



Our Reference: 10754.1 (FNDC)

2 March 2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed subdivision of land at 34 Te Rore Lane, Waimate North – R Ruston

I am pleased to submit application on behalf of Robert Ruston, for a proposed subdivision of land at 34 Te Rore Lane, Waimate North, zoned Rural Production. The application is a discretionary activity.

The application fee of \$3,044 has been paid separately via direct credit.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). 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

2. Type of consent being applied for

(more than one circle can be ticked):

- Land Use
 Discharge
 Fast Track Land Use*
 Change of Consent Notice (s.221(3))
 Subdivision
 Extension of time (s.125)
 Consent under National Environmental Standard
 (e.g. Assessing and Managing Contaminants in Soil)
 Other (please specify) _____

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the fast track process?

Yes No

4. 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

5. Applicant details

Name/s:

Robert Ruston

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? Yes No

If yes, please provide details.

6. 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.

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7. 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:

Robert Ruston and Alana Derrick

Property address/
location:

as per item 5

Postcode 0472

8. Application site details

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

Name/s:	Robert Ruston		
Site address/ location:	34 Te Rore Lane		
	Waimate North		
	Postcode		
Legal description:	Lot 7 DP 538506	Val Number:	
Certificate of title:	898337		

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

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.

Please contact Robert to arrange a suitable time for a site visit

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

Subdivision of land in the Rural Production Zone to create 3 lots (2 additional) as a discretionary activity.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request public notification?

Yes No

11. 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)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)? Yes No Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result? Yes No Don't know

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. 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.

Your AEE is attached to this application Yes

14. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

15. 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)

Robert Ruston and Alana Derrick

Email:

robertruston@gmail.com

Phone number:

Work

Home 0211167839

Postal address:

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

34 Te Rore Lane

Waimate North

Postcode 0472

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.

15. Billing details continued...

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)

Robert John Ruston

Signature:

(signature of bill payer)

Date 02 March 2026

MANDATORY

16. 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 may apply for 2 or more resource consents that are needed for the same activity on the same form.

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

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

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.

17. Declaration

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

Name (please write in full)

Robert John Ruston

Signature

Date 02 March 2026

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

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

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

Robert Ruston

Far North District Plan

PROPOSED SUBDIVISION

34 Te Rore Lane, Waimate North

PLANNING REPORT AND ASSESSMENT OF ENVIRONMENTAL EFFECTS

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicant proposes to carry out a subdivision of their property on 34 Te Rore Lane, Waimate North, a private lane coming off Whakataha Road. The proposal creates a total of three lots (two additional) all in excess of 4ha.

Lot areas are as follows:

- Lot 1 4.56ha and containing the existing built development on the site;
- Lot 2 4.26ha vacant; and
- Lot 3 6.69ha, also vacant.

Access to the site is via an existing track coming off the end of Te Rore Lane. This track crosses a flat area and then winds down slope. It is intended to re-align the track at its upper end to better suit topography and detour away from existing built development within Lot 1.

Right of way is proposed over the track to gain access over Lot 1 in favour of Lots 2 and 3.

Refer to the scheme plan in Appendix 1.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent under the District Plan for a subdivision as a discretionary activity. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location:	34 Te Rore Lane, Waimate North. Location Plan is attached in Appendix 2.
Legal description:	Lot 7 DP 538506
CT:	898337, with an area of 15.5192ha, (copy attached in Appendix 3).

3.0 SITE DESCRIPTION

3.1 Physical characteristics.

The physical characteristics of the site are described in the Site Feasibility Appraisal by Gumboots Consulting Engineers supporting the application – refer Appendix 4. The property has a small flat area at its southern end, before falling away to the west and north over moderate to steep terrain. There are local variations in topography including ridgelines and gullies, some of which contain overland flowpaths/ minor water courses.

The property contains grass and scrubland with areas of regenerative bush. Small areas, where development is proposed, have been cleared.



Looking back up the sloping portion of the site in a southerly direction – shows typical vegetative cover

The property is zoned Rural Production in the Operative and Proposed District Plans. No high or outstanding landscape or natural features are identified within the site. The property is not within the coastal environment.

There are no cultural or heritage resources mapped within the site. The site is within a high density kiwi area. There are no mapped areas of significant indigenous vegetation within the actual site, however, the area adjacent to the river boundary (Waitangi River) at the bottom of the site is subject to protection via an existing consent notice such that any indigenous

vegetation or bush within that protected area cannot be cut down, damaged or destroyed. There is another small area further upslope subject to protection.

That same bush protection area contains LUC 3w soils which extend into Lot 3 on the river flats. All the sloped portion of the property exhibits poorer quality soils, while the top flat and extending down the slope portion of Lot 1, is mapped as containing LUC 2 soils.

The site is not mapped as being subject to any hazard.

The site is not serviced by Council 3 waters services.

3.2 Legal Interests

The Title is subject to several easements. These include:

Right (in gross) to convey electricity, telecoms and computer media in favour of Top Energy (EI 10313519.2);

Right of way, right to convey electricity and telecommunications, and a right to convey and drain water (EI 11552727.8);

Right (in gross) to convey electricity in favour of Top Energy (EI 11552727.9).

The property is also subject to Consent Notice 11552727.6, imposed when the lot was created; and to a privately imposed land covenant (11552727.7).

The Consent Notice contains clauses that will carry over onto all new lots, in regard to water supply; wastewater systems; and stormwater management – all applicable at time of building consent. There is also a clause stating that reticulated telecommunications services will remain the responsibility of new lot owners. This will carry over. There is a clause banning domestic dogs, and all cats and mustelids (working dogs allowed). This will carry over.

A clause specific to the application site and which will carry over onto lots resulting from the subdivision, is the protection of identified areas of indigenous vegetation and bush.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.

<p><i>(d) a description of any other activities that are part of the proposal to which the application relates:</i></p>	<p>Refer to Sections 3 and 5 of this Planning Report for existing activities within the site. The application is for subdivision.</p>
<p><i>(e) a description of any other resource consents required for the proposal to which the application relates:</i></p>	<p>No other consents are required other than that being applied for pursuant to the Far North Operative District Plan.</p>
<p><i>(f) an assessment of the activity against the matters set out in Part 2:</i></p>	<p>Refer to Section 7 of this Planning Report.</p>
<p><i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i></p> <p><i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i></p>	<p>Refer to Sections 5 & 7 of this Planning Report.</p>
<p><i>(3) An application must also include any of the following that apply:</i></p>	
<p><i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i></p> <p><i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i></p> <p><i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i></p>	<p>Refer sections 3 and 5.</p> <p>There is no existing resource consent. Not applicable.</p> <p>The site is not within an area subject to a customary marine title group. Not applicable.</p>

Clause 4: Additional information required in application for subdivision consent

<i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i>	
<i>(a) the position of all new boundaries; (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan; (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A; (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A); (g) the locations and areas of land to be set aside as new roads.</i>	Refer to Scheme Plans in Appendix 1.

Clause 5: Additional information required for application for reclamation – not applicable.

Clause 6: Information required in assessment of environmental effects

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation</i>	Refer to Section 6 of this planning report.

<i>measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons are identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of effects does not warrant any.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The proposed activity will have no adverse, effects on the physical environment and landscape and visual amenity values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6.0. The proposal will not result in adverse effects in regard to habitat and ecosystems.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6, and above comments
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The subdivision site is not subject to natural hazards and does not involve hazardous installations.

5.0 COMPLIANCE ASSESSMENT

5.1 Weighting of the Plans

The proposal is subject to the Proposed District Plan (PDP) process, whereby the PDP was publicly notified on 27th July 2022. The site is zoned Rural Production under the PDP. When the PDP was first notified there were a number of rules which were identified as having immediate legal effect. As such, an assessment of the relevant rules and related objectives and policies of the PDP form part of this application.

In regard to the weighting of the Plans, submissions and further submissions have closed (including those to Variation 1) and hearings have been completed. However, decisions on submissions have yet to be notified. I have not identified any rules in the PDP, relevant to this proposal that had immediate legal effect from July 2022, and as such this application gives no weight to any PDP rules.

5.2 Operative District Plan Zoning

The property is zoned Rural Production. No Resource features apply. The subdivision standards applying in the zone are contained in Table 13.7.2.1 as shown below.

TABLE 13.7.2.1: MINIMUM LOT SIZES

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved.

The proposal is for three lots with minimum area of 4ha, where titles are younger than April 2000. The application is therefore a discretionary subdivision activity.

Zone Rules:

I have not identified any zone rule breaches.

District Wide Rules:

The application is not subject to chapter 12.1 as there is are no outstanding landscapes or features on the site.

Chapter 12.2 Indigenous Vegetation Clearance is not relevant as no clearance is required.

Chapter 12.3 Excavation/Filling - Section 17.6 of the supporting Site Feasibility Appraisal (refer to Appendix x) addresses site access, including where it is proposed to re-align a section of it away from existing built development to be within Lot 2. Proposed building areas and internal access track area already largely formed/prepared. Subdivision works will include the access re-alignment shown in Section 17.6. This will require earthworks which is expected to remain within the zone's permitted volume and average cut / fill face height thresholds, as set out in Section 12.3 of the ODP.

Chapter 12.4 (Natural Hazards) is not relevant to the application. There are no natural hazards applying to the site and building sites can be provided with sufficient buffer between future residential units and scrubland.

The proposal is not subject to Chapter 12.5 (Heritage) as there are no heritage or cultural resources mapped for the site, nor Chapter 12.7 (Waterbodies) as there are no qualifying waterbodies from which setback is required. No works is proposed in any indigenous wetland.

An assessment of the proposal against Chapter 15.1.6C.1.1 to 11 has been carried out. Access to Lots 1-3 is to be via existing appurtenant right of way off Whakataha Road (private access named Te Rore Lane). This provides access to Lots 2-7 DP 538506, Lot 7 being the application site. The addition of two lots brings the total served to 8 titles.

Rule 15.1.6C.1.1(a) requires access to be constructed/formed to the standards required in the ODP. Te Rore Lane was required to be to 5m metal carriageway by way of conditions of the consent that resulted in DP 538596. Given s224c was duly signed off, with design approved at 223 stage, it can be assumed Te Rore Lane is to 5m width.

Internal to the site, Right of Way B will need to be 3m metal carriageway width with passing bays and drainage, and Rights of Way C and D to 3m metal carriageway with no requirement for passing bays.

Rule 15.1.6C.1.5 specifies vehicle crossing standards. Where crossings are required off rights of way into the lot itself, they will be to the required rural standard.

No district wide rules in the ODP are applicable.

5.2 Proposed District Plan (PDP) Assessment

There are certain rules that have been identified in the PDP as having immediate legal effect and that may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.

There are no scheduled sites or areas of significance to Maori, significant natural areas or any scheduled heritage resource on the site, therefore these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

Subdivision site works will involve clearance of vegetation for the re-alignment, however this is predominantly gorse and other weed species.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. Earthworks will be required to give effect to the subdivision in the upgrading of access and crossings. This can be carried out in compliance with the above referenced rules/standards.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Orongo Bay Zone.

There are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment Sizes and Dimensions

All lots are in excess of 4ha, and have been shown to be able to provide for future residential development. The proposed additional lots are of an appropriate size and dimension for such development, easily accommodating a 30m x 30m square building envelope complying with setback requirements.

6.2 Property Access

It is proposed to access all lots off existing formed access, to and over Lot 1 with the exception of the re-alignment of the downslope access road to more it east. Private right of way will be formed to the appropriate standard where it is not already.



Existing access across the top flat within Lot 1, looking back towards Te Rore Lane.

Te Rore Lane is assumed to be to the 5m metal carriageway width required by the consent creating the application site.

6.3 Excavation and/or Filling

Earthworks is required for the re-aligned access and upgrading of existing tracks. It is expected that earthworks will not exceed the ODP's permitted activity standards. It will be done subject to standard ADP and have the necessary Erosion and Sediment Control measures in place for the duration of the works.

6.4 Natural and Other Hazards

Please refer to the Site Feasibility Appraisal (SFA) supporting the application (Appendix 4). This confirms that the subject site is not within any flood hazard extent area. The report identifies no natural hazard to which the site is susceptible to – refer to Table 1.2 in the appraisal's section 10.2.

The SFA includes Geotechnical Appraisal. It contains recommendations in regard to Developable Areas in Lots 2 & 3 (Lot 1 already having some built development).

The property is not listed as a HAIL site by Northland Regional Council [source: NRC online maps], or on Far North Maps.

6.5 Water Supply

There is no Council reticulated water supply available to the property. The existing consent notice that will carry over onto all new titles already has a clause regarding the provision of potable and fire fighting water supply.

6.6 Stormwater Disposal

Refer to the SFA in Appendix 4, specifically Sections 19-22 inclusive. It is considered that the subdivision will not change the existing stormwater flow paths. A Low Impact Design Approach to stormwater management is suggested. All lots will be able to meet the zone's permitted impermeable surface coverage.

Stormwater management is assessed against the criteria in 13.10.4 of the ODP – refer to Table 1.5 in section 22 of the SFA.

6.7 Sanitary Sewage Disposal

Refer to Sections 23-26 of the SFA in Appendix 4. Site feasibility appraisal was based on a three bedroom house with design occupancy of 5 people. There is sufficient land in each lot for land application of effluent disposal via a dripline system, plus 100% reserve area.

The SFA suggests that a site specific onsite wastewater management system appraisal can be provided a building consent stage when specific design details are known.

An assessment of wastewater management against the criteria in 13.10.5 of the ODP is provided in the SFA, Section 26, Table 1.6.

6.8 Energy Supply & Telecommunications

Energy supply and telecommunications are not a requirement of rural subdivisions. The application site is already subject to the following consent notice:

Reticulated telecommunication services are not a requirement of this subdivision consent. The responsibility for providing telecommunication services will remain the responsibility of the property owner.

Whilst this refers only to telecommunications, the consent that included the consent notice did not require the consent holder to provide electricity to the lots either.

In the interests of completeness, it is suggested that a consent notice apply to this current application advising future lot owners that electricity supply is not a condition of the consent and power has not been reticulated to the boundary of the lot. The lot owner is responsible for the provision of a power supply, including any supply required to operate any on-site

aerobic wastewater treatment plant and any other device which requires electrical power to operate.

6.9 Easements for any purpose

The property serves as host to an existing appurtenant easement (shown A on the scheme plan). New easements B, C and D are proposed internal to the site. All lots will be subject to Top Energy's existing easement in gross for electricity. Refer to the Scheme Plan in Appendix 1.

6.10 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

Heritage/cultural Resources

The application site does not contain any Notable Tree, Historic Site, Building or Object, archaeological site, or Site of Cultural Significance to Maori. Neither does it contain any NZAA recorded archaeological sites. There are two sites of significance to Maori on properties near, but not immediately adjacent to the application site. One is a marae further up Whakataha Road to the south and is not impacted at all by the proposal. The other is on land to the north and west of the application site and again is not adversely affected by development within the application site noting the distance between the site of significance and any developable area.

Landscape

The application site does not contain any area mapped as Outstanding Natural Feature or Landscape Feature, nor any Outstanding Landscape.

Flora and Fauna

The application site contains three areas set aside for bush protection – shown Y (within Lot 1), ZA (within Lot 2) and ZB (within Lot 3). These will remain protected and subject to the existing consent notice. In addition, the title is subject to a consent notice banning cats, dogs or mustelids from being introduced onto the lot, with the exception of working stock dogs. This will carry over onto all three lots proposed.

6.11 Access to Reserves and waterways

There are no qualifying waterbodies forming the boundary to any lot less than 4ha in area. No public access is required. The subdivision does not adversely affect waterbodies given the size of the lots and distance between areas of proposed development and the river.

6.12 Land use compatibility (reverse sensitivity)

The current 'rural' character of the area is one of residential development set amongst larger holdings. In several instances in the Waimate North area development is clustered into pockets of residential homes. I do not believe the addition of two additional lots, likely to

support residential development on reasonably large holdings, will create any additional reverse sensitivity issues.

6.13 Top Energy Transmission Lines

Existing transmission lines cross the site and are protected by way of easement in gross. Proposed build sites are clear of that easement and the lines within them.

6.14 Proximity to Airports

The site is not near any airport.

6.15 Building Locations

The applicant has, to large degree, already identified likely building platforms on the lots (noting there are already buildings within Lot 1). These have been checked from a geotechnical/hazard perspective and considered suitable.

7.0 STATUTORY ASSESSMENT

In accordance with Section 104(1)(b) of the Act, the following documents are considered relevant to the application.

7.1 National Policy Statements & Standards

The National Policy Statement for High Productive Land (NPS HPL) has been considered given that the property is zoned Rural Production and there are areas of 'highly productive land' (by definition).

The site features a small top plateau before descending downslope towards the river flats. This upper plateau area is mapped as being part of a larger area of LUC class 2 soils, extending to the south and away from the application site. All of the LUC class 2 soils that are mapped as within the application site are to remain within Lot 1 of 4.56ha and therefore not fragmented. Lot 1 already contains access and built development.

The sloping land, including proposed building sites and access within Lots 2 & 3 is all LUC class 6 land, evidenced by scrubby vegetation dominated by weed species.

The riparian area alongside Waitangi River is mapped as LUC class 3 (wet) and it is proposed to have some of this land in Lot 2 and some in Lot 3, which may on the face of it, appear to be subdividing (fragmenting) highly productive land. However, the LUC class 3 soils co-incide for the most part with bush protection covenant areas ZA and ZB which would render that land as unavailable for productive use.

Theoretically it would be possible to amend lot boundaries to ensure that all of the low lying (and usable) LUC 3 soils are within a single property but that would seem impractical given the topography and a desire for both Lots 2 & 3 to have river frontage (an amenity consideration).

I believe the Council can exercise its discretion in regard to assessment pursuant to the NPS HPL. I have addressed the NPS HPL below.

Clause 3.5(7) reads:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2, or 3 land; but

(b) is not: (i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

Since then, in January 2026, the above 'definition' was amended to include after (b) a new clause (c) :

Subject to a resource consent application for subdivision, use or development on LUC 3 land for any activity other than rural lifestyle...

There is no definition of "rural lifestyle" offered in the NPS HPL. It is debatable as to whether the creation of lots in excess of 4ha in area can be called 'rural lifestyle', especially as the only guidance we have to what 'rural lifestyle' actually means, in the context of any planning provisions applicable to this site, is the Proposed District Plan's Rural Lifestyle Zone. This zone was originally proposed to have a minimum lot size of 4ha but, following hearings, is now recommended to have a minimum controlled activity lot size of 2ha, and discretionary of 1ha. The application's lots are more than double that. In addition future built development can occur on all lots outside of any highly productive land, thereby not sterilising any (not removing any from remaining available).

The first point made in this assessment therefore, is whether the LUC 3 soils can actually be considered by the Council given the addition of clause (c) to be excluded from the definition of 'highly productive land' in the first place.

The second point is that the LUC 2 soils are the northern extreme of a larger area and likely should not extend downslope to the extent mapped given that the topography and underlying geology and soil characteristics change markedly from the top plateau area down onto the slopes and gullies dominating most of the application site. In any event all of the LUC 2 soils will remain in a single lot over 4ha in area and which already accommodates access and built development.

The third point is that the LUC 3w soils near the Waitangi River largely coincide with bush protection areas. This demonstrates an example of 'competing' national policy statements, namely Indigenous Biodiversity and Highly Productive Land.

Notwithstanding the above comments, an assessment of the proposal against the Objective and Policies of the NPS-HPL follows:

2.1 Objective:

Highly productive land is protected for use in land-based primary production, both now and for future generations.

The subdivision does not remove any 'highly productive land' that is currently available, from continuing to be available.

2.2 Policies

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production.

This policy is aimed at territorial authorities rather than individual landowners.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

This is a regional council and district council responsibility in their role as policy and plan writing and administration.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

As with Policy 2 this is a a regional council and district council responsibility in their role as policy and plan writing and administration.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

This is again aimed at territorial authorities when writing their policies. Notwithstanding that, the subdivision layout being put forward does not prevent the existing available highly productive land within the site from continuing to be used for land-based primary production.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Individual land owners are not responsible for urban rezoning.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

There is an existing area of built development within Lot 1, likely to the focus of future re-development within that lot, i.e. this is not new development. There is also existing access. Development areas within Lots 2 & 3 are not within highly productive land.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

I believe I can demonstrate in my assessment below that the subdivision of the LUC 3w land (specifically Lots 2 & 3) is provided for in the NPS. The LUC 2 soils within the application site are not being subdivided/fragmented.

Policy 8: Highly productive land is protected from inappropriate use and development.

Refer to comments under Policy 6 above.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The proposal sees three lots, one of which has existing built development. The surrounding area to north and west is dominated by bush, and to the south there are several smaller holdings with residential use. To the east there is a large working farm. The proposal is consistent with the existing land use pattern. I do not believe the proposal will create any reverse sensitivity effects that will constrain land-based primary production activities on highly productive land, none of which is adjacent or near proposed developable areas within Lots 2 & 3.

Section 3.8 of the NPS HPL reads:

3.8 Avoiding subdivision of highly productive land

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

(b) the subdivision is on specified Māori land:

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

Parts (b) and (c) of (1) do not apply. However, I believe part (a) does apply. Lot 1 contains the better quality soils as well as the existing built development within the underlying title. This is not changing and therefore does not impact on the overall productive capacity of the subject land. The LUC 3w soils next to the river are predominantly in bush protection areas, particularly within Lot 2. Some of the LUC 3w soils within Lot 3 are outside the bush protection area and are in pasture and this will remain the case. Again, therefore, the proposal does not impact on the overall productive capacity of the subject land.

Clause (2) can also be satisfied. There is no cumulative loss of the availability and productive capacity of highly productive land in the district, for the reasons outlined above. And reverse sensitivity effects on surrounding land-based primary production activities on highly productive land can be mitigated, primarily through the large lot size being proposed and the ability to internalise built development and/or establish screening vegetation if

necessary, e.g. along a boundary with pasture land, and the distance between proposed development areas and any nearby highly productive land.

Clause 3.9 of the NPS HPL requires the avoidance of inappropriate use or development of highly productive land that is not land-based primary production. This clause is aimed at activities on the land as opposed to subdivision, with 3.8 dealing with the latter. Notwithstanding this, there is existing built development and access within the LUC 2 soils; and the proposal avoids inappropriate use or development of the LUC 3w soils beside the river.

Clause 3.10 of the NPS HPL provides exemptions for highly productive land that is subject to permanent or long-term constraints. This is the part of the NPS HPL that I believe exempts the LUC 3 soils from consideration.

3.10.1(a)

Are there permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years

Yes in terms of the land identified as LUC 3w alongside the river. This land is covenanted for bush protection.

3.10.1(b)(i)

Does the development avoid any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district?

Yes. The key word is 'significant'. The proposal does not represent any significant loss of productive capacity of highly productive land in the district. The land at the top of the property that is LUC 2 already has buildings and access within it, and is remaining in one title. The land along the river is a long strip of wet alluvial soils already fragmented as the river passes through a multitude of properties. It is now protected bush covenant. The proposal avoids any significant loss of productive capacity of highly productive land.

3.10.1(b)(ii)

Does the development avoid the fragmentation of large and geographically cohesive areas of highly productive land?

Yes. The area of LUC 2 within the site is a small edge of a larger area. That area is already substantially fragmented by the creation of multitude titles (historic subdivision pattern). The proposal retains the LUC 2 within one lot, thereby avoiding further fragmentation. The LUC 3 soils alongside the river is restricted to a 'strip' of wet alluvial soils along river flats already fragmented by multiple titles adjoining the river. As such the LUC 3 soils within the site are already not what I would consider a large and geographically cohesive area of highly productive land.

3.10.1(b)(iii)

Does the development avoid if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use or development?

Yes, for reasons already outlined in this assessment reverse sensitivity effects can be mitigated.

3.10.1(c)

Do the environmental, social, cultural and economic benefits of the subdivision, use or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values?

Yes. I do not believe the proposal represents a 'loss' of available highly productive land within the site in the first instance. In addition, the LUC 3 soils alongside the river are also within bush protection covenant area, or in the case of Lot 3, entirely within that lot. I believe there is an environmental benefit in terms of encouraging bush (riparian) protection.

3.10.2

In order to satisfy subclause (1)(a) it must be demonstrated that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land...

The only highly productive land through which a lot boundary is proposed is the LUC 3 soils alongside the river. Also alongside the river are two bush protection areas. Whilst it would be possible to ensure that all of the LUC 3 soils remain within a single lot, this would lead to impractically shaped lots. The very small area of grass within bush covenant area to be within Lot 2 is of no practical or economic value in terms of land based production due to inaccessibility, small area, and the fact that it is within a bush protection covenant area. Any other available grazing land that is LUC 3 is totally within Lot 3.

In summary I consider the 'subdivision' to be one that is "provided for" by the NPS HPL and the Council need not consider itself compelled to 'avoid' such subdivision.

The National Policy Statement for Indigenous Biodiversity (NPS IB) has been considered and the proposal is considered consistent with it noting existing bush protection covenants and minimal clearance requirements elsewhere.

The National Policy Statement and corresponding National Environmental Standard for Freshwater have also been considered, however are not overly relevant given no development is likely near a water body, and noting also that the river's entire riparian margin is subject to protection.

The site is not known to ever have supporting any industry or activity that would make the NES for Assessing and Managing Contaminants in Soil to Protect Human Health relevant.

7.2 Regional Policy Statement for Northland (RPS)

I do not consider the proposal to be inconsistent with any relevant objectives and policies in the RPS for Northland. The proposed lots will result in additional built development, but the proposal does not result in any material loss in productivity and does not result in significant reverse sensitivity effects. The site is not subject to hazard. The site is not coastal and has no high or outstanding natural character or landscape values, and no heritage/cultural values.

Areas of indigenous vegetation the site are already subject to protection.

7.3 District Plan Objectives and Policies

The Rural Production zone is an enabling zone, providing for a variety of activities subject to avoiding, remedying or mitigating adverse effects and compatibility with the amenity values of rural areas and rural production activities. I consider the proposed subdivision to be consistent with the zone's objectives and policies.

OBJECTIVES

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

The subdivision is consistent with both the above objectives. It promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate subdivision that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and adverse effects are minimal.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

The property has no outstanding landscape values, and is not within the coastal environment. There are no 'scheduled heritage resources' identified in the District Plan on the property.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

On-site water supply and on-site stormwater management can be achieved.

13.3.7 To ensure the relationship between Māori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for and associated

Policy 13.4.11 That subdivision recognises and provides for the relationship of Māori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

There are no mapped sites of significance to Māori within the property. The proposal is low density. There are no substantial waterbodies.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

Proposed subdivision

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

Power supply is not a requirement of rural subdivision.

POLICIES

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on: (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses.

I believe the subdivision has less than minor impact on the relevant matters listed in the above policy.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Access to the site is off Council maintained public road. Rights of way and crossings into each lot can be constructed to a practical and safe standard. The site is not subject to hazards.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

There is some limited indigenous bush within the site, already subject to protective covenant. The application site is also subject to a consent notice banning cats, dogs and mustelids, with an exception for working dogs. The property is not located within the coastal environment. No known heritage resources exist on the application site. The site does not contain any outstanding natural landscape or features.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

Future lots will be responsible for their own on-site water storage.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters.....

s6 matters are discussed elsewhere in this report. The subdivision does not adversely affect the character of the Rural Production Zone in regard to s6 matters, or any of those matters listed in 13.4.13.

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The Objectives and Policies of the Rural Production Zone have been considered in the design and layout of the subdivision and I consider the subdivision to be consistent with those objectives and policies.

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

The proposal creates three (two additional) lots, all in excess of 4ha in area, in the Rural Production Zone, a scenario provided for in the District Plan. I believe that this proposal represents sustainable management for the zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

I believe the proposal provides for the efficient use and development of land. Lots 1-3 are close to a major road network and towns.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

The proposal does not adversely affect amenity values of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

The property does not contain any protected natural areas as identified by the Department of Conservation. There are small areas of indigenous vegetation within the site and these are already subject to protection.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

The proposal is not a land use activity. I have not identified any likely conflicting land uses that cannot be mitigated.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

This policy relates to land use activities, not subdivisions. N/A.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

Proposed subdivision

The proposal is a subdivision rather than a land use activity, and does not pre-determine any future land use that may take place on any lot.

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

The site is in scrubland with limited areas of bush and very limited grazing. The subdivision does not change this. The zone provides for this use and a wide range of other activities, including residential living.

8.6.4.2 That standards be imposed to ensure that the offsite effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

Again, this policy is directed at land uses, not subdivisions.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

The proposed subdivision scale and intensity meets discretionary subdivision standards and is consistent with the requirements and expectations of the District Plan.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

I believe the proposal represents efficient use and development of the physical and natural resources.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities.

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

Refer to earlier comments in regard to reverse sensitivity. I believe any potential adverse effects can be readily avoided, remedied or mitigated. The proposal is not increasing the risk of reverse sensitivity issues to the local area. The proposal will not prevent existing lawfully established activities from continuing to operate.

7.4 Proposed District Plan Objectives and Policies

The property is zoned Rural Production under the PDP. An assessment of the proposal against the zone's Objectives and Policies follows:

RPROZ-O1

The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

Proposed subdivision

The proposal does not impact unduly on the availability of land for primary production, a land use already quite restricted given the site's physical characteristics.

RPROZ-O2

The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

This objective is in a zone chapter, not subdivision, and is aimed at 'activities'.

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.*

Whilst there is some highly productive land within the site, the two areas are quite separate from each other. The area of LUC 2 soils at the top end of the site remains within one lot and already has access and buildings established within it. The area of LUC 3 soils at the bottom end of the site, to be within Lots 2 & 3 is partially subject to bush protection covenant and will not support any activity in the future that would 'sterilise' the land. Any primary production activity within the site and on adjacent sites will not be constrained as a result of the proposal. The site is not subject to hazards. New lots will be fully on site self serviced.

RPROZ-O4

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

The subdivision will not adversely impact on rural character and amenity.

RPROZ-P1

Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

The proposal is not for a primary production activity. Not applicable.

RPROZ-P2

Ensure the Rural Production zone provides for activities that require a rural location by:

- a. enabling primary production activities as the predominant land use;*
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

Activity based policy. Not applicable.

RPROZ-P3

Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

Refer to earlier comments in regard to reverse sensitivity.

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.

The subdivision is a low-density development, consistent with the level of density provided for by the ODP. The area is not dominated by high intensity agriculture or horticultural use – which are the type of uses that can generate reverse sensitivity issues if not managed. I believe the proposal will maintain the rural character and amenity of the area.

RPROZ-P5

Avoid land use that:....

N/A. Activity is not a land use.

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:
 1. the type of farming proposed; and
 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
- c. provides for rural lifestyle living unless there is an environmental benefit.

The subdivision will not result in the loss of highly productive land for reasons outlined earlier in this report. The proposal maintains an environmental benefit insofar as the areas of indigenous vegetation set aside for protection.

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: ...

The proposal does not require consent under the PDP's zone provisions and is not a land use activity in any event, so the policy is of limited relevance.

Subdivision objectives and policies:

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.

I believe that the proposed subdivision is more consistent than not with the zone's objectives and policies, and any relevant district wide objectives and policies. I believe it will result in the efficient use of land. It represents an opportunity to contribute to the local character and sense of place and avoids reverse sensitivity issues. The proposal does not increase risk from natural hazards and does not create adverse effects on the environment.

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.*

The subdivision creates lots of a size that enables ongoing use of the limited amount of highly productive land within each lot. The site displays none of the features listed in part (b) other than river margins, and these areas are already subject to protection.

SUB-O3

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

- a. *there is existing infrastructure connection, infrastructure should 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.*

There is no planned infrastructure for the wider area. On-site infrastructure can be utilised for wastewater, stormwater and potable water supply.

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. *public open spaces;*
- b. *esplanade where land adjoins the coastal marine area; and*
- c. *esplanade where land adjoins other qualifying waterbodies.*

The site is rural and there is no lot of less than 4ha adjacent to any qualifying waterbody.

SUB-P1

Enable boundary adjustments that:...

Not applicable.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not applicable.

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.

The subdivision is more consistent than not, with the purpose and qualities of the zone, largely because it is low overall density, maintains character, and the site contains only limited areas of highly productive land, the productive capacity of which is not unduly impacted by the subdivision. Whilst the proposed lots do not 'comply' with the PDP's minimum lot sizes for the zone, the lots are nonetheless able to provide for building platforms. They have / can 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

The subdivision does not adversely impact on natural environmental values, nor historical and cultural values. The site is not subject to hazards.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to

Not applicable.

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 is in accordance the purpose, characteristics and qualities of the zone.*

This is a rural area with no planned infrastructure improvements on the part of the Council. Future lot owners will be responsible for on-site infrastructure of wastewater, stormwater and potable water.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.

Not applicable.

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.*

Part (a) cannot literally be met (by any development) because there are no 'qualifying SNA's'. Notwithstanding this, areas of indigenous vegetation within the lots are subject to ongoing protection. The proposal is therefore consistent with part (a), albeit for the reasons outlined earlier in this report, I do not consider lots in excess of 4ha fit within the Council's description, objectives and policies of its Rural Lifestyle Zone. I believe the proposal is consistent with part (b) for reasons outlined earlier in this report.

Proposed subdivision

SUB-P9

Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The subdivision is not a management plan subdivision.

SUB-P10

To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

Not applicable.

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 subdivision does not require consent under the PDP so the above policy is of limited relevance. Notwithstanding this, relevant matters in SUB-P11 have been considered.

8.0 NOTIFICATION ASSESSMENT & CONSULTATION

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. None of these circumstances apply. Step 2 of s95A specifies the circumstances that preclude public notification. Neither circumstance exists therefore public notification is not precluded and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. The application is not subject to a rule or national environmental standard that requires public notification. This report and AEE concludes that the activity will not have, nor is it likely to have, adverse effects on the environment that are more than minor. In summary public notification is not required pursuant to Step 3 of s95A.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified

pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. No such group or persons exist in this case. Step 2 of s95B specifies the circumstances that preclude limited notification. Neither circumstance applies and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, in this case being any identified pursuant to s95E. The s95E assessment below concludes that there are no affected persons to be notified.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor, therefore no public notification is required.

8.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity.

The size and layout of the proposed lots is consistent with the zone's discretionary activity threshold. Access to the lots is existing or can be formed to the required standard. The presence of indigenous vegetation is acknowledged and such areas are already subject to protection. The site is already subject to dog/cat restrictions.

I have not identified any affected persons in regard to adjacent properties. There are no identified Sites of Significance to Māori within the site, and no archaeological sites. The site is not coastal. With less than minor effects on any habitat, including water bodies, and no impact on DOC's ability to manage its resources, it has not been considered necessary to consult with DOC prior to lodging the application.

9.0 PART 2 MATTERS

5 Purpose

(1)The purpose of this Act is to promote the sustainable management of natural and physical resources.

The proposal is considered to have had adequate regard to Part 2 matters. I believe the proposal fulfils the Purpose in s5.

6Matters of national importance

(a)the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b)the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c)the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d)the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards.

The site is not within the coastal environment and there are no wetlands, lakes or rivers adversely affected by the proposal. The site does not have any outstanding landscape values. There is some indigenous bush on the property, already subject to protection. No public access is required to any lake or river. There are no culturally significant areas within the application site, and no identified heritage values. There are no significant risks from natural hazards.

7 Other matters

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

In regard to "other matters" (s7), I see (c) the maintenance and enhancement of amenity values; (d) intrinsic values of ecosystems; and (f) maintenance and enhancement of the quality of the environment as having relevance. All lots are large enough to provide for house sites and on-site services. The proposal represents the efficient use and development of resources. It has minimal, if any, adverse effect on amenity values or the intrinsic values of ecosystems.

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

I have not identified anything in the proposal that gives offence to, or is contrary to, s8.

10.0 CONCLUSION

The proposed subdivision is of a type and density considered consistent with the Operative District Plan, and more consistent than not with the objectives and policies of the Proposed District Plan.

No significant adverse effects will arise from the activity. There has been no need to consider alternatives. All effects can be appropriately and adequately avoided, remedied or mitigated such that the proposal will result in less than minor effects on the environment. No affected persons have been identified and limited notification is not required.

The relevant provisions of Part 2 of the Act have been addressed. The proposal is considered consistent with the objectives and policies of relevant planning provisions in National Policy Statements and the Regional Policy Statement.

It is requested that the Council give favourable consideration to the application and grant approval, subject to appropriate conditions, under delegated authority.



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Dated

2nd March 2026

11.0 LIST OF APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	Locality Plan
Appendix 3	Record of Title & Relevant Instruments
Appendix 4	Site Feasibility Appraisal

Appendix 1

Scheme Plan(s)

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

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council

Comprised in: 898337

Total Area: 15.5192ha

Zoning: Rural Production

Resource features: NIL

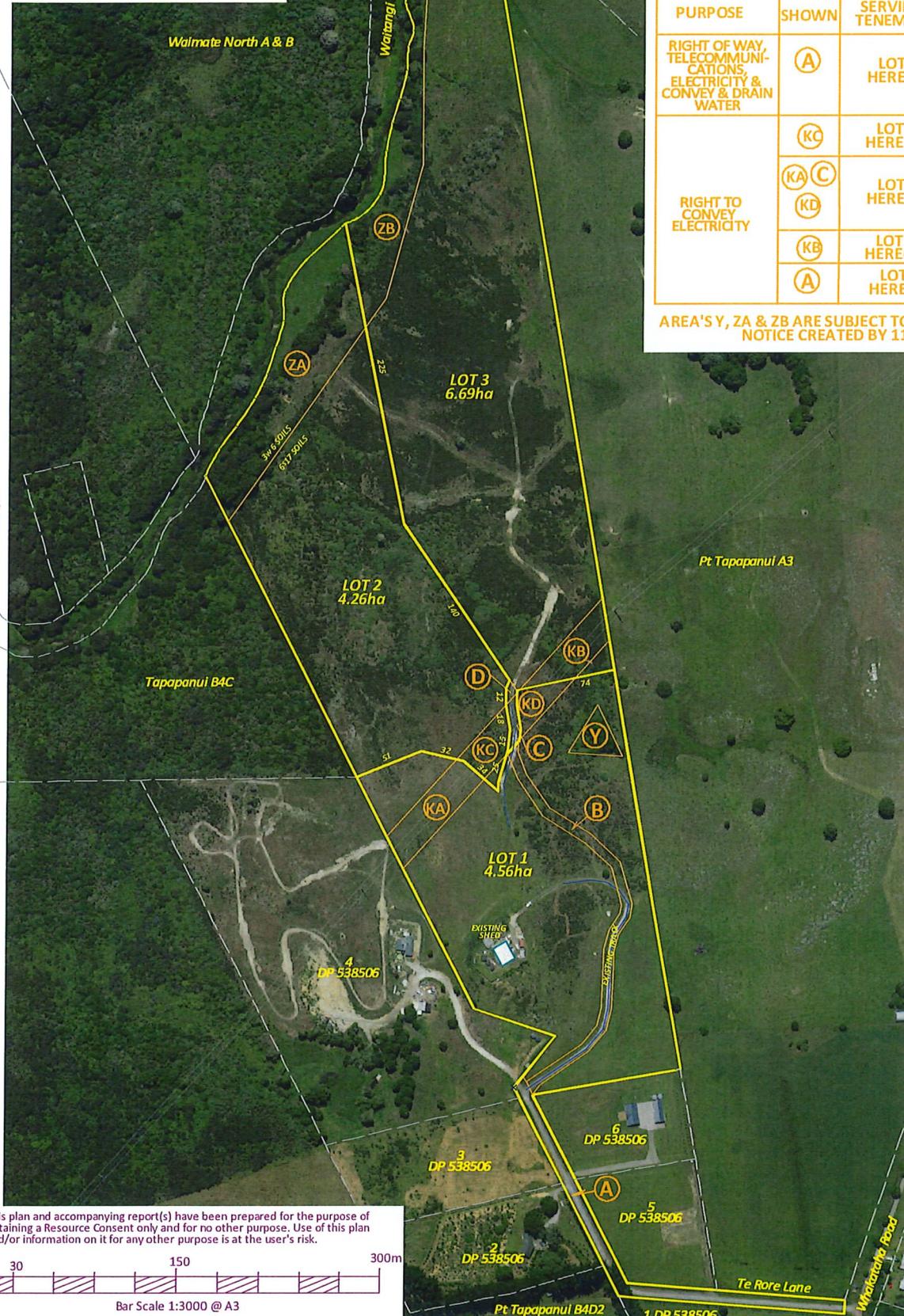
MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)(B)	LOT 1 HEREON	LOTS 2 & 3 HEREON
	(C)(D)	LOT 3 HEREON	LOT 2 HEREON

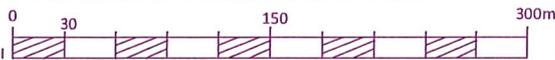
EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOC
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & CONVEY & DRAIN WATER	(A)	LOT 1 HEREON	EI 11552727.8
	(KC)	LOT 2 HEREON	EI 10313519.2
RIGHT TO CONVEY ELECTRICITY	(KA)(C)	LOT 1 HEREON	EI 10313519.2
	(KB)	LOT 3 HEREON	EI 10313519.2
	(A)	LOT 1 HEREON	EI 11552727.9

AREA'S Y, ZA & ZB ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 11552727.6



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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 7 DP 538506

PREPARED FOR: RUSTON

Name	Date	ORIGINAL	SHEET SIZE
Survey			
Design			
Drawn	SL 17.04.25		
Approved			
Rev	KY 02.02.26	1:3000	A3
10754 SCHEME 20260202			

Surveyors Ref. No:

10754

Series

Sheet of

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Comprised in: 898337

Total Area: 15.5192ha

Zoning: Rural Production

Resource features: NIL

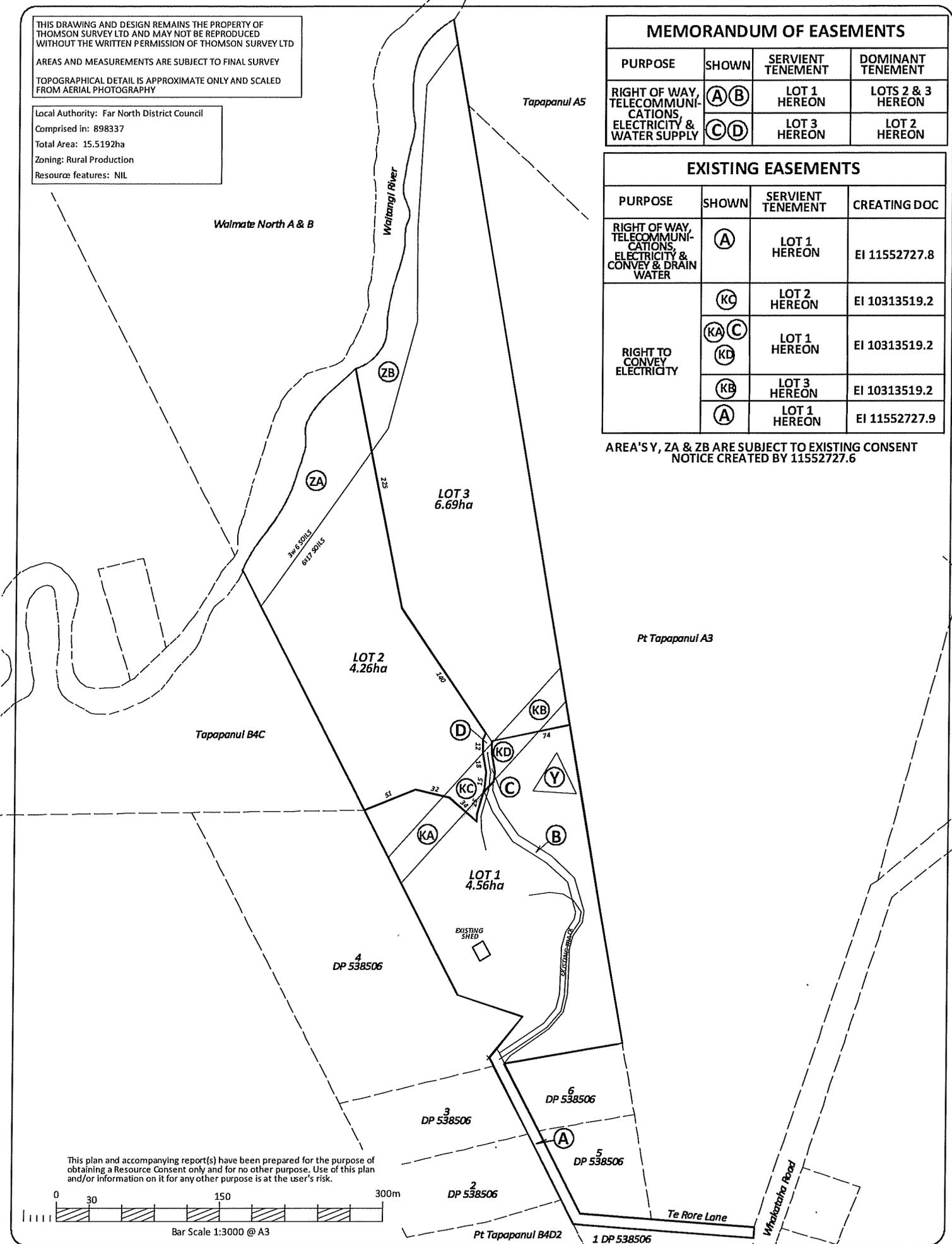
MEMORANDUM OF EASEMENTS

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RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)(B)	LOT 1 HEREON	LOTS 2 & 3 HEREON
	(C)(D)	LOT 3 HEREON	LOT 2 HEREON

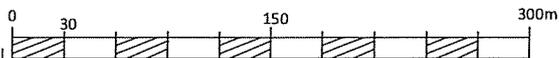
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PURPOSE	SHOWN	SERVIENT TENEMENT	CREATING DOC
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	(KC)	LOT 2 HEREON	EI 10313519.2
RIGHT TO CONVEY ELECTRICITY	(KA)(C)	LOT 1 HEREON	EI 10313519.2
	(KD)	LOT 1 HEREON	EI 10313519.2
	(KB)	LOT 3 HEREON	EI 10313519.2
	(A)	LOT 1 HEREON	EI 11552727.9

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PROPOSED SUBDIVISION OF LOT 7 DP 538506

PREPARED FOR: RUSTON

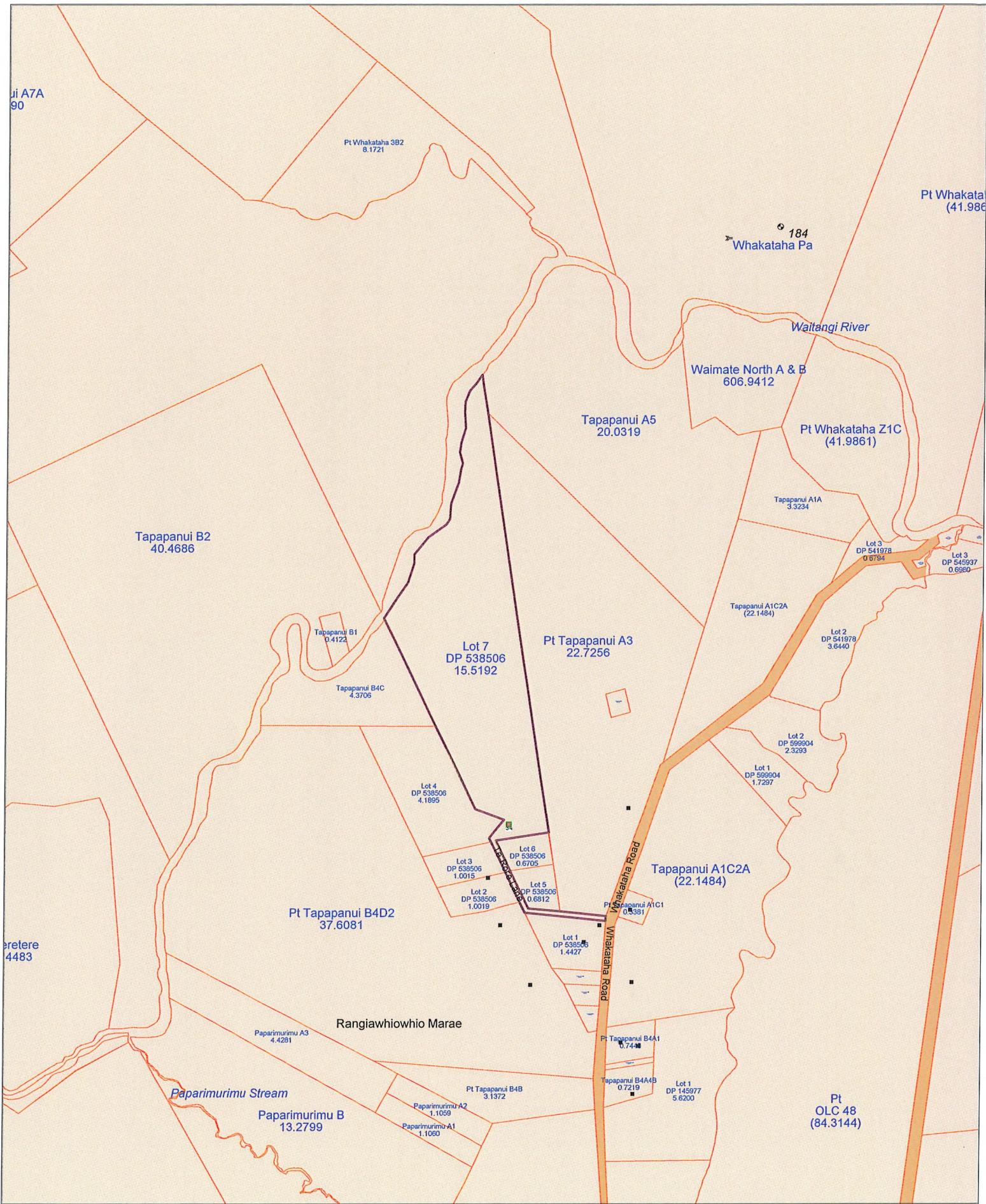
Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:3000	A3
Design			
Drawn	SL 17.04.25		
Approved			
Rev	KY 02.02.26		
10754 SCHEME 20260202			

Surveyors Ref. No: 10754

Series Sheet of

Appendix 2

Locality Plan



Appendix 3

Record of Title & Relevant Instruments



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




R. W. Muir
Registrar-General
of Land

Identifier 898337
Land Registration District North Auckland
Date Issued 04 August 2020
Prior References
NA15D/1110 NA51D/363

Estate Fee Simple
Area 15.5192 hectares more or less
Legal Description Lot 7 Deposited Plan 538506
Registered Owners
Alana Marie Derrick and Robert John Ruston

Interests

Subject to a right (in gross) to convey electricity, telecommunications and computer media over part marked K on DP 538506 in favour of Top Energy Limited created by Easement Instrument 10313519.2 - 2.9.2016 at 8:58 am
11552727.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.8.2020 at 8:46 am
Land Covenant in Covenant Instrument 11552727.7 - 4.8.2020 at 8:46 am
Subject to a right of way, a right to convey electricity and telecommunications, and a right to convey and drain water over part marked A on DP 538506 created by Easement Instrument 11552727.8 - 4.8.2020 at 8:46 am
Appurtenant hereto is a right to drain water created by Easement Instrument 11552727.8 - 4.8.2020 at 8:46 am
The easements created by Easement Instrument 11552727.8 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey electricity over part marked A on DP 538506 in favour of Top Energy Limited created by Easement Instrument 11552727.9 - 4.8.2020 at 8:46 am
Appurtenant hereto is a right to drain water created by Easement Instrument 11552727.10 - 4.8.2020 at 8:46 am
12302484.2 Mortgage to ASB Bank Limited - 6.12.2021 at 11:28 am



View Instrument Details



Instrument No 10313519.2
Status Registered
Date & Time Lodged 02 September 2016 08:58
Lodged By O'Reilly, Frances Mary
Instrument Type Easement Instrument

Affected Computer Registers	Land District
NA19C/426	North Auckland
NA51D/363	North Auckland

Annexure Schedule: Contains 11 Pages.

Grantor Certifications

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

Signature

Signed by Graeme Leslie McLelland as Grantor Representative on 13/10/2016 12:17 PM

Grantee Certifications

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

Signature

Signed by Hadleigh Morton Yonge as Grantee Representative on 11/10/2016 04:33 PM

*** End of Report ***

**Easement instrument to grant easement or profit à prendre,
or create land covenant**
(Sections 90A and 90F Land Transfer Act 1952)

Land Registration District
North Auckland

Grantor

GLORIA MARAEA GERTRUDE MCGREGOR ~~at Kaitiaki~~

[Handwritten signature]

Grantee

TOP ENERGY LIMITED ~~at Kaitiaki~~

[Handwritten signature]

Grant of Easement or Profit à prendre or Creation of Covenant

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

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; profit or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to convey electricity, telecommunications and computer media	Marked "K" on Deposited Plan 488711	NA51D/363	In gross
	Marked "L" on Deposited Plan 488711	NA19C/426 (All North Auckland Registry)	

[Handwritten signature]

Annexure Schedule 1

Page of Pages

Insert Instrument type

Easement Instrument

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

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

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

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

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

the provisions set out in the attached memorandum.

Covenant provisions

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

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

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

~~{Annexure Schedule _____}~~

FORM OF REGISTRABLE MEMORANDUM
SECTION 155A, LAND TRANSFER ACT 1952

Class of instrument in which provisions intended to be included

Easement

Easement rights and powers (including terms, covenants and conditions)

1. Grantee's Rights

1.1 The Grantee shall have the following rights and powers:

1.1.1 to Construct the Works and to remove, inspect, use, operate, repair, maintain, renew, alter, replace, upgrade, add to and modify the Works or any part of the Works on the Easement Area;

1.1.2 to convey, conduct, send, distribute, pass, convert, transport, transmit and receive electricity and telecommunications signals and computer media by means of the Works;

1.1.3 to undertake all tests, inspections, investigations and surveys that are reasonably necessary for the Grantee to exercise its rights under this Easement Instrument and in so doing the Grantee may:

- (a) drill for core samples and dig test pits;
- (b) Install and maintain testing and monitoring equipment;
- (c) take away samples from the Land for analysis;

1.1.4 to enter and remain on the Easement Area and such other part of the Land as is reasonably necessary in the circumstances with or without Vehicles, machinery and/or Equipment and with such personnel (including its employees, agents, contractors and/or consultants) for the purposes of exercising the Grantee's rights under this Easement Instrument and/or for accessing other adjoining land on which the Grantee has similar rights as those set out in this Easement Instrument;

1.1.5 to Construct, inspect, use, repair, maintain, renew, alter, remove and modify roads and access tracks on the Land, to modify adjacent fences (including boundary fences) on the Land and to remove or trim vegetation on the access tracks at the cost of the Grantee to the extent that is reasonably necessary for the Grantee to exercise its rights under this Easement Instrument with these rights to be exercised on the following terms:

- (a) where any new roads and/or access tracks on the Land are to be constructed such will be constructed by the Grantee as far as is

- practicably possible to enhance the land use operations on the Land by the Grantor;
- (b) If during the course of the construction of the Works on the Land the Grantee uses any existing roads and/or access tracks on the Land then these will be repaired and/or maintained as is necessary by the Grantee so that at the conclusion of the construction of the Works such roads and/or access tracks are left in as nearly as possible the same condition as they were in at the time of first entry onto the land by the Grantee;
 - (c) If the Grantee in the exercise of access to the Land for the purposes of inspection, use, repair, maintenance, renewal, alteration, replacement, upgrading, addition to or modification of the Works uses roads and/or access tracks on the Land it shall at the conclusion of such period of access repair and/or maintain those roads and/or access tracks to ensure that the same are left in as nearly as possible the same condition as they were in at the time of the commencement of the exercise of the Grantee's rights hereunder.
- 1.1.6 to Construct gates within fences (including boundary fences) located on the Land and to inspect, use, repair, maintain, renew, alter, remove and modify those gates at the cost of the Grantee to the extent that is reasonably necessary for the Grantee to exercise its rights under this Easement Instrument;
 - 1.1.7 to clear and keep the Easement Area clear of trees, shrubs, vegetation, structures (including fences), earth, gravel and stone, and to clear and keep such other part of the Land as is reasonably necessary in the circumstances clear of any trees, shrubs, vegetation, structures (including fences), soil, earth, gravel and stone which is or is likely to be or become, in the reasonable opinion of the Grantee, a danger or hazard to the safety or operation of the Works, will impede the Grantee's access to the Works or will otherwise interfere with the Grantee's rights under this Easement Instrument;
 - 1.1.8 to open up the soil of the Easement Area and excavate or remove timber, vegetation, soil, earth, gravel and stone from the Easement Area to the extent necessary for the Grantee to exercise its rights under this Easement Instrument; and
 - 1.1.9 to temporarily occupy any part of the Land that is reasonably necessary in the circumstances in order for the Grantee to exercise any of its rights under this Easement Instrument including the right to Construct the Works and in doing so the Grantee may fence off such part or parts of the occupied area as is reasonably necessary for a Temporary Period or Temporary Periods for health and safety purposes (subject to clause 2.1 of this Easement Instrument).
- 1.2 In undertaking any one or more of the rights and powers hereby granted the Grantee:

- 1.2.1 May use its nominated employees, agents, consultants or contractors to perform the Works;
- 1.2.2 Will meet the full costs of the Works it undertakes;
- 1.2.3 For the avoidance of doubt the Grantee may enter on to the Land and undertake the Works on any day of the year including days which are not Working Days subject to the provisions of the Entry Notice given by the Grantee under clauses 5.1 and 5.2 of this Easement Instrument.

2. Grantee's obligations

- 2.1 The Grantee will use its reasonable efforts to cause as little interference as practical to the Grantor, any crops or livestock and any farming activities on the Land. The Grantee shall at its expense in all things make good and reinstate the Land as and when same shall require reinstatement to ensure that the Land is left in as nearly as possible the same condition as it was at the time of the commencement of the Grantee's rights hereunder.
- 2.2 Where any disturbance, damage or loss is incurred or suffered by the Grantor or the Land during any entry onto the Land by the Grantee to construct, repair, maintain, modify, replace, renew or remove the Works or any part of the Works, which is not remedied by the Grantee under clause 2.1, for example but without limitation, a business loss in respect of a business located on the Land, the Grantee shall compensate the Grantor for such disturbance, damage or loss.
- 2.3 The Grantee will bear the costs of managing vegetation on the Easement Area (excluding pasture land) including removing trees and other vegetation but will not be responsible for the cost of controlling weeds or removing any vegetation which is planted by the Grantor in breach of this Easement Instrument.
- 2.4 The Grantee will bear the whole cost of maintaining the Works, apart from any Works which the Grantor and Grantee have agreed are to become the property of the Grantor, and any additional costs resulting from the Grantor's breach of this Easement Instrument for which the Grantee can recover the costs under this Easement Instrument.
- 2.5 The Grantee will upon request provide to the Grantor copies of the Grantee's plans indicating the agreed access routes over the Land used by the Grantee in accessing the Works.
- 2.6 The Grantee has no obligation to construct the Works or to convey electrical energy and power or telecommunications through them, after construction, continuously or at all.
- 2.7 In the event that the Grantee shall clear the Easement Area and/or any other part of the Land or open up the soil of same as contemplated by clauses 1.1.7 and/or 1.1.8 hereof, the resulting material shall be removed by the Grantee from the Land and deposited off-site at the expense in all things of the Grantee unless the Grantor and the Grantee shall otherwise agree.



3. Grantor's Rights

3.1 Subject to the restrictions set out in this Easement Instrument the Grantor may use, occupy and enjoy that part of the surface of the Easement Area which is not occupied by the Works for normal farming operations including cropping to a maximum height of 2.5 metres and grazing.

4. Grantor's obligations

4.1 The Grantor will not, without the prior written consent of the Grantee (which will not be unreasonably withheld or delayed), do, procure, assist or allow the following to be done:

- 4.1.1 alter or disturb the present grades and contours of the surface of the Easement Area except in the course of normal farming and grazing operations (but subject to the restrictions set out in this Easement Instrument);
- 4.1.2 erect any building or other structure (including fences) on the Easement Area;
- 4.1.3 plant any vegetation on the Easement Area (excluding pasture);
- 4.1.4 operate any Equipment or Vehicles on the Easement Area within a minimum clearance distance of 4 metres from any electricity transmission line conductor;
- 4.1.5 excavate or deposit material on the Easement Area;
- 4.1.6 impede the Grantee's access over the Easement Area and any agreed access routes over the Land or damage the surface of the agreed access routes;
- 4.1.7 knowingly cause or permit flooding of the Easement Area except where such flooding occurs naturally and is beyond the control of the Grantor;
- 4.1.8 light any fires or burn off vegetation within the Easement Area;
- 4.1.9 object to, advocate against, oppose or impede any consent, approval or right sought, or any action taken, by the Grantee pursuant to the Grantee's rights under clause 1.1;
- 4.1.10 do any other thing on the Land which may cause damage to the Works or endanger the continuity or safety of the supply and distribution of electricity or otherwise impede, interfere with or prejudice any right of the Grantee set out in clause 1.1.

5. Access

5.1 Where the Grantee together with or through its engineers, consultants, employees, contractors, workmen and anyone else authorised by the Grantee intends to enter upon the Land to exercise and give effect to the rights of the Grantee as listed in



clauses 1.1.1 through 1.1.9 of this Easement Instrument the Grantee must give at least 10 Working Days notice ("the Entry Notice") to the Grantor except in an Emergency Situation, when prior notice is not required and the provisions of clause 5.6 of this Easement Instrument apply.

- 5.2 An Entry Notice is to identify the Works the Grantee intends to carry out with the Entry Notice to specify:
- 5.2.1 the location of the proposed entry;
 - 5.2.2 the area on which the Works will be undertaken by the Grantee;
 - 5.2.3 the nature of the Works to be undertaken;
 - 5.2.4 the date and time of initial entry;
 - 5.2.5 the length of time that the Grantee expects to be on the Land; and
 - 5.2.6 the nature of all other works that are to be undertaken on the Land in accordance with the rights granted pursuant to clause 1.1.
- 5.3 Upon receipt of an Entry Notice from the Grantee of its intention to exercise the right of entry provided for in clause 5.1 the Grantor may set reasonable conditions relating to the timing of entry and the access route and as to the other matters set out in the Entry Notice but those conditions may not:
- 5.3.1 Delay the exercise of entry by the Grantee by more than 15 Working Days; or
 - 5.3.2 Require monetary or other consideration; or
 - 5.3.3 Otherwise defeat the ability of the Grantee to exercise effectively the rights granted under this Easement Instrument
- 5.4 Any dispute between the Grantor and the Grantee in relation to the terms of the Entry Notice or of the conditions set by the Grantor pursuant to this clause shall constitute a dispute which is to be resolved using the dispute resolution procedure set out in clause 11 of this Easement Instrument.
- 5.5 The Grantee, in entering the Land, will take all reasonable steps to minimise inconvenience to the Grantor, including (but without limitation):
- 5.5.1 The time of entry (unless this is not possible due to an Emergency Situation);
 - 5.5.2 Leaving gates as they are found;
 - 5.5.3 Driving in a safe manner and taking reasonable steps not to disturb stock; and
 - 5.5.4 Avoiding access through any specific areas within the Land which have been Identified by the Grantor to the Grantee unless necessary to access the Works,

but without limiting the rights of the Grantor to claim under clause 2.2 of this Instrument.

- 5.6 Where entry is effected by the Grantee due to an Emergency Situation the Grantee shall as soon thereafter as is reasonable give an Entry Notice to the Land Owner or the Land Occupier such Entry Notice to be in terms of clause 5.2 of this Instrument.

6. Breach of respective obligations

- 6.1 If the Grantor wilfully or with wilful disregard causes or permits any breach of the obligations set out in this Easement Instrument, the Grantee shall be entitled to take all reasonable steps to remedy the breach, with the direct costs of remedying the breach recoverable by the Grantee from the Grantor as a debt. Where the Grantee considers it reasonable in the circumstances, prior to remedying the breach, the Grantee will give notice of the breach to the Grantor and allow the Grantor a reasonable period to remedy the breach.

- 6.2 If the Grantee wilfully or with wilful disregard causes or permits any breach of the obligations set out in this Easement Instrument, the Grantor shall be entitled to take all reasonable steps to remedy the breach, with the direct costs of remedying the breach recoverable by the Grantor from the Grantee as a debt, provided that in no circumstances shall the Grantor interfere with the Works in any way whatsoever. Where the Grantor considers it reasonable in the circumstances, prior to remedying the breach, the Grantor will give notice of the breach to the Grantee and allow the Grantee a reasonable period to remedy the breach.

7. Health and safety

- 7.1 The Grantee will comply with all obligations imposed on the Grantee at law as the person in charge of a place of work and will be responsible for the health and safety of any person who enters on the Land at the request of the Grantee.
- 7.2 The Grantor will comply with all obligations imposed on the Grantor at law as owner of the Land relating to the health and safety of persons on the Land.
- 7.3 The Grantee will comply with any reasonable obligations imposed by the Grantor regarding the identification and mitigation of hazards and the health and safety of persons on the Land.

8. Ownership

- 8.1 The Works and Vehicles or any other property of the Grantee will not, for any reason, become the property of the Grantor and will at all times remain the property of the Grantee, except in relation to any Works which the Grantee and the Grantor have agreed are to become the property of the Grantor.
- 8.2 The Grantee may transfer, assign, sublet, lease or licence all of its rights created by this Easement Instrument provided that the assignee, sublessee, transferee, lessee or licensee is financially solvent and has the financial resources to meet the Grantee's commitments under this Easement Instrument.

9. No power to terminate

9.1 There is no power in this Easement Instrument for the Grantor to terminate any of the Grantee's rights due to the Grantee breaching any term of this Easement Instrument or for any reason, it being the intention of the parties that the rights in this Easement instrument will continue forever unless surrendered.

10. Compliance with laws

10.1 Both parties will at all times comply with all statutes, bylaws, regulations and legally binding codes of practice and other lawful requirements relating to this Easement Instrument, the Land and the Works which place an obligation on the relevant party and with all notices, orders, consents, conditions or requirements which may be validly given or required by any competent authority.

11. Dispute resolution

11.1 If any dispute arises between the Grantor and the Grantee concerning the rights and obligations contained within this Easement Instrument, the parties will enter into negotiations in good faith to resolve the dispute themselves or through any informal dispute process they agree upon.

11.2 If the dispute is not resolved within 10 Working Days then any party may at any time serve a mediation notice on the other party requiring the dispute be referred to mediation. The mediation notice shall set out the nature of the dispute. The parties shall in good faith endeavour to agree upon a mediator within 5 Working Days of the date of service of the mediation notice. If the parties cannot agree on the mediator, the President for the time being of the New Zealand Law Society (or any successor organisation) or the President's nominee will appoint an independent mediator. The mediator's costs are to be borne equally by the parties.

11.3 If the dispute is not resolved within 20 Working Days of the date on which the mediation notice is served, the parties will submit to the arbitration of an independent arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator within a further 10 Working Days the President for the time being of the New Zealand Law Society (or any successor organisation) or the President's nominee will appoint an independent arbitrator.

11.4 Any arbitration proceedings will be conducted in accordance with the Arbitration Act 1996 and the substantive law of New Zealand.

12. Severability

12.1 If any part of this Easement Instrument is held by any court or administrative body of competent jurisdiction to be illegal, void or unenforceable, such determination shall not impair the enforceability of the remaining parts of this Easement Instrument.

13. Governing law

13.1 This Easement Instrument shall be construed in accordance with New Zealand law.

14. No waiver

14.1 A waiver of any provision of this Easement Instrument shall not be effective unless given in writing and then it shall be effective only to the extent that it is expressly stated to be given.

14.2 A failure, delay or indulgence by any party in exercising any power or right shall not operate as a waiver of that power or right. A single exercise or partial exercise of any power or right shall not preclude further exercises of that power or right or the exercise of any other power or right.

15. Definitions

15.1 In this Easement Instrument unless the context requires otherwise:

15.1.1 "Construct" means to build, construct, erect, install or lay the Works, access tracks, roads, gates and/or fences contemplated by this Easement Instrument and includes anything that is reasonably necessary to give full effect to this Easement Instrument including removing soil and water from the Easement Area subject always to the provisions of clause 2.7 of this Easement Instrument;

15.1.2 "Easement Area" means that part of the Land shown in Schedule A of this Easement Instrument;

15.1.3 "Emergency Situation" means, a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity;

15.1.4 "Entry Notice" means the notice to be given pursuant to clause 5.1 of this Easement Instrument;

15.1.5 "Equipment" means cables, lines, wires, cranes, drilling rigs, Vehicles, plant, tools and machinery and all material and items required for the purpose of exercising any of the rights under this Easement Instrument;

15.1.6 "Land" means the Servient Tenement identified in Schedule A of this Easement Instrument;

15.1.7 "Temporary Period" or "Temporary Periods" means such period or periods of time as are reasonable for the sole purpose or purposes of the Grantee occupying such part or parts of the Land as it requires for the purposes set out in clauses 1.1.1 through 1.1.9 and as detailed in the Entry Notice;

15.1.8 "Vehicles" means four wheel drives, motorbikes, cars and trucks, tractors, trailers, graders, pile drivers, drilling rigs, cranes, helicopters, aircraft, excavation and earthmoving equipment, whether wheeled or tracked;

15.1.9 "Working Day" means any day of the week other than:

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday,

Anzac Day, the Sovereign's Birthday, Northland Anniversary Day and Labour Day; and

- (b) A day in the period commencing on the 24th day of December in any year and ending on the 5th day of January in the following year, both days inclusive.

15.1.10 "Works" means electrical and telecommunications works and computer media and includes all or any part of any cables (including fibre optic cables), wires, earthwires, conductors, a single pole, insulators, foundations, tunnels, buildings, repeaters, pipes, bridges, ground stays, supports, casings, devices, appliances, antennae, metering devices and other apparatus, structures, fixtures and Equipment as are reasonably necessary to give effect to the Grantee's rights under this Easement Instrument to install and operate an electricity transmission network (but excluding pylons, double poles and multiple single poles).

16. Interpretation

16.1 In this Easement Instrument, unless inconsistent with the context:

- 16.1.1 singular includes plural and vice versa;
- 16.1.2 references to "persons" includes references to companies, corporations, partnerships, joint ventures, associations, trusts, government departments or agencies and territorial local authorities;
- 16.1.3 references to the Grantor and Grantee include their subsidiary or related companies, their permitted assigns and, where appropriate, their employees, contractors, surveyors, invitees and inspectors;
- 16.1.4 references to any statute, regulation or other statutory instrument or bylaw shall be deemed to be references to the statute, regulation or instrument or bylaw as from time to time amended and includes substitution provisions that substantially correspond to those to which reference is made;
- 16.1.5 the headings and subheadings appear as a matter of convenience and shall not affect the interpretation of this Easement Instrument.

View Instrument Details



Instrument No 11552727.8
Status Registered
Date & Time Lodged 04 August 2020 08:46
Lodged By Thompson, Emma Jane
Instrument Type Easement Instrument



Affected Records of Title	Land District
898331	North Auckland
898332	North Auckland
898333	North Auckland
898334	North Auckland
898335	North Auckland
898336	North Auckland
898337	North Auckland

Annexure Schedule Contains 4 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Grantor Representative on 31/07/2020 04:52 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Grantee Representative on 31/07/2020 04:52 PM

*** End of Report ***

EASEMENT INSTRUMENT TO GRANT EASEMENT OR PROFIT À PRENDRE
Section 109 Land Transfer Act 2017

Grantor

Timothy David Strachan, Hamish Timothy Strachan and Penelope Rita Bill

Grantee

Timothy David Strachan, Hamish Timothy Strachan and Penelope Rita Bill
 Wiremu Hans Pene

Grant of Easement or Profit à prendre

The Grantor being the registered owner of the burdened land set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; or profit	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way Right to Convey Electricity Right to Convey Telecommunications Right to Convey Water	Marked "A" on DP 538506	Lot 7 DP 538506 (RT 898337)	Lot 2 DP 538506 (RT 898332), Lot 3 DP 538506 (RT 898333), Lot 4 DP 538506 (RT 898334), Lot 5 DP 538506 (RT 898335), Lot 6 DP 538506 (RT 898336)
Right to Drain Water	Marked "A" on DP 538506	Lot 7 DP 538506 (RT 898337)	Lot 5 DP 538506 (RT 898335), Lot 6 DP 538506 (RT 898336)
	Marked "B" on DP 538506	Lot 2 DP 538506 (RT 898332)	Lot 1 DP 538506 (RT 898331), Lot 5 DP 538506 (RT 898335), Lot 6 DP 538506 (RT 898336), Lot 7 DP 538506 (RT 898337)

Easements or profits à prendre rights and powers (including terms, covenants and conditions)*Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

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

the provisions set out in Annexure Schedule 2.

Annexure Schedule 1

Page 2 of 4 Pages

Insert instrument type

Easement Instrument

Schedule A cont.

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Drain Water	Marked "C", "D" & "E" on DP 538506	Lot 4 DP 538506 (RT 898334)	Lot 1 DP 538506 (RT 898331), Lot 2 DP 538506 (RT 898332), Lot 3 DP 538506 (RT 898333), Lot 5 DP 538506 (RT 898335), Lot 6 DP 538506 (RT 898336), Lot 7 DP 538506 (RT 898337)

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

Easement rights and powers

1.0 Definitions

1.1	Grantor and Grantee	Means the registered owners for the time being of the Burdened Land and the Benefited Land respectively and includes their agents, employees, contractors, tenants, licensees and invitees.
1.2	Detention Basins	Means the detention basins located on areas "B", "D" and "E" on Lots 2 and 4 on DP 538506 as shown on the plans contained in the Stormwater System Report.
1.3	Stormwater System	Means the system of stormwater collection from the development on DP 538506 and its run-off over those parts of the Burdened Land shown "A", "B", "C", "D" and "E" on DP 538506 via watertable drains into the Detention Basins in accordance with and as identified in the Stormwater System Report.
1.4	Stormwater System Report	Means the report letter from Haigh Workman Limited to Far North District Council dated 26 February 2019 reference 18 319

2.0 Maintenance Care and Costs

2.1 Subject to clause 2.2 hereof, the costs of maintenance, care and repair of the Stormwater System in accordance with the Stormwater System Report shall be the responsibility of the registered owner of the Burdened Land.

2.2 If any repair or maintenance to the Stormwater System or any part of the Stormwater System is attributable solely to an act or omission by any one of them the registered owners of either the Benefited or Burdened Land, that registered owner must promptly carry out such repair or maintenance at the sole cost of that registered owner.

3.0 Default

3.1 The Grantor and Grantee will not allow or cause any breach or non-observance of any of the foregoing requirements in clause 2.0 ("the Requirements").

3.2 Where any registered owner of the Burdened Land or the Benefited Land has breached the Requirements, that registered owner will, upon written demand being made by any of the registered owners of the Benefited Land or Burdened Land ("written demand") comply with the following provisions:

- (a) If after seven (7) days from receipt of the written demand, the breach has not been rectified, pay to the person making such demand the sum of \$250.00 per day in total (as liquidated damages) for every day that such breach or non-observance continues after the date upon which the written demand has been made; and
- (b) Rectify any breach or non-observance of any of the Requirements.

Annexure Schedule 2

Page 4 of 4 Pages

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

Easement rights and powers continued.

4.0 Arbitration

- 4.1 Any issue whatsoever, including any tortious, equitable or statutory issues arising out of, connected with, touching on, or related to the Requirements and any issues relating to the existence, interpretation, application or validity of such requirements are hereby submitted to arbitration.
- 4.2 The number of arbitrators shall be one.
- 4.3 The Grantor and the Grantee will either agree upon the sole arbitrator or the arbitrator shall be appointed by the president for the time being of the Auckland District Law Society on the application of either party.

5.0 Conflict

- 5.1 Where any requirement in this instrument conflicts with any Consent Notice registered on the title for the Burdened Land or the Benefited Land, the Consent Notice shall prevail.



View Instrument Details

Instrument No 11552727.9
Status Registered
Date & Time Lodged 04 August 2020 08:46
Lodged By Thompson, Emma Jane
Instrument Type Easement Instrument



Affected Records of Title **Land District**
898337 North Auckland

Annexure Schedule Contains 6 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard Adrian Ayton as Grantor Representative on 31/07/2020 04:52 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Graeme John Mathias as Grantee Representative on 15/07/2020 08:51 AM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

TIMOTHY DAVID STRACHAN, HAMISH TIMOTHY STRACHAN and PENELOPE RITA BILL

Grantee

TOP ENERGY LIMITED

Grant of Easement or *Profit à prendre*

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

Schedule A

Continue in additional

Annexure Schedule, if required

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Convey Electricity	Marked "A" on Deposited Plan 538506	Record of Title 898337	In Gross

- 2 -

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

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 ~~and/or Schedule 5 of the Property Law Act 2007~~

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

[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]

[the provisions set out in Annexure Schedule B]

Annexure Schedule B

1. Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Burdened Land" means the land owned by the Grantor and contained in Record of Title 898337;
- (b) "Easement Area" means that part of the Burdened Land marked on Deposited Plan 538506 with the letter "A";
- (c) "Emergency Situation" means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity by means of the Transmission Line;
- (d) "Transmission Line" means wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, pillars and transformers, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (e) words importing the singular include the plural and vice versa; and
- (f) references to the Grantor and Grantee include their respective heirs, executors, transferees, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross forever the right to convey, reticulate, convert, transform, transmit, supply and use electrical energy and power and to convey, send, transmit and transport telecommunications signals, waves, or impulses, without interruption or impediment and in any quantity by means of the Transmission Line.

2.2 The Grantee together with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials has the right to enter by a reasonable route and remain on the Easement Area and any other parts of the Burdened Land as are reasonably necessary to do the following work:

- (a) to survey, investigate, lay, install and construct the Transmission Line under the Easement Area, at a depth and along a line determined by the Grantee;
- (b) to install such infrastructure both on or under the surface of the Burdened Land as is necessary for the effective transmission of electricity by means of the Transmission Line;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove the Transmission Line;
- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Burdened Land for any purposes necessary or

	<p>convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);</p> <p>(e) to construct on the Burdened Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);</p> <p>(f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;</p> <p>(g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such:</p> <p>(i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;</p> <p>(ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or</p> <p>(iii) inhibit the safe and efficient operation of the Transmission Line.</p>
2.3	The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.
3.	Access
3.1	<p>The Grantee must, before exercising the right of entry in clause 2.2:</p> <p>(a) make reasonable efforts to identify the Grantor or the occupier of the Burdened Land;</p> <p>(b) give reasonable notice, and in any event not less than three (3) days notice, to the Grantor or the occupier of the Burdened Land of the Grantee's intention to enter the Burdened Land, except in an Emergency Situation when prior notice is not required;</p> <p>(c) identify the work it intends to carry out.</p>
3.2	The Grantee is not required by reason of the obligations in this clause to delay entry onto the Burdened Land from the date notified.
3.3	<p>The Grantee, in entering the Land, will take reasonable steps to minimize inconvenience to the Grantor or the occupier of the Burdened Land, including;</p> <p>(a) liaising with the Grantor to arrange a suitable time of entry to the Easement Area (unless this is not possible due to an Emergency Situation);</p> <p>(b) leaving gates as they are found (if applicable);</p> <p>(c) driving in a safe manner and taking reasonable steps not to disturb stock (if applicable); and</p> <p>(d) Avoiding access through specific areas identified by the Grantor unless necessary to access the Transmission Line.</p>
3.4	The Grantee is not required to delay entry onto the Burdened Land or to pay any money or other consideration to the Grantor or any occupier of the Burdened Land by reason of the obligations in this clause.

- 3.5 When accessing the Easement Area, the Grantee will:
- (a) complete work on the Transmission Line as soon as possible with as little damage as possible to the Burdened Land and any vegetation, fences or improvements on it; and
 - (b) use all reasonable endeavours to repair and make good all damage caused to the Burdened Land by the Grantee or the Grantee's agents, contractors or employees as a result of carrying out work on the Transmission Line.
- 4. Ownership of the Transmission Line**
- The Transmission Line will at all times remain the property of the Grantee.
- 5. Grantor's Continued Use of Burdened Land**
- Subject to clause 6, the Grantor may use the Burdened Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.
- 6. Restrictions on Grantor's use**
- 6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:
- (a) On the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
 - (b) disturb the soil of the easement area below the depth of 0.3 metres;
 - (c) cause or knowingly permit flooding of the Easement Area;
 - (d) burn off crops, trees or undergrowth on the Burdened Land;
 - (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any part of the Transmission Line;
 - (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
 - (g) impede the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
 - (h) do anything on or in the Burdened Land which would or could damage or endanger the Transmission Line.
- 6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.
- 6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.

- 6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.2 (g)(i) – (iii), then such consent may be revoked by the Grantee without compensation.
- 6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantor must comply with any reasonable directions of the Grantee as to the height, materials used and location of such replacement fence.
- 6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Burdened Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.
- 7. Indemnity against third party claims**
- Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.
- 8. Licence and assignment**
- The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.
- 9. Perpetual easement**
- There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.
- 10. Arbitration**
- If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.

Appendix 4

Site Feasibility Appraisal



GUMBOOTS
CONSULTING ENGINEERS

Site Feasibility Appraisal

Proposed Subdivision

34 Te Rore Lane, Waimate North

For

Robert Ruston

*Supporting report for resource consent application to Far North District Council
Gumboots Consulting Engineers reference 1362*



20/01/2026

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Revision History

Revision N°	Prepared By	Description	Date
A	Kelly Wright	Geotechnical, Stormwater and Wastewater Assessment	20/01/2026

Reviewed/Approved

On behalf of Gumboots Consulting Engineers Ltd by:



Akira Kepu

Senior Chartered Geotechnical-Civil Engineer

CMEngNZ, Board Member of EngNZ Northland Branch.

Member of NZGS, ISSMGE, SIG EGP & The Sustainability Society.

1. Executive Summary

The following summarises the findings, conclusions and recommendations detailed within this report. As appropriate, the report shall be read in its entirety to ensure full understanding of the following.

Critical Objectives	Considered
Proposed activity	Subdivision of Lot 7 Deposited Plan 538506 to create three lots.
RMA	No geotechnical natural hazards were encountered (as listed in the Act) that are considered an undue hindrance to subdivision or that cannot be reasonably addressed by typical engineering design and construction.
Proposed Lots 1 - 3	Lots 2 - 3 are the critical <u>sites</u> hereon and will be subject to residential development. Lot 1 is considered developed.
Access	Established off Te Rore Lane; southern end of the property.
Vehicular crossing	Established and deemed to comply with current FNDC engineering standards.
Vehicular entrance site distance and tracking curves	Established and deemed to comply with current FNDC engineering standards.
Fill	Not Encountered.
Natural Soils	Very stiff residual soils of Punakitere Sandstone.
Unduly Weak, Sensitive, Or Compressible Soils	Not Encountered.
Subsoil reactivity under normal moisture conditions	Slightly reactive - may become moderately reactive under circumstances where rapidly exposed to the elements. In-situ clays are considered <i>non expansive</i> based on their residual minerals.
Groundwater	Perched groundwater not encountered.
Seismic Site Class	Site Class C - shallow soil site in accordance with NZS 1170.5:2004.
Slope Stability	The site is well drained and reinforced by established native flora. No signs of land mobility were encountered. It is judged to be suitable for future residential development from a land instability [<i>low</i>] point of view.
Building Platform	Designated [developable] areas of 2,000m ² had been cleared within proposed Lots 2 - 3.

Foundations	Based on current investigation data to limited depths, shallow foundations can be applicable here. Further discussion in this regard is presented in Section 16.3.
Onsite Wastewater Disposal	For the subsequent Lots shall assume onsite wastewater treatment system. All work shall be in accordance with current FNDC Engineering Standards.
Stormwater Management	Shall assume water tanks for <i>roof runoff neutrality</i> and <i>overflow</i> dispersed above land as appropriate. Such practice is considered sustainable with minimal impact to the environment overall.
Site-specific appraisal for Building Consent	Specific to ALL LOTS with regard to proposed development at such time; it shall include <u>geotechnical</u> , <u>stormwater</u> and <u>wastewater</u> management.

In specific reference expressed within and in unity with the objectives of the Resource Management Act 1991;

There is, considered less than minor significant risk from natural hazards, and;

The intended purpose for land on the subject property (legal description Lot 7 Deposited Plan 538506) can be sustained SUBJECT to;

- ALL future developments shall be carefully planned with respect to the existing natural environments within the respective lots. These natural land features shall be carefully incorporated/maintained within the overall occupational development as it shall provide long term sustainability in ALL aspects to the land and hosting environments.
- ALL recommendations highlighted (and not limited) herein shall be ADHERED to.
- ALL proposed Works exhaust good sound engineering practices and complemented by means of extensive and conscientiously executing field observations/positive action during and after construction.
- ALL proposed Works shall be conducted in accordance with FNDC Engineering Standards and Guidelines and related documents and in conjunction with NZS 4404, Land Development and Subdivision Engineering.

It shall be appreciated that the professional opinions and language expressed within the appraisal are solely from an engineering perspective.

Appropriately, the appraisal shall be read in its entirety to impart enlightenment in full context of the proposed concept and application to the existing property.

2. Introduction

This report has been prepared by Gumboots Consulting Engineers Ltd for Mr Robert Ruston, our client. That is, in support of an application to the Far North District Council for Resource Consent to Subdivide a rural property at 34 Te Rore Lane [the 'site'] in accordance with the requirements of the Resource Management Act 1991.

Specifically, this appraisal addresses engineering elements of natural hazards, wastewater, stormwater and earthwork requirements to promote "CLIMATE RESILIENCE" of Land, safe building platforms with less than minor effects on the environment as a result of the proposed activities [outlined in Section 2.1 below] and long term regenerative and balancing outputs to the natural character of the ENVIRONMENT.

Where appropriate, it is in accordance with the recommendations of NZS 4404, Land Development and Subdivision Engineering and related documents.

2.1 Appraisal Philosophy

The pillar outputs anticipated to sustain the former with respect to the primary intended activity of Subdivision shall be;

- **Minimal Site Disturbance**
That is, the careful choice of the allocated building site is such that site disturbance is limited within this area. These sites are also placed in a manner that such minor disturbances do not alter/interfere with the natural layout of the hosting environment as well as not be reversely influenced by it.
- **Low Impact Design Approach - Stormwater Management**
The property is well equipped with natural water flow paths, vegetation, native bush (mature and regenerative) and vegetation within sensitive areas. Therefore, careful incorporation of these existing natural site features together with good engineering practices provides an alternative approach to site design and development from a stormwater management context.
- **Sustainable Functional Land Resilience**
The established flora occupation readily provides functional land resilience against extreme weather patterns. This natural cover shall be of high regard to subsequent residents.

Consequently, the property contains well established natural stormwater features with a homogenous catchment [flow] characteristic. This will be sustained and readily complements the proposed subdivision in managing stormwater.

2.2 Appraisal Method

Adopted for this project based on the initial stage of the project and the most economically viable approach with respect to our Client comprises;

1. Desk Study
2. Field Study and Observations

Our reconnaissance seeks account of the fundamental properties of the site, geology, geological landscape, current interactive materials-environment-outputs.

Generally, it summarises the feasible application of the concept [developments] in a practical manner so as to sustain balancing effects with the underpinning conscious living choice in favour of functional resilience of Land, Environment and LIFE in all aspects.

2.3 Objective and Scope

The objective of this report is to assess the general suitability of the site for the proposed subdivision. Primarily, the general environmental characteristics of the property. The likely extent of the intended implementations and the capacity of the land to sustain within the proposed Lots. And finally, sustainable engineering solutions that may be required to support such occupation thereafter. It includes;

- The review of pertinent rules and policies, geology maps etc
- Preliminary site investigations and observations and evaluation of subsurface soil conditions
- Identifying geotechnical hazards within the locale
- Assessing potential future house sites (Lots 2 - 3)
- Stormwater flows and management analysis
- Preliminary Feasibility Recommendations for occupational residential living and developments.
- Aerial Survey by Drone~~X~~

2.4 Limited Liability

This report has been prepared solely for the benefit of Robert Ruston, in accordance with the brief given to us, the agreed scope and in general accordance with current standards, codes and best practice at the time of this writing. Therefore, he shall be deemed the exclusive owner on full and final payment of the invoice.

Information, assumptions, and recommendations contained within this report can only be used for the purposes with which it was intended. Gumboots Consulting Engineers accepts no liability or responsibility whatsoever for;

1. any use or reliance on the report by any party other than the owner or parties working for or on behalf of the owner, such as local authorities, and for purposes beyond those for which it was intended.
2. any omissions or errors that may befall from inaccurate information provided by the Client or from external sources.

Outcomes given in this report are based on visual methods and subsurface investigations at discrete locations designed to the constraints of the project scope to provide the best assessment of the environment and subsurface conditions.

Therefore, it must be appreciated that the nature and continuity of the subsurface materials between these locations are inferred and that actual conditions could vary from that described herein. We should be contacted immediately if the conditions are found to differ from those described in this report.

Accordingly, further investigations/observations shall then be undertaken as appropriate.

This report should be read and reproduced in its entirety including the limitations to understand the context of the opinions and recommendations given.

3. Site Details and Description

3.1 Site Identification

Site Location: 34 Te Rore Lane, Waimate North
 Legal Description: Lot 7 Deposited Plan 538506
 Total Site Area: 15.5192 Ha

3.2 District Plan Zoning

According to the Far North District Council (FNDC) District Plan the site is zoned as ‘Rural Production’.

3.3 Proposed Activity

A proposed scheme plan was presented to Gumboots Consulting Engineers at the time of writing, prepared by Thomson Survey and is reproduced within Appendix A. It is understood the Client proposes to subdivide the site to create three lots as outlined in Table 1.0 below.

Table 1.0 - Summary of Proposed Scheme

Proposed Lot	Area (ha)	Intended end use
1	5.30	Residential
2	4.90	Residential
3	5.31	Residential

Reference: Proposed subdivision supplied by Thomson Survey, dated 05/05/25.

3.4 Site Location and Description

The subject property is located on Te Rore Lane, Waimate North within the Far North District. It is situated approximately 5.5km north of the Ohaeawai township and 5.8km from the Kerikeri Airport [Figure 1].

The property exhibits flat - moderately steep terrain with elevations ranging from approximately 77 metres to 156 metres above mean sea level. The general ground slope orientation within proposed Lots 1 - 3 is west-northwest, with typical gradients of 2° to 16°. Localised variations in topography include ridgelines,

interspersed with drainage gullies. Ridge crests provide areas applicable for development. The landform is characteristic of the Waimate North region's hill country, formed through volcanic deposition and subsequent weathering processes.

The property is zoned Rural Production under the Far North District Plan and is surrounded by native bush and/or farm land use. Vehicle access is currently via Te Rore Lane, an unsealed accessway which is included within the subject property boundaries.

An existing residential dwelling is included within the boundaries of proposed lot 1. The existing residential development is accessed from Te Rore Lane at the southwestern corner; this access will not be altered post subdivision. Consequently, this lot is considered established.

For proposed lots 2 - 3, the entirety of the site area is currently a combination of mature and regenerative native bush and pasture with some clearing being carried out within the proposed development area envelopes ($\geq 900m^2$).

Based on the proposed subdivision scheme plan provided to us and our site walkover and observations, it can be concluded that the proposed activity will impose minimal disturbance to the greater natural land setting and existing environment.



Figure 1 - Site Features Map (maps adapted from Quick Map Enterprises and Google Earth Maps).

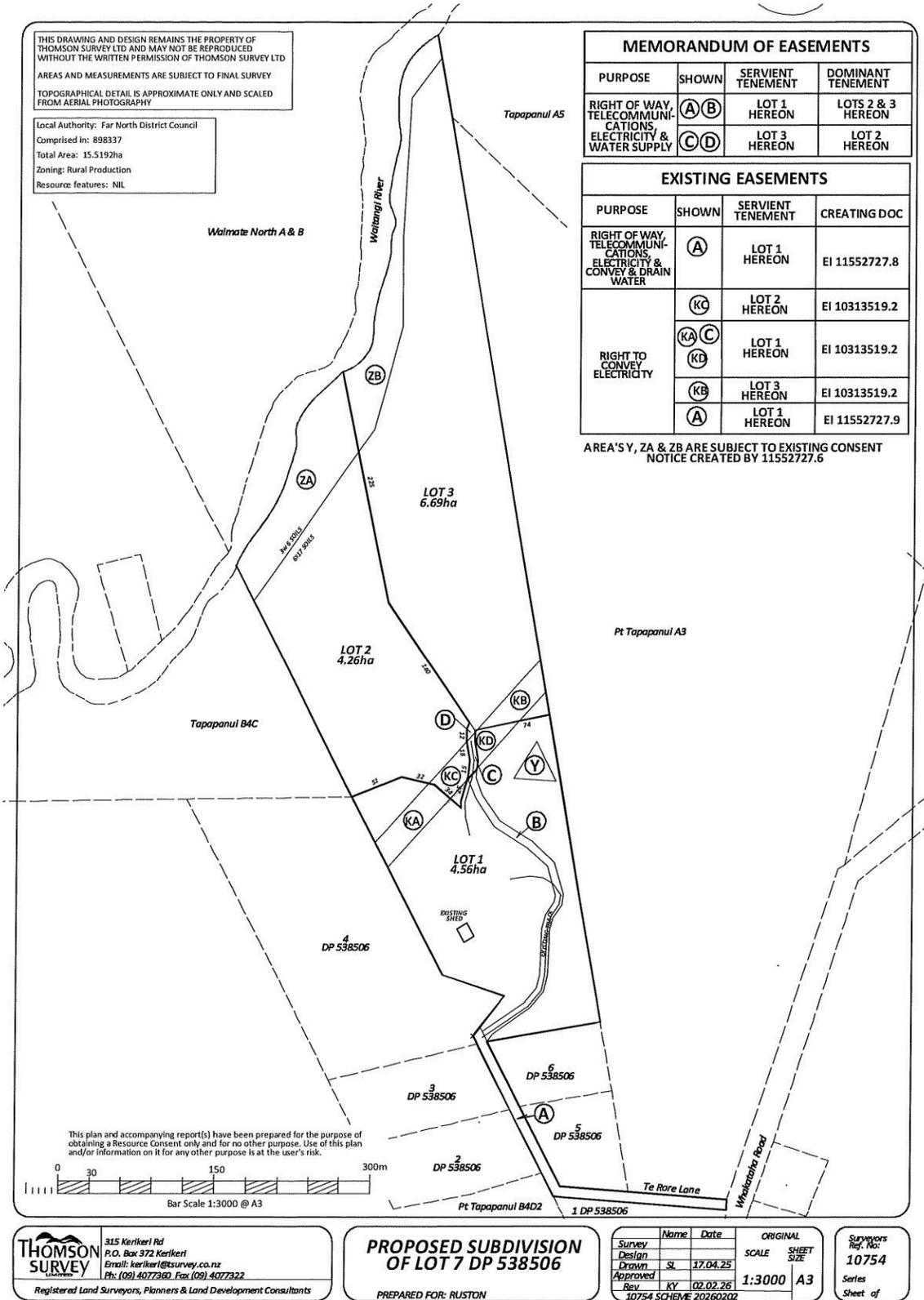


Figure 2 - Proposed Scheme Plan

SUSTAINABLE LIVING - RESILIENT LAND

3.5 Allowable Building Areas

A total developable area of 2,000m² has been cleared for proposed Lots 2 and 3. This shall provide a sufficient building envelope for a future residential dwelling, associated hard stand areas and necessary 3 waters infrastructure.

These areas are *indicative* to serve the purpose of site feasibility illustration and shall be subject to further detailed site investigations with respect to future residential development activities thereafter.

4. Access

Site access: (was historically formed) off Whakataha Road. This access will remain unchanged post subdivision however, it will require an upgrade. As appropriate, further observations in this aspect shall follow thereafter.

4.1 Parking and Manoeuvring

Parking and associated manoeuvring can be accommodated within the proposed lots.

5. Cultural Landscape

In this instance points to the direct anthropogenic effects upon the natural landscape over a time period. A review of historic aerial photos commencing from 1977 were reviewed in light of this undertaking. No major changes were observed in the aerial imagery.

5.1 Land Use

The subject site and surrounding area are characterised by rural productive land use, comprising predominantly dry stock farming and native and regenerative bush. This mixed land use reflects typical hill country, where topography influences land capability, with steeper slopes vegetated and gentler terrain utilised for pastoral activities.

5.2 Infrastructures

Far North District Council (FNDC) GIS mapping indicates that there is no infrastructure servicing the property at present in regards to wastewater, stormwater and potable water.

Therefore, this report has been prepared with the goal of the subdivision being self-sufficient for the purpose of potable water, onsite wastewater management and onsite stormwater management with final dispensation into Waitangi River i.e. incorporating into the existing stormwater network.

6. Geomorphology

The Melange [K0m], part of the Motatau Complex, is a prominent geological feature within the composite Northland geology beneath the Waimate North region. This following outlines the key geological characteristics, composition, tectonic origins, and implications for engineering and land use in Waimate North.

Geological composition of the Motatau Complex primarily consists of:

- **Mahurangi Limestone**: A hard, closely fractured limestone, typically white to light grey, interbedded with calcareous mudstones.
- **Siliceous Mudstones**: These red and green mudstones are significant components of the complex, demonstrating a diverse lithological character.

Tectonic origins; it represents a sequence of Eocene to Oligocene marine sediments that were tectonically emplaced during significant geological events approximately 20–25 million years ago. The complex is characterized by an undifferentiated mixture of different rock types, resulting from massive submarine landslides and thrusting, which formed its melange characteristics.

In the Waimate North area, the Motatau Complex is overlain by the Kerikeri Volcanics, which consist of basalt flows and scoria. This geological layering creates a "layer cake" effect, where:

1. **Bottom Layer**: The Northland Allochthon (including Melange K0m).
2. **Top Layer**: The Kerikeri Volcanics.

This arrangement influences local hydrology, as the sedimentary rocks of the Motatau Complex can lead to perched water tables and localised bogging, particularly in transition zones between the two units.

7. Geology

The natural geologies as previously mapped are shown in figure 3 below. As depicted, the property sits within three geological units i.e.

1. **Motatau Complex [K0m]** - Melange, comprising a matrix of sheared mudstone with included tectonic blocks of Northland Allochthon, Te Kuiti Group and Wait.
2. **Kerikeri Volcanic Group [Pvkb]** - Basalt lava, volcanic plugs and minor tuff.
3. **Tangihua Complex [Kt]** - Basalt and pillow basalt, with subvolcanic intrusive. Local greenschist metamorphism; extensive zeolitisation.

Understanding the likely *structure* of the underlying rock mass, the *process* which sculpted the landform and the *stage* of its development shall enlighten better background understanding and better prepared choices to subsequent parties involved in this case.

The geological information on hand indicates that proposed lots 1 - 3 are underlain by Punakitere Sandstone

(Kkp); Fissile, Weakly to moderately indurated, alternating thin- to thick-bedded, quartzofeldspathic sandstone and mudstone.

7.1 Positive Rock Structure

The Motatau Complex [KOM] exhibits moderate intact rock strength in its unweathered state, with typical unconfined compressive strengths ranging from 20-50 MPa for fresh sandstone. The rock mass is characterised by bedding plane discontinuities and joint sets developed through tectonic deformation, which influence both the weathering profile and slope stability characteristics.

Potential instability mechanisms within Motatau Complex terrain typically arise from:

- Differential weathering between more competent rock units and weaker zones within the complex
- Daylighting of unfavourably oriented discontinuities (bedding planes and joint sets) on cut slopes
- Groundwater seepage along preferential flow paths created by the rock mass's structural fabric
- Progressive weathering reducing intact rock strength and increasing discontinuity aperture over time

It should be noted that slope instability triggers (heavy rainfall, seismic loading, undercutting) act independently of the geological formation process itself, though the inherent structural characteristics of the Motatau Complex—including its tectonic deformation-induced joint sets and bedding plane discontinuities—influence susceptibility to failure.

The Motatau Complex typically displays a moderately well-interlocked fabric when unweathered, with intact rock strength of 20-50 MPa. However, weathering processes progressively reduce both rock mass strength and discontinuity surface integrity, particularly along pre-existing structural weaknesses developed during tectonic deformation.



Figure 31 Intensely deformed mélangé near the base of the Northland Allochthon, at Raumanga in Whangarei City (Q07/290045), comprises a sheared clay-rich matrix with various allochthon clasts including grey siliceous mudstone (Whangai Formation) and micaceous sandstone (Punakitere Sandstone). Photo CN27678/17: D.L. Homer

Figure 3 - Motatau Complex feature (adapted from Geology of the Whangarei Area. Institute of Geological & Nuclear Sciences; 1: 250,000 geological map 1. Lower Hutt, New Zealand.).

Reference :

GNS Sciences 1:250,000 scale map Map 2, 2009: “Whangarei” (Geological Map)

NZMS Sheet 290 O 04/05 Part Sheet O 03, 1:100,000 scale map, Edition 1, 1981: “Whangaroa-Kaikohe” (Rocks).

Manaaki Whenua LandCare Research: New Zealand Soil Classification (NZSC) - Soil Order.

8. Lithology

The underlain lithologies are;

Micaceous Sandstone (S5₂) i.e. blue-grey quartz-feldspar sandstone with a mica content of up to 5%. In places, calcareous, thinly to thickly bedded and moderately to widely fractured with hard blue-grey siliceous claystone and mudstone [M4₁, M5]. conglomerate and carbonaceous material and large calcareous concretions locally. Moderately hard to hard. Weathered to soft brown silty clay to depths of 10 m.

And, Basalt (F6₂) i.e. flows of very fine to medium grained crystalline basalt, dense and moderately fractured;

hard to very hard. Surfaces from terraces and plateaus generally without rocky outcrops. Weathered to soft red brown or dark grey brown clay to depths of 20m with many rounded core stones.

The geology map below is presented on a regional scale and careful consideration shall be of high regard in relative application of referencing and professional judgements expressed in context to specific sites.

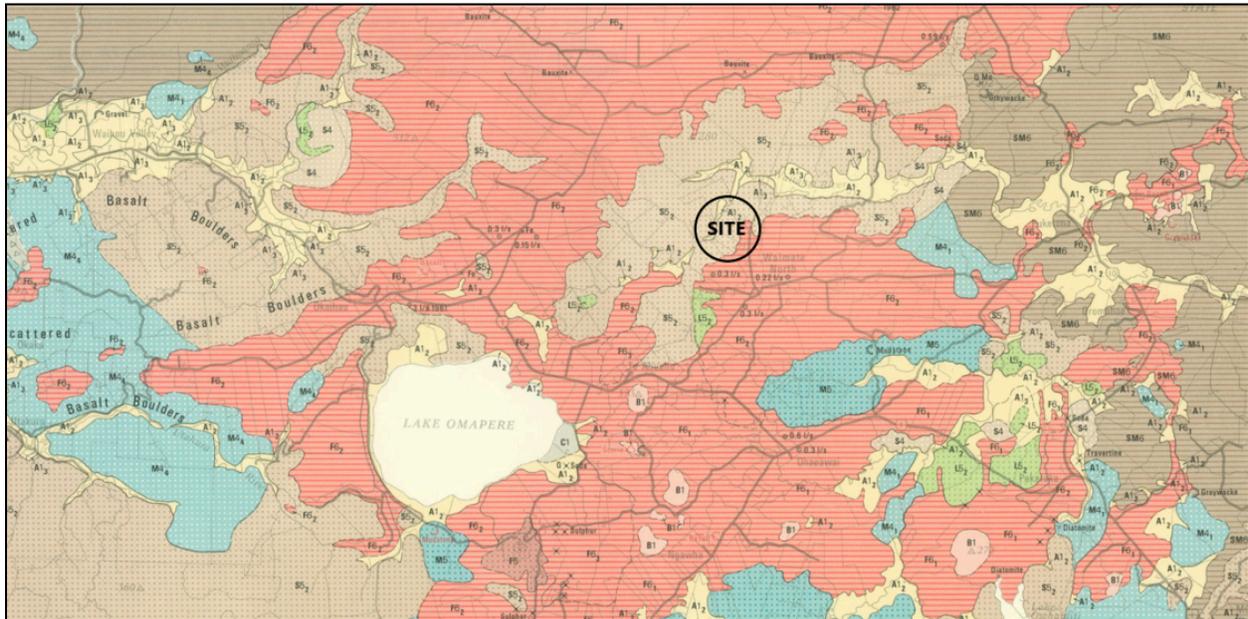


Figure 4 - Lithology Map - (NZMS Sheet 290 P 04/05, 1:100,000 scale map, Edition 1, 1981: "Whangaroa-Kaikohu" (Rocks).

Reference:

Geology of the Whangarei Area. Institute of Geological & Nuclear Sciences; 1: 250,000 geological map 2. Lower Hutt, New Zealand.

8.1 Geological Hazards

8.1.1 Earthquakes

Earthquake vibration produces various responses in different lithologies and topography can also modify the effects. In hard dense rock materials **no** significant amplification of vibration generally occurs; however vibration can be amplified significantly in unconsolidated materials which may respond by slumping, flowing or settlement especially if slopes are steep or if the materials are water saturated.

The felt effects of earthquakes are described by the Modified Meralli (MM) scale of intensities I - XII. Generally earthquakes of MM V or greater are those in which some structural damage occurs. In regional estimates of earthquake risk, the intensity figure given is normally an indication of the average expected response of a range of lithologies. Thus, higher felt intensities may be experienced locally on materials which cause increased vibration responses as indicated above.

The frequency of recurrence of felt earthquakes in Northland is **low** compared with the rest of the country. Smith (1978) has used records of the last 140 years to estimate earthquake risk for New Zealand. In the mapped area, on average ground conditions it is likely that the average earthquakes of MM IV could be felt at least once every 50 years (as a comparison Wellington experiences 4 or 5 MM IV earthquakes each year).

The average time of recurrence of a MM VI earthquake is greater than 200 years and that of a MM VII earthquake is greater than 500 years.

No known active faults are present on the map sheet above.

9. Subsoils

LandCare Research indicates the soils encountered here as Yellow Ultic (UY) which have a well structured clay enriched subsoil. They cover 3% of New Zealand and are most common in the far north, Wellington, Marlborough and Nelson regions.

9.1 Ultic Soils [U]

They occur in clay or sandy clay material derived by strong alteration of quartz-rich rocks over long periods of time. These soils have dispersible surface horizons prone to erosion.

Soils are strongly acidic with a small content of weatherable minerals. Kaolin and Vermiculite are the dominant minerals.

All in all it can be concluded that the soils encountered here more greatly reflect the historical effects of local conditions. The following figure captured on proposed Lot 1's site cut illustrates the likely regolith encountered.

Reference

Manaaki Whenua LandCare Research: New Zealand Soil Classification (NZSC) - Soil Order.

10. Environmental Setting

Published environmental data relating to the site has been reviewed. A summary of relevant information is provided below.

10.1 Hydrology and Flooding

A summary of available information pertaining to hydrology and hydrogeology is presented in the table below. An examination of Far North District Council (FNDC) and Northland Regional Council (NRC) online GIS databases is included.

Table 1.1 – Surface Water Features & Flooding

Source	Presence/Location	Comments
Groundwater sources including springs/wells (within 500 m)	Not known	
Surface Water Features (Ponds, Lakes etc)	Waitangi River	Natural drainage channels convey stormwater through the site in a north-westerly direction toward the receiving waterway.
Watercourses (within 500 m)	As mentioned above	-
Flood Risk Status	None recorded	The NRC and FNDC GIS databases indicate that the site is not included within the area that has been modelled for flood hazard events. The high relief of the property dictates less than minor risk to flooding.
Flood Susceptibility	Negligible	Flood susceptible land is mapped according to the presence of alluvial, fluvial deposited soils indicating historic inundation by flood waters. From available geological mapping it is considered superficial soils are not present within the site boundaries.

The natural landscape, and outstanding land features presented in this natural state environment shall be regenerated/maintained [continuously] with respect to the ongoing Overall Proposal Outcome (OPO)^{1*}.

10.2 Natural Hazards

10.2.1 Regulatory Framework

Under Part 1; Interpretation and application of the Resource management Act 1991, natural hazard means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

10.2.2 River Flood Hazard

Upon review of the Northland Regional Council Hazards maps, it indicates the subject property as not being within a flood extent area. As depicted in Figure 5 below.

¹ OPO - *Balancing Sustainability of Life in all aspects.*

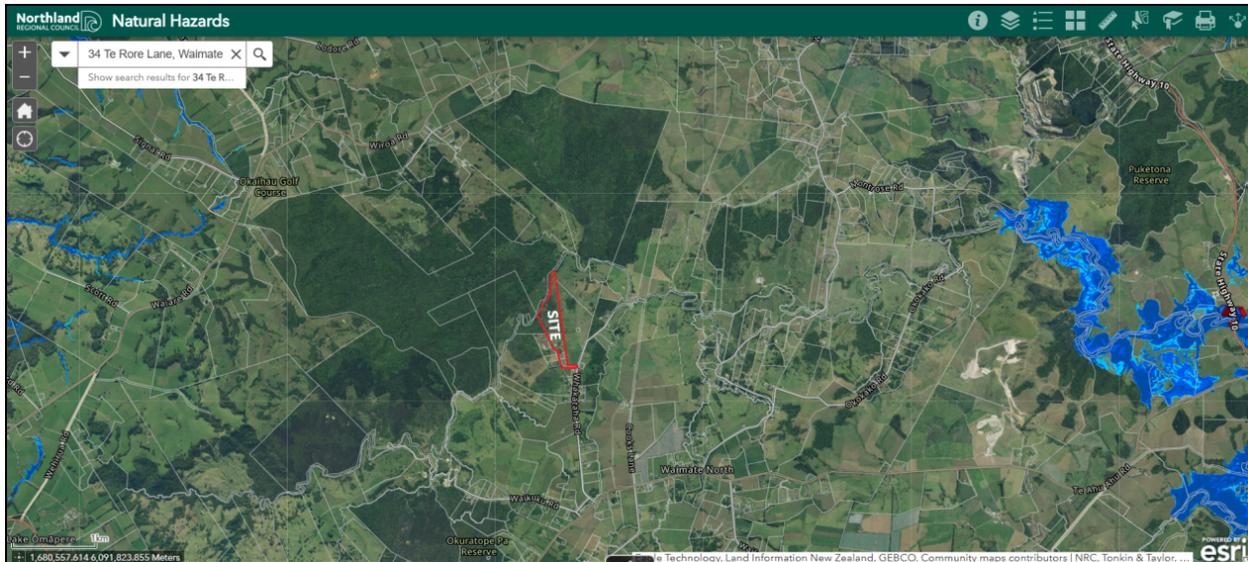


Figure 5 - Natural Hazards Map (maps adapted from NRC Natural Hazards Map - accessed 21/01/2026).

Natural hazards listed in Section 71(3) of the Building Act 2004 include: erosion, falling debris, subsidence, inundation or slippage.

Susceptibility assessment of the subject property to these potential hazards were judged as;

Table 1.2 – Natural Hazard

Potential Hazards Assessed	
Erosion (including coastal erosion, bank erosion, and sheet erosion)	No*
Falling debris (including soil, rock, snow, and ice)	No*
Subsidence (vertical settlement)	No*
Inundation (including flooding, <u>overland flow</u> , storm surge, tidal effects, and ponding)	No*
Slippage	No*

*not encountered/observed during the site walkover.

11. Preliminary Field Investigations

Our fieldwork for this report was carried out on 20th November 2025 and consisted of:

- 2 Hand Augured boreholes down to refusal depths of 1.1 - 1.80m.
- Vane shear tests were undertaken at 0.30m increments to full drilled depths.
- Laboratory testing; Atterberg limits & Linear shrinkage tests.
- Visual observation of the site, adjoining lower lying land with respect to land fretting features.

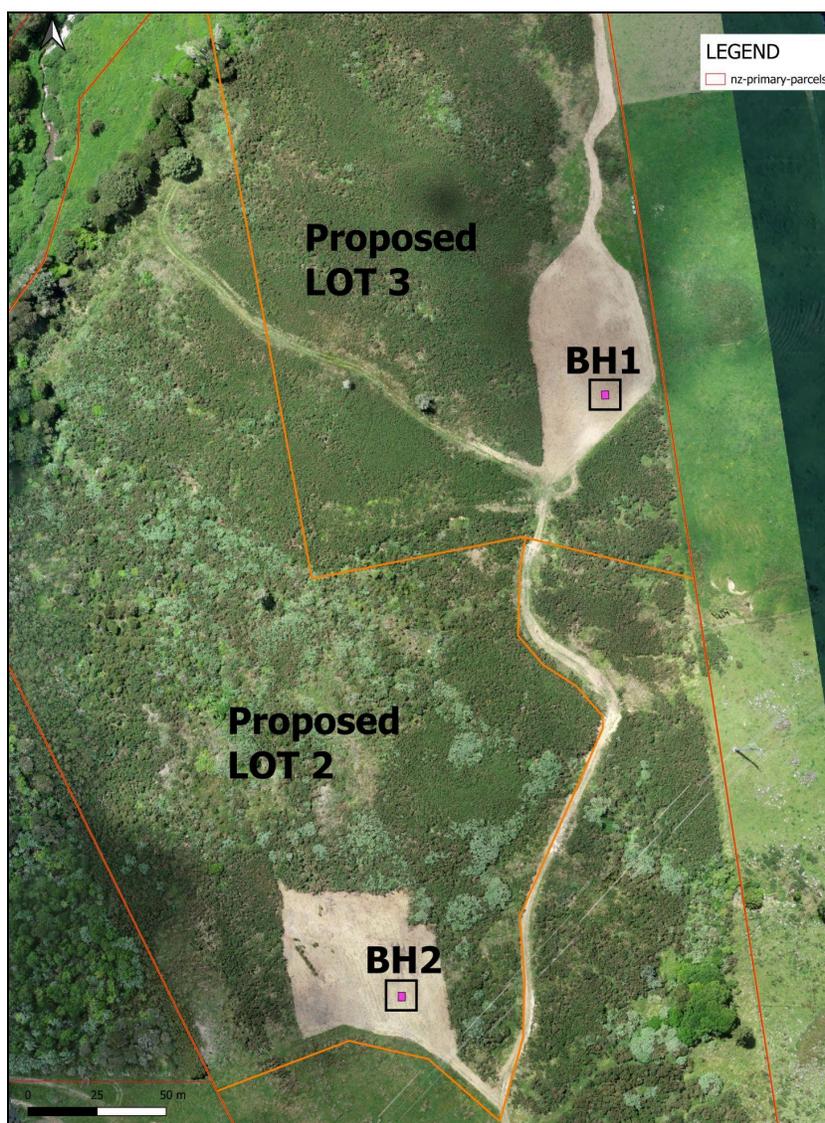


Figure 6 - Borehole Location Plan (DroneX Aerial Imagery, Scale 1:1000 [A3])

Results of all in-situ soil tests together with detailed descriptions of the soils encountered during drilling are attached to this report.

No saturated or boggy ground was encountered within the soil test locations. The depths of strata and groundwater [where encountered] on the logs are recorded from ground level.

12. Summary of Bored Ground Conditions

12.1 Topsoil

Observed as dark brown with minor rootlets (approximately) 0.20 - 0.30 metres thick.

12.2 B Horizon

The natural (cohesive) subsoils encountered generally comprise very stiff, yellowish brown - light grey and highly plastic silty CLAY. As depicted in Figure 7 below;





Figure 7 - Natural Soils

12.3 Filled Ground

Was not encountered.

12.4 Groundwater Conditions

Perched groundwater was not encountered. Complete saturation is considered less likely due to the prominent relief of the land along with the moderate permeability of the upper subsurface mantle [as encountered].

The geological features which highly influence infiltration are highly varied over an outcrop and likely so from one to another. Therefore, a uniform distribution and infiltration of rain is highly *unlikely* and the consequent rise in water-table will be greater in some places than others.

Accordingly, the favourable relief and supporting vegetation dictates that full saturation of the subsoil mass within and close vicinity of the building platforms can be considered *low*. Inevitably, the majority shall sheetflow northwest away from the effective sites.

12.5 Primary Flow Paths [PFP]

Based on the natural features of the site, it is envisaged that in heavy rainfall events, surface flows are generally designated within the primary flow paths readily in service and shall flow towards the stream (northwest).

The heavy presence of native bush and vegetation will stop sediments and slow water flows at peak storm events.

Water will eventually flow northwest through the supporting flowpaths/streams with the final destination into the Waitangi River. As depicted in Figure 8 below.

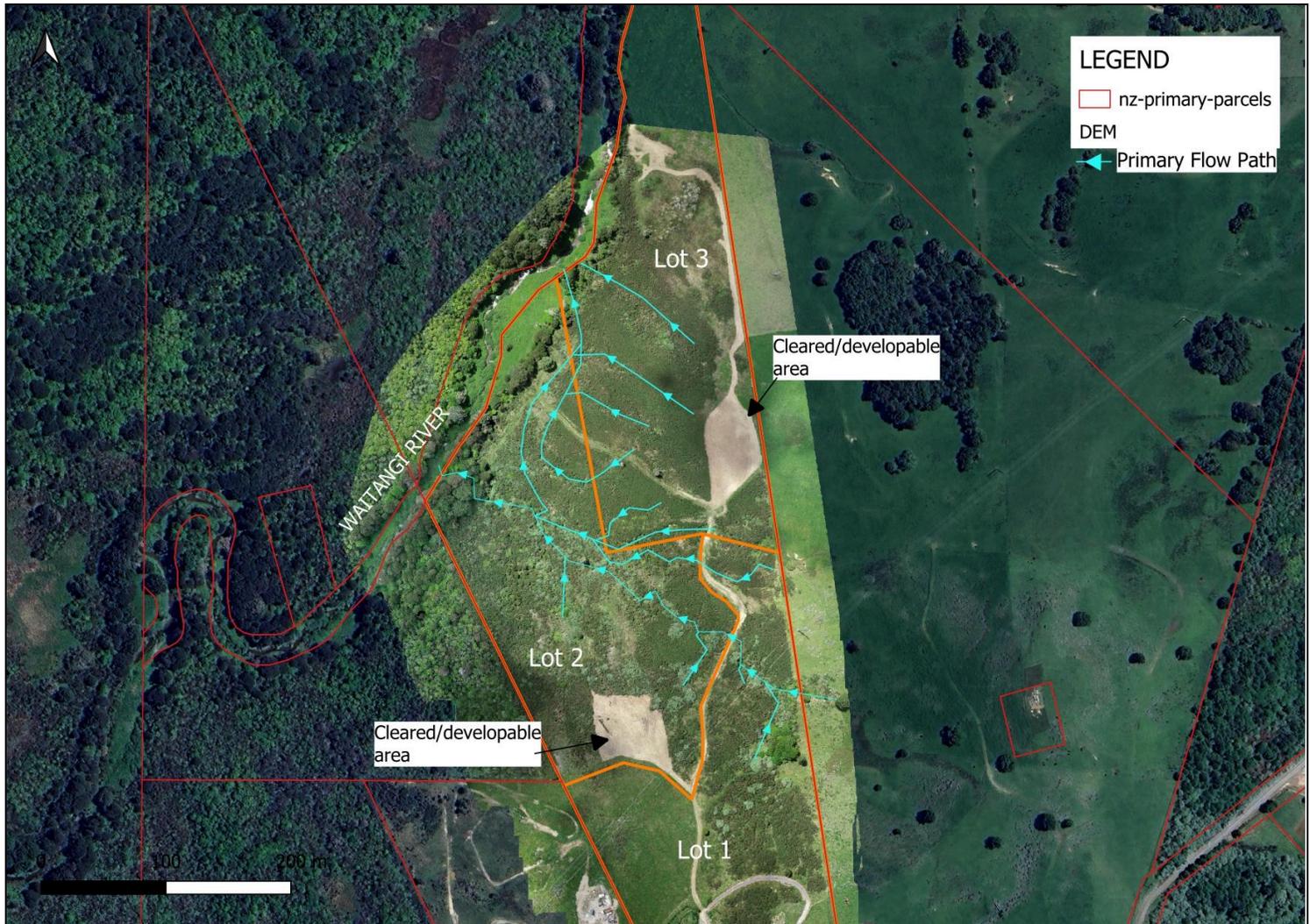


Figure 8 - Primary Flow Paths (DEM courtesy of LINZ. Scale 1:3500 [A4])

13. Discussion on Subground Conditions

Our preliminary field test results indicate an average soil strength of approximately $\geq 100\text{kPa}$.

13.1 Corrected Vane Shear Readings

Corrected vane shear readings recorded within the bored test holes were in the order of $\geq 199\text{ kPa}$.

It shall be appreciated that field data were deduced from limited test positions and may vary from that encountered.

Field results are indicative of 'good ground bearing' capacity for shallow foundations in accordance with Building Code for Standard Foundations - NZS 3604:2011².

13.2 Subsoil Properties

The tabulated data below is based on our experience and laboratory testing undertaken of similar soils previously.

Table 1.3 – Residual Soil Workability Data

Soil Description	Proctor Compaction		Permeability @ Proctor Maximum compaction [mm/hr]
	Maximum dry density [T/m ³]	Optimum moisture content [%]	
Silty CLAY	1.84 ± 0.02	14.7 ± 0.3	0.01 ± 0.007

The above data shall be used as a guide only. In the case where the subsoils onsite are intended for fill [not recommended] material then samples from the site shall undergo laboratory testing prior to earthworks commencing.

14. Discussion on Subsoil Classification

14.1 Expansive³ Soils

The **magnitude** of soil expansivity is primarily dependent on the *kind* and *amount* of clay minerals present, their exchangeable ions and internal structure. There are three important clay mineral groups; montmorillonite, illite and kaolinite. **Montmorillonite** is the known clay mineral with most expansive problems.

As discussed in section 9.1; the encountered soils dominantly comprise *Kaolinite* mineral.

14.2 Discussion on Residual Minerals

Kaolinite (Al₂Si₂O₅(OH)₄) is widely known up here in the far north for its versatile uses but most importantly its composition dictates that; "it is **non-swelling** due to hydrogen bonds that prevent water from infiltrating the layers <https://activeminerals.com/blog/kaolin-guide/>."

14.3 Laboratory Soil Tests

Three samples for Atterberg Limit and Linear Shrinkage tests taken from the site were generally within the zone of likely influence of shallow foundations. This preliminary test was in accordance with NZS 4402 - Sections 2.1, 2.2, 2.3, 2.4 & 2.6 respectively "Methods of Testing Soils for Civil Engineering purposes" and

²Section 3.13.

³soils are defined in NZS 3604 as those soils having a liquid limit > 50% and a linear shrinkage < 15%.

primarily intended to give a likely indication of the subsoil behaviour, characteristics and conditions at its natural undisturbed state.

14.3.1 Compactness [*liquidity*] Indexe

Soil indexes can also be utilised to determine the **Liquidity Index [LI] (compact index)** i.e. the compactness [cohesive soils] or denseness [non cohesive] whether the in-situ soil particles are tightly packed together or have a non compact state.[et al Lawrence D Wesley 2010].

Therefore, the **LI = (NMC - PL) / PI**. $LI \geq 1$ means soil is loose; has a natural moisture content = liquid limit; $LI < 1 = 0$ [or less] soils are tightly packed; has a natural moisture content = plastic limit.

In this case the average compact index is in the order of $LI = -0.3$ which indicates that the soil is well packed, hard and drier than its plastic limit.

Reference:

A.S. 2870, "Residential Slab and Footings - Construction".

NZS 3604, "Timber Framed Buildings"

Geology of the Kaitaia Area. Institute of Geological & Nuclear Sciences; 1: 250,000 geological map 1.

NZMS Sheet 290 O 04/05 Part Sheet O 03, 1:100,000 scale map, Edition 1, 1981: "Whangaroa-Kaikohe" (Rocks).

15. Geotechnical Appraisal

An assessment of the proposed developable areas (DA) is summarised below;

15.1 Developable Area - Lot 2

The identified developable area is located within the southern portion of the proposed allotment and comprises gently sloping terrain with gradients of approximately 6° (1:10 horizontal:vertical). A natural drainage channel traverses through the centre of the lot (north of the cleared area) in a north-westerly direction. Development should be setback appropriately from this primary flow path to maintain natural drainage function and minimise erosion risk.

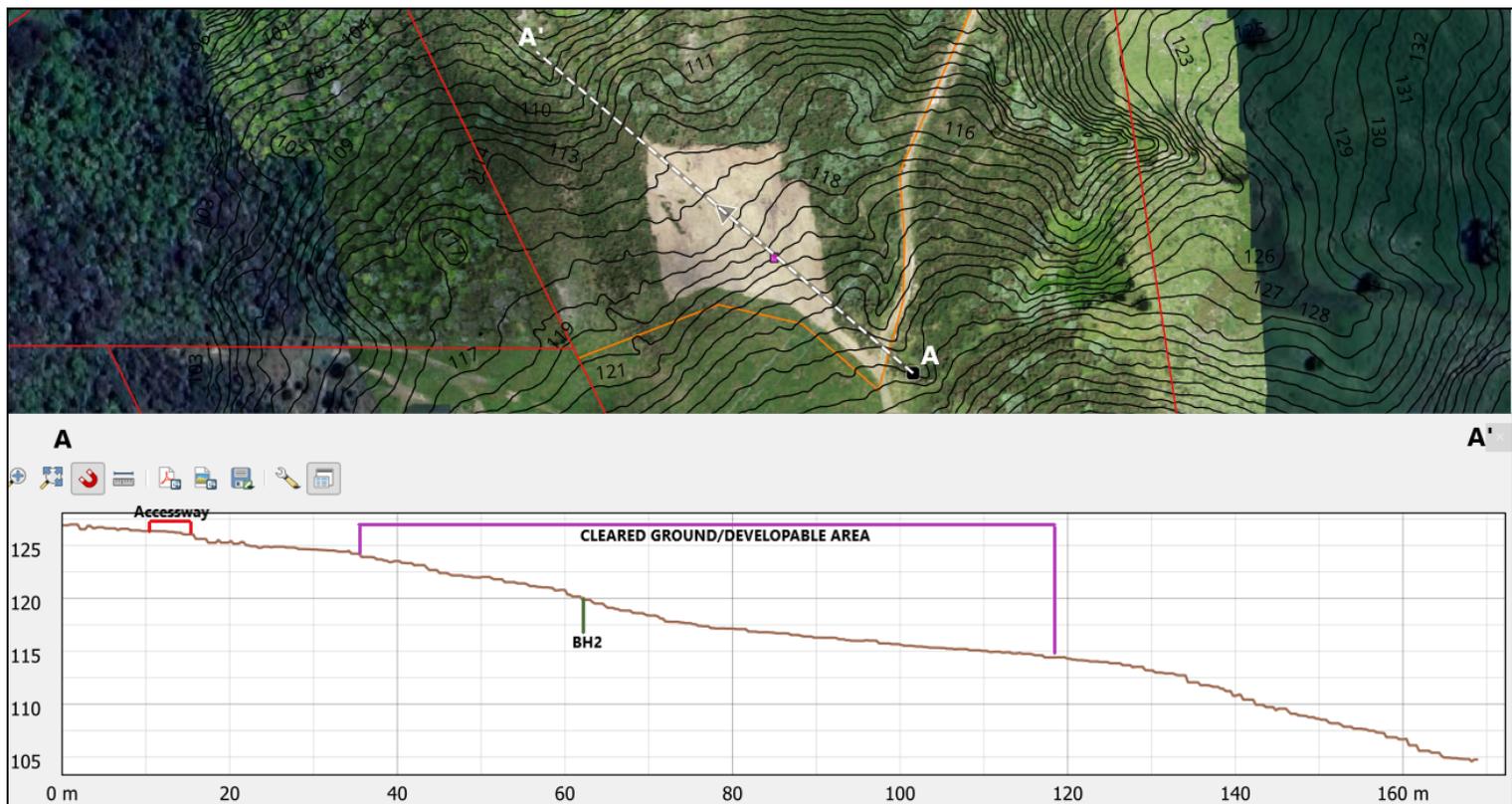


Figure 9: Lot 2; Southeast - Northwest (Orange line DEM. Courtesy of LINZ. Horizontal scale: $\approx 1:200$, Vertical scale $\approx 1:154$)

15.2 Developable Area - Lot 3

The identified developable area for Lot 3 is located in the eastern portion of the lot and comprises gently sloping terrain with gradients of approximately 13° (1:4.3 horizontal:vertical). The lot exhibits gentle descending gradients trending north-westward toward the lower-lying area of Lot 2 and Waitangi River. Surface water runoff from the lot drains naturally westward across the terrain.

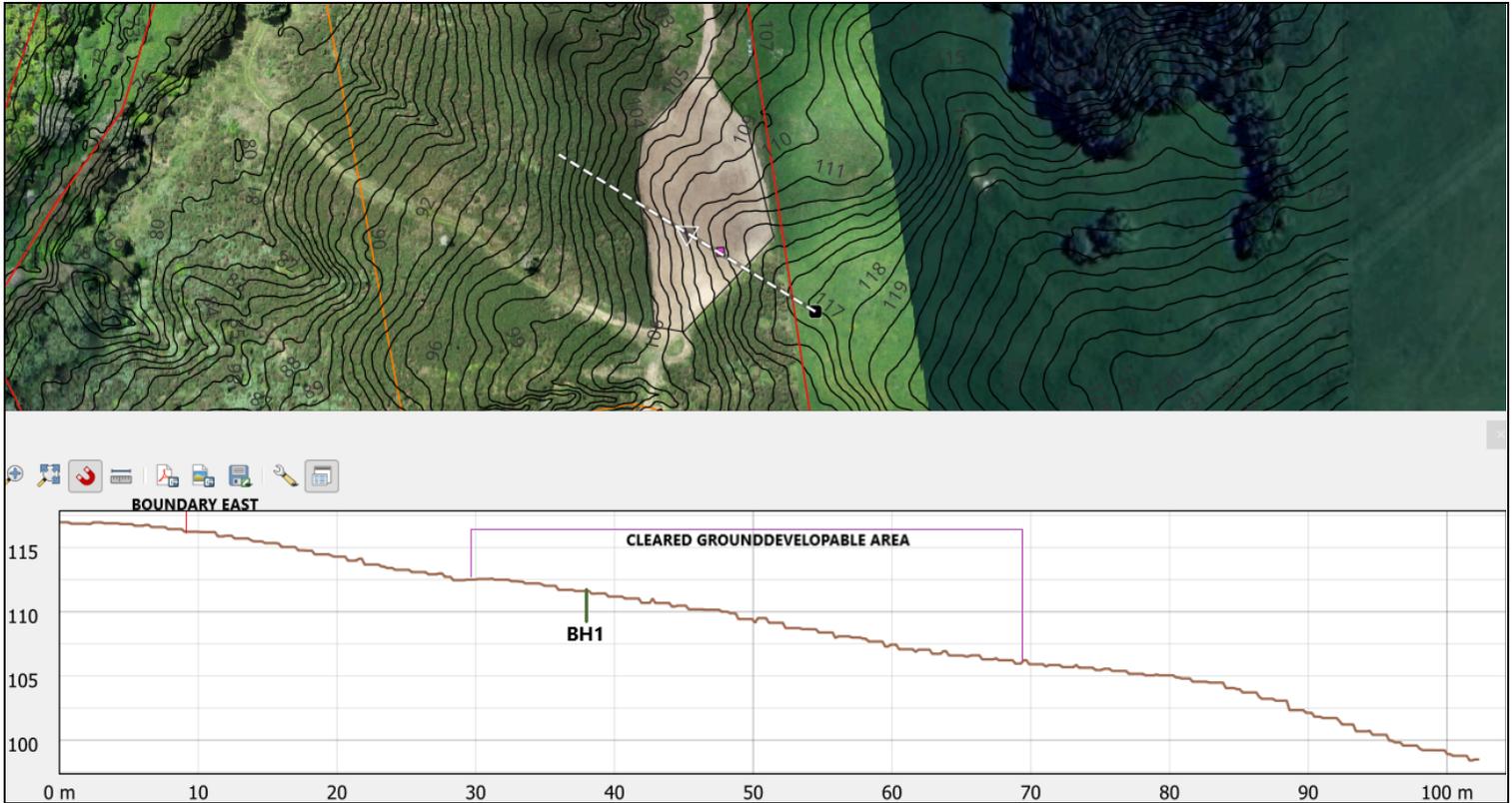


Figure 10: Lot 3; Southeast - Northwest (Orange line DEM. Courtesy of LINZ. Horizontal scale: $\approx 1:200$, Vertical scale $\approx 1:154$)

15.3 Foundations

The locations proposed for the developable area pertaining to the subdivision can be considered to likely have a low potential for slope instability.

Standard stripped or trench filled foundations are considered suitable where a level building platform exists or where a masonry perimeter block wall is opted for to build up unlevelled ground to levelled ground. For this option, structural loads shall be founded adequately into the natural underlying soil with solid strength/bearing capacity.

As appropriate, it is **recommended** that subsequent residential development pertaining to the proposed sites are subject to a *site specific geotechnical investigations* and recommendations to confirm the need for specific engineering design i.e. taking into account the site [subsoil] conditions [at present] and balancing site feasibility effects with specific regard to the proposed development demands at building consent stage.

Residual soils ≥ 0.50 m below the current ground level were shown to have adequate bearing capacity i.e. minimum ultimate bearing capacity in the order of ≥ 300 kPa.

A strength reduction factor [ϕ_s] of 0.5 shall be applied for the design bearing strength.

15.4 Subgrade Preparation and Protection

At this point in time, it is expected within the hardstanding and driveways only. The work shall comprise;

1. Stripping off of all topsoil and other deleterious material and stockpiling it away from the work area.
2. Engineer to observe the final subgrade on natural ground and proof roll.
3. GAP 40 covering layer max 0.125m thick spread evenly across the stripped area to provide cover from the elements.

Stripping shall extend one meter outside of the effective work perimeter.

All in all, no signs of land instability were observed during our time onsite.

16. Geological Appraisal of Land Stability and Natural Hazards

16.1 General Account

Of the property seeks within reason the sustainability of the land and geological aspects with respect to any standing or notable natural hazards that may undermine its standing integrity. As well, minimal ground impact from human activities and the natural elements. All in all, cumulative equilibrium coexistence.

16.2 Geological Fault Lines/Surface Ruptures

Reviewed geological maps show NO fault lines through or nearby the general property. Seismic activity within the region is generally low.

Recent movement as a direct result of fault line activity within close vicinity to the subject were not observed. All in all, we consider that any risk pertaining to fault line/surface ruptures to be low at this site.

16.3 Slope Instability

No evidence of hummocky or tension cracks were encountered upon the landform at present.

This generally proves fundamental stability of the land. In this case, confidence impresses a positive assurance that;

- The natural subsoils bored were in a very stiff state.
- Full saturation is highly unlikely due to the favourable topography of the land and well established tree/vegetation canopies.
- Chemical weathering of the soils accelerates cementation varying within the shallow mantle which restricts deep infiltration from surface water.
- More competent basalt bed and residual soils underlying the property.
- Establishing native trees/vegetation occupation shall sustain **land resilience** in this case.

Consequently, we consider that a low risk of slope instability can be sustained within the nominated developable areas. The impact of slope movement shall likely not impact the proposed project nor is the proposed activity likely to effect slope instability at this stage.

However, it shall be reconsidered at the time of subsequent development i.e. the extent of the development, associated activities and likely impact of such activity to the site.

All future land developments within the subsequent Lots shall undergo rigorous planning and feasibility of application assessment in specific context to the effective site and proposal.

16.4 Influence of Topography

Has a significant and consistent effect on the weathering process and consequently on the type of minerals formed. Hilly countries [like the exhibit] soils i.e. more granular constituents; are well drained and seepage flows have a strong downward element.

As understood, this brings forth the formation of *low activity* clay minerals i.e. kaolinite⁴ specifically. Soils comprising these minerals generally have *good engineering properties*.

16.5 Reactive Subsurface Soils

Based on the underlying geology mapped, it is considered that the residual soils encountered on site may become reactive if/where they are rapidly exposed [open cuts/scraping] to the elements.

Where undisturbed, the soils are considered *slightly* reactive based on our experience of the area.

16.6 Flooding

The effective sites are well elevated and therefore risk of flooding is low.

Reference:

Manaaki Whenua LandCare Research: New Zealand Soil Classification (NZSC) - Soil Order.

Geology of the Whangarei Area. Institute of Geological & Nuclear Sciences; 1: 250,000 geological map 2.

NZMS Sheet 290 O 04/04 part sheet O 03, 1:100,000 scale map, Edition 1, 1982: "*Whangaroa-Kaikohe*" (Rocks).

17. Engineering Recommendations

Our assessments of the natural hazards and geomorphology relative to the site indicates that associated risks to LIFE and Property in this instance can be considered *low*. Provided that recommendations herein/not limited to are adopted in application of subsequent residential occupation.

⁴ formed by the alteration of ALKALI FELDSPAR and other aluminium bearing minerals.

17.1 Building Platform

The following sections present preliminary engineering guidance to effective planning action for such undertaking.

A site-specific geotechnical assessment shall be undertaken for each proposed building platform at Building Consent stage. Subject to completion of these investigations and implementation of any resultant recommendations, slope stability risks can be adequately managed during subsequent individual lot development.

17.2 Site Cut Slopes

Permanently into undisturbed soil shall be battered back to a stable gradient of 3H:1V for heights up to three metres to minimise the potential for slope instability. The former shall be subject to specific engineering design [SED] and evaluation prior.

Moreover, cut faces $\leq 1.5\text{m}$ can be supported by a non SED retaining wall provided there is no surcharge on the wall. Any walls subjected to surcharge shall undergo SED.

17.3 Filling near Slopes

Shall not be undertaken, unless specific engineering design comes to pass.

17.4 Fills

Shall not be undertaken unless prior SED and appraisal of the proposal development and site is completed and approved by Far North District Council at such time. All work shall comply with NZS 4404, NZS 4402 and NZS 4431 as appropriate.

17.5 Site Landscaping and Contouring

Shall stay true to the natural fall of the land at present. Critically, foundation ground shall adopt final grading, away from building foundations to convey surface water runoff away from this area.

17.6 Access Road

The existing access way is mostly defined however, additional widening and resurfacing shall be undertaken as appropriate. This shall address metalling and redefining the associated drains/culverts as appropriate.

For the driveway relocation area identified in figure 13 below, preliminary works will be required to clear and grade the land to make it suitable. This area was not observed due to flora takeover. Further observations shall come to pass at a later stage when cleared.

All works that may be required shall be conducted in accordance with the FNDC Engineering Standards and related documents/codes.



Figure 11: Accessway location plan

17.7 Fill Monitoring Compaction tests

All monitoring shall be carried out by suitably qualified engineer familiar with this report/site.

Table 1.4 – Compaction Test Schedule

Field Compaction Tests	Non Cohesive Material	Cohesive Fill Material
In-situ density	Minimum average of 98% of MDD as determined by heavy compaction test.	Minimum average of 95% of MDD as determined by standard compaction test.
Clegg Hammer	Hardfill minimum average CIV = 25. Minimum single value 20	n/a
Air voids	n/a	Max single value ≤ 12% average 5 consecutive tests ≤ 10%

17.8 Stormwater Runoff

From resident implementations i.e. roofs, concrete driveways shall be collected in water tanks and overflow dissipated onto the complementing natural flow paths.

17.9 Ground Bearing Benchmark

Founding ground where subject to future building development shall sustain a *minimum* ultimate bearing strength capacity of 300 kPa [vertical loads only]. Foundations shall be embedded adequately to account for lateral loadings and adequate bracing.

A conservative angle of shearing resistance Φ' of 30° and cohesion c' of 5 kPa can be assumed at shallow founding depths based on a characteristic corrected undrained shear strength of ≥ 199 kPa can be assumed within the natural Silty CLAY layer.

17.10 Liquefaction Potential

A detailed liquefaction potential assessment was outside the scope of this undertaking, however the general rating of seismic activity within the Far North is low.

Potentially liquefiable materials are identified by;

- Cohesive [fines] content i.e. highly cohesive aggregates are less susceptible to liquefaction
- Plasticity Index
- Groundwater levels
- Thickness of potentially liquefiable soils
- Amplitude, frequency content and duration of shaking expected during seismic events.

All in all, it can be concluded that the proposed building platforms are *low-negligible* during [IF] a seismic event up to 0.11 g PGA as anticipated for Northland inside NZS 1170 and within tolerable settlement limits set by the NZBC.

18. Conclusion

The effective land is in a *stable state* at present.

The primary objective for subsequent development shall seek to sustain the land in this context during and after the establishment of occupational assets.

All development works intended specifically for the proposed lots, shall NOT be undertaken prior to a site specific geotechnical appraisal being carried out with due regard to the development proposed and site conditions at the time.

Consequently, good sound engineering practices through means of extensive and conscientiously executing field observations during and after construction is prudent here.

19. Stormwater Management

19.1 General Suitability

The subdivision will maintain low-intensity rural residential development whilst preserving the natural character of the landscape. The property benefits from well-defined natural drainage patterns, with primary flow paths channeling surface water runoff through existing flowpath systems that discharge in a north-westerly direction toward Waitangi River.

These natural features are populated with established adequate outfalls and vegetation and readily provide an established low impact and sustainable stormwater management approach in this instance.

Any adverse effects as a result of future residential dwellings to be erected within the nominated areas of these proposed lots are considered less than minor.

Accordingly, the proposed moderately minor lots shall be considered under general site and future development feasibility with primary regard to the FNDC Plan - 13.7.3.4 Stormwater Disposal.

It is recommended that a site specific analysis of post development against pre development [equilibrate state currently] conditions for the proposed lots are accounted for at building consent stage when an intended purpose of a proposed development plan is decided upon.

However, the PFPs shall be well incorporated within the stormwater management system in balancing service of the collective subdivision and future occupational activities anticipated from the proposed lots.

19.2 Stormwater Management Principles

On-site stormwater management is to be carried out in accordance with Clause E1 of the building code compliance documents. The performance requirements are as follows;

- That a primary system capable of disposal of surface water resulting from a storm having a 10 % (1 in 10 year) probability of occurring annually, shall be constructed.
- That all stormwater reticulation and disposal systems are constructed to convey surface water to an appropriate outfall using gravity flow, and in a manner which avoids the likelihood of blockages, leakage, penetration by roots, or the entry of groundwater where pipes or lined channels are used and avoids the likelihood of damage from superimposed loads or normal ground movements.
- For piped systems, accessible inspection chambers are provided at all changes of grade, direction and pipe size.
- That the reticulation and disposal system is designed and constructed for a function design life of 50 years.
- That damage to the environment both during and after the development construction phase is minimised or avoided.
- That a system is provided which can be economically maintained

19.3 Impermeable Surfaces

Impermeable surfaces are defined by FNDC as;

(a) decks (including decks less than 1 m in height above the ground) excluding open slatted decks where there are gaps between the boards;

(b) pools, but does not include pools designed to operate as a detention pond;

(c) any surfaced area used for parking, maneuvering, access or loading of motor vehicles, including areas covered with aggregate;

(d) areas that are paved with concrete, asphalt, open jointed slabs, bricks, gobi or materials with similar properties to those listed;

(e) roof coverage area on plan;

But excludes:

i. Water storage tanks occupying up to a maximum cumulative area of 20 m²; and

ii. Paths and paving less than 1 m wide, provided they are separated from other Impermeable Surfaces by a minimum of 1 m.

20. Regulatory Framework

20.1 Far North District Plan

The site is within the Rural Production zone. The relevant permitted stormwater management rule is as follows:

8.6.5.1.3 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.

The intent of the application is to comply with NRC permitted activity rules Section 21: Rules for Stormwater Discharges and to satisfy FNDC criteria for a permitted activity consent application.

Future developments on Lots 1 - 3 are not expected to exceed the permitted activity rule.

20.2 Regional Water and Soil Plan for Northland

Rule 21.1.1 provides, as a permitted activity, for the diversion and discharge of stormwater by way of an open constructed stormwater collection system or piped stormwater where the stormwater collection system is connected to, or part of, a stormwater system for which a resource consent exists.

Future development of all Lots can comply with Rule 21.1.1.

20.3 Proposed Regional Plan for Northland

The Northland Regional Council is reviewing its Regional Plans and a Proposed Regional Plan for Northland was notified in October 2023.

Proposed Rule C6.4.2 provides for the diversion and discharge of stormwater from outside a public stormwater network provided (amongst other conditions);

2) the diversion and discharge does not cause or increase flooding of land outside the area serviced by the stormwater network up to the 10 percent annual exceedance probability or flooding of buildings outside the area serviced by the network up to the one percent annual exceedance probability, and ...

All in all, we consider that future development of Lots 1 - 3 can comply with Rule C6.4.2 with low impact stormwater management systems.

20.4 Stormwater Management

Stormwater runoff from future roof areas on Lots 1 - 3 will be collected in water tanks for domestic water supply. The overflow from the water tanks shall be discharged in a dispersive manner well away from buildings.

Similarly, stormwater from future driveway and parking / manoeuvring areas within Lots 1 - 3 shall be channelled toward the natural PFP within the lots.

21. Conclusion

It is considered that NO change in the existing stormwater flow paths i.e. primary flow paths shall result from the subdivision.

- Primarily, the prominent flow paths and supporting water features shall be incorporated and progressively maintained continuously to generate a sustainable equilibrium to the environment and LIFE.
- Water tanks shall be used to collect roof water runoff and serve to provide potable water.
- Roof tank overflow, together with yard and driveway runoff, shall where possible be directed to the existing flow paths through a dispersive device.

It is recommended that careful consideration/planning is exhausted with regard to Minimal Impact Footprint (MIF) of future development hereon. As appropriate, site specific stormwater runoff effects and management applications shall be considered at such time where a development is proposed with plans depicting roof areas and other impermeable surfaces as well as the extent of the development earthworks are known for each specific Lot.

Particular reference/review shall be undertaken of this appraisal in conjunction with conducting the former. This shall provide further background information specific to the sites and existing environment conditions relative to this point in time.

All in all, the property and existing natural landscapes can sustain the proposal subject to careful planning and balancing effects of imposed activities and hosting environments. Therefore, a Low Impact Design Approach (LIDA) for stormwater management shall be the cornerstone philosophy for this development proposal.

As a consequence, sustainable effects to the environment and LIFE can be fulfilled.

22. Assessment Criteria

Stormwater management has been assessed against the Assessment Criteria in Section 13.10.4:

Table 1.5 - Far North District Plan Section 13.10.4 Assessment Criteria

Criterion	Comment
(a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.	The proposed stormwater management complies with Regional Water and Soil Plan permitted activity rules.

(b) Whether the application complies with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004).	The proposed stormwater management complies with Council's "Engineering Standards" (May 2023).
(c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.	The proposed stormwater management complies with Far North District Council Strategic Plan - Drainage rules.
(d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.	Natural PFPs that are present on site shall be utilised. The subdivision poses minor changes to the current lands with reduced site impermeability. Therefore, natural permeable areas are retained.
(e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.	Run-off from the roof can be dispersed to the present natural flow paths.
(f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.	Stormwater control practices have been designed in accordance with the TP10 publication. The existing features, as aforementioned, readily provide mitigation.
(g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.	The outstanding natural water features and supporting table drains shall be readily incorporated for stormwater management in service of the collective subdivision.
(h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.	Proposed lots are not connected to the Council's stormwater system. Increased runoff from the subdivision are less than minor.
(i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.	Analysis of post-development flows to pre-development levels at building consent stage. The overall proposal scheme is adequate.
(j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.	The existing natural stormwater features cater for this. The subdivision will not increase the rate of discharge, however the incorporation of a low impact approach i.e. water tanks and established flora occupation will slow discharge rates during peak stormwater flows.
(k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.	None

(l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipelines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.	N/A
(m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.	Natural flow paths will be maintained.
(n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.	Stormwater will be managed within each Lot.
(o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.	N/A
(p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.	N/A
(q) The need for and extent of any financial contributions to achieve the above matters.	N/A
(r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.	N/A

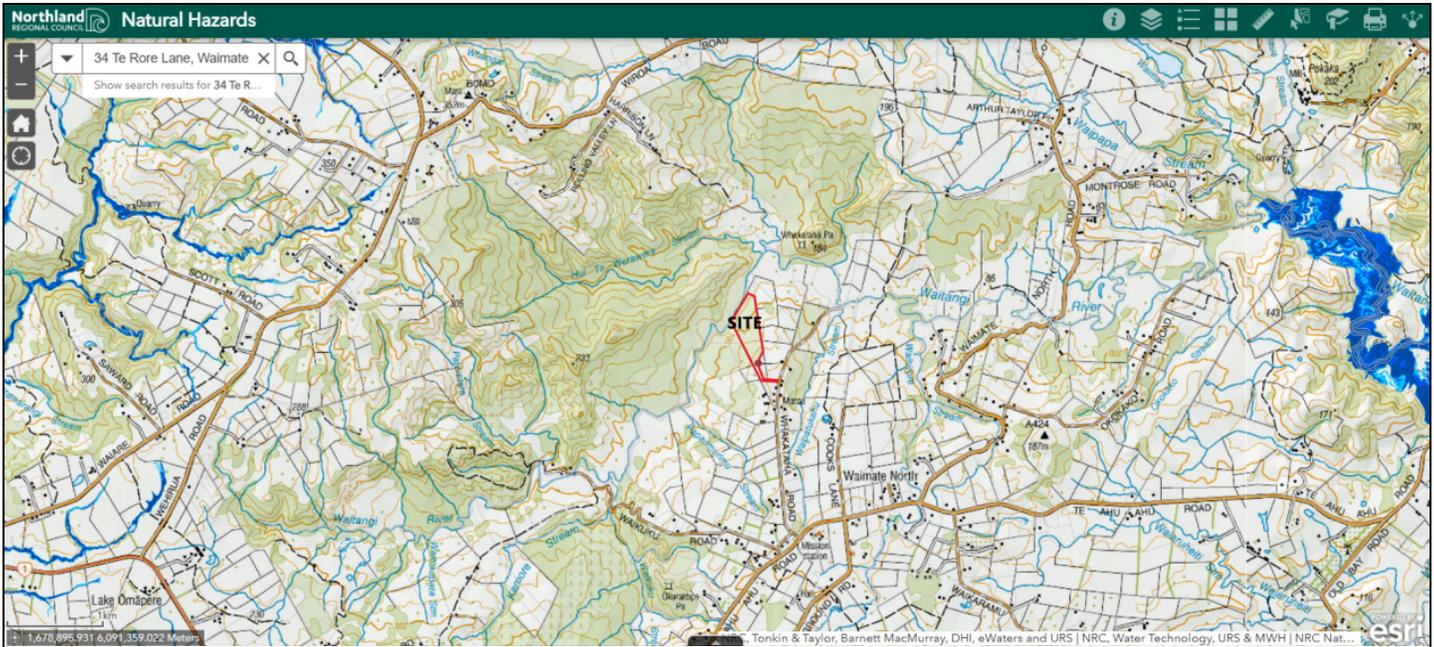


Figure 14 - Supporting Water Bodies Location Plan (maps adapted from NRC Natural Hazards Map).

23. Wastewater

23.1 Overview

FNDC requires that all new wastewater systems should be designed and installed in compliance with Auckland Regional Council (ARC) Technical Publication 58 (TP58). The Northland Regional Council (NRC) requires that domestic effluent discharge complies with the Proposed Regional Plan for Northland. NRC has confirmed that there were no submissions opposing Section C.6.1 – On-site domestic wastewater discharge of the Proposed Regional Plan and therefore can be considered operative.

23.2 Summary of Regulatory Issues

Proposed Regional Plan for Northland (RPN) and Far North District Plan

The discharge of sewage effluent onto land is controlled by and should comply with the permitted activity rules C.6.1.3 of the Proposed Regional Plan for Northland (RPN), including;

- The volume of wastewater discharged does not exceed two cubic metres per day.
- The slope of the disposal area is not to exceed 25 degrees.
- Special provisions apply to disposal area slopes greater than 10 degrees.

The effluent disposal systems will need to be sited to avoid surface runoff and natural seepage from adjacent land, or protected by using interception drains. The disposal areas may need to be mounded above the

surrounding land to ensure that the lowest point in the field complies with the Proposed Regional Plan for Northland and Far North District Plan (FNDP) rules:

- Not less than 1.2 m above the winter groundwater table for primary treated effluent and;
- Not less than 0.6 m above the winter groundwater table for secondary treated effluent.

The disposal field also needs to have minimum separation distances from watercourses and boundaries as follows (RPN Rule C6.1.3):

- Not less than 5 m from an identified stormwater flow path (including a formed road with kerb and channel, and water-table drain) that is down-slope of the disposal area.
- Not less than 20 m from any surface water for primary treated effluent.
- Not less than 15 m from any surface water for secondary treated effluent.
- Not less than 20 m from any existing groundwater bore located on any other property.
- Not less than 1.5 m from a boundary.

The Proposed Regional Plan for Northland defines “Surface Water” as: All water, flowing or not, above the ground. It includes water in a continuously or intermittently flowing river, an artificial watercourse, an overland flow path, and a lake and or wetland; water impounded by a structure such as a dam; and water that inundates land during flood events. It does not include water in any form while in a pipe, tank or cistern.

Surface water, as defined in NZS1547:2012, refers to: any fresh water or geothermal water in a river, lake, stream, or wetland that may be permanently or intermittently flowing. Surface water also includes water in the coastal marine area and water in man-made drains, channels, and dams unless these are purposed to specifically divert surface water away from the land application area. Surface water excludes any water in a pipe or tank.

Northland Regional Council (NRC) has concluded that, to be a permitted activity, secondary treated wastewater is to achieve a 15m setback from the 20 year ARI flood event. This is derived from Auckland Council (AC) Technical Publication (TP) 58, where it is recommended that secondary treated effluent is disposed of to ground outside of the 20 year ARI, with a further factor of safety applied being NRC’s surface water setback requirement.

The following analysis ensures that the proposed on-site wastewater disposal to service the development complies with both the operative and proposed wastewater discharge rules.

23.3 Existing System

Servicing the home [proposed Lot 1] is understood to be fully operational as purposed and is contained wholly within the proposed boundaries thereafter. There is ample space within the proposed new lot for a reserve field should the need arise in the future.

23.4 Design Population and System Flow Volumes

23.4.1 Design Occupancy Rating

A three bedroom residential dwelling is adopted for the purpose of this site feasibility appraisal. A design occupancy of five people is therefore adopted in reference to TP58 Section 6.3.1.

23.4.2 Source of Water Supply

Water is to be sourced from on-site roof water tank supply. Flow reduction fittings may be used, but this cannot be assumed in assessing potential wastewater flows.

23.4.3 Design Flow Volumes

It is assumed that the house is to be fitted with standard water fixtures. Note: standard water fixtures are defined in TP58 as “Household with 11/5.5 or 6/3 flush toilet(s) and standard fixtures, low water use dishwasher and NO garbage grinder”. Water supply is from roof water. The associated wastewater flow allowance is 160 litres/person/day.

Total daily wastewater generation of the proposed development is calculated as follows;

$$\begin{aligned}
 \text{Design wastewater generation rate} &= \text{Design occupancy number} \times \text{per capita design flow} \\
 &= 5 \text{ persons} \times 160 \text{ litres/person/day} \\
 &= 800 \text{ litres/day}
 \end{aligned}$$

A design flow of 800 litres per day shall be adopted for the purpose of this report.

23.5 Design for Land Application System

23.5.1 Dripper Line Irrigation

There is sufficient land area available for land application of effluent disposal via a dripline system (plus 100% reserve area) on the proposed Lots.

The use of trickle irrigation disposal is sustainable for the very long term. It provides less footprint on the environment and an efficient system for distributing effluent;

- Over a much wider area;
- At an application rate low enough to be sustained by evapotranspiration without reliance on soakage, and;
- Without unduly disturbing the visual effect of the proposed land disposal area and landscaped gardens;
- Hydration for the gardens over the summer months.

23.5.2 Land Application System Location

The maximum slope angle for drip irrigation land disposal systems according to TP58 guidelines is 25°. The slopes within the nominated developable areas range from 6° to 13°. It is therefore considered that drip irrigation would be suitable within all proposed lots.

The land application will need to be sited to avoid surface runoff and natural seepage from higher ground, or protected by using interception drains. In addition, citing restrictions listed in this report will need to be adhered to, to ensure a suitable setback from the identified overland flow paths, boundaries and buildings.

23.5.3 Land Application System Sizing and Design

The soils across the site were found to be TP58 category 5 or AS/NZS1547 category 4. For these soils we consider that surface or subsurface dripper lines are suitable. Dripper lines require secondary treated effluent to operate effectively. TP58 recommended a design irrigation rate for this soil of 4 mm/d.

The total length of the trickle irrigation system required (UniBioline or similar) is calculated as follows;

$$\begin{aligned} \text{Area of dripper irrigation field} &= \frac{\text{Total daily wastewater generation}}{\text{Design irrigation rate}} \\ &= \frac{800 \text{ litres/day}}{4 \text{ mm/day}} \\ &= 200 \text{ m}^2 \end{aligned}$$

Ample area for proposed disposal fields has been allowed for within the allot dimensions however subject to a site specific appraisal at time of future residential development.

Subsurface irrigation is for land intended to be grassed. Tubing must be laid 150 mm into topsoil.

Surface dripper lines are to be covered with 100 mm topsoil or mulch and planted using evapotranspiration plants. Access to the disposal area should be minimised by effective bordering with either vegetation or fencing.

The disposal field will be pressurised by a conventional system of using a pump. A filter is to be installed to prevent clogging of emitters. Flush/non-return valves shall be installed on all dripper lines.

The disposal area should be protected by a cut off drain (where applicable) to divert stormwater run-off.

24. Conclusion

As appropriate, a site specific onsite wastewater management system appraisal, effects and management applications shall be considered at such time where a development is proposed with a floor plan and the extent of the development earthworks are known for each specific Lot.

Subsequently, it is recommended that particular reference/review is undertaken of this appraisal in conjunction with conducting the former. This shall provide further background information specific to the sites and existing environment conditions relative to this point in time.

25. Source of Water Supply

In the absence of potable water infrastructure, it is recommended that stormwater runoff from the future roof areas within Lots 1 - 3 be collected in water tanks with appropriate filtration for domestic water supply. The overflow from the water tanks shall be discharged in a dispersive manner well away from buildings.

26. Assessment Criteria

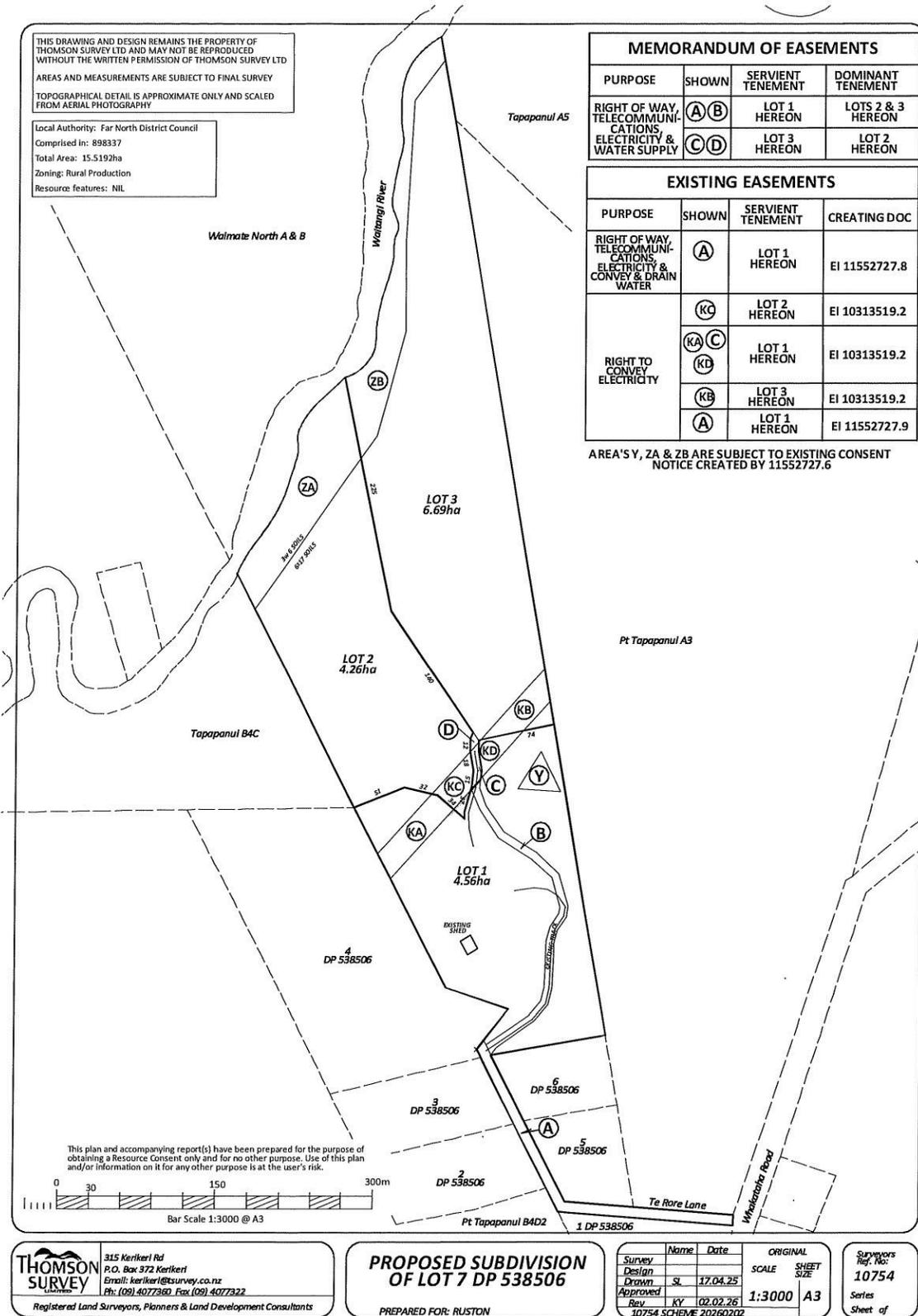
Wastewater management has been assessed against the Assessment Criteria in Section 13.10.5:

Table 1.6 - Far North District Plan Section 13.10.5 Assessment Criteria

Criterion	Comment
(a) Whether the capacity, availability, and accessibility of the reticulated system is adequate to serve the proposed subdivision.	N/A
(b) Whether the application includes the installation of all new reticulation, and complies with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004)	N/A
(c) Whether the existing sanitary sewage disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision.	Onsite wastewater management system shall be utilised here.
(d) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal roads will be required, under the Local Government Act.	N/A

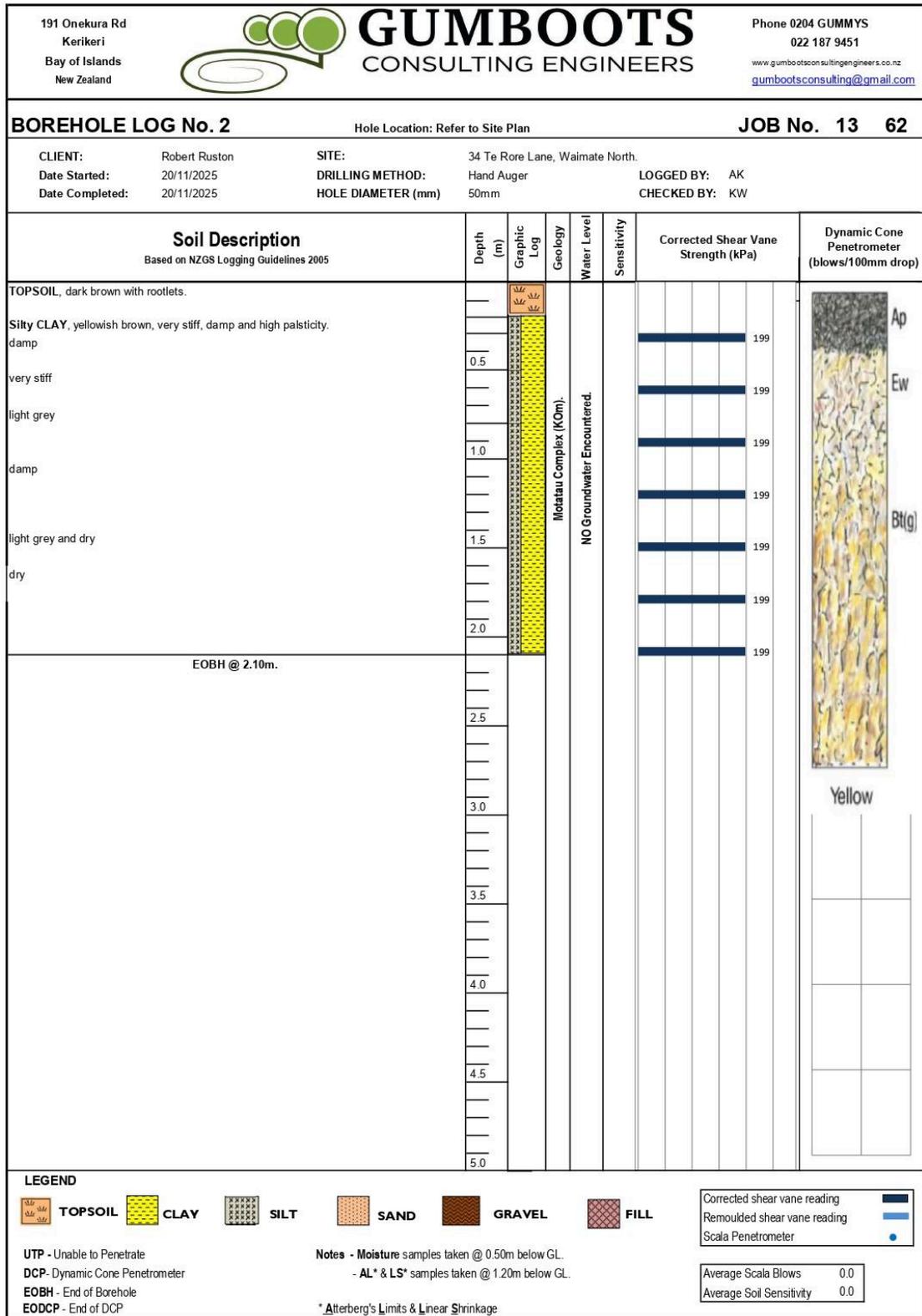
(e) Where a reticulated system is not available, or a connection is impractical, whether a suitable sewage treatment or other disposal systems is provided in accordance with regional rules or a discharge system in accordance with regional rules or a discharge permit issued by the Northland Regional Council.	Site specific (alternative) onsite wastewater management system is proposed.
(f) Where a reticulated system is not immediately available but is likely to be in the near future, whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title pursuant to Rule 13.6.7 requiring individual allotments to connect with the system when it does become available	N/A
(g) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from a suitable sewage treatment or other disposal system, together with any consent notices to ensure compliance.	As addressed at the building consent stage.
(h) Whether there is a need for, and the extent of, any development contributions to achieve the above matters	N/A.
(i) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public sewage utility for sanitary disposal purposes required to be provided.	N/A.
(j) Whether the subdivision represents the best practical option in respect of the provision that is made for the disposal of sewage and wastewater.	The proposal of an alternative wastewater management system in accordance with TP58 is considered adequate and appropriate in support of the proposed subdivision.

Appendix A – Proposed Subdivision Plan;



Appendix B – Exploratory Borehole Records

191 Onekura Rd Kerikeri Bay of Islands New Zealand		GUMBOOTS CONSULTING ENGINEERS	Phone 0204 GUMMYS 022 187 9451 www.gumbootsonsoiltingengineers.co.nz gumbootsconsulting@gmail.com				
BOREHOLE LOG No. 1		Hole Location: Refer to Site Plan	JOB No. 13 62				
CLIENT: Robert Ruston Date Started: 20/11/2025 Date Completed: 20/11/2025	SITE: 34 Te Rore Lane, Waimate North. DRILLING METHOD: Hand Auger HOLE DIAMETER (mm): 50mm	LOGGED BY: AK CHECKED BY: KW					
Soil Description Based on NZGS Logging Guidelines 2005	Depth (m)	Graphic Log	Geology	Water Level	Sensitivity	Corrected Shear Vane Strength (kPa)	Dynamic Cone Penetrometer (blows/100mm drop)
TOPSOIL, dark brown with rootlets.	0.0						Ap
Silty CLAY, yellowish brown, very stiff, damp and high plasticity. damp very stiff light grey damp light grey and dry dry very stiff and dry	0.5 1.0 1.5 2.0 2.5		Motatau Complex (K0m).	NO Groundwater Encountered.		199 199 199 199 199 199 199	Ew Bt(g)
UTP @ 2.50m.	2.5 3.0 3.5 4.0 4.5 5.0						Yellow
LEGEND							
 TOPSOIL	 CLAY	 SILT	 SAND	 GRAVEL	 FILL	 Corrected shear vane reading	 Remoulded shear vane reading
UTP - Unable to Penetrate DCP - Dynamic Cone Penetrometer EOBH - End of Borehole EODCP - End of DCP	Notes - Refusal on very stiff soil. No topsoil layer encountered. - Moisture samples taken @ 0.50m below GL. - AL* & LS* samples taken @ 1.20m & 2.40m below GL. * Atterberg's Limits & Linear Shrinkage				 Scala Penetrometer	Average Scala Blows 0.0 Average Soil Sensitivity 0.0	



Appendix C – Laboratory Test Results



Waipapa Laboratory
191 Onekura Rd
Kerikeri
0204 486 697
civillabgrouptautua@gmail.com

TEST REPORT

Lab Job No: CLG1031
Your Ref: GCE#1362
Date of Issue: 10/12/2025
Date of Re-Issue: -
Page: 1 of 8

Test Report No.
CLG1031-R001

Project: GCE#1362 - Laboratory Testing

Client: Gumboots Consulting Engineers

Attention: Kelly

Test Methods: Determination of the liquid & plastic limits, plasticity index and water content
NZS 4402:1986 Tests 2.1,2.2,2.3,2.4
Determination of the Linear Shrinkage
NZS 4402:1986 Test 2.6

SAMPLING METHOD: Sampled by Client

TEST RESULTS: As per attached sheets



K. Wright
Administrator



A. Kepu
Approved Signatory

QUALITY ASSURANCE

All tests reported herein have been performed and reported in accordance with the relevant standards.
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Waipapa Laboratory
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civillabgroupautua@gmail.com

DETERMINATION OF THE WATER CONTENT
NZS 4402:1986 Test 2.1

Lab Job No: CLG1031	Sample No: CLG1031: S001- S005
Client: Gumboots Consulting Engineers	Tested By: E.K
Location: GCE#1362	Date Tested: 20/11/2025
As per table below	Checked By: A.K
Date Received: 20/11/2025	Date Checked: 21/11/2025
Report No: CLG1031-R001	Page: 2 of 8
REF: GCE#1362	

Sampling Method: Sampled by client
Date Sampled: 20/11/2025
Test Details:

Sampled By: Client

Test performed on: Fraction crumbled

Sample history: Natural state

Sample No.	Test Sample Location	Date Sampled	Description of Sample	Natural Moisture Content %
S001	BH1 @ 0.5m BGL	20/11/25	Silty CLAY, yellowish brown, very stiff, damp and high plasticity.	37.42
S002	BH1 @ 1.2m BGL	20/11/25	Silty CLAY, yellowish brown, very stiff, damp and high plasticity.	36.82
S003	BH1 @ 2.1m BGL	20/11/25	Silty CLAY, light grey, very stiff and dry.	33.13
S004	BH2 @ 1.2m BGL	20/11/25	Silty CLAY, yellowish brown, very stiff, damp and high plasticity.	42.29
S005	BH2 @ 0.5m BGL	20/11/25	Silty CLAY, yellowish brown, very stiff, damp and high plasticity.	32.47

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DETERMINATION OF THE LINEAR SHRINKAGE

NZS 4402:1986 Test 2.6

Lab Job No:	CLG1031	Sample No:	CLG1031-S002
Client:	Gumboots Consulting Engineers	Tested By:	E.K
Location:	GCE#1362 BH1 @ 1.2m below ground level	Date Tested:	25/11/2025
Date Received:	20/11/2025	Checked By:	A.K
Report No:	CLG1031-R001	Date Checked:	26/11/2025
REF:	GCE#1362	Page:	4 of 8

Test Performed on: Fraction passing 425mm sieve

History: Natural state

Description of Sample: Silty CLAY, yellowish brown, very stiff, damp and high plasticity.

Linear Shrinkage	13
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DETERMINATION OF THE LINEAR SHRINKAGE
NZS 4402:1986 Test 2.6

Lab Job No:	CLG1031	Sample No:	CLG1031-S003
Client:	Gumboots Consulting Engineers	Tested By:	E.K
Location:	GCE#1362 BH1 @ 2.1m below ground level	Date Tested:	25/11/2025
Date Received:	20/11/2025	Checked By:	A.K
Report No:	CLG1031-R001	Date Checked:	26/11/2025
REF:	GCE#1362	Page:	6 of 8

Test Performed on: Fraction passing 425mm sieve
History: Natural state

Description of Sample: Silty CLAY, light grey, very stiff and dry.

Linear Shrinkage	10
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DETERMINATION OF THE LINEAR SHRINKAGE
 NZS 4402:1986 Test 2.6

Lab Job No:	CLG1031	Sample No:	CLG1031-S004
Client:	Gumboots Consulting Engineers	Tested By:	E.K
Location:	GCE#1362 BH2 @ 1.2m below ground level	Date Tested:	25/11/2025
Date Received:	20/11/2025	Checked By:	A.K
Report No:	CLG1031-R001	Date Checked:	26/11/2025
REF:	GCE#1362	Page:	8 of 8

Test Performed on: Fraction passing 425mm sieve
History: Natural state

Description of Sample: Silty CLAY, yellowish brown, very stiff, damp and high plasticity.

Linear Shrinkage	9
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