

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Kathy Peterson

Email:

Phone number:

Work

Home

Postal address:

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

Postcode

6. Address for Correspondence

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

Name/s:

Donaldsons Surveyors

Email:

rr

Phone number:

V

Postal address:

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

0245

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

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

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

Name/s:

Kathy Peterson

**Property Address/
Location:**

Postcode

8. Application Site Details

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

Name/s:

Kathy Peterson

**Site Address/
Location:**

Legal Description:

Lot 1 DP 187447 & SO 517848

Val Number:

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Certificate of title:

RT 857675

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

Site visit requirements:

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

Is there a dog on the property? ☐ Yes ☒ No

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

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9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposed subdivision to create 1 additional lot

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

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

- ☐ Building Consent
- ☐ Regional Council Consent (ref # if known)
- ☐ National Environmental Standard consent
- ☐ Other (please specify)

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

Donaldsons Surveyors Ltd

Email:

Phone number:

Postal address:

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

Home

Postcode

0245

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)

Micah Donaldson

Signature:

(signature of bill payer)

Date 03-Aug-2026

MANDATORY

15. Important Information:

Note to applicant

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

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

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Micah Donaldson

Signature:

Date 03-Aug-2026

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

Checklist (please tick if information is provided)

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

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

DONALDSONS

REGISTERED LAND SURVEYORS

8753

3 August 2026

N. Cowley & J. Graham
Planning Division
Far North District Council
Private Bag 752
Kaikohe

Dear Nicola & Jo,

PROPOSED SUBDIVISION

K. Peterson, 291 & 293 Aucks Road, Russell

We hereby submit this application for Resource Consent to undertake a subdivision to create one additional lot. Under the Proposed District Plan the subdivision proposal is Non-Complying, and Discretionary Activity under the Transitional District Plan.

This application is accompanied by the following supporting documentation:

- Application Form & Deposit \$5000
- Planning Report
- Record of Title
- Wastewater Assessment
- Scheme Plan – Subdivision

Yours faithfully

Micah Donaldson
Assoc.NZPI - RPSURV

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



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SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS



DONALDSONS

REGISTERED LAND SURVEYORS

PLANNING REPORT

PROPOSED SUBDIVISION
K. PETERSON, 291 & 293 AUCKS ROAD,
RUSSELL

Date: 3 August 2026

Reference: 8753



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INTRODUCTION

The applicant seeks resource consent to subdivide the property at 291 and 293 Aucks Road, Russell, creating one additional allotment.

The proposed subdivision will result in two lots:

- **Lot 1:** 5147 m²
- **Lot 2:** 1.70 ha

Under the Proposed District Plan the property is zoned Rural Lifestyle Zone and the subdivision activity is Non Complying, and under the Transitional District Plan is zoned Coastal Living and classified as a Discretionary Activity.

SITE DESCRIPTION

The subject property comprises the following legal parcels:

<u>Description</u>	<u>Details</u>
Legal Description:	Lot 1 DP 187447 and Section 1 SO 517848
Record of Title:	857675
Registered Owner:	K. Peterson
Total Area:	2.2222 ha

The Record of Title contains a number of easements that have been created over time, as shown on the Scheme Plan accompanying this application.

The site is developed with two existing dwellings that operate independently of one another. The dwelling proposed to be located on Lot 2 was constructed first, with the dwelling on proposed Lot 1 built several years later.

The property is predominantly covered in regenerating indigenous bush and slopes southwards towards Waikare Inlet. The terrain is relatively steep, with average gradients of approximately 1:2. The existing development to be subdivided is concentrated along the upper portion of the site adjacent to Aucks Road.

A review of the Council property file identified the following relevant approvals.

Dwelling – Proposed Lot 1

- Building Consent BC 2006-1109-0
-

- Resource Consent RC 2070086

Garage – Proposed Lot 1

- Building Consent BC 2015-528-0
- Resource Consent RC 2150169

Garage – Proposed Lot 2

- Building Consent BC 20030740

Right of Way

- Section 348 Local Government Act approval: 3001268-LGA348

The existing dwelling on proposed Lot 1 is accessed from 291 Aucks Road. This entrance is shared with the dwelling on proposed Lot 2 as a secondary access, and also provides the primary legal access to the adjoining property, Lot 3 DP 187447.

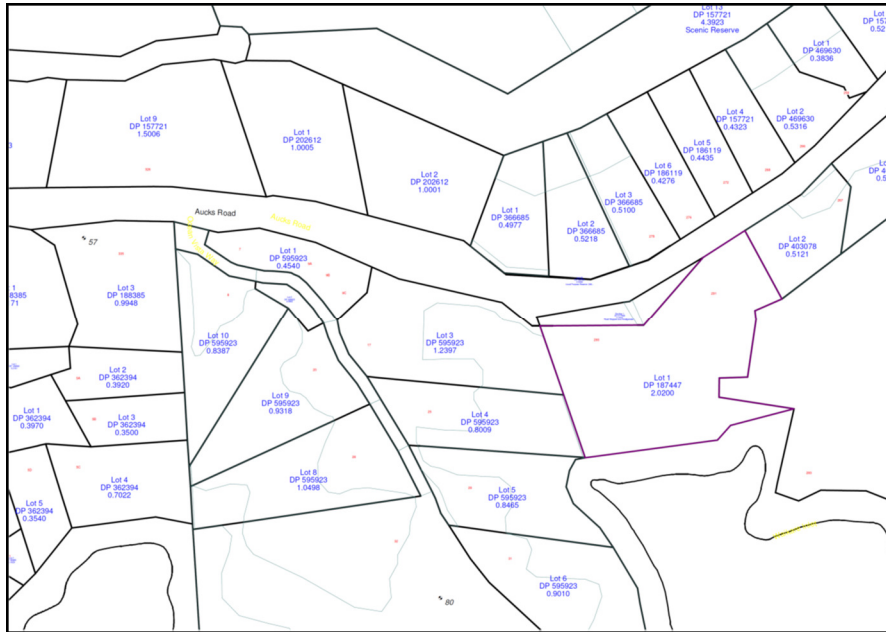
Areas A and B, shown on the Scheme Plan, were formerly legal road that was stopped and amalgamated with Lot 1 DP 187447 under the provisions of the Public Works Act 1981. As part of that process, legal rights of way were created over Areas A and B pursuant to Section 348 of the Local Government Act, under approval 3001268, in favour of Lot 3 DP 187447.

The existing dwelling on proposed Lot 2 has an independent legal access from 293 Aucks Road, and shared alternative access with Lot 1.

Both vehicle crossings have been authorised through previous Council approvals. The proposed subdivision will not increase the number of legal users at either access point, as both dwellings already exist and are lawfully established.

The surrounding area is characterised by established rural-residential development.

There are more than twelve neighbouring allotments with areas generally ranging between approximately 4,000 m² and 5,000 m², resulting in a pattern of development that is consistent with the proposed subdivision.



TRANSITIONAL DISTRICT PLAN

The Far North District Plan is currently in transition from the former Operative District Plan to the Proposed District Plan (PDP). While the Transitional District Plan (TDP) remains the operative district plan under the Resource Management Act 1991, the Proposed District Plan reflects the Council's most recent policy direction and its objectives and policies are afforded significant weight when assessing resource consent applications. Accordingly, this assessment has been undertaken having regard to both the Transitional District Plan and the Proposed District Plan, with greater weight given to the relevant provisions of the Proposed District Plan.

The subject site is zoned **Coastal Living** under the Transitional District Plan and is a Discretionary Activity.

OBJECTIVES AND POLICIES (*Subdivision*)

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

The proposed subdivision is consistent with the purpose and anticipated character of the zone. The proposal formalises an existing pattern of development by creating separate titles for two lawfully established dwellings that already function independently. No additional building platforms or development opportunities are created beyond those that currently exist, and the proposal does not alter the established level of land use or demand for infrastructure.

The subdivision makes efficient use of an already developed property while maintaining the existing natural features of the site. As such, the proposal promotes the sustainable

management of the site's natural and physical resources and is consistent with the purpose of the zone.

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

The proposal creates separate allotments for two existing dwellings and their associated infrastructure, both of which are lawfully established and operate independently.

Most of the site is constrained by its steep topography and extensive vegetation, which significantly limits opportunities for further development beyond the existing buildings. As a result, the subdivision does not create any realistic expectation of additional development that would alter the established character or environmental values of the site. Furthermore, the surrounding locality is characterised by established rural-residential development comprising allotments of a similar size and density, with the site also in proximity to residential-sized properties. The proposal is therefore compatible with the existing pattern and scale of development within the surrounding environment.

No earthworks, vegetation clearance, or modifications to natural drainage are necessary. Existing servicing and vehicle access arrangements remain unchanged, and the proposal will not adversely affect the life-supporting capacity of air, water, soil, or ecosystems. The bush on the steeper portions of the site will remain intact, with additional protection afforded through the proposed covenant. Given the established nature of the surrounding environment and the absence of any new sensitive activities, the proposal is not expected to generate reverse sensitivity effects.

Overall, the adverse effects arising from the proposed subdivision are considered less than minor.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

The subject site is not identified as containing any Outstanding Natural Landscapes, Outstanding Natural Features, or other mapped landscape values requiring protection under the District Plan. Most of the site comprises steep bush-covered land that is unsuitable for future development. The subdivision retains the natural character of the site and does not compromise any identified landscape or natural feature values within the coastal environment.

Overall, the proposal is considered consistent with this objective.

As will be described throughout the assessment, the proposal is considered to correlate with and uphold the intentions of the subdivision objectives and policies.

ALLOTMENT SIZES 13.7.2

(Table 7)

Status	Coastal Living Zone (Far North District Plan)
Controlled	<i>The minimum lot size if 4ha</i>
Restricted Discretionary	<i>The minimum lot size is 8,000m² (with provision for stormwater and wastewater disposal as a necessary part of the application).</i>
<i>Discretionary</i>	<i>The minimum lot size is 5,000m² (with provision for stormwater and wastewater disposal as a necessary part of the application);</i>

Lot 1 = 5147m²

Lot 3 = 1.7075 ha

Lot 1 complies with the Discretionary Activity standard.

Lot 2 complies with the Restricted Discretionary Activity standard.

The proposed lots are of sufficient width and configuration to accommodate a 30m x 30m allotment shape parameter, including the required 10-metre setback.

This demonstrates that the subdivision is capable of meeting the relevant development standards while maintaining a functional and consistent allotment pattern within the zone.

In this instance, the significance of allotment shape factors is reduced, as both sites are already developed with existing dwellings and associated improvements.

To avoid repetition, the subdivision assessment will be undertaken with reference to the relevant assessment matters and standards outlined under the Proposed District Plan, following.

COASTAL LIVING ENVIRONMENT

ISSUES

10.7.1.1 Rural Living development on relatively small lots adjoining the coast is a popular and appropriate form of development in some parts of District. However, this can have adverse effects on the natural character and physical environment of the coastal environment and on water quality.

10.7.1.2 Because of the generally smaller lot sizes, Rural Living development in the coastal environment can have adverse visual effects and consequently can affect the amenity of the area for adjoining landowners and the public.

The proposed subdivision of one additional lot is suitable for the subject property and its surrounding area, as there are no vulnerable characteristics of concern. The effects of more intensive development in this inland coastal setting are already evident and are in line with the district plan, which includes the residential zone.

Additionally, the historic character of the Kerikeri heritage area will not be compromised. There are only two known archaeological features nearby (these are described in the attached archaeological assessment), and the proposed development does not obstruct or impede views of historic buildings from the site. The adjacent residential zone to the north, which features high-density allotments, already exerts a far greater environmental impact than what is being proposed.

ENVIRONMENTAL OUTCOMES EXPECTED

10.7.2.1 A Coastal Living Zone in which rural residential development occurs in appropriate locations.

10.7.2.2 A Coastal Living Zone in which development does not detract from the natural character of the coastal environment, and does not cause adverse effects to natural and physical resources in the coastal environment.

The proposal upholds the relevant environmental outcomes sought by the District Plan.

OBJECTIVES AND POLICIES

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

10.7.3.2 To preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in this zone.

The proposal is considered to be in accordance with the objectives and there is little need to action any coordination with the policies.

The proposal is not considered to introduce any disconnect with the existing environment, and accordingly promotes the nature of existing land uses activities.

This assessment is described under the Proposed District Plan to avoid repetition.

PROPOSED DISTRICT PLAN

The property is predominantly located within the Rural Lifestyle Zone under the Proposed District Plan (PDP). A small portion of the site, comprising Section 1 SO 517848 (stopped road), is zoned Rural Production. As this area is former legal road that has been stopped, and no existing or proposed development is located within it, the Rural Production Zone provisions are not relevant to the assessment of this application. Accordingly, the assessment focuses on the provisions of the Rural Lifestyle Zone.

The PDP represents Council's most recent and updated policy framework for the management of land use and development within the District. Although the Transitional District Plan (TDP) remains the operative district plan under the Resource Management Act 1991, the PDP has progressed through the Schedule 1 process and now contains the most contemporary expression of Council's planning intent, including updated objectives, policies, and zone provisions.

As a result, the PDP is afforded greater weight in the assessment of this application, particularly in relation to matters of subdivision design, environmental outcomes, and the management of effects under District Wide Matters.

SUBDIVISION

Subdivision is the process of dividing an allotment or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape is important as it not only determines the quality and character of development, but it also impacts on surrounding sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that are unlikely to be reversed.

Subdivisions should be designed in an integrated way that contributes to a sense of place, supports connectivity and provides well-designed, accessible and safe spaces. It should not result in reverse sensitivity effects that cause land to be sterilised and result in the inability to undertake the activities enabled in the relevant zone. The subdivision process also provides the opportunity to create esplanade reserves or strips adjacent to the coast and rivers to enable public access and recreation, or to manage conservation values.

Standards		
SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	2ha	1ha

Under the proposed subdivision layout, Lot 1 does not meet either the controlled or discretionary minimum lot size standards, while Lot 2 complies with the discretionary activity standard (≥ 1 ha). The proposal is presented as a low impact **Non Complying Activity**.

It is acknowledged that the total site area of 2.2222 ha is theoretically sufficient to accommodate two allotments each exceeding 1 ha. However, the physical characteristics of the site, including its steep topography, vegetation cover, and the existing pattern of development, limit the ability to achieve a simple or evenly distributed subdivision pattern.

The proposed configuration reflects a pragmatic response to the site's existing development pattern and has been designed to align with the existing cadastral framework, utilising survey pegs already established in accordance with cadastral survey requirements.

The site is also subject to a range of coastal-related overlays, including **the Coastal Environment** Overlay and the **High Natural Character** Overlay. In addition, the lower portion of the site adjoining Waikare Inlet is identified as being subject to a **Coastal Hazard**.

These planning constraints primarily relate to the coastal interface and steeper lower-lying areas of the site and do not therefore affect the new lots or their existing development.

OBJECTIVES & POLICIES

SUB-O1 (Subdivision Objective)

This objective stresses the need for efficient land use that supports both environmental sustainability and local character, which aligns with the proposal's focus on higher-density allotments designed in response to existing surrounding development. The key considerations of the objective are met as follows:

1. **Achieves the objectives, respects overlays, and district wide matters:** These aspects are described throughout the assessment without concern.

2. **Contributing to Local Character and Sense of Place:** The subdivision fits within the existing character of the area, particularly in its higher-density nature. This contributes positively to the sense of place by integrating well with the overall wider environment.
3. **Avoiding Reverse Sensitivity:** The surrounding properties are of a similar scale and rural-residential land use pattern, with no notable variation in intensity or character that would distinguish the subject site from its immediate context. No reverse sensitivity effects are anticipated. The existing activities and associated effects on the site pre-date the subdivision and will remain unchanged following its implementation. The subdivision simply formalises existing development and does not introduce any new or more sensitive land use that would alter the existing environmental interface.
4. **Land Use Patterns in Accordance with Zoning Objectives:** The subdivision proposal is designed to uphold the purpose of the Rural Living zone objectives by integrating allotment sizes with surrounding land uses and ensuring compatibility with adjacent developments. While the proposed allotments are smaller than the Controlled standard for this zone, the location is unique, positioned alongside higher density residential activities. This placement supports efficient land use without undermining the intent of the zone's planning framework.
5. **Managing Natural Hazards:** The subdivision design ensures stormwater from impermeable surfaces are adequately managed within natural flow paths. There are no known natural hazards on the site other than at the lowest contour adjoining the tidal water, more than 40m below the subject developed areas.
6. **Managing Adverse Environmental Effects:** The applicant commissioned a wastewater assessment to confirm that the existing wastewater systems are appropriately located in relation to the proposed boundary configuration, and that sufficient land area is available to accommodate a 100% backup effluent disposal area, if required. The need for extensive consent notice conditions is limited in this case, as both allotments are already developed with established dwellings and existing infrastructure. Bush protect is proposed.

SUB-P3 (Subdivision Policy)

Provide for subdivision where it results in allotments that:

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

This policy addresses the need for subdivisions that meet specific criteria ensuring consistency with zone objectives and practical design considerations. The subdivision proposal aligns with the following aspects:

1. **Consistency with Zone Purpose and Characteristics:** The proposed subdivision is consistent with the purpose and anticipated character of the Rural Lifestyle Zone. The zone is intended to provide for rural lifestyle living in appropriate locations, typically in areas that are already **fragmented** or **in close proximity** to urban settlements and transport routes. This

supports a planned pattern of rural residential development while avoiding ad hoc or sporadic fragmentation of productive rural land.

The proposal does not introduce a new or intensified form of development, but rather formalises an existing pattern of land use on a site that is already developed with two established dwellings. In this context, the subdivision achieves a more efficient and orderly use of the land without altering the existing rural lifestyle character or increasing development intensity.

The Rural Lifestyle Zone anticipates a transition environment between rural residential areas and rural production land, characterised by open space, vegetated landscapes, and low-density development. The proposed allotment configuration maintains this pattern, with sufficient separation between built form and retention of the site's rural and vegetated character, namely across the steeper portions of the land.

While the zone enables a range of rural lifestyle activities, it also seeks to manage density and building location through subdivision design to protect rural character, landscape values, and amenity. The proposal is consistent with these outcomes, as it does not introduce additional dwellings, subdivision yield, or activities that would undermine the rural lifestyle function of the zone.

In addition, the proposal aligns with the broader resource management direction of the District Plan and the RMA, including the need to avoid unnecessary fragmentation of rural land, maintain rural character and amenity values, and protect the interface between rural lifestyle areas and more sensitive environments, including coastal landscapes where relevant.

2. **Minimum Allotment Sizes:** While the proposal deviates from the conventional lot sizes in the Rural Living zone, it is still consistent with the existing surrounding development. The flexibility in lot design allows for better integration with the site's specific conditions as described.

3. **Legal and Physical Access:** The subdivision provides for legal and physical access. This ensures that the lots have appropriate access for development, including space for vehicle manoeuvring.

Rules

There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan

SUB-R1 Boundary adjustments

Not applicable.

SUB-R3 Subdivision of land to create a new allotment

SUB-S2 Requirements for building platforms for each allotment

Rural Production, Rural Lifestyle, Rural Residential

20m x 20m

Both proposed lots are able to provide a 20m x 20m allotment shape parameter.

DISTRICT WIDE – OTHER MATTERS

SUB-S3 Water supply

Both lots have access to onsite potable water supplies captured from roof surface areas contained in water tanks.

Both lots are already developed and therefore it becomes impractical to apply this requirement under a consent notice. Accordingly, firefighting water supplies are not proposed.

All new allotments must have access to sufficient water supplies for fire fighting consistent with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

SUB-S4 Stormwater management

- *All allotments shall be provided, within their site area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impermeable surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties.*

Lots 1 and 2 are located on the upper slopes of a densely vegetated hillside, where the natural topography and defined gullies provide established overland flowpaths for stormwater runoff. The existing access formations and other impermeable surfaces serving both dwellings have previously been approved and dispose of stormwater by on-site discharge to ground, without a piped network, where runoff disperses across densely vegetated land.

Stormwater from the access serving Lot 1 sheet flows down catchment to an existing drain formed alongside the access serving Lot 3 DP 187447. This drain conveys runoff via the registered Right of Way shown as Area C on DP 187447. While no specific drainage rights are recorded, the drain forms an integral part of

the existing access infrastructure, for which Lot 3 DP 187447 is the sole user (with exception to casual recreational access to Waikare Inlet by Lots 1 & 2. It is therefore reasonable to conclude that the associated stormwater runoff is incidental to the lawful use and function of the access.

To provide greater certainty, additional easement rights are proposed in favour of **Lot 1** over **Lot 2** to recognise the existing secondary overland flowpath and provide for the continued conveyance of stormwater to the inlet.

Roof runoff is collected in on-site rainwater storage tanks, with overflow also discharging to ground in accordance with the existing approved arrangements under the Building Act. As the proposed subdivision does not increase the extent of impermeable surfaces, alter stormwater catchments, or change the existing drainage regime, no additional stormwater assessment is considered necessary. The proposal therefore complies with the intent of Standard SUB-S4.

- *The primary stormwater system is capable of conveying 10% AEP design storm events without surcharge;*

No concern.

- *The secondary stormwater system is capable of conveying the 1% AEP storm event within a defined path and without causing undue risk or damage to persons or property;*

The proposal provides a defined secondary overland flow path that follows the site's natural contours, enabling 1% AEP stormwater flows to lawfully convey across existing vegetated ground. As the flow path follows the natural drainage pattern and does not traverse close to building platforms or other vulnerable infrastructure, it does not present an undue risk to people or property.

- *The stormwater system will not connect or be able to overflow to the wastewater network.*

There is no wastewater network to consider.

- *The primary, secondary and attenuation systems are designed to accommodate an additional 20% for climate change.*

As described all impermeable surfaces are lawfully established under approved building consents, therefore no intervention by way of attenuation is necessary.

- *The stormwater system is designed and constructed for an asset life of at least 50 years.*

There is no proposed infrastructure, therefore this is not applicable.

The applicant seeks land use consent to breach the Impermeable Surface Rule as described under the Rural Lifestyle zone standards; where the total impermeable surface cover on Lot 1 exceeds 12.5%. Assessment of this breach describes below.

RLZ-R2 Impermeable surface coverage

PER-1

*The impermeable surface coverage of any site is no more than **12.5%** or 2,500m², which ever is lesser.*

Matters of discretion under land use activities are restricted to:

- a. *the extent to which landscaping or vegetation may reduce adverse effects of run-off;*

Lots 1 & 2 are well covered in mature trees, serving the purpose to reduce adverse effects of runoff.

- b. *the effectiveness of the proposed method for controlling stormwater on site;*

As the site occupies established land uses, whose stormwater discharge proves to be effective nothing further is considered necessary.

- c. *the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites; and*

Wastewater disposal has been approved in accordance with TP-58 and therefore does not raise any concerns. Review of existing disposal and backup reserve areas conclude both Lots 1 & 2 have sufficient area for continued onsite disposal.

- d. *whether water sensitive design methods and use of green spaces can be used;*

The property is already extensively green space, and therefore serves its purpose in this regard.

- e. *any cumulative effects on total catchment impermeability;*

No concern. Lots 1 and 2 are in proximity to the coastal fringe.

- f. *natural hazard mitigation and site constraints; and*

The site is not subject to flooding and does not contribute to any known lower catchment flooding, given its proximity to the coast these are typically not a concern.

- g. *extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies.*

There are no new stormwater effects to trigger these matters of concern.

Matters of discretion under subdivision activities are restricted to:

- *control of water-borne contaminants, litter and sediments;*

The proposal relates to existing residential development, which is not typically associated with significant water-borne contaminants. No earthworks or additional impermeable surfaces are proposed, and therefore no additional sources of sediment or litter are created. Accordingly, the subdivision activity does not adversely affect downstream water quality.

- *the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);*

No concern, there is no stormwater network.

- *the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including water sensitive design methods;*

As an existing use there are no proposed mitigation measures. The sites existing vegetated cover achieves low impact design. A stormwater discharge easement is proposed as a secondary overland flowpath.

- *the location, scale and construction of stormwater infrastructure; and*

All stormwater pipes are located within site boundaries.

- *measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area;*

None required.

- *adverse effects on the surrounding environment and neighbouring properties from the collection, treatment and disposal of stormwater; and*

There is no increase in effects as a consequence of the subdivision. No concern.

- *The ability of the stormwater system to ensure that the peak discharge flow rates from the site are not increased beyond the levels that exist prior to the proposed subdivision and future land uses (except in circumstances where that is not appropriate).*

There is no change to flow rates as a consequence of the subdivision. Nothing further required. **A minor land use consent can therefore be included with the subdivision decision to breach the Impermeable Surface Rule.**

SUB-S5 Wastewater disposal

- *Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect; and*
- *Where connection is not available, all allotments shall be provided with a means of collecting, treating and disposing of wastewater within the site area of the allotment.*

Both lots have existing onsite wastewater treatment systems that are in good working condition with available sufficient land for 100% backup disposal using a secondary treatment system (as described in the attached wastewater review dated 28/07/2026 – Kerikeri Drainage).

SUB-S6 Telecommunications and power supply

Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:

1. *A reticulated electricity supply system at the boundary of the new allotment; and*
2. *Telecommunications services at the boundary of the new allotment, provided by:*

Lots 1 & 2 have independent connections to both electricity and telecommunications.

Comments from Top Energy are attached.

Chorus was not connected as there are no new connections proposed.

SUB-S7 Easements for any purpose

Easements are outlined on the scheme plan.

Proposed easement include areas 'A & B' for purpose of Rights of Way and services reciprocal over Lots 1 & 2.

A stormwater easement is included over area 'G' & 'I' over Lot 2 in favour of Lot 1, for purpose of providing a secondary overland flowpath leading down to Waikare Inlet.

SUB-S8 Esplanades

Any subdivision involving the creation of one or more allotments less than 4ha which adjoins MHWS or bank of river whose average width of 3m or more, or a lake greater than 8ha.

Public road, 20.12 metres wide and over, adjoins the property boundary and fulfils the same purpose that an esplanade reserve or esplanade strip would otherwise provide. Accordingly, no further esplanade provision is considered necessary.

TRANSPORTATION

The transport network is largely a physical resource, comprised of assets such as roads and rail corridors, but also walking and cycleways, parking facilities and public transport services. The predominant mode of transport across the district is the private motor vehicle as there is limited public transport available. This can create pressures on the transportation network, including increasing demand for car parking in the town centres.

Property Access

Lots 1 & 2 utilise existing independent lawfully established entrances onto Aucks Road.

TRAFFIC INTENSITY

This rule only applies when establishing a new activity or changing an activity on a site.

The Traffic Intensity Factor for a site in this zone is 20 daily one way movements.

Exemptions: The first residential unit on a site, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt.

Traffic occurs from single residential units and therefore all are exempt.

TRAN-R1 PARKING

A sites both have a single residential unit (dwelling) that requires 2 parks; this is provided on both lots having adequate tracking curves and manoeuvring areas without concern.

PER-1

With the exception of PER-2, parking spaces and loading spaces are located on site and they shall not be located over any footpaths, access, manoeuvring, or outdoor living areas.

Complies.

PER-2

Stacked parking is permitted for one of two spaces associated with a specific residential unit, and may include a parking space on the access in front of a garage or carport.

Complies.

PER-3

Parking spaces and loading spaces are permanently marked or delineated, except when they are:

- *associated with a residential unit which is not a multi-unit development; or*
- *associated with the fuel refill and pumps at service stations.*

Complies.

PER-4

All parking and loading spaces comply with: TRAN-S1 Requirements for parking.

Complies.

TRAN-S1 Requirements for parking**All zones**

1) The minimum number of on-site bicycle spaces are provided for each activity in accordance with TRAN-Table 1 - Minimum number of bicycle parking spaces

No concern.

2) The minimum number of accessible car parking spaces must be provided in accordance with TRAN-Table 2 - Minimum number of accessible car parking spaces and TRAN-Table 3 - Theoretical parking demand factor;

Residential unit 1 per unit
Complies.

3) Loading spaces for commercial activities, offices, industrial activities, commercial service activities, hospital activities, and educational facilities are provided on site in accordance with TRAN-Table 4 - Minimum on-site loading bay requirements;

Not applicable.

4) End-of-trip facilities for commercial activities, offices, industrial activities, commercial service activities, hospital activities and educational facilities are provided for staff use in accordance with TRAN-Table 5 - End of trip facility requirements;

Not applicable.

5) All on-site car parking and manoeuvring areas are provided in accordance with TRAN-Table 6 - Parking and manoeuvring dimensions; and

Complies.

6) *If any activity is not represented within TRAN-Table 1 - Minimum number of bicycle parking spaces then the activity closest in nature to the proposed activity shall apply, provided that where there are two or more similar activities in the table, the activity with the higher bicycle parking rate shall apply.*

No concern.

7) *Short stay bicycle parking spaces required under TRAN-Table 1 shall:*

Be clearly visible or signposted.

Be located within 30m of public entrances to the activity.

Consist of stands that are securely attached to an immovable object such as a wall or the ground.

Not applicable.

8) *Long stay bicycle parking spaces required under TRAN-Table 1 shall be undercover and secure from theft.*

Not applicable

ACCESS

TRAN-R2

New or altered vehicle crossings and access, including private accessways (excluding access from a State Highway or Limited Access Road)

NOTE:

Altered includes, but is not limited to, any widening, narrowing, gradient changing, redesigning, change in use, and relocating of a vehicle crossing or accessway, but excludes resurfacing.

Where:

PER-1

A private accessway serves a maximum of 8 allotments.

Complies.

PER-2

Where access is required for 9 or more allotments, access shall be by public road.

Not applicable.

PER-3

The vehicle crossing is not off a road classified arterial as shown on the Transport Network Hierarchy layer.

Not applicable.

PER-4

Any vehicle crossings that are no longer required must be reinstated to match the existing footpath and kerbing, or the shoulder and berm are reinstated where there is no footpath or kerbing, with all works to be undertaken as per any required traffic management plan and corridor access request.

Both existing crossing are required.

PER-5

Private accessways shall be designed and constructed in accordance with TRAN-Table 10 - Requirements for private accessways.

The minimum legal width is 6m, which complies for 3 users.

The minimum carriageway width 3.5m, which complies for 3 users.

PER-6

Vehicle crossings and private accessways shall be designed and constructed in accordance with TRAN-Table 11 - Sealing requirements for vehicle crossings and private accessways.

This would be subject to consent conditions.

PER-7

The vehicle crossing, access, or private accessway complies with standards:

TRAN-S2 Requirements for vehicle crossings; and

TRAN-S2 Requirements for vehicle crossings

TRAN-S2 Requirement for Vehicle Crossing

1) No more than the maximum number of vehicle crossings shall be provided per frontage in accordance with TRAN-Table 7 - Maximum number of vehicle crossings per frontage;

Lot 1 has a 112m frontage, which would allow for 3 entrances.

Lot 2 has a 77m frontage, which would allow for 3 entrances. Only two are required, both existing.

2) New vehicle crossings shall be located at least 8m from a dedicated pedestrian crossing facility;

There are no new crossings.

3) Where a site has frontage to more than one road, the vehicle crossing(s) shall be provided onto the road that has the lower road classification;

Not applicable.

4) New vehicle crossings shall meet the minimum separation distance requirements from intersections as set out in TRAN-Table 8 - Minimum distance of vehicle crossings from intersections; and

No concern.

5) New vehicle crossings shall be located to meet the minimum sight distance requirements as set out in TRAN-Table 9 - Minimum sight distances for vehicle crossings.

The crossing exists. No new crossing.

TRAN-S3 Requirements for passing bays.

With Lot 1 exiting the shared access within 10m of the road boundary, there is no requirement for passing bays.

NOTE:

Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.

No concern.

TRAN-R3 Design and location of pedestrian access for allotments where vehicle access is not provided
All zones

PER-1

Where the pedestrian access serves one allotment and no vehicle access is provided, pedestrian access must be provided that:

- *Has a surface treatment that is firm, stable and slip-resistant in any weather conditions; and*
- *Provides direct and continuous access to the buildings from a public footpath.*

Not applicable.

PER-2

Where 2 or more allotments require shared access and no vehicle access is provided, pedestrian access must be provided that:

- *Meets the requirements in PER-1;*
- *Has a minimum formed width of 1.8m along its full length;*
- *Is free from permanent obstructions and have a clear height of at least 2.1m and a clear width of at least 3m.*

Not applicable.

TRAN-R4 - TRAN-R13

Not applicable.

The following reviews the existing structures in relationship to proposed boundaries and allotment configuration.

RURAL LIFESTYLE ZONE

Overview

The role of the Rural Lifestyle zone is to provide an area specifically for rural lifestyle living. Accommodating the demand for rural lifestyle living in appropriate areas of the district, close to transport routes with good access to services in urban areas and settlements, is intended to reduce ad-hoc or sporadic rural lifestyle development throughout the Rural Production zone that adversely impacts on primary production activities.

Objectives

RLZ-O1

The Rural Lifestyle zone is used predominantly for low density residential activities and small scale farming activities that are compatible with the rural character and amenity of the zone.

RLZ-O2

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

- *low density residential activities;*
- *small scale farming activities with limited buildings and structures;*
- *smaller lot sizes than anticipated in the Rural Production Zone;*
- *a general absence of urban infrastructure;*
- *rural roads with low traffic volumes;*
- *areas of vegetation, natural features and open space.*

RLZ-O3

The role, function and predominant character and amenity of the Rural Lifestyle zone is not compromised by incompatible activities.

Policies

RLZ-P1

Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Lifestyle zone, while ensuring their design, scale and intensity is appropriate to manage adverse effects in the zone, including:

- *low density residential activities;*
 - *small scale farming activities;*
 - *home business activities;*
 - *visitor accommodation; and*
-

- *small scale education facilities.*

1. Supports Low-Density Residential Activities

- The subdivision maintains an appropriate **lot size and density** that align with the Rural Lifestyle Zone's intended character given the sites have no rural production use.
- Although positioned very near to established urban development, the subdivision retains a distinct rural lifestyle character due to the vast extent of unusable land.

2. Does Not Prevent Small-Scale Farming Activities

- The site is not suitable for such use.

3. Allows for Home Business Activities

- The lot sizes and layout allow for home businesses to operate without affecting the rural character or amenity.
- The subdivision does not introduce commercial-scale developments that would be inconsistent with the policy's intent.

4. Supports Visitor Accommodation

- The subdivision does not prohibit or restrict **visitor accommodation opportunities** within the Rural Lifestyle Zone.
- Visitor accommodation would remain subject to relevant planning controls, ensuring that scale and intensity are managed appropriately.

RLZ-P2

Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Lifestyle zone because they are:

- *contrary to the density anticipated for the Rural Lifestyle zone;*
- *predominately of an urban form or character;*
- *primary production activities, such as intensive indoor primary production, that generate adverse amenity effects that are incompatible with rural lifestyle living; or*
- *commercial, rural industry or industrial activities that are more appropriately located in a Settlement zone or an urban zone.*

The proposed subdivision is consistent with the policy directive to avoid activities that are incompatible with the role, function, and predominant character of the Rural Lifestyle Zone. The following points justify how the subdivision aligns with this policy:

1. Density and Character Consistency

The subdivision is consistent with the existing rural lifestyle character of the area, which is generally low-density and set within a spacious, vegetated environment. It does not increase development intensity, as it simply formalises existing dwellings on the site.

The surrounding area contains a mix of rural lifestyle and larger rural lots, and the proposal aligns with this established pattern without changing the overall density or character.

The steep terrain and dense bush cover also limit the visibility of internal boundaries, **meaning the subdivision pattern is not readily apparent on the ground** and does not read as an intensified or small-lot development.

Existing servicing is not intensified, and the proposal makes efficient use of the land without increasing environmental effects.

2. Avoidance of Urban Form or Character

The subdivision maintains a rural lifestyle form, with a large balance lot, separation between dwellings, and a strong presence of open space and indigenous vegetation. The site's steep topography and extensive bush cover limit the visibility of internal boundaries on the ground, meaning the proposed allotment configuration is not physically discernible as a small-lot pattern within the landscape. As a result, the subdivision does not present as a visually intensified or urbanised form of development.

The proposal does not introduce any pattern or scale of development that would appear urban in character. No additional development is enabled, and the existing built form remains the dominant element on the site.

3. Exclusion of Incompatible Primary Production Activities

The subdivision supports existing residential use and does not enable intensive primary production activities.

There is no change in land use intensity, and no activities are anticipated that would generate effects such as noise or odour inconsistent with rural lifestyle living.

COASTAL ENVIRONMENT

Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The past few decades have seen an increasing pressure for development in coastal areas, particularly along the east coast where there is a continued pattern of settlement which has placed additional pressure on coastal resources and character. Consideration needs to be given to both the preservation of the natural character of the coastal environment and the level of intervention to consider land use and subdivision, while ensuring the health, safety and wellbeing of communities.

Objectives

CE-O1

The natural character of the coastal environment is preserved and protected from inappropriate land use and subdivision.

The proposal is consistent with this objective. The subdivision formalises an existing pattern of development and does not create additional development opportunities or increase the intensity of land use. The majority of the site remains in indigenous bush, with the steep topography naturally limiting future development. As a result, the natural character of the coastal environment is maintained, and the adverse effects are considered less than minor.

CE-O2

Land use and subdivision in the coastal environment:

- *is undertaken in an integrated and coordinated manner;*
- *is compatible with the surrounding land use;*
- *does not result in urban sprawl occurring outside of existing urban areas;*
- *promotes restoration and enhancement of the natural character of the coastal environment; and*
- *recognises and provides for the relationship of tangata whenua with their ancestral lands in the coastal environment.*

The proposed subdivision is integrated with the existing pattern of development and is compatible with the surrounding rural lifestyle environment. The proposal simply creates separate titles for two existing dwellings and does not result in additional residential density or urban expansion.

The extensive indigenous bush cover and steep terrain remain largely unaffected by the subdivision, with the proposed bush covenant providing ongoing protection of these natural values. There is no earthworks or vegetation clearance proposed, and the subdivision does not adversely affect the natural character of the coastal environment. There is nothing to indicate the proposal would adversely affect the relationship of tangata whenua with their ancestral lands or other recognised cultural values.

CE-O3

*Land use and subdivision in the coastal environment within urban areas is **consolidated** and provides for the social, economic and cultural wellbeing of people and communities without compromising other coastal environment values.*

This objective has limited relevance as the subject site is not located within an urban area. Nevertheless, the proposal represents an efficient use of an already developed property by formalising existing development without increasing land use intensity or compromising the natural values of the coastal environment. Accordingly, the proposal is consistent with the intent of this objective.

Policies

CE-P2

Avoid adverse effects of land use and subdivision on the characteristics, qualities and values that make an area an outstanding natural character area in the coastal environment.

CE-P4

Preserve the visual qualities, character and integrity of the coastal environment by:

- *consolidating land use and subdivision around existing urban centres and rural settlements; and*
- *avoiding sprawl or sporadic patterns of development in the rural environment.*

CE-P9

Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the coastal environment:

(b) Presence or absence of buildings, structures or infrastructure

The site is already developed with two existing dwellings and associated structures. No new buildings or infrastructure transpire as a consequence of the subdivision. The proposal simply redefines land parcels around existing development.

High Density Kiwi Zone

Mitigation proposed pursuant to Section 221 RMA, is the requirement for Cats and dog to be contained indoor at night, which suits this semi residential situation.

No recorded archaeological sites

The proposed subdivision and future use of the new titles does not involve any earthworks therefore there is no concern to archaeological aspects.

High Natural Character

"Harris Block" and adjoining native forest. Cover includes kanuka dominant forest with totara; mixed broadleaved forest with native conifers in lower valleys. In the upper slopes there are old emergent pines with native tanekaha canopy plus a small area of old planted pines. The areas of mature mixed broadleaved forest with native conifers are of outstanding natural character. Native conifers include rimu, kahikatea, matai, totara. Canopy mixed broadleaved species include puriri, pukatea, tawa, tanekaha, pohutukawa & taraire.

As a developed site there is no change or introduced impact on high natural character. This is further discussed below under District Wide Matters.

(c) Location, scale and design of any proposed development

No additional development occurs. The subdivision is limited to boundary realignment and does not alter the scale, location, or design of existing built form.

(e) Ability of the environment to absorb change

The site is largely covered in indigenous vegetation and is characterised by steep terrain, which limits its capacity for further development. The proposal does not intensify land use and therefore the environment is readily able to absorb the effects of the subdivision.

(j) Likelihood of exacerbating natural hazards

The subdivision does not increase exposure to or risk from natural hazards. No earthworks or new building platforms are created, and existing development is not altered in a way that would increase hazard susceptibility.

(l) Effects on the coastal marine area and coastal waters

There are no works proposed within or near the coastal marine area. The subdivision does not involve earthworks, vegetation clearance, or discharges that could affect coastal water quality. Accordingly, no adverse effects on the coastal marine area are anticipated.

(n) Effects on coastal environment characteristics, natural character, landscape values, and indigenous biodiversity

The site is subject to the **High Natural Character Overlay**, with the majority of the property forming part of the **Harris Block**, an area characterised by extensive indigenous vegetation including kānuka forest, mixed broadleaved forest, and native conifers. These values are concentrated across the steep, undeveloped portions of the site.

The proposal does not introduce any additional development, earthworks, or vegetation clearance, and simply formalises the existing pattern of development around two lawfully established dwellings. The indigenous bush and natural landforms that contribute to the site's high natural character will remain intact and unchanged.

To further protect these values, a Section 221 Resource Management Act 1991 consent notice is proposed requiring the registration of a covenant over identified areas of indigenous vegetation. This will provide ongoing legal protection of the bush areas and assist in maintaining the site's natural character, landscape values, and indigenous biodiversity.

Accordingly, the proposal will have no adverse effects on the characteristics, qualities, or values of the coastal environment, including its natural character, natural landscape values, and indigenous biodiversity.

(p) Whether the activity is on a previously approved building platform

The subdivision does not establish new building platforms and relates solely to existing, lawfully established dwellings. Accordingly, this matter is not directly relevant to the proposal.

RURAL LIFESTYLE ZONE & COASTAL ENVIRONMENT RULES & STANDARDS

Coastal Environment Rules

CE-R1

New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures

Not applicable.

CE-R2

Earthworks or indigenous vegetation clearance

Not applicable.

Coastal Environment Standards

CE-S1 Maximum height

- *The maximum height of any new building or structure and relocated building above ground level is 5.5m; or*
- *Any extension to a building or structure must not exceed the height of the existing building above ground level*

Not applicable.

CE-S2 Colours and materials

The exterior surfaces of new buildings shall:

1. *be constructed of natural materials; or*
2. *be finished to achieve a reflectance value no greater than 30%; and*
3. *if the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix 6 or equivalent.*

Not applicable.

CE-S3 Earthworks or indigenous vegetation clearance

Any earthworks *must (where relevant):*

1. *not occur in outstanding natural character areas;*
2. *not exceed a total area of:*
 - a. **50m²** *within a calendar year in an area of high natural character;*
 - b. **100m²** *within a calendar year in an area outside high or outstanding natural character areas;*
3. *not exceed a cut height or fill depth of **1m**, or 1.5 where this relates to telecommunication facilities; and*
4. *screen any exposed faces visible from a public place.*

Any indigenous vegetation clearance must:

1. *not occur in outstanding natural character areas;*
2. *not exceed a total area of:*
 - a. **50m²** *within any 10-year period in an area of high natural character;*
 - b. **400m²** *within any 10-year period outside high or outstanding natural character areas.*

Not applicable, there is no earthwork or vegetation clearance.

CE-S4 Setbacks from MHWS

Not applicable, there are no proposed buildings.

Rural Lifestyle Rules

RLZ-R1 New buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures

Not applicable.

RLZ-R2 Impermeable surface coverage

PER-1

The impermeable surface coverage of any site is no more than 12.5% or 2,500m², whichever is lesser.

Lot 1 has 14% impermeable cover - Does not comply.

Land Use consent is requested to breach this standard.

Assessment under this standard is covered above "Subdivision Matters".

RLZ-R3 Residential activity

PER-1

The site area per residential unit is at least 2ha.

PER-1 does not apply to:

a single residential unit located on a site less than 2ha; or

A detached minor residential unit established in accordance with the NES-DMRU.

Not applicable.

Rural Lifestyle Standards

RLZ-S1 Maximum height

The maximum height of a building or structure, or extension or alteration to an existing building or structure is 8m above ground level.

Not applicable.

RLZ-S2 Height in relation to boundary

The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:

- 1) 55 degrees at 2m above ground level at the northern boundary of the site;*
- 2) 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and*
- 3) 35 degrees at 2m above ground level at the southern boundary of the site.*

No concern with the boundaries being more than 10m from any building - **Complies.**

RLZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)

*The building or structure, or extension or alteration to an existing building or structure must be setback at least **10m** from all site boundaries, except*

- 1) on sites less than 5,000m² the setback is a minimum of 3m for boundaries that do not adjoin a road;*
- 2) habitable buildings must be setback at least 20m from the boundary of an unsealed road;*
- 3) habitable buildings must be set back 30m from the boundary of a site containing a commercial forest; and*
- 4) buildings containing sensitive activities must be setback at least 20m from the boundary of a Rural Production zone or a Horticulture Precinct.*

The buildings are located more than 10m from the proposed boundaries - **Complies**

An 11m² sleepout on Lot 1 is located 1m off the southern boundary.

The applicant offers a condition of consent to relocate the sleepout to be >10m from site boundary.

Evidence that the sleepout has been relocated and complies with the 10m boundary setback standard, shall be provided prior to 223 RMA certification.

No other setback is applicable to these existing buildings.

RLZ-S4 Building or structure coverage

The building or structure coverage of any site is no more than 12.5%.

Total Building Cover = 296m² (5.7%) - **Complies.**

RLZ-S5 - RLZ-S8 (Sensitive Activities)

Not applicable.

PART 2

OTHER DISTRICT WIDE MATTERS

The site is subject to **Coastal Environment** Overlay, **High Natural Character** Overlay, and the lower southern extent adjoins Waikare Inlet, identified as a **Natural Hazard** being subject to a Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise).

Natural hazards

Overview

The district is affected by natural hazards. These are natural processes that become a hazard when they affect people, property, infrastructure or the wider environment.

Natural hazards include those that occur frequently such as flooding, coastal erosion and inundation, and land instability; and those natural hazards that occur less frequently including wildfires, tsunamis, high winds and droughts. Natural hazards are often driven by climatic conditions, for example extreme rainfall events (flooding/land instability) or severe drought (wildfire). Coastal erosion and inundation are also most likely to occur during storm events.

The property is influenced by Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario). The proposed subdivision does not cause or increase the effects associated with this natural hazard.

Objectives

NH-O1

The risks from natural hazards to people, property, infrastructure and the environment are managed, including taking into account the likely long-term effects of climate change, to ensure the health, safety and resilience of communities.

NH-O2

Land use and subdivision does not increase the risk from natural hazards or risks are mitigated, and existing risks are reduced where there are practicable opportunities to do so.

The property is partially affected by the **Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario)** hazard overlay. However, the identified hazard is confined to the lower portion of the site adjoining Waikare Inlet, while both existing dwellings are located on elevated building platforms about 40m above and 40m back from the affected area.

The proposed subdivision does not create additional building platforms, intensify development, or increase the number of people or assets exposed to the identified natural hazard. Accordingly, the proposal does not increase the risks associated with coastal flooding, is resilient to the identified hazard, and is therefore consistent with Objectives NH-O1 and NH-O2.

Policies

NH-P7

Manage new land use and subdivision in coastal hazard areas so that:

- *new subdivision avoids locating building platforms within High Risk Coastal Hazard areas and building platforms should be located outside other coastal hazard areas where alternative locations are available and it is practicable to do so;*
- *new buildings containing vulnerable activities are not located within High Risk Coastal Hazard areas unless:*
 - *there is no other suitable location available on the existing site;*
 - *hazard risks can be mitigated without the need for hard protection structures.*
- *where a building or building platform is located with a coastal hazard area, it should be designed and constructed such that:*
 - *the building platform will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe; and either*
 - *the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or*
 - *the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.*
- *hazard risk is not transferred to, or increased on, other properties;*
- *buildings, building platforms, access and services are located and designed to minimise the need for hard protection structures;*
- *safe vehicle access within the site is provided; and*
- *services are located and designed to minimise the risk of natural hazards.*

The proposed subdivision does not conflict with Policy NH-P7. A small portion of the property is affected by the Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario) overlay; however, this area is confined to the lower part of the site adjoining Waikare Inlet. The site is located within a sheltered inlet rather than an exposed open coastline, where wave action and coastal processes are significantly less pronounced.

Both existing dwellings are located approximately 40 metres inland and 40 metres above sea level, well outside the identified coastal hazard area. The subdivision does not create any new building platforms or increase development intensity, and existing access and services remain unchanged. Accordingly, the proposal does not increase natural hazard risk and is consistent with the intent of Policy NH-P7.

There are no relevant rules or development standards applicable to this aspect of the proposal, as both proposed allotments are already developed and the subdivision does not create any additional building platforms or development opportunities.

High Natural Character

This chapter addresses the natural character of wetlands, lakes and rivers. The focus is on buildings, structures, earthworks and indigenous vegetation clearance in wetland, lake and river margins. The natural character of the coastal environment is addressed in the Coastal Environment chapter.

The subject High Natural Character:

"Harris Block" and adjoining native forest. Cover includes kanuka dominant forest with totara; mixed broadleaved forest with native conifers in lower valleys. In the upper slopes there are old emergent pines with native tanekaha canopy plus a small area of old planted pines. The areas of mature mixed broadleaved forest with native conifers are of outstanding natural character. Native conifers include rimu, kahikatea, matai, totara. Canopy mixed broadleaved species include puriri, pukatea, tawa, tanekaha, pohutukawa & taraire.

Objectives

NATC-O1

The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.

No concern, the site does not have any known wetlands, lakes or rivers.

RESOURCE MANAGEMENT ACT 1991

The subdivision application is required to demonstrate compliance with applicable provisions respective to its activity status under the District Plan.

SCHEDULE 4

An application for Resource Consent for an activity must include the following, outlining aspects of relevance to the proposed activity and zone expectations:

ASSESSMENT OF THE ACTIVITY AGAINST THE MATTERS UNDER PART 2 RMA

Part 2 Purpose and Principles

5 Purpose

(1)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

The proposal is consistent with the purpose of the Resource Management Act 1991, as it promotes the sustainable management of natural and physical resources. The subdivision formalises an existing pattern of development without increasing land use intensity, creating additional building platforms, or requiring further disturbance of the site.

The proposal enables the efficient use of an already developed property while retaining the site's natural values, including the extensive indigenous vegetation and steep undeveloped land. Existing infrastructure and servicing continue to be utilised, and the proposed protection of identified bush areas further supports the long-term management of the site's natural resources.

Overall, the proposal enables the landowners to provide for their social and economic well-being while sustaining the environmental values of the property. The adverse effects are considered less than minor, and the proposal is therefore consistent with the purpose of Section 5 of the Act.

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

The proposal safeguards the life-supporting capacity of air, water, soil, and ecosystems by formalising an existing pattern of development without increasing land use intensity or requiring additional earthworks or vegetation clearance. Existing stormwater and wastewater systems remain unchanged, and the extensive indigenous vegetation across the site will be retained and further protected through the proposed Section 221 consent notice. Accordingly, the proposal maintains the ecological values and natural processes of the site.

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal relates to an as-built situation. As no additional development, land disturbance, or change in land use is proposed, the subdivision does not cause, introduce, or increase any adverse effects on the environment.

Matters of national importance

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The proposal is consistent with Section 6(a). The subdivision does not involve any additional development, earthworks, or vegetation clearance, and therefore does not adversely affect the natural character of the coastal environment. The existing indigenous vegetation and steep undeveloped land will be retained, with identified bush areas receiving additional protection. Accordingly, the proposal does not constitute inappropriate subdivision, use, or development within the coastal environment.

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

Section 6(b) is not directly applicable to this proposal, as the property is not identified as containing any Outstanding Natural Features or Outstanding Natural Landscapes. In any event the subdivision does not introduce any physical effects and therefore the subdivision does not adversely affect any values of importance.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

The proposal includes vegetation protection over area 'X'.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Not applicable.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

The proposal relates to an **as-built** situation and does not involve any physical changes to the land, natural landscape, waterways, or coastal environment. There are no recorded archaeological sites on the property, and no earthworks or vegetation clearance are proposed. Accordingly, the subdivision is not considered to adversely affect the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, or other taonga.

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

There are no known historic heritage sites on the property. The proposal does not involve any earthworks or physical changes to the site and therefore does not adversely affect historic heritage values. Accordingly, the subdivision is consistent with Section 6(f) of the Act.

(g) the protection of protected customary rights.

There are no known customary rights to consider.

Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga*;
- (aa) *the ethic of stewardship*;
- (b) **the efficient use and development of natural and physical resources**;
- (ba) *the efficiency of the end use of energy*;
- (c) *the maintenance and enhancement of amenity values*;
- (d) *intrinsic values of ecosystems*;
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment*;
- (g) *any finite characteristics of natural and physical resources*;
- (h) *the protection of the habitat of trout and salmon*;
- (i) *the effects of climate change*;
- (j) *the benefits to be derived from the use and development of renewable energy*.

The proposal is considered to have appropriate regard to the matters set out in **Section 7** of the Act. As an **as-built** subdivision, it does not introduce additional development, increase land use intensity, or degrade the natural or physical environment. The proposal provides for the efficient use of an already developed property while retaining the site's existing natural values, including extensive indigenous vegetation.

The subdivision maintains the established amenity of the surrounding area and is consistent with the existing pattern of rural lifestyle development. The proposal also does not give rise to any identifiable effects relating to energy use, climate change, the habitat of trout or salmon, or the finite characteristics of natural and physical resources. Overall, the proposal is considered to adequately address the relevant matters of Section 7

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi

The proposal is not considered to contradict the Treaty of Waitangi's interpretations.

ASSESSMENT OF THE ACTIVITY AGAINST SECTION 104(1)(B)

Section 104(1)(b)
any relevant provisions of—

- (i) *a national environmental standard*;
- (ii) *other regulations*;
- (iii) *a national policy statement*;
- (iv) *a New Zealand coastal policy statement*;
- (v) *a regional policy statement or proposed regional policy statement*;

(vi) a plan or proposed plan;

Under various headings the application covers all relevant provisions including, the Far North District Plan, National Environmental Standards, Coastal and Regional Policy Statements. There are no other relevant provisions.

An application must also include an assessment of the activity's effects on the environment that –

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

CLAUSE 6

(1) An assessment of the activity's effects on the environmental must include the following information:

(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposal does not result in any significant adverse effects on the environment. As it relates to an **as-built** situation and does not introduce additional development or increase land use intensity, there is no requirement to consider alternative locations or methods of undertaking the activity.

The proposal is consistent with the anticipated character of the area under the current planning framework and does not create any apparent conflicts with surrounding land use activities. Accordingly, an assessment of alternative locations or methods is not considered necessary.

(b) an assessment of the actual or potential effects on the environment of the activity.

The proposal does not give rise to any actual or potential adverse environmental effects beyond those that already exist. As an **as-built** subdivision, it does not increase development intensity or alter the existing use of the land.

Potential effects typically associated with residential activities, including wastewater disposal, stormwater management, traffic movements, noise, and visual amenity, are already established and remain unchanged by the subdivision. These effects are well

understood, are consistent with the anticipated character of the zone, and continue to operate within the capacity of the existing environment.

Accordingly, the actual and potential adverse effects of the proposal are considered **less than minor**.

(c) *if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

(d) *if the activity includes the discharge of any contaminants, a description of –*
(i) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
(ii) *any possible alternative methods of discharge, including discharge into any other receiving environment:*

There are none.

(e) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:*

There are no issues to address.

(f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

The proposal is not considered to adversely affect any persons beyond those effects already associated with the existing development. Accordingly, no affected persons have been identified. Formal consultation has not been undertaken, as the actual and potential adverse effects of the proposal are considered **less than minor**.

(g) *if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:*

No monitoring is considered necessary.

(h) *if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

No concern.

- (2) *A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.*

This is covered under the heading 'Northland Regional Policy Statement' and 'Coastal Policy Statement'.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

- (1) *An assessment of an activity's effects on the environment must address the following matters:*

- (a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

The proposal will not adversely affect the surrounding neighbourhood or wider community. The subdivision relates to an **as-built** situation and does not increase the scale or intensity of development, demand on infrastructure, or the use of the site. As such, no adverse social, economic, or cultural effects are anticipated, and the existing amenity and character of the surrounding area will remain unchanged. Accordingly, the adverse effects on the neighbourhood and wider community are considered **less than minor**.

- (b) *any physical effects on the locality, including any landscape, and visual effects.*

No concern.

- (c) *Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.*

No concern.

- (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:*

No concern.

(e) any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

No concern.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

No concern.

Overall, the proposal represents a practical and efficient subdivision outcome that recognises the site's existing development while maintaining the environmental values that characterise the property. The proposal neither introduces new environmental pressures nor alters the established relationship between the developed and undeveloped portions of the site.

The assessment has demonstrated that the relevant statutory considerations have been appropriately addressed, with no matters identified that would warrant declining the application. The proposal remains compatible with the surrounding environment, reflects the anticipated outcomes of the planning framework, and incorporates appropriate measures to protect identified natural values.

Accordingly, the proposal is considered to promote the sustainable management of natural and physical resources, with the adverse effects considered **less than minor**.

NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement presents development guidelines for the northland region.

PART 3: OBJECTIVES

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

There is no immediate risk to or impact on ecosystems and the site already has all base infrastructure in place.

3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

We need people and businesses to choose Northland as a place to invest, and our economic development needs to be aligned with environmental outcomes.

The proposal is consistent with the objective of enabling economic wellbeing by providing an efficient subdivision outcome that better reflects the existing pattern of development and land ownership. The creation of an additional title enables the existing dwelling to be held or sold independently, contributing to the local housing market without requiring additional land development.

The proposal makes effective use of an already developed property while retaining the site's important natural values and avoiding significant environmental effects. Accordingly, it supports investment, housing choice, and economic wellbeing in a manner that is consistent with the sustainable management of Northland's natural and physical resources.

6.1.1 Policy – Regional and district plans

Regional and district plans shall:

*(a) **Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;***

(b) Be as consistent as possible;

*(c) **Be as simple as possible;***

(d) Use or support good management practices;

(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;

*(f) **Enable subdivision, use and development that accords with the Regional Policy Statement;** and*

(g) Focus on effects and where suitable use performance standards.

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

(a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;

5.1.1 Policy – Planned and coordinated development

Part A) Regional form and development guidelines

New subdivision, use and development should:

(a) Demonstrate access to a secure supply of water;

Onsite water collection is via roof surfaces and storage in water tanks without concern.

(b) Demonstrate presence or capacity or feasibility for effective wastewater treatment; and

No concern with the registered drainlayers confirmation of the existing systems.

(c) If of an urban or residential nature connect well with existing development and make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield (undeveloped) areas;

No concern.

(d) If of an urban or residential nature provide, where possible, opportunities to access a range of transport modes;

No concern.

(e) If of a community-scale, encourage flexible, affordable and adaptable social infrastructure that is well located and accessible in relation to residential development, public transport services and other development;

Not applicable.

(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development.

Not applicable.

(g) If of a residential nature be, wherever possible, located close to or sited in a manner that is accessible to a broad range of social infrastructure;

Not applicable.

(h) Be directed away from regionally significant mineral resources and setback from their access routes to avoid reverse sensitivity effects;

There are no known nearby regionally significant mineral resources.

(i) Be designed, located and sited to avoid adverse effects on energy transmission corridors and consented or designated renewable energy generation sites (refer to 'Regional form and infrastructure' for more details and guidance);

There are no subject energy transmission corridors, or renewable energy sites.

(j) Be designed, located and cited to avoid significant adverse effects on transportation corridors and consented or designated transport corridors;

There is no known adverse effects on transportation corridors.

(k) Be directed away from 10-year and 100-year flood areas and high risk coastal hazard areas (refer to 'Natural hazards' for more details and guidance);

No concern.

(l) Seek to maintain or improve outstanding landscape and natural character values and provide for the protection of significant historic and cultural heritage from inappropriate subdivision, use and development (refer to 'Land, Water and Common Resources' for more details and guidance);

No concerns.

(m) Protect significant ecological areas and species, and where possible enhance indigenous biological diversity (refer to 'Maintaining and enhancing indigenous ecosystems and species' for more details and guidance);

No concerns.

(n) Maintain and improve public access to and along the coastal marine area, lakes and rivers;

Not applicable.

(o) Avoid or mitigate adverse effects on natural hydrological characteristics and processes (including aquifer recharge), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;

There is no known degradation of natural hydrological characteristics or processes.

(p) Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater storage and grey water recycling techniques;

No concern.

(q) Be designed to allow adaptation to the projected effects

No concern.

(r) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to the site of development; and

No concern.

(s) Encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and

No concern.

(t) Take into account adopted regional / sub-regional growth strategies; and

No concern with this small-scale subdivision.

(u) Where appropriate, encourage housing choice and business opportunities, particularly within urban areas.

The proposal provides for increased housing choice by creating an additional residential title within an established residential environment. The subdivision enables greater flexibility in future ownership and occupation arrangements, including the potential for the separate sale of the existing dwelling, contributing to housing availability within the local area.

(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;

Not applicable.

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

The potential long-term effects associated with residential activities, including stormwater management, wastewater disposal, access, and amenity effects, are well understood and have been appropriately assessed. The proposal does not create additional pressures beyond those anticipated within the surrounding environment and is supported by sufficient information to determine that cumulative effects will be appropriately managed.

Accordingly, the proposal does not give rise to adverse cumulative effects.

(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;

No concern.

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

No concern.

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and

The property is not primary production land.

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

The proposal does not change the sense of place, as it already has a defined coastal lifestyle character.

(h) Is or will be serviced by necessary infrastructure.

No concern.

The proposal is not seen to clash with the Regional Policy Statement and therefore should be assessed under Resource Consent on an enabling basis.

COASTAL POLICY STATEMENT 2010

In reference to the Coastal Policy Statement, the following were considered to support the proposed activity:

Policy 3 Precautionary approach

(1) *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood but potentially significantly adverse.*

The proposal does not involve activities where the effects on the coastal environment are uncertain, unknown, or potentially significantly adverse. The subdivision relates to an existing developed property and does not involve additional built development, earthworks, or changes to the existing land use pattern.

The environmental effects associated with the proposal are well understood and have been assessed as part of this application. The retention of existing natural values and proposed protection of identified indigenous vegetation further ensures that the coastal environment is appropriately managed.

Accordingly, a precautionary approach is not required beyond the mitigation and assessment measures already proposed.

Policy 6(1) Activities in the coastal environment

(f) *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable.*

(i) *set back development from the coastal marine area...*

The surrounding area is already characterised by a mix of developed rural lifestyle properties and similar residential-scale allotments. The proposal is therefore compatible with the existing pattern of land use and does not result in an adverse change to the coastal environment.

The existing dwellings are appropriately separated from the coastal marine area, being located on elevated land well removed from the immediate coastal margin. No new development or structures are proposed closer to the coastal marine area.

Policy 13 Preservation of natural character

(1) *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*

(g) *a range of natural character from pristine to modified*

The proposal is consistent with Policy 13, recognising that natural character exists along a continuum from pristine to modified environments. The subject site and surrounding coastal environment have been modified through existing residential development, access formation, and established land use activities.

While the property contains areas of indigenous vegetation contributing to natural character values, the proposal does not result in any further modification of these areas. The subdivision reflects the existing developed nature of the site and does not introduce additional effects that would reduce the existing level of natural character.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development recognising that:

The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.

Particular issues outlined in the coastal policy statement include:

- *Continuing decline in species, habitats and ecosystems in the coastal environment;*
- *Poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;*
- *Continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property;*

Balancing Development and Environmental Protection

Research consistently indicates that safeguarding the coastal environment does not mean halting development. Instead, it calls for development in “appropriate places and forms” that respect natural landscapes and cultural heritage. In this context, the objectives recognise that by setting appropriate limits—such as setbacks, visual screening, and low-impact construction practices (as set in the district plan rules)—the coastal environment can be preserved even as communities develop.

North Shore City Council v Auckland Regional Council [1997] NZRMA 59

This case established the “overall broad judgment” approach to interpreting section 5 of the Resource Management Act 1991 (RMA), which focuses on promoting sustainable management. The Environment Court recognised that urban development could proceed if it does not result in significant adverse effects on the environment, thereby allowing for a balanced consideration of conflicting factors. This approach supports the notion that well-planned residential development can coexist with environmental protection, contributing to social and economic wellbeing without compromising natural and cultural values.

This case reinforces the principle that development and environmental protection are not mutually exclusive. Instead, they can be integrated through careful planning and adherence to established environmental policies, ensuring that development enhances the quality of life for current and future generations while maintaining the integrity of coastal values.

In summary, the objectives emphasise that responsible subdivision and residential development can coexist with the protection of the coastal environment. It facilitates social, economic, and cultural wellbeing by:

- Enabling secure, low-impact developments.
- Contributing to broader community economic growth.
- Respecting and when required preserving the natural values of the coastal environment.

This integrated approach, as supported by case law, ensures that development maintains and enhances rather than diminishes the quality of life for current and future generations, providing both personal and community benefits while maintaining the integrity of the coastal environment.

NATIONAL ENVIRONMENTAL STANDARDS

The proposal has been considered against the relevant National Environmental Standards and National Policy Statements.

The property is not identified as being subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 to the extent that a Preliminary Site Investigation is required. The existing land use does not indicate a potentially contaminated activity or land use history requiring further assessment.

The property is not subject to the National Policy Statement for Highly Productive Land 2022, and therefore the provisions relating to the protection of highly productive soils are not applicable.

The proposal does not involve vegetation clearance, and therefore does not trigger consideration under the National Policy Statement for Indigenous Biodiversity 2023. Existing indigenous vegetation values will remain unchanged.

There are no known natural inland wetlands located on the property, and no activities are proposed that would trigger assessment under the National Policy Statement for Freshwater Management 2020, namely an increase in impermeable surface areas.

Accordingly, no additional assessment or mitigation is required under the relevant National Environmental Standards or National Policy Statements.

The proposed discretionary status of the subdivision finds further support from studies and case law:

Zoning and Land Use Compatibility:

In *Wellington City Council v. Earthtech Ltd* [2001] NZEnvC 226, the Environment Court examined how development patterns should reflect zone objectives. The Court held that subdivision design should balance both the intensity of development and the preservation of local character, particularly when transitioning between zones of different intensities. The Court also affirmed that larger lots can help manage the intensity of development and avoid adverse effects on surrounding land uses.

Queenstown Lakes District Council v Hawthorn Estate Ltd [2006] NZRMA 424 (CA)

This is one of the leading cases regarding assessment of effects under the RMA. The Court confirmed that the **existing environment is the baseline against which effects are assessed**. The relevance to this proposal is that the environment already contains two established dwellings, access arrangements, servicing, and associated residential effects. The subdivision does not create those effects; it recognises an existing situation.

The effects associated with two residential activities already exist. The subdivision does not introduce a new pattern of development or enable additional intensity beyond what is already occurring.

Summit Road Society Inc v Canterbury Regional Council [2011] NZEnvC 267

The Environment Court recognised that subdivision outcomes should be assessed having regard to the actual characteristics of the land and the receiving environment, rather than applying standards mechanically where the environmental outcome is acceptable.

The practical constraints of Lot 2, includes steep terrain, extensive vegetation, and existing development, meaning the proposed configuration does not represent a typical increase in density. The physical environment effectively limits further development potential.

CONCLUSION

The proposed subdivision provides a practical and appropriate outcome that recognises the existing development pattern of the property while maintaining the surrounding environmental values.

Although the proposal does not achieve the minimum allotment size standards under the Proposed District Plan, the assessment demonstrates that the relevant environmental effects are not driven by the size of the proposed allotments, but by the actual use and development of the land.

The proposal is consistent with the objectives and policies of the applicable planning frameworks, including provisions relating to rural lifestyle character, coastal values, natural character, indigenous biodiversity, stormwater management, and natural hazards. The retention and additional protection of indigenous vegetation further ensures that the important natural values of the site are maintained.

The subdivision is compatible with the established surrounding environment, does not result in adverse cumulative effects, and does not compromise the sustainable management of natural and physical resources.

The proposal has been assessed in accordance with Section 104 of the Resource Management Act 1991, having regard to the actual and potential effects on the environment, relevant planning provisions, and other statutory matters. As a Non-Complying Activity under the Proposed District Plan, the proposal also satisfies the relevant gateway tests under Section 104D, with the adverse effects considered less

than minor and the proposal not being contrary to the objectives and policies of the District Plan.



Micah Donaldson *Assoc.NZPI*

DONALDSONS

Land / Engineering Surveyors and Development Planners





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




R.W. Muir
Registrar-General
of Land

Identifier **857675**
Land Registration District **North Auckland**
Date Issued 18 September 2018

Prior References

GN 11232408.1 NA117C/104

Estate Fee Simple
Area 2.2222 hectares more or less
Legal Description Lot 1 Deposited Plan 187447 and Section 1
Survey Office Plan 517848

Registered Owners

Kathleen Peterson

Interests

Subject to a power supply right over part Lot 1 DP 187447 marked B on DP 187447 specified in Easement Certificate D351424.4 - 26.1.1999 at 9:07 am

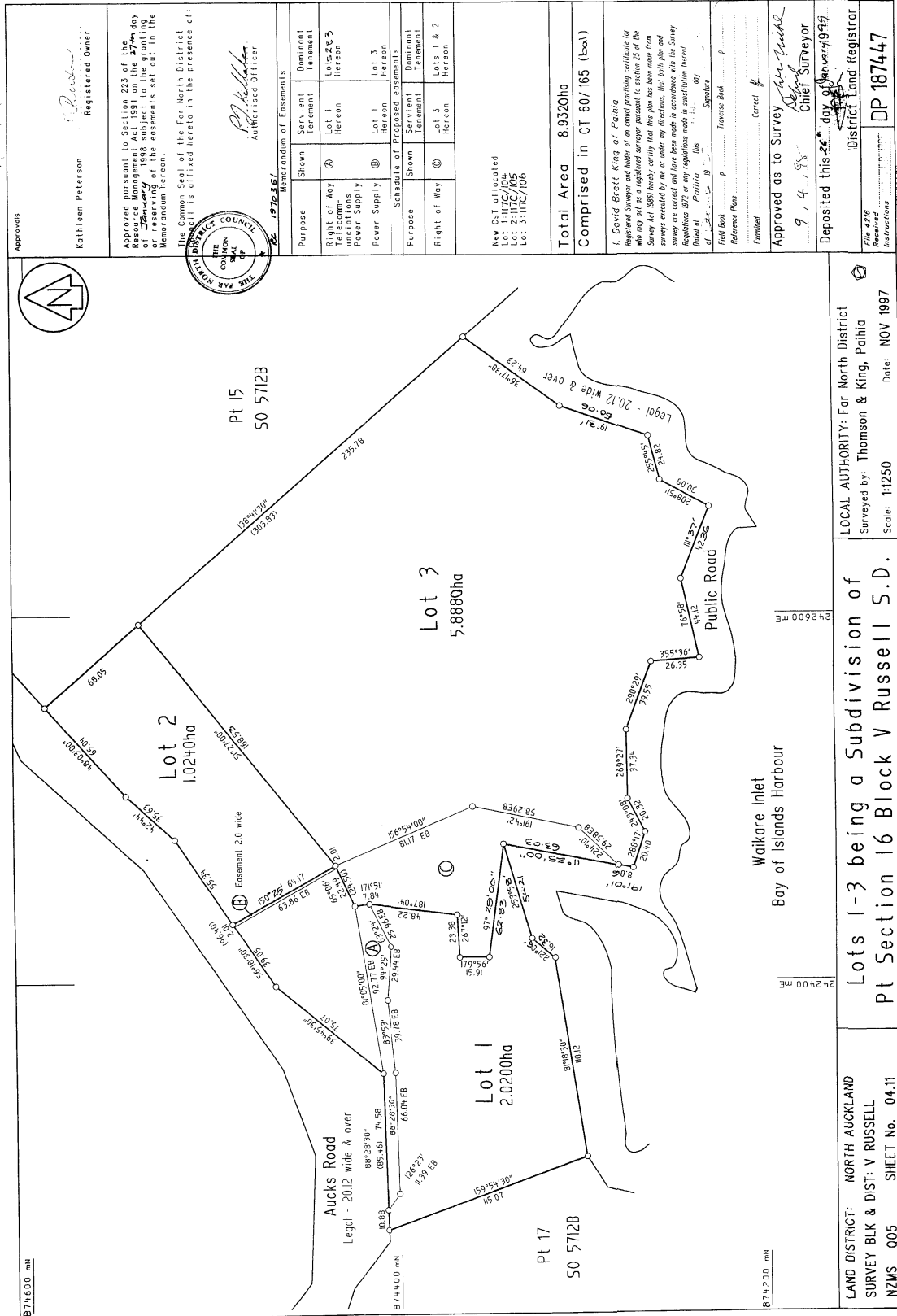
The easement specified in Easement Certificate D351424.4 is subject to Section 243 (a) Resource Management Act 1991 Appurtenant to Lot 1 DP 187447 is a right of way specified in Easement Certificate D430751.1 - 16.9.1999 at 9:00 am

Subject to a right of way, telecommunications and power supply over part Lot 1 DP 187447 marked A on DP 319357 created by Easement Instrument 5593859.3 - 21.5.2003 at 9:00 am

Subject to Section 120(9) Public Works Act 1981

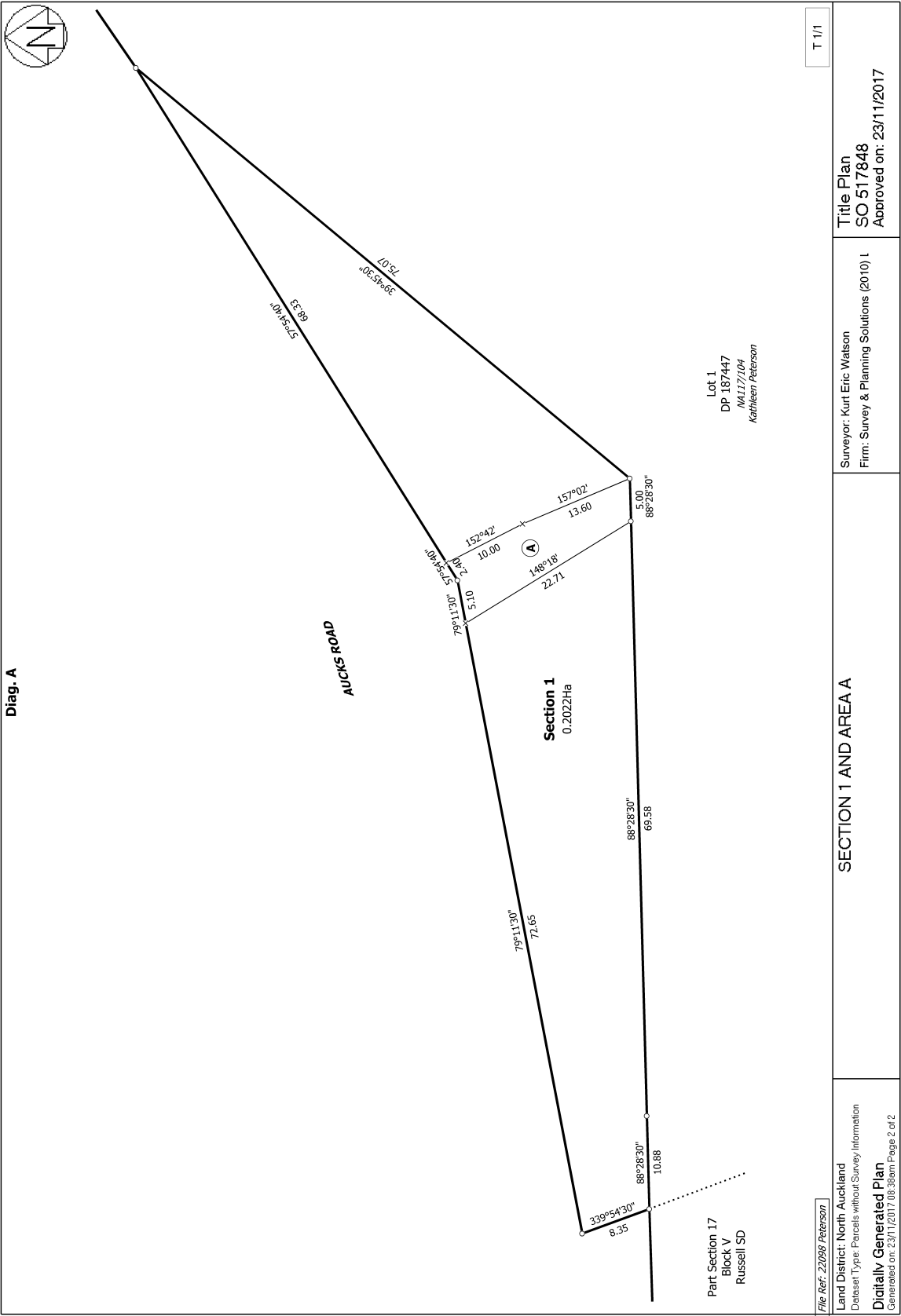
11379405.2 Bond pursuant to Section 348 Local Government Act 1974 - 8.5.2019 at 8:50 am

Subject to a right of way over part Section 1 SO Plan 517848 marked A on SO Plan 517848 created by Easement Instrument 11379405.3 - 8.5.2019 at 8:50 am



11 FEB 1999

40 41 42 43 44 45 46 47 48 49 50





View Instrument Details

Instrument No	11379405.2
Status	Registered
Date & Time Lodged	08 May 2019 08:50
Lodged By	Thompson, Emma Jane
Instrument Type	Certificate under Section 348 Local Government Act 1974



Affected Records of Title	Land District
857675	North Auckland

Annexure Schedule: Contains 3 Pages.

Signature

Signed by Dennis John McBrearty as Territorial Authority Representative on 09/04/2019 10:07 AM

*** End of Report ***



FAR NORTH DISTRICT COUNCIL

DECISION ON RIGHT OF WAY APPLICATION (S348 OF THE LOCAL GOVERNMENT ACT 1974)

Consent Number: 3001268-LGA348

Pursuant to section 348 of the Local Government Act 1974 (the Act), the Far North District Council hereby grants permission to:

Kathleen Peterson
The activity to which this decision relates:

The creation of a Right of Way.

Subject Site Details

Address: 291 Aucks Road, Russell 0272
Legal Description: Sec 1 SO 517848
Certificate of Title reference: NA117C/104

Decision

THAT pursuant to Section 348 of the Local Government Act 1974, Council grants its permission to the application being 3001268-LGA348 by **Kathleen Peterson** to form a right of way over *Section 1 SO 517848 (NA-117C/104)* in favour of Lot 3 DP 187447 (NA 117C/106) and shown as Right of Way 'A' on the approved right of way plan prepared by Survey & Planning Solutions (2010), Referenced Title Plan SO 517848 dated 24/10/2017 and attached to this consent with the Council's "Approved Plan" stamp affixed to it.

Approval

This permission has been prepared by Lynka May, Duty Planner and is granted under delegated authority from the Far North District Council by:

Date: 4th March 2019

Lapsing Of Consent

Pursuant to section 348(3) of the Local Government Act 1974, this permission will lapse 3 years after the granting of this decision; but may from time to time be extended by the Council for a period or periods not exceeding one year at any time.

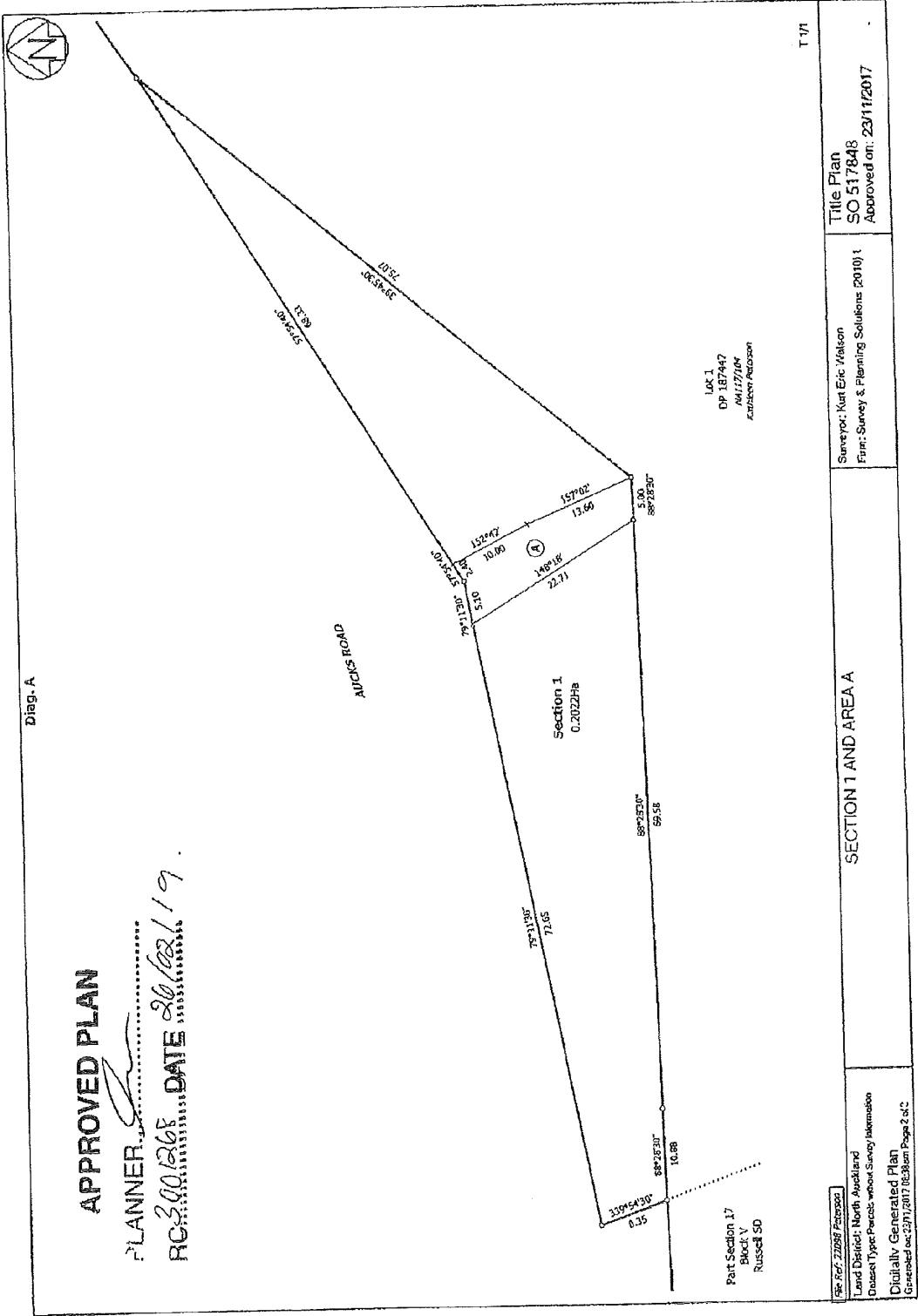
Territorial Authority

Far North District

ROAD TO BE STOPPED			
Shown	Adjoining Description	CFR Reference	Area
Section 1	Lot 1 DP 187447	NA117C/104	0.2022Ha

SCHEDULE OF EASEMENT				
Purpose	Shown	Area	Servient Tenement	Dominant Tenement
Right of Way, Right to Convey Electricity and Right to Convey Telecommunications and Computer Media	A	0.0139Ha	Section 1 hereon	Lot 3 DP 187447 (NA117C/106)

APPROVED PLAN



Approved by Registrar-General of Land under No. 2002/6055

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

Sections 90A and 90F, Land Transfer Act 1952

EI 5593859.3 Easement I

Cpy - 01/01, Pgs - 004, 03/06/03, 08:33

Land registration district

NORTH AUCKLAND



10876664

lined or in CAPITALS.

lined or in CAPITALS.

Rule A, grants to the
Schedule A, or creates
out in the Annexure

Ct

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

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY



Dated

Page 1 of 1 pages

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, <i>profit</i> , or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT <i>or in gross</i>)
Right of Way Telecommunications and Power Supply	319357 marked "A"	117C/104	117C/106

Continue in additional Annexure Schedule if required.

[the provisions set out in Annexure Schedule 2].

Continue in additional Annexure Schedule if required.

[Annexure Schedule 2].

his box

Annexure Schedule



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

Easement

Dated

Page 1 of 1 pages

(Continue in additional Annexure Schedule, if required.)

The implied rights and powers are varied as follows:

Any maintenance, repair or replacement of the right of way, telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by either the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor and Grantee) must be carried out promptly by that party and at their 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).

MORTGAGEE CONSENT

Bank of New Zealand as mortgagee under mortgage number D247163.2 HEREBY CONSENTS to the within easement instrument but without prejudice to its rights, title, powers and remedies under the said mortgage.

NEW ZEALAND Sandra Gail Donnelly Jeremy Hastings White In the presence of: Christopher Ewen Bagley Witness: Occupation: Bank Officer Address: Wellington	NEW ZEALAND BY SOLICITORS:
--	--

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



Bank of New Zealand

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

We, Sandra Gail Donnelly and Jeremy Hastings White both of Wellington, Bank Officers, severally certify that:

1. By deed dated 26 October 2001 (the "Deed"), we were, by virtue of being respectively a ~~Second Authorised Officer~~, and a ~~Second Authorised Officer~~, appointed jointly as attorneys of Bank of New Zealand (the "Bank") on the terms and subject to the conditions set out in the Deed.
2. Copies of the Deed are deposited in the following registration districts of Land Information New Zealand as follows:

Canterbury	as No.	5110221
North Auckland	as No.	D657518.1
Otago	as No.	5110774
South Auckland	as No.	5110008
Taranaki	as No.	483763.1
Wellington	as No.	5110812
3. We have executed the instrument(s) to which this certificate relates under the powers conferred by the Deed.
4. At the date of this certificate we have not received any notice or information of the revocation of that appointment by the dissolution of the Bank or otherwise.

SIGNED at Wellington this 15th day of May 2003

15 July 2026

Micah Donaldson
Donaldsons Surveyors Limited
PO Box 211
KERIKERI

Email: micah@donaldsons.net.nz

To Whom It May Concern:

PROPOSED SUBDIVISION

Kathy Peterson – 293 Aucks Rod, Russell. Lot 1 DP 187447 & SEC 1 SO 517848.

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirement for this subdivision is nil. Top Energy advises that there is an existing power supply to proposed lot 1 and lot 2.

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

Yours sincerely

Aaron Birt
Planning and Design
E: aaron.birt@topenergy.co.nz

NORTHLAND WIDE

K E R I K E R I D R A I N A G E L T D

51C ORANGEWOOD LANE
KERIKERI
NORTHLAND
PHONE 094078062 A/HRS
MOBILE 0274931597
FAX 094078062
E mail wood123@xtra.co.nz

28/07/26

The Consents Department
Far North District Council
Private Bag 752
Kaikohe

RE : SITE SUITABILITY REPORT FOR WASTE WATER FOR THE SUBDIVISION OF LOT 1, DP 187447 & SEC 1 SO 516848 BEING 293 AUCKS RD, RUSSELL

On the 27th of July a site inspection was carried out to assess the existing waste water treatment systems positions and conditions for existing houses on proposed lot 1 and proposed lot 2.

The soil is categorised as Rangiora clay that is imperfectly to very poorly drained.

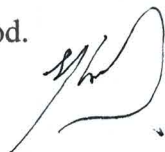
The existing conventional waste water treatment system on proposed lot 1 has had extra work done on the effluent field and appears to be working well and is inside the proposed new boundaries as shown on the plan.

A 100 percent reserve area is shown on the plan to cater for a secondary treatment system with effluent disposal by dripperlines if required in the future.

Proposed lot 2 also has a conventional waste water system with septic tank and effluent disposal by a deep soakage trench and appears to be working well and inside the new proposed boundaries as shown on the plan.

There is a 100 percent reserve area as shown on the plan to cater for a secondary waste water treatment system and for effluent disposal by dripperlines if required in the future.

Yours Faithfully Steve Wood.



Auck's Road

Legal 20.12 wide & over

100 percent reserve area

Existing effluent fields

Buildings and Structures:

- House: 160m²
- House: 45m²
- Pool: 34m²
- Shed: 43m²
- Sleepout: 11m²
- Backwash trench (Approx.): 33m³

Dimensions and Setbacks:

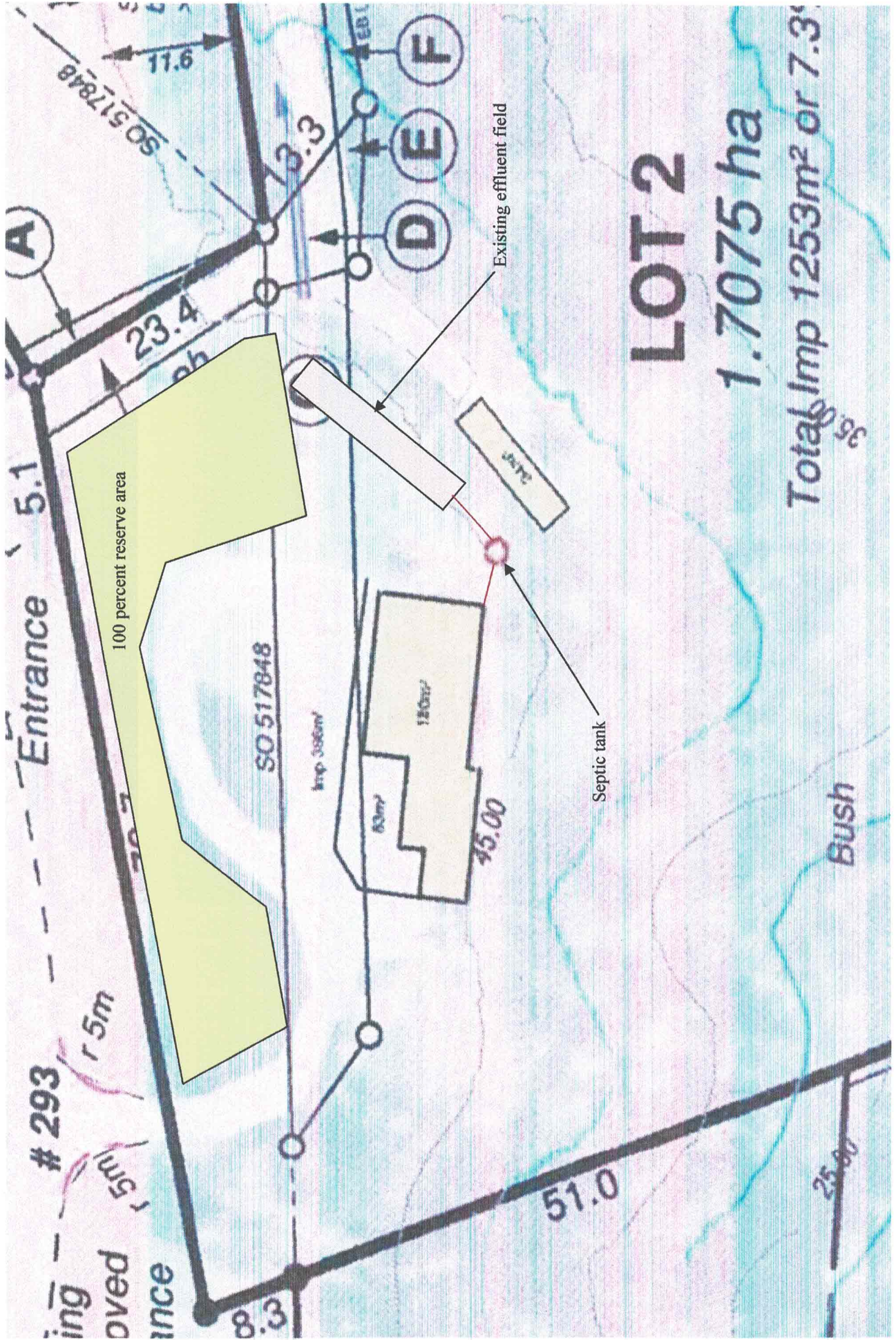
- 39.1m
- 68.3m
- 92.8m
- 30.7m
- 23.4m
- 11.6m
- 10.1m
- 11m
- 17m
- 15m
- 64.2m
- 22.5m
- 26.0m
- 35.00m
- 29.4m
- 30.0m
- 2.5m
- 1.5m
- 45.00m

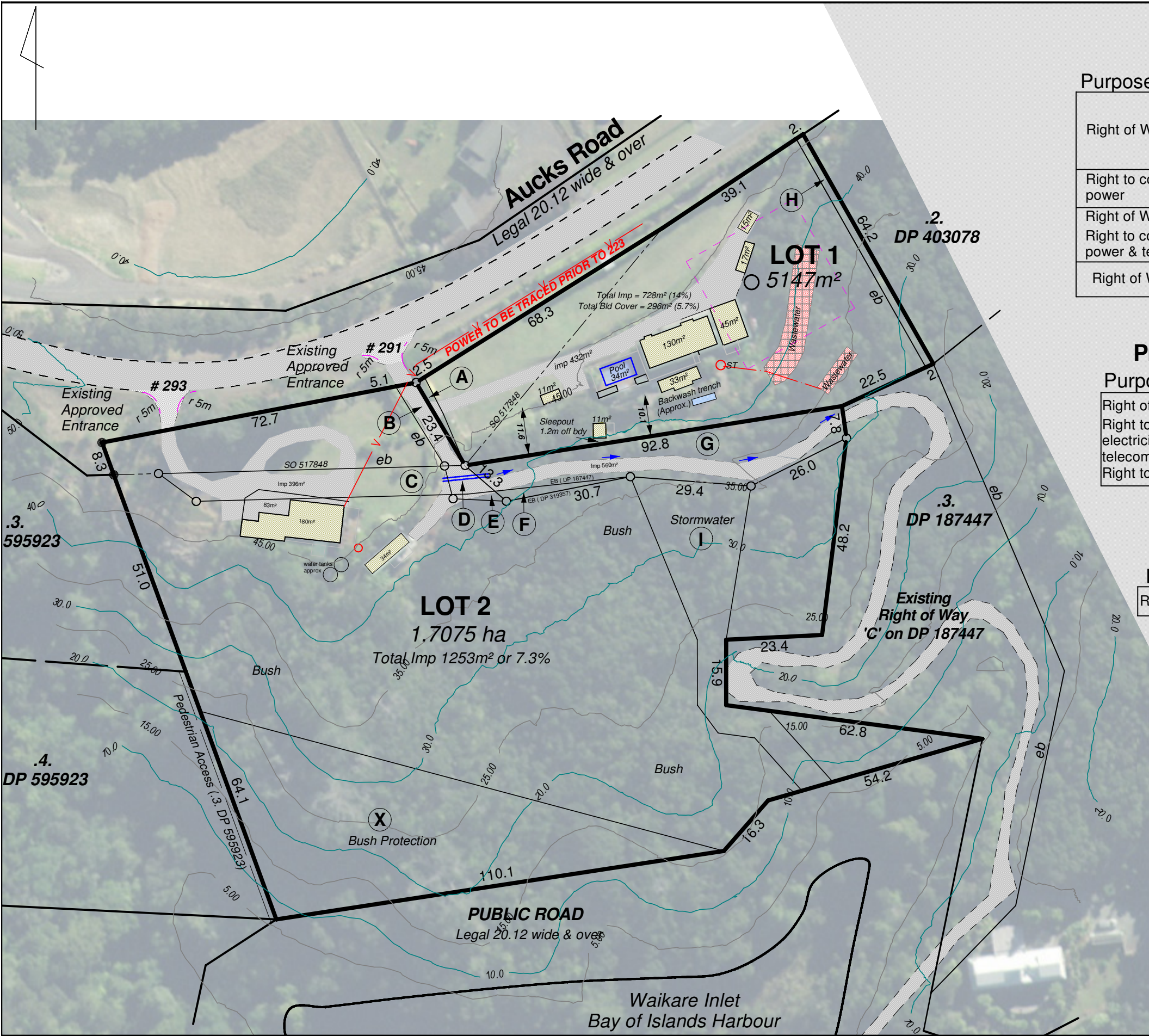
Other Labels:

- H
- G
- A
- C
- eb
- SO 517848
- Imp 56.0m²
- EB (DP 187241)
- EB (DP 316567)
- Total 728m² (14%)
- Total cover = 29%
- (5.7%)

Existing effluent fields

LOT 2 PLAN





Existing Easements

Purpose	Burdened	Shown	Benefited
Right of Way	.3. DP 187447	C on DP 187447	Lots 1 & 2 hereon EI D43075.11
	Lot 2 hereon	'C' 'D' 'G'	.3. DP 187447 EI D351424.4
Right to convey power	Lot 1 hereon	'H'	.3. DP 187447 EI D351424.4
Right of Way Right to convey power & telecom.	Lot 2 hereon	'D' 'E' 'F' 'G'	.3. DP 187447 EI 5593859.3
Right of Way	Lot 2 hereon	'A' 'B'	.3. DP 187447 EI 11379405.3

Proposed Memorandum of Easements

Purpose	Burdened	Shown	Benefited
Right of Way Right to convey; electricity, telecommunications, Right to drain water.	Lot 1	A	Lot 2
	Lot 2	B	Lot 1

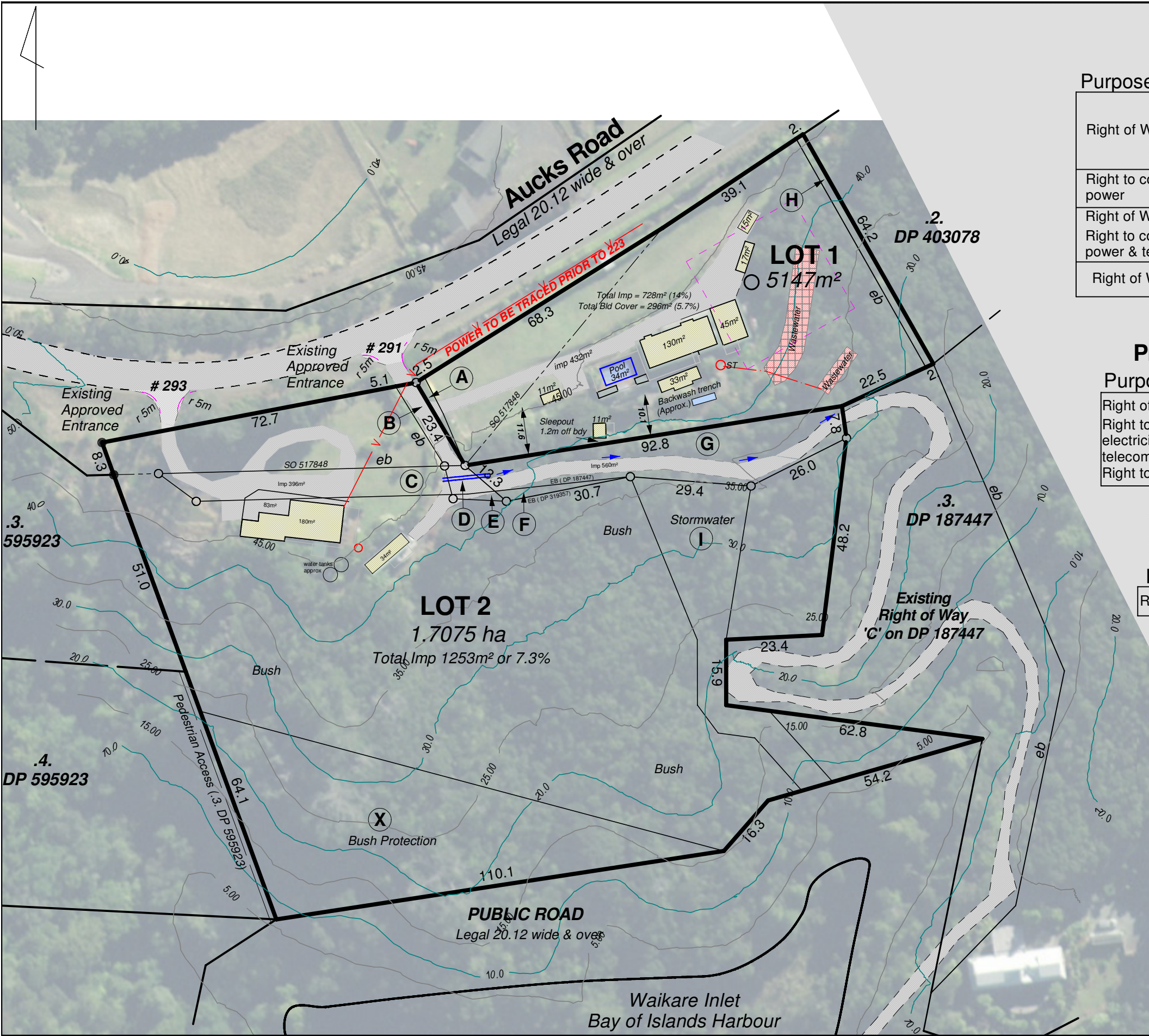
Proposed Schedule of Easements

Purpose	Burdened	Shown	Benefited
Right to drain water	Lot 2	G & I	Lot 1

Proposed Covenant Pursuant to Sec 221 RMA
Area 'X' is designated for bush protection

Applicant : K. Peterson
Title : 857675
Total Area : 2.2222 ha
Zone : Coastal Living (TDP)
Rural Lifestyle (PDP)

Areas and measurements are subject to survey



Existing Easements

Purpose	Burdened	Shown	Benefited
Right of Way	.3. DP 187447	C on DP 187447	Lots 1 & 2 hereon EI D43075.11
	Lot 2 hereon	'C' 'D' 'G'	.3. DP 187447 EI D351424.4
Right to convey power	Lot 1 hereon	'H'	.3. DP 187447 EI D351424.4
Right of Way Right to convey power & telecom.	Lot 2 hereon	'D' 'E' 'F' 'G'	.3. DP 187447 EI 5593859.3
Right of Way	Lot 2 hereon	'A' 'B'	.3. DP 187447 EI 11379405.3

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Purpose	Burdened	Shown	Benefited
Right of Way Right to convey; electricity, telecommunications, Right to drain water.	Lot 1	A	Lot 2
	Lot 2	B	Lot 1

Proposed Schedule of Easements

Purpose	Burdened	Shown	Benefited
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