



Our Reference: 9291.s125 (FNDC)

26 August 2024

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

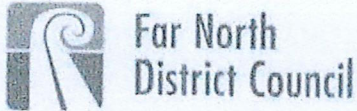
**RE: Application to extend lapse period pursuant to s125 of the Act – RC 2190026-RMAOBJ/A – Objection Decision, Subdivision at Arthur Taylor Drive (Gillett)**

I am pleased to submit application by the Gillett Family Trust for an extension to the lapse period of RC 2190026-RMAOBJ/A. The Objection Decision was issued on 12<sup>th</sup> September 2019.

The application fee of \$1,232 has been paid separately via direct credit.

Regards

Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**



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 Kaitiaki 0440, New Zealand  
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 Email: ask.us@fndc.govt.nz  
 Website: www.fndc.govt.nz

**Office Use Only**  
 Application Number:

**APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT**

**(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))**  
 (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

*Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.*

**1. Pre-Lodgement Meeting**

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

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

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

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

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

**4. Applicant Details:**

Name/s: **RG & NP Gillett Family Trust**

Electronic Address for Service (E-mail):

Phone Numbers:

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

Post Code: \_\_\_\_\_

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

Name/s: **Lynley Newport; Thomson Survey Ltd**

Electronic Address for Service (E-mail):

Phone Numbers:

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

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

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

Name/s: NP Gillett

Property Address/  
Location: c/- (refer Item 4)

7. **Application Site Details:**

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

Site Address/  
Location: Arthur Taylor Place  
KERIKERI

Legal Description: Lot 1 DP 409906

Record of Title: 436306

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.

Gate at entrance is shut but not locked

8. **Description of the Proposal:**

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

***S125 Extension of Lapse Period for RC 2190026-RMAOBJ/A***

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. **Would you like to request Public Notification?**

Yes/No

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

- Building Consent (BC ref # if known)       Regional Council Consent (ref # if known)
- National Environmental Standard consent       Other (please specify)

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

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

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).       yes  no  don't know

- Subdividing land       Changing the use of a piece of land
- Disturbing, removing or sampling soil       Removing or replacing a fuel storage system

12. Assessment of Environmental Effects:

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

Please see attached report.

13. Billing Details:

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

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

Kariene Gardiner

Email:

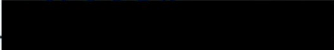
Postal Address:

Phone Numbers:

**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 20<sup>th</sup> 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: Kariene Gardiner (please print)

Signature:  (signature of bill payer – mandatory) Date: 23-8-24

#### 14. Important Information:

##### Note to applicant

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

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

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

##### Fast-track application

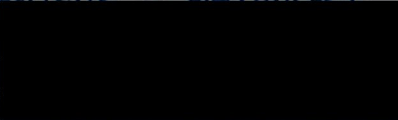
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

##### Privacy Information:

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

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

Name: Kariene Gardiner (please print)

Signature:  (signature)

Date: 23-8-24

(A signature is required if submitted by electronic means)

##### Checklist (please tick if information is provided)

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

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

Digital Applications may be submitted via E- mail to: [Planning.Support@fndc.govt.nz](mailto:Planning.Support@fndc.govt.nz)

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

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## Application to extend the lapse period of RC 2190026-RMAOBJ/A, pursuant to s125 of the Resource Management Act 1991

### 1.0 BACKGROUND

The original RC 2190026-RMASUB was issued in September 2018. However, formal objection was lodged pursuant to s357A of the RMA, with the objection decision issued on 12<sup>th</sup> September 2019. The lapse date can be taken from that date, meaning the lapse date within which the consent must be given effect to, is 12<sup>th</sup> September 2024. A copy of the Objection decision is attached in Appendix 1. It is noted that the Objection decision did not re-issue / re-date the original stamped approved plan, presumably because the Objection was in regard to conditions not related to the Scheme Plan.

### 2.0 EXTENSION OF LAPSE PERIOD – RC 2190026-RMAOBJ/A

Consent is being sought for a 3 year extension to the lapse period, pursuant to s125 of the Act. This will mean a new lapse date of 12<sup>th</sup> September 2027.

### 3.0 PROPERTY DETAILS

Location: Arthur Taylor Place, Kerikeri

Legal description: Lot 1 DP 409906, held in RT 436306

### 4.0 STATUTORY CONSIDERATIONS

A consent holder may apply for an extension of lapse period before the consent lapses (s125(1A) of the RMA) . Upon receiving an application for a s125 extension of lapse period, the consent authority must decide whether to grant an extension after taking into account—  
*(i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*  
*(ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*  
*(iii) the effect of the extension on the policies and objectives of any plan or proposed plan.*

#### Substantial Progress

Survey work is completed and a draft LT Plan prepared. Contractors were approached by the consent holder for costings of the works required by conditions of consent. No contracts have been entered into as yet.

The consent holder requires more time to investigate the cost implications of the road and access upgrades required.

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Approvals of persons who may be adversely affected

The original consent was issued under delegated authority with no written approvals required. This application changes no part of the consent as issued after Objection and does not adversely affect any person.

Objectives and Policies of a Plan or Proposed Plan

The consent was issued pursuant to the Operative Far North District Plan (ODP), and pre dated the public notification of the Proposed District Plan (PDP).

There have been no changes to the Operative District Plan's Objectives and Policies since the original consent was issued. The Council notified its Proposed Plan in July 2022, after the consent was applied for and granted. The property is proposed to be zoned Rural Production under the Proposed District Plan (PDP) just as it is now. Whilst the PDP proposes different minimum lot sizes, none have legal effect as yet and lot sizes have been the subject of a large number of submissions to the PDP, particularly as they relate to the rural environment. The PDP places emphasis on ensuring highly productive land is not fragmented or sterilised. The site that is the subject of this application does not contain any highly productive land – the soils all being LUC 4. Extending the lapse period does not result in any significant inconsistency with the PDP's objectives and policies.

## 5.0 CONCLUSION

It is considered that the Far North District Council can grant an extension under s125 of Act to enable an extended, and sufficient, timeframe within which to give effect to RC 2190026-RMAOBJ/A.

**It is requested that the Council grant approval to this s.125 application, and extend the lapse date for RC 2190026-RMAOBJ/A for three years, out to 12<sup>th</sup> September 2027.**



Lynley Newport  
Senior Planner,  
THOMSON SURVEY LTD

Date 22<sup>nd</sup> August 2024

## 6.0 LIST OF APPENDICES

Appendix 1	RC 2190026-RMAOBJ/A
Appendix 2	Record of Title



**Far North  
District Council**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (Section 357A)**

Resource Consent Number: 2190026-RMAOBJ/A

Pursuant to section 357D of the Resource Management Act 1991 (the Act), the Far North District Council hereby partially upholds the objection of:

**RG & NP Gillett Family Trust**

The activity to which this decision relates:

An objection in relation to conditions of consent contained in 2190026-RMAOBJ/A, a consent granted to subdivide to create two additional lots in the rural production zone. The condition(s) objected to are conditions 3(a), 4(a), 4(b) and 4(c).

**Subject Site Details**

Address: 545 Wiroa Road, Kerikeri 0293  
Legal Description: Lots 2-3 DP 392845 Lot 1 DP 409906 Lot 3 DP 120529  
Sec 38 Blk IV Omapere SD  
Certificate of Title reference: 3358854

**As a result of partially upholding the objection, the following changes are made to the consent conditions:**

1. Amend Condition 3(a) to read:
  3. Prior to approval pursuant to Section 223 the applicant shall provide:
    - (a) A site plan showing the existing overland flow paths for lots 2 and 3.
2. Replace Condition 4(a) with:
  - (a) Submit plans & details of all works on legal road and works which are to vest in Council for the approval of Council prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- The road from the Arthur Taylor Place/Waimate North intersection to be upgraded and sealed not less than 120m to the farthest side of the entrance of Lot 4 DP 197621.
- The remainder of Arthur Taylor place upgraded to Far North District Plan Standards for Private Access to provide a formed and metalled access to 5m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.



- Road markings & Signage in accordance with Manual of traffic signs and markings (MOTSAM) Part 1 and 2
  - All earthworks including proposed erosion and sediment control measures required to undertake the development of the site.
3. Insert new conditions 4(c), 4(d) and 4(e) as follows:
- (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 the contract;
  - Details of the supervising engineer; and
  - A traffic management plan.
- (c) Prior to the commencing any physical site works, a construction management plan shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:
- (i) The timing of construction works, including hours of work, key project and site management personnel.
  - (ii) The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
  - (iii) The excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.
  - (iv) Control of dust and noise on-site and any necessary avoidance or remedial measures.
  - (v) Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
  - (vi) Quality Assurance Documentation which identifies construction hold points for the purpose of quality assurance inspection at the following critical points during the works:
    - a. pre start
    - b. after excavation prior to hard-filling
    - c. commencement of stabilisation
    - d. after hard-filling, immediately prior to sealing
    - e. completion of works
- All construction works on the site are to be undertaken in accordance with the approved construction management plan.
- (d) Upon Completion of the works specified in conditions 4(a), 4(b) and 4(c) aboe, provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines.
- (e) Upon completion of the works specified in conditions 4(a), 4(b) and 4(c) above, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
4. Amend Condition 4(b) and renumber as 4(f):

~~(b)(f)~~ Submit for Council approval vehicle crossing applications for a new crossings to proposed Lots 12 and 3. These are This crossing is to be constructed in accordance with the requirements of the crossing permits and FNDC Engineering Standards.

5. Delete condition 4(c)

6. Insert new condition 4(g):

Provide a formed and metalled entrance to lot 2 which complies with the Councils Engineering Standard FNDC/S/6 and FNDC/S/6/B and section 3.3.17 of the Engineering Standards and NZS 4404:2004.

7. Renumber condition 4(d) as 4(h)

8. Amend condition 4(h)(vii) to read:

(i) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. ~~Except that a maximum of two working farm dogs used for agricultural management are permitted on Lot 1.~~

- ~~• Any working dog must be micro-chipped;~~
- ~~• Any working dog must be within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area;~~
- ~~• Any working dog must undertake Kiwi Aversion Training;~~
- ~~• At night any working dog must be kept in a kennel or tied up.~~

~~Prior to the introduction or keeping of any working dog the occupier must provide the following to the Far North District Council RC Monitoring Officer:~~

- ~~• A photograph of the dog;~~
- ~~• Written confirmation that the dog(s) have been micro-chipped;~~
- ~~• A plan showing the extent of the dog proof fenced area;~~
- ~~• Written confirmation that the dogs have undertaken Kiwi Aversion Training.~~

**[All Lots 2 and 3]**

9. Insert new condition 4(h)(viii)

(viii) Prior to construction of a dwelling on Lot 3, the lot owner is to submit for councils approval the location and design of the access to the site. If this access is to be off legal road, the lot owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's control of Vehicle Crossings Bylaw 2004.

**[Lot 3]**

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Denis McGregor Thomson, referenced "Digital Survey Plan LT 429599 dated 11/03/2010, 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 in the memorandum to be duly granted or reserved.
3. Prior to approval pursuant to Section 223 the applicant shall provide:
  - (a) A site plan showing the existing overland flow paths for lots 2 and 3.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) submit plans & details of all works on legal road and works which are to vest in Council for the approval of Council prior to commencing construction. Such works shall be designed in accordance with the Council's current Engineering Standards and NZS4404:2004.

In particular the plans and details shall show:

- The road from the Arthur Taylor Place/Waimate North intersection to be upgraded and sealed not less than 120m to the farthest side of the entrance of Lot 4 DP 197621.
  - The remainder of Arthur Taylor place upgraded to Far North District Plan Standards for Private Access to provide a formed and metalled access to 5m finished metalled carriageway width. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP 30 or GAP 40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.
  - Road markings & Signage in accordance with Manual of traffic signs and markings (MOTSAM) Part 1 and 2
  - All earthworks including proposed erosion and sediment control measures required to undertake the development of the site.
- (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 the contract;
    - Details of the supervising engineer; and
    - A traffic management plan.
  - (c) Prior to the commencing any physical site works, a construction management plan shall be submitted to and approved by the Council. The plan shall contain information on, and site management procedures, for the following:

- (vii) The timing of construction works, including hours of work, key project and site management personnel.
- (viii) The transportation of construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
- (ix) The excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.
- (x) Control of dust and noise on-site and any necessary avoidance or remedial measures.
- (xi) Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
- (xii) Quality Assurance Documentation which identifies construction hold points for the purpose of quality assurance inspection at the following critical points during the works:
  - a. pre start
  - b. after excavation prior to hard-filling
  - c. commencement of stabilisation
  - d. after hard-filling, immediately prior to sealing
  - e. completion of works

All construction works on the site are to be undertaken in accordance with the approved construction management plan.

- (d) Upon Completion of the works specified in conditions 4(a), 4(b) and 4(c) above, provide to Council As-built plans complying with schedule 1D of NZS 4404:2004 and section 1.5.2.5 of Councils Engineering standards and guidelines.
  - (e) Upon completion of the works specified in conditions 4(a), 4(b) and 4(c) above, provide certification of the work from a chartered professional engineer that all work has been completed in accordance with the approved plans.
  - (f) Submit for Council approval vehicle crossing applications for new crossings to proposed Lots 2 and 3. These are to be constructed in accordance with the requirements of the crossing permits and FNDC Engineering Standards.
  - (g) 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.
    - (i) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- [All Lots]**
- (ii) In conjunction with the construction of any building, the lot owner shall install a stormwater retention tank with a flow attenuated outlet. The system shall be designed such that the total stormwater discharged from the site, after development, is at no time greater than the pre development flow from the site for rainfall events up to a 10% AEP plus allowance for climate change of 2.50C. The details of the on site retention storage and

flow attenuation shall be prepared by a suitably qualified chartered professional engineer and submitted with the Building Consent application.

**[Lots 2 & 3]**

- (iii) Without the prior approval of the Council, no building shall be erected, nor any works which increase impermeable surfaces be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed or identified as an overland flow path.

**[All Lots]**

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

**[All Lots]**

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

**[All Lots]**

- (vi) The upgrades specified in condition 4(a) through (e) of RC 2190026-RMASUB do not result in the adoption of Arthur Taylor Place for maintenance purposes. The maintenance of Arthur Taylor Place remains the responsibility of the users of the road. If further subdivision of these Lots is anticipated in the future, the class of road may change and further upgrading may be required.

**[All Lots]**

- (vii) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators.

**[Lots 2 and 3]**

- (viii) Prior to construction of a dwelling on Lot 3, the lot owner is to submit for councils approval the location and design of the access to the site. If this access is to be off legal road, the lot owner is to obtain a permit from the Council as to the siting (from a traffic safety point-of-view), earthworks, formation and drainage of such access in terms of the Council's control of Vehicle Crossings Bylaw 2004.

**[Lot 3]**

- (ix) The Council assumes no responsibility toward the formation and any future maintenance of "Arthur Taylor Place" which provides access to these Lots; until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.

**[All Lots]**

### 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 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).

### Reasons for the Decision to partially uphold the Objection (pursuant to Section 357D(2)):

1. The advice of Jon Stammers, Resource Consents Engineer is that there is no requirement for the overland flow path to be mapped on Lot 1. This was an error in the interpretation of the engineering requirements and was never intended as a condition of consent as the application proposes this to remain in large lot primary production. As such condition 3(a) has been amended to reflect this.
2. Arthur Taylor place has been developed in a piecemeal fashion over the last two decades. There have been three subdivisions involved in this process: 1990400, 2020245 and 2050569. Each of these subdivisions has complied with the requirements of the District plan and Engineering standards in place at the time and has contributed to the development of Arthur Taylor place to its current standard. Through negotiations with the Councils roading team, the above amended condition set, which amounts to a partial upgrade of the road, was considered to be a practical solution which is consistent with the scale of the proposed activity.
4. As the applicant has advised that no working dogs are currently residing on Lot 1 there is no need to require registration of these animals prior to the issuing of a certificate under s224. Further, it was noted during discussions with the applicant that the balance lot is an existing farm lot which is operated as part of a larger farm holding. The restriction on predatory animals has been lifted on this site to recognise the existing use of the land and to provide for the consistent management of the wider farm operation.
5. Condition 4(b) was included to ensure that all lots acquired crossing place permits prior to establishing accesses onto Arthur Taylor Place. This may not be necessary in all cases and created confusion for the applicant. In order to clarify the requirements this has been amended into two conditions, with one being enforced as a consent notice on the title of lot 3. The requirements remain the same.

### Approval

This decision has been prepared by Simeon McLean, Consents 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

Date: 12<sup>th</sup> September 2019

**Right of Appeal**

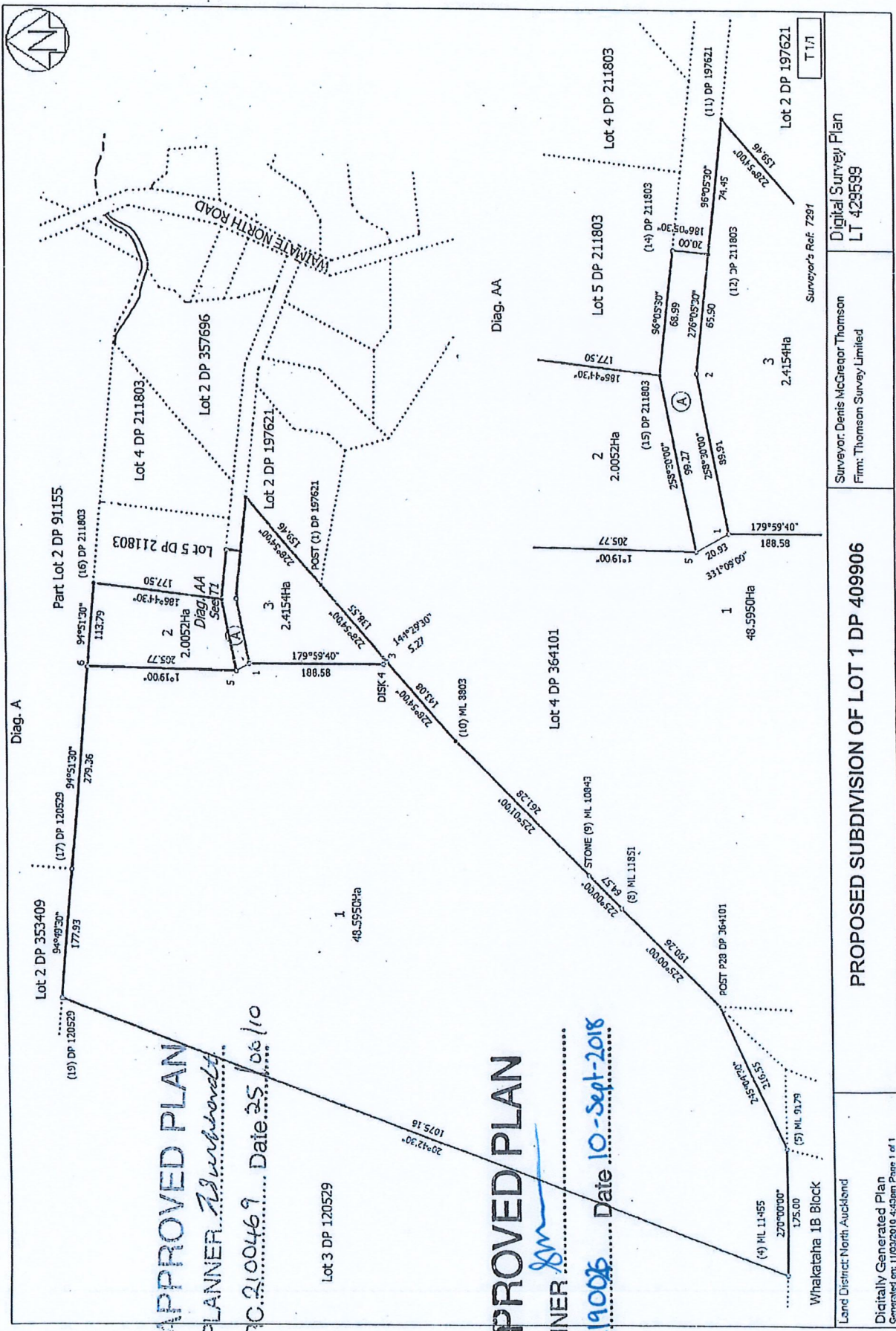
If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 358 of the Resource Management Act 1991) to appeal the decision. The notice of appeal must be in the prescribed form, stating reasons for the appeal and shall be lodged with the Environment Court within 15 working days of the receipt of this decision. Any person lodging an appeal shall ensure that a copy of the notice of appeal is served on Council at the same time as the notice is lodged with the Environment Court.

**Lapsing Of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent, as amended as a result of this decision on an objection, will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.



APPROVED PLAN  
PLANNER: *[Signature]*

RC 210046.9 Date 25/06/10

APPROVED PLAN  
PLANNER: *[Signature]*

RC 219006 Date 10-Sept-2018

Whakataha 1B Block  
Land District: North Auckland  
Surveyor: Denis McCreagh Thomson  
Firm: Thomson Survey Limited  
Digital Survey Plan  
LT 429599  
T1/1

PROPOSED SUBDIVISION OF LOT 1 DP 409906  
Surveyor's Ref: 7291





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 436306  
**Land Registration District** North Auckland  
**Date Issued** 02 March 2011

**Prior References**

NA138C/523

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**Estate** Fee Simple  
**Area** 53.0180 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 409906

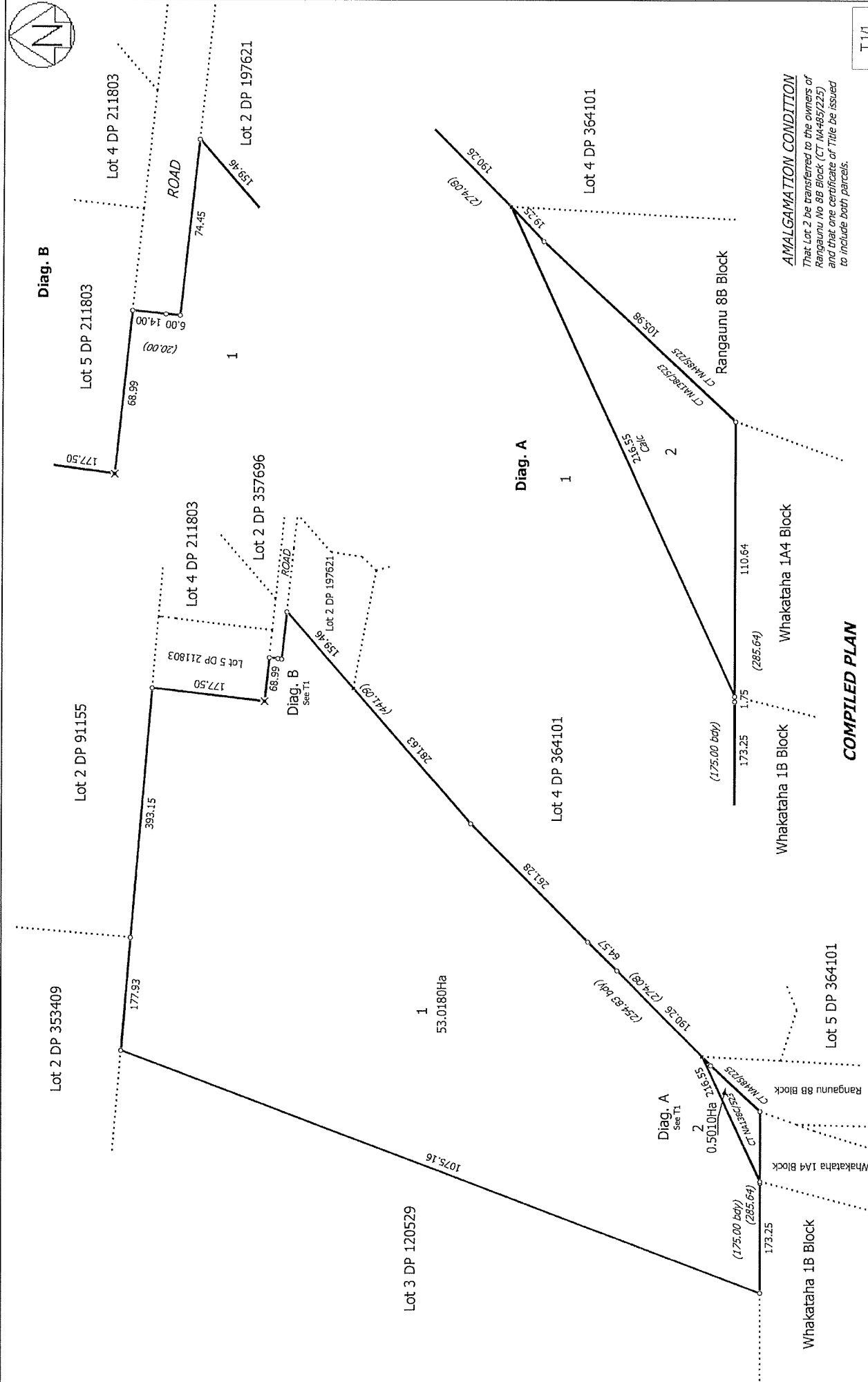
**Registered Owners**

Nelda Paulene Gillett and UMK Trustees (Gillett) Limited

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**Interests**

11489914.4 Mortgage to Rabobank New Zealand Limited - 24.7.2019 at 3:14 pm



**COMPILED PLAN**

**AMALGAMATION CONDITION**  
 That Lot 2 be transferred to the owners of Rangaunu No 8B Block (CT 14485/225) and that one certificate of Title be issued to include both parcels.

T 1/1

Land District: North Auckland Dataset Type: Compiled Digitally Generated Plan Generated on: 21/03/2011 2:13pm Page 2 of 2	Lots 1 & 2 being a subdivision of Lot 6 DP 211803	Surveyor: Robert John Donaldson Firm: Donaldsons	Digital Title Plan DP 409906 Deposited on: 2/03/2011
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