

Our Reference: 10719.127(2)

18 September 2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

**RE: Application pursuant to s127 of the Act to further vary conditions of RC 2220829-
RMASUB and 2220829-RMAVAR/A - Kapiro Road**

I am pleased to lodge application, on behalf of Twin Oaks Oasis Limited, for a further variation to conditions of the above referenced consents, largely in regard to access arrangements and resulting changes to the scheme plan.

The fee has been paid separately.

Regards



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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:

Twin Oaks Oasis Limited

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:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

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:

Jason Cauvain

**Property Address/
Location:**

As per item 4

Postcode

7. Application Site Details

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

Name/s:

Jason Cauvain

**Site Address/
Location:**

Legal Description:

Lot 2 DP 495945

Val Number:

Certificate of title:

728724

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.

Tenants are onsite so notification of access is required.

8. Detailed description of the proposal:

This application relates to the following resource consent: RC 2220829-RMASUB and RMAVAR/A

Specific conditions to which this application relates:

Conditions 1 and 3(b)

Describe the proposed changes:

As detailed in attached planning report.

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) Jason Cauvain

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)

Jason Cauvain

Signature: (signature of bill payer)

Date 15-September-2026

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)

Jason Cauvain

Signature:

Date 15-September-2026

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.

Twin Oaks Oasis Limited

S127 APPLICATION

Further Changes to conditions of

RC 2220829-RMASUB & 2220829-RMAVAR/A

268B Kapiro Road, KERIKERI

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 Background

This application pursuant to s127 of the Act is the second variation to RC 2220829-RMASUB, subdivision consent, issued 29th June 2023, to create 2 lots (1 additional). The areas of the lots were 1.87ha (Lot 1 containing development) and 3300m² (Lot 2 vacant).

The first variation amended the scheme plan and conditions of consent relating to the standard of access required for shared private access, specifically that part of shared access running down the eastern boundaries of Lots 1 & 2. This was to be achieved by re-defining easement boundaries and reducing the number of users accordingly.

This first variation modified the scheme plan, and condition 1; and varied condition 3(b). The application was granted, consent dated February 2025. A copy of RC 2220829-RMAVAR/A is attached in Appendix 1.

1.2 The Proposal

The consent holder now seeks a further variation to rationalise access such that Lot 2 will own its own access leg, the northern boundary of which will intersect with existing easement B. The updated scheme plan is attached in Appendix 2. This change in lot boundaries results in Lot 1 reducing in area from 1.827ha down to 1.762ha; and Lot 2 increasing in area from 3720m² to 4370m².

The updated scheme plan retains easement B (existing easement, and which Lot 2 will have rights over). This is no change from the last variation. However, the new scheme plan adds easement H, providing Lot 2 with a widened frontage off the physical access within B and immediate access inside its lot boundary rather than continue to be reliant on shared access as it was in the last variation. This simplifies things markedly for Lot 2 which previously had rights over A, B, C, D, as well as over Lot 3 DP 495945 (area 'F'); and now only requires B and H, almost halving its length of shared access and services easement and with no reliance on easement over another property.

This change also negates the need for physical works as currently specified in condition 3(b) because the access easement areas specified in that condition no longer exist. A simple requirement for a crossing into Lot 2 at its new boundary is all that is required.

1.3 Existing Shed

RC 2220829-RMAVAR/A included a stamped approved scheme plan that had an existing shed straddling an easement boundary without impeding access within that easement. This further variation replaces an easement boundary with a property boundary resulting in that shed now straddling a property boundary. This situation will not continue. It is intended to remove any part of the building that sits within Lot 2 such that the entire building lies within Lot 1.

The proximity to new boundary, however, will breach setback rules in the PDP-AV and therefore a Deemed Permitted Activity (boundary activity) will be applied for at time of s223 when the boundary is confirmed. This will not be an issue given that the consent holder themselves are the 'affected boundary'.

1.4 Scope of this Report

This assessment and report accompanies the application for a change to conditions (s127) and 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:	268B Kapiro Road, Kerikeri
Legal description:	Lot 2 DP 495945
Record of Title:	728724 with an area of 2.199ha.

3.0 SITE DESCRIPTION

The site is zoned Rural Production under the Operative District Plan. It is zoned Rural Production under the Proposed District Plan Appeals Version (PDP-AV) as well, but with a Horticulture Precinct overlay. At the time the original subdivision and first variation were processed, the site was zoned Horticulture under the PDP. The site is relatively flat and mostly in pasture with an area of avocado orchard in the west. The proposed Lot 1 contains existing built development (dwelling and sheds).

4.0 CHANGES REQUESTED

The further variation is in regard to conditions 1 and 3(b).

Condition 1, as varied in RC 2220829-RMAVAR/A currently reads:

"The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey Limited, referenced Proposed Subdivision of Lot 2 DP 495945 & Easement Over Lot 3 DP 495945, dated 12/12/24, and attached to this consent with the Council's "Approved Stamp" affixed to it."

The proposed changes in lot boundaries, easements and access requires the further amendment of the scheme plan, and it is therefore requested that condition 1 be amended to read:

The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey Limited, referenced Proposed Subdivision of Lot 2 DP 495945 & Easement Over Lot 3 DP 495945, dated 12/12/24 08/09/26 and attached to this consent with the Council's "Approved Stamp" affixed to it.

To reflect the changed access arrangement, it is requested that condition 3(b) be deleted in its entirety and replaced with the condition outlined below:

~~Submit to Council's Development Engineer or duly designated person for approval, plans, specifications and details of all engineering works to construct Right of Way Easement A in accordance with Appendix 3B-1 Standards for Private Access with a 3.0m width metal carriageway and minimum legal width 5m that is required for 2 Household Equivalents and to widen Right of Way Easements F and C to a 3.0m width metal carriageway and minimum legal width 5m where required. The works to construct Right of Way Easement A shall be designed by a suitably qualified engineer and the works to widen Right of Way Easements F and C shall be designed by a suitably qualified engineer or suitably qualified person. All works are to be completed in accordance with Council's current District Plan requirements, Engineering Standards and NZS4404:2004.~~

- b. Construct a vehicle crossing to serve Lot 2 in accordance with Council's Engineering Standards (light vehicle crossing), including any drainage/culvert requirements, and complete it to Council's satisfaction prior to issue of the s224(c) certificate.

Explanation:

Right of Way easements 'F' and 'C' no longer exist. Right of Way easement 'A' is only a small sliver/portion of an existing accessway, already formed. There is no requirement to retain any condition in regard to formation of any of these easements.

New Lot 2 boundary has a 6m 'frontage' to right of way Easements H and then B, both already formed accessway. All that is required to access Lot 2, therefore, is the formation of a crossing/entrance, consistent with Council's Engineering Standards.

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.

6.0 s104 CONSIDERATIONS

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.

6.1 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. As such, this assessment of environmental effects does not re-visit or repeat that provided for the processing of RC 2220829-RMASUB. This is an important point noting that the original consent was a non complying activity and successfully passed the 104D Gateway Threshold test. In addition it was assessed for consistency with the National Policy Statement Highly Productive Land. The change to access arrangements does not impact on either of these factors and as such no additional assessment against 104D or the NPS HPL is required.

The current 3(b) wording is a result of the first variation 2220829-RMAVAR/A. It included formation requirements because of shared access arrangements and number of users. This further variation alters the lot layout such that Lot 2 now only relies on existing formed right of way 'B' which required no upgrading in the original or first variation consent, and new 'H' for

a short distance, 'H' being the existing Lot 1's driveway access and already to 3m metal carriageway width. Other than the formation of an entrance into Lot 2, there is no need for any physical works.

This change in access does not alter lot boundaries to any major extent and does not result in any adverse effects in terms of the changes being requested. The property over which it was proposed to have easement 'F' is not adversely affected by the removal of that proposed easement.

The change does not result in any additional breaches of the ODP, nor PDP-AV given that it only relates to access. The effects of the variation are considered less than minor.

6.2 Relevant Provisions of planning instruments

Of the planning instruments referred to under s104, the status of the proposed district plan has changed from being a notified document to an Appeals Version now available, meaning rules in the PDP-AV now have legal effect. The only change between the PDP as notified and the PDP-AV pertinent to the property is the change from a Horticulture Zone to a Horticulture Precinct overlay on Rural Production Zone. This change is irrelevant to the variation request, which only relates to access.

The changes being requested have no actual or potential effects on any relevant provisions of any of the documents listed above.

7.0 STATUTORY ASSESSMENT

7.1 District Plan Objectives and Policies

There have been no changes to the Operative District Plan since the original application was lodged and processed. There have been changes to the PDP in that the PDP-AV converts a 'zone' to a 'precinct'. However, that change is not relevant to this variation request. The changes being sought only relate to access and the PDP-AV provisions in regard to crossings/entranceways are to be complied with in regard to the suggested/proposed condition for Lot 2's entrance.

7.2 Part 2 Matters

The original proposal was considered to be consistent with Part 2 of the Act. There have been no changes to the Act and the changes to consent conditions do not alter the conclusion that the proposal is consistent with Part 2.

7.3 National Policy Statements

There are no new National Policy Statements relevant to the proposed variation.

7.4 National Environmental Standards

No new National Environmental Standards have come into effect since the original application was processed.

8.0 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. I have not identified any adversely affected persons in regard to this further variation request.

9.0 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. No special circumstances have been identified that would suggest notification is required.

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

Lynley Newport
Senior Planner,
THOMSON SURVEY LTD

Date 18th September 2026

10.0 LIST OF APPENDICES

Appendix 1	RC 2220829-RMAVAR/A
Appendix 2	Draft updated scheme plan
Appendix 3	Location Map
Appendix 4	Record of Title

Appendix 1

RC 2220829-RMAVAR/A

DECISION ON SECTION 127 APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change conditions 1 and 3(b) of resource consent 2220829-RMASUB to:

Applicant:	Twin Oaks Oasis Limited
Council Reference:	2220829-RMAVAR/A
Property Address:	268B Kapiro Road, Kerikeri 0294
Legal Description:	Lot 2 DP 495945
Description of Application:	To vary conditions 1 and 3(b) of RC 2220829-RMASUB pursuant to s127 of the RMA 1991 as a Discretionary Activity. The original consent was granted to create one additional lot in the rural production zone as a non-complying activity.

The following changes and/or cancellations to the conditions of resource consent 2220829-RMASUB are made:

(~~Strikethrough~~ indicates deletions and underline indicates additions and changes)

For clarity a complete set of conditions, as amended, are provided in Schedule 1 to this decision.

Condition 1

The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by ~~Footprint Survey~~ Thomson Survey Limited, referenced ~~Lots 1 & 2~~ Being a Proposed Subdivision of Lot 2 DP 495945 & Easement Over Lot 3 DP 495945, dated ~~05/22~~ 12/12/24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Condition 3(b)

Submit to Council's Development Engineer or duly designated person for approval, plans, specifications and details of all engineering works to ~~widen the existing shared private accessway and construct passing bays~~ construct Right of Way Easement A in accordance with Appendix 3B-1 Standards for Private Access with a 3.0m width metal carriageway and minimum legal width 5m that is required for 2 Household Equivalents and to widen Right of Way Easements F and C to a 3.0m width metal carriageway and minimum legal width 5m where required. ~~The existing accessway is to be widened to a minimum width of 3m along the~~

~~full length of the accessway that borders the eastern boundary of Lot 1 and 2 where required, and to construct passing bays at appropriate locations along the accessway that borders the eastern boundary of Lots 1 and 2. The works to construct Right of Way Easement A shall be designed by a suitable suitably qualified engineer and the works to widen Right of Way Easements F and C shall be designed by a suitably qualified engineer or suitably qualified person. All works are to be completed in accordance with Council's current District Plan requirements, Engineering Standards and NZS4404:2004.~~

Advice Notes

Lapsing of Consent

- 1. The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.*

Right of Objection

- 2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) 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.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as the changes proposed do not generate further potential adverse effects than the activity approved under RC 2220829-RMASUB.
4. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
 - a. Northland Regional Policy Statement 2016,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

There have been no changes to the relevant objectives and policies in the Northland Regional Policy Statement 2016, the Operative Far North District Plan 2009, and the Proposed Far North District Plan 2022 since the original consent RC 2220829-

RMASUB was issued 29 June 2023, therefore it is considered the proposed changes remain consistent with the existing objectives and policies of all documents. There have been no changes to the relevant zoning in the Operative and Proposed District Plan since the original consent was issued, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative and Proposed District Plan.

6. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. Based on the assessment above the proposed change will be consistent with Part 2 of the Act. The proposed change will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the proposed change. The proposal remains an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
8. Overall, for the reasons above it is appropriate for the changes of the conditions of consent to be granted.

Approval

This resource consent has been prepared by Eden Nathan, Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: Pat Killalea

Date: 10th February 2025

Title: Independent Commissioner

Schedule 1

Complete set of Consent Conditions for 2220829-RMASUB as Amended by 2220829-RMAVAR/A

Conditions

Pursuant to sections 108 and 220 of the Act, this consent is granted subject to the following conditions:

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey Limited, referenced Proposed Subdivision of Lot 2 DP 495945 & Easement Over Lot 3 DP 495945, dated 12/12/24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

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.

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Ensure that the existing vehicle crossing onto Kapiro Road is sealed or concreted back for a minimum distance of 5m from the existing seal edge unless this work has already been completed.

It is to be noted that infrastructure belonging to the Kerikeri Irrigation Company is located within the road reserve and shall be protected by an appropriate barrier to prevent any damage from vehicles. Any damage shall be rectified by or at the expense of the consent holder.

- b. Submit to Council's Development Engineer or duly designated person for approval, plans, specifications and details of all engineering works to construct Right of Way Easement A in accordance with Appendix 3B-1 Standards for Private Access with a 3.0m width metal carriageway and minimum legal width 5m that is required for 2 Household Equivalents and to widen Right of Way Easements F and C to a 3.0m width metal carriageway and minimum legal width 5m where required. The works to construct Right of Way Easement A shall be designed by a suitably qualified engineer and the works to widen Right of Way Easements F and C shall be designed by a suitably qualified engineer or suitably qualified person. All works are to be completed in accordance with Council's current District Plan requirements, Engineering Standards and NZS4404:2004.
4. 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 consent holder:
 - a. In conjunction with the construction of a future building on proposed Lot 2, the Lot owner shall provide at the time of a Building Consent application a geotechnical report prepared by suitable qualified Chartered Professional Engineer (or other

suitably qualified person), which addresses building foundations being proposed in the application and slope stability. Foundations for buildings shall be specifically designed by a Chartered Professional Engineer with geotechnical expertise. **[Lot 2]**

- b. In conjunction with the construction of a future dwelling on proposed Lot 2, the Lot owner shall obtain a Building Consent and install a wastewater treatment and effluent disposal system on the Lot. The system shall be designed by a Chartered Professional Engineer or registered drainlayer and shall reference the recommendations of the O'Brien Design Consulting "On-Site Wastewater Report (Revision A)" reference – 2770 B TP58, dated 23rd May 2022 and submitted with resource consent application 2220829-RMASUB. **[Lot 2]**
- c. In conjunction with any future development on proposed Lot 2, the Lot owner shall submit a stormwater management report that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. The report shall include methods of stormwater disposal and stormwater attenuation design. Attenuation shall be provided to limit post-development flow to predevelopment levels for the 10% and 1% AEP events, plus an allowance for climate change. Overland/secondary flow paths that can accommodate the 1% AEP storm event shall also be provided on proposed Lot 2 and are to be unobstructed by new buildings, other structures or landscaping.

Note: Stormwater attenuation does not need to be provided if stormwater runoff up to the 10% and 1% AEP events can be discharged directly to ground via engineered soakage devices with prior Council approval. **[Lot 2]**

- d. Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner. **[Lot 2]**

Advice Notes

Lapsing of Consent

- 3. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*
 - a) *The consent is given effect to; or*
 - b) *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 Act.*

Right of Objection

- 4. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) 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.*

Archaeological Sites

5. *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.*

General Advice Notes

6. *During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*
7. *The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.*

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(D) (G)	LOT 1 HEREON	E.I. 10458346.5
TELECOMMUNICATIONS & COMPUTER MEDIA	(B)	LOT 1 HEREON	E.I. 10458346.6

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(B)	LOT 1 HEREON	E.I. 5888720.2
TELECOMMUNICATIONS & COMPUTER MEDIA	(D) (G)	LOT 1 HEREON	E.I. 5888720.2
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HEREON	E.I. 10458346.4
ELECTRICITY, TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B) (C)	LOT 1 HEREON	E.I. 10458346.4

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & DRAIN WATER	(A) (B) (C) (D)	LOT 1 HEREON	LOT 2 HEREON

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AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council

Comprised in: 738724

Total Area: 2.1590ha

Zoning: Rural Production

Resource Features: NIL

THOMSON SURVEY

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www.survey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 2 DP 495945 & EASEMENT OVER LOT 3 DP 495945

2688 KAPIRO ROAD, KERIKERI

PREPARED FOR: J. CAUVAIN

Survey	Name	Date	ORIGINAL SHEET SIZE
Design	KY	06.12.24	1:1500 A3
Drawn	KY	06.12.24	
Approved	KY	12.12.24	
Rev	KY	12.12.24	

Surveyors Ref. No:

10719

Sheet 1 of 1

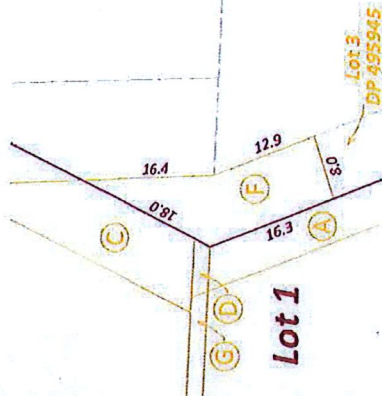
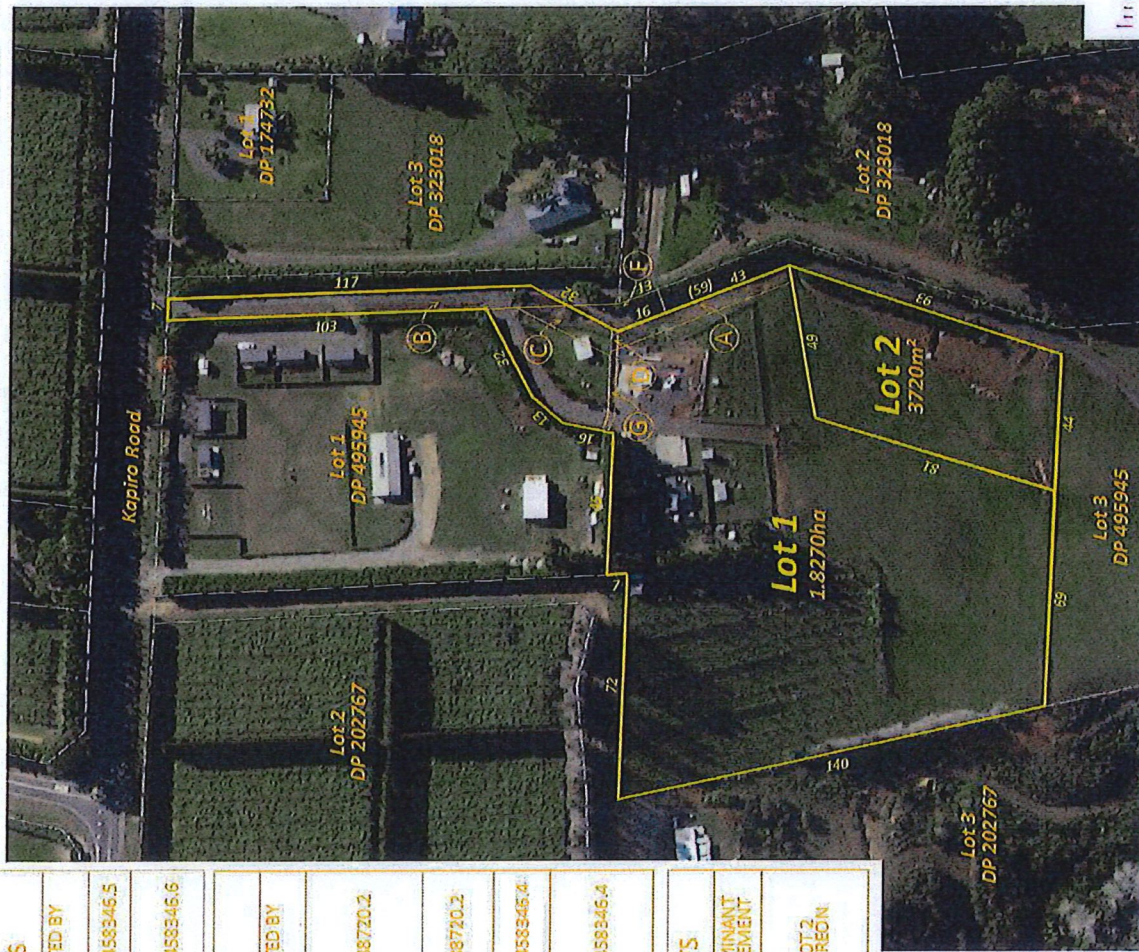


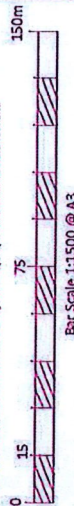
DIAGRAM OF EASEMENT F PROPORTIONAL

APPROVED PLAN

Planner: ENathan
RC: 2220829-RMAVAR/A
Date: 10/02/2025

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & DRAIN WATER	(F)	LOT 3 DP 495945	LOT 2 HEREON

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(G)	LOT 1 HEREON	E.I. 10458346.5
TELECOMMUNICATIONS & COMPUTER MEDIA	(B)	LOT 1 HEREON	E.I. 10458346.6

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(B)	LOT 1 HEREON	E.I. 5888720.2
TELECOMMUNICATIONS & COMPUTER MEDIA	(G)	LOT 1 HEREON	E.I. 5888720.2
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HEREON	E.I. 10458346.4
ELECTRICITY TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B) (C)	LOT 1 HEREON	E.I. 10458346.4

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(A) (B) (C) (D)	LOT 1 HEREON	LOT 2 HEREON

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Local Authority: Far North District Council
Comprised in: 728724
Total Area: 2.1590ha
Zoning: Rural Production
Resource features: NIL

THOMSON SURVEY
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www.thomsonsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 2 DP 495945 & EASEMENT OVER LOT 3 DP 495945

268B KAPIRO ROAD, KERIKERI

PREPARED FOR: J. CALVAIN

Survey	Name	Date	Original	Scale	Sheet	Size
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Drawn	RY	12.12.24				
Rev	RY	12.12.24				
10719 Scheme 20241122						

Surveyors Ref. No: 10719
Sheet 1 of 1

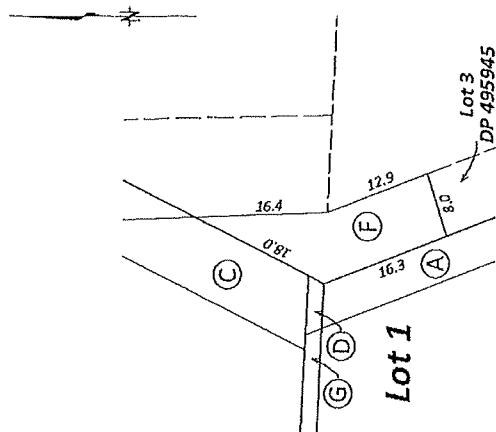
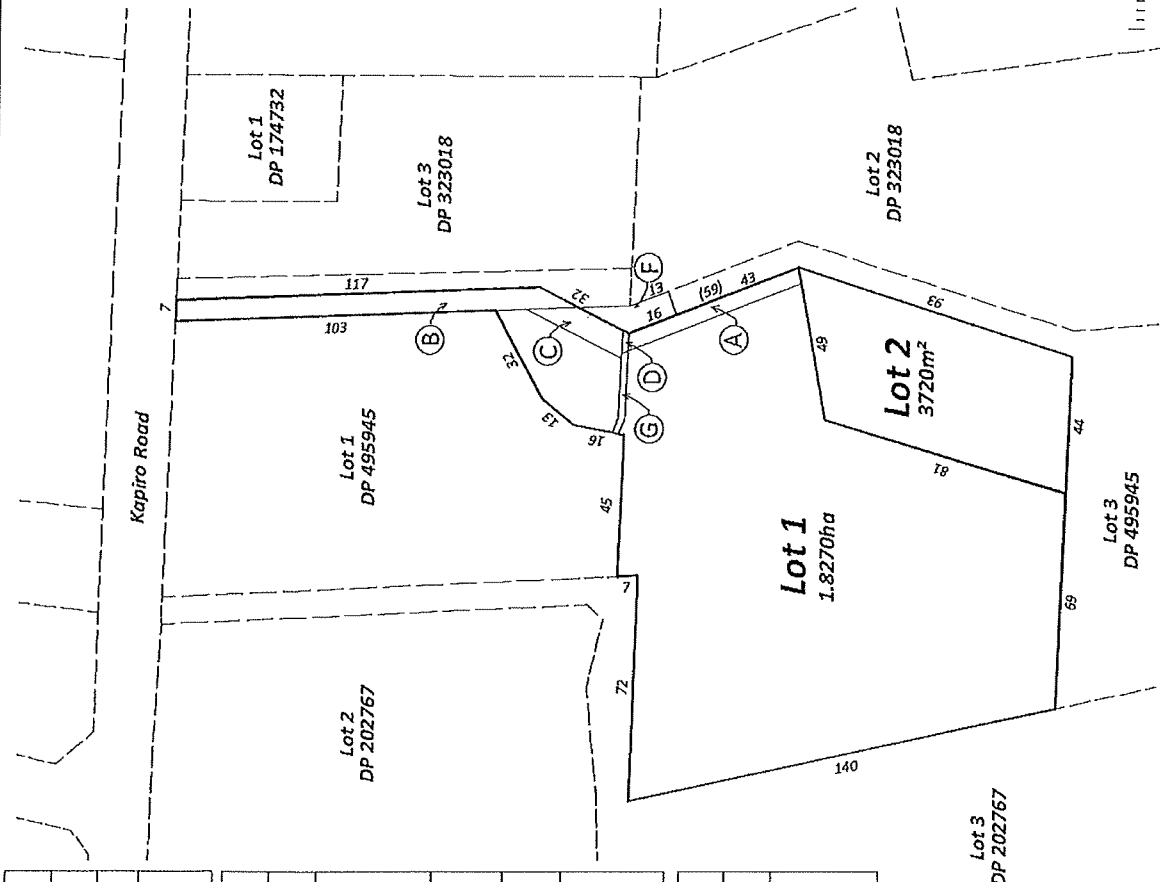


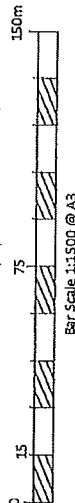
DIAGRAM OF EASEMENT F PROPORTIONAL

APPROVED PLAN

Planner: ENathan
RC: 2220829-RMAVARIA
Date: 10/02/2025

PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(F)	LOT 3 DP 495945	LOT 2 HEREON

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Appendix 2

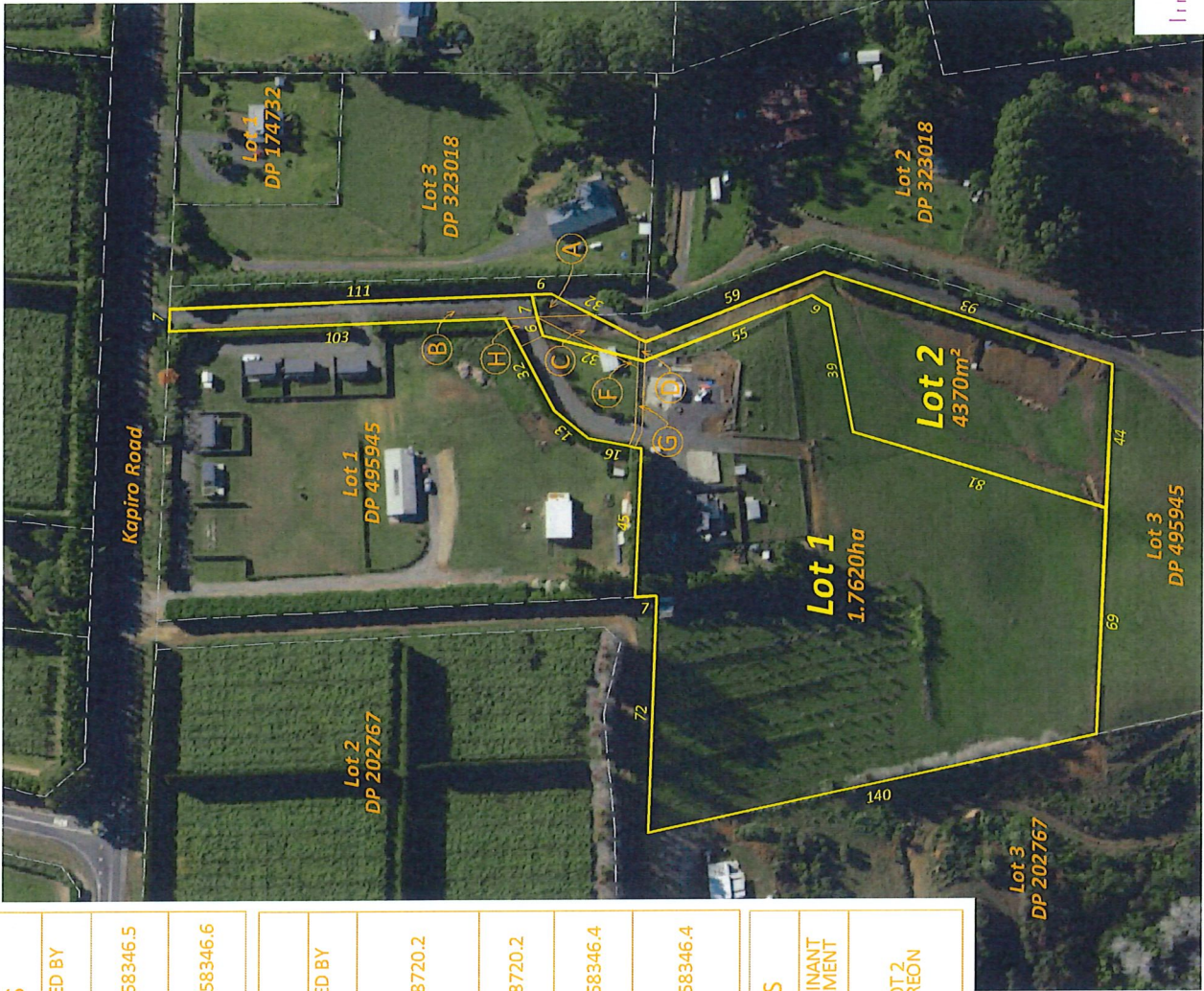
Draft updated scheme plan

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(D)	LOT 2 HEREON	E.I. 10458346.5
	(G)	LOT 1 HEREON	
TELECOMMUNICATIONS & COMPUTER MEDIA	(A)	LOT 2 HEREON	E.I. 10458346.6
	(B)	LOT 1 HEREON	

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(A)	LOT 2 HEREON	E.I. 5888720.2
	(B)	LOT 1 HEREON	
	(D)	LOT 2 HEREON	
TELECOMMUNICATIONS & COMPUTER MEDIA	(G)	LOT 1 HEREON	E.I. 5888720.2
	(A)	LOT 2 HEREON	
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HEREON	E.I. 10458346.4
	(F)	LOT 1 HEREON	
ELECTRICITY, TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(A)	LOT 2 HEREON	E.I. 10458346.4
	(C)	LOT 1 HEREON	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(B) (H)	LOT 1 HEREON	LOT 2 HEREON

Local Authority: Far North District Council
Comprised in: 728724
Total Area: 2.1990ha
Zoning: Rural Production
Resource features: NIL



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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF
LOT 2 DP 495945
268B KAPIRO ROAD, KERIKERI
PREPARED FOR: J. CAUVAIN

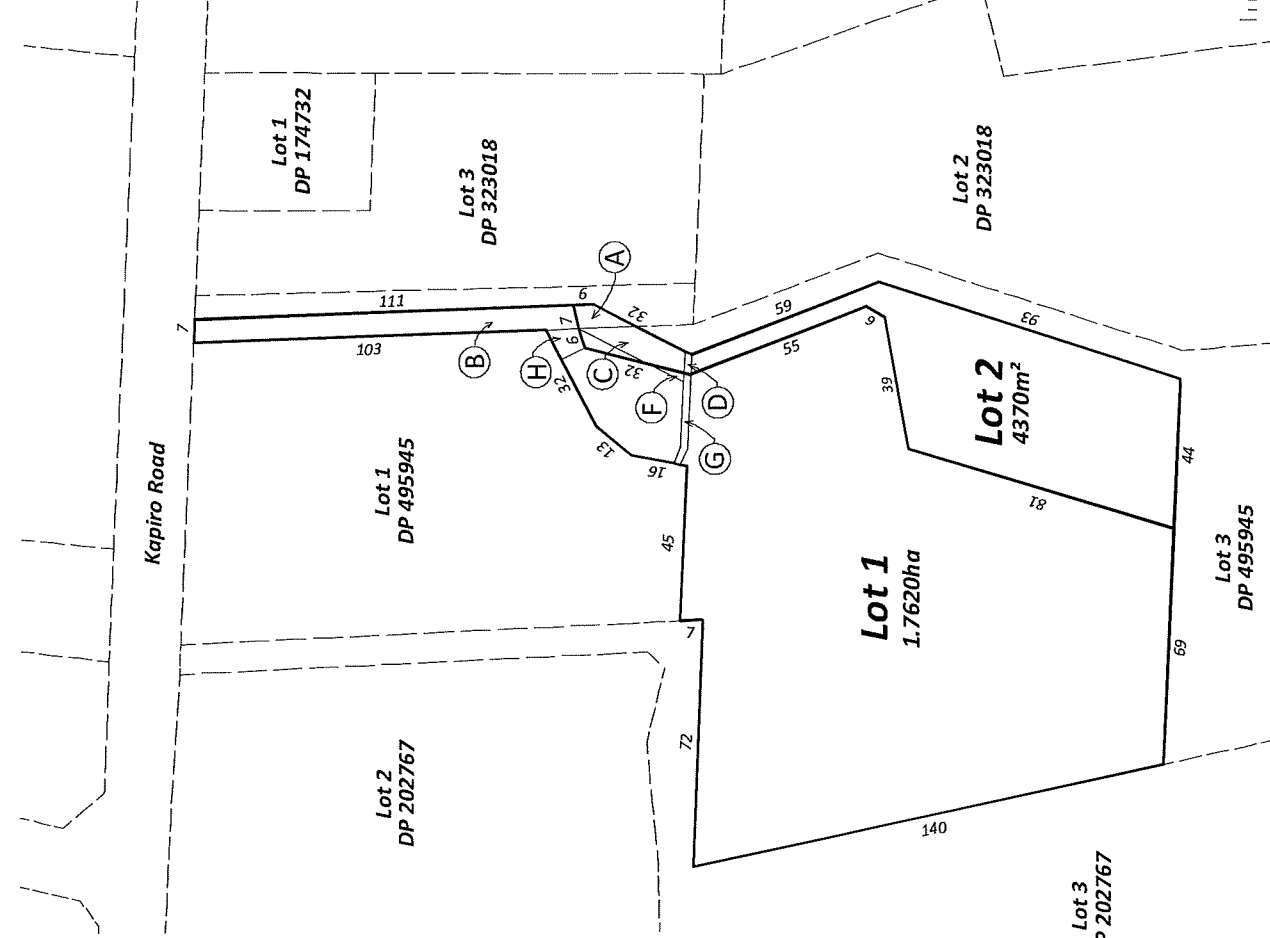
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Survey					
Design					
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Approved					
Rev	KY 08.09.26				
10719 Scheme 20260908					

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(D)	LOT 2 HEREON	E.I. 10458346.5
	(G)	LOT 1 HEREON	
TELECOMMUNICATIONS & COMPUTER MEDIA	(A)	LOT 2 HEREON	E.I. 10458346.6
	(B)	LOT 1 HEREON	

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(A)	LOT 2 HEREON	E.I. 5888720.2
	(B)	LOT 1 HEREON	
TELECOMMUNICATIONS & COMPUTER MEDIA	(D)	LOT 2 HEREON	E.I. 5888720.2
	(G)	LOT 1 HEREON	
RIGHT OF WAY CONVEY WATER	(A)	LOT 2 HEREON	E.I. 10458346.4
	(B)	LOT 1 HEREON	
ELECTRICITY, TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B) (F)	LOT 1 HEREON	E.I. 10458346.4
	(A) (C)	LOT 2 HEREON	

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(B) (H)	LOT 1 HEREON	LOT 2 HEREON

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PROPOSED SUBDIVISION OF LOT 2 DP 495945 268B KAPIRO ROAD, KERIKERI

PREPARED FOR: J. CAUVAIN

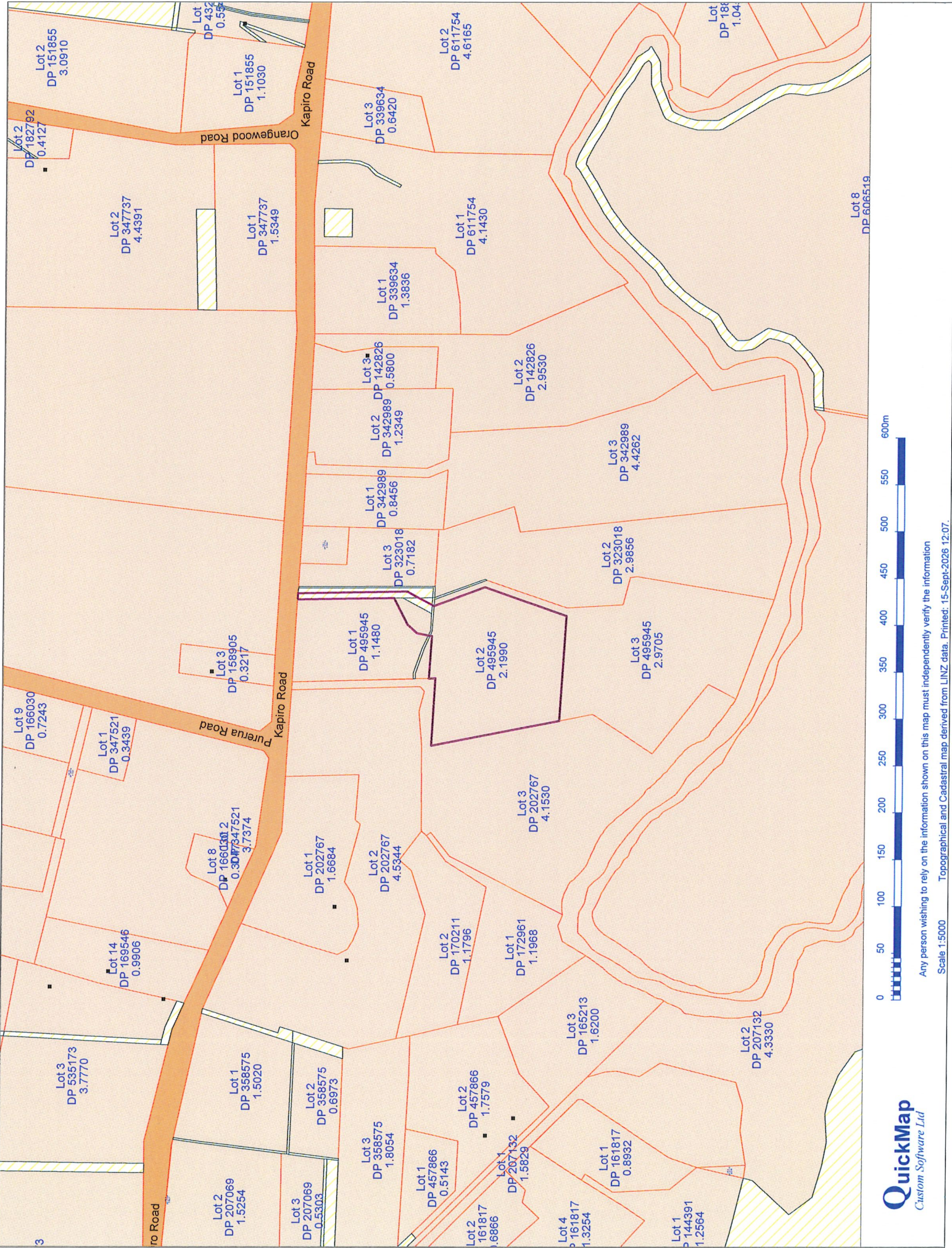
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Approved	KY	08.09.26		
Rev	KY	08.09.26		

10719 Scheme 20260908

Surveyors
Ref: No:
10719
Sheet 1 of 1

Appendix 3

Location Map



Appendix 4

Record of Title



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




R. W. Muir
Registrar-General
of Land

Identifier 728724
Land Registration District North Auckland
Date Issued 30 September 2016

Prior References
92285

Estate Fee Simple
Area 2.1990 hectares more or less
Legal Description Lot 2 Deposited Plan 495945
Registered Owners
Jason Anthony Cauvain

Interests

Subject to Section 59 Land Act 1948

5805160.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2003 at 9:00 am

Subject to a right of way, right to convey water, electricity, telecommunications and computer media over part marked B and right to convey telecommunication and computer media over part marked G all on DP 495945 created by Easement Instrument 5888720.2 - 5.2.2004 at 9:00 am

Appurtenant hereto is a right to convey electricity, telecommunications and computer media and a right to drain water created by Easement Instrument 5888720.2 - 5.2.2004 at 9:00 am

Some of the easements created by Easement Instrument 5888720.2 are subject to Section 243 (a) Resource Management Act 1991

10458346.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.9.2016 at 9:58 am

Subject to a right of way, right to convey water over part marked B and a right to convey electricity, telecommunications and computer media and a right to drain water over part marked B and C on DP 495945 created by Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

Appurtenant hereto is a right of way, right to convey water, electricity, telecommunications and computer media and a right to drain water created by Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 495945)

Land Covenant in Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

Subject to a right (in gross) to convey electricity over part marked G on DP 495945 in favour of Top Energy Limited created by Easement Instrument 10458346.5 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.5 are subject to Section 243 (a) Resource Management Act 1991 (See DP 495945)

Subject to a right (in gross) to convey telecommunications and computer media over part marked B on DP 495945 in favour of Chorus New Zealand Limited created by Easement Instrument 10458346.6 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.6 are subject to Section 243 (a) Resource Management Act 1991
(See DP 495945)

13634954.3 Mortgage to Bank of New Zealand - 25.6.2026 at 4:46 pm



REF 6266

Surveyor: Aaron Robert Donaldson
Firm: Donaldsons

Lots 1 - 3 being a subdivision of Lot 1 DP 323018

and District: North Auckland

Digitally Generated Plan

Generated on: 18/10/2016 07:57am Page 4 of 5

Deposited on: 30/09/2016

