



Our Reference: 10757.1 (FNDC)

12 January 2026

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Minor Boundary Adjustment at 285 Manawaora Road – Omarino Residents Association**

I am pleased to submit application on behalf of the Omarino Residents Association, for a proposed minor boundary adjustment between two titles on land at Manawaora Road, zoned General Coastal. The application is a controlled activity.

The application fee of \$3,044 has been paid separately via direct credit.

Regards

Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**

# Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

## 1. Pre-Lodgement Meeting

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

☐ Yes ☒ No

## 2. Type of consent being applied for

(more than one circle can be ticked):

- |   |   |
|---|---|
| <input type="radio"/> Land Use  | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision  | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

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

## 3. Would you like to opt out of the fast track process?

☒ Yes ☐ No

## 4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council, [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)*



## 5. Applicant details

Name/s:

Omarino Residents Association

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? ☐ Yes ☒ No

If yes, please provide details.


## 6. 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.

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## 7. Details of property owner/s and occupier/s

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

Name/s:

Halcyon Days Trustee Company Ltd; Pigeon Mountain Trustee Company Ltd

Property address/  
location:

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## 8. Application site details

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

Name/s:

Site address/  
location:

Legal description:

Certificate of title:

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

### Site visit requirements:

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

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

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

Please contact agent and Property Manager, Hamish Lewis, prior to any site visit. Hamish can be contacted via email at \_\_\_\_\_

## 9. Description of the proposal

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

Minor boundary adjustment subdivision between Lots 17 and 18 DP 391213.

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

## 10. Would you like to request public notification?

☐ Yes ☒ No

## 11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)



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

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

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

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

☒ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

## 13. Assessment of environmental effects:

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

Your AEE is attached to this application ☒ Yes

## 14. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

## 15. 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)

Omarino Residents Association

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.



## 15. 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. 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)

Kallam Brown

Signature:

(signature of bill payer)

Date 12-Jan-2026

**MANDATORY**

## 16. Important Information:

### Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

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

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

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

## 17. Declaration

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

Name (please write in full)

Kallam Brown

Signature

Date 12-Jan-2026

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

*See overleaf for a checklist of your information...*

## Checklist

*Please tick if information is provided*

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

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



**Omarino Residents Association**  
  
**PROPOSED BOUNDARY ADJUSTMENT**  
  
**Lots 17/19 & 18, Manawaora Road, RUSSELL**  
  
**PLANNER'S REPORT &  
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Thomson Survey Ltd  
Kerikeri

## **1.0 INTRODUCTION**

### **1.1 The Proposal**

The applicants propose to carry out a minor boundary adjustment between two titles within the Omarino subdivision area at 285 Manawaora Road, Russell. The proposal will see 7070m<sup>2</sup> of land currently within Lots 17 & 19 DP 391213 (Record of Title 423437) transferred to be within shared Utility Lot 18 – refer to Scheme Plan attached in Appendix 1.

Record of Title 423437 consists of two parcels – Lots 17 & 19, and has a 1/17<sup>th</sup> share of Lot 18. The proposal does not affect land in Lot 19 DP 391213. It sees the area of land in the current Lot 17 DP 391213 reduce to 4.968ha, to remain amalgamated with Lot 19, resulting in a total area of 9.942ha, compared to the current area of 10.6490ha. Utility Lot 18's overall area will increase by a corresponding amount.

This proposal is not without precedent, the applicant having recently done a similar boundary adjustment between Lots 15 and 18 of the Omarino development in order to better accommodate shared facilities. That previous boundary adjustment has had TA Approvals issued. This application is for a boundary adjustment only, with no land use component. No habitable buildings are currently permitted/allowed within the area proposed for transfer and this will remain the case after the transfer. This restriction is imposed by way of the existing management plan and consent notices applying to the site.

The proposal sees no change to access; no change to covenanted area AQ (containing existing built development on Lot 17); and no change to easement K.



The boundary adjustment does not impact on the original consent's average lot requirements or category of consent. It was a Management Plan subdivision relying on average minimum lot size requirements and the average remains unchanged following the adjustment.

## 1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent for a minor boundary adjustment. 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. The name and address of the owner of the property is contained in the Form 9 Application form.

## 2.0 PROPERTY DETAILS

Location:	Lots 17 & 19 and Lot 18, Manawaora Road, accessed via 285 Manawaora Road, Russell – refer Appendix 2 for Location Map
Legal description:	<p>Lots 17 &amp; 19 DP 391213, with a 1/17<sup>th</sup> share in Lot 18 DP 391213, contained in Record of Title 423437, dated August 2008.</p> <p>Lot 18 DP 391213, owned in 17 shares by Lots 1-17 DP 391213, contained in Record of Title 440867, dated August 2008, 8.455ha in area and held in 'leasehold'. Copies of the Record of Titles are attached in Appendix 3, along with relevant legal interests</p>

## 3.0 SITE DESCRIPTION

### 3.1 Physical characteristics

The site is located on Manawaora Road and accessed via the main Omarino entrance. Internal to the site, there is a gated entranceway controlling access. The development site is located beyond the entrance gateway and to the right, adjacent to Waipiro Bay. The area to be transferred is adjacent to the CMA, in a mixture of grass and vegetation. The grassed portion is generally level, with vegetated areas to the east on a gentle slope. There are currently no buildings within this area.



***Looking along southern grassed area of land to be transferred***

There is existing built development within the surveyed covenant area AQ, as provided for in the Management Plan, along with a consented wharf/jetty structure in front of the development within area AQ. This is all unaffected by the proposed boundary adjustment (no change).

There is access into Lot 17, around the toe of the slope and looping back to Lot 18 – refer to Scheme Plan. This remains unaffected. A large portion of Lots 17/19 is vegetated and this will remain the case.



***Typical vegetation on periphery of cleared areas within area to be transferred***



### 3.2 Mapped features relevant to the site

The site is zoned General Coastal in the Operative District Plan (ODP) with an Outstanding Landscape notation applying. Under the Proposed District Plan (PDP), the site is zoned Rural Production with a Coastal Environment Overlay.

Whilst parts of Lot 19 contain High Natural Character areas, Lot 19 is not involved in the proposed transfer. There is no Outstanding or High Outstanding Natural Character values mapped on Lot 17.

Parts of the coastal fringes of the site are mapped in the PDP as being potentially subject to Coastal Flooding. The existing built development in AQ is within one such area. The other covers the lower lying portions of the land to be transferred. However, as stated earlier, this application does not include any land use proposal. The utility lot to which this land is to be added is precluded from residential use in any event. The site is not mapped as being subject to coastal or terrestrial erosion. The soils within the site are mapped as LUC Class 6.

The site is identified on the FNDC's Far North Maps, Species Distribution layer, as being within a 'kiwi present' area. The adjacent mangrove area is identified as being part of a Protected Natural Area (PNA) – "Eastern BOI Estuary".

The FNDC's Far North Maps, Historic Sites layer identifies a single archaeological site associated with the existing built development. There are no sites in the vicinity of the area of land to be transferred.

The site is not within any Treaty Settlement Statutory Acknowledgement Area or Treaty Settlement Area of Interest (Source: Proposed District Plan).

### 3.3 Legal Interests

The title for Lots 17/19 has a number of legal interests, all of which will remain unchanged after the boundary adjustment.

Instrument	Purpose
7907807.2	Consent Notice imposed by Council as part of the original subdivision
8828538.1	Variation to the above Consent Notice (none of the variation directly relevant to the application site)
10430876.1	Further variation to Consent Notice (relating solely to built development already completed within Lot 17)
7907807.4	Easement in Gross to convey telecommunications in favour of what was at that time Telecom NZ (now Chorus)
7907807.5	Easement in Gross to convey electricity in favour of Top Energy
7907807.9	Subject to right of way and right to convey electricity, telecoms and computer media over same part
7907807.12	Inspection and Maintenance easement in gross in favour of the Omarino Residents Association
7907807.13	Encumbrance to Omarino Residents Association
7907807.14	Lease agreement relating to Omarino Residents Association

In addition to the above instruments, the title has appurtenant right of way pursuant to an old 1977 instrument (Deed of Grant 638899.1) and appurtenant rights in relation to the use of Omarino's common facilities, including walking and riding rights; as well as appurtenant ROW, services, water conveyance and electricity; and right of use and enjoyment of reserve/open space. There is also a private Land Covenant (7907807.7) registered on the title in 2008.

There are no legal interests listed on the title for Lot 18 given that it is owned in 17 shares equally split amongst 17 other titles and all legal interests affecting those 17 titles are listed on those titles as opposed to on the title for Lot 18.

### 3.4 Consent History

There are a host of consents (both resource consents and building consents) on the property files for the application site, however only a handful of those are relevant to Lots 17/19, the remainder applying to areas outside of the Application site. A summary of the *relevant* consent history for the development is outlined below.

RC 2050323, and associated Environment Court Consent Order 20041055, created 17 lots plus a shared access and facilities lot. There was a subsequent variation to RC 2050323 in 2007 which altered some boundaries (RC 2070967-RMAVAR), but this was not given effect to. There was a further Variation issued in June 2008 (RC 2080375).

Although not involving the application site, relevant consent history also includes RC 2170293-RMASUB which consented a boundary adjustment between Lots 16 and 25 of the original Omarino development, and more recently RC2250345 consented a boundary adjustment between Lots 15 and 18.

The existing built development within Lot 17 was originally consented via RC 2160271-RMALUC issued in 2016. This was for:

- Replacement of homestead;
- Fisherman's building;
- In-ground swimming pool;
- Pathways;
- Third residential unit;
- Refurbishment of boatshed/garage and ancillary buildings;
- Water tanks;
- Cut/fill; and
- Indigenous vegetation clearance.

It also varied the consent notice – refer to table above – in regard to distance of buildings from the coastal marine area.

Associated with the above comprehensive land use consent, discharge consent 2170314-RMADIS was also issued. More recently RC 2260041-RMALUC was issued for a new garage.



Several building consents were issued related to the homestead redevelopment:

BC-2017-727 (wastewater); BC-2017-674 (earthworks and retaining wall); BC-2017-763 (homestead); BC-2017-920 (homestead; and BC-2018-315 (also homestead);

### 3.5 Management Plan

The management plan applying to Omarino properties, focuses on development on the individually owned lots.

The purpose/aim of the original Omarino Management Plan is described in its section 1.0 as:

- To provide for the use and enjoyment of the Omarino residential properties for owners, their families and guests.
- To provide a basis for the development of resident's association rules which will give effect to the purpose and provisions of the Management Plan.
- To establish Design Guidelines which will ensure that the development of buildings, structures and site landscaping have design integrity, and are sympathetic to the landscape and character of the property as a whole.
- To provide ongoing maintenance for the native forest restoration which has been completed on the property.
- To provide a regime for controlling animal pests and predators on the property.
- To provide detailed provisions for the management of Brown Teal, an "at risk" bird species, for which the wetland on the property is a recognised habitat.
- To provide for the maintenance of roads, tracks, communal buildings and other utilities on the property.
- To provide controls and protocols to ensure the protection and maintenance of heritage sites and sites of cultural significance on the property. These include the creation of heritage covenants on the two pa sites on the property.
- To establish a framework to ensure that the communal facilities provided at Omarino for the use of its residents, such as the recreation room and boating facilities, are used in a manner that respects neighbours in the Bay.
- To bring the requirements of the resource consents authorising the subdivision and development, and the New Zealand Historic Places Trust Authority, to the attention of property owners.

The area being transferred is maintained by the Omarino Residents Association and is therefore being transferred to that Association (by becoming part of Lot 18), as was historically agreed but never actioned until now.

I consider the proposed boundary adjustment to remain consistent with the purpose of the Management Plan.

Lot 17 is already developed to the extent that it is allowed to be, with all works duly consented. This proposal, simply a boundary adjustment, does not alter any of that lot's obligations in terms of the Management Plan or consent notice.

Many of the Management Plan requirements are repeated in Consent Notices and Covenants registered on the affected titles. The re-vegetation programme of previously cleared areas, along with the pest animal / predator and weed control programmes, were required to be implemented by the ORAI. Maintaining the re-vegetated areas became the responsibility of individual lot owners. This proposal does not involve any vegetation clearance.

Archaeological sites were identified and subject to ongoing protection. Maori cultural values are to be recognised and respected on an ongoing basis. There are no identified archaeological sites within the area of land being transferred.

Architectural Guidelines form Part 2 of the Management Plan. Lot 17 is already developed and is a stand alone case in any event, being the subject of a comprehensive land use consent to redevelop the homestead, fisherman's cottage and other ancillary buildings already present on the site. Lot 18 is not included in Part 2 of the Management Plan.

In summary I consider the proposal to be generally consistent with, and to adhere to, the Management Plan.

#### 4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

##### Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 6 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Sections 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is for boundary adjustment subdivision pursuant to the FNDC's ODP.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	No other resource consents are required.



<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<p><i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i></p> <p><i>(a) any relevant objectives, policies, or rules in a document; and</i>  <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i>  <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i></p>	Refer to Section 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<p><i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i></p> <p><i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i></p> <p><i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i></p>	<p>Refer to Section 3 in regard to existing development.</p> <p>Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>
<i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i>	
<p><i>(a) the position of all new boundaries;</i>  <i>(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:</i></p>	Refer to Scheme Plans in Appendix 1.

<p>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:</p> <p>(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:</p> <p>(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:</p> <p>(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):</p> <p>(g) the locations and areas of land to be set aside as new roads.</p>	
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**Clause 6: Information required in assessment of environmental effects**

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The proposal does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation</i>	Refer to Section 8 of this planning report. No affected persons have been identified.

<i>undertaken, and any response to the views of any person consulted:</i>	
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

**Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)**

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 & 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6. The site has no aesthetic or scientific values that I am aware of, that will be adversely affected by the proposal. The proposal is for a boundary adjustment only, with no physical works involved. No archaeological sites are affected.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	Whilst a part of the site is mapped as being subject to coastal flooding, there is no intention (or ability) to ever establish a habitable structure within that area in any event. The proposal does not involve hazardous installations.



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## 5.0 COMPLIANCE ASSESSMENT

### 5.1 Operative District Plan (ODP)

The proposal seeks to adjust the boundary between Lots 17 and 18 by way of a boundary adjustment.

The relevant rule is:

#### **13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES**

*Boundary Adjustments Performance Standards Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:*

- (a) there is no change in the number and location of any access to the lots involved; and*
- (b) there is no increase in the number of certificates of title; and*
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and*
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and*
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and*
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.*

Part (a) is complied with as there is no change in the number or location of access to the lots;

Part (b) is met as there is no increase in the number of lots;

Part (c) is met because the two lots in question are already less than the restricted discretionary minimum lot size of 20ha in the General Coastal Zone and the degree of non compliance is not affected. The entire development was the subject of a management plan subdivision, containing average lot size provisions. The average does not change.

Part (d) is met in that the lots are contiguous.

Part (e) is met in that existing built development within Lot 17 is at the opposite side of the Lot to the area of land being transferred with no changes to boundaries in the vicinity of that development. All existing development is consented. The adjusted Lot 18 is a shared utility/facilities lot, with no entitlement for residential use.

Part (f) is met as all on site drainage systems are those associated with the existing built development at the opposite end of Lot 17, well away from the area of land proposed to be transferred.

**Overall, the boundary adjustment proposal can meet all parts of 13.7.1 and is therefore a controlled activity under the Operative District Plan (ODP).**

## 5.2 Proposed District Plan (PDP)

The FNDC publicly notified its PDP on 27<sup>th</sup> July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity of the application under the Act.

Rules identified by the Council as having legal effect include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

As the proposal does not involve hazardous substances, these rules are not relevant to the proposal. Neither is the site a scheduled site or area of significance to Maori, or a significant natural area, or a scheduled heritage resource.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation proposed as a part of this proposal.

Subdivision (specific parts) – None of the subdivision provisions relevant to the boundary adjustment have legal effect.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks any artefacts are discovered. EW-13 and associated EW-S5 relate to ensuring

Erosion and Sediment Control measures are in place during earthworks. They cite compliance with GD05. I do not believe this proposal requires any physical works.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Oronga Bay Zone.

In summary, I have not identified any breaches of rules (having legal effect).

There are no zone rules within the Rural Production Zone with immediate legal effect, nor any rules applying to the Coastal Environment; Outstanding Natural Landscape; or High Natural Character overlays.

### **5.3 Assessment of Development against Consent Notice 7907807.2**

This consent notice has been varied by 8828538.1 and more recently (2016) by 10430876.1. Both the original and varied versions are attached as part of Appendix 3.

A boundary adjustment subdivision is required, which may appear contrary to clause (i) of the Consent Notice. However, it is not without precedent - refer to RC 2170293-RMASUB, a previous boundary adjustment between the original Lots 16 and 25; and RC 2250345-RMACOM a more recent boundary adjustment between Lots 15 and 18.

The Consent Notice has a total 37 clauses, not all of which relate to or affect Lots 17/19 and 18. An assessment of the proposal against those clauses that are relevant follows:

1. *Further subdivision of Lots 1 through 12, 14 through 17, 19, 20, 21 and 25 on the plan is prohibited.*

In the processing of RC 2170293-RMASUB, it was accepted that the boundary adjustment did not in fact represent the subdivision of any lot, primarily because the boundary adjustment did not create any additional allotments. To quote from the Council's s95 report for 2170293:

*"Boundary adjustments applications are a form of subdivision in terms of the District Plan, however, the definition of subdivision in the District Plan refers to that as defined in s218 of the Act. The definition suggests that subdivision results in the issue of a separate title, lease or cross lease of part of the title, or the creation of an additional unit title; all of which result in increased development/use rights. As indicated by the applicant, this is not the case in this instance; no development beyond what was intended by the underlying subdivision consent will be possible as a result of the application. As such it is agreed that approving this application would not be contrary to the existing consent notice condition which it is considered was established to prohibit further development and/or increase in use so as to ensure the low density character of the development is maintained in the future".*



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If the above is accepted to have created a precedent, no change to clause 1 is required.

All clauses of consent notices can and will continue to apply, and no change is being sought to any.

## **6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **6.1 Allotment Dimensions**

The land transfer will result in two titles in excess of 9ha apiece. Both 'affected' lots already support built environment. Lot 17 has utilised its defined curtilage area in doing so. Lot 18 is a shared utilities lot, with no residential development allowed. There are already existing buildings (non habitable) elsewhere within Lot 18.

### **6.2 Property Access**

The boundary adjustment makes no change to existing (consented) access and creates no need for any additional access.

### **6.3 Natural Hazards**

Lot 17 is already developed and the proposal intends no further development within that Lot. Lot 18 is not consented to contain any habitable building. No habitable building is proposed for the area of land being transferred. Some of that land is reasonably low lying and mapped as being susceptible to coastal flooding/inundation over the flat area. That notation does not apply to the more elevated portion of the land being transferred. As no additional development, and no habitable buildings are proposed or form part of this application, and the land being transferred has areas outside of any coastal flooding area as well, I do not believe the boundary adjustment poses any significant risk from natural hazard.

### **6.4 Water Supply**

The proposal creates no additional need for any water supply over and above what is already provided. Both Lots 17 and 18 have water supply already provided.

### **6.5 Stormwater Disposal**

Development within the slightly reduced area Lot 17 is existing with stormwater management in place. The small amount of land being transferred to Lot 18 is vacant land. This lot is a utilities lot containing all shared accessways to the properties within Omarino. It has existing impermeable surface accordingly. This is not altered by this boundary adjustment.

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## **6.6 Sanitary Sewage Disposal**

Lot 17 is already developed and Lot 18 is already serviced with on-site wastewater in those areas of it that support buildings and requiring facilities, e.g. the implement and storage shed area on Lot 18. The proposal creates no additional demand for wastewater treatment or disposal.

## **6.7 Energy Supply (including transmission lines) and Telecommunications**

No new lots are being created. The development already has power. There are no transmission lines in the vicinity.

## **6.8 Easements for any Purpose**

No new or varied easements are proposed or required because of the boundary adjustment. All existing easements will carry over as appropriate.

## **6.9 Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes**

The boundary adjustment has nil impact on heritage resources, vegetation, fauna and landscape. No additional lot is being created. No clearance is required for any access.

## **6.10 Access to Reserves and Waterways**

The boundary adjustment does not create any lot with area of less than 4ha.

## **6.11 Land Use Incompatibility**

The proposal does not create any land use incompatibility issue. Currently there is a privately owned Lot 17 adjacent (and owning part of) a shared utility Lot 18. Following the boundary adjustment there will remain a privately owned Lot 17 adjacent to commonly owned utility Lot 18. This represents a 'no change' scenario.

## **6.12 Proximity to Airports**

The site is not near any airport.

# **7.0 STATUTORY ASSESSMENT**

## **7.1 Operative District Plan Objectives and Policies**

Objectives and policies relevant to this proposal are predominantly those listed in Chapter 10 and in particular 10.6 General Coastal Zone. These are discussed below where particularly relevant to this proposal.

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**10.3 OBJECTIVES**

*10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.*

The proposal is to transfer a small area of land out of private ownership into the jointly owned utilities lot, to provide better potential and scope for future shared facilities. The proposal will result in a lot layout and use; and average lot size; that remains consistent with the Management Plan and adverse effects are readily avoided, remedied or mitigated.

*10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance: (a) the natural character of the coastline and coastal environment; (b) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (c) outstanding landscapes and natural features; (d) the open space and amenity values of the coastal environment; (e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).*

The Omarino development has involved substantive re-vegetation and ongoing pest plant and animal management and control. This will continue. Lot 17 is already developed to its allowable limit within the defined curtilage area on the survey plan. The proposal involves no vegetation clearance or earthworks. The land being transferred can barely be seen (if at all) from any public viewing point. I believe the proposal to be consistent with Objective 10.3.2.

*10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.*

This is a minor boundary adjustment with no development forming part of the application. I believe the time for consultation with iwi will be if and when the land being transferred to become part of Lot 18 is proposed to be 'developed'. There is an existing requirement to involve local tangata whenua in such works. Lot 17 is already developed, and no further development is proposed for that lot as part of this minor boundary adjustment.

*10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety; and*

*10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.*

The application site has no public access esplanade reserve, neither is it required to.

*10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.*

This objective is aimed more at the FNDC's own 3 waters providers than an individual site. Notwithstanding this, both 'affected' existing titles already have water supply.



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10.4 POLICIES

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:

(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and

(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and

(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

All relevant aspects of the above Policy have been considered in the proposed minor boundary adjustment. The proposal is considered "appropriate" and therefore consistent with the Policy. Refer to Assessment of Effects section of this report. The proposal gives effect to the NZ Coastal Policy Statement and Regional Policy Statement. Refer to Sections 10.4 and 10.6 later in this report.

10.4.2 That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.

The proposal does not represent 'sprawling or sporadic subdivision and development' given that it involves land within an historically consented Management Plan subdivision development, and does not increase the number of titles.

10.4.3 That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.

The proposal does not adversely impact on ecological values of significant coastal indigenous vegetation or significant habitats.

10.4.4 That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.

See earlier comment in regard to related Objectives.

10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development

and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".

See above comments. The small area of land being transferred contains no archaeological or cultural sites of significance.

*10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

See above comments.

*10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.*

No habitable development is proposed as part of this boundary adjustment. Therefore no risk to the health and safety of people results.

*10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.*

Water supply is existing.

*10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.*

This policy is more relevant to land use applications rather than a simple and minor boundary adjustment where no built development is being immediately proposed.

*10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas.*

The boundary adjustment does not include any land use (development) component. The mitigation measures outlined above can, and will, be taken into account if and when any development occurs on the area of land being transferred.

The objectives and policies applying to the General Coastal Zone are repetitive of those applying to the Coastal Environment, particularly to those parts of the coast that still display a degree of natural character. Consistent with my commentary under the Coastal Environmental Objectives and Policies above, I believe the proposal to be consistent with the General Coastal objectives and policies.

#### 10.6.3 OBJECTIVES

*10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.*

*10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.*

I consider the proposed boundary adjustment to be appropriate for the site and remain consistent with the Omarino Management Plan's objectives and Design and Landscape Guidelines.

#### 10.6.4 POLICIES

10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

10.6.4.2 That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.

10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives (2004)");

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

10.6.4.6 The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.

I consider that the proposal does not compromise natural character values and is appropriate for the site. No earthworks is required. No clearance of indigenous vegetation is required.

There is no requirement to provide public access. The proposed development is consistent with the objectives of the management plan and respects heritage and cultural values.

There are no archaeological sites near or within the area of land being transferred. In any event the Accidental Discovery Protocol (ADP) will apply. There are no listed heritage buildings or objects, or notable trees, in the District Plan's schedules.



The area of land being transferred is partially within an Outstanding Landscape. The cleared area within the land being transferred is not. As this proposal simply transfers land from one title to another, and involves no vegetation clearance (the only part of the area that is mapped as OL), I consider the proposal to be consistent with the Objectives and Policies in the ODP relating to the protection of OL's.

## 7.2 Proposed District Plan Objectives and Policies

The property has a Rural Production Zone under the Proposed District Plan (PDP) and has a Coastal Environmental Overlay. The objectives and policies applying to the RP Zone are of limited value or relevance when one considers that the sites were consented 15 years ago for coastal lifestyle development by way of a comprehensive management plan that effectively precludes the use of the site for rural production purposes.

In summary the proposal cannot be entirely consistent with the PDP's Rural Production Zone objectives and policies because the application site is not, and is not permitted to be, available for rural production use. Noting the inappropriateness of the zoning when compared to the only viable / allowable land uses on the site, I believe it is not a matter of being contrary to objectives and policies, but rather that those objectives and policies have no relevance to the proposal.

### Objectives

#### RPROZ-O3

*Land use and subdivision in the Rural Production zone:*

- a.protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b.protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c.does not compromise the use of land for farming activities, particularly on highly productive land;*
- d.does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

#### RPROZ-O4

*The rural character and amenity associated with a rural working environment is maintained.*

There is no highly productive land, and there are no productive land use activities and therefore no rural working environment. The proposal does not exacerbate natural hazards and the site is already and/or can be serviced by on-site infrastructure.

### Policies

#### RPROZP3

*Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.*

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No new 'sensitive' activity is proposed.

**RPROZP4**

Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- a. a predominance of primary production activities;
- b. low density development with generally low site coverage of buildings or structures;
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and
- d. a diverse range of rural environments, rural character and amenity values throughout the District.

The site has no rural character, but does have amenity values, all of which will continue to be maintained.

**RPROZP5**

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;
- c. would result in the loss of productive capacity of highly productive land;
- d. would exacerbate natural hazards; and
- e. cannot provide appropriate on-site infrastructure.

No land use proposed.

**RPROZP6**

Avoid subdivision that:.....

Not overly relevant in the circumstances and noting that it is only a small area of land that is shifting from one lot to another. No fragmentation or sterilisation of soils results and there is nil impact on the productive capacity of any land.

**RPROZP7**

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

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

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i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;

j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

As far as I can ascertain, no resource consent is required under the PDP and the above policy is therefore of limited relevance. The activity does not rely on the productive nature of the soil. The level of development is consistent with the current scale and character of the Omarino development. The proposal does not involve the location, scale and design of buildings. No reverse sensitivity effects arise, and there will be no loss of highly productive land or fragmentation. Onsite infrastructure either already exists within both Lots 17 and 18. Access to the site is already existing and adequate.

The underlying consent requires the consideration of the effects on historic heritage and cultural values and the application has also carefully considered effects on natural features, landscapes and indigenous vegetation.

Of more relevance in assessing this proposal are objectives and policies in the PDP relevant to the coastal nature of the site. The site where the development is to occur is mapped in the PDP as being within the coastal environment. The development site is not mapped in the PDP as having any outstanding natural landscape or high natural character values.

#### Coastal Environment Objectives and Policies:

**CE-O1** *The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.*

**CE-O2** *Land use and subdivision in the coastal environment:*

- a. *preserves the characteristics and qualities of the natural character of the coastal environment;*
- b. *is consistent with the surrounding land use;*
- c. *does not result in urban sprawl occurring outside of urban zones;*
- d. *promotes restoration and enhancement of the natural character of the coastal environment;*  
*and*
- e. *recognises tangata whenua needs for ancestral use of whenua Māori.*

I believe the proposal has nil effect on natural character values. It maintains the characteristics and qualities of the coastal environment in this location. It is consistent with the surrounding land use and does not represent urban sprawl. Natural character values and tangata whenua needs continue to be maintained through the Management Plan applying to the site.

Only some policies applying to the coastal environment have relevance to the application site and proposal. Policy CE-P1 is not relevant to a specific development within a specific site. Policy CE-P5 applies to urban zones, which the application site is not. Policy CE-P6 relates to enabling farming activities and for the reasons outlined earlier, is not considered a relevant policy to this development. Policy CE-P7 refers to Maori Purpose and Treaty Settlement land only and is not relevant to this proposed development. Policy CE-P9 refers to

areas of outstanding natural character value of which there are none in the area proposed for transfer.

**CE-P2** Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:

- a. outstanding natural character;
- b. ONL;
- c. ONF.

**And**

**CE-P3** Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:

- a. outstanding natural character;
- b. ONL;
- c. ONF.

The area of land being transferred is mapped as Outstanding Natural Landscape (ONL) in part. The cleared area within that land is not mapped as such. Both CE-P2 and P3 are therefore relevant. The boundary adjustment does not involve any development or vegetation clearance and as such has nil adverse effect on land mapped as ONL in the coastal environment.

**CE-P4** Preserve the visual qualities, character and integrity of the coastal environment by:

- a. consolidating land use and subdivision around existing urban centres and rural settlements;  
and
- b. avoiding sprawl or sporadic patterns of development.

The proposal does nothing to alter the visual qualities, character and integrity of the coastal environment.

**CE-P8** Encourage the restoration and enhancement of the natural character of the coastal environment.

The ongoing maintenance and enhancement of natural character is an ongoing objective of the Management Plan that the site is part of.

**CE-P10** Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. the presence or absence of buildings, structures or infrastructure;
- b. the temporary or permanent nature of any adverse effects;
- c. the location, scale and design of any proposed development;
- d. any means of integrating the building, structure or activity;
- e. the ability of the environment to absorb change;
- f. the need for and location of earthworks or vegetation clearance;
- g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;
- h. any viable alternative locations for the activity or development;
- i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;
- j. the likelihood of the activity exacerbating natural hazards;
- k. the opportunity to enhance public access and recreation;
- l. the ability to improve the overall quality of coastal waters; and

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m. any positive contribution the development has on the characteristics and qualities.

The proposal has taken into account any relevant matters above, although as no consent is required under the PDP the policy is very limited relevance. Policy CE-P10 reads along very similar lines to the ODP's Policy 10.6.4.3, already addressed earlier in this report.

In summary I believe the proposed development to be consistent with the PDP's coastal environment objectives and policies where these are relevant.

Due to the partial mapping as ONL, there are some objectives and policies in the PDP's Natural Features and Landscapes section that are relevant.

**NFL-O2** Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.

**NFL-P2** Avoid adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF within the coastal environment.

The minor boundary adjustment does not involve any development or vegetation clearance. Given that it is only the vegetated area that is mapped as an ONL, the proposal does not compromise the characteristics and qualities of the landscape or the coastal environment.

Whilst part of the land to be transferred to Lot 18 is mapped as being subject to coastal flood hazard, there remains land that is not. As the proposal does not (and cannot) involve any future residential (habitable) building I have not considered it necessary to provide a detailed assessment of natural hazard objectives and policies, especially as there are no rules with legal effect relating to those objectives and policies.

An assessment of the boundary adjustment aspect against relevant objectives and policies in the PDP's subdivision chapter follows:

**SUB-O1**

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

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

For the reasons outlined earlier, it is not possible for the Omarino development lots to achieve the objectives of the Rural Productive Zone. The lots within the development are not allowed to be farmed or used for productive purposes. The proposed minor boundary adjustment will achieve the efficient use of land and contribute to local character. I do not foresee reverse sensitivity becoming an issue and the proposal will not prevent the continued use of



adjacent land for its current purpose. Risk from natural hazards is not increased and adverse effects can be adequately managed.

**SUB-O2**

*Subdivision provides for the:*

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

The site contains no highly productive land. The proposal does not include built development. The proposal does not adversely impact on natural character or landscape values, nor the margins of any water body. There are no SNA's or Sites and Areas of Significance to Maori or Historic Heritage sites affected.

**SUB-O3**

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

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

On-site infrastructure for both Lots 17 and 18 exists.

**SUB-O4**

*Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:*

- a. *public open spaces;*
- b. *esplanade where land adjoins the coastal marine area; and*
- c. *esplanade where land adjoins other qualifying waterbodies.*

The proposal involves no public open spaces, and no esplanade areas. Neither is it required to.

**SUB-P1**

*Enable boundary adjustments that:*

- a. *do not alter:*
  - i. *the degree of non compliance with District Plan rules and standards;*
  - ii. *the number and location of any access; and*
  - iii. *the number of certificates of title; and*
- b. *are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.*

The proposal does not alter the degree of non compliance with District Plan rules and standards; does not change access; and does not increase the number of titles. It is compliant with access, infrastructure and esplanade provisions. The lots are part of a consented management plan and as such minimum lot sizes as contained in the PDP, are not relevant.

---

**SUB-P2**

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not applicable.

**SUB-P3**

Provide for subdivision where it results in allotments that:

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

The subdivision is a boundary adjustment only, not altering the average lot size provided for under the ODP's Management Plan provisions. As stated earlier, it is simply not possible to be consistent with the Rural Production Zone because the site is not permitted to be utilised for Rural Production purposes. The proposal will not bring about the need to provide a building platform for any habitable building. Legal and physical access exists.

**SUB-P4**

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

The proposal can be managed in a way that is consistent with the PDP's natural environment values, historical and cultural values, and hazards and risks.

**SUB-P5**

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to .....

Not applicable.

**SUB-P6**

Require infrastructure to be provided in an integrated and comprehensive manner by:

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

No new infrastructure is required.

**SUB- P7**

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.

Not applicable.

**SUB-P8**

Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

---

N/A. Boundary adjustment only and not creating rural lifestyle lots.

**SUB-P9**

*Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.*

Not applicable – not creating rural lifestyle lots.

**SUB-P10**

*To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.*

Not applicable.

**SUB-P11**

*Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application:*

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

The proposal does not require consent under the PDP so the above policy is of limited relevance. Notwithstanding this, relevant matters in SUB-P11 have been considered.

## **7.3 Part 2 Matters**

### **5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is considered to provide for the sustainable management of natural and physical resources.

6 *Matters of national importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) the protection of protected customary rights;*
- (h) the management of significant risks from natural hazards.*

I consider the proposal to be appropriate for a site of this nature in the coastal environment. It is a minor boundary adjustment, not necessitating indigenous vegetation clearance or earthworks.

7 *Other matters*

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

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

The overall and ongoing Omarino development is subject to ongoing consultation with local tangata whenua. The proposal does not impact on the ongoing maintenance and

enhancement of amenity values and the overall quality of the environment, and respects the intrinsic values of ecosystems.

#### 8 Treaty of Waitangi

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

The principles of the Treaty of Waitangi have been considered and it is believed that this proposal does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

## 7.4 NZ Coastal Policy Statement

The NZ Coastal Policy Statement (NZCPS) has relevance to this proposal due to the property's location. The following objectives and policies are considered relevant to the proposal.

**Objective 2:** *To preserve the natural character of the coastal environment and protect natural features and landscape values through.....*

The proposal is a minor boundary adjustment and does not adversely impact on the coastal environment or natural features or landscape values.

**Objective 6:** *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

I consider the development to be an appropriate use of the site that provides for people's social and economic wellbeing.

#### **Policy 6:** *Activities in the coastal environment*

*(1) In relation to the coastal environment:*

*.....(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects; .....*

*(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and.....*

The proposal does not create any adverse visual effects. The boundary adjustment is minor and should the area of land being transferred be developed in the future, there is scope to achieve appropriate setback distances from the coastal marine area.

#### **Policy 11:** *Indigenous biological diversity (biodiversity)*

*To protect indigenous biological diversity in the coastal environment:*

*(a) avoid adverse effects of activities on:*



- 
- (i) indigenous taxa<sup>4</sup> that are listed as threatened<sup>5</sup> or at risk in the New Zealand Threat Classification System lists;
  - (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
  - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
  - (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
  - (v) areas containing nationally significant examples of indigenous community types; and
  - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
  - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
    - (i) areas of predominantly indigenous vegetation in the coastal environment;
    - (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
    - (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
    - (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; (v) habitats, including areas and routes, important to migratory species; and (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy

**Policy 13: Preservation of natural character**

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
  - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
  - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

**Policy 14 Restoration of natural character**

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

....

And

**Policy 15 Natural features and natural landscapes**

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

The proposal involves no indigenous vegetation clearance or habitat disturbance. Natural character values are not affected.

I believe the proposal gives effects to the relevant objectives and policies in the NZ Coastal Policy Statement.

---

## **7.5 Regional Policy Statement for Northland**

In preparing this application, the Regional Policy Statement for Northland has been considered, in particular those Objectives and Policies relevant to land identified as being within the “coastal environment”. The proposal is for a minor boundary adjustment between two adjacent lots. Of itself, the boundary adjustment has nil impact on values associated with the coastal environment. Should the area of land being transferred ever be the subject of development, remembering habitable buildings are not allowed, then that development will be subject to scrutiny in any event in terms of District, Regional and National Planning instruments.

The site's heritage and cultural values were explored and assessed as part of the original Omarino (previously Bentzen Farms) subdivision. There are no archaeological or cultural sites/values associated with the area of land being transferred. I believe the proposal to be consistent with any relevant objectives and policies in the Regional Policy Statement relating to these matters.

The site was part of the modified land use known as Bentzen Farms, the hub of which (homestead and woolshed) was at Waipiro Bay. Since the Omarino Management Plan subdivision was consented there has been substantial efforts made to re-establish and enhance indigenous vegetation growth over the Omarino development site. In addition, there is an ongoing requirement to manage and control plant and animal pests. This is consistent with objectives and policies in the Regional Policy Statement related to the enhancement of areas of indigenous vegetation.

None of the land in the application site is considered to contain “highly versatile soils” and productive potential is low in this regard. In any event, the Management Plan and Consent Notice requirements preclude use of the site for productive purposes.

## **8.0 s95A-E ASSESSMENT**

### **8.1 S95A Public Notification Assessment**

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

---

## **8.2 S95B Limited Notification Assessment**

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance.

Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity (by definition in the Act). The s95E assessment below concludes that there are no affected persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

## **8.3 S95D Level of Adverse Effects**

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

## **8.4 S95E Affected Persons**

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. No written approvals have been sought in this instance.

The activity is a controlled activity and within the expected outcomes of a boundary adjustment subdivision. I have not identified any affected persons.

## **9.0 CONCLUSION**

The site is considered suitable for the proposed development, and effects on the wider environment are no more than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, the NZ Coastal Policy Statement, and the Regional Policy Statement, as well as Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal 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 proposal, on a non notified basis, subject to appropriate conditions.



Lynley Newport  
**Senior Planner**  
**Thomson Survey Ltd**

Date 12<sup>th</sup> January 2026

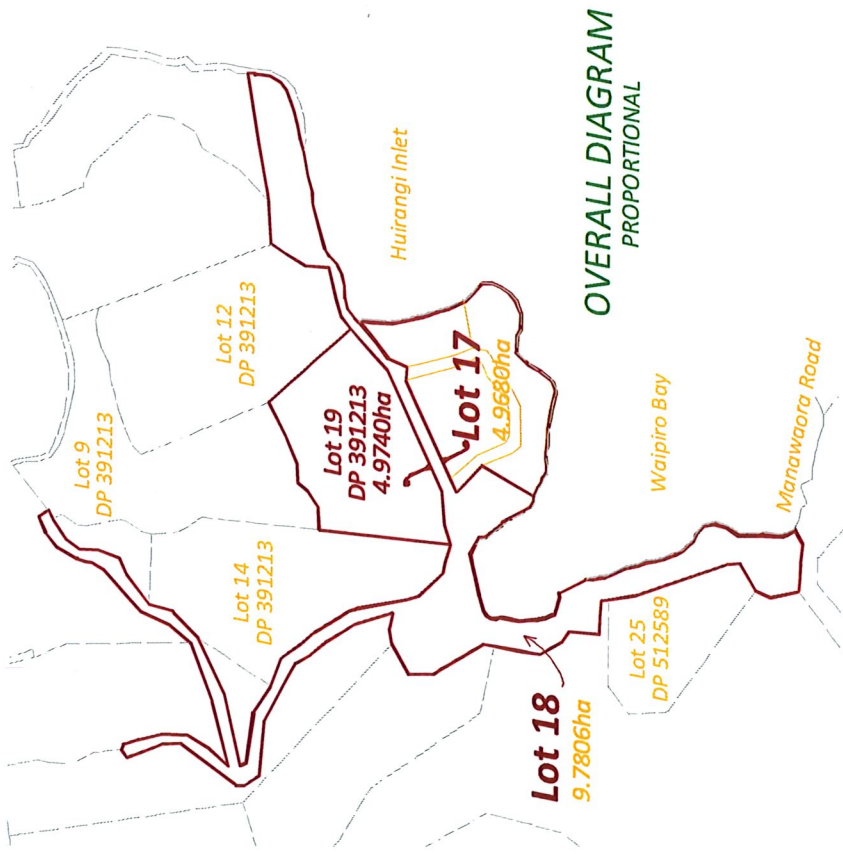
## 10.0 APPENDICES

<b>Appendix 1</b>	Scheme Plan(s)
<b>Appendix 2</b>	Location Map
<b>Appendix 3</b>	Record of Title and Relevant Instruments

## **Appendix 1**

### Scheme Plan(s)





OVERALL DIAGRAM  
PROPORTIONAL

OVERALL DIAGRAM  
PROPORTIONAL

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: 423437  
Total Area:  
Zoning: General Coastal  
Resource features: Outstanding Landscape

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
INSPECTION & WORK RIGHT	LOT 17 HEREON EXCLUDING (AO)	LOT 17 HEREON	7907807.12

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & COMPUTER MEDIA	(K)	LOT 17 HEREON	7907807.9



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.

AMALGAMATION CONDITION:  
THAT LOT 17 HEREON AND  
LOT 19 DP 391213 ARE TO BE  
HELD IN THESAME CERTIFICATE  
OF TITLE.

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

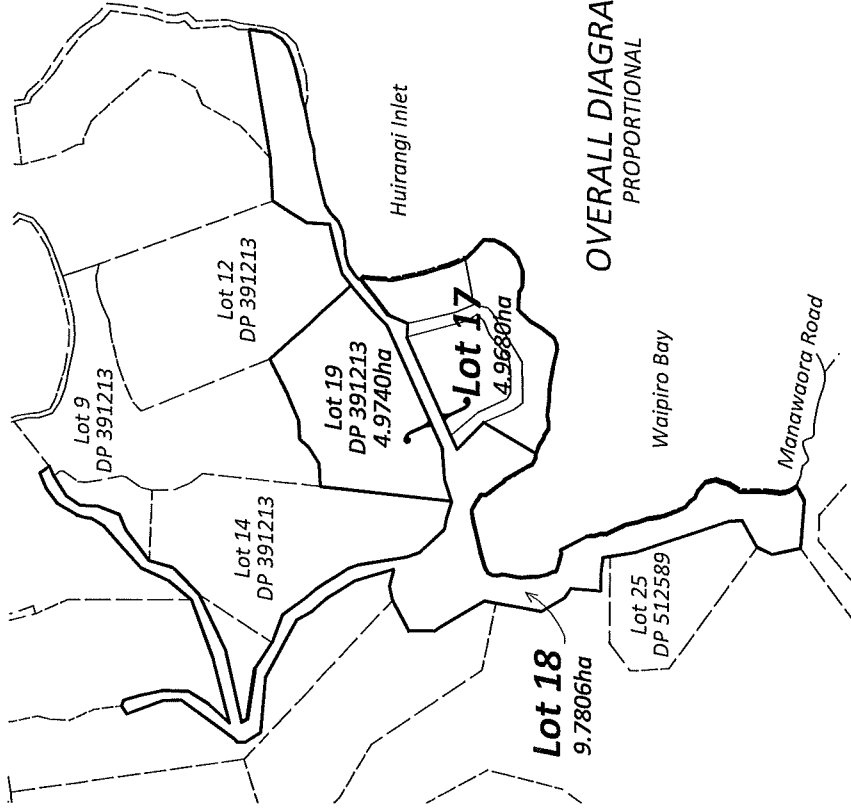
Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT BETWEEN  
LOTS 17, 18 & 19 DP 391213  
MANAWAORA ROAD, RUSSELL

PREPARED FOR: BENTZEN FARMS LTD

Survey	Name	Date	ORIGINAL
Design			SCALE
Drawn	KY	04.04.25	1:2500
Approved			A3
Rev	KY	28.11.25	
10757 Scheme 20251128			

Supervisors Ref. No: 10757  
Sheet 1 of 1



OVERALL DIAGRAM  
PROPORTIONAL

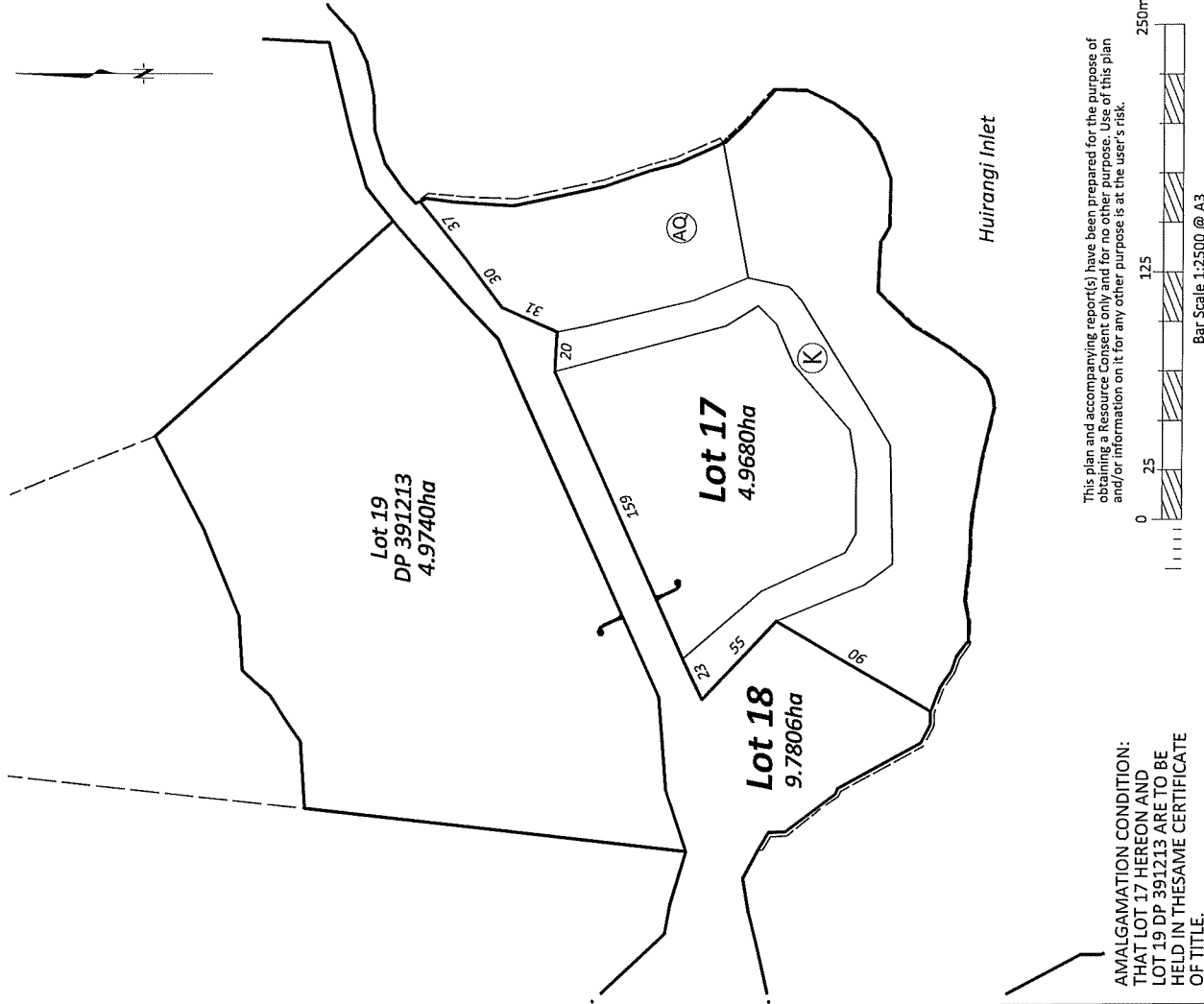
OVERALL DIAGRAM  
PROPORTIONAL

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Comprised in: 423437  
Total Area:  
Zoning: General Coastal  
Resource features: Outstanding Landscape

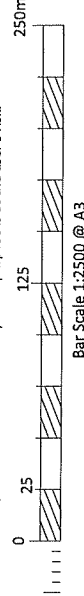
EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
INSPECTION & WORK RIGHT	LOT 17 HEREON EXCLUDING (AQ)	LOT 17 HEREON	7907807.12

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & COMPUTER MEDIA	(K)	LOT 17 HEREON	7907807.9



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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT BETWEEN  
LOTS 17, 18 & 19 DP 391213  
MANAWAORA ROAD, RUSSELL  
PREPARED FOR: BENTZEN FARMS LTD

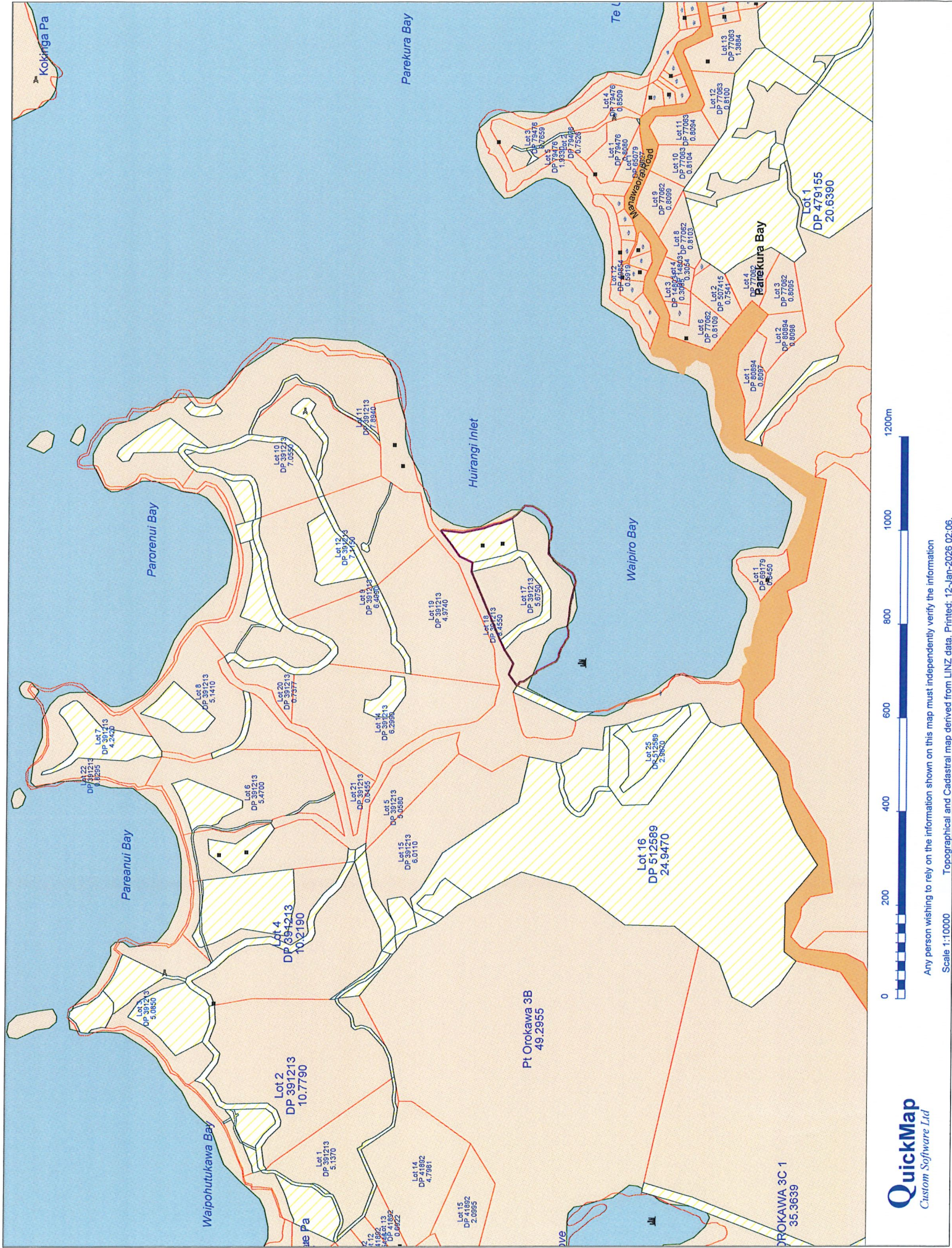
	Name	Date	ORIGINAL
Survey			
Design			SCALE
Drawn	KY	04.04.25	1:2500
Approved			A3
Rev	KY	28.11.25	
10757 Scheme 20251128			

Supervisors  
Ref. No: 10757  
Sheet 1 of 1

## **Appendix 2**

### Location Map







## **Appendix 3**

### Record of Title and Relevant Instruments





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 423437  
**Land Registration District** North Auckland  
**Date Issued** 14 August 2008

**Prior References**  
NA35A/947 NA35D/223

---

**Estate** Fee Simple  
**Area** 10.6490 hectares more or less  
**Legal Description** Lot 17, 19 Deposited Plan 391213  
**Registered Owners**  
Pigeon Mountain Trustee Company Limited as to a 1/2 share  
Halcyon Days Trustee Company Limited as to a 1/2 share

---

**Estate** Fee Simple - 1/17 share  
**Area** 8.4550 hectares more or less  
**Legal Description** Lot 18 Deposited Plan 391213  
**Registered Owners**  
Pigeon Mountain Trustee Company Limited as to a 1/2 share  
Halcyon Days Trustee Company Limited as to a 1/2 share

---

**Interests**

Appurtenant to the part formerly Part Rawhiti No 2 Block in CT NA35A/947 is a right of way created by Deed of Grant 638899.1 - 2.3.1977 at 2.20 pm

7907807.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2008 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 391213)

Subject to a right (in gross) to convey telecommunications and computer media over Lot 18 and part marked K on DP 391213 in favour of Telecom New Zealand Limited created by Easement Instrument 7907807.4 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 391213)

Subject to a right (in gross) to convey electricity over Lot 18 and part marked K on DP 391213 in favour of Top Energy Limited created by Easement Instrument 7907807.5 - 14.8.2008 at 9:00 am

The easements created by Easement Instrument 7907807.5 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7907807.7 - 14.8.2008 at 9:00 am

Appurtenant hereto are walkway and riding rights created by Easement Instrument 7907807.8 - 14.8.2008 at 9:00 am

Appurtenant to Lots 18 and 19 DP 391213 is a right of way and a right to convey electricity, telecommunications and computer media created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Subject to a right of way and a right to convey electricity, telecommunications and computer media over part marked K on DP 391213 created by Easement Instrument 7907807.9 - 14.8.2008 at 9:00 am

Some of the easements created by Easement Instrument 7907807.9 are subject to Section 243 (a) Resource Management

Act 1991 (See DP 391213)

Appurtenant to Lot 18 DP 391213 is a right to convey water and electricity created by Easement Instrument 7907807.10 - 14.8.2008 at 9:00 am

Appurtenant hereto is a right of use and enjoyment created by Easement Instrument 7907807.11 - 14.8.2008 at 9:00 am

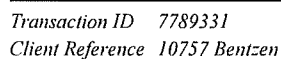
Subject to an inspection and maintenance work right (in gross) over Lot 17 DP 391213 excluding the part marked AQ on DP 391213 in favour of Omarino Residents Association Incorporated created by Easement Instrument 7907807.12 - 14.8.2008 at 9:00 am

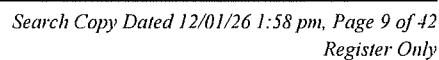
7907807.13 Encumbrance to Omarino Residents Association Incorporated - 14.8.2008 at 9:00 am

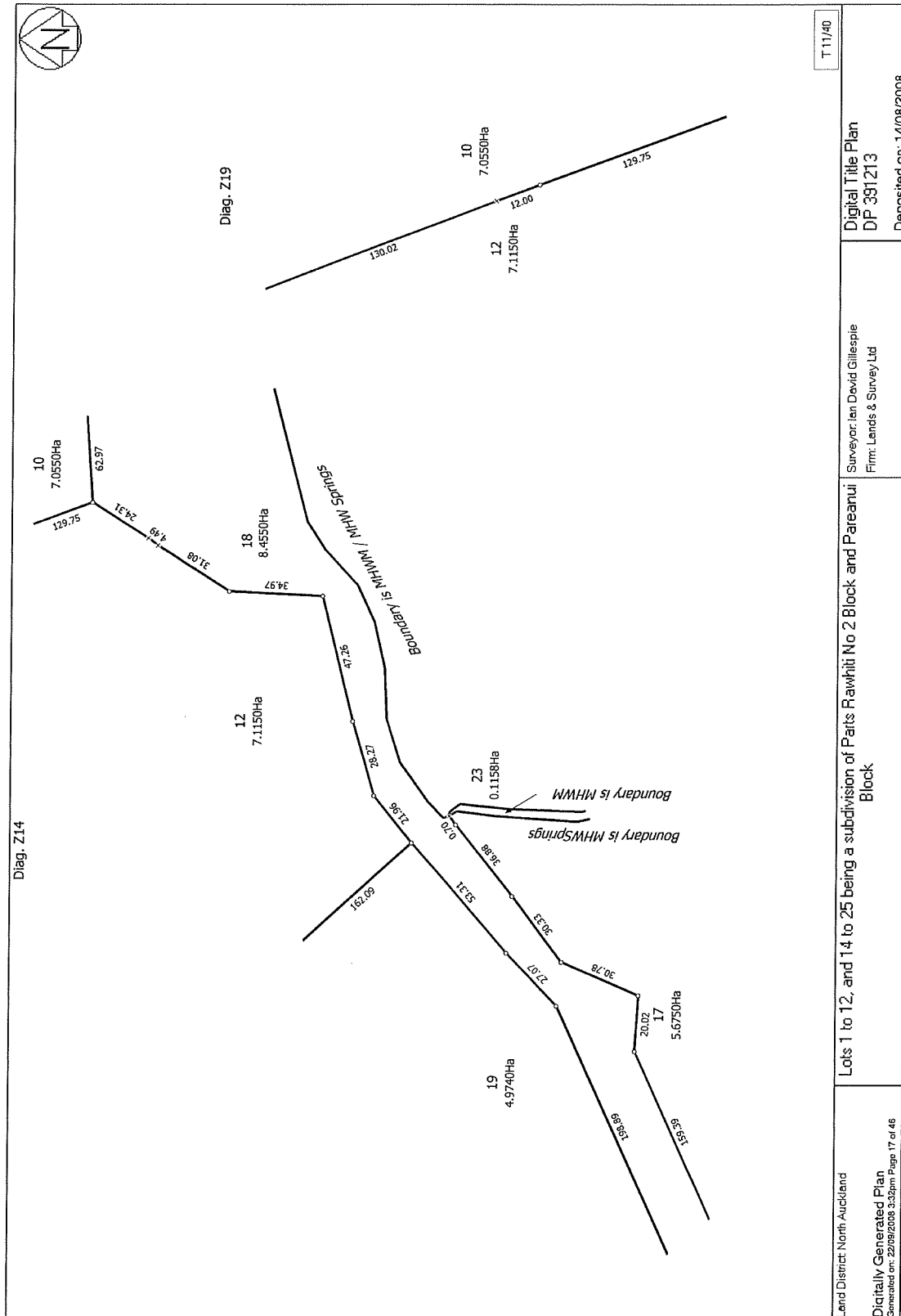
7907807.14 Lease of Lot 18 DP 391213 Term 999 years commencing on 8.8.2008 CIR 440867 issued - 14.8.2008 at 9:00 am (Right of Renewal)

8828538.1 Variation of Consent Notice 7907807.2 - 9.8.2011 at 10:15 am

10430876.1 Variation of Consent Notice 7907807.2 pursuant to Section 221(5) Resource Management Act 1991 - 18.5.2016 at 11:45 am







T 11/40

Land District: North Auckland	Lots 1 to 12, and 14 to 25 being a subdivision of Parts Rawhiti No 2 Block and Pareanui Block	Surveyor: Ian David Gillespie Firm: Lends & Survey Ltd	Digital Title Plan DP 391213
Digitally Generated Plan Generated on: 22/09/2008 3:32pm Page 17 of 46			Deposited on: 14/08/2008

