



Our Reference: 10595.1 (FNDC)

19 December 2023

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Shed constructed in breach of the Setback from Boundary rule applying to the Rural Production Zone at 101 Arawhata Road, Kaingaroa - Lennox**

I am pleased to submit application on behalf of R & D Lennox for a shed that has been constructed within the boundary setback required in the Rural Production Zone. The application is a restricted discretionary activity and given that the setback breach is the only rule breach and no engineering assessment is required, is regarded as a minor land use.

The application fee of \$1,500 has been paid separately via direct credit.

Regards



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

<b>Office Use Only</b> Application Number:
---

**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):**

- Land Use                     
  Fast Track Land Use\*                     
  Subdivision                     
  Discharge  
 Extension of time (s.125)   
  Change of conditions (s.127)   
  Change of Consent Notice (s.221(3))  
 Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)  
 Other (please specify) \_\_\_\_\_

**\*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

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

Yes / No

**4. Applicant Details:**

Name/s: [REDACTED]

Electronic Address for Service (E-mail): [REDACTED]

Phone Numbers: [REDACTED]

Postal Address: (or alternative method of service under section 352 of the Act) [REDACTED]

.Address for Correspondence: *Name and address for service and correspondence (if using an Agent write their details here).*

Name/s: **Lynley Newport; Thomson Survey Ltd**

Electronic Address for Service (E-mail): [lynley@tsurvey.co.nz](mailto:lynley@tsurvey.co.nz)

Phone Numbers: **Work: 4077360** Home: \_\_\_\_\_

Postal Address: **P O Box 372**

(or alternative method of service under section 352 of the Act) **KERIKERI**

Post Code: **0245**

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

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

Name/s: **As per item 4**  
\_\_\_\_\_  
Property Address/ Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Application Site Details:**

Location and/or Property Street Address of the proposed activity:

Site Address/ Location: **101 Arawhata Road**  
**KAINGAROA**  
\_\_\_\_\_

Legal Description: **Lot 2 DP 206538**

Record of Title: **NA132C/800**

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? No

Is there a dog on the property? 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.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Description of the Proposal:**

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

**Consent pursuant to Rule 8.6.5.3.4 for a breach of Setback from Boundary for existing shed, on land zoned Rural Production**

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

**8. Would you like to request Public Notification?** Yes/No

**9. Other Consent required/being applied for under different legislation (more than one circle can be ticked):**

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

**10. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).                       yes  no  don't know

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

**11. Assessment of Environmental Effects:**

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

**Please see attached AEE.**

**12. 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 all names in full)

Email:

Postal Address:

Post Code 0483

Phone Numbers:

**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 20<sup>th</sup> of the month following invoice date. You may also be required to make additional payments if your application requires notification.

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

Name:

Signature

Date: 19<sup>th</sup> December 2023

### 13. 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.

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

Name: Denise Lennox (please print)

Signature:  Date: 19<sup>th</sup> December 2023

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

#### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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.*

**Digital Applications may be submitted via E- mail to: [Planning.Support@fndc.govt.nz](mailto:Planning.Support@fndc.govt.nz)**

**Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:**

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**

**D & J Lennox**  
**Boundary Setback**  
**associated with existing shed**  
**101 Arawhata Road, Kaingaroa**  
**PLANNING REPORT &**  
**ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Thomson Survey Ltd  
Kerikeri

## **1.0 PROPOSAL**

The applicants seek consent for a shed (already constructed) that breaches the Setback from Boundary rule on their site at Arawhata Road. The site is zoned Rural Production with a 10m setback from boundary applying. The shed in question is subject to COA 2014-681, which, whilst identified the boundary setback breach and the need for retrospective consent.

All development on the site is existing (no new development proposed). Aerial imagery, with property boundaries is attached in Appendix 1, along with the COA stamped site plan showing setback distances of the shed. More recent Google imagery shows very little change other than development on an adjacent property to the north of the application site's driveway off Arawhata Road. I have not, therefore, attached Google imagery. The application also includes site photos.

A Location Map is attached in Appendix 2 and Title information in Appendix 3.

## **2.0 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 land use consent as a restricted discretionary activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the applicant and owner of the property are contained in the Form 9 application form 9.

---

### 3.0 PROPERTY DETAILS

Location:	101 Arawhata Road, Kaingaroa
Zoning:	Rural Production
Legal Description:	Lot 2 DP 206538
Record of Title:	NA132C/800 (attached in Appendix 3)

### 4.0 SITE DESCRIPTION

#### 4.1 Physical characteristics

The site is zoned Rural Production in the Operative and Proposed District Plans. Neither Plan maps the property as containing any resource feature or overlay. The site is 8093m<sup>2</sup> in area with driveway frontage to Arawhata Road. It is one of several similarly sized properties in this locality, with about 10 other properties, all developed in the immediate vicinity ranging in area from 4,000m<sup>2</sup> up to 7866m<sup>2</sup>. This enclave of large lots is no longer 'rural' in character but is nestled within an area of larger holdings.

The development within the lot is all nestled into the southern half of the lot, with a large expansive open space area covering the northern half of the property – refer to photo 1 below. Built development on the property consists of the dwelling and garage buildings, and the detached second shed at the southern end of the property. Photo 2 shows the dwelling.



Photo 1



Photo 2

Access is via a driveway off Arawhata Road. The crossing is formed to FNDC standard and is in good condition. The driveway runs up the slope and around to the house, forming a loop. It is generally 3m overall width and some is in concrete (near the dwelling), with the remainder in metal.

The buildings are located at the high point of the site, with the land then sloping away to the east, and more gently out to the north. Areas not developed (permeable surfaces) are in lawn, mature trees and gardens.

The site is not serviced by any Council provided reticulated services and is therefore self sufficient, with on-site water supply, on-site wastewater treatment and disposal, and on-site stormwater management.

#### **4.2 Mapped characteristics**

As mentioned earlier, the property is zoned Rural Production in both the Operative and Proposed District Plans. No resource overlays apply in either plan. Far North Maps Historic Sites layer shows no historic sites on the application site. The site is not identified as a HAIL site on Far North Maps and is not identified as being subject to any flood or coastal hazard. Far North Maps shows the site as not being within any high density or kiwi present area. Soils across the site are mapped as LUC 4 & 6.

In terms of the Northland Regional Council's on line maps, the site is not mapped as subject to any hazard, is not shown as a Selected Land Use (contaminated site) and is not mapped as containing any outstanding natural character or landscape areas. The site does not contain any biodiversity wetlands as mapped by the NRC. The site is not within the coastal environment.



### 4.3 Legal Interests

The property benefits from appurtenant electricity and telecommunications rights over an adjacent property and from a right to drain sewerage over an adjacent property, pursuant to Transfer D632359.4. The Title Plan showing the easement area is attached as part of the Transfer Instrument, both forming part of Appendix 3.

The property is not subject to any easements or Consent Notices.

### 4.4 Consent History

The property file shows the following Consent History for the site:

Resource Consent History:

RC 2001041-RMASUB – creating Lots 1 & 2 DP 206538, the latter being the application site;  
RC 2030287-RMALUC – for the extension to the garage, consenting a breach of boundary setback (western boundary); and  
RC 2060599-RMASUB, decision in 2007 by hearings committee, obtained by previous landowner to subdivide the application site, but which was not given effect to, and has lapsed.

Building Consent History:

BC-1996-327 new dwelling and garage;  
BC-2003-455 extension to garage;  
BC-2014-530 Notice to Fix regarding construction of a shed and load bearing retaining walls;  
and  
BC-2014-681 COA for same.

## 5.0 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 above 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 Section 7 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 4 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</i>	Refer to Sections 4 and 6 of this Planning Report..

<p><i>that are part of the proposal to which the application relates:</i></p>	
<p><i>(e) a description of any other resource consents required for the proposal to which the application relates:</i></p>	<p>No other consents are required other than that being applied for pursuant to the Far North Operative District Plan.</p>
<p><i>(f) an assessment of the activity against the matters set out in Part 2:</i></p>	<p>Refer to Section 8.3 of this Planning Report.</p>
<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>	<p>Refer to Sections 6.2, 8.1, 8.2, 8.4, 8.5 and 8.6 of this Planning Report.</p>
<p><i>(3) An application must also include any of the following that apply:</i></p>	
<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 sections 4.0 and 6.0. The site supports an existing dwelling (permitted) and garage (permitted and consented) and a second shed (for which consent is being sought).</p> <p>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>

**Clause 4: Additional information required in application for subdivision consent**

<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>  <i>(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:</i>  <i>(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:</i>  <i>(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:</i>  <i>(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):</i>  <i>(g) the locations and areas of land to be set aside as new roads.</i></p>	Not a subdivision.

**Clause 5: Additional information required for application for reclamation – not applicable.**

**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 7.0 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 7.0 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</i>	The proposal does not involve any discharge of contaminant.

<i>discharge into any other receiving environment:</i>	
<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 7.0 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 9.0 of this planning report.
<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 effects does not warrant any.
<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 7.0 and 9.0 of this planning report and also to the assessment of objectives and policies in Sections 7.1 and 7.2.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 7.0. The proposed activity will have less than minor adverse effects on the physical environment and landscape and visual amenity values.
<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 7.0. The proposal will result in less than minor adverse effects in regard to habitat and ecosystems.
<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 7.0, and above comments
<i>(e) any discharge of contaminants into the environment, including any</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.

<p><i>unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i></p>	
<p><i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i></p>	<p>The application site is not subject to natural hazards and does not involve hazardous installations.</p>

## 6.0 COMPLIANCE ASSESSMENT

### 6.1 Operative District Plan

The property is zoned Rural Production in the Operative District Plan (ODP). No resource features apply. An assessment of the proposal to construct a Minor Residential Unit against relevant rules in the ODP follows:

#### Far North Operative District Plan

<p><b>RURAL PRODUCTION ZONE RULES:</b></p>		
<p><b>Permitted Standards</b></p>	<p><b>Comment</b></p>	<p><b>Compliance Assessment</b></p>
<p>8.6.5.1.1 RESIDENTIAL INTENSITY Residential development shall be limited to one unit per 12ha of land.</p>	<p>The site supports a single residential unit.</p>	<p>Permitted.</p>
<p>8.6.5.1.2 SUNLIGHT No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary ...</p>	<p>The existing buildings, including the detached shed, are compliant with the permitted Sunlight rule. This was assessed at time of the PIM associated with the COA for the shed.</p>	<p>Permitted.</p>
<p>8.6.5.1.3 STORMWATER MANAGEMENT The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.</p>	<p>Total site area is 8093m<sup>2</sup>. The dwelling and original garage is 140m<sup>2</sup>; the garage extension is 38m<sup>2</sup>. The additional shed is 81m<sup>2</sup>. Total building coverage therefore equals 259m<sup>2</sup>. Total driveway and turning area coverage comes to 900m<sup>2</sup> (estimated off aerial photo). This brings total impermeable surface coverage to 1,159m<sup>2</sup>, or 14.3%.</p>	<p>Permitted.</p>

<p>8.6.5.1.4 SETBACK FROM BOUNDARIES (a) no building shall be erected within 10m of any site boundary;...</p>	<p>The extension to the garage has land use consent for a breach of setback from boundary. The detached (separate) shed, that is the subject of this land use consent, is 6.28m from southern boundary and 6.4m from eastern boundary.</p>	<p><b>Cannot comply. Defaults to restricted discretionary activity status, pursuant to Rule 8.6.5.3.4</b></p>
<p>8.6.5.1.6 KEEPING OF ANIMALS</p>	<p>N/A</p>	<p>N/A</p>
<p>8.6.5.1.7 NOISE 0700 to 2200 hours 65 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax</p>	<p>Residential development within a Rural Production Zone would not be likely to breach the permitted activity noise thresholds as residential activity is an anticipated and accepted activity in this zone.</p>	<p>Permitted.</p>
<p>8.6.5.1.8 BUILDING HEIGHT The maximum height of any building shall be 12m.</p>	<p>Buildings are less than 12m in height.</p>	<p>Permitted.</p>
<p>8.6.5.1.9 HELICOPTER LANDING AREA</p>	<p>N/A</p>	<p>N/A</p>
<p>8.6.5.1.10 BUILDING COVERAGE Any new building or alteration/additions to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.</p>	<p>Total building coverage is 259m<sup>2</sup>, or 3.2% of total site area.</p>	<p>Permitted.</p>
<p>8.6.5.1.11 SCALE OF ACTIVITIES</p>	<p>N/A – buildings are for people residing on the site.</p>	<p>N/A</p>
<p>8.6.5.1.12 TEMPORARY EVENTS</p>	<p>N/A</p>	<p>N/A</p>
<p><b>District Wide Rules</b></p>		
<p>12.1 LANDSCAPE AND NATURAL FEATURES</p>	<p>No Landscape or Natural Feature notation applies</p>	<p>N/A</p>

12.2 INDIGENOUS FLORA & FAUNA	No clearance of indigenous vegetation proposed or required.	N/A
12.3 SOILS AND MINERALS 12.3.6.1.1 EXCAVATION AND/OR FILLING	None required.	Permitted.
12.4 NATURAL HAZARDS	No hazard notation applying to the site and not a residential unit.	N/A
12.5 HERITAGE (including 12.5A and 5B)	N/A	N/A
12.7 LAKES, RIVERS, WETLANDS and the COASTLINE	N/A – no nearby waterbody	N/A
12.8 HAZARDOUS SUBSTANCES	N/A	N/A
12.9 RENEWABLE ENERGY & ENERGY EFFICIENCY	N/A	N/A
15.1 TRAFFIC, PARKING and ACCESS		
Table 15.1.6A.1 and Rule 15.1.6A.2.1 The Traffic Intensity Factor for a site in this zone is 60 daily one way movements....  Residential units require 2 car park spaces apiece.	The traffic intensity rule provides for 60 daily one way traffic movements, with the traffic movements of one residential unit exempt.  Abundant room for required car parks.  Crossing is existing and to Council standard.	Permitted.  Permitted.  Permitted.

The only identified consent requirement ODP is for a breach of boundary setback, and the application is **a restricted discretionary activity**, pursuant to Rule 8.6.5.3.4.

## 6.2 Proposed District Plan

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 under the Act. These 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 application site and proposal does not involve hazardous substances, these rules are not relevant to the proposal.

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 clearance proposed.

Subdivision (specific parts) – N/A as the proposal is not a subdivision.

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 and artefacts are discovered. EW-R13 and associated ES-S5 relate to Erosion and Sediment Control. No earthworks will be required.

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

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

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

## **7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

In assessing an application resulting from a breach of Rule the permitted activity Setback from Boundary rule and therefore subject to 8.6.5.3.4 Setback from Boundaries, the matters to which the Council will restrict its discretion are:



- 
- (a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;
  - (b) the extent to which the buildings restrict visibility for access and egress of vehicles;
  - (c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;
  - (d) for sites having a frontage with Kerikeri Road (between its intersection with SH10 and Cannon Drive: ..... N/A
  - (e) for residential buildings located within 100m of Minerals Zone ..... N/A; and
  - (f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

### **The extent to which the building reduces outlook and privacy of adjacent properties**

The shed breaches boundary setback on both southern and eastern boundaries. Technically it also breaches on western boundary, being 9.9m from that boundary. However, this latter breach is considered *de minimus*.

The shed is 6.3m off the southern boundary at its closest point – see below Photo 3. The fence is the boundary in question. As can be seen there is vegetation both within the application site and within the adjacent site. The dwelling and associated outdoor open space on that adjacent site is near the southern end of that site, furthest away from the shed.



Photo 3



Photo 4



Photo 5

The setback distance from eastern boundary is 6.4m. See Photos 4 & 5 above. The boundary is marked by the fence. The shed is on the upper side of the trees, which are taller than the shed. The trees ensure privacy is ensured. The shed is non habitable, another factor in it not adversely affecting privacy. The dwelling on the property to the east is lower down the slope with its own northerly outlook. The shed does not adversely affect that outlook.

**The extent to which the buildings restrict visibility for access and egress of vehicles**

The shed does not restrict visibility for access and egress of vehicles, either on site or on adjacent sites. It is at the southern end of the site, out of the way of any driveway.

---

**The ability to mitigate any adverse effects on the surrounding environment, for example by way of planting.**

As can be seen by the photos above and from aerial imagery, there is no shortage of plantings within the application site, and within adjacent sites. In particular there are existing plantings between the shed and the southern and eastern boundaries. I do not believe there is any need for further plantings.

**The extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.**

The site is not adjacent to any esplanade reserve or strip, or the coastal marine area. The nearest public land is Arawhata Road and the shed is nowhere near the road.

**Other matters**

The site's impermeable surface coverage is close to, but not exceeding 15% of total site area, based on building consent information and aerial photography. Impermeable coverage includes the buildings and driveway and parking/turning areas at the dwelling and in front of the shed. The entire northern portion of the site is in grass. The area around the shed and to the east of the house is in grass; trees and raised gardens (vegetable) – all pervious surfaces.

The applicants have gone, and continue to go, to some effort to ensure runoff from these surfaces is appropriately collected and channelled such that there is no off-site runoff.

**8.0 STATUTORY ASSESSMENT****8.1 Operative District Plan Objectives and Policies**

Objectives and policies relevant to this application are predominantly those listed in Chapter 8.6 Rural Production Zone. Objectives in 8.6.3 (Rural Production) focus on promoting sustainable management of natural and physical resources, and enabling the efficient use and development of the Zone. I believe the development of the application site achieves both these objectives.

Amenity values and rural character are not adversely affected, the latter being somewhat 'compromised' already given the number of properties of less than 1ha size in the immediate vicinity. The area retains a high level of amenity through the efforts of property owners to plant and maintain expansive gardens. The application site's development is consistent with this. There is no land incompatibility risk as the shed is part of existing residential living. The ongoing use of the site for large lot residential living does not impact on rural production activities that might wish to continuing elsewhere in the zone.

Policies 8.6.4.1 – 8.6.4.5 support the above objectives and largely reflect the requirements of Part 2 of the Act. I believe the proposal to be consistent with those policies.

Policies 8.6.4.7-8.6.4.9 are about reverse sensitivity and land use incompatibility. As stated above, the proposal does not create any additional risk or adverse effect in this regard.

## 8.2 Proposed District Plan Objectives and Policies

An assessment against the relevant objectives and policies in the Proposed District Plan (PDP) follows. The property is zoned Rural Production, and contains no resource features.

### *Objectives*

#### **RPROZO1**

*The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

#### **RPROZO2**

*The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

#### **RPROZO3**

*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.*

#### **RPROZO4**

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

The site does not contain soils that meet the definition of 'highly productive land' (RPROZ-O3). The property is too small to be used for primary production and its ongoing use for large lot residential does not adversely impact on the Council's ability to manage the zone to ensure ongoing availability of land for primary production in appropriate locations and where there are highly productive soils (RPROZ-O1 & O2). The site is not within a "rural working environment" as such. However, the shed forms part of existing residential use and does not adversely affect character and amenity (RPROZ-O4). The shed does not exacerbate any natural hazard and the site is served by on-site infrastructure (RPROZ-O3).

### *Policies*

#### **RPROZP1**

*Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.*

Not relevant as the activity is not a primary production activity.

#### **RPROZP2**

*Ensure the Rural Production zone provides for activities that require a rural location by:*

- a. enabling primary production activities as the predominant land use;*

---

*b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

The site is in an area where primary production is no longer the principal land use in the area. The continued use of the application site for large lot residential use is considered compatible with the surrounding area. Residential and lifestyle use in areas where soils are not highly productive is, in my opinion, a compatible activity in the rural production zone.

**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.*

The shed is part of existing residential use and will not create any reverse sensitivity effects on primary production activities.

**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.*

Refer to commentary under RPROZ-P2. The area is no longer predominantly primary production activities. The property is one of several that are under 1ha and development on the site maintains low site coverage. The activity does not create odour, noise or dust and does not adversely affect the area's amenity.

**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.*

The construction of a shed on a site used for residential living is not considered incompatible with the purpose of the zone simply because residential living is an accepted part of the rural environment. There is no loss of productive capacity of highly productive land because there isn't any highly productive land involved. The shed does not exacerbate natural hazards and the site features on-site infrastructure.

**RPROZP6**

*Avoid subdivision that:*

- a. results in the loss of highly productive land for use by farming activities;*
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
  - 1. the type of farming proposed; and*
  - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- c. provides for rural lifestyle living unless there is an environmental benefit.*

---

Not applicable.

**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;*
  - i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
  - j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The proposal does not require consent under the PDP and the above policy therefore has limited relevance. Notwithstanding this, the shed is not related to the productive nature of soils or production potential; it is part of a development on a site that is in keeping with the area's scale and character; there is no zone interface; the site readily accommodate on-site infrastructure and is serviced by Council road; and the shed has no adverse effects on historic heritage or cultural values, natural features or landscapes, or indigenous biodiversity.

In summary I consider the shed to be consistent with the PDP's objectives and policies as they apply to the Rural Production Zone.

**8.3 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 provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-

---

supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

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.*

The application site does not contain or display any of the features listed above.

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.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d) and (f).

## 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 – a shed as part of existing residential use, 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.

### 8.4 National Policy Statements & Environmental Standards

The National Policy Statement for Highly Productive Land has been considered. Whilst the site is zoned for Rural Production, it contains only Class 4 & 6 soils and is therefore not regarded as highly productive by definition.

The National Policy Statement for Indigenous Biodiversity has also been considered. There is no indigenous vegetation within the site affected by the proposal.

The National Environmental Standard for Freshwater has been considered and is not relevant to the proposal given the lack of any freshwater bodies.

The site is not mapped as a HAIL site on either the FNDC's Far North Maps or the NRC's Selected Land Use on-line maps. As far as I am aware the site has not been used historically, and is not being used currently, for any hazardous activity or industry. As such the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant.

### 8.5 Regional Policy Statement for Northland (RPS)

The RPS does not show the site as containing any natural character or landscape values. The shed is part of existing development and use. I consider it to be consistent with any relevant objectives and policies in the RPS, specifically **Objective 3.5 Enabling economic wellbeing;** and **3.11 Regional form.** The proposed activity does not sterilise or fragment highly versatile soils and does not result in any adverse reverse sensitivity effects. The site is not subject to hazard; is not in the coastal environment; and does not exhibit any high or outstanding landscape or natural character values.

### 8.6 Regional Plan

The proposal does not require any consent under any regional plan.



---

## **9.0 s95A-E ASSESSMENT & CONSULTATION**

### **9.1 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. Public notification is neither mandatory nor precluded. The activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor and there are no special circumstances. Public notification is not required.

### **9.2 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. In my opinion there are no affected groups or affected persons that must be notified. Limited notification of this application is not required.

### **9.3 S95D Level of Adverse Effects**

The AEE in this report assesses effects on the environment and concludes that these will be less than minor.

### **9.4 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 obtained in this instance.

There is no breach on the site's northern boundary. The measured distance between the shed and western boundary is 9.9m, just short of the required 10m. The boundary in question is shielded by plantings and the boundary is with that property's driveway only. The property to the west is therefore not considered adversely affected.

The property to the south features a residential dwelling some distance from the shed, with its own garage between the two. The boundary is planted (on both sites), providing visual screening and softening. I have been on site and do not believe the location of the shed creates any adverse effects on the property to the south, for the reasons outlined.

The residential dwelling on the property to the east is down slope and some 25m from the shed, with quite substantive intervening plantings and landscaping on both sites. The dwelling on the adjacent site faces east and north, away from the shed, i.e. it is the back of the adjacent site's dwelling that faces the application site. It is difficult to see how the

location of a non-habitable shed adversely affects the privacy or outlook of the adjacent property. Roof runoff is not a concern because this is collected via tank with overflow carefully directed to on-site drainage prior to discharging down the application site's driveway.

In summary I have not identified any affected persons.

## 10.0 CONCLUSION

I believe that the shed can be consented in its current location with little less than minor adverse effects. The proposal is not contrary to relevant objectives and policies of the Operative or Proposed District Plans, or relevant national and regional policy statements. The proposal is consistent with 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 on a non notified basis.



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

Date

19<sup>th</sup> December 2023

## 11.0 APPENDICES

- |                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Site Plan, aerial photos               |
| <b>Appendix 2</b> | Location Map                           |
| <b>Appendix 3</b> | Record of Title & Relevant Instruments |

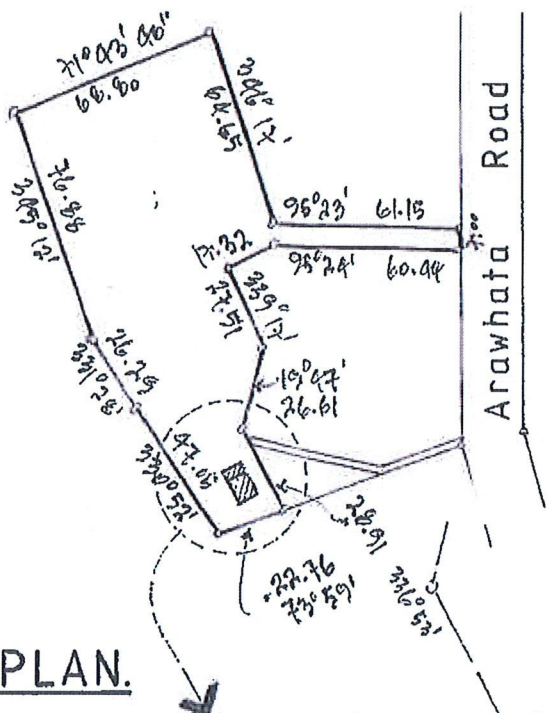
# Appendix 1

## Site Plan, aerial photos

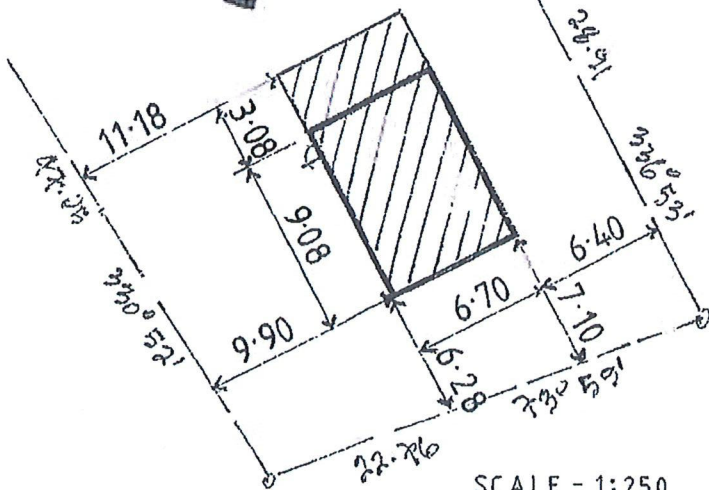


**R.P.D.**

LOT 2  
DP. 206538  
8093 m<sup>2</sup>



**SITE PLAN.**



SCALE - 1:250.

Certificate of Acceptance

BC 2014-631 Date 10-9-202

District Plan Granting Officer

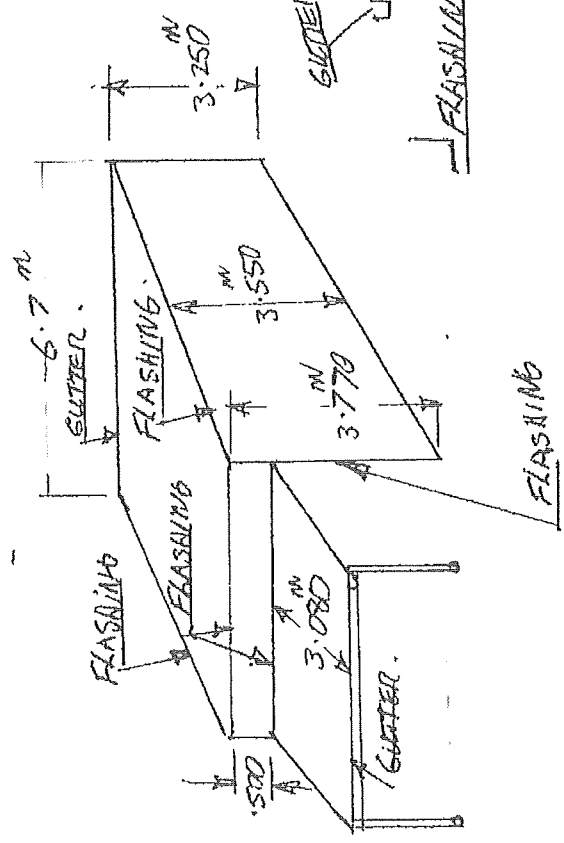
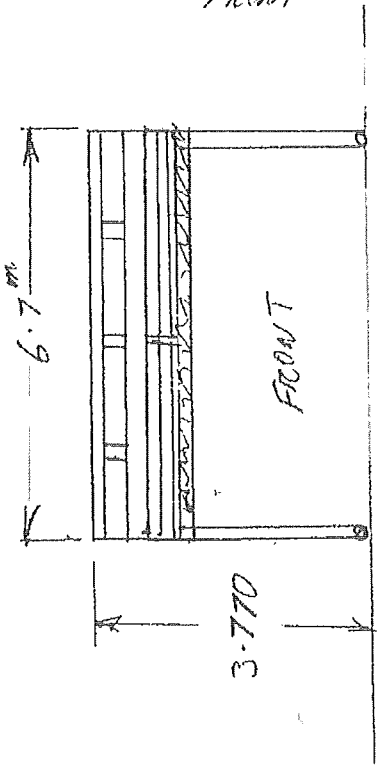
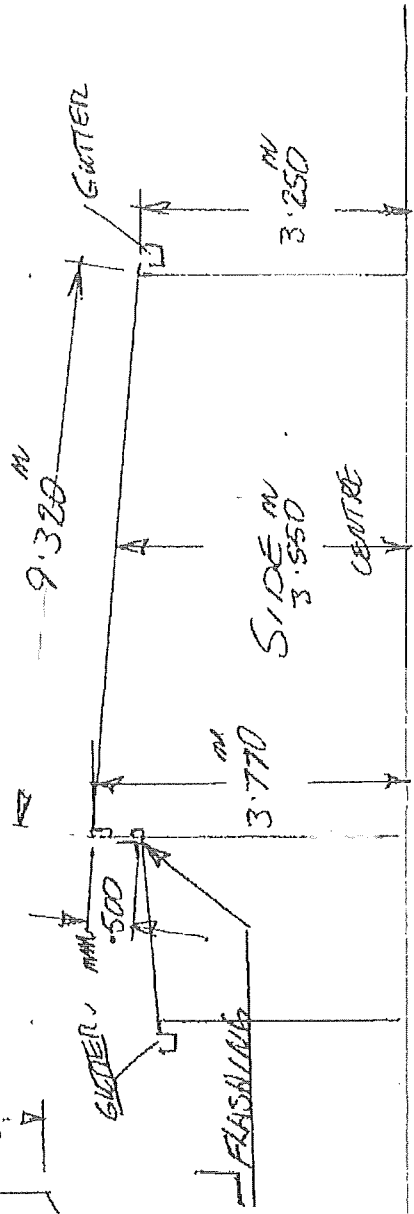
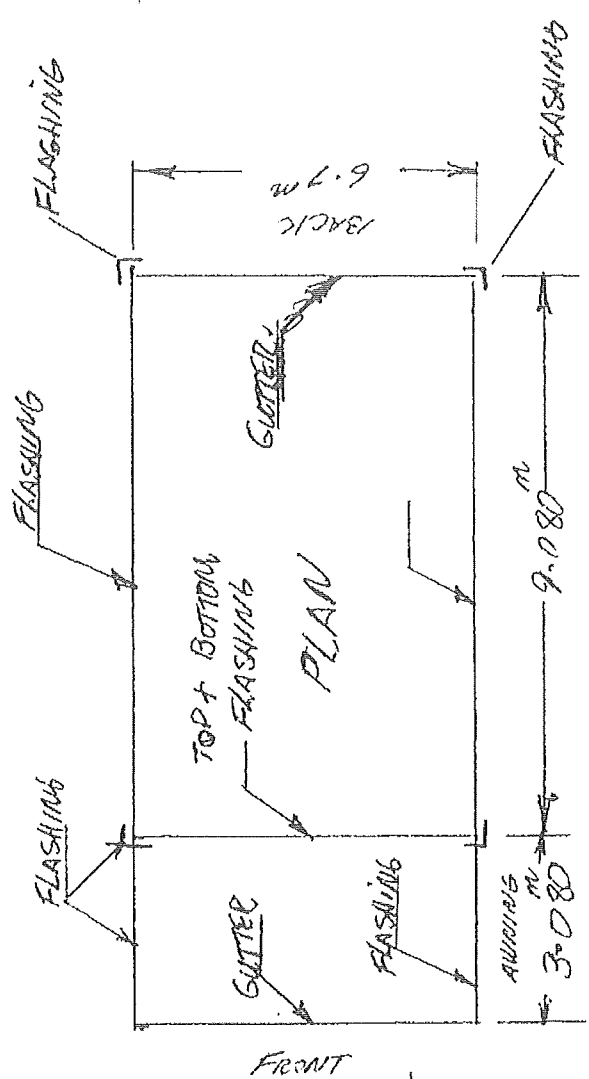
Building Granting Officer

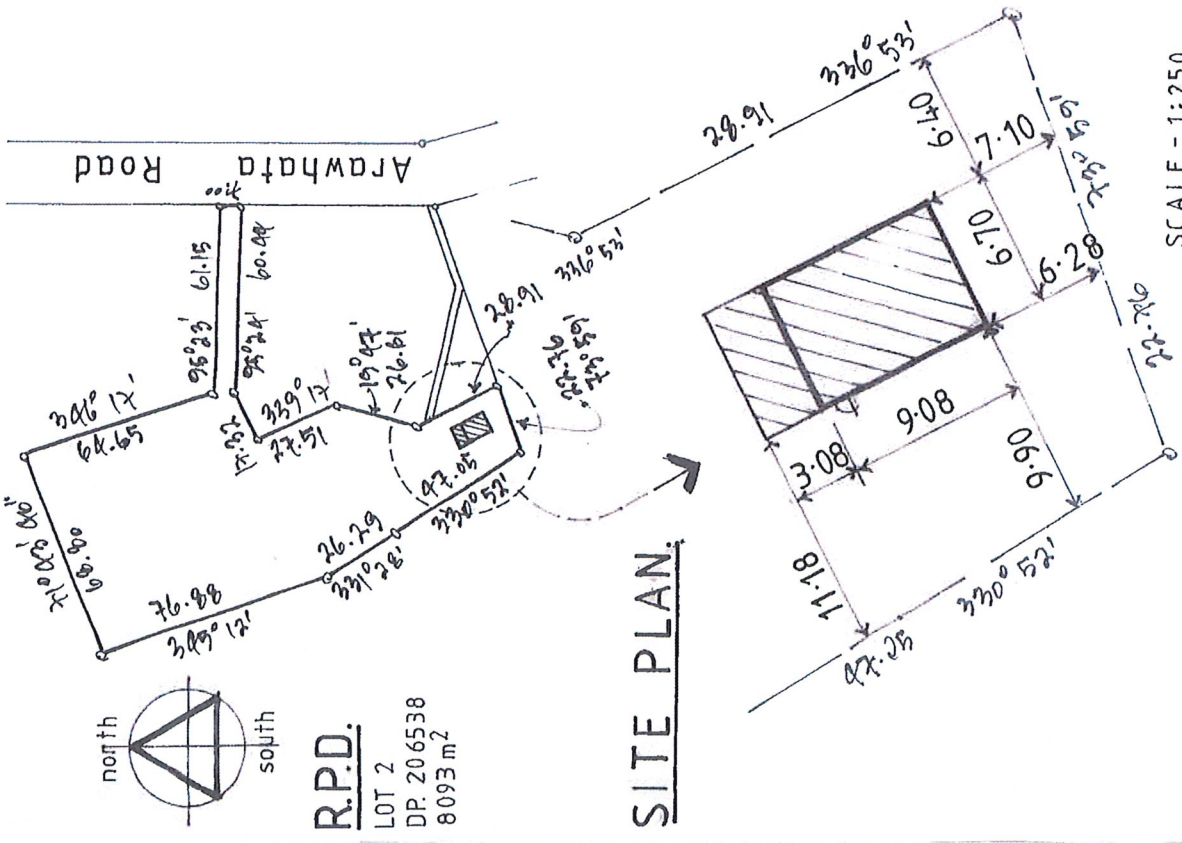
Special conditions may apply

**LENNOX SHED AT  
101 ARAWHATA ROAD, KAINGAROA.**

**BC -**

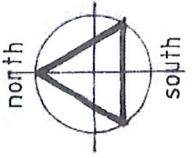
DRAWN:  
TRACED:





SCALE - 1:250.

**SITE PLAN.**



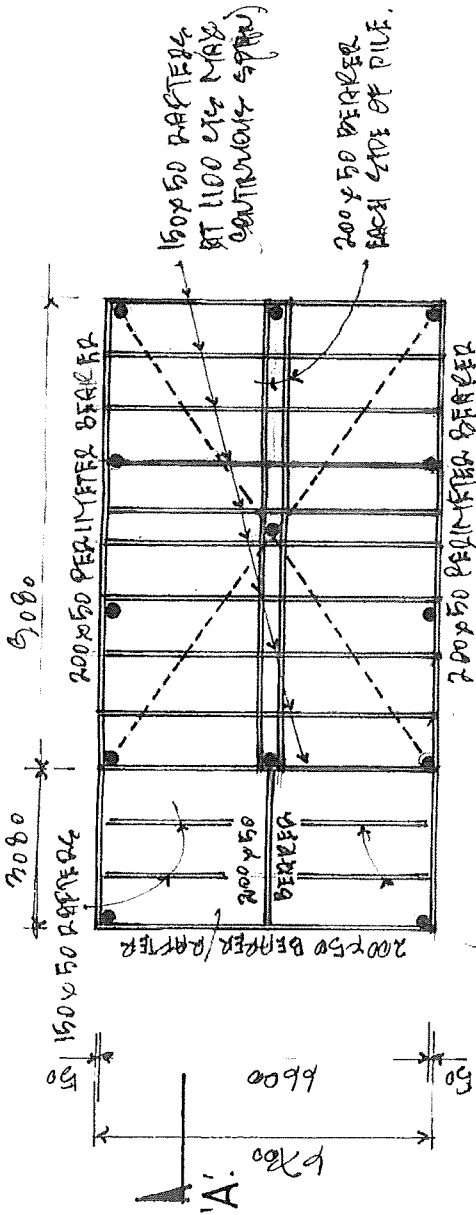
**R.P.D.**  
 LOT 2  
 DP: 206538  
 8093 m<sup>2</sup>

Certificate of Acceptance  
 BC ..... Date .....  
 District Plan Granting Officer *Alan*  
 Building Granting Officer .....  
 Special conditions may apply

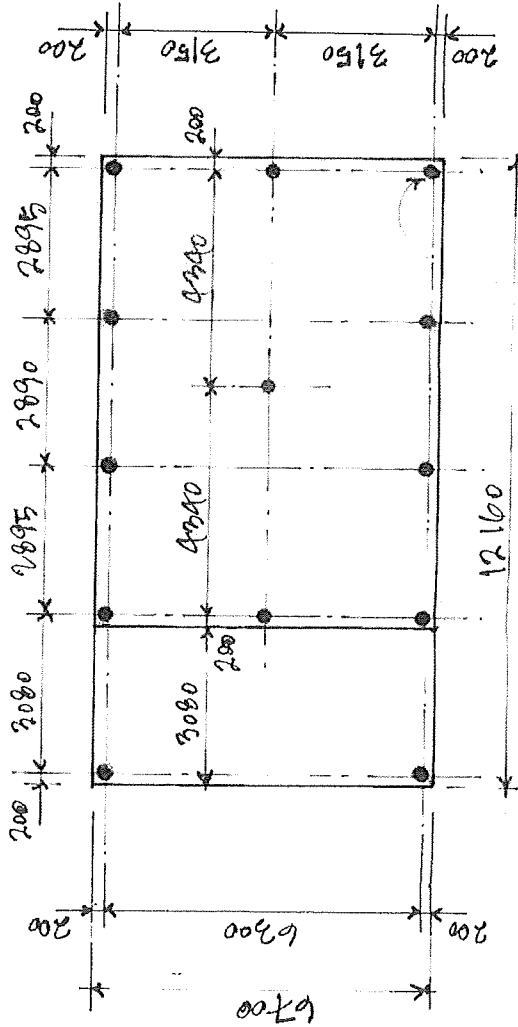
DRAWN:		CHECKED:	SCALE:	SHEET: <b>Lx.2</b>
TRACED:		DATE:		SERIES OF: REF:

**LENNOX SHED AT  
 101 ARAWHATA ROAD, KAINGAROA.**

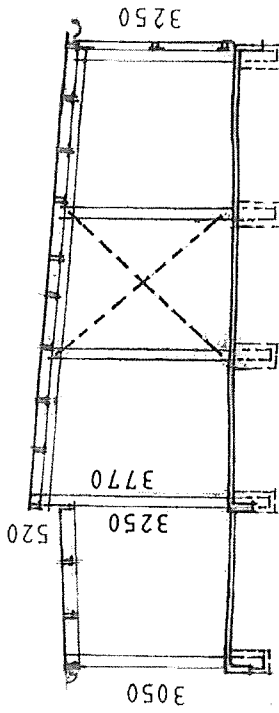
**BC - 2014 - 530 / 0**



Roof framing plan.



Floor slab plan.



Section 'A'

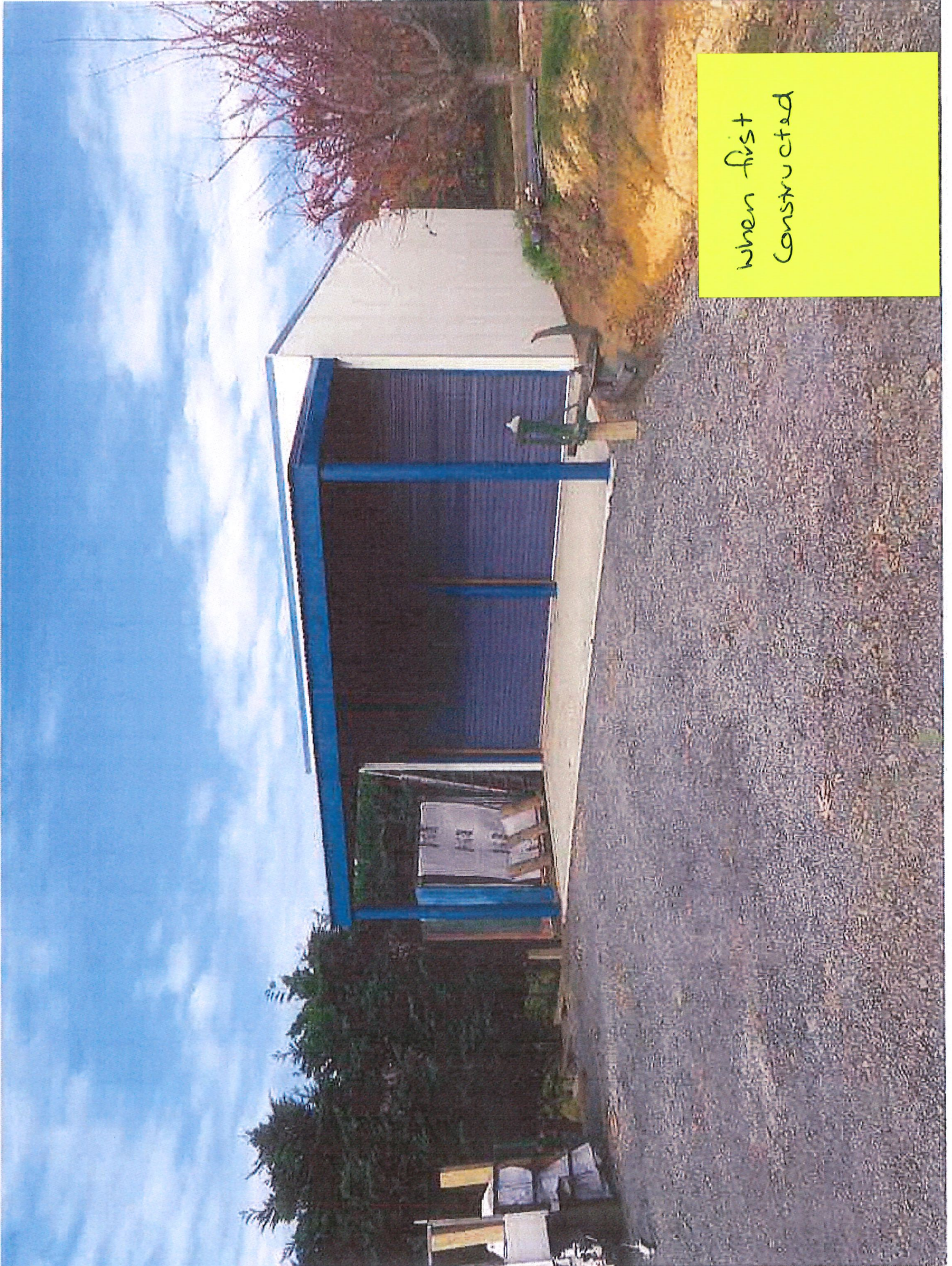
LENNOX SHED AT  
101 ARAWHATA ROAD, KAINGAROA.

BC-2014-53010

SHEET Lx.1.

DRAWN:	CHECKED:	SCALE:	SERIES OF:
TRACED:	DATE:	1 : 100	REF:

When first  
Constructed







Eagle Technology, Land Information New

Parcels (FNDC/Corax)



Projection NZTM2000. Datum NZGD2000. Scale:1:1,128

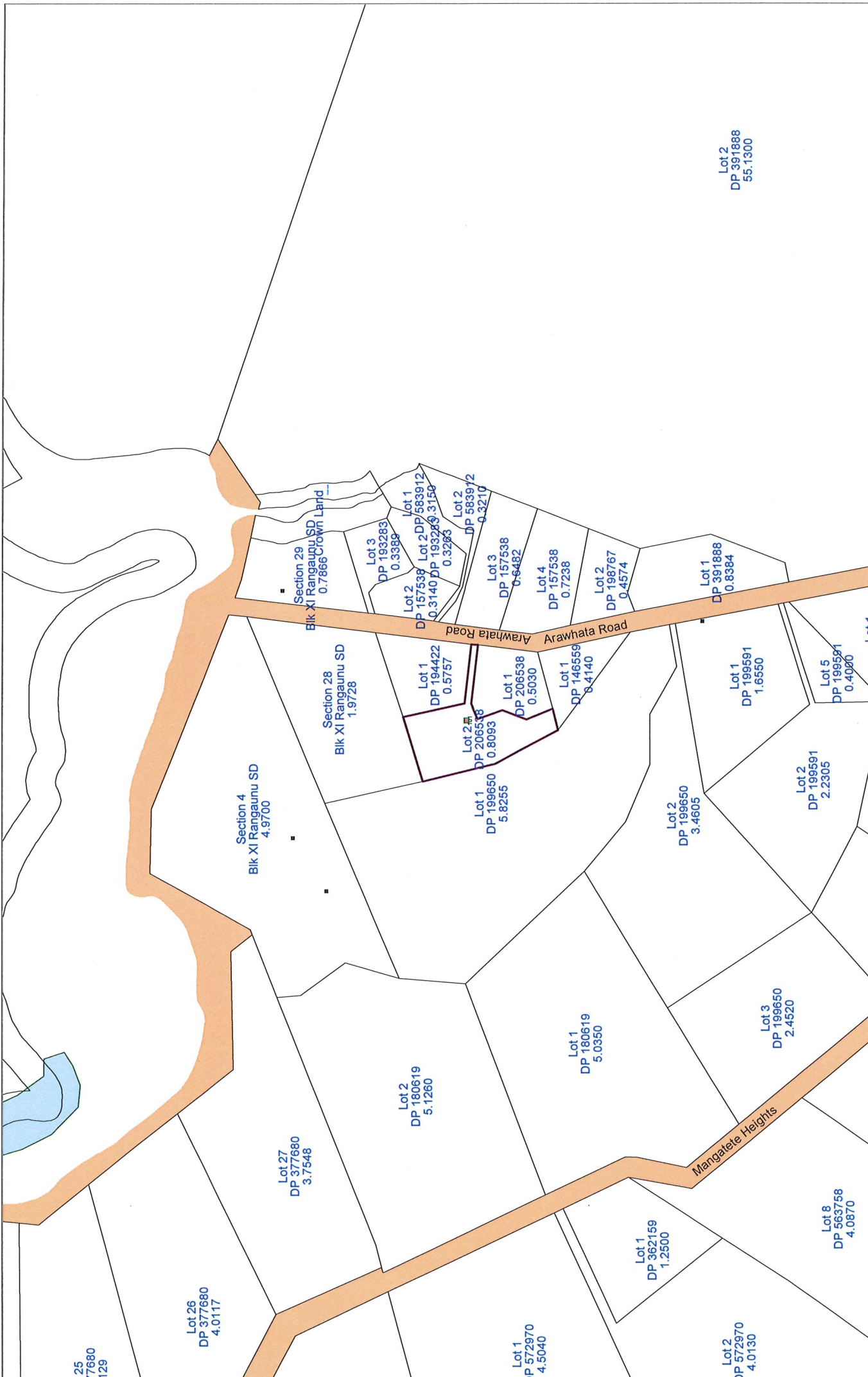
DISCLAIMER:  
While the Far North District Council strives to keep the data in this service current, it may not be the most recent or most accurate data available. No reliance on the information contained on this map by any person is permitted. FNDC will not be liable for any omissions or errors of information contained on this map. FNDC recommends that persons seek specific advice on individual properties from FNDC and other specialist organisations which may hold more up to date or accurate information.

Far North Maps



## **Appendix 2**

### Location Map




# **Appendix 3**

## Record of Title & Relevant Instruments



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA132C/800**  
**Land Registration District** **North Auckland**  
**Date Issued** 11 May 2001

**Prior References**  
NA123A/880

---

**Estate** Fee Simple  
**Area** 8093 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 206538

**Registered Owners**  
Raymond William Lennox and Denise Jillian Lennox

---

**Interests**

Subject to Section 59 Land Act 1948

Appurtenant hereto is a telecommunications and electric power supply right specified in Easement Certificate D603664.4 - 11.5.2001 at 3.33 pm

Appurtenant hereto is a right to drain sewerage created by Transfer D632359.4 - 17.8.2001 at 2.58 pm

Approvals RC. 2001041  
 I hereby certify that this plan was approved by the Territorial Authority pursuant to Section 223 of the Resource Management Act 1991 on the 12th day of January 2001  
 [Redacted]  
 Authorised Officer

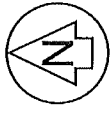
Proposed Easement	
Proposed	Consent
Shown	Consent
(A)	Lot 1. Lot 2.

New CST Allocated  
 Lot 1. 132c/799.  
 Lot 2. 132c/800.

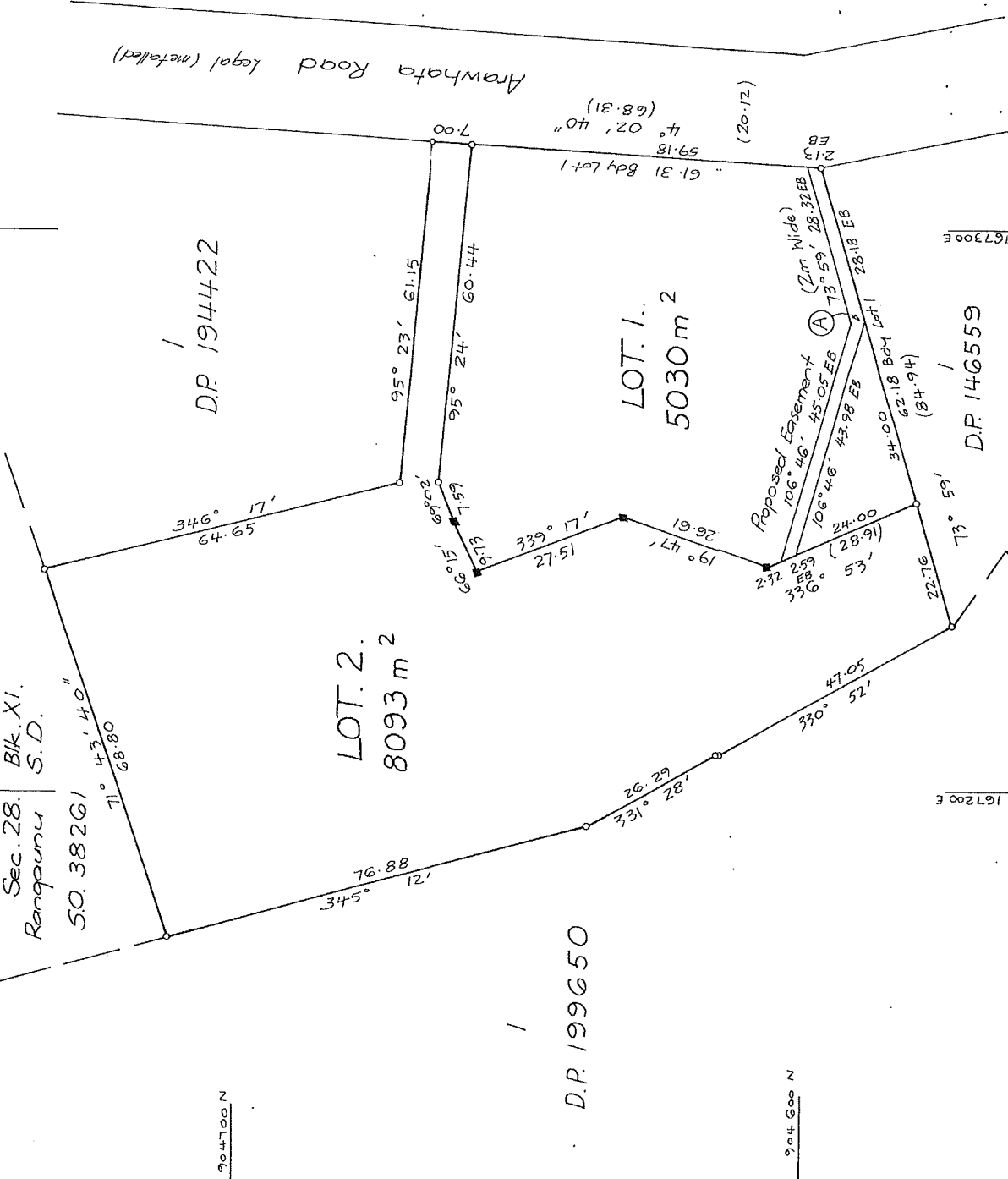
Total Area 1.3123 ha  
 Comprised in S.T. 123 A/880 (11)  
 Class II Survey.

*Dorval Douglas van Sturmer*  
 being a person entitled to practice as a registered surveyor certify that:  
 (a) The survey to which this consent relates is accurate, and was undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1986.  
 (b) This consent is accurate and has been created in accordance with that Act and those Regulations.  
 Signed [Redacted] Date 22/02/2001  
 Field Book [Redacted] Reference Plans 1511, 1516, 1537  
 Examined [Redacted] Correct  
 Approved as to Survey [Redacted]  
 Chief Surveyor

Deposited this 11th day of February 2001  
 1785  
 7 FEB 2001  
 UP 20538



Arawhata Road legal (metalled)



TERRITORIAL AUTHORITY For North District  
 Surveyed by *D.R. van Sturmer*  
 Scale 1:500 Date December 2000

LOTS 1 & 2 BEING SUBDIVISION  
 OF LOT 2 DR 194422.

LAND DISTRICT North Auckland  
 Survey Bk. & Dist. XI Rangunu  
 NZMS 261 Sheet. Record Map No.

ALL DATA SURVEYED, LAND INFORMATION, NEW ZEALAND.

DATA COMPANION  
 MATAHUANGA SURVEYING LTD  
 16 MAY 2001

D632359.4 TE

## Certificate of Non-Revocation of Power of Attorney

Form I

I, Columbine Jeanette BEARSLEY

of Kaitiaki

in New Zealand, Real Estate Agent

hereby certify:

1. That by deed dated 14th June 2001

Gaye Patricia REUBEN

of Kaitiaki

in New Zealand, Legal Secretary

appointed me his attorney on the terms and subject to the conditions set out in the said deed, which was deposited in the Land Registry Office at Auckland as Number

2. That at the date hereof I have not received any notice or information of the revocation of that appointment by the death of the said Gaye Patricia REUBEN or otherwise.

Signed at Kaitiaki

this

16<sup>th</sup> day of July 2001

JB



**TRANSFER**  
Land Transfer Act 1952

*If there is not enough space in any of the panels below, the two page form incorporating the Annexure Schedule should be used: no other format will be received.*

Land Registration District

North Auckland

Certificate of Title No.

132C/799

All or Part? Area and legal description — *Insert only when part or Stratum, CT*

All

*Transferor Surnames must be underlined*

GAYE PATRICIA REUBEN of Kaitaia Legal Secretary

*Transferee Surnames must be underlined*

MICHAEL LAWRENCE BEARSLEY of Kaitaia ROB Pilot and COLUMBINE JEANETTE BEARSLEY his wife

*Estate or Interest or Easement to be created: Insert e.g. Fee simple; Leasehold in Lease No. ....; Right of way etc.*

The right to drain sewerage as described on page 2 of the annexure schedule

Consideration


\$1.00

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

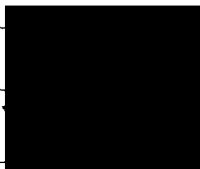
Dated this 16<sup>th</sup> day of July 2001

Attestation

 Signed in my presence  
Signature of Witness  
Witness to complete (unless typewritten or legibly stamped)  
Witness name  
Occupation  
Address

D. R. FOUNTAIN  
SOLICITOR  
KAITAIA

Signature, or common seal of Transferor

  
(D. R. Fountain)  
Solicitor for the Transferee

Certified correct for the purposes of the Land Transfer Act 1952



Approved by Registrar-General  
of Land under No. 1995/1003

# TRANSFER

Land Transfer Act 1952

Law Firm Acting

Auckland District Law Society  
REF: 4'30

**This page is for Land Registry Office use only.**  
*(except for "Law Firm Acting")*

Annexure Schedule

Insert below  
"Mortgage", "Transfer", "Lease" etc

Dated

16 - 7 - 01

Page

2

of

2

Pages

Continuation of Estate or Interest or Easement to be created:

Easement

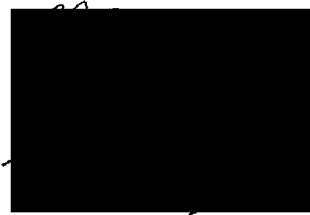
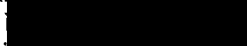
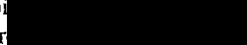
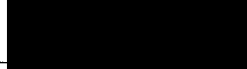

The said Michael Lawrence Bearsley and Columbine Jeanette Bearsley shall have the right to drain sewerage through that part of the land in Certificate of Title 132C/799 marked B on Deposited Plan 208319 to be forever appurtenant to the land contained in Certificate of Title 132C/800.

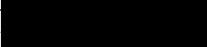
1. Rights and Powers in Respect of the Right to Drain Sewerage

The easement described above shall contain the rights and powers provided by the Seventh Schedule to the Land Transfer Act 1952 together with the additional rights attaching to the right to drain sewerage as provided by Clause 5 of the Seventh Schedule to the Land Transfer Act 1952 together with the right for the registered proprietors of the land in Certificate of Title 132C/800 to plant flax, pittosporum and cannalillies so as to provide an evapotranspiration field on the land marked B on Deposited Plan 208319

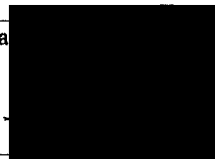
2. Terms, Conditions, Covenants or Restrictions in respect of the Right to Drain Sewerage

The easement described above is subject to the following terms, conditions, covenants or restrictions, namely that the registered proprietors for the time being of the land in Certificate of Title 132C/800 shall plant the land marked B on deposited plan 208319 with pittosporum, flax and cannalillies or such other plants as may be agreed to by the registered proprietors for the time being of the land in Certificate of Title 132C/799 and shall keep the land fully planted so as to enhance the capability of the easement for evapotranspiration

	Signed in my presence by the Transferee	
	the said  ley and	
	Columbi 	
	Signature 	
Witness 		in letters
Witness name		<b>D. R. FOUNTAIN</b>
Occupation		<b>SOLICITOR</b>
Address		<b>KAITIA</b>

If this Annexure Schedule is used as an expansion of a ing parties and either their witnesses or their solicitors must put their signatures or initials here.





132c/799

SUBJECT TO A PLAN TO DRAW SEWERAGE FURNISHMENT  
OVER THE MARKED & DP 208319 APPURTENANT  
TO LOT 2 DP 206528 (CT 132c/800) CREATED  
BY TRANSFER D 632359.4

132c/800.

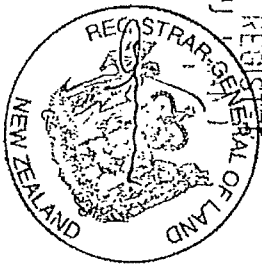
APPURTENANT HEREIN IS A PLAN TO  
DRAW SEWERAGE FURNISHMENT CREATED  
BY TRANSFER D 632359.4

LINZ COPY

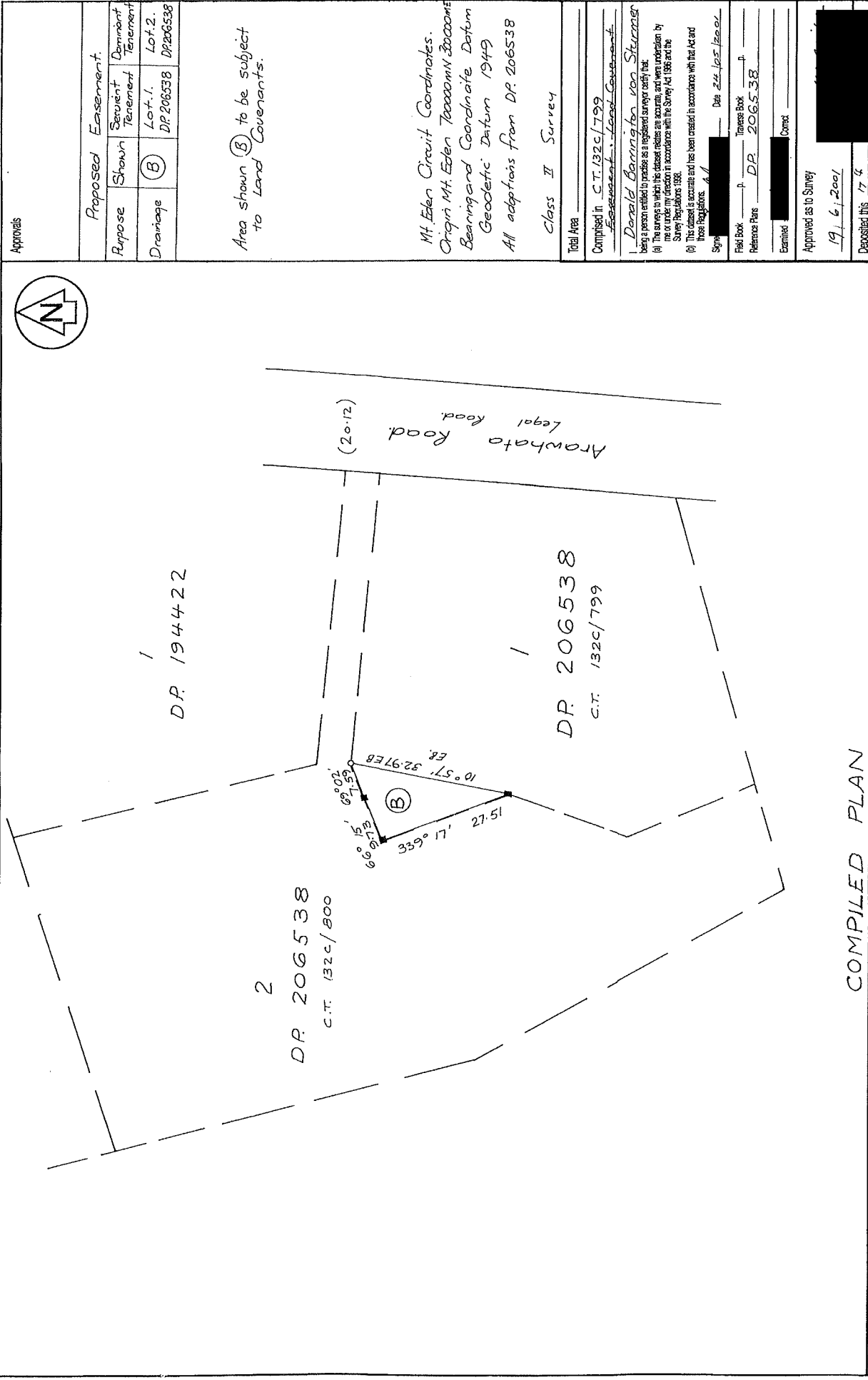
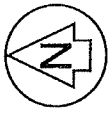


2.58 17.AUG01 D 632359.44

PATRICULARS ENTERED IN REGISTER  
LAND REGISTRY NORTH ISLAND  
132c/799-800



Both files  
E / 133-  
4F



LAND DISTRICT North Auckland  
Survey Blk. & Dist. XI Rangiora  
NZMS 261 Sheet \_\_\_\_\_ Record Map No. \_\_\_\_\_

COMPILED PLAN

EASEMENT & LAND COVENANT OVER  
LOT. 1. DR. 206538

TERRITORIAL AUTHORITY For North District  
Surveyed by D.B. von Sturmer  
Scale 1:500 Date May 2001

Approvals

Proposed Easement:	
Purpose	Show Servient Tenement
Drainage	(B) Lot 1. DP 206538
	Lot 2. DP 206538

Mt. Eden Circuit Coordinates.  
Origin Mt. Eden 100000M 20000M  
Bearing and Coordinate Datum  
Geodetic Datum 1949  
All adoptions from DP 206538

Class II Survey

Total Area \_\_\_\_\_

Completed in C.T. 132c/799  
Easement, Land Covenant

Donald Barrington von Sturmer  
Being a person entitled to practise as a registered surveyor certify that:  
(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1988.  
(b) This dataset is accurate and has been created in accordance with that Act and these Regulations.

Sign: \_\_\_\_\_ Date: 24.10.2001  
Field Book: \_\_\_\_\_ Traverse Book: \_\_\_\_\_  
Reference Plans: DR 206538  
Examined: \_\_\_\_\_ Correct: \_\_\_\_\_

Approved as to Survey: \_\_\_\_\_  
19.6.2001  
Deposited this 17.4.  
File Received: 25 MAY 2001  
Indices: DP 206538

1385 Geo-survey