



Our Reference: 9932.1 (FNDC)

11 October 2024

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

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

I am pleased to submit application on behalf of Jim Tubbs, for a minor variation (scheme plan only) to RC 2220490-RMASUB. The application is a discretionary activity.

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

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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

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

1. Pre-Lodgement Meeting

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

Yes No

If yes, who have you spoken with? _____

2. Type of Consent being applied for

Change of conditions (s.127)

3. Consultation:

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

4. Applicant Details:

Name/s:

Email:

Phone number:

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

5. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

same as item 4.

Property Address/
Location:

2262 Waiare Road

KAEO

Postcode

7. Application Site Details

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

Name/s:

same as item 4.

Site Address/
Location:

Waiare Road

KAEO

Postcode

Legal Description:

Pt Mokau 1 Block

Val Number:

Certificate of title:

NA67B/50

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

Site visit requirements:

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

Is there a dog on the property? Yes No

7. Application Site Details (continued)

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details.

This is important to avoid a wasted trip and having to re-arrange a second visit.

No site visit should be required given that the variation is minor and does not change lot boundaries or access.

8. Detailed description of the proposal:

This application relates to the following resource consent: 2220490-RMASUB

Specific conditions to which this application relates:

Condition 1 in regard to the scheme plan; Condition 2 in regard to wording of amalgamation condition and covenant wording.

Describe the proposed changes:

Altering the scheme plan and amalgamation conditions/covenants to align with survey requirements; correct covenant label error; add proposed farm access easement. No physical works conditions affected.

9. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

11. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

12. Draft Conditions:

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

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

13. Billing Details:

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

Name/s: (please write in full) Denis Thomson

Email:

Phone number:

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

Fees Information:

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

Declaration concerning Payment of Fees:

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

Name: (please write in full)

Denis Thomson

Signature: (signature of bill payer)

Date 14, 10, 24

MANDATORY

14. Important Information:

Note to applicant

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

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

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive

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

Declaration

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

Name: (please write in full)

Lynley Newport

Signature:

[Redacted Signature]

Date 11-Oct-2024

if the application is made by electronic means

Checklist (please tick if information is provided)

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

Please refer to chapter 4 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

Jim Tubbs

2262 Waiare Road, Kaeo

APPLICATION FOR A MINOR CHANGE CONDITIONS OF RC 2220490-RMASUB, PURSUANT TO s127 OF RMA

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 Background

RC 2220490-RMASUB was originally issued on 22nd July 2022, to create five rural lots (four additional), as a non complying activity subdivision. A copy of RC 2220490-RMA is attached in Appendix 1.

1.2 Reason for this Variation

Changes are required to the stamped approved plans in terms of appellations and amalgamation condition wording. The changes are necessitated due to survey regulations and in order to avoid requisitions when lodging the plan data set with LINZ, it is best to change both appellations and amalgamation wording and requirements now. This requires a minor variation.

In addition, the scheme plan will now show a proposed ROW easement D over the balance lot in favour of an adjacent larger lot also owned by the consent holder. This is not in the Memorandum of Easements, but is a proposed easement only and it is not necessary for the Council to 'require' it be shown, or that it be formed. The updated scheme plan also corrects an error in the Bush Protection Covenant labelling (Z re-labelled as X) No other changes are sought.

The updated/amended scheme plans are attached in Appendix 2.

1.3 Scope of this Report

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

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

2.0 PROPERTY DETAILS

Location: Waiare Road, Kaeo
Title & Legal description: NA67B/50; Pt Mokau 1 Block – see Appendix 3.

3.0 SITE DESCRIPTION

The site remains as described in the original application.

4.0 CHANGES REQUESTED & EXPLANATION

Before specifying the changes, it should be noted that the original consent erroneously listed the legal description of the subject site and contained the incorrect Record of Title reference – contrary to that provided in the application. The correct title and legal description for the application site is as shown above in section 2.0.

Amend Condition 1 as follows:

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

Explanation:

New date inserted to reflect the new scheme plan. Summary of changes to Scheme Plan:

- Previous amalgamation wording deleted; and replaced with Amalgamation Conditions A & B and Amalgamation Covenant C – see changes below;
- Previous appellations (Lot 6) Pt Mokau 1, (Lot 7) Pt Sec 17 Blk XI Kaeo SD, (Lot 8) Pt Mokau 1, (Lot 9) Pt Sec 16 Blk XI Kaeo SD, now reading Pt Mokau 1 NA67B/50 (Limited as to Parcels; Pt Sec 16 Blk XI Kaeo SD and Pt Sec 17 Blk XI Kaeo SD).
- Previous Schedule of Proposed Easements now shown as Memorandum of Easements.

- Inclusion of "D" as a new Proposed Easement.
- Bush Protection areas Y & Z re-labelled to X & Y to match consent notice clause (taking the opportunity to correct an 'error' in existing consent).

Amend condition 2(b) as follows:

2(b) ~~The endorsement of the following conditional amalgamation, pursuant to Section 220 (1)(b)(i) of the Resource Management Act 1991.~~
~~THAT lots 5 – 9 hereon be held in the same Record of Title. [LINZ 1788112]~~

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

Amalgamation Condition A:

That Lot 5 Hereon, Lot 3 DP 530521, Lot 4 DP 530521, Pt Sec 16 BLK XI KAEO SD, & Pt Sec 17 BLK XI KAEO SD are to be held together in one record of title.

Amalgamation Condition B:

And Pt Mokau 1 Block and Pt Mokau 1 Block are to be held together in one record of title (limited as to parcels).

Add new Condition 2(c) as follows:

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

Explanation:

Survey regulations dictate how parcels of land can be held together. The above reflects the requirements. The result is the same as in the existing stamped approved plan and amalgamation. The 'balance' title after the subdivision will consist of land in Lot 5 on the scheme plan, Lots 3 & 4 DP 530521, Pt Sec 16 and Pt Sec 17 BLK XI KAEO SD, and Pt Mokau Block (Limited as to Parcels) – two 'parcels' with same appellation.

No other changes to conditions are being sought.

5.0 STATUTORY REQUIREMENTS

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

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

6.0 s104 CONSIDERATIONS

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

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

6.1 Assessment of Environmental Effects

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

The proposed changes relate to the scheme plan and amalgamation condition wording. The changes do not alter the number of titles that will result from the subdivision. The changes do not seek any changes to physical works conditions.

A proposed ROW is added, but not in a Memorandum. It does therefore require formation as a condition of the subdivision. It is proposed only and intended to provide farm access in the future. The scheme plan also corrects the labelling of bush protection areas.

In summary, the changes do have any environmental effect.

6.2 Relevant Provisions of planning instruments

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

6.2.1 Operative District Plan

This has not changed since the original application was processed.

6.2.2 Proposed District Plan (PDP)

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

6.2.3 National Policy Statement Highly Productive Land (NPS HPL)

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

7.0 CONSULTATION

Under Section 127(4) of the Act:

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

(a) made a submission on the original application; and

(b) may be affected by the change or cancellation.

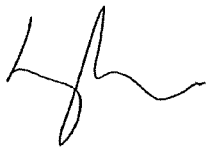
The original consent was issued under delegated authority, with no affected persons identified. The changes to not result in there being any additional affected persons.

8.0 CONCLUSION

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

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

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



Lynley Newport
Senior Planner,
THOMSON SURVEY LTD

Date

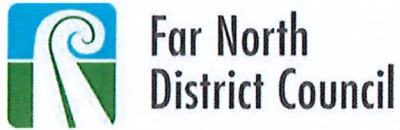
11th October 2024

9.0 LIST OF APPENDICES

Appendix 1	RC 2220490-RMASUB
Appendix 2	Amended Scheme Plans
Appendix 3	Current Record of Title

Appendix 1

RC 2220490-RMASUB



FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2220490-RMASUB

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

Jim Tubbs

The activity to which this decision relates: Subdivision to create four additional allotments in the Rural Production zone as a non-Complying activity.

Subject Site Details

Address: 2262 Waiare Road, Kaeo 0478
Legal Description: Lot 2 DP 530521 Sec 16 Pt Sec 17 Blk XI Kaeo SD Pt Mokau 1 2A1 Blk
Record of Title reference: CT-863024

- Condition 4(a), is the road sealed at this point?
-

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Pt Mokau 1 Block, dated 15 June 2022, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.

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

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

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) The consent holder must provide a plan with a suitable location for ROW easement for proposed Lot 1 via Lot 2 or location of a suitable access point directly off Waiare Road.
- (b) Provide a pest and weed management plan for the areas of indigenous vegetation to be protected as shown in the scheme plan detailed in condition 1 of this decision, for the approval of the resource consents manager or other duly delegated officer. The management plan shall include:
- Pest and weed eradication measures including ongoing maintenance
 - Appropriate signage
 - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
 - Reporting mechanisms including progress weed and pest eradication
 - Any other relevant matter for the purposes of managing the allotments.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) Provide an entrance to Lots 1-3 which complies with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004.
- (b) Provide formed and metalled access on ROW easement A, C and for proposed Lot 1 to 3m finished metalled carriageway width with passing bays (between easement B and C) provided to comply with Rule 15.1.6.1.2 of the Far North District Plan The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.
- (c) The consent holder is to ensure that stormwater diversion and silt control measures are in place prior to the commencement of any earthworks.
- (d) Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant.
- (e) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
- (i) Provide, at the time of lodging a building consent application for any of the allotments on the subdivision plan, a specific design for stormwater management, prepared by a suitably qualified Chartered Professional Engineer, which addresses stormwater management measures being proposed in the application [Lots 1-5].
- (ii) In conjunction with the construction of any building on Lots 1-5, the lot owner shall submit for the approval of Council a report prepared by a

suitably qualified chartered professional engineer, detailing the on-site retention and flow attenuation of stormwater from the site such that the flow is limited to the pre development level for rainfall events up to those with a 2% AEP [Lots 1-5].

- (iii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. [Lots 1-5].
- (iv) The consent holder shall ensure that the treatment and disposal system is constructed generally in accordance with the recommendations contained within the site suitability report prepared by GWE Consulting Engineers 'Proposed 5-Lot Subdivision Site Suitability Report' dated December 2021, referenced J3178 [Lots 1-5].
- (v) As a minimum, all wastewater shall receive secondary treatment prior to being disposed of via pressure compensating driplines [Lots 1-5].
- (vi) The consent holder shall ensure that stormwater from all roofed and paved areas is diverted away from the wastewater treatment and disposal areas. In addition, stormwater from surrounding areas shall be prevented from entering the treatment system [Lots 1-5].
- (vii) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. [Lots 1-5].
- (viii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank(s) or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 [Lots 1-5].
- (ix) At the time of lodging an application for building consent on any of the lots the building applicant is to provide a report from a Chartered Professional engineer with recognised competence in relevant geotechnical and structural matters, which addresses the site's investigation undertaken, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction [Lots 1-5].
- (x) The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as area(s) X and Y and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. The exception is for the preparation of one house site per allotment, approved accessory buildings, roadway and walking track maintenance, and tracks for pest control operations) without

the prior written consent of the Council. Such consent may be given in the form of an email if it is for the above. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible [Lots 1 – 2].

- (xi) The owner of each lot must ensure any stock or other browsing animals are prevented from entering the covenanted areas by way of fencing animals in or fencing off the covenanted areas at all times. Any change to this consent notice will require further assessment and may be subject to a resource consent [Lots 1 - 2].
- (xii) Compliance with the weed and pest management strategy shall be a requirement of the management plan on an ongoing basis. Evidence of compliance with the pest and weed management shall be provided to the monitoring team on annual basis rcmonitoring@fndc.govt.nz [Lots 1 -2].
- (xiii) No cats or any mustelids are to be kept as pets or to be visiting the properties [Lots 1 -4].
- (xiv) The lot owner is restricted to the ownership of a single dog per property. The breeding of dogs is also not allowed. The single dog is to be kept under strict control and supervision at all times, inside or tied up at night, micro-chipped and kiwi aversion trained on an annual basis [Lots 1 – 4].

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. Ensure a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded.
3. The proposed sites are adjacent to/accessed to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that any proposed residential development is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively the applicant may consider sealing their road frontage to remove the issue.
- 4.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.

2. District Plan Rules Affected:

Adverse effects will be minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Positive effects of the proposal:

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

- a) Positive effects arising from this subdivision is that additional allotments within this area will provide land for future housing which is currently under pressure.

Objectives and policies of the District Plan:

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

Chapter 13

- a) Objectives: 8.3.3, 8.3.2, 8.3.3, 8.3.5, 8.3.6, 8.3.7, 8.3.8, 8.3.9 and 8.3.10
- b) Policies: 8.4.1, 8.4.2, 8.4.3, 8.4.4, 8.4.5, 8.4.6, 8.4.7, 8.4.8

Chapter 8 Rural Production

- a) 8.6.3.1, 8.6.3.2, 8.6.3.3, 8.6.3.4, 8.6.3.5, 8.6.3.6, 8.6.3.7, 8.6.3.8 and 8.6.3.9
- b) 8.6.4.1, 8.6.4.2, 8.6.4.3, 8.6.4.4, 8.6.4.5, 8.6.4.6, 8.6.4.7, 8.6.4.8 and 8.6.4.9

The proposal is not contrary to the relevant objectives and policies of the District Plan.

3. **Section 104D Assessment**

Pursuant to section 104D of the Resource Management Act 1991 if a proposal is Non-Complying then it must satisfy one or both of the subsections of 104D(1) before a decision can be granted under section 104B of this Act. If the application does not pass either test of the section 104D(1) then the application must be declined.

It is considered that the proposal is not contrary to the Objectives and Policies of the District Plan; and it has been concluded that the adverse effects will be less than minor, as demonstrated above.

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

- a) The Northland Regional Policy Statement 2018
- b) Northland Regional Plan 2019
- c) National Environmental Standards (Air/ NESCS/ Forestry etc)

5. No other non – statutory documents were considered relevant in making this decision.

6. Other matters considered in relevant in making this decision:

Precedent

Case Law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant Non-Complying resource consent. A precedent effect is likely to arise in situation where consent is granted to a Non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out the of the generality of cases or similar sites in the vicinity. In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals it avoids any precedent effect can be approved.

The proposed development is low density, to the level provided for in the District Plan as restricted discretionary. Four additional (future) residential developments on lifestyle size lots will not create adverse effects on amenity or character. No built development need be in any area identified as having natural character values. The area mapped as Outstanding Landscape can be totally avoided when developing Lot 1. I believe that the proposal can satisfy one or both "gateway tests".

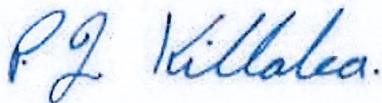
7. Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

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

Approval

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



Pat Killalea, Principal Planner

Date: 22nd day of July 2022

Right of Objection

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

Lapsing Of Consent

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

The consent is given effect to; or

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

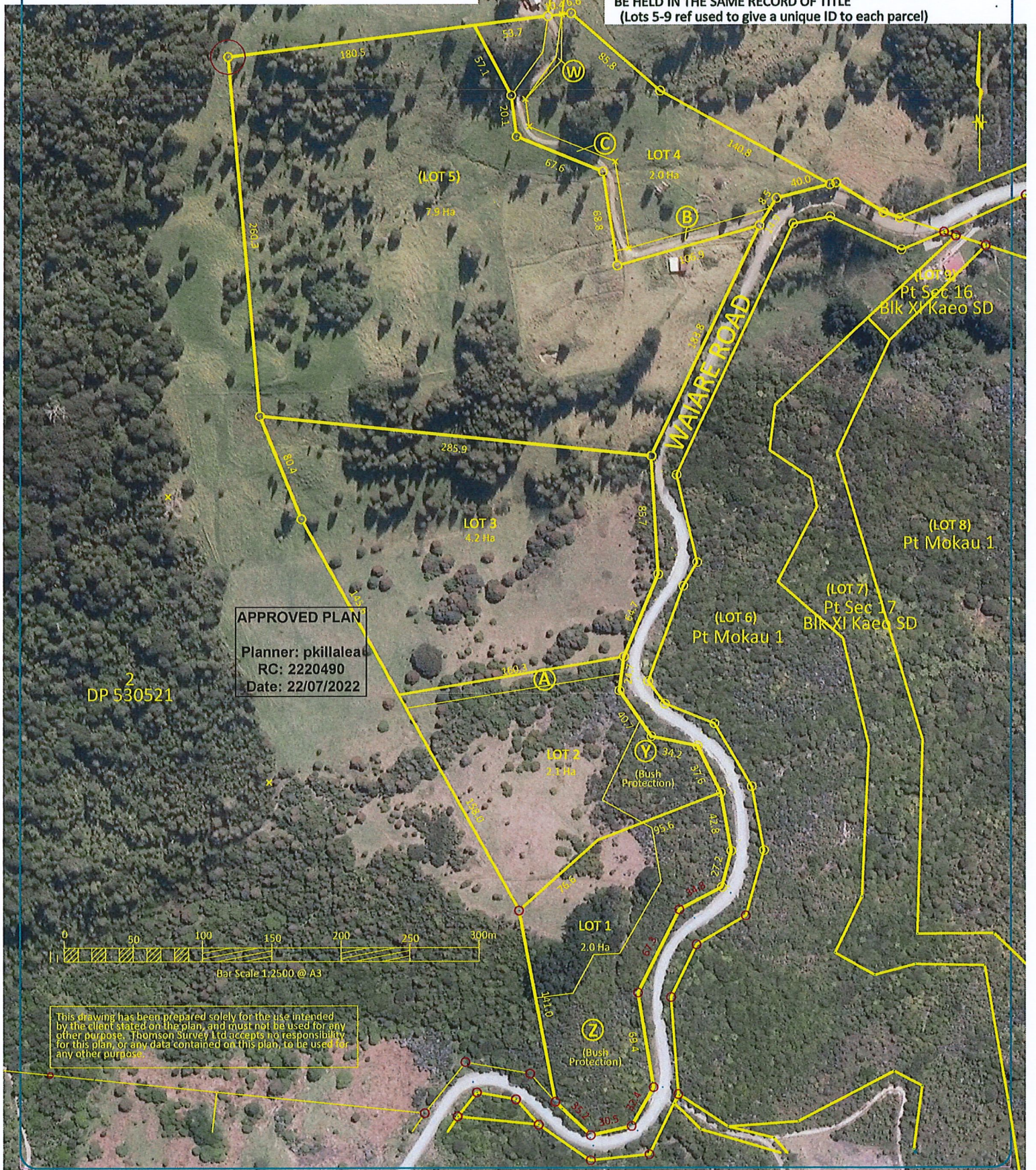
EXISTING EASEMENTS

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

SCHEDULE OF PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way	(A)	LOT 2 HEREON	LOT 3 HEREON
	(B)	LOT 4 HEREON	LOT 5 HEREON

AMALGAMATION CONDITION: THAT LOTS 5-9 HEREON BE HELD IN THE SAME RECORD OF TITLE
(Lots 5-9 ref used to give a unique ID to each parcel)



APPROVED PLAN
Planner: pkillalea
RC: 2220490
Date: 22/07/2022

2
DP 530521



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Ph: (09) 4077360
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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF PT MOKAU 1 BLOCK

PREPARED FOR: TUBBS

Name	Date	ORIGINAL
Survey	TW 29/03/21	SCALE SHEET SIZE
Design		
Drawn	TW 29/03/21	
Approved		
Rev	G 15/06/22	1:2500 A3
9932 Scheme 220615 Rev G.lcd		

Surveyors Ref. No:
9932
Series
Sheet 1 of 1

Appendix 2

Amended Scheme Plans

EXISTING EASEMENTS

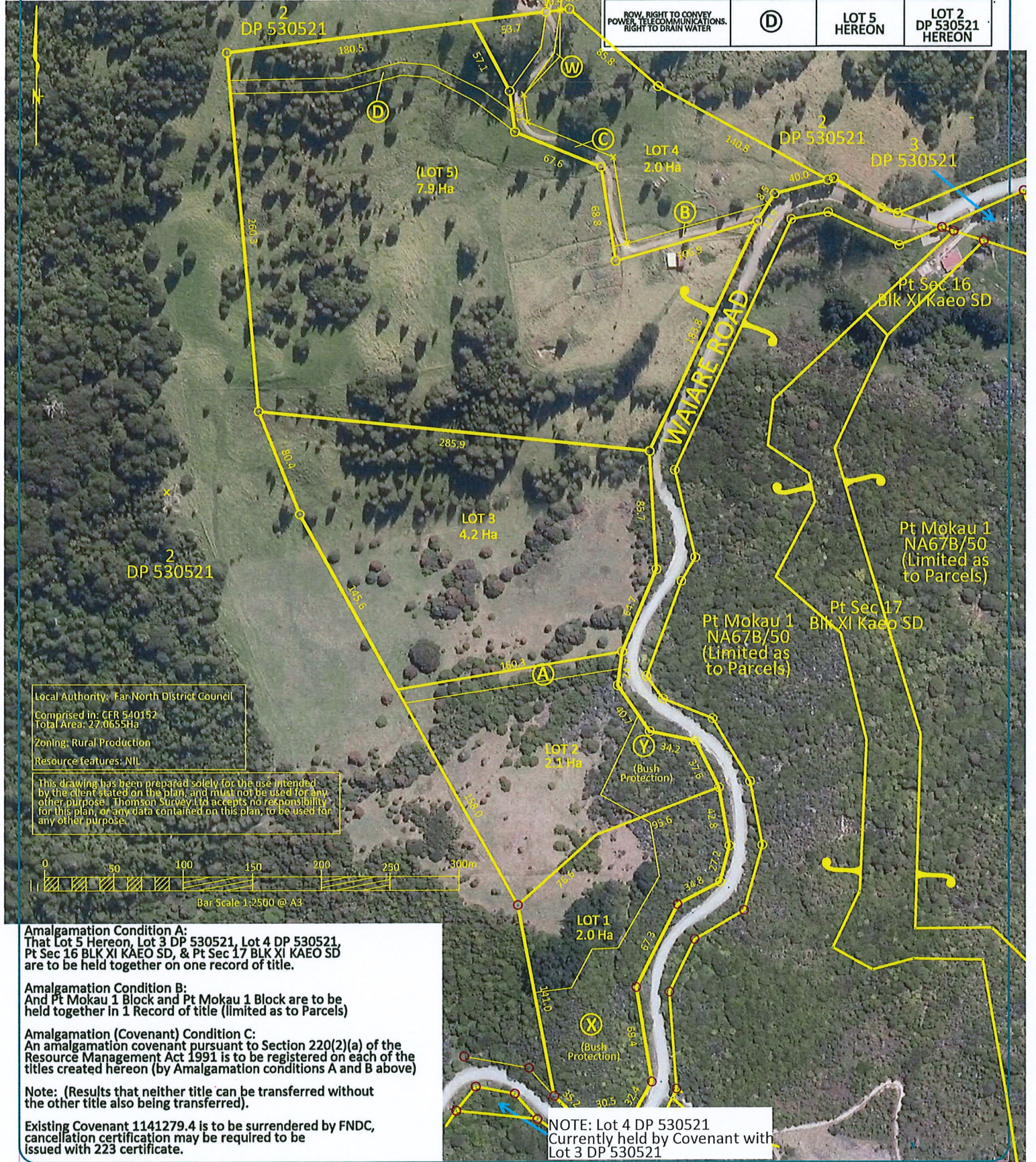
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
Right of way	(B)(C)(W)	LOT 4 HEREON	E.I 11417279.6

MEMORANDUM OF EASEMENTS

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

SCHEDULE OF PROPOSED EASEMENTS

ROW, RIGHT TO CONVEY POWER, TELECOMMUNICATIONS, RIGHT TO DRAIN WATER	(D)	LOT 5 HEREON	LOT 2 DP 530521 HEREON
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Local Authority: Far North District Council
 Comprised in: CFR 540152
 Total Area: 27.0655Ha
 Zoning: Rural Production
 Resource Features: NIL

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

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

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

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

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

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

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

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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF PT MOKAU 1 BLOCK
 WAIARE ROAD, OKAIHAU

PREPARED FOR: TUBBS

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

Surveyors Ref. No: **9932**

Series Sheet 1 of 1

Appendix 3

Current Record of Title



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



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

Prior References

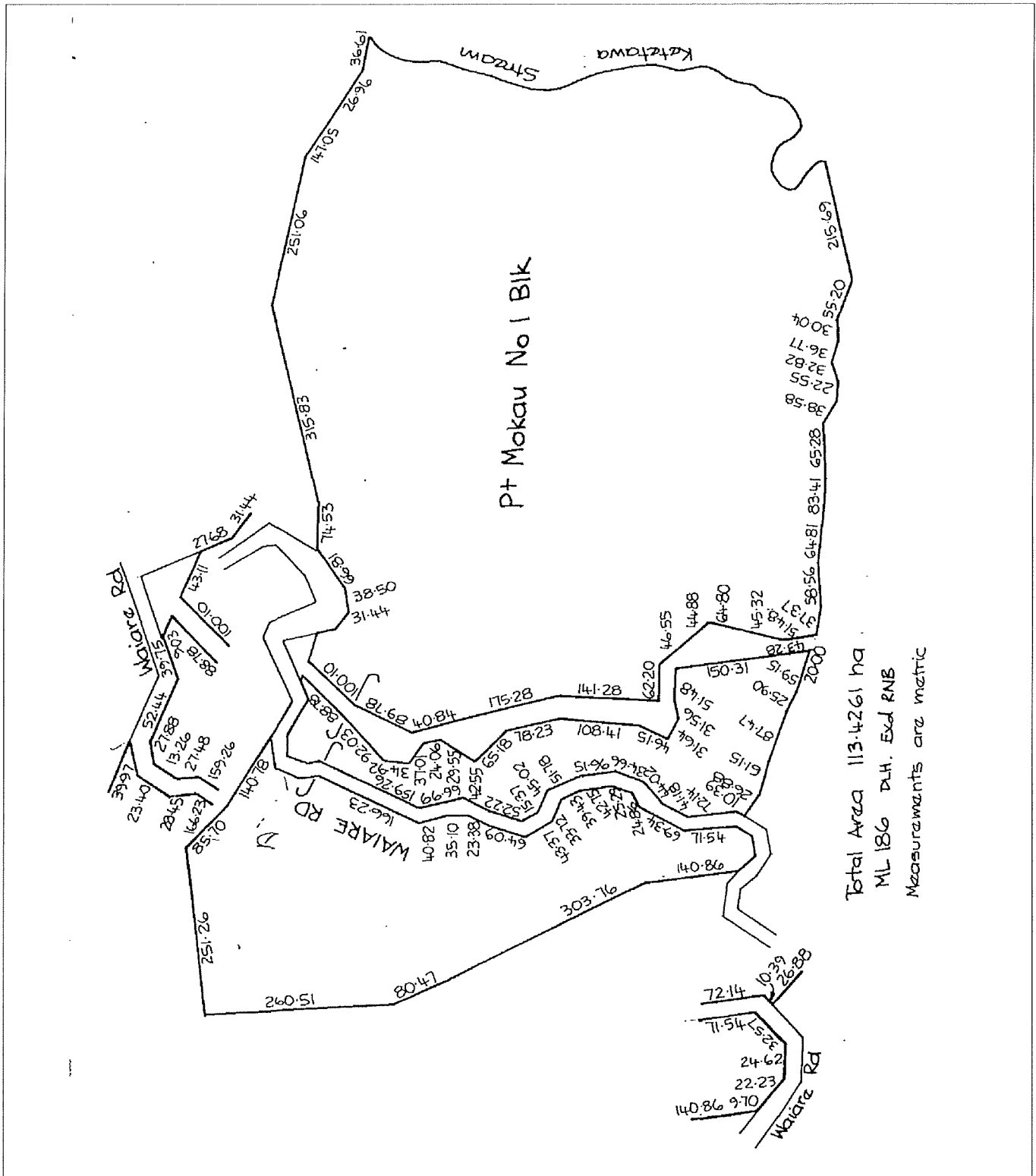
NA1162/24

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

Registered Owners
Mokau Station Limited

Interests

Subject to a right of way over part marked A on Plan 106280 created by Transfer C390670.6 - 1.7.1992 at 1:55 pm
The easements created by Transfer C390670.6 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right of way over part marked A on DP 180166 created by Transfer D295814.5 - 28.7.1998 at 1:33 pm
The easements created by Transfer D295814.5 are subject to Section 243 (a) Resource Management Act 1991
10092663.1 CAVEAT BY TOP ENERGY LIMITED - 15.6.2015 at 2:09 pm
Subject to a right of way and a right to convey water, electricity, telecommunications and computer media over parts marked A & D on DP 499138 created by Easement Instrument 10635422.4 - 24.11.2016 at 3:24 pm
The easements created by Easement Instrument 10635422.4 are subject to Section 243(a) Resource Management Act 1991
11417279.4 COVENANT UNDER SECTION 240 RESOURCE MANAGEMENT ACT 1991 (ALSO AFFECTS 865615 and 865616) - 25.7.2019 at 2:54 pm
Subject to a right of way over parts marked C, W on DP 530521 created by Easement Instrument 11417279.6 - 25.7.2019 at 2:54 pm
The easements created by Easement Instrument 11417279.6 are subject to Section 243 (a) Resource Management Act 1991



Total Area 113.4261 ha
ML 186 DLH. Exd RNB
Measurements are metric