

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:

KJ Edwards & Co 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:

Williams & King

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:

KJ Edwards & Co Limited

Property Address/
Location:

393 Waiare Road,

RD1

Okaihau

Postcode

0475

7. Application Site Details

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

Name/s:

As per applicant.

Site Address/
Location:

393 Waiare Road

RD1

Okaihau

Postcode

0475

Legal Description:

Lot 1 DP 413245

Val Number:

00521-40700

Certificate of title:

449318

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:

Condition 1
Condition 3(a)

Describe the proposed changes:

The purpose of this application is to reference a varied Scheme Plan within condition 1 of the consent, and to update condition 3(a) to reflect the latest Engineering Standards for the vehicle entrance standards.

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) KJ Edwards & Co Limited

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)

KEITH-JOHN EDWARDS

Signature: (signature of bill payer)

[Redacted Signature]

Date 8.5.2025

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)

Natalie Watson

Signature:

[Redacted Signature]

Date 8/5/25

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.

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Ref: 23508

8 May 2025

Resource Consents Department
Far North District Council
John Butler Centre
60 Kerikeri Road
Kerikeri

Dear Sir or Madam,

Re: Proposed Variation of RC 2220253-RMASUB for KJ Edwards & Co Limited
393 Waiare Road, Okaihau

Please find enclosed an application form in support of our clients' request to vary the consent conditions of RC 2220253-RMASUB.

1. Overview & Site Description

KJ Edwards & Co Limited was granted subdivision consent to undertake a subdivision to create one additional lot in the Rural Production Zone of the Operative Far North District Plan, with this approval being referenced 2220253-RMASUB.

The subdivision creates Lots 1 and 2 with areas of 80.5200ha and 1.6000ha respectively (areas and dimensions subject to final survey). Lot 2 contains an existing dwelling and shed, while Lot 1 contains the balance farm land and farm buildings.

The subdivision was approved as a restricted discretionary under the Operative Far North District Plan. RC 2220253-RMASUB is appended in **Attachment 1**.

Condition 1 of RC 2220253-RMASUB requires that the subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Lot 1 DP 413245, dated 7.10.21, and attached to this consent with the Council's "Approved Stamp" affixed to it.

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The consent holders wish to replace the existing Approved Plan with a new Scheme Plan, which increases the area of Lot 2 to 10.3490ha (subject to final survey) by incorporating an existing shed and paddocks located in the southern corner of the site. Resultantly, the area of Lot 1 will decrease to 71.7710ha. The revised Scheme Plan is provided in **Attachment 2**.

In addition, they also wish to vary a condition of consent requiring upgrade of the existing vehicle crossing at 393 Waiare Road to reference the 2023 Far North District Council Engineering Standards.

The purpose of this application is therefore to reference the new Scheme Plan within condition 1 of the consent, and to update condition 3(a) to reflect the latest Engineering Standards for the vehicle crossing at 393 Waiare Road.

The subject site is legally described as Lot 1 DP 413245 and held in Record of Title 449318, with an area of 82.1200ha more or less. The Record of Title is provided in **Attachment 3**. The property is located at the corner of Waiare Road and Scott Road, approximately 5km north-east of Okaihau village. The address is 393 Waiare Road and 23 Scott Road, Okaihau. Refer to the Location Map in **Figure 1**.

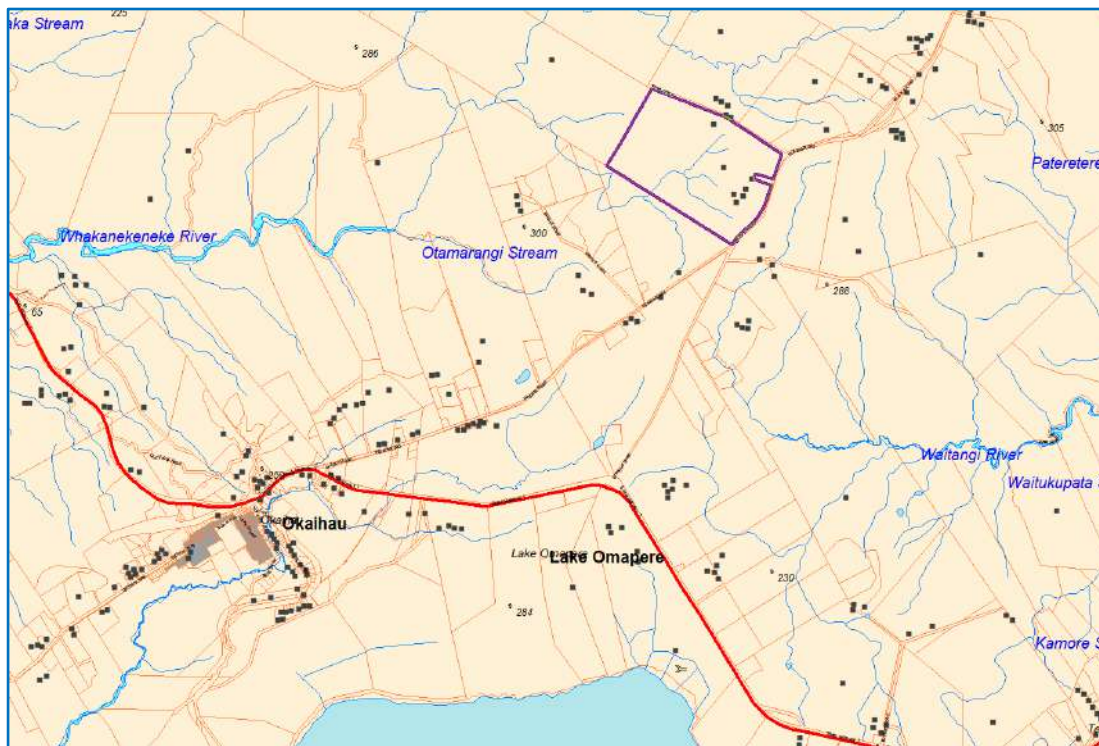


Figure 1: Location Map

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Lot 2 contains the existing dwelling with associated on site wastewater system and sheds. The existing onsite wastewater system was reviewed as part of the original application, and resultantly an Onsite Wastewater Site Suitability Report was provided to confirm that the existing wastewater system on this lot can continue to operate in accordance with the permitted activity standards of the Regional Plan following the proposed subdivision.

Lots 1 and 2 have direct frontage to Waiare Road and Lot 1 also has frontage to Scott Road.

A formed vehicle crossing at 393 Waiare Road is used to access both lots, and Lot 1 also has formed access from Scott Road

A metalled driveway is formed within Lot 2 to access the existing buildings on this lot as well as farm buildings on Lot 1. Right of Way A is proposed over the formed accessway on Lot 2 to secure continued use by Lot 1.

2. Description of Variation

Changes to conditions 1 and 3(a) of RC 2220253 are proposed, as outlined below.

Proposed insertions are shown in bold and underlined, deletions are struck through.

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Lot 1 DP 413245, dated **Rev 19.03.25** ~~7.10.24~~, and attached to this consent with the Council's "Approved Stamp" affixed to it.
3. (a) Provide **an** entrance to ROW A which complies with **Sheet 21 Type 1B of the 2023** Council's Engineering Standard ~~FNDC/S/6, 6D, and section 3.3.7.1 of the Engineering standards and NZS4404:2004~~. Seal the entrance plus splays for a minimum distance of 5m from the existing edge.

3. Consultation

Section 127(4) of the Act states:

"For the purposes of determining who is adversely affected by the change or cancellation, the local 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.*

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The decision on the original application concluded that “*Council has determined (by way of an earlier report and resolution) that the adverse effects associated with the proposal are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group*”.¹

The changes sought will not have any implications in terms of off-site effects. As such, it is considered that the proposal will not result in any person being adversely affected.

4. Assessment of Environmental Effects

The following assessment of environmental effects focuses on the effects of the proposed change to RC 2220253 as set out under the ‘Description of Variation’.

4.1 Property Access

The proposed variation will update condition 3(a) to reflect the 2023 Engineering Standards, and requires a Rural Type 1B standard of vehicle crossing. This is sufficient for occasional heavy vehicle use, and much of the farm traffic accessing Lot 1 will continue to use the existing access of Scott Road, as per the current situation.

The proposed variation does not introduce any changes in terms of internal property access. Condition 3(b) requires provision of metalled access within ROW A – this is already formed.

(b) Provide formed and metalled access on ROW easement along Easement A as shown on the scheme plan prepared by Williams and King – dated 7/10/2021, reference 23508 – to 3m finished metalled carriageway width. 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.

There will be no change to the use of the land with the existing rural activities continuing on Lot 1 and an existing dwelling established on Lot 2. The existing vehicle crossing off Waiare Road and associated private driveway is sufficiently formed to cater for two sites, and confirmation that it meets the standard required by condition 3(b) will be provided at section 224(c) certification stage.

Overall, no additional traffic is generated by the proposed variation, and as a suitable vehicle crossing standard is proposed in line with the latest Engineering Standards, no adverse effect arising in terms of the safety and efficiency of the adjacent public roads.

¹ Refer to ‘Reasons for the Decision’ (1) of RC 2220253.

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4.2 Natural and Other Hazards

The proposed variation will not result in any adverse effects in terms of natural hazards, with multiple suitable building sites remaining available on Lot 1 for future establishment of a dwelling to avoid fire and other hazards.

4.3 Water Supply

The proposal will not result in any adverse effects in terms of water supply.

4.4 Stormwater Disposal

Existing impermeable surfaces on varied Lots 1 and 2 remain within the permitted standard under the Stormwater Management rules of the Operative District Plan, and no adverse effects will arise with regards to stormwater. Stormwater management will remain unchanged from the present situation, with roof water from the existing dwelling being collected and stored in water tanks, and overflow being directed to natural overland flow paths.

4.5 Sanitary Sewage Disposal

The existing house on Lot 2 contains an onsite wastewater system, which will continue to be positioned within the proposed lot boundaries, noting that the area associated with this lot has increased, and has not changed in the vicinity of the system. As such, the proposal avoids adverse effects in relation to sanitary sewage disposal.

4.6 Energy & Telecommunications Supply

No adverse effects will arise from the proposed variation, with the existing consent notice condition specifying that the responsibility for providing power and telecommunications will remain with the property owner continuing to be applied.

4.7 Easements for any Purpose

Easement A will continue to be created, as per the currently approved Scheme Plan.

4.8 Preservation of Heritage Resources, Vegetation, Fauna and Landscape

The proposed lots do not contain any recorded heritage resources, landscape features, or sites of cultural significance. The site is not within the coastal environment. The variation will not cause any actual or potential adverse effects on the above resources.

It is noted that the areas of bush on the site are protected by an existing consent notice condition, and the majority of these areas are fenced off from stock intrusion.

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The proposed variation does not necessitate indigenous vegetation clearance, and does not introduce new activities which may harm indigenous fauna. Existing consent notice condition (v) requires domestic cats and/or dogs to be managed so as to avoid the risk of predation of North Island brown kiwi will continue to be applied.

It is therefore considered that the proposal avoids adverse effects on heritage resources, vegetation, fauna, and landscape.

4.9 Access to Reserves and Waterways

The proposal has no implications in terms of public access to reserves or waterways.

4.10 Land Use Compatibility

The varied subdivision is considered to avoid adverse effects associated with land use compatibility or reverse sensitivity issues, as the layout of the proposed subdivision corresponds with the surrounding pattern of development, and no changes to the established land uses on the property will arise from the subdivision.

5. District Plan Activity Status

5.1 Operative District Plan

The proposed variation does not result in any change to the overall restricted discretionary activity status of the activity under the Operative District Plan, and no new infringements to the relevant Zone, Natural and Physical Resources or Subdivision rules have been identified.

5.2 Proposed District Plan

RC 2220253-RMASUB pre-dates notification of the Proposed District Plan.

Under the Proposed District Plan, the site is zoned Rural Production. There are small areas of River Flood Hazard. The proposed subdivision would achieve discretionary activity status, as a minimum lot size of 8ha is achieved as per SUB-S1, together with compliance with the other relevant conditions listed under SUB-R3 CON-1. Further, it is noted that there are available building platforms on each lot located wholly outside the spatial extent of the 1 in 100 year floodplain as per restricted discretionary activity rule SUB-R11.

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6. Statutory Assessment

6.1 Regional Policy Statement

It is considered that the proposed activity remains consistent with the Northland Regional Policy Statement.

6.2 Operative Far North District Plan

The proposal continues to be in agreement with the relevant objectives and policies of the Operative District Plan, as set out in the 'Reasons for the Decision' for RC 2220253, these are listed as objectives 13.3.5, 13.3.8 and policies 13.4.2, 13.4.6 and 13.4.8.

6.3 Proposed Far North District Plan

Relevant objectives and policies are set out under the chapters 'Rural Production Zone' and 'Subdivision', and are commented on below. It is considered that the varied subdivision will more closely align with the objectives and policies of the Proposed District Plan, as the area of Lot 2 is increasing so that it is larger than a typical rural lifestyle site, and more akin to a rural production site, with the proposed lot size of 10.3490ha being provided for as a discretionary activity in the Rural Production Zone.

Rural Production Zone

Objectives

RPROZ-O3 Land use and subdivision in the Rural Production zone:

- a. *protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. *protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. *does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. *does not exacerbate any natural hazards; and*
- e. *is able to be serviced by on-site infrastructure.*

RPROZ-O4 The rural character and amenity associated with a rural working environment is maintained.

Policies

RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- a. *a predominance of primary production activities;*
- b. *low density development with generally low site coverage of buildings or structures;*
- c. *typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. *a diverse range of rural environments, rural character and amenity values throughout the District.*

RPROZ-P6 Avoid subdivision that:

- a. *results in the loss of highly productive land for use by farming activities;*
- b. *fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
the type of farming proposed; and
whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*

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- c. *provides for rural lifestyle living unless there is an environmental benefit.*
- RPROZ-P7 *Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*
- a. *whether the proposal will increase production potential in the zone;*
 - b. *whether the activity relies on the productive nature of the soil;*
 - c. *consistency with the scale and character of the rural environment;*
 - d. *location, scale and design of buildings or structures;*
 - e. *for subdivision or non-primary production activities:*
 - i. *scale and compatibility with rural activities;*
 - ii. *potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. *the potential for loss of highly productive land, land sterilisation or fragmentation;*
 - f. *n/a*
 - g. *the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
 - h. *the adequacy of roading infrastructure to service the proposed activity;*
 - i. *Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
 - j. *Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

RPR-OZ-O3: This objectives give emphasis to the protection of primary production activities and highly productive land. The subject site includes highly productive land, including Land Use Capability class II and III land. As Lot 2 contains existing residential buildings and on-site infrastructure, the subdivision does not facilitate further sterilisation of highly productive land. Lot 1 is more than 70ha in area and remains suitable for multiple primary production uses.

RPR-O4 & RPRO-P4: There will be no change of the rural character or amenity, as the overall low density of built development will remain.

RPRO-P6: The subdivision does not create a rural lifestyle site. Both lots remain of a size that is suitable to support a variety of primary production activities. The proposal is not considered to generate any reverse sensitivity effects that would constrain any primary production activities.

RPRO-P7: Adverse effects in terms of onsite servicing and roading infrastructure and on historic heritage, cultural values, natural features and landscapes, indigenous biodiversity are avoided and mitigated via the existing conditions of consent. Reverse sensitivity and the potential loss of highly productive land are avoided, and the proposed lots retain consistency with the expected scale and character of the rural environment.

Subdivision

Objectives

SUB-O1 *Subdivision results in the efficient use of land, which:*

- a. *achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. *contributes to the local character and sense of place;*
- c. *avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. *avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. *does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*
- f. *manages adverse effects on the environment.*

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SUB-O2 Subdivision provides for the:

- a. Protection of highly productive land; and
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

Policies

SUB-P3 Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;
- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided in accordance with the purpose, characteristics and qualities of the zone.

SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The proposed subdivision is an efficient use of land and in accordance with the Rural Production Zone objectives. As outlined previously, it achieves the Rural Production Zone objectives, avoids reverse sensitivity, and does not increase natural hazards or risks.

The proposed varied subdivision does not remove any land from primary production use, while existing consent notice conditions provide for the protection of indigenous vegetation. As such, the proposal is in accordance with SUB-O2.

The proposed subdivision creates lots that comply with the controlled and discretionary activity minimum lot sizes, are consistent with the purpose, characteristics and qualities of the Rural Production Zone, have either existing building areas or alternatively ample room for future buildings, and have existing legal and physical access. As such, the proposal supports SUB-P3.

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Besides river flood hazard, whereby there are available building areas on each lot located wholly outside the spatial extent of the mapped flood hazard areas, the subject site does not have any features in terms of the district wide sections of the plan listed in SUB-P4.

No additional servicing is required, and the proposal does not offend SUB-O3 or SUB-P6.

SUB-P8 specifically relates to rural lifestyle subdivision in the Rural Production Zone – the varied scheme plan increases the area of Lot 2 so that it is now larger than a typical rural lifestyle site, and can be considered a primary production site.

SUB-P11 is similar to RPROZ-P7, where previous assessment has commented that the effects of the proposal area avoided and mitigated.

6.4 Weighting of Operative and Proposed Far North District Plans

The relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans. The outcomes sought under the Operative and Proposed District Plan differ, in that the restricted discretionary activity “one-off” subdivisions allowed under the Operative District Plan are not provided for in the Proposed District Plan.

The current District Plan review process was initiated in 2016. Submissions and further submissions have been received. Public hearings are currently taking place, and in 2026 the council will give notice of its decisions on the Proposed District Plan. At this stage, as there is scope for relevant rules, objectives and policies to change, it is considered that limited weight should be attributed to the Proposed District Plan, and more weight applied to the provisions of the Operative District Plan.

7. Resource Management Act 1991 Purpose and Principles

The varied activity continues to achieve the purpose and principles of the Resource Management Act 1991.

8. Conclusion

It is respectfully requested that Council consider this application as soon as is possible. Please do not delay in contacting me should you require further information.

SURVEY & PLANNING SOLUTIONS (2010) LTD

Trading as **Von Sturmers** in Kaitaia and **Williams & King** in the Bay of Islands
LAND SURVEYORS - RESOURCE PLANNERS
www.saps.co.nz

Yours faithfully
Williams & King, Kerikeri



Natalie Watson
Resource Planner

Attachments

1. RC 2220253-RMASUB
2. Revised Scheme Plan
3. Record of Title



FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2220253-RMASUB

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

KJ Edwards & Co Limited

The activity to which this decision relates:

To create one additional Lot in the Rural Production Zone.

Subject Site Details

Address: 393 Waiare Road, Okaihau 0475

Legal Description: Lot 1 DP 413245 Pt OLC 1

Record of Title reference: NA-659/65, CT-449318

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 Williams and King, referenced Proposed Subdivision of Lot 1 DP 413245, dated 7.10.21, 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:
 - (a) Provide a formed double width entrance to ROW A which complies with the Councils Engineering Standard FNDC/S/6, 6D, and section 3.3.7.1 of the

Engineering standards and NZS4404:2004. Seal the entrance plus splays for a minimum distance of 5m from the existing edge.

- (b) Provide formed and metalled access on ROW easement along Easement A as shown on the scheme plan prepared by Williams and King – dated 7/10/2021, reference 23508 – to 3m finished metalled carriageway width. 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.

- (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) 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]

- (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) The owner shall be responsible to ensure that any further development of the site including building sites, earthworks, drainage works, effluent disposal fields & vehicle access formations will be undertaken in such a manner that will not result in the obstruction or diversion of any existing overland flow path unless a specific design has been done by a Chartered Professional Engineer which mitigates potential adverse flooding effects on any neighbouring properties created by the obstruction or diversion.

[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]

- (v) The site is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite are to 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.

[Lots 1 and 2]

Advice Notes

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

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matters are:

In considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

(i) for applications under **13.8.1(a)**:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.

(ii) for applications under **13.8.1(b)** or **(c)**:

- effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
- effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
- effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
- the mitigation of fire hazards for health and safety of residents.

In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

(1) the matters listed in **13.7.3**;

(2) the matters listed in **(i)** and **(ii)** above.

For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of harbours is to be established by multiplying the width of the river mouth by five.

3. District Plan Rules Affected:

Rule # & Name	Non Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	Proposed Lot 1 is to be in excess of 80ha, and Lot 2 is to be 1.6ha in size.

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

- a) Objectives: 13.3.5, 13.3.8
- b) Policies: 13.4.2, 13.4.6, 13.4.8

The proposal is not contrary to the relevant objectives and policies of the District Plan.

- 4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
 - a) The Far North District Plan
- 5. No other non – statutory documents were considered relevant in making this decision.
- 6. No other matters were considered in relevant in making this decision.
- 7. 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.

- 8. 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, Intermediate 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: 2nd December 2021

Right of Objection

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

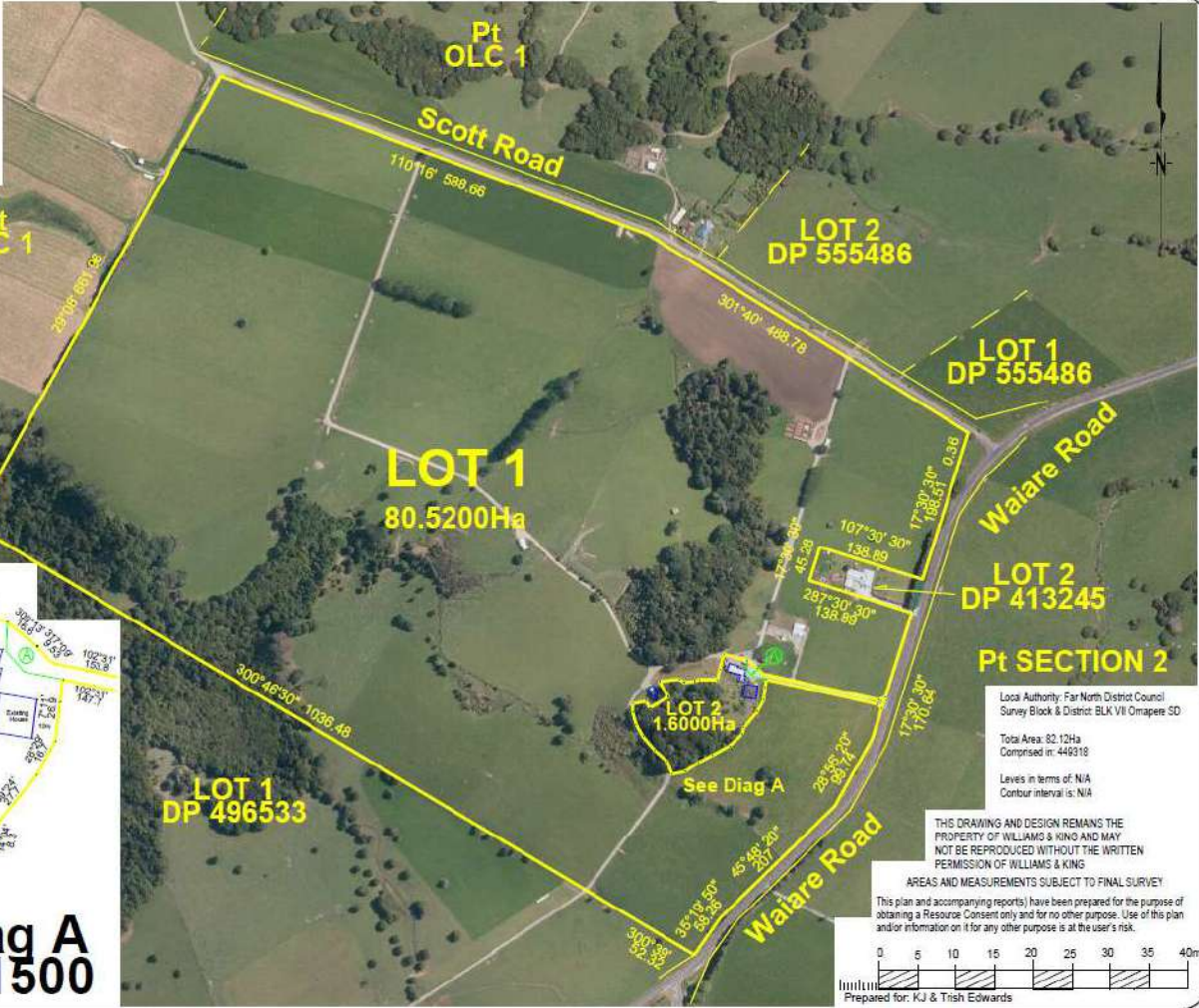
Lapsing Of Consent

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.

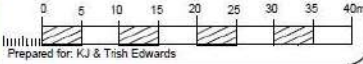
MEMORANDUM OF EASEMENTS			
Purpose	Shown	Servient Dominant	Dominant Tenement
Right of Way Right to drain Stormwater	A	Lot 2 Hereon	Lot 1 Hereon



APPROVED PLAN
Planner: hkane
RC: 2220253-RMASUB
Date: 3/12/2021

Local Authority: Far North District Council
Survey Block & District: BLK VII Omarepe SD
Total Area: 82.12Ha
Comprised in: 448318
Leaves in terms of: N/A
Contour interval: N/A

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING
AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY
This plan and accompanying reports 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.





WILLIAMS AND KING
Registered Land Surveyors, Planners &
Land Development Consultants

Ph: (09) 407 6030
Email: kieriker@waks.co.nz

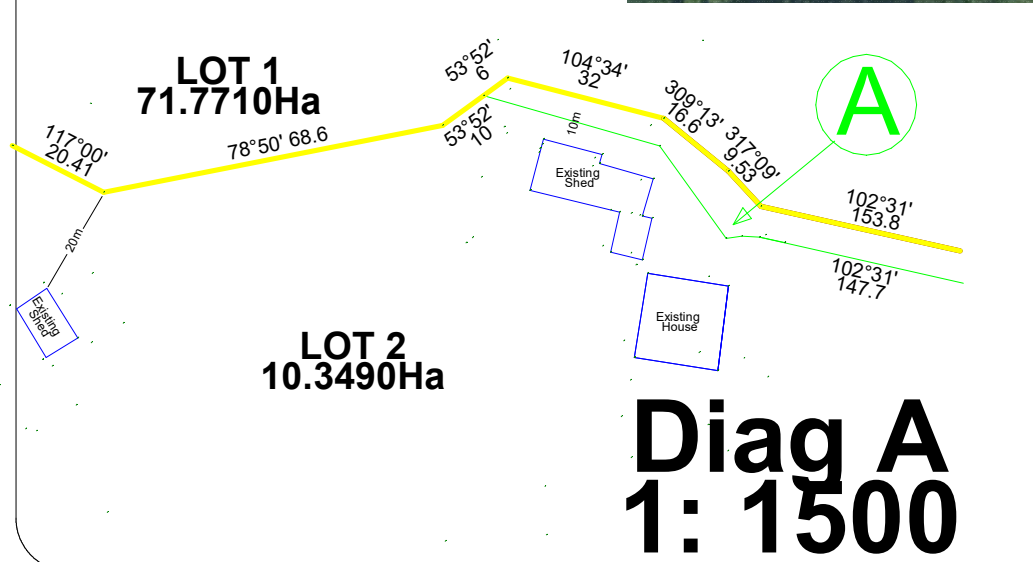
27 Hobson Ave
PO Box 937 Kaitiaki

Proposed Subdivision of Lot 1 DP 413245

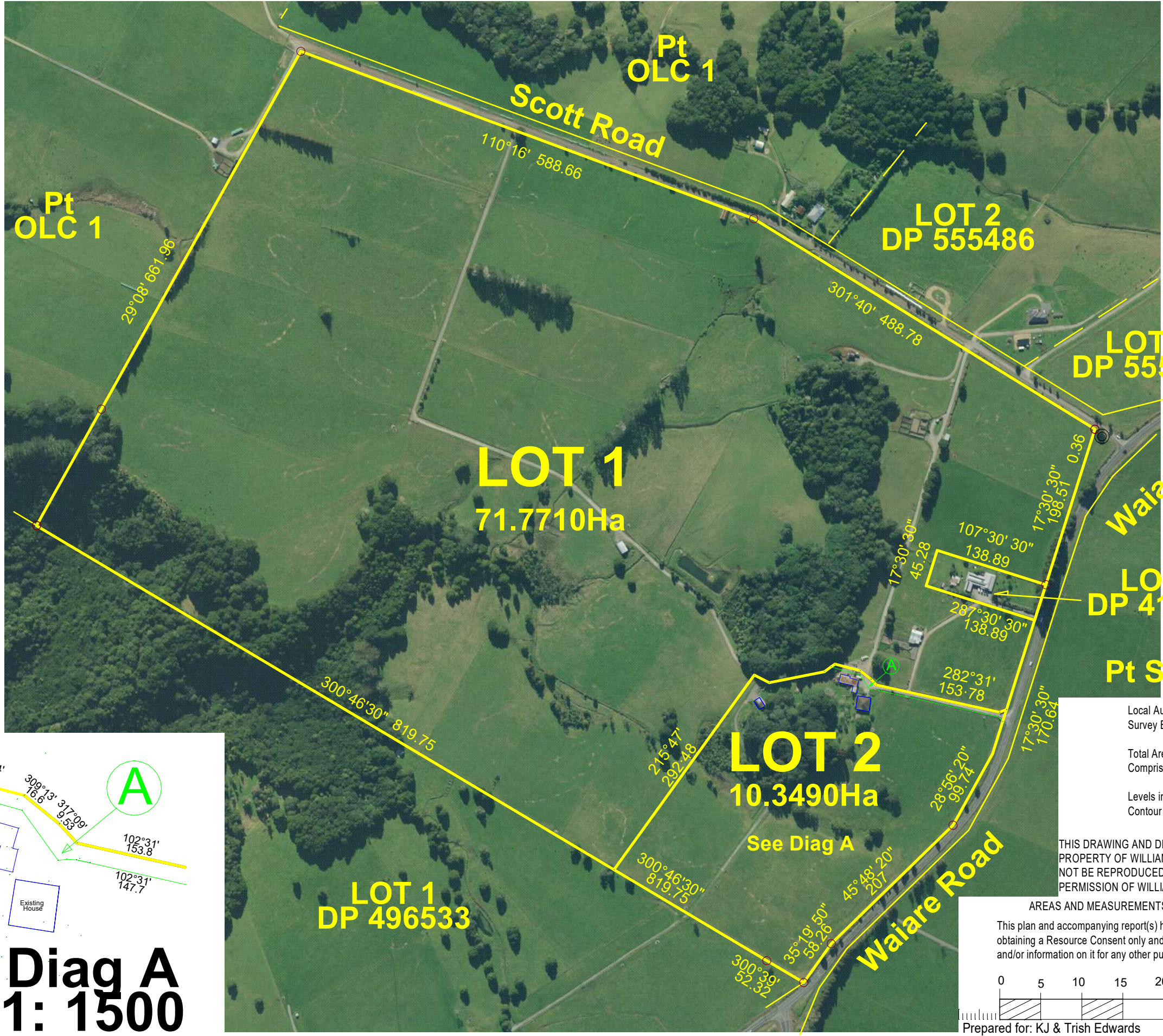
Name		Date	ORIGINAL SCALE SHEET SIZE	
Survey	GU	10.08.21	1:5000	A3
Design	GU	10.08.21		
Rev	GU	7.10.21		

23508

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Servient Dominant	Dominant Tenement
Right of Way Right to drain Stormwater	A	Lot 2 Hereon	Lot 1 Hereon



Diag A
1: 1500



Local Authority: Far North District Council
Survey Block & District: BLK VII Omapere SD

Total Area: 82.12Ha
Comprised in: 449318

Levels in terms of: N/A
Contour interval is: N/A

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0 5 10 15 20 25 30 35 40m

Prepared for: KJ & Trish Edwards



WILLIAMS AND KING
Registered Land Surveyors, Planners &
Land Development Consultants

Ph: (09) 407 6030
Email: kerikeri@saps.co.nz

27 Hobson Ave
PO Box 937 Kerikeri

Proposed Subdivision of Lot 1 DP 413245

Survey	Name	Date	ORIGINAL SCALE SHEET SIZE	23508
Design	GJ	10.06.21		
Drawn	GJ	10.06.21		
Rev	GJ	19.03.25		

1:5000 A3



**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 **449318**
Land Registration District **North Auckland**
Date Issued 07 May 2009

Prior References
NA625/136

Estate Fee Simple
Area 82.1200 hectares more or less
Legal Description Lot 1 Deposited Plan 413245
Registered Owners
K J Edwards & Co Limited

Interests

8151324.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.5.2009 at 2:50 pm
Subject to a right to convey electricity over part marked B on DP 555486 created by Easement Instrument 11923775.5 - 11.12.2020 at 3:41 pm
The easements created by Easement Instrument 11923775.5 are subject to Section 243 (a) Resource Management Act 1991
12162731.3 Mortgage to Rabobank New Zealand Limited - 30.6.2021 at 3:04 pm

