



**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**

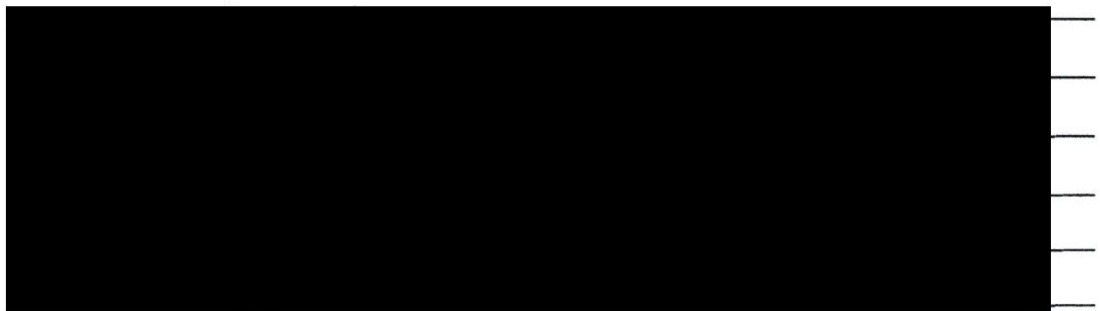
**4. Applicant Details:**

Name/s: Steve and Julie May

Electronic Address for Service (E-mail):

Phone Numbers:

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



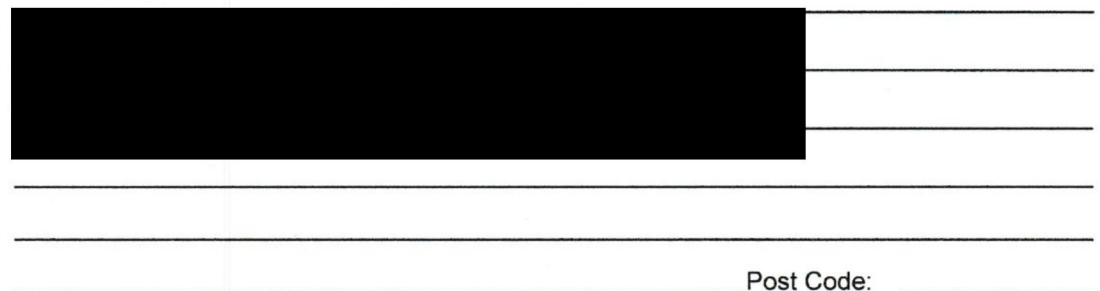
**5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).**

Name/s: Bay of Islands Planning Ltd

Electronic Address for Service (E-mail):

Phone Numbers:

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



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

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

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

Name/s: Stephen Brian May, Julie May and Paul Robert Franklin  
Keith Frederick Ardern and GH Thorp Limited

Property Address/ Location: 376 and 460 Pungaere Rd  
Waipapa

**7. Application Site Details:**

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

Site Address/ Location: 376 and 460 Pungaere Rd  
Waipapa

Legal Description: Lot 1 DP 408831 & Lots 4 and 5 DP 570538 Val Number: \_\_\_\_\_  
Certificate of Title: 432350, 1031025 and 1031026

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.**

Please contact Steve prior to visiting the site

**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.

2 stage subdivision including a boundary adjustment (Stage 1) a 2-Lot subdivision (Stage 2), including a setback from boundaries breach.

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 attach your AEE to this application.**

**13. Billing Details:**

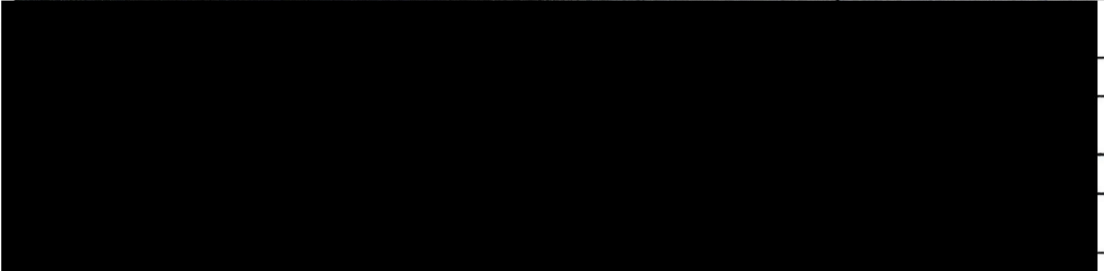
This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

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

Stephen Brian May, Julie May

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: Steve May (please print)

Signature:  (signature of bill payer – mandatory) Date: 30.8.24

## 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: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_ (signature)

Date: \_\_\_\_\_

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

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

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

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

**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**

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

**Kerikeri House**

**Suite 3, 88 Kerikeri Road**

**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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4 September 2024

### **Re: A staged subdivision and setback from boundaries breach in the Rural Production Zone on Pungaere Road, Waipapa (Lot 1 DP 408831 & Lots 4 and 5 DP 570538)**

The sites subject to this application are located on Pungaere Road and currently comprise three Certificates of Title, legally described as Lot 1 DP 408831 & Lots 4 and 5 DP 570538.

The proposed boundary adjustment (Stage 1) is proposed for 376a and 376b Pungaere Road (Lots 4 and 5 DP 570538). These landholdings were subject to an approved 2 Stage subdivision that gained approval as Restricted Discretionary Activity (RDA) to create 5 lots in two stages in September 2019 (2200065-RMASUB). This application was later amended through 2220121 RMACOM. These decisions are provided in the appendices.

Stage 2 of this application seeks a two-lot subdivision of Lot 1 DP408831 which incurs an internal setback from boundaries breach.

A staged subdivision application is sought for efficiency as a boundary adjustment in this instance is a controlled activity and the two-lot subdivision of Lot 1 DP 408831, with a setback from boundaries breach is an RDA.

The application does not represent a subdivision of the landholdings seeking a ‘new’ 2ha lot as a non-complying activity. This would not be an accurate reflection of what is being sought.

If Council is unable to separate the activities for the purpose of this assessment, then the applicant will resubmit two applications, which would serve the same purpose as this application for a boundary adjustment for proposed Stage 1 (Controlled activity) and a 2-lot subdivision for proposed Stage 2. In our view this does not result an effective and integrated consideration of the proposals.

The proposed staged subdivision will create the following lots:

- Lot 1 – 47ha
- Lot 2 – 54ha
- Lot 3 – 2ha
- Lot 4 – 16ha

There is only one new allotment created as a result of the proposal, being the subdivision of Lot 1 DP 408831. Existing Lot 4 DP 570538 will be absorbed into the larger landholding of

proposed Lot 2 and replaced with proposed Lot 3 in the southeastern corner of the landholdings.

A new easement is created over proposed Lot 4 to provide a ROW and electricity supply to proposed Lot 1 at a time when required. There is an existing access off Pungaere Road providing access to proposed Lot 3.

Overall, the application has been assessed as an **RDA**.

To that end we attach a resource consent application to provide for the proposed staged subdivision.

The application is supported by the following information –

**Planning Report, including Assessment of Environmental Effects;**  
**Appendix A - Certificate of Title**  
**Appendix B - Scheme Plan prepared by BOI Survey Ltd**  
**Appendix C – Previous Council Approvals [RC 2200065 & RC 2220121].**

Regards,



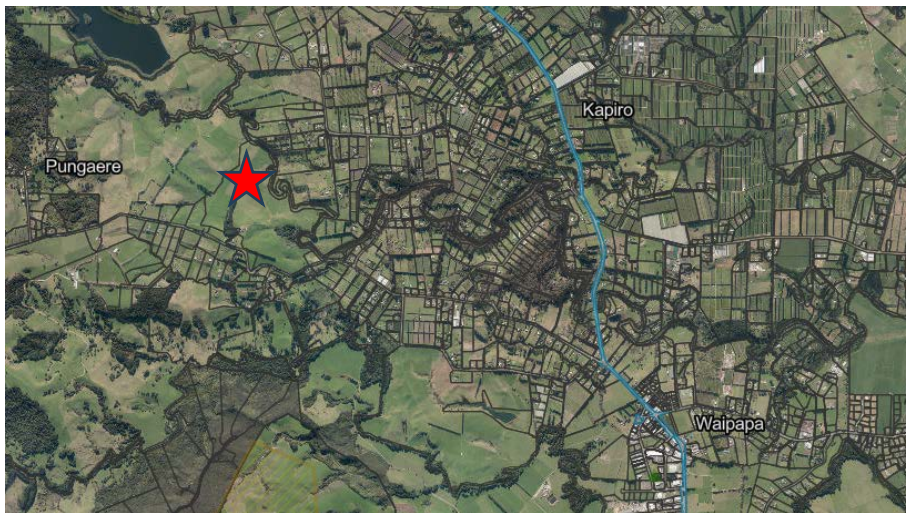
Andrew McPhee  
Consultant Planner

## 1.0 INTRODUCTION

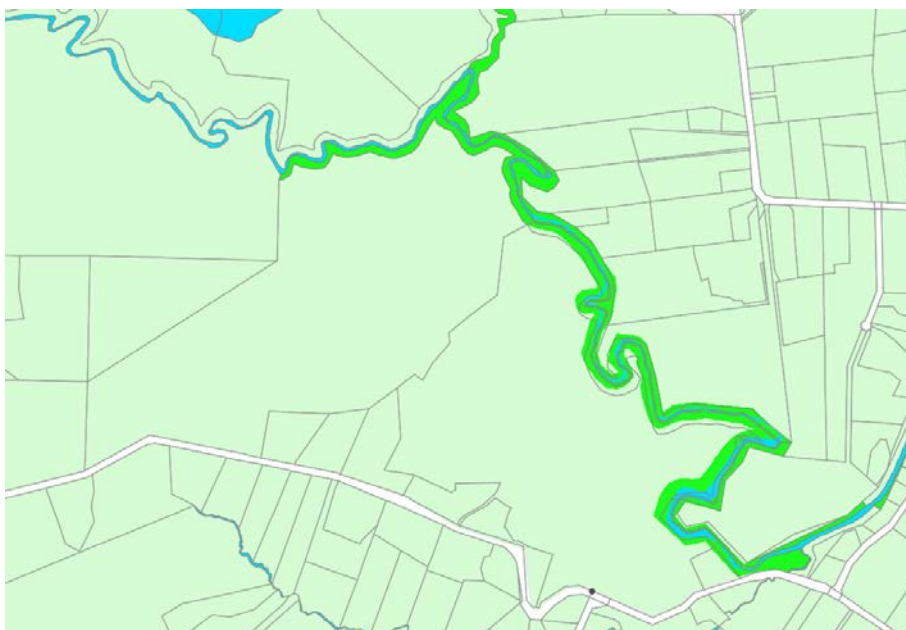
The applicants, Steve and Julie May, seek resource consent to undertake a staged subdivision, including a boundary adjustment (Stage 1) and a two-lot subdivision (Stage 2) of properties located on Pungaere Road, Waipapa legally described as Lot 1 DP 408831 & Lots 4 and 5 DP 570538. Titles are provided in **Appendix A**.

## 2.0 DESCRIPTION OF THE SITES AND SURROUNDS

The sites are situated on Pungaere Road, approximately 3.5km to the west of the Waipapa township. The sites and surrounding area are zoned Rural Production in the operative Far North District Plan (ODP), except for the boundary to the north and east which is zoned Conservation, located adjacent to the Waipapa Stream (see Figures 1 and 2).



**Figure 1: Site Aerial (Source: Proposed District Plan Maps)**



**Figure 2: Zoning (Source: Far North Maps)**

The applicants' landholdings are currently being used in a farming capacity with Lot 5 DP 570538 containing farmland and a cow shed. Lot 4 DP 570538 contains the dwelling. Lot 1 DP 408831 is also being used in a farming capacity with a dwelling and cowshed located close to Pungaere Road (see Figure 3).



**Figure 3: Sites (Source: Prover)**

The landholdings are subject to a River Flood Hazard, however the extent is generally limited in proximity to land adjacent to the Waipapa Stream (see Figure 4)



**Figure 4: River Flood Hazard (Source: Proposed District Plan Maps)**



All existing lots are currently accessed via existing vehicle crossings directly off Pungaere Road. Lots 4 and 5 DP 570538 share access through an easement.

In terms of vegetation, the sites are predominantly in pasture with patches of scrub and exotic species located near the eastern boundary of Lot 5 DP 570538 and a moderate stand of pine trees northeast of the dwelling on Lot 4 DP 570538. No earthworks or vegetation clearance is required as part of this application.

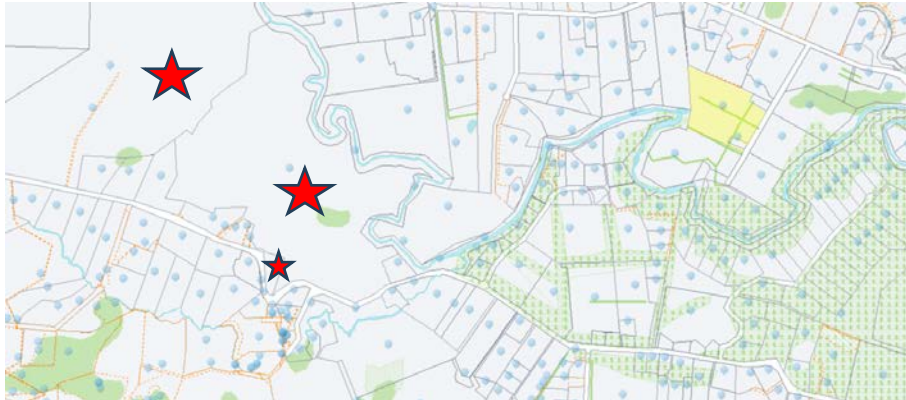
The topography can be best described as undulating, generally falling to the river to the north and east.



**Figure 5: Topography (Source: NRC Maps)**

The sites are located within a Kiwi Present Area. Lots 4 and 5 DP 570538 currently have a consent notice applied restricting the keeping of cats and dogs [note the exemptions for Lot 4 and 5 to keep 2 x dogs]. Lot 1 DP 408831 does not have this condition of consent applied.

The surrounding environment is highly fragmented, particularly to the south and to the east of the Waipapa River (see Figure 6).



**Figure 6: Land fragmentation (Source: Prover)**

The landholdings are a mix of Class 3 and Class 4 soils (see Figure 7 below).



**Figure 7: Land Use Classification (Source: Far North Maps)**

### **3.0 RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS**

The Record of Titles are attached at **Appendix A**. The following consent notices apply:  
**12406798.2**

**Lot 4 DP 570538:**

Lots 3, 4 and 5 DP 570538

- (v) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective control at all times (either tied up, kennelled or within a dog-proof enclosure).

Cats are also exempt provided they are neutered and kept inside at night.

**Lot 5 DP 570538:**

Lot 5 DP 570538

- (i) At the time of lodging an application for building consent, the owner is to provide a report from a chartered professional engineer with recognised competence in relevant geotechnical and structural matters, which includes a site investigation, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction.

- (ii) In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the owner shall submit for Council approval a TP58 report prepared by a chartered professional engineer or an approved TP58 report writer.

The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water and Soil Plan permitted activity standards.

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

Following 12 months of operation of the wastewater treatment and effluent disposal system, the owner shall provide certification to Council that the system is operating in accordance with its design criteria.

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting 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.

- (iv) Reticulated power supply or telecommunication services are not a requirement of subdivision consent RC2220121. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lots 3, 4 and 5 DP 570538

- (v) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective control at all times (either tied up, kennelled or within a dog-proof enclosure).

Cats are also exempt provided they are neutered and kept inside at night.

The consent notices applied to Lot 5 DP 570538 activate at the time a building is proposed on the site. Lot 4 DP 570538 is proposed to be absorbed within this landholding, with the boundary adjustment creating a commensurate lot on the southeastern boundary, through a boundary adjustment (Stage 1).

No dwelling is proposed at this time, so it is considered appropriate for these consent notice conditions to be transferred to the proposed new lot (proposed Lot 3). Services can be addressed at the time a dwelling is proposed.

New easement 'A' will be applied over proposed Lot 4 which will provide for Right of Way access to proposed Lot 1 together with electricity. This is detailed in the schedule of proposed easements outlined on the scheme plan in **Appendix B**.

There is a private land covenant on Lot 1 DP 408831. Council is not party to the covenant so will be addressed, if necessary, by the current landowner.

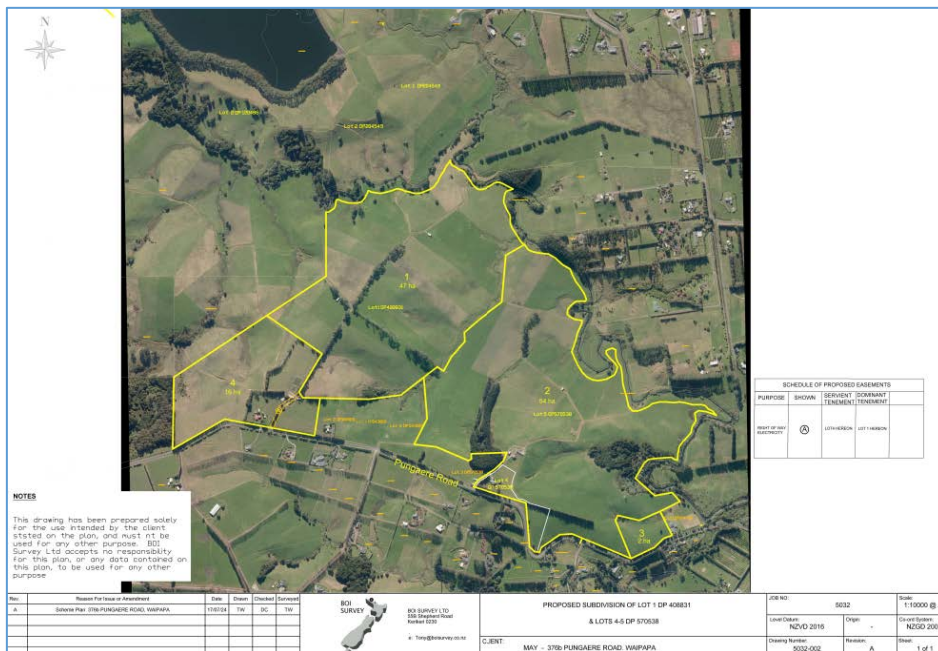
**4.0 DESCRIPTION OF PROPOSAL**

The applicants propose to undertake a staged subdivision including a boundary adjustment (Stage 1) and a two-lot subdivision (Stage 2) of properties located on Pungaere Road, Waipapa legally described as Lot 1 DP 408831 & Lots 4 and 5 DP 570538.

Stage 1 seeks a boundary adjustment of existing Lot 4 DP 570538 (Controlled activity), Stage 2 seeks a subdivision of Lot 1 DP 408831 to create two lots (RDA). This proposed subdivision also creates an internal setback from boundaries breach. The proposal will be in accordance with the scheme plan provided in **Appendix B**.

The proposed staged subdivision will result in the following lots:

- Lot 1 – 47ha
- Lot 2 – 54ha
- Lot 3 – 2ha
- Lot 4 – 16ha



**Figure 8: Proposed scheme plan (Prepared by BOI Survey)**

The applicant is in the process of purchasing proposed Lot 1 (47ha) to increase the size of the existing farm, which will be used in conjunction with proposed Lot 2 to expand existing farming activities. Access and power are currently supplied to proposed Lot 2. No development is currently proposed Lot 1, the purpose of acquiring the land is to increase the size of the farm. Regardless, provision for access and power have been provided by way of an easement over proposed Lot 4.

Proposed Lot 3 is a boundary adjustment of existing Lot 4 DP 575038. Access to proposed Lot 3 will be by way of an existing crossing on to Pungaere Road on the southwestern corner of the site. No development is proposed at this juncture, as such it is considered that formalising access and power to the site can be addressed at the time when development is proposed.

Ownership of proposed Lot 4 will remain with Keith Frederick Ardern and GH Thorp Limited. Access and power are currently supplied to this site. No further development is proposed on Lot 4.

As no development is proposed at this juncture it is considered that the provision of services can be realised at s224(c), which is the way the previous subdivision consent was addressed (attached at **Appendix C**). This included:

- Any upgrades required to vehicle crossings in compliance with Councils Engineering Standards;
- Any requirement to provide written confirmation from a licenced cadastral surveyor that all services and accesses are located appropriately;
- The requirement to provide evidence of any proposed wastewater treatment and effluent disposal system at the time of development;

Lot 4 in Stage 2 of 2200065-RMASUB is in very similar location and size as new proposed Lot 3 subject to the boundary adjustment. Council considered this method appropriate in processing this subdivision, as such it is considered appropriate to apply the same methodology in this instance.

The staged subdivision is considered to be an **RDA** under the ODP:

1. Stage 1: Boundary adjustment (Controlled activity);
2. Stage 2: 2 lot subdivision (RDA)

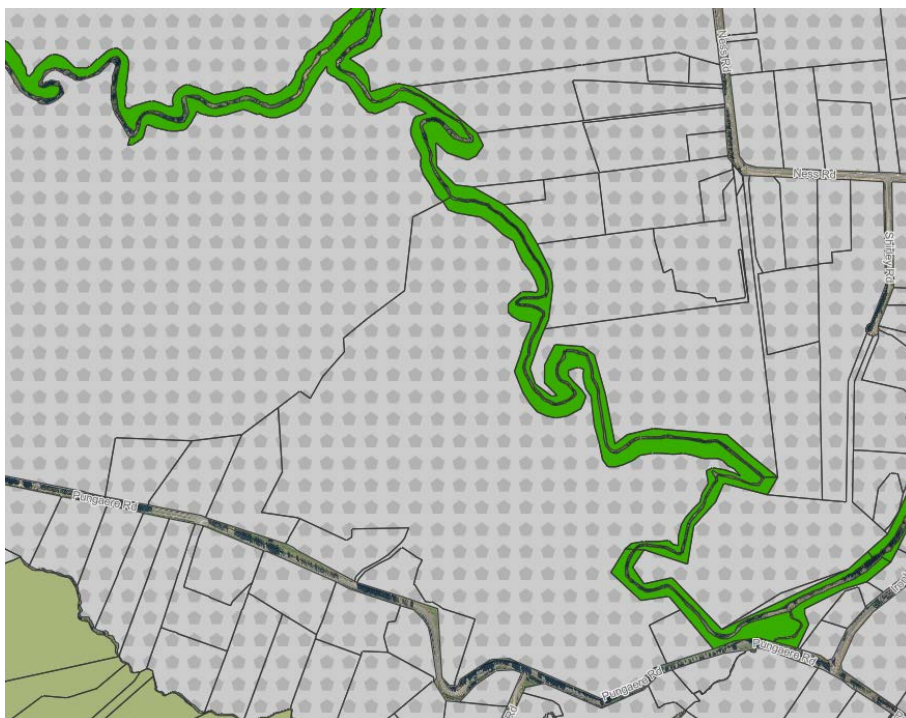
Based on the assessment of environmental effects provided below, it is concluded than any potential adverse effects arising from the proposed staged subdivision would be less than minor and can be mitigated through appropriate conditions of resource consent.

## 5.0 DISTRICT PLAN ASSESSMENT [OPERATIVE AND PROPOSED]

The Far North District Council (FNDC) zones the sites Rural Production in the ODP and Horticulture in the Proposed Far North District Plan (PDP). There are no other identified Resource Features apart from being within a 'Kiwi Present' area.



**Figure 9: ODP zone – Rural Production (Source: Far North Maps)**



**Figure 10: PDP zone – Horticulture (Source: PDP Maps)**

The staged subdivision, being the boundary adjustment and two-lot subdivision is subject to performance standards as set out in Table 1 below:

**Table 1 - Subdivision Performance Standards**

<b>Subdivision Performance Standard</b>	<b>Comment</b>
<b>Rule 13.6.1 Definition of Subdivision of Land</b>	The application meets the definition of subdivision as defined in the RMA.
<b>Rule 13.6.2 Relevant Sections of Act</b>	These are applied to the application.
<b>Rule 13.6.3 Relevant Sections of the District Plan</b>	These are applied to the application.
<b>Rule 13.6.4 Other Legislation</b>	There are no other pieces of legislation which are triggered by the proposal.
<b>Rule 13.6.5 Legal Road Frontage</b>	The sites are currently accessed via Pungaere Road.
<b>Rule 13.6.6 Bonds</b>	Not applicable
<b>Rule 13.6.7 Consent Notices</b>	Consent notices that apply to Lots 4 and 5 DP 570538 are identified in section 3 of this report. It is anticipated that these will be applied to new titles for proposed Lots 2 and 3.
<b>Rule 13.6.8 Subdivision consent before work commences</b>	Minimal physical works will be required to complete the subdivision (if any).
<b>Rule 13.6.9 Assessing Resource Consents</b>	<p>The land subject to the boundary adjustment creating proposed lots 2 and 3 is a controlled activity (Stage 1) was subject to a recently approved subdivision consent 2200065-RMASUB.</p> <p>The subdivision creating proposed lots 1 and 4 (Stage 2) requires an assessment as an RDA, where Council is limited in their assessment to those matters listed in the district plan.</p> <p>Overall, the application is considered a RDA.</p>
<b>Rule 13.6.10 Joint Applications</b>	Not applicable
<b>Rule 13.6.11 Joint Hearings</b>	Not applicable
<b>Rule 13.6.12 Suitability for Proposed Land Use</b>	The application creates one new site resulting from the subdivision of Lot 1 DP 408831 to increase the farm landholding for the applicants. No additional services are required at this juncture. The proposed Stage 1 boundary adjustment creating Lot 3 has been previously considered through Stage 2 of consent 2200065 RMASUB. No development or services are required at this juncture, and it is considered that these requirements can be

Subdivision Performance Standard	Comment
	conditioned in line with those which applied to 2200065 RMASUB (see <b>Appendix C</b> ).
<b>Rule 13.7.1 Boundary Adjustments: All Zones Except the Recreational Activities and Conservation Zones</b>	
<b>Rule 13.7.1 – Boundary Adjustment Performance Standards</b>  <b>(STAGE 1)</b>	<p><i>(a) there is no change in the number and location of any access to the lots involved:</i></p> <p>Access to existing Lot 4 is via an easement over existing Lot 5. Access is formed to service proposed Lot 3.</p> <p><i>(b) there is no increase in the number of certificates of title:</i></p> <p>There is no increase in the number of certificates of title for the boundary adjustment (Stage 1) of this application.</p> <p><i>(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment:</i></p> <p>There is no increase in non-compliance as a result of the boundary adjustment. Both lots are 2ha.</p> <p><i>(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots:</i></p> <p>Proposed Lot 3 is within Lot 5 DP 570538 [which creates Lot 2]. These are contiguous / adjoining allotments.</p> <p><i>(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal):</i></p> <p>Lot 3 site can easily meet the Rural Production siting and design controls. The previous consent granted for this site was satisfied that appropriate services can be provided at the time building.</p> <p><i>(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites:</i></p>



Subdivision Performance Standard	Comment
	<p>The previous consent granted for this site was satisfied that appropriate services can be provided at the time building. Conditions can be applied requiring these engineering reports at the time of development.</p> <p><b>Controlled</b></p>
<b>Rule 13.7.2 Allotment Sizes, Dimensions and Other Standards</b>	
Performance Standard	Comment
<p><b>Rule 13.7.2.1 – Minimum Lot Sizes</b></p> <p><b>(STAGE 2)</b></p>	<p>The proposed two lot subdivision creates lots that are 16ha and 47ha in size.</p> <p>Minimum lot size for a restricted discretionary subdivision is 12ha.</p> <p><b>RDA</b></p>
<p><b>Rule 13.7.2.2 – Allotment dimensions</b></p>	<p>All new allotments can contain a 30m x 30m allotment dimension.</p>
<p><b>Rule 13.7.2.3 – Amalgamation of land in a rural zone with land in an urban or coastal zone</b></p>	<p>Not applicable.</p>
<p><b>Rule 13.7.2.4 – Lots divided by zone boundaries</b></p>	<p>Not applicable.</p>
<p><b>Rule 13.7.2.5 – Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature</b></p>	<p>Not applicable</p>
<p><b>Rule 13.7.2.6 – Activities, Utilities, Roads and Reserves</b></p>	<p>Not applicable</p>
<p><b>Rule 13.7.2.7 – Savings as to previous approvals</b></p>	<p>Not applicable</p>
<p><b>Rule 13.7.2.8 – Proximity to Top Energy transmission lines</b></p>	<p>Not applicable</p>
<p><b>Rule 13.7.2.9 – Proximity to National Grid</b></p>	<p>Not applicable</p>

**Table 2 - Natural and Physical Resources - Performance Standards**

<b>Chapter 12 – Natural and Physical Resources</b>	
<b>12.1 Landscapes and Natural Features</b>	Not applicable
<b>12.2 Indigenous Flora and Fauna</b>	The sites do not contain any significant areas of indigenous vegetation. No vegetation clearance is proposed.
<b>12.3 Soils and Minerals</b>	No earthworks are required as part of the subdivision.
<b>12.4 Natural Hazards</b>	Proposed Lots 1 and 2 area affected by River Flood Hazard in a minor capacity where adjacent to Waipapa River. These lots will be used for farming activities. Proposed Lots 3 and 4 are unaffected by natural hazards.
<b>12.5 Heritage</b>	Not applicable
<b>12.6 Air</b>	Not applicable
<b>12.7 Lakes, Rivers Wetlands and the Coastline</b>	Not applicable
<b>12.8 Hazardous Substances</b>	Not applicable
<b>12.9 Renewable Energy and Energy Efficiency</b>	Not applicable

**Table 3 - Transportation Performance Standards**

<b>Chapter 15 - Transportation</b>	
<b>15.1.6A.2 Traffic Intensity</b>	The proposed staged subdivision will only generate one additional lot being the subdivision in Stage 2 of Lot 1 DP 408831 to create an additional farming lot. Two dwellings exist on separate sites and are exempt. Farming activities are also exempt. 60 traffic movements are permitted.  <b>Complies</b>
<b>15.1.6B.1 Parking</b>	There is ample parking space within each of the lots containing a dwelling to provide for parking and manoeuvring. 2 per unit is permitted.  Farming is exempt from parking requirements.  <b>Complies</b>
<b>15.1.6C Access</b>	As shown on the scheme plan, a ROW easement will be created providing access to proposed Lot 1. Existing access is provided to the remaining proposed Lots. It is considered that a condition can be applied requiring access to proposed Lot 3 to be upgraded when development is proposed.  <b>Complies</b>

<b>15.1.6C.1.8 Frontage to Existing Roads</b>	The sites are all accessed via Pungaere Road.  <b>Complies</b>
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An assessment of the proposal against the relevant land-use rules of the ODP is provided where it relates to existing built development:

**Table 4 – Land-Use Performance Standards**

<b>Rural Production Zone</b>	
Rule 8.6.5.1.1 Residential Intensity	There will be one dwelling per site on proposed Lots 2 and 4 [existing].  <b>Complies</b>
Rule 8.6.5.1.2 Sunlight	Buildings on Lot 2 and 4 are existing.  <b>Complies</b>
Rule 8.6.5.1.3 Stormwater Management	15% is permitted on each site. Proposed Lot 4 contains a dwelling and cowshed, which are well under the permitted threshold of 2.4ha impermeable surface.  Proposed Lot 2 contains a dwelling and cowshed also, which are well under the permitted threshold of 8.1ha impermeable surface coverage. Proposed Lots 1 and 3 are vacant.  <b>Complies</b>
Rule 8.6.5.1.4 Setback from Boundaries	The only proposed lot that creates a new breach to setback from boundaries is proposed Stage 2 [Lot 4], where a shed next to the cowshed will be within the permitted 10m setback.  <b>RDA</b>
Rule 8.6.5.1.5 Transportation	Refer to Chapter 15 – Transportation for Traffic, Parking and Access above.
Rule 8.6.5.1.8 Building Height	All existing buildings are less than 12m in height.  <b>Complies</b>
Rule 8.6.5.1.10 Building Coverage	12.5% is permitted on each site. Proposed Lot 4 contains a dwelling and cowshed, which are well under the permitted threshold of 2ha building coverage. Proposed Lot 2 contains a dwelling and cowshed also, which are well under the permitted threshold of 6.7ha building coverage. Proposed Lots 1 and 3 are vacant.  <b>Complies</b>

Rural Production Zone	
Rule 8.6.5.1.11 Scale of Activities	Not applicable. The sites will largely remain in productive use.  <b>Complies</b>

Overall, this subdivision application falls to be considered as a **RDA**.

In terms of the PDP, the following rules are assessed in Table 4 below.

**Table 5 – PDP Standards**

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances 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 area or a scheduled SNA – which is not mapped	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	N/A	Yes	Not proposed  <b>Permitted Activity</b>
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>

<p>Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map</p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect</p>	<p>N/A</p>		<p>Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b></p>
<p>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)</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect</p>	<p>N/A</p>	<p>Yes</p>	<p>Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b></p>
<p>Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example</p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	<p>N/A</p>	<p>Yes</p>	<p>No proposed vegetation clearance.  <b>Permitted Activity</b></p>
<p>Activities on the Surface of Water</p>	<p>All rules have immediate legal effect (ASW-R1 to ASW-R4)</p>	<p>N/A</p>	<p>Yes</p>	<p>Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b></p>
<p>Earthworks all earthworks (refer to new definition) need to comply with this</p>	<p>The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5</p>	<p>Yes</p>	<p>Complies</p>	<p>With respect of EW-R12, this requires that the proposed earthworks comply with EW-S3. In effect, EW-S3 triggers the need for an ADP to be applied. It is confirmed that the proposed earthworks will comply with an ADP and this is volunteered as a condition of consent.  EW-R13 links to EW-S5. EW-S5</p>

				requires earthworks to be controlled in accordance with GD-05.  No earthworks are required for the subdivision.  <b>Permitted Activity</b>
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	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Subdivision	SUB-R6, R13-R15, and R17	Yes	Yes	Whilst subdivision is proposed the rules with legal effect are not relevant.  <b>Permitted Activity</b>
<b>Comments:</b>				
No consents are required under the PDP.				

## 6.0 STATUTORY CONSIDERATIONS

Section 104 of the RMA states that when considering an application for a resource consent, “the consent authority must, subject to Part II, have regard to –

- (i) any actual and potential effects on the environment of allowing the activity; and
- (ii) any relevant provisions of –
- (iii) a national environment standard;
- (iv) other regulations;
- (v) a national policy statement; and

- (vi) a New Zealand Coastal Policy Statement;
- (vii) a regional policy statement or proposed regional policy statement;
- (viii) a plan or proposed plan; and
- (ix) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

The matters to be addressed under s104 are discussed below under the headings Environmental Effects and District Plan Considerations. No Regional Plan matter is considered to be pertinent to the considerations as no consents are required in this respect.

Those relevant s104 considerations are addressed and followed by an assessment of Part II matters as they apply to the application.

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

In terms of any potential adverse effects arising from the proposal, these include the assessment matters under:

- Stage 1 Boundary adjustment - Subdivision Rules 13.7.1; and
- Stage 2 2 Lot subdivision – Subdivision Rules 13.8.1 and Setback from Boundaries 8.6.5.3.4.

#### **Stage 1 – Boundary adjustment**

Stage 1 involves the boundary adjustment creating proposed Lots 2 and 3. Existing Lot 4 DP 570538 will be absorbed within proposed Lot 2 and includes the existing dwelling and cowshed.

Subdivision Rule 13.7.1 (Controlled activity):

*(a) there is no change in the number and location of any access to the lots involved.*

There is no change to the number or location of any access to the Lots. Access to existing Lot 4 DP 570538 is via an easement over existing Lot 5 DP 570538. This access will serve proposed Lot 2. Access is formed off Pungaere Road to service proposed Lot 3. It is acknowledged that this access will likely need to be upgraded if or when development on proposed Lot 3 is sought. It is considered that this requirement can be addressed through a condition of consent.

*(b) there is no increase in the number of certificates of title.*

There is no increase in the number of certificates of title for the boundary adjustment stage of this application.

*(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment:*

There is no increase in non-compliance as a result of the boundary adjustment. Existing Lot 4 DP 570538 is 2ha as is proposed Lot 3.

*(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots.*

Proposed Lot 3 is currently within Lot 5 DP 570538.

*(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal).*

Proposed Lot 3 will be a 20,000m<sup>2</sup> site which can easily meet the Rural Production siting and design controls. The previous subdivision consent granted for this site (see **Appendix C**) was satisfied that the landholding was capable of complying with all relevant land use rules and that appropriate services can be provided at the time building.

*(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.*

There is no further development proposed as part of this application. The current arrangements for the dwelling on existing Lot 4 DP 570538 will remain unchanged, as will those for the cowshed and farming activities on existing Lot 5 DP570538. A previous subdivision consent considered a site of similar size and location to proposed Lot 3. That consent was granted and Council was satisfied that appropriate services can be provided at the time building. Conditions can be applied requiring these engineering reports at the time of development.

It is considered that the Stage 1 of this subdivision application can be granted as a controlled activity because:

- a) the land is unlikely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source;



- b) subsequent land use is unlikely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage, or inundation from any source;
- c) sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision.

## **Stage 2 – 2-Lot subdivision**

Stage 2 (RDA) involves a 2-Lot subdivision to create proposed Lots 1 and 4. Lot 1 will be used for rural production activities, increasing the size of the farm to work in concert with proposed Lot 2. Proposed Lot 4 will be retained by the current owner.

The application is for subdivision in the Rural Production zone where the minimum lot size is 12ha. Stage 2 creates two lots being 16ha and 47ha. In accordance with Rule 13.8.1 the following matter of discretion is applicable:

### *Effects on the Natural Character of the Coastal Environment - 13.8.1[i]*

The sites are not mapped within the coastal environment.

### *Consent Conditions – 13.7.3*

For the purposes of imposing conditions, the Council restricts its discretion to the following matters:

- Property Access – Proposed Lot 4 will utilise the existing access to the dwelling off Pungaere Road. Formal access to Proposed Lot 1 will be by way of an easement over Proposed Lot 4 in accordance with the scheme n Plan in **Appendix B**. It is noted that this is not be required at this juncture as Proposed Lot 1 will be accessed through the existing farm (proposed Lot 2) and no development is proposed.
- Natural & Other Hazards – The River Flood Hazard is only prevalent adjacent to the Waipapa River and only affects proposed Lot 1, which will be used for farming purposes. No development is sought through this application so there is no specific resource consent condition required.
- Water, Wastewater, Stormwater – No further development is sought through this application. The arrangements for the existing dwelling can be retained, as such there is no specific resource consent condition required.

- Electricity & Telecoms – The arrangements for the existing dwelling will be retained. No further development is proposed so it is considered that consent notice conditions can be applied to vacant Lot 1 to alert prospective purchasers of availability.
- Easements – These are shown on the scheme plan (**Appendix B**) and can be adhered to at time of s223.
- Preservation of Resources – While the proposed Lots are located in a Kiwi Present area, no conditions were placed on the title in respect of controlling carnivorous animals. It is not considered necessary to condition it now.
- Access to Reserves & Waterways – No new access is required as the land adjacent to the Waipapa River is in Crown ownership.
- Land Use Compatibility – As an RDA activity, the proposal is inherently appropriate with the underlying rural use. The purpose of the applicant subdividing the land is to increase the farm landholding for rural production purposes. No conditions were proposed in respect of the last approval and no new conditions in this respect are envisaged.
- Proximity to Airports – Not relevant and no consent conditions are required.

It is concluded that the effects of the Stage 2 subdivision will incur effects on the environment that are no more than minor.

### **Setback from Boundaries**

The Stage 2 subdivision of Lot 1 DP 408831 creates an internal setback from boundaries infringement adjacent to easement A on the scheme plan for an existing farm building.



The matters of discretion identified in Rule 8.6.5.3.4.

*(a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;*

The applicant as the future owner of proposed Lot 1 is not considered affected by the breach. The offending building is a farm building abutting farmland on proposed Lot 1. The scale of the landholdings and use as a working farm does not affect the privacy or outlook from either property.

*(b) the extent to which the buildings restrict visibility for access and egress of vehicles;*

There is no plan at this stage to form the easement to proposed Lot 1 as it will be absorbed within the farmland incorporating proposed Lot 2. The applicant will be utilising access from proposed Lot 1 indefinitely. The easement providing formal access to proposed Lot 1 can be formed when it is required.

*(c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;*

There is currently a stand of trees between the farm shed and proposed Lot. In any case this is a working farm and amenity planting is not considered necessary.

*(d) for sites having a frontage with Kerikeri Road (between its intersection with SH10 and Cannon Drive:*

- (i) the scale of the buildings;*
- (ii) the extent of set back from Kerikeri Road;*
- (iii) the visual appearance of the site from the Kerikeri Road frontage;*
- (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;*

Not applicable.

*(e) for residential buildings located within 100m of Minerals Zone:*

- (i) the position of the building platform(s) in relation to the mine or quarry;*
  - (ii) the likelihood of the mine or quarry causing environmental effects, especially noise and loss of amenity values, that will impact adversely on the occupiers of the proposed residential building;*
  - (iii) the effectiveness of any mitigation measures proposed;*
- Where an application is required under this rule, the owner and/or operator of any mine or quarry within the adjacent Minerals Zone shall be considered an affected party. Where the written approval of the owner and the mine or quarry operator has been obtained, the application will be non-notified.*

Not applicable.

(f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

Not applicable.

The current and future owner of proposed Lot 1 are aware of the location and setback from boundaries breach and do not consider themselves affected, as such there are no adverse effects.

*Section 104 (1)(ab) Any measures to achieve positive effects*

Positive effects arising from the subdivision would include enabling the efficient use of land for rural production purposes. The applicant is purchasing neighbouring property to increase the size of the farm for rural production purposes. This supports the sustainable management of the natural and physical resources for the sites and maintain rural amenity.

*Section 104 (b)(i) and (ii) National Environmental Standards & Other Regulations*

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). A review of Council records has revealed no evidence to suggest that a HAIL

activity has previously been undertaken on site. Further, the landowner has advised that the sites are not currently being used for and has not previously been used for an activity classified as HAIL. Therefore, it is considered that the NESCS is not applicable to this application.

The NES for Freshwater (NESFW). A review of aerial images, including NRC’s wetland maps, reveal no evidence to suggest that there are any wet areas that may be subject to the NESFW provisions. Therefore, no further assessment is required under the NESFW.

Section 104 (b)(iii) National Policy Statement(s)

The NPS for Highly Productive Land (NPSHPL) is considered to be relevant insofar as the Class 3 soils are presented on some sites as per Figure 7 above. While the NPSHPL is relevant, the proposal is an RDA activity so there is no scope to consider the soil concerns in the ODP.

Section 104 (b)(iv) New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement is not relevant to this application.

Section 104 (b)(v) Regional Policy Statement or Proposed Regional Policy Statement

The Northland Regional Policy Statement is the applicable regional statutory document that applies to the Northland region. Jurisdiction for subdivision is governed by the FNDC and the policy framework for establishing an appropriate land use pattern across the district is set out in the ODP. This Plan is subject to the governing regional policy framework set out in the Northland Regional Policy Statement.

**Table 6 – NRC Regional Policy Statement Review Assessment**

<b>Regional Policy Statement for Northland</b>	
<b>Objective / Policy</b>	<b>Assessment</b>
<b>Integrated Catchment Management</b>	Not relevant.
<b>Region Wide Water Quality</b>	Not relevant.
<b>Ecological Flows and Water Quality</b>	Not relevant.
<b>Enabling Economic Wellbeing</b>	The proposal will increase economic wellbeing for the applicants, local building and construction suppliers.
<b>Economic Activities –</b>	The purpose of the Stage 2 subdivision is to increase the farm

<b>Reverse Sensitivity and Sterilisation.</b>	landholding for the applicant to continue rural production activities at a larger scale. This is the purpose of the Rural Production zone in which it sits.
<b>Regionally Significant Infrastructure</b>	Not relevant.
<b>Efficient and Effective Infrastructure</b>	The proposal largely relies on on-site services and the use of Pungaere Road.
<b>Security of Energy Supply</b>	Two of the sites already have connections. It is considered that the two vacant sites can be serviced at time of development.
<b>Use and Allocation of Common Resources</b>	Not relevant.
<b>Regional Form</b>	The proposal does not result in any reverse sensitivity or change in character. The proposed use is largely a rural productive one which is the intent of the zone in which it sits.
<b>Tangata Whenua Role in Decision Making</b>	Council may seek relevant input through the consent process.
<b>Natural Hazard Risk</b>	Natural Hazards are not considered to be a factor in so far that the effects from the River Flood Hazard along the Waipapa River are limited to land used for farming. No development is proposed on an area affected by natural hazards.
<b>Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage</b>	Not relevant.

Section 104 (b)(vi) Plans or Proposed Plans

This staged subdivision application is subject to the provisions of the ODP and is subject to consideration (limited weight) of the PDP objectives and policies. The sites are zoned Rural Production and is to be assessed in terms of the objectives and policies for the Rural Environment and Rural Production Zones and the district-wide subdivision, transportation and environment provisions.

The following objectives and policies are relevant to the assessment of this application and are considered in the context of the 2 Stage subdivision above:

## Rural Environment

**Table 7 – ODP - Rural Environment Objectives and Policies**

OBJECTIVE OR POLICY		Assessment
<b>OBJECTIVES</b>		
8.3.1	To promote the sustainable management of natural and physical resources of the rural environment while enabling activities to establish in the rural environment.	The rural environment includes provision for both rural production and rural-lifestyle activities where reverse sensitivity effects are avoided. Sustainable management of the rural environment would include both forms of rural activity where adverse effects can be avoided, remedied or mitigated.
8.3.2	To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	The Stage 1 boundary adjustment does little to alter the life supporting capacity of soils as it is moving the location of a previously consented site. The Stage 2 subdivision enables the applicant to expand their farming activities in the rural environment, which supports the life supporting capacity of the soils.
8.3.3	To avoid, remedy or mitigate adverse effects of activities on the rural environment.	The assessment of effects concludes that any effects would be less than minor on the rural environment and supports the applicant increasing their landholdings to continue and expand rural production activities.
8.3.4	To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.	The sites do not contain any areas of significant indigenous vegetation. Kiwi can be managed via conditions.
8.3.5	To protect outstanding natural features and landscapes.	The area does not contain any outstanding landscapes or outstanding natural features.
8.3.6	To avoid actual and potential conflicts between land use activities in the rural environment.	The sites have a history of rural production activities. These activities will continue through the expansion of the landholding for the applicant. The location of the proposed boundary adjustment is sufficiently away from these activities adjacent to Pungaere Road.

OBJECTIVE OR POLICY		Assessment
8.3.7	To promote the amenity values of the rural environment.	The landholdings are situated within a land use environment that has rural lifestyle characteristics along Pungaere Road and rural production activities to the north. This land use pattern will remain. The proposed lot sizes in their locations are compatible with those surrounding the subject sites.
8.3.8	To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.	This objective is not relevant to the size and scale of this proposed subdivision.
POLICIES		
8.4.1	That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.	Refer to 8.3.1 above.
8.4.2	That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded.	The proposed subdivision will not generate adverse effects on local productive soil or ecosystem values. While the sites do contain Class 3 soils, the predominant use of the land will support rural production activities. The Stage 1 subdivision merely relocates an existing site of the same size, as a controlled activity. There are no highly valued ecosystems as mapped by FNDC.
8.4.3	That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.	All necessary infrastructure is existing. The proposal does not include any new infrastructure.



OBJECTIVE OR POLICY		Assessment
8.4.4	That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.	There are no outstanding landscapes or outstanding natural features present on the sites or in the vicinity. The amenity values of the local environment will not be affected by the proposal.
8.4.5	That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse effects from the existing use – i.e., reverse sensitivity).	The proposed staged subdivision supports rural production activities for the applicant. It is considered compatible with the surrounding land use pattern and would not generate adverse reverse sensitivity effects.
8.4.6	That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.	The sites do not contain any areas of significant indigenous vegetation. Kiwi matters can be conditioned.
8.4.7	That Plan provisions encourage the efficient use and development of natural and physical resources.	The proposed staged subdivision would enable efficient use of rural land in so far that it is supporting ongoing rural production activities in the Rural Production zone.
8.4.8	That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes, on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated.	The proposed staged subdivision is appropriate in this location and would avoid or mitigate adverse effects on the amenity of the local rural environment. There are no outstanding landscapes, outstanding natural features or habitats that would be affected by the proposal.

**Rural Production Zone**

The Rural Production zone applies to most of the district’s rural land other than those areas defined as Coastal, Rural Living or set aside for Recreation, Conservation or Minerals. The zone provides for a wide range of activities that are compatible with normal farming and forestry activities, including rural lifestyle and residential uses. The sustainable management of natural and physical resources is promoted in this zone.

The relevant expected outcomes listed within the ODP for the Rural Production zone are:

*8.2.1 A rural environment where natural and physical resources are managed sustainably.*

*8.2.2 A rural environment in which a wide variety of activities is enabled, consistent with safeguarding the life supporting capacity of air, water, soil and ecosystems.*

*8.2.3 A dynamic rural environment which is constantly changing to meet the social and economic needs of the district’s communities through the sustainable management of natural and physical resources.*

*8.2.4 The maintenance of areas of significant indigenous vegetation and significant habitats of indigenous fauna including aquatic habitats, and an increase in such areas that are formally protected.*

*8.2.5 Adverse effects arising from potentially incompatible activities are avoided, remedied or mitigated.*

*8.2.7 A rural environment where change is acknowledged whilst amenity values are maintained and enhanced to a level that is consistent with the productive intent of the zone.*

The ODP recognises the varied character of land zoned Rural Production and the different characteristics and values which occur throughout the zone. The relevant objectives and policies for the Rural Production Zone are discussed in Table 8 below:

**Table 8 - Rural Production Zone Objectives and Policies**

OBJECTIVE OR POLICY	PERFORMANCE OF PROPOSAL
<b>OBJECTIVES</b>	

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.3.1	To promote the sustainable management of natural and physical resources in the Rural Production Zone.	The sustainable management of natural and physical resources is discussed in the context of Rural Environment Objective 8.3.1 in Table 7 above. The subject sites contain a large portion of productive land of which will remain in productive use. Overall, the use of the sites will remain unchanged.
8.6.3.2	To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.	Efficient use and development in the context of the rural environment has been considered under Policy 8.4.7 above.
8.6.3.3	To promote the maintenance and enhancement of the amenity values of the Rural Production Zone.	The immediate surrounding environment consists of smaller or similarly sized landholdings along the Pungaere Road frontage. Therefore, the proposed Stage 1 subdivision will be undertaken in a manner that is compatible with existing land use patterns. The Stage 2 subdivision will increase the size of the applicants farm landholding, which will be used for rural production activities. It is therefore considered that any adverse effects on rural amenity will be less than minor.
8.6.3.4	To promote the protection of significant natural values of the Rural Production Zone.	The sites do not contain any significant natural values that require protection.
8.6.3.5	To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri	The sites do not have frontage to Kerikeri Road.
8.6.3.6	To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.	The proposed subdivision is compatible with the surrounding land use and would not generate any adverse reverse sensitivity effects on existing activities.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.3.7	To avoided, remedy or mitigate the adverse effects of incompatible use or development on natural or physical resources.	As above.
8.6.3.8	To enable the efficient establishment and operation of activities and services that have a functional need to be located in the rural environments.	The Rural Production zone provides for a wide range of activities provided reverse sensitivity effects can be appropriately managed. As previously stated, the proposed use of the land is consistent with the character and use of land in the surrounding area and represents an efficient use of rural land.
8.6.3.9	To enable rural production activities to be undertaken in the zone	The land is currently used for farming activities. The proposed Stage 2 subdivision will enable the applicant to continue these farming activities. The Stage 1 boundary adjustment brings the dwelling within the farm landholding.
POLICIES		
8.6.4.1	That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated.	As discussed above, the staged subdivision is considered appropriate and would not generate adverse effects of any note, including any reverse sensitivity effects.
8.6.4.2	That standards be imposed to ensure that the off-site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.	No adverse off-site effects would be generated by the proposal, including traffic effects.
8.6.4.3	That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	The staged subdivision supports the applicant increasing the size of their farm landholding to continue rural production activities.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.4.4	That the intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone.	No development is proposed. The staged subdivision only creates one additional lot. The residential intensity rules allow for a number of additional dwellings on the larger landholdings, none are proposed. As such it is considered that the staged subdivision is compatible with the amenity of the locality and would not adversely affect the amenity values of the Rural Production zone.
8.6.4.5	That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.	Efficient use and development are considered under Policy 8.4.7 in Table 7 above.
8.6.4.6	That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts	The application sites do not have frontage to Kerikeri Road.
8.6.4.7	That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.	The proposed subdivision will enable existing production activities to continue which are compatible with the surrounding land use.
8.6.4.8	That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities	With a combined large landholding made available for rural production activities, the subdivision layout is able to provide sufficient separation distance between any potentially conflicting land use activities.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.4.9	That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.	The use of the sites will largely remain unchanged and will not give rise to any reverse sensitivity effects.

In summary, it is considered that the proposal would achieve the outcomes sought by the objectives and policies for the Rural Production Zone given the extensive nature of the zone and its varied character. The proposal conforms with the characteristics of the particular area in which it is located, and it is considered that it would create no adverse effects on amenity or visual aspects.

### **Subdivision**

The objectives and policies for subdivision are assessed in **Table 9** below.

**Table 9 – Subdivision Objectives and Policies**

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
<b>OBJECTIVES</b>		
13.3.1	To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan and will promote the sustainable management of the natural and physical resources of the District, including airports and the social, economic and cultural wellbeing of people and communities.	The assessments above demonstrate that sustainable management of the physical land resource would be achieved. The existing and proposed activities are consistent with a variety of land uses that are appropriate within the zone and will not generate adverse effects on this local rural location.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.3.2	To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.	As per the assessment of effects, the proposed subdivision will not result in adverse effects on the life-supporting capacity of air, water, soil or ecosystems, nor will the proposal give rise to reverse sensitivity effects.
13.3.3	To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.	The sites do not possess such values or features and is not part of the coastal environment.
13.3.4	To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.	There are no heritage resources on the property.
13.3.5	To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.	This can be provided at time of development for the vacant lots.
13.3.6	To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.	As the sites do not possess any significant values or characteristics, special forms of subdivision are not necessary.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.3.7	To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.	No sites of significance to Māori have been identified in the District Plan on the land or in the vicinity of the properties.
<b>POLICIES</b>		
13.4.1	That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on: (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses.	The relevant items are the amenity of the locality and the surrounding land uses. The AEE did not identify any adverse effects on these identified values.
13.4.2	That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.	Appropriate access arrangements can be attained to achieve both safe and effective vehicular movement.
13.4.3	That natural and other hazards be taken into account in the design and location of any subdivision.	Some sites are subject to River Flood hazards in locations adjacent to the Waipapa River. This only affects the large farm landholdings where no development is proposed.
13.4.4	That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.	This is not a requirement within the Rural Production Zone.



OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.4.5	That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.	Work on the sites will be managed to avoid effects of this nature however it considered that these would be minimal as all infrastructure is existing.
13.4.6	That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.	The sites have been identified as a 'Kiwi Present' area. Council standard advice note is warranted here.
13.4.7	That the need for a financial contribution be considered only where the subdivision would: (a) result in increased demands on car parking associated with non-residential activities; or (b) result in increased demand for esplanade areas; or (c) involve adverse effects on riparian areas; or (d) depend on the assimilative capacity of the environment external to the site.	Not applicable
13.4.8	That the provision of water storage be taken into account in the design of any subdivision.	See Objective 13.3.5 above.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.4.9	That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.	N/A
13.4.10	The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.	N/A
13.4.11	That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.	See Objective 13.3.7 above.
13.4.12	That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.	N/A
13.4.13	Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regard to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including: (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns; (b) minimising the visual impact of buildings, development, and	The proposal does not generate any adverse effects that are more than minor.  The techniques described in the policies are not necessary as the land does not possess the values or characteristics the techniques aim to protect.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
	<p>associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;</p> <p>(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;</p> <p>(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer <b>Chapter 2</b> and in particular <b>Section 2.5</b> and Council’s “<i>Tangata Whenua Values and Perspectives</i>” (2004);</p> <p>(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;</p> <p>(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.</p>	
13.4.14	<p>That the objectives and policies of the applicable environment and zone and relevant parts of <b>Part 3</b> of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.</p>	<p>These have been taken into account as described in the assessments above.</p>

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

**Table 10 – PDP Rural Production Zone**

OBJECTIVES	
RPROZ-O1	The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.
RPROZ-O2	The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.
RPROZ-O3	Land use and subdivision in the Rural Production zone: <ol style="list-style-type: none"> <li>a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;</li> <li>b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</li> <li>c. does not compromise the use of land for farming activities, particularly on highly productive land;</li> <li>d. does not exacerbate any natural hazards; and</li> <li>e. is able to be serviced by on-site infrastructure.</li> </ol>
RPROZ-O4	The rural character and amenity associated with a rural working environment is maintained.
POLICIES	
RPROZ-P1	Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.
RPROZ-P2	Ensure the Rural Production zone provides for activities that require a rural location by: <ol style="list-style-type: none"> <li>a. enabling primary production activities as the predominant land use;</li> <li>b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.</li> </ol>
RPROZ-P3	Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.
RPROZ-P4	Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes: <ol style="list-style-type: none"> <li>a. a predominance of primary production activities;</li> <li>b. low density development with generally low site coverage of buildings or structures;</li> <li>c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and</li> <li>d. a diverse range of rural environments, rural character and amenity values throughout the District.</li> </ol>

RPROZ-P5	<p>Avoid land use that:</p> <ul style="list-style-type: none"> <li>a. is incompatible with the purpose, character and amenity of the Rural Production zone;</li> <li>b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</li> <li>c. would result in the loss of productive capacity of highly productive land;</li> <li>d. would exacerbate natural hazards; and</li> <li>e. cannot provide appropriate on-site infrastructure.</li> </ul>
RPROZ-P6	<p>Avoid subdivision that:</p> <ul style="list-style-type: none"> <li>a. results in the loss of highly productive land for use by farming activities;</li> <li>b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account: <ul style="list-style-type: none"> <li>i. the type of farming proposed; and</li> <li>ii. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</li> </ul> </li> <li>c. provides for rural lifestyle living unless there is an environmental benefit.</li> </ul>
RPROZ-P7	<p>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> <li>a. whether the proposal will increase production potential in the zone;</li> <li>b. whether the activity relies on the productive nature of the soil;</li> <li>c. consistency with the scale and character of the rural environment;</li> <li>d. location, scale and design of buildings or structures;</li> <li>e. for subdivision or non-primary production activities: <ul style="list-style-type: none"> <li>i. scale and compatibility with rural activities;</li> <li>ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;</li> <li>iii. the potential for loss of highly productive land, land sterilisation or fragmentation</li> </ul> </li> <li>f. at zone interfaces: <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</li> </ul> </li> <li>g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;</li> <li>h. the adequacy of roading infrastructure to service the proposed activity;</li> <li>i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</li> <li>j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>

The soils and underlying conditions associated with the sites are identified as versatile, however as a staged Controlled and RDA application there is no consideration of this resource that is required.

Primary production activities will still be possible on each lot subject to the Stage 2

subdivision and will remain the dominant land use on the landholdings. Primary production is the principal reason why the applicant has applied for this subdivision. The purchase of neighbouring land (proposed Lot 1) will enable the landowner to expand the existing farming activity, keeping the land in primary production. The owner of proposed Lot 4 owns a significant quantum of land to the north and west which will complement the farming activities currently being undertaken.

Natural hazards only have a discernible effect on land that will be used for primary production adjacent to the Waipapa River. This application does not exacerbate this hazard.

A rural working character and amenity will be maintained, to a level that is considered appropriate and seen in the surrounds which contains a number of smaller allotments.

As above, there are no reverse sensitivity or land use incompatibility effects resulting from the proposal.

The proposal is consistent in scale and character of the surrounds which are a mix of rural production activities to the north and west and rural lifestyle to the south and east.

All sites can be serviced by on-site infrastructure. There are no known historical, cultural or spiritual associations with the sites

Overall, it is considered that the proposal would not be contrary to the PDP Rural Production objective and policy framework.

**Table 11 – PDP Subdivision Chapter**

OBJECTIVES	
SUB-O1	Subdivision results in the efficient use of land, which: <ol style="list-style-type: none"> <li>a. achieves the objectives of each relevant zone, overlays and district wide provisions;</li> <li>b. contributes to the local character and sense of place;</li> <li>c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;</li> <li>d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;</li> <li>e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; an</li> <li>f. manages adverse effects on the environment.</li> </ol>

SUB-O2	<p>Subdivision provides for the:</p> <ol style="list-style-type: none"> <li>a. Protection of highly productive land; and</li> <li>b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.</li> </ol>
SUB-O3	<p>Infrastructure is planned to service the proposed subdivision and development where:</p> <ol style="list-style-type: none"> <li>a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and</li> <li>b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.</li> </ol>
SUB-O4	<p>Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:</p> <ol style="list-style-type: none"> <li>a. public open spaces;</li> <li>b. esplanade where land adjoins the coastal marine area; and</li> <li>c. esplanade where land adjoins other qualifying waterbodies.</li> </ol>
<b>POLICIES</b>	
SUB-P1	<p>Enable boundary adjustments that:</p> <ol style="list-style-type: none"> <li>a. do not alter:</li> <li>b. the degree of non compliance with District Plan rules and standards;</li> <li>c. the number and location of any access; and</li> <li>d. the number of certificates of title; and</li> <li>e. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.</li> </ol>
SUB-P2	<p>Enable subdivision for the purpose of public works, infrastructure, reserves or access.</p>
SUB-P3	<p>Provide for subdivision where it results in allotments that:</p> <ol style="list-style-type: none"> <li>a. are consistent with the purpose, characteristics and qualities of the zone;</li> <li>b. comply with the minimum allotment sizes for each zone;</li> <li>c. have an adequate size and appropriate shape to contain a building platform; and</li> <li>d. have legal and physical access.</li> </ol>
SUB-P4	<p>Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan.</p>

SUB-P5	<p>Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by</p> <ul style="list-style-type: none"> <li>a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;</li> <li>b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;</li> <li>c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;</li> <li>d. contributing to a well connected transport network that safeguards future roading connections; and</li> <li>e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.</li> </ul>
SUB-P6	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ul style="list-style-type: none"> <li>a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and</li> <li>b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.</li> </ul>
SUB- P7	<p>Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.</p>
SUB-P8	<p>Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:</p> <ul style="list-style-type: none"> <li>a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and</li> <li>b. will not result in the loss of versatile soils for primary production activities.</li> </ul>
SUB-P9	<p>Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.</p>
SUB-P10	<p>To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.</p>



SUB-P11	<p>Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> <li>a. consistency with the scale, density, design and character of the environment and purpose of the zone;</li> <li>b. the location, scale and design of buildings and structures;</li> <li>c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</li> <li>d. managing natural hazards;</li> <li>e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and</li> <li>f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>
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For the various reasons already provided, the proposal is considered consistent with the policies for Subdivision under the PDP.

Overall, the proposal is consistent with higher order documents.

Section 104 (c) Other Matters

There are no other matters that are considered relevant.

**7.0 NOTIFICATION (S95A-95D)**

S95A of the RMA determines circumstances when public or limited notification of an application may be appropriate. Section 95A sets out a series of steps for determining public notification. These include:

- *Step 1* – Mandatory public notification in certain circumstances. In respect of this application, the applicant is not seeking public notification, nor is it subject to a mandatory notification requirement.
- *Step 2* – Public notification precluded in certain circumstances. Stage 1 (the boundary adjustment) is a controlled activity and would by itself be precluded from notification. However, Stage 2 is RDA and while there is a boundary activity breach, subdivision is also sought.
- *Step 3* – Public notification required in certain circumstances. In respect of clause 8(a) the application is not subject to a rule or national environmental standard that requires public notification. In respect of clause 8(b), this assessment of effects on the environment concludes that any adverse effects would be less than

minor. For these reasons, it is considered that the application can be processed without public notification.

- *Step 4* – Public notification in special circumstances. ‘Special circumstances’ are those that are unusual or exceptional, but they may be less than extraordinary or unique. (*Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2NZLR 5290). It is considered that there are no unusual or exceptional circumstances that would warrant notification of this application.

Section 95b sets out a series of steps for determining limited notification. These include:

- *Step 1* – certain affected groups and affected persons must be notified. These include affected customary rights groups or marine title groups (of which there are none relating to this application). Affected groups and persons may also include owners of adjacent land subject to statutory acknowledgement if that person is affected in accordance with s95E. There are no groups or affected persons that must be notified with this application.
- *Step 2* – limited notification precluded in certain circumstances. These include any rule or national environmental standard that precludes limited notification, or the activity is solely for a controlled activity or a prescribed activity. These circumstances do not apply to this application.
- *Step 3* – certain other persons must be notified. An affected person is determined in accordance with s95E. A person is affected if the consent authority decides that the activity’s adverse effects on the person are minor or more than minor (but are not less than minor). Adverse effects on a person may be disregarded if a rule or a national environmental standard permits an activity with that effect or is a controlled or RDA with an adverse effect that does not relate to a matter over which a rule or standard reserves control or discretion. Those circumstances do not apply to this application. S95E(3) states that a person is not affected if the person has given, and not withdrawn their written approval for a proposed activity or a consent authority is satisfied that it is unreasonable in the circumstances for an applicant to seek a person’s written approval.

In respect of this application, an assessment of effects on the environment has concluded that adverse effects are less than minor where they would affect owners of land that are adjacent to or within the immediate vicinity of the sites.

The proposal is an RDA activity with all matters that are associated with the boundary adjustment and subdivision being appropriately conditioned and provided on site. Therefore, there are considered to be no adversely affected persons.

Section 95C relates to the public notification after a request for further information which does not apply to this application. Section 95D provides the basis for determining notification under Section 95A(8)(b) if adverse effects are likely to be more than minor. This assessment concludes that potential adverse effects arising from this subdivision proposal would be less than minor.

## **8.0 PART II – RMA**

### Purpose of the RMA

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. The proposed staged subdivision will support the continuation of rural production activities over the larger landholding.

### Matters of National Importance

The site is mapped as being within a Kiwi ‘present’ area however as there is little existing vegetation on the site and it is not anticipated to adversely affect Kiwi habitat. Maori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted.

### Other Matters

The development will enable the landowner to increase their farming activities on land zoned for that purpose.

## **9.0 OVERALL CONCLUSION**

This application seeks resource consent to undertake a staged subdivision in the Rural Production Zone with a technical setback from boundaries breach between two of the proposed Lots as part of Stage 2.

Based on the assessment of effects above, it is concluded that any potential adverse effects on the existing environment would be less than minor and can be managed in terms of appropriate conditions of consent. Adverse effects on adjacent neighbours would be less than minor as the current and future owner are aware of the breach.

The proposal would not be contrary to any relevant Plan objective of policy. An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

On this basis, it is considered that the application is able to be processed on a non-notified basis.

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

Kind regards,



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** 432350  
**Land Registration District** North Auckland  
**Date Issued** 13 October 2008

**Prior References**  
NA131A/651

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**Estate** Fee Simple  
**Area** 161.8355 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 408831 and Lot 1-3  
Deposited Plan 204549 and Section 50  
Block XII Kaeo Survey District and Lot 2  
Deposited Plan 203672

**Registered Owners**  
Keith Frederick Ardern as to a 1/2 share as Executor  
GH Thorp Limited as to a 1/2 share

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**Interests**

Subject to a water supply right (in gross) over part Lot 3 DP 204549 marked C on SO 61205 in favour of The Kerikeri Irrigation Company Limited created by Gazette Notice B940611.1

Subject to a water supply pipeline right (in gross) over part Lot 1 DP 204549 marked C on SO 57554 in favour of The Kerikeri Irrigation Company Limited created by Gazette Notice B321051.1

Subject to a right of way (in gross) over part Lot 2 DP 204549 marked B on SO 61775 in favour of The Kerikeri Irrigation Company Limited created by Gazette Notice B720192.1

Subject to a water supply pipeline right (in gross) over part Lot 3 DP 204549 marked C on SO 61205 in favour of The Kerikeri Irrigation Company Limited created by Gazette Notice B659785.1

Subject to a water right (in gross) over part Lot 1 DP 408831 marked A on DP 408831 in favour of The Kerikeri Irrigation Company Limited created by Gazette Notice B990715.1

Subject to Section 59 Land Act 1948 (affects Lots 1-3 DP 204549, Section 50 Block XII Kaeo Survey District and Lot 1 DP 408831)

Subject to Section 168A Coal Mines Act 1925 (affects Lots 1-3 DP 204549, Section 50 Block XII Kaeo Survey District and Lot 1 DP 408831)

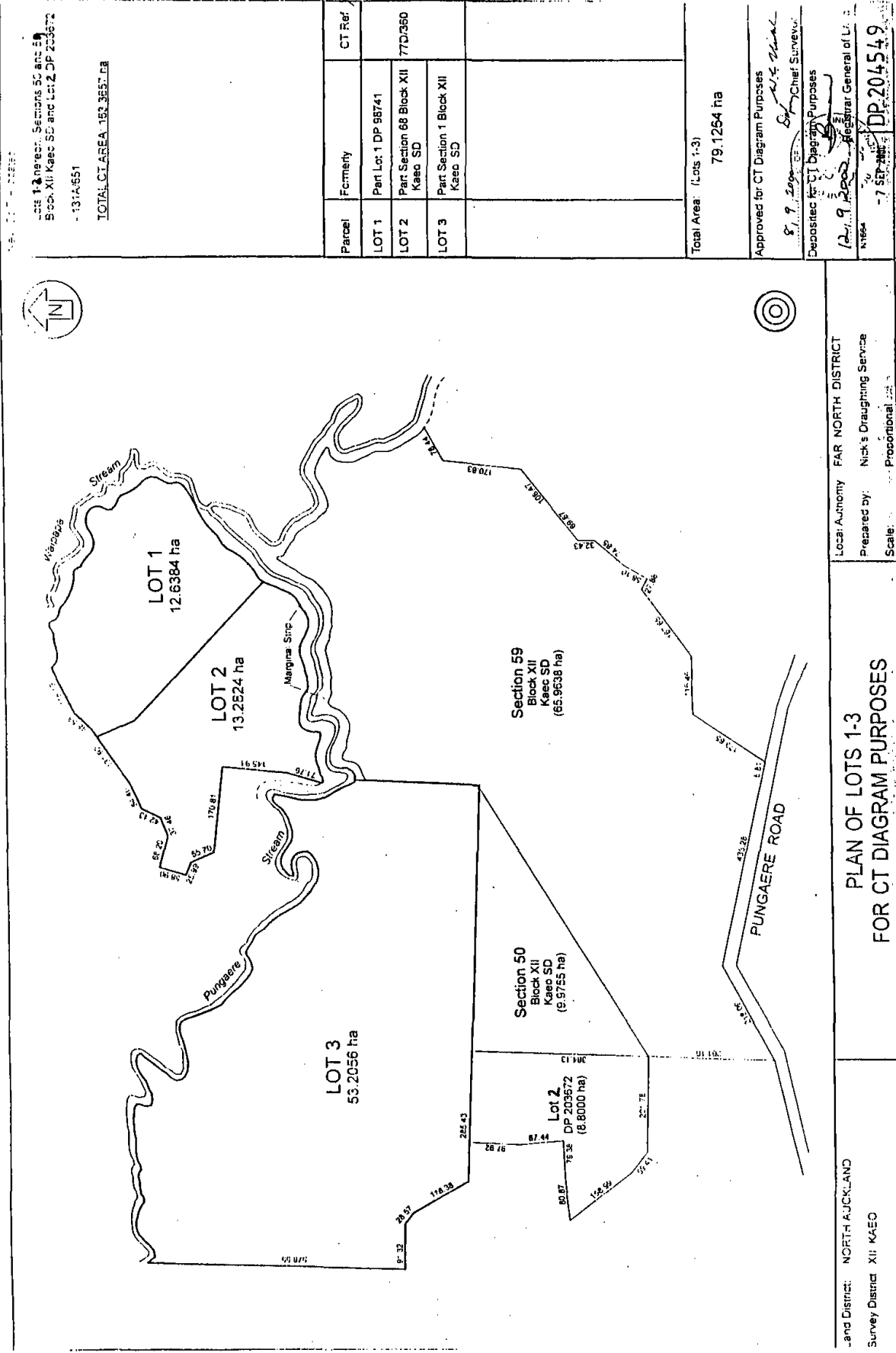
Subject to Section 8 Mining Act 1971 (affects Lots 1-3 DP 204549, Section 50 Block XII Kaeo Survey District and Lot 1 DP 408831)

Appurtenant to Lots 1-3 DP 204549, Section 50 Block XII Kaeo Survey District and Lot 1 DP 408831 is a right of way specified in Easement Certificate C131815.9 - 27.4.1990 at 1:57 pm

The easement specified in Easement Certificate C131815.9 is subject to Section 309 (1) (a) Local Government Act 1974 D412143.3 Mortgage to ASB Bank Limited - 21.7.1999 at 2.21 pm (affects Lot 2 DP 203672)

Subject to Section 241(2) Resource Management Act 1991 (affects DP 408831)

Land Covenant in Covenant Instrument 12908804.2 - 21.12.2023 at 11:01 am



Lots 1 & 2 in Sect. 50 and 59  
Block XII Kaero SD and Lot 2 DP 203572  
- 13/1/551  
TOTAL CL. AREA 163.3657 ha

Parcel	Formerly	CT Ref.
LOT 1	Part Lot 1 DP 95741	
LOT 2	Part Section 68 Block XII Kaero SD	770/350
LOT 3	Part Section 1 Block XII Kaero SD	

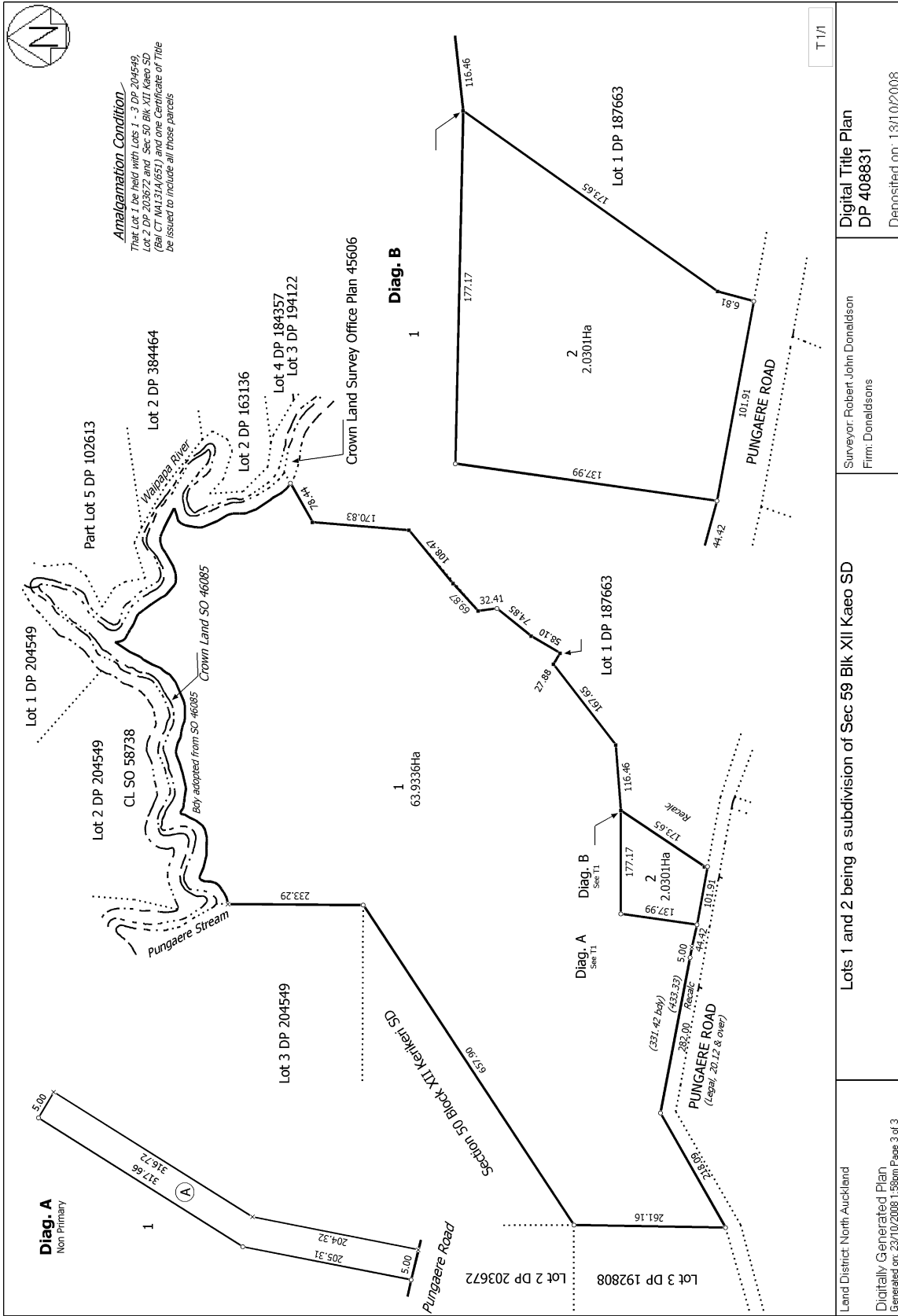
Total Area (Lots 1-3)  
79.1264 ha

Approved for CT Diagram Purposes  
8/9/2009  
S. J. ... Chief Surveyor  
Deposited for CT Diagram Purposes  
12/1/2009  
Registrar General of L.  
N1664  
DP 204549  
- 7 SEP 2009

Local Authority FAR NORTH DISTRICT  
Prepared by: Nick's Drafting Service  
Scale: Proportional

PLAN OF LOTS 1-3  
FOR CT DIAGRAM PURPOSES

Land District: NORTH AUCKLAND  
Survey District: XII KAEO



Land District: North Auckland	Surveyor: Robert John Donaldson Firm: Donaldsons	Lots 1 and 2 being a subdivision of Sec 59 Blk XII Kaeo SD
Digital Title Plan DP 408831		Deposited on: 13/10/2008
Digitally Generated Plan Generated on: 23/10/2008 11:56pm Page 3 of 3		





**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** **1031025**  
**Land Registration District** **North Auckland**  
**Date Issued** 07 April 2022

**Prior References**  
916428

---

**Estate** Fee Simple  
**Area** 2.0187 hectares more or less  
**Legal Description** Lot 4 Deposited Plan 570538

**Registered Owners**  
Stephen Brian May, Julie May and Paul Robert Franklin

---

**Interests**

Subject to Section 59 Land Act 1948

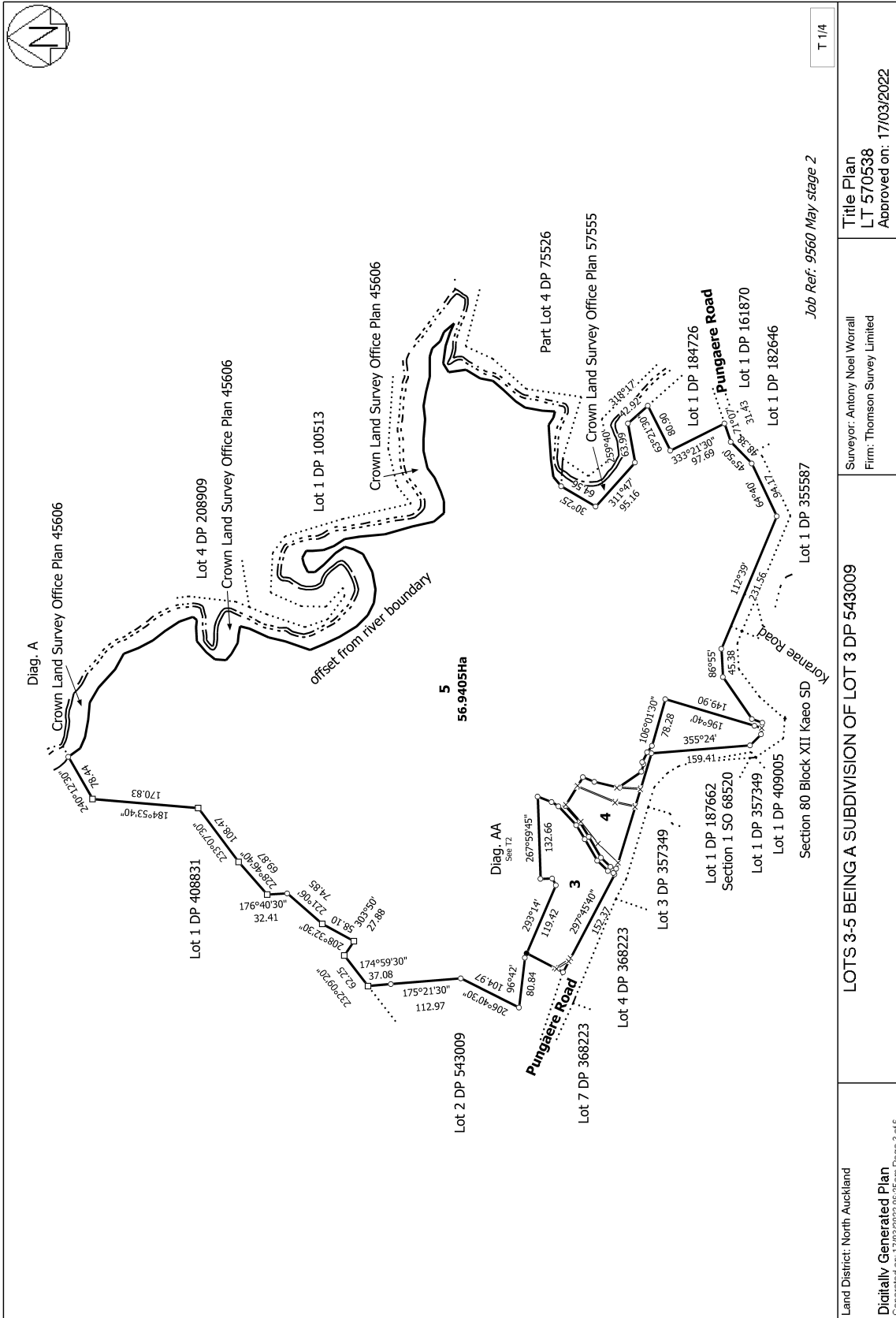
10593692.1 Mortgage to ASB Bank Limited - 19.10.2016 at 12:37 pm

12406798.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.4.2022 at 3:55 pm

Subject to a right to convey water over parts marked B & D and right to convey electricity over part marked C all on DP 570538 created by Easement Instrument 12406798.3 - 7.4.2022 at 3:55 pm

Appurtenant hereto is a right of way, right to convey water, electricity and telecommunications created by Easement Instrument 12406798.3 - 7.4.2022 at 3:55 pm

The easements created by Easement Instrument 12406798.3 are subject to Section 243 (a) Resource Management Act 1991



T 1/4

Job Ref: 9560 May stage 2

Land District: North Auckland  
 Digitally Generated Plan  
 Generated on: 17/03/2022 10:25am Page 3 of 6

Surveyor: Antony Noel Worrall  
 Firm: Thomson Survey Limited

LOTS 3-5 BEING A SUBDIVISION OF LOT 3 DP 543009

Title Plan  
 LT 570538  
 Approved on: 17/03/2022



**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** **1031026**  
**Land Registration District** **North Auckland**  
**Date Issued** 07 April 2022

**Prior References**  
916428

---

**Estate** Fee Simple  
**Area** 56.9405 hectares more or less  
**Legal Description** Lot 5 Deposited Plan 570538

**Registered Owners**  
Stephen Brian May, Julie May and Paul Robert Franklin

---

**Interests**

Subject to Section 59 Land Act 1948

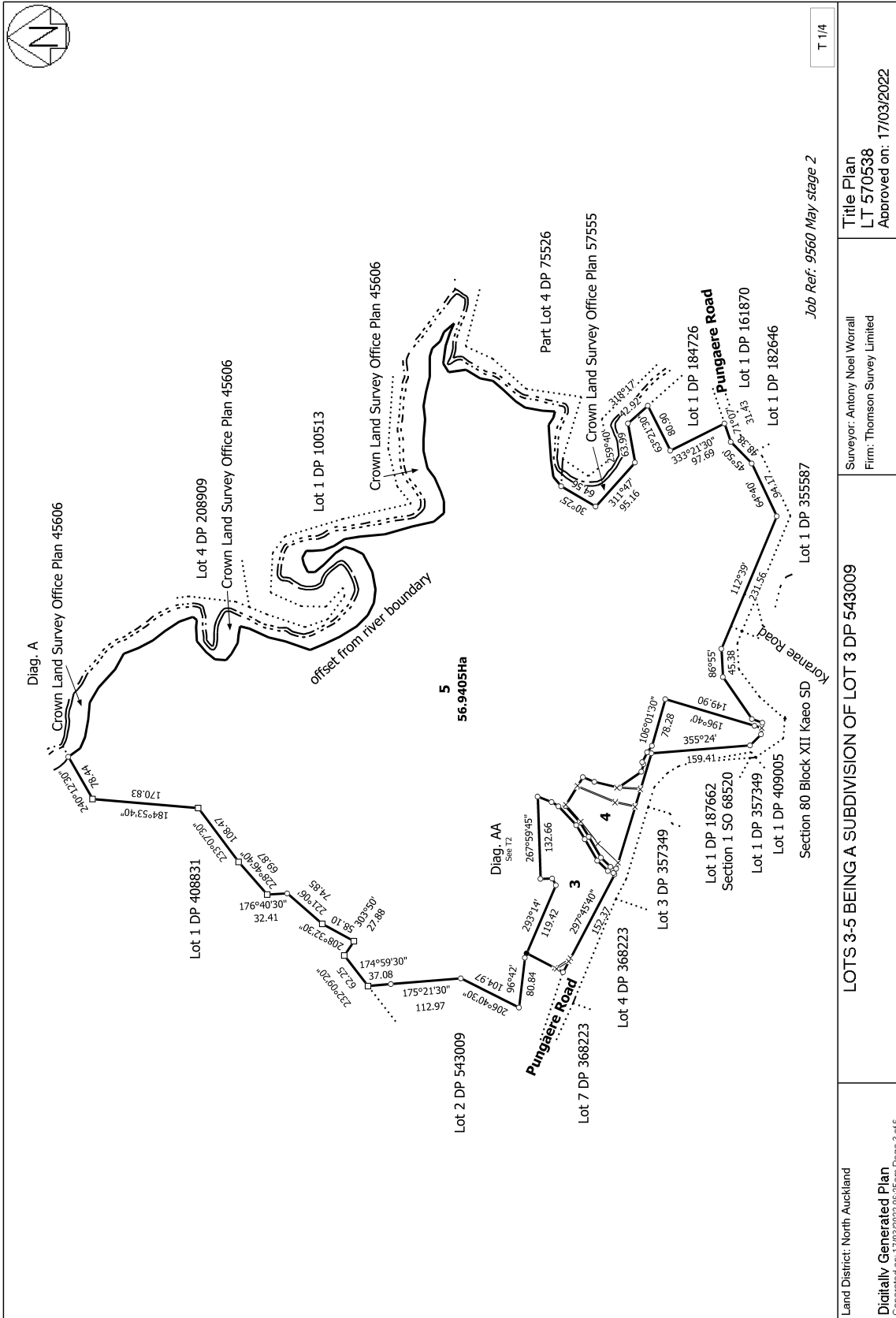
10593692.1 Mortgage to ASB Bank Limited - 19.10.2016 at 12:37 pm

12406798.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.4.2022 at 3:55 pm

Subject to a right of way, right to convey water, electricity and telecommunications over part marked E on DP 570538 created by Easement Instrument 12406798.3 - 7.4.2022 at 3:55 pm

Appurtenant hereto is a right to convey water and electricity created by Easement Instrument 12406798.3 - 7.4.2022 at 3:55 pm

The easements created by Easement Instrument 12406798.3 are subject to Section 243 (a) Resource Management Act 1991



Job Ref: 9560 May stage 2

T 1/4

Land District: North Auckland	LOTS 3-5 BEING A SUBDIVISION OF LOT 3 DP 543009	Title Plan LT 570538 Approved on: 17/03/2022
Digitally Generated Plan Generated on: 17/03/2022 10:25am Page 3 of 6	Surveyor: Antony Noel Worrall Firm: Thomson Survey Limited	

# View Instrument Details



**Instrument No** 12406798.2  
**Status** Registered  
**Date & Time Lodged** 07 April 2022 15:55  
**Lodged By** Prosser, Ann Elizabeth  
**Instrument Type** Consent Notice under s221(4)(a) Resource Management Act 1991



---

<b>Affected Records of Title</b>	<b>Land District</b>
1031024	North Auckland
1031025	North Auckland
1031026	North Auckland

---

**Annexure Schedule** Contains 2 Pages.

---

## Signature

Signed by Priyaanka Khatri as Territorial Authority Representative on 07/04/2022 03:42 PM

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



Private Bag 752, Memorial Ave
Kaikōhe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: <a href="mailto:ask.us@fndc.govt.nz">ask.us@fndc.govt.nz</a>
Website: <a href="http://www.fndc.govt.nz">www.fndc.govt.nz</a>

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*The top place where talent  
wants to live, work and invest*

## **THE RESOURCE MANAGEMENT ACT 1991**

### **SECTION 221: CONSENT NOTICE**

#### **REGARDING RC2220121**

Being the Subdivision of Lot 3 DP 543009  
North Auckland Registry

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

#### **SCHEDULE**

##### **Lot 5 DP 570538**

- (i) At the time of lodging an application for building consent, the owner is to provide a report from a chartered professional engineer with recognised competence in relevant geotechnical and structural matters, which includes a site investigation, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction.
- (ii) In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system, the owner shall submit for Council approval a TP58 report prepared by a chartered professional engineer or an approved TP58 report writer.

The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the lot boundary and comply with the Regional Water and Soil Plan permitted activity standards.

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





Private Bag 752, Memorial Ave
Kaikatoe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

*Te Kaunihera o Tai Tokerau Ki Te Raki*

*The top place where talent  
wants to live, work and invest*

Following 12 months of operation of the wastewater treatment and effluent disposal system, the owner shall provide certification to Council that the system is operating in accordance with its design criteria.

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting 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.

- (iv) Reticulated power supply or telecommunication services are not a requirement of subdivision consent RC2220121. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lots 3, 4 and 5 DP 570538

- (v) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective control at all times (either tied up, kennelled or within a dog-proof enclosure).

Cats are also exempt provided they are neutered and kept inside at night.

SIGNED:  Mr Patrick John Killalea - Authorised Officer  
By the FAR NORTH DISTRICT COUNCIL  
Under delegated authority:  
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 14<sup>th</sup> day of February 2022



# View Instrument Details



**Instrument No** 12908804.2  
**Status** Registered  
**Date & Time Lodged** 21 December 2023 11:01  
**Lodged By** Noakes, Katherine Gaye  
**Instrument Type** Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



---

Affected Records of Title	Land District
432350	North Auckland
NA56C/763	North Auckland
NA69D/235	North Auckland
NA69D/236	North Auckland

---

**Annexure Schedule** Contains 2 Pages.

---

## Covenantor Certifications

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

## Signature

Signed by Sarah Emily Jury as Covenantor Representative on 30/01/2024 01:08 PM

---

## Covenantee Certifications

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

## Signature

Signed by Sarah Emily Jury as Covenantee Representative on 30/01/2024 01:08 PM

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



Approved for ADLS by Registrar-General of Land under No. 2018/6263  
**COVENANT INSTRUMENT TO NOTE LAND COVENANT**  
 Sections 116(1)(a) & (b) Land Transfer Act 2017



Covenantor *Surname(s) must be underlined or in CAPITALS.*

**GH THORP LIMITED** and Keith Frederick **ARDERN**

Covenantee *Surname(s) must be underlined or in CAPITALS.*

**GH THORP LIMITED** and Keith Frederick **ARDERN**

**Grant of Covenant**

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

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

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
<b>Restrictive Land Covenants and Reverse Sensitivity</b>	Not applicable	<b>Lot 5 DP 102613 (NA56C/763)</b>	<b>Lot 1 DP 120486 (NA69D/235)</b>  <b>Lot 2 DP 120486 (NA69D/236)</b>  <b>Lot 1 DP 408831 and Lot 1-3 DP 204549 and Section 50 Block XII Kaeo Survey District and Lot 2 DP 203672 (432350)</b>

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

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

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

[Memorandum number \_\_\_\_\_, registered under section 209 of the Land Transfer Act 2017.]

[Annexure Schedule **A** \_\_\_\_\_].

" A "

## Annexure Schedule

Page  of  Pages

2015/5049  
**APPROVED**  
 Registrar-General of Land

*Insert instrument type***Covenant***Continue in additional Annexure Schedule, if required*

The Covenantor for itself and its successors in title, Hereby covenants and agrees with the Covenantee that the Covenantor will at all times observe and perform all the covenants, and that the covenants shall enure for the benefit of the Covenantee:

The Covenantor covenants with the Covenantee that:

1. The Covenantor is aware of and accepts that rural activities which allow pastoral activities including, but not limited to, dairy production, sheep and beef, deer and other livestock ("Specified Activities") will occur on the Covenantee's property;
2. The Benefited Land is lawfully used for the Specified Activities, which activities may result in effects such as noise generation and drift from the application of spray or fertilizer which are potential effects of such activities and which may have effects beyond the boundaries of the Covenantee's land. Noise generation and drift from spray and fertilizer are unavoidable effects of such farming operation.
3. The Specified Activities, and the effects that they legitimately create are component parts of the environment. They contribute to, and partly define the nature of amenity values in a rural area.
4. The Covenantee will take all reasonable steps to ensure that the effects of the Specified Activities are minimised for the Covenantor such as selecting an appropriate time to conduct such activities, taking into consideration weather conditions and such like. The Covenantee will endeavour to give reasonable notice to the Covenantor of its intention to conduct Specified Activities which are likely to affect the Covenantor, excluding the daily farming routines.
5. The Covenantor will not object to normal farming practices (including the control of noxious weeds) on the Covenantee's property provided that the Covenantee takes reasonable care to minimise the effects of the farming practices / Specified Activities according to best farming practice. All practices to comply with current regulations and bylaws.
6. The Covenantor will not oppose renewal of, or new, resource consents, for the continued level of current operation of the Specified Activities referred to in clauses 1.1-1.5 above on the Covenantee's property(s). For the avoidance of doubt, these activities include associated current, and future, Resource Consent Management Act 1991 resource consents (and/or permits) provided they do not increase the nature or scale of the Specified Activities and do not relate to change of land use.
7. The Covenantor will not object to the Covenantee subdividing the Covenantee's property provided that the impact of the Specified Activities on the Covenantee's land does not change significantly from the time of registration of these covenants including, but not limited to, horticultural activities.
8. If any dispute arises under these covenants, the Covenantor and Covenantee will in good faith:
  1. Attempt without delay to resolve the dispute by negotiation between them; and
  2. Failing such resolution refer the dispute to mediation with the assistance of a suitably qualified and experienced mediator agreed between them or failing such agreement, appointed by the President of the Auckland District Law Society; and
  3. The Covenantor and Covenantee will each bear their own expenses of any mediation under this clause.
9. If any of the provisions of this instrument is judged invalid, unlawful or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such invalidity, unenforceability or illegality will not affect the operation, construction or interpretation of any other provision of this Instrument to the intent that the invalid, unenforceable or illegal provisions will be treated for all purposes as severed from this instrument.

If this annexure schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



SCHEDULE OF PROPOSED EASEMENTS				
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT	
RIGHT OF WAY ELECTRICITY	(A)	LOT4 HEREON	LOT 1 HEREON	

**NOTES**

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 376b PUNGAERE ROAD, WAIPAPA	17/07/24	TW	DC	TW



BOI SURVEY LTD  
55B Shepherd Road  
Kerikeri 0230  
e: Tony@boisurvey.co.nz

**PROPOSED SUBDIVISION OF LOT 1 DP 408831  
& LOTS 4-5 DP 570538**

CLIENT: MAY - 376b PUNGAERE ROAD, WAIPAPA

JOB NO:	5032	Scale:	1:10000 @ A3
Level Datum:	NZVD 2016	Origin:	-
		Co-ord System:	NZGD 2000
Drawing Number:	5032-002	Revision:	A
		Sheet:	1 of 1



**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2200065-RMASUB**

**Pursuant to section 104C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

**Steve and Julie May**

**The activity to which this decision relates: Subdivision along Pungaere Road, Rural Production Zone to create 5 lots in two stages. Presented as a Restricted Discretionary Activity (using clause 4).**

**Subject Site Details**

**Address: 376 Pungaere Road Kerikeri**  
**Legal Description: Lot 1 DP187663**  
**Certificate of Title reference: NA115D/842**

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

**Stage 1**

- 1 The subdivision shall be carried out in accordance with the approved plans of subdivision prepared by Thomson Survey Ltd referenced "Stage 1: Proposed Subdivision of Lot 1 DP 187663", Ref No 9560 dated 25/06/19 and attached to this consent with the Council's "Approved Stamp" affixed to them
2. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the existing vehicle crossings off Pungaere Road to the proposed Lots 1 and 2 to comply with the Councils Engineering Standard Drawings FNDC/S/6 and 6B, and section 3.3.17 of NZS4404:2004 with a sealed surface for a minimum distance of 5m from the existing seal edge. Culvert inlet and outlet shall have mountable headwalls. Vehicle crossing permits are to be obtained prior to commencement.
  - (b) 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.

### **Lot 1**

- (i) At the time of lodging a building consent, provide site specific stormwater management report, to the satisfaction of the Council's Stormwater Engineer or delegated representative. The report shall be prepared by a Chartered Professional Engineer
- (ii) Earthworks, the location and foundations of any building shall be certified by a suitably experienced Chartered Professional Engineer prior to issue of any building consent, noting the location of any instability and flood susceptible areas.
- (iii) Upon construction of any habitable dwelling the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the report prepared by Kerikeri Drainage Ltd date 26 July 19, submitted with Resource Consent 2200065.

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

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above-mentioned report, a new TP 58 Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

The area identified as a reserve disposal area for the disposal of treated effluent shall remain free of built development and available for its designated purpose.

- (iv) Upon construction of any habitable dwelling, sufficient water supply for fire fighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by fire fighting appliances in accordance with the 'NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008'.
- (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.

### **Lots 1 & 2**

- (vi) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable on site provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective

control at all times (either tied up, kennelled or within a dog-proof enclosure). Cats are also exempt provided they are neutered and kept inside at night.

## **Stage 2**

1. The subdivision shall be carried out in accordance with the approved plans of subdivision prepared by Thomson Survey Ltd referenced "Stage 2: Proposed Subdivision of Lot 1 DP 187663", Ref No 9560 dated 25/06/19 and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) The survey plan shall show all necessary easements for the provision for access, drainage and services.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the existing vehicle crossing off Pungaere Road to the proposed Lots 3 and 5 to comply with the Council's Engineering Standard Drawings FNDC/S/6 and 6B double width crossing, and section 3.3.17 of NZS4404:2004 with a sealed surface for a minimum distance of 5m from the existing seal edge. Culvert inlet and outlet shall have mountable headwalls. Vehicle crossing permits are to be obtained prior to commencement.
  - (b) Upgrade the existing vehicle crossing off Pungaere Road to the proposed Lot 4 to comply with the Council's Engineering Standard Drawings FNDC/S/6 and 6B, and section 3.3.17 of NZS4404:2004 with a sealed surface for a minimum distance of 5m from the existing seal edge. Vehicle crossing permits are to be obtained prior to commencement.
  - (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Council's Development Engineer or delegated representative.
  - (d) Provide evidence the existing wastewater treatment and effluent disposal system on proposed Lot 3 has had stormwater table diversion implemented to divert water away from the wastewater disposal area as highlighted in the report prepared by Kerikeri Drainage Ltd dated 26 July 19.
  - (e) 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.

### **Lots 3 & 4**

- (i) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable on site provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective

control at all times (either tied up, kennelled or within a dog-proof enclosure). Cats are also exempt provided they are neutered and kept inside at night.

#### **Lot 4**

- (ii) At the time of a building consent on Lot 4, provide site specific stormwater management report, to the satisfaction of the Council's Stormwater Engineer or delegated representative. The report shall be prepared by a Chartered Professional Engineer.
- (iii) Earthworks, the location and foundations of any building on Lot 4 shall be certified by a suitably experienced Chartered Professional Engineer prior to issue of any building consent, noting the location of any instability and flood susceptible areas.
- (vii) Upon construction of any habitable dwelling on Lot 4, the owner shall obtain a Building Consent and install the wastewater treatment and effluent disposal system as detailed in the report prepared by Kerikeri Drainage Ltd date 26 July 19, submitted with Resource Consent 2200065.

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

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

Where a wastewater treatment and effluent disposal system is proposed that differs from that detailed in the above-mentioned report, a new TP 58 Report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.

The area identified as a reserve disposal area for the disposal of treated effluent shall remain free of built development and available for its designated purpose.

- (iv) Upon construction of any habitable dwelling, sufficient water supply for fire fighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by fire fighting appliances in accordance with the 'NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008'.
- (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.

#### **Lot 5**

- (vi) Earthworks, the location and foundations of any building on Lot 5 shall be certified by a suitably experienced Chartered Professional Engineer prior to

issue of any building consent, noting the location of any instability and flood susceptible areas.

- (vii) Upon construction of any habitable dwelling Lot 5, provide 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.

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

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

- (viii) Upon construction of any habitable dwelling, sufficient water supply for fire fighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by fire fighting appliances in accordance with the 'NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008'.

#### **Advice Notes**

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. 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). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

#### **Reasons for the Decision**

1. 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 customary rights group or customary marine title group.
2. The proposed activity is considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including the following objectives and policies of the Rural Production Zone and the Subdivision Chapter of the Plan.
3. The proposal is consistent with the Restricted Discretionary options available under Chapter 13, which allows for sites of over 2ha to be created. The key matters associated with development in this case are reverse sensitivity and engineering matters such as the disposal of wastewater and stormwater. These key matters have been adequately



addressed. Higher level documents such as National Policy Statements, the Northland Regional Policy Statement and Regional Plan have been considered and it is found that the proposal is consistent with the aims and intents of these documents where they are relevant.

4. **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. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

#### **Approval**

This resource consent has been prepared by Steven Sanson, Consultant 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: 4<sup>th</sup> September 2019**

#### **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**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent 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.

**STAGE 1**

**APPROVED PLAN**

PLANNER *P.J. Killalea*

RC2200065 Date 4/09/2019

Lot 1  
DP 408831

LOT 5  
60.7539Ha

LOT 2  
3.34Ha

LOT 1  
2.20Ha

Lot 2  
DP 408831

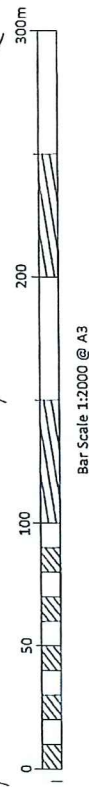
Existing Farm Sheds

Existing Driveway

Existing Dwelling

PUNGAERE ROAD

Farm Race



Local Authority: Far North District Council  
Comprised in: RT NA115D/842  
Total Area: 66.2939Ha

Zoning: Rural Production  
Aerial Photography used is sourced from and owned by Northland Aerial Imagery Consortium (NAIC). This photography has been ortho-corrected and geo-located by NAIC.

Photography was captured within the 2014/15/16 flying seasons between November 2014 and July 2015

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Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	RAH	25/06/19	1:2000	A3
Drawn				
Approved				
Rev				

9560 Scheme STAGE 1.icd

Surveyors Ref. No: 9560  
Sheet 2 of 3

**PROPOSED SUBDIVISION OF LOT 1 DP 187663**  
376 Pungaere Road, Kerikeri  
PREPARED FOR: May

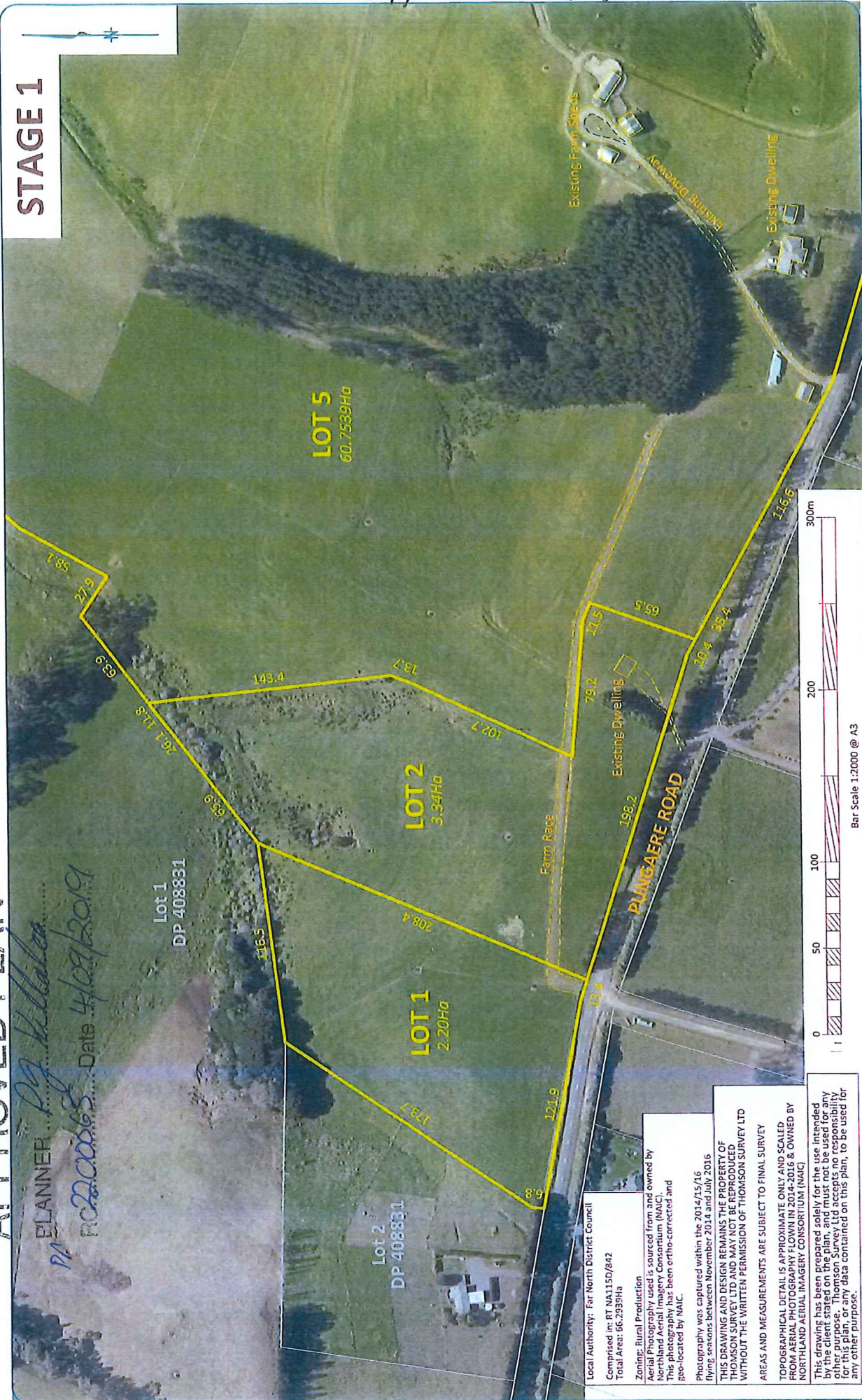
**THOMSON SURVEY LTD**  
315 Kerikeri Rd  
P.O. Box 372 Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360  
www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

**APPROVED PLAN**

PLANNER: *P.J. Kitchener*  
 PA: *PC2200065* Date: *4/09/2019*

**STAGE 1**



Local Authority: Far North District Council  
 Comprised in: RT NA1150/642  
 Total Area: 66.2939Ha

Zoning: Rural Production

Aerial Photography used is sourced from and owned by Northland Aerial Imagery Consortium (NAIC). This photography has been ortho-corrected and geo-located by NAIC.

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Design	PAH	25/06/19	SCALE	1:2000
Drawn			SIZE	A3
Approved				
Rev				

9560 Scheme STAGE 1 led

Surveyors Ref. No: 9560  
 Sheet 2 of 3

**PROPOSED SUBDIVISION OF LOT 1 DP 187663**  
 376 Pungaere Road, Kerikeri

PREPARED FOR: May

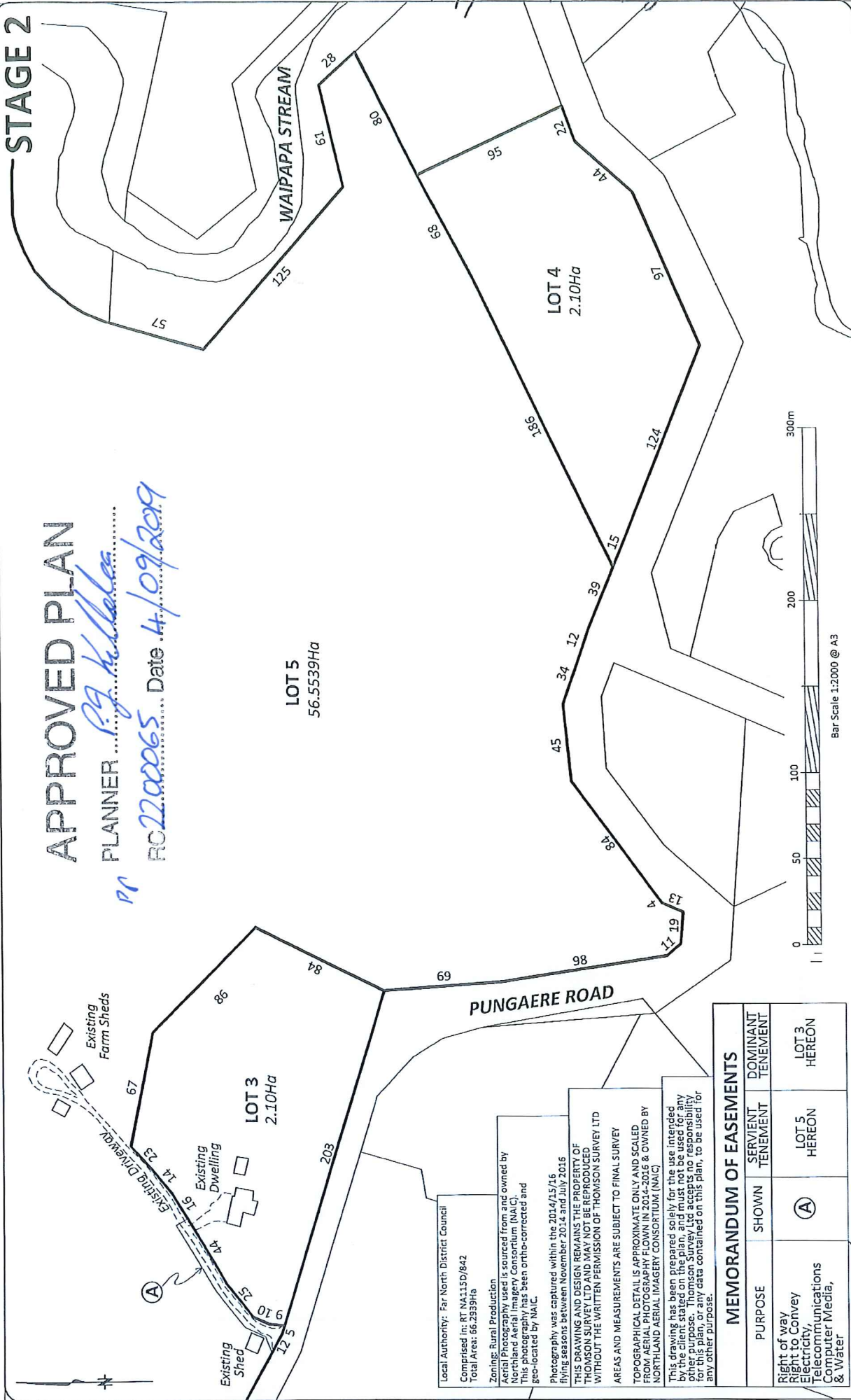
**THOMSON SURVEY**  
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 P.O. Box 372 Kerikeri  
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 Phone: 09 4087777  
 www.thomsonsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

STAGE 2

APPROVED PLAN

PLANNER *Pg Kullala*  
 RC2200065 Date *14/09/2019*



Existing Farm Sheds

EXISTING DRAINAGE

(A)

Existing Dwelling

Existing Shed

LOT 3  
2.10Ha

LOT 5  
56.5539Ha

LOT 4  
2.10Ha

PUNGAERE ROAD

WAIPAPA STREAM

Local Authority: Far North District Council  
 Comprised in: RT NA115D/842  
 Total Area: 66.2399Ha

Zoning: Rural Production  
 Aerial Photography used is sourced from and owned by Northland Aerial Imagery Consortium (NAIC). This photography has been ortho-corrected and geo-located by NALC.

Photography was captured within the 2014/15/15 flying seasons between November 2014 and July 2016. THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

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MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT / DOMINANT TENEMENT
Right of way Electricity Telecommunications Computer Media, & Water	(A)	LOT 5 HEREON
		LOT 3 HEREON

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**PROPOSED SUBDIVISION OF LOT 1 DP 187663**  
 376 Pungaere Road, Waipapa  
 PREPARED FOR: May

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	RAH	25/06/19	1:2000	A3
Drawn				
Approved				
Rev				

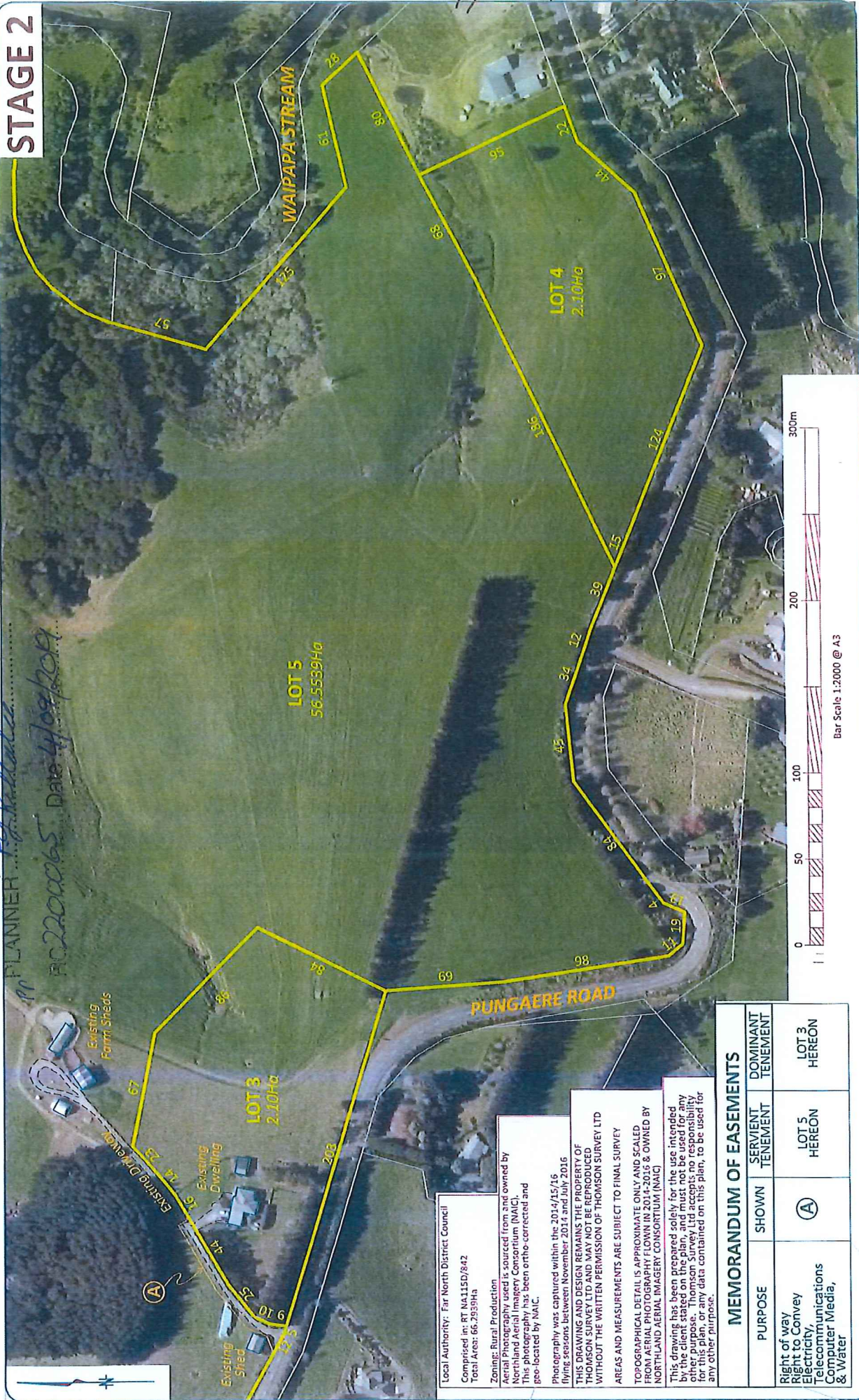
9560.Scheme STAGE 2.tcd

Surveyors Ref. No: 9560  
 Sheet 3 of 3

# APPROVED PLAN

Appendix 1 page 6

STAGE 2



PLANNER: *PAK 11*  
 PC2200065 Date 4/09/2019

Local Authority: Far North District Council  
 Comprised in: RT N4115D/842  
 Total Area: 66.2939Ha

Zoning: Rural Production  
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MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way Right to Convey Electricity, Telecommunications Computer Media, & Water	(A)	LOT 5 HEREON	LOT 3 HEREON



Surveyors Ref. No:	9560
Sheet 3 of 3	

Name	Date	ORIGINAL SHEET SIZE
RAH	25/06/19	A3
Approved		
Rev		
9560 Scheme STAGE 2.fcd		

**PROPOSED SUBDIVISION OF LOT 1 DP 187663**  
 376 Pungaere Road, Waipapa  
 PREPARED FOR: May

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**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2220121-RMACOM**

**Pursuant to section 104 C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

Stephen and Julie May

**The activities to which this decision relates are listed below:**

**Activity A – Subdivision:**

**To create two additional Lots in the Rural Production being an change to the design of Stage 2 of 2200065-RMSUB.**

**Activity B – Landuse:**

**For a Setback to Boundary Breach as a result of the proposed subdivision.**

**Subject Site Details**

Address: 376 Pungaere Road, Kerikeri 0295  
Legal Description: Lot 3 DP 543009  
Record of Title reference: CT-916428

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

**Decision A – Subdivision:**

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 3 DP 543009, dated 10.08.21, 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.
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Upgrade the existing vehicle crossing to Lot 5 to provide an entrance which complies with the Councils Engineering Standard FNDC/S/6 and 6B double width entrance, and section 3.3.7.1 of the Engineering Standard and NZS4404:2004.

Seal the entrance plus splays for a minimum distance of 5m from the existing seal edge.

- (b) Provide formed and metalled access on ROW easement A to 3m finished metalled carriageway width with passing bays provided to comply with Rule 15.1.6.1.2 of the Far North District Plan. 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.
- (c) The consent holder must provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement boundaries to the satisfaction of the Council's Development Engineer or delegated representative.
- (d) Provide evidence the existing wastewater treatment and effluent disposal system on proposed Lot 3 has had stormwater table diversion implemented to avert water away from the wastewater disposal area as highlighted in the report prepared by Kerikeri Drainage Ltd date 26 July 19.
- (e) 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) At the time of lodging an application for building consent on the lot, the building applicant is to provide a report from a Chartered Professional engineer with recognised competence in relevant geotechnical and structural matters, which includes a site investigation, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction.

**[Lot 5]**

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

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

Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

**[Lot 5]**

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for

firefighting 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.

**[Lot 5]**

- (iv) 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.

**[Lot 5]**

- (v) No carnivorous animals (such as dogs, cats and mustelids) which have the potential to be kiwi predators shall be introduced or kept on the lot, except that two dogs are allowable on site provided they have been micro-chipped, have a current kiwi aversion trained certification, and are under effective control at all times (either tied up, kennelled or within a dog-proof enclosure). Cats are also exempt provided they are neutered and kept inside at night.

**[All Lots]**

#### **Decision B – Landuse:**

1. The consent holder shall ensure that the existing shed on Lot 4, as referenced in the Scheme Plan provided with RC 2220121-RMACOM, is set back no less than 3m from the site boundary.

#### **Advice Notes**

2. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. 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). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

#### **Reasons for the Decision**

1. 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 customary rights group or customary marine title group.
2. The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matters are:



In considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under **13.8.1(a)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under **13.8.1(b) or (c)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
  - effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
  - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
  - the mitigation of fire hazards for health and safety of residents.

In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in **13.7.3**;
- (2) the matters listed in **(i)** and **(ii)** above.

For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of harbours is to be established by multiplying the width of the river mouth by five.

And:

- (a) the extent to which the building(s) reduces outlook and privacy of adjacent properties;
- (b) the extent to which the buildings restrict visibility for access and egress of vehicles;
- (c) the ability to mitigate any adverse effects on the surrounding environment, for example by way of planting;
- (d) for sites having a frontage with Kerikeri Road (between its intersection with SH10 and Cannon Drive):
  - (i) the scale of the buildings;
  - (ii) the extent of set back from Kerikeri Road;
  - (iii) the visual appearance of the site from the Kerikeri Road frontage;
  - (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;
- (e) for residential buildings located within 100m of Minerals Zone:
  - (i) the position of the building platform(s) in relation to the mine or quarry;
  - (ii) the likelihood of the mine or quarry causing environmental effects, especially noise and loss of amenity values, that will impact adversely on the occupiers of the proposed residential building;
  - (iii) the effectiveness of any mitigation measures proposed;

Where an application is required under this rule, the owner and/or operator of any mine or quarry within the adjacent Minerals Zone shall be considered an affected party. Where the written approval of the owner and the mine or quarry operator has been obtained, the application will be non-notified.

- (f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

3. District Plan Rules Affected:

Rule # & Name	Non-Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	Two of the proposed Lots are 2.01ha with a third balance Lot of 56.9536ha
8.6.5.1.4 SETBACK	By changing the location of the proposed Lot boundaries,

FROM BOUNDARIES	an existing shed will be creating a 3m setback breach to the adjacent proposed Lot.
-----------------	---

Adverse effects will be less than minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

- a) Objectives: 13.3.5, 13.3.8.
- b) Policies: 13.4.2, 13.4.3, 13.4.8.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
  - a) The Far North District Plan
5. No other non – statutory documents were considered relevant in making this decision.
6. No other matters were considered in relevant in making this decision.
7. 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.

8. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

### **Approval**

This resource consent has been prepared by Hannah Kane, Resource 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: 21<sup>st</sup> September 2021**

**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**

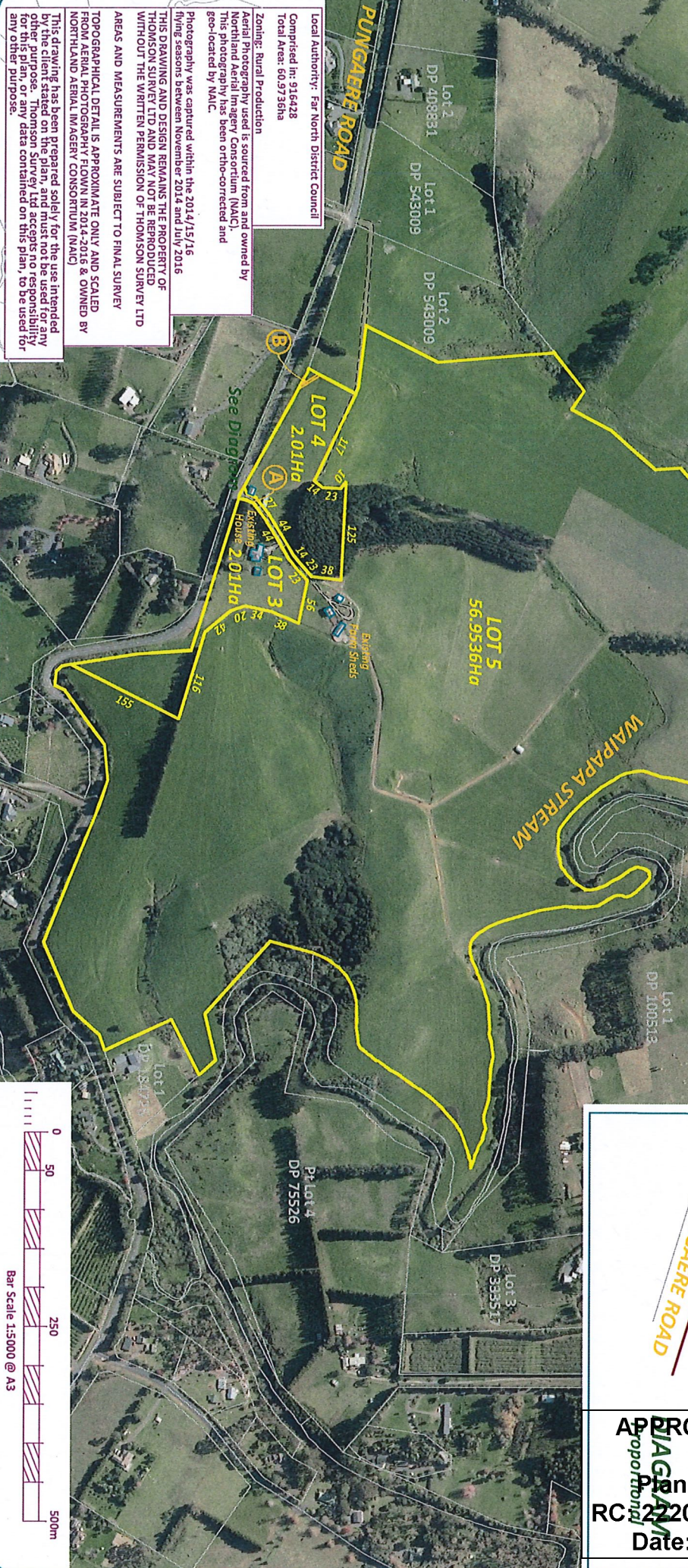
Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

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.

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of way Right to Convey Electricity, Telecommunications Computer Media, & Water	(A)	LOT 5 HERON	LOTS 3 & 4 HERON

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
Right to Convey Electricity	(B)	LOT 4 HERON	E.I. 11659336.2



**APPROVED PLAN**  
**JAGRAM**  
 Planner: hkane  
 RC 22/20121-RMACOM  
 Date: 21/09/2021

Local Authority: Far North District Council  
 Comprised in: 916428  
 Total Area: 60.9736ha

Zoning: Rural Production  
 Aerial Photography used is sourced from and owned by Northernland Aerial Imagery Consortium (NALC). This photography has been ortho-corrected and geo-located by NALC.  
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Registered Land Surveyors, Planners & Land Development Consultants

**PROPOSED SUBDIVISION OF LOT 3 DP 543009**  
 376 Pungaere Road, Waipapa

PREPARED FOR: May



Survey	Name	Date	ORIGINAL
Design	RAH	25/06/19	SCALE
Drawn	RAH	25/06/19	SHEET
Approved	KY	10.08.21	SIZE
Rev			A3

Surveyors Ref. No: 9560  
 Series: 9560  
 Sheet 1 of 1