

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 Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☐ No

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

☐ Yes ☐ No

4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

K. & S. LUPI

Email:

Phone number:

Work

Home

Postal address:

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

Postcode

6. Address for Correspondence

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

Name/s:

Donaldsons Surveyors

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

K. & S. LUPI

**Property Address/
Location:**

37 ONEKURA ROAD, KERIKERI

Postcode

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

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)

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.

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☐ Yes ☐ No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

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

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

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

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

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

- | | |
|--|--|
| <input type="radio"/> Subdividing land | <input type="radio"/> Disturbing, removing or sampling soil |
| <input type="radio"/> Changing the use of a piece of land | <input type="radio"/> Removing or replacing a fuel storage system |

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☐ **Yes**

13. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☐ **Yes** ☐ **No**

14. Billing Details:

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

Name/s: (please write in full)

Donaldsons Surveyors Ltd

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Micah Donaldson

Signature:

(signature of bill payer)



Date 09-Jul-2025

MANDATORY

15. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

Micah Donaldson

Signature:

[Redacted Signature]

Date 09-Jul-2025

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)
- ☐ Details of your consultation with Iwi and hapū
- ☐ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / Agent / Property Owner / Bill Payer details provided
- ☒ Location of property and description of proposal
- ☒ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☐ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☒ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☒ Topographical / contour plans

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



7862

8 July 2025

Resource Planner
Far North District Council
Private Bag 752
KAIKOHE 0440

**VARIATION TO RESOURCE CONSENT PURSUANT TO SEC 127 RMA 1991
& EXTENSION OF TIME PURSUANT TO SEC 125 RMA
RC 2220784-RMASUB, 37 Onekura Road, Kerikeri**

The applicant seeks a variation and extension of time to RC 2220784 under Sections 127 & 125 of the Resource Management Act (RMA).

The proposal includes:

- A two staged subdivision.
- An extension of time for an additional 2 years (New expiry **1 February 2030**).

These changes reflect the applicant's intended path forward and continue to align with all relevant planning provisions.

Outline of proposed variation

The consent holder requires that the boundary adjustment between Lot 6 and adjoining Lot 3 DP 505563 be completed first, in advance of creating the 4 lifestyle sites (Lots 1 – 4), and additionally creating the Right of Way easement shown 'E' over Lot 3 DP 505563.

Stage 1 = Lot 6 amalgamation with Lot 3 DP 505563 and Right of Way easement 'E'.

Stage 2 = Lots 1 - 5

To provide greater flexibility in light of the current slowdown in the property market, the consent holder seeks an extension of a further two years to the consent's lapse date.



Section 127 RMA 1991 - Proposed consent conditions and amendments

Activity A: Subdivision Conditions

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced **Stages 1 & 2**, Lots 1 – 6 Being a Proposed Subdivision of Lot 2 DP 209487 and Easements over Lot 3 DP 505563, dated **May 2022 June 2025**, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Comment: This updates the reference to reflect the revised scheme plans attached, namely Stages 1 & 2.

STAGE 1

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Stage 1, Lots 5 & 6 Being a Proposed Subdivision of Lot 2 DP 209487 and Easements over Lot 3 DP 505563, dated June 2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223 RMA) 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.
- b. That Lot 6 hereon be transferred to the owners of Lot 3 DP 505563 (RT 763512) and that one title be issued to include both parcels.
LINZ ID: 1821492

~~c. Areas 'V', 'W', 'X', 'Y', 'Z' to be protected by way of land covenants for the purpose of wetland preservation.~~

Section 224(c) RMA compliance conditions

No Conditions.

3. 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) *No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped, and kept inside at night.*

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;*
- ii. Written confirmation that the cat or dog has been microchipped;*
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification;*
- iv. For any dog a plan showing the extent to the dog proof fenced area;*
- v. For any cat written confirmation that the cat has been neutered.*

[Lot 6]

THERE ARE NO OTHER APPLICABLE CONSENT NOTICES ON LOT 6.

STAGE 2

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Stage 2, Lots 1 - 5 Being a Proposed Subdivision of Lot 2 DP 209487, dated June 2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223 RMA) 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.
- b. Areas 'V', 'W', 'X', 'Y', 'Z' to be protected by way of land covenants for the purpose of wetland preservation.

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:

- a. Submit a geotechnical engineering report provided by a chartered geotechnical engineer. This investigation is to cover (as a minimum) the proposed building site, general suitability of stormwater soakage devices and the access route from the entrance to the building site. The conclusions and recommendations required for all assessments should include:
 - i) Any building foundation restrictions and areas unsuitable for building.
 - ii) Solutions to counter any instability.
 - iii) Recommendations for stormwater/effluent disposal and any effect disposal will have on stability.

THIS CONDITION IS APPLICABLE TO STAGE 2.

Section 224(c) RMA compliance conditions

Conditions 4a – 4c are all applicable to Lots 1 – 5 (Stage 2)

5. 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:

All Consent Notices would be created for Lots 1 – 5.

Summary

The applicant seeks a variation under Section 127 of the RMA to separate the existing subdivision consent conditions into two distinct stages—Stage 1 (Lots 5 & 6) and Stage 2 (Lots 1–5)—in accordance with revised scheme plans dated June 2025. No new conditions are introduced; all existing consent conditions are retained and simply reallocated to reflect the intended staged implementation of the development. This administrative refinement does not alter the nature, scale, or effects of the approved activity and remains fully consistent with the purpose and principles of the Resource Management Act 1991, particularly Sections 5 (sustainable management), 6 (recognition of natural values and protection of wetlands), and 7 (efficient use of resources and maintenance of amenity values). The variation also aligns with the relevant Far North District Plan provisions, including those relating to subdivision design, staged implementation (where anticipated), protection of

ecological features (e.g., wetland covenant areas), and avoidance of adverse effects on infrastructure, land stability, and biodiversity (notably through ongoing pet management restrictions for kiwi protection). The proposed changes maintain the integrity of the original consent while providing practical flexibility for development timing, without contravening any District Plan objectives, policies, or performance standards.

Section 125 RMA 1991 outlines lapsing of consents as follows:

125

- (1) *A resource consent lapses on the date specified in the consent or, if no date is specified,—*
 - **(a) 5 years after the date of commencement of the consent, if the consent does not authorise aquaculture activities to be undertaken in the coastal marine area; or**
 - **(b) 3 years after the date of commencement if the consent does authorise aquaculture activities to be undertaken in the coastal marine area.**
- (1A) *However, a consent does not lapse under subsection (1) if, before the consent lapses,—*
 - (a) *the consent is given effect to; or*
 - (b) *an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account—*
 - **(i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and**
 - **(ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and**
 - **(iii) the effect of the extension on the policies and objectives of any plan or proposed plan.**

In reference to 125(1A)(b)(i-iii) the follow applies:

(i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent;

Substantial effort has been made:

- The applicant has made progress with actioning the sale of Lot 6 to the adjoining landowner.
 - The applicant has been working on planting the gullies to improve site amenity values.
 - The applicant has engaged commencement of an entrance upgrade design.
- **(ii) (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension;**

The original decision was formed on the basis that; 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

It is considered that the proposed extension of time does not introduce any new effects or compromise those adjoining neighbours.

As with any resource consent assessment, the permitted baseline provides a reference point for determining the scale of potential effects and whether affected persons' approvals are required. In this case, it is reasonable to conclude that granting an extension of time for the

development to proceed does not introduce any additional effects beyond those already assessed and authorised under the existing consent. The environmental effects are merely deferred, not altered, and this delay does not compromise the immediate or wider receiving environment in any way. Importantly, the development is self-contained and does not rely on the actions or infrastructure of any other parties.

The original decision to grant consent was made on the basis that, under sections 95A and 95B of the Resource Management Act 1991, the activity would not result in adverse effects on the environment that are more than minor, there were no adversely affected persons, and no special circumstances existed that warranted public notification. That assessment remains valid.

Accordingly, it is considered that the proposed extension of time does not introduce any new effects nor does it compromise the amenity, interests, or rights of adjoining neighbours or the wider community.

(iii) the effect of the extension on the policies and objectives of any plan or proposed plan

Review of the Proposed Far North District Plan – Horticulture Zone

The Proposed Far North District Plan (PDP) introduces the Horticulture Zone to recognise and protect the region's high-value land used for horticultural production, particularly in areas like Kerikeri and Waipapa, where climate, soil quality, and supporting infrastructure make the land highly productive. The PDP responds to increasing development pressure—especially subdivision for lifestyle and residential purposes—by introducing a clear framework to protect this finite land resource and manage potential conflicts between rural production and more sensitive land uses.

The key objectives and policies of the Horticulture Zone aim to:

- *Preserve the long-term availability of land for horticultural use (HZ-O1).*
- *Enable horticultural and ancillary activities, provided any environmental effects are managed on site (HZ-O2).*
- *Avoid subdivision and land use that would sterilise productive land, fragment land parcels, or result in reverse sensitivity effects (HZ-O3, HZ-P2, HZ-P4, HZ-P5).*
- *Encourage boundary adjustments or amalgamations that support viability of productive land use (HZ-P6).*

The subject site is zoned Horticulture under the PDP.

The proposal is consistent with the surrounding environment, where a mix of horticultural and rural residential/lifestyle land uses currently coexist. The subdivision respects the objectives and policies by:

Lot 5, which contains the majority of the class 1–3 highly productive soils, remains of a viable size for ongoing horticultural activity.

Lots 1–4, which contain only small (if any) peripheral areas of productive soils, are located and sized to avoid significant loss or fragmentation of land with high productive potential and located within a developed part of the rural environment.

The proposed development pattern avoids reverse sensitivity, as the layout maintains suitable separation from adjoining horticultural operations.

The lots are capable of being serviced by on-site infrastructure, such as access, water supply, stormwater, and wastewater systems, with less than minor environmental effects.

Under the Resource Management Act 1991, both the operative and proposed plans must be considered when assessing resource consent applications. Where differences exist between the two, it may be necessary to determine how much weight to give to each. In this case, however, the outcomes sought under both the operative and proposed plans are consistent, both seek to manage subdivision in a way that protects productive rural land, maintains rural character, and avoids incompatible land uses. As a result, no weighting is necessary, and the proposal can be assessed consistently under both planning frameworks.

Summary

The proposal aligns with the intent of the Proposed Far North District Plan's Horticulture Zone by maintaining the productive capacity of the land, avoiding fragmentation and reverse sensitivity, and ensuring infrastructure and environmental effects are appropriately managed. The subdivision is well integrated into the surrounding rural environment and supports the sustainable management of land in accordance with both the operative and proposed planning frameworks.

Overall, the applicant has implemented a sufficient amount of work, and has done so in a manner that leaves the property aesthetically acceptable in its ability to remain a productive farm and not result in half completed run down infrastructure, whilst demonstrating that what is in place, and the need to extend the duration of the consent, predominantly due to slow economic times, is not considered adverse to the environment, affected landowners, or the integrity of the zones objectives and policies, and can therefore be granted an extension of time to expire on the **1 February 2030**.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Any additional effects generated by the proposed variations are considered less than minor.

Amenity values are therefore not undermined to any greater degree than anticipated by the existing approval.

The variation does not increase the impact on heritage values or cultural features.

There are no increased effects and therefore no affected parties.

Other matters

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

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

The proposed variation remains consistent with the provisions of the Resource Management Act 1991. It does not compromise any other relevant planning considerations, including environmental sustainability, infrastructure capacity, or the intent of the original consent. By maintaining compliance with regulatory requirements, the variation supports responsible land use while enhancing the practicality and long-term viability.

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

The proposal is not considered to contradict the Treaty of Waitangi's interpretations.

Assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b) Section 104(1)(b)

any relevant provisions of—

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan;*

The proposal does not detract from the intentions of any of the Policy Statement.
There are no other relevant provisions regarding this minor variation.

An application must also include an assessment of the activity's effects on the environment that –

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

CLAUSE 6

- (1) An assessment of the activity's effects on the environment must include the following information:*
- (a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

No concern.

- (b) an assessment of the actual or potential effects on the environment of the activity.*
- The level of effects are considered adequately understood and less than minor.

- (c) if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

- (d) if the activity includes the discharge of any contaminants, a description of –*
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:*

Not applicable.

(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 effects:*
All approved mitigation measures would continue to be enforced as approved.

(f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*
There are no affected parties.

(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:*
No monitoring necessary.

(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).*
No concern.

(2) *A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.*
The proposal does not require any further investigations in respect to policy statements.

CLAUSE 7

7 *Matters that must be addressed by assessment of environmental effects*

(1) *An assessment of an activity's effects on the environment must address the following matters:*

(a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
No concerns.

(b) *any physical effects on the locality, including any landscape, and visual effects.*
No concern.

(c) *Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.*
No concern.

(d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:*
The values outlined are not seen to be depleted in this instance.

(e) *any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:*
There are none.

(f) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*
To the best of our knowledge there are no concerns.

The environmental effects are deemed less than minor.

DISTRICT PLANS

This application seeks both an extension of time under Section 125 and a variation to staging conditions under Section 127 of the Resource Management Act 1991 (RMA) for a subdivision previously granted consent as a Restricted Discretionary activity under the Operative Far North District Plan. Importantly, neither the extension nor the variation alters the nature, scale, intensity, or effects of the activity as originally consented. The proposal retains the same lot sizes, layout, servicing provisions, and land use expectations.

In the context of Section 127, the scope of assessment is limited to the effects of the proposed change, not the activity in its entirety. This principle is supported by the decision in *Aley v North Shore City Council* [1998] NZRMA 361, where the High Court confirmed that consent authorities must focus only on the proposed amendments, not re-open the full assessment of the original activity. While the objectives and policies of a proposed district plan can be relevant under Section 104, the Court in *Aley* made clear that they are only material to the extent that the variation introduces changes that could raise new planning considerations under the proposed framework.

Although the Proposed Far North District Plan introduces the Horticulture Zone with more restrictive subdivision controls, including a minimum lot size of 8 hectares, this change in policy direction does not trigger a need for reassessment. The subdivision continues to align with the original Restricted Discretionary consent and remains consistent with both the operative and proposed planning outcomes.

The majority of productive soils (class 1–3) are retained within Lot 5, which remains of a size and configuration that supports horticultural use, and the design ensures no fragmentation of productive capacity or introduction of reverse sensitivity effects. The development pattern maintains the rural character of the area, avoids effects beyond those already considered, and remains capable of being serviced on-site without requiring public infrastructure or generating adverse effects.

In summary, the extension of time and variation to staging remain within the scope of the original consent, introduce no new or intensified environmental effects, and do not result in any inconsistency with the policy framework of either the operative or proposed district plan. As confirmed by caselaw, there is no requirement to reassess the full application, and the proposal remains aligned with the sustainable management purpose of the RMA.

SUMMARY

In summary, the proposed variation and extension of time to Resource Consent RC 2220784, sought under Sections 127 and 125 of the Resource Management Act 1991, represent a minor and procedural refinement to the original approval. The proposed changes, specifically the updated staging sequence and revised lapse date, facilitate the practical and orderly implementation of the subdivision without altering its scope, introducing new planning rule infringements, or generating additional or intensified environmental effects.

The variation remains entirely within the scope of the originally granted Restricted Discretionary activity, and the proposal continues to comply with all relevant planning controls under the Operative Far North District Plan. While the Proposed District Plan introduces more restrictive subdivision rules within the Horticulture Zone, including a larger minimum lot size, the subdivision remains consistent with the underlying policy direction. The proposal preserves the productive potential of the land—particularly in Lot 5, avoids land fragmentation, prevents reverse sensitivity, and maintains the rural character and amenity of the area. Servicing and infrastructure demands remain self-contained, with no adverse effects on the surrounding environment or infrastructure networks.

The proposal supports responsible, efficient, and sustainable land use, remains consistent with the purpose of the RMA, and can be approved without notification on the basis that adverse effects are less than minor and no persons are adversely affected.

Yours faithfully,

Micah Donaldson

Registered Professional Surveyor



Attachments :

- *Application fee required \$2528 (FNDC 2025/26)*
- *Application fee submitted as requested by FNDC **\$2839***
- *Record of Title*
- *Resource Consent*
- *Scheme plans – Staged Subdivision*

Quickmap Title Details



Information last updated as at 29-Jun-2025

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

Identifier **NA135D/812**

Land Registration District **North Auckland**

Date Issued 05 December 2001

Prior References

NA51A/1377

Type Fee Simple
Area 52.1380 hectares more or less
Legal Description Lot 2 Deposited Plan 209487

Registered Owners

BGL Trustee 2012 Limited, Kerry Michael Lupi and Susan Charlette Lupi

Subject to Section 59 Land Act 1948

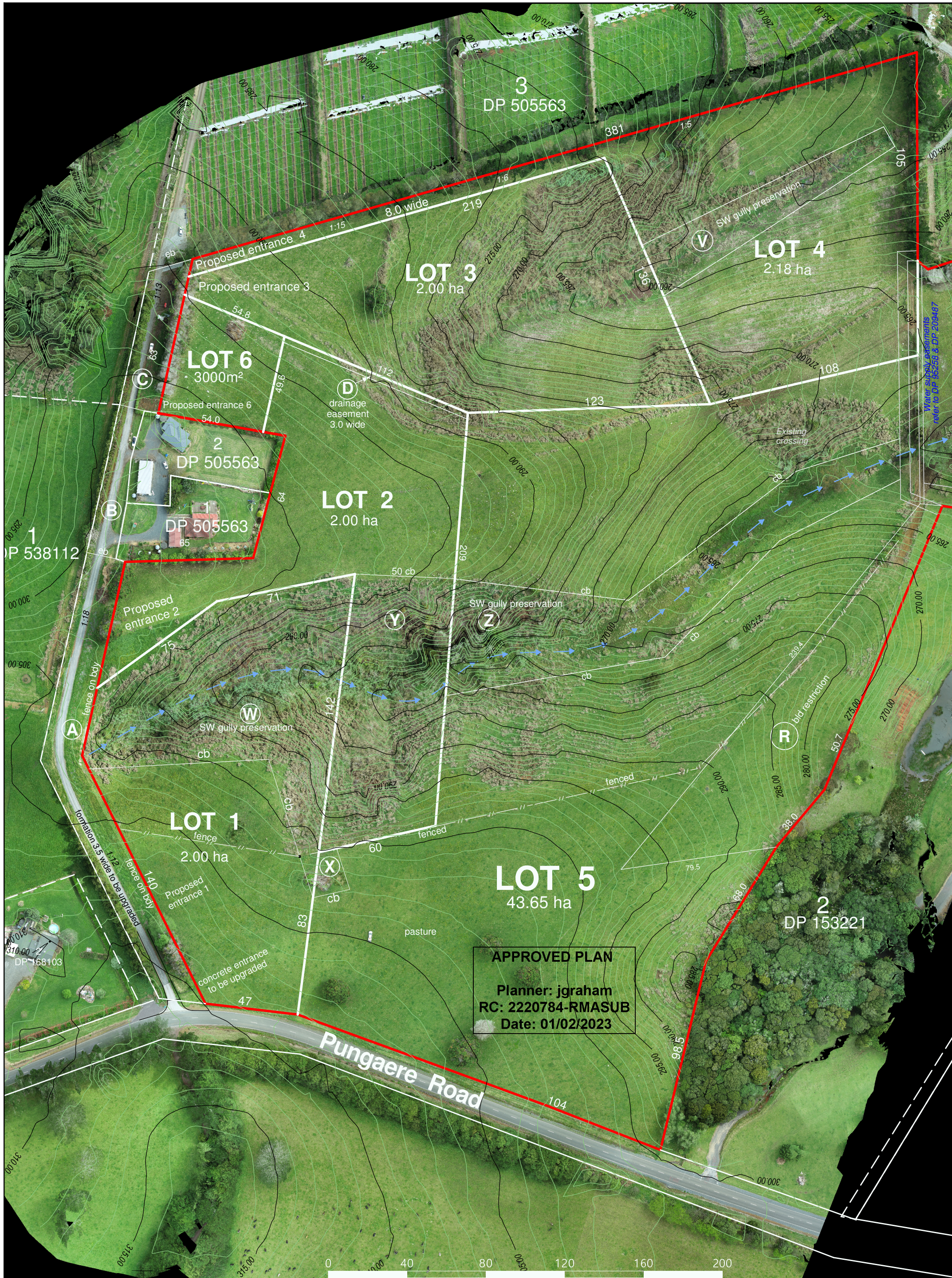
Subject to a water supply right over parts marked A, B, C, D and E on DP 209487 specified in Easement Certificate B388577.1 - 6.3.1985 at 2:13 pm

The easements specified in Easement Certificate B388577.1 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a water supply right (in gross) over parts marked B, C, E and F DP 209487 in favour of the Kerikeri Irrigation Company Limited created by Gazette Notice C021731.1 - 27.7.1989 at 11:16 am

Land Covenant in Easement Instrument 6662834.1 - 24.11.2005 at 9:00 am

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DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

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

Council Reference:	2220784-RMASUB
Applicant:	Kerry and Susan Lupi
Property Address:	37 Onekura Road, Kerikeri
Legal Description:	LOT 2 DP 209487 SEC 75 BLK XII KAEO SD
Description of Application:	Subdivision to create 5 additional lifestyle Lots in the Rural Production Zone as a Non-Complying 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 Donaldsons, referenced Lots 1 – 6 Being a Proposed Subdivision of Lot 2 DP 209487 and Easements over Lot 3 DP 505563, dated May 2022, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223 RMA) 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.
 - b. That Lot 6 hereon be transferred to the owners of Lot 3 DP 505563 (RT 763512) and that one title be issued to include both parcels.

LINZ ID: 1821492
 - c. Areas 'V', 'W', 'X', 'Y', 'Z' to be protected by way of land covenants for the purpose of wetland preservation.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
 - a. Submit a geotechnical engineering report provided by a chartered geotechnical engineer. This investigation is to cover (as a minimum) the proposed building site, general suitability of stormwater soakaway devices and the access route from the

entrance to the building site. The conclusions and recommendations required for all assessments should include:

- i) Any building foundation restrictions and areas unsuitable for building.
- ii) Solutions to counter any instability.
- iii) Recommendations for stormwater/effluent disposal and any effect disposal will have on stability.

Section 224(c) RMA compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Upgrade the existing ROW easement A to a formed and metalled access to 5m finished carriageway width and with swale drains where required to control and direct the discharge of stormwater runoff.
 - b. Upgrade the existing entrance to ROW easement A to provide an entrance which complies with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.
 - c. In the event that the existing residents agree, and the Community Board approves a new road name, provide evidence to Council that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors:

(Southern Area – Ventia (09) 407 7851)

Note: The applicant/consent holder is advised that in accordance with Community Board Policy, road names should reflect the history of an area.

5. 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 dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[Lots 1-4]
 - b. For the purpose of protecting Class 1 – 3 soil types as required by the National Policy Statement for Highly Productive Soils, impermeable surfaces shall be restricted to a maximum of 500m² to avoid the reduction in soil productivity as far as practically possible.

[Lot 1]
 - c. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[Lots 1-4]

- d. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the report prepared by Kerikeri Drainage Limited (dated 12/11/21) and submitted with Resource Consent 2220784-RMASUB.

Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the abovementioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

[Lots 1-4]

- e. In conjunction with the construction of any building on the site and to mitigate the effects of stormwater discharge into the lower wetland, provide a specific design for stormwater management, prepared by a suitably qualified person. The design is to uphold low impact criteria described in GD01, including soakage and attenuation for all impermeable surfaces that will limit the stormwater flows from the allotment to predevelopment levels for rainfall events including 50% AEP and 10% AEP, and allowance for climate change RCP8.5 2031-2050.

[Lots 1-4]

- f. Any development shall comply with the restrictions and recommendations identified in the geotechnical engineering report submitted in accordance with Condition 3 of consent 2220784-RMASUB, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by Council.

[Lots 1-4]

- g. In the event that any existing effluent system on the lot fails and requires replacement, the lot owner shall obtain all necessary consents and replace the system with an aerated wastewater treatment plant and dripline effluent system.

[Lot 5]

- h. Due to horticultural activities taking place in the vicinity, any dwelling constructed on the Lot which utilises rainwater as a potable water supply will require a suitable water filtration system to be installed.

[Lots 2 – 4]

- i. The Lot owner shall ensure that the wetland areas as indicated on the survey plan as 'V', 'W', 'X', 'Y', and 'Z' are to be preserved and protected in perpetuity. The owner shall be deemed to be not in breach of this prohibition if any damage to these areas is a result of natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 1, 3, 4 and 5]

- j. No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a

lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped, and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped;
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification;
- iv. For any dog a plan showing the extent to the dog proof fenced area;
- v. For any cat written confirmation that the cat has been neutered.

Note: Working farm dogs as defined in the Dog Control Act 1996 are exempt from this consent notice on Lot 5 only if they are:

- a) micro-chipped,
- b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c) kept in a kennel or tied up at night,
- d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

[All Lots]

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.

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. During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.
6. There are extensive areas of Wetlands on the subject site and on Lots 1, 3, 4 and 5. The consent holder and future Lot owners shall be aware of this and are advised that further consent from Far North District Council as well as the Northland Regional Council may be required prior to development under the District Plan and/or the National Environmental Standard for Freshwater Regulations 2020.
7. The consent holder and future Lot owners are advised that any future development (on all Lots), and any earthworks undertaken as a result of the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.
8. The consent holder will need to provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.
9. During the assessment of this application, it was identified that there are resource consents approved by Northland Regional Council which apply to Lots 1, 2, 3 and 4 for works within proximity to the wetlands on site. The consent holder will need to ensure that the conditions of these consent are complied with when the approved works are being undertaken.

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 Non-Complying activity resource consent and as such under section 104 RMA, the Council can consider all relevant matters. In particular, the matters listed below are of particular relevance.

Rule Number and Name	Non Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	The applicant proposes to create 5 additional Lots on a site where the record of title was issued in 2001.

3. 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.
4. 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.

Operative Far North District Plan

Objectives and policies of the District Plan:

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

a) Objectives:

8.3.2: The subject site is no longer used for productive purposes, is mostly pastured and is within an area predominantly used for residential and lifestyle purposes. It is considered that this activity will not further compromise the life supporting capacity of soils.

8.6.3: The site is within an area used for residential and lifestyle purposes and therefore the activities the subdivision will provide for, will not conflict with the surrounding land use.

13.3.5: The existing development on Lot 5 has access to water supply, on-site water storage and stormwater management. The remaining Lots will have access to these services at development stage and as the result of the subdivision conditions and consent notices.

13.3.8: The provision of electricity to the new Lots is the responsibility of the Lot owners and is required by way of consent notice.

b) Policies:

13.4.2: Conditions to upgrade the existing access and Right of Way have been imposed to ensure that vehicular and pedestrian access to the site is provided.

13.4.8: The provision of water storage is a requirement of this activity by way of consent notice.

Proposed Far North District Plan

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

The PDP has only been recently notified and as such there is potential for change as it goes through the statutory process. As such despite the different outcomes anticipated by the PDP little weight is given to these provisions.

National Policy Statement for Highly Productive Land (NPS)

Policy 7: The application avoids the subdivision of highly productive soils for the most part, however there are some areas of the site subject to class 1 – 3 soils.

The subject site is not fully covered in 1 – 3 soils, and the majority of the 1 – 3 soil types are contained within Lot 5 which is of a size that can continue to be used for productive farming activities. Lots 1 – 4 contain a small amount of class 1 – 3 soils, however, are of a size and orientation that can allow for development to occur outside of areas subject to the NPS as these lots are on the outer fringe of a larger contiguous area of class 1 – 3 soil.

Although the subdivision will likely result in future residential development, Lots 1 – 4 can be developed in a way which does not cause significant loss of highly productive land as discussed above.

Due to the existing development patterns and the proximity to existing Right of Ways and Pungaere and Onekura Roads, fragmentation of the class 3 soils has already occurred.

Properties within close proximity and adjacent to the site are used for multiple reasons, and therefore, it is considered that any future development would be consistent with the existing activities in the area and therefore avoid any reverse sensitivity.

The environmental, social, cultural, and economic benefits of the subdivision, use or development outweighs the long-term environmental social, cultural and economic costs associated with the loss of highly productive land for land-based primary production for the reasons above.

5. In regard to section 104(1)(c) of the Act, there are no other matters relevant to the application.
6. In regard to section 104D of the Act, the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
7. 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.
8. 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 Hannah Kane, Intermediate Resource Planner.

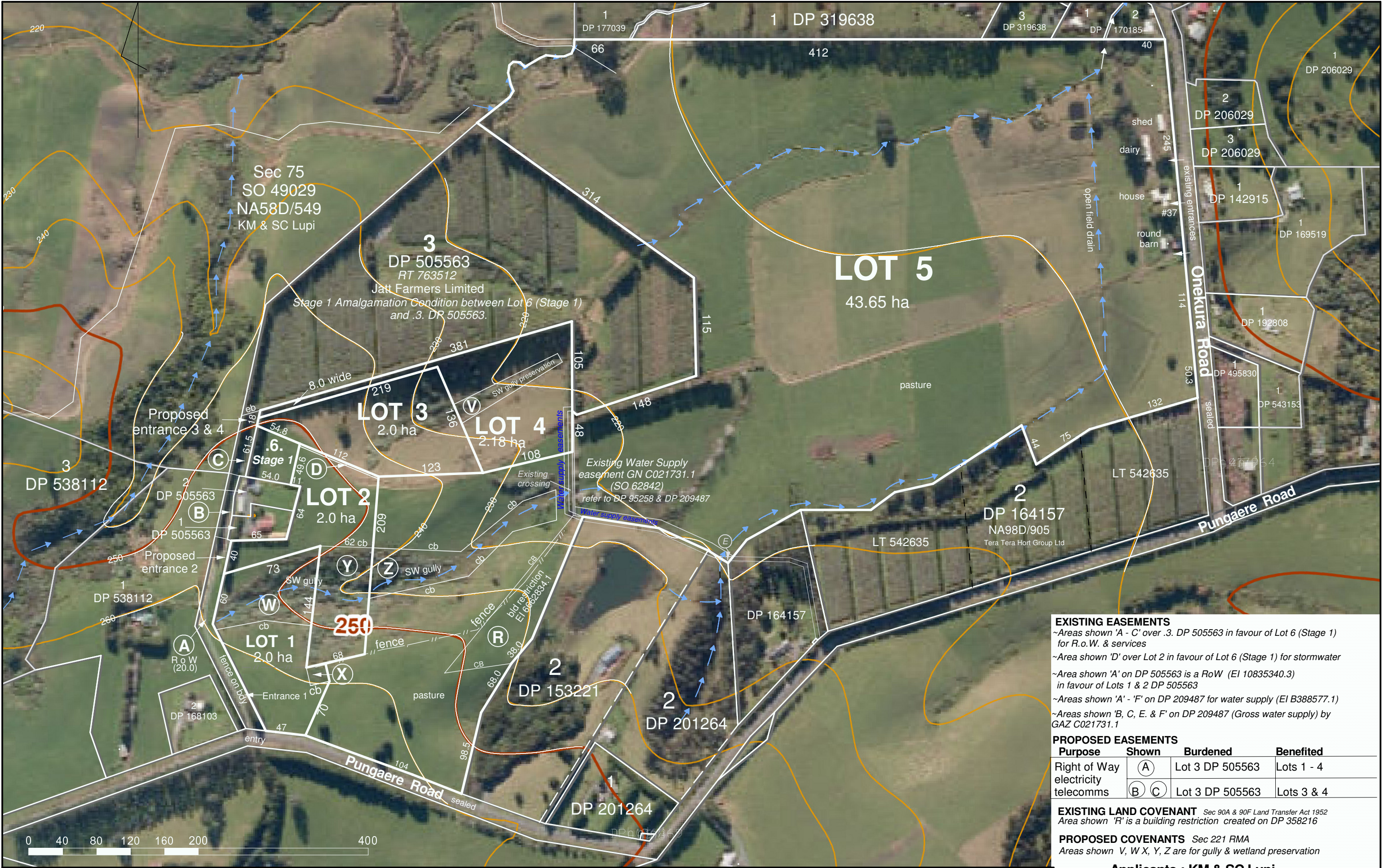
I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and **subject to the conditions above**, and under delegated authority, **grant** this resource consent for subdivision as a Non-Complying activity in the Operative District Plan at 37 Onekura Road, Kerikeri in accordance with sections 104, 104B, 104D and 106 of the Resource Management Act 1991.

A handwritten signature in black ink, appearing to read 'Alan Watson', with a stylized, cursive script.

Alan Watson

Date: 1 February 2023

RMA Commissioner



EXISTING EASEMENTS

~Areas shown 'A' - 'C' over .3. DP 505563 in favour of Lot 6 (Stage 1) for R.o.W. & services

~Area shown 'D' over Lot 2 in favour of Lot 6 (Stage 1) for stormwater

~Area shown 'A' on DP 505563 is a RoW (EI 10835340.3) in favour of Lots 1 & 2 DP 505563

~Areas shown 'A' - 'F' on DP 209487 for water supply (EI B388577.1)

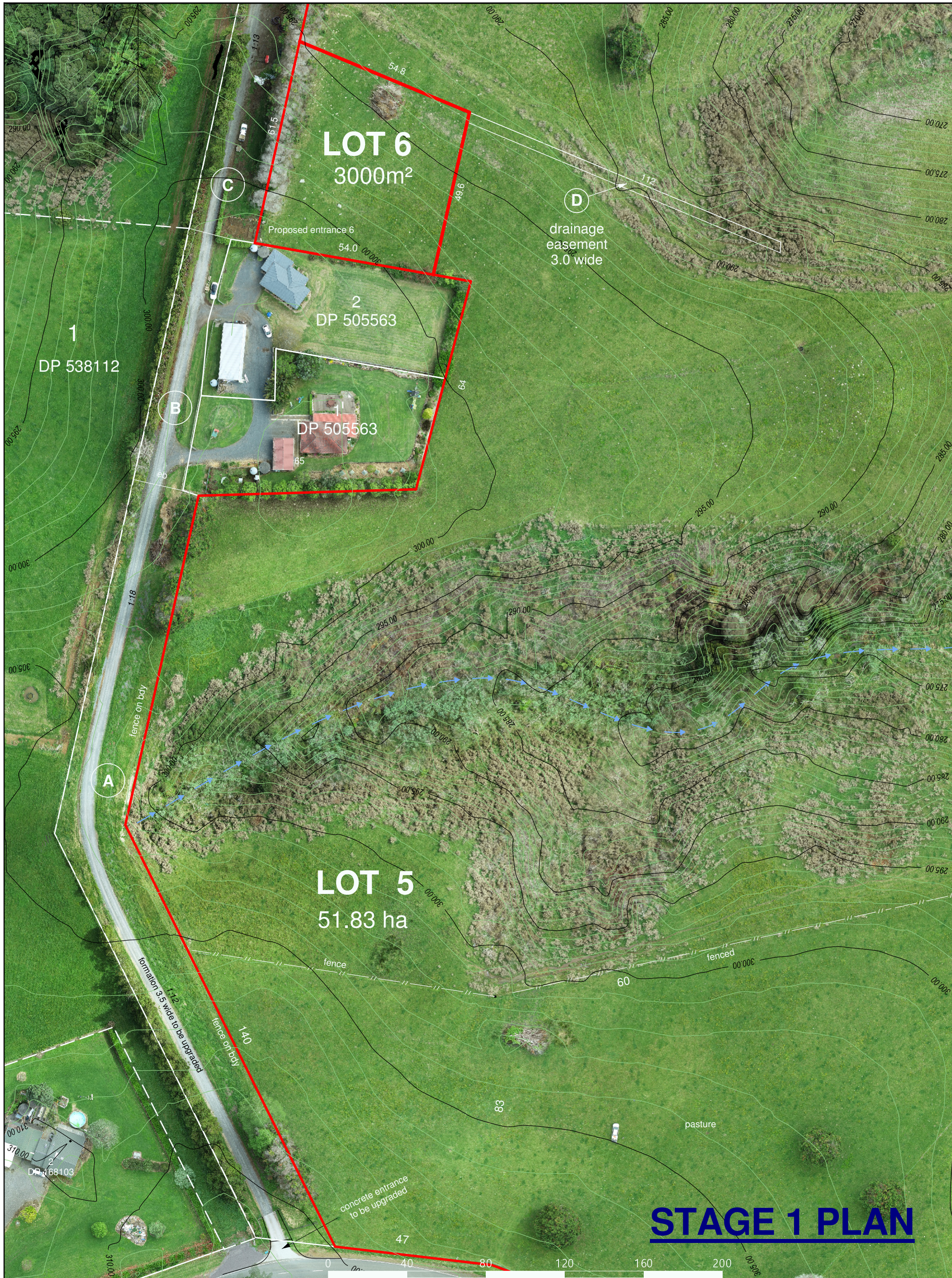
~Areas shown 'B, C, E. & F' on DP 209487 (Gross water supply) by GAZ C021731.1

PROPOSED EASEMENTS

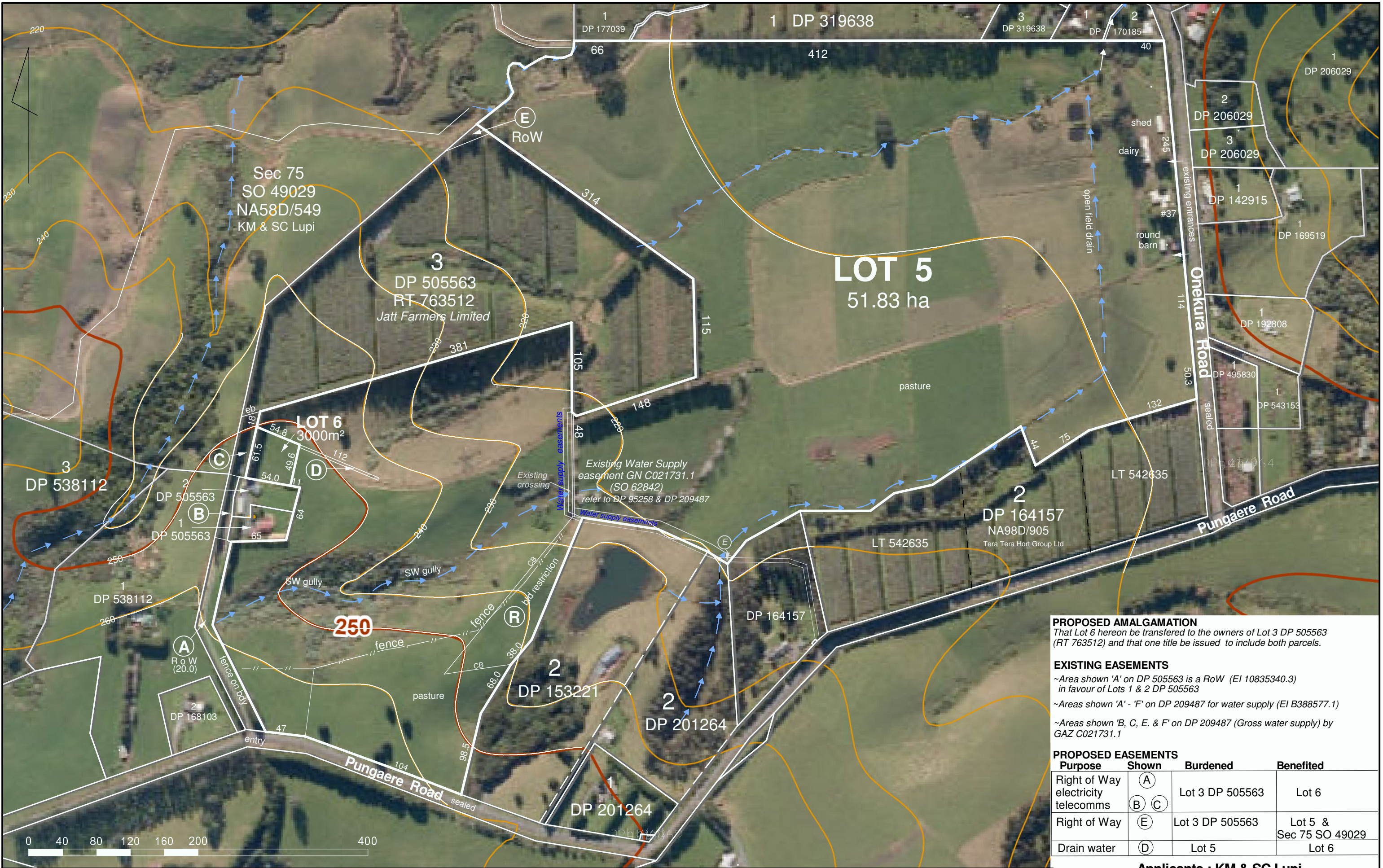
Purpose	Shown	Burdened	Benefited
Right of Way	(A)	Lot 3 DP 505563	Lots 1 - 4
electricity	(B) (C)	Lot 3 DP 505563	Lots 3 & 4
telecomms	(B) (C)	Lot 3 DP 505563	Lots 3 & 4

EXISTING LAND COVENANT Sec 90A & 90F Land Transfer Act 1952
Area shown 'R' is a building restriction created on DP 358216

PROPOSED COVENANTS Sec 221 RMA
Areas shown V, W X, Y, Z are for gully & wetland preservation



STAGE 1 PLAN

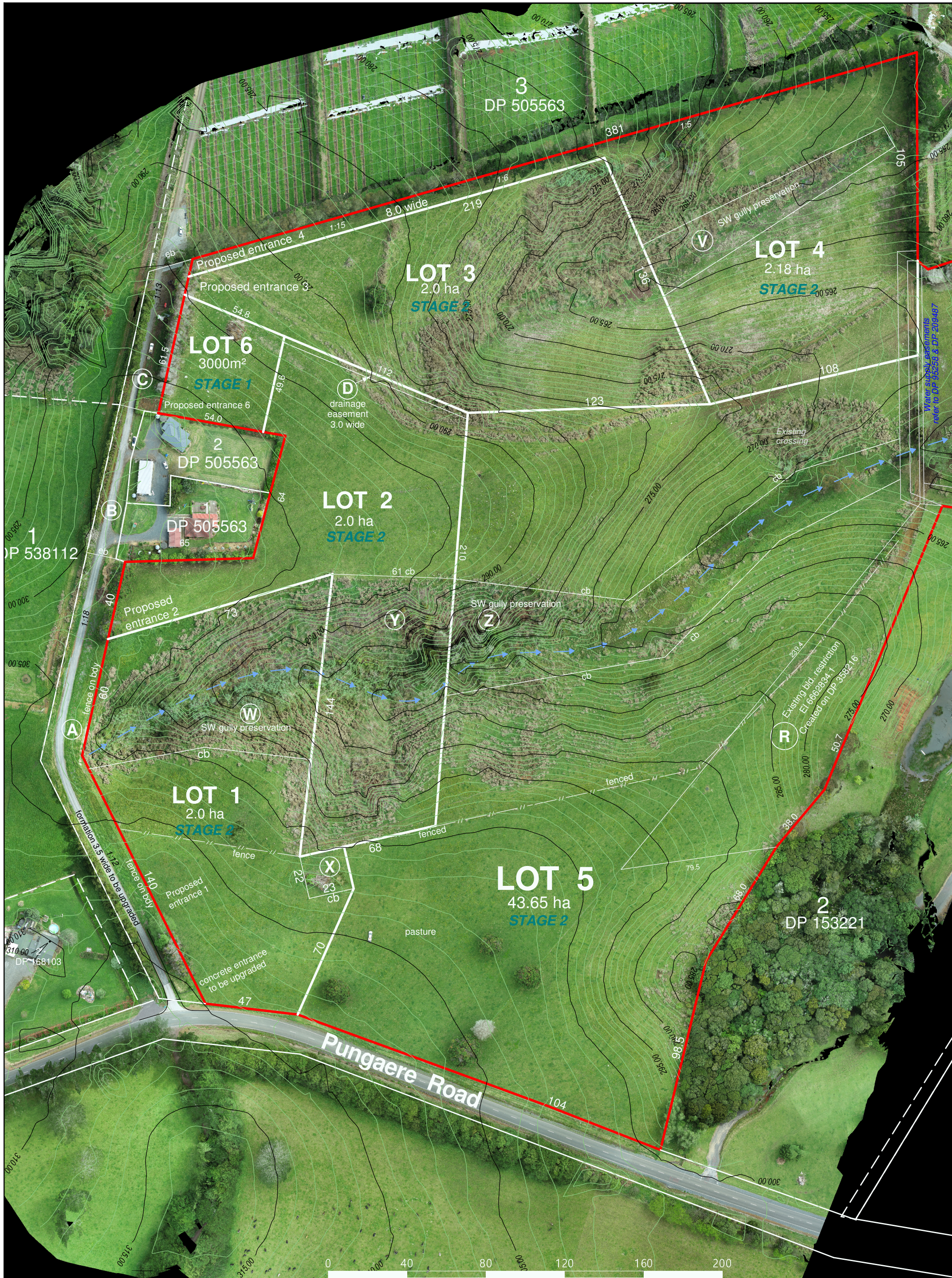


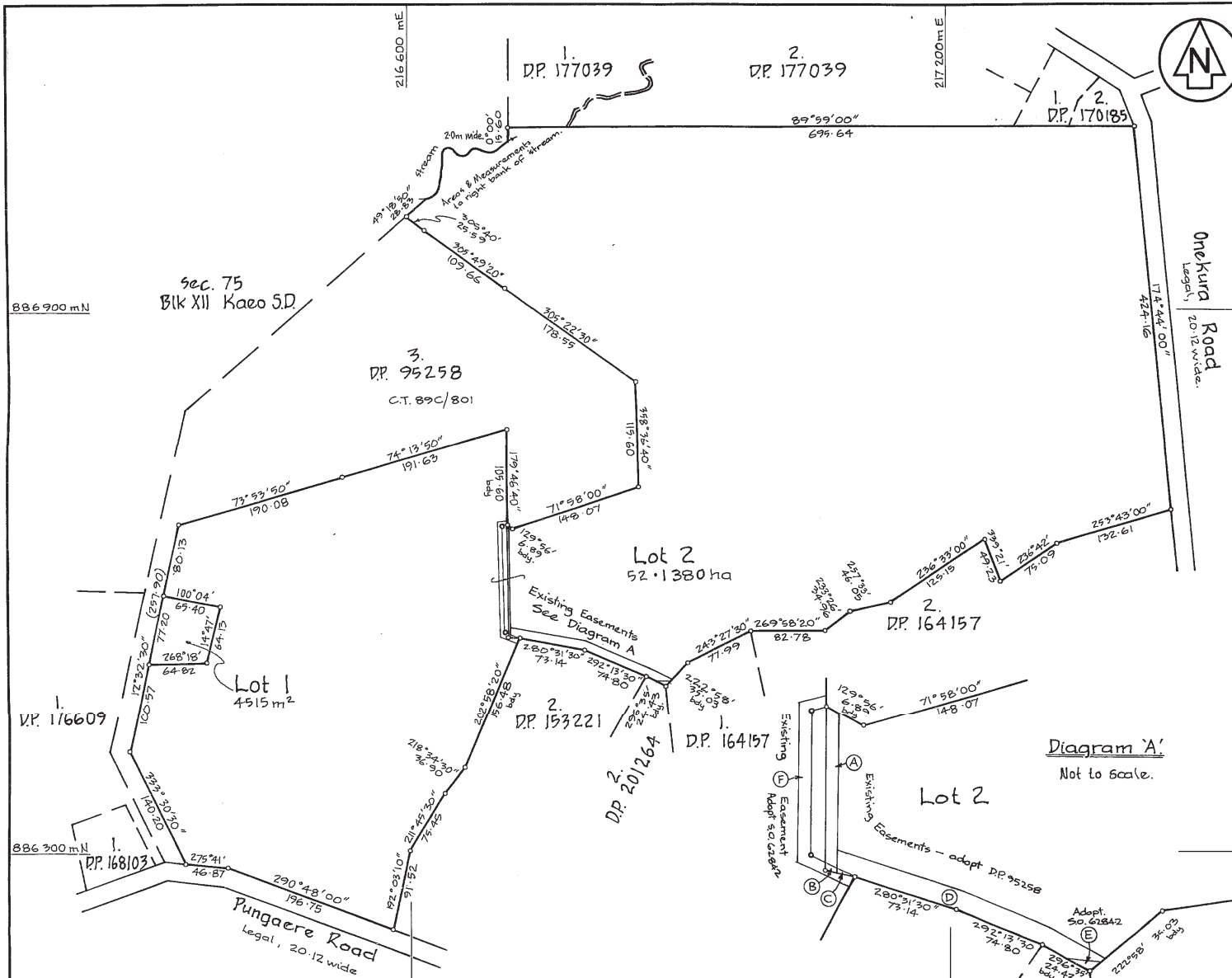
PROPOSED AMALGAMATION
That Lot 6 hereon be transferred to the owners of Lot 3 DP 505563 (RT 763512) and that one title be issued to include both parcels.

EXISTING EASEMENTS
~Area shown 'A' on DP 505563 is a RoW (EI 10835340.3) in favour of Lots 1 & 2 DP 505563
~Areas shown 'A' - 'F' on DP 209487 for water supply (EI B388577.1)
~Areas shown 'B, C, E, & F' on DP 209487 (Gross water supply) by GAZ C021731.1

PROPOSED EASEMENTS	Purpose	Shown	Burdened	Benefited
Right of Way	electricity	(A)	Lot 3 DP 505563	Lot 6
telecomms		(B) (C)		
Right of Way		(E)	Lot 3 DP 505563	Lot 5 & Sec 75 SO 49029
Drain water		(D)	Lot 5	Lot 6

Applicants : KM & SC Lupi
Title : NA135D/812
Area : 52.1380 ha
Zoned : Rural Production
Scale 1 : 4000 @ A3
Date: June 2025
file 7862 Stage 1 - Scheme 2ha v6 Overall.mjo **7862**





Approvals
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 12th day of August, 2001 subject to the amalgamation condition set out hereon.

P.J. Killalea
Authorized Officer
R.C. 2010 856

Amalgamation Condition:

"That Lot 1 hereon is to be transferred to the owners of Lot 3 D.P. 95258 (C.T. 89C/801) and one certificate of title is to be issued to include both parcels. see D.R. Ref: A635867.

Existing Easements

Purpose	Shown	Servient Tenement	Created by
Water Supply	A B C D E B C E F	Lot 2 hereon	C.035896.2 C.021731.1

For the purposes of Section 224(6) of the Resource Management Act 1991, I hereby certify that the conditions of subdivision consent to which the plan relates have been complied with to the satisfaction of the Far North District Council.

P.J. Killalea
Authorized Officer

Lot 1, Class II & Lot 2 Class III Survey.

New C.s.T. Allocated:

Lot 1, & Lot 3 D.P. 95258 : C.T. 1350/811
Lot 2 : C.T. 1350/812

Total Area 52.5895ha

Comprised in C.T. 51A/1377 (ALL)

I, Nigel Ross of Kaipara, being a person entitled to practise as a registered surveyor certify that:

- The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Survey Act 1986 and the Survey Regulations 1986.
- This dataset is accurate and has been created in accordance with that Act and those Regulations.

Signed Nigel Ross Date 21/8/2001

Field Book 8889 p. 18 Traverse Book 1961 p. 34-37

Reference Plans D.P. 95258, 50.37737 D.P. 168103

D.P. 153221 D.P. 201264 50.62842

Examined B. Nand Correct Accepted

Approved as to Survey W. V. Vink

10/9/2001 Deputy Chief Surveyor

Deposited this 5 day of Dec 2001

File Received Instructions 31 AUG 2001

DP 209487

LAND DISTRICT North Auckland
Survey Blk. & Dist. XII Kaero
NZMS 261 Sheet P05 Record Map No. 4.1

Lots 1 & 2 Being A
Subdivision OF Lot 1 D.P. 95258.

TERRITORIAL AUTHORITY Far North District
Surveyed by Surveyors North
Scale 1:3000 Date June 2001



Micro Record Bureau Ltd.

DATA CONVERSION

18 DEC 2001