

# 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 type="radio"/> Subdivision   | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(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](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant Details

**Name/s:**

Smartlife Trust

**Email:**

**Phone number:**

Home

**Postal address:**

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

Postcode

## 6. Address for Correspondence

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

**Name/s:**

Bay of Islands Planning - Steven Sanson

**Email:**

**Phone number:**

Home

**Postal address:**

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

Postcode

*\* 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:**

Refer records of title appended to the AEE

**Property Address/  
Location:**

Postcode

## 8. Application Site Details

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

**Name/s:**

**Site Address/  
Location:**

**Postcode**

**Legal Description:**

Lot 3 DP 613888

**Val Number:**

**Certificate of title:**

1223414

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.

## 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.

3 x lot subdivision in the Rural Living Zone

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**

- |  |  |
|--|--|
| <input type="radio"/> <b>Subdividing land</b>                    | <input type="radio"/> <b>Disturbing, removing or sampling soil</b>       |
| <input type="radio"/> <b>Changing the use of a piece of land</b> | <input type="radio"/> <b>Removing or replacing a fuel storage system</b> |

## 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**

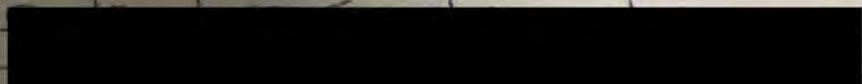


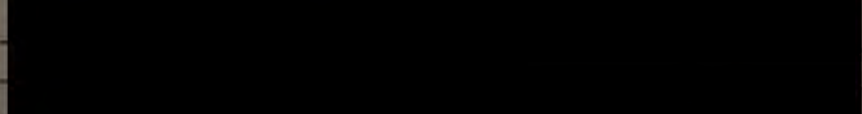
## 14. Billing Details:


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.

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

Name/s: (please write all names in full) Andrew Smart. (for Smartlife Inst)

Email: 

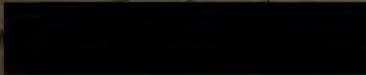
Postal Address: 

Phone Numbers: 

**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 20<sup>th</sup> 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: Andrew Smart (please print)

Signature:  (signature of bill payer – mandatory) Date: 1/12/22

## 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](http://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)

Steven Sanson

**Signature:**

[Redacted Signature]

**Date** 19-Aug-2025

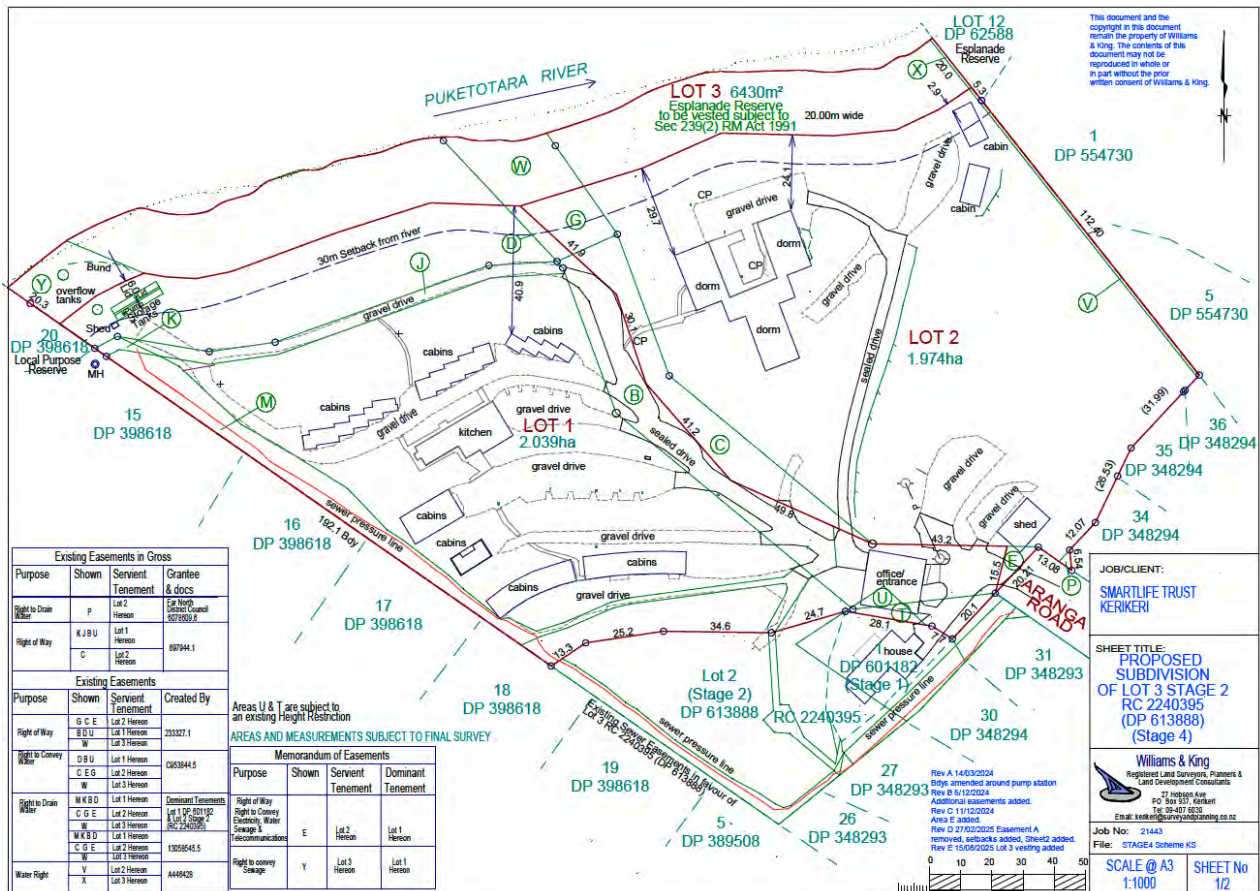
*A signature is **not** required if the application is made by electronic means*

### Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ 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.





# Assessment of Environmental Effects

Subdivision in the Rural Living Zone [3 x Lots]

Prepared for: Smartlife Trust  
Prepared by: Steven Sanson | Consultant Planner  
Dated: September 2025

# 1 APPLICANT & PROPERTY DETAILS

<b>Applicant</b>	Smartlife Trust c/o Andrew Smart
<b>Address for Service</b>	Bay of Islands Planning [2022] Limited PO Box 318 PAIHIA 0247 C/O - Steven Sanson  steve@bayplan.co.nz 021-160-6035
<b>Legal Description</b>	Lot 3 DP 613888
<b>Record Of Title</b>	1223414
<b>Physical Address</b>	23 Aranga Road, Kerikeri
<b>Site Area</b>	4.6570ha
<b>Owner of the Site</b>	Keighley Trustee Limited and Euan Boyd Lindsay Hilson
<b>District Plan Zone</b>	Rural Living & Residential [ODP] Rural Residential [PDP]
<b>District Plan Features</b>	Esplanade Priority
<b>Archaeology</b>	Nil
<b>Kiwi</b>	Nil
<b>NRC Overlays</b>	Flooding
<b>Soils</b>	4s5
<b>Protected Natural Area</b>	Nil
<b>HAIL</b>	Nil according to NRC SLU

Schedule 1



## 2 SUMMARY OF PROPOSAL

<b>Proposal</b>	<p>The proposal seeks to subdivide the site into 3 x lots as outlined on the Scheme Plan provided in <u>Appendix 2</u>.</p> <p>The Lots are as follows:</p> <p>Lot 1 – 2.039ha          Lot 2 – 1.974ha          Lot 3 – 6,430m<sup>2</sup> [Esplanade Reserve]</p> <p>As a result of the subdivision, there are proposed consequential amendments to s221 consent notice conditions.</p>
<b>Reason for Application</b>	<p>The proposal breaches:</p> <ul style="list-style-type: none"> <li>• 13.7.2.1(iv) Minimum Lot Size in the Rural Living Zone.</li> <li>• Stormwater Management</li> </ul>
<b>Appendices</b>	<p>Appendix 1 – Record of Title          Appendix 2 – Scheme Plan          Appendix 3 – Relevant Decision [RC 2240395]</p>
<b>Consultation</b>	Nil
<b>Pre Application Consultation</b>	Nil
<b>Relevant Applications</b>	RC 2240395

## 3 INTRODUCTION & PROPOSAL

### 3.1 Report Requirements

This report has been prepared for Smartlife Trust in support of a subdivision consent application at 23 Aranga Road, Kerikeri.

The application has been prepared in accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (“RMA”). This report serves as the Assessment of Environmental Effects required under both provisions.

The report also includes an analysis of the relevant provisions of the Far North District Plan, the Proposed Far North District Plan, relevant National Policy Statements and Environmental Standards, as well as Part 2 of the Resource Management Act 1991.

### 3.2 Proposal Background & Rationale

Application Site: A range of details regarding the site are outlined in Schedule 1 of this report. These details are supplemented by the Record of Title in Appendix 1.

A broader description of the site is provided for in Section 4 below.

#### Proposal & Background

The site has been subjected to numerous consent applications and authorisations.

Most recently, RC 2240395 has been executed and completed with titles now available for those sites. As a summary, that application consented:

- Lot 1 – 941m<sup>2</sup>
- Lot 2 – 4,161m<sup>2</sup>
- Lot 3 – 4.6560ha

Lot 3 outlined above is the application subject to this further subdivision.

This proposal effectively seeks to cut Lot 3 into nearly equal parts across Lot 1 and Lot 2. Lot 1 contains the seasonal workers accommodation activities that formed part of previous approvals<sup>1</sup>.

Lot 2 contains existing buildings and consent for future buildings associated with transient residential accommodation.

The allotment sizes proposed adjacent to the Puketotara River requires the vesting of the esplanade reserve shown a Lot 3. This is proposed to be vested subject to s239[2] of the RMA.

There are appropriate easements between and across each allotment. As far as is practicable, wastewater assets have been maintained within Lot 1 whilst still promoting a 20m reserve as required for the esplanade. However, some assets are still found within the proposed Reserve.

As a result of the proposal, consent notice conditions associated with RC 2240395 are required to be altered and this are addressed in this report.

Consequential land use consent is also required as a result of the proposed subdivision.

## 4.0 SITE & SURROUNDING ENVIRONMENT

### 4.1 Zoning & Resource Features

The property is located in the Rural Living Zone under the Operative Far North District Plan. The site is also highlighted as being within an Esplanade Priority Area.

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<sup>1</sup> Refer RC 2230528 which is available on request.

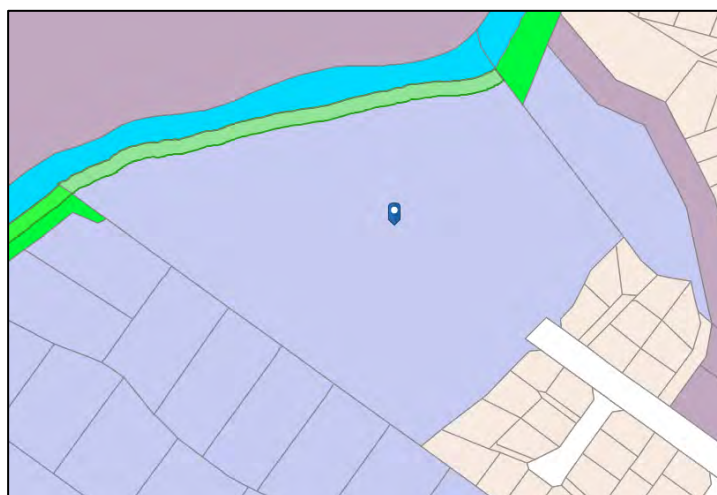


Figure 1 - Rural Living Zone & Esplanade Priority Area

Parts of the site are subjected to river flooding, however these do not impact existing or proposed development.



Figure 2 - Flooding

Under the Proposed District Plan, the site is proposed to be Rural Residential. The same flooding overlays apply to the site.





Figure 3 - Rural Residential Zone & Flooding

## 4.2 Location

The site is located on the edge of the Residential Zone surrounding the town centre and is accessed from the end of Aranga Road. This road leads off Kerikeri Road and forms the spine of a residential subdivision which has been substantially developed. The property as a whole is broadly square shaped with its northern frontage being the Puketotara Stream which separates it from the Bay of Islands Golf Course.

### 4.3.1 Record of Title

The site contains numerous easements and consent notices which must be adhered to. [Appendix 1](#) contains these documents.

An assessment of consent notices is provided in the table below.

Consent Notice 13058545.8	Assessment
In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a	This will be attended to at time of development.

<p>suitably qualified Chartered Professional Engineer.</p> <p>In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ).</p>	
<p>In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner or a chartered professional</p>	<p>This will be attended to at time of development.</p>

engineer and submitted with the Building Consent application.	
<p>The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3].</p> <p>The breakdown for each lot is as follows:</p> <p>Lot 1: 0.5m<sup>3</sup></p> <p>Lot 2: 19.5m<sup>3</sup></p>	<p>It is proposed to delete this consent notice condition.</p> <p>Council has provided direct connections to the wastewater system for Lot 1 through RC 2240395.</p> <p>Therefore, there is no longer a direct connection or need to rely on the 'Sewage Facility' on the site.</p> <p>Lot 2 has now become the application site which is considered in the consent notice below.</p>
Owners of Lot 2 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.	It is proposed to delete this clause as Lot 2 no longer exists and this is covered in any event under the consent notice conditions below for the application site.
Consent Notice 13217098.3	Assessment
In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a suitably qualified Chartered Professional Engineer.	This will be attended to at time of development.
In conjunction with the construction of any dwelling, and in addition to a	This will be attended to at time of development.

<p>potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ).</p>	
<p>In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner or a chartered professional engineer and submitted with the Building Consent application.</p>	<p>This will be attended to at time of development.</p>
<p>The total wastewater discharge volume to the Council connection point at 23</p>	<p>Similar to the above, it is considered that Lot 2 be deleted from this consent</p>



<p>Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3].</p> <p>The breakdown for each lot is as follows:</p> <ul style="list-style-type: none"> <li>• Lot 2: 2m<sup>3</sup></li> <li>• Lot 3: 17.5m<sup>3</sup></li> </ul>	<p>notice condition clause because Council has provided direct connections to the wastewater system for Lot 2 through RC 2240395.</p> <p>Therefore, there is no longer a direct connection or need to rely on the 'Sewage Facility' on the site.</p> <p>As a result, there is 20m<sup>3</sup> that is available to run through the Sewage Facility before discharging into Councils system.</p> <p>It is proposed to delete and replace the entire consent notice clause and replace this to reflect the above and the new allotments proposed.</p>
<p>The owners of Lot 3 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.</p>	<p>It is proposed that this consent notice clause is also cancelled and replaced as it relates to proposed Lots 1 and 2.</p>

As a result of the above, the following changes are proposed:

#### **Consent notice 13058545.8**

~~The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3]. The breakdown for each lot is as follows:~~

~~Lot 1: 0.5m<sup>3</sup>~~

~~Lot 2: 19.5m<sup>3</sup>~~

~~Owners of Lot 2 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.~~

### **Consent Notice 13217098.3**

The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3]. The breakdown for each lot is as follows:

~~Lot 2: 2m<sup>3</sup>~~

~~Lot 3: 17.5~~ 20m<sup>3</sup>

The owners of Lot 3 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.

The reasons for the changes are outlined in the table above, but in summary through the previous consent decision, Council has allowed direct connections for allotments to the connection point at 23 Aranga Road which means there is no longer a direction connection or association with Sewage Facility.

The relevant condition that approved these connections are Condition 3[c] for Stage 1 and 4[c] for Stage 2.

## **4.4 Topography & Natural Features**

The site slopes down from its entrance at the end of Aranga Road and has been formed in a series of terraces dating from the original development in the 1970s with intervening banks of landscaping. A grassed area between this driveway and the river is currently used for 22 of the 40 tent sites. The Puketona River adjoins the site. Other

than these features the site includes various pockets of vegetation that permeate the site.

#### 4.5 Built Form & Access

Rows of accommodation are set along 'side street' gravel drives leading off the sealed central driveway. Beyond the existing cabins, this driveway becomes gravel and leads to the north-west corner of the site where the sewage treatment plant serving the site is located. This has now been connected to Council's reticulated system and an agreement on pumping has been established for some time between Council and the applicant.

All built features are clearly shown on the Scheme Plan in [Appendix 2](#).

#### 4.6 Surrounding Environment

The surrounds are rural to the north where the golf course lies, however towards the south, west, and east an urban and rural residential character permeates the landscape with residential uses being the primary character espoused.

## 5 SITE ASSESSMENT

### 5.1 Assessment of Title & Other Legal Matters

Certificate of Title		No.	1223414		
Lot:	3	DP:	DP 613888	Area:	4.6570ha
Instruments		Relevance			
Consent notices		Refer above.			
Building line restrictions		N/A			
Transit NZ Gazette Notice		N/A			
Easements		Various as outlined in <a href="#">Appendix A and B</a> .			
Cross Lease /Unit Title		N/A			
Covenants		Refer <a href="#">Appendix A</a> .			
Other		N/A			
Assessment:					

There are no adverse effects arising from the above.

## 5.2 Far North District Plan Part Two Assessment

Zone Rules	Relevance	Compliance	Evidence
Residential Intensity	Yes	Complies	Accommodation on the units are existing.
Scale of Activity	Yes	Complies	The existing seasonal accommodation activity [approved via RC 2230528] is captured under that authorisation. The scheme plan reflects that approval and is represented as Lot 1.
Height	Yes	Complies	Existing structures remain unchanged without any further breaches.
Sunlight	Yes	Complies	All built features are existing and complying
Stormwater Management	Yes	Discretionary	The sum of impermeable surfaces on Lot 1 is ~7,425m <sup>2</sup> [36.4%].  The sum of impermeable surfaces on Lot 2 is ~3,880m <sup>2</sup> [19.7%].
Setback from Boundaries	Yes	Complies	All built features are existing and complying.
Screening for Neighbours	Yes	Complies	Existing structures remain unchanged without any further breaches.
Transportation	Yes	Complies	Existing structures remain unchanged without any further breaches.
Hours of Operation	Yes	Complies	Existing structures remain unchanged without any further



			breaches. All residential in nature.
Keeping of Animals	Yes	Complies	Not relevant
Noise	Yes	Complies	No structures or buildings proposed.
Helicopter Landing Area	Yes	Complies	Not relevant
Building Coverage	Yes	Complies	There are no new buildings or additions proposed.

### 5.3 Far North District Plan Part Three Assessment

Matter	Chapter	Relevance	Compliance	Evidence
Outstanding Natural Feature	12.1	N/A	Complies	Not relevant
Outstanding Landscape	12.1	N/A	Complies	Not relevant
Outstanding Landscape Feature	12.1	N/A	Complies	Not relevant
Earthworks	12.3	Yes	Complies	Not relevant
Notable Trees	12.5	N/A	Complies	Not relevant
Airport Zone	15.2	N/A	Complies	Not relevant
Coastal Hazard – (Rangiputa, Whatawhiwhi, Tokerau, Aurere, Taipa, Coopers B, Hihi, Ahipara, Opononi, Omapere)	12.4	N/A	Complies	Not relevant
Fire Risk to Residential Units	12.4	Yes	Complies	No residential use proposed.
Designation	17	N/A	Complies	Not relevant

Land Cover	12.2	N/A	Complies	Not relevant
HAIL	N/A	N/A	Complies	Not relevant
Setback From Water	12.7	Yes	Complies	All buildings are consented and existing within 30m of the Puketotara River.
Kerikeri Visual Buffer	12.5A	N/A	Complies	Not relevant
Maori Site Significance	12.5	N/A	Complies	Not relevant
Registered Archaeological Site	12.5	N/A	Complies	Not relevant
Historic Site	12.5	N/A	Complies	Not relevant
Heritage Precinct	12.5A	N/A	Complies	Not relevant
Subdivision	13	Yes	Breach – Controlled Activity	The proposal is consistent with the Controlled Activity Standard for subdivision which allows allotments at 4,000m <sup>2</sup> .
Traffic / Parking / Access	15	Yes	Complies	No new activities proposed and access is existing.
Signage	16	N/A	Complies	Not relevant
Hazardous substances	12.8	N/A	Complies	Not relevant

## 5.6 Assessment of Proposed District Plan

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances	Rule HS-R2 has immediate legal effect but only	N/A	Yes	Not relevant

Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  HS-R5, HS-R6, HS-R9			
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A	Yes	Not indicated on Far North Proposed District Plan
Historic Heritage (Property specific and applies to adjoining sites)	All rules have immediate legal effect (HH-R1 to HH-R10)	N/A	Yes	Not indicated on Far North Proposed District Plan

<p>(if the boundary is within 20m of an identified heritage item)).</p> <p>Rule HH-R5 Earthworks within 20m of a scheduled heritage resource.</p> <p>Heritage resources are shown as a historic item on the maps)</p> <p>This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>	<p>Schedule 2 has immediate legal effect</p>			
<p>Notable Trees (Property specific)</p> <p>Applied when a property is showing a scheduled notable tree in the map</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	<p>N/A</p>	<p>Yes</p>	<p>Not indicated on Far North Proposed District Plan</p>



Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a-Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	Not indicated on Far North Proposed District Plan. No clearance proposed.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not indicated on Far North Proposed District Plan

Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW- R13 The following standards have immediate legal effect: EW-S3, EW-S5	Yes	Yes	An ADP is already on the existing consents associated with development. No works expected to provide for the subdivision.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN- R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A	Yes	Not indicated on Far North Proposed District Plan
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A	Yes	Not indicated on Far North Proposed District Plan.
Subdivision	Rules with Legal Effect	Yes	Yes	Subdivision is not proposed under those rules with legal effect.

## 5.6 Assessment Summary

An assessment of the relevant rules of the Far North District Plan [Operative and Proposed] has been undertaken and this is above.

In summary, the proposal breaches:

- Stormwater Management.
- Minimum Lot Size in the Rural Living Zone.

Overall, the proposal is a Discretionary Activity.

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments.

Section 9 provides a more considered assessment of relevant NPS's and NES's and in summary, no consents are required under these higher order documents.

## 6.0 NOTIFICATION ASSESSMENT

### 6.1 Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

Step 1	Mandatory public notification in certain circumstances	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No

S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
<u>Step 2</u>	<u>if not required by step 1, public notification precluded in certain circumstances</u>	
S95A(5)(a)	Is the application for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;	No

As a Discretionary Activity the proposal requires an assessment of effects to determine notification.

## 7.0 EFFECTS ON THE ENVIRONMENT

Effects on persons who are owners and occupiers of the land in, on, or over which the application relates, or of adjacent land must be disregarded when considering effects on the environment (s 95D(a)).

### 7.1 Effects that May be Disregarded

The permitted baseline may be taken into account should the Council deem it relevant.

There are no permitted subdivisions, however all works undertaken on the site are existing and approved by existing authorisations. The proposal does not seek to change any built structures on site, but simply reorganize allotments to suit previous approvals and future intentions

## 7.2 Effects Assessment – Land Use

Matter	Assessment
Stormwater Management	The breach is technical in nature and relates to the subdivision component reducing the size of the allotments, not the actual level or effect of stormwater generated. There is already a consent notice condition which applies to the parent title which can be brought down onto the respective sites so that at time of development any further building works can consider the additional impact from a stormwater perspective.
<b>Conclusion:</b>	
In terms of the land use component, effects are considered to be less than minor in nature.	

## 7.3 Effects Assessment – Subdivision

Matter	Assessment
Allotment Sizes & Dimensions	All lots can meet the necessary allotment dimensions.  All infrastructure is provided for each allotment.  The preservation of the rural and coastal environments is not of concern under this proposal as the site is urban in character.
Natural & Other Hazards	The site is only implicated by flooding along the proposed Esplanade Reserve.
Water Supply	Water supply is via FNDC reticulation.
Stormwater	Stormwater is a mixture of attenuation tanks and conveyance which, to date, have been considered as appropriate by FNDC. The recent decision has requirements regarding stormwater [consent notice conditions] which can be carried over to Lot 1 and 2.
Sanitary Sewage Disposal	The respective sites are connected to Council reticulation via the Sewage Facility on site.
Energy Supply	Each site has access to power.
Telecommunications	Each site has access to telecoms.
Top Energy Transmission Lines	Not relevant.
Easements for Any Purpose	These are outlined on the Scheme Plan.
Provision of Access	This is existing and provided to all lots proposed.
Effect of Earthworks & Activities	Nil proposed.
Building Locations	The sites are already established with built development.

Preservation of Resources	No such features exist.
Soil	The site contains no soils worthy of protection
Access to Waterbodies	An Esplanade Reserve is provided.
Land Use Incompatibility	Existing land use is considered compatible with the surrounds.
Natural Character of the Coastal Environment	Not relevant
Energy Efficiency	Not relevant
Airports	Not relevant.
National Grid	Not relevant.
<b>Conclusion:</b>	
In terms of the subdivision, effects are considered to be less than minor in nature.	

## 8.0 EFFECTS TO PEOPLE

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

<b>Step 1</b>	<b><u>certain affected groups and affected persons must be notified</u></b>	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
<b>Step 2</b>	<b><u>if not required by step 1, limited notification precluded in certain circumstances</u></b>	
S95B(6)(a)	the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:	No
S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No



## **8.1 Affected Person Determination**

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them. The effects of the proposal on adjacent landowners have been undertaken below.

## **8.2 Written Approvals Received**

No written approvals have received in this instance.

## **8.3 Localised Effects Assessment (Effects to Persons)**

There are no localised effects to persons resulting from the proposal. The proposal seeks to carry out a Controlled Activity subdivision around existing authorized uses.

## **8.4 Effect to Persons Conclusion**

Having considered the effects above, there are considered to be no adversely affected persons resulting from the proposal.

# **9.0 STATUTORY CONTEXT**

## **9.1 Far North District Plan**

An assessment of the relevant objectives and policies associated with the Rural Living Provisions has been undertaken and is found below.

OBJECTIVE OR POLICY	PERFORMANCE OF PROPOSAL
---------------------	-------------------------

8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.	The proposed subdivision is consistent with the Controlled Activity standards. All land use activities are existing, and breaches are of a technical nature arising from the design of the subdivision with little to no adverse effects arising.
8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment.	This is existing on the proposed allotments.
8.7.3.3 To protect the special amenity values of the frontage to Kerikeri Road between SH10 and the urban edge of Kerikeri.	Not relevant.
8.7.4.1 That a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.	This is addressed in the response to 8.7.3.1
8.7.4.2 That the Rural Living Zone be applied to areas where existing subdivision patterns have led to a semi-urban character but where more intensive subdivision would result in adverse effects on the rural and natural environment.	This is applied to the site.
8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for on-site effluent disposal.	This is considered to be provided by reason of the existing authorisations.
8.7.4.4 That no limits be placed on the types of housing and forms of accommodation in the Rural Living Zone, in recognition of the diverse needs of the community.	The site exemplifies alternative housing arrangements.
8.7.4.5 That non-residential activities can be established within the Rural Living Zone subject to compatibility with the existing character of the environment.	The site contains residential activities.
8.7.4.6 That home-based employment opportunities be allowed in the Rural Living Zone.	This is not relevant.
8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.	All development on the site is approved.
8.7.4.8 That the scale and intensity of activities other than a single residential unit be commensurate with that which could be expected of a single residential unit.	The scale and intensity of development is already approved.
8.7.4.9 That activities with effects on amenity values greater than a single residential unit could be expected to have, be controlled so as to avoid, remedy or mitigate those adverse effects on adjacent activities.	This is not relevant.

8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites.	No additional development is proposed that would affect neighbours.
8.7.4.11 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	This is not relevant.
8.7.4.12 That the Council maintains discretion over new connections to a sewerage system to ensure treatment plant discharge quality standards are not compromised (refer to Rule 13.7.3.5).	No new connections are proposed.

An assessment of the relevant objectives and policies associated with the Subdivision Chapter Provisions has been undertaken and is found below.

<b>OBJECTIVE OR POLICY</b>	<b>PERFORMANCE OF PROPOSAL</b>
13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan and will promote the sustainable management of the natural and physical resources of the District, including airports and the social, economic and cultural wellbeing of people and communities.	The proposal is consistent with the Controlled Activity sizes for the Rural Living Zone.
13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.	Refer above noting that all land use activities are approved and existing.
13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.	Not relevant.
13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources	Not relevant.

through alienation of the resource from its immediate setting/context.	
13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.	This will be provided to each site through the underlying approvals as provided and described earlier in this report.
13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.	Not relevant.
13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.	Not relevant.
13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on: (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses.	The allotments have been determined through the minimum lot sizes allowable and existing activities and their underlying approvals. These have incorporated those matters listed.
13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.	Noted.
13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.	Noted. This has been incorporated.
13.4.4 That in any subdivision where provision is made for connection to utility services, the	Not relevant.

potential adverse visual impacts of these services are avoided.	
13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.	Access is existing.
13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.	Not relevant.
13.4.7 That the need for a financial contribution be considered only where the subdivision would: (a) result in increased demands on car parking associated with non-residential activities; or (b) result in increased demand for esplanade areas; or (c) involve adverse effects on riparian areas; or (d) depend on the assimilative capacity of the environment external to the site.	Not relevant.
13.4.8 That the provision of water storage be taken into account in the design of any subdivision.	Noted.
13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.	Not relevant.
13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.	Not relevant.
13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and	No such features are readily apparent.

traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.	
13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.	Not relevant.
<p>13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regard to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:</p> <p>(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;</p> <p>(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;</p> <p>(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;</p> <p>(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer <b>Chapter 2</b> and in particular <b>Section 2.5</b> and Council's <i>"Tangata Whenua Values and Perspectives"</i> (2004);</p> <p>(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats</p>	Many of these aspects are not relevant. However, where they are, they are provided for such as esplanades adjacent to the Puketotara River.

for indigenous fauna, including mechanisms to exclude pests; (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.	
13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of <b>Part 3</b> of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.	These have been considered.

Having considered the relevant components of these provisions, it is concluded that the proposal is not inconsistent with the relevant objectives and policies.

## 9.2 Proposed Far North District Plan

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- a. The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- b. Circumstances of injustice; and



- c. The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Rural Residential Zone. However, to provide a complete assessment, an assessment is undertaken below:

Objectives	
<b>RRZ-O1</b>	The Rural Residential zone is used predominantly for rural <a href="#">residential activities</a> and small scale <a href="#">farming</a> activities that are compatible with the rural character and amenity of the zone.
<b>RRZ-O2</b>	<p>The predominant character and amenity of the Rural Residential Zone is maintained and enhanced, which includes:</p> <ul style="list-style-type: none"> <li>a. peri-urban scale <a href="#">residential activities</a>;</li> <li>b. small-scale <a href="#">farming</a> activities with limited <a href="#">buildings</a> and <a href="#">structures</a>;</li> <li>c. smaller <a href="#">lot</a> sizes than anticipated in the Rural Production or Rural Lifestyle Zones; and</li> <li>d. a diverse range of rural residential environments reflecting the character and amenity of the adjacent <a href="#">urban</a> area.</li> </ul>
<b>RRZ-O3</b>	The Rural Residential zone helps meet the demand for growth around <a href="#">urban</a> centres while ensuring the ability of the <a href="#">land</a> to be rezoned for <a href="#">urban</a> development in the future is not compromised.
<b>RRZ-O4</b>	<p>Land use and <a href="#">subdivision</a> in the Rural Residential zone:</p> <ul style="list-style-type: none"> <li>a. maintains rural residential character and <a href="#">amenity values</a>;</li> <li>b. supports a range of rural residential and small-scale <a href="#">farming</a> activities; and</li> <li>c. is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface.</li> </ul>

#### Assessment:

RRZ-01 is considered to be achieved as the predominant use is for residential activities which is promoted to support the rural economy and activities within Kerikeri and its surrounds.

RRZ-02 is also satisfied on the basis that the site is uniquely positioned to take advantage of FNDC services, allowing for a more intensive urban character

associated with the existing Holiday Park. Small scale farming is not appropriate on this site. The subdivision does not impact the objectives and policies of the Rural Residential Zone. The site sizes remain appropriate.

RRZ-03 is considered to be satisfied as the site will continue to provide accommodation for the Kerikeri township and its surrounds. The land is adequately serviced and future plan change processes may provide for a change of zone to the site.

RRZ-04 is considered to be satisfied as the underlying nature and character of the site is not proposed to be changed. Residential activities are supported, however small scale farming is not appropriate in this context. Issues at the zone interface are reduced to a less than minor effect as a result of screening, landscaping and location of units which are all approved. The subdivision does little to effect the intent of the zone which does not appear overly appropriate in the context of the existing environment underlying it.

Policies	
<b>RRZ-P1</b>	<p>Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Residential Zone, while ensuring their design, scale and intensity is appropriate, including:</p> <ul style="list-style-type: none"> <li>a. rural <a href="#">residential activities</a>;</li> <li>b. small-scale <a href="#">farming</a> activities;</li> <li>c. <a href="#">home business</a> activities;</li> <li>d. <a href="#">visitor accommodation</a>; and</li> <li>e. small-scale education facilities.</li> </ul>
<b>RRZ-P2</b>	<p>Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Residential Zone including:</p> <ul style="list-style-type: none"> <li>a. activities that are contrary to the density anticipated for the Rural Residential Zone;</li> <li>b. <a href="#">primary production</a> activities, such as <a href="#">intensive indoor primary production</a> or <a href="#">rural industry</a>, that generate adverse amenity <a href="#">effects</a> that are incompatible with rural <a href="#">residential activities</a>; and</li> <li>c. commercial or <a href="#">industrial activities</a> that are more appropriately located in an <a href="#">urban</a> zone or a Settlement Zone.</li> </ul>
<b>RRZ-P3</b>	<p>Avoid where possible, or otherwise mitigate, reverse sensitivity <a href="#">effects</a> from sensitive and other non-productive activities on <a href="#">primary production</a> activities in adjacent Rural Production Zones and Horticulture Zones.</p>

<b>RRZ-P4</b>	<p>Require all <a href="#">subdivision</a> in the Rural Residential zone to provide the following reticulated services to the <a href="#">boundary</a>:</p> <ul style="list-style-type: none"> <li>a. telecommunications: <ul style="list-style-type: none"> <li>i. fibre where it is available;</li> <li>ii. copper where fibre is not available;</li> <li>iii. copper where the area is identified for future fibre deployment.</li> </ul> </li> <li>b. local electricity distribution network.</li> </ul>
<b>RRZ-P5</b>	<p>Manage land use and <a href="#">subdivision</a> to address the <a href="#">effects</a> of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> <li>a. consistency with the scale and character of the rural residential <a href="#">environment</a>;</li> <li>b. location, scale and design of <a href="#">buildings</a> or <a href="#">structures</a>;</li> <li>c. at zone interfaces: <ul style="list-style-type: none"> <li>i. any <a href="#">setbacks</a>, fencing, screening or <a href="#">landscaping</a> required to address potential conflicts;</li> <li>ii. the extent to which adverse <a href="#">effects</a> on adjoining or surrounding <a href="#">sites</a> are mitigated and internalised within the <a href="#">site</a> as far as practicable;</li> </ul> </li> <li>d. the capacity of the <a href="#">site</a> to cater for on-site <a href="#">infrastructure</a> associated with the proposed activity;</li> <li>e. the adequacy of roading <a href="#">infrastructure</a> to service the proposed activity;</li> <li>f. managing <a href="#">natural hazards</a>;</li> <li>g. any adverse <a href="#">effects</a> on <a href="#">historic heritage</a> and cultural values, natural features and landscapes or indigenous biodiversity; and</li> <li>h. any historical, spiritual, or cultural association held by <a href="#">tangata whenua</a>, with regard to the matters set out in Policy <a href="#">TW-P6</a>.</li> </ul>

#### Assessment:

RRZ-P1 is considered to be satisfied on the basis that the built development has already been approved [or previously approved], as well as the existing nature and character of the holiday park.

RRZ-P2 is considered satisfied as there are no incompatible activities proposed.

RRZ-P3 is considered satisfied as there are primary production activities in the surrounds.

RRZ-P4 is considered met for all sites.

RRZ-P5 is considered to be satisfied as the proposal is consistent with what has been approved in terms of character, scale, and design of buildings. At the zone interface, the existing screening has been considered appropriate. The site is already connected to council infrastructure with no known constraints. Roding to the site is considered appropriate and natural hazards are not implicated. There are no known or recorded tangata whenua sites of significance or archaeology known.

### 9.3 Regional Policy Statement for Northland (RPS)

An assessment of the relevant objectives and policies associated with the RPS for Northland has been undertaken below. The RPS sets region wide objectives and policies for the environment.

Objective / Policy	Comment
Integrated Catchment Management	Not relevant
Region Wide Water Quality	The wastewater system on site has been developed and connected to Council standards.
Ecological Flows and Water Quality	Not relevant
Indigenous Ecosystems & Biodiversity	There are no SNA's on site.
Enabling Economic Wellbeing	The proposal allows for various goods/services in the land development sector in the Far North District.
Economic Activities – Reverse Sensitivity And Sterilization	The proposal does not result in any reverse sensitivity or sterilization effects given the design of the proposal and the surrounding neighboring lots.
Regionally Significant Infrastructure	The proposal does not impact any regionally significant infrastructure.
Efficient and Effective Infrastructure	The proposal seeks to use existing FNDC infrastructure where appropriate.
Security of Energy Supply	Power is provided to the sites
Use and Allocation of Common Resources	Not relevant.

Regional Form	The proposal does not result in any reverse sensitivity effects, or a change in character or sense of place.
Tangata Whenua Role in Decision Making	Not relevant in this instance.
Natural Hazard Risk	Not relevant as no land use development proposed in flooding area.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes And Historic Heritage	Not relevant.

Having considered the relevant components of the RPS, it is concluded that the proposal is not inconsistent with the relevant objectives and policies.

#### 9.4 National Policy Statements and Plans

With respect to the National Environmental Standard – Soil Contamination, the property file has been reviewed which shows no known activities that are on the HAIL. Accordingly, the NES is not considered relevant. This is concurred with through previous consents.

In terms of the NES – Freshwater Management, there are no wetlands within 100m on the site.

The site is not located in the Coastal Environment and the NZCPS is not relevant.

The proposal is not strictly urban but is serviced. It can deliver on the intents of the NPS-UD.

The site does not contain any versatile soils as per the NPS Highly Productive Land and is zoned Rural Living. This NPS is not relevant.

## 10.0 PART 2 ASSESSMENT

## **10.1 Section 5 - Purpose of the Act**

Section 5 in Part 2 of the Act identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being which sustain those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding remedying or mitigating adverse effects on the environment.

It is considered that proposal represents Part 2, Section 5 of the Act.

## **10.2 Section 6 - Matters of National Importance**

In achieving the purpose of the Act, a range of matters are required to be recognized and provided for. This includes:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

- f) the protection of historic heritage from inappropriate subdivision, use, and development:
- g) the protection of protected customary rights:
- h) the management of significant risks from natural hazards.

In context, the relevant items to the proposal and have been recognized and provided for.

### **10.3 Section 7 - Other Matters**

In achieving the purpose of the Act, a range of matters are to be given particular regard. This includes:

- (a) kaitiakitanga:
  - (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
  - (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

These matters have been given particular regard through the design of the proposal.

### **10.4 Section 8 - Treaty of Waitangi**



The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

## 10.5 Part 2 Conclusion

Given the above, it is considered that the proposal meets the purpose of the Act.

## 11.0 CONCLUSION

A Discretionary Activity subdivision and land use consent is sought from the Far North District Council to carry out the proposed development.

The proposal is considered to result in no effects on the environment (effects precluded) and through assessment, there are considered to be no affected persons.

The proposal is consistent with the objectives and policies of the Far North District Plan, the Regional Policy Statement for Northland, and achieves the purpose of the Act. Relevant NPS' and NES' have been considered with the proposal finding consistency with their general aims and intent.

Given the assessment carried out in this report, it is considered that this proposal can be determined non-notified under the RMA 1991.

Regards,



Steven Sanson BPlan (Hons)

Consultant Planner





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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **1223414**  
**Land Registration District** **North Auckland**  
**Date Issued** 14 August 2025

**Prior References**  
1171041

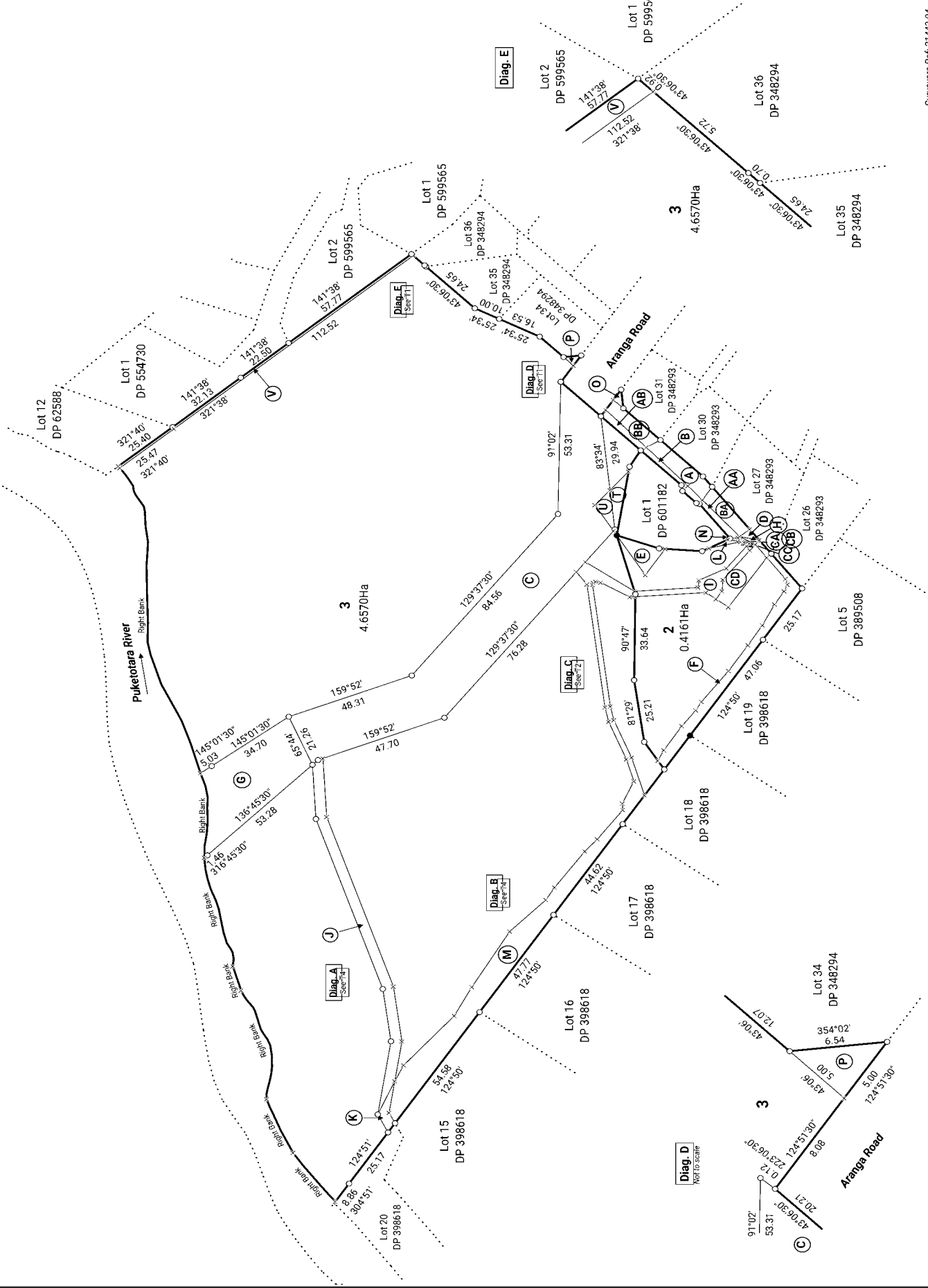
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**Estate** Fee Simple  
**Area** 4.6570 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 613888  
**Registered Owners**  
Euan Boyd Lindsay Hilson and Keighley Trustee Limited

---

**Interests**

Subject to a water right over part marked V on DP 613888 created by Transfer A446428 - 12.2.1970 at 12.10 pm  
Appurtenant hereto is a water supply right created by Transfer A446428 - 12.2.1970 at 12:10 pm  
Subject to a right of way over parts marked C, U and G on DP 613888 created by Transfer 233327.1 - 29.5.1973 at 11.27 am  
Subject to a right of way (in gross) over parts marked C, U, J and K on DP 613888 in favour of Bay of Islands County Council created by Transfer 697944.1 - 5.12.1979 at 10.33 am  
Appurtenant hereto is a electricity supply right created by Transfer C840345.1 - 9.5.1995 at 2:19 pm  
Subject to a right to convey water over part marked parts marked C, U and G on DP 613888 created by Transfer C953844.5 - 13.2.1996 at 3.33 pm  
Subject to a right to drain water (in gross) over part marked P on DP 613888 in favour of Far North District Council created by Easement Instrument 6078609.6 - 14.7.2004 at 9:00 am  
The easements created by Easement Instrument 6078609.6 are subject to Section 243 (a) Resource Management Act 1991 11240106.2 Mortgage to ASB Bank Limited - 9.10.2018 at 5:01 pm  
Subject to a right to drain water over parts marked C, M, G and K on DP 613888 created by Easement Instrument 13058545.5 - 3.12.2024 at 2:32 pm  
The easements created by Easement Instrument 13058545.5 are subject to Section 243 (a) Resource Management Act 1991 13058545.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.12.2024 at 2:32 pm  
Land Covenant in Covenant Instrument 13058545.9 affecting parts marked T and U on DP 613888 - 3.12.2024 at 2:32 pm  
Subject to a right to drain water over parts marked C, M, G and K on DP 613888 created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm  
Appurtenant hereto is a right to drain sewage created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm  
The easements created by Easement Instrument 13217098.2 are subject to Section 243 (a) Resource Management Act 1991 13217098.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2025 at 12:40 pm



T 1/4

Surveyors Ref. 21443.04

**Title Plan**  
**LT 613888**  
Approved on: 27/08/2025

Surveyor: Kurt Eric Watson  
Firm: Survey & Planning Solutions (2010) L

**LOTS 2 & 3 BEING A SUBDIVISION OF LOT 2 DP 601182.**

Land District: North Auckland

**Digitally Generated Plan**  
Generated on: 27/08/2025 03:03am Page 5 of 8

## View Instrument Details

<b>Instrument No</b>	13217098.2
<b>Status</b>	Registered
<b>Lodged By</b>	Brown, Antony
<b>Date &amp; Time Lodged</b>	14 Aug 2025 12:40
<b>Instrument Type</b>	Easement Instrument

<b>Affected Records of Title</b>	<b>Land District</b>
1223413	North Auckland
1223414	North Auckland

<b>Annexure Schedule</b>	Contains 3 Pages
--------------------------	------------------

### Grantor Certifications

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

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

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

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

I certify that the Mortgagee under Mortgage 11240106.2 has consented to this transaction and I hold that consent ☒

### Signature

Signed by Antony Brown as Grantor Representative on 14/08/2025 12:38 PM

### Grantee Certifications

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

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

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

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

### Signature

Signed by Antony Brown as Grantee Representative on 14/08/2025 12:38 PM

\*\*\* End of Report \*\*\*

**EASEMENT INSTRUMENT TO GRANT EASEMENT OR PROFIT À PRENDRE**

Sections 109 Land Transfer Act 2017

**Grantor****EUAN BOYD LINDSAY HILSON AND KEIGHLEY TRUSTEE LIMITED****Grantee****EUAN BOYD LINDSAY HILSON AND KEIGHLEY TRUSTEE LIMITED****Grant of Easement or Profit à prendre**

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

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

Purpose (Nature and extent) of easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
<b>Right to drain sewage</b>	<b>H, D, BA, B, BB, O, F (DP 613888)</b>	<b>Lot 2 DP 613888 (1223413)</b>	<b>Lot 3 DP 613888 (1223414)</b>
<b>Right to drain water</b>	<b>C, M, G, K (DP 613888)</b>	<b>Lot 3 DP 613888 (1223414)</b>	<b>Lot 2 DP 613888 (1223413)</b>

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

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

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

~~[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017]~~

[the provisions set out in Annexure Schedule \_\_\_\_\_]

## Annexure Schedule

Page 1 of 2 Pages

2015/5049

APPROVED

Registrar-General of Land

Insert instrument type

*Continue in additional Annexure Schedule, if required***RIGHT TO DRAIN SEWAGE EASEMENTS**

1. The Grantor and Grantee agree that this easement instrument is a requirement of Resource Consent 2240395-RMACOM ("the Resource Consent") issued by the Far North District Council ('Council'). It is a condition of the Resource Consent that the Grantor and Grantee enter into and keep in place a Wastewater Maintenance Agreement for the ongoing operation and maintenance of the privately owned wastewater disposal system assets on the Burdened Land and the Benefitted Land. The privately owned wastewater disposal system is comprised of, including but not limited to a private wastewater system/s including any collection, treatment detention systems, tanks, pumps, controls, alarms, filters, floats and pipes on and under the Burdened Land and the Benefitted Land ("Sewage Facility").
2. The Grantor and Grantee acknowledge that the Sewage Facility is located on both the Burdened Land and Benefitted Land but for the purposes of this easement there are only pipes in the Burdened Land as part of the Sewage Facility. The Grantor of Lot 2 DP 613888 has its own sewer facilities and is not likely to use the Sewage Facility. To the extent it does then the provisions of this easement will apply.
3. The Grantor and Grantee acknowledge and agree that the Sewage Facility is connected to the public wastewater system in accordance with and on terms of an Agreement between the Grantors and the Council dated 28 October 2014. ("2014 Agreement").
4. Pursuant to the 2014 Agreement the Grantor and Grantee must:
  - (a) discharge a maximum average rate of 20 cubic meters per day of raw sewage from the Sewage Facility to Council's public wastewater system. Should the Grantor and/or the Grantee require the average sewage discharge volume to increase from 20 cubic meters per day, they must seek Council's permission for such increase, which permission must not be unreasonably withheld if Council's public wastewater system has capacity to allow the increase and taking into consideration the needs and requirements of the entire area of benefit;
  - (b) only discharge raw sewage from the Sewage Facility to Council's public wastewater system during the hours from 11pm to 6am;
  - (c) retain sufficient storage on site to enable holding one days maximum flow from the site.
5. The Grantor and Grantee acknowledge that they have no recourse to the Far North District Council in respect of the management, maintenance, repair or replacement of the Sewage Facility on the Burdened Land or the Benefitted Land and that the Far North District Council shall not at any time have any obligations, responsibility or liability in respect of the Sewage Facility or in respect of the provision of sewer, drainage or disposal services on the Burdened Land or Benefitted Land, which shall at all times remain the sole and exclusive responsibility of the registered proprietors for the time being of the Burdened Land and the Benefitted Land using the Sewage Facility.
6. The Sewage Facility is to be operated and maintained by the Grantor and Grantee in perpetuity. The Grantor and Grantee agree that it must enter and maintain at all times a service contract for the maintenance of the Sewage Facility and will pay the cost for such service contract accordingly or in such proportions based on use by the Grantor and Grantee.
7. The Grantee acknowledges the service contract will provide for annual service inspections to be made and will include:-

If this annexure schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



## Annexure Schedule

Page 2 of 3 Pages

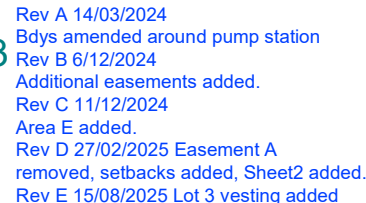
2015/5049  
APPROVED  
Registrar-General of Land

Insert instrument type

Continue in additional Annexure Schedule, if required

- (a) Any adjustment, cleaning, and service of the Sewage Facility necessary for the proper operation; and
  - (b) An inspection of the control panel, alarm, vents, textile media, biomass, clarification, effluent filter, effluent quality, recirculation pump, other pumps and alarm float; and
  - (c) Ensure monthly emptying of the facilities; and
  - (d) Respond to system malfunctions and extreme weather events in a timely manner. In the event of a system malfunction or extreme weather event, the approved maintenance contractor shall assess and implement necessary corrective measures as soon as practicable; and
  - (e) Carry out necessary repairs, replacements, or upgrades to ensure compliance with regulatory requirements.
8. The Grantee agrees to ensure routine maintenance is carried out on the Sewage Facility every two (2) years unless required sooner.
  9. The Grantee will use the same service contractor for all the lots comprising the Burdened Land and Benefitted Land containing the Sewage Facility. In the event the Grantee cannot agree on who that service contractor will be, then the decision will be made by a simple majority of all registered proprietors of the Benefitted Land.
  10. The Grantee must comply with the recommended instructions for use of the Sewage Facility.
  11. The Grantor or Grantee (or any one of them) may report any observe issues or problems directly to the service contract contractor.
  12. These terms and conditions may be reviewed periodically to consider changes in circumstances, operational requirements or regulatory updates.
  13. The Grantor and Grantee agree between them that if one of them has exclusive use of any part of the Sewage Facility that party is responsible for the repair and maintenance of that part of the Sewage Facility and for the associated costs.
  14. If any one or more of the Grantors and Grantees share the use of the Sewage Facility each of them is responsible equally for the repair and maintenance of the easement facility, and the associated costs so as to keep the Sewage Facility in good order and to prevent it from becoming a danger or nuisance.
  15. Any repair or maintenance of the Sewage Facility that is attributable solely to an act or omission by a Grantor or Grantee must be promptly carried out by that party at their sole cost.
  16. If the repair and maintenance of the Sewage Facility is only partly attributable to an act or omission by the Grantor or Grantee then its:-
    - (a) That party must pay the proportion of the costs of the repair and maintenance that is attributable to that act or omission; and
    - (b) The balance of those costs is payable in accordance with Clause 12.
    - (c) The cost of any electricity used for the Sewage Facility must be apportioned between the users of it in a fair proportion to its use.

If this annexure schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

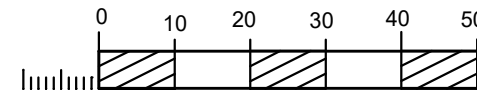


Areas U & T are subject to an existing Height Restriction

## AREAS AND MEASUREMENTS SUBJECT TO FILING

Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	E	Lot 2 Hereon	Lot 1 Hereon
Right to convey Sewage	Y	Lot 3 Hereon	Lot 1 Hereon

Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	E	Lot 2 Hereon	Lot 1 Hereon
Right to convey Sewage	Y	Lot 3 Hereon	Lot 1 Hereon



SCALE @ A3 1:1000	SHEET No 2/2
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## DECISION ON COMBINED RESOURCE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

### Decision

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

**Applicant:** Smartlife Trust  
**Council Reference:** 2240395-RMACOM  
**Property Address:** 23 Aranga Road, Kerikeri 0230  
**Legal Description:** LOT 3 DP 335706 & LOT 2 DP 395942

**The activities to which this decision relates are listed below:**

#### Activity 1 Subdivision:

4-Lot Subdivision in 2 stages in the Rural Living Zone as a Non-Complying Activity.

- Stage 1 Subdivision of Lot 3 DP 335706 into 3 lots.
- Stage 2 Subdivide of Lot 2 (from stage 1) into two lots being Lot 2 4161m<sup>2</sup> and Lot 3 4.6560 ha.

Proposed Lot 4 has already been approved via RC 2240090, however for completeness a 4 Lot subdivision has been sought.

#### Activity 2 Land use:

To breach the Residential Intensity, Scale of Activities, Stormwater Management and Minimum Lot Size in the Rural Living Zone as a Discretionary Activity.

### Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following [conditions](#):

1. The activity shall be carried out in accordance with the approved plans prepared by Williams & King, referenced PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1), dated 30/05/2024, and referenced PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2), dated 31/05/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.



**Stage 1- Lot 1 941m2 and Lot 2 5.0720 ha**

**Survey plan approval (s223) conditions**

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. The survey plan must show Lot 4 to be vested to the Council as road.

**Section 224(c) compliance conditions**

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Provide a formed and concreted entrance to Lot 1 which complies with the Councils Engineering Standard FNDC/S/2 and section 3.3.17 of the Engineering Standards and NZS 4404:2004.
  - b. Provide to Council written confirmation from a licensed cadastral surveyor that the stormwater drainage, sanitary sewer and the access carriageway from Lot 1 are fully contained within their respective easements.
  - c. Provide evidence that a separate sewerage connection has been provided directly to Lot 1 in compliance with Council's Engineering Standards and Guidelines. Easements are to be registered if private connection lines are crossing private property.
  - d. Provide evidence that each lot has a metered connection to Councils reticulated water supply system in accordance with the requirements of Councils Engineering Standards and Guidelines. Private easements are to be registered if private connection lines are crossing private property.
  - f. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.

**Stage 2- divide Lot 2 into two lots being Lot 2 4161m2 and Lot 3 4.6560 ha.**

4. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
5. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - a. Following the Council approval of the respective plans and information required by Condition 5(b) provide evidence that the work, plans and information have been completed in general accordance with council approved plans.
  - b. The consent holder shall submit plans & details of all works on access road formation and stormwater control works which are to remain in private ownership for the approval of Council's Resource Consent Engineer or their designate prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- i. Construction detail of access road to lot 2 formed to provide a 3m wide sealed formation.
    - ii. Stormwater management design for proposed Lot 2 access road construction on R.O.W providing stormwater mitigation measures to a pre development level.
    - iii. A stormwater mitigation system to reduce the stormwater flows from lot 2 to the pre development level for rainfall events up to those with a 10% AEP plus allowance for climate change. The stormwater overland flow path for a 1% AEP event shall also be identified or mitigation provision incorporated into design.
  - c. The applicant shall submit Residential Wastewater and Water Connection Applications to Council with a site plan and connection details for Lot 2. If the connection applications are completed, please provide evidence of the approved connection application.
6. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- a. Provide a formed and concreted entrance to Lot 2 which complies with the Councils Engineering Standard FNDC/S/2 and section 3.3.17 of the Engineering Standards and NZS 4404:2004.
  - b. Provide to Council written confirmation from a licensed cadastral surveyor that the stormwater drainage, sanitary sewer and the access carriageway from Lot 2 are fully contained within their respective easements and drainage easements are not obstructed by the access road.
  - c. Provide evidence that a new sewerage connection has been provided directly to Council's reticulated system on Aranga Road to Lot 2 in compliance with Council's Engineering Standards and Guidelines. Easements are to be registered if private connection lines are crossing private property.
  - d. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
  - e. Provide evidence that each lot has a metered connection to Councils reticulated water supply system in accordance with the requirements of Councils Engineering Standards and Guidelines. Private easements are to be registered if private connection lines are crossing private property.
  - f. The consent holder must submit a Wastewater Maintenance Agreement for the on-going operation and maintenance of the privately owned wastewater assets on the site land disposal system, to Council for certification. This includes those assets on the approved scheme plan entitled 'Proposed Subdivision of Lot 3 DP 335706 & Lot 2 DP 395942 [Stage 1], ref 21443.



The Wastewater Maintenance Agreement shall include:

- i. A review process to deal with change of circumstances.
- ii. A process to respond to system malfunctions or extreme events.
- iii. Any relevant obligations from the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3].

### **General Subdivision Consent Notices (apply to stages 1 & 2)**

7. Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
  - i. In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a suitably qualified Chartered Professional Engineer. Lots 1-3.
  - ii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ). Lots 1-3.
  - iii. In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the pre development flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner



or a chartered professional engineer and submitted with the Building Consent application. Lots 1-3.

- iv. Owners of Lot 3 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC2240395.
- v. The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3] [Lots 1-3]. The breakdown for each lot is as follows:
  - i. Lot 1: 0.5m<sup>3</sup>
  - ii. Lot 2: 2m<sup>3</sup>
  - iii. Lot 3: 17.5m<sup>3</sup>

## Subdivision Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

### General

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

## Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following [conditions](#):

1. The activity shall be carried out in accordance with the approved plans prepared by Williams & King, referenced PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1), dated 30/05/2024, and referenced PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2), dated 31/05/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The consent holder shall ensure that the stormwater mitigation system approved under condition 4(c) of the subdivision consent is installed, operational and is maintained on an ongoing basis.

## Land Use Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) The consent is given effect to; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

## **General Advice Notes**

### **Right of Objection**

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

### **Archaeological Sites**

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

### **General Advice Notes**

3. During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.
4. Building consent may be required for all private piped drainage work.

## **Further Resolution – Revoke Memorandum of Easement**

Pursuant to s243(e) of the Resource Management Act 1991 the Far North District Council hereby revokes the conditions as to the creation of the easement marked A on DP 395942 and specified in EI 7917689.1.

## **Reasons for the Decision**

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

2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 8.7.5.1.1 – Residential Intensity, 8.7.5.1.2 – Scale of Activities, 8.7.5.1.5 – Stormwater Management and 13.7.2.1(iv) Minimum Lot Size in the Rural Living are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. All of the stormwater for the site has been developed to be taken into the 3 x stormwater attenuation tanks which has been approved via detailed design by FNDC.
  - b. The outcome of this activity will be no different to the activity which is already operating and consented for on the subject site.
  - c. The proposal will also result in positive effects, as it will provide an additional allotment that will have significant economic and social benefits for members of the community, particularly a community that is experiencing a shortage of housing.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
  - a. Operative Far North District Plan 2009,
  - b. Proposed Far North District Plan 2022

#### *Operative Far North District Plan*

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan as the proposal is consistent with the purpose of the Rural Living Zone which allows for a range of development types on the urban periphery. The surrounding environment is generally utilised for residential purposes.

The subdivision will create 4 additional allotments under the discretionary criteria within the RLZ.

- All lots will have available space for on-site servicing.
- The proposal ensures a reasonable level of privacy for inhabitants of buildings on adjoining sites.
- The proposal provides a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.
- The extent to paved impermeable surfaces are not disproportionate for the proposed activity.

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan.

### *Proposed Far North District Plan*

The Rural Residential zone has been generally applied to areas that were formerly zoned Rural Living and are contiguous with an urban area. It is anticipated that the character of the zone will remain predominantly residential as the adjoining settlement will provide for most day-to-day services.

Objectives and policies of a rural residential zone prioritize preservation of rural character while accommodating residential growth. The proposal is supporting rural residential development in this area and is not causing reverse sensitivity effects. The role, function and character of the zone is not adversely affected by the proposed development.

- The proposal is consistent with RRZ-01 as the predominant use is for residential activities which is promoted to support the rural economy and activities within Kerikeri and its surrounds.
- The proposal is consistent with RRZ-03 as the land is adequately serviced and future plan change processes may provide for a change of zone to the site.
- The proposal is consistent with RRZ-04 as the underlying nature and character of the site is not proposed to be changed.
- RRZ-P1 - the built development has already been approved through previous consents, as well as the existing nature and character of the holiday park.
- RRZ-P2 is considered satisfied as there are no incompatible activities proposed.
- The proposal is consistent with RRZ-P5 as the proposal is consistent with what has been approved in terms of character, scale, and design of buildings. At the zone interface, the existing screening has been considered appropriate. The site is already connected to council infrastructure with no known constraints. Roding to the site is considered appropriate and natural hazards are not implicated. There are no known or recorded tangata whenua sites of significance or archaeology known.

It is acknowledged the PDP was only recently notified in July 2022 and hearings have only recently commenced. There is substantial scope for provisions to evolve through the submission and appeal process. Therefore, at this early stage of the PDP process, limited weighting has been placed on these PDP provisions relative to the Operative Plan. The Operative Plan remains the primary planning instrument for determining this application.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
8. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical

access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

9. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
10. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## Approval

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



**Name:** Nick Williamson

**Date:** 16/08/2024

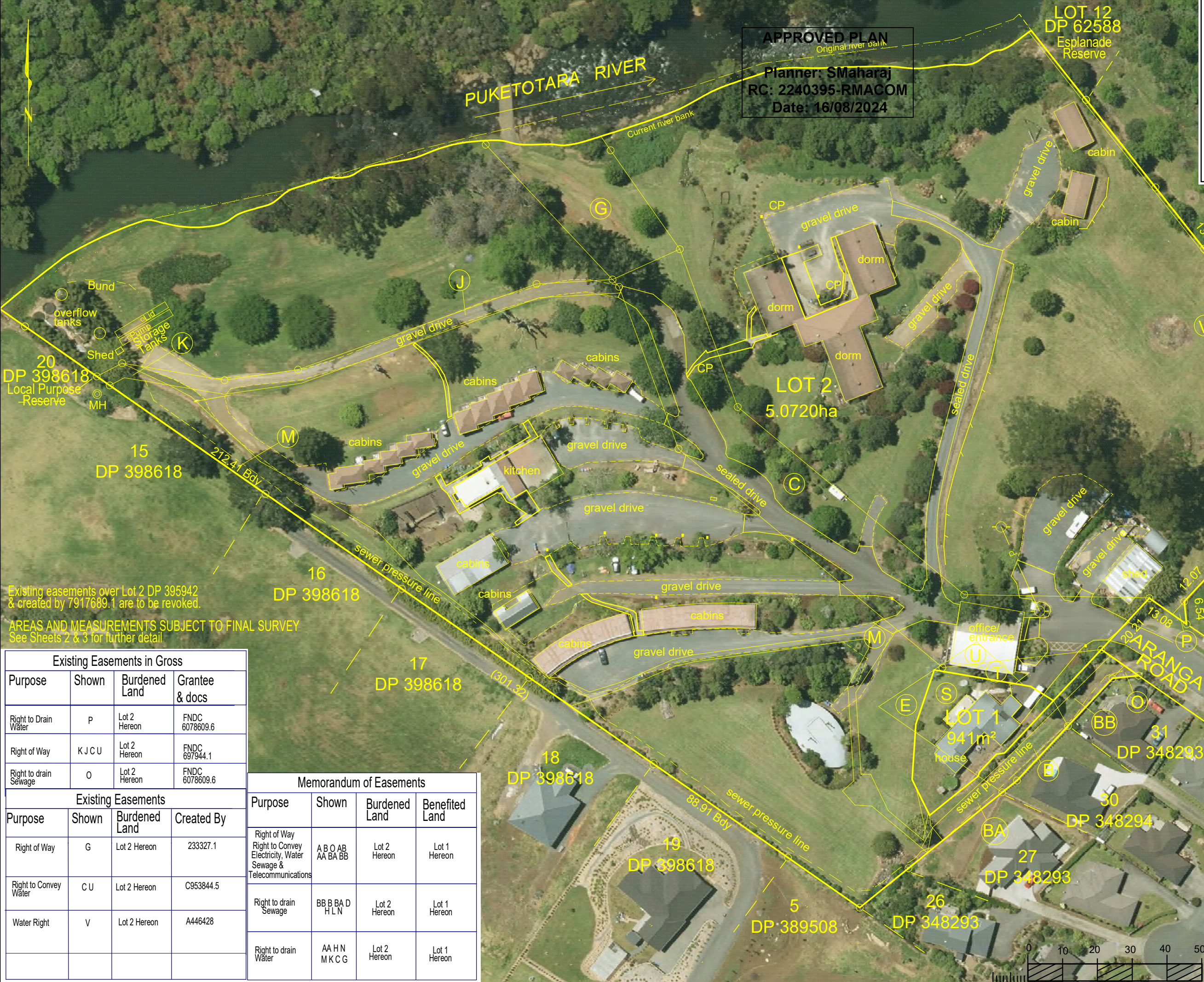
**Title:** Resource Consent's Team Leader



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This layout is a compilation of previously approved consents RC 2180537, RC 2180028-RMAVAR/A & RC 2240090-RMASUB

Areas A B E S T & U are to be subject to a land covenant (Height Restriction)



Existing easements over Lot 2 DP 395942 & created by 7917689.1 are to be revoked.

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 2 & 3 for further detail

Existing Easements in Gross			
Purpose	Shown	Burdened Land	Grantee & docs
Right to Drain Water	P	Lot 2 Hereon	FNDC 6078609.6
Right of Way	K J C U	Lot 2 Hereon	FNDC 697944.1
Right to drain Sewage	O	Lot 2 Hereon	FNDC 6078609.6
Existing Easements			
Purpose	Shown	Burdened Land	Created By
Right of Way	G	Lot 2 Hereon	233327.1
Right to Convey Water	C U	Lot 2 Hereon	C953844.5
Water Right	V	Lot 2 Hereon	A446428

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	A B O AB AA BA BB	Lot 2 Hereon	Lot 1 Hereon
Right to drain Sewage	BB B BA D H L N	Lot 2 Hereon	Lot 1 Hereon
Right to drain Water	AA H N M K C G	Lot 2 Hereon	Lot 1 Hereon

JOB/CLIENT:  
**SMARTLIFE TRUST KERIKERI**

SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1)**

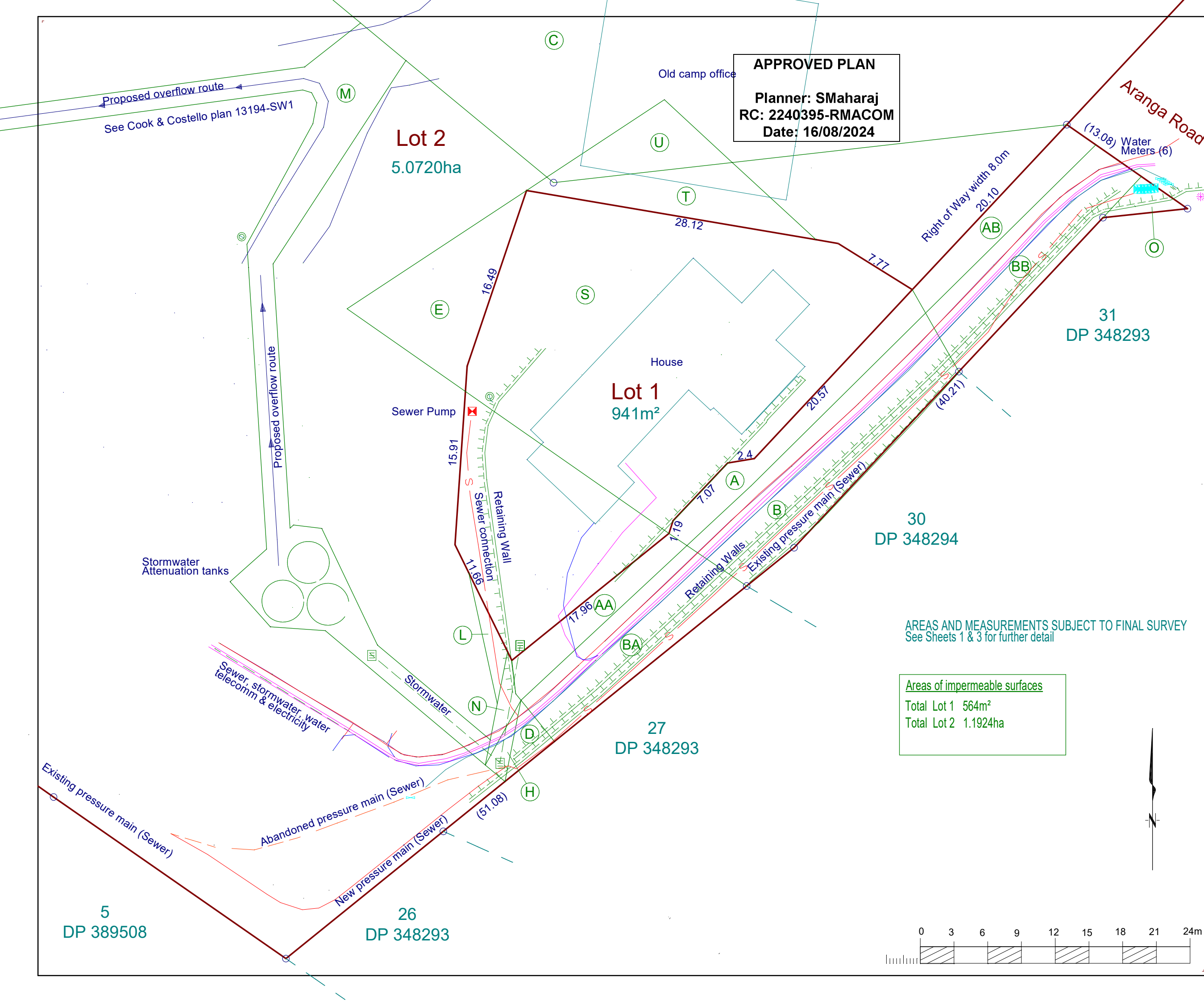
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PO Box 937, Kerikeri  
Tel: 09-407 6030  
Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE 1 New Scheme

SCALE @ A3  
1:1000

SHEET No  
1/3





**APPROVED PLAN**  
**Planner: SMaharaj**  
**RC: 2240395-RMACOM**  
**Date: 16/08/2024**

GENERAL NOTES

This layout is a compilation of previously approved consents RC 2180537, RC 2180028-RMAVAR/A & RC 2240090-RMASUB

Lot 2 area has been adjusted for areas of erosion.  
Rev 1 Stages 1 & 2 separated

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	Name	Date
Surveyed	MP & KS	2024
Drawn	KS	10/05/2024
Appended	KS	30/05/2024

Height Datum  
Local Reference  
Contour Interval  
Major Minor  
Address 23 Aranga Rd  
Title Area

JOB/CLIENT:

SMARTLIFE TRUST  
KERIKERI

SHEET TITLE:

**PROPOSED  
SUBDIVISION  
OF LOT 3 DP 335706  
& Lot 2 DP 395942  
(Stage 1)**

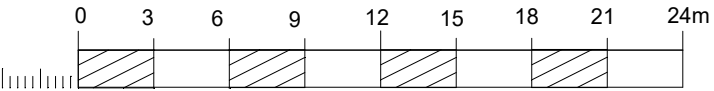
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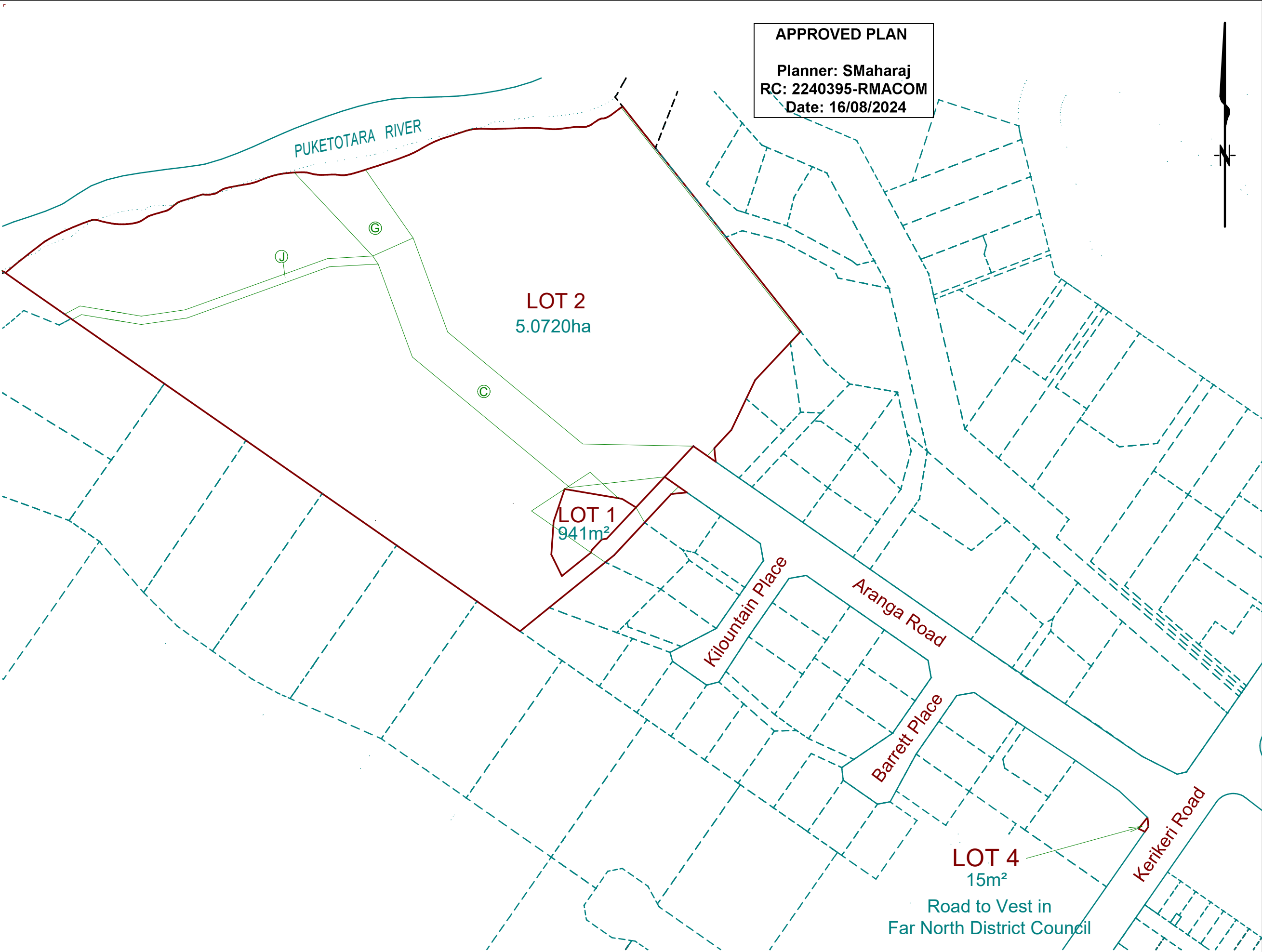
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File: STAGE 1 New Scheme

SCALE @ A3 1:300	SHEET No 2/3
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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 1 & 3 for further detail

Areas of impermeable surfaces  
Total Lot 1 564m²  
Total Lot 2 1.1924ha





GENERAL NOTES

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Lot 2 area has been adjusted for areas of erosion.

Rev 1 Stages 1 & 2 separated

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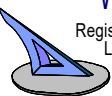
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Drawn	KS	10/05/2024
Appended	KS	30/05/2024

Height Datum  
Local Reference  
Contour Interval  
Major  
Minor  
Address  
23 Aranga Rd  
Title  
RT 382857  
Area  
5.2635ha

JOB/CLIENT:  
  
SMARTLIFE TRUST  
KERIKERI

SHEET TITLE:  
  
PROPOSED  
SUBDIVISION  
OF LOT 3 DP 335706  
& Lot 2 DP 395942  
  
(Stage 1)



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Job No: 21443  
File: STAGE 1 New Scheme

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SHEET No  
3/3

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 1 & 2 for further detail



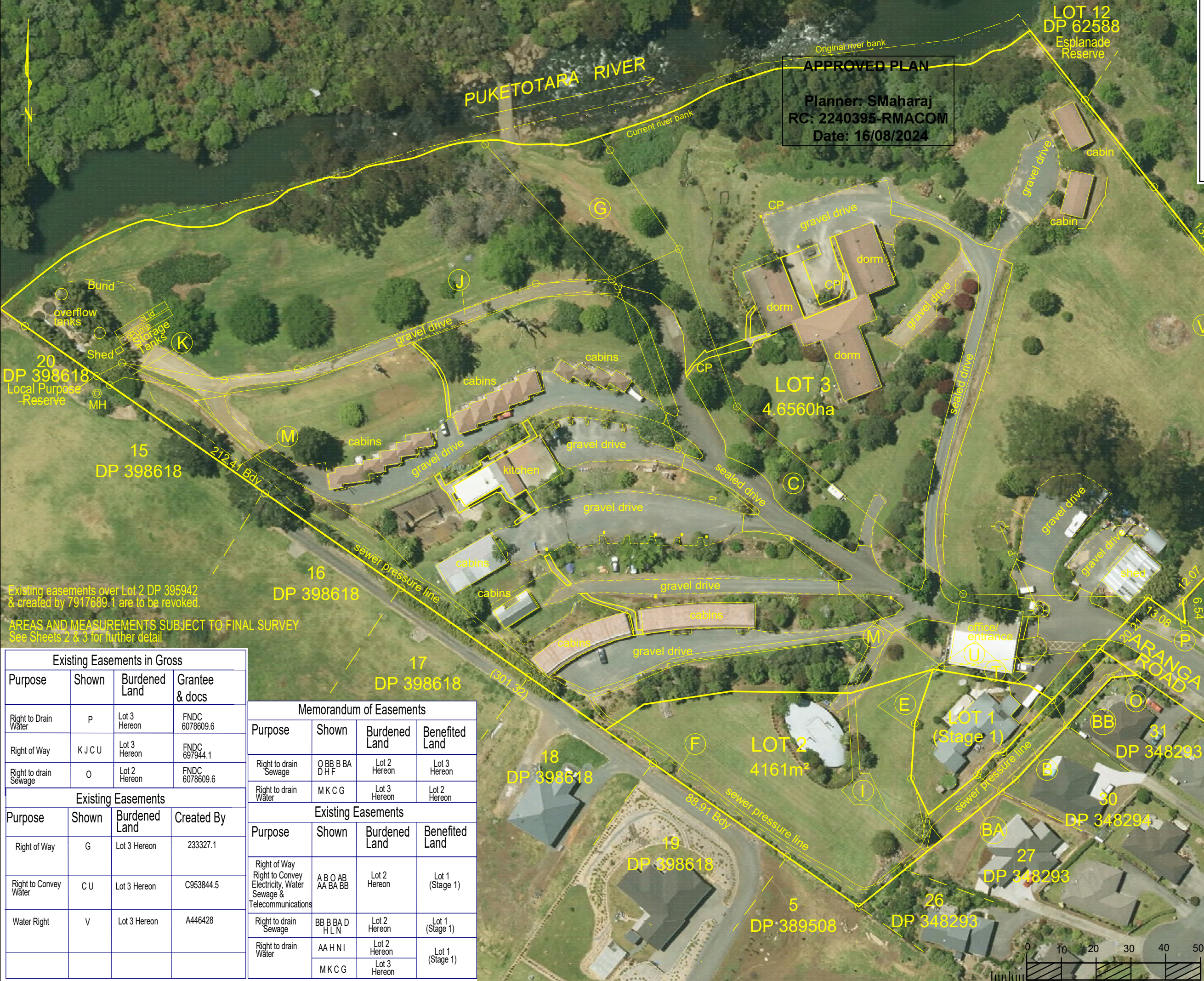
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Areas A B E T & U are subject to a land covenant (Height Restriction) See Stage 1

**APPROVED PLAN**

Planner: SMaharaj  
RC: 2240395-RMACOM  
Date: 16/08/2024



Existing easements over Lot 2 DP 395942 & created by 7917689.1 are to be revoked.

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 2 & 3 for further detail

Existing Easements in Gross			
Purpose	Shown	Burdened Land	Grantee & docs
Right to Drain Water	P	Lot 3 Hereon	FNDC 6078609.6
Right of Way	K J C U	Lot 3 Hereon	FNDC 697944.1
Right to drain Sewage	O	Lot 2 Hereon	FNDC 6078609.6
Existing Easements			
Purpose	Shown	Burdened Land	Created By
Right of Way	G	Lot 3 Hereon	233327.1
Right to Convey Water	C U	Lot 3 Hereon	C953844.5
Water Right	V	Lot 3 Hereon	A446428

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right to drain Sewage	O B B B B A D H F	Lot 2 Hereon	Lot 3 Hereon
Right to drain Water	M K C G	Lot 3 Hereon	Lot 2 Hereon
Existing Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way	A B O A B A A B A B B	Lot 2 Hereon	Lot 1 (Stage 1)
Right to drain Sewage	B B B B A D H L N	Lot 2 Hereon	Lot 1 (Stage 1)
Right to drain Water	A A H N I M K C G	Lot 2 Hereon Lot 3 Hereon	Lot 1 (Stage 1)

JOB/CLIENT:  
**SMARTLIFE TRUST KERIKERI**

SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2)**

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Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE 2 New Scheme

SCALE @ A3 1:1000	SHEET No 1/2
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**RECORD OF TITLE**  
**UNDER LAND TRANSFER ACT 2017**  
**FREEHOLD**  
**Search Copy**



R.W. Muir  
Registrar-General  
of Land

**Identifier** **1223413**  
**Land Registration District** **North Auckland**  
**Date Issued** 14 August 2025

**Prior References**  
1171041

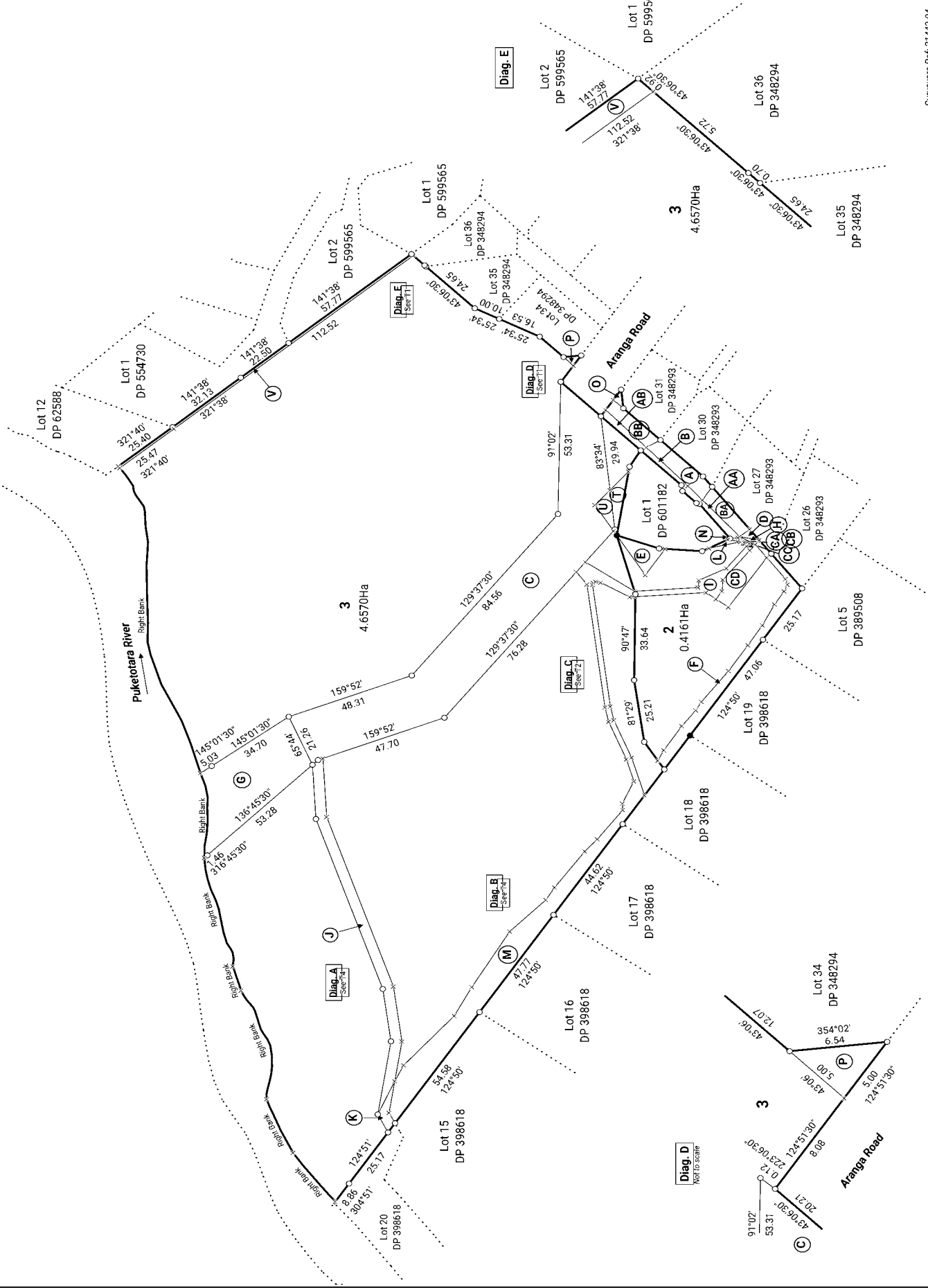
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**Estate** Fee Simple  
**Area** 4161 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 613888  
**Registered Owners**  
Euan Boyd Lindsay Hilson and Keighley Trustee Limited

---

**Interests**

Appurtenant hereto is a water supply right created by Transfer A446428 - 12.2.1970 at 12:10 pm  
Appurtenant hereto is a electricity supply right created by Transfer C840345.1 - 9.5.1995 at 2:19 pm  
Subject to a right to drain sewage (in gross) over part marked O on DP 613888 in favour of Far North District Council created by Easement Instrument 6078609.6 - 14.7.2004 at 9:00 am  
The easements created by Easement Instrument 6078609.6 are subject to Section 243 (a) Resource Management Act 1991 11240106.2 Mortgage to ASB Bank Limited - 9.10.2018 at 5:01 pm  
Subject to a right of way and a right to convey water, electricity and telecommunications over parts marked AA, BA, A, B, AB, BB and O, a right to drain sewage over parts marked H, CA, D, N, L, BA, B and BB and a right to drain water over parts marked H, CA, N, CC, AA and I all on DP 613888 created by Easement Instrument 13058545.5 - 3.12.2024 at 2:32 pm  
The easements created by Easement Instrument 13058545.5 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right (in gross) to convey telecommunications over parts marked CD, H, CA, D, CB, CC, BA, B and BB on DP 613888 in favour of Chorus New Zealand Limited created by Easement Instrument 13058545.6 - 3.12.2024 at 2:32 pm  
The easements created by Easement Instrument 13058545.6 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right of support over parts marked L and N on DP 613888 created by Easement Instrument 13058545.7 - 3.12.2024 at 2:32 pm  
13058545.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.12.2024 at 2:32 pm  
Land Covenant in Covenant Instrument 13058545.9 affecting parts marked A, B and E on DP 613888 - 3.12.2024 at 2:32 pm  
Subject to a right to drain sewage over parts marked H, D, BA, B, BB, O and F on DP 613888 created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm  
Appurtenant hereto is a right to drain water created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm  
The easements created by Easement Instrument 13217098.2 are subject to Section 243 (a) Resource Management Act 1991  
13217098.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2025 at 12:40 pm



T 1/4

Surveyors Ref: 21443.04

**Title Plan**  
**LT 613888**  
Approved on: 27/08/2025

Surveyor: Kurt Eric Watson  
Firm: Survey & Planning Solutions (2010) L

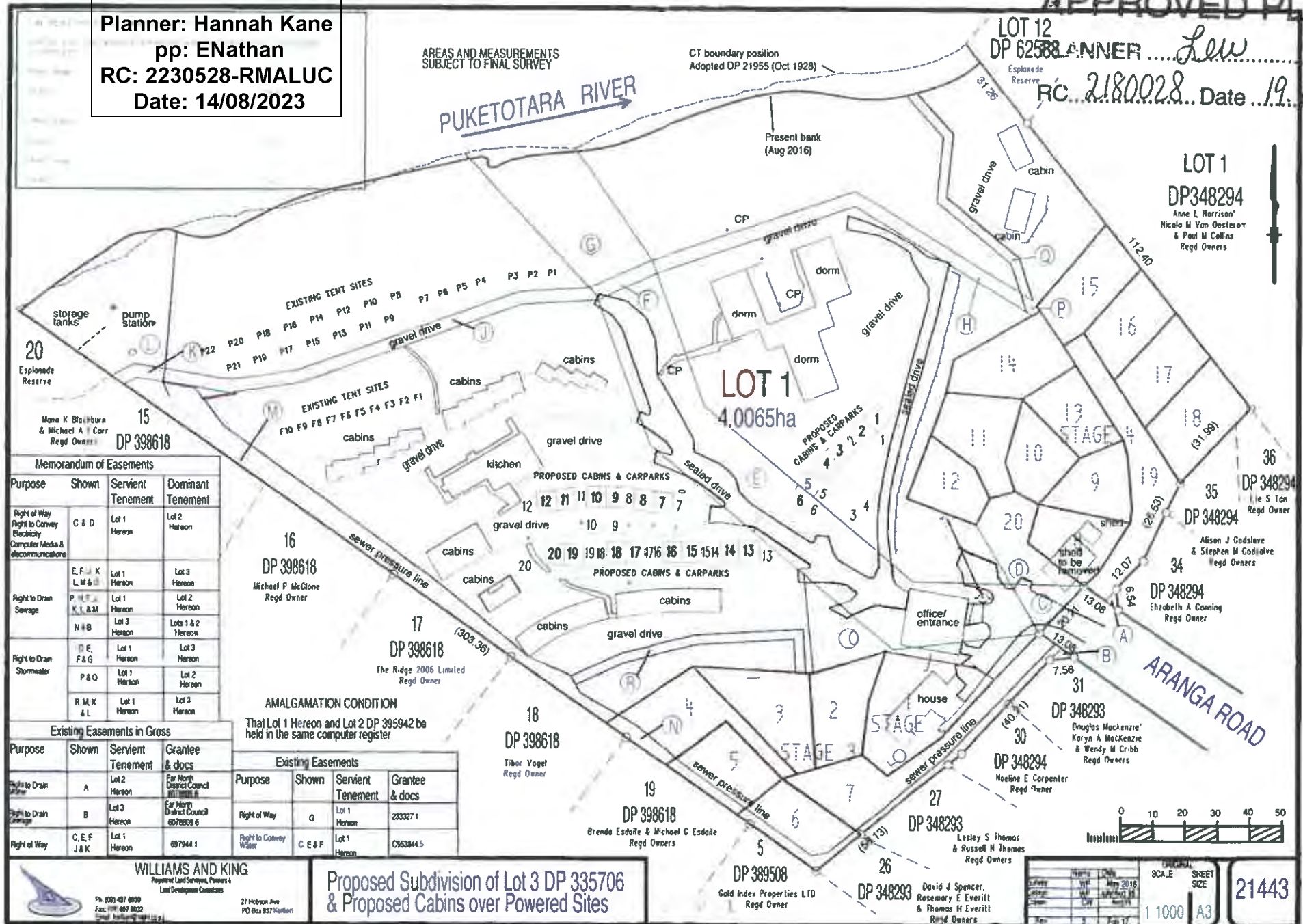
**LOTS 2 & 3 BEING A SUBDIVISION OF LOT 2 DP 601182.**

Land District: North Auckland

**Digitally Generated Plan**  
Generated on: 27/08/2025 03:03am Page 5 of 8

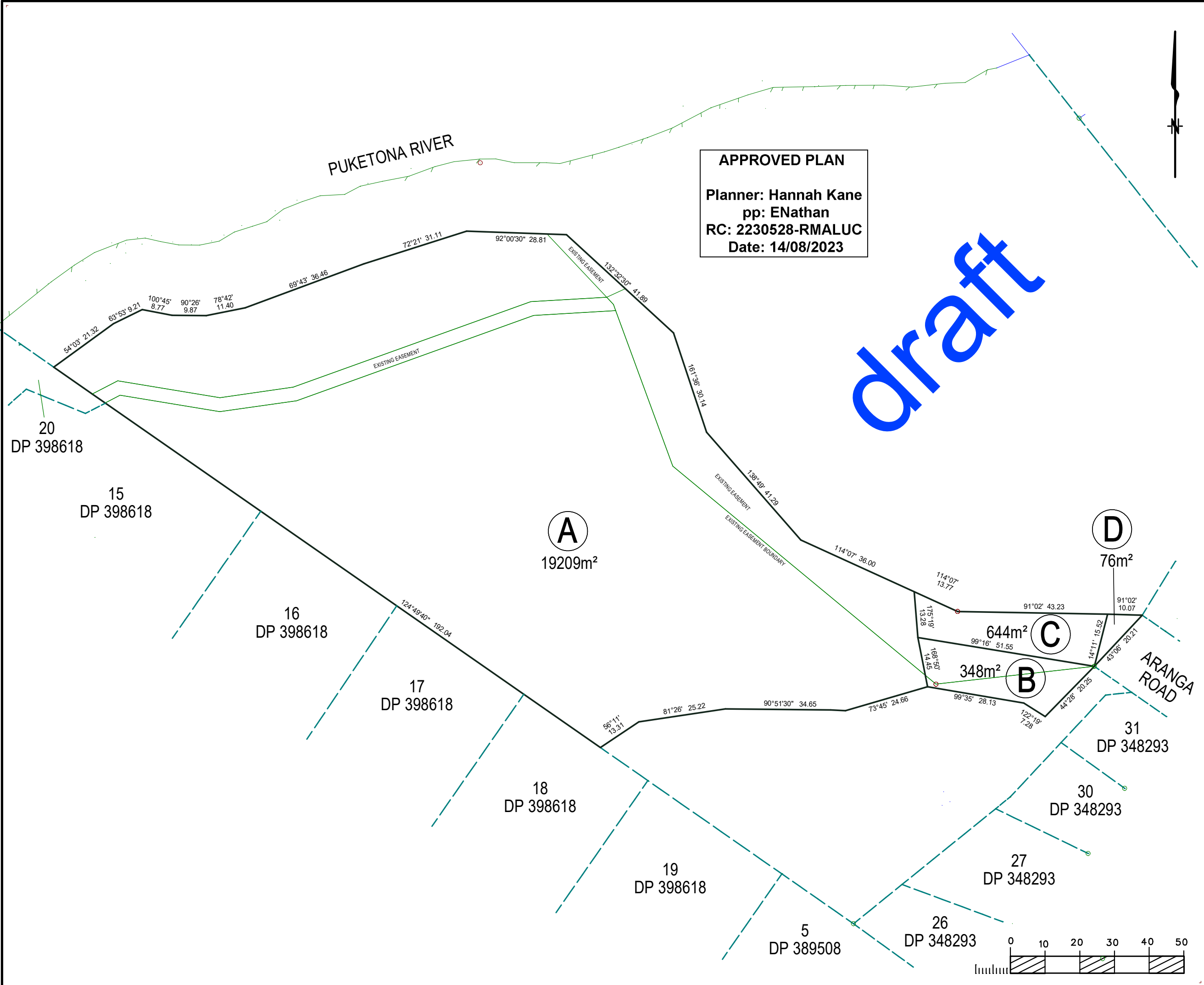
~~APPROVED PLAN~~


LOT 12  
DP 62588 LANNER *Lew*  
Explosive  
Reserve  
RC 2180028 Date 19. 02. 18



21443





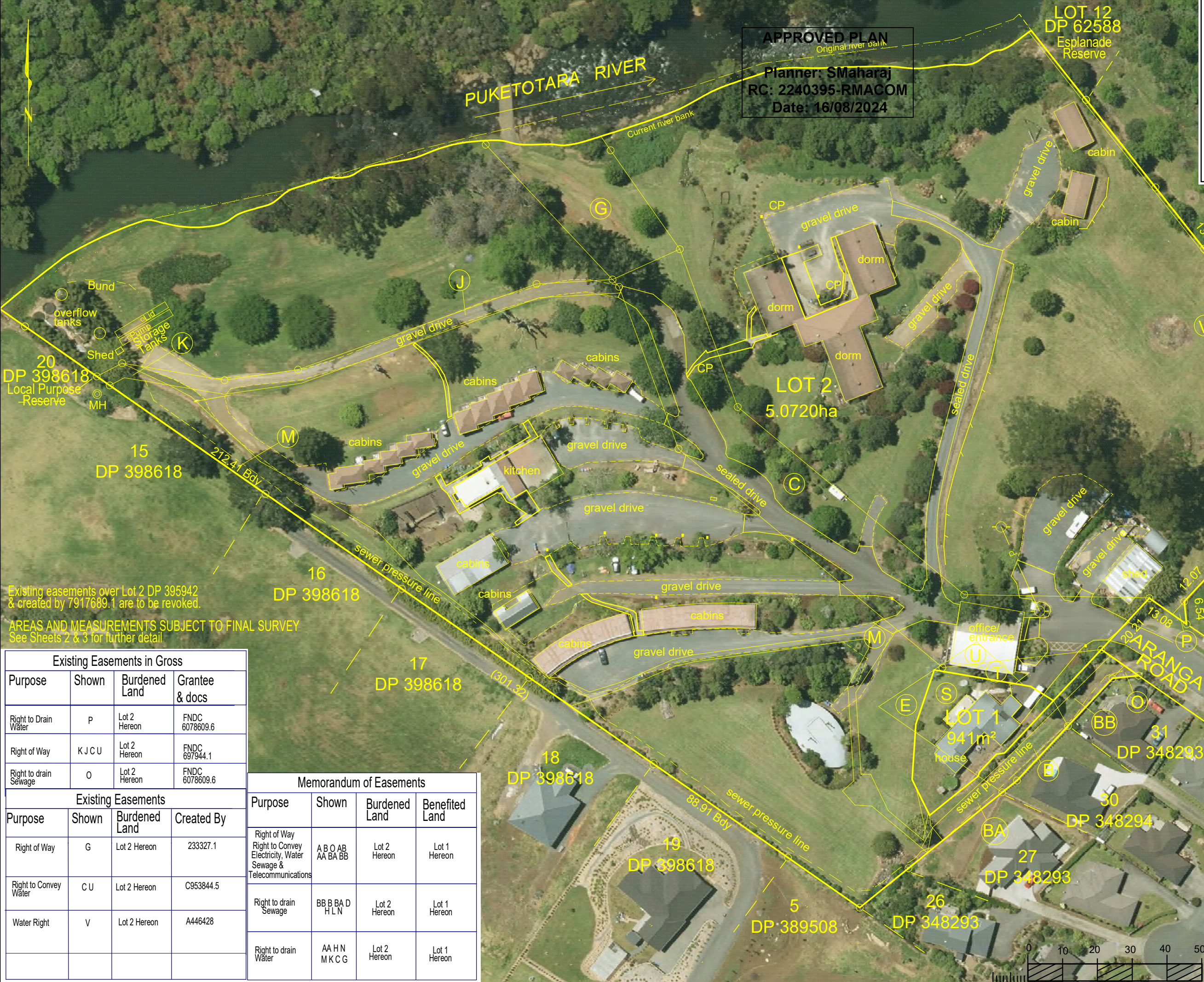
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Surveyed		
Drawn	WF	Oct 12
Appended		
Address	23 Aranga Road, Kerikeri	
Title	382857	Area
JOB/CLIENT:		
KERIKERI HOLIDAY PARK		
KERIKERI		
SHEET TITLE:		
LEASE AREAS LOT 3 DP 335706		
 Williams & King Registered Land Surveyors, Planners & Land Development Consultants 27 Hobson Ave PO Box 937, Kerikeri Tel: 09-407 6030 Email: kerikeri@saps.co.nz		
Job No: 21443		
File: Lease Plan		
SCALE @ A3 1:1000		SHEET No 1/1



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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 2 & 3 for further detail

Existing Easements in Gross			
Purpose	Shown	Burdened Land	Grantee & docs
Right to Drain Water	P	Lot 2 Hereon	FNDC 6078609.6
Right of Way	K J C U	Lot 2 Hereon	FNDC 697944.1
Right to drain Sewage	O	Lot 2 Hereon	FNDC 6078609.6
Existing Easements			
Purpose	Shown	Burdened Land	Created By
Right of Way	G	Lot 2 Hereon	233327.1
Right to Convey Water	C U	Lot 2 Hereon	C953844.5
Water Right	V	Lot 2 Hereon	A446428

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	A B O AB AA BA BB	Lot 2 Hereon	Lot 1 Hereon
Right to drain Sewage	BB B BA D H L N	Lot 2 Hereon	Lot 1 Hereon
Right to drain Water	AA H N M K C G	Lot 2 Hereon	Lot 1 Hereon

JOB/CLIENT:  
**SMARTLIFE TRUST KERIKERI**

SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1)**

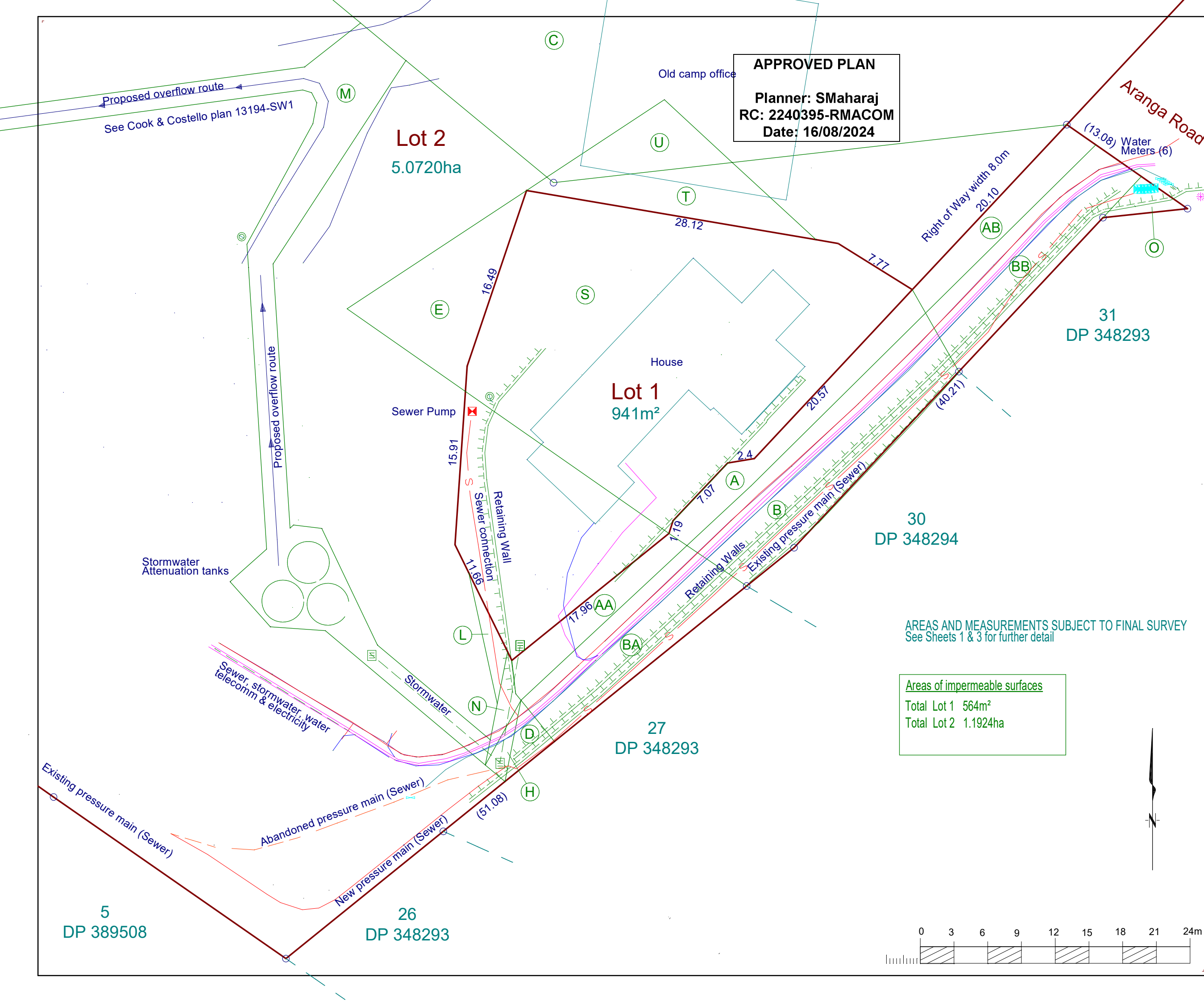
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Job No: 21443  
File: STAGE 1 New Scheme

SCALE @ A3  
1:1000

SHEET No  
1/3





GENERAL NOTES

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& RC 2240090-RMASUB

Lot 2 area has been adjusted for  
areas of erosion.

Rev 1 Stages 1 & 2 separated

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Surveyed	MP & KS	2024
Drawn	KS	10/05/2024
Appended	KS	30/05/2024

Height Datum	
Local Reference	
Contour Interval	
Major	Minor
Address	23 Aranga Rd
Title	Area

JOB/CLIENT:

SMARTLIFE TRUST  
KERIKERI

SHEET TITLE:

PROPOSED  
SUBDIVISION  
OF LOT 3 DP 335706  
& Lot 2 DP 395942  
(Stage 1)

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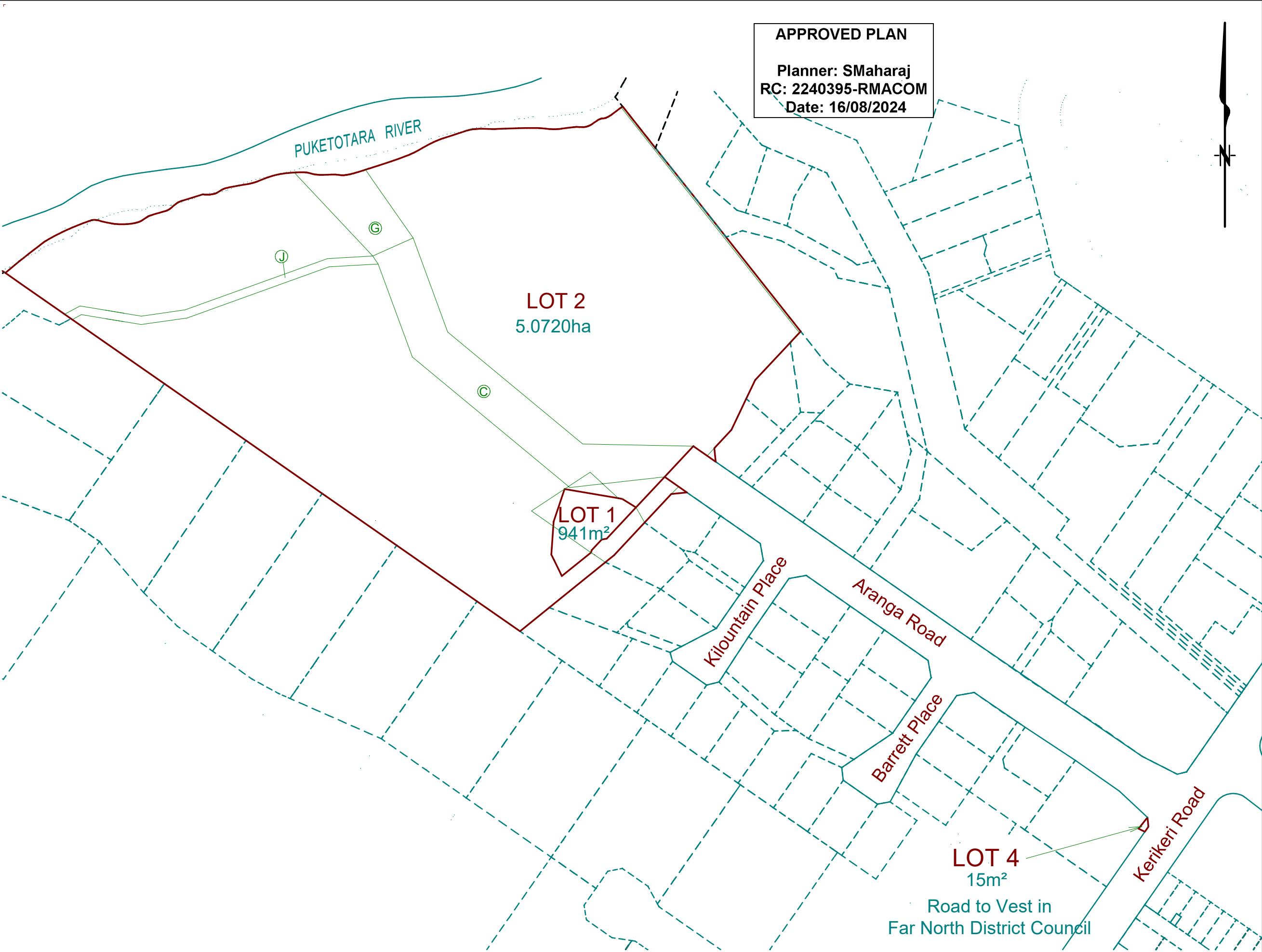
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SCALE @ A3  
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SHEET No  
2/3





**APPROVED PLAN**  
  
Planner: SMaharaj  
RC: 2240395-RMACOM  
Date: 16/08/2024

GENERAL NOTES

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Rev 1 Stages 1 & 2 separated

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Surveyed	Name	Date
Drawn	MP & KS	2024
Appended	KS	10/05/2024
	KS	30/05/2024

Height Datum		
Local Reference		
Contour Interval		
Major	Minor	
Address	23 Aranga Rd	
Title	RT 382857	Area 5.2635ha

JOB/CLIENT:  
**SMARTLIFE TRUST**  
**KERIKERI**

SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1)**

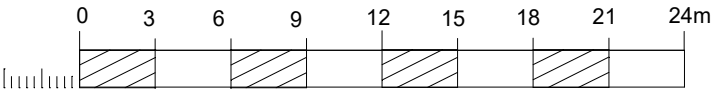
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PO Box 937, Kerikeri  
Tel: 09-407 6030  
Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE 1 New Scheme

**SCALE @ A3**  
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**SHEET No**  
**3/3**

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheets 1 & 2 for further detail





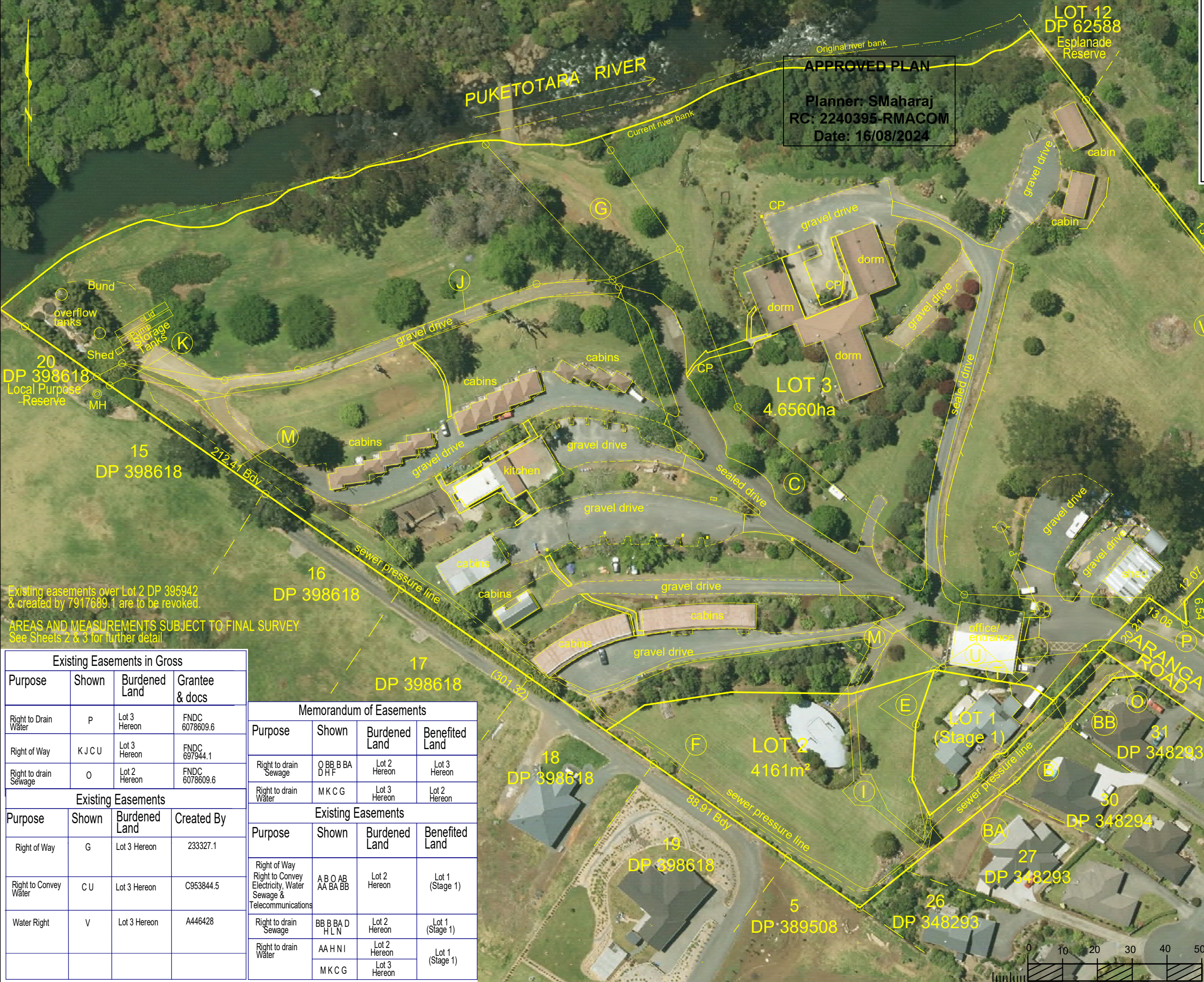
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Planner: SMaharaj  
RC: 2240395-RMACOM  
Date: 16/08/2024



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Purpose	Shown	Burdened Land	Created By
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Water Right	V	Lot 3 Hereon	A446428

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Right to drain Water	M K C G	Lot 3 Hereon	Lot 2 Hereon
Existing Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way	A B O A B A A B A B B	Lot 2 Hereon	Lot 1 (Stage 1)
Right to drain Sewage	B B B B A D H L N	Lot 2 Hereon	Lot 1 (Stage 1)
Right to drain Water	A A H N I M K C G	Lot 2 Hereon Lot 3 Hereon	Lot 1 (Stage 1)

JOB/CLIENT:  
**SMARTLIFE TRUST KERIKERI**

SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2)**

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PO Box 937, Kerikeri  
Tel: 09-407 6030  
Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE 2 New Scheme

SCALE @ A3 1:1000	SHEET No 1/2
----------------------	-----------------



APPROVED PLAN  
Planner: SMaharaj  
RC: 2240395-RMACOM  
Date: 16/08/2024

Lot 3  
4.6560ha

Proposed overflow route  
See Cook & Costello plan 13194-SW1

Old camp office

Aranga Road

Water Meters (6)

31  
DP 348293

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	Name	Date
Surveyed	MP & KS	2024
Drawn	KS	10/05/2024
Appended	KS	31/05/2024

Height Datum	
Local Reference	
Contour Interval	
Major	Minor
Address	23 Aranga Rd
Title	Area

JOB/CLIENT:  
SMARTLIFE TRUST  
KERIKERI

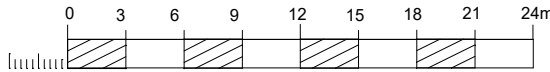
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PROPOSED  
SUBDIVISION  
OF LOT 2 Stage 1  
(Stage 2)

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Land Development Consultants  
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PO Box 937, Kerikeri  
Tel: 09-407 6030  
Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE 2 New Scheme

SCALE @ A3  
1:400  
SHEET No  
2/2

Areas of impermeable surfaces  
Total Lot 2 620m<sup>2</sup>  
Total Lot 3 1.1304ha



AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
See Sheet 1 for further detail

This layout is a compilation  
of previously approved consents  
RC 2180537, RC 2180028-RMAVAR/A  
& RC 2240090-RMASUB  
Areas A B E T & U  
are subject to a  
land covenant  
(Height Restriction) See Stage 1

18  
DP 398618

19  
DP 398618

Lot 2  
4161m<sup>2</sup>

5  
DP 389508

26  
DP 348293

27  
DP 348293

30  
DP 348294

Lot 1  
(Stage 1)

Sewer Pump

House

Stormwater  
Attenuation tanks

Sewer, stormwater, water  
telecomm & electricity

Stormwater

Abandoned pressure main (Sewer)  
New pressure main (Sewer)

(51.08)

Retaining Wall

Retaining Walls

Existing pressure main (Sewer)

Existing pressure main (Sewer)  
88.91 Bdy

24.70

28.12

20.10

20.57

7.07

1.19

15.91

16.49

11.66

17.96

1.18

2.4

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Revised

AGREEMENT made this 28 day of October 2014

**BETWEEN** Andrew Wayne Smart, Louise Jane Smart & Euan Boyd  
Hilson the owners of Lot 3 DP 335706 ("the Owners")

**and** FAR NORTH DISTRICT COUNCIL ("Council")

### 1. BACKGROUND

- A. Council is responsible for the provision of a public wastewater system for its district which includes the area encompassed by the Kerikeri Township.
- B. The Owners wish that their property at 23 Aranga Road (Lot 3 DP335706, known as Aranga Backpackers, Kerikeri Holiday Camp & Motels) be connected to the public wastewater system.
- C. Council has agreed to allow connection to the public wastewater system and the parties wish to enter into an agreement setting out the terms of such a connection.

### 2. COUNCIL'S AGREED OBLIGATIONS

1. To provide a connection point at the boundary of No. 23 Aranga Road, adjacent to the sewer manhole in the southwest corner of No. 4 Kilountain Place for the rising main from the development to connect to.
2. To convey, treat and discharge raw sewage from the Owners property at a projected rate of an average of 20m<sup>3</sup> per day.
3. To allow the property at 23 Aranga Road to remain connected to the public wastewater system in perpetuity, no matter the owner of property or the activity on the site.

### 3. THE OWNERS AGREED OBLIGATIONS

1. To pay a Wastewater Development Contribution as calculated in 4 below.
2. To pay wastewater rates at the commercial rate struck by Council from 1 July 2015.
3. To pay wastewater rates at the commercial rate struck from the date of connection through to 30 June 2015 in one lump sum prior to connection.
4. Only to pump wastewater into Council's system during the hours from 11 pm to 6 am.
5. To retain sufficient storage on site to enable holding 1 days maximum flow from the site.
6. To install suitable pumps, with time controls and a rising main from the existing on site treatment plant to the connection point and to obtain a Building Consent prior to the commencement of the work.
7. To install a meter on the private rising main going to the connection to the public system, capable of recording the flow.
8. To comply with the requirements of the Council's Wastewater Bylaw.





#### 4. DEVELOPMENT CONTRIBUTIONS


- 4.1 The Owners will pay a Wastewater Development Contribution ("DC<sub>0</sub>") based on an average estimated discharge of 20m<sup>3</sup> per day amounting to \$221,000 inclusive of GST (20,000 litres x \$11.05 per litre). Council shall issue an invoice to the Owners and this shall be paid prior to the connection being physically made.
- 4.2 One year after the connection is made to the public system, the average daily flow is to be calculated based on actual usage by the Owners. DC<sub>0</sub> will then be reassessed based on the actual daily usage in litres as measured ("DC<sub>1</sub>") as follows:

$$DC_1 = Y_1 \times 11.05$$

*(Where Y<sub>1</sub> is the average daily flow of wastewater to the sewer in litres in the first year of connection)*

- 4.2.1 If DC<sub>1</sub> is found to be less than DC<sub>0</sub>, then the Council will pay the difference between DC<sub>0</sub> and DC<sub>1</sub> to the Owners. If the DC<sub>1</sub> is found to be more than DC<sub>0</sub> then the Owners will pay to the Council the difference between DC<sub>0</sub> and DC<sub>1</sub>.
- 4.3 All payments to be made under clause 4.2.1 shall be made within twenty (20) working days of determination.
- 4.4 The intent of the above clauses 4.1 through 4.2.1 inclusive is that the Development Contribution is equal to \$11.05 times the average actual discharge to the public sewer per day in litres, over one year succeeding connection.

#### 5. DISPUTE RESOLUTION

- a. If any dispute arises between Council and the Owners concerning the rights and obligations contained within this agreement, the parties will enter into negotiations in good faith to resolve the dispute themselves or through any informal dispute process they agree upon.
- b. If the dispute is not resolved within 10 working days then either party may at any time serve a mediation notice on the other party requiring the dispute be referred to mediation. The mediation notice shall set out the nature of the dispute. The parties shall in good faith endeavour to agree upon a mediator within 5 working days of the date of service of the mediation notice. If the parties cannot agree on the mediator, the President for the time being of the New Zealand Law Society (or any successor organisation) or the President's nominee will appoint an independent mediator. The mediator's costs are to be borne equally by the parties.
- c. If the dispute is not resolved within 20 working days of the date on which the mediation notice is served, the parties will submit to the arbitration of an independent arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator within another 10 working days the President for the time being of the New Zealand Law Society (or any successor organisation) or the President's nominee will appoint an independent arbitrator.
- d. In the event that the President for the time being of the New Zealand Law Society (or any successor organisation) or the President's nominee fails or refuses to appoint a mediator or arbitrator, either party may request the High Court to make an appointment. The appointment decision of the High Court may not be appealed.
- 

- e. Any arbitration proceedings will be conducted in accordance with the Arbitration Act 1996.

## **6. NOTICES**

- (a). All notices or other communications to be given under this agreement shall be given at the recipient's last known place of address (or such other address within New Zealand as that party may have specified in writing) and shall be deemed to have been duly given or made:

- i. In the case of a communication by letter, on the second working day after being posted by mail, correctly addressed and stamped;
- ii. If given by hand, on personal delivery to the recipient or to such address;
- iii. In the case of a communication by facsimile, when transmitted with no indication of incomplete transmission to the recipient's last known facsimile number provided that in the case of notice by facsimile the facsimile communication shall forthwith be followed by the posting or delivery of an original notice as set out above.

- (b). The notified addresses and facsimile numbers of the parties are as follows:

### **Andrew Smart for the Owners**

Attention: Andrew Smart

Address: 23 Aranga Road, Kerikeri 0230

Phone: (09) 407 9326

Fax: (09) 407 9897

### **Far North District Council**

Attention: Acting Chief Executive

Address: Memorial Avenue, Kaikohe

Phone: (09) 401 5200

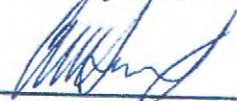
Fax: (09) 4015758

- (c). Either party may change its notified address and contact details by notice in writing to the other party.






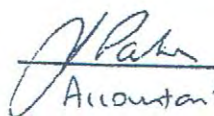
SIGNED by the Owners of Lot 3 DP 335706

  
Andrew Wayne Smart

  
Louise Jane Smart

  
Euan Boyd Hilson

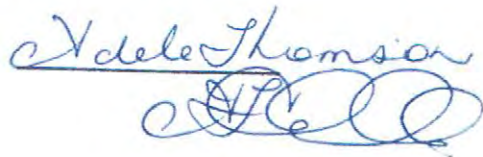
in the presence of:

  
Accountant  
Christchurch.

SIGNED on behalf of Far North District Council  
by

  
Colin Dale  
Acting Chief Executive

in the presence of:

  
Vdele Thomson



## DECISION ON COMBINED RESOURCE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

### Decision

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

**Applicant:** Smartlife Trust  
**Council Reference:** 2240395-RMACOM  
**Property Address:** 23 Aranga Road, Kerikeri 0230  
**Legal Description:** LOT 3 DP 335706 & LOT 2 DP 395942

**The activities to which this decision relates are listed below:**

#### Activity 1 Subdivision:

4-Lot Subdivision in 2 stages in the Rural Living Zone as a Non-Complying Activity.

- Stage 1 Subdivision of Lot 3 DP 335706 into 3 lots.
- Stage 2 Subdivide of Lot 2 (from stage 1) into two lots being Lot 2 4161m<sup>2</sup> and Lot 3 4.6560 ha.

Proposed Lot 4 has already been approved via RC 2240090, however for completeness a 4 Lot subdivision has been sought.

#### Activity 2 Land use:

To breach the Residential Intensity, Scale of Activities, Stormwater Management and Minimum Lot Size in the Rural Living Zone as a Discretionary Activity.

### Subdivision Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision consent is granted subject to the following [conditions](#):

1. The activity shall be carried out in accordance with the approved plans prepared by Williams & King, referenced PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1), dated 30/05/2024, and referenced PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2), dated 31/05/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.



**Stage 1- Lot 1 941m2 and Lot 2 5.0720 ha**

**Survey plan approval (s223) conditions**

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. The survey plan must show Lot 4 to be vested to the Council as road.

**Section 224(c) compliance conditions**

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Provide a formed and concreted entrance to Lot 1 which complies with the Councils Engineering Standard FNDC/S/2 and section 3.3.17 of the Engineering Standards and NZS 4404:2004.
  - b. Provide to Council written confirmation from a licensed cadastral surveyor that the stormwater drainage, sanitary sewer and the access carriageway from Lot 1 are fully contained within their respective easements.
  - c. Provide evidence that a separate sewerage connection has been provided directly to Lot 1 in compliance with Council's Engineering Standards and Guidelines. Easements are to be registered if private connection lines are crossing private property.
  - d. Provide evidence that each lot has a metered connection to Councils reticulated water supply system in accordance with the requirements of Councils Engineering Standards and Guidelines. Private easements are to be registered if private connection lines are crossing private property.
  - f. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.

**Stage 2- divide Lot 2 into two lots being Lot 2 4161m2 and Lot 3 4.6560 ha.**

4. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
5. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - a. Following the Council approval of the respective plans and information required by Condition 5(b) provide evidence that the work, plans and information have been completed in general accordance with council approved plans.
  - b. The consent holder shall submit plans & details of all works on access road formation and stormwater control works which are to remain in private ownership for the approval of Council's Resource Consent Engineer or their designate prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- i. Construction detail of access road to lot 2 formed to provide a 3m wide sealed formation.
    - ii. Stormwater management design for proposed Lot 2 access road construction on R.O.W providing stormwater mitigation measures to a pre development level.
    - iii. A stormwater mitigation system to reduce the stormwater flows from lot 2 to the pre development level for rainfall events up to those with a 10% AEP plus allowance for climate change. The stormwater overland flow path for a 1% AEP event shall also be identified or mitigation provision incorporated into design.
  - c. The applicant shall submit Residential Wastewater and Water Connection Applications to Council with a site plan and connection details for Lot 2. If the connection applications are completed, please provide evidence of the approved connection application.
6. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- a. Provide a formed and concreted entrance to Lot 2 which complies with the Council's Engineering Standard FNDC/S/2 and section 3.3.17 of the Engineering Standards and NZS 4404:2004.
  - b. Provide to Council written confirmation from a licensed cadastral surveyor that the stormwater drainage, sanitary sewer and the access carriageway from Lot 2 are fully contained within their respective easements and drainage easements are not obstructed by the access road.
  - c. Provide evidence that a new sewerage connection has been provided directly to Council's reticulated system on Aranga Road to Lot 2 in compliance with Council's Engineering Standards and Guidelines. Easements are to be registered if private connection lines are crossing private property.
  - d. Provide documentation that the service providers of electric power and telecommunications to the sites are satisfied with the arrangements made for the provision of these services.
  - e. Provide evidence that each lot has a metered connection to Council's reticulated water supply system in accordance with the requirements of Council's Engineering Standards and Guidelines. Private easements are to be registered if private connection lines are crossing private property.
  - f. The consent holder must submit a Wastewater Maintenance Agreement for the on-going operation and maintenance of the privately owned wastewater assets on the site land disposal system, to Council for certification. This includes those assets on the approved scheme plan entitled 'Proposed Subdivision of Lot 3 DP 335706 & Lot 2 DP 395942 [Stage 1], ref 21443.



The Wastewater Maintenance Agreement shall include:

- i. A review process to deal with change of circumstances.
- ii. A process to respond to system malfunctions or extreme events.
- iii. Any relevant obligations from the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3].

### **General Subdivision Consent Notices (apply to stages 1 & 2)**

7. Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
  - i. In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a suitably qualified Chartered Professional Engineer. Lots 1-3.
  - ii. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ). Lots 1-3.
  - iii. In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the pre development flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner

or a chartered professional engineer and submitted with the Building Consent application. Lots 1-3.

- iv. Owners of Lot 3 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC2240395.
- v. The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3] [Lots 1-3]. The breakdown for each lot is as follows:
  - i. Lot 1: 0.5m<sup>3</sup>
  - ii. Lot 2: 2m<sup>3</sup>
  - iii. Lot 3: 17.5m<sup>3</sup>

## Subdivision Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

### General

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

## Land Use Conditions

Pursuant to sections 108 of the Act, this land use consent is granted subject to the following [conditions](#):

1. The activity shall be carried out in accordance with the approved plans prepared by Williams & King, referenced PROPOSED SUBDIVISION OF LOT 3 DP 335706 & Lot 2 DP 395942 (Stage 1), dated 30/05/2024, and referenced PROPOSED SUBDIVISION OF LOT 2 Stage 1 (Stage 2), dated 31/05/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The consent holder shall ensure that the stormwater mitigation system approved under condition 4(c) of the subdivision consent is installed, operational and is maintained on an ongoing basis.

## Land Use Advice Notes

### Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
  - a) The consent is given effect to; or
  - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

## **General Advice Notes**

### **Right of Objection**

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

### **Archaeological Sites**

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

### **General Advice Notes**

3. During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.
4. Building consent may be required for all private piped drainage work.

## **Further Resolution – Revoke Memorandum of Easement**

Pursuant to s243(e) of the Resource Management Act 1991 the Far North District Council hereby revokes the conditions as to the creation of the easement marked A on DP 395942 and specified in EI 7917689.1.

## **Reasons for the Decision**

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

2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in 8.7.5.1.1 – Residential Intensity, 8.7.5.1.2 – Scale of Activities, 8.7.5.1.5 – Stormwater Management and 13.7.2.1(iv) Minimum Lot Size in the Rural Living are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. All of the stormwater for the site has been developed to be taken into the 3 x stormwater attenuation tanks which has been approved via detailed design by FNDC.
  - b. The outcome of this activity will be no different to the activity which is already operating and consented for on the subject site.
  - c. The proposal will also result in positive effects, as it will provide an additional allotment that will have significant economic and social benefits for members of the community, particularly a community that is experiencing a shortage of housing.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
  - a. Operative Far North District Plan 2009,
  - b. Proposed Far North District Plan 2022

#### *Operative Far North District Plan*

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan as the proposal is consistent with the purpose of the Rural Living Zone which allows for a range of development types on the urban periphery. The surrounding environment is generally utilised for residential purposes.

The subdivision will create 4 additional allotments under the discretionary criteria within the RLZ.

- All lots will have available space for on-site servicing.
- The proposal ensures a reasonable level of privacy for inhabitants of buildings on adjoining sites.
- The proposal provides a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.
- The extent to paved impermeable surfaces are not disproportionate for the proposed activity.

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan.

### *Proposed Far North District Plan*

The Rural Residential zone has been generally applied to areas that were formerly zoned Rural Living and are contiguous with an urban area. It is anticipated that the character of the zone will remain predominantly residential as the adjoining settlement will provide for most day-to-day services.

Objectives and policies of a rural residential zone prioritize preservation of rural character while accommodating residential growth. The proposal is supporting rural residential development in this area and is not causing reverse sensitivity effects. The role, function and character of the zone is not adversely affected by the proposed development.

- The proposal is consistent with RRZ-01 as the predominant use is for residential activities which is promoted to support the rural economy and activities within Kerikeri and its surrounds.
- The proposal is consistent with RRZ-03 as the land is adequately serviced and future plan change processes may provide for a change of zone to the site.
- The proposal is consistent with RRZ-04 as the underlying nature and character of the site is not proposed to be changed.
- RRZ-P1 - the built development has already been approved through previous consents, as well as the existing nature and character of the holiday park.
- RRZ-P2 is considered satisfied as there are no incompatible activities proposed.
- The proposal is consistent with RRZ-P5 as the proposal is consistent with what has been approved in terms of character, scale, and design of buildings. At the zone interface, the existing screening has been considered appropriate. The site is already connected to council infrastructure with no known constraints. Roding to the site is considered appropriate and natural hazards are not implicated. There are no known or recorded tangata whenua sites of significance or archaeology known.

It is acknowledged the PDP was only recently notified in July 2022 and hearings have only recently commenced. There is substantial scope for provisions to evolve through the submission and appeal process. Therefore, at this early stage of the PDP process, limited weighting has been placed on these PDP provisions relative to the Operative Plan. The Operative Plan remains the primary planning instrument for determining this application.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, consent can be granted for this non-complying activity.
8. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical



access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

9. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
10. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## Approval

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



**Name:** Nick Williamson

**Date:** 16/08/2024

**Title:** Resource Consent's Team Leader

# DECISION ON LAND USE CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

## Decision

Pursuant to section 34(1) and sections 104, 104B and 104D and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council grants land use resource consent for a Non-Complying activity, subject to the conditions listed below, to:

**Applicant:** Keighley Trustee Limited and Euan Boyd Hilson

**Council Reference:** 2230528-RMALUC

**Property Address:** 23 Aranga Road, Kerikeri 0230

**Legal Description:** LOT 3 DP 335706 LOT 2 DP 395942

### The activities to which this decision relates are listed below:

To create a lease area in order to provide for seasonal worker accommodation breaching the Residential intensity, Scale of Activities, Stormwater Management, Building Coverage, Traffic Intensity and On-Site Car Parking Space rules as a Non-Complying activity in the Rural Living Zone.

## Conditions

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

1. The activity proceeds in general accordance with the approved plans provided with the application and attached to this consent with the Council's "Approved Stamp" affixed to it, including:
  - a. 'Proposed Subdivision of Lot 3 DP 335706 & Proposed Cabins over Powered Sites, prepared by Williams and King, reference No. 21443, and dated 03/02/2017.
  - b. Lease Areas Lot 3 DP 335706, prepared by Williams and King, reference no 21443, and dated Oct 12.
2. The consent holder shall, prior to the occupation of the proposed cabins, provide evidence to Council's Resource Consent Engineer or their designate that formed, surfaced, marked and drained access, manoeuvring and parking for 14 vehicles is provided adjacent to the cabins.
3. The consent holder shall, in conjunction with obtaining a building consent for the proposed cabin development, provide to Council's Resource Consent Engineer or their designate for approval, a stormwater mitigation system designed by a suitably qualified Chartered Professional Engineer referencing the Wastewater Capacity and Stormwater Mitigation Assessment Report, produced by Cook Costello, dated 7 July 2017, project 13194.

4. The consent holder shall ensure that the stormwater mitigation system approved under Condition 3 of this consent is installed, operational and connected to the cabin roof stormwater outlets within one month of the installation of the building's roof.
5. Overland/secondary flow paths capable of accommodating the 1% AEP storm event (including existing downstream flow paths of the proposed development) are to be provided and are to be unobstructed by new buildings, other structures, or landscaping.
6. This consent provides for seasonal workers accommodation on those areas outlined in Condition 1(b) of this consent as follows:

Cabins 1 to 4	16 beds (communal)
Cabins 5 to 9	30 beds (communal)
Cabins 10 to 14	16 beds (communal)
Cabins 15 to 24	20 beds (communal)
Motel 25 to 29	20 beds (self-contained)
Motel 30 to 33	24 beds (self-contained)
Ensuite 1 and 2	8 beds (self-contained)
The Flat	6 beds (self-contained)
New Cabins – 14 x 4	56 beds (self-contained)
Tent Sites	22 sites (communal)
Powered sites	6 sites (communal)
<b>Total bed numbers within lease areas:</b>	196 beds, and 28 tent sites and powered sites.

The maximum length of stay for these units shall be 12 months.

7. This consent provides for the continuation of tent and powered sites should they be required.
8. Following approval, the seasonal accommodation provided within the lease areas found in Condition 1(b). Those areas will cease to be considered as a camp site or camping ground under the Camping Ground Regulations 1985 and will be managed under the requirements of the Resource Management Act 1991.
9. Should the seasonal accommodation component of this approval cease to exist, the underlying activity of the proposal shall revert back to transient accommodation as approved for the site under RC 21800028-RMACOM, RC 2190537-RMAVAR/A, RC 21800028-RMAVAR/A.
10. Within 3 months of approval of this consent, Council is to receive evidence that all signage has been removed from Lot 2 DP 395942 and that a subdivision application is received for the vesting of Lot 2 in the Far North District Council as legal road (at no cost to Council).

## Advice Notes

### Lapsing of Consent

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

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

### **Right of Objection**

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

### **Archaeological Sites**

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

### **General Advice Notes**

- 4. During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*

## **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed below are of particular relevance:

<b>Rule Number and Name</b>	<b>Non Compliance Aspect</b>
8.7.6.5.1 RESIDENTIAL INTENSITY	The existing residential units have previously been consented for, and no new units will be created as there are no proposed changes in use for the buildings on site.
8.7.5.1.2 SCALE OF ACTIVITIES	Consent has previously been provided for and no changes are proposed. The total users on site will remain as 422 in addition to the existing residence on site.

8.7.5.1.5 STORMWATER MANAGEMENT	No additional surfaces past what has been consented for are proposed. The total coverage will be 29% on site following the implementation of the underlying subdivision, if this is done.
8.7.5.1.12 BUILDING COVERAGE	No changes are proposed to the site. The existing building coverage is 6.4% of the site, although this will increase to 8% of the site, if the underlying subdivision is implemented.
15.1.6A.5.1 TRAFFIC INTENSITY	A setback to boundaries has also been previously consented for, and no changes are proposed, except for the development of the duplex buildings which have previously been considered.
15.1.6B.1.1 ON SITE CAR PARKING SPACES	A setback to boundaries has also been previously consented for, and no changes are proposed, except for the development of the duplex buildings which have previously been considered.

3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. The outcome of this activity will be no different to the activity which is already operating and consented for on the subject site.
  - b. The activity will ensure the continuation of short-term accommodation provision in a market where accommodation is in short supply.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
  - a. Operative Far North District Plan 2009, and
  - b. Proposed Far North District Plan 2022.

#### *Operative Far North District Plan*

The Rural Living Zone allows for a range of development types on the urban periphery. This activity is consistent with the objectives and policies for this zone, as the activity provides short term workers accommodation while still providing privacy to adjacent properties. Access and servicing on site is already existing as part of the underlying activities on site, with no changes occurring as a result of this activity.

#### *Proposed Far North District Plan*

The proposed zoning for the subject site is rural residential, which allows for a range of activities, including those which are residential in nature. The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan as it provides accommodation activities to support productive operations off site while simultaneously maintaining amenity, with the accommodation units being well setback from the road and existing vegetation providing privacy.

The PDP has only been recently notified and as such there is potential for change as the plan goes through the statutory process. As such despite the different outcomes anticipated by the PDP little weight is given to these provisions.

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

Non-complying activities only

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

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

The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

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

## Approval

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

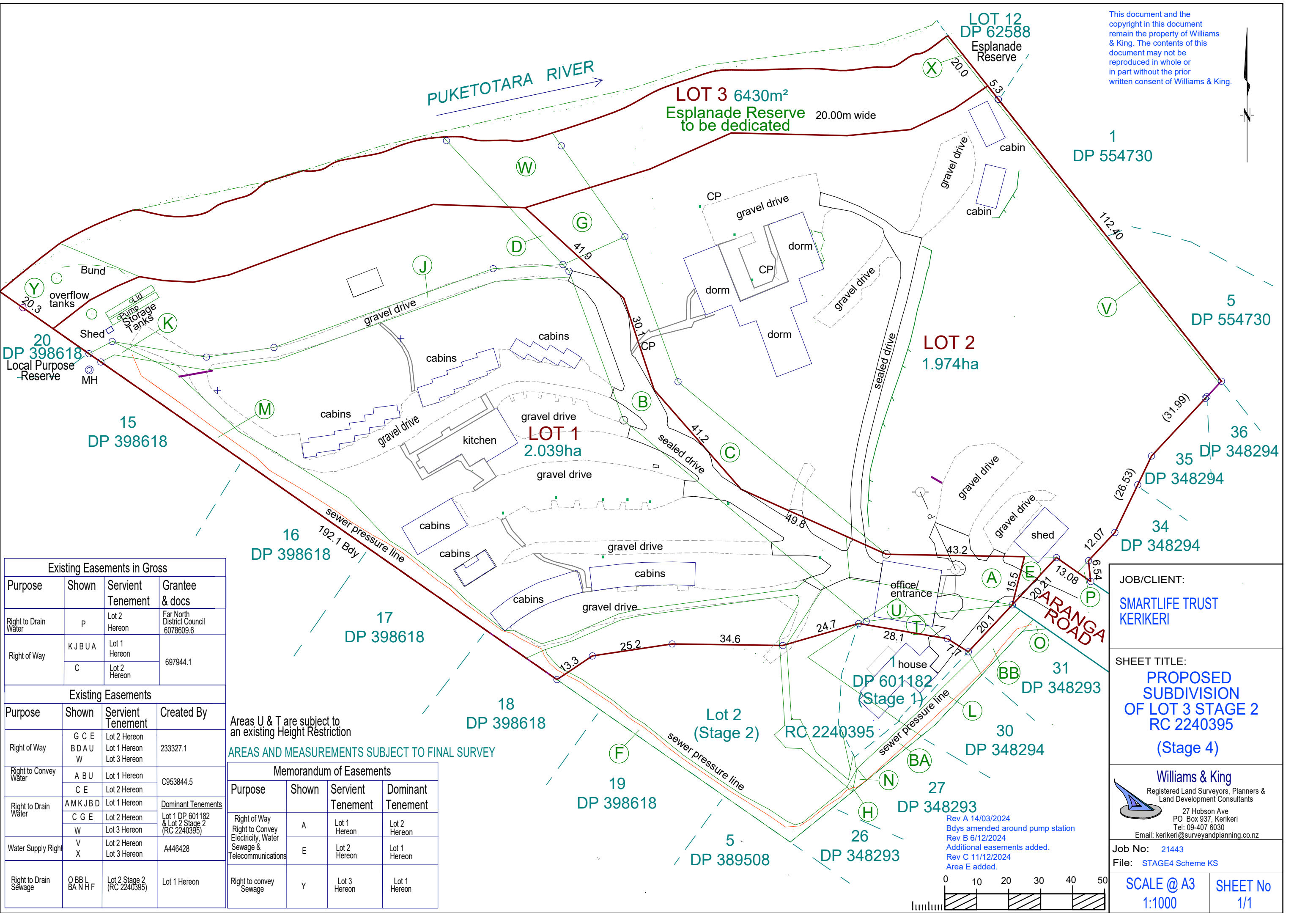


**Name: William (Bill) Smith**

**Date: 11 August 2023**

**Title: Independent Hearings  
Commissioner**

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Existing Easements in Gross			
Purpose	Shown	Servient Tenement	Grantee & docs
Right to Drain Water	P	Lot 2 Hereon	Far North District Council 6078609.6
Right of Way	K J B U A	Lot 1 Hereon	697944.1
	C	Lot 2 Hereon	
Existing Easements			
Purpose	Shown	Servient Tenement	Created By
Right of Way	G C E	Lot 2 Hereon	233327.1
	B D A U	Lot 1 Hereon	
	W	Lot 3 Hereon	
Right to Convey Water	A B U	Lot 1 Hereon	C953844.5
	C E	Lot 2 Hereon	
Right to Drain Water	A M K J B D	Lot 1 Hereon	<u>Dominant Tenements</u> Lot 1 DP 601182 & Lot 2 Stage 2 (RC 2240395)
	C G E	Lot 2 Hereon	
	W	Lot 3 Hereon	
Water Supply Right	V	Lot 2 Hereon	A446428
	X	Lot 3 Hereon	
Right to Drain Sewage	O B B L B A N H F	Lot 2 Stage 2 (RC 2240395)	Lot 1 Hereon

Areas U & T are subject to an existing Height Restriction

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Memorandum of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	A	Lot 1 Hereon	Lot 2 Hereon
	E	Lot 2 Hereon	Lot 1 Hereon
	Y	Lot 3 Hereon	Lot 1 Hereon

JOB/CLIENT:  
**SMARTLIFE TRUST KERIKERI**

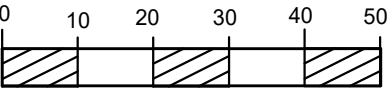
SHEET TITLE:  
**PROPOSED SUBDIVISION OF LOT 3 STAGE 2 RC 2240395 (Stage 4)**

**Williams & King**  
Registered Land Surveyors, Planners & Land Development Consultants  
27 Hobson Ave  
PO Box 937, Kerikeri  
Tel: 09-407 6030  
Email: kerikeri@surveyandplanning.co.nz

Job No: 21443  
File: STAGE4 Scheme KS

**SCALE @ A3 1:1000**  
**SHEET No 1/1**

Rev A 14/03/2024  
Bdys amended around pump station  
Rev B 6/12/2024  
Additional easements added.  
Rev C 11/12/2024  
Area E added.







## View Instrument Details

<b>Instrument No</b>	13217098.3
<b>Status</b>	Registered
<b>Lodged By</b>	Brown, Antony
<b>Date &amp; Time Lodged</b>	14 Aug 2025 12:40
<b>Instrument Type</b>	Consent Notice under s221(4)(a) Resource Management Act 1991

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<b>Affected Records of Title</b>	<b>Land District</b>
1223413	North Auckland
1223414	North Auckland

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<b>Annexure Schedule</b>	Contains 2 Pages
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### Signature

Signed by Antony Brown as Territorial Authority Representative on 14/08/2025 12:39 PM

\*\*\* End of Report \*\*\*



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0800 920 029

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## **THE RESOURCE MANAGEMENT ACT 1991**

### **SECTION 221: CONSENT NOTICE**

#### **REGARDING RC-2240395-RMACOM**

Being the Subdivision of LOT 2 DP 601182

North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

### **SCHEDULE**

#### **Lots 2 and 3 DP 613888**

- (i). In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a suitably qualified Chartered Professional Engineer.
- (ii). In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ).
- (iii). In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner or a chartered professional engineer and submitted with the Building Consent application.



(iv). The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3]. The breakdown for each lot is as follows:

- Lot 2: 2m<sup>3</sup>
- Lot 3: 17.5m<sup>3</sup>

### **Lots 3 DP 613888**

(v). The owners of Lot 3 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.

SIGNED: Ms Nicola Cowley - Authorised Officer  
By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at **KERIKERI** this 4<sup>th</sup> day of August 2025



## View Instrument Details

<b>Instrument No</b>	13058545.8
<b>Status</b>	Registered
<b>Lodged By</b>	Brown, Antony
<b>Date &amp; Time Lodged</b>	03 Dec 2024 14:32
<b>Instrument Type</b>	Consent Notice under s221(4)(a) Resource Management Act 1991

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<b>Affected Records of Title</b>	<b>Land District</b>
1171039	North Auckland
1171041	North Auckland

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<b>Annexure Schedule</b>	Contains 2 Pages
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### Signature

Signed by Antony Brown as Territorial Authority Representative on 03/12/2024 09:22 AM

\*\*\* End of Report \*\*\*



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## **THE RESOURCE MANAGEMENT ACT 1991**

### **SECTION 221: CONSENT NOTICE**

#### **REGARDING RC-2240395-RMACOM**

Being the Subdivision of LOT 3 DP 335706 LOT 2 DP 395942  
 North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

### **SCHEDULE**

#### **Lots 1-2 DP 601182**

- (i). In conjunction with the construction of any building requiring building consent provide, at the time of lodging a building consent application, a specific design for stormwater management including mitigation measures, prepared by a suitably qualified Chartered Professional Engineer.
- (ii). In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509. (Note there may be sufficient supply from the Council reticulated system with an assessment to be made at time of connection in conjunction with Fire and Emergency NZ).
- (iii). In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events for a 10% and 1% AEP respectively plus allowance for climate change. The details of the stormwater mitigation system shall be prepared by a suitably qualified and experienced practitioner or a chartered professional engineer and submitted with the Building Consent application.



(iv). The total wastewater discharge volume to the Council connection point at 23 Aranga Road must not exceed an average of 20m<sup>3</sup> per day as outlined in the existing agreement between Far North District Council and the Owners [dated 28 October 2014 ref Clause 3]. The breakdown for each lot is as follows:

- Lot 1: 0.5m<sup>3</sup>
- Lot 2: 19.5m<sup>3</sup>

#### **Lot 2 DP 601182**

(v). Owners of Lot 2 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f on RC 2240395.

A handwritten signature in black ink, appearing to read "Tianxu Huang".

SIGNED: Mr Tianxu Huang- Authorised Officer  
 By the FAR NORTH DISTRICT COUNCIL  
 Under delegated authority:  
 TEAM LEADER – RESOURCE CONSENTS

DATED at **KERIKERI** this 24<sup>th</sup> day of October 2024