

Our Reference: 10506.1 (FNDC)

14 December 2023

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Subdivision at 683F Puketona Road, Haruru - Jennings

I am pleased to submit application on behalf of David Jennings, for a proposed subdivision of land zoned Rural Production at 683F Puketona Road. The application is a restricted discretionary activity.

The application fee of \$2,900 has been paid separately via direct credit.

Regards


Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Office Use Only
 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?

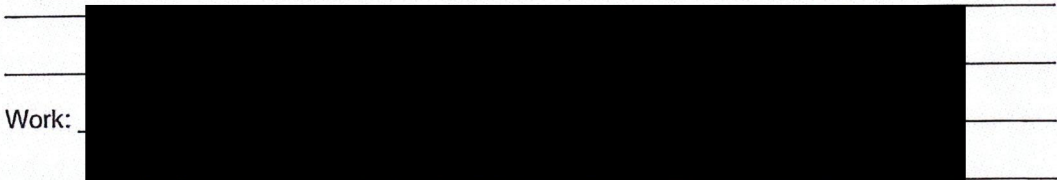
Yes / No

4. Applicant Details:

Name/s:

David Jennings

Electronic Address for Service (E-mail):



Phone Numbers: Work:

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



Post Code: _____

5. 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

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.

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

Name/s: C D Jennings; E B Jennings; B G Moyle & D T Jennings

Property Address/
Location: as per item 4

7. Application Site Details:

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

Site Address/
Location: 683F State Highway 11 (Puketona Road)

Haruru

Legal Description: Lot 2 DP 456848

Record of Title: 591230

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?

Is there a dog on the property?

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.**

Yes / No ✓
Yes / No ✓

8. 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.

Subdivision in the Rural Production Zone around two existing residential units, creating one additional lot.

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.

9. Would you like to request Public Notification?

Yes/No

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

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

11. 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

12. 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.

13. Billing Details:

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

Name/s: (please write all names in full)

Email:

Postal Address:

Phone Numbers:

Work:

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

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

Name: _____ (please print)

Signature: _____ (signature of bill payer – mandatory)

Date: 14/12/23

14. Important Information:

Note to applicant

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

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

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

Fast-track application

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

Privacy Information:

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

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

Name: _____ (Please print)

Signature: _____ (Signature)

Date: 14/12/23

(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

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 Jennings

Far North District Plan

PROPOSED SUBDIVISION

683F Puketona Road (SH11), Haruru

PLANNING REPORT AND ASSESSMENT OF ENVIRONMENTAL EFFECTS



Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

The applicant proposes to carry out a subdivision on land at Puketona Road (SH 11) between Puketona Junction and Haruru Falls. The proposal is to create two lots, Lot 1 being 12ha in area and the balance Lot 2 being 63.287ha in area. Both lots support existing residential development. Both lots have existing access over a driveway off Puketona Road, opposite the Lilly Pond entrance. NZTA (Waka Kotahi) has been consulted.

Following the existing farm access/ driveway within the site, Easement A provides ROW over Lot 2 in favour of Lot 1. The latter is in two equal sized portions, the lower (northern) portion supporting existing buildings, and the upper (southern portion) utilised for plantation forestry. The two are to be connected by an access strip along the eastern property boundary, within

which access can be provided between the two portions. There is no need for any easement because it is all part of Lot 1.

The scheme plans are attached in Appendix 1. A Location Map is attached in Appendix 2.

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 under the District Plan for a restricted discretionary activity subdivision. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location:	683F Puketona Road (SH11), Haruru
Legal description:	Lot 2 DP 456848
Record of Title:	591230 (copy attached in Appendix 3).

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The application site is just over 75ha in area. Its frontage to Puketona Road is only 54m long within which is formed a wide double width entrance. As one goes into the site it starts to widen and then at a point parallel to the cottage to be within Lot 1, the application site broadens to be over 1km across at the rear.

Approximately 50% of the property is or has been in forest. The remaining land, coming downslope and back to the road, is in well maintained pasture, supporting cattle, with fences, shelter plantings and stock water reticulation. There is a man-made dam on the property's western boundary, to remain within the large Lot 2.



Forested area to remain in large balance area – harvested and now replanted



Dam/pond in centre picture, taken from existing internal farm access track looking northwest

Built development within the site consists of the applicant's residence to be within Lot 2, and a second smaller residence to be within Lot 1. There are some shed buildings near the cottage that will remain with the farm block given that they store farm equipment.

The site is zoned Rural Production in the Operative District Plan and in the Proposed District Plan. The site is not mapped as containing areas of high or outstanding landscape or natural character value except for two small areas of Outstanding Landscape on the property's south western and south eastern corners. These areas are already subject to protection and remain within the large Lot 2 (refer areas AA & AB on the scheme plan). These same small pockets are mapped as Outstanding Natural Landscape in the PDP.

Neither Far North Maps, nor the NRC's on-line maps show any hazardous or industrial activity (HAIL) within the site. Far North Maps indicate the site to be within both high density and kiwi present areas, somewhat paradoxically the latter being the forested and vegetated area and the high density mapping over pasture land with no habitat. The site's southern boundary is with Conservation Zone.

Far North Maps does not show any historic, cultural or archaeological sites within the property's boundaries. The NRC's on line maps do not show any Biodiversity Wetlands on the subject site. Both the NRC's on line hazard maps, and Far North Maps (PDP) show the stream to the west of the accessway as you enter the site to be potentially prone to flooding. The entrance way and access driveway remains clear of this area. Both existing dwellings are well clear of any flood hazard area.

The forested/vegetated higher portions of the site are poor quality soils (LUC 6). The vast majority of the grazed portion of the property is LUC 4. There is a very small area mapped as LUC 3 totally taken up by entranceway and access or stream. This is located at the property entrance off Puketona Road.

3.2 Legal Interests

The title is subject to a number of legal interests. It also has appurtenant rights of way, power supply, telecommunications & computer media, and water supply easements. The easements or instruments to which the property is subject to include:

- Easement Certificate B063793.1, for sewage rights (in favour of properties across the highway);
- Easement Certificate B421471.7, for right of way & water supply;
- Easement Instrument 5939626.5, for right of way, power supply, telecommunications and water supply;
- Easement Instrument 9453999.4 for right of way, power supply, telecommunications & computer media and water supply.

In addition the property highway crossing notices establishing rights to access off State Highway and two Notices pursuant to Section 195(2) Climate Change response Act, relevant to the plantation forestry activity within the site.

Consent Notice 9453999.3 was registered on the property in 2013. It contains 2 clauses. The first relates to the two areas of covenant protecting indigenous vegetation (AA and AB on the scheme plan); and the second requiring on site fire fighting water supply. Both clauses are complied with on an ongoing basis.

The easements to which the property is subject and the consent notice all form part of Appendix 3.

There is also a private Land Covenant 9453999.4 registered on the Title.

3.3 Consent History

The property file shows the following building consent and resource consent history:

BC-1996-559	1995	Dam Spillway
BC-2006-1131	2006	Calf shelter
BC-2014-1013	2014	Foundations and on-site effluent disposal system for relocate dwelling
BC-2015-869	2015	Foundations and on-site effluent disposal system for relocate dwelling
RC-2090439-RMASUB	2009	Creating 1 additional lot
RC-2100418-RMASUB	2010	Creating 1 additional lot
RC-2100418-RMAVAR	2011	Amending layout and creating the application site

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 1.1 above and 5.0 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6.0 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3.0 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>	Refer to Section 3.0 of this Planning Report for existing activities within the site. The application is for subdivision only and there are no other activities that are part of the proposal.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is only being sought for subdivision, pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7.3 of this Planning Report.
<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> <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>	Refer to Sections 5.2, 7.1, 7.2, 7.4, 7.5 and 7.6 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<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>	The site supports two residential units, legally established by way of building consent, and permitted activities. The subdivision does not render any of these existing activities requiring resource consent.
<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>	There is no existing resource consent. Not applicable.
<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</i>	The site is not within an area subject to a customary marine title group. Not applicable.

<p>planning document (for the purposes of section 104(2B)).</p>	
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Clause 4: Additional information required in application for subdivision consent

<p>(4) An application for a subdivision consent must also include information that adequately defines the following:</p>	
<p>(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (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: (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): (g) the locations and areas of land to be set aside as new roads.</p>	<p>Refer to Scheme Plans in Appendix 1.</p>

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

Clause 6: Information required in assessment of environmental effects

<p>(1) An assessment of the activity's effects on the environment must include the following information:</p>	
<p>(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:</p>	<p>Refer to Section 6.0 of this planning report. The activity will not result in any significant adverse effect on the environment.</p>
<p>(b) an assessment of the actual or potential effect on the environment of the activity:</p>	<p>Refer to Section 6.0 of this planning report.</p>
<p>(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:</p>	<p>Not applicable as the application does not involve hazardous installations.</p>
<p>(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</p>	<p>The subdivision does not involve any discharge of contaminant.</p>

<i>methods of discharge, including 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 6.0 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 8.0 of this planning report. No affected persons are identified.
<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 6.0 and 8.0 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 6.0. The site has small areas of outstanding landscape and areas of natural character, already protected by covenant/consent notice.
<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 6.0.
<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 6.0.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.

of contaminants:	
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	The subdivision site is not subject to natural hazards and does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The property is zoned Rural Production, with two small areas of Outstanding Landscape, both to be within the 63ha balance lot, and both already protected by Consent Notice. The subdivision standards applying in the zones are contained in Table 13.7.2.1 as shown below.

TABLE 13.7.2.1: MINIMUM LOT SIZES

(viii) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; 5.....	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved.

(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES, AS SHOWN ON THE RESOURCE MAPS - REFER ALSO TO RULE 13.7.2.5

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha except in the General Coastal Zone.	The minimum lot size is 20ha in the General Coastal Zone.	1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per Rule 13.9.2.....

Proposed subdivision

Rule 13.7.2.5 only applies to sites divided by an Outstanding Landscape and in the case of this proposal the areas of OL are all *within* the balance lot and therefore not divided by a proposed new lot boundary.

Both lots are in excess of 12ha and the lot containing the areas of OL is in excess of 20ha. The proposal is therefore a **restricted discretionary** activity pursuant to the above table.

Zone Rules:

The site has two existing dwellings, both relocatable and both with the necessary building consent issued. There is also an existing consented shed to be within the balance lot. The proposed subdivision does not create any new boundaries within 10m of existing buildings (which are all single storey). No breaches of stormwater management or building coverage rules result from the proposal. In summary, the proposed new boundaries do not result in any zone rule breaches in regard to the existing development.

District Wide Rules:

Chapter 12.1 Landscapes and Natural Features and subdivision provisions relating to outstanding landscape areas is addressed above. The proposal does not include any activity requiring consent pursuant to rules in Chapter 12.1. Both lots support existing development, with existing access.

The subdivision will not require earthworks in excess of Chapter 12.3 permitted volume and cut/fill face height thresholds. The site is not mapped as having any flood or coastal hazard in the ODP so rules in Chapter 12.4 in regard these hazards are not relevant. There are no residential units currently, or proposed, within 20m of the dripline of any area of trees.

The site contains no mapped or scheduled archaeological, heritage or cultural features so no rules in Chapters 12.5, 12.5A or 12.5B apply. The site does not contain, and is not bound by any waterbody to which Chapter 12.7 applies. Chapters 12.8 Hazardous Facilities and 12.9 Energy Efficiency are not relevant and have not been considered. Chapter 14 does not apply as there is no qualifying waterbody within any lot of less than 4ha.

Chapter 15.1 Traffic, Parking and Access contains some rules that may be relevant. Chapter 15.1.6A Traffic Intensity relates to land uses, not subdivision and in any event the proposal will not result in any breach of any breach in this section of the ODP, and land uses within each proposed lot are existing. Chapter 15.1.6B relates to parking. Both proposed lots support residential living, with both residences having two or more car parking spaces.

Chapter 15.1.6C relates to access. There is an internal shared ROW the first section of which is 5m carriageway width. The accessway remains at that width up to the point where the access splits off to the west. Thereafter the accessway is entirely within the application site. ROW is proposed over the first portion to provide access to Lot 1. This section is currently 3m metal carriageway width. If necessary, a passing bay can be installed, albeit the entrance into the Lot 1 dwelling is suitable for 'passing'.



Initial split where the two CP's (110 & 111) separate. Application site's access is the right hand fork.



Entrance into cottage on Lot 1 with shed on Lot 2 accessed off to the right.

I believe the accessway is, or can be formed to an appropriate standard for the number of users (15.1.6C.1.1(a)). Widths and gradients can comply with (b). No private accessway serves more than 8 household equivalents or 9 or more sites so parts (c) and (d) are complied with.

The property gets access off state highway, and is entitled to use two crossing places – CP 110 & 110, with two notices registered on the title. This are existing crossings, with no new crossing to State Highway proposed. I believe 15.1.6C.1.1(e) to be satisfied. NZTA has been consulted and has provided its approval, subject to conditions, the crossing already being to Diagram D standard.

I have not identified any additional requirement for passing bays for any driveway access internal to the site (15.1.6C.1.3). There is no footpath (15.1.6C.1.4). Vehicle crossings already exist and I believe are to standard (15.1.6C.1.5).

There is no need to reverse off any site and internal driveways can all be constructed to accommodate the passage of a Heavy Rigid Vehicle. Any portion of the accessway that is

not metal driveway is in grass cover, containing swales for stormwater runoff. All parts of 15.1.6C.1.7, where relevant, can be complied with.

Rule 15.1.6C.1.8(a) & (b) requires roads to which the subdivision has frontage to be to the required legal width and be to the appropriate standard. In this instance the site has frontage to State Highway. Part (c) only applies where a property has access to more than one road frontage, which the site does not. Part (d) applies to encroachments of which I believe there are none.

Rule 15.1.6C.1.9 only applies to new roads and is not applicable. Rule 15.1.6C.1.10 only applies to service lanes, cycle and pedestrian accessways of which there are none. Rule 15.1.6C.1.11 only applies to designations and is not applicable.

In summary I have not identified any other rule breaches. The activity is regarded as a **restricted discretionary** activity overall.

5.2 Proposed District Plan

The property is zoned Rural Production under the new PDP, publicly notified on 27th July 2022 and to which the Further Submission period will close in early September. 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, and the site does not contain any heritage resources of significant natural areas, 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.

IB-R1 is entitled *Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area* and applies to all zones. As no clearance is required or anticipated this rule is not relevant.

IB-R2 is not relevant as it only applies to clearance required for papakainga housing.

Proposed subdivision

IB-R3 and IB-R4 control the amount of clearance of indigenous vegetation that can occur. The subdivision does not involve indigenous vegetation clearance. IB-R5 relates only to plantation forestry and activities and whilst the application site supports plantation forestry, this is not a consideration in this subdivision.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

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. The subdivision works will not involve the construction of any new crossings and minimal, if any upgrading of access. Any earthworks can be subject to the ADP. EW-13 and associated EW-S5 relate to ensuring Erosion and Sediment Control measures are in place during earthworks. They cite compliance with GD05. Any earthworks necessary for access and crossing works will need to ensure appropriate Erosion and Sediment Control measures are in place during works.

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.

In summary, there are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The assessment of environmental effects below includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, as required by Clause 2(3)(c) of Schedule 4 of the Act.

A restricted discretionary activity is described in s87A of the Act, clause (3).

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

*(a) **the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted** (whether in its plan or proposed plan, a national environmental standard, or otherwise); and*

(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

It is also subject to s104C of the Act:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider **only** those matters over which-*

Proposed subdivision

-
- (a) A discretion is restricted in national environmental standards or other regulations;
(b) It has restricted the exercise of its discretion in its plan or proposed plan;
- (3) if it grants the application, the consent authority may impose conditions under section 108 **only** for those matters over which –
- (a) A discretion is restricted in national environmental standards or other regulations;
(b) It has restricted the exercise of its discretion in its plan or proposed plan.

The subdivision meets the restricted discretionary number/size of lots specified in Table 13.7.2.1. Far North District Plan lays out in 13.8.1, the matters to which it restricts its discretion in determining whether to grant consent to a restricted discretionary activity, and then lays out the matters to which it will restrict its discretion when considering whether to impose conditions.

13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

..... In considering **whether or not to grant consent** on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under 13.8.1(a):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under 13.8.1(b) or (c):
- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
 - effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
 - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
 - the mitigation of fire hazards for health and safety of residents.

In considering **whether or not to impose conditions** on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in 13.7.3;
(2) the matters listed in (i) and (ii) above

In the case of this application, the application is lodged pursuant to 13.8.1(a), and therefore clause (i) applies:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;

The property is not within the coastal environment.

In summary, there are no grounds for the Council to refuse consent.

In determining conditions of consent, the following AEE is offered.

6.1 Allotment sizes and dimensions

Both lots contain existing modestly sized dwellings with onsite wastewater treatment and disposal all within proposed boundaries. There is no issue in providing 30m x 30m square building envelopes.



View from within Lot 1 across to the dwelling to be within Lot 2, looking southwards.

6.2 Property Access

This has been addressed in section 5.1 of this report. Access and crossings are existing and believed to be to the appropriate standard. The subdivision does not represent any increased level of development with both lots already supporting a residence.

Access between the two parts of Lot 1 is readily achievable – see below picture for gradient and alignment.



Access can be formed along the fence line (centre picture) in pasture, thereby linking back and front portions of Lot 1.

6.3 Natural and Other Hazards

The site is subject to flood hazard at its road frontage and into the site following the creek. This area is unable to be developed any further in any event. The mapped flood hazard area does not include the access road. The bulk of the property is not affected by flood hazard, and there is no known or mapped erosion, avulsion, subsidence or rock fall hazard. In any event both lots already support residential living.

To my knowledge, the site is not currently supporting, and has not historically supported a Hazardous Activity or Industry. It is not shown on *Far North Maps* as a HAIL site containing any contaminated soil.

6.4 Water Supply

There is no Council reticulated water supply available to the property. Both lots are, and will continue to be, reliant on on-site rainwater harvesting or through alternative supply, e.g. the dam.

6.5 Sanitary Sewage Disposal

Both lots are already supporting residential use with consented on-site effluent treatment and disposal.

6.6 Stormwater Disposal

Given the size of the lots, existing development and stormwater control, and impermeable coverage being well within permitted standards, I do not foresee any issues in regard to stormwater management for either site.

6.7 Energy Supply & Telecommunications

Power and telecoms are not a requirement for rural subdivisions. Notwithstanding this, both proposed lots already support serviced residences.

6.8 Easements for any purpose

Refer to scheme plan in Appendix 1. There are several existing easements, plus new proposed easements to be in favour of Lot 1. The dam/pond within Lot 2 is also subject to easement (involving adjacent Lot 1 DP 456848 which has frontage to the dam/pond).

6.9 Preservation of heritage resources, vegetation, fauna and landscape, and land set aside for conservation purposes

The site contains none of the following items listed in Rule 13.7.3.9 of the District Plan. There are no Notable Trees (Appendix 1D of the DP); no Historic Sites, Buildings or Objects (1E); no Outstanding Natural Features or Outstanding Landscape Features (1A and 1B); and no archaeological sites (1G) or Sites of Cultural Significance to Māori (1F). It does, however,

contain two small areas mapped as Outstanding Landscape, both of which are subject to protective covenant.

Indigenous Flora & Fauna:

There are two areas to be within Lot 2, that support indigenous vegetation and habitat and that are protected by consent notice/covenant (areas of OL). This will remain the case. There is also a substantial wetland area (similarly protected) and dam (also protected, and subject to easement). Remaining vegetation is exotic trees and grasses.

The area potentially supports kiwi. The property is a working farm and both lots will remain large enough to continue to be utilised for stock grazing. There should therefore be no restriction on being able to accommodate working dogs on the lots.

6.10 Access to reserves and waterways

There are no qualifying waterways and both lots are over 4ha in area in any event.

6.11 Earthworks

As stated earlier in this report, subdivision site works will be minimal. Both lots are already supporting built development.

6.12 Land use compatibility (reverse sensitivity)

This proposal subdivides around two existing residential units and no additional reverse sensitivity issues will arise.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

The proposal promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate subdivision that does not compromise the life-supporting capacity of air, water, or ecosystems, and adverse effects are capable of mitigation. The lot sizes will allow for a level of density not dissimilar from that already in existence in the immediate area (Objectives 13.3.1 and 2 and Policy 13.4.14).

The proposed lots are large with ample scope for on-site wastewater treatment and disposal, which is existing in any event. The lots will remain reliant on on-site water catchment and supply. Stormwater management is existing (Objective 13.3.5 and related Policy 13.4.8).

I am not aware of any sites of significance to Māori or cultural values associated with the site but in any event, the subdivision is around existing development and does not create any new vacant lot. No major earthworks are required and no indigenous vegetation clearance is envisaged or required (Objective 13.3.7 and Policy 13.4.11)

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I believe the proposal is consistent with these

objectives. Power and telecoms are not a requirement of rural subdivisions but in any event there are existing dwellings on both lots.

The site contains two small areas mapped as having landscape values associated with vegetative cover, and these are already subject to protective covenant. There are no known cultural or heritage values. The site does not have outstanding natural character values. It does contain an area of wetland, and this is already subject to protective covenant. I do not believe the subdivision will prevent adjacent land uses from continuing to operate (Policy 13.4.1).

Safe and efficient access can be provided (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives and policies include:

Objectives:

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

And policies

8.6.4.1 That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

Proposed subdivision

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects cannot be avoided remedied or mitigated are given separation from other activities

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

Objective 8.6.3.5 and Policy 8.6.4.6 are not considered relevant as they are solely related to Kerikeri Road.

The proposed subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). I do not believe there will be additional reverse sensitivity effects as a result of the proposal. The site will continue to be used for land based production. The proposed development is low density and will not prevent the continued use of adjacent land for productive uses (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, whilst avoiding the actual and potential adverse effects of conflicting land use activities. The proposed subdivision does not affect the continued ability of individual lots to continue to provide for some use reliant on soils. The immediate area supports an existing range of activities, including productive use and residential. I am of the view that the subdivision does not create additional land use incompatibility effects of a minor or more than minor nature.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained through the size of the lots (open space to built environment ratio) (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be more consistent than not with the Rural Production Zone objectives and policies.

Other relevant objectives and policies in the ODP are those relating to Landscape (Chapter 12.1). The areas mapped as outstanding landscape are already protected (Objectives 12.1.3.1, 12.1.3.3 and 12.1.3.4). There will be no adverse effects on the areas mapped as Outstanding Landscape (OL) (Policies 12.1.4.1 and 12.1.4.2). Given that both lots support existing development and the OL areas are already protected, there is no adverse cumulative effect (12.1.4.3). There is no built development within any OL (12.1.4.5). Policies 12.1.4.7, 12.1.4.8 and 12.1.4.9 are given effect to already through the protection of the OL areas.

In summary I believe the proposal is consistent with objectives and policies related to outstanding landscapes.

7.2 Proposed District Plan

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) 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.*

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.*

SUB-O3 *Infrastructure is planned to service the proposed subdivision and development where:*

- a. *there is existing infrastructure connection, infrastructure should be 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.*

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 water bodies*

The subdivision is around existing development and provides for ongoing productive use of the land. It contributes to local character and avoids additional reverse sensitivity issues. The proposal does not increase the risk of natural hazard and there are no adverse effects (SUB-O1). The site does not contain any highly productive land other than a tiny strip at the road edge. The area mapped as OL is already subject to protection (SUB-O2).

No additional infrastructure is required and there are no qualifying water bodies (SUB-O3 and O4).

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.*

Not relevant – application is not a boundary adjustment.

SUB-P2

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

Not relevant – application does not involve public works, infrastructure, reserves or access lots.

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 proposal is considered to be consistent with the purpose, characteristics and qualities of the zone, in the immediate environs; the lots are of an appropriate shape and site to contain building platforms (which already exist); and have legal and physical access. The proposal does not meet the controlled minimum lot size applying the PDP's Rural Production zone, but these lot sizes do not yet have legal effect.

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 subdivision has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

- a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;
- b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;
- c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;
- d. contributing to a well connected transport network that safeguards future roading connections; and
- e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.

Not relevant as the site is not zoned any of the zones referred to.

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.

The site is already developed and reliant on on-site servicing. The site has existing access to State Highway.

SUB- P7

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

No Esplanade Reserve is required.

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.

The soils are not regarded as highly versatile. The subdivision is regarded as rural as opposed to rural lifestyle, with both lots in excess of 12ha.

SUB-P9

Avoid subdivision [sic] 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.

The subdivision is not a Management Plan.

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 relevant. No minor residential units exist.

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.*

All of the above have been considered in the layout and number of lots being proposed.

In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan, and contains two pockets of outstanding natural landscape (ONL).

Objectives

RPROZ-O1

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

RPROZ-O2

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.

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.

The subdivision maintains rural character and amenity. The development can occur without exacerbating natural hazards and is able to be serviced with on-site infrastructure. RPROZ-O2 is written in a way that excludes any use other than primary production in the zone, yet zone rules provide for other activities as permitted activities. This is contradictory in intent. Be that as it may, residential use associated with and on the same title as, production use, is an accepted and expected feature of the rural zone.

The soils over the majority of the site are classified as LUC 4 & 6. The proposal is not considered to have minor or more than minor adverse impact on the overall productivity of the soils on the site. The subdivision does not unduly increase any risk of reverse sensitivity and does not compromise the use of nearby land for farming activities.

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.

This proposal will enable primary production activities to continue.

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 proposal does not impact on the land's ability to support primary production use and/or compatible activities that support that use.

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.

Reverse sensitivity effects have been discussed elsewhere in this report and it is considered the proposal does not unduly or significantly increase the risk of reverse sensitivity.

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;*

Proposed subdivision

-
- 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.

I believe the proposal maintains rural character and amenity. The proposal is low density and will result in low site coverage by buildings or structures.

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.

Not relevant as the proposal is not a land use.

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.

The subdivision does not result in the loss of highly productive land for use by farming activities as the site does not fall within the parameters of 'highly productive land'. Even if it did, the lots are both over 12ha in area and can continue to be farmed.

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.

As this application does not require resource consent under the PDP, the policy is of limited relevance. The proposal is of a scale and design that is consistent with the character of the zone and immediate environs. Reverse sensitivity effects are not increased and whilst there is a zone interface with land zoned "Natural Open Space" the development does not impact on this at all given that the part of the site at the zone boundary remains as it currently is.

The site is served by state highway and can provide for on-site servicing. The site does not exhibit any historic heritage or cultural values and there will be no adverse effects on landscape values, natural character values, or indigenous biodiversity.

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 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;

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- (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, resources or values outlined in parts (a)-(c) and (e)-(g) inclusive of Section 6. It does contain two small portion of outstanding landscape (part (d)), both subject to existing protection. Part (h) regards the 'management' of 'significant' risks from natural hazards. Whilst a very small portion of the site is subject to potential flood hazard it is not considered a significant risk and the access is clear of this area.

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). It is considered that the proposal represents efficient use and development of a site. Proposed layout, along with existing waste water and stormwater management, will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the 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 proposed subdivision 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 National Policy Statements

The proposal does not give offence to, and is not contrary to, the National Policy Statement for Freshwater Management.

The National Policy Statement for Highly Productive Land (NPS-HPL) is not relevant as this defines highly productive land as land with soils of LUC class 1, 2 or 3. The application site has no such soils, all being LUC classes 4 & 6 except for a narrow strip adjacent to the highway, unusable for arable purposes in any event.

The National Policy Statement for Indigenous Biodiversity has been considered in preparing this application. The subdivision is not contrary to the intent of this NPS.

7.5 National Environmental Standards (NES)

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant as there is no known current or historic land use that would render the land a 'piece of land' subject to that NES.

The NES for Freshwater Management is not considered relevant given that development is existing and no subdivision works will be required anywhere in the vicinity of any natural inland wetland.

7.6 Regional Policy Statement for Northland (RPS)

The RPS contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

The RPS also has policies ensuring that productive land is not subject to fragmentation and/or sterilisation to the point where productive capacity is materially reduced, and that reverse sensitivity effects be avoided, remedied or mitigated.

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:

(a) Reverse sensitivity for existing:

(i) Primary production activities;

In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result. The area around the site supports a mixture of agricultural, residential, community and recreational uses. The proposed lots support existing use and are separated from adjacent sites. In my opinion the proposal does not prevent or threaten the continuation of the adjacent land for ongoing production use.

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development**.

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

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

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

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

Objectives and Policies in the Regional Policy Statement for Northland (RPS) provide direction when examining the subdivision of land in production zones where the soils meet the definition of 'highly versatile', the RPS states that Class I, II and III soils are 'highly versatile'. The site contains no such soils.

The proposal, therefore, does not materially reduce the potential for soil-based primary production on land with highly versatile soils.

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);.....

The proposal does not, in my opinion, prevent the continued use of adjacent land for production use. Reverse sensitivity effects have been addressed earlier.

I believe the proposal is not contrary to any of the objectives or policies in the Regional Policy Statement for Northland.

7.7 Regional Plans

The subdivision does not result in any breaches of the Proposed Regional Plan (Appeals version).

8.0 S 95A-E & CONSULTATION

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. None of these circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists. Step 3 of s95A must therefore be considered. This specifies that public notification is required in certain circumstances. These include:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

-
- (b) *the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

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.

Step 4 of s95A states that the consent authority is to determine if there are any special circumstances under which public notification may be warranted. Such circumstances are not defined. I do not consider any such circumstances exist.

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. No affected group of persons as listed in s95B exist in this instance.

Step 2 of s95B specifies the circumstances that preclude limited notification. Neither circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, specifically:

- (7) *In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringing boundary is an affected person.*
- (8) *In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

The application is not for a boundary activity. The s95E assessment below concludes that there are no affected persons to be notified.

Step 4 of s95B states that the consent authority is to determine if there are any special circumstances under which limited notification may be warranted. Such circumstances are not defined. I do not consider any such circumstances exist.

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.

The activity is a restricted discretionary subdivision and the proposal is consistent with the objectives and policies of both the Operative and Proposed District Plan. The density level proposed is low and development within sites can be internalised so as not to generate adverse effects on adjacent properties.

The site does not contain any heritage or cultural sites or values and there are no areas of significant indigenous vegetation or habitat. No pre lodgement consultation has been considered necessary with tangata whenua, Heritage NZ, or Department of Conservation. The site is accessed off state highway and consultation has been carried out with (NZTA) Waka Kotahi.

I do not believe there to be any adjacent properties affected in a minor or more than minor and have therefore not identified any affected persons.

9.0 CONCLUSION

The site is considered suitable for the proposed subdivision, and effects on the wider environment are no more than minor. There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No special circumstances have been identified that would suggest public notification is required. No affected persons are identified.

I consider the proposal to be consistent with both the Operative and Proposed District Plans' objectives and policies, relevant national and regional policy statements and plans, and Part 2 of the Act.

It is requested that the Council give favourable consideration to this application and grant approval, on a non notified basis.



Signed
Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Dated

14th December 2023

10.0 LIST OF APPENDICES


Appendix 1	Scheme Plan(s)
Appendix 2	Locality Plan
Appendix 3	Record of Title & relevant easement instruments
Appendix 4	Consultation with NZTA

Appendix 3
Record of Title &
relevant easement instruments



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




R. W. Muir
Registrar-General
of Land

Identifier 591230
Land Registration District North Auckland
Date Issued 12 August 2013

Prior References

137780

Estate	Fee Simple
Area	75.2970 hectares more or less
Legal Description	Lot 2 Deposited Plan 456848

Registered Owners

Christopher David Jennings, Elaine Beryl Jennings, Brian Gillespie Moyle and David Thomas Jennings

Interests

Subject to a sewage right over parts marked G, E & W on DP 456848 specified in Easement Certificate B063793.1

Subject to a right of way over part marked E and to a water supply right over parts marked A, B, C, D & E all on DP 456848 specified in Easement Certificate B421471.7

The easements specified in Easement Certificate B421471.7 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto are right of way, power supply, telecommunications & water supply easements created by Easement Instrument 5939626.5 - 19.3.2004 at 9:00 am

Subject to a right of way & water supply easements over parts marked E, F, G, H & I, to power supply easement over parts marked E, F, G, H, I, C, M, N, Q & P, and to telecommunications easement over parts marked E, F, G, H, I, A, O, R & P all on DP 456848 created by Easement Instrument 5939626.5 - 19.3.2004 at 9:00 am

The easements created by Easement Instrument 5939626.5 are subject to Section 243 (a) Resource Management Act 1991

8083477.1 Notice pursuant to Section 94C Transit New Zealand Act 1989 declaring the adjoining State Highway 11 Paihia to Puketona Junction to be a limited access road - 25.2.2009 at 9:00 am

8083477.18 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 25.2.2009 at 9:00 am

8083477.19 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 25.2.2009 at 9:00 am

8887830.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 13.10.2011 at 9:48 am

8910184.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 9.11.2011 at 4:30 pm

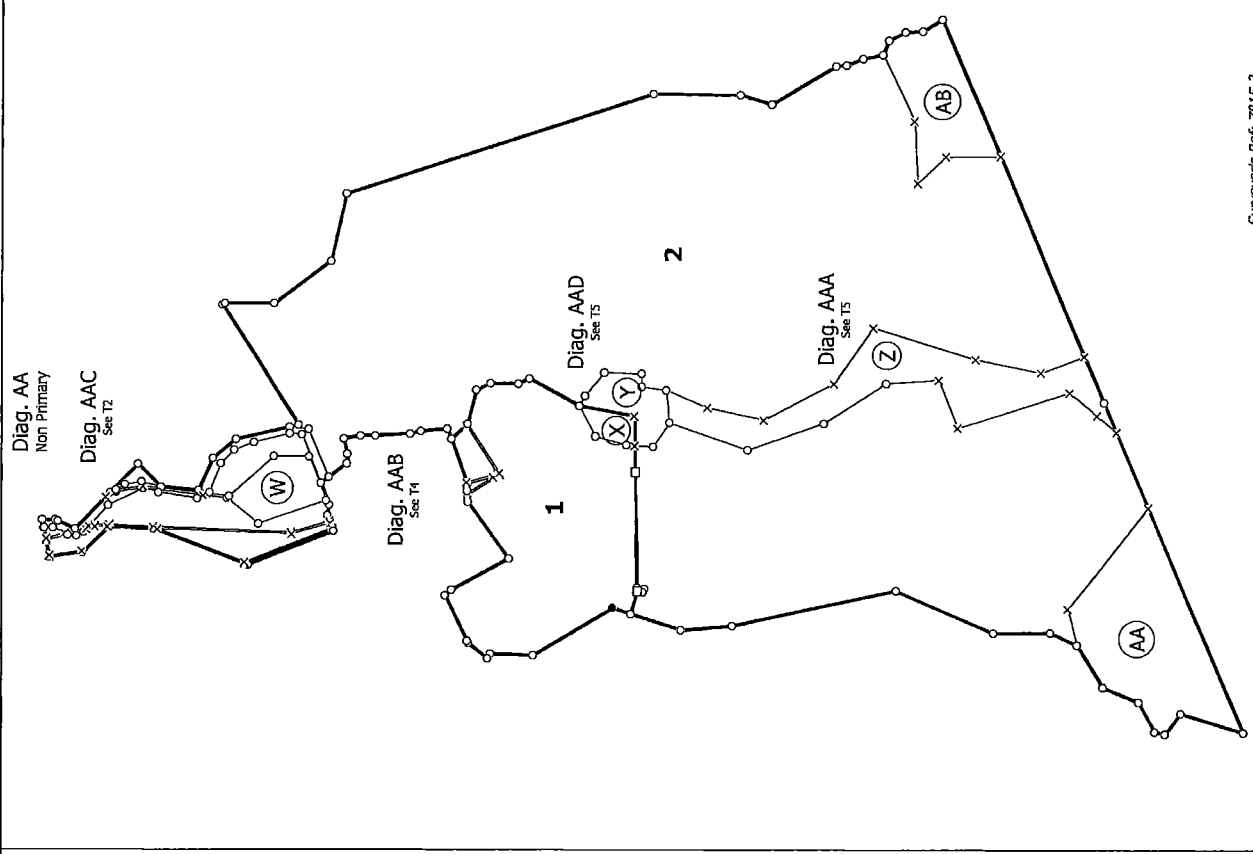
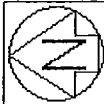
9453999.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 12.8.2013 at 2:58 pm

Subject to a right of way over part marked E, F, G, H, I & Y, a right to convey water over parts marked E, F, G, H & I, a right to convey electricity over parts marked E, F, G, H, I, C, M, N, Q & P and a right to convey telecommunications & computer media over parts marked E, F, G, H, I, P, A, O & R on DP 456848 created by Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications & computer media created by Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm

Some of the easements created by Easement Instrument 9453999.4 are subject to Section 243 (a) Resource Management Act 1991 (see DP 456848)

Land Covenant in Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm



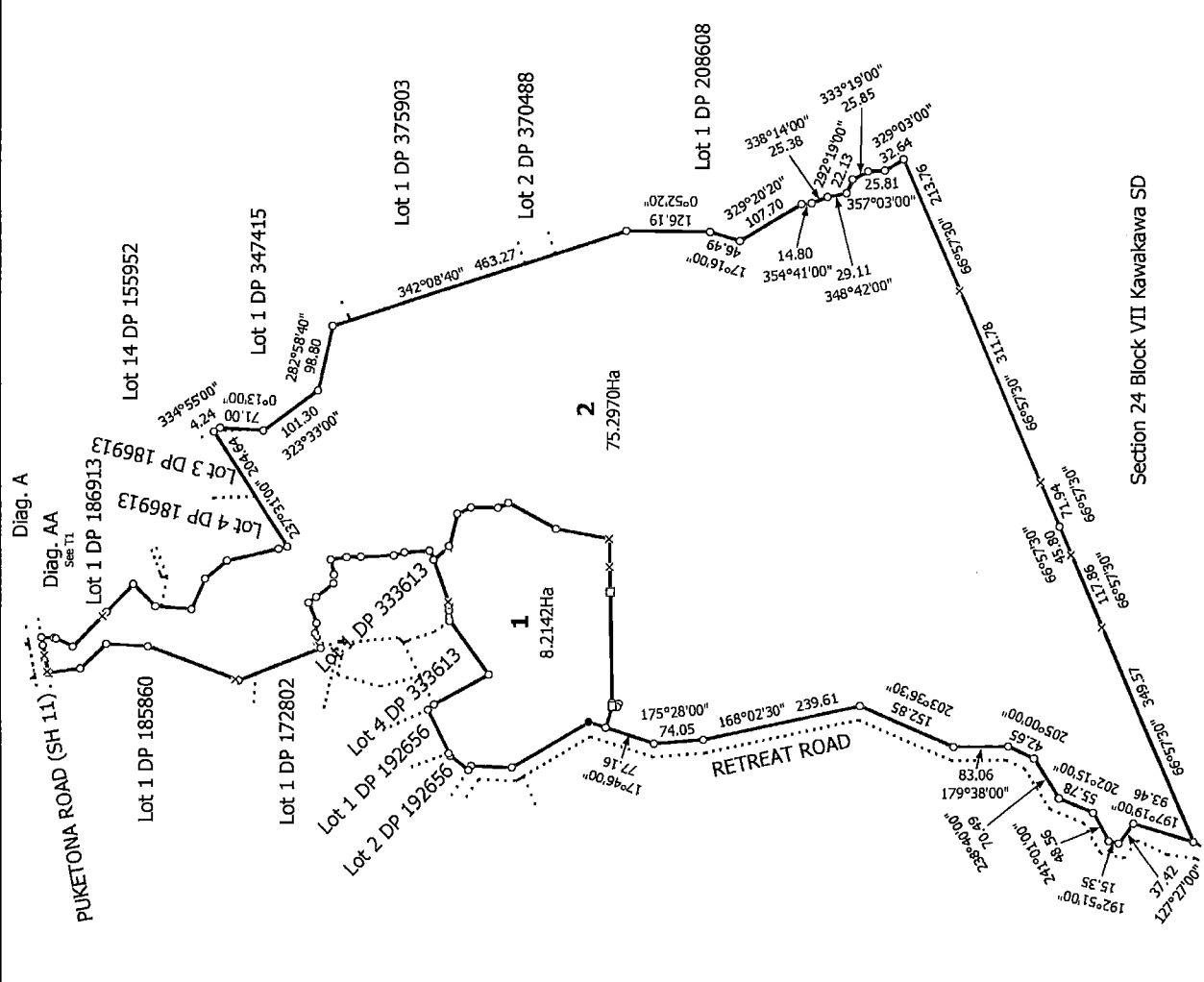
T 1/5

Surveyor's Ref: 7815-2

Title Plan
 LT 456848
 Approved on: 23/01/2013

Surveyor: Graeme William Kettle
 Firm: Thomson Survey Limited

Section 24 Block VII Kawakawa SD
 Lots 1 & 2 being a Subdivision of Lot 5 DP 333613



Land District: North Auckland
 Digitally Generated Plan
 Generated on: 23/01/2013 3:13pm Page 6 of 10

B063793.1 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

~~XXXX~~ JOE MATTHEWS LIMITED a duly incorporated Company having
its Registered Office at Whangarei

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the 8th day of April 81 under No. 82583 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
DEPOSITED PLAN NO. 82583

Nature of Easement (e.g. Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
✓ Sewage Disposal	Part OLC245	Marked "A"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852
✓ Sewage Disposal	Section 1 Block VII Kawakawa S.D.	Marked "B"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852
✓ Sewage Disposal	Part OLC245	Marked "C"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

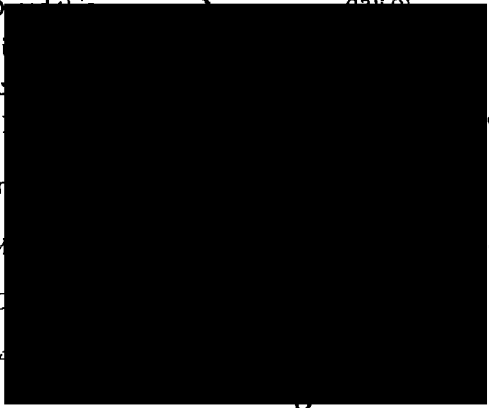
The full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements and his tenants from time to time and at all times to drain discharge hold or convey and dispose of sewage or other waste material and fluids in pipes in any quantities along and across those parts of the servient tenements marked with the letters "A", "B", and "C" together with the full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements and his tenants for the purposes aforesaid:

- (a) To use any line of pipes already laid on the stipulated course or any pipe or pipes in replacement of or in substitution for all or any of those pipes.
- (b) Where no such line of pipes exists, to lay, place and maintain or to have laid, placed and maintained a line of pipes of a sufficient internal diameter and of a suitable material for the purpose under or over the surface of the land over which the easement is granted and along the line defined for the purpose on Deposited Plan No. 82583.
- (c) In order to construct or maintain the efficiency of any such pipe line, the full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements, his tenants, servants, agents and workmen, (with any tools implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose) of entering upon such part of the servient tenements and by such route as is reasonable in the circumstances and to remain there for a reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of the land marked "A", "B", and "C" on Deposited Plan 82583 to such extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the said land and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations on any of the land described in the schedule attached hereto is repaired.

χωρίς κανένα κριτήριο, κανένα αίτιο, καμία δικαιολογία ή κριτική από οποιαδήποτε πλευρά

D
S
in
W
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A

57 day of



May, 1982



Director



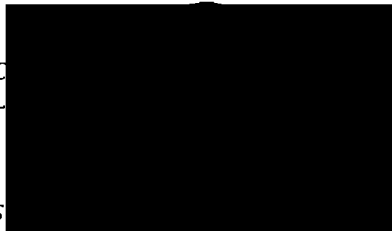
Director





EASEMENT CERTIFICATE

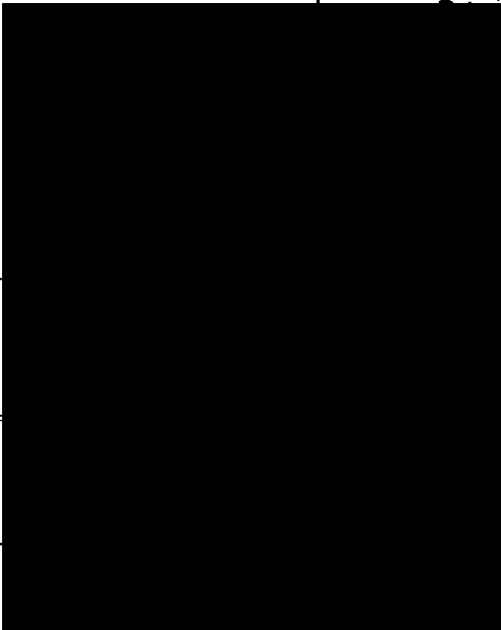
(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.



C
L
S

roprietor

THOMSON WILSON FIDLER & HEENAN
SOLICITORS
WHANGAREI



T W. & F.

23635



B421471.7 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/We ANTHONY JOHN FELL of Paihia, Farmer and ANDREA FELL
his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland under No. 3 on the day of 19 under No. 105456 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Part of Old Land Claim 245	D	Lot 1, 2 + 3	
Water Supply (Right to Convey Water)	Part of Old Land Claim 245	D	Lot 1, 2 + 3	
Water Supply (Right to Convey Water)	Part of Old Land Claim 245	B	Lots 1, 2 & 3	
Water Supply (Right to Convey Water)	Lot 2	A	Lot 1	

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Dated this 7th day of May 19 85

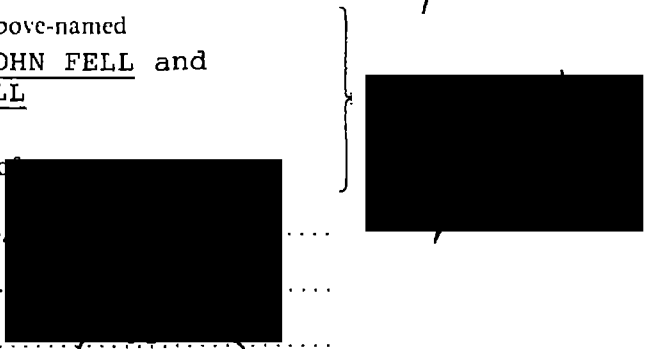
Signed by the above-named
ANTHONY JOHN FELL and
ANDREA FELL

in the presence of

Witness

Occupation

Address



EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

*Correct for the purposes of the
Land Transfer Act*

Solicitor for the registered proprietor

WALLACE SPENCER McBREARTY & DODDS
SOLICITORS
PAIHIA

5. 1. 1985 D 4214717
LAWYER
5. 1. 1985
5. 1. 1985
5. 1. 1985



Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

EI 5939626.5 Easem

Copy - 01/01, Pgs - 003, 19/03/04, 11



DocID: 311331332



Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must be underlined or in CAPITALS.

David Christopher JENNINGS, Elaine Beryle JENNINGS, and Brian Gillespie MOYLE

Grantee

Surname(s) must be underlined or in CAPITALS.

David Christopher JENNINGS, Elaine Beryle JENNINGS, and Brian Gillespie MOYLE

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 16th day of March 2004

Attestation

	Signed in my presence by the Grantor
	<p>Signature of witness</p> <hr/> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name ANNE LOUISE TICEHURST</p> <p>Occupation LEGAL EXECUTIVE</p> <p>Address KERIKERI</p>
Signature [common seal] of Grantor	

	Signed in my presence by the Grantee
	<p>Signature of witness</p> <hr/> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name ANNE LOUISE TICEHURST</p> <p>Occupation LEGAL EXECUTIVE</p> <p>Address KERIKERI</p>
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for the grantee]

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

Approved by Registrar-General of Land under No. 2002/6055
Annexure Schedule 1



Easement Instrument

Dated

[Redacted]

Page

1

of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way Power Supply Telecommunications Water Supply	DP333613		
	E, F, G, H, I	137780	137776, 137777 137778, 137779
	J	137776	137777, 137778 137779, 137780
	K	137776	13777, 137779, 137780
	L	137776	137780
		continued on annexure	

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] [negated] [added to] or [substituted] by:

[Memorandum number , registered under section 155A of the Land Transfer Act 1952].

[the provisions set out in Annexure Schedule 2].

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

[Memorandum number , registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or [Redacted] s [Redacted]

Annexure Schedule



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

Easement

Dated

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

"continuation of Schedule A"

Purpose of easement	shown DP 333613	Servient Tenement	Dominant Tenement
Power supply	C, M, N, Q, T	137780	137776, 137777 137778, 137779
	S	137776	137777, 137778 137779, 137780
Telecommunications	A, O, R	137780	137776, 137777 137778, 137779
Power Supply Telecommunications	P	137780	137776, 137777 137778, 137779
	U	137779	137777, 137778
	V	137776	137777, 137778 137779, 137780

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





**NOTICE BY THE NZ TRANSPORT AGENCY AUTHORISING A CROSSING PLACE TO AND FROM
A LIMITED ACCESS ROAD UNDER SECTION 91 GOVERNMENT ROADING POWERS ACT 1989**

State Highway No. 11 Declared Section: PAIHIA TO PUKETONA JUNCTION

DESCRIPTION OF LAND ADJOINING LIMITED ACCESS ROAD:
LOT 5 DP 333613, CT 137780 (the "Property")

Authorisation of Crossing Place

1. Pursuant to Section 91 of the Government Roading Powers Act 1989 NZ Transport Agency authorises the crossing place marked No 110 on plan numbered 11/58/2 ("the crossing place"), at which crossing place vehicles may proceed to and from the Limited Access Road and from and to the property. A copy of the plan is available for inspection at the office of the NZ Transport Agency regional office in Auckland.
2. The crossing place shall be located on the road frontage 0.0m from the Eastern boundary of the property.

CONDITIONS

3. The owner of the land specified above shall advise the Auckland Regional Manager, without delay if any of the following occur:
 - (i) A change in the nature, scale of use of the crossing place; or
 - (ii) A change in the legal description of the property; or
 - (iii) The owner has any concerns regarding the safety to users of this crossing place or the safety of users of the State highway or the efficiency of the State highway in the vicinity of this crossing place.
4. If, as a result of a change in the nature or scale of use of the crossing place or the property:
 - (i) NZ Transport Agency is satisfied that works to the crossing place are necessary to address safety or efficiency concerns relating to the crossing place or to the State highway adjacent to the crossing place ("the required works"); and
 - (ii) NZ Transport Agency notifies the owner in writing of the required works ("the notice of required works"); The owner shall, at his/her cost, carry out the required works to the satisfaction of the Regional Manager, NZ Transport Agency (Auckland), within the time specified in the notice of required works.

Advice Notes

- a) At the time of issue of this notice, the crossing place is used as access for vehicles associated with residential activity.
- b) If the crossing place was in existence at the time of the declaration of the State highway as a Limited Access Road, this notice does not confirm the acceptability of its safety or standard of design and construction for its current use. If the owner has any concerns in this regard, he/she should contact NZ Transport Agency.
- c) The NZ Transport Agency has standards for the design and construction of crossing places to State highways, and requires the owner to adopt those standards when making any changes to the use, location or design of the crossing place.
- d) A separate written permission from the Regional Manager in accordance with section 51 of the Government Roading Powers Act 1989, is required before any work may be done on the State highway, other than routine maintenance which is to be done by the owner of the property. This notice **does not** constitute that written permission.
- e) The owner's attention is drawn to the powers provided in section 91 of the Government Roading Powers Act 1989, to cancel the right to use a crossing place if the parcel of land has reasonably practicable legal access to some other road or has another authorised crossing place, and to cancel or vary conditions or impose further conditions, and to vary the location of the crossing place.
- f) Conditions 3 and 4 above have been included on this crossing place notice pursuant to s91(1)(a)(i) Government Roading Powers Act 1989 to enable the NZ Transport Agency to assess for itself whether any change in use of the crossing place, property, or occurrence of any other relevant incident raises safety or efficiency issues which require addressing.
- g) Circumstances in which the NZ Transport Agency would expect the landowner to advise the Regional Manager of concerns regarding the safety and efficiency of use of the crossing place, or State highway in the vicinity of the crossing place pursuant to sub-paragraph 3(ii) above include the occurrence of:
 - An accident which is directly or indirectly attributable to the use of the crossing place;
 - Any other incident (such as a near-accident) which raises concerns regarding the safety and efficiency of the crossing place or State highway in the vicinity of the crossing place.

Dated this 6th day of January 2009
SIGNED for and on behalf of NZ Transport Agency



Tommy Parker
Acting Regional Manager - acting pursuant to delegated authority

C91 8083477.18 Notice 1
Cpy - 01/01, Pgs - 001, 24/02/09, 12:09



DocID: 313246786



**NOTICE BY THE NZ TRANSPORT AGENCY AUTHORISING A CROSSING PLACE TO AND FROM
A LIMITED ACCESS ROAD UNDER SECTION 91 GOVERNMENT ROADING POWERS ACT 1989**

State Highway No. 11 Declared Section: PAIHIA TO PUKETONA JUNCTION

**DESCRIPTION OF LAND ADJOINING LIMITED ACCESS ROAD:
LOT 5 DP 333613, CT 137780 (the "Property")**

Authorisation of Crossing Place

1. Pursuant to Section 91 of the Government Roding Powers Act 1989 the NZ Transport Agency authorises the crossing place marked No 111 on plan numbered 11/58/2 (*"the crossing place"*), at which crossing place vehicles may proceed to and from the Limited Access Road and from and to the property. A copy of the plan is available for inspection at the NZ Transport Agency regional office in Auckland.
2. The crossing place shall be located on the road frontage 16m from the Western boundary of the property.

CONDITIONS

3. The owner of the land specified above shall advise the Auckland Regional Manager, without delay if any of the following occur:
 - (i) A change in the nature, scale of use of the crossing place; or
 - (ii) A change in the legal description of the property; or
 - (iii) The owner has any concerns regarding the safety to users of this crossing place or the safety of users of the State highway or the efficiency of the State highway in the vicinity of this crossing place.
4. If, as a result of a change in the nature or scale of use of the crossing place or the property:
 - (i) The NZ Transport Agency is satisfied that works to the crossing place are necessary to address safety or efficiency concerns relating to the crossing place or to the State highway adjacent to the crossing place (*"the required works"*); and
 - (ii) The NZ Transport Agency notifies the owner in writing of the required works (*"the notice of required works"*); The owner shall, at his/her cost, carry out the required works to the satisfaction of the Regional Manager, NZ Transport Agency (Auckland), within the time specified in the notice of required works.

Advice Notes

- a) At the time of issue of this notice, the crossing place is used as access for vehicles associated with farming activity.
- b) If the crossing place was in existence at the time of the declaration of the State highway as a Limited Access Road, this notice does not confirm the acceptability of its safety or standard of design and construction for its current use. If the owner has any concerns in this regard, he/she should contact the NZ Transport Agency.
- c) The NZ Transport Agency has standards for the design and construction of crossing places to State highways, and requires the owner to adopt those standards when making any changes to the use, location or design of the crossing place.
- d) A separate written permission from the Regional Manager in accordance with section 51 of the Government Roding Powers Act 1989, is required before any work may be done on the State highway, other than routine maintenance which is to be done by the owner of the property. This notice **does not** constitute that written permission.
- e) The owner's attention is drawn to the powers provided in section 91 of the Government Roding Powers Act 1989, to cancel the right to use a crossing place if the parcel of land has reasonably practicable legal access to some other road or has another authorised crossing place, and to cancel or vary conditions or impose further conditions, and to vary the location of the crossing place.
- f) Conditions 3 and 4 above have been included on this crossing place notice pursuant to s91(1)(a)(i) Government Roding Powers Act 1989 to enable the NZ Transport Agency to assess for itself whether any change in use of the crossing place, property, or occurrence of any other relevant incident raises safety or efficiency issues which require addressing.
- g) Circumstances in which the NZ Transport Agency would expect the landowner to advise the Regional Manager of concerns regarding the safety and efficiency of use of the crossing place, or State highway in the vicinity of the crossing place pursuant to sub-paragraph 3(ii) above include the occurrence of:
 - An accident which is directly or indirectly attributable to the use of the crossing place;
 - Any other incident (such as a near-accident) which raises concerns regarding the safety and efficiency of the crossing place or State highway in the vicinity of the crossing place.

Dated this 6th day of January 2009
SIGNED for and on behalf of NZ Transport Agency



Tommy Parker
Acting Regional Manager - acting pursuant to delegated authority

PIID 5115144 ON 81

C91 8083477.19 Notice 1

Cpy - 01/01, Pgs - 001, 24/02/09, 12:09



DocID: 313246786



View Instrument Details

Instrument No. 9453999.4
Status Registered
Date & Time Lodged 12 Aug 2013 14:58
Lodged By Laing, Alison Margaret
Instrument Type Easement Instrument



Affected Computer Registers	Land District
591229	North Auckland
591230	North Auckland

Annexure Schedule: Contains 6 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage D276277.2 has consented to this transaction and I hold that consent

Signature

Signed by Richard Adrian Ayton as Grantor Representative on 23/08/2013 04:05 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Grantee Representative on 23/08/2013 04:05 PM

*** End of Report ***

Form B

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

(Sections 90A and 90F Land Transfer Act 1952)

GrantorCHRISTOPHER DAVID JENNINGS, ELAINE BERYL JENNINGS and
BRIAN GILLESPIE MOYLE**Grantee**CHRISTOPHER DAVID JENNINGS, ELAINE BERYL JENNINGS and
BRIAN GILLESPIE MOYLE**Grant of Easement or *Profit à prendre* or Creation of Covenant**

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way, Right to Convey Electricity, Telecommunications and Computer Media, Right to Convey Water	'E', 'F', 'G', 'H', 'I' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Electricity	'C', 'M', 'N' 'Q' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Electricity, Telecommunications and Computer Media	'T', 'U' on DP 456848	Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
	'P' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Telecommunications and Computer Media	'A', 'O', 'R' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229

Form L

Annexure Schedule

Page 2 of 4 Pages

Insert instrument type

Easement Instrument

Schedule A continued			
Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way	"X" on DP 456848	Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
	"Y" on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Land Covenant		Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
Land Covenant		Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule _____]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule _____]

Form L

Annexure Schedule

Page 4 of 4 Pages

Insert instrument type

Easement Instrument

*Continue in additional Annexure Schedule, if required***LAND COVENANTS**

It is the Grantors intention to create for the benefit of the dominant tenements in Schedule A the Land Covenants set out in Schedule B over the servient tenements in Schedule A TO THE INTENT that the servient tenements shall be bound by the stipulations and restrictions set out in Schedule B hereto and the owners and occupiers for the time being of the dominant tenements may enforce the observance of such stipulations against the owners for the time being of the servient tenements.

AND the Grantors DO HEREBY COVENANT AND AGREE in the manner set out in Schedule B hereto so that the Covenants run with the servient tenements for the benefit of the respective dominant tenements as described in Schedule A.

Schedule A

591229, 591230

Schedule B

- (i) The area marked "Z" on DP 456848 is a bush preservation and wild life protection area. The vegetation shall not be removed, cut down, damaged, added to (apart from natural seedlings), or destroyed. The registered proprietor shall not be in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the registered proprietor or for which the registered proprietor is responsible. Dead wood or vegetation may not be removed by the registered proprietor.
- There shall be no shooting of wild life. The area is to remain fenced with a stock proof fence to prevent cattle access. The registered proprietor shall be responsible for maintaining the fence in a stock proof condition. The registered proprietor of Lot 2 shall be entitled to maintain the existing culvert crossing within "Z" and to use this for access.
- The area marked "Z" on DP 456848 is surrounded by a pine plantation. If during the removal of trees debris falls into area "Z" on DP 456848 it is not to be removed but left to rot.
- (ii) The registered proprietor of the lots containing areas "X" and "Y" on DP 456848 shall protect the dam wall situated in the area and shall be required to undertake works to maintain it in a serviceable safe condition. The registered proprietor of each area is responsible for that part of the dam wall on their lot and dam maintenance within their lot.
- (iii) The registered proprietor of Lot 1 will be restricted to one access Lot from the right of way from Puketona Road.
- (iv) Lot 2 contains a stock yard. Lot 2 will allow the registered proprietor of Lot 1 to access the stock yards on 24 hours notice. The user will be responsible for any damage caused.
- (v) Not to operate heavy machinery, bus or trucking business on or from the property with the exception of normal farming or horticulture on the property.

ANNEXURE SCHEDULE - CONSENT FORM¹

Land Transfer Act 1952 section 238(2)

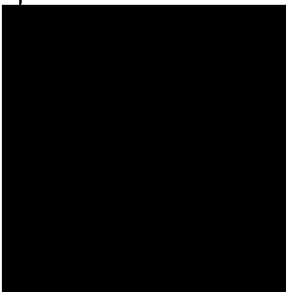

Person giving consent <i>Surname must be underlined</i> ASB Bank Limited	Capacity and Interest of Person giving consent <i>(eg. Mortgagee under Mortgage no.)</i> D276277.2
---	---

Consent
Delete words in [] if inconsistent with the consent
State full details of the matter for which consent is required

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the Person giving consent hereby consents to: the deposit of plan 456848, the registration of Easement Instrument to create Right of Way, Right to Convey Electricity, Telecommunications and Computer Media, Right to Convey Water over E, F, G, H, I on DP 456848, Right to Convey Electricity over C, M, N, Q on DP 456848, Right to Convey Electricity, Telecommunications and Computer Media over T, U, P on DP 456848, Right to Convey Telecommunications and Computer Media over A, O, R on DP 456848, Right of Way over X, Y on DP 456848 but without releasing or discharging the Mortgagor or any other person or persons or any other security or securities for the time being held by the Mortgagee from payment of any monies whatsoever remaining owing to it under the within obligation or any collateral instrument or otherwise

Dated this 9th day of August 2013

Attestation 	Signed in my presence by the Person giving consent  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed): Witness name -- Michelle Molmo Occupation -- Bank Officer Address -- AUCKLAND
Signature [Common seal] of Person giving consent	

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

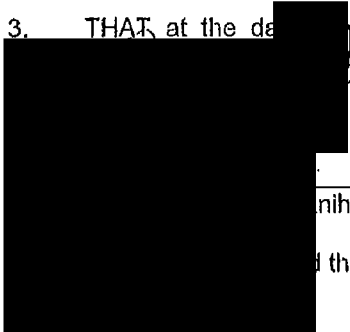
I Jason Melhana Paranihi of Auckland, New Zealand, hereby certify:

1 THAT by a Deed dated **26 October 2011** and deposited with Land Information New Zealand and registered number **8911871.2** ASB Bank Limited appointed the persons holding, or from time to time acting in, the following ASB Bank offices as its attorneys on the terms and subject to the conditions set out in the said Deed:

- General Manager, Lending Operations
- Head of Lending Operations
- Manager Lending Operations
- Legal Executive, Lending Operations
- General Manager, Retail Credit
- Head of Financial Help and Recoveries
- Senior Credit Recoveries Manager
- Credit Recoveries Manager
- Manager Business Risk

2. THAT I hold the appointment of Manager, Lending Operations with ASB Bank Limited

3. THAT, at the date of signing I have not received any notice of or revocation of that appointment by the winding up of ASB Bank Limited or otherwise.



Paranihi

and this 9 day of August 2013

V 2011.12



View Instrument Details

Instrument No. 9453999.3
Status Registered
Date & Time Lodged 12 Aug 2013 14:58
Lodged By Laing, Alison Margaret
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



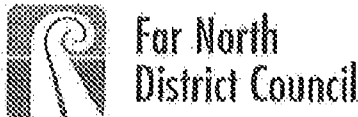
Affected Computer Registers Land District
591230 North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Richard Adrian Ayton as Territorial Authority Representative on 12/08/2013 02:54 PM

*** End of Report ***



Private Bag 257, Russell Ave
 Rotorua 0480, New Zealand
 Telephone: 0800 770 020
 Phone: 020 401 5000
 Fax: 020 401 2137
 Email: info@fncc.govt.nz
 Website: www.fncc.govt.nz

To Kaitiaki e Tai Tokerau Ki Te Haki

*He mea whakawhiriwhiri
whiriwhiri, whiriwhiri.*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 224: CONSENT NOTICE

REGARDING RC 2100418
Being the Subdivision of Lot 5 DP 333613
North Auckland Registry

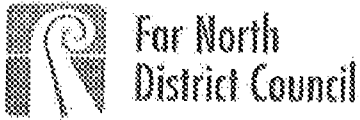
PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL, to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 2 -- DP 456848

- i. The owner shall preserve the indigenous vegetation within areas AA and AB as shown on the approved Survey Plan, and shall not without prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down, damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- ii. Each dwelling shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service





Phone: 09 431 2100
Toll-free: 0800 431 2100
Fax: 09 431 2101
Email: info@fncc.govt.nz
Website: www.fncc.govt.nz

Te Kōwhiri o Tei Tokerau Ki Te Rau

equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

SIGNED:



Mr Patrick John Killalea

By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this

11th day of March

2013.



Appendix 1

Scheme Plan(s)

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

All existing easements from CT 591230 are to remain

All existing easements from CT 591230 are to remain

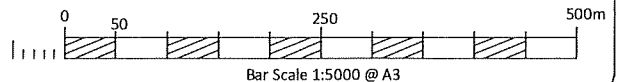
AREAS SHOWN AS (AA) (AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3

AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

Local Authority: Far North District Council
 Comprised in: 591230
 Total Area: 75.2970ha
 Zoning: Rural Production
 Resource features: Outstanding Landscape

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

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.



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

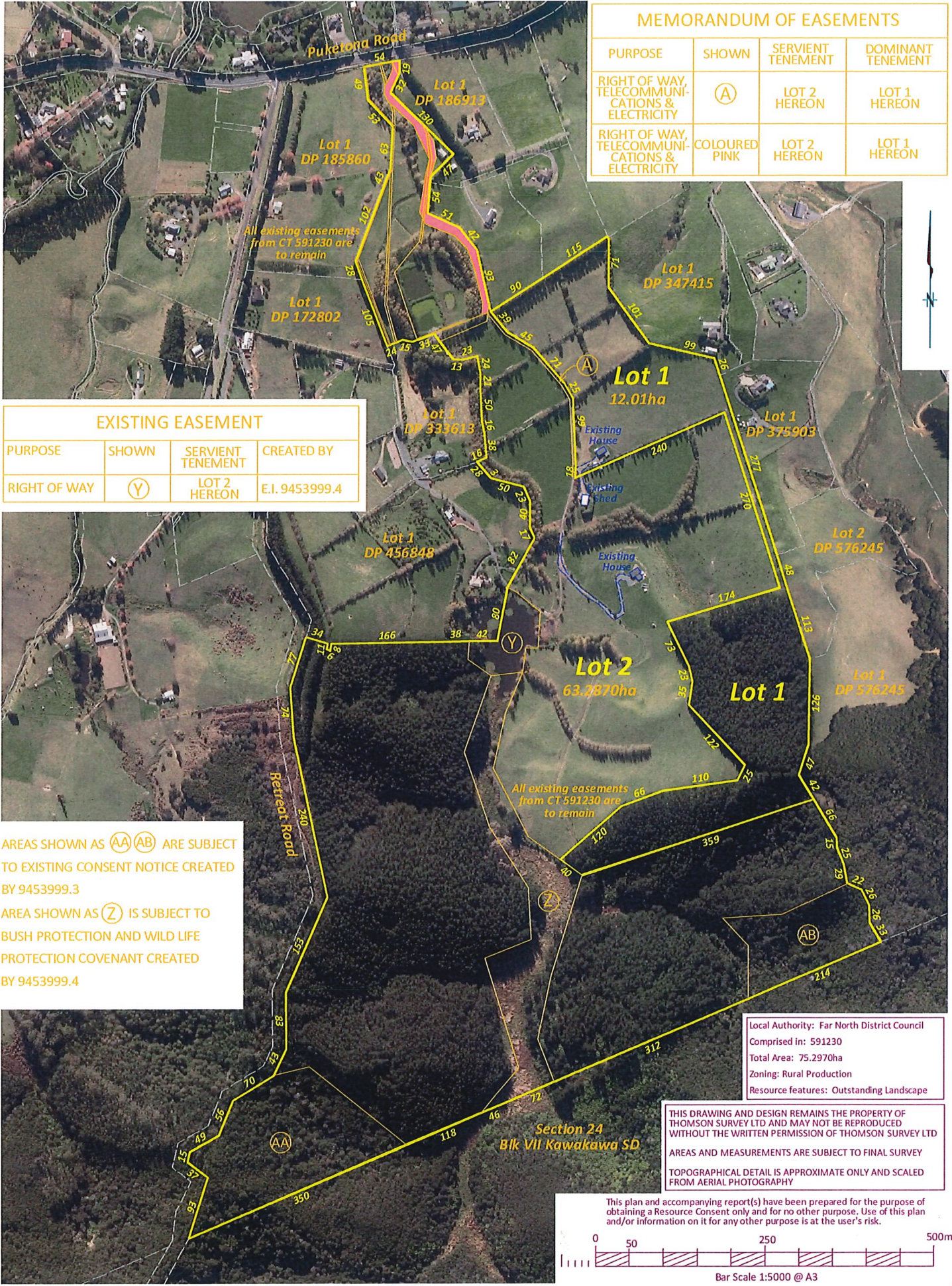
**PROPOSED SUBDIVISION OF
 LOT 2 DP 456848
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS**

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	KY 25.05.23	1:5000	A3
Approved			
Rev	KY 11.12.23		
10506 Scheme 20231211			

Surveyors Ref. No:

10506

Sheet 1 of 1



MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

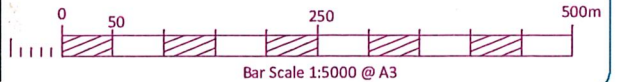
AREAS SHOWN AS (AA) (AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3

AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

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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 SUBDIVISION OF
 LOT 2 DP 456848**
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:5000	A3
Design			
Drawn	KY 25.05.23		
Approved			
Rev	KY 11.12.23		
10506 Scheme 20231211			

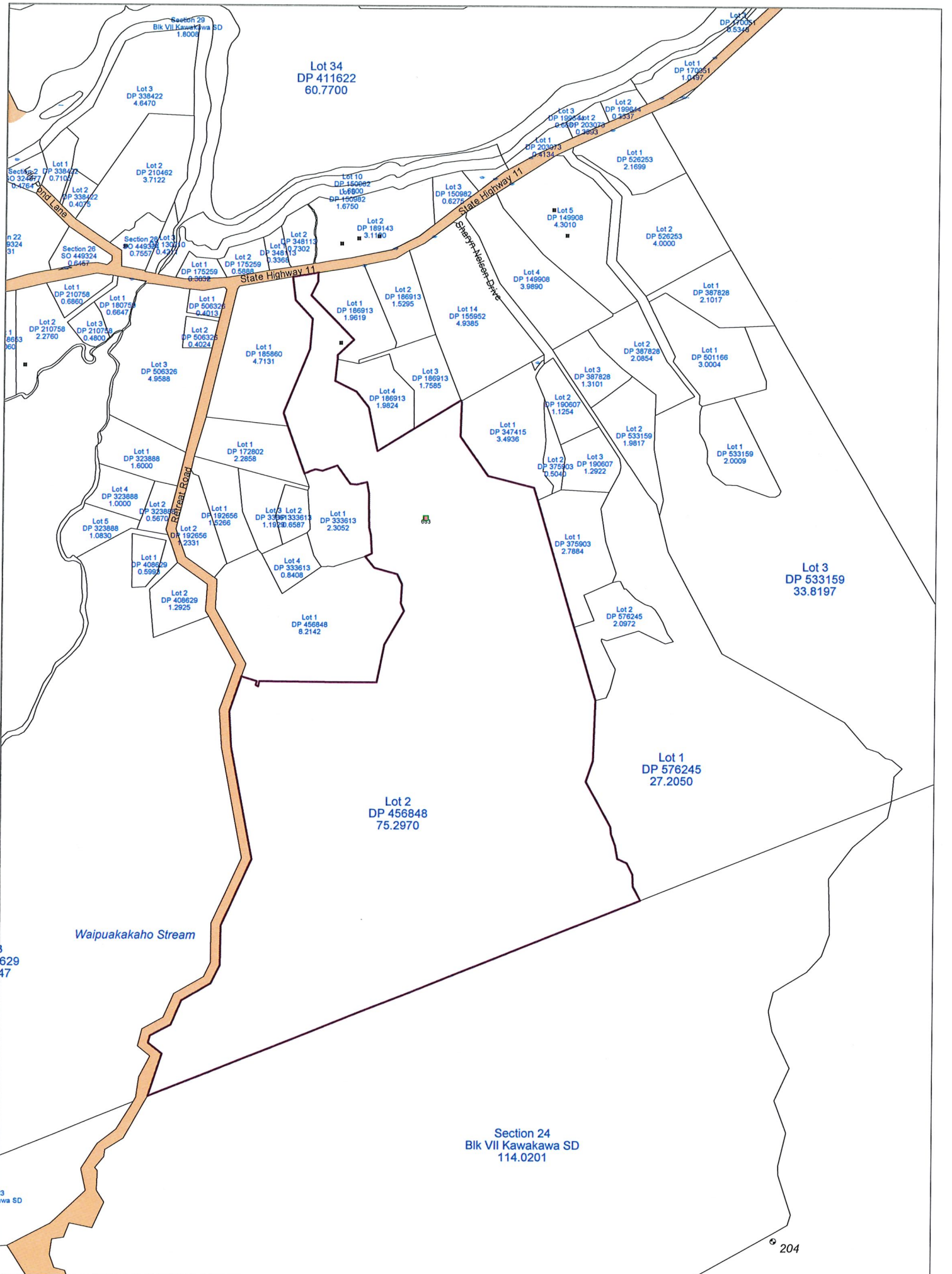
Surveyors Ref. No:

10506

Sheet 1 of 1

Appendix 2

Locality Plan



Appendix 4

Consultation with NZTA

Waka Kotahi New Zealand Transport Agency Reference: 2023-0954

10th October 2023

David Jennings
C/- Karen Yerkovich
Thomson Survey Limited
315 Kerikeri Road,
Kerikeri 0230

Sent via: karen@tsurvey.co.nz

Dear Karen,

Proposed two-lot subdivision – 685F Puketona Road, Haruru, Northland Forest Park – David Jennings

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- Proposed two-lot subdivision for single dwelling residential use.

Assessment

In assessing the proposed activity, Waka Kotahi notes the following:

- Crossing Place (CP) 110 currently serves four lots and five dwellings.
- It is the understanding of Waka Kotahi that the proposed subdivision will not result in an additional dwelling.
- CP 110 formation appears to already be in accordance with the New Zealand Transport Agency Diagram D standard as outlined in the Planning Policy Manual (2007). However, the CP is currently in disrepair and requires resealing.
- It should be noted that any further development may require further upgrade to CP 110 to the formation of New Zealand Transport Agency Diagram E standard as outlined in the Planning Policy Manual (2007).

Limited Access Road (LAR)

Your client's site adjoins State Highway 11 which is identified as a limited access road. Per Section 91 of the Government Roadway Powers Act 1989, to access your client's site your client requires a crossing place authorised by Waka Kotahi. In this instance upgrade of Crossing Place 110.

Conditions

In discussion with Waka Kotahi your client has agreed to include the following conditions as part of your clients' resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Crossing Place 110 shall be sealed to boundary in accordance with the New Zealand Transport Agency standard and to the satisfaction of the New Zealand Transport Agency Network Manager.
2. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant

documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roding Powers Act 1989.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Limited Access Road

As the site fronts a Limited Access Road, the New Zealand Transport Agency provides approval under Section 93 of the Government Roding Powers Act 1989 for the site to gain direct access from the State Highway as described in this written approval.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the New Zealand Transport Agency CAR Manager via aran.arrieta@nzta.govt.nz a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

As the properties have access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Roding Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from the New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Vonnie Veen-Grimes via email at Vonnie.veen-grimes@nzta.govt.nz or you can contact the environmental planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely



Vonnie Veen-Grimes
Planner

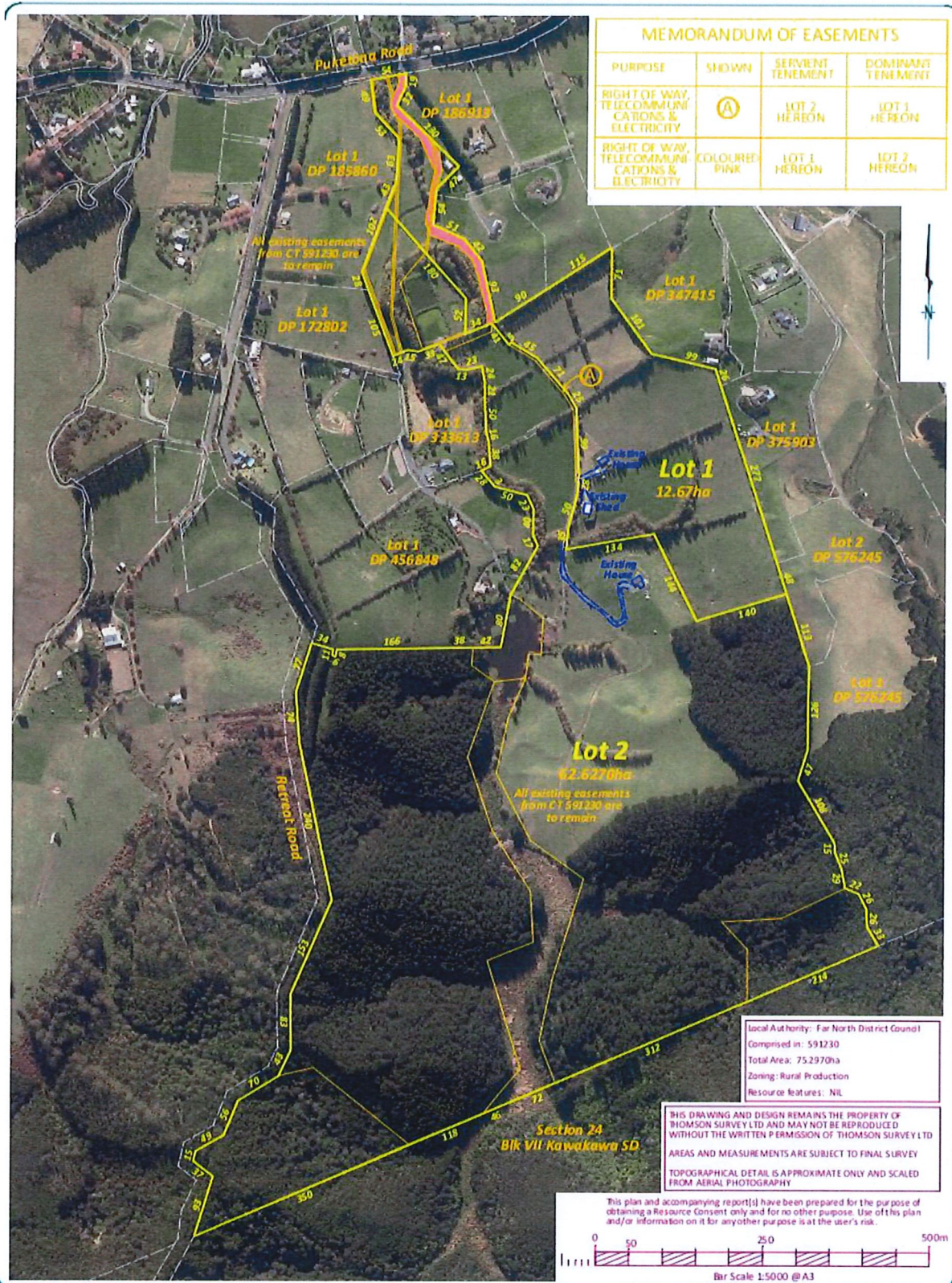
Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

cc: aran.arrieta@nzta.govt.nz

Enclosed:

➤ Attachment 1: Proposed Scheme Plan

Attachment 1: Proposed Scheme Plan



THOMSON SURVEY
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 SUBDIVISION OF LOT 2 DP 456848
683F PUKETONA ROAD
PREPARED FOR: D. JENNINGS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	KY 25.05.23	1:5000	A3
Approved			
Rev			

30506 Scheme

Surveyors Ref. No: **10506**
Sheet 1 of 1