- Mortgage 7134745.3 does not affect the servient tenement, therefore the consent of the Mortgagee is not required

Signature

Signed by Richard George Ashwell Palmer as Grantor Representative on 04/10/2010 02:43 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard George Ashwell Palmer as Grantee Representative on 04/10/2010 02:43 PM

*** End of Report ***

Easement instrument to grant easement

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

John DOLFING

Grantee

Clinton John DOLFING

Grant of Easement

The **Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** the easement(s) set out in Schedule A, with the rights and powers or provisions set out in Schedule B

Schedule A

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way	A on DP 190841	408079 (lot 2 DP 402475)	NA120C/709 (lot 3 DP 190841)

Easements rights and powers (including terms, covenants and conditions)

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

The implied rights and powers are hereby **varied and added to** as follows:

Easement of Right of Way

1. Where there is any conflict or inconsistency in the rights and powers implied in the Easement of Right of Way by the Land Transfer Regulations 2002 and the Property Law Act 2007, the former shall prevail.
2. No notice pursuant to sections 308 - 312 of the Property Law Act 2007 shall be available for the purposes of altering or upgrading the state of the land over which the right of way is granted unless it is first agreed in writing by both the registered proprietors for the time being of the servient and dominant tenements respectively that the right-of-way shall be altered or upgraded as the case may be.
3. Any maintenance, repair, or replacement of the easement facility on the servient or dominant land that is necessary because of any use, act or omission by the owner of the servient land or the owner of the dominant land (which includes agents, employees, contractors, sub-contractors, and invitees of that owner) must be carried out promptly by that owner and at that owner's sole cost. Where the use, act or omission is the partial cause of the maintenance, repair, or replacement the costs payable by that owner responsible must be in proportion to the amount attributable to that use, act or omission (with the balance payable in accordance with Clause 11 of Schedule 4 of Land Transfer Regulations 2002).

D324021.5 EC

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

EASEMENT CERTIFICATE

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

~~xx~~We JOHN DOLFING and ALMA MAUDE DOLFING

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 _____ 19 98 under No. 190841 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. 190841

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 and right to transmit electricity and telecommunications	Part Lot 1 DP 167063	The part marked "A"	Lot 4 DP 190841	Servient Tenement CT Dominant Tenement CT 120C/710

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.

EASEMENT OF RIGHT-OF-WAY

1. Rights and powers:

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

- (a) The cost of any reasonably necessary or desirable establishment, upgrading, reconstruction of or maintenance or repair to the easement area shall be shared in proportion to use by the registered proprietors using the easement area PROVIDED HOWEVER that where any costs under this covenant are directly attributable to any of those registered proprietors or their invitees the costs in that case shall be borne wholly by the party to whom that action is directly attributable.
- (b) Any Notice pursuant to Sections 126C, 126D and 126E of the Property Law Act 1952 shall not be available for the purpose of altering or upgrading the state of the land over which the right-of-way is granted unless it is first agreed in writing by both the registered proprietors for the time being of the servient and dominant tenements respectively that the right-of-way shall be altered or upgraded as the case may be.

EASEMENTS OF RIGHT TO TRANSMIT ELECTRICITY AND COMMUNICATIONS

2. Rights and powers:

The proprietor of the dominant tenement ("the Grantee") shall have the right to transmit electric current and telecommunications through in over across along and under those parts of the servient tenement or part thereof subject to the easement ("the easement route") and for those purposes the unrestricted right liberty and privilege for the Grantee his surveyors engineers employees contractors workmen agents servants and all other persons authorised by him with or without vehicles and machinery implements tools pipes materials and equipment of any kind from time to time and to enter and remain upon the servient tenement for the purposes aforesaid or any of them including opening up the soil for laying inspecting repairing maintaining and renewing cables conduits service boxes electrical equipment and/or telecommunications equipment of all kinds and generally to do and perform such acts and things in and upon the easement route as may be necessary or proper for and in relation to any of the purposes as aforesaid.

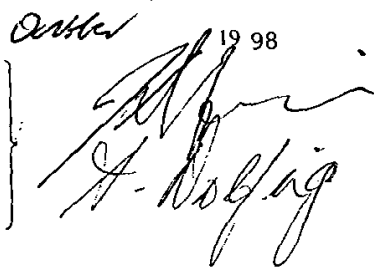
2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

The following terms conditions covenants or restrictions shall apply to the easements of the right to transmit electricity and telecommunications:

- (a) All works authorised to be carried out shall be carried out expeditiously and with as little disturbance to the surface as possible and immediately upon the completion of any such work the surface of the land shall be restored as nearly as possible to its original condition.
- (b) The Grantee will from time to time repair and make good all damage to fences gates drains paths or driveways upon the servient tenement where caused by the carrying out by the Grantee of any of the works hereinbefore mentioned.
- (c) The registered proprietor of the servient tenement will not place any buildings erections or fences on the easement route or any part thereof and will not at any time hereafter do or permit or suffer any act whereby the rights powers licenses and liabilities hereby granted to the Grantee may be interfered with or affected or whereby the transmission of electricity or telecommunications may be in any way interrupted or restricted.
- (d) Nothing herein contained or implied shall be deemed to compel the Grantee to conduct electricity or telecommunications through the cables surface boxes conduits or electrical or telecommunications equipment and the Grantee may discontinue such conduction and recommence such conduction at will.
- (e) Nothing herein contained shall be deemed to abrogate limit restrict or abridge any of the rights powers and remedies vested in the Grantee by way of any statute including (where applicable) the Local Government Act 1974, the Public Works Act 1981, the Resource Management Act 1991 or any of them or any amendment thereof or any Act or Acts passed in substitution therefor.

Dated this 21st day of October 19 98

Signed by the above-named
JOHN DOLFING and
ALMA MAUDE DOLFING



in the presence of

Witness

Occupation PETER GILMOUR MACAULEY
SOLICITOR
Address KAIKOHE

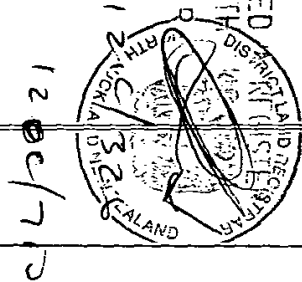
EASEMENT CERTIFICATE

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

*Correct for the purposes of the
Land Transfer Act*

[Signature]
Solicitor for the registered proprietor

237 27.OCT198 D 324021
PARTICULARS ENTERED
LAND REGISTRY NO: 11
ASST LAND REGISTR



PALMER MACAULEY
SOLICITORS
KAIKOHE

LINZ COPY

