



Office Use Only

Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for (more than one circle can be ticked):

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

*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: M. Dunick

Electronic Address for Service (E-mail):

Phone Numbers:

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: Donaldson's Surveyors Ltd

Electronic Address for Service (E-mail): micah@donaldsons.net.nz

Phone Numbers: Work: 09-4079182 Home:

Postal Address: PO Box 211, Kerikeri 0245

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: Mark Dunick

Property Address/
Location: 122 Wehirua Road, Okaihau

7. Application Site Details:

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

Site Address/
Location: 122 Wehirua Road, Okaihau

Legal Description: Lot 1 DP 548625 & Lot 2 DP 548625

Val Number:

Records of Title: RT 939937 & RT 939938
Please remember to attach a copy of your Record 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.

Proposed boundary adjustment (minor) in the Rural Production zone.

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 Right of Way Section 348 LGA

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
Exempt as production land

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. See within the planning report

13. Billing Details:

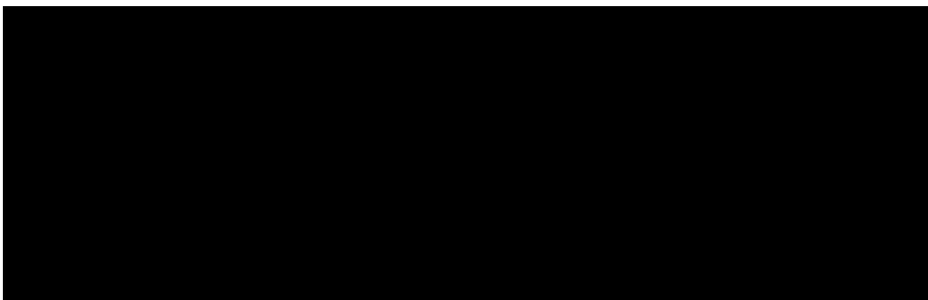
This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

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

Email:

Postal Address:

Phone Numbers:



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:



Signature:

(signature of bill payer – **mandatory**)

Date: 24 November 2023

14. Important Information:

Note to applicant

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

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

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

Fast-track application


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

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

Privacy Information:

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

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

Name  (please print)

Signature  (signature) Date: 24 November 2023

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

Checklist (please tick if information is provided)

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

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

Digital Applications may be submitted via E- mail to: Planning.Support@fndc.govt.nz

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



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




R. W. Muir
Registrar-General
of Land

Identifier 939938
Land Registration District North Auckland
Date Issued 07 October 2020

Prior References
NA49A/447

Estate Fee Simple
Area 2.0001 hectares more or less
Legal Description Lot 2 Deposited Plan 548625
Registered Owners



Interests

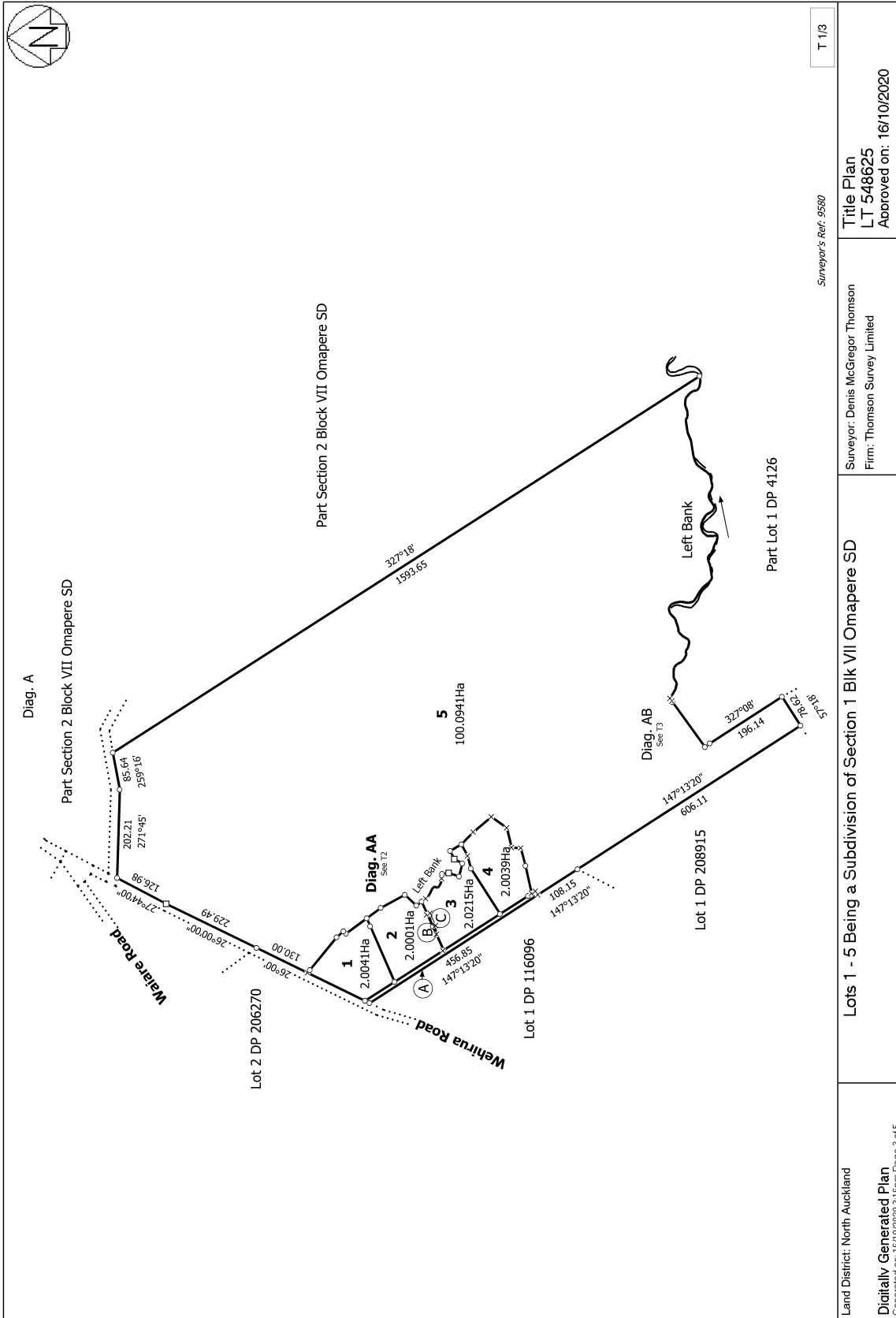
Subject to Section 59 Land Act 1948

11765410.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.10.2020 at 11:10 am

Subject to a right to drain water over part marked B on DP 548625 created by Easement Instrument 11765410.3 - 7.10.2020 at 11:10 am

Appurtenant hereto is a right of way, right to convey electricity, telecommunications and water and a right to drain water created by Easement Instrument 11765410.3 - 7.10.2020 at 11:10 am

The easements created by Easement Instrument 11765410.3 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Covenant Instrument 11765410.6 - 7.10.2020 at 11:10 am





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




R. W. Muir
Registrar-General
of Land

Identifier 939937
Land Registration District North Auckland
Date Issued 07 October 2020

Prior References
NA49A/447

Estate Fee Simple
Area 2.0041 hectares more or less
Legal Description Lot 1 Deposited Plan 548625
Registered Owners



Interests

Subject to Section 59 Land Act 1948

11765410.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.10.2020 at 11:10 am

Appurtenant hereto is a right of way, right to convey electricity, telecommunications and water and a right to drain water created by Easement Instrument 11765410.3 - 7.10.2020 at 11:10 am

The easements created by Easement Instrument 11765410.3 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Covenant Instrument 11765410.6 - 7.10.2020 at 11:10 am

Donaldson's Surveyors Limited

90 Kerikeri Road - PO Box 211
Kerikeri 0245 - Northland - New Zealand

P 09 407 9182
F 09 407 7366
E info@donaldsons.net.nz
W www.donaldsons.net.nz



PLANNING REPORT

PROPOSED BOUNDARY ADJUSTMENT

M. DUNICK

WEHIRUA ROAD, OKAIHAU

Date: 24 November 2023

Reference: 8342



CSNZ | THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

NZIS Registered Professional Surveyor.
Member of the Consulting Surveyors of New Zealand.

CONTENTS

INTRODUCTION	3
SITE DESCRIPTION	3
OPERATIVE DISTRICT PLAN	4
<i>SUBDIVISION</i>	4
<i>ASSESSMENT CRITERIA</i>	5
<i>NATURAL AND PHYSICAL RESOURCES</i>	6
PROPOSED DISTRICT PLAN	7
RESOURCE MANAGEMENT ACT 1991	9
Fourth Schedule - RMA	9
<i>CLAUSE 6</i>	9
<i>CLAUSE 7</i>	11
NORTHLAND REGIONAL POLICY STATEMENT	12
NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022	13
CONCLUSION	15

INTRODUCTION

The applicants each own 2.0ha of rural land and they seek consent for a boundary adjustment to rectify building to boundary infringements.

A shed was recently approved and constructed too close to legal boundary between Lots 1 & 2 DP 548625, and now is in breach of the district plan rules for setback and height to boundary.

The proposed boundary adjustment would rectify the issue by exchanging equal areas as described in the severance diagram shown on the proposed scheme plan.

Current situation:

Lot 1 DP-548625 = 2.0041 ha
 Lot 2 DP-548625 = 2.0001 ha

Proposed outcome:

Lot 1 = 2.0041 ha
 Lot 2 = 2.0001 ha

The subject properties are zoned Rural Production under both the Operative and Proposed District Plans, and overall, the application is presented as a Controlled activity under the Fast Track provisions 87AAC RMA.

SITE DESCRIPTION

The application site legal reference:

Estate	Lot Number Deposited Plan	Area	Proprietor	Record of Title
Fee Simple	Lot 1 DP-548625	2.0041ha	G.R. Utting & K.R Lewis	RT-939937
Fee Simple	Lot 2 DP-548625	2.0001 ha	M.J & W.L Dunick	RT-939938

The sites are located at 122 Wehirua Road, Okaihau.

Both properties are partly developed with existing access formations and infrastructure in place.

Both sites are well screened to the east with large stands of totara.

Lot 2 DP 548625 has the recently built shed (300m² in size) that positions just 2.3m from the boundary.

There is an existing post and wire fence to the north-west of the shed that will define the proposed boundary alignment, capturing the three existing water tanks and providing a generous building to boundary setback; minimum of 15m from the eastern side of the shed and 19.7m from the northern side.

The boundary then does a dogleg before then extending along an existing post and wire fence located to the east of a stand of mature trees.

OPERATIVE DISTRICT PLAN

The property is located within the Rural Production zone and is not influenced by any Resource overlays under the Operative District Plan.

SUBDIVISION

Boundary Adjustments

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

Boundary Adjustments Performance Standards

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

(a)

There is no change in the number and location of any access to the lots involved;

The boundary adjustment does not increase the number of accesses to the site.

(b)

There is no increase in the number of lots;

There would remain 2 titles.

(c)

The area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment;

The boundary adjustment actions an exchange of equal areas.

(d)

The area affected by the boundary adjustment is within or contiguous with the area of the original lots;

The areas remain contiguous with that of the current boundary layout.

(e)

All boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal);

The adjusted boundary complies with all permitted land use rules.

(f)

All existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

The proposal complies.

Conditions of consent shall recommended that the applicant provide evidence from a certified drainlayer that the wastewater disposal field is located within the extents of the surveyed boundary in accordance with setback standards.

ALLOTMENT DIMENSIONS

(Buildable Area)

Zone	Minimum Dimension
Rural Production	30m x 30m

Both lots provide a width over 50m, and the boundary adjustment does not compromise the ability to configure a 30m x 30m shape parameter.

ASSESSMENT CRITERIA

Property Access

The boundary adjustment has no effects on the existing access arrangements.

Hazards

The NRC Maps do not record the site with any natural hazards.

Water Supply

There is no change to the existing water supply arrangements.

Stormwater

There is no change to the stormwater disposal, and there is no increase in any impermeable surfaces. All existing impermeable surfaces have been lawfully established and therefore uphold existing use rights pursuant to Section 10 RMA.

Both lots continue to uphold permitted impermeable surface coverage being well under 15%.

Sewage

The boundary adjustment does not compromise effluent disposal, with the applicant offering to provide evidence that both the wastewater tank and disposal field is contained within the surveyed boundary.

Energy Supplies & Telecommunications

There are no changes to electricity or telecommunication services, not to need consultation with service provides.

Easements - Land Covenants - Amalgamations

There are no proposed easements.

There is one appurtenant easement for purpose of Rights of Way created by EI 11765410.3.

There is one existing easement for purpose of conveying services shown on the scheme plan as area 'B' on Lot 2 created by EI 11765410.3.

There are two existing land covenants, one private the other pursuant to Section 221 RMA. The private covenant enforces building and land use restrictions. The consent notice (11765410.2) enforces stormwater management, firefighting water supply requirements, kiwi protection measures, and landscape planting for rural amenity.

The proposed boundary adjustment does not have any influence on the covenants.

There are no amalgamation conditions.

Preservation

There are no listed outstanding landscapes as shown in the Resource Overlays or under Appendix 1a-1g of the plan.

Access to Reserves and Waterways

Not applicable.

Land Use Incompatibility

The land transfer exchange does not alter the rural lifestyle land use.

NATURAL AND PHYSICAL RESOURCES

There is no vegetation clearance and no earthworks.

There is no adversity to the life supporting capacity of soil, eco-systems, water quality, or air.

There are no historic or cultural concerns.

PROPOSED DISTRICT PLAN

The properties are both located in the Rural Production zone and are not subject to any resource overlays.

The proposed boundary adjustment does not affect sites within a heritage overlay, is not an activity that would cause or worsen the effects of natural hazards, does not require any earthworks, and is not land that has a significant ecological value, thereby the proposed district plan has limited legal affect.

SUBDIVISION

The following describes relevant subdivision objectives and policies.

Objectives

SUB-O1

Subdivision results in the efficient use of land, which:

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

Policies

SUB-P1

Enable boundary adjustments that:

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

The proposal accords with relevant subdivision objectives and policies.

**BOUNDARY ADJUSTMENTS
SUB-R1**

Standards

SUB-S1 Minimum allotment sizes

Activity status: Controlled

Rural Production	40ha
------------------	------

SUB-S2 Requirements for building platforms for each allotment

Rural Production, Horticulture, Rural Lifestyle, Rural Residential	30m x 30m
--	-----------

CON-1

<i>SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;</i>	These are both existing allotments and although sized less than 40ha, the boundary adjustment does not change the degree of non-compliance, due to the exchange of equal areas.
<i>SUB-2 Requirements for building platforms for each allotment</i>	No concern both sites have ample area for building.
<i>SUB-3 Water supply</i>	As described under the proposed plan assessment.
<i>SUB-4 Stormwater management</i>	As described under the proposed plan assessment. Complies with the 15%.
<i>SUB-5 Wastewater disposal</i>	As described under the proposed plan assessment.
<i>SUB-6 Telecommunications and power supply</i>	As described under the proposed plan assessment.
<i>SUB-7 Easements for any purpose</i>	As described under the proposed plan assessment.

CON-2

the boundary adjustment does not alter

<i>the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;</i>	The existing activities uphold existing use rights pursuant to Section 10 RMA and the proposed boundary does not compromise those land use activities.
<i>the degree of non compliance with zone or district wide standards;</i>	There is no change to the degree of non-compliance with the zone or district wide standards.
<i>the number and location of any access</i>	There is no change in the number or location of any access.
<i>the number of certificates of title</i>	There is no increase in the number of titles.

CON-3

1. The boundary adjustment complies with standard:

SUB -S8 Esplanades

Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:

1 - The line of MHWS;	N/A
-----------------------	-----

2 - The bank of a river whose bed has an average width of 3m or more;	N/A
3 - A lake that is larger than 8 ha in size	N/A
An esplanade reserve must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.	N/A

In summary, the proposed boundary adjustment is considered to uphold the Controlled Activity standards of the proposed district plan.

RESOURCE MANAGEMENT ACT 1991

FOURTH SCHEDULE - RMA

ASSESSMENT OF ENVIRONMENTAL EFFECTS

There is no use of hazardous substances.

There is no discharge of contaminants.

The proposal does not increase adverse effects on the environment or contribute negatively to existing effects.

The proposal overall is considered to present less than minor effects or effects arguably nil.

The proposal is not considered contrary to Part 2 purpose and principles of the RMA, and is not affected by matters of national importance.

The proposal has no impact on Local Iwi or Hapu Management plans. There are no heritage concerns, and the proposal does not concern Section 104 RMA, having no impact on matters listed under the Regional Policy Statement.

There is no impact on amenity values as the land use activities already exist.

CLAUSE 6

- (1) An assessment of the activity’s effects on the environmental 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.*

No concern.

(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:*

There are no issues to address.

(f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

All effects are considered less than minor not to require consultation.

(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 is 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.

This is covered under the heading 'Northland Regional Policy Statement' below.

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:*

The proposal is considered to promote the zone guidelines and surrounding land use, without any unreasonable effects to concern the wider community including social and economic or cultural aspects.

(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.*

The subdivision does not result in any habitat disturbance.

(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 depleted.

There is no influence on Fisheries.

(e) *any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:*

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.

Overall, the proposal can occur without causing any significant effects contrary to the purpose and principles of the Resource Management Act 1991, and continues to respect social and economic wellbeing through improvement to the legal ownership of the site's physical infrastructure.

NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement presents underlying environmental guidelines for the northland region.

PART 3: OBJECTIVES

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

There is no immediate risk to or impact on ecosystems.

6.1.1 Policy - Regional and district plans

Regional and district plans shall:

- (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;*
- (b) Be as consistent as possible;*
- (c) Be as simple as possible;*
- (d) Use or support good management practices;*
- (e) Minimise compliance costs and enable audited self-management where it is efficient and effective;*
- (f) Enable subdivision, use and development that accords with the Regional Policy Statement; and*
- (g) Focus on effects and where suitable use performance standards.*

The subdivision activity is small-scale absent of any unreasonable adverse effects on the environment.

There is no impact on production land or versatile soils given the direct exchange of area.

The proposal is not seen to clash with the Regional Policy Statement and therefore should be assessed under Resource Consent on an enabling basis.

Aspects outlined under the National Environmental Standards for Freshwater 2020 are considered to be upheld not to trigger the need for land use consent under the Northland Regional Plan. There are no known wetlands on the property.

NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

Highly productive land is to be protected for use in land based primary production, both now and for future generations, and is to be recognised as a resource with finite characteristics and long term values for land based primary production.

1.3 Interpretation

Highly productive land - means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).

The current situation for northland is that there is no ‘operative regional policy statement’ with the mapped areas of versatile soils, and for the meantime defaults to clause 3.5(7). However, it is necessary to appreciate the current situation is “interim” and as soon as the policy statement becomes operative, thereon the only assessment model is in accordance with 3.4, and therefore this should in all fairness depict the “permitted baseline” to avoid future conflict with the underlying assessment parameters.

Clause 3.4 Mapping highly productive land

- (1) Every regional council must map as highly productive land any land in its region that:
- (a) Is in a general rural zone or rural production zone
 - (b) Is predominantly LUC 1, 2, or 3 land, and
 - (c) Forms a large and geographically cohesive area

3.4 defines the only method to assess whether or not the site is highly productive land.

Clause 3.5(7)

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- (a) Is
 - (i) Zone general rural or rural production; and
 - (ii) LUC 1, 2 or 3 land; but
- (b) In not
 - (i) Identified for future urban development; or
 - (ii) Subject to a Council initiated or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

Currently the Far North District is subject to 3.5(7), and the site is known to have class 3 soils.

3.8 Avoiding subdivision of highly productive land

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

The proposed subdivision adjusts the boundary around the existing shed and retaining wall, the land is not able to be used for production purposes. The land to be used as compensation for the amended boundary around the shed covers class 3 soils (as mapped), and this land is incorporated with proposed Lot 1.

Both lots have a similar layout of open pasture with class 3 soil, and the exchange in area has absolutely no adverse impact on the lands overall productive capacity. The outcome defines a proportional level of effects.

(b) the subdivision is on specified Māori land:

There is no Maori land involved.

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

Not applicable.

(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

There are no cumulative effects caused by the exchange in area, or loss of the availability and productive capacity of the highly productive land in question.

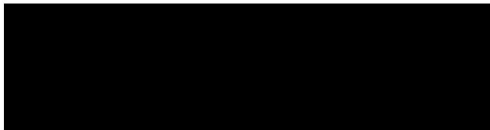
(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

The subdivision does not cause any change to the level of reverse sensitivity effects.

CONCLUSION

The proposed boundary adjustment presents a low impact activity with no measurable adverse effects over and above those that accord with existing use rights, and for that reason the proposal is presented under the fast track provisions under Section 87AAC RMA.

The application is recommended for approval.



Micah Donaldson
MNZIS - Assoc. NZPI

DONALDSONS
Land / Engineering Surveyors and Development Planners



DONALDSONS

REGISTERED LAND SURVEYORS

8342

24 November 2023

Planning Division

Far North District Council

Private Bag 752

Kaikohe

Dear Sir/Madam

PROPOSED BOUNDARY ADJUSTMENT – *fast track*

M. DUNICK, 122 WEHIRUA ROAD, OKAIHAU

We submit herewith a Resource Consent application together with the following:

- Application form & deposit \$1204
- Planning report
- Record of Title
- Scheme Plan

Yours faithfully,

Micah Donaldson

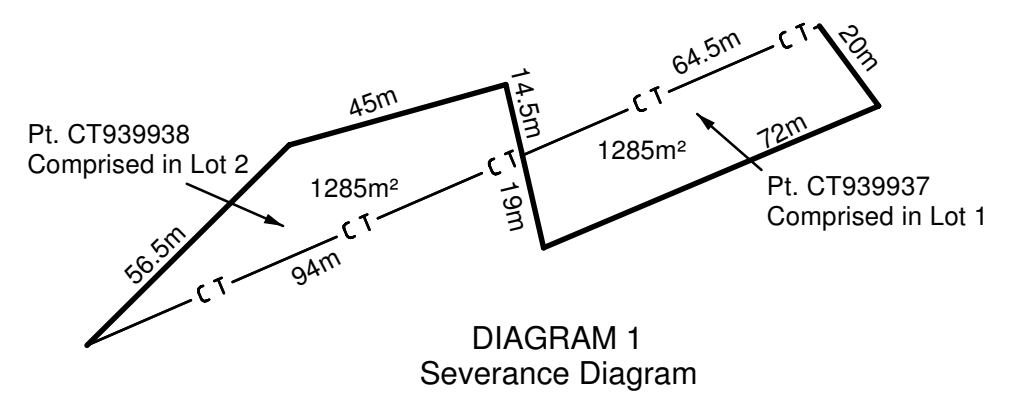
MNZIS - Assoc.NZPI

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



CSNZ THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS



**LOTS 1 & 2 BEING A PROPOSED SUBDIVISION
OF LOTS 1 & 2 DP 548625**

LOT 1
Owner: GR Utting & KR Lewis
Title: 939937
Area: 2.0041 Ha

LOT 2
Owner: MJ & WL Dunick
Title: 939938
Area: 2.0001 Ha

Zone: Operative; Rural Production
Proposed; Rural Production

LUC: 3e1 & 3s1

No.	Revision	Date Approved



Copyright - This drawing must not be copied or reproduced by any means without written permission of Donaldsons surveyors.
Do not scale drawing
Nominal scale shown are @ A3
Check all dimensions on site before construction

	Checked	Date
Surveyed	MN	22/5/2023
Designed		
Drawn	MN	
Approved		

Project: 122 Wehirua Road
Title: Scheme Plan
Date: Nov. 2023
Scale: 1 : 1500 (A3)
Job No. 8342

View Instrument Details



Instrument No 11765410.2
Status Registered
Date & Time Lodged 07 October 2020 11:10
Lodged By Thompson, Emma Jane
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
939937	North Auckland
939938	North Auckland
939939	North Auckland
939940	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Richard Adrian Ayton as Territorial Authority Representative on 07/10/2020 10:56 AM

*** End of Report ***



Private Bag 752, Memorial Ave
Kaikōriā 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

*The top place where talent
wants to live, work and invest*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2200369

Being the Subdivision of Sec 1 Blk VII Omapere SD
North Auckland Registry

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

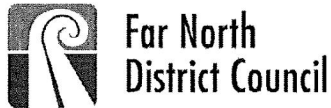
SCHEDULE

Lot 1 DP 548625

- (i) There shall be no direct access to Lot 1 constructed from Wehirua Road and all access to the Lot shall be from the right of way.

Lots 1-4 DP 548625

- (ii) In conjunction with the construction of any building on the lot stormwater shall not be piped directly to the stream on the properties but shall be spread out and allowed to flow overland to mitigate any adverse effects on the waterway of concentrated discharges.
- (iii) In conjunction with the construction of any dwelling on the lot, 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 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.
- (iv) 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.



Private Bag 752, Memorial Ave
Kaitiaki 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fncc.govt.nz
Website: www.fncc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

*The top place where talent
wants to live, work and invest*

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:

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

(v) This site is within a rural production zone. Agricultural activities that create noise, dust and odour may occur. Prior to applying for building consent for any new residence, the applicant shall provide to the satisfaction of Council's Resource Consents Team Leader or designate, a detailed landscape and planting plan prepared by a suitably qualified person. The landscape plan shall be designed to integrate the residential buildings with the protected natural area and provide screening from adjacent rural activities. The landscape plan shall provide details on the following:

- Size and species of proposed stock for planting
- Sources of proposed species
- Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
- Details of proposed maintenance
- Details of proposed mulch, type, depth etc
- Planting programme

SIGNED: 

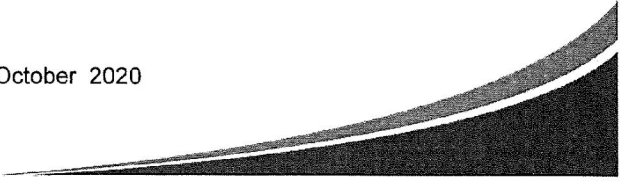
Mr Patrick John Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 7th day of October 2020

A decorative graphic consisting of a series of curved, overlapping lines in shades of grey and black, located in the bottom right corner of the page.

View Instrument Details



Instrument No 11765410.6
Status Registered
Date & Time Lodged 07 October 2020 11:10
Lodged By Thompson, Emma Jane
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
939937	North Auckland
939938	North Auckland
939939	North Auckland
939940	North Auckland
939941	North Auckland

Annexure Schedule Contains 3 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Covenantor Representative on 07/10/2020 10:57 AM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Covenantee Representative on 07/10/2020 10:57 AM

*** End of Report ***

COVENANT INSTRUMENT TO NOTE LAND COVENANT

Sections 116(1)(a) & (b) Land Transfer Act 2017

Covenantor *Surname(s) must be underlined or in CAPITALS*

MARK STEPHEN ELLIOTT

Covenantee *Surname(s) must be underlined or in CAPITALS*

MARK STEPHEN ELLIOTT

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

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

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Restrictive Land Covenants	N/A	Lots 1 to 4 on Deposited Plan 548625 (RT 939937 to 939940)	Lots 1 to 5 on Deposited Plan 548625 (RT 939937 to 939941)

Covenant rights and powers (including terms, covenants and conditions)

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

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

[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017.]

[Annexure Schedule B].

*Insert instrument type***Covenant instrument to note land covenants***Continue in additional Annexure Schedule, if required***Schedule B**

The Covenantor shall:

1. The building shall be a new residence not being a relocatable house unless plans and specifications are approved by the vendor.
2. Not to bring on or to allow to remain on the land or any carriageway used for access in the subdivision any temporary building, caravan, trade vehicle or other equipment or materials or machinery unless garaged or screened from the road and neighbouring properties, so as to preserve the amenities of the neighbourhood.
3. Not to use adjacent or abutting land including wetlands and right of way access stockpiling and storage of materials and dumping of rubbish.
4. To keep and maintain the burdened land in a neat and tidy condition and prevent it from becoming unsightly and to control any noxious weeds in an appropriate manner.
5. Not allow on any of the buildings, structures or fencing placed on the burdened land to become dilapidated or to fall into disrepair.
6. The living indigenous vegetation on the land shall not be cut down, damaged or destroyed. The Covenantee shall be deemed not be in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the covenantee or for which the covenantee is responsible.
7. There shall be no intrusion of grazing stock (including cows, sheep, goats and pigs) into any areas of indigenous vegetation on the land.
8. Dead wood and vegetation may be removed by the covenantee for their own use on the land.
9. Not place or store on the burdened land any derelict or unsightly car, truck or other vehicle body nor permit any non-organic rubbish or debris to be dumped or stored thereon so as to prevent the land becoming unsightly and cause nuisance to adjoining landowners.
10. Not place nor permit or suffer to be upon the burdened land any caravan or mobile home unless such caravan or mobile home is currently registered, has a current warrant of fitness, has wheels attached and is not occupied as a dwelling provided however that this shall not apply to any caravan or mobile home that does not meet those requirements if it is garaged or screened from the road and neighbouring properties.
11. Not keep poultry, pigs or goats other than for own domestic purposes.
12. Not use the burdened land for commercial dog kennels or a commercial cattery.

Insert instrument type

Covenant instrument to note land covenants

Continue in additional Annexure Schedule, if required

Schedule B continued...

- 13. Not to use the burdened land or permit or suffer it to be used for any commercial or trading purposes (except agriculture, horticulture, bed and breakfast, home office, or similar) nor display more than one advertisement, sign or hoarding or a commercial nature on any part of the burdened land.

Penalties

- 1. If there is any breach of non-observance of these covenants by the Covenantor (and without prejudice to any other obligations which the covenantor may have to any other person and/or without any prejudice to any other rights available to the Covenantee), the Covenantor will upon receiving written demand by the Covenantee or any registered proprietor of the benefitting lots:
- 2. Remove or cause to be removed from the covenanting lot any non-complying structure, building, erection, etc, that does not comply with these covenants; and
- 3. Cause to correct the offending breach by discontinuing such activity.
- 4. If such breach or non-observance is not remedied within 3 months following notice in writing to the offending Covenantor, the Covenantee shall (together with its agents, employees or contractors) be entitled to enter upon the covenanting lot to arrange rectification of the covenantor's default at the cost of the covenantor in breach.
- 5. There shall be no obligation on any of the Covenantors or registered owners of the benefitting lots to take any steps to enforce these covenants.

The Covenantor in default shall bear any costs which may be incurred by the Covenantee as a result of any default by the covenantor under this instrument.