

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 Schedule 4). 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):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> 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:

Diamond Farm Trading Ltd

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Fiona Howe - Lands and Survey

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.*

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:

Diamond Farm Trading Ltd

**Property Address/
Location:**

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

95 Mason Road, Kawakawa

Legal Description:

Certificate of title:

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

Site visit requirements:

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

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

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 applicant prior to 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.

A six lot subdivision of two existing titles.

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

13. 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

14. 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)

Diamond Farm Trading Ltd

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Signature:

(signature of bill payer)

Amy Kuebler

MANDATORY

15. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

Fiona Howe - Lands and Survey

Signature:

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.

Subdivision Resource Consent Application

95 Mason Road & 295/251
Matawaia Road, Kawakawa

Diamond Farm Trading Ltd

landsandsurvey.co.nz



DOCUMENT CONTROL RECORD

CLIENT: Diamond Farm Trading Ltd
PROJECT: A six-allotment subdivision of two existing sites
PROJECT NO: 11932
DOCUMENT TYPE Assessment of Environmental Effects for Resource Consent Application

ISSUE AND REVISION RECORD

Revision N ^o	Prepared By	Description	Date
1	Fiona Howe	Draft	27/06/2025
2	Fiona Howe	Final	21/07/2025

Action	Name	Signed	Date
Prepared by	Fiona Howe		21/07/2025
Reviewed by	Kelly Ryan		21/07/2025
Approved by	Kelly Ryan		21/07/2025
on behalf of	Lands and Survey Whangarei Ltd		

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Summary

Introduction

1. The applicants, Diamond Farm Trading Ltd, are seeking consent to undertake a six-lot subdivision of Sections 18A & 18B, Pt Sections 17 & 18 Block VIII Motatau SD and Section 31 Block VIII Motatau SD held under the titles referenced NA1553/45 and NA1595/60 (**Appendix X**). This is shown on the scheme plan attached at **Appendix A** and as follows:

Lot	Total Area	Details
Lot 1	12ha	Vacant rural lot
Lot 2	12.53ha	Rural lot containing existing residential dwelling
Lots 3 and 5	12.66ha	Vacant rural lot
Lots 4, 6, and 7	12.49ha	Vacant rural lot
Lots 8, 9, and 10	14.48ha	Rural lot with existing farm buildings and residential dwelling
Lot 11	212.8ha	Vacant rural lot

2. Areas of the formed Mason Road, which encroaches the site, are proposed to be vested as road. These areas are shown on the scheme plan (**Appendix A**) as Lots 12, 13, 14, and 15.
3. The site is located at 95 Mason Road and 295 & 251 Matawaia Road, Kawakawa and is within the Rural Production Zone in accordance with both the Operative Far North District Plan (OFNDP) and the Proposed Far North District Plan (PFNDP). Overall, the application is to be considered as a **Discretionary Activity** in accordance with the relevant rules within the Operative FNDP and the Proposed FNDP (refer to **Table 2 and 3** below).
4. Section 88 of the Resource Management Act 1991 (RMA) sets out the particular requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:

"an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment".
5. The purpose of this report is to provide the Far North District Council with the information that is required to obtain resource consent for the proposed subdivision on site. In accordance with the above requirements the report provides a comprehensive assessment of the effects on the environment that may be associated with the proposal, considers the proposal against the relevant provisions of the Operative and Proposed Far North District Plans and demonstrates that overall, the proposal will meet the sustainable management purpose of the Resource Management Act 1991 (RMA).

The Applicant and Property Details

Applicant:	Diamond Farm Trading Ltd
Address for Service:	C/- Lands and Survey (Whangarei) Limited 164 Bank Street, Whangarei Attention: Fiona Howe Email: Fiona.howe@landsandsurvey.co.nz Phone: 027 574 1708
Proposed Activity:	A six-lot subdivision of two existing titles
Location:	95 Mason Road & 251/295 Matawaia Road, Kawakawa
Subject Area:	NA1595/60: 81.3671ha NA1553/45: 196.9807ha
OFNDP Zone:	Rural Production Zone
OFNDP Designation:	Adjoins New Zealand Railways Corporation Designation
OFNDP Overlay:	N/A
PFNDP Zone:	Rural Production Zone
PFNDP Designation:	Adjoins KRH 'X' KiwiRail railway designation
PFNDP Overlay:	River Flood Hazard Zone (10- & 100-Year ARI Event)
Other Notations of Relevance:	LUC Class 4 and 6 Soils Mason Road – Low Volume Road Matawaia Road – Secondary Collector
Existing Buildings:	Residential dwelling and farm sheds
Current Land Use:	Rural Production and Rural Living

Site Location

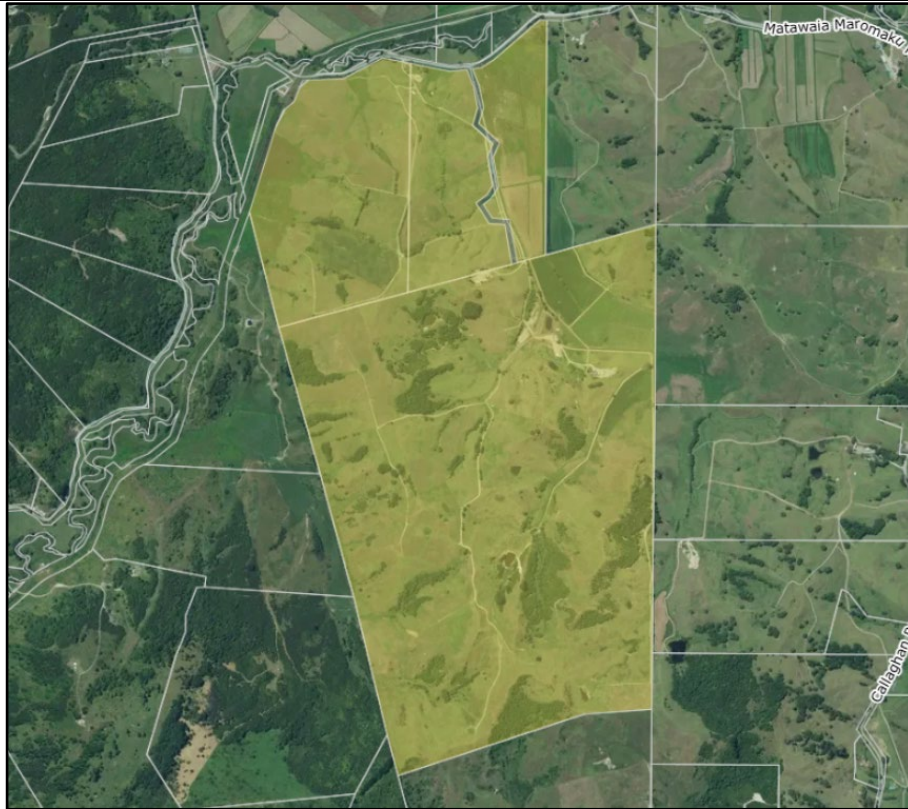


Figure 1: Site Location (source: GRIP NZ Maps).

Description of Existing Environment

Site Description

6. The application sites consist of two titles or sites of irregular shape which gains access from Mason Road and Matawala Maromaku Road (**Figure 1**). The sites contain an area of approximately 278ha of land which consists of areas of low-lying flat land and hills which is currently used for mainly stock grazing and farming. There are areas of indigenous vegetation scattered throughout the site as well as existing built form which includes two residential dwellings and farm buildings. A farm quarry is also located off the end of Mason Road.

Register of Titles and Relevant Interests

7. The application sites are held under two titles NA1553/45 and NA1595/60 (**Appendix B**), both titles are Freehold. The following interests are registered on the title:
 - Subject to Section 206 Land Act 1924 (NA1553/45)
 - Appurtenant hereto are rights of way created by Transfer D616541.13 (NA1553/45)
 - Mortgage (NA1553/45 and NA1595/60)
 - Excepting thereout all mines' beds veins seams reefs and deposits of coal, cannel, oil, shale, fireclay or other minerals whatsoever lying or being within under or upon the said land reserved by Transfer 92357 (NA1595/60)

- Subject to a mining right over part created by Transfer 92357 (NA1595/60)

8. These interests will not be affected by the proposed subdivision and will be passed down onto the new titles.

Natural Hazards

9. The Northland Regional Council Natural Hazard Map identifies the site as containing Flood Susceptible Land (Recent Soils) and areas of River Flood Hazard Areas (**Figure 2**).

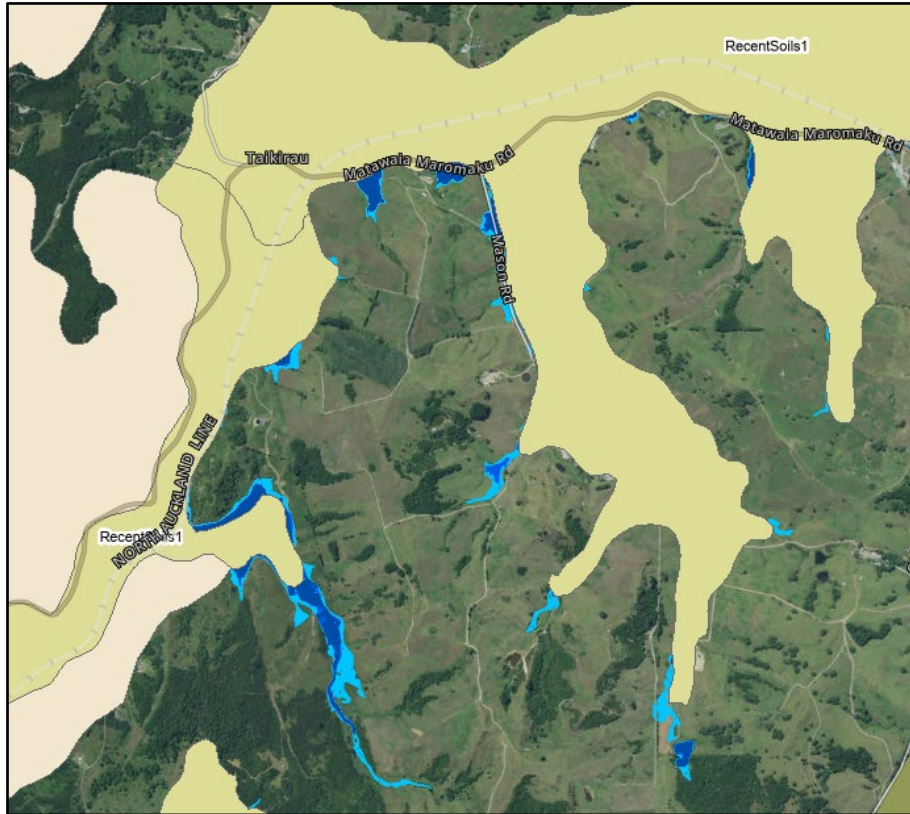


Figure 2: Northland Regional Council Natural Hazard Map showing natural hazard areas on application site.
(Source: NRC GIS Maps)

Contaminated Land

10. A review of the Northland Regional Council – Select Land-use Register (**Figure 3**) for the application site was undertaken and did not identify any indication of current or previous activities in the area of the site that are included on the current version of the Hazardous Activities and Industries List (**HAIL**) issued by the Ministry for the Environment.

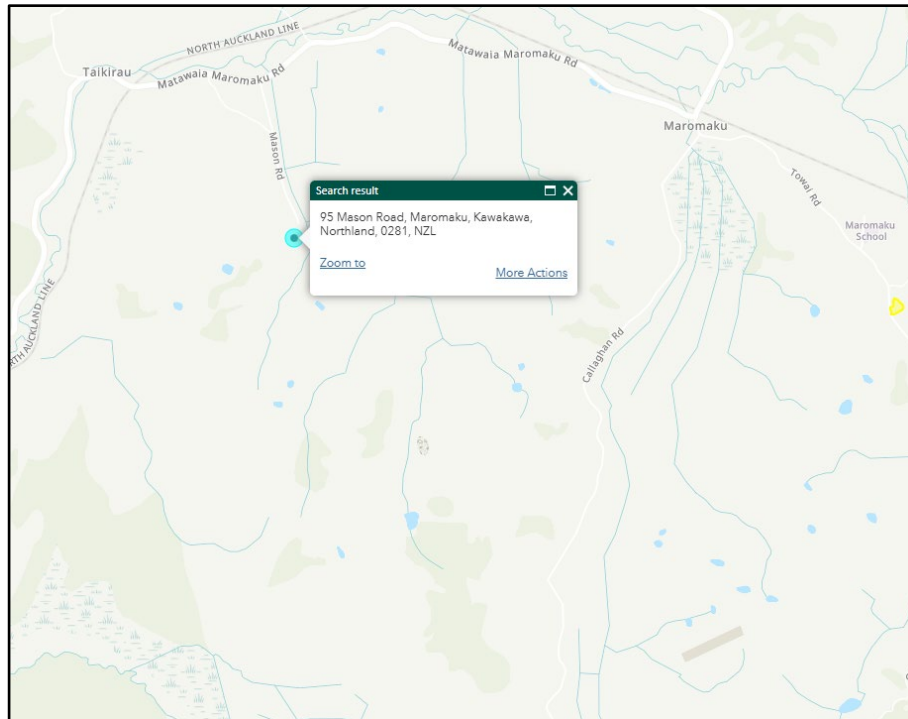


Figure 3: Northland Regional Council – Select Land-use Register Mapping on site (Source: NRC GIS Maps)

Archaeology Heritage and Culture

11. From a review of the New Zealand Archaeological Association (**NZAA**) ARCHSITE, there is no indication that there are archaeological sites on or in close proximity to the site (refer **Figure 4**).

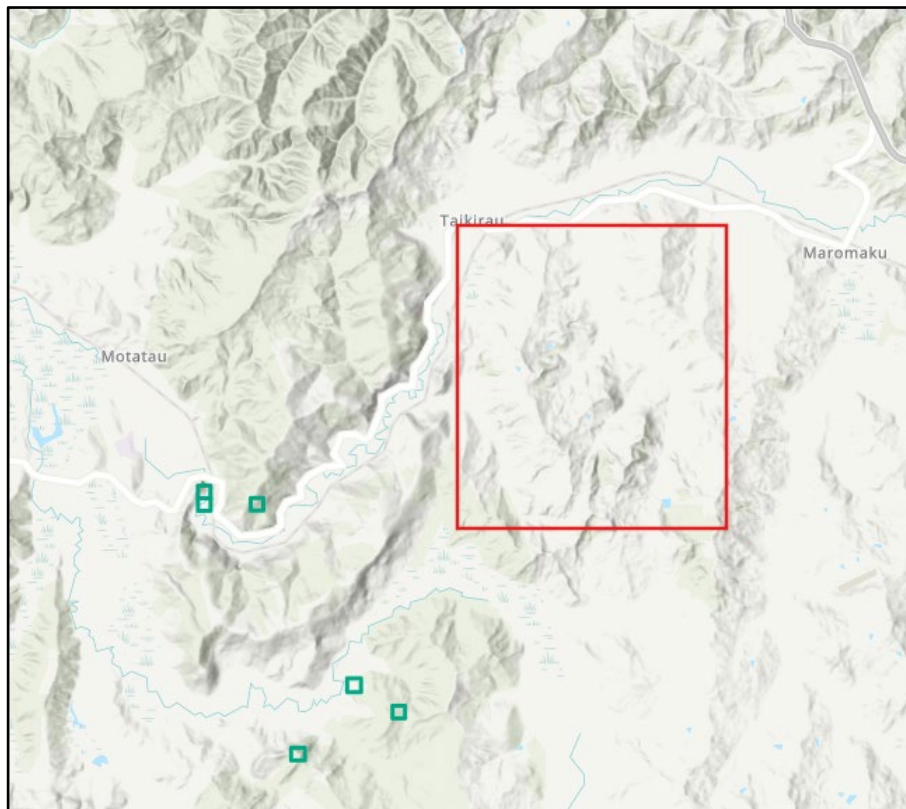


Figure 4: Archaeological Sites (Source: NZAA Archsite)

Surrounding Environment and Context

12. The surrounding environment is located in the Far North District's rural environment in Maromaku and consists of large rural land holdings (**Figure 5**). State Highway 1 is located to the northeast of the site, with Whangarei 47 kilometres southeast of the site, and Kawakawa is 16.8 kilometres north of the site. The topography of this area is similar to that of the site, varying between low lying flood prone areas to higher hill areas. Allotments in this area vary between approximately 172ha and 672m².

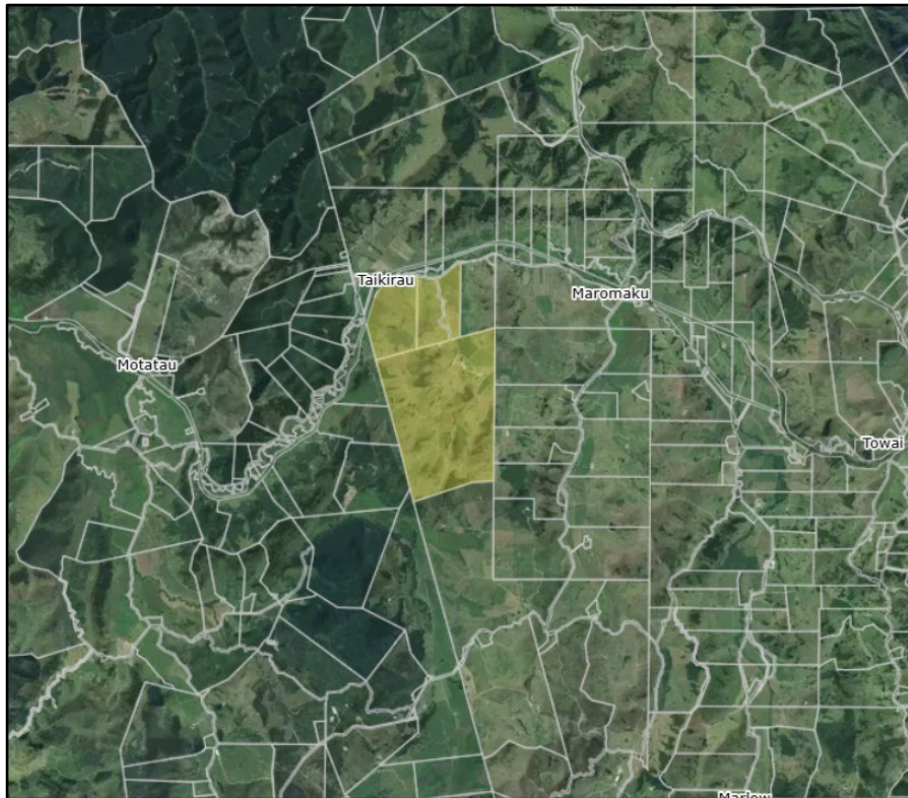


Figure 5: Aerial view of the application site and the surrounding environment (Source: GripNZ Map).

The Proposal

Overview

13. The proposed subdivision is detailed on the Scheme Plan (**Appendix A** and **Figure 6**). The proposed allotment sizes are detailed in **Table 1** below.

Table 1 – Allotment Overview

Lot	Area	Details
Lot 1	12ha	Vacant rural allotment
Lot 2	12.53ha	Rural allotment with existing residential dwelling and farm buildings
Lots 3 and 5	12.66ha	Vacant rural allotment
Lots 4, 6, and 7	12.49ha	Vacant rural allotment
Lots 8, 9, and 10	14.48ha	Rural allotment containing existing residential dwelling and farm buildings
Lot 11	212.8ha	Vacant rural allotment
Lots 12, 13, 14, and 15	-	Road to vest



Figure 6: Proposed Scheme Plan

Building Platforms

25. Lots 1 and 4 contain existing residential dwellings. The remainder of the lots are large rural production lots which are vacant, however they are all of ample size to accommodate a compliant 30m x 30m square building envelope.

Access, Manoeuvring and Parking

26. Lot 1 has an existing farm crossing from Matawaia Maromaku Road, this crossing is considered to be fit for purpose to continue serving this lot being that Lot 1 is a large vacant rural lot. A consent notice is proposed to be registered on the title of Lot 1 requiring a compliant vehicle crossing to be constructed at the time of construction of a habitable dwelling on this lot.
27. Lot 2 has an existing crossing off Matawaia Maromaku Road which serves the existing residential dwelling on this lot, this crossing is of good condition and fit for purpose to continue serving this lot.
28. Lot 5 and Lot 4 share an existing vehicle crossing off of Mason Road, this crossing is considered to be of good condition to serve both of these lots and are of good standard to serve any future use of these lots.
29. Lots 3, 6, and 7 have existing farm crossings off Mason Road which are fit for purpose to serve these farming parcels.
30. Lots 8, 9, 10, and 11 share an existing crossing off the end of Mason Road, this crossing is of good condition and fit for purpose to continue serving these lots.
31. All allotments have ample room for parking and manoeuvring onsite.

Services and Utilities

Three Water Networks

32. Council reticulated stormwater, wastewater and water supply is not available to this rural site. Therefore, onsite servicing of these three water systems is required.
33. Lots 2 and 10 contain existing residential units and have existing onsite servicing of wastewater, stormwater, and a potable water supply. No changes are proposed to these onsite systems.
34. The remainder of the lots are large vacant rural allotments and have ample space onsite to accommodate onsite servicing in the future if required.

Power

35. Lots 2 and 10 have existing power connections to serve the dwellings, the remainder of the sites are not connected to power. Top Energy does not have any requirements for the proposed subdivision (**Appendix C**).

Telecommunications

36. A wireless telecommunication connection is available to the site (refer **Figure 7**) and therefore it is not considered necessary to provide a hard-wired connection to the allotments.

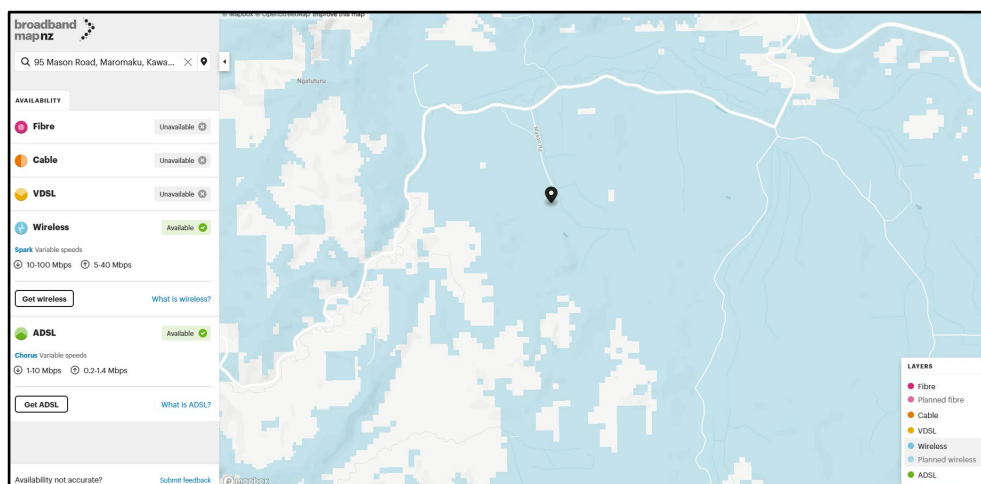


Figure 7: National Broadband Map showing available telecommunications connections for the application site.
(Source: www.broadbandmap.nz)

Earthworks

37. No earthworks are proposed to give effect to the proposed subdivision.

Far North District Plan Assessment

Zoning

38. The application site is located within the Rural Production Zone and adjoins the New Zealand Railways Corporation Designation in accordance with the Operative Far North District Plan as shown in **Figure 8** below.

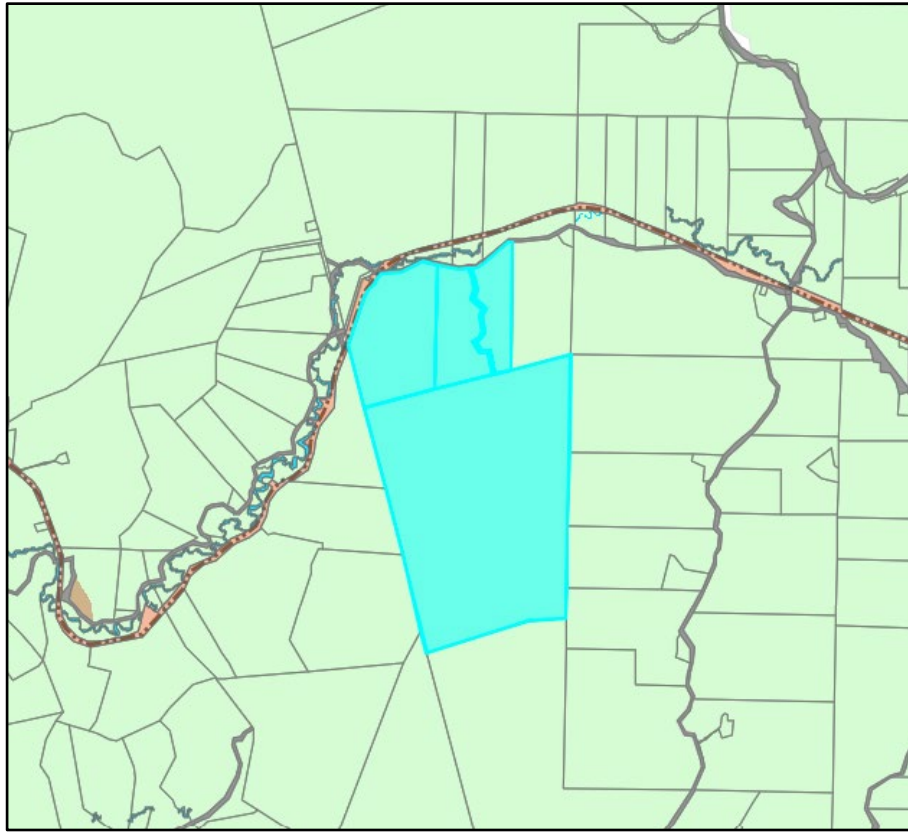


Figure 8: FNDC Zoning Maps – Operative District Plan (source: FNDC GIS Maps - DP).

39. The application site is within the Rural Production Zone and adjoins the KiwiRail KRH 'X' designation, with areas identified as being within the River Flood Hazard Area (10- & 100-Year ARI Event) as shown in **Figure 9**.

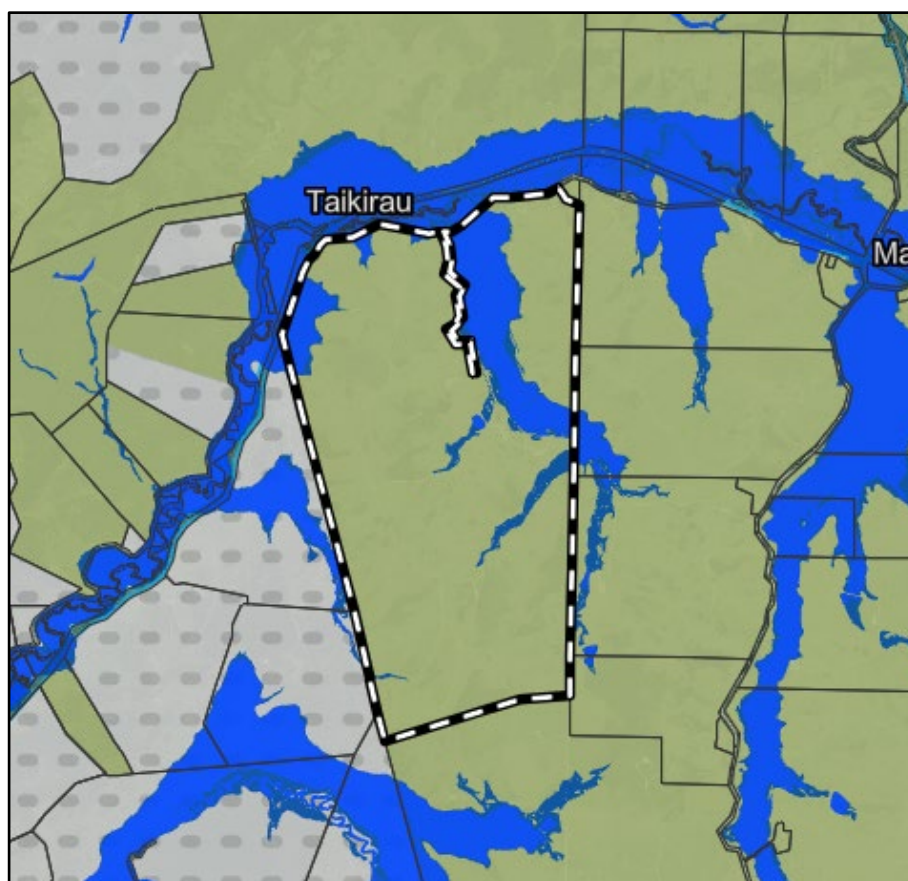


Figure 9: FNDC Zoning Maps – Proposed District Plan (Source: FNDC Proposed ePlan)

Rules and Standards

40. The aspect of the proposal that trigger requirements for resource consent under the OFNDP are summarised in **Table 2** below, with full assessment against the District Plan provided in **Appendix D**.

Table 2 – ODP rule assessment.

Relevant Rule	Activity Status/Comment
Subdivision Chapter	
13.7.2.1 Minimum Area for Vacant New Lots and New Lots which already accommodate structures	Activity Status: Restricted Discretionary
13.8.1 Subdivision within the Rural Production Zone	Comment: The proposed subdivision is to create six lots, and all new lots have a minimum lot size of 12ha being as follows: Lot 1 – 12ha Lot 2 – 12.53ha Lots 3 and 5 – 12.66ha Lots 4, 6, and 7 – 12.49ha Lots 8, 9, and 10 – 14.48ha Lot 11 – 212.8ha
Transport Chapter	
15.1.6C.1.5 Vehicle crossing standards in rural and coastal zones	Activity Status: Discretionary
15.1.6C.1.8 Frontage to existing roads	Comment:
15.1.6C.2 Discretionary activities	The existing vehicle crossings do not entirely comply with the engineering standards as required by Rule 15.1.6C.1.5

Relevant Rule	Activity Status/Comment
	<p>Mason Road does not have a formed carriageway of 6m and no upgrades to this road is proposed and therefore compliance is not achieved with 15.1.6C.1.8</p> <p>Being that compliance is not achieved with 15.1.6C.1.5 and 15.1.6C.1.8, the application is Discretionary under 15.1.6C.2.</p>

Table 3 – PDP rule assessment

Relevant Rule	Activity Status/Comment
Subdivision Chapter	
SUB-R3 Subdivision of land to create a new allotment	<p>Activity Status: Discretionary</p> <p>Comment: Allotment sizes will be above the minimum 8ha (SUB-S1)</p>
SUB-R4 Subdivision that creates a private accessway	<p>Activity Status: Controlled</p> <p>Comment: A private accessway will serve 1 – 2 lots.</p>
SUB-R11 Subdivision of a site within flood hazard areas	<p>Activity Status: Restricted Discretionary</p> <p>Comment: Any building platform can be wholly outside of the flood plains and allotments will not divert flood flow onto other properties, all accessways are existing.</p>
Transport Chapter	
TRAN-R2 Vehicle crossings and access, including private accessways'	<p>Activity Status: Discretionary</p> <p>Comment: The private accessway for Lots 8, 9, 10, and 11 does not contain passing bays (TRAN-S3).</p>

Activity Status

41. The proposal has an overall activity status of **Discretionary** under the Operative District Plan, and as a **Discretionary** activity under the Proposed District Plan.
42. Overall, the proposal is therefore required to be considered as a **Discretionary Activity**.
43. As the application is for a Discretionary Activity, when considering the application pursuant to s104B, Council is not restricted in its assessment to the relevant matters listed in the District Plan. Council may approve or decline the application and pursuant to s108, may impose conditions on the grant of the consent to avoid, remedy or mitigate any actual or potential effects on the environment.

Assessment of Actual or Potential Effects on the Environment

Overview

44. In accordance with Section 88 and the Fourth Schedule to the RMA, this section of the report provides an assessment of the actual and potential effects on the environment associated with the proposal. The assessment of potential adverse effects associated with the proposal relate to the following:
 - Rural Character and Amenity Values
 - Infrastructure and Servicing
 - Natural Hazards

- Heritage and Cultural Values
- Ecological Values
- Reverse Sensitivity
- Access, Parking and Manoeuvring
- Positive effects

Receiving Environment and Permitted Baseline

45. The receiving environment beyond the application site includes permitted activities under the relevant plans, the lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. This is the environment within which the adverse effects of this application must be assessed. A description of the receiving environment is outlined in paragraphs 6 – 12. The site is located within a rural environment with a dominant land use of rural production and ancillary rural living. The topography of the surrounding area varies from hilly areas to low lying flat land.
46. Regarding the Permitted Baseline, all subdivision in the Far North District requires consent under both the Operative and Proposed District Plans, and therefore there is no permitted baseline for subdivision.

Rural Character and Amenity

47. Amenity values are those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. As such, any assessment of effects on amenity values is wide ranging and can encompass several varying considerations.
48. The zoning of the site as Rural Production has set in place the natural and physical qualities and characteristics that are now desired within this rural environment of the Far North District over time. The Rural Production Zone seeks to maintain a predominant working productive rural environment which are compatible with normal farming and forestry activities.
49. The proposed subdivision is to subdivide two existing rural properties into six, one being a large 212ha property proposed to be used for forestry purposes, three being vacant 12ha properties that more likely than not will be used for farming purposes, and two being 12 – 14ha properties with existing residential dwellings and farm buildings that will most likely be used for farming purposes as well. The subdivision does not fragment highly productive land and does not propose any new built form or residential activities. The majority of the land, if not all, will continue being used predominantly for farming or forestry purposes. The proposed subdivision does not enable further residential development potential in terms of the number of permitted residential dwellings under the Operative Plan, and under the Proposed Plan, there will be a decrease in residential development potential. Furthermore, the proposed subdivision does not propose any physical works or changes onsite with all access provisions existing.
50. Therefore, being that the proposed subdivision will ensure the continued use of this land being predominantly for rural production purposes, adverse effects on the rural character and amenity of this environment will be less than minor.

Infrastructure and Servicing

51. The proposed subdivision does not propose nor result in any changes to the existing servicing or infrastructure serving each site and no new infrastructure or servicing is proposed. Lots 2 and 10 contain existing residential dwellings that have existing onsite servicing systems of water supply, wastewater, and stormwater. No changes are proposed to these existing provisions, and they will be contained within the respective lot boundaries. The remainder of the lots are large vacant rural production properties and therefore do not have existing onsite

services nor are any proposed. If in the future these lots have a habitable dwelling constructed upon them, suitable servicing infrastructure is able to be provided.

52. Top Energy has been consulted, and they have advised that they do not have any requirements for this subdivision (refer **Appendix C**).
53. Overall, the proposed subdivision will have less than minor adverse effects regarding infrastructure and servicing.

Natural Hazards

54. As shown in **Figures 2 and 9**, the application sites have areas subject to flood hazards. The proposed subdivision is to create large rural production lots and therefore the use of the sites, particularly those areas prone to flooding, will not change as a result. Furthermore, every proposed lot will have an area outside of the identified flood hazard areas to ensure that each property does contain an appropriate area for winter stock grazing, or a future building site. Therefore, the proposed subdivision will not create any new hazard risk or exacerbate the existing hazards onsite and thus adverse effects will be less than minor.

Heritage and Cultural Values

55. The site does not contain any recorded archaeological sites (**Figure 4**) nor is it within an identified Area of Significance to Māori, therefore it is concluded that potential adverse effects on heritage and cultural values will be less than minor.

Ecological Values

56. It is acknowledged that the application sites do contain some areas of indigenous vegetation, however the proposed subdivision does not include any vegetation removal. Furthermore, the site is not identified as being within a kiwi presence area. Therefore, the proposal will have less than minor adverse effects on ecological values in this environment.

Reverse Sensitivity

57. The proposed subdivision does not introduce any new sensitive activity within this environment, nor does it increase the intensity of an existing sensitive activity. It is therefore my consideration that the proposal will not give rise to any new reverse sensitivity effect.

Access, Parking and Manoeuvring

58. As mentioned previously within this report, it is acknowledged that Mason Road is not constructed to the full engineering requirements in terms of legal carriageway width. However, this is a long-standing situation, and the current standard is considered to be of good condition and fit for purpose and is currently maintained to this standard by Council. This road currently serves rural production properties and will remain to do so following subdivision. There is ample room for typical vehicles expected to use this road to pass by each other in the opposite direction and is similar in nature to many unsealed rural roads in the Far North District. I further note that areas of the formed carriageway which encroach into the application site will be vested to legalise the formed areas of road that are already maintained by Council. Therefore, although the sites do front a road which is not considered to be to the full engineering standard, this road is of good condition and the proposed subdivision will result in less than minor adverse effects in this regard.
59. Lot 2 has an existing vehicle crossing off Matawaia Maromaku Road which serves the existing residential dwelling on this lot. This crossing is considered to be of good condition and fit for purpose to continue serving this lot and dwelling and therefore the subdivision will not result in adverse effects by continuing to use this existing crossing.

60. Lot 1 will remain as a vacant rural property and therefore the existing farm crossing off Matawaia Maromaku Road is considered fit for purpose to continue to gain access to this land without resulting in adverse effects. It is acknowledged that in the future, the land use of this lot could change, i.e. a residential dwelling could be constructed on this lot. Therefore, to mitigate any potential adverse effect we propose that a consent notice is registered on this lot requiring a compliant vehicle crossing to be provided at the time of construction of a habitable dwelling.
61. Lots 3 and 5 are to be amalgamated together, however they are on opposite sides of Mason Road and therefore access from Mason Road to both is considered necessary. Lot 3 has an existing farm crossing of Mason Road which is considered fit for purpose to continue serving this rural lot, particularly as this land is very flood prone and therefore the likelihood of this land use changing is very minimal. Lot 5 has an existing shared vehicle crossing off Mason Road which is of good condition to serve this site, being that it is to, or very close to, the required engineering standards. Therefore, it is considered that this crossing is suitable to continue serving this lot even if in the future a residential dwelling is constructed on this parcel of land.
62. Lots 4, 6, and 7 are also to be amalgamated together. Lot 4 has access over a shared vehicle crossing with Lot 5 from Mason Road, as mentioned above this crossing is of good condition to serve this site even if a residential dwelling is constructed on this lot in the future. Lots 6 and 7 have access off Mason Road via existing farm crossings which are fit for purpose to continue to serve these rural farming parcels.
63. Lots 8, 9, and 10 are amalgamated together and gain access straight off the end of Mason Road, over an easement on Lot 11. This crossing is of good condition and fit for purpose to continue serving the residential dwelling on this site and the farm buildings and paddocks.
64. Lot 11 has access off the end of Mason Road, via two existing crossings. One of which is shared with the crossing to Lot 6 which is an existing farm crossing and fit for purpose to serve both of these lots for farming use. The other is shared with the amalgamated Lots 8, 9, and 10, this crossing is of good condition to continue to serve these lots without resulting in adverse effects.
65. All proposed allotments have sufficient room onsite for parking and manoeuvring.
66. Overall, adverse effects regarding access, parking, and manoeuvring will be less than minor.

Positive Effects

67. The proposal will allow the applicants to sell of excess land that they do not require for the proposed forestry operations on Lot 11, whilst still ensuring that the additional lots can be utilised for rural production purposes. The subdivision also proposed to vest areas of the formed Mason Road carriageway which currently encroaches onto the application sites, which will result in positive effects by ensuring that the formed carriageway is in fact within legal road reserve.

Summary of Effects

68. It is considered that the overall effects of the proposal will be less than minor and acceptable, and no persons on adjacent sites will be adversely affected by the proposed development of the site. Any potential for adverse effects can be appropriately avoided, remedied or mitigated by the measures outlined above to the point where such effects will be less than minor.

Notification

69. Under the provisions of the amended RMA (RMAA 2020) a consent authority must follow the steps set out in Section 95A, in the order given, to determine whether to publicly notify an application for a resource consent. If

there are no requirements under section 95A to publicly notify an application, then the steps set out in Section 95B must be followed to determine whether to give limited notification of the application.

Section 95A Public Notification

70. Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: Mandatory public notification in certain circumstances

71. No mandatory notification is required as:
- the applicant has not requested that the application is publicly notified (s95A(3)(a));
 - there are currently no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
 - the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: If not required by step 1, public notification precluded in certain circumstances

72. Public notification of a resource consent application exclusively involving a controlled activity or a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.
73. In this case, the proposal isn't a boundary activity therefore, the application is not precluded from public notification and Step 3 applies.

Step 3: If not precluded by step 2, public notification required in certain circumstances

74. Public notification of the proposal is not required because:
- The proposed activities are not subject to a rule or national environmental standard that requires public notification; and
 - As it was concluded in the assessment completed throughout this report, the effects of the proposal on the wider environment are considered to be less than minor in accordance with section 95D.
75. In accordance with Section 95D the assessment of any adverse effects on the wider environment must disregard any effects on the persons who own or occupy the application site and any land adjacent to the application site, please refer to **Figure 10** below for the identification of the owners of the adjacent properties to the application site.

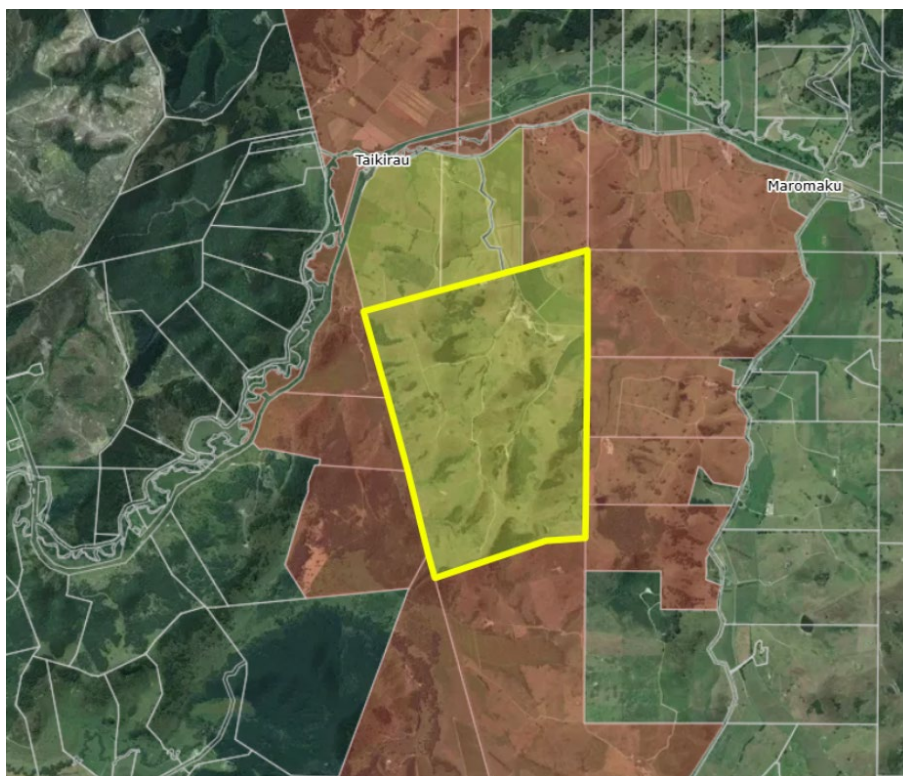


Figure 10: Aerial view of the application site and the property adjacent to the site (red).

Step 4: Public notification in special circumstances

76. If an application has not been publicly notified as a result of any of the previous steps, then the Council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)). Special circumstances are those that are:
- exceptional or unusual, but something less than extraordinary;
 - outside of the common run of applications of this nature; or
 - circumstances which makes notification desirable.
77. There is nothing exceptional or unusual about the application and the proposal has nothing out of the ordinary run of things to suggest that notification should occur. The proposal is for a six-lot rural subdivision which aligns with the provisions for a Restricted Discretionary activity subdivision of the Operative Plan. Therefore, the proposal is not considered to give rise to any special circumstances.

Public notification conclusion

78. Having considered the section 95A public notification tests, the following conclusions are reached:
- Under step 1, public notification is not mandatory.
 - Under step 2, public notification is not precluded, and step 3 applies.
 - Under step 3, public notification is not required as the proposal is not subject to a rule or national environmental standard that requires public notification and the effects of the proposal on the wider environment have been assessed to be less than minor.
 - Under step 4, there are no special circumstances that warrant the application being publicly notified.
79. The application can therefore be processed without public notification.

Section 95B Limited Notification

Step 1: Certain affected protected customary rights groups must be notified

80. There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).
81. In addition, the Council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Northland Region the following statutory acknowledgements are relevant:
- Te Uri o Hau Claims Settlement Act 2002
 - Te Roroa Claims Settlement Act 2008
 - Ngāti Manuhiri Claims Settlement Act 2012
 - Ngai Takoto Claims Settlement Act 2015
 - Te Aupouri Settlement Act 2015
 - Te Rarawa Settlement Act 2015
 - Ngati Pukenga Settlement Act 2017
82. The proposal is not on land or adjoins land subject to a statutory acknowledgement.

Step 2: If not required by step 1, limited notification precluded in certain circumstances

83. The application is not precluded from limited notification as:
- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
 - the application is for the subdivision of land and requires consent under the Operative District Plan as a Discretionary Activity (s95B(b)(b)).

Step 3: If not precluded by step 2, certain other affected persons must be notified

84. As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).
85. An assessment of whether there are any affected persons that the application is required to be limited notified to is therefore required (s95B(8)).
86. In determining whether a person is an affected person:
- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor),
 - adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded,
 - the adverse effects on those persons who have provided their written approval must be disregarded, and
 - as a discretionary activity, Council is able to consider any matters.
87. The actual and potential adverse effects on the wider environment have been discussed in detail above. The findings also apply to the consideration of effects that may be experienced by parties occupying the localised environment as identified in **Figure 10**, although the following additional comments are made:
- The proposed subdivision creates six rural production allotments that will align with the existing rural character and amenity in this environment and does not propose any physical changes to the land.

88. Therefore, the effects of the proposal on the adjoining property are not considered to be beyond those anticipated in the Plan for subdivision in the Rural Production Zone. No persons have been identified as affected parties to the proposal to an extent that would justify the limited notification of the proposal.

Step 4: Further notification in special circumstances

89. If an application has not been notified to any other persons as a result of any of the previous steps, then the Council is required to determine whether special circumstances exist that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons). Special circumstances are those that are:
- exceptional or unusual, but something less than extraordinary
 - outside of the common run of applications of this nature, or
 - circumstances which makes notification desirable.
90. There is nothing exceptional or unusual about the application and the proposal has nothing out of the ordinary run of things to suggest that notification should occur. The proposal is for a six-lot rural subdivision which aligns with the provisions for a Restricted Discretionary activity subdivision of the Operative Plan. Therefore, the proposal is not considered to give rise to any special circumstances.

Limited notification conclusion

91. Having considered the section 95B limited notification tests, the following conclusions are reached:
- Under step 1, limited notification is not mandatory.
 - Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
 - Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
 - Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.
92. The application can therefore be processed without limited notification.

Assessment of Objectives and Policies

Regional Policy Statement for Northland

93. The Regional Policy Statement (**RPS**) provides a broad direction and a framework for managing Northland's natural and physical resources. The proposal has been assessed to have effects that will be less than minor. The relevant utilities, including stormwater disposal, wastewater disposal, and water supply is able to be accommodated on site. The size of the proposed lots is consistent with the character of the surrounding area, and no reverse sensitivity issue will be triggered.
94. As such, the proposal is considered to be consistent with the objectives and policies of the Regional Policy Statement.

Far North District Plan

95. As any actual and potential adverse effects can be avoided, remedied or mitigated as indicated in the assessment of effects above. Therefore, it is anticipated that the proposal will be generally consistent with the relevant objectives and policies of the Operative Far North District Plan.
96. The OFNDP objectives and policies of relevance to this proposal are contained within:

- Chapter 8 Rural; and
- Chapter 13 Subdivision; and
- Chapter 15 Transportation

Table 4 – Relevant Operative District Plan Objectives and Policies

Relevant Objectives and Policies
<ul style="list-style-type: none"> • Objectives: 8.3.1; 8.3.2; 8.3.7; 8.6.3.1; 8.6.3.2; 8.6.3.3; 13.3.1; 13.3.2; 13.3.5; 15.1.3.1; 15.1.3.4; 15.1.3.5 • Policies: 8.4.8; 8.6.4.4; 13.4.1; 13.4.2; 13.4.3; 13.4.14; 15.1.4.6

97. The proposal is consistent with the relevant objectives and policies of the Operative District Plan as:

- The proposed subdivision, being to create rural production allotments, will promote the sustainable management of natural and physical resources in this environment and will ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision. As assessed throughout this report, the proposed subdivision will maintain the amenity values of this environment being that the scale and nature of the subdivision aligns with that anticipated in this zone and will enable the continuation of a predominant rural production activity environment. The proposed subdivision will aid the applicant to provide for their social and economic wellbeing whilst ensuring that their health and safety is not compromised.
- The proposed subdivision will be consistent with the purpose of this zone and promote the sustainable management of these resources as supported by the assessment in the paragraph above. The proposed subdivision is appropriate and does not compromise the life supporting capacity of air, water, soil or ecosystems and reverse sensitivity effects or the creation of natural hazards will be avoided. All lots are able to accommodate onsite water supplies. The sizes of the proposed allotments ensure that cumulative effects will not arise and that potential effects on the natural character; amenity values; cultural values; heritage values; and existing land uses will be less than minor. Safe and effective vehicular access is provided as assessed in the assessment of effects.
- Safe and efficient movement and circulation of vehicles will be provided as the utilisation of existing crossings is considered appropriate.

98. Overall, the proposal will not be contrary to the direction provided by the relevant objectives and policies of the OFNDP. The proposal aligns with the rural character within this environment whilst avoiding, mitigating or remedying any adverse effects on the environment. The assessment of effects on the environment has demonstrated that any potential for adverse effects on the surrounding environment can be appropriately avoided, remedied or mitigated by the design and layout proposed for the site.

99. It is anticipated that the proposal will be generally consistent with the relevant objectives and policies of the Proposed Far North District Plan.

100. The OFNDP objectives and policies of relevance to this proposal are contained within:

- Natural Hazards Chapter
- Rural Production Zone Chapter

- Subdivision Chapter
- Transport Chapter

Table 5 – Relevant Proposed District Plan Objectives and Policies

Relevant Objectives and Policies
<ul style="list-style-type: none"> • Objectives: NH-O2; RPROZ-O3; RPROZ-O4; SUB-O1; TRAN-O4 • Policies: NH-P2; NH-P3; NH-P4; NH-P5; RPROZ-P4; RPROZ-P6; RPROZ-P7; SUB-P3; SUB-P4; SUB-P8; SUB-P11; TRAN-P8

101. The proposal is consistent with the relevant objectives and policies of the Proposed District Plan as:

- The proposed subdivision does not increase the risk form the identified River Flood Hazard Areas.
- The proposed subdivision does not include highly productive land and does not compromise the land being able to be used for farming activities, nor will it exacerbate the existing natural hazards. The proposal maintains the existing rural amenity and character in this environment. The proposal does not fragment the land, and all lots will be able to be used for farming and other rural production activities such as forestry.
- The proposal will result in the efficient use of the land whilst also contributing to the local character and sense of place for this rural production environment will avoid reverse sensitivity effects; does not increase natural hazard risks; and manages adverse effects on the environment. The proposed allotments are consistent with this zone and comply with the minimum allotment sizes for a discretionary subdivision outlined in this Plan; and all lots are large enough to provide for building platforms and utilise existing vehicle crossings. The proposal does not create rural lifestyle allotments, and the proposed subdivision is considered to address the potential effects of the subdivision.
- The existing access and parking provisions on the lots are suitable to support the needs of each lot of the subdivision whilst ensuring safe and efficient operation for users.

102. Overall, the proposal will not be contrary to the direction provided by the relevant objectives and policies of the PFNDP. The proposal aligns with the rural character within this environment whilst avoiding, mitigating or remedying any adverse effects on the environment. The assessment of effects on the environment has demonstrated that any potential for adverse effects on the surrounding environment can be appropriately avoided, remedied or mitigated by the design and layout proposed for the site.

Statutory Framework

Part 2 of the RMA

103. Part 2 of the RMA sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources” which is defined to mean:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment”.*

104. The Court of Appeal has released a decision in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316. It found that the High Court erred when it determined the Environment Court was “*not able or required to consider Part 2 of the Resource Management Act 1991*” when undertaking its decision-making role in accordance with section 104 of the RMA. This decision has significant implications for resource consents. It restores the importance of the words “subject to Part 2” in section 104 of the RMA, the outcome being that consent authorities “must have regard to the provisions of Part 2 when it is appropriate to do so”. As such, whether the purpose of the RMA is being achieved is now still a relevant consideration, where certain circumstances exist. These circumstances are not relevant to the application, but the proposal has still been briefly considered in terms of Part 2 of the RMA below.
105. Whether the purpose of the RMA is being achieved involves “*an overall broad judgement*”. This assessment is informed by reference to the matters set out in sections 6, 7 and 8 of the Act and:
- “allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome”* (*Eden Park Trust Board and Eden Park Neighbours Association v Auckland City Council*, A130/97).
106. Section 6 sets out matters of national importance, being the natural character of the coastal environment, lakes and rivers, protection of outstanding natural features and landscapes, protection of areas of significant indigenous vegetation and habitats of indigenous fauna, maintenance and enhancement of public access along coastal marine areas, lakes and rivers, and the relationship of Māori and their culture and traditions, protection of historic heritage, protection of customary rights and management of significant risks from natural hazards. These matters will not be put at risk by the proposed subdivision as although the application sites contain areas of Flood Susceptible Land and River Flood Hazard areas (refer **Figures 2 and 9**), the proposed subdivision does not include any activities which will exacerbate the existing situation or create a new significant risk.
107. Section 7 requires particular regard to be had to ‘other matters.’ Of relevance to this application are:
- (b) *the efficient use and development of natural and physical resources;*
 - (c) *the maintenance and enhancement of amenity values; and*
 - (f) *maintenance and enhancement of the quality of the environment.*
108. The proposed subdivision of the site is an efficient use and development of the existing physical land resource. As detailed in the assessment contained throughout this report, the proposed subdivision will not compromise the positive contribution that the site makes to the amenity values associated with the area, or the quality of the surrounding environment, and will maintain the level of amenity expected for residents of the site.
109. Section 8 requires the principles of the Treaty of Waitangi to be taken into account. The application sites do not contain a recorded archaeological site or an identified Site of Significance to Māori (refer **Figures 4, 8 and 9**) and therefore it is considered that there are no cultural values that need to be taken into account.
110. The assessment set out in this report has shown that the potential for adverse effects on the environment associated with the proposal will be less than minor. As the proposed subdivision of the site will not result in any changes that may result in any potential for adverse effects on the surrounding environment, it is considered that the proposal will be consistent with the requirements of Part 2 of the RMA.

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

111. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) sets out the standards for assessing and managing contaminants in soil to protect human health. The NES not only protects people and the environment but provides a nationally consistent set of planning controls and soil contaminant values. The NES further ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and where necessary, the land is remediated or the contaminants contained to make the land safe for human use. The NES classifies as permitted activities (meaning no resource consent required if stated requirements are met):
- removal or replacement of fuel storage systems and associated soil, and associated subsurface soil sampling;
 - soil sampling;
 - small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary (two months' duration) soil disturbance activities;
 - a maximum of 5 cubic metres per 500 square metres of soil to be removed from site; and
 - subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.
112. Albeit the proposal includes subdividing land, however it is for the subdivision of production land that will not stop being production land and therefore is exempt from consideration of the NES under Section 5(8)(c).

National Policy Statement for Highly Productive Land

113. The National Policy Statement for Highly Productive Land came into force on the 17th of October 2022 with the intent of improving the way highly productive land is managed under the Resource Management Act 1991. The NPS-HPL requires New Zealand's most productive land to be identified and managed to prevent inappropriate subdivision, land use and development. Since the implementation of the NPS-HPL is recent, a transitional definition of highly productive land applies until regional councils complete the process of mapping highly productive land within each region. Therefore, for the purpose of the NPS-HPL, land zoned General Rural or Rural Production and classed as Land Use Capability (LUC) 1, 2 or 3 will be considered highly productive land and therefore the NPS-HPL will be applied.
114. Subdivision of highly productive land must be avoided unless the following applies:
- the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;
 - the subdivision is on specified Māori land;
 - 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.
115. Use or development of highly productive land is inappropriate except where at least one of the following applies:
- it provides for supporting activities on the land;
 - it addresses a high risk to public health and safety;

- it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:
- it is on specified Māori land:
- it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:
- it provides for the retirement of land from land-based primary production for the purpose of improving water quality:
- it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:
- it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act:
- it provides for public access:
- it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:
 - the maintenance, operation, upgrade, or expansion of specified infrastructure:
 - the maintenance, operation, upgrade, or expansion of defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:
 - mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand:
 - aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.

116. To allow consideration of the NPS-HPL for a subdivision application, the subject site must be zoned General Rural or Rural Production and classed LUC 1, 2 or 3. It is noted that the application site is within the Rural Production Zone of the Far North District, however the site does not contain LUC Class 1, 2, or 3 soils being LUC Class 4 and 6 (**Figure 11**). Therefore, further consideration of the NPS:HPL is not required.

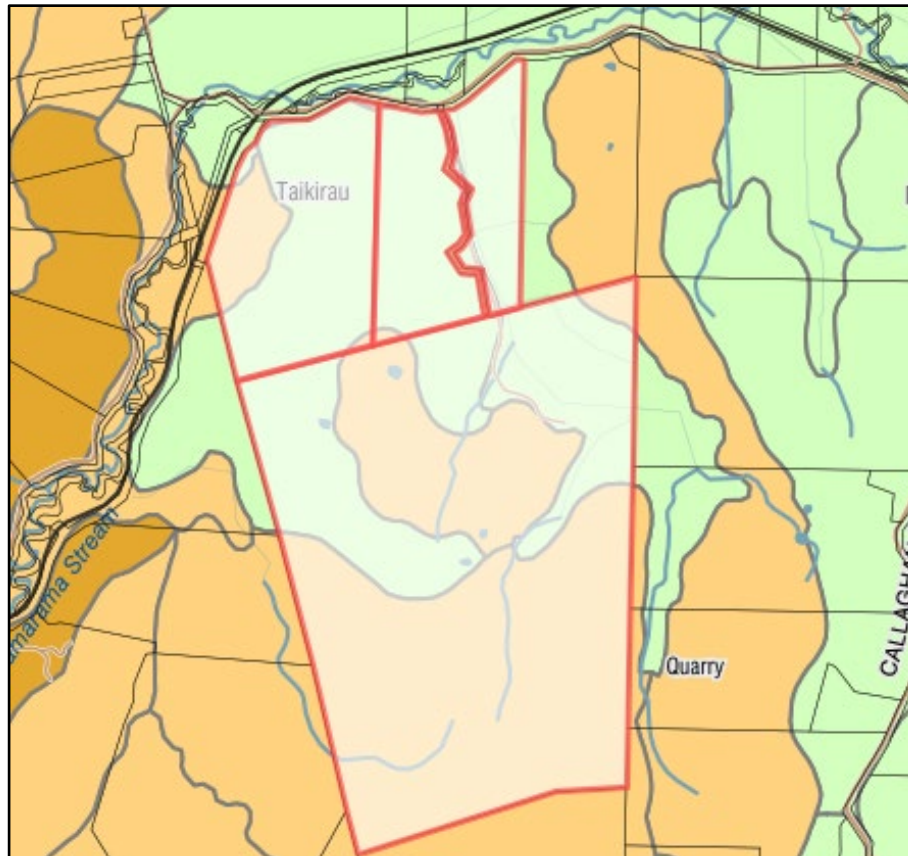


Figure 11: LUC Soil Class mapping on the application site (Source: Manaaki Whenua Landcare Research Land Use Capability mapping)

National Environmental Standards for Freshwater

117. The National Environmental Standards for Freshwater came into force on the 3rd September 2020 with the purpose of regulating any activity that may pose a risk to the health of freshwater and freshwater ecosystems. The NES-FW are designed to:
- Protect natural inland wetlands;
 - Protect urban and rural streams from in-filling;
 - Ensure connectivity of fish habitat;
 - Set minimum requirements for feedlots and other stockholding areas;
 - Improve poor practice intensive winter grazing of forage crops;
 - Restrict further agricultural intensification until the end of 2024; and
 - Limit the discharge of synthetic nitrogen fertiliser to land and require reporting of fertiliser use.
118. It is noted that the application sites may contain areas of potential wetlands, however no physical works such as vegetation clearance or earthworks are proposed. Therefore, the proposal will not trigger the need for consent under the National Environmental Standards for Freshwater.

Section 104 RMA

119. Section 104 of the RMA provides the statutory requirements for the assessment of the application and sets out those matters that the Council must have regard to when considering the application. Subject to Part 2 of the RMA, it is considered that the relevant matters for the assessment of this application include:
- *Any actual or potential effects on the environment of allowing the activity;*
 - *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
 - *The relevant objectives, policies, rules and other provisions of the FNDP; and*
 - *Any other matter that the Council considers relevant and reasonably necessary to determine the application.*
120. Section 104 (2) allows the Council when forming an opinion in relation to any actual or potential effects on the environment of allowing the activity to disregard any adverse effects of the activity on the environment if the FNDP permits an activity with those effects.
121. Under Section 104B of the RMA the Council may grant or refuse an application for a Discretionary activity, and if it grants the application, may impose appropriate conditions in accordance with section 108.

Section 106 RMA

122. Pursuant to section 106 of the RMA, if there is a significant natural hazard or the proposal has not made sufficient provision for physical and legal access for each allotment, the council may refuse this application or approve the application subject to conditions.
123. It is considered that, subject to appropriate conditions of consent, the proposal satisfies the threshold test of section 106 because no flooding risk will be triggered by the proposal, and the existing risk will not be exacerbated by the proposed subdivision.
124. The Site is not within erosion prone land. Management of earthquake and other such infrequent but potentially catastrophic natural hazards are dealt with through the building consent process. Sufficient provision of legal and physical access will be provided to each allotment.
125. As such, it is concluded that the application meets the section 106 test of RMA, and that the property is suitable for the proposed development.

Conclusion

126. A comprehensive assessment of actual and potential effects on the environment that may be associated with the proposal has been provided throughout this report. This assessment has concluded that any actual or potential effects associated with the proposal will be less than minor, and that no other persons are considered to be affected by the proposed activity. The proposal is also considered to be consistent with the relevant objectives and policies of the OFNDP and the PFNDP.
127. The proposal will provide for the sustainable management purpose of the RMA, as it will enable the applicants to provide for their economic and social well-being, whilst maintaining and enhancing the quality and amenity of this rural environment, while avoiding, remedying or mitigating any potential for adverse effects on this environment.

128. It is therefore considered that the application can be approved in terms of Section 104 of the RMA subject to any conditions of consent that are considered appropriate to avoid, remedy or mitigate any potential for adverse effects on the surrounding environment.

Appendix A – Scheme Plan

Appendix B – Copy of Titles and Relevant Interests

Appendix C – Top Energy Requirements Letter

Appendix D – District Plan Rule Assessment

Assessment Against subdivision	
Rules	Activity Status/Comments
<p>13.7 CONTROLLED (SUBDIVISION) ACTIVITIES</p> <p>Subdivision is a controlled activity where it complies with the following standards and the standards set out in rules under 13.7.1, 13.7.2 and 13.7.3. Under s106(1) the Council may refuse to grant a subdivision consent if it considers that either:</p> <p>(a) any land in respect of which a consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source.</p> <p>(b) any subsequent use that is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage, or inundation from any source; or</p> <p>(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision</p>	<p>Activity Status: Not Applicable</p> <p>Comment: The proposal is not for a controlled subdivision.</p>
<p>13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES</p> <p>Boundary Adjustments Performance Standards Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:</p> <p>(a) there is no change in the number and location of any access to the lots involved; and</p> <p>(b) there is no increase in the number of certificates of title; and</p> <p>(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and</p> <p>(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and</p> <p>(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g. building setbacks, effluent disposal); and</p>	<p>Activity Status: Not Applicable</p> <p>Comment: The proposal is not a boundary adjustment.</p>

<p>(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.</p> <p>Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.</p>	
<p>13.7.2 ALLOTMENT SIZES, DIMENSIONS AND OTHER STANDARDS</p> <p>13.7.2.1 MINIMUM AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES</p> <p>Every allotment to be created by a subdivision shall comply either with the conditions of a resource consent or with the minimum standards specified as follows in Table 13.7.2.1, and shall comply with all other relevant zone rules, except as provided for in Rules 13.7.2.4, 13.7.2.5, 13.7.2.6 and 13.7.2.7 below...</p> <p>Extended....</p>	<p>Activity Status: Restricted Discretionary</p> <p>Comment: The site is a restricted discretionary activity under Rule 13.8.</p>
<p>13.7.2.2 ALLOTMENT DIMENSIONS</p> <p>Any allotment created in terms of these rules must be able to accommodate a square building envelope of the minimum dimensions specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zones: Zone Minimum Dimension Residential, Coastal Residential, Russell Township 14m x 14m</p> <p>Rural Production, Minerals, General Coastal, Coastal Living, South Kerikeri Inlet, Rural Living, Waimate North, Point Veronica and Carrington Estate 30m x 30m</p> <p>Any allotment created in terms of these rules shall comprise one contiguous parcel of land, except that in the case of land subdivided under the Unit Titles Act 2010, the principal unit and any accessory units shall be deemed to be a contiguous area if they are contained within the same site</p>	<p>Activity Status: Permitted</p> <p>Comment: All lots can accommodate a square building envelope of 30m x 30m.</p>
<p>13.7.2.3 AMALGAMATION OF LAND IN A RURAL ZONE WITH LAND IN AN URBAN OR COASTAL ZONE</p> <p>Notwithstanding the provisions of Rule 13.7.2.1 and Table 13.7.2.1, an allotment in a rural zone may be amalgamated into one certificate of title with an adjoining (contiguous) allotment in any urban or coastal zone, but only where that part of the title in the urban or coastal zone meets all the requirements for a separate controlled activity allotment in that zone, as set out in Table 13.7.2.1 and Rule 13.7.2.2, except that in the General Coastal Zone such subdivision will be assessed as a restricted-discretionary activity.</p>	<p>Activity Status: Not applicable</p> <p>Comment: No proposed amalgamation of land in a rural zone with land in an urban or coastal zone.</p>
<p>13.7.2.4 LOTS DIVIDED BY ZONE BOUNDARIES</p> <p>Where an allotment is shown on the Zone Maps as having two or more zones applicable, a subdivision along a zone</p>	<p>Activity Status: Not Applicable</p> <p>Comment: No lots divided by zone boundaries.</p>

boundary shall be a controlled (subdivision) activity, provided that the resulting lot complies with the minimum controlled activity lot size applicable in that zone except in the General Coastal Zone where subdivision will be assessed as a restricted-discretionary activity and provided that any subdivision of a lot divided by a boundary between the Minerals Zone and any other zone is a restricted discretionary activity (refer to Rule 13.7.2.1 and Table 13.7.2.1).	
<p>13.7.2.5 SITES DIVIDED BY AN OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURE OR OUTSTANDING NATURAL FEATURE</p> <p>The subdivision rules relating to the size of allotments in areas covered by an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as shown on the Resource Maps, take precedence over the comparable rules for zones.</p> <p>Where a site contains or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, for those parts of the site not covered by the landscape or feature, rules relating to allotment size for the particular zone apply as if the legal boundary of the site was located along the boundary of the landscape or feature.</p> <p>Where a site contains or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, minimum lot sizes for that part of the site within the landscape or feature is specified within Rule 13.7.2.1(xix) of Table 13.7.2.1.</p> <p>Where a site contains or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, and the area within the landscape or feature is smaller than the lot sizes provided for in Rule 13.7.2.1(xix) of Table 13.7.2.1, the whole of the site must be taken as Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature and Rule 13.7.2.1(xix) applies over the entire site.</p>	<p>Activity Status: Not applicable</p> <p>Comment: The site is not divided by an OL, OLF, or an ONF.</p>
<p>13.7.2.6 ACCESS, UTILITIES, ROADS, RESERVES</p> <p>Notwithstanding the standards for minimum net area, there shall be no minimum allotment areas in any zone for allotments created for access, utilities, roads and reserves. Within areas covered by a structure plan, appropriate provision shall be made for access, utilities, roads and reserves in terms of those structure plans.</p> <p>A consent notice may be registered on the Certificate of Title, pursuant to Rule 13.6.7, in respect of any lot occupied by a utility, requiring enforcement of a condition that, in the event of the utility being removed, the lot be amalgamated with an adjoining allotment unless it is a fully complying allotment for the respective zone</p>	<p>Activity Status: Permitted</p> <p>Comment: There are lots for road to vest.</p>
13.7.2.7 SAVINGS AS TO PREVIOUS APPROVALS	Activity Status: Not applicable

<p>Notwithstanding the standards for minimum net area in Rule 13.7.2.1 and Table 13.7.2.1, there are no minimum allotment areas in any zone for unit titles where a proposed unit development plan has been granted subdivision consent. This rule applies only to allotments approved by Council prior to 28 April 2000.</p> <p>All relevant rules applicable within the zone must be complied with by the building/s erected, or to be erected, on allotments in terms of this rule</p>	<p>Comment: No unit titles.</p>
<p>13.7.2.8 PROXIMITY TO TOP ENERGY TRANSMISSION LINES</p> <p>Where an electricity transmission line (of 110 kV or more) crosses land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to those lines. No activity (including earthworks) or proposed building sites shall be located within 20m of any support structure and no building platform shall be located within a corridor measured 20m from the centre line of the transmission lines</p>	<p>Activity Status: Not applicable</p> <p>Comment: No identified Top Energy high voltage lines.</p>
<p>13.7.2.9 PROXIMITY TO THE NATIONAL GRID</p> <p>Where an electricity transmission line identified on the zone maps as part of the National Grid crosses or adjoins land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to that infrastructure.</p> <p>Note: Attention is also drawn to the provisions of Part 3 of the Plan – District Wide Provisions, which reference the rules relating to development occurring within the National Grid Yard</p>	<p>Activity Status: Not applicable</p> <p>Comment: The site is not in proximity to the national grid.</p>
<p>13.7.3 CONTROLLED (SUBDIVISION) ACTIVITIES: OTHER MATTERS TO BE TAKEN INTO ACCOUNT</p> <p>Any application for a controlled (subdivision) activity resource consent must also make provision (where relevant) for the matters listed under Rules 13.7.3.1 to 13.7.3.12 (inclusive), and the Council shall take account of these matters in reaching a decision on the application.</p>	<p>Activity Status: Not Applicable</p> <p>Comment: The proposal is not for a controlled subdivision.</p>
<p>13.7.4 SUBDIVISION WITHIN THE NATIONAL GRID CORRIDOR FOR ALL ZONES</p> <p>Subdivision is a controlled activity where:</p> <p>The site is within the National Grid Corridor, and every allotment is capable of containing within its net site area a building envelope located entirely outside of the National Grid Yard.</p>	<p>Activity Status: Not applicable</p> <p>Comment: The site is not within the national grid corridor.</p>
<p>13.8 RESTRICTED DISCRETIONARY ACTIVITIES</p> <p>13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE Subdivision is a restricted discretionary activity where:</p>	<p>Activity Status: Restricted Discretionary</p> <p>Comment: The proposed subdivision is to create 6 lots, and all lots will have a minimum lot size of 12ha being as follows:</p>

<p>(a) the minimum lot size is 12ha; or alternatively</p> <p>(b) a maximum of 3 lots in any subdivision, provided that the minimum size of any lot is 4,000m² and there is at least one 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 alternatively</p> <p>(c) a maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of lots is 2ha, and where the subdivision is created from a lot that existed at or prior to 28 April 2000.</p> <p>EXTENDED</p>	<p>Lot 1 – 12ha Lot 2 – 12.53ha Lots 3 and 5 – 12.66ha Lots 4, 6, and 7 – 12.49ha Lots 8, 9, and 10 – 14.48ha Lot 11 – 212.8ha</p>
<p>13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES Subdivision is a discretionary activity where:</p> <p>(a) it does not comply with one or more of the standards for controlled or restricted-discretionary (subdivision) activities set out in rules under 13.7 and 13.8, but</p> <p>(b) it complies with the rules under 13.9.1, 13.9.2 or 13.9.3;</p> <p>(c) it is located in the Pouerua Heritage Precinct. Applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least. If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity, it will be a non-complying (subdivision) activity.</p>	<p>Activity Status: Not applicable</p> <p>Comment: The subdivision is a restricted discretionary activity.</p>
<p>13.11 NON-COMPLYING (SUBDIVISION) ACTIVITIES Subdivision is a non-complying activity where:</p> <p>(a) If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity; or</p> <p>(b) the subdivision is in a Coastal Hazard 1 Area, as shown on the Coastal Hazard Maps;</p> <p>(c) the subdivision is in the Recreational Activities and Conservation Zones. Any application for a subdivision in the Recreational Activities and Conservation Zones will be publicly notified; or</p> <p>(d) a new boundary line passes through the Outstanding Natural Feature (Appendix 1A) or Outstanding Landscape Feature (Appendix 1B) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977. This clause does not apply within the Pouerua Heritage Precinct.</p>	<p>Activity Status: Not applicable</p> <p>Comment: The subdivision is a restricted discretionary activity.</p>

(e) if a subdivision activity does not comply with the standards of Rule 13.8.1 (National Grid Corridor). The Council will use the assessment criteria in 13.10 as a guide when assessing non-complying subdivision activities in conjunction with the matters set out in Sections 104, 104B, 104D and 106 of the Act.	
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Assessment against Transportation	
Rules	Activity Status/Comments
15.1.6A 'Traffic' See Table in DP for Maximum Daily one way traffic movements.	Activity Status: Permitted Comment: Compliance with traffic movements will be achieved.
15.1.6B 'Parking' 15.1.6B.1 Permitted Activities An activity is a permitted activity if: (a) it complies with the standards set out in Rules 15.1.6B.1.1 to 15.1.6B.1.6; and (b) it complies with the relevant standards for permitted activities in the particular zone in which it is located set out in Part 2 of the Plan – Environment Provisions; and (c) it complies with all other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.	Activity Status: Permitted Comment: The proposal complies with the permitted rules for car parking.
15.1.6B.1.1 'On-site Car Parking Spaces' Permitted where: a. an activity establishes; or b. the nature of an activity changes; or c. buildings are altered to increase the number of persons provided for on the site The minimum number of on-site car parking spaces to be provided... reference to Appendix 3C ...	Activity Status: Permitted Comment: The proposed lots are to remain in rural use and are therefore exempt, the existing dwellings have sufficient parking.
15.1.6B.1.2 'Williams Road On-Site Car Parking Spaces' ...	Activity Status: Not applicable
15.1.6B.1.3 'Kerikeri Road On-Site Parking Spaces' ...	Activity Status: Not applicable
15.1.6B.1.4 'Accessible Car Parking Surfaces' Where onsite parking is provided... for all buildings and activities in accordance with Rule 15.1.6B.1.1, except dwellings, car parking for those with disabilities will be provided as follows: a. See Table.	Activity Status: Not applicable Comment: Rural land use and dwellings are exempt.

<p>b. shall connect to an accessible route at the closest building entrance.</p> <p>c. shall have clear ground marking in accordance with the international symbol of access.</p> <p>d. minimum width of 3.5m and minimum depth of 5m.</p> <p>...</p>	
<p>15.1.6B.1.5 'Car Parking Space Standards'</p> <p>a. required size of off-street spaces, manoeuvring space, and vehicle circulation routes shall be set out in Appendix 3D</p> <p>b. stacked parking will be permitted for one of two spaces associated with a residential unit... Appendix 3E.</p> <p>c. all parking, loading, access drives and manoeuvring areas shall be formed and provided with an all weather surface, drained, marked out and maintained to the satisfaction of the Council...</p>	<p>Activity Status: Permitted</p> <p>Comment: Parking is associated with dwellings and is compliant.</p>
<p>15.1.6B.1.6 'Loading Spaces'</p> <p>a. ...within a commercial or industrial zone... see table.</p> <p>b. where buildings are serviced only by courier vans...</p> <p>c. all loading areas shall be formed and provided with an all-weather surface...</p>	<p>Activity Status: Not applicable</p> <p>Comment: No proposed loading spaces.</p>
<p>15.1.6B.2 Restricted Discretionary</p> <p>An activity is a restricted discretionary activity if:</p> <p>(a) it does not comply with Rule 15.1.6B.1.1 Onsite Car Parking Spaces above; but</p> <p>(b) it complies with all other standards for permitted activities in 15.1.6B.1 above; and</p> <p>(c) it complies with Rules 15.1.6B.2.1 Cycling Facilities or 15.1.6B.2.2 Green Space below; and</p> <p>(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the particular zone in which it is located set out in Part 2 of the Plan - Environment Provisions; and</p> <p>(e) it complies with all other relevant standards for permitted, controlled or restricted discretionary activities set out in Part 3 of the Plan - District Wide Provisions.</p> <p>The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6B.2.1 'Cycling Facilities'</p> <p>In the commercial zone where permanent on-site cycling facilities are provided in lieu of car parking spaces as required by 15.1.6B.1.1(a) the application will be restricted discretionary where:</p>	<p>Activity Status: Not applicable</p> <p>Comment: Not in the commercial zone.</p>

<p>a. maximum of 50% of the car parking spaces required by Appendix 3C are substituted by bicycle parking; and</p> <p>b. each car parking space is substituted by adequate space to park at least two bicycles.</p> <p>...</p>	
<p>15.1.6B.2.2 'Green Space'</p> <p>In the commercial zone where, green space is provided in lieu of car parking...</p> <p>a. maximum of 50% of the car parking spaces... are substituted by green space; and</p> <p>b. each car park is substituted by 12m² of green space; and</p> <p>c. green space is landscaped; and</p> <p>d. areas of green space which substitute car parking spaces are to be contiguous</p> <p>....</p>	<p>Activity Status: Not applicable</p> <p>Comment: Not in the commercial zone.</p>
<p>15.1.6B.3 Discretionary Activities</p> <p>An activity is a discretionary activity if:</p> <p>(a) it does not comply with one or more of the standards for permitted and restricted discretionary activities set out in Rules 15.1.6B.1 and 15.1.6B.2 above; and</p> <p>(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the particular zone in which it is located set out in Part 2 of the Plan - Environment Provisions; and</p> <p>(c) it complies with all other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions.</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6C Access</p>	
<p>15.1.6C.1 Permitted Activities</p> <p>An activity is a permitted activity if:</p> <p>(a) it complies with the standards set out in Rules 15.1.6C.1.1 to 15.1.6C.1.11; and</p> <p>(b) it complies with the relevant standards for permitted activities in the particular zone in which it is located set out in Part 2 of the Plan – Environment Provisions; and</p> <p>(c) it complies with all other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.</p>	<p>Activity Status: Not Permitted</p>
<p>15.1.6C.1.1 'Private Accessway in All Zones'</p> <p>a. the construction of private accessway, in addition to the specifics also covered it is also to be undertaken in accordance with Appendix 3B-1.</p>	<p>Activity Status: Permitted</p> <p>Comment:</p> <p>a. The private accessway shared by Lots 1 and 6 has a minimum carriageway of 3m and</p>

<p>b. minimum access widths and maximum centreline gradients, are set out in Appendix 3B-1...</p> <p>c. a private accessway may serve a maximum of 8 household equivalents.</p> <p>d. where a subdivision serves 9 or more sites, access shall be by public land.</p> <p>e. access shall not be permitted:</p> <ul style="list-style-type: none"> i) onto a SH or a Limited Access Road ii) onto an arterial or collector road within 90m of its intersection... iii) onto an arterial or collector road within 30m of its intersection with a local road iv) onto a local road within 30m of its intersection with an arterial or collector road v) onto Kerikeri Road... vi) onto Kerikeri Inlet Road... <p>....</p>	<p>minimum legal width of 5m. This complies with Appendix 3B-1.</p> <p>b. As stated above, minimum access widths and maximum centreline gradients comply with Appendix 3B-1.</p> <p>c. Any private accessway will only serve 1 -2 H. E's.</p> <p>d. No access serves 9 or more sites.</p> <p>e.</p> <ul style="list-style-type: none"> i. Access is not onto a State Highway or a Limited Access Road. ii. Access is not onto an arterial road. Matawaia Maromaku Road is a secondary collector road; however, no access is within 90m of an intersection with an arterial or a collector road. iii. The access points onto Matawaia Maromaku Road are not within 30m of its intersection with a local road. iv. Access onto Mason Road is not within 30m of the intersection. v. N/A vi. N/A
<p>15.1.6C.1.2 'Private Accessways in Urban Zones'</p> <p>A. private accessways in all urban zones, excluding the Commercial and Industrial Zones, shall comply with...</p> <p>b. private accessways in the commercial and Industrial Zones shall comply with...</p> <p>c. all private accessways in all urban zones which serve two or more activities are to be sealed or concreted.</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6C.1.3 'Passing Bays on Private Accessways in All Zones'</p> <p>a. passing bays on private accessways are to be at least 15m long and provide a minimum usable access width of 5.5m.</p> <p>b. passing bays are required:</p> <ul style="list-style-type: none"> i) in rural and coastal zones at spacings not exceeding 100m ii) on all blind corners in all zones at locations where the horizontal and vertical alignment of the private accessway restricts the visibility. <p>c. all accesses serving 2 or more sites shall provide passing bays and vehicle queuing space at the vehicle crossing to the legal road.</p>	<p>Activity Status: Permitted</p> <p>Comment: The property is in the rural production zone and private accessways only serve 1 – 2 H. E's and therefore passing pays are not required. At the end of Mason Road where the private accessway for Lots 1 and 6 begins, there is room for vehicle queuing if required.</p>
<p>15.1.6C.1.4 'Access over footpaths'</p> <p>a. no more than two crossings per site; and</p> <p>b. the maximum width of a crossing shall be...</p>	<p>Activity Status: Not applicable</p>

<p>15.1.6C.1.5 'Vehicle Crossing standards in rural and coastal zones'</p> <p>a. private access off road in the rural and coastal zones the vehicle crossing is... in accordance with Councils Engineering Standards and Guidelines...</p> <p>b. where the access is off a sealed road, the vehicle crossing plus splays shall be surfaced with permanent impermeable surfacing for at least the first 5m...</p> <p>c. where the vehicle crossing serves two or more properties the private accessway is to be 6m wide and is to extend for a minimum distance of 6m from the edge of the carriageway.</p> <p>...</p>	<p>Activity Status: Not permitted</p> <p>Comment:</p> <ul style="list-style-type: none"> a. Crossings do not entirely comply with engineering standards. b. Access is not off a sealed road. c. The crossing for Lots 1 and 6 just run off the end of Mason Road and therefore does not entirely comply.
<p>15.1.6C.1.6 'Vehicle Crossing Standards in Urban Zones'</p> <p>a. Private access off streets in the urban zones the vehicle crossing is to be constructed in accordance with Council's Engineering Standards and Guidelines...</p> <p>b. where the vehicle crossing serves two or more properties the vehicle crossing is to be widened to provide a double width vehicle crossing.</p> <p>...</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6C.1.7 'General Access Standards'</p> <p>a. provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road.</p> <p>b. all bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle.</p> <p>c. any access where legal width exceeds formation requirements shall have surplus areas grassed.</p> <p>d. runoff from impermeable surfaces, shall wherever practicable, be directed to grass swales and/or shall be managed... reduce the volume and rate of stormwater runoff and contaminant loads.</p>	<p>Activity Status: Permitted</p> <p>Comment:</p> <ul style="list-style-type: none"> a. Vehicles will not be required to reverse off site. b. Any bends and corners will be able to allow for a Heavy Rigid Vehicle. c. If the legal width is wider than the formation, this area is grassed. d. There are existing stormwater drains.
<p>15.1.6C.1.8 'Frontage to Existing Roads'</p> <p>a. any proposed subdivision has frontage to a road or roads that do not meet the legal road width.... Road widening shall be vested...</p> <p>b. any proposed subdivision has frontage to a road or roads that are not constructed to the standards... then the applicant shall complete the required improvements.</p> <p>c. where a site has more than one road frontage or frontage to a service lane or right-of-way in addition to a road frontage, access to the site shall be in a place that:</p>	<p>Activity Status: Not Permitted</p> <p>Comment:</p> <ul style="list-style-type: none"> a. Both Mason Road and Matawaia Maromaku Road have a legal road width of at least 20m. b. Mason Road does not have a formed carriageway of 6m, and we are not proposing to upgrade this road. c. Where Lots 3 and 5 front both Mason Road and Matawaia Maromaku Road, access will be from Mason Road.

<p>i) facilitates passing traffic, entering and exiting traffic, pedestrian traffic and the intended use of the site;</p> <p>ii) is from the road or service lane or ROW that carries the lesser volume of traffic.</p> <p>d. any proposed subdivision has frontage to a road on which the carriageway encroaches, or is close to the subject lot or lots, the encroachment r land shall vest in Council...</p>	<p>d. Mason Road encroaches on the property and therefore these areas are to be vested.</p>
<p>15.1.6C.1.9 'New Roads'</p> <p>All new public roads should be laid out, constructed and vested in accordance with the standards...</p>	<p>Activity Status: Not applicable</p> <p>Comment: No new road.</p>
<p>15.1.6C.10 'Service Lanes, Cycle and Pedestrian Accessways'</p> <p>a. service lanes, cycle and pedestrian accessways shall be laid out and vested in accordance with the standards...</p> <p>b. all access reserved for pedestrians only shall be a footpath, formed and concreted...</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6C.1.11 'Road Designations'</p> <p>Where any frontage to an existing road is shown on the Zone Maps as being subject to designation for road acquisition and widening purposes, provision shall be made to enable the Requiring Authority to acquire such land, by separately defining the parcels of land. Where the Requiring Authority is not in a position to acquire such parcels immediately, they shall be held in conjunction with adjoining land, with consent notices registered in accordance with Rule 13.6.7.</p>	<p>Activity Status: Not applicable</p>
<p>15.1.6C.2 Discretionary Activities</p> <p>An activity is a discretionary activity if:</p> <p>(a) it does not comply with one or more of the standards for permitted activities set out in Rules 15.1.6C.1.1 to 15.1.6C.1.11; but</p> <p>(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the particular zone in which it is located set out in Part 2 of the Plan - Environment Provisions; and</p> <p>(c) it complies with all other relevant standards for permitted, controlled, restricted discretionary or dis</p>	<p>Activity Status: Discretionary</p> <p>Comment: The proposal does not comply with 15.1.6C.15 or 15.1.6C.1.8.</p>

Assessment against Rural Production Zone	
Rules	Activity Status/Comments
8.6.5.1 Permitted Activities	Activity Status: Permitted
<p>8.6.5.1.1 'Residential Intensity'</p> <p>Permitted, where:</p> <p>Residential development shall be limited to one unit per 12ha of land. Except that this rule shall not limit the use of an existing site...</p>	<p>Permitted</p> <p>Comment: Lot 1 and Lot 4 contain existing dwellings.</p>

8.6.5.1.2 'Sunlight' Permitted, where: No part of any building shall project beyond a 45-degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary...	Permitted Comment: All buildings will comply with the sunlight plane.
8.6.5.1.3 'Stormwater Management' Permitted, where: The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%	Permitted Comment: Building and impermeable surface coverage will not exceed 15% of the site area.
8.6.5.1.4 'Setback From Boundaries' Permitted, where: No building shall be erected within 10m of any site boundary	Permitted Comment: All buildings will be setback 10m from the new boundaries.
8.6.5.5 'Transportation' Refer to Chapter 15.	Refer to chapter 15.
8.6.5.1.6 'Keeping Of Animals' Permitted, where: <ol style="list-style-type: none"> Any building, compound or part of a site used for factory farming or a cattery, shall be located no closer than 50m from any site boundary, except for a boundary which adjoins a Residential, Coastal Residential or Russell Township Zone, where the distance shall be a minimum of 600m. Any building, compound or part of a site used for a boarding kennel shall be located no closer than 300 metres from any site boundary except for a boundary which adjoins a Residential, Coastal Residential or Russell Township Zone, where the distance shall be a minimum of 600m. 	Not Applicable Comment: There are no Kennels, catteries, or factory farming proposed.
8.6.5.1.7 'Noise' Permitted, where: All activities except Temporary Military Training Activities shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone... 0700 to 2200 hours 65 dBA L10 2200 to 0700 hours 45 dBA L10 and 70 dBA Lmax	Permitted Comment: The proposal will not result in the specified noise limits being exceeded.
8.6.5.1.8 'Building Height' Permitted, where: The maximum height of any building shall be 12m.	Not Permitted Comment: No new buildings proposed.
8.6.5.1.9 'Helicopter Landing Area' Permitted, where: A helicopter landing area shall be at least 200m from the nearest boundary of any of the Residential, Coastal Residential, Russell Township or Point Veronica Zones.	Not Applicable Comment: There are no helicopter landing areas proposed.
8.6.5.1.10 'Building Coverage' Permitted where: Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.	Not applicable Comment: No new building.
8.6.5.1.11 'Scale of Activities'	Permitted

<p>Permitted, where: For activities other than those provided for in the exemptions below, the total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed</p> <ul style="list-style-type: none"> i. For activities ancillary to farming or plantation forestry activities, 8 persons per site or 2 person per 1 hectare of net site area, whichever is the greater ii. For all other activities, 4 persons per site or 1 person per 1 hectare of net site area, whichever is the greater. 	<p>Comment: The total number of people on site will comply.</p>
<p>8.6.5.1.12 'Temporary Events' Permitted, where: Temporary events are a permitted activity in the zone, provided that:</p> <ul style="list-style-type: none"> a. the activity does not have a duration of more than two days; b. the activity does not operate outside the hours of 6.30am to 10pm on each day; c. the activity does not involve the assembly of more than 500 persons on each day; d. the activity complies with excavation and/or filling rules as contained in Chapter 12.3 of Part 3 of the District Plan (and/or any necessary Earthworks Permit has been obtained); e. prior to the event, a Traffic Management Plan (including parking) has been approved by the Council's Roading Engineer, or by NZTA representatives where access is off State Highway, or where traffic to and from the event will impact on State Highways in the vicinity. The approved plan is to be lodged with Council's Resource Consents Manager or other duly delegated officer at least 20 days prior to the event taking place, and be complied with for the duration of the event. 	<p>Not Applicable</p> <p>Comment: There are no temporary events proposed.</p>

RULE ASSESSMENT (PROPOSED FAR NORTH DISTRICT PLAN):

Assessment against Subdivision	
Rules	Activity Status/Comments
<p>SUB-R2 'Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access'</p> <p>All Zones</p> <p>Controlled.</p>	<p>Activity Status: Not applicable</p>
<p>SUB-R3 'Subdivision of land to create a new allotment'</p> <p>Rural production Zone, Rural Lifestyle Zone, Rural Residential Zone, General Residential Zone, Kororareka Russell Township Zone,</p>	<p>Activity Status: Discretionary</p> <p>Comment: Allotment sizes will be above the minimum 8ha.</p>

Settlement Zone, Mixed Use Zone, Light industrial zone, Heavy industrial zone, horticulture zone, horticulture processing zone, and hospital zone.

Controlled where:

CON-1: The subdivision complies with standards:
 SUB-S2 Requirements for building platforms for each allotment;
 SUB-S3 Water Supply;
 SUB-S4 Stormwater management;
 SUB-S5 Wastewater disposal;
 SUB-S6 Telecommunications and power supply;
 SUB-S7 Easements for any purpose

CON-2: The subdivision complies with standards:
 SUB-S1 Minimum allotment sizes
 SUB-S8 Esplanades

Orongo Bay Zone

Controlled where:

CON-1: The subdivision complies with standards:
 SUB-S3 Water supply;
 SUB-S4 Stormwater management;
 SUB-S5 Wastewater disposal;
 SB-S6 Telecommunications and power supply;
 SUB-S7 Easements for any purpose

CON-2: The subdivision complies with standard SUB-S8 esplanades

CON-3: The subdivision complies with the following table:

Orongo Bay zone	1. the minimum lot sizes are: <ul style="list-style-type: none"> • 3,000m² (onsite sewerage disposal); • 1,000m² (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; 3. Maximum number of separate titles created shall not exceed seven.
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Carrington Estate zone

Controlled where:

CON-1: The subdivision complies with standards
 SUB-S3 Water supply;
 SUB-S4 Stormwater management;
 SUB-S5 Wastewater disposal;
 SUB-S6 Telecommunications and power supply; and
 SUB-S7 Easements for any purpose

CON-2: The subdivision complies with the standard: SUB-S8 Esplanades

CON-3: The subdivision is a unit title subdivision of the accommodation units and lodge/golf club complex, as identified in the Carrington Estate Development Plan.

<p>Kauri Cliffs Zone</p> <p>Restricted discretionary where:</p> <p>RDIS-1: The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades</p> <p>RDIS-2: Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: i. No lot is less than 4000m² in area; ii. Onsite treatment and disposal of wastewater is provided for; and iii. The building footprints are specified on an approved plan of subdivision.</p> <p>Māori Purpose Zone and Ngawha Innovation and Enterprise Park</p> <p>Discretionary.</p> <p>Open space zones, Motorua Island zone, Quail Ridge zone, and Airport Zone</p> <p>Non-complying.</p>	
<p>SUB-R4 ‘Subdivision that creates a private accessway’</p> <p>All Zones</p> <p>Controlled where:</p> <p>CON-1: A private accessway serves a maximum of 8 sites.</p> <p>CON-2: Where a subdivision serves 9 or more sites, access shall be by a public road.</p>	<p>Activity Status: Controlled</p> <p>Comment: A private accessway will serve 1-2 lots.</p>
<p>SUB-R11 ‘Subdivision of a site within flood hazard areas’</p> <p>Restricted Discretionary where:</p> <p>RDIS-1: Building platforms are located wholly outside the spatial extent of the 1 in 100-year floodplain: Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; Any private roads, right of ways or accessways must be located where the depth of the flood waters in a 1 in 100-year flood event does not exceed 200mm above GL.</p>	<p>Activity Status: Restricted Discretionary</p> <p>Comment:</p> <ol style="list-style-type: none"> 1. Building platforms can be wholly outside of floodplains. 2. Allotments will not divert flood flow into other properties. 3. Accessways are existing.
Standards	
<p>SUB-S1 ‘Minimum allotment sizes’</p> <p>Rural Production Zone:</p>	<p>Activity Status: Discretionary</p> <p>Comment: Minimum lot sizes will be 12ha.</p>

Controlled – 40ha Discretionary – 8ha	
SUB-S2 ‘Requirements for building platforms for each allotment’ Rural Production Zone: Allotments created must be able to accommodate a square building envelope of the minimum dimensions of 30m x 30m, which does not encroach into the permitted activity boundary setbacks for the relevant zones, or into an area that does not allow a building to be located.	Activity Status: Complies Comment: Allotments are able to accommodate a square building envelope of 30m x 30m.
SUB-S3 ‘Water Supply’ <ol style="list-style-type: none"> 1. All new allotments shall have the ability to connect to a safe potable water supply with a capacity that is adequate for the anticipated potential land uses; 2. Where a connection to Council’s reticulated water supply systems is available, all allotments must connect; 3. Where a connection to Council’s reticulated water systems is not available all allotments must provide a water supply system; 4. All new allotments must have access to sufficient water supplies for fire fighting consistent with the SNZ PAS 4509:2008 NZ Fire Service Firefighting water supplies code of practice. <p>Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which water supply is not necessary.</p>	Activity Status: Complies Comment: The allotments with existing houses have existing water supplies, the remainder of the sites are vacant rural production lots and do not require a water supply.
SUB-S4 ‘Stormwater management’ <ol style="list-style-type: none"> 1. All allotments shall be provided, within their site area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impermeable surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP); and 2. All stormwater management shall be in accordance with FNDC Engineering Standards April 2022. 	Activity Status: Complies Comment: All allotments are able to dispose of stormwater.
SUB-S5 ‘Wastewater disposal’ <ol style="list-style-type: none"> 1. Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect; 2. Where connection is not available, all allotments shall be provided with a means of disposing of wastewater within the site area of the allotment; and 3. All wastewater disposal shall be in accordance with FNDC Engineering Standards April 2022. 	Activity Status: Complies Comment: Lots 2 and 10 contain existing houses that have existing systems. The remainder of the lots don’t require wastewater disposal.

Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which wastewater disposal is not necessary.	
SUB-S6 'Telecommunications and power supply' General Residential zone, Kororareka Russell Township Zone, Mixed Use Zone, Light Industrial Zone, Heavy Industrial Zone, Settlement Zone, Rural Residential Zone, Horticulture Processing Facility Zone	Activity Status: Not applicable Comment: The site is RPROZ.
SUB-S7 'Easements for any purpose' Easements shall be provided where necessary for: <ol style="list-style-type: none"> 1. Public works and utility services; 2. Easements in gross where a service or access is required by the Council; 3. Easements in favour of nominated allotments or adjoining CT; 4. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement of services. Centre line easements shall apply when the line is privately owned; and 5. The need for easements for any of the following purposes: <ol style="list-style-type: none"> i. Accessways, whether shared or not; ii. Stormwater, wastewater disposal, water supply, utilities; iii. Party walls and floor/ceilings; iv. Other utilities. 	Activity Status: Complies Comment: Any necessary easements will be created.
SUB-S8 'Esplanades' Any subdivision involving the creation of one or more allotments less than 4ha with adjoins: <ol style="list-style-type: none"> 1. The line of MHWS; 2. The bank of a river whose bed has an average width of 3m or more; and 3. A lake that is larger than 8ha in size. An esplanade reserve must be provided with a min. width of 20m in accordance with section 230 of the RMA.	Activity Status: Not applicable

Assessment against Transport	
Rules	Activity Status/Comments
TRAN-R1 'Parking' Permitted where: PER-1: With the exception of PER-2, parking spaces and loading spaces are located on site and they shall not be located over any footpaths, access, manoeuvring, or outdoor living areas. PER-2: Stacked parking is permitted for one of two spaces associated with a specific residential unit, and may include a parking space on the access in front of a garage or carport.	Activity Status: Permitted Comment: PER-1: Parking spaces are not over any footpaths, access, manoeuvring or outdoor living areas. PER-2: No stacked parking. PER-3: Parking is associated with residential units. PER-4: Parking complies with TRANS-S1.

<p>PER-3: Parking spaces and loading spaces are permanently marked or delineated, except when they are:</p> <ol style="list-style-type: none"> 1. Associated with a residential unit which is not a multi-unit development; 2. Associated with the fuel refill and pumps at service stations. <p>PER-4: All parking and loading spaces comply with: TRANS-S1 Requirements for parking. Where an assessment results in a fractional space, any fraction under half shall be disregarded and any fraction of a half or more shall be counted as one space.</p>	
<p>TRAN-R2 'Vehicle crossings and access, including private accessways'</p> <p>Permitted where:</p> <p>PER-1: Where the private accessway serves a maximum of 8 H. Es</p> <p>Note: 1 H.E is represented by 10 vehicle movements. One vehicle movement is a single movement to or from a property.</p> <p>PER-2: The VC and access for fire appliances comply with SNZ PAS 4509:2008 NZ Fire Fighting Water Supplies Code of Practice.</p> <p>PER-3: The VC is not off a SH, or off a road classified arterial or higher under the One Network Road Classification.</p> <p>PER-4: Any unused VC's are reinstated to match the existing footpath and kerbing, or the shoulder and berm are reinstated where there is no foot or kerbing, with all works to be undertaken as per any required traffic management plan and corridor access request.</p> <p>PER-5: Private accessways shall be designed and constructed in accordance with TRAN-Table 9 – Requirements for private accessways.</p> <p>PER-6: The vehicle crossing, access or private accessway complies with standards: TRAN-S2 Requirements for vehicle crossings; and TRAN-S3 Requirements for passing bays.</p>	<p>Activity Status: Discretionary</p> <p>Comment:</p> <p>PER-1: A private accessway will only serve 1-2H. E's</p> <p>PER-2: Compliance is achieved with FENZ requirements.</p> <p>PER-3: The vehicle crossing is not off a State Highway or a high classified road.</p> <p>PER-4: No unused vehicle crossings.</p> <p>PER-5: Any private accessway will only serve one residential unit.</p> <p>PER-6: The private accessway for Lots 1 and 6 does not comply with TRAN-S3.</p>
<p>TRAN-R3 'Maintenance or upgrading of existing transport infrastructure within the existing road corridor'</p> <p>Permitted where:</p> <p>PER-1: The maintenance or upgrade is wholly within the existing roading corridor (and is subject to an existing designation for a road).</p>	<p>Activity Status: Not applicable</p> <p>Comment: No proposed road maintenance or upgrade.</p>

<p>PER-2: The upgrade complies with standards: TRAN-S4 Requirements for road design; and TRAN-S5 requirements for streetlighting.</p>	
<p>TRAN-R4 ‘Electric vehicle charging stations’</p> <p>Permitted where:</p> <p>PER-1: Where min. number of parking spaces are provided in accordance with: TRAN-S1 Requirements for parking.</p>	<p>Activity Status: Not applicable</p>
<p>TRAN-R5 ‘Trip generation’</p> <p>Permitted where:</p> <p>PER-1: The use or development is no greater than the thresholds in TRAN-Table 11 – Trip generation.</p>	<p>Activity Status: Permitted</p> <p>Comment: Trip generation will comply.</p>
<p>TRAN-R8 ‘New roads including within unformed paper roads’</p> <p>Permitted where:</p> <p>PER-1: The new road complies with standards: TRAN-S4 Requirements for road design; and TRAN-S5 Requirements for streetlighting.</p> <p>PER-2: The new road is not subject to the following overlays:</p> <ol style="list-style-type: none"> 1. Significant natural areas. 2. Outstanding natural features. 3. Outstanding natural landscapes. 4. The coastal environment. 5. Natural hazards. 6. Heritage overlay areas 7. Scheduled heritage resource 8. Sites and areas of significance to Māori 	<p>Activity Status: Not Applicable</p> <p>Comment: No new roads proposed within unformed paper roads.</p>
Standards	
<p>TRAN-S1 ‘Requirements for parking’</p> <ol style="list-style-type: none"> 1. The min. number of on-site car parking and bicycle spaces are provided for each activity in accordance with TRAN-Table 1 – Minimum number of parking spaces, except that: <ul style="list-style-type: none"> • For sites in the Mixed use zone, no additional on-site parking spaces are required where the nature of a lawfully established activity changes, provided that: <ol style="list-style-type: none"> i The gross business area of the site is not increased; and ii It is not a residential activity or visitor accommodation activity; 2. Where on-site parking is provided in accordance with (1) above, additional accessible car parking spaces must be provided in accordance with TRAN-Table 2 	<p>Activity Status: Complies</p> <p>Comment:</p> <ol style="list-style-type: none"> 1. Each residential unit has room for 2 car parking spaces, farming and forestry is exempt. 2. There is ample room for accessible car parking spaces for the residential units. 3. N/A 4. N/A 5. Parking spaces are able to comply. 6. N/A

<ul style="list-style-type: none"> – Minimum number of accessible car parking spaces; 3. Loading spaces for commercial activities, offices, industrial activities, commercial service activities, hospital activities, and educational facilities are provided on site in accordance with TRAN-Table 3 - Minimum on-site loading bay requirements; 4. End-of-trip facilities for commercial activities, offices, industrial activities, commercial service activities, hospital activities and educational facilities are provided for staff use in accordance with TRAN-Table 4 – End of trip facility requirements; 5. All onsite car parking and manoeuvring areas are provided in accordance with TRAN-Table 5 – Parking and manoeuvring dimensions; and 6. If any activity is not represented within TRAN-Table 1 – Minimum number of parking spaces then the activity closest in nature to the proposed activity shall apply, provided that there are two or more similar activities in the table, the activity with the higher parking rate shall apply. 	
<p>TRAN-S2 'Requirements for vehicle crossings'</p> <ul style="list-style-type: none"> 1. No more than the maximum number of vehicle crossings shall be provided per site in accordance with TRAN-Table 6 – Maximum number of vehicle crossings per site; 2. New vehicle crossings shall be located at least 8m from a dedicated pedestrian crossing facility; 3. Where a site has frontage to no more than one road, the vehicle crossing shall be prioritised to be provided onto the road that has the lower road classification; 4. New vehicle crossings shall meet the minimum separation distance requirements from intersections as set out in TRAN-Table 7 – Minimum distance of vehicle crossings from intersections; and 5. New vehicle crossings shall be located to meet the minimum sight distance requirements as set out in TRAN-Table 9 – Minimum sight distances for vehicle crossings. 	<p>Activity Status: Complies</p> <p>Comment:</p> <ul style="list-style-type: none"> 1. Number of vehicle crossings comply. 2. No new vehicle crossings 3. Where Lot 3 has frontage to both Mason Road and Matawaia Maromaku Road, access is from Mason Road. 4. No vehicle crossing is within 75 or 60m of the intersection between Mason Road and Matawaia Maromaku Road. 5. No new vehicle crossing.
<p>TRAN-S3 'Requirements for passing bays'</p> <ul style="list-style-type: none"> 1. Where required, passing bays on private accessways are to be at least 15m long and provide a minimum usable access width of 5.5m; 2. Passing bays are required: <ul style="list-style-type: none"> i. In rural production, rural lifestyle, horticulture, and Māori purpose rural zones at spacings not exceeding 100m; ii. On all blind corners in all zones and locations where the horizontal and vertical alignment of the private accessways restricts visibility; and 	<p>Activity Status: Not compliant</p> <p>Comment:</p> <ul style="list-style-type: none"> 1. No formal passing bays. 2. No formal passing bays 3. No formal passing bays

3. All accesses serving 2 or more sites shall provide passing bays and a double width vehicle crossing to allow for vehicles to queue within the site.	
TRAN-S4 'Requirements for road design' 1. All new roads and upgrades to existing roads shall be designed and constructed in accordance with FNDC Engineering Standards April 2022 and must be supported by an Integrated Transport Assessment approved by a suitably qualified and experienced transport professional; and 2. Cul-de-sacs must meet the Local Road requirements in FNDC Engineering Standards April 2022 and the following additional requirements: <ul style="list-style-type: none"> i. It must not exceed a maximum length of 150m ii. There must be a shared-use path link for pedestrians, cyclists and mobility devices at the end of the cul-de-sac in the General Residential and Mixed Use zones to existing adjacent public road, open spaces, recreational facilities, schools or other neighbourhood facilities and where these facilities do not currently exist provision should be made to reserve a shared-use corridor for future connection, iii. There must be no more than one private accessway at the end of the cul-de-sac; and iv. It must incorporate a turning head meeting the following requirements: <ul style="list-style-type: none"> • 25m diameter with on-street parking in the General Residential zone; or • 30m diameter with on-street parking in all other zones. 	Activity Status: Not applicable Comment: 1. No new roads or upgrades to existing roads proposed. 2. No cul-de-sacs.
TRAN-S5 'Requirements for streetlighting' 1. Any land use or subdivision which creates a new road or extends the requirement for street lighting, must: <ul style="list-style-type: none"> i. Include a street lighting plan that is designed and constructed in accordance with FNDC Engineering Standards April 2022. 	Activity Status: Not applicable

Assessment against Natural Hazards	
Rules	Activity Status/Comments
NH-R5 'Wild fire – Buildings used for a vulnerable activity (excluding accessory buildings)' Permitted where: PER-1: Any building used for a vulnerable activity (excluding accessory buildings) either: <ul style="list-style-type: none"> 1. Is located on a site that has access to a fire hydrant; or 	Activity Status: Permitted Comment: All houses are existing and contain existing water tanks.

<p>2. Provides for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509;2008 NZ Fire Service Firefighting water supplies code of practice.</p> <p>PER-2: Any building used for a vulnerable activity (excluding accessory buildings) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.</p>	
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Assessment against Rural Production Zone	
Rules	Activity Status/Comments
<p>RPROZ-R1 'New buildings or structures, and extensions or alterations to existing buildings or structures'</p> <p>Permitted where:</p> <p>PER-1: The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted activity.</p> <p>PER-2: The new building or structure, or extension or alteration to an existing building or structure complies with standards: RPROZ-S1 Maximum height; RPROZ-S2 Height in relation to boundary; RPROZ-S3 Setback (excluding from MHWS or wetland, lake and river margins) RPROZ-S4 Setback from MHWS RPROZ-S5 Building or structure coverage RPROZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structure used for an intensive indoor primary production activity) RPROZ-S7 Sensitive activities setback from boundaries of a Mineral extraction overlay</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R2 'Impermeable surface coverage'</p> <p>Permitted where:</p> <p>PER-1: The impermeable surface coverage of any site is no more than 15%.</p>	<p>Activity Status: Permitted</p> <p>Comment: All sites will not exceed an impervious surface coverage of 15%</p>
<p>RPROZ-R3 'Residential activity'</p> <p>Permitted where:</p> <p>PER-1: The site area per residential unit is at least 40ha.</p> <p>PER-2: The number of residential units on a site does not exceed six.</p> <p>PER-1 does not apply to a single residential unit located on a site less than 40ha.</p>	<p>Activity Status: Permitted</p> <p>Comment: Lots 1 and X contain one residential unit.</p>

<p>RPROZ-R4 'Visitor accommodation'</p> <p>Permitted where:</p> <p>PER-1: The visitor accommodation is within a residential unit, accessory building, or minor residential unit.</p> <p>PER-2: The occupancy does not exceed 10 guests per night.</p> <p>PER-3: The site does not share access with another site.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R5 'Home Business'</p> <p>Permitted where:</p> <p>PER-1: The home business is undertaken within: a residential unit; or an accessory building that does not exceed 40m² GFA; or a minor residential unit.</p> <p>PER-2: There is no more than two full-time equivalent persons engaged in the home business who reside off-site.</p> <p>PER-3: All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.</p> <p>PER-4: Hours of operation are between: 7am-8pm Monday to Friday and 8am-8pm Weekends and public holidays.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R6 'Educational facility'</p> <p>Permitted where:</p> <p>PER-1: The educational facility is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2: Hours of operation are between 7am-8pm Monday to Friday and 8am-8pm Weekends and public holidays.</p> <p>PER-3: The number of students attending at one time does not exceed four, excluding those who reside onsite.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R7 'Farming activity'</p> <p>Permitted.</p>	<p>Activity Status: Permitted</p> <p>Comment: Farming may continue on sites.</p>
<p>RPROZ-R8 'Conservation activity'</p> <p>Permitted.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R9 'Recreational activity'</p> <p>Permitted where:</p>	<p>Activity Status: Not applicable</p>

<p>PER-1: The recreational activity is not being operated as a commercial activity.</p> <p>PER-2: There is no motorsport activity.</p>	
<p>RPROZ-R10 'Rural produce retail'</p> <p>Permitted where:</p> <p>PER-1: The activity does not exceed GBA of 100m² and is set back a minimum of 30m from any internal boundary.</p> <p>PER-2: The number of rural produce retail operations does not exceed one per site.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R11 'Rural produce manufacturing'</p> <p>Permitted where:</p> <p>PER-1: The building undertaking rural produce manufacturing does not exceed GFA of 100m².</p> <p>PER-2: The number of rural produce manufacturing operations does not exceed one per site.</p> <p>PER-3: All manufacturing, altering, repairing, dismantling or processing of any materials or articles is carried out within a building or screened from residential units on adjoining properties.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R12 'Farm quarry'</p> <p>Permitted where:</p> <p>PER-1: The farm quarry is not within 30m of a site boundary; and no more than 5000m³ of material is extracted in a calendar year.</p>	<p>Activity Status: Not applicable</p> <p>Comment: No new farm quarry, the existing quarry is at least 30m from the new site boundary and has existing use rights.</p>
<p>RPROZ-R13 'Catteries and dog boarding kennels'</p> <p>Permitted where:</p> <p>PER-1: Any building, compound or part of a site used for a cattery, is located a minimum of: 600m from the boundary of a site within the General residential, Mixed Use, Kororareka Russell Township, Rural residential, Māori Purpose – Urban, Settlement zones; 50m from the boundary of a site for all other zones.</p> <p>PER-2: Any building, compound or part of a site used for a dog boarding kennel, is located a minimum of: 600m from the boundary of a site within the General residential, Mixed Use, Kororareka Russell Township, Rural residential, Māori Purpose – Urban, Settlement zones; 300m from the boundary of a site for all other zones.</p>	<p>Activity Status: Not applicable</p>
<p>RPROZ-R14 'Cemetries/Urupa'</p>	<p>Activity Status: Not applicable</p>

Permitted.	
RPROZ-R15 'Plantation Forestry and plantation forestry activity' Permitted where: PER-1: It is not located on versatile soils.	Activity Status: Permitted Comment: No versatile soils onsite.
RPROZ-R16 'Additions or alterations to an existing Community facility' Permitted where: PER-1: The combined GFA of all buildings on the site does not exceed 300m ² or a max. increase of 10% combined GFA of all buildings on the site, whichever is greater.	Activity Status: Not applicable
RPROZ-R17 'Emergency service facility' Permitted where: PER-1: The combined GFA of all buildings on the site does not exceed 150m ² .	Activity Status: Not applicable
RPROZ-R18 'Mineral prospecting and exploration' Permitted where: PER-1: It is undertaken using hand tools.	Activity Status: Not applicable
RPROZ-R19 'Minor residential unit' Controlled where: CON-1: The number of minor residential units on site does not exceed one. CON-2: The site area per minor residential is at least 1ha CON-3: The minor residential unit shares vehicle access with the principal residential unit. CON-4: The separation distance between the minor residential unit and the principal residential unit does not exceed 15m. CON-5: The minor residential unit: does not exceed a GFA 65m ² ; with an optional attached garage or carport that does not exceed a GFA of 18m ² , where the garage or carport is used for vehicle storage, general storage and laundry facilities	Activity Status: Not applicable
RPROZ-R20 'Papakāinga housing' Restricted discretionary where:	Activity Status: Not applicable

<p>RDIS-1: The number of residential units per site does not exceed 10.</p> <p>RDIS-2: There is a legal mechanism in place to ensure that the land will stay in communal ownership and continue to be used in accordance with ancestral cultural practices.</p>	
<p>RPROZ-R21 'Expansion of existing mineral extraction activity'</p> <p>Restricted discretionary where:</p> <p>RDIS-1: A Mineral extraction activity management plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.</p> <p>RDIS-2: The hours of operation remain the same.</p> <p>RDIS-3: The extraction volumes do not increase by more than 10%.</p> <p>RDIS-4: Any expansion does not occur within 30m of the site boundary.</p> <p>RDIS-5: The vehicle access to the Mineral Extraction activity remains unchanged.</p>	Activity Status: Not applicable
<p>RPROZ-R22 'Rural tourism activity'</p> <p>Restricted Discretionary.</p>	Activity Status: Not applicable
<p>RPROZ-R23 'Intensive indoor primary production'</p> <p>Restricted Discretionary where:</p> <p>RDIS-1: Buildings or structures housing animals are setback at least 300m from any sensitive activity on a site under separate ownership.</p>	Activity Status: Not applicable
<p>RPROZ-R24 'Rural industry'</p> <p>Restricted Discretionary where:</p> <p>RDIS-1: The rural industry activity does not exceed a GBA of 500m² per site.</p> <p>RDIS-2: The number of rural industry activities per site does not exceed one.</p>	Activity Status: Not applicable
<p>RPROZ-R25 'Camping grounds'</p> <p>Discretionary.</p>	Activity Status: Not applicable
<p>RPROZ-R26 'Community facility'</p> <p>Discretionary.</p>	Activity Status: Not applicable
<p>RPROZ-R27 'Extension of existing commercial activity'</p> <p>Discretionary.</p>	Activity Status: Not applicable
<p>RPROZ-R28 'Extension of existing industrial activity'</p>	Activity Status: Not applicable

Discretionary.	
RPROZ-R29 'Commercial composting'	Activity Status: Not applicable
Discretionary.	
RPROZ-R30 'New mineral extraction activity'	Activity Status: Not applicable
Discretionary.	
RPROZ-R31 'Activities not otherwise listed in this chapter'	Activity Status: Not applicable
Discretionary.	
RPROZ-R32 'Industrial activity'	Activity Status: Not applicable
Non-Complying.	
Note: If the activity is a rural industry activity then that is controlled by RPROZ-R24	
RPROZ-R33 'Commercial activities not otherwise provided for as a permitted, restricted discretionary or discretionary activity'	Activity Status: Not applicable
Non-complying.	
RPROZ-R34 'Landfill, including managed fill'	Activity Status: Not applicable
Non-Complying.	
RPROZ-R35 'Community corrections activity'	Activity Status: Not applicable
Non-Complying.	
RPROZ-R36 'Retirement village'	Activity Status: Not applicable
Non-Complying.	
RPROZ-R37 'Offensive trade'	Activity Status: Not applicable
Non-Complying.	
Standards	
RPROZ-S1 'Maximum height'	Activity Status: Not applicable
Max. height of building or structure, or extension or alteration to an existing building or structure is 12m above GL, except that artificial crop protection and support structures shall not exceed a height of 6m above GL.	Comment: No proposed buildings.
The standard does not apply to...	
RPROZ-S2 'Height in relation to boundary'	Activity Status: Permitted
The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary: 55 degrees at 2m above GL at the northern boundary of the site; 45 degrees at 2m above GL at the eastern and western boundaries of the site; and 35 degrees at 2m above GL at the southern boundary of the site.	Comment: Any existing building will comply with the height in relation to the new boundary plane.

The standard does not apply to...	
RPROZ-S3 'Setback (excluding from MHWS or wetland, lake and river margins) The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except: <ol style="list-style-type: none"> 1. On sites less than 5000m² accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road; 2. Artificial crop protection and support structures must be setback at least 3m from all site boundaries; 3. Habitable buildings must be setback at least 30m from the boundary of an unsealed road. The standard does not apply to...	Activity Status: Permitted Comment: All existing buildings will be setback at least 10m from new site boundaries.
RPROZ-S4 'Setbacks from MHWS' The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.	Activity Status: Not applicable
RPROZ-S5 'Building or structure coverage' The building or structure coverage of any site is no more than 12.5%.	Activity Status: Permitted Comment: The building coverage will not exceed 12.5%
RPROZ-S6 'Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity' Stock holding and feeding areas, milking sheds and buildings used to house or feed stock must be setback at least: 30m from any boundary; or 100m from any boundary of a land zoned General residential, Mixed Use, Kororareka Russell Township, Settlement, Māori Purpose – Urban, rural residential; 100m from residential units on an adjoining site under separate ownership.	Activity Status: Not applicable
RPROZ-S7 'Sensitive activities setback from boundaries of a Mineral Extraction overlay' Sensitive activities (excluding non-habitable accessory buildings) must be setback at least 100m from the boundary of a Mineral Extraction Overlay	Activity Status: Not applicable



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




R.W. Muir
Registrar-General
of Land

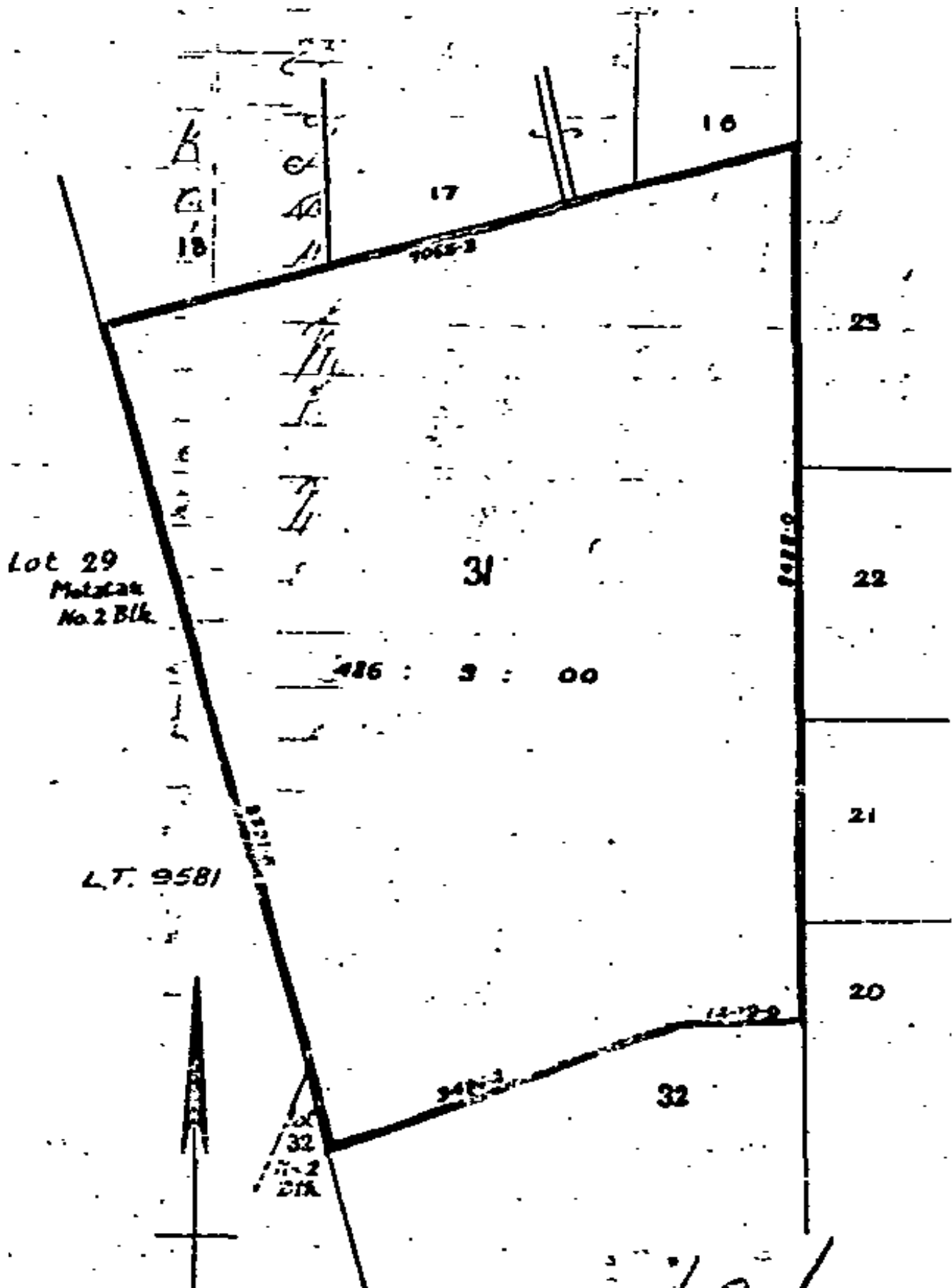
Identifier **NA1553/45**
Land Registration District **North Auckland**
Date Issued 15 May 1958

Prior References
NAPR218/99

Estate Fee Simple
Area 196.9807 hectares more or less
Legal Description Section 31 Block VIII Motatau Survey
District

Registered Owners
Diamond Farm Trading Limited

Interests
Subject to Section 206 Land Act 1924
Appurtenant hereto are rights of way created by Transfer D616541.13 - 26.6.2001 at 3.34 pm
13326653.4 Mortgage to Bank of New Zealand - 3.7.2025 at 4:09 pm





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA1595/60**
Land Registration District **North Auckland**
Date Issued 20 August 1958

Prior References

NA174/207 NA218/85

Estate Fee Simple
Area 81.3671 hectares more or less
Legal Description Section 18A, Section 18B and Part Section
17-18 Block VIII Motatau Survey District

Registered Owners

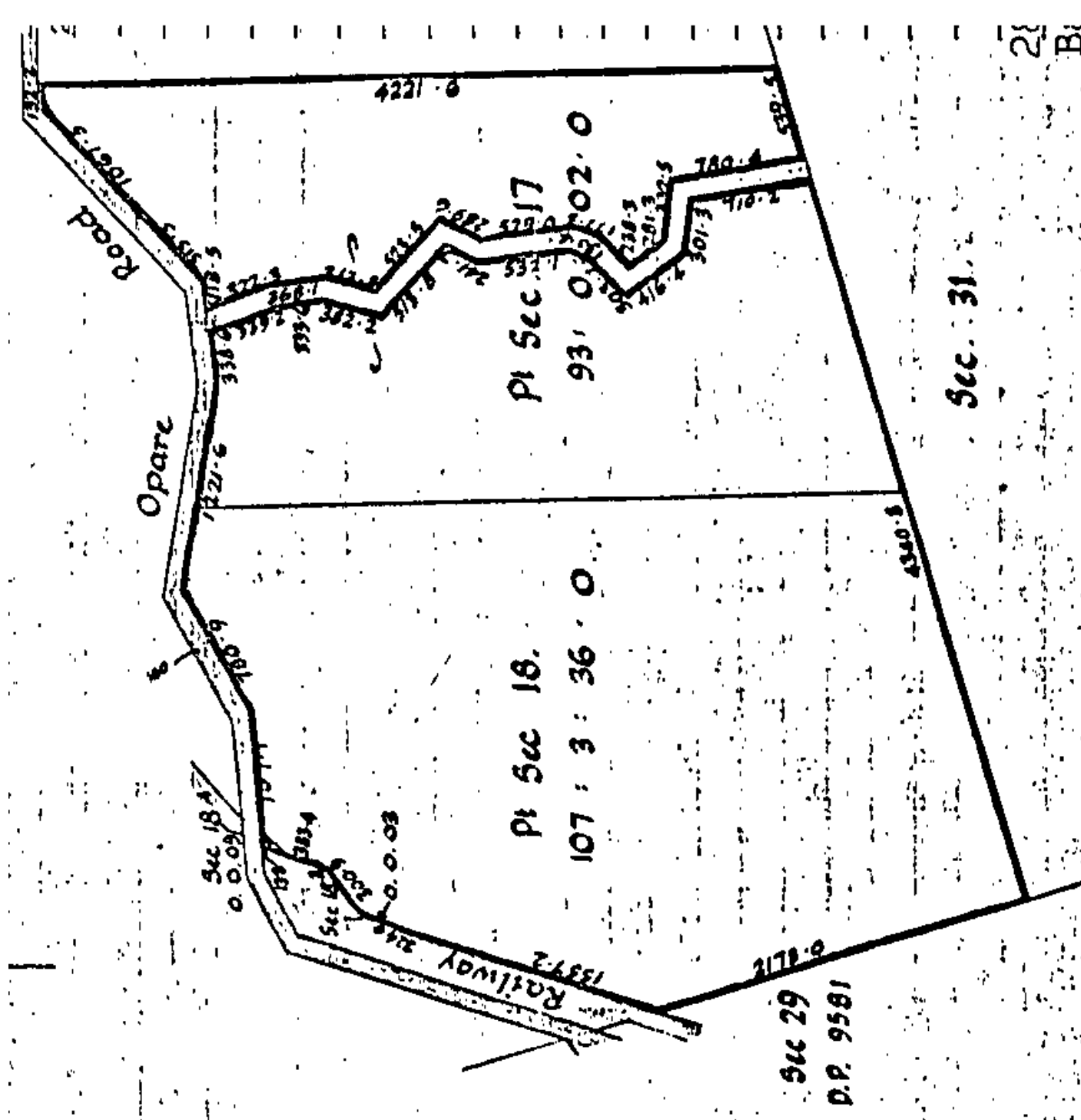
Diamond Farm Trading Limited

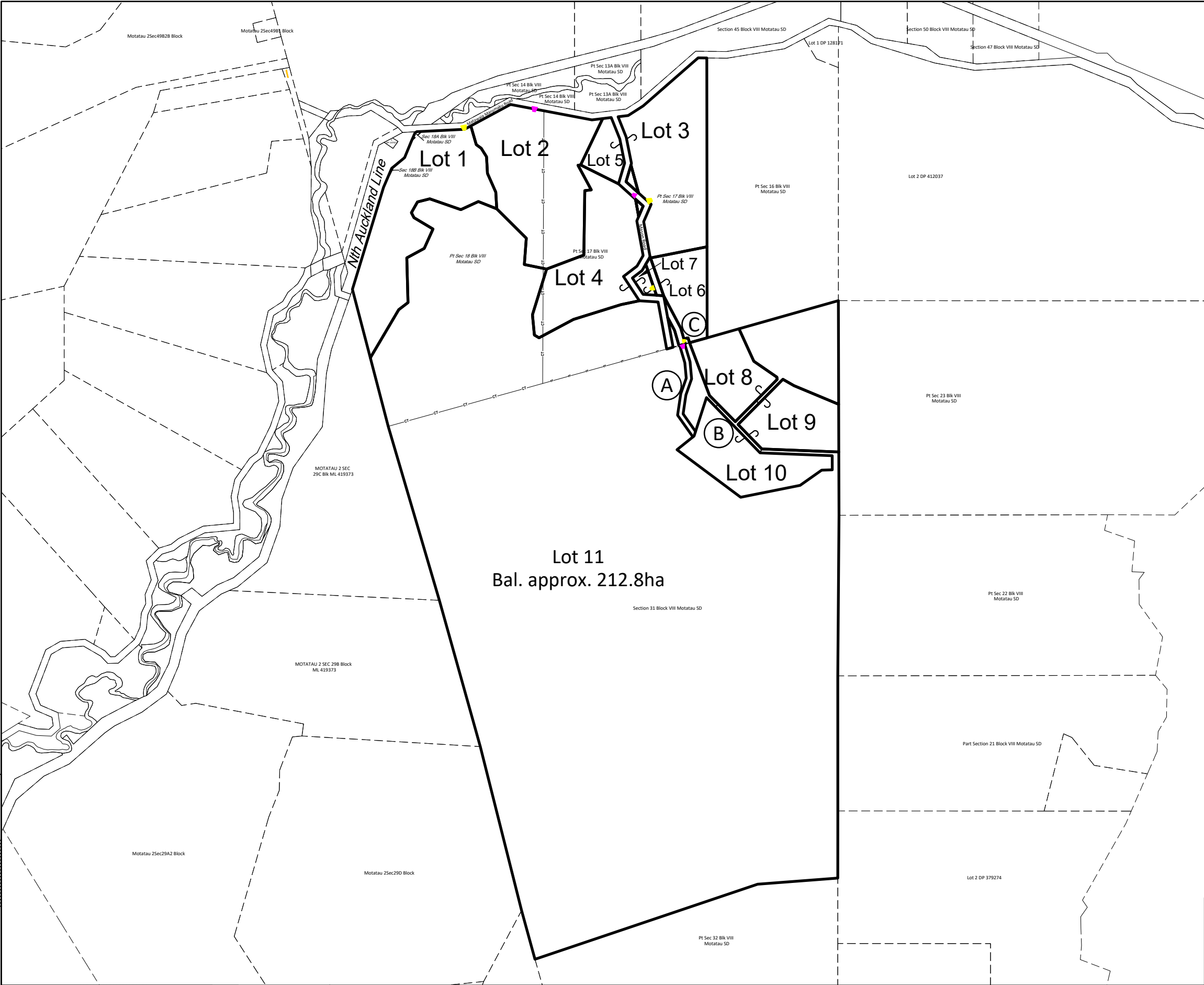
Interests

Subject to a mining right over part created by Transfer 92357

Excepting thereout all mines beds veins seams reefs and deposits of coal, cannel, oil, shale, fireclay or other minerals
whatsoever lying or being within under or upon the said land reserved by Transfer 92357

13326653.4 Mortgage to Bank of New Zealand - 3.7.2025 at 4:09 pm





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14.48ha Total area

Comprised In: ROT NA1594/60 and NA1553/45

Total Area: 278.3478ha

Total Calculated Area: 277.5864ha

LEGEND

FARM VEHICLE CROSSING

VEHICLE CROSSING

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Right of Way Electricity Telecommunications	(B)	Lot 11 hereon	Lots 8,9 & 10 hereon
Right of Way	(C)	Lot 11 hereon	Lot 6 hereon

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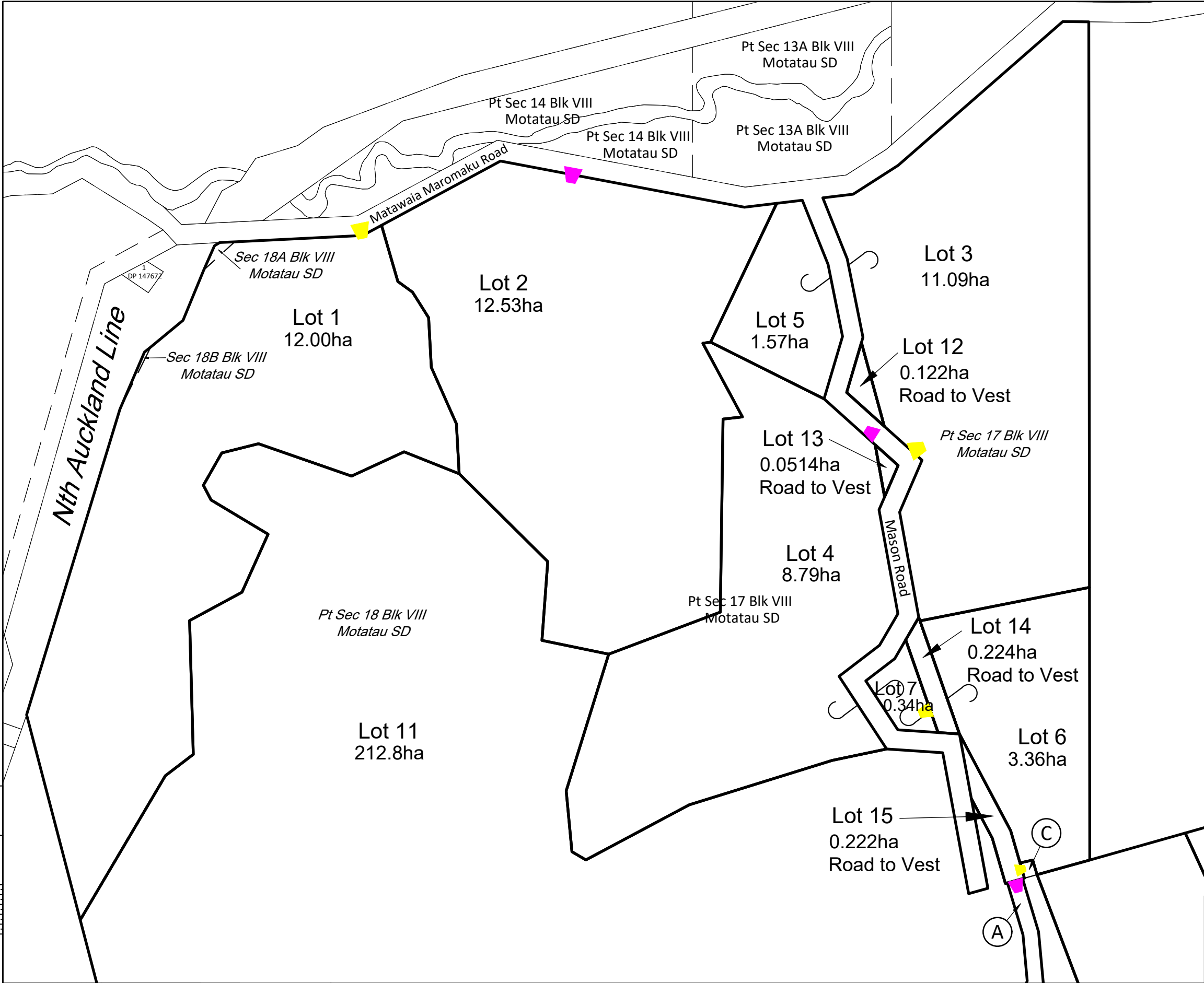
ADDRESS

Diamond Farms

95 Mason Road

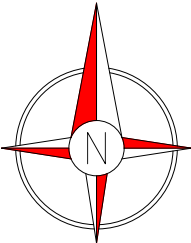
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DATE	17/06/25	SERIES	1 of 3	S-11932-A



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Proposed Subdivision of Sections 31,18a,18b and Part Sections 17 and 18 Block VIII Motatau SD

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95 Mason Road
Kawakawa

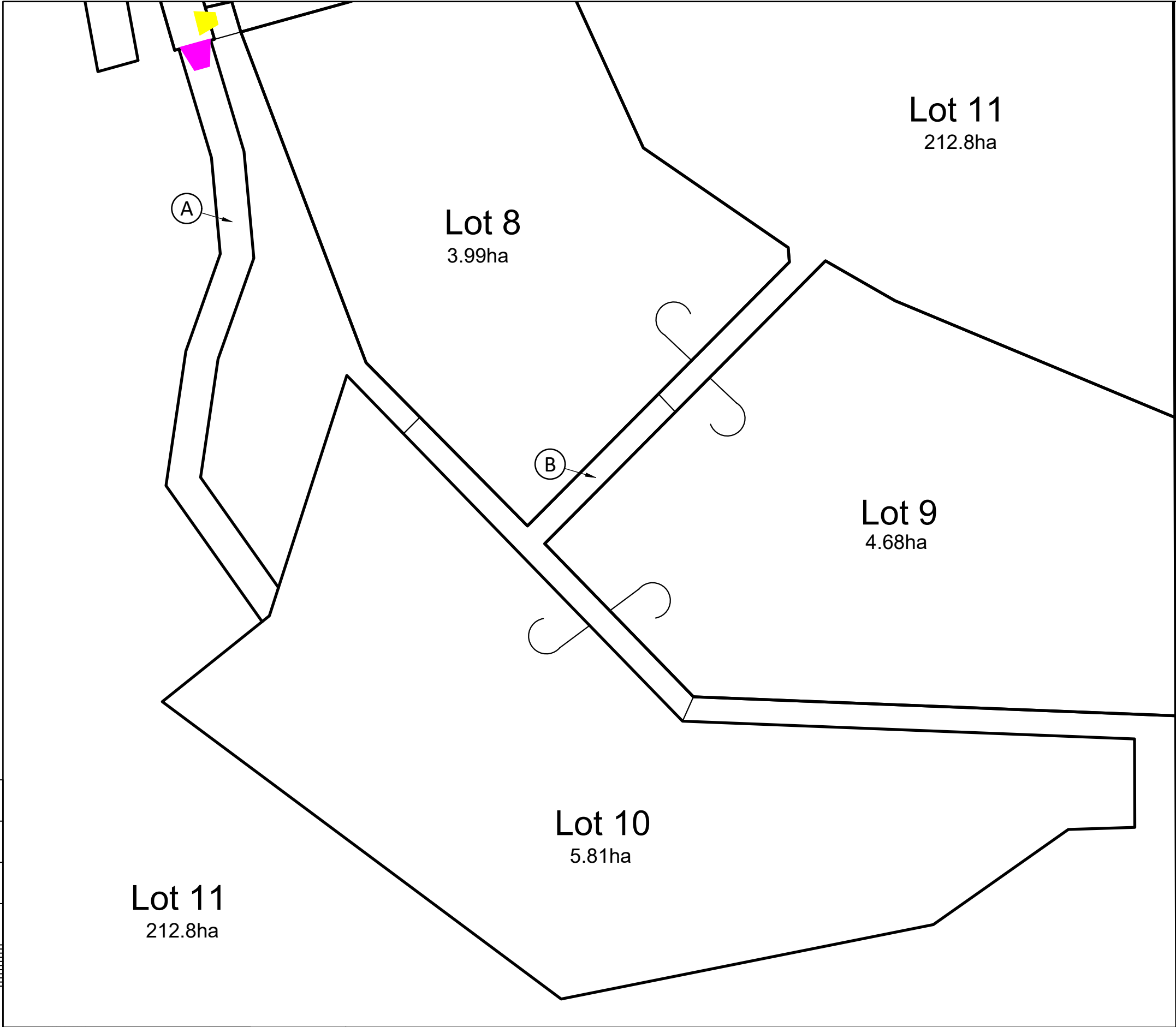
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DATE 17/06/25

SCALE 1:4000 (A3)

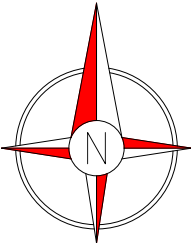
SERIES 2 of 3

REF
S-11932-A



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Pt Sec 23
Blk VIII
Motatau SD

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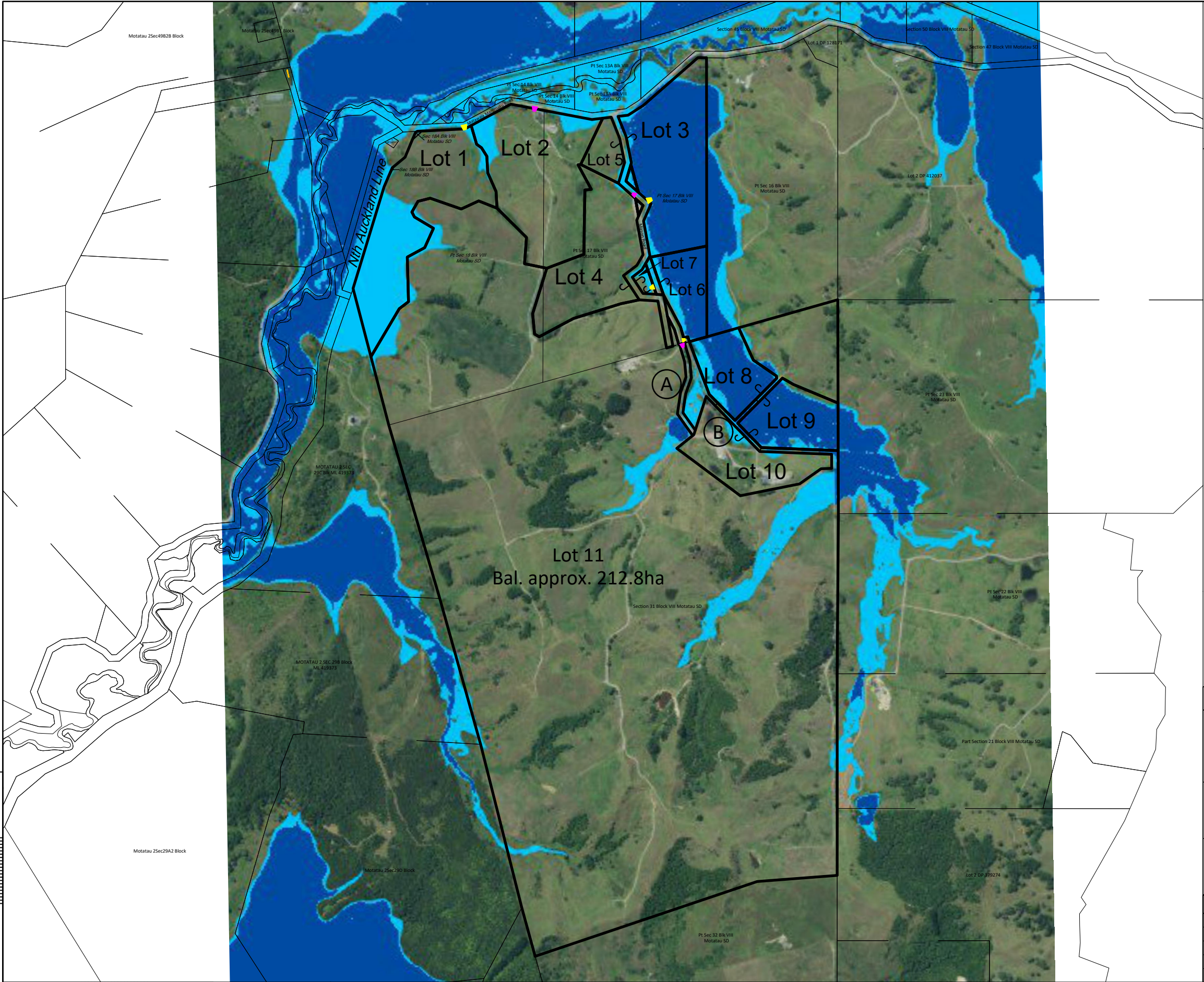
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ADDRESS		95 Mason Road	
		Kawakawa	
DRAWN	GBM	SCALE	1:2000 (A3)
DATE	17/06/25	SERIES	3 of 3
			REF S-11932-A



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100 yr Flood 10 yr Flood

LEGEND

FARM VEHICLE CROSSING

VEHICLE CROSSING

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ADDRESS		95 Mason Road	
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DRAWN	GBM	SCALE	1:12000 (A3)
DATE	17/06/25	SERIES	1 of 3
		REF	
		S-11932-A	

SCALE 1:12000

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Proposed Subdivision of Sections 31,18a,18b and Part Sections 17 and 18 Block VIII Motatau SD

NRC 10 and 100 yrs Flooding



Top Energy Limited

Level 2, John Butler Centre
60 Kerikeri Road
P O Box 43
Kerikeri 0245
New Zealand
PH +64 (0)9 401 5440
FAX +64 (0)9 407 0611

26 June 2025

Fiona Howe
Lands and Survey

Email: fiona.howe@landsandsurvey.co.nz

To Whom It May Concern:

RE: PROPOSED SUBDIVISION

Diamond Farms Trading Limited – 95 Mason Road, Kawakawa. Sections 31,18a, 18b and Part Sections 17 and 18 Block VIII Motatau SD

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirements for this subdivision are nil.

In order to get a letter from Top Energy upon completion of your subdivision a copy of the resource consent decision must be provided.

Yours sincerely

Aaron Birt

Planning and Design

T: 09 407 0685

E: aaron.birt@topenergy.co.nz



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0200400

SCALE 1:12000

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PREPARED FOR

ADDRESS

Diamond Farms

95 Mason Road

Kawakawa

DRAWN GBM

SCALE 1:12000 (A3)

DATE 17/06/25

SERIES 1 of 3

REF

S-11932-A



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Proposed Subdivision of Sections 31,18a,18b and Part Sections 17 and 18 Block VIII Motatau SD

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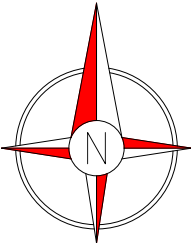
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DRAWN	GBM	SCALE	1:4000 (A3)	REF	S-11932-A
DATE	17/06/25	SERIES	2 of 3		



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Kawakawa

DRAWN GBM

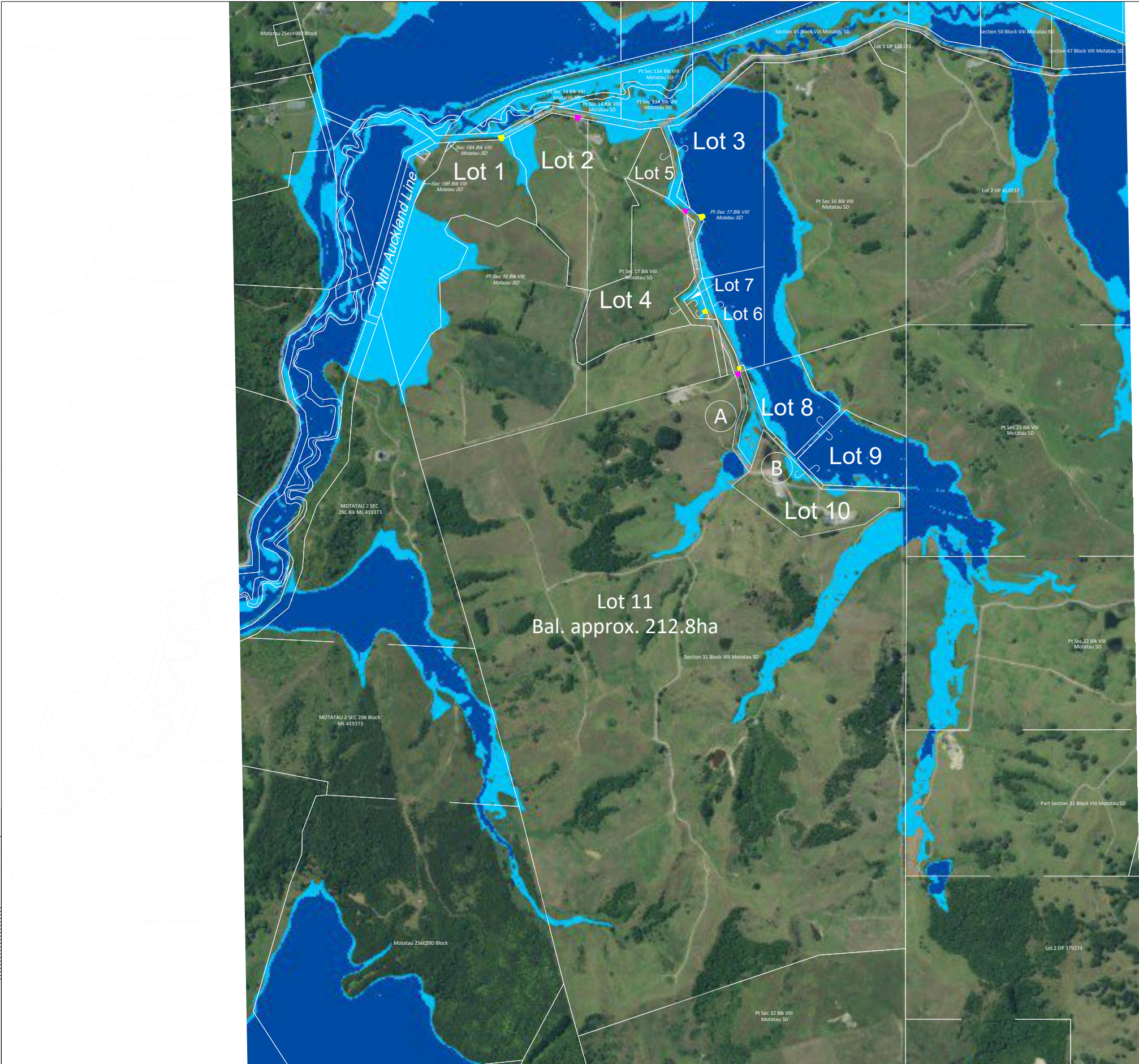
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SERIES 3 of 3

REF

S-11932-A



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Right of Way Electricity Telecommunications	B	Lot 11 hereon	Lots 8,9 & 10 hereon

REVISIONS			
REV	DESCRIPTION	BY	DATE
A	ORIGINAL ISSUE	GBM	27/06/25

PREPARED FOR

ADDRESS

Diamond Farms
95 Mason Road
Kawakawa

DRAWN	GBM	SCALE	1:12000 (A3)	REF	S-11932-A
DATE	17/06/25	SERIES	1 of 3		

LANDS & SURVEY

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P: 0800 SURVEY | E: info@landsandsurvey.co.nz

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Proposed Subdivision of Sections 31,18a,18b and Part Sections 17 and 18 Block VIII Motatau SD

NRC 10 and 100 yrs Flooding