

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 checked="" type="radio"/> Other (please specify) <u>Change of Conditions (Section 127)</u> | |

* 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:

Patricia Daniells

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Karen Yerkovich c/- Thomson Survey

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:

Patricia Daniells

Property Address/
Location:

50A/B Wharau Road

Kerikeri

Postcode

8. Application Site Details

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

Name/s:

Patricia Daniells

**Site Address/
Location:**

50A/B Wharau Road

Kerikeri

Postcode

Legal Description:

Lot 2 DP 375818

Val Number:

Certificate of title:

304982

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

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☐ Yes ☒ No

Is there a dog on the property? ☐ Yes ☒ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

This application seeks a minor variation to RC2220109-RMASUB, seeking a revised boundary layout, and amendments to some of the engineering conditions.

If this is an application for a 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), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ 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

- ☒ Subdividing land ☐ Disturbing, removing or sampling soil
- ☐ Changing the use of a piece of land ☐ 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) Patricia Daniells

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)

Signature:

(signature of bill payer)

MANDATORY

Date 29.05.25

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)

Karen Yerkovich

Signature:

[Redacted Signature]

if the application is made by electronic means

Date 29.05.25

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.

Patricia Daniells

50A/B WHARAU ROAD, KERIKERI

APPLICATION FOR A CHANGE OF CONSENT CONDITIONS TO RC2220109-RMASUB PURSUANT TO s127 OF RMA

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

The applicant seeks a change of consent condition of RC2220109-RMASUB issued, on 11th November 2022 for a subdivision in the Rural Production Zone creating three lots. A copy of RC2220109-RMASUB is attached in Appendix 2.

The application for a variation is a minor variation, seeking a revised boundary layout, and amendments to the engineering requirements, which reduces the size and position of Easement C. This change does not alter the number of lots.

An amended/updated scheme plan, showing the new lot layout, is attached in Appendix 1. A draft copy of LT 589428 has been used as the scheme plan.

Paul Henry a surveyor from our office has been in email contact with Nadia de la Guerre, Team Leader of Resource Consents Engineering in regards to these changes, and was in support of us doing a variation.

1.2 Scope of this Report

This assessment and report accompanies the application for a minor change to conditions (s127) made by our clients, and is provided in accordance with that section of the Act and other relevant sections. An application under s127 of the Act is regarded as a **restricted discretionary** activity.

2.0 PROPERTY DETAILS

Location: 50A/B Wharau Road, Kerikeri

Legal Description: Lot 2 DP 375818

Certificate of Title: 304982

Copy of Certificate of Title is attached in Appendix 3.

3.0 SITE DESCRIPTION

The site remains as described in the original application.

4.0 REASON FOR VARIATION

- Client has progressed with an engineer's detailed entrance design. It has been approved by Far North District Council.
- Client on attempting to proceed with construction became aware the design was not feasible to construct due to rock out crops on the site.
- On review of the engineers design (FNDC approved), it was evident that the gradient would not comply with FNDC standards, and a 2.8m cut depth through rock would be required, which is not practical.
- Thomson Survey undertook a new design to better fit with the lay of the land. The Thomson Survey design easily meets FNDC Engineering Standards.
- The original conditions contained unreasonable engineering monitoring conditions for what is a simple private access, serving only two lots. We therefore ask for the construction monitoring conditions to be removed.
- The Thomson Survey design requires a maximum cut dept of only 1.2m, and cut volume of 20m³.
- Far North District Council Engineer Nadia de la Guerre has shown support for our new design and removal of the existing conditions.

5.0 THE PROPOSAL IN DETAIL

The consent holder seeks to amend the boundary layout, and some of the engineering conditions that were originally consented.

Condition 1 to be changed to reflect the attached updated plans;

Condition 3(a) ii to be removed;

Condition 3(b) i wording to be changed to:

A report from a suitably qualified geotechnical engineer for the confirmation of suitability of building platforms identified on scheme plan for built development.

Condition 3(b) v to be removed;

Condition 4(b) wording to be changed to:

Works to be completed in general accordance with Conditions 3(a) and 3(b).

All other conditions can remain the same as written in RC2220109-RMASUB.

6.0 STATUTORY REQUIREMENTS

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **restricted discretionary** activity application.

Sections 88 to 121 of the Act apply, and the following planners report and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act.

7.0 s104 CONSIDERATIONS

S104 of the Act requires a consent authority to consider any actual and potential effects on the environment resulting from the change; and any relevant provisions of

- (i) A national environmental standard;
- (ii) Other regulations;
- (iii) A National Policy statement;
- (iv) A NZ Coastal Policy Statement;
- (v) A Regional Policy Statement;
- (vi) A plan or proposed plan.

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS (S127 REQUEST)

When considering the effects under a s127 application, it is only the effects of the changes being sought that need be assessed and considered. As such, this assessment of environmental effects does not re-visit or repeat that provided for the processing of

RC2220109-RMASUB. The change only relates to a revised boundary layout and amendments to engineering conditions, and has no effects on the environment or any party.

Access:

The position of Easement C has moved and reduced in size to create easier access into proposed Lots 1 and 2. There will be minimal earthworks required with this new design.

9.0 STATUTORY ASSESSMENT

9.1 District Plan Objectives and Policies

There have been no changes to the District Plan's Rural Living Zone objectives and policies since the original consent was issued.

As such, there is no need to re-assess the proposal against the District Plan's objectives and policies.

In regards to the Proposed District Plan nothing is relevant to this application.

9.2 Part 2 Matters

The original proposal was considered to be consistent with Part 2 of the Act. There have been no changes to the Act.

9.3 National Policy Statements

The National Policy Statement Indigenous Biodiversity and National Environmental Standards Freshwater Management have been enacted since the original application was prepared. Neither National Policy Statements are relevant.

9.4 National Environmental Standards

There are no national environmental standards relevant to the proposal or that have come into effect since the original consent.

10.0 CONSULTATION

Under Section 127(4) of the Act:

- (4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
- (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation.*

Written Approvals were required as part of the original application. The proposed changes are believed to have no adverse effect on any adjacent land owner.

11.0 CONCLUSION

It is considered the effects of the changes on the wider environment are less than minor. The proposal remains consistent with the relevant objectives and policies of the District Plan and the Regional Policy Statement, and Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to change conditions to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the s.127 application on a non notified basis.

Signed:



Dated:

30.05.25

Karen Yerkovich

Thomson Survey Ltd

10.0 LIST OF APPENDICES

Appendix 1	Scheme Plan (Draft LT 589428)
Appendix 2	RC2220109-RMASUB
Appendix 3	Record of Title

Appendix 1

Scheme Plan

(Draft LT 589428)



Title Plan - LT 589428

Survey Number LT 589428
Surveyor Reference 9654 Daniells
Surveyor Denis McGregor Thomson
Survey Firm Thomson Survey Limited
Surveyor Declaration

Survey Details

Dataset Description Lots 1 to 4 being a Subdivision of Lot 2 DP 375818
Status Initiated
Land District North Auckland
Submitted Date
Survey Class Class B
Survey Approval Date
Deposit Date

Territorial Authorities

Far North District

Comprised In

RT 304982

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area Z Deposited Plan 589428	Covenant - Land		
Area Y Deposited Plan 589428	Covenant - Land		
Area W Deposited Plan 589428	Covenant - Land		
Area C Deposited Plan 589428	Easement		
Area B Deposited Plan 589428	Easement		
Lot 1 Deposited Plan 589428	Fee Simple Title	2.0220 Ha	1123455
Lot 2 Deposited Plan 589428	Fee Simple Title	2.0227 Ha	1123456
Lot 3 Deposited Plan 589428	Fee Simple Title	25.1816 Ha	1123457
Lot 4 Deposited Plan 589428	Vesting on Deposit for Road	0.0585 Ha	
Area X Deposited Plan 589428	Covenant - Land		
Total Area		29.2848 Ha	



Plan Number

DP 589428

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened land)	Dominant Tenement (Benefited Land)
Right of way. Right to convey electricity and telecommunications.	C	Lot 2 Hereon	Lot 1 Hereon

Schedule of Existing Easements			
Purpose	Shown	Servient Tenement (Burdened land)	Created by
Right to convey water and electricity.	B	Lot 3 Hereon	T942645.2

Areas W, X, Y and Z are subject to a consent notice. (Bush protection).

Thomson Survey Ltd
315 Kerikeri Road, Kerikeri
P.O. Box 372, Kerikeri 0245, New Zealand.
Email: Kerikeri@tsurvey.co.nz

Telephone: **09 4077360**



Diag. A

Lot 2 DP 200796
Lot 1 DP 200796

Lot 5 DP 160234

0.0585Ha
Road to vest in the
Far North District Council

Lot 3 DP 139492

Lot 2 DP 392163

Lot 100 DP 608165

Part Lot 1 DP 52837

3
25.1816Ha

2
2.0227Ha

1
2.0220Ha

Lot 1 DP 375818

Lot 2 DP 545269

Lot 2 DP 51237

Lot 1 DP 51237

Land District: North Auckland

Digitally Generated Plan
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Lots 1 to 4 being a Subdivision of Lot 2 DP 375818

Surveyors Ref: 9654 - Daniels

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 589428
DRAFT

T 1/2

Appendix 2

RC2220109-RMASUB



**Far North
District Council**

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2220109-RMASUB

Pursuant to section 104B of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Patricia Daniells

The activity to which this decision relates:

Activity A: proposal for a subdivision to create 2 additional Lots in the Rural Production Zone.

Activity B: To breach the Frontage to Existing Roads Rule of the District Plan.

Subject Site Details

Address: 99C Furness Road, Kerikeri 0293

Legal Description: Lot 2 DP 375818

Record of Title reference: CT-304982,

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lt 2 DP 375818, dated 27.07.21, and attached to this consent with the Council's "Approved Stamp" affixed to it.
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) A double width easement for the purpose of conveying electricity supply within ROW C to Lot 1.

- (c) The areas of indigenous vegetation on Lots 1, 2 and 3 identifies as 'X', 'Y' and 'Z' to be protected by way of land covenant for bush protection (except for the building platforms on lots 1 and 2 and the access to them).
 - (d) Land to vest as Road where the carriageway is less than 2m from a Lot boundary.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- (a) Provide approval from Councils Development Engineer or duly designated person for plans, specifications & details of vehicle crossing construction to R.O.W. C from Wharau road, prior to commencing construction. Such works shall be designed by a Suitably qualified Engineer in general accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- i. A concreted or sealed Vehicle crossing to R.O.W C designed in general accordance with Engineering Outcomes Ltd, traffic report, dated 20 April 2022 and recommendations
 - ii. A design statement (PS1 or schedule 1A) for works from Engineer.
- (b) Provide approval from Councils Resource Consent Engineer or duly designated person for Geotechnical assessment, plans, specifications & details of works to construct R.O.W C and confirm suitability of building platforms designed by a Suitably qualified Engineer or an approved suitably qualified person (IQP) prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- i. A report from a suitably qualified geotechnical engineer for the construction of R.O.W access/ earthworks and confirmation of suitability of building platforms identified on scheme plan for built development.
 - ii. 3m minimum vehicle access carriageway formation to R.O.W C.
 - iii. Water table drains and culverts as required to direct and control stormwater
 - iv. The details of the sediment and erosion control measures to be put in place during earthworks. Design to GD05
 - v. A design statement (PS1 or schedule 1A) from a chartered professional engineer or a suitably independent qualified person (IQP).
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway, services and drainage are fully contained within the easements provided.

(b) Upon completion of the works specified in condition(s) 2(a) and (b) above, provide certification (PS4 or Schedule 1C), inspection records and completion report of the work from a chartered professional engineer or Independent Qualified Person (Only permitted for Private works) that all work has been completed in general accordance with the approved plans.

(c) Secure the condition 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 Applicant.

(i) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of 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.

[All Lots]

(ii) All habitable buildings or Importance level 2 and greater structures (as defined in AS/NZS 1170) will require engineering assessment for foundations and ground suitability. Design shall be by a Chartered Professional Engineer with recognised competence in relevant geotechnical, structural matters and include an indication of construction monitoring requirements for the foundation construction. The foundation design details shall be submitted in conjunction with the Building Consent application.

[All Lots]

(iii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a onsite wastewater Report prepared by a Chartered Professional Engineer or an approved council Report Writer. The report shall reference the Onsite Wastewater Site suitability report submitted with RC 2220109 produced by GWE Consulting, dated July 2021, Job No J3100, identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a reserve disposal area. Power has not been reticulated to the boundary of the lot. The lot owner is responsible for the provision of a power supply to operate an on-site wastewater treatment plant and any other device which requires electrical power to operate.

[All Lots]

(iv) 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.

[All Lots]

(v) Allotment contains areas which are identified by Council as likely to be flood susceptible, wherein there is a potential risk to life, property and the environment due to natural hazard processes. Any built development intended to be undertaken within these areas may require a suitably qualified and experienced engineer's report to be lodged, to

determine flood risk and to set a floor level safe from a 1% AEP flood event.

[All Lots]

- (vi) In conjunction with the construction of any building > 110m² or site combined impermeable surfaces > 600m², the lot owner shall submit in conjunction with obtaining building consent for the approval of Council a report prepared by a suitably qualified practitioner, detailing appropriate stormwater mitigation measures that will limit the stormwater flows from allotment to the pre development level for rainfall events up to those with a 10% and 1% AEP including an allowance for climate change. (Note Design shall consider current council requirements and alternative solutions approved from council's engineer).

[Lots 1 and 2]

- (vii) No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

[Lots 1 and 2]

- (viii) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). A maximum of two working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:

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

Prior to the keeping or introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- v) A photograph of the dog;
- vi) Written confirmation that the dog(s) have been micro-chipped;
- vii) A plan showing the extent of the dog proof fenced area.

[Lot 3]

- (ix) The owner shall preserve the indigenous trees and bush on Lots 1, 2 and 3 and shown on the survey plan as areas 'X', 'Y', and 'Z' and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or

bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[All Lots]

Activity B:

No conditions have been imposed.

Advice Notes

1. 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.
2. Please note that careful consideration of layout of onsite wastewater system disposal system will be required to maintain setbacks from stormwater drainage or overland flow paths. If unable to be archived, then a Resource consent maybe required.
3. The Consent holder shall when conducting the upgrade of vehicle crossing in or close to Wharau Road reserve shall submit a Corridor Access Request (CAR) and subsequently obtain a Work Access Permit (WAP) from council prior to any excavation or works commencing.
4. The consent holder and future Lot owners are advised that any future development, 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.
5. During the assessment of this application, it has been identified that there may be a potential wetland area on the subject site and/or within proximity to the site. The consent holder is therefore advised that any development (including this activity) must comply with requirements of the National Environmental Standard for Freshwater Regulations 2020 (NESFR). Should the development be unable to comply with the NESFR, then additional consent will be required from Northland Regional Council.
6. Future Lot owners of proposed Lots 1, 2 and 3 shall be aware that there is significant area of indigenous vegetation on these Lots which are protected by way of a Land Covenant. Any future development will need to take into careful consideration of the permitted District Plan requirements, I particular the Fire Risk to Residential Unit rule provided for in Chapter 12 of the District Plan.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.

2. The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matters are:
- (i) for applications under **13.8.1(a)**:
 - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
 - (ii) for applications under **13.8.1(b) or (c)**:
 - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
 - effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
 - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
 - the mitigation of fire hazards for health and safety of residents.
- In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:
- (1) the matters listed in **13.7.3**;
 - (2) the matters listed in **(i)** and **(ii)** above.
- For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of harbours is to be established by multiplying the width of the river mouth by five.

3. District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	The application can meet the criteria for a Restricted Discretionary Activity.
15.1.6C.1.8 FRONTAGE TO EXISTING ROADS	The subject site has frontage to legal road which has not been formed and is not to Council standard. No road formation or upgrades have been proposed.

Adverse effects will be less than minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Objectives and policies of the District Plan:

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

- a) Objectives: 13.3.5, 13.3.8.
- b) Policies: 13.4.2, 13.4.3, 13.4.6, 13.4.8.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
- a) The Operative Far North District Plan 2009,

- b) The Proposed Far North District Plan 2022,
 - c) National Environmental Standards for Freshwater Regulations 2020
5. No other non – statutory documents were considered relevant in making this decision.
6. No other matters were considered in relevant in making this decision.
7. Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

8. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Hannah Kane, Intermediate Resource Planner, and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 11th November 2022

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) 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.

Lapsing of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

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 Resource Management Act 1991.

This drawing has been prepared solely for the use intended and no other use should be made of it. It is not to be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

THOMSON SURVEY
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 P.O. Box 372 Kerikeri
 Bay of Islands
 Pk (09) 407360
 www.thomson.co.nz
 Registered Land Surveyors, Planners & Land Development Consultants

Planner: h Kane
 RC: 2220109-RMASUB
 Date: 14/11/2022
APPROVED PLAN

PROPOSED SUBDIVISION OF LOT 2 DP 375818 WITH SIGHT DISTANCES
 PREPARED FOR: Daniels
 Wharau Road



Local Authority: Far North District Council
 Compiled by: RT 304892
 Total Area: 29.2824ha
 Zoning: Rural Production

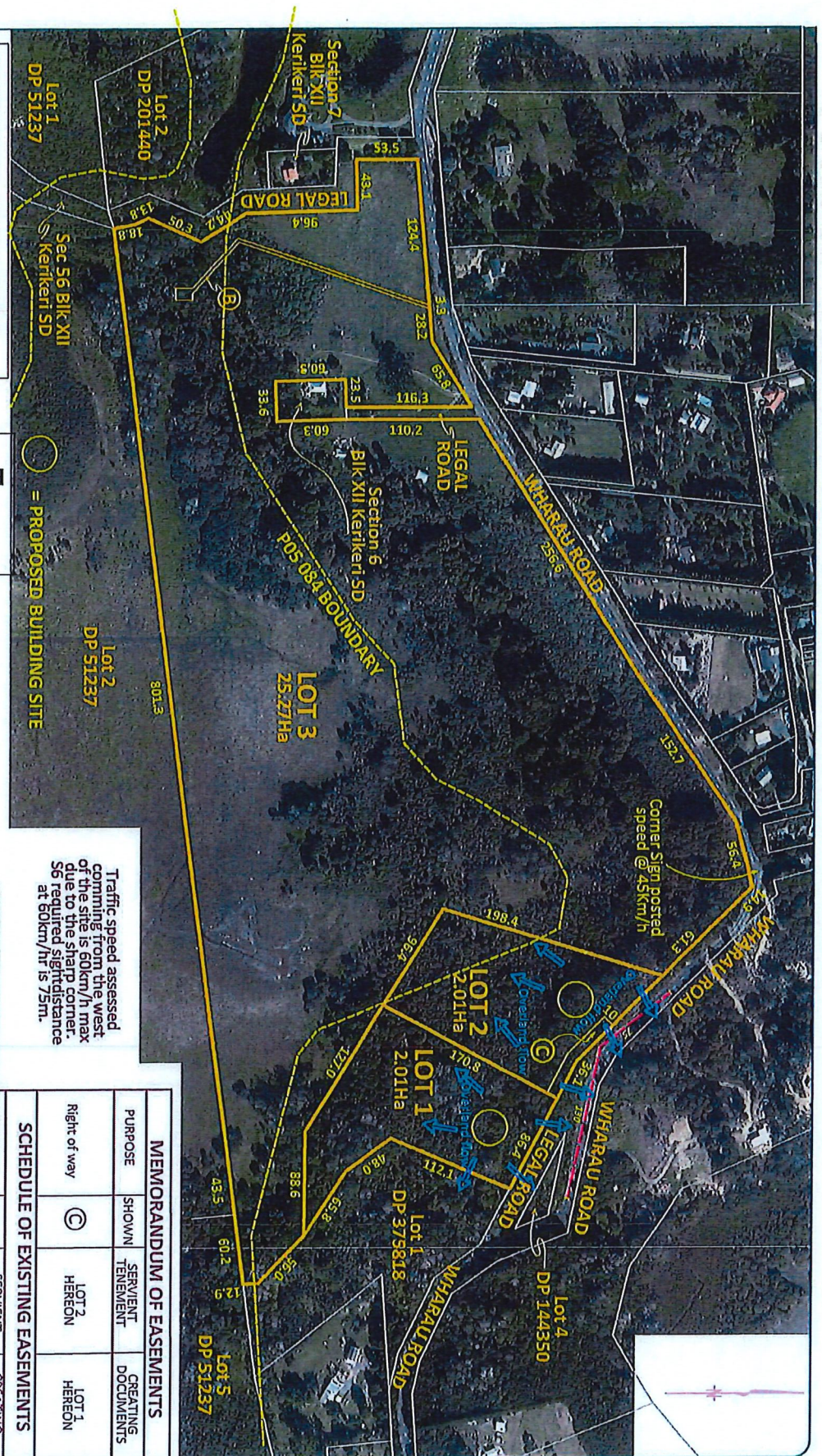
Traffic speed assessed coming from the west of the site is 60km/h max due to the sharp corner. S6 required sight distance at 60km/hr is 75m.

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOCUMENTS
Right of way	©	LOT 2 HERON	LOT 1 HERON
SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOCUMENTS
ELECTRICITY & WATER SUPPLY	ⓑ	LOT 3 HERON	T 942645.2

Name	Date	ORIGINAL
SURVEY		SHEET
DESIGN	RAH 19/09/19	SIZE
APPROVED		1:3000
Rev	GB 16.11.21	A3

9554 Overlandflow Ltd

Surveyor's Ref. No.: 9654
 Sheet 1 of 1



Appendix 3

Record of Title



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




R. W. Muir
Registrar-General
of Land

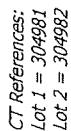
Identifier 304982
Land Registration District North Auckland
Date Issued 20 June 2013

Prior References
NA61A/328

Estate Fee Simple
Area 29.2884 hectares more or less
Legal Description Lot 2 Deposited Plan 375818
Registered Owners
Patricia Daniells

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979
Subject to electricity and water supply rights over part marked B on DP 375818 created by Transfer 942645.2 - 2.7.1981 at 2:44 pm
Appurtenant hereto is a right of way created by Transfer B043933.1 - 16.3.1982 at 2:19 pm (limited as to duration)
9435237.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.6.2013 at 5:24 pm



Surveyor's Ref: 8045

Lots 1 & 2 being a Subdivision of Section 21 Block XII Kerikeri Survey District

Surveyor: Graeme William Kettle
Firm: Thomson Survey Limited

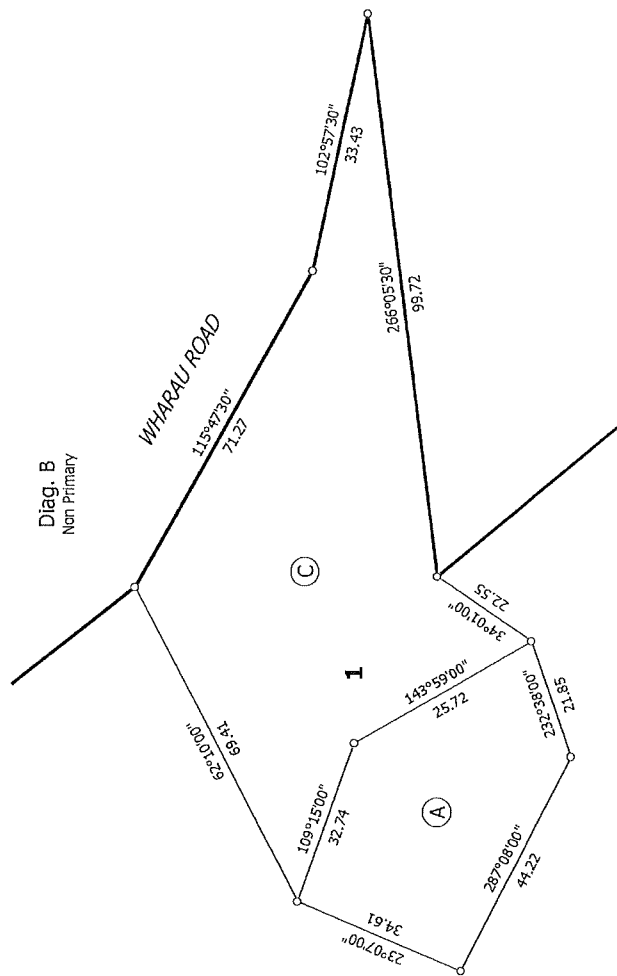
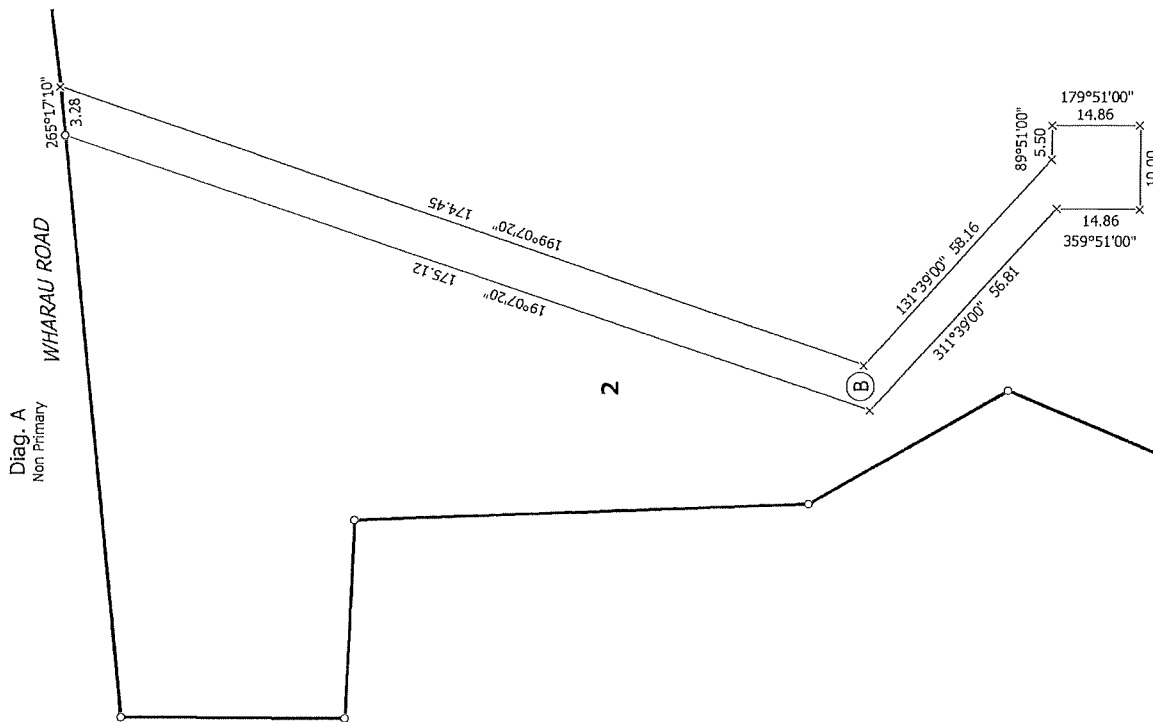
Title Plan
DP 375818

Deposited on: 20/06/2013

Land District: North Auckland

Digitally Generated Plan

Digitally Generated Field
Generated on: 12/07/2013 11:37am Page 3 of 4



T 2/2

Surveyor's Ref: 8045

Title Plan
DP 375818

Deposited on: 20/06/2013

Surveyor: Graeme William Kettle
Firm: Thomson Survey Limited

Lots 1 & 2 being a Subdivision of Section 21 Block XII Kerikeri Survey District

Land District: North Auckland

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Generated on: 12/07/2013 11:37am Page 4 of 4