

# Application for change or cancellation of resource consent condition (S.127)

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

If yes, who have you spoken with? \_\_\_\_\_

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. Consultation:

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

Name/s:

Prospect Estate Ltd c/- Peter Giesbers

Email:

Phone number:

Postal address:

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

Office Use Only  
Application Number:

## 5. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd c/o Rochelle Jacobs

Email:

Phone number:

Postal address:

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

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

## 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:

Prospect Estate Limited

Property Address/  
Location:

## 7. Application Site Details

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

Name/s:

Prospect Estate Limited

Site Address/  
Location:

93 Station Road

Kaikohe

Postcode

0474

Legal Description:

Part Kohewhata 69 Block

Val Number:

00523-77500

Certificate of title:

NA23A/821

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

## 7. Application Site Details (continued)

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. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Describe the proposed changes:

## 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

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

## 11. 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 (including consultation from iwi/hapū).*

Your AEE is attached to this application  Yes

## 12. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days?  Yes  No

## 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 in full) Prospect Estate Limited

**Email:**

**Phone number:**

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

### Fees Information:

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

### Declaration concerning Payment of Fees:

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

**Name:** (please write in full)

**Signature:** (signature of bill payer)

Date

**MANDATORY**

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

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive

information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

### Declaration

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

Name: (please write in full)

Rochelle Jacobs

Signature:

[Redacted Signature]

Date 02-Jun-2026

*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)
- Details of your consultation with Iwi and hapū
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

**12. Draft Conditions:**

Do you wish to see the draft conditions prior to the release of the resource consent decision?  Yes  No  
If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days?  Yes  No

**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 in full) Prospect Estate Limited

**Email:**  
**Phone number:**  
**Postal address:**  
(or alternative method of service under section 352 of the act)

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

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

**Name:** (please write in full) Peter Giesbers  
**Signature:** (signature of bill payer) [Redacted] 3/6/2026

## **Variation to 2260038 - RMASUB**

### **Prospect Estate Limited**

### **93 Station Road, Kaikohe**

3 June 2026

Attention: Liz Searle & Jo Graham (Team Leaders – Resource Consents)

Please find below an application to vary conditions on an existing subdivision consent RC 2260038-RMASUB. This application is supported by an Assessment of Environmental Effects.

Pursuant to Section 127 of the Resource Management Act, the Applicant is seeking to vary the conditions of RC 2260038 - RMASUB which enabled a two-lot subdivision within the site legally described as Part Kohewhata 69 Block. The application was assessed as a Restricted Discretionary Activity within the Rural Production zone under the Operative District Plan (ODP). Consent was granted on 16<sup>th</sup> September 2025.

This subdivision application was lodged in conjunction with two additional subdivision applications (RC 2260039 – RMACOM & RC 2260040 – RMASUB), both of which were submitted by the Applicant and included land holdings within adjoining allotments. It was the intention that the subject subdivision would be completed first, with the remaining subdivisions to follow. This remains the situation.

At time of preparation of the subdivision applications, it was discovered that no legal access existed for the dwelling on Tuhuna A across the Māori Roadway. To remedy this, access to the dwelling was provided for in two separate locations across all 3 subdivisions, with the later 2 applications (39 & 40) noting that primary physical access needed to be confirmed at time of s223.

The applicant is working towards giving effect to this subdivision and RC 2260039 at present, and has created physical access to the dwelling through the alternative route approved under RC 2260039 meaning that the legal arrangement detailed within RC 2260038 is now redundant and can be cancelled.

Furthermore, as part of the later applications an Archaeological Assessment of the properties was required prior to any works being undertaken. A different approach was taken with the initial application (RC 2260038), with a consent notice requiring reporting to be provided at time of building. As the sites have now been well investigated a report provided, this consent notice can also be deleted and align with the two later decisions.

The variation to RC 2260038 - RMASUB is a **Discretionary Activity** under Section 127 of the RMA.

Regards,

Alex Billot



Resource Planner

Reviewed by:

Rochelle Jacobs



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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- 4. Archaeological Assessment – Context Archaeology**
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- 6. RC 2260039 – RMACOM – Approved Decision & Plans – FNDC**
- 7. RC 2260040 – RMASUB – Approved Decision & Plans - FNDC**

# Assessment of Environment Effects Report

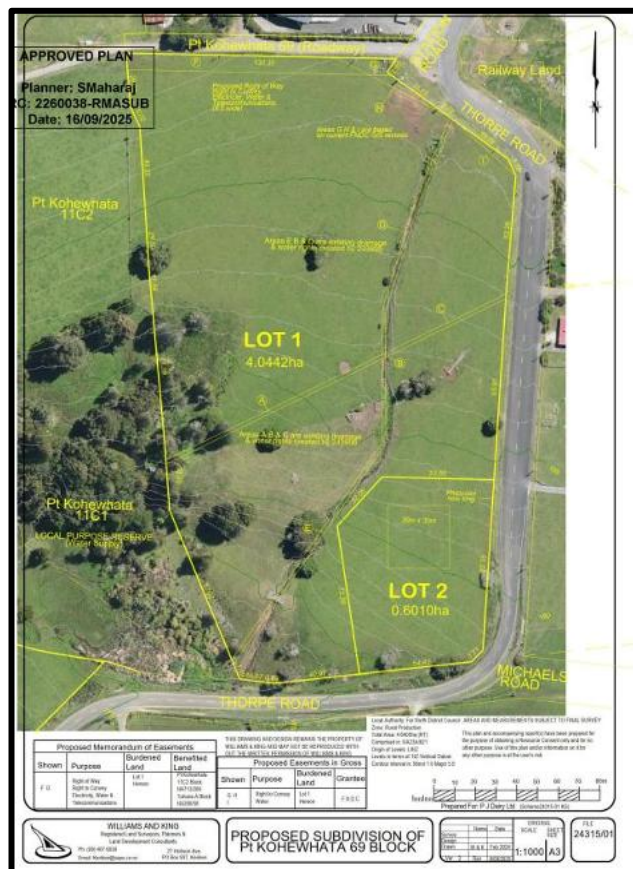
## 1. Description of the Proposed Activity

1.1. Pursuant to Section 127 of the Resource Management Act, Prospect Estate Limited (the “Applicant”) is seeking to vary Conditions 1 & 3(a) and cancel Condition 5 (f) of an existing resource consent (RC 2260038 - RMASUB) that enabled the subdivision of Pt Kohewhata 69 within the Rural Production zone to create two allotments (one additional) as a Restricted Discretionary Activity under the Operative District Plan (ODP).

1.2. To provide some background information/context, there have been three approved subdivision consents for landholdings within the Applicant’s ownership, which are all adjoining sites. These approved subdivision consents are as follows:

- **RC 2260038 – RMASUB** – subject consent. Subdivision of Pt Kohewhata 69 to create one additional allotment as a Restricted Discretionary Activity.
- RC 2260039 – RMACOM – Staged subdivision of Pt Rangihamama A2 Block and Tuhuna A & B as well as easement cancellation.
- RC 2260040 – RMASUB – Subdivision of Pt Kohewhata 11C2 to create one additional allotment.

Figure 1: RC 2260038 Approved Plan.



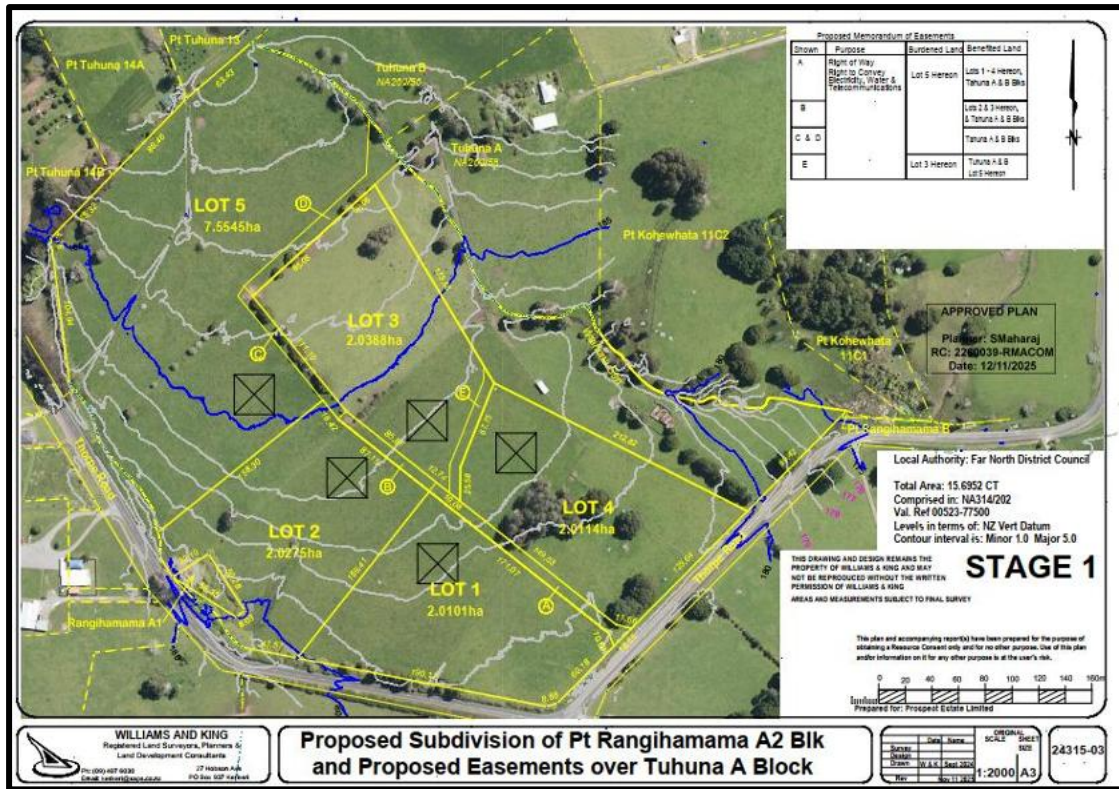


Figure 2: RC 2260039 Stage 1 Approved Plan.

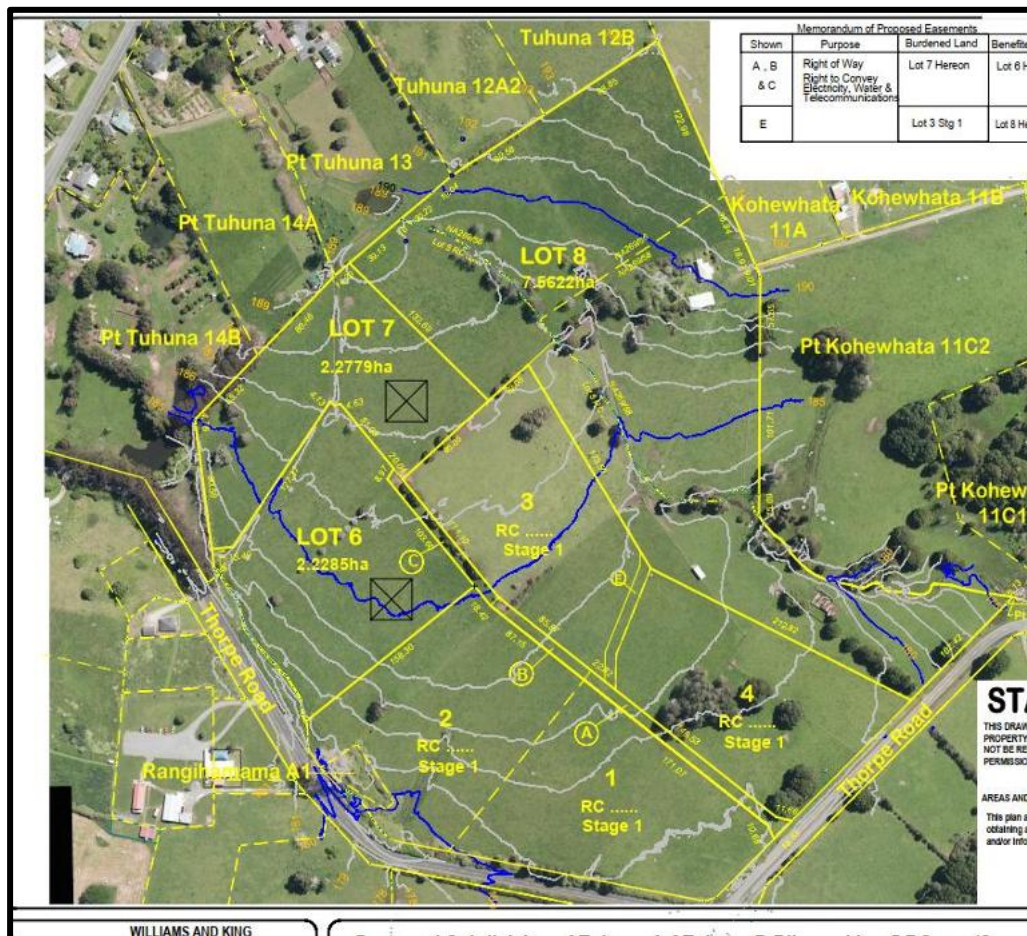


Figure 3: RC 2260039 Stage 2 Approved Plan.

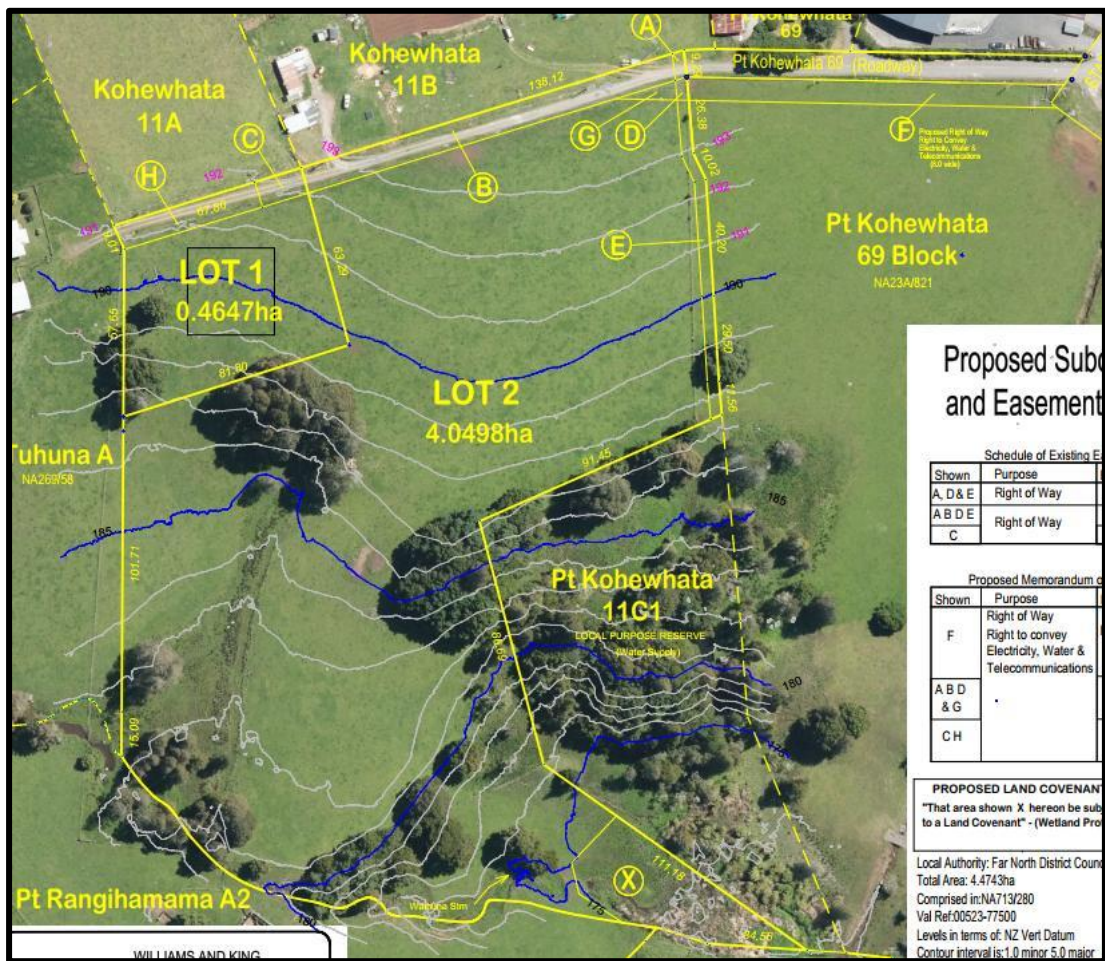


Figure 4: RC 2260040 Approved Plan.

1.3. As part of RC 2260038, Easement F was established to provide rights of access and rights to convey electricity, water and telecommunications over Proposed Lot 1 to adjoining lots - Pt Kohewhata 11C2 Block and Tuhuna A Block. These two allotments were/are in the same ownership as the subject site, that being they are all owned by Prospect Estate Limited. Rights of access were provided given that it was discovered upon the subdivision application that the existing dwelling within Tuhuna A did not have any legal rights for access. As such, provision for access was provided for via Easement F as part of RC 2260038. At the same time as the subject subdivision application was being prepared, the Applicant was also in the initial stages for subdivision of adjoining allotments Pt Kohewhata 11C2, Tuhuna A & B and Pt Rangihamama A2. As a result of these subsequent subdivisions, provision for access to the dwelling within Tuhuna A was provided for via Pt Rangihamama A2. Due to the proposed lot configurations, the dwelling within Tuhuna A would be absorbed into a larger allotment, with the option for access to be provided via the subdivision of Pt Rangihamama A2 (RC 2260039 – RMACOM) (see Figures 2 & 3 above).

- 1.4. Works to complete the subdivision conditions have commenced (see images below), and both physical and legal access to the dwelling within Tuhuna A will be provided via RC 2260039 – RMACOM. As such those rights for access via Easement F of RC 2260038 are now no longer required.



*Figure 6 - New ROW A (RC2260039)*



*Figure 5 - New ROW E to dwelling on Lot 8 (RC 2260039)*

- 1.5. Easement F also included rights of access to Pt Kohewhata 11C2, given Pt Kohewhata 11C2 separated Pt Kohewhata 69 and Tuhuna A. As part of RC 2260040-RMASUB, Pt Kohewhata 11C2 was approved for subdivision to create one additional allotment (see *Figure 4*). As part of the application and Section 92 response for RC 2260040, it was stated that Proposed Lots 1 & 2 would gain access from the existing Māori Roadway, which runs parallel to Easement F and then via the series of easements created over Proposed Lot 2 of RC 2260040. As such, the removal of rights of access over Easement F is not considered to affect any legal access rights to any adjoining allotments.
- 1.6. The purpose of Easement F was to provide legal access to Tuhuna A, if no other provision was provided for. Given that access to the dwelling within Tuhuna A has now been provided for via

RC 2260039 which is being given effect to, the need for access rights of Easement F are now not required.

- 1.7. An updated scheme plan has been provided, contained within **Appendix 3**, which reflects the changes stated above. No changes to the lot sizes or boundaries are proposed. Given the scheme plan has now been updated, changes to the relevant conditions of consent are requested.
- 1.8. Furthermore, as part of the later applications an Archaeological Assessment of the properties was required prior to any works being undertaken. A different approach was taken with the initial application (RC 2260038), with a consent notice (Condition 5(f)) requiring reporting to be provided at time of building. The Archaeological Assessment (**Appendix 4**) provided included assessment of the subject site, which determined that *'no suspected archaeological features were noted within the Part Kohewhata 69 Block'*. It was recommended within the Archaeological Assessment that the works proceed under the guidance of an ADP.
- 1.9. As the sites have now been well investigated and an archaeological report provided confirming that the subdivisions can proceed under the guidance of an ADP, consent notice condition 5(f) is requested to be deleted to align with the two later decisions.
- 1.10. To enable the revised scheme plan, the application seeks to vary the following conditions as follows:

**CONDITIONS:**

- *Condition 1 – The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Pt Kohewhata 69 Block, dated ~~Sept 2024~~ 29 May 2026, and attached to this consent with the Council's "Approved Stamp" affixed to it.*
- *Condition 3(a) – Provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries as shown on the approved scheme plan by Williams and King, referenced Proposed Subdivision of Pt Kohewhata 69 Block, dated ~~Sept 2024~~ 29 May 2026.*
- ~~*Condition 5(f) – In conjunction with the application of a building consent or resource consent, the landowner must provide Council with an archaeological assessment. The*~~

~~landowner is to be aware that any such proposed building or earthworks may require an application for an Archaeological Authority from Heritage New Zealand Pouhere Taonga to modify archaeological sites and features under the Heritage New Zealand Pouhere Taonga Act 2014. (All lots)~~

~~Note : Such an Authority will be granted with standard conditions for a site instruction and monitoring of any earthworks for house sites, access and services which will need to be complied with. If any other archaeological remains or buried cultural deposits that are encountered on the property, the landowner or their agents should cease work in the immediate vicinity and the Heritage New Zealand Pouhere Taonga should be contacted for advice on how to proceed.~~

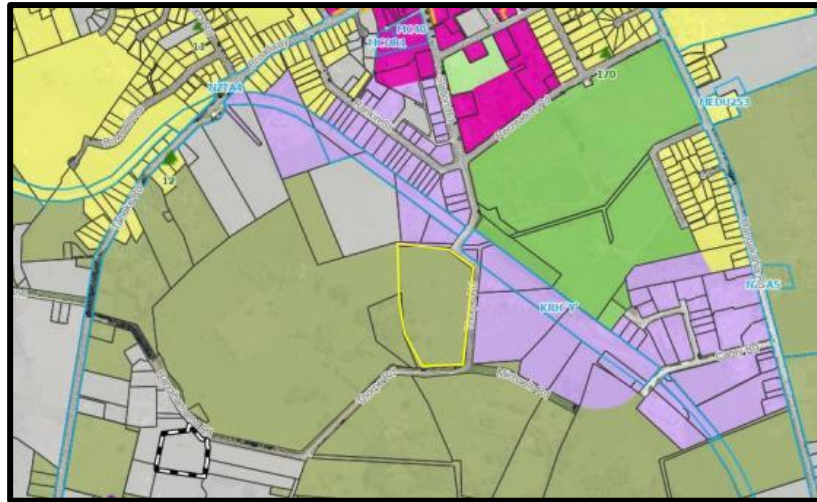
- 1.11. The variation to RC 2260038 - RMASUB is a **Discretionary Activity** under Section 127 of the RMA.

## 2. Description of the Site and Surrounding Environment

- 2.1. The subject site is located on the outskirts of the Kaikohe township. The ODP has split zoned the site with the north-eastern portion of the site being zoned as Industrial and the remainder of the site being zoned as Rural Production. The site does not contain any industrial activities, with the nearest being to the north of the site, located on the opposite side of the Māori Roadway to the north.



Figure 7: ODP Zoning Maps.



*Figure 8: PDP Zoning Maps.*

- 2.2. The site is currently vacant land and is utilized for grazing of livestock. Provision for access to Proposed Lots 1 & 2 was provided for as part of RC 2260038 with each lot requiring an upgraded Type 1A entrance to the lots. These works have now been completed.
- 2.3. The surrounding environment consists of a range of lot sizes and land use activities. The subject site is located in an area which is usually seen as a transition area between town and country. Although the site and surrounding lots to the south and west are zoned as Rural Production, the existing lot sizes in the area as well as land use activities are more rural lifestyle in nature. This is a common occurrence for lots which are located on the outskirts or buffer of townships, like Kaikohe. As mentioned within the original application, the Applicant has ownership of an additional four allotments which were also subject of subdivision applications that have now been granted.



*Figure 9: Allotments in Applicant's ownership and surrounding environment.*

- 2.4. The site is not shown to be susceptible to river or coastal hazards, nor is the site shown to be within an area of outstanding landscape or high natural character. There are no PNAs which affect the site and the site is not shown to be within an area where kiwi are present. The site is not located within the Coastal Environment under the RPSN.
- 2.5. As detailed earlier in this assessment, Context Archaeology completed an Archaeological Assessment for all sites contained within RC2260038 – 40. An ADP approach was recommended for the subject site.
- 2.6. Soils within the site are classified as LUC 2s1, which are considered highly versatile under the RPSN and as such, highly productive land under the National Policy Statement for Highly Productive Soils (NPS-HPL). Given the activity status of RC 2260038 was Restricted Discretionary, the application was limited in discretion to the effect of the activity on existing land use activities, with no consideration on the productive capacity of the land. Given the variation to the conditions of consent is assessed as a Discretionary Activity under s127 of the Act, an assessment of the NPS-HPL forms part of this application in the sections below.

### 3. Reasons for Consent

#### Section 127 of the Resource Management Act (RMA)

- 3.1. This application seeks to vary conditions of an existing resource consent RC 2260038 - RMASUB as described in Section 1.0 above resulting from the change of access rights over the subject site. Section 127(3) states that Sections 88-121 apply, with all the necessary modifications, as if the application were an application for a resource consent for a Discretionary Activity.
- 3.2. The site is split zoned 'Industrial' and 'Rural Production' under the ODP and has been corrected to only 'Rural Production' under the PDP. The reasons for consent under the ODP remain the same as the original application. There are no other works proposed that would require additional consents under either of the applicable district plans.

#### National Environmental Standards

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

- 3.3. As per RC 2260038, the site is not known to have any activities undertaken (past or present) that are listed on the HAIL. The application is considered Permitted in terms of this regulation.

#### National Environmental Standards for Freshwater Management 2020

- 3.4. The neighbouring allotment Pt Kohewhata 11C1 contains an area of wetland. No development is sought within 100 metres of this area such that subdivision is compliant with the NES-F.

## 4. Statutory Assessment

### Section 104 of the Resource Management Act 1991

- 4.1. Applications to vary or cancel conditions of a resource consent are subject to Sections 88-121 where they are applicable. This includes Section 104, which sets out matters for consideration when deciding a resource consent.
- 4.2. Section 104(1) of the RMA states that when considering an application for resource consent – *“the consent authority must, subject to Part II, have regard to –*
- (a) any actual and potential effects on the environment of allowing the activity; and*
  - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
  - (b) any relevant provisions of –*
    - i. a national environmental standard:*
    - ii. other regulations:*
    - iii. a national policy statement:*
    - iv. a New Zealand Coastal Policy Statement:*
    - v. a regional policy statement or proposed regional policy statement:*
    - vi. a plan or proposed plan; and*
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

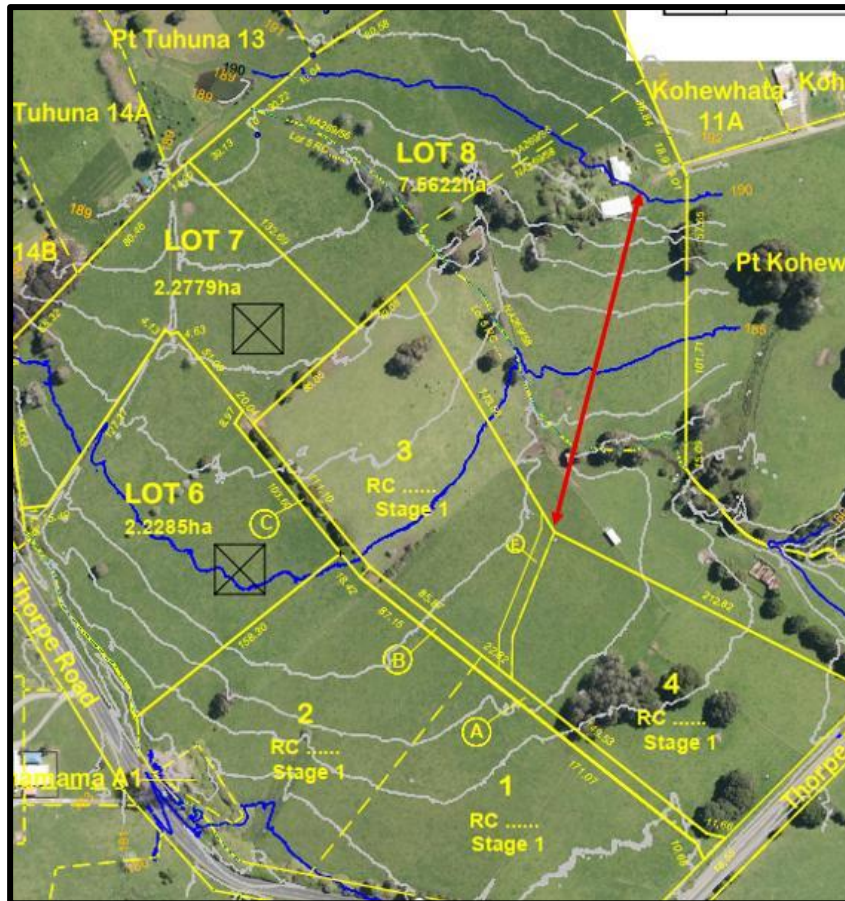
- 4.3. The Council has previously granted resource consent to subdivide the site to create one additional allotment. The proposed change will see redundant access rights to adjoining allotments removed, given provision for access has already been provided for via an adjoining subdivision (RC 2260039). The proposed change will ensure that access rights are clear and remove any confusion for future owners of the subject allotments.
- 4.4. In respect of potential adverse effects, the Council has previously concluded that any potential adverse effects will be no more than minor and that there are no affected persons. The extent of works is contained within the site boundaries and correspondingly the potential adverse effects. The proposal will not alter access to any adjoining allotments and will remove redundant access provisions.
- 4.5. As detailed earlier in this report, provision for rights of access over Easement F to adjoining allotments was provided for given there were no legal access rights at the time and the Applicant was unsure of which option they would proceed with for access to Tuhuna A. Subdivision works have now proceeded and the Applicant has provided access to the dwelling within Tuhuna A via provisions made as part of RC 2260039. This is shown in *Figure 10 & 11* below which shows the newly constructed access as per RC 2260039.



*Figure 10: Constructed access to the dwelling within Tuhuna A. Shed shown is to the south of the dwelling within Tuhuna A.*



*Figure 11 – Easement E looking towards Tuhuna A*



*Figure 12: Access to dwelling within Tuhuna A shown by red arrow (approx. location). Provisions via easements shown were provided for as part of RC 2260039.*

- 4.6. Access to Pt Kohewhata 11C2 will remain unchanged, with existing rights to this lot provided via the Māori Roadway. This was detailed as part of RC 2260040. As part of RC 2260040, which will create one additional allotment from Pt Kohewhata 11C2, it was stated within the Application and the Section 92 response dated 21/10/25 for RC 2260040, that access to Proposed Lots 1 & 2 of RC 2260040 would be via the Māori Roadway and then via a series of rights of way created over the existing right of way within Pt Kohewhata 11C2. As such, the removal of access rights over Easement F of RC 2260038 will not create any adverse effects in relation to access to the current Pt Kohewhata 11C2 nor the subdivision approved under RC 2260040, as alternative access was already provided for.
- 4.7. As such, it is considered that the removal of the rights of access over Easement F within RC 2260038 will not create adverse effects on any adjoining allotments or the subject site. Access over Easement F has now become redundant given existing and new access measures provided.

4.8. An Archaeological Assessment has been completed by Context Archaeology as part of the adjacent subdivision applications. The Archaeological Assessment included assessment of the subject site and concluded the subdivision to proceed under the guidance of an ADP. This information was not available at the time of RC2260038 and hence a consent notice condition was imposed for any future development on the lots requiring an Archaeological Assessment. As one has been completed for the site, it is considered that Condition 5(f) of RC2260038 can now be deleted to align with the adjacent subdivisions as well as the findings within Context Archaeology's report.

**National Policy Statement for Highly Productive Land**

4.9. The site has soils classified as LUC 2s1 which are classified as highly versatile under the NPS-HPL. RC 2260038 was assessed as a Restricted Discretionary Activity and therefore Council's discretion was limited to the effect of the activity on existing land use activities. Given the variation to subdivision conditions triggers consent as a Discretionary Activity, assessment of the NPS-HPL is required.

4.10. It is considered that the site qualifies for an exemption from the definition of 'inappropriate use' of highly productive land under Clause 3.9(2) given that consent already exists for subdivision, and the proposed variation will not see the intended use of the site or the size of the proposed lots altered. The proposed variation relates to a now redundant easement and will not alter the proposed use of the lots as provided for within RC 2260038.

4.11. As such, it is therefore considered that the proposed activity is exempt under the NPS-HPL and no further assessment will be made.

**Far North Operative District Plan and Proposed District Plan**

4.12. An assessment of the relevant objectives and policies of the ODP and PDP were provided as part of the original application under RC 2260038. This assessment concluded that the proposal was generally consistent with the objectives and policies of the ODP and PDP.

4.13. Given the proposed variation will not alter the allotment sizes or the intended use of the proposed lots, it is considered that the proposal will remain consistent with the objectives and policies of the relevant statutory documents and no further assessment will be provided for.

### Plan Weighting Summary

- 4.14. As required by Section 104(1)(b) of the RMA, a decision on this application must consider the extent to which a proposal is consistent with the relevant provisions of the ODP and the PDP. As the operative plan, the ODP provisions retain the greatest weight until such time as the PDP has advanced beyond a Council decision and the resolution of any appeals.
- 4.15. Hearings on the PDP have concluded and the Independent Hearings Panel (IHP) recommendations have been released. The IHP recommendations are based on a lengthy and rigorous hearing process that has included considerable submitter evidence and advice from Council reporting officers, including legal counsel. The IHP has not recommended any change to the zoning of the site, which will remain as Rural Production.
- 4.16. The IHP recommendations have not yet been adopted by Council and remain subject to potential change. Accordingly, while they are a significant indicator of likely future policy direction, they are not determinative and must be weighed alongside the operative and notified provisions. In the absence of a decision from the Council, on matters relating to the Rural Production zone, it is considered that a greater weighting should be given to the ODP objectives and policies for the RPZ.
- 4.17. Regarding the ODP objectives and policies, the intent of the Rural Production zone is given effect to as the activity is small scale, located within a mixed-use environment and will not have any impact on the existing activities within adjoining sites nor will the proposal alter the existing consented lot sizes or proposed use of the new lots.

## **5. Part 2 Assessment**

- 5.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 5.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of the natural and physical resource whilst meeting the foreseeable needs of future generations.
- 5.3. Section 6 of the Act sets out matters of national importance. The application is considered to meet this Section of the Act.

- 5.4. Section 7 identifies “other matters” to be given particular regard by a Council when assessing an application for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 5.5. Section 8 requires Council to ‘take into account’ the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). It is considered that the proposal would not be contrary to the principles of Te Tiriti.
- 5.6. Overall, the application is consistent with the relevant provisions of Part 2 of the RMA, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, it is concluded that the proposal achieves the purpose of sustainable management set out by Sections 5-8 of the Act.

## 6. Conclusion

- 6.1. Prospect Estate Limited is seeking to vary the conditions of an existing resource consent to remove the now redundant access rights over Easement F which was provided for as part of RC 2260038. The proposed variation will not alter the lot sizes approved nor the intended use of the proposed lots. The proposed variation will also not affect access to adjoining lots given access has been provided to the lots via other means.
- 6.2. The proposal to vary the existing conditions of consent is Discretionary Activity under Section 127 of the RMA.
- 6.3. The Council has previously assessed potential adverse effects arising from the proposed subdivision and concluded that the subdivision will not have, and is not likely to have, adverse effects on the environment that are more than minor. There are no affected persons.
- 6.4. It is therefore considered appropriate to grant the variation to consent conditions on a non-notified basis, under s127 of the Act.

## 7. Limitations

- 7.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North

District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.

- 7.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 7.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 7.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA314/202**  
**Land Registration District** **North Auckland**  
**Date Issued** 15 September 1902

**Part-Cancelled**

**Prior References**

NA237/258      NA251/166

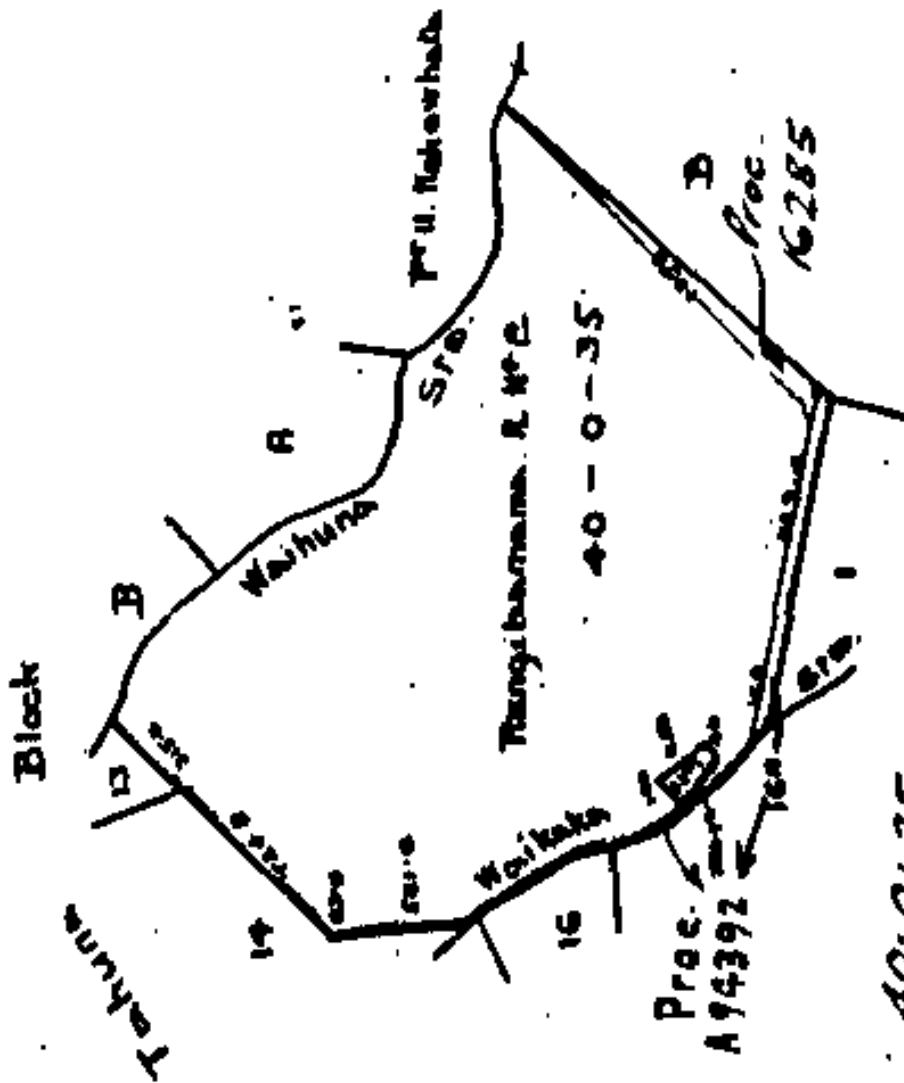
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**Estate**      Fee Simple  
**Area**      17.0853 hectares more or less  
**Legal Description**      Rangihamama A No 2 Block  
**Registered Owners**  
Prospect Estate Limited

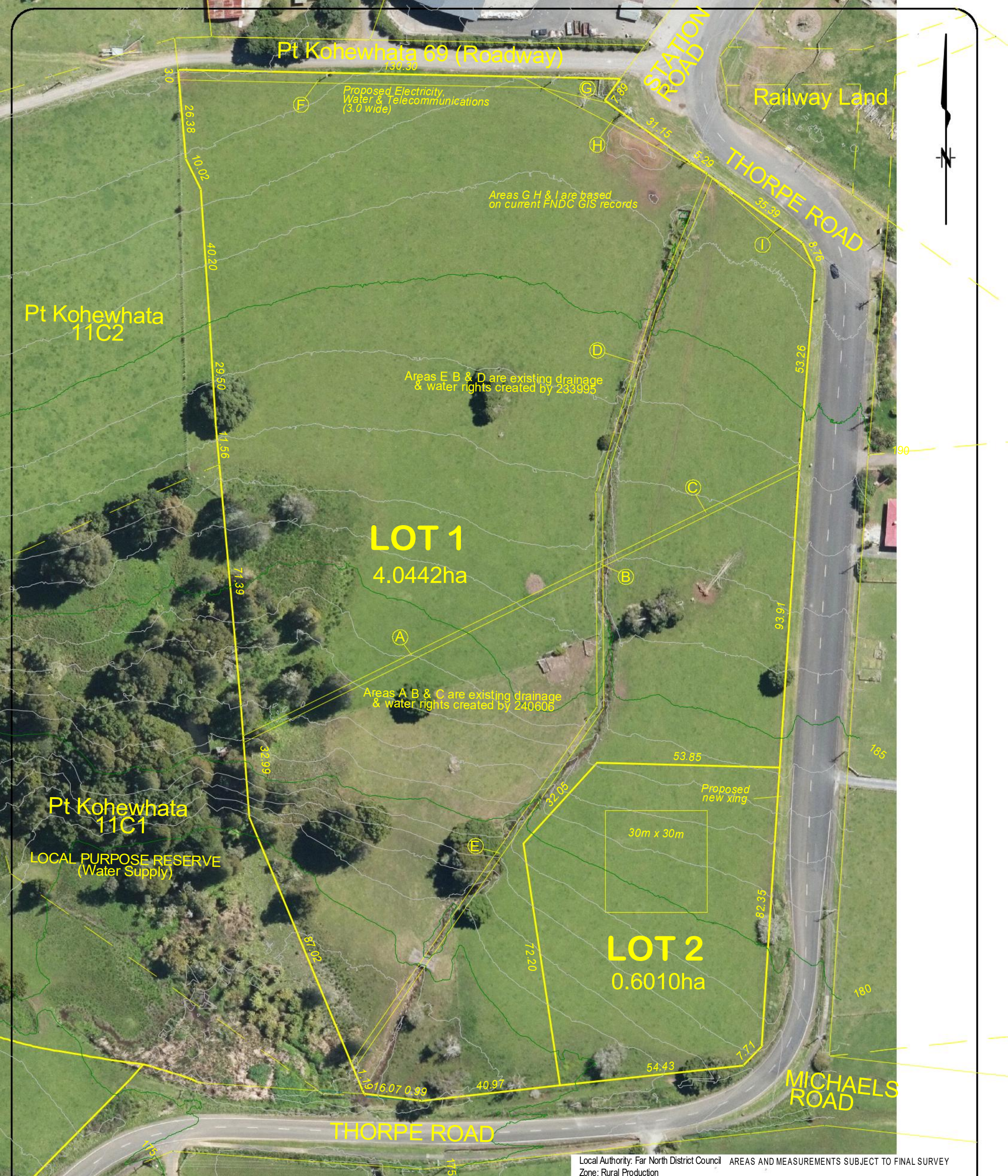
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**Interests**

Proclamation 16285 proclaiming part as street - 22.7.1958 at 2.00 pm  
A94392 Proclamation proclaiming part as street - 4.8.1965 at 9.04 am



40:0:35  
 - 0:3:02.6 - Proc. 16285  
 39:1:32.4  
 0:2:27.0 - 194392  
 38:3:05.4



Pt Kohewhata 11C2

Pt Kohewhata 11C1  
LOCAL PURPOSE RESERVE (Water Supply)

**LOT 1**  
4.0442ha

**LOT 2**  
0.6010ha

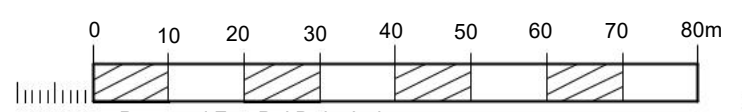
Proposed Memorandum of Easements			
Shown	Purpose	Burdened Land	Benefited Land
F & G	Right to Convey Electricity, Water & Telecommunications	Lot 1 Hereon	Pt Kohewhata 11C2 Block NA713/280 Tuhuna A Block NA269/58

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

Proposed Easements in Gross			
Shown	Purpose	Burdened Land	Grantee
G, H & I	Right to Convey Water	Lot 1 Hereon	F.N.D.C

Local Authority: Far North District Council  
 Zone: Rural Production  
 Total Area: 4.6405ha (RT)  
 Comprised in: NA23A/821  
 Origin of Levels: LINZ  
 Levels in terms of: NZ Vertical Datum  
 Contour interval is: Minor 1.0 Major 5.0

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
 This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk



Prepared For: P J Dairy Ltd (Scheme24315-01 KS)

**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners & Land Development Consultants  
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 Email: Kerikeri@saps.co.nz  
 27 Hobson Ave,  
 PO Box 937, Kerikeri

**PROPOSED SUBDIVISION OF  
 Pt KOHEWHATA 69 BLOCK**

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Feb 2024	1:1000	A3
Drawn				
Ver 2	Rev	29 May 2026		

FILE  
**24315/01**

# Prospect Estate, Kaikohe

## Archaeological Assessment

Prepared for Prospect Estate Limited

By Doug Gaylard (MA Hons)  
December 2025



**CONTEXT**  
**ARCHAEOLOGY**

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# Introduction

The owner of 93 Station Road, Kaikohe, Northland (Comprised by the legal properties: Tuhuna B Block, Rangihamama A No 2 Block, Tuhuna A Block, Kohewhata 11C2 Block, and Part Kohewhata 69 Block) (Figure 1, Figure 2), intends to lodge three separate subdivision applications, resulting of subdivision these properties into nine new lots. Following subdivision, the owner intends to create building envelopes, associated vehicle access and stormwater infrastructure (please refer to Appendix 1). A detailed earthworks plan for this project is yet to be developed.

An archaeological and heritage impact assessment was commissioned by Prospect Estates Limited to establish if the proposed subdivision, building envelopes, vehicle access, and stormwater infrastructure are likely to impact archaeological or heritage values. Recommendations have been made in accordance with the statutory requirements of the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act 2014.

## Methodology

As part of this assessment the New Zealand Archaeological Association's (NZAA) site record database (ArchSite), District Plan schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangi Kōrero were searched to determine whether any archaeological sites had been recorded on or near the proposed building envelopes, vehicle access, and stormwater infrastructure. Relevant literature and archaeological reports were also consulted (see Bibliography). Early survey plans and aerial photographs from the area were checked for information relating to past activities or modifications.

An inspection of the area of proposed subdivision was undertaken on 20 November 2025. This inspection focussed on the proposed building envelopes, vehicle access, stormwater infrastructure and their immediate surrounds. Visual inspection of the area was undertaken, in addition to randomised subsurface probing. Test pits were opened within footprints of the proposed building platforms and stormwater infrastructure, and photographs were taken to record the area.

## Constraints and Limitations

This report does not reflect the perspectives of the iwi concerning the importance of the place to mana whenua. The cultural significance of the place to iwi and the potential presence of wāhi tapu can only be evaluated by mana whenua.

Traditional archaeological survey methods, which rely on visual inspection and limited sub-surface testing, are not always capable of identifying all sub-surface archaeological features. Furthermore, they cannot identify wahi tapu and other sites of traditional importance to Māori, especially if these sites lack physical remains.



Figure 1. General Location of 93 Station Road, Kaikohe (indicated by the white dot)

Source: Northland Regional Council Local Maps 2025



Figure 2. Detailed Location of 93 Station Road, Kaikohe (indicated by the white broken line)

Source: Northland Regional Council Local Maps 2025

# Background

## Summary Historical Background

This short history gives some background to help understand the archaeology of the area. For a fuller Māori history, please see other sources, such as Sissons, Wihongi and Hohepa (1987).

Kaikohe gets its name from the Kohekohe trees that once grew on Takareireia hill. It sits right in the middle of Northland, between Hokianga and the Bay of Islands, just south of Lake Omapere. The town began as a small Ngāpuhi settlement called Opango. Kaikohe has a rich history: battles took place here during the flagstaff war, and Hōne Heke, an important leader, retired and passed away in Kaikohe in 1850. There's also a memorial for his grandnephew, Hōne Heke Ngāpua, who was a Member of Parliament and a strong supporter of the Kotahitanga movement.

The archaeological record held within the NZAA database shows a continuous pattern of Māori settlement within the Kaikohe area and around Lake Omapere. Its fertile volcanic soils, thick forests and access to water sources would have made it an ideal location for settlement. Likewise, steep elevated landforms would have provided defence and refuge during times of warfare.

Intense settlement of the Kaikohe area following European contact was slow, largely due to a reluctance to part with valuable ancestral lands. However, the construction of a road from Waimate to Kaikohe, and of a church and mission station in 1884, were to be the catalysts for change. The arrival of missionaries transformed traditional modes of subsistence within the Kaikohe area, and many areas of scrub and fern were cleared to enable the cultivation of new crops such as wheat, potatoes, and other cultigens introduced by European settlers. It was not only these cultigens that were to have a transformative effect, as a number of introduced diseases (cholera, whooping-cough, influenza and tuberculosis) were to decimate indigenous populations who had little natural immunity (Ritchie 1999).

By the 1860s, the fortunes of the Kaikohe area had begun to turn, largely due to the discovery of Kauri gum. And by the late 1800s, schools and a number of stores had been constructed. Further growth was, however, stymied by a lack of reliable transport infrastructure. As the Kauri gumfields prospered, so did Kaikohe, and this placed increased pressure on local hapu to part with their ancestral lands. Following lengthy discussions, land was eventually released for sale, and the European population began to increase (Ritchie 1999).

Construction of a reliable rail link from Otiria to Kaikohe in 1914 was met with much enthusiasm, and Kaikohe became a key rural hub with hotels, stores, banks and stockyards. The town's economy was also boosted by ease of access to the ports of Whangarei and Opua, and the freezing works at Moerewa (Ritchie 1999).

The construction of a metalled road in 1934 further enabled access to the Kaikohe area. With the expansion of pastoral farming and an increase in the general population, the electrification of Kaikohe began in the late 1930s. By the 1950s, a number of schools had cemented the town as a key educational hub. Despite the severe economic downturn in the 1970s and 1980s, Kaikohe remains an important educational and rural hub for much of Northland (Ritchie 1999).

# Archaeological Background and Survey

Based on the information in the NZAA ArchSite database, recording of the Kaikohe archaeological landscape began in the 1960s. The majority of recorded sites consist of pā, pit and terrace complexes, in addition to kainga and urupa. Periodic recording of archaeological sites has occurred as a result of development driven processes, with a number of archaeological sites recorded as a result of surveys and assessments required by individual landowners.

There has been little in the way of archaeological investigation in the Kaikohe area, apart from an investigation of a wetland site (P06/82) (Slocombe 2001). The site dated to the 18th century and a number of well-preserved wooden tools for gardening and food preparation were recovered, as well as a basalt adze and parts of grinding stones, with environmental analysis providing evidence of gourd cultivation.

An examination of records held in the New Zealand Archaeological Association ArchSite database shows no recorded archaeological sites within the project area (Figure 5).

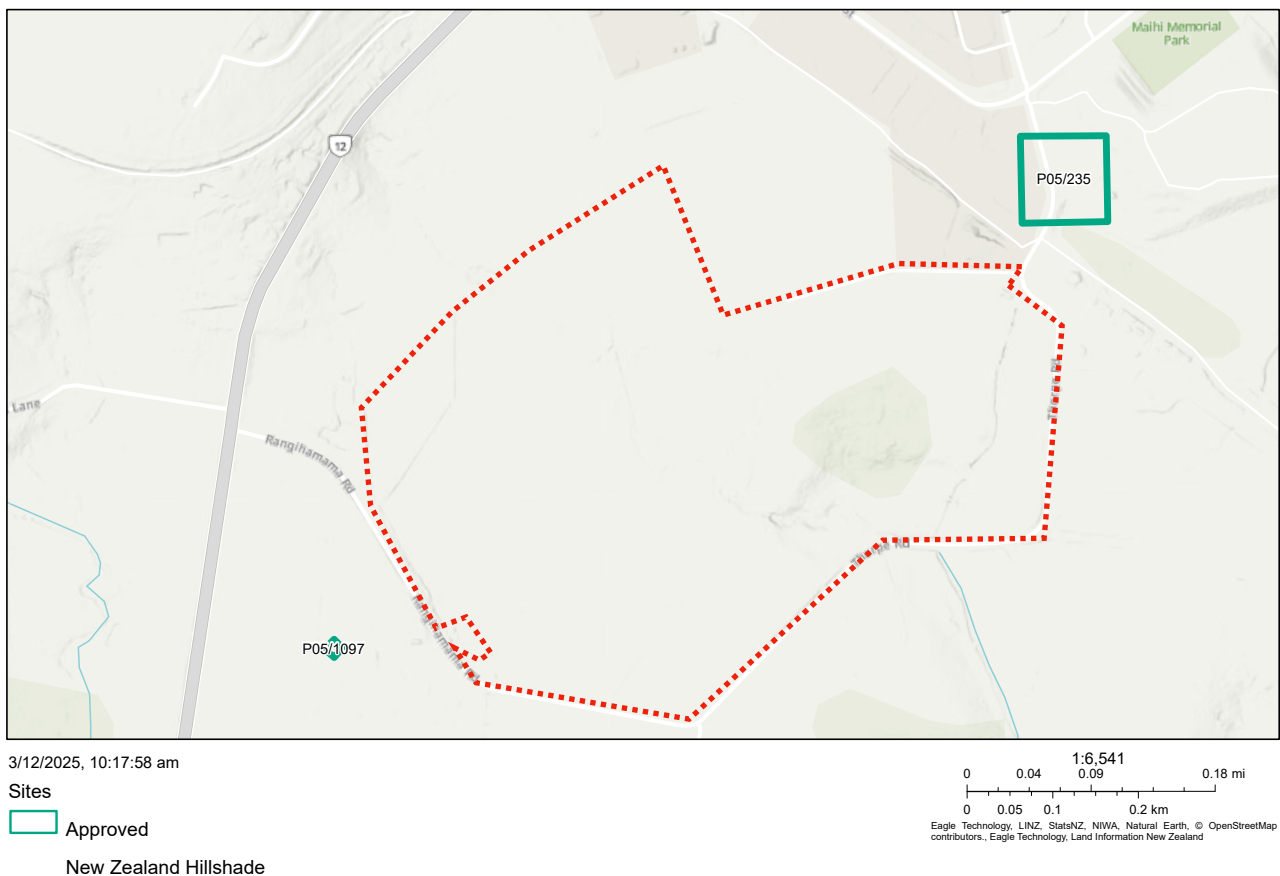


Figure 5. Recorded archaeological sites in relation to the proposed subdivision (indicated by the red broken line)

Source: NZAA ArchSite 2025

## **Information from Early Maps, Plans, and Aerial Photography**

Early survey plans were reviewed, and these provided some insight into past use of the property. The most informative early survey map was ML 7345 created in 1907 by William Wheeler. Wheeler's survey map is notable in that it records the location of a number of archaeological sites south of the Kaikoke township. However, Wheeler's survey map did not suggest the presence of previously unrecorded archaeological sites within the project area, with Wheeler noting the area as being grassland (Figure 6, Figure 7).

20th century aerial photography was largely congruent with Wheeler's survey map. Aerial photography shows the property as farmland from 1950 to 1987, with only minor changes over time, typically the construction or removal of small modern structures. No suspected archaeological sites were noted within 20th century aerial photographs.

ML 7345

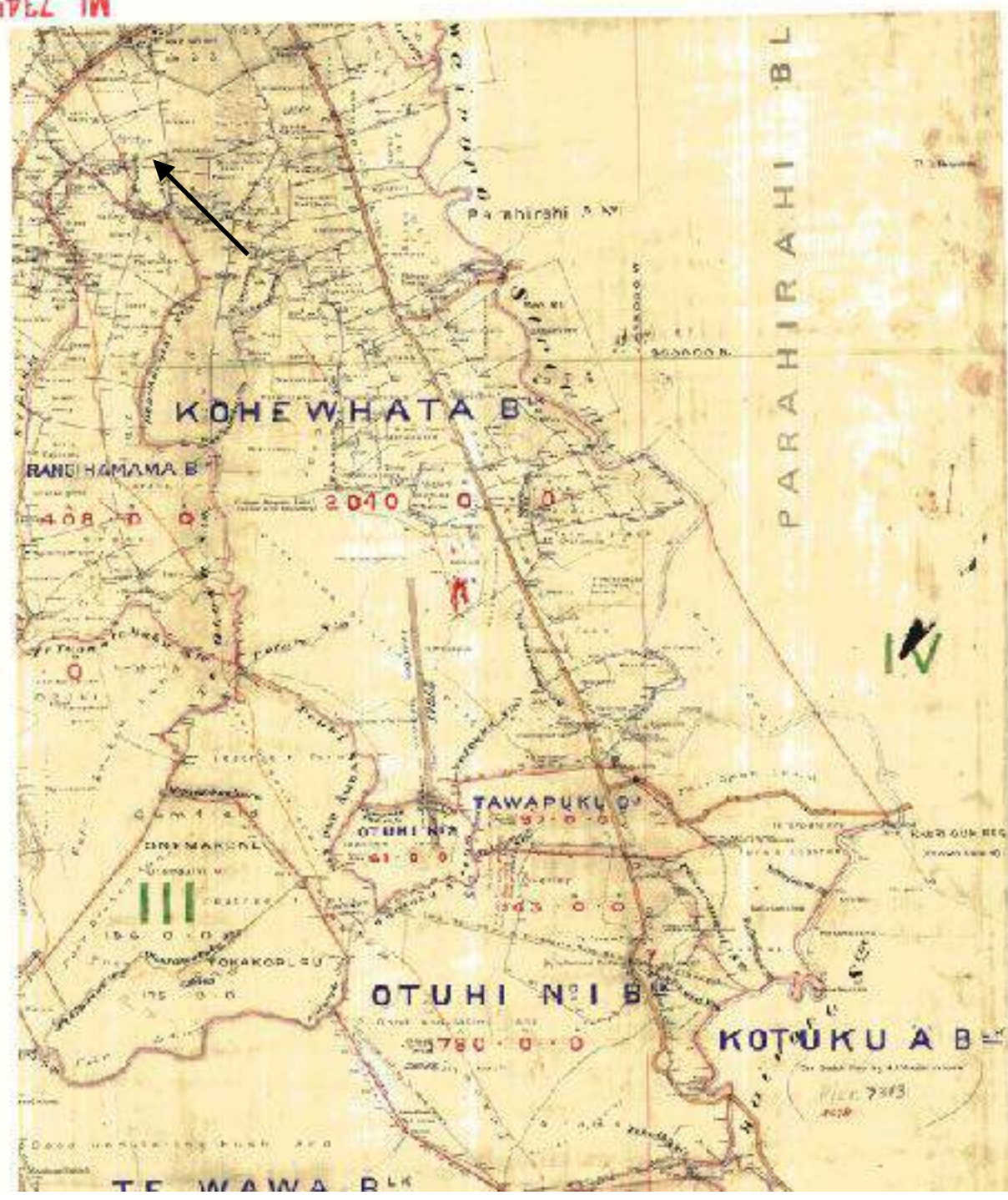


Figure 6. William Wheeler's 1907 survey map (ML 7345), with the location of 93 Station Road indicated by the black arrow

Source: Prover 2025



Figure 7. Detail of William Wheeler's 1907 survey map (ML 7345), overlaid with modern mapping. The location of 93 Station Road is indicated by the white broken line (note boundaries are approximate)

Source: Prover 2025



Figure 8. Detail of 1950 aerial photograph (Survey Number 209/Photo 44/Run 551), with property boundaries indicated by the white broken line (note boundaries are approximate)

Source: RetroLens 2025



Figure 9. Detail of 1969 aerial photograph (Survey Number 3025/Photo 28/Run 5027), with property boundaries indicated by the white broken line (note boundaries are approximate)

Source: RetroLens 2025



Figure 10. Detail of 1977 aerial photograph (Survey Number 5006/Photo 19/Run E), with property boundaries indicated by the white broken line (note boundaries are approximate)

Source: RetroLens 2025



Figure 11. Detail of 1987 aerial photograph (Survey Number 8712/Photo 6/Run C), with property boundaries indicated by the white broken line (note boundaries are approximate)

Source: RetroLens 2025

# Results of Archaeological Survey

A pedestrian archaeological survey within the property was undertaken on 20 November 2025. The survey focussed on the general landscape, with increased focus upon the proposed building platforms, vehicle access and stormwater infrastructure. Overall, the property remains largely unchanged since the 1987 aerial survey (Figure 11)

In general the property is represented by crop land to the south and mixed crop land and grazing farmland to the north, with large wetland occupying a central location. A modern dwelling occupies a location within the northern extent of the property.

Field survey results from the proposed subdivision lots are considered below, and grouped by common subsurface conditions.

## Part Kohewhata 69 Block

The Part Kohewhata 69 Block is located immediately west of the Thorpe Road corridor (please refer to Appendix 1). This block slopes gently to the south and is currently in use as grazing farmland. Contour of the block is very flat, with few pronounced landscape features, suggesting intensive farming and stock movement (Figure 13 - Figure 17). Subsurface probing was consistent across all of the Part Kohewhata 69 Block, with conditions subsurface generally being represented by moderately compacted soils and frequent volcanic rocks. One test pit was opened within the proposed building envelope of the Part Kohewhata 69 Block. The test pit was consistent with the results of subsurface probing, displaying approximately 5cm of topsoil capping mid-brown volcanic silts with occasional volcanic rocks of varying sizes (Figure 18). No suspected archaeological features were noted within the Part Kohewhata 69 Block.

## Kohewhata 11C2 Block

The Kohewhata 11C2 Block is located immediately west of the Part Kohewhata 69 Block. The block slopes gently to the south and is currently a mix of grazing pasture and cropland. The contour of the northern extent of the block is very flat, again suggesting intensive farming and stock movement over time (Figure 19 - Figure 21). The western extent of the block displays less intensive modification, likely due to its adjacency to the wetland. Subsurface probing over the block was consistent with grazing and plowing, with the northernmost extent displaying friable subsoils, and the western extent displaying moderately compacted subsoils. One test pit was opened within the Kohewhata 11C2 Block, and this pit was largely consistent with the results of subsurface probing, displaying around 5cm of topsoil capping moderately compacted mid-brown silts (Figure 22). No inclusions were noted within the test pit, and no suspected archaeological deposits or features were encountered within the Kohewhata 11C2 Block.

## Proposed Lots 1, 2, 3, 4, 6, and 7

The proposed lots are located in the southwestern extent of the proposed subdivision, and immediately north of the Thorpe Road corridor. Presently a number of the lots are

almost entirely covered in a young maize crop, and randomised subsurface probing was consistent with intensive ploughing, displaying highly friable soils subsurface (Figure 23 - Figure 34). Multiple test pits were opened within the proposed lots – within the footprints of proposed stormwater infrastructure, and the others within the proposed building envelopes – all test pits were consistent with the results of subsurface probing. The test pits within the proposed lots displayed no topsoils and highly friable mid-brown silts (Figures 25, 26, 28, 30, 32, and 34). No inclusions were noted within any of the test pits, and no suspected archaeological features or deposits were noted within any of the proposed lots.

## **Proposed Lot 8**

Proposed Lot 8 occupies a central position within the proposed subdivision. Presently there is a modern dwelling and associated farm buildings occupying a position to the centre of this lot. The lot itself slopes gently to the south (Figure 35, Figure 36), and bears some evidence of modification, namely a shallow drain which empties to the south of the central wetland (Figure 37). Subsurface probing across this lot was generally consistent with that of the Kohewhata 11C2 Block, and suggested intensive farming, although volcanic rocks were more common within this lot, particularly adjacent to the shallow cut drain. One test pit was opened within the footprint of the proposed stormwater infrastructure. The test pit revealed minimal topsoils and moderately friable mid-brown silts (Figure 38). No inclusions were noted within the test pit, nor were any suspected archaeological deposits or features noted within Proposed Lot 8.





Figure 13. View west across northern extent of the Part Kohewhata 69 block



Figure 14. View south across northern extent of the Part Kohewhata 69 block



Figure 15. View south across southern extent of the Part Kohewhata 69 block



Figure 16. View east across eastern extent of the Part Kohewhata 69 block



Figure 17. View southeast across Part Kohewhata 69 block building envelope



Figure 18. Detail of Test Pit 1 (within proposed building envelope)



Figure 19. View west over northern extent of the Kohewhata 11C2 Block



Figure 20. View south over western extent of the Kohewhata 11C2 Block



Figure 21. View over Kohewhata 11C2 Block building envelope



Figure 22. Detail of Test Pit 2 (within proposed building envelope)



Figure 23. View east over Proposed Lot 1



Figure 24. View west over Proposed Lot 1 building envelope



Figure 25. Detail of Test Pit 6 (within footprint of Proposed Lot 1 Stormwater infrastructure)



Figure 26. Detail of Test Pit 7 (within footprint of Proposed Lot 1 building envelope)



Figure 27. View west over Proposed Lot 2, with building envelope in foreground



Figure 28. Detail of Test Pit 8 (within Proposed Lot 2 building envelope)



Figure 29. View west over Proposed Lot 3, with building envelope in foreground



Figure 30. Detail of Test Pit 4 (within proposed Lot 3 building envelope)



Figure 31. View south over Proposed Lot 4, with building envelope in foreground



Figure 32. Detail of Test Pit 5 (within proposed Lot 4 building envelope)



Figure 33. View west over Proposed Lot 5, with building envelope in foreground



Figure 34. Detail of Test Pit 9 (within Proposed Lot 5 building envelope)



Figure 35. View south over Proposed Lot 8



Figure 36. View north over Proposed Lot 8



Figure 37. View north over cut drain within Proposed Lot 8



Figure 38. Detail of Test Pit 3 (within footprint of proposed stormwater infrastructure)

# Summary and Discussion

## Summary of Results

Overall, all proposed lots showed signs of modification consistent with modern farming practices, with the Part Kohewhata 69 Block, the Kohewhata 11C2 Block and proposed Lot 8 displaying the least modification. While these lots displayed the least modification, it is clear that original ground surfaces have been modified through movement of grazing cattle over time. It is unclear whether intensive ploughing for crops has been undertaken, although the presence of frequent volcanic rocks in this area indicates that it may have been more suitable for grazing rather than agriculture. No suspected archaeological deposits or features were encountered within the Part Kohewhata 69 Block, the Kohewhata 11C2 Block and proposed Lot 8.

Proposed Lots 1, 2, 3, 4, 6, and 7 displayed considerable modification attributable to modern agricultural practices, and the intensity of this activity has likely destroyed any surface archaeological deposits or features - if, indeed, these were present.

In sum, there is considered to be a low chance of previously unrecorded archaeological deposits or features within the proposed areas of subdivision. This is assumed on the basis of the lack of recorded archaeological sites within the New Zealand Archaeological Association ArchSite Database (Figure 5), in addition to no archaeological sites being noted within the 1907 Wheeler survey map (Figure 7).

## Māori Cultural Values

This assessment considers the impact on archaeological values only and does not assess the impact on Māori cultural values. Only the tangata whenua should carry out such assessments. Māori cultural concerns may include a wider range of values than those associated with archaeological sites. The strong historical connection of the general area with the tangata whenua is apparent from the documented sites, traditional histories, and known Māori place names.

## Effects of the Proposal

The act of subdividing 93 Station Road into the proposed new lots will have no impact upon either recorded or unrecorded archaeological sites.

In any area where archaeological sites have been recorded in the vicinity, there is a risk that unrecorded subsurface remains may be exposed during development, however the risk of encountering these remains within this area is considered to be low due to the intensity of modern farming practices.

If any archaeological remains are present, they would likely be exposed during topsoil stripping and/or excavation and trenching. Archaeological features and remains can take the form of burnt and fire-cracked stone, charcoal, rubbish heaps containing shell, bone, and/or 19th-century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and/or early European origin, or human burials.

# Legislation and Policy

There are two main pieces of legislation in New Zealand that govern work affecting archaeological and other significant historic heritage sites: the Resource Management Act 1991 (RMA) and the Heritage New Zealand Pouhere Taonga Act (2014).

## 1. Resource Management Act 1991 (RMA)

This act provides a framework for managing the use of natural and physical resources, including historic heritage. It requires local authorities to consider the effects of land use and development on heritage sites, and to provide protection for historic heritage as part of the sustainable management of resources. The RMA empowers local councils to develop district and regional plans that include rules and provisions to protect heritage sites.

## 2. Heritage New Zealand Pouhere Taonga Act 2014

This act is specifically focused on heritage protection and management. It establishes Heritage New Zealand Pouhere Taonga (formerly known as the New Zealand Historic Places Trust) as the main organisation responsible for identifying, protecting, and conserving New Zealand's historic places. The Act requires that any work on archaeological sites – defined as any site associated with human activity before 1900 – must have an archaeological authority from Heritage New Zealand Pouhere Taonga, regardless of whether the site is recorded or not.

Together, these two pieces of legislation play a significant role in safeguarding New Zealand's archaeological and historic heritage sites.

## Resource Management Act 1991 (RMA)

Section 6 of the RMA recognises as matters of national importance: "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga" (S6(e)); and "the protection of historic heritage from inappropriate subdivision, use, and development" (S6(f)).

All individuals carrying out responsibilities and exercising authority under the Resource Management Act (RMA) must acknowledge and address these significant national matters when overseeing the utilisation, development, and safeguarding of natural and physical resources, as outlined in Section 6. There is an obligation to prevent, rectify, or alleviate any negative environmental impacts resulting from an activity (Section 17), including those affecting historic heritage.

Historic heritage is defined (S2) as 'those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological'. Historic heritage includes: '(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori,

including wahi tapu; (iv) surroundings associated with the natural and physical resources’.

Regional, district, and local plans include sections that aid in the identification, protection, and management of archaeological and other heritage sites. These plans are developed in accordance with the provisions of the Resource Management Act (RMA).

## Heritage New Zealand Pouhere Taonga Act 2014 Requirements

The Heritage New Zealand Pouhere Taonga Act (HNZPTA) protects all archaeological sites, whether they have been officially recorded or not. These sites cannot be damaged or destroyed without prior authorisation from Heritage NZ, as outlined in Section 42 of the Act, in addition to any requirements set forth in the Resource Management Act (RMA).

HNZPTA Section 6 defines an archaeological site as follows:

**‘archaeological site’** means, subject to section 42(3), –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)’

Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘significant evidence relating to the historical and cultural heritage of New Zealand’ can be declared by Heritage NZ to be an archaeological site.

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Māori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapū and are subject to the recommendations of the Māori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

There is considered to be a low risk of encountering previously unrecorded archaeological deposits or features, due to the intensity of modern farming activity. It is therefore considered appropriate for subdivision and development to continue under the provisions of the Accidental Discovery Protocol.

# Conclusions

No archaeological sites have been previously recorded within the proposed subdivision, nor were any identified as a result of the field survey and historical background research. It is therefore considered appropriate for subdivision and development of the property to proceed under the provisions of the Accidental Discovery Protocol.

While no authority is required under the HNZPTA for subdivision or development and the risk of encountering previously unrecorded archaeological deposits or features is considered to be low, consideration should be given to applying for an archaeological authority. Obtaining an archaeological authority has the benefit of minimising delays should previously unrecorded archaeological deposits or features be exposed during any earthworks associated with development of the property

# Recommendations

- There should be no major restrictions on the proposed subdivision or future development based on archaeological grounds as archaeological survey within the project area established it is unlikely that any will be encountered or exposed during project works.
- If any suspected archaeological artefacts, deposits, or features are found during development of the property (such as intact shell middens, hāngi, or storage pits related to Māori occupation, or cobbled floors, brick or stone foundations, and rubbish pits related to 19th-century European occupation) work should stop immediately in the area, and both Heritage NZ and the Council should be notified. If changes to an archaeological site become necessary, an Authority must be applied for under Section 44(a) of the HNZPTA and granted before any further work that will impact the site. **This is a legal requirement.**
- Alternatively, applying for an Authority in advance of development could be considered as a precaution to minimise delays if archaeological remains are uncovered once development is underway.
- In the event of human remains being uncovered, work should be stopped immediately in the area, and tangata whenua, Heritage NZ, NZ Police, and the Council should be contacted to make appropriate arrangements.
- Since archaeological surveying cannot always detect sites of traditional importance to Māori, such as wahi tapu, tangata whenua should be consulted about the potential existence of such sites within the project footprint.

# Bibliography

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Prover, accessed at <https://www.prover.co.nz/>

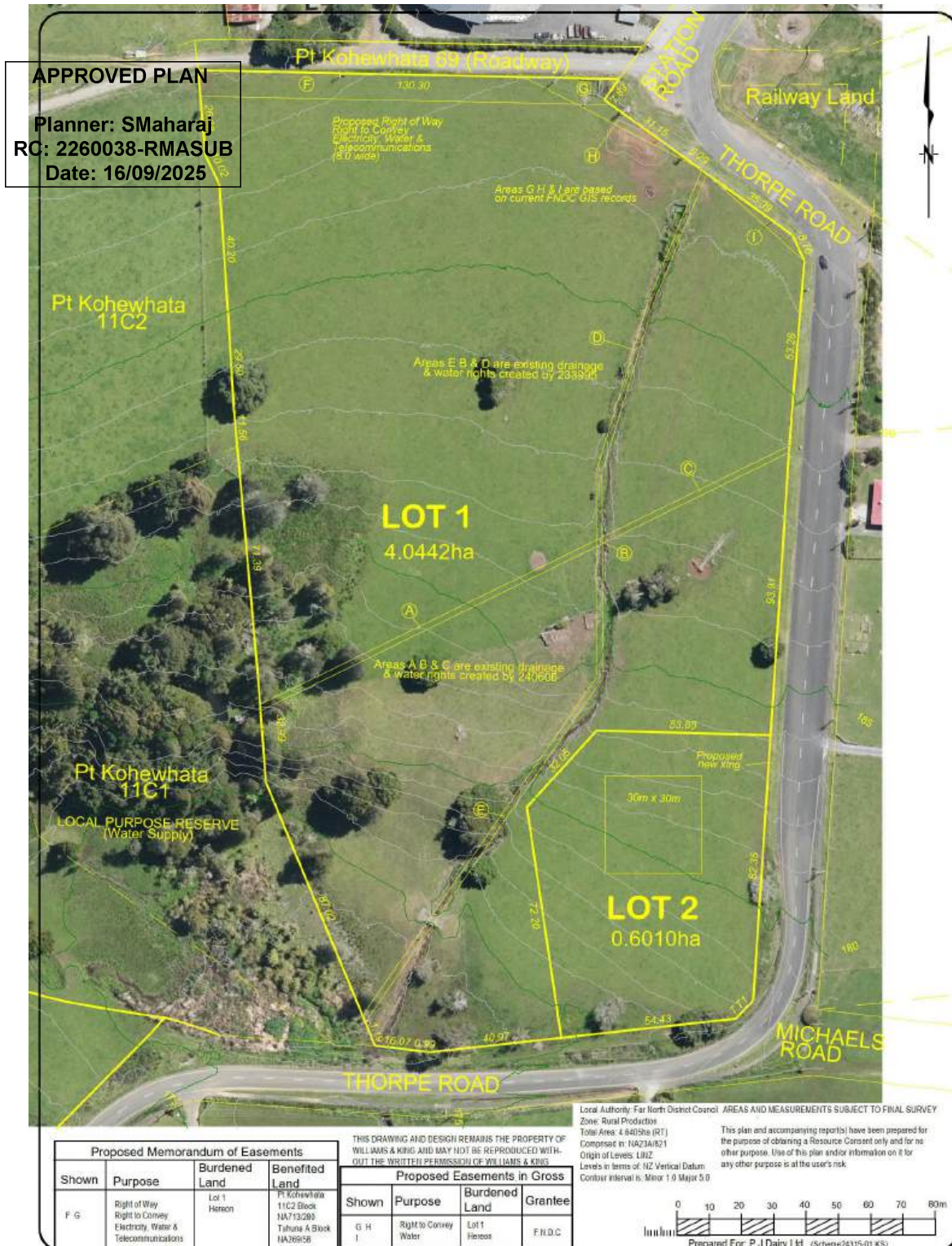
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Sissons, J., W. Wihongi and P. Hohepa. 1987. *The Puriri Trees are Laughing. A Political History of Nga Puhi in the Inland Bay of Islands*. Memoir 41. The Polynesian Society, Auckland.

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# Appendix 1: Subdivision and Development Plans



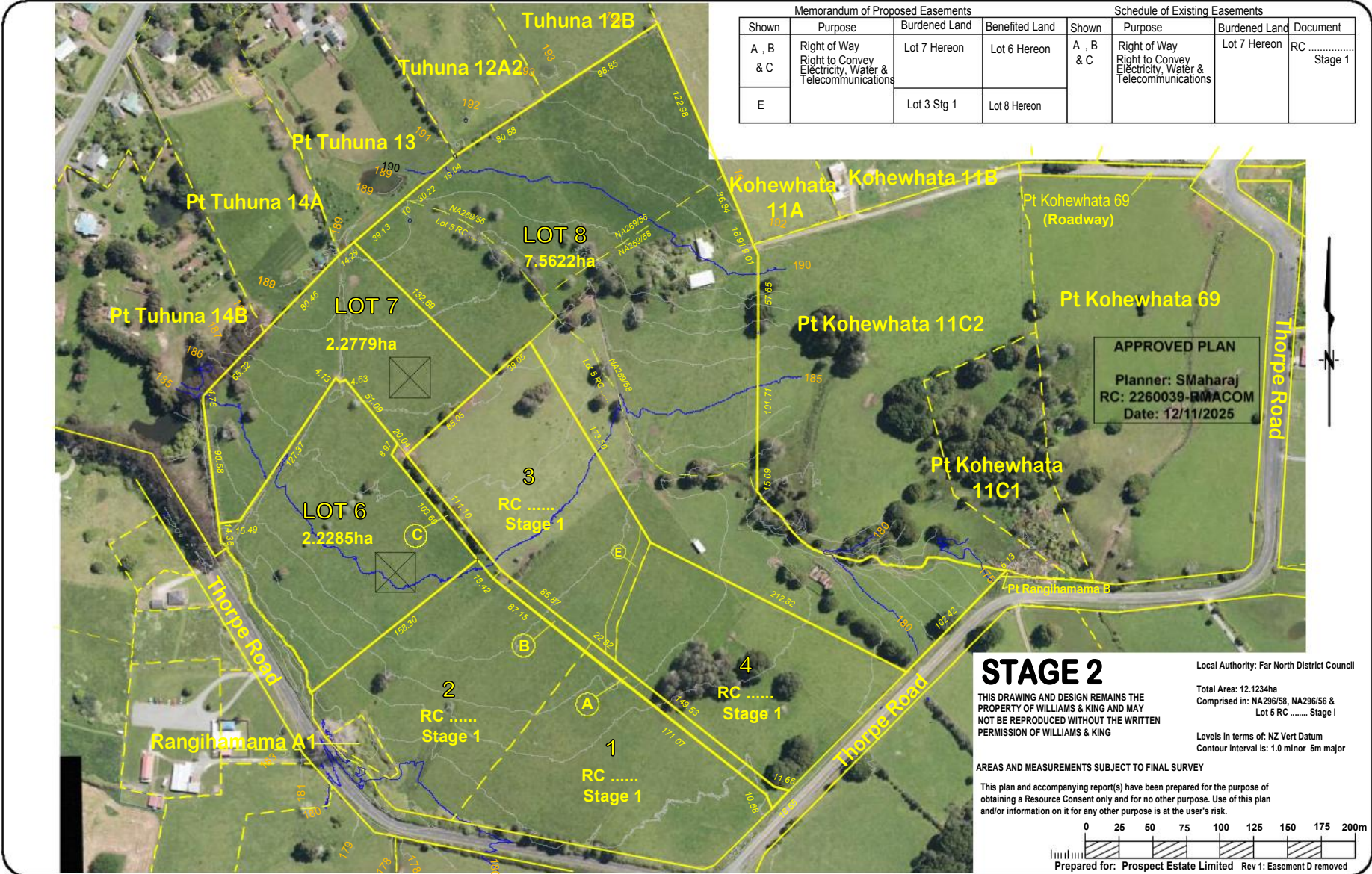
**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants  
 Ph: (01) 467 6030 27 Hobson Ave,  
 Email: Kati@w&k.co.nz PO Box 937, Karikari

**PROPOSED SUBDIVISION OF  
 Pt KOHEWHATA 69 BLOCK**

Name	Date
Survey	
Design	
Drawn	W & K Feb 2024
Vol 2	Rev 009/2025

ORIGINAL SCALE SHEET SIZE  
 1:1000 A3

FILE  
 24315/01



Memorandum of Proposed Easements				Schedule of Existing Easements			
Shown	Purpose	Burdened Land	Benefited Land	Shown	Purpose	Burdened Land	Document
A, B & C	Right of Way Electricity, Water & Telecommunications	Lot 7 Hereon	Lot 6 Hereon	A, B & C	Right of Way Electricity, Water & Telecommunications	Lot 7 Hereon	RC ..... Stage 1
E		Lot 3 Stg 1	Lot 8 Hereon				

**APPROVED PLAN**  
 Planner: SMaharaj  
 RC: 2260039-RMACOM  
 Date: 12/11/2025

### STAGE 2

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Local Authority: Far North District Council  
 Total Area: 12.1234ha  
 Comprised in: NA296/58, NA296/56 & Lot 5 RC ..... Stage 1  
 Levels in terms of: NZ Vert Datum  
 Contour interval is: 1.0 minor 5m major

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



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 Registered Land Surveyors, Planners &  
 Land Development Consultants

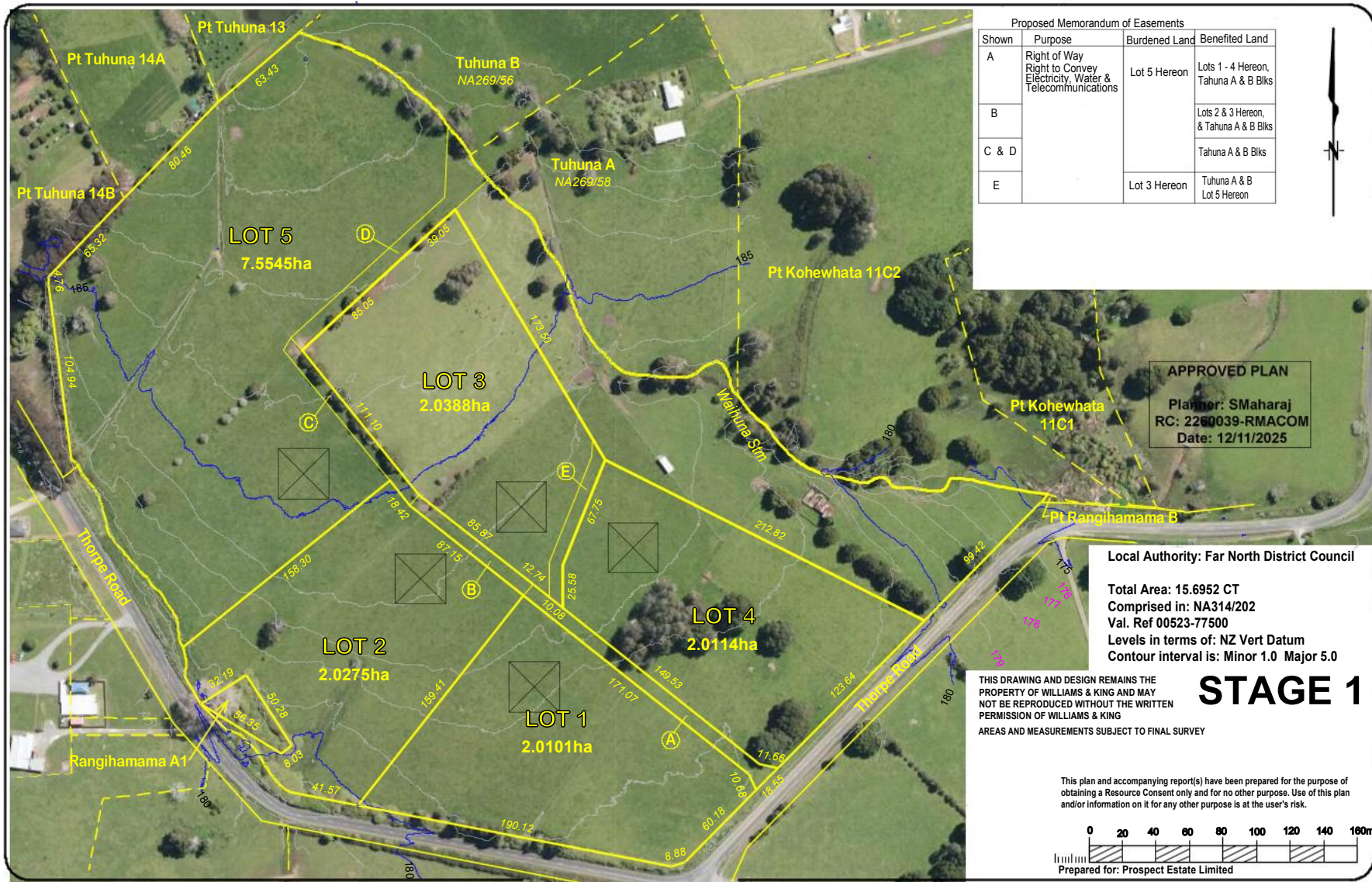
Ph: (09) 407 6090  
 Email: karl@w&k.co.nz

27 Hobson Ave  
 PO Box 987 Kerikeri

**Proposed Subdivision of Tuhuna A & Tuhuna B Blks and Lot 5 RC .....(Stage 1)  
 by way of a Boundary Adjustment and Easements over Lot 3 of Stage 1**

Survey	Name	Date	SCALE	SHEET
Design	W & K	Sept 2024	1:2500	A3
Rev 1		Nov/12/2025		

24315-04



Proposed Memorandum of Easements

Shown	Purpose	Burdened Land	Benefitted Land
A	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 5 Hereon	Lots 1 - 4 Hereon, Tahuna A & B Blks
B			Lots 2 & 3 Hereon, & Tahuna A & B Blks
C & D			Tahuna A & B Blks
E		Lot 3 Hereon	Tuhuna A & B Lot 5 Hereon

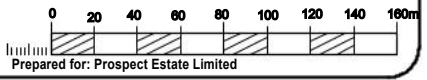
**APPROVED PLAN**  
 Planner: SMaharaj  
 RC: 2260039-RMACOM  
 Date: 12/11/2025

Local Authority: Far North District Council

Total Area: 15.6952 CT  
 Comprised in: NA314/202  
 Val. Ref 00523-77500  
 Levels in terms of: NZ Vert Datum  
 Contour interval is: Minor 1.0 Major 5.0

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**STAGE 1**  
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 obtaining a Resource Consent only and for no other purpose. Use of this plan  
 and/or information on it for any other purpose is at the user's risk.

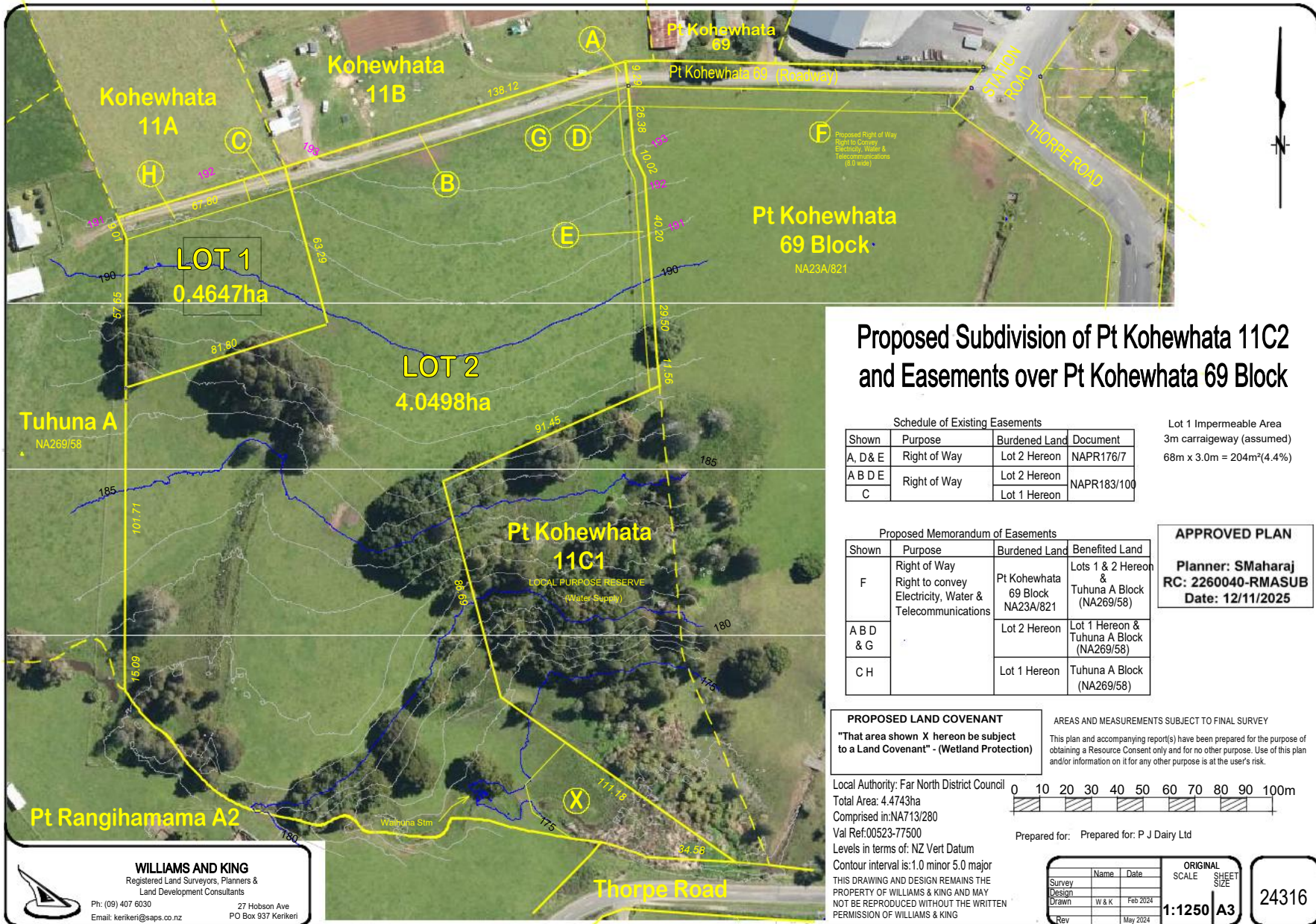


**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants  
 Ph: (09) 407 6030 27 Hobson Ave  
 Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

**Proposed Subdivision of Pt Rangihamama A2 Blk  
 and Proposed Easements over Tuhuna A Block**

Survey	Date	Name	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Sept 2024	1:2000	A3
Rev		Nov 11 2025		

24315-03



## Proposed Subdivision of Pt Kohewhata 11C2 and Easements over Pt Kohewhata 69 Block

Schedule of Existing Easements

Shown	Purpose	Burdened Land	Document
A, D & E	Right of Way	Lot 2 Hereon	NAPR176/7
A B D E	Right of Way	Lot 2 Hereon	NAPR183/100
C		Lot 1 Hereon	

Lot 1 Impermeable Area  
3m carriageway (assumed)  
68m x 3.0m = 204m<sup>2</sup>(4.4%)

Proposed Memorandum of Easements

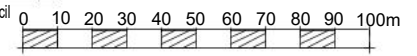
Shown	Purpose	Burdened Land	Benefited Land
F	Right of Way Right to convey Electricity, Water & Telecommunications	Pt Kohewhata 69 Block NA23A/821	Lots 1 & 2 Hereon & Tuhuna A Block (NA269/58)
A B D & G		Lot 2 Hereon	Lot 1 Hereon & Tuhuna A Block (NA269/58)
C H		Lot 1 Hereon	Tuhuna A Block (NA269/58)

**APPROVED PLAN**  
**Planner: SMaharaj**  
**RC: 2260040-RMASUB**  
**Date: 12/11/2025**

**PROPOSED LAND COVENANT**  
"That area shown X hereon be subject to a Land Covenant" - (Wetland Protection)

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

Local Authority: Far North District Council  
Total Area: 4.4743ha  
Comprised in: NA713/280  
Val Ref: 00523-77500  
Levels in terms of: NZ Vert Datum  
Contour interval is: 1.0 minor 5.0 major  
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Prepared for: Prepared for: P J Dairy Ltd

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:1250	A3
Design	W & K Feb 2024		
Drawn			
Rev	May 2024		

24316

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PO Box 937 Kerikeri

## **DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991**

### **Decision**

Pursuant to section 34A(1) and sections 104, 104C, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Restricted discretionary activity, subject to the conditions listed below, to:

<b>Applicant:</b>	Prospect Estate Limited
<b>Council Reference:</b>	2260038-RMASUB
<b>Property Address:</b>	93 Station Road, Kaikohe
<b>Legal Description:</b>	Part Kohewhata 69 Block

#### **The activity to which this consent relates is:**

To subdivide the site to create one additional allotment on a site split zoned Rural Production and Industrial as a Restricted Discretionary Activity.

### **Conditions**

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

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by Williams and King, referenced Proposed Subdivision of Pt Kohewhata 69 Block, dated Sept 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Survey plan approval (s223) conditions**

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. Specifically show easements G, H and I for right to convey water in favour of FNDC.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
  - a. Provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries as shown on the approved scheme plan by Williams and King, referenced Proposed Subdivision of Pt Kohewhata 69 Block, dated Sept 2024.

## Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Provide evidence that a formed and concreted single Type 1A entrance that complies with Section 3.2.27.2 of Councils Engineering Standard for a rural lot, where construction requirements must comply with Sheets 4, 13, 21 and 22 has been constructed for proposed Lot 2.
  - b. Provide evidence from a suitably qualified person that a metalled single Type 1A entrance which complies with the Sheets 4, 21 and 22 and Section 3.2.27.4 of Councils Engineering Standard and NZS Land development and subdivision infrastructure standards has been constructed for proposed Lot 1. Vehicle crossing is to ensure that a minimum setback from power poles is maintained in accordance with New Zealand Electrical Code of Practice (NZECP 34:2001).
  - c. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
  - d. The consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks. No authorisation is given for works on legal road or on private property.
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
  - a. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval an ES-SEW1 Report prepared by an appropriately experienced person and in accordance with Far North District Council Engineering Standards and TP58. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area in general accordance with the Subdivision Site Suitability Engineering Report compiled by Geologix dated May 2025. The report shall confirm that all the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards. **(All Lots)**
  - b. Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. The consent holder is responsible for the provision of a power supply to operate the on-site aerobic wastewater treatment plant and any other device which requires electrical power to operate. **(All Lots)**
  - c. Upon construction of any habitable building, sufficient water supply for firefighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. Any communal water supply will require a management plan and any alternative proposal will require written approval from Fire and Emergency NZ. **(All Lots)**

- d. For dwellings located within the area of benefit for water that wish to connect to Council's water system the following is applicable: In conjunction with an application for building consent, an application to connect to Council's water system shall be submitted for approval. Evidence must be provided that a separate water metered connection has been made to the allotment. **(All Lots)**
- e. The consent holder shall provide an attenuation device with an overflow to limit run-off from the site to 80% of pre-development levels. Attenuation shall be provided for the 50% and 20% AEP rainfall events including a 20% allowance for climate change. Where downstream flooding exists, flood protection for 80% of the 1%AEP event shall be provided. The consent holder is to provide the design details of the system prepared by a suitably qualified and experienced person to Council for approval prior to installation. The attenuation device shall be installed prior to the code of compliance being issued for the proposed dwelling and in general accordance with the recommendations of the Subdivision Site Suitability Engineering Report (May 2025) prepared by Geologix. **(All Lots)**
- f. In conjunction with the application of a building consent or resource consent, the landowner must provide Council with an archaeological assessment. The landowner is to be aware that any such proposed building or earthworks may require an application for an Archaeological Authority from Heritage New Zealand Pouhere Taonga to modify archaeological sites and features under the Heritage New Zealand Pouhere Taonga Act 2014. **(All lots)**

*Note : Such an Authority will be granted with standard conditions for a site instruction and monitoring of any earthworks for house sites, access and services which will need to be complied with. If any other archaeological remains or buried cultural deposits that are encountered on the property, the landowner or their agents should cease work in the immediate vicinity and the Heritage New Zealand Pouhere Taonga should be contacted for advice on how to proceed.*

## Advice Notes

### Lapsing of Consent

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

### Right of Objection

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

### Section 224 Certification

3. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

### **General Advice Notes**

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.*
6. *During the assessment of your application it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.*
7. *The site is in close proximity to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.*
8. *Any work activity, excavation and non-excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.*

*A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.*

*A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz).*

9. *Building Consents may be required for retaining structures.*
10. *Council policy prohibits the building of any structure over an existing reticulation mains.*
11. *All earthworks are required to comply with the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.*
12. *Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland*

Region”

13. *Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain on the property owner. (All lots)*

## Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Restricted Discretionary resource consent, as such under section 104C only those matters over which council has restricted its discretion have been considered, these matters are found in section 13.7.2.1 (i) MINIMUM LOT SIZES of the Operative District Plan.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. The proposed lots do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscapes, outstanding natural features or landscape features.
  - b. There will be no reverse sensitivity effects as the activity is consistent with the current use of the existing activities in the wider environment.
  - c. The proposed subdivision represents a scale of subdivision anticipated by the District Plan as a restricted discretionary activity.
  - d. It is considered that any adverse effects in relation to additional traffic and access on the local roading network and internal roading infrastructure will be less than minor. Council resource consent engineer has reviewed the application and confirmed one new compliant crossing for Lot 2 and continued use of the Māori Roadway for Lot 1
  - e. It is considered that the proposed subdivision will not exacerbate any natural or other hazards on site as there are no natural hazard risks located in the local area or surrounding properties.
  - f. The proposal will also result in positive effects enabling the lots to be independently disposed for residential use and enabling the property owner to retain productive capacity of their farm.
3. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.

4. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
- a. National Policy Statement Highly Productive Land,
  - b. Operative Far North District Plan 2009,
  - c. Proposed Far North District Plan 2022

*National Policy Statement Highly Productive Land*

The NPS-HPL came into force on 17 October 2022, with most provisions having immediate effect, placing restrictions on rezoning, subdivision and land-use proposals on land that meets the transitional definition of HPL (Land Use Capability (LUC) classes 1–3, with some exceptions).

The NPS-HPL seeks to protect highly productive land for use in land-based primary production, and to avoid its inappropriate subdivision, use, or development. The overall objective is to ensure that HPL remains available both now and for future generations.

The proposal will result in allotments which can accommodate a residential dwelling as well as small scale gardening activities on Lot 2 and productive activities within Lot 1. While the loss of 6,000 m<sup>2</sup> of HPL is acknowledged, the consideration of this effect must remain confined to the District Plan's listed matters of discretion.

This application is a restricted discretionary activity under the District Plan. Section 104C of the Resource Management Act 1991 provides that, when considering an application for a restricted discretionary activity, the consent authority may grant or refuse consent, but only on the matters over which discretion is restricted.

While the subdivision involves Highly Productive Land and the NPS-HPL is a relevant higher-order planning document, its policies can only be considered where they align with the District Plan's identified matters of discretion.

*Operative Far North District Plan*

The Rural Production Zone applies over the majority of the rural part of the District and is predominantly a working productive rural zone. The zone contains environmental and amenity standards which will enable the continuation of the wide range of existing and future activities, compatible with normal farming and forestry activities, and with rural lifestyle and residential uses, while ensuring that the natural and physical resources of the rural area are managed sustainably.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The proposal will promote the sustainable management of natural and physical resources by providing a balance lot which can continue the existing activities which are currently undertaken on the site.
- The proposal is of low density.
- The site does not contain any areas of significant vegetation nor any areas of outstanding natural features or landscapes.
- The proposed smaller rural residential lot is located a sufficient distance from any other activities such that no reverse sensitivity effects are anticipated.

- Infrastructure will be provided for on site at the time of built development within the lots.
- The proposal is considered to have a is located on the periphery of the Kaikohe township so will enable a rural residential lot which is in close proximity to places of employment, schools and social activities.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for Restricted Discretionary Activity.
- The proposed new allotments will enable small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.
- The subdivision is not considered to compromise the life supporting capacity of air, water, soil or ecosystems as the proposal will see only one additional allotment created where all effects can be managed within the site boundaries.
- The site is not shown to be susceptible to natural hazards and the proposal is not considered to accelerate natural hazards.
- The site does not contain any outstanding landscapes or features and is not located within the coastal environment.
- The proposal will maximise the area of the balance lot to ensure that the existing use of the site can remain, mitigating reverse sensitivity effects.
- Infrastructure will be provided for onsite.

The activity is consistent with the relevant objectives, policies and assessment criteria of Chapter 15 of the Operative District Plan because the rural nature of the subject and its surrounds means that there is minimal existing cycle or pedestrian traffic nearby and most traffic generated by the proposal is likely to be vehicular. The traffic generated by the proposal can be accommodated by the proposed access formations.

Overall, the proposal is consistent with the objectives and policies of the Operative District Plan.

#### *Proposed Far North District Plan*

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The purpose of this zone is to provide for primary production activities including farming, plantation forestry, and horticulture

The proposed subdivision is an efficient use of land which is compatible with adjoining land use activities and subdivision patterns, and generally in accordance with the Rural Production Zone objectives.

The subject land includes highly productive land however a balance lot of 4ha will be retained for farming purposes.

The subdivision is predominantly surrounded by a mixture of rural lifestyle and residential sized properties.

Availability of land for primary production will not suffer any significant adverse effects, and no reverse sensitivity effects are expected to arise as per RPROZ-P7(e).

The proposal is considered contrary to the following directive objectives and policies of the Proposed District Plan:

- SUB-P3- The proposed subdivision does not meet the minimum allotment sizes in the Rural Production Zone and therefore is inconsistent with Policy SUB-P3(b). A suitable building platform and legal and physical access is available on and to each of the proposed lots in accordance with the remainder of SUB-P3.
- RPROZ-P6- The proposed subdivision provides for further rural lifestyle development and no environmental benefit is proposed, the subdivision does not support policy RPROZ-P6(c).
- RPROZ-O1 and RPROZ-P6 (a) and (b) are not met as there will be loss in highly productive land for use by farming activities, but primary production will remain possible on Lot 1 as there currently is.

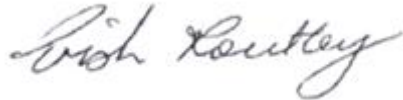
Overall, while some PDP provisions may support or be neutral toward the proposal, it is considered contrary to key directive objectives and policies which seek to avoid rural lifestyle subdivision in the Rural Production Zone.

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

5. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
6. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
7. Based on the assessment above the activity will be consistent with Part 2 of the Act.  
The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
8. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## Approval

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



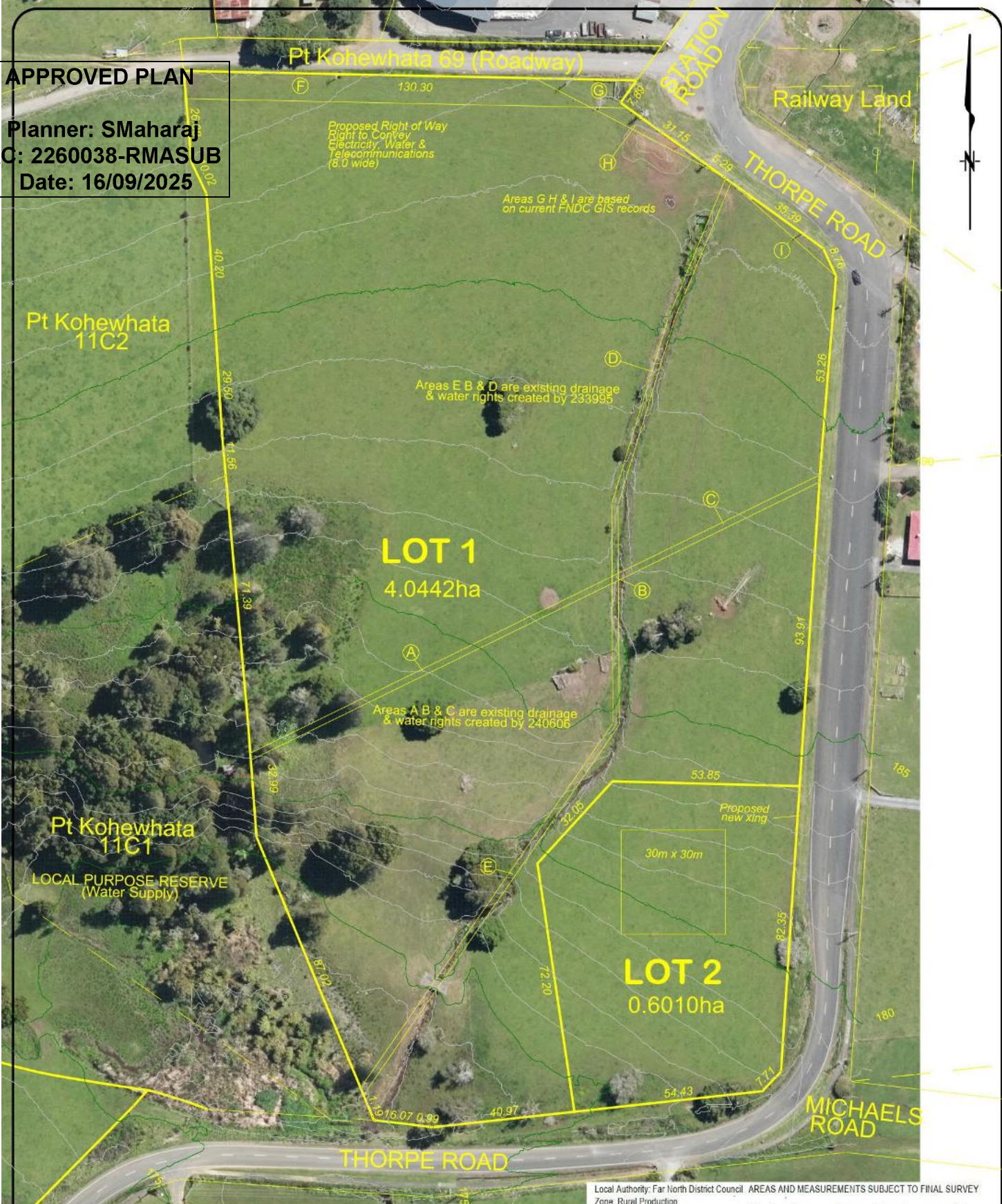
**Name: Patricia (Trish) Routley**

Date: 16 September 2025.

**Title: Manager Resource Consents**

**APPROVED PLAN**

**Planner: SMaharaj**  
**RC: 2260038-RMASUB**  
**Date: 16/09/2025**



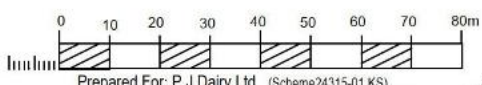
Proposed Memorandum of Easements			
Shown	Purpose	Burdened Land	Benefited Land
F G	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 1 Hereon	Pt Kohewhata 11C2 Block NA713/280 Tuhune A Block NA269/58

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Proposed Easements in Gross			
Shown	Purpose	Burdened Land	Grantee
G H I	Right to Convey Water	Lot 1 Hereon	F.N.D.C

Local Authority: Far North District Council AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
 Zone: Rural Production  
 Total Area: 4.6405ha (RT)  
 Comprised in: NA23A/821  
 Origin of Levels: LINZ  
 Levels in terms of: NZ Vertical Datum  
 Contour interval is: Minor 1.0 Major 5.0

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



Prepared For: P J Dairy Ltd (Scheme 24315-01 KS)

**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants  
 Ph: (09) 407 6030 27 Hobson Ave,  
 Email: Kerikeri@saps.co.nz PO Box 937, Kerikeri

**PROPOSED SUBDIVISION OF  
 Pt KOHEWHATA 69 BLOCK**

ORIGINAL SCALE		SHEET SIZE		FILE	
Survey Design	Name	Date	1:1000	A3	24315/01
Drawn	W & K	Feb 2024			
Ver 2	Rev	R019/2025			

## **DECISION ON SUBDIVISION CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991**

### **Decision**

Pursuant to section 34A(1) and sections 104, 104A, 104C, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Restricted discretionary activity, subject to the conditions listed below, to:

<b>Applicant:</b>	Prospect Estate Limited
<b>Council Reference:</b>	2260039-RMACOM
<b>Property Address:</b>	93 Station Road, Kaikohe
<b>Legal Description:</b>	Pt Rangihamama A2 Blk Tuhuna A & B

### **The activity to which this consent relates is:**

Decision A: Proposed 5 lot subdivision in the Rural Production Zone as a Restricted Discretionary.

Decision B: Boundary adjustment of Lot 5 of Decision A and Tuhuna A & B in the Rural Production Zone as a Controlled Activity

Decision C: Easement cancellation pursuant to s243(e) of the RMA1991.

### **Decision A: Subdivision**

#### **Conditions**

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

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by WILLIAMS AND KING, referenced Proposed Subdivision of Pt Rangihamama A2 Blk and Proposed Easements over Tuhuna A Block – Stage 1, dated 10/09/2025, and attached to this consent with the Council's "Approved Stamp" affixed to it.

#### **Survey plan approval (s223) conditions**

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. All easements for any Council infrastructure on the subject site that are not shown on the Scheme Plan shall be included in the memorandum of easements on the survey plan.

- c. Show easements for stormwater related to the dry pond on the survey plan.
  - d. Legal access to Tuhuna A must be provided by the creation of Easement E over Lot 3 as shown on the approved scheme plan.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
- a. Submit plans and details of the works detailed in condition (b)(i) below, that have been certified by a Chartered Professional Engineer by way of Producer Statement (PS1), for the approval of Far North District Council prior to construction. Such works are to be designed in general accordance with Far North District Council: Engineering Standards & Guidelines 2009 to the approval of the Resource Consent Engineer or their delegated representative.  
All work needing design/certification by a CPEng will require completion of a producer statement (design) (EES-PS1 or similar). Plans and details shall show, but not be limited to;
    - i. Stormwater devices including treatment devices, detention structures and connections necessary to service the Resource Consent in general accordance with the recommendations made in the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2.
  - b. Provide evidence that a preferred road name and two alternatives for the private access have been supplied to the Far North District Council Administration Officer, Infrastructure & Asset Management Department for approval.  
  
*Note: The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the Area. Information and advice on applying for road naming can be sought from the FNDC website, <https://www.fndc.govt.nz/Services/Transport/roads/road-naming-and-renaming>. The road naming application should use the form on the FNDC website and be submitted to [roadingalliance@fndc.govt.nz](mailto:roadingalliance@fndc.govt.nz).*
  - c. Prior to any earthworks or physical site disturbance associated with the subdivision, the consent holder must arrange for a qualified archaeologist to carry out a site walkover assessment of the entire application site. The results of that assessment must be provided to Councils Resource Consent Manager or delegate.
    - i. In the event that there is no evidence of archaeological sites, the consent holder must nonetheless ensure that the Accidental Discovery Protocol is strictly adhered to during all subdivision site works. This requirement must form part of the EPA process and be incorporated into any contracts let for the physical works.
    - ii. In the event of an archaeological discovery the appropriate Authority under the Heritage NZ Pouhere Taonga Act must be obtained prior to any works commencing

### **Section 224(c) compliance conditions**

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:

- a. Provide formed and metalled access of ROW A up to the boundary of ROW E to a 5.5m finished metalled carriageway width. Passing bay/vehicle queuing space is to be provided at the road boundary. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Works shall be carried out in general accordance with the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2 and Condition 3(a) above.
- b. Provide formed and metalled access of the remainder of ROW A and the first portion of ROW B up to the crossing place into Proposed Lot 2 within ROW B to a 4m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Works shall be carried out in general accordance with the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2 and Condition a above.
- c. Provide formed and metalled access of the remainder of ROW B to a 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Works shall be carried out in general accordance with the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2 and Condition a above.
- d. Provide vehicle crossings to Lots 1, 2, 3 & 4 from the proposed right of way easements in accordance with FNDC Engineering Standards Sheet 21, Type 1A and as per the recommendations provided in the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2.
- e. Provide, at the time of the request for a 224(c) for the subdivision, a signed statement from an IQP that the works required by Conditions 4(a) – 4(d) have been completed to the required standard.
- f. Upgrade the existing vehicle crossing to ROW A from Thorpe Road to a formed double width sealed or concrete entrance which complies with the Council's Engineering Standards Sheet 21, Type 1 A. Seal or concrete the entrance plus splay for a minimum distance of 10m from the existing edge.
- g. Provide suitable evidence by way of producer statements from a Suitably Qualified Engineer or Independent Qualified Person (IQP) or FNDC Development Engineer or their authorised representative, that all work has been completed in accordance with the approved plans in Condition 3a, to the satisfaction of Council Resource Consents engineer, including PS3 and PS4. -
- h. Prior to earthworks commencing, provide evidence by suitably qualified and experienced person to Councils Resource Consents Engineer or their delegated representative, to certify that the erosion and sediment controls have been constructed in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) and the specific requirements of this consent. Evidence can be sent to [Planning\\_Technicians@fndc.govt.nz](mailto:Planning_Technicians@fndc.govt.nz)

- i. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
- j. The consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks. No authorisation is given for works on legal road or on private property.
- k. The consent holder will ensure that construction vehicles are not parked on Thorpe Road.
- l. The consent holder will be responsible for the repair and reinstatement of the public road (Thorpe) carriageway, if damaged as a result of construction activities.
- m. Provide evidence that the cost of purchasing and installing a road name sign for the Private Access has been paid to Council contractors:  
Northern Area – Fulton Hogan (09) 408 6440 or Southern Area – Ventia (09) 407 7851
- n. During all construction works to be undertaken as approved under this consent, in the event of an “accidental discovery” of archaeological material, the following steps must be taken:
  - (a) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
  - (b) The contractor/works supervisor/owner will take immediate steps to secure the site(tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
  - (c) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.
  - (d) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
  - (e) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
  - (f) If burials, human remains/koiwi tangata are uncovered, steps in conditions 4n (a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
  - (g) Works at the site area must not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work

towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
  - a. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant must submit for Council approval an ES-SEW1 Report prepared by an appropriately experienced person and in accordance with Far North District Council Engineering Standards. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area in accordance with the Subdivision Site Suitability Engineering Report compiled by Geologix dated May 2025. The report shall confirm that all the treatment & disposal system can be fully contained within the lot boundary. **(All Lots)**
  - b. Upon construction of any habitable building, sufficient water supply for firefighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. Any alternative proposal will require written approval from Fire and Emergency NZ. **(All Lots)**
  - c. The consent holder shall provide an attenuation device with an overflow to limit run-off from the site to 80% of pre-development levels. Attenuation shall be provided for the 50% and 20% AEP rainfall events including a 20% allowance for climate change. Where downstream flooding exists, flood protection for 80% of the 1%AEP event shall be provided. The consent holder is to provide the design details of the system prepared by a suitably qualified and experienced person to Council for approval prior to installation. The attenuation device shall be installed prior to the code of compliance being issued for the proposed dwelling and in general accordance with the recommendations of the Subdivision Site Suitability Engineering Report (May 2025) prepared by Geologix. **(All Lots)**
  - d. Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. **(All Lots)**

## Subdivision Advice Notes

### Lapsing of Consent

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

### Right of Objection

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

### Section 224 Certification

3. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

### **General Advice Notes**

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.*
6. *Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice of intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.  
A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.*

*A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz)*

## **Decision B: Boundary Adjustment**

### **Conditions**

6. *The subdivision must be carried out in general accordance with the approved plan of subdivision prepared by WILLIAMS AND KING, referenced Proposed Subdivision of Tuhuna A & Tuhuna B Blks and Lot 5 RC 2260039 (Stage 1) by way of Boundary Adjustment dated 10/09/2025 Rev 1 and attached to this consent with the Council's "Approved Stamp" affixed to it.*

### **Survey Plan approval (s223) conditions**

7. *Prior to the issuing of a certificate pursuant to section 223 of the Act, the consent holder shall show:*
  - a. *All easements in the memorandum to be duly granted or reserved.*
  - b. *Legal access to Lot 8 shall be provided by way of Easement E.*
  - c. *The survey plan for Decision A has been approved under section 223 of the Resource Management Act 1991, and a certificate has been issued under section 224(c) of the Resource Management Act 1991 for Decision A, confirming that Lot 5 has been legally created and titles issued.*

*Advice Note: This condition ensures that the boundary adjustment can only proceed once Lot 5 exists as a legal parcel, in accordance with section 223 of the Resource Management Act 1991. Boundary Adjustment shall not be implemented, and no survey plan shall be approved pursuant to section 223 of*

*the Resource Management Act 1991, until a section 224(c) certificate has been issued for Decision A confirming completion and deposit of the Decision A subdivision.*

### **Section 224(c) compliance conditions**

8. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Provide formed and metalled access of ROW C to a 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Works shall be carried out in general accordance with the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2.
  - b. Provide a formed and metalled access of the primary access to Lot 8 over Easement E, nominated in condition 7(b). The nominated primary access Easement shall be formed to a 3m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Works shall be carried out in general accordance with the Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2.
  - c. Provide vehicle crossings to Lots 6, 7 & 8 from the proposed right of way easements in accordance with FNDC Engineering Standards Sheet 21, Type 1A and as per the recommendations Subdivision Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated May 2025 revision 2.
  - d. During all construction works to be undertaken as approved under this consent, in the event of an “accidental discovery” of archaeological material, the following steps must be taken:
    - (h) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
    - (i) The contractor/works supervisor/owner will take immediate steps to secure the site(tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
    - (j) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.

- (k) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
- (l) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
- (m) If burials, human remains/koiwi tangata are uncovered, steps in conditions 4n (a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
- (n) Works at the site area must not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

## **Boundary Adjustment Advice Notes**

### **Lapsing of Consent**

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

### **Right of Objection**

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

### **Section 224 Certification**

- 9. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

### **General Advice Notes**

- 10. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- 11. *Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent*

*disposal areas must be at least 20 metres away from any groundwater bore.*

12. Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.

*A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.*

*A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz)*

## **Decision C: Further Resolution**

1. Pursuant to Section 243(e) of the Resource Management Act 1991, the Far North District Council hereby grants approval to cancel in full Easement D (created as part of Decision A).

*Note: Easement D is no longer required as a result of the boundary adjustment and must be removed from the title prior to certification under section 224(c). The cancellation shall be completed in accordance with section 243 of the Resource Management Act 1991.*

## **Reasons for the Decision**

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Controlled resource consent as such under section 104A the Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are found in section 13.7.1 BOUNDARY ADJUSTMENTS of the Operative District Plan.
3. The application is for a Restricted Discretionary resource consent, as such under section 104C only those matters over which council has restricted its discretion have been considered, these matters are found in section 13.7.2 MINIMUM LOT SIZES of the Operative District Plan.
2. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. The proposed lots do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscapes, outstanding natural features or landscape features.
  - b. There will be no reverse sensitivity effects as the activity is consistent with the current use of the existing activities in the wider environment.

- c. The proposed subdivision represents a scale of subdivision anticipated by the District Plan as a restricted discretionary activity.
  - d. It is considered that the proposed subdivision will not exacerbate any natural or other hazards on site as there is no natural hazard risks located in the local area or surrounding properties.
  - e. The proposal will also result in positive effects enabling the lots to be independently disposed for residential use and enabling the property owner to retain productive capacity of their farm.
3. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
  4. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
    - a. Operative Far North District Plan 2009,
    - b. Proposed Far North District Plan 2022

5. National Policy Statement Highly Productive Land

The NPS-HPL came into force on 17 October 2022, with most provisions having immediate effect, placing restrictions on rezoning, subdivision and land-use proposals on land that meets the transitional definition of HPL (Land Use Capability (LUC) classes 1–3, with some exceptions).

The NPS-HPL seeks to protect highly productive land for use in land-based primary production, and to avoid its inappropriate subdivision, use, or development. The overall objective is to ensure that HPL remains available both now and for future generations.

The proposal will result in allotments which can accommodate a residential dwelling as well as small scale gardening activities on Lots 1, 2, 3, 4, 6, 7 and productive activities within Lot 8.

This application is a restricted discretionary activity under the District Plan. Section 104C of the Resource Management Act 1991 provides that, when considering an application for a restricted discretionary activity, the consent authority may grant or refuse consent, but only on the matters over which discretion is restricted.

While the subdivision involves Highly Productive Land and the NPS-HPL is a relevant higher-order planning document, its policies can only be considered where they align with the District Plan's identified matters of discretion.

Operative Far North District Plan

The Rural Production Zone applies over the majority of the rural part of the District and is predominantly a working productive rural zone. The zone contains environmental and amenity standards which will enable the continuation of the wide range of existing and future activities, compatible with normal farming and forestry activities, and with rural lifestyle and residential uses, while ensuring that the natural and physical resources of the rural area are managed sustainably.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The proposal will promote the sustainable management of natural and physical resources by providing a balance lot which can continue the existing activities which are currently undertaken on the site.
- The site does not contain any areas of significant vegetation nor any areas of outstanding natural features or landscapes.
- The proposed smaller rural residential lot is located a sufficient distance from any other activities such that no reverse sensitivity effects are anticipated.
- Infrastructure will be provided for on site at the time of built development within the lots.
- The proposal is considered to have a is located on the periphery of the Kaikohe township so will enable a rural residential lot which is in close proximity to places of employment, schools and social activities.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for Restricted Discretionary Activity.
- The proposed new allotments will enable small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.
- The site is not shown to be susceptible to natural hazards and the proposal is not considered to accelerate natural hazards.
- The site does not contain any outstanding landscapes or features and is not located within the coastal environment.
- The proposal will maximise the area of the balance lot to ensure that the existing use of the site can remain, mitigating reverse sensitivity effects.
- Infrastructure will be provided for onsite.

The activity is consistent with the relevant objectives, policies and assessment criteria of Chapter 15 of the Operative District Plan because the rural nature of the subject and its surrounds means that there is minimal existing cycle or pedestrian traffic nearby and most traffic generated by the proposal is likely to be vehicular. The traffic generated by the proposal can be accommodated by the proposed access formations.

Overall, the proposal is consistent with the objectives and policies of the Operative District Plan.

#### *Proposed Far North District Plan*

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The purpose of this zone is to provide for primary production activities including farming, plantation forestry, and horticulture

The proposed subdivision is an efficient use of land which is compatible with adjoining land use activities and subdivision patterns, and generally in accordance with the Rural Production Zone objectives.

The subject land includes highly productive land however a balance lot of 4ha will be retained for farming purposes.

The subdivision is predominantly surrounded by a mixture of rural lifestyle and residential sized properties.

Availability of land for primary production will not suffer any significant adverse effects, and no reverse sensitivity effects are expected to arise as per RPROZ-P7(e).

The proposal is considered contrary to the following directive objectives and policies of the Proposed District Plan:

- SUB-P3- The proposed subdivision does not meet the minimum allotment sizes in the Rural Production Zone and therefore is inconsistent with Policy SUB-P3(b). Suitable building platforms and legal and physical access is available on and to each of the proposed lots in accordance with the remainder of SUB-P3.
- RPROZ-P6- The proposed subdivision provides for further rural lifestyle development and no environmental benefit is proposed, the subdivision does not support policy RPROZ-P6(c).
- RPROZ-O1 and RPROZ-P6 (a) and (b) are not met as there will be loss in highly productive land for use by farming activities, but primary production will remain possible on Lot 7 as there currently is.

Overall, while some PDP provisions may support or be neutral toward the proposal, it is considered contrary to key directive objectives and policies which seek to avoid rural lifestyle subdivision in the Rural Production Zone.

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

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act.  
The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity

values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

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

## Approval

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

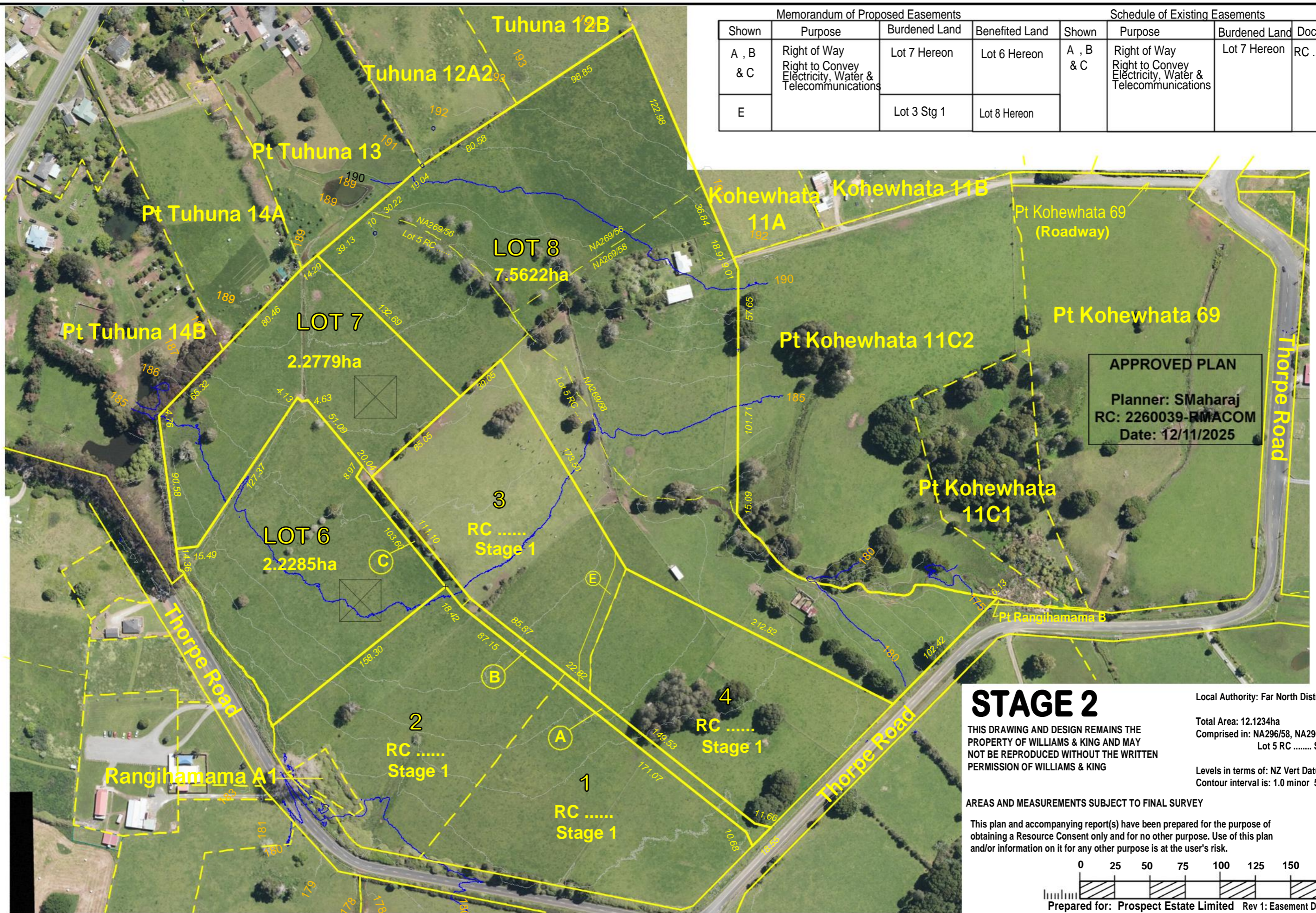


**Name: Pat Killalea**

Date: 12<sup>th</sup> November 2025

**Title: Independent Commissioner**

Memorandum of Proposed Easements				Schedule of Existing Easements			
Shown	Purpose	Burdened Land	Benefited Land	Shown	Purpose	Burdened Land	Document
A, B & C	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 7 Hereon	Lot 6 Hereon	A, B & C	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 7 Hereon	RC ..... Stage 1
E		Lot 3 Stg 1	Lot 8 Hereon				

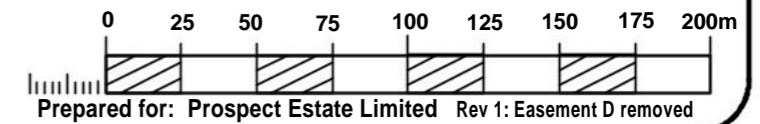


## STAGE 2

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



Local Authority: Far North District Council

Total Area: 12.1234ha  
Comprised in: NA296/58, NA296/56 & Lot 5 RC ..... Stage 1

Levels in terms of: NZ Vert Datum  
Contour interval is: 1.0 minor 5m major

**WILLIAMS AND KING**  
Registered Land Surveyors, Planners &  
Land Development Consultants

Ph: (09) 407 6030 27 Hobson Ave  
Email: karikeri@wpa.co.nz PO Box 937 Karikeri

**Proposed Subdivision of Tuhuna A & Tuhuna B Blks and Lot 5 RC .....(Stage 1)  
by way of a Boundary Adjustment and Easements over Lot 3 of Stage 1**

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Sept 2024	1:2500	A3
Rev 1		Nov/12/2025		

24315-04



Proposed Memorandum of Easements

Shown	Purpose	Burdened Land	Benefited Land
A	Right of Way Right to Convey Electricity, Water & Telecommunications	Lot 5 Hereon	Lots 1 - 4 Hereon, Tahuna A & B Blks
B			Lots 2 & 3 Hereon, & Tahuna A & B Blks
C & D			Tahuna A & B Blks
E			Tuhuna A & B Lot 5 Hereon

**APPROVED PLAN**  
 Planner: SMaharaj  
 RC: 2260039-RMACOM  
 Date: 12/11/2025

Local Authority: Far North District Council

Total Area: 15.6952 CT  
 Comprised in: NA314/202  
 Val. Ref 00523-77500  
 Levels in terms of: NZ Vert Datum  
 Contour interval is: Minor 1.0 Major 5.0

**STAGE 1**

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING  
 AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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**WILLIAMS AND KING**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants

Ph: (09) 407 6030      27 Hobson Ave  
 Email: kerikeri@saps.co.nz      PO Box 937 Kerikeri

**Proposed Subdivision of Pt Rangihamama A2 Blk  
 and Proposed Easements over Tuhuna A Block**

Survey	Date	Name	ORIGINAL SCALE SHEET SIZE	24315-03
Design				
Drawn	W & K	Sept 2024	1:2000   A3	
Rev		Nov 11 2025		

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

### Decision

Pursuant to section 34A(1) and sections 104, 104C, and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Restricted discretionary activity, subject to the conditions listed below, to:

<b>Applicant:</b>	Prospect Estate Limited
<b>Council Reference:</b>	2260040-RMASUB
<b>Property Address:</b>	93 Station Road, Kaikohe
<b>Legal Description:</b>	PT 69 11C2 KOHEWHATA TAHUNA A B PT RANGIHAMAMA A2

### The activity to which this consent relates is:

Proposed subdivision to create one additional allotment as a Restricted Discretionary in the Rural Production Zone.

### Conditions

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

1. The subdivision shall be carried out in general accordance with the approved plan of subdivision prepared by WILLIAMS AND KING, referenced Proposed Subdivision of Pt Kohewhata 11C2 and Easements over Pt Kohewhata 69 Block, dated Feb 2024, and attached to this consent with the Council's "Approved Stamp" affixed to it.

### Survey plan approval (s223) conditions

2. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
  - a. Provide confirmation to Council's Resource Consents Manager or duly delegated representative regarding the legal access arrangements to Tuhuna A, including whether Tuhuna A will have legal rights of way over Lots 1 and 2.

*Note: The dwelling on Tuhuna A adjacent to this subdivision is physically accessed through both Lots 1 & 2 of this subdivision and through easement F*

*over Pt Kohewhata 69 Block and potentially through easements E, D and G. While legal access has been enabled through this subdivision, an adjacent subdivision will also provide legal access to this site. If primary physical access is to be provided via Easement F and Lots 1 & 2 of this subdivision there are formation requirements which will be applicable prior to 224(c). If primary physical access is to be provided via an adjacent subdivision, the formation of Easement F is no longer required.*

3. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved, including any easements providing legal access rights to Tuhuna A over Lots 1 and 2; OR
  - b. All easements in the memorandum to be duly granted or reserved, excluding any references to Tahuna A.

*Note: The applicable version will be confirmed once the legal access arrangements for Tahuna A are finalised as per condition 2a.*

- c. If legal access to Tahuna A is to be provided through this subdivision and this will be the principal physical access, detailed engineering design plans for the formation of Rights-of-Way F, D and G must be submitted to and approved by Council's Resource Consents Engineer. The design shall address the intersection of ROW F with Thorpe Road and the Māori Roadway, in accordance with FNDC Engineering Standards 2023 and NZS 4404:2010.
- d. All easements for any Council infrastructure on the subject site that are not shown on the Scheme Plan, and all these easements shall be included in the memorandum of easements on the survey plan.
- e. A land covenant over the area marked 'X' on Scheme Plan to protect the wetland.

## Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. If primary physical access to the dwelling on Tuhuna A requires the use of Easement F D and G, the consent holder shall provide a formed and metalled access on ROW F to a 3m metalled finished carriageway width. Passing bay/vehicle queuing space is to be provided at the road boundary. The formation is to consist of a minimum of 200mm of compacted hardfill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff. All discharges from pipes or table drains shall be via measures to avoid concentrated flow that could cause erosion. Construction

is to include widening, drainage and upgrade of crossing to the approval of Council's Resource Consents Engineer or their delegate.

- b. If primary physical access to the dwelling on Tahuna A requires the use of Easement A and B, those rights-of-way shall be upgraded to provide a minimum formed carriageway width of 5 metres to the satisfaction of Council's Resource Consents Engineer. The formation and surfacing shall comply with the Far North Operative District Plan (ODP) Access Standard and FNDC Engineering Standards 2023. Construction is to include widening, drainage and upgrade of crossing to the approval of Council's Resource Consents Engineer or their delegate.

*Note: The existing Māori Roadway currently provides the primary physical connection to Thorpe Road. To comply with the Far North Operative District Plan Access Standards, the full length of this roadway used to serve Lots 1 and 2 and (if applicable) Tahuna A must maintain a minimum 5 metre carriageway width to ensure safe two-way movement for vehicles accessing. Any section that does not meet this width must be widened to the satisfaction of Council's Resource Consents Engineer prior to s224(c).*

- c. If undertaking works detailed in 4(a) above, all buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
- d. All buried services within the road boundary shall be located, marked and adequately protected prior to trenching works commencing.
- e. The consent holder is to establish and mark the location of the boundary pegs and mark all property boundaries adjacent to the proposed earthworks. No authorisation is given for works on legal road or on private property.
- f. The consent holder will ensure that construction vehicles are not parked on Thorpe Road.
- g. The consent holder will be responsible for the repair and reinstatement of the public road (Thorpe) carriageway, if damaged as a result of construction activities.
- h. During all construction works to be undertaken as approved under this consent, in the event of an "accidental discovery" of archaeological material, the following steps must be taken:
  - (a) All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
  - (b) The contractor/works supervisor/owner will take immediate steps to secure the site(tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
  - (c) The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata

whenua and any required statutory agencies (such as the NZ Police if human remains/koiwi tangata are found) if this has not already occurred.

- (d) Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
  - (e) If the material is confirmed as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act 2014, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
  - (f) If burials, human remains/koiwi tangata are uncovered, steps in conditions 5g (a) to (c) above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
  - (g) Works at the site area must not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant must submit for Council approval an ES-SEW1 Report prepared by an appropriately experienced person and in accordance with Far North District Council Engineering Standards. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area in accordance with the Subdivision Site Suitability Engineering Report compiled by Geologix dated May 2025. The report shall confirm that all the treatment & disposal system can be fully contained within the lot boundary. (All Lots)
  - b. Upon construction of any habitable building, sufficient water supply for firefighting purposes is to be provided and be accessible by firefighting appliances in accordance with Council's Engineering Standards 2023 and more particularly with the 'FENZ Fire Fighting Code of Practice SNZ PAS 4509:2008'. Any alternative proposal will require written approval from Fire and Emergency NZ. (All Lots)
  - c. The consent holder shall provide an attenuation device with an overflow to limit run-off from the site to 80% of pre-development levels. Attenuation shall be provided for

the 50% and 20% AEP rainfall events including a 20% allowance for climate change. Where downstream flooding exists, flood protection for 80% of the 1%AEP event shall be provided. The consent holder is to provide the design details of the system prepared by a suitably qualified and experienced person to Council for approval prior to installation. The attenuation device shall be installed prior to the code of compliance being issued for the proposed dwelling and in general accordance with the recommendations of the Subdivision Site Suitability Engineering Report (May 2025) prepared by Geologix. (All Lots)

- d. Electricity supply is not a condition of this consent and power has not been reticulated to the boundary of the lot. (All Lots)
- e. Prior to the occupation of a dwelling the consent holder shall provide vehicle crossings from the right of way in accordance with FNDC Engineering Standards Sheet 21, Type 1A. (Lot 1)
- f. The Lot owner shall preserve and maintain the wetland within the covenant area shown on the survey plan as Area X. No works may obstruct, drain, fill, or otherwise alter flows to, within, or from the wetland, and no sediment or contaminants shall be discharged where they may enter the wetland or adjacent waterways. The owner shall not, without prior written consent of Council, remove vegetation or undertake any works that may adversely affect the wetland's ecological or hydrological values. The owner shall not be deemed in breach if natural changes occur through causes beyond their control. (Lot 2)

## Advice Notes

### Lapsing of Consent

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

### Right of Objection

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

### Section 224 Certification

3. *A Section 224 Certificate will not be issued until all Council invoices, including engineering fees and any other costs associated with the Resource Consent have been paid in full.*

## General Advice Notes

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *Erosion and Sedimentation Control shall be designed and carried out in accordance with GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".*
6. *Any work activity, excavation and non- excavation carried out in the road reserve, must lodge formal notice if intention to carry out Works, in the form of a Corridor Access Request, submitted to the Corridor Manager for Approval.  
A Corridor Access Request (CAR) is an application for a permit to carry out works within the road reserve, this is defined in the National Code of Practice for Utilities access to the transport Corridors and has been adopted by Council.  
A Traffic Management Plan (TMP) must be uploaded with the CAR submission, describing the proposed works, design, setup, and removal of any activity being carried out within the road Reserve. A Work Access Permit (WAP) and reasonable conditions will be issued once TMP is Approved. Enquiries as to its use may be directed to Council's Road Corridor Manager, [corridor.access@fndc.govt.nz](mailto:corridor.access@fndc.govt.nz).*
7. *Permits are required for drilling any bores in Northland. Therefore, resource consent will need to be gained from the Northland Regional Council if water is obtained in this way. If a bore is to be constructed, all areas used for sewage effluent disposal and reserve effluent disposal areas must be at least 20 metres away from any groundwater bore.*
8. *Building Consents may be required for retaining structures.*

## Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Restricted Discretionary resource consent, as such under section 104C only those matters over which council has restricted its discretion have been considered, these matters are found in section 13.7.2 MINIMUM LOT SIZES of the Operative District Plan.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:

- a. The proposed lots do not contain any areas of cultural significance to Māori or other heritage resources, outstanding landscapes, outstanding natural features or landscape features.
  - b. There will be no reverse sensitivity effects as the activity is consistent with the current use of the existing activities in the wider environment.
  - c. The proposed subdivision represents a scale of subdivision anticipated by the District Plan as a restricted discretionary activity.
  - d. It is considered that the proposed subdivision will not exacerbate any natural or other hazards on site as there is no natural hazard risks located in the local area or surrounding properties.
  - e. The proposal will enable Lot 1 to be independently disposed for residential use while retaining the balance of the property (Lot 2) for ongoing rural production activities. Although the subdivision results in a minor reduction in productive area (approximately 4,000m<sup>2</sup>), the overall productive capacity of the property will be largely maintained.
  - f. The proposal represents a positive environmental outcome, which includes the protection of an existing wetland located in the south-eastern corner of the site. The wetland area will be retained within the balance lot and legally protected by way of land covenant to ensure its ecological and hydrological values are preserved.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
  5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
    - g. Operative Far North District Plan 2009,
    - h. Proposed Far North District Plan 2022
    - i. National Policy Statement Highly Productive Land

*National Policy Statement Highly Productive Land*

The NPS-HPL came into force on 17 October 2022, with most provisions having immediate effect, placing restrictions on rezoning, subdivision and land-use proposals on land that meets the transitional definition of HPL (Land Use Capability (LUC) classes 1–3, with some exceptions).

The NPS-HPL seeks to protect highly productive land for use in land-based primary production, and to avoid its inappropriate subdivision, use, or development. The overall objective is to ensure that HPL remains available both now and for future generations.

The proposal will result in allotments which can accommodate a residential dwelling as well as small scale gardening activities on Lots 1 and productive activities within Lot 2.

This application is a restricted discretionary activity under the District Plan. Section 104C of the Resource Management Act 1991 provides that, when considering an application for a restricted discretionary activity, the consent authority may grant or refuse consent, but only on the matters over which discretion is restricted.

*Operative Far North District Plan*

The Rural Production Zone applies over the majority of the rural part of the District and is predominantly a working productive rural zone. The zone contains environmental and amenity standards which will enable the continuation of the wide range of existing and future activities, compatible with normal farming and forestry activities, and with rural lifestyle and residential uses, while ensuring that the natural and physical resources of the rural area are managed sustainably.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The proposal will promote the sustainable management of natural and physical resources by providing a balance lot which can continue the existing activities which are currently undertaken on the site.
- The site does not contain any areas of significant vegetation nor any areas of outstanding natural features or landscapes.
- The proposed smaller rural residential lot is located a sufficient distance from any other activities such that no reverse sensitivity effects are anticipated.
- Infrastructure will be provided for on site at the time of built development within the lots.
- The proposal is considered to have a is located on the periphery of the Kaikohe township so will enable a rural residential lot which is in close proximity to places of employment, schools and social activities.

The activity is consistent with the below objectives, policies and assessment criteria of Chapter 8 of the Operative District Plan:

- The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for Restricted Discretionary Activity.
- The proposed new allotments will enable small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.
- The site is not shown to be susceptible to natural hazards and the proposal is not considered to accelerate natural hazards.

- The site does not contain any outstanding landscapes or features and is not located within the coastal environment.
- The proposal will maximise the area of the balance lot to ensure that the existing use of the site can remain, mitigating reverse sensitivity effects.
- Infrastructure will be provided for onsite.

Overall, the proposal is consistent with the objectives and policies of the Operative District Plan.

*Proposed Far North District Plan*

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The purpose of this zone is to provide for primary production activities including farming, plantation forestry, and horticulture

The proposed subdivision is an efficient use of land which is compatible with adjoining land use activities and subdivision patterns, and generally in accordance with the Rural Production Zone objectives.

The subject land includes highly productive land however a balance lot of 4ha will be retained for farming purposes.

The subdivision is predominantly surrounded by a mixture of rural lifestyle and residential sized properties.

Availability of land for primary production will not suffer any significant adverse effects, and no reverse sensitivity effects are expected to arise as per RPROZ-P7(e).

The proposal is considered contrary to the following directive objectives and policies of the Proposed District Plan:

- SUB-P3- The proposed subdivision does not meet the minimum allotment sizes in the Rural Production Zone and therefore is inconsistent with Policy SUB-P3(b). Suitable building platforms and legal and physical access is available on and to each of the proposed lots in accordance with the remainder of SUB-P3.
- RPROZ-P6- The proposed subdivision provides for further rural lifestyle development and no environmental benefit is proposed, the subdivision does not support policy RPROZ-P6(c).
- RPROZ-O1 and RPROZ-P6 (a) and (b) are not met as there will be loss in highly productive land for use by farming activities, but primary production will remain possible on Lot 2 as there currently is.

Overall, while some PDP provisions may support or be neutral toward the proposal, it is considered contrary to key directive objectives and policies which seek to avoid rural lifestyle subdivision in the Rural Production Zone.

However, it is acknowledged the PDP was notified in July 2022 and hearings have commenced. There is substantial scope for provisions to evolve through the

submission and appeal process. Therefore, at this early stage of the PDP process, limited weighting has been placed on these PDP provisions relative to the Operative Plan. The Operative Plan remains the primary planning instrument for determining this application.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act.  
  
The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

## Approval

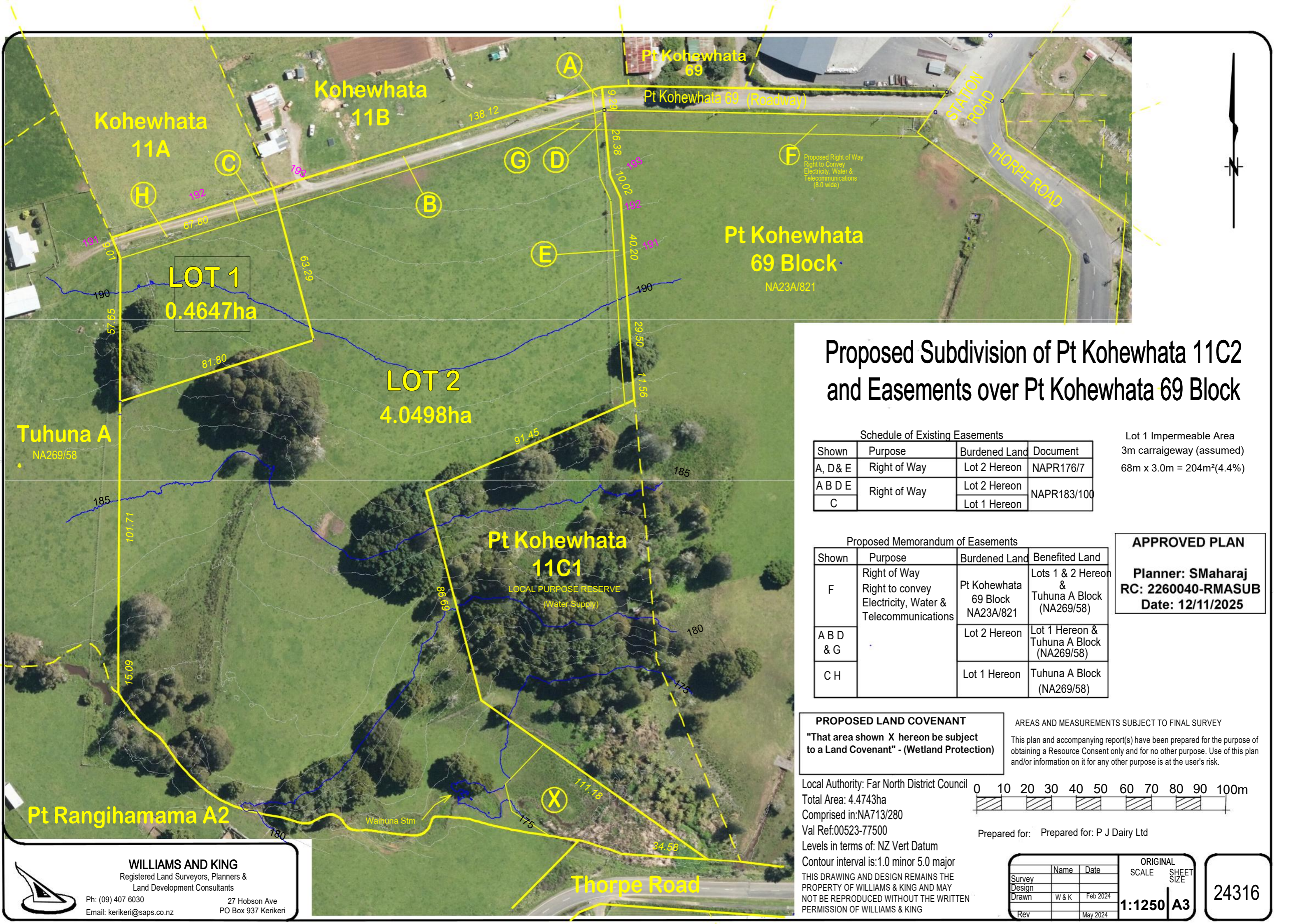
This resource consent has been prepared by Swetha Maharaj, Senior Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



**Name: Pat Killalea**

Date: 12<sup>th</sup> November 2025

**Title: Independent Commissioner**



## Proposed Subdivision of Pt Kohewhata 11C2 and Easements over Pt Kohewhata 69 Block

### Schedule of Existing Easements

Shown	Purpose	Burdened Land	Document
A, D & E	Right of Way	Lot 2 Hereon	NAPR176/7
A B D E	Right of Way	Lot 2 Hereon	NAPR183/100
C		Lot 1 Hereon	

Lot 1 Impermeable Area  
3m carriage way (assumed)  
68m x 3.0m = 204m<sup>2</sup>(4.4%)

### Proposed Memorandum of Easements

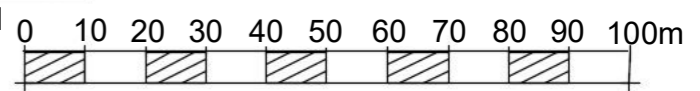
Shown	Purpose	Burdened Land	Benefited Land
F	Right of Way Right to convey Electricity, Water & Telecommunications	Pt Kohewhata 69 Block NA23A/821	Lots 1 & 2 Hereon & Tuhuna A Block (NA269/58)
A B D & G		Lot 2 Hereon	Lot 1 Hereon & Tuhuna A Block (NA269/58)
C H		Lot 1 Hereon	Tuhuna A Block (NA269/58)

**APPROVED PLAN**  
**Planner: SMaharaj**  
**RC: 2260040-RMASUB**  
**Date: 12/11/2025**

**PROPOSED LAND COVENANT**  
"That area shown X hereon be subject to a Land Covenant" - (Wetland Protection)

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY  
This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

Local Authority: Far North District Council  
Total Area: 4.4743ha  
Comprised in: NA713/280  
Val Ref: 00523-77500  
Levels in terms of: NZ Vert Datum  
Contour interval is: 1.0 minor 5.0 major  
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Prepared for: Prepared for: P J Dairy Ltd

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Feb 2024	1:1250	A3
Drawn				
Rev		May 2024		

24316