



Office Use Only

Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of 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 Meeting

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? Yes / No

2. Type of Consent being applied for (more than one circle can be ticked):

- Land Use, Fast Track Land Use*, Subdivision, Discharge, Extension of time (s.125), Change of conditions (s.127), Change of Consent Notice (s.221(3)), Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil), Other (please specify)

*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.

3. Would you like to opt out of the Fast Track Process? Yes/ No

4. Applicant Details:

Name/s: [Redacted]

Electronic Address for Service (E-mail): [Redacted]

Phone Numbers: Work: Home:

Postal Address: (or alternative method of service under section 352 of the Act) Post Code:

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Donaldson's Surveyors Ltd

Electronic Address for Service (E-mail): micah@donaldsons.net.nz

Phone Numbers: Work: 09-4079182 Home:

Postal Address: PO Box 211, Kerikeri 0245 Post Code:

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

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

Name/s: Keith & Kimberley Godsell

Property Address/
Location: 127 Rangitane Road, Kerikeri

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: 127 Rangitane Road, Kerikeri

Legal Description: Lot 2 DP 502469

Val Number:

Records of Title: RT 753033
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.**

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposed subdivision to create one additional lot in the General Coastal zone

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification?

Yes/No

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

Building Consent (BC ref # if known) Regional Council Consent (ref # if known)

National Environmental Standard consent Right of Way Section 348 LGA

11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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
Exempt as production land

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).

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

12. 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.

Please attach your AEE to this application. See within the planning report

13. Billing Details:

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

Name/s: (please write all names in full)



Email:

Postal Address:

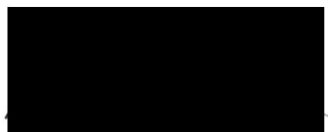
Post Code:

Phone Numbers: Work: Home: _____ Fax: _____

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:



Signature:

(signature of bill payer – mandatory)

Date: 13 March 2024

14. Important Information:

Note to applicant

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

You 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

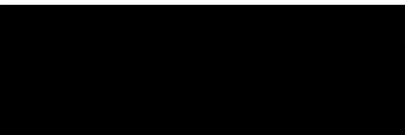
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

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.

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

Name:  (please print)

Signature:  (signature) Date: 13 March 2024

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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.

Digital Applications may be submitted via E- mail to: Planning.Support@fndc.govt.nz

Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Donaldson's Surveyors Limited

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PLANNING REPORT

PROPOSED SUBDIVISION

K. & K. GODSELL, 127 RANGITANE ROAD, KERIKERI

DATE: 13 MARCH 2024

REFERENCE: 8413



CSNZ THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

NZIS Registered Professional Surveyor.
Member of the Consulting Surveyors of New Zealand.

CONTENTS

INTRODUCTION	3
SITE DESCRIPTION	3
RESOURCE MANAGEMENT ACT 1991	5
SCHEDULE 4	5
<i>ASSESSMENT OF THE ACTIVITY AGAINST THE MATTERS UNDER PART 2 RMA</i>	5
<i>ASSESSMENT OF THE ACTIVITY AGAINST SECTION 104(1)(B)</i>	8
<i>CLAUSE 6</i>	8
<i>CLAUSE 7</i>	10
NORTHLAND REGIONAL POLICY STATEMENT	12
NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2020	16
NATIONAL POLICY STATEMENT For Freshwater Management 2020	17
NATIONAL ENVIRONMENTAL STANDARDS	18
OPERATIVE DISTRICT PLAN	19
Minimum Lot Sizes	19
Assessment	19
TRANSPORTATION	23
OTHER MATTERS	28
NATURAL AND PHYSICAL RESOURCES	29
OBJECTIVES & POLICIES	29
PERMITTED BASELINE	32
PROPOSED DISTRICT PLAN	35
Rural Production zone	35
COASTAL ENVIRONMENT	36
SUBDIVISION	39
SUB-S1 Minimum allotment sizes	40
CONCLUSION	41

INTRODUCTION

The applicants own rural land along Rangitane Road, Kerikeri, and seek resource consent to subdivide off one additional lot.

Proposed Sites

Lot 1 = 14.03 ha

Lot 2 = 4.0 ha

The property is located in the General Coastal zone under the operative district plan, and the Rural production zone under the proposed district plan, and the application is presented overall as non-complying activity that offers net environmental gains.

SITE DESCRIPTION

The property is accessible at 127 Rangitane Road, approximately 10km from Kerikeri Township. Access to the site is via a well formed concrete driveway that leads to the applicant's residence.

Estate	Title	Appellation	Area	Owners
Fee Simple	753033	Lot 2 DP 502469	18.0284 ha	K. & K. Godsell

The property defines rural pastureland currently utilised as a hobby farm. The applicant is in the process of actively replanting large areas with indigenous vegetation particularly around the feature ponds and low lying gullies. The intention is to maximise on these environmental benefits by incorporating consent conditions that ensures ongoing protection and success until they are self-sustaining.

There is a formed concrete access extending off Rangitane Road leading to the applicants existing shed, and dwelling currently in the process of construction.

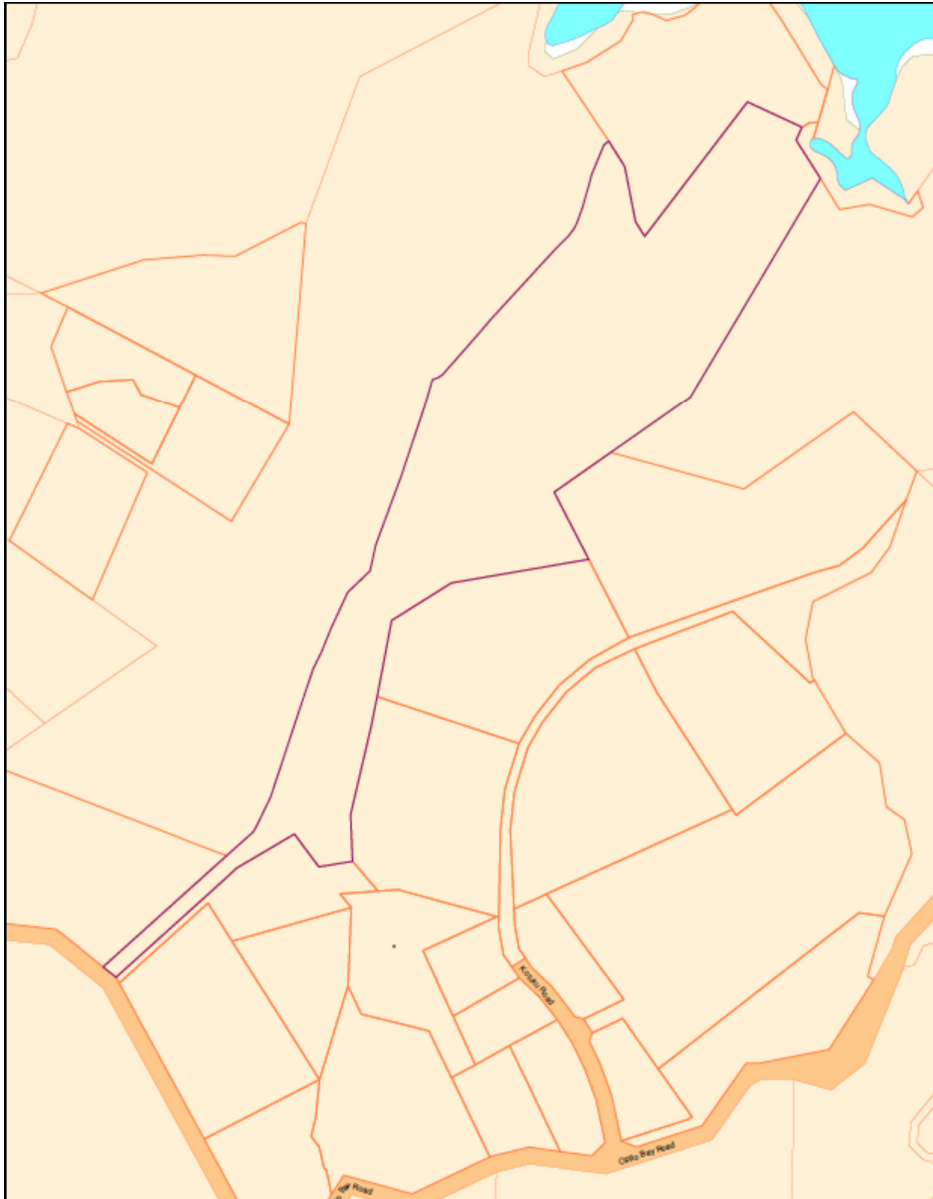
Access options leading to the building site on proposed Lot 2 follows an easy grade in pasture.

The land has a gentle contour sloping to the southwest forming a central overland flowpath leading to a manmade pond.

The soil type is Rangiora clay loam (RA), defined as mature greywacke soils, being imperfectly to (very) poorly drained. The soil capability is recorded as 4e7, not representative of versatile soil.

Many surrounding properties are lifestyle blocks with exception to a couple of similar sized hobby farms; namely Lot 1 DP 502469 and Lot 1 DP 464775 both to the west. The property is located between two pockets

of distinctly developed land with allotment areas ranging between 1.0ha - 4.0ha as shown in the QMap image following.



The immediate vicinity displays relatively high density rural lots.

RESOURCE MANAGEMENT ACT 1991

The subdivision of land falls under the Resource Management Act 1991, and application requirements must demonstrate the level of environmental effects caused by the activity respective to applicable underlying planning guidelines. The effects relate to the proposed allotment size relative to the “Restricted” discretionary assessment.

SCHEDULE 4

An application made for subdivision consent pursuant to Section 88 RMA, must include the following aspects relevant to the proposed subdivision activity and zone expectations:

ASSESSMENT OF THE ACTIVITY AGAINST THE MATTERS UNDER PART 2 RMA

Part 2 Purpose and Principles

Purpose

(1)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The application aims to demonstrate that the proposal would achieve sustainable use of the land through its further lifestyle diversification, along with securing definitive vegetation protection and enhancement of waterways accompanied by proposed management and protection measures.

The proposal is configured to achieve sustainable management of the natural and physical resources to meet foreseeable needs of future generations, whilst improving land utilisation for rural housing without cause to depleting versatile soils or highly productive land.

The application site is well removed from its natural state having been used for many years as a hobby farm. The proposal introduces environmental and social and economic benefits through the lands further utilisation for lifestyle living, whilst establishing management techniques over areas subject to re-vegetating and protecting, a combined area of approximately 4.1 ha. Protection would enforce under Section 221 RMA, and similarly management would include weed and pest control with the draft program to be presented under Section 223 RMA.

The applicant is furthermore offering to establish private restrictive covenants over Lot 2, designating the building site, and management of visual impacts associated with future building activity. This will ensure physical effects from future residences are mitigated through minimum design parameters and landscape planting (*described under easements & covenants*).

The proposed management techniques achieve a superior outcome from traditional subdivisions where generally there are no set design guidelines for building activity, or the management of the natural environment. Overall, the proposed outcomes bolster habitat success by introducing back into the

environment enhanced linkage and movement corridors protected by weed and pest control until self-sustaining (estimates 10 years).

Matters of national importance

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The subdivision is possible without direct disturbance of wetlands, lakes or rivers, and the impact on coastal environment is negligible.

Primary watercourses onsite are to be subject to protection, as defined by covenant areas 'W, 'X, Y, Z'.

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

As defined under the operative and proposed district plans there are no outstanding natural features or landscapes within proposed Lot 2. There is one outstanding landscape located over Lot 1, as protected by existing covenant area 'K' and proposed covenant area 'X'.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

Proposed covenants protect the only known habitats of ecological value, or land that would in the future become a significant habitat worthy of protection.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Not applicable.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Proposed covenant 'W' ensures protection of the main watercourse that over time will regenerate with indigenous vegetation, benefiting water quality, bird life and aquatic habitat through improved stormwater filtration, enhanced shade and edge stability.

The proposal demonstrates positive ecological outcomes that align with the principles of Kaitiakitanga and ethics of stewardship.

There is absolutely no vegetation clearance, and all earthworks are within permitted allowances.

There is no influence on Fisheries.

The proposal has no adverse impacts on culture or traditions.

The proposal is considered in keeping with the intentions implied under both the General Coastal and Rural Production zones, serving to enact infill development, promoting the existing adjoining lifestyle environment without compromise to the coastal environment.

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

There are no known historic heritage sites.

(g) the protection of protected customary rights.

There are no known customary rights to consider.

Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

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

The subdivision serves to enhance and protect environmental values, through protection and management of vulnerable components of rural / coastal character and habitats for the benefit of future generations, whilst supporting diversified land use, integrating hobby farming with lifestyle living. Smaller allotments prove beneficial in that they reduce development pressure on more vulnerable rural land having versatile soils or may compromise habitat through destroying indigenous vegetation.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi

The proposal is not considered to contradict the Treaty of Waitangi's interpretations.

ASSESSMENT OF THE ACTIVITY AGAINST SECTION 104(1)(B)

Section 104(1)(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;*

Under various headings, the application covers all relevant provisions including, the Far North District Plan, National Policy Statement, National Environmental Standards, and Regional Policy Statements. There are no other relevant provisions. These are discussed under their respective headings.

An application must also include an assessment of the activity's effects on the environment that -

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

CLAUSE 6

(1) An assessment of the activity's effects on the environment must include the following information:

- (a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposal is not considered to result in significant adverse effects, to require reconsideration of location or methods of subdividing, particularly given the location forms continuity with the surrounding lifestyle allotments, and the building site is designated to ensure land use certainty.

- (b) an assessment of the actual or potential effects on the environment of the activity.*

The current title has various development opportunities that could see considerable change to the immediate landscape and without need for resource consent, defining a 'heightened permitted baseline' as described on page 32.

Potential effects therefore must be considered alongside the district plans permitted activity standards, and because these form a relatively high threshold on a title area of 18ha, the subdivision outcome forms a more sustainable impact on the environment.

Points of merit include the applicant's contribution to increasing rural lifestyle opportunities, which in turn adds further economic stimulus to the community through construction, consultant engagement, and ongoing living expenditure.

The effects are considered well understood with positive outcomes, and any adverse effects deemed less than minor.

(c) *if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

(d) *if the activity includes the discharge of any contaminants, a description of -*
(i) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
and
(ii) *any possible alternative methods of discharge, including discharge into any other receiving environment:*

No concerns.

(e) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:*

The subdivision proposal actions positive management techniques that achieve effective mitigation, as outlined under 'proposed consent notices' relating to a raft of site development controls, to name a few; onsite wastewater disposal, designated building envelope, protection and management of ecology.

(f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

Even though the level of effects on the environment are deemed 'less than minor', not to require consultation, the applicant has engaged with those considered affected, all having no concerns.

Local Hapu - Hugh Rihari
Department of Conservation
Top Energy Ltd

(g) *if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:*

No monitoring required

(h) *if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

No concern.

(2)
A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

This is covered under the respective headings following.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

(1) *An assessment of an activity's effects on the environment must address the following matters:*

(a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

The subject location has a defined mix of compatible land use activities.

Considerable positive effects arise through greater diversity and management of lifestyle lots on land with poor soil qualities. By increasing the availability of lifestyle lots, without compromising versatile soils, this ensures the protection of highly productive land and give rise to positive social and economic benefits.

(b) *any physical effects on the locality, including any landscape, and visual effects.*

As illustrated on the map below, the vicinity forms a diverse rural setting with many lifestyle blocks shaping the environment.

The locality is considered suitable to absorb further fragmentation as 'infill development', and the poor soil quality supports landowners' endeavours to maximise alternative utilisation opportunities.

The subdivision for lifestyle purposes creates one additional lot within the General Coastal zone. The future building site location for Lot 2 positions below the ridgeline not to cause a direct visual impact on the coastal marine area, and well distanced from any adjoining property, with a spatial separation of approximately 200m + to the nearest dwelling on Lot 3 DP 360478 and 300m + to the dwelling on Lot 4 DP 360478.

Physical effects on the locality are mitigated through the allotments proposed management, in particular proposed building envelope which restricts the sites overall development impact. Accordingly, actual and potential adverse effects are deemed sustainably managed comparable to the permitted baseline effects.

In this particular case, there are no issues regarding reverse sensitivity. The lands transition to lifestyle use supports the surrounding environment more so than if the land were instead subject to rural based intensification causing a clash with the prominence of established lifestyle lots.

Reverse sensitivity effects are considered low impact and manageable onsite by future landowners.

(c) Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.

There is no physical damage to ecosystems, instead the goal is to promote protection of known stormwater flowpaths and kiwi habitat within existing indigenous vegetation.
The subdivision does not result in disturbance to vulnerable ecology.

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:

The property has no recorded archaeological sites (Archsite NZ) or listed sites of cultural significance under the district plan. The subdivision does not require any significant earthworks, with the main access already formed from Rangitane Road.

The values outlined are not seen to be depleted in this instance, and as described the proposal acts to implement positive outcomes that benefit future generations.

(e) any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

No concerns. Effluent treatment methods have been assessed based on soil soakage results compliant with TP-58 and permitted standards of the Northland Regional Plan.
The proposal does not introduce any contaminants of concern.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

There are no known concerns to address.

In summary, the proposal is considered an activity that provides for both community and landowner social and economic wellbeing through diversifying the lands existing use and making available to this rural community further housing opportunities whilst demonstrating net positive environmental gains through the protection and management of the natural environment. Overall, this proves possible without cause to any significant adverse effects' contrary to the purpose and principles of the Resource Management Act 1991.

NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement presents development guidelines for the northland region.

PART 3: OBJECTIVES

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

There is no immediate risk to or adverse impact on ecosystems. The applicant has offered to better protect areas of significant ecology and species (kiwi habitat) seen to be at risk from the effects of development.

3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

The proposal demonstrates that the subdivision supports economic wellbeing, and council is obliged to reciprocate to ensure northland continues to be a place attractive for investment.

The subdivision proposal introduces a means to diversify the lands production use and distribute more affordable parcels of land to the public.

6.1.1 Policy - Regional and district plans

Regional and district plans shall:

- (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;*
- (b) Be as consistent as possible;*
- (c) Be as simple as possible;*
- (d) Use or support good management practices;*
- (e) Minimise compliance costs and enable audited self-management where it is efficient and effective;*
- (f) Enable subdivision, use and development that accords with the Regional Policy Statement; and*
- (g) Focus on effects and where suitable use performance standards.*

The subdivision activity demonstrates good management practice for all future building activity, and paves the way forward for promoting greater distribution of rural business opportunities without detriment to the environment.

The land is recorded as having poor soil qualities that should be open to alternative utilisation, rather than being restricted to its current low agricultural economic output.

In summary, the proposal requires local authority to initiate a supportive role utilising processes in place to be as 'simple as possible.'

REGIONAL DEVELOPMENT AND DESIGN GUIDELINES

Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

(a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;

5.1.1 Policy – Planned and coordinated development

Part A) Regional form and development guidelines

New subdivision, use and development should:

(a) Demonstrate access to a secure supply of water;

The lifestyles blocks would utilise roof surface collection and storage in water tanks for potable supplies. These generally are a reliable source of water that meet the guideline intent.

Lot 1 includes a manmade pond that serves as an alternative water supply for irrigation purposes.

(b) Demonstrate presence or capacity or feasibility for effective wastewater treatment;

On site effluent disposal presents no concern with 100% backup readily available.

(c) If of an urban or residential nature connect well with existing development and make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield (undeveloped) areas;

Not applicable.

(d) If of an urban or residential nature provide, where possible, opportunities to access a range of transport modes;

Not applicable.

(e) If of a community-scale, encourage flexible, affordable and adaptable social infrastructure that is well located and accessible in relation to residential development, public transport services and other development;

Not applicable.

(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development.

Not applicable.

(g) If of a residential nature be, wherever possible, located close to or sited in a manner that is accessible to a broad range of social infrastructure;

Not applicable.

(h) Be directed away from regionally significant mineral resources and setback from their access routes to avoid reverse sensitivity effects;

There are no known nearby regionally significant mineral resources.

(i) Be designed, located and sited to avoid adverse effects on energy transmission corridors and consented or designated renewable energy generation sites (refer to 'Regional form and infrastructure' for more details and guidance);

There are no subject energy transmission corridors, or renewable energy sites.
Top Energy Ltd has no concerns.

(j) Be designed, located and cited to avoid significant adverse effects on transportation corridors and consented or designated transport corridors;

No concerns.

(k) Be directed away from 10-year and 100-year flood areas and high-risk coastal hazard areas (refer to 'Natural hazards' for more details and guidance);

There are no severe flooding concerns within the site.

(l) Seek to maintain or improve outstanding landscape and natural character values and provide for the protection of significant historic and cultural heritage from inappropriate subdivision, use and development (refer to 'Land, Water and Common Resources' for more details and guidance);

The proposal has no impact on listed outstanding landscapes, natural character, historic or aspects of known cultural significance.

(m) Protect significant ecological areas and species, and where possible enhance indigenous biological diversity (refer to 'Maintaining and enhancing indigenous ecosystems and species' for more details and guidance);

Protection measures are proposed, and those areas have been fenced for many years now showing signs of certain regeneration.

(n) Maintain and improve public access to and along the coastal marine area, lakes and rivers;

Not applicable.

(o) Avoid or mitigate adverse effects on natural hydrological characteristics and processes (including aquifer recharge), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;

No concern.

(p) Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater storage and grey water recycling techniques;

Typically, rural lifestyle lots provide sufficient land to lead a partially or fully sustainable lifestyle. Both lots are open to the north for good solar gain.

(q) Be designed to allow adaptation to the projected effects;

The effects of lifestyle sites are low impact and can often see vast improvements through personal acts of landscaping, weed and pest control or improved utilisation for production based use.

(r) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to the site of development;

Tangata whenua are protective of ecosystems and waterway, however the proposal does not result in adverse effects to cause any concerns in that regard, the proposal is quite the contrary initiating enhancement and protection of the lands primary natural stormwater overland flowpath.

(s) Encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods);

No concerns.

(t) Take into account adopted regional / sub-regional growth strategies;

No concern.

(u) Where appropriate, encourage housing choice and business opportunities, particularly within urban areas.

Lifestyle allotments provide a place of residence and for work and home style business activity proving a vital component of the rural community, particularly where lifestyle lots can be created without degradation to versatile soils wetlands or indigenous vegetation.

(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;

Not applicable.

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

Rural lifestyle lots in a rural environment are not seen to present cumulative adversity, as they provide diversity in their ability to undertake a semi or even fully sustainable lifestyle, and if required can continue to be leased out for ongoing production-based use.

(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;

The lots are designed with consideration to these components.

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

No concerns.

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and

The subdivision does not materially reduce the lands potential for soil based primary production on what are poor quality soils.

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

The proposal does not change the sense of place, it maintains and enhances this rural environment that already displays a mix of rural and lifestyle activity. The permitted baseline (described following) supports land use activities on the site, that could physically resemble a greater density of development to that caused by the subdivision.

The open rural feel of the vicinity is protected by proposed limitation allowing building activity to only occur within the designated area.

The subdivision would maintain and enhance the sense of place and character.

(h) Is or will be serviced by necessary infrastructure.

The sites are adequately served by necessary infrastructure.

In summary of the RPS we find adequate correlation with its intent for development to undertake a sustainable approach whilst securing long term benefits for future generations by way of protecting and enhancing natural habitat.

NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2020

Part 2

2.1 Objective

Highly productive land is protected for use in land-based primary production, both now and for future generations.

2.2 Policies

Policy 1

Highly productive land is seen as a resource with finite characteristics and long-term values for land based primary production.

Policy 4

Highly productive land for land-based primary production is prioritised and supported.

Policy 8

Highly productive land is protected from inappropriate use and development.

Part 3

Implementation

3.2 Integrated management

(1) Regional councils and territorial authorities must identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land in an integrated way, which means:

- (a) considering how land-based primary production, including supporting activities, interact with freshwater management at a catchment level*
- (b) providing co-ordinated management and control of the subdivision, use and development on highly productive land across administrative boundaries within and between regions*
- (c) taking a long term strategic approach to protecting and managing highly productive land for future generations.*

3.8 Avoiding subdivision of highly productive land

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

- (a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long-term*
- (b) (c) Not applicable.*

The application has demonstrated that the land does not meet the criteria of “highly productive”.

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

Part 1

1.3 Fundamental concept - Te Mana o te Wai

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Objectives and Policies

2.1

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that priorities:

- (a) first, the health and wellbeing of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.*

2.2

Policy 3

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4

Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 6

There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration promoted.

Policy 9

The habitats of indigenous freshwater species are protected.

3.5 Integrated management

(1) Adopting an integrated approach ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

- (a) *recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to lagoons, estuaries and to the sea.*
- (b) *recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments.*
- (c) *manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effect on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*
- (d) *Encourage the co-ordination and sequencing of regional or urban growth.*

The national policy statement presents strong incentives for development to 'avoid' actual or potential effects that would compromise wetlands, or the natural components linked to waterways, accordingly subdivision designs and land use activities are required to factor in those aspects.

The applicant has offered to both plant the central watercourse and initiate protection and management of those areas, upholding the Freshwater Management Policy.

There are no known wetlands within 100m of any proposed lot.

The proposal is therefore seen to present a balanced outcome that would not cause deterioration of water quality or increased risk to those wider environmental components that link to water-based ecosystems.

NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards for assessing and managing contaminants in soil to protect human health 2011, is not considered applicable to the subject land having no evidence of HAIL use.

Review of historic aerial images displayed on Retro Lens indicate there were no earlier HAIL sites to suggest the need for further investigation.

OPERATIVE DISTRICT PLAN

The property is located in the General Coastal zone, and is affected by a Resource Overlay (outstanding landscape) under the Far North District Plan.

Under Chapter 13 TABLE 13.7.2.1: MINIMUM LOT SIZES the proposal is configured as a non-complying activity that is in breach of the minimum area standards under the General Coastal zone.

MINIMUM LOT SIZES

TABLE 13.7.2.1: MINIMUM LOT SIZES	Discretionary
<i>General Coastal</i>	<i>A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. (6ha average)</i>

Lot 1 = 14.03 ha

Lot 2 = 4.0 ha

The proposal does not seek consent under the management plan rule, defaulting to a non-complying activity supported by objectives and policies and premise that the effects on the environment are less than minor.

ALLOTMENT DIMENSIONS

(Buildable Area)

Zone	Minimum Dimension
General Coastal	30m x 30m

All proposed lots are able to uphold the 30m x 30m allotment shape parameter in accordance with 10-metre setbacks from boundaries.

ASSESSMENT

Allotment Sizes and Dimensions

The allotment sizes have appropriate dimensions capable of providing for the main necessities; building, parking, outdoor areas disposal of effluent and control of stormwater.

Hazards

There are no known natural hazards.

Water Supply

Aside from existing private irrigation water supply on the farm, potable supplies would be through use of onsite roof surface collection and storage in water tanks.

Firefighting water supply requirements already form part of the title consent notice (refer to CONO 12034360.2)

Stormwater

By default of designating the future building envelope, the proposed subdivision restricts the amount of hard surfaces that can be constructed onsite, thereby reducing stormwater effects from impermeable surfaces.

For example; assuming the entire building envelope were covered, this equates to 2500m² plus a driveway contributing a further 500m² = 7.5% coverage. This is far less than the permitted entitlement of 15%.

(a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).

The lots are able to discharge stormwater from a 10% AEP event to a natural overland flowpath located centrally to the site, without cause to any adverse effects on neighbouring properties or compromise to the receiving waterways.

The receiving gully has well defined stormwater drainage and proves readily able to absorb the effects of stormwater runoff.

Any increase in runoff would be less than the current permitted tolerance.

(b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.

Not applicable.

(c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.

The property is well vegetated in pasture with the central gullies planted with indigenous vegetation allowing all surface water to naturally work its way to the central watercourse encouraging absorption and filtration.

The sites prove capable of managing stormwater without concern.

(d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.

There are no lots under 2.0ha to require a more detailed stormwater assessment.

(e) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual" Auckland Regional Council (2003).

Flowrate controls are not proposed given that all stormwater is drained to a large pond via the newly vegetated gully, where stormwater undertakes natural absorption and detention processes.

Sewage

An onsite wastewater assessment has been conducted by Kerikeri Drainage Ltd as attached. The proposed site proves capable of onsite disposal with 100% reserve area. Recommendations are to be administered under consent notice.

Energy Supplies & Telecommunications

Comments from Top Energy are attached. Electricity requirements are nil.

Electricity easements are proposed as described on the scheme plan, and this includes provision for the neighbour to connect into the existing overhead line shown areas K, P, B in favour of Lot 1 DP 502469.

Easements for telecommunications are proposed in favour of Lot 2.

It is suggested that council include a consent notice that states provision for electricity and telecommunications were not a requirement of the consent.

Easements & Covenants

Easements

Existing easements created on EC 12034360.3, as described on the scheme plan are in favour of Lots 1 & 3 DP 502469. These include Rights of Way and Rights to convey services.

Proposed easements also describe on the scheme plan include;

- Rights of Way & Rights to convey services over 'A, B, C' in favour of Lot 2 over Lot 1.
- Rights to convey electricity over areas 'G, F, J' in favour of Lot 2 over Lot 1.
- Rights to convey electricity over areas 'K, P, B' in favour of adjoining Lot 1 DP 502469.

Existing Land covenants (created on CONO 12034360.2)

Section 221 RMA

Lots 2 & 3 DP 502469

- (i) The living indigenous vegetation defined within the Bush Protection Areas E & F shall not be cut down, damaged or destroyed without the prior written consent of the Council. Such consent may be given in the form of a resource consent application and decision. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

These protection areas are in fact defined on DP 502469 as areas J & K. Area 'K' is also shown on the scheme plan over Lot 1.

Lots 1 & 2 DP 502469

- (ii) The landowner/occupier of the lot shall not keep or allow the introduction on the site of carnivorous or omnivorous animals (such as cats, dogs or ferrets, but excluding two working dogs used for the operation of farming activities) which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors.

- (iii) That upon construction of any habitable building it shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

These requirements by default will be carry forward to Lots 1 & 2, and need not be recreated under this consent.

Proposed Land Covenants

Section 221 RMA

- (i) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

And shall reference the report prepared by Kerikeri Drainage
Dated _____.

LOT 2

Electricity & telecommunications is not a condition of this consent. The lot owner is responsible for the provision of supplies.

LOT 2

The lot owner shall preserve the living indigenous vegetation within the areas identified on the title plan DP _____ as 'W, X, Y & Z', and shall not without the prior written consent of the council, and in strict compliance with any conditions, cut down, damage or destroy that habitat. Such consent shall be a resource consent. The lot owner shall exclude stock from entering the area. The owner shall not be in breach of this prohibition if any vegetation dies from natural causes.

LOTS 1 & 2

- (v) All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.

LOT 2

Amalgamation Conditions

There are no existing or proposed amalgamation conditions.

TRANSPORTATION

15.1 TRAFFIC, PARKING AND ACCESS

15.1.6A.2 PERMITTED ACTIVITIES

15.1.6A.2.1 TRAFFIC INTENSITY

This rule only applies when establishing a new activity or changing an activity on a site.

The Traffic Intensity Factor for a site in this zone is 60 daily one way movements. The Traffic Intensity Factor shall be determined by reference to Appendix 3A in Part 4.

This rule only applies when establishing a new activity on a site. It does not apply to existing activities, however, the Traffic Intensity Factor for the existing uses (apart from those exempted below) on site need to be taken into account when assessing new activities in order to address cumulative effects. Exemptions: The first residential unit on a site, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt from this rule.

Access to Lots 1 & 2 is via a concrete formation shared with the adjoining neighbours Lots 1 & 3 DP 502469, each activity use, being compliant with the single residential unit exemption.

Total traffic movements = 0

15.1.6B PARKING

15.1.6B.1 PERMITTED ACTIVITIES

15.1.6B.1.1 ON-SITE CAR PARKING SPACES

Where:

- (i) an activity establishes; or
- (ii) the nature of an activity changes; or
- (ii) buildings are altered to increase the number of persons provided for on the site;

A rural lot intended for a single residential unit (dwelling) requires 2 parks, and this is readily possible on all lots with adequate tracking curves and manoeuvring areas.

15.1.6B.1.2 - 15.1.6B.1.4 (being access onto Williams Road, Kerikeri Road & Accessible car parks)
Not applicable.

15.1.6B.1.5 CAR PARKING SPACE STANDARDS

All lots are able to create onsite carparks and achieve safe manoeuvring compliant with dimension standards of Appendix 3D.

15.1.6B.1.6 LOADING SPACES

Not applicable.

15.1.6C ACCESS

15.1.6C.1 PERMITTED ACTIVITIES

15.1.6C.1.1 Private accessways in all zones

(a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan.

Appendix 3B-1

Standards for private access

Lots 1 & 2 share a 3.0m wide access formation with adjoining Lots 1 & 3 DP 502469 a total of four users. Conditions of consent may include that passing bays be constructed at 100m intervals as required under Appendix 3B FNDP. This requires a total of 6 passing bays.

The legal boundary of the existing Right of Way (shown A – C) has a varied width, between 7.5m and 20m, therefore compliant with the minimum allowance.

There is no concern with vertical grades because the access formation is already constructed with suitable surfacing; chipseal from Rangitane Road for approximately 200m and concrete for the remaining length.

Appendix 3B-2

Standards for Roads to vest.

There is no road vesting.

Appendix 3C

Parking spaces required.

As described all lots comply.

Appendix 3D

Manoeuvring and parking space dimensions

(90° regular user = width 2.5m (total depth one row 11.6m)

No concern.

Appendix 3E

Tracking curves

Compliant.

15.1.6C.1.1

(a)

The access complies with Appendix 3B1.

(b)

Applicable only to urban & commercial zones.

(c)

A private accessway may serve a maximum of 8 household equivalents.

The access serves 4 household equivalents.

(d) Where a subdivision serves 9 or more sites, access shall be by public road.

No concern.

(e) Access shall not be permitted:

(i) onto a State Highway or a Limited Access Road;

Not applicable.

(ii) onto an arterial or collector road within 90m of its intersection with an arterial road or a collector road;

Not applicable.

(iii) onto an arterial or collector road within 30m of its intersection with a local road;

Not applicable.

(iv) onto a local road within 30m of its intersection with an arterial or collector road;

Not applicable.

(v) onto Kerikeri Road (both sides of the road along the portion between Maraenui Drive and Cannon Drive). This rule does not apply to sites with lawfully established access points (as at 6 September 2001) onto Kerikeri Road.

Not applicable.

(vi) onto Kerikeri Inlet Road from Lot 1 DP 404507 or Lot 1 DP 181291 (and any sites created as result of a subdivision of these lots), except from a single vehicle crossing or intersection at least 30m from the adjoining boundary with Lot 2 DP 103531 and with at least 115m visibility in each direction.

Not applicable.

15.1.6C.1.2 Private Accessways in urban zones

Not applicable.

(b) Commercial zones.

Not applicable.

(c) All private accessways in all urban zones which serve two or more activities are to be sealed or concreted

Not applicable.

15.1.6C.1.3 Passing bays on private accessways in all zones

No passing bays necessary.

15.1.6C.1.4 ACCESS OVER FOOTPATHS

Not applicable.

15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES

(a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009).

Conditions of consent may include that a crossing be formed to Lot 2 in accordance with council engineering standards and guidelines May 2023.

15.1.6C.1.6 Vehicle Crossing Standards in Urban zones

Not applicable.

15.1.6C.1.7 General Access Standards

(a) Provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road.

The lots are able to safely manoeuvre vehicles onsite without having to reverse onto legal road.

(b) All bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle.

The existing access formation allows for heavy ridged vehicles.

(c) Any access where legal width exceeds formation requirements shall have surplus areas (where legal width is wider than the formation) grassed.

Berms are grassed.

(d) Runoff from impermeable surfaces shall, wherever practicable, be directed to grass swales and/or shall be managed in such a way as will reduce the volume and rate of stormwater runoff and contaminant loads.

Stormwater from the access formation displaces to grassed swales, encouraging natural soakage during a storm's inception and removing nonpoint source contaminants before entering the pond.

15.1.6C.1.8 Frontage to existing roads

(a) Where any proposed subdivision has frontage to a road or roads that do not meet the legal road width standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), road widening shall be vested in the name of the Council.

The frontage to Rangitane Road is 20m wide and proves to be in good condition compliant with council engineering standards and guidelines.

(b) Where any proposed subdivision has frontage to a road or roads that are not constructed to the standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), then the applicant shall complete the required improvements.

No improvements required.

(c) Where a site has more than one road frontage or frontage to a service lane or right-of-way (ROW) in addition to a road frontage, access to the site shall be in a place that:

(i) facilitates passing traffic, entering and exiting traffic, pedestrian traffic and the intended use of the site;

Not applicable.

(ii) is from the road or service lane or ROW that carries the lesser volume of traffic.

Not applicable.

(d) Where any proposed subdivision has frontage to a road on which the carriageway encroaches, or is close to the subject lot or lots, the encroachment or land shall vest in Council such that either the minimum berm width between the kerb or road edge and the boundary is 2m or the boundary is at least 6m from the centreline of the road whichever is the greater.

No concern.

15.1.6C.1.9 New Roads

Not applicable.

15.1.6C.1.10 Service lanes, cycle and pedestrian accessways

Not applicable.

15.1.6C.1.11 Road designations

Not applicable.

The proposal is considered to uphold all the transportation standards as a permitted activity.

OTHER MATTERS

EFFECT OF EARTHWORKS AND UTILITIES

The subdivision includes minor earthworks forming 6 passing bays and entrance to Lot 2. Conditions of consent may include the sediment controls be put in place during earthworks. Accordingly, there are no anticipated adverse impacts on watercourses.

Soil

The sites life supporting capacity of soil remains uncompromised.
The sites production capacity remains predominantly unchanged.

Access to water bodies

There are none to consider.

Land Use Incompatibility

As described the proposal is in keeping with the immediate environment with all surrounding land use having a lifestyle focus.
Mitigation measures are not considered necessary for any of the low output stock farming activity.

Proximity to Airports

No concern.

Natural Character of the coastal environment

The property does not have a coastal influence.

Energy Efficiency

The proposal is considered to adopt an acceptable level of energy efficiency with the lots orientated to the east achieving good solar gain.

NATURAL AND PHYSICAL RESOURCES

Subdivision associated works forming the proposed passing bays and a new entrance into Lot 2 would comply with the permitted activity standards. The volume estimation is 200m³ of soil disturbance.

There are no obvious adverse impacts on vulnerable natural and physical resources, being compliant with permitted activity standards.

12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, RECREATIONAL ACTIVITIES, CONSERVATION, WAIMATE NORTH AND POINT VERONICA ZONES

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Living, Coastal Living, South Kerikeri Inlet Zone, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones is permitted, provided that:

(a) it does not exceed 300m³ in any 12 month period per site; and

(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m

The applicant has spent considerable time and money revegetating the property, particularly within more vulnerable low-lying areas, and now offers a subdivision consent condition that will ensure vegetation success through management and protection measures.

Department of Conservation were consulted and raised no concerns.

Kiwi protection measures are already registered on the title, restricting cats, dogs and mustelids (CONO 12034360.2).

OBJECTIVES & POLICIES

(Objectives *Subdivision*)

13.3.2 *To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.*

The subdivision is not seen to compromise the life supporting capacity of air, water or ecosystems. Net environmental gains are evident, which will support ecosystems.

The level of effects in a broader context must be considered against the properties existing permitted baseline under other planning avenues, to which it is evident that the proposal does not introduce any effect greater than that already possible.

Case law affirms the Resource Management Act is not a 'no' effects act, and an assessment must factor in permitted based scenarios as a comparison to determine whether the effects are 'more than minor' or not.

Further to the planning framework, there is no specific environmental degradation occurring to warrant avoidance, remediation or mitigation over and above that proposed.

13.3.4 *To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

As described the property is vastly modified through decades of farming, and the underlying title upholds a number of permitted non-fanciful activities (permitted effects), and not seen as a cause to alienation or be contrary to either the General Coastal or Rural Production zones.

For the most part, the property is not known for any scheduled heritage resources.

13.3.5 *To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.*

The proposal satisfies these requirements without concern.

13.3.6 *To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.*

The subdivision is considered innovative and promotes sustainable management of natural and physical resources; offering protection of vegetation linked to kiwi and aquatic habitat, which defines a superior outcome from alternative land use activities not requiring local authority involvement (*those upholding permitted criteria*).

Overall, the proposal is considered to uphold the subdivision objectives and there is no relevance to the policies given the low environmental impact associated with the activity.

In outline of the Rural Production zone Environmental Provisions the following provides emphasis on the zones capacity to support a variety of land use activities.

The subdivision is not seen to cause any measurable adverse effects on significant natural values, it proves quite the contrary being able to enforce protection and security from potential degradation of natural habitat through management. Controlling future building activity within designated envelopes isolates effects to the one area, and minimises overall the total environmental impact. It serves as a tool to better understand and manage actual and potential effects.

GENERAL COASTAL ENVIRONMENT

GENERAL COASTAL ZONE

10.6.3 OBJECTIVES

10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.

10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

10.6.4 POLICIES

10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

10.6.4.2 That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.

10.6.4.5 Maori are significant landowners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

The purpose of the General Coastal zone is to allow for the subdivision and use of land provided the outcome conforms to sustainable management. Sustainable management is defined by the RMA as activities that protect the natural and physical resource and ensures that the environment, is maintained for future generation whilst enabling people and communities to provide for their social, economic, and cultural well-being. This is achievable through implementation of land covenants pursuant to Section 221 RMA.

The proposal is considered compliant with this intent, particularly with respect to enforcing protection existing vegetation.

The activity is considered to accord with relevant objectives and policies.

COMMENTARY (General Coastal zone)

The objectives and policies of the General Coastal Zone are a subset of those for the coastal environment. As such they are aimed at a particular zone within the coastal environment and the particular constraints and opportunities inherent in the environment of that zone. They are intended to be as flexible, permissive and enabling as possible given the statutory requirement to preserve the natural character of the coastal environment.

Recognising that the General Coastal zone guidelines are to be as flexible, permissive, and enabling as possible, we seek such approach to this Resource Consent assessment.

PERMITTED BASELINE

The following are included in the assessment to describe how an environment may look as of right, and the assessment is to compare those effects against those proposed. The aim is to explore actual or permissible effects on the environment, and where effects prove more than minor initiate affected party's consultation or notification.

As described below the effects in this particular case are deemed 'less than minor', therefore facilitating a decision makers level of confidence, particularly when considered in line with supporting objectives and policies, the regional policy statement, and the applicants proposed mitigation measures.

The permitted baseline demonstrates permitted activities a site can incur, and provides the council with discretion to remove those effects from consideration when assessing resource consents. Additionally, the receiving environment (*beyond the subject site*) is the environment upon which a proposed activity might have effects. The Environment Court in *Eyres Eco Park v Rodney District Council* (A147/04) suggested that existing use rights are part of the environment.

When assessing the environmental impact, it is permissible and often desirable or necessary to consider the future state of the environment upon which effects will occur, including:

- *The future state of the environment as it might be modified by permitted activities.*
- *The environment as it might be modified by implementing resource consents that have already been granted at the time a particular application is being considered.*

These aspects can paint a picture of what a site could look like as of right, for comparison purposes. The application site covers approximately 18ha, utilised currently to occupy a single implement shed and residential unit.

Building site coverage is permitted up to 10% (allowing either a substantial number of sheds or an extraordinarily large one).

Building height is permitted up to 12m.

One residential unit per 12ha of area, and allowance for many smaller outbuildings.

The scale of visual impacts permitted is high, and could see significant changes to the landscape.

The current site area supports non-fanciful permitted 'land use' activities such as: travellers accommodation occupying up to 1 person per hectare or rural business activity.

The construction of traveller's accommodation or rural style business, could occur on the current title within the exact area of Lot 2, in accordance with permitted activity standards, appearing more prominent than effects generated through subdividing.

Because there are a wide variety of possible land use activities that could change the landscape without any statutory assessment or development control mechanisms registered on the title, to coordinate such use, this demonstrates that the subject proposal is not introducing anything significantly different from that already possible utilising other planning avenues.

In summary, although this subdivision proposal is non-complying under the operative district plan, an equivalent displacement of effects from land use activities is possible to greater effect, therefore the assessment of environmental effects is deemed 'less than minor' and there are no affected parties.

(1)
If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E and 95F) if there are any affected persons or affected order holders in relation to the activity.

(2)
The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application.

(3)
The consent authority must give limited notification of the application to any affected order holder even if a rule or national environmental standard precludes public or limited notification of the application.

95E Consent authority decides if person is affected person

(1)
For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), 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 are not less than minor).

95B Limited notification of consent application

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

(2) *Determine whether there are any—*

(a) *affected protected customary rights groups; or*

(b) *affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

There are none.

(3)
Determine—

(a) *whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*

(b) *whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

There are no known statutory acknowledgements under Schedule 11 (hapu claim settlements).

(4)
Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

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

(5)
Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) *if the answer is yes, go to step 4 (step 3 does not apply); and*

(b) *if the answer is no, go to step 3.*

(6)

The criteria for step 2 are as follows:

- (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;*
- (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).*

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

(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.

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

(9) Notify each affected person identified under subsections (7) and (8) of the application.

Step 4: further notification in special circumstances

(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—

- (a) if the answer is yes, notify those persons; and*
- (b) if the answer is no, do not notify anyone else.*

The subdivision assessment describes the site as having a significant permitted baseline, where although a subdivision is not a permitted activity the corresponding effects associated with the subdivision are comparable to the permitted baseline. The applicant presents mechanisms that restrict the actual and potential level of effects capable of being generated on proposed Lot 2. The title restriction limits development impacts to a level that is “less than minor”.

In other words, the rural production zone entitlement for the current title (*having no restrictions*) presents an opportunity to cause a more severe adverse impact, through for example the establishment of sheds and conducting associated rural business activities.

The subdivision impact therefore is not related to an effect being more than minor.

The application successfully demonstrates that a rural lifestyle lot is an acceptable supplementary use of rural land under the right environmental parameters.

On this basis, it is fair to conclude that there are no affected parties.

PROPOSED DISTRICT PLAN

The property is zoned Rural Production under the provisions of the Proposed District Plan and is influenced by the coastal overlay.

The proposal does not employ any of the rules and standards relating to ecosystem protection, and the site is not influenced by any heritage overlays or natural hazards, therefore the proposed district plan has limited legal effect.

RURAL PRODUCTION ZONE

Overview

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities.

Rural land is an important resource as it underpins the social, economic and cultural well-being of the Far North District. The historic fragmentation of rural land has undermined the integrity of the rural environment and its ability to function for its intended purpose. It is important to protect this finite resource from inappropriate land use and subdivision to ensure it can be used for its primary purpose. In particular, primary production activities should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment.

Conversely, rural lifestyle development is not provided for in the Rural Production Zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity (as provided for in the subdivision chapter).

Council has a responsibility under the RMA and the Northland Regional Policy Statement to manage the rural land resource to provide for the economic, social and cultural well-being of people and communities, protect highly versatile soils, and avoid reverse sensitivity effects on primary production activities.

The zone context presents a sweep of goals to protect the rural production environment, particularly land with versatile soils, from further fragmentation, along with a level of urgency to protect natural habitats.

To the contrary, the zone is also classed dynamic, where lifestyle lots are a supported use of land when aligned with permanent habitat protection.

If land does yield highly versatile soils, it becomes mandatory to ensure those soils are not destroyed or the lands productive output fragmented. By developing rural land that does not yield versatile soils supports the protection of land with versatile soil, through the increased availability of lifestyle sites and consequently supporting social and economic wellbeing. Lifestyle sites prove to be an integral part to all communities, a planning format that aligns with the proposed subdivision.

Reverse sensitivity is often an effect that can be managed, particularly on smaller scale production blocks.

COASTAL ENVIRONMENT

The property is subject to a coastal overlay although this affects only proposed Lot 1 which has the established residence and therefore has limited influence on the assessment.

Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character. These areas were originally identified through the regional mapping project undertaken by the Regional Council for the RPS. The methodology for identifying them can be found in APP1- Mapping methods and criteria and the schedules of high and outstanding natural character can be found in SCHED7 and SCHED8 of the District Plan. The mapped coastal environment accounts for approximately 12% of the District's total land area.

Objectives	
CE-O1	The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.
CE-O2	Land use and subdivision in the coastal environment: <ol style="list-style-type: none"> a. preserves the characteristics and qualities of the natural character of the coastal environment; b. is consistent with the surrounding land use; c. does not result in urban sprawl occurring outside of urban zones; d. promotes restoration and enhancement of the natural character of the coastal environment; and e. recognises tangata whenua needs for ancestral use of whenua Māori.
CE-O3	Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.

Policies	
CE-P1	Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.
CE-P2	Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as: <ol style="list-style-type: none"> a. outstanding natural character; b. ONL; c. ONF.
CE-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as: <ol style="list-style-type: none"> a. outstanding natural character; b. ONL; c. ONF.
CE-P4	Preserve the visual qualities, character and integrity of the coastal environment by: <ol style="list-style-type: none"> a. consolidating land use and subdivision around existing urban centres and rural settlements; and b. avoiding sprawl or sporadic patterns of development.
CE-P5	Enable land use and subdivision in urban zones within the coastal environment where: <ol style="list-style-type: none"> a. there is adequacy and capacity of available or programmed development infrastructure; and b. the use is consistent with, and does not compromise the characteristics and qualities.
CE-P6	Enable farming activities within the coastal environment where: <ol style="list-style-type: none"> a. the use forms part of the values that established natural character of the coastal environment; or b. the use is consistent with, and does not compromise the characteristics and qualities.

The subdivision for purpose of creating a single lifestyle site is considered to uphold the coastal overlay objectives and policies without being repugnant to their intent.

Natural Hazards

There are no known natural hazards.

Overview

The District is affected by natural hazards. These are natural processes that become a hazard when they affect people, property, infrastructure or the wider environment.

Natural hazards include those that occur frequently such as flooding, coastal erosion and inundation, and land instability; and those natural hazards that occur less frequently including wildfires, tsunamis, high winds and droughts. Flooding is the most common natural hazard faced by the District, while many of the District's settlements are also adjacent to the coast which exposes them to coastal hazard risks. Natural hazards are often driven by climatic conditions, for example extreme rainfall events (flooding/land instability) or severe drought (wildfire). Coastal erosion and inundation are also most likely to occur during storm events.

Outstanding Natural Character

The northern boundary of Lot 1 adjoins an area of outstanding natural character. The land does not form part of the new site, and proposed Lot 2 does not generate any effects that could in any way compromise the outstanding natural character.

No concern.

Objectives

RPROZ-01 *The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations*

The land is not classed highly productive, and as discussed by creating lifestyle sites on land with poor soil, this reduces pressure on highly productive rural land.

RPROZ-02 *The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

The immediate rural environment has a definite lifestyle character therefore the proposal promotes this theme.

RPROZ03 *Land use and subdivision in the Rural Production zone:*

a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;

The subdivision supports this intent.

b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;

Lifestyle living is already the dominant theme, integrated with a low output production base that does not present any unreasonable reverse sensitivity effects to suggest the need for mitigation.

c. does not compromise the use of land for farming activities, particularly on highly productive land;

The existing environment is testament that rural activities and lifestyle living are compatible under the right conditions. The subdivision expands on this theme without concern or cause to incompatibility issues.

d. does not exacerbate any natural hazards;

There are no known hazards.

e. is able to be serviced by on-site infrastructure.

No concerns.

RPROZ04 *The rural character and amenity associated with a rural working environment is maintained.*

The rural character and amenity of this environment is undoubtedly lifestyle based, and the subdivision promotes this evident theme.

Policies

RPROZP5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;*
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- c. would result in the loss of productive capacity of highly productive land;*
- d. would exacerbate natural hazards; and*
- e. cannot provide appropriate on-site infrastructure.*

RPROZP6

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;*

The proposal does not result in the loss of highly productive land, it promotes the utilisation and protection of it.

b. *fragments land into parcel sizes that are no longer able to support farming activities, taking into account:*

1. *the type of farming proposed; and*

The proposed lot sizes are suitable for lifestyle purposes whilst serving an important role in providing sufficient land for home-based produce.

2. *whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*

No concerns.

c. *provides for rural lifestyle living unless there is an environmental benefit.*

The proposal supports environmental benefits.

SUBDIVISION

Objectives

SUB-O1 Subdivision results in the efficient use of land, which:

a. *achieves the objectives of each relevant zone, overlays and district wide provisions;*

The sites unique environment and proposals compatible level of effects are considered to adequately uphold relevant zone objectives.

b. *contributes to the local character and sense of place;*

The character and sense of place is set, and governed by the underlying soil properties, which the proposal is considered to afford.

c. *avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*

As described the rural character is largely rural production and lifestyle based and the proposal is consistent with this theme not to introduce any reverse sensitivity effects.

d. *avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*

The proposal initiates practical use of low output production land.

e. *does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*

No concern.

f. manages adverse effects on the environment.

The proposal offers management techniques through implementation of a consent notice.

SUB-O2 Subdivision provides for the:

- a. Protection of highly productive land; and*
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.*

The subdivision activity promotes both the protection and enhancement of outstanding landscapes as defined by covenant area 'X'.

SUB-P3 Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;*
- b. comply with the minimum allotment sizes for each zone;*
- c. have an adequate size and appropriate shape to contain a building platform; and*
- d. have legal and physical access.*

The proposal is considered to accord with these preferred parameters.

SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
- b. will not result in the loss of versatile soils for primary production activities.*

The proposal is considered to accord with these preferred parameters.

SUB-R3 Subdivision of land to create a new allotment.

Activity status where compliance not achieved with CON-2: Discretionary

Where:

DIS-1

- 1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved.*

Activity status where compliance not achieved with DIS-1: Non-complying

SUB-S1 MINIMUM ALLOTMENT SIZES

Rural Production	40ha (Controlled)	8ha (discretionary)
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SUB-R6 Environmental benefit subdivision

Restricted Discretionary Activity

Table 1

Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 4ha - less than 10ha	1
Greater than 10ha - less than 20ha	2
Greater than 20ha	3

The combined areas of 'X - Z' equates to approximately 3.6ha and does not uphold the required significance status.

The applicant does not present the application based on subdividing under the environmental benefit rule, and therefore would align as a non-complying activity that upholds the objectives and policies of the rural production zone and coastal environment overlay where applicable.

CONCLUSION

The applicant puts forward a proposal to subdivide off 1 lifestyle allotment that establishes protection of significant natural and physical resources without depleting the rural production base.

The assessment of environment effects demonstrates that the parent title has the potential through alternative planning avenues, to cause the same or similar level of effects to that occurring from the proposed subdivision.

The subdivision activity is consistent with the Rural Production zone objectives and policies under both the operative and proposed district plans without being repugnant to their intent, and with the level of effects proving less than minor, overall upholding the planning gateway tests. For the same reason there are no affected parties to require consultation.

Legal effect of the proposed District Plan in this particular case has minimal influence.

The proposal is not deemed contrary to the higher planning documents, the Northland Regional Policy Statement, or National Policy Statement, being consistent with the policy framework and therefore local authority decision making should be kept as simple as possible.

The subdivision is considered to uphold Part 2, Purpose and Principles under the Resource Management Act 1991, through actioning significant bush protection, and presents sufficient information to meet the requirements of Clause 6 and 7 of the assessment of environmental effects.

In review of overall planning framework and evident points of merit, the proposal is recommended for local authority support.

Prepared by: Mark Noyer

Reviewed by: Micah Donaldson
MNZIS - Assoc. NZPI





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




R.W. Muir
Registrar-General
of Land

Identifier **753033**
Land Registration District **North Auckland**
Date Issued 01 March 2021

Prior References

NA95C/637 NA97D/746

Estate Fee Simple
Area 18.0284 hectares more or less
Legal Description Lot 2 Deposited Plan 502469

Registered Owners

Keith Charles Godsell, Kimberley Jayne Godsell and YRW Trustees 2007 Limited

Interests

Subject to Section 59 Land Act 1948

Appurtenant to part formerly Lot 1 DP 165034 is a right to transmit electricity created by Easement Instrument 7526769.2 - 3.9.2007 at 9:00 am

12034360.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.3.2021 at 3:44 pm

Subject to a right of way, right to convey telecommunications and computer media over part marked C and D, a right to convey water over part marked C, D, H, F and I, a right to convey electricity over part marked C, D, E, G, H, F and I all on DP 502469 created by Easement Instrument 12034360.3 - 1.3.2021 at 3:44 pm

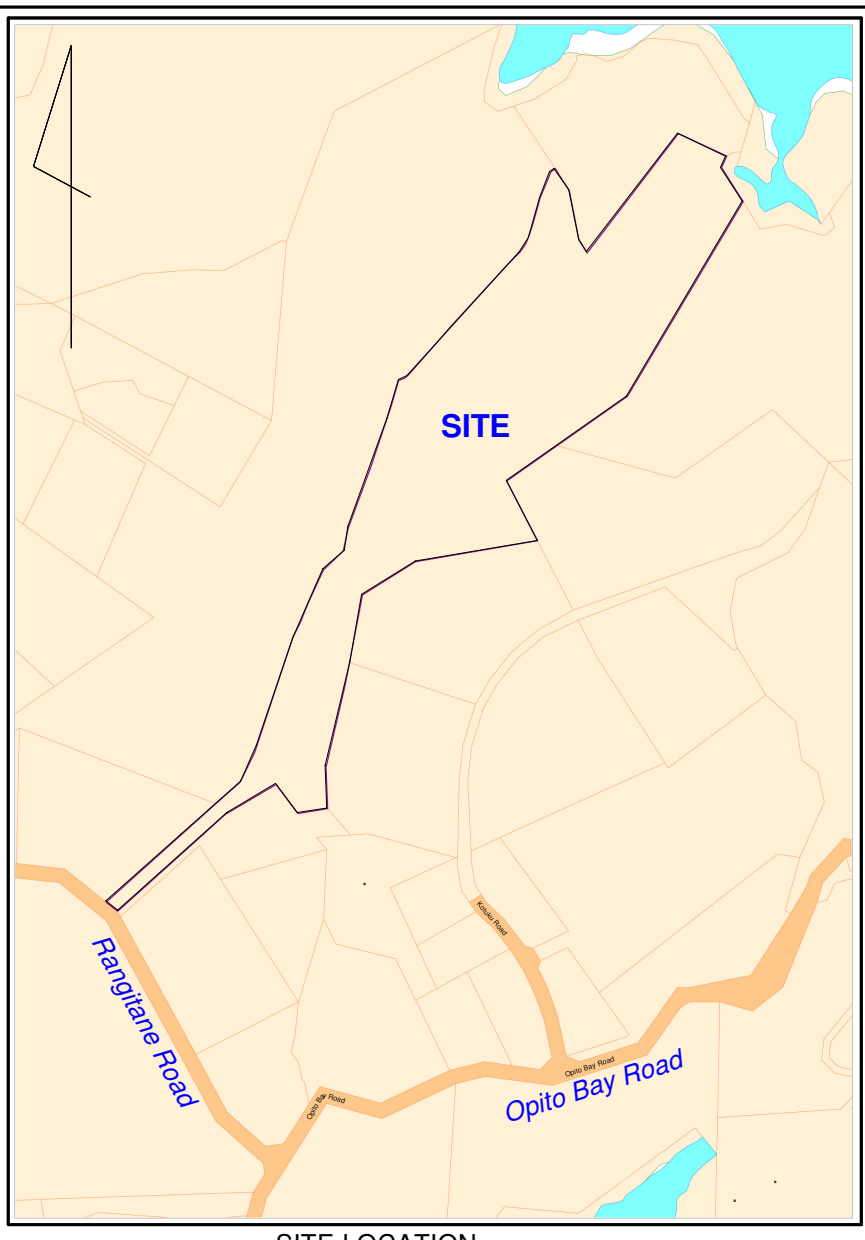
Some of the easements created by Easement Instrument 12034360.3 are subject to Section 243 (a) Resource Management Act 1991 (see DP 502469)

Land Covenant in Covenant Instrument 12034360.4 - 1.3.2021 at 3:44 pm

Land Covenant in Covenant Instrument 12034360.5 - 1.3.2021 at 3:44 pm

12079984.4 Mortgage to First Mortgage Custodians Limited - 14.4.2021 at 5:54 pm

Applicant : K. & K. Godsell
 Title : 753033
 Total Area : 18.0284 ha
 Zone : General Coastal (ODP)
 Rural Production (PDP)



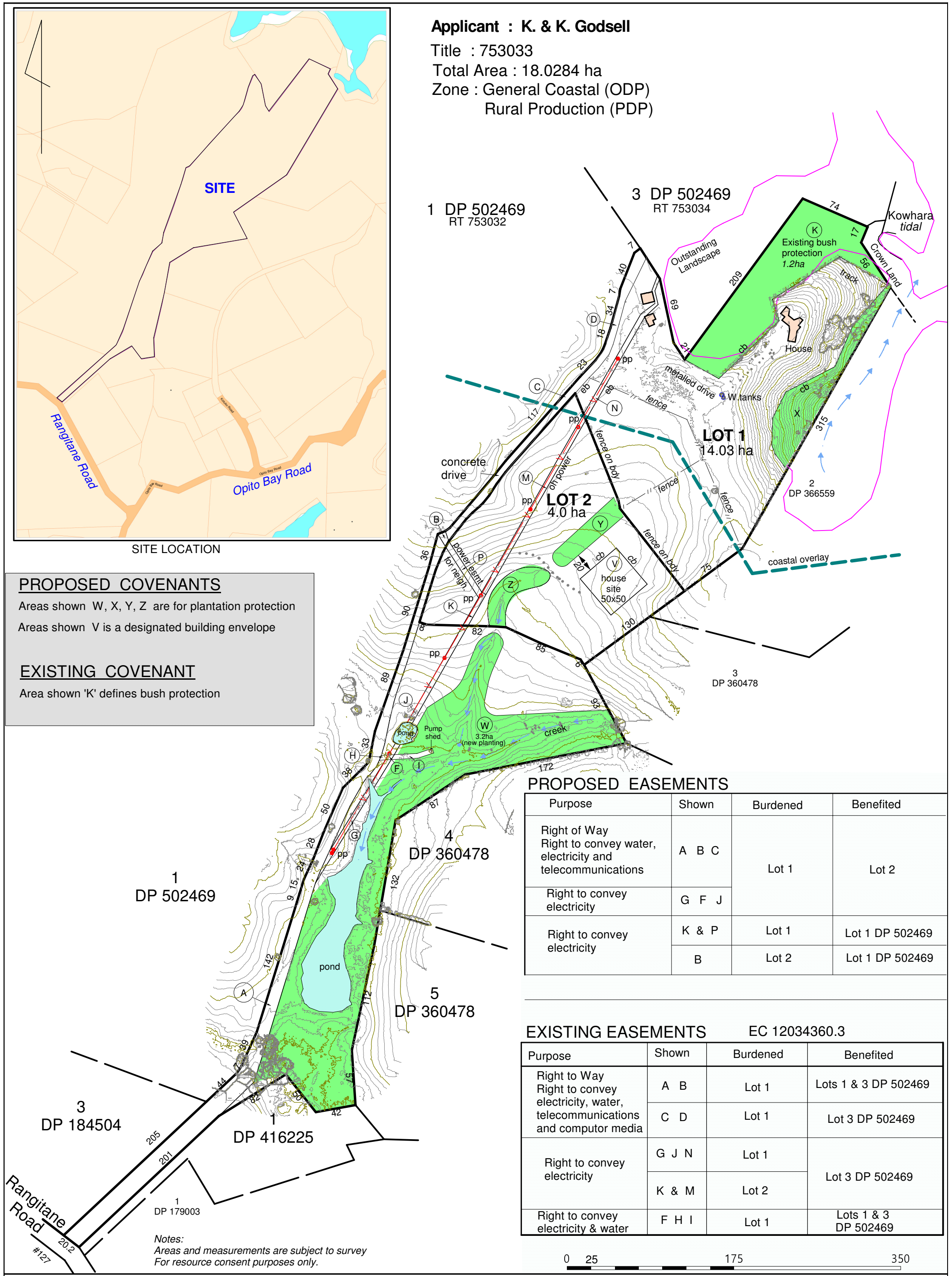
SITE LOCATION

PROPOSED COVENANTS

Areas shown W, X, Y, Z are for plantation protection
 Areas shown V is a designated building envelope

EXISTING COVENANT

Area shown 'K' defines bush protection



PROPOSED EASEMENTS

Purpose	Shown	Burdened	Benefited
Right of Way Right to convey water, electricity and telecommunications	A B C	Lot 1	Lot 2
Right to convey electricity	G F J	Lot 1	Lot 2
Right to convey electricity	K & P	Lot 1	Lot 1 DP 502469
	B	Lot 2	Lot 1 DP 502469

EXISTING EASEMENTS

EC 12034360.3

Purpose	Shown	Burdened	Benefited
Right to Way Right to convey electricity, water, telecommunications and computer media	A B	Lot 1	Lots 1 & 3 DP 502469
	C D	Lot 1	Lot 3 DP 502469
Right to convey electricity	G J N	Lot 1	Lot 3 DP 502469
	K & M	Lot 2	
Right to convey electricity & water	F H I	Lot 1	Lots 1 & 3 DP 502469

Notes:
 Areas and measurements are subject to survey
 For resource consent purposes only.



DONALDSONS

REGISTERED LAND SURVEYORS

8413

13 March 2024

Planning Division

Far North District Council
Private Bag 752
Kaikohe

Dear Sir/Madam

PROPOSED SUBDIVISION

K.C & K.J GODSELL, 127 RANGITANE ROAD, KERIKERI

We submit herewith a Resource Consent application to together with the following:

- Application Form & Deposit \$2900
- Planning Report
- Record of Title
- Top Energy Ltd comments
- Hapu comments
- Wastewater assessment
- Scheme Plan – Subdivision

Yours faithfully

Micah Donaldson

Assoc. NZPI - RPSURV

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



CSNZ | THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

micah@donaldsons.net.nz

From: Lara McDonald <lmcdonald@doc.govt.nz>
Sent: Thursday, 15 February 2024 10:05 am
To: micah@donaldsons.net.nz
Subject: RE: Proposed Subdivision 127 Rangitane Road Kerikeri

Hi Micah,

The department doesn't have any further comments on this.
Thank you for passing this on for our consideration,

Lara

From: micah@donaldsons.net.nz <micah@donaldsons.net.nz>
Sent: Wednesday, February 14, 2024 4:49 PM
To: Bay Of Islands Mailbox <bayofislands@doc.govt.nz>
Subject: FW: Proposed Subdivision 127 Rangitane Road Kerikeri

You don't often get email from micah@donaldsons.net.nz. [Learn why this is important](#)

As below please.

Regards,

Micah Donaldson
Registered Professional Surveyor
RPSurv ~ Assoc.NZPI ~ NZIS



Phone: 09-4079182
Email: micah@donaldsons.net.nz
Web site: www.donaldsons.net.nz

Land / engineering surveyors and development planners ~ 90 Kerikeri Road, Kerikeri, 0230 ~ (PO Box 211 Kerikeri, 0245)

From: micah@donaldsons.net.nz <micah@donaldsons.net.nz>
Sent: Monday, 12 February 2024 11:42 am
To: lmcdonald@doc.govt.nz
Subject: Proposed Subdivision 127 Rangitane Road Kerikeri

Lara,

Our client is preparing to subdivide to create one additional lot as a non complying activity, although this closely represents a Discretionary Activity.

We seek DOC comments please.

Overview:

The property has a split zone, General Coastal and Rural Production under the operative plan.
The same applies under the proposed district plan.

Proposed Lot 1 captures the existing residence located within the General Coastal zone. The subdivision presents no change or new influence on the coastal area.

micah@donaldsons.net.nz

To: [REDACTED]
Subject: RE: Proposed Subdivision - 127 Rangitane Road, Kerikeri

From: [REDACTED]
Sent: Monday, 11 March 2024 8:00 am
To: micah@donaldsons.net.nz
Subject: Re: Proposed Subdivision - 127 Rangitane Road, Kerikeri

Morena Micha, yes, i have visited that address not long after coming to your office. I was shown around what was proposed and have no reason to have any issues with regards what is proposed for the property.

Nga mihi, Hugh Rihari

On 2023-11-29 18:32, micah@donaldsons.net.nz wrote:

Tena koutou Hugh,

We have a client interested in subdividing off one lot located on the west side of Te Puna Inlet accessible off Rangitane Road.

The intention is to create one additional lot (shown Lot 2) with an area of 4ha, leaving the balance area at 13.5ha.

The site already has a concrete driveway and infrastructure in place all the way to the house on Lot 1.

A future driveway would be required to serve a future house site on Lot 2, which is possible without need for vegetation clearance or any significant earthwork.

Lot 2 house site is well back from any ridgeline and affords only marginal coastal views being 400m from the shoreline.

The landowner (Mr & Mrs Godsell) have been planting indigenous vegetation on all the low laying areas over the last two years, as shown on the attached scheme plan in green shading. Those areas will be protected and subject to weed and pest management as part of the subdivision consent conditions.

A building site will be designated with the 30m radii circle, being the only place a future owner can establish their residence on Lot 2.

The wider vicinity is already well developed meaning the proposal is infill of what already exists. You can see this on the site location map.

Please advise if you have any concerns or recommendation regarding this subdivision proposal.

Kind regards,

Micah Donaldson

Registered Professional Surveyor

RPSurv ~ Assoc.NZPI ~ NZIS



Phone: 09-4079182

Email: micah@donaldsons.net.nz

Web site: www.donaldsons.net.nz

Land / engineering surveyors and development planners ~ 90 Kerikeri Road, Kerikeri, 0230 ~ (PO Box 211 Kerikeri, 0245)

View Instrument Details



Instrument No 12034360.2
Status Registered
Date & Time Lodged 01 March 2021 15:44
Lodged By Baker, Lisa Anne
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
753032	North Auckland
753033	North Auckland
753034	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Richard George Ashwell Palmer as Territorial Authority Representative on 15/01/2021 02:20 PM

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



Private Bag 752, Memorial Ave
Kaitiaki 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2157
Email: enr_ls@fndc.govt.nz
Website: www.fndc.govt.nz

Te Kaunihera o Tai Tokerau Ki Te Raki

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2120012

Being the Subdivision of Lot 1 DP 165034
North Auckland Registry

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

SCHEDULE

Lots 2 & 3 DP 502469

- (i) The living indigenous vegetation defined within the Bush Protection Areas E & F shall not be cut down, damaged or destroyed without the prior written consent of the Council. Such consent may be given in the form of a resource consent application and decision. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Lots 1 & 2 DP 502469

- (ii) The landowner/occupier of the lot shall not keep or allow the introduction on the site of carnivorous or omnivorous animals (such as cats, dogs or ferrets, but excluding two working dogs used for the operation of farming activities) which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors.
- (iii) That upon construction of any habitable building it shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.



Private Bag 752, Memorial Ave
Kaikohe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2157
Email: ccf@fnhc.govt.nz
Website: www.fnhc.govt.nz

Te Kaunihara o Tai Tokerau Ki Te Raki

Lot 3 DP 502469

- (iv) No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as ferrets, cats or dogs) which have the potential to be kiwi predators except for the existing pets which may be retained for its natural life and shall not be replaced.

SIGNED:



Mr Patrick John Killalea

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 5th day of March 2018



View Instrument Details



Instrument No 12034360.5
Status Registered
Date & Time Lodged 01 March 2021 15:44
Lodged By Baker, Lisa Anne
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
245869	North Auckland
245870	North Auckland
245871	North Auckland
245872	North Auckland
245873	North Auckland
269653	North Auckland
753033	North Auckland

Annexure Schedule Contains 2 Pages.

Covenantor Certifications

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

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

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

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

I certify that the Charge Holder under Statutory Land Charge 8783337.9 has consented to this transaction and I hold that consent

Signature

Signed by Richard George Ashwell Palmer as Covenantor Representative on 15/01/2021 02:21 PM

Covenantee Certifications

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

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

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

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

Signature

Signed by Richard George Ashwell Palmer as Covenantee Representative on 15/01/2021 02:21 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 26**Covenant Instrument to note land covenant**

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

BRETT STANLEY FASHER and LEAH ROSALIND FASHER

Covenantee

**ANDREW BARNEY LEE
JAMES GRAEME FRANCIS, KENNETH CHARLES EASTWOOD and VIVIENNE ANNE EASTWOOD
NICOLA JOY PLATT and STEPHEN JAMES WHITE
TROY ALLAN MOON
INDIGO TRUSTEE COMPANY LIMITED
JOHN ALFRED CHARLES EDWARDS**

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

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

Purpose of covenant	Shown DP 502469	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Restrictive Covenant		Lot 2 DP 502469 RT 753033	Lot 2 DP 366559 RT 269653 Lot 1 DP 360478 RT 245869 Lot 2 DP 360478 RT 245870 Lot 3 DP 360478 RT 245871 Lot 4 DP 360478 RT 245872 Lot 5 DP 360478 RT 245873

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Covenant rights and powers (including terms, covenants and conditions)

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

Land Covenant

1. Definitions and Interpretations

In this instrument:

- 1.1 **Benefitted Land** – all of the land comprised in the Records of Title stated in Schedule A as Benefitted Land
- 1.2 **Burdened Land** – means all of the land comprised in RT 753033
- 1.3 **Covenantor** includes itself and its successors in Title.
- 1.4 **Covenantee** includes itself and its successors in Title.
- 1.5 **Kowhara Block** means the Maori Land known as the Kowhara Block defined on ML Plan 293/B.
- 1.6 **Reserve** means the reserve at the northwestern end of the boundary of the Burdened Land.
- 1.7 **Lot 2** means Lot 2 DP 366559.

2. Introduction

- 2.1 The Covenantor is the registered proprietor of the Burdened Land
- 2.2 It is the Covenantor's intention that the Burdened Land shall be subject to a Restrictive Covenant for the benefit of the Benefitted Land. Each owner or occupier for the time being of the Burdened Land shall be bound by the covenant set out in this Easement Instrument.

3. Covenant

The Covenantor covenants with the Covenantee:

- 3.1 That if the proprietors of the Kowhara Block apply to any Court in New Zealand with competent jurisdiction pursuant to any statute to gain access to the Kowhara Block and that claim is considered meritorious by the Court, then the Covenantor will grant access across the Burdened Land. Any access across the Burdened land will be for the sole benefit of the proprietors of the Kowhara Block.
- 3.2 Any access to the Kowhara Block which the Coventor may be required to provide under clause 3.1 will have a width not exceeding 20 metres or such lesser width as the Court may require.
- 3.3 The Covenantor must pay:
 - i. the costs of preparing and registering this instrument
 - ii. all reasonable costs and expenses for which the Covenantee becomes liable as a result of the breach of any of the terms of this instrument by the Covenantor.
- 3.4 That the formed driveway located on the Burdened Land from Rangitane Road to Lot 3 on DP 502469 and shown as areas C and D on DP 502469 shall at all times be located within the boundaries of the Burdened Land.
- 3.5 The covenant created by this instrument will end and the Covenantor will be entitled to a discharge of this instrument if:
 - i. The Kowhara Block ceases to be Maori Land
 - ii. All Covenantees give their written consent
 - iii. The covenants contained in this instrument become obsolete or unenforceable at law.

View Instrument Details



Instrument No 12034360.4
Status Registered
Date & Time Lodged 01 March 2021 15:44
Lodged By Baker, Lisa Anne
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
245874	North Auckland
269652	North Auckland
753033	North Auckland
NA115B/503	North Auckland

Annexure Schedule Contains 2 Pages.

Covenantor Certifications

- I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Charge Holder under Statutory Land Charge 8783337.9 has consented to this transaction and I hold that consent

Signature

Signed by Richard George Ashwell Palmer as Covenantor Representative on 15/01/2021 02:21 PM

Covenantee Certifications

- I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Richard George Ashwell Palmer as Covenantee Representative on 15/01/2021 02:21 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

BRETT STANLEY FASHER and LEAH ROSALIND FASHER

Covenantee

**LI KARI LEGLER, LAILA SUN LEGLER, BIRGITTA ANNA ELISABET LEGLER
MALCOLM STUART DICK and ADRIAN JEFFREY DICK
ANDRE MARTIN REIMAN and JOANNA SUSAN MELLORS**

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A
required

Continue in additional Annexure Schedule, if

Purpose of covenant	Shown DP 502469	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Restrictive Covenant		Lot 2 DP 502469 RT 753033	Lot 6 DP 360478 and Lot 4 DP 342230 RT 245874 Lot 1 DP 184674 RT NA115B/503 Lot 1 DP 366559 RT 269652

Covenant rights and powers (including terms, covenants and conditions)

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

Land Covenant

1. Definitions and Interpretations

In this instrument:

- 1.1 **Benefitted Land** – all of the land comprised in the Records of Title stated in Schedule A as Benefitted Land
- 1.2 **Burdened Land** – means all of the land comprised in RT 753033

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

- 1.3 **Covenantor** includes itself and its successors in Title.
- 1.4 **Covenantee** includes itself and its successors in Title.
- 1.5 **Kowhara Block** means the Maori Land known as the Kowhara Block defined on ML Plan 293/B.
- 1.6 **Reserve** means the reserve at the northwestern end of the boundary of the Burdened Land.
- 1.7 **Lot 2** means Lot 2 DP 366559.

2. Introduction

- 2.1 The Covenantor is the registered proprietor of the Burdened Land
- 2.2 It is the Covenantor's intention that the Burdened Land shall be subject to a Restrictive Covenant for the benefit of the Benefitted Land. Each owner or occupier for the time being of the Burdened Land shall be bound by the covenant set out in this Easement Instrument.

3. Covenant

The Covenantor covenants with the Covenantee:

- 3.1 That if the proprietors of the Kowhara Block apply to any Court in New Zealand with competent jurisdiction pursuant to any statute to gain access to the Kowhara Block and that claim is considered meritorious by the Court, then the Covenantor will grant access across the Burdened Land. Any access across the Burdened land will be for the sole benefit of the proprietors of the Kowhara Block.
- 3.2 Any access to the Kowhara Block which the Coventor may be required to provide under clause 3.1 will have a width not exceeding 20 metres or such lesser width as the Court may require.
- 3.3 The Covenantor must pay:
 - i. the costs of preparing and registering this instrument
 - ii all reasonable costs and expenses for which the Covenantee becomes liable as a result of the breach of any of the terms of this instrument by the Covenantor.
- 3.4 That the formed driveway located on the Burdened Land from Rangitane Road to Lot 3 on DP 502469 and shown as areas C and D on DP 502469 shall at all times be located within the boundaries of the Burdened Land.
- 3.5 The covenant created by this instrument will end and the Covenantor will be entitled to a discharge of this instrument if:
 - i. The Kowhara Block ceases to be Maori Land
 - ii. All Covenantees give their written consent.

View Instrument Details



Instrument No 12034360.3
Status Registered
Date & Time Lodged 01 March 2021 15:44
Lodged By Baker, Lisa Anne
Instrument Type Easement Instrument



Affected Records of Title	Land District
753032	North Auckland
753033	North Auckland
753034	North Auckland

Annexure Schedule Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Charge Holder under Statutory Land Charge 8783337.9 has consented to this transaction and I hold that consent
- I certify that the Mortgagee under Mortgage 11528652.4 has consented to this transaction and I hold that consent
- Encumbrance 5658911.2 is being discharged/extinguished in a prior dealing or in the same dealing

Signature

Signed by Danielle Meddings as Grantor Representative on 27/01/2021 05:40 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Danielle Meddings as Grantee Representative on 27/01/2021 05:40 PM

*** End of Report ***

Form B

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

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

BRETT STANLEY FASHER and LEAH ROSALIND FASHER

Grantee

BRETT STANLEY FASHER and LEAH ROSALIND FASHER

Grant of Easement or *Profit à prendre* or Creation of 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)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference) 502469	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way, Right to Convey Electricity, Telecommunications and Computer Media Right to Convey Water	C	Lot 2 DP 502469 RT 753033	Lots 1 and 3 DP 502469 RT 753032 and 753034
Right of Way Right to Convey Electricity, Telecommunications and Computer Media Right to Convey Water	D	Lot 2 DP 502469 RT 753033	Lot 3 DP 502469 RT 753034
Right to Convey Electricity	E, G	Lot 2 DP 502469 RT 753033	Lot 3 DP 502469 RT 753034
Right to Convey Electricity, Right to Convey Water	H, F, I	Lot 2 DP 502469 RT 753033	Lots 1 and 3 DP 502469 RT 753032 and 753034

Form B - continued

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 2002 and/or Schedule Five of the Property Law Act 2007

Continuation of "Easement for Rights and Powers"

Easement to convey Computer Media

1. The rights and powers associated with the rights to convey telecommunications are to apply to the rights to convey computer media.

Easement of Right of Way

1. Where there is any conflict or inconsistency in the rights and powers implied in the Easement of Right of Way by the Land Transfer Regulations 2018 and Schedule 5 of the Property Law Act 2007, the former shall prevail.
2. No notice pursuant to sections 308-312 of the Property Law Act 2007 shall be available for the purposes of altering or upgrading the state of the land over which the Right of Way is granted unless it is first agreed in writing by both the registered owners for the time being of the Burdened Land and Benefitted Land respectively that the Right of Way shall be altered or upgraded as the case may be.



14 February 2024

Top Energy Limited

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

Micah Donaldson
Donaldsons Surveyors Limited
PO Box 211
KERIKERI

Email: micah@donaldsons.net.nz

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION
K & K Godsell, 127 Rangitane Road, Kerikeri. Lot 2 DP 502469.**

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

Top Energy's requirement for this subdivision is nil.

Top Energy advises that proposed Lot 1 has an existing power supply. Design and costs to provide a power supply to proposed Lot 2 could be provided after application and an on-site survey have been completed.

Link to application: [Top Energy | Top Energy](#)

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

Yours sincerely

Aaron Birt
Planning and Design Engineer
T: 09 407 0685
E: aaron.birt@topenergy.co.nz



51C ORANGEWOOD LANE
KERIKERI
NORTHLAND
PHONE 094078062 A/HRS
MOBILE 0274931597
FAX 094078062
E mail wood123@xtra.co.nz

SITE SUITABILITY WASTE WATER REPORT

CLIENT

K. GODSELL

SITE LOCATION

127 RANGITANE RD, KERIKERI



51C ORANGEWOOD LANE
KERIKERI
NORTHLAND
PHONE: 094078062 A/HRS
MOBILE: 0274931597
FAX: 094078062
E mail: wood123@xtra.co.nz

05/03/24

The Senior Building Inspector
Far North District Council
Private Bag 752
Kaikohe

RE : SITE SUITABILITY REPORT FOR WASTE WATER FOR PROPOSED LOT 2, BEING A
SUBDIVISION OF LOT 2, DP 502469

On the 28th of February a site inspection was carried out to assess the soil types and soakage for waste water disposal for proposed lot 2.

The soil is classed as Rangiora Clay Loam with imperfectly to very poor drainage.

Under the layer of topsoil was a hard pan that reduced soakage then an orange clay that actually had good soakage though this could change in wet weather.

A soil report is attached.

There is 0.1M of top soil so if the dripperlines are to be buried more topsoil will have to be brought in to make sure the effluent disposal area has a minimum of 250mm depth of topsoil.

With the size of the lots, the general coastal area and the type of soil a secondary waste water treatment system would be the best option .

The soil has been classed as category 5 with 2.85mm soakage per sq M per day.

An example for a three bedroom house is attached.

A stormwater shallow swale cut off drain is required to divert the stormwater away from the effluent field.

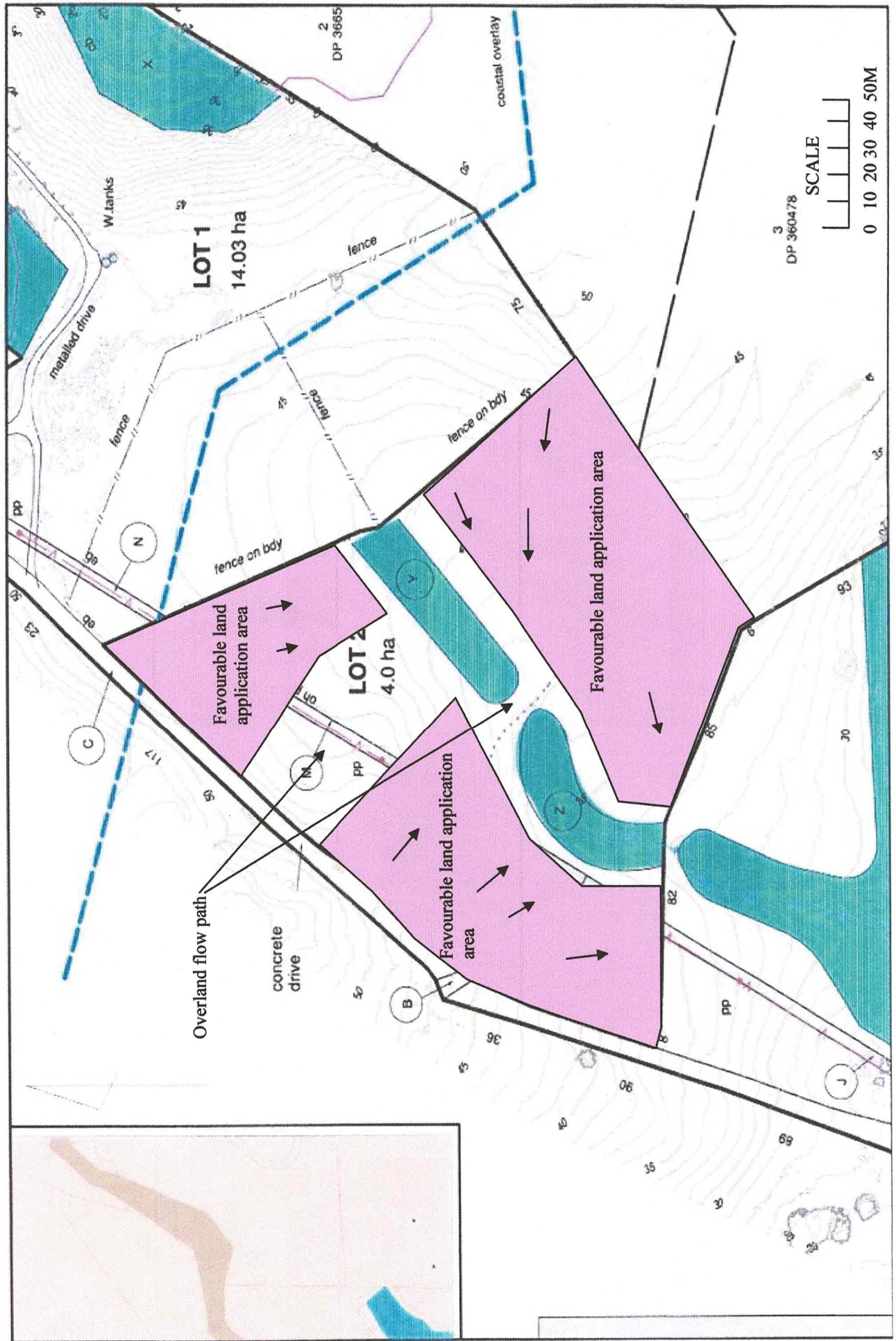
A 100 percent of reserve area is shown on the plan but there is alot more if required.

There are overland flow paths as shown on the plan that require a 5M minimum set back from the effluent field and 1.5M minimum set backs to the boundaries.

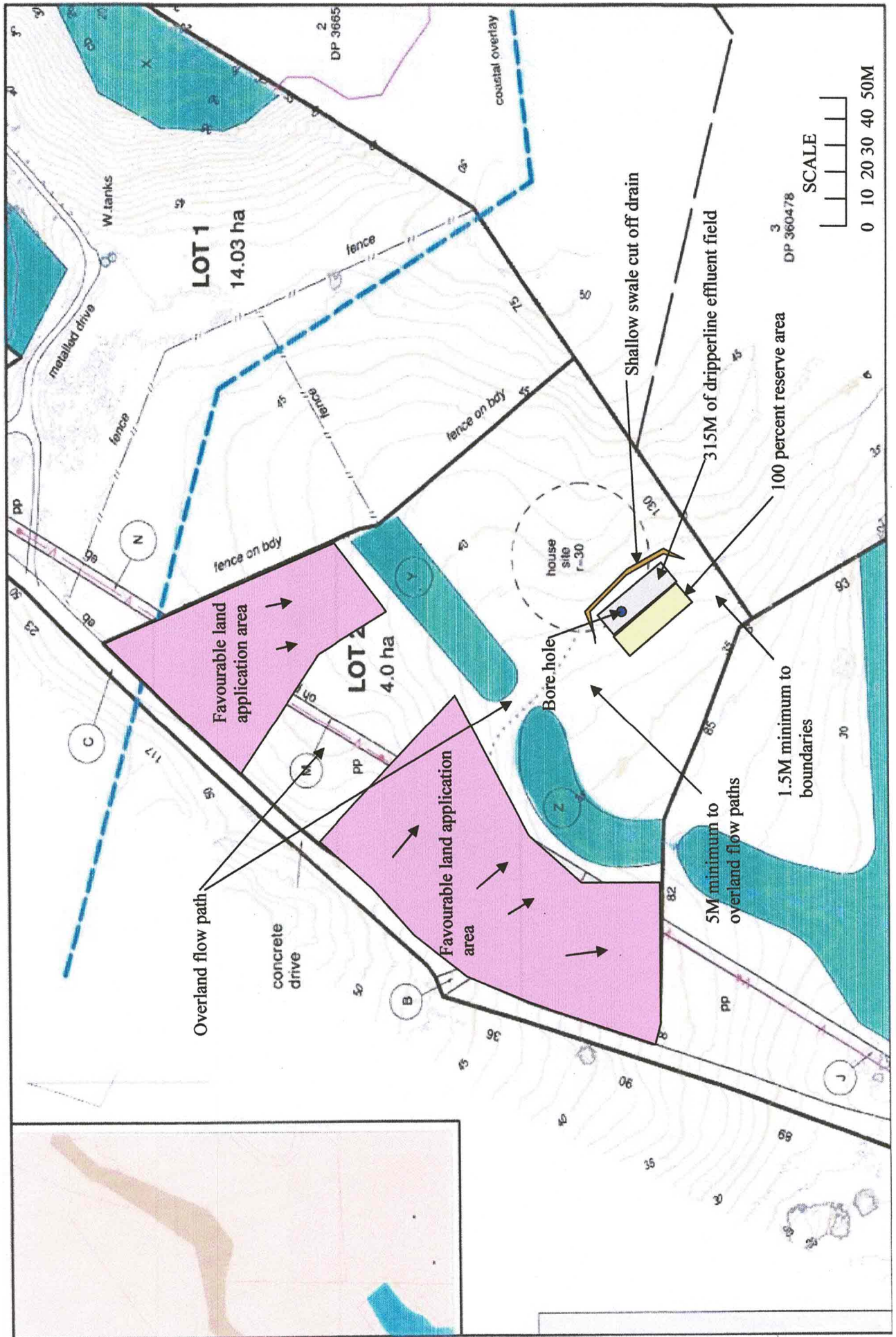
Yours Faithfully Steve Wood.



PLAN 1



PLAN EFFLUENT FIELD EXAMPLE



Client:
 Job:
 Location:
 Augerhole No.:
 Drilling Method:

REF:
 Logger:
 Date:
 Page:
 Checked:

PERCOLATION TEST -GRAPH SHEET

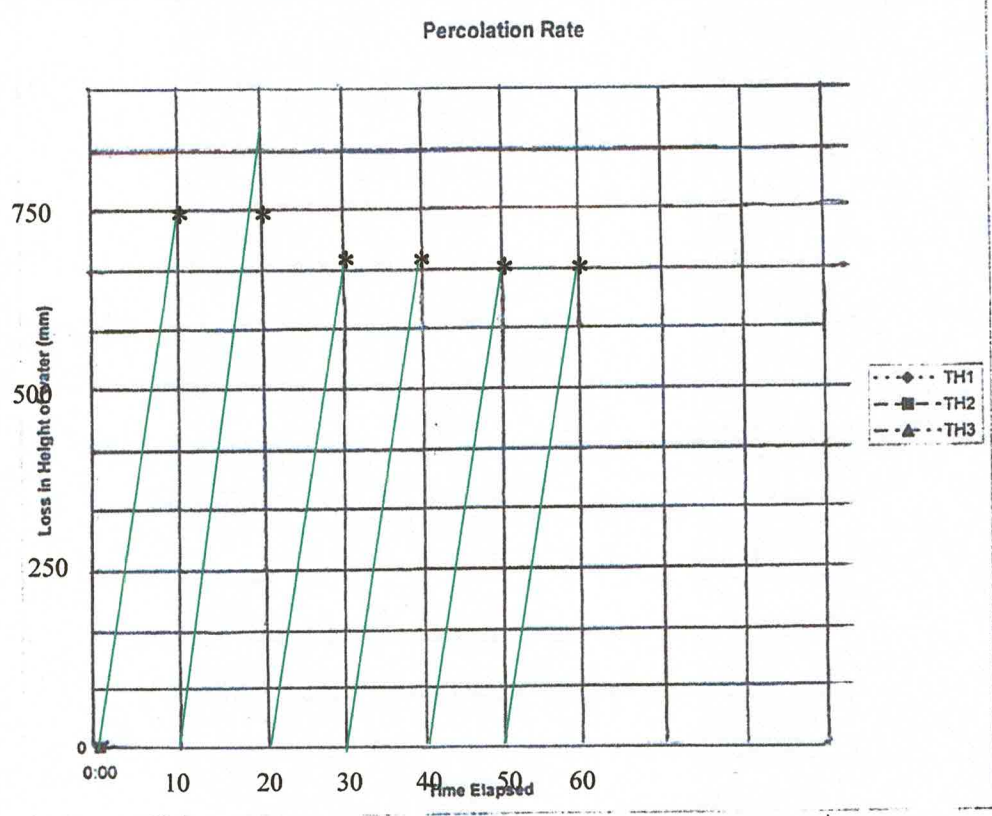
Client: K Godsell
 Job:
 Location: 127 Rangitane Rd, Kerikeri

Ref.:
 Report No.:
 Page:

Tested by: STEVE WOOD Presoaking conditions: 30 MIN
 Date: Weather conditions prior: FINE

Time	Time elapsed	Loss in height of water				Percolation Rate (mm/hr)			
		TH1	TH2	TH3	TH4	TH1	TH2	TH3	TH4
	10 MIN	750				4500			
	10 MIN	750				4500			
	10MIN	650				3900			
	10 MIN	650				3900			
	10 MIN	650				3900			
	10 MIN	650				3900			

Depth of hole
 Depth of topsoil
 Diameter of hole



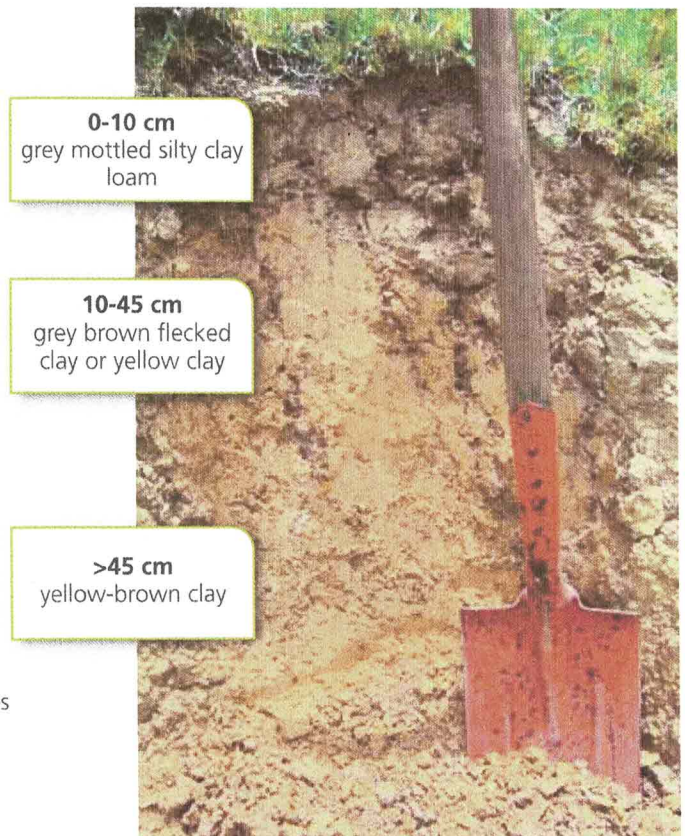
Mature greywacke soils

Soil types in this group

- Rangiora clay, clay loam and silty clay loam - RA, RAH*
- Rangiora silty clay loam - RAI, RAIH*

*The H denotes the hill variant of this soil type, which occurs on slopes over 20° and has a shallower profile.

This fact sheet uses NZ Soil Bureau map series soil type names and abbreviations.



Rangiora clay, clay loam & silty clay loam (RA, RAH) soil profile

Features of mature greywacke soils

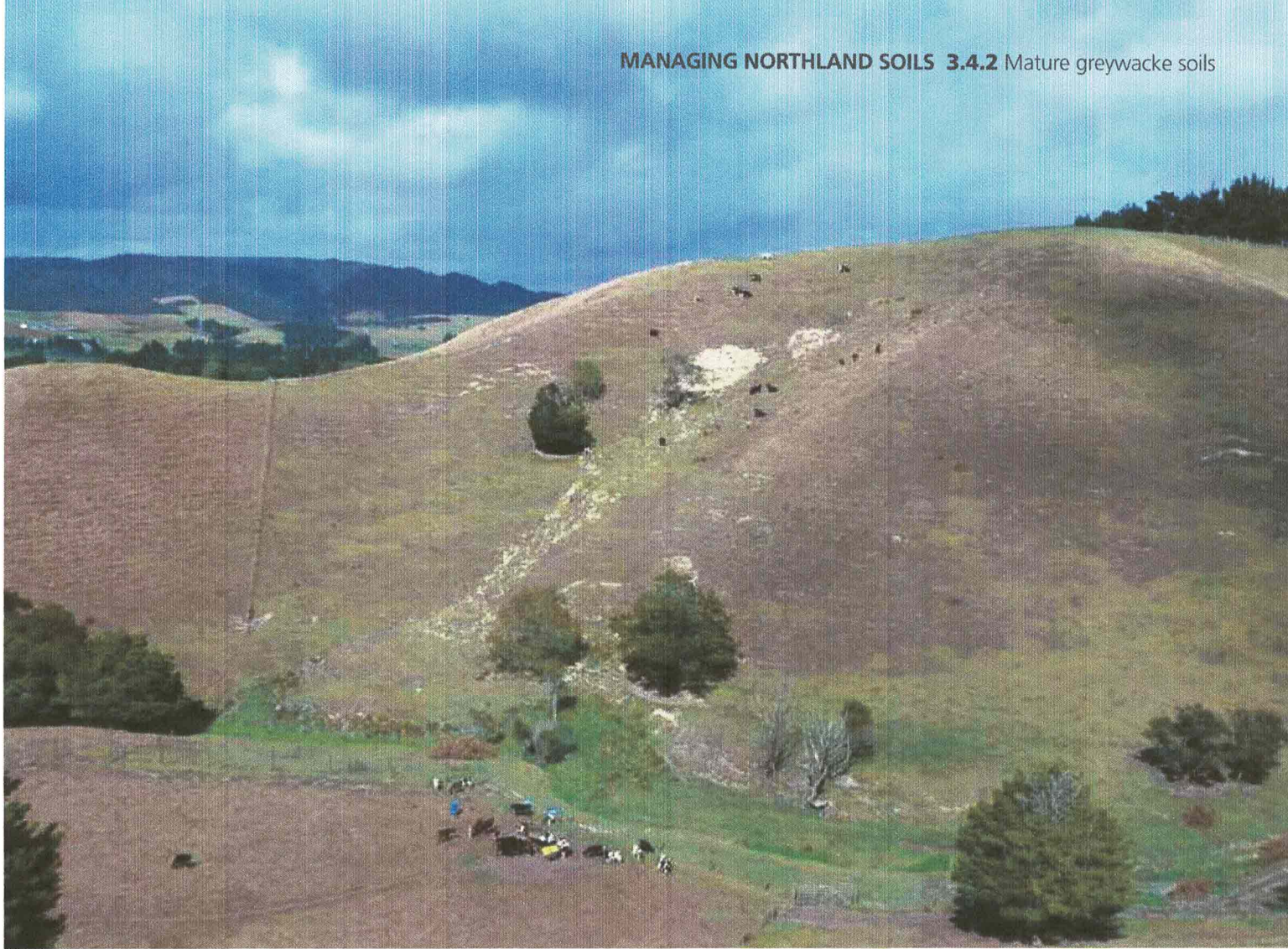
- These soils are found on rolling to steep hill country along Northland's eastern edge, from Mangonui south to Bream Tail
- They are part of the Marua soil suite, which is prone to large scale slipping
- Slip scars on Rangiora soils can be difficult to revegetate because of poor natural fertility
- Greywacke basement rock is a hard, compacted mix of sandstone and siltstone that provides a majority of roading and building aggregates
- Because it is hard, greywacke supports some steep slopes. On the adjacent rolling hill country it has weathered up to 30m deep to produce mature Rangiora soils
- These mature soils are strongly leached to weakly podzolised

Structure and drainage management

Issues	Management tips
Due to the degree of leaching, clay has moved down through the soil profile and accumulated in subsoil which cracks as it dries to form a distinct columnar subsoil structure	Consider draining wet pasture or creating / or protecting wetlands
Podzolisation has broken down topsoil structure, reducing friability	Consider retiring very steep or marginal pastoral land from grazing if pastoral returns are poor and/or weed invasion is a problem
Loss of soil structure leads to pugging and soil surface sealing in wet conditions	Careful winter grazing management can minimise pugging and compaction and protect soil structure

Erosion control

Erosion risks	Soil type	Specific problems	Possible solutions
Slipping (severe)	All mature greywacke soils, especially on steeper slopes and during heavy rain after drought	Clay washed through the soil profile creates a slip plane During high intensity rain storms following dry weather, water flows down the cracks between the columns in the soil and lubricates the slip plane, triggering slips	Open plant poplars across slopes at 5-10m spacing with the closer spacing at the toe and wider spacing towards the top and sides of the slip Reduce stock pressure to prevent pugging and overgrazing, which can lead to slipping
Slump erosion and soil cracking	All mature greywacke soils, especially steep areas	Where water flows across the regolith, a tunnel can form underground, which removes support from adjoining slopes During extended wet periods, tunnels cause slow slip movement defined by slump terraces and cracking	Open plant poplars to stabilise slump terraces Concentrate tree plantings in hollows and the heads of gullies as a preventative measure to reduce slipping



Rangiora soils on greywacke hill country, Ruakaka

Nutrient management

Soil type	Nutrient status	Management strategies
All mature greywacke soils	These soils are heavily leached and generally acidic. They are low in natural fertility and trace elements	Raise pH with lime Little and often applications of fertiliser are recommended on these low fertility soils because whatever is applied will be available to plants, as it is not fixed.
All mature greywacke soils	Previous trial work found that the micronutrient molybdenum creates a significant response in Rangiora soils	Seek expert advice for soil testing and fertiliser recommendations

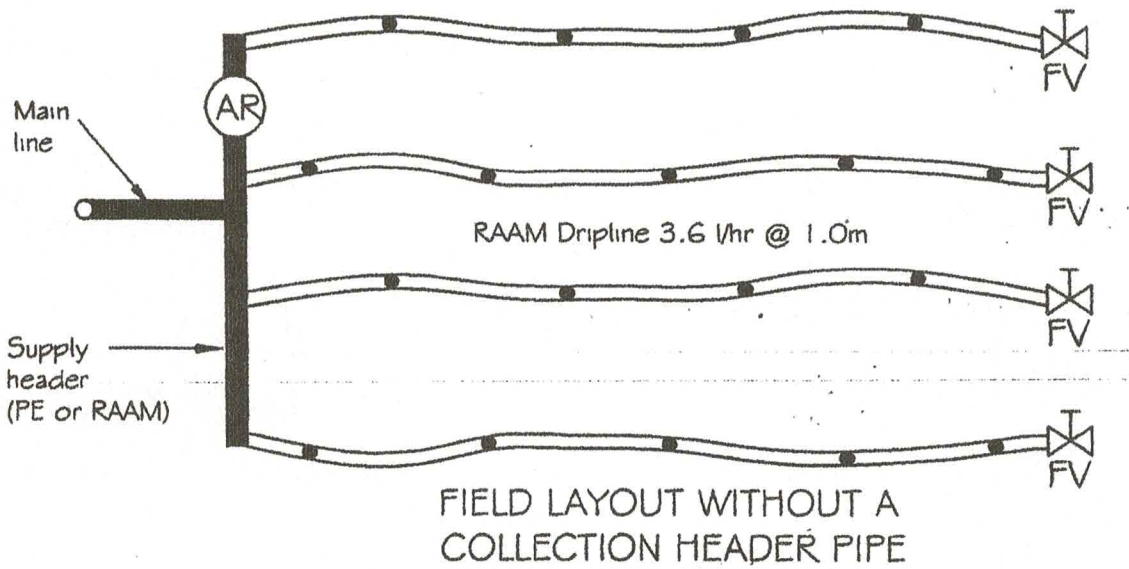
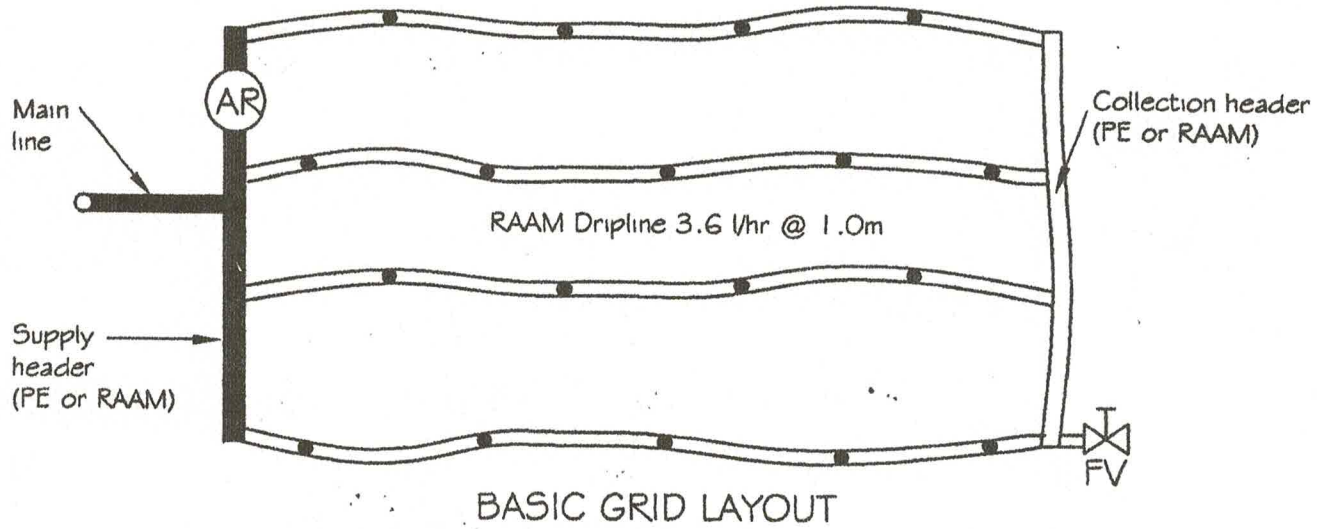
Drainage classes


Soil symbol	Full name	Drainage class
MARUA SUITE Basement rock: greywacke and argillite		
RA, RAH	Rangiora clay, clay loam and silty clay loam	2⇒1 - Imperfectly to (very) poorly drained
RAI, RAIH	Rangiora silty clay loam	2⇒1 - Imperfectly to (very) poorly drained

Northland soil factsheet series

- Northland's climate, topography, historic vegetation and mixed geology have combined to form a complex pattern of soils across the region. There are over 320 soil types in Northland. Other regions in New Zealand average only 20 soil types per region.
- The information in this fact sheet is based on a 1:50,000 mapping scale. Therefore, it is not specific to individual farms or properties. However, it may help you to understand general features and management options for recent alluvial soils.
- Knowing your soils' capabilities and limitations is the key to sustainable production in Northland. Northland Regional Council (NRC) land management advisors are available to work with landowners to provide free soil conservation advice, plans and maps specific to your property.
- Regular soil tests are recommended. If you are concerned about your soil structure or health, the Visual Soil Assessment test could be useful. Contact the land management advisors at Northland Regional Council for more information.
- Further background information about the processes that have formed these soils can be found here: www.nrc.govt.nz/soilfactsheets

Contact a land management advisor on
0800 002 004 or visit www.nrc.govt.nz/land



 Air / Vacuum Release Valve

 Flushing Valve

ON-SITE EFFLUENT DISPOSAL
TYPICAL FIELD LAYOUTS
Trickle Irrigation

Ref:

Sheet:

Scale: NTS

Draw

Date

Check



1. Has a Slope Stability Assessment been carried out on the property?

Yes		No	tick	Please tick
-----	--	----	------	-------------

If No, why not?

No sign of instability in adjacent properties.
--

If Yes, please give details of report (and if possible, please attach report):

Author	
Company/Agency	
Date of Report	
Brief Description of Report Findings:-	

2. Site Characteristics (See Table 1 attached):

Provide descriptive details below:
Performance of Adjacent Systems:
No known problems.
Estimated Rainfall and Seasonal Variation:
Information available from N.I.W.A MET RESEARCH
1600mm per year. 900mm winter / 700mm summer
Vegetation / Tree Cover:
Grassed
Slope Shape: (Please provide diagrams)
Rolling hill country
Slope Angle:
Approximately 3-5 degrees
Surface Water Drainage Characteristics:
Sheet flow to overland flow paths
Flooding Potential: YES/NO
NO
If yes, specify relevant flood levels on appended site plan, i.e. one in 5 years and/or 20 year and/or 100 year return period flood level, relative to disposal area.
Surface Water Separation:
Surface water separation can be kept to council requirements.
Site Characteristics: or any other limitation influencing factors
Plenty of reserve areas

3. Site Geology

Check Rock Maps

Rangiora clay loam. Imperfectly to very poorly drained.

Geological Map Reference Number | NZMS 290 SHEET P04/05

4. What Aspect(s) does the proposed disposal system face? (please tick)

North		West	
North-West		South-West	tick
North-East		South-East	
East		South	

5. Site clearances, (Indicate on site plan where relevant)

Separation Distance from	Treatment Separation Distance (m)	Disposal Field Separation Distance (m)
Boundaries	Greater than 3 M	Check Council requirements
Surface water, rivers Creeks drains etc	Greater than 15 M	Greater than 15 M
Groundwater	Greater than 0.6 M	Greater than 0.6 M
Stands of Trees/Shrubs	NA	
Wells, water bores	None known	
Embankments/retaining walls	NA	
Buildings	Greater than 3 M	Greater than 3 M
Other (specify):		

PART D: Site Assessment - Subsoil Investigation

(Refer TP58 - Sn 5.1 General Purpose of Site Evaluation, and Sn 5.2.2(a) Site Surface Evaluation and Sn 5.3 Subsurface Investigations)

Note: Underlined terms defined in Table 2, attached

1. Please identify the soil profile determination method:

Test Pit		(Depth _____ m	No of Test Pits	
Bore Hole		(Depth <u>1.2 M</u> m	No of Bore Holes	one
Other (specify):				

Soil Report attached?

Yes	tick	No		Please tick
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2. Was fill material intercepted during the subsoil investigation?

Yes		No	tick	Please tick
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If yes, please specify the effect of the fill on wastewater disposal

3. percolation testing (mandatory and site specific for trenches in soil type 4 to 7)

Please specify the method
Constant Head Permeameter

Test Report Attached?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Please tick
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4. Are surface water interception/diversion drains required?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Please tick
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If yes, please show on site plan

4a Are subsurface drains required

If yes enter details

5. Please state the depth of the seasonal water table:

Winter	3 M	m	Measured	<input type="checkbox"/>	Estimated	<input checked="" type="checkbox"/>
Summer	Greater than 3 M	m	Measured	<input type="checkbox"/>	Estimated	<input checked="" type="checkbox"/>

6. Are there any potential storm water short circuit paths?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Please tick
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If the answer is yes, please explain how these have been addressed

7. Based on results of subsoil investigation above, please indicate the disposal field soil category (Refer TP58 Table 5.1)

Is Topsoil Present?	Yes	If so, Topsoil Depth?	0.1	(m)
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Soil Category	Description	Drainage	Tick One
1	Gravel, coarse sand	Rapid draining	<input type="checkbox"/>
2	Coarse to medium sand	Free draining	<input type="checkbox"/>
3	Medium-fine & loamy sand	Good drainage	<input type="checkbox"/>
4	Sandy loam, loam & silt loam	Moderate drainage	<input type="checkbox"/>
5	Sandy clay-loam, clay loam & silty clay-loam	Moderate to slow drainage	<input checked="" type="checkbox"/>
6	Sandy clay, non-swelling clay & silty clay	Slow draining	<input type="checkbox"/>
7	Swelling clay, grey clay, hardpan	Poorly or non-draining	<input type="checkbox"/>

Reasons for placing in stated category

Assessment of soil texture
Observation of soakage test
Checking of soil maps

PART E: Discharge Details

1. Water supply source for the property (please tick):

Rainwater (roof collection)	<input checked="" type="checkbox"/>
Bore/well	<input type="checkbox"/>
Public supply	<input type="checkbox"/>

2. Calculate the maximum daily volume of wastewater to be discharged, unless accurate water meter readings are available

(Refer TP58 Table 6.1 and 6.2)

Number of Bedrooms	2- 3 -4-	Three
Design Occupancy	Five	(Number of People)
Per capita Wastewater Production	140 160 180	(tick) (Litres per person per day)
Other - specify	200 220 ---	
Total Daily Wastewater Production	900	(litres per day)

3. Do any special conditions apply regarding water saving devices

a) Full Water Conservation Devices?	Yes		No	tick	(Please tick)
b) Water Recycling - what %?		%		tick	(Please tick)

If you have answered yes, please state what conditions apply and include the estimated reduction in water usage

DUAL FLUSH TOILET
NO GARBAGE GRINDER
LOW FLOW DISHWASHER

4. Is Daily Wastewater Discharge Volume more than 2000 litres:

Yes		(Please tick)
No	tick	(Please tick)

Note if answer to the above is yes, an N.R.C wastewater discharge permit may be required

5. Gross Lot Area to Discharge Ratio:

Gross Lot Area	40000	M
Total Daily Wastewater Production	900	(Litres per day)(from above)
Lot Area to Discharge Ratio	44.44	

7. Does this proposal comply with the Northland Regional Council Gross Lot Area to Discharge Ratio of greater than 3?

Yes	tick	No		Please tick
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8. Is a Northland Regional Council Discharge Consent Required?

Yes		No	tick	(Please tick)
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PART F: Primary Treatment (Refer TP58 Section 7.2)

1. Please indicate below the no. and capacity (litres) of all septic tanks including type (single/dual chamber grease traps) to be installed or currently existing: If not 4500 litre, dual chamber explain why not

Number of Tanks	Type of Tank	Capacity of Tank (Litres)
	Total Capacity	

2. Type of Septic Tank Outlet Filter to be installed?

PART G: Secondary and Tertiary Treatment

(Refer TP58 Section 7.3, 7.4, 7.5 and 7.6)

1. Please indicate the type of additional treatment, if any, proposed to be installed in the system: (please tick)

Secondary Treatment	<input checked="" type="checkbox"/>	
Home aeration plant	<input checked="" type="checkbox"/>	
Commercial aeration plant	<input type="checkbox"/>	
Intermediate sand filter	<input type="checkbox"/>	
Recirculating sand filter	<input type="checkbox"/>	
Recirculating textile filter	<input type="checkbox"/>	
Clarification tank	<input type="checkbox"/>	
Tertiary Treatment	<input type="checkbox"/>	
Ultraviolet disinfection	<input type="checkbox"/>	
Chlorination	<input type="checkbox"/>	
Other	<input type="checkbox"/>	Specify <input type="text"/>

PART H: Land Disposal Method

(Refer TP58 Section 8)

1. Please indicate the proposed loading method: (please tick)

Gravity	<input type="checkbox"/>
Dosing Siphon	<input type="checkbox"/>
Pump	<input checked="" type="checkbox"/>

2. High water level alarm to be installed in pump chambers

Yes No

If not to be installed, explain why

3. If a pump is being used, please provide the following information:

Total Design Head	To manufacturers recommendation	(m)
Pump Chamber Volume	160	(Litres)
Emergency Storage Volume	1000	(Litres)

4. Please identify the type(s) of land disposal method proposed for this site: (please tick)
(Refer TP58 Sections 9 and 10)

Surface Dripper Irrigation	<input checked="" type="checkbox"/>			
Sub-surface Dripper irrigation	<input checked="" type="checkbox"/>			
Standard Trench	<input type="checkbox"/>			
Deep Trench	<input type="checkbox"/>			
Mound	<input type="checkbox"/>			
Evapo-transpiration Beds	<input type="checkbox"/>			
Other		Specify <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td></tr><tr><td> </td></tr></table>		

5. Please identify the loading rate you propose for the option selected in Part H, Section 4 above, stating the reasons for selecting this loading rate:

Loading Rate	2.85	(Litres/m ² /day)
Disposal Area	Design	315 (m ²)
	reserve	315 (m ²)

Explanation (Refer TP58 Sections 9 and 10)

Loading rate adopted for secondary treated effluent for category 5 soil AS/NZS 1547

6. What is the available reserve wastewater disposal area (Refer TP58 Table 5.3)

Reserve Disposal Area (m ²)	315 sq M
Percentage of Primary Disposal Area (%)	100 percent

7. Please provide a detailed description of the design and dimensions of the disposal field and attach a detailed plan of the field relative to the property site:

Description and Dimensions of Disposal Field:

A minimum of 315 M of RAMM dripline with 3.5 L/HR emitters at 1 M spacing and 1 M line separation spacing.
Dripperline to be laid on the ground and mulched over or dug into the topsoil.
Extra topsoil will have to be brought in to get a minimum depth of 250mm if burying in topsoil.
Plan Attached? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Please tick)

If not, explain why not
