



Our Reference: 9454.s127 (FNDC)

5 March 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Minor Variation to RC 2220225-RMASUB – Management Plan  
subdivision at Okura Drive, Kerikeri – Okura Trust**

I am pleased to submit application on behalf of the Okura Trust, for a proposed minor variation (easement schedule only) to RC 2220225-RMASUB, a Management Plan subdivision consent for land at Okura Drive, zoned Rural Production. The application is a discretionary activity.

The application fee of \$686 has been paid separately via direct credit.

Regards

Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**

# Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes  No

If yes, who have you spoken with? \_\_\_\_\_

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. 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](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

Name/s:

Okura Trust (Craig Lee and Toni Monro)

Email:

Phone number:

Postal address:

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



## 5. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

## 6. Details of Property Owner/s and Occupier/s

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

Name/s:

as per item 4 above

Property Address/  
Location:

Postcode

## 7. Application Site Details

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

Name/s:

as per item 4 above

Site Address/  
Location:

19 Okura Drive

KERIKERI

Postcode

Legal Description:

Lot 1 DP 548286; Lot 2 DP 555928

Val Number:

Certificate of title:

1010055

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



### 7. Application Site Details (continued)

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.*

No visit required - change is relating to easement schedule details only.

### 8. Detailed description of the proposal:

This application relates to the following resource consent: 2220225

Specific conditions to which this application relates:

Condition 2

Describe the proposed changes:

Amend/update survey plan's associated easement schedule.

### 9. Would you like to request Public Notification?

Yes  No

### 10. 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)

### 11. 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 (including consultation from iwi/hapū).*

Your AEE is attached to this application  Yes



## 12. 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

## 13. Billing Details:

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

**Name/s:** (please write in full)

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information:

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

### Declaration concerning Payment of Fees:

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

**Name:** (please write in full)

**Signature:** (signature of bill payer)

**Date**

**MANDATORY**



## 14. 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 must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### 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](http://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.

### Declaration

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

Name: (please write in full)

Craig Stephen Lee

Signature:

Date 04-Mar-2025

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

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- Details of your consultation with Iwi and hapū
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.



# Craig Lee and Toni Monro (Okura Trust)

19 Okura Drive, Kerikeri

## APPLICATION FOR A MINOR CHANGE CONDITIONS OF RC 2220225-RMASUB, PURSUANT TO s127 OF RMA

Thomson Survey Ltd  
Kerikeri

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### 1.0 INTRODUCTION

#### 1.1 Background

RC 2220225-RMASUB was originally issued on 27<sup>th</sup> April 2022, to create 12 lots plus Road to Vest under a Management Plan, discretionary activity consent. A copy of RC 2220225-RMA, as corrected pursuant to s133A of the Act, is attached in Appendix 1.

#### 1.2 Reason for this Variation

This minor variation is only in regard to easement schedules already approved through s223 TA Approval, and LINZ Approval as to Survey.

The stamped approved scheme plan (refer Appendix 1), showed easements H, I, J, K and L as being for "pedestrian & maintenance access", and in favour of the other lots in the Management Plan subdivision. During the survey plan preparation and approval stage, these easement identifiers changed to become L, Q, K, N, O and P – but cover the same land and were for the same purpose. Easements B, D and Y were in a separate Memorandum of Easements, for Right of Way (Pedestrian). These too were in favour of the other lots in the Management Plan subdivision.

Two changes are required. The easement schedule approved by FNDC and LINZ shows L, Q, K, N, O, P and Y to be for Right of way. This is contrary to the stamped approved plan and incorrect. They need to be for the original stamped approved purpose of "Right of way (Pedestrian and maintenance access)". This is a simple 'correction'.

The other change is in regard to benefited land and 'type' of easement. It was a requirement of the resource consent to establish the Okura Residents Association Incorporated. The rules of the association were to ensure that the association is the entity



responsible for the ongoing maintenance of the common areas, including pedestrian access. It is therefore more appropriate for the Pedestrian Access easements to be in Gross in favour of the Okura Residents Association Incorporation rather than individual lots. This will be consistent with the intent of the consent and establishment of the Association, simplify maintenance and management arrangements, and ensure the facility is appropriately looked after. All lot owners are required to be members of the Residents' Association, so by way of that membership continue to be 'benefitted' parties.

This means amending the current Easement Schedules. Easements shown L, K, N, O, P, B, D and Y are to be for the purpose of Right of Way (Pedestrian Access), and this is to be Easement in Gross in favour of the Okura Residents' Association Incorporated. The front page of a draft instrument is attached in Appendix 2, showing the proposed amendments.

Appendix 3 shows the existing Draft Title Plan LT 598921 and associated easement schedules, with hand written amendments made to the latter, consistent with the draft easement instrument in Appendix 2.

### 1.3 Scope of this Report

This assessment and report accompanies the application for a change to conditions (s127) and is regarded as a **discretionary** activity.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. I regard the changes to be minor.

## 2.0 PROPERTY DETAILS

Location:	19 Okura Drive, Kerikeri
Title & Legal description:	Previously RT 937982, now RT 1010055; Lot 1 DP 548286 & Lot 2 DP 555928 – see Appendix 4.

## 3.0 SITE DESCRIPTION

The site's physical and mapped characteristics remain as described in the original application.

## 4.0 CHANGES REQUESTED & EXPLANATION

The changes only relate to the easement schedule. Whilst condition 1 of the consent refers to the original approved plan of subdivision, dated 2021, the wording of the condition starts with the words below (underlining my emphasis).

*“The subdivision shall be carried out in general accordance with the information provided with the application....”*

I consider the changes being requested remain in general accordance with the information provided and that no change is therefore required to condition 1.

**Condition 2**, on the other hand, refers specifically to the scheme plan provided in 2021 and the memorandum of easements thereon. The changes being requested will therefore require this condition to be amended. Suggested amendments are as follows

2. *The survey plan, submitted for approval pursuant to Section 223 of the Act shall be in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Title Plan LT 598921 DRAFT, generated on 28/11/2024, and associated Schedule/Memorandum, 9454, dated 17.08.21, and attached to this consent with the Council's "Approved Stamp" affixed to them, with the following exception: it and shall show:*

*The easement schedule shall be amended in accordance with the information provided in RC 2220225-RMAVAR/A whereby Rights of Way and Rights of Way (Pedestrian) in the Memorandum of Easements, identified L, K, N, O, P, B, D & Y, become Right of Way (Pedestrian Access) Easements in Gross in favour of the Okura Residents Association Incorporated.*

*In addition to the above amendment, the survey plan shall show:*

- (a) *All easements in the memorandum to be duly granted or reserved.*
- (b) *The survey plan shall show an Esplanade Strip E in favour of Council, 10 meters wide, along the Okura Stream and frontages of the proposed allotment numbered Lot 12.*
- (c) *The land covenant X being a 'no build' covenant.*
- (d) *The land covenant Y being a vegetation covenant.*
- (e) *The Lot 1 road to vest extension to Okura Drive.*
- (f) *Easement A and C to include right to drain wastewater.*
- (g) *Easements over services and overland stormwater flow paths where such infrastructure is located on private property to the approval of Council's Resource Consent Engineer.*

No other changes to conditions are being sought.

## 5.0 STATUTORY REQUIREMENTS

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **discretionary activity** application.

Sections 88 to 121 of the Act apply, and the following planners report and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act.



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## 6.0 s104 CONSIDERATIONS

S104 of the Act requires a consent authority to consider any actual and potential effects on the environment resulting from the change; and any relevant provisions of

- (i) A national environmental standard;
- (ii) Other regulations;
- (iii) A national policy statement;
- (iv) A NZ Coastal Policy Statement;
- (v) A regional policy statement;
- (vi) A plan or proposed plan.

### 6.1 Assessment of Environmental Effects

When considering the effects under a s127 application, it is only the effects of the changes being sought that need be assessed and considered. As such, this assessment of environmental effects does not re-visit or repeat that provided for the processing of the original application.

The proposed changes relate to the scheme plan and easement schedule only. The changes do not alter the number of titles that will result from the subdivision, nor layout. The changes do not seek any changes to physical works conditions.

In summary, the changes do not have any environmental effect.

### 6.2 Relevant Provisions of planning instruments

Since the application was first lodged and assessed there have been a number of changes to planning instruments. However, these need only be considered in regard to the changes being sought, not the original application.

#### 6.2.1 Operative District Plan

This has not changed since the original application was processed.

#### 6.2.2 Proposed District Plan (PDP)

The original application was granted prior to the PDP being publicly notified. The changes being sought do not change areas or boundaries and do not result in any breaches of the PDP. I do not consider the PDP to be a relevant consideration.

#### 6.2.3 National Policy Statement Highly Productive Land (NPS HPL)

If this were a new application the NPS HPL would be a relevant consideration in regard to the land in Lot 1 DP 548286, the existing house block. All other (and the majority) within the application site is not highly productive land. However, this is not a new application, with consent already granted. The variation need not consider the HPS HPL because the variation, simply changing purpose and benefitted tenement entity, does not fragment or sterilise any highly productive land and does not create any reverse sensitivity effects.

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## 7.0 CONSULTATION

Under Section 127(4) of the Act:

(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

- (a) made a submission on the original application; and
- (b) may be affected by the change or cancellation.

The original consent was issued under delegated authority, with no affected persons identified. The changes to not result in there being any additional affected persons.

## 8.0 CONCLUSION

It is considered the effects of the changes on the wider environment are less than minor. The proposal remains consistent with the relevant objectives and policies of the Operative and Proposed District Plan and the Regional Policy Statement, and Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to change conditions to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the s.127 application on a non notified basis.

Lynley Newport  
Senior Planner,  
THOMSON SURVEY LTD

Date

## 9.0 LIST OF APPENDICES

<b>Appendix 1</b>	RC 2220225-RMASUB
<b>Appendix 2</b>	Excerpt from Draft Easement Instrument
<b>Appendix 3</b>	Draft LT 598921 & easement schedule (showing changes)
<b>Appendix 4</b>	Current Record of Title



# **Appendix 1**

RC 2220225-RMASUB



**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN**

**DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

**Resource Consent Number: 2220225-RMASUB**

**Pursuant to section 104 B of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

**Toni Lee Monro and Craig Stephen Lee**

**The activity to which this decision relates:**

Proposal to subdivide land in the Rural Production Zone into 12 lots plus road to vest and esplanade strip by way of a Management Plan Subdivision being a discretionary activity pursuant to Rule 13.9.2.

**Subject Site Details**

Address: 19 Okura Drive, Kerikeri 0230  
Legal Description: Lot 1 DP 548286, Lot 2 DP 555928  
Record of Title reference: RT-937982

**Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:**

1. The subdivision shall be carried out in general accordance with the information provided with the application and subsequent s92 information, including:
  - (a) The approved plan of subdivision prepared by Thomson Survey, referenced 9454, dated 17.08.21.
  - (a) The draft Management Plan prepared by Thomson Survey.
  - (b) Engineering Report for Proposed Okura Management Plan Subdivision by Haigh Workman reference 19 100 dated June 2020.



- (c) Preliminary Site Investigation by NZ Environmental reference 2019 296 dated 29 May 2019.
  - (d) Assessment of Rural Character and Visual Amenity Effects by Hawthorn dated 26 July 2021.
  - (e) Gully and Wetland Indigenous Revegetation Plan by Ecology North dated June 2019.
  - (f) Cultural Impact Assessment by Te Runanga o Ngāti Rēhia dated 30 August 2019.
  - (g) Archaeological Survey and Assessment by Northern Archaeological Research dated October 2014.
  - (h) Kiwi Survey Report by Steve McManus dated 24 March 2019.
  - (i) Top Energy letter dated 9 September 2019.
  - (j) Chorus letter dated 10 September 2019.
  - (k) Section 92 response letters dated 8 December 2021, 14 February and 3 March 2022.
  - (l) Letter by Haigh Workman reference 19 100 dated 10 February 2022.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall be in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced 9454, dated 17.08.21, and attached to this consent with the Council's "Approved Stamp" affixed to it and shall show:
- (a) All easements in the memorandum to be duly granted or reserved.
  - (b) The survey plan shall show an Esplanade Strip E in favour of Council, 10 meters wide, along the Okura Stream and frontages of the proposed allotment numbered Lot 12.
  - (c) The land covenant X being a 'no build' covenant.
  - (d) The land covenant Y being a vegetation covenant.
  - (e) The Lot 1 road to vest extension to Okura Drive.
  - (f) Easement A and C to include right to drain wastewater.
  - (g) Easements over services and overland stormwater flow paths where such infrastructure is located on private property to the approval of Council's Resource Consent Engineer.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) That the consent holder shall provide written confirmation from power and telecommunications utility service operators of their consent conditions in accordance with FNDC Engineering Standards and Guidelines 2004 – Revised March 2009, District Plan requirements and any other requirements that apply at the time and show any necessary easements on the survey plan to the approval of the subdivision officer. Or the consent holder is to confirm that electricity and/or telecommunication connections are not proposed in which case a consent notice will be registered on the title of proposed lots prior to the issue of the Section 224c certificate alerting future owners of this situation.
- (b) Provide, to Council's satisfaction, an esplanade strip instrument in accordance with Section 232 of the Act, prepared to give effect to the esplanade strip shown on the survey plan. The instrument is to be drafted so as to provide for public access and the maintenance and enhancement of the esplanade area and the riparian conservation values therein. All costs involved with the preparation and registration of the Esplanade Strip instruments shall be borne by the applicant.
- (c) Submit plans and details of all works for the approval of Far North District Council. Such works are to be designed in accordance with Far North District Council: Engineering Standards & Guidelines 2004 – Revised 2009 and NZS 4404:2010 to the approval of the Development Engineering Officer or their delegated representative.

Plans are to include but are not limited to:

- i. The road to vest in Council formed and sealed to comply with the council standard for a Type A, Rural Road with complies with FNDC Engineering Standards and Guidelines FNDC/S/7 and table 3.1A.  
*Note: Design of road to vest to reference the recommendations of the Engineering Report prepared by Haigh Workman dated June 2020, reference 19 100.*
- ii. A formed and sealed or concreted vehicle crossing to the boundary of each lot in accordance with Council Standard FNDC/S/6 and 6B, and section 3.3.7.1 and NZS4404:2004.  
*Note: The new vehicle crossings from the proposed road to vest to all Lots shall be graded such that runoff from the road carriageway and swale drains does not enter the Lots. Overland/secondary flowpaths that are capable of accommodating the 1% AEP storm event shall be provided on the proposed Lots and sightlines are to be unobstructed by new buildings, other structures or landscaping. Easements in gross shall be granted in favour of Council for all culverts, drains and overland flowpaths that will convey water from the proposed road to vest. Easements in gross over overland flowpaths shall be a minimum width of 3 metres.*
- iii. Details of the road corner realignment as per the recommendations of the Haigh Workman report reference 19 100 dated July 2020.



- (d) That prior to the approval under section 223 of the Act of the survey plan, the subdividing owner shall provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a further more detailed management plan document consistent with, and building on, the draft document by Thomson Survey, and attached to this consent together with the plans required under condition 3 (f) and (g) below. In the event of a conflict between these conditions and the future final version of the management plan these conditions shall prevail.

The document shall include:

- i. Fencing Details
  - ii. Details of pest and weed control management measures and ongoing management
  - iii. Pet controls
  - iv. Areas to be planted for landscape integration, amenity and habitat reasons
  - v. Measures for site management during construction
  - vi. Details of bond administration for planting maintenance
  - vii. Methods of assisting public access
  - viii. Building guidelines and controls, including building height and material controls and on-site earthworks guidelines
  - ix. An updated Engineering Report reflecting the approved survey plan
  - x. Ongoing maintenance of private roads, access ways and other shared facilities
  - xi. Management of the vegetation covenant Y
  - xii. Management of the esplanade strip E
  - xiii. Reverse sensitivity controls
  - xiv. The means by which area Y in Lot 4 will be managed in order to preserve the indigenous vegetation within that area
  - xv. Any other matters relevant for the management of the allotments.
- (e) The management plan shall also contain conditions relating to the following requirements, unless already included as a consent notice requirement in condition 4(u):
- i. Prior to and/or in conjunction with seeking building consent for any building on an allotment the lot owner shall have prepared, by a suitably qualified person, individual building and landscape plans for the allotment, generally consistent with the report by Hawthorn dated 26 July 2021.
- (f) Provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed planting plan prepared by a suitably qualified person. The plan shall be based on the reports and plans (reference 001-002 Rev C) prepared by Hawthorn and report by Ecology North submitted in support of the application and shall show wetland, gully and site amenity planting to be initiated by the applicant. It shall provide details on the following:
- i. Size and species of proposed stock for planting
  - ii. Sources of proposed species

- iii. Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
  - iv. Details of proposed maintenance
  - v. Details of proposed mulch, type, depth etc
  - vi. Planting programme
  - vii. Evidence of engagement with Te Runanga o Ngāti Rēhia in development of the planting plan.
  - viii. Compliance with the planting plan shall be a requirement of the management plan.
- (g) Provide to the satisfaction of Councils Resource Consent Manager or other duly delegated officer, a weed and pest management strategy prepared by a suitably qualified person. The management strategy shall apply to all of the land included in the application and shall have regard to the recommendations of the report by Ecology North dated June 2019 and include evidence of engagement with Te Runanga o Ngāti Rēhia in development of the plan. Compliance with the weed and pest management strategy shall be a requirement of the management plan.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) Following approval of the engineering plans and selection of the contractor, provide to Council;
    - i. Details of the successful contractor
    - ii. Details of the planned date and duration of the contract
    - iii. Details of the supervising engineer
    - iv. A traffic management plan.
  - (b) Prior to the commencing any physical site works, a construction management plan shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:
    - i. The timing of construction works, including hours of work, key project and site management personnel.
    - ii. The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
    - iii. The excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.
    - iv. Control of dust and noise on-site and any necessary avoidance or remedial measures.
    - v. Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
    - vi. Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other users or Road.
    - vii. Erosion and sediment control measures to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

*Note: A copy of the approved erosion and sediment control measures shall be provided to Te Runanga o Ngāti Rēhia for reference.*



- (c) Prior to the works commencing in accordance with the approved engineering plans in Consent Condition 3 (c) above, the consent holder shall provide evidence that a traffic management plan (TMP) has been approved by Council's corridor access engineer and a corridor access request (CAR) obtained prior to works to Okura Drive.
- (d) The consent holder will be responsible for the repair and reinstatement of the public road (Okura Drive) carriageway, if damaged as a result of works to extend the road.
- (e) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work which is to vest in Council for a minimum period of 12 months. The minimum value of the bond, or retention money held in lieu of a bond, shall be 10% of the construction cost.
- (f) Provide formed and metalled access on ROW easement A where cul-de-sac gives access to Kerikeri Wastewater Treatment Plant. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.
- (g) The Consent holder shall provide evidence of tree removal on streambank as advised in the letter from Haigh Workman reference 19 100 dated 10 February 2022.
- (h) That the consent holder shall provide written confirmation from power & telecommunications utility service operators of their consent conditions for this development have been satisfied in accordance with FNDC Engineering Standards and Guidelines 2004 – Revised March 2009, District Plan requirements and any other requirements that apply at the time to the approval of Development Engineer. Or if the consent holder has confirmed that power and telecommunication connections are not proposed as per condition 3(a) then the consent notice 4 (u) v is applicable.
- (i) Provide suitable evidence by way of producer statements from a Suitably Qualified Engineer an Independent Qualified Person (IQP) or FNDC Development Engineer or their authorised representative, that all work has been completed in accordance with the approved engineering plans in Consent Condition 3 (c) above, to the satisfaction of Council.
- (j) The consent holder shall provide the RAMM data in respect of the road to vest in a format that will allow uploading into the Council's RAMM database.
- (k) The consent holder shall provide certified 'as-built plans in respect of the road to vest.
- (l) The consent holder shall ensure that soil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of Council's Development Engineer or delegated representative.
- (m) Dust nuisance must be controlled onsite (by use of watercart or similar) by the applicant so as not to cause 'offensive or objectionable' dust at or beyond the

boundary of the development to the satisfaction of the Council's Development Engineer or delegated representative.

- (n) Prior to the earthworks commencing, both within the road to vest and the property being subdivided, the consent holder shall install sediment control measures in accordance with the requirements of the Auckland Council Guidance Document GD 09. The measures shall be maintained and cleaned out until such time as non-erodible cover has been established over the site.
- (o) A solicitor's undertaking shall be provided to Council confirming that the esplanade strip instrument, prepared for registration under the relevant conditions of this resource consent will be duly registered against the new title affected by said esplanade strip, to be issued for the subdivision.
- (p) Implementation of the planting plan approved under Condition 3 (f) is to be undertaken within the first two planting seasons (approximately March-September) directly following commencement of any of the works relating to the subdivision and maintained by the consent holder from that point onwards for a minimum period of 4 years, all to the satisfaction of the Far North District Council or duly delegated officer.
- (q) Amenity planting shall be carried out using indigenous species along the esplanade strip area E as shown on the survey plan to the satisfaction of the Far North District Council Parks Department or duly delegated officer and maintained in perpetuity under the management plan approved under 3 (d) and (e).
- (r) Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along Areas E and Y as shown on the Survey Plan.
- (s) Provide evidence that the Okura Residents Association has been established under the Incorporated Societies Act 1908. The form of rules must provide that the Residents Association will be responsible for the ongoing maintenance of the common areas, including pedestrian access and, where relevant, the stormwater systems and enhancement planting and bush protection areas and weed and pest control. The rules must require the owner of each allotment and the Residents Association to adhere to the conditions of the approved management plan at all times. The rules must provide that the Residents Association will fulfil the conditions of the management plan, in the event of default of any site owner on any obligations under the conditions. The consent holder must demonstrate how the owner of each allotment within the subdivision will be required to be a member of the Residents Association. The rules must specify that, with the prior written approval of the Far North District Council or duly delegated officer, the constitution wording may be changed to meet any requisition of the registrar of incorporated societies.
- (t) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- i. In the event that capacity allows and a wastewater connection to Council's Reticulated sanitary sewerage system can be made, then, in conjunction with any building constructed on the lot, the property owner shall obtain all necessary consents, and install a raw sewage storage tank, macerating pump, and delivery line with a connection into the Council reticulation sanitary sewerage system. The raw sewage storage tank shall have a sufficient charge capacity to contain a minimum of 24 hours wastewater production and shall be fitted with a high-level audible alarm installed to warn of pump or system failure. [Lots 2-11 and 13]
- ii. Where connections or capacity on the Council reticulation sanitary sewerage system is not available, and only in such event, then sites will require an on-site wastewater disposal system, where the lot owner shall obtain a Building Consent and install a wastewater treatment and effluent disposal system. The system design should be developed noting the recommendations of the Engineering Report by Haigh Workman dated July 2020 reference 19 100 and provided with RC 2220225, and shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. [Lots 2-11 and 13]

For on-site wastewater disposal system:

- a) The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system. [Lots 2-11 and 13]
  - b) Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. [Lots 2-11 and 13]
  - c) On Lots 2 to 11 and 13 a maintenance contract for the on-site wastewater system shall be in place at all times which includes inspections and maintenance of both the wastewater treatment and disposal systems. [Lots 2 to 11 and 13]
- iii. Upon construction of any habitable dwelling on Lots 2 to 11 and 13, sufficient water supply for firefighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by firefighting appliances in accordance with Far North District councils district plan and more particularly with the New Zealand Fire Service Fire Fighting Code of Practice SNZ PAS 4509:2008. Demonstration of achievement of an alternative means of compliance with this standard will be considered to satisfy this requirement but note that written



- approval from the NZ Fire service is required. [Lots 2 to 11 and 13]
- iv. Future owners of the subject lots are advised that there are no conventional electricity or telecommunication connections provided Far North District Council will not be responsible for ensuring nor providing electricity or telecommunication connections to the proposed lot, upon future development of the site, or at the time of further subdivision. [Lots 2 to 11 and 13]
  - v. In conjunction with any future development on proposed Lots 2 to 11 and 13, the Lot owner shall submit a stormwater management report that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. The report shall reference the recommendations of the Site Suitability Report by Haigh Workman reference 19 100 dated July 2020 and submitted with the application. Stormwater runoff from new buildings and impermeable surface areas on the lot shall be restricted to that of pre-development levels for a 10% AEP storm event plus an allowance for climate change. [Lots 2 to 11 and 13]
  - vi. Residents' Association: The owner of each allotment within the subdivision shall be required to be a member of the Okura Residents Association and both the owner of each allotment shall adhere to the conditions of the approved management plan. In the event of default of any site owner on any obligations under these conditions, Council will call upon the Residents' Association to fulfil these conditions. [Lots 2 to 13]
  - vii. Management Plan: The owner of each lot shall be required at all times to comply with all aspects of the final management plan approved under conditions 3 (d) and (e) of RC2220225 including in respect of landscaping and building design controls, pet controls and reverse sensitivity controls. [Lots 2 to 13]
  - viii. The owner of Lot 4 shall not build or construct or permit to be built or constructed on that part of the land identified as area X on the survey plan any dwelling or other building to be used as a residence, to maintain a buffer zone for the Kerikeri Wastewater Treatment Plant. [Lot 4]
  - ix. The owner of Lot 4 shall retain the indigenous vegetation as indicated on the survey plan, as area Y and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. [Lot 4]

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. The conditions of this consent will be monitored by Council's Resource Consents Monitoring Officers. Any documentation relating to compliance with the above conditions of consent should be sent to [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz)
3. The site is located in a Kiwi zone. The consent holder is reminded that carnivorous or omnivorous animals (such as cats, dogs or mustelids) have the potential to be kiwi predators. Attention is drawn to the Council's Dog Management Bylaw 2018 for controls of dogs on the property, specifically Clause 7.1 relating to confinement.

### **Reasons for the Decision**

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. District Plan Rules Affected:  
  
The proposal is a Management Plan Subdivision being a discretionary activity in breach of Rule 13.9.2.
3. Section 104 Assessment:

#### Adverse effects will be less than minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be no more than minor for the following reasons.

- a) The proposal generally complies with the requirements for a management plan subdivision.
- b) The proposed density is consistent with the rural-urban fringe character of the surrounding area.
- c) The subdivision will involve ecological enhancements and control of pets to manage effects on ecology.
- d) The proposed lots will be subject to landscape and design controls, meaning there will be less than minor effect on the landscape from built form.
- e) Each lot will be provided with appropriate on-site servicing at the time of building consent.
- f) Access via road to vest will be provided in accordance with the Engineering Standards 2009.
- g) Construction effects will be managed appropriately to prevent effects on neighbours and receiving environments.

#### Positive effects of the proposal:

Under s104(1)(a) the positive and potential effects of the proposal are:

- a) The subdivision will provide for the economic and social well-being of the applicant.
- b) The subdivision involves extensive amenity and ecological planting which will enhance biodiversity and water quality as well as providing visual amenity to the area.
- c) The subdivision will improve public access to Okura Stream via provision of an esplanade strip.

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

**Chapter 8: Rural**

*8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.*

*8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.*

*8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.*

*8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.*

*8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.*

*8.3.9 To enable rural production activities to be undertaken in the rural environment.*

*8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.*

*8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.*

**Chapter 8: Rural Production**

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

*8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.*

*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.*

*8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.*

*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.*

*8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.*

*8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.*

*8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.*

### **Chapter 13: Subdivision**

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

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

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

*13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.*

*13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.*

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

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

*13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.*

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

### **Chapter 14: Financial Contributions**

*14.3.2 To provide for esplanade reserves, esplanade strips and access strips, collectively known as esplanade areas, upon subdivision.*

*14.4.8 That esplanade reserves or esplanade strips (as appropriate) be required where the land involved will serve one or more of the purposes of esplanade reserves and esplanade strips set out in s229 of the Act.*

*14.4.10 That alternatives to esplanade reserves, and strips be provided for where:*

*(a) the purposes of esplanade reserves and strips can be adequately achieved by other means; or*

*(b) the protection of conservation values would be at odds with the provision for public access or public recreational use; or*

*(c) provision for public access or public recreational use would be in conflict with cultural or spiritual values; or*

*(d) setting aside land for an esplanade reserve or the creation of an esplanade strip would be at odds with the Council's responsibility under s6(e), s7(a) or s8 of the Act.*

The proposal is not contrary to the relevant objectives and policies of the District Plan. The proposal is submitted as a management plan subdivision with demonstrated compliance with the standards for management plan subdivisions. Large areas of indigenous vegetation will be planted and maintained and perpetuity by future owners.

The area is not strictly rural in character, comprising mainly rural-residential development transitioning to undeveloped rural land, and the proposal does not involve loss of land with significant rural production value. The subdivision would be consistent with the receiving environment in character, land use and density, and would result in less than minor visual effects due to the proposed amenity planting and design controls.

Each lot will be provided with sufficient infrastructure to protect receiving environments in respect of wastewater, stormwater and water supply. The proposed road to vest extension to Okura Drive to serve the lots will provide compliant vehicle access, and the existing roading network has sufficient capacity to support the lots.

The subdivision is provided with a 10m wide esplanade strip along Okura Stream which has been deemed fit for purpose by Council's Parks and Reserves department and will serve to maintain and enhance public access.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.

- a) The Northland Regional Policy Statement 2016

The Northland Regional Policy Statement is relevant to this proposal, in particular the following objectives:

- Objective 3.2 Region-Wide Water Quality
- Objective 3.4 Indigenous Ecosystem and Biodiversity
- Objective 3.6 Economic Activities – Reverse Sensitivity and Sterilization
- Objective 3.11 Regional Form

The RPS recognises that there are activities and land that should be protected from the negative impacts brought about through subdivision, as further development can result in incompatible land use, effects on indigenous ecosystems, reverse sensitivity issues and sterilisation of productive land.

The site contains ecological features to be protected, and indigenous planting is proposed.

The proposal will result in minimal loss of land with rural production value. The proposed development will not have adverse effects on the viability adjoining rural

land-holdings and activities, which consist of rural-residential development, forestry and a wastewater plant. Reverse sensitivity controls and a buffer zone are offered in respect of the plant. Therefore, it is considered that no reverse sensitivity or sterilisation of productive land is anticipated as a result of the proposed subdivision.

The subdivision is also considered consistent with the pattern or form of the surrounding area, and will be provided with appropriate infrastructure to protect receiving environments

b) Regional plans (including New Regional Plan)

Consent is not required under the NRP for the subdivision.

c) National Environmental Standards (NESCS, NES Freshwater)

The PSI supplied with the application confirms that the subdivision is a permitted activity under the NESCS.

The site contains natural wetlands but none of the subdivision work requires consent under the NES Freshwater.

5. In accordance with an assessment under s104(1)(c) of the Act, no non – statutory documents were considered relevant in making this decision.
6. Other matters considered in relevant in making this decision:

Section 106

In making this decision, regard was had to the provisions of Section 106 of the RMA. Consent can be granted for the subdivision as it would not accelerate, worsen or exacerbate natural hazards. There are no existing natural hazards on the site which would affect the subdivision.

The proposal also provides for physical and legal access to a road for each lot.

7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

**Approval**

This resource consent has been prepared by Katrina Roos (Senior Planner - Cato Bolam) and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



**Pat Killalea, Principal Planner**

**Date: 27<sup>th</sup> April 2022**

**DECISION AMENDED UNDER S133A:**



This decision has been amended under s133A of the Resource Management Act 1991. Amendments were made to the description of the activity and conditions 3(c)iii, 4(b)vii and 4(t)i.



**Simeon McLean, Team Leader Resource Consents**

**Date: 19 July 2022**

Agreement to extend the timeframes within s133A under s37 of the act was provided by the applicant (see email correspondence in the application file).

**Right of Objection**

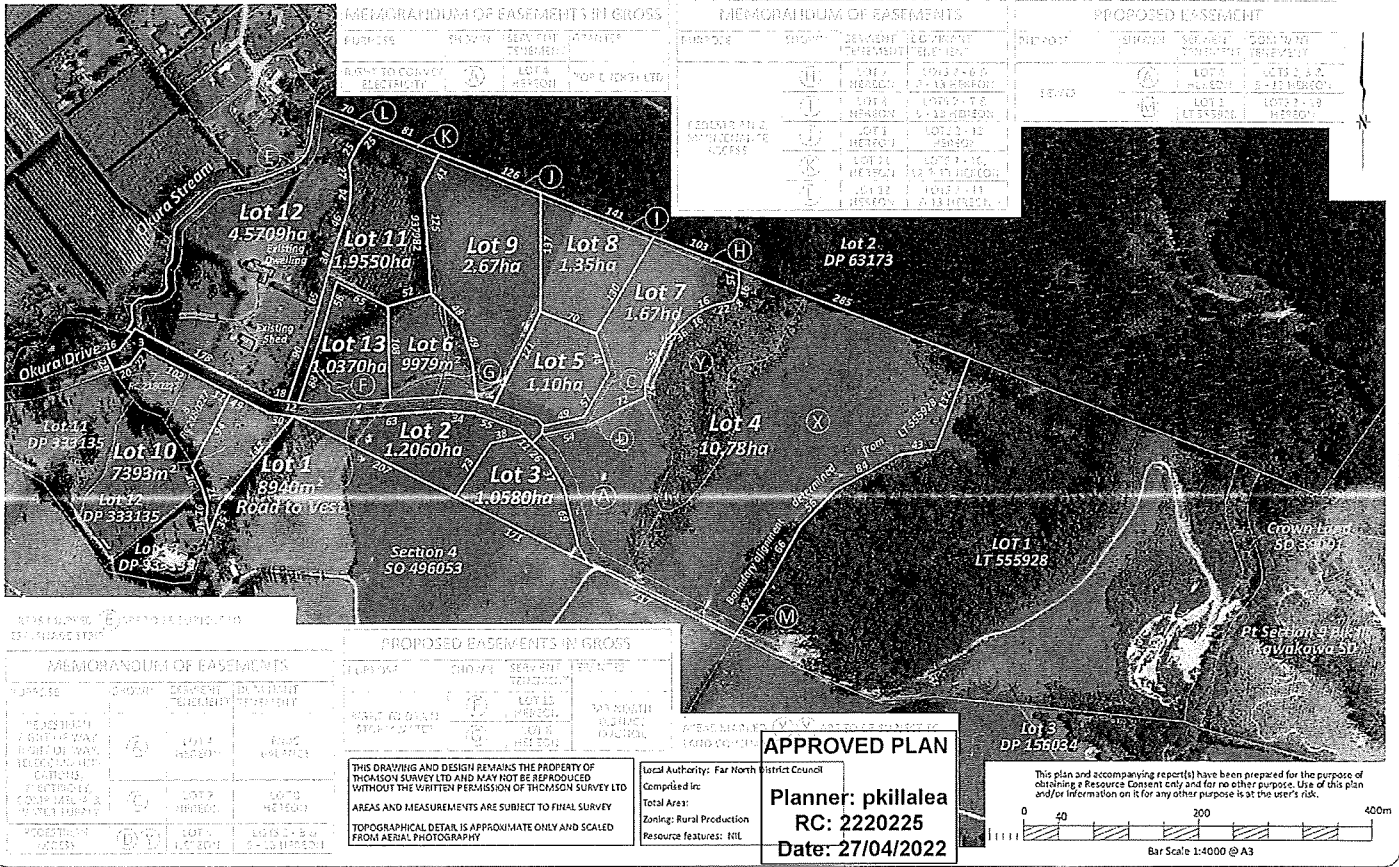
If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

**Lapsing of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.



MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SECTION	DEPARTMENT	APPLICABLE
RIGHT TO CONVEY ELECTRICITY	LOT 4	HERSCHEL	LOT 1 HERSCHEL

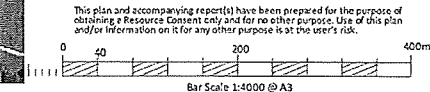
MEMORANDUM OF EASEMENTS			
PURPOSE	SECTION	DEPARTMENT	APPLICABLE
RESERVE FOR THE FUTURE OF THE ACCESS	LOT 7 HERSCHEL	LOT 2 & 3 HERSCHEL	LOT 2 & 3 HERSCHEL
	LOT 8 HERSCHEL	LOT 4 & 5 HERSCHEL	LOT 4 & 5 HERSCHEL
	LOT 9 HERSCHEL	LOT 6 & 7 HERSCHEL	LOT 6 & 7 HERSCHEL
	LOT 10 HERSCHEL	LOT 8 & 9 HERSCHEL	LOT 8 & 9 HERSCHEL

PROPOSED EASEMENT			
SECTION	DEPARTMENT	APPLICABLE	APPLICABLE
LOT 2	HERSCHEL	LOT 1 DP 548286	LOT 1 DP 548286
LOT 1	HERSCHEL	LOT 2 DP 63173	LOT 2 DP 63173

MEMORANDUM OF EASEMENTS			
PURPOSE	SECTION	DEPARTMENT	APPLICABLE
THE ASSOCIATED FUTURE HIGHWAY FRONTAGE ROAD TELEPHONE NETWORKS	LOT 1 HERSCHEL	LOT 1 HERSCHEL	LOT 1 HERSCHEL
PROPOSED HIGHWAY FRONTAGE ROAD	LOT 2 HERSCHEL	LOT 2 HERSCHEL	LOT 2 HERSCHEL
PROPOSED HIGHWAY FRONTAGE ROAD	LOT 3 HERSCHEL	LOT 3 HERSCHEL	LOT 3 HERSCHEL

PROPOSED EASEMENTS IN GROSS			
PURPOSE	SECTION	DEPARTMENT	APPLICABLE
RIGHT TO CONVEY ELECTRICITY	LOT 4	HERSCHEL	LOT 1 HERSCHEL

**APPROVED PLAN**  
 Planner: **pkillalea**  
 RC: **2220225**  
 Date: **27/04/2022**



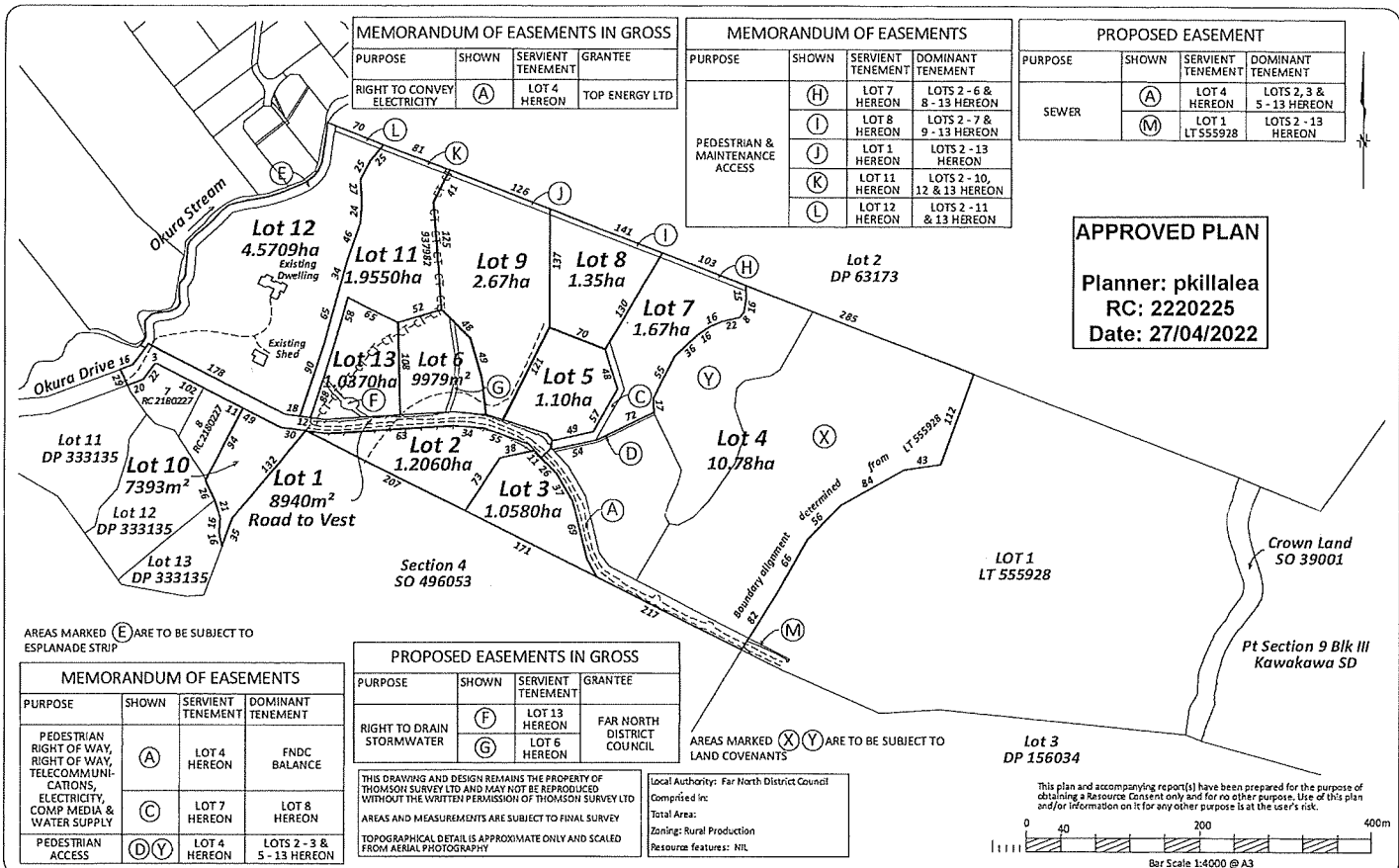
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 315 Kerikeri Rd  
 P.O. Box 372 Kerikeri  
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 www.thomsonsurvey.co.nz  
 Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF LOT 2 LT 555928 LOT 1 DP 548286 & PROPOSED SEWER EASEMENT OVER LOT 1 LT 555928**  
 19 OKURA DRIVE, KERIKERI  
 PREPARED FOR: C. LEE & T. MONRO

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE	Surveyors Ref. No.
Design	KY	28.11.18	1:4000	A3	9454
Approved	KY	17.08.21			
Rev					

9454 Scheme 20210817.kcd  
 Sheet 1 of 1



MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO CONVEY ELECTRICITY	(A)	LOT 4 HEREON	TOP ENERGY LTD

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN & MAINTENANCE ACCESS	(H)	LOT 7 HEREON	LOTS 2 - 6 & 8 - 13 HEREON
	(I)	LOT 8 HEREON	LOTS 2 - 7 & 9 - 13 HEREON
	(J)	LOT 1 HEREON	LOTS 2 - 13 HEREON
	(K)	LOT 11 HEREON	LOTS 2 - 10, 12 & 13 HEREON
	(L)	LOT 12 HEREON	LOTS 2 - 11 & 13 HEREON

PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
SEWER	(A)	LOT 4 HEREON	LOTS 2, 3 & 5 - 13 HEREON
	(M)	LOT 1 LT 555928	LOTS 2 - 13 HEREON

**APPROVED PLAN**  
 Planner: pkillalea  
 RC: 2220225  
 Date: 27/04/2022

AREAS MARKED (E) ARE TO BE SUBJECT TO ESPLANADE STRIP

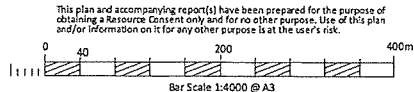
MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY, RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY, COMP MEDIA & WATER SUPPLY	(A)	LOT 4 HEREON	FNDC BALANCE
	(C)	LOT 7 HEREON	LOT 8 HEREON
PEDESTRIAN ACCESS	(D)(Y)	LOT 4 HEREON	LOTS 2 - 3 & 5 - 13 HEREON

PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO DRAIN STORMWATER	(F)	LOT 13 HEREON	FAR NORTH DISTRICT COUNCIL
	(G)	LOT 6 HEREON	FAR NORTH DISTRICT COUNCIL

AREAS MARKED (X)(Y) ARE TO BE SUBJECT TO LAND COVENANTS

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 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council  
 Comprised in:  
 Total Area:  
 Zoning: Rural Production  
 Resource features: NIL



**THOMSON SURVEY**  
 315 Kerikeri Rd  
 P.O. Box 372 Kerikeri  
 Email: kerikeri@thomsonsurvey.co.nz  
 Ph: (09) 4077350  
 www.thomsonsurvey.co.nz  
 Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF LOT 2 LT 555928 LOT 1 DP 548286 & PROPOSED SEWER EASEMENT OVER LOT 1 LT 555928**  
 19 OKURA DRIVE, KERIKERI  
 PREPARED FOR: C. LEE & T. MONRO

Name	Date	ORIGINAL SCALE	SHEET SIZE	Surveyors Ref. No.
Design		1:4000	A3	9454
Drawn	RY 28.11.18			
Approved				
Rev	RY 17.08.21			

9454 Scheme 20210817.kxd  
 Sheet 1 of 1



**Appendix 2**  
Excerpt from Draft  
Easement Instrument

**Form 22**

**Easement instrument to grant easement or *profit à prendre***

(Section 109 Land Transfer Act 2017)

**Grantor**

**CRAIG STEPHEN LEE, TONI LEE MONRO, PM TRUSTEE LIMITED**

**Grantee**

**OKURA RESIDENTS' ASSOCIATION INCORPORATED**

**Grant of Easement or *Profit à prendre***

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

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose of Easement, or <i>profit</i>	Shown (plan reference) <b>598921</b>	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way (Pedestrian Access)	L	Lot 12 DP 598921 RT 1174365	In Gross
	K	Lot 11 DP 598921 RT 1174364	
	N	Lot 9 DP 598921 RT 1174362	
	O	Lot 8 DP 598921 RT 1174361	
	P	Lot 7 DP 598921 RT 1174360	
	B, D, Y	Lot 4 DP 598921 RT 1174357	

## **Appendix 3**

Draft LT 598921 & easement  
schedule (showing changes)



# Title Plan - LT 598921

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**Survey Number** LT 598921  
**Surveyor Reference** 9454 Craig Lee  
**Surveyor** Denis McGregor Thomson  
**Survey Firm** Thomson Survey Limited  
**Surveyor Declaration**

---

## Survey Details

**Dataset Description** Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and Easement over Lot 1 DP 555928

**Status** Initiated

**Land District** North Auckland      **Survey Class** Class B

**Submitted Date**      **Survey Approval Date**  
**Deposit Date**

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## Territorial Authorities

Far North District

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## Comprised In

RT 1010055  
RT 1010054

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## Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 598921	Vesting on Deposit for Road	0.9008 Ha	
Lot 2 Deposited Plan 598921	Fee Simple Title	1.1624 Ha	1174355
Lot 3 Deposited Plan 598921	Fee Simple Title	1.0355 Ha	1174356
Lot 4 Deposited Plan 598921	Fee Simple Title	10.7729 Ha	1174357
Lot 5 Deposited Plan 598921	Fee Simple Title	1.0187 Ha	1174358
Lot 6 Deposited Plan 598921	Fee Simple Title	0.9416 Ha	1174359
Lot 7 Deposited Plan 598921	Fee Simple Title	1.6555 Ha	1174360
Lot 8 Deposited Plan 598921	Fee Simple Title	1.3581 Ha	1174361
Lot 9 Deposited Plan 598921	Fee Simple Title	2.8138 Ha	1174362
Lot 10 Deposited Plan 598921	Fee Simple Title	0.7392 Ha	1174363
Lot 11 Deposited Plan 598921	Fee Simple Title	1.8751 Ha	1174364
Lot 12 Deposited Plan 598921	Fee Simple Title	4.8095 Ha	1174365
Lot 13 Deposited Plan 598921	Fee Simple Title	0.9619 Ha	1174354
Area A Deposited Plan 598921	Easement		
Area B Deposited Plan 598921	Easement		
Area C Deposited Plan 598921	Easement		
Area D Deposited Plan 598921	Easement		
Area AE Deposited Plan 598921	Easement		
Area F Deposited Plan 598921	Easement		
Area G Deposited Plan 598921	Easement		
Area H Deposited Plan 598921	Easement		





# Title Plan - LT 598921

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## Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area I Deposited Plan 598921	Easement		
Area J Deposited Plan 598921	Easement		
Area L Deposited Plan 598921	Easement		
Area K Deposited Plan 598921	Easement		
Area M Deposited Plan 598921	Easement		
Area N Deposited Plan 598921	Easement		
Area O Deposited Plan 598921	Easement		
Area P Deposited Plan 598921	Easement		
Area Q Deposited Plan 598921	Easement		
Area R Deposited Plan 598921	Easement		
Area S Deposited Plan 598921	Easement		
Area T Deposited Plan 598921	Easement		
Area U Deposited Plan 598921	Easement		
Area V Deposited Plan 598921	Easement		
Area W Deposited Plan 598921	Easement		
Area X Deposited Plan 598921	Covenant - Land		
Area Y Deposited Plan 598921	Easement		
Area Z Deposited Plan 598921	Easement		
Area AA Deposited Plan 598921	Easement		
Area AB Deposited Plan 598921	Easement		
Area AC Deposited Plan 598921	Easement		
Esplanade Strip E Deposited Plan 598921	Esplanade Strip		
<b>Total Area</b>		<hr/> 30.0450 Ha	

Schedule / Memorandum

LT 598921 Schedule/Memorandum

Land registration district  
North Auckland

Territorial authority  
Far North District

Memorandum of Easements

Parcels shown with a prefix of HL- include height-limited boundaries

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of way Right to drain sewage, water Right to convey electricity, telecommunications, water	V	Lot 11	Lot 13
" "	U	Lot 13	Lot 11
" "	C, AE	Lot 7	Lot 8
" "	A, B	Lot 4	Lot 1 DP 555928
" "	C	Lot 7	Lot 1 DP 555928
Right of way (Pedestrian)	L	Lot 12	<del>Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 13</del>
" " <i>shift all to Memorandum of Easements in Gross in favour of Okura</i>	K	Lot 11	<del>Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 12, Lot 13</del>
" " <i>Residents Associated 'incorporated (as Grantee)</i>	N	Lot 9	<del>Lot 2, Lot 3, Lot 4, Lot 6, Lot 7, Lot 8, Lot 10, Lot 11, Lot 12, Lot 13</del>
" "	O	Lot 8	<del>Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13</del>
" "	P	Lot 7	<del>Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13</del>
<i>delete</i>	Y	Lot 4	<del>Lot 2, Lot 3, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13</del>
Right of Way (Pedestrian)	B, D, Y	Lot 4	<del>Lot 2, Lot 3, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13</del>

## Memorandum of Easements

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right to drain water	L, W, AC	Lot 12	Lot 11, Lot 13
" "	J, K, Q, V, AB	Lot 11	Lot 9, Lot 13
" "	H	Lot 6	Lot 9
" "	I, N, T	Lot 9	Lot 5, Lot 6, Lot 8, Lot 11
" "	O	Lot 8	Lot 7, Lot 9
" "	P	Lot 7	Lot 8
" "	AE	Lot 7	Lot 5
Right to drain sewage	M	Lot 1 DP 555928	Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13

## Schedule of Easements in Gross

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
Right to convey electricity	W, Z, AA	Lot 12	Top Energy Ltd
" "	V	Lot 11	Top Energy Ltd
" "	F, U	Lot 13	Top Energy Ltd
" "	G	Lot 6	Top Energy Ltd
" "	S	Lot 9	Top Energy Ltd
" "	R	Lot 5	Top Energy Ltd

## Memorandum of Easements in Gross

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
Right to drain water	I, S, T	Lot 9	Far North District Council
" "	G, H	Lot 6	Far North District Council
" "	F, U	Lot 13	Far North District Council

Memorandum of Easements in Gross

PURPOSE	SHOWN	BURDENED LAND	GRANTEE
" "	J, K, Q, V	Lot 11	Far North District Council
" "	L, W, AC	Lot 12	Far North District Council

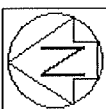
Notes

add in Right of Way (Pedestrian Access) from memorandum of Easements, with grantee being Okuro Residents Association Incorporated

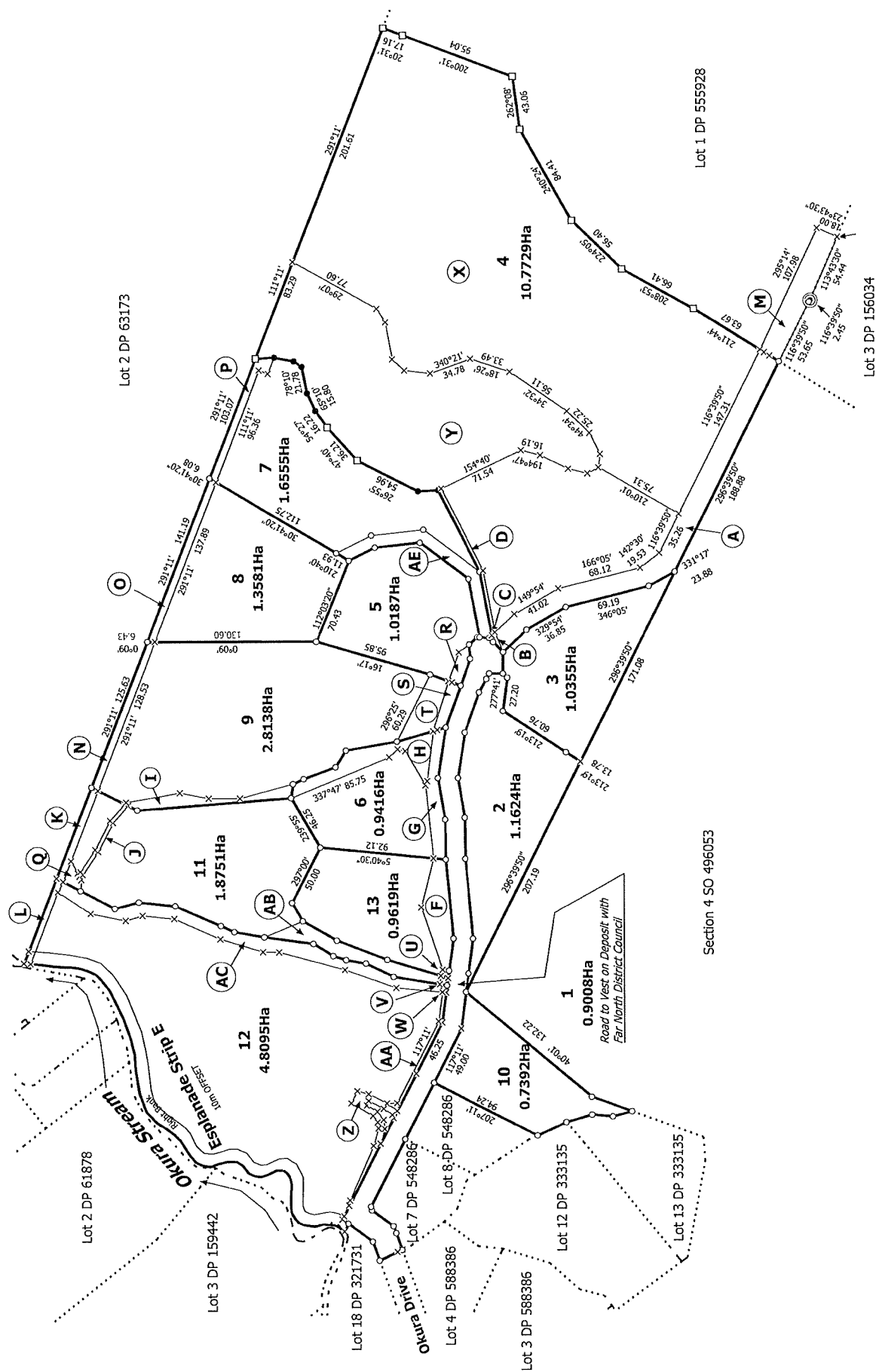
Areas X & Y are subject to existing covenants

Esplanade Strip E is to be subject to an esplanade strip





Diag. A

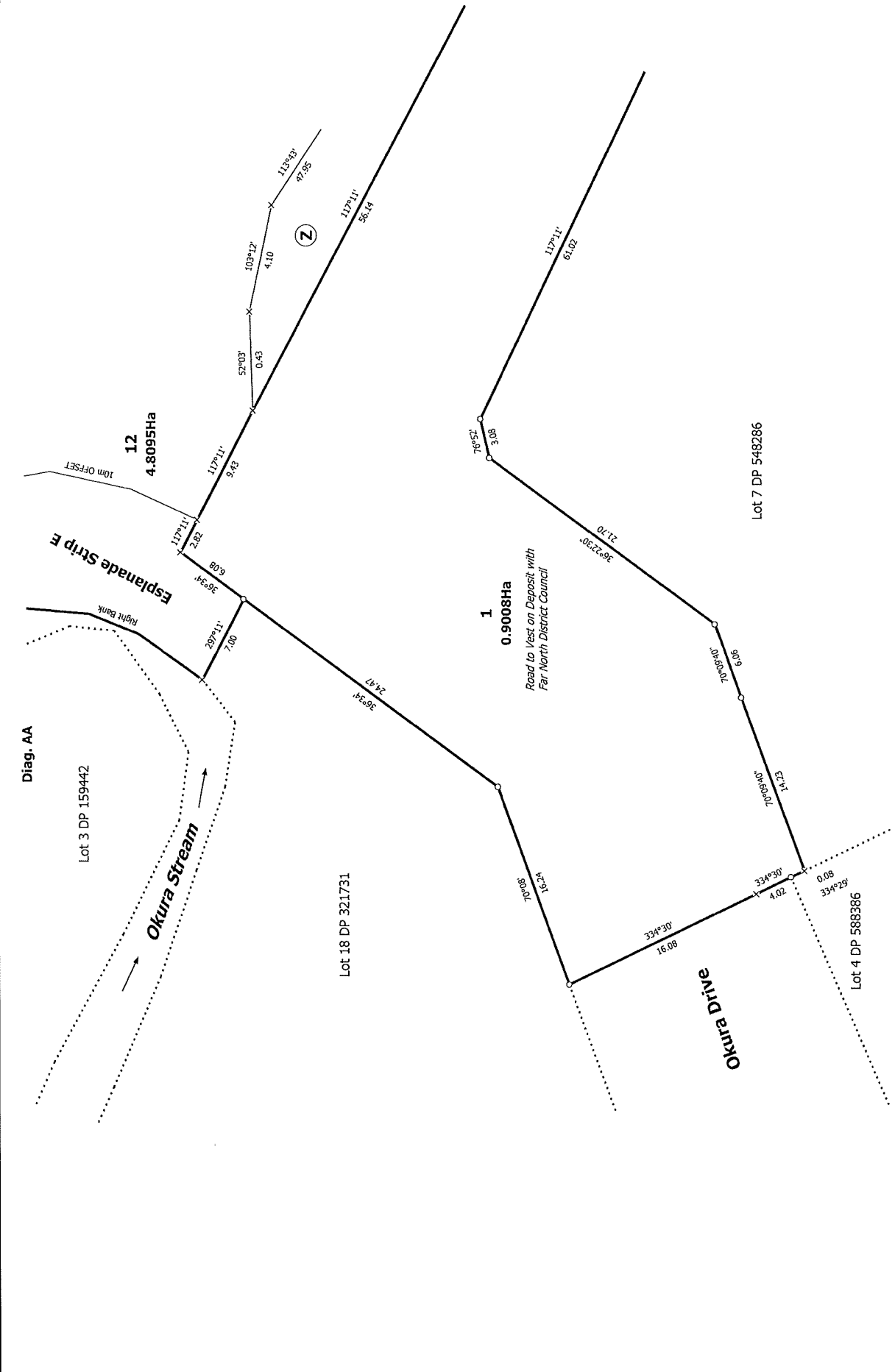


Surveyor's Ref: 9454

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 28/11/2024 10:34am Page 6 of 18</p>	<p>Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 &amp; Lot 1 DP 548286 and Easement over Lot 1 DP 555928</p>	<p>Surveyor: Denis McGregor Thomson</p> <p>Firm: Thomson Survey Limited</p>	<p>Title Plan</p> <p>LT 598921</p> <p>DRAFT</p>
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T 2/13



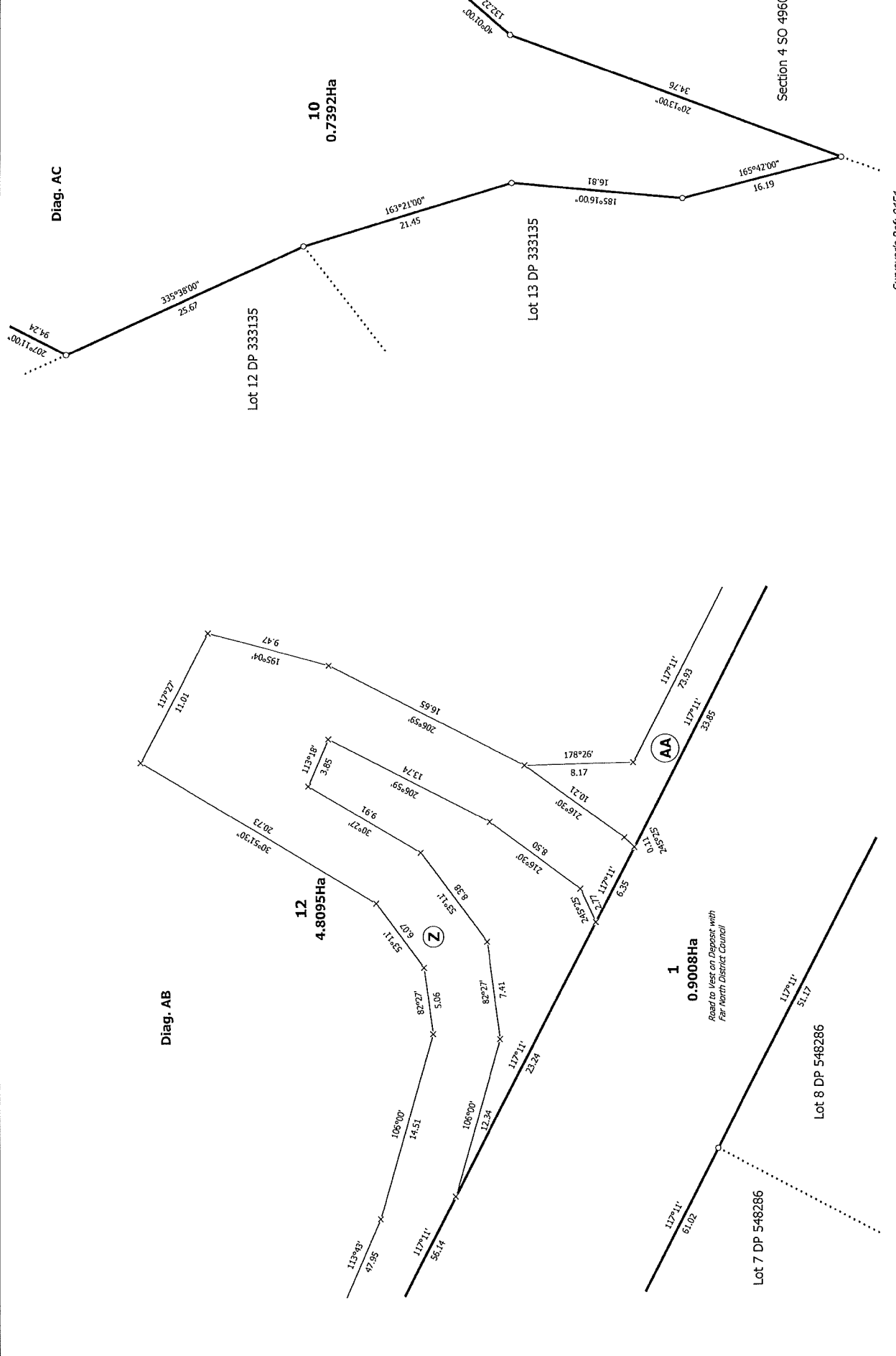
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Title Plan  
LT 598921  
DRAFT

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
Generated on: 28/11/2024 10:34am Page 7 of 18



Diag. AC

Diag. AB

10  
0.7392Ha

12  
4.8095Ha

1  
0.9008Ha

Section 4 SO 496053

Lot 13 DP 333135

Lot 12 DP 333135

Lot 8 DP 548286

Lot 7 DP 548286

Road to Vest on Deposit with  
Fair North District Council

T 3/13

Surveyor's Ref: 9454

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

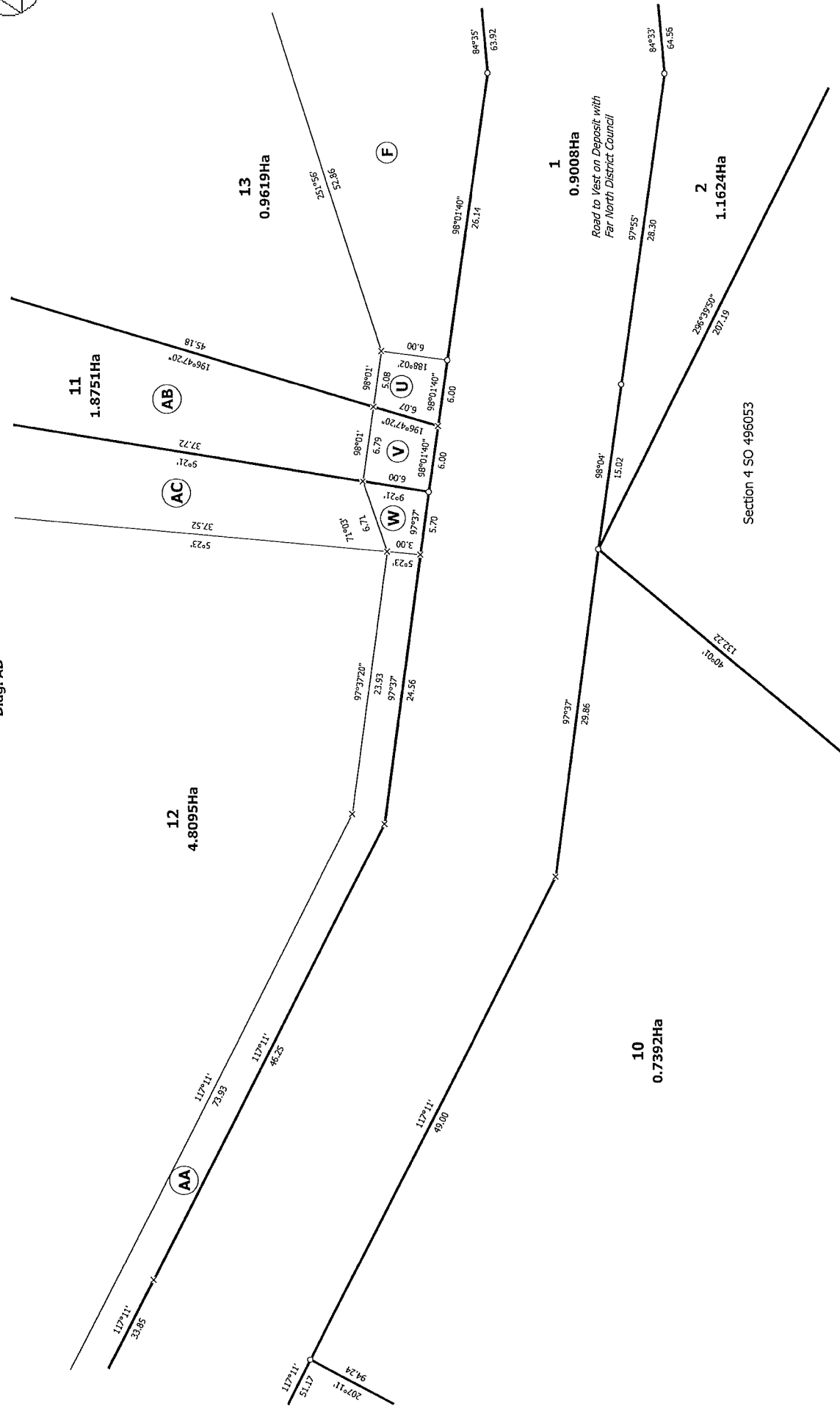
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LT 598921  
DRAFT

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
Generated on: 28/11/2024 10:34am Page 8 of 10



Diag. AD

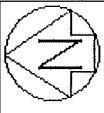


T 4/13

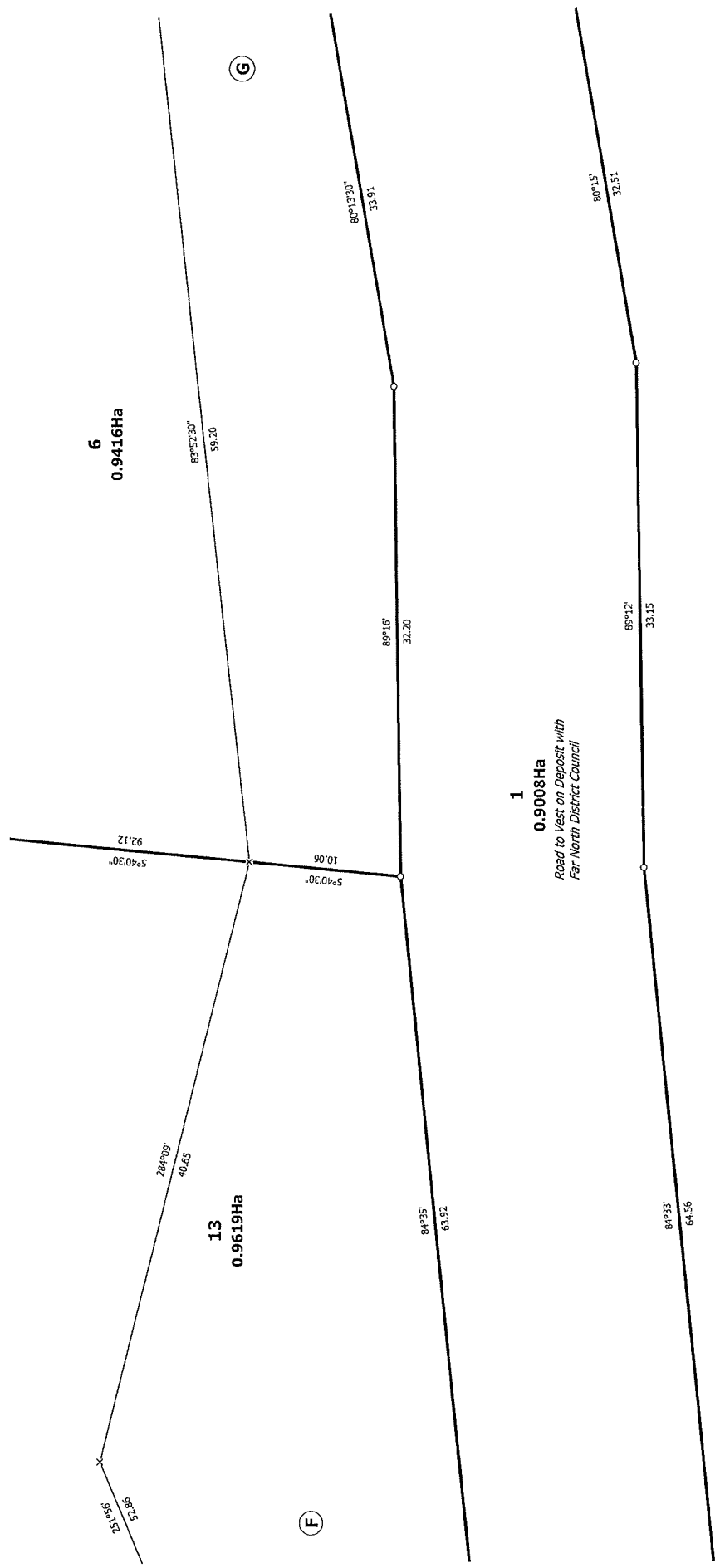
Surveyor's Ref: 9454

Land District: North Auckland	Surveyor: Denis McGregor Thomson	Title Plan LT 598921
Digitally Generated Plan Generated on: 28/11/2024 10:34am Page 9 of 18	Firm: Thomson Survey Limited	DRAFT
Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and Easement over Lot 1 DP 555928		





Diag. AH



(G)

(F)

**1**  
**0.9008Ha**  
*Road to Vest on Deposit with  
 For North District Council*

**2**  
**1.1624Ha**

T 5/13

Surveyor's Ref: 9454

Title Plan  
 LT 598921  
 DRAFT

Surveyor: Denis McGregor Thomson  
 Firm: Thomson Survey Limited

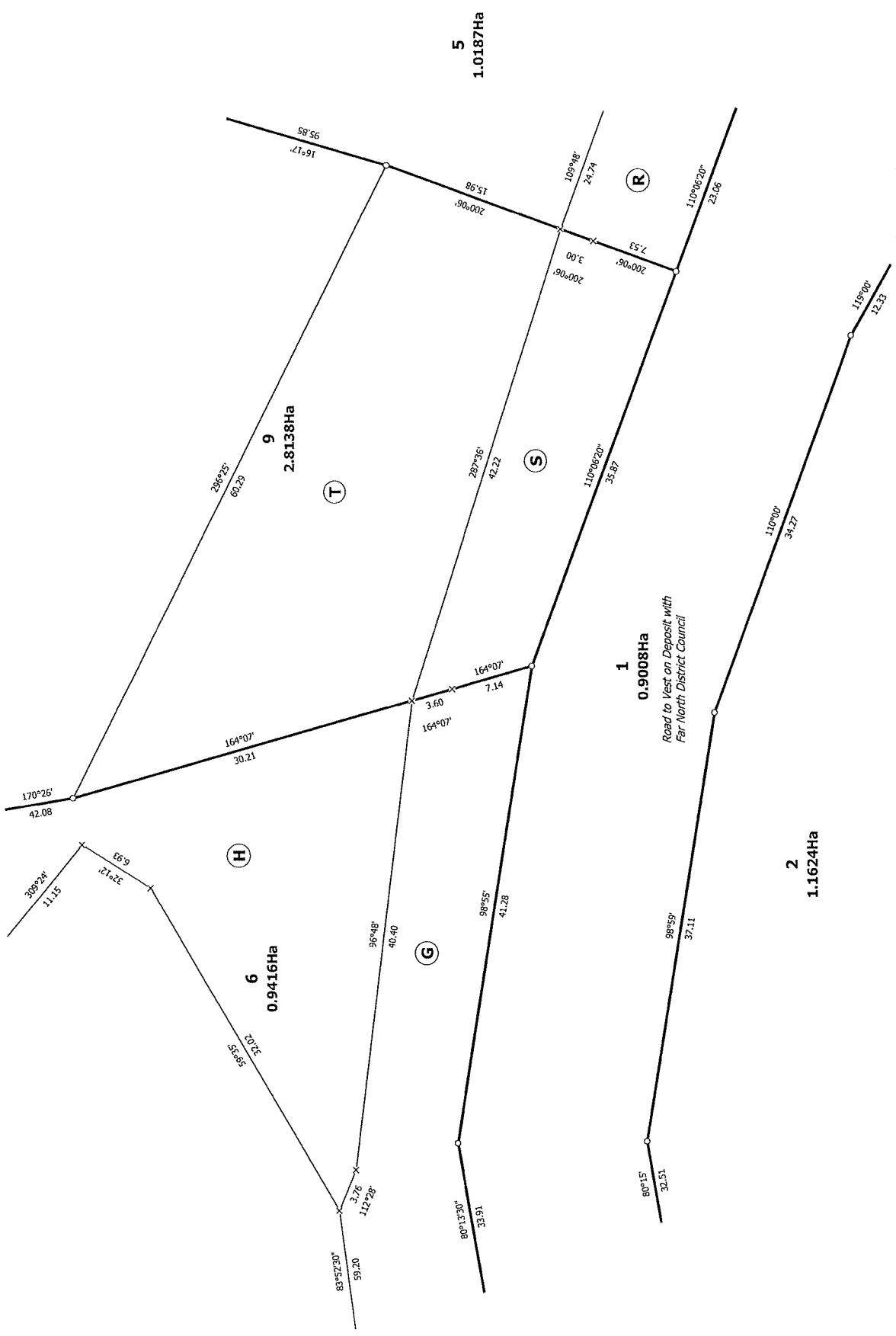
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 Easement over Lot 1 DP 555928

Land District: North Auckland

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Diag. AK



T 6/13

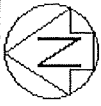
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Title Plan  
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DRAFT

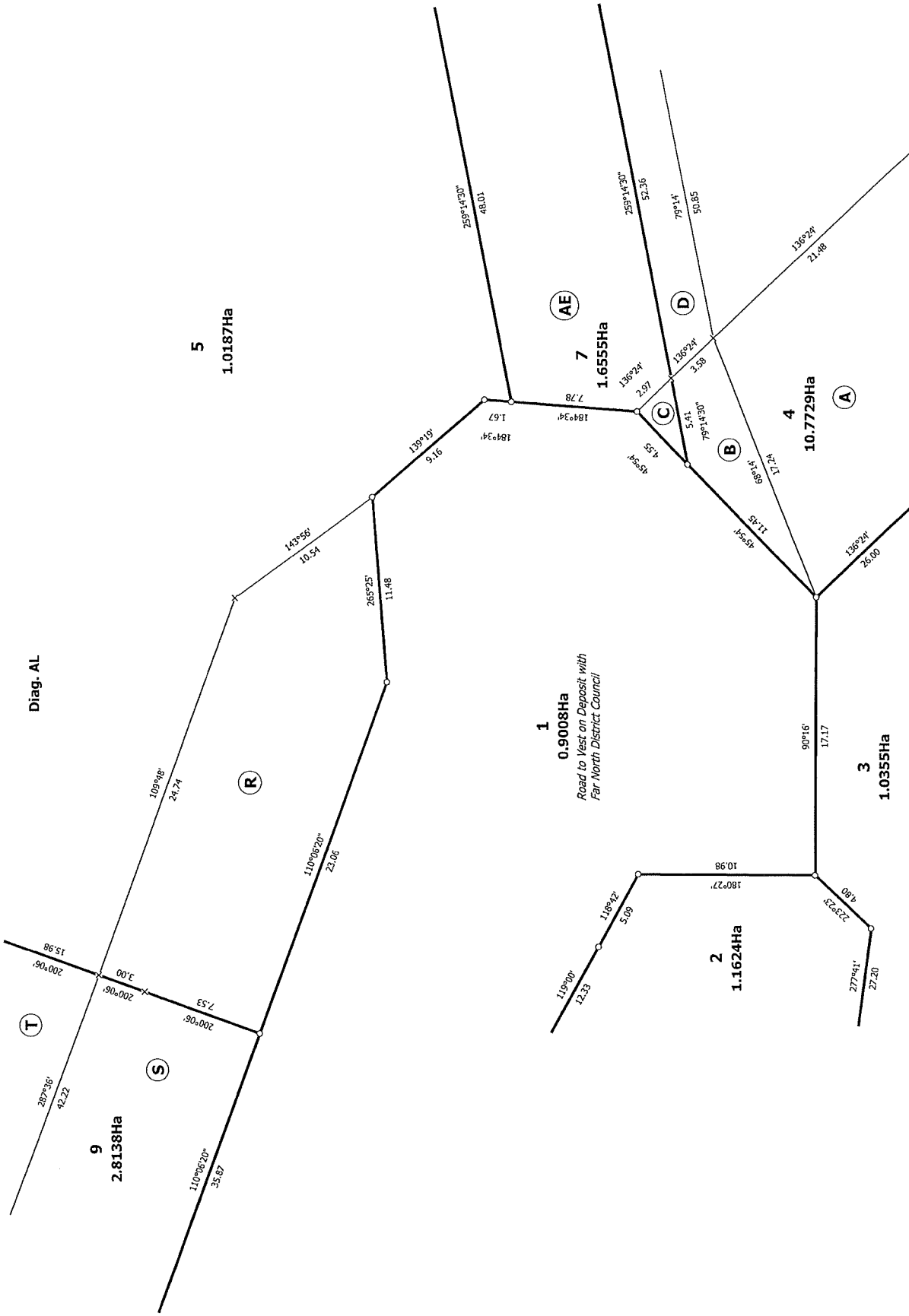
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Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
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Diag. AL



T 7/13

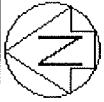
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Title Plan  
LT 598921  
DRAFT

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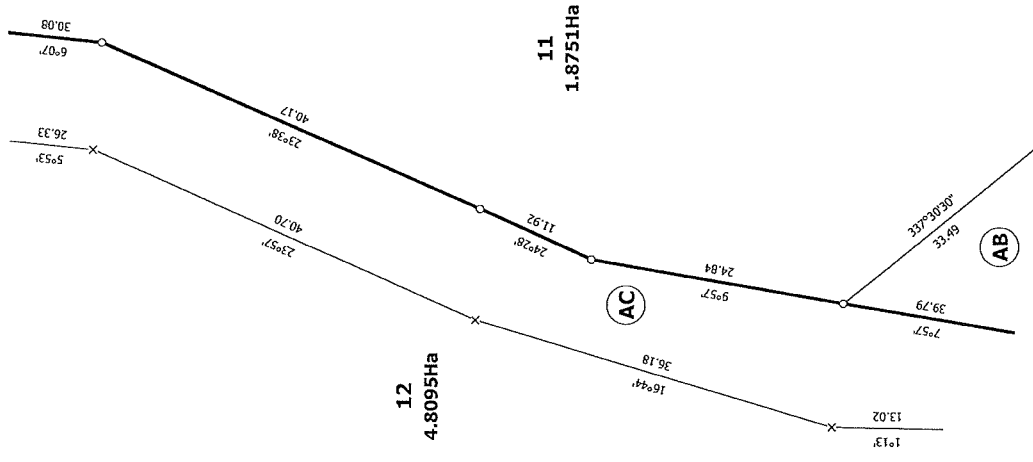
Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
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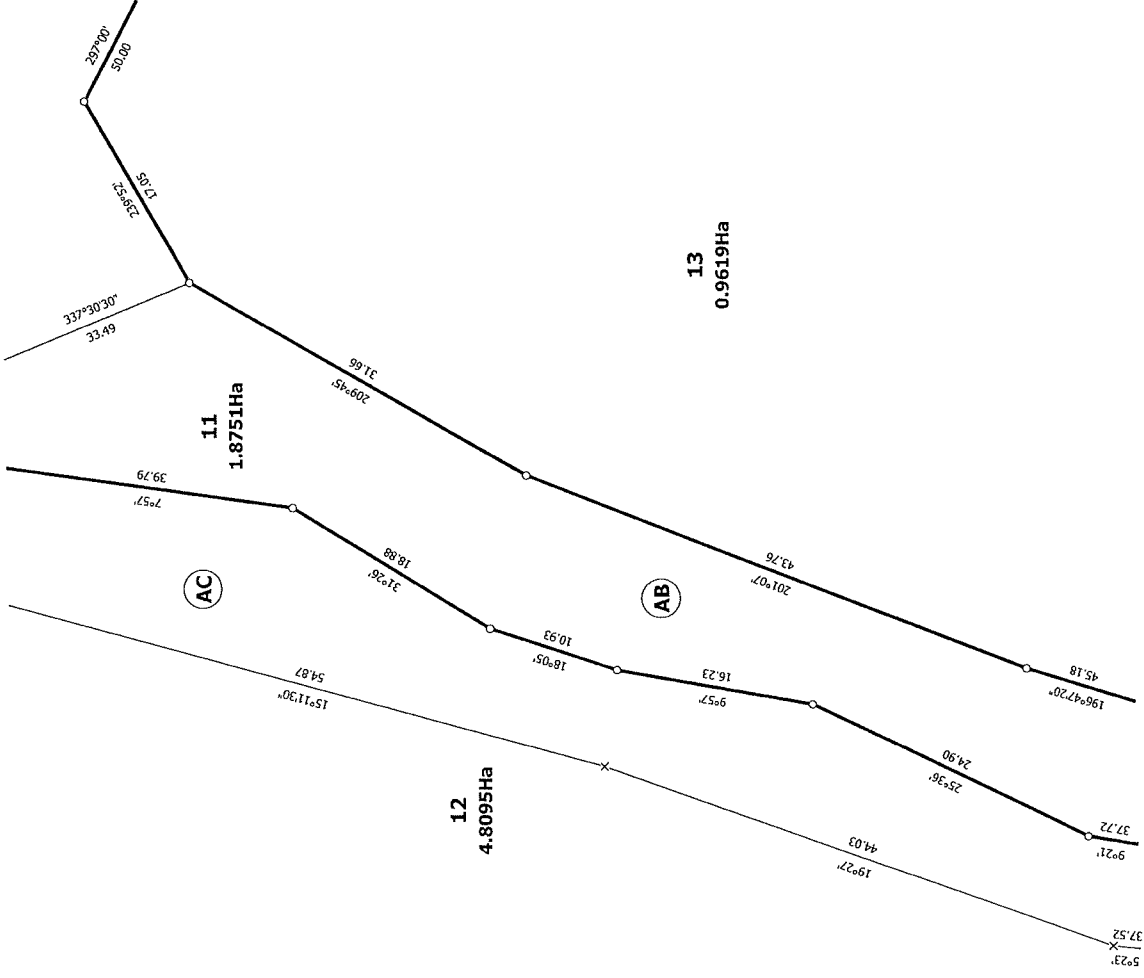


T 8/13

Diag. AF



Diag. AE



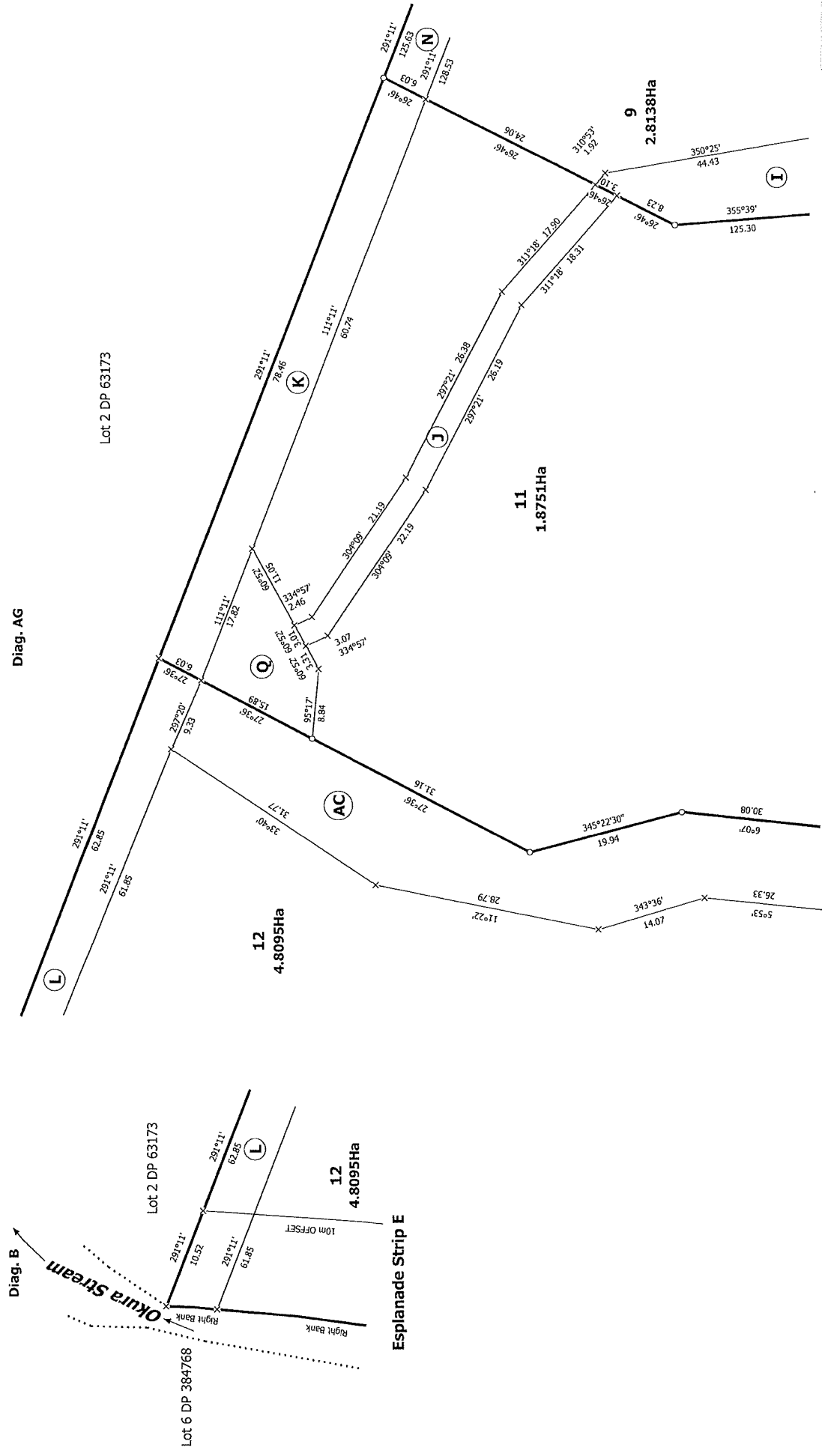
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Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
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Title Plan  
LT 598921  
DRAFT



T 9/13

Surveyor's Ref: 9454

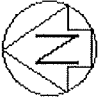
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Firm: Thomson Survey Limited

Title Plan  
LT 598921  
DRAFT

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and Easement over Lot 1 DP 555928

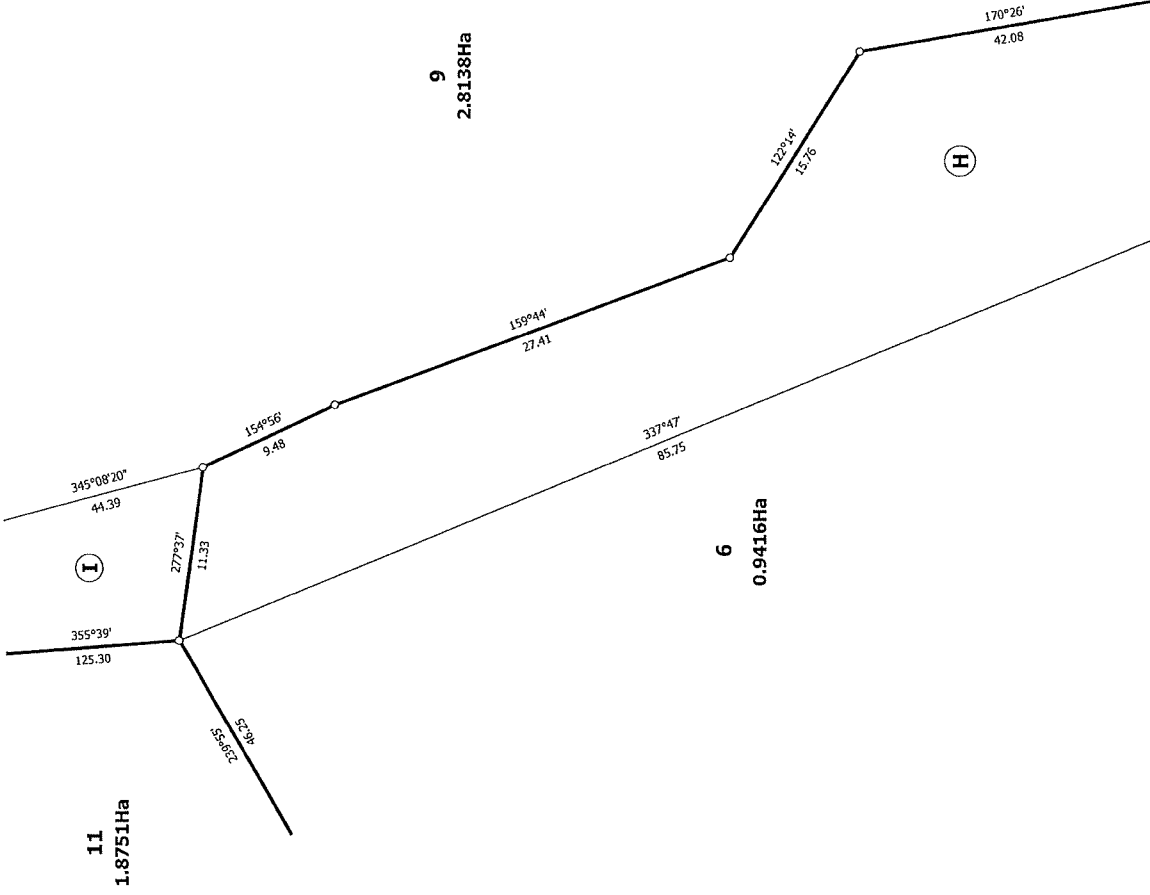
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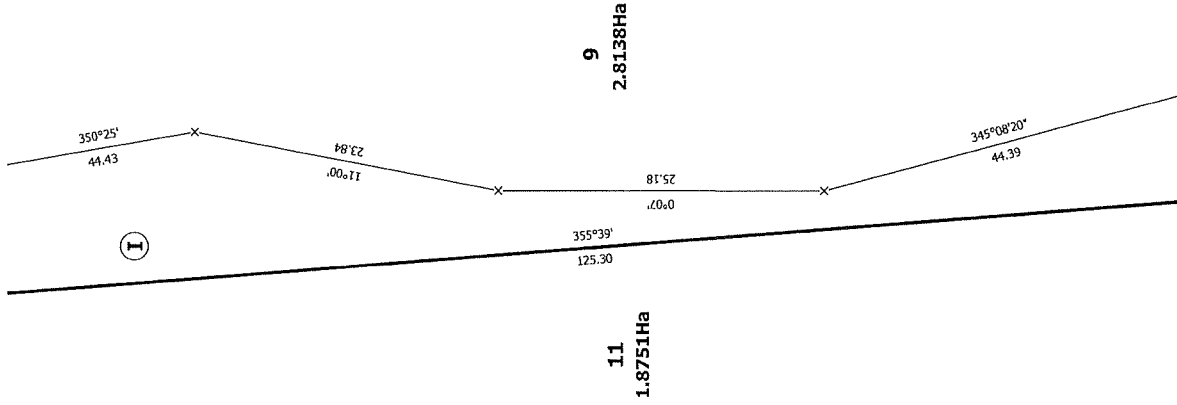


T 10/13

Diag. AJ



Diag. AI



Surveyor's Ref: 9454

Title Plan  
LT 598921  
DRAFT

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

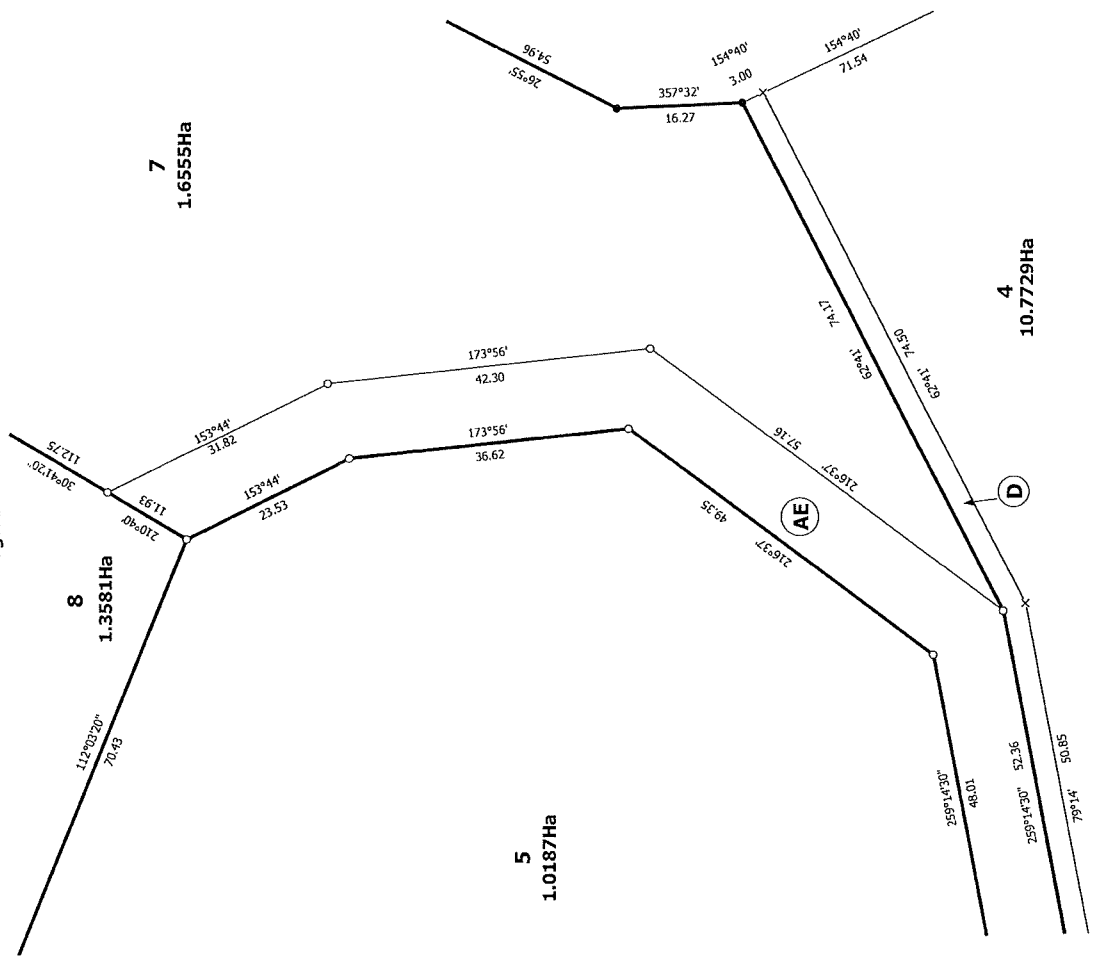
Land District: North Auckland

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Diag. AM



T 11/13

Surveyor's Ref: 9454

Title Plan  
LT 598921  
DRAFT

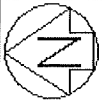
Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland

Digitally Generated Plan

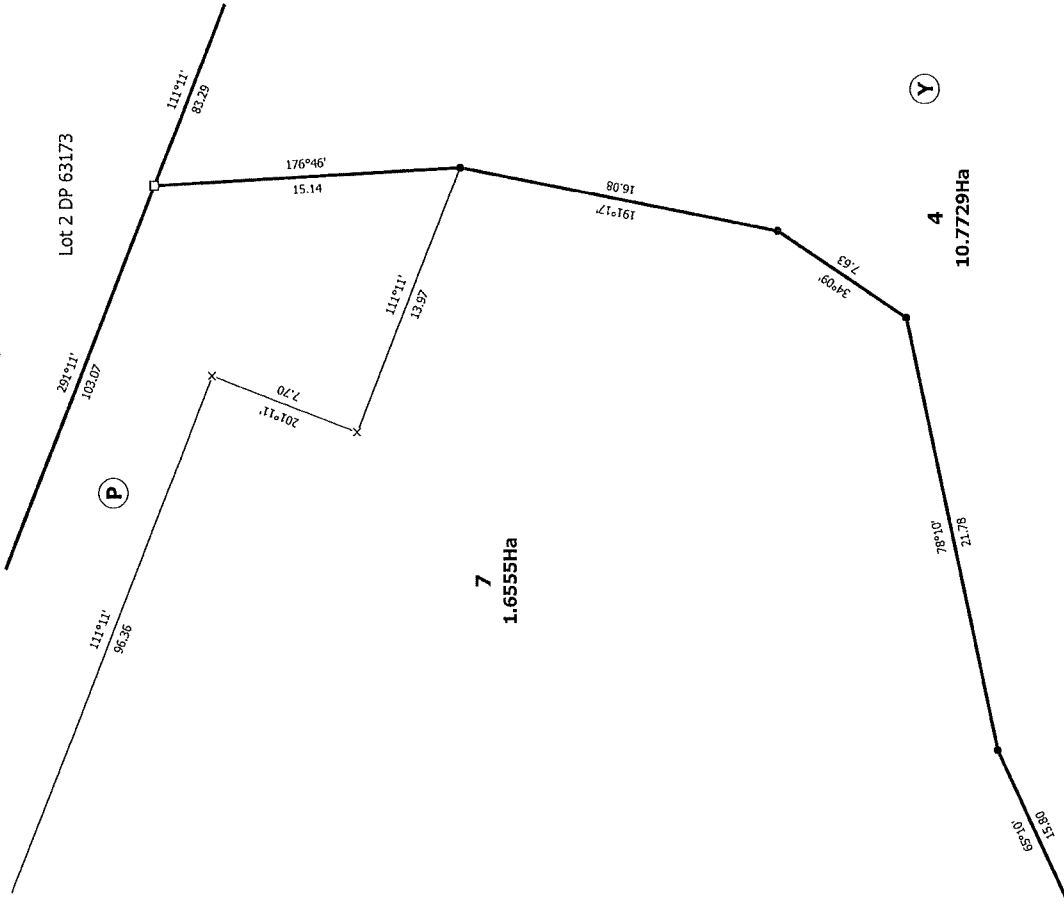
Generated on: 20/11/2024 10:34am Page 16 of 19



Diag. A0

Lot 2 DP 63173

P

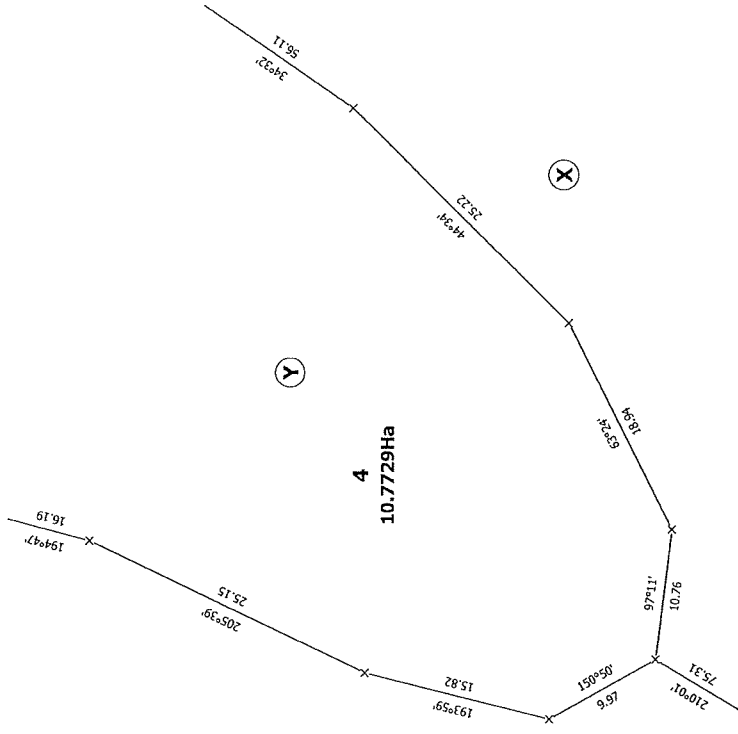


Diag. AN

4  
10.7729Ha

Y

X



T 12/13

Surveyor's Ref: 9454

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

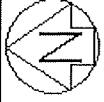
Title Plan  
LT 598921  
DRAFT

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland

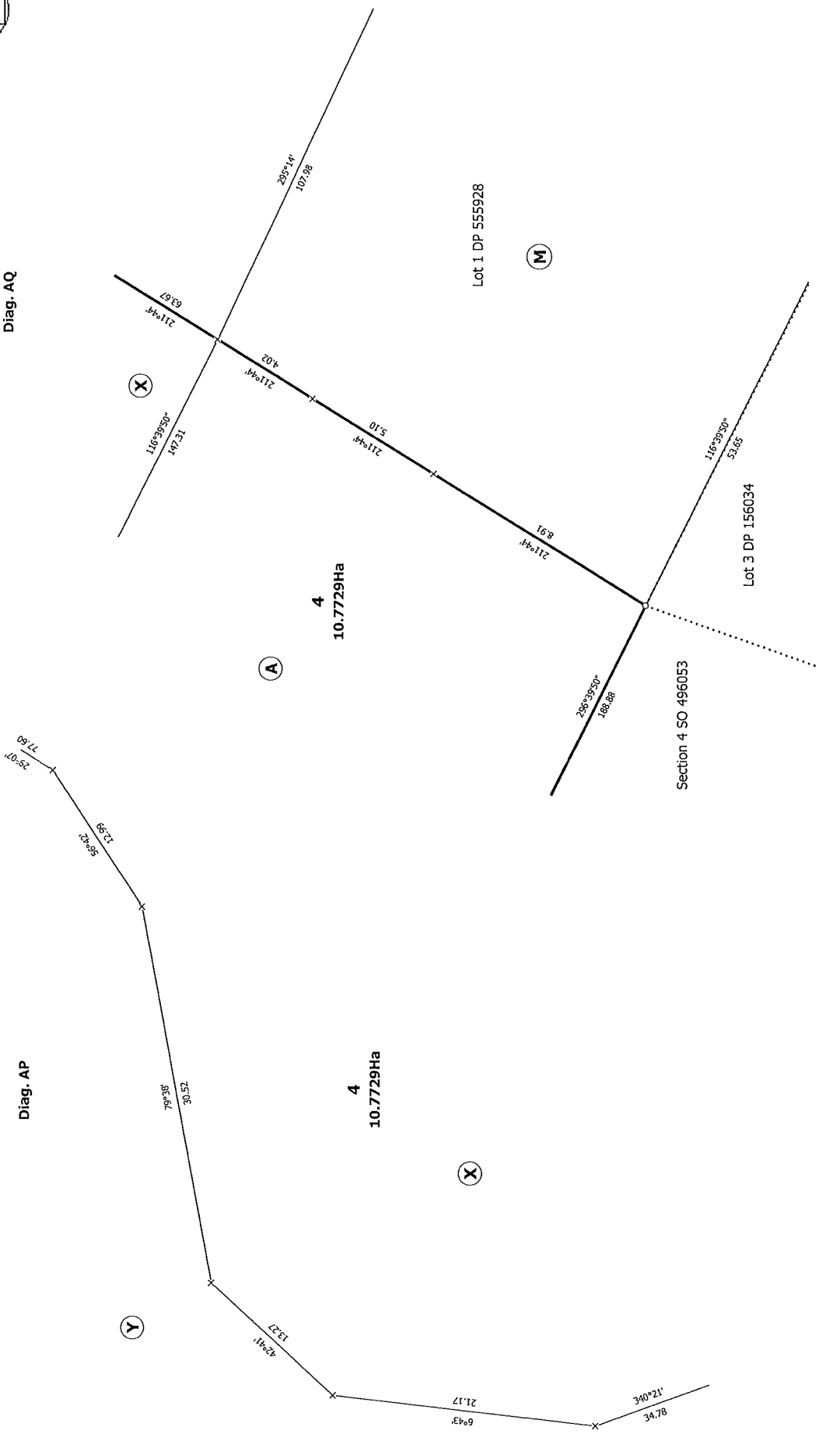
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Diag. AQ

Diag. AP



T 13/13

Surveyor's Ref. 9454

Title Plan  
LT 598921  
DRAFT

Surveyor: Denis McGregor Thomson  
Firm: Thomson Survey Limited

Lots 1 - 13 Being a Subdivision of Lot 2 DP 555928 & Lot 1 DP 548286 and  
Easement over Lot 1 DP 555928

Land District: North Auckland  
Digitally Generated Plan  
Generated on: 28/11/2024 10:34am Page 18 of 18

# **Appendix 4**

## Current Record of Title





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 1010055  
**Land Registration District** North Auckland  
**Date Issued** 29 July 2022

**Prior References**

753965 937982

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**Estate** Fee Simple  
**Area** 30.0466 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 555928 and Lot 1  
Deposited Plan 548286

**Registered Owners**

Craig Stephen Lee, Toni Lee Monro and PM Trustee Limited

---

**Interests**

Subject to Section 168A Coal Mines Act 1925 (Affects part Lot 1 DP 548286 formerly Lot 14 DP 333135)

Subject to Section 8 Mining Act 1971 (Affects part Lot 1 DP 548286 formerly Lot 14 DP 333135)

Subject to Section 59 Land Act 1948 (Affects Lot 2 DP 555928 and part Lot 1 DP 548286 formerly Lot 3 DP 186121)

Subject to a right of way, rights to transmit electricity, telecommunications and water supply easements over part Lot 1 DP 548286 marked A and D on DP 548286 created by Easement Instrument 5712993.10 - 1.9.2003 at 9:00 am

Appurtenant to part Lot 1 DP 548286 formerly Lot 3 DP 186121 herein is a right of way, rights to transmit electricity, telecommunications & water supply easements created by Easement Instrument 5712993.10 - 1.9.2003 at 9:00 am

The easements created by Easement Instrument 5712993.10 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to a right of way, a right to drain sewage and a right to convey water, electricity, telecommunications and computer media over part Lot 1 DP 548286 marked A, B and E on DP 548286 in favour of Far North District Council created by Easement Instrument 10593891.1 - 20.10.2016 at 1:59 pm

Subject to a right (in gross) to convey electricity, telecommunications and computer media over part Lot 1 DP 548286 marked C on SO 496053 in favour of Top Energy Limited created by Easement Instrument 10593891.2 - 20.10.2016 at 1:59 pm

Subject to a right of way, a right to convey electricity, water, telecommunications and a right to drain water over part Lot 1 DP 548286 marked A, B and C on DP 548286 created by Easement Instrument 11811331.3 - 31.7.2020 at 11:22 am

The easements created by Easement Instrument 11811331.3 are subject to Section 243 (a) Resource Management Act 1991

Subject to Section 42 (6) Public Works Act 1981

Subject to a right (in gross) to convey water, telecommunications and electricity, a right to drain sewage and a right of way over part Lot 2 DP 555928 marked A and C on DP 555928 in favour of Far North District Council created by Easement Instrument 12272448.3 - 29.7.2022 at 3:30 pm

Subject to a right (in gross) to convey electricity over part Lot 2 DP 555928 marked A and C on DP 555928 in

**Identifier****1010055**

favour of Top Energy Limited created by Easement Instrument 12272448.4 - 29.7.2022 at 3:30 pm

Land Covenant in Covenant Instrument 12272448.5 - 29.7.2022 at 3:30 pm (affects Lot 2 DP 555928)

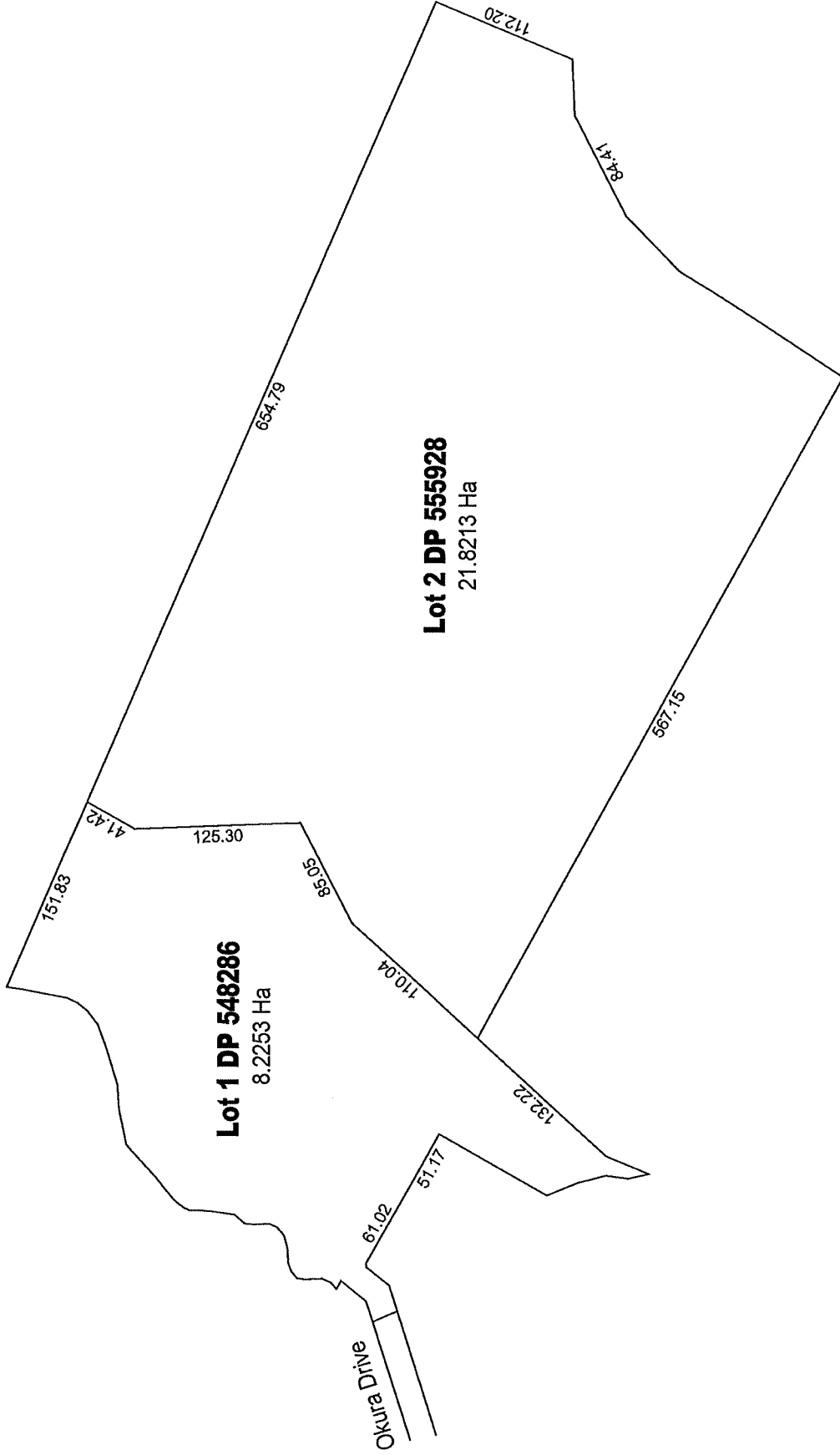
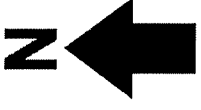
Land Covenant in Covenant Instrument 12272448.6 affecting part Lot 2 DP 555928 marked X and Y on DP 555928 - 29.7.2022 at 3:30 pm

Subject to a right (in gross) to convey telecommunications over part Lot 1 DP 548286 marked A, C, D, B & E, and over part Lot 2 DP 555928 marked A & C all on DP 555928 in favour of Chorus New Zealand Limited created by Easement Instrument 12577970.1 - 9.11.2022 at 2:48 pm

Subject to a right (in gross) to convey electricity over part Lot 1 DP 548286 marked A, D and C on DP 548286 in favour of Top Energy Limited created by Easement Instrument 12884213.1 - 19.1.2024 at 2:37 pm

Subject to a right (in gross) to a right of way, a right to drain sewage, a right to convey water, a right to convey electricity and a right to convey telecommunications and computer media over part Lot 1 DP 548286 marked A, D and C on DP 548286 in favour of Far North District Council created by Easement Instrument 12884213.2 - 19.1.2024 at 2:37 pm

Subject to a right (in gross) to convey electricity and telecommunications over part Lot 1 DP 548286 marked A on DP 587192 in favour of Top Energy Limited created by Easement Instrument 13015657.2 - 11.9.2024 at 4:36 pm



**Total Area = 30.0466 Ha**  
For remaining dimensions see DP 548286 & LT 555928