



Our Reference: 10766.1 (FNDC)

16 December 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed minor boundary adjustment at 94B and 94C Pa Road, Kerikeri – Mike Endean

I am pleased to submit application on behalf of Mike Endean, for a proposed minor boundary adjustment between two adjacent properties at 94B and 94C Pa Road. The lots are zoned Rural Living and both support existing residential development. The application is a controlled activity.

The application fee of \$3,044 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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):

- | | |
|---|---|
| <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 checked="" 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:

Mike Endean

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? ☐ Yes ☒ No

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Lynley Newport

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:

As item 5 above for Lot 1 DP 621657; owner of Lot 1 DP 310634 is Frank Michaux

Property address/
location:

94B and 94C Pa Road

KERIKERI

as per items 5 & 7 above

Postcode

8. Application site details

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

Name/s:	Endean and Michaux		
Site address/ location:	as per Item 7 above		
	Postcode		
Legal description:	Lot 1 DP621657; Lot 5 DP310634	Val Number:	
Certificate of title:	1256177 & 41824 respectively		

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.

Please contact Russell Grace (Caretaker) on 021 407 936

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.

Minor boundary adjustment between two adjacent lots, zoned Rural Living.

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):

<input type="radio"/> Building Consent	Enter BC ref # here (if known)
<input type="radio"/> Regional Council Consent (ref # if known)	Ref # here (if known)
<input type="radio"/> National Environmental Standard Consent	Consent here (if known)
<input type="radio"/> Other (please specify)	Specify 'other' here

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

14. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

15. 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)

MICHAEL BRUCE ENDEAN

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.

15. Billing details continued...

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)

MICHAEL BRUCE ENMEAN

Signature:

(signature of bill payer)

Date 17-12-15

16. 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.

17. Declaration

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

Name (please write in full)

MICHAEL BRUCE ENMEAN

Signature

Date 17-12-15

See overleaf for a checklist of your information...

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.

M Endean

PROPOSED SUBDIVISION

By way of BOUNDARY ADJUSTMENT

94B & 94C Pa Road, Kerikeri

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The proposal is to carry out a boundary adjustment between Lot 5 DP 310634 and Lot 1 DP 621657, located at 94B and 94C Pa Road, Kerikeri. The change is minor in regard to land area and is primarily aimed at rationalising the ability to maintain vegetation and land within each lot. It will place the vegetation to the north of the dwelling on Lot 1 DP 621657 within that same title rather than on the adjacent Lot 5 DP 310634. An equivalent area of vegetation on a small part of Lot 1 DP 621657, will be transferred to Lot 5 DP 310634 such that the areas of both titles is unaltered.

The table below shows existing land areas and proposed land areas.

Existing Title land area	Proposed Title land area
Lot 5 DP 310634 – 4171m ²	Lot 1 – 4171m ²
Lot 1 DP 621657 – 4035m ²	Lot 2 – 4036m ²

A copy of the Scheme Plan(s) is/are attached in Appendix 1.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to adjust the boundaries between two existing titles, as a controlled activity under the Operative District Plan (ODP), and a restricted discretionary activity under the Proposed District Plan (PDP).

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location:	94B & 94C Pa Road, Kerikeri. A location map is attached in Appendix 2.
Legal description:	Lot 5 DP 310634 & Lot 1 DP 621657
Record of Title:	41824 with an area of 4171m ² ; 1256177 with an area of 4035m ² . A copy of each title is attached in Appendix 3, along with relevant legal interests.

3.0 SITE DESCRIPTION

3.1 Physical & Mapped characteristics

The properties are located adjacent to the upper reaches of the Kerikeri Basin. The sites are undulating with portions of flatter ground upon which existing development has been established. Vegetation cover is mixed grass/lawn areas with scrub/trees on the sloping ground. Existing Lot 5 DP 310634, to be new Lot 1, has frontage to existing Esplanade Reserve abutting Crown Land which is in turn, adjacent to the Kerikeri River (tidal).

The sites are attractively landscaped with both properties supporting existing built development. This consists of reasonably large homes and parking /manoeuvring area, with landscaped gardens. Access to both sites is the same (shared), coming off Pa Road.

The sites are mapped in the Operative District Plan as Rural Living and are within the Kerikeri Basin Visual Buffer area (heritage area). These mapped features have carried over into the Proposed District Plan where the sites are proposed to be zoned Rural Residential and are within the Kerikeri Heritage Area – Part B.

All of the land to be within adjusted Lot 1 is mapped as being within the coastal environment. The north eastern portion of land to be within adjusted Lot 2 is also mapped as being in the coastal environment.

A very small portion of the sites, adjacent to Esplanade Reserve, is mapped as being subject to both the 10 and 100 year River Flooding event. This has no impact given both lots are already developed. The sites are not mapped as containing any high or outstanding natural or landscape values. The sites have previously been within a slightly larger area subject to two Archaeological Surveys and Assessments where no archaeological sites were identified within or near either lot.

The sites do not contain any scheduled or mapped heritage sites or Sites of Significance to Maori. The sites do not contain areas of indigenous vegetation and are not within any mapped kiwi present or high density kiwi area.

3.2 Legal Interests on Titles

The properties are subject to, and have appurtenant rights to, a number of easements and instruments, summarised below in tabular format.

Lot 1 DP 621657		
Subject to		
Identifier	Date Registered	Purpose
5498810.15	2003	Pedestrian right of way, right of way, electricity and telecommunications, water supply
Appurtenant		
5498810.14	2003	Right of way, electricity, telecommunications and water supply
5498810.15	2003	Water supply
13419054.4	2025	Right of way, a right to drain water and a right to convey electricity, telecommunications and water
13419054.5	2025	Right to drain water
13419054.6	2025	Right to convey water

Lot 5 DP 310634		
Subject to		
Identifier	Date Registered	Purpose
5498810.16	2003	Pedestrian right of way
Appurtenant		
5357130.9	2002	Right of way and right of electricity, telecommunications and water supply
5498810.15	2003	Water supply
Land Covenant		
5535500.3	2003	Height covenants

Copies of relevant instruments are attached as part of Appendix 3.

The boundary adjustment includes the Cancellation of Easements created by documents D040739.4, 5498810.15, 5498810.16; and Cancellation of Height Restriction Covenant created by Document 5535500.3 (the latter was not imposed by Council). Replacement easements and height covenants are proposed as shown on the scheme plan(s) in Appendix 1.

3.3 Consent History

The application sites have been involved in a number of historic resource consents, as follows:

RC 4633	1993	(subsequently varied in 1994) creating Lots 1-4 DP 168091
RC 1950759	1995	Creating Lot 5 DP 172257, land now part of the application sites
RC 1960564	1996	Creating Lots 4 & 6 DP 175053, the former being land now part of the application sites

RC 1960795	1996	Creating Lots 3 & 4 DP 176588 involving land now part of the application sites
RC 1970089	1996	Creating Lots 4 & 8 DP 178347 involving land now part of the application sites
RC 1970242	1996	Creating Lot 7 DP 184641, later becoming Lot 7 DP 310634, containing the covenanted pond area on land adjacent to the application site
RC 2000159	1999	Boundary adjustment involving land in the application sites
RC 2010478	2001	Creating Lots 3, 5, 7 & 8 DP 310634
RC 2040044	2003	(subsequently varied in 2004 via RC 2040963) but not given effect to
RC 2090386	2010	Application involving land in the application site and adjacent site to create four titles – but not given effect to
RC 2170198	2016	Combined application to create 4 additional lots from land in the application site, along with land use consent for breaches of impermeable surfaces (Lots 1 & 2) and building coverage (Lot 2) – later varied, see below
RC 2170198-RMAVAR/A	2017	Subdivision component varied to introduce staging
RC 2250381-RMACOM	2025	Involving Lot 1 DP 621657 only – 4 lot subdivision and land use

The building consent history for the site outlined below, is restricted to the existing development to be within proposed Lot 2 and to existing development to be within proposed Lot 1.

BC-2004-831, issued in 2004, consented the dwelling to be within proposed Lot 2. RC 2040351-RMALUC provided for earthworks associated with the creation of the building platform and construction of the dwelling.

Also relating to the dwelling on Lot 2, BC-2004-1727, issued in 2004, consented swimming pool and water tanks; BC 2007-2219, issued in 2007, consented extensions and pool conservatory but was not continued with, instead replaced by BC-2008-1719 issued in 2008.

The dwelling to be within adjusted Lot 1 was first consented via BC-1996-1553, issued in 1996, with associated land use consent RC 1960634-RMALUC issued for breaches of height and setback. A s139 Certificate of Compliance was issued a year later for a smaller dwelling within the same footprint – BC-1997-137. The s139 confirmed no further land use consent was required given the smaller footprint.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:	
(a) a description of the activity:	Refer Sections 1 and 5 of this Planning Report.
(b) an assessment of the actual or potential effect on the environment of	Refer to Section 6 of this Planning Report.

<i>the activity:</i>	
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Sections 3 and 5 of this Planning Report for existing activities within the site. The application is for subdivision by way of a minor boundary adjustment.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	No other consents are required other than that being applied for pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 5 & 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	Refer sections 3 and 5. The site supports existing residential dwellings and ancillary buildings on both adjusted titles.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i>	There is no existing resource consent. Not applicable.
<i>(c) if the activity is to occur in an area</i>	The site is not within an area subject to a customary marine

<i>within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i>	title group. Not applicable.
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Clause 4: Additional information required in application for subdivision consent

<i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i>	
<i>(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.</i>	Refer to Scheme Plans in Appendix 1.

Clause 5: Additional information required for application for reclamation – not applicable.**Clause 6: Information required in assessment of environmental effects**

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 7 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are</i>	Not applicable as the application does not involve hazardous installations.

<i>likely to arise from such use:</i>	
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons are identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of effects does not warrant any.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The proposed activity will have no more than minor effects on the physical environment and landscape and visual amenity values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the</i>	Refer to Section 6. The proposal will have no more than minor effects on habitat and ecosystems.

vicinity:	
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:	Refer to Section 6, and above comments
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	The subdivision site is not subject to natural hazards and does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The site is zoned Rural Living and is within the Kerikeri Basin Visual Buffer area.

Subdivision:

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL LIVING ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 4,000m ²		The minimum lot size is 3,000m ²

Both adjusted lots created will remain in excess of 4,000m² – controlled activity.

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; and
- (b) there is no increase in the number of certificates of title; and
- (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; and
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and

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

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.

- (a) There is no change in the number and location of any access to the lots involved.
- (b) There is no increase in the number of certificates of title.
- (c) The area of each adjusted lot complies with the allowable minimum lot size specified for the relevant zone (Rural Living).
- (d) The area affected by the boundary adjustment is within or contiguous with the area of the original lots.
- (e) All boundary adjusted sites are capable of complying with the relevant land use rules, or have land use consent / certificates of compliance for any breaches.
- (f) All existing onsite drainage systems are wholly contained within the boundary adjusted sites, or where drainage is over other land, will have the appropriate easements – refer to scheme plan(s).

I consider the proposal meets all of parts (a)-(f) and is a controlled activity. Should the Council disagree with this opinion, the application remains under the same category of activity in any event given the size of the allotments and existing consents.

Zone Rules

Existing development to be within Lot 2 is existing and consented, most recently through RC 2250429-RMACOM. Existing development to be within the adjusted Lot 1 is estimated to have between 20-25% site coverage. However, like the development within Lot 2, the impermeable surfaces within Lot 1 are consented via RC 2170198-RMACOM. Building coverage is less than the 10% permitted threshold.

District Wide Rules:

12.3.6.1.2 Excavation and/or Filling – none required.

The site contains nothing to which other rules in Chapter 12 relate to in terms of landscape, natural character, indigenous vegetation or scheduled heritage items, or hazardous facilities or storage. The property is within the Kerikeri Basin Visual Buffer Area, however there are no subdivision rules relating to the Buffer Area.

Rules in Chapter 15.1 Traffic, Parking and Access:

All access is existing. I have not identified any breaches of Chapter 15.1.6C.

5.2 Proposed District Plan

The Proposed District Plan (PDP) was publicly notified on 27th July 2022. Regard must therefore be had to Objectives and Policies within the PDP relevant to the site. Legal effect must also

be given to any rules that the Council has identified in the PDP as having immediate legal effect. Such rules may affect activity status of an application.

In this instance I have examined the PDP, where the application site is zoned Rural Residential. There are no zone rules that have legal effect and therefore rules applying to the Rural Residential Zone do not have to be considered in regard this application, or its activity status.

In regard to district wide considerations in the PDP, the only rules in the Subdivision chapter that are marked as having immediate legal effect are those pertaining to Environmental Benefit Subdivisions (not applicable in this instance); **Subdivision of a site within a heritage area overlay (applicable – see commentary below)**; Subdivision of a site that contains a scheduled heritage resource (again not applicable); Subdivision of a site containing a scheduled site and area of significance to Maori (not applicable); and Subdivision of a site containing a scheduled SNA (not applicable).

SUB-R13 Subdivision of a site within a heritage area overlay is a restricted discretionary activity under the PDP, where the matters of discretion are limited. These matters are assessed in Section 6.0 below. **The overall category of activity therefore changes to restricted discretionary, pursuant to SUB-R13.**

There are two earthworks rules and associated standards in the PDP that have legal effect. The requirements of those rules – related to observance of the ADP, and G05 Erosion and Sediment Control standards, can be achieved via conditions of consent.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment Sizes and Dimensions

Both proposed lots support existing built development. The area of land within each lot is not changing, only the location of boundary. The minor change in boundary alignment has no impact on existing built development.

6.2 Natural and Other Hazards

The sites are both already developed and that development is not within any area subject to natural hazard.

6.3 Water Supply

Reticulated water connections are not available and both lots, already developed, are served via rainwater storage tank(s).

6.4 Energy Supply & Telecommunications

Both lots have existing residential units, with services.

6.5 Stormwater Disposal

Development is existing on both lots. The coverage to be within both lots has been previously consented through previous resource consents issued by the Council.

6.6 Sanitary Sewage Disposal

Both adjusted lots have residential units with existing on-site wastewater treatment and disposal systems in place. All components of each system remain within the respective adjusted lot boundaries.

6.7 Easements for any purpose

The scheme plan(s) attached in Appendix 1 show proposed easements in gross in favour of both Top Energy and Chorus, along with a Memorandum of Easements in terms of existing pedestrian rights of way and stormwater. Both have existing appurtenant right of way and services from Pa Road. These appurtenant rights are not required to be shown on a scheme plan.

Proposed Easement A is new, designed to enable the owner of Lot 2 to access the bottom end of their title (post boundary adjustment) to carry out maintenance.

The scheme plan also shows existing easements to be cancelled, the height restriction covenant to be cancelled, and the replacement height sloping and flat plane height restrictions to be re-imposed. These height restrictions are the subject of a private land covenant, and not a requirement of the Council.

6.8 Property Access

All access is existing and leads to existing development. The boundary adjustment does not require any re-alignment of existing access and does not create any additional development rights.

6.9 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

Features

The site is zoned Rural Living under the ODP, and Rural Residential under the PDP. The latter shows a portion of the sites as being within the 'coastal environment'. However, both sites are already developed and the boundary adjustment does not create any additional buildable area within the coastal environment.

The sites are within the Kerikeri Basin (Heritage) Visual Buffer Area as mapped in the ODP, and within the Kerikeri Heritage Area – Part B as mapped in the PDP. The latter feature renders the boundary adjustment subdivision a restricted discretionary activity under the PDP whereas the subdivision component is a controlled activity under the ODP. Both lots support existing

development and the proposed boundary adjustment therefore has no impact on heritage values.

No NZAA recorded Archaeological Sites have been identified within either lot.

The site is not mapped as having any landscape or natural character values.

Vegetation/habitat & Fauna

The properties are extensively landscaped with a mixture of indigenous and exotic naturally occurring and 'arranged' vegetation and plantings. The site is not mapped as supporting kiwi. Both lots support existing buildings. There is no need to impose any conditions on either lot as a result of this boundary adjustment.

Heritage/Cultural

There are no listed or mapped Sites of Significance to Maori on the application sites, nor any historic buildings, sites, notable trees or registered archaeological sites as mapped and/or listed in the District Plan or Far North Maps. The sites are outside the Kerikeri Basin Heritage Precinct but within the Visual Buffer Area associated with that heritage precinct, and within the PDP's Kerikeri Heritage Area's Part B.

The latter has immediate legal effect and renders the subdivision a restricted discretionary activity under the PDP, where the matters of discretion are restricted to the following:

- a) *The heritage values of the Heritage Area Overlay;*
- b) *Whether the allotments are of a size that will ensure sufficient land is provided around any scheduled Heritage resource to provide a suitable heritage setting and protect associated heritage values;*
- c) *Whether there are measures to minimise obstruction of views of any scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development;*
- d) *Any consultation with Heritage NZ, DoC and tangata whenua; and*
- e) *Provision of legal and physical access to any scheduled Heritage resource within the subdivision if appropriate to maintain, protect, or enhance it.*

The site does not contain any scheduled Heritage resource and therefore parts b) & c) are not relevant.

The 'values' of the overlay area are associated with the slopes surrounding the pa and missionary settlement. The application site is across the water from both. The Stone Store and surrounding buildings cannot be seen from the site and vice versa. The site shows no 'legacy' of early horticultural subdivision pattern. Given that the lots involved in this boundary adjustment are both already fully developed, it is highly unlikely that this boundary adjustment will have any impact on heritage values. Consultation with Heritage NZ, DoC or tangata whenua has therefore not been considered necessary.

Rule 12.5A.6.3.3 of the ODP requires consent for any alterations and/or new buildings within the Visual Buffer, as a restricted discretionary activity, where the matters to which the Council restricts its discretion are:

- (a) The form of the building and colour of all exterior surfaces, so as to ensure the appropriate use of colour and to avoid visual dominance in relation the Kerikeri Mission Station buildings; and
- (b) The location of the buildings in respect of the Kerikeri Mission Station, Kororipo Pa and other archaeological sites.

This rule will apply to any future re-development within the adjusted lots.

Additions or alterations to existing buildings in the Kerikeri Heritage Area, Part B, are subject to HA-R2 and are generally permitted provided compliance with HS-S1 (setback from scheduled Heritage Resource) and HS-S2 Heritage Colours are met – albeit the latter does not apply if the additions or alterations are painted to match the existing building.

New buildings or structures within Part B are permitted where not located within a site containing a scheduled Heritage Resource; and where they meet the required setback from a scheduled Heritage Resource (Rule HA-R4 refers).

I do not believe it necessary to impose any conditions relating to heritage values as part of this boundary adjustment.

6.12 Soil

The site is zoned for large lot living as opposed to productive use. The PDP reinforces this zoning and the intent of Council to see large lot residential development along Kerikeri Inlet Road and its side roads. The proposal simply adjusts boundaries around existing built development. The life supporting capacity of soils will not be unduly compromised.

6.13 Access to, and protection of, waterbodies

The site has no boundary with a qualifying waterbody that would require the provision of access. Lots 1 adjoins an existing Esplanade Reserve which in turn abuts Crown Land with a tidal river boundary beyond that. There are no natural waterbodies within the site. The boundary with Esplanade Reserve remains unchanged.

6.14 Land use compatibility (reverse sensitivity)

The area is predominantly large lot residential in nature. The boundary adjustment does not change either lot's area and does not increase the risk of land use incompatibility.

6.15 Proximity to Airports

The site is outside of any identified buffer area associated with the Bay of Islands Airport.

6.16 Natural Character of the Coastal Environment

The sites are partially within the coastal environment as mapped in both the Regional Policy Statement for Northland, and the FNDC's Proposed District Plan. However, both lots already support built environment and as such, the boundary adjustment has no adverse effects on the natural character of the coastal environment.

6.17 Positive Effects

The purpose of this boundary adjustment is provide a property owner with autonomy over the presence, and height of vegetation directly in front of their dwelling and between that dwelling and the river/inlet. This boundary adjustment enables better management of each respective lot involved.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapters 8.7 (Rural Living Zone); and 13 (Subdivision), of the District Plan. Also of some limited relevance are objectives and policies in Chapter 12.5A (Heritage Precincts) related to the visual aspects of development within the Visual Buffer area associated with the Kerikeri Basin Heritage Precinct.

Subdivision Objectives & Policies

Objectives

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities

This is an enabling objective. The boundary adjustment simply shifts lines, with neither lot gaining or losing any land in terms of total area. Both pieces of land already support built development. The proposal promotes the social and economic well being of people and communities.

Significant adverse effects on the natural and physical environment can be avoided, remedied or mitigated. The proposed subdivision promotes sustainable management and is an efficient use and development of the land. In providing for continued residential use in the circumstances outlined above, I do not believe the proposal to be contrary to Objective 13.3.1.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

The proposal is appropriate for the site and practical. There are no actual or potential adverse effects.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

The site is not mapped as containing any outstanding landscape or natural feature. The part of the sites that are within the coastal environment already support built development. The proposal does not create any additional development rights within the coastal environment.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

The site is not within a heritage precinct and contains no scheduled heritage resources. The proposed boundary adjustment does not create any additional lot.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

The sites support homes that provide for their own on-site water storage for potable use. Stormwater management is existing in both cases.

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

And related Policy

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

The site is not known to contain any sites of cultural significance to Maori, or wahi tapu. There are no identified (and mapped) archaeological sites within the boundaries of either lot. The site does not directly adjoin any waterbody.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

There is existing reticulated power connection to the lots.

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

Not a new subdivision creating additional lots.

Objective 13.3.11 is not discussed further as there is no National Grid on or near the subject site.

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

- (a) natural character, particularly of the coastal environment;
- (b) ecological values;
- (c) landscape values;
- (d) amenity values;
- (e) cultural values;
- (f) heritage values; and
- (g) existing land uses.

The values outlined above, along with existing uses, have been discussed earlier in this report. I believe regard has been had to items (a) through (g) in the design of the subdivision.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties. And

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Access to the site is off an existing public road (sealed).

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

The sites are already developed.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

Internal to the site, utility services are underground.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

The sites do not contain any scheduled heritage resource or area of significant indigenous vegetation or habitat. Part of the sites are within the coastal environment, but these parts of the sites already support existing built development.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

This is discussed earlier. Each lot provides for on-site water storage.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to **s6 matters**. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

S6 matters (National Importance) are addressed later in this report.

In addition:

- (a) The proposal does not create any additional lot or development right;
- (b) The proposal has little or no impact on natural character values, indigenous vegetation, landforms, rivers, streams or wetlands;
- (c) The site does not directly adjoin any stream or river and no public access is therefore required;
- (d) The proposal is not believed to negatively impact on the relationship of Maori with their culture;
- (e) There are no existing significant habitat or areas of significant indigenous vegetation;
- (f) There are no scheduled heritage resources on the site and although within the Kerikeri Basin Visual Buffer Area, the lots are already developed; and
- (g) The site is not subject to any hazard that prevents the continuation of built development within the lots.

I consider the proposal to be consistent with Policy 13.4.13.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The subdivision has had regard to the underlying zone's objectives and policies.

In summary, I believe the proposal to be consistent with the above Objectives and Policies.

Rural Living Zone Objectives and Policies

Both adjusted sites support existing residential activity. The boundary adjustment is a controlled activity. The proposal is not contrary to any of the objectives or policies applying to the Rural Living Zone.

Relevant Heritage Precinct Objectives and Policies

The site is not within the Kerikeri Basin Heritage Precinct but is located within the associated "visual buffer" around that precinct. The ODP describes the purpose of this visual buffer as follows:

*Historic values of the Kerikeri Basin Heritage Precinct can be adversely affected by the nature and scale of development within the visual buffer around this precinct. The **Kerikeri Basin Heritage Precinct Visual Buffer** is therefore identified and a rule applying to any buildings within this zone included in the Plan to provide the ability to control the form, colour and location of development in order to avoid visual dominance in relation to the Kerikeri Mission Station buildings and to Kororipo Pa.*

Objectives

12.5A.3.1 To recognise and protect retain the heritage values of the various heritage precincts derived from the sites, buildings and objects of historic significance, and to protect such sites, buildings and objects from inappropriate subdivision, use and development.

12.5A.3.2 To recognise and protect the heritage values of the various heritage precincts derived from the archaeological sites of the precincts and to retrieve and record archaeological evidence where appropriate.

12.5A.3.3 To recognise and protect the special character of the various heritage precincts that derives from the built form in combination with the landforms.

The proposal does not adversely impact on the heritage values of the heritage precinct and is appropriate for the location. Whilst the site is visible from the Kororipo Pa's high point, it is substantially landscaped such that built environment is not visually dominant. The proposal does not create any additional development rights, with both lots already developed.

Policies

12.5A.4.1 That the type, scale and nature of alterations to existing buildings be limited so as to ensure the retention of the heritage character of the various heritage precincts and of buildings of historic significance within those heritage precincts.

12.5A.4.3 That the location, scale and nature of new buildings and structures be controlled so as to not adversely affect the historic character, streetscape or landscape values of the various heritage precincts and of buildings of historic significance within those heritage precincts.

12.5A.4.4 That archaeological sites are protected from damage or destruction, and that archaeological information is retrieved whenever appropriate.

12.5A.4.5 That the heritage values of The Strand and Kerikeri Basin Heritage Precincts are not adversely affected by inappropriate outdoor advertising.

The proposal does not involve alterations to existing buildings and does not propose new buildings.

In summary, I believe the proposal to be consistent with the relevant Heritage Precinct objectives and policies.

7.2 Proposed District Plan Objectives and Policies

The following is an assessment of the proposal against relevant objectives and policies in the PDP.

The most relevant Policy is:

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
- iv. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.

The proposal meets all of i through iv above. As such, the proposal should be 'enabled'. The boundary adjustment results in the efficient use of land (SUB-O1); has existing infrastructure (SUB-O3); and there is existing Esplanade Reserve (SUB-O4).

Allotment sizes are consistent with the zone's purpose, characteristics, qualities and minimum allotment sizes. They contain existing built development and have legal and physical access (SUB-P3). The proposal has no adverse effects on natural environment values, historical and cultural values, and there is no additional hazard risk (SUB-P4).

Rural Residential Zone Objectives:

I consider the proposal to be consistent with the zone objectives and policies, largely because (a) no land use proposal is being proposed; and (b) no additional lot is being proposed.

Heritage Area Overlay (relevant Objectives and Policies)

The PDP provides an overview of the Kerikeri Heritage Area Overlay:

The Kerikeri Heritage Area Overlay contains Heritage Resources of regional and national significance. The Kerikeri Basin forms the heart of the overlay and is a registered historic area under the HNZP. The historic character of the Kerikeri Basin derives from its outstanding historic significance as one of the first areas in New Zealand characterised by contact between Maori and European colonial settlement. The Heritage Area Overlay contains several Category 1 historic buildings and features, Sites and Areas of Significance to Māori, a historic pa site, and archaeological and historic sites of critical importance to the nation's heritage. The Kerikeri Heritage Area Overlay has been separated into two parts:

....

Part B:

Covers the archaeologically sensitive slopes surrounding Kororipo Pā and the Church Missionary

Settlement (CMS). The north and east ridge line also provide the sightlines from Kororipa Pa. There still remains a legacy of early horticultural subdivision pattern which supports the identity of Kerikeri, predominantly located along the Kerikeri Inlet Road ridgeline.

HA-O1 applies to all Heritage Area Overlays:

The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected.

HA-P2 and P3 apply specifically to the Kerikeri Heritage area overlay:

HA-P2 To maintain the integrity of the Kerikeri Heritage area overlay and protect the heritage values by retaining the visual dominance and connection of the Kerikeri Mission Station buildings and Kororipo Pa through:

- a. the control of the scale, form, colour; and
- b. location of alterations and development of buildings or structures.

HA-P3 To maintain visual connection to Kororipo Pā, the Stone Store and Kemp House by limiting built development and landscaping within Part B to protect viewshafts of Kororipo Pā.

The proposal does not create any additional development right to that which already exists. Lots are already built on and no additional titles are created.

I consider the proposal consistent with the above relevant objective and policies.

7.3 Part 2 Matters

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment (s5).

The application site is in an area zoned (and developed) for low density housing. As such 'natural character' is less than that found on open and pristine coastlines and headlands. The boundary adjustment is appropriate for the site. There is existing public access and I do not believe the proposal affects the relationship of Maori with their culture and traditions with water. Heritage values are not adversely affected. There is no significant risk of hazard (s6).

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d) and (f). It is considered that the proposal represents efficient use and development of a site.

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles (s8).

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

7.4 National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) is not relevant as I can find no evidence to suggest the site has ever been used for horticulture. There is no natural inland wetland on the site to which the NES Freshwater would apply, and no areas of significant indigenous vegetation.

7.5 National and Regional Policy Statements

I have not identified any national policy statements relevant to this proposal. The site is not zoned General Rural or Rural Production in either the Operative or Proposed District Plan and therefore the NPS Highly Productive Land does not apply. No indigenous vegetation is affected and therefore the NPS Indigenous Biodiversity is not relevant.

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

8.0 s95A-E ASSESSMENT & CONSULTATION

8.1 S95A Public Notification Assessment

There are no circumstances requiring public notification, and effects on the wider environment are no more than minor. Public notification is not required.

8.2 S95B Limited Notification Assessment

There are no circumstances under which Limited Notification is required and no affected persons have been identified.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be less than minor. As such public notification is not required.

8.4 S95E Affected Persons & Consultation

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity. No adverse effects have been identified.

Whilst the sites are within the Kerikeri Basin Visual Buffer and PDP's Heritage Overlay - Part B, they do not contain any heritage or cultural sites or values or, to use PDP terminology, any scheduled Heritage resource. This, coupled with the fact that the sites are already developed, leads me to the conclusion that no pre lodgement consultation is necessary with Heritage NZ.

9.0 CONCLUSION

The site is considered suitable for the proposed boundary adjustment subdivision. There are no adverse effects on the wider environment. The proposal is considered consistent with the relevant objectives and policies of the Operative and Proposed District Plans, and relevant objectives and policies of the National and Regional Policy Statements, and consistent with Part 2 of the Resource Management.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent.



Signed
Lynley Newport,
Senior Planner
Thomson Survey Ltd

Dated 16th December 2025

10.0 LIST OF APPENDICES

Appendix 1 Scheme Plan(s)

Appendix 2 Location Plan

Appendix 3 Records of Title & Easement Instruments

Appendix 4 RC 2250381-RMACOM

Appendix 1

Scheme Plan(s)

PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
ELECTRICITY	(N)	LOT 2 HEREON	TOP ENERGY LTD
	(C)	LOT 1 HEREON	
TELECOMMUNICATIONS	(N)	LOT 2 HEREON	CHORUS NZ LTD
	(C)	LOT 1 HEREON	

Area shown X is to be subject to a sloping plane height restriction. The origin of the height restriction is UNMK 125 DP 410695 at a Relative Level of 17.5m. The Horizontal direction of the slope is to be at 199°14'00" (From UNMK 125 to IB 100 Hereon). The vertical slope of the height restriction plane is to be 75°58' from the Zenith Angle (+ 25% gradient). This restriction is to be in favour of Lot 2 Hereon.

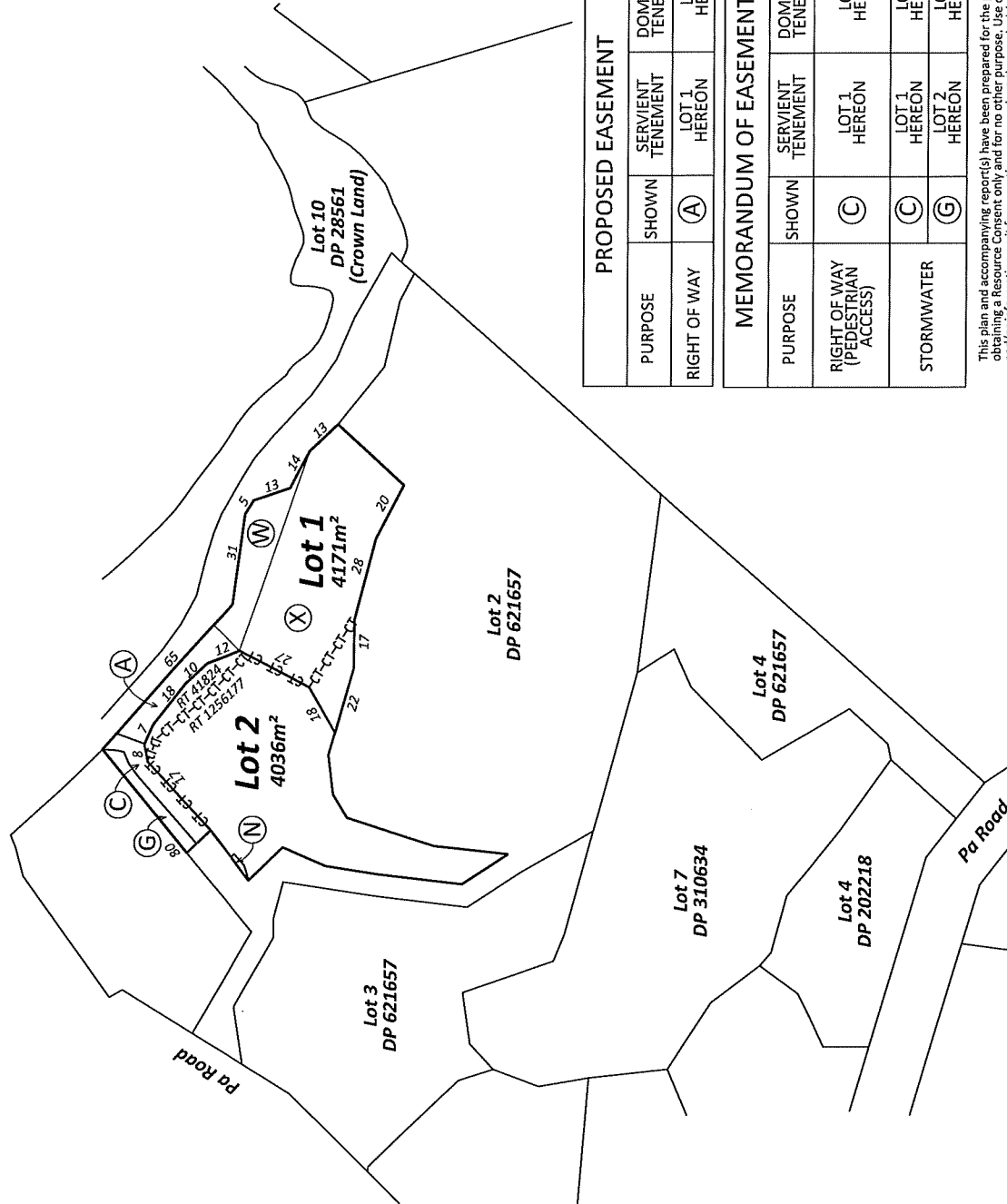
Area shown W, C & G is to be subject to a flat plane height restriction. The relative level of this restriction is to be 16.60m

All levels stated are in terms of official national vertical datum (NZVD2016). (Mean Sea Level)
Origin of levels RM 65 SO 55466 RL: 54.14

EASEMENTS CREATED BY DOCUMENTS D040739.4, 5498810.15, 5498810.16 ARE TO BE CANCELED
HEIGHT RESTRICTION COVENANT CREATED BY DOCUMENT 5535500.3 TO BE CANCELED

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

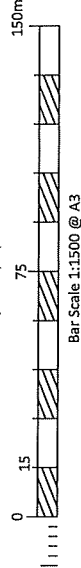
Local Authority: Far North District Council
Comprised In: 41824 & 1256177
Total Area: 0.8206
Zoning: Rural Living
Resource features: NIL



PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(A)	LOT 1 HEREON	LOT 2 HEREON

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY (PEDESTRIAN ACCESS)	(C)	LOT 1 HEREON	LOT 2 HEREON
	(C)	LOT 1 HEREON	LOT 2 HEREON
STORMWATER	(G)	LOT 1 HEREON	LOT 1 HEREON
	(G)	LOT 2 HEREON	LOT 1 HEREON

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOT 5 DP 310634 & LOT 1 DP 621657 94B & 94C PA ROAD, KERIKERI

PREPARED FOR: M. ENDEAN

Survey	Name	Date	ORIGINAL
Design	KY/SL	13.05.25	SCALE
Drawn	KY	12.12.25	1:1500
Approved	KY	12.12.25	A3
Rev	KY	12.12.25	

Surveyors
Ref. No:
10766
Sheet 1 of 1

PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
ELECTRICITY	(N)	LOT 2 HEREON	TOP ENERGY LTD
	(C)	LOT 1 HEREON	
TELECOMMUNI- CATIONS	(N)	LOT 2 HEREON	CHORUS NZ LTD
	(C)	LOT 1 HEREON	

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The vertical slope of the height restriction plane is to be 75°58' from the Zenith Angle (+ 25% gradient). This restriction is to be in favour of Lot 2 Hereon.

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AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Comprised in: 41824 & 1256177
Total Area: 0.8206
Zoning: Rural Living
Resource features: NIL

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Ph: (09) 4077360
www.tsurvey.co.nz

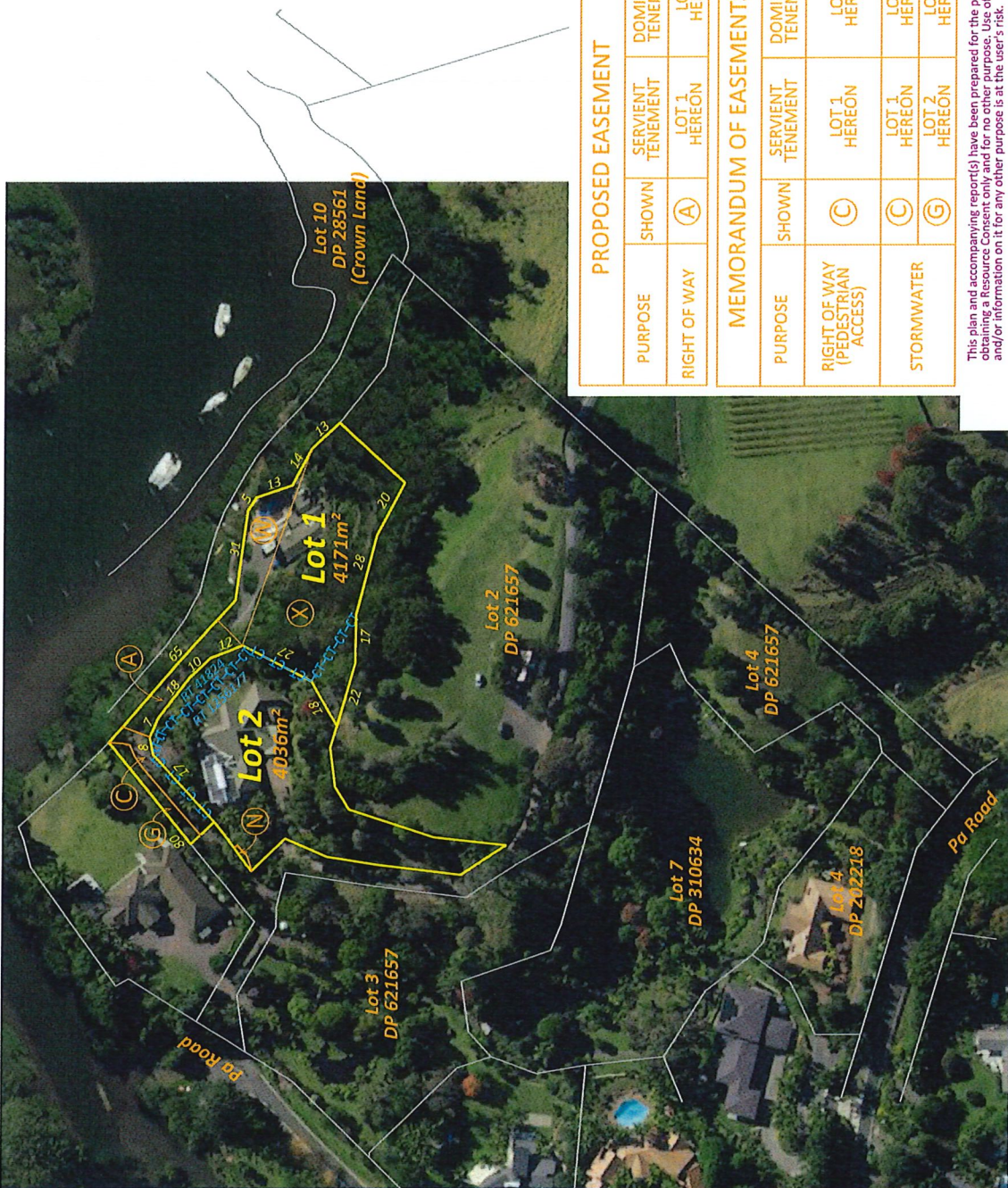
Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT
BETWEEN LOT 5 DP 310634 & LOT 1 DP 621657
94B & 94C PA ROAD, KERIKERI

PREPARED FOR: M. ENDEAN

Name	Date	ORIGINAL	SHEET
Survey			SIZE
Design	KY/SL 13.05.25	SCALE	1:1500
Drawn			A3
Approved			
Rev	KY 12.12.25		

Surveyors
Ref. No:
10766
Sheet 1 of 1



PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(A)	LOT 1 HEREON	LOT 2 HEREON

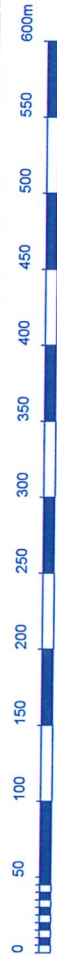
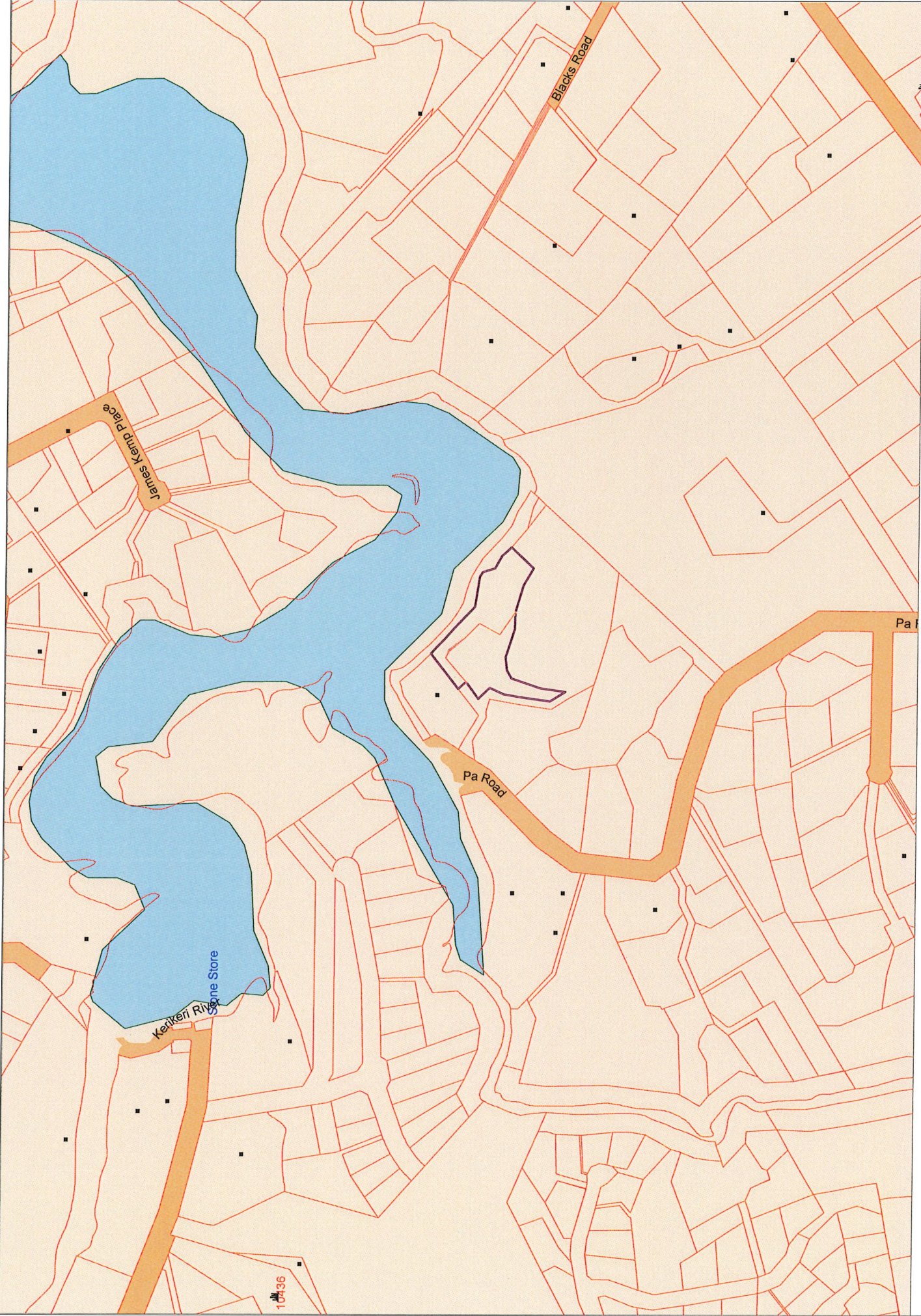
MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY (PEDESTRIAN ACCESS)	(C)	LOT 1 HEREON	LOT 2 HEREON
	(G)	LOT 1 HEREON	LOT 2 HEREON
STORMWATER	(C)	LOT 1 HEREON	LOT 2 HEREON
	(G)	LOT 2 HEREON	LOT 1 HEREON

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



Appendix 2

Location Plan



Appendix 3

Records of Title & Easement Instruments



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




R. W. Muir
Registrar-General
of Land

Identifier 41824
Land Registration District North Auckland
Date Issued 25 February 2003

Prior References
NA105C/174 NA129B/949

Estate Fee Simple
Area 4171 square metres more or less
Legal Description Lot 5 Deposited Plan 310634
Registered Owners
Frank Albert Michaux

Interests

Appurtenant hereto is a right of way and right of electricity, telecommunications and water supply created by Easement Instrument 5357130.9 - 30.9.2002 at 9:00 am (affects part formerly in CT NA129B/949)

Appurtenant hereto are pedestrian right of way, right of way, electricity, telecommunications and water supply easements created by Easement Instrument 5498810.15 - 25.2.2003 at 9:00 am

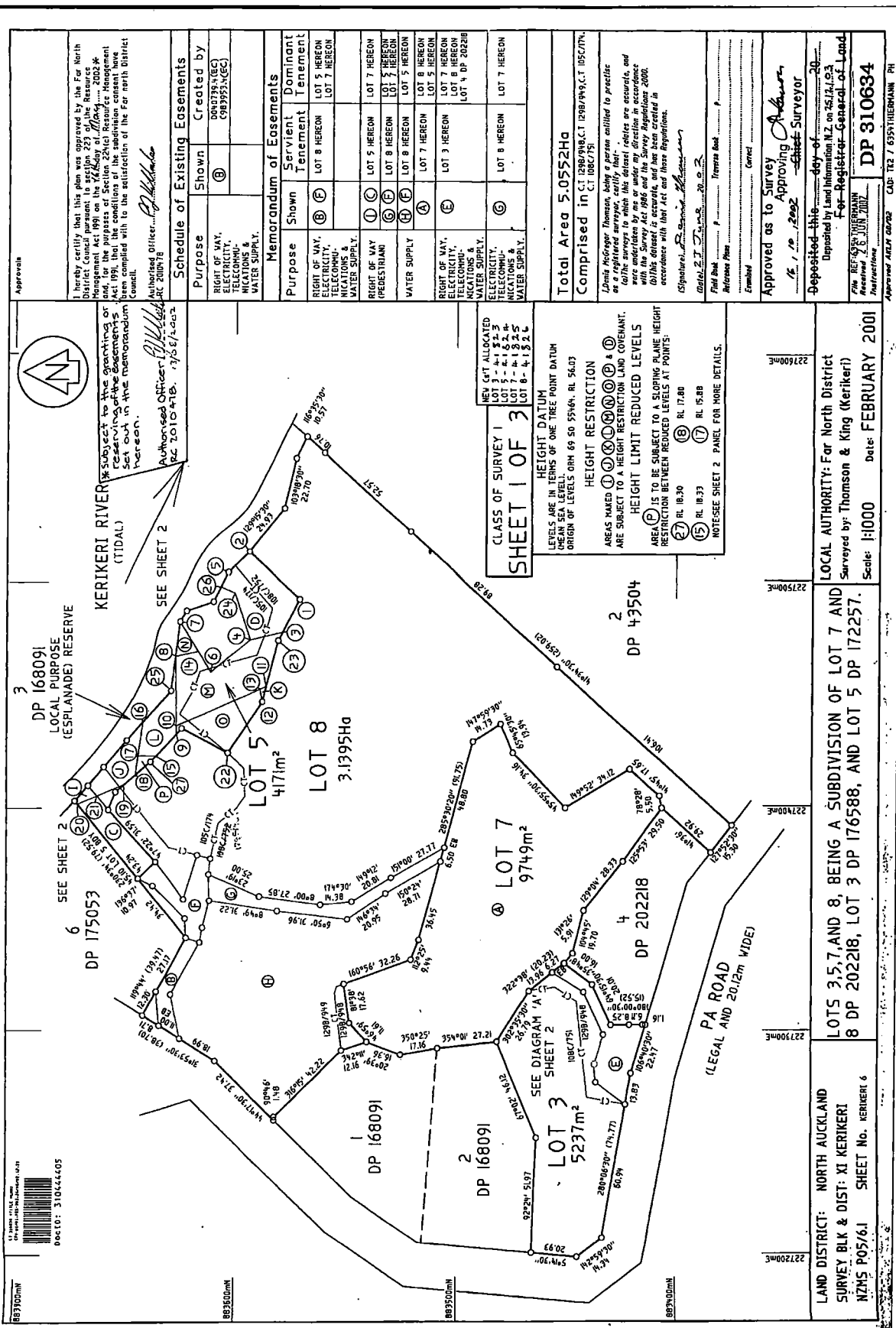
Some of the easements created by Easement Instrument 5498810.15 are subject to Section 243 (a) Resource Management Act 1991

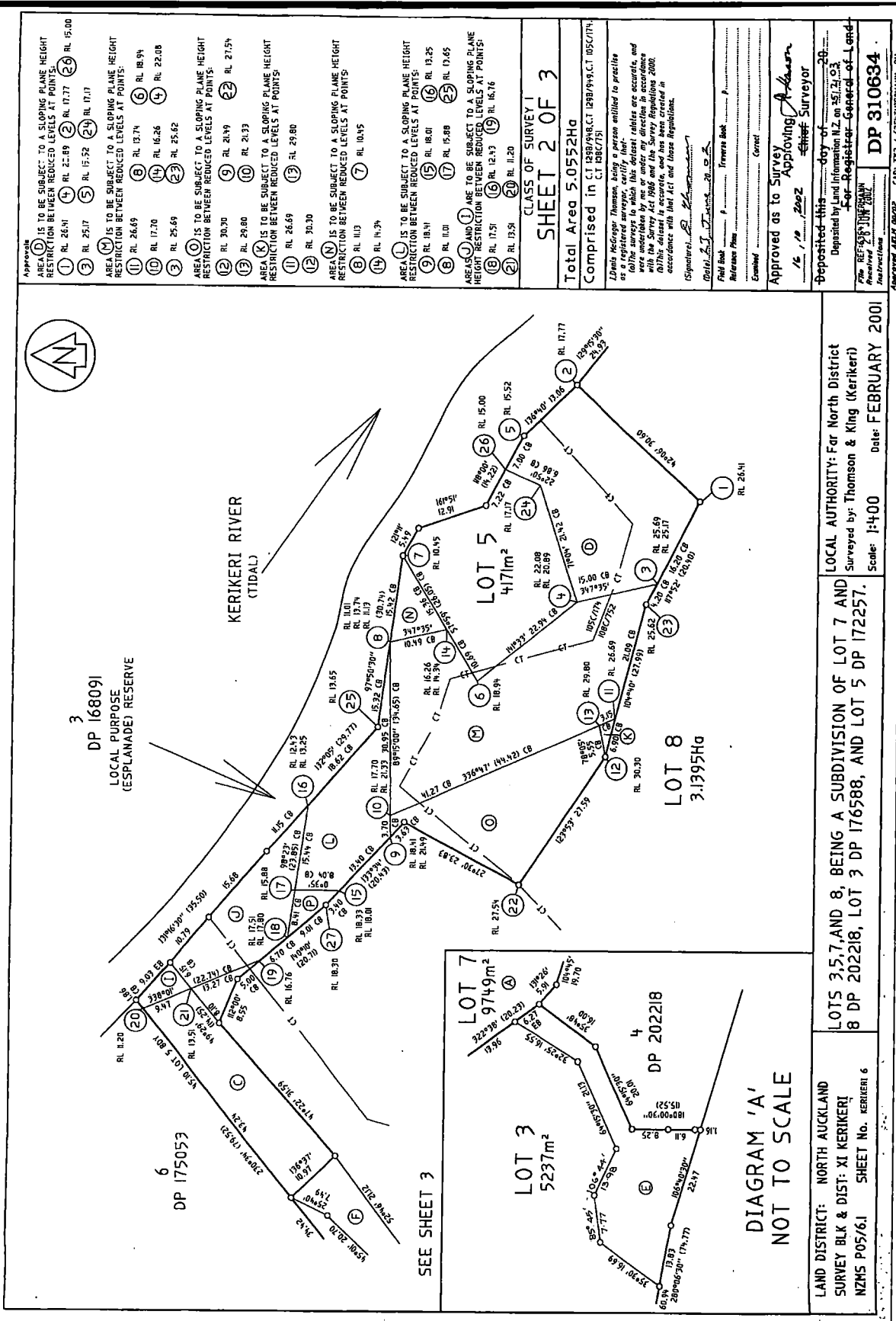
Subject to a pedestrian right of way over part marked I & C on DP 310634 created by Easement Instrument 5498810.16 - 25.2.2003 at 9:00 am

The easements created by Easement Instrument 5498810.16 are subject to Section 243 (a) Resource Management Act 1991
Land Covenant in Transfer 5535500.3 - 28.3.2003 at 9:00 am

Fencing Covenant in Transfer 5535500.3 - 28.3.2003 at 9:00 am

13419054.2 - Resolution pursuant to Section 243(e) Resource Management Act 1991 cancelling some of the easement conditions imposed on DP 310634 (see DP 621657) - 22.10.2025 at 1.52 pm





APPROVED

AREA (1) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 1 RL 26.41 2 RL 17.77 25 RL 15.00
 3 RL 25.17 5 RL 15.52 24 RL 17.17

AREA (4) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 11 RL 26.69 8 RL 13.74 6 RL 18.94
 10 RL 17.70 14 RL 16.26 4 RL 22.08
 3 RL 25.69 23 RL 25.62

AREA (6) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 12 RL 30.30 9 RL 20.99 22 RL 27.54
 13 RL 29.80 10 RL 21.33

AREA (K) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 11 RL 26.69 13 RL 29.80

AREA (N) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 8 RL 11.13 7 RL 10.45
 14 RL 11.34

AREA (L) IS TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 9 RL 18.41 15 RL 18.01 16 RL 18.25
 6 RL 11.01 17 RL 15.88 25 RL 13.65

AREAS (J) AND (I) ARE TO BE SUBJECT TO A SLOPING PLANE HEIGHT RESTRICTION BETWEEN REDUCED LEVELS AT POINTS:
 8 RL 17.51 16 RL 12.43 19 RL 16.76
 2 RL 13.59 20 RL 11.20

CLASS OF SURVEY 1

SHEET 2 OF 3

Total Area 5.0552Ha
 Comprised in CT 1280/948, CT 1281/948, CT 105C/174, CT 106C/75

Liam McGowan Thompson, being a person entitled to practice as a registered surveyor, certifies that the survey to which this plan relates is accurate, and that the plan is a true and correct copy of the original plan as deposited with the Survey Act 1986 and the Survey Regulations 2002. This plan is a true and correct copy of the original plan as deposited with the Survey Act 1986 and the Survey Regulations 2002.

(Signature) *Liam McGowan Thompson*

Date: 15/12/2015

Field Book Reference: P. 10

Approved as to Survey: *Liam McGowan Thompson*
 Approved as to Survey: *Liam McGowan Thompson*

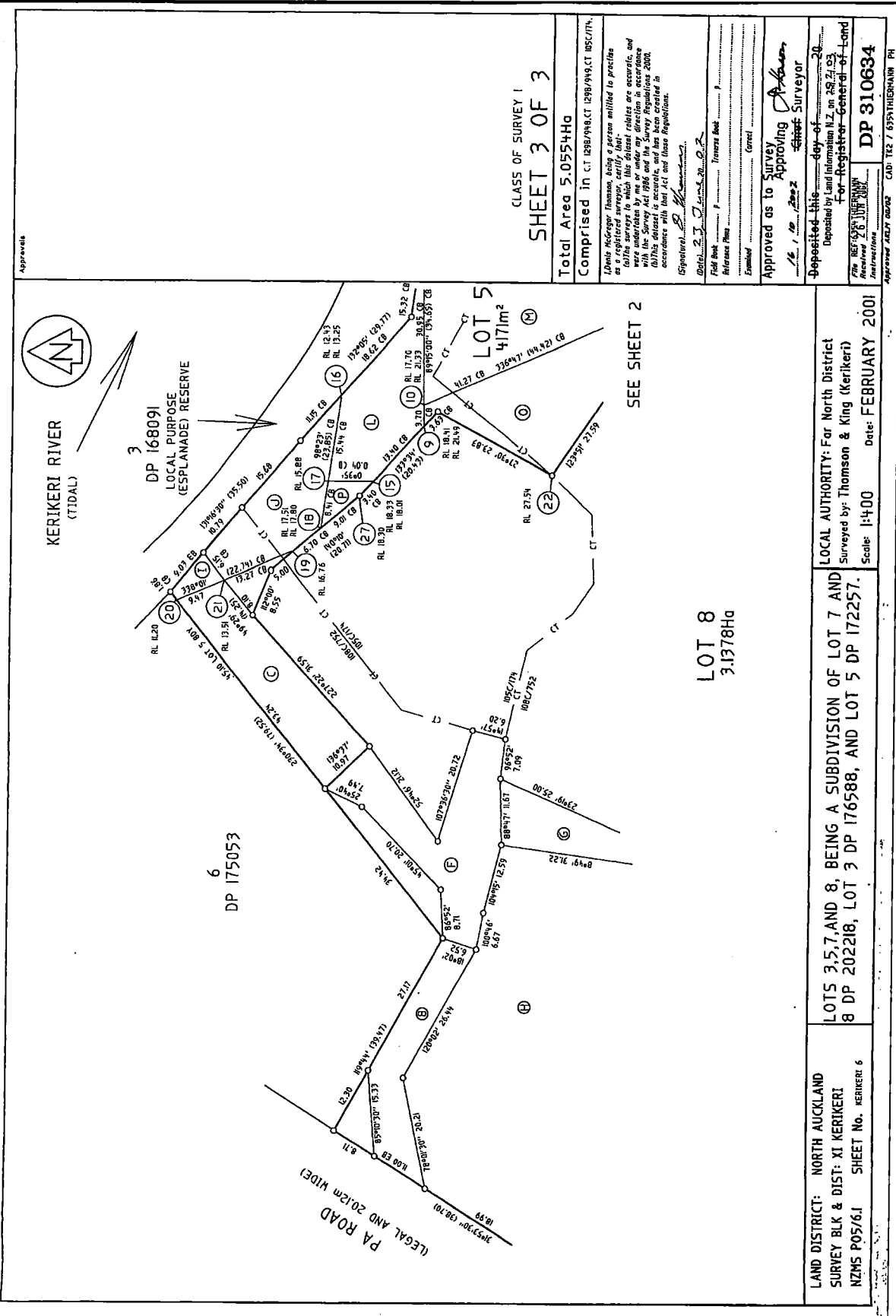
Deposited this 15th day of December 2015
 For Registrar-General of Land
 Registered: 15/12/2015
 Instructions: DP 310634

Approved: 15/12/2015

LAND DISTRICT: NORTH AUCKLAND
 SURVEY BLK & DIST: XI KERIKERI
 NZMS P05/61 SHEET No. KERIKERI 6

LOCAL AUTHORITY: Far North District
 Surveyed by: Thomson & King (Kerikeri)
 Scale: 1:400 Date: FEBRUARY 2001

LOTS 3, 5, 7, AND 8, BEING A SUBDIVISION OF LOT 7 AND 8 DP 202218, LOT 3 DP 176588, AND LOT 5 DP 172257.





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




R. W. Muir
Registrar-General
of Land

Identifier 1256177
Land Registration District North Auckland
Date Issued 22 October 2025

Prior References
41826

Estate	Fee Simple
Area	4035 square metres more or less
Legal Description	Lot 1 Deposited Plan 621657
Registered Owners	
Michael Bruce Endean	

Interests

Appurtenant hereto are right of way, electricity, telecommunications and water supply easements created by Easement Instrument 5498810.14 - 25.2.2003 at 9:00 am

The easements created by Easement Instrument 5498810.14 are subject to Section 243 (a) Resource Management Act 1991

Subject to a pedestrian right of way, a right of way, a right to convey electricity and telecommunications and a water supply right over part marked J all on DP 621657 created by Easement Instrument 5498810.15 - 25.2.2003 at 9:00 am

Appurtenant hereto is a water supply easement created by Easement Instrument 5498810.15 - 25.2.2003 at 9:00 am

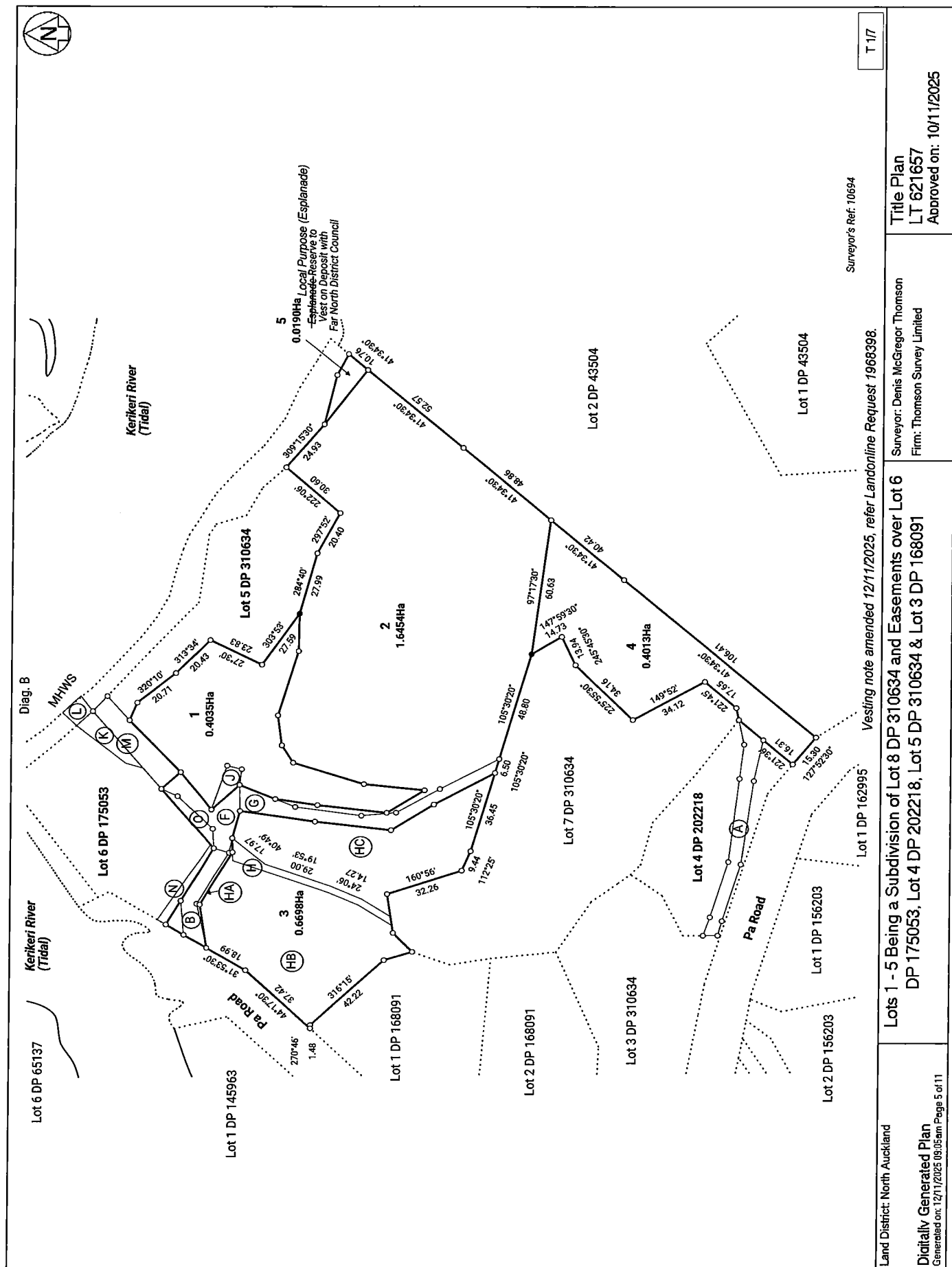
Some of the easements created by Easement Instrument 5498810.15 are subject to Section 243 (a) Resource Management Act 1991 (see DP 621657)

Appurtenant hereto is a right of way, a right to drain water and a right to convey electricity, telecommunications and water created by Easement Instrument 13419054.4 - 22.10.2025 at 1:52 pm

The easements created by Easement Instrument 13419054.4 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to drain water created by Easement Instrument 13419054.5 - 22.10.2025 at 1:52 pm

Appurtenant hereto is a right to convey water created by Easement Instrument 13419054.6 - 22.10.2025 at 1:52 pm





DocID: 310666789

INSTRUMENT

EASEMENT CERTIFICATE

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

~~Law~~ HAMPTON HOLDINGS LIMITED and WALTER THIERMANN and JUTTA THIERMANN

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland
on the day of 2000 under No. 202218
are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE

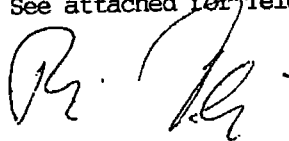
DEPOSITED PLAN NO. 202218

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way Electricity Telecommunications & Water Supply	LOT 4 hereon	A	LOT 8 hereon	129B/947 129B/949

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

1. Rights and powers:

- (a) In addition the rights and powers and implied covenants of the Ninth Schedule of the Property Law Act 1952 shall apply
- (b) Right of Way:
The rights and powers applicable shall be those set out in Sections 126 and 126G inclusive of the Ninth Schedule to the Property Law Act 1952. The Transferor and the Transferee further agree that any notice pursuant to Sections 126C, 126D and 126E of the Property Law Act 1952 shall not be available for the purposes of altering or upgrading the state of the land over which the right of way is granted unless it is first agreed in writing by both the Transferor and the Transferee.
- (c) Right to Convey Water:
The rights and powers under the right to convey water shall be the same rights and powers as those set out in Clauses 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952.
- (d) Right to Drain Water:
The rights and powers under the right to drain water shall be the same rights and powers as those set out in Clauses 3 and 5 of the Seventh Schedule to the Land Transfer Act 1952.
- (e) See attached for Telecommunications and Electricity



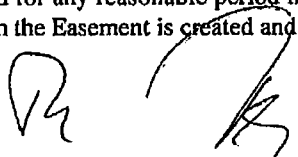
2. The rights and powers in the Fourth Schedule to the Land Transfer Regulations 2002 apply to the within easements with the following modification:

- (a) Any maintenance, repair or replacement of the right of way, electricity easement, telecommunications easement and water supply easement that is necessary because of the any act or omission by the owner of the servient land (which includes any agents, employees, contractors, sub-contractors or invitees of the owner) must be carried out promptly by that owner at the sole cost of that owner or in such proportion as relates to the act or omission.

RIGHTS AND POWERS

That in respect of the Telecommunications and Electricity Easements referred to in the Schedule hereto, the rights and powers applicable thereto are:

- (a) The full free uninterrupted and unrestricted right liberty and privilege for the occupier and registered proprietor for the time being of the dominant tenement from time to time and at all times to take convey and lead electrical current or any other mode of transmitting telecommunications in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for the purposes of telecommunications under or across the land over which the Easement is created and to erect, lay and maintain poles and cables for such purpose.
- (b) The full free uninterrupted and unrestricted right liberty and privilege for the occupier and registered proprietor for the time being of the dominant tenement from time to time and at all times to take convey and lead electricity in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) under or across the land over which the Easement is created and to erect, lay and maintain poles and cables for such purpose.

Two handwritten signatures in black ink. The first signature on the left is a stylized 'R' or 'H'. The second signature on the right is a more complex, cursive signature.

TERMS CONDITIONS COVENANTS OR RESTRICTIONS IN RESPECT OF ABOVE EASEMENTS:

That in respect of the Electricity and Telecommunications Easements (hereinafter called "the Easements") referred to in the Schedule hereto the terms conditions covenants or restrictions applicable thereto are as follows:-

- (a) All cables placed within or such poles and cable erected upon the servient tenements shall be maintained and as required repaired to a good and serviceable condition by the registered proprietors for the time being of the dominant tenements.
- (b) All the costs and expenses of and incidental to the repairing and maintaining of the Easements herein specified shall be borne by the registered proprietor for the time being of the dominant tenements.
- (c) Any person wishing to carry out any work whatsoever on the Easements herein specified shall first give to the registered proprietor of the servient tenement thereof notice of such intention and of the nature and expense of the said work prior to any such work being commenced.
- (d) Any person carrying out any work whatsoever on the Easements herein specified shall take all reasonable and proper action and care to interfere as little as possible with the comfort and convenience of the occupier or occupiers for the time being of the dominant and servient tenements and shall carry out such work or cause the same to be carried out with the utmost expedition and in a prudent manner and in particular shall during the course of such work:
 - (i) Shore up or cause to be shored up in a proper safe and workmanlike manner any part of the dominant or servient tenement affected thereby.
 - (ii) Take all reasonable and proper steps to preserve the said tenements and all parts thereof and all property and goods thereon from damage.
- (e) Subject to the other terms and conditions covenants and restrictions contained in these presents any person carrying out any work as aforesaid shall have the right to enter and to bring machinery and workmen on to any part of the dominant or servient tenement as shall be necessary for the purposes of carrying out maintenance on the Easements referred to herein and shall have the right to remove all soil roading paving metalling fencing and all other things as shall be reasonably necessary to give unimpeded access to the said Easement PROVIDED HOWEVER that such soil roading paving metalling and fencing which is so removed shall be restored as nearly as possible to its original condition and that any other damage done by reason of the said maintenance is repaired and that as little disturbance as possible is caused to the surface of the land and to the enjoyment of the said tenements by the registered proprietors or occupiers.
- (f) Where the maintenance work which is required to be carried out in terms of these presents involves the total or partial replacement of any cables this work shall be deemed to be maintenance work which may be carried out in accordance with these presents.



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

(a) In addition the rights and powers and implied covenants of the Ninth Schedule of the Property Law Act 1952 shall apply

(b) Right of Way:

The rights and powers applicable shall be those set out in Sections 126 and 126G inclusive of the Ninth Schedule to the Property Law Act 1952. The Transferor and the Transferee further agree that any notice pursuant to Sections 126C, 126D and 126E of the Property Law Act 1952 shall not be available for the purposes of altering or upgrading the state of the land over which the right of way is granted unless it is first agreed in writing by both the Transferor and the Transferee.

(c) Right to Convey Water:

The rights and powers under the right to convey water shall be the same rights and powers as those set out in Clauses 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952.

(d) See attached for Telecommunications and Electricity

Dated this 26th day of August 2002.

Signed by the above-named
HAMPTON HOLDINGS LIMITED
and

WALTER THIERMANN and
JUTTA THIERMANN
in the presence of

Witness
Occupation .. RICHARD ADRIAN AYTON
Address SOLICITOR
KERIKERI

J. Thiermann
Director
W. Thiermann
Director

Correct for the purposes of the Land Transfer Act 1952

(Solicitor for) the registered proprietor:

Approved by Registrar-General
of Land under No. 1998/6031

EASEMENT CERTIFICATE

INSTRUMENT

Land Transfer Act 1952

Law Firm Acting

LAW NORTH PARTNERS
SOLICITORS
KERIKERI

Auckland District Law Society
REF: 4060

This page is for Land Registry Office use only.
(except for "Law Firm Acting")

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

Easement instrument to grant easement or *profit à prendre*, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 5498810.14 Easement

Cpy - 01/01, Pgs - 003,03/03/03,12:19



DocID: 310755849

Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must be underlined.

HAMPTON HOLDINGS LIMITED

Grantee

Surname(s) must be underlined.



WALTER THIERMANN and JUTTA THIERMANN and HAMPTON HOLDINGS LIMITED

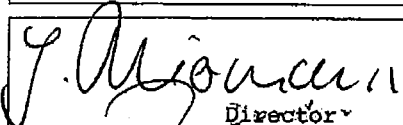
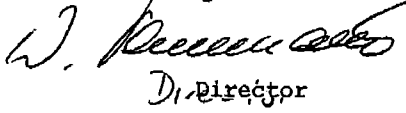
Grant* of easement or *profit à prendre* or creation or covenant

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

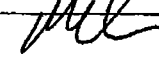
Dated this 13th day of February 2003

Attestation

Director 	Signed in my presence by the Grantor and Grantee
Director 	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON
	Occupation SOLICITOR
	KERIKERI
Signature [common seal] of Grantor	Address

 Director	Signed in my presence by the Grantee
 Director	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON
	Occupation SOLICITOR
	KERIKERI
Signature [common seal] of Grantee	Address

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



[Solicitor for] the Grantee

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

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Annexure Schedule 1

Easement instrument

Dated

13th February 2003

Page

1

of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way Electricity Telecommunications and Water Supply	"E" on Deposited Plan 310634	Lot 3 DP 310634 C.T. 41823	Lot 7 DP 310634 C.T. 41825 Lot 8 DP 310634 C.T. 41826 Lot 4 DP 202218 C.T. 129B/947

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

Delete phrases in [] and insert memorandum
number as required.

Continue in additional Annexure Schedule if
required.

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

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

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

[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

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

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

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert below
"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated

13th February 2003

Page

2

of

2

Pages

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule, and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied and added to as follows:

1. Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor (which includes agents, employees, contractors, subcontractors and invitees of the Grantor) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).
2. The Right of Way route and the entrance to the roadway over "E" on Deposited Plan 310634 is along the route and through the gateway existing at the date of this instrument and there shall be no right to require ^{the} route or gate to be altered provided the dominant tenement may make structural alterations to the gate entrance.
3. The water supply pipes and electricity lines and cables over the area marked 'E' on Plan 310634 must remain in the position existing at the date of this instrument and if the pipes, lines or cables require replacing they must be in the same position as far as practical.

If this Annexure Schedule is used as an expansion of an Instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Auckland District Law Society

REF 4120

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

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 5498810.15 Easement

Cpy - 01/01, Pgs - 006, 03/03/03, 12:20



DocID: 310766062

Land registration district

North Auckland

Grantor

Surname(s) must be underlined.

WALTER THIERMANN and JUITA THIERMANN

Grantee

Surname(s) must be underlined.

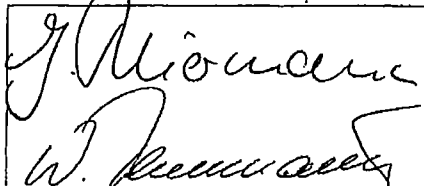

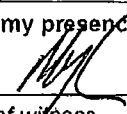
WALTER THIERMANN, JUITA THIERMANN and WALTER MICK GEORGE YOVICH and
WALTER THIERMANN and JUITA THIERMANN

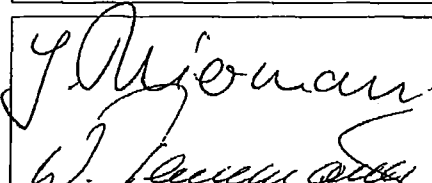
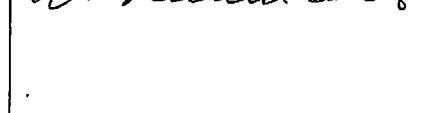
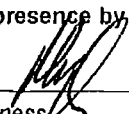
Grant* of easement or profit à prendre or creation or covenant

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

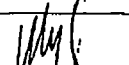
Dated this 13th day of February 2003

Attestation

 	Signed in my presence by the Grantor and Grantee 
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON
	Occupation SOLICITOR
	KERIKERI
Signature [common seal] of Grantor	Address

 	Signed in my presence by the Grantee 
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON
	Occupation SOLICITOR
	KERIKERI
Signature [common seal] of Grantee	Address

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



[Solicitor for] the Grantee

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

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

Easement instrument

Dated

13th February 2003

Page 1 of 4 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way Electricity Telecommunications and water supply	"B" and "F" on DP 310634	Lot 8 DP 310634 C.T. 41826	Lot 5 DP310634 C.T. 41824 Lot 7 DP 310634 C.T. 41825
Right of Way	"G" and "F" on DP 310634	Lot 8 DP 310634 C.T. 41826	Lot 5 DP310634 C.T. 41824 Lot 7 DP 310634 C.T. 41825
Water Supply	"H" and "F" on DP 310634	Lot 8 DP 310634 C.T. 41826	Lot 5 DP 310634 C.T. 41824
Electricity Telecommunications Water Supply	"G" on DP 310634	Lot 8 DP 310634 C.T. 41826	Lot 7 DP 310634 C.T. 41825

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

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

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

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

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

[the provisions set out in Annexure Schedule 2].

Covenant provisions

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

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

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

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

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

Easement instrument

Dated

13th February 2003

Page

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of

4

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or In gross)
Water Supply	"A" on DP 310634	Lot 7 DP 310634 C.T. 41825	Lot 5 DP310634 C.T. 41824 Lot 8 DP 310634 C.T. 41826

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

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

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

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

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

[the provisions set out in Annexure Schedule 2].

Covenant provisions

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

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

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

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert below

"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated 13 February 2003.

Page 3 of 4 Pages

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule, and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

1. Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor (which includes agents, employees, contractors, subcontractors and invitees of the Grantor) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).

2. The easement of right of way marked 'G' and 'F' on Deposited Plan 310634 shall be pedestrian as it applies to the dominant tenement Lot 7 C.T. 41825 and Clauses 6. (2) (a) and (b) and (3) (b) of the Fourth Schedule to the Land Transfer Regulations shall not apply to this easement of right of way.

3. The easement of right of way marked 'G' on Deposited Plan 310634 shall be pedestrian as it applies to the dominant tenement Lot 5 C.T. 41824 and Clauses 6. (2) (a) and (b) and (3) (b) of the Fourth Schedule to the Land Transfer Regulations shall not apply to this easement of right of way.

4. The Ninth Schedule of the Property Law Act 1952 is hereby varied as follows:

Paragraph 1 shall be varied to remove the words "vehicles, machinery and implements of any kind";

Paragraph 2 shall be varied to replace the word "Driveway" with "walkway" and the reference to vehicles, machinery, plant and equipment shall be deleted.

5. The water supply pipes over 'A', 'B', 'F', 'G' and 'H' must remain in the position existing at the date of this instrument and if they require replacing they must be in the same position as far as practical.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Annexure Schedule



Insert below

"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated 13th February 2003

Page 4 of 4 Pages

6. The electricity supply lines and cables over "B", "F" and "G" on Deposited Plan 310634 must remain in the position existing at the date of this instrument and if they require replacing they must be in the same position as far as practical.

7. The Right of Way route and the entrance to the roadway over "B" and "F" on Deposited Plan 310634 is along the route and through the gateway existing at the date of this instrument and there shall be no right to require the route or gate to be altered provided the dominant tenement may make structural alterations to the gate entrance.

8. There shall be no dogs permitted over the land in areas marked 'B', 'G' and 'F' on Deposited Plan 310634 except when on a lead and no other animals shall be permitted over the land in the areas marked 'B', 'G' and 'F' on Deposited Plan 310634.

8. In the event the areas marked "B" and "F" on Deposited Plan 310634 are required to vest as road the proprietor for the time being of the dominant tenement hereby consents and if required shall when called upon execute a consent to the vesting and FURTHER if required surrender of the easements herein and in the event there is a mortgage or mortgages registered over the dominant tenement the registered proprietor for the time being of the dominant tenement will obtain their mortgagees consent to the said vesting and if required the said surrender.

Continuation of Attestation Clause

Signed in my presence by the Grantee
Walter Mick George YOYICH

Witness Signature

Witness Full Name

Address

Occupation

Paul Matthew Walter YOYICH
BARCLAYS PL, WILSONS BEACH
CHARGE ACCOUNT

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Auckland District Law Society

REF 4120

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952: **EI 5498810.16 Easement**

Land registration district

NORTH AUCKLAND

Cpy - 01/01, Pgs - 003, 24/02/03, 13:48



DocID: 310765853

Grantor

Surname(s) must be underlined.

WALTER THIERMANN, JUTTA THIERMANN and WALTER MICK GEORGE YOVICH

Grantee

Surname(s) must be underlined.



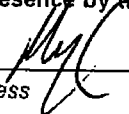
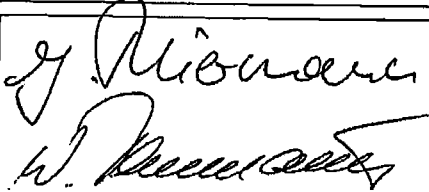


WALTER THIERMANN and JUTTA THIERMANN

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


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

Dated this 13th day of February 2003

Attestation

 	Signed in my presence by the Grantor
	Signature of witness 
Signature [common seal] of Grantor	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON Occupation SOLICITOR KERIKERI Address
 	Signed in my presence by the Grantee
	Signature of witness 
Signature [common seal] of Grantee	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name RICHARD ADRIAN AYTON Occupation SOLICITOR KERIKERI Address

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



[Solicitor for] the Grantee

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

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

Easement instrument

Dated

13th February 2003

Page

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2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	"I" and "C" on Deposited Plan 310634	Lot 5 DP 310634 C.T. 41824	Lot 7 DP 310634 C.T. 41825

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

Delete phrases in [] and insert memorandum
number as required.

Continue in additional Annexure Schedule if
required.

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

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

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

[the provisions set out in Annexure Schedule 2].

Covenant provisions

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

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

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

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert below
"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated 13th February 2003

Page 3 of 4 Pages

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule, and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

1. Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor (which includes agents, employees, contractors, subcontractors and invitees of the Grantor) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).
2. The easement of right of way marked 'I' and 'C' on Deposited Plan 310634 shall be pedestrian as it applies to the dominant tenement Lot 7 C.T. 41825 and Clauses 6. (2) (a) and (b) and (3) (b) of the Fourth Schedule to the Land Transfer Regulations shall not apply to this easement of right of way.
3. The Ninth Schedule of the Property Law Act 1952 is hereby varied as follows:
Paragraph 1 shall be varied to remove the words "vehicles, machinery and implements of any kind";
Paragraph 2 shall be varied to replace the word "Driveway" with "walkway" and the reference to vehicles, machinery, plant and equipment shall be deleted.
4. There shall be no dogs permitted over the land in areas marked 'I' and 'C' on Deposited Plan 310634 except when on a lead and no other animals shall be permitted over the land in the areas marked 'I' and 'C' on Deposited Plan 310634.

Continuation of Attestation Clause

Signed in my presence by the Grantor
Walter Mick George YOVICH

Signature of Witness

Witness Full Name PAUL MATTHEW WALTER YOVICH

Occupation CHARGED ACCOUNTANT

Address 5 BARCLAY PL, WILMINGTON

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.



View Instrument Details

Instrument No	13419054.4
Status	Registered
Lodged By	Baker, Lisa Anne
Date & Time Lodged	22 Oct 2025 13:52
Instrument Type	Easement Instrument

Affected Records of Title	Land District
NA129B/947	North Auckland
1256177	North Auckland
1256178	North Auckland
1256179	North Auckland
1256180	North Auckland

Annexure Schedule	Contains 2 Pages
--------------------------	------------------

Grantor Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantor Representative on 21/10/2025 08:56 AM

Grantee Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantee Representative on 21/10/2025 08:56 AM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

**MICHAEL BRUCE ENDEAN
ANDREE PAULE GIVEN**

Grantee

MICHAEL BRUCE ENDEAN

Grant of Easement or *Profit à prendre*

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

Schedule A
required

Continue in additional Annexure Schedule, if

Purpose of Easement, or <i>profit</i>	Shown (plan reference) 621657	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way Right to drain water Right to convey electricity, telecommunications and water	B, F, G, HA	Lot 2 DP 621657 RT 1256178	Lots 1 and 3 DP 621657 RT 1256177, 1256179
Right of Way Right to convey electricity, telecommunications and water	A	Lot 4 DP 202218 RT NA129B/947	Lot 4 DP 621657 RT 1256180

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

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

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018

The implied rights and powers are hereby **added to** by:

Continuation of "Easement for Rights and Powers"

Easement of Right of Way

1. Where there is any conflict or inconsistency in the rights and powers implied in the Easement of Right of Way by the Land Transfer Regulations 2018 and Schedule 5 of the Property Law Act 2007, the former shall prevail.
2. No notice pursuant to sections 308-312 of the Property Law Act 2007 shall be available for the purposes of altering or upgrading the state of the land over which the Right of Way is granted unless it is first agreed in writing by both the registered owners for the time being of the Burdened Land and Benefitted Land respectively that the Right of Way shall be altered or upgraded as the case may be.



View Instrument Details

Instrument No 13419054.5
Status Registered
Lodged By Baker, Lisa Anne
Date & Time Lodged 22 Oct 2025 13:52
Instrument Type Easement Instrument

Affected Records of Title	Land District
NA107D/71	North Auckland
NA102B/172	North Auckland
1256178	North Auckland
1256177	North Auckland

Annexure Schedule Contains 1 Pages

Grantor Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantor Representative on 21/10/2025 08:56 AM

Grantee Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantee Representative on 22/10/2025 01:46 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

MICHAEL BRUCE ENDEAN
FAR NORTH DISTRICT COUNCIL
HENRY CHRISTODOULOS LEVENTIS, HANNAH SONIA LEVENTIS, JEANETTE RAEWYNE EASTWOOD
and MALCOLM VINCENT EASTWOOD

Grantee

MICHAEL BRUCE ENDEAN

Grant of Easement or *Profit à prendre*

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

Schedule A

Purpose of Easement, or <i>profit</i>	Shown (plan reference) 621657	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to drain water	K, N	Lot 6 DP 175053 RT NA107D/71	Lots 1 and 2 DP 621657 RT 1256177, 1256178
	L	Lot 3 DP 168091 RT NA102B/172	
	O	Lot 2 DP 621657 RT 1256178	Lot 1 DP 621657 RT 1256177

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.



View Instrument Details

Instrument No	13419054.6
Status	Registered
Lodged By	Baker, Lisa Anne
Date & Time Lodged	22 Oct 2025 13:52
Instrument Type	Easement Instrument

Affected Records of Title	Land District
1256178	North Auckland
1256179	North Auckland
1256177	North Auckland

Annexure Schedule	Contains 1 Pages
--------------------------	------------------

Grantor Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantor Representative on 21/10/2025 12:25 PM

Grantee Certifications

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

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

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

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

Signature

Signed by Isabella May Nathan as Grantee Representative on 21/10/2025 12:25 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

MICHAEL BRUCE ENDEAN

Grantee

MICHAEL BRUCE ENDEAN

Grant of Easement or *Profit à prendre*

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

Schedule A

Purpose of Easement, or <i>profit</i>	Shown (plan reference) 621657	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey water	H	Lot 3 DP 621657 RT 1256179	Lots 1 and 2 DP 621657 RT 1256177, 1256178

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

The rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.

Appendix 4

RC 2250381-RMACOM



**Far North
District Council**

FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (Section 357A)**

Resource Consent Number: 2250381-RMAOBJ/A

Pursuant to section 357D of the Resource Management Act 1991 (the Act), the Far North District Council hereby upholds the objection the objection of:

Michael Bruce Endean

The activity to which this decision relates:

An objection in relation to conditions of consent contained in 2250381-RMAOBJ/A, a consent granted to Michael Bruce Endean for Condition Objection related to RC 2250381-RMACOM.. The condition(s) objected to is/are condition 2(b)

Subject Site Details

Address: 94B Pa Road, Kerikeri 0230

Legal Description: Lot 8 DP 310634

Certificate of Title reference: 3337805

As a result of upholding the objection, the following changes are made to the consent conditions:

1. 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. ~~Proposed Easements K, M, and L to also be included in the Memorandum of Easements to be duly granted or reserved.~~
 - c. Any additional area of esplanade reserve to be vested, required to increase the width of the esplanade reserve adjoining proposed Lot 2 to a minimum of 20m from Mean High Water Springs (MHWS).

Note: the following advice note has been added to the decision

Easements shall be provided for stormwater discharge from Lot 1 if the discharge extends beyond the boundary over adjoining lots. In the absence of such granted or reserved easements, stormwater from Lot 1 shall be suitably managed entirely on-site.

For the purpose of clarity the complete amended conditions of consent are as follows:

Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following [conditions](#):

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey referenced Proposed Subdivision of Lot 8 DP 310634, dated 26.05.2025 and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

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

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. Any additional area of esplanade reserve to be vested, required to increase the width of the esplanade reserve adjoining proposed Lot 2 to a minimum of 20m from Mean High Water Springs (MHWS).

Section 224(c) compliance conditions

Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

3. The consent holder shall ensure that ROW easements B and F are formed to a 3m finished carriageway width, including passing bays, in compliance with Rule 15.1.6.1.2 of the Far North District Plan. This formation shall incorporate kerbing or a concreted dish channel to contain stormwater runoff, along with all necessary catch pits and culverts to control and direct stormwater discharge. Evidence, to be certified by the Council's Resource Consent Engineer or delegate, confirming completion and compliance with this condition, shall be submitted to planning.support@fndc.govt.nz prior to the issue of a certificate pursuant to Section 224(c) of the Act.
4. The consent holder shall ensure that existing concreted access on ROW easement G is upgraded to a 3m finished carriageway width. The formation shall include kerbing to contain stormwater runoff, along with catch pits and culverts as required to control and direct the discharge of stormwater runoff. Evidence, to be certified by the Council's Resource Consent Engineer or delegate, confirming completion and compliance with this condition, shall be submitted to planning.support@fndc.govt.nz prior to the issue of a certificate pursuant to Section 224(c) of the Act.
5. In accordance with the recommendations of the Archaeological Survey and Assessment of the Endean Property Residential Subdivision Pa Road, Kerikeri, Bay of Islands, prepared by Northern Archaeological Research and dated September 2010; and prior to any development (including earth disturbance and planting) on Lot 2, a 10m buffer protecting archaeological site P05/1029 (located on an adjacent property) shall be marked out on the ground by a qualified archaeologist. Provide written confirmation from a qualified archaeologist to the Principal planner or delegate (planning.support@fndc.govt.nz).

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:

6. No development or planting shall occur within the 10m buffer of archaeological site P05/1029 as recommended in the Archaeological Survey and Assessment of the Endeavour Property Residential Subdivision Pa Road, Kerikeri, Bay of Islands, prepared by Northern Archaeological Research and dated September 2010. [Lot 2]
7. In conjunction with the construction of any building requiring building consent, the lot owner shall provide specific design for foundations that references the Geotechnical Investigation report produced by LDE dated 28 April 2016, reference 12202 and submitted with Resource Consent 2170198. The design shall be prepared by a suitably qualified chartered professional engineer and submitted with the Building Consent application. Should a different building site to that assessed in the LDE report be chosen, the lot owner shall provide a Geotechnical Investigation Report, and specific design details, for the approval of Council, for that alternative site. [Lot 3 only]
8. In conjunction with the construction of any building requiring building consent, the lot owner shall provide specific design for foundations and assessment of ground conditions. The design and assessment shall be prepared by a suitably qualified chartered professional engineer and submitted with the Building Consent application. [Lots 2 & 4]
9. In conjunction with the application for building consent and the construction any buildings on the Lots which includes a wastewater treatment & effluent disposal system, the applicant shall submit an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012 or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance with the requirements of the Proposed Regional Plan for Northland and be generally in accordance with recommendations in Geotechnical Assessment Report prepared by LDE LTD, report reference 12202 dated 28 April 2016 and Site Suitability report prepared by Haigh Workman report, job no: 08 325 dated 11 December 2008. [Lot 2,3 & 4]
10. In conjunction with the application for building consent and the construction of any buildings on the lots, if the combined impermeable surfaces on-site exceed the permitted limit under the district plan the lot owner shall submit for the approval of Council the design of stormwater control measures. Dispensation may be given for attenuation where low-impact design measures have been proposed, and no downstream flooding is created. The report shall be prepared by a Chartered Professional Engineer or a suitably qualified and experienced practitioner and be generally in accordance with recommendations in Geotechnical Assessment Report prepared by LDE LTD, report reference :12202 dated 28 April 2016 and Site Suitability report prepared by Haigh Workman report, job no: 08 325 dated 11 December 2008. [Lot 2,3 & 4].
11. Upon construction of any habitable building, sufficient water supply for firefighting purposes is to be provided and be accessible by firefighting appliances in accordance

with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ. [Lot 2,3 & 4].

12. 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 be the responsibility of the future property owner. [Lot 2,3 & 4].

Subdivision 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.

Section 224 Certification

2. A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.

General

3. 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).
4. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
5. Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice of intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.
6. A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.
7. A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, corridor.access@fndc.govt.nz.
8. Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.

9. *Building Consents may be required for retaining structures.*
10. *All earthworks are required to comply with the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.*
11. *Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region"*
12. *Archaeological sites are protected pursuant to the Heritage NZ Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the Heritage New Zealand Pouhere Taonga (HNZPT). Should any site be inadvertently uncovered, the procedure is that work should cease, with the HNZPT and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).*
13. *Application can be made to Council to legalise directed stormwater discharge over reserves; approval is not assured. Assessment will consider the purposes of esplanade reserves under Section 229 of the RMA and whether Section 48(2) of the Reserves Act requiring public notification applies.*
14. *Easements shall be provided for stormwater discharge from Lot 1 if the discharge extends beyond the boundary over adjoining lots. In the absence of such granted or reserved easements, stormwater from Lot 1 shall be suitably managed entirely on-site.*

Land Use Conditions – N/A

Land Use 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) *The consent is given effect to; 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.*

General Advice Notes

Right of Objection

1. *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

2. *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.

[Note: The section on advice notes and statutory information may not be needed, or you may need to reiterate the previous advice notes and statutory information from the original resource consent condition]

Advice Notes

1. *Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. 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).*

Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates maybe subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of subdivision, prior to the issue of a Section 224(c) Certificate.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision to uphold the Objection (pursuant to Section 357D(2):

1. The applicant has confirmed that the stormwater management system for the established development is already in place and functioning, discharging to an esplanade reserve. The nature of the stormwater drainage facilities are considered private in this setting hence a schedule rather than memorandum of easements is a more appropriate mechanism. Alternative on-site stormwater management solutions, such as rerouting or suitable attenuation, can be implemented to ensure compliance with the consent condition and relevant Council requirements in the event that an easement is not forthcoming.

Approval

This decision has been prepared by Nikki Callinan Senior Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Nick Williamson, Team Leader – Resource Consents

Date 08/08/2025

Right of Appeal

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 358 of the Resource Management Act 1991) to appeal the decision. The notice of appeal must be in the prescribed form, stating reasons for the appeal and shall be lodged with the Environment Court within 15 working days of the receipt of this decision. Any person lodging an appeal shall ensure that a copy of the notice of appeal is served on Council at the same time as the notice is lodged with the Environment Court.

Lapsing Of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent, as amended as a result of this decision on an objection, 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.

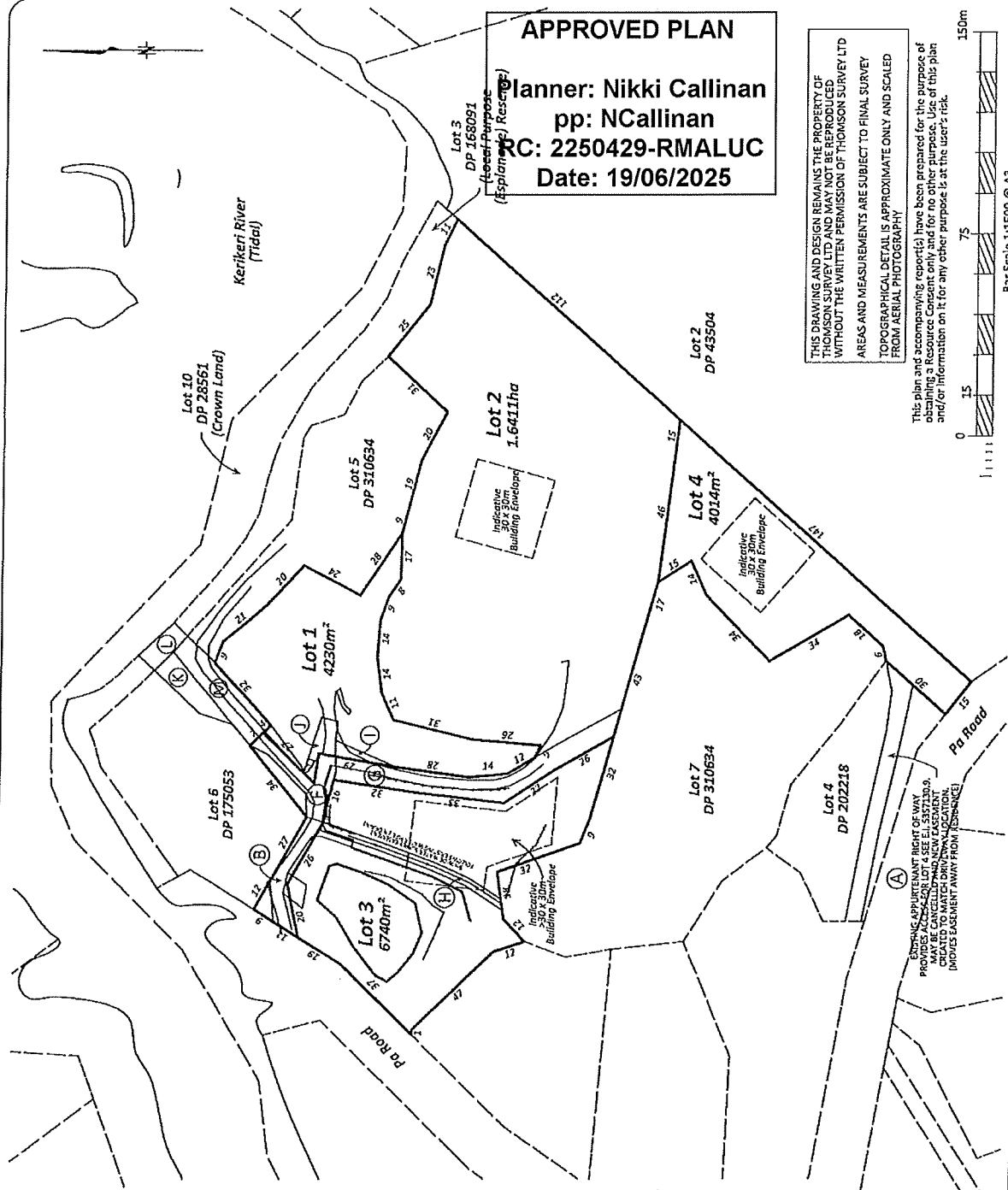
EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(B)	LOT 2 HEREON	E.C. D040739.4
RIGHT OF WAY & PEDESTRIAN ACCESS	(F)(G) (I)(J)	LOT 2 HEREON LOT 1 HEREON	
TELECOMMUNICATIONS & ELECTRICITY	(B)(F) (G)	LOT 2 HEREON LOT 1 HEREON	E.I. 5498810.15
WATER SUPPLY	(B)(F) (G) (I)(J)	LOT 2 HEREON LOT 1 HEREON	

PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
WATER SUPPLY	(H)	LOT 3 HEREON LOT 6 DP 175053	LOT 5 DP 310634
RIGHT TO DRAIN STORMWATER	(L) (M)	LOT 3 DP 168031 LOT 5 DP 310634	LOT 1 HEREON

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY & DRAIN WATER	(B)(F) (G)	LOT 2 HEREON	LOTS 1 & 3 HEREON

WATER SUPPLY EASEMENT SHOWN H ON DP 310634 IS PROPOSED TO BE CANCELLED

Local Authority: Far North District Council
 Comprised in: 41825
 Total Area: 3.1395ha
 Zoning: Rural Living
 Resource features: NIL



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THOMSON SURVEY
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Far North District Council
 Ph: (09) 4077360
 www.thomson.co.nz
 Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 8 DP 310634
 94B PA ROAD, KERIKERI
 PREPARED FOR: ENDEAN

Survey	Name	Date	ORIGINAL
Design	KY	08.10.24	SCALE
Drawn	KY	08.10.24	1:1500
Approved	KY	26.05.25	A3
Rev	KY	26.05.25	10694 Scheme 20250526

Surveyors Ref. No: 10694
 Sheet 1 of 1

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS ELECTRICITY & WATER SUPPLY	(B)	LOT 2 HEREON	E.C. D040739.4
RIGHT OF WAY & PEDESTRIAN ACCESS	(F)(G) (I)(J)	LOT 2 HEREON LOT 1 HEREON	
TELECOMMUNICATIONS & ELECTRICITY	(B)(F) (G)	LOT 2 HEREON	
WATER SUPPLY	(I)(J)	LOT 1 HEREON	E.I. 5498810.15
	(B)(F)	LOT 2 HEREON	
	(G)	LOT 1 HEREON	

PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
WATER SUPPLY	(H)	LOT 3 HEREON	LOT 5 DP 310634
RIGHT TO DRAIN STORMWATER	(K)	LOT 6 DP 175053	LOT 1 HEREON
	(L)	LOT 3 DP 168031	
	(M)	LOT 5 DP 310634	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS ELECTRICITY WATER SUPPLY & DRAIN WATER	(B)(F) (G)	LOT 2 HEREON	LOTS 1 & 3 HEREON

WATER SUPPLY EASEMENT SHOWN H ON DP 310634 IS PROPOSED TO BE CANCELLED

Local Authority: For North District Council

Compared In: 41206

Total Area: 3.1395ha

Zoning: Rural Living

Resource Features: NIL

THOMSON SURVEY
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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 8 DP 310634

94B PA ROAD, KERIKERI

PREPARED FOR: ENDEAN

NAME	DATE	ORIGINAL
SURVEY		
DESIGN		
DRAWN	RY	03-10-24
APPROVED	RY	26-05-25
REV		
Scale	1:1500	A3
20694 Scheme 20250526		

Surveyors
Ref. No:
10694

Sheet 1 of 1

APPROVED PLAN

Planner: Nikki Callinan
pp: NCallinan
PC: 2250429-RMALUC
Date: 19/06/2025

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