

# Application for resource consent or fast-track resource consent



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

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes  No

## 2. Type of consent being applied for

(more than one circle can be ticked):

- |  |   |
|--|---|
| <input type="radio"/> Land Use   | <input type="radio"/> Discharge: Total volume = <input type="text" value=""/> m <sup>3</sup><br><i>Note; volumes &gt;3m<sup>3</sup> requires NRC Consent.</i> |
| <input type="radio"/> Fast Track Land Use*                                 | <input type="radio"/> Subdivision   |
| <input type="radio"/> Change of Consent Notice (s.221(3))                  | <input type="radio"/> Existing Use Certificate (s.139A)   |
| <input type="radio"/> Certificate of Compliance (s.139)                    | <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil)                                     |
| <input type="radio"/> Extension of time (s.125)                            |   |
| <input type="radio"/> Other (please specify) <input type="text" value=""/> |   |

*\*The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

## 3. Would you like to opt out of the fast track process?

Yes  No

## 4. Consultation

Have you consulted with iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact:  
The Resource Consents Planning Technicians, [planning\\_technicians@fndc.govt.nz](mailto:planning_technicians@fndc.govt.nz)

## 5. Applicant details

Name/s:

Matt and Deb Sutcliffe

Email:

Phone number:

Postal address:

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

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

If yes, please provide details.


## 6. Address for correspondence

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

Name/s:

Bay of Islands Planning

Email:

Phone number:

Home

Postal address:

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

Postcode

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

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

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

Name/s:

Debra Muriel Sutcliffe

Property address/  
location:


## 8. Application site details

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

Name/s:

Site address/  
location:

  
  
 Postcode

Legal description:

Val Number:

Certificate of title:

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

### Site visit requirements:

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

Is there a dog on the property?  Yes  No

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

## 9. Description of the proposal

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

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

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

2009  2023

## 10. Would you like to request public notification?

Yes  No

## 11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard Consent

Other (please specify)

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

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

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

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

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

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

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

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

Flooding

Active Faults

Landslips

Liquefaction

Coastal Erosion

Tsunami

Coastal Inundation

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

## 14. Assessment of environmental effects:

*Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as written approvals from adjoining property owners, or affected parties.*

Your AEE is attached to this application  Yes

## 15. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

## Checklist of your information

*Please tick if information is provided*

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

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

## 16. Billing Details:

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

Name/s: (please write in full)

Debra Sutcliffe

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)

Debra Murel Sutcliffe

Signature:

(signature of bill payer)

Date 19/5/26

MANDATORY

## 17. Important Information:

### Note to applicant

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

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

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

### Fast-track application

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

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

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](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.

## 18. Declaration

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

Name (please write in full)

Signature

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

Date

See overleaf for a checklist of your information...

## **BAY OF ISLANDS PLANNING (2022) LIMITED**

### **Kerikeri House**

### **Kerikeri**

Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) Website - [www.bayplan.co.nz](http://www.bayplan.co.nz)

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21 May 2026

### **Re: Proposed 5 lot Subdivision, 557 Mangakaretu Road, Okaihau**

Our client seeks subdivision consent to subdivide a 83.4 hectare rural property into five lots. The proposal involves the creation of three new vacant lifestyle allotments and two larger lots retained in a rural productive use.

The application is a Restricted Discretionary Activity under the Operative Far North District Plan (**ODP**) as it meets the requirements for alternate subdivision standards in the Rural Production Zone. Specifically, it utilises the pathway for sites existing prior to 28 April 2000 to a maximum of 5 lots with a minimum size of 2 hectares.

In terms of the Proposed Far North District Plan (**PDP**) the property is zoned Rural Production. We attach the following information to support the application:

- **Planning Report and Assessment of Environmental Effects**
- **Appendix A – Record of Title**
- **Appendix B - Subdivision Plan**

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

Andrew McPhee  
Consultant Planner

## 1.0 INTRODUCTION

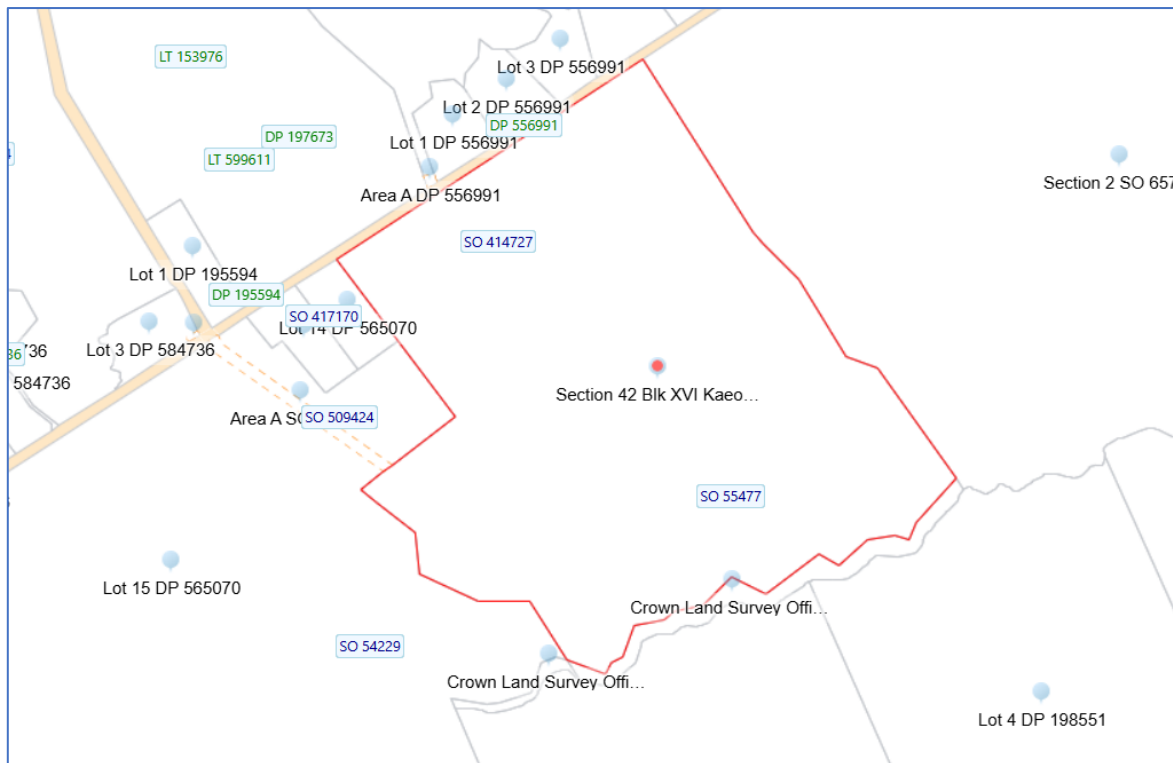
The applicant seeks subdivision consent for a 5-lot subdivision of the ~83 hectare property at 557 Mangakaretu Road, Okaihau. The site is legally described as Section 42 Block XVI Kaeo Survey District. A copy of the Records of Title for this property is attached at **Appendix A**.

The application is a Restricted Discretionary Activity subdivision under the ODP, which allows for a maximum of 5 lots (including the parent lot) where the minimum lot size is 2ha in the Rural Production zone, provided the title existed prior to 28 April 2000. The title was issued on 15 July 1988.

It is concluded that any potential adverse effects arising from the subdivision would be less than minor and that the proposal reflects an anticipated pattern of development that is enabled by the District Plan.



Figure 1 – Site Aerial 557 Mangakaretu Road (Source: Prover)



**Figure 2 – Site at 557 Mangakaretu Road (Source: Prover)**

## 2.0 SITE AND LOCALITY DESCRIPTION

The application site is accessed from the southern side of Mangakaretu Road. Mangakaretu Road acts as a ‘crescent’ as both ends intersect with Puketotara Road. The site is a large rural block, predominantly in pasture and utilised for a mixture of rural production activities.

The surrounding environment is rural in nature, characterised by large blocks and scattered rural lifestyle properties. The roading environment is characteristic of rural areas in the district, being unsealed with low anticipated traffic volumes due to Mangakaretu Road essentially being a ‘crescent’.

The site does not feature versatile soils save for a very small portion abutting the river on the southern boundary. These very small portions will be incorporated into the two larger land holdings being retained in a rural production capacity.

The site has not been used or identified as a contaminated site in the NRC land use register therefore a HAIL report is not considered necessary.

It is noted that a Caveat is applied to the title in favour of Top Energy, which affects the ability of the landholder to acquire new titles unless it is withdraw, removed or has lapsed. This instrument does not affect Councils decision making process under the Resource Management Act 1991 (**RMA**). It is a

matter for the landowner to address if new titles are sought. The caveat is attached as **Appendix A** for reference.

### 3.0 DESCRIPTION OF THE PROPOSAL

The applicant seeks subdivision consent to subdivide the property into five fee simple allotments.

- Proposed Lot 1: ~2.5ha in size to be a vacant rural allotment.
- Proposed Lot 2: ~2.2ha in size to be a vacant rural allotment.
- Proposed Lot 3: ~55ha in size to retain the existing dwelling and be retained in productive use.
- Proposed Lot 4: ~21ha in size to be a vacant rural allotment.
- Proposed Lot 5: ~2.5ha in size to be a vacant rural allotment.

Given the large size of the proposed lots (2.2ha minimum), there is ample area to ensure safe building platforms and stormwater attenuation (if necessary). Furthermore, primary/reserve wastewater disposal fields can be accommodated without difficulty. For large rural lifestyle lots such as these it is considered appropriate and sufficient to provide detailed site suitability and specific geotechnical engineering requirements via a consent notice and deferred to the future building consent stage.

No further development or construction is proposed for the four new allotments at this juncture.

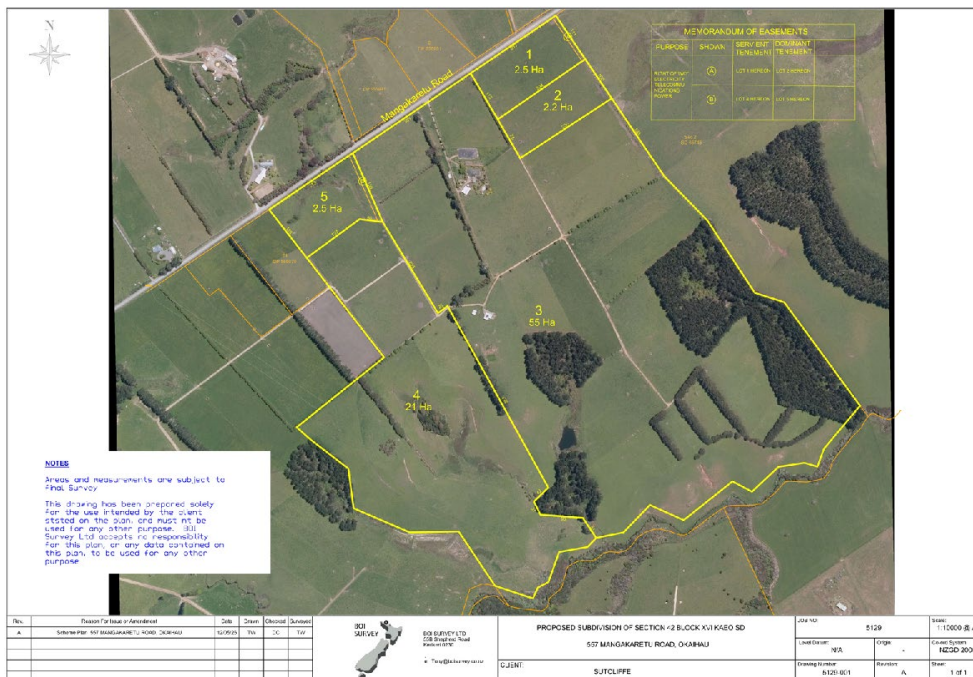


Figure 3 – Subdivision Plan (Source: BOI Survey)

#### 4.0 REASONS FOR CONSENT

##### Operative Far North District Plan (ODP)

Under the ODP, the site is zoned Rural Production. There are no resource features identified on the site.

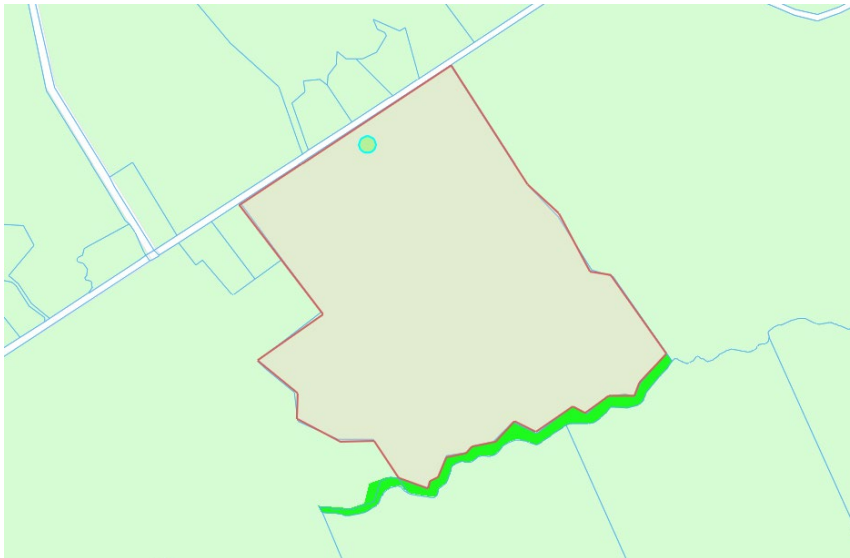


Figure 4 - FNDC Operative District Plan Map – Rural Production zone (Source Far North Maps)

##### Proposed Far North District Plan (PDP)

Under the PDP, the site is also zoned Rural Production. There are no resource features identified on the site.



Figure 5 - FNDC Proposed District Plan Map – Rural Production zone (Source Far North Maps)

## **Subdivision**

Chapter 13 Subdivision Rules 13.7.2.1(i) Clause 4 ‘Allotment Sizes, Dimensions and Other Standards’ and Rule 13.8.1(c) ‘Restricted Discretionary Activities’ provide for alternate subdivision outcomes on sites existing as at or prior to 28 April 2000 as follows:

- A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000.

The subdivision proposal is subject to other performance standards as set out in Table 1 below:

**Table 1: Subdivision Performance Standards**

<b>Performance Standard</b>	<b>Comment</b>
Rule 13.7.2.1 – Minimum Lot Size	The proposal meets the RDA criteria as outlined above. All proposed lots exceed the 2ha minimum for this pathway. The site existed prior to 28 April 2000 (Title issued 1988).  <b>Restricted Discretionary Activity</b>
Rule 13.7.2.2 – Allotment dimensions	All proposed Lots can achieve the required 30m x 30m square building envelopes.  <b>Complies</b>
Rule 13.7.2.3 -Amalgamation of land in a rural zone with land in an urban or coastal zone	Not applicable
Rule 13.7.2.4 – Lots divided by zone boundaries	Not applicable
Rule 13.7.2.5 - Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature	Not applicable
Rule 13.7.2.6 – Activities, Utilities, Roads and Reserves	Not applicable

Rule 13.7.2.7 – Savings as to previous approvals	Not applicable
Rule 13.7.2.8 – Proximity to Top Energy transmission lines	Not applicable
Rule 13.7.2.9 – Proximity to National Grid	Not applicable

As a Restricted Discretionary Activity, the proposal must consider the matters set out in Table 2 below.

**Table 2: Subdivision Rule 13.7.3 Matters**

Performance Standard	Comment
Rule 13.7.3.1 – Property Access	Access to proposed Lot 3 is existing and will remain. The proposed new vehicle access for Lots 1 and 2 will be shared with an easement (easement A) providing access to Lot 2. Lots 4 and 5 will also share a right of way with an easement over Lot 5 providing access to Lot 4 (easement B).
Rule 13.7.3.2 - Natural and other Hazards	There are no hazards identified on the regional council maps and there are no known natural hazards (such as flooding, instability, or subsidence) affecting the property. A full geotechnical engineering report is considered unnecessary at the subdivision stage due to the large size of the proposed lots and the absence of any hazards on the regional council maps. Detailed foundation design can be deferred to the building consent stage via consent notice.
Rule 13.7.3.3 - Water Supply	Proposed Lot 3 has an existing supply. Proposed Lots 1, 2, 4 and 5 will be serviced by standard roof collection and onsite storage tanks at the time of future development.
Rule 13.7.3.4 - Stormwater Disposal	A civil site suitability assessment is considered unnecessary at this subdivision stage. The large >2ha lot sizes provide ample, unconstrained areas for stormwater attenuation (if necessary). These requirements can be deferred to the building consent phase via a consent notice.
Rule 13.7.3.5 - Sanitary Sewage Disposal	A civil site suitability assessment is considered unnecessary at this subdivision stage. The large >2ha lot sizes provide ample, unconstrained area for primary and reserve disposal fields.

	These requirements can be deferred to the building consent phase via a consent notice.
Rule 13.7.3.6 - Energy Supply	Not a requirement for Rural Production subdivision.
Rule 13.7.3.7 - Telecommunications	Not a requirement for Rural Production subdivision.
Rule 13.7.3.8 - Easements for any purpose	Two easements (A & B) are proposed to provide access to Lots 2 and 4. These easements will also provide the opportunity to convey electricity and telecommunications (if required).
Rule 13.7.3.9 - Preservation of heritage resources, vegetation, Fauna and Landscape and Land set aside for conservation purposes	Not applicable.
Rule 13.7.3.10 - Access to reserves and waterways	This application does nothing to alter access to the existing marginal strip on the southern boundary. The remainder of this strip may be realised at a time when neighbouring properties subdivide their land.
Rule 13.7.3.11 - Land use compatibility	There are no land use incompatibility issues associated with the proposed subdivision as subdivision of this nature is anticipated by the plan.
Rule 13.7.3.12 - Proximity to Airports	The Kerikeri Airport is over five and half kilometres to the southeast of the property as a crow flies.

For completeness, the existing development on Lot 3 has been checked against the land use rules of the Rural Production zone. This is assessed in Table 3.

**Table 3: Rural Production Zone Performance Standards**

<b>Chapter 8 – Rural Environment – Rural Production Zone</b>	
<b>Performance Standard</b>	<b>Comment</b>
<b>8.6.5.1.1 Residential Intensity</b>	Proposed Lot 3 contains the existing dwelling and a variety of sheds. Lots 1, 2, 4 and 5 are currently vacant in terms of residential units.  <b>Permitted Activity</b>
<b>8.6.5.1.2 Sunlight</b>	The existing dwelling and accessory buildings comply.

	<b>Permitted Activity</b>
<b>8.6.5.1.3 Stormwater Management</b>	All proposed sites are well within the permitted 15% impermeable limit.  <b>Permitted Activity</b>
<b>8.6.5.1.4 Setback from boundaries</b>	The existing dwellings and accessory buildings comply.  <b>Permitted Activity</b>
<b>8.6.5.1.5 Transportation</b>	Refer Table 5 below
<b>8.6.5.1.6 Keeping of Animals</b>	Not applicable.
<b>8.6.5.1.7 Noise</b>	The proposed use of the site is for rural lifestyle and rural production purposes and subject to the District Plan noise standards. The existing dwelling on proposed Lot 3 is anticipated to comply as a residential activity.  <b>Permitted Activity</b>
<b>8.6.5.1.8 Building Height</b>	The existing buildings can comply with the height standards. Any new buildings would be subject to building height controls.  <b>Permitted Activity</b>
<b>8.6.5.1.8 Building Coverage</b>	The existing building coverage on proposed Lot 3 is less than 12.5% of the total area. The other proposed lots are currently vacant in terms of built development.  <b>Permitted Activity</b>
<b>8.6.5.1.11 Scale of Activities</b>	Not applicable. Residential or rural activities proposed.  <b>Permitted Activity</b>
<b>8.6.5.1.12 Temporary Activities</b>	Not applicable  <b>Permitted Activity</b>

District wide rules are assessed below to ensure that subdivision does not result in additional land use consents. These are addressed in the tables below.

**Table 4: Natural and Physical Resources Performance Standards**

Chapter 12 – Natural and Physical Resources	
<b>12.1 Landscapes and Natural Features</b>	<p>The proposed subdivision is not affected by landscapes and natural features.</p> <p><b>Permitted Activity</b></p>
<b>12.2 Indigenous Flora and Fauna</b>	<p>The site is mapped as being within a Kiwi Present area.</p> <p>No indigenous vegetation clearance is required to form access to the proposed lots.</p> <p><b>Permitted Activity</b></p>
<b>12.3 Soils and Minerals</b>	<p>There will be minor earthworks associated with forming access. Earthworks required for this purpose will fall well within the permitted limit of 5,000m<sup>3</sup> in any 12 month period.</p> <p><b>Permitted Activity</b></p>
<b>12.4 Natural Hazards</b>	<p>There are no identified hazards on the NRC or FNDC natural hazard maps that affect the proposed subdivision.</p> <p><b>Permitted Activity</b></p>
<b>12.5 Heritage</b>	<p>There are no heritage or sites of cultural significance to Māori located on the property.</p> <p><b>Permitted Activity</b></p>
<b>12.6 Air</b>	<p>Not applicable</p> <p><b>Permitted Activity</b></p>
<b>12.7 Lakes, Rivers, Wetlands and the Coastline</b>	<p>There is an existing marginal strip abutting the southern boundary of the site. Proposed Lots 3 and 4, which will be retained in a rural production capacity, will be the adjacent landholdings. No further development is proposed on these lot at this juncture.</p> <p><b>Permitted Activity</b></p>
<b>12.8 Hazardous Substances</b>	<p>Not applicable</p>

	<b>Permitted Activity</b>
<b>12.9 Renewable Energy and Energy Efficiency</b>	Not applicable
	<b>Permitted Activity</b>

*Table 5: Transportation Performance Standards*

<b>Chapter 15 - Transportation</b>	
<b>15.1.6A.2 Traffic Intensity</b>	<p>In the Rural Production zone, the traffic intensity threshold for a permitted activity is 60 one-way vehicle movements per day.</p> <p>Each residential unit is attributed a Traffic Intensity Factor (TIF) of 10 movements per day. With five allotments (each serving one household equivalent), the total anticipated traffic is 50 movements per day.</p> <p><b>Permitted Activity</b></p>
<b>15.1.6B.1 Parking</b>	<p>On site carparking can be provided for the range of permitted land use activities enabled by the subdivision.</p> <p><b>Permitted Activity</b></p>
<b>15.1.6C Access</b>	<p>Proposed Lot 3 will utilise the existing access to the site. Two new vehicle crossings can be formed to service proposed Lots 1, 2, 4 and 5.</p>
<b>15.1.6C.1.8 Frontage to Existing Roads</b>	<p>Mangakaretu Road is an established public road, with a legal width of 20m and a 6.5m carriageway.</p> <p><b>Permitted Activity</b></p>

**FNDC Proposed District Plan (PDP)**

These matters below comprise relevant rules that have immediate effect under the Proposed District Plan.

**Table 6: PDP Rules**

<b>Proposed District Plan</b>		
<b>Matter</b>	<b>Rule/Std Ref</b>	<b>Evidence</b>
<p>Hazardous Substances</p> <p>Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped</p>	<p>Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource. HS-R5, HS-R6, HS-R9</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Heritage Area Overlays (Property specific)</p> <p>This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)</p>	<p>All rules have immediate legal effect (HA-R1 to HA-R14)</p> <p>All standards have immediate legal effect (HA-S1 to HA-S3)</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)).</p> <p>Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps)</p> <p>This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>	<p>All rules have immediate legal effect (HH-R1 to HH-R10)</p> <p>Schedule 2 has immediate legal effect</p>	<p>Not indicated on Far North Proposed District Plan</p>
<p>Notable Trees (Property specific)</p> <p>Applied when a property is</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect</p>	<p>Not indicated on Far North Proposed District Plan</p>

showing a scheduled notable tree in the map	(NT-S1 to NT-S2) Schedule 1 has immediate legal effect	
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Not indicated on Far North Proposed District Plan
Ecosystems and Indigenous Biodiversity SNA are not mapped	All rules have immediate legal effect (IB-R1 to IB-R5)	Not indicated on Far North Proposed District Plan
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not indicated on Far North Proposed District Plan
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Earthworks required to establish the proposed subdivision should it be approved will be in accordance with the relevant standards including GD-05 and will have an ADP applied.
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not indicated on Far North Proposed District Plan
Orongo Bay Zone (Property specific as rule relates to a zone	Rule OBZ-R14 has partial immediate legal effect because	Not indicated on Far North Proposed District Plan.

only)	RD-1(5) relates to water	
Subdivision Rules refer to environmental benefit subdivision. Subdivision of sites within a heritage overlay, containing a scheduled heritage resource, Māori site/area of significance or SNA.	The following rules have immediate legal effect SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17.	Not indicated on Far North Proposed District Plan.
<b>Comments:</b>		
Resource consent is not required under the PDP in relation to this subdivision.		

## 5.0 SECTION 104 ASSESSMENT

Section 104C of the Resource Management Act (RMA) governs the determination of applications for restricted discretionary activities:

### 104C Determination of applications for restricted discretionary activities

- (1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—
  - (a) a discretion is restricted in national environmental standards or other regulations:
  - (b) it has restricted the exercise of its discretion in its plan or proposed plan.
- (2) The consent authority may grant or refuse the application.
- (3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—
  - (a) a discretion is restricted in national environmental standards or other regulations:
  - (b) it has restricted the exercise of its discretion in its plan or proposed plan.

With respect to restricted discretionary activities, the Council has discretion to grant or refuse an application but only in terms of the matters over which it has restricted its discretion. Section 104C dictates that a consent authority must consider only those matters over which its discretion is restricted in the plan or proposed plan.

When considering an application for resource consent, a consent authority must have regard to the matters under section 104 of the Resource Management Act 1991, including any matters relating to Part 2. References to Part 2 in applications are only required where Plans may be deficient in terms of giving effect to the purpose and principles of the Act.

Section 104 specifies that consent authorities have regard to the following matters when considering an application for a 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*
- (c) 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*
- (d) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

In the case of the subject application the matters of discretion are exhaustively listed in ODP Rule 13.8.1 and the general matters in Rule 13.7.3, and those considerations include the actual and potential effects of an activity on the environment.

As the site is not within the Coastal Environment the NZCPS is not relevant.

The following assessment addresses all relevant considerations under s104 of the RMA.

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

Section 104(1)(a) requires that consent authorities have regard to any actual or potential effects on the environment of allowing the activity. Section 2 of the RMA defines ‘Environment’ as follows:

**environment** includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

Section 3 defines the meaning of ‘effect’ to include:

### 3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—  
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Section 3: amended, on 7 July 1993, by section 3 of the **Resource** Management Amendment Act 1993 (1993 No 65).

Positive effects arising from the subdivision would include enablement of additional rural lifestyle sites in close proximity to Okaihau, Waipapa and Kerikeri. This form and intensity of the subdivision proposed is anticipated in the Rural Production zone.

Potential adverse effects associated with this activity relate to the subdivision of the site. This will be addressed in the sections below.

#### Effects arising from subdivision

Potential adverse effects arising from subdivision occur because of changes to land use patterns and the activities that are enabled through subdivision. With respect to this application, the proposal seeks to establish a pattern of rural subdivision that is anticipated and provided for in the Rural Production zone.

The ODP provides for the specific form of subdivision requested as a Restricted Discretionary Activity through Rule 13.8.1(c). This rule was clearly intended to provide a limited opportunity for subdivision on historic lots that do not meet the standard 20ha minimum.

Proposed Lots 1, 2 and 5 would establish rural sites that would enable rural lifestyle activities. Proposed Lots 3 and 4 would remain a size ordinarily anticipated by the Rural Production zone, being over 20ha. The proposed uses are considered consistent with any potential effects on the environment anticipated in the Rural Production zone.

In accordance with District Plan Rule 13.8.1 (i) and (ii) the Council has reserved its discretion over matters relating to:

- *Effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*

None of the proposed lots are within the coastal environment.

- *Effects of the subdivision within 500 metres of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;*

The property is within 500 metres of Crown Land, presumably administered by DOC. This application does nothing to alter access to the existing marginal strip on the southern boundary. The strip is generally constrained to the boundary of the applicant's site and does not continue to a public access point. As such the remainder of this strip may be realised at a time when neighbouring properties subdivide their land. This application does nothing to alter the status quo, as such it is considered that no adverse effects are incurred.

- *Effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*

The property is identified as being within a 'kiwi present' area. No consent notices currently apply to the title. Similarly to neighbouring properties, the property is predominantly in open pasture and used in a rural production capacity where the use of dogs is commonplace to manage livestock.

There are no areas of significant indigenous flora present.

- *The mitigation of fire hazards and safety of residents.*

Fire hazard mitigation on rural lots away from reticulated water supply is a matter that would be considered at the time of building consent and can be adequately provided for through the provision of dedicated water supply tanks. This can be conditioned on the titles for each allotment.

It is considered that any potential adverse effects arising from the proposed subdivision would be less than minor.

#### Property Access

Lot 3 will continue to utilise its established vehicle crossing. Two new vehicle crossings will be formed for proposed Lots 1, 2, 4 and 5. Mangakaretu Road is a metalled rural road with a 60km/h speed limit, requiring a minimum sight distance of 125m. All proposed crossings can easily achieve this distance.



**Figure 6 – Existing access on Mangakaretu Road to Proposed Lot 3**



**Figure 7 – Mangakaretu Road facing east**



**Figure 8 –Mangakaretu Road facing west**

The proposed new crossings will be constructed in accordance with Council’s Engineering Standards.

#### Natural and Other Hazards

The proposed subdivision avoids the adverse effects of natural hazards. The site is free of mapped hazards. As detailed earlier in the report, there is little value in requiring specific geotechnical and civil site suitability reports for large lot rural subdivisions where there is no presence of hazards. The significant size of the new lots (>2ha each) ensures that safe building platforms, stormwater management, and wastewater disposal can be accommodated. We propose that these engineering details are addressed via a consent notice registered on the titles, appropriately deferring them to the building consent stage rather than unnecessarily encumbering the subdivision phase.

#### Servicing and Infrastructure

Proposed Lot 3 has an existing water supply and on site wastewater management associated with the established dwelling. Future development on Lots 1, 2, 4 and 5 will be serviced by standard roof catchment and onsite storage tanks.

The applicant proposes a consent notice be registered on the titles for proposed Lots 1, 2, 4 and 5 requiring specific water, wastewater and stormwater design (if necessary) to be submitted and approved at the time of future building consent.

#### Land Use Compatibility / Reverse Sensitivity

The proposed lot sizes provide adequate physical separation from boundaries. This ensures that any future residential development on proposed Lots 1, 2, 4 and 5 will not create reverse sensitivity conflicts with surrounding rural activities. It is noted that the proposed rural lifestyle lots (1, 2 and 5 are close to the road, which is commensurate with the rural lifestyle fragmentation that has occurred on the surrounding land parcels.

#### Proximity to Airports

The site is a significant distance from Kerikeri airport.

The effects on the environment are considered to be less than minor.

#### **Relevant Plan Considerations**

Section 104 (1)(b) requires that regard be given to the relevant provisions of:

- A national environmental standard;
- Other regulations;
- A national policy statement;
- A New Zealand coastal policy statement;
- A regional policy statement or proposed regional policy statement;
- A plan or proposed plan

#### National Environmental Standards

The National Environment Standards (**NES**) for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant to the site. The site has not historically been used in a capacity that would trigger this legislation, and no contamination is known according to NRC maps. The proposal is considered permitted in terms of this legislation.

The NES for Freshwater is not considered relevant to this site. There is no development or works within 20 metres of the stream on the southern boundary.

#### National Policy Statements

There are no National Policy Statements directly relevant to this application.

#### New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (**NZCPS**) aims to provide policies to achieve the purpose of the RMA in respect of the Coastal Environment. This site falls outside the Coastal Environment as mapped within the Regional Policy Statement for Northland.

*Northland Regional Policy Statement or Proposed Regional Policy Statement*

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (operative May 2016). The jurisdiction for land use and subdivision activities is governed by the Far North District Council and the policy framework for subdivision activities and the management of potential adverse effects is set out in the Far North District Plan. Nonetheless, this Plan is subject to the governing regional policy framework set out in the Northland Regional Policy Statement. With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Area, or within the Coastal Environment boundary.

Of statutory relevance to this proposal are regional objectives and policies relating to sustainable management, enabling economic wellbeing and planned/coordinated development. The proposed subdivision is considered to promote sustainable management as the additional lots will attract investment to the community and enable more housing to be provided within close proximity to the Okaihau, Waipapa, Kerikeri area. The cumulative effects of this subdivision are assessed as being compatible within this environment. The development seeks to subdivide land within a rural area, where infrastructure can be provided on site. The existing character of the area is a mixture of rural and rural lifestyle, therefore the development will not be out of character.

Overall, it is considered that the proposal would not be inconsistent with the Northland Regional Policy Statement objectives and policies.

*Operative Far North District Plan (ODP)*

The proposed subdivision relies on a specific pathway provided for in the ODP. Rule 13.8.1(c), in conjunction with Table 13.7.2.1(i), creates a specific Restricted Discretionary activity status for lots that existed prior to 28 April 2000. This provision explicitly anticipates and enables a limited, alternate subdivision outcome for historic lots, such as the subject site, that differs from the standard 20-hectare minimum for the zone. This proposal therefore represents a form of development that was specifically contemplated and provided for by the ODP.

This subdivision application is subject to the provisions of the ODP. The site is zoned Rural Production and is to be assessed in terms of the objectives and policies for the zone and the district-wide subdivision and environment provisions. The subdivision would achieve the purpose of the Rural

Production zone which is to ensure its ongoing rural productive purpose that encompasses a wide-range of compatible land use activities, including limited rural lifestyle and residential opportunities in a manner that avoids, remedies or mitigates adverse effects.

Supporting Rural Production zone policies would also be achieved, in particular as a subdivision proposal that is in accordance with the size and scale of these lots would enable a range of compatible farming and rural production activities (including rural lifestyle activities) envisaged in the zone and avoid adverse effects on natural and physical environmental values as well as amenity values.

The proposed subdivision would also achieve the District Plan subdivision objectives and policies being a subdivision that is consistent with the purpose of the Rural Production zone and enabling of land use activities that avoids adverse effects on natural resources and would not exacerbate natural hazards or potential reverse sensitivity conflicts that are not envisaged by the District Plan.

The proposed subdivision would not impact on any identified outstanding landscape, natural feature or any scheduled heritage resource. The proposed lots can provide onsite services where required for further development. The subdivision proposal would not adversely impact on any identified Māori values.

Overall, it is considered that the proposal would not be contrary to any District Plan objective or policy.

#### *Proposed Far North District Plan*

Under the PDP, the site is also located within the Rural Production zone and has recently been through the PDP hearings process, decisions are yet to be released. The objective and policy framework of the PDP have little weight at this time as the application is being processed under a specific, ODP Restricted Discretionary pathway. Applying a broader framework that is yet to be fully taken through the RMA Schedule 1 process would effectively alter the activity status and unlawfully broaden the scope of assessment beyond the parameters established by Section 104C of the RMA and the ODP rule.

To the extent that the PDP policies relate to the actual, lawful matters of discretion (such as managing reverse sensitivity, ensuring safe access, and providing adequate servicing), the proposal is entirely consistent with the anticipated outcomes of the PDP.

#### **Proposed Far North District Plan Objectives & Policies & Weighting**

Section 88A(2) provides that “any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).” This requires applications to

be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

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

- *The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;*
- *Circumstances of injustice; and*
- *The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.*

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Rural Production zone and Subdivision.

## **6.0 NOTIFICATION ASSESSMENT (s95 matters)**

The Council will need to determine the basis on which the application will be processed. These include public notification, limited notification, or non-notification.

### **Public Notification (S95a)**

Section 95A outlines the steps that must be followed to determine whether an application should be publicly notified.

**Step 1** – Details requirements for mandatory public notification. None of these apply to the proposal.

**Step 2** – Details situations where public notification is precluded (if not required under step 2). The application is for a Restricted Discretionary activity, therefore public notification is not precluded under this step.

**Step 3** – Details requirements for public notification in certain circumstances. This includes applications that are determined to be publicly notified under s95D. For this application, it is concluded that potential adverse effects would be less than minor.

**Step 4** – Details requirements in special circumstances. It is considered that there are no special circumstances that would warrant notification.

### **Limited Notification (S95b)**

The amended s95B also includes steps to be followed when deciding whether an application should be subject to limited notification.

**Step 1** – relates to the consideration of certain affected groups and affected persons including any protected customary rights groups or affected marine title groups. There are no such groups affected by this application.

**Step 2** – details requirements for limited notification where the application is for one or more activities that is precluded from limited notification by a rule or standard or is a controlled or prescribed activity. This step does not preclude this application from limited notification.

**Step 3** – relates to boundary adjustments, where an owner of an infringed boundary is to be notified or a prescribed activity. Also relates to any other activity where it is required to determine if a person is an affected person in accordance with s95E. For the purpose of limited notifying an application, a person is an affected person if a consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). Given the proposed lot sizes can meet the restricted discretionary standard, neighbouring property owners are deemed to be affected in a less than minor way.

**Step 4** – relates to requirements to notify where special circumstances exist.

There are no special circumstances that would warrant limited notification of this application.

## **7.0 PART II OF THE RMA**

### **Purpose**

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety.

Proposed Lots 1, 2, 4 and 5 are vacant and will be available for future rural living development including housing within this rural area. This provides opportunities for people looking to purchase land and build a home within the area. Those persons help contribute to the local economy and utilise local services

and infrastructure. Housing is needed within the local area, in all shapes and sizes to accommodate various members of the community. In doing so, this achieves all four well beings as identified within Part 2. Air, water, soil, and ecosystems are not anticipated to be adversely affected by this subdivision within the Rural Production zone. Any effects on the environment are anticipated to be less than minor.

### **Matters of National Importance**

Māori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted, however in the event anything is discovered the accidental discovery protocol will be adhered to.

### **Other Matters**

The development will result in an efficient use of resources with the development occurring within the Rural Production zone providing for activities associated with this zone including future housing where other activities will not be adversely impacted. There will be no adverse impacts on local ecosystems or overall.

## **8.0 CONCLUSION**

This application seeks a Restricted Discretionary resource consent to undertake a 5 lot subdivision within the Rural Production zone. The assessment of effects on the environment concludes that for the reasons outlined in the application, the effects of undertaking this proposal will be less than minor on the surrounding environment.

The proposal was considered to be consistent with the purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and National Environmental Standard for Freshwater.

No National Policy Statements, including the New Zealand Coastal Policy Statement and National Policy Statement for Highly Productive Land, were considered relevant to this proposal.

The Regional Policy Statement for Northland was also reviewed as part of this application. The proposal was considered to be consistent with the aims of this document.

In terms of the ODP, the proposal was assessed against the objectives and policies with the conclusion that it is generally compatible with the aims of the ODP as expressed through those relevant objectives and policies. Commentary against the PDP has also been undertaken concluding that to the extent the PDP policies relate to the actual, lawful matters of discretion (such as managing reverse sensitivity,

ensuring safe access, and providing adequate servicing), the proposal is entirely consistent with the anticipated outcomes of the PDP.

In terms of the potential adverse effects being minor or more than minor, it is considered that there are no directly affected parties to this proposal as all effects can be adequately mitigated.

An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

We look forward to receiving acknowledgment of the application and please advise if any additional information is required.

Yours sincerely,



Andrew McPhee  
Consultant Planner



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA70A/364**  
**Land Registration District** **North Auckland**  
**Date Issued** 15 July 1988

**Prior References**  
NAPR49A/726

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**Estate** Fee Simple  
**Area** 83.4183 hectares more or less  
**Legal Description** Section 42 Block XVI Kaeo Survey  
District

**Registered Owners**  
Debra Muriel Sutcliffe

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**Interests**  
Subject to Section 8 Mining Act 1971  
Subject to Section 5 Coal Mines Act 1979  
11048397.1 CAVEAT BY TOP ENERGY LIMITED - 6.3.2018 at 10:59 am

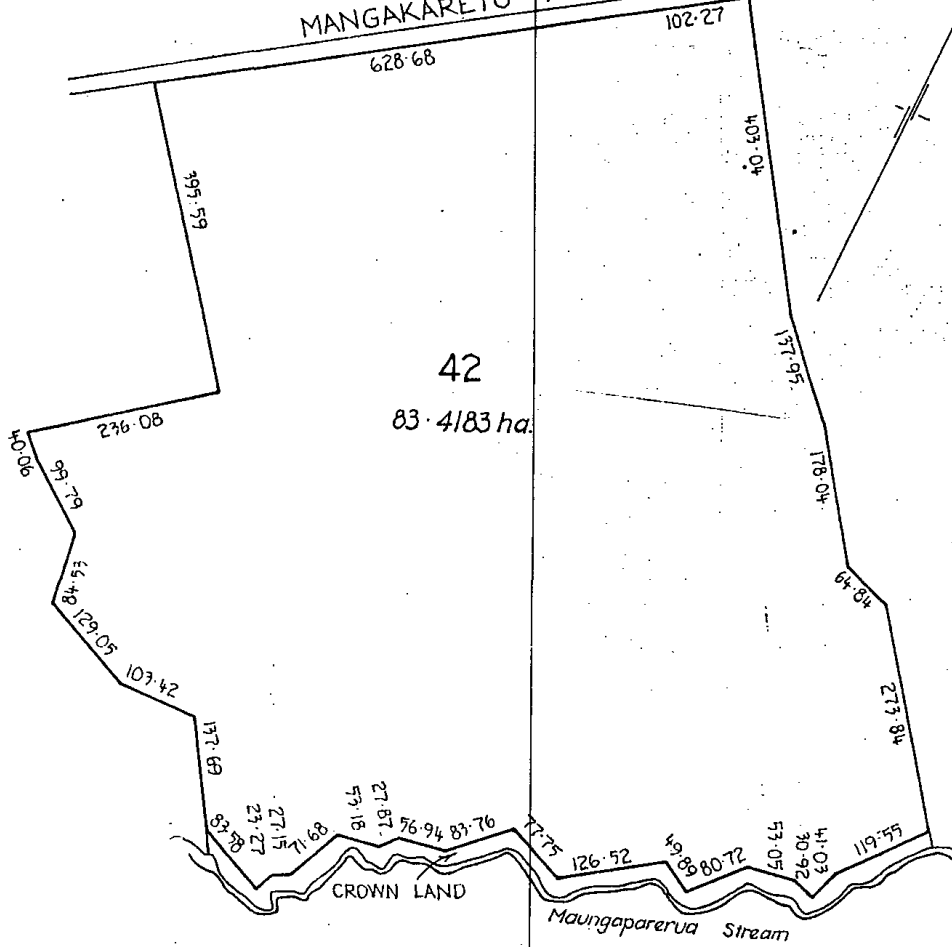
CERTIFICATE OF TITLE

Bik. XVI Kaeo S.D.

MANGAKARETU RD.

42

83.4183 ha.



SO 55477 394 Exd. IV

59328J-15,000/2/81MK



# View Instrument Details

**Instrument Type** Caveat against dealings with land under s137 Land Transfer Act 1952  
**Instrument No** 11048397.1  
**Status** Registered  
**Date & Time Lodged** 06 March 2018 10:59  
**Lodged By** Yonge, Hadleigh Morton

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**Affected Computer Registers** **Land District**  
NA70A/364 North Auckland

---

**Registered Proprietor**  
Debra Muriel Sutcliffe

---

**Caveator**  
Top Energy Limited

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## Estate or Interest claimed

Pursuant to an agreement to grant easement dated 5 March 2018 between Debra Muriel Sutcliffe as grantor and the Caveator as grantee

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## Notice

Take notice that the Caveator forbids the registration of any instrument, having the effect of charging or transferring, or otherwise affecting, the estate or interest protected by this caveat, until this caveat has been withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provisions of Section 145 or Section 145A of the Land Transfer Act 1952.

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## Address for Service of Caveator

Top Energy Limited  
C/- Greenwood Roche  
PO Box 106006  
Auckland  
New Zealand  
1143

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## Address for Registered Proprietor

Debra Muriel Sutcliffe  
C/- Buddle Findlay (Charlotte Von Dadelszen)  
PO Box 2694  
Wellington  
New Zealand  
6140

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## Caveator Certifications



# View Instrument Details

## Caveator Certifications

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

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

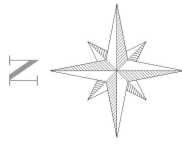
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

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

## Signature

Signed by Hadleigh Morton Yonge as Caveator Representative on 06/03/2018 10:58 AM

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



MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT / DOMINANT TENEMENT
RIGHT OF WAY ELECTRICITY TELECOMMUNICATIONS POWER	(A)	LOT 1 HEREON LOT 2 HEREON
	(B)	LOT 5 HEREON LOT 4 HEREON



**NOTES**

Areas and measurements are subject to final Survey

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. BOI Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose

Rev.	Reason For Issue or Amendment	Date	Drawn	Checked	Surveyed
A	Scheme Plan 557 MANGAKARETU ROAD, OKAIHAU	12/05/26	TW	DC	TW



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PROPOSED SUBDIVISION OF SECTION 42 BLOCK XVI KAE0 SD  
557 MANGAKARETU ROAD, OKAIHAU

JOB NO:	5129	Scale:	1:10000 @ A3
Level Datum:	N/A	Co-ord System:	NZGD 2000
Origin:	-		
Drawing Number:	5129-001	Revision:	A
		Sheet:	1 of 1

CLIENT: SUTCLIFFE