

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

Yes No

2. Type of consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge: Total volume = <input type="text"/> m ³ |
| <input type="radio"/> Fast Track Land Use* | <i>Note: volumes >3m³ requires NRC Consent.</i> |
| <input type="radio"/> Change of Consent Notice (s.221(3)) | <input checked="" type="radio"/> Subdivision |
| <input type="radio"/> Certificate of Compliance (s.139) | <input type="radio"/> Existing Use Certificate (s.139A) |
| <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) <input type="text"/> | |

*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:

Samuel Lee

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:

Sam Lee

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:

Sam Lee

Property address/
location:

8. Application site details

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

Name/s:

Site address/
location:

290 Matauri Bay Road
Kaeo

Postcode

Legal description:

Lot 3 DP 524280

Val Number:

00125-09802

Certificate of title:

835964

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,

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.

Subdivision consent renewal

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)

Samuel Ross Lee

Email:

Phone number:

Postal address:

(or alternative method of service under section 358 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)

Samuel Ross Lee

Signature:

(signature of bill payer)

Date 29.06.26

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)

Samuel Ross Lee

Signature

Date 29.06.26

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.*

Samuel Lee
**PROPOSED RE APPROVAL OF SUBDIVISION
PURSUANT TO
FNDC OPERATIVE DISTRICT PLAN**
290 Matauri Bay Road, Kaeo
**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**
**Thomson Survey Ltd
Kerikeri**

1.0 THE PROPOSAL

In essence Council first approved a subdivision of the application site 30th August 2017 – RC 2180007. Copy attached as Appendix 4.

Stage 1 of RC 2180007 was completed with new titles issuing on 14th May 2020. Stage 2 was unable to be completed before RC 2180007 expired due to a Notice of Claim placed on the property around that time.

This application seeks the reapproval of Stage 2 creating a Lot of approximately 8000m² and the balance Lot being approx. 4.2Ha. The titles were older than April 2000, prior to Stage 1 of RC 2180007. Stage 2 of RC 2180007 further utilises subdivision allowance provided by the old title clause.

RC 2190552-RMACOM was processed by the Council as a restricted discretionary activity.

A copy of the Scheme Plan can be found in Appendix 1.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks re-approval consent for stage 2 of a previously granted subdivision, as a restricted discretionary activity subdivision. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location:	290 Matauri Bay Road, Kaeo - location map in Appendix 2
Legal description:	Lot 3 DP 524280
Records of Title:	RT 835964 being 5.4110Ha; copy attached in Appendix 3.

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The site is zoned Rural Production in both the Operative District Plan (ODP) and the Proposed District Plan (PDP), with no resource overlays/features applying in the ODP and a River Flood hazard area immediately adjacent to the Takou River– flowing north - south following the eastern boundary of Lot 2.

There is an existing shed building within Lot 3 consented around 2016/2017. Lot 2 has no buildings.

The land on Lot 2 is utilised for sheep grazing, and Lot 3 is used for sheep grazing and a part for growing organic grapes. The land is flat to gently rolling topography. The bush area on Lot 3 is already protected by consent notice that will remain.

The site is not subject to any significant natural hazards, with only the River at Lot 2 eastern boundary as potentially flooding slightly from its banks. The build area on Lot 2 is clear of the flood area indicated.

The property is within a kiwi present area. There are no archaeological sites, heritage sites, or Sites of Significance to Maori within the application site. The site displays no outstanding landscape or natural features.

Since the original application the NPS Highly Productive Land has been enacted. However, there are no LUC Class 1, 2 or 3 soils on the application site so no "highly productive land". As such the NPS Highly Productive Land does not apply and need not be considered.

3.2 Legal Interests on Titles

There are no legal interests over the property

3.3 Consent History

Building Consent history for the application site includes:
2016 BC-2017-381/0 – Implement Shed.

Subdivision Consent History for the application site includes:
2017 RC 2180007 Subdivision to create a total of 3 Titles (from 2 existing) in 2 stages

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 5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(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>	No other activities are part of the proposal. The application is for the re-approval of Stage 2 of a previously approved subdivision pursuant to the FNDC's ODP (& PDP should that document take legal effect prior to this consent being issued).
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	None are 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 Sections 5 and 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements,</i>	Refer to sections 3 & 5.

<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>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</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 methods for undertaking the activity:</p>	<p>Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.</p>

<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to Section 6 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report.
<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, the wider community, including any</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.

<i>social, economic, or cultural effects:</i>	
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The site has no high or outstanding landscape or natural character values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6. The subdivision has no effect on ecosystems or habitat.
<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>	Refer to Section 6. The site has no aesthetic, recreational, scientific, historical, spiritual or cultural values that I am aware of, that will be adversely affected by the act of subdividing.
<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 subdivision 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 subdivision site is not subject to hazard. The proposal does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The site is zoned Rural Production with no resource overlays applying. The following subdivision provisions apply:

Restricted Discretionary Activity Status

*A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of **sites** which existed at or prior to 28 April 2000..."*

Lot 2 is over 4000m² and Lot 3 is over 4ha, with the pre-stage 1 titles is dated 1959 & 1953. The subdivision is therefore a restricted discretionary subdivision activity.

Other Rules:

There are no rules in Chapter 12 of the ODP affected by this proposal. No outstanding landscapes or features; no indigenous vegetation clearance; no excavation or filling required that would breach any rules in Chapter 12.3; no natural hazards; no heritage / cultural values; and no waterbodies affected.

Access is off Matauri Bay Road, with Lot 3 having a sealed entrance to S6 & S6B standards, Lot 2 has a farm entrance that can be easily upgraded to meet councils engineering standards

In summary I have not identified any zone or district wide rule breaches.

5.2 Proposed District Plan (PDP)

The original consent was granted before the FNDC publicly notified its PDP on 27th July 2022.

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. This proposal involves no excavation/filling.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Oronga Bay Zone.

The PDP has now progressed to a point where hearings have concluded and the Hearings Panel are finalising Decisions on Submissions. The Council's website states that these Decisions on Submissions are being brought to Council for its meeting of 1st July 2026. In the event that this application is not granted prior to that date, the following compliance assessment is offered as part of the application:

The subdivision creates lots of less than 8ha in area, therefore in terms of the subdivision provisions, as publicly notified, the proposal would be a non complying activity. The unknown factor in this regard is whether the Hearings Panel accepts the Officers' Reports pertaining to minimum lot size, given that there were multiple submissions and strong opposition to the minimum lot sizes to apply to the Rural Production, particularly where that land is not highly productive land. A Weighting Assessment follows later in this report.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment Sizes and Dimensions

Both Lots can readily accommodate 30m x 30m building envelope. It should be noted that Lot 3 already supports an Implement Shed, and removable Cabin. Both lots are suitable for their intended use. The PDP contains the same 30m x 30m building envelope requirement, readily satisfied (SUB-S2).

6.2 Natural and Other Hazards

The site is not mapped as being subject to any hazard other than immediately adjacent to the River flowing north to south through the eastern portion of Lot 2. The larger Lot 3 is not subject to any hazards and none were identified in the processing of the previous subdivision consent. As both lots have, and can provide, building sites and access outside of any flood hazard area, the proposal is consistent with the PDP's subdivision provisions around hazards.

The lots can provide a residential unit building envelope within their boundaries where residential development can achieve at least a 20m separation distance between the unit and the dripline of any bush areas. There is a similar requirement in the PDP.

6.3 Water Supply

The sites are located outside of any Council's reticulated water supply area. As with the previously issued consents, a Consent Notice can be included to ensure sufficient and appropriate water supply should residential development occur. This is consistent with the requirements of the PDP's SUB-S3 in regard to water supply.

6.4 Energy Supply & Telecommunications

Power and telecommunications are not a requirement for rural allotments in the ODP. Officers' recommendations insofar as the PDP's SUB-S6 indicate no requirement for power and telecommunications in the Rural Production Zone either. The previously granted subdivision included a Consent Notice advising the future owner of Lot 3 that the subdivision consent did not require connections to power or telecommunications and therefore such connection would remain the responsibility of the lot owner.

6.5 Top Energy Transmission Lines

There is available top energy network along the road frontage of Matauri Bay Road should an owner wish to connect to the network in future.

6.6 Stormwater Disposal

There remains ample scope with both lots for more impermeable coverage, while still remaining well within the permitted activity 15% of total lot area. Stormwater management was not an issue of concern with the previously issued subdivisions with no conditions of consent considered necessary. The PDP's stormwater requirement can be met. In any event stormwater management is a matter better addressed at building consent stage, when details of proposed development are known, and stormwater management can be designed around that development.

6.7 Sanitary Sewage Disposal

See above. No existing sewage disposal systems exist. Previous TP58 reporting submitted as part of the original application to subdivide remain valid.

6.8 Property Access

As stated earlier, the two lots will each gain access off Matauri Bay Road. A right of way over the internal access to Lot 2 is shown.

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

Vegetation, fauna and landscape

There are areas of bush on the application site, which is also within a kiwi present area. The previously issued subdivision consent contained conditions in regard to both aspects. The consent holder was to show an area on Lot 3 to be subject to consent notice for the protection of flora and fauna. This was a stage 1 condition and has already been created on the existing titles. Refer to Appendix 4.

In addition to the protective covenant, a consent notice was proposed for Lot 3 whereby no more than two dogs were to be kept, and any dog was to be micro-chipped and have a current kiwi aversion trained certification. It is noted that this is no longer the standard

wording for kiwi present areas, and instead the Council now simply requires any dogs kept on a lot to be kept inside / restrained at night.

It is proposed that Lot 3 retains the current restrictions it has for Dogs, and Lot 2 to have a ban on Dogs.

The application site contains no outstanding landscapes or features.

Heritage/Cultural

The site does not contain any historic sites, nor any archaeological sites. Neither does the site contain any Sites of Cultural Significance to Maori (as scheduled in the ODP or PDP).

The proposal does not trigger any additional subdivision rule breaches in the PDP in regard to heritage, vegetation, fauna or landscape.

6.10 Access to waterbodies

Lot 2 is less than 4ha and adjoins a water body. An esplanade strip is proposed and shown on the scheme plan over the length of the River for Lot 2.

Lot 3 remains over 4ha and does not require esplanade.

6.11 Land use compatibility (reverse sensitivity)

The land is not highly productive and does not support intensive farming. It is a quiet, pleasant rural area, with rural amenity values. Such an area supports residential living scattered amongst larger holdings. I do not believe the proposal will result in any increased risk of reverse sensitivity issues arising.

6.12 Proximity to Airports

The site is outside of any identified buffer area associated with any airport.

6.13 Natural Character of the Coastal Environment

The site is not within the coastal environment.

6.14 Energy Efficiency and renewable Energy Development/Use

The proposal has not considered energy efficiency. This is an option for future lot owners

7.0 STATUTORY ASSESSMENT

7.1 Weighting Assessment

The PDP is at the point where decisions on submissions will shortly be publicly notified. At time of writing this report, the Hearings Panels' Decisions on those submissions were not known. There were a considerable number of submissions on the Rural Production zone provisions and subdivision provisions, with a lot of varied and dissenting comment and opinion

expressed in regard to the Council's approach to subdivision, with heavy emphasis on whether all Rural Production zoned land should be treated the same when it is clearly not the same, e.g. only a small portion of the zone is regarded/defined as highly productive land. The application site is not.

I believe there remains considerable uncertainty around the final content of the PDP's subdivision chapter in regard to the Rural Production Zone and as such I believe that the ODP should still carry more weight, particularly in regard to minimum lot sizes to apply.

7.2 Operative District Plan Objectives and Policies

The relevant objectives and policies in the ODP were assessed in the original application. As a controlled activity boundary adjustment subdivision, I consider the proposal to be entirely consistent with the ODP's subdivision objectives and policies.

Objectives

The subdivision is consistent with the purpose of the zone and promotes sustainable management of natural and physical resources 13.3.1). The Assessment of Environmental Effects and supporting report conclude that the proposed subdivision is appropriate for the site and that there are no adverse effects (13.3.2).

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site contains no such features.

The lots already are, and will be required to be self sufficient in terms of on-site water storage and appropriate stormwater management (13.3.5 & 13.4.8). The subdivision lots have legal access (13.3.10).

The site does not contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have no adverse impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga (13.3.7 and 13.4.11).

Policies

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

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

The proposal has adequately taken into account the matters listed in the above policy.

Access is existing (13.4.2 and 13.4.5). The site is not identified as being subject to any hazard that would impact on the ability to subdivide and develop the lots (13.4.3).

The site does not contain any heritage resources. Indigenous vegetation is to be protected (13.4.6).

S6 matters (National Importance) are addressed later in this report and any relevant matter listed in Policy 13.4.13 has been had regard to. The subdivision has had regard to the underlying zone's objectives and policies (13.4.14).

Rural Production Zone Objectives and Policies

The proposal enables the efficient use and development of rural land (including existing uses) (8.6.3.2 & 8.6.4.5). The proposed subdivision will not adversely affect the amenity values. Rural productive uses can continue (8.6.3.3 & 8.6.4.4).

The site has no outstanding landscape features or values. Indigenous vegetation is to be protected. I do not believe the proposal will generate any significant risk of reverse sensitivity issues arising (8.6.3.6 & 8.6.3.7; 8.6.4.7 & 8.6.4.8 & 8.6.4.9).

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

7.3 Proposed District Plan Objectives and Policies

The original consent was granted prior to the Proposed District Plan (PDP) being publicly notified. Any new application must be assessed against any relevant objectives and policies in the PDP. These include those pertaining to Subdivision and those pertaining to the Rural Production Zone. Whilst the site contains indigenous vegetation, this is already protected. No clearance of indigenous vegetation is proposed, and measures are proposed in regard to the control of dogs. Such measures mean that the proposal is consistent with the objectives and policies in the PDP relating to indigenous biodiversity.

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 subdivision to achieve the majority of the objectives of the relevant zone (Rural Production), and any/all relevant district wide provisions. Local character is not adversely affected; potential reverse sensitivity issues are less than minor; there is no risk from natural hazards. Adverse effects on the environment are considered to be less than minor and not requiring mitigation (SUB-O1).

The site does not contain land that meets the definition of 'highly productive land'. The site contains no ONF's or ONL's, nor any areas of high or outstanding natural character. There are no lakes or rivers, no Sites and Areas of Significance to Maori and no Historic Heritage resources/features within the site. There are areas of indigenous vegetation, proposed for protection (SUB-O2).

SUB-O3 and SUB-O4 are not relevant.

SUB-P1

Enable boundary adjustments that:

N/A.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

N/A.

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 subdivision is of land that already does not meet the PDP's proposed controlled or discretionary minimum allotment sizes for the Zone, as publicly notified. However these minimum lot sizes, especially where the land is not 'highly productive' are far from being beyond challenge in terms of the PDP process. The smaller lot has adequate size and is of an appropriate shape for a building platform, and has legal and physical access. The

characteristics of the zone is a working productive environment with residential living. In this sense, I consider the proposal to be consistent with that character. Overall, I believe the proposal to be consistent with most of the above policy.

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 subdivision 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....

N/A.

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 is in accordance the purpose, characteristics and qualities of the zone.*

The subdivision is rural with no nearby Council administered or operated infrastructure except for roads. The expectation for development within the Rural Production zone is that lots be self sufficient in terms of 3 waters servicing (on site management). This is achievable.

SUB- P7

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

Esplanade Strip is offered for Lot 2.

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.*

It is not possible to be consistent with this policy, as publicly notified, as there are no SNA's and a clear directive has already been made by the PDP Hearings Panel that the use of the term SNA be removed completely from the PDP. The proposal does, however, protect a reasonably large area of indigenous vegetation – refer to scheme plan – and in this sense the proposal is consistent with part (a). The proposal is totally consistent with part (b) in that there is no highly productive land (versatile soils) within the application site.

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.

N/A. This policy is directed towards management plan applications, which this is not.

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.

N/A.

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.

The general area features residential living set amongst rural productive use and bush areas. Density of built development is low. The proposal will see one additional small rural allotment with buffer productive (grazing) unit around it. I do not consider this to be inconsistent or detrimental to the existing scale, density, design or character of the environment.

There are no natural hazards in the vicinity of built development. There are no known historic heritage or cultural values or natural features/ landscapes within the application site. Indigenous vegetation within the eastern end of the large Lot 3 will remain protected. In summary I consider the proposal to be consistent with Policy 11 above.

The site is zoned Rural Production in the Proposed District Plan.

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-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.

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.

The subdivision does little to affect productivity. Additional Lot 2 is of poor grazing ability due to the shape and presence of rocks and boulders. The land is not mapped as containing any highly productive land (RPROZ-O1). The proposal is not a land use application so RPROZ-O2 is not relevant. The application property has no highly productive land and does not create reverse sensitivity effects of a minor or more than minor nature. The property is not subject to any natural hazard that precludes development. The lots support existing development with on site infrastructure (RPROZ-O3). The subdivision does not adversely affect the rural character and working environment, nor the amenity of the area (RPROZ-O4).

Policies**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.*

N/A – proposal is not a land use activity.

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.

Whilst there will likely be future residential building on each Lot, I do not see this as creating adverse reverse sensitivity effects given the size of the lots and the nature of the rural production activity.

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 proposal maintains rural character and amenity. Given the size of the balance lot, productive use (grazing) remains predominant. The proposal is overall low density.

RPROZ-P5

Avoid land use that:

Application is not a land use. N/A.

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 does not result in the loss of highly productive land (no LUC 1, 2 or 3 soils exist on the site). Whilst a lot of a size less than that provided for in the PDP as publicly notified, this is of no detrimental effect to overall productivity given the absence of any highly productive land. The proposal does create rural lifestyle opportunity but this should not be seen as a negative in the context of the location and productive capacity of the land. In addition, the proposal includes an area of bush subject to protection, along with restrictions on the keeping of dogs. In summary I do not consider this proposal to be a subdivision that needs to be 'avoided'.

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 will neither materially increase nor decrease the overall productive capacity of the site, noting its characteristics. There is no highly productive land within the site. The proposal is low density with less than minor effects on amenity. The proposal does not have any adverse effects on historic heritage or cultural values, natural features and landscapes; and indigenous biodiversity is protected by way of proposed protective covenant.

7.4 Part 2 Matters

5 Purpose

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

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

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;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

The only matter of national importance relevant to the proposal is the protection of significant indigenous vegetation – something that is proposed.

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—

- (a) kaitiakitanga;

-
- (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d), (f) and (g). Proposed layout and lot size will ensure the maintenance of amenity values and the quality of the environment. The proposal has had regard to the values of ecosystems.

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

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

7.5 National Policy Statements and National Environmental Standards

NES Freshwater

The proposal has no impact on any waterbody.

NPS Highly Productive Land

There is no land within the application site that meets the definition of "highly productive land". The proposal is therefore not subject to the NPS HPL.

NES Assessing and Management Contaminants in Soil to Protect Human Health

The site is not known to have ever supported a hazardous activity or industry. The Vineyard on the property was established by myself around 2017, and is operated as an organic and mostly spray free operation. The only sprays used are glyphosate for weeds and Associate 600 for gorse control.

NPS Indigenous Biodiversity

The proposal does not involve any clearance of indigenous vegetation and there is a proposal to protect a large area of indigenous vegetation.

7.6 Regional Policy Statement

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies. The RPS also contains objectives and policies about protecting highly versatile soils (of which there are none) and the protection of indigenous biodiversity – something included in the application for re-approval.

8.0 s95A-E ASSESSMENT & CONSULTATION

This application for re-approval does not alter anything from the consent previously issued. The original consent addressed consultation and the Council issued the consent under delegated authority on the basis of effects on the wider environment being no more than minor, and there being no affected persons. This has not changed. I believe there is no need to publicly or limited notify the application. I have not identified any new or additional affected persons.

9.0 SUGGESTED CONDITIONS OF CONSENT

The lapsed consent, contained conditions of consent that are still reasonably fit for purpose for this re-approval. Amendments/ updates could apply, largely around re-dated plans; and new standardised wording used by the Council. It remains the intent to carry out the subdivision as previously issued

Decision A – Subdivision

1. *The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Limited, referenced "Proposed Subdivision of Allotment 109 & Pt Allotment 21 PSH Kaeo" and dated [insert date on plans as submitted with application] and attached to this consent with the Council's "Approved Stamp" affixed to them.*
2. *The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:*
 - (a) All easements in the memorandum to be duly granted or reserved.*
 - (b) The area of bush located on Lot 3 as being subject to consent notice for the protection of flora and fauna.*
3. *Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:*

(a) Upgrade the existing entrance to lot 2 to provide an entrance which complies with the Council's Engineering Standard Drawings FNDC/S/6 and 6B, and section 3.3.17 of NZS4404:2004.

(b) Secure all conditions below by way of consent notice issued under Section 221 of the Act, to be registered against the titles of the affected allotments. The costs of preparing, checking and executing the Notice shall be met by the applicant.

- (i) It has not been a condition of consent of [insert new RC reference] to reticulate electricity or telecommunications to the boundary of the lot. The lot owner is responsible for the provision of a power supply to operate on-site aerobic wastewater treatment plant that is proposed to be installed, and any other device which requires electrical power to operate. Note: this does not preclude the use of passive renewable energy, e.g. solar, to generate the energy required to run such systems and devices.

(Lot 2)

- (ii) In conjunction with the construction of any buildings on the lot which includes a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with AS/NZS 1547:2012, or TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus an appropriately sized reserve disposal area in accordance with the requirements of the Regional Plan for Northland.

(Lot 2)

- (iii) Upon construction of any habitable building, and in addition to a potable water supply, sufficient water supply for firefighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards and more particularly with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008'. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ.

(Lot 2)

-
- (v) *No more than two dogs shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and be kept inside or within a run at night, and be under effective control at all times Any cat is to be neutered, microchipped and kept inside at night.*
(Lot 2)

Explanation: Standard consent notice conditions applied to Lot 2, Lot 3 to retain the existing consent notice conditions already registered on the title.

Decision B – Land Use

1. *The land use component of this application shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced [insert same reference as in condition 1 of Decision 1] and attached to this consent with the Council's "Approved Stamp" affixed to it.*

10.0 s104D GATEWAY TEST FOR NON COMPLYING ACTIVITIES

NB: This section will only apply should the Proposed District Plan take legal effect prior to the granting of this re-approval application, and should the Decisions on Submissions confirm non complying activity status for the subdivision.

S104D of the Act requires a consent authority to be satisfied of one or other, or both, of the following thresholds to be met, before it can consider granting consent.

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
- (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The application will not create adverse effects on the environment of a more than minor nature. I do not believe the application is contrary to the objectives and policies of the Operative District Plan and Proposed District Plans in their entirety or to the extent that the proposal should not proceed. I consider the proposal to meet at least one of the gateway tests, if not both.

11.0 CONCLUSION

The application is for the re-approval of a stage of a subdivision consented previously by the Council. The site is considered suitable for the proposed subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative and Proposed District Plans, and is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements. Part 2 of the Resource Management Act has been had regard to.

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

It is requested that the Council give favourable consideration to this application for re-approval, and grant consent.



Signed
Samuel Lee
Thomson Survey Ltd

Dated 29.06.2026

12.0 LIST OF APPENDICES

- Appendix 1** Scheme Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Records of Title & Relevant Instruments
- Appendix 4** Historic Consents and Approvals



**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

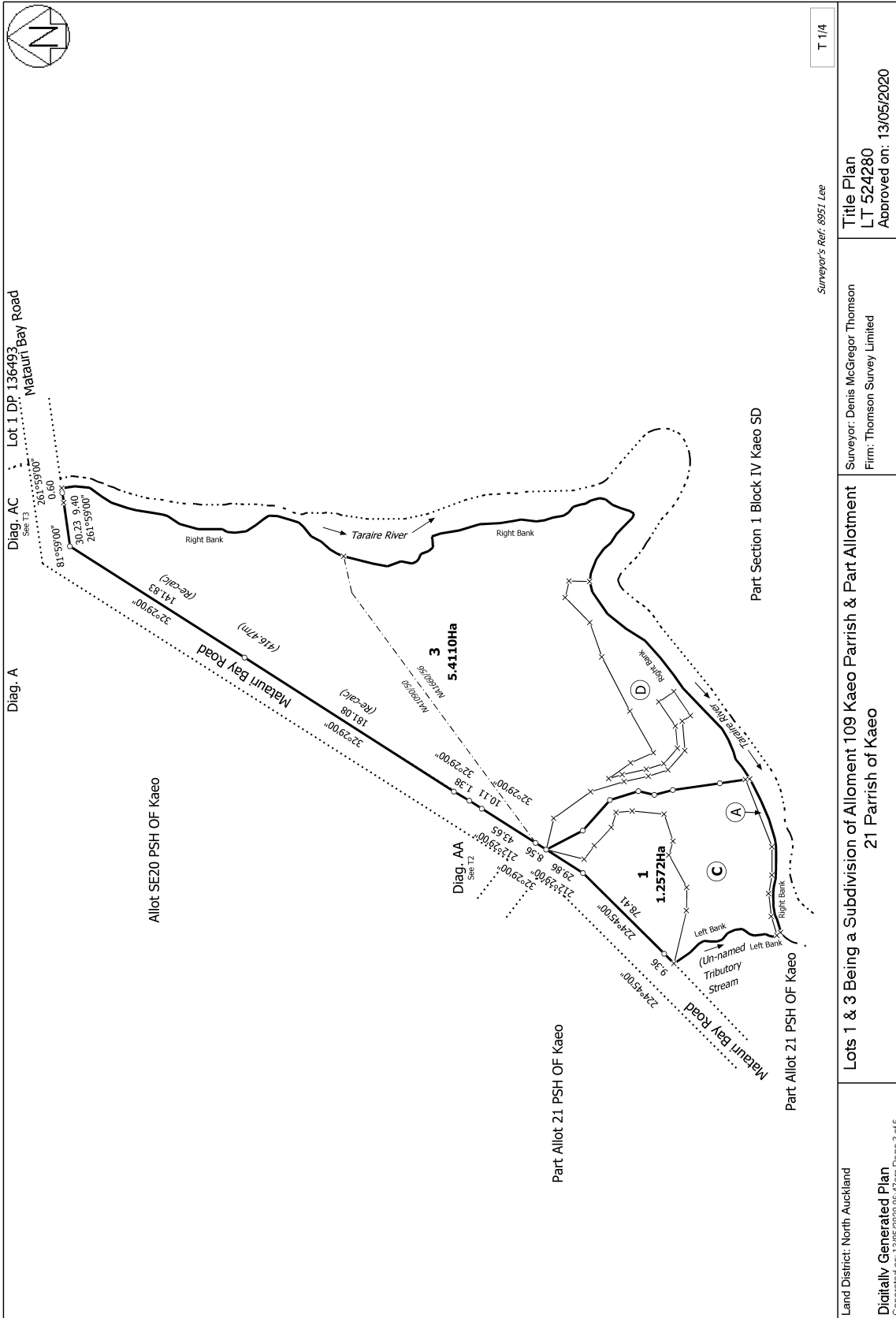
Identifier **835964**
Land Registration District **North Auckland**
Date Issued 14 May 2020

Prior References
NA1090/50 NA1660/56

Estate Fee Simple
Area 5.4110 hectares more or less
Legal Description Lot 3 Deposited Plan 524280
Registered Owners
Samuel Ross Lee

Interests

Subject to Section 59 Land Act 1948 (affects part formerly Allotment 109 Kaeo Parish)
Appurtenant hereto is a right of way (pedestrian) created by Easement Instrument 11640330.4 - 14.5.2020 at 2:16 pm
11640330.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.5.2020 at 2:16 pm
11640330.6 Mortgage to ASB Bank Limited - 14.5.2020 at 2:16 pm



T 1/4

Surveyor's Ref: 8951 Lee

Title Plan
LT 524280
Approved on: 13/05/2020

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Lots 1 & 3 Being a Subdivision of Allotment 109 Kaeo Parrish & Part Allotment 21 Parrish of Kaeo

Land District: North Auckland
Digitally Generated Plan
Generated on: 13/05/2020 06:47 am Page 3 of 6

View Instrument Details



Instrument No 11640330.4
Status Registered
Date & Time Lodged 14 May 2020 14:16
Lodged By Wills, Megan Jane
Instrument Type Easement Instrument



Affected Records of Title	Land District
835963	North Auckland
835964	North Auckland

Annexure Schedule Contains 6 Pages.

Grantor Certifications

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

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

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

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

Signature

Signed by Megan Jane Wills as Grantor Representative on 14/05/2020 02:14 PM

Grantee Certifications

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

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

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

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

Signature

Signed by Megan Jane Wills as Grantee Representative on 14/05/2020 02:14 PM

***** End of Report *****

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

2015/6246
 APPROVED
 Registrar-General of Land

Page 1 of pages

Grantor
Samuel Lee Ross

Grantee
Samuel Lee Ross

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

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

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way (Pedestrian)	"A"	Lot 1 DP 524280 (CR 835963)	Lot 3 DP 524280 (CR 835964)

SL ANN

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

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

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

~~[the provisions set out in Annexure Schedule "A"]~~

Covenant provisions

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

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

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

~~[Annexure Schedule _____]~~

S.L. ANN

SCHEDULE "A"

Terms and Conditions of Right of Way Easement

The rights and powers implied in the Right of Way Easement shall be those set out below in substitution for those in the Land Transfer Regulations 2002:

1.a. Definitions:

"**Easement**" means the pedestrian right of way to be granted on the terms and conditions contained herein;

"**Easement Land**" means the areas marked 'A' on Lot 1 DP 524280;

"**Grantee**" means the registered proprietor of the Dominant Land, and includes the agents, employees, contractors and other invitees of the Grantee;

"**Grantor**" means the registered proprietor of the Servient Land, and includes the agents, employees, contractors and other invitees of the Grantor;

"**Pedestrian**" and "on foot" includes the use of hand-propelled and electric powered vehicles used by any infirm, disabled or elderly grantee;

"**Servient Land**" means the parts of the Grantor's land marked "A";

"**Vehicle**" has the same meaning as motor vehicle as that term is defined in the Personal Properties Securities Act 1999; and

"**Working Day**" has that meaning given to it in the Property Law Act 2007.

b. Interpretation:

a. Headings

Section, clause and other headings are for ease of reference only and will not affect the interpretation of this instrument.

b. Negative Obligations

Any obligation not to do anything includes an obligation not to suffer, permit or cause that thing to be done.

c. Statutes and Regulations

Reference to any statutory provision includes any statutory provision which amends or replaces it and any subordinate legislation made under it.

c. Pedestrian Access:

a. The Grantor grants to the Grantee the right, in common with the Grantor and other persons to whom the Grantor may grant similar rights, a pedestrian right of way in perpetuity to pass and repass on foot only at all times of the day and night over the Easement Land.

b. The Grantee covenants:

i. Only to pass and repass on foot and without Vehicles over the Easement Land;

ii. Not to erect any structure on any part of the Easement Land; and

S.L. AMJ

iii. Not to obstruct the use and enjoyment of the Easement Land.

d. General Rights

- a. The Easement is for pedestrian use only except where machinery or vehicles are required for any repair or maintenance of the Easement Land.
- b. The Grantor or the Grantee must not do and must not allow to be done on the Easement Land anything that may interfere with or restrict the rights of any other party or interfere with the efficient operation of the Easement.
- c. Whenever the Grantor and Grantee are required to act unanimously in relation to any matter contained in this Agreement this shall oblige each of the parties to act reasonably and not unreasonably withhold consent to an approval, variation, redesignation or substitution as the context requires provided that it:
 - i. does not derogate from the Easement;
 - ii. is for the benefit of the Easement Land generally; and
 - iii. is not in breach of the obligations contained in this Agreement.
- d. Unless the context requires otherwise, the Easement referred to in this Agreement, together with all relevant terms and conditions, shall be binding on any lessee, occupier or licensee of the Servient Land.
- e. Where there is a conflict between the terms of this Instrument and the Land Transfer Regulations 2002 the terms of this Agreement will prevail.

e. Repair and Maintenance Costs

- a. The Grantee is responsible for arranging the repair and maintenance of the Easement Land, and for any associated costs, so as to keep the Easement clean and tidy, in good order, well and substantially repaired and maintained for pedestrian use.
- b. Any repair or maintenance of the Easement Land that is necessary because of any act or omission of either the Grantor or the Grantee (including any agent, employee, contractor or invitees of such persons) must be carried out promptly by that person at the sole cost of that person (or in such proportion as relates to that act or omission) with the balance of any costs being payable in accordance with subclause (e)(a).
- c. The party responsible for maintenance under subclause (e)(a) or subclause (e)(b) (as the case may be) must meet any associated regulatory requirements of the relevant territorial authority.

f. Rights of Entry

- a. For the purposes of performing any duty or in the exercise of any rights conferred under this Instrument implied in any easement, the Grantee may:
 - i. enter upon the Easement Land by a reasonable route and with all necessary tools, vehicles and equipment;
 - ii. remain on the Easement Land for a reasonable time for the sole purpose of completing the necessary work; and

S.L. KAW

- iii. leave any vehicles or equipment on the Easement Land for a reasonable time if work is proceeding.
 - b. The Grantee must ensure that as little damage or disturbance as possible is caused to the Easement Land and to the Grantor.
 - c. The Grantee must ensure that all work is performed in a proper and workmanlike manner and appropriate materials are used.
 - d. The Grantee must ensure that all work complies with all relevant statutory or Council regulatory requirements.
 - e. The Grantee must ensure that all work is completed promptly.
 - f. The Grantee must immediately make good any damage done to the Easement Land by restoring the surface of the land as nearly as possible to its former condition.
 - g. The Grantee must compensate the Grantor for all damage caused by the work to any other part of the Servient Land.
 - h. The Grantor reserves the right to restrict access to the Easement Land for any period where the Grantor is undertaking repair or maintenance on the Servient Land.
- g. Default
- a. If the Grantor or the Grantee does not meet the obligations implied or specified in any Easement or this Instrument:
 - i. the party not in default may serve on the defaulting party written notice requiring the defaulting party to meet a specific obligation and stating that, after the expiration of seven Working Days from service of the notice of default, the other party may meet the obligation;
 - ii. if, at the expiry of the seven Working Day period, the party in default has not met the obligation, the other party may:
 - 1. meet the obligation; and
 - 2. for that purpose, enter the Easement Land;
 - iii. the party in default is liable to pay the other party not in default, as a liquidated debt, any money payable under the clause;
 - iv. the other party may recover from the party in default, as a liquidated debt, any money payable under the clause; and
 - v. the other party may set off all such costs and expenses against any moneys which may otherwise be payable by the party not in default to the party in default.
- h. Disputes
- The provisions of section 14 of Schedule 4 of the Land Transfer Regulations 2002 are deleted and replaced as follows:
- a. The parties agree that this clause applies to any dispute between the parties in connection with the Easement or this Agreement.

S.L. - AMW

- b. If a dispute arises between the parties, no party may start proceedings in relation to the dispute (unless that party seeks urgent interlocutory relief) without first complying with this clause.
- c. A party claiming that a dispute has arisen must give written notice to the other party specifying the matter in dispute.
- d. After a party has given a notice under clause 1(h)(c), each party must nominate one person who will have authority to settle the dispute. The nominated persons must try in good faith to resolve the dispute within 10 Working Days of their nomination.
- e. If the dispute is not resolved under clause 1(h)(d) within a further 20 Working Days after the appointment of a mediator, any party may then require the dispute to be referred to arbitration. If this clause is invoked:
 - i. The dispute will be referred to arbitration by a sole arbitrator in accordance with the Arbitration Act 1996. If the parties cannot agree on the identity of the arbitrator within 5 Working Days from the date on which the dispute is referred to arbitration, then the arbitrator will be appointed by the President or a Vice President for the time being of the New Zealand Law Society, upon the application of any party.
 - ii. The arbitration will take place in New Zealand.
 - iii. The award in the arbitration will be final and binding on the parties and shall be subject to no appeal; and
 - iv. The arbitrator shall make a costs determination as to who should bear the costs of each party to the arbitration and as to the arbitrator's costs.

View Instrument Details



Instrument No 11640330.5
Status Registered
Date & Time Lodged 14 May 2020 14:16
Lodged By Wills, Megan Jane
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
835963	North Auckland
835964	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Megan Jane Wills as Territorial Authority Representative on 19/06/2020 11:16 AM

***** End of Report *****



Pivota Bay 752, Memorial Ave
Kirkcaldie 0440, New Zealand
Trefephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

Te Kaitiaki Take Kōwhiri

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC2180007 Stage 1

Being the Subdivision of Allot 109 and Pt Allot 21 PSH OF KAEO
North Auckland Registry

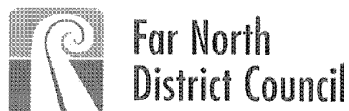
PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner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

SCHEDULE

Lot 1 DP 524280

- (i) Reticulated power supply or telecommunication services are not a requirement of subdivision consent RC2180007. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (ii) The site is identified as being within a kiwi present zone and within close proximity to significant indigenous vegetation (PNA P04/081) which it is considered provides habitat for native species including North Island brown kiwi and the New Zealand pigeon. To reduce the risk of predation on these species and others by domestic pets, no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.
- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.





Private Bag 752, Memorial Ave

Kaitiaki 0440, New Zealand

Freephone: 0800 920 029

Phone: (09) 401 5200

Fax: (09) 401 2137

Email: od.us@fnidc.govt.nz

Website: www.fnidc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

*Te Kaitiaki Take Kōwhiri
Te Kaitiaki Take Kōwhiri*

- (iv) In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system the lot owner shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water and Soil Plan Permitted Activity Standards.

Lot 3 DP 524280


- (v) Esplanade strip 'X' and 'Y' of 10 metres in width, as shown on the approved plan for Stage 2 of RC2180007, will be required without compensation from Council should subdivision of the lot occur.

Lots 1 & 3 DP 524280

- (vi) The owner shall preserve the indigenous trees and bush [as indicated on the survey plan as areas A, C and D] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Pruning of trees around the fence line and walking tracks and removal of dangerous branches is permitted.

SIGNED:

 Mr Patrick John Killalea - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

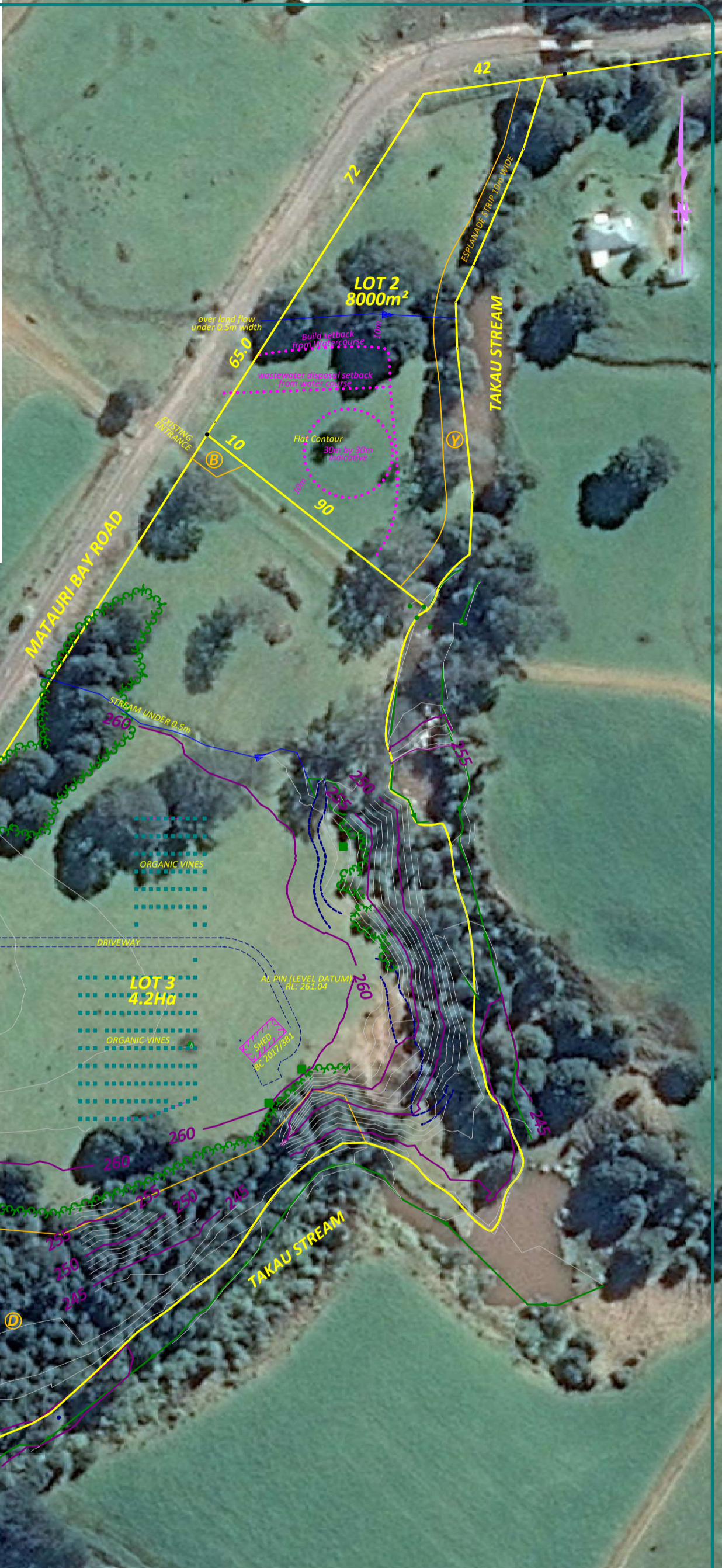
DATED at KERIKERI this 26th day of February 2020



SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(B)	LOT 3 HEREON	LOT 2 HEREON

AREA D IS TO BE SUBJECT TO A BUSH PROTECTION COVENANT

Local Authority: Far North District Council
 Coordinate System: NZGD Mt Eden 2000
 Coordinate Origin: IT II DP 136493
 Level Datum: APPROXIMATE Ellipsoidal (ASSUMED)
 Levels in terms of: AL PIN SITE DATUM RL: 261.04
 Contour interval is: 1.m MINOR, 5.0m MAJOR



STAGE 2 - LOTS 2 & 3

21.08.2017 EDIT - ADD ESPLANADE STRIP

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 Ph: (09) 4077360 Fax (09) 4077322

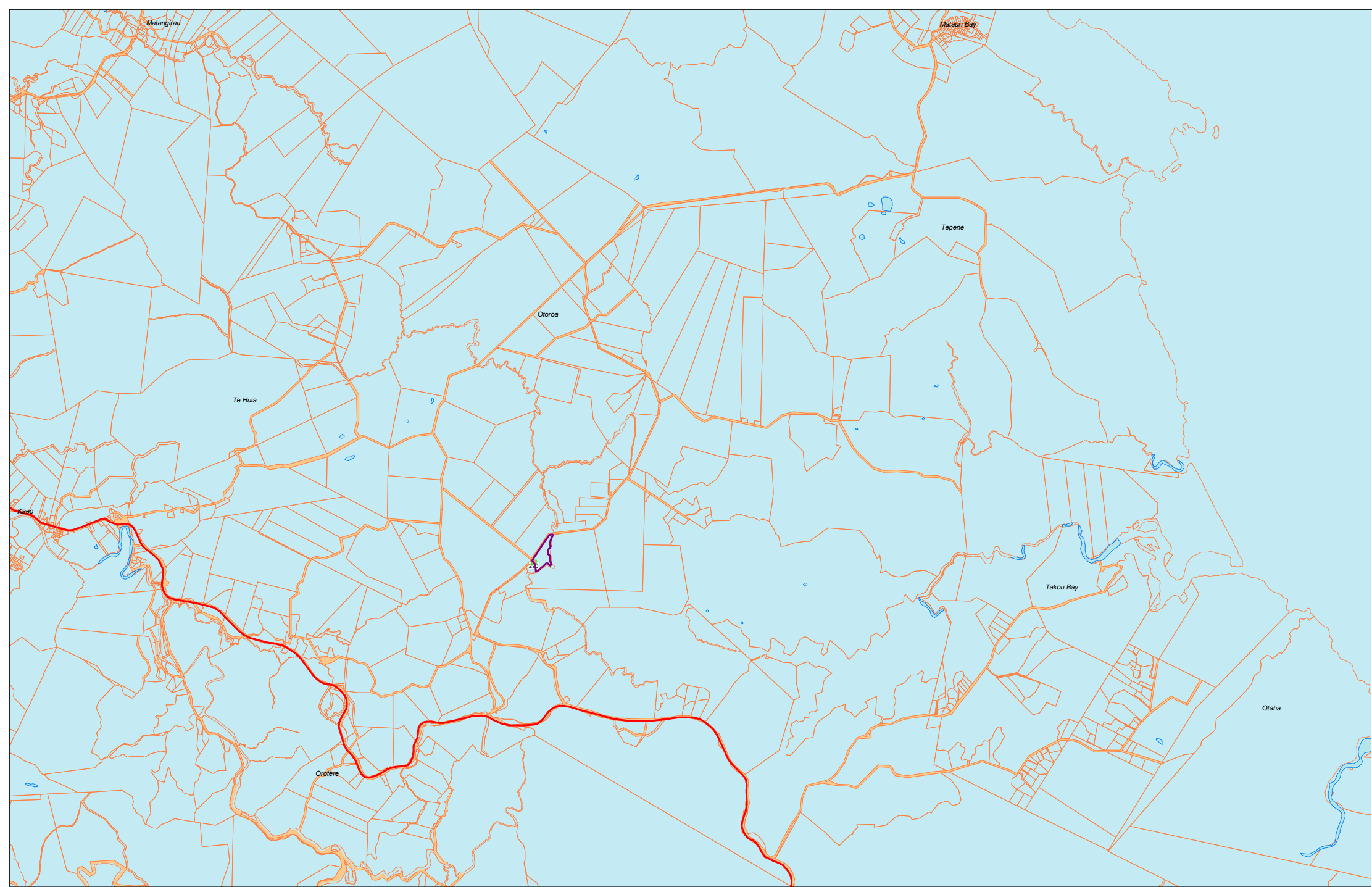
Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF ALLOTMENT 109 & Pt ALLOTMENT 21 PSH KAEO

PREPARED FOR: MR LEE

Name	Date	ORIGINAL	SHEET SIZE
Survey	SL RH	2016	SCALE
Design			1:1500
Drawn	SL	21.08.17	A3
Approved			
Rev			
8951 Scheme Subdivision D.LCD			

Surveyors Ref. No:
8951



Our Reference: 8951.1 (FNDC)

29.06.2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Re-approval of Stage 2 of a previously issued consent – 290 Matauri Bay Road

I am pleased to lodge application for a subdivision of land zoned Rural Production at 290 Matauri Bay Road, Kaeo. The subdivision has been granted consent previously with Stage 1 completed through to new titles. Unfortunately stage 2 consent has lapsed and so a new consent is required for that Stage 2.

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

Regards



Samuel Lee

Surveyor - THOMSON SURVEY LTD, and Landowner/Applicant



FAR NORTH DISTRICT COUNCIL

**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)**

Resource Consent Number: 2180007-RMASUB

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

Samuel Ross Lee

Subdivision to create one additional lot within the Rural Production zone

Subject Site Details

Address: 290 Matauri Bay Road, Kaeo 0478
Legal Description: Pt Allot 21 PSH OF KAEO
Certificate of Title reference: NA-1660/56

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

Stage one [Lots 1 & 3]

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey referenced Proposed Subdivision of Allotment 109 & Pt Allotment 21 PSH Kaeo Stage 1 – Lot 1 & Balance, dated 21.08.17 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) Areas A, C & D to be subject to Covenant (Bush Protection).
 - (b) All easements in the memorandum to be duly granted or reserved.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Upgrade the existing entrance to Lot 1 & 3 to provide an entrance that complies with the Council's Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.
 - (b) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- (i) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lot 1

- (ii) The site is identified as being within a kiwi present zone and within close proximity to significant indigenous vegetation (PNA P04/081) which it is considered provides habitat for native species including NI brown kiwi and the NZ pigeon. To reduce the risk of predation on these species and others by domestic pets, no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.

Lot 1

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

Lot 1

- (iv) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

Lot 1

- (v) Esplanade strip 'X' & 'Y' of 10m in width as shown on the attached approved plan for Stage 2 will be required without compensation from Council should subdivision of the lot occur.

Lot 3

- (vi) The owner shall preserve the indigenous trees and bush [as indicated on the survey plan, as areas A, C & D and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Pruning of trees around the fence line and walking tracks and removal of dangerous branches is permitted.

Lot 1 & 3

Stage two [Lots 2 & 3]

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey referenced Proposed Subdivision of Allotment 109 & Pt Allotment 21 PSH Kaeo Stage 2 – Lot 2 & 3, dated 21.08.17 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) The survey plan shall show areas 'X' and 'Y' to be subject to a 10m wide Esplanade Strip.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) The consent holder shall submit for the approval of Council an esplanade strip instrument and provide a solicitor's undertaking to register the approved instrument on the affected title.
 - (b) Upgrade the existing entrances to Lot 3 and Right of Way 'B' to provide entrances that comply with the Councils Engineering Standard FNDC/S/6 and 6B, and section 3.3.17 of the Engineering Standard and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.
 - (c) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - (i) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lot 2

- (ii) The site is identified as being within a kiwi present zone and within close proximity to significant indigenous vegetation (PNA P04/081) which it is considered provides habitat for native species including NI brown kiwi and the NZ pigeon. To reduce the risk of predation on these species and others by domestic pets, no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.

Lot 2

- (iii) The lot is identified as being within a kiwi present zone and within close proximity to significant indigenous vegetation (PNA P04/081) which it is considered provides habitat for native species including NI brown kiwi and the NZ pigeon. To reduce the risk of predation on these species and others by domestic pets, cats are prohibited from being kept on the lots. A maximum of

two dogs is permitted on the site except that breeding of dogs shall be permitted provided that no more than two dogs remain on the property when any litter reaches the age of 4 months old. The keeping of two permanent dogs is subject to the following conditions;

- The dog must be kiwi aversion trained
- The dog must be kept under effective control at all times
- The dog must be tied up and/or kept inside at night

Lot 3

(iv) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

All Lots

(v) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area.

The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

All Lots

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The proposed activity is considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including the objectives and policies from the Operative Far North District Plan.

3. **Part 2 Matters**
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act.

Part 6(c) Matters of national importance was considered to be of particular relevance as the application site contained part of an area identified as being a significant habitat of indigenous fauna being PNA P04/081 Takau Stream within the Kerikeri Ecological District. The protection in perpetuity of the section of this habitat which extends onto the application site was offered by the applicant, as were conditions prohibiting the keeping of cats and restricting the keeping of dogs.

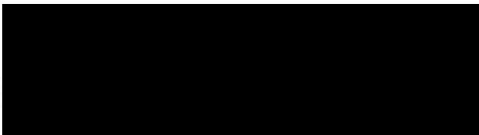
Additionally, Part 6(c) was considered to be of particular relevance given that esplanade reserve has been vested in Council to provide public access to Takau Stream.

As such, it is considered that this matter of national importance has been recognised and provided for and that that granting this resource consent application achieves the purpose of the Act.

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

Approval

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



30th August 2017.
Date

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing Of Consent

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

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

APPROVED PLAN

PLANNER *Alie Hosted*

RC 215000? DATE 28/08/2017

SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	(A)	LOT 1 HEREON	LOT 3 HEREON

AREAS A C & D ARE TO BE SUBJECT TO A BUSH PROTECTION COVENANT

Local Authority: Far North District Council
 Coordinate System: NZGD Mt Eden 2000
 Coordinate Origin: IT II DP 136493
 Level Datum: APPROXIMATE ELLIPSOIDAL (ASSUMED)
 Levels in terms of: AL PIN SITE DATUM RL 261.04
 Contour interval is: 1 m MINOR, 5.0m MAJOR



STAGE 1 - LOT 1 & BALANCE

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 Ph: (09) 41277800 Fax: (09) 41277822

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF ALLOTMENT 109 & Pt ALLOTMENT 21 PSH KAEO

PREPARED FOR MR LEE

Name	Date	ORIGINAL
Survey	21.08.17	SCALE SHEET SIZE
Design		1:1500 A3
Drawn	21.08.17	
Approved		
Rev		

Surveyors Ref No: 8951

APPROVED PLAN

PLANNER..... *Alie Hasted*

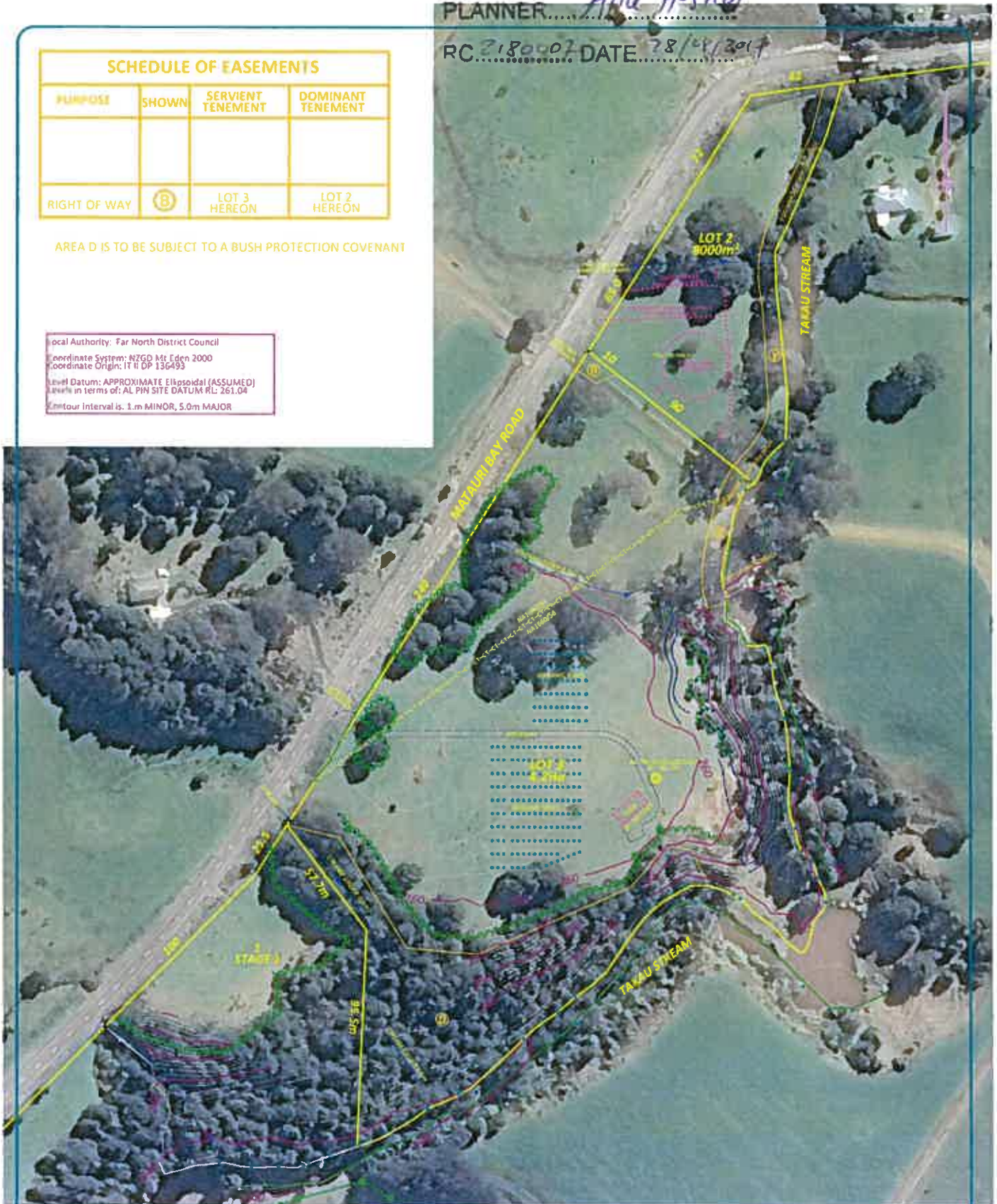
RC *2180007* DATE *28/04/2017*

SCHEDULE OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(B)	LOT 3 HEREON	LOT 2 HEREON

AREA D IS TO BE SUBJECT TO A BUSH PROTECTION COVENANT

Local Authority: Far North District Council
 Coordinate System: NZGD Mt Eden 2000
 Coordinate Origin: IT II DP 136493
 Level Datum: APPROXIMATE Ellipsoid (ASSUMED)
 Heights in terms of: AL PIN SITE DATUM RL: 261.04
 Contour Interval is: 1.0m MINOR, 5.0m MAJOR



STAGE 2 - LOTS 2 & 3

21.08.2017 EDIT ADD EXPLANADE STRIP

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 Email: kerikeri@tsurvey.co.nz
 Ph: 091 8077850 Fax: 091 8077822

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF ALLOTMENT 109 & Pt ALLOTMENT 21 PSH KAEO

PREPARED FOR: MR LEE

Name	Date	ORIGINAL
Survey	21.08.2016	SCALE SHEET SIZE
Design		
Drawn	21.08.17	
Approved		1:1500 A3
Map		

Surveyors Ref. No: 8951

MSS1 Scheme Subdivision O.A.C.D.

APPROVED PLAN

PLANNER: *Alice Hasted*

RC: *Z18.000?* DATE: *28/08/2017*

SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
PEDESTRIAN RIGHT OF WAY	(A)	LOT 1 HEREON	LOT 3 HEREON
RIGHT OF WAY	(B)	LOT 3 HEREON	LOT 2 HEREON

AREAS A C & D ARE TO BE SUBJECT TO A BUSH PROTECTION COVENANT

Local Authority: Far North District Council
 Coordinate System: NZGD Ml Eden 2000
 Coordinate Origin: IT II DP 136193
 Datum: APPROXIMATE Ellipsoidal (ASSUMED)
 Levels in terms of: AL PIN SITE DATUM RL: 261.04
 Contour interval is: 1.m MINOR, 5.0m MAJOR



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OVERALL PLAN

21 08 2017 EDIT: ADD ESPLANADE STRIP



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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF ALLOTMENT 109 & Pt ALLOTMENT 21 PSH KAEO

PREPARED FOR: MR LEE

Drawn	Checked	Date
SL RH		2016
SL		21 08 17
REV		

ORIGINAL SCALE	SHEET SIZE
1:1500	A3

Surveyors Ref. No: 8951

#951 Scheme Subdivision RUCD

Accidental Discovery Protocol (ADP)

From Heritage New Zealand Pouhere Taonga

Prior to the commencement of any works, a copy of this ADP should be made available to all contractors working on site.

Under the *Heritage New Zealand Pouhere Taonga Act 2014* an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Over 12,000 archaeological sites have been recorded in Northland, and more are identified on a regular basis.

For Maori sites (the most common site types in Northland), the largest and most obvious site types are pa, pits and terraces. However, evidence may be of a smaller nature, in the form of bones, shells, charcoal, burnt stone etc; a midden is an archaeological rubbish tip, in which many of these items can be found consolidated together. Evidence of disturbance of a midden can be a scattering of shell across a wide area; this can be confusing if it is near a beach. Pieces of obsidian or chert, together with stone tools, may also be recovered.

In later sites of European origin artefacts such as bottle glass, iron/metal, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures.

Burials/koiwi tangata may be found from any period.

Some examples:



Shell midden



Historic bottle



Animal bone



Archaeological stratigraphy



A flight of pits in forest



Shell midden uncovered in road scraping

In the event of an “accidental discovery” of archaeological material the following steps must be taken:

1. All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
2. The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
3. The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies¹ if this has not already occurred.
4. Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, under the terms of the *Heritage New Zealand Pouhere Taonga Act 2014*, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
6. If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
7. Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work commencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

ADVICE TO ALL CONTRACTORS/SITE WORKERS/OWNERS:-

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE AREA ARCHAEOLOGIST

Contact details for the Area Archaeologist in Northland is:

Dr James Robinson, Northland Area Archaeologist
Heritage New Zealand – Pouhere Taonga
PO Box 836, Kerikeri 0245
PH: (64 9) 407 0470 - DDI. (64 9) 407 0473 - MOBILE 027 249 0864
jrobinson@heritage.org.nz

¹ For example, the New Zealand Police in the event that human remains are found.