Te Kaunihera o Te Hiku o te Ika
Far North District Council

Office Use Only
Application Number:

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

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

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?
○ **Yes** ✔ **No**

If yes, who have you spoken with? _____

2. Type of Consent being applied for

◉ **Change of conditions (s.127)**

3. Consultation:

Have you consulted with Iwi/Hapū? ○ **Yes** ◉ **No**

If yes, which groups have you consulted with?

Who else have you consulted with?

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

4. Applicant Details:

Name/s: Terre Spooner-Robson

Email:

Phone number:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s: Sarah Robson

Email:

Phone number:

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

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

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

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

Name/s: Terre Jean Spooner

Property Address/ Location:

Postcode 0293

7. Application Site Details

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

Name/s:

Site Address/ Location: 135 Okokako Road, Waimate North

Postcode 0293

Legal Description: PtAllot13 Parish of Okokako **Val Number:**

Certificate of title: 675063

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

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ✔ **Yes** ○ **No**

Is there a dog on the property? ✔ **Yes** ○ **No**

7. Application Site Details (continued)

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details.
This is important to avoid a wasted trip and having to re-arrange a second visit.

There is a small dog at the site and access can be restricted so please contact Sarah if a site visit is needed

8. Detailed description of the proposal:

This application relates to the following resource consent: 2260376-RMASUB

Specific conditions to which this application relates:

Condition 1

Describe the proposed changes:

Removal of Easement A from proposed Lot 1

9. Would you like to request Public Notification?

◯ **Yes** ✔ **No**

10. Other Consent required/being applied for under different legislation
(more than one circle can be ticked):

◯ **Building Consent** Enter BC ref # here (if known)

◯ **Regional Council Consent (ref # if known)** Ref # here (if known)

◯ **National Environmental Standard consent** Consent here (if known)

◯ **Other (please specify)** Specify 'other' here

11. Assessment of Environmental Effects:

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

Your AEE is attached to this application ✔ **Yes**

12. Draft Conditions:

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

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

13. Billing Details:

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

Name/s: (please write in full)	Terre Spooner-Robson
Email:	
Phone number:	
Postal address: (or alternative method of service under section 352 of the act)	0293

Fees Information:

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

Declaration concerning Payment of Fees:

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

Name: (please write in full)	Terre Spooner-Robson	
Signature: (signature of bill payer)		Date 14-Oct-2026

MANDATORY

14. Important Information:

Note to applicant
You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.
You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

PrivacyInformation:
Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive
information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

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

Name: (please write in full) Sarah Robson

Signature:

Date 14-Oct-2026

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

Checklist (please tick if information is provided)

- ☐ Payment (cheques payable to Far North District Council)
- ☐ Details of your consultation with Iwi and hapū
- ☑ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☑ Applicant / Agent / Property Owner / Bill Payer details provided
- ☑ Location of property and description of proposal
- ☑ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☐ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☑ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☐ Topographical / contour plans

Please refer to chapter 4 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

10/14/2026

Far North District Council
Resource Consents Team

SECTION 127 APPLICATION – 135 OKOKAKO ROAD, WAIMATE NORTH

Resource consent: 2260376-RMASUB | Applicant: Terre Spooner-Robson

On behalf of Terre Spooner-Robson, this letter accompanies an application under section 127 of the Resource Management Act 1991 (RMA) to vary subdivision consent 2260376-RMASUB. The application seeks to remove the proposed right of way easement over proposed Lot 1 benefiting adjoining land and to amend the approved scheme plan accordingly. No changes are proposed to the allotment boundaries, areas, physical access arrangements or other components of the approved subdivision.

1. Background

Consent 2260376-RMASUB was granted on 16 April 2026 for separation of two existing parcels, divided by Okokako Road, into Lot 1 (1.7580ha) and Lot 2 (1.9565ha). The original assessment of environmental effects (AEE), prepared by Thomson Survey Limited in December 2025, confirms that both lots have existing direct legal access from Okokako Road.

The original scheme plan also proposed a right of way, marked A, over Lot 1 to formalise an existing informal driveway arrangement serving adjoining land. The AEE described this as regularising an existing arrangement, rather than providing access required for either proposed lot. The driveway was already formed and in use when the application was lodged.

Following approval, the applicant's solicitor investigated registration of the proposed easement. The benefited property is Māori land with numerous registered owners (over 300). Correspondence with Land Information New Zealand (LINZ) indicates that consultation with the Māori Land Court and potentially a Court order may be required. This has introduced an unanticipated process and delay to deposit of the subdivision. The applicant therefore seeks to remove the voluntarily proposed easement from the subdivision documentation.

2. Proposed Variation to Conditions

The applicant requests that Condition 1 be amended to reference a revised scheme plan, reference 10836, revision dated 16 September 2026, attached as Appendix A. The revised plan removes right of way A and the associated memorandum of easements entry.

The revised plan retains Lot 1 as 1.7580ha and Lot 2 as 1.9565ha, the bush protection area B over Lot 2 and the notation concerning cancellation of the existing amalgamation condition. No other amendments to the consent are sought.

Pursuant to Section 127 of the Resource Management Act 1991, it is proposed to change the conditions as outlined below. Any proposed deletions are shown with a ~~strikethrough~~ and additions are shown in *italics and underlined*.

Conditions

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

Subdivision

1. The subdivision must be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey, referenced 'Proposed Subdivision of Lot 1 DP 481426 & PT Allotment 13 PSH of Okokako' dated ~~09.12.2025~~ *16.09.26* and attached to this consent with the Council's "Approved Stamp" affixed to it.

3. Assessment of effects

Pursuant to section 127(3), the assessment focuses on effects arising from the proposed change. The variation will not alter the physical subdivision, the existing vehicle crossings or the independent legal and physical access available to proposed Lots 1 and 2. It will not change servicing, vegetation protection, natural hazards, rural character or development potential. The original decision's findings concerning access to the allotments created by the subdivision therefore remain relevant.

The adjoining property currently uses a formed driveway across proposed Lot 1. The variation does not propose to remove, obstruct, realign or physically alter that driveway. Its practical use is not changed by any physical works under this application. Rather, the proposed subdivision would no longer create a new registered legal easement for the benefit of that property.

Although the adjoining land would not obtain the legal benefit anticipated under the approved scheme plan, the underlying informal access arrangement pre-dates the subdivision. The variation does not create the existing access situation or introduce a physical impediment to the driveway.

4. Section 127 and Potentially Affected Persons

Section 127(4) requires consideration of every person who submitted on the original application and may be affected by the change or cancellation. The original application was processed without notification and no submissions were received.

The original AEE identified the driveway user as the only party potentially affected by the subdivision and described formalisation of the informal access through an easement as a positive outcome.

The proposed variation is appropriately considered pursuant to section 127 of the RMA, as it does not fundamentally alter the nature, purpose or scale of the approved subdivision. The variation is limited to the removal of a voluntarily proposed right of way easement and the consequential amendment to the approved scheme plan. The number, configuration and areas of the proposed allotments, together with their

independent legal and physical access arrangements, remain unchanged. Accordingly, the proposal remains within the scope of the original subdivision consent.

In assessing the degree of any adverse effect on those owners, the following matters are relevant:

- The adjoining property's informal driveway arrangement existed before, and independently of, the subdivision application.
- The proposed easement was voluntarily offered to regularise that arrangement. It was not necessary for legal or physical access to either subdivision lot.
- The subdivision does not create the adjoining property's existing access circumstances, and removal of the easement does not involve physical closure or alteration of the driveway.
- The adjoining property would remain in its pre-application underlying legal access position.
- The proposed change does not prevent the parties from considering a separate legal access arrangement in future, subject to the necessary agreements and approvals.

While the removal of the prospective legal benefit is acknowledged, the variation does not cause the adjoining property to become landlocked or alter the physical access currently available. On that basis, the applicant considers that the effects on the adjoining owners are less than minor for the purposes of Section 95E of the Resource Management Act 1991.

No other adjoining owner or occupier would experience any change in access, land use, servicing, amenity or other effects arising from the approved subdivision. No other persons are therefore considered adversely affected by the proposed variation.

5. Statutory Considerations and Notification

The proposed variation is confined to deletion of a voluntarily offered easement and replacement of the approved scheme plan. It does not alter the activity's scale, configuration or effects on the proposed lots. The original consent's assessment under sections 104, 104D and 106, and its conclusions concerning the relevant operative and proposed district plan provisions, remain applicable insofar as those matters are unchanged. The proposed variation does not alter the activity status or introduce any additional non-compliances with the applicable provisions of the Operative or Proposed Far North District Plans.

In particular, both proposed allotments retain adequate independent legal and physical access. The revised plan does not change any aspect of the approved subdivision relevant to protection of indigenous vegetation, rural land use, servicing or hazards. The proposal is therefore considered consistent with the relevant subdivision objectives and policies and does not alter the basis on which consent was granted.

Having regard to the specific effects of the change, the absence of original submitters and the affected-person assessment above, the applicant requests that the application be processed without notification. It is acknowledged that Council must independently determine notification, including whether the adjoining Māori landowners are affected persons.

6. Conclusion

Approval is sought under section 127 of the RMA to amend Condition 1 of consent 2260376-RMASUB to reference the revised scheme plan dated 16 September 2026, removing the proposed right of way A.

The variation does not change the approved subdivision lots or their access, servicing or environmental outcomes. It does remove a proposed legal benefit for adjoining Māori land, but the existing driveway and pre-application access circumstances remain physically unchanged. For the reasons set out above, the applicant considers the effects of the change to be less than minor and requests approval on a non-notified basis.

Yours faithfully,

Sarah Robson

On behalf of Terre Spooner-Robson

Attachments

Appendix A – Revised Scheme Plan

Appendix B – Original Approved Scheme Plan

Appendix C – Resource Consent 2260376-RMASUB

Appendix D – Record of Title

AREA MARKED Ⓑ TO BE SUBJECT TO BUSH PROTECTION COVENANT

EXISTING AMALGAMATION CONDITION TO BE CANCELED



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: 675063

Total Area: 3.7145ha

Zoning: Rural Production

Resource features: NIL

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

0 12.5 62.5 125m

Bar Scale 1:1250 @ A3

THOMSON SURVEY LIMITED

315 Kerikeri Rd
P.O. Box 372 Kerikeri
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Ph: (09) 4077360
www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 1 DP 481426 & PT ALLOTMENT 13 PSH OF OKOKAKO

135 OKOKAKO ROAD, WAIMATE NORTH

PREPARED FOR: T. SPOONER

	Name	Date
Survey		
Design		
Drawn	KY	09.12.25
Approved		
Rev	KY	16.09.26

10836 Scheme 20260916

ORIGINAL

SCALE *1:1250*

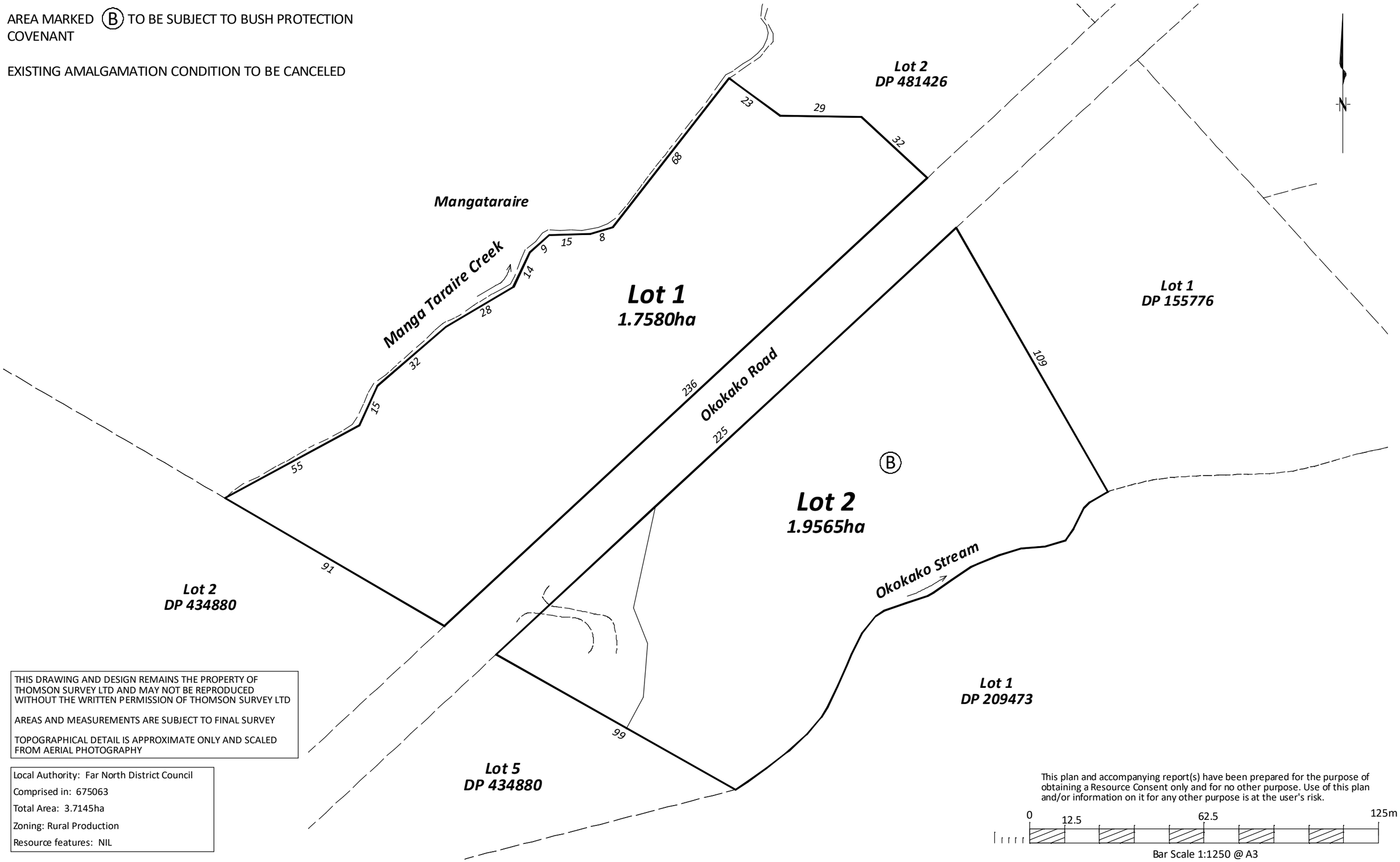
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Surveyors Ref. No: *10836*

Sheet 1 of 1

AREA MARKED (B) TO BE SUBJECT TO BUSH PROTECTION COVENANT

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10836 Scheme 20260916

ORIGINAL

SCALE 1:1250

SHEET SIZE A3

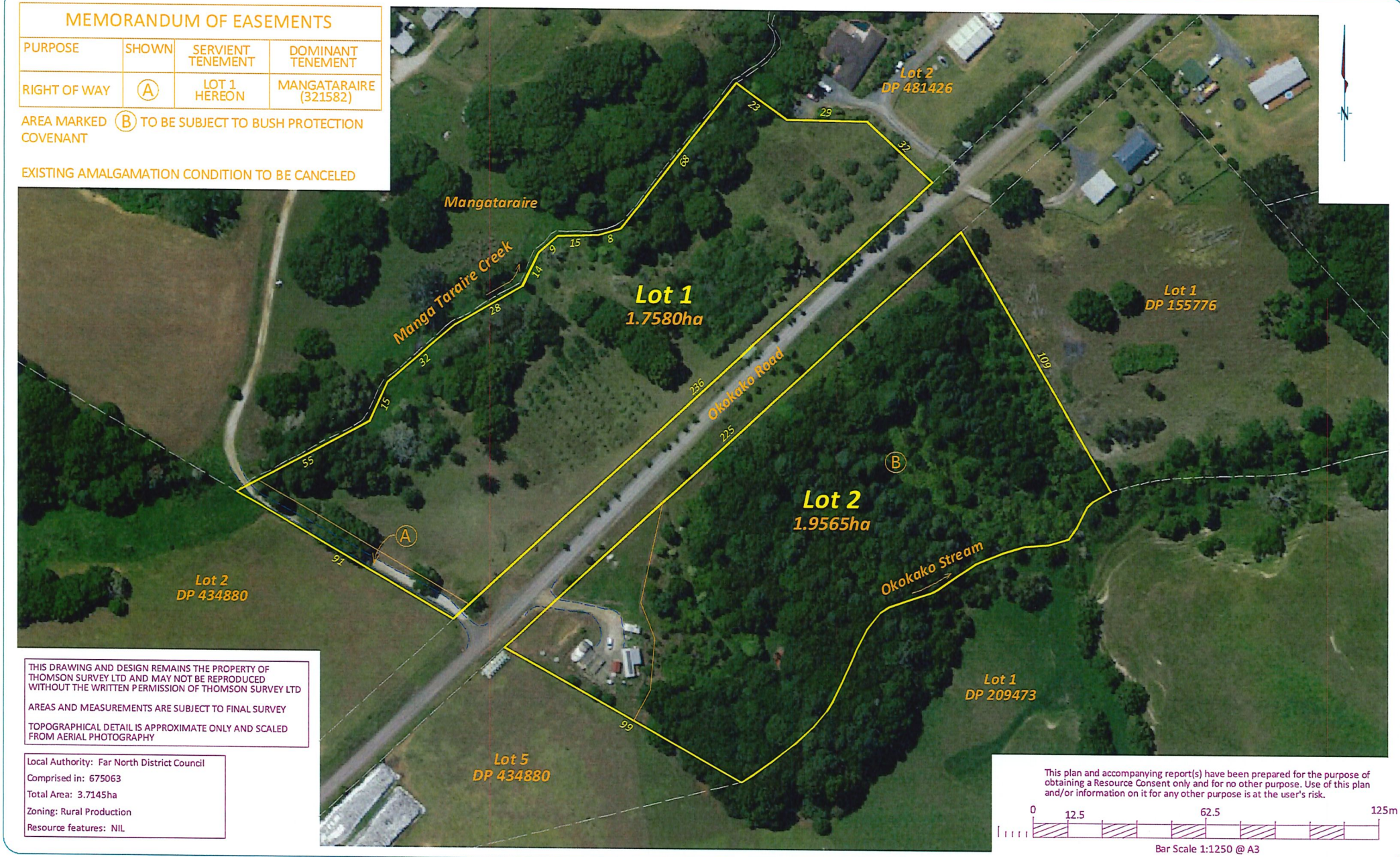
Surveyors Ref. No: 10836

Sheet 1 of 1

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY	(A)	LOT 1 HEREON	MANGATARAIRE (321582)

AREA MARKED (B) TO BE SUBJECT TO BUSH PROTECTION COVENANT

EXISTING AMALGAMATION CONDITION TO BE CANCELED



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135 OKOKAKO ROAD, WAIMATE NORTH

PREPARED FOR: T. SPOONER

	Name	Date
Survey		
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Drawn	KY	09.12.25
Approved		
Rev		

10836 Scheme

ORIGINAL
SCALE 1:1250
SHEET SIZE A3

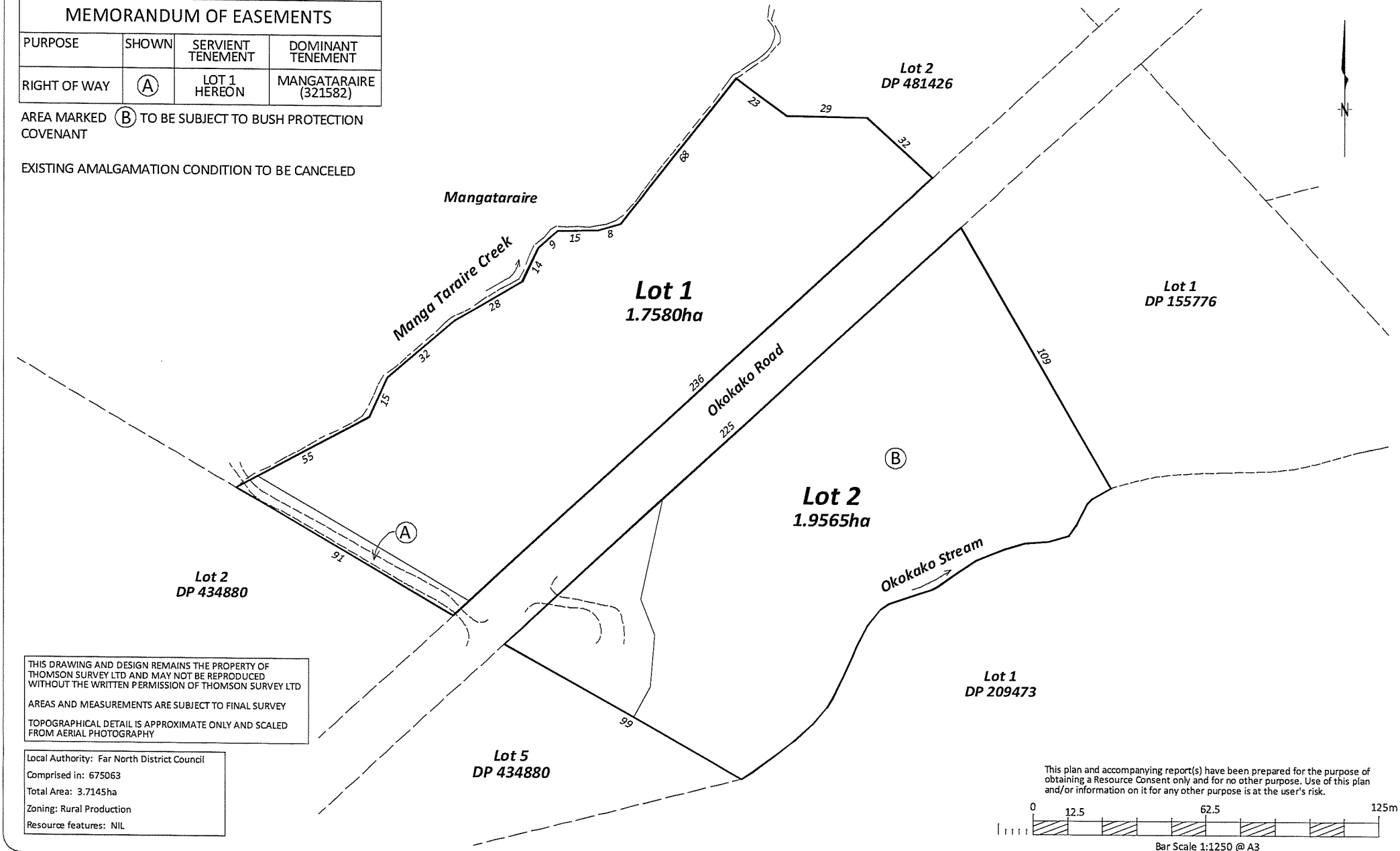
Surveyors Ref. No: 10836

Sheet 1 of 1

MEMORANDUM OF EASEMENTS			
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135 OKOKAKO ROAD, WAIMATE NORTH

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Rev		

10836 Scheme

ORIGINAL
SCALE 1:1250
SHEET SIZE A3

Surveyors Ref. No: 10836

Sheet 1 of 1

Te Kaunihera o Te Hiku o te Ika
Far North District Council

DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34A(1) and sections 104, 104B, and D, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a non-complying activity, subject to the conditions listed below, to:

Applicant:	Terre Jean Spooner-Robson
Council Reference:	2260376-RMASUB
Property Address:	135, Okokako Road, Kerikeri
Legal Description:	LOT 1 DP 481426 and PT ALLOT 13 OKOKAKO PSH OF OKOKAKO

The activity to which this consent relates is:

Activity A: Subdivision to create two lots (one additional), and a Right of Way access in the Rural Production Zone as a non-complying activity. The Lot sizes are as follows:

Lot 1: 1.7580ha

Lot 2: 1.9565ha

Activity B: To cancel consent notice conditions 10095501.2 (i), and (iii) pursuant to s221(3) of the Resource Management Act 1991 (the Act) as a Discretionary Activity.

Conditions

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

Subdivision

1. The subdivision must be carried out in general accordance with the approved plan of subdivision prepared by Thomson Survey, referenced 'Proposed Subdivision of Lot 1 DP 481426 & PT Allotment 13 PSH of Okokako' dated 09.12.2025 and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act must show:

    a. All easements shown on the approved scheme plan to be duly granted or reserved in the memorandum of easements.

b. The covenanted area identified as 'B' to be protected by way of land covenant for the purpose of indigenous vegetation protection.

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

   a. Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing dog residing on Lot 2 for Council's records. This evidence shall include:

      i. A photograph of the existing dog/s
      ii. Written confirmation that the dog(s) have been micro-chipped

4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

   a. No occupier of the Lot contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

   [Lot 1]

   b. No more than one dog shall be introduced or kept on the lot at any time. No cats shall be introduced to or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up.

      Prior to the introduction or keeping of any dog on the lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

      i. A photograph of the dog;
      ii. Written confirmation that the dog has been microchipped
      iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification
      iv. For any dog a plan showing the extent to the dog proof fenced area.

      Note: This Consent Notice does not relate to the existing dog on site currently and will be put into effect once the existing dog is no longer living and/or not kept on the lot.

      [Lot 2]

   c. The Lot owner shall preserve the indigenous trees and bush within the areas shown as 'B' on the survey plan and shall not without resource consent from the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage, or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lot 2]

d. In conjunction with the construction of any buildings that include a wastewater treatment & effluent disposal system, the applicant shall submit with the Building Consent application an Onsite Wastewater Report prepared by a Suitably Qualified and Experienced Person in accordance with current standards. The report shall identify a suitable method of wastewater treatment for the proposed development, along with an identified effluent disposal area, plus an appropriately sized reserve disposal area in accordance with the requirements of the Proposed Regional Plan for Northland.

[All Lots]

e. Upon construction of any habitable building, a sufficient water supply for fire-fighting purposes is to be provided and be accessible by fire-fighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. An alternative means of compliance with this standard will require written approval from Fire and Emergency NZ.

[All Lots]

f. In conjunction with any future development, the Lot owner shall submit a detailed stormwater management report, plans and drawings that are prepared in accordance with the FNDC Engineering Standards for Council approval. The report shall reference the recommendations of the Wilton Joubert "Civil Site Suitability Report", referenced 143689, Revision 01, dated 25 November 2025 and submitted with the application (2260376-RMASUB).

[Lot 1]

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

[All Lots]

Pursuant to section 221(3) of the Act:

Condition (i) of Consent Notice 10095501.2 is to be cancelled insofar as it relates to LOT 1 DP 481426 and PT ALLOT 13 OKOKAKO PSH OF OKOKAKO.

Condition (iii) of Consent Notice 10095501.2 is to be cancelled insofar as it relates to LOT 1 DP 481426 and PT ALLOT 13 OKOKAKO PSH OF OKOKAKO.

Advice Notes

Lapsing of Consent

1. *Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;*

a) *A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or*

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

Right of Objection

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

Archaeological Sites

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

Section 224 Certification

4. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

General Advice Notes

5. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*

6. *The site is adjacent to, accessed off, and in close proximity to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.*

7. *The Consent Holder is advised that they are responsible for submitting a Traffic Management Plan (TMP) and/or a Corridor Access Request (CAR) for approval by Council's Corridor Access Engineer prior to construction of works on site, and the construction of any vehicle crossing or the undertaking of any remedial works within the road reserve and to the existing public road carriageway.*

8. *Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.*

9. *All earthworks are required to comply with the Northland Regional Council Regional Water and Soil Plan for Northland, noting Erosion & sediment control and dust suppression requirements.*

10. *Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region"*

11. *The consent holder is advised that Consent Notice Condition (i) of Consent Notice 10095501.2 still applies to both Lots 1 and 2 and must be adhered to.*

Further Resolution – Amalgamation Cancellation

Pursuant to s241(3) of the Resource Management Act 1991, the Far North District Council hereby cancels the amalgamation condition requiring LOT 1 DP 481426 and PT ALLOT 13 OKOKAKO PSH OF OKOKAKO to be held in one Record of Title.

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.

2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in below are of particular relevance:

Rule Number and Name	**Non Compliance Aspect**
13.7.2.1 Minimum Lot Sizes	The title is younger than April 2000. Lots are less than 2ha in area.

3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:

   a. A private land covenant is being imposed to protect indigenous vegetation within Lot 2. A consent notice has also been imposed to restrict vegetation clearance within the covenanted area.
   b. A consent notice has been imposed to restrict the ownership of cats and dogs on both Lots 1 and Lot 2 to mitigate effects on flora and fauna on site and in the surrounding environment.
   c. The subdivision will not remove or fragment the productivity of highly productive soils present on site.

d. Three water services can be provided on-site and contained within the boundaries of Lots 1 and 2.
e. The existing access to Lots 1 and 2 will continue to be utilised and upgraded in accordance with existing consent notices held on the record of title.
f. Ngāti Manu has not raised any particular concerns and have provided mitigation recommendations which have been imposed.

4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.

5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:

a. National Policy Statement for Highly Productive Land 2022,
b. Operative Far North District Plan 2009, and
c. Proposed Far North District Plan 2022.

National Policy Statement for Highly Productive Land

The property has a land use classification of LUC 3, which is identified as being Highly Productive Land under section 3.6 under the NPS-HPL.

A Soil and Resource Report prepared by Ian Hanmore has been provided as part of the application, this report concludes that the proposal is exempt from the NPS-HPL under section 3.10 for the following reasons:

- The land is subject to long term constraints such as existing development and impervious surfaces on the site, and a large portion of Lot 2 being covered in mature native vegetation which is to be protected by way of land covenant.
- The subdivision will keep the balance of the highly productive soil in one property (Lot 1), with the unproductive area of the site being separated into Lot 2.
- Reverse sensitivity is avoided through the provision of a buffer between existing residences on adjacent properties, and the location of the existing shed on Lot 1.
- No loss of highly productive land is proposed through the subdivision activity.
- Lack of water on Lot 1 in support of any productive activity is a limiting factor, not not applicable to Lot 2 which has been determined to be unproductive (reasons previously outlined).

For the purpose of this assessment, I have adopted the conclusion included within the Soil and Resource Report prepared by Ian Hanmore. In addition, I make the following comments:

- The existing site is already fragmented, as it is separated by Okokako Road which forms the Lot boundaries. Further, the existing site is consistent of two parcels of land held together with an amalgamation which is to be cancelled.
- There is an existing shed and associated access and curtilage area within Lot 1 which has been established on site. The applicant has advised that the shed can be converted into a residential dwelling if needed which would reduce any

reduction of highly productive land in future. No further development is proposed as part of the subdivision activity.

In addition to the assessment above and for the purpose of completeness, I have undertaken an assessment against the relevant policies of the NPS-HPL as follows:

Policy 1: The underlying soil types on the subject site are recognised as class 1 – 3 which supports land-based primary production. This has been recognised and included in the assessment of this application.

Policy 4: At the time of the site visit and assessment of this application, it is recognised that the property is not currently being used for land-based primary production. The area subject to LUC3 land is currently compromised to an extent with existing residential development, shed, associated curtilage areas and accesses being located across the site, as well as a large area of established indigenous vegetation. In addition, due to the layout of the site, the existing constraints and the size of the overall site and each lot, it is assessed that any land-based primary production located within the remaining area of LUC3 land available would have to be highly intensive to be productive.

Policy 7: While the activity will not avoid subdivision of highly productive land, the applicant has demonstrated through the provision of the Soil and Resource Report prepared by Ian Hanmore that each Lot will retain the overall productive capacity of the land in the long term – particularly as the balance of the productive land will be contained within Lot 1. The existing fragmentation of the site (with Okokako Road traversing the centre of the site) ensures that the highly productive land subject to existing long-term constraints are largely contained within Lot 2. No change to this existing arrangement will occur as a result of the subdivision.

Policy 8: No further development is proposed as part of the subdivision activity. No further development is likely to be undertaken within Lot 2, as it already contains existing residential dwelling, access and curtilage area. Due to the layout of Lot 1, and the location of the access and existing shed, it is considered that any future development will be contained within the existing curtilage area and will therefore not detract from the highly productive land available within the Lot, particularly if the existing shed is converted into a residential dwelling, which is a possibility.

Policy 9: No reverse sensitivity effects are anticipated as a result of the subdivision due to the nature of the activities on adjacent properties and in the surrounding environment. Further, it is not anticipated that the subdivision will enable a change in the existing land use of the site.

Overall, it is assessed that the subdivision is not contrary to the National Policy Statement for Highly Productive Land.

Operative Far North District Plan

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

Chapter 8: Rural Environment, and Chapter 8.6: Rural Production Zone

The activity does not promote the sustainable management of the natural and physical resources of the rural environment; however, it does also not prevent this from occurring.

Conditions of consent as imposed above ensure that adverse and cumulative effects on the rural environment are mitigated.

The life supporting capacity of the soils will be compromised in the area of existing development, but no further soil will be compromised as a result of the subdivision.

The existing indigenous vegetation on site will remain unaffected by the subdivision, as it is to be protected by way of private land covenant. Further, a consent notice has been applied which will restrict ownership of cats and limit the ownership of dogs. This consent notice is to be applied to the site going forwards.

No reverse sensitivity is anticipated as the land use following the subdivision activity is anticipated to be consistent with that existing in the immediate and wider surrounding environment.

Chapter 13: Subdivision

Each Lot can provide for water supply, wastewater disposal and stormwater management within each respective boundary.

Existing access to each Lot will be maintained and upgraded as required by existing consent notices held on the record of title.

Electricity and telecommunication supply can be provided to each Lot and shall remain the responsibility of future Lot owners.

There are no mapped natural hazards contained within the site, and natural hazards will not be exacerbated following the implementation of the subdivision.

The subdivision includes permanent protection of indigenous vegetation contained within Lot 2. There are no other known cultural or heritage features contained within the Lot boundaries that will be affected by the subdivision.

Overall, it is assessed that the subdivision is not contrary to the Operative Far North District Plan.

Proposed Far North District Plan

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

Rural Production Zone:

The assessment of the Rural Environment and Rural Production Zone chapter of the Operative District Plan above, and the National Policy Statement for Highly Productive Land can largely be applied to the objectives and policies of the Rural Production Zone of the Proposed District Plan.

Having reviewed the objectives and policies for the Rural Production Zone within the Proposed District Plan, I note the following:

- The activity is for a subdivision and does not include any development. However, the subdivision does not prevent production activities from being conducted on the remainder of the site, if this is desired in future.
- The subdivision is a low-density development which is consistent with that already present in the surrounding environment. No change to the character and amenity of the surrounding area will occur.

- No reverse sensitivity effects are anticipated.
- The activity will not exacerbate natural hazards.
- On-site infrastructure is able to be provided for, and the existing access to the site is acceptable, with an existing consent notice requiring the access to be upgraded at a time of building consent.
- No adverse effects on historic heritage or cultural values are anticipated as a result of the proposal.
- The site is already fragmented as it is separated by Okokako Road which separates the two existing land parcels.
- The subdivision includes the permanent protection of indigenous vegetation.

Subdivision

The objectives and policies relevant to subdivision contained within the Proposed District Plan are of limited relevance to the subdivision as the subdivision does not require consent under the Proposed District Plan. In this instance, I consider that the assessment of the Subdivision, and Rural Production Zone chapters of the Operative and Proposed District Plans above, and the National Policy Statement for Highly Productive Land can largely be applied to the objectives and policies of the Subdivision Chapter of the Proposed District Plan, with no further assessment necessary.

Overall

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.

7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.

8. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

9. Based on the assessment above the activity will be consistent with Part 2 of the Act.

   The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity

values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

10. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

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



Name: Pat Killalea Date: 16th April 2026

Title: Independent Commissioner

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **675063**
Land Registration District **North Auckland**
Date Issued 07 July 2015

Prior References
NA91D/448

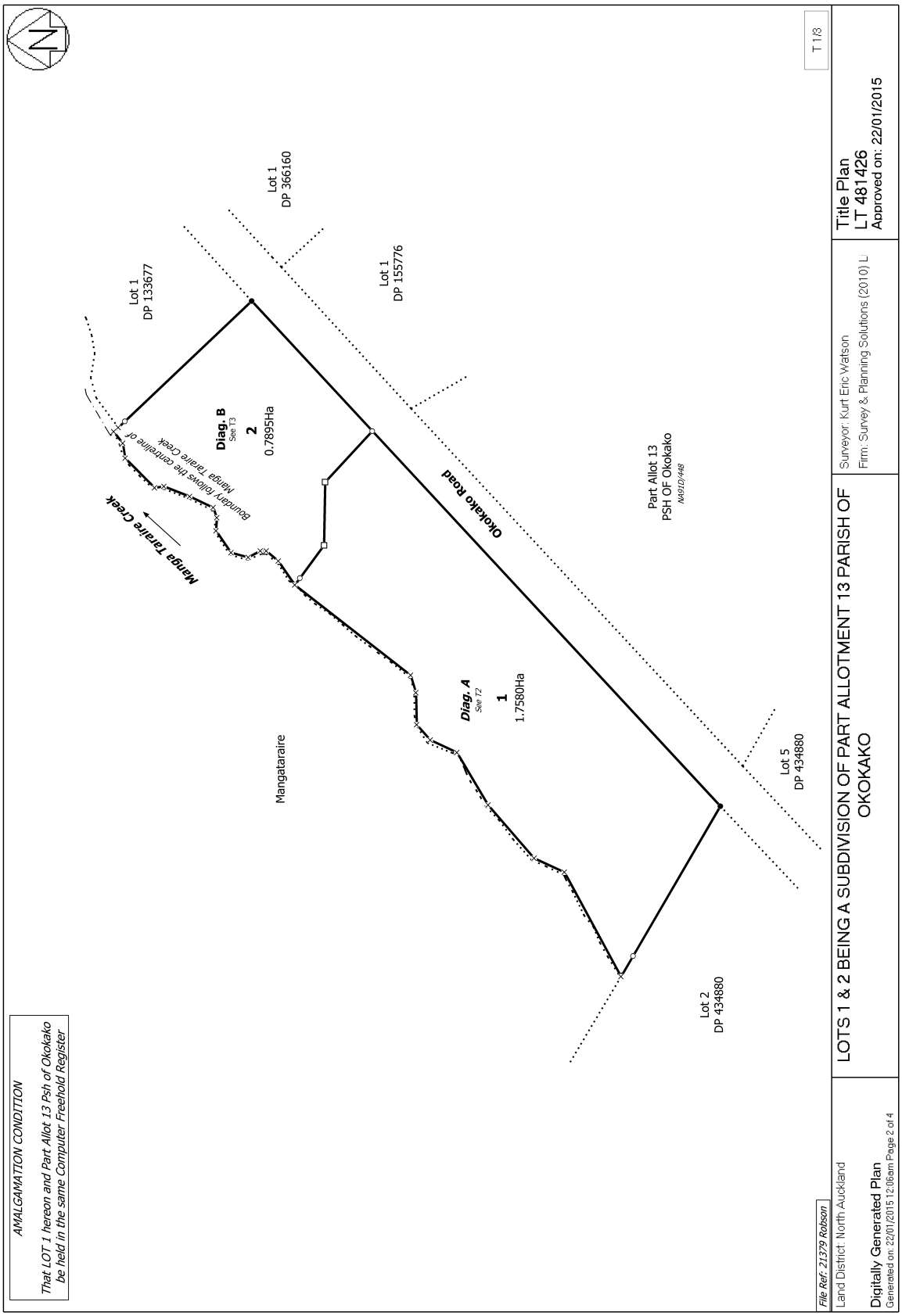
Estate Fee Simple
Area 3.7145 hectares more or less
Legal Description Part Allotment 13 Parish of Okokako and
Lot 1 Deposited Plan 481426

Registered Owners
Terre Jean Spooner

Interests

Subject to Section 241(2) Resource Management Act 1991 (affects DP 481426)

10095501.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.7.2015 at 11:49 am


AMALGAMATION CONDITION
That LOT 1 hereon and Part Allot 13 Psh of Okokako be held in the same Computer Freehold Register
Lot 1 DP 133677
Lot 1 DP 366160
Lot 1 DP 155776
Diag. B See T3
2
0.7895Ha
Boundary follows the centreline of Manga Tararire Creek
Manga Tararire Creek
Okokako Road
Part Allot 13 PSH OF Okokako
Diag. A See T2
1
1.7580Ha
Mangatararire
Lot 5 DP 434880
Lot 2 DP 434880
T 1/3
LOTS 1 & 2 BEING A SUBDIVISION OF PART ALLOTMENT 13 PARISH OF OKOKAKO
Surveyor: Kurt Eric Watson
Firm: Survey & Planning Solutions (2010) Ltd
Title Plan
LT 481426
Approved on: 22/01/2015
File Ref: 21379 Robson
Land District: North Auckland
Digitally Generated Plan
Generated on: 22/01/2015 12:06am Page 2 of 4

Title Diagram 675063
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