

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

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

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

☐ Yes ☒ No

If yes, who have you spoken with? _____

2. Type of Consent being applied for

☒ Change of conditions (s.127)

3. Consultation:

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

If yes, which groups have you consulted with?

Who else have you consulted with?

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

4. Applicant Details:

Name/s:

Solomon Dalton

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s:

Steven Sanson

Email:

Phone number:

Home

Postal address:

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

Postcode

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

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

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

Name/s:

Refer CT attached.

**Property Address/
Location:**

Postcode

7. Application Site Details

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

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

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

7. Application Site Details (continued)

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

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

8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

9. Would you like to request Public Notification?

☐ Yes ☐ No

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

(more than one circle can be ticked):

☐ Building Consent

Enter BC ref # here (if known)

☐ Regional Council Consent (ref # if known)

Ref # here (if known)

☐ National Environmental Standard consent

Consent here (if known)

☐ Other (please specify)

Specify 'other' here

11. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☐ Yes

12. Draft Conditions:

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

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

13. Billing Details:

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

Name/s: (please write in full) Solomon Dalton

Email:

Phone number:

Postal address:

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

Fees Information:

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

Declaration concerning Payment of Fees:

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

Name: (please write in full)

Solomon Taiapo Dalton

Signature: (signature of bill payer)

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)

Steven Sanson

Signature:

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.

Puketaururu 5B2

Puketaururu 5B1

Puketaururu 4A

APPROVED PLAN

Planner: HKANE
RC: 2200575-RMASUB
Date: 17/08/2020

IMPERMEABLE SURFACES

Lot 1
Buildings 173m²
Metalled Driveway 675m²
Total 848m² (0.4%)

Lot 2
Buildings 300m²
Metalled Driveway 230m²
Total 530m² (11.7%)

Purpose	Shown	Burdened	Benefitted
Right of way Right to drain water Right to convey electricity and telecommunications	(A)	Lot 1 Hereon	Lot 2 Hereon

Lot 1
19.80 ha
(balance area)
easy contour
all in pasture

Proposed RoW
10.0 wide (min.)

Shed 87 m²

Gge 60 m²

Shed 86 m²
with bore
(on bdy)

house
240 m²

Metalled drive
230 m²

Water
tank

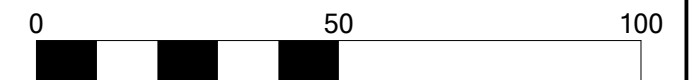
effluent
drainage
area

Metalled
Driveway
675 m²

Telecom
plinth
Ø300mm
RCRRJ
Culvert

Existing
entrance

State Highway 12



Applicant : MR Hayward & P Davidson
Title : NA236/283
Total Area : 20.2621ha
Zone : Rural Production

Areas and measurements are subject to survey
Dir : Drawing001
Scale @ A3 : 1:1250
Date : 17/02/2020

REF : 7604

**LOTS 1 & 2 BEING A PROPOSED
SUBDIVISION OF PUKETAURURU 5A**

DONALDSONS

REGISTERED LAND SURVEYORS

Fw: Two lot subdivision 4619 State Highway 12 Kaikohe - LUD 2020-0261

Solomon Dalton <Solomon.Dalton@bdo.co.nz>
To: Steven Sanson <steve@sansons.co.nz>

21 August 2025 at 16:13

FYI


Get [Outlook for Android](#)

Ngā Mihi

SOLOMON DALTON
Director

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solomon.dalton@bdo.co.nz

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From: Bruce Hawkins <Bruce.Hawkins2@nzta.govt.nz>
Sent: Thursday, August 21, 2025 11:38:50 am
To: Solomon Dalton <Solomon.Dalton@bdo.co.nz>
Subject: FW: Two lot subdivision [4619 State Highway 12 Kaikohe](#) - LUD 2020-0261

Hi Solomon

I have consulted in-house on this matter and we have come up with the following;

Upon re application we would accept your proposal but would include a condition imposing a memorandum of encumbrance on the new title requiring the crossing place upgrade when a dwelling is proposed for the site.

Regards

Bruce Hawkins
Senior Planner - Environmental Planning



Working days; Monday - Thursday

From: Bruce Hawkins

Sent: Thursday, 14 August 2025 3:34 pm

To: Solomon Dalton <Solomon.Dalton@bdo.co.nz>; Aran Arrieta <Aran.Arrieta@nzta.govt.nz>

Cc: Tim Elliott <Tim.Elliott@nzta.govt.nz>

Subject: RE: Approval letter 2020

Hi Solomon

I will have a chat to our Network Safety and Access team next week and touch base after that

Regards

Bruce

From: Solomon Dalton <Solomon.Dalton@bdo.co.nz>

Sent: Thursday, 14 August 2025 2:22 pm

To: Bruce Hawkins <Bruce.Hawkins2@nzta.govt.nz>; Aran Arrieta <Aran.Arrieta@nzta.govt.nz>

Subject: Re: Approval letter 2020

Kia ora Bruce

Thank you for your prompt reply. Council recently issued the 223 certificate, so I believe a new application is required.

Before committing to a new application, I would like to request that NZTA reconsider whether the access upgrade condition remains necessary, based on the nature of the proposal:

- The subdivision remains exactly as originally proposed, with the existing farmhouse and the balance farm lot continuing to share the same single access to SH12.
- There is no change in access location, configuration or physical construction, and no new dwellings or activities that would alter traffic patterns.
- Vehicle movements before and after subdivision will be identical, meaning there is no intensification of use or change in vehicle types using the access.
- The existing driveway complies with Far North District Council's rural access standards for width, surface, sight distance and drainage, and has operated safely for many years without reported safety concerns.

- Any minor improvements to maintain ongoing functionality and safety could be addressed through targeted maintenance rather than a full reconstruction to Diagram C standard.

These points align with NZTA's own effects-based approach to access management, which typically reserves upgrade requirements for situations involving intensification, safety risks, or a change in traffic type. None of these triggers apply here, so I believe there are reasonable grounds to vary or remove this condition without compromising safety or network efficiency.

I would be happy to provide:

- A simple pre/post-subdivision traffic statement confirming projected vehicle movements.
- Photographs of the current access and sightlines.

I would also welcome the opportunity for a site inspection with your Network Manager or safety engineer to confirm these points in person.

Please let me know if NZTA would be open to considering this evidence before I proceed with a fresh application file. My preference would be to address the matter on the basis of actual access effects, rather than repeating the original condition without reassessment.

Thank you once again for your time and consideration.


Ngā Mihi

SOLOMON DALTON
Director

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solomon.dalton@bdo.co.nz

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From: Bruce Hawkins <Bruce.Hawkins2@nzta.govt.nz>
Sent: Thursday, August 14, 2025 10:14 AM
To: Solomon Dalton <Solomon.Dalton@bdo.co.nz>; Aran Arrieta <Aran.Arrieta@nzta.govt.nz>
Subject: RE: Approval letter 2020

Hi Solomon

Given the length of time since this was approved we will have to treat this as a fresh application. As to the access upgrade it is unlikely that we would agree to postpone this work and it would remain as a condition of our approval.

Let me know if you want to re-apply and I can pass the original paperwork onto our Admin team to set up a fresh application file

Regards

Bruce Hawkins

Senior Planner - Environmental Planning

Poutiaki Taiao / System Design

T: 09 969 9858 **M:** 027 626 2216

E: Bruce.Hawkins2@nzta.govt.nz / **W:** nzta.govt.nz

Auckland / Level 5, AON Tower, 29 Custom St West

Private Bag 106602, Auckland 1143, New Zealand

[Facebook](#) | [Twitter](#) | [LinkedIn](#)



Working days; Monday - Thursday

From: Solomon Dalton <Solomon.Dalton@bdo.co.nz>
Sent: Wednesday, 13 August 2025 3:11 pm
To: Aran Arrieta <Aran.Arrieta@nzta.govt.nz>; Bruce Hawkins <Bruce.Hawkins2@nzta.govt.nz>
Subject: Re: Approval letter 2020

Thanks Aran,

Kia ora Bruce,

I hope this message finds you well. I am writing to request a reconsideration of the decision regarding the land subdivision detailed above. My Aunty Patsy has recently moved into my grandparents' house up the road, and we are currently renting her house with the intention of purchasing it once the title is issued.

However, the subdivision's progress is contingent on upgrading the driveway/access, which I believe is unnecessary given that there are no additional vehicle movements beyond the existing ones. I have spoken to Trish Routley at Far North District Council, and she advised me to contact NZTA regarding this matter.

The issue is the additional cost that either my aunty or I as the purchaser will have to incur with no real change in the use of the driveway. Would it be possible to tie this condition of the driveway/access upgrade to a resource consent for a new build when/if a dwelling is ever constructed on the subdivided land?

Additionally, I am likely to be the purchaser of the remaining land, as Aunty Patsy has expressed her desire for this part of the land to stay within the family. Unfortunately, I cannot afford the entirety of the land at the moment.

I am happy to discuss this further. Thank you for your time and consideration.

Ngā Mihi

Solomon Dalton
Director

Mobile: +64 22 060 5090
solomon.dalton@bdo.co.nz

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From: Aran Arrieta <Aran.Arrieta@nzta.govt.nz>
Sent: Wednesday, August 13, 2025 12:36 PM
To: Bruce Hawkins <Bruce.Hawkins2@nzta.govt.nz>
Cc: Solomon Dalton <Solomon.Dalton@bdo.co.nz>
Subject: Approval letter 2020

Hi Bruce,

See attached approval letter from 2020. Can you please let me know if it is still relevant?

I have copied Solomon Dalton as he has a query for you as a planner.

Ngā mihi nui

Aran Arrieta

Network Technician – Maintenance & Operations, Northland

Te Toki Haumarū – Transport Services

M 64 21 197 9619

E aran.arrieta@nzta.govt.nz / **w** nzta.govt.nz

NZ Transport Agency Waka Kotahi

Northland Office / Ascot House, 72-82 Bank Street,

Whangārei 0140

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FAR NORTH DISTRICT COUNCIL

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

Resource Consent Number: 2200575-RMASUB

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

Patsy Davidson

The activity to which this decision relates:

Activity A – Subdivision: Proposal for a two-lot subdivision in the Rural Production Zone.

Activity B – Land use: consent is required for the shed on the boundary breaching Sunlight and Setback from Boundaries.

Subject Site Details

Address: 4619 State Highway 12, Kaikohe 0473
Legal Description: Puketaururu 5A Blk XV Omapere SD Blk III Punakitere SD
Certificate of Title reference: NA-236/283

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

Decision A: Subdivision

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Donaldsons Registered Land Surveyors, referenced: Lots 1 & 2 being a Proposed Subdivision of Puketaururu 5A, dated: 17/02/2020, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

Access

- (a) Provide evidence that the requirements of New Zealand Transport Agency, as specified in their correspondence referenced LUD 2020-0261 have been complied with. When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.

- (b) Provide formed and metalled access on ROW easement A to a 3m finished metalled carriageway width with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation is to consist of a minimum of 200mm of 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. Ensure that the 90 degree bend along the right of way can provide for the tracking of a Heavy Rigid Vehicle.

Services

- (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.

- (i) Provide, at the time of lodging a building consent application for any building over 100m² in area, a specific design for stormwater management, prepared by a suitably qualified Chartered Professional Engineer, which addresses stormwater management measures being proposed in the application.

[Lot 1]

- (ii) 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.

[Lot 1]

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

[Lot 1]

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

[Lot 1]

Decision B: Land Use

1. The activity shall be carried out in accordance with the approved plan prepared by Donaldsons Registered Land Surveyors, referenced: Lots 1 & 2 being a Proposed Subdivision of Puketaururu 5A, dated: 17/02/2020, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Advice Notes

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

Reasons for the Decision

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

13.7.2.1 MINIMUM LOT SIZES	The proposed allotment is being subdivided in accordance with Clause 3 of the Restricted Discretionary Activity criteria.
8.6.5.1.2 SUNLIGHT	The 86m2 shed on Lot 1 is located on the boundary between Lot 2 and does not comply with the sunlight rule
8.6.5.1.4 SETBACK FROM BOUNDARIES	The 86m2 shed on Lot 1 is located on the boundary between Lot 2 and is within the 10m setback requirement. Dwelling on Lot 2 is within the 10m setback.
15.1.6C.1.1(e) PRIVATE ACCESSWAY IN ALL ZONES	Access is provided to proposed subdivision from SH12. NZTA requires access upgrades from SH into the site.

Adverse effects will be less than 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.

Objectives and policies of the District Plan:

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 2016

4. No other non – statutory documents were considered relevant in making this decision.

5. 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.

6. 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 Hannah Kane, Resource Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 17th August 2020

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.



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

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



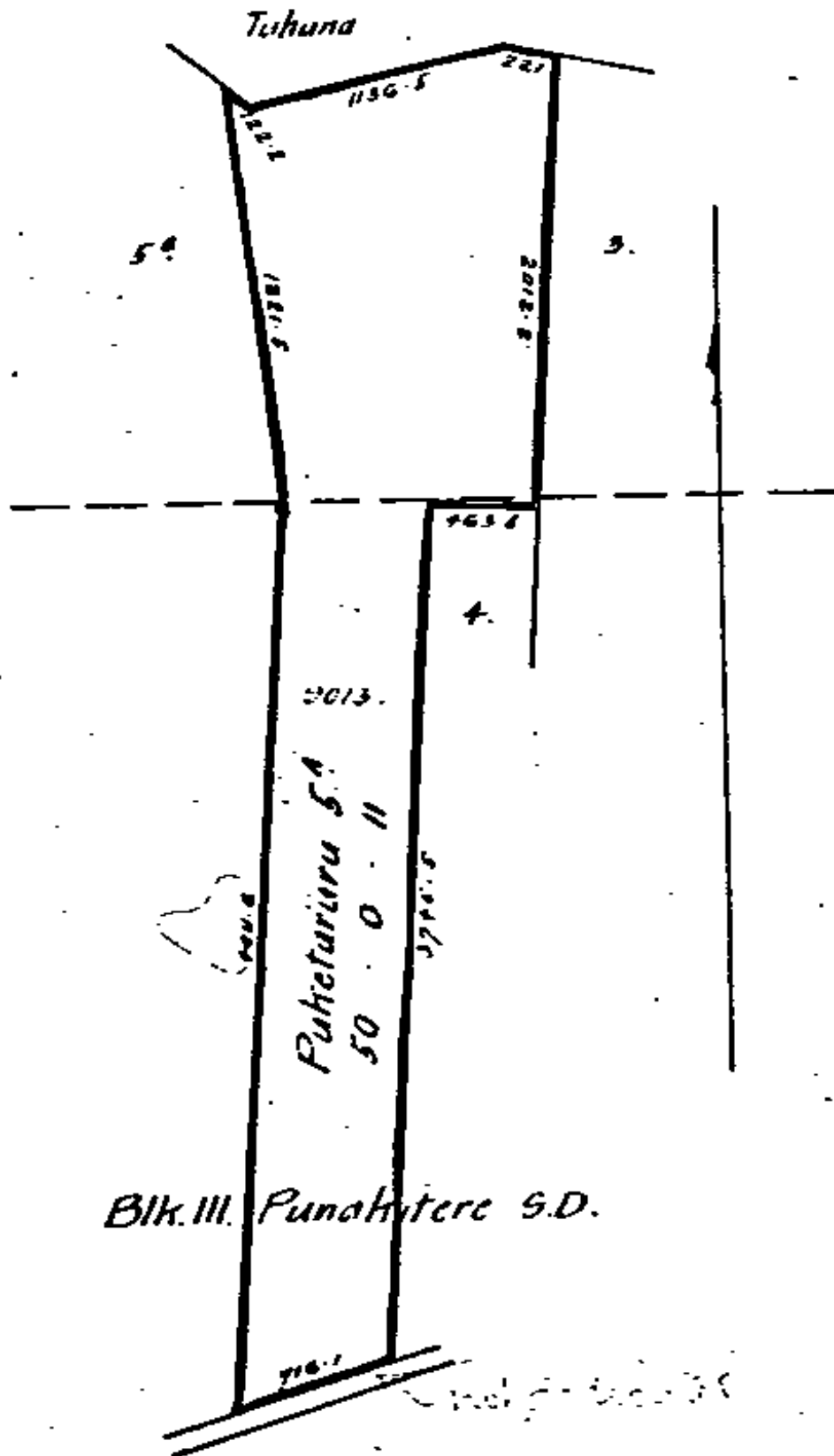

R.W. Muir
Registrar-General
of Land

Identifier **NA236/283**
Land Registration District **North Auckland**
Date Issued 27 January 1915

Prior References
NAPR71/33

Estate Fee Simple
Area 20.2621 hectares more or less
Legal Description Puketaururu Section 5A Block
Registered Owners
Pahemata Davidson and Matthew Gene Davidson

Interests



Bay of Islands Planning Ltd

Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri

Email – steve.sanson@bayplan.co.nz Website – www.bayplan.co.nz

22 August 2025
Far North District Council
John Butler Centre
Kerikeri

Application for consent condition variation s127 – Proposal to change condition 3(a) of RC 2200575-RMASUB

Please find attached a s127 application in relation to a proposed variation of a consent condition associated with subdivision consent RC 2200575-RMASUB.

The condition to be varied is sought under s127 of the Resource Management Act 1991 (RMA), which is a Discretionary Activity.

Yours sincerely,



Steven Sanson
Consultant Planner

1.0 Applicant & Property Details

Item	Details
Applicant	Solomon Dalton
Address for Service	C/O Steven Sanson, Bay of Islands Planning Ltd, Suite 3, 88 Kerikeri Road, Kerikeri, steve.sanson@bayplan.co.nz
Legal Description	Puketaururu 5A Blk XV Omapere SD Blk III Punakitere SD
Certificate Of Title	NA-236/283
Physical Address	4619 State Highway 12, Kaikohe
Site Area	20.2621ha
Owner of the Site	Matthew Gene Davidson & Pahemata Davidson
Operative District Plan Zone	Rural Production
Proposed District Plan Zone	Rural Production

2.0 Summary of Proposal

Item	Details
Proposal	A variation to the consent conditions of RC 2200575-RMASUB to change Condition 3(a).
Reason for Application	<p>The proposed variation is required to defer the timing of the required access upgrade from State Highway 12. The current condition requires the upgrade prior to the issue of the s224(c) certificate.</p> <p>The proposed change will require the upgrade to be completed prior to the construction of a new dwelling on the created lot, to be secured by a s221 consent notice. An application under s127 of the RMA is needed.</p>
Appendices	<p>Appendix A – Record of Title</p> <p>Appendix B - Copy of RC 2200575-RMASUB</p> <p>Appendix C – Correspondence with NZTA (Waka Kotahi)</p>
Consultation	Consultation has been undertaken with NZTA (Waka Kotahi), who have provided in-principle agreement to the proposed change.

3.0 Introduction & Proposal

3.1 Report Requirements

This report has been prepared for Solomon Dalton in support of a s127 application to vary condition 3(a) of resource consent RC 2200575-RMASUB, which approved a two-lot subdivision at 4619 State Highway 12, Kaikohe.

The proposed wording for the changed condition is outlined below.

Condition 3(a) currently reads:

"Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) Provide evidence that the requirements of New Zealand Transport Agency, as specified in their correspondence referenced LUD 2020-0261 have been complied with."

The proposed variation is to delete condition 3(a) and replace it with a new condition to read as follows:

"Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall register a consent notice on the title of Lot 1 under s221 of the Resource Management Act 1991, requiring that the vehicle crossing from State Highway 12 be upgraded to the standard required by NZTA (Waka Kotahi) prior to the construction of any new dwelling on Lot 1."

I note that differing wording may be provided by NZTA and the applicant approves any of these changes as the intent of the changes have been approved in principle.

3.2 Rationale

The rationale behind this change is to align the timing of the required access upgrade with the activity that generates its necessity. The approved subdivision creates a new lot (Lot 1) from a balance farm area. The existing farmhouse and farm activities will continue to use the single existing access to State Highway 12.

Vehicle movements associated with the subdivision will not increase or change from the status quo until a new dwelling is proposed for the newly created Lot 1. Therefore, requiring a full access upgrade before the s224(c) certificate is issued is unnecessary to manage the immediate effects of the subdivision. The effects requiring mitigation (i.e., increased traffic from a new dwelling) will only arise at the time of development.

This approach has been discussed with NZTA (Waka Kotahi). In correspondence dated 21 August 2025, NZTA Senior Planner Bruce Hawkins confirmed that upon re-application, NZTA would accept the proposal with a condition imposing an encumbrance (or consent notice) on the new title to require the crossing upgrade when a dwelling is proposed.

This confirms that the road controlling authority agrees that deferring the physical works until the time of development is an appropriate method to manage effects on the state highway network.

3.3 Application Process

An application under s127 is assessed as a discretionary activity, considering only the effects of the proposed change or cancellation.

The original consent was processed on a non-notified basis, and it is considered that the proposed change to the condition can also be processed without notification.

The change does not introduce any new or increased adverse effects; it merely alters the timing for the implementation of an existing requirement.

3.4 Effects

The potential adverse effects to be assessed are those arising from the deferral of the access upgrade.

- **Traffic and Access:** The change will have no adverse effect on traffic or access. Vehicle movements will remain identical to the existing environment until a dwelling is constructed on Lot 1. By tying the upgrade to the construction of a dwelling, the infrastructure improvement is perfectly matched to the event that would intensify the use of the access. The safety of the state highway network is therefore not compromised.
- **Amenity and Neighbours:** The change in timing for off-site works has no bearing on neighbourhood amenity.
- **Conclusion on Effects:** The existing consent determines the 'existing environment'. The proposed change incurs no additional adverse effects beyond what was already considered and approved. The upgrade is not being removed, only deferred to a more logical point in the development process. The effects of the change are therefore **less than minor**.

4.0 Statutory context

4.1 Proposed District Plan Objectives and Policies

The consent was approved prior to the notification of the Proposed District Plan (PDP). The site is zoned **Rural Production** under the PDP. The proposed change is assessed against the relevant objectives and policies of this zone below.

Table 1 – PDP Rural Production Zone Assessment

Objectives	Assessment
RPROZ-O1	The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.
RPROZ-O2	The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.
RPROZ-O3	Land use and subdivision in the Rural Production zone... is able to be serviced by on-site infrastructure.
RPROZ-O4	The rural character and amenity associated with a rural working environment is maintained.
Policies	Assessment
RPROZ-P5	Avoid land use that... cannot provide appropriate on-site infrastructure.
RPROZ-P7	Manage land use and subdivision to address the effects of the activity... including... the adequacy of roading infrastructure to service the proposed activity.

It is concluded that the proposed variation is consistent with the objectives and policies of the Proposed District Plan's Rural Production Zone.

5.0 Part 2 Assessment

The proposal remains consistent with the purpose of the RMA as outlined in Part 2.

It represents the sustainable management of physical resources by enabling the subdivision to proceed while ensuring that adverse effects on the environment (the state highway network) are appropriately mitigated at the correct time.

Sections 6, 7, and 8 continue to be satisfied as they were in the original application. The proposal allows the applicants to provide for their social and economic well-being while ensuring environmental effects are managed.

6.0 Conclusion

This application seeks a minor variation under s127 to amend Condition 3(a) of resource consent RC 2200575-RMASUB. This change is administrative in nature and relates to the timing of a required access upgrade.

The report assesses the effects of this change and concludes that they will be less than minor.

The change aligns the infrastructure requirement with the generation of the effect it is intended to mitigate and is supported in principle by NZTA (Waka Kotahi).

The variation is consistent with the relevant objectives and policies of the Proposed District Plan and satisfies the purpose of the RMA.

We request that Council approve this application for variation and would appreciate the opportunity to review the draft conditions before a final decision is issued.

Yours sincerely,



Steven Sanson
Consultant Planner