



Our Reference: 9932.2 (FNDC)

3 March 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed further minor variation to RC 2220490-RMASUB & 2220490-RMAVAR/A,  
subdivision at Waiare Road, Kaeo – Jim Tubbs**

I am pleased to submit application on behalf of Jim Tubbs, for a further minor variation (scheme plan only) to RC 2220490-RMASUB and 2220490-RMAVAR/A. 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:

Jim Tubbs

Email:

Phone number:

Postal address:

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

Office Use Only  
Application Number:

## 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:

same as item 4.

Property Address/  
Location:

2262 Waiare Road

KAEO

Postcode

## 7. Application Site Details

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

Name/s:

same as item 4.

Site Address/  
Location:

Waiare Road

KAEO

Postcode

Legal Description:

Pt Mokau 1 Block

Val Number:

Certificate of title:

NA67B/50

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.*

Please call applicant and/or agent in advance of any site visit, should one be considered necessary.

**8. Detailed description of the proposal:**

This application relates to the following resource consent:

Specific conditions to which this application relates:

Condition 1 in regard to the scheme plan, specifically easement schedules .

Describe the proposed changes:

Altering the scheme plan in regard to easement schedules.

**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) Jim Tubbs

**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)

Sidney James Tubbs

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

Date 21-2-25

**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)

Jim Tubbs

Signature:

[Redacted Signature]

Date 27-2-25

This 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.

## Jim Tubbs

2262 Waiare Road, Kaeo

# APPLICATION FOR A FURTHER MINOR CHANGE TO CONDITIONS OF RC 2220490-RMASUB & 2220490- RMAVAR/A, PURSUANT TO s127 OF RMA

Thomson Survey Ltd  
Kerikeri

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## 1.0 INTRODUCTION

### 1.1 Background

RC 2220490-RMASUB was originally issued on 22<sup>nd</sup> July 2022, to create five rural lots (four additional). It was varied in 2220490-RMAVAR/A, issued 12 November 2024. This was a minor variation, affecting only the scheme plan in regard to the methodology by which titles were to be amalgamated. A copy of RC 2220490-RMAVAR/A is attached in Appendix 1.

### 1.2 Reason for this Variation

The consent holder now wishes to add an additional dominant tenement to two of the easements consented in RC 2220490, and to add services in favour of an adjacent lot (already having right of way).

In regard easements B & D on both the existing stamped approved scheme plan and proposed amended scheme plan, Section 12 Blk X Kaeo SD is proposed to be added as a dominant tenement. Section 12 is currently land locked. A copy of Section 12's record of title forms part of Appendix 4.

In regard easement A, it is proposed to add the adjacent Lot 2 DP 530521 as a dominant tenement, in order that there be potential for a future alternative access into Lot 2 DP 530521, a large title of 147ha.

An amended Scheme Plan showing the updated easement schedules is attached in Appendix 2. The principal reason for the changes is to future proof access and services easements to a large rural holding, and to an existing land locked bush block adjacent.

### 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: Waiare Road, Kaeo

Title & Legal description: NA67B/50; Pt Mokau 1 Block – see Appendix 4.

### 3.0 SITE DESCRIPTION

The site remains as described in the original application.

### 4.0 CHANGES REQUESTED & EXPLANATION

*Given that 2220490-RMAVAR/A is the most up to date decision version, the specific changes requested are in relation to the variation decision.*

#### **Amend Condition 1 as follows:**

*1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Pt Mokau 1 Block, dated ~~29/08/24~~, 25/02/25, and attached to this consent with the Council's "Approved Stamp" affixed to them.*

#### Details of Changes and Explanation:

##### *Easement A*

The Memorandum of Easement currently shows Easement A only in favour of Lot 3. It now shows it also in favour of Lot 2 DP 530521. This is a simple change with no need to amend condition 4(b) in regard to formation standard as this already requires 3m metalled carriageway width with passing bays. The addition of another dominant tenement does not change the formation requirement.



## Easements B & D

RC 2220490-RMAVAR/A stamped approved plan currently shows Easement D as a Proposed Easement in favour of Lot 2 DP 530521. There is no condition in regard to its formation because (a) it is only a proposed easement, as opposed to in the Memorandum; and (b) Lot 2 DP 530521 has existing formed easement to its boundary via another alignment.

It is proposed to shift easement D into the Memorandum of Easements such that it is a compulsory easement, and to add Section 12 Blk X Kaeo SD (currently land locked and on the western boundary of Lot 2 DP 530521) as a dominant tenement, thereby future proofing its access. Easement D contains physical formation right of way to 3m metal carriageway with drainage, and no condition need be added to RC 2220490-RMAVAR/A in regard to formation of easement D.

Easement B is currently in favour of Lot 5 RC 2220490, and also provides right of way only (not services) to Lot 2 DP 530521 via existing easement instrument 11417279.6 (copy forming part of Appendix 4). The consent holder wishes to add services within easement B (as purposes) in favour of Lot 2 DP 530521, to complement the existing right of way. The updated scheme plan being proposed in this variation application includes an updated Memorandum of Easements showing this. The existing right of way is also listed in the Schedule of Existing Easements.

In addition, to complete the linkage of the currently land locked Section 12, easement B will also be in favour of that section. Easement B already contains formed accessway (metal carriageway with drainage).

## 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.

## 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.

In summary, the changes do 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)

The NPS HPL is not a relevant consideration because the application site contains no LUC class 1, 2 or 3 soils.

## 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 do not result in there being any additional affected persons.

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## 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                      3<sup>rd</sup> March 2025

## 9.0 LIST OF APPENDICES

<b>Appendix 1</b>	RC 2220490-RMAVAR/A
<b>Appendix 2</b>	Amended Scheme Plans
<b>Appendix 3</b>	Location Map
<b>Appendix 4</b>	Current Records of Title & relevant instruments

# **Appendix 1**

RC 2220490-RMAVAR/A



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

**Decision**

Pursuant to section 34(1) and sections 104, 104B, 220, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change conditions 1 and 2(b) and include condition 2(c) of resource consent 2220490-RMASUB to:

<b>Applicant:</b>	Jim Tubbs
<b>Council Reference:</b>	2220490-RMAVAR/A
<b>Property Address:</b>	2262 Waiare Road, Kaeo 0478
<b>Legal Description:</b>	Part Mokau No 1 Block (NA67B/50)
<b>Description of Application:</b>	<p>A variation to change conditions 1 and 2(b) of RC 2220490-RMASUB and to include condition 2(c) as a discretionary activity pursuant to s127 of the RMA.</p> <p>The original description of activity for RC 2220490-RMASUB was for a Subdivision to create four additional allotments in the rural production zone as a non-complying activity.</p>

**The following changes and/or cancellations to the conditions of resource consent 2220490-RMASUB are made:**

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

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

**Condition 1**

The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Pt Mokau 1 Block, dated ~~15 June 2022~~ 29/08/24, and attached to this consent with the Council's "Approved Stamp" affixed to them.

**Condition 2(b)**

The endorsement of the following conditional amalgamation, pursuant to Section 220 (1)(b)(i) of the Resource Management Act 1991.

**THAT** lots 5—9 hereon be held in the same Record of Title. [LINZ 1788112]

**Amalgamation Condition A:** Lot 5 hereon, Lot 3 DP 530521, Lot 4 DP 530521, Pt Sec 16 BLK XI KAEO SD, & Pt Sec 17 Blk Kaeo SD are to be held together in one record of title. [LINZ Request Number 1928031]

**Amalgamation Condition B:** Pt Mokau 1 Block and Pt Mokau 1 Block are to be held together in one record of title (limited as to Parcels). [LINZ Request Number 1928031]

### **Condition 2(c)**

Prepare and submit for Council approval a draft amalgamation covenant pursuant to Section 220(2)(a) of the Resource Management Act 1991, and to be registered on the titles hereon (by amalgamation conditions A and B above). This will result in neither title created pursuant to amalgamation condition A and B can be transferred without the other title also being transferred.

### **Advice Notes**

#### **Lapsing of Consent**

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

#### **Right of Objection**

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

#### **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as the changes proposed do not generate further potential adverse effects than the activity approved under RC 2220490-RMASUB.
4. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.

5. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
  - a. National Environmental Standards for Freshwater 2020 (NESFW)
  - b. Northland Regional Policy Statement 2016,
  - c. Operative Far North District Plan 2009,
  - d. Proposed Far North District Plan 2022

There have been no changes to the relevant objectives and policies in the National Environmental Standards for Freshwater 2020 (NESFW) and the Northland Regional Policy Statement 2016 since the original consent RC 2220490-RMASUB was issued 22/07/2022, therefore it is considered the proposed changes remain consistent with the existing objectives and policies of both documents. There have been no changes to the relevant zoning in the Operative District Plan since the original consent RC 2220490-RMASUB was issued 22/07/2022, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative District Plan.

### ***Proposed Far North District Plan***

It is noted the objectives and policies of the Proposed District Plan 2022 were not considered as a part of RC 2220490-RMASUB. Therefore, as this s127 application is subject to the current planning framework and not only the planning framework in which the original consent was granted under, an assessment of the relevant objectives and policies of the Proposed District Plan 2022 are as follows:

### ***Rural Production Zone***

The Rural Production zone aims to manage natural resources sustainably while allowing efficient use and development. This supports the social, economic, and cultural well-being of communities and maintains the area's amenity values for current and future generations. The surrounding land is mainly used for farming, with smaller lots for rural lifestyles. The proposed lots will align with the existing small rural lots which accommodate residential development in the area.

This zone is designed to protect primary production activities and ensure long-term availability for future generations. It focuses on preserving productive land, preventing conflicts between land uses, and maintaining the rural character with low-density development. Policies support primary production while managing negative impacts and avoiding incompatible uses. The proposed lots will not fragment larger productive areas. In summary, the subject site does not contain soil classed as highly productive by Proposed District Plan and as such does not contradict the intent of protecting highly productive land.

### ***Subdivision***

The Subdivision chapter promotes efficient land use, protects productive land, and manages environmental impacts. It ensures that infrastructure is well-planned and integrated, supporting safe and connected communities. Rural lifestyle subdivisions are limited to safeguard productive soils and significant natural areas, considering factors like design, capacity, and natural hazards.

Although the PDP provisions have been reviewed, there is more uncertainty in applying them since they depend on rules and methods that may change during the submission and hearing process. It is recognised that there is significant potential for these provisions to develop

throughout the submission and appeal process. Consequently, at this point in the PDP process, less emphasis has been placed on the PDP provisions compared to the Operative Plan.

6. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. Based on the assessment above the proposed change will be consistent with Part 2 of the Act. The proposed change will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the proposed change. The proposal remains an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
8. Overall, for the reasons above it is appropriate for the changes of the conditions of consent to be granted.

## Approval

This resource consent has been prepared by Eden Nathan, Consents Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



**Name: Nick Williamson**

Date: 12 November 2024

**Title: Team Leader – Resource Consents**



## Schedule 1

### Complete set of Consent Conditions for 2220490-RMASUB as Amended by 2220490-RMAVAR/A

Pursuant to [Section 108 and 220](#) of the Act, this consent is issued subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Pt Mokau 1 Block, dated 29/08/24, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. The endorsement of the following conditional amalgamation, pursuant to Section 220 (1)(b)(i) of the Resource Management Act 1991.

**Amalgamation Condition A:** Lot 5 hereon, Lot 3 DP 530521, Lot 4 DP 530521, Pt Sec 16 BLK XI KAEO SD, & Pt Sec 17 Blk Kao SD are to be held together on one record of title. [LINZ Request Number 1928031]

**Amalgamation Condition B:** Pt Mokau 1 Block and Pt Mokau 1 Block are to be held together in 1 record of title (limited as to Parcels). [LINZ Request Number 1928031]

- c. Prepare and submit for Council approval a draft amalgamation covenant pursuant to Section 220(2)(a) of the Resource Management Act 1991, and to be registered on the titles hereon (by amalgamation conditions A and B above). This will result in neither title created pursuant to amalgamation condition A and B can be transferred without the other title also being transferred.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - a. The consent holder must provide a plan with a suitable location for ROW easement for proposed Lot 1 via Lot 2 or location of a suitable access point directly off Waiare Road.
  - b. Provide a pest and weed management plan for the areas of indigenous vegetation to be protected as shown in the scheme plan detailed in condition 1 of this decision, for the approval of the resource consents manager or other duly delegated officer. The management plan shall include:
    - Pest and weed eradication measures including ongoing maintenance
    - Appropriate signage
    - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
    - Reporting mechanisms including progress weed and pest eradication
    - Any other relevant matter for the purposes of managing the allotments.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- a. Provide an entrance to Lots 1-3 which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004.
  - b. Provide formed and metalled access on ROW easement A, C and for proposed Lot 1 to 3m finished metalled carriageway width with passing bays (between easement B and C) provided to comply with Rule 15.1.6.1.2 of the Far North District Plan 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.
  - c. The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of any earthworks.
  - d. Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant.
  - e. Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
    - (i) Provide, at the time of lodging a building consent application for any of the allotments on the subdivision plan, a specific design for stormwater management, prepared by a suitably qualified Chartered Professional Engineer, which addresses stormwater management measures being proposed in the application [Lots 1-5].
    - (ii) In conjunction with the construction of any building on Lots 1-5, the lot owner shall submit for the approval of Council a report prepared by a suitably qualified chartered professional engineer, detailing the on-site retention and flow attenuation of stormwater from the site such that the flow is limited to the predevelopment level for rainfall events up to those with a 2% AEP [Lots 1-5].
    - (iii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. [Lots 1-5].
    - (iv) The consent holder shall ensure that the treatment and disposal system is constructed generally in accordance with the recommendations contained within the site suitability report prepared by GWE Consulting Engineers ' Proposed 5-Lot Subdivision Site Suitability Report' dated December 2021, referenced J3178 [Lots 1-5].
    - (v) As a minimum, all wastewater shall receive secondary treatment prior to being disposed of via pressure compensating driplines [Lots 1-5].
    - (vi) The consent holder shall ensure that stormwater from all roofed and paved areas is diverted away from the wastewater treatment and disposal areas.



In addition, stormwater from surrounding areas shall be prevented from entering the treatment system [Lots 1-5].

- (vii) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. [Lots 1-5].
- (viii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank(s) or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 [Lots 1-5].
- (ix) At the time of lodging an application for building consent on any of the lots the building applicant is to provide a report from a Chartered Professional engineer with recognised competence in relevant geotechnical and structural matters, which addresses the site's investigation undertaken, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction [Lots 1-5].
- (x) The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as area(s) X and 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. The exception is for the preparation of one house site per allotment, approved accessory buildings, roadway and walking track maintenance, and tracks for pest control operations) without the prior written consent of the Council. Such consent may be given in the form of an email if it is for the above. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible [Lots 1 – 2].
- (xi) The owner of each lot must ensure any stock or other browsing animals are prevented from entering the covenanted areas by way of fencing animals in or fencing off the covenanted areas at all times. Any change to this consent notice will require further assessment and may be subject to a resource consent [Lots 1 - 2].
- (xii) Compliance with the weed and pest management strategy shall be a requirement of the management plan on an ongoing basis. Evidence of compliance with the pest and weed management shall be provided to the monitoring team on annual basis [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz) [Lots 1 -2].
- (xiii) No cats or any mustelids are to be kept as pets or to be visiting the properties [Lots 1 -4].
- (xiv) The lot owner is restricted to the ownership of a single dog per property. The breeding of dogs is also not allowed. The single dog is to be kept under strict control and supervision at all times, inside or tied up at night, micro-chipped and kiwi aversion trained on an annual basis [Lots 1 – 4].

## Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes 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. Ensure a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.
3. The proposed sites are adjacent to/accessed to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that any proposed residential development is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.



EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
Right of way	(B)(C)(W)	LOT 4 HEREON	E.I 11417279.6

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
ROW, RIGHT TO CONVEY POWER, TELECOMMUNICATIONS, RIGHT TO DRAIN WATER	(A)	LOT 2 HEREON	LOT 3 HEREON
	(B)	LOT 4 HEREON	LOT 5 HEREON

SCHEDULE OF PROPOSED EASEMENTS			
ROW, RIGHT TO CONVEY POWER, TELECOMMUNICATIONS, RIGHT TO DRAIN WATER	(D)	LOT 5 HEREON	LOT 2 DP 530521 HEREON

**APPROVED PLAN**  
 Planner: ENathan  
 RC: 2220490-RMAVAR/A  
 Date: 12/11/2024

Local Authority: Far North District Council  
 Comprised in: CER 540152  
 Total Area: 27.0655 Ha  
 Zoning: Rural Production  
 Resource features: NIL

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



**Amalgamation Condition A:**  
 That Lot 5 Hereon, Lot 3 DP 530521, Lot 4 DP 530521, Pt Sec 16 BLK XI KAEAO SD, & Pt Sec 17 BLK XI KAEAO SD are to be held together on one record of title.

**Amalgamation Condition B:**  
 And Pt Mokau 1 Block and Pt Mokau 1 Block are to be held together in 1 Record of title (limited as to Parcels)

**Amalgamation (Covenant) Condition C:**  
 An amalgamation covenant pursuant to Section 220(2)(a) of the Resource Management Act 1991 is to be registered on each of the titles created hereon (by Amalgamation conditions A and B above)

**Note:** (Results that neither title can be transferred without the other title also being transferred).

Existing Covenant 1141279.4 is to be surrendered by FNDC, cancellation certification may be required to be issued with 223 certificate.

**NOTE:** Lot 4 DP 530521 Currently held by Covenant with Lot 3 DP 530521

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

Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF PT MOKAU 1 BLOCK**  
 WAIARE ROAD, OKAIHAU

PREPARED FOR: TUBBS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey	TW 29/03/21	1:2500	A3
Design	TW 29/03/21		
Drawn	TW 29/03/21		
Approved	TW 29/03/21		
Rev	MD 29/08/24	9932 Scheme Rev J MD 29082024.lcd	

Surveyors Ref. No:  
**9932**

Series  
 Sheet 1 of 1



# **Appendix 2**

## Amended Scheme Plans

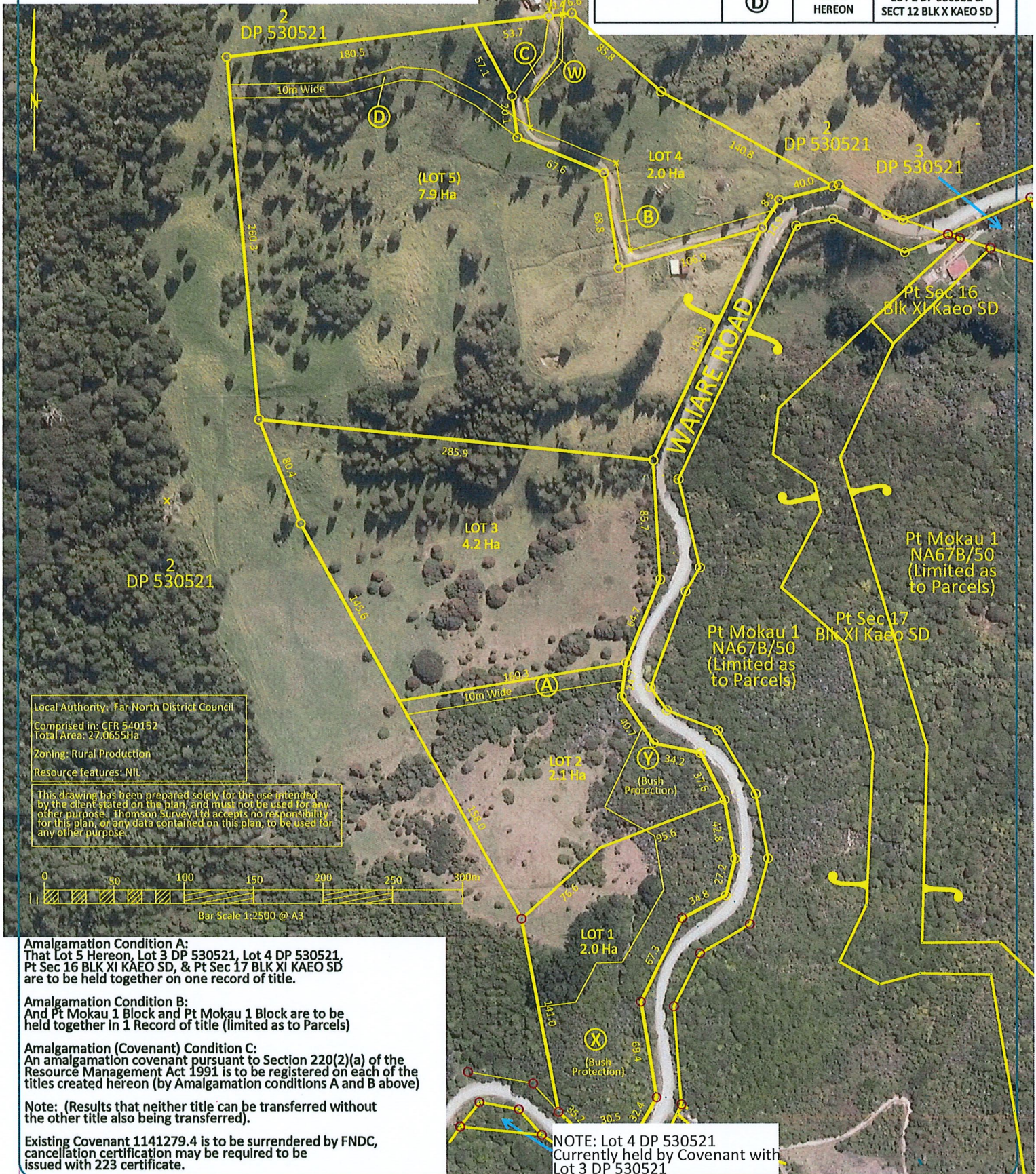


**EXISTING EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
Right of way	(B)(C)(W)	LOT 4 HEREON	E.I 11417279.6

**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, RIGHT TO CONVEY POWER AND TELECOMMUNICATIONS RIGHT TO DRAIN WATER	(A)	LOT 2 HEREON	LOT 3 HEREON & LOT 2 DP 530521
	(B)	LOT 4 HEREON	LOT 5 HEREON, LOT 2 DP 530521, SECT 12 BLK X KAEO SD
	(D)	LOT 5 HEREON	LOT 2 DP 530521 & SECT 12 BLK X KAEO SD



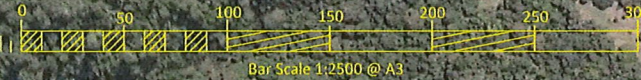
Local Authority: Far North District Council

Comprised in: CFR 540152  
Total Area: 27.0655Ha

Zoning: Rural Production

Resource Features: NIL

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



**Amalgamation Condition A:**  
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**Amalgamation Condition B:**  
And Pt Mokau 1 Block and Pt Mokau 1 Block are to be held together in 1 Record of title (limited as to Parcels)

**Amalgamation (Covenant) Condition C:**  
An amalgamation covenant pursuant to Section 220(2)(a) of the Resource Management Act 1991 is to be registered on each of the titles created hereon (by Amalgamation conditions A and B above)

**Note:** (Results that neither title can be transferred without the other title also being transferred).

Existing Covenant 1141279.4 is to be surrendered by FNDC, cancellation certification may be required to be issued with 223 certificate.

**NOTE:** Lot 4 DP 530521 Currently held by Covenant with Lot 3 DP 530521

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**PROPOSED SUBDIVISION OF PT MOKAU 1 BLOCK**  
WAIARE ROAD, OKAIHAU

PREPARED FOR: TUBBS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey	TW 29/03/21	1:2500	A3
Design	TW 29/03/21		
Drawn	TW 29/03/21		
Approved	TS 25/02/25		
Rev	TS 25/02/25	9932 250225 Scheme Rev K.lcd	

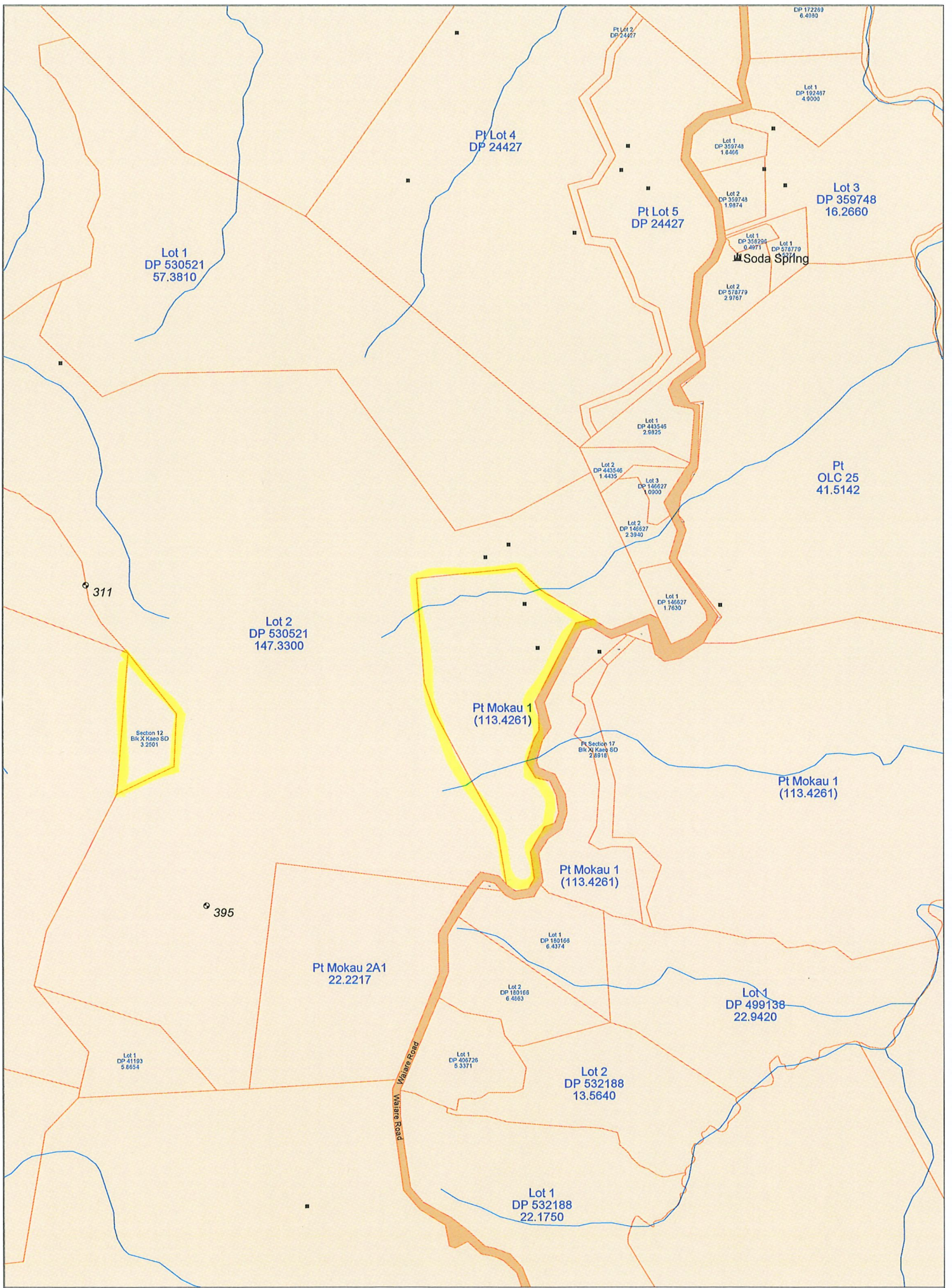
Surveyors Ref. No: **9932**

Series: SHEET 1 of 1



# **Appendix 3**

## Location Map



# **Appendix 4**

## Current Records of Title & relevant instruments



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Limited as to Parcels  
Search Copy**



Identifier **NA67B/50**  
Land Registration District **North Auckland**  
Date Issued **27 March 1987**

**Prior References**  
NA1162/24

---

Estate	Fee Simple
Area	113.4261 hectares more or less
Legal Description	Part Mokau No 1 Block

**Registered Owners**  
Mokau Station Limited

---

**Interests**

Subject to a right of way over part marked A on Plan 106280 created by Transfer C390670.6 - 1.7.1992 at 1.55 pm

The easements created by Transfer C390670.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way over part marked A on DP 180166 created by Transfer D295814.5 - 28.7.1998 at 1.33 pm

The easements created by Transfer D295814.5 are subject to Section 243 (a) Resource Management Act 1991

10092663.1 CAVEAT BY TOP ENERGY LIMITED - 15.6.2015 at 2:09 pm

Subject to a right of way and a right to convey water, electricity, telecommunications and computer media over parts marked A & D on DP 499138 created by Easement Instrument 10635422.4 - 24.11.2016 at 3:24 pm

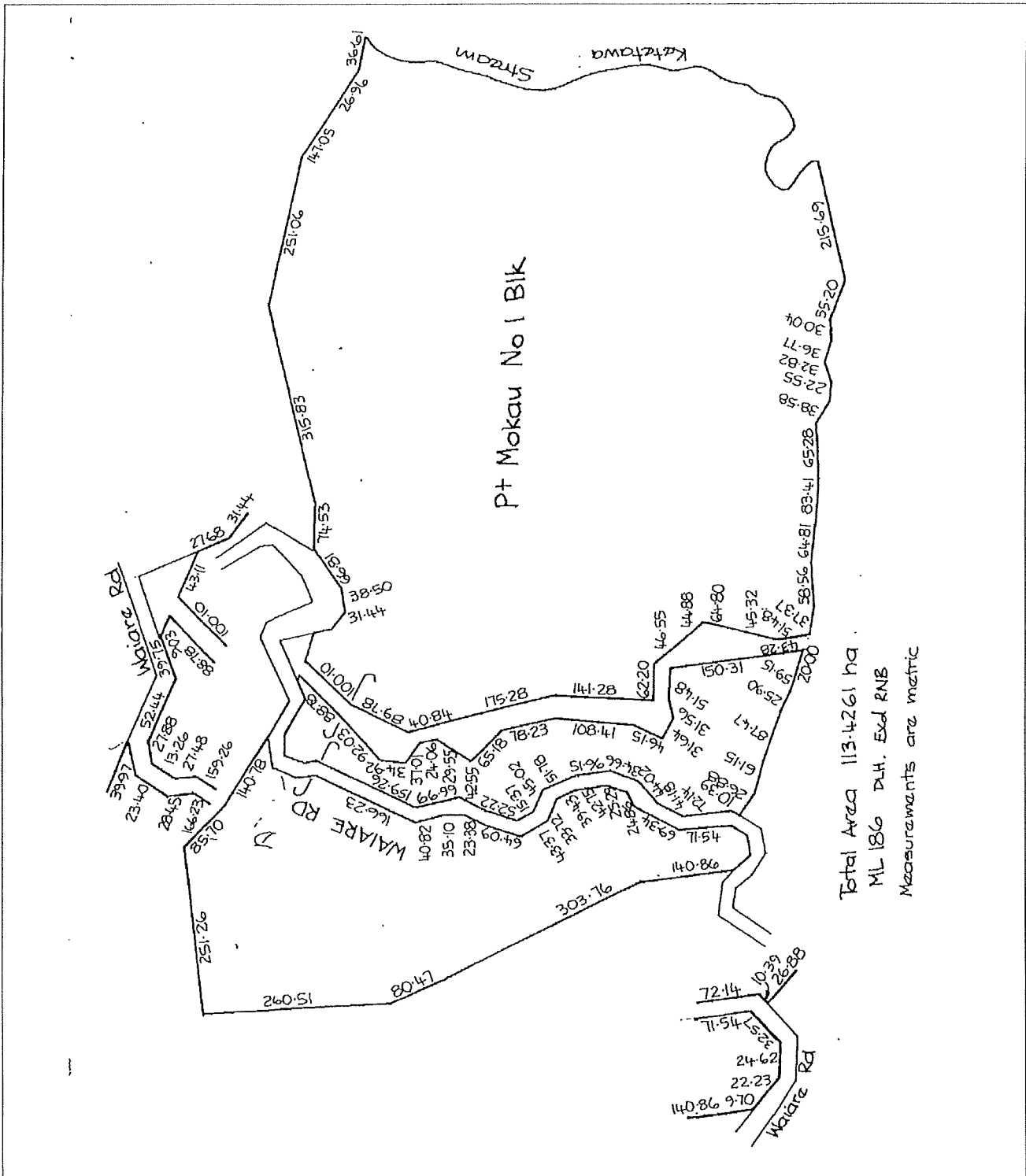
The easements created by Easement Instrument 10635422.4 are subject to Section 243(a) Resource Management Act 1991

11417279.4 COVENANT UNDER SECTION 240 RESOURCE MANAGEMENT ACT 1991 (ALSO AFFECTS 865615 and 865616) - 25.7.2019 at 2:54 pm

Subject to a right of way over parts marked C, W on DP 530521 created by Easement Instrument 11417279.6 - 25.7.2019 at 2:54 pm

The easements created by Easement Instrument 11417279.6 are subject to Section 243 (a) Resource Management Act 1991





Total Area 113.4261 ha  
ML 186 D.H. Excl RNB  
Measurements are metric



# View Instrument Details



Instrument No 11417279.6  
Status Registered  
Date & Time Lodged 25 July 2019 14:54  
Lodged By Emery, Janet Anne  
Instrument Type Easement Instrument



---

Affected Records of Title	Land District
863023	North Auckland
863024	North Auckland
NA67B/50	North Auckland

---

**Annexure Schedule** Contains 2 Pages.

---

## Grantor Certifications

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

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

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

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

I certify that the Caveator under Caveat 10092663.1 has consented to this transaction, which is subject to the Caveat, and I hold that consent

## Signature

Signed by Vanessa Joy Crosby as Grantor Representative on 25/07/2019 02:33 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 Vanessa Joy Crosby as Grantee Representative on 25/07/2019 02:33 PM

\*\*\* End of Report \*\*\*

**Form 22**

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

(Section 109 Land Transfer Act 2017)

**Grantor**

**MOKAU STATION LIMITED**

**Grantee**

**MOKAU STATION LIMITED**

**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**

*Schedule, if required*

*Continue in additional Annexure*

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way	Marked "C" and "W" on DP 530521	Part Mokau 1 Block (RT NA67B/50)	Lots 1 and 2 DP 530521 (RT 863023 and 863024)
Right of Way	Marked "X" on DP 530521	Lot 2 DP 530521 (RT 863024)	Lot 1 DP 530521 (RT 863023)

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

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

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

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

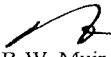
~~{Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017}~~

~~{the provisions set out in Annexure Schedule \_\_\_\_\_}~~



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** NA67B/40  
**Land Registration District** North Auckland  
**Date Issued** 27 March 1987

**Prior References**

NA1197/12

---

**Estate** Fee Simple  
**Area** 3.2501 hectares more or less  
**Legal Description** Section 12 Block X Kaeo Survey District

**Registered Owners**

Mokau Station Limited

---

**Interests**

Subject to Section 8 Coal Mines Amendment Act 1950  
10092663.1 CAVEAT BY TOP ENERGY LIMITED - 15.6.2015 at 2:09 pm

