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

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

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fndc.govt.nz

Application for resource consent

Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9).
Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — both available on the Council's web page.

1. Pre-Lodgement discussion

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?
◯ **Yes** ◯ **No** ◯ **N/A**

Have you consulted Council's Infrastructure Officer regarding infrastructure capacity to service the development?
◯ **Yes** ◯ **No** ◯ **N/A**

Have you consulted the Roading Officer regarding any road to vest or departure from District Plan / Engineering standards?
◯ **Yes** ◯ **No** ◯ **N/A**

**Contact details of who and how to engage in pre lodgement discussions can be found on the Resource Consent pages of the FNDC website.*

2. Type of consent being applied for

(more than one circle can be ticked):

- ☑ **Land Use**
- ◯ **Fast Track (Land Use - Controlled Activity)**
- ◯ **Change of Consent Notice (s.221(3))**
- ◯ **Certificate of Compliance (s.139)**
- ◯ **Extension of time (s.125)**
- ◯ **Discharge:** Total voume = _____ m³
  Note; volumes >3m³ requires NRC Consent 3m³
- ◯ **Subdivision**
- ◯ **Existing Use Certificate (s.139A)**
- ◯ **Consent under National Environmental Standard**
  (e.g. Assessing and Managing Contaminants in Soil)
- ◯ **Other (please specify)** _____

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:
The Resource Consents Planning Technicians, **planning_technicians@fndc.govt.nz**

5. Applicant details

Name/s: Spooner Tonkin Trustees Limited (c/- Greg Moir)

Email:

Phone number:

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

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

If yes, please provide details:

6. Address for correspondence

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

Name/s: Northland Planning & Development (2020) Limited

Email:

Phone number:

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

Postcode 0290

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: Tonkin Trustee Company Limited, Greg Moir & David Horrell

Property address/ location:

Postcode

8. Application site details

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

Name/s: Hunting and Fishing

Site address/ location: 23 Kerikeri Road
Kerikeri
Postcode

Legal description: Lots 1 DP 333725 **Val Number:**

Certificate of title: 138200

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.

Proposed 85.2m2 extension to an existing commercial retail building. Resource consent required to breach the maximum size of commercial retail buildings in the PDP Town Centre Zone, the minimum area of permeable landscaping and business signage.

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.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

◯ **2009** ◯ **2023**

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** Enter BC ref # here (if known)
- ◯ **Regional Council Consent (ref # if known)** Ref # here (if known)
- ◯ **National Environmental Standard Consent** Consent here (if known)
- ◯ **Other (please specify)** Specify 'other' here

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

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

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

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

- ◯ **Subdividing land**
- ◯ **Changing the use of a piece of land**
- ◯ **Disturbing, removing or sampling soil**
- ◯ **Removing or replacing a fuel storage system**

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ◯ **Yes** ◯ **No**

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

- ◯ **Flooding**
- ◯ **Landslips**
- ◯ **Coastal Erosion**
- ◯ **Coastal Inundation**
- ◯ **Active Faults**
- ◯ **Liquefaction**
- ◯ **Tsunami**

Please ensure all relevant technical reports are submitted with the application.

14. 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**

15. Draft conditions:

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

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

16. Billing Details:

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

Name/s: (please write in full) Spooner Tonkin Trustees Limited (c/- Greg Moir)

Email:

Phone number:

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

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

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

Name: (please write in full) Greg Moir

Signature:
(signature of bill payer)

Date 04/11/26

MANDATORY

17. Important Information:

Note to applicant
You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

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

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

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

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

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

18. Declaration

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

Name (please write in full) Rochelle Jacobs

Signature

Date

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

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

- [x] Payment (cheques payable to Far North District Council)
- [x] A current Certificate of Title (Search Copy not more than 6 months old)
- [ ] Details of your consultation with Iwi and hapū
- [x] Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- [x] Applicant / agent / property owner / bill payer details provided
- [x] Location of property and description of proposal
- [x] 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
- [x] Location and site plans (land use) AND/OR
- [ ] Location and scheme plan (subdivision)
- [x] 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

Land-Use Consent for Spooner Tonkin Trust

23 & 25 Kerikeri Road, Kerikeri

Date: 10 November 2026

Attention: Nick Williamson & Swetha Maharaj (Resource Consent Team Leaders)

Please find attached:

- an application for a Land-use Resource Consent to extend an existing commercial retail building (Hunting & Fishing) which is located on two site(s) zoned as ***Town Centre Zone (TCZ)*** in the Proposed District Plan – Appeals Version (PDP-AV).
- an Assessment of Environmental Effects of the potential and actual effects of the proposals on the environment.

This application is for a resource consent to extend the retail floor area of the existing Hunting and Fishing store that is in the Kerikeri town centre. Resource consent is required to exceed the PDP TCZ permitted standard for the gross commercial retail floor area of a building. In addition, the proposed development does not include the required 10% permeable area (TCZ-S7). The proposed activity is a Discretionary Activity under the PDP.

It is noted that the TCZ Rule TCZ-R1 is subject to an appeal from Vision Kerikeri, Our Kerikeri Community Trust, Kapiro Conservation Trust and Carbon Neutral NZ Trust (ENV-2026-AKL-000167). For this reason, an assessment against the Operative District Plan (ODP) is included with this application.

There are no transitional consenting RMA Section 104(1A) matters that are directly relevant to this application.

If you require further information, please do not hesitate to contact me.

Rochelle Jacobs

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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Attachments:

1. **Far North District Council Application Form**
2. **Record of Titles –** *LINZ*
3. **Application Plans –** *Total Design Building & Landscape Design*
4. **Relevant PDP Objectives & Policies –** *Northland Planning & Development 2020 Ltd*
5. **RC 2030735-CEROTH/A** - *FNDC*

Assessment of Environment Effects Report

1. Description of the Proposed Activity

1.1. The Applicant, Spooner Tonkin Trust seeks a land use consent to extend the retail footprint of an existing commercial building located at 23 & 25 Kerikeri Road, Kerikeri. The proposed building extension will be located at the southern end of 23 Kerikeri Road (Lot 1 DP 333725) facing Cannon Drive. A copy of the two titles are attached at **Appendix 2**.

1.2. The existing building is the well-known and patronised 'Hunting & Fishing' retail store, which is a supplier of outdoor sporting equipment. The store has existed on the site for more than 20 years expanding more than a decade ago to cover both tenancies.

1.3. The existing building is approximately 5.1m high and has a gross floor area of 741m^2. The building is apportioned over each site as follows:

- Lot 1 = 382.7m^2
- Lot 2 = 358.3m^2

1.4. As illustrated in the site layout plan below (and within **Appendix 3**), the proposal includes an 85.2m^2 extension to the southern end of the building at 23 Kerikeri Road that faces Cannon Drive. The extension will increase the overall retail footprint from the current 734.2m^2 to 826.2m^2. The apportioned building area on Lot 1 will increase from 382.7m^2 to 467.9m^2, which is 17.9m^2 above the permitted standard for a commercial retail building on a single site in the TCZ. The exterior building materials and colour scheme will match the existing building. The overall impermeability of the site will not change as the building will replace an existing paved surface. It is understood that no earthworks are proposed. We note that the existing paving will need to be removed. This activity is not considered to constitute earthworks.

1.5. As viewed from Kerikeri Road, the roofline of the existing building will extend southward at the same height by 6.0 metres. The new building extension will occupy two existing carparks and an easement that provides access through the site to an existing vehicle crossing on Cannon Drive. The existing ROW 'E' easement through the site has been cancelled under s243e of the RMA under RC 2030735-CEROTH/A. Refer **Appendix 5.**



Figure 1 – Location of building extension and carparks being relocated to the Kerikeri Road frontage

1.6. The new access arrangement for the site would utilise the two existing crossings on Kerikeri Road. The 13 existing carparks at the front of the building (including 2 disabled) will remain with 2 additional carparks provided at the southern end of Lot 1. The existing landscaping (that is within the road reserve) and signage will remain unchanged. The existing business signage attached to the upper roofline of the building facing Cannon Drive will be reattached to the extended building.

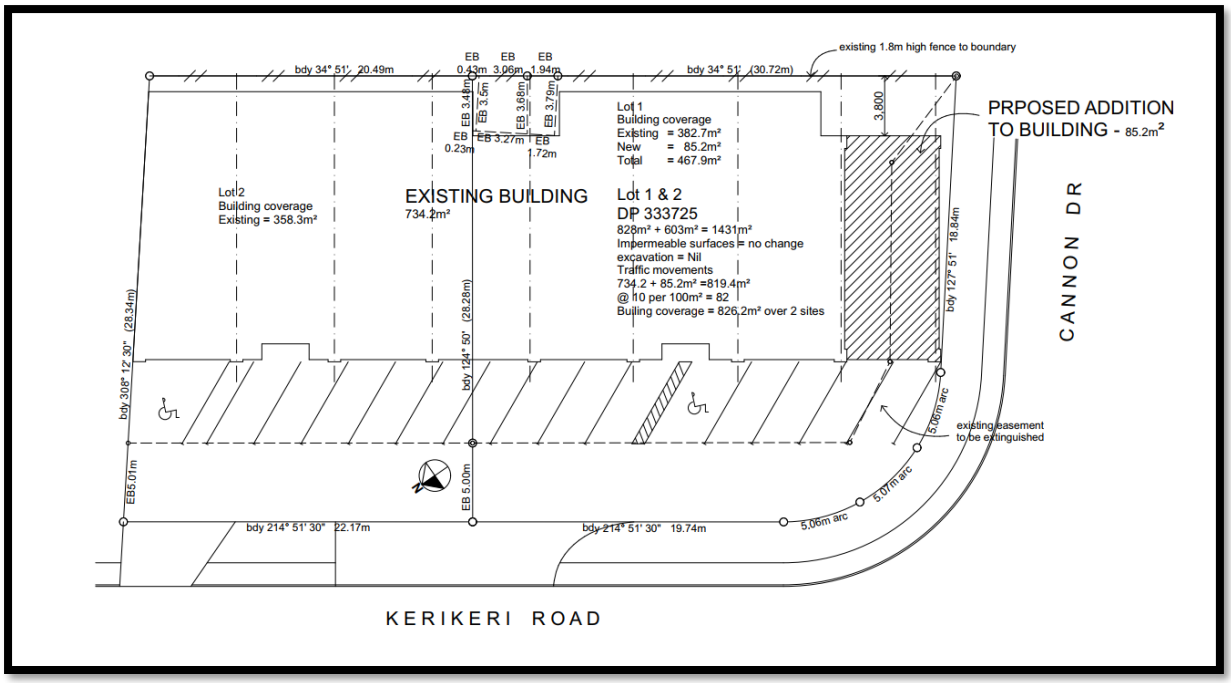


Figure 2 – Site Layout Plan

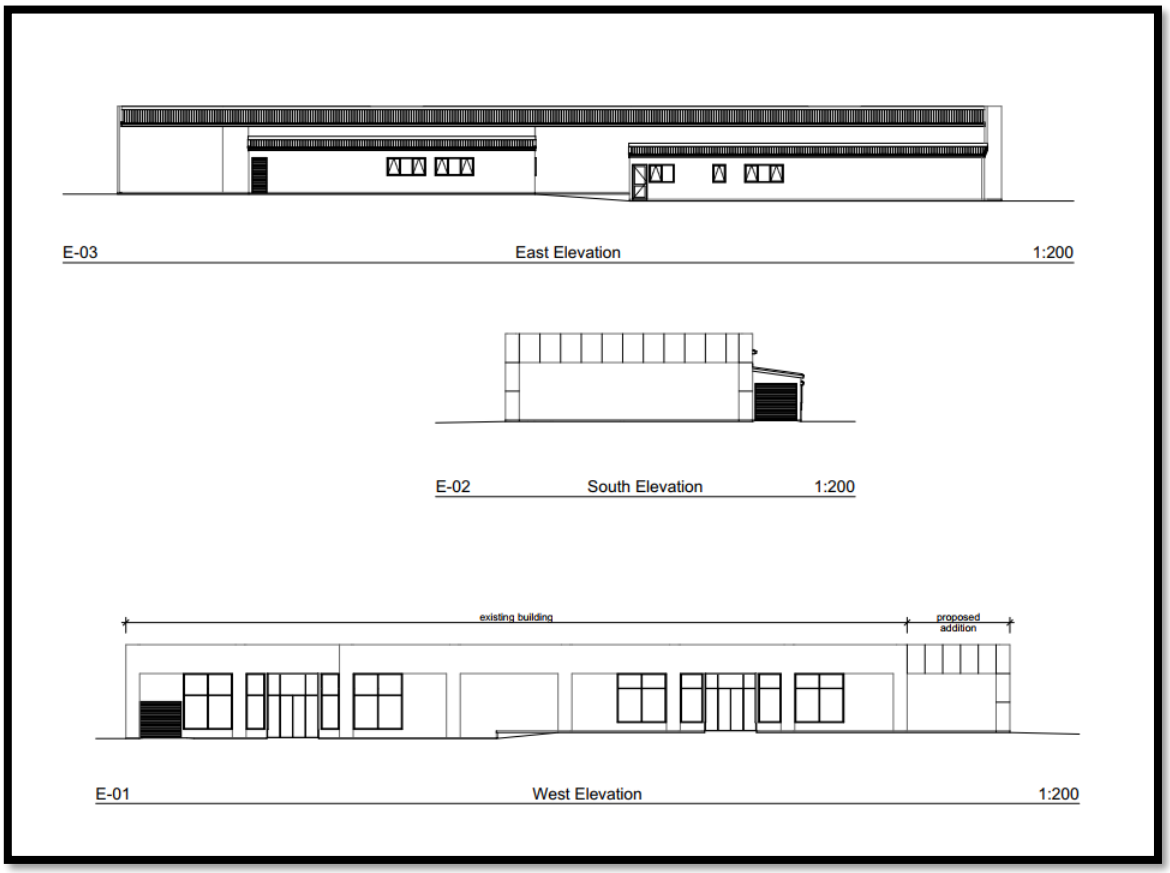


Figure 3 – Proposed building elevation

2. Description of the Site and Surrounding Environment

2.1. The application site where the proposed building extension will occur, is 23 Kerikeri Road which has land area of 828m^2. The Hunting and Fishing retail building currently occupies two separate but adjoining sites at 23 & 25 Kerikeri Road, Kerikeri. These are legally described as Lots 1 and 2 DP 333725 and comprise a total land area of 1,431m^2. The Hunting & Fishing retail building is subject to a Section 77 Building Act certificate.



Figure 4 – Hunting and Fishing Store (23 and 25 Kerikeri Road)

2.2. The existing building gross floor area is 741m^2 and is setback from the Kerikeri Road frontage by approximately 8 metres. 13 angle carparks are arranged perpendicular along the shop frontage. Other than a small area of permeable landscaping and hedgerow at the rear, the entire site is covered with either paved surface or building. The site has existing business signage including a single, free-standing sign at the corner of Cannon Drive and Kerikeri and two signs attached to the roofline facing both roads.



Figure 5 – Existing on-site carparking

2.3. The site is serviced with reticulated water supply, wastewater and stormwater services. Stormwater drains eastward from a manhole at the rear of the site as illustrated on the drainage 'as built' plan in **Figure 6** adjacent.

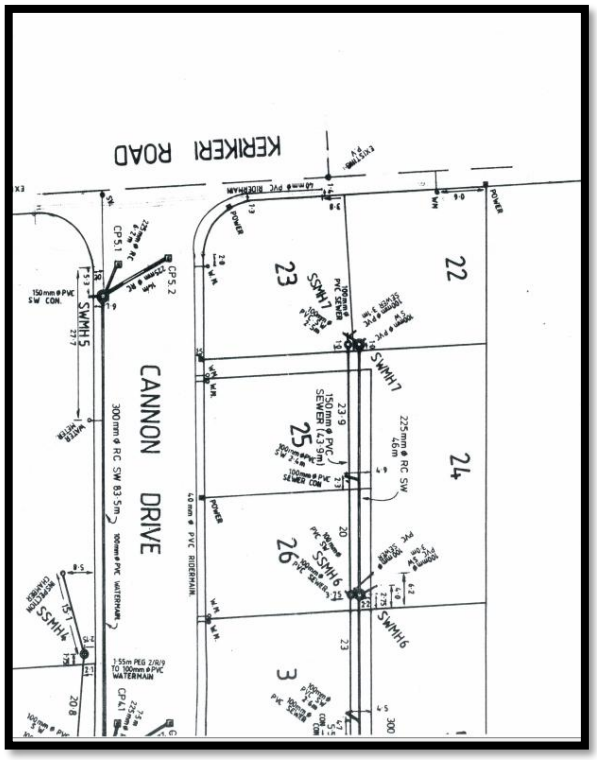


Figure 6 (right) – Site drainage 'asbuilt'

2.4. There are existing easements that apply to the site. A copy of the title instruments is attached at **Appendix 2**

- ***EI 6101965.3 – Right of Way***

Schedule A *(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, *profit*, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT *or* in gross)
Right to Convey Sewage	**B and C on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**
Right to Drain Water	**C on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**
Right of Way	**D on Deposited Plan 333725**	**Lot 2 Deposited Plan 333725 CT 138201**	**Lot 1 Deposited Plan 333725 CT 138200**
Right of Way	**E on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**

2.5. It is noted that the ROW easement has approval to be cancelled under RC 2030735.

- ***EI 6101965.4 – Party Wall & Car Parking Covenants***

Schedule A *(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, *profit*, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT *or* in gross)
Party Wall	**F DP** 335528	**Lot 1 DP 333725 CT138200**	**Lot 2 DP333725 CT 138201**
Party Wall	**G DP** 335528	**Lot 2 DP333275 CT 138201**	**Lot 1 DP333275 CT 138200**
Carparking Covenant	**X DP** 335528	**Lot 1 DP 333725 CT 138200**	**Lot 2 DP333725 CT 138201**
Carparking Covenant	**Y DP** 335528	**Lot 2 DP 333725 CT 138201**	**Lot 1 DP333725 CT 138200**

2.6. The site is located on Kerikeri Road at the southern end of the town centre. It is adjacent to single storey residential activity at the rear (east) boundary. These properties have vehicle access from Cannon Drive. This part of the town centre is an established commercial hub which contains larger format retail and service type buildings including the BP Service Station to the south on Cannon Drive, the Bay of Islands Veterinary clinic and New Shoots childcare centre opposite the site, the Spooner Architecture & Spec Savers building, the Woolworths Supermarket and the John Butler Centre. The commercial buildings on these sites are a similar, if not larger in scale (up to 3 storeys) compared to the Hunting and Fishing building. The PDP-AV has expanded the extent of the commercial TCZ to include the adjacent residential land at the rear of the site, and which was previously zoned 'Residential' under the ODP.



Figure 7 – Southern commercial gateway to the Kerikeri town centre zone



Figure 8 – Bay of Islands Veterinary Clinic (opposite site)

2.7. Vehicle entrance to the site is from Kerikeri Road, which is a busy arterial road and main entry route into the town. Traffic speed on Kerikeri Road is 50km /hr and slows to 30km / hr prior to the pedestrian crossing that is positioned on the southern side of the southern vehicle crossing on the site. There is excellent visibility for entering and exiting the site and for safe pedestrian crossing.

3. Reasons for Consent

3.1. The property is situated within the Far North District which is subject to the Operative Far North District Plan and the Proposed District Plan. These planning documents have been prepared and are currently administered under the Resource Management Act 1991 (RMA). While the RMA remains the operative legislation for resource consent processing, the resource management system is undergoing reform through the introduction of the Planning Act 2026 and the Natural Environment Act 2026, which are intended to replace the RMA. As part of these reforms, the Planning Act 2026 has introduced additional out-of-scope matters into section 104(1A) of the RMA. These provisions require consent authorities to disregard specified matters when assessing district land use consent applications.

3.2. In particular, matters such as the effects on trade competition, retail distribution, project demand or financial viability, the type of residents who may occupy a development, and views from private property are no longer relevant considerations. For residential development, additional matters including glazing area, balconies, outdoor living space, internal layout, residential unit size, and landscaped area size (except where relevant to permeability) are also outside the scope of assessment.

3.3. Accordingly, this Assessment of Environmental Effects focuses on those matters that remain within the statutory scope of consideration and does not rely on, or seek an assessment of, matters that are now expressly excluded under section 104(1A). The PDP is in the process of being updated to highlight those provisions that are now excluded from consideration. There are no excluded matters that apply to this proposal.

Proposed District Plan (PDP)

3.4. The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. District Plan hearings on submissions are

concluded. A full council decision on the IHP recommendations was made on the 11th of June 2020. Public notification of decisions on submissions was advertised on 30 June 2026. A thirty working day appeal period closed on the 12th of August resulting in the PDP – Appeals Version.

3.5. The is zoned commercial 'Town Centre' under the PDP-AV. There are no other overlays that apply to the site. The site is not within the 'Pedestrian Frontage' overlay.



Figure 9 – Site Zoning – Proposed District Plan Zone – TCZ Zone

3.6. PDP-AV TCZ commercial activity rules as they apply to the proposed activity have been appealed. Vision Kerikeri, Our Kerikeri Community Trust, Kapiro Conservation Trust and Carbon Neutral NZ Trust (ENV-2026-AKL-000167) are seeking that the specified maximum commercial threshold for buildings be decreased to 400m^2 rather than the Council's decision to adopt 450m^2. The appellant's state that the reduction is necessary to maintain Kerikeri's economic viability and character and that non-compliance with this rule should be considered as a non-complying activity rather than a discretionary activity. The appeal also seeks to extend the application of standards that apply to Pedestrian Frontage areas.

3.7. The appeal matters are yet to be determined. This application is assessed on the basis that the activity is 'Discretionary' and subject to the objectives and policies of the PDP-AV as decided. Reference to the ODP 'Commercial' zone provisions is set out below.

3.8. An assessment of the relevant PDP-AV rules is set out in **Table 1** below:

Table 1 – Assessment against the PDP-AV rules		
Plan Reference	**Rule**	**Compliance of Proposal**
Part 3 - Area Specific Matters – Zone **Town Centre Zone**		
TCZ-R1	New Buildings or structures and relocated buildings or extensions or alterations to existing buildings or structures.	**Permitted** **PER-1** The new building or structure and relocated building or extension or alteration to an existing building or structure, will accommodate a permitted, controlled, restricted discretionary, or discretionary activity. *The proposed activity is to extend an existing building that accommodates a discretionary retail activity.* **PER-2 – Restricted Discretionary** The new building or structure and relocated building or extension or alteration to an existing building or structure that increases the existing building footprint complies with standards, except where the building or structure is associated within an electric vehicle charging station: TCZ-S1 Maximum height; *Complies – the proposed height is less than 16m.*

		TCZ-S2 Height in relation to boundary; *The site does not adjoin any of the listed zones.* TCZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); *Complies – the site does not adjoin any of the listed zones.* TCZ-S4 Pedestrian frontages; *Complies – the site is not within an identified pedestrian frontage* TCZ-S5 Verandahs; *Complies – the site is not within an identified pedestrian frontage* TCZ-S6 Landscaping for sites that adjoin any sites other than Town Centre, mixed use or industrial zones; *Complies – the adjacent sites are within the Town Centre zone.* TCZ-S7 Coverage 1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and 2. Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site.

		Does not comply – the existing site is currently more than 90% impermeable. Stormwater currently discharges into the public system. There is no engineering report provided with this application. **PER-3 - *Not Applicable*** Extension or alteration to an existing building or structure that does not increase the building footprint, complies with standards: TCZ-S1 – Maximum Height TCZ-S2 – Height in relation to boundary
TCZ-R2	**Commercial activity (Excluding Trade Supplier and Supermarkets** Activity Status – Permitted where PER-1 is met.	**PER-1 - Permitted** The activity is not a service station. *Complies* **PER-2 - Permitted** Any office does not exceed GFA of 300m^2 *Complies* **PER-3 - Permitted** The activity is not a drive through. *Complies* **PER-4 - Discretionary** The new building or structure and relocated building or extension or alteration to an existing building or structure on the site, does not exceed GFA 450m^2. *Comment – the existing building on the Lot 1 site will increase above 450m^2 to 467.9m^2*

TCZ-R3 – TCZ-R10	**Permitted Activities**	**Not applicable**
TCZ-R11	**Restricted Discretionary Activities**	**Not applicable**
TCZ-R12	**Activities not otherwise listed in this chapter**	**Not applicable**
TCZ-R13- - TCZ- R18	**Non-complying Activities**	**Not applicable**
Part 2 - District Wide Matters – Transport		
TRAN-R1	**Parking**	**PER-1 - Permitted** With the exception of PER-2, parking spaces and loading spaces are located on site and they shall not be located over any footpaths, access, manoeuvring, or outdoor living areas. *Complies* **PER-2 – Not applicable** Stacked parking is permitted for one of two spaces associated with a specific residential unit, and may include a parking space on the access in front of a garage or carport. **PER-3 - Permitted** Parking spaces and loading spaces are permanently marked or delineated, except when they are: 1. associated with a residential unit which is not a multi-unit development; or 2. associated with the fuel refill and pumps at service stations. *Complies* **PER-4 - Permitted** All parking and loading spaces comply with: TRAN-S1 Requirements for parking.

		Complies **TRAN-S1** 1. the minimum number of on-site bicycle spaces are provided for each activity in accordance with TRAN-Table 1 – Minimum number of bicycle parking spaces. *There is no bicycle parking requirement in TRAN-Table 1 for commercial retail activities.* 2. The minimum number of accessible car parking spaces must be provided in accordance with TRAN-Table 2 - Minimum number of accessible car parking spaces and TRAN-Table 3 – Theoretical parking demand factor; *The proposed activity will retain the two existing accessible parking spaces. TRAN-Table 3 does not include a theoretical parking demand factor for a commercial retail activity.* *3.* Loading spaces for commercial activities, offices, industrial activities, commercial service activities, hospital activities, and educational facilities are provided on site in accordance with TRAN-Table 4 - Minimum on-site loading bay requirements*;* *The requirement for on-site loading bays for commercial activities greater than*

		500m^2 is two. The proposed activity does not include a designated loading space on the site and will rely on the existing arrangement for loading at the northern end of Lot 2. 4. End-of-trip facilities for commercial activities, offices, industrial activities, commercial service activities, hospital activities and educational facilities are provided for staff use in accordance with TRAN-Table 5 - End of trip facility requirements; *The proposed activity does not include end-of-trip facilities. There is no requirement bicycle parking.* 5. All on-site car parking and manoeuvring areas are provided in accordance with TRAN-Table 6 - Parking and manoeuvring dimensions; and *The proposed activity will rely on the existing carparking arrangement that is along the northern shop frontage with an additional two carparks added at the western end.* 6. If any activity is not represented within TRAN-Table 1 - Minimum number of bicycle parking spaces then the activity closest in nature to the proposed activity shall apply, provided that where there are two or more similar activities

		in the table, the activity with the higher bicycle parking rate shall apply. *The proposed activity that is 'commercial retail' is listed in the TRAN-Table 1 with no requirement for bicycle parking.* *7.* Short stay bicycle parking spaces required under TRAN-Table 1 shall: a. Be clearly visible or signposted. b. Be located within 30m of public entrances to the activity. c. Consist of stands that are securely attached to an immovable object such as a wall or the ground. 8. Long stay bicycle parking spaces required under TRAN-Table 1 shall be undercover and secure from theft. *Not applicable*
TRAN-R2	**New or altered vehicle crossings and access, including private accessways (excluding access from a State Highway or Limited Access Road)**	**Not applicable** *There is no change to the existing vehicle access or crossings at the site. The use of the building will remain as retail.*
TRAN-R3	**Design and location of pedestrian access for allotments where vehicle access is not provided**	**Not applicable**
TRAN-R4	**Vehicle crossings near railway level crossing**	**Not applicable**

TRAN-R5	**New buildings, structures and relocated buildings and trees near railway level crossings**	**Not applicable**
TRAN-R6	**Maintenance of existing transport infrastructure and existing vehicle crossings within the existing road corridor**	**Not applicable**
TRAN-R7	**Upgrading of existing transport infrastructure within the existing road corridor**	**Not applicable**
TRAN-R8	**Electric vehicle charging stations**	**Not applicable**
TRAN-R9	**Trip Generation**	**PER-1 - Permitted** The use or development is no greater than the thresholds in TRAN-Table 12 – Trip Generation. *The proposed extension to the building GFA is 82.5m^2. The trip generation threshold for a commercial activity is 200m^2. The activity is permitted under the rule.* **PER-2 Not applicable** *The proposed activity is not a subdivision.*
TRAN-R10-TRAN-R12		**Not applicable**
Part 2 - District Wide Matters – Earthworks		
EW-R1	**Earthworks**	**PER-1 Permitted** EW-S1 – Maximum Volume - Complies *The proposed volume of earthworks will not exceed 200m^3* EW-S2 – Maximum Depth – Complies *The depth of earthworks will not exceed 1.5m* EW-S3 – Accidental Discovery Protocol – Complies EW-S4 – Site Reinstatement – Complies EW-S5 – Erosion and Sediment Control

		EW-S6 – Setback – Complies *This has been assessed as compliant as only minor works associated with the removal of concrete will be required.* EW-S7 – Land Stability - Complies EW-S8 – Nature of filling material – Complies EW-S9 – Flood and coastal hazards – N/A
Part 2 - District Wide Matters – Signs		
SIGN-R1	**Official Signs**	Not applicable
SIGN-R2	**Community Signs**	Not applicable
SIGN-R3	**Temporary Signs**	Not applicable
SIGN-R4	**Real Estate and development signs**	Not applicable
SIGN-R5	**Freestanding Signs**	**PER-1- PER-3** *There is an existing single, freestanding sign at the corner of Cannon Drive and Kerikeri Road.*
SIGN-R6	**Double-side and V-shaped signs**	Not applicable
SIGN-R7	**Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource)**	**PER-1 – Restricted Discretionary** The sign does not protrude above the highest point of the building or structure. *There are two existing shop advertising signs that are attached to the northern (Kerikeri Road) and southern (Cannon Drive) roofline of the building. The Cannon Drive sign will be reattached above the extended building roof.* **PER-2** – The sign complies with standards: SIGN-S1 – Maximum sign area per site *The sign is not a temporary or community sign or real estate and development sign* *The sign is not within an ONF, ONL, Heritage Area, or Scheduled Heritage Resource*

		The total sign area on the site is within the Town Centre Zone and will be less than 24m width and 6m^2. SIGN-S2 – Maximum height of signage *Not applicable – the sign is not a temporary sign. The proposed development does not include any new free-standing signs.* SIGN-S3 – Maximum number of signs *Not applicable – the sign is not a temporary sign* SIGN-S4 – Traffic safety 1. *Not applicable* 2. *The sign is attached to the proposed building extension and is adjacent to Cannon Drive. The sign will not obstruct any line of sight or view of any traffic sign or signal and does include reflective materials.* 3. *The sign will be within 10 horizontal metres of a road and will comply with the minimum and maximum lettering sizes in SIGN-Table 1.* 4. *The sign will not comply with the minimum 60m setback distance from other signs within the 0-70km/hr speed environment. There is less than 60m between the proposed sign location adjacent to Cannon Drive and the BP free-standing fuel price sign.* SIGN-S5 – Sign design and content – Complies *The sign is within the Town Centre Zone* SIGN-S6 – Not applicable

		PER-3 – The sign is not for a third-party advertising and the activity is lawfully undertaken within the site. *Complies.*

PDP-AV Activity Status

3.9. The proposed activity is a **Discretionary Activity** overall under the PDP-AV because it breaches the commercial activity building gross floor area threshold of 450m^2 specified in the TCZ-R2 PER 4. The proposed activity also breaches the TCZ-S7 standard which requires that at least 10% of the site be planted in grass, vegetation or landscaped with permeable material and the location of signage. Non-compliance with TCZ-R1 TCZ-S7 is a restricted discretionary activity.

Operative District Plan

3.10. The proposed activity requires an assessment against the ODP rules because of the appealed status of the PDP-AV rule as it relates to the size of commercial activity buildings. The ODP zoning is 'Commercial'.

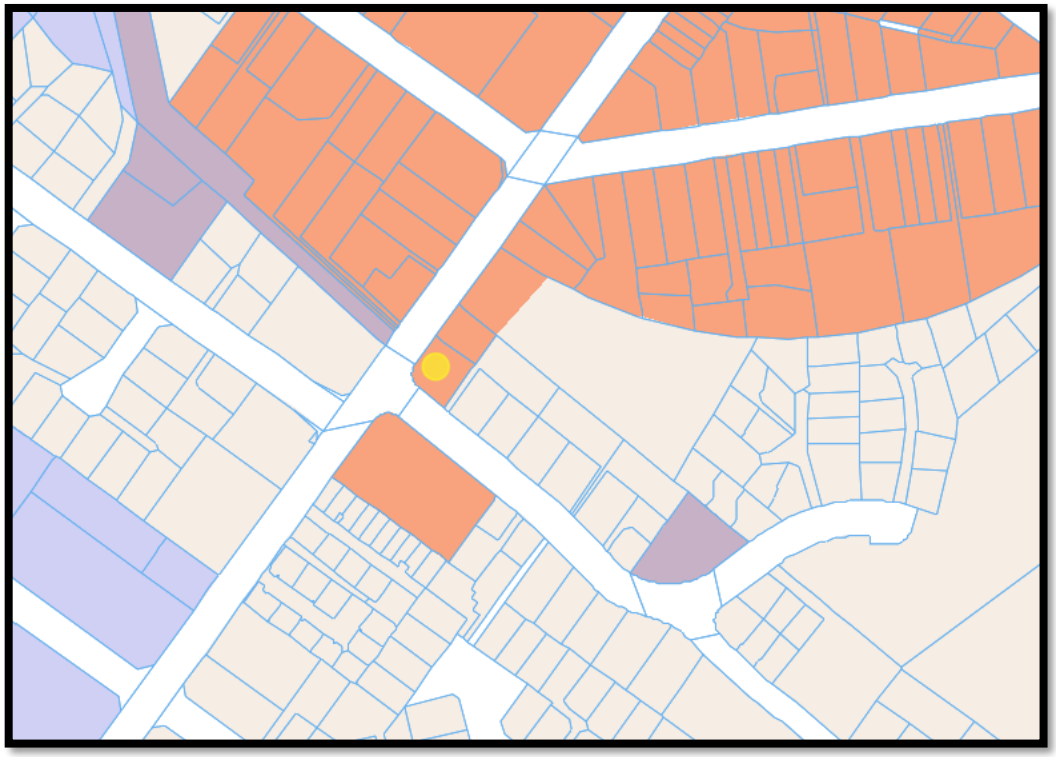


Figure 10 – ODP Site Zoning – 'Commercial'

3.11. Under the ODP, the site adjoins land that is zoned 'Residential'. The site is not subject to any 'Pedestrian Frontage' overlay.

3.12. Table 2 below sets out the relevant rules and activity status under the ODP.

Table 2 – Assessment against the ODP rules		
Plan Reference	**Rule**	**Compliance of Proposal**
Part 3 - Area Specific Matters – Town Centre Zone **Town Centre Zone**		
7.7.5.1.1	**Building Height**	**Complies** *The maximum building height in the zone is 12m*
7.7.5.1.2	**Sunlight**	**Complies** *The proposed extension will not exceed the recession as measured at the Residential zone boundary which is adjacent to the eastern boundary*
7.7.5.1.3	**Visual Amenity and Environmental Protection**	**Permitted** *The rear boundary of the site adjoins land that is zoned 'Residential' under the ODP. There is an existing hedgerow along this boundary to the existing south-eastern end of the building.*
7.7.5.1.4	**Setback from Boundaries**	**Not applicable** The site is not within a 'Pedestrian Frontage' overlay
7.7.5.1.5	**Noise Mitigation for Residential Activities**	**Not applicable**
7.7.5.1.6	**Transportation**	**Not applicable** *The equivalent PDP rules are not subject to appeal.*
7.7.5.1.7	**Keeping of Animals**	**Not applicable**
7.7.5.1.8	**Noise**	**Permitted**
7.7.5.1.10	**Roof Pitch**	**Not applicable**
7.7.5.1.11	**Stormwater**	**Permitted**

		All roof water from the existing building and paved surfaces is directed to the FNDC public stormwater system at the rear of the site.
7.7.5.1.12	**Helicopter Landing Area**	**Not applicable**

3.13. The proposed building extension is a Permitted Activity under the ODP. Under the ODP, building coverage is not restricted at the site, subject to requirements for stormwater management. On-site carparking requirements have been deleted from the ODP. The site is outside of the Kerikeri main street and is not subject to any Pedestrian Frontage overlays that would control the interface between buildings and the public street environment. The PDP-AV applies the same pedestrian frontage overlay to both sides of Kerikeri Road main street between Butler Road to just east of Fairway Drive.

National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

3.14. The site is not a registered HAIL site as mapped by FNDC nor are any activities known to have been or currently be undertaken on the site. There is no proposed change of use.

3.15. The NESCS does not apply to this proposal.

National Environment Standard for Freshwater Regulations 2020 (NES-F)

3.16. The site does not contain a natural wetland.

4. Statutory Assessment under the Resource Management Act (RMA)

Section 104B of the RMA

4.1. Section 104B governs the determination of applications for Discretionary or Non-Complying Activities. When deciding an application, a consent authority may grant or refuse an application and impose conditions under section 108.

Section 104(1) of the RMA

4.2. The relevant parts of Section 104(1) of the RMA state that when considering an application for resource consent –

"the consent authority must, subject to Part 2, and section 77M have regard to –

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of –

i. a national environmental standard:

ii. other regulations:

iii. a national policy statement:

iv. a New Zealand Coastal Policy Statement:

v. a regional policy statement or proposed regional policy statement:

vi. a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application."

4.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). This proposal will have positive effects that support retail vitality in Kerikeri. This includes retaining and potentially increasing employment opportunities in the town. Furthermore, the expansion makes efficient use of

existing land in a strategic location that is consistent with the scale and character of the existing commercial environment.

4.4. Section 104(1)(ab) requires that the consent authority consider *'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'.* The proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. Potential adverse effects arising from this proposal are assessed to be less than minor.

4.5. Section 104(1)(b) requires the consent authority to consider the provisions of regulatory documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment is set out below. The proposal is a Discretionary Activity under the PDP-AV. The Council has full discretion to consider all relevant matters.

4.6. There are no national policy statements that are directly relevant to the assessment of this application.

4.7. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. Whilst not a statutory matter, relevant to this application is the fact that the site is within the urban Kerikeri part of the 'Te Patukurea Spatial Plan' area. The spatial plan maps identify future growth locations for residential, industrial and commercial activity that supports the economies of both Waipapa and Kerikeri. Specific to commercial growth, key elements of the Plan include:

- *Enabling commercial and industrial growth in Kerikeri which supports its role as the key economic hub for the district; and*
- *Enabling town-centre growth and intensification of commercial development in both Kerikeri and Waipapa, including promoting a more functional layout for large-format retail within the two townships.*[1]

[1] Te Patukurea Spatial Plan for Kerikeri-Waipapa [17]

4.8. As illustrated on the spatial plan for Kerikeri below, the application site is within the 'commercial mixed use' environment and is identified as 'highly developable land'. This is reflected in the PDP 'Town Centre' land use zoning that has been applied to the site. Within the Kerikeri commercial area the Spatial Plan supports small to medium sized businesses by encouraging mixed-use developments that boost foot traffic along a central commercial core. It is intended that this approach will create more job opportunities, attract new businesses, and ensure the efficient use of existing commercial land to maximise economic output from the town centre. Opportunity for some large format retail is enabled where these are integrated into the town centre to support a vibrant and engaging urban environment.[2] The PDP TCZ has set a 450m^2 gross floor area threshold for defining an appropriate size of commercial activity building on a site in a town centre. The proposed building extension would exceed that by 17.9m^2, which is minor in the context of the whole site and is offset by the positive benefits arising from the proposal.

4.9. In the context of the Spatial Plan, the Hunting and Fishing store is an established retail activity located at the southern outskirts of the Kerikeri town centre and surrounded by similar size and scale commercial activities that front a busy main street. The small addition to the southern side of the building will have little impact on the overall appearance of the site or the existing character and amenity of its commercial surrounds. The extension to the retail area will support the commercial viability of the store and the overall retail vitality of the Kerikeri town centre.

[2] Te Patukurea Spatial Plan for Kerikeri-Waipapa [23]

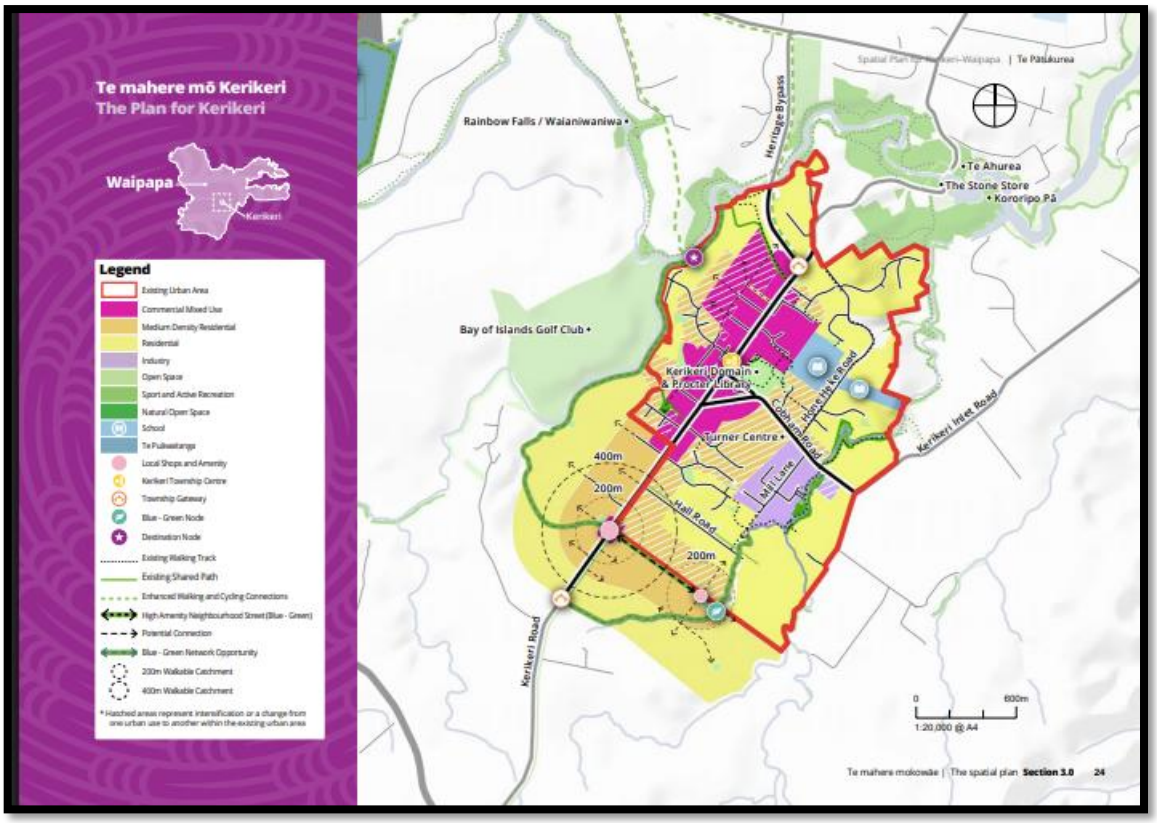


Figure 11 – Spatial Plan for Kerikeri

Section 104(1)(a) - Assessment of Effects on the Environment

4.10. Having reviewed the relevant plan provisions and the matters to be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the RMA, the actual and potential effects of the proposed building extension are discussed under the following headings.

Effects on town centre character and amenity

4.11. The Hunting and Fishing store is a well-established commercial business that has occupied the application site for more than twenty years. The shop building is part of the existing character amenity of the town centre and is part of the southern commercial gateway to the town which includes the 'Flooring Xtra, the 'Black Olive' restaurant, the 'BP Service Station', the 'New Shoot's childcare centre and 'Ngati Rehia Runanga' premises, the 'Bay of Islands Veterinary Clinic', 'KeriTech', 'Liquorland', the multi-tenant Spooner Architecture and Specsavers building, the 'Woolworths' supermarket and the 'John Butler Centre'. Some of these buildings are larger in height and overall building size as compared to the application site.

4.12. The proposal will extend the building south toward Cannon Drive and will face the BP Service Station and Dominoes site. This is the neighbouring property that will be most affected by the change to the building however it is not a residential property where the living amenity of residents could be adversely affected. Building setbacks and height in relation to boundary restrictions apply only where a site adjoins a General Residential, Medium Density Residential, Rural Residential, Rural Lifestyle, Māori Purpose-Urban, Open Space, Natural Open Space or Sport and Recreation zone. Where a site adjoins other TCZ zoned land, buildings may be located up to the boundary.

4.13. Other than a minor increase in the overall commercial activity floor area, the proposal is generally consistent with the planned scale, amenity and character of the Kerikeri Town Centre in this location. Kerikeri Road will be maintained as the active street frontage providing the main shop entrance and location for on-site carparking location. In terms of building appearance, the south wall will be a solid wall without glazing positioned adjacent to the Cannon Drive boundary.

4.14. Whilst it is a consideration in terms of potential adverse effects, the adjacent residential sites to the east are now zoned TCZ and are within an environment where mixed commercial and residential development at varying scales is enabled. The residential properties at 3A and 3B Cannon Drive are single dwelling units that are setback from the road frontage and with no private open space or internal living area outlook to the new building extension. Existing views from these units will not change. Removing access to the site from Cannon Drive will reduce the potential for traffic conflict with the residents at 1A and 1B Cannon Drive. This is a positive effect.

4.15. Potential adverse effects on the character and amenity of the Kerikeri town centre are assessed to be less than minor.

Effects on commercial compatibility

4.16. Within town centres, the PDP TCZ seeks to provide for growth in commercial activities (including supermarkets) by enabling a wide range of compatible activities and increased building heights and scale. The proposal would extend an existing large format retail store that is clustered with other similar sized shops and commercial services at the southern end of the town centre and is entirely compatible with its surrounding environment. The marginal increase in the building

scale above the permitted standards will have less than minor effects on how the existing commercial environment currently functions.

Traffic Effects

4.17. The proposed building extension is not expected to increase traffic at the site. The PDP TRAN-R9 notes specify that traffic generation can be assessed based on the area of the extension rather than the overall building size. The extension area is within the permitted activity threshold for trip generation. Potential adverse traffic effects are deemed to be acceptable.

Site coverage and stormwater management effects

4.18. The proposed extension will not increase the overall coverage at the site which is largely covered in building and paved surfaces (which are defined as a structure under the PDP). 10% of the Lot 1 site area equates to 82.8m^2. In terms of stormwater management, the site currently drains eastward into the existing FNDC stormwater system. This would continue following the building extension. There are no identified concerns with the current drainage arrangement or known adverse effects on the existing stormwater infrastructure.

4.19. There is small strip of hedge planting at the rear of the site, which provides screening to the adjacent residential driveway. The Council road reserve at the Cannon Drive / Kerikeri Road corner of the site is currently landscaped and provides amenity and character to the site consistent with the surrounding commercial environment. The proposed building addition will not change the existing character and amenity of the surrounding commercial area in terms of any reduced area of landscape planting on the site.

4.20. Potential adverse effects of the reduced landscape area are assessed to be less than minor.

Signage effects

4.21. The proposal includes the relocation of an existing shop sign facing Cannon Drive onto the extended building roofline. Other than the sign being located closer to Cannon Drive, there will be no change to the appearance of the building. With reference to the matters over which the Council has restricted its discretion (SIGN-S1 and SIGN-S4), it is noted the building and associated shop signage is already part of the character and amenity of the surrounding commercial environment. Within the site environment, each of the existing commercial activities have on-site signage advertising the business name and the goods or services

provided. The relocation of sign will not adversely affect the character and amenity values of this location or increase visual clutter beyond what is existing. The relocated sign will have the same visual effects that are currently present at the site. The relocation of the sign will not adversely affect traffic safety, nor will the proximity of the sign relative to adjacent commercial signs distract drivers on Cannon Drive or Kerikeri Road.

4.22. Potential adverse effects of relocated signage is assessed to be less than minor.

Section 104(1)(b) – Relevant provisions of any statutory planning document

4.23. In accordance with Section 104(1)(b) of the Act, the following documents require consideration to determine their relevance to this proposal.

National Environmental Standards and Regulations (section 104(1)(b)(i) & (2)

4.24. There are no National Environmental Standards that apply to the proposed activity.

National Policy Statements (section 104(1)(b)(iii)

4.25. There are currently 10 National Policy Statements in place. These are as follows:

- New Zealand Coastal Policy Statement
- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Transmission
- National Policy Standard for Highly Productive Land.
- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for greenhouse gas emissions from industrial process heat
- National Policy Statement for Natural Hazards

4.26. There are no NPS that are directly relevant to this application.

Regional Policy Statement for Northland (2016 - updated 2018)

4.27. The purpose of the Regional Policy Statement for Northland (RPS) is to promote the sustainable management of Northland's natural and physical resources by providing an overview of the region's resource management issues.

4.28. The RPS sets out policies and methods to achieve integrated management of Northland's natural and physical resources. The site is located outside of any regionally mapped outstanding landscape and areas of high natural character. The site is not within the mapped coastal environment.

4.29. The proposal activity is small-scale, the effects of which can be managed within the land use framework of the PDP. The proposal would not affect the life supporting capacity of air, water, soil and ecosystems.

4.30. It is considered that in the context of the existing site zoning the proposed development will not be contrary to the objectives and policies of the RPSN.

Proposed Far North District Plan – Appeals Version (PDP-AV)

4.31. The PDP-AV sets out the strategic direction for the District. Relevant to this application are objectives that relate to economic and social wellbeing, and urban form and development. Social and economic prosperity is valued. In terms of urban form, the PDP-AV seeks to prioritise the wellbeing of residents and visitors to the Far North (SD-UFD-O1). Urban growth and development are to be consolidated around existing town centre infrastructure to support a compact urban form.

4.32. The application site is within the Kerikeri urban town centre and will consolidate expanded retail activity within the existing site rather than seek to relocate elsewhere. The building expansion can occur without placing further burden on existing stormwater infrastructure. The proposed activity is consistent with the intent of the Te Patukurea – Kerikeri Waipapa Spatial Plan.

Town Centre Zone

4.33. The application site zoned 'Town Centre' under the PDP. There are no overlay provisions that apply to the site. The relevant objectives and policies are attached at **Appendix 4**.

4.34. The PDP envisages that the TCZ will be a place where economic, commercial and residential growth and intensification is encouraged and where new development contributes towards

achieving *'an attractive, vibrant, safe, diverse and high amenity environment'*.[3] The Hunting and Fishing store is an established retail activity on the outskirts of the Kerikeri town centre that is surrounded by similar size and scale commercial activities that front a busy main street.

4.35. The proposed expansion of the Hunting & Fishing store is consistent with the anticipated outcome for TCZ which is to ensure that Kerikeri remains a strategically important focal point for ongoing investment, and a centre that provides employment, housing and goods and services, at a variety of scales (TCZ-O1). The Hunting and Fishing store is seeking to expand its retail footprint and to invest in the commercial future of the site, rather than relocate elsewhere. This is a positive economic decision that will benefit the local community in terms of commercial income for the business owner, local employment opportunities and the retail vitality of the town (TCZ-O2). Investment in the store will support retail vibrancy at the southern end of Kerikeri's commercial centre which is dominated by large format supermarket food and beverage, service station and commercial services type activities. Pedestrian access to the site is well supported by exiting footpath facilities on both sides of Kerikeri Road and a strategically located pedestrian crossing (TCZ-O3).

4.36. Expanded retail activity on the site is compatible with the existing town centre environment (TCZ-P3). As previously described, the existing environment at the southern end of the town centre includes a variety of commercial activities that are north, west and south of the site (TCZ-P1). The Council has initiated a district plan zoning change that would expand the town centre to include the residential land to the east. The proposed activity will consolidate retail activity in the southern part of the town centre whilst maintaining the character and amenity of the surrounding environment (TCZ-O1 and TCZ-O2).

4.37. TCZ-P5 requires high-quality new development that contributes to the attractiveness of the urban environment. The proposed activity will increase the overall size of the building towards Cannon Drive and the BP Service Station (and Dominoes) which is a larger commercial site and building complex. The location is an established and high-quality commercial part of the Kerikeri town centre that is outside of the main street pedestrian environment (TCZ-P5(a)). The adjoining zoned environment is also TCZ. The proposed activity will consolidate retail activity on the site and utilise surplus land area with no significant change to the appearance of the building as viewed from the Kerikeri main street. Maintaining the existing access arrangement will enable vehicles to safely enter and exit the site, which does not currently rely on the Cannon

[3] PDP Town Centre Zone - Overview

Drive vehicle crossing. Pedestrian access to the site will be maintained via the existing footpath and crossing.

4.38. TCZ-P6 relates to residential activity. TCZ-P7 seeks to protect an acceptable level of amenity enjoyed by adjacent residential and open space zones. All adjacent sites are zoned TCZ. A commercial retail store is an activity that is anticipated in town centres.

4.39. TCZ-P8 sets out the mattes to be considered when assessing and managing land use effects in the town centre. These are commented on as follows:

(a) The proposed extension to the building is consistent with the scale, design, amenity and character of the Kerikeri town centre. The site is within the southern part of the town centre where the character is typically larger scale commercial retail and service activity.

(b) The building is existing. It is setback from the Kerikeri Road frontage and runs parallel to the rear boundary. The proposal would extend the building at the same roofline towards the southern (Cannon Drive) road boundary. The primary location of outdoor storage areas and internal parking and roading would remain the same with access from Kerikeri Road.

(c) Not applicable. The proposed activity is a small-scale extension to an existing building.

(d) The site does not interface with any other zone.

(e) The proposal relies on existing infrastructure services. Runoff from the building extension will continue to discharge to the existing stormwater system.

(f) There are no identified natural hazards that affect the site.

(g) There are no identified issues with the adequacy of the existing public road infrastructure that provides access to the site. The proposed extension is not expected to increase traffic to the site.

(h) There will be no adverse effects on historic heritage or cultural values. The proposal will not affect any mapped natural feature or landscape.

4.40. Overall, it is considered that the development as proposed would not be contrary to the relevant PDP-DV objectives and policies.

Operative District Plan

4.41. The site is zoned 'Commercial' under the ODP. The Commercial zone applies to existing commercial areas in the district. In terms of form and function, the ODP does not distinguish town centres from other commercial centres. The ODP is not an activity-based plan that regulates the size and type of commercial activity and is therefore relatively permissive compared to the PDP. The range of commercial activity is only limited by their potential to adversely affect and / or be inconsistent with other activities in the zone and on the natural and physical resources of the District (Objective 7.7.3.1). The visual and environmental amenity within the Commercial Zone, and the amenity of the adjacent zones is to be protected (Policy 7.7.4.3).

4.42. As assessed against the applicable Commercial Zone rule standards, the proposed activity is a permitted activity under the ODP. The assessment is limited to provisions that are comparable to the appealed PDP TCZ building standards.

5. Plan Weighting

5.1. The proposed activity is located within the Town Centre Zone (TCZ) under the Far North Proposed District Plan (PDP). The PDP provisions relating to commercial building activities within the TCZ are currently subject to appeal. Council has identified that appeals by Vision Kerikeri, Our Kerikeri Community Trust, Kapiro Conservation Trust and Carbon Neutral NZ Trust affect a range of urban environment provisions, including aspects of the TCZ framework.

5.2. Specific to commercial development within the TCZ, the appeals seek, amongst other matters, a more conservative approach to commercial building floor area and building height standards. In particular, the relief sought includes a reduction in the permitted commercial building floor area from 450m² to 400m². While these matters remain before the Environment Court and have yet to be determined, significant weight is nevertheless considered appropriate for the PDP objectives and policies. The PDP has progressed through the submission, hearing and decision-

making stages and represents the Council's most recent expression of the intended planning framework for urban environments within the Far North District.

5.3. While aspects of the TCZ provisions remain under appeal, the appeals are primarily directed towards the extent to which the provisions enable development through the associated rules and standards, rather than fundamentally challenging the overall role, function and anticipated outcomes of the Town Centre Zone. Consequently, the PDP objectives and policies provide a relevant and appropriate framework for assessing the proposal. In particular, they articulate the desired outcomes for urban form, commercial activity, vitality, amenity and the ongoing functioning of town centre environments.

5.4. The proposal involves an extension to an existing commercial building within an established commercial environment and is consistent with the anticipated commercial function of the zone. It is noted that the proposal exceeds the 400m² building floor area sought by the appellants by only 17.9m². Furthermore, the existing building is located within a developed town centre setting where commercial buildings of a similar scale already exist. As such, the proposal does not represent a significant departure from either the PDP framework or the outcomes sought for the Town Centre Zone.

5.5. It is therefore considered that, notwithstanding the unresolved appeal, the PDP objectives and policies are appropriately afforded significant weight in the assessment of this application. The proposal can be assessed against those provisions with a reasonable degree of confidence, while recognizing that the ultimate resolution of the appealed standards may result in refinements to the methods by which the anticipated outcomes for the Town Centre Zone are achieved.

6. Notification Assessment

6.1. Section 95A-95G sets out the public and limited notification criteria for resource consent applications. There is no mandatory requirement to publicly notify this application under Section 95A. There are no more than minor adverse effects arising from this application that would warrant public notification. There are no affected groups to which the application should be limited notified.

Section 95A – Public Notification Assessment

6.2. Section 95A requires a council to follow specific steps when deciding whether to publicly notify an application for resource consent. These steps are set out and commented on as follows.

Step 1: Mandatory public notification in certain circumstances

S95A(3)(a)	The applicant requests public notification
S95A(3)(b)	Public notification is required under section 95C
S95A(3)(c)	The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

6.3. The Applicant has not requested public notification, nor is it required under section 95C. Section 95A(3)(c) is not applicable.

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

S95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification.
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but not other, activities; a controlled activity; a restricted discretionary, discretionary or non-complying activity, but only if the activity is a boundary activity.

6.4. The proposed activity applied for is not precluded from notification by a rule or a national environmental standard. The activity is not a boundary activity.

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

S95A(8)(a)	The application is for a resource consent for 1 or more activities, and any one of those activities is subject to a rule or national environmental standard that requires public notification.
S95(8)(b)	In accordance with section 95D, the activity has or is likely to have adverse effects on the environment that are more than minor.

6.5. The proposed activity applied for is not subject to a rule or national environmental standard that requires public notification.

6.6. Section 95D specifies the criteria by which a consent authority may decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor. This includes what a council may or may not have regard to:

S95D(a)(i)-(ii)	A consent authority must disregard any effects on persons who own or occupy- (i) The land in, on, or over which the activity will occur, or (ii) Any land adjacent to that land
S95D(b)	A consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.
S95D(c)	A consent authority must, in the case of a restricted discretionary activity, disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts its discretion.
S95D(d)	A consent authority must disregard trade competition and the effects of trade competition.
S95D(e)	A consent authority must disregard any effect on a person who has given written approval to the relevant application

6.7. For the purposes of deciding public notification, any effects on persons who own or occupy the application site, or adjacent land may be disregarded. Adjacent landowners are illustrated in ***Figure 12*** and the Table below.



Figure 12 – Adjacent sites

Owner Name	Legal Description and Title	Address
Carl Christopher Dobbyn Bethnie Sara Frear	Lot 24 DP 136487 (cross lease)	1A & 1B Cannon Drive
Petrie Holdings Limited Elisabeth Branca Catherine Wilhelmina Kelvin William Petrie	Lot 25 DP 136487 (cross lease)	3A & 3B Cannon Drive
Ian Thomas Hamilton Blakeman Blakeman Trustee Limited	Lot 2 DP 136487 (BP Station)	305 Kerikeri Road
Kerikeri One Limited	Lot 48 DP 339310 (New Shoots childcare centre) (Te Runanga o Ngati Rehia)	2 Aranga Road
Bay of Islands Veterinary Holdings Ltd	Lot 1 DP 130291	48 Kerikeri Road
Rysiek Stainslaw Weber	Lot 1 DP 181533	27 Kerikeri Road

Karl Stephen Weber Kenneth Stainslaw Weber		

6.8. In accordance with Section 95D(b), the council has discretion to disregard the effects of an activity if a rule or a national environmental standard permits an activity with that effect, referred to as the permitted baseline. The proposed activity is not permitted under the PDP.

6.9. An assessment of potential effects on the existing environment is set out in Section 4.0 above. Potential adverse effects are limited to the increased size of the building on the site and the extent of coverage. Potential adverse effects on the wider public environment would be less than minor.

Step 4: Public notification in special circumstances

S95(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified?

6.10. Requirements to consider special circumstances in relation to public notification have been repealed by the Planning Act 2026 (Schedule 12)

6.11. Potential adverse effects beyond the immediate site boundary are less than minor. Public notification of the application is not required, or necessary.

Section 95B – Limited Notification Assessment

6.12. If an application is not publicly notified, a consent authority must follow the steps of section 95B to decide if limited notification is required. A Section 95B assessment requires a decision about whether there are any specified affected groups or affected persons (under section 95E).

Step 1: Certain affected groups and affected persons must be notified

S95B(2)(a)	Are there any affected protected customary rights groups
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)?

S95B(3)(a)	Is the proposed activity adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?

6.13. The proposed activity would not affect any protected customary rights groups or marine title groups. The site is not known to adjoin or be within a Statutory Acknowledgement Area.

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

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.
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.

6.14. The proposed activity is not subject to a rule or national environmental standard that precludes limited notification. The application activity status is not 'controlled'.

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

S95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.
S95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

6.15. The proposal is not a boundary activity. The activity status is Discretionary under the PDP because it does not comply with the permitted standard for commercial activity building area and coverage in the PDP TCZ.

6.16. Section 95E provides the basis on which a person is deemed to be affected by a proposed activity. Section 95E(1) a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but not less than minor).

Section 95E(2)(a)-(c) sets out the adverse effects a consent authority can disregard or matters it must have regard to when assessing adverse effects on a person:

Affected Persons

S95E(2)(a)	A consent authority may disregard adverse effect of an activity on the person if a rule or a national environmental standard permits an activity with that effect.
S95E(2)(b)	A consent authority must disregard an adverse effect arising from a a controlled activity or a restricted discretionary activity if the effect of the activity does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.
S95E(2)(c)	A consent authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

6.17. The land use consent component is a Discretionary Activity. It is not a Controlled or Restricted Discretionary Activity. An assessment of the proposal requires consideration of all potential effects on the environment. The Council may disregard the effects of an activity where they are permitted under a rule or a national environmental standard.

6.18. Section 95(3) states that a person is not affected in relation to an application if the person has given written approval.

6.19. The adjacent sites and landowners have been set out in the Table above. As previously assessed the proposed development will have less than minor adverse effects beyond the boundary of the site. There are no persons who are directly affected by the proposed activity.

6.20. For the reasons above, the Applicant requests that the application be processed on a non-notified basis.

7. Conclusion

7.1. The Applicant is seeking to extend an existing commercial retail building at a site at 23 Kerikeri Road, Kerikeri. The retail store is Hunting and Fishing. The proposed extension will improve retail services at the site and continue to provide a variety of outdoor sporting goods to the local community.

7.2. The proposal is a Discretionary Activity under the PDP-AV but remains subject to the ODP Commercial Zone provisions due to appeals to the PDP-TCZ commercial building size standards. Given the current stage of the PDP-AV and the vastly different regulatory approach to the management of town centres in the District, it is appropriate to decide this application under the objectives and policies that apply to the PDP-AV TCZ. The intent of these provisions does not appear to be in dispute and provides a reasonable and current policy foundation for determining the appropriateness of this town centre proposal.

7.3. The potential adverse effects of the activity are assessed to be less than minor in the context of an existing commercial site and surrounding environment.

7.4. The proposed activity would not be contrary to any applicable policy statement or proposed plan objective or policy.

7.5. The Applicant requests that the application be processed on a non-notified basis.

8. Limitations

8.1. This report has been com23missioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.

8.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.

8.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.

8.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **138200**

Land Registration District **North Auckland**

Date Issued 03 August 2004

Prior References

NA80B/970 NA80B/971

Estate Fee Simple

Area 828 square metres more or less

Legal Description Lot 1 Deposited Plan 333725

Registered Owners

Gregory Harold Moir and David Ross Horrell as to a 1/2 share

Gregory Harold Moir and Tonkin Trustee Company Limited as to a 1/2 share

---

Interests

Appurtenant hereto is sewage drain right specified in Easement Certificate C157714.8 - 2.7.1990 at 1:38 pm (affects part)

Subject to a sewage drain right over part marked A on DP 333725 specified in Easement Certificate C157714.8 - 2.7.1990 at 1:38 pm

Subject to a stormwater drainage right (in gross) over part marked B on DP 333725 in favour of The Far North District Council created by Transfer C157714.9 - 2.7.1990 at 1.38 pm

Land Covenant in Transfer C188532.1 - 12.9.1990 at 1.30 pm

Appurtenant hereto is a right of way created by Easement Instrument 6101965.3 - 3.8.2004 at 9:00 am

Subject to a right to convey sewage over parts marked B and C and a right to drain water over part marked C and a right of way over part marked E all on DP 333725 created by Easement Instrument 6101965.3 - 3.8.2004 at 9:00 am

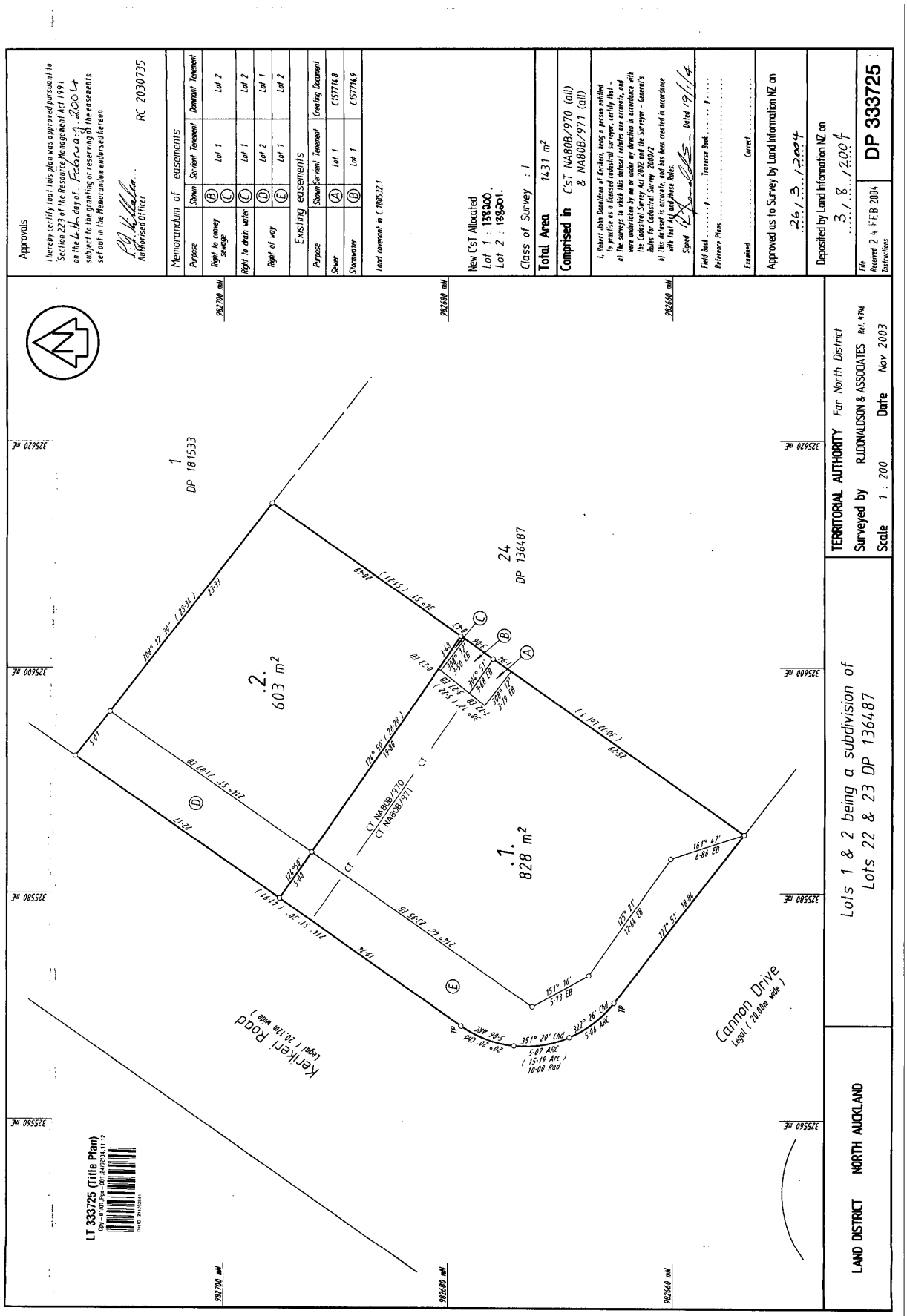
The easements created by Easement Instrument 6101965.3 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a party wall right created by Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

Subject to a party wall right over part marked F on DP 335528 created by Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

Land Covenant in Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

10122610.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS 138201) - 14.7.2015 at 7:00 am


Approvals
I hereby certify that this plan was approved pursuant to Section 223 of the Resource Management Act 1991 on the 14th day of February 2004 subject to the granting or reserving of the easements set out in the Memorandum endorsed hereon
Authorised Officer
RC 2030735
Memorandum of easements
Purpose | Shown | Servient Tenement | Dominant Tenement
Right to convey sewage | B | Lot 1 | Lot 2
C | Lot 1 | Lot 2
Right to drain water | C | Lot 1 | Lot 2
Right of way | D | Lot 2 | Lot 1
E | Lot 1 | Lot 2
Existing easements
Purpose | Shown | Servient Tenement | Creating Document
Sewer | A | Lot 1 | C157714.8
Stormwater | B | Lot 1 | C157714.9
Land covenant in C180532.1
New CsT Allocated
Lot 1 : 138300.
Lot 2 : 138301.
Class of Survey : 1
Total Area 1431 m²
Comprised in CsT NA80B/970 (all) & NA80B/971 (all)
I, Robert John Donaldson of Kerikeri, being a person entitled to practise as a licensed cadastral surveyor, certify that
a) The surveys to which this dataset relates are accurate, and were conducted by me or under my supervision in accordance with the Cadastral Survey Act 2002 and the Surveyor - General's Rules for Cadastral Survey 2002/2
b) This dataset is accurate, and has been created in accordance with that Act and those Rules
Signed Dated 19/11/4
Field book ..... Traverse Book ..... p .....
Reference Plans .....
Examined ..... Carried .....
Approved as to Survey by Land Information NZ on
26/3/2004
Deposited by Land Information NZ on
3/8/2004
File Received 24 FEB 2004 Instructions
DP 333725
TERRITORIAL AUTHORITY Far North District
Surveyed by R.J.DONALDSON & ASSOCIATES Ref. 4396
Scale 1 : 200 Date Nov 2003
Lots 1 & 2 being a subdivision of Lots 22 & 23 DP 136487
LAND DISTRICT NORTH AUCKLAND
LT 333725 (Title Plan)
Kerikeri Road
Legal (20.12m wide)
Cannon Drive
Legal (28.00m wide)
1 DP 181533
24 DP 136487
2. 603 m²
1. 828 m²
CT NA80B/970
CT NA80B/971
982700 mN
982680 mN
982660 mN
325620 mE
325600 mE
325580 mE
325560 mE

C77 10122610.1 Building
Cpy-01/04,Pgs-002,13/07/15,08:43
DocID: 515796543

Far North District Council

To: **General Registrar of Land**
Auckland Land Registry

CERTIFICATE ISSUED UNDER SECTION 77 OF THE BUILDING ACT 2004

CERTIFICATE(S) OF TITLE: No(s): CT-138201, ~~CT-138500~~ CT- 138200

The **Far North District Council** hereby gives notice that the Council has granted a building consent to the land described in the above certificate(s) of title and listed in the schedule below. The building consent was granted pursuant to the provisions of Section 75(2) of the Building Act 2004, on condition that any one of the allotments shall not be transferred or leased except in conjunction with the other allotment(s).

Schedule

Legal Description:	Lot 2 DP 333725, Lot 1 DP 333725
Address:	25 Kerikeri Road, Kerikeri and Lot 1, Cannon Drive, Kerikeri
Name of owner:	Gregory Harold Moir and Donald Kay Grocott and David Ross Horrell
Date building consent granted:	
Building Consent Number	BC-2015-893/0

Goode

Date: 2/6/2015.

Kelvin Goode
BUILDING MANAGER-Duly Authorised Officer on behalf of Far North District Council

Signature of Owners: **Date:**

	04/07/15
	04/07/15
	04/07/15

AUTHENTICATED by the **FAR NORTH DISTRICT COUNCIL** by its Chief Executive Officer:

Colin Dale Date: 7.7.15.

Colin Dale
ACTING CHIEF EXECUTIVE

MANUAL DEALING LODGEMENT FORM

C77 10122610.1 Building
Cpy – 04/04, Pgs – 002, 13/07/15, 08:43
Copies
(inc. original)
DocID: 515796543

Landonline User ID: mreihana001

LODGING FIRM: **Far North District Council**

Private Individual: **Attn: Marion Reihana**

Address: Private Bag 752
Memorial Ave
Kaikohe

ASSOCIATED FIRM:

Client Code / Ref: BC2015-893

Dealing/SUD Number: (LINZ use only)

Priority Barcode/Date Stamp (LINZ use only)

Plan NumberPre-Allocated or to be Deposited:

Rejected Dealing Number:

Priority Order	CT Ref	Type of Instrument	Names of Parties	Document Fees	Resubmission	Notices	Priority Capture*	FEES $ GST INCLUSIVE
1	138200 & 138201	S77	Gregory Harold Moir and David Ross Horrell as to a 1/2 Share. Gregory Harold Moir and Donald Kay Crocott as to a 1/2 Share.	$176.00				176.00
2								
3								
4								
5								

Land Information New Zealand Manual Dealing Lodgement Form

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

Annotations (LINZ use only):

RECEIVED
13 JUL 2015

Original Signatures?

Subtotal	$176.00
Total for this dealing	$176.00
Less fees paid on Dealing #	
Debit my Landonline account for (Only available for Landonline customers)	**$176.00**
or Cash / Cheque enclosed for (Only pay in cash if depositing in drop box at a LINZ processing centre)	
or Eft-pos payment due for (Eft-pos only available if lodging the dealing in person at a LINZ processing centre)	

* Making a priority lodgement ensures the lodgement is entered into the LINZ work queue at the time and date it was handed over at the counter. Priority does not provide urgency in processing the dealing. For further details please reference the manual dealing user guide.

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or *profit à prendre*, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

Registrar-General of Land Approval 02/6055EF A.D.L.S.

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DocID: 311639548

Land registration district

NORTH AUCKLAND

Grantor *Surname(s) must be underlined or in CAPITALS.*

Gregory Harold MOIR and David Ross HORRELL and Gregory Harold MOIR and ~~David Ross HORRELL~~ ~~Donald Kay GROCOTT~~

Grantee *Surname(s) must be underlined or in CAPITALS.*

Gregory Harold MOIR and David Ross HORRELL and Gregory Harold MOIR and ~~David Ross HORRELL~~ ~~Donald Kay GROCOTT~~

Grant* of easement or *profit à prendre* or creation or covenant

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

Dated this 2nd day of April **2004**

Attestation

	Signed in my presence by the Grantor Gregory Harold MOIR *Signature of witness* J.C Arth *Witness to complete in BLOCK letters (unless legibly printed)* **Witness name** Janey Clare ARTHUR **Occupation** RETIRED **Address** P O Box 200 Whangaparaoa.
Signature [common seal] of Grantor	
	Signed in my presence by the Grantee Gregory Harold MOIR *Signature of witness* J.C Arth *Witness to complete in BLOCK letters (unless legibly printed)* **Witness name** Janey Clare ARTHUR **Occupation** RETIRED **Address** P O Box 200 Whangaparaoa.
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/6055

Annexure Schedule 1

Registrar-General of Land Approval 02/6055EF A.D.L.S.

Easement instrument Dated 2nd April 2004. Page 1 of 3 pages

Schedule A *(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, *profit*, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT *or* in gross)
Right to Convey Sewage	**B and C on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**
Right to Drain Water	**C on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**
Right of Way	**D on Deposited Plan 333725**	**Lot 2 Deposited Plan 333725 CT 138201**	**Lot 1 Deposited Plan 333725 CT 138200**
Right of Way	**E on Deposited Plan 333725**	**Lot 1 Deposited Plan 333725 CT 138200**	**Lot 2 Deposited Plan 333725 CT 138201**

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 specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

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

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952].~~

[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [ ] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

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

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument	Dated 2nd April 2004 .	Page 2 of 3 pages

(Continue in additional Annexure Schedule, if required.)

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication, computer media and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).

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.

DEG.

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument	Dated 2nd April 2004.	Page 3 of 3 pages

(Continue in additional Annexure Schedule, if required.)

Continuation of Attestation Clause

Signed in my presence by the Grantor
David Ross HORRELL

Witness Signature
Witness Full Name JAN DOROTHY JONSON
Occupation LEGAL EXECUTIVE
Address TO LAW NORTH PARTNERS
KERIKERI

Signed in my presence by the Grantee
David Ross HORRELL

Witness Signature
Witness Full Name JAN DOROTHY JONSON
Occupation LEGAL EXECUTIVE
Address TO LAW NORTH PARTNERS
KERIKERI

Signed in my presence by the Grantor
Donald Kay GROCOTT

Witness Signature
Witness Full Signature
Occupation
Address

Signed in my presence by the Grantee
Donald Kay GROCOTT

Witness Signature
Witness Full Signature
Occupation
Address

D.E. Grocott.
Diana Elizabeth Grocott.
Nurse.
R.D.1. KAIKO.

D.E. Grocott.
Diana Elizabeth Grocott.
Nurse.
R.D.1. KAIKO.

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.

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or *profit à prendre*, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

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Registrar-General of Land Approval 02/6055EF A.D.L.S.

Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must be underlined or in CAPITALS.

Gregory Harold MOIR and David Ross HORRELL and Gregory Harold MOIR and David Ross HORRELL and Donald Kay GROCOTT

Grantee

Surname(s) must be underlined or in CAPITALS.

Gregory Harold MOIR and David Ross HORRELL and Gregory Harold MOIR and David Ross HORRELL and Donald Kay GROCOTT

Grant* of easement or *profit à prendre* or creation or covenant

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

Dated this 2nd day of April 2004

Attestation

Signature [common seal] of Grantor	**Signed in my presence by the Grantor** *Signature of witness* *Witness to complete in BLOCK letters (unless legibly printed)* **Witness name** Janey Clare ARTHUR **Occupation** Retired **Address** P.O Box 200 Whangaparaoa.
Signature [common seal] of Grantee	**Signed in my presence by the Grantee** *Signature of witness* *Witness to complete in BLOCK letters (unless legibly printed)* **Witness name** Janey Clare ARTHUR **Occupation** Retired **Address** P.O Box 200 Whangaparaoa.

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/6055

Annexure Schedule 1

Registrar-General of Land Approval 02/6055EF A.D.L.S.

Easement instrument Dated 2nd April 2004 Page 1 of 5 pages

Schedule A *(Continue in additional Annexure Schedule if required.)*

Purpose (nature and extent) of easement, *profit*, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT *or* in gross)
Party Wall	**F DP** 335528	**Lot 1 DP 333725 CT138200**	**Lot 2 DP333725 CT 138201**
Party Wall	**G DP** 335528	**Lot 2 DP333275 CT 138201**	**Lot 1 DP333275 CT 138200**
Carparking Covenant	**X DP** 335528	**Lot 1 DP 333725 CT 138200**	**Lot 2 DP333725 CT 138201**
Carparking Covenant	**Y DP** 335528	**Lot 2 DP 333725 CT 138201**	**Lot 1 DP333725 CT 138200**

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 specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

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

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952].~~

[the provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [ ] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

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

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952]~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument & Covenant	Dated 2nd April 2004	Page 2 of 5 pages

(Continue in additional Annexure Schedule, if required.)

1. Rights and Powers in respect of the above Party Wall Easements

(a) The existing wall on the boundary line between the Dominant Tenement and Servient Tenement and marked F and G on Deposited 335528 **Plan as referred to above shall be deemed to be a party wall.**

(b) To use and enjoy for the purpose of a party wall, the Party Wall area shown on the deposited plan as part of the site of the party wall and the portion of the party wall erected thereon.

(c) To the full, free, uninterrupted right either in person or in common with their tenants, workmen, agents and servants at all times to effect such repairs to the existing foundations and structure of the party wall as may be necessary for the proper maintenance of the same for the purpose of a party wall.

(d) The full, free, uninterrupted right either in person or in common with their tenants, workmen, agents and servants to enter upon such part of the Servient Tenement as may be necessary and with all necessary tools and equipment for the purposes of inspecting the said wall and the state of repair thereof and to complete any restoration work in respect of the party wall and such persons shall take all reasonable steps to interfere as little as possible with the comfort and convenience of the occupier or occupiers of the Servient Tenement.

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.

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument & Covenant	Dated	2 April 2004	Page	3	of	3	pages

(Continue in additional Annexure Schedule, if required.)

2. Terms, Conditions, Covenants or Restrictions in respect of the above Party Wall Easements:

(a) The costs and expenses of repairing, maintaining or erecting any party wall or any replacement or addition thereto shall be borne by the Grantor and the Grantee equally PROVIDED THAT detailed accounts of such costs and expenses shall be freely available to both the Grantor and the Grantee AND FURTHER PROVIDED where any repairs or reinstatement are rendered necessary by the act or default of one party that party shall bear the whole cost of any such maintenance and repair.

(b) The Grantor or Grantee may serve on the Grantor or Grantee notice in writing at least fourteen days before any work is commenced giving details of any repairs, alterations or construction affecting the said party wall and should the Grantor or Grantee object to such to such proposed work the matter shall be referred to an Arbitrator as provided in (g) below.

(c) Included in the costs and expenses referred to above shall be the costs and expenses reasonably incurred in repairing and restoring any damage done to the Grantor or Grantees' property which is not included in that part of the Grantor or Grantees' land covered by the said party wall easement and should any dispute arise therefrom it should be referred to any arbitrator as provided in (g) below.

(f) Neither party shall make any addition to the party wall or impose any weight upon it which is likely to strain or damage the party wall or otherwise expose it to risk of damage. It is the intention of the parties that each easement shall subsist forever or until duly surrendered.

(g) Any dispute as to the terms or the interpretation of this grant or the liability of the parties shall be determined by an arbitrator under the Arbitration Act 1996 or any Act passed in substitution or amendment, and this clause shall be deemed to be a "submission" within the meaning of that Act.

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.

D.E.C.

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument + Covenant | Dated 2nd April 2004 | Page 4 of 5 pages

(Continue in additional Annexure Schedule, if required.)

Parking Covenants

The parties covenant as follows:

1.1 The registered proprietors and their invitees of the servient and dominant land referred to herein shall have the right to use the carparking areas marked X and Y on Deposited Plan 335528 **and they agree not to extend the existing buildings into the carpark area without the unanimous written consent of the registered proprietors for the time being of the registered proprietors of the Servient and Dominant land.**

1.2 For the purpose of maintenance it is agreed that :

(a) Should the sealed carparking area require maintenance or rebuilding, the registered proprietor requiring the maintenance or rebuilding will:

(i) Obtain a Certificate from a Registered Engineer as to the work required;
(ii) Obtain two written quotes to complete the work from competent tradepersons. The lowest quotation shall be accepted and the work completed. The costs of the work are to be shared equally.

(b) It is agreed by all of the registered proprietors of all the said land that the identification markings in the carpark shall not be altered without the unanimous written agreement of all parties. It is further agreed that the painted markings shall be re-painted at a minimum of three-yearly intervals, the costs to be shared equally by the said registered proprietors.

(c) It is agreed by the registered proprietors that no signs or markings shall be placed in the carpark area without the unanimous written consent of all of the said registered proprietors.

(d) Any dispute as to the terms or the interpretation of this grant or the liability of the parties shall be determined by an arbitrator under the Arbitration Act 1996 or any Act passed in substitution or amendment, and this clause shall be deemed to be a "submission" within the meaning of that Act.

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.

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Registrar-General of Land Approval 02/5032EF A.D.L.S.

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument & covenant	Dated 2nd April 2004.	Page 5 of 5 pages

(Continue in additional Annexure Schedule, if required.)

Continuation of Attestation Clause

Signed in my presence by the Grantor
David Ross HORRELL

Witness Signature
Witness Full Name JAN DOROTHY JONSON
Occupation LEGAL EXECUTIVE
Address TO LAW NORTH PARTNERS
KERIKERI

Signed in my presence by the Grantee
David Ross HORRELL

Witness Signature
Witness Full Name JAN DOROTHY JONSON
Occupation LEGAL EXECUTIVE
Address TO LAW NORTH PARTNERS
KERIKERI

Signed in my presence by the Grantor
Donald Kay GROCOTT

Witness Signature
Witness Full Name D.E. Grocott.
Occupation Diana Elizabeth Grocott.
Address Nurse.
R.D.1. KAMO.

Signed in my presence by the Grantee
Donald Kay GROCOTT

Witness Signature
Witness Full Name D.E. Grocott.
Occupation Diana Elizabeth Grocott.
Address Nurse
R. D. 1. KAMO.

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.

Approved by the Registrar-General of Land, Wellington, No. 367635.80

C188532.1 T

Under the Land Transfer Act 1952

Memorandum of Transfer

~~TRANSFER, MORTGAGE, LEASE ASSIGNMENT and~~ AGREEMENT stamped with duty of $740.- on 31.8.90 and $1.50 on 7.9.90

Dist. Commissioner of Inland Revenue

WHEREAS ADRIAN SYDNEY CANNON of Kerikeri, Retired Orchardist and SYBIL SOMERVILLE CANNON his wife (hereinafter called "the Transferor") are being registered as proprietor of an estate in fee simple as tenants in common in equal shares

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in all those pieces of land situated in the Land District of North Auckland containing FIRST 701m² more or less being Lot 22 Deposited Plan 136487 in Block XI Kerikeri Survey District and being all the land comprised and described in Certificate of Title Volume 80B Folio 970 (North Auckland Land Registry) SUBJECT TO:

1. B.006624.1 Notice pursuant to Section 25 Public Works Amendment Act 1975
2. C.157714.8 Easement Certificate
3. C.157714.9 Transfer granting a stormwater drainage easement in gross

AND SECONDLY 730m² more or less being Lot 23 Deposited Plan 136487 in Block XI Kerikeri Survey District and being all the land comprised and described in Certificate of Title Volume 80B Folio 971 (North Auckland Land Registry) SUBJECT TO:

1. B.006624.1 Notice pursuant to Section 25 Public Works Amendment Act 1975
2. C.157714.8 Easement Certificate

(hereinafter called "the said land")

NEW ZEALAND STAMP DUTY AK1
31/08/90000087001 NOLIABLE *.00

AND WHEREAS the Transferor has subdivided the land originally comprised in Certificate of Title Volume 685 Folio 285 (North Auckland Land Registry) and now comprised in Deposited Plan Nos. 186487 and 136488 into lots as shown thereon with the intention that Lots 3 to 12 inclusive and Lots 22 to 26 inclusive on Deposited Plan 136487 and Lots 13 to 18 inclusive on Deposited Plan 136488 (hereinafter called "the subject lots") should be subject in perpetuity to a covenant for the observance of the restrictive stipulations set forth in the Schedule to this Transfer by the owners and occupiers for the time being of the lots so subject, for the benefit of each of the others of those lots, that covenant to be enforceable by the owners and occupiers of each of those other lots

AND WHEREAS by Agreement for Sale and Purchase dated the 29th day of August 1989 the Transferor agreed to sell and JACK McCREEDY of Kerikeri, Retired Farmer (hereinafter called "the Transferee") agreed to purchase the said land subject to the building scheme hereinbefore described and upon the condition that the parties enter into the covenant contained in this Transfer.

NOW THEREFORE pursuant to the said Agreement and in consideration of the sum of SIXTY-SIX THOUSAND DOLLARS ($66,000.00) paid by the Transferee to the Transferor (the receipt whereof is hereby acknowledged) the Transferor DOTH HEREBY TRANSFER unto the Transferee all their estate and interest in the said land and the Transferee covenants in respect of the said land with the Transferor and with the registered proprietors for the time being or from time to time of each of the subject lots other than the said land to observe in perpetuity the restrictive stipulations TO THE INTENT that the said land shall be forever subject to this covenant and the subject lots forever have the benefit of this covenant

AND IT IS DECLARED that the Transferee shall be bound by a fencing covenant as defined in Section 2 of the Fencing Act 1978 in favour of the Transferor's adjoining land being -
FIRST 1080m² more or less being Lot 24 Deposited Plan 136487 being all the land in Certificate of Title 80B/972 (North Auckland Land Registry)
AND SECONDLY 650m² more or less being Lot 25 Deposited Plan 136487 being all the land in Certificate of Title 80B/973 (North Auckland Land Registry)

AND IT IS DECLARED that the term "restrictive stipulations where used in the Transfer means the stipulations set forth in the Schedule to this instrument.

SCHEDULE

1. That he shall not erect or place or permit or suffer to be erected or placed on the said land any single dwelling having a closed-in floor area of fewer than 100m² or any multiple unit development in which each unit has a closed-in floor area of fewer than 80m².

2. That he shall not use or permit or suffer to be used in any buildings on the said land any second hand materials nor for outer wall sheathing of any such buildings any corrugated iron, flat fibrolite or flat asbestos cement.

3. That he shall not erect or permit or suffer to be erected on the said land any building prior to the erection thereon of a dwelling house.

4. That he shall not erect or move on to the said land or allow to be erected or moved on to the said land any dwelling house or any other building which has been previously occupied.

5. That he shall not place nor permit or suffer to be upon the said land any caravan unless such caravan is currently registered has a current warrant of fitness has wheels attached and is not occupied as a dwelling.

6. That he shall not allow any metal roof to remain unpainted for a period of more than six months after such roof has been placed.

7. That he will not erect or allow to be erected any fence on the said land to a height greater than 1.5 metres.

~~In Consideration of~~

(the receipt of which sum is hereby acknowledged)

Do hereby Transfer to the said

all estate and interest in the

~~said land above described~~

In witness whereof these presents have been executed this 30th day of July 1990

Signed by the above named ADRIAN SYDNEY CANNON and SYBIL SOMERVILLE CANNON in the presence of:-

A S Cannon

S S Cannon

SIGNED by the Transferee JACK McCREEDY in the presence of:-

J. McCreedy

No.

TRANSFER OF

Lots 22 and 23 DP 136487

A.S. & S.S. CANNON ..... Transferor

JACK McCREEDY ..... Transferee

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

.....
Assistant / District Land Registrar

of the District of .....

To the District Land Registrar
AUCKLAND

It is requested that you note the Restrictive Covenant described in the operative clause of this Transfer against Certificates of Title 80B/970 and 80B/971.

.....
Solicitor for the Transferor

(1) T $40
80B/970 } H/V
971 }

McLEOD & PARTNERS
SOLICITORS
KERIKERI Solicitors for the Transferee

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Correct for the purposes of the Land Transfer Act

.....
SOLICITOR FOR THE TRANSFEREE

I hereby certify that this transaction does not contravene the provisions of Part 11A of the Land Settlement Promotion and Land Acquisition Act 1952.

.....
SOLICITOR FOR THE TRANSFEREE

I hereby certify for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply.

.....
SOLICITOR FOR THE TRANSFEREE

1.00 12 SEP 90 C 1 805322.1
PARTICULARS ENTERED IN THE REGISTER
LAND REGISTRY AUCKLAND
ASST. LAND REGISTRAR

F/C + L/C
80B/970
971

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

C157714.8 EC

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

XXWe ADRIAN SYDNEY CANNON of Kerikeri, Retired Orchardist and SYBIL SOMERVILLE CANNON his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 1990 under No. 136487 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE

DEPOSITED PLAN NO. 136487

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right to drain Sewage	Lot 9 DP 136487	A	Lot 2 Deposited Plan 136487	80B/959
Right to drain Sewage	Lot 23 DP 136487	C	Lot 22 Deposited Plan 136487	80B/970
Right of Way	Lot 5 DP 136487	I, J, K	Lot 6 Deposited Plan 136487	80B/963
Right of Way	Lot 6 DP 136487	L, M, N	Lot 5 Deposited Plan 136487	80B/962

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers: NIL

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements: NIL

Dated this 23rd day of March 19 90

Signed by the above-named
ADRIAN SYDNEY CANNON and
SYBIL SOMERVILLE CANNON
in the presence of

Witness .....

Occupation .....

Address .....

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the Land Transfer Act

Solicitor for the registered proprietor

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY AUCKLAND

McLEOD & PARTNERS
SOLICITORS
KERIKERI

© AUCKLAND DISTRICT LAW SOCIETY

Approved by the Registrar-General of Land, Wellington, No. 367635.80

C157714.9 TE

Under the Land Transfer Act 1952

Memorandum of Transfer

CREATING STORMWATER EASEMENT IN GROSS

ADRIAN SYDNEY CANNON of Kerikeri, Retired Orchardist and SYBIL SOMERVILLE CANNON his wife (hereinafter called "the Grantor") are ~~being~~ registered as proprietor of an estate in fee simple

NEW ZEALAND STAMP DUTY AK2
06/06/90 00124001 NOLIABLE *.00

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in those piece s of land situated in the Land District of North Auckland containing FIRST 701m² more or less being Lot 22 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 970 (North Auckland Land Registry)

SECONDLY 1080m² more or less being Lot 24 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 972 ~~more or less being~~ (North Auckland Land Registry)

THIRDLY 650m² more or less being Lot 25 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 973 (North Auckland Land Registry)

FOURTHLY 648m² more or less being Lot 26 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 974 (North Auckland Land Registry)

FIFTHLY 700m² more or less being Lot 3 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 960 (North Auckland Land Registry)

SIXTHLY 700m² more or less being Lot 4 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 961 (North Auckland Land Registry)

SEVENTHLY 1060m² more or less being Lot 5 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 962 (North Auckland Land Registry)

EIGHTHLY 1021m² more or less being Lot 6 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 963 (North Auckland Land Registry)

NINTHLY 759m² more or less being Lot 7 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 964 (North Auckland Land Registry)

AND TENTHLY 793m² more or less being Lot 8 Deposited Plan 136487 and being all the land comprised and described in Certificate of Title Volume 80B Folio 965 (North Auckland Land Registry)

IN CONSIDERATION of the sum of TEN CENTS ($0.10) paid to them by the FAR NORTH DISTRICT COUNCIL a Body Corporate (hereinafter called "the Grantee") (the receipt of which sum is hereby acknowledged) DO HEREBY TRANSFER AND GRANT unto the Grantee the full free uninterrupted and unrestricted right liberty and privilege for the

Grantee and the Grantee's servants, agents, workers and visitors (in common with themselves, their tenants and any other persons lawfully entitled so to do) from time to time and at all times to drain and discharge water (whether rain, tempest, spring, soakage or seepage water) in any quantities along the stipulated course across that portion of the Grantor's land marked B, D, E, F, G, H, J, M, O and P on Deposited Plan 136487 together with the following additional rights incidental thereto:

(a) To use any line of pipes already laid on the stipulated course or any pipe or pipes in replacement or in substitution for all or any of those pipes.

(b) Where no such line of pipes exists, to lay, place and maintain or to have laid placed and maintained a line of pipes of a sufficient internal diameter and of suitable material for the purpose under or over the surface (as the parties decide) of the land over which the easement is granted or created and along the line defined for the purpose where such a line has been so defined.

(c) In order to construct or maintain the efficiency of any such pipe line, the full, free, uninterrupted and unrestricted right, liberty and privilege for the Grantee its tenants, servants, agents and workmen with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created (or, where only the position of the pipeline is defined in the easement, upon such part of the land of the Grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the land of the Grantor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired TO THE INTENT that the foregoing easement hereby created shall be an easement in gross in favour of the Grantee forever binding upon the Grantor's land.

AND for the consideration aforesaid the Grantor COVENANTS with the Grantee that the Grantor and their successors in title will not at any time hereafter place any buildings structures or other erections or plant or allow or suffer to grow any tree or shrub on the easement land.

~~In Consideration of~~

~~(the receipt of which sum is hereby acknowledged)~~

~~Do hereby Transfer~~ ~~to the said~~

~~all~~ ~~estate and interest in the~~

~~said land above described~~

IN WITNESS WHEREOF these presents have been executed this 23rd day of

March 1990

SIGNED by the abovenamed)
ADRIAN SYDNEY CANNON and)
SYBIL SOMERVILLE CANNON as)
Grantor in the presence)
of:-)

A S Cannon
S S Cannon

~~In witness whereof these presents have been executed this~~ ~~day~~

~~of~~ ~~by~~

~~THE COMMON SEAL of THE~~
~~FAR NORTH DISTRICT COUNCIL~~
~~as Grantee was hereunto~~
~~affixed in the presence~~
~~of:-~~

THE FAR NORTH DISTRICT COUNCIL
THE COMMON SEAL OF

.....Mayor

.....General Manager

No.

TRANSFER

CREATING STORMWATER EASEMENT IN GROSS

A.S. & S.S. CANNON ..... Grantor

FAR NORTH DISTRICT COUNCIL ..... Grantee

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

Assistant District Land Registrar

of the District of

McLEOD & PARTNERS
SOLICITORS
KERIKERI
Solicitors for the Transferee

Correct for the purposes of the Land Transfer Act.

SOLICITOR FOR THE TRANSFEREE

I hereby certify that this transaction does not contravene the provisions of Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952

SOLICITOR FOR THE TRANSFEREE

I hereby certify that for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply

1.58 02.JUL90 C 157714

LAND REGISTRAR
ASST LAND REGISTRAR

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **138201**

Land Registration District **North Auckland**

Date Issued 03 August 2004

Prior References
NA80B/970

Estate Fee Simple

Area 603 square metres more or less

Legal Description Lot 2 Deposited Plan 333725

Registered Owners

Gregory Harold Moir and David Ross Horrell as to a 1/2 share

Gregory Harold Moir and Tonkin Trustee Company Limited as to a 1/2 share

---

Interests

Appurtenant hereto is sewage drain right specified in Easement Certificate C157714.8 - 2.7.1990 at 1:38 pm

Land Covenant in Transfer C188532.1 - 12.9.1990 at 1.30 pm

Appurtenant hereto is a right to convey sewage and a right to drain water created by Easement Instrument 6101965.3 - 3.8.2004 at 9:00 am

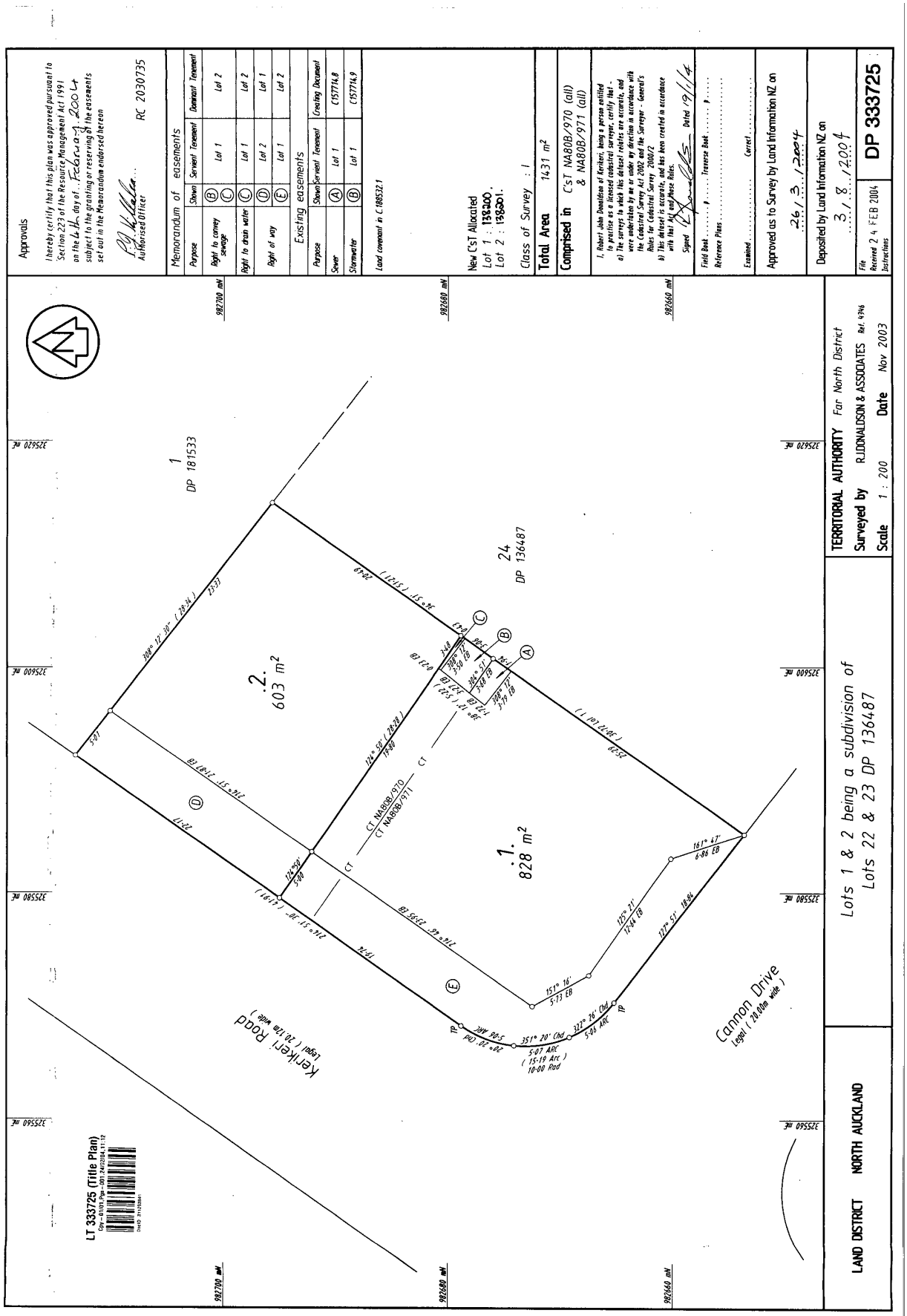
The easements created by Easement Instrument 6101965.3 are subject to Section 243 (a) Resource Management Act 1991

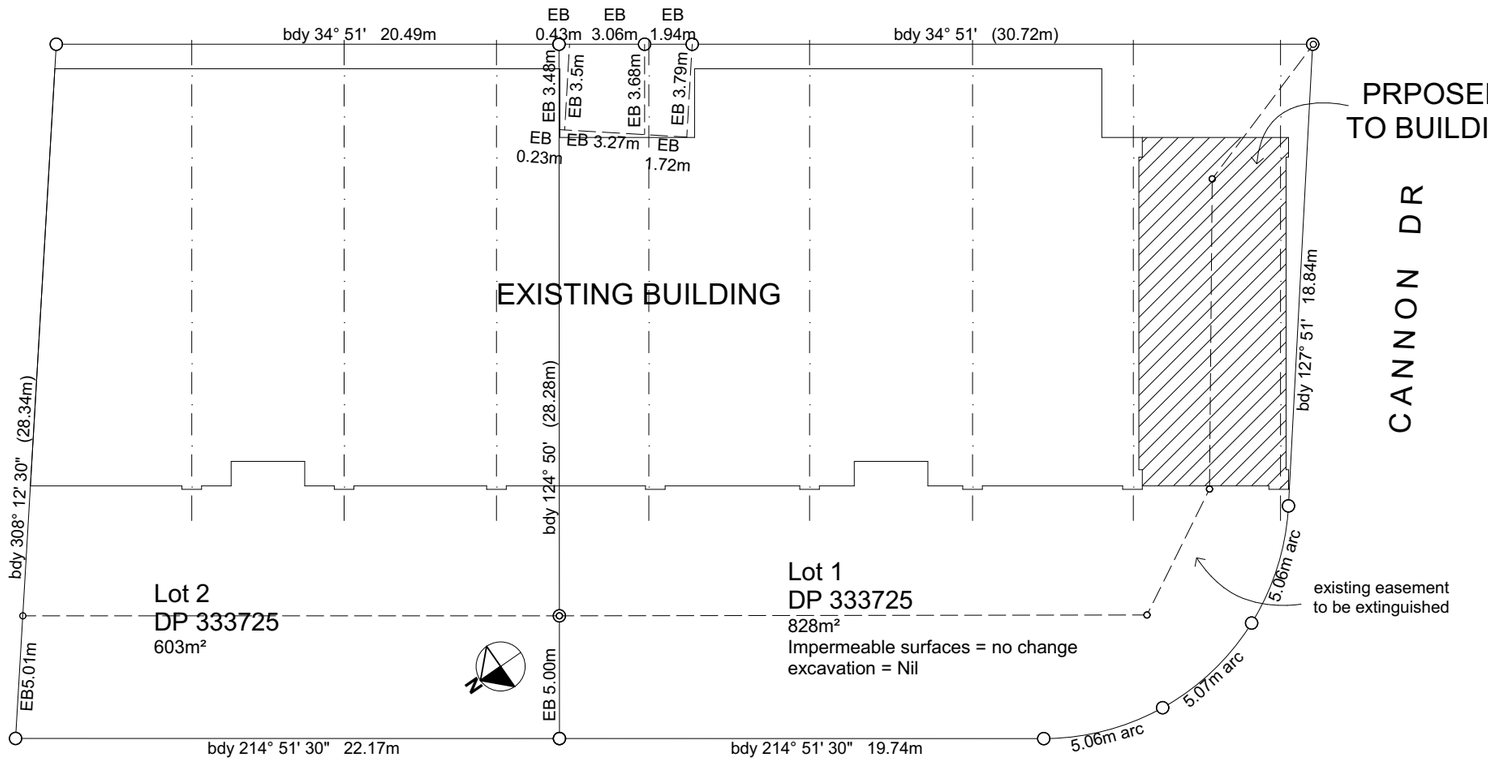
Appurtenant hereto is a party wall right created by Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

Subject to a party wall right over part marked G on DP 335528 created by Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

Land Covenant in Easement Instrument 6101965.4 - 3.8.2004 at 9:00 am

10122610.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS 138200) - 14.7.2015 at 7:00 am


Approvals
I hereby certify that this plan was approved pursuant to Section 223 of the Resource Management Act 1991 on the 4th day of February 2004 subject to the granting or reserving of the easements set out in the Memorandum endorsed hereon
Authorised Officer
RC 2030735
Memorandum of easements
Purpose | Shown | Servient Tenement | Dominant Tenement
Right to convey sewage | B | Lot 1 | Lot 2
C | Lot 1 | Lot 2
Right to drain water | C | Lot 1 | Lot 2
Right of way | D | Lot 2 | Lot 1
E | Lot 1 | Lot 2
Existing easements
Purpose | Shown | Servient Tenement | Creating Document
Sewer | A | Lot 1 | C157714.8
Stormwater | B | Lot 1 | C157714.9
Land covenant in C180532.1
New CsT Allocated
Lot 1 : 138300.
Lot 2 : 138301.
Class of Survey : 1
Total Area 1431 m²
Comprised in CsT NA80B/970 (all) & NA80B/971 (all)
I, Robert John Donaldson of Kerikeri, being a person entitled to practise as a licensed cadastral surveyor, certify that
a) The surveys to which this dataset relates are accurate, and were conducted by me or under my supervision in accordance with the Cadastral Survey Act 2002 and the Surveyor - General's Rules for Cadastral Survey 2002/2
b) This dataset is accurate, and has been created in accordance with that Act and those Rules
Signed Dated 19/11/4
Field book ..... Traverse Book ..... p .....
Reference Plans .....
Examined ..... Carried .....
Approved as to Survey by Land Information NZ on
26/3/2004
Deposited by Land Information NZ on
3/8/2004
File Received 24 FEB 2004 Instructions
DP 333725
TERRITORIAL AUTHORITY Far North District
Surveyed by R.J.DONALDSON & ASSOCIATES Ref. 4796
Scale 1 : 200 Date Nov 2003
Lots 1 & 2 being a subdivision of Lots 22 & 23 DP 136487
LAND DISTRICT NORTH AUCKLAND
LT 333725 (Title Plan)
Kerikeri Road
Legal (20.12m wide)
Cannon Drive
Legal (28.00m wide)
1 DP 181533
24 DP 136487
2. 603 m²
1. 828 m²
CT NA80B/970
CT NA80B/971
982700 mN
982680 mN
982660 mN
325620 mE
325600 mE
325580 mE
325560 mE



LICENSED BUILDING PRACTITIONER
www.dbh.govt.nz
BUILDING CONFIDENCE

Always Check the LBP Register to ensure your building practitioner is licensed

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No.	Date	Revision Detail

Check all dimensions on site before construction,
Use figured dimensions in preference to scaling,
All construction to comply with NZS 3604: 2011 and/or NZBC

PROJECT:

Proposed Additions to Building

Spooner Tonkin Trust

PROJECT ADDRESS:

23 & 25 Kerikeri Road KERIKERI

DRAWING:

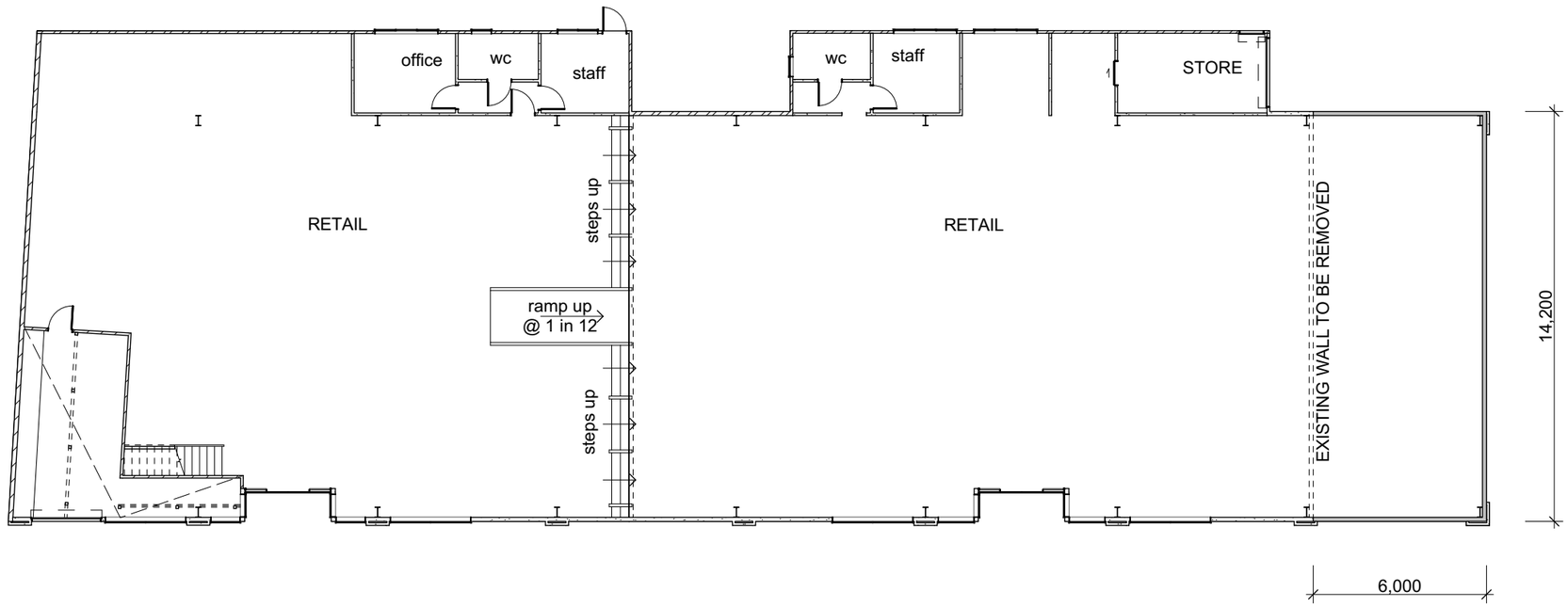
Site Plan

Drawn:	Date:
BH	26/05/2026
SCALE: 1:250	DRAWING No: 1 of 3
PROJECT No: 1834	

Total Design
BUILDING & LANDSCAPE DESIGN

National Bank Building
90 Kerikeri road,
P.O.Box 575
KERIKERI 0245

Tel. (09) 407 7049
Fax. (09) 407 7045
Mobile. (021) 241 9879
E-mail. tdesign@igrin.co.nz



1 Proposed Floor Plan 1:200

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BUILDING CONFIDENCE

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No.	Date	Revision Detail

Check all dimensions on site before construction,
Use figured dimensions in preference to scaling,
All construction to comply with NZS 3604: 2011 and/or NZBC

PROJECT:

Proposed Additions to Building

Spooner Tonkin Trust

PROJECT ADDRESS:

23 & 25 Kerikeri Road KERIKERI

DRAWING:

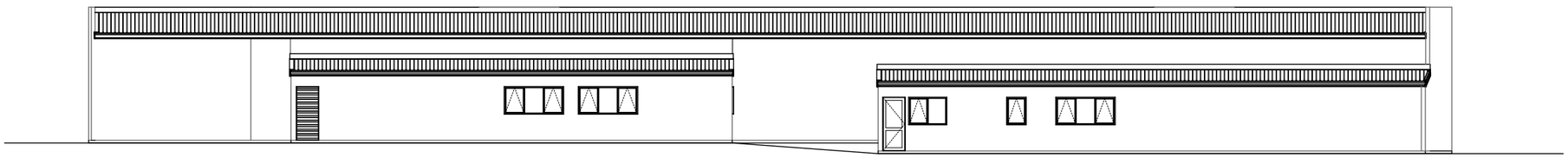
Proposed Floor Plan

Drawn:	Date:
BH	26/05/2026
SCALE: 1:200	DRAWING No: **2** of 3
PROJECT No: 1834	

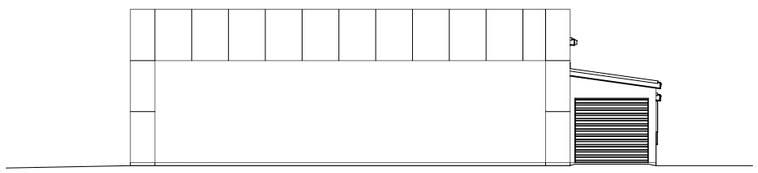
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BUILDING & LANDSCAPE DESIGN

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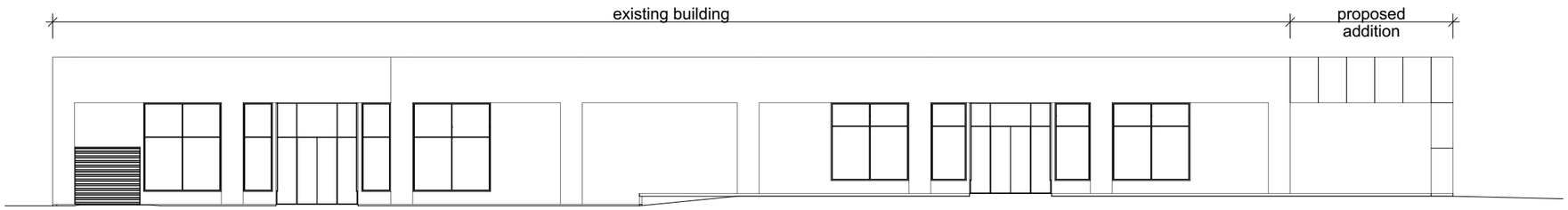
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E-03 East Elevation 1:200



E-02 South Elevation 1:200



E-01 West Elevation 1:200

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PROJECT:

Proposed Additions to Building

Spooner Tonkin Trust

PROJECT ADDRESS:

23 & 25 Kerikeri Road KERIKERI

DRAWING:

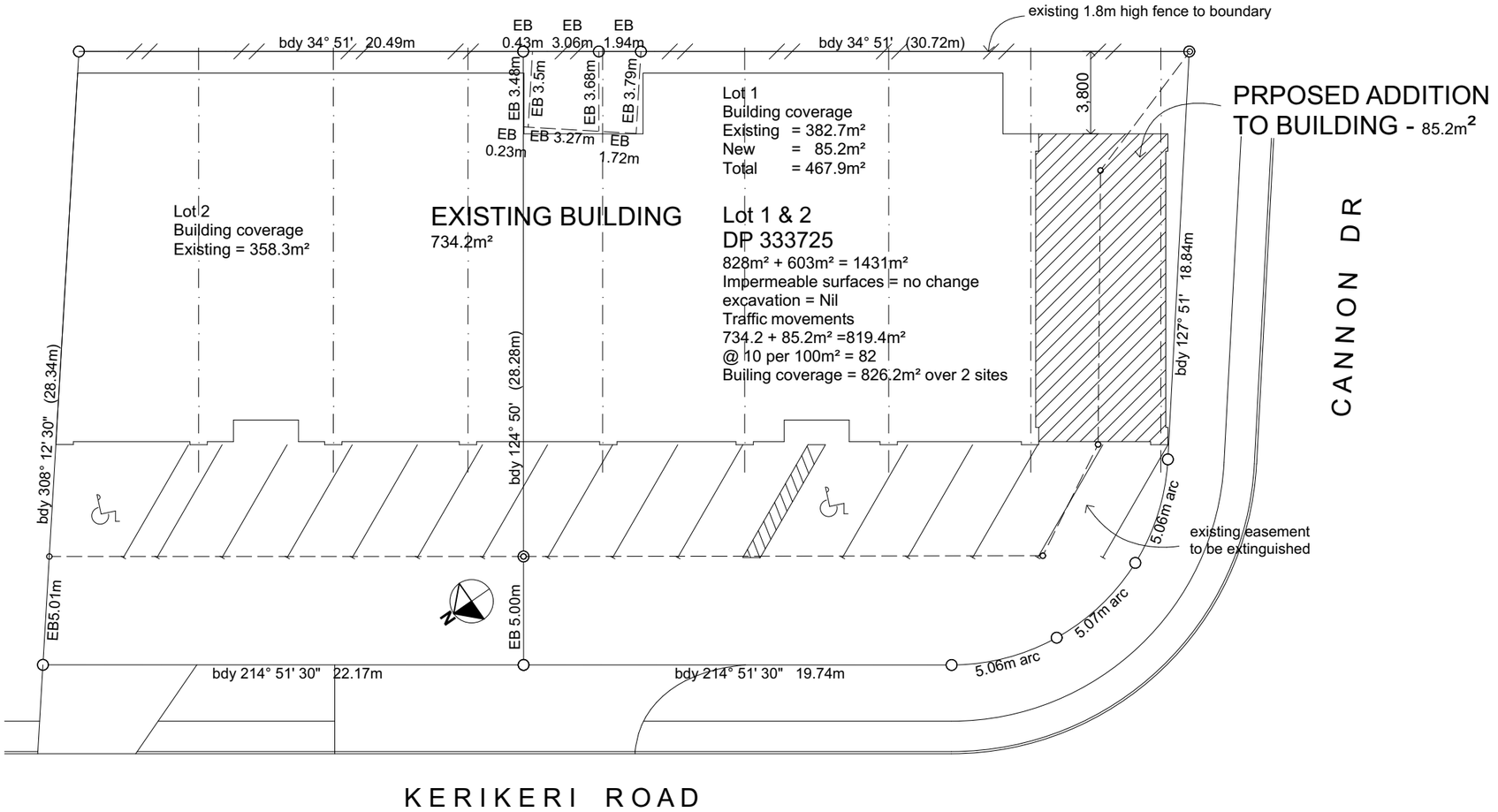
Elevations

Drawn:	Date:
BH	26/05/2026
SCALE: 1:200	DRAWING No: **3** of 3
PROJECT No: 1834	

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1 Site Plan 1:250

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No.	Date	Revision Detail

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PROJECT:

Proposed Additions to Building

Spooner Tonkin Trust

PROJECT ADDRESS:

23 & 25 Kerikeri Road KERIKERI

DRAWING:

Site Plan

Drawn:	Date:
BH	6/10/2026
SCALE: 1:250	DRAWING No: 1 of 3
PROJECT No: 1834	

Total Design
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Relevant PDP Objectives and Policies

Part 3 – Town Centre Zone	
Objectives	
TCZ-O1	*The town centre of Kerikeri is a strategically important focal point for ongoing investment, and is a centre that promotes commercial and residential activities, provides employment, housing and goods and services, at a variety of scales*
TCZ-O2	*The intensification of the existing town centre of Kerikeri is undertaken in a manner that provides for the social and economic needs of the District, with sufficient capacity for employment, commercial, and community opportunities being provided.*
TCZ-O3	*Development in the Town Centre zone is of a form, scale and design that achieves a high quality urban form that is visually attractive, safe, easy to orientate, conveniently accessible, and responds positively to local character and content.*
TCZ-O4	*The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.*
Policies	
TCZ-P1	*Accommodate a diverse range of activities that are compatible with the function and role, and support the vibrancy and viability, of the town centre.*
TCZ-P2	*Promote residential activities and limit activities which would unreasonably detract from residential amenity.*
TCZ-P3	*Discourage incompatible activities within the zone to ensure that the role, function and amenity of the town centres is maintained.*
TCZ-P4	*Provide for growth in commercial activities (including supermarkets) by enabling a wide range of compatible activities and increased building heights and building scale.* *Improve access to a range of facilities, goods and services in a convenient and efficient manner.* *Supports a safe and efficient multi-modal transport network which is integrated with the centre.*
TCZ-P5	*Require new development within the town centre to be high quality in a manner that:* *a. Provides an attractive urban environment with a distinctive sense of place and quality public places;* *b. Manages adverse effects on adjoining environments;* *c. Encourages medium to high intensity development forms;* *d. Achieves the functional and operational requirements of activities within a town centre;*

	e. Provides high quality street environments and an active street frontage that contributes to the character and coherence of a centre; *f. Encourages pedestrian activity and amenity along streets and in adjoining lower intensity residential or open space zones; and* *g. Locates parking and storage areas where they do not visually dominate the street frontage, and avoiding carparking areas that have direct frontage to main retail streets.*
TCZ-P6	*Ensure residential development achieves high quality on-site residential amenity through providing:* *a. Adequately sized and conveniently located outdoor living spaces, and access to reasonable levels of sunlight commensurate with a commercial environment;* *b. Reasonable levels of privacy through unit design, balcony placement, and window orientation that limits the extent of overlooking of private spaces by other residential units; and* *c. Adequate internal floor areas and layouts.*
TCZ-P7	*Ensure an acceptable level of amenity is provided by activities adjacent to residential and open space zones, through controls on building setbacks, recession planes, boundary landscaping, and the types of activities anticipated in Town Centre zone.*
TCZ-P8	*Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Town Centre zone:* *a. consistency with the scale, density, design, amenity and character of the planned Town Centre environment;* *b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading;* *c. Opportunities for connectivity, within and between developments, public open space, services and facilities* *d. at zone interfaces:* *i. any setbacks, fencing, screening or landscaping required to address potential conflicts;* *ii. any adverse effects on the character and amenity of adjacent zones;* *e. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including:* *i. opportunities for water sensitive design methods;*

	ii. management of three waters infrastructure and industrial waste and trade waste; *f. managing natural hazards;* *g. the adequacy of roading infrastructure to service the proposed activity;* *h. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and* *i. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

Proposed Easements to Cancel

Pursuant to Section 243 (e) RMA

Purpose	Burdened	Shown	Benefited
Right of Way (EI 6101965.3)	.2. DP 333725 RT 138201	D	.1. DP 333725 RT 138200
	.1. DP 333725 RT 138200	E	.2. DP 333725 RT 138201

Existing Restrictive Covenant

10122610.1 - Pursuant to Section 77 Building Act 2004 - Subject to Condition Imposed under Section 75(2) Building Act 2004

75(2)
The territorial authority must issue a certificate that states that, as a condition of the grant of a building consent for the building work to which the application relates, 1 or more of those allotments specified by the territorial authority (the specified allotments) must not be transferred or leased except in conjunction with any specified other or others of those allotments.



Scale @ A3 : 1:300

0 15 30

DONALDSONS
REGISTERED LAND SURVEYORS

PROPOSED EASEMENT CANCELLATION ON LOTS 1 & 2 DP 333725

Applicant : G. Moir
Titles : RT 138200 & RT 138201
Areas : 828m² & 603m²
Zone : Commercial
Date : June 2026

REF : 8739

Far North District Council
Te Kaunihera o Tai Tokerau ki te Raki

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Private Bag 752, Kaikohe 0440, New Zealand
ask.us@fndc.govt.nz
0800 920 029
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CERTIFICATE OF LOCAL AUTHORITY UNDER SECTION 243 (e) OF THE RESOURCE MANAGEMENT ACT, 1991

CURRENT LEGAL DESCRIPTION:	Lots 1 and 2 DP 333725
CERTIFICATE NUMBER:	CER-2030735-CEROTH/A
APPLICANT:	Greg Moir

IN THE MATTER OF DEPOSITED PLAN NO: 333725

I HEREBY CERTIFY that the **FAR NORTH DISTRICT COUNCIL** resolved, pursuant to Section 243 (e) of the Resource Management Act 1991, that the Council cancels in full the easement conditions shown as Easements D and E created by Easement Instrument 6101965.3 as it applies to Lots 1 and 2 DP 333725.

DATED at Kerikeri this 17th day of July 2026



_____

Ms Trish Routley – Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
MANAGER RESOURCE CONSENTS