

Application for section 223 and / or section 224 Certification of Subdivision

Pursuant to the Resource Management Act 1991

- ☒ **s223 Certificate**
Approval of survey plan
- ☐ **s224 Certificate**
No engineering conditions
- ☐ **s224 Certificate**
With engineering conditions
- ☐ **s221 Certificate**
Consent notice
- ☐ **s222 Certificate**
Completion certificate
- ☐ **s243 Certificate**
Cancellation of easement
- ☐ ***OTHER Certificate**
Any other certificate, authority, requirements, or actions requested of Council under the provisions of the Resource Management Act, the Local Government Act, or any other related legislation.

PLEASE NOTE: Fees are calculated in installment and are payable at the time of lodgement. Actual processing costs will be calculated and invoiced after the decision is issued. Interim invoicing may apply.

Applicant details

Name Alan & Wendy Rivers

Postal address

Phone work/home

Email

Agent details

Name Thomson Suvey

Postal address

Phone work/home

Email

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

Application details

Site location

399D Puketotara Rd
Kerikeri

Related application

RC- 2300058-VAR/B

LINZ Plan Reference
(LT Plan to be supplied)

LT-617817

Conditions completed Please refer to attached letter.
Please list

(Detailed evidence relating to each relevant condition completed is required to be supplied and attached to this application form).

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, caretakers details).

(This is important to avoid restricted entry to the site and having to re-arrange a second visit. Please provide details of the person to contact to arrange a site visit including a contact phone number)

N/A

Billing details

Name

Thomson Survey

Postal address

Phone work/home

Email

Fees Information

An installment 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 installment 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.

Billing details continued overleaf

Billing details (continued)

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. I understand that pursuant to s36AAB the Council can request any outstanding fees for the underlying subdivision consent prior to the issue of the s224 certificate. 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 of bill payer
(please print)

Thomson Survey

Signature of bill payer
(mandatory)

Date 18-Aug-2025

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 two or more certificates that are needed for the same activity on the same form.
- You must pay the charge payable to the consent authority for the certificate 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. 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.

(please print)

Name of bill payer
(please print)

Thomson Survey

Signature of bill payer
(mandatory)

Date 18-Aug-2025

Checklist

- ☐ Applicant / Agent / Bill Payer details provided.
- ☐ Evidence of completion of each condition (if required).
- ☐ Copy of draft LT Plan from Land Information New Zealand (LINZ).
- ☐ Copies of relevant consents associated with this application.
- ☐ Copies of relevant plans associated with this application.



18 August 2025

URGENT Resource consent lapses on 27 October 2025

Our Reference: 9734, 223 & Minor Variation to RC 2300058-VAR/A

Development Consents Department
Far North District Council
KERIKERI

Email: Planning.Support@fndc.govt.nz

ATTENTION: FNDC PLANNING SUPPORT

To whom it may concern,

**Alan & Wendy Rivers
399D Puketotara Road Kerikeri
FNDC Ref: RC 2300058-VAR/B
The new plan DP number issued by LINZ is:617817**

We have lodged an electronic 223 application with Council through land online and also attach pdf copies for your easy reference.

Refer to cover letter and application in support of further 127 application. Change to LT plan presented under s223 of the RMA

We have made electronic payment of \$978.00 being the 223-certificate fee & minor variation deposit fee. This payment has the RC number as its reference.

Could you please arrange to have the certifications completed under delegated authority and returned to our office.

Regards


Leanne Read



Te Kaunihera
o Te Hiku o te Ika
Far North District Council

Office Use Only
Application Number:

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? Nick Williamson

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:

Alan & Wendy Rivers

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

Riversmeet Limited (Alan & Wendy Rivers Directors)

**Property Address/
Location:**

399D & E Puketotara Road

R D 2 KERIKERI

Postcode

0295

7. Application Site Details

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

Name/s:

As above

**Site Address/
Location:**

As above

Postcode

Legal Description:

Lot 5 DP 404255

Val Number:

Certificate of title:

414695

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 required.

8. Detailed description of the proposal:

This application relates to the following resource consent:

RC 2300058 RMAOBJ+VAR/A
RC 2300058 RMAOBJ+VAR//

Specific conditions to which this application relates:

Condition 1 of Stage 1; Condition 4 of Stage 2; Condition 5 of Stage 2; and suggested additional conditions

Describe the proposed changes:

Refer to attached Planning Report/AEE.

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) Alan Rivers

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)

Alan John Rivers

Signature: (signature of bill payer)

Date 14/08/2025

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)

Alan John Rivers

Signature:

[Redacted Signature]

[Redacted Signature]

Date

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.



Our Reference: 9734 (FNDC)

15 August 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed further minor variation to RC 2300058, a subdivision at 399D Puketotara Road – A & W Rivers

I am pleased to submit application on behalf of Alan and Wendy Rivers for a further minor variation to RC 2300058. The content of this variation has been discussed with Nick Williamson at Council, and is solely in regard to an updated LT Plan with an esplanade strip added. The application for minor variation is being lodged simultaneously with the application for s223 TA Approval.

Consenting the variation, as applied for, will enable the s223 TA Approval to be issued, with an updated LT Plan and an esplanade strip instrument approved by Council.

The application fees for both s223 and Minor Variation have been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Alan & Wendy Rivers

FURTHER S127 APPLICATION

Change to LT Plan presented under s223 of the RMA

RC 2300058-RMACOM; 2300058-RMA/OBJ; & 2300058-RMAVAR/A

399D & E Puketotara Road, KERIKERI

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

RC 2300058-RMACOM and subsequent objection decision 2300058-RMAOBJ were issued on 31st August 2020 and 27th October 2020 respectively. RC 2300058-RMAVAR/A was issued subsequent to that, in February 2025, amending lot boundaries, but retaining the same basic structure. A copy of RC 2300058-RMAVAR/A is attached in Appendix 4.

The applicants have decided to give effect to the subdivision in a single stage, which they are entitled to do. Detailed survey work, carried out to give effect to the consent, revealed that the proposed lot with a stream boundary on its eastern boundary was less than 4ha in area. This 'discrepancy' only became apparent after the detailed survey work, and the draft scheme plan had been drawn up on the basis of the lot in question being larger than 4ha.

After consultation with senior Council planning and reserves staff, it has been decided to apply independently, for agreement pursuant to s235 of the Resource Management Act to create an esplanade strip, in order to satisfy esplanade requirements as specified in the Act. Such application can be made at any time. To support that application, the applicants' solicitor has prepared a draft Esplanade Strip instrument for the Council's approval. The solicitor has also identified a draft Easement Instrument because of an overlap between private easement in favour of an individual lot, and public access provided for via an esplanade strip. Confirmation has been obtained from LINZ that having the two areas overlap does not present a problem, and the two instruments can exist concurrently, achieving two purposes.

The cover letter, including solicitors' undertaking, and draft esplanade strip instrument are attached in Appendix 2.

To avoid the possibility of LINZ querying the resource consent reference on the LT plan being presented for Approval as to Survey, it has also been decided to apply for a minor variation to the consent. This will mean the paperwork eventually presented to LINZ for Approval as to Survey will reference RC 2300058-RMAVAR/B and incorporate the esplanade strip.

A copy of the draft Title Plan LT 617817 is attached in Appendix 1.

This minor variation application, the application for esplanade strip pursuant to s235, and the s223 survey approval are all being applied for concurrently.

Scope of this Report

This brief assessment and report accompanies the application for a minor variation pursuant to 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.

2.0 PROPERTY DETAILS

Location:	399D & E Puketotara Road, Kerikeri
Legal description:	Lot 5 DP 404255
Record of Title:	414695 with an area of 12.31ha – refer to Appendix 3.

3.0 CHANGES REQUESTED & EXPLANATION

Pursuant to 2300058-RMAVAR/A, condition 1 currently reads:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 22.01.25 (Stage 1) and attached to this consent with the Council's "Approved Stamp" affixed to it.

And condition 4 (stage 2) currently reads:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision Lot 3 (Stage 1)", headed Stage 2, Ref No. 9734, dated 22.01.25 (Stage 2), and attached to this consent with the Council's Approved Stamp affixed to them it.

And condition 5 (also stage 2) currently reads:

The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
(a) All easements to be duly granted or reserved.

Subject to the approval for providing esplanade strip, already agreed by the Council as appropriate in the circumstances, the above three conditions can be amended to allow for the strip's inclusion on the LT Plan being presented. The conditions can therefore be amended to read:

Condition 1:

The subdivision shall be carried out in accordance with the approved Title Plan , generated 11/08/2025 of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 22.01.25 (Stage 1) Lots 1 to 3 being a Subdivision of Lot 5 DP 404255, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Condition 4 (stage 2):

The subdivision, although consented to be staged, may be carried out in a single stage. The subdivision shall be carried out in accordance with the approved Title Plan , generated 11/08/2025 of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 22.01.25 (Stage 1) Lots 1 to 3 being a Subdivision of Lot 5 DP 404255, and attached to this consent with the Council's "Approved Stamp" affixed to it.

And condition 5:

The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:

- (a) All easements to be duly granted or reserved; and
- (b) Esplanade strip within Lot 2 as agreed by Council pursuant to s235 of the Act.

An additional condition 6 (c) can be inserted requiring the preparation of a draft esplanade strip instrument for Council approval:

Provide, to Council's satisfaction, an esplanade strip instrument in accordance with Section 235 of the Act, prepared to give effect to the esplanade strip shown on the survey plan. The instrument is to be drafted so as to provide for access and conservation of the riparian conservation values therein.

An additional condition 7(g) can be inserted to ensure a solicitor's undertaking to register the instrument, as follows:

Provide a solicitor's undertaking to register the instrument approved pursuant to condition 6(c) of this consent, against the title of the affected allotment.

Explanation

The changes now refer to the already drafted LT Plan to be provided to Council for s223 Survey Approval (and agreement pursuant to s235). The change to condition 4 makes it clear that combining the stages is provided for. The addition conditions provide for the provision of a draft esplanade strip instrument for Council's approval and an solicitor's undertaking to register said instrument.

The changes are all consistent with discussions held with Council staff prior to lodging this application.

4.0 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, however, the nature of this variation, including prior agreement reached in discussions with Council, leads me to the belief that any assessment can be brief.

5.0 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 relevant national, regional or district planning instruments. In this instance the change is being made in order to remain consistent with the esplanade requirements laid out in the Act.

Assessment of Environmental Effects

Effects are positive as opposed to negative in that an appropriate esplanade provision has been incorporated into the consent in order to be consistent with the RMA. No additional lots or change in access through or to lots, is proposed.

6.0 CONSULTATION

Under Section 127(4) of the Act:

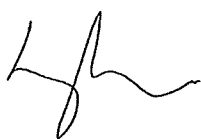
(4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

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

The proposal to introduce esplanade strip has been discussed with senior council staff, and agreed to. LINZ has also been consulted in regard to overlapping esplanade strip and easement instruments.

7.0 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 15th August 2025

8.0 LIST OF APPENDICES

Appendix 1	LT 617817
Appendix 2	Copy of draft Esplanade Strip Instrument
Appendix 3	Record of Title
Appendix 4	RC 2300058-RMAVAR/A

Appendix 1

LT 617817



Title Plan - LT 617817

Survey Number	LT 617817
Surveyor Reference	9734 Rivers
Surveyor	Denis McGregor Thomson
Survey Firm	Thomson Survey Limited
Surveyor Declaration	

Survey Details

Dataset Description	Lots 1 to 3 being a Subdivision of Lot 5 DP 404255		
Status	Initiated		
Land District	North Auckland	Survey Class	Class B
Submitted Date		Survey Approval Date	
		Deposit Date	

Territorial Authorities

Far North District

Comprised In

RT 414695

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 617817	Fee Simple Title	1.2135 Ha	
Lot 2 Deposited Plan 617817	Fee Simple Title	3.4769 Ha	
Area Z Deposited Plan 617817	Covenant - Land		
Area A Deposited Plan 617817	Easement		
Esplanade Strip Y Deposited Plan 617817	Esplanade Strip		
Esplanade Strip X Deposited Plan 617817	Esplanade Strip		
Esplanade Strip W Deposited Plan 617817	Esplanade Strip		
Lot 3 Deposited Plan 617817	Fee Simple Title	8.4766 Ha	
Esplanade Strip V Deposited Plan 617817	Esplanade Strip		
Area B Deposited Plan 617817	Easement		
Area C Deposited Plan 617817	Easement		
Total Area		<hr/> 13.1670 Ha	

Schedule / Memorandum

LT 617817 Schedule/Memorandum

Land registration district
North Auckland

Territorial authority
Far North District

Memorandum of Easements

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

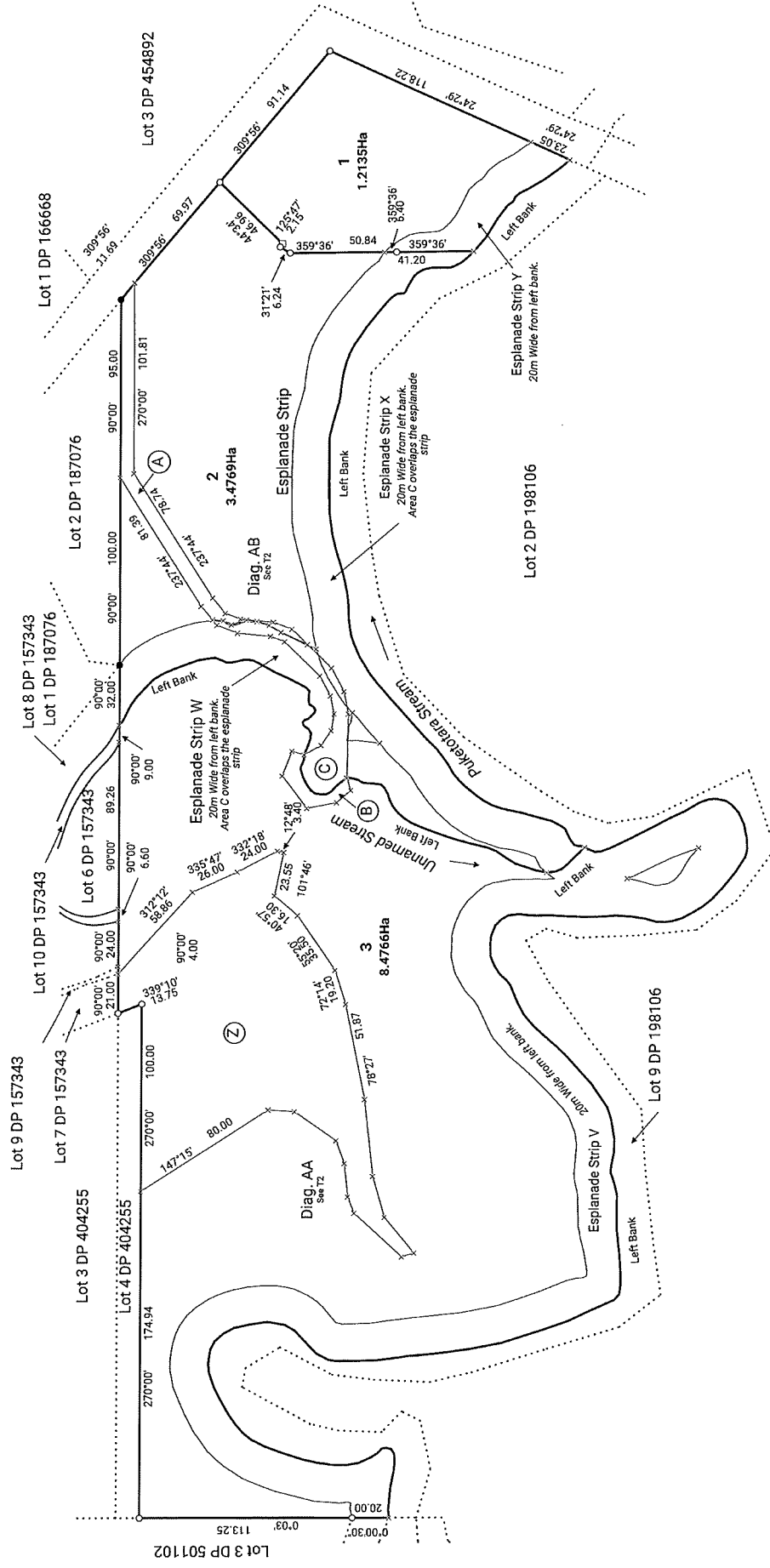
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of way Right to convey electricity, telecommunications	A, C	Lot 2	Lot 3

Notes

Area marked Z is to be subject to a consent notice (Bush protection).

Schedule of Easements

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right to convey water	B	Lot 3	Lot 2



T 1/2

Surveyors Reference: 9734 Rivers

Land District: North Auckland

Digitally Generated Plan
Generated on: 11/09/2025 12:03am Page 3 of 4

Lots 1 to 3 being a Subdivision of Lot 5 DP 404255

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 617817
DRAFT

Appendix 2

Copy of draft Esplanade Strip Instrument

IN THE MATTER OF

a subdivision of the land in
Record of Title 414695
(North Auckland Registry)
more particularly shown on
Deposited Plan 617817

AND

IN THE MATTER OF

Section 232 and 235
Resource Management Act
1991

INSTRUMENT CREATING ESPLANADE STRIP

1. RECITALS:

1.1 RIVERSMEET LIMITED ("the Grantor") is the registered owner of the land described in Schedule A hereto ("the land").

1.2 FAR NORTH DISTRICT COUNCIL ("the Grantee") is a local authority (within the meaning of the Local Government Act 2002) in whose district the land is located.

2. CREATION OF ESPLANADE STRIP:

The Grantors create in favour of the Grantee an esplanade strip over and along the boundaries of the land described in Schedule B hereto ("the strip") for the purpose of public access and recreation.

3. COVENANTS:

3.1 The Grantors and the Grantee covenant as follows:

3.1.1 The following acts are prohibited on the land over which the strip has been created:

- (a) Willfully endangering, disturbing or annoying any lawful user of the strip (including the owner or occupier of the strip);
- (b) Willfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge or notice;
- (c) Willfully interfering with or disturbing any livestock lawfully permitted on the strip.

The prohibitions referred to in paragraphs (b) and (c) above do not apply to the owner or occupier of the strip.

3.2 The following further acts are prohibited on the land over which the strip has been created:

- (a) Lighting any fire;
- (b) Carrying any firearm;
- (c) Discharging or shooting any firearm;

- (d) Camping;
- (e) Taking any animal on to, or having charge of any animal on, the land;
- (f) Taking any vehicle on to, or driving or having any charge or control of any vehicle on, the land (whether the vehicle is motorised or non-motorised);
- (g) Willfully damaging or removing any plant (unless acting in accordance with the Noxious Plants Act 1978 or the Biosecurity Act 1993);
- (h) Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pests Destruction Act 1967 or the Biosecurity Act 1993);

3.3 The following other restrictions apply on the strip:

Nil

3.4 The following fencing requirements on the land shall be made in respect of the strip:

Nil

3.5 Access to the strip:

The terms set out in clauses 5 and 6 of the Tenth Schedule to the Resource Management Act 1991 shall apply and shall include access by the Grantee, its contractors, agents and assigns for purposes other than recreation.

3.6 The Grantor shall be responsible for maintenance and enhancement of the strip. The cost of any such maintenance and enhancement including ongoing maintenance shall be met by the Grantor.

3.7 For the purposes of this instrument, owners and occupiers respectively refer to any owners or occupiers of the subdivided land described in Schedule A and any employees or agents authorized by these owners and occupiers.

SCHEDULE A

3.4769 hectares more or less being Lot 2 Deposited Plan 617817 contained in
Record of Title XXXXXX

SCHEDULE B

That parcel of land 20 metres wide marked Esplanade Strip W on Deposited Plan
617817

DATED this day of

2025

SIGNED by the Grantor:

RIVERSMEET LIMITED

By two directors

)

)

Director

Director

SIGNED by the **FAR NORTH**
DISTRICT COUNCIL by its duly
authorised signatory

)

)

)

Chief Executive Officer -

Appendix 3

Record of Title



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




R. W. Muir
Registrar-General
of Land

Identifier 414695
Land Registration District North Auckland
Date Issued 15 September 2008

Prior References
NA127A/546

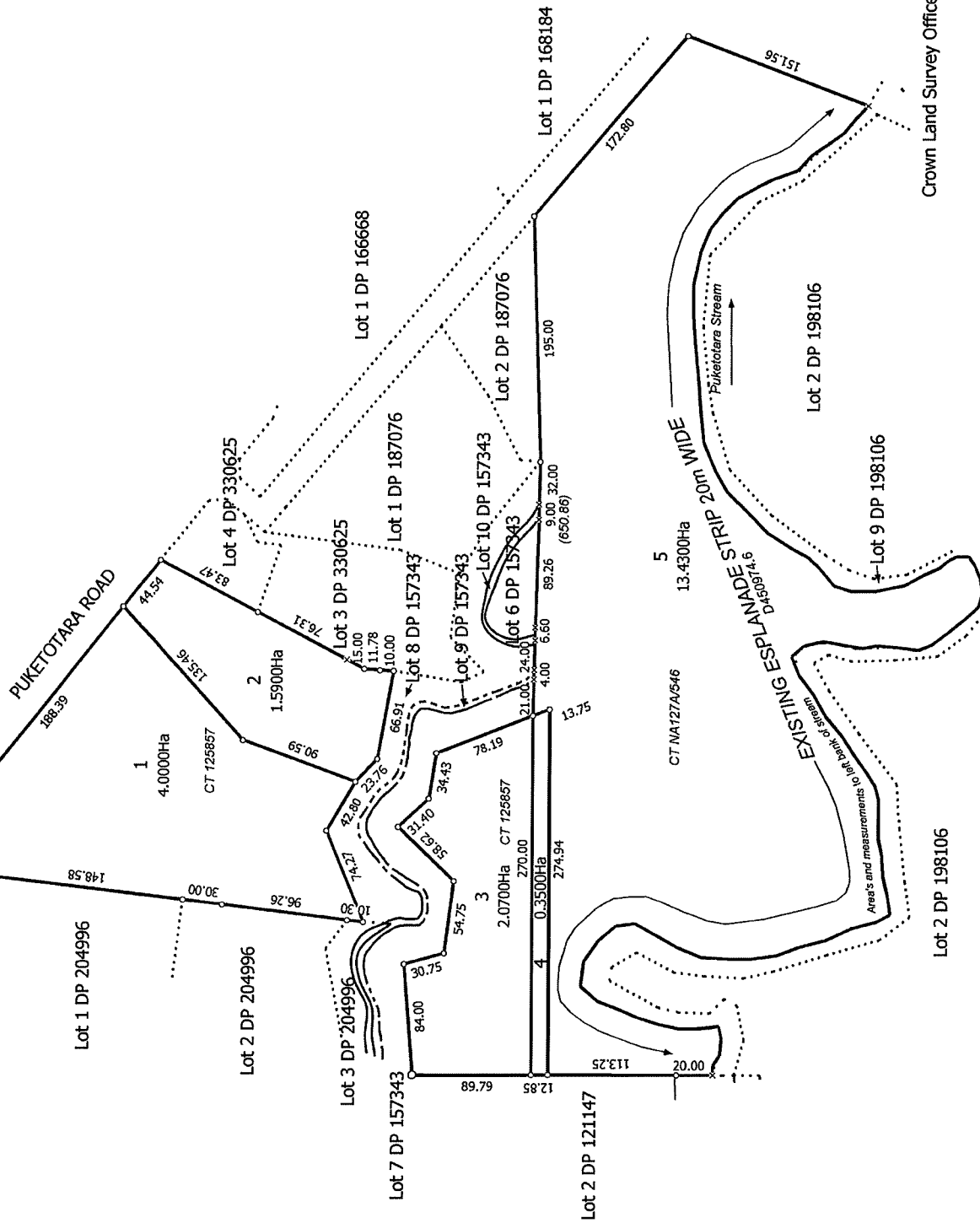
Estate Fee Simple
Area 13.4300 hectares more or less
Legal Description Lot 5 Deposited Plan 404255

Registered Owners
Riversmeet Limited

Interests

D450974.6 Esplanade Strip Instrument pursuant to Section 232 Resource Management Act 1991 in favour of The Far North District Council - produced 11.11.1999 at 2.05 and entered 15.12.1999 at 9.00 am
9952621.2 Mortgage to ASB Bank Limited - 30.1.2015 at 3:42 pm

Diag. A



Crown Land Survey Office Plan 39473

T 1/1

Surveyor's Ref: 7495

Land District: North Auckland

Lots 1 - 5 Being a Subdivision of Lots 1 & 2 DP 330625 and Lot 1 DP 198106

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Digital Title Plan
DP 404255

Digitally Generated Plan
Generated on: 17/09/2008 1:15pm Page 2 of 2

Deposited on: 15/09/2008

Appendix 4

RC 2300058-RMAVAR/A

DECISION ON SECTION 127 APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change conditions 1 and 4 of resource consent 2300058-RMAOBJ/A and include new condition 7(f) to:

Applicant:	Wendy Rivers and Alan John Rivers
Council Reference:	2300058-RMAVAR/A
Property Address:	399D Puketotara Road, Kerikeri 0295
Legal Description:	Lot 5 DP 404255 (RT 414695)
Description of Application:	To change condition 1 of Stage 1 and condition 4 of Stage 2, and the addition of new condition 7(f) of 2300058-RMAOBJ pursuant to s127 of the RMA 1991.

The following changes to the conditions of resource consent 2300058-RMAOBJ/A are made:

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

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

Stage 1, Condition 1:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated ~~20-05-20~~ 22.01.25 (Stage 1) and attached to this consent with the Council's Approved Stamp affixed to them it.

Stage 2, Condition 4:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of ~~Lot 5 DP 404255 – Stage 2~~ Lot 3 (Stage 1)", headed Stage 2, Ref No. 9734, dated ~~28/05/20~~ 22.01.25 (Stage 2), and attached to this consent with the Council's Approved Stamp affixed to them it.

New condition at Stage 2:

Form and upgrade the vehicle access on Right of Way Easement A to a 3m finished metalled width with passing bays provided to comply with Rule 15.1.6C.1.3 and Appendix 3B-1 of the

Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP30 or GAP40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

Advice Notes

Lapsing of Consent

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

Right of Objection

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

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons, and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as the changes are internal to the subject site and the potential adverse effects have been assessed as being less than minor.
4. An assessment has been made with regards to s127(4) of the Act. There were no submissions made on the original application and there have been no person/s identified who may be affected by the change of the condition(s) as any potential adverse effects will be less than minor.
5. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
6. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
 - Operative Far North District Plan 2009
 - Proposed Far North District Plan 2022

Operative Far North District Plan

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

- The objectives and policies of the Rural Environment (Chapter 8 sections 8.3 and 8.4)
- The objectives and policies of the Rural Production Zone (Chapter 8.6 section 8.6.3, and 8.6.4)
- The objectives and policies of Subdivision (Chapter 13 section 13.3, and 13.4)

The objectives and policies of the Rural Production zone promotes the sustainable management of natural and physical resources while enabling the efficient use and development of the Rural Production zone, in a way that enables people and their communities to provide for their social, economic and cultural wellbeing and for their health and safety, along with promoting the maintenance and enhancement of the amenity values to a level that is consistent with the productive intent of the Rural Productive zone.

The activity has been designed in a way that maintains amenity values and fits in with the surrounding environment.

All lots are of a size that can accommodate stormwater, wastewater, and water services.

The activity is consistent with the relevant objectives, policies, and assessment criteria of the Operative District Plan.

Proposed Far North District Plan

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

- Objectives and policies of the Horticulture zone (Chapter HZ Sections HZ-01 to HZ-03 and HZ-P1 to HZ-P7)
- Objectives and policies of Subdivision (Chapter SUB Sections SUB-01 to SUB-04 and SUB-P1 to SUB-P11)

The objectives and policies of the Horticulture Zone promotes long-term availability for horticultural activities and long-term protection for the benefit of current and future generations, and that land use and subdivision avoids land sterilisation that reduces the potential for highly productive land to be used for a horticulture activity while avoiding any reverse sensitivity effects that may constrain the effective and efficient operation of primary production activities.

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As assessed above the outcomes sought are different under the operative and proposed plan frameworks. Therefore, it is necessary to consider the weight to be given to each framework and which outcome should prevail.

The PDP has only been recently notified and as such there is potential for change as the plan goes through the statutory process. As such despite the different outcomes

anticipated by the PDP little weight is given to these provisions. It should also be noted that the subject site does not contain Highly Productive soil.

7. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
8. Based on the assessment above the proposed change will be consistent with Part 2 of the Act.

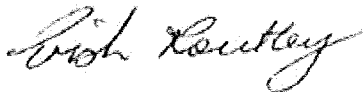
The proposed change will avoid, remedy, or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. The proposal remains an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

9. Overall, for the reasons above it is appropriate for the change(s) of the conditions of consent to be granted.

Approval

This resource consent has been prepared by Jo Graham, Intermediate Planner.

I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: Patricia (Trish) Routley

Date: 19 February 2025

Title: Manager Resource Consents

Schedule 1

Complete set of Consent Conditions for 2300058-RMAOBJ/A as Amended by 2300058-RMAVAR/A

Decision A – Subdivision:

Stage 1, Lots 1 & 3

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 22.01.25 (Stage 1) and attached to this consent with the Council's Approved Stamp affixed to them it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) The extent of the indigenous vegetation on the lots for the purpose of vegetation protection consent notices (see condition 3(c)(ii)).
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide evidence that the unnamed legal road is clear of all buildings and structures.
 - (b) Upgrade the entrance to the unnamed legal road off Puketotara Road to provide a double width entrance which complies with FNDC/S/6D standards in accordance with the FNDC Engineering Standards and Guidelines 2004 – Revised 2009. Seal the entrance plus splays for a minimum distance of 10m from the existing seal edge.
 - (c) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of Lots 1 and 3. The costs of preparing, checking, and executing the Notice shall be met by the Applicant.

Lots 1 and 3

- (i) The owner of the lot is advised that the Council assumes no responsibility toward the formation and any future maintenance of the access formation within the (insert private way) which provides access to the lot. Until such a time as the Council, of its own volition, decides to assume responsibility, the owner or occupier of the land within the lot will not request Council to undertake such formation or maintenance.
- (ii) The owner shall preserve the indigenous trees and bush shown on the survey plan as area(s) _____ 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/bush. The owner shall be deemed to be not in breach of this prohibition if any such trees/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.
- (iii) The property is located within a kiwi present zone indicating that the site may contain or is within proximity to habitat that may support North Island

Brown Kiwi. The following measures are applied to the site to reduce any increased threats to this species as a result of intensification:

- i. No more than two dogs shall be kept on the lot. All dogs must be kept inside or tied up at night and must be kept under control at all times.
- ii. No more than two cats shall be kept on the lot. The cat must be kept inside at night and neutered.

Lot 3

- (iv) 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.
- (v) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank 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.

Stage 2, Lots 2 & 3

- 4. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of Lot 3 (Stage 1)", Headed Stage 2, Ref No. 9734, dated 22/01/22 (Stage 2), and attached to this consent with the Council's Approved Stamp affixed to them it.
- 5. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements to be duly granted or reserved.
- 6. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) Provide evidence from a registered drainlayer or engineer that the effluent disposal field and reserve disposal area for the wastewater system on Lot 2 are fully contained within the boundaries of the lot.
 - (b) Provide for Council's approval a preferred name and two alternatives for the private way. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the area.
- 7. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide evidence that the unnamed legal road is clear of all buildings and structures.
 - (b) Upgrade the first 50m of the access carriageway on the unnamed legal road to provide an accessway that meets Appendix 3B-2: Rural Type A standard. The formation shall consist of a minimum of 200mm of compacted hardfill plus a GAP 40

running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

- (c) Provide a passing bay on the existing access to comply with 15.1.6C.1.3 of the District Plan. The passing bay should be located adjacent to where ROW A exits/enters the existing access.
- (d) Install road signage for the private way associated with the subdivision as approved in Condition 6(b) and in accordance with Council's Engineering Standards and Guidelines.
- (e) If not already registered when titles were created from Stage 1, then the conditions referred to in Condition 3(d) shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of Lots 1, 2 and 3. The costs of preparing, checking, and executing the Notice shall be met by the Applicant.
- (f) Form and upgrade the vehicle access on Right of Way Easement A to a 3m finished metalled width with passing bays provided to comply with Rule 15.1.6C.1.3 and Appendix 3B-1 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP30 or GAP40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

Decision B – Land Use:

1. The activity shall be carried out in accordance with the approved plans prepared by Thompson Survey Ltd, referenced Fire Mitigation Plan, Ref. No. 9734, dated 07/07/20 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. Water for fire-fighting purposes must be provided in accordance with the Firefighting Water Supplies Code of Practice Consent, dated 30/07/2020, and approved by Fire and Emergency New Zealand. In particular, a dedicated water tank with 10,000l of water is required at all times, with appropriate access for firefighting purposes and the tank must be fitted with an appropriate fire service coupling for emergency appliance use.

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. The consent holder is advised that the condition number referenced in condition 2(a) has been updated from 4(f)(ii) to 3(c)(ii), so as to reflect the correct consent notice condition number, and has not had have any influence on the outcome of this decision.

[illegible]

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Comprised In: 414695
Total Area: 13.4300ha
Zoning: Rural Production
Resource features: NIL

Planner: jgraham
RC: 2300058-RMAVAR/A
Date: 19 February 2025

THOMSON
SURVEY
UNIVERSITY

315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@survey.co.nz
Ph: (09) 4077360
www.survey.co.nz

PROPOSED SUBDIVISION OF
LOT 5 DP 404255
399E PUKETOTARA ROAD, KERIKERI

Registered Land Surveyors, Planners & Land Development Consultants

PREPARED FOR: A RIVERS

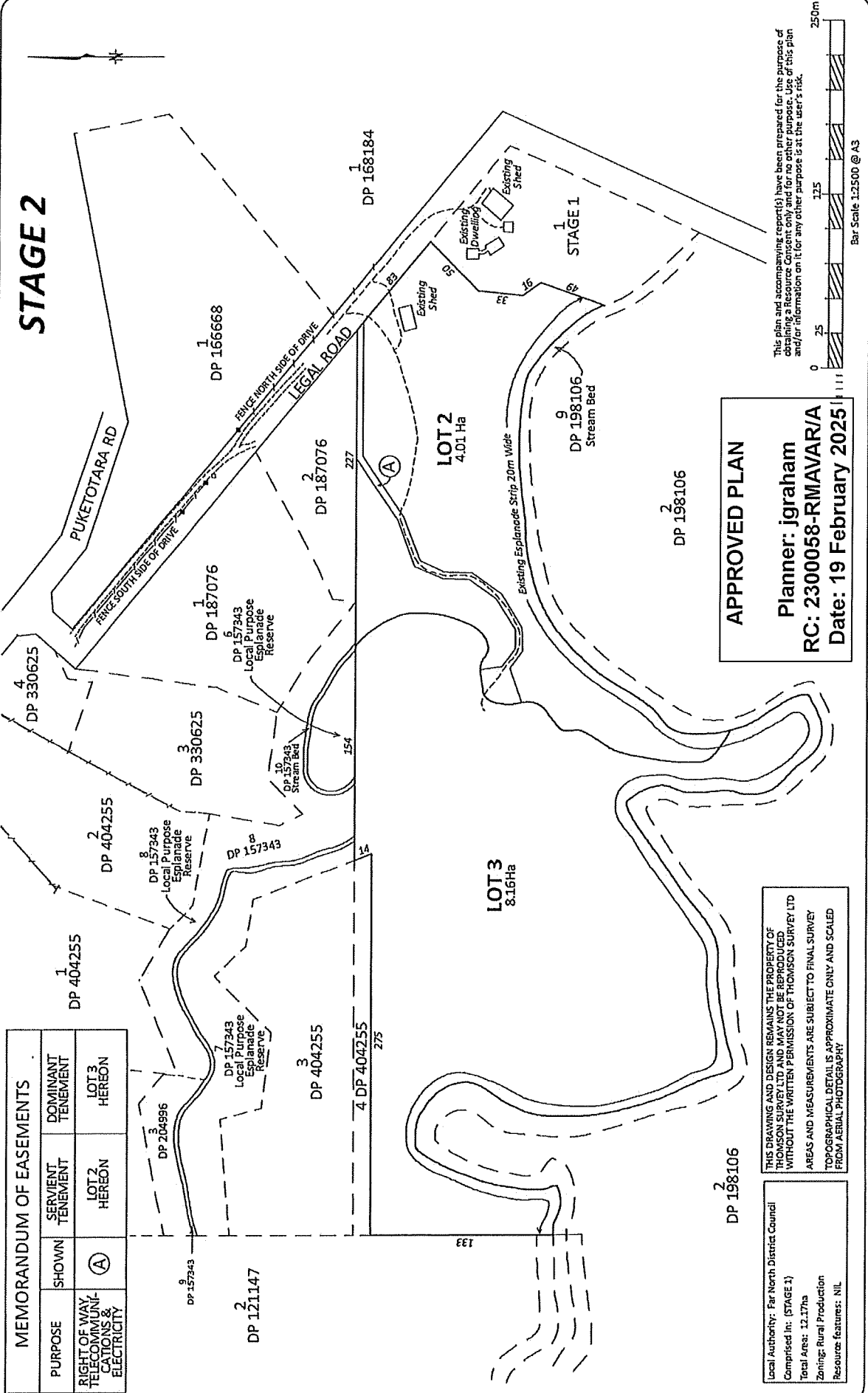
	Name	Date		ORIGINAL	SHEET SIZE	A3
	Survey			SCALE	1:2500	
	Design					
	Drawn	KY	20.05.20			
	Approved					
	Rev	KY	22.01.25			
9734 Scheme Stage 1 20250127.tcd						

Surveyors
Ref. No:

9734

Sheet 1 of 1

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 3 HEREON



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

APPROVED PLAN
Planner: Jgraham
RC: 2300058-RMAVAR/A
Date: 19 February 2025

THE DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD. WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised in: (STAGE 1)
 Total Area: 12.17ha
 Zoning: Rural Production
 Resource features: NIL

315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Far North District Council
 Ph: (09) 4077366
 www.thomsonsurvey.co.nz

THOMSON SURVEY
 Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 3 (STAGE 1)
 399E PUKETOTARA ROAD, KERIKERI

PREPARED FOR: A RIVERS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			A3
Design			
Drawn	RY	20.05.20	
Approved	RY	22.07.25	
Rev			

Surveyors Ref. No: 9734
 Sheet 1 of 1

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 3 HEREON

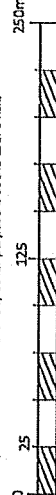
Planner: jgraham
RC: 2300058-RMAVAR/A
Date: 19 February 2025

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF
THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED
WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED
FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Comprised in: 414695
Total Area: 13.4300ha
Zoning: Rural Production
Resource features: NIL

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



Bar Scale 1:2500 @ A3

THOMSON
SURVEY
LABORATORY

315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077350
www.tsurvey.co.nz

PROPOSED SUBDIVISION OF
LOT 5 DP 404255
399E PUKETOTARA ROAD, KERIKERI

PREPARED FOR: A RIVERS

	Name	Date	ORIGINAL
Survey			SCALE 1:2500 SHEET SIZE A3
Design			
Drawn	KY	20.05.20	
Approved			
Rev	KY	22.01.25	

Surveyors
Ref. No:
9734
Sheet 1 of 1