

<p><b>Office Use Only</b></p> <p>Application Number:</p>
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**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: \_\_\_\_\_

Electronic Address for Service (E-mail): \_\_\_\_\_

Phone Numbers: \_\_\_\_\_ Home: \_\_\_\_\_

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: Shane Stratton Surveying Ltd

Electronic Address for Service (E-mail): shane@sbsurveyors.co.nz

Phone Numbers: Work: 027 4390092 Home: \_\_\_\_\_

Postal Address: P.O. Box 7144 Tikipunga, Whangarei  
 (or alternative method of service under section 352 of the Act)

\_\_\_\_\_ Post Code: \_\_\_\_\_

*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: Te Tai Tokerau Water Trust

Property Address/  
Location: Te Ahu Ahu Road, Waimate North

**7. Application Site Details:**

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

Site Address/  
Location: Te Ahu Ahu Road, Waimate North

Legal Description: Lot 2 DP 208031 & Lot 2 DP 479002 Val Number: \_\_\_\_\_

Certificate of Title: NA135D/350 and 678203  
Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site Visit Requirements:

Is there a locked gate or security system restricting access by Council staff? Yes /  No  
Is there a dog on the property? Yes /  No  
Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. **This is important to avoid a wasted trip and having to re-arrange a second visit.**

**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.

S127 Application to vary Condition 1 and remove Condition 3(c) of 2230251 RMASUB - see attached

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 attach your AEE to this application.**

**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: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone Numbers: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Fax: \_\_\_\_\_

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

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

Name: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_ (signature of bill payer – **mandatory**)      Date: \_\_\_\_\_

## 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](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

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

Name:  (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.*

**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**

# SHANE STRATTON SURVEYING LIMITED

PO Box 7144, Tikipunga, Whangarei, PH (09) 4371749 , Mob 027 4390092, Email [shane@sbsurveyors.co.nz](mailto:shane@sbsurveyors.co.nz)

Customer Services  
Far North District Council  
Private Bag 752  
Kaikohe

14 December 2023

Dear Sir / Madam,

**Re: S127 Application to Vary Consent Conditions – Te Tai Tokerau Water Trust, 2230251 RMASUB**

The above application was approved in September 2023. The application was for a controlled activity subdivision of two adjoining sites, to create 3 allotments, for the purposes of creating a water reservoir for the Te Tai Tokerau Water Trust, Council reference 2230251 RMASUB.

It is intended that the reservoir occupy the whole of approved Lot 1, with access available to this lot via Right of Way A. Right of Way C is intended to provide access across Lot 2 to the northern end of the reservoir for maintenance purposes. Condition 3(c) of the approved decision requires Right of Way C to be formed with a metal carriageway.

The reservoir is currently under construction, with significant earthworks required to achieve this. These earthworks will undermine if not totally destroy Right of Way C. We therefore seek to remove Right of Way C from the approved plan, and remove the consent conditions relating to Right of Way C. It is intended that a s348 application to create Right of Way C will be applied for at an appropriate time, upon completion of the earthworks and construction of the reservoir. There are no effects on access overall, as the primary access for Lot 1 is via Right of Way A, which will remain as approved.

An amended scheme plan is attached, with Right of Way C removed. The amended plan is referenced SSS1623, dated 12.12.23. We require an amendment to the consent conditions to allow for this. We hereby apply for a S127 approval to vary the relevant conditions.

The only conditions that will require amending are Condition 1, and Condition 3(c). Condition 1 will require altering to reflect the amended plan. The amended plan reference is SSS1623, dated 12.12.23.

Condition (c) should be deleted in its entirety.

**District Plan Rules Assessment**

The proposal does not change the activity status of the proposal in any way. No rule infringements relating to access are triggered, as physical access to each allotment will remain unchanged.

### Objectives and Policies Assessment

As there is no fundamental change to any aspect of the proposal, there is no change to the assessment against the objectives and policies of either the Operative or Proposed District Plan. The proposal continues to be consistent with all relevant Objectives and Policies.

### Assessment of Effects

The proposed variation does not fundamentally change any aspect of the proposal, with no changes to any effects that would be felt beyond the boundaries of the sites. No parties are potentially affected by the proposal minor change to the proposal.

We look forward to hearing from you in due course. In the meantime if you require any further information please do not hesitate to contact us.

Yours faithfully,

Kate Wood  
*Planner*

**CAUTION:**

- This is a Concept Plan. Areas & Dimensions are approximate only and are subject to Final Survey.
- The Vendor & Purchaser must contact the Surveyor, if a Sale & Purchase Agreement(s) are entered into using this Plan.
- This Plan is copyright to Shane Stratton Surveying Ltd. No part of this Plan may be reproduced in any form without the prior permission of the above Mentioned.
- All topographical features are approximate only.

**APPROVED PLAN**

**Planner: Simeon McLean**  
**pp: RStehlin**  
**RC: 2230251-RMASUB**  
**Date: 28/08/2023**

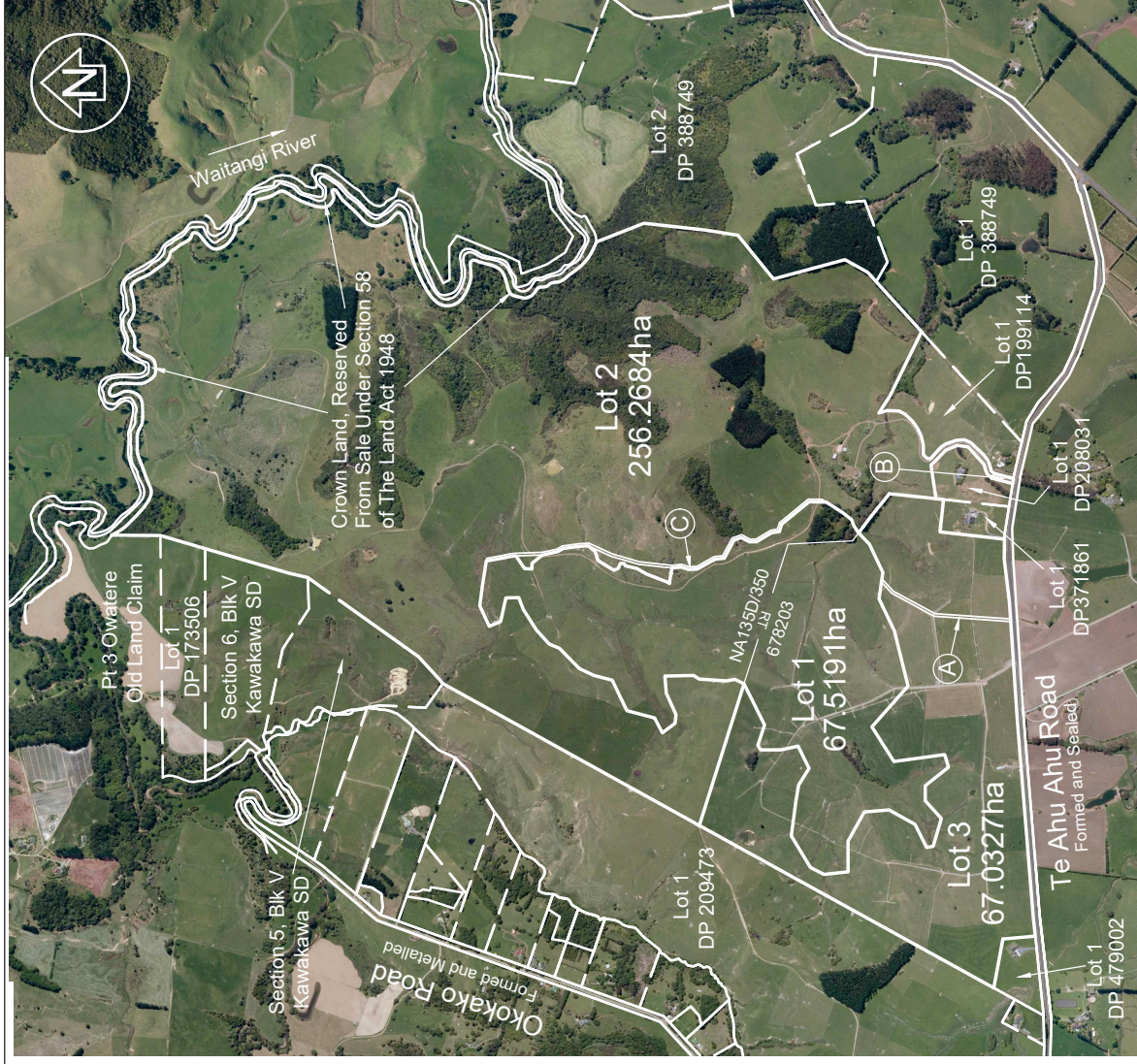
Schedule of Proposed Easements			
Shown	Purpose	Servient Tenement	Dominant Tenement
(A)	Right of Way	Lot 3 hereon	Lot 1 hereon
(C)		Lot 2 hereon	Lot 1 hereon
Schedule of Existing Easements			
Shown	Purpose	Servient Tenement	Created By
(B)	Right of Way, rights to convey water, and right to transmit electricity and telecommunications	Lot 2 hereon	D643817.3

**PROPOSED SUBDIVISION OF LOT 2 DP 208031  
 AND LOT 2 DP 479002**

**TOTAL AREA 390.8202ha  
 COMPRISED IN RT 678203 AND NA135D/350**

Shane Stratton  
 Licensed Cadastral Surveyor

**Shane Stratton**  
**Surveying Limited**  
 Ph : 0274390092  
 PO Box 7144 Tikipunga Whangarei  
 shane@sbsurveyors.co.nz



Scale 1:15000 (A3)

SHEET NUMBER  
1623-1

FILE REF.  
SSS1623

DATE: 6/12/22

**Te Tai Tokerau Water Trust**  
**Otawere Reservoir Subdivision**

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**APPROVED PLAN**

Planner: Simeon McLean  
 pp: RStehlin  
 RC: 2230251-RMASUB  
 Date: 28/08/2023



Shane Stratton  
 Licenced Cadastral Surveyor

**PROPOSED SUBDIVISION OF LOT 2 DP 208031  
 AND LOT 2 DP 479002**

TOTAL AREA 390.8202ha

COMPRISED IN RT 678203 AND NA135D/350

Scale 1:5000 (A3)

Shane Stratton  
 Surveying Limited

Ph : 0274390092  
 PO Box 7144 Tikipunga Whangarei  
 shane@sbsurveyors.co.nz

**Te Tai Tokerau Water Trust  
 Otawere Reservoir Subdivision**

SHEET NUMBER  
 1623-2

FILE REF.  
 SSS1623

DATE: 6/12/22



**CAUTION:**

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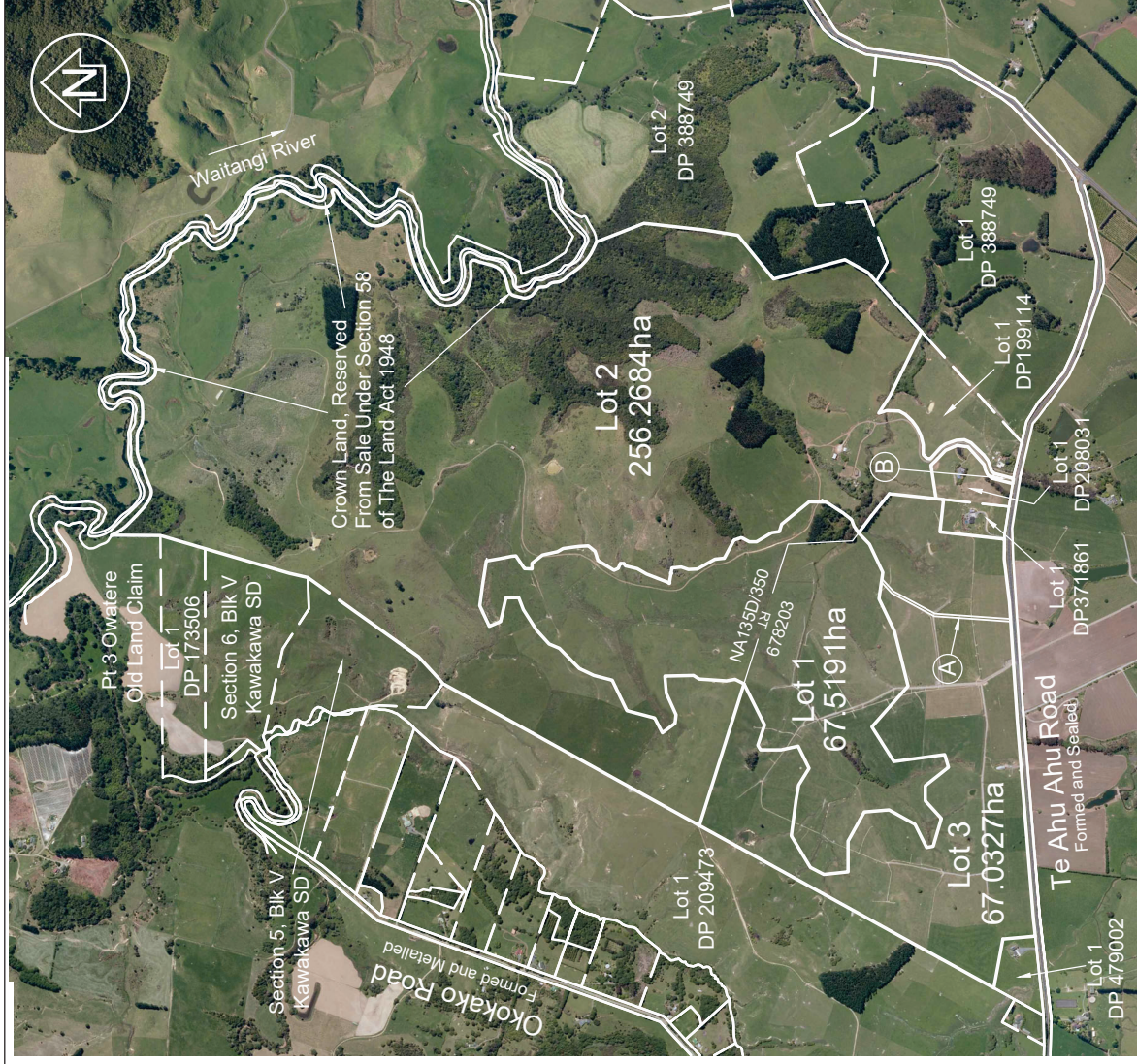
Schedule of Proposed Easements			
Shown	Purpose	Servient Tenement	Dominant Tenement
(A)	Right of Way	Lot 3 hereon	Lot 1 hereon
Schedule of Existing Easements			
Shown	Purpose	Servient Tenement	Created By
(B)	Right of Way, rights to convey water, and right to transmit electricity and telecommunications	Lot 2 hereon	D643817.3

**PROPOSED SUBDIVISION OF LOT 2 DP 208031 AND LOT 2 DP 479002**

TOTAL AREA 390.8202ha  
COMPRISED IN RT 678203 AND NA135D/350

Shane Stratton  
Licenced Cadastral Surveyor

Shane Stratton  
Surveying Limited  
Ph : 0274390092  
PO Box 7144 Tikipunga Whangarei  
shane@sbsurveyors.co.nz



Scale 1:15000 (A3)

SHEET NUMBER  
1623-1

FILE REF.  
SSS1623

DATE: 12/12/23

**Te Tai Tokerau Water Trust  
Otawere Reservoir Subdivision**

**CAUTION:**

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Shane Stratton  
Licenced Cadastral Surveyor

**PROPOSED SUBDIVISION OF LOT 2 DP 208031  
AND LOT 2 DP 479002**

Scale 1:5000 (A3)

TOTAL AREA 390.8202ha

COMPRISED IN RT 678203 AND NA135D/350

SHEET NUMBER  
1623-2

Shane Stratton  
Surveying Limited

Ph : 0274390092  
PO Box 7144 Tikipunga Whangarei  
shane@sbsurveyors.co.nz

**Te Tai Tokerau Water Trust  
Otawere Reservoir Subdivision**

FILE REF.  
SSS1623

DATE: 12/12/23

**DECISION ON SUBDIVISION CONSENT APPLICATION  
UNDER THE RESOURCE MANAGEMENT ACT 1991**  
Amended pursuant to s133A

## Decision

Pursuant to section 34(1) and sections 104, 104A, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Controlled activity, subject to the conditions listed below, to:

<b>Council Reference:</b>	2230251-RMASUB
<b>Applicant:</b>	Te Tai Tokerau Water Trust
<b>Property Address:</b>	Te Ahu Ahu Road, Waimate North
<b>Legal Description:</b>	Lot 2 DP 208031 (Identifier: NA135D/350) and Lot 2 DP 479002 (Identifier: 678203)
<b>Description of Application:</b>	Subdivision to create 3 allotments in the Rural Production Zone as a Controlled Activity.

## Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Shane Stratton Surveying Limited, referenced SSS1623, dated 6/12/22, and attached to this consent with the Council's "Approved Stamp" affixed to it.

### Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved, as per proposed scheme plan entitled "Te Tai Tokerau Water Trust Otawere Reservoir Subdivision" (Ref. SSS1623; Sheet Number: 1623-1 and 1623-2, dated 6/12/22) prepared by Shane Stratton Surveying Limited.
  - b. The Protected Natural Area (PNA) on Lot 2 to be shown as subject to a land covenant (bush/habitat protection). [See also Condition 4f]

### Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Provide a formed double width entrance to ROW easement A from Te Ahu Ahu Road which complies with the Councils Engineering Standard FNDC/S/6, 6B, and

- section 3.3.7.1 of the Engineering standards and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing edge.
- b. Upgrade existing ROW easement B to include a double width sealed entrance plus splays for a minimum distance of 5m from the existing edge.
  - c. Provide formed and metalled access on ROW easement C to 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.
  - d. The consent holder, and subsequent owners of the land, should notify the New Zealand Historic Places Trust prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) site registered on the property, and should comply with the requirements and provisions of the Historic Places Act 1993.
4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change. **[Lot 1, 2 & 3]**
  - b. At the time of lodging an application for building consent on any of the lots the building applicant is to provide a report from a Chartered Professional Engineer with recognised competence in relevant geotechnical and structural matters, which addresses the site's investigation undertaken, sets out the specific design of the building's foundations. **[Lot 1, 2 & 3]**
  - c. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. **[Lot 2 & 3]**
  - d. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of a tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[Lot 2 & 3]**
  - e. The site (Lot 2 DP 208031, proposed Lot 1 and 2 of the proposal) is identified as being within a high density kiwi zone. Any cats and/or dogs kept onsite must be

kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs. **[Lot 2]**

- f. The owner shall preserve the indigenous trees and bush now on the proposed Lot 2, mapped as Protected Natural Areas 2016 (DOC), and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. **[Lot 2]**

## **Advice Notes**

### **Lapsing of Consent**

1. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
  - a) *A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or*
  - b) *An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.*

### **Right of Objection**

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

### **Archaeological Sites**

3. *Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site. It is noted that there is an existing Archaeological Authority from HNZPT (Authority No.: 2023-127) in relation to the proposed subdivision. It is consent holder's, or subsequent owners', obligation to comply with conditions of the above Authority.*

### **General Advice Notes**

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *The consent holder shall obtain all necessary building consents which may be required for any building works proposed.*

6. *The consent holder is responsible for arranging for buried services to be located and marked prior to commencing earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.*
7. *The consent holder will be responsible for the repair and reinstatement of the public roads and carriageway to the satisfaction of the Council Roading Manager, if damaged as a result of the works and building operations.*
8. *Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant. All debris is to be cleaned off the road at the end of each working day.*
9. *TP58 Reports must be prepared by a person who is on a list of approved TP58 writers maintained by Far North District Council. Persons on the approved list must be either a Chartered Professional Engineer or a Registered Drainlayer who has attended and passed a TP 58 writers course approved by Far North District Council.*
10. *Rule ER-R13 of the Proposed Far North District Plan has immediate legal effect and requires that earthworks must, for their duration, be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Guideline Document GD2016/005). Failure to comply with this rule may result in enforcement action and will require additional consents.*
11. *Works in and around wetlands including discharges, earthworks and vegetation removal are restricted under the National Environmental Standard for Freshwater (NES-F). Resource consent may also be required from Northland Regional Council (NRC). It is the responsibility of the consent holder to ensure such consents are obtained.*
12. *All earthworks are required to be completed in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, Guideline Document 2016/005.*

## **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Controlled resource consent as such under section 104A the Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are found in section 13.7.3 and 13.8.1 of the Operative District Plan.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:

- a. The proposed activity is not inconsistent with the surrounding rural environment and dairy farmland predominantly in pasture.
  - b. The vacant site is of sufficient size to enable ongoing use of pastoral farming or accommodate other rural activities that is compliant with standards in the relevant zone provision.
  - c. Each proposed Lot can be sufficiently accessed and serviced.
  - d. The proposal will also result in positive effects as the proposal is to create an allotment for future water reservoir. The ultimate activity in the proposal is deemed to be a public good for environmental resources.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
- a. National Policy Statement for Highly Productive Land 2022,
  - b. Operative Far North District Plan 2009,
  - c. Proposed Far North District Plan 2022

National Policy Statement for Highly Productive Land (NPS-HPL)

On 17th October 2022 the Central Government released the NPS-HPL. The policy statement aims to protect highly productive land for use in land-based primary production, both now and for future generations. There is no discretion or transitional period under the NPS-HPL. For all local authorities, it is required to consider whether the proposed activities subject of this application is consistent with the provisions of the NPS-HPL, specifically whether the proposal will result in a reduction to the productive capacity of the land.

In this instance, most of the site contains soil within the LUC Class 2 and 3 categories under the Land Use Capability (LUC) assessment. The proposal involves proposed subdivision in highly productive land and therefore is considered contrary to some of the objectives and policies in the NPS-HPL. However, as the application is assessed as a Controlled activity, the matters of discretion are limited to 13.7.3 of the Operative Plan and therefore only Policy 9 (reverse sensitivity effects) can be considered.

In this case the proposed subdivision is adjacent to similar land uses of existing rural environments of farmland, the subdivision is required to create allotments supporting the proposed water reservoir and do not involve rural residential development. Apart from the proposed Lot 1, which is to hold the water reservoir, the remaining lots will be retained for pastoral farming use, which will ensure reverse sensitivity effects will not arise.

Operative Far North District Plan

The applicant provided an assessment of the objectives and policies within Chapter 8, Rural, and Chapter, 13 Subdivision of Operative Far North District Plan (ODP) in Section 2.2 (pages 6-7) of the AEE associated with the application. I adopt this

assessment as the subdivision is not otherwise inconsistent with any of the objectives and policies within the above chapters of the ODP.

In addition, considered the site is within an area of High Density of Kiwi Distribution and contains a Protected Natural Area as mapped by the Department of Conservation, an assessment to the objective and policies in the Chapter 12 Natural and Physical Resource of relevance in the Operative Far North District Plan has been undertaken and it is considered that proposal inconsistent with any of the objectives and policies within the above chapter of the ODP.

### Proposed Far North District Plan

A supplementary document titled “Te Tai Tokerau Water Trust PDP Objectives and Policies Assessment” received 5 December 2022 via email provides a comprehensive assessment against the objectives and policies in the PDP. I adopt this assessment as the subdivision is not otherwise inconsistent with any of the objectives and policies within the PDP.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application.
7. In terms of s106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act.  

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## **Approval**

This resource consent has been prepared by Jo Li - Consultant Planner, 4Sight Consulting. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.





**Simeon Mclean**  
**Team Leader Resource Consents**

**Date: 28 August 2023**

Amended version pursuant to s133A granted under delegated authority by:



**Whitney Peat**  
**Team Leader Resource Consents**

**Date: 1 September 2023**



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 678203  
**Land Registration District** North Auckland  
**Date Issued** 19 May 2015

**Prior References**  
290682

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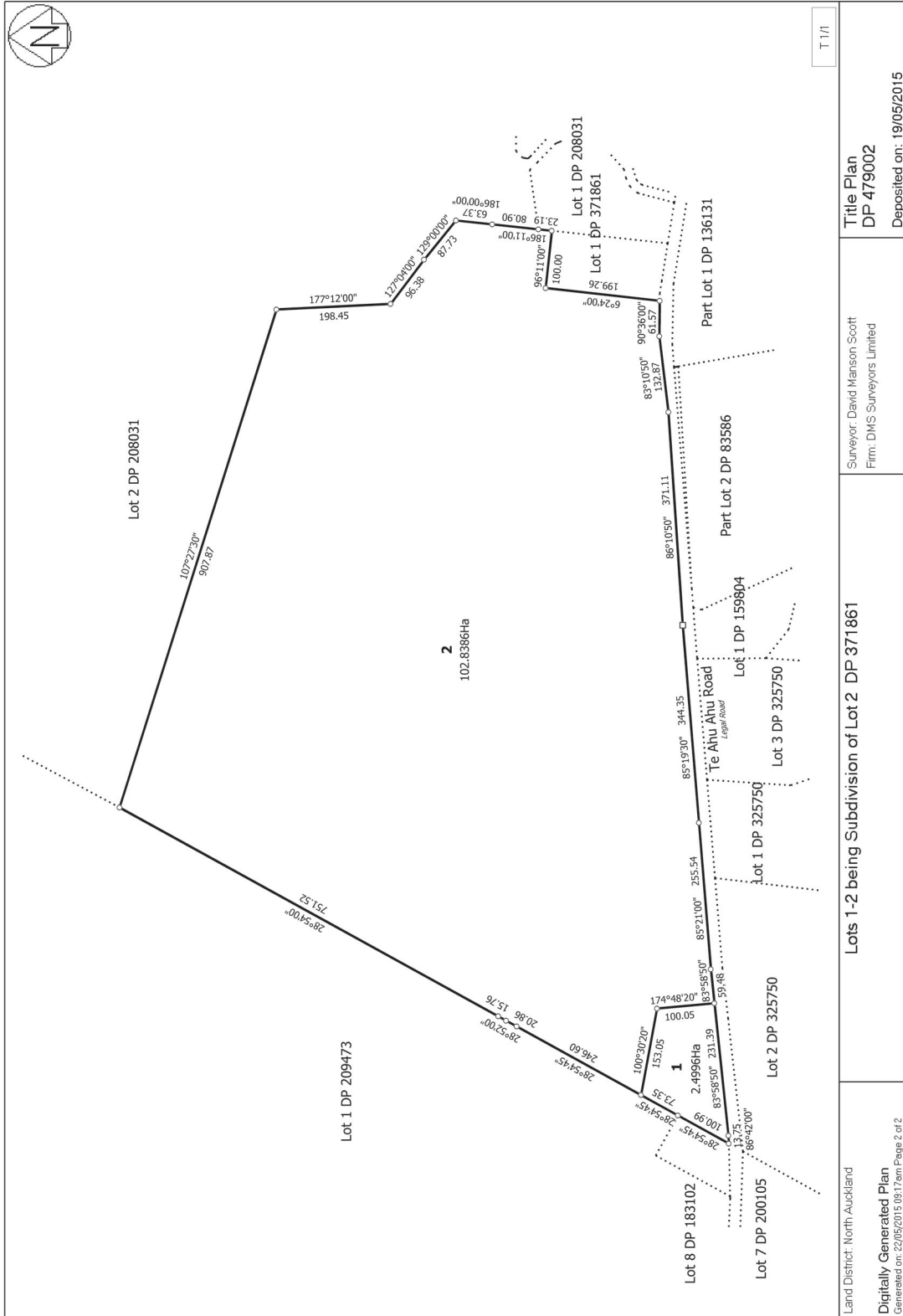
**Estate** Fee Simple  
**Area** 102.8386 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 479002

**Registered Owners**  
Marsden Limited Partnership

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**Interests**

10068359.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.5.2015 at 3:40 pm  
12125598.3 Mortgage to Westpac New Zealand Limited - 1.6.2021 at 4:14 pm





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** NA135D/350  
**Land Registration District** North Auckland  
**Date Issued** 27 September 2001

**Prior References**  
NA126B/273

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**Estate** Fee Simple  
**Area** 288.0320 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 208031

**Registered Owners**  
Gregory John Moyle and Tania Lee Rita Moyle

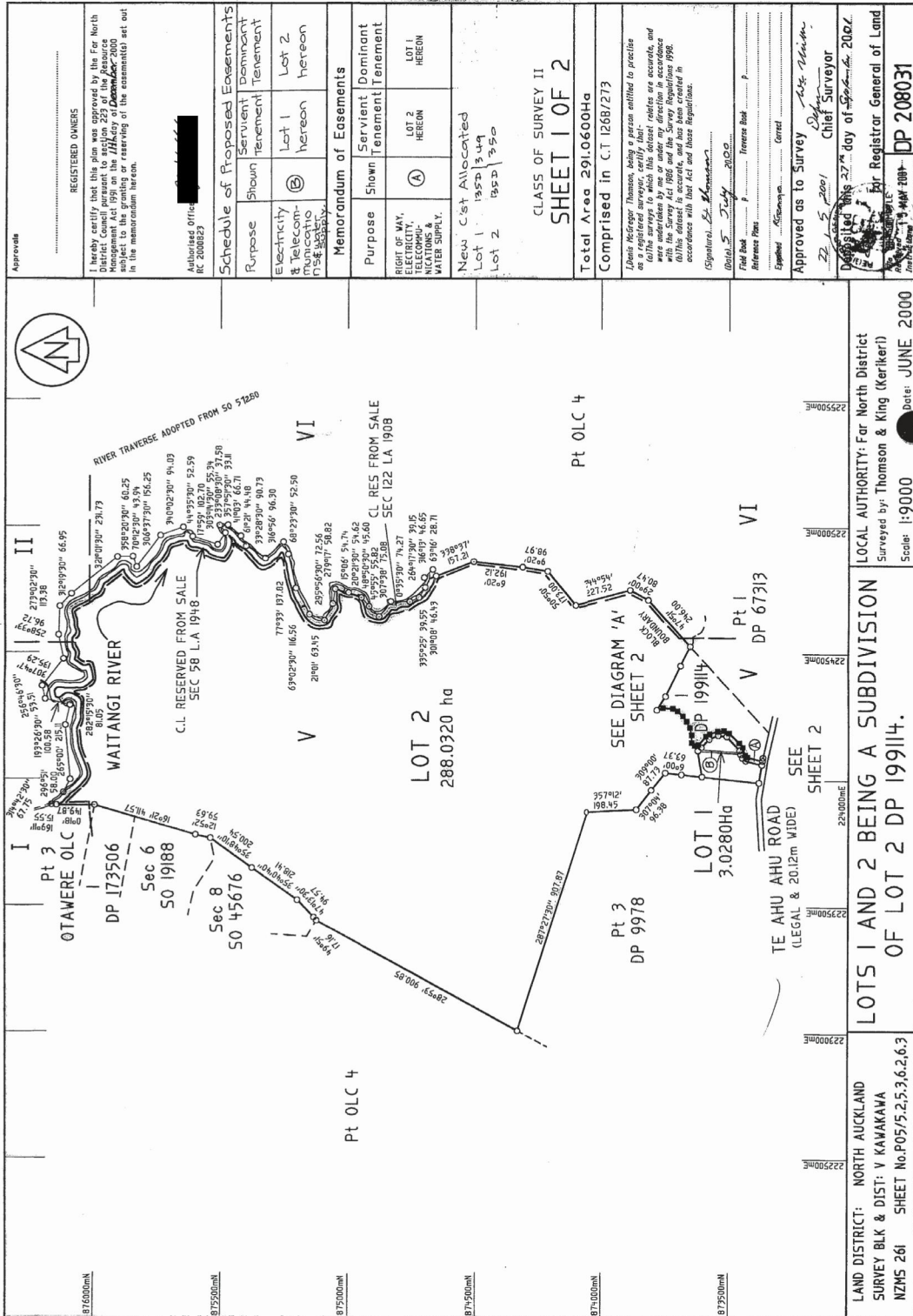
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**Interests**

Subject to a right of way and rights to convey water, transmit electricity and telecommunications over part marked A on DP 208031 specified in Easement Certificate D643817.3 - 27.9.2001 at 9.00 am

Appurtenant hereto are rights to convey water, transmit electricity and telecommunications specified in Easement Certificate D643817.3 - 27.9.2001 at 9.00 am

Some of the easements specified in Easement Certificate D643817.3 are subject to Section 243 (a) Resource Management Act 1991 (see DP 208031)



Approvals

REGISTERED OWNERS

I hereby certify that this plan was approved by the Far North District Council pursuant to section 223 of the Resource Management Act 1991 on the 11th day of December 2000 in accordance with the provisions of that Act and in the memorandum hereto.

Authorized Officer: [Signature]

RC 2000823

Schedule of Proposed Easements	
Purpose	Servient Tenement
Electricity & Telecommunications	Lot 1 hereon
	Lot 2 hereon

Memorandum of Easements	
Purpose	Servient Tenement
RIGHT OF WAY, ELECTRICITY, TELECOMMUNICATIONS & WATER SUPPLY.	LOT 1 HEREON
	LOT 2 HEREON

New Cst Allocated

Lot 1 1950/349

Lot 2 1950/350

CLASS OF SURVEY II

SHEET 1 OF 2

Total Area 291.0600Ha

Comprised in C.T. 1268/2173

I, David McGregor Thomson, being a person entitled to practice as a registered surveyor, certify that the above is a true and correct copy of the original plan as shown to me and that the same was undertaken by me or under my direction in accordance with the Survey Act 1950 and the Survey Regulations 1998. I am a member of the Institution of Surveyors in New Zealand in accordance with that Act and these Regulations.

Signature: [Signature]

Date: 5 July 2000

Reference: [Reference]

Approved as to Survey: [Signature] Chief Surveyor

Approved as to Survey: [Signature] Chief Surveyor

Date: 27th day of September 2002

For Registrar General of Land

DP 208031

LOCAL AUTHORITY: Far North District

Surveyed by Thomson & King (Kerikeri)

Scale: 1:9000

Date: JUNE 2000

LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 2 DP 199114.

SEE SHEET 2

TE AHU AHU ROAD (LEGAL & 20.12m WIDE)

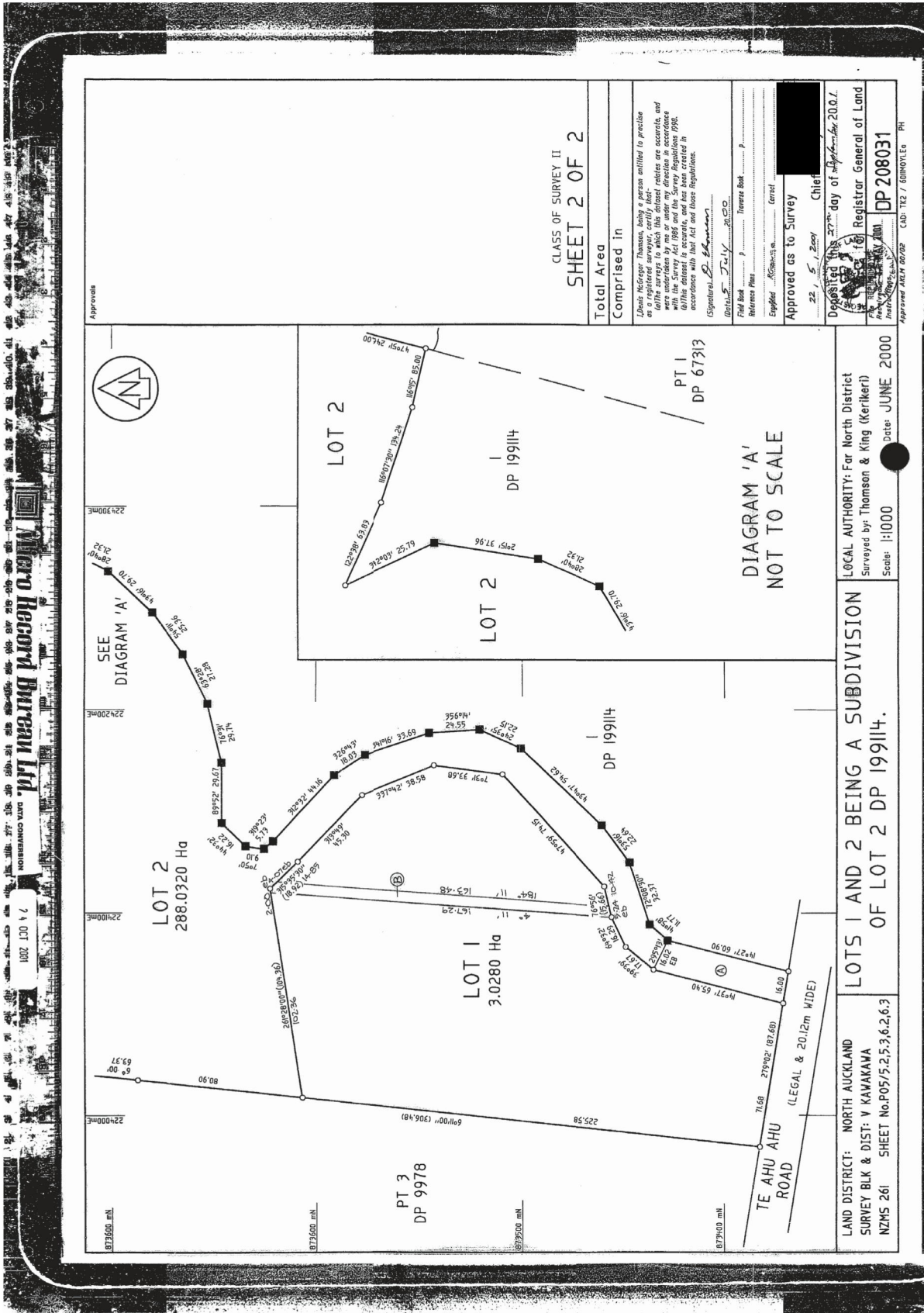
SEE SHEET 2

LAND DISTRICT: NORTH AUCKLAND

SURVEY BLK & DIST: V KAWAKAWA

NZMS 261 SHEET No. P05/5.2,5.3,6.2,6.3

Micro Record Bureau Ltd. DATA CONVERSION 24 OCT 2001



CLASS OF SURVEY II  
SHEET 2 OF 2

Total Area Comprised in

(Check Meters) Meters, being a mean offered in practice as a registered survey, certify that the surveys to which this deed relates are accurate, and were surveyed by 1999 and the measurements were taken in accordance with the Regulations 1996. (This deed is accurate, and has been created in accordance with that Act and those Regulations.)

Signature: *D. Chapman*

Date: 5 July 2000

Print Name: *D. Chapman*

Reference Plan: *DP 99114*

Engraved: *Chapman*

Approved as to Survey: *[Signature]* Chief

22 July 2000

Deposited this 27th day of August 2000

Registrar General of Land

Mark [Signature]

DP 208031

Approved 24/07/2000 CAB: TR2 / 600V/LEO PH

LOCAL AUTHORITY: For North District  
Surveyed by: Thomson & King (Kerikeri)  
Scale: 1:1000  
Date: JUNE 2000

LOTS 1 AND 2 BEING A SUBDIVISION  
OF LOT 2 DP 199114.

LAND DISTRICT: NORTH AUCKLAND  
SURVEY BLK & DIST: v KAWAKAWA  
NZMS 261 SHEET No.P05/5,2,3,6,2,6,3