

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

ENV-2026-AKL-

UNDER The Resource Management Act 1991 ("the Act")
IN THE MATTER of Clause 14(1) of Schedule 1 of the Act
BETWEEN **KEN LEWIS LIMITED**
Appellant
AND **FAR NORTH DISTRICT COUNCIL**
Respondent

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST DECISIONS ON THE
PROPOSED FAR NORTH DISTRICT PLAN**

DATE: 6 AUGUST 2026



Andrew Braggins / Anna White
Director / Associate
Phone: 021 662 249
Email: andrew@telawyers.co.nz
Postal: The B Hive, 72 Taharoto Road, Takapuna 0622

To: The Registrar
 The Environment Court
 AUCKLAND

And to: Far North District Council

KEN LEWIS LIMITED (“KLL”) appeals against part of the decisions of the Far North District Council (“Council”) in respect of the Proposed Far North District Plan (“Proposed Plan”).

BACKGROUND AND DECISIONS APPEALED

1. KLL made a submission on the Proposed Plan on 1 September 2022¹, and a further submission on 4 September 2022². KLL presented evidence in support of its submission at the hearing, and as requested by Council, provided further evidence of an alternative approach to rezoning (including relevant natural hazards assessments) prior to the Hearing Panel releasing its recommendations.
2. KLL received notice of the Council’s decision on the Proposed Plan on 30 June 2026 (“Decision”).
3. KLL is not a trade competitor for the purposes of Section 308D of the Act.
4. This submission relates to a site owned by KLL, legally described as ROT NA105B/60 (Lot 1 DP 173052) (“Site”). A plan showing the Site is included below:



¹ Submission number 009.

² Further submission number FS392.

5. The site borders the existing General Residential Zone land and has excellent road connections to both Donald Road and Allen Bell Drive, in Kaitaia.
6. KLL is a family-owned company that has a long-standing family connection to the land through the original owner and grandfather Ken Lewis. Currently the land is used for dry stock farming, and part of the property contains the Far North District Council potable water storage tank which serves the Kaitaia community. The property has an elevated, gentle rolling contour and commands panoramic views across Kaitaia through to Ninety Mile Beach.
7. KLL has an interest in the Proposed Plan appropriately recognising and providing for adequate capacity for growth in areas not effected by natural hazards, such as flooding, and in areas that do not contain high class soils nor are highly productive land.
8. KLL opposed the zoning of the Site on the Planning and Zoning E-Maps under the notified version of the Proposed Plan as Rural Residential and sought that the Site be zoned General Residential under the Proposed Plan.
9. The General Residential zoning that KLL sought to be applied to the Site provides for residential activity with a minimum site area of 600m² per residential unit as a permitted activity³, subject to the standards for that zone⁴.
10. No further submissions were made on this aspect of KLL's original submission.
11. The Commissioners rejected KLL's submission on this aspect, as confirmed in the Decision Report 15C for Rezoning Requests – Rural and Urban Areas, finding that the Site zoning of Rural Residential should be retained as notified.⁵

SCOPE OF APPEAL

12. KLL appeals the parts of the Decision that relate to the proposed zoning of the Site as Rural Residential under the Proposed Plan⁶.

³ Rule GRZ-R3.

⁴ Standards GRZ-S1 – GRZ-S6.

⁵ Page 61, Recommendations report 15C, March 2026. Adopted by the Council on 11 June 2026.

⁶ Submission S9.001.

SPECIFIC REASONS FOR APPEAL AND RELIEF SOUGHT

Planning and Zoning E-Maps Decision - context

13. KLL opposed the zoning of the Site on the Planning and Zoning E-Maps under the notified version of the Proposed Plan as Rural Residential and sought that the Site be zoned General Residential under the Proposed Plan.
14. The General Residential zoning that KLL sought to be applied to the Site provides for residential activity with a minimum site area of 600m² per residential unit as a permitted activity⁷, subject to the standards for that zone⁸.
15. The Commissioners rejected KLL's submission on this aspect, as confirmed in the Decision Report 15C for Rezoning Requests – Rural and Urban Areas, finding that the Site zoning of Rural Residential should be retained as notified ("the Decision").⁹
16. KLL is supportive of the minimum lot sizes and subdivision standards for the both the Rural Residential zone (as applied to the Site in the notified version of the Proposed Plan) and the General Residential zone (as it seeks to have the Site zoned).¹⁰

General reasons for appeal

17. The Decision wrongly zoned the site Rural residential and as a result:
 - (a) fails to appropriately promote the purpose of the Act; being the sustainable use of resources;
 - (b) is contrary to Part 2 and other provisions of the Act;
 - (c) does not give effect to national policy statements including, but not limited to, the National Policy Statement for Urban Development (NPS-UD) 2020 and the National Policy Statement for Natural Hazards 2025.

⁷ Rule GRZ-R3.

⁸ Standards GRZ-S1 – GRZ-S6.

⁹ Page 61, Recommendations report 15C, March 2026. Adopted by the Council on 11 June 2026.

¹⁰ Submission S9.001.

- (d) does not give effect to the regional policy statement;
 - (e) is inconsistent with the relevant strategic provisions of the Proposed Plan;
 - (f) is inconsistent with other relevant planning documents;
 - (g) will have unacceptable environmental, economic, social costs including opportunity costs;
 - (h) will not meet the reasonably foreseeable needs of future generations; and
 - (i) is not the most appropriate zone.
18. As a result, the decision erred in failing to include the Site within the General Residential Zone and selecting a zone which is not the most appropriate way to achieve the purpose of the Act.
19. In particular, without limiting the generality of the above:
- (a) The Site should be zoned General Residential because it:
 - (i) adjoins existing General Residential zoned land and is a coherent extension of the exiting township;
 - (ii) has excellent connection to existing main traffic routes with access to both Allen Bell and Donald Road;
 - (iii) is elevated with the ability to connect to future three waters infrastructure and such elevation allows for future development that is located away from known flooding hazards;
 - (iv) does not contain high class soils or highly productive soils upon which development id to be avoided;
 - (b) The latent capacity of the existing land zoned for residential development is conflated by optimistic higher density zoning (such as apartment type living), which there is no evidence for demand for such. Therefore, more land is required to be zoned as General Residential in order to meet evidenced based future demand.

- (c) Zoning the Site General Residential is consistent with the Regional Policy Statement because:
- (i) A central issue for the Kaitaia township is the impacts of flooding and the proposed approach to ongoing urban use and development (and development capacity) in Kaitaia is inconsistent with the National Policy Statement for Natural Hazards and the National Policy Statement for Urban Development (NPS-UD) 2020.
 - (ii) The current planned urban form for Kaitaia is inconsistent with the Regional Policy Statement, including:
 - (A) Section 2.3¹¹ Economic potential and social wellbeing: Northland has not effectively and sustainably managed its natural and physical resources to fully realise its economic potential and social wellbeing. The inconsistency arises from limiting the efficient and effective development of the Site, while leaving large parts of the Kaitaia township susceptible to natural hazards;
 - (B) Section 2.4:¹² Unplanned and un-coordinated development and poor urban design can lead to reduced levels of amenity, higher infrastructure costs, and reduced community wellbeing, because insufficient opportunities for growth outside of flood risk areas remain;
 - (C) Section 2.7:¹³ Natural hazards, particularly flooding and coastal erosion and inundation, have the potential to create significant risk to human life, property, community and economic wellbeing in Northland. This risk is projected to increase as a result of a changing climate, for a similar reason.

¹¹ And associated objectives and policies of the Regional Policy Statement.

¹² And associated objectives and policies of the Regional Policy Statement.

¹³ And associated objectives and policies of the Regional Policy Statement.

(iii) For the reasons set out above the current planned urban form for Kaitaia is inconsistent with the Proposed Plan's strategic direction provisions including, without limitation, the following:

(A) Social Prosperity Objective SD-SP-O4: Promotion of communities and places which are adaptive to climate change that will meet the needs for not only the present population but future generations.

(B) Economic Prosperity Objective SD-EP-O5: A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.

Relief sought

20. KLL seeks:

- (a) That the Site is zoned General Residential under the Proposed Plan.
- (b) Such further, alternative or subsequent amendments needed to give effect to this appeal;
- (c) Any necessary consequential amendments;
- (d) Other equivalent relief; and
- (e) cost of and incidental to this appeal.

ATTACHMENTS

21. The following documents are attached to this notice of appeals:

- (a) A copy of the relevant parts of the Decision.
- (b) A copy of KLL's submission.
- (c) A list of relevant names and addresses of person's who made a submission who are to be served with a copy of this notice.

KEN LEWIS LIMITED by its solicitors and authorised agents The Environmental Lawyers:



A W Braggins / A L White

Date: 6 August 2026

To: The Registrar of the Environment Court

Address for Service: C/- Andrew Braggins
The Environmental Lawyers, Level 4, The B:Hive,
74 Taharoto Road, Auckland.

Telephone: +64 21662249

Email: andrew@telawyers.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; **and**
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

***How to obtain copies of documents relating to appeal**

The copy of this notice served on you does not have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

APPENDIX 1 – RELEVANT PARTS OF THE DECISION

APPENDIX 2 – KLL’S SUBMISSION

APPENDIX 3 – LIST OF RELEVANT SUBMITTERS FOR SERVICE

Submitter Number	Submitter Name	Contact Name	Address for Service	Email
S178	Reuban Wright	A Hartstone, Set Consulting Limited	PO Box 4255, Kamo 0140	alister@setconsulting.co.nz
S306	Selwyn Garton	-	7 Rongopai Place, Kaitaia 0410	selwyn@supafeeds.co.nz
S369	Brady Wild	Nina Pivac, Tohu Consulting Limited	39A Commerce Street, Kaitaia 0410	nina@tohuconsulting.nz
S81	John and Rachel Stewart	-	PO Box 96, Kaitaia 0441	john.stewart@printing.com rachel.stewart@printing.com
S284	Trent Simpkin	-	49 Matthews Avenue, Kaitaia 0410	trent@arcline.co.nz
S288	Tristan Simpkin	-	49 Matthews Avenue,	tsimpkin@arcline.co.nz

			Kaitaia 0410	
S357	Sean Frieling	-	295C State Highway 1, Kaitaia 0482	office@kustombuild.co.nz
S358	Leah Frieling	-	295C State Highway 1, Kaitaia 0482	office@westcoastfarms.co.nz
S464	LJ King Limited	Logan King	346 State Highway 1, RD 2 Kaitaia	ljkingltd@gmail.com
S472	Micheal Foy	-	1421 Church Road, Kaingaroa 0482	office@foyproperty.co.nz
S485	Elbury Holdings	Kevin (Joe) King	345 State Highway 1, RD2, Kaitaia 0482	office@elbury.co.nz
S502	Northland Planning and Development 2020 Limited	Rochelle Jacobs, Sheryl Hansford and Alex Billot	PO Box 526, Kaitaia 0441	info@northplanner.co.nz

S519	Elbury Holdings	Fiona King	345 State Highway 1, RD2, Kaitaia, 0482	elbury@xtra.co.nz
S543	LJ King Limited	Logan King	346 State Highway 1, RD2, Kaitaia 0482	ljkingltd@gmail.com
S547	LJ King Limited	Logan King	346 State Highway 1, RD2, Kaitaia 0482	ljkingltd@gmail.com



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PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL
RECOMMENDATION REPORT 15C
Hearing 15C: Rezoning Requests – Rural and Urban Areas
March 2026

Recommendation Report 15C

Recommendation Report 15C is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 9 and 14**.

Recommendation Report 15C contains the Hearings Panel recommendations on requests for rural and urban rezoning.

Recommendation Report 15C also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 15C contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Haruru Development Area

Appendix 3 Hearings Panel Recommended Amendments to Planning Maps

Appendix 3.1 Recommended Amendments to Planning Maps – Rural Rezoning Requests

Appendix 3.2 Recommended Amendments to Planning Maps – Urban Rezoning Requests

Appendix 4: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 4.1 Recommended Decisions on Submissions - Rural Rezoning Requests

Appendix 4.2 Recommended Decisions on Submissions - Urban Rezoning Requests

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chairperson; Felicity Foy – Council member and Independent Commissioner; Steve McNally - Independent panel member; and Alan Watson – Independent panel member.

Commissioner Steve McNally was originally appointed as a Council member but was not re-elected in the 2025 Local Body elections. However, having gained certification under the Making Good Decisions programme, he continued as an Independent Panel Member for Hearing 15C and Hearing 16.

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4.4 Key Issue 1: Ken Lewis Limited (S9) and Allen Bell Drive, Kaitaia

4.4.1 Matters Raised in Submissions

Ken Lewis Limited (S9.001) seeks a General Residential zone be applied to 64ha of land at Donald Road and Allen Bell Drive, Kaitaia (Lot 1 DP 173052) rather than the notified RRZ. The submitter considers that the application of the General Residential zoning for this site is appropriate as the site adjoins the General Residential zone along the western and northern boundary. No further submissions were received.



Figure 14 - Ken Lewis Limited Part Lot 1 DP 173052 - Donald Road and Allen Bell Drive, Kaitaia

The submitter chose to “opt-in” to the process for rezoning submissions set out in Minute 14 from the Hearing Panel. A meeting was accordingly arranged with the reporting planner and the submitter’s representatives at which expert evidence was provided by the submitter which was then peer reviewed by Council experts. That review showed potential difficulties with the rezoning sought. The economic assessment indicated that only 18% of the site would be required to meet long term demand and significant infrastructure upgrades would be necessary to support development at the proposed scale. The reporting planner was not able to support the rezoning but noted the submitter may wish to consider an amended proposal.

For the submitter Sarah Robson then provided further planning evidence at the hearing and also evidence from Mr Yin an environmental engineer that addressed the flooding potential of the area. We had the opportunity during the hearing to discuss the consideration of a staged approach and whether there was some “middle ground” in the master plan Ms Robson produced.

4.4.2 Hearings Panel Evaluation

We acknowledge the quality of the information provided by the submitter but find that even with a reduction in the area sought to be rezoned that the General Residential zoning

would enable residential capacity for Kaitaia that significantly exceeds the projected long term demand (estimated at some 210 dwellings). The potential scale of the relief sought at 500 dwellings is excessive relative to demand and cannot be supported by economic evidence, it raises concerns for inefficient use of land and potential speculative behaviour.

There are also infrastructure constraints in relation to water supply and wastewater which would require upgrades to those systems and particularly the need to co-ordinate with FNDC's programme of works. We acknowledge that the site adjoins land zoned General Residential making it a logical and contiguous extension of Kaitaia's urban area, but significant infrastructure upgrades would be required to support the level of development that would need to be provided for through rezoning.

We find that retaining the Rural Residential zoning allows for a more measured, demand-responsive approach to growth, and ensures that future development is aligned with actual market needs and infrastructure capacity. On balance, the evidence supports retaining the existing zoning to protect the integrity of Kaitaia's urban form and to manage infrastructure investment prudently.

4.4.3 Hearings Panel Recommendations

That for the reasons set in 4.4.2 above we recommend the submission by Ken Lewis Limited (S9.001) is rejected and the zoning of the land at Donald Road and Allen Bell Drive (Lot 1 DP 173052) is retained as notified as RRZ.

4.5 Key Issue 2: Victoria Yorke and Andre Galvin (S567 and S530), Haruru

4.5.1 Matters Raised in Submissions

Andre Galvin (S567.004) and Victoria Yorke and Andr  Galvin (S530.003) seek that a Settlement zone is applied to 3.9ha of land at Puketona Road, Haruru (Lot 1 DP 53506) and that the High Natural Character (**HNC**) overlay be reduced. Both consider that a residential zoning is appropriate as the site adjoins an existing residential area, and partial rezoning of the property for more intensive residential use would consolidate growth around the urban centre.

Address: 2 Cochrane Drive, Kerikeri
127 Commerce Street, Kaitaia
Phone: 09 407 5253
Email: office@bayplan.co.nz



To: District Plan Team – Attention: Greg Wilson
 Strategic Planning & Policy
 5 Memorial Avenue
 Private Bag 752
 Kaikohe 0440
 Email: greg.wilson@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. Details of persons making submission

Ken Lewis Limited
 C/- Bay of Islands Planning (2022) Limited
 Attention: Steven Sanson
 PO Box 318
 PAIHIA 0247

2. General Statement

Ken Lewis Limited are directly affected by the Proposed Far North District Plan. They seek to remove the Rural Residential Zone that covers their landholding on Donald Road and Allen Bell Drive, Kaitaia.

Ken Lewis Limited cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.

3. **Background & Context**

Background

Ken Lewis Limited owns a substantial holding of some 64ha which has frontage to Donald Road and Allen Bell Drive, Kaitaia. Currently the land is used for dry stock farming and part of the property contains the Far North District Council potable water storage tank which serves the Kaitaia community. The property has a gentle rolling contour and commands panoramic views across Kaitaia through to Ninety Mile Beach.

Site Descriptions

The land to which this submission relates comprises the following Record of Title:

- ROT NA105B/60 (Lot 1 DP 173052).

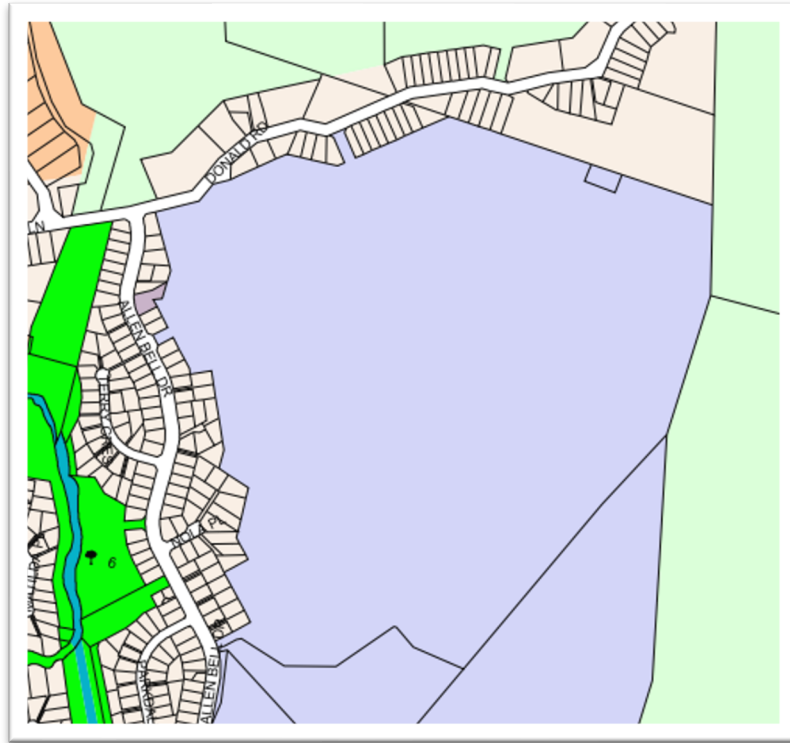
A plan showing the location of the land is provided at **Figure 1**.



Figure 1 - Site

Operative and Proposed District Plan Zoning

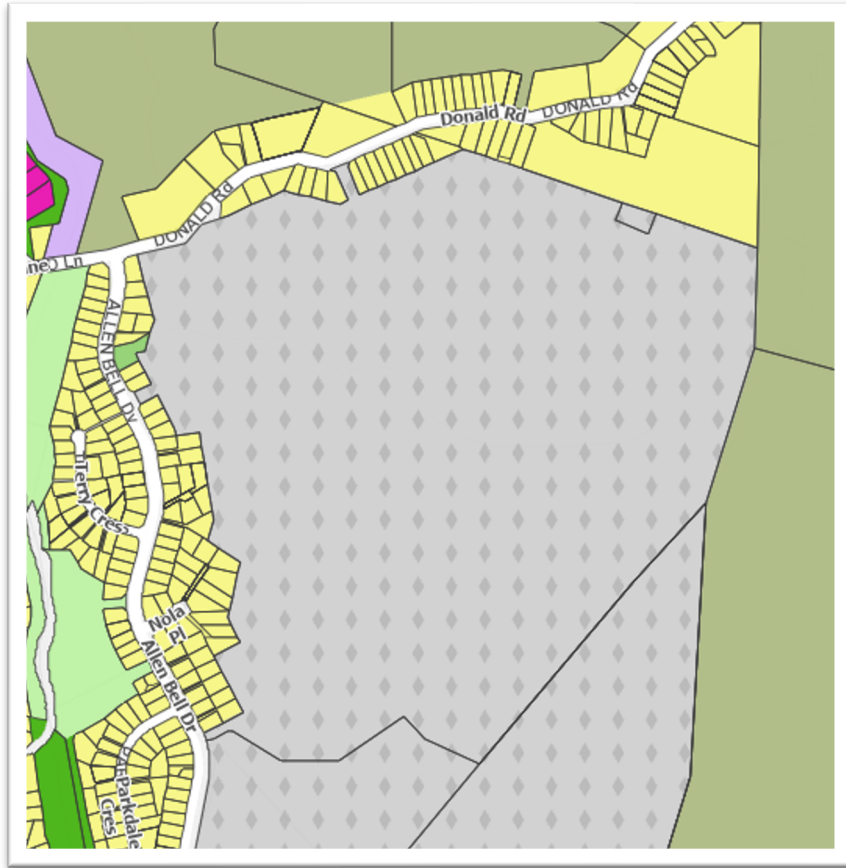
The Operative District Plan reveals the site is zoned **Rural Living**.



ODP Zone Map

The PDP seeks to apply the **Rural Residential Zone** over the site and those adjoining to the south with the General Residential Zone being applied to the existing residential sites adjoining the common northern and western boundaries. The PDP also indicates the property is influenced at a very limited degree by a 1:100-year flood event. This event does not impact on any onsite facilities nor any practical future development of the site.

The site is also impacted by Airport Protection Structures in relation to the Kaitaia Airport.



PDP ZONE MAP

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- Proposed Planning / Zone Maps which relate to the landholding referred to in Section 3 of this submission.
- The **Rural Residential** and **General Residential Zone - Minimum allotment sizes** under **Rule SUB-S1**.

5. **Ken Lewis Limited seek the following amendments/relief:**

This submission requests that the Proposed Far North District Plan:

- Removes the ^{S9.001}~~Rural Residential Zone~~ and replace with the **General Residential Zone** as they are provided for on the PDP E-Maps.
- The subdivision standards for ^{S9.003}~~Rural Residential~~ and ^{S9.002}~~General Residential Zones~~ are retained in the PDP.

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

- The submitters property adjoins the General Residential Zone along its western and northern boundaries and has direct access onto Allen Bell Drive and Donald Road. The site represents a future urban possibility for supplying Kaitaia with urban allotments.
- This property has access to main traffic routes with access to both Allen Bell and Donald Road.
- Residential subdivision approvals have been granted to enable the creation of seven residential sites as Non-Complying activities. A copy of this approval although lapsed is found in **Attachment 1**.
- The elevation of the property enables efficient use of gravity to allow connection to the Council's three waters services. These are near the site, with potential connections available pending infrastructure upgrades. A priority within Council's 30-Year Infrastructure Strategy is to reduce stormwater infiltration and a \$13.4million upgrade to ensure higher quality wastewater discharge from the Kaitaia system. These upgrades may assist

further connections to the site. However, the key point here is ensuring that the land is appropriately zoned now to allow for such potential.

- The land is not identified as containing any high class soils or being defined as highly productive. This avoids the use of these soils proposed to be subdivided within the PDP.
- The inclusion of the land within the General Residential Zone is a coherent extension of the residential area which creates the urban area of the Kaitaia town centre.
- A central issue for the Kaitaia township is the impacts of flooding. Despite the evidence within the s32 Reports and supplementary information relating to population growth and latent supply of land in Kaitaia. The key factor which seems to be lacking in the analysis is the appropriate location of future urban land. Rather the Plan focuses on existing land to enable growth and this, in our view has not been undertaken with all relevant considerations in mind. Hazards in this particular instance are considered as a legitimate threat to the latent residential supply in Kaitaia meeting future population growth estimates. The submitters property is located on elevated land and presents a bona fide future residential opportunity for the township that is located away from the current flooding hazard that covers the large majority of the Kaitaia township.
- The other matter to consider in terms of genuine residential development under the PDP is the approach to use the mixed-use zone for multi-level commercial and residential development. Whilst the intent behind the rules is clear and the Plan does enable such uses, there is no widespread evidence that Kaitaia is ready for apartment type – or above town centre living. Again, this compromises the latent capacity

figures provided in Council s32 Reports and accompanying documentation.

- The subdivision standards reflect efficient use of land and maintain an intensity and scale found with urban areas of the District. These are supported for the Rural Residential and General Residential Zones.

7. **Ken Lewis Limited wish that the Far North District Council to address the above issue by:**

1. Amend the proposed zone for the subject site from Rural Residential to the **General Residential Zone**.
2. Retain the **Minimum allotment sizes** for the **Rural Residential and General Residential Zones**.
3. Any other relief to achieve the outcomes sought by this submission.

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,



Steven Sanson

Director | Consultant Planner



Reviewed by

Jeff Kemp

Principal Planning Consultant

On behalf of Ken Lewis Limited

Dated this 01st Day of September 2022

Attachment 1: Existing Approval



**FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (Section 127)**

Resource Consent Number: 2110103-RMAVAR/A

Pursuant to section 127 of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants consent to:

KEN LEWIS LTD

To change the conditions of consent for RC 2110103, being a consent to subdivide Lot 1 DP 173052 to create 8 additional rural lifestyle blocks plus a Road to Vest.

Subject Site Details

Address: Donald Road, Kaitaia
Legal Description: Lot 1 DP 173052
Certificate of Title reference: NA-105B/60

The following changes are made to the consent conditions:

The changes to conditions sought relate to the extension of the proposed Road to Vest (Lot 9) to include all of the land formally proposed to be covered by Right of Way Easement A.

The following conditions require amending or deletion as a result of this request to change conditions.

1. Amend condition 1 to reflect the revised scheme plan and new reference date.
2. Amend condition 2(c) to make reference to easements for wastewater and stormwater for all lots within the subdivision.
3. Amend condition 2(d) to reflect Road to Vest rather than Right of Way Easement A.
4. Amend condition 3(a) as required (bullet point references) to reflect the ROW Easement changing to Road to Vest.
5. Delete condition 4(e) as the ROW formation is now covered by Road to Vest and addressed under conditions 3(a) and 4(a).
6. Delete condition 4(g) relating to the turning head – now to be covered by conditions 3(a) and 4(a).

For the purpose of clarity the complete amended conditions of consent are as follows:

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Von Sturmers, referenced 12137.01 Rev. 1, dated 17/07/12, and attached to this consent with the Council's "Approved Stamp" affixed to it.

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:

- (a) All easements to be duly granted or reserved.
- (b) Lot 9 as Road to Vest.
- (c) Easements for wastewater and stormwater purposes where required.
- (d) Lot 9 (Road to Vest) having sufficient space at its termination for a turning head as required by condition 3(a).

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 all works on Council Road and works which are to vest in Council. The plans and details shall be approved by Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines: 2009 and NZS4404:2004.

In particular the plans shall show:

- The new road to vest complying with the Council Type A Urban Roading Standard. Provide a turning head at the termination of the Road to Vest to facilitate the turning of a Heavy Rigid Vehicle.
 - The intersection of the new road with Donald Road
 - A reticulated sanitary sewer with connections servicing Lots 1-4
 - Provision for the collection, control, and disposal of stormwater
 - Details of earthworks and associated erosion and sediment control measures
 - Reticulated water supply with metered connections for each lot
 - Signage and road marking as required.
- b) Following approval of the plans and selection of the contractor provide to Council;
 - details of the successful contractor
 - details of the planned date and duration of contract
 - details of the supervising engineer
 - a traffic management plan.
 - c) Provide for Councils approval a preferred road name and two alternatives for the road to vest. The applicant is advised that in accordance with Community Board policy that road names should reflect the history of the area.

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

- a) Upon completion of the works in 3(a) above provide certification of the work from a Chartered Professional Engineer that all works have been completed in accordance with the approved plans.
- b) Provide evidence that a maintenance agreement has been entered into with the contractor who is to maintain the work on legal road or road which is to vest in

Council for a minimum period of 12 months. The minimum value of the bond or money held in lieu of a bond is to be 10% of the construction cost.

- c) Provide to Council as-built plans complying with Schedule 1D of NZS4404:2004.
- d) Pay to Council the cost of purchasing and installing a road name sign for the road to vest. The road name is to reflect the outcome of condition 3 (c) above.
- e) Provide a formed and sealed entrance to each lot which complies with the Engineering Standards FNDG/S/6 & 6B.
- f) Provide evidence that electrical and telecommunication services have been reticulated to the boundary of each lot.
- g) Provide to Council a cost estimate for the supply and installation of the treatment system and effluent disposal system or an equivalent system described in the site suitability report prepared by Effluent Drainlayers Ltd for Lots 5-8 and submitted within the application. The costing shall include all interconnecting pipe work, fitting and valves and electrical wiring if the treatment system requires power to operate. The costing shall be valid for a period of 6 months from the date of issue of the 224(c) certificate.
- h) 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 Applicant.

All Lots

- (i) The applicant shall submit for the approval of Council an on-site Stormwater Management Plan. The plan shall detail the on-site retention of stormwater from impermeable surfaces with flow attenuated discharge such that the total stormwater from the respective lot is no greater than discharged pre-development runoff for rainfall events up to and including a 1 in 50 year ARI. The report shall be prepared by a Chartered Professional Engineer and submitted in conjunction with any Building Consent application.

Lots 5, 6, 7, & 8

- (ii) In conjunction with the erection of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system (or an equivalent system) as required by condition 4(g) of RC 2110103/A and detailed in the report prepared by Effluent Drainlayers Ltd.

The installation shall include an agreement with the system supplier, or their authorised agent, for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

Where a wastewater treatment and disposal system differs from that described in the above mentioned report, a new site and soil evaluation report will be required to be submitted with a Building Consent.

The cost estimate of the installed system is \$_____+GST. The costing is valid for a period of 6 months from the date of issue of the Section 224(c) certificate.

Advice Notes

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the New Zealand Historic Places Trust. Should any site be inadvertently uncovered, the procedure is that work should cease, with the trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains).
2. Details of wastewater treatment and effluent disposal system and its cost will be conveyed to a prospective purchaser by Consent Notice. Where a disposal area is chosen which differs from that described in the TP58 / site and soil evaluation report a new site and soil evaluation report will be required to be submitted for approval prior to the installation of the system.

Statutory Information

1. Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

Reasons for the Decision

1. Description of the Activity:

The proposed subdivision of Lot 1 DP 173052 to create 8 additional rural lifestyle blocks plus a Road to Vest. The variation requests that proposed ROW Easement A be changed to Road to Vest and that related conditions be modified accordingly.

2. District Plan Rules Affected:

Any application under Section 127 seeking to change conditions of consent are treated as a Discretionary activity for the purposes of the Act.

3. Principal Issue[s] in Contention and Main Findings on those Issues:

The principal issue in contention and main finding on those issues were:

- (a) Issue
 - Extension of the Road to Vest
- (b) Main Findings

Road to Vest

The proposed changes to conditions see the previously small stub road to vest being extended to incorporate all of what was previously ROW Easement A. The changes to the conditions requested do not alter the physical formation requirements such as the need for a turning head at the access termination. The changes do not increase the number of lots being served by the new road. The biggest difference is from a legal perspective with a ROW Easement now proposed to be Road to Vest.

Council's Roading team are comfortable with the request and note that the proposed road is likely to serve other properties in the future. The initial design of the original ROW and now new Road to Vest is consistent with the Council's Engineering Standards and Guidelines with respect to legal and formation widths. The overall effects of the request to change from ROW and to extend the Road to Vest is considered to be minor.

4. Relevant Statutory Provisions:

Policy Statements & Plan Provisions:

The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objectives 13.3.1, 13.3.5, and 13.3.10 and policies 13.4.2, 13.4.5, and 13.4.14 seek to ensure that a subdivision's design including the size of proposed lots, access, and servicing of the proposed lots are effective and efficient. All works are noted as having to be in accordance with the Council's Engineering Standards and Guidelines.

Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

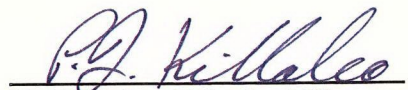
6. Overall Evaluation

The application seeks to change conditions of an approved subdivision by essentially change a ROW Easement A to now be Road to Vest. The resultant changes slightly amend related conditions and references but the physical works required remain the same. The Council's Roading staff are comfortable with the requested changes and raise no concerns or objection to the request.

The effects are considered to be minor and the application is consistent with Part 2 of the Act and is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Wayne Smith, Senior Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:


Pat Killalea, Principal Planner

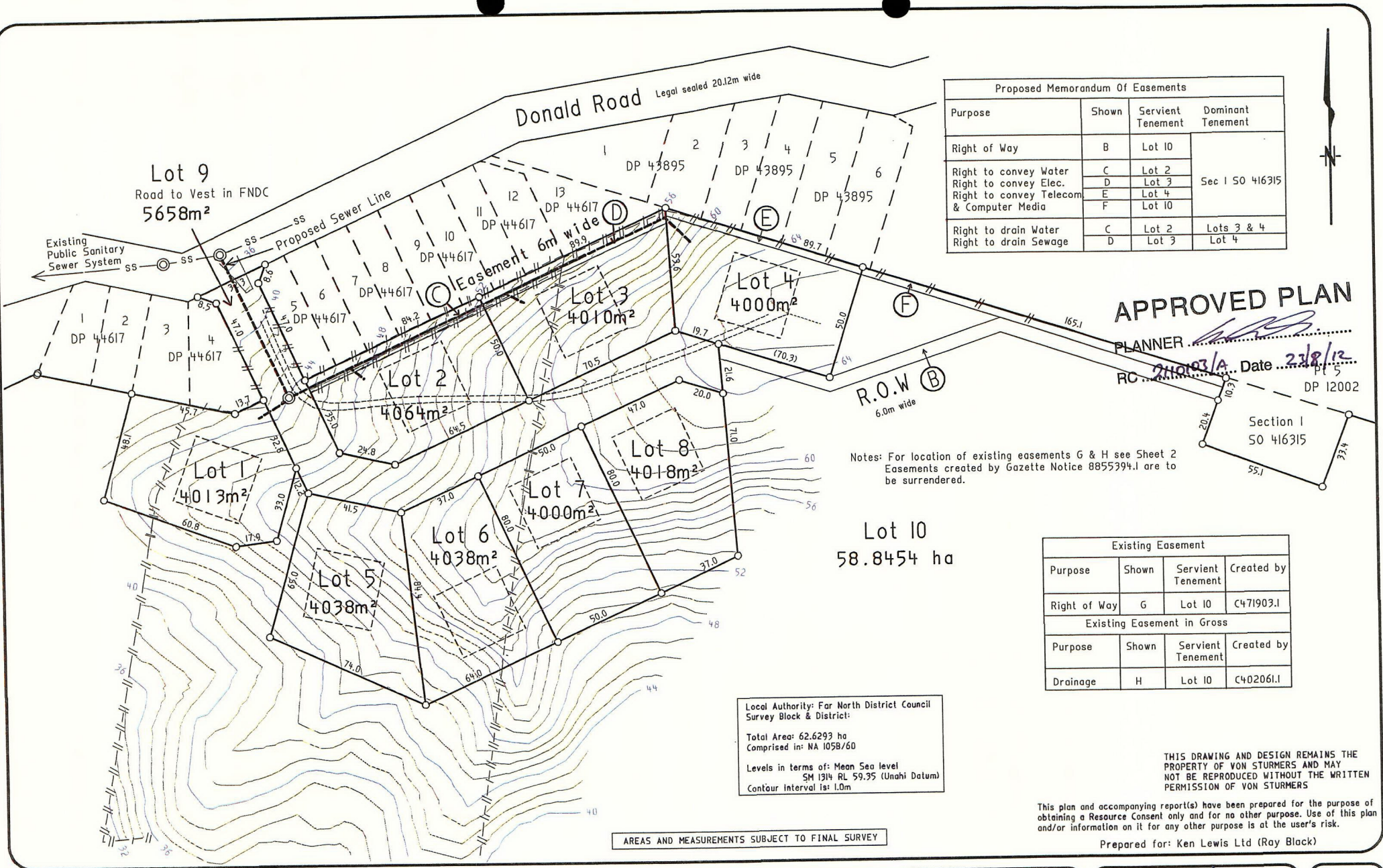
23rd August 2012.
Date

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) 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.

Lapsing Of Consent

You should note that the granting of this consent for a change or cancellation of conditions does not affect the lapsing date of the underlying consent for the proposed activity.



Proposed Subdivision

Donald Road, Kaitaia

for Ken Lewis Limited



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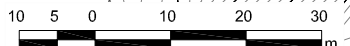
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F: 09 407 8378
E: info@haighworks.co.nz

Contract No. 11 008

DRAFT
May 2012



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Existing Site Plan			
DWG No.	P1	Sheet No.	1 of 6
Scale	1:1000 @A3	Drawn	AP
Checked	JM	Approved	
Date	26/04/2012	File	Z:\HW FILES\111 JOBS\11 008 RAY BLACK\DRAWING\120515 DONALD SUBDIVISION.DWG

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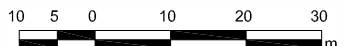
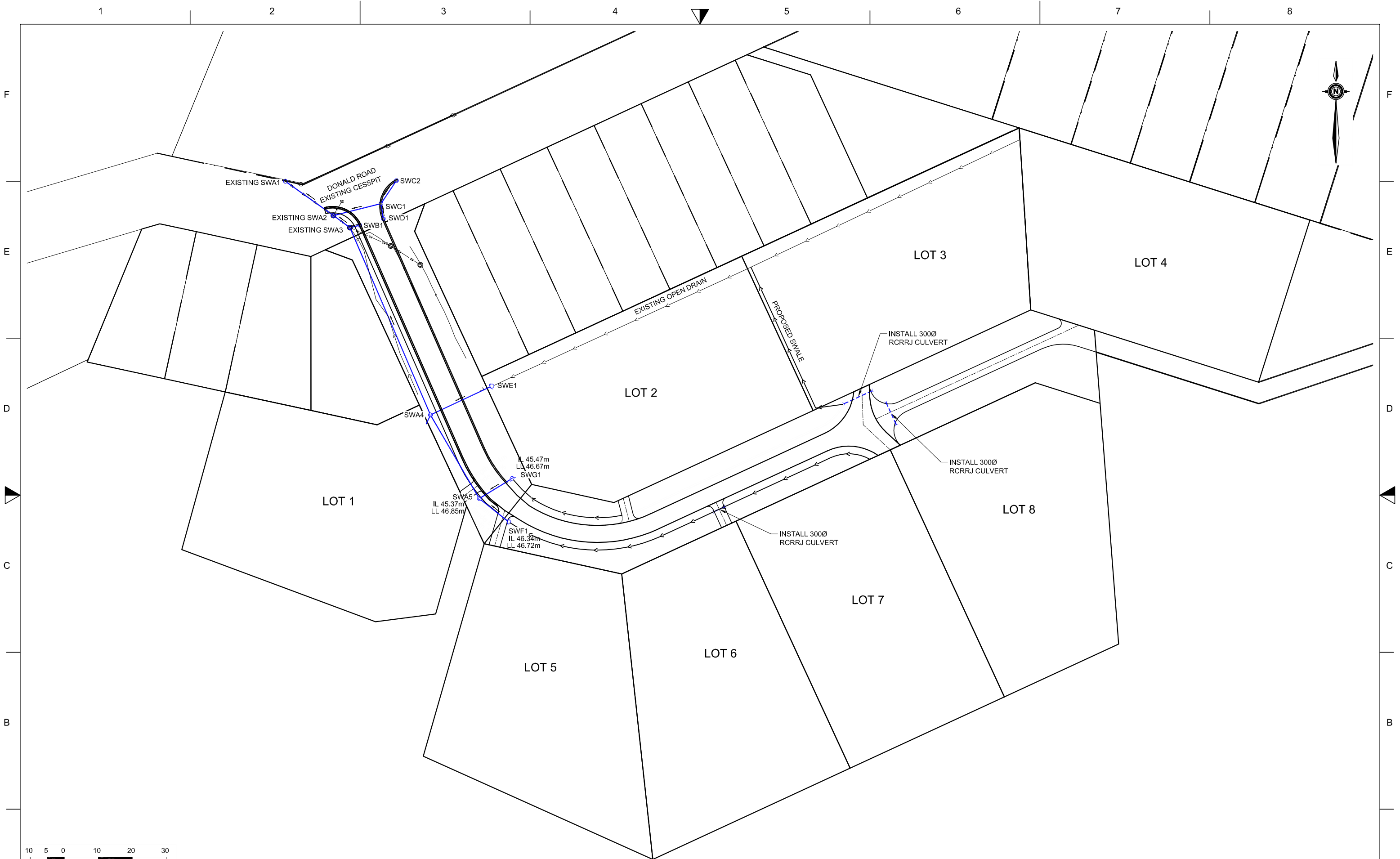
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Client	Ken Lewis Ltd.		
Project No.	11 008	RC no.	2110103



Issue	Date	Revision
-	26/04/2012	DRAFT

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DWG No.	P3	Sheet No.	3 of 6
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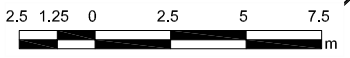
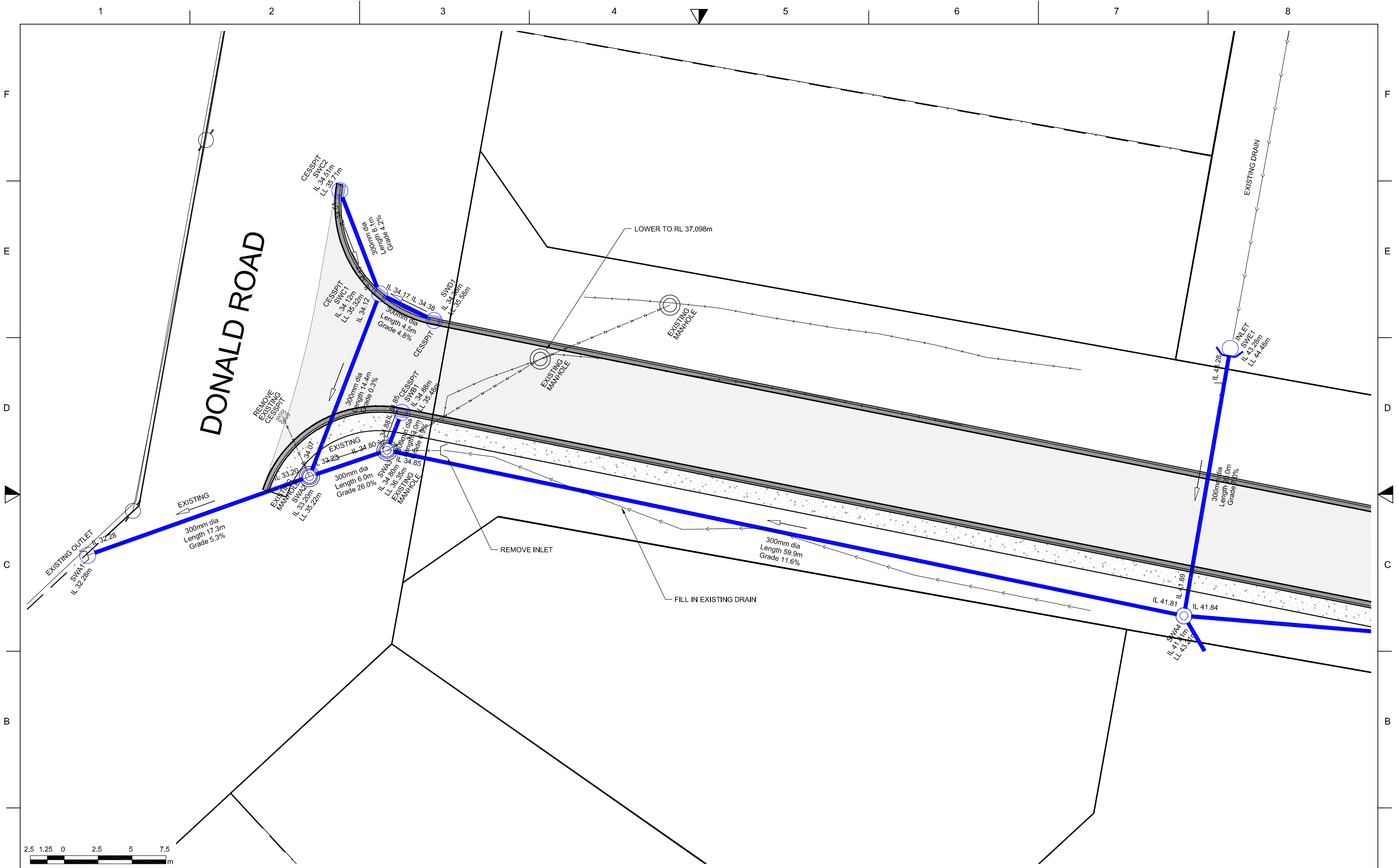
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Issue	Date	Revision
-	26/04/2012	DRAFT

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Approved			
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Date	26/04/2012		

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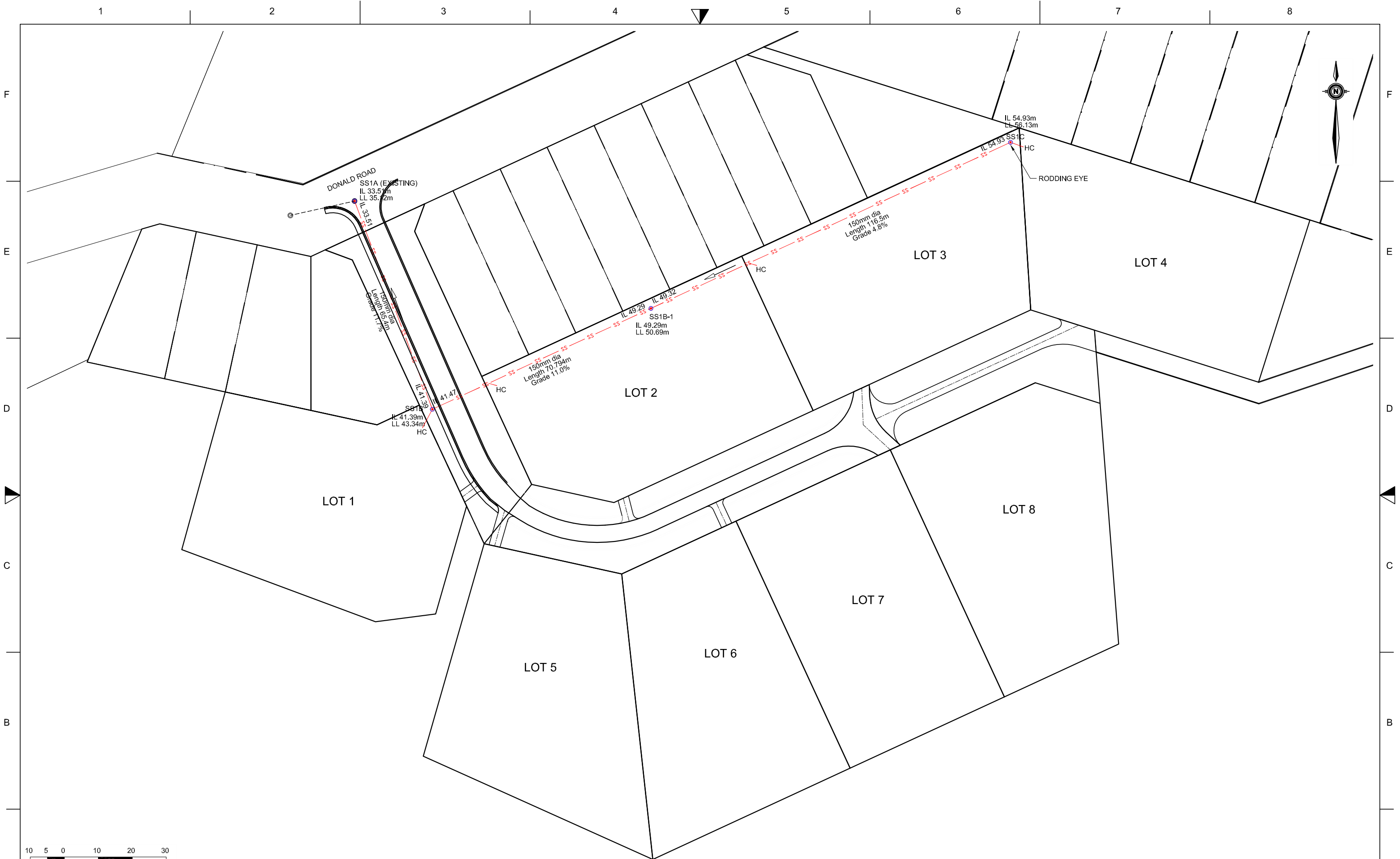
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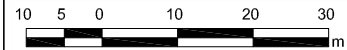
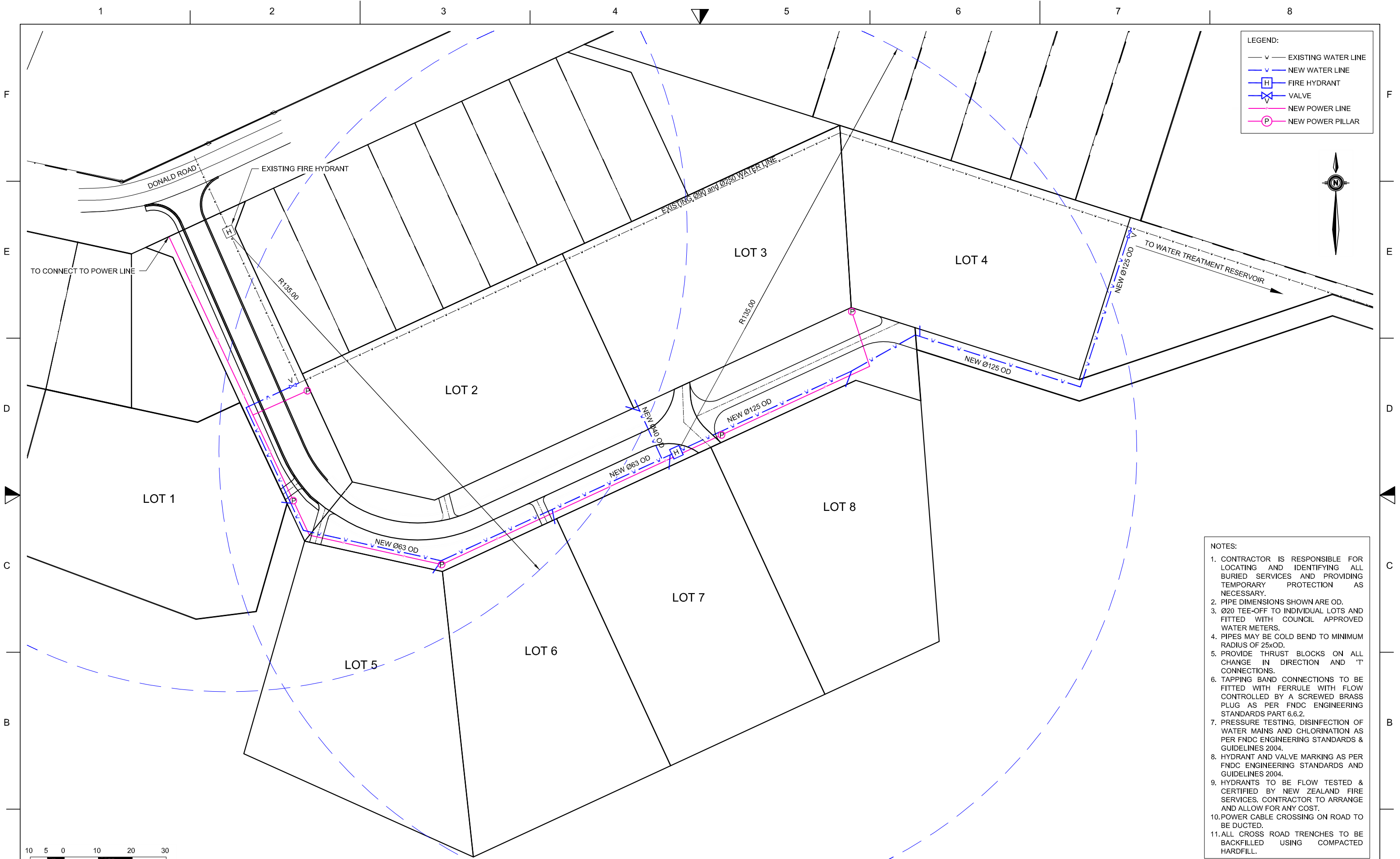
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A	Issue		Date		Revision		DWG Sewer Layout Plan				Note		HAIGH WORKMAN CIVIL & STRUCTURAL CONSULTANTS LTD. 310 Kerikeri Road, Kerikeri, B.O.I. T: 09 407 8327 F: 09 407 8378 E: info@haighworks.co.nz		Project		Proposed Subdivision Donald Road, Kaitaia		A
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Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Water and Power Supply Plan			
DWG No.	P6	Sheet No.	6 of 6
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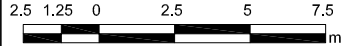
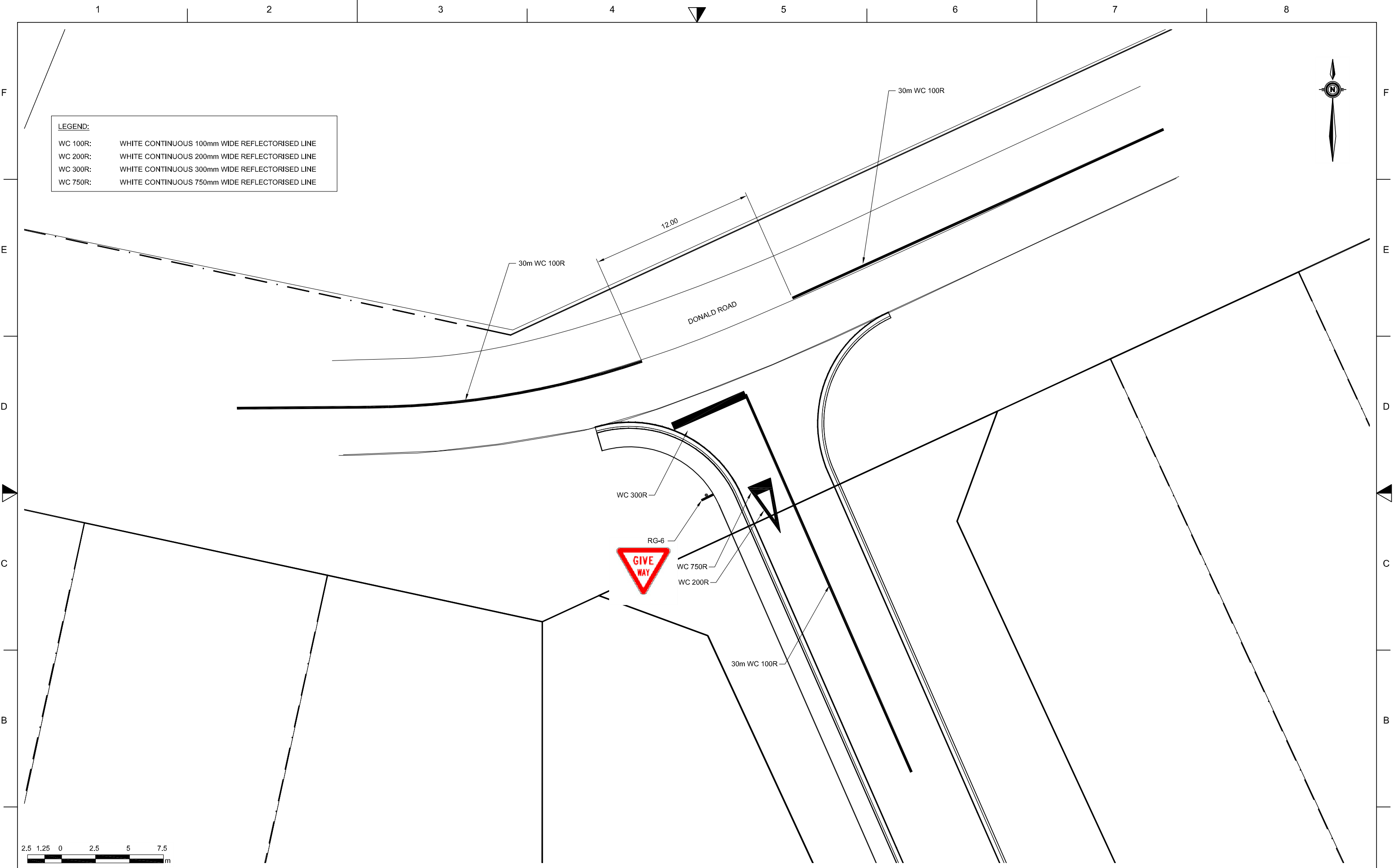
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Project No.	11 008	RC no.	2110103



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Road Pavement Markings & Signage			
DWG No.	RM1	Sheet No. 2 of 6	Scale 1:250 @A3
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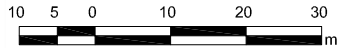
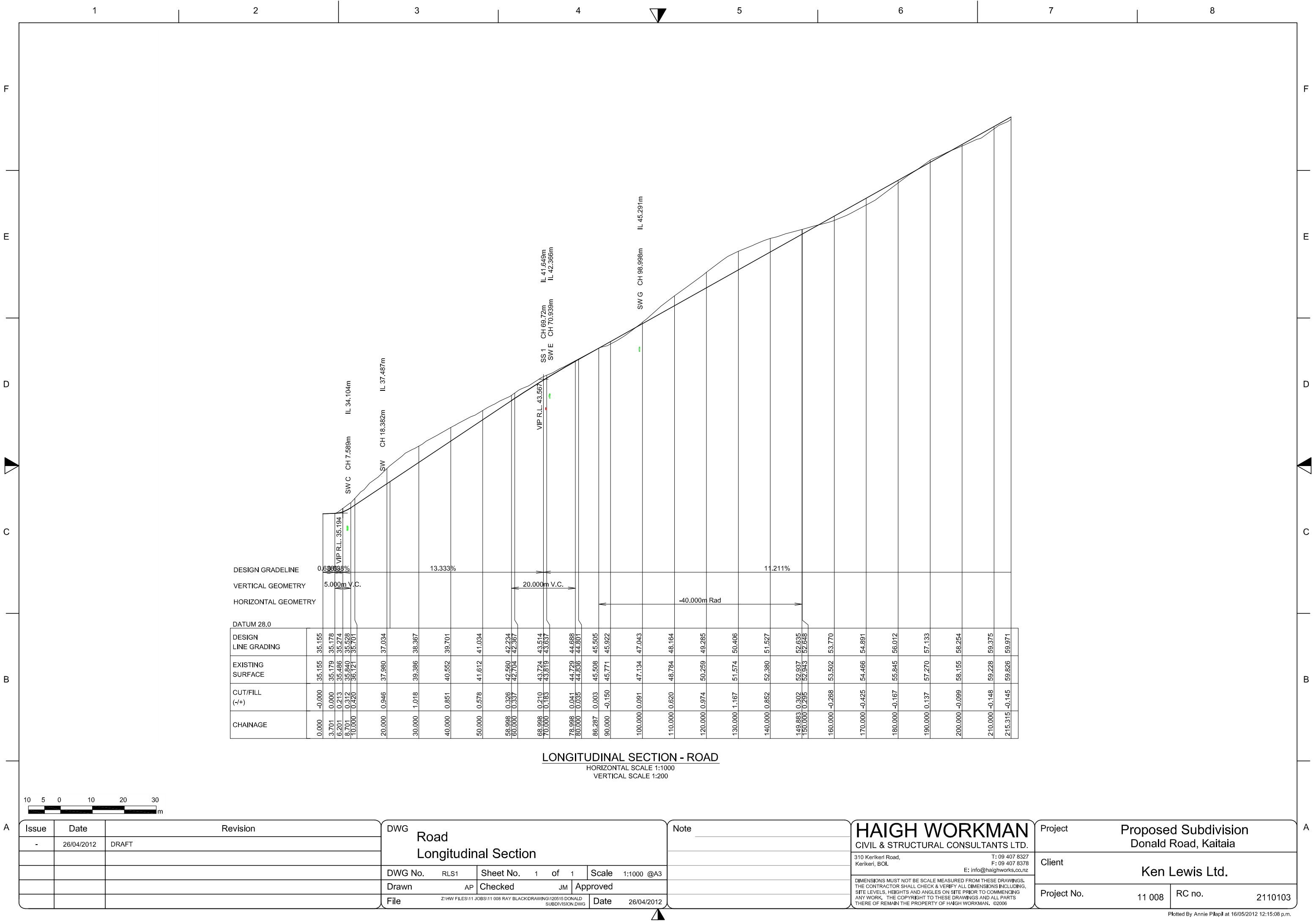
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Issue	Date	Revision	DWG Earthworks and Erosion Control Plan				Note	HAIGH WORKMAN CIVIL & STRUCTURAL CONSULTANTS LTD.		Project	Proposed Subdivision Donald Road, Kaitaia				
-	26/04/2012	DRAFT								Client				Ken Lewis Ltd.	
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-	26/04/2012	DRAFT

DWG Road Longitudinal Section			
DWG No.	RLS1	Sheet No.	1 of 1
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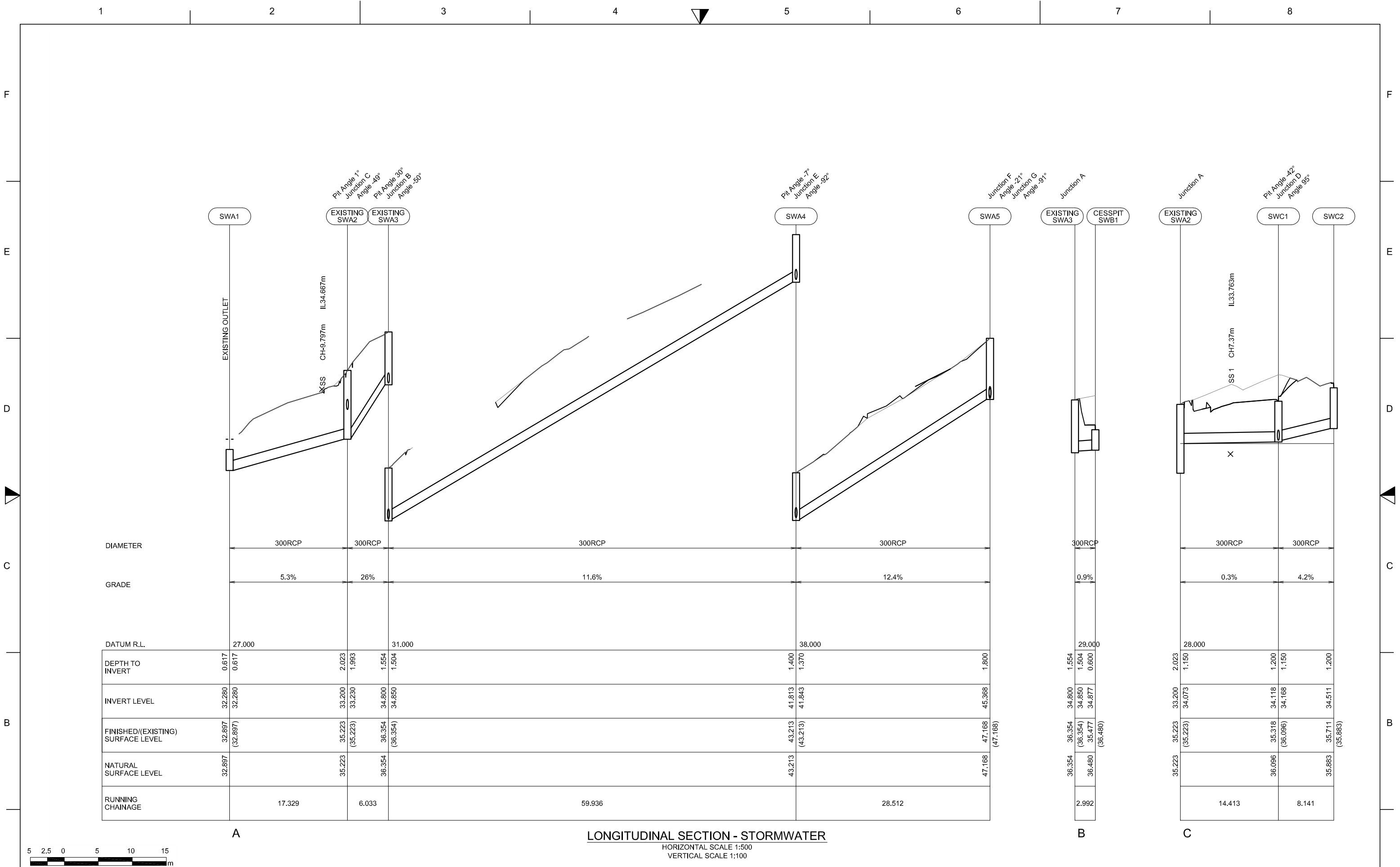
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Kerikeri, BOI.
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F: 09 407 8378
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Project No.	11 008	RC no.	2110103



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG

Stormwater
Longitudinal Section

DWG No. SWLS1

Sheet No. 1 of 2

Scale 1:500 @A3

Drawn AP

Checked JM

Approved

File

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Kerikeri, B.O.I.

T: 09 407 8327
F: 09 407 8378
E: info@haighworkman.co.nz

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Project

Proposed Subdivision
Donald Road, Kaitia

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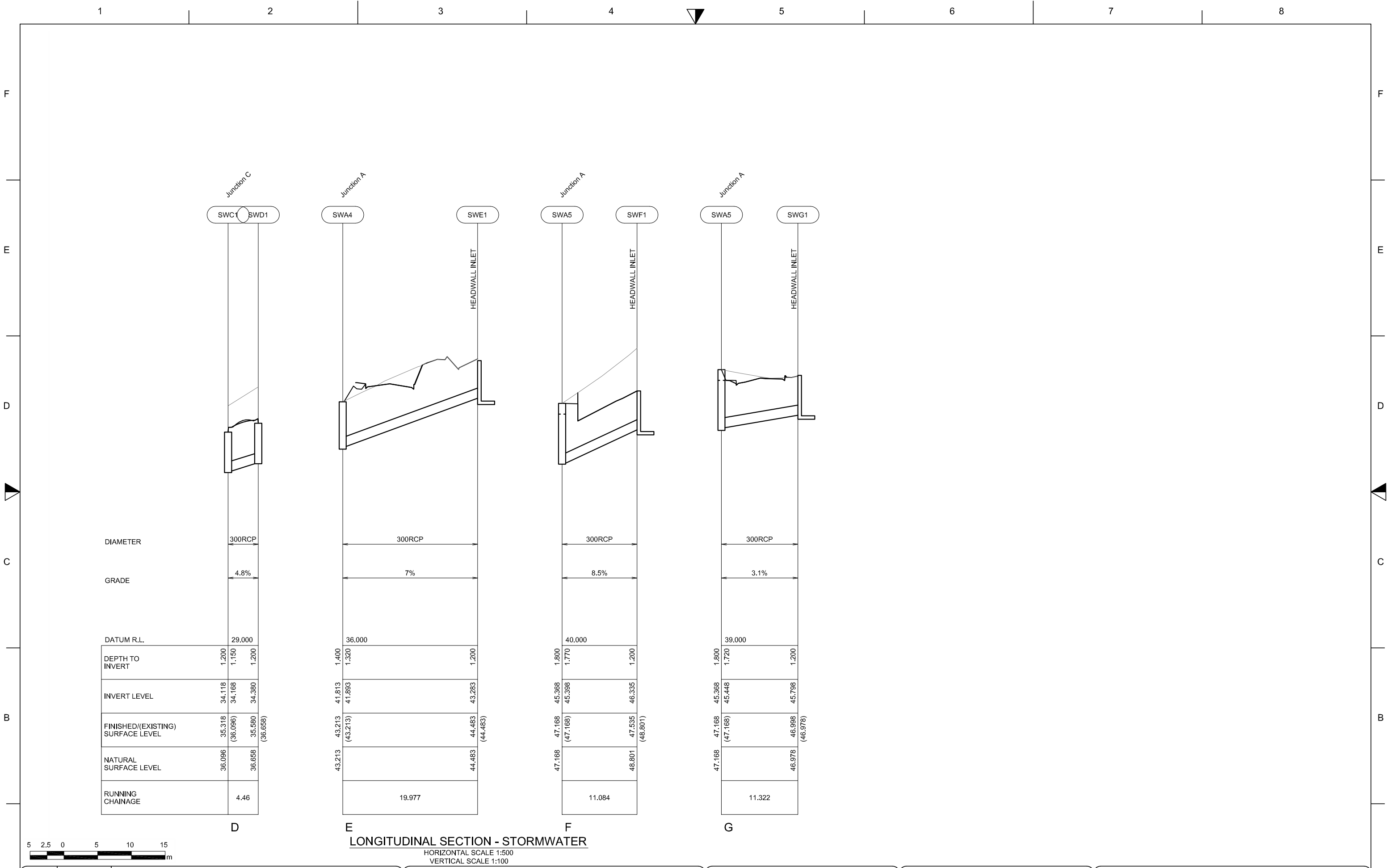
Ken Lewis Ltd.

Project No.

11 008

RC no.

2110103



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Stormwater Longitudinal Section			
DWG No.	SWLS2	Sheet No.	2 of 2
Drawn	AP	Checked	JM
File	Z:\HW FILES\111 JOBS\11 008 RAY BLACK\DRAWING\120516 DONALD SUBDIVISION.DWG		

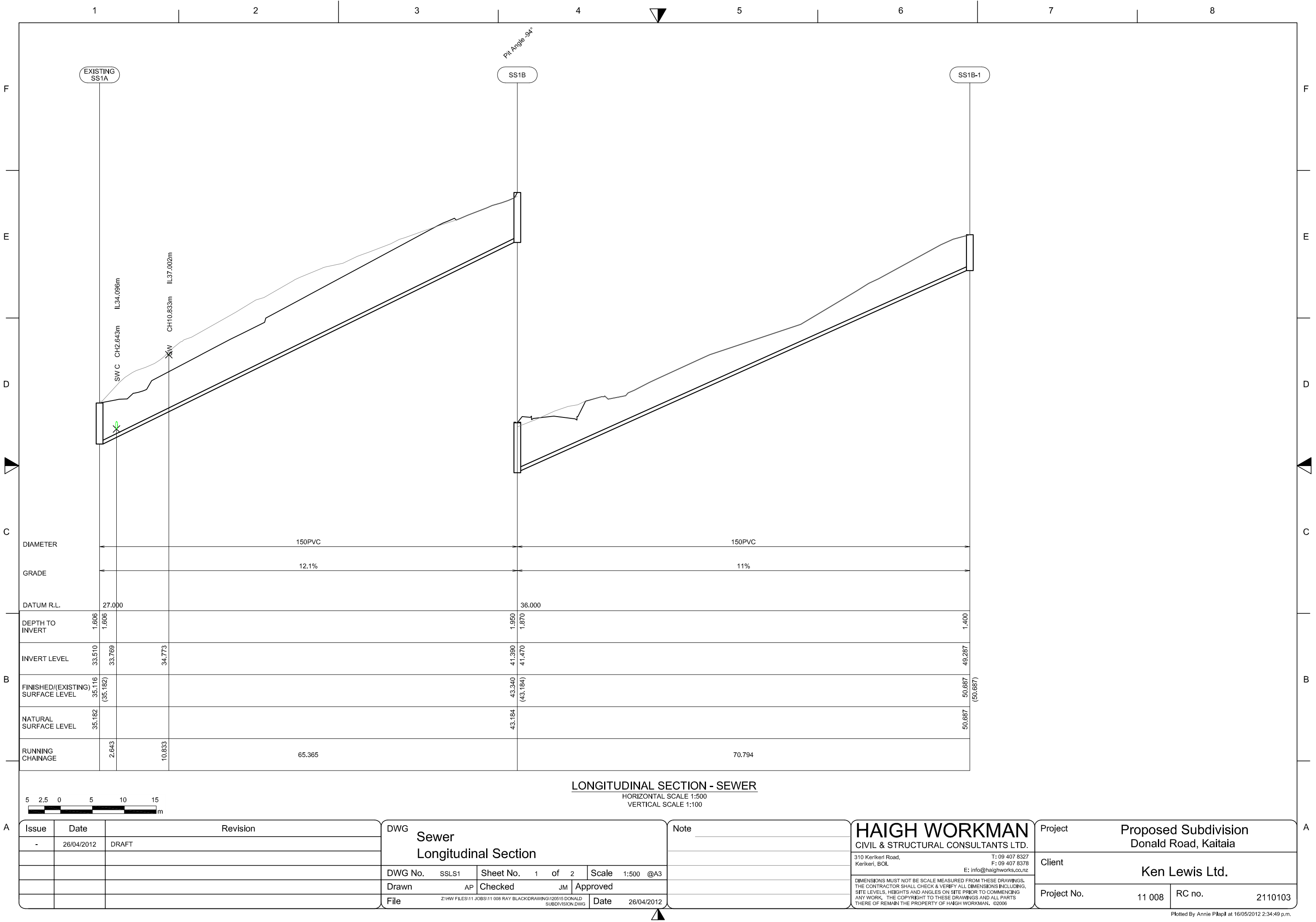
Note

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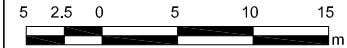
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Client	Ken Lewis Ltd.		
Project No.	11 008	RC no.	2110103



LONGITUDINAL SECTION - SEWER

HORIZONTAL SCALE 1:500
VERTICAL SCALE 1:100



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Sewer Longitudinal Section				
DWG No.	SSLS1	Sheet No.	1 of 2	Scale 1:500 @A3
Drawn	AP	Checked	JM	Approved
File	Z:\HW FILES\111 JOBS\111 008 RAY BLACK\DRAWING\120516 DONALD SUBDIVISION.DWG			Date 26/04/2012

Note

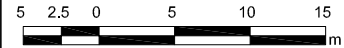
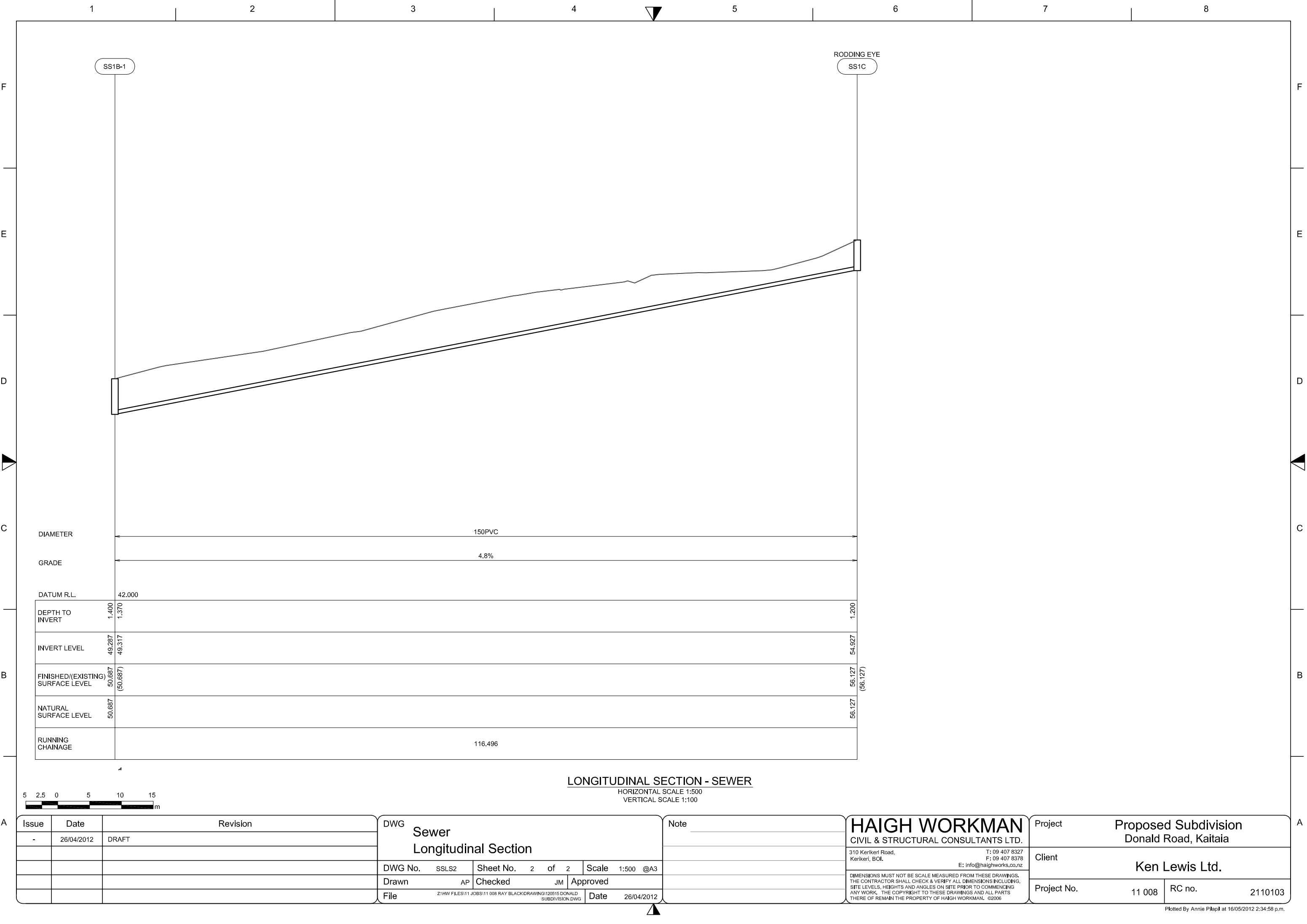
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Client	Ken Lewis Ltd.		
Project No.	11 008	RC no.	2110103



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG Sewer Longitudinal Section			
DWG No.	SSLS2	Sheet No.	2 of 2
Scale	1:500	@A3	
Drawn	AP	Checked	JM
Approved			
File	Z:\HW FILES\111 JOBS\11 008 RAY BLACK\DRAWING\120516 DONALD SUBDIVISION.DWG		
Date	26/04/2012		

Note	

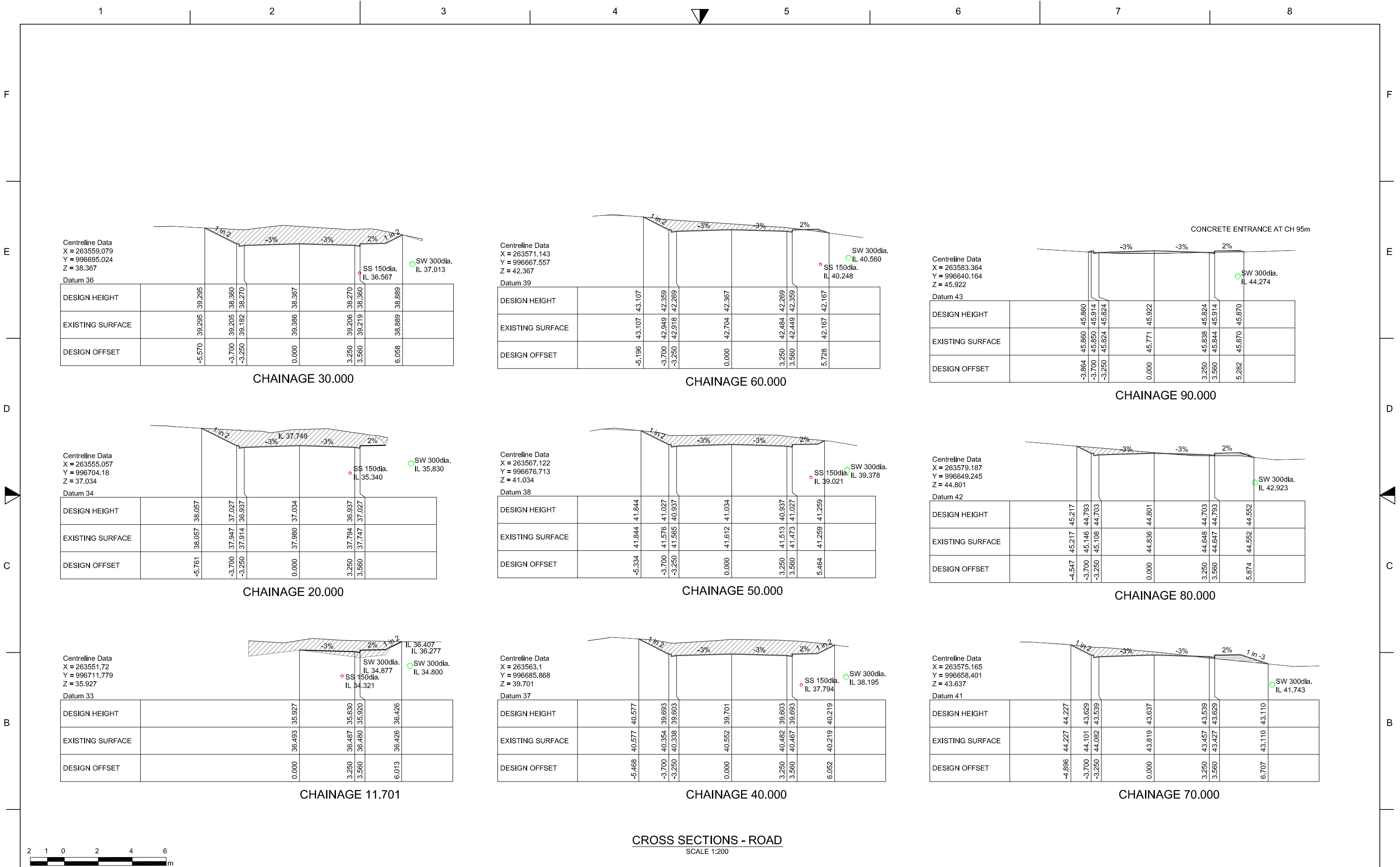
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Client	Ken Lewis Ltd.		
Project No.	11 008	RC no.	2110103



A	Issue	Date	Revision	DWG				Note	HAIGH WORKMAN CIVIL & STRUCTURAL CONSULTANTS LTD. 310 Kerikeri Road, Kerikeri, B.O.I. T: 09 407 8327 F: 09 407 8378 E: info@haighworks.co.nz DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THEREOF REMAIN THE PROPERTY OF HAIGH WORKMAN. ©2006	Project			Proposed Subdivision Donald Road, Kaitaia			A
	-	26/04/2012	DRAFT	Road Cross Sections						Client	Ken Lewis Ltd.					
				DWG No.	RCS1	Sheet No.	1 of 3	Scale		1:200 @A3	Project No.	11 008	RC no.	2110103		
				Drawn	AP	Checked	JM	Approved								
				File	Z:\HW FILES\111 JOBS\11 008 RAY BLACK\DRAWING\120515 DONALD SUBDIVISION.DWG					Date					26/04/2012	

Centreline Data
X = 263605.979
Y = 996621.532
Z = 49.285

Datum 48

DESIGN HEIGHT		49.662			49.210			49.285			49.210			48.910		51.259
EXISTING SURFACE		49.662			50.030			50.259			50.546			50.837		51.259
DESIGN OFFSET		-6.504			-2.500			0.000			2.500			5.000		9.697

CHAINAGE 120.000

Centreline Data
X = 263596.951
Y = 996625.773
Z = 48.164

Datum 47

DESIGN HEIGHT		48.343			48.089			48.164			48.089			47.789		49.491
EXISTING SURFACE		48.343			48.572			48.784			48.996			49.208		49.491
DESIGN OFFSET		-6.109			-2.500			0.000			2.500			5.000		8.404

CHAINAGE 110.000

Centreline Data
X = 263589.253
Y = 996632.114
Z = 47.043

Datum 45

DESIGN HEIGHT		47.002			46.945			47.043			46.945			47.537		
EXISTING SURFACE		47.002			47.010			47.134			47.347			47.368		
DESIGN OFFSET		-6.463			-3.250			0.000			3.250			3.560		

CHAINAGE 100.000

SEALED ENTRANCE AT CH 104m

SW 300dia.
IL 45.566

Centreline Data
X = 263635.227
Y = 996623.315
Z = 52.648

Datum 51

DESIGN HEIGHT				52.502	52.573			52.648			52.573			52.273		54.823
EXISTING SURFACE				52.502	52.537			52.943			53.407			53.873		54.823
DESIGN OFFSET				-2.715	-2.500			0.000			2.500			5.000		10.099

CHAINAGE 150.000

Centreline Data
X = 263625.731
Y = 996620.264
Z = 51.527

Datum 50

DESIGN HEIGHT				51.496			51.452			51.527			51.452			54.257
EXISTING SURFACE				51.496			51.950			52.380			52.805			54.257
DESIGN OFFSET				-5.688			-2.500			0.000			2.500			11.210

CHAINAGE 140.000

Centreline Data
X = 263615.775
Y = 996619.657
Z = 50.406

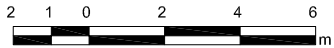
Datum 49

DESIGN HEIGHT				50.771			50.331			50.406			50.331			52.678
EXISTING SURFACE				50.771			51.264			51.574			51.884			52.678
DESIGN OFFSET				-6.479			-2.500			0.000			2.500			10.294

CHAINAGE 130.000

CROSS SECTIONS - ROAD

SCALE 1:200



Issue	Date	Revision
-	26/04/2012	DRAFT

DWG

Road
Cross Sections

DWG No.

RCS2

Sheet No.

2

of

3

Scale

1:200

@A3

Drawn

AP

Checked

JM

Approved

File

Z:\HW FILES\111 JOBS\111 008 RAY BLACK\DRAWING\120516 DONALD SUBDIVISION.DWG

Date

26/04/2012

Note

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Donald Road, Kaitaia

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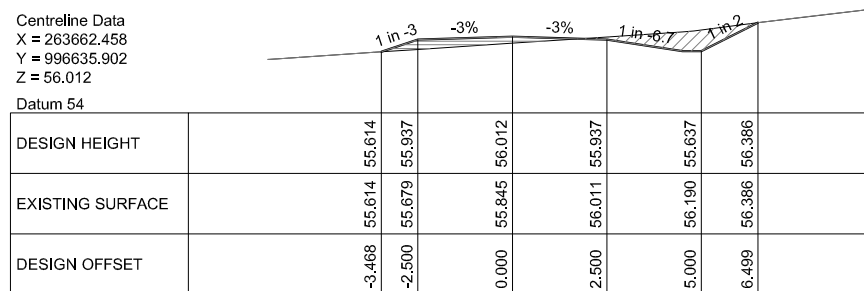
Ken Lewis Ltd.

Project No.

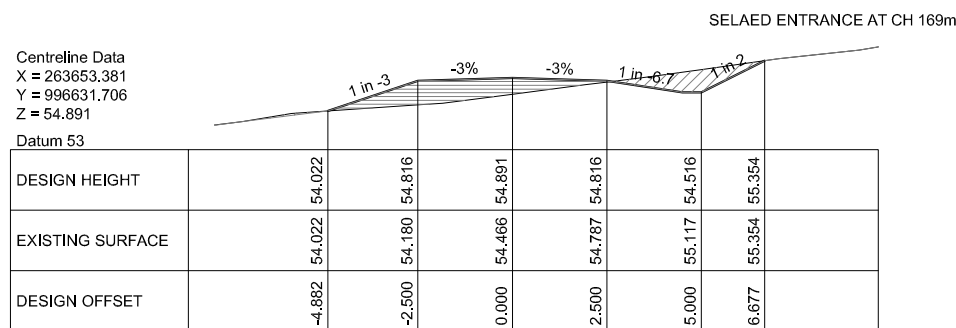
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RC no.

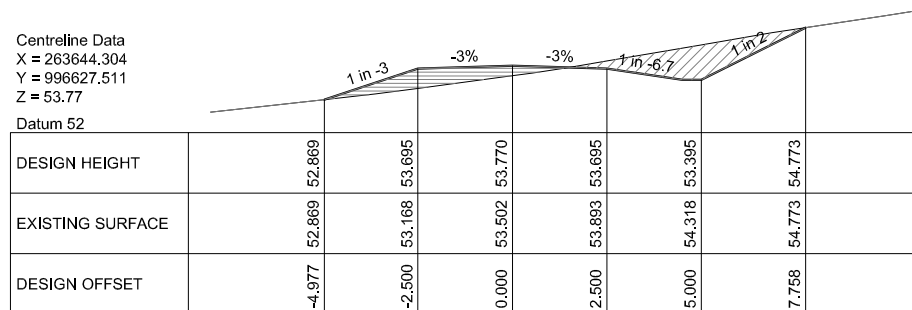
2110103



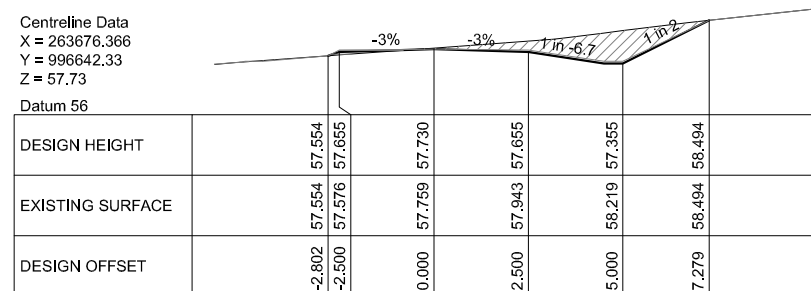
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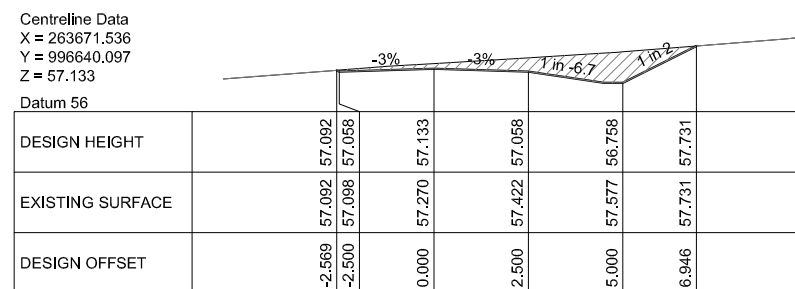
CHAINAGE 170.000



CHAINAGE 160.000



CHAINAGE 195.322



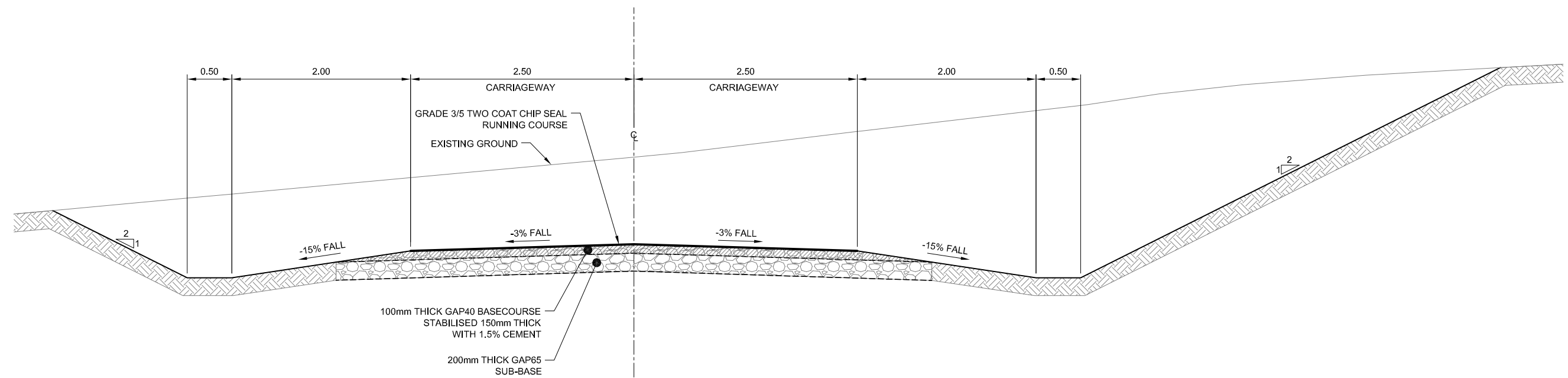
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CROSS SECTIONS - ROAD

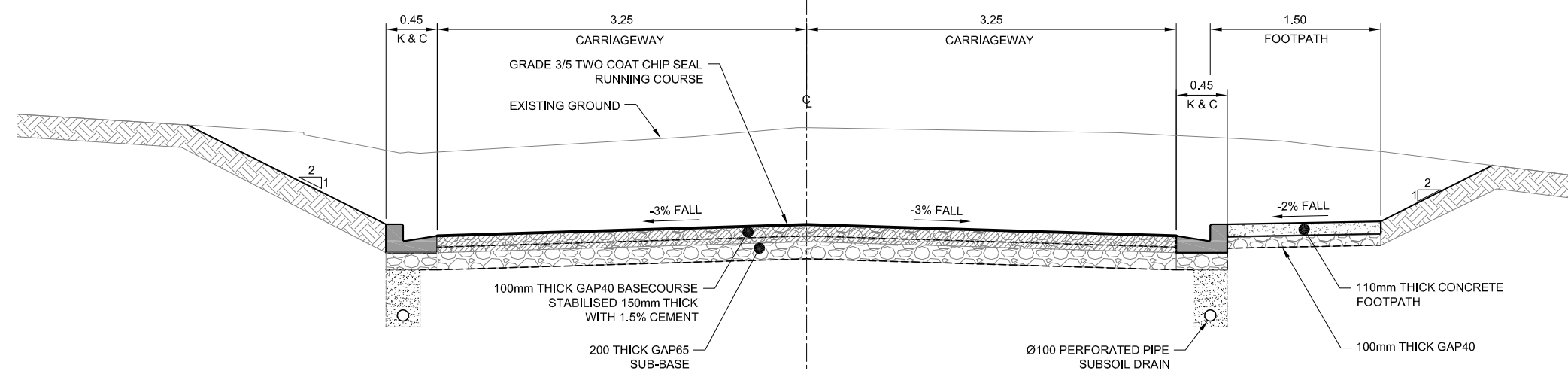
SCALE 1:200



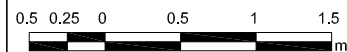
Issue	Date	Revision	DWG CS3 Cross Sections				Note	HAIGH WORKMAN CIVIL & STRUCTURAL CONSULTANTS LTD. 310 Kerikeri Road, Kerikeri, B.O.I. T: 09 407 8327 F: 09 407 8378 E: info@haighworks.co.nz DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN. ©2006	Project		Proposed Subdivision Donald Road, Kaitaia		
-	26/04/2012	DRAFT							Client		Ken Lewis Ltd.		
									Project No.		11 008	RC no.	2110103
			DWG No.	RCS3	Sheet No.	3 of 3	Scale	1:200 @A3					
			Drawn	AP	Checked	JM	Approved						
			File	Z:\HW FILES\111 JOBS\11 008 RAY BLACK\DRAWING\120515 DONALD SUBDIVISION.DWG				Date	26/04/2012				



TYPICAL ROAD CROSS SECTION - TYPE 2
SCALE 1:50 @A3



TYPICAL ROAD CROSS SECTION - TYPE 1
SCALE 1:50 @A3



Issue	Date	Revision	DWG Typical Road Cross Sections			Note	HAIGH WORKMAN CIVIL & STRUCTURAL CONSULTANTS LTD. 310 Kerikeri Road, Kerikeri, B.O.I. T: 09 407 8327 F: 09 407 8378 E: info@haighworks.co.nz DIMENSIONS MUST NOT BE SCALE MEASURED FROM THESE DRAWINGS. THE CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS INCLUDING, SITE LEVELS, HEIGHTS AND ANGLES ON SITE PRIOR TO COMMENCING ANY WORK. THE COPYRIGHT TO THESE DRAWINGS AND ALL PARTS THERE OF REMAIN THE PROPERTY OF HAIGH WORKMAN. ©2006	Project		Proposed Subdivision Donald Road, Kaitaia		
-	26/04/2012	DRAFT						Client		Ken Lewis Ltd.		
								Project No.		11 008	RC no.	2110103
			DWG No.	Sheet No.	1 of 1	Scale	1:50 @A3					
			Drawn	AP	Checked	JM	Approved					
			File	Z:\HW FILES\11 JOBS\11 006 RAY BLACK\DRAWING\120615 DONALD SUBDIVISION.DWG			Date	26/04/2012				