

Application for resource consent or fast-track resource consent

Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

☐ Yes ☐ No

2. Type of consent being applied for

(more than one circle can be ticked):

- | | |
|---|--|
| ☐ Land Use | ☐ Discharge: Total volume = <input type="text"/> m ³
<i>Note; volumes >3m³ requires NRC Consent.</i> |
| ☐ Fast Track Land Use* | |
| ☐ Change of Consent Notice (s.221(3)) | ☐ Subdivision |
| ☐ Certificate of Compliance (s.139) | ☐ Existing Use Certificate (s.139A) |
| ☐ Extension of time (s.125) | ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) |

☐ 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:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Brian Hutching

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:

Williams & King, Attention: Natalie Watson

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:

See attached Record of Title. Various Owners.

Property address/
location:

8. Application site details

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

Name/s:

Site address/
location:

Postcode

Legal description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

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

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

9. Description of the proposal

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

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.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

☐ 2009 ☐ 2023

10. Would you like to request public notification?

☐ Yes ☐ No

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

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

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

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

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

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

☐ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ☐ Yes ☐ No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

☐ Flooding

☐ Active Faults

☐ Landslips

☐ Liquefaction

☐ Coastal Erosion

☐ Tsunami

☐ Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. 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

15. 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.

16. 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)

Brian Hutchings

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Brian Hutchings

Signature:

(signature of bill payer)

Date

18/8/26

MANDATORY

17. 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.

18. Declaration

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

Name (please write in full)

Natalie Watson

Signature

Date 20 August 2026

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

See overleaf for a checklist of your information...

Checklist of your information

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.*

Brian Hutching

Proposed Subdivision & Section 243(e) Cancellation of Easements

Rangitane Road, Kerikeri

Williams & King, Kerikeri¹
20 August 2026



¹ Williams & King - a Division of Survey & Planning Solutions (2010) Ltd
Surveyors, Planners, Resource Managers - Kerikeri and Kaitia
PO Box 937 Kerikeri Phone (09) 407 6030 Email: nat@saps.co.nz

1. Overview

Brian Hutching proposes to subdivide a site, legally described as Lot 1 RC 364775 to create two additional records of title. The purpose of the proposal is to divide a family property between the three owning parties. The site is located at Rangitane Road, Kerikeri.

Lots 1, 2 and 3 are vacant rural sites with areas of 8.7725ha, 11.5175ha and 10.7490ha respectively. Lots 4 and 5 are areas of road to vest, where the Rangitane Road formation is close to the property boundary.

Each lot has an existing vehicle crossing off Rangitane Road, which will be upgraded where necessary to comply with the FNDC Engineering Standards and Guidelines. Besides upgrades to existing vehicle crossings, no earthworks are required to complete the proposed subdivision.

Wetland and pond areas are fenced off from stock and are subject to existing pest control works. Formal legal protection of the wetlands is intended to be deferred to allow possible future applications under the Proposed District Plan – Appeals Version Environmental Benefit Subdivision rule as a discretionary activity.

Approval is sought to cancel various easements where they will become redundant following the subdivision. This will include cancellation of existing appurtenant easements as they benefit the lots that will be physically separated from the easement area following the subdivision.

In addition, approval is sought to cancel an existing water supply easement over the subject site, with the intention that it will be replaced by a newly created easement, which covers a smaller area. As the implementation of this easement cancellation is subject to obtaining approvals from all property owners benefitted by the existing easement, the new smaller easement is a 'proposed' easement and does not need to be included in a memorandum.

An existing consent notice condition relating to the introduction of carnivorous or omnivorous animals which are potentially kiwi predators will be retained and come down on the new lots.

The subject site is zoned General Coastal in the Operative Far North District Plan, and the proposed subdivision is a non-complying activity.

Under the Proposed Far North District Plan – Appeals Version, the site is zoned Rural Production with River Flood Hazard overlays coincident with the wetland areas in the site. The subdivision is a discretionary activity under this plan.

This assessment accompanies the Resource Consent application made by the Applicant and is provided in accordance with Schedule 4 of the Resource Management Act 1991. It is intended to provide the necessary information, in sufficient detail, to provide an understanding of the proposal and any actual or potential effects the proposed activity may have on the environment.

2. Description of Proposal

2.1 Subdivision Layout and Lot Sizes

The purpose of the proposal is to subdivide the subject land to create two additional records of title, the completion of which will divide the land between the various property owners. Lots 1, 2 and 3 are vacant allotments with areas of 8.7725ha, 11.5175ha and 10.7490ha respectively. Lots 4 and 5 are small areas of road to vest, over parts of the Rangitane Road formation that are close to the lot boundaries. A summary of the proposed lots is provided in **Table 1** below.

Table 1: Summary of Proposed Lots

Lot Description	Area (Subject to Survey)	Purpose
Lot 1	8.7725ha	Rural Lot
Lot 2	11.5175ha	Rural Lot
Lot 3	10.7490ha	Rural Lot
Lot 4	0.0006ha	Road to Vest (Rangitane Road encroachment)
Lot 5	0.0017ha	Road to Vest (Rangitane Road encroachment)

Refer to the Scheme Plan in **Appendix 1** and **Figure 1** below. All areas and dimensions are subject to final survey.

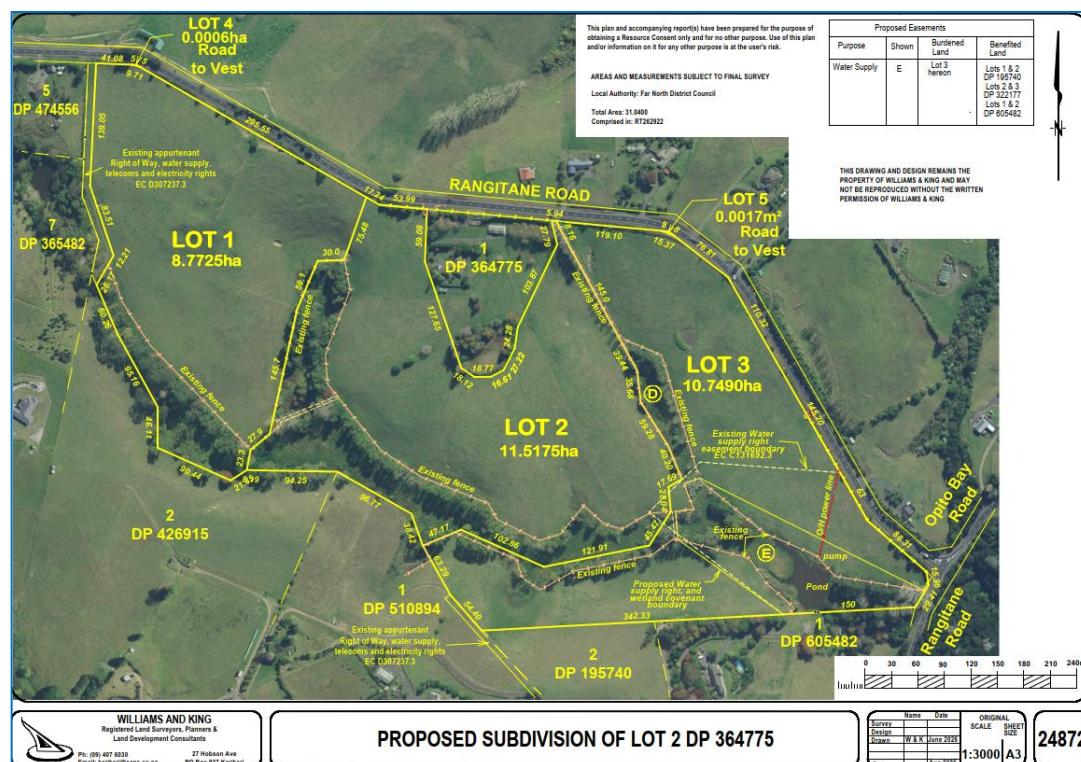


Figure 1: Proposed Scheme Plan

2.2 Property Access

Each lot will retain direct frontage to Rangitane Road. Access to the proposed lots is described in **Table 2**.

Table 2: Summary of Property Access

Lot Description	Proposed Property Access
Lot 1	Existing vehicle crossing via existing easement over Lot 2 DP 426915. Existing easement to be retained in favour of Lot 1 only (no increase in traffic). Alternatively, individual access can be formed.
Lot 2	Existing vehicle crossing (adjacent to entrance to 92 Rangitane Road (Lot 1 DP 364775) to be upgraded to provide a sealed surface.
Lot 3	Existing vehicle crossing along eastern boundary to be upgraded to provide a sealed surface. This lot will also retain legal frontage to Rangitane Road via existing appurtenant easement in Easement Certificate D307237.3, as indicated in the Scheme Plan.

2.3 Proposed Easements and Cancellation of Easements

Proposed Easement D over Lot 3 is a water supply easement, which is intended to replace existing water supply right easement 'A' shown on DP 364775 specified in Easement Certificate C131692.3 (the extent of this is outlined on the Scheme Plan). Approval is therefore sought for the cancellation of easement 'A' in Easement Certificate C131692.3 pursuant to section 243(e) of the Resource Management Act; and it is noted that implementation of this cancellation will be subject to obtaining approval from all benefitted land owners.

Appurtenant easements specified in Easement Certificate D307237.3 (Areas 'A' and 'D' on DP 190536 as illustrated on the scheme plan) will be retained, 'A' for Lot 3 only, and 'D' for Lot 1 only. In the case of easement 'A', this can be partially cancelled as it relates to proposed Lots 1 and 2; and in the case of easement 'D' this can be partially cancelled as it relates to proposed Lots 2 and 3. Section 243(e) approval is also sought for these cancellations, to prevent redundant easements from coming down on the new lots.

No easements are required to be subject to Section 243(a) of the Resource Management Act 1991.

3. Application Site Details and Description

3.1 Location

The site is located on the southern side of Rangitane Road west of its intersection with Opito Bay Road, approximately 6.5km north east of central Kerikeri. Refer to the Location and Cadastral Maps in **Figures 2 and 3**.



Figure 2: Location Map (Source: QuickMap)

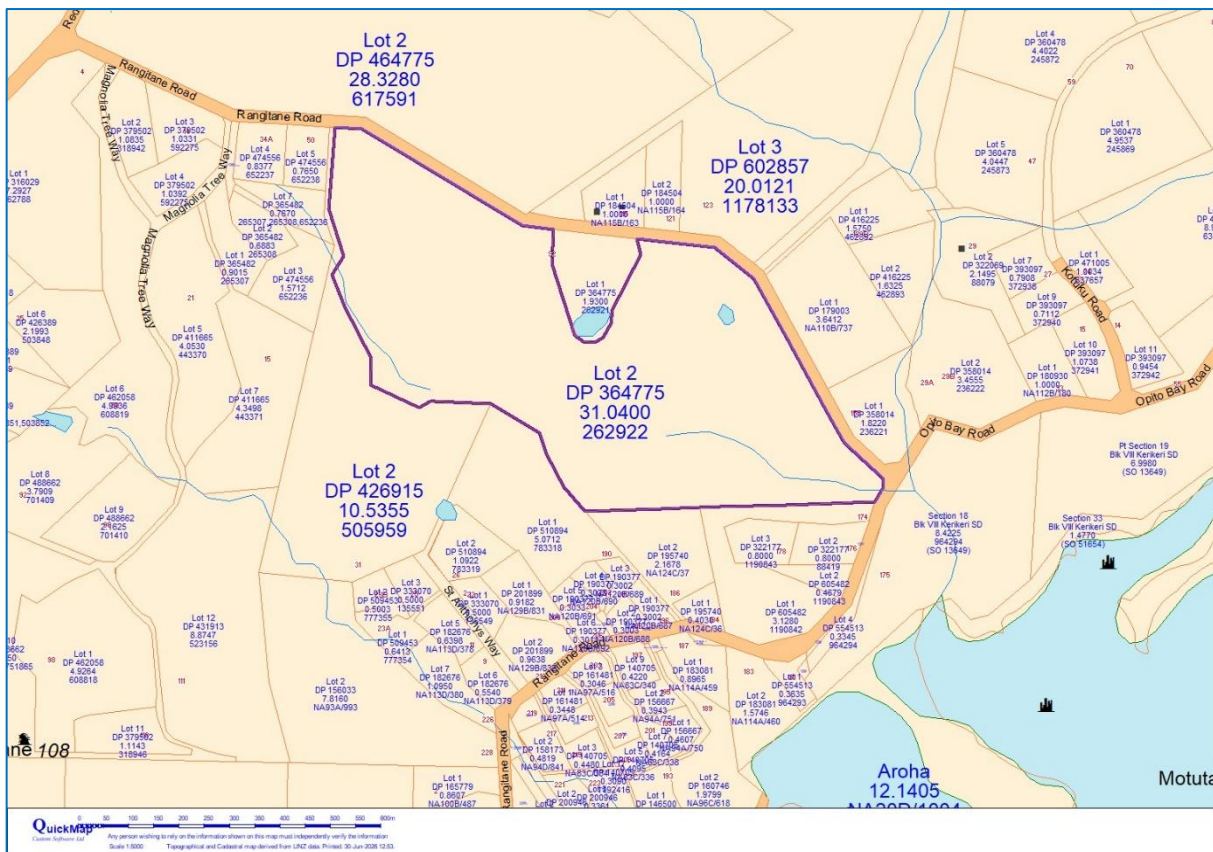


Figure 3: Cadastral Map (Source: QuickMap)

3.2 Legal Details

The subject site is legally described as Lot 2 DP 364775 and held in record of title 262922, comprising 31.0400ha more or less in area. The record of title is attached in **Appendix 2**. Relevant interests and encumbrances documented on the record of title are listed below.

- Subject to a water supply right over part marked A on DP 364775 specified in Easement Certificate C131692.3
- The easements specified in Easement Certificate C131692.3 are subject to Section 309(1)(a) of the Local Government Act 1974
- Land Covenant in Deed D108782.4 (private covenant)
- Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D307237.3
- The easements specified in Easement Certificate D307237.3 are subject to Section 243(a) Resource Management Act 1991
- Subject to Section 168A Coal Mines Act 1925
- Subject to Section 9 Mining Act 1971
- 6879300.1 Consent Notice pursuant to Section 221 Resource Management Act 1991:
 - Lot 2: The Landowners/occupiers of Lot 2 shall not keep or allow the introduction of onto the site of carnivorous or omnivorous animals (such as cats, dogs or ferrets, but excluding working dogs used for the operation of farming activities) which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors.

3.3 Existing Land Use and Site Conditions

Excluding the areas of fenced off wetland and ponds, the site is in pasture which is grazed by cattle. Paddock fencing is established, as well as troughs, a water tank on Lot 1, and a small pump shed on Lot 3. Overhead power lines cross proposed Lot 3.

Refer to **Photographs 1 – 5**.



Photograph 1: View west over northern area of Lots 2 and 1.



Photograph 4: Lot 3, showing wetland and pond within easement E and land to the south of the wetland.



Photograph 2: View south towards wetland within Lot 2



Photograph 5: Lot



Photograph 3: View east from Lot 2 towards Lot 3.

3.4 Natural and Recorded Features

Soils on the site comprise Rangiora clay, clay loam and silty clay loam, being imperfectly to very poorly drained soils of the rolling and hill land, located upon Waipapa Group greywacke basement rock. The site is mapped within Land Use Capability (“LUC”) unit 4e7, which does not meet the definition of ‘highly versatile soils’ as per the Regional Policy Statement definition or the definition of ‘highly productive land’ in the National Policy Statement for Highly Productive Land.

The site contains a freshwater wetland and open ponds which follow the southern boundary of Lots 1 and 2, and then enters an open pond within Lot 3, which drains out under Rangitane Road into the Rangitane Scenic Reserve, and then to Kerikeri Inlet. This wetland is recorded on the NRC Wetland Maps, as illustrated in **Figure 4**. River flood hazard is recorded over the lower parts of the wetland areas, along the southern boundary of Lots 1 and 2 and the around the pond within easement E on Lot 3. Refer to **Figure 5**.

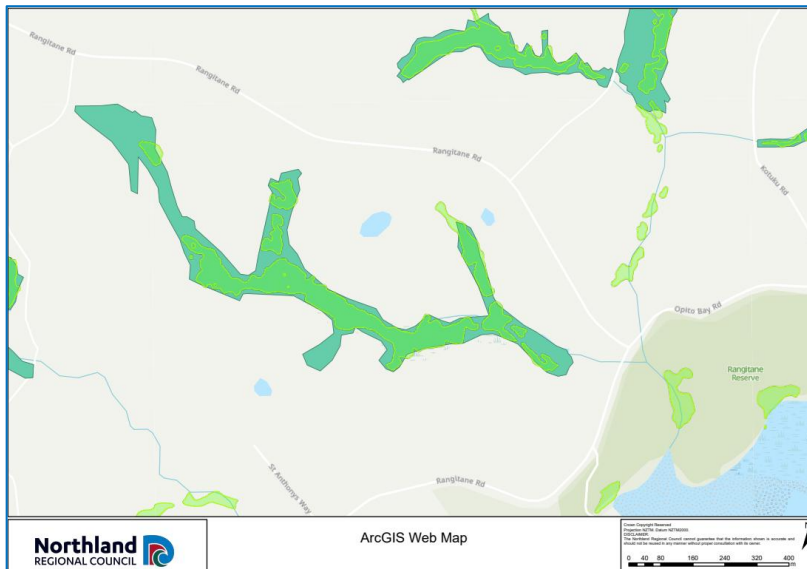


Figure 4: Wetland mapping showing area of 'indicative' and 'known' wetland (Source: Northland Regional Council).

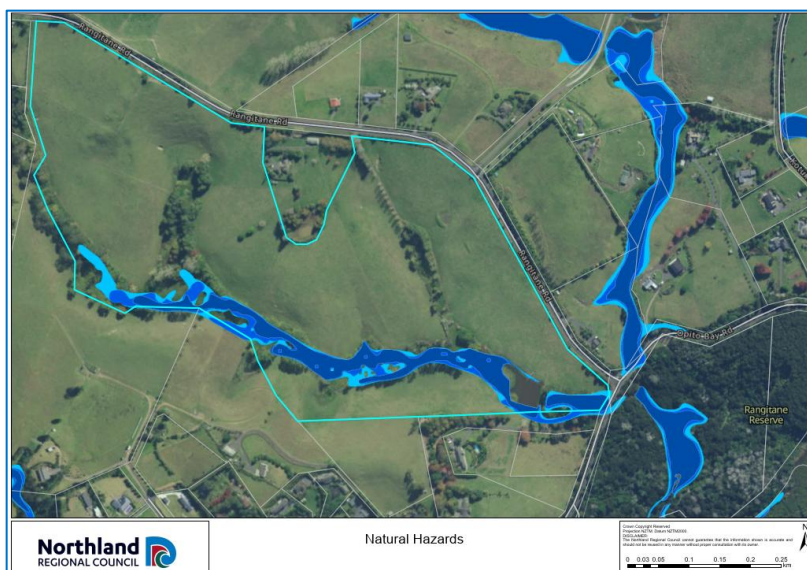


Figure 5: Natural hazard mapping indicating area of River Flood Hazard (Source: Northland Regional Council).

The subject land is not part of the coastal environment, nor does it include any areas of high or outstanding natural character, or outstanding natural landscapes or features, as recorded in the Regional Policy Statement for Northland.

The site is not part of any ecological unit recorded in the Department of Conservation Protected Natural Area mapping. The land is mapped as being within a high-density kiwi habitat in Far North Maps "Species Distribution (DoC)" Map.²

² A map showing the distribution of Northland Brown Kiwi and Northland Mudfish in the Far North District. Kiwi habitat distribution based on call count monitoring in 2019 by Department of Conservation: Craig, E. (2020): Call count monitoring of Northland brown kiwi 2019. Department of Conservation, Whangarei, New Zealand.

3.5 Surrounding Land

The character of the surrounding environment is defined by the presence of rural residential, rural lifestyle, and to a lesser extent, rural production sites. These includes clusters of rural residential development to the south of the site off St Anthonys Way and the subdivision shown on DP 190377, at Magnolia Tree Way to the west, and of Wairangi Road and Waitete Heights Lane further to the west. Between these clusters, rural sites are smaller than, or similarly sized to proposed Lots 1 – 3, and are generally in pasture, excluding along the watercourse and wetland areas.

The landform has a moderately rolling character with Rangitane Pa being the most elevated feature of the surrounding environment. The topographical patterns are emphasized by the wetlands and vegetation occupying the base of the gully areas.

4. District Plan Assessment

4.1 Far North Operative District Plan

The application site is zoned General Coastal and is not subject to any Resource Features. The proposal is assessed against the relevant rules of the Operative District Plan as follows.

4.1.1 General Coastal Zone

There are no existing buildings or activities that require assessment in terms of the General Coastal Zone rules and standards.

4.1.2 Natural & Physical Resources

Rule	Discussion	Compliance
PERMITTED ACTIVITIES		
12.3.6.1.2 Excavation and/or filling ... in the ... General Coastal ... zones	Besides upgrade of existing vehicle crossings, earthworks are not required to complete the subdivision.	Not applicable
12.7.6.1.2 Setback from Smaller Lakes, Rivers and Wetlands	Wetland areas on the site are more than 1ha in area, future buildings can achieve a 30m setback.	Not applicable at subdivision stage – requires detailed design at lot development stage
12.7.6.1.3 Preservation of Indigenous Wetlands	No works are proposed within an indigenous wetland.	Not applicable
12.7.6.1.4 Land use activities involving discharge of human sewage effluent	There is sufficient area for onsite wastewater disposal to accommodate a 30m separation distance from natural inland wetland areas. Detailed design is required at lot development stage.	Not applicable at subdivision stage – requires detailed design at lot development stage

4.1.3 Subdivision

Rule	Discussion	Compliance
13.6 GENERAL RULES		
13.6.5 Legal Road Frontage	Each lot has legal frontage to Rangitane Road.	Complies
13.6.8 Subdivision Consent Before Work Commences	No earthworks or vegetation clearance is required.	Not applicable
13.6.12 Suitability for Proposed Land Use	Each lot contains suitable building sites located above the recorded flood hazard area and is considered suitable for the proposal.	Complies
13.7 CONTROLLED ACTIVITIES		
13.7.2.1 Minimum Area for Vacant New Lots	The areas of Lots 1 - 3 do not comply with the controlled activity minimum lot size.	Does not comply
13.7.2.2 Allotment Dimensions	Each lot includes a dimension of 30 x 30m, plus 10m boundary setbacks.	Complies – controlled activity
13.7.2.6 Access, Utilities, Roads, Reserves	No minimum allotment size applies to Lots 4 and 5.	Complies – controlled activity
13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES		
13.9.1 Minimum Area for Vacant New Lots	A management plan subdivision is not proposed.	Does not comply
13.11 NON-COMPLYING (SUBDIVISION) ACTIVITIES		
13.11(a) Non-Complying (Subdivision) Activities	The overall proposal has been assessed as a non-complying activity.	Non-complying activity status.

4.1.4 Financial Contributions

Rule	Discussion	Compliance
PERMITTED ACTIVITIES		
14.6 Esplanade Areas	The proposed lot areas all exceed 4ha, and esplanade areas are not required to be created via this subdivision process.	Not applicable

4.1.5 Transportation

Rule	Discussion	Compliance
15.1.6C.1 PERMITTED ACTIVITIES		
15.1.6C.1.1 Private Accessway in all Zones	The subdivision does not create shared private accessways. No increase in use of existing appurtenant right of way easements.	Not applicable
15.1.6C.1.5 Vehicle crossing standards in ... Coastal Zones	Existing vehicle crossings available but unsealed. Alternative crossing locations to Lots 1 & 3 can be formed at lot development stage to suit a chosen building site – consent notice condition can be applied.	Complies – permitted activity
15.1.6C.1.7 General Access Standards	Adequate area for future onsite manoeuvring is available on each lot.	Complies – permitted activity
15.1.6C.1.8 Frontage to Existing Roads	The adjoining public road is of sufficient legal and carriageway width. If any parts of the Rangitane Road carriageway are less than 2m from a lot boundary, small areas of road to vest can be created at legal survey stage.	Complies – permitted activity

4.1.6 Summary of Activity Status under the Far North Operative District Plan

Overall, the proposal has been assessed as a non-complying activity.

4.2 Far North Proposed District Plan – Appeals Version (“PDP-AV”)

The application site is zoned Rural Production in the PDP-AV. An area of River Flood Hazard coincides with the wetland area on and near the southern boundary. The proposal is assessed against the relevant rules of the PDP-AV as follows.

4.2.1 Area-Specific Matters – Rural Production Zone

There are no existing buildings or activities that require assessment in terms of the Rural Production Zone rules and standards.

4.2.2 District-Wide Matters –Energy, Infrastructure, & Transport – Transport

Rule	Discussion	Compliance
TRAN-R2 New or altered vehicle crossings and access, including private accessways	PER-1: There will be no increase in the number of allotments served by the two existing appurtenant right of way easements / private accessway. PER-3: Access is not off an arterial road. PER-6: Existing vehicle crossings to Lots 1 – 3 available and can be sealed at building consent stage to meet the specified standard. PER-7: Existing vehicle crossings to Lots 1 – 3 can be upgraded where necessary to meet the specified standard.	Complies – permitted activity

4.2.3 District Wide Matters – Subdivision

Rule	Discussion	Compliance
SUB-R3 Subdivision of land to create a new allotment.	CON-1 - Each lot includes a 30 x 30m dimension plus 10m setbacks. - Onsite water storage, including supply or fire-fighting is proposed. - Stormwater management can be achieved on site. - Onsite wastewater treatment and disposal is feasible. - Power and telecommunications connections can be supplied at BC stage if required. - Easements are not required. CON-2 - Controlled activity minimum allotment sizes are not achieved; discretionary activity standard is achieved. - Esplanade Reserve not required as lot areas all exceed 4ha.	Discretionary activity status
SUB-R11 Subdivision of a site within flood hazard areas	RDIS-1 - Building platforms are available on each lot outside the spatial extent of the 1 in 100 year flood hazard area. - Stormwater will not be diverted onto any other privately owned property. - No private roads, right of ways or accessways will be located within the 1 in 100 year flood spatial extent.	Restricted Discretionary activity standard met

4.2.4 Summary of Activity Status under the PDP-AV

The proposed activity has been assessed as a discretionary activity under the PDP-AV.

5. Assessment of Environmental Effects

Clauses 6 and 7 of Schedule 4 of the RMA indicate the information requirements and matters that must be addressed in or by an assessment of environmental effects, both of which are subject to the provisions of any policy statement or plan. This assessment of environmental effect includes an assessment of the relevant assessment criteria listed in 13.10 of the Operative District Plan as a guide as specified in Rule 13.11 (Non-Complying (Subdivision) Activities and SUB-R11 of the Proposed District Plan – Appeals Version.

5.1 Allotment Sizes and Dimensions

The proposal will introduce two additional sites, with intervening areas of wetland and associated contours. The proposed lots are of a sufficient size to provide for future dwellings, including sufficient area for future buildings and onsite servicing and separation from wetland and flood hazard areas. The proposed dimension of each allotment complies with the controlled activity standard for the General Coastal Zone of the Operative District Plan and the Rural Production Zone of the Proposed District Plan.

The subject property is located to the east and north of clusters of rural residential lots, ranging in area from 3003m² to 1.5712ha. Between these clusters are rural lifestyle landholdings of various sizes, generally from 3 – 5ha, and rural sites up to a size similar to the lot sizes proposed.

The proposed lot sizes average approximately 10.35ha. This scale of allotments is consistent with the wider pattern of rural lifestyle and rural production landholdings in the Rangitane Road locality, where a range of lot sizes already exist. The proposal will therefore maintain the low-density rural character of the surrounding environment.

The proposed subdivision layout will increase the density of potential built development on the land by way of the two additional lots; however, the proposed subdivision pattern will continue to fit within the existing pattern of subdivision and development, imparting a character that is consistent with the existing character.

5.2 Natural and Other Hazards

Mapped river flood hazard is limited to lower wetland areas within the site. Future building sites are available on each of Lots 1, 2 and 3 outside the mapped flood hazard areas, and vulnerable activities can be located to avoid those areas. No earthworks or filling of flood-prone land is required to complete the subdivision, which is considered to avoid adverse effects related to flood hazard.

The proposed subdivision does not have any known adverse effects related to soil contamination - see Section 6.1.1 of this Report.

5.3 Water Supply

Potable water will be supplied within each lot via collection and storage of rainwater. The typical consent notice condition, which requires onsite water supply to be designed to be adequate for fire fighting purposes, is proposed for Lots 1 - 3. The proposal will not result in any adverse effects in terms of water supply.

5.4 Stormwater Disposal

Anticipated coverage of each lot with impermeable surfaces is expected to remain within the permitted activity standards for the General Coastal Zone of the Operative District Plan and the Rural Production Zone of the Proposed District Plan.

As no new impermeable surfaces are proposed at subdivision stage, no stormwater management is required.

Long term stormwater management will require further refinement at the building consent stage, depending on the final design and extent of impermeable surfaces. On-site attenuation is not likely to be required based on the percentage of future impermeable surface likely to arise during development i.e., impermeable surfaces are unlikely to be above 10% of the total lot area given the size of each lot. Additionally, attenuation is provided within the dam and ponded areas in the watercourse channel.

It is considered that the proposal will avoid potential adverse effects related to stormwater, such that effects will be less than minor.

5.5 Sanitary Sewage Disposal

On-site treatment and disposal of wastewater will require detailed design at the building consent stage for any building that produces wastewater. Each proposed lot has sufficient area to accommodate an onsite wastewater system and reserve area, subject to final design, soil assessment and compliance with the relevant regional plan standards. As the site conditions and lot size have been deemed to be suitable for onsite wastewater treatment and disposal, it is considered that the proposal avoids adverse effects in relation to sanitary sewage disposal.

5.6 Energy & Telecommunications Supply

Top Energy has been contacted for their comments; they have advised that they have nil requirements as outlined in their response in **Appendix 3**. No new power or telecommunications connections will be installed as part of this subdivision as these are not required by Rule 13.7.3.7 of the Operative District Plan given that the subdivision does not create urban allotments, nevertheless, the consent holders may choose to provide a power supply to the lot boundaries.

5.7 Easements for any Purpose

No new easements are required to implement the proposed subdivision, as each lot has individual access to Rangitane Road. Existing appurtenant easements outlined in easement D307237.3 will be retained to benefit one of the proposed titles only. This will be achieved by cancelling the easements as they relate to land which will become severed from the easement area.

Additionally, approval is sought to cancel an existing water supply easement over the subject site, with the intention that it will be replaced by a newly created easement, which covers a smaller area (proposed easement D). As the implementation of this easement cancellation is subject to obtaining approvals from all property owners benefitted by the existing easement, the new smaller easement is a 'proposed' easement and does not need to be included in a memorandum.

5.8 Property Access

The additional traffic generated by the proposal is in the order of twenty daily one-way traffic movements based on the increase of two additional sites and future increase in anticipated traffic arising from two household equivalents.

Lots 1, 2 and 3 each have an existing vehicle crossing off Rangitane Road; in the case of Lot 1 this is located at the entrance to the existing appurtenant easement over Lot 2 DP 426915. Alternatively, an individual crossing could be formed to Lot 1, depending on the building site. The existing vehicle crossings will require upgrade to provide a sealed surface at building consent stage to comply with Council's engineering standards. In the case of Lots 1 and 3, the crossings could potentially be formed at lot development stage, when a building site is known. The additional traffic generated by two additional household can be safely accommodated by Rangitane Road. No new public road formation or shared private accessway is required.

Based on the existing availability of property access and the low level of additional traffic generated by the subdivision, it is considered that effects in terms of traffic safety and efficiency are less than minor.

5.9 Earthworks and Utilities

Earthworks are not required to complete the subdivision. Utility connections to the lots are not proposed, given that they are within a rural environment.

5.10 Building Locations

Each of Lots 1, 2 and 3 contains suitable land for future building development outside the mapped flood hazard and wetland areas. Future buildings can be located to maintain separation from wetland margins, avoid low-lying land, and retain the rural character of the site.

5.11 Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape

The proposed lots do not contain any recorded heritage resources, landscape features, or sites of cultural significance. Despite being zoned General Coastal under the Operative District Plan, the most recent mapping of the coastal environment under the Regional Policy Statement does not include the subject site within the coastal environment.

Wetland and pond areas are present and are already fenced off from stock. No works are proposed within those areas, and the subdivision layout enables their continued protection from grazing and direct disturbance. Retention of fencing, together with the absence of subdivision-stage earthworks, will avoid adverse effects on wetland margins and water quality. Any future development of the lots can be managed through standard building consent and regional plan requirements, including erosion and sediment control, stormwater management and wastewater setbacks.

5.12 Soil

Soils on the subject site are not mapped as being Class I, II or III in the NZ Land Resource Inventory Worksheets. The mapped Land Use Capability class is IV and does not meet the definition of 'highly productive land' under the National Policy Statement for Highly Productive Land or of 'highly versatile soils' in the Regional Policy Statement. The proposal will not result in the loss of highly productive land. The land can continue to support low-intensity rural use while also providing for the ownership outcome sought by the applicants. The subdivision is therefore considered to be an efficient use of the soil resource.

5.13 Access to Reserves and Waterways

The freshwater features within the site comprise creek, wetland and pond areas associated with the lower lying parts of the property. These areas do not trigger a requirement for esplanade reserve creation because the proposed allotments exceed 4ha.

Public access is not required or appropriate in the context of the subdivision, and protection of the wetland areas is achieved through existing fencing and avoidance of works within those areas.

5.14 Land Use Compatibility

The proposed lots are not in close proximity to any existing activities that are likely to conflict with their intended use, and overall, the proposed subdivision is not considered to generate any adverse effects associated with land use compatibility or reverse sensitivity issues that will be more than minor.

6. Statutory Assessment

Section 104(1)(b) of the Resource Management Act 1991 requires the consent authority, subject to Part 2 of the Act, to have regard to any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement, a plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. Of relevance to the proposed activity are the following documents, which are commented on in the following Sections 6.1 – 6.5 of this Report. This is followed by an assessment of Part 2 of the Act.

- *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*
- *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*
- *New Zealand Coastal Policy Statement*
- *National Policy Statement for Indigenous Biodiversity*
- *National Policy Statement for Natural Hazards*
- *Regional Policy Statement for Northland*
- *Operative Far North District Plan*
- *Proposed Far North District Plan – Appeals Version*
- *Regional Plan for Northland*

6.1 National Environmental Standards

6.1.1 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The subject land is not recorded on the Northland Regional Council Selected Land-use Register as a site that has been used for any activity included in the Ministry for the Environment's Hazardous Activities and Industries List.³

Review of historic aerial imagery using Retrolens (aerial image from years 1950, 1968, 1971, 1978, 1979, 1980 and 1982), and more recent aerial and satellite photography indicates that the subject land has been in pasture since 1950, with gully and wetland areas visible. Formation of ponds is apparent in the images from 1971 onwards.⁴ The land cover remains the same but by 2000 a dam has been formed in the south eastern end of the wetland, and linear planting has been established.

There is no apparent evidence that the site has been used for any of the activities listed on the Hazardous Activities and Industries List. As such, the subject site is not considered to be a 'piece of land' in terms of the above regulations.

³ Northland Regional Council (n.d.): *Selected Land-use Register Map*. Retrieved 30 June 2026 from <https://localmaps.nrc.govt.nz/localmapviewer/?map=65b660a9454142d88f0c77b258a05f21>

⁴ Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0

6.1.2 Resource Management (National Environmental Standard for Freshwater) Regulations 2020

Figure 4 identifies the approximate location of natural inland wetland within the lots. The subdivision itself does not involve any earthworks, vegetation clearance, or discharge or diversion of stormwater.

There are multiple locations for future building platforms and associated infrastructure that are potentially within 100m of natural inland wetland but do not occupy critical source areas, seepage or overland flow path that through their formation may change the water level range or hydrological function of the wetland. Diversion of natural stormwater discharge at lot development stage will not likely change the water level range or hydrological function of the wetland in any measurable way, although avoidance of sediment discharge, scour and erosion should be enacted at lot development stage to avoid adverse effects on the condition of the wetland.

Future earthworks within 100m or 10m of natural inland wetland areas will not result in complete or partial drainage of all or part of the wetland as per Reg 52(i);(ii) & Reg 54 (c) & (d) as development areas are all upslope of the wetland.

Consent under these Regulations is not required.

6.2 National Policy Statements

6.2.1 New Zealand Coastal Policy Statement 2010

The most recent mapping of the 'coastal environment' is within the operative Regional Policy Statement, which postdates the Operative District Plan 'General Coastal' zoning. The subject site is not included in the coastal environment; therefore, it is considered that the above policy statement is not pertinent to this application.

6.2.2 National Policy Statement for Indigenous Biodiversity 2023 Amended December 2025

The objective of the above policy statement is set out in 2.1, as copied below:

(1) The objective of this National Policy Statement is:

- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
- (b) to achieve this:*
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

There is no SNA included in the district plan or identified in a policy statement or plan. The 17 listed policies set out to achieve this objective, and of most relevant to this proposal is Policy 8:

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Of relevance is the following approach to implementing the NPSIB.

3.16 Indigenous biodiversity outside SNAs

(1) If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy.

Effects Management Hierarchy is defined as follows:

effects management hierarchy means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

- (a) adverse effects are avoided where practicable; then*
- (b) where adverse effects cannot be avoided, they are minimised where practicable; then*
- (c) where adverse effects cannot be minimised, they are remedied where practicable; then*
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then*
- (e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then*
- (f) if biodiversity compensation is not appropriate, the activity itself is avoided.*

Direct effects on the wetland area are avoided as the subdivision does not involve any earthworks, vegetation clearance, or diversion and discharge of stormwater.

Potential indirect effects arising from future building and residential development on the lots can be avoided and mitigated through standard erosion and sediment control measures, careful stormwater discharge and by observing suitable buffers from wetland areas. Potential adverse effects on kiwi habitat and other birdlife are already avoided through an existing consent notice condition, which ban the keeping of cats and dogs or other carnivorous or omnivorous animals that have the potential to be kiwi predators with the exception of working farm dogs.

As such, the proposal achieves (a) and (b) of the above hierarchy. There are no adverse effects which are more than minor or require remediation or biodiversity offsetting.

It is therefore considered that the proposal is consistent with the above National Policy Statement.

6.2.3 National Policy Statement for Natural Hazards

Risk Matrix

When undertaking an assessment of natural hazard risk, the following risk matrix and associated tables must be applied to enable assessment of the consequence level and likelihood level and to determine the level of natural hazard risk applicable.

- The land includes a small area of mapped river flood hazard, located within the wetland area. Building sites are available on each lot outside of these flood hazard areas, so although there is a certainty of flooding within the mapped flood hazard areas, the consequence of this is negligible, resulting in a low level of flood risk.
- The land is not shown to be erosion prone land in the NRC Regional Plan mapping.
- The liquefaction vulnerability assessment is shown as 'unlikely' and 'undetermined'.

Part 2: Objective and policies

2.1 Objective

1. *Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.*

This has been considered using the risk matrix and in response to the policies below.

2.2 Policies

Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.

A low level of natural hazard risk has been assessed.

Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

The lots contain numerous building sites outside of the flood hazard areas, and no specific management is considered necessary to mitigate this low level of natural hazard risk.

Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

Not applicable.

Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

Not applicable.

Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Most recent natural hazard mapping has been referred to.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

Not applicable.

6.3 Regional Policy Statement for Northland (“RPS”)

The RPS provides an overview of resource management issues and gives objectives, policies, and methods to achieve integrated management of natural and physical resources of the region. The subject site is not in the coastal environment, does not include any outstanding natural landscapes or features and does not include any areas of high or outstanding natural character. The relevant policies from the RPS are addressed below.

Policy 4.4.1 – Maintaining and protecting significant ecological areas and habitats - requires adverse effects outside the coastal environment to be avoided, remedied or mitigated by subdivision, use and development, so that they are no more than minor on threatened or at risk indigenous taxa, significant areas of indigenous vegetation and habitats of indigenous fauna, and areas set aside for full or partial protection of indigenous biodiversity under other legalisation (Policy 4.4.1(1)). For other ecological values, outside the coastal environment, subdivision must avoid, remedy or mitigate adverse effects of subdivision, use and development so that they are not significant on areas of predominantly indigenous vegetation as well as indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, headwater streams, floodplains and margins of freshwater bodies (Policy 4.4.1(3)(a) and (c)).

As outlined previously, adverse effects on wetland areas are avoided at subdivision stage, and can be avoided and mitigated at lot development stage, through standard erosion and sediment control measures, careful stormwater discharge and by observing suitable buffers from wetland areas. Potential adverse effects on kiwi habitat and other birdlife are already avoided through consent notice conditions, which ban the keeping of cats and dogs or other carnivorous or omnivorous animals that have the potential to be kiwi predators with the exception of working farm dogs. The relevant parts of this policy are considered to be met by the proposal.

Policy 5.1.1 – Planned and coordinated development, requires co-ordinated location, design and building or subdivision, use and development. Relevant matters are listed under (a), (c), (e), (g) and (h). These matters have been considered in preceding sections of this report. In particular:

- Servicing with the necessary infrastructure is viable, with onsite storage of potable water and onsite wastewater disposal being feasible. Power and telecommunication connections are not expected to be made a condition of consent as they will be supplied at the time that the lot is developed, if required by the property owner, or otherwise supplied by the consent holders at their own discretion.
- The site is not near any significant mineral resources;
- Potential building sites are not close to any incompatible land use activities and avoid reverse sensitivity;
- The proposal does not affect any landscape or natural character values, historic or cultural heritage values, or transport corridors;
- The existing consent notice conditions relating to the keeping of dogs and cats will be brought down on the new records of title.
- Adverse effects associated with natural hazards and downstream flooding are avoided. Existing and future impermeable surface coverage is likely to be low.
- The site does not contain highly versatile soils.
- The subdivision density exceeds that provided for by the Operative District Plan but is in accordance with the discretionary activity standard for the Proposed District Plan. Regardless, the sense of place and character of the surrounding environment can be retained.
- Matters such as renewable energy, sustainable design technologies can be further addressed at the time that development on the vacant lots is proposed.

6.4 District Plan Objectives and Policies

6.4.1 Far North Operative District Plan

The objectives and policies of the Coastal Environment, General Coastal Zone and Subdivision Sections of the District Plan are relevant to this proposal. As discussed below, it has been concluded that the proposal is not contrary to the overall objectives and policies of the Operative District Plan and consequently, meets the test of section 104D(1)(b) of the Resource Management Act 1991.

Coastal Environment

Objectives and policies relating to the Coastal Environment can be grouped into twelve main themes, which are commented on below. Further detailed assessment of the General Coastal Zone objectives policies, together with the Context and Commentary for the zone, follows.

- ***Avoid, remedy or mitigate adverse effects, minimise effects that cross the coastal marine boundary***
As addressed in Section 5 of this report, adverse effects are avoided where possible through the subdivision design and avoidance of direct effects on habitat, and are otherwise mitigated through the specified measures. Besides upgrade of existing vehicle crossings (which could be undertaken at building consent stage), no physical work is required to implement the subdivision, and future land use works are a long distance from the coastal marine area.
- ***Preservation, restoration, rehabilitation, protection / preservation or enhancement of character, visual and amenity values***
The subdivision maintains the existing rural and natural character values of the site. No indigenous vegetation clearance or works within a wetland are proposed, and future buildings can be located on

each lot away from wetland and flood hazard areas. The natural character and amenity values of the wetland areas will be retained. The resultant landscape character will be consistent with the present environment.

- ***Preservation, restoration, rehabilitation, protection or enhancement of significant indigenous vegetation and habitats of indigenous fauna***

The proposal avoids the need for clearance of indigenous vegetation. Existing wetland areas are already protected with fencing, which will be retained as part of the subdivision. Likewise, an existing consent notice condition excluding cats and dogs (excluding working dogs) will come down on the new lots, to provide protection to kiwi. Policy 10.4.3 is supported by the proposal.

- ***Ensuring suitable water supply and storage***

Suitable water supply for potable and fire-fighting use can be provided using onsite water tanks, in accordance with policy 10.4.10.

- ***Ensure appropriate servicing with utility services***

Power and telecommunication connections are not expected to be a requirement given the rural environment. Onsite stormwater and wastewater treatment and disposal is achievable, with each lot having sufficient area outside of, and set back from, wetland areas. Policy 10.4.1(c) is achieved.

- ***Avoid effects on local roading***

The proposal uses existing vehicle crossings for access, and does not require the formation of any new vehicle crossings to avoid affecting the safety or efficiency of Rangitane Road.

- ***Protect, restore, and enhance heritage and cultural resources***

No archaeological, cultural or heritage sites are recorded on the subject site. Potential adverse effects of the development on any unrecorded or unidentified archaeological sites can be mitigated through compliance with Heritage New Zealand's Accidental Discovery Protocol, which can be attached to the consent as an Advice Note. This is in accordance with policy 10.4.1(d).

- ***Give effect to the NZ Coastal Policy Statement and Regional Policy Statement:***

See comments in Section 6.2.1 and 6.3, which assess the proposal in terms of the relevant national and regional policy statements as required by policy 10.4.1(h).

- ***Avoidance of natural hazards:***

The proposed subdivision and future building sites mitigate sufficiently against natural hazards provided that vulnerable buildings and activities are not established within the flood hazard areas. The risk of fire hazard is also able to be avoided, as there are no areas of continuous vegetation nearby. Policy 10.4.9 is therefore met.

- ***Avoid sprawling or sporadic subdivision and development to the extent that is consistent with the other objectives and policies of the Plan.***

The lot sizes proposed fit within the existing range of subdivision and land use intensity and density in the wider General Coastal Zone environment in this location, therefore is not considered to be sprawling or sporadic in accord with policy 10.4.2.

- ***Promote sustainable management.***

The proposal is considered to represent a sustainable use of the land.

- ***Maintain and enhance public access to and along the coast, including in accordance with the Esplanade Priority Areas.***

The subject site does not adjoin the coastal marine area or any existing esplanade reserve areas. There are no identified opportunities to maintain or improve public access to and along the coast. Objective 10.3.4 and policies 10.4.1(g) and 10.4.4 are met.

General Coastal Zone

CONTEXT

The General Coastal Zone covers the largest area of all the zones in the coastal environment. This zone is generally rural with a coastal focus and natural character predominates. The General Coastal Zone includes controls on development to preserve the natural character of the coastal environment and protect it from inappropriate subdivision and use. Due to the potential vulnerability of the natural environment, more is expected from developers of land in this zone in the way of preserving, and restoring the environment as part of development proposals. The General Coastal Zone has controls aimed at preserving natural character and the restoration and enhancement of areas which may have been compromised by past land management practices. These controls reflect its coastal location and the inherent sensitivity of the coastal and adjoining marine environment and the vulnerability of these areas to change and development.

The existing character of this rolling rural landscape is influenced by built form albeit to a low density. Visually, it does not have a close relationship with the coastal marine environment, with views to Kerikeri Inlet from parts of the site being intervened by public roading, privately owned land and Scenic Reserve. The components of the subject site that contribute to its natural character are the wetland areas within this site – these have been modified through earlier earthworks for the formation of ponds as well as introduction of exotic vegetation.

OBJECTIVES

10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.

10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

POLICIES

10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

10.6.4.2 That the visual and landscape qualities of the coastal environment be protected from inappropriate subdivision, use and development.

10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and 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.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide 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.

10.6.4.6 The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.

In terms of Objective 10.6.3.1, the existing character of this rolling rural landscape is influenced by built form including residential and rural buildings, public roads, private accessways and driveways,

linear planting and hedging. The proposed subdivision will result in an outcome that will be consistent with the existing character and will not detract from the natural character values to any more than a very low level. The proposal will not change the attributes of the wetland area within the site, which will retain its existing level of natural character. Corresponding Policy 10.6.4.1 specifies that the zone should allow for a wide range of activities where their effects are compatible with the preservation of the natural character of the coastal environment, as per objectives 10.6.3.1 & 10.6.3.2. Potential effects of the subdivision on natural character will arise from the development stage of two additional lots – including individual lot earthworks, formation of vehicle access and future buildings. These can all maintain suitable buffer areas associated with the wetland areas. This will result in minor localised changes which will preserve the current level of natural character associated with the existing environment.

Objective 10.6.3.2 and policy 10.6.4.2 refer more specifically to the matter of national importance specified in section 6(a) of the RMA 1991. The preservation of coastal environment natural character provisions of the RMA are repeated in the NZCPS, which specifies that natural character should be preserved by encouraging development in areas already compromised, and avoiding sprawling or sporadic subdivision, use and development in the coastal environment. Relevant to Policy 10.6.4.2 is the fact that the subject site is not within the coastal environment in terms of the more recent Regional Policy Statement mapping. The existing character of the landscape is influenced by the low density built form already present, the small and localised changes will be consistent with the existing character. The character of the zone, and the wetland and river areas and their margins, are protected from inappropriate subdivision and future use as described in terms of section 6(a) and (c) of the RMA.

Again, the RPS does not map the site as being within the coastal environment, and it is also noted that the site is not an Outstanding Landscape and does not have high or outstanding natural character. This RPS mapping “*assists in the implementation of s6. Resource Management act and the New Zealand Coastal Policy Statement 2010 (NZCPS) by:*

- *Identifying the coastal environment;*
- *Identifying high and outstanding natural character areas (in the coastal environment); and*
- *Identifying outstanding natural features and landscapes.”*

(Explanation of RPS Policy 4.5.1).

Objective 10.6.3.3 reflects section 5(2)(a) of the RMA. The soil type at the site is limited in terms of its productive capability and is neither highly versatile nor highly productive. The LUC class 4 land type is not a scarce resource, and its use for the subdivision is considered to be efficient.

Commenting specifically on the listed techniques in Policy 10.6.4.3:

- (a) The proposed subdivision is located amongst clustered rural residential and rural lifestyle lots, including in the area bound by the southern boundary of Lot 3 and Rangitane Road, and to the west of Lot 1 off Magnolia Tree Way. Between these clusters is the occasional rural lot of varying size. The site does not have high or outstanding natural character and specific to this site, building sites are available that do not interfere with the parts of the site where natural character is higher. The landform will be retained and existing riparian vegetation will impose a structure on the site to reflect the landform features. Vegetation clearance is not required. Earthworks are not required at subdivision stage, but a small volume will be required at building consent stage to prepare building platforms and individual access. When considered in the context of the wider landscape, development of the additional lots will be insignificant in terms of their influence on the character of the landscape such that potential adverse landscape effect will be less than minor.
- (b) The proposal does not create any opportunities in terms of public access to the coastal marine area. The modified swampy creek has little recreational value for the public and esplanade areas are not considered an appropriate outcome for this subdivision.
- (c) There are no known aspects of the proposal that detract from the relationship of Māori with culture, traditions and taonga.
- (d) There are no known areas of historic heritage on the site.

The natural land form will be retained following earthworks to prepare future building sites, and there is no requirement for clearance of indigenous vegetation so as to avoid adverse effects. While the General Coastal Zone visual amenity rule remains applicable, future dwellings would require land use consent under this rule. As the purpose of the subdivision is to separate family interests in the land, no building sites have been proposed at this stage, with matters relating to visual amenity, being more appropriately addressed at lot development stage to satisfy Policy 10.6.4.4.

The Commentary gives further explanation of the General Coastal zone objectives and policies.

COMMENTARY

The objectives and policies of the General Coastal Zone are a subset of those for the coastal environment. As such they are aimed at a particular zone within the coastal environment and the particular constraints and opportunities inherent in the environment of that zone. They are intended to be as flexible, permissive and enabling as possible given the statutory requirement to preserve the natural character of the coastal environment.

This statutory requirement is given effect to by reducing the amount of built development that is allowed as of right compared with the Rural Production Zone. Also, the form of development is controlled in order to achieve the compatibility with the natural environment that is foreshadowed by the objectives and policies.

The objectives and policies recognise that some control or regulation of activities is necessary in order to ensure that environmental conditions are maintained. In addition however, they provide for flexibility through case by case assessments where activities do not comply with the rules.

There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). There are also areas such as Department of Conservation reserves that are particularly sensitive to increased traffic movements. Both of these require particular consideration in terms of the management of traffic effects.

Subdivision

Objectives and policies relating to Subdivision are commented on below.

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.

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.

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.

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.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

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.

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.*

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

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

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.

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.

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.

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

(b) result in increased demand for esplanade areas; or

(c) involve adverse effects on riparian areas; or

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

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.

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.

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.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

(c) encouragement of pedestrian and cycle use;

(d) access to alternative transport facilities;

(e) domestic or community renewable electricity generation and renewable energy use.

As detailed previously, the proposed activity is considered consistent with the objectives and policies of the General Coastal Zone.

The site does not include highly versatile soils. The life supporting capacity of the soil is maintained through minimisation of earthworks, and maintenance of wetland and a predominant pasture cover over the majority of the land. Overall, the proposed subdivision is an appropriate use of the land, which represents sustainable management, having regard to the range and scale of adverse and positive effects identified.

On site collection and storage of water for potable and fire fighting use, and onsite management of wastewater and stormwater can be achieved on the lots in such a way that avoids adverse effects on the environment. Electricity supply is available, although is not required to be supplied via consent conditions, and there are suitable building sites on the vacant lots that are able to be developed in accordance with energy efficient principles. Each lot has buildable area available outside of the river flood hazard areas.

The subdivision can proceed while avoiding adverse effects on the relevant values listed in Policy 13.4.1.

Vehicle access can be satisfactorily provided, using existing vehicle crossings off Rangitane Road. Given the rural location and lack of connecting footpaths and public walking tracks, the proposal is not considered to have any implications in terms of pedestrian access within the subdivision.

Wetland areas are already protected from stock by existing fencing, which will be retained. Existing arrangements for pest control will continue.

Esplanade reserves are not a requirement for this subdivision, which creates allotments exceeding 4ha.

The subject site does not include any known or recorded cultural sites.

The proposed subdivision retains the existing character of the environment and avoids disturbance or modification to existing wetlands, indicating consistency with the General Coastal Zone's objective and policy direction to preserve natural character.

6.4.2 Objectives and Policies - Far North Proposed District Plan - Appeals Version

Relevant objectives and policies are set out under the chapters 'Rural Production Zone' and 'Subdivision', and are commented on below, and it is concluded that the proposal will generally be consistent with the relevant strategies.

Rural Production Zone

OBJECTIVES

RPROZ-O1 The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O3 Land use and subdivision in the Rural Production zone:

- a. *protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. *protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. *does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. *does not exacerbate any natural hazards; and*
- e. *is able to be serviced by on-site infrastructure.*

RPROZ-O4 The rural character and amenity associated with a rural working environment is maintained.

POLICIES

RPROZ-P3 Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- a. *a predominance of primary production activities;*
- b. *low density development with generally low site coverage of buildings or structures;*
- c. *typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. *a diverse range of rural environments, rural character and amenity values throughout the District.*

RPROZ-P6 Avoid subdivision that:

- a. *results in the loss of highly productive land for use by farming activities;*
- b. *fragments land into parcel sizes that are no longer able to support farming activities, taking into account:*
- c. *the type of farming proposed; and*
- d. *whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*
- e. *provides for rural lifestyle living unless there is an environmental benefit.*

RPROZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. *whether the proposal will increase production potential in the zone;*
- b. *whether the activity relies on the productive nature of the soil;*
- c. *consistency with the scale and character of the rural environment;*

-
- d. *location, scale and design of buildings or structures;*
 - e. *for subdivision or non-primary production activities:*
 - i. *scale and compatibility with rural activities;*
 - ii. *potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. *the potential for loss of highly productive land, land sterilisation or fragmentation*
 - f. *at zone interfaces:*
 - i. *any setbacks, fencing, screening or landscaping required to address potential conflicts;*
 - ii. *the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
 - g. *the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
 - h. *the adequacy of roading infrastructure to service the proposed activity;*
 - i. *Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
 - j. *Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The above strategies give emphasis to the protection of primary production activities and highly productive land. As noted, the site does not contain highly productive land. Given the nature of the site and existing land use, including the land use on surrounding sites, it will not generate any reverse sensitivity effects.

Areas of the site subject to flooding will remain fenced as part of the wetland protection, and the proposal will not exacerbate natural hazards.

Each lot contains sufficient area to be serviced by onsite infrastructure.

The existing rural character and amenity values of the surrounding area, which are influenced by the predominance of low density residential activities, will be retained following the subdivision, including a low density of built development and existing open areas of pasture remaining the predominant characteristic, and pond and wetland areas being retained.

The size of the proposed lots is in accordance with the discretionary activity standard for subdivision in the Rural Production Zone, and they can continue to support low density grazing activities.

Subdivision

OBJECTIVES

SUB-O1 Subdivision results in the efficient use of land, which:

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

SUB-O2 Subdivision provides for the:

- a. *Protection of highly productive land; and*
- b. *Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.*

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

- a. *there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. *where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

POLICIES

SUB-P3 Provide for subdivision where it results in allotments that:

- a. *are consistent with the purpose, characteristics and qualities of the zone;*

-
- b. *comply with the minimum allotment sizes for each zone;*
 - c. *have an adequate size and appropriate shape to contain a building platform; and*
 - d. *have legal and physical access.*
- SUB-P5 *Require infrastructure to be provided in an integrated and comprehensive manner by:*
- a. *demonstrating that the subdivision will be appropriately serviced (including telecommunications) and integrated with existing and planned infrastructure if available; and*
 - b. *ensuring that the infrastructure is provided in accordance with the planned environment of the zone.*
- SUB-P6 *Require the vesting of esplanade reserves or esplanade strips when subdividing to specific allotment sizes land adjoining the coast or other qualifying waterbodies.*
- SUB-P11 *Consider the following matters where relevant when assessing and managing the effects of subdivision:*
- a. *the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate;*
 - b. *consistency with the scale, density, design and character of the environment and purpose of the zone;*
 - c. *the location, scale and design of buildings and structures;*
 - d. *the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
 - e. *managing natural hazards;*
 - f. *any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*
 - g. *any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The proposed subdivision is an efficient use of land and in accordance with the Rural Production Zone objectives. The proposed subdivision and future land use activity on Lots 1 - 3 can proceed, without generating any significant adverse impact on character, amenity values, heritage or cultural values, highly productive land, land use compatibility, and legal and physical property access. Electricity and telecommunications connections are not required as part of the subdivision consent. Provided that future vulnerable buildings and activities avoid the flood hazard area, with considerations of foundation design completed at building consent stage, the proposed subdivision will not increase natural hazard risk. The proposal does not create rural lifestyle sites in terms of Policy P8.

6.4.3 Weighting of Far North District Council Operative and Proposed District Plans

In terms of this proposed activity, it is considered that the outcomes sought under the Proposed District Plan frameworks should be afforded more weight, as they give effect to the more recent mapping of the coastal environment, which does not apply to this site.

6.5 Regional Plan for Northland (March 2026)

Long term stormwater management will be based on Regional Plan Rule C.6.4.2 and can comply with the permitted standard. No new stormwater diversions or discharges are required at subdivision stage.

The discharge of sewage effluent onto land is controlled by permitted activity rule C.6.1.3 of the Regional Plan. Given the area of each lot, including consideration of the area available outside of the wetland areas, it is feasible that a design that complies with that standard can be achieved. Therefore, an effluent field and reserve area can be located on Lots 1 - 3 in compliance with the current rules.

No consents are considered necessary for the proposed subdivision under the Regional Plan for this proposal, although careful design of future onsite wastewater and stormwater management systems and earthworks proposals, will be required.

6.6 Part 2 of the Resource Management Act 1991

PART 2 PURPOSE AND PRINCIPLES

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 wellbeing 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.*

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (h) *the management of significant risks from natural hazards.*

7 Other matters

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

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The proposed subdivision creates two additional allotments while avoiding subdivision of highly versatile soil / highly productive land. The subdivision is located where access will be readily available using existing vehicle crossings off Rangitane Road, and onsite servicing is feasible without generating adverse effects in terms of water quality. Further, the location of the proposed lots means that potential visual amenity and rural character effects are avoided with the existing framework of wetland vegetation being retained. Each lot has multiple building site options, avoiding areas of flood hazard. The proposal enables the social well-being of the property owners by splitting the family-owned land between the three parties with interests in it. As described above, it is considered that the proposal will promote sustainable management as per the purpose of the Act (Section 5).

The site is not within the coastal environment. The natural character of wetlands and riparian margins within the lots will continue to be preserved as a result of the subdivision, in accordance with Matter 6(a). The proposed subdivision and future use of the lots are considered to be appropriate activities.

Areas of potential river flood hazard coinciding with the lower areas of fenced wetlands, which will be set aside from vulnerable use and development, and development specific geotechnical investigation will be required at building consent stage. Significant risks arising from natural hazards are avoided.

The proposed subdivision is considered to be an efficient use of this land, which is not highly productive. The subdivision can proceed without detracting from existing amenity values, and the overall quality of the environment will be maintained.

The proposal has no known implications in terms of the Treaty of Waitangi.

Overall, the proposal is considered to be consistent with the purpose and principles of the Resource Management Act 1991.

7. Other Matters

Section 104(1)(c) requires the consent authority, subject to Part 2 of the Act, to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

7.1 Precedent Effect

The precedent resulting from granting a resource consent is an ‘other matter’ that Council may have regard to in considering an application for consent for a non-complying activity. As such, precedent effects are only relevant in terms of the Operative District Plan. The non-complying activity status does not of itself create a precedent effect; however, a relevant consideration is whether granting this consent, and the anticipation that like cases will be treated alike, will contribute to an adverse cumulative effect that follows from this activity.

The existing pattern of rural lifestyle and rural residential development in the wider area, including within the same zone setting, will be continued by the proposal allowing two additional lots to be accommodated without setting a wider precedent. It is noted that the proposed lot sizes are generally larger than all adjoining sites except for Lot 2 DP 426915, which is similarly sized to the proposed lot areas.

Further, it is noted that despite its General Coastal zoning, the site is not within the coastal environment in the latest Regional Policy Statement mapping, which has been prepared to give effect to the NZ Coastal Policy Statement.

For these reasons, it is considered that a precedent will not be created through the granting of this application due to its distinguishing features and circumstances. If Council is to grant consent, it would be due to this particular proposal demonstrating that it is acceptable in this respect and would not set a precedent that would guarantee approval of other future applications of a similar nature.

8. Consultation & Notification Assessment

8.1 Consultation

Department of Conservation has been contacted for their comments. Refer to the consultation record in **Appendix 4**. They advise that they have no comments.

8.2 Public Notification

Step 1: Public notification is not requested. Sections 95A(3)(b) and (c) do not apply.

Step 2: Public notification is not precluded.

Step 3: There are no relevant rules that require public notification, and the adverse effects of the proposal have been assessed as being less than minor, as set out in Section 5 of this Report. As such, public notification is not considered necessary.

Step 4: No special circumstances are considered to exist to warrant public notification.

8.3 Limited Notification

Step 1: There are no affected protected customary rights groups or affected customary marine title groups, the land is not subject to a statutory acknowledgement.

Step 2: Limited notification is not precluded.

Step 3: In accordance with section 95E of the Resource Management Act 1991, an assessment has been undertaken to determine whether any person is an affected person. The effects of the proposal on any person are considered to be less than minor for the reasons set out below.

The subdivision will create two additional rural allotments within an established rural and rural lifestyle environment. The proposed lots are large, each contains suitable land for future development outside the mapped flood hazard and wetland areas, and future buildings can be located to maintain appropriate separation from adjoining properties. The scale, density and character of the subdivision will not result in adverse privacy, dominance, shading, noise, rural character or amenity effects on adjoining owners or occupiers that are minor or more than minor.

Access will be obtained from existing vehicle crossings to Rangitane Road, with upgrades where required to meet Council engineering standards. The additional traffic generated by two additional household equivalents is modest and will be dispersed via existing access points. No new shared private accessway is proposed, and the proposal will not adversely affect the legal or physical access rights of neighbouring properties.

The proposal does not require earthworks, vegetation clearance, new stormwater discharges or works within wetland or pond areas at subdivision stage. The wetland and pond areas are already fenced off from stock, and future development can be located and serviced so that wastewater, stormwater and building works avoid adverse effects on those areas and on downstream receiving environments. No person is therefore considered to experience effects from ecological, freshwater, stormwater, wastewater or flood hazard matters that are minor or more than minor.

The proposed cancellation and partial cancellation of easements is limited to redundant or replacement easement arrangements associated with the subdivision. The cancellation of the existing water supply easement will only be implemented if the necessary approvals are obtained from the benefited landowners. On that basis, the easement changes will not adversely affect any person's existing legal interests.

Overall, having regard to the matters in section 95E, the proposal will not give rise to adverse effects on any person that are minor or more than minor. There are therefore no affected persons, and limited notification is not required.

Step 4: There are no special circumstances to warrant notification to any person.

8.4 Summary of Notification Assessment

As outlined above, we are of the opinion that the proposal satisfies the statutory requirements for non-notification, and we respectfully request that it be processed on that basis.

9. Conclusion

In terms of section 104, 104B and 104D of the Resource Management Act 1991, we consider that:

- the proposed activity achieves the “threshold test” set out in Section 104D(1) as:
 - the adverse effects of the activity on the environment resulting from the proposed activity are not more than minor and
 - the proposal is not contrary to the objectives and policies of the Operative District Plan or the Proposed District Plan.
- The proposal is not contrary to the Regional Policy Statement for Northland, the National Policy Statement for Highly Productive Land, the National Policy Statement for Indigenous Biodiversity or the National Policy Statement for Natural Hazards.
- The proposal is in accordance with the Purpose and Principles of the Resource Management Act 1991.

We also note that:

- The proposal has been assessed as satisfying the statutory requirements to proceed without notification.

For these reasons it is requested this application be considered to be a non-notified application, and that the Council grant consent to the proposal, subject to conditions and under delegated authority, as detailed in the application and supporting information.

Signed 
Natalie Watson,
Resource Planner

Date: 20 August 2026
WILLIAMS & KING
Kerikeri

10. Appendices

- Appendix 1** Scheme Plan
- Appendix 2** Record of Title
- Appendix 3** Top Energy Correspondence
- Appendix 4** Department of Conservation Consultation Record



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

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

Identifier **262922**
Land Registration District **North Auckland**
Date Issued 25 May 2006

Prior References
NA120B/963

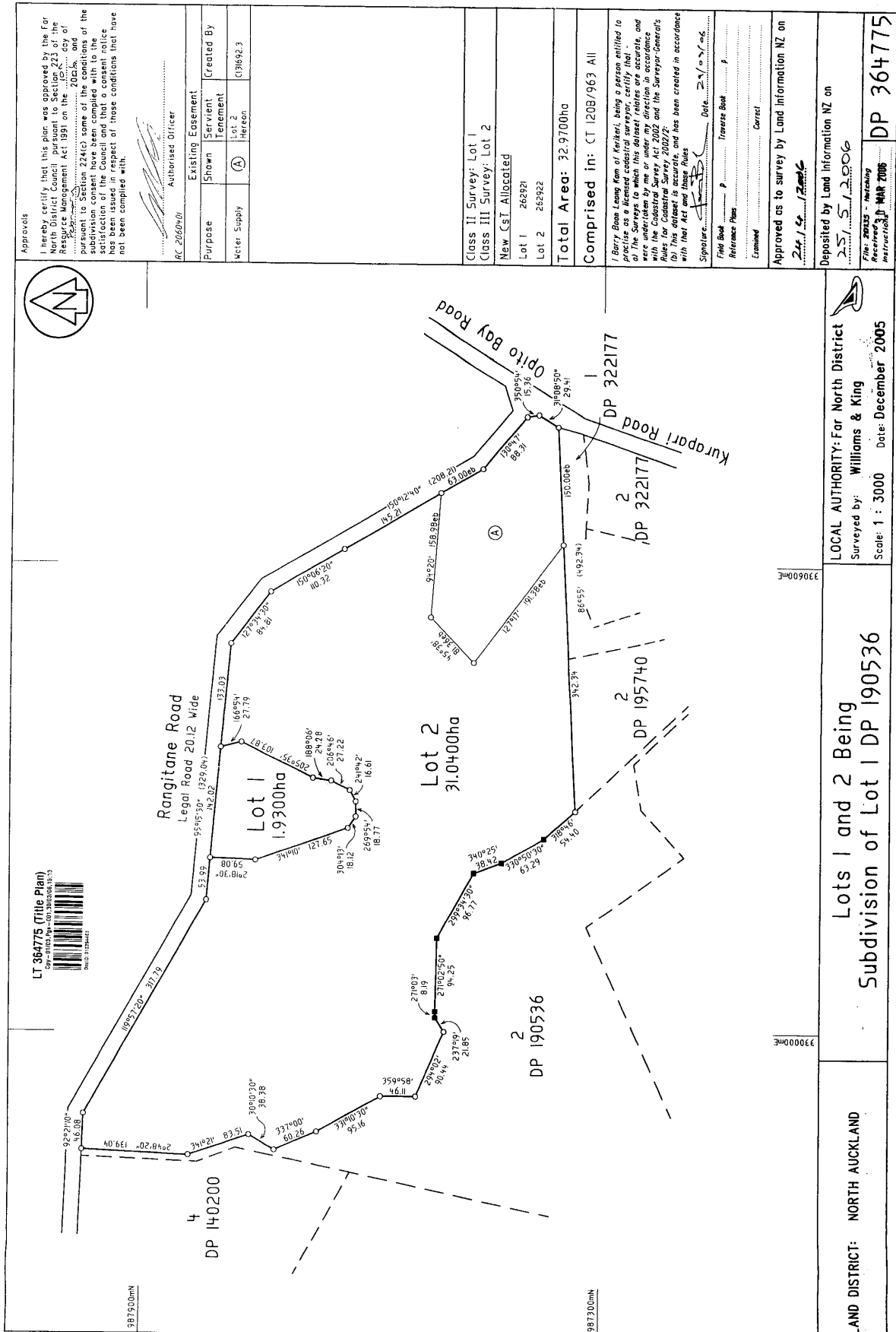
Estate Fee Simple
Area 31.0400 hectares more or less
Legal Description Lot 2 Deposited Plan 364775

Registered Owners

James Guy Ellingham, Deborah Ellingham and Spicers Trustee Company (2005) Limited as to a 1/3 share
Brian Hutching, Katherine Hutching and Maurice Hutching as to a 1/3 share
James Arthur Bennett Grey, Caroline Victoria Grey and Caitlin Anne Hutching as to a 1/3 share

Interests

Subject to Section 168A Coal Mines Act 1925
Subject to Section 8 Mining Act 1971
Subject to a water supply right over part marked A on DP 364775 specified in Easement Certificate C131692.3
The easements specified in Easement Certificate C131692.3 are subject to Section 309 (1) (a) Local Government Act 1974
Land Covenant in Deed D108782.4 - 17.2.1997 at 11.25 am
Appurtenant hereto are rights of way, and water supply, telecommunications and electricity rights specified in Easement Certificate D307237.3 - 2.9.1998 at 11.08 am
The easements specified in Easement Certificate D307237.3 are subject to Section 243 (a) Resource Management Act 1991
6879300.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 25.5.2006 at 9:00 am



C131692.3EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

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

I/We RUSSELL GEORGE DREADON Veterinary Surgeon, BRIAN DOUGLAS HEWLETT Farmer, both of Kerikeri, and CHARLES ROBERT ROWSELL of Auckland, Chartered Accountant

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 19 under No. 136198 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.

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		
Stormwater and Water Supply	Lot 2 DP 136198	A	Lot 4 DP 136198	80B/207
Water Supply	Lot 3 DP 136198	E	Lot 4 DP 123338	53A/72
Right of Way Electricity and Telephone	Lot 1 DP 97070	C	Lot 2 DP 136198	80B/205

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: **see annexed**

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

SIGNED by the abovenamed
CHARLES ROBERT ROWSELL
in the presence of:-

Witness

Occupation

Address

THE COMMON SEAL of LEVENE
& CO. LIMITED was hereunto
affixed in the presence of



Director

Director/Secretary

Dated this 2nd day of

April

19 90

Signed by the above-named RUSSELL
GEORGE DREADON and BRIAN
DOUGLAS HEWLETT

in the presence of

Witness

Occupation

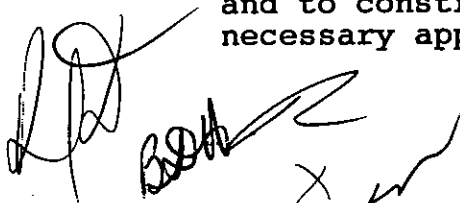
Address

L. Dreadon
+ B. Hewlett

1. Rights and Powers:

In addition to or in substitution for those set out in the Seventh Schedule of the Land Transfer Act 1952 that

- (a) In respect of the electricity and telephone easement over the area marked "C" (hereinafter called "the electricity and telephone easement") referred to in the Schedule hereto 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 and telephone current in a free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for the purposes of conveying electric power and telecommunications in under or above the land over which the electricity and telephone easement is created and to lay and maintain cables or to erect poles and cables for such purpose.
- (b) In respect of the stormwater and water supply easement over the area marked "A" (hereinafter called "the water easement") referred to in the Schedule hereto 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 water in an unlimited, free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for domestic and stock purposes only for the purposes of water supply and to discharge stormwater in under or above the land over which the water easement is created and to construct and maintain a dam (subject to any necessary approvals from the local authority and/or the Northland Regional Council) across a natural water course on that area, to pond water and to lay and maintain pipes and drains for such purposes.
- (c) In respect of the water supply easement over the area marked "B" (hereinafter called "the water supply easement") referred to in the Schedule hereto 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 water in an unlimited free and unimpeded flow (except where the flow is halted for any reasonable period necessary for essential repairs) for domestic and stock purposes only, for the purposes of water supply in under or above the land over which the water supply easement is created and to construct and maintain a dam (subject to any necessary approvals from the local authority and/or

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the Northland Regional Council) across a natural water course on that area, to pond water and to lay and maintain pipes for such purposes.

2. Terms Conditions Covenants or Restrictions in Respect of any of the above Easements:

- (a) In respect of the electricity and telephone easement over the area marked "C" (hereinafter called "the electricity and telephone Easement") referred to in the Schedule hereto the terms conditions covenants or restrictions applicable thereto are as follows:
 - (i) All cables placed within or such poles and cable erected upon the servient tenement shall be maintained and as required repaired to a good and serviceable condition by the registered proprietors for the time being of the dominant tenement.
 - (ii) All the costs and expenses of and incidental to the repairing and maintaining of the electricity and telephone easement shall be borne by the registered proprietors for the time being of the dominant tenement.
- (b) In respect of the stormwater and water supply easement over the area marked "A" (hereinafter called "the water easement") referred to in the Schedule hereto the terms, conditions, covenants or restrictions applicable thereto are as follows:
 - (i) All pipes placed within or upon the servient tenement shall be maintained and as required repaired to a good and serviceable condition by the registered proprietors for the time being of the dominant tenement.
 - (ii) All the costs and expenses of and incidental to the repairing and maintaining of the water easement shall be borne by the registered proprietors for the time being of the dominant tenement.
- (c) In respect of the water supply easement over the area marked "B" (hereinafter called "the water supply easement") referred to in the schedule hereto the terms conditions covenants or restrictions applicable thereto are as follows:
 - (i) The dam and all pipes erected upon the servient tenement shall be maintained and as required repaired to a good and serviceable condition by the registered proprietors for the time being of the dominant and servient tenements.
 - (ii) All the costs and expenses of and incidental to the repairing and maintaining of the water

[Handwritten signatures and initials]

supply easement and the use of electricity in such water supply shall be borne by the registered proprietors for the time being of the dominant and servient tenements in such proportions as shall bear to their respective usage of the water supply easement.

- (d) Any person carrying out any work whatsoever on the said easements 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.
 - (iii) 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 said easements 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 easements 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.
 - (iv) 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 pipes or dam this work shall be deemed to be maintenance work which may be carried out in accordance with these presents.

[Handwritten signatures and initials]

EASEMENT CERTIFICATE

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

Correct for the purposes of the
Land Transfer Act

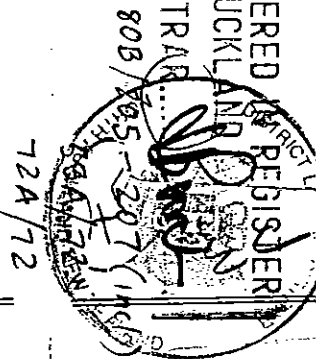
[Signature]
Solicitor for the registered proprietor

The "Stormwater" and "Water Supply" easements
hereindescribed when created will be subject to
Section 309(1)(a) Local Government Act 1974.

[Signature]
A.L.R.

Law North Partners
Solicitors
DX 10201
Private Bag
KERIKERI

12.11 27.APR90 C 131692
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR



2
3(4)

C 131692.3(4)

D108782.4
COV

DEED OF LAND COVENANT

de on the 4th day of February 1997

MAURICE REGINALD HUTCHING of Kerikeri, Farmer and
ANGELA HUTCHING his wife (hereinafter referred to as
"the Covenantor")

A N D LEWIS HOLDINGS LIMITED at Auckland (as to a one-half
share) and RUSSELL GEORGE DREADON of Kerikeri, retired
and CHARLES ROBERT ROWSELL of Auckland, Chartered
Accountant and DENNIS JOHN MCBREARTY of Paihia,
solicitor (jointly inter se as to a one-half share) as
tenants in common in the said shares (hereinafter
referred to as "the registered proprietor of the
Dominant Land")

WHEREAS

- A. The Covenantor is the registered proprietor of the land
contained in Certificate of Title 108B/381 and 108B/382
(hereinafter referred to as "the servient lots") and it is
the Covenantors intention to create for the benefit of the
registered proprietor of the Dominant Land being
Certificate of title 93A/992 (hereinafter referred to as
"the dominant land") the land covenant set out in Schedule
A hereto over the land in Certificate of title 108B/382
marked "B" on Lot 2 Deposited Plan 175942 and over the land
in Certificate of title 108B/381 marked "C" on Lot 1
Deposited Plan 175942.

AND WHEREAS

- B. It is the Covenantor's intention that the servient lots
shall be bound by the stipulations and restrictions set out
in Schedule A hereto and that the owners and occupiers for
the time being of the dominant lot may enforce the
observance of such stipulations against the owners for the
time being of the servient lots.

Handwritten signatures and initials at the bottom of the page, including "PRL", "X", "H", and "ALD".

In reply please quote: 5/1

Toitu te
Land whenua
Information
New Zealand



16 January 1997

Messrs S T Davies (Auckland) Ltd
Legal Agents
P O Box 1400
AUCKLAND 1

Attention: D S Davies

Dear Sirs

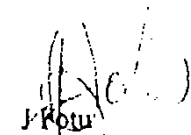
RE: Your Client: Law North Partners - Kerikeri - Hutchings - Land Covenant

I refer to your letter dated 14 January 1997.

I have examined the draft Deed of Land Covenant, and it appears to me to be acceptable for lodgement. The document should be headed Deed of Land Covenant.

The duplicates for both the servient and the dominant tenements will be required on lodgement.

Yours faithfully


J. Kotu

for District Land Registrar

Price Waterhouse
Building
41-43 Federal Street
Private Bag 92016
Auckland
New Zealand
Phone 0-9-377 1499
Fax 0-9-358-5072

6 March 1997

S.T. Davies
LTO Box 76
AUCKLAND

Dear Sirs

RE: Overpayment of Fees

Abstract No: D.108782 of 17th February 1997.

An overpayment of \$55.00 of fees has been overpaid on the above abstract.

This overpayment is available for crediting against your future registration or you may request a refund.

Yours faithfully



L Brock
for District Land Registrar

NB: If you wish to request a refund please return original Credit Note with your letter.

Price Waterhouse
Building
41-43 Federal Street
Private Bag 92016
Auckland
New Zealand
Phone 09-377-1499
Fax 09-358-5072

AND WHEREAS

- C. The registered proprietor of the Dominant Land hereby agrees that the covenant set out in Schedule A hereto is to run with the servient lots for the benefit of the dominant lot.

SCHEDULE A

Not to erect or permit to be erected any building or appurtenances exceeding a height of 55.30 metres (levels in terms of L & S Datum 1946 Origin: Rangitane No. 2 108.08 metres) nor to permit any trees, shrubs or plants to exceed a height of 55.30 metres (levels in terms of L & S Datum 1946 Origin: Rangitane No. 2 108.08 metres).

Signed in my presence
by the Covenantor
MAURICE REGINALD HUTCHING
ANGELA HUTCHING

Witness Signature: X
Witness Name:
Occupation:
Address:

[Signature]
A. Hutching
J.H. Adkins
J.H. ADKINS
- RETIRED
RD 1
RANGITANE

Signed for and on behalf of
LEWIS HOLDINGS LIMITED
as registered proprietor
of the dominant land
in the presence of:

[Signature]
Director/Secretary
[Signature]
Director/Secretary

Signature of Witness: X *R Findley*
Name of Witness: Rosemary Findley X
Occupation: Accountant X
Address: 4 Coronation Street X
Takapuna X
Auckland 9

[Handwritten initials and signature]

Signed in my presence by
the registered proprietor
of the Dominant Land
RUSSELL GEORGE DREADON

Signature of Witness:
Witness Name:
Occupation:
Address:

Rf Dreadon

JH Adkins

JH ADKINS

RETIRED

RD 1

RANGITANE

Signed in my presence
by the registered proprietor
of the Dominant Land
CHARLES ROBERT ROWSELL

Signature of Witness: *X R Findley X*
Witness Name: *X Rosemary Findley X*
Occupation: *Accountant*
Address: *X 4 Coronation Street X*
Takapuna Auckland 9

Signed in my presence
by the registered proprietor
of the Dominant Land
DENNIS JOHN McBREARTY
Signature of Witness: *JJ Johnson*

Witness Name: *JAN DOROTHY JOHNSON*
Occupation:
Address:

DJBrearty

Legal Executive to
LAW NORTH PARTNERS
Barristers & Solicitors,
KERIKERI.

WESTPAC BANKING CORPORATION as Mortgagee pursuant to Mortgage
C.176187.2 HEREBY CONSENTS to the within Land Covenant but
without prejudice to its rights, title, powers and remedies under
the said mortgage No. C.176187.2.

Dated this *4th* day of *February* 1997

Signed by

Westpac Banking Corporation

By its Attorney/s: **GUY JORDAN HAYWARD**
in the presence of:

Julia Catherine Clark
Solicitor
Wellington

WESTPAC BANKING CORPORATION
INCORPORATED IN
NEW SOUTH WALES, AUSTRALIA

WJD
JD

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

WE, Guy Jordan HAYWARD
AND Michelle Jean LUPING
both of Wellington in New Zealand, Bank Officers

HEREBY CERTIFY -

1. **THAT** by Deed dated the 10th July 1996 copies of which are deposited in the Land Registry Offices at -

AUCKLAND (North Auckland Registry) and there numbered D.043055.1
BLENHEIM (Marlborough Registry) and there numbered 187102
CHRISTCHURCH (Canterbury Registry) and there numbered A.257595/1
DUNEDIN (Otago Registry) and there numbered 915888
GISBORNE (Poverty Bay Registry) and there numbered G.212187.1
HAMILTON (South Auckland Registry) and there numbered B.367046
HOKITIKA (Westland Registry) and there numbered 105721
INVERCARGILL (Southland Registry) and there numbered 244294.1
NAPIER (Hawkes Bay Registry) and there numbered 646199.1
NELSON (Nelson Registry) and there numbered 361557.1
NEW PLYMOUTH (Taranaki Registry) and there numbered 435551
WELLINGTON (Wellington Registry) and there numbered 533510.1

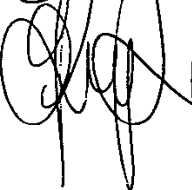
WESTPAC BANKING CORPORATION duly incorporated in the State of New South Wales of Commonwealth of Australia and having its principal place of business in New Zealand at 318-324 Lambton Quay Wellington and carrying on the business of banking appointed us its Attorneys on the terms and subject to the conditions set out in the said Deed and the attached document is executed by us under the powers thereby conferred.

2. **THAT** at the date hereof we were Manager Legal Services and Manager Legal Services respectively of the said Bank.

3. **THAT** at the date hereof we have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said **WESTPAC BANKING CORPORATION** or otherwise.

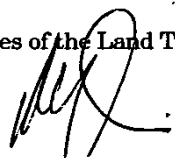
SIGNED at Wellington
this 4th day of
February 1997

)
)
)



DEED OF LAND COVENANT

Correct for the purposes of the Land Transfer Act 1952



SOLICITOR FOR THE COVENANTOR

M R & A HUTCHING

Covenantor

LEWIS HOLDINGS LTD, R G DREADON

C R ROWSELL & D J McBREARTY Registered
Proprietor of Dominant
Tenement

=====

Particulars entered in the Register as shown herein on
the date and at the time endorsed below.

.....
Assistant/District Land Registrar of the

District of.....
=====

LAW NORTH PARTNERS
SOLICITORS
KERIKERI



COV(1)



34/412
38/382
35/381

11.25 17.FEB97 D 108782
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
ASST LAND REGISTRAR



Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

D307237.3
EC.

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

W/We MAURICE REGINALD HUTCHING, ANGELA HUTCHING and WILLSON SCOTT
ANDERSON

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 19 98 under No. 190536 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. 190536

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 Water Supply and a right to Convey Telecommunications and Electricity	LOT 2 hereon	A	LOT 1 hereon	120B/964 120B/963
Right of Way and a Right to Convey Telecommunications and Electricity	LOT 2 hereon	D	LOT 1 hereon	120B/964 120B/963

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 implied covenants of the Ninth Schedule of the Property Law Act 1952 shall apply
- (b) See attached for Telecommunications and Electricity

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.

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.

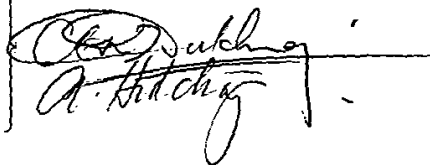
2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

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

(b) See attached for Telecommunications and Electricity

/ Dated this 18th day of September 1998

Signed by the above-named
MAURICE REGINALD HUTCHING
ANGELA HUTCHING

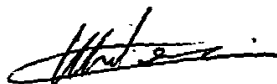


in the presence of

Witness

Occupation RICHARD ADRIAN AYTON
SOLICITOR
Address KERIKERI

/ Signed by the abovenamed
WILLSON SCOTT ANDERSON
in the presence of:



/ Witness: Lulaburn

Occupation: Clerk

Address: Totara North Rd. RD2, Kaeo.

EASEMENT CERTIFICATE

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

Correct for the purposes of the
Land Transfer Act

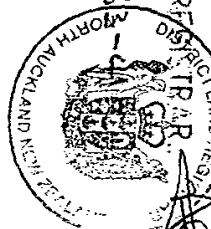
Solicitor for the registered proprietor

marked "A"

The ~~above~~/within easements when created will
be/~~are~~ subject to Section 243(a) Resource
Management Act 1991

for DLR

LAW NORTH PARTNERS
SOLICITORS
KERIKERI



11.08 02 SEP 98 D 307237-3
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
ASST. LAND REGISTRAR



LINZ COPY



Far North
District Council

CONO 6879300.1 Cons

Cpy - 01/03, Pgs - 002, 13/06/08, 15:02



DocID: 312507848

Private Bag 752, Memorial Ave

Kaikōhe 0400, New Zealand

Freephone: 0800 920 029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

Ref: Sec221/20135

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING:

Lots 1 and 2 being a Subdivision
of Lot 1 DP 190536, North
Auckland Land Registry.

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the Schedule below are to be complied with on a continuing basis by the subdividing owners and the subsequent owners after the deposit of the survey plan, and is to be registered on the appropriate new titles.

SCHEDULE

1. **Lot 1:** The landowners/occupiers of Lot 1 shall not keep or allow the introduction onto the site of carnivorous or omnivorous animals (such as cats, dogs or ferrets which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors. Pets that existed on the site as of 28th October 2005 may remain on site for the remainder of their life. Working dogs that are used for farming operations on Lot 2 may reside on Lot 1 until such time as Lots 1 & 2 are not used and farmed in conjunction by the same party.
2. **Lot 2:** The Landowners/occupiers of Lot 2 shall not keep or allow the introduction onto the site of carnivorous or omnivorous animals (such as cats, dogs or ferrets, but excluding working dogs used for the operation of farming activities) which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors

SIGNED

By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
RESOURCE CONSENTS MANAGER

DATE

10th February 2006

Landonline User ID

LAWNPKKE

LODGING FIRM: LAW NORTH PARTNERS

Address: DXAA21001

KERIKERI

Uplifting Box Number

ASSOCIATED FIRM:

Client Code / Ref:

MN43529JDJ

HEREWATH

Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Calc Sheets (#)

Survey Report

Dealing / STUD Number
(LINZ Use only)

Priority Barcode Title Stamp
(linz use only)

Plan Number Pre-Allocated or
to be Deposited

Rejected Dealing Number

LAND INFORMATION
NEW ZEALAND

25 MAY 2006

CONO 6879300.1 Cons
Cpy - 02/03, Pgs - 002, 13/06/06, 15-02
Copies
(inc. original)
DocID: 312507848

Priority Order	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
	NA120B/963	OCT	HUTCHING, HUTCHING & BELL	106.00			1	\$106		\$212.00
②										
①		COND								50
3										
4										
5										
6										

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Original Signatures? _____

Subtotal (for this page) ~~\$212.00~~
Total for this dealing ~~\$212.00~~

Less Fees paid on Dealing #

Cash/Cheque enclosed for

AK9873

262

Fees Receipt and Tax Invoice

GST Registered Number: 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

20 July 2026

Natalie Watson
Williams & King
PO Box 937
KERIKERI 0230

Email: nat@saps.co.nz

To Whom It May Concern:

PROPOSED SUBDIVISION

Brian Hutchings – Rangitane Road, Kerikeri. Lot 2 DP 364775.

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirement for this subdivision is nil. Design and costs to provide a power supply could be provided after application and an on-site survey have been completed.

Link to application: [Top Energy](#) | [Top Energy](#)

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

Yours sincerely



Aaron Birt
Planning and Design
E: aaron.birt@topenergy.co.nz

Natalie Watson

From: RMA <RMA@doc.govt.nz>
Sent: Wednesday, 29 July 2026 4:46 pm
To: Natalie Watson
Subject: FW: Consultation for Subdivision at 92 Rangitane Road

Importance: Low

Follow Up Flag: Follow up
Flag Status: Flagged

Kia Ora,

Your request for comments on the Resource Consent application from Brian Hutching was sent to RMA@doc.govt.nz with DOC reference NC.

The RMA team considered there are **no comments** regarding the proposal as described on 22 July 2026.

Thank you for your consideration for best interests of the Department.

If you have any questions regarding this email, please contact RMA@doc.govt.nz using the DOC reference number.

Kia pai to ra, tena koe

Trix Heigan

Statutory Process Officer – Resource Management | Whakahaerenga rauemi a te apiha tukanga ture
Hamilton Office | Kirikiriroa
Department of Conservation | Te Papa Atawhai
www.doc.govt.nz

Kia piki te oranga o te ao turoa, i roto i te ngatahitanga, ki Aotearoa.

To work with others to increase the value of conservation for New Zealanders.

www.doc.govt.nz



From: Natalie Watson <nat@saps.co.nz>
Sent: Wednesday, 22 July 2026 10:23 am
To: RMA <rma@doc.govt.nz>
Subject: Consultation for Subdivision at 92 Rangitane Road

Good morning,

Please find attached a scheme plan for a three lot subdivision at 92 Rangitane Road. The purpose of the proposal is to separate family interests in the property.

An existing consent notice banning cats and dogs, excluding working dogs, will come down on the new lots.

Wetland areas are fenced from stock. Existing fencing will be retained.

Please let me know if the Department of Conservation has any comments to make.

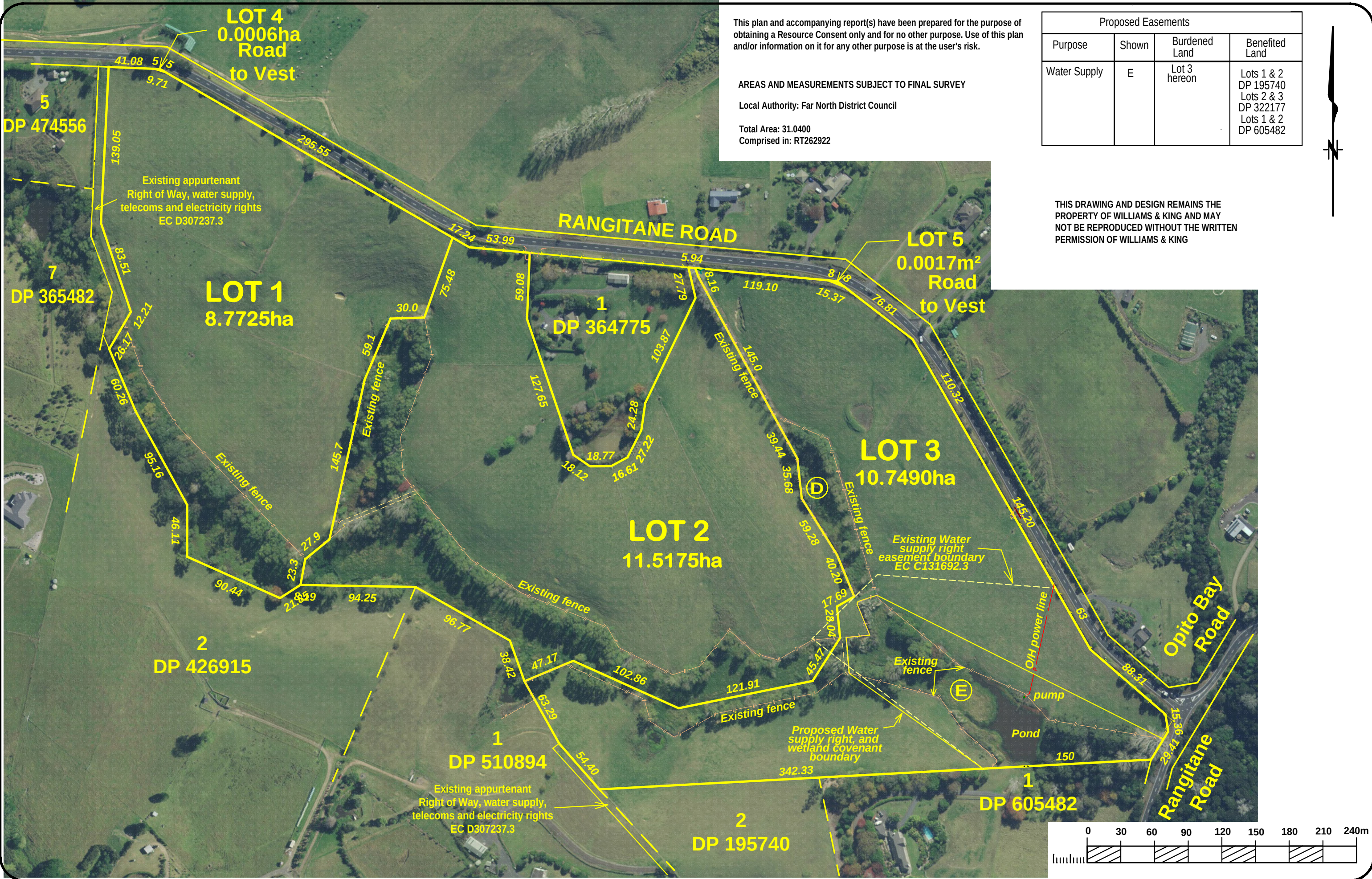
Kind regards,
Natalie Watson

WILLIAMS & KING
P +64 9 407 6030
27 Hobson Ave
P.O. Box 937, Kerikeri 0230, NZ
<http://www.saps.co.nz>

A Division of Survey & Planning Solutions (2010) Ltd This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.



Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.



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.

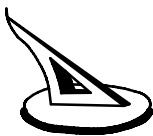
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council

Total Area: 31.0400
Comprised in: RT262922

Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Water Supply	E	Lot 3 hereon	Lots 1 & 2 DP 195740 Lots 2 & 3 DP 322177 Lots 1 & 2 DP 605482

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING



WILLIAMS AND KING
Registered Land Surveyors, Planners &
Land Development Consultants

Ph: (09) 407 6030 27 Hobson Ave
Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

PROPOSED SUBDIVISION OF LOT 2 DP 364775

Survey	Name	Date	ORIGINAL SCALE SHEET SIZE
Design			
Drawn	W & K	June 2026	1:3000 A3
Rev		Aug 2026	

24872

Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Water Supply	E	Lot 3 hereon	Lots 1 & 2 DP 195740 Lots 2 & 3 DP 322177 Lots 1 & 2 DP 605482

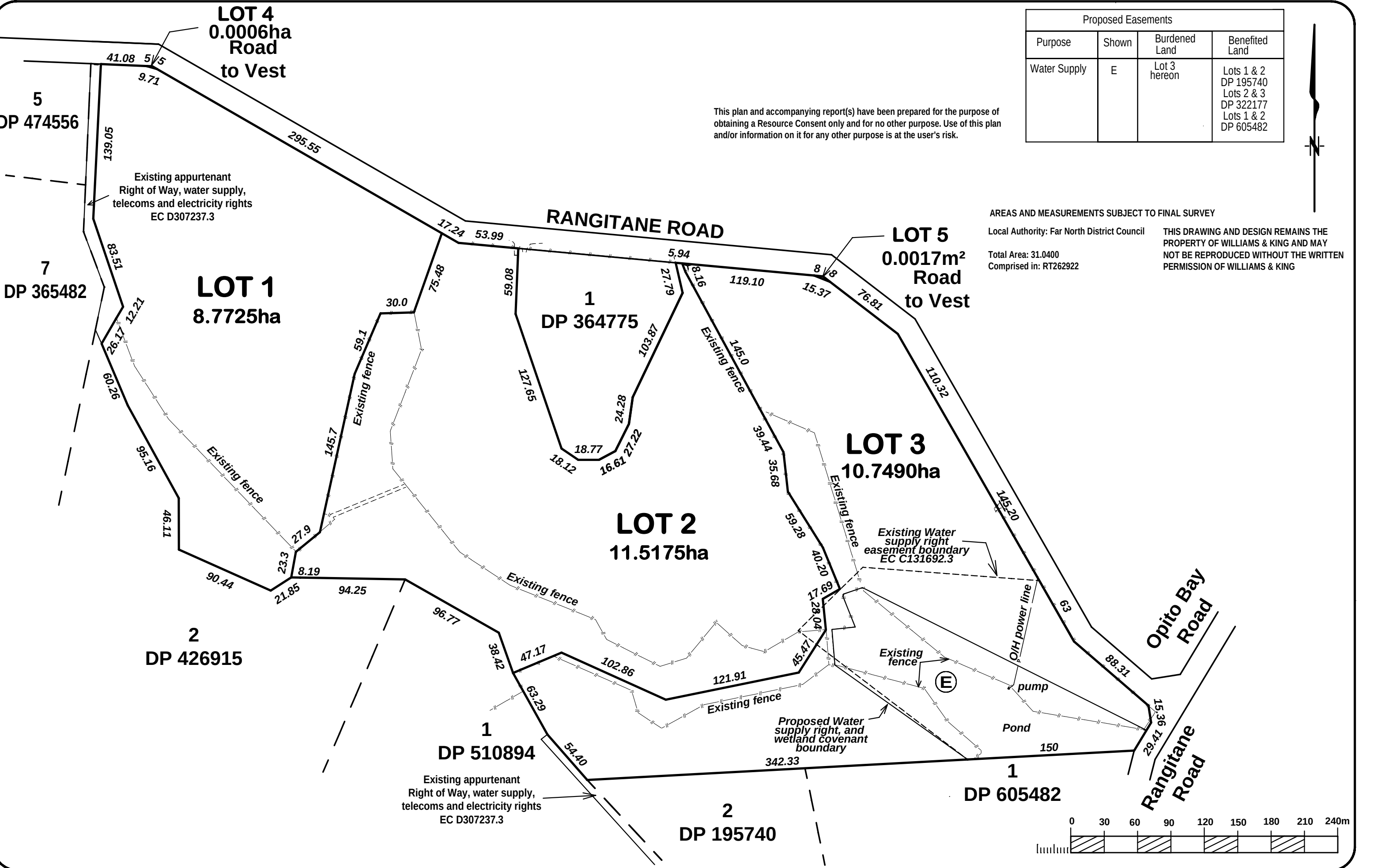
This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

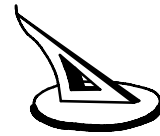
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council

Total Area: 31.0400
Comprised in: RT262922

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PO Box 937 Kerikeri

PROPOSED SUBDIVISION OF LOT 2 DP 364775

Survey	Name	Date	ORIGINAL	SCALE	SHEET
Design					
Drawn	W & K	June 2026			
Rev		Aug 2026			
			1:3000	A3	

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