

Our Reference: 10506.2 (FNDC)

30 October 2024

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

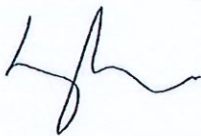
Dear Sir/Madam

RE: Proposed Boundary Adjustment subdivision between two 'existing sites' at 683F Puketona Road- Jennings

I am pleased to submit application on behalf of David Jennings, for a proposed boundary adjustment subdivision between two 'existing sites' at Puketona Road, zoned Rural Production. Each adjusted lot supports existing residential development and has existing access. The application is a discretionary activity.

The application fee of \$2,967 has been paid separately via direct credit.

Regards



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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 Schedule 4). 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
 Discharge
 Fast Track Land Use*
 Change of Consent Notice (s.221(3))
 Subdivision
 Extension of time (s.125)
 Consent under National Environmental Standard
 (e.g. Assessing and Managing Contaminants in Soil)
 Other (please specify) _____

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

3. Would you like to opt out of the Fast Track Process?

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

NZTA

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

David Jennings

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

7. Details of Property Owner/s and Occupier/s

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

Name/s:

C D Jennings; E B Jennings; B G Moyle; D T Jennings

**Property Address/
Location:**

as per item 5 above

Postcode

8. Application Site Details

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

Name/s:	David Jennings		
Site Address/ Location:	683F State Highway 11 (Puketona Road)		
	Haruru		
		Postcode	0204
Legal Description:	Lot 2 DP 456848	Val Number:	
Certificate of title:	591230		

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

9. Description of the Proposal:

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

Boundary Adjustment Subdivision, no additional lots created, in the Rural Production Zone.

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

10. Would you like to request Public Notification?

Yes No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

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

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

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

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

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Signature:

(signature of bill payer)

MANDATORY

15. 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. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

Signature:

Date 30/10/24

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)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

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

D Jennings

Far North District Plan

PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION

683F Puketona Road (SH11), Haruru

PLANNING REPORT AND ASSESSMENT OF ENVIRONMENTAL EFFECTS

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicant proposes to carry out a boundary adjustment between Lots 1 & 2 of LT 605485, created via RC 2240269, a subdivision of land at Puketona Road (SH 11), granted in February 2024. A copy of RC 2240269 is attached in Appendix 2.

RC 2240269 granted consent for the creation of two new titles, not yet deposited. Lot 1 LT 605485 has an area of 12ha and Lot 2 LT 605485 an area of 63ha. This proposed boundary adjustment would see new Lot 1 of reduced area (5.226ha) and subsequent increase in the area of Lot 2 to over 70ha.

TA Approvals (s223 and s224c) for RC 2240269 have been issued by the Council, dated 21st October 2024 and 22nd October respectively. The s221 Consent Notice required by RC 2240269 has also been issued, dated 22nd October 2024. Copies of the TA Approvals and Consent Notice are attached in Appendix 3. The LT Plan forming part of the s223 TA Approval (LT 605485) is attached in Appendix 4.

The lot layout as it stands, has Lot 1 LT 605485 consisting of land in the equivalent of the new proposed Lo 1, joined by way of a narrow access strip to a piece of land at the rear of the site previously in pine plantation, now harvested. Having now moved to the point of potential sale, the consent holder is of the view that it makes better use of the land if the area at the rear is transferred to remain within a larger Lot 2. This leaves an area of 5.226ha (Lot 1) at the base of the hill, easily accessed and containing an existing dwelling.

The boundary adjustment will result in both lots containing existing residential dwellings and having existing access, no different from the existing consented subdivision. The access off State Highway 11 (Puketona Road) is existing, opposite the Lilly Pond entrance. NZTA (Waka

Kotahi) was consulted during the original application and the highway entrance has been upgraded as required in NZTA's approval letter. With no change to the number of users, the approval can stand and no further work is required. The ROW's / easements associated with the original consent are unchanged in this boundary adjustment.

The scheme plans for this proposed boundary adjustment are attached in Appendix 1. A Location Map identifying the application site is attached in Appendix 5.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991.

The application seeks consent under the District Plan for a discretionary activity boundary adjustment subdivision. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location:	683F Puketona Road (SH11), Haruru
Legal description:	Currently Lot 2 DP 456848; also identified as Lots 1 & 2 LT 605485
Record of Title:	Currently 591230; with pre allocated references on LT 605485 listed as 1190268 and 1190269 (copy of existing title attached in Appendix 7).

3.0 SITE DESCRIPTION

3.1 Site Characteristics

The application site is just over 75ha in area. Its frontage to Puketona Road is only 54m long within which is formed a wide double width entrance. As one goes into the site it starts to widen and then at a point parallel to the cottage to be within Lot 1, the application site broadens to be over 1km across at the rear.

Approximately 50% of the property is or has been in forest. The remaining land, coming downslope and back to the road, is in well maintained pasture, supporting cattle, with fences, shelter plantings and stock water reticulation.

Built development within the site consists of the applicant's residence to still be within Lot 2, and a second smaller residence to still be within Lot 1. There are some shed buildings near the cottage that will remain with the larger farm block given that they store farm equipment.



The above picture is taken from the south eastern corner of new proposed Lot 1, looking along what was to be a narrow strip leading to the other portion of the originally consented lot – the over planted pine tree area at the rear, centre picture.

The site is zoned Rural Production in the Operative District Plan and in the Proposed District Plan. The site is not mapped as containing areas of high or outstanding landscape or natural character value except for two small areas of Outstanding Landscape on the property's south western and south eastern corners. These areas are already subject to protection and remain within the large Lot 2 (refer areas AA & AB on the scheme plan). These same small pockets are mapped as Outstanding Natural Landscape in the PDP.

Neither Far North Maps, nor the NRC's on-line maps show any hazardous or industrial activity (HAIL) within the site. Far North Maps indicate the site to be within both high density and kiwi present areas, somewhat paradoxically the latter being the forested and vegetated area and the high density mapping over pasture land with no habitat. The site's southern boundary is with Conservation Zone.

Far North Maps does not show any historic, cultural or archaeological sites within the property's boundaries. The NRC's on line maps do not show any Biodiversity Wetlands on the subject site. Both the NRC's on line hazard maps, and Far North Maps (PDP) show the stream to the west of the accessway as you enter the site to be potentially prone to flooding. The entrance way and access driveway remains clear of this area. Both existing dwellings are well clear of any flood hazard area.

The forested/vegetated higher portions of the site are poor quality soils (LUC 6). The vast majority of the grazed portion of the property is LUC 4. There is a very small area mapped as LUC 3 totally taken up by entranceway and access or stream. This is located at the property entrance off Puketona Road. There is no LUC 3 soil fragmented by either the original subdivision or this boundary adjustment.

3.2 Legal Interests

The titles resulting from RC 2240269 will be subject to a number of legal interests and will have appurtenant rights of way, power supply, telecommunications & computer media, and water supply easements. Easements already in existence prior to RC 2240269 being issued,

and new easements imposed as a condition of RC 2240269, remain relevant and unchanged in this boundary adjustment. Refer to Scheme Plan in Appendix 1.

Highway crossing notices establishing rights to access off State Highway and two Notices pursuant to Section 195(2) Climate Change response Act, relevant to the plantation forestry activity within the site are also registered on titles.

Consent Notice 9453999.3 was registered on the property in 2013. It contains 2 clauses. The first relates to the two areas of covenant protecting indigenous vegetation (AA and AB on the scheme plan); and the second requiring on site fire fighting water supply. Both clauses are complied with on an ongoing basis and will carry over onto new titles just as they would have with RC 2240269.

RC 2240269 contained a requirement for a new Consent Notice to apply – refer Appendix 3. This related solely to the keeping or introduction of carnivorous or omnivorous animals having the potential to be kiwi predators, banning domestic dogs, cats and mustelids, but providing for working dogs provided they are controlled day and night and are kiwi aversion trained.

There is also a private Land Covenant 9453999.4 registered on the Title.

3.3 Consent History

The property file shows the following building consent and resource consent history:

BC-1996-559	1995	Dam Spillway
BC-2006-1131	2006	Calf shelter
BC-2014-1013	2014	Foundations and on-site effluent disposal system for relocate dwelling
BC-2015-869	2015	Foundations and on-site effluent disposal system for relocate dwelling
RC-2090439-RMASUB	2009	Creating 1 additional lot
RC-2100418-RMASUB	2010	Creating 1 additional lot
RC-2100418-RMAVAR	2011	Amending layout and creating the application site
RC-2240269-RMASUB	2024	Two lot subdivision around existing residential dwellings

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.

<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Section 3 of this Planning Report for existing activities within the site. The application is for a boundary adjustment subdivision only and there are no other activities that are part of the proposal.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is only being sought for a boundary adjustment subdivision, pursuant to the Far North Operative District Plan.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i>	Refer to Sections 5 & 7 of this Planning Report.
<i>(3) An application must also include any of the following that apply:</i>	
<i>(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):</i>	The site supports two residential units, legally established by way of building consent, and permitted activities. The subdivision does not render any of these existing activities requiring resource consent.
<i>(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):</i>	There is no existing resource consent. Not applicable.
<i>(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).</i>	The site is not within an area subject to a customary marine title group. Not applicable.

Clause 4: Additional information required in application for subdivision consent

<i>(4) An application for a subdivision consent must also include information that adequately defines the following:</i>	
<i>(a) the position of all new boundaries; (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan; (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A; (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A); (g) the locations and areas of land to be set aside as new roads.</i>	Refer to Scheme Plans in Appendix 1.

Clause 5: Additional information required for application for reclamation – not applicable.

Clause 6: Information required in assessment of environmental effects

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6 of this planning report.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	The subdivision does not involve any discharge of contaminant.
<i>(e) a description of the mitigation</i>	Refer to Section 6 of this planning report.

<i>measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8 of this planning report. No affected persons are identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of effects does not warrant any.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to Section 6. The site has small areas of outstanding landscape and areas of natural character, already protected by covenant/consent notice.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to Section 6.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	Refer to Section 6.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The subdivision site is not subject to natural hazards and does not involve hazardous installations.

5.0 ACTIVITY STATUS

5.1 Operative District Plan

The property is zoned Rural Production, with two small areas of Outstanding Landscape, both to be within the 70ha larger lot, and both already protected by Consent Notice. Rule 13.7.1 Boundary Adjustments applies:

13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

Boundary Adjustments Performance Standards Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

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

(b) there is no increase in the number of certificates of title; and **complied with**

(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; and **not complied with – see below**

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

(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and **complied with (existing building setback from boundaries and location of on site wastewater systems all assessed as part of RC 2240269)**

(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites. **Complied with – see above comment under (e).**

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.

Parts (a), (b), (d), (e) and (f) can all be met. However part (c) cannot. New proposed lots cannot meet minimum lot sizes as specified in part (c). One of the lots is smaller than the controlled Rural Production Zone minimum lot size of 20ha. Although it already is smaller than 20ha (existing site area of 12.06ha), the Council would likely consider the 'degree' of non compliance to be increased and therefore not meeting (c). The application must therefore be assessed against the remaining subdivision rules.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; Option 5. N/A as the proposal does not utilise remaining rights.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

And

(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha ...	The minimum lot size is 20ha in the General Coastal Zone.	1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per Rule 13.9.2; 2.

Both lots are in excess of 4ha and therefore meet the minimum lot size specified as a discretionary activity for the Rural Production Zone. The lot containing the areas of OL is in excess of 20ha, meeting the controlled activity requirement for land containing OL. The proposal is therefore a **discretionary** activity pursuant to the above table.

Zone Rules:

The proposed new boundaries do not result in any zone rule breaches.

District Wide Rules:

I have not identified any district wide rule breaches. The activity is a **discretionary** activity overall.

5.2 Proposed District Plan

The property is zoned Rural Production under the new PDP, which was publicly notified on 27th July 2022. Whilst the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions, there are certain rules that have been identified in the PDP as having immediate legal effect and that may therefore need to be addressed in this application and may affect the category of activity under the Act. These include:

Rules HS-R2, R5, R6 and R9 in regard to hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource. As the application site and proposal does not involve hazardous substances, and the site does not contain any heritage resources of significant natural areas, these rules are not relevant to the proposal.

Heritage Area Overlays – N/A as none apply to the application site.

Historic Heritage rules and Schedule 2 – N/A as the site does not have any identified (scheduled) historic heritage values.

Notable Trees – N/A – no notable trees on the site.

Sites and Areas of Significance to Maori – N/A – the site does not contain any site or area of significance to Maori.

Ecosystems and Indigenous Biodiversity – Rules IB-R1 to R5 inclusive.

No indigenous vegetation clearance is required or proposed.

Subdivision (specific parts) – only subdivision provisions relating to land containing Significant Natural Area or Heritage Resources have immediate legal effect. The site contains no scheduled or mapped Significant Natural Areas or Heritage Resources.

Activities on the surface of water – N/A as no such activities are proposed.

Earthworks – Only some rules and standards have legal effect. These are Rules EW-R12 and R13 and related standards EW-S3 and ES-S5 respectively. EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-13 and associated EW-S5 relate to ensuring Erosion and Sediment Control measures are in place during earthworks. They cite compliance with GD05. In the case of this boundary adjustment, no earthworks are required as no physical works are required.

Signs – N/A – signage does not form part of this application.

Orongo Bay Zone – N/A as the site is not in Orongo Bay Zone.

In summary, there are no zone rules in the PDP with immediate legal effect that affect the proposal's activity status.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Allotment sizes and dimensions

Both lots contain existing modestly sized dwellings with onsite wastewater treatment and disposal all within proposed boundaries. There is no issue in providing 30m x 30m square building envelopes.



Dwelling to be within Lot 1



Dwelling to be within Lot 2.

6.2 Natural and Other Hazards

The site is subject to flood hazard at its road frontage and into the site following the creek. This area is unable to be developed any further in any event. The mapped flood hazard area does not include the access road. The bulk of the property is not affected by flood hazard, and there is no known or mapped erosion, avulsion, subsidence or rock fall hazard. In any event both lots already support residential living.

To my knowledge, the site is not currently supporting, and has not historically supported a Hazardous Activity or Industry. It is not shown on *Far North Maps* as a HAIL site containing any contaminated soil.

6.3 Water Supply

There is no Council reticulated water supply available to the property. Both lots are, and will continue to be, reliant on on-site rainwater harvesting or through alternative supply, e.g. the dam.

6.4 Energy Supply & Telecommunications

Power and telecoms are not a requirement for rural subdivisions. Notwithstanding this, both proposed lots already support serviced residences.

6.5 Stormwater Disposal

Given the size of the lots, existing development and stormwater control, and impermeable coverage being well within permitted standards, I do not foresee any issues in regard to stormwater management for either site.

6.6 Sanitary Sewage Disposal

Both lots are already supporting residential use with consented on-site effluent treatment and disposal.

6.7 Easements for any purpose

Refer to scheme plan in Appendix 1. There are several existing easements, plus new proposed easements to be in favour of Lot 1. The dam/pond within Lot 2 is also subject to easement (involving adjacent Lot 1 DP 456848 which has frontage to the dam/pond). These were all carried over or re-imposed as part of RC 2240269 and subsequent LT Plan and Easement Schedule.

6.8 Property Access

Access and crossings are existing and believed to be to the appropriate standard. The boundary adjustment does not change anything already consented and given effect to via RC 2240269. The NZTA Approval letter associated with the granting of, and giving effect to, RC 2240269 is attached in Appendix 6.

6.9 Earthworks

The boundary adjustment subdivision will not require any earthworks.

6.10 Building Locations

Both lots are already built on.

6.11 Preservation of heritage resources, vegetation, fauna and landscape, and land set aside for conservation purposes

The site contains none of the following items listed in Rule 13.7.3.9 of the District Plan. There are no Notable Trees (Appendix 1D of the DP); no Historic Sites, Buildings or Objects (1E); no Outstanding Natural Features or Outstanding Landscape Features (1A and 1B); and no archaeological sites (1G) or Sites of Cultural Significance to Māori (1F). It does, however, contain two small areas mapped as Outstanding Landscape, both of which are already subject to protective covenant.

Indigenous Flora & Fauna:

There are two areas to be within Lot 2, that support indigenous vegetation and habitat and that are protected by consent notice/covenant (areas of OL). This will remain the case. There is also a substantial wetland area (similarly protected) and dam (also protected, and subject to easement). Remaining vegetation is exotic trees and grasses.

The area potentially supports kiwi. The property is a working farm and both lots will remain large enough to continue to be utilised for stock grazing. RC 2240269 imposed the following consent notice clause(s) relevant to kiwi (refer to Appendix 3):

Applying to the originally consented Lot 1 (12ha in area)"

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. A maximum of three working farm dogs as defined in the Dog Control Act 1996 [are exempt] from this condition if they are:

- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- b) kept in a kennel or tied up at night.*
- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification*

*Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.
[Lot 1]*

And applying to original Lot 2 (63ha and farmed):

No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. Working farm dogs as defined in the Dog Control Act 1996 are permitted, provided that they are:

- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- b) kept in a kennel or tied up at night.*
- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification*

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

[Lot 2]

Effectively RC 2240269 provided for working dogs only. These clauses will carry over within the existing Consent Notice registered on the titles subject to this boundary adjustment.

6.12 Soil

The proposal is a boundary adjustment, where each adjusted lot contains existing residential and other built development. The proposal has nil adverse effect on the life supporting capacity of soils.

6.13 Access to, and protection of, waterbodies

There are no qualifying waterways and both lots are over 4ha in area in any event. Built development and associated impermeable surfaces are existing so the boundary adjustment has nil adverse effect on waterbodies.

6.14 Land use compatibility (reverse sensitivity)

This proposal subdivides around two existing residential units and no additional reverse sensitivity issues will arise.

6.15 Proximity to Airports

The site is outside of any identified buffer area associated with any Airport.

6.16 Natural Character of the Coastal Environment

The site is not within the Coastal Environment.

6.17 Effects on Rural Character and Amenity

The proposal is a boundary adjustment only, with both lots supporting existing development. It has nil impact on rural character or amenity.

6.18 Energy Efficiency and renewable Energy Development/Use

The proposal does not consider renewable energy development or use.

6.19 National Grid Corridor

The National Grid does not run through the application site.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

The proposal promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate boundary adjustment subdivision that does not compromise the life-supporting capacity of air, water, or ecosystems, and adverse effects are capable of mitigation. The lot

sizes are consistent with the density levels in the immediate and wider area (Objectives 13.3.1 and 2 and Policy 13.4.14).

The proposed lots are large with existing dwellings and on-site wastewater treatment and disposal. The lots will remain reliant on on-site water catchment and supply. Stormwater management is existing (Objective 13.3.5 and related Policy 13.4.8).

I am not aware of any sites of significance to Māori or cultural values associated with the site but in any event, the subdivision is around existing development and does not create any new vacant lot. No earthworks are required and no indigenous vegetation clearance is envisaged or required (Objective 13.3.7 and Policy 13.4.11)

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I believe the proposal is consistent with these objectives. Power and telecoms are not a requirement of rural subdivisions but in any event there are existing dwellings on both lots.

The site contains two small areas mapped as having landscape values associated with vegetative cover, and these are already subject to protective covenant. There are no known cultural or heritage values. The site does not have outstanding natural character values. It does contain an area of wetland, and this is already subject to protective covenant. I do not believe the subdivision will prevent adjacent land uses from continuing to operate (Policy 13.4.1).

Safe and efficient access can be provided (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives and policies include:

Objectives:

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

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.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

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.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

And 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 on the environment, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

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.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the 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.

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.

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

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.

Objective 8.6.3.5 and Policy 8.6.4.6 are not considered relevant as they are solely related to Kerikeri Road.

The proposed subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). I do not believe there will be additional reverse sensitivity effects as a result of the proposal. The site will continue to be used for land based production. The proposed development is low density and will not prevent the continued use of adjacent land for productive uses (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, whilst avoiding the actual and potential adverse effects of conflicting land use activities. The proposed boundary adjustment does not affect the continued ability of individual lots to continue to provide for some use reliant on soils. The immediate area supports an existing range of activities, including productive use and residential. I am of the view that the subdivision does not create additional land use incompatibility effects of a minor or more than minor nature.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained through the size of the lots (open space to built environment ratio) (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be more consistent than not with the Rural Production Zone objectives and policies.

Other relevant objectives and policies in the ODP are those relating to Landscape (Chapter 12.1). The areas mapped as outstanding landscape are already protected (Objectives 12.1.3.1, 12.1.3.3 and 12.1.3.4). There will be no adverse effects on the areas mapped as Outstanding Landscape (OL) (Policies 12.1.4.1 and 12.1.4.2). Given that both lots support existing development and the OL areas are already protected, there is no adverse cumulative effect (12.1.4.3). There is no built development within any OL (12.1.4.5). Policies 12.1.4.7, 12.1.4.8 and 12.1.4.9 are given effect to already through the protection of the OL areas.

In summary I believe the proposal is consistent with objectives and policies related to outstanding landscapes.

7.2 Proposed District Plan

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) follows:

SUB-O1

Subdivision results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b. contributes to the local character and sense of place;*
- c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and*
- f. manages adverse effects on the environment.*

SUB-O2

Subdivision provides for the:

- a. Protection of highly productive land; and*
- 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.*

SUB-O3 *Infrastructure is planned to service the proposed subdivision and development where:*

- a. there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;*
- b. esplanade where land adjoins the coastal marine area; and*
- c. esplanade where land adjoins other qualifying water bodies*

The boundary adjustment creates lots around existing development and provides for ongoing productive use of some nature of the land in both lots, the smaller one remaining at over 5ha and in pasture. The proposal contributes to local character and avoids additional reverse sensitivity issues. It does not increase the risk of natural hazard and there are no

adverse effects (SUB-O1). The site does not contain any highly productive land other than a tiny strip at the road edge. The area mapped as OL is already subject to protection (SUB-O2).

No additional infrastructure is required and there are no qualifying water bodies (SUB-03 and 04).

SUB-P1

Enable boundary adjustments that:

- a. do not alter:
 - i. the degree of non compliance with District Plan rules and standards;
 - ii. the number and location of any access; and
 - iii. the number of certificates of title; and
- b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.

The boundary adjustment, whilst reducing the size of one lot from 12ha down to 5.23ha, does not alter the overall degree of non compliance because the other lot increases in area by the equivalent amount. It is acknowledged that a 12ha Rural Production lot would meet the proposed discretionary minimum lot size specified in the PDP of 8ha, whereas a 5.23ha lot would not. However, given that those lot sizes have been heavily submitted on, and hearings are yet to be held, with no 42a Report yet prepared, I do not believe Council can give a lot of weight to them. The number and location of access points remains unchanged and there is no increase in the number of titles.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

N/A.

SUB-P3

Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;
- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

The proposal is considered to be consistent with the purpose, characteristics and qualities of the zone, in the immediate environs; the lots are of an appropriate shape and site to contain building platforms (which already exist); and have legal and physical access. The proposal does not meet the controlled minimum lot size applying the PDP's Rural Production zone, but these lot sizes do not yet have legal effect.

SUB-P4

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

The subdivision has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone....

N/A.

SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and

Proposed boundary adjustment subdivision

b. ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.

The site is already developed and reliant on on-site servicing. The site has existing access to State Highway.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No Esplanade Reserve is required.

SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and
- b. will not result in the loss of versatile soils for primary production activities.

The soils are not regarded as highly versatile. The subdivision is regarded as rural as opposed to rural lifestyle, with both lots in excess of 5ha (PDP provides for 4ha as the likely size of a 'rural lifestyle' lot).

SUB-P9

Avoid subdivision [sic] 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.

The subdivision is not a Management Plan. See comment under SUB-P8 in regard to the lots not being 'rural lifestyle'.

SUB-P10

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.

N/A.

SUB-P11

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:

- a. consistency with the scale, density, design and character of the environment and purpose of the zone;
- b. the location, scale and design of buildings and structures;
- 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;
- d. managing natural hazards;
- e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
- f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The boundary adjustment does not require resource consent under the PDP. All of the above have been considered in the layout and number of lots being proposed, where relevant.

In summary I believe the proposed boundary adjustment to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan, and contains two pockets of outstanding natural landscape (ONL).

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:

- a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- c. does not compromise the use of land for farming activities, particularly on highly productive land;*
- d. does not exacerbate any natural hazards; and*
- e. is able to be serviced by on-site infrastructure.*

RPROZ-O4

The rural character and amenity associated with a rural working environment is maintained.

The boundary adjustment maintains rural character and amenity. It can occur without exacerbating natural hazards and the lots are able to be serviced with on-site infrastructure. Residential use associated with and on the same title as, production use, is an accepted and expected feature of the rural zone.

The soils over the majority of the site are classified as LUC 4 & 6. The proposal is not considered to have minor or more than minor adverse impact on the overall productivity of the soils on the site. The subdivision does not unduly increase any risk of reverse sensitivity and does not compromise the use of nearby land for farming activities.

Policies

RPROZP1

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.

This proposal will enable primary production activities to continue.

RPROZP2

Ensure the Rural Production zone provides for activities that require a rural location by:

- a. enabling primary production activities as the predominant land use;*
- 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.*

The proposal does not impact on the land's ability to support primary production use and/or compatible activities that support that use.

RPROZP3

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.

Reverse sensitivity effects have been discussed elsewhere in this report and it is considered the proposal does not unduly or significantly increase the risk of reverse sensitivity.

RPROZP4

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:

- a. a predominance of primary production activities;*
- b. low density development with generally low site coverage of buildings or structures;*
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. a diverse range of rural environments, rural character and amenity values throughout the District.*

I believe the proposal maintains rural character and amenity. The proposal is low density and will result in low site coverage by buildings or structures.

RPROZP5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone;*
- b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- c. would result in the loss of productive capacity of highly productive land;*
- d. would exacerbate natural hazards; and*
- e. cannot provide appropriate on-site infrastructure.*

N/A.

RPROZP6

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;*
- b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
 - 1. the type of farming proposed; and*
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- c. provides for rural lifestyle living unless there is an environmental benefit.*

The boundary adjustment does not result in the loss of highly productive land for use by farming activities as the site does not fall within the parameters of 'highly productive land'.

RPROZP7

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:

- a. whether the proposal will increase production potential in the zone;*
- b. whether the activity relies on the productive nature of the soil;*
- c. consistency with the scale and character of the rural environment;*

-
- d. location, scale and design of buildings or structures;
 - e. for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
 - f. at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
 - 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;
 - h. the adequacy of roading infrastructure to service the proposed activity;
 - i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;
 - j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

As this application does not require resource consent under the PDP, the policy is of limited relevance. The proposal is of a scale and design that is consistent with the character of the zone and immediate environs. Reverse sensitivity effects are not increased and whilst there is a zone interface with land zoned "Natural Open Space" the development does not impact on this at all given that the part of the site at the zone boundary remains as it currently is.

The site is served by state highway and can provide for on-site servicing. The site does not exhibit any historic heritage or cultural values and there will be no adverse effects on landscape values, natural character values, or indigenous biodiversity.

7.3 Part 2 Matters

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and the ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

-
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:
 - (g) the protection of protected customary rights:
 - (h) the management of significant risks from natural hazards.

The application site does not contain or display any of the features, resources or values outlined in parts (a)-(c), (e)-(g) inclusive and (h) of Section 6. It does contain two small portion of outstanding landscape (part (d)), both subject to existing protection.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d) and (f).

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

7.4 National Policy Statements

The proposal does not give offence to, and is not contrary to, the National Policy Statement for Freshwater Management.

The National Policy Statement for Highly Productive Land (NPS-HPL) is not relevant as this defines highly productive land as land with soils of LUC class 1, 2 or 3. The application site has no such soils, all being LUC classes 4 & 6 except for a narrow strip adjacent to the highway, unusable for arable purposes in any event (and remaining in a lot of 70ha).

The National Policy Statement for Indigenous Biodiversity has been considered in preparing this application. The subdivision is not contrary to the intent of this NPS.

7.5 National Environmental Standards (NES)

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered relevant as there is no known current or historic land use that would render the land a 'piece of land' subject to that NES.

The NES for Freshwater Management is not considered relevant given that development is existing and no subdivision works will be required anywhere in the vicinity of any natural inland wetland.

7.6 Regional Policy Statement for Northland (RPS)

The RPS contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

The RPS also has policies ensuring that productive land is not subject to fragmentation and/or sterilisation to the point where productive capacity is materially reduced, and that reverse sensitivity effects be avoided, remedied or mitigated.

The boundary adjustment is consistent with all relevant parts of the RPS.

7.7 Regional Plans

The boundary adjustment does not result in any breaches of the Proposed Regional Plan (Appeals version).

8.0 S 95A-E & CONSULTATION

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is

mandatory in certain circumstances. None of these circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists. Step 3 of s95A must therefore be considered. This specifies that public notification is required in certain circumstances, none of which apply. Step 4 of s95A states that the consent authority is to determine if there are any special circumstances under which public notification may be warranted. No such circumstances exist.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. No affected group of persons as listed in s95B exist in this instance.

Step 2 of s95B specifies the circumstances that preclude limited notification. Neither circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified, none of whom exist. Step 4 of s95B states that the consent authority is to determine if there are any special circumstances under which limited notification may be warranted. No such circumstances exist.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

8.4 S95E Affected Persons

A person is an 'affected person' 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). A person is not an affected person if they have provided written approval for the proposed activity.

The activity is a discretionary activity but is a boundary adjustment only, with both lots supporting existing dwellings, services and access. I have not identified any affected persons.

9.0 DRAFT CONDITIONS

To assist Council, the following conditions are suggested as appropriate. It should be noted that physical works required to satisfy conditions of RC 2240269 have already been done and signed off as satisfactory. Similarly it has already been confirmed by way of a report by an approved TP58 writer that the effluent disposal field and reserve disposal area for the dwelling within Lot 1, are fully contained within the boundaries of that lot.

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

1. *The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced "PROPOSED BOUNDARY*

ADJUSTMENT BETWEEN LOTS 1 & 2 DP LT 605485", revised date, surveyors reference number 10506, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a. All easements in the memorandum to be duly granted or reserved.

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (including but not limited to proposed title references, draft LT (Land Transfer) plan, ML plan (for Māori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roadway Powers Act 1989.

Notes: RC 2240269 required confirmation that the access carriageway within ROW easement A is at least 3m wide through its entire length. This condition has already been satisfied when obtaining the s224c TA Approval from Council for RC 2240269 and does not need to be repeated.

Confirmation was also provided that the access carriageway is fully contained within the easements provided for access. Since there is no change, there is no need to repeat this condition in RC 2240269.

Confirmation has already been provided to both NZTA's and FNDC's satisfaction that the crossing place 110 is to the required standard and as such there is no need to include a condition in this boundary adjustment requiring same. It is sufficient to simply require confirmation that the NZTA has been advised of the correct and relevant documentation to facilitate the registration of new CP notices against new titles.

- b. Provide evidence ~~to the Resource Consent Monitoring Officer (email to rcmonitoring@fnhc.govt.nz)~~ for Council's records of the existing dogs on site, to be on Lots 1 or 2. This shall include:
 - i. A photograph of the existing dogs
 - ii. Proof of registration
 - iii. If micro-chipped, the relevant microchip details for each dog.

Note: the words struck out do not apply given that this is a s224c condition, not involving RC Monitoring staff. It is debatable as to whether this condition is required given that this information has already been provided to satisfy RC 2240269 and Council will already hold the information. However, in order for the consent notice clauses below to make sense, it should probably be repeated in this boundary adjustment. The consent

notice condition needs to be repeated because the consent notice issued pursuant to RC 2240269 has not been registered on new titles and will no longer be "regarding RC 2240269-RMASUB, being the subdivision of Lot 2 DP 456848".

4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:

a. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. A maximum of three working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:

- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- b) kept in a kennel or tied up at night.
- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 3(b) of RC [.....]-RMASUB.

[Lot 1]

b. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. Working farm dogs as defined in the Dog Control Act 1996 are permitted, provided that they are:

- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- b) kept in a kennel or tied up at night.
- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 3(b) of RC [.....]-RMASUB. **[Lot 2]**

c. Prior to the keeping or introduction of any working dog to the site, the occupier must provide the following to the Council's Resource Consent Monitoring Officer:

- a) A photograph of the dog;
- b) A proof of registration;
- c) A plan showing the extent of the dog proof fenced area;

Note: Parts a) to c) above do not apply to existing dogs identified in condition 3(b) of RC [.....]-RMASUB.

[Lots 1 and 2]

10.0 CONCLUSION

The site is considered suitable for the proposed boundary adjustment subdivision, and effects on the wider environment are no more than minor. There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No special circumstances have been identified that would suggest public notification is required. No affected persons are identified.

I consider the proposal to be consistent with the Operative and Proposed District Plans' objectives and policies, relevant national and regional policy statements and plans, and Part 2 of the Act.

It is requested that the Council give favourable consideration to this application and grant approval, on a non notified basis.



Signed
Lynley Newport
Senior Planner
THOMSON SURVEY LTD

Dated

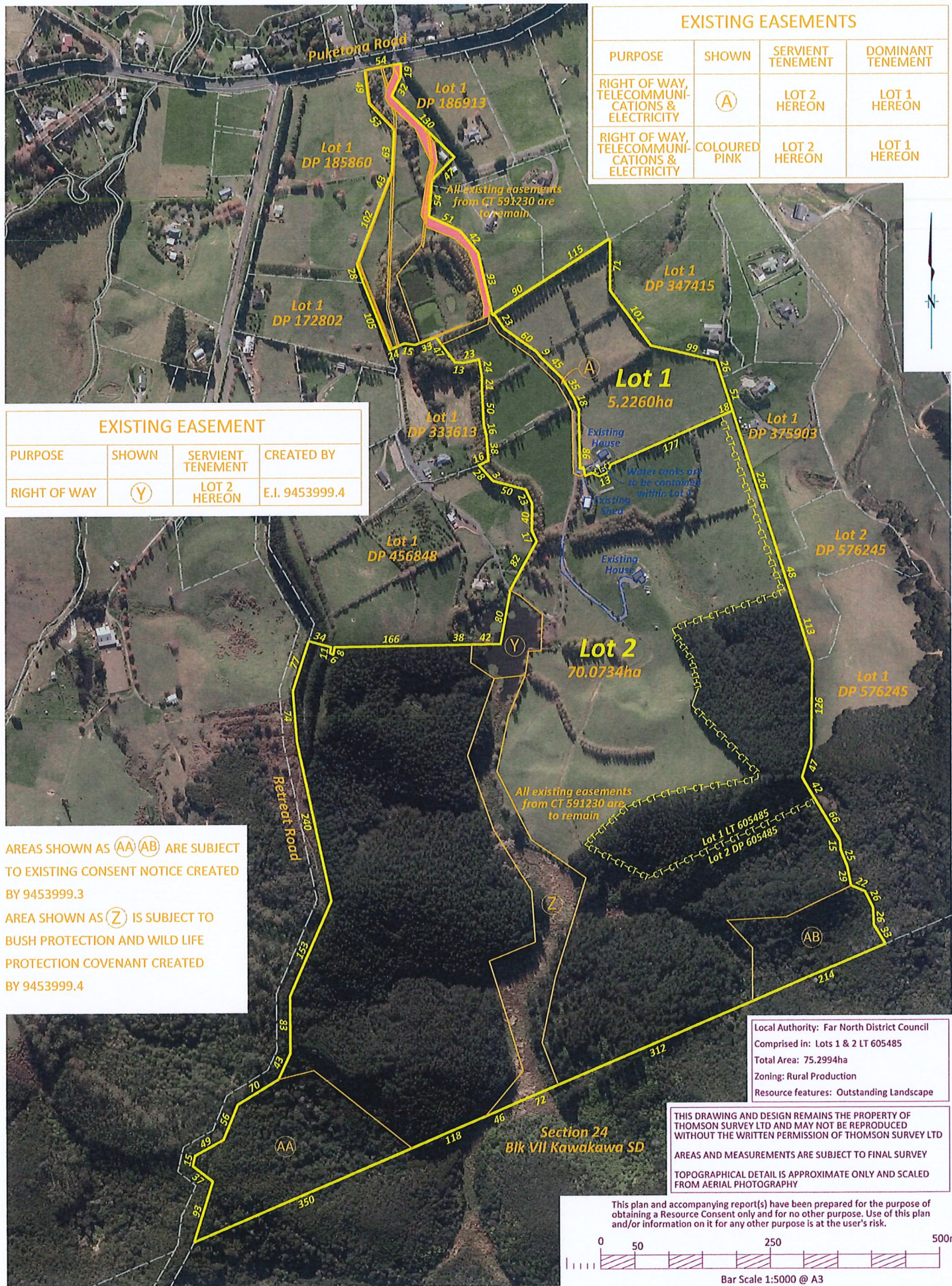
30th October 2024

11.0 LIST OF APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	Prior Consent RC 2240269
Appendix 3	TA Approvals and Consent Notice (RC 2240269)
Appendix 4	LT 605485
Appendix 5	Locality Plan
Appendix 6	NZTA correspondence (RC 2240269)
Appendix 7	Current Record of Title & relevant easement instruments

Appendix 1

Scheme Plan(s)



EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

AREAS SHOWN AS (AA) (AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3

AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

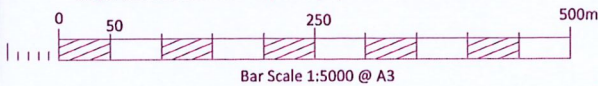
Local Authority: Far North District Council
 Comprised in: Lots 1 & 2 LT 605485
 Total Area: 75.2994ha
 Zoning: Rural Production
 Resource features: Outstanding Landscape

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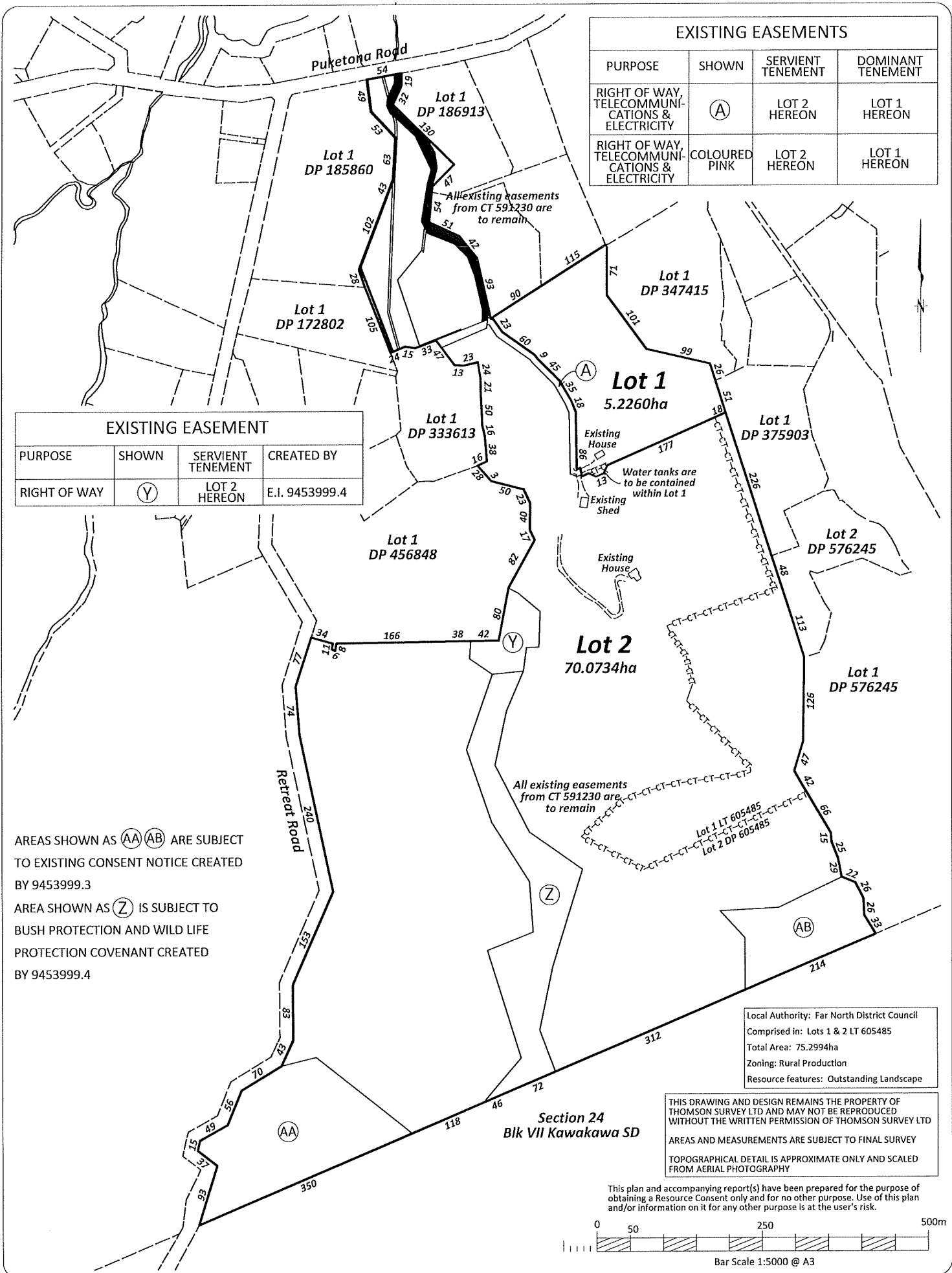
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 www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOTS 1 & 2 LT 605485
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

Survey	Name	Date	ORIGINAL
Design			SCALE SHEET SIZE
Drawn	KY	25.05.23	1:5000 A3
Approved			
Rev	KY	29.10.24	
10506 Scheme 20241029			

Surveyors Ref. No:
10506
 Sheet 1 of 1



EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

AREAS SHOWN AS (AA) (AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3

AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

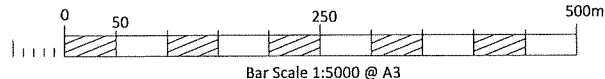
Local Authority: Far North District Council
 Comprised in: Lots 1 & 2 LT 605485
 Total Area: 75.2994ha
 Zoning: Rural Production
 Resource features: Outstanding Landscape

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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOTS 1 & 2 LT 605485
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

	Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey				
Design				
Drawn	KY	25.05.23	1:5000	A3
Approved				
Rev	KY	29.10.24		
10506 Scheme 20241029				

Surveyors Ref. No:
10506
 Sheet 1 of 1

Appendix 2

Prior Consent RC 2240269

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

Decision

Pursuant to section 34(1) and sections 104, 104C, 106, 108 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a Restricted Discretionary, subject to the conditions listed below to:

Applicant:	David Christopher Jennings
Council Reference:	2240269-RMASUB
Property Address:	683F Puketona Road, Haruru
Legal Description:	Lot 2 DP 456848 (RT:591230)

The activity to which this consent relates is:

To subdivide in the Rural Production zone creating one additional lot as a Discretionary Activity.

Conditions

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced "*PROPOSED SUBDIVISION OF LOT 2 DP 456848*", revised 12/02/24, surveyors reference number 10506, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - a. All easements in the memorandum to be duly granted or reserved.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
 - a. Provide a report and plan from a Council approved TP58 writer or chartered professional engineer which confirms that the effluent disposal field and reserve disposal area are fully contained within the boundaries of Lot 1.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway within Right of Way easement A is at least 3m wide through its entire length.

- b. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
 - c. Provide that Crossing Place 110 is sealed to boundary in accordance with the New Zealand Transport Agency standard and to the satisfaction of the New Zealand Transport Agency Network Manager.
 - d. Provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (including but not limited to proposed title references, draft LT (Land Transfer) plan, ML plan (for Māori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roading Powers Act 1989.
 - e. Provide evidence to the Resource Consent Monitoring Officer (email to rcmonitoring@fndc.govt.nz) for Council's records of the existing dogs on site, to be on Lots 1 or 2. This shall include:
 - i. A photograph of the existing dogs
 - ii. Proof of registration
 - iii. If micro-chipped, the relevant microchip details for each dog.
5. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. Electricity and Telecommunications supply is not a condition of this consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[Lot 1]

- b. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. A maximum of three working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:
 - a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
 - b) kept in a kennel or tied up at night.
 - c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

[Lot 1]

- c. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. Working farm dogs as defined in the Dog Control Act 1996 are permitted, provided that they are:

- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- b) kept in a kennel or tied up at night.
- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

[Lot 2]

- d. Prior to the keeping or introduction of any working dog to the site, the occupier must provide the following to the Council's Resource Consent Monitoring Officer:
 - a) A photograph of the dog;
 - b) A proof of registration;
 - c) A plan showing the extent of the dog proof fenced area;

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

[Lots 1 and 2]

Advice Notes

Lapsing of Consent

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

Right of Objection

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

Archaeological Sites

3. 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.

General Advice Notes

4. This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).
5. During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.
6. Before undertaking any physical work on the state highway, including the formation of any vehicle crossing, the consent holder is advised that they are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

The CAR can be submitted to the New Zealand Transport Agency CAR Manager via aran.arrieta@nzta.govt.nz a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

As the properties have access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Roding Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons, and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Restricted Discretionary resource consent, as such under section 104C only those matters over which council has restricted its discretion have been considered, these matters are found in sections 13.7.3 and 13.8.1 of the Operative District Plan.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The surrounding environment comprises of a range of different land uses (residential, lifestyle and production), and the subdivision will remain consistent with the nearby land uses. Further, the subdivision is around existing development which provides for ongoing productive use of the land, avoiding any reverse sensitivity effects.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.

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

The activity is consistent with these documents as generally set out in pages 16 to 27 of the Assessment of Environmental Effects submitted with the application.

In particular, the activity is consistent with the relevant Objectives and Policies of the **Operative District Plan** because it is an appropriate subdivision that does not compromise the life-supporting capacity of air, water, or ecosystems. The lot sizes will allow for a level of density that is not dissimilar from that already in existence in the immediate area. The proposed lots have ample space to contain on-site wastewater treatment and water supply, with existing stormwater management, which are all already existing. The subdivision is around existing development, which does not create any new vacant lots. As such, there will be no major earthworks and indigenous vegetation clearance required nor proposed. There are also no known cultural or heritage values associated with the site. Power and telecommunications are not a requirement for sites zoned Rural Production. Nevertheless, these are already provided for on existing dwellings on both lots. The site contains two small areas mapped as having Outstanding Landscape values associated with vegetative cover, and these are already subject to protective covenant. The site is not, however, identified to have outstanding natural character values. It does contain an area of wetland, and this is already subject to protective covenant. The subdivision will not be disrupting adjacent land uses, ensuring safe and efficient access.

As a subdivision activity within the Rural Production zone, the activity will be maintaining the amenity values of the area. The site will be subdivided into two smaller lot sizes, with both lots being continued to be used for land-based production. As such, there will be no additional reverse sensitivity effects. Further, the adjacent lots in general also support productive use activities. As such, the activity will not be inconsistent with the surrounding environment. The development is low density and will not prevent the continued use of adjacent land for productive uses. The activity will not affect the continued ability of individual lots to continue to provide for some use reliant on soils. The immediate area supports an existing range of activities, including productive use and residential.

In terms of the Outstanding Landscape (OL) overlay, the areas mapped as OL are already protected. Both lots already support existing development with none proposed on areas identified as OL.

The activity is also consistent with the relevant Objectives and Policies of the **Proposed District Plan's** (PDP) Subdivision chapter because the activity will not result in an increased risk to natural hazards as the identified flooding hazard is at the site's road frontage and into the site following the creek, which does not include the access road. This area is unable to be developed any further in any event. The bulk of the property is not affected by flood hazard and there is no mapped erosion, avulsion, subsidence or rock fall hazard. The site also is not currently supporting or has historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL). The lots are of an appropriate shape and size such that the lots

are able to respect to the purpose, characteristics and qualities of the Rural Production zone. Additionally, the site is already developed, with existing residential development on both lots, which are reliant on existing on-site servicing. Both lots will also be utilising the existing access to State Highway.

Council incorporates the following assessment in the assessment of the Objectives and Policies of the PDP:

The site is largely identified to contain LUC 4 land, which is classified highly productive land in the PDP. The site also contains LUC 3 at the entrance to the site, which is a tiny strip at the road edge. In addressing this, the lots are over 12ha in area and can continue to be farmed. Considering that both lots already contain residential development, any potential cumulative loss of the availability and productive capacity of highly productive land will be minimal. Additionally, the lots will continue to provide for the ongoing productive use of the site, thereby, avoiding additional reverse sensitivity issues.

There site is also identified to contain two tiny pockets of Outstanding Natural Landscape on the south-eastern and south-western corner, which are already subject to existing protective covenant.

Additionally, Council includes an assessment of the **National Policy Statement for Highly Productive Land (NPS-HPL):**

The NPS-HPL definition of Highly Productive Land (HPL) is for LUC 1, 2 or 3 land which is located in a general rural or rural production zone and forms a large and geographically cohesive area. This development is generally located on LUC 4 land, and the LUC 3 at the entrance to the site does not form a large and geographically cohesive area. Therefore, the land does not meet the definition of HPL under the NPS-HPL Under clause 3.4 (3), regional councils can map land in the general rural or the rural production zone, which is not LUC 1, 2 or 3 as highly productive land if they decide the land is or has the potential to be highly productive land. Northland Regional Council has not currently given effect to this clause by providing highly productive land mapping. Therefore, this land is not currently considered HPL land, although, it is possible this may change in the future

For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans.

As the outcomes sought are the same under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.

8. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

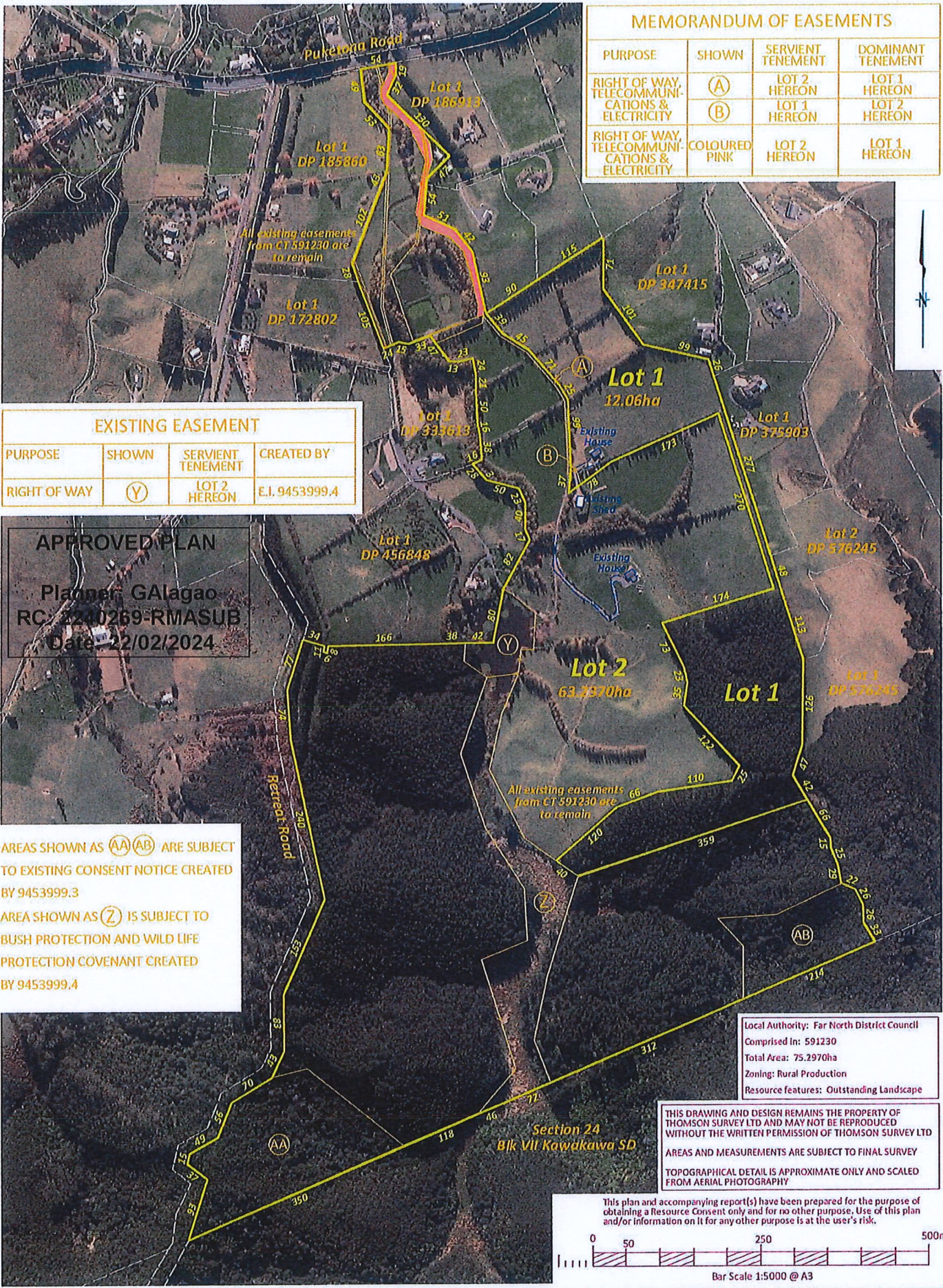
This resource consent has been prepared by Gio Alagao, Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Tianxu (Brian) Huang

Date: 22 February 2024

Team Leader – Resource Consents



MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
	(B)	LOT 1 HEREON	LOT 2 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

APPROVED PLAN

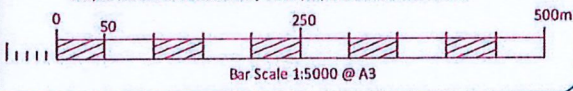
Planner: GALAGAO
 RC: 2240269-RMASUB
 Date: 22/02/2024

AREAS SHOWN AS (AA)(AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3
 AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

Local Authority: Far North District Council
 Comprised In: 591230
 Total Area: 75.2970ha
 Zoning: Rural Production
 Resource features: Outstanding Landscape

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 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

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

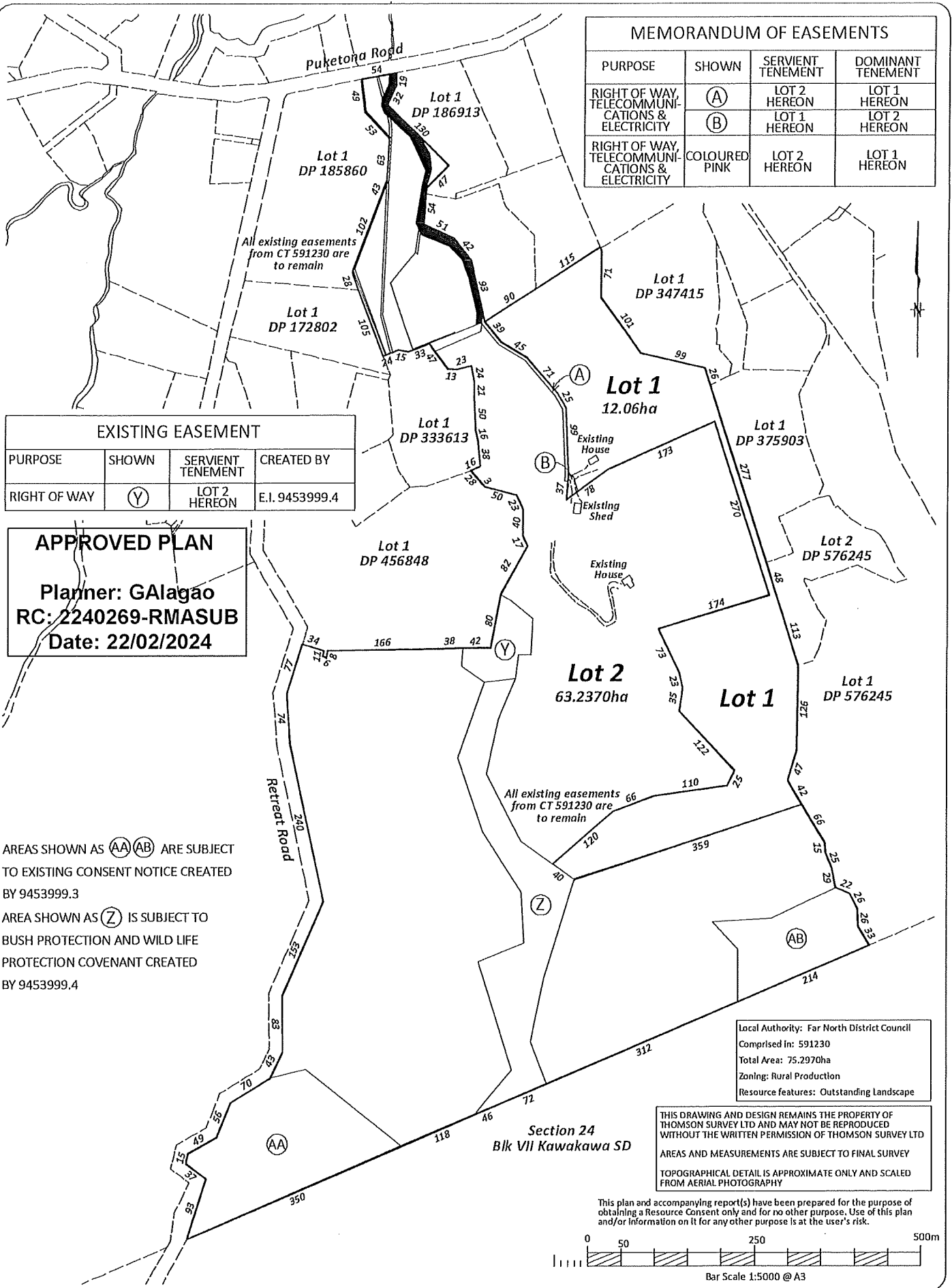


THOMSON SURVEY LIMITED
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360
 www.tsurvey.co.nz
 Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 2 DP 456848
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Drawn	KY	25.05.23	1:5000	A3
Approved	KY	12.02.24		
Rev	KY	10506 Scheme 20240212		

Surveyors Ref. No:
10506
 Sheet 1 of 1



MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 1 HEREON
	(B)	LOT 1 HEREON	LOT 2 HEREON
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	COLOURED PINK	LOT 2 HEREON	LOT 1 HEREON

EXISTING EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY	(Y)	LOT 2 HEREON	E.I. 9453999.4

APPROVED PLAN
Planner: GALAGAO
RC: 2240269-RMASUB
Date: 22/02/2024

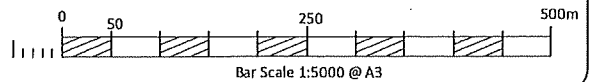
AREAS SHOWN AS (AA)(AB) ARE SUBJECT TO EXISTING CONSENT NOTICE CREATED BY 9453999.3

AREA SHOWN AS (Z) IS SUBJECT TO BUSH PROTECTION AND WILD LIFE PROTECTION COVENANT CREATED BY 9453999.4

Local Authority: Far North District Council
 Comprised In: 591230
 Total Area: 75.2970ha
 Zoning: Rural Production
 Resource features: Outstanding Landscape

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD
 AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY
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PROPOSED SUBDIVISION OF LOT 2 DP 456848
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

Survey	Name	Date	ORIGINAL	SHEET
Design			SCALE	SIZE
Drawn	KY	25.05.23	1:5000	A3
Approved				
Rev	KY	12.02.24		
10506 Scheme 20240212				

Surveyors Ref. No:
10506
 Sheet 1 of 1

Appendix 3

TA Approvals and Consent Notice (RC 2240269)



TA Approvals

Territorial Authority	Far North District Council TA Certification Division	TA Reference	2240269
Survey Number	LT 605485	Survey Purpose	LT Subdivision
Surveyor Reference	10506 Jennings	Land District	North Auckland
Surveyor	Denis McGregor Thomson		
Surveyor Firm	Thomson Survey Limited		
Dataset Description	Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848		

TA Certificates

I hereby certify that plan LT 605485 was approved by the Far North District Council pursuant to section 223 of the Resource Management Act 1991 on the 21st day of October 2024.

The approval of the Council under Section 223 of the Resource Management Act 1991 is subject to the granting or reserving of the easement(s) set out in the Memorandum of Easements attached as a supporting document to plan LT 605485

Signature

Signed by Nicola Anne Cowley, Authorised Officer, on 21/10/2024 09:56 AM

Receipt Information

Transaction Receipt Number	17276128
Signing Certificate (Distinguished Name)	Cowley, Nicola Anne
Signing Certificate (Serial Number)	60905549
Signature Date	21/10/2024

*** End of Report ***



TA Approvals

Territorial Authority	Far North District Council TA Certification Division	TA Reference	2240269
Survey Number	LT 605485	Survey Purpose	LT Subdivision
Surveyor Reference	10506 Jennings	Land District	North Auckland
Surveyor	Denis McGregor Thomson		
Surveyor Firm	Thomson Survey Limited		
Dataset Description	Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848		

TA Certificates

Pursuant to Section 224(c) Resource Management Act 1991 I hereby certify that some of the conditions of the subdivision consent have been complied with to the satisfaction of the Far North District Council and that a consent notice has been issued in respect of those conditions that have not been complied with. Dated this 22nd day of October 2024.



Signature

Signed by Nicola Anne Cowley, Authorised Officer, on 22/10/2024 10:07 AM

Receipt Information

Transaction Receipt Number	17279299
Signing Certificate (Distinguished Name)	Cowley, Nicola Anne
Signing Certificate (Serial Number)	60905549
Signature Date	22/10/2024

*** End of Report ***

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2240269-RMASUB
Being the Subdivision of Lot 2 DP 456848
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 1 DP 605485

- i) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. A maximum of three working farm dogs as defined in the Dog Control Act 1996 are permitted if they are:
- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
 - b) kept in a kennel or tied up at night.
 - c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

Lot 2 DP 605485

- ii) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. Working farm dogs as defined in the Dog Control Act 1996 are permitted, provided that they are:
- a) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
 - b) kept in a kennel or tied up at night.


- c) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.

Lots 1 and 2 DP 605485

- iii) Prior to the keeping or introduction of any working dog to the site, the occupier must provide the following to the Council's Resource Consent Monitoring Officer:
- a) A photograph of the dog;
 - b) A proof of registration;
 - c) A plan showing the extent of the dog proof fenced area;

Note: Parts a) to c) above do not apply to existing dogs identified in condition 4(e) of RC 2240269-RMASUB.



SIGNED:

Ms Nicola Cowley - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at **KERIKERI** this 22nd day of October 2024

Appendix 4

LT 605485



Title Plan - LT 605485

Survey Number LT 605485
Surveyor Reference 10506 Jennings
Surveyor Denis McGregor Thomson
Survey Firm Thomson Survey Limited
Surveyor Declaration

Survey Details

Dataset Description Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848
Status Initiated
Land District North Auckland
Submitted Date
Survey Class Class B
Survey Approval Date
Deposit Date

Territorial Authorities

Far North District

Comprised In

RT 591230

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 605485	Fee Simple Title	12.0528 Ha	1190268
Lot 2 Deposited Plan 605485	Fee Simple Title	63.2466 Ha	1190269
Area A Deposited Plan 605485	Easement		
Area B Deposited Plan 605485	Easement		
Area C Deposited Plan 605485	Easement		
Area D Deposited Plan 605485	Easement		
Area E Deposited Plan 605485	Easement		
Area F Deposited Plan 605485	Easement		
Area G Deposited Plan 605485	Easement		
Area H Deposited Plan 605485	Easement		
Area Z Deposited Plan 605485	Covenant - Land		
Area M Deposited Plan 605485	Easement		
Area N Deposited Plan 605485	Easement		
Area O Deposited Plan 605485	Easement		
Area P Deposited Plan 605485	Easement		
Area Q Deposited Plan 605485	Easement		
Area R Deposited Plan 605485	Easement		
Area W Deposited Plan 605485	Easement		
Area Y Deposited Plan 605485	Easement		
Area I Deposited Plan 605485	Easement		
Area AA Deposited Plan 605485	Covenant - Land		
Area AB Deposited Plan 605485	Covenant - Land		
Area J Deposited Plan 605485	Easement		
Total Area		75.2994 Ha	

Schedule / Memorandum

LT 605485 Schedule/Memorandum

Land registration district
North Auckland

Territorial authority
Far North District

Memorandum of Easements

Parcels shown with a prefix of *HL*- include height-limited boundaries

PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
Right of way Right to convey electricity, telecommunications	E, F, G, H, I, J	Lot 2	Lot 1

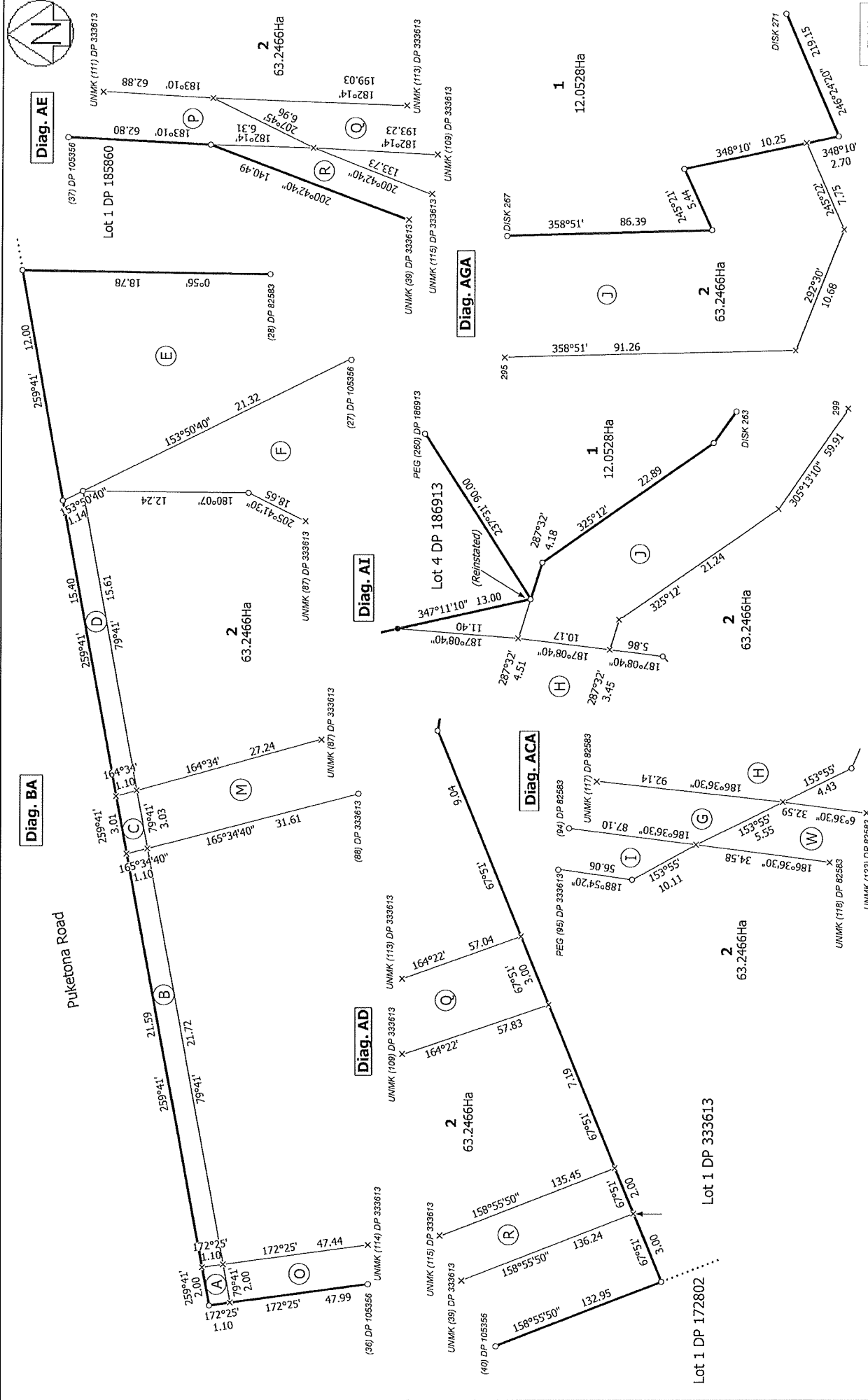
Schedule of Existing Easements

PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT
Right to drain sewage	E, G, W	Lot 2	B063793.1
Right to convey water	A, B, C, D, E	Lot 2	B421471.7
Right of way Right to convey water	E, F, G, H, I	Lot 2	5939626.5
Right to convey electricity	C, E, F, G, H, M, N, P, Q, I	Lot 2	5939626.5
Right to convey telecommunications	A, E, F, G, H, P, R, I	Lot 2	5939626.5
Right of way	E, F, G, H, Y, I	Lot 2	9453999.4
Right to convey water	E, F, G, H, I	Lot 2	9453999.4
Right to convey electricity	C, E, F, G, H, M, N, P, Q, I	Lot 2	9453999.4
Right to convey telecommunications	A, E, F, G, H, O, P, R, I	Lot 2	9453999.4

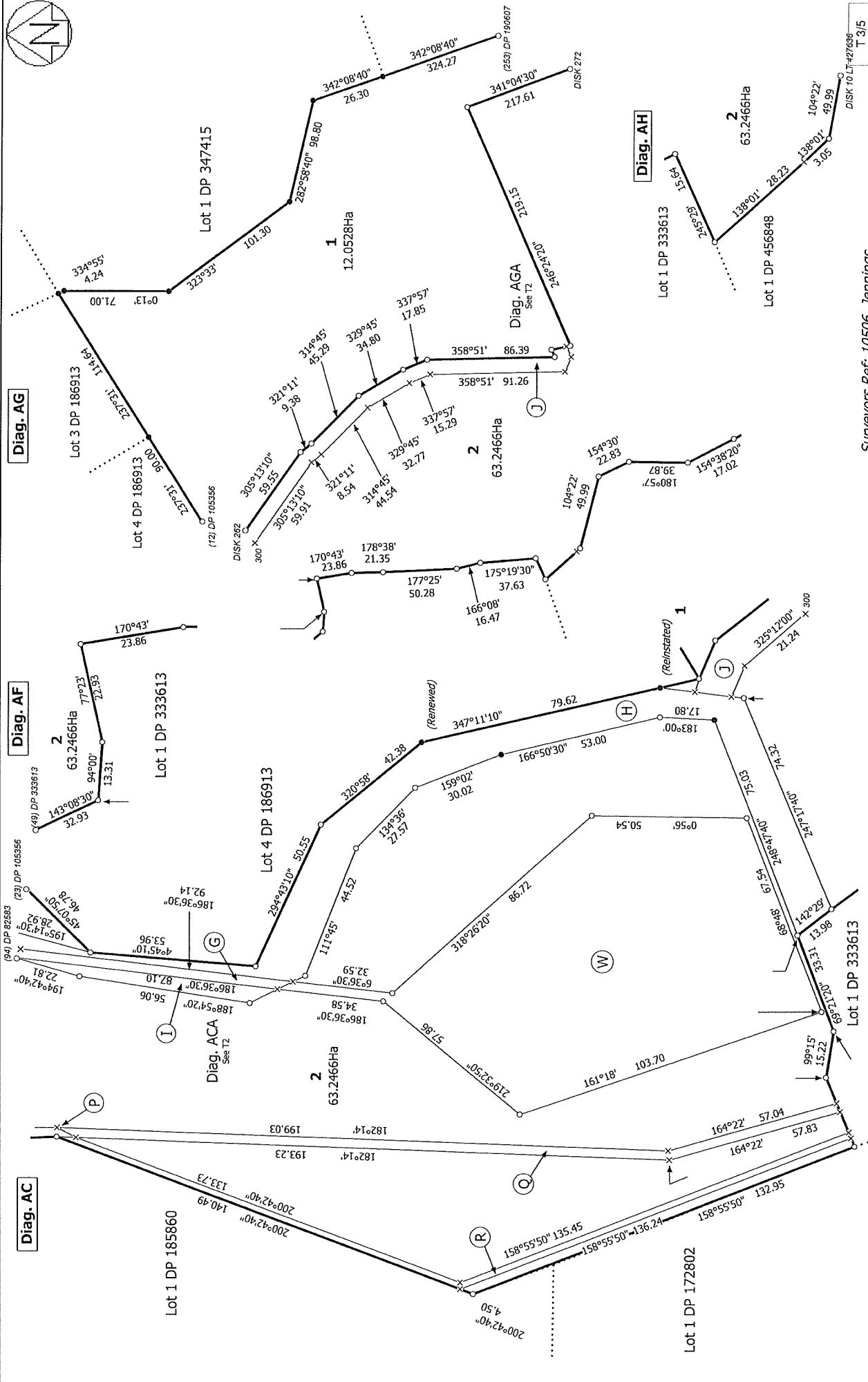
Notes

Areas Z & Y are subject to existing Land Covenants by Instrument 9453999.4

Areas AA & AB are subject to existing consent notice conditions see Instrument 9453999.3



T 2/5	<p>Title Plan LT 605485 DRAFT</p>
<p>Surveyors Ref: 10506, Jennings Surveyor: Denis McGregor Thomson Firm: Thomson Survey Limited</p>	
<p>Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848</p>	
<p>Land District: North Auckland Digitally Generated Plan Generated on: 15/10/2024 10:46am Page 4 of 7</p>	



Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848

Surveyors Ref: 10506, Jennings

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Land District: North Auckland

Digitally Generated Plan
Generated on: 15/10/2024 10:46am Page 5 of 7

Title Plan
LT 605485
DRAFT



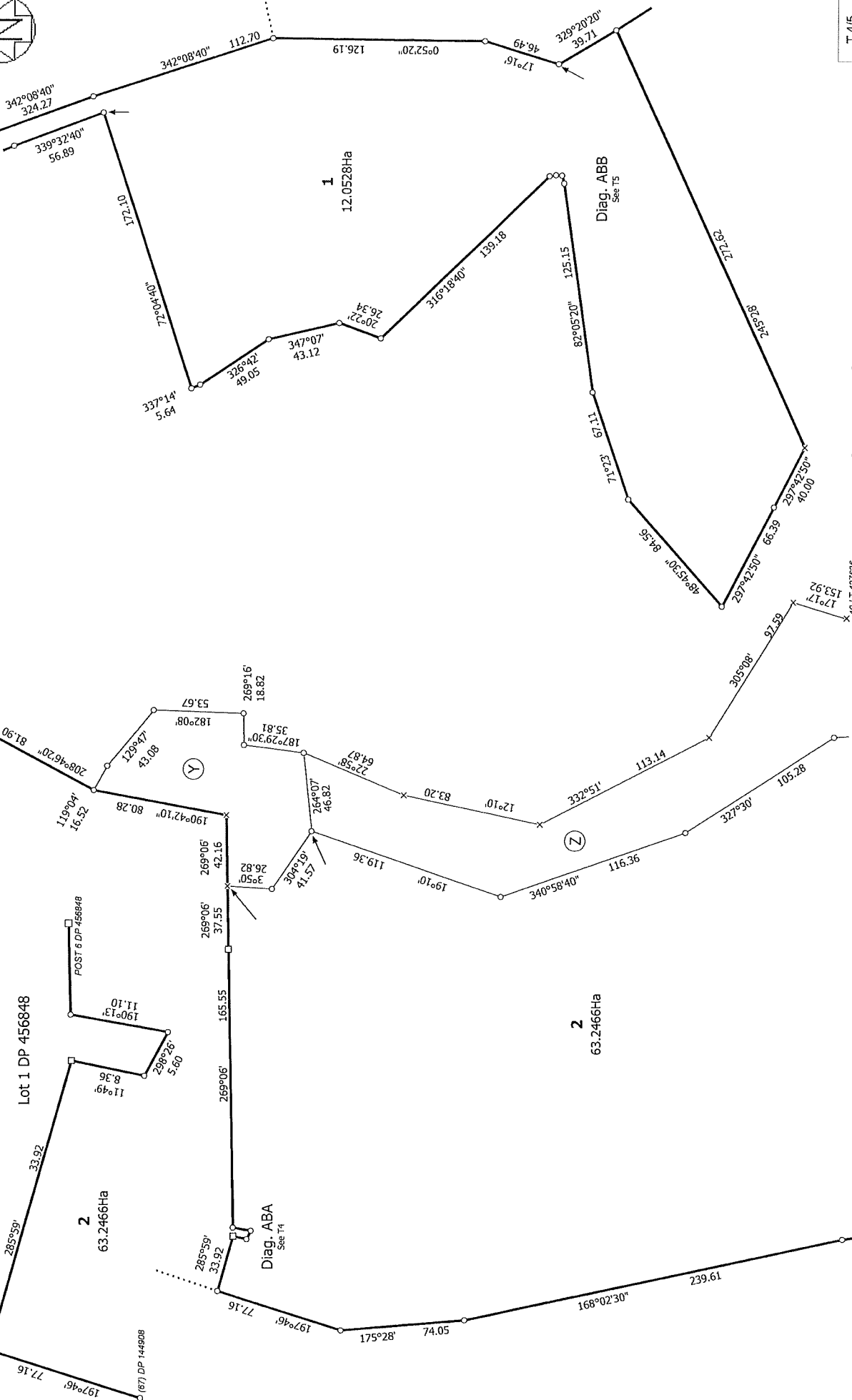
PEG (254) DP 190607

Diag. AB

DISK 7 LT 427636

Diag. ABA

(67) DP 144908



T 4/5

Surveyors Ref: 10506, Jennings

Title Plan
LT 605485
DRAFT

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Lot 1 & 2 Being a Subdivision of Lot 2 DP 456848

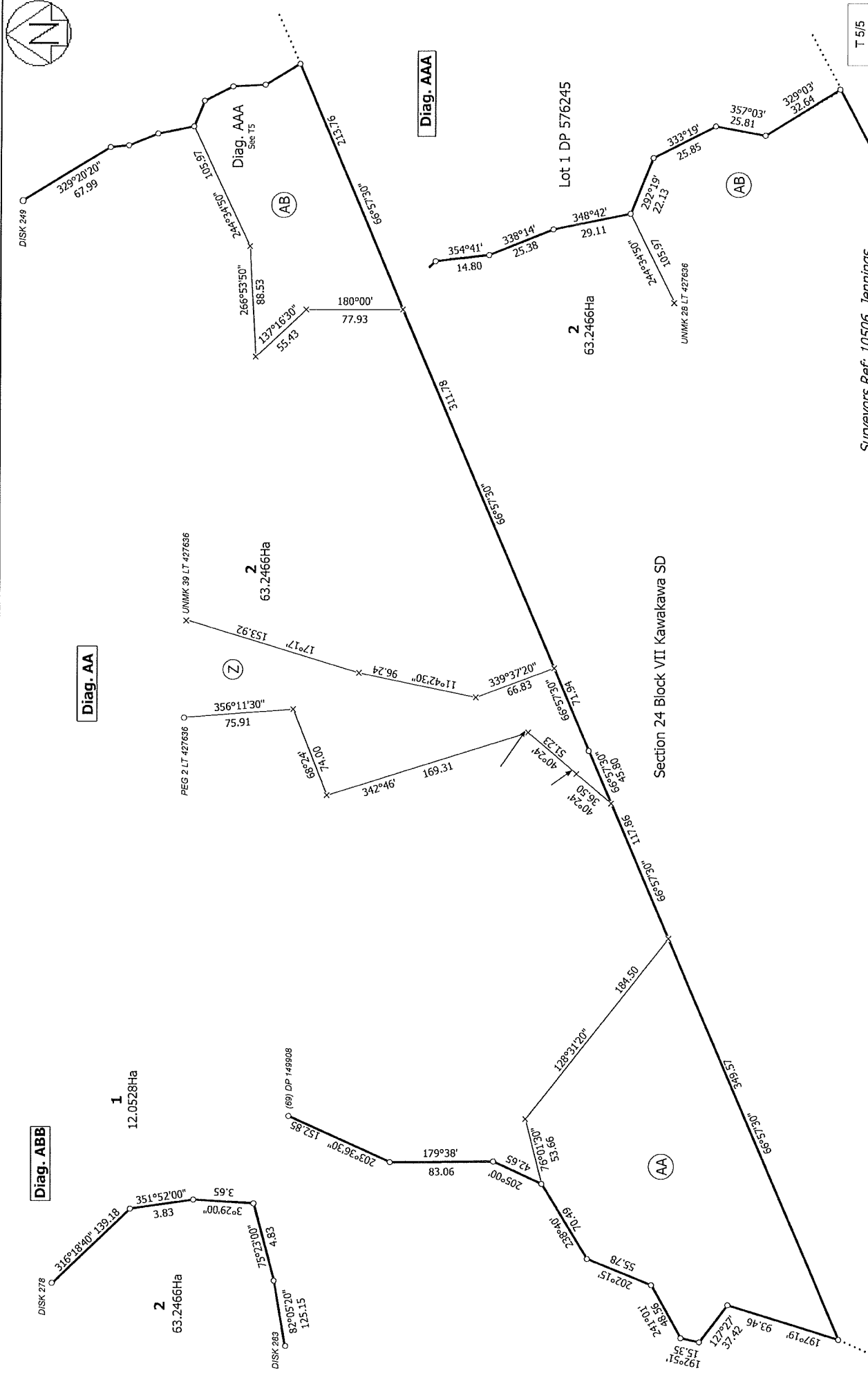
Land District: North Auckland

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Generated on: 15/10/2024 10:46am Page 6 of 7



T 5/5



Surveyors Ref: 10506, Jennings

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Lot 1 & 2 Being a Subdivision of Lot 2 DP 458848

Title Plan
LT 605485
DRAFT

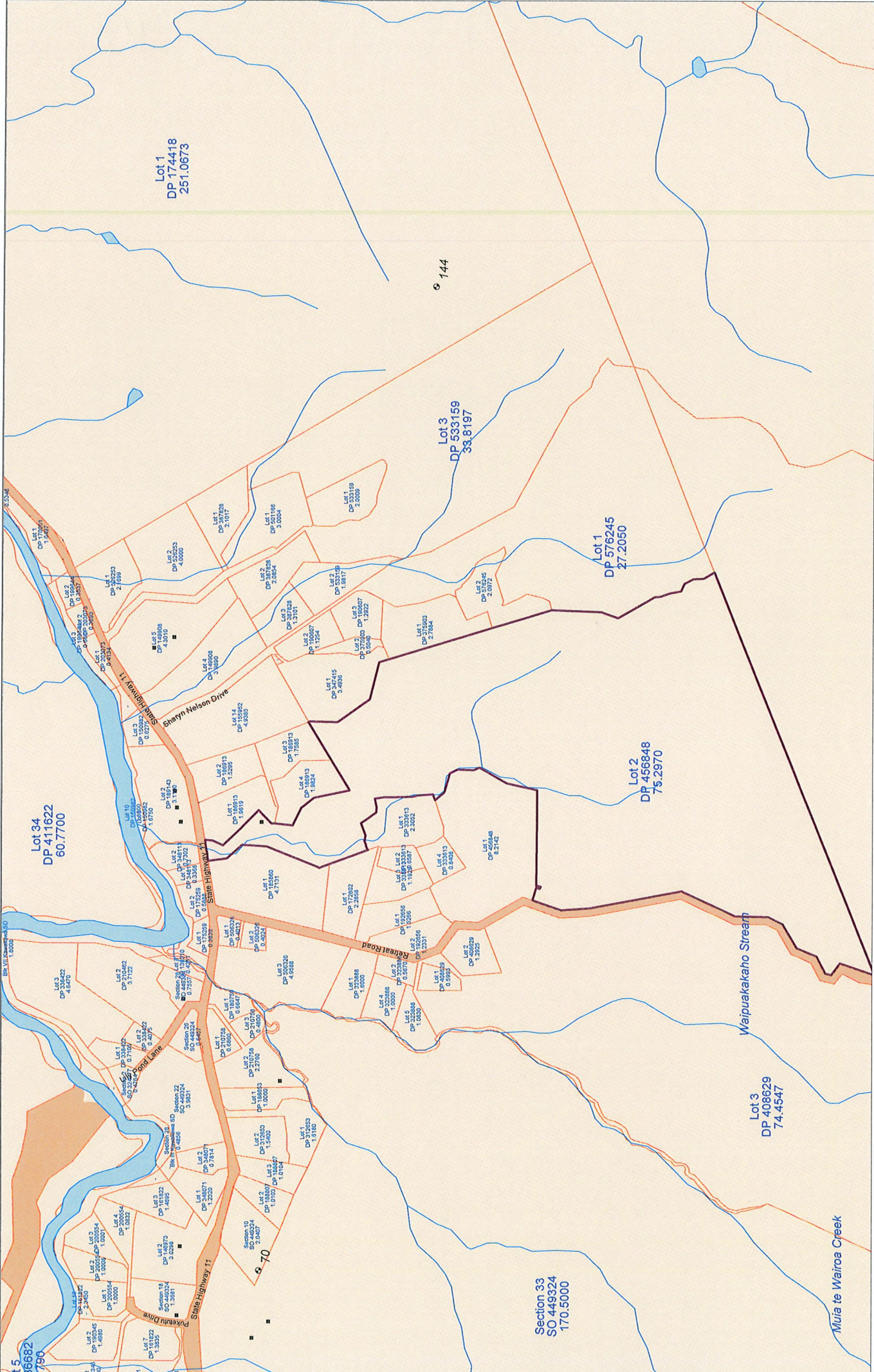
Land District: North Auckland

Digitally Generated Plan

Generated on: 15/10/2024 10:46am Page 7 of 7

Appendix 5

Locality Plan



0 200 400 600 800 1000 1200 1400 1600m

Any person wishing to rely on the information shown on this map must independently verify the information
 Topographical and Cadastral map derived from LINZ data. Printed: 28-Aug-2024 03:05.

QuickMap
 Custom Software Ltd

Appendix 6
NZTA correspondence
(RC 2240269)

Waka Kotahi New Zealand Transport Agency Reference: 2023-0954

10th October 2023

David Jennings
C/- Karen Yerkovich
Thomson Survey Limited
315 Kerikeri Road,
Kerikeri 0230

Sent via: karen@tsurvey.co.nz

Dear Karen,

Proposed two-lot subdivision – 685F Puketona Road, Haruru, Northland Forest Park – David Jennings

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- Proposed two-lot subdivision for single dwelling residential use.

Assessment

In assessing the proposed activity, Waka Kotahi notes the following:

- Crossing Place (CP) 110 currently serves four lots and five dwellings.
- It is the understanding of Waka Kotahi that the proposed subdivision will not result in an additional dwelling.
- CP 110 formation appears to already be in accordance with the New Zealand Transport Agency Diagram D standard as outlined in the Planning Policy Manual (2007). However, the CP is currently in disrepair and requires resealing.
- It should be noted that any further development may require further upgrade to CP 110 to the formation of New Zealand Transport Agency Diagram E standard as outlined in the Planning Policy Manual (2007).

Limited Access Road (LAR)

Your client's site adjoins State Highway 11 which is identified as a limited access road. Per Section 91 of the Government Rounding Powers Act 1989, to access your client's site your client requires a crossing place authorised by Waka Kotahi. In this instance upgrade of Crossing Place 110.

Conditions

In discussion with Waka Kotahi your client has agreed to include the following conditions as part of your clients' resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Crossing Place 110 shall be sealed to boundary in accordance with the New Zealand Transport Agency standard and to the satisfaction of the New Zealand Transport Agency Network Manager.
2. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant

documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Rounding Powers Act 1989.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Limited Access Road

As the site fronts a Limited Access Road, the New Zealand Transport Agency provides approval under Section 93 of the Government Rounding Powers Act 1989 for the site to gain direct access from the State Highway as described in this written approval.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the New Zealand Transport Agency CAR Manager via aran.arrieta@nzta.govt.nz a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

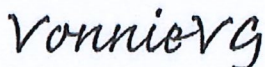
As the properties have access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Rounding Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from the New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Vonnie Veen-Grimes via email at Vonnies.veen-grimes@nzta.govt.nz or you can contact the environmental planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely



Vonnies Veen-Grimes
Planner

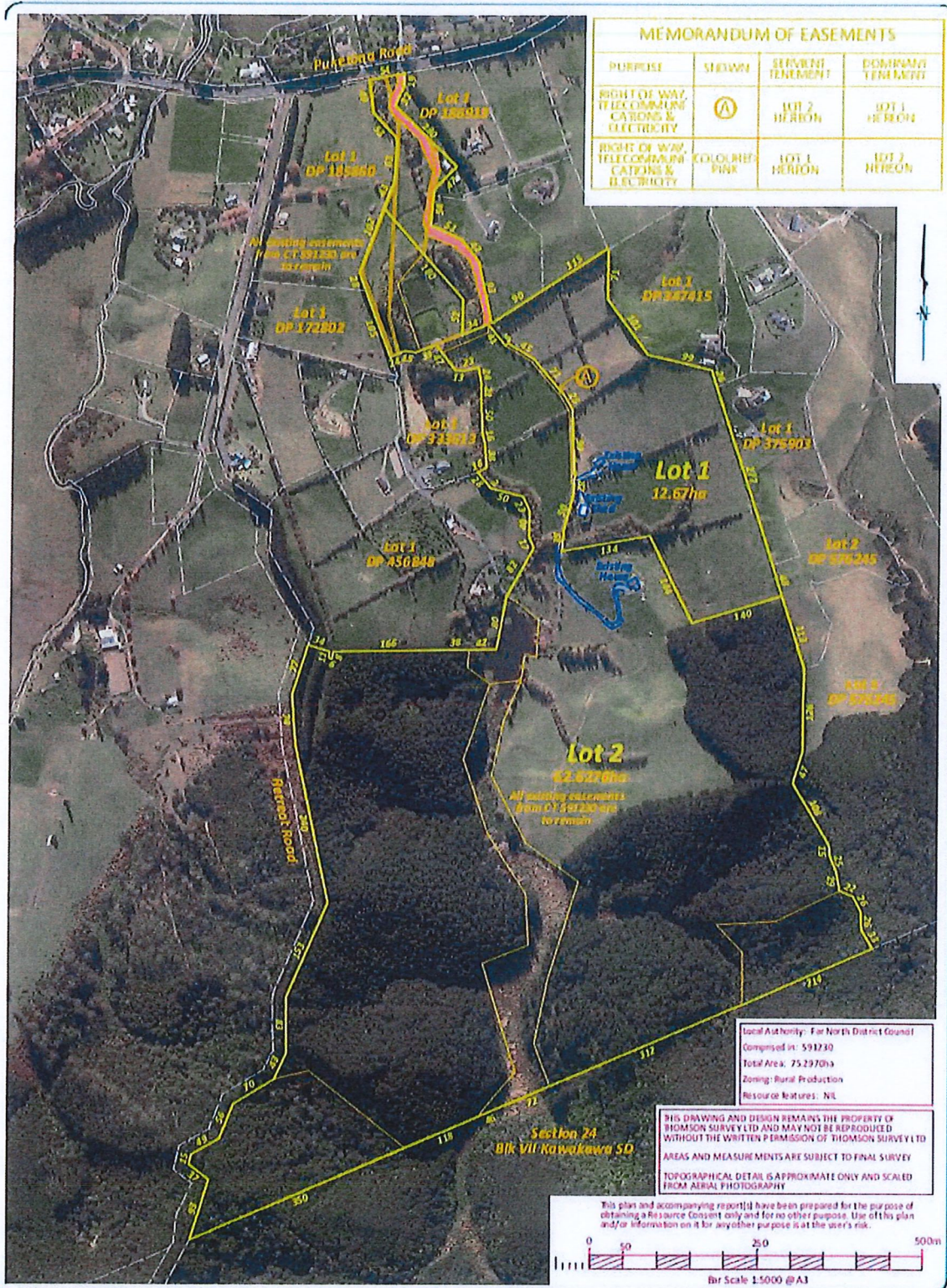
Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

cc: aran.arrieta@nzta.govt.nz

Enclosed:

> Attachment 1: Proposed Scheme Plan

Attachment 1: Proposed Scheme Plan



THOMSON SURVEY
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@thomsonsurvey.co.nz
 Ph: (09) 4072360
 www.thomsonsurvey.co.nz
 Regd. Prof. Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 2 DP 456848
 683F PUKETONA ROAD
 PREPARED FOR: D. JENNINGS

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	KY	75.05.23	
Approved			
Rev			
20506 Scheme		1:5000	A3


Surveyors Ref No:
10506
 Sheet 1 of 1

Crossing Place Compliance Report



Client	NZTA	CPC 240
Attention:	planning@nzta.govt.nz	

Description	NTC: N/A	PAR: N/A
Applicant:	David Jennings	
NZTA Reference:	2023-0954	
Location of Activity & RP:	685F Puketona Road 011-0014-B/9.687	
Date Inspected:	11 th September 2024	
Inspected by:	Sidney Love	
Crossing Place Number:	CP 110	

Report	
<p>Consent Conditions:</p> <p>1. Crossing Place 110 shall be sealed to the boundary in accordance with NZTA standards and to the satisfaction of the NZTA Network Manager.</p>	
<p>Comment:</p> <p>The crossing place has been upgraded without an approved CAR application and no WAP was ever issued. The seal complies with the conditions.</p>	
<p>Report by: Sidney Love</p> <p>Signed: </p>	<p>Date: 13 September 2024</p>



Chip sealed to boundary as per conditions.



Closer view of seal.



View from inside property boundary showing where new seal ends.

Appendix 7

Current Record of Title & relevant easement instruments



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




R.W. Muir
Registrar-General
of Land

Identifier 591230
Land Registration District North Auckland
Date Issued 12 August 2013

Prior References

137780

Estate	Fee Simple
Area	75.2970 hectares more or less
Legal Description	Lot 2 Deposited Plan 456848

Registered Owners

Christopher David Jennings, Elaine Beryl Jennings, Brian Gillespie Moyle and David Thomas Jennings

Interests

Subject to a sewage right over parts marked G, E & W on DP 456848 specified in Easement Certificate B063793.1

Subject to a right of way over part marked E and to a water supply right over parts marked A, B, C, D & E all on DP 456848 specified in Easement Certificate B421471.7

The easements specified in Easement Certificate B421471.7 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant hereto are right of way, power supply, telecommunications & water supply easements created by Easement Instrument 5939626.5 - 19.3.2004 at 9:00 am

Subject to a right of way & water supply easements over parts marked E, F, G, H & I, to power supply easement over parts marked E, F, G, H, I, C, M, N, Q & P, and to telecommunications easement over parts marked E, F, G, H, I, A, O, R & P all on DP 456848 created by Easement Instrument 5939626.5 - 19.3.2004 at 9:00 am

The easements created by Easement Instrument 5939626.5 are subject to Section 243 (a) Resource Management Act 1991

8083477.1 Notice pursuant to Section 94C Transit New Zealand Act 1989 declaring the adjoining State Highway 11 Paihia to Puketona Junction to be a limited access road - 25.2.2009 at 9:00 am

8083477.18 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 25.2.2009 at 9:00 am

8083477.19 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 25.2.2009 at 9:00 am

8887830.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 13.10.2011 at 9:48 am

8910184.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 9.11.2011 at 4:30 pm

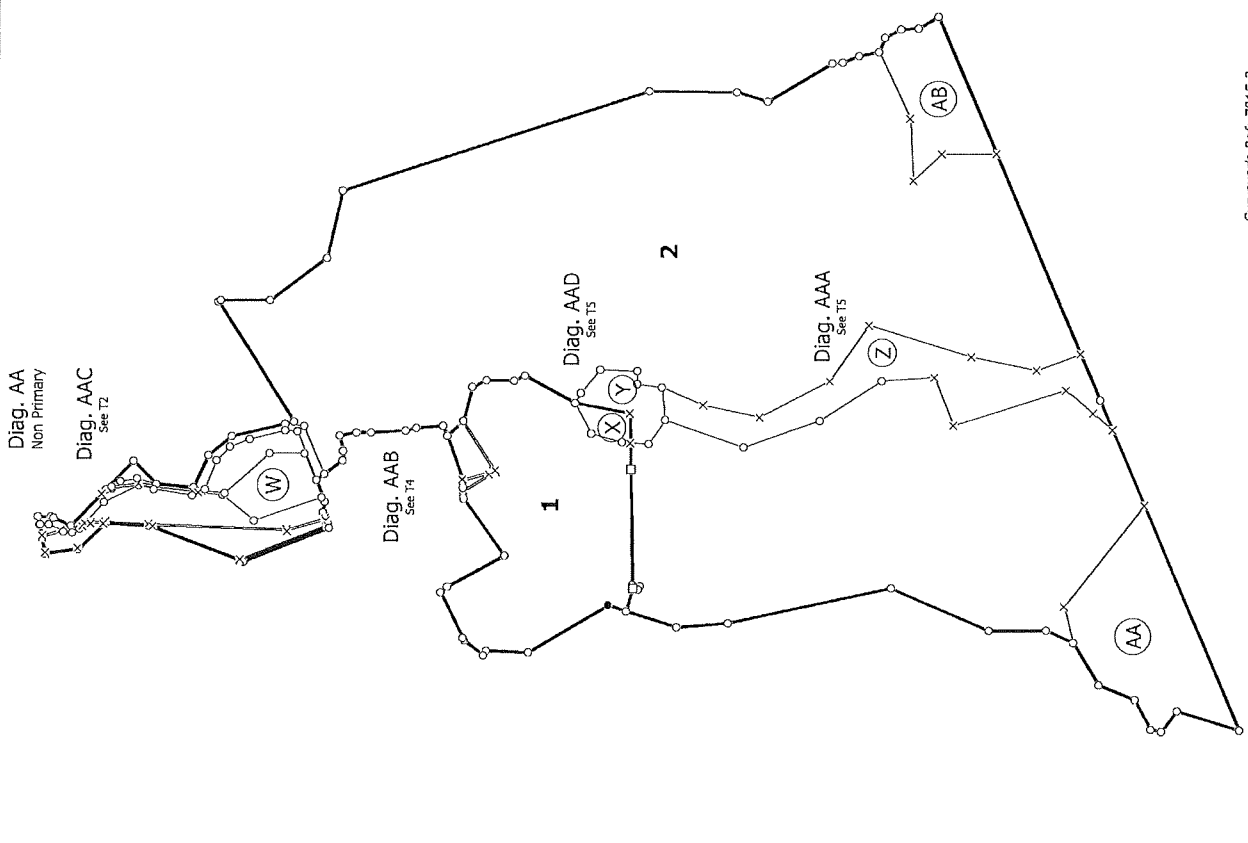
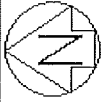
9453999.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 12.8.2013 at 2:58 pm

Subject to a right of way over part marked E, F, G, H, I & Y, a right to convey water over parts marked E, F, G, H & I, a right to convey electricity over parts marked E, F, G, H, I, C, M, N, Q & P and a right to convey telecommunications & computer media over parts marked E, F, G, H, I, P, A, O & R on DP 456848 created by Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm

Appurtenant hereto is a right of way and a right to convey electricity, telecommunications & computer media created by Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm

Some of the easements created by Easement Instrument 9453999.4 are subject to Section 243 (a) Resource Management Act 1991 (see DP 456848)

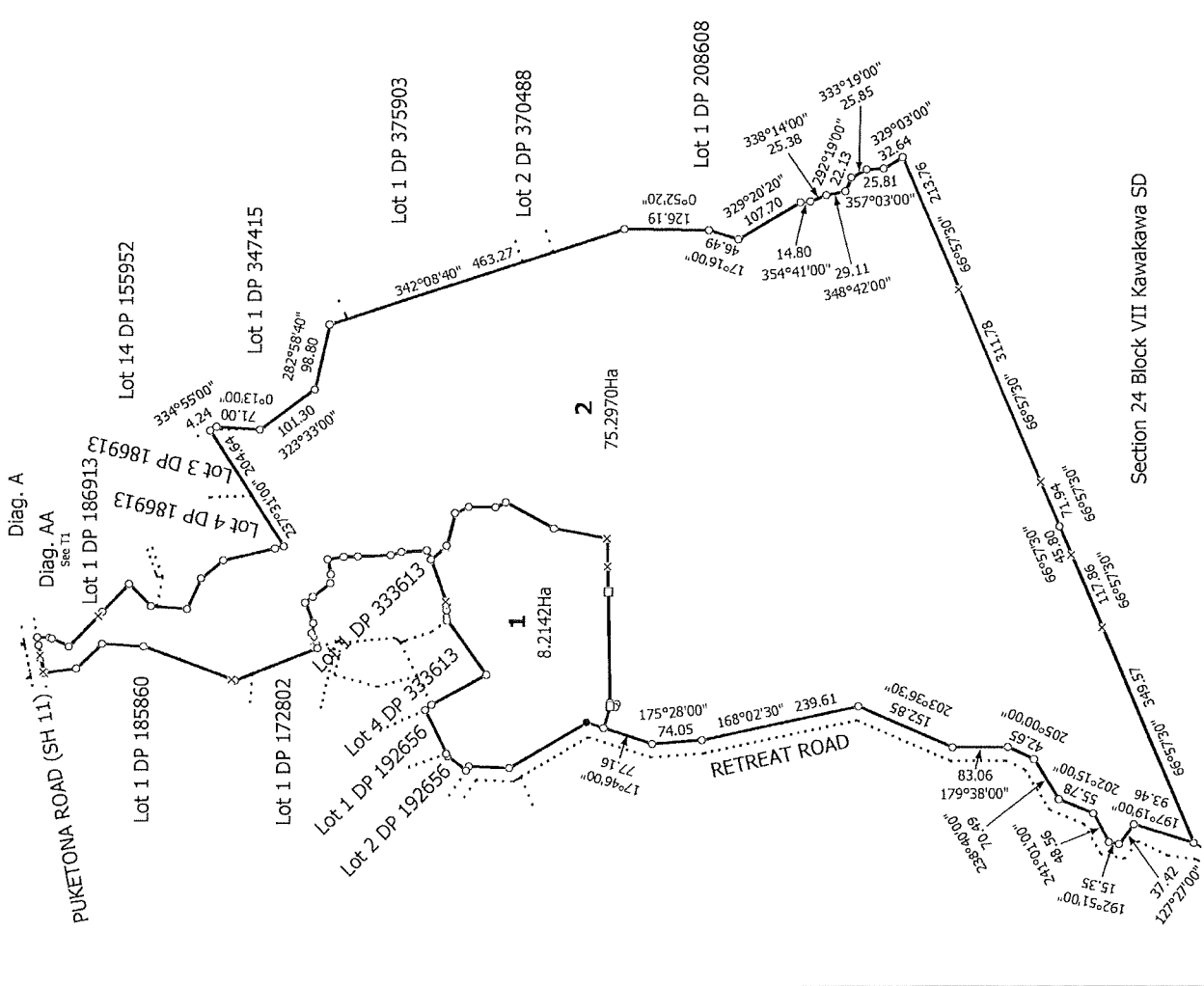
Land Covenant in Easement Instrument 9453999.4 - 12.8.2013 at 2:58 pm



Surveyor's Ref: 7815-2
 Title Plan
 LT 456848
 Approved on: 23/01/2013

Surveyor: Graeme William Kettle
 Firm: Thomson Survey Limited

Land District: North Auckland
 Digitally Generated Plan
 Generated on: 23/01/2013 3:13pm Page 6 of 10



Section 24 Block VII Kawakawa SD

Diag. A
 Diag. AA
 Lot 1 DP 185860
 Lot 1 DP 172802
 Lot 1 DP 186913
 Lot 3 DP 186913
 Lot 4 DP 186913
 Lot 1 DP 192656
 Lot 2 DP 192656
 Lot 4 DP 333613
 Lot 4 DP 333613
 Lot 1 DP 185952
 Lot 1 DP 347415
 Lot 1 DP 375903
 Lot 2 DP 370488
 Lot 1 DP 208608
 Lot 1 DP 185860
 Lot 1 DP 172802
 Lot 1 DP 186913
 Lot 3 DP 186913
 Lot 4 DP 186913
 Lot 1 DP 192656
 Lot 2 DP 192656
 Lot 4 DP 333613
 Lot 4 DP 333613
 Lot 1 DP 185952
 Lot 1 DP 347415
 Lot 1 DP 375903
 Lot 2 DP 370488
 Lot 1 DP 208608
 PUKETONA ROAD (SH 11)
 RETREAT ROAD
 Section 24 Block VII Kawakawa SD

Land District: North Auckland
 Digitally Generated Plan
 Generated on: 23/01/2013 3:13pm Page 6 of 10

B063793.1 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

~~XXXX~~ JOE MATTHEWS LIMITED a duly incorporated Company having its Registered Office at Whangarei

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the 8th day of April 81 under No. 82583 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
DEPOSITED PLAN NO. 82583

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
✓ Sewage Disposal	Part OLC245	Marked "A"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852
✓ Sewage Disposal	Section 1 Block VII Kawakawa S.D.	Marked "B"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852
✓ Sewage Disposal	Part OLC245	Marked "C"	Lot 1 DP82581 Lot 2 DP82581	39A/851 39A/852

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

The full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements and his tenants from time to time and at all times to drain discharge hold or convey and dispose of sewage or other waste material and fluids in pipes in any quantities along and across those parts of the servient tenements marked with the letters "A", "B", and "C" together with the full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements and his tenants for the purposes aforesaid:

- (a) To use any line of pipes already laid on the stipulated course or any pipe or pipes in replacement of or in substitution for all or any of those pipes.
- (b) Where no such line of pipes exists, to lay, place and maintain or to have laid, placed and maintained a line of pipes of a sufficient internal diameter and of a suitable material for the purpose under or over the surface of the land over which the easement is granted and along the line defined for the purpose on Deposited Plan No. 82583.
- (c) In order to construct or maintain the efficiency of any such pipe line, the full free uninterrupted and unrestricted right liberty and privilege for the registered proprietor of the dominant tenements, his tenants, servants, agents and workmen, (with any tools implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose) of entering upon such part of the servient tenements and by such route as is reasonable in the circumstances and to remain there for a reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of the land marked "A", "B", and "C" on Deposited Plan 82583 to such extent as may be necessary and reasonable in that regard subject to the condition that as little disturbance as possible is caused to the surface of the said land and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations on any of the land described in the schedule attached hereto is repaired.

~~and terms, conditions, warranties, or restrictions in respect of any of the above easements~~

Dated this 5th day of May, 1982

Signed by the above-named
JOE MATTHEWS LIMITED

By the affixing of its Common
Seal
in the presence of

Witness [Signature]

Occupation [Signature]

Address [Signature]



[Signature]
Director

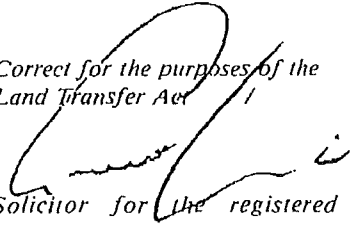
[Signature]
Director

= 1 copy only =

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

*Correct for the purposes of the
Land Transfer Act*

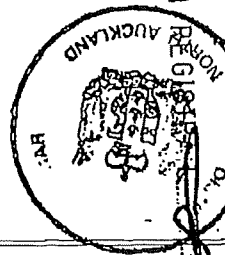


Solicitor for the registered proprietor

THOMSON WILSON FIDLER & HEENAN
SOLICITORS
WHANGAREI

T. W. & F.

23635



ASST. LAND REGISTRY AUCKLAND

9.46 11.MAY82 B 063793.1

PARTICULARS ENTERED IN REGISTER

2.7.0. copy



B421471.7 EC

Approved by the District Land Registrar, South Auckland No. 351560
Approved by the District Land Registrar, North Auckland, No. 4380/81
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81




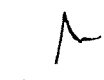
EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/We ANTHONY JOHN FELL of Paihia, Farmer and ANDREA FELL
his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 ³ under No. 105456 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE DEPOSITED PLAN NO.

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Part of Old Land Claim 245	D 	Lot 1, 2 + 3	
Water Supply (Right to Convey Water)	Part of Old Land; Claim 245	D 	Lot 1, 2 + 3	
Water Supply (Right to Convey Water)	Part of Old Land Claim 245	B 	Lots 1, 2 & 3	
Water Supply (Right to Convey Water)	Lot 2	A 	Lot 1	

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

Dated this 7th day of May 19 85

Signed by the above-named
ANTHONY JOHN FELL and
ANDREA FELL

} Andrea Fell
A.J. Fell

in the presence of

Witness Miss Sweet
Occupation Collector
Address Paris

EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the Land Transfer Act

Solicitor for the registered proprietor

WALLACE SPENCER MCBREARY & DODDS
SOLICITORS
PAIHIA

5. 1. 1985 D 4214217
LAW SOCIETY
5. 1. 1985
5. 1. 1985



Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

EI 5939626.5 Easem

Cpy - 01/01, Pgs - 003, 19/03/04, 11



DocID: 311331332



Land registration district

NORTH AUCKLAND

Grantor

Surname(s) must be underlined or in CAPITALS.

David Christopher JENNINGS, Elaine Beryle JENNINGS, and Brian Gillespie MOYLE

Grantee

Surname(s) must be underlined or in CAPITALS.

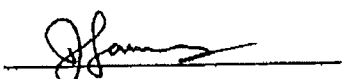
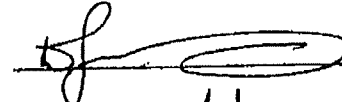
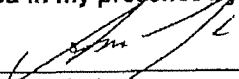
David Christopher JENNINGS, Elaine Beryle JENNINGS, and Brian Gillespie MOYLE

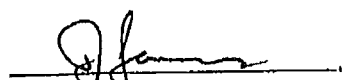
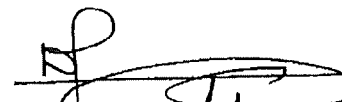
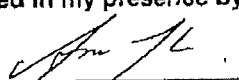
Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 16th day of March 2004

Attestation

  <u>BC Moyle</u> Signature [common seal] of Grantor	Signed in my presence by the Grantor  Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name ANNE LOUISE TICEHURST Occupation LEGAL EXECUTIVE KERIKERI Address

  <u>BC Moyle</u> Signature [common seal] of Grantee	Signed in my presence by the Grantee  Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name ANNE LOUISE TICEHURST Occupation LEGAL EXECUTIVE KERIKERI Address

Certified correct for the purposes of the Land Transfer Act 1952.

Lea Perry

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.



Easement Instrument Dated Page 1 of 2 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
	DP333613		
Right of Way Power Supply Telecommunications Water Supply	E, F, G, H, I	137780	137776, 137777 137778, 137779
	J	137776	137777, 137778 137779, 137780
	K	137776	13777, 137779, 137780
	L	137776	137780
		continued on annexure	

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
 Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] [negated] [added to] or [substituted] by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].
 [the provisions set out in Annexure Schedule 2].

Covenant provisions

*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 155A of the Land Transfer Act 1952].
 [Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

(Handwritten signatures and initials)

Annexure Schedule



Insert type of instrument
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

"continuation of Schedule A"

Purpose of easement	shown DP333613	Servient Tenement	Dominant Tenement
Power supply	C, M, N, Q, T	137780	137776, 137777 137778, 137779
	S	137776	137777, 137778 137779, 137780
Telecommunications	A, O, R	137780	137776, 137777 137778, 137779
Power Supply Telecommunications	P	137780	137776, 137777 137778, 137779
	U	137779	137777, 137778
	V	137776	137777, 137778 137779, 137780

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.

[Handwritten signatures and initials]



**NOTICE BY THE NZ TRANSPORT AGENCY AUTHORISING A CROSSING PLACE TO AND FROM
A LIMITED ACCESS ROAD UNDER SECTION 91 GOVERNMENT ROADING POWERS ACT 1989**

State Highway No. 11 Declared Section: PAIHIA TO PUKETONA JUNCTION

DESCRIPTION OF LAND ADJOINING LIMITED ACCESS ROAD:
LOT 5 DP 333613, CT 137780 (the "Property")

Authorisation of Crossing Place

1. Pursuant to Section 91 of the Government Roading Powers Act 1989 NZ Transport Agency authorises the crossing place marked No 110 on plan numbered 11/58/2 ("the crossing place"), at which crossing place vehicles may proceed to and from the Limited Access Road and from and to the property. A copy of the plan is available for inspection at the office of the NZ Transport Agency regional office in Auckland.
2. The crossing place shall be located on the road frontage 0.0m from the Eastern boundary of the property.

CONDITIONS

3. The owner of the land specified above shall advise the Auckland Regional Manager, without delay if any of the following occur:
 - (i) A change in the nature, scale of use of the crossing place; or
 - (ii) A change in the legal description of the property; or
 - (iii) The owner has any concerns regarding the safety to users of this crossing place or the safety of users of the State highway or the efficiency of the State highway in the vicinity of this crossing place.
4. If, as a result of a change in the nature or scale of use of the crossing place or the property:
 - (i) NZ Transport Agency is satisfied that works to the crossing place are necessary to address safety or efficiency concerns relating to the crossing place or to the State highway adjacent to the crossing place ("the required works"); and
 - (ii) NZ Transport Agency notifies the owner in writing of the required works ("the notice of required works");
The owner shall, at his/her cost, carry out the required works to the satisfaction of the Regional Manager, NZ Transport Agency (Auckland), within the time specified in the notice of required works.

Advice Notes

- a) At the time of issue of this notice, the crossing place is used as access for vehicles associated with residential activity.
- b) If the crossing place was in existence at the time of the declaration of the State highway as a Limited Access Road, this notice does not confirm the acceptability of its safety or standard of design and construction for its current use. If the owner has any concerns in this regard, he/she should contact NZ Transport Agency.
- c) The NZ Transport Agency has standards for the design and construction of crossing places to State highways, and requires the owner to adopt those standards when making any changes to the use, location or design of the crossing place.
- d) A separate written permission from the Regional Manager in accordance with section 51 of the Government Roading Powers Act 1989, is required before any work may be done on the State highway, other than routine maintenance which is to be done by the owner of the property. This notice does not constitute that written permission.
- e) The owner's attention is drawn to the powers provided in section 91 of the Government Roading Powers Act 1989, to cancel the right to use a crossing place if the parcel of land has reasonably practicable legal access to some other road or has another authorised crossing place, and to cancel or vary conditions or impose further conditions, and to vary the location of the crossing place.
- f) Conditions 3 and 4 above have been included on this crossing place notice pursuant to s91(1)(a)(i) Government Roading Powers Act 1989 to enable the NZ Transport Agency to assess for itself whether any change in use of the crossing place, property, or occurrence of any other relevant incident raises safety or efficiency issues which require addressing.
- g) Circumstances in which the NZ Transport Agency would expect the landowner to advise the Regional Manager of concerns regarding the safety and efficiency of use of the crossing place, or State highway in the vicinity of the crossing place pursuant to sub-paragraph 3(ii) above include the occurrence of:
 - An accident which is directly or indirectly attributable to the use of the crossing place;
 - Any other incident (such as a near-accident) bringing into question the safety and efficiency of the crossing place or State highway in the vicinity of the crossing place.

Dated this 6th day of January 2009

SIGNED for and on behalf of NZ Transport Agency

Tommy Parker

Acting Regional Manager - acting pursuant to delegated authority

PIID 5115144 ON 81

C91 8083477.18 Notice t

Copy - 01/01, Page - 001, 24/02/08, 12:08



DocID: 313246786


**NOTICE BY THE NZ TRANSPORT AGENCY AUTHORISING A CROSSING PLACE TO AND FROM
 A LIMITED ACCESS ROAD UNDER SECTION 91 GOVERNMENT ROADING POWERS ACT 1989**

State Highway No. 11 Declared Section: PAIHIA TO PUKETONA JUNCTION

 DESCRIPTION OF LAND ADJOINING LIMITED ACCESS ROAD:
 LOT 5 DP 333613, CT 137780 (the "Property")

Authorisation of Crossing Place

1. Pursuant to Section 91 of the Government Roding Powers Act 1989 the NZ Transport Agency authorises the crossing place marked No 111 on plan numbered 11/58/2 ("the crossing place"), at which crossing place vehicles may proceed to and from the Limited Access Road and from and to the property. A copy of the plan is available for inspection at the NZ Transport Agency regional office in Auckland.
2. The crossing place shall be located on the road frontage 16m from the Western boundary of the property.

CONDITIONS

3. The owner of the land specified above shall advise the Auckland Regional Manager, without delay if any of the following occur:
 - (i) A change in the nature, scale of use of the crossing place; or
 - (ii) A change in the legal description of the property; or
 - (iii) The owner has any concerns regarding the safety to users of this crossing place or the safety of users of the State highway or the efficiency of the State highway in the vicinity of this crossing place.
4. If, as a result of a change in the nature or scale of use of the crossing place or the property:
 - (i) The NZ Transport Agency is satisfied that works to the crossing place are necessary to address safety or efficiency concerns relating to the crossing place or to the State highway adjacent to the crossing place ("the required works"); and
 - (ii) The NZ Transport Agency notifies the owner in writing of the required works ("the notice of required works"); The owner shall, at his/her cost, carry out the required works to the satisfaction of the Regional Manager, NZ Transport Agency (Auckland), within the time specified in the notice of required works.

Advice Notes

- a) At the time of issue of this notice, the crossing place is used as access for vehicles associated with farming activity.
- b) If the crossing place was in existence at the time of the declaration of the State highway as a Limited Access Road, this notice does not confirm the acceptability of its safety or standard of design and construction for its current use. If the owner has any concerns in this regard, he/she should contact the NZ Transport Agency.
- c) The NZ Transport Agency has standards for the design and construction of crossing places to State highways, and requires the owner to adopt those standards when making any changes to the use, location or design of the crossing place.
- d) A separate written permission from the Regional Manager in accordance with section 51 of the Government Roding Powers Act 1989, is required before any work may be done on the State highway, other than routine maintenance which is to be done by the owner of the property. This notice does not constitute that written permission.
- e) The owner's attention is drawn to the powers provided in section 91 of the Government Roding Powers Act 1989, to cancel the right to use a crossing place if the parcel of land has reasonably practicable legal access to some other road or has another authorised crossing place, and to cancel or vary conditions or impose further conditions, and to vary the location of the crossing place.
- f) Conditions 3 and 4 above have been included on this crossing place notice pursuant to s91(1)(a)(i) Government Roding Powers Act 1989 to enable the NZ Transport Agency to assess for itself whether any change in use of the crossing place, property, or occurrence of any other relevant incident raises safety or efficiency issues which require addressing.
- g) Circumstances in which the NZ Transport Agency would expect the landowner to advise the Regional Manager of concerns regarding the safety and efficiency of use of the crossing place, or State highway in the vicinity of the crossing place pursuant to sub-paragraph 3(ii) above include the occurrence of:
 - An accident which is directly or indirectly attributable to the use of the crossing place;
 - Any other incident (such as a near-accident) bringing into question the safety and efficiency of the crossing place or State highway in the vicinity of the crossing place.

Dated this 6th day of January 2009

SIGNED for and on behalf of NZ Transport Agency

 Tommy Parker

Acting Regional Manager - acting pursuant to delegated authority

PID 5115144 ON 81

C91 8083477.19 Notice 1

Cpy - 01/01, Pgs - 001, 24/02/09, 12:09



DocID: 313246766



View Instrument Details

Instrument No. 9453999.4
Status Registered
Date & Time Lodged 12 Aug 2013 14:58
Lodged By Laing, Alison Margaret
Instrument Type Easement Instrument



Affected Computer Registers	Land District
591229	North Auckland
591230	North Auckland

Annexure Schedule: Contains 6 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor 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
- I certify that the Mortgagee under Mortgage D276277.2 has consented to this transaction and I hold that consent

Signature

Signed by Richard Adrian Ayton as Grantor Representative on 23/08/2013 04:05 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee 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 Richard Adrian Ayton as Grantee Representative on 23/08/2013 04:05 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

CHRISTOPHER DAVID JENNINGS, ELAINE BERYL JENNINGS and BRIAN GILLESPIE MOYLE

Grantee

CHRISTOPHER DAVID JENNINGS, ELAINE BERYL JENNINGS and BRIAN GILLESPIE MOYLE

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates 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 (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way, Right to Convey Electricity, Telecommunications and Computer Media, Right to Convey Water	'E', 'F', 'G', 'H', 'I' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Electricity	'C', 'M', 'N' 'Q' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Electricity, Telecommunications and Computer Media	'T', 'U' on DP 456848	Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
	'P' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Right to Convey Telecommunications and Computer Media	'A', 'O', 'R' on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229

Form L

Annexure Schedule

Page 2 of 4 Pages

Insert instrument type

Easement Instrument

Schedule A continued			
Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way	"X" on DP 456848	Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
	"Y" on DP 456848	Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229
Land Covenant		Lot 1 DP 456848 Identifier 591229	Lot 2 DP 456848 Identifier 591230
Land Covenant		Lot 2 DP 456848 Identifier 591230	Lot 1 DP 456848 Identifier 591229

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

~~The implied rights and powers are hereby [varied] [negated] [added to] or [substituted] by:-~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule -]~~

Covenant provisions

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

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

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule]~~

Form L

Annexure Schedule

Page 4 of 4 Pages

Insert Instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

LAND COVENANTS

It is the Grantors intention to create for the benefit of the dominant tenements in Schedule A the Land Covenants set out in Schedule B over the servient tenements in Schedule A TO THE INTENT that the servient tenements shall be bound by the stipulations and restrictions set out in Schedule B hereto and the owners and occupiers for the time being of the dominant tenements may enforce the observance of such stipulations against the owners for the time being of the servient tenements.

AND the Grantors DO HEREBY COVENANT AND AGREE in the manner set out in Schedule B hereto so that the Covenants run with the servient tenements for the benefit of the respective dominant tenements as described in Schedule A.

Schedule A

591229, 591230

Schedule B

- (i) The area marked "Z" on DP 466848 is a bush preservation and wild life protection area. The vegetation shall not be removed, cut down, damaged, added to (apart from natural seedlings), or destroyed. The registered proprietor shall not be in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the registered proprietor or for which the registered proprietor is responsible. Dead wood or vegetation may not be removed by the registered proprietor.
- There shall be no shooting of wild life. The area is to remain fenced with a stock proof fence to prevent cattle access. The registered proprietor shall be responsible for maintaining the fence in a stock proof condition. The registered proprietor of Lot 2 shall be entitled to maintain the existing culvert crossing within "Z" and to use this for access.
- The area marked "Z" on DP 466848 is surrounded by a pine plantation. If during the removal of trees debris falls into area "Z" on DP 466848 it is not to be removed but left to rot.
- (ii) The registered proprietor of the lots containing areas "X" and "Y" on DP 466848 shall protect the dam wall situated in the area and shall be required to undertake works to maintain it in a serviceable safe condition. The registered proprietor of each area is responsible for that part of the dam wall on their lot and dam maintenance within their lot.
- (iii) The registered proprietor of Lot 1 will be restricted to one access Lot from the right of way from Puketona Road.
- (iv) Lot 2 contains a stock yard. Lot 2 will allow the registered proprietor of Lot 1 to access the stock yards on 24 hours notice. The user will be responsible for any damage caused.
- (v) Not to operate heavy machinery, bus or trucking business on or from the property with the exception of normal farming or horticulture on the property.

ANNEXURE SCHEDULE - CONSENT FORM¹

Land Transfer Act 1952 section 238(2)

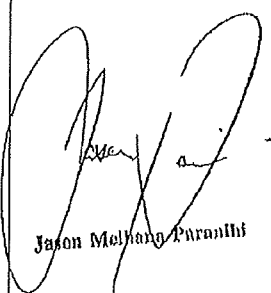
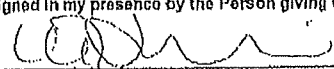
Person giving consent <i>Surname must be underlined</i> ASB Bank Limited	Capacity and Interest of Person giving consent <i>(eg. Mortgagee under Mortgage no.)</i> D276277.2
---------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

Consent
Delete words in [] if inconsistent with the consent
State full details of the matter for which consent is required

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the Person giving consent hereby consents to: the deposit of plan 456848, the registration of Easement Instrument to create Right of Way, Right to Convey Electricity, Telecommunications and Computer Media, Right to Convey Water over E, F, G, H, I on DP 456848, Right to Convey Electricity over C, M, N, Q on DP 456848, Right to Convey Electricity, Telecommunications and Computer Media over T, U, P on DP 456848, Right to Convey Telecommunications and Computer Media over A, O, R on DP 456848, Right of Way over X, Y on DP 456848 but without releasing or discharging the Mortgagor or any other person or persons or any other security or securities for the time being held by the Mortgagee from payment of any monies whatsoever remaining owing to it under the within obligation or any collateral Instrument or otherwise

Dated this 9th day of August 2013

Attestation	
 Jason Meliang Paranihi	Signed in my presence by the Person giving consent  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed): Witness name - Michelle Molmo Occupation - Bank Officer Address - AUCKLAND
Signature [Common seal] of Person giving consent	

¹ An Annexure Schedule in this form may be attached to the relevant Instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



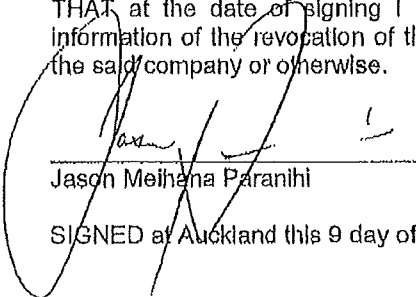
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I Jason Melhana Paranihi of Auckland, New Zealand, hereby certify:

- 1 THAT by a Deed dated 26 October 2011 and deposited with Land Information New Zealand and registered number 8911871,2 ASB Bank Limited appointed the persons holding, or from time to time acting in, the following ASB Bank offices as its attorneys on the terms and subject to the conditions set out in the said Deed:

General Manager, Lending Operations
Head of Lending Operations
Manager Lending Operations
Legal Executive, Lending Operations
General Manager, Retail Credit
Head of Financial Help and Recoveries
Senior Credit Recoveries Manager
Credit Recoveries Manager
Manager Business Risk

2. THAT I hold the appointment of Manager, Lending Operations with ASB Bank Limited
3. THAT at the date of signing I have not received any notice of or information of the revocation of that appointment by the winding up of the said company or otherwise.



Jason Melhana Paranihi

SIGNED at Auckland this 9 day of August 2013

V 2011.12



View Instrument Details

Instrument No. 9453999.3
Status Registered
Date & Time Lodged 12 Aug 2013 14:58
Lodged By Laing, Alison Margaret
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



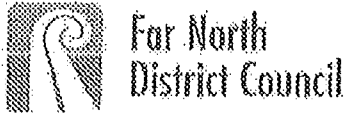
Affected Computer Registers Land District
591230 North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Richard Adrian Ayton as Territorial Authority Representative on 12/08/2013 02:54 PM

*** End of Report ***



Itaru Bay 757, Rosedale
Rosedale 0185, New Zealand
Telephone: 0800 923 023
Phone: 001 401 5100
Fax: 001 401 2137
Email: info@fndc.govt.nz
Website: www.fndc.govt.nz

To Kaitiaki o Te Tokerau, Ki To Hoki

Te Kaitiaki o Te Tokerau, Ki To Hoki

THE RESOURCE MANAGEMENT ACT 1991

SECTION 224: CONSENT NOTICE

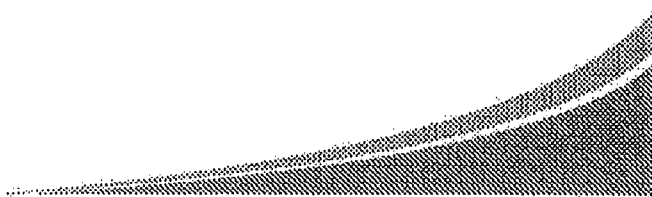
REGARDING RC 2100418
Being the Subdivision of Lot 5 DP 333613
North Auckland Registry

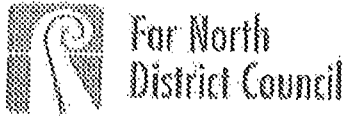
PURSUANT to Section 224 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner 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 2 - DP 456848

- i. The owner shall preserve the indigenous vegetation within areas AA and AB as shown on the approved Survey Plan, and shall not without prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down, damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- ii. Each dwelling shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service





General Enquiries
Tel: 011 839 8200
Fax: 011 839 8201
Email: enquiries@fncc.govt.nz
Website: www.fncc.govt.nz

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equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

SIGNED: *P.J. Killalea* Mr Patrick John Killalea
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this *11th* day of *March* 2013.

