

# 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:

Daniel & La Langner

Email:

[Redacted]

Phone number:

Work

[Redacted]

Home

Postal address:

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

[Redacted]

Postcode

0293

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:**

Williams & King, Attention: Natalie Watson

**Email:**

**Phone number:**

Work

Home

**Postal address:**

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

Postcode

0245

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 applicant details.

**Property Address/  
Location:**

Postcode

## 7. Application Site Details

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

**Name/s:**

**Site Address/  
Location:**

89 Cottle Hill Drive

RD 3

Kerikeri

Postcode

0293

**Legal Description:**

Lots 8 & 9 DP 413122

**Val Number:**

00219-70300 & 70305

**Certificate of title:**

448762 & 448763

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.*

## 8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

## 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 

Enter BC ref # here (if known)

☐ Regional Council Consent (ref # if known) 

Ref # here (if known)

☐ National Environmental Standard consent 

Consent here (if known)

☐ Other (please specify) 

Specify 'other' here

## 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)

DANIEL LANGNER

Email:

Phone number:

Work

Home

Postal address:

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

Postcode 0293

### 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)

DANIEL LANGNER

Signature: (signature of bill payer)

Date 29/09/25

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)

Natalie Watson

Signature:

[Redacted Signature]

Date 30-Sep-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.

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Ref: 24283

30 September 2025

Resource Consents Department  
Far North District Council  
John Butler Centre  
60 Kerikeri Road  
Kerikeri

Dear Sir or Madam,

**Re: Proposed Variation of RC 2100154-RMAOBJ/A for Daniel and La Langner**  
**89 Cottle Hill Drive, Kerikeri**

Please find enclosed an application form in support of our clients' request to vary the consent conditions of RC 2100154-RMAOBJ/A.

## **1. Overview of Variation & Site Description**

Daniel and La Langner successfully objected to the conditions of a combined subdivision and land use activity (RC 2100154-RMACOM), resulting in the granting of RC 2100154-RMAOBJ/A. This consent enables the creation of two additional allotments of 2,599m<sup>2</sup> and 2,853m<sup>2</sup> (areas and dimensions subject to final survey), a boundary adjustment, and an allowance of 20% impermeable surface coverage for the two additional lots, all within the Rural Production Zone.

The decision for RC 2100154-RMAOBJ/A states that it will lapse on 13 July 2026.

RC 2100154-RMAOBJ/A is in **Attachment 1**, together with the underlying approval RC 2100154-RMASUB, which includes the approved scheme plan.

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## Revised Scheme Plan – Lot Size, Layout and Numbering

Condition 1 of RC 2220253-RMASUB requires that the subdivision be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced 20121-9, dated 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.

The consent holders wish to replace the existing Approved Plan with a new Scheme Plan, which increases the area of Lots 6 and 7, and alters the boundary line created by the boundary adjustment. A comparison of the existing approval and proposed alterations is provided in Table 1.

**Table 1: Comparison of Approved and Proposed Lots**

Approved Lot Number RC 2100154- RMAOBJ/A	Approved Lot Size (Subject to Survey) RC 2100154- RMAOBJ/A	Proposed Varied Lot Number	Proposed Varied Lot Size	Area Change (Subject to Survey)
Lot 6	2,599m <sup>2</sup>	Lot 2	4,001m <sup>2</sup>	+1,402m <sup>2</sup>
Lot 7	2,853m <sup>2</sup>	Lot 1	4,001m <sup>2</sup>	+1,148m <sup>2</sup>
Lot 8	7.5170ha	Lot 3	8.1613ha	+6,443m <sup>2</sup>
Lot 9	9.6210ha	Lot 4	8.6915ha	-9,295m <sup>2</sup>

The revised Scheme Plan is provided in **Attachment 2**.

Proposed Lot 2 has since been developed for rural residential use, and the existing built development and curtilage area extends outside the area of approved Lot 6. Additional area is also considered preferable for proposed Lot 7.

The revised boundary line differs from that previously approved in that it follows a more north – south alignment, and is considered a more logical position and follows the alignment of the existing farm race within Lot 4, shown partly within proposed easement E.

The primary intention of this application is therefore to reference the new Scheme Plan within condition 1 of the subdivision consent and condition 1 of the land use consent.

## Power and Telecommunications Supply

At the same time, it is proposed to delete the condition requiring the consent holder to supply power and telecommunications to the boundary of each lot as part of the subdivision, and instead add a consent notice condition, specifying that electricity and telecommunications have not been made a condition of consent, and that the future lot owners will be responsible for providing a suitable connection, if required.

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Lot 1 contains a transportable cabin and ancillary building.

Lot 2 contains an existing dwelling with associated on site wastewater system and shed. The existing wastewater system is located to the east of the dwelling, and will be more than 1.5m from the proposed boundary. Two water tanks collect water from the dwelling and shed roof areas, with their overflow discharging to a third tank, which will be severed from the site following the subdivision. As such, the overflow will need to be directed elsewhere within Lot 2.

The balance land comprising Lots 3 and 4 is predominantly in pasture, with various fences, stock yards, protected vegetation areas and a pond.

The sites have access from Cottle Hill Drive via an easement over Lot 6 DP 198393 (owned by the Applicants). The private access is formed as a metalled driveway to the parking area on Lot 2.

## **2. Description of Variation**

Changes to conditions of RC 2100154-RMAOBJ/A are proposed, as outlined below.

Proposed insertions are shown in bold and underlined, deletions are struck through.

### **SUBDIVISION:**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced **24283** 20121-9, dated **Sep 2025** 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.

~~3(c) Provide evidence that power and telephone services has been provided to the boundary of each lot.~~

3(e)(i) – (iii) ~~Lots 6 & 7~~ **Lots 1 & 2** [Change lot numbering]

**3(e)(iv) Electricity and telecommunications have not been made a condition of this subdivision consent, and the future lot owners will be responsible for providing a suitable connection, if required.**

### **LAND USE:**

1. Total impermeable surface coverage may be increased to a total of 20% of total site area for each of Lots **1 & 2** ~~6 & 7~~ as shown on the approved plan of subdivision prepared by Williams and King, referenced **24283** 20121-9, dated **Sep 2025** 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.

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## **SECTION 243(e) APPROVAL**

**Pursuant to section 243(e) of the Resource Management Act 1991, I hereby certify that the Far North District Council has revoked the conditions as to the creation of the easement rights in D474186.5 (shown as C on DP 198393) insofar as it relates to Lot 2 DP 198393.**

**Subject to the easements A, B and C on the memorandum of proposed easements shown on the Approved Scheme Plan being registered.**

## **3. Consultation**

Section 127(4) of the Act states:

*"For the purposes of determining who is adversely affected by the change or cancellation, the local 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 decision on the original application concluded that *"The Council has determined (by way of an earlier report and resolution) that the adverse effects associated with the proposed activity are no more than minor and that the written approvals of all affected parties has been obtained"*. Refer to 'Reasons for the Decision' (5) of RC 2100154-RMASUB. The changes sought will not have any implications in terms of off-site effects. As such, it is considered that the proposal will not result in any person being adversely affected.

## **4. Assessment of Environmental Effects**

*The following assessment of environmental effects focuses on the effects of the proposed changes to RC 2100154-RMAOBJ/A as set out under the 'Description of Variation'.*

### **4.1 Property Access**

No additional traffic is generated, and the proposed variation does not introduce any changes in terms of physical property access. Existing conditions 3(a) and (b) require upgrade of private access, and these will remain as follows:

- Upgrade the first 250m of ROW A to provide a 5m wide formed and metalled carriageway. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course.
- Upgrade ROW's B, D & E to provide a 3m wide carriageway with passing bays complying with the requirements of Rule 15.1.6.1.2 of the District Plan. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course and is to include water table drains and culverts as required to direct and control storm water runoff.

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Overall, no additional traffic is generated by the proposed variation, and conditions will remain to ensure that private access is sufficiently formed, resulting in no adverse effect arising in terms of the safety and efficiency of the adjacent public roads or private access.

## **4.2 Natural and Other Hazards**

The proposed variation will not result in any adverse effects in terms of natural hazards.

## **4.3 Water Supply**

The proposal will not result in any adverse effects in terms of water supply. Onsite water collection and storage is used, with occasional taking of water from the pond for farm use when required.

## **4.4 Stormwater Disposal**

The existing consent provides for 20% impermeable surface coverage on the two new rural residential lots (proposed Lots 1 and 2) via a land use component. This will result in a larger area of impermeable surface coverage being permitted over Lots 1 and 2 than is currently allowed for over Lots 6 and 7 - the difference would amount to an additional 510m<sup>2</sup>. Conversely, based on 15% permitted activity impermeable surface coverage, the allowable extent on Lots 3 and 4 would reduce by 428m<sup>2</sup> compared with that permitted on Lots 8 and 9. The overall difference would therefore be an increase in 82m<sup>2</sup> of impermeable surface coverage, which is considered negligible.

On Lot 2, roof water is collected in two water tanks, which currently overflow into a third tank, which will be disconnected upon the implementation of the subdivision, so that it can be used within Lot 3.

The roof water from small temporary buildings on Lot 1 is discharged via pipe into the paddock area to the north. We note that the consent will lapse in July 2026, and it is a strong possibility that Lot 1 will not be developed in that time, meaning that the 20% consented impermeable surface coverage is likely to be lost, and the standard coverage allowance for the zone will apply.

Provided that stormwater runoff is managed so as to not cause a nuisance to other properties, it is considered that adverse effects arising from stormwater will be negligible.

## **4.5 Sanitary Sewage Disposal**

The existing house on Lot 2 contains an onsite wastewater system, which will continue to be positioned within the proposed lot boundaries, noting that the area associated with this lot has increased, and the proposed eastern boundary has not changed in the vicinity of the system. As such, the proposal avoids adverse effects in relation to sanitary sewage disposal.

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## **4.6 Energy & Telecommunications Supply**

Lots 1 and 2 currently share a two phase power supply. Having investigated the cost of supplying two phase supply to each of these lots, the applicants have found the price to be cost prohibitive. They intend to remove the requirement to supply power as part of the subdivision, and instead propose a consent notice, which states that it will be the lot owners responsibility to provide sufficient power to their lot. This is a typical condition in a rural environment.

Lots 1 and 2 currently have a telecommunications connection, but again, this does not need to be included as a s224c condition.

A less favourable outcome is to revise the condition 3(c) to only require reticulation to the boundaries of Lots 1 and 2.

## **4.7 Easements for any Purpose**

Easements shown in the Memorandum of Proposed Easements on the Scheme Plan will continue to be created, as per the currently approved Scheme Plan.

## **4.8 Preservation of Heritage Resources, Vegetation, Fauna and Landscape**

The proposed lots do not contain any recorded heritage resources, landscape features, or sites of cultural significance. The site is not within the coastal environment. The variation will not cause any actual or potential adverse effects on the above resources.

The proposed variation does not necessitate indigenous vegetation clearance, and does not introduce new activities which may harm indigenous fauna. Existing consent notice condition (iii) (applicable to Lots 6 & 7) states that the lot owner shall not keep, or allow to be bought on to the lot, any cats, dogs or mustelids. This can continue to be applied.

It is therefore considered that the proposal avoids adverse effects on heritage resources, vegetation, fauna, and landscape.

## **4.9 Access to Reserves and Waterways**

The proposal has no implications in terms of public access to reserves or waterways.

## **4.10 Land Use Compatibility**

The varied subdivision is considered to avoid adverse effects associated with land use compatibility or reverse sensitivity issues, as the layout of the proposed subdivision corresponds with the surrounding pattern of development, and no changes to the established or approved land uses on the property will arise from the subdivision.



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## **5. District Plan Activity Status**

### **5.1 Operative District Plan**

The proposed variation does not result in any change to the overall non-complying activity status of the activity under the Operative District Plan, and no new infringements to the relevant Zone, Natural and Physical Resources or Subdivision rules have been identified.

### **5.2 Proposed District Plan**

RC 2100154-RMAOBJ/A pre-dates notification of the Proposed District Plan.

Under the Proposed District Plan, the site is zoned Horticulture. The proposed subdivision would be a non-complying activity, as a minimum lot size of 10ha and 4ha is not achieved by Lots 1 and 2, however these rules do not have legal effect at this time.

## **6. Statutory Assessment**

### **6.1 Regional Policy Statement**

It is considered that the proposed activity remains consistent with the Northland Regional Policy Statement.

### **6.2 Operative Far North District Plan**

The proposal continues to be in agreement with the relevant objectives and policies of the Operative District Plan, as set out in the 'Reasons for the Decision' for RC 2100154-RMASUB, these are listed the objectives and policies of the Rural Environment, Rural Production Zone, and Subdivision chapters.

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

Relevant objectives and policies are set out under the chapters 'Horticulture Zone' and 'Subdivision', and are commented on below.

#### ***Horticulture Zone***

##### ***Objectives***

*HZ-O1 The Horticulture zone is managed to ensure its long-term availability for horticultural activities and its long-term protection for the benefit of current and future generations.*

*HZ-O3 Land use and subdivision in the Horticulture zone:*

- a. avoids land sterilisation that reduces the potential for highly productive land to be used for a horticulture activity;*
- b. avoids land fragmentation that comprises the use of land for horticultural activities;*

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- c. *avoids any reverse sensitivity effects that may constrain the effective and efficient operation of primary production activities;*
- d. *does not exacerbate any natural hazards;*
- e. *maintains the rural character and amenity of the zone;*
- f. *is able to be serviced by on-site infrastructure.*

## **Policies**

**HZ-P4** *Ensure residential activities are designed and located to avoid, or otherwise mitigate, reverse sensitivity effects on horticulture activities, including adverse effects associated with dust, noise, spray drift and potable water collection.*

**HZ-P5** *Manage the subdivision of land in the Horticulture zone to:*

- a. *avoid fragmentation that results in loss of highly productive land for use by horticulture and other farming activities;*
- b. *ensure the long-term viability of the highly productive land resource to undertake a range of horticulture uses;*
- c. *enable a suitable building platform for a future residential unit; and*
- d. *ensure there is provision of appropriate onsite infrastructure.*

**HZ-P7** *Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a. *whether the proposal will increase production potential in the zone;*
- b. *whether the activity relies on the productive nature of the soil;*
- c. *consistency with the scale and character of the rural environment;*
- d. *location, scale and design of buildings or structures;*
- e. *for subdivision or non-primary production activities:*
  - i. *scale and compatibility with rural activities;*
  - ii. *potential reverse sensitivity effects on primary production activities and existing infrastructure;*
  - iii. *the potential for loss of highly productive land, land sterilisation or fragmentation*
- f. *at zone interfaces:*
  - i. *any setbacks, fencing, screening or landscaping required to address potential conflicts;*
  - ii. *the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
- g. *the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- h. *the adequacy of roading infrastructure to service the proposed activity;*
- i. *Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- j. *Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The revised area of Lot 2 supports existing rural residential development, while a suitable area for Lot 1 is also proposed. These lots are located within highly productive land; however, this loss of land is made up for by the adjusted boundary of Lots 3 and 4, which consolidates more highly productive land within Lot 3, compared with the current approval. In this way, the extent of fragmentation is considered to be not of a nature that would constrain the viability or availability of land for primary production use. The larger areas around Lots 1 and 2 allow them to implement planting to self-protect against future reverse sensitivity issues if the primary production use of Lots 3 and 4 was to ever convert to horticulture. Additionally, an existing consent notice condition requires that water collected from roof surfaces for potable domestic use be suitably filtered due to the possibility of spray drift.

Natural hazards are not exacerbated by the proposed variation.

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On site servicing of Lots 1 and 2 is existing or otherwise feasible, and will be improved by the larger lot size. Rural character and amenity values can be preserved, with Lots 3 and 4 remaining as rural lots to retain the rural characteristics. The increase in rural residential development is considered unlikely to have a significant impact on the existing rural amenity values in the local environment, given that this type of development already exists.

There is no zone interface.

Adverse effects in terms of onsite servicing and roading infrastructure and on historic heritage, cultural values, natural features and landscapes, indigenous biodiversity are avoided and mitigated via the existing conditions of consent. Reverse sensitivity and the potential loss of highly productive land are not considered to be exacerbated, and the proposed lots retain consistency with the expected scale and character of the rural environment. The proposal has no adverse effect on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity.

## **Subdivision**

### **Objectives**

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

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*
- f. manages adverse effects on the environment.*

*SUB-O2 Subdivision provides for the:*

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

*SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:*

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

### **Policies**

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

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

*SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan*

*SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:*

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
- b. ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.*

**Von Sturmers**  
131 Commerce St  
PO Box 128, Kaitaia 0441, NZ  
Telephone: 09 408 6000

Email: [kaitaia@saps.co.nz](mailto:kaitaia@saps.co.nz)

**Williams & King**  
27 Hobson Ave  
PO Box 937, Kerikeri 0245, NZ  
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Email: [kerikeri@saps.co.nz](mailto:kerikeri@saps.co.nz)

# **SURVEY & PLANNING SOLUTIONS (2010) LTD**

Trading as **Von Sturmers** in Kaitaia and **Williams & King** in the Bay of Islands  
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*SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:*

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;*
- b. the location, scale and design of buildings and structures;*
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- d. managing natural hazards;*
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

Highly productive land is already used for rural residential purposes on Lot 2. Within Lot 1, an additional 1,148m<sup>2</sup> will become rural residential compared with the current approval. However, the loss of land is made up for by the adjusted boundary of Lots 3 and 4, which consolidates more of the highly productive land within Lot 3, compared with the current approval. The larger areas around Lots 1 and 2 allow them to implement planting to self-protect against future reverse sensitivity issues, noting that the surrounding land does not currently have a horticultural use. As noted, an existing consent notice condition requires that water collected from roof surfaces for potable domestic use be suitably filtered due to the possibility of spray drift. There are no natural hazards or risks that are relevant to the site. Further, it is considered that the subdivision continues the pattern of development along Cottle Hill Drive so as to retain the existing character. As such, the proposal is in accordance with SUB-O1 and O2.

Both the approved and varied subdivision creates two rural residential lots and adjusts a common boundary of two rural lots. The rural residential lots are smaller than is provided for as a controlled or discretionary activity subdivision in the Horticulture Zone, but are nevertheless of an adequate size and dimension to contain the existing or future building platform, with this being improved via the variation. Legal access and physical access is in place. As such, the proposal supports parts of SUB-P3. In terms of the effect of the variation in relation to policies SUB-P3(a) and (b), it is considered that the inconsistency of the development with those policies is not exacerbated.

The subject site does not have any features in terms of the district wide sections of the plan listed in SUB-P4.

On-site servicing with water, wastewater and stormwater is proposed, and it is intended to make the provision of suitable power and telecommunications the responsibility of future lot owners. The proposal does not offend SUB-O3 or SUB-P6.

SUB-P11 is similar to HZ-P7, where previous assessment has commented that the effects of the proposal area avoided and mitigated.



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## **7. Resource Management Act 1991 Purpose and Principles**

The varied activity continues to achieve the purpose and principles of the Resource Management Act 1991.

## **8. Conclusion**

It is respectfully requested that Council consider this application as soon as is possible. Please do not delay in contacting me should you require further information.

Yours faithfully  
Williams & King, Kerikeri



Natalie Watson  
Resource Planner

## **Attachments**

1. RC 2100154-RMAOBJ/A & RC 2100154-RMASUB
2. Revised Scheme Plan
3. Records of Title including Easement Certificate D474186.5



Far North  
District Council

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (Section 357A)

Resource Consent Number: 2100154-RMAOBJ/A

Pursuant to section 357D of the Resource Management Act 1991 (the Act), the Far North District Council hereby upholds in part the objection of:

Daniel and La Langner

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

An objection in relation to conditions of consent contained in 2100154-RMACOM, a consent granted to Kerihort Service Limited for an Objection in regards to previous resource consent which was:

Subdivision:

To create two additional allotments of 2599m<sup>2</sup> & 2853m<sup>2</sup> ; and adjust the boundary between two existing lots, in the Rural Production Zone; and

Land Use:

To allow for an increased impermeable surface coverage of 20% of total site area for the two additional allotments created by the subdivision..

The conditions objected to are conditions 3(d), 3(e)(ii) and 3(e)(iii) of the subdivision consent.

**Subject Site Details**

Address: 89 Cottle Hill Drive, Kerikeri 0293  
Legal Description: Lot 8 DP 413122  
Certificate of Title reference: 3352334

As a result of partially upholding the objection, condition 3(d) has been deleted as Council is no longer requiring the installation of onsite wastewater systems on new lots prior to development. The applicant has withdrawn the objection to conditions 3(e)(ii) and 3(e)(iii).

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of the resolution of the objection (13 July 2021), 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.

For the purpose of clarity the complete conditions of consent are as follows:

SUBDIVISION:

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams & King, referenced 20121-9, dated 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements to be duly granted or reserved.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the first 250m of ROW A to provide a 5m wide formed and metalled carriageway. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course.
  - (b) Upgrade ROW's B, D & E to provide a 3m wide carriageway with passing bays complying with the requirements of Rule 15.1.6.1.2 of the District Plan. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course and it to include water table drains and culverts as required to direct and control storm water runoff.
  - (c) Provide evidence that power and telephone services has been provided to the boundary of each lot.
  - (d) Deleted
  - (e) Secure the conditions detailed below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the title of the affected allotments. The costs of preparing, checking and executing the notice shall be met by the applicant:
    - (i) The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system consistent with the New Zealand Drinking Standards 1995 and any amendments thereto.

**[Lots 6 & 7]**
    - (ii) Each dwelling shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire-fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

**[Lots 6 & 7]**

- (iii) The lot owner shall not keep, or allow to be brought on to the lot, any cats, dogs or mustelids.

[Lots 6 & 7].

#### LAND USE:

Pursuant to Section 108 of the Act, land use consent is issued subject to the following conditions:

1. Total impermeable surface coverage may be increased to a total of 20% of total site area for each of Lots 6 & 7 as shown on the approved plan of subdivision prepared by Williams & King, referenced 20121-9, dated 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Advice Notes**

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. 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).

#### **Approval**

This decision has been prepared by Esther Powell – Team Leader Resource Consents 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: 15<sup>th</sup> February 2022

#### **Right of Appeal**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 358 of the Resource Management Act 1991) to appeal the decision. The notice of appeal must be in the prescribed form, stating reasons for the appeal and shall be lodged with the Environment Court within 15 working days of the receipt of this decision. Any person lodging an appeal shall ensure that a copy of the notice of appeal is served on Council at the same time as the notice is lodged with the Environment Court.

#### **Lapsing of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent, as amended as a result of this decision on an objection, will lapse on 13 July 2026 – being 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.





## Far North District Council

Application No: RC-2100154-RMASUB

13 November 2009

Kerihort Services Limited  
C/- Bay of Islands Planning Ltd, Attn: Jeff Kemp  
PO Box 795  
Kerikeri 0245

Private Bag 752, Memorial Ave

Kaikohe 0440, New Zealand

Freephone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)

Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

*Te Kaunihera o Tai Tokerau Ki Te Raki*

*Frontier of opportunity*

Dear Sir / Madam

**Re: RESOURCE CONSENT APPLICATION BY KERIHORT SERVICES LIMITED**

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Team Leader Resource Consents of the Far North District Council, pursuant to Section 34(4) of the Resource Management Act 1991.

It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the planner who prepared the decision.

Please note that under Section 125 of the Resource Management Act 1991, your consent will lapse unless you give effect to the consent by way of obtaining Section 223 (survey plan) approval from the Council within five years from the date of resource consent approval.

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

Please note that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid within 20 working days of receipt of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

Mana Blackburn  
Customer Services Officer – Planning Consents  
**Environmental Management**





**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH PARTLY OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

**Resource Consent Number: RC-2100154-RMASUB**

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

**Kerihort Services Limited**

The activity to which this decision relates:

**Subdivision:** To create two additional allotments of 2599m<sup>2</sup> & 2853m<sup>2</sup>; and adjust the boundary between two existing lots, in the Rural Production Zone; and

**Land Use:** To allow for an increased impermeable surface coverage of 20% of total site area for the two additional allotments created by the subdivision.

**Subject Site Details**

Address:	Lot 8, Cottle Hill Drive, Kerikeri 0293
Legal Description:	Lots 8 & 9 DP 413122
Certificate of Title reference:	CT-448762, CT-448763

**SUBDIVISION:**

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams & King, referenced 20121-9, dated 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements to be duly granted or reserved.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the first 250m of ROW A to provide a 5m wide formed and metalled carriageway. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course.

- (b) Upgrade ROW's B, D & E to provide a 3m wide carriageway with passing bays complying with the requirements of Rule 15.1.6.1.2 of the District Plan. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP40 running course and it to include water table drains and culverts as required to direct and control storm water runoff.
- (c) Provide evidence that power and telephone services has been provided to the boundary of each lot.
- (d) For both Lots 6 and 7, provide evidence that a building consent has been obtained; and install and commission the waste water treatment and effluent disposal system detailed in the Engineer's Reports prepared by CPG NZ Ltd, dated 14 August 2009, and submitted with the application.
- (e) Secure the conditions detailed below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the title of the affected allotments. The costs of preparing, checking and executing the notice shall be met by the applicant:
  - (i) The operation of agricultural and horticultural equipment including sprays and chemicals (subject to compliance with any relevant legislation) may be a permitted activity. Accordingly, where rainwater is collected from exposed surfaces for human consumption in connection with any residential development on the site, the occupiers of any such dwelling shall install an approved water filtration system consistent with the New Zealand Drinking Standards 1995 and any amendments thereto. [Lots 6 & 7]
  - (ii) Each dwelling shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council. [Lots 6 & 7]
  - (iii) The lot owner shall not keep, or allow to be brought on to the lot, any cats, dogs or mustelids. [Lots 6 & 7].

#### **LAND USE:**

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

1. Total impermeable surface coverage may be increased to a total of 20% of total site area for each of Lots 6 & 7 as shown on the approved plan of subdivision prepared by Williams & King, referenced 20121-9, dated 4-11-09, and attached to this consent with the Council's "Approved Stamp" affixed to it.



## Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the New Zealand Historic Places Trust. 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).

## Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates may be subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to the issue of a section 224(c) certificate.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at [www.fndc.govt.nz](http://www.fndc.govt.nz)

## Reasons for the Decision

### 1. Description of the Proposal:

The application is described as being to "*effectively vary and re-approve the subdivision of [the applicant's] property on Cottle Hill Drive*". Nonetheless, the application is lodged as a new application.

The proposed subdivision reduces the size of the two small lots created under previously granted (and still valid) RC 2050852, and subsequent variations, one of which provided for the two small lots to be created as a Stage 2. In addition, the proposal adjusts the boundary between Lots 8 & 9 (created in Stage 1 of the original consent). The proposal does not increase the number of lots already provided for by RC 2050852 and subsequent variation.

In addition, the proposal seeks an increase in impermeable surface coverage permissible for the two small lots created by the subdivision.

### 2. District Plan Rules Affected:

In seeking to amend the size and layout of lots, the applicant has sought a new approval. The proposal involves land with Titles dated January 2009. It creates two lots with areas of 2599m<sup>2</sup> and 2853m<sup>2</sup>. As such the proposal does not comply with the controlled, restricted discretionary or discretionary activity thresholds laid out in Table 7 of Rule 13.7.2. The activity is therefore a non complying activity.

In seeking an increase in permissible impermeable surface coverage for the two small lots being created, the application breaches Rule 8.6.5.1.3 Impermeable Surfaces. This breach results in controlled activity status pursuant to Rule 8.6.5.2.1

**3. Principal Issue[s] in Contention and Main Findings of Fact:**

The principal issue[s] in contention and main finding[s] of fact associated with the activity were:

Issues:

- (a) Rural character & visual amenity;
- (b) Natural character and protection of water bodies;
- (c) Protection of indigenous vegetation and habitat;
- (d) Access and traffic;
- (e) Storm water management;
- (f) Waste water treatment and disposal; and
- (g) Compatibility with adjoining land uses.

Related Findings:

- (a) The underlying (and still valid) subdivision consent allowed for the creation of a total of 9 lots in this location. The current application does not alter the number of lots and although the layout and size of the two smaller lots has altered, the proposal still indicates a similar overall layout. The overall level of density resulting from the proposal is 1:4.4ha, which is considered to be in keeping with the surrounding area and consistent with what is provided for in the Rural Production Zone. The proposal is considered to have no more than minor adverse effects on rural character and amenity.
- (b) The property is an area that already supports a number of different land uses, ranging from horticultural/agricultural (including a winery) through to lifestyle and residential uses. The site is largely cleared and in pasture. The number of lots, and their general location, is consistent with an existing consent not yet fully given effect to. It is considered that the proposal has no more than minor adverse effects on amenity values. The only water bodies on the property are man-made detention dams, one of which has been progressively landscaped by the applicant. The two smaller lots are located some distance from these detention dams.
- (c) There are no areas of significant indigenous vegetation or significant habitats of indigenous fauna on the property.
- (d) Access is existing, created pursuant to the existing underlying consent. In terms of private access standards, conditions of the underlying consent are repeated in this consent to ensure consistency.
- (e) Council is satisfied that any post-development additional storm water runoff can be appropriately managed, even with allowance for a slightly increased impermeable surface coverage for the two smaller lots, such that there are no more than minor adverse effects.
- (f) Council is satisfied that the proposed new lots, particularly the two smaller lots, are capable of supporting on-site waste water treatment and disposal systems, consistent with the system designs recommended in engineering reports that accompanied the application.
- (g) The proposed subdivision is within an area that already supports a variety of land uses and lot sizes. The mix of land uses includes a winery, other agricultural and



horticultural uses, and lifestyle/residential development. The proposal is not considered to unduly increase the risk of incompatible land uses.

**4. Relevant Statutory Provisions:  
Policy Statements & Plan Provisions:**

- (a) The Northland Regional Policy Statement contains general policies and objectives which are very similar to the purpose and principles of the Resource Management Act itself. Policies relating to subdivision and development seek to avoid, or where this is not practicable, mitigate or remedy:

- types of use and development likely to have adverse effects;
- cumulative adverse effects including shift towards dominance of built form;
- potential or actual conflict with current or existing uses, values and the natural character of adjacent land and water areas; and
- extent to which alternative locations and or methods of subdivision are either impractical or inappropriate.

Council is satisfied that the adverse effects of the proposal are no more than minor. The proposal is neither sporadic or sprawling and the proposed lots are consistent with what has been provided for by way of an existing consent. The sites are large enough to accommodate residential use and associated on-site waste water systems. The proposal is considered to be consistent with the Regional Policy Statement for Northland.

- (b) The Operative Far North District Plan:

The following objectives and policies from the Operative Far North District Plan were of particular relevance to the application:

- *Objectives & Policies of Chapter 8 Rural Environment*, specifically those relating to the promotion of sustainable management of natural and physical resources; ensuring that the life supporting capacity of soils is not compromised; the avoidance, remedy or mitigation of adverse effects; the avoidance of actual and potential conflicts between land use activities; and the promotion of amenity values of the rural environment.

The proposed subdivision is consistent with existing resource consents already granted for the land. The development is considered appropriate in this particular location. Whilst some small amount of land is lost to rural production, it is not considered that this is of significance. The proposal can be accommodated without conflict with adjoining rural and residential land uses and amenity values will not be adversely affected to a more than minor degree.

In summary, it is considered that the proposal is not contrary to the objectives and policies of the Rural Environment.

- *Objectives & Policies of Chapter 8.6 Rural Production Zone*; specifically those related to the same issues covered in the objectives and policies of the Rural Environment generally.

For the same reasons outlined above, it is considered that the proposal is not contrary to the objectives and policies of the Rural Production Zone.

- *Objectives & Policies of Chapter 13 Subdivision.* These generally reflect the purpose and principles of the Resource Management Act. Additionally, there are objectives specifically addressing consistency with the zone purpose; adequacy of water supply and on-site waste water disposal; adequate vehicular and pedestrian access; and utility services.

For reasons already canvassed above, the proposal is considered to be consistent with the subdivision objectives and policies of the District Plan.

## **Part 2 Matters**

The Council has taken into account the relevant purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. The purpose of the Act is the sustainable management of natural and physical resources. The proposal is considered to attain the overall purpose described. No Section 6 matters are considered to be of relevance. Of the Section 7 matters, the efficient use and development of resources; the maintenance and enhancement of amenity values; and the maintenance and enhancement of the quality of the environment have relevance. The proposal is considered to be consistent with these matters. The proposal is for the same number of lots that is already provided for by way of an existing consent and the design is such that the adverse effects on amenity values will be no more than minor. Similarly, the adverse effects on the quality of the environment will be no more than minor. Section 8 matters are not considered to be relevant. The proposal reflects what has already been consented to and the site contains no known sites of significance to Maori.

In summary, it is considered that granting this resource consent application achieves the purpose of the Act.

### **5. Notification and Affected Parties**

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 the written approvals of all affected parties has been obtained.

### **6. Overall Evaluation**

The Council is satisfied that the actual and potential effects of the proposal on the environment will be no more than minor. The proposal has been assessed against the objectives and policies of the relevant plans and the conclusion is that the proposal is not contrary to those objectives and policies. The site is distinguished from other land in the Rural Production Zone by virtue of the underlying subdivision consent. As such the approval of this proposal is not considered likely to undermine the integrity of the District Plan nor create a precedent effect in respect of other rural sites. In summary, the proposed activity is consistent with the sustainable management purpose of the Resource Management Act 1991.

**Approval**

This resource consent has been prepared by Lynley Newport, Senior Planner; and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

NP 

Patrick J. Killalea, Resource Consents Manager

13<sup>th</sup> November 2009

Date

**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.



Existing Easements (To Be Retained)		
Purpose	Shown	Servient Tenement Created By
Right of Way Right to Drain Sewage Right to Convey Electricity, Telecommunications, Computer Media & Water	(A)	Lot 9 Heron

Existing Easements (To Be Relinquished)		
Purpose	Shown	Servient Tenement Created By
Right of Way Electricity, Telecommunications & Water	(A) (B) (C)	Lot 9 Heron

Memorandum of Easements		
Purpose	Shown	Dominant Tenement
Right of Way Right to Convey Electricity, Telecommunications, Computer Media & Water	(A) (B) (D) (E)	Lot 9 Heron Lot 6 & 7 Heron Lot 6 Heron

Areas (E) (C) are subject to Existing Land Covenants.  
(EI 8049083.5 - No Building)

Lots 6 - 9 are subject to Existing Land Covenants.  
(EI 8049083.41)

DP 181616

COTTLE HILL DRIVE  
(20.12 wide, sealed)

DP 198393  
Appurtenant  
Easement for Lots 6 - 9  
(inc - ROW, Power & Telecommunications)

DP 14857

DP 14857

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**WILLIAMS AND KING**  
Registered Land Surveyors, Planners & Land Development Consultants  
Ph (09) 407 6030  
Fax (09) 407 6032  
Email: kerikeri@surveyandplanning.co.nz  
27 Hobson Ave, PO Box 937, Kerikeri

Proposed Subdivision of  
Lots 8 & 9 DP 413122

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

DP 14857

DP 14857

DP 14857

DP 14857

DP 167752

DP 73031

DP 167752

DP 167752

DP 167752

DP 167752

DP 167752

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Memorandum of Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way Right to Convey Electricity, Telecommunications, & Water	(A)(B)	Lot 4 Hereon	Lots 1, 2 & 3 Hereon
	(D)	Lot 3 Hereon	Lot 1 Hereon
	(E)	Lot 3 Hereon	Lot 2 Hereon
	(C)	Lot 4 Hereon	Lot 3 Hereon
Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right to Convey Electricity & Telecommunications,	(G)	Lot 1 Hereon	Lot 2 Hereon

Existing Easements to Remain			
Purpose	Shown	Burdened Land	Document
Right of Way Right to Convey Water & Transmit Telecommunications & Electricity	(A)	Lot 4 Hereon	D474186.5
Right of Way Right to Drain Water & Sewage Right to convey Water, Electricity, Telecommunications & Computer media	(A)	Lot 4 Hereon	EI 8049083.3

Local Authority: Far North District Council  
Total Area: 17.6850ha  
Comprised in: RT448762 & RT448763  
Levels in terms of: (LIDAR) NZ Vertical Datum  
Contour interval is: minor - 0.5m major - 10m

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

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

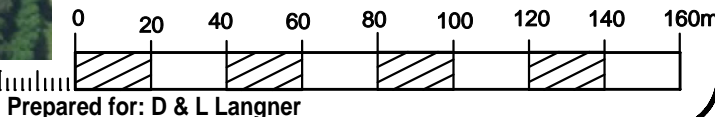


Note:  
AREAS AND MEASUREMENTS  
SUBJECT TO FINAL SURVEY

Impermeable areas:

Drive : 432m²  
House : 167m²  
Shed : 140m²

Total 739m² (18.5%)





WILLIAMS AND KING

Registered Land Surveyors, Planners & Land Development Consultants

Ph: (09) 407 6030  
Email: kerikeri@saps.co.nz

27 Hobson Ave  
PO Box 937 Kerikeri

# Proposed Subdivision of Lot 8 & 9 DP 413122

Survey Design Drawn			ORIGINAL SCALE	SHEET SIZE
Date	Name			
W & K Sep 2025			1:2000	A3
Rev				

24283





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

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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **448762**  
**Land Registration District** **North Auckland**  
**Date Issued** 28 January 2009

**Prior References**  
NA126A/879

---

**Estate** Fee Simple  
**Area** 8.0580 hectares more or less  
**Legal Description** Lot 8 Deposited Plan 413122  
**Registered Owners**  
Daniel Langner and La Langner

---

**Interests**

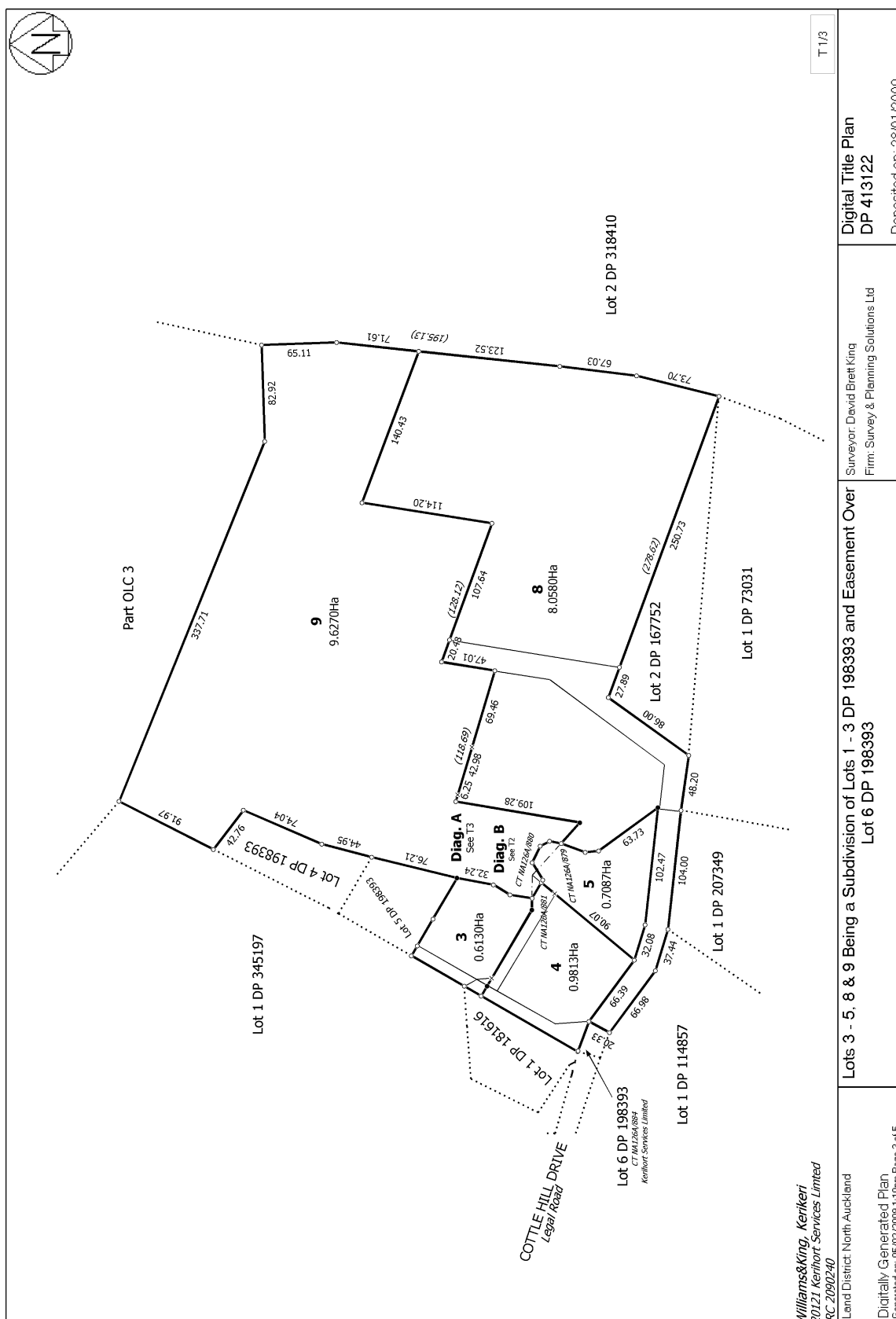
Subject to a right of way and rights to convey water, transmit electricity and telecommunications over parts marked D & J on DP 413122 specified in Easement Certificate D474186.5 - 1.2.2000 at 11.01 am

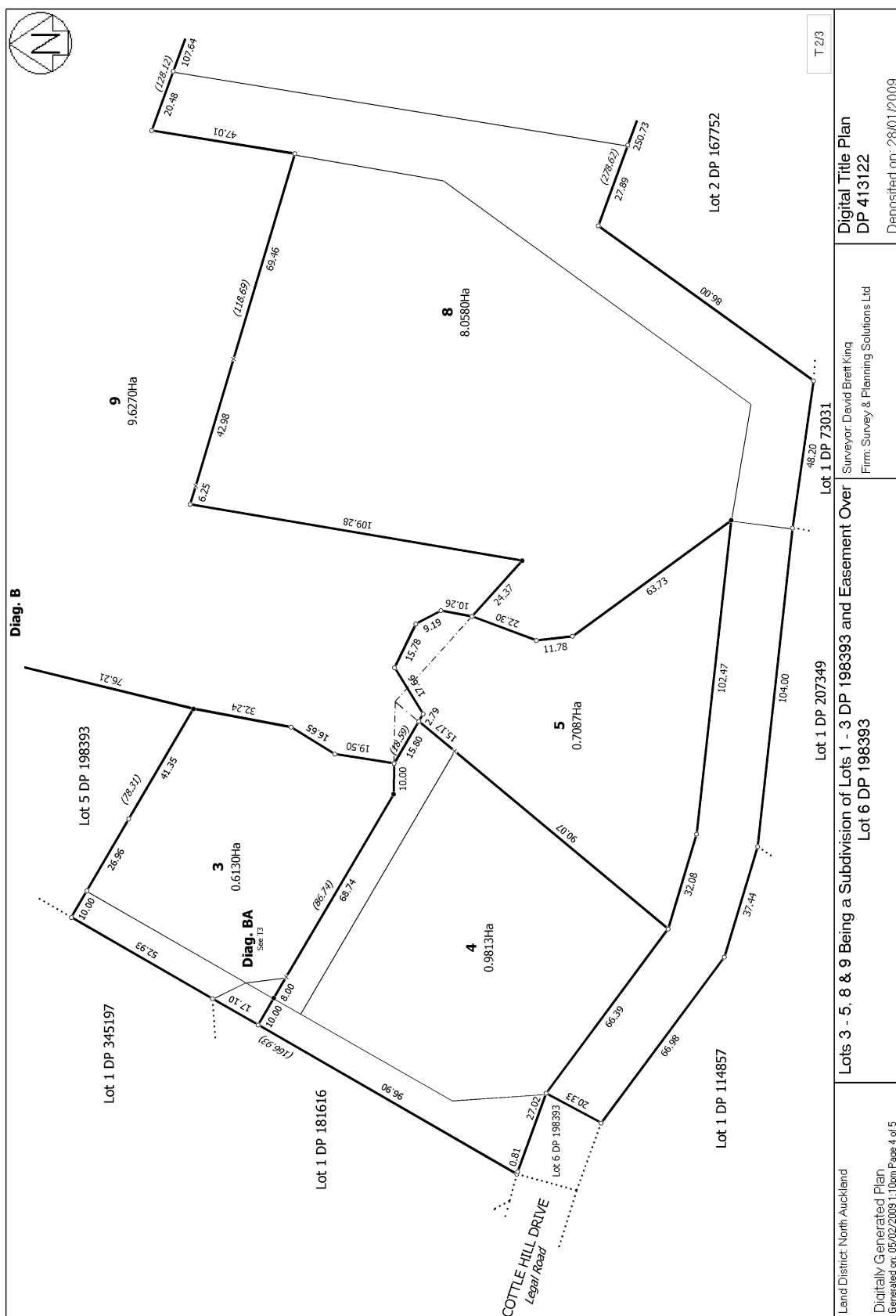
The easements specified in Easement Certificate D474186.5 are subject to Section 243 (a) Resource Management Act 1991

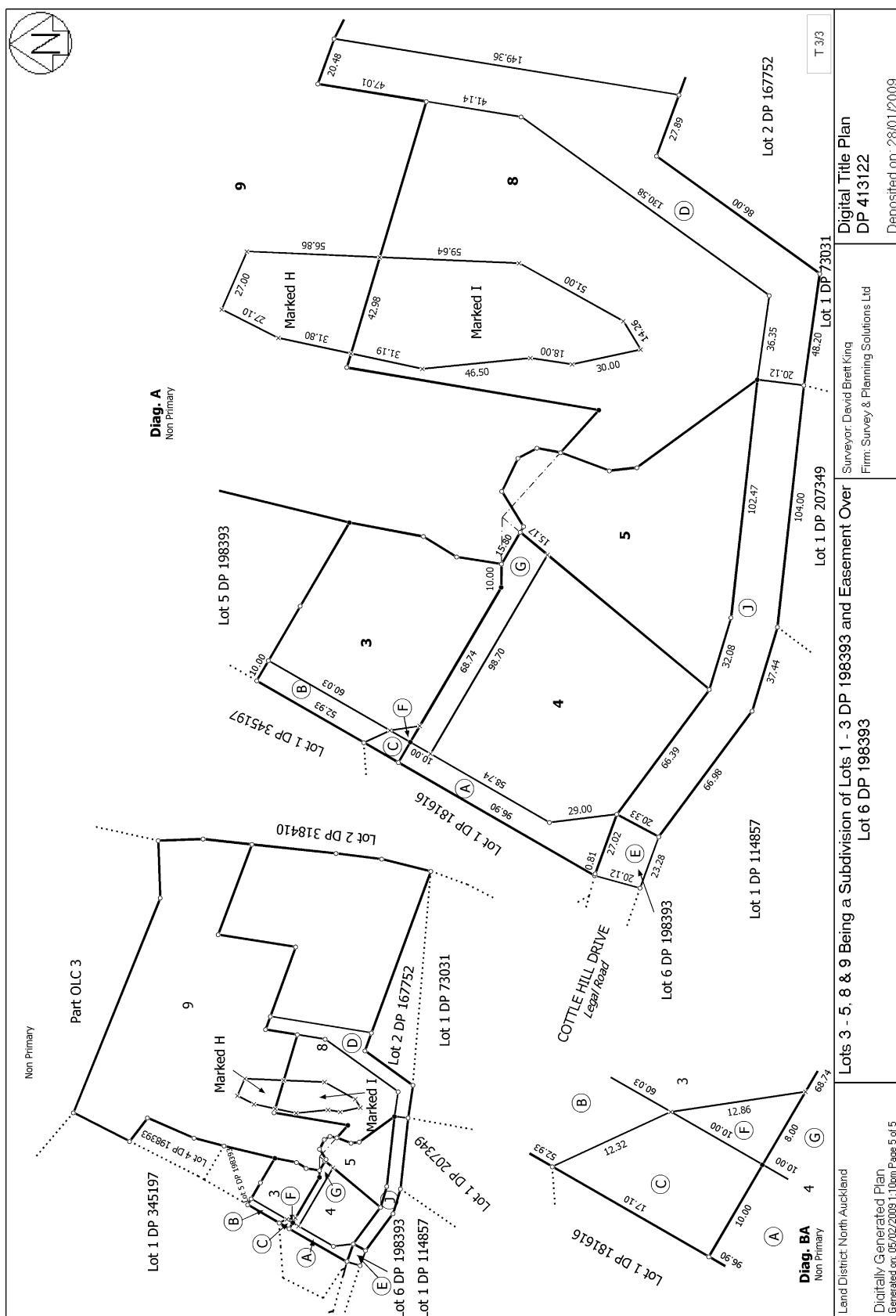
Subject to a right of way, a right to drain water, a right to drain sewage and a right to convey water, electricity, telecommunications and computer media over part marked J on DP 413122 created by Easement Instrument 8049083.3 - 28.1.2009 at 11:56 am

Appurtenant hereto is a right of way, a right to drain water, a right to drain sewage and a right to convey water, electricity, telecommunications and computer media created by Easement Instrument 8049083.3 - 28.1.2009 at 11:56 am

The easements created by Easement Instrument 8049083.3 are subject to Section 243 (a) Resource Management Act 1991  
Land Covenant in Easement Instrument 8049083.5 - 28.1.2009 at 11:56 am









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

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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **448763**  
**Land Registration District** **North Auckland**  
**Date Issued** 28 January 2009

**Prior References**

NA126A/879      NA126A/880      NA126A/881

---

**Estate** Fee Simple  
**Area** 9.6270 hectares more or less  
**Legal Description** Lot 9 Deposited Plan 413122  
**Registered Owners**  
Daniel Langner and La Langner

---

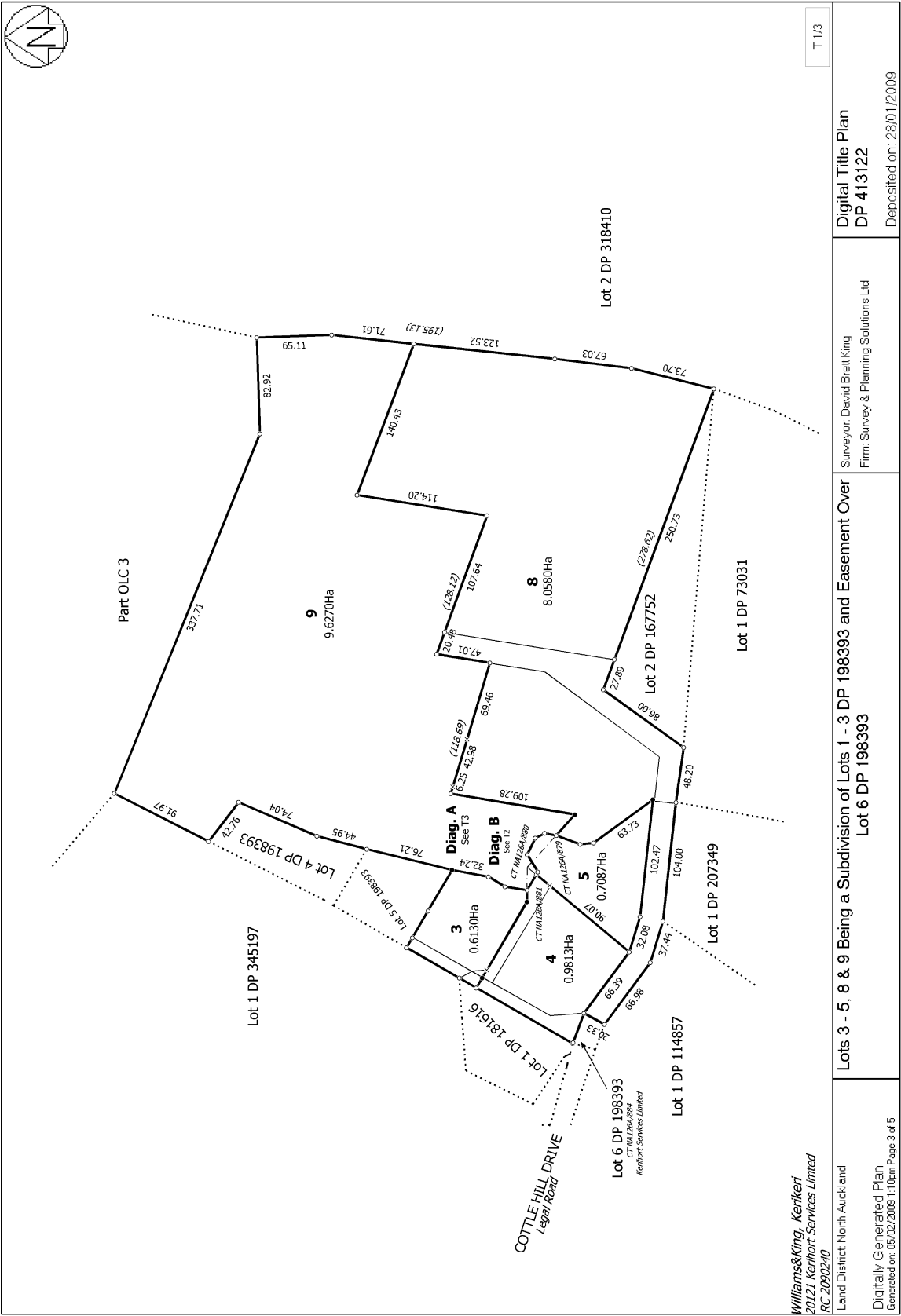
**Interests**

Appurtenant hereto is a right of way and rights to convey water, transmit electricity and telecommunications specified in Easement Certificate D474186.5 - 1.2.2000 at 11.01 am (affects part formerly Lots 2 & 3 DP 198393)

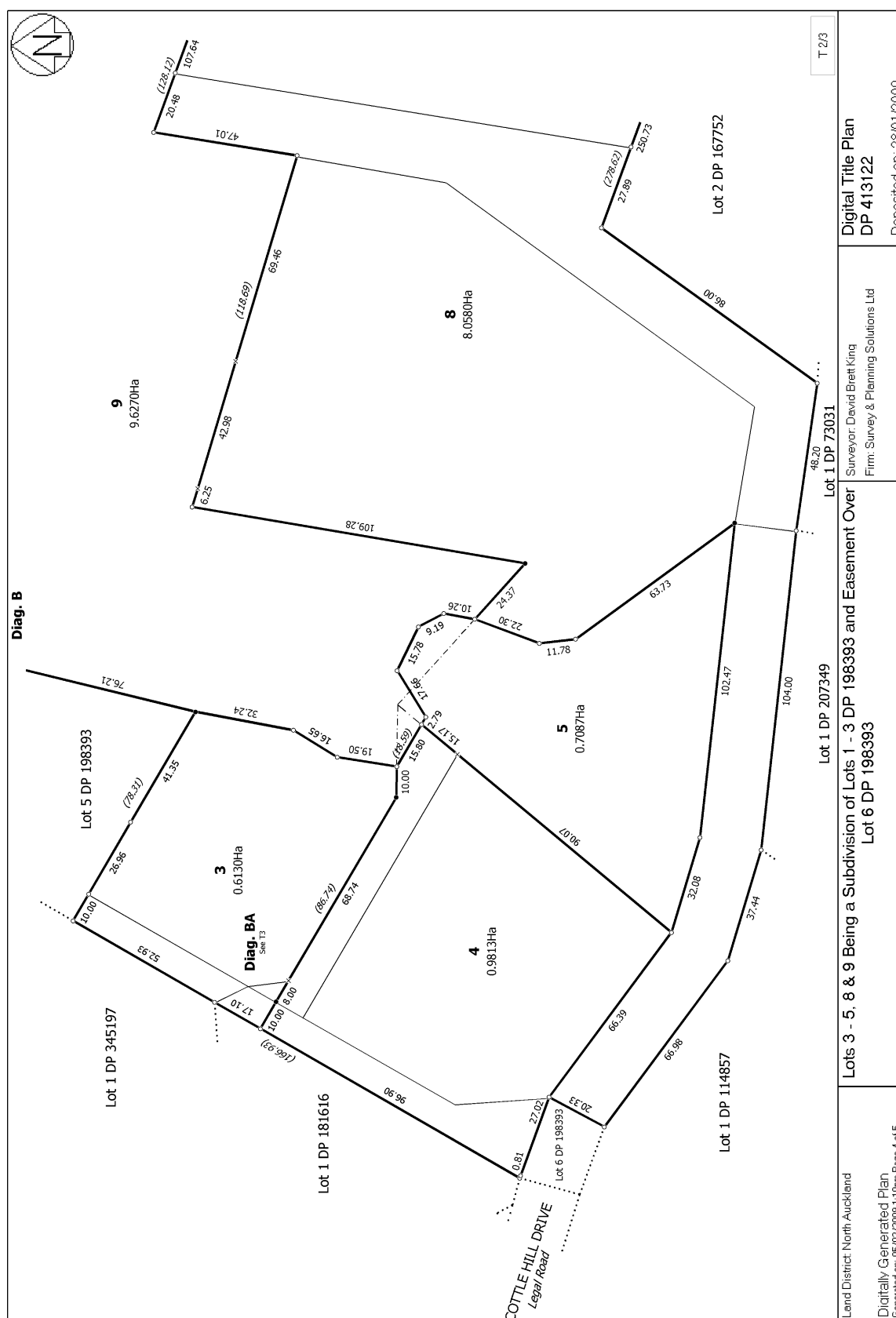
The easements specified in Easement Certificate D474186.5 are subject to Section 243 (a) Resource Management Act 1991

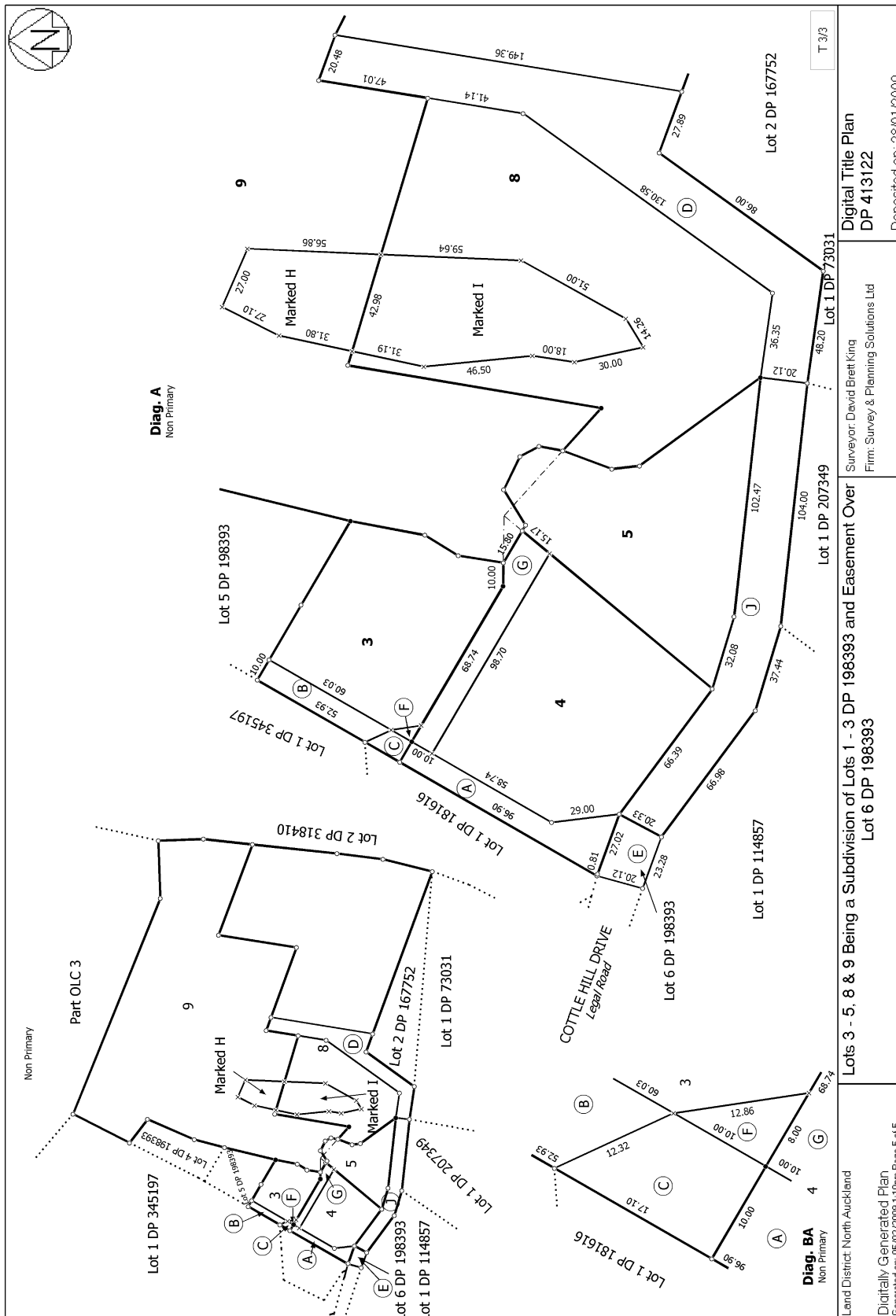
Appurtenant hereto is a right of way, a right to drain water, a right to drain sewage and a right to convey water, electricity, telecommunications and computer media created by Easement Instrument 8049083.3 - 28.1.2009 at 11:56 am

The easements created by Easement Instrument 8049083.3 are subject to Section 243 (a) Resource Management Act 1991  
Land Covenant in Easement Instrument 8049083.5 - 28.1.2009 at 11:56 am









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

**D474186.5 EC**

## EASEMENT CERTIFICATE

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

~~\*\*\*~~ Kerihort Services Limited

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ under No. **198393** are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

### SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Lot 2	A	Lot 3, <sup>4</sup> and 5	106A/109 106A/110 106A/111
	Lot <del>1</del> 5	B	Lot <del>1</del> 4	106A/111
	Lot 1	C	Lot 2	106A/108
Right to Convey Water	Lot 2	A	Lots 3,4 and 5	106A/109 106A/110 106A/111
	Lot <del>1</del> 5	B	Lot <del>1</del> 4	106A/111
	Lot 1	C	Lot 2	106A/108
Right to Transmit Electricity & Telecommunications	Lot 2	A	Lots 3,4 and 5	106A/109 106A/110 106A/111
	Lot <del>1</del> 5	B	Lot <del>1</del> 4	106A/111
	Lot 1	C	Lot 2	106A/108

1260/87  
-884

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

See attached.

A handwritten signature in black ink, appearing to be 'K. B.' with a stylized flourish at the end.

**Right of Way**

The rights and powers implied in rights of way by the Seventh Schedule to the Land Transfer Act 1952 and the Ninth Schedule to the Property Law Act 1952 shall apply.

**Right to Convey Water**

The rights and powers implied in rights to convey water by the Seventh Schedule to the Land Transfer Act 1952 shall apply.

**Right to Transmit Electricity and Telecommunications**

The following rights and powers shall apply to each electricity and telephone easement:

- a) The grantee shall have the right to free and uninterrupted passage and running of electricity and telephone services to and from the grantee's property through, over and along all conducting media which are now or are to be laid in, over or under the servient land for the use and enjoyment of the dominant land
- b) The right for grantee and persons authorised by the grantee to enter on the servient land with or without workers, materials and specialist services for the purposes of repairing, maintaining renewing and relaying or removing of any such conducting media; the persons exercising such right causing as little damage and inconvenience as reasonably practical in so doing and making good immediately any damage caused to the servient land.
- c) The cost of such repairs to the electricity and telephone services as are necessary to keep the same in good order, repair and condition and to prevent the same becoming a danger or a nuisance shall be borne equally by the registered proprietors for the time being of the dominant tenement and the servient tenement except where such repair is due to any act or default of any one of the registered proprietors or those for whom such registered proprietor is responsible in which case such cost shall be borne by that registered proprietor.

Handwritten signature and initials in black ink, located at the bottom left of the page.

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

Not applicable.

Dated this 12th day of  
Signed by the above-named  
Kerihort Services Limited

12th Nov 1998  
[Signature] Director

in the presence of

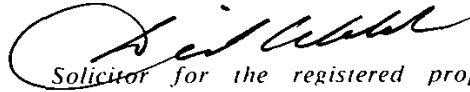
Witness [Signature]  
David Welel  
Occupation Lawyer  
Address Kerikeri



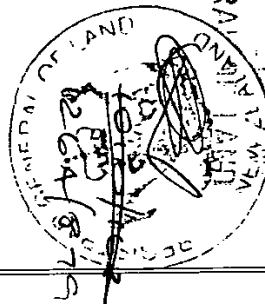
## EASEMENT CERTIFICATE

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

*Correct for the purposes of the  
Land Transfer Act*

  
Solicitor for the registered proprietor

11.01 01.FEB00 D 474186  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY NORTH  
for REGISTRATION OF EASEMENTS



11-883

LINZ COPY 

# View Instrument Details



**Instrument No** 8049083.3  
**Status** Registered  
**Date & Time Lodged** 28 January 2009 11:56  
**Lodged By** Prosser, Nicole Jayne  
**Instrument Type** Easement Instrument



**Toitū Te Whenua**  
**Land Information**  
**New Zealand**

---

Affected Computer Registers	Land District
448759	North Auckland
448760	North Auckland
448761	North Auckland
448762	North Auckland
448763	North Auckland
NA126A/882	North Auckland
NA126A/883	North Auckland
NA126A/884	North Auckland

---

**Annexure Schedule:** Contains 3 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 ☒

## Signature

Signed by Nicole Jayne Prosser as Grantor Representative on 28/01/2009 11:14 AM

---

## 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 Nicole Jayne Prosser as Grantee Representative on 28/01/2009 11:14 AM

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

**Form B****Easement instrument to grant easement or *profit à prendre*, or create land covenant**

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

**Grantor****KERIHORT SERVICES LIMITED****Grantee****KERIHORT SERVICES LIMITED AND SYLVIA SIMPSON****Grant of Easement or *Profit à prendre* or Creation of Covenant**

**The Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **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 (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way, Right to Drain Water, Right to Drain Sewage, Right to Convey Water, Right to Convey Electricity, Right to Convey Telecommunications and Computer Media	A	448760	448759
	E	NA126A/884	448759, 448760, 448761, 448762, 448763, NA126A/882 & NA126A/883
Right of Way, Right to Drain Water, Right to Drain Sewage, Right to Convey Water, Right to Convey Electricity, Right to Convey Telecommunications and Computer Media	J	448762	448761
Right to Drain Water	C, F	448759	448760
	G	448760	448759

Form B - continued

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

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

The implied rights and powers are hereby **varied** by:

the provisions set out in Annexure Schedule 2

A handwritten signature in black ink, appearing to be 'JMB', located in the bottom right corner of the page.

Approved by Registrar-General of Land under No. 1995/1004

## Annexure Schedule 2

Dated  Page 3 of 3 Pages

1. Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Fifth Schedule to the Property Law Act 2007, the provisions of the Fifth Schedule must prevail.
2. Where there is a conflict between the provisions of the Fourth Schedule and/or the Fifth Schedule, and the modifications in this Easement Instrument, the modifications must prevail.
3. Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).



**If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.**

# View Instrument Details



**Instrument No** 8049083.5  
**Status** Registered  
**Date & Time Lodged** 28 January 2009 11:56  
**Lodged By** Prosser, Nicole Jayne  
**Instrument Type** Easement Instrument



**Toitū Te Whenua**  
**Land Information**  
**New Zealand**

---

Affected Computer Registers	Land District
NA126A/882	North Auckland
NA126A/883	North Auckland
448759	North Auckland
448760	North Auckland
448761	North Auckland
448762	North Auckland
448763	North Auckland

---

**Annexure Schedule:** Contains 3 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 ☒

### Signature

Signed by Nicole Jayne Prosser as Grantor Representative on 23/01/2009 04:04 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 Nicole Jayne Prosser as Grantee Representative on 23/01/2009 04:04 PM

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



**Form B****Easement instrument to grant easement or *profit à prendre*, or create land covenant**

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

**Grantor****KERIHORT SERVICES LIMITED****Grantee****KERIHORT SERVICES LIMITED AND SYLVIA SIMPSON****Grant of Easement or *Profit à prendre* or Creation of Covenant**

**The Grantor** being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **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 (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenants	H & I on DP 413122	448762 & 448763	448759, 448760, 448761, 448762, 448763, <del>NA126A/882</del> and NA126A/882 and NA126A/883

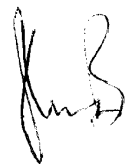
Form B - continued

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**Covenant provisions**

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

Annexure Schedule 2

A handwritten signature in black ink, appearing to be 'JMS' or similar, located in the bottom right corner of the page.

Form L

Annexure Schedule

Page      of      Pages

*Insert instrument type*

**Easement Instrument**

*Continue in additional Annexure Schedule, if required*

Not to build on the covenanted areas marked "H" and "I" on DP 413122.

A handwritten signature in black ink, appearing to be 'JLB', is located in the bottom right corner of the large rectangular box.