

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?

NZTA

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

4. Applicant Details:

Name/s:

Clayton Trustees Limited

Email:

strakaconstruction@xtra.co.nz

Phone number:

Work 027 721 1017

Home

Postal address:

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

1057 SH 10, KERIKERI

Postcode

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:	Lynley Newport		
Email:	[REDACTED]		
Phone number:	Work	[REDACTED]	Home
Postal address: (or alternative method of service under section 352 of the act)	Thomson Survey Ltd		
	P O Box 372		
	KERIKERI		
	Postcode		0245

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

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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:	Clayton Trustees Limited
Property Address/ Location:	as above
	Postcode

7. Application Site Details

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

Name/s:	Clayton Trustees Limited		
Site Address/ Location:	1057 State Highway 10,		
	KERIKERI		
	Postcode		
Legal Description:	Lot 1 DP 545067	Val Number:	
Certificate of title:	924941		

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: 2220081-RMASUB

Specific conditions to which this application relates:

Multiple changes to conditions as specified in application - relating to changes to entrance arrangements and staging.

Describe the proposed changes:

See above. The catalyst for changes is entrance arrangements. Consultation has been carried out with NZTA.

Please refer to application for details.

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

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

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)	Clayton Trustees LTD C/O Straka Property Trust		
Email:			
Phone number:	Work	Home	
Postal address: (or alternative method of service under section 352 of the act)	PO BOX 208 Kerikeri Postcode 0293		

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)	Clayton Straja	
Signature: (signature of bill payer)		Date 4/11/2025

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. 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)

Clayton Straka

Signature:

[Redacted Signature]

Date 4/11/2025

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.



Our Reference: 10783.s127

12 November 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Variation to RC 2220081-RMASUB, a subdivision at 1057 State Highway 10, Bulls Gorge – Clayton Trustees Limited

I am pleased to submit application on behalf of Clayton Trustees Limited, for a proposed Variation to RC 2220081-RMASUB, a subdivision of land at 1057 State Highway 10, Bulls Gorge, zoned Rural Production. The application, lodged pursuant to s127 of the Act, is a discretionary activity.

The application fee of \$1,264 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Clayton Trustees Limited

s127 APPLICATION

RC 2220081-RMASUB

Lot 1, State Highway 10, Kerikeri

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 Proposal

RC 2220081-RMASUB was issued on 11th March 2022. Copy attached in Appendix 6. It granted consent for a 5 lot subdivision to be carried out over 3 stages. It included approval from NZTA for crossings.

Since the consent was issued, re-generative plantings undertaken by NZTA as part of the Bulls Gorge realignment works has grown and significantly obstructed the sightline visibility for the entrance into Lot 5. An alternative entrance arrangement has been investigated and discussed with NZTA and they have provided approval, with conditions – which the applicant agrees with.

That is the first reason for this variation – amend entrance arrangements approved by NZTA. The second reason is to alter the stages. Currently, the largest Lot 1 is not created until Stage 3. The consent holder now seeks to have that largest Lot 1 created in Stage 1, along with proposed Lot 2 and a Lot 100 that would then be further subdivided in a Stage 2, creating the remaining Lots 3-5. There will be no longer be a Stage 3.

There are no substantive changes to boundaries or lot areas. However, there are minor changes to both lot and covenant area boundaries. The revised entrance arrangements for the use of CP 8 & 9 will require additional right of way easements as shown on amended plans.

In summary the changes being requested are related to:

- (a) Entrance arrangements; and
- (b) Staging arrangements.

The easiest way to portray the requested stages, given the changes in stages, is by way of a separate Appendix (See Appendix 2). This sets out amended conditions, as requested.

A summary Table of differences between the consented RC 2220081 and this proposed Variation is presented below to assist in assessment and processing:

RC 2220081	Variation
5 lots in three stages	5 lots in two stages
Larger Lot 1 not created until Stage 3	Larger Lot 1 created in Stage 1
Areas: Lot 1 of 19.22ha; Lot 2 of 4.16ha; Lot 3 of 4.07ha; Lot 4 of 4.30ha; and Lot 5 of 5.42ha.	Areas: Lot 1 of 18.6ha; Lot 2 of 4.39ha; Lot 3 of 4.18ha; Lot 4 of 4.21ha; and Lot 5 of 5.56ha.
No new easements proposed	New easements proposed – related to changes to entranceways
Areas S-Z to be subject to wetland and bush protection covenants	Areas R-Z to be subject to wetland and bush protection covenants with boundaries changed to reflect and provide for existing crossings.

Other changes include additional physical works conditions in regard to formation of shared rights of way; and amended NZTA requirements.

The amended Scheme Plans are attached in Appendix 1. Location map and Record of Title are attached in Appendices 4 & 5 respectively. Communications with NZTA are contained in Appendix 3.

The specific changes being requested are discussed in section 4.0 of this Report.

1.2 Scope of this Report

This assessment and report accompanies the application for a change to conditions (s127) and for an extension to the lapse period (s125). A s127 application is regarded as a **discretionary** activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought.

2.0 PROPERTY DETAILS

Location:	Lot 1, State Highway 10, Kerikeri
Legal description:	Lot 1 DP 545067
Record of Title:	924941

3.0 SITE DESCRIPTION

The application site consists of a series of grassed ridgelines descending downslope from a bush clad Scenic Reserve, to the State Highway boundary, at Bulls Gorge. The consented subdivision layout effectively provides for house sites on each stable 'spur'. The gullies between the spurs act as overland flow paths, largely intermittently flowing watercourses and swampy areas.

There is minimal indigenous vegetation within the application site, but as stated above, the site bounds Scenic Reserve.

Land in Lot 1 now has an existing formed and approved entrance off State Highway 10.

4.0 CHANGES REQUESTED

The Scheme Plans:

The variation seeks several changes and these are outlined in Appendix 2. The Stage One Variation Scheme Plan creates Lots 1, 2 and 100, where Lot 1 equates to Lot 1 of original Stage 3; Lot 2 equates to the original Lot 2, also created in Stage 3; and Lot 3 equates to the land that will become Lots 3, 4 & 5 in new proposed Stage 2.

Stage 1 condition 2 and Stage 2 condition 5 require amendment accordingly – to refer to new stamped approved plans forming part of this Variation.

The alteration to entranceways results in the creation of rights of way F at Stage 1, and G and H at Stage 2.

The areas identified for bush and/or wetland protection have been amended to more accurately identify those features, and to exclude existing crossings – all of which will still be required for the future lots.

Deletion of Stage 3 in its entirety

The rationale for this is self explanatory. All lots are now to be created in two stages, not three.

Amendment to NZTA Conditions

The emailed preliminary approval from NZTA reads:

For proposed Lots 1-5 – effectively both stages referred to above.

- 1. The vehicle crossing located at NZTM 1686746.81, 6095527.05 (NZTA ref. CP 8) shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as***

-
- outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.*
- 2. The vehicle crossing located at NZTM 1686624.24, 6095701.72 (NZTA ref. CP 9) and shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.*
 - 3. The vehicle crossings located at NZTM 1686559.60, 6095794.13 (NZTA ref. CP 10), NZTM 1686878.58, 6094564.02 (NZTA ref. CP 6) and at NZTM 1686948.35, 6094977.68 shall be permanently closed, including reinstatement of any fence line, grassed areas, berm, highway drainage or kerb. Reinstatement works shall be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.*
 - 4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards.*
 - 5. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roadway Powers Act 1989.*

This is different from the original NZTA approval requirements and reflect the change to no longer utilise CP10 at all. Instead CP9 is to be utilized for one more lot than originally proposed. This will not be required until Stage 2 when the lots using that entrance are created. The upgrade of CP8 will remain a Stage 1 condition, and the newly imposed condition regarding the closure of CP10 will also be a Stage 1 condition.

I believe existing Stage 1 conditions 4(b)-(d) inclusive can be deleted and replaced with Stage 1 Condition 3(b) and Stage 2 Condition 6(a).

New accessway formation on rights of way:

The stage 1 scheme plan shows right of way easement F in favour of Lot 2 over the Lot 1 leg-in. This is to enable both lots to utilise CP8, to be upgraded, if not already, to Diagram C standard to NZTA's satisfaction. Formation within F must be minimum 3m metal carriageway width with drainage, which it likely is already.

The stage 2 scheme plan shows rights of way G and H over Lot 4 in favour of Lots 3 & 5 (G) and Lot 5 only (H). Again this will require 3m metal carriageway width with drainage, on both G and H.

Areas to be subject to land covenants

These have been amended to more accurately follow the boundaries of the features and to exclude existing crossings which are in existing use and will continue to be required post subdivision. Area U (previously identified as 'S') remains in place for bush protection. The update has resulted in nine areas identified compared to the original eight. Other than updating 'identifiers', the conditions relevant to the covenant areas are not changed.

Consent Notice Conditions

The original consent unnecessarily repeated consent notice conditions in each stage whereas they will have carried down after being applied at Stage 1. For this reason, it is proposed to delete all but one consent notice condition from Stage 2. All those deleted will already have been applied to Lots 1, 2 and 100 created in Stage 1, and will carry down automatically accordingly.

The exception is the one remaining proposed consent notice clause to be imposed as a Stage 2 consent notice condition, in regard to banning cats and dogs. The original consent imposed a ban on Lots 2-5 and this variation will continue to impose it on Lots 2-5 – no change. Lot 2 Stage 1 can have it imposed immediately at Stage 1. However, it does not seem reasonable to impose a ban on Lot 100 Stage 1 given it is nearly 14ha in area and capable of supporting stock. Therefore it is proposed to enable working dogs on both Lots 1 & 100 of Stage 1, just as the original consent provided for Lot 1, Stage 3.

Then as a Stage 2 consent notice clause, the Lot 100 working dog allowance is proposed to be superseded by the total ban to apply to Lots 3-5, as applied in the original consent.

Because the land that will eventually become Lots 3-5 is being created as a single Lot 100 in Stage 1, it is proposed to impose the same consent notice condition as imposed on Lot 1 (Stage 3) of the original consent. This provides for working dogs, which I consider reasonable given Lot 100 is nearly 14ha in area and capable of supporting stock.

5.0 STATUTORY REQUIREMENTS

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **discretionary activity** application. Sections 88 to 121 of the Act apply, and the following planners report and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act. The Assessment of Effects only addresses the effects of the change, as specified in s127.

S104

Variation (s127)

S104 of the Act requires a consent authority to consider any actual and potential effects on the environment resulting from the change; and any relevant provisions of

- (i) A national environmental standard;
- (ii) Other regulations;
- (iii) A national policy statement;
- (iv) A NZ Coastal Policy Statement;
- (v) A regional policy statement;
- (vi) A plan or proposed plan.

Assessment of Environmental Effects

When considering the effects under a s127 application, it is only **the effects of the changes** being sought that need be assessed and considered.

The alteration to staging has nil environmental effects as it is simply related to timing.

The amendments to crossing points off State Highway has been assessed by the roading authority and 'approved' subject to conditions. Fewer crossings will result, at the appropriate standard. The changes to the crossings has nil adverse effect, and in fact will have a positive effect.

The creation of rights of way easements F, G & H will require internal access formation and will be to the required standard, thereby having no adverse effects.

Areas shown for bush and wetland protection remain – nil adverse effects. Cats and dogs restrictions amended, but achieving the same thing as in the original consent – nil adverse effect.

Relevant Provisions of planning instruments

No new national or regional planning instruments have been enacted since the original consent was issued.

Part 2 Matters

Similarly, the changes do not require any further consideration under s5-8, Part 2 of the Act.

6.0 CONSULTATION

Under Section 127(4) of the Act:

- (4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
- (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation.*

The original application was processed on a non-notified basis, under delegated authority. The consent included NZTA consultation and conditions. This variation similarly involves NZTA

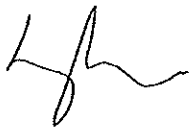
and consultation has been carried out accordingly, with approval, subject to conditions, issued.

7.0 CONCLUSION

It is considered the effects of the changes on the wider environment are less than minor. The proposal remains consistent with the relevant objectives and policies of the Operative and Proposed District Plans and the Regional Policy Statement, and Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to change conditions to be publicly notified and no persons have been identified as adversely affected by the proposal.

It is therefore requested that the Council grant approval to the minor s.127 application on a non notified basis.



Lynley Newport
Senior Planner,
THOMSON SURVEY LTD

Date

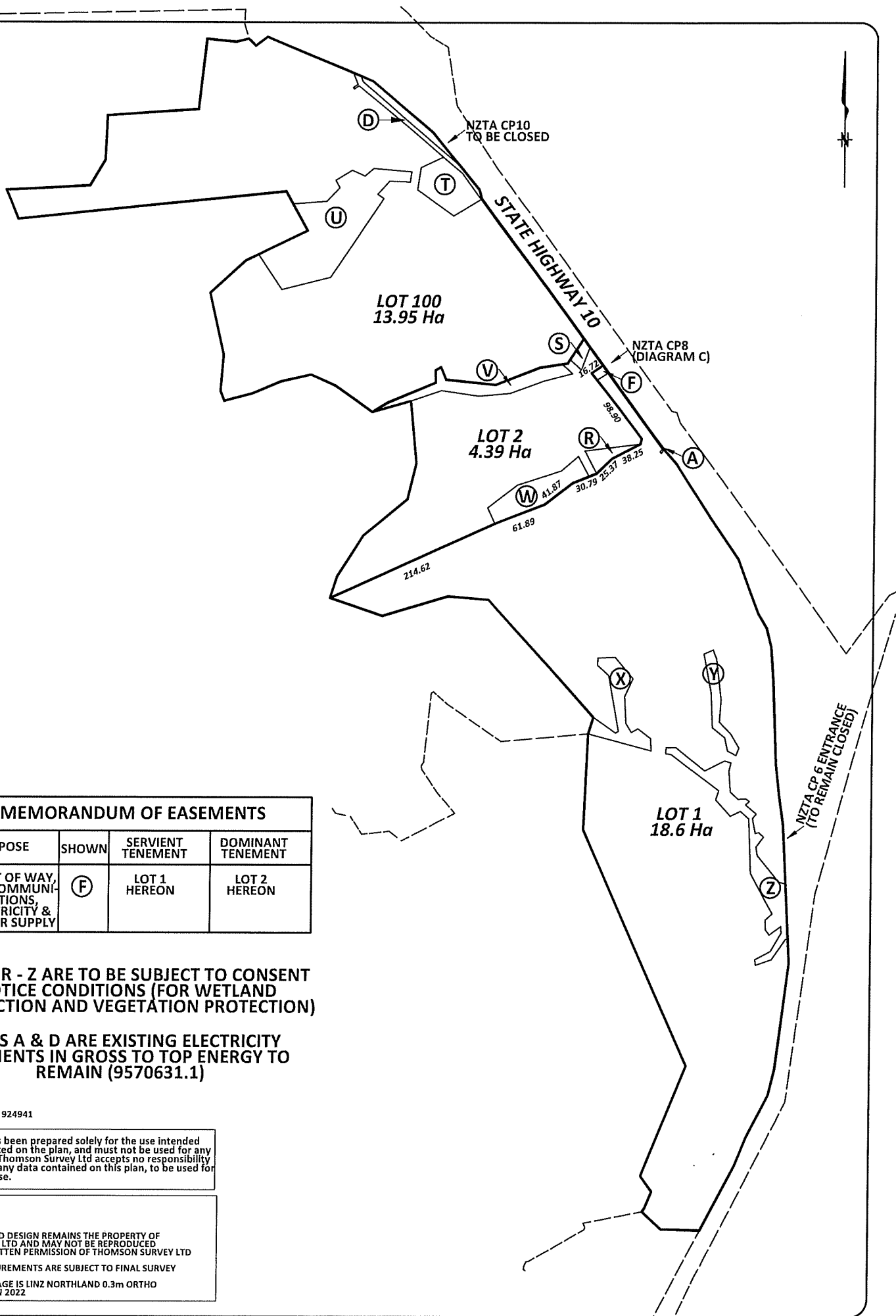
12th November 2025

8.0 LIST OF APPENDICES

Appendix 1	Variation Scheme Plans
Appendix 2	Requested changes to conditions
Appendix 3	Correspondence from NZTA
Appendix 4	Location Map
Appendix 5	Current Record of Title
Appendix 6	RC 2220081-RMASUB as issued

Appendix 1

Variation Scheme Plans



MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(F)	LOT 1 HEREON	LOT 2 HEREON

AREAS R - Z ARE TO BE SUBJECT TO CONSENT NOTICE CONDITIONS (FOR WETLAND PROTECTION AND VEGETATION PROTECTION)

AREAS A & D ARE EXISTING ELECTRICITY EASEMENTS IN GROSS TO TOP ENERGY TO REMAIN (9570631.1)

COMPRISED IN: RT 924941

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

BACK GROUND IMAGE IS LINZ NORTHLAND 0.3m ORTHO CORRECTED FLOWN 2022



315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077360 Fax (09) 4077322

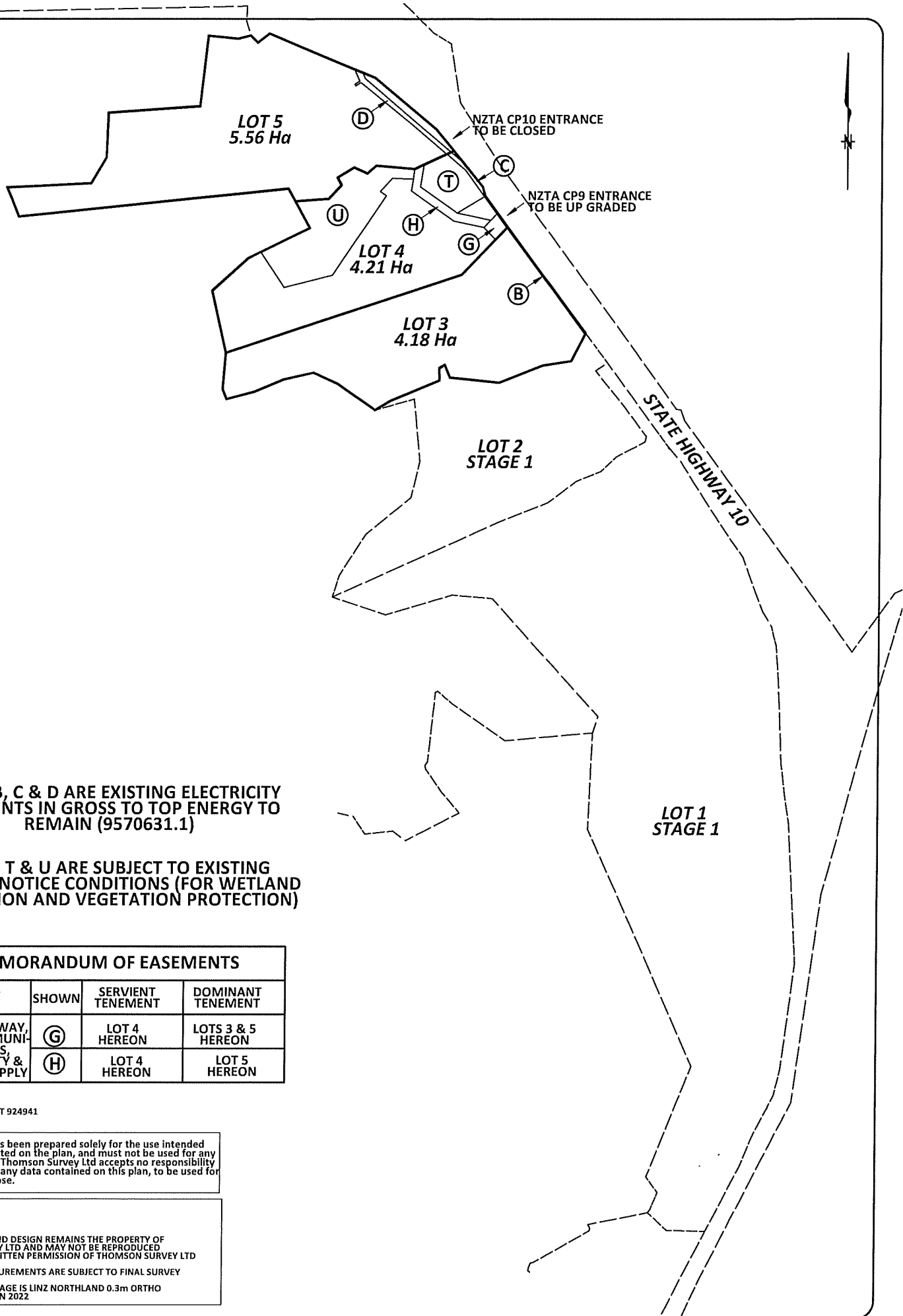
Registered Land Surveyors, Planners & Land Development Consultants

VARIATION OF RC 2220081 STAGE 1

PREPARED FOR: STRAKA PROPERTY TRUST

Name	Date	ORIGINAL	SCALE	SHEET SIZE
Survey				
Design				
Drawn	SL	15.09.25		
Approved				
Rev	KY	18.09.25	1:3000	A3
10783 STAGED VARIATION 20250918				

Surveyors
Ref. No:
10783
Series
Sheet of



AREAS B, C & D ARE EXISTING ELECTRICITY EASEMENTS IN GROSS TO TOP ENERGY TO REMAIN (9570631.1)

AREAS T & U ARE SUBJECT TO EXISTING CONSENT NOTICE CONDITIONS (FOR WETLAND PROTECTION AND VEGETATION PROTECTION)

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	Ⓒ	LOT 4 HEREON	LOTS 3 & 5 HEREON
	Ⓓ	LOT 4 HEREON	LOT 5 HEREON

COMPRISED IN: RT 924941

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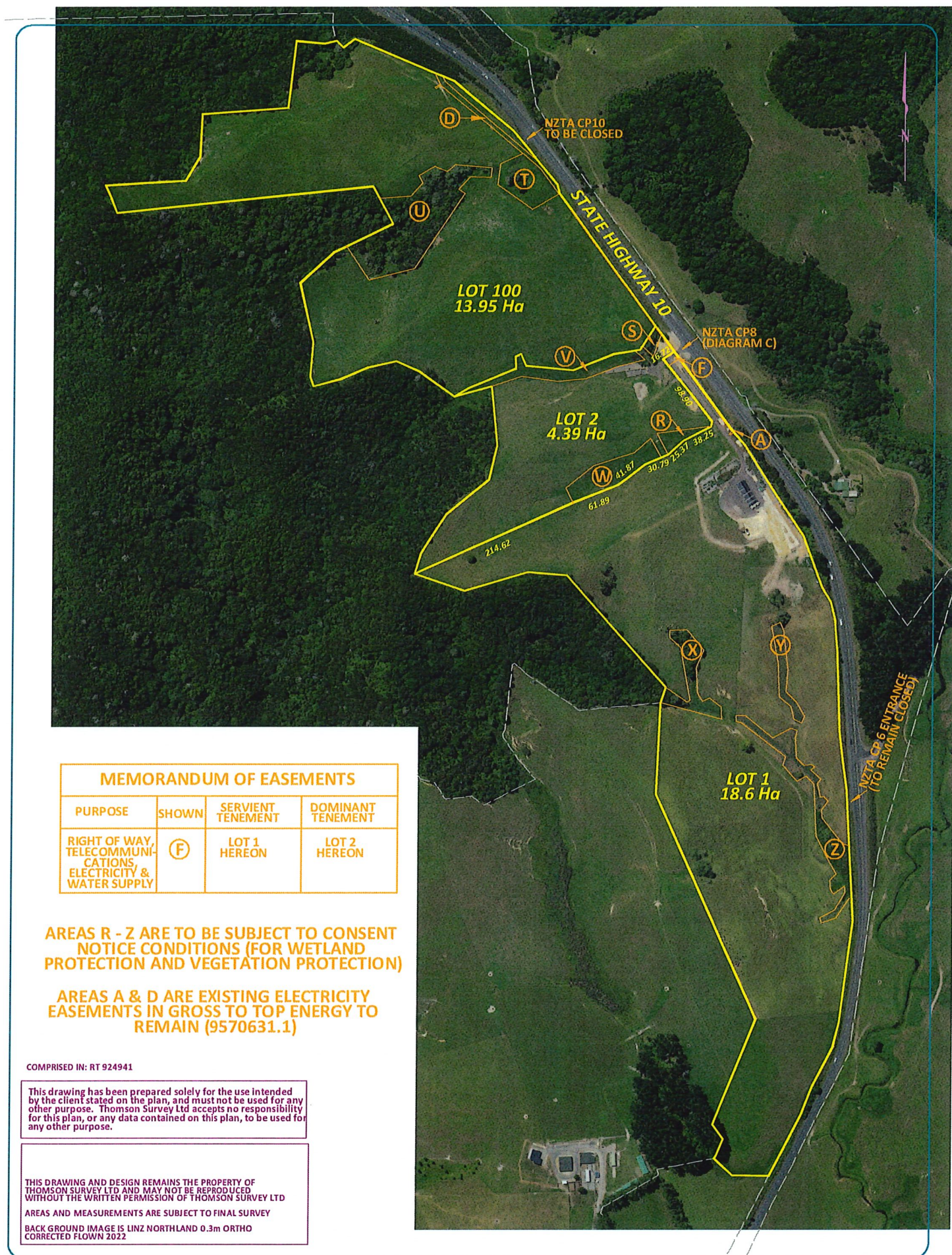
Registered Land Surveyors, Planners & Land Development Consultants

VARIATION OF RC 2220081 STAGE 2

PREPARED FOR: STRAKA PROPERTY TRUST

	Name	Date	ORIGINAL	
Survey			SCALE	SHEET SIZE
Design				
Drawn	SL	15.09.25		
Approved				
Rev	KY	18.09.25		
10783 STAGED VARIATION 20250918			1:3000	A3

Surveyors
Ref. No:
10783
Series
Sheet of



MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(F)	LOT 1 HEREON	LOT 2 HEREON

AREAS R - Z ARE TO BE SUBJECT TO CONSENT NOTICE CONDITIONS (FOR WETLAND PROTECTION AND VEGETATION PROTECTION)

AREAS A & D ARE EXISTING ELECTRICITY EASEMENTS IN GROSS TO TOP ENERGY TO REMAIN (9570631.1)

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P.O. Box 372 Kerikeri
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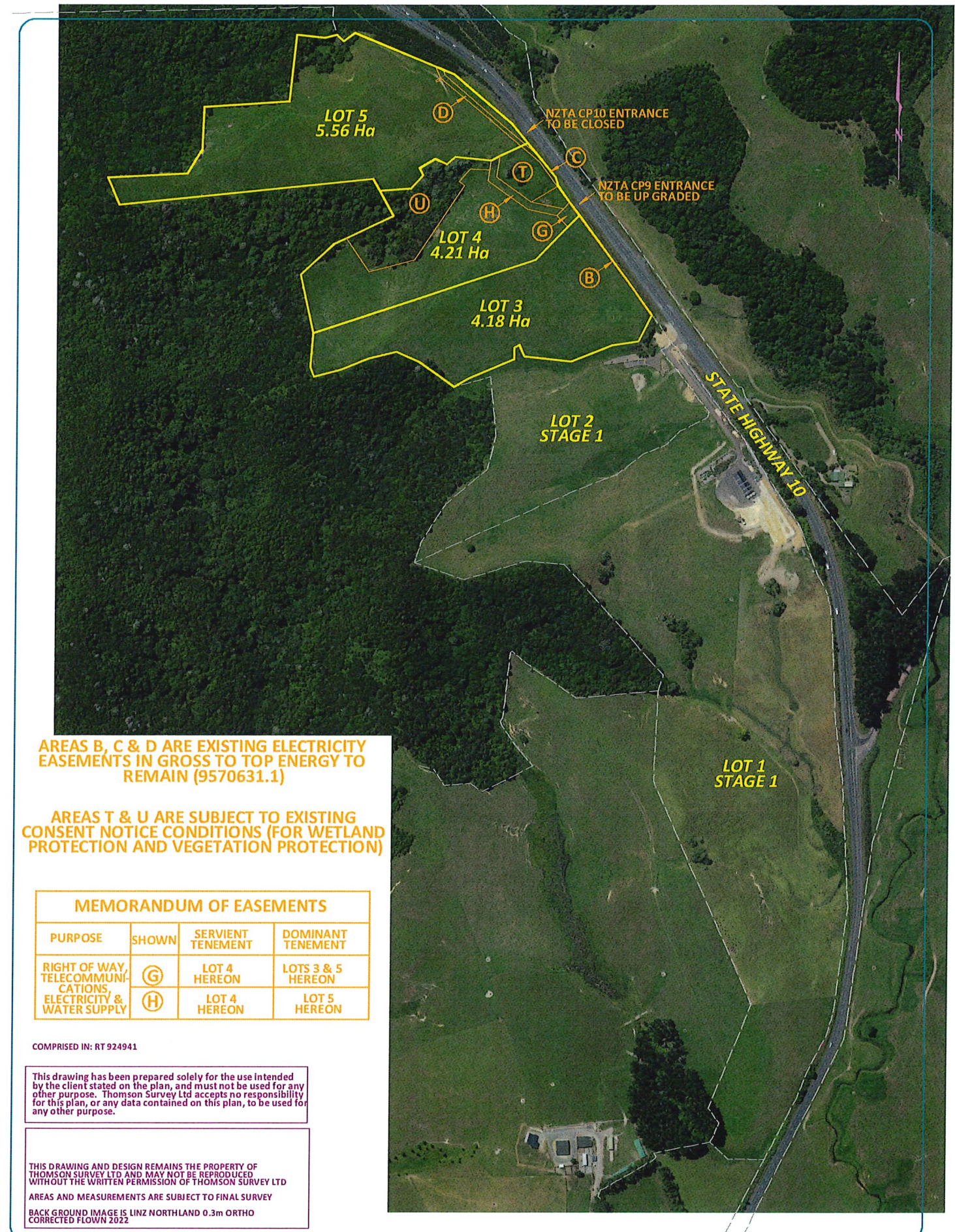
Registered Land Surveyors, Planners & Land Development Consultants

VARIATION OF RC 2220081 STAGE 1

PREPARED FOR: STRAKA PROPERTY TRUST

Name	Date	ORIGINAL	SCALE	SHEET SIZE
Survey				
Design				
Drawn	SL	15.09.25		
Approved			1:3000	A3
Rev	KY	18.09.25		
10783 STAGED VARIATION 20250918				

Surveyors
Ref. No:
10783
Series
Sheet of



AREAS B, C & D ARE EXISTING ELECTRICITY EASEMENTS IN GROSS TO TOP ENERGY TO REMAIN (9570631.1)

AREAS T & U ARE SUBJECT TO EXISTING CONSENT NOTICE CONDITIONS (FOR WETLAND PROTECTION AND VEGETATION PROTECTION)

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS	(G)	LOT 4 HEREON	LOTS 3 & 5 HEREON
ELECTRICITY & WATER SUPPLY	(H)	LOT 4 HEREON	LOT 5 HEREON

COMPRISED IN: RT 924941

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Registered Land Surveyors, Planners & Land Development Consultants

VARIATION OF RC 2220081
STAGE 2

PREPARED FOR: STRAKA PROPERTY TRUST

Survey	Name	Date	ORIGINAL
Design			SCALE
Drawn	SL	15.09.25	SHEET SIZE
Approved			1:3000 A3
Rev	KY	18.09.25	
10783 STAGED VARIATION 20250918			

Surveyors
Ref. No:
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Sheet of

Appendix 2

Requested changes to conditions

Appendix 2

Draft changes to conditions of RC 2220081:

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

~~1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Lots 1-5 being a proposed subdivision of Lot 1 DP 545067, dated August 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.~~

Explanation: the above condition is unnecessary given conditions 1 and 4 below.

Stage One; Lots 1, 2 and 100 *Where Lot 2 will be subject to same/similar conditions as the original consent's Lot 5 also created at Stage 1; and where Lot 100 is of similar size to Lot 1 and should therefore be subject to same/ similar conditions as Lot 1 (originally created in Stage 3).*

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by ~~Donaldsons~~ Thomson Survey, referenced Variation of RC 2220081 Stage 1, dated 18.09.25 ~~Lots 1-5 being a proposed subdivision of Lot 1 DP 545067 (Stage 1), dated August 2021,~~ and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) Areas shown as R, S, T, U, V, W, X, Y, Z, are to be subject to land covenants for bush and wetland protection (See condition 4 ~~(d) (v) (vi)~~ *Additional area "R"*)
 - (b) All easements in the Memorandum duly granted and reserved. *Requirement to refer to memorandum of easements because of proposed easement F.*
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide evidence stock proofing fencing has been provided, where appropriate to prevent stock incursion along the proposed bush covenant area, and existing wetlands identified as R, S, T, U, V, W, X, Y, Z. *area "R" added.*
 - (b) Provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway relevant to Stage 1, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards. Stage 1 works include:
 - i) The vehicle crossing located at NZTM 1686746.81, 6095527.05 (NZTA ref. CP 8) shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.

- ii) The vehicle crossings located at NZTM 1686559.60, 6095794.13 (NZTA ref. CP 10), NZTM 1686878.58, 6094564.02 (NZTA ref. CP 6) and at NZTM 1686948.35, 6094977.68 shall be permanently closed, including reinstatement of any fence line, grassed areas, berm, highway drainage or kerb. Reinstatement works shall be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.
- iii) Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards.
- iv) Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roading Powers Act 1989.

Reflects NZTA's conditions of approval as they would apply to Stage 1 lots, noting that CP9's upgrade should not be required until Lots 3-5 (total three properties) are created.

~~The consent holder will upgrade vehicle access crossings in accordance with NZTA conditions to all allotments (CP8, CP9 and CP10. The access crossings must comply with NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the NZ Transport Agency Network Manager.~~

~~(c) The consent holder will be responsible for the repair and reinstatement of the public roads (State Highway 10) carriageway, if damaged as a result of the site works and building operations.~~

~~(d) The consent holder shall provide evidence that a Traffic Management Plan (TMP) has been approved by Waka Kotahi CAR Manager and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.~~

~~Note: Application for a CAR to be addressed to the Waka Kotahi CAR Manager via email (DaleRoberts@nzta.govt.nz) a minimum of 14 working days prior to the commencement of any works of the state highway; longer is advised for complex works.~~

- (c) Provide a metalled access on ROW easement F to 3m finished metalled carriageway width to comply with Appendix 3B-1 of the Far North District Plan. The formation is to consist of a minimum of 200mm of GAP 65 compacted hard fill plus a GAP 30 or GAP 40 running

course and is to include water table drains and culverts as required to direct and control stormwater runoff.

Considered to be the appropriate standard for "F", serving two lots.

- (d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- i. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent. **[All Lots]**

Note: Location and the design of foundations for any new buildings will note the restrictions and recommendations in the Geotechnical Assessment Report prepared by Haigh Workman with reference 21 144, dated July 2021 included in RC 2220081.

- ii. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system. Any proposed wastewater treatment and effluent disposal system shall be designed and constructed, noting the restrictions and limitations included in the On-Site Wastewater Assessment for a Proposed Subdivision prepared by Haigh Workman with reference 21 144, dated August 2021 included in RC2220081.

The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. **[All Lots]**

- iii. In conjunction with the construction of any dwelling, buildings, facilities or impermeable surfaces, the consent holder shall provide and implement a stormwater management plan for the site. The management plan shall be prepared and certified by a suitably qualified chartered professional engineer and submitted for approval by Council at building consent stage. Stormwater management must be based on Low Impact Design Principles to achieve outcomes set out in Section 4.3.7 of the New Zealand Standard for Land Development and Subdivision Infrastructure (NZS4404:2010). **[All Lots]**

- iv. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). **[Lot 2]** *Lot 2 being the only smaller lot created in Stage 1.*

- v. No building/structural development or vegetation removal shall occur on areas ~~S-U~~ as shown on the survey plan [Lot 100]. The owner shall preserve the indigenous trees and bush areas identified as ~~S-U~~ as indicated on the survey plan and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible **[Lot 100]** *updated to refer to the updated identifier and Lot number within which the covenant area is located.*
- vi. Management of activities on ~~Lot 1~~ the lots, with respect to the natural wetland areas indicated by drawing as per Condition (2)(a) above, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council.
[All Lots] *Updated to include all lots that might contain such an area in order that this consent notice can readily carry over to subsequent stage 2, unchanged.*
- vii. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[All Lots]**
- viii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[All Lots]**
- ix. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).

Two working farm dogs as defined in the Dog Control Act 1996 is exempt from this condition if they are:

- (a) micro-chipped,
- (b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- (c) kept in a kennel or tied up at night.
- (d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:

- (a) A photograph of the dog;
- (b) Written confirmation that the dog has been micro-chipped;
- (c) A plan showing the extent of the dog proof fenced area.

[Lots 1 & 100] This consent notice clause was originally imposed at Stage 3 for Lot 1. Because Lot 1 is now being created in Stage 1 it needs to be imposed at Stage 1. Because Lot 100 is of similar size and equally capable of supporting stock, it should be subject to similar proviso – noting that the subsequent further subdivision of Lot 100, creating Lots 3-5, will trigger the imposition of the more restrictive ban – same as that applied to Lot 2.

Stage Two Lots 1, 3 and 4 3, 4 & 5

4. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by ~~Donaldsons~~ Thomson Survey Limited, referenced Variation of RC 2220081 Stage 2 Lots 1-5 being a proposed subdivision of Lot 1 DP 545067 (Stage 2), dated 18.09.2025 ~~August 2021~~, and attached to this consent with the Council's "Approved Stamp" affixed to it.
5. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the Memorandum duly granted and reserved.
6. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway relevant to Stage 2, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards. Stage 2 works include:
 - i) The vehicle crossing located at NZTM 1686624.24, 6095701.72 (NZTA ref. CP 9) and shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.
 - ii) Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards.

iii) Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roding Powers Act 1989.

(b) Provide a metalled access on ROW easements G & H to 3m finished metalled carriageway width to comply with Appendix 3B-1 of the Far North District Plan. The formation is to consist of a minimum of 200mm of GAP 65 compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.

(c) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

With the exception of the clause in regard to dogs and cats, there is no need to repeat consent notices that will already be on the title for Lot 100, created in Stage 1.

i. ~~The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent. [All Lots]~~

Note: Location and the design of foundations for any new buildings will note the restrictions and recommendations in the Geotechnical Assessment Report prepared by Haigh Workman with reference 21-144, dated July 2021 included in RC-2220081.

ii. ~~In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system. Any proposed wastewater treatment and effluent disposal system shall be designed and constructed, noting the restrictions and limitations included in the On-Site Wastewater Assessment for a Proposed Subdivision prepared by Haigh Workman with reference 21-144, dated August 2021 included in RC2220081.~~

~~The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.~~

~~Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. [All Lots]~~

~~iii. In conjunction with the construction of any dwelling, buildings, facilities or impermeable surfaces, the consent holder shall provide and implement a stormwater management plan for the site. The management plan shall be prepared and certified by a suitably qualified chartered professional engineer and submitted for approval by Council at building consent stage. Stormwater management must be based on Low Impact Design Principles to achieve outcomes set out in Section 4.3.7 of the New Zealand Standard for Land Development and Subdivision Infrastructure (NZS4404:2010). [All Lots]~~

i. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). **[Lot 3, 4 & 5]**

~~v. Management of activities on Lots 3 & 4, with respect to the natural wetland areas indicated by drawing as per Condition (2)(a) of Stage 1, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. [Lots 3 & 4]~~

~~vi. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner [All Lots]~~

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

Stage Three Lots 1 and 2

Self explanatory – all lots are not being created in two stages. There is no Stage 3.

As a matter of process, when Lot 100 is further subdivided to create Lots 3-5 inclusive, the proposed consent notice clause applying to Lot 100 providing for working dogs will need to be cancelled and replaced with the same consent notice clause as applying to Lot 2 (in order to remain consistent with the intent of the original consent).

Below is possible wording to provide approval for the change to be made.

Cancellation of Consent Notice Under ss221 of the Act

1. Pursuant to section 221(3) of the Resource Management Act, the Far North District Council hereby resolves to cancel consent notice created in Stage 1 of RC (condition (ix), as it relates to Lot 100

No change is being sought to the existing cancellation of consent notice:

Cancellation of Consent Notice Under ss221 of the Act

1. Pursuant to section 221(3) of the Resource Management Act, the Far North District Council hereby resolves to cancel consent notice 11799003.2 (conditions (i), (ii), (iii)), in part, as they relate to Lot 1 DP 545067.

Appendix 3

Correspondence from NZTA

NZ Transport Agency Waka Kotahi Reference: 2021-0611

31 October 2025

Clayton and Kate Straka (Johnsen Farm)
C/- Thomson Survey
315 Kerikeri Road,
Kerikeri 0230

Sent via Email: lynley@tsurvey.co.nz

Dear Lynley,

Proposed 5-Lot Subdivision (Stage 1) – 939 State Highway 10, Kerikeri – Clayton and Kate Straka (Johnsen Farm)

Thank you for your request for written approval from NZ Transport Agency Waka Kotahi (NZTA) under section 95E of the Resource Management Act 1991 (RMA). Your proposal has been considered as follows:

Proposal

Resource consent is sought under s127 of the RMA for the following activities:

- To vary the granted subdivision consent RC 2220081 to vary the granted access arrangements and reduce the subdivision from three stages to two stages.
- Stage 1 will involve the creation of proposed Lots 1, 2 and 100; Stage 2 will involve the creation of Lots 3, 4 and 5 from Lot 100.

Assessment

In assessing the proposed activity, NZTA notes the following:

- NZTA did not provide approval to the subdivision consent RC 2220081 although when contacted by Far North District Council at the time of lodgement, did request that Crossing Places, CPs 8, 9 and 10 to be upgraded to an NZTA PPM Diagram C Standard in August 2021. These were included as conditions of consent by Far North District Council.
- The subject site has five existing authorised crossing places and following the completion of the subdivision, will only have three. The consolidation of the crossing places reduces the proliferation of vehicle accesses along this section of the state highway.
- To address the increased traffic generation at CP's 8, 9 and 10, each vehicle crossing will be upgraded to an NZTA PPM Diagram C Standard to accommodate the vehicle movements of one residential dwelling per lot.
- Following this subdivision, an additional stage will result in a 2-lot subdivision of proposed Lot 1. Through that subdivision, additional access upgrades will occur to address any potential adverse effects on the operation of State Highway 10.

Limited Access Road (LAR)

Your client's site adjoins State Highway 10 which is identified as a limited access road. Per Section 91 of the Government Roadway Powers Act 1989, to access your client's site your client requires a crossing place authorised by NZTA. In this instance there are five authorised crossing places registered on the record of title: CP's 6, 7, 8, 9 and 10. As part of this subdivision application, CP's 6, 7 and 10 will be closed and CP's 8 and 9 will be upgraded to an NZTA PPM Diagram C Standard.

Conditions

In discussion with NZTA your clients have agreed to include the following conditions as part of your client's resource consent application. The legal name of NZTA is the **New Zealand Transport Agency**; therefore our full legal name is referred to in the conditions and approval.

1. The vehicle crossing located at NZTM 1686746.81, 6095527.05 (NZTA ref. CP 8) shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.
2. The vehicle crossing located at NZTM 1686624.24, 6095701.72 (NZTA ref. CP 9) and shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the New Zealand Transport Agency Network Manager.
3. The vehicle crossings located at NZTM 1686559.60, 6095794.13 (NZTA ref. CP 10), NZTM 1686878.58, 6094564.02 (NZTA ref. CP 6) and at NZTM 1686948.35, 6094977.68 shall be permanently closed, including reinstatement of any fence line, grassed areas, berm, highway drainage or kerb. Reinstatement works shall be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the upgrading and closure of existing vehicle crossings, have been constructed to the New Zealand Transport Agency standards.
5. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roadway Powers Act 1989.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Limited Access Road

As the site fronts a Limited Access Road, the New Zealand Transport Agency provides approval under Section 93 of the Government Roadway Powers Act 1989 for the site to gain direct access from the state highway as described in this written approval.

We are happy for you to provide this letter to the territory authority as evidence of our s95E RMA and s93 GRPA approvals.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the NZTA CAT Manager via www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

As the property has access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Roadway Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from The New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact the Environmental Planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely,



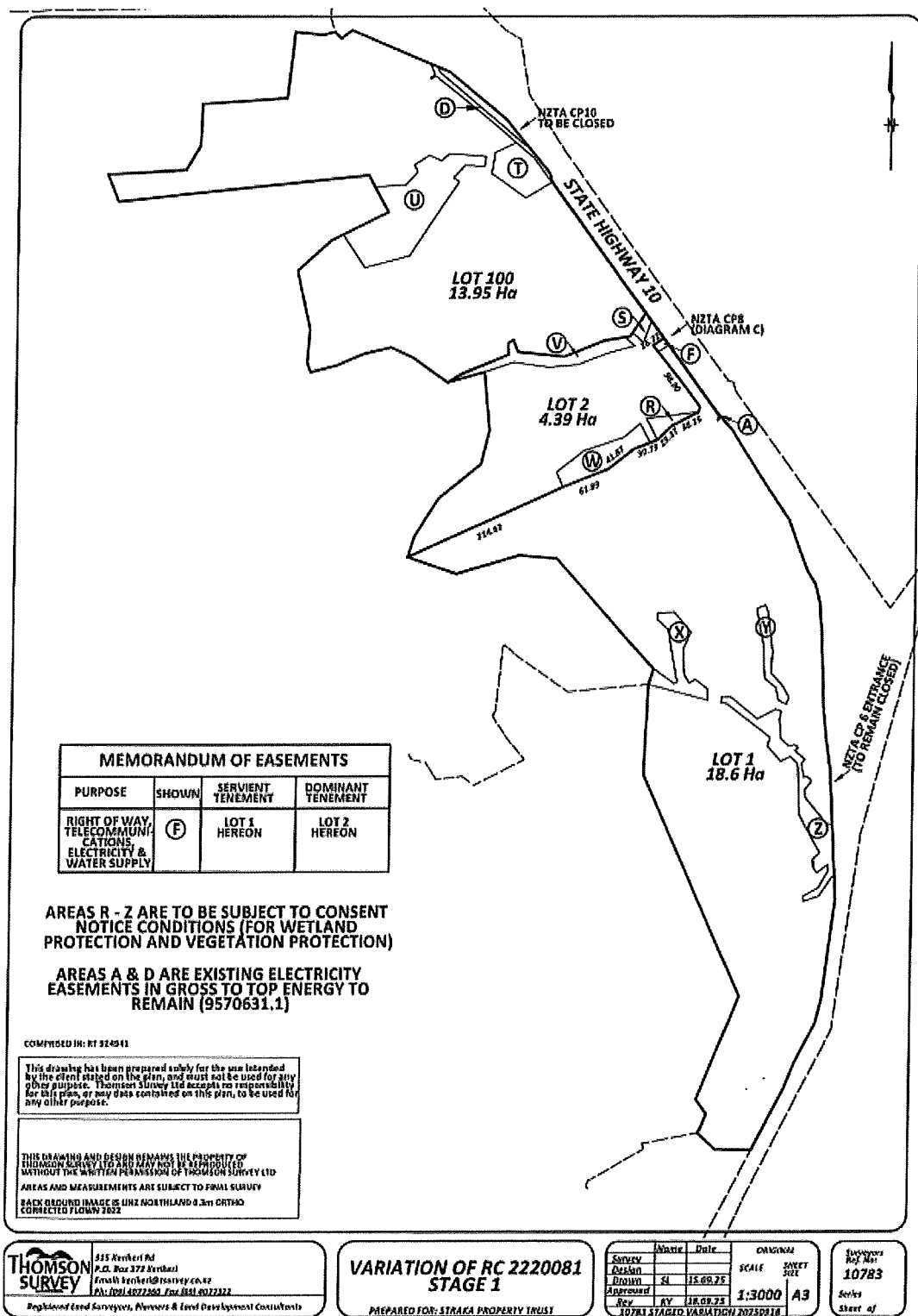
Tessa Robins
Senior Planner

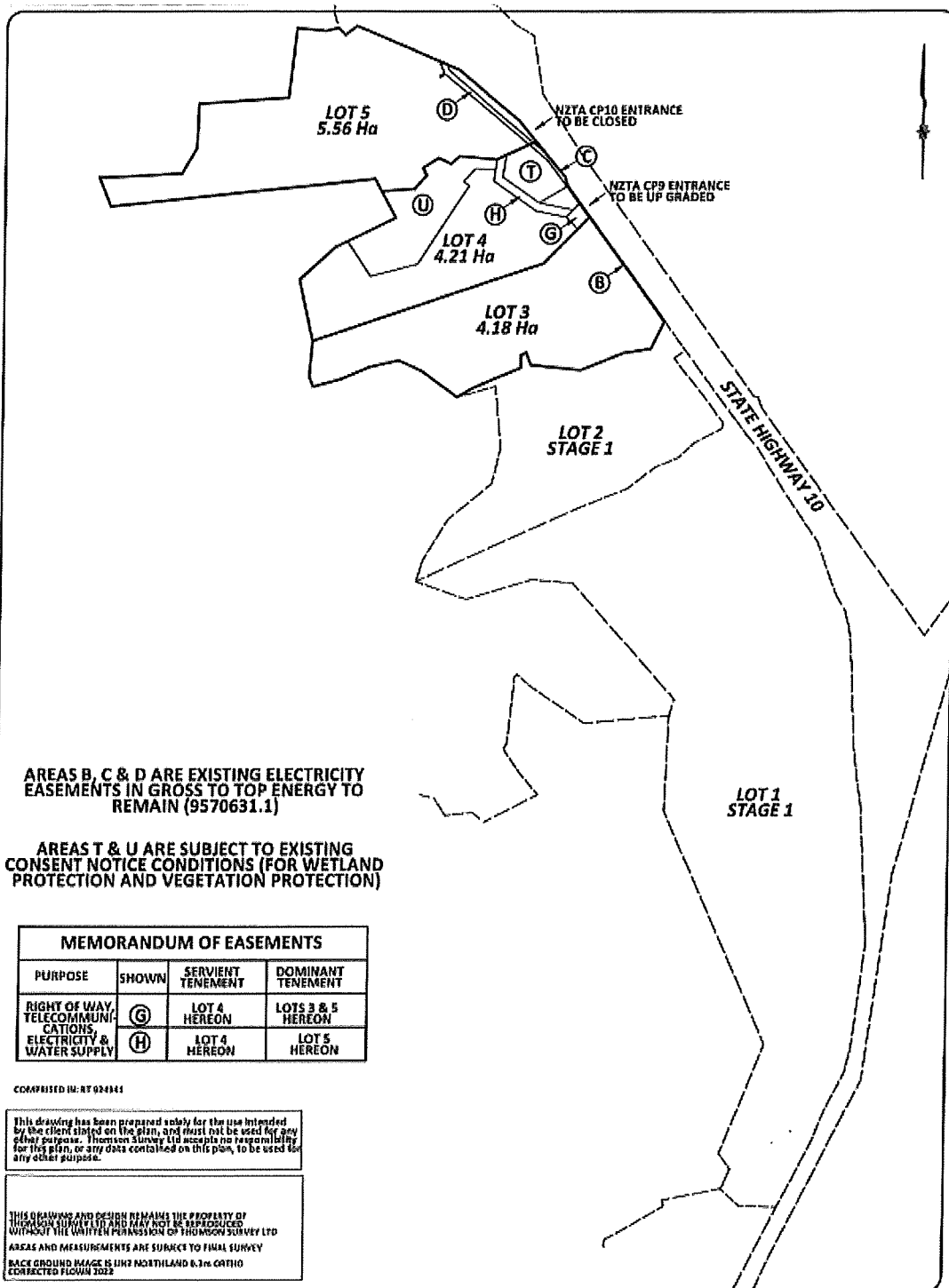
Poutiaki Taiao / Environmental Planning, System Design, on behalf of NZ Transport Agency Waka Kotahi.

Enclosed:

- Attachment 1: Proposed Scheme Plan

Attachment 1: Proposed Scheme Plan





AREAS B, C & D ARE EXISTING ELECTRICITY EASEMENTS IN GROSS TO TOP ENERGY TO REMAIN (9570631.1)

AREAS T & U ARE SUBJECT TO EXISTING CONSENT NOTICE CONDITIONS (FOR WETLAND PROTECTION AND VEGETATION PROTECTION)

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(G)	LOT 4 HEREON	LOTS 3 & 5 HEREON
	(H)	LOT 4 HEREON	LOT 5 HEREON

COMPILED IN: NZ 024841

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
BACK GROUND IMAGE IS LINZ NORTHLAND 6.3m GRT10 CORRECTED FLOWN 2023



325 Kerkeld Rd
P.O. Box 372 Kerkeld
Ereath Kerkeld@thomsonsurvey.co.nz
Ph: 081 4022382 Fax: 081 4022322

Registered Land Surveyors, Planners & Land Development Consultants

VARIATION OF RC 2220081 STAGE 2

PREPARED FOR: STRAVA PROPERTY TRUST

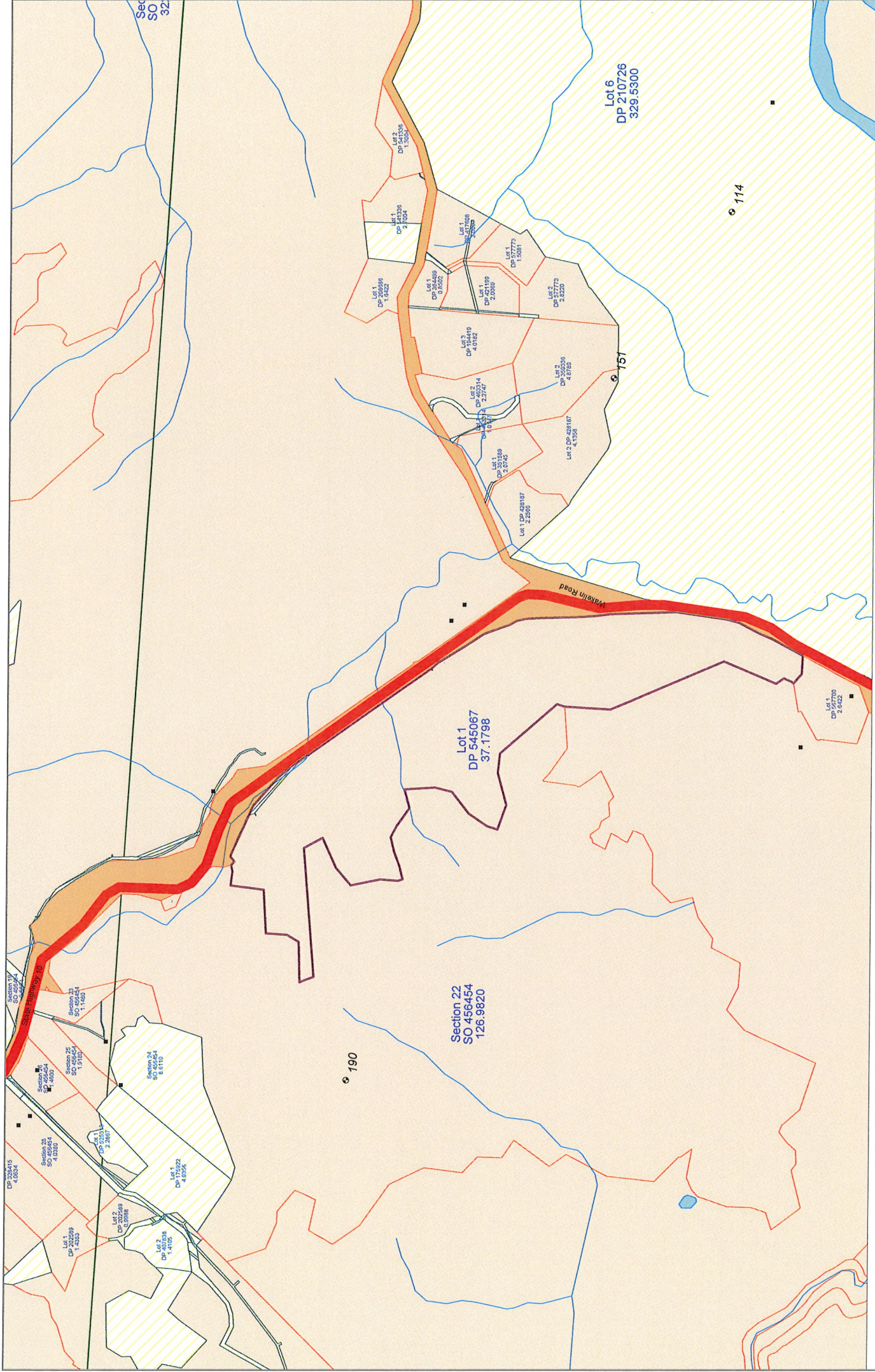
Survey	Drawn	Date	ORIGINATOR
Design			SCALE
Drawn	SI	15.08.25	SHEET
Approved			212
Rev	NY	18.08.25	1:3000 A3

10781 STAGED VARIATION 20230918

Survey
Ref. No:
10783
Series
Sheet of

Appendix 4

Location Map



Appendix 5

Current Record of Title



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R. W. Muir
Registrar-General
of Land

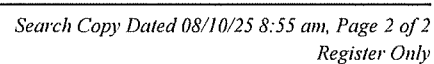
Identifier 924941
Land Registration District North Auckland
Date Issued 31 July 2020

Prior References
627582

Estate Fee Simple
Area 37.1798 hectares more or less
Legal Description Lot 1 Deposited Plan 545067
Registered Owners
Clayton Trustees Limited

Interests

Subject to Part IV A Conservation Act 1987
Subject to Section 11 Crown Minerals Act 1991
573901.1 Gazette Notice declaring adjoining State Highway a Limited Access Road - 31.1.1979 at 10:51 am
Subject to a right (in gross) to convey electricity over part marked S on DP 545067 in favour of Top Energy Limited
created by Easement Instrument 9570631.1 - 20.3.2014 at 11:44 am
11799003.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 31.7.2020 at 4:12 pm
Land Covenant in Covenant Instrument 11799003.3 - 31.7.2020 at 4:12 pm



View Instrument Details



Instrument No 9570631.1
Status Registered
Date & Time Lodged 20 March 2014 11:44
Lodged By Carpenter, Brett Avon Leavett
Instrument Type Easement Instrument



Affected Computer Registers Land District
627582 North Auckland

Annexure Schedule: Contains 7 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage D529914.3 has consented to this transaction and I hold that consent ☒

Signature

Signed by Peter Gilmour Macauley as Grantor Representative on 01/02/2014 01:50 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Brett Avon Leavett Carpenter as Grantee Representative on 13/11/2013 10:14 AM

*** End of Report ***

**Easement instrument to grant easement or *profit à prendre*, or create
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Simon Phillip Brown

Grantee

Top Energy Limited

Grant of Easement or *Profit à prendre* or Creation of Covenant

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

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Electricity	Marked "S" on SO Plan 456454	Section 21 SO 456454 <i>CFR 627582</i>	In gross

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

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

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

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

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

~~{the provisions set out in Annexure Schedule}~~

Covenant provisions

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

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

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

~~{Annexure Schedule}~~

Annexure Schedule

Page 3 of 6 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

Annexure Schedule**1. Interpretation**

1.1 In this instrument, unless the context otherwise requires:

- (a) "Easement Area" means that/those part(s) of the Servient Land marked on Survey Office Plan 456454 with the letter "S".
- (b) "Servient Land" means the land owned by the Grantor and contained in Computer Freehold Register 627582.
- (c) "Transmission Line" means wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, towers, poles, ground stays, supporting structures, crossarms, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any buildings, towers or pole mounted transformers, fuses, fuse holders, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (d) words importing the singular include the plural and vice versa; and
- (e) references to the Grantor and Grantee include their respective heirs, executors, transferees, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross a right to convey electricity over the easement area with the following rights and powers:

- (a) to convey, send, transmit and transport electricity and telecommunications signals, waves or impulses, without interruption or impediment and in any quantity by means of the Transmission Line;
- (b) to survey, investigate, lay, install and construct the Transmission Line on, over or under the Easement Area, at a depth or height and along a line determined by the Grantee;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove the Transmission Line;
- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Servient Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);

Annexure Schedule

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*Insert instrument type***Easement***Continue in additional Annexure Schedule, if required*

- (e) to construct on the Servient Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
 - (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
 - (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such items:
 - (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
 - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
 - (iii) inhibit the safe and efficient operation of the Transmission Line; and
 - (h) by whatever means the Grantee considers necessary, to level and grade any stockpiled soil, sand, gravel or other substance or any materials, walls or other earthworks that may exist on the Easement Area in order to ensure that the clearance above the ground level of the Transmission Line is maintained greater than any minimum clearance height that may exist from time to time in statute, regulations, code of practice or otherwise.
- 2.2 The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.
- 3. Ownership of the Transmission Line**
- The Transmission Line will at all times remain the property of the Grantee.
- 4 Restrictions on Grantee's use**
- 4.1 The Grantee must, in exercising its rights under this instrument, cause as little disturbance as is reasonably possible to the Grantor, the Servient Land and the Grantor's stock and other property and must ensure that, where applicable, all gates on the Servient Land are left as the Grantee finds them.
- 4.2 The Grantee must restore any part of the surface of the Servient Land, that is affected by the Grantee exercising any of its rights under this instrument to a condition equivalent, as far as reasonably practicable, to that existing before the Grantee exercised those rights.
- 5 Grantor's Continued Use of Servient Land**
- Subject to clause 6, the Grantor may use the Servient Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.

Annexure Schedule

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Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

6 Restrictions on Grantor's use

- 6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:
- (a) On the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
 - (b) disturb the soil of the easement area below the depth of 0.3 metres within a distance of 6 metres from the visible outer edge of any tower, pole, ground stay, support or foundation comprising part of the Transmission Line;
 - (c) cause or knowingly permit flooding of the Easement Area;
 - (d) burn off crops, trees or undergrowth on the Servient Land;
 - (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any tower, pole, ground stay or support comprising part of the Transmission Line;
 - (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
 - (g) impede the Grantee's access over the Servient Land or the Easement Area or to the Transmission Line; or
 - (h) do anything on or in the Servient Land which would or could damage or endanger the Transmission Line.
- 6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.
- 6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.
- 6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.1 (g)(i) – (iii), then such consent may be revoked by the Grantee without compensation.
- 6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantor must comply with any reasonable directions of the Grantee as to the height, materials used and location of such replacement fence.

Annexure Schedule

Page 6 of 6 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- 6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Servient Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.

7 Indemnity against third party claims

Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.

8 Licence and assignment

The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.

9 Perpetual easement

There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.

10 Arbitration

If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **STEVEN RICHARD JAMES** of Kerikeri, General Manager Corporate Services hereby certify:

1. THAT by Deed dated the 24th day of February 2009 **Top Energy Limited** appointed me its attorney on the terms and subject to the conditions set out in the said deed, a copy of which is deposited in the Land Transfer Office at Auckland under No. PA8213736.10.

2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment.

SIGNED at Kerikeri this 30th day of October 2013


.....
S R James

View Instrument Details



Instrument No	11799003.2
Status	Registered
Date & Time Lodged	31 July 2020 16:12
Lodged By	Merry, Rebecca
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
924941	North Auckland
924942	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Rebecca Merry as Territorial Authority Representative on 31/07/2020 04:11 PM

*** End of Report ***



Far North
District Council

Head Office: 757, Heretape
Telephone: 09 401 5100
Fax: 09 401 5101
Email: info@fncc.govt.nz
Website: www.fncc.govt.nz

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wants to live, work and invest*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2200111

Being the Subdivision of Allot 34 Parish of Waitangi and Sec 21 SO 456454
North Auckland Registry

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

SCHEDULE

Lot 1 DP 545067

- (i) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). A maximum of two working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:
 - a) micro-chipped,
 - b) on a lead or under effective control at all times
 - c) kept in a kennel or tied up at night.
 - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.
- (ii) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.





**Far North
District Council**

Units Bay 752, Heralds Ave
Whangarei 0140, New Zealand
Telephone: 0900 970 077
Phone: (09) 401 5700
Fax: (09) 401 2137
Email: enquiries@fncc.govt.nz
Website: www.fncc.govt.nz

To Kaunihera o Tai Tokerau Ki Te Raki

*the top place where talent
wants to live, work and invest*

Lot 2 DP 545067

- (iv) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:
- a) micro-chipped and registered with Council annually,
 - b) on a lead or under effective control at all times
 - c) kept in a kennel or tied up at night.
 - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

SIGNED:

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 15th day of June 2020



Appendix 6

RC 2220081-RMASUB as issued



**Far North
District Council**

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2220081-RMASUB

Pursuant to section 104 B and s221(3) of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Clayton Trustees Limited

The activity to which this decision relates:

Decision A: Subdivision of Lot 1 DP 545067 to create 4 additional lots over 3 stages

Decision B: Partial cancellation of consent notice conditions

Subject Site Details

Address: **Lot 1, State Highway 10, Kerikeri 0470**

Legal Description: **Lot 1 DP 545067**

Record of Title reference: **924941**

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Lots 1-5 being a proposed subdivision of Lot 1 DP 545067, dated August 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) Areas shown as S, T, U, V, W, X, Y, Z, are to be subject to land covenants for bush and wetland protection (See condition 4 (e) (iv)(v))

Stage One; Lots 1, and 5

3. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Lots 1-5 being a proposed subdivision of Lot 1 DP 545067 (Stage 1), dated August 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide evidence stock proofing fencing has been provided, where appropriate to prevent stock incursion along the proposed bush covenant area, and existing wetlands identified as S, T, U, V, W, X, Y, Z.
 - (b) The consent holder will upgrade vehicle access crossings to all allotments (CP8, CP9 and CP10). The access crossings must comply with NZ Transport Agency's Diagram C standard as outlined in the Planning Policy Manual (2007) and to the satisfaction of the NZ Transport Agency Network Manager.
 - (c) The consent holder will be responsible for the repair and reinstatement of the public roads (State Highway 10) carriageway, if damaged as a result of the site works and building operations.
 - (d) The consent holder shall provide evidence that a Traffic Management Plan (TMP) has been approved by Waka Kotahi CAR Manager and a Corridor Access request (CAR) obtained prior to any vehicle crossings being constructed or undertaking any remedial works to the existing public road carriageway.

Note: Application for a CAR to be addressed to the Waka Kotahi CAR Manager via email (DalrRoberts@nzta.govt.nz) a minimum of 14 working days prior to the commencement of any works of the state highway; longer is advised for complex works.

- (e) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - i. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent. **[All Lots]**

Note: Location and the design of foundations for any new buildings will note the restrictions and recommendations in the Geotechnical Assessment Report prepared by Haigh Workman with reference 21 144, dated July 2021 included in RC 2220081.

- i. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system. Any proposed wastewater treatment and effluent disposal system shall be designed and constructed, noting the restrictions and limitations included in the On-Site

Wastewater Assessment for a Proposed Subdivision prepared by Haig Workman with reference 21 144, dated August 2021 included in RC2220081.

The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. **[All Lots]**

- ii. In conjunction with the construction of any dwelling, buildings, facilities or impermeable surfaces, the consent holder shall provide and implement a stormwater management plan for the site. The management plan shall be prepared and certified by a suitably qualified chartered professional engineer and submitted for approval by Council at building consent stage. Stormwater management must be based on Low Impact Design Principles to achieve outcomes set out in Section 4.3.7 of the New Zealand Standard for Land Development and Subdivision Infrastructure (NZS4404:2010). **[All Lots]**
- iii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). **[Lot 5]**
- iv. No building/structural development or vegetation removal shall occur on areas S as shown on the survey plan [Lot 1]. The owner shall preserve the indigenous trees and bush areas identified as S as indicated on the survey plan and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible **[Lot 1]**
- v. Management of activities on Lot 1, with respect to the natural wetland areas indicated by drawing as per Condition (2)(a) above, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. **[Lot 1]**
- vi. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[All Lots]**
- vii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[All Lots]**

Stage Two Lots 1, 3 and 4

5. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Lots 1-5 being a proposed subdivision of Lot 1 DP 545067 (Stage 2), dated August 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
6. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

(a) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- i. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent. **[All Lots]**

Note: Location and the design of foundations for any new buildings will note the restrictions and recommendations in the Geotechnical Assessment Report prepared by Haigh Workman with reference 21 144, dated July 2021 included in RC 2220081.

- ii. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system. Any proposed wastewater treatment and effluent disposal system shall be designed and constructed, noting the restrictions and limitations included in the On-Site Wastewater Assessment for a Proposed Subdivision prepared by Haigh Workman with reference 21 144, dated August 2021 included in RC2220081.

The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. **[All Lots]**

- iii. In conjunction with the construction of any dwelling, buildings, facilities or impermeable surfaces, the consent holder shall provide and implement a stormwater management plan for the site. The management plan shall be prepared and certified by a suitably qualified chartered professional engineer and submitted for approval by Council at building consent stage. Stormwater management must be based on Low Impact Design Principles to achieve outcomes set out in Section 4.3.7 of the New Zealand Standard for Land Development and Subdivision Infrastructure (NZS4404:2010). **[All Lots]**
- iv. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). **[Lot 3 & 4]**

- v. Management of activities on Lots 3 & 4, with respect to the natural wetland areas indicated by drawing as per Condition (2)(a) of Stage 1, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. **[Lots 3 & 4]**
- vi. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner **[All Lots]**
- vii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[All Lots]**

Stage Three Lots 1 and 2

- 7. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons, referenced Lots 1-5 being a proposed subdivision of Lot 1 DP 545067 (Stage 2), dated August 2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
- 8. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - i. The location and foundations of any buildings shall be designed and certified by a suitably experienced Chartered Professional Engineer, prior to issue of any building consent. **[All Lots]**

Note: Location and the design of foundations for any new buildings will note the restrictions and recommendations in the Geotechnical Assessment Report prepared by Haigh Workman with reference 21 144, dated July 2021 included in RC 2220081.
 - ii. In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system. Any proposed wastewater treatment and effluent disposal system shall be designed and constructed, noting the restrictions and limitations included in the On-Site Wastewater Assessment for a Proposed Subdivision prepared by Haigh Workman with reference 21 144, dated August 2021 included in RC2220081.

The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria. **[All Lots]**

- iii. In conjunction with the construction of any dwelling, buildings, facilities or impermeable surfaces, the consent holder shall provide and implement a stormwater management plan for the site. The management plan shall be prepared and certified by a suitably qualified chartered professional engineer and submitted for approval by Council at building consent stage. Stormwater management must be based on Low Impact Design Principles to achieve outcomes set out in Section 4.3.7 of the New Zealand Standard for Land Development and Subdivision Infrastructure (NZS4404:2010). **[All Lots]**
- iv. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). **[Lot 2]**
- v. Management of activities on Lot 2, with respect to the natural wetland areas indicated by drawing as per per Condition (2)(a) of Stage 1, is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council. **[Lot 2]**
- vi. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[All Lots]**
- vii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. **[All Lots]**
- viii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).

Two working farm dogs as defined in the Dog Control Act 1996 is exempt from this condition if they are:

- (a) micro-chipped,
- (b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- (c) kept in a kennel or tied up at night.
- (d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:

- (a) A photograph of the dog;
- (b) Written confirmation that the dog has been micro-chipped;
- (c) A plan showing the extent of the dog proof fenced area.

[Lot 1]

Cancellation of Consent Notice Under ss221 of the Act

1. Pursuant to section 221(3) of the Resource Management Act, the Far North District Council hereby resolves to cancel consent notice 11799003.2 (conditions (i), (ii),(iii)), in part, as they relate to Lot 1 DP 545067.

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. This consent requires the ongoing protection of an area of wetland. Regeneration of wetlands is an important environmental goal and funding is available from Northland Regional Council for fencing and replanting via the Northland Regional Council Environmental Enhancement Fund.
3. A crossing place notice/s per Section 91 of the Government Roadings Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
13.7.2 – Minimum allotment sizes	The minimum lot size is 4ha

S221(3) Change / Cancellation of Consent Notice Condition

Consent is sought to Cancel Consent Notices 11799003.2, condition (i), (ii),(iii) in part, as they relate to Lot 1 DP 545067

Adverse effects will be minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Positive effects of the proposal:

Under s104(1)(a) the positive and potential effects of the proposal are:

- a) Formal protection of existing wetlands on the subject site.
- b) Cats and dogs restrictions

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

- a) Chapter 8, Section 6 - Rural Production Zone
- b) Chapter 13 - Subdivision

The proposal is not contrary to the relevant objectives and policies of the District Plan. The proposal is considered to be generally consistent with the relevant objectives and policies. With a minimum lot size of four hectares, it is considered that the proposed allotments are of sufficient size to accommodate residential activity whilst maintaining sufficient pastoral land for productive use. The sites are surrounded by a mixture of lifestyle and large farm allotments. The subdivision will not restrict neighbouring rural production activities to occur, and still allows for farming activities. The rural character of the site will therefore not be eroded by the proposed subdivision. The proposal is not contrary to the relevant objectives and policies of the District Plan.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Northland Regional Policy Statement 2018
 - b) Northland Regional Plan 2019
 - c) National Environmental Standards (Air/ NESCS/ Forestry etc)
4. In accordance with an assessment under s104(1)(c) of the RMA. No other non – statutory documents were considered relevant in making this decision.
5. No other matters were considered in relevant in making this decision.
6. Part 2 Matters
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Minnie Fox, in conjunction with Whitney Peat – Intermediate 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: 11th March 2022

Right of Objection

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

Lapsing of Consent

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

The consent is given effect to; or

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



