



Our Reference: 10730.1 (FNDC)

30th May 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Boundary Adjustment Subdivision at 427 Hautapu Road – Esther Herbert

I am pleased to submit application on behalf of Esther Herbert, for a proposed boundary adjustment subdivision of land at Hautapu Road, zoned Rural Production. No additional titles will be created. The application is a restricted discretionary activity.

The application fee of \$2,967 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

☒ Yes ☐ No

4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Esther Herbert, (Phil and Anne Herbert Family Trust)

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

as per item 5 above.

**Property Address/
Location:**

427 Hautapu Road, R D 2, Kaikohe

Postcode

0472

8. Application Site Details

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

Name/s:	as per item 5 above		
Site Address/ Location:	427 Hautapu Road		
	Pakaraka, MOEREWA		
	<div>Postcode</div>		
Legal Description:	Lot 4 DP 78357	Val Number:	
Certificate of title:	NA54D/336		

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

Site visit requirements:

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

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

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

Please contact applicant in advance of any site visit - 021 606 698

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.

Boundary Adjustment subdivision in the Rural Production Zone, where no additional titles are created.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

☐ Yes ☒ No

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

(more than one circle can be ticked):

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

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

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

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

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

- ☒ Subdividing land ☐ Disturbing, removing or sampling soil
- ☐ Changing the use of a piece of land ☐ Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full) Phil and Anne Herbert Family Trust

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)

Esther Ruth Herbert

Signature:

(signature of bill payer)

Date 28/05/2025

MANDATORY

15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Esther Ruth Herbert

Signature:

Date 28/05/25

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

Checklist (please tick if information is provided)

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

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

Esther Herbert

BOUNDARY ADJUSTMENT SUBDIVISION

427 Hautapu Road, PAKARAKA

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

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

The applicant proposes to subdivide Lot 4 DP 78357, in Record of Title NA54D/336, whereby Lot 1 will be a separate Title with an area of 1.9ha, and containing existing built development, with the balance Lot 2 to be held with the adjacent Lot 1 DP 151156 in Record of Title NA90A/576 resulting in a combined area of just over 73ha. This is effectively changing the boundary between two titles, creating no additional titles, i.e. a boundary adjustment. There is no change proposed to the existing physical access. A scheme plan is attached in Appendix 1.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent from the Council for a boundary adjustment subdivision as a restricted discretionary activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location: 427 Hautapu Road, Pakaraka – refer Appendix 2 for
Location Map

Legal description & RT:	Lot 4 DP 78357, contained in Record of Title NA54D/336. Refer to Appendix 3. A copy of Record of Title NA90A/576 with which Lot 2 is to be amalgamated is also attached in Appendix 3.
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3.0 SITE DESCRIPTION

3.1 Physical characteristics

The site gains access off Hautapu Road and this will not change. The property being subdivided slopes downwards away from the road in a generally southerly direction. The dwelling, to be within Lot 1, is accessed via a driveway off Hautapu Road and sits down slope from the road.

The site is in grass with scattered vegetation. It does not contain any significant water courses or water bodies. Its southern boundary roughly follows a minor watercourse, flowing south to north.

3.2 Mapped features

The site is zoned Rural Production in the Operative District Plan (ODP), with no resource features. It is also zoned Rural Production in the Proposed District Plan (PDP), again with no resources.

The site is within a 'kiwi present' area. It contains no heritage or cultural resources, and no areas of significant indigenous vegetation. The site is not mapped as being subject to any hazard. The site does not contain any Highly Productive Land as defined under the National Policy Statement for HPL (no LUC Class 1, 2 or 3 soils).

3.3 Consent History

The site has the following building consent history:

BP 8157066 and BP 3997 – Building consent and associated plumbing and drainage permit for the dwelling to be within Lot 1, issued in 1977.

BP 10054477 – for a garage, issued in 1980.

BP 4023998 – for farm shed, issued in 1986.

BP 8012208 – for dwelling additions, issued in 1989.

BC-2008-932 – for minor internal alterations, issued in 2007.

The application site was created pursuant to 79686-TCPSUB, a subdivision issued in 1975.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION**Clauses 2 & 3: Information required in all applications**

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 6 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Sections 7 & 8 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is a boundary adjustment subdivision.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Nil required.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Section 7.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements,</i>	N/A.

<p>conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</p> <p>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</p> <p>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</p>	
<p>(4) An application for a subdivision consent must also include information that adequately defines the following:</p>	
<p>(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.</p>	<p>Refer to Scheme Plans in Appendix 1.</p>

Clause 6: Information required in assessment of environmental effects

<p>(1) An assessment of the activity's effects on the environment must include the following information:</p>	
<p>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or</p>	<p>Refer to Section 6. The activity will not result in any significant adverse effect on the environment.</p>

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

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

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant,</i>	Refer to section 6 for (a)-(d)

<i>the wider community, including any social, economic, or cultural effects:</i>	
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The application site is not subject to hazard to a degree that impacts on the proposal. The proposal does not involve hazardous installations.

5.0 COMPLIANCE ASSESSMENT

5.1 Operative District Plan (ODP)

The proposal seeks to subdivide a title whereby one of the lots is to be amalgamated with adjacent land – essentially a boundary adjustment. The proposal is assessed against Rule 13.7.1 of the ODP:

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

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

- (a) there is no change in the number and location of any access to the lots involved; and*
- (b) there is no increase in the number of certificates of title; and*
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and*

(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and

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

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

Part (a) is complied with as there is no change in the number or location of access to the lots;

Part (b) is met as there is no increase in the number of certificates of title (two for two);

Part (c) cannot be met. Proposed Lot 1 will be less than the controlled activity RP Zone minimum lot size.

Part (d) is met in that the properties involved are contiguous.

Part (e) is met as all boundary adjusted sites will be capable of complying with all relevant land use rules.

Part (f) is met as all existing on site drainage systems will be contained within the boundary adjusted titles.

In summary I consider the boundary adjustment to not be able to meet all parts of 13.7.1 and therefore requiring assessment against other sections of Chapter 13 of the ODP to determine activity status. The adjusted size of proposed Lot 1 cannot meet the controlled minimum lot size, being 1.9ha in area. The title is older than April 2000. Lot 1 is over 4000m² in area and Lot 2 is over 4ha in area. Therefore the boundary adjustment meets the restricted discretionary subdivision 3 lot option. This renders the proposal a **restricted discretionary subdivision activity**.

In terms of other rules in the ODP, I have not identified any breaches of zone rules. Whilst all the development is to be within new Lot 1 the proposed boundary change does not result in any breach of those rules. No district wide rules are breached. Access is directly off Council public road, metal surface. Crossings are existing.

5.2 Proposed District Plan (PDP)

The FNDC publicly notified its PDP on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity of the application under the Act.

Rules identified by the Council as having legal effect include:

- Hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.
- Heritage Area Overlays
- Historic Heritage rules and Schedule 2
- Notable Trees
- Sites and Areas of Significance to Maori
- Ecosystems and Indigenous Biodiversity
- Subdivision (specific parts)
- Activities on the surface of water
- Earthworks
- Signs
- Orongo Bay Zone

The proposal does not involve any of the above rules. In summary, I have not identified any breaches of rules in the PDP that have legal effect.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The assessment of environmental effects below includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, as required by Clause 2(3)(c) of Schedule 4 of the Act.

A restricted discretionary activity is described in s87A of the Act, clause (3).

If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a restricted discretionary activity, a resource consent is required for the activity and—

(a) the consent authority's power to decline a consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted (whether in its plan or proposed plan, a national environmental standard, or otherwise); and

(b) if granted, the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

It is also subject to s104C of the Act:

*(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider **only** those matters over which—*

(a) A discretion is restricted in national environmental standards or other regulations;

(b) It has restricted the exercise of its discretion in its plan or proposed plan;

*(3) if it grants the application, the consent authority may impose conditions under section 108 **only** for those matters over which –*

(a) A discretion is restricted in national environmental standards or other regulations;

(b) It has restricted the exercise of its discretion in its plan or proposed plan.

The subdivision meets the restricted discretionary number/size of lots specified in Table 13.7.2.1. Far North District Plan lays out in 13.8.1, the matters to which it restricts its discretion in determining whether to grant consent to a restricted discretionary activity, and then lays out the matters to which it will restrict its discretion when considering whether to impose conditions.

13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

..... In considering **whether or not to grant consent** on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under 13.8.1(a):
 - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under 13.8.1(b) or (c):
 - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
 - effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
 - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
 - the mitigation of fire hazards for health and safety of residents.

In considering **whether or not to impose conditions** on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in 13.7.3;
- (2) the matters listed in (i) and (ii) above

In the case of this application, the application is lodged pursuant to 13.8.1(b), and therefore clause (ii) applies:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;

The property is not within the coastal environment.

- effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;

There is no land administered by the Department of Conservation within 500m.

- effects on areas of significant indigenous flora and significant habitats of indigenous fauna;

There are no areas of significant indigenous flora or significant habitats of indigenous fauna on the application site.

- the mitigation of fire hazards for health and safety of residents.

There are no new or additional residential units proposed.

In summary, there are no grounds for the Council to refuse consent.

To assist in determining conditions of consent, the following AEE is offered.

6.1 Allotment Sizes and Dimensions

The proposed Lot 1 already supports a dwelling. The larger Lot 2 will become part of a large rural holding in excess of 70ha, easily able to accommodate a 30m x 30m buildable area complying with permitted activity setback requirements.

6.2 Natural and other hazards

The application site is not subject to any hazard and neither does this proposal intensify development. The site is not subject to erosion, flooding/inundation, alluvion or avulsion, landslip, rockfall, subsidence or fire hazard. The site is elevated sufficiently, and far enough inland, to not be affected by sea level rise. I am not aware of any contaminated land or any unconsolidated fill. In summary there is no reason pursuant to s106 of the Act as to why this application should not be granted.

6.3 Water Supply

No additional titles will be created. The existing dwelling will continue to source its water by whatever means it currently does so. Given the circumstances, there is no requirement for the imposition of the Council's usual consent notice in regard to fire fighting water supply.

6.4 Energy Supply & Telecommunications

Power and phone is not a requirement for rural subdivision. Notwithstanding that, the existing house is already serviced.

6.5 Stormwater Disposal

Whilst the size of the lot accommodating impermeable surfaces reduces, the percentage coverage remains easily within permitted activity thresholds. Given this, and the size of the other title that will be created, there is no requirement for any ongoing condition of consent in regard to stormwater management.

6.6 Sanitary Sewage Disposal

No additional titles will be created. The existing house has on site wastewater treatment and disposal. If the Council has a concern that it should be verified that the system is entirely within the proposed new lot boundaries, this can be a condition at s223 stage, prior to the survey plan being finalised. The other title is so large so as to not require any ongoing condition of consent in regard to future sanitary sewage systems.

6.7 Easements for any Purpose

Refer to Appendix 1. There are no existing easements and none are proposed.

6.8 Property Access

Access to the house is existing. Lot 2 is to be amalgamated with the adjacent Lot 1 DP 151156 which has frontage to Hautapu Road further south, via an existing access. The proposal will retain road frontage for Lot 2 at the northern boundary as well, but there is currently no formed crossing along this proposed frontage. The proposal does not require any additional crossing formed as part of this consent.

6.9 Effects of Earthworks

The proposal involves no earthworks.

6.10 Building Locations

There are no hazard based reasons why building sites should be restricted or where minimum floor levels need to be assessed and imposed. Lot 1 is already developed.

6.11 Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes

The sites contain none of the items listed in 13.7.3.9 (a)-(g). The site has no areas identified as outstanding landscape. No additional titles are created. The proposal will have no adverse effects on any heritage or cultural values. The site contains no significant indigenous vegetation or significant habitat of indigenous fauna. Whilst within a large area mapped as 'kiwi present' there is no need or justification to impose a ban on dogs and cats. The larger title resulting from this proposal will remain a working farm. I believe an Advice Note on the consent to be sufficient to advise the consent holder of the potential for kiwi to perhaps be present from time to time and that any dogs and cats kept on the titles should be tied up or kept inside at night accordingly.

6.12 Soil

The boundary adjustment does nothing to limit or threaten the life supporting capacity of soils. The status quo is retained in regard to the number of titles, the level of development and potential impermeable surface coverage overall. None of the site is mapped as containing highly productive land.

6.13 Access to Waterbodies

There is no qualifying waterbody to which esplanade access is required.

6.14 Land Use Incompatibility

Given that the boundary change does not increase the number of titles, and that there is existing development within the proposed smaller lot, there is little likelihood of increased risk of land use incompatibility issues arising.

6.15 Proximity to Airports

The sites are outside of the Kerikeri Airport Buffer area.

6.16 Natural Character of the Coastal Environment

The applications site is not in or near the coastal environment.

6.17 Cumulative and Precedent Effects

The proposal does not generate any cumulative effects because no additional titles are created. Proposals of this nature are reasonably common place in the rural environment and no adverse precedent is being set.

7.0 STATUTORY ASSESSMENT**7.1 Operative District Plan Objectives and Policies**

Objectives and policies relevant to this proposal are those in Chapter 13 Subdivision, and Chapter 8.6 Rural Production Zone.

The proposal promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate adjustment of titles that does not compromise the life-supporting capacity of air, water, or ecosystems, and adverse effects are capable of mitigation. The title areas remain consistent with those found in the Rural Production Zone (Objectives 13.3.1 and 2 and Policy 13.4.14).

The adjusted titles have ample scope for on-site wastewater treatment and disposal (existing in the case of the proposed Lot 1). The adjusted titles are, or will be, reliant on on-site water catchment and supply. On-site stormwater management is achievable (Objective 13.3.5 and related Policy 13.4.8).

I am not aware of any sites of significance to Māori or cultural values associated with the site. Building setbacks can readily meet requirements from overland flow paths. No major earthworks are required and no indigenous vegetation clearance is envisaged or required (Objective 13.3.7 and Policy 13.4.11)

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I believe the proposal is consistent with these

objectives, noting that no additional development is proposed in any event. Power and telecoms are not a requirement of rural subdivisions.

The site displays no known cultural or heritage values, nor any outstanding landscape values. The natural character values within the site are already protected. I do not believe the subdivision will prevent adjacent land uses from continuing to operate (Policy 13.4.1).

Safe and efficient access is already provided (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives include 8.6.3.1 (sustainable management); 8.6.3.2 (efficient use and development); 8.6.3.3 (maintenance of amenity values); 8.6.3.6-8.6.3.9 (reverse sensitivity and enabling rural production activities). For the reasons outlined earlier in this report, I consider the proposal to be consistent with all of these objectives.

Relevant policies include 8.6.4.1 (enabling a wide range of activities whilst avoiding, remedying or mitigating adverse effects, including reverse sensitivity); 8.6.4.2 and 8.6.4.3 (avoided, remedying or mitigating off-site effects and adverse effects on natural and physical resources); 8.6.4.4 (maintaining amenity values); 8.6.4.5 (efficient use and development); 8.6.4.7-8.6.4.9 (reverse sensitivity).

The proposed boundary adjustment subdivision promotes an efficient use and development of the land. Amenity values can be maintained (8.6.3.3). Given no additional development will result compared to what can occur now, reverse sensitivity effects are nil.

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, whilst avoiding the actual and potential adverse effects of conflicting land use activities. The proposal is a boundary adjustment subdivision and does not intensify built development overall. The immediate area supports an existing range of activities, including productive use and lifestyle residential. I am of the view that the proposal does not create additional land use incompatibility effects of a minor or more than minor nature.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be consistent with the Rural Production Zone objectives and policies.

7.2 Proposed District Plan Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) follows:

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.

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;
- b. esplanade where land adjoins the coastal marine area; and
- c. esplanade where land adjoins other qualifying water bodies

I consider the proposal to remain an efficient use of land. It does not remove land from being available for uses reliant on the soil. Whilst it is proposed to make one lot smaller, this lot contains existing built development. The proposal places the balance of the application title with an adjoining larger title, thereby enlarging a pastoral unit.

The proposal is in keeping with the local character and does not create adverse reverse sensitivity effects. The site is not subject to any hazard. Adverse effects on the environment are considered to be minor and capable of mitigation (SUB-O1).

The application site contains none of the features/values listed in SUB-O2(b). The titles already have, or will have access to Council road network and the ability to provide for on-site servicing (SUB-O3). No Esplanade Reserve is required (SUB-O4).

SUB-P1

Enable boundary adjustments that:

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

The proposal cannot be entirely consistent with the above policy. Creating a 1.9ha lot, whilst enlarging an existing rural allotment to 73ha in area does not technically meet (a)(i) in the above policy. However, parts (ii) and (iii) are readily met. Whilst not complying with minimum lot sizes, the sub-sized lot already has existing development, and the other title does meet

minimum lot size requirements. Access, infrastructure and esplanade provisions (where relevant) can be met. In summary the proposal is more consistent than not with SUB-P1.

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.*

The proposal is considered to be consistent with the purpose, characteristics and qualities of the zone, particularly in the immediate environs. The zone's purpose is production, with residential use a common complementary use, i.e. lot owners live on the land. The lots are of an appropriate shape and size to support development; and have legal and physical access. The proposal is not consistent with part (c) in that Lot 1 will not meet the minimum lot size applying the PDP's Rural Production zone, however this lot supports existing development so creates no additional effects. In addition, no additional titles are being created, so the overall density of development is unchanged.

SUB-P4

Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The proposal has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

Not relevant as the site is not zoned any of the zones referred to.

SUB-P6 *Require infrastructure to be provided in an integrated and comprehensive manner by:*

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
- b. ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.*

The site is reliant on existing on-site servicing. The site has access to Council road network.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No Esplanade Reserve is required.

SUB-P8 *Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:*

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
- b. will not result in the loss of versatile soils for primary production activities.*

Strictly speaking it could be argued that the proposal creates a rural lifestyle lot whilst increasing the size of a rural title. However, proposed Lot 1 already supports built development, so no new rural lifestyle use will result from this proposal. The proposal does not result in the loss of versatile soils for primary production activities.

SUB-P9

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The subdivision is not a Management Plan.

SUB-P10

To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

Not relevant. The proposal does not subdivide a minor residential unit from any principal residential unit.

SUB-P11

Manage 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. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- c. 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;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

As no consent is required under the PDP this policy is not overly relevant. Notwithstanding that, any relevant matters listed in SUB-P11 have been considered to the appropriate level.

In summary I believe the proposal to be more consistent than not with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan, and contains no resource features.

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.

The proposal does not impact unduly on the available of land for primary production. The land is not defined as 'highly productive' and the smaller title proposed already contains built development.

RPROZ-O2

The Rural Production zone is used for primary production activities, ancillary activities that

support primary production and other compatible activities that have a functional need to be in a rural environment.

This objective is in a zone chapter, not subdivision, and is aimed at 'activities'. The application is for a subdivision that does not pre-determine the activities to take place within each lot.

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.*

There is no highly productive land within the site. Given that it does not increase the number of titles and there is existing residential development, I do not believe the proposal creates any additional or adverse reverse sensitivity effects. The proposal does not exacerbate natural hazards and is able to be serviced by on-site infrastructure.

RPROZ-O4

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

The subdivision will not adversely impact on rural character and amenity.

RPROZ-P1

Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

The proposal is not for a primary production activity. It is a subdivision.

RPROZ-P2

Ensure the Rural Production zone provides for activities that require a rural location by:

- a. *enabling primary production activities as the predominant land use;*
- b. *enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

Refer to earlier comments in regard to Objectives.

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.

Refer to earlier comments in regard to reverse sensitivity.

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.

The subdivision is a low-density development, consistent with the level of density provided for by the ODP. The area is not dominated by high intensity agriculture or horticultural use – which are the type of uses that can generate reverse sensitivity issues if not managed. I believe the proposal will maintain the rural character and amenity of the area.

RPROZ-P5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;
- c. would result in the loss of productive capacity of highly productive land;
- d. would exacerbate natural hazards; and
- e. cannot provide appropriate on-site infrastructure.

N/A. Activity is not a land use.

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:
 - 1. the type of farming proposed; and
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
- c. provides for rural lifestyle living unless there is an environmental benefit.

The subdivision will not result in the loss of highly productive land as there is none. The proposed smaller title already contains built development.

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 proposal does not require consent under the PDP and is not a land use, so the policy is of limited relevance.

7.3 Part 2 Matters

Section 5:

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

Section 6:

The application site is not subject to, or affected by, any s6 matters.

Section 7:

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d) and (f). It is considered that the proposal represents efficient use and development of a site. The proposal will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the values of ecosystems.

Section 8:

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

7.4 National Policy Statements

The site being subdivided contains no LUC Class 1, 2 or 3 soils and is therefore not subject to the National Policy Statement for Highly Productive Land NPS-HPL.

The proposal does not give offence to, and is not contrary to, either the National Policy Statement for Freshwater Management or the National Policy Statement for Indigenous Biodiversity.

7.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS)

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant as there is no known current or historic land use that would render the land a 'piece of land' subject to that NES.

7.6 Regional Policy Statement for Northland (RPS)

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

The RPS also has policies ensuring that productive land is not subject to fragmentation and/or sterilisation to the point where productive capacity is materially reduced, and that reverse sensitivity effects be avoided, remedied or mitigated.

For the reasons outlined earlier in this report, the proposal is consistent with such policies.

8.0 s95A-E ASSESSMENT

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity (by definition in the Act). The s95E assessment below concludes that there are no affected persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

8.4 S95E Affected Persons

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


The activity is a restricted discretionary activity under the ODP with no additional titles created. Access is existing and unchanged. I have not identified any affected persons. No pre lodgement consultation is required with tangata whenua, Heritage NZ, or Department of Conservation.

9.0 CONCLUSION

The proposal is a change in title boundaries and does not create any additional titles. Effects on the wider environment are less than minor. The proposal is entirely consistent with the relevant objectives and policies of the Operative District Plan, and more consistent than not with the objectives and policies of the Proposed District Plan. It is consistent with any relevant national policy statement, and the Regional Policy Statement. The proposal is consistent with Part 2 of the Resource Management Act.

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

It is therefore requested that the Council grant approval to the proposal under delegated authority.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date

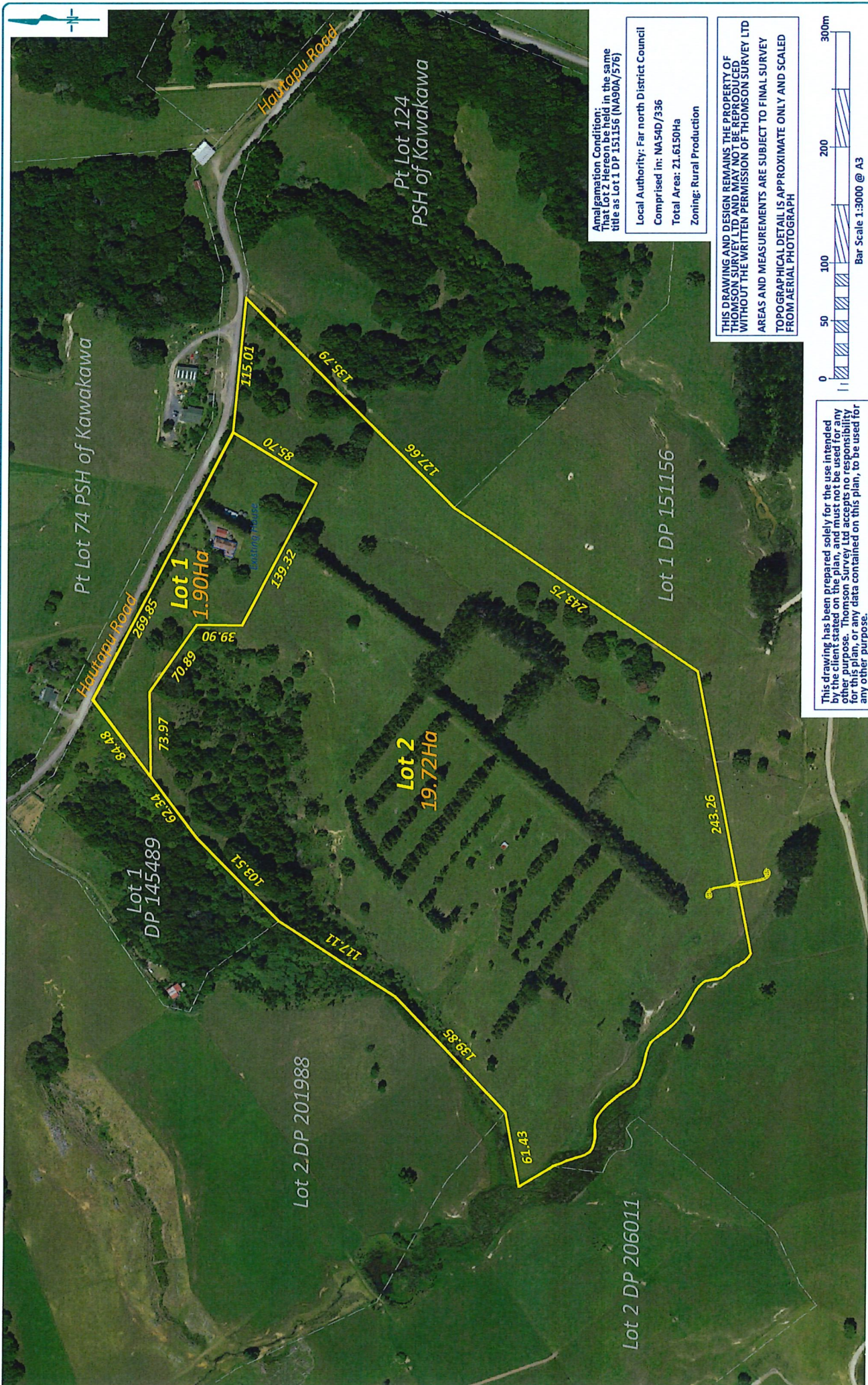
30th May 2025

10.0 APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	Location Map
Appendix 3	Records of Title and Relevant Instruments

Appendix 1

Scheme Plan(s)



Amalgamation Condition:
That Lot 2 Hereon be held in the same
title as Lot 1 DP 151156 (NA90A/576)

Local Authority: Far north District Council
Comprised in: NA54D/336
Total Area: 21.6150Ha
Zoning: Rural Production

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Surveyors Ref. No:	10730
Name	Date
Survey	
Design	
Drawn	EM 27.03.25
Approved	
Rev	TS 17.04.25
10730 SCHEME 25-04-17	
ORIGINAL SCALE	SHEET SIZE
1:3000	A3

Proposed Subdivision of Lot 4 DP 78357
427 Hautapu Road, Pakaraka, Moerewa
PREPARED FOR: E. Herbert

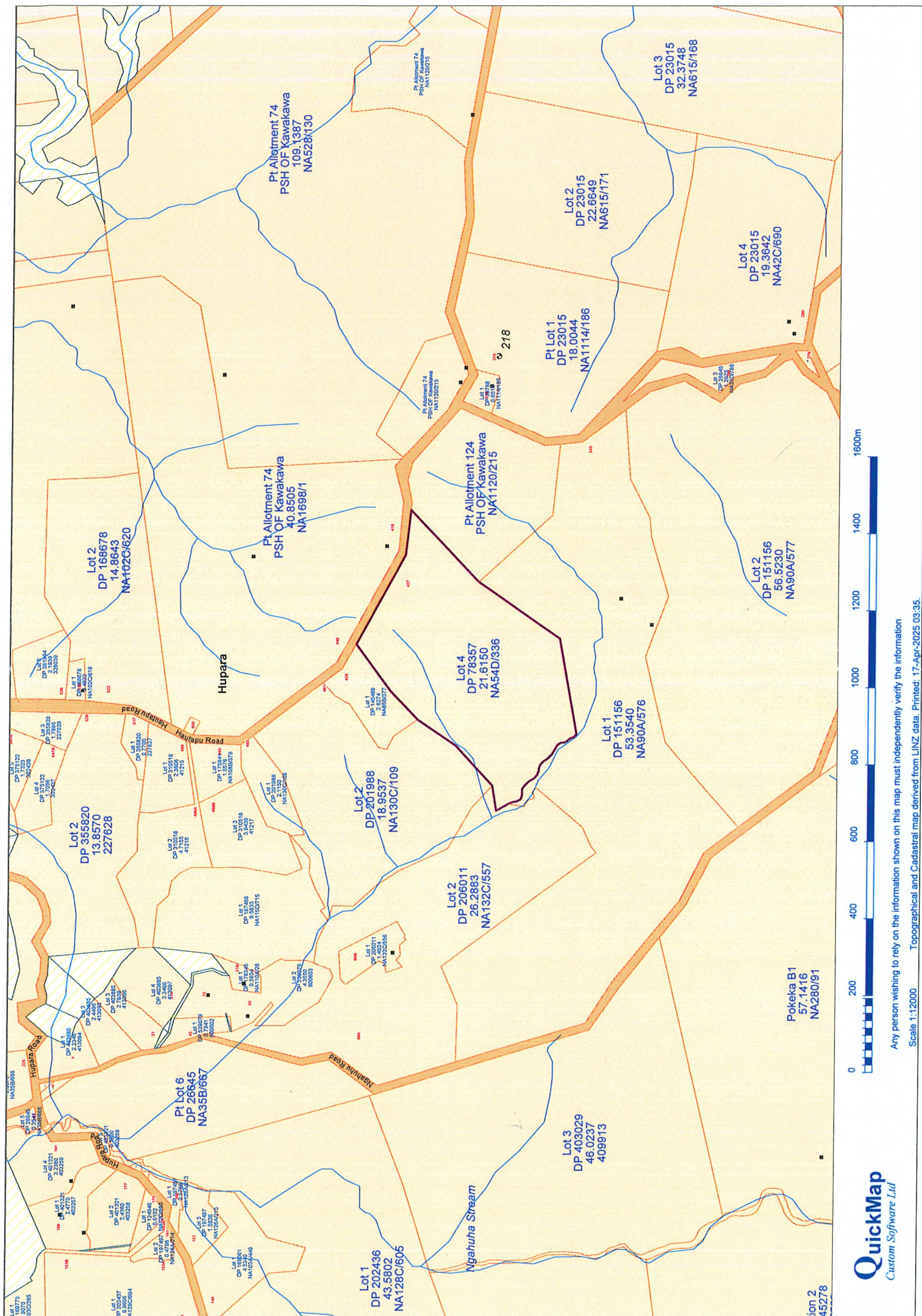


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REGISTERED SURVEYORS, PLANNERS & LAND DEVELOPMENT CONSULTANTS

Appendix 2

Location Map




Appendix 3

Records of Title and Relevant Instruments



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




R.W. Muir
Registrar-General
of Land

Identifier **NA54D/336**
Land Registration District **North Auckland**
Date Issued 15 September 1983

Prior References
NA34C/40

Estate	Fee Simple
Area	21.6150 hectares more or less
Legal Description	Lot 4 Deposited Plan 78357

Registered Owners
Anne Frances Herbert, Esther Ruth Herbert and Philip John Herbert

Interests

6591110.3 Mortgage to ASB Bank Limited - 29.9.2005 at 9:00 am

