

# Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) 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

If yes, who have you spoken with? \_\_\_\_\_

## 2. Type of Consent being applied for

☒ Change of conditions (s.127)

## 3. Consultation:

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

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

Name/s:

Far North Holdings Limited c/o Adrian Tonks

Email:

a

Phone number:

V

Postal address:

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

Office Use Only  
Application Number:

## 5. Address for Correspondence

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

**Name/s:**

Steven Sanson - Bay of Islands Planning Limited

**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.

## 6. 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:**

Refer titles attached

**Property Address/  
Location:**

Baffin Street, Opuia

Postcode

## 7. Application Site Details

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

**Name/s:**

Refer titles attached.

**Site Address/  
Location:**

Baffin Street, Opuia

Postcode

**Legal Description:**

**Val Number:**

**Certificate of title:**

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

**Site visit requirements:**

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

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

## 7. Application Site Details (continued)

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details.

*This is important to avoid a wasted trip and having to re-arrange a second visit.*

## 8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

## 9. Would you like to request Public Notification?

☐ Yes ☐ No

## 10. Other Consent required/being applied for under different legislation

*(more than one circle can be ticked):*

☐ Building Consent 

Enter BC ref # here (if known)

☐ Regional Council Consent (ref # if known) 

Ref # here (if known)

☐ National Environmental Standard consent 

Consent here (if known)

☐ Other (please specify) 

Specify 'other' here

## 11. 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 (including consultation from iwi/hapū).*

Your AEE is attached to this application ☐ Yes

## 12. Draft Conditions:

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

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

## 13. 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)

Far North Holdings Limited - recorded debtor in Council system

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information:

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

### Declaration concerning Payment of Fees:

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

**Name:** (please write in full)

Steven Sanson

**Signature:** (signature of bill payer)

Date

**MANDATORY**



## 14. 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 must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### 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](http://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.

### Declaration

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

Name: (please write in full)

Steven Sanson

Signature:



Date 04-Apr-2025

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

### Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ Details of your consultation with Iwi and hapū
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☒ 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

## Bay of Islands Planning Ltd

**Kerikeri House**  
**Suite 3, 88 Kerikeri Road**  
**Kerikeri**

Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) Website - [www.bayplan.co.nz](http://www.bayplan.co.nz)

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14 May 2025

Far North District Council  
John Butler Centre  
Kerikeri

Application for consent condition variation s127/221 – Proposal to amend conditions of existing consent at 2 Baffin Street, Opuia.

Please find attached a s127/221 application in relation to a proposed variation of consent conditions associated with RC 2180514-RMAVAR/B.

The conditions to be varied are sought under s127/s221 of the Resource Management Act 1991 (**RMA**), which is a **Discretionary Activity**.

Yours sincerely,

Steven Sanson  
Consultant Planner

## Introduction & Proposal

This report has been prepared for Far North Holdings Limited in support of a s127 application in relation to the proposed variation of consent conditions associated with RC2180514-RMAVAR/A.

The original resource consent [RC 2180514] approved the following activities:

- Subdivision to create 18 residential lots (Lots 1 – 17 and 20), one lot retained as a bush covenant lot (Lot 18), and a balance Lot 231. The proposed residential and bush covenant lots will be contained within the Coastal Residential Zone, while balance Lot 23 will contain land subject to Industrial and Recreational Activities Zones. Proposed Lots 14-17, 20, and 23 and part of Lot 18 are located within the Maritime Exemption area for Opuā Marina. The applicant seeks staging of the subdivision consent such that Stage 1 consists of Lots 17, 18, 20, 23-25 subject to amalgamation conditions. Stage 2 consists of the final subdivision layout. The proposed subdivision requires consideration as a discretionary activity, on the basis that Lot 5 cannot provide the required 14m x 14m building area, infringement of access requirements, and lack of connection to the existing reticulated sewage scheme for Stage 1.
- As part of the subdivision, access is to be provided to Lots 1 – 13 and 18 by way of a right of way easement to be formed from Kellet Street, while access to Lots 14 - 17 will be by way of right-of-way easements from the end of Baffin Street. Lot 18 fronts Kellet Street while Lots 20 and 23 will retain frontage onto Baffin Street. Neither of the proposed rights-of-way, nor the proposed upgrading of the existing access within Baffin Street road reserve, will comply with the Plan requirements for access formation and therefore requires consideration as a discretionary activity.
- Land use consent for various bulk and location infringements associated with the construction of a single residential unit on each of the Lots 1 - 16, noting that no building is proposed on Lots 17 and 20 as part of the application. The infringements generally relate to daylight angles and building setbacks from road and internal boundaries for both the residential buildings and retaining walls in the Coastal Residential Zone. The applicant has advised that the land use consent will not be given effect to until a Section 224 certificate is issued for the subdivision.
- Land use consent for approximately 700m<sup>2</sup> of indigenous vegetation clearance and 17,965m<sup>3</sup> of bulk earthworks across the development site including some earthworks on road reserve. Additional earthworks will be required at the time of constructing each of the residential units, described as a maximum of 500m<sup>3</sup> per unit/site. This requires consideration as a discretionary activity
- Land use consent for fire risk to residential units, where the proposed units on Lots 1 – 16 will be within 20 metres of the drip line of protected vegetation.
- The land use consent components of this consent are granted with a 10 year consent period.

RC 2180514-RMAVAR/A sought the following changes:

- Changing the subdivision staging to provide for three stages (noting that Stage 1 has been completed) where Stage 2 provides for Lots 1 – 13 and 31 - 33 and Stage 3 provides for Lots 14 – 16.
- Including reference to a completed Vegetation and Weed Management Plan provided with this application in the conditions.
- Re-allocation of bulk earthworks between the subdivision and land use consents, and to increase the total bulk earthworks across the development by 724m<sup>3</sup>.
- Clarifying the extent and timing of indigenous vegetation clearance (no change to the total amount of clearance is sought) via the Vegetation Management Plan provided.
- Ancillary changes to annotations on the scheme plans for covenants and easements.
- Consequential changes to numbering and cross referencing of conditions.
- Inclusion of resolutions to cancel consent notice conditions imposed in subdivision stages as an administrative matter.
- Inclusion of a resolution in Stage 2 of the subdivision to cancel an amalgamation condition imposed as part of Stage 1 pursuant to Section 241(3).

This proposal seeks:

- To change access and formation arrangements from Baffin Street to the proposed development [Lots 14-16] forming part of the Stage III development.

Conditions proposed to be changed and why are found in the Tables below. There are naturally consequential amendments which have also been addressed.

The relevant Record of Title and Instruments are found in **Appendix 1**. The most recent decision is found in **Appendix 2**.

#### General Conditions Changes

Condition	Rationale	Proposed Change
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1	<p>Access plans are required to be updated as a result of the proposed changes to the access alignment and formation for Stage III.</p> <p>The updated access layout is found in <b>Appendix 3</b>. These will be augmented into the site via a ROW Application found in <b>Appendix 4</b>.</p>	<ul style="list-style-type: none"> <li>• Kellet Street Layout <del>and Lower Road Plans</del> prepared by NCC Limited dated 15<sup>th</sup> October 2018.</li> <li>• Lower Road 'Access from Baffin Street Option 2 – Plan' prepared by Far North Holdings Limited dated 14/08/20.</li> </ul>
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#### Stage III Subdivision Changes

Condition	Rationale	Proposed Change
13.	<p>[a][iv] – As a result of the amended layout the reference to the Lower Road Layout is no longer necessary.</p> <p>The result of the alignment change is that the exact location of the retaining walls as noted in the Soil and Rock Plan is not entirely consistent and some on the ground changes will be required.</p> <p>Amendments have been made to ensure that the intent of the original proposal is met, whilst ensuring that on the ground changes can be completed.</p>	<p>Design details of the private accessways BB, AA and AB to service the proposed lots in <u>general</u> accordance with the <del>Lower Road Layout Plans dated 15th October 2018</del>, <u>Lower Road 'Access from Baffin Street Option 2 – Plan' prepared by Far North Holdings Limited dated 14/08/20</u> inclusive of stormwater drainage, passing bays, vehicle crossing design onto each residential allotment and any retaining structures required as <u>generally</u> defined on the Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018.</p> <p><i>Note 1: An application will be required for a Licence to Occupy Road reserve associated with any/all retaining wall structures to be located on road reserve.</i></p> <p><i>Note 2: Where any retaining wall carries a surcharge, it will require a building consent.</i></p>
13.	[a][v] – Changes as generally outlined above.	Design details of the upgrading required for the portion of access located within the Baffin Street road reserve to service Lots 14 - 16 to provide a <del>5 metre wide</del>

		sealed carriageway from the end of the formation of Baffin Street to the boundary of Lot 32 (Stage 2), inclusive of any retaining wall design, stormwater management, and vehicle crossing design <u>as generally outlined on the Lower Road 'Access from Baffin Street Option 2 – Plan' prepared by Far North Holdings Limited dated 14/08/20.</u>
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Please note that the changes promoted require a s348 ROW application under the Local Government Act. This will be lodged concurrently and a part of this application [under its own separate application] and the relevant details are provided in **Appendix 4**.

The changes to the above also require the cancellation and replacement of condition iv of the consent notice instrument 11607799.2. Potential wording is provided below:

**Lot 17 DP 534570**

- iv. In the event that a building consent is lodged for a development on the lot prior to Stage 2 of RC2180514 obtaining a Section 224(c) certificate, the consent holder shall upgrade the portion of access located within the Baffin Street road reserve to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17 DP 534570, inclusive of any retaining wall design (as per Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018 and submitted in support of RC2180514), stormwater management, and vehicle crossing design. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Council's Development Engineer, before any building works commence on Lot 17 DP 534570.

*In the event that a building consent is lodged for a development on Lot 17 prior to Stage 2 RC2180514 obtaining a Section 224(c) certificate, the consent holder shall upgrade the portion of access located within the Baffin Street road reserve to provide a 5-metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17, inclusive of any retaining wall design ( ~~as per in general~~ accordance with the Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018), stormwater management, and vehicle crossing design as generally outlined on the Lower Road 'Access from Baffin Street Option 2 – Plan' prepared by Far North Holdings Limited dated 14/08/20. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Councils Development Engineer, before any building works commence on Lot 17.*



Should there be any other changes (consequential or otherwise) that arise during the process, we retain the right to make further alternations and also provide FNDC staff with discretion to make changes that assist in workability and better implementation of consent conditions.

## Section 127 / 221 Process

The RMA establishes that a request under s127/s221 is deemed to be discretionary activity and Section 88 to 121 and 127[4] to 132 apply with the necessary modifications.

Additionally, in considering the request to change the condition Council is limited to only considering what is being sought within the condition change and any associated effects.

Section 127/221 allows the holder of a resource consent to apply to the consent authority for a change or cancellation of a condition of the consent.

The Council retains the discretion to determine whether a discretionary activity should be notified.

In determining this factor, it is the change in the effects of the consent conditions which are assessed against any possible adverse effects upon any person.

The RMA also requires Council to consider the effect of the change on those persons who lodged a submission to the original application. In this case the original consent was not associated with a notified process.

## Potential Effects

The proposal seeks modest changes to support access to Stage III from Baffin Street in Opua. These changes result from an existing slip which has occurred, prompting a change in alignment.

This alignment change requires an easement across the Gamble Property [Lot 1 DP 81291 / NA37D/845]. As discussed above, this is being progressed.

The alignment change will also require retaining walls to be altered.

Appropriateness of the 5m formation across the access was also considered. It is proposed under this variation to scale the width of formation relative to households serviced as is appropriate under Appendix 3B-1 of the Operative District Plan.



The changes do not result in any additional rule breaches to the ODP.

Within the context of the scope of the proposal, the following is noted in terms of effects:

- The proposal does not alter or change the location of residential units.
- The alignment is retained within existing corridors already set out. There are no consequential impacts to vegetation clearance or servicing arrangements.
- Any earthworks to form the access is captured under existing consent conditions with effects noted as being sufficiently mitigated.
- In terms of retaining walls, these will need to be arranged to suit the changes and the slip conditions now seen in the general surrounds. This detail can be provided alongside design details required for the overall access upgrade.
- A s348 ROW application is being sought to manage the easement now required over the Gamble Property. FNHL are in negotiations with this party.
- The scaled width of formation along Baffin Street is in accordance with Appendix 3B-1. On that basis there are no effects arising from the change in formation / width proposed. Users will have an enhanced access arrangements as a result of the proposal.

In terms of the s221 cancellation and re-approval:

- This aspect is consequential and as a result of the primary changes. The changes proposed to the specific consent notice condition captures the potential for upgrades to be undertaken if done outside of the subdivision process.

For the reasons above, the proposal is not considered to result in more than minor effects on the environment, or result in any adversely affected persons.

## Statutory context

Section 104B requires the consideration of any relevant objectives and policies in addition to the effects of the activity.

The documents relevant to consideration of a discretionary application in this location are the:

- New Zealand Coastal Policy Statement 2010;
- The Regional Policy Statement for Northland;
- The Operative Far North District Plan [**ODP**]; and to a lesser degree
- The Proposed Far North District Plan [**PDP**]

These matters, except for the PDP, were all considered under the original application and there is no merit in re-assessing these in light of the context of the changes which are associated with minor access arrangements for a discrete component of the development.

The PDP was notified in 2022, as such an assessment against the provision is provided below.

#### **PDP Coastal Environment Objectives and Policies**

<b>Objective</b>	<b>Assessment</b>
CE-O1 - The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.	This matter was considered under the original decision and application which included substantial content and assessment associated with the natural character of the coastal environment. The minor changes do not warrant a reconsideration of these matters.
CE-O2 - Land use and subdivision in the coastal environment: <ul style="list-style-type: none"> <li>a. preserves the characteristics and qualities of the natural character of the coastal environment;</li> <li>b. is consistent with the surrounding land use;</li> <li>c. does not result in urban sprawl occurring outside of urban zones;</li> <li>d. promotes restoration and enhancement of the natural character of the coastal environment; and</li> <li>e. recognizes tangata whenua needs for ancestral use of whenua Māori.</li> </ul>	As above.
CE-O3 - Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.	As above and note that the proposal from a scale perspective has been considered appropriate.
<b>Policy</b>	<b>Assessment</b>
CE-P1 - Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.	This is complete.

CE-P2 - Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as: <ul style="list-style-type: none"> <li>a. outstanding natural character;</li> <li>b. ONL;</li> <li>c. ONF.</li> </ul>	These features are not relevant to the site.
CE-P3 - Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as: <ul style="list-style-type: none"> <li>a. outstanding natural character;</li> <li>b. ONL;</li> <li>c. ONF.</li> </ul>	Considered under original application.
CE-P4 - Preserve the visual qualities, character and integrity of the coastal environment by: <ul style="list-style-type: none"> <li>a. consolidating land use and subdivision around existing urban centres and rural settlements; and</li> <li>b. avoiding sprawl or sporadic patterns of development.</li> </ul>	This is achieved as outlined in the original decision.
CE-P5 - Enable land use and subdivision in urban zones within the coastal environment where: <ul style="list-style-type: none"> <li>a. there is adequacy and capacity of available or programmed development infrastructure; and</li> <li>b. the use is consistent with, and does not compromise the characteristics and qualities.</li> </ul>	The site can be serviced and as above in terms of characteristics and qualities.
CE-P6 – Enable farming activities within the coastal environment where: <ul style="list-style-type: none"> <li>a. the use forms part of the values that established natural character of the coastal environment; or</li> <li>b. the use is consistent with, and does not compromise the characteristics and qualities.</li> </ul>	Not relevant.

<p>CE-P7 - Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where:</p> <ul style="list-style-type: none"> <li>a. the use is consistent with the ancestral use of that land; and</li> <li>b. the use does not compromise any identified characteristics and qualities.</li> </ul>	<p>Not relevant.</p>
<p>CE-P8 - Encourage the restoration and enhancement of the natural character of the coastal environment.</p>	<p>This is achieved through the balance of conditions not proposed to be changed.</p>
<p>CE-P9 - Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.</p>	<p>Not relevant.</p>
<p>CE-P10 - Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and 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:</p> <ul style="list-style-type: none"> <li>a. the presence or absence of buildings, structures or infrastructure;</li> <li>b. the temporary or permanent nature of any adverse effects;</li> <li>c. the location, scale and design of any proposed development;</li> <li>d. any means of integrating the building, structure or activity;</li> <li>e. the ability of the environment to absorb change;</li> <li>f. the need for and location of earthworks or vegetation clearance;</li> <li>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</li> <li>h. any viable alternative locations for the activity or development;</li> <li>i. any historical, spiritual or cultural association held by tangata whenua,</li> </ul>	<p>The overall original decision considered these matters, and the minor change does not warrant a line by line consideration of these matters as they generally fit within the context and scope of that original decision.</p>

<p>with regard to the matters set out in Policy TW-P6;</p> <p>j. the likelihood of the activity exacerbating natural hazards;</p> <p>k. the opportunity to enhance public access and recreation;</p> <p>l. the ability to improve the overall quality of coastal waters; and</p> <p>m. any positive contribution the development has on the characteristics and qualities.</p>	
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### PDP General Residential Objectives and Policies

Objective	Assessment
GRZ-01 The General Residential zone provides a variety of densities, housing types, and lot sizes that respond to: a) housing needs and demand; b) the adequacy and capacity of available or programmed development infrastructure; c) the amenity and character of the receiving residential environment; d) historic heritage.	This remains unchanged under the variation.
GRZ-02 The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.	This remains unchanged under the variation.
GRZ-03 Non-residential activities contribute to the well-being of the community while complementing the scale, character, and amenity of the General Residential zone.	Nil proposed.
GRZ-04 Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.	This is provided.
GRZ-05 Land use and subdivision in the General Residential zone provide communities	The overall proposal is considered to meet this objective.

with functional and high-amenity living environments.	
GRZ-06 Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.	The overall proposal is considered to meet this objective.
Policy	Assessment
GRZ-P1 Enable land use and subdivision in the General Residential zone where: a) there is adequacy and capacity of available or programmed development infrastructure to support it; and b) it is consistent with the scale, character, and amenity anticipated in the residential environment.	The overall proposal is considered to meet this objective.
GRZ-P2 Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot: a) telecommunications: i) fibre where it is available; or ii) copper where fibre is not available; b) local electricity distribution network; and c) wastewater, potable water, and stormwater where they are available.	Conditions of consent already seek this.
GRZ-P3 Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.	Noted.
GRZ-P4 Enable non-residential activities that: a) do not detract from the vitality and viability of the Mixed Use zone; b) support the social and economic well-being of the community; c) are of a residential scale; and d) are consistent with the scale, character, and amenity of the General Residential zone.	No non residential activities are proposed.
GRZ-P5 Provide for retirement villages where they:	Not relevant.

<p>a) complement the character and amenity values of the surrounding area;</p> <p>b) contribute to the diverse needs of the community;</p> <p>c) do not adversely affect road safety or the efficiency of the transport network; and</p> <p>d) can be serviced by adequate development infrastructure.</p>	
GRZ-P6 Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.	Not proposed.
GRZ-P7 Encourage energy-efficient design and the use of small-scale renewable electricity generation in the construction of residential development.	Noted.
<p>GRZ-P8 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:</p> <p>a) consistency with the scale, design, amenity, and character of the residential environment;</p> <p>b) the location, scale, and design of buildings or structures, potential for shadowing and visual dominance;</p> <p>c) for residential activities:</p> <p>i) provision for outdoor living space;</p> <p>ii) privacy for adjoining sites;</p> <p>iii) access to sunlight;</p> <p>d) for non-residential activities:</p> <p>i) scale and compatibility with residential activities;</p> <p>ii) hours of operation;</p> <p>e) at zone interfaces, any setbacks, fencing, screening, or landscaping required to address potential conflicts;</p> <p>f) the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including:</p> <p>i) opportunities for low-impact design principles;</p> <p>ii) ability of the site to address stormwater and soakage;</p>	<p>The overall original decision considered these matters, and the minor change does not warrant a line by line consideration of these matters as they generally fit within the context and scope of that original decision.</p>



g) managing natural hazards; and h) any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.	
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Overall, the proposal finds general consistency with the PDP objectives and policies.

### PDP Rules

Matter	Rule/Std Ref	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  HS-R5, HS-R6, HS-R9	Yes	Not relevant as no such substances proposed.
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Yes	Not indicated on Far North Proposed District Plan
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)).	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Yes	Not indicated on Far North Proposed District Plan

<p>Rule HH-R5</p> <p>Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps)</p> <p>This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>			
<p>Notable Trees (Property specific)</p> <p>Applied when a property is showing a scheduled notable tree in the map</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	Yes	Not indicated on Far North Proposed District Plan
<p>Sites and Areas of Significance to Māori (Property specific)</p> <p>Applied when a property is showing a site / area of significance to Māori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7)</p> <p>Schedule 3 has immediate legal effect</p>	Yes	Not indicated on Far North Proposed District Plan
<p>Ecosystems and Indigenous Biodiversity</p> <p>SNA are not mapped – will need to determine</p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	Yes	Aspect is not proposed to be changed under the variation.

if indigenous vegetation on the site for example			
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Yes	Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Earthworks have been designed and conditioned to consider best practice including the requirements within the rules.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Yes	Not indicated on the Far North Proposed District Plan.
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Yes	Not indicated on Far North Proposed District Plan.
Subdivision	Rules with legal effect relating to overlays	Yes	The proposed variation does not involve these features.

As a result of the above, assessment the variation does not result in any additional rule breaches to the PDP.

### **Proposed Far North District Plan Objectives & Policies & Weighting**

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through sufficient process to allow a considered view of the objectives and policies considered above however this has still been provided. The change in the conditions is not deemed to offend the relevant objectives and policies in the context of the change being proposed.

Overall, and considering the above, the proposal is considered to be consistent with the objectives and policies of all relevant statutory documents.

## Part 2 Assessment

In the same way that the proposed change is considered to remain within the scope of the original conclusions reached as to how the consent meets the objectives, policies and rules of the relevant statutory planning documents, the performance of the overall proposal in relation to the purpose and principles set out in Part 2 of the RMA also remains unaffected by the changes proposed.

## Conclusion

The potential effects of the changes proposed on the environment and on parties who were involved in the original application are considered to be negligible, nor are they considered likely to attract the interest of any other party or person not previously involved in the original consent process.

This minor amendment is considered to fall within the scope of the original application and the matters addressed therein, including the overall policy context and the provisions of Part 2 of the RMA.

Overall, the change to the conditions are not considered to create effects beyond the consent area nor upon any other person and can be processed without any prescribed third party process.

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.

Yours sincerely,



Steven Sanson  
*Consultant Planner*



**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** **881538**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 December 2019

**Prior References**

906415 NA103C/976

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**Estate** Fee Simple  
**Area** 8911 square metres more or less  
**Legal Description** Lot 17, 20, 23 Deposited Plan 534570  
**Registered Owners**  
Far North Holdings Limited

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**Interests**

Subject to Section 8 Coal Mines Amendment Act 1950 (affects part Lot 17 and 23 DP 534570 the part formerly Lot 1 DP 513060 and Part Lot 20 DP 534570, the parts formerly Lot 1 DP 513060 and Lot 1 DP 169995)

Subject to Section 11 Crown Minerals Act 1991 (affects part Lot 23 DP 534570, the part formerly Lot 1 DP 196730)

Subject to Part IV A Conservation Act 1987 (affects part Lot 23 DP 534570, the part formerly Lot 1 DP 196730)

Subject to a right of way over part Lot 23 DP 534570 marked AJ and AK on DP 534570 and a carparking easement over part marked AK on DP 534570 created by Transfer D573534.2 - 22.1.2001 at 2.17 pm

Appurtenant to Lot 17 and 23 DP 534570 and Part Lot 20 DP 534570, the part formerly Lot 5 DP 540333 is a right to convey water, telecommunications and computer media created by Easement Instrument 11262658.2 - 25.10.2018 at 2:52 pm

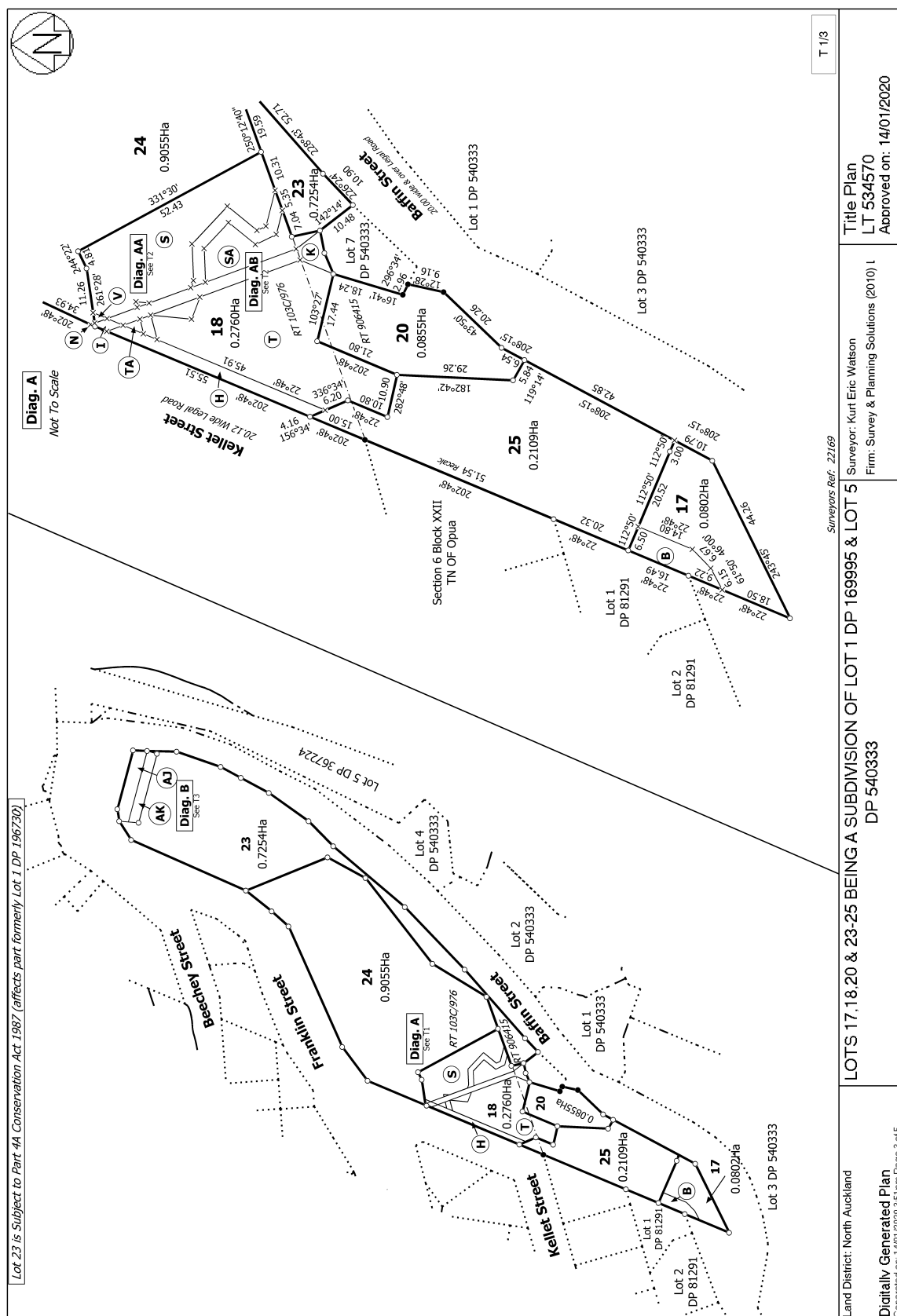
The easements created by Easement Instrument 11262658.2 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 11262658.5 - 25.10.2018 at 2:52 pm (affects Lots 17 and 23 and Part Lot 20 DP 534570, the part formerly Lot 1 DP 513060)

Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991 (affects DP 534570)

11607799.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.12.2019 at 11:17 am (affects Lots 17 and 20 DP 534570)

Subject to a right of way, right to convey electricity, telecommunications and water and right to drain stormwater and sewage over part Lot 17 DP 534570 marked B on DP 534570 created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

The easements created by Easement Instrument 11607799.3 are subject to Section 243 (a) Resource Management Act 1991







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Transfer Act 2017**



R.W. Muir  
Registrar-General  
of Land

**Identifier** **881537**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 December 2019

**Prior References**

906415                      NA103C/976

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**Estate** Fee Simple  
**Area** 1.3924 hectares more or less  
**Legal Description** Lot 18, 24-25 Deposited Plan 534570  
**Registered Owners**  
Dong Guo

---

**Interests**

Subject to Section 8 Coal Mines Amendment Act 1950 (affects Lot 24 DP 534570 and part Lots 18 and 25 DP 534570, the part formerly Lot 1 DP 513060)

Appurtenant to part Lots 18 and 25 DP 534570 formerly Lot 5 DP 540333 is a right to convey water, telecommunications and computer media created by Easement Instrument 11262658.2 - 25.10.2018 at 2:52 pm

The easements created by Easement Instrument 11262658.2 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 11262658.5 - 25.10.2018 at 2:52 pm (affects part Lots 18 and 25 DP 534570, the parts formerly Lot 1 DP 513060)

Subject to a right (in gross) to drain sewage and right to convey water over part Lot 18 DP 534570 marked K and I on DP 534570 and over part Lot 24 DP 534570 marked N on DP 534570 in favour of Far North District Council created by Easement Instrument 11608704.3 - 26.11.2019 at 11:16 am

The easements created by Easement Instrument 11608704.3 are subject to Section 243 (a) Resource Management Act 1991 Subject to a right (in gross) to convey telecommunications over part Lot 18 DP 534570 marked K and I on DP 534570 and over part Lot 24 DP 534570 marked N on DP 534570 in favour of Far North District Council created by Easement Instrument 11608704.8 - 26.11.2019 at 11:16 am

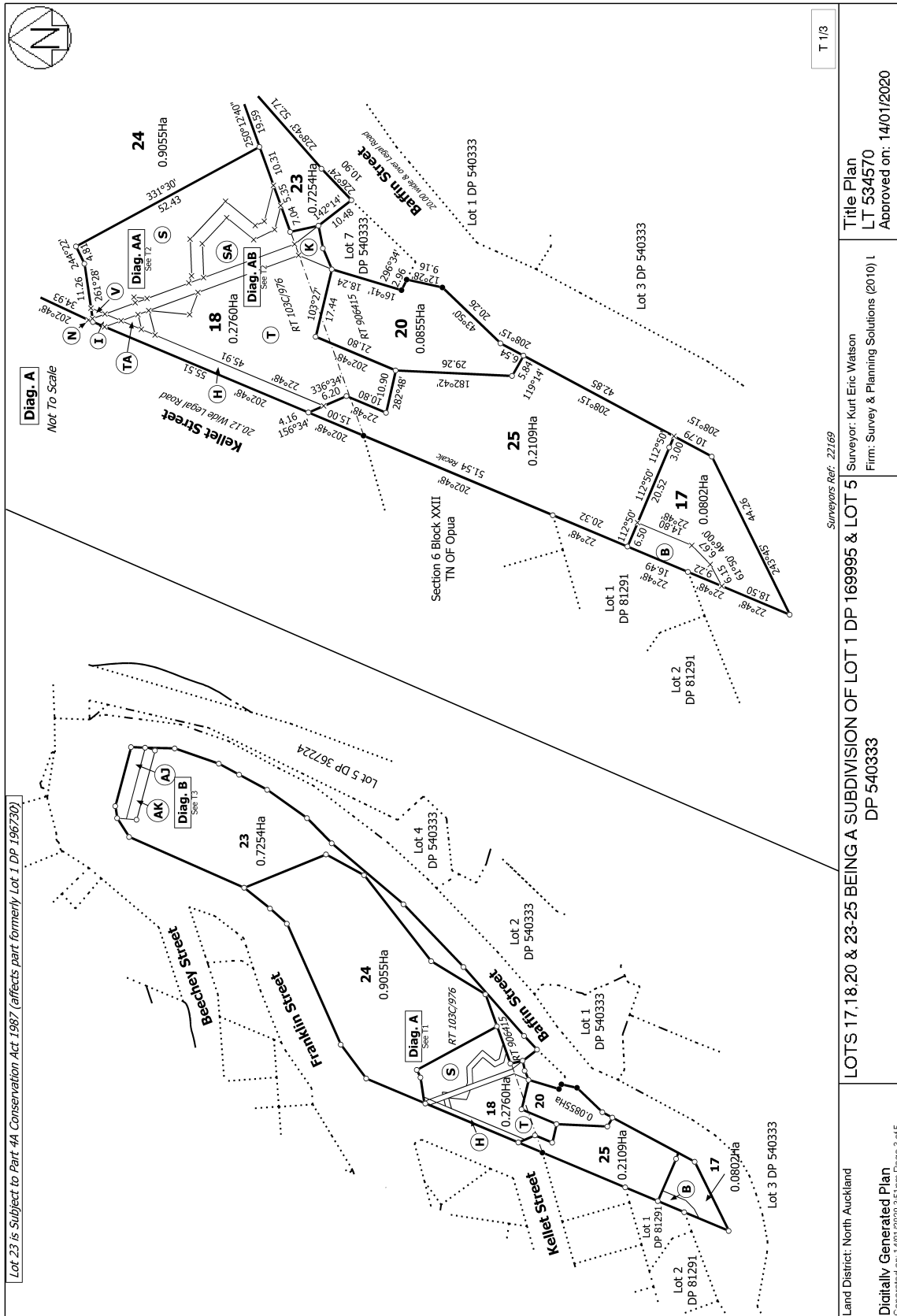
Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991 (affects DP 534570)

11607799.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.12.2019 at 11:17 am

Subject to a right of way (pedestrian) over part Lot 18 DP 534570 marked H, I and V on DP 534570 created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

Appurtenant to Lot 25 DP 534570 is a right of way, right to convey electricity, telecommunications and water and right to drain stormwater and sewage and appurtenant to Lots 24 and 25 DP 534570 is a right of way (pedestrian) created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

The easements created by Easement Instrument 11607799.3 are subject to Section 243 (a) Resource Management Act 1991 11607799.4 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 20.12.2019 at 11:17 am (affects Lot 18 DP 534570)





**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** **NA37D/845**  
**Land Registration District** **North Auckland**  
**Date Issued** 10 June 1977

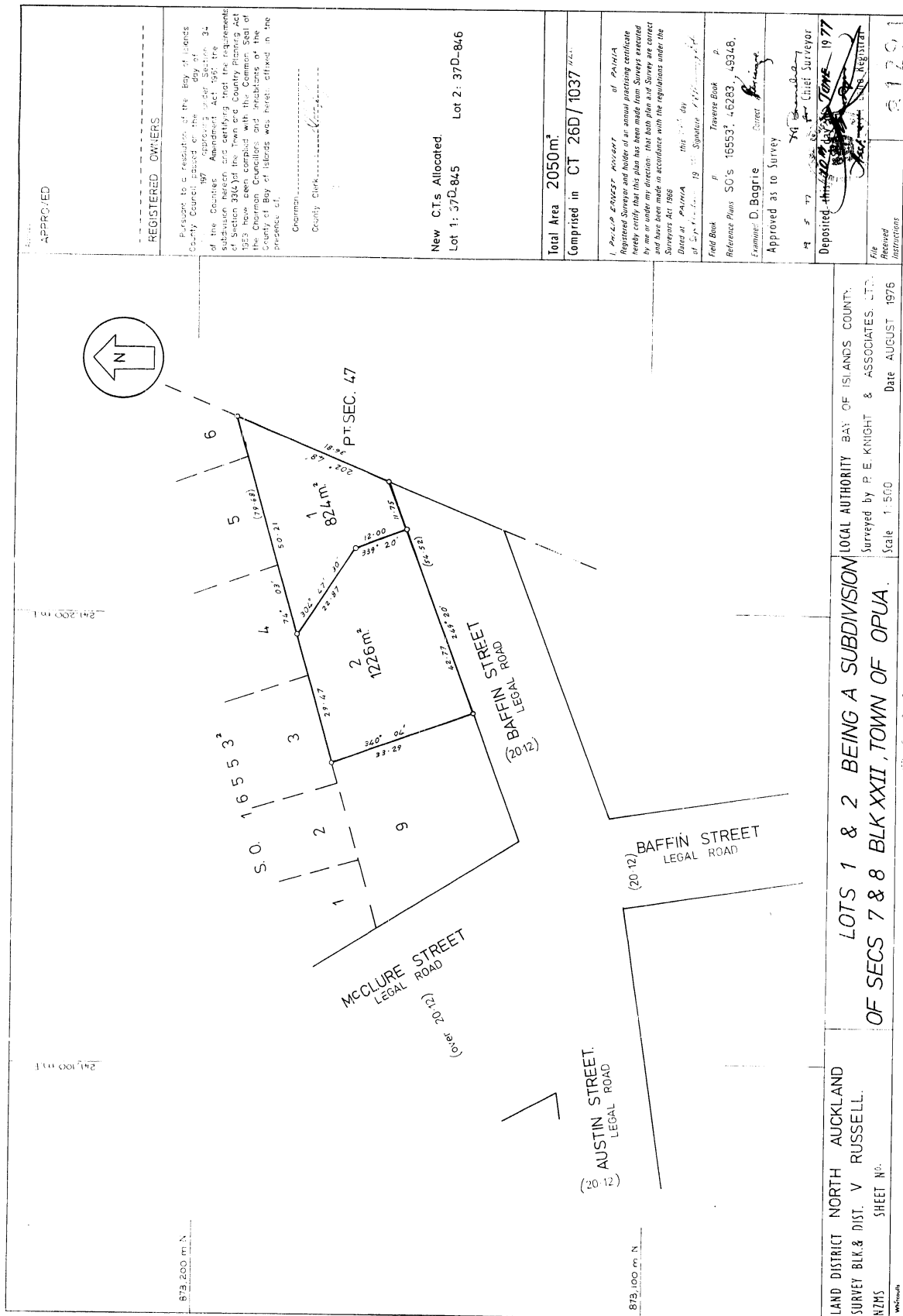
**Prior References**  
NA26D/1037

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**Estate** Fee Simple  
**Area** 824 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 81291  
**Registered Owners**  
David John William Gamble and Manjula Govind Gamble

---

**Interests**



# View Instrument Details



<b>Instrument No</b>	11607799.4
<b>Status</b>	Registered
<b>Date &amp; Time Lodged</b>	20 December 2019 11:17
<b>Lodged By</b>	Baker, Lisa Anne
<b>Instrument Type</b>	Covenant (All types except Land covenants)



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<b>Affected Records of Title</b>	<b>Land District</b>
881537	North Auckland

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**Annexure Schedule** Contains 31 Pages.

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## Signature

Signed by Danielle Meddings as Grantor/Grantee Representative on 24/01/2020 02:06 PM

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

**CONSERVATION COVENANT**

(Section 77 Reserves Act 1977)

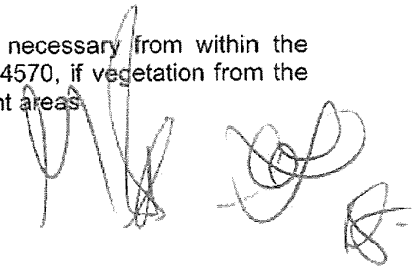
IN RESPECT OF LOT 18 DP 534570  
COMPRISED IN RECORD OF TITLE 881537

BETWEEN **FAR NORTH HOLDINGS LIMITED**  
("Landowner(s)")

AND **FAR NORTH DISTRICT COUNCIL**  
("Council")

**INTRODUCTION:**

- A. Section 77 of the Reserves Act 1977 provides that:
- (i) The Minister, any local authority, or any other body approved by the Minister, if satisfied that any private land or any Crown land held under Crown lease should be managed so as to preserve the natural environment, or landscape amenity, or wildlife or freshwater-life or marine-life habitat, and that the particular purpose or purposes can be achieved without acquiring the ownership of the land, or, as the case may be, of the lessee's interest in the land, for a reserve, may treat and agree with the owner or lessee for a covenant to provide for the management of that land in a manner that will achieve the particular purpose or purposes of conservation.
  - (ii) Any covenant under this section may be in perpetuity or for any specific term.
- B. The Far North District Council's Rating Relief Policies provide that land that has been set aside to protect particular outstanding landscape, historical, ecological or cultural values, under a forma protection agreement, in a form acceptable to Council and for a term of not less than ten years will be eligible to receive a postponement of rates for the period during which the protection remains in place.
- C. The Landowner(s) are the registered proprietors of the land described in the Schedule ("Land"), consisting predominantly of a mixture of native and regenerating native trees.
- D. The Landowner(s) and the Council have agreed that the Land be managed with the following conservation objectives:
- (i) To ensure the ongoing implementation of any Weed Management Plan implemented under Stage 2 of Resource Consent 2180514-RMACOM granted on 20 August 2019
  - (ii) To ensure that appropriate pruning of existing vegetation as necessary is permitted
  - (iii) To allow the pruning of existing vegetation as necessary from within the easement areas marked H, I, K and V on DP 534570, if vegetation from the Covenanted Area encroaches into those easement areas



- (iv) To protect habitats on the property so they can sustain a viable population of North Island Brown Kiwi; and
  - (v) To protect Kiwi on the property by ensuring that mammalian predators are not introduced on to the property.
- E. Council has sought advice and as a result, is satisfied that the Land is suitable for the continuation of a Conservation Covenant. A copy of the Report is attached as Appendix 1.
- F. The Landowner(s) and the Council have agreed that:
- (i) The areas defined as S, T, SA and TA on Lot 18 DP 534570 is the area to be covenanted by this covenant ("Covenanted Area").

For the purposes of this Covenant, the definition of "use" is taken from the Local Government (Rating) Act 2002). It means a person who, alone or with others:

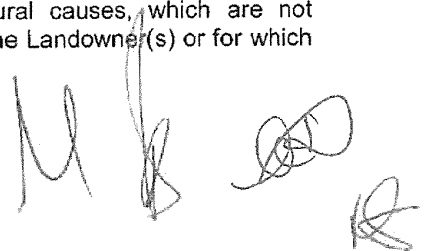
- (a) Leases the Land; or
- (b) Does one (a) or more of the following things on the land for profit or other benefit:
  - (i) Resides on the land;
  - (ii) De-pastures or maintains livestock on the land;
  - (iii) Stores anything on the land;
  - (iv) Uses the land in any other way.

**Notes:** Notwithstanding the above, work undertaken to preserve or enhance the features covenanted on the land, including weed control, will not impact the "unused" status of the land.

The removal of traditional medicinal tree and plant material for personal use will not constitute actual use of the land.

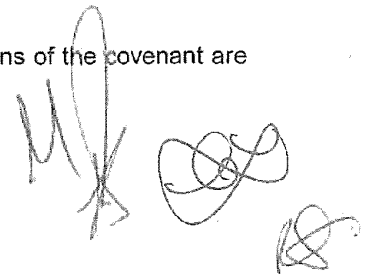
**IT IS AGREED that:**

1. The foregoing introduction recitals are true and correct and form part of the operative covenants of this document.
2. In accordance with Section 77 of the Reserves Act 1977 the Landowner(s) (to the intent that this Covenant will bind the Landowner(s)' successors in title and assigns in perpetuity) and the Council **MUTUALLY COVENANT** that the Covenanted Area shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions:
3. The Landowner(s) covenant in relation to the Covenanted Area that:
  - (a) The living indigenous vegetation on the Covenanted Area shall not be cut down, damaged or destroyed (except for the maintenance of roadways, easement areas and walking tracks, and tracks for pest control operations) without prior written consent of Council. The Landowner(s) shall be deemed not to be in breach of this prohibition if any such vegetation dies from natural causes, which are not attributable to any act or default by or on behalf of the Landowner(s) or for which the Landowner(s) are responsible.

Handwritten signatures and initials in black ink, including a large stylized 'M', a signature that appears to be 'B', and several circular and linear scribbles.



- (b) There shall be no intentional intrusion of grazing stock (including cows, sheep, goats and pigs) into any areas of indigenous vegetation on the Covenanted Area.
  - (c) No occupier of the Land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as ferrets, cats or dogs) which have the potential to be Kiwi predators, with the exception of dogs which are being walked on the lead, and which must remain on the lead at all times when in the Covenanted Area.
  - (d) Exotic vegetation which could adversely affect natural regeneration or local forest health is not be introduced onto the Land. This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy) and species described as "pest plants" in the "National Pest Plan Accord (August 2001)", any Northland Regional Pest Management Strategy or in the leaflet produced jointly by the Department of Conservation and the Northland Regional Council titled "Environment Weeds delightful but Destructive" (1984) and any revised versions of these publications.
  - (e) Dead wood and vegetation may be removed from the Covenanted Area by the Landowner(s) for the Landowner(s)' own use.
  - (f) Any predator/pest control work on the Land will be carried out in the best possible interests of and for the protection and long term survival of Kiwi and other indigenous fauna and flora.
4. The Landowner(s) shall pay the costs of preparation and registration of this Covenant.
  5. Subject to Council continuing to provide for the postponement of rates pursuant to a policy adopted in terms of Section 110 of the Local Government Act 2002, Council shall postpone the rates on all of the Covenanted Area so long as this Covenant remains in force.
  6. The duration of this covenant is for a period of ten years. It is understood that it is the intention of the parties to renew this covenant every ten years on the anniversary of its signing.
  7. As provided for in Section 88 of the Local Government Rating Act 2002, Council will add a postponement fee to the accumulated postponed rates each year. This postponement fee will not exceed the administrative cost together with the cost of financing the postponed rates.
  8. Subject to this covenant remaining in force, Council will remit any postponed rates together with any accumulated postponement fees upon the tenth anniversary of those rates and fees being assessed on the Land, at the rate of one year for each complete year which elapses after such tenth anniversary.
  9. The Covenanted Area will be monitored from time to time (for Council at the cost of Council) and a site visit, preferably by the organisation which undertook the initial assessment, will ensure, inter alia, that the purposes for which this covenant was created still apply.
  10. In the event that the scheduled site visit identifies that conditions of the covenant are not being met, the following enforcement rules will apply:

The block contains several handwritten signatures and initials in dark ink. There are three distinct signatures: one on the left, one in the middle, and one on the right. The signatures are stylized and appear to be written in a cursive or semi-cursive script. The initials are also stylized and appear to be written in a cursive or semi-cursive script.

Council will give written notice of the breach to the Landowner(s) with a copy of a report specifying the nature of the breach and the time during which the breach is to be remedied to the Council's satisfaction.

Council will advise that if the breach is not remedied during the specified time, there is a risk of no longer qualifying for rates relief and of the cancellation of the covenant at the Landowner(s)' expense.

There will be a follow-up monitoring visit in order to confirm whether the breach has been remedied and if it has, then no further action is required.

If the breach has not been remedied the Landowner(s) will be advised that a further specified period will be given for compliance and the Rating Department will be informed.

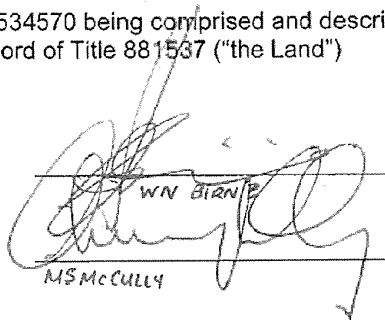
In the absence of full compliance within the further specified period, the Council will require all the postponed rates to be paid within one calendar month and this covenant will be cancelled.

11. In the event of cancellation of this covenant, the removal thereof from the register will be applied for at the Landowner(s)' expense

#### SCHEDULE

Lot 18 on DP 534570 being comprised and described  
In Record of Title 881537 ("the Land")

SIGNED by the Landowner,  
**FAR NORTH HOLDINGS  
LIMITED**, by its Directors/s:


  
MS McCULLY

SIGNED ON BEHALF OF THE FAR NORTH DISTRICT COUNCIL

 Ann COURT  
BY ITS AUTHORISED SIGNATORIES  
in the presence of:

  
RACHEL SMITH.

Witness Signature

  
Joire Durborg

Witness Name

5 Memorial Ave, Kaitake  
Witness Address



APPENDIX 1

**ASSESSMENT OF TERRESTRIAL ECOLOGICAL EFFECTS**  
**OF A PROPOSED SUBDIVISION OF LOT 1 DP 169995 &**  
**LOT 5 LT 516983 DP 516983 TO CREATE 23 RESIDENTIAL LOTS**  
**KELLET STREET, OPUA**

**Report 2018 258**

**CONFIDENTIAL**

**Prepared for**  
**FAR NORTH HOLDINGS LIMITED**

Consultation

Ecological  
Assessments

Resource Consent  
Applications

Compliance  
Monitoring

Water Quality  
Monitoring

Environmental  
Management

Pest Reduction  
Advice

Enrichment  
Planting

Restoration  
Advice

**NZE Quality System:**

Document Reference	:	p:\ Projects\2018 258 FNHL Opu
Report Revision	:	1
Report Status	:	Final
Prepared by	:	Dr Gary Bramley
Reviewed by	:	Tricia Scott
Approved by	:	Tricia Scott
Date Created	:	1 October 2018
Date Issued	:	17 October 2018

350 Kerikeri Road, Kerikeri 0230  
t 03 692 2989 or 09 407 3938 www.nzenvironmental.co.nz

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### APPENDICES:

<b>Appendix A:</b>	<b>Plant Species List</b>
<b>Appendix B:</b>	<b>Bird Species List</b>

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## EXECUTIVE SUMMARY

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Far North Holdings Limited owns Lot 1 DP 169995 and Lot 5 LT 516983 DP 516983 at Kellet Street, Opuā. The land is zoned Coastal Residential, Recreational Activities and Industrial and Far North Holdings proposes subdivision to create 16 residential lots ranging in size from 797m<sup>2</sup> to 1187m<sup>2</sup> (lot sizes are derived from the inclusion of land within the commonly owned sections 18 & 19). Remaining lots will be for heritage purposes (17), and vesting into Council. The southern portion of the property includes forest vegetation which forms part of Opuā Forest. This vegetation has a healthy canopy, but the understorey is compromised by a variety of exotic weeds. Nonetheless the area meets the criteria for significance articulated in the Far North District Plan and is considered to have moderate ecological significance, primarily because it forms an ecological connection between the coast and the larger part of Opuā Forest and includes representative vegetation. The northern portion of the site includes occasional indigenous species but is dominated by pasture grass and weeds of waste areas. Regenerating native seedlings of common species are commonly encountered in the northern areas.

Residential subdivision will entail earthworks and vegetation clearance. Creation of bare soil will increase the potential for weeds to expand across the site (particularly in the southern area) and an increase in the number of dwellings will also increase human disturbance and the prevalence of domestic pets and vermin. Given the property as a whole is too small to support significant numbers of indigenous fauna and is already surrounded by residential and industrial land-uses, effects on fauna due to the proposal are expected to be less than minor. However, the effects of the proposal on the significant indigenous vegetation at the site will require mitigation to protect the ecological value and natural character of the site. We recommend the following:

- That the subdivision (and concomitant earthworks and vegetation clearance) be staged so that the amount of bare land at any one time is minimised to reduce expansion of weeds.
- Best practice sediment control be employed at the site to prevent sediment mobilisation down the steep slopes. This has the potential to adversely affect vegetation on lower slopes.
- That the footprints for dwellings and accessways be defined and finalised in the early stages of the project so that vegetation outside those areas can be retained and enhanced to assist with sediment control and promote regeneration of native species.
- That ecologically appropriate plantings be included as part of the landscaping proposed for the site.
- That the parts of proposed Lots 11 – 20 which include native vegetation be the subject of formal legal protection via covenanting.
- That a weed management plan be developed for the site as a whole and implemented as works proceed.
- That any soil disposed of off-site be disposed of at a location where weed seeds and other propagules will not affect native communities or have the chance to establish and spread.

If implemented effectively these recommendations would ensure that the effects of the proposed subdivision on the existing terrestrial ecological values are adequately mitigated.

---

## 1 INTRODUCTION

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### 1.1 BACKGROUND

Far North Holdings Limited owns 2.3147 ha of land near Waimangaroa Point, Opua. The land is situated on a steep south-east facing slope between Franklin Street and Baffin Street, with access via Kellet Street. The land includes two titles and is legally described as Lot 1 DP 169995 and Lot 5 LT 516983 contained in CT NA 103C/976 and NA 138A/112Pt.

Far North District Holdings proposes subdivision of the land to create 23 titles including 16 residential sections ranging in size from 309m<sup>2</sup> to 966m<sup>2</sup>. Because two additional common owned access lots (Lots 18 and 19, which are 3800m<sup>2</sup> and 400 m<sup>2</sup> in size respectively) are shared by these properties the property sizes effectively range from 797m<sup>2</sup> to 1187m<sup>2</sup>. The proposed subdivision layout is shown in Figure 1. The property is located within the Coastal Residential, Industrial and Recreational Activities Zoned land identified in the Far North District Plan and includes land within the Maritime Exemption Area.

### 1.2 SCOPE

This report has been prepared to assess the effects of the proposed subdivision on the terrestrial ecological values of the site and is based on a site visit carried out by Gary Bramley and Tricia Scott on 1 October 2018.

### 1.3 ECOLOGICAL CONTEXT

The Far North Holdings Limited property is located within the Kerikeri Ecological District and Eastern Northland Ecological Region immediately north of the boundary with the Whangaruru Ecological District (McEwen 1987, Brook 1996, Conning and Miller 1999). The Kerikeri Ecological District covers approximately 67,600 ha centred on the Bay of Islands and extends from Tauranga Bay in the north to Kawakawa, Otiria, and Opua in the south, extending inland as far as the eastern boundary of Puketi Forest (Conning and Miller 1999). The Kerikeri Ecological District adjoins the Whangaroa Ecological District in the north, Kaikohe and Puketi Ecological Districts in the west and Whangaruru and Tangihua ecological districts to the south. The district includes offshore islands between Whangaroa Harbour and Cape Wīwī (Purerua Peninsula) as well as the inshore islands of the northern Bay of Islands and Kerikeri Inlet (Conning and Miller 1999).

Conning and Miller (1999) mapped and briefly described most of the areas of indigenous vegetation within the Kerikeri Ecological District and also provided an analysis of the main vegetation types as well as information on threatened species and other taxa of scientific interest present within the District. They concluded that natural areas constituted approximately 21% of the Kerikeri Ecological District. Of these, 31% were forest, 52% shrubland, 7% estuarine, 4% freshwater wetlands, and 6% island habitats. A high degree of fragmentation is a feature of many of the habitats in the Kerikeri Ecological District with almost no original coastal vegetation remaining. Nonetheless the Kerikeri Ecological District remains the national stronghold for North Island brown kiwi (*Apteryx mantelli*). Kerikeri is also the type locality for many indigenous species, reflecting early visits by western naturalists (particularly the brothers Alan and Richard Cunningham, botanists who visited Northland in 1826-27 and 1833-34 respectively). Kerikeri Ecological District has a considerable length of coastline, but coastal vegetation has generally been severely modified, and is frequently dominated by exotic species. Protection and restoration of coastal vegetation is a high priority.



Having evaluated the sites with indigenous vegetation throughout the district, Conning and Miller (1999) grouped them according to two levels of ecological significance, with Level 1 sites being of the highest ecological value and Level 2 sites supporting populations of indigenous flora and fauna, but of generally lower ecological value than Level 1 sites. The Far North District Holdings property forms part of P05/058 (Opua Forest) which was regarded by Conning and Miller as a Level 1 site. Level 1 sites are those which include one or more of the following ecological characteristics:

- Contain or are regularly used by critical, endangered, vulnerable or rare taxa (i.e. species and subspecies), or taxa of indeterminate threatened status nationally.
- Contain or are regularly used by indigenous or endemic taxa that are threatened, rare, or of local occurrence in Northland or in the Ecological District.
- Contain the best representative examples in the Ecological District of a particular ecological unit or combination of ecological units.
- Have high diversity of taxa or habitat types for the Ecological District.
- Form ecological buffers, linkages, or corridors to other areas of significant vegetation or significant habitats of indigenous fauna.
- Contain habitat types that are rare or threatened in the Ecological District or regionally or nationally.
- Support good populations of taxa which are endemic to Northland or Northland–Auckland.
- Are important for indigenous or endemic migratory taxa.
- Cover a large geographic area relative to other similar habitat types within the Ecological District.

The area of forest at the property which forms part of the larger Opua Forest extends across the proposed Lots 11 – 22 but excludes proposed Lot 21. Opua Forest covers c. 4294ha extending from Puketona and Oromahoe to the coast at Paihia and Opua and south as far as the northern bank of the Kawakawa River at Taumarere and includes a variety of habitat types. Conning and Miller (1999) considered that the significance of Opua forest lies in its large size, coastal influences and mosaic of vegetation types including freshwater and saltwater ecotones and sequential gradients from sea level to over 230 m asl. They considered it a representative site for all vegetation types present.

#### 1.4 VEGETATION VALUES OF THE PROPERTY

As described above, forest vegetation occurs mainly at the southern end of the property and extends across proposed Lots 11 – 22 (excluding proposed Lot 21). The forest canopy and subcanopy are dominated by totara (*Podocarpus totara*) and towai (*Weinmannia silvicola*) with common pohutukawa (*Metrosideros excelsa*), kanuka (*Kunzea robusta*) and tanekaha (*Phyllocladus trichomanoides*). There are some large individual trees (diameters at breast height approximately 80 cm) and the forest canopy is typically 12 – 15 m tall. Pine trees (*Pinus radiata*) are occasionally present in the canopy and as emergent and seedlings, particularly near the forest edge. A full list of plant species encountered is provided in Appendix A. The ground layer is dominated by exotic species tolerant of shaded conditions including periwinkle (*Vinca major*), climbing asparagus (*Asparagus scandens*), ginger (*Hedychium gardnerianum* and *H. flavescens*), Taiwanese cherry (*Prunus campanulata*) and elaeagnus (*Eleagnus x reflexa*), but native species such as silver fern (*Cyathea dealbata*), karamu (*Coprosma robusta*), pigeonwood (*Hedycarya*



*arborea*) and mahoe (*Melicytus ramiflorus*) dominate the shrub layer along with exotic species such as Taiwanese cherry. Small trees such as akepiro (*Olearia furfuracea*) and akiraho (*O. paniculata*) are also present around the margins of the forest. Examples of this vegetation are shown in Figures 1.2– 1.4.



Figure 1.2: Understorey vegetation within proposed Lot 18, Kellet Street, Opua.



Figure 1.3: Forest vegetation at Kellet Road, Opua.



Figure 1.4: Forest near proposed Lots 15 and 20 viewed from Baffin Road and showing the presence of exotic weeds within the indigenous vegetation.

At the northern end of the property the vegetation has been cleared relatively recently, although remnant kanuka, totara and towai still occur, along with houpara (*Pseudopanax lessonii*) and haekaro (*Pittosporum umbellatum*). The majority of the vegetation across Lots 1 – 11 comprises exotic species such as common pasture grasses (Yorkshire fog (*Holcus lanatus*), kikuyu (*Cenchrus clandestinus*), sweet vernal (*Anthoxanthum odoratum*) and the like) and herbs (including plantain (*Plantago lanceolata*, *P. major*), lotus (*Lotus pedunculatus*), red clover (*Trifolium pratense*) and creeping buttercup (*Ranunculus repens*) as well as species typical of waste ground such as blue morning glory (*Ipomoea indica*), pampas grass (*Cortaderia selloana*), sweet pea shrub (*Polygala myrtifolia*), fireweeds (*Senecio bipinnatisectus*, *S. vulgaris*, *S. glastifolius*), montbretia (*Crocasmia x crocosmiiflora*), watsonia (*Watsonia meriana* var. *bulbillifera*), aristeia (*Aristea ecklonii*) and Bermuda buttercup (*Oxalis pes-caprae*). Amongst the weeds, native seedlings 10 – 30 cm in height (particularly kanuka and cabbage tree (*Cordyline australis*)) are common. Examples of this vegetation are shown in Figure 1.5 – 1.7.



**Figure 1.5: Vegetation at the northern end of the property (nearest Waimangaroa Point).**



**Figure 1.6: Native seedlings (<30 cm tall) were common in the weedy vegetation to the north.**



Figure 1.7: Vegetation at Kellet Street, Opuā. Veronica Channel is in the background.

#### 1.5 FAUNA VALUES

Bird song was common during the site visit. Birds recorded included common species such as kingfisher (*Todiramphus sanctus*) and grey warbler (*Gerygone igata*), but two kukupa (New Zealand wood pigeon, *Hemiphaga novaeseelandiae*) were also seen. A full list of birds encountered is provided in Appendix B.

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## 2. PLANNING MATTERS

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### 2.1 RULES RELATING TO SUBDIVISION

The property includes land zoned Coastal Residential, Recreational Activities and Industrial in the operative Far North District Plan. Some of the land is also covered by a Maritime Exemption Area.

Because the subdivision proposal does not comply with one or more of the standards for Controlled or restricted discretionary activities as set out under rule 13.7.2.1 (Minimum allotment Sizes), the proposal is a discretionary activity in accordance with Rule 13.9 of the Far North District Plan.

### 2.2 RULES RELATING TO VEGETATION CLEARANCE

In accordance with Rule 12.2.6.1.4, the clearance of indigenous vegetation is a permitted activity if the site meets the definition of an "urban environment"<sup>1</sup> site as specified in Rule 12.2.6.1.1(p). On all other sites in other zones, the clearance of indigenous vegetation is a permitted activity, provided that the clearance does not increase the total area of cleared land on the site above 500m<sup>2</sup>.

If the indigenous vegetation clearance in all zones other than Rural Production, Minerals and General Coastal does not comply with Rules 12.2.6.1.1 or 12.2.6.1.4, then according to Rule 12.2.6.2.2, the felling, injuring or removal of indigenous vegetation is a restricted discretionary activity. The Council will restrict the exercise of its discretion to:

- (a) the significance of the area assessed using the criteria listed in Method 12.2.5.6; and
- (b) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated; and
- (c) the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and
- (d) the extent to which the activity may adversely impact on visual and amenity values; and
- (e) the extent to which the activity may restrict the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, other taonga and the exercise of kaitiakitanga over these.

This report deals with (a) – (c) above.

Policy 10.4.1 of the Far North District Plan requires that the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is defined as that where the activity generally:

- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and
- (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and

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<sup>1</sup> "urban environment" means an allotment no greater than 4000 m<sup>2</sup> that is connected to a reticulated water supply system and a reticulated sewerage system; and on which is a building used for industrial or commercial purposes, or a dwelling/house.

(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and

(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

Policy 10.4.6 states that activities and innovative development including subdivision, which provide superior outcomes, and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.

## 2.3

### CRITERIA FOR DETERMINING SIGNIFICANCE OF INDIGENOUS VEGETATION

Method 12.2.5.6 of the Far North District Plan states that when processing applications for resource consent for land use or subdivision the significance of indigenous vegetation and habitats will be assessed by reference to the criteria in Appendix III of the Northland Regional Policy Statement. These criteria are:

(a) whether the area contains critical, endangered, vulnerable or rare taxa, or taxa of indeterminate threatened status (in the context of this clause, taxa means species and subspecies);

(b) whether the area contains indigenous or endemic taxa that are threatened or rare in Northland;

(c) whether the area contains representative examples in an ecological district of a particular habitat type;

(d) whether the area has a high diversity of taxa or habitat types for the ecological district;

(e) whether the area forms an ecological buffer, linkage or corridor to other areas of significant vegetation or significant habitats of indigenous fauna;

(f) whether the area contains types that are rare in the ecological district;

(g) whether the area supports good populations of taxa which are endemic to the Northland or Northland-Auckland regions;

(h) whether the area is important for indigenous or endemic migratory taxa;

(i) whether the area supports viable populations of species, which are typical of that type of habitat within an ecological district and retain a high degree of naturalness.



Appendix 5 of the updated Regional Policy Statement for Northland (May 2018) includes slightly different criteria, viz. the following:

### **1. Representativeness**

(a) Regardless of its size, the ecological site is largely indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity at the relevant and recognised ecological classification and scale to which the ecological site belongs:

- i. If the ecological site comprises largely indigenous vegetation types; and
- ii. Is typical of what would have existed circa 1840; or
- iii. Is represented by faunal assemblages in most of the guilds expected for the habitat type; or

(b) The ecological site

- i. Is a large example of indigenous vegetation or habitat of indigenous fauna, or
- ii. Contains a combination of landform and indigenous vegetation and habitat of indigenous fauna, that is considered to be a good example of its type at the relevant and recognised ecological classification and scale.

### **2. Rarity / distinctiveness**

(a) The ecological site comprises indigenous ecosystems or indigenous vegetation types that:

- i. Are either Acutely, or Chronically Threatened land environments associated with LENZ Level 4; or
- ii. Excluding wetlands, are now less than 20% of their original extent; or
- iii. Excluding man made wetlands, are examples of the wetland classes that either otherwise trigger Appendix 5 criteria or exceed any of the following area thresholds (boundaries defined by Landcare delineation tool);
  - a) Saltmarsh greater than 0.5 hectare in area; or
  - b) Shallow water (lake margins and rivers) greater than 0.5 hectare in area; or
  - c) Swamp greater than 0.4 hectare in area; or
  - d) Bog greater than 0.2 hectare in area; or
  - e) Wet Heathlands greater than 0.2 hectare in area; or
  - f) Marsh; Fen; Ephemeral wetlands or Seepage / flush greater than 0.05 hectares in area.

(b) Indigenous vegetation or habitat of indigenous fauna that supports one or more indigenous taxa that are threatened, at risk, data deficient or uncommon, either nationally or at the relevant ecological scale.

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- (c) The ecological site contains indigenous vegetation or an indigenous taxon that is:
    - i. Endemic to the Northland-Auckland region; or
    - ii. At its distributional limit within the Northland region;
  - (d) The ecological site contains indigenous vegetation or an association of indigenous taxa that:
    - i. Is distinctive of a restricted occurrence; or
    - ii. Is part of an ecological unit that occurs on an originally rare ecosystem; or
    - iii. Is an indigenous ecosystem and vegetation type that is naturally rare or has developed as a result of an unusual environmental factor(s) that occur or are likely to occur in Northland; or
    - iv. Is an example of nationally or regionally rare habitat as recognised in the New Zealand Marine Protected Areas Policy.

### 3. Diversity and pattern

- (a) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of:
  - i. Indigenous ecosystem or habitat types; or
  - ii. Indigenous taxa;
- (b) Changes in taxon composition reflecting the existence of diverse natural features or ecological gradients; or
- (c) Intact ecological sequences.

### 4. Ecological context

- (a) Indigenous vegetation or habitat of indigenous fauna is present that provides or contributes to an important ecological linkage or network, or provides an important buffering function; or
- (b) The ecological site plays an important hydrological, biological or ecological role in the natural functioning of riverine, lacustrine, palustrine, estuarine, plutonic (including karst), geothermal or marine system; or
- (c) The ecological site is an important habitat for critical life history stages of indigenous fauna including breeding / spawning, roosting, nesting, resting, feeding, moulting, refugia or migration staging point (as used seasonally, temporarily or permanently).

## 2.4 ASSESSMENT OF SIGNIFICANCE

With respect to Appendix III, the vegetation and habitats at Kellet Street are considered to meet criteria c and e. Each of these criteria are considered specifically below.

- (a) The habitats are not known to be home to critical, endangered, vulnerable or rare taxa, or taxa of indeterminate threatened status.



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- (b) The habitats are not known to contain indigenous or endemic taxa that are threatened or rare in Northland.
  - (c) The forest vegetation association at the site can be regarded as representative.
  - (d) The habitats do not have a high diversity of indigenous taxa, although the species diversity overall is high.
  - (e) The habitats are part of the larger P05/058 (Opuā Forest) site identified by Conning and Miller (1999). This site extends from Puketona to the coast and as far south as Taumarere as described above. As such the habitats are part of an ecological linkage or corridor to other areas of significant habitats. They also form a buffer between coastal and terrestrial habitats at the site.
  - (f) The vegetation is not known to be rare within the ecological district or region.
  - (g) The area is not known to support good populations of taxa which are endemic to the Northland or Northland-Auckland regions.
  - (h) The site is not likely to be important for migratory taxa.
  - (i) The habitats are heavily affected by exotic weeds and does not retain a high degree of naturalness and contributes in only a minor way to supporting populations of species typical of the ecological district.

In relation to Appendix 5, the areas of indigenous vegetation and habitats at Kellet Street are considered to meet criteria 1, 3 and 4 (representativeness, diversity and pattern and ecological context). Specifically, with respect to representativeness parts of the site contain largely indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the Whangaruru Ecological District. With regard to diversity and pattern the indigenous vegetation at the site includes intact ecological sequences when considered in association with the wider Opuā Forest of which it is a part. With respect to ecological context the indigenous vegetation at the site contributes to an important ecological linkage or network and provides an important buffering function.

On the basis of the above criteria, the vegetation and habitats at the property are considered ecologically significant with moderate ecological value.

## **2.5 NATIONAL PRIORITIES FOR PROTECTION ON PRIVATE LAND**

The Department of Conservation and Ministry for the Environment (2007) have identified priorities for the protection of indigenous biodiversity on private land in New Zealand. The vegetation and habitats at Kellet Road are not included in any of the national priorities.

## **2.6 ASSESSMENT OF ECOLOGICAL VALUE**

As described above, the southern part of the property comprises predominantly indigenous vegetation, although weeds are widespread and likely to continue to expand across the site if they are not controlled. The site is well connected to Opuā Forest and the coast and is of moderate ecological value. Although weeds are common place in the northern part of the property, native species are regenerating well and there is considerable potential to improve the ecological values of the site as a whole as part of the proposal.

### 3. ASSESSMENT OF EFFECTS

#### 3.1 EFFECTS OF THE PROPOSED SUBDIVISION

If subdivision proceeds at the site then earthworks and vegetation clearance will follow in order to allow construction of the road and access ways to each proposed Lot, as well as to create building platforms. The extent of any vegetation clearance would vary for each Lot according to the size of the dwelling being constructed. Lots 18 and 19 are proposed as Common Owned Access Lots, but indigenous forest vegetation also occurs on proposed Lots 14 – 17, 20, 22, 12, 13 and to lesser extent 11. Generally speaking, with the exception of Lot 22, these are the larger lots proposed and it should be possible to constrain the location of any dwelling to protect the indigenous vegetation present. In order to protect and enhance the vegetation and habitats (and improve the natural character of the coastal environment in accordance with Policy 10.4.6 of the Far North District Plan) ongoing weed control will be required at these sites and this should be guided by a weed management plan prepared by a suitably qualified and experienced ecologist.

Natural regeneration across proposed Lots 1 – 11 is proceeding and it would be advantageous to the local ecology if these seedlings were retained as part of the proposal. Weed control in these areas is required, but it would need to be judicious, targeted and rely predominantly on manual methods to protect native species. Early confirmation of the location of dwellings and accessways would assist in defining where native seedlings could be retained and weeds could be removed from these areas and supplementary planting or seeding undertaken to improve overall vegetation quality.

The site is steep and vegetation clearance and earthworks have the potential to generate sediment which would flow downslope and degrade the habitats there. It is clearly evident that many weeds have spread down the site from the top. Creating bare soils without weed control will increase weediness in the short term and effective weed and sediment control will be required to protect the more natural habitats from the disturbance the proposal will bring.

Because the habitats are so weedy, particularly at the northern end of the site, care should be taken in choosing the destination for disposal of any surplus soil created by the works. Soils from the site will be highly contaminated with significant weed species and such soils should ideally be disposed of to landfill and buried to prevent further weed spread.

As well as the extent, the method used to clear the vegetation (manual versus mechanical) and the timing of the clearance (relative to breeding and other activities) are also relevant in determining the scale of the effects on the local terrestrial ecological values. We recommend that the least invasive methods be used where practicable, that development footprints be identified early in the proposal to protect ecological values and that the development be staged so that only small areas of bare ground are created at any one time. Staging the development will reduce the potential for sediment generation and also reduce the risk of weeds spreading across the site.

As well as increasing the ingress of weeds, more residential units will bring an increase in human activity, traffic movements and the number of domestic pets and unwanted vermin (such as rats). The forested area is relatively small and is not big enough alone to sustain significant numbers of indigenous fauna. It is also surrounded by other housing and industrial activity. On that basis significant additional adverse effects on fauna are unlikely.

### **3.2 RECOMMENDATIONS TO MITIGATE EFFECTS OF THE PROPOSED SUBDIVISION**

In order to mitigate the adverse effects such that they become less than minor, the following remedies are recommended for incorporation into any resource consent conditions:

- That a suitably qualified and experienced ecologist prepare a weed management plan for the site and work with contractors to implement it.
- That a suitably qualified and experienced ecologist contribute to the proposed planting plan for the site to ensure the species used for plantings, and the location of any plantings proposed as part of landscaping, are ecologically appropriate and contribute positively to reducing the overall effects.
- That development footprints be defined early so as to allow protection of regenerating vegetation on the site.
- That formal protection of remaining habitats located within proposed Lots 18 and 19 and parts of proposed Lots 11 – 20 on the site be undertaken via covenanting or other legal mechanism.

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#### 4. CONCLUSION

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Having assessed the forest vegetation at the southern end of the site as meeting the criteria for significance within the operative Far North District Plan, the habitats are considered to be of moderate ecological value. Vegetation at the northern part of the site is weedier and is not considered significant indigenous vegetation, but native seedlings are common and the potential for natural revegetation is good. The adverse effects of the proposal can be reduced by:

- Ecologically appropriate planting as part of landscaping the site.
- Retention of native seedlings where practicable.
- Weed control intended to improve the overall ecological value of the remaining habitats at the site and reduce the potential for weeds to spread from the site.
- Formal protection via covenanting or similar of all of proposed Lots 18 and 19 and parts of proposed Lots 11 – 20.

If these actions are implemented as part of the suite of conditions applying to the proposed development, then the effects of the proposed subdivision on terrestrial ecological values can be regarded as less than minor.

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## 5. REFERENCES

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- Brook, F.J. 1996: Classification of the ecological districts of Northland. Unpublished report prepared for Northland Conservancy, Department of Conservation, Whangarei.
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- McEwen, W.M. 1987. Ecological Regions and Districts of New Zealand. Third revised edition in four 1:500 000 Maps. New Zealand Biological Resources Centre, Department of Conservation, Wellington.

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## APPENDIX A Plant Species List

Latin Name	Common Name
<b>Gymnosperms</b>	
<i>Cupressus macrocarpa</i>	macrocarpa
<i>Pinus radiata</i>	radiata pine, Monterey pine
<b>Dicotyledonous trees and shrubs</b>	
<i>Acacia mearnsii</i>	Black wattle
<i>Bartlettina sordida</i> *	
<i>Buddleja davidii</i> *	buddleia
<i>Coprosma grandifolia</i>	
<i>Coprosma lucida</i>	
<i>Coprosma lucida x grandifolia</i>	
<i>Coprosma rhamnoides</i>	
<i>Coprosma robusta</i>	karamu
<i>Coprosma virescens</i>	
<i>Cotoneaster glaucophyllus</i> *	large-leaved cotoneaster
<i>Eleagnus x reflexa</i> *	
<i>Eriobotrya japonica</i> *	locquat
<i>Erythrina x sykesii</i> *	flame tree
<i>Eucalyptus sp.</i> *	gum
<i>Geniostoma ligustrifolium</i> var. <i>ligustrifolium</i>	hangehange
<i>Hakea sericea</i> *	prickly hakea
<i>Hedycarya arborea</i>	pigeonwood
<i>Kunzea robusta</i>	kānuka
<i>Leptospermum scoparium</i> agg.	mānuka

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<i>Leucopogon fasciculatus</i>	tall mingimingi
<i>Ligustrum sinense</i> *	small leaved privet
<i>Melicactus ramiflorus</i>	mahoe
<i>Metrosideros excelsa</i>	pohutukawa
<i>Myrsine australis</i>	mapou
<i>Olearia paniculata</i>	akiraho
<i>Olearia avicenniifolia</i>	mountain akeake
<i>Olearia furfuracea</i>	akepiro
<i>Paraserianthes lophantha</i> *	brush wattle
<i>Phyllocladus trichomanoides</i>	tanekaha
<i>Phytolacca octandra</i> *	Ink weed
<i>Piper excelsum</i>	kawakawa
<i>Pittosporum umbellatum</i>	haekaro
<i>Podocarpus totara</i>	totara
<i>Polygala myrtifolia</i> *	sweet pea shrub
<i>Prunus campanulata</i> *	Taiwanese cherry
<i>Prunus domestica</i> *	plum
<i>Prunus persica</i> *	peach
<i>Pseudopanax lessonii</i>	houpara
<i>Quercus robur</i> *	oak
<i>Rosa cecile brunner</i> *	rambling rose
<i>Schefflera digitata</i>	pate
<i>Syzygium smithii</i> *	Monkey apple, acmena
<i>Solanum mauritianum</i> *	woolly nightshade
<i>Ulex europaeus</i> *	gorse
<i>Veronica stricta</i>	koromiko
<i>Weinmannia silvicola</i>	towai

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<b>Lianes and climbers</b>	
<i>Araujia sericifera</i> *	moth plant
<i>Anredera cordifolia</i> *	mignonette vine
<i>Asparagus scandens</i> *	climbing asparagus
<i>Delairea odorata</i> *	German ivy
<i>Hedera helix</i> *	ivy
<i>Ipomoea indica</i> *	blue morning glory
<i>Jasminium polyanthum</i> *	jasmine
<i>Lonicera japonica</i> *	Japanese honeysuckle
<i>Metrosideros perforata</i>	white rata
<i>Passiflora edulis f. edulis</i> *	black passionfruit
<i>Wisteria sinensis</i> *	wisteria
<b>Lycophytes</b>	
<i>Selaginella kraussiana</i> *	African club moss
<b>Dicot herbs</b>	
<i>Ageratina riparia</i> *	mistflower
<i>Ageratina adenophora</i> *	Mexican devil weed
<i>Alocasia brisbanensis</i> *	elephant ear
<i>Bellis perennis</i> *	daisy
<i>Cirsium vulgare</i> *	Scotch thistle
<i>Crepis capillaris</i> *	hawksbeard
<i>Daucus carota</i> *	carrot weed
<i>Foeniculum vulgare</i> *	fennel
<i>Geranium gardneri</i> *	
<i>Geranium sp.</i> *	garden geranium
<i>Gnaphalium uliginosum</i>	



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<i>Haloragis erecta subsp. erecta</i>	haloragis
<i>Hydrocotyle moschata var. moschata*</i>	hairy pennywort
<i>Impatiens sodenii*</i>	Sod's balsam
<i>Jacobaea vulgaris*</i>	ragwort
<i>Lotus suaveolens*</i>	hairy birdsfoot trefoil
<i>Lotus pedunculatus*</i>	lotus
<i>Oenanthe pimpinelloides*</i>	parsley dropwort
<i>Oxalis pes-caprae*</i>	Bermuda buttercup
<i>Physalis peruviana*</i>	Cape gooseberry
<i>Plantago lanceolata*</i>	narrow-leaved plantain
<i>Plantago major*</i>	broad-leaved plantain
<i>Prunella vulgaris*</i>	self-heal
<i>Plectranthus grandis*</i>	
<i>Ranunculus repens*</i>	creeping buttercup
<i>Risinus communis*</i>	castor oil plant
<i>Roldana petasitis*</i>	velvet groundsel
<i>Rumex acetosella*</i>	sorrel
<i>Senecio bipinnatisectus*</i>	Australian fireweed
<i>Senecio diaschides*</i>	fireweed
<i>Solanum nigrum*</i>	black nightshade
<i>Sonchus oleraceus*</i>	puha
<i>Taraxacum magellanicum</i>	New Zealand dandelion
<i>Tradescantia fluminensis*</i>	wandering jew
<i>Tropaeolum majus*</i>	nasturtium
<i>Verbena bonariensis*</i>	purple-top, purple-top vervain
<i>Vinca major*</i>	periwinkle

Assessment of Ecological Effects of Creation of Lots 1-23, Kellet Street, Opua  
Prepared for Far North Holdings Limited

<b>Herbaceous monocots</b>	
<i>Agapanthus praecox subsp. Orientalis</i> *	agapanthus
<i>Aristea ecklonii</i> *	aristea
<i>Allium triquetrum</i> *	onion weed
<i>Bromeliaceae sp.</i> *	bromeliad
<i>Hedychium gardnerianum</i> *	wild ginger
<i>Hedychium flavescens</i> *	yellow ginger
<i>Watsonia meriana</i> *	watsonia
<i>Zantedeschia aethiopica</i> *	arum lily
<b>Orchids</b>	
<i>Earina mucronata</i>	bamboo orchid
<b>Grasses, sedges and rushes</b>	
<i>Anthoxanthum odoratum</i>	sweet vernal
<i>Arundo donax</i> *	giant reed
<i>Carex uncinata</i>	hook sedge
<i>Carex banksiana</i>	
<i>Cenchrus clandestinus</i> *	kikuyu
<i>Cortaderia jubatus</i> *	purple pampas
<i>Cortaderia selloana</i> *	pampas
<i>Cyperus esculentus</i>	small leaved umbrella sedge
<i>Cyperus ustulatus</i>	giant umbrella sedge
<i>Dianella nigra</i>	turutu, New Zealand blueberry
<i>Eleocharis sphacelata</i>	kuta
<i>Gahnia lacera</i>	
<i>Gahnia xanthocarpa</i>	mapere

Assessment of Ecological Effects of Creation of Lots 1-23, Kellet Street, Opua  
Prepared for Far North Holdings Limited

<i>Juncus effusus</i> var. <i>effusus</i>	soft rush
<i>Juncus pallidus</i>	giant rush
<i>Oplismenus hirtellus</i> subsp. <i>imbecilis</i>	
<i>Paspalum dilatatum</i> *	paspalum
<i>Phormium tenax</i>	harakeke, New Zealand flax
<i>Ranunculus repens</i> *	creeping buttercup
<i>Schoenus tendo</i>	kauri sedge
<i>Trifolium pratense</i> *	red clover
<i>Typha orientalis</i>	raupo
<i>Ehrharta erecta</i>	veldt grass
<b>Monocotyledonous trees and shrubs</b>	
<i>Astelia hastata</i>	Perching lily
<i>Cordyline australis</i>	ti kouka, cabbage tree
<i>Rhopalostylis sapida</i>	nikau
<i>Washingtonia robusta</i> *	Washington palm
<b>Ferns and Fern Allies</b>	
<i>Adiantum hispidulum</i>	rosy maidenhair
<i>Asplenium flaccidum</i>	hanging spleenwort
<i>Asplenium oblongifolium</i>	shining spleenwort
<i>Asplenium polyodon</i>	sickle spleenwort
<i>Cyathea dealbata</i>	silver fern
<i>Cyathea medullaris</i>	mamaku
<i>Doodia australis</i>	rasp fern
<i>Diploblechnum fraseri</i>	miniature tree fern
<i>Grammitis billardierei</i>	strap fern

*Assessment of Ecological Effects of Creation of Lots 1-23, Kellet Street, Opua  
Prepared for Far North Holdings Limited*

<i>Lindsaea trichomanoides</i>	
<i>Microsorium pustulatum</i>	hounds tongue
<i>Microsorium scandens</i>	fragrant fern
<i>Nephrolepis cordifolia</i> *	tuber sword fern
<i>Paesia scaberula</i>	ring fern
<i>Parablechnum novae-zelandiae</i>	kiokio
<i>Parablechnum procerum</i>	small kiokio
<i>Pteridium esculentum</i>	bracken
<i>Pteris comans</i>	coastal brake fern
<i>Pyrrosia elaeagnifolia</i>	leather leaf fern

\*denotes introduced and naturalised species

Assessment of Ecological Effects of Creation of Lots 1-23, Kellet Street, Opua  
Prepared for Far North Holdings Limited

## APPENDIX B Bird Species List

Latin name	Common name
<i>Acridotheres tristis</i> *	myna
<i>Fringilla coelebs</i> *	chaffinch
<i>Gerygone igata</i>	grey warbler
<i>Haematopus unicolor</i>	oyster catcher
<i>Hemiphaga novaeseelandiae</i>	wood pigeon
<i>Hirundo neoxena</i> *	welcome swallow
<i>Platycercus eximius</i> *	Eastern rosella
<i>Prosthemadera novaeseelandiae</i>	tui
<i>Rhipidura fuliginosa placabilis</i>	fantail
<i>Streptopelia capicola</i> *	barbary dove
<i>Todiramphus sanctus</i>	kingfisher
<i>Turdus merula</i> *	blackbird
<i>Zosterops lateralis</i>	waxeye

\*denotes introduced and naturalised species

# View Instrument Details



<b>Instrument No</b>	11607799.2
<b>Status</b>	Registered
<b>Date &amp; Time Lodged</b>	20 December 2019 11:17
<b>Lodged By</b>	Baker, Lisa Anne
<b>Instrument Type</b>	Consent Notice under s221(4)(a) Resource Management Act 1991



**Toitū Te Whenua**  
**Land Information**  
**New Zealand**

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<b>Affected Records of Title</b>	<b>Land District</b>
881537	North Auckland
881538	North Auckland

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**Annexure Schedule** Contains 2 Pages.

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## Signature

Signed by Danielle Meddings as Territorial Authority Representative on 20/12/2019 11:07 AM

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



Private Bag 757, Memorial Ave  
Kaitake 0440, New Zealand  
Telephone: 0908 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: [ask@fndc.govt.nz](mailto:ask@fndc.govt.nz)  
Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

*Te Kōwhiri o Tai Tokerau Ki Te Kōwhiri*

## **THE RESOURCE MANAGEMENT ACT 1991**

### **SECTION 221: CONSENT NOTICE**

#### **REGARDING RC 2180514 – Stage 1**

Being the Subdivision of Lot 1 DP 169995 and Lot 5 DP 540333  
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**

#### **Lots 17, 20, 24 and 25 of DP 534570**

- i. At the request of the landowner, these lots have not been provided with connection to any reticulated water, stormwater, or sewage system. At the time of building a residential unit on any of these lots, the owner shall be responsible for ensuring that either suitable on-site servicing is provided, or that suitable connections are provided for such servicing as may be required. The Far North District Council will not be responsible for any costs or physical works required to provide any extension or upgrade of public or private infrastructure in order to provide any such service connections to the lots.
- ii. Any future building development on the lots shall require specific geotechnical design to address earthworks, foundation design and appropriate servicing, to be prepared by a Chartered Professional Engineer. Such design shall specifically take into account the assessment, findings, and recommendations contained in the Geotechnical Investigation report prepared by Soil and Rock Consultants Ltd, Job No NL18032 dated 24<sup>th</sup> October 2018 (submitted in support of RC2180514). This condition will not apply where a suitable alternative report prepared by a Chartered Professional Engineer addressing building design and servicing is provided and accepted by the Council.

#### **Lot 18 DP 534570**

- iii. The lot has been considered and approved as a bush covenant lot. Therefore, it is not provided with any service connections or formed vehicle access points.





Private Bag 752, Ahimahi Ave  
Takapu 0440, New Zealand  
Freephone 0800 920 629  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: [ask.us@fnhc.govt.nz](mailto:ask.us@fnhc.govt.nz)  
Website: [www.fnhc.govt.nz](http://www.fnhc.govt.nz)

*Te Kaunihara o Tai Tokerau Ki Te Raki*

Lot 17 DP 534570

- iv. In the event that a building consent is lodged for a development on the lot prior to Stage 2 of RC2180514 obtaining a Section 224(c) certificate, the consent holder shall upgrade the portion of access located within the Baffin Street road reserve to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17 DP 534570, inclusive of any retaining wall design (as per Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018 and submitted in support of RC2180514), stormwater management, and vehicle crossing design. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Council's Development Engineer, before any building works commence on Lot 17 DP 534570.

SIGNED:

A handwritten signature in black ink, appearing to read 'P.J. Killalea'.

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

DATED at KERIKERI this 19<sup>th</sup> day of December 2019





**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (Section 127)**

**Resource Consent Number:** 2180514-RMAVAR/A

**Pursuant to section 127 of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

**Far North Holdings Limited**

**The activity to which this decision relates:**

To change the conditions of RC2180514, being a combined subdivision and land use consent granted on the 20<sup>th</sup> August 2019 to:

1. Subdivide to create 18 residential allotments (Lots 1 – 17 and 20), a bush covenant lot (Lot 18), and a balance Lot 23, to be carried out in two stages
2. construct a three-bedroom residential unit on each of Lots 1 – 16 created by subdivision
3. Undertake all indigenous vegetation clearance, earthworks and construction works required to give effect to the subdivision and land use activities sought

A 10-year consent period was granted for the land use consent component.

The proposed changes to the consent conditions are summarised as follows:

- Changing the subdivision staging to provide for three stages (noting that Stage 1 has been completed) where Stage 2 provides for Lots 1 – 13 and 31 - 33 and Stage 3 provides for Lots 14 - 16
- Including reference to a completed Vegetation and Weed Management Plan provided with this application in the conditions
- Re-allocation of bulk earthworks between the subdivision and land use consents, and to increase the total bulk earthworks across the development by 724m<sup>3</sup>
- Clarifying the extent and timing of indigenous vegetation clearance (no change to the total amount of clearance is sought) via the Vegetation Management Plan provided
- Ancillary changes to annotations on the scheme plans for covenants and easements
- Consequential changes to numbering and cross referencing of conditions
- Inclusion of resolutions to cancel consent notice conditions imposed in subdivision stages as an administrative matter
- Inclusion of a resolution in Stage 2 of the subdivision to cancel an amalgamation condition imposed as part of Stage 1 pursuant to Section 241(3)

**Subject Site Details**

Address: 2 Baffin Street, Opua 0200  
Legal Description: Lots 17, 20, and 23 DP 534570  
Certificate of Title reference: CT-881538, NA-103C/976

**Section 37 – Extension of Working Days**

Pursuant to Section 37 and 37A, the working days required to process this application have been extended beyond 20 working days, on the basis that information supporting the application has been revised and received at various times during the processing of the

application, and draft conditions have been prepared and reviewed on two occasions. An additional 26 days (to 24<sup>th</sup> February 2021) have been included to accommodate these matters. The matters identified under Section 37A(1) have been considered in making this decision.

**The following changes are made to the consent conditions:**

For the purpose of clarity the complete amended conditions of consent are as follows, with ~~strikethrough~~ indicating deleted wording and **bold and underline** indicating added wording :

**General Conditions**

1. That the proposed activities provided for under this consent shall be carried out in general accordance with the documentation and plans that form part of the application as follows:

- Planning Report Resource Consent Application prepared by Bay of Islands Planning Limited dated October 2018
- Subdivision Scheme Plans prepared by Williams and King Limited referenced 22169, Stage 1 Rev 4<sup>th</sup> September 2019; ~~Stage 2 Rev 4<sup>th</sup> September 2019 and Overall Plan (Stages 1 & 2) Rev 4<sup>th</sup> September 2019;~~ **Stage 2 Rev C dated December 2020; Stage 3 Rev C dated December 2020, and Overall Plan (Stages 1, 2 & 3) Rev C dated December 2020.**
- The plans prepared by Plus Architecture referenced as Job No 90120 Sheet nos RC0001 – RC0003, RC100 – RC102, RC200 – RC213, and RC233, inclusive of Sheet RC2020 Revision 2 dated 30 November 2018 as it relates to complying building height for the unit on Lot 6.
- Geotechnical Investigation for Proposed Residential Subdivision report prepared by Soil and Rock Consultants Limited referenced Job No NL18032 dated 24<sup>th</sup> October 2018
- Opua Hilltop Development Wastewater and Water Supply Report prepared by Cook Costello Limited referenced 14185 dated 28 September 2018
- Stormwater Management Assessment and Design Report for Proposed Subdivision prepared by Soil and Rock Consultants Limited referenced Job No. NL18028 Revision B dated 17 October 2018
- Opua Hilltop Wastewater Servicing Report Addendum prepared by GHD Limited referenced as Job No. 5137951 dated 21 June 2018
- Traffic Impact Assessment Report prepared by NCC Ltd dated October 2018, subject to amendment by way of the plan prepared by NCC Consulting Engineers Limited, entitled Far North District Council Kellet Street Development, dated 7/02/19, Sheet 1 of 1.
- Assessment of Landscape, Natural Character and Visual Amenity Effect report prepared by Simon Cocker Landscape Architecture dated 19<sup>th</sup> October 2018, inclusive of the e-mail from Simon Cocker dated 9<sup>th</sup> January 2019 addressing the provision of a Vegetation Management Plan, **and the Vegetation Management Plan dated November 2020 (updated 15 December 2020)**

- Assessment of Terrestrial Ecological Effects report prepared by NZ Environmental Ltd dated 17th October 2018
- Archaeological Survey report prepared by Northern Archaeological Research Ltd dated February 2017
- Kellet Street Layout and Lower Road Layout Plans prepared by NCC Limited dated 15th October 2018
- **The plans entitled 'Design Earthworks Layout Plan' Sheet EW1 prepared by NCC Limited and Soil and Rock Consultants dated 24/7/2020, and plans entitled 'Design Cross Sections' Sheets XS1 – XS13, prepared by NCC Limited and Soil and Rock Consultants dated 8/07/20**
- Fire Risk Assessment Report prepared by Formable Fire Safety Design referenced as Job No 18-0957 Rev A dated 30th October 2018
- ~~Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018~~ **The plan entitled 'Proposed Retaining Walls A to H and M Location Plan' Revision C prepared by Soil and Rock Consultants Limited dated 31/10/2018**
- Preliminary Site Investigation Report prepared by 4Sight Limited dated 15 November 2018
- **Weed Management Plan prepared by NZ Environmental Ltd dated 24th August 2020**
- **Erosion and Sediment Control Earthworks Management, prepared by Lands and Survey, Revision 3, dated 14 September 2020.**

2. This subdivision and landuse components of this consent are to be given effect to in the following order:

- a. Stage 1 of the subdivision consent is to be carried out prior to or in conjunction with Stages **2 and 3** of the subdivision consent.
- b. Stage 2 of the subdivision consent is to be carried out subsequent to or in conjunction with Stage 1 of the subdivision consent.
- c. **Stage 3 of the subdivision consent is to be carried out subsequent to or in conjunction with Stage 2 of the subdivision consent.**
- d. All earthworks and vegetation clearance approved under the land use consent, except where it is required to be undertaken to give effect to any Stage 1 conditions of the subdivision consent, is to be implemented as part of Stage 2 **and 3** of the subdivision consent.
- e. No building consent for one or more of the residential units on Lots 1 – 16 **13** as provided for under the land use consent shall be issued until such time as the Far North District Council has issued a Section 224 certificate for Stage 2 of the subdivision consent.
- f. **No building consent for one or more of the residential units on Lots 14 - 16 as provided for under the land use consent shall be issued until such time as**

**the Far North District Council has issued a Section 224 certificate for Stage 3 of the subdivision consent.**

**Decision A - Subdivision:**

**Stage 1 - Lots 17, 18, 20, 23 - 25, and associated easements and covenant areas**

3. The subdivision shall be carried out in accordance with the approved Stage 1 plan of subdivision prepared by Williams and King Limited, referenced 22169, dated 4th September 2019, and attached to this consent with the Council's "Approved Stamp" affixed to it, subject to conditions below.
4. The survey plan submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements to be duly granted or reserved, including any/all easements required in gross in favour of the Far North District Council to service the development.
  - b. Bush covenant areas S, T & T1 on Lot 18 to be subject to protection by way of covenant under Section 77 of the Reserves Act.
  - c. The following amalgamation conditions:

That Lots 18, 24, and 25 hereon be amalgamated and that one Record of Title be issued to include all parcels.

That Lots 17, 20 and 23 hereon be amalgamated and that one Record of Title be issued to include all parcels  
(LINZ ref 1592366)
5. Prior to the approval of the survey plan pursuant to Section 223, the consent holder shall:
  - a. Provide written confirmation from the power utility service operator of their consent conditions and show necessary easements on the survey plan.
6. Prior to issuing of a section 224 (c) certificate:
  - a. The consent holder shall submit written confirmation from power and telecommunication utility service operators that their conditions for this development have been satisfied.
  - b. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Councils Engineering Officer.
  - c. Provide suitable documentation, consisting of registration documents and a solicitors undertaking, recording the registration of a conservation covenant under the Reserves Act 1977 on Lot 18. That conservation covenant is to specifically provide for the ongoing implementation of any Weed Management Plan implemented under Stage 2 of this consent, provision for appropriate pruning of existing vegetation, and easement K as necessary.

- d. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the residential lots at the consent holders expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i. For Lots 17, 20, 24 and 25, at the request of the applicant, these lots have not been provided with connection to any reticulated water, stormwater, or sewage system. At the time of building a residential unit on any of these lots, the owner shall be responsible for ensuring that either suitable on-site servicing is provided, or that suitable connections are provided for such servicing as may be required. The Far North District Council will not be responsible for any costs or physical works required to provide any extension or upgrade of public or private infrastructure in order to provide any such service connections to the lots.
  - ii. For Lots 17, 20, 24, and 25, any future building development on the lots shall require specific geotechnical design to address earthworks, foundation design and appropriate servicing, to be prepared by a Chartered Professional Engineer. Such design shall specifically take into account the assessment, findings, and recommendations contained in the geotechnical investigation report prepared by Soil and Rock Consultants Ltd, Job No NL18032 dated 24th October 2018. This condition will not apply where a suitable alternative report prepared by a Chartered Professional Engineer addressing building design and servicing is provided and accepted by the Council.
  - iii. For Lot 18 only, the lot has been considered and approved as a bush covenant lot. Therefore, it is not provided with any service connections or formed vehicle access points.
  - iv. For Lot 17 only, in the event that a building consent is lodged for a development on Lot 17 prior to Stage 2 RC2180514 obtaining a Section 224(c) certificate, the consent holder shall upgrade the portion of access located within the Baffin Street road reserve to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17, inclusive of any retaining wall design ( as per Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018), stormwater management, and vehicle crossing design. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Councils Development Engineer, before any building works commence on Lot 17.

**Stage 2 - Lots 1 – 13 (being subdivision of Lot 24 Stage 1), ~~Lots 14 – 16 (being subdivision of Lot 25 Stage 1)~~, and Lots 31 – 33 (being a subdivision of Lots 17, 20 and 25 Stage 1)**

7. The subdivision shall be carried out in accordance with the approved Stage 2 plan of subdivision prepared by Williams and King Limited, referenced 22169, dated **December 2020** Revision A **C**, and attached to this consent with the Council's "Approved Stamp" affixed to it, subject to conditions below.

8. The survey plan submitted for approval pursuant to Section 223 of the Act shall show:

- a. All easements to be duly granted or reserved, including any/all easements required in gross in favour of the Far North District Council to service the development.

*Note: Where easements are required over Lots 3 and 4 DP 516983 and Lot 5 DP 367224, these may require approval under Section 348 of the Local Government Act.*

- b. Bush covenant areas ~~R, W, X, Y, A1, and B4~~ **W, X, Y, AV, AW, AX, AY, and AZ** to be subject to protection by way of covenant under Section 77 of the Reserves Act.

9. Prior to the approval of the survey plan pursuant to Section 223, the consent holder shall:

- a. The consent holder must submit a detailed set of engineering plans for approval by the Council's duly authorised officer prepared in accordance with Council's Engineering Standards and NZS4404:2004, and generally in accordance with the Development Recommendations specified in the engineering report prepared by Soil and Rock Consultants Ltd referenced Job No NL18032 dated 24th October 2018, and other specific documents provided with the application as referenced below.

The plans shall be certified by a Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies.

Plans are to include but are not limited to:

- i. Design details of a low-pressure sewerage reticulation system, inclusive of any manholes, fittings and connections necessary to ~~Lots 1 – 17~~ **service Lots 1 - 13**. This design should specifically address the components of the system that will vest in the Council, and those components that will be required to remain in the ownership of the lot owner.

*Note: Advice received indicates that only the sewer mains will vest in the Council. The pump, storage facility, and connections from the dwelling to the sewer main are to remain as private assets.*

- ii. Unless the works are designed and completed as part of Stage 1, design details of the upgrading works required to accommodate the Opuia Hilltop Wastewater Servicing, as set out in the Memorandum prepared by GHD Ltd dated 21 June 2018. More particularly, the details are to address the installation of a 15m<sup>3</sup> storage facility at the Franklin Street Pump Station, and upgrading of 500 metres of the 80/100 mm diameter PVC downpipe from Oromahoe Road to the Lonely Valley Pump Station to a 125 mm diameter PE pipe.
- iii. Design details of water reticulation and connections for ~~all residential lots~~ **Lots 1 - 13** in accordance with Section 3 of the Wastewater and Water Supply report prepared by Cook Costello Limited referenced as 14185 Version 1 dated 28 September 2018. Those details shall include a pressure and flow test to model the development and prove supply capability. Test results shall

be submitted to Councils Manager for 3 waters for consideration and approval. The design shall provide adequate water supply for firefighting purposes by way of installation of new compliant fire hydrants where required.

- iv. Design details of stormwater reticulation and disposal structures inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, secondary flowpaths and connections necessary to service ~~the development~~ **Lots 1 – 13** in accordance with the Stormwater Management Assessment and Design Report prepared by Soil and Rock Consultants Limited referenced as Job No. NL18028 Revision B dated 17th October 2018.

*Note: The design is to meet the requirements specified in the consent issued by the Northland Regional Council.*

- v. Design details of the private accessways A, AA, AG and BD **NN and A - G** to service the proposed lots in accordance with the Kellet Street Layout and Lower Road Layout Plans prepared by NCC Limited dated 15th October 2018 **the plan entitled 'Design Earthworks Layout Plan' prepared by NCC Limited and Soil and Rock Consultants dated 24/07/20 and plans entitled 'Design Cross Sections' Sheets XS1 – XS13, prepared by NCC Limited and Soil and Rock Consultants dated 8/07/20** inclusive of cul-de-sac head design, pavement design, stormwater drainage, any retaining structures required as defined on the Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018 **plan entitled 'Proposed Retaining Walls A to H and M Location Plan' Revision C prepared by Soil and Rock Consultants Limited dated 31/10/2018**, passing bays, and vehicle crossing design onto each residential allotment.

*Note:*

- *An application will be required for a License to Occupy Road reserve associated with any/all retaining wall structures to be located on road reserve.*
- *Where any retaining wall carries a surcharge, it will require a building consent.*

- ~~vi. Where not already completed in accordance with Stage 1 Condition 6(d) iv., design details of the upgrading required for the portion of access located within the Baffin Street road reserve to service Lots 14 – 17 to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17, inclusive of any retaining wall design, stormwater management, and vehicle crossing design.~~

- b. In conjunction with the above engineering plan requirement, the applicant shall undertake the following works within the road reserve of Kellet Street as depicted on the plan ('the Plan') prepared by NCC Consulting Engineers Limited, entitled Far North District Council Kellet Street Development, dated 7/02/19, Sheet 1 of 1. The works shall involve:
- The marking of "NEW 'NO PARKING 'LINES' depicted on the Plan;
  - The installation of the "NEW FOOTPATH" and "NEW FOOTPATH WITH HANDRAIL";
  - The installation of a new pedestrian crossing referenced as "RAISED CROSSING LOCATION"; and

- The formation of three new car parks referenced on the Plan as – “EXISTING 3 ANGLE SPACES REPLACED WITH 3 ROADSIDE SPACES”.

Prior to any work being undertaken within the road reserve the applicant shall secure the written approval from Council’s authorised officer confirming acceptance of the design as meeting the Far North District Council Engineering Standards and the successful contractor undertaking the work.

The intersection arrangement and road markings shall be undertaken in accordance with that depicted on the Plan.

*Note: For avoidance of doubt this condition has been specifically offered by the applicant and accepted by the Councils Roading Department. The Consent Holder should integrate the design plans for this work, and provision of certification of completion of the works, as part of the conditions of this consent.*

- c. The consent holder shall provide written confirmation from power utility service operator of their consent conditions **for this stage** in accordance with the EES 2010 and show necessary easements on the survey plan to the approval of the Senior Environmental Engineering Officer or delegated representative.
- d. The consent holder shall submit the following documentation to the Council for approval by the duly authorised officer prior to any site works (including soil disturbance) on the site:
  - i. A Construction Management Plan that shall be adhered to for the duration of all subdivision construction activities taking place on the site. The Construction Management Plan shall include the following information:
    - Site Manager contact details
    - Hours of construction operation, noting that no construction or earthworks activities shall be undertaken on the site between the hours of 1800 pm and 0700 am, Monday to Saturday; and must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
    - The methodology and staging of construction, including location of any storage / site office area.
    - Timeframes for key stages of the works
    - Means of compliance with the permitted Construction Noise standards under Rule 10.8.5.1.14 of the District Plan
    - Dust and soil management measures to avoid any off-site nuisance and tracking of material onto public roads
    - Traffic management plan addressing vehicle movements on and off the site, particularly in terms of managing potential conflicts with the adjacent Opuia School during school hours
    - Means of avoiding obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting



from the construction and/or earthworks activity, noting that all material and equipment shall be stored within the subject sites boundaries.

ii. ~~A Vegetation Management Plan to be prepared by a suitably qualified and experienced person to the satisfaction of the Councils duly authorised officer. The purpose of the Vegetation Management Plan is to specify the means of identifying the extent of vegetation to be removed, vegetation to be retained, and areas of enhancement planting. The Plan shall include:~~

- ~~• Identification and location of all trees over 300mm diameter at breast height (DBH) to be retained, except where such trees are to be located within 2 metres of the building footprint of the proposed residential units provided under the land use consent (as defined in the Fire Risk Assessment report prepared by Formable Fire Safety Design Ltd dated 30th October 2018)~~
- ~~• Specific measures to protect those identified trees and their root zones during construction~~
- ~~• A detailed planting plan in accordance with the Landscape Proposal contained in Figure 5 of the Assessment of Landscape, Natural Character and Visual Amenity Effect report prepared by Simon Cocker Landscape Architecture dated 19th October 2018, inclusive of planting along the access serving Lots 1 – 13 to create a skyline of continuous vegetation when viewed from the sea to the north and south east. That plan shall accommodate the recommendation made in the Assessment of Terrestrial Ecological Effects report prepared by NZ Environmental Ltd dated 17th October 2018 requiring the footprints for dwellings and accessways to be defined and finalised so that vegetation outside those areas (and a minimum of 2 metres away from the building footprint) can be retained and enhanced to assist with sediment control and promote regeneration of native species.~~
- ~~• Specific treatment of cut batters and retaining walls resulting from the construction works, including use of recessive colours for walls and planting regimes.~~
- ~~• A maintenance and protection mechanism (such as a private covenant) for all planting shown on the detailed planting plan that falls outside the defined covenant areas shown on the approved scheme plan. That mechanism is to accommodate the ability to provide for future pruning of vegetation and weed control on an on-going basis.~~

iii. ~~A Weed Management Plan to be prepared by a suitably qualified and experienced person to the satisfaction of the Councils duly authorised officer. The Plan shall integrate the management of all areas of existing vegetation to be retained by way of covenants and areas of enhancement planting to manage all invasive exotic species, and shall include the following:~~

- ~~• A comprehensive control programme for weed management associated with all construction works, including means of avoiding introduction of species onto the site and transport of species off-site via machinery.~~

- ~~A schedule of plant species to be targeted, including species that may seek to colonise from adjacent areas~~
- ~~A minimum 3 year programme to be implemented across the site on a comprehensive basis commencing from the start of construction works, followed by on-going management to be carried out by the consent holder and/or resulting landowners subject to covenant conditions as provided for in conditions of this consent.~~

*~~Note: This condition shall include weed management within the existing bush covenant/s imposed on Lot 18 in Stage 1~~*

10. Prior to issuing of a section 224 (c) certificate:

- a. The consent holder is to submit a Corridor Access Request application to Councils Road Corridor Co-ordinator and receive written approval for all works to be carried out within Councils Road Reserve.
- b. All works approved under Conditions 9(a) and 9(b) above shall be carried out to the approval of the Councils Resource Consents Engineer or designate.

Compliance with this condition shall be determined by certification from a Chartered Professional Engineer inclusive of supporting documentation provided by the developers representative/s in support of the constructed works and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's Engineering Standards and NZS4404:2004.

- c. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
  - i. Name and telephone number of the project manager/ IQP.
  - ii. Site address to which the consent relates.
  - iii. Activities to which the consent relates.
  - iv. Expected duration of works.
- d. On commencement of site works, the consent holder shall comply in all respects with the Construction Management Plan required under Condition 9(d)(i) above. A copy of the Plan is to be held on site at all times, and all contractors associated with construction works are to be provided with and retain a copy for the duration of construction.
- e. The consent holder shall submit written confirmation from power and telecommunication utility service operators that their conditions for this development have been satisfied.

- f. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Council's Engineering Officer.
- g. The consent holder must reinstate any damage caused by construction works to Council's street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services at the expense of the consent holder to Council's Engineering Officer.
- h. If filling is to occur on any allotment, the consent holder shall submit certification from a Chartered Professional Engineer including details confirming the location of such fill on the affected titles and adequacy of compaction in accordance with NZS 4431:1989, to the satisfaction of the Council. Any requirements specified in the certification provided will be registered against the relevant titles via a consent notice.
- i. Provide for Councils approval a preferred road name and two alternatives for the new private access serving Lots 1 - 13. The applicant is advised that in accordance with Community Board policy, the road names should reflect the history of the area. Where approval for a road name is obtained, a private road name sign shall be erected at the intersection of the proposed access and Kellet Street.
- j. Provide written confirmation from a suitably qualified and experienced person to confirm that the management measures **to be implemented as part of the subdivision** identified in Figure 3 of the approved Vegetation Management Plan under ~~Condition 9(d)(ii)~~ **Vegetation Management Plan prepared by Simon Cocker Landscape Architecture Limited dated November 2020 (updated 15 December 2020) and the Weed Management Plan prepared by NZ Environmental Ltd dated 24th August 2020** have been successfully implemented and completed, and that all planting identified in the Plan has been undertaken and completed. The confirmation shall include specific advice regarding any on-going maintenance measures to be implemented for areas identified under Condition 10(~~l~~ **k**) below.
- k. Provide suitable documentation, consisting of registration documents and a solicitors undertaking, recording the proposed registration of a conservation covenant over the areas identified in Condition 8(b), and any ~~identified areas~~ **identified as 'Areas of vegetation to be protected' or 'Areas to be revegetated' as depicted within the Vegetation Management Plan** as per Condition 10(~~l~~) below **10(j) above**, under the Reserves Act. That conservation covenant is to specifically provide for the ongoing implementation of the Weed Management Plan ~~required under Condition 9(d)(iii)~~ **as implemented under Condition 10(j) above**, and provision for appropriate pruning of existing vegetation.

In addition, the consent holder is to ensure that the existing conservation covenants registered over Lot 18 in Stage 1 provide for the same requirements in terms of ongoing implementation of the Weed Management Plan ~~required under Condition 9(d)(iii)~~ **as implemented under Condition 10(j) above**, and provision for appropriate pruning of existing vegetation.

- ~~l. Where areas outside the Bush Protection Covenant Areas R, W, X, Y, A1, and B1 are identified as subject to retention of existing vegetation and/or enhancement planting as defined in the planting plan required under Condition 9(d)(ii), the consent holder shall provide suitable documentation, consisting of registration documents and a solicitors undertaking, recording the maintenance and protection mechanism (such as a private covenant) to apply to those defined areas. That mechanism is to specifically provide for the ongoing maintenance measures specified in the documentation provided under Condition 10(j) above, implementation of the Weed Management Plan required under Condition 9(d)(iii), and provision for appropriate pruning of existing vegetation.~~

~~*NB: For the avoidance of doubt, the consent holder may include these additional areas within the covenants provided for under Condition 8(b) above and amend the scheme plan accordingly, or include them as private land covenants, or may address them as a consent notice condition.*~~

- m. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the residential lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i. The lot is to be connected to a reticulated low pressure sewer system. At the time of building a residential unit on the lot, the owner shall be responsible for ensuring that the connection is designed and constructed in accordance with the appropriate design standards and will adhere to the on-going obligations to maintain the system as it services the lot. **[Lots 1 – 4713]**
  - ii. Any site restrictions as highlighted in the certification submitted in accordance with Condition 10(h) of RC 2180514. **[Lots 1 – 13, and 31 - 33]**
  - iii. For the purpose of avoiding fire risk to future dwellings on the lots, there is to be no storage of goods, and ground level vegetation is to be kept in a trimmed state, in all areas located between the dwelling and existing vegetation identified as subject to permanent protection under this subdivision consent. **[Lots 1 – 46 13]**
  - iv. Any future building development on the lots shall require specific geotechnical design to address earthworks, foundation design and appropriate servicing, to be prepared by a prepared by a Chartered Professional Engineer. Such design shall specifically take into account the assessment, findings, and recommendations contained in the Geotechnical Investigation report prepared by Soil and Rock Consultants Ltd, Job No NL18032 dated 24th October 2018 contained within RC 2180514. This condition will not apply where a suitable alternative report prepared by a Chartered Professional Engineer addressing building design and servicing is provided and accepted by the Council. **[Lot 1 – 13 and 31 - 33]**

- v. Each lot owner shall actively manage and protect all areas of vegetation defined in the Vegetation Management Plan on each identified lot, and shall be subject to ongoing management and maintenance measures as defined under Condition 10(j) of RC 2180514, implementation of the Weed Management Plan ~~required under Condition 9(d)(iii) of RC 2180514~~, and provision for appropriate pruning of existing vegetation. **[Lot 1 – 13 and 31 - 33]**
- vi. At the request of the applicant, this lot has not been provided with connection to any reticulated water, stormwater, or sewage system. At the time of building a residential unit on this lot, the owner shall be responsible for ensuring that either suitable on-site servicing is provided, or that suitable connections are provided for such servicing as may be required. The Far North District Council will not be responsible for any costs or physical works required to provide any extension or upgrade of public or private infrastructure in order to provide any such service connections to the lots. **[Lots 31 - 33]**
- vii. **For Lot 32 only, in the event that a building consent is lodged for a development on Lot 32 prior to Stage 3 RC 2180514 obtaining a Section 224(c) certificate, the consent holder shall upgrade the portion of the access located within the Baffin Street Road Reserve to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 32, inclusive of any retaining wall design (as per Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018), stormwater management, and vehicle crossing design. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Councils Development Engineer, before any building works commence on Lot 32. [Lot 32]**
- viii. **For Lot 31, at the request of the applicant, in the event that a building consent is lodged for a development on Lot 31 prior to Stage 3 RC 2180514 obtaining a Section 224(c) certificate, the consent holder shall either:**
- a) **Upgrade the portion of the access located within the Baffin Street Road Reserve to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street maintained by the Council to the boundary of Lot 17, and form a 3m wide carriageway from the boundary of Lot 17 through to the boundary of Lot 31. The road formations are inclusive of any retaining wall design (as per Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018), stormwater management, and vehicle crossing design. Such works are to be completed and certified by a Chartered Professional Engineer, with such certification being provided to the Councils Development Engineer, before any building works commence on Lot 31.**
- b) **Obtain a Vehicle crossing permit and form a vehicle crossing point off Kellet Street in accordance with the Councils Engineering Standards and Guidelines.**

[Lot 31]

- ix. Prior to the construction of a dwelling on Lots 1 – 13 and 31 – 33, the consent holder shall provide for the approval of Councils Team Leader Resource consents a Landscaping Plan to be prepared by a suitably qualified and experienced person, in accordance with the recommendations made within the Vegetation Management Plan prepared by Simon Cocker Landscape Architecture dated November 2020. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of three further planting seasons or three years, whichever is the longer, from the time of planting. The approved landscaping/planting is to be implemented within 12 months of the building obtaining Code Compliance Certificate or prior to the occupation of the building. The vegetation and the approved heights of the vegetation is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September). [Lots 1-13 and 31 - 33]

Stage 3 – Lots 14, 15, & 16

11. The subdivision shall be carried out in accordance with the approved Stage 3 plan of subdivision prepared by Williams and King Limited, referenced 22169, dated December 2020 Revision C and attached to this consent with the Council's "Approved Stamp" affixed to it, subject to conditions below.
12. The survey plan submitted for approval pursuant to Section 223 of the Act shall show all easements to be duly granted or reserved, including any/all easements required in gross.
13. Prior to the approval of the survey plan pursuant to Section 223, the consent holder shall:
- a. The consent holder must submit a detailed set of engineering plans for approval by the Councils duly authorised officer prepared in accordance with Council's Engineering Standards and NZS4404:2004, and generally in accordance with the Development Recommendations specified in the engineering report prepared by Soil and Rock Consultants Ltd referenced Job No NL18032 dated 24 October 2018, and other specific documents provided with the application as referenced below.

The plans shall be certified by a Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies.

Plans are to include but are not limited to:

- i. Design details of a low-pressure sewerage reticulation system, inclusive of any manholes, fittings and connections necessary to service Lots 14 - 16. This design should specifically address the components of the system that will vest in the Council, and those components that will be required to remain in the ownership of the lot owner.

**Note: Advice received indicates that only the sewer mains will vest in the Council. The pump, storage facility, and connections from the dwelling to the sewer main are to remain as private assets.**

**ii. Design details of water reticulation and connections for Lots 14 – 16 in accordance with Section 3 of the Wastewater and Water Supply report prepared by Cook Costello Limited referenced as 14185 Version 1 dated 28 September 2018. Those details shall include a pressure and flow test to model the development and prove supply capability. Test results shall be submitted to Councils Manager for 3 waters for consideration and approval. The design shall provide adequate water supply for firefighting purposes by way of installation of new compliant fire hydrants where required.**

**iii. Design details of stormwater reticulation and disposal structures inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, secondary flow paths and connections necessary to service the development on Lots 14 – 16 in accordance with the Stormwater Management Assessment and Design Report prepared by Soil and Rock Consultants Limited referenced as Job No. NL18028 Revision B dated 17th October 2018.**

**Note: The design is to meet the requirements specified in the consent issued by the Northland Regional Council.**

**iv. Design details of the private accessways BB, AA and AB to service the proposed lots in accordance with the Lower Road Layout Plans dated 15th October 2018, inclusive of stormwater drainage, passing bays, vehicle crossing design onto each residential allotment and any retaining structures required as defined on the Proposed Retaining Walls Location Plans prepared by Soil and Rock Consultants Limited dated 31 October 2018.**

**Note 1: An application will be required for a Licence to Occupy Road reserve associated with any/all retaining wall structures to be located on road reserve.**

**Note 2: Where any retaining wall carries a surcharge, it will require a building consent.**

**v. Design details of the upgrading required for the portion of access located within the Baffin Street road reserve to service Lots 14 - 16 to provide a 5 metre wide sealed carriageway from the end of the formation of Baffin Street to the boundary of Lot 32 (Stage 2), inclusive of any retaining wall design, stormwater management, and vehicle crossing design.**

**b. The consent holder shall provide written confirmation from power utility service operator of their consent conditions for this stage in accordance with the EES 2010 and show necessary easements on the survey plans to the approval of the Senior environmental Engineering Officer or delegated representative.**

**c. The consent holder shall submit the following documentation to the Council for approval by the duly authorised officer prior to any site works (including soil disturbance) on the site:**

- i. A Construction Management Plan that shall be adhered to for the duration of all subdivision construction activities taking place on the site. The Construction Management Plan shall include the following information:
- Site Manager contact details
  - Hours of Construction operation, noting that no construction or earthworks activities shall be undertaken on the site between the hours of 1800 pm and 0700 am Monday to Saturday; and must be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
  - The methodology and staging of construction, including location of any storage / site office area.
  - Timeframes for key stages of the works.
  - Means of compliance with the permitted Construction Noise standards under Rule 10.8.5.1.14 of the District Plan.
  - Dust and Soil management measures to avoid any off-site nuisance and tracking of material onto public roads.
  - Traffic Management plan addressing vehicle movements on and off the site, particularly in terms of managing potential conflicts with the adjacent Baffin Street residential and industrial properties.
  - Means of avoiding obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and/or earthworks activity, noting that all material and equipment shall be stored within the subject sites boundaries.

14. Prior to issuing of a section 224 (c) certificate:

- a. The consent holder is to submit a Corridor Access Request application to Councils Road Corridor Co-ordinator and receive written approval for all works to be carried out within Councils Road Reserve.
- b. All works approved under Condition 13(a) above shall be carried out to the approval of the Councils Resource Consents Engineer or designate.
- Compliance with this condition shall be determined by certification from a Chartered Professional Engineer inclusive of supporting documentation provided by the developers representative/s in support of the constructed works and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's Engineering Standards and NZS4404:2004.
- c. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer and include the following details:
- i. Name and telephone number of the project manager/ IQP.
  - ii. Site address to which the consent relates.
  - iii. Activities to which the consent relates.
  - iv. Expected duration of works.
- d. On commencement of site works, the consent holder shall comply in all respects with the Construction Management Plan required under Condition



13(c)(i) above. A copy of the Plan is to be held on site at all times, and all contractors associated with construction works are to be provided with and retain a copy for the duration of construction.

- e. The consent holder shall submit written confirmation from power and telecommunication utility service operators that their conditions for this development have been satisfied.
- f. The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Council's Engineering Officer.
- g. The consent holder must reinstate any damage caused by construction works to Council's street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services at the expense of the consent holder to Council's Engineering Officer.
- h. If filling is to occur on any allotment, the consent holder shall submit certification from a Chartered Professional Engineer including details confirming the location of such fill on the affected titles and adequacy of compaction in accordance with NZS 4431:1989, to the satisfaction of the Council. Any requirements specified in the certification provided will be registered against the relevant titles via a consent notice.
- i. Provide written confirmation from a suitably qualified and experienced person to confirm that the management measures to be implemented as part of the subdivision identified in Figure 7 of the Vegetation Management Plan prepared by Simon Cocker Landscape Architecture Limited dated November 2020 (updated 15 December 2020) and the Weed Management Plan prepared by NZ Environmental Ltd dated 24th August 2020 have been successfully implemented and completed, and that all planting identified in the Plan has been undertaken and completed.
- k. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared and be registered on the Computer Freehold Register of the residential lots at the consent holder's expense, containing the following conditions which are to be complied with on a continuing basis by the subdividing owner and subsequent owners:
  - i. The lot is to be connected to a reticulated low-pressure sewer system. At the time of building a residential unit on the lot, the owner shall be responsible for ensuring that the connection is designed and constructed in accordance with the appropriate design standards and will adhere to the on-going obligations to maintain the system as it services the lot.  
[Lots 14 – 16]
  - ii. Any site restrictions as highlighted in the certification submitted in accordance with Condition 14(h) of RC 2180514.  
[Lots 14 – 16]
  - iii. For the purpose of avoiding fire risk to future dwellings on the lots, there is to be no storage of goods, and ground level vegetation is to be kept in a trimmed state, in all areas located between the dwelling and existing vegetation identified as subject to permanent protection under this subdivision consent.  
[Lots 14 – 16]
  - iv. Any future building development on the lots shall require specific geotechnical design to address earthworks, foundation design and

appropriate servicing, to be prepared by a Chartered Professional Engineer. Such design shall specifically take into account the assessment, findings, and recommendations contained in the Geotechnical Investigation report prepared by Soil and Rock Consultants Ltd, Job No NL18032 dated 24th October 2018 contained within RC 2180514. This condition will not apply where a suitable alternative report prepared by a Chartered Professional Engineer addressing building design and servicing is provided and accepted by the Council.  
[Lots 14 – 16]

v. Each lot owner shall actively manage and protect all areas of vegetation defined in the Vegetation Management Plan prepared by Simon cocker Landscape Architecture, dated November 2020 (updated 15 December 2020), on each identified lot, and shall be subject to ongoing management and maintenance measures, implementation of the Weed Management Plan prepared by NZ Environmental dated 24th August 2020, and provision for appropriate pruning of existing vegetation.  
[Lots 14 – 16]

vi. Prior to the construction of a dwelling on Lots 14 – 16 the consent holder shall provide for the approval of Councils Team Leader Resource consents a Landscaping Plan to be prepared by a suitably qualified and experienced person, in accordance with the recommendations made within the Vegetation Management Plan prepared by Simon cocker Landscape Architecture, dated November 2020 (updated 15 December 2020). The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of three further planting seasons or three years, whichever is the longer, from the time of planting. The approved landscaping/planting is to be implemented within 12 months of the building obtaining Code Compliance Certificate or prior to the occupation of the building. The vegetation and the approved heights of the vegetation is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September).  
[Lots 14 – 16]

**Decision B - Landuse Consent for Vegetation Clearance, and Bulk Earthworks associated with Subdivision Development, and Fire Risk to Residential Units.**

1. No conditions are imposed as part of this consent as measures to avoid and mitigate adverse effects are addressed under the conditions of the subdivision consent.

For the avoidance of doubt, this landuse consent specifically includes provision for the following activities:

- Land use consent for approximately ~~700~~ 1215m<sup>2</sup> of indigenous vegetation clearance for Stage 2 and 1410m<sup>2</sup> of indigenous vegetation clearance for Stage 3, as part of the construction works for subdivision. The areas subject to clearance are defined plans notated as Figures 2 and 6 contained in Appendix 2 of the Vegetation Management Plan prepared by Simon Cocker Landscape Architecture Limited dated November 2020 (updated 15 December 2020).

- Landuse consent for 17,965 5760m<sup>3</sup> of bulk earthworks across the development site for Stage 2 and 343m<sup>3</sup> of bulk earthworks for Stage 3, including some earthworks on road reserve, as part of construction works for subdivision.
- ~~Additional earthworks of a maximum of 500m<sup>3</sup> per lot following completion of the subdivision~~
- ~~Land use consent for fire risk to residential units, where the proposed units on Lots 1-16 will be within 20 metres of the drip line of protected vegetation~~

### **Decision C - Landuse Consent for Construction of Residential Units**

**For the avoidance of doubt, this landuse consent specifically includes provision for the following activities:**

- **Bulk earthworks comprising the following volumes on the specified lots:**  
Lot 1 – 1,777m<sup>3</sup>  
Lot 2 – 3,100m<sup>3</sup>  
Lot 3 – 3,887m<sup>3</sup>  
Lot 4 – 2,622m<sup>3</sup>  
Lot 5 – 2,570m<sup>2</sup>  
Lot 6 – 1,630m<sup>3</sup>  
Lots 7 – 16 and Lot 32 - 500m<sup>2</sup> per lot
  - **Land use consent for an additional 1366m<sup>2</sup> of indigenous vegetation clearance as defined in Figures 4 and 8 of the Vegetation Management Plan prepared by Simon cocker Landscape Architecture, dated November 2020 (updated 15 December 2020)**
  - **Land use consent for fire risk to residential units, where the proposed units on Lots 1 - 16 will be within 20 metres of the drip line of protected vegetation.**
1. The construction of the residential units shall be carried out in general accordance with the plans and documents provided in support of the application. More particularly, the development shall comply with the following:
    - The plans prepared by Plus Architecture referenced as Job No 90120 Sheet nos RC0001 - RC0003, RC100 - RC102, RC200 - RC213, and RC233, inclusive of Sheet RC2020 Revision 2 dated 30 November 2018 as it relates to complying building height for the unit on Lot 6.
    - The Geotechnical Investigation report prepared by Soil and Rock Consultants Ltd dated 24 October 2018, and more particularly the Foundation Recommendations contained in Section 10.3 of that report.
  2. This landuse consent is granted with a ten year consent period as provided for under Section 125 of the Resource Management Act, and as requested by the applicant. For clarity, where any one or more of the residential units approved under this consent have not been constructed and substantially completed within this ten year consent period, the consent will have deemed to have lapsed for any remaining units yet to be constructed.
  3. **Prior to undertaking the bulk earthworks on site, the consent holder shall provide a Construction Management Plan for the approval of Council. The Construction Management Plan shall include the following information:**
    - **Site Manager contact details**

- Hours of construction operation, noting that no construction or earthworks activities shall be undertaken on the site between the hours of 1800 pm and 0700 am, Monday to Saturday; and must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
  - The methodology and staging of construction, including location of any storage / site office area.
  - Timeframes for key stages of the works
  - Means of compliance with the permitted Construction Noise standards under Rule 10.8.5.1.14 of the District Plan
  - Dust and soil management measures to avoid any off-site nuisance and tracking of material onto public roads
  - Traffic management plan addressing vehicle movements on and off the site, particularly in terms of managing potential conflicts with the adjacent Opua School during school hours
  - Means of avoiding obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and/or earthworks activity, noting that all material and equipment shall be stored within the subject sites boundaries.
4. All construction works are to be undertaken and completed on the site in accordance with the Construction Management Plan and any and all restrictions and requirements specified in any consent issued by the Northland Regional Council.

#### Decision D – Cancellation of Consent Notices

Pursuant to Section 221(3) consent is granted to the cancellation of consent notices registered against the lots as follows:

1. The following consent notice conditions are cancelled in full at the time 224c certification is issued for Stage 2 of this subdivision consent:
  - 6(d)(i);
  - 6(d)(ii); &
  - 6(d)(iv).
2. The following consent notice conditions are cancelled in full at the same time 224c certification is issued for Stage 3 of this subdivision consent:
  - 10(m)(vii); &
  - 10(m)(viii)
3. The following consent notices conditions are cancelled as they relate to Lot 31 only. The partial cancellation of these consent notice conditions is to occur at the same time 224c certification is issued for Stage 3 of this subdivision consent:
  - 10(m)(ii);
  - 10(m)(iv);
  - 10(m)(v); &
  - 10(m)(ix)

- 4. The following consent notice condition is cancelled for Lots 31. The partial cancellation of this consent notice is to occur at the same time 224c certificate is issued for Stage 3 of this subdivision consent.**  
**• 10(m)(vi)**

#### **Decision E – Cancellation of Amalgamation Conditions**

**Pursuant to Section 241(3) of the Resource Management Act, the following amalgamation conditions are cancelled as part of Stage 2 of this subdivision consent:**

- a) The amalgamation of Lots 18, 24, and 25 DP534570 is to be cancelled in so far as it relates to Lots 24 and 25 DP 534570**
- b) The amalgamation of Lots 12, 20, and 23 DP 534570 is to be cancelled in so far as it relates to Lots 17 and 20 DP 534570.**

#### **Advice Notes**

- 1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
- 2. During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.

#### **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 changes are not materially different in scope or nature from those that were assessed and granted under the original consent. There are no affected persons or affected order holders. The application is assessed as a discretionary activity by virtue of Section 127(3) and is precluded from public notification and limited notification is not required.
- 2. There have been no changes to objectives and policies in the Operative Far North District Plan since the original consent was issued, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative District Plan. While minor changes to the volume of earthworks do result from the proposed changes, these changes and associated effects are not substantive enough to warrant re-assessment of those provisions.
- 3. It is noted that earthworks across the development site are subject to a consent granted by the Northland Regional Council. Any decision on changes to be made to that consent fall to the Regional Council to administer.
- 4. There are no Other Matters as per Section 104(1)(c) considered relevant or reasonably necessary in making this decision.

5. As recorded in paragraph 23 of the original decision, no assessment of the application against Part 2 provisions is therefore required.
6. In summary it is considered that the proposed changes are consistent with the sustainable management purpose of the RMA.

**Approval**

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



**Pat Killalea, Principal Planner**

**Date: 24<sup>th</sup> February 2021**

**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**

You should note that the granting of this consent for a change or cancellation of conditions does not affect the lapsing date of the underlying consent for the proposed activity.



\\ncc\as\nc\shared\Project Files\Projects\FNH - Kellet Street Development\Kellet St Driveway - Southern Access Layouts - 13.08.20.dwg Work Station: PC21- 14 August 2020 (Internal Reference Only)

**LEGEND**

NEW ACCESS

NEW ACCESS SURFACE

NEW ACCESS ALIGNMENT

EXISTING CADASTRAL BOUNDARY

NEW RETAINING WALL 0 - 2m

NEW RETAINING WALL 2 - 4m

NEW RETAINING WALL +4m

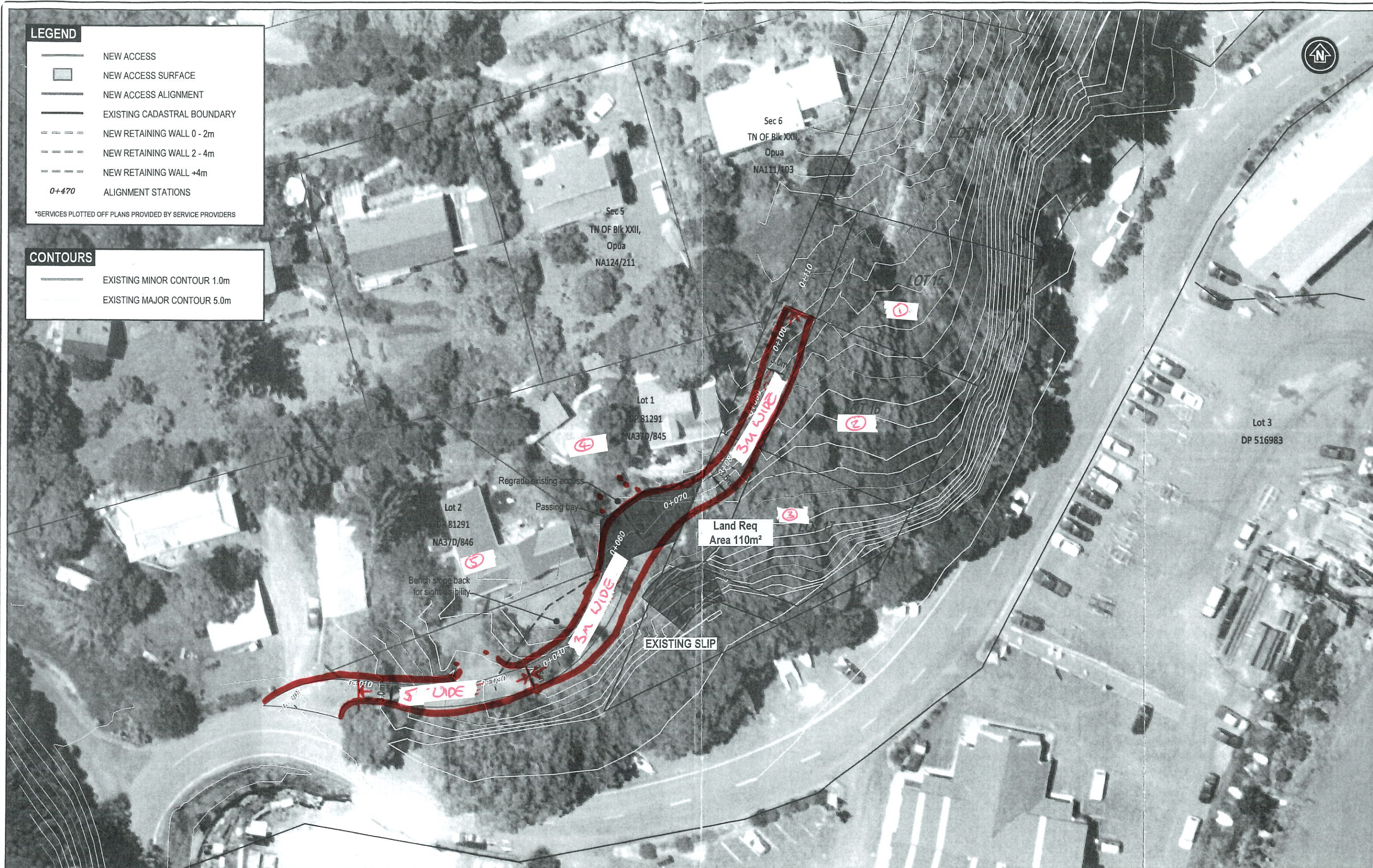
ALIGNMENT STATIONS

\*SERVICES PLOTTED OFF PLANS PROVIDED BY SERVICE PROVIDERS

**CONTOURS**

EXISTING MINOR CONTOUR 1.0m

EXISTING MAJOR CONTOUR 5.0m



DRAWN:	B.P.	DATE:	14/08/20	REV.	DRAWING STATUS - DRAFT	BOUNDARY ACCURACY - MED
CHECKED:	C.H.	DATE:	14/08/20			
APPROVED:						

**Far North Holdings Ltd**

**NCC consulting engineers**

**Soil&Rock Consultants**  
*For well-grounded solutions*

PROJECT: Far North District Council  
Kellet Street Development  
Lower Road

TITLE: ACCESS FROM BAFFIN ST OPTION 2 - PLAN

SCALE: 1 : 500

ORIGINAL PAPER SIZE A3

JOB NO. —

CLIENT REF. —

SHEET NO. DL1 **R0**





**Far North  
District Council**

Page 1 of 5

Date Received:

Application Number:

# **Application Form for Right of Way Approval**

**Pursuant to section 348 of the Local Government Act 1974**

Private Bag 752, Memorial Ave, Kaikohe 0440, New Zealand, Freephone: 0800 920 029,  
Phone: (09) 401 5200, Fax: (09) 401 2137, Email: [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz), Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)



# Application for Right of Way Approval

(Pursuant to section 348 of the Local Government Act 1974)

## Completing this form:

This form provides us with your contact details, and details about your proposal and its actual and potential effects on the environment. This application is made pursuant to section 348 of the Local Government Act 1974. Please note that your application may also be subject to all relevant provisions contained within the District Plan. Note that all the information provided in your application is available to the public.

We recommend that you talk to Council staff about your proposal before you fill in this form. You should also contact us if you are unsure about what forms you should be using, or if you need help with filling in this form. Please refer to the relevant pamphlet produced by the Council that has been designed to assist you in making this application. Duty Planners can be contacted on 0800 920 029. If you require a meeting with the Duty Planner, then the first half an hour of contact with the Council is free, but all work thereafter is subject to planning and administration charges. If you have spoken to a member of our planning staff about your proposal, please enter their name here:

It is important that you answer all questions fully.

## 1. Payment

You must pay a deposit to the Council for the application to be processed. The fees charged by the Far North District Council are outlined in the "Building, Planning & Development: Fees and Charges" Schedule for this year, available from Council Service Centres or the Council website [www.fndc.govt.nz](http://www.fndc.govt.nz). A standard fee payment is required on acceptance of all applications. Additional fees may be invoiced during or at the end of the application process. Additional charges must be paid within 20 working days of receipt of the Council invoice.

## 2. Project Details

This application is in relation to a previous (if applicable):

Concept Development Meeting reference number:

Nil

Resource Consent reference number:

RC 2180514-RMAVAR/C [lodged concurrent]

Building Consent reference number:

Nil

**3. Contact Details**

Applicant(s) full name(s) and address(es):

Far North Holdings Limited c/o Adrian Tonks

Work phone: \_\_\_\_\_

Private phone: \_\_\_\_\_

Mobile phone: 021 891 401

E-mail address adrian@fnhl.co.nz

Property owner's name and address (if different from above):

Work phone: \_\_\_\_\_

Private phone: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

E-mail address \_\_\_\_\_

Name of professional agent, if any (e.g. surveyor or engineer):

Steven Sanson

Work phone: 0211606035

Bay of Islands Planning

Private phone: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

E-mail address steve@bayplan.co.nz

Registration Number: \_\_\_\_\_

Billing name and address for invoices (if different from above):

refer FNHL above

Work phone: \_\_\_\_\_

Private phone: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

E-mail address \_\_\_\_\_

**Land over which easement is to be created:**

Please list the property owner, property address and legal description of each block of land affected:

refer title attached [NA37D/845 and Draft LT Plan]

**Land in favour of which easement is to be created:**

Please list the property owner, property address and legal description of each block of land affected:

Refer titles attached [881537 and 881538]

#### 4. Description of the Proposal

Brief description of proposal including plan of proposed carriageway formation and earthworks, and expected start and finish dates:

Proposed easement for access across NA37D/845 in favour of 881537 and 881538].

Formation details provided.

*(Continue on a separate sheet if necessary)*

#### 5. Additional Information Required

Please provide below any additional information that is required under the relevant provisions of the District Plan, Resource Management Act 1991 or any regulations made under that Act.

##### Attachments

I Attach (tick as appropriate):

Payment

A covering letter

A current Certificate of Title (not more than 3 months old)

A plan of the proposed ROW

Details of any building consents for private drainage and any related retaining walls (building consent reference number and of drainage plans)

Details and engineering drawings locating other services or confirmation that no other services affected

Other (please specify)

Your page number:

copy

**Three copies of the completed application form and accompanying information must be supplied (including 1 full set of plans & 2 sets reduced to A4).**

**Note:** The "Right of Way" pamphlet lists the information requirements for this application. Please use the checklist on the pamphlet to ensure that you provide all the necessary information. Incomplete applications may result in requests for further information and therefore delays may be experienced. The text from the District Plan can be found on Council's website [www.fndc.govt.nz](http://www.fndc.govt.nz).

## 6. Signature

I hereby certify that, to the best of my knowledge, the information given in this application is true, complete and correct. I undertake to pay all actual and reasonable application costs incurred by the Far North District Council. Account Terms and Conditions. Unless otherwise advised payment of all accounts are payable by "20th of the Month" following the date of invoice. If any default in payment you may be liable for costs including but not limited to interest, legal costs, debt collection fees, and other disbursements incurred.

Signature of the Applicant or person authorised to sign on their behalf:



If the named applicant is a company/trust please state your position/title and contact details :

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I have the authority to represent the company/trust : (please sign)



Date: 04/09/2025

### PLEASE NOTE:

Once this application is lodged with the Council it becomes public information. If there is any sensitive information in the proposal please let us know. The Council is only able to accept your application when all details are completed, all relevant information is provided, the application is signed and the standard fees are paid.

Post your application form to: The Resource Consents Manager; Far North District Council; Private Bag 752; Kaikohe; 0440.

Or, to avoid delays and to have your application checked for completeness call 0800 920 029 to book an appointment with a Duty Planner at one of the following Service Centres:

Kaikohe - Located at the FNDC Offices in Memorial Avenue

Kerikeri - Located on the second floor of the John Butler Centre in Kerikeri Road

Kaitaia - Located at the FNDC Offices at Te Ahu Corner of Matthews Avenue and South Road Kaitaia

### For office use only:

Date received:

Name of CSO:

Fees receipted:

Receipt Number:

RC Application Number:

Other Reference Numbers (e.g. PIM or BC etc.):



**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** **881537**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 December 2019

**Prior References**

906415 NA103C/976

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**Estate** Fee Simple  
**Area** 1.3924 hectares more or less  
**Legal Description** Lot 18, 24-25 Deposited Plan 534570  
**Registered Owners**  
Dong Guo

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**Interests**

Subject to Section 8 Coal Mines Amendment Act 1950 (affects Lot 24 DP 534570 and part Lots 18 and 25 DP 534570, the part formerly Lot 1 DP 513060)

Appurtenant to part Lots 18 and 25 DP 534570 formerly Lot 5 DP 540333 is a right to convey water, telecommunications and computer media created by Easement Instrument 11262658.2 - 25.10.2018 at 2:52 pm

The easements created by Easement Instrument 11262658.2 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 11262658.5 - 25.10.2018 at 2:52 pm (affects part Lots 18 and 25 DP 534570, the parts formerly Lot 1 DP 513060)

Subject to a right (in gross) to drain sewage and right to convey water over part Lot 18 DP 534570 marked K and I on DP 534570 and over part Lot 24 DP 534570 marked N on DP 534570 in favour of Far North District Council created by Easement Instrument 11608704.3 - 26.11.2019 at 11:16 am

The easements created by Easement Instrument 11608704.3 are subject to Section 243 (a) Resource Management Act 1991 Subject to a right (in gross) to convey telecommunications over part Lot 18 DP 534570 marked K and I on DP 534570 and over part Lot 24 DP 534570 marked N on DP 534570 in favour of Far North District Council created by Easement Instrument 11608704.8 - 26.11.2019 at 11:16 am

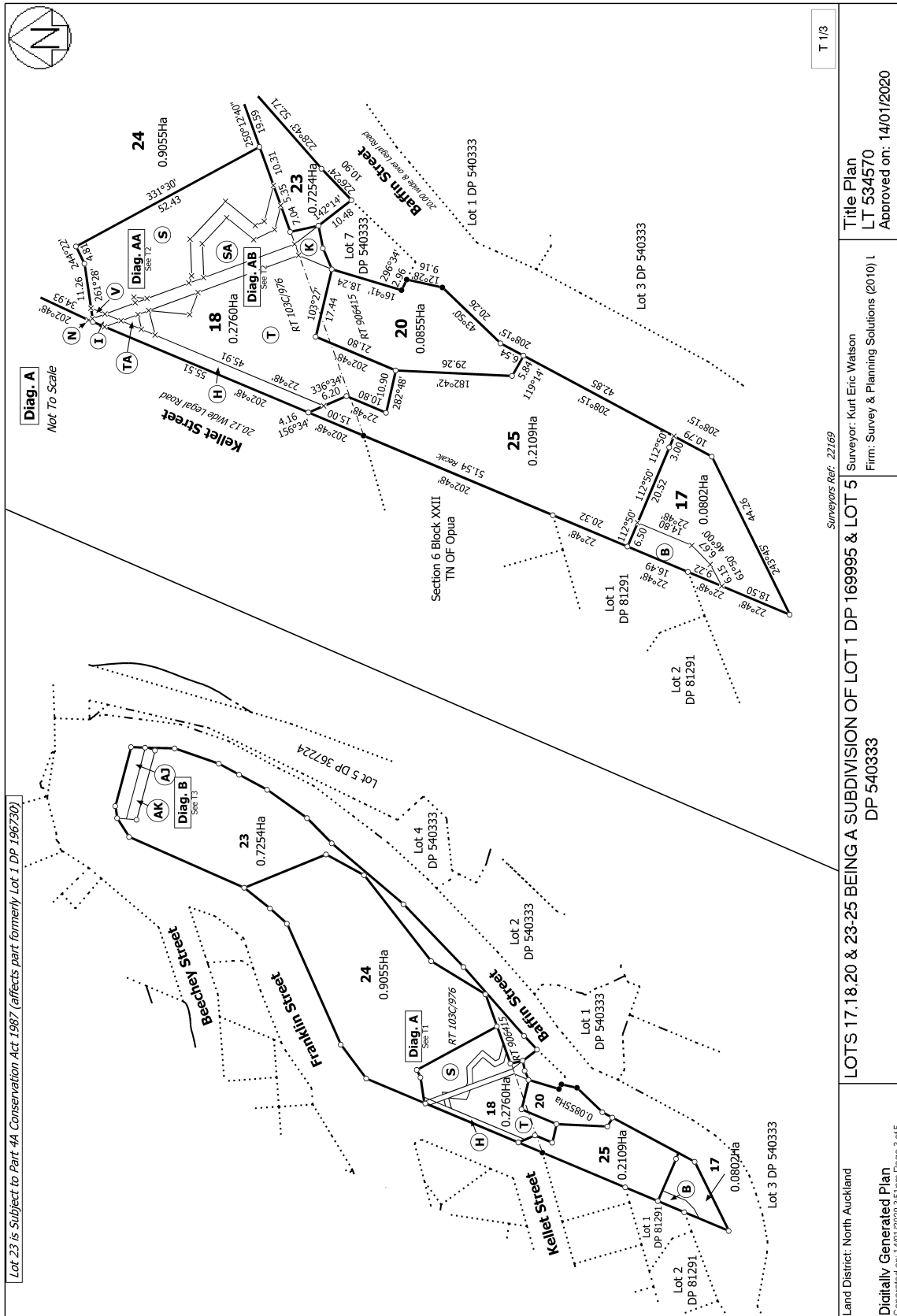
Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991 (affects DP 534570)

11607799.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.12.2019 at 11:17 am

Subject to a right of way (pedestrian) over part Lot 18 DP 534570 marked H, I and V on DP 534570 created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

Appurtenant to Lot 25 DP 534570 is a right of way, right to convey electricity, telecommunications and water and right to drain stormwater and sewage and appurtenant to Lots 24 and 25 DP 534570 is a right of way (pedestrian) created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

The easements created by Easement Instrument 11607799.3 are subject to Section 243 (a) Resource Management Act 1991 11607799.4 Conservation Covenant pursuant to Section 77 Reserves Act 1977 - 20.12.2019 at 11:17 am (affects Lot 18 DP 534570)





**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** **881538**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 December 2019

**Prior References**

906415                      NA103C/976

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**Estate**                      Fee Simple  
**Area**                      8911 square metres more or less  
**Legal Description**      Lot 17, 20, 23 Deposited Plan 534570  
**Registered Owners**  
Far North Holdings Limited

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**Interests**

Subject to Section 8 Coal Mines Amendment Act 1950 (affects part Lot 17 and 23 DP 534570 the part formerly Lot 1 DP 513060 and Part Lot 20 DP 534570, the parts formerly Lot 1 DP 513060 and Lot 1 DP 169995)

Subject to Section 11 Crown Minerals Act 1991 (affects part Lot 23 DP 534570, the part formerly Lot 1 DP 196730)

Subject to Part IV A Conservation Act 1987 (affects part Lot 23 DP 534570, the part formerly Lot 1 DP 196730)

Subject to a right of way over part Lot 23 DP 534570 marked AJ and AK on DP 534570 and a carparking easement over part marked AK on DP 534570 created by Transfer D573534.2 - 22.1.2001 at 2.17 pm

Appurtenant to Lot 17 and 23 DP 534570 and Part Lot 20 DP 534570, the part formerly Lot 5 DP 540333 is a right to convey water, telecommunications and computer media created by Easement Instrument 11262658.2 - 25.10.2018 at 2:52 pm

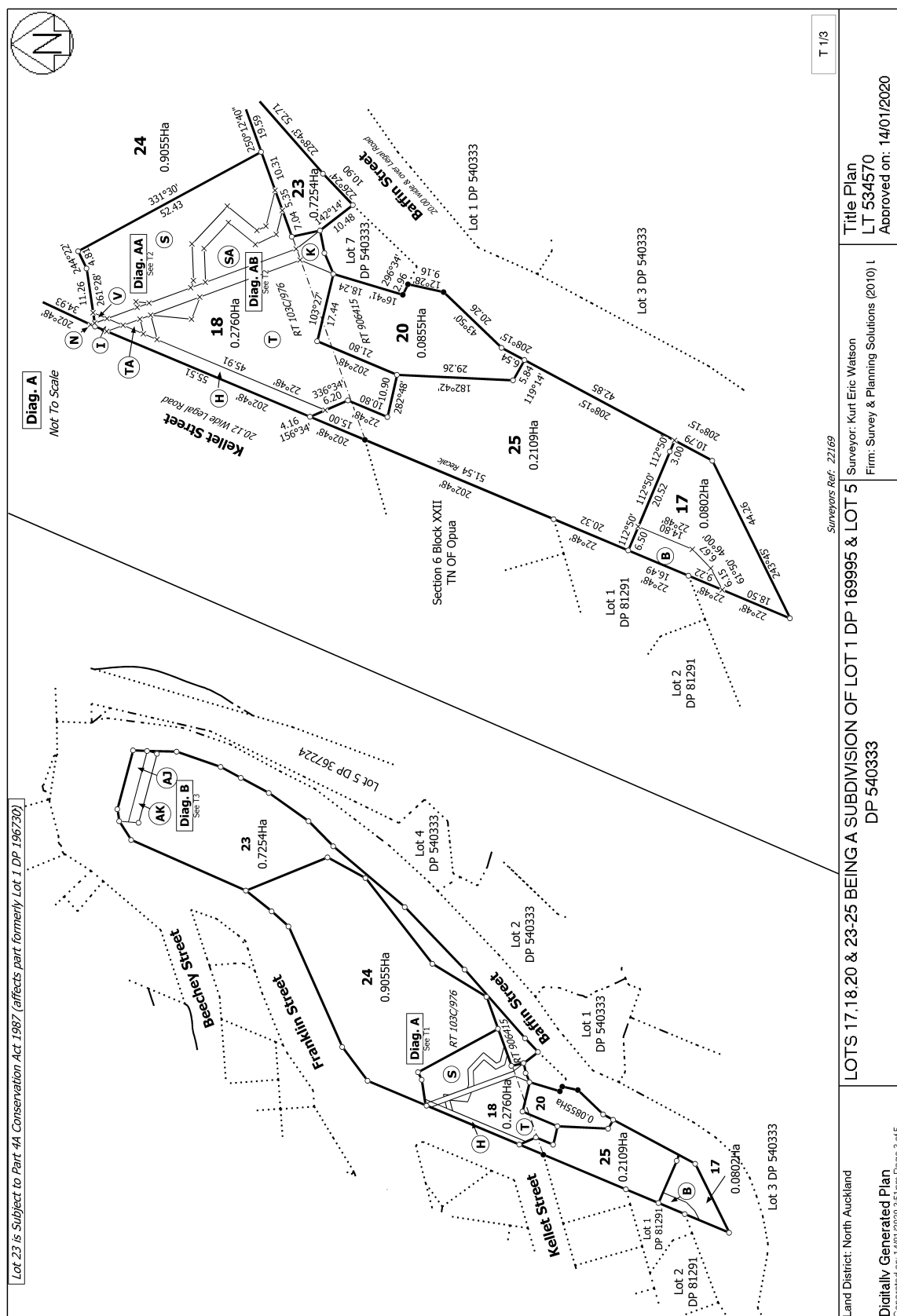
The easements created by Easement Instrument 11262658.2 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 11262658.5 - 25.10.2018 at 2:52 pm (affects Lots 17 and 23 and Part Lot 20 DP 534570, the part formerly Lot 1 DP 513060)

Subject to Section 241(2) and Sections 242(1) and (2) Resource Management Act 1991 (affects DP 534570)

11607799.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.12.2019 at 11:17 am (affects Lots 17 and 20 DP 534570)

Subject to a right of way, right to convey electricity, telecommunications and water and right to drain stormwater and sewage over part Lot 17 DP 534570 marked B on DP 534570 created by Easement Instrument 11607799.3 - 20.12.2019 at 11:17 am

The easements created by Easement Instrument 11607799.3 are subject to Section 243 (a) Resource Management Act 1991







**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** **NA37D/845**  
**Land Registration District** **North Auckland**  
**Date Issued** 10 June 1977

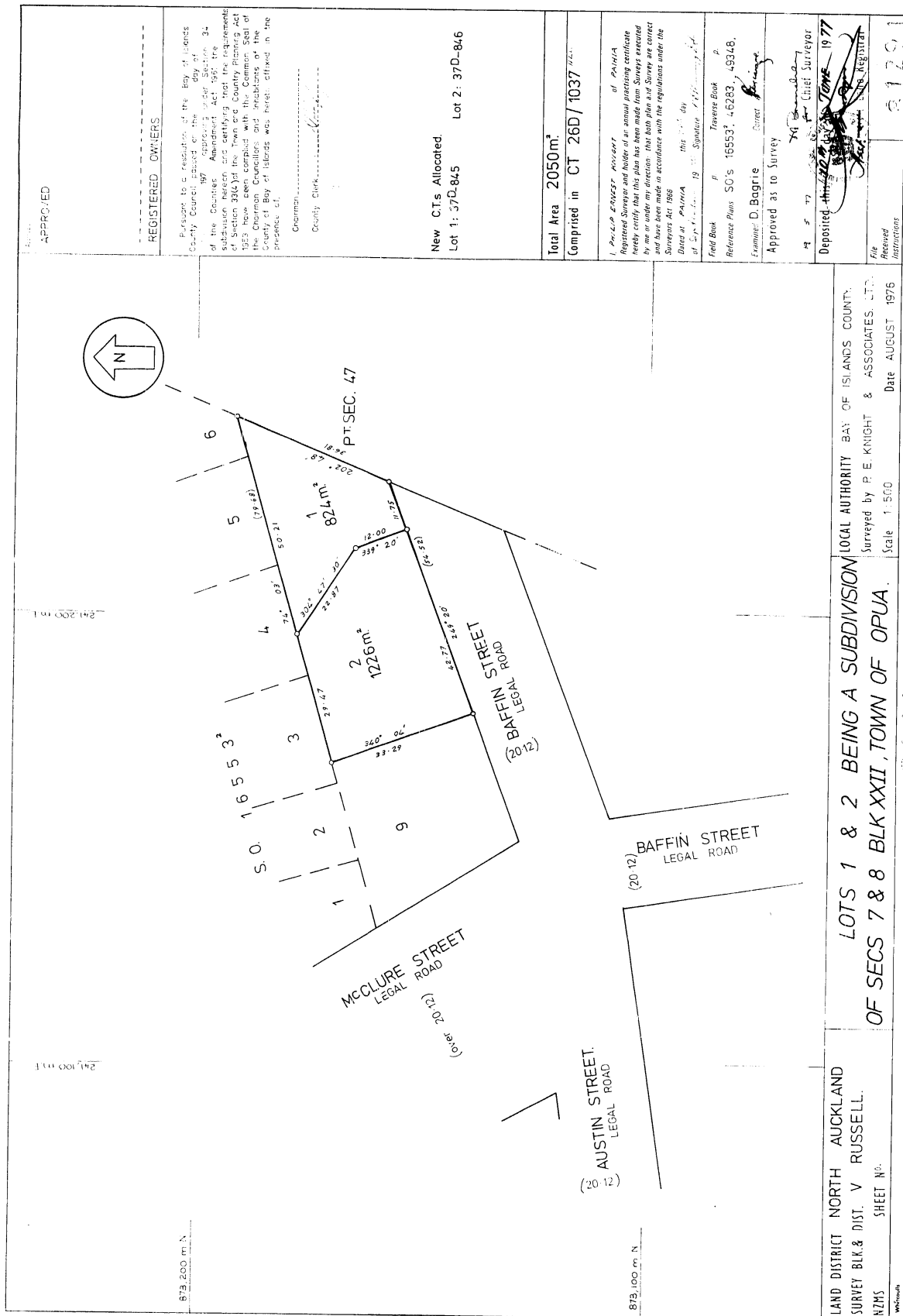
**Prior References**  
NA26D/1037

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**Estate** Fee Simple  
**Area** 824 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 81291  
**Registered Owners**  
David John William Gamble and Manjula Govind Gamble

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**Interests**





# Title Plan - LT 569476

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<b>Survey Number</b>	LT 569476
<b>Surveyor Reference</b>	22169 FNHL (Baffin St ROW)
<b>Surveyor</b>	Kurt Eric Watson
<b>Survey Firm</b>	Survey & Planning Solutions (2010) Limited
<b>Surveyor Declaration</b>	

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## Survey Details

<b>Dataset Description</b>	Area A over Lo1 DP 81291		
<b>Status</b>	Initiated		
<b>Land District</b>	North Auckland	<b>Survey Class</b>	Class A
<b>Submitted Date</b>		<b>Survey Approval Date</b>	
		<b>Deposit Date</b>	

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## Territorial Authorities

Far North District

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## Comprised In

RT NA37D/845

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## Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area A Deposited Plan 569476	Easement		
<b>Total Area</b>		0.0000 Ha	

# Schedule / Memorandum

Land Registration District

**North Auckland**

Survey Number

**LT 569476**

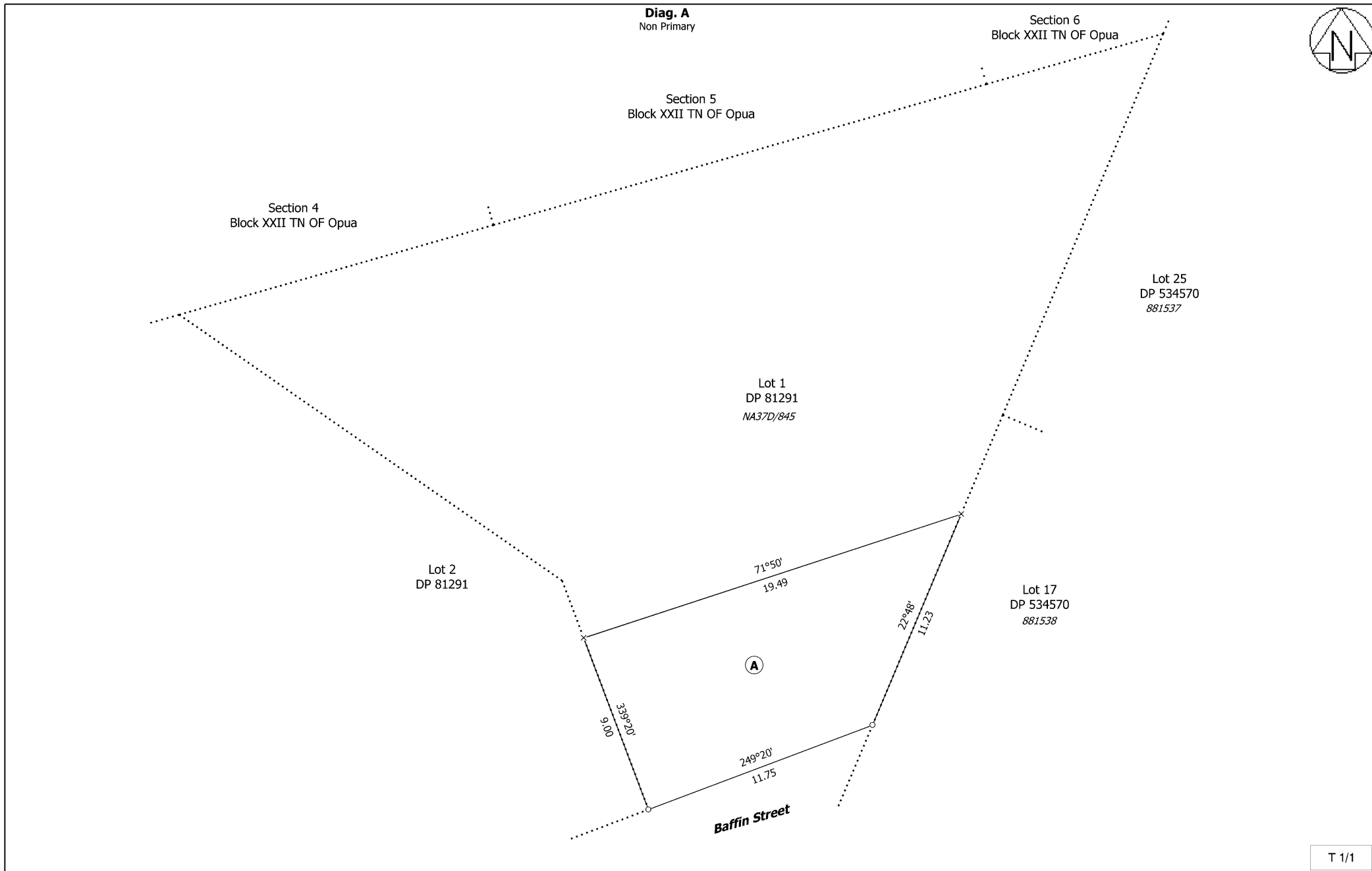
Territorial Authority (the Council)

**Far North District**

## Schedule of Easements

Last Edited: 16 Nov 2021 13:25:36

<u>Purpose</u>	<u>Shown</u>	<u>Burdened Land</u> ( <u>Servient Tenement</u> )	<u>Benefited Land</u> ( <u>Dominant Tenement</u> )
Right of Way	A	Lot 1 DP 81291	Lot 17 DP 534570, Lot 25 DP 534570





\\ncc\as\nc\shared\Project Files\Projects\FNH - Kellet Street Development\Kellet St Driveway - Southern Access Layouts - 13.08.20.dwg Work Station: PC21- 14 August 2020 (Internal Reference Only)

**LEGEND**

NEW ACCESS

NEW ACCESS SURFACE

NEW ACCESS ALIGNMENT

EXISTING CADASTRAL BOUNDARY

NEW RETAINING WALL 0 - 2m

NEW RETAINING WALL 2 - 4m

NEW RETAINING WALL +4m

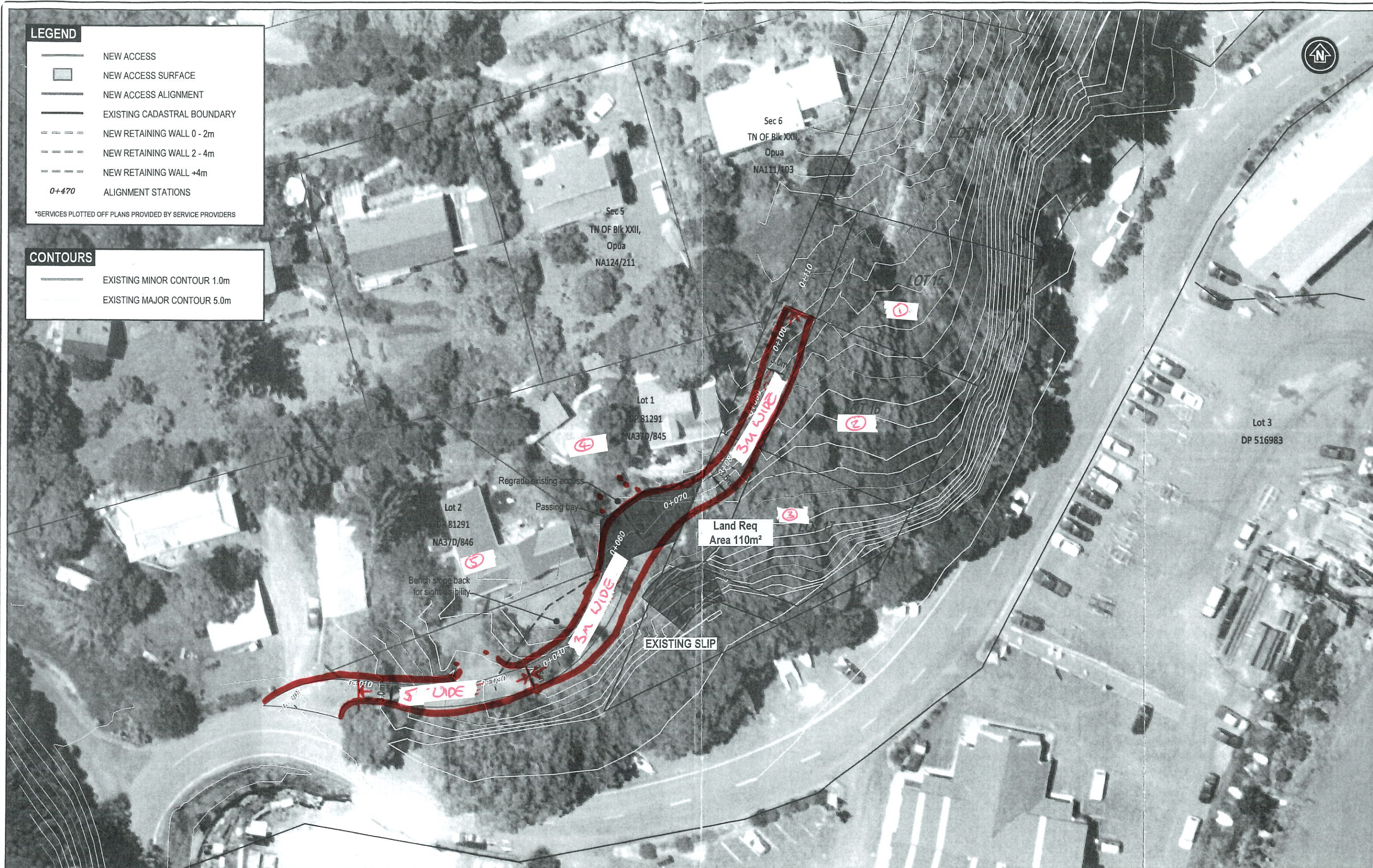
ALIGNMENT STATIONS

\*SERVICES PLOTTED OFF PLANS PROVIDED BY SERVICE PROVIDERS

**CONTOURS**

EXISTING MINOR CONTOUR 1.0m

EXISTING MAJOR CONTOUR 5.0m



DRAWN:	B.P.	DATE:	14/08/20	REV.	DRAWING STATUS - DRAFT	BOUNDARY ACCURACY - MED
CHECKED:	C.H.	DATE:	14/08/20			
APPROVED:						

**Far North Holdings Ltd**

**NCC consulting engineers**

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*For well-grounded solutions*

PROJECT: Far North District Council  
Kellet Street Development  
Lower Road

TITLE: ACCESS FROM BAFFIN ST OPTION 2 - PLAN

SCALE: 1 : 500

ORIGINAL PAPER SIZE A3

JOB NO. —

CLIENT REF. —

SHEET NO. DL1 **R0**