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

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Private Bag 752, Kaikohe 0440, New Zealand
ask.us@fndc.govt.nz
0800 920 029
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)** Change of consent condition (s.127), addendum to 2270154-RMACCN

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: Smartlife Trust c/o Andrew Smart, for Keighley Trustee Limited (owner)

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: Steven Sanson, Bay of Islands Planning Limited

Email:

Phone number:

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

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

7. Details of property owner/s and occupier/s

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

Name/s: Keighley Trustee Limited

Property address/ location:

Postcode

8. Application site details

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

Name/s: Keighley Trustee Limited (owner), Smartlife Trust (applicant)

Site address/ location: 23 Aranga Road

Kerikeri Postcode 0230

Legal description: Lot 3 DP 613888, to be subdivided by RC 2260139-F

Val Number:

Certificate of title: RT 1223414

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

Site visit requirements:

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

Is there a dog on the property? ◯ **Yes** ☑ **No**

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

9. Description of the proposal

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

S127 application to cancel condition 9(d) of RC 2260139-RMACOM (20 m3/day wastewater limit in the replacement CN).
Addendum to s221(3) application 2270154-RMACCN, which holds the rationale. Remaining sub-conditions are re-lettered.
Condition 9(e), the pump station and the pump timing and storage arrangements are unchanged. See attached addendum.

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.

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) Andrew Wayne Smart

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) Andrew Wayne Smart.

Signature:
(signature of bill payer)

9/11/16

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.

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

Name (please write in full) Steven Sanson, Bay of Islands Planning Limited (agent for the applicant)

Signature

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

Checklist of your information

Please tick if information is provided

- ☑ Payment (cheques payable to Far North District Council)
- ☑ A current Certificate of Title (Search Copy not more than 6 months old)
- ☑ Details of your consultation with Iwi and hapū
- ☑ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☑ Applicant / agent / property owner / bill payer details provided
- ☑ Location of property and description of proposal
- ☑ Assessment of Environmental Effects
- ☑ Written approvals / correspondence from consulted parties
- ☑ Reports from technical experts (if required)
- ☑ Copies of other relevant consents associated with this application
- ☑ Location and site plans (land use) AND/OR
- ☑ Location and scheme plan (subdivision)
- ☑ Elevations / floor plans
- ☑ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans

Appendix A

Record of Title, Decision and Draft Easement Instrument

Application under section 127 of the Resource Management Act 1991 to cancel condition 9(d) of RC 2260139-RMACOM, 23 Aranga Road, Kerikeri. Addendum to application 2270154-RMACCN. Applicant Smartlife Trust.

Contents	Pages
Record of Title 1223414, Lot 3 DP 613888	2 to 3
Decision on RC 2260139-RMACOM, combined subdivision and land use consent, 31 July 2026	4 to 8
Approved Stage 4 scheme plan for RC 2260139-RMACOM, Williams & King Rev I, stamped 31 July 2026	9 to 10
Draft easement instrument LM-118756-7-1122-V1, Keighley Trustee Limited, giving effect to condition 4 of RC 2260139-RMACOM	11 to 15

The draft easement instrument has not been approved or registered. It will be amended as set out in Section 2.2 of the addendum.

The remaining supporting information, including the wastewater appendices, was lodged with application 2270154-RMACCN and is relied on.

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

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

Prior References
1171041

Estate Fee Simple
Area 4.6570 hectares more or less
Legal Description Lot 3 Deposited Plan 613888
Registered Owners
Keighley Trustee Limited

Interests

Subject to a water right over part marked V on DP 613888 created by Transfer A446428 - 12.2.1970 at 12.10 pm

Appurtenant hereto is a water supply right created by Transfer A446428 - 12.2.1970 at 12:10 pm

Subject to a right of way over parts marked C, U and G on DP 613888 created by Transfer 233327.1 - 29.5.1973 at 11.27 am

Subject to a right of way (in gross) over parts marked C, U, J and K on DP 613888 in favour of Bay of Islands County Council created by Transfer 697944.1 - 5.12.1979 at 10.33 am

Appurtenant hereto is a electricity supply right created by Transfer C840345.1 - 9.5.1995 at 2:19 pm

Subject to a right to convey water over part marked parts marked C, U and G on DP 613888 created by Transfer C953844.5 - 13.2.1996 at 3.33 pm

Subject to a right to drain water (in gross) over part marked P on DP 613888 in favour of Far North District Council created by Easement Instrument 6078609.6 - 14.7.2004 at 9:00 am

The easements created by Easement Instrument 6078609.6 are subject to Section 243 (a) Resource Management Act 1991

11240106.2 Mortgage to ASB Bank Limited - 9.10.2018 at 5:01 pm

Subject to a right to drain water over parts marked C, M, G and K on DP 613888 created by Easement Instrument 13058545.5 - 3.12.2024 at 2:32 pm

The easements created by Easement Instrument 13058545.5 are subject to Section 243 (a) Resource Management Act 1991

13058545.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.12.2024 at 2:32 pm

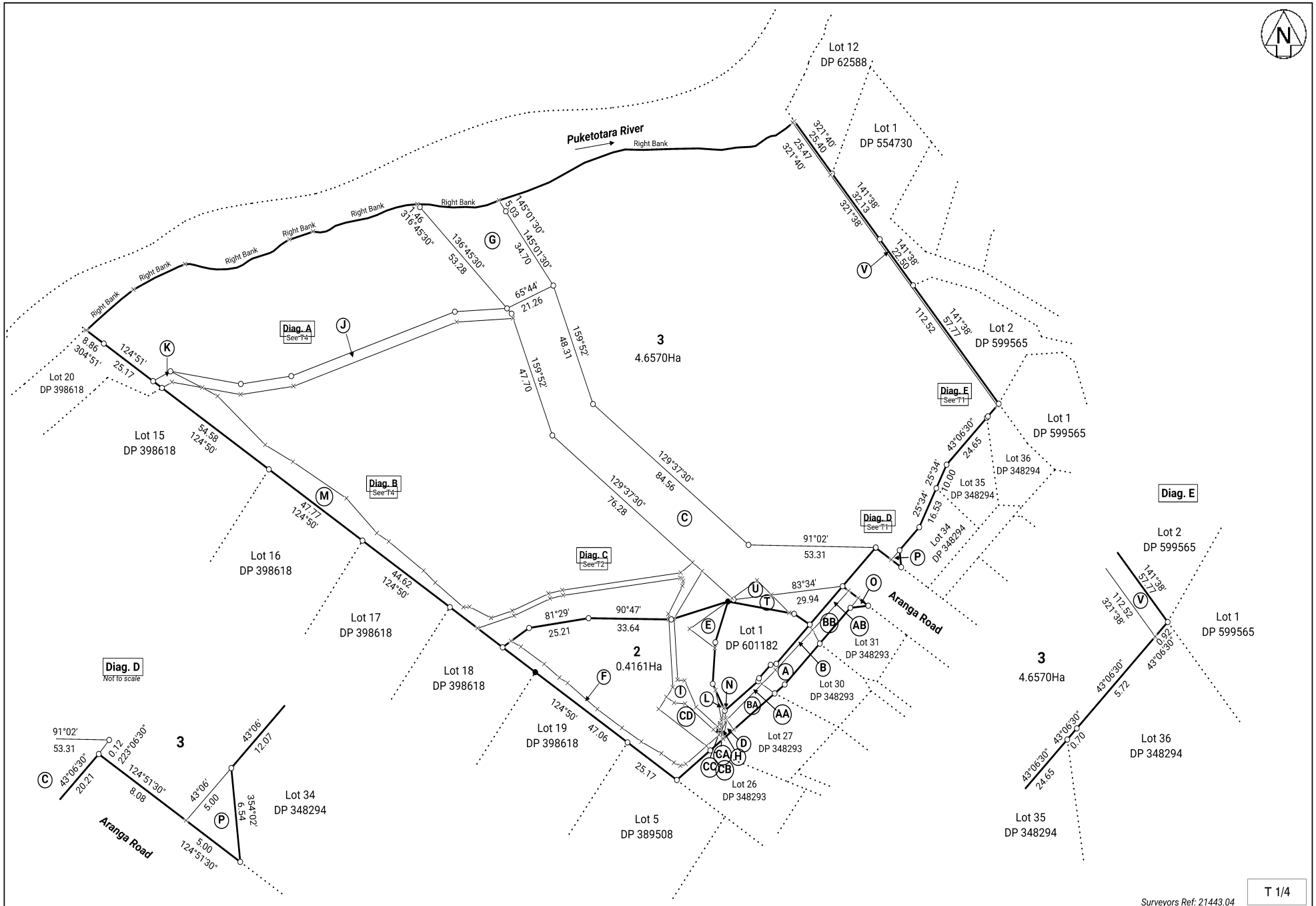
Land Covenant in Covenant Instrument 13058545.9 affecting parts marked T and U on DP 613888 - 3.12.2024 at 2:32 pm

Subject to a right to drain water over parts marked C, M, G and K on DP 613888 created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm

Appurtenant hereto is a right to drain sewage created by Easement Instrument 13217098.2 - 14.8.2025 at 12:40 pm

The easements created by Easement Instrument 13217098.2 are subject to Section 243 (a) Resource Management Act 1991

13217098.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.8.2025 at 12:40 pm



Land District: North Auckland Digitally Generated Plan Generated on: 27/08/2025 08:09am Page 5 of 8	LOTS 2 & 3 BEING A SUBDIVISION OF LOT 2 DP 601182.	Surveyor: Kurt Eric Watson Firm: Survey & Planning Solutions (2010) L	Title Plan LT 613888 Approved on: 27/08/2025

Surveyors Ref: 21443.04

T 1/4

DECISION ON A COMBINED SUBDIVISION AND LAND USE CONSENT APPLICATION

UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34A(1) and sections 104, 104B and Part 2 of the Resource Management Act 1991, the Far North District Council grants subdivision consent and land use consent for a discretionary activity, having had regard to both the Operative District Plan and the Proposed District Plan (Decisions Version), subject to the conditions listed below, to:

Applicant	Smartlife Trust (c/o Andrew Smart)
Council Reference	2260139-RMACOM
Property Address	23 Aranga Road, Kerikeri
Legal Description	Lot 3 DP 613888 (RT 1223414)

The activity is a three-lot subdivision of Lot 3 DP 613888 (4.657 ha) in the Rural Living zone (Operative District Plan) — creating Lot 1 (~2.140 ha), Lot 2 (~1.870 ha) and Lot 3 (~6,460 m² esplanade reserve along the Puketotara River, to vest in the Council under section 239(1)(a)) — together with a consequential land use consent for non-compliance with the impermeable-surface coverage standard (ODP Rule 8.7.5.1.5) on Lots 1 and 2; the creation of drainage and services easements over Lot 3; and the cancellation under section 221(3) of consent notices 13058545.8 and 13217098.3, with replacement consent-notice conditions imposed on Lots 1 and 2.

Conditions

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

General

1. The subdivision and land use must be carried out in general accordance with the approved plan "Proposed Subdivision of Lot 3 Stage 2 RC 2240395 (DP 613888) (Stage 4)", Rev I dated 5 June 2026, prepared by Williams & King (Sheets 1/2 and 2/2), attached to this consent with the Council's "Approved" stamp affixed.

Subdivision – Section 223 (before survey plan approval)

2. The survey plan submitted for approval under section 223 must show Lot 3 as an esplanade reserve to vest in the Council under section 239(1)(a), with the bed of the Puketotara River shown as required by section 237A.

3. Prior to s223 approval, provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses serving Lots 1 and 2 are located within the easement areas shown on the approved plan, to the satisfaction of the Resource Consent Engineer.

4. Prior to s223 approval, provide draft easement instruments and a draft Memorandum of Easements to give effect to the drainage, services and access easements shown on the

approved plan — including the easements over Lot 3 (esplanade reserve) for the existing wastewater pump-station components, overflow storage tank, and stormwater conveyance and outfalls — for the approval of the Resource Consent Engineer and the Parks & Reserves Planner.

5. Prior to s223 approval, submit the draft title plan to the Parks & Reserves Planner for approval, confirming the esplanade reserve (Lot 3) configuration and width along the Puketotara River frontage.

Subdivision – Section 224(c) (before certification)

6. The esplanade reserve (Lot 3) must be given effect to and vested in the Council under section 239(1)(a), subject to the easements approved under the easement condition above.

7. The easement instruments must be registered, or be registrable, against the relevant titles, with a solicitor's undertaking to register them.

8. Reserve condition prior to vesting (Lot 3). Prior to the commencement of any works required by this condition, the consent holder shall meet on site with the Council's Parks & Reserves Planner (or delegate) to agree a written scope of works ("the Reserve Works Scope") for Lot 3, addressing:

   (a) the removal of all organic and inorganic rubbish;

   (b) the remediation or removal of hazards to public safety, including large holes, dangerous trees, unstable structures and redundant pipes; and

   (c) the removal of invasive weed species listed in the Northland Regional Council regional pest management plan.

   The works shall be completed in accordance with the agreed Reserve Works Scope, and written confirmation from the Parks & Reserves Planner (or delegate) that the agreed scope has been completed shall be provided prior to the issue of the certificate under section 224(c).

Consent Notice – Section 221 (continuing conditions on Lots 1 and 2)

9. Secure the conditions below by way of a Consent Notice under section 221, registered against the titles of Lots 1 and 2 at the consent holder's cost:

   (a) In conjunction with the construction of any building requiring building consent, provide at the time of lodging the building consent a specific design for stormwater disposal.

   (b) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by tank or other approved means, safely accessible, in accordance with SNZ PAS 4509.

   (c) In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system designed so that the total stormwater discharged after development is no greater than the pre-development flow for the 10% and 1% AEP events respectively, plus an allowance for climate

change; the design to be prepared by a chartered professional engineer or suitably qualified practitioner and submitted with the building consent.

(d) The total wastewater discharge to the Council connection point at 23 Aranga Road must not exceed an average of 20m³ per day, as outlined in the existing agreement dated 28 October 2014.

(e) The owners of Lots 1 and 2 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f of RC 2240395.

(f) Where stormwater from Lot 1 or Lot 2 is to be conveyed to a discharge point within Lot 3 (esplanade reserve), the specific stormwater design required by (a) shall additionally demonstrate that stormwater is conveyed to the approved discharge point within the reserve such that the discharge velocity and volume will not cause scour, erosion or instability within the reserve, and that the stormwater system (including any pipes, swales or outfall structures) is designed and located so as not to obstruct, undermine or cause nuisance flooding to any existing or planned public access track within the reserve. No physical works to install, upgrade or maintain any such stormwater connection shall be undertaken within Lot 3 (esplanade reserve) without the prior written approval of Council's Parks & Reserves Planner (or delegate) of the form, type, location and method of construction; and on completion of any such works, the surface of the reserve and any track shall be reinstated to the satisfaction of Council's Parks & Reserves Planner (or delegate).

(g) In conjunction with the construction of any building requiring building consent on Lot 1 or Lot 2, the location and foundations of the building shall be certified by a suitably experienced Chartered Professional Engineer (geotechnical practice area) prior to the issue of the building consent. The certification shall address the ground conditions within the proposed building platform, the specific design of the building's foundations and any required construction supervision, and shall have regard to the flood-susceptible land / river flood hazard identified on the Council's Geographic Information System maps, including inundation risk and finished floor levels.

Cancellation – Section 221(3)

10. On registration of the consent notice required above, consent notices 13058545.8 and 13217098.3 are cancelled insofar as they apply to the land subdivided, having been replaced by that consent notice.

Advice Notes

a. Lapsing (s125): this consent lapses 5 years after commencement unless a survey plan is submitted for s223 approval before the lapse date (and deposited within 3 years under s224(h)), or an extension is granted.

b. Right of objection (s357A): the applicant may object in writing within 15 working days of receipt of this decision.

c. Monitoring (s35): the consent is subject to monitoring and charges may apply.

d. Archaeology (Heritage New Zealand Pouhere Taonga Act 2014): if any archaeological site is uncovered, work must cease and Heritage New Zealand, local iwi and (if kōiwi are present) the New Zealand Police must be consulted.

e. Water Area of Benefit: the northern portion of Lot 2 is outside the reticulated water Area of Benefit; any building there requires prior approval from Council's Infrastructure team to connect to the Council water supply.

Reasons

1. The application was processed on a non-notified basis under sections 95A and 95B — the adverse effects on the environment are not more than minor and there are no affected persons.

2. The activity is discretionary, assessed under sections 104 and 104B (bundled land use and subdivision). The application was lodged before the PDP Decisions Version; under section 88A(1) the activity status is retained as at lodgement, and the application is assessed against both the Operative District Plan and the PDP Decisions Version (s88A(2), s104(1)(b)). The subdivision complies with the Rural Living controlled lot-size standard; the discretionary status arises from the consequential land use consent for the stormwater breach, bundled with the subdivision. Section 104D does not apply.

3. Under section 104(1)(a), the effects are no more than minor. The proposal reconfigures an existing, lawfully established and serviced accommodation site with no new buildings, earthworks, vegetation clearance or access. The impermeable-surface non-compliance arises from redistributing existing surfaces (Lot 1 7,425 m²/~34.7%, Lot 2 3,880 m²/~20.7% — unchanged from the lodged plan). Stormwater discharges to the Puketotara River via existing approved outlets, with attenuation imposed at any future building stage. The esplanade reserve vesting is a positive effect (riparian protection, future public access).

4. Under section 104(1)(ab), no more-than-minor adverse effects require offsetting or compensation.

5. Under section 104(1)(b): the proposal is consistent with the Operative District Plan Rural Living objectives and policies (maintaining the established semi-urban character without more intensive development) and the subdivision objectives and policies (including riparian protection through the esplanade reserve). It is also consistent with the PDP Decisions Version, under which the site is zoned General Residential (legal effect from 30 June 2026, s86B(1)) — consistent with objectives GRZ-O1, O2, O4 and O5 (consolidating urban residential development around available infrastructure; functional, high-amenity living environments) and subdivision objectives SUB-O1, O3 and O4. The impermeable-surface coverage that breaches the ODP rule is permitted under the General Residential zone (GRZ-R2, ≤50%). Greater weight is given to the PDP Decisions Version as the most advanced expression of the plan; unappealed provisions become operative under s86F after the appeal period. In accordance with Council's Resource Consents PDP Notification Practice Note (June 2026 V1, §6.1), consent is granted under both the ODP and the PDP-DV without a further application.

6. Under section 104(1)(c), the Ngāti Rēhia iwi/hapū management plan is a relevant document; consultation with Ngāti Manu and Ngāti Rēhia was undertaken and no concerns were raised in response. The esplanade reserve vesting recognises the relationship of tangata whenua with the river. No precedent or plan-integrity concern arises.

7. Having regard to section 106, a PDP 10-year river flood hazard affects the northern margin, largely within the land vesting as esplanade reserve. No new habitable building or platform is created in the hazard area; the flood-prone margin is removed from the development lots into the vesting reserve; a geotechnical certification condition applies to any future building; and sufficient legal and physical access is provided to each allotment. The land is not, and is not likely to be, subject to material damage of the kind described in section 106(1), and consent is not refused under section 106.

8. Section 104D does not apply (the application is not a non-complying activity).

9. The relevant plan provisions have been competently prepared to give effect to Part 2; on the Davidson approach no separate recourse to Part 2 is required. For completeness, the proposal achieves the sustainable-management purpose (s5), recognises the preservation of the natural character of the river and its margins and public access to it (ss6(a), 6(d)), and reflects kaitiakitanga (s7(a)) and the principles of the Treaty (s8) through the reserve vesting and the consultation undertaken.

10. Having regard to the matters in section 104(1) and subject to Part 2, the proposal is consistent with the relevant objectives and policies and will not have more than minor adverse effects. Consent is granted subject to conditions.

Approval

This resource consent has been prepared by Nick Williamson, Acting Senior Resource Consents Planner. I have reviewed this and the associated information and am satisfied the application can be determined under delegated authority.



Determination (Delegated Authority):
Trish Routley Manager Resource Consents
31 July 2026

APPROVED PLAN

Planner: Nick Williamson
pp: Jharris
RC: 2260139-RMACOM
Date: 31/07/2026

This document and the copyright in this document remain the property of Williams & King. The contents of this document may not be reproduced in whole or in part without the prior written consent of Williams & King.

PUKETOTARA RIVER

LOT 3 6460m²
Esplanade Reserve to be vested subject to Sec 239(2) RM Act 1991

10 - 36m wide

LOT 12 DP 62588
Esplanade Reserve

1 DP 554730

5 DP 554730

36 DP 348294

35 DP 348294

34 DP 348294

31 DP 348293

30 DP 348294

27 DP 348293

26 DP 348293

20 DP 398618
Local Purpose Reserve

15 DP 398618

16 DP 398618

17 DP 398618

18 DP 398618

19 DP 398618

5 DP 389508

LOT 1
2.140ha

LOT 2
1.870ha

Lot 2 (Stage 2) DP 613888
RC 2240395

DP 601182 (Stage 1)

ARANGA ROAD

Proposed track route

30m Setback from river

Bund

overflow tanks

Storage Tanks

Pump

Lid

Shed

MH

gravel drive

cabins

kitchen

watercourse

CP

dorm

cabin

shed

office/ entrance

house

sealed drive

sewer pressure line

192.1 Bdy

Existing Sewer Easements in favour of Lot 3 RC 2240395 (DP 613888)

Countours derived from LIDAR information sourced from LINZ database dated 2018 - 2020. NZVD values 2m major & 0.5m minor

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY
Areas U & T are subject to an existing Height Restriction

Existing Easements in Gross

Purpose	Shown	Servient Tenement	Grantee & docs
Right to Drain Water	P	Lot 2 Hereon	Far North District Council 6078609.6
Right of Way	K J B U JA	Lot 1 Hereon	697944.1
	C	Lot 2 Hereon	

Existing Easements

Purpose	Shown	Servient Tenement	Created By
Right of Way	G C E	Lot 2 Hereon	233327.1
	B D U	Lot 1 Hereon	
	W	Lot 3 Hereon	
Right to Convey Water	D B U	Lot 1 Hereon	C953844.5
	C E G	Lot 2 Hereon	
	W	Lot 3 Hereon	
Right to Drain Water	M K B D MA	Lot 1 Hereon	Dominant Tenements
	C G E	Lot 2 Hereon	Lot 1 DP 601182 & Lot 2 Stage 2 (RC 2240395)
	W	Lot 3 Hereon	
	M K B D MA	Lot 1 Hereon	13058545.5
	C G E	Lot 2 Hereon	
	W	Lot 3 Hereon	
Water Right	V	Lot 2 Hereon	A446428
	X	Lot 3 Hereon	

Memorandum of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	E	Lot 2 Hereon	Lot 1 Hereon
Right to convey Sewage	Y	Lot 3 Hereon	Lots 1 & 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
	AE JA K M AF	Lot 1 Hereon	Lot 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
Right to drain water	AC Z AA AB W L F H	Lot 3 Hereon	Lots 1 & 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
	AD	Lot 1 Hereon	Lot 1 DP 601182 Lot 2 DP 613888

Rev A 14/03/2024
Bdys amended around pump station
Rev B 6/12/2024
Additional easements added.
Rev C 11/12/2024
Area E added.
Rev D 27/02/2025 Easement A removed, setbacks added, Sheet2 added.
Rev E 15/08/2025 Lot 3 vesting added
Rev F 30/10/2025 Contours added
Rev G 22/01/2026 Lot 3 amended, track added
Rev H 29/01/2026 Lot 3 track & amended
Rev I 5/06/2026 Lot 3 easements added

0 10 20 30 40 50

JOB/CLIENT:
SMARTLIFE TRUST
KERIKERI

SHEET TITLE:
PROPOSED SUBDIVISION OF LOT 3 STAGE 2 RC 2240395 (DP 613888) (Stage 4)

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

Job No: 21443
File: STAGE4 Scheme KS

SCALE @ A3 1:1000

SHEET No 1/2

This document and the copyright in this document remain the property of Williams & King. The contents of this document may not be reproduced in whole or in part without the prior written consent of Williams & King.

IMPRMEABLE AREAS

Sum of impermeable areas: 7425m² Lot 1
Sum of impermeable areas: 3880m² Lot 2
Total area 1.1305 ha Impermeables

PUKETOTARA RIVER

LOT 3 6460m²
Esplanade Reserve
to be vested subject to
Sec 239(2) RM Act 1991

10 - 36m wide

LOT 12
DP 62588
Esplanade Reserve

1
DP 554730

5
DP 554730

36
DP 348294

35
DP 348294

34
DP 348294

31
DP 348293

30
DP 348294

27
DP 348293

26
DP 348293

5
DP 389508

19
DP 398618

18
DP 398618

17
DP 398618

16
DP 398618

15
DP 398618

20
DP 398618
Local Purpose Reserve

LOT 1
2.140ha

LOT 2
1.870ha

Lot 2
(Stage 2)
DP 613888
RC 2240395

1 house
DP 601182
(Stage 1)

Proposed track route
30m Setback from river
Bund
overflow tanks
Storage Tanks
Lid
Pump
Shed
MH
watercourse
gravel drive
618m²
599m²
330m²
177m²
457m²
827m²
dorm
CP
cabins
87m²
22m²
171m²
743m²
148m²
61m²
369m²
870m²
294m²
127m²
1172m²
178m²
182m²
61m²
28m²
235m²
206m²
778m²
323m²
16m²
49m²
5m²
49.8
430m²
196m²
95m²
43.2
7m²
141m²
30m²
403m²
office/ appliance
sealed drive
sewer pressure line
192.1 Bdy
Existing Sewer Easements in favour of Lot 3 RC 2240395 (DP 613888)
ARANGA ROAD
112.40
(31.99)
(26.53)
12.07
6.54
13.08
20.21
20.1
15.5
7.1
28.1
24.7
34.6
25.2
13.3
42.0
41.0
30.1
27.0
9.3
41.2
49.8
83m²
cabin
1.0
20

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY
Areas U & T are subject to
an existing Height Restriction

Countours derived from LIDAR information
sourced from LINZ database dated 2018 - 2020.
NZVD values 2m major & 0.5m minor

APPROVED PLAN

Planner: Nick Williamson
pp: Jharris
RC: 2260139-RMACOM
Date: 31/07/2026

Existing Easements in Gross

Purpose	Shown	Servient Tenement	Grantee & docs
Right to Drain Water	P	Lot 2 Hereon	Far North District Council 6078609.6
Right of Way	K J B U JA	Lot 1 Hereon	697944.1
	C	Lot 2 Hereon	

Existing Easements

Purpose	Shown	Servient Tenement	Created By
Right of Way	G C E	Lot 2 Hereon	233327.1
	B D U	Lot 1 Hereon	
	W	Lot 3 Hereon	
Right to Convey Water	D B U	Lot 1 Hereon	C953844.5
	C E G	Lot 2 Hereon	
	W	Lot 3 Hereon	
Right to Drain Water	M K B D MA	Lot 1 Hereon	Dominant Tenements
	C G E	Lot 2 Hereon	Lot 1 DP 601182 & Lot 2 Stage 2 (RC 2240395)
	W	Lot 3 Hereon	
	M K B D MA	Lot 1 Hereon	13058545.5
	C G E	Lot 2 Hereon	
	W	Lot 3 Hereon	
Water Right	V	Lot 2 Hereon	A446428
	X	Lot 3 Hereon	

Memorandum of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way Right to Convey Electricity, Water Sewage & Telecommunications	E	Lot 2 Hereon	Lot 1 Hereon
Right to convey Sewage	Y	Lot 3 Hereon	Lots 1 & 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
	AE JA K M AF	Lot 1 Hereon	Lot 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
Right to drain water	AC Z AA AB W L F H	Lot 3 Hereon	Lots 1 & 2 Hereon Lot 1 DP 601182 Lot 2 DP 613888
	AD	Lot 1 Hereon	Lot 1 DP 601182 Lot 2 DP 613888

Rev A 14/03/2024
Bdys amended around pump station
Rev B 6/12/2024
Additional easements added.
Rev C 11/12/2024
Area E added.
Rev D 27/02/2025 Easement A
removed, setbacks added, Sheet2 added.
Rev E 15/08/2025 Lot 3 vesting added
Rev F 30/10/2025 Contours added
Rev G 22/01/2026 Lot 3 amended, track added
Rev H 29/01/2026 Lot 3 track & amended
Rev I 5/06/2026 Lot 3 easements added

0 10 20 30 40 50

JOB/CLIENT:
SMARTLIFE TRUST
KERIKERI
IMPERMEABLE AREAS

SHEET TITLE:
PROPOSED SUBDIVISION OF LOT 3 STAGE 2 RC 2240395 (DP 613888) (Stage 4)

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

Job No: 21443
File: STAGE4 Scheme KS

SCALE @ A3 1:1000
SHEET No 1/2

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

KEIGHLEY TRUSTEE LIMITED

Grantee

KEIGHLEY TRUSTEE LIMITED

Grant of Easement or *Profit à prendre*

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

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

Purpose of Easement, or *profit*	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way, Right to Drain Sewage, Right to Convey Electricity, Telecommunications and Water	E (DP 632746)	Lot 2 DP 632746	Lot 1 DP 632746
Right to Drain Sewage	Y (DP 632746)	Lot 3 DP 632746	Lots 1 and 2 DP 632746, Lot 1 DP 601182 and Lot 2 DP 613888
	AF, M, K, AE, JA (DP 632746)	Lot 1 DP 632746	Lot 2 DP 632746, Lot 1 DP 601182 and Lot 2 DP 613888
	D, AH, AG, AI (DP 632746)	Lot 1 DP 632746	Lot 2 DP 632746
Right to Drain Water	AC, Z, AA, AB, W, L, F, H (DP 632746)	Lot 3 DP 632746	Lots 1 and 2 DP 632746, Lot 1 DP 601182 and Lot 2 DP 613888

	AD (DP 632746)	Lot 1 DP 632746	Lot 1 DP 601182 and Lot 2 DP 613888
Right to Convey Electricity, Telecommunications, Water	B (DP 632746)	Lot 1 DP 632746	Lot 2 DP 632746
	C (DP 632746)	Lot 2 DP 632746	Lot 1 DP 632746

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

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

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

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

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

[the provisions set out in Annexure Schedule]

ANNEXURE SCHEDULE

Insert instrument type

RIGHT TO DRAIN SEWAGE EASEMENTS

1. The Grantor and Grantee agree that this easement instrument is a requirement of Resource Consent 2260139-RMACOM ("the Resource Consent") issued by the Far North District Council ('Council'). It is a condition of the Resource Consent that the Grantor and Grantee enter into and keep in place a Wastewater Maintenance Agreement for the ongoing operation and maintenance of the privately owned wastewater disposal system assets on the Burdened Land and the Benefited Land. The privately owned wastewater disposal system is comprised of, including but not limited to a private wastewater system/s including any collection, treatment detention systems, tanks, pumps, controls, alarms, filters, floats and pipes on and under the Burdened Land and the Benefitted Land ("Sewage Facility").

2. The Grantor and Grantee acknowledge that the Sewage Facility is located on both the Burdened Land and Benefitted Land but for the purposes of this easement there are only pipes in the Burdened Land as part of the Sewage Facility. The Grantor of Lot 2 DP 613888 has its own sewer facilities and is not likely to use the Sewage Facility. To the extent it does then the provisions of this easement will apply.

3. The Grantor and Grantee acknowledge and agree that the Sewage Facility is connected to the public wastewater system in accordance with and on terms of an Agreement between the Grantors and the Council dated 28 October 2014. ("2014 Agreement").

4. Pursuant to the 2014 Agreement the Grantor and Grantee must:

    a. discharge a maximum average rate of 20 cubic meters per day of raw sewage from the Sewage Facility to Council's public wastewater system. Should the Grantor and/or the Grantee require the average sewage discharge volume to increase from 20 cubic meters per day, they must seek Council's permission for such increase, which permission must not be unreasonably withheld if Council's public wastewater system has capacity to allow the increase and taking into consideration the needs and requirements of the entire area of benefit;

    b. only discharge raw sewage from the Sewage Facility to Council's public wastewater system during the hours from 11pm to 6am; and

    c. retain sufficient storage on site to enable holding one days maximum flow from the site.

5. The Grantor and Grantee acknowledge that they have no recourse to the Far North District Council in respect of the management, maintenance, repair or replacement of the Sewage Facility on the Burdened Land or the Benefitted Land and that the Far North District Council shall not at any time have any obligations, responsibility or liability in respect of the Sewage Facility or in respect of the provision of sewer, drainage or disposal services on the Burdened Land or Benefitted Land, which shall at all times remain the sole and exclusive responsibility of the registered proprietors for the time being of the Burdened Land and the Benefitted Land using the Sewage Facility.

6. The Sewage Facility is to be operated and maintained by the Grantor and Grantee in perpetuity. The Grantor and Grantee agree that it must enter and maintain at all times a service contract for the maintenance of the Sewage Facility and will pay the cost for such service contract accordingly or in such proportions based on use by the Grantor and Grantee.

7. The Grantee acknowledges the service contract will provide for annual service inspections to be made and will include:

    a. Any adjustment, cleaning, and service of the Sewage Facility necessary for the proper operation; and

    b. An inspection of the control panel, alarm, vents, textile media, biomass, clarification, effluent filter, effluent quality, recirculation pump, other pumps and alarm float; and

    c. Ensure monthly emptying of the facilities; and

    d. Respond to system malfunctions and extreme weather events in a timely manner. In the event of a system malfunction or extreme weather event, the approved maintenance contractor shall assess and implement necessary corrective measures as soon as practicable; and

    e. Carry out necessary repairs, replacements, or upgrades to ensure compliance with regulatory requirements.

8. The Grantee agrees to ensure routine maintenance is carried out on the Sewage Facility every two (2) years unless required sooner.

9. The Grantee will use the same service contractor for all the lots comprising the Burdened Land and Benefitted Land containing the Sewage Facility. In the event the Grantee cannot agree on who that service contractor will be, then the decision will be made by a simple majority of all registered proprietors of the Benefitted Land.

10. The Grantee must comply with the recommended instructions for use of the Sewage Facility.

11. The Grantor or Grantee (or any one of them) may report any observe issues or problems directly to the service contract contractor.

12. These terms and conditions may be reviewed periodically to consider changes in circumstances, operational requirements or regulatory updates.

13. The Grantor and Grantee agree between them that if one of them has exclusive use of any part of the Sewage Facility that party is responsible for the repair and maintenance of that part of the Sewage Facility and for the associated costs.

14. If any one or more of the Grantors and Grantees share the use of the Sewage Facility each of them is responsible equally for the repair and maintenance of the Sewage Facility, and the associated costs so as to keep the Sewage Facility in good order and to prevent it from becoming a danger or nuisance.

15. Any repair or maintenance of the Sewage Facility that is attributable solely to an act or omission by a Grantor or Grantee must be promptly carried out by that party at their sole cost.

16. If the repair and maintenance of the Sewage Facility is only partly attributable to an act or omission by the Grantor or Grantee then its:

    a. That party must pay the proportion of the costs of the repair and maintenance that is attributable to that act or omission; and

    b. The balance of those costs is payable in accordance with Clause 15; and

c. The cost of any electricity used for the Sewage Facility must be apportioned between the users of it in a fair proportion to its use.

RIGHT TO DRAIN WATER EASEMENTS OVER AREAS MARKED "AC", "Z", "AA", "AB", "W", "L", "F" AND "H" ON DEPOSITED PLAN 632746

17. The Council, (the Grantor) is not responsible for the repair and maintenance of the right to drain water easement facility marked "AC", "Z", "AA", "AB", "W", "L", "F" and "H" on DP 632746

18. In relation to any right to drain water pursuant to these easements over Lot 3 Deposited Plan 632746 each Grantee will comply with the following:

    a. in conjunction with the construction of any building requiring building consent, provide to Council at the time of lodging the building consent a specific design for stormwater disposal; and

    b. the specific stormwater design required by clause 18(a) shall additionally demonstrate that stormwater is conveyed to the approved discharge point within Lot 3 DP 632746 such that the discharge velocity and volume will not cause scour, erosion or instability within Lot 3 DP 632746, and that the stormwater system (including any pipes, swales or outfall structures) is designed and located so as not to obstruct, undermine or cause nuisance flooding to any existing or planned public access track within Lot 3 DP 632746. No physical works to install, upgrade or maintain any such stormwater connection shall be undertaken within Lot 3 DP 632746 without the prior written approval of Council's Parks & Reserves Planner (or delegate) of the form, type, location and method of construction; and on completion of any such works, the surface of the land and any track shall be reinstated to the satisfaction of Council's Parks & Reserves Planner (or delegate).

Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri
Email office@bayplan.co.nz **Website** www.bayplan.co.nz

16 November 2026

To Far North District Council

Matter Application under section 127 of the Resource Management Act 1991 to cancel condition 9(d) of RC 2260139-RMACOM. Addendum to application 2270154-RMACCN, 23 Aranga Road, Kerikeri.

Please find attached an application under section 127 of the Resource Management Act 1991 to cancel condition 9(d) of RC 2260139-RMACOM. It follows Council's advice that condition 9(d) cannot be cancelled under section 221(3) until the survey plan is deposited, and that a separate section 127 application is required.

This application is an addendum to application 2270154-RMACCN. It does not repeat the background or the rationale, which are set out in the Assessment of Environmental Effects and appendices lodged with that application and are relied on here. Section 4 shows where each matter is addressed. Application 2270154-RMACCN continues for the consent notices registered on RT 1171039 and RT 1223413. This application replaces the parts of it that relate to condition (d) of the replacement consent notice.

Condition 9(d) limits the total wastewater discharge to the Council connection point at 23 Aranga Road to an average of 20 m³ per day. The application asks Council to cancel it and to re-letter the remaining sub-conditions, as marked up in Section 2.1. Condition 9(e), the pump timing and storage arrangements and the private pump station are not changed. Because the titles are not yet registered, the draft easement instrument will be amended to remove the clause that restates the limit and the easement benefits that become redundant (Section 2.2).

The section 223 certificate has not yet been issued and section 224(c) has not been applied for, so the titles will not issue this year. The applicant wants to understand Council's position on the wastewater volume limitation now, and would welcome an early indication of it.

The application is a **Discretionary Activity** under section 127(3). No Operative or Proposed District Plan rules are breached, and the application can be processed on a non-notified basis.

The application is supported by the following information.

- **Appendix A** Record of Title 1223414, the decision on RC 2260139-RMACOM with the approved scheme plan, and the draft easement instrument LM-118756-7-1122-V1

Regards

Steven Sanson
Consultant Planner

1. Applicant & Property Details

Applicant	Smartlife Trust c/o Andrew Smart, consent holder of RC 2260139-RMACOM
Address for Service	Bay of Islands Planning Limited Kerikeri House, Suite 3, 88 Kerikeri Road, Kerikeri C/O Steven Sanson steve@bayplan.co.nz
Consent to be Changed	RC 2260139-RMACOM, combined subdivision and land use consent granted by Far North District Council on 31 July 2026
Condition to be Cancelled	Condition 9(d)
Related Application	2270154-RMACCN, section 221(3) change of consent notices
Legal Description	Lot 3 DP 613888 (RT 1223414), to be subdivided into Lot 1 (about 2.140 ha), Lot 2 (about 1.870 ha) and Lot 3 (about 6,460 m² esplanade reserve to vest in Council). The draft easement instrument refers to the new lots as Lots 1, 2 and 3 DP 632746.
Registered Owner	Keighley Trustee Limited
Physical Address	23 Aranga Road, Kerikeri
Status of the Consent	The section 223 certificate has not yet been issued, and section 224(c) has not been applied for. The titles are not expected to issue this year.

2. Proposal

2.1 Change to condition 9

Condition 9 of RC 2260139-RMACOM is shown below as it is proposed to be changed. Deletions are shown struck through, and additions are shown in bold and underlined. The only change of substance is the deletion of condition 9(d). The remaining sub-conditions are re-lettered, and their wording is not changed.

9.	Secure the conditions below by way of a Consent Notice under section 221, registered against the titles of Lots 1 and 2 at the consent holder's cost:
(a)	In conjunction with the construction of any building requiring building consent, provide at the time of lodging the building consent a specific design for stormwater disposal.
(b)	In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by tank or other approved means, safely accessible, in accordance with SNZ PAS 4509.
(c)	In conjunction with the construction of any building requiring building consent, the lot owner shall install a stormwater mitigation system designed so that the total stormwater discharged after development is no greater than the pre-development flow for the 10% and 1% AEP events respectively, plus an allowance for climate change; the design to be prepared by a chartered professional engineer or suitably qualified practitioner and submitted with the building consent.

~~(d)~~	~~The total wastewater discharge to the Council connection point at 23 Aranga Road must not exceed an average of 20m³ per day, as outlined in the existing agreement dated 28 October 2014.~~
~~(e)~~ **(d)**	The owners of Lots 1 and 2 shall adhere to the Wastewater Maintenance Agreement approved under condition 6f of RC 2240395.
~~(f)~~ **(e)**	Where stormwater from Lot 1 or Lot 2 is to be conveyed to a discharge point within Lot 3 (esplanade reserve), the specific stormwater design required by (a) shall additionally demonstrate that stormwater is conveyed to the approved discharge point within the reserve such that the discharge velocity and volume will not cause scour, erosion or instability within the reserve, and that the stormwater system (including any pipes, swales or outfall structures) is designed and located so as not to obstruct, undermine or cause nuisance flooding to any existing or planned public access track within the reserve. No physical works to install, upgrade or maintain any such stormwater connection shall be undertaken within Lot 3 (esplanade reserve) without the prior written approval of Council's Parks & Reserves Planner (or delegate) of the form, type, location and method of construction; and on completion of any such works, the surface of the reserve and any track shall be reinstated to the satisfaction of Council's Parks & Reserves Planner (or delegate).
~~(g)~~ **(f)**	In conjunction with the construction of any building requiring building consent on Lot 1 or Lot 2, the location and foundations of the building shall be certified by a suitably experienced Chartered Professional Engineer (geotechnical practice area) prior to the issue of the building consent. The certification shall address the ground conditions within the proposed building platform, the specific design of the building's foundations and any required construction supervision, and shall have regard to the flood-susceptible land / river flood hazard identified on the Council's Geographic Information System maps, including inundation risk and finished floor levels.

Condition 10 is not changed. When the consent notice required by condition 9 is registered, it will record the sub-conditions as changed, and the earlier notices will be cancelled on the land subdivided.

2.2 Flow-on effects on the easement instrument

Condition 4 requires draft easement instruments for the approval of the Resource Consent Engineer and the Parks & Reserves Planner before section 223 approval. The draft instrument (Appendix A) has not been approved or registered. If condition 9(d) is cancelled, the applicant will amend it as follows before it is submitted for approval. The amendments do not change any physical infrastructure.

Amendment 1. Clause 4 of the Annexure Schedule is changed as marked up below. Clause 4(a) restates the limit and requires Council's permission to increase it. It goes beyond the 2014 Agreement, which records 20 m³ per day only as the projected rate at which Council will convey, treat and discharge sewage (clause 2.2).

4.	Pursuant to the 2014 Agreement the Grantor and Grantee must:
~~a.~~	~~discharge a maximum average rate of 20 cubic meters per day of raw sewage from the Sewage Facility to Council's public wastewater system. Should the Grantor and/or the Grantee require the average sewage discharge volume to increase from 20 cubic meters per day, they must seek Council's permission for such increase, which permission must not be unreasonably withheld if Council's public wastewater system has capacity to allow~~

	~~the increase and taking into consideration the needs and requirements of the entire area of benefit;~~
~~b.~~ **a.**	only discharge raw sewage from the Sewage Facility to Council's public wastewater system during the hours from 11pm to 6am; and
~~c.~~ **b.**	retain sufficient storage on site to enable holding one days maximum flow from the site.

Amendment	Proposed change	Reason
2	Remove Lot 1 DP 601182 and Lot 2 DP 613888 as benefited land for the right to drain sewage over easement Y (the esplanade reserve).	Each lot has its own direct connection to Council's system (conditions 3(c) and 6(c) of RC 2240395-RMACOM), and clause 2 of the instrument records that the owner of Lot 2 DP 613888 is not likely to use the private sewage facility.
3	Remove Lot 1 DP 601182 and Lot 2 DP 613888 as benefited land for the right to drain sewage over easements AF, M, K, AE and JA (Lot 1).	The same reason as amendment 2.
4	Make the consequential changes to clause 2 and Schedule A.	Clause 2 would no longer need to refer to Lot 2 DP 613888.

The easements that serve Lots 1 and 2, including E, D, AH, AG and AI, and the stormwater, right of way and services easements, are not changed.

2.3 What is not changed

Condition 9(e) (to be re-lettered 9(d)), every other condition of RC 2260139-RMACOM, the 2014 Agreement including its pump timing and storage arrangements, the private pump station and pressure line, Council's control of connections to its network, and development contributions for any additional discharge are not changed. No physical works, new connections, earthworks or changes of activity are proposed.

3. Statutory Framework and Activity Status

Section 127(1) enables the consent holder to apply for a change or cancellation of a condition of a subdivision consent before the survey plan is deposited. The survey plan for RC 2260139-RMACOM has not been deposited, and Council has advised that condition 9(d) cannot yet be dealt with under section 221(3), so this application is made under section 127. The applicant, Smartlife Trust, is the consent holder.

Under section 127(3), sections 88 to 121 of the Act apply with all necessary modifications and the application is assessed as a Discretionary Activity, limited to the effects of the change. No Operative or Proposed District Plan rules are breached. The assessment of the plan provisions in application 2270154-RMACCN applies equally.

4. Rationale and Assessment

Condition 9(d) is the same limit as condition (iv) of the registered consent notices. The rationale and the assessment of effects in the Assessment of Environmental Effects for

application 2270154-RMACCN therefore apply equally to this application, and are relied on. The table shows where each matter is addressed.

Matter	Where addressed in the AEE for 2270154-RMACCN
Why the 20 m³ limit exists, and the 2014 Agreement	Sections 3.2 and 3.3
Wastewater servicing and the private pump station	Section 4.6
Council's rezoning of the land for residential development	Section 8, Council has zoned the land for residential development
Development contributions	Section 8, Development contributions
Estimate of future wastewater	Section 8, Estimate of future wastewater
Capacity of the private pump station	Section 8, Capacity of the private pump station
Lots 1 and 2 and the combined limit	Section 8, Lots 1 and 2 DP 632746
Effects on the Council network and other persons	Section 8, Effects on the Council network and other persons
Plan objectives and policies	Section 8, Section 104(1)(b), Proposed Far North District Plan
The easement instrument	Sections 5 and 6.4

The matters specific to this application are limited. Condition 9(d) is a condition of the subdivision consent rather than of a registered notice, and the easement instrument has not yet been approved or registered, so the flow-on amendments in Section 2.2 can be made before registration. The effects of the change are confined to condition 9(d) and those amendments. The change does not authorise any new connection, Council retains its control of connections and its development contributions, and any adverse effects on the environment will be less than minor.

5. Notification and Part 2 of the RMA

RC 2260139-RMACOM was processed on a non-notified basis, so no person made a submission on the original application. For the reasons in application 2270154-RMACCN, no person is affected in terms of section 95E, public notification is not required, and the application can proceed on a non-notified basis. The proposal promotes sustainable management under section 5, supports the efficient use of existing infrastructure under section 7(b), and is consistent with Part 2.

6. Conclusion

This application seeks to cancel condition 9(d) of RC 2260139-RMACOM, the 20 m³ per day wastewater volume limit, and to re-letter the remaining sub-conditions. The requirement to adhere to the Wastewater Maintenance Agreement, the pump timing and storage arrangements, and the private pump station and pressure line are not changed. The rationale is set out in application 2270154-RMACCN. It is considered that the application can be

processed on a non-notified basis and granted, and the applicant would welcome an early indication of Council's position on the wastewater volume limitation.

Please do not hesitate to contact me should you require any additional information.

Kind regards

Steven Sanson
Consultant Planner