

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

Hesley Estate Limited

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:

James Connon

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:

Donald James Muir

**Property Address/
Location:**

37 Parapara Road, Taipa

Postcode

0483

8. Application Site Details

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

Name/s:

Hesley Estate Limited

Site Address/
Location:

37 Parapara Road, Taipa

Postcode

0483

Legal Description:

Lot 1 DP 606688

Val Number:

Certificate of title:

1195566

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

Please contact Jan on 022 109 1373 prior to site visit - possible hazards are bulls and electric fences.

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.

Subdivide the subject site into seven lots at 37 Parapara Road, Taipa.

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
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- 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) Hesley Estate Limited

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)

Donald James Muir

Signature:

(signature of bill payer)

Date 04-02-2025

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

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.

Application for subdivision consent

HESLEY ESTATE LIMITED

37 Parapara Road, Taipa

A topographic map with contour lines and a grid, rendered in white lines on a dark background, occupies the bottom half of the page.

reyburn
& bryant

PLANNERS • SURVEYORS

Application for subdivision consent

HESLEY ESTATE LIMITED

37 Parapara Road, Taipa

Report prepared for:	Hesley Estate Limited
Author	James Connon, <i>Planner</i>
Reviewed by:	Thomas Keogh, <i>Planner/Associate</i>
Consent authority:	Far North District Council
Report reference:	18226
Report status:	Final
Date:	February 2025

© Reyburn and Bryant Limited

This document and its contents are the property of Reyburn and Bryant Limited. Any unauthorised reproduction, in full or in part, is forbidden

Reyburn and Bryant
P.O. Box 191
Whangarei 0140
Telephone: (09) 438 3563

FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Far North District Council
Private Bag 752
Kaikohe 0440

1. Hesley Estate Limited applies for subdivision consent from the Far North District Council.
2. The activity to which this application relates is to subdivide the subject site into 7 lots.
3. The location of the proposed activity is Parapara Road, Taipa. The title reference is 1195566 and the legal description is Lot 1 DP 606688.
4. Donald James Muir is the owner of the subject site.
5. There are no other activities to which this application relates.
6. No resource consents are needed for the proposed activity that are not being applied for as part of this application.
7. We attach an assessment of effects on the environment that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
8. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

-
9. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
10. No other information is required to be included in the District or Regional Plan(s) or regulations.



.....
Signature of applicant (or person authorised to sign on behalf of applicant)

James Connon

11 February 2025

.....
Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei

Telephone:

(09) 438 3563

Email:

james@reyburnandbryant.co.nz

Contact person:

James Connon

TABLE OF CONTENTS

1. INTRODUCTION	4
1.1 Report basis	4
1.2 Context – the Far North Proposed District Plan	4
1.3 Proposal summary	5
1.4 Property details	5
1.5 Records of title	6
1.6 Resource consents required	6
1.7 Other approvals required	7
1.8 Processing request	7
1.9 Statutory context	7
2. THE SITE AND SURROUNDING ENVIRONMENT	8
2.1 The site	8
2.2 The surrounding environment	10
3. THE PROPOSAL	12
3.1 General	12
3.2 Site suitability	12
3.3 Servicing arrangements	13
3.4 Access arrangements	14
4. ASSESSMENT OF ENVIRONMENTAL EFFECTS	15
4.1 Existing environment	15
4.2 Permitted baseline	15
4.3 Amenity and character effects	15
4.4 Productive rural values	16
4.5 Access effects	17
4.6 Noise	17
4.7 Servicing effects	18
4.8 Effects conclusion	18
5. STATUTORY PLANNING ASSESSMENT	19
5.1 The Operative Far North District Plan	19
5.2 The Far North Proposed District Plan	21
5.3 The National Policy Statement for Highly Productive Land	23
5.4 NES – Soil Contamination	24
5.5 Part 2 assessment – the Resource Management Act	24
6. NOTIFICATION	26
7. CONCLUSION	27

LIST OF TABLES

Table 1: Property details.....	6
Table 2: Summary of title memorials.....	6
Table 3: Proposed lot areas and comments.....	12

LIST OF FIGURES

Figure 1: The site (Source: Google Earth).	8
Figure 2: LUC soil classification (Source: Manaaki Landcare Research).....	9
Figure 3: Land uses in the surrounding environment.....	11
Figure 4: Land uses in the surrounding environment along Parapara road.....	11
Figure 5: The SLU points of the site and surrounding area (Source: NRC land-use register, GIS).....	24

APPENDICES

1. Subdivision scheme plan
2. Record of title and memorials
3. Far North District Council Planning Maps
4. Rule assessment
5. NZTA approval letter

ABBREVIATIONS

AEE	Assessment of Environmental Effects
FNDC	Far North District Council
FNDP	Far North District Plan
FNPDP	Far North Proposed District Plan
HAIL	Hazardous Activities and Industries List
LUC	Land Use Capability
NES-SC	National Environmental Standard – Soil Contamination
NPS-HPL	National Policy Statement for Highly Productive Land
NZFS	New Zealand Fire Service

RMA	Resource Management Act, 1991
RT	Record of Title
SH10	State Highway 10

1. INTRODUCTION

1.1 Report basis

This report has been prepared for Hesley Estate Limited in support of a resource consent application to subdivide the subject site into seven lots at 37 Parapara Road, Taipa.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule.

The report also includes an analysis of the relevant provisions of the Operative and Proposed Far North District Plan, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES), and the National Policy Statement for Highly Productive Land (NPS-HPL), which are pertinent to the assessment and decision required under s104 of the RMA.

1.2 Context – the Far North Proposed District Plan

The Far North District Council (FNDC) is currently progressing the Far North Proposed District Plan (FNPDP) through the relevant statutory process under the First Schedule of the RMA.

The FNPDP has been notified, and the submission period closed in October 2022. The plan remains subject to hearings and commissioner recommendations, Council decisions, and appeals.

Given its limited progress through the relevant statutory process, most of the rules in the FNPDP do not have legal effect. However, several chapters contain rules that have immediate legal effect in accordance with s86B(3) of the RMA. The proposed subdivision does not require consent under any of the operative rules. The inoperative rules under which the proposal would require consent are identified, and an assessment in the context of the relevant objectives and

policies is provided in section 5.2 of this report. A weighting assessment is also provided, where it is concluded that more weight should be applied to the Operative Far North District Plan (OFNDP).

1.3 Proposal summary

This application seeks consent to subdivide the subject site into seven lots. There will be five rural-residential lots and two large rural blocks. The subdivision scheme plan is attached at **Appendix 1**.

The site is zoned Rural Production under the OFNDP. There are no applicable overlays.

The site is located in the Rural Production Zone, while portions are identified as being subject to the 10 and 100 year River Flood Hazard Zones under the FNPDP.

Each of the proposed lots is at least 4ha and the proposal is therefore a discretionary activity under Rule 13.9 of the OFNDP. Resource consent is also required as a discretionary activity under Rule 15.1.6C.2 as one of the lots will gain access from State Highway 10 (SH10).

Overall, the proposal requires resource consent as a **discretionary activity** under the OFNDP.

1.4 Property details

Applicant	Hesley Estate Limited
Landowner	Donald James Muir
Location	37 Parapara Road, Taipa
Title reference	1195566
Legal description	Lot 1 DP 606688
Area	87.2600ha
Operative District Plan	OFNDP
Zone	Rural Production
Overlays	Flood Zone (part)

Proposed District Plan	FNPDP
Zone	Rural Production
Overlays	10 and 100 year River Flood Hazard Zones (part)

Table 1: Property details.

1.5 Records of title

Table 2 (below) summarises the memorials registered against RT 1195566.

Memorial	Comment
Certificate D534038.1	Declared the adjoining State Highway as a limited access road.
Notice D539206.1	A notice registered on the title authorising the existing vehicle crossings from the State Highway.
Easement instrument 6850903.1	Created water supply and electricity easements. The subject site is benefited land. The easements are not impacted by and are of no relevance to the proposed subdivision.
Easement instrument 12396682.2	Created the easement over the subject site shown as 'A' on DP 606688 in favour of Top Energy. The easement is not impacted by and is of no relevance to the proposed subdivision.

Table 2: Summary of title memorials.

The title and memorials are attached at **Appendix 2**.

1.6 Resource consents required

Operative Far North District Plan

The proposal requires resource consent under the following rules from the OFNDP.

- 13.9 'Discretionary Activities' – **discretionary activity**. The proposal complies with the 4ha minimum lot size specified for a discretionary activity subdivision in the Rural Production Zone under Table 13.7.2.1.
- 15.1.6C.1.1 'Discretionary Activities' – **discretionary activity**. The proposal does not comply with rule 15.1.6C.1.1(e)(i) as the access to Lot 7 is from SH10.

Relevant zoning maps can be found in **Appendix 3**.

The proposed subdivision is a **discretionary activity** under the OFNDP

Far North Proposed District Plan

The proposal does not require resource consent under any of the operative rules, and the proposal therefore does not have an activity status under the FNPDP. An assessment of the proposal in the context of the inoperative rules is provided in section 5.2 of this report.

A full rule assessment of the OFNDP and FNPDP is provided in **Appendix 4**.

Overall activity status

The subdivision is a **discretionary activity** under the OFNDP.

1.7 Other approvals required

No other approvals are required to give effect to the proposed subdivision.

1.8 Processing request

Please circulate the draft conditions for review.

1.9 Statutory context

Section 104B of the RMA sets out specific requirements for the determination of restricted discretionary activities.

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering application for resource consent.

This report focuses on the relevant matters in s104(1), and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The NES (s104(1)(b)(i)).
- The relevant provisions of the NPS-HPL (s104(1)(b)(iii)).
- The relevant provisions of the OFNDP and FNPDP (s104(1)(b)(vi)).

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 The site

Location

The subject site is located on the eastern side of Parapara Road. It has frontage onto SH10 along its northern boundary. The site is shown in Figure 1 (below).



Figure 1: The site (Source: Google Earth).

Built form

The site accommodates a single dwelling, which is located centrally along the western boundary adjacent to Parapara Road. There are some sheds located in proximity to the dwelling.

Access

There is a vehicle crossing associated with the existing residential unit, which provides access to the site from Parapara Road. There is also a farm crossing from Parapara Road located to the north of the existing dwelling, and three farm crossings from SH10 located along the northern boundary of the site.

Topography

The site has a gently undulating topography. The high point is in the north-eastern portion of the site.

Ground cover, watercourses, and vegetation

The site is predominantly in pasture. Vegetation is limited to the edge of the small watercourse that traverses the centre of the site, and a second smaller watercourse located in the north-eastern portion of the site.

There are two ponds located on the site – one in the north-western corner and one centrally along the southern boundary. There are also a number of farm drains located across the site.

Land Use Capability (LUC) – soil classification

Figure 2 below shows the classification of the soils at the sites under the LUC system. The orange portion has a classification of 6 while the lighter green area has a classification of 4.

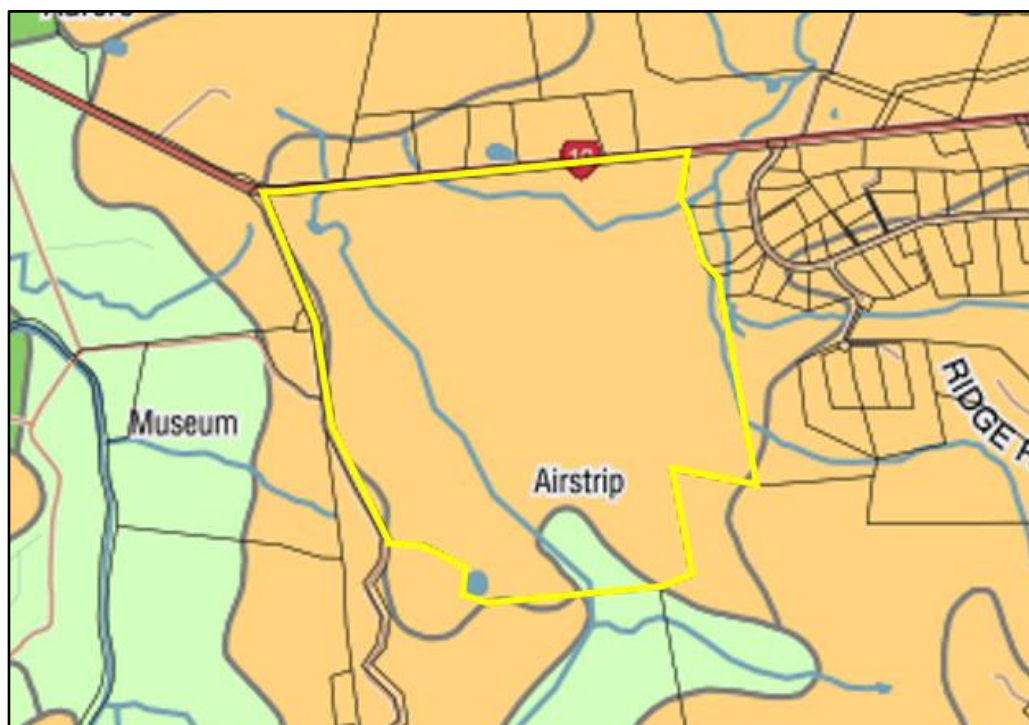


Figure 2: LUC soil classification (Source: Manaaki Landcare Research).

2.2 The surrounding environment

The subject site is located on the western edge of the coastal settlement of Taipa in the Far North. Within the settlement, the land is zoned a mix of 'Rural Living', 'Coastal Living', 'General Coastal', and 'Residential' under the OFNDP.

Directly to the east of the site is a cluster of land zoned 'Rural Living'. Residential lots within this area generally range from 5,000m² to 1.5ha.

While the land surrounding the Taipa settlement is zoned Rural Production, there are a range of lot sizes and land use activities. The area to the north of the site along SH10 accommodates a number of rural-residential lots that range in size from 1.4ha to 2.8ha. Similarly, there are a number of rural-residential clusters located along Parapara Road to the south of the site.

Figure 4 and **5** (below) show the varying pattern of development that characterises the surrounding environment.



Figure 3. Land uses in the surrounding environment



Figure 4. Land uses in the surrounding environment along Parapara road

3. THE PROPOSAL

3.1 General

This application seeks consent to subdivide the two subject sites into seven lots. The proposed lot configuration is depicted on the subdivision scheme plan (**Appendix 1**) and is summarised in **Table 3** below.

Lot Number	Area	Comment
1	4.1105ha	Vacant rural-residential lot.
2	4.0565ha	Rural-residential lot accommodating the existing dwelling.
3	4.0930ha	Vacant rural-residential lot.
4	4.3120ha	Vacant rural-residential lot.
5	4.0360ha	Vacant rural-residential lot.
6	46.5575ha	Large vacant landholding.
7	20.0945ha	Large vacant landholding.

Table 3: Proposed lot areas and comments.

The areas shown above are approximate and are subject to final survey.

3.2 Site suitability

Given the large size, gentle slope, and lack of natural hazards associated with the proposed lots, no specific geotechnical investigations have been undertaken to support the resource consent application. Each of the proposed lots contains multiple areas on which a dwelling can be suitably located.

Site specific engineering input will be sought for each lot at the building consent stage, while it is anticipated that consent notice conditions will require that the location and foundations of any dwelling are subject to specific engineering input.

3.3 Servicing arrangements

Water supply

Each of the proposed lots will rely on an on-site water supply. This will involve the collection of rainwater in tanks. The final design will be provided at the building consent stage.

The future owners will also establish a suitable firefighting water supply. It is proposed that a consent notice condition require that this is undertaken in accordance with the New Zealand Fire Service (NZFS) Firefighting Water Supply Code of Practice, unless an alternative arrangement has been approved by the NZFS.

Wastewater management

Each of the proposed lots will manage wastewater on-site. Given the size of the lots and lack of natural hazards, there are multiple areas that are suitable to accommodate on-site wastewater systems in accordance with the relevant statutory requirements. The design will be finalised at the building consent stage.

Stormwater management

Each of the proposed lots will manage stormwater on-site. Given the size of the proposed lots, it is not proposed that any attenuation will be provided. Stormwater will be collected and discharged into the small watercourses located across the site or onto land for dispersal. The design will be finalised at the building consent stage.

Electricity

The applicant does not propose to provide any additional electricity connections as part of the proposed subdivision. This will provide flexibility to the future owners in terms of how they obtain electricity, noting that connections to the reticulated network are available if required.

Telecommunications

No new hard-wired telecommunications are proposed. Each of the proposed lots will rely on wireless services.

3.4 Access arrangements

Each of the proposed lots will utilise individual access arrangements, which are summarised as follows:

- Lots 1 – 6 will gain access from Parapara Road. It is proposed that a consent notice condition requires that the crossings are constructed at the building consent stage in accordance with the relevant FNDC requirements. Lot 6 will have frontage to SH10 and will retain an associated existing farm crossing. However, this will not be authorised for residential use.
- Lot 7 will gain access from SH10. It is proposed to upgrade the existing farm crossing so that it is suitable for residential use. In this regard, the crossing will be upgraded in accordance with the approval letter from the NZ Transport Agency (NZTA) attached as **Appendix 6**.

In accordance with NZTA recommendations, it is proposed that a consent notice be registered on Lot 1, Lot 6 and Lot 7 requiring that any noise sensitive activities within 100m of the edge of SH10 be designed, constructed, and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr).

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 Existing environment

Section 104(1)(a) of the RMA requires a consideration of any actual and potential effects associated with the proposed activity on the receiving environment.

In this instance, the existing environment includes the existing residential unit, and the pattern of development associated with the surrounding environment. These aspects are described in detail in Section 2 of this report.

4.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan (the OFNDP in this instance) permits an activity with that effect (the “permitted baseline”).

The OFNDP permits the construction of one residential unit per site or per 12ha of site area in the Rural Production Zone. The site can therefore accommodate seven residential units as a permitted activity.

4.3 Amenity and character effects

Lots 6 and 7 are both in excess of 12ha (the minimum lot size in the Rural Production Zone). The subdivision has been designed so that they adjoin the residentially zoned land located to the east of the site, ensuring that a rural outlook is maintained in accordance with the zoning under the OFNDP.

The location of Lots 1 – 5 in the western portion of the site limits the fragmentation of the rural land and ensures that each lot can obtain access from Parapara Road. These allotments have been designed to comply with the 4ha minimum provided for as a discretionary activity under the OFNDP, ensuring that an appropriate balance between residential elements and open space is retained. They are also setback some 750m from this residential land located to the east, with large trees located along the boundary and an

intervening hill that restrict views. The presence of the Taipa township and clusters of comparably sized rural residential development within the surrounding area ensures that the proposal is consistent with the existing character of the area.

Having regard to the above, any adverse effects associated with the proposed subdivision on amenity and character values associated with the site and surrounding environment will be less than minor.

4.4 Productive rural values

The subdivision has been designed so that the majority of the land is retained in the two large balance sites, with Lots 6 and 7 containing 66.650ha of the 87.2600ha site area.

While Lots 1 – 5 are ‘smaller’, there will remain large areas of land (noting that a residential unit on each will not consume much) to accommodate a range of small-scale rural activities. As noted above, these lots have also been clustered in the western portion of the site to limit fragmentation. The presence of the small stream and associated vegetation in the eastern portion of these lots will also create a degree of separation from Lot 6, avoiding conflict between the lots.

In addition to the above, it is proposed that the following standard FNDC condition is registered on the titles of Lots 1 – 5 via a consent notice. This will further avoid any potential reverse sensitivity effects.

The owners shall not and nor shall any occupier of, or visitor to the site make, and surrenders the right to make, a complaint to the relevant consent authority or the Environment Court as to reverse sensitivity effects, including any emission of noise, vibration or any effect associated with any activity which is expressly allowed by a rule in a regional or district plan, a resource consent, a designation or regulations made under the Resource Management Act 1991 (RMA) and shall not seek that a declaration or enforcement order be made by the Environment Court under Sections 311 or 316 of the RMA nor seek

that an abatement or infringement notice be served by a duly authorised enforcement officer under Sections 322 or 343C of the RMA, or that criminal proceedings be commenced in the District Court by the relevant consent authority under section 338 of the RMA in respect of any rural production activity lawfully undertaken on an adjoining property.

Having regard to the above and noting that the pattern and density of development facilitated by the subdivision is consistent with the surrounding environment (as identified in Section 4.3 of this report), any adverse effects associated with the proposed subdivision on productive rural values will be less than minor.

4.5 Access effects

Proposed Lots 1 to 6 will gain access along Parapara Road. Vehicle crossings will be constructed at the building consent stage in accordance with the relevant FNDC standards, ensuring safe and efficient access is facilitated.

Lot 7 will gain access by SH10 via an existing farming crossing. The upgrade of this crossing in accordance with NZTA diagram C standard will ensure that safe and efficient access is provided. This is offered as a condition of consent in accordance with the approval provided by NZTA (**Appendix 6**). The remaining crossing located within lot 6 will continue to be used exclusively as farming activities as per the approval provided by NZTA.

Having regard to the above, any adverse effects associated with the proposed access arrangements will be less than minor.

4.6 Noise

In accordance with the NZTA approval letter, it is proposed that a consent notice be registered on Lot 1, 6 and 7 requiring that any dwellings within 100m of the edge of the carriageway are designed, constructed, and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr). This will ensure that any potential reverse sensitivity effects associated with the subdivision on the operation of SH10 are avoided.

4.7 Servicing effects

Given the size of the proposed lots and the lack of natural hazards, each of the proposed lots contain multiple areas that are suitable to accommodate the three waters servicing arrangements. Further specifications will be given at the building consent stage.

Having regard to the above, each of the proposed lots will be appropriately serviced and any associated adverse effects will be less than minor.

4.8 Effects conclusion

In accordance with the assessment in sections 4.1 – 4.7 above, any adverse effects associated with the proposed subdivision will be avoided or mitigated to be less than minor relative to the existing environment and permitted baseline. No parties have been identified as being affected by the proposal.

5. STATUTORY PLANNING ASSESSMENT

5.1 The Operative Far North District Plan

Context

Pursuant to section 104(b)(vi) of the RMA, the following considers the proposed subdivision in the context of the relevant provisions from the OFNDP.

The objectives and policies that are relevant to this application are contained in Chapter 13 'Subdivision' and Chapter 8 'Rural Environment'.

There are 3 predominant themes that run throughout the objectives and policies – managing effects on rural productive values; ensuring that subdivision and development is compatible with the amenity, character, landscape and natural values of the environment in which it is located; and ensuring that subdivision and development is appropriately serviced.

The relevant objectives and policies have been grouped under these headings and an assessment provided below.

Assessment

Rural Production values

The proposal seeks to retain the life-supporting capacity of the soils associated with the site¹ by retaining the majority of the land (66.6500ha of the 87.2600ha) within the two large balance sites, ensuring that this land can continue to be utilised for productive purposes. While 'smaller', Lots 1 – 5 (ranging from 4.0360ha to 4.3120ha) are large enough to be utilised for a range of small-scale rural activities. They have also been clustered in the western portion of the site to avoid the fragmentation of the land as much as possible.

The mixed zoning and land use pattern associated with the surrounding environment (as outlined in Section 2.2 of this report) limits the potential for

¹ Objectives 8.3.2 and 13.3.2, and policies 8.4.2 and 8.6.4.7.

conflict between activities.² As outlined in Section 4.4 of this report (where it is concluded that any adverse effects associated with the subdivision on productive rural values will be less than minor), it is also proposed to register a standard FNDC ‘reverse sensitivity condition’ on the titles for Lots 1 – 5.

In accordance with the above, the proposal will facilitate the sustainable management of the productive values associated with the site³ and will ensure that the subdivision is consistent with the purpose of the Rural Production Zone.⁴

Amenity and landscape values

The subject site is not subject to any overlays under the OFNDP or Regional Policy Statement for Northland (which are reflected in the FNPDP) that relate to elevated landscape values or the coastal environment.⁵

Notwithstanding the above, Lots 1 – 5 have been designed to align with the 4ha minimum lot size provided for as a discretionary activity under the OFNDP. Clustering these lots in the western portion of the site ensures that a rural outlook is retained from the residential land located to the east of the site and prevents multiple residential units being viewed together when travelling along SH10.⁶

The presence of the Taipa township and clusters of comparably sized rural residential development within the surrounding area ensures that the proposal is consistent with the existing amenity and character values of the surrounding environment⁷

² Objectives 8.3.6, 13.3.2, and 8.6.3.6, and policies 8.6.4.1, 8.6.4.7 and 8.6.4.9

³ Objective 8.6.3.1

⁴ Objective 13.3.2

⁵ Objective 8.4.4

⁶ Policy 13.4.1

⁷ Objective 8.6.3.3 and policy 8.6.4.4

Servicing

The on-site three waters servicing arrangements for each of the lots will be established in accordance with the relevant FNDC and NRC requirements at the building consent stage. There are no barriers to the establishment of these arrangements.

With respect to access, the vehicle crossings for Lot 1 – 6 will be established from Parapara Road at the building consent stage, while the existing vehicle crossing to Lot 7 from SH10 will be upgraded as part of the subdivision works in accordance with the NZTA approval (**Appendix 6**). A consent notice will also be imposed on Lots 2, 6, and 7 in accordance with the NZTA approval, ensuring that the subdivision does not result in any reverse sensitivity effects on the ongoing operation of SH10.

While reticulated electricity connections will not be provided, they are available if required. Advances in technology also mean that off-the-grid solar options are readily available. Wireless telecommunications services are also available.

The proposed subdivision will therefore be appropriately serviced in accordance with the relevant objectives and policies from the OFNDP.⁸

Conclusion

In accordance with the above assessment, the proposed subdivision is consistent with the relevant objectives and policies from the OFNDP.

5.2 The Far North Proposed District Plan

Context

As outlined in section 1.2 of this report, the proposal does not require consent under any of the operative rules from the FNPDP.

⁸ Objective 13.3.5, 13.3.8, and policies 13.4.5 and 13.4.8

The below identifies the inoperative rules that the proposal would require consent under are identified and provides an assessment against the relevant objectives and policies.

Relevant rules and overall activity status

- SUB-R3' Subdivision to create a new allotment' – **non-complying activity**.
The proposal does not comply with the minimum lot sizes outlined for the RPZ.
- SUB-R11' subdivision of a site within flood hazard areas' – **restricted discretionary activity**. *Portions of the site are identified as flood susceptible.*

The subdivision would be a **non-complying activity** under the FNPDP.

Assessment – objectives and policies

Given the rules identified above, the objectives and policies most relevant to this application are contained in the 'Subdivision' chapter. The relevant objectives and policies are identified, and an assessment provided in the context of the proposed subdivision is provided below.

Subdivision chapter

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.

There are several objectives and policies from the Subdivision chapter of the FNPDP that are of some relevance to the proposed subdivision. However, SUB-P8 is of particular relevance.

SUB-P8 requires that rural residential subdivision in the RPZ is avoided unless it protects a Significant Natural Area (SNA) in accordance with the environmental benefit requirements and will not result in the loss of versatile soils for primary production activities.

In this instance, the subdivision will not result in the protection of SNA areas. However, some support can be drawn for the Subdivision from SUB-P8, noting that the soils at the site have a LUC classification of 4 and 6 and therefore do not are not considered versatile under the FNPDP.

While no objectives or policies in the subdivision chapter relate to flooding, it is noted that the proposal will avoid adverse flooding effects.

Weighting

Notwithstanding the assessment provided above, the FNPDP is still in a relatively early stage of the plan change process, with a large number of submissions having been received on a wide range of topics (including the RPZ provisions). Given the wide-ranging nature of some of these submissions, little weight should be applied to the provisions of the FNPDP at this stage.

Conclusion

Notwithstanding the limited support for the subdivision under the objectives and policies from the FNPDP, very limited weight should be applied to the associated provisions given the limited progress through the relevant statutory process.

5.3 The National Policy Statement for Highly Productive Land

The NPS-HPL came into effect on 17 October 2022. The overarching objective of the document is to protect highly productive land for use in land-based production, both now and for future generations.

In accordance with clause 3.5(7), all consenting authorities are now required to apply the NPS-HPL where references to highly productive land are references to land that is zoned Rural (or Rural Production) and that has a soil classification of LUC 1 – 3.

As per Section 2.1 of this report, the subject land only contains Class 4 and 6 soils. These are not considered highly productive land under the NPS-HPL. Therefore, the NPS-HPL is not applicable to this application.

5.4 NES – Soil Contamination

Based on an analysis of aerial photography, and a review of the Northland Regional Councils ‘selected land use sites’ database, there is no evidence to suggest that the site has ever accommodated an activity from the HAIL. This is demonstrated in **Figure 5** below.

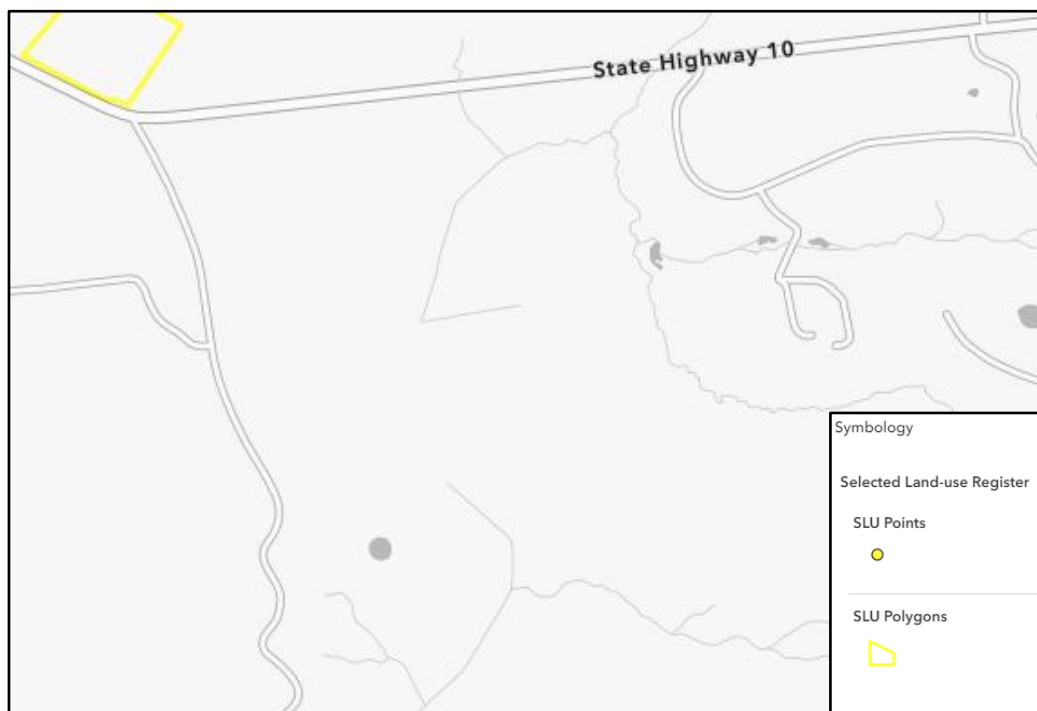


Figure 5: The SLU points of the site and surrounding area (Source: NRC land-use register, GIS).

The subject site is therefore not a piece of land described in clause 5(7) or (8) and the NES regulations are not relevant to this application.

5.5 Part 2 assessment – the Resource Management Act

An assessment of Part 2 matters is not required unless there are issues of invalidity, incomplete coverage, or uncertainty in the planning provisions.⁹

⁹ R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52

None of these scenarios are applicable with regards to the FNDC provisions. While an assessment under Part 2 is therefore not required, the following is provided for completeness.

The proposal does not compromise the purpose or principles of the RMA for the following reasons.

1. The proposal is consistent with the existing amenity values and character of the surrounding environment, and consistent with the development expectations for the zone.
2. The productive capacity of the site and surrounding environment is maintained.
3. Any adverse effects will be less than minor.
4. The proposed subdivision is consistent with the policy direction of the OFNDP while the NPS-HPL is not relevant to the subject site.
5. The proposal will not increase the risk of natural hazards.
6. The proposal is of no risk to human health associated with this development.

The proposal does not offend any matters of national importance in Section 6, or any of the other matters set out in Section 7 and 8 of the RMA.

6. NOTIFICATION

Notification assessment

Pursuant to sections 95A and 95B of the RMA, Section 5 of this report concludes that any adverse effects associated with the proposal will be less than minor. Furthermore, there are no special circumstances associated with the application, the applicant has not requested notification, and there is no rule or national environmental standard that requires notification of this application. Consequentially, public notification is not necessary.

The assessment of environmental effects in Section 5 of this report confirms that no parties are considered to be adversely affected by the proposal. Consequently, limited notification is not necessary

Having regard to the above, the proposal can proceed on a non-notified basis.

Notification conclusion

The application can proceed on a **non-notified** basis.

7. CONCLUSION

The proposal is to subdivide Lot 1 DP 606688 into seven lots. The proposal requires consent as a **discretionary activity** under Rule 13.9 and 15.1.6C.1.1 of the OFNDP.

Section 5 of this report concludes that any adverse effects associated with the proposed subdivision will be avoided or mitigated such that they are less than minor. NZTA has also provided approval to the subdivision. Accordingly, appropriate regard has been given to s104(1)(a) of the RMA.

In accordance with section 5.1 of this report, the proposal is consistent with and directly supported by the policy framework of the OFNDP, while some support can be drawn from the objectives and policies of the PFNDP. Accordingly, appropriate regard has been given to s104(1)(b)(vi) of the RMA.

Section 5.3 of this report concludes that the NPS-HPL is not relevant to the proposal in accordance with clause 3.5(7). Appropriate regard has therefore been given to s104(1)(b)(iii) of the RMA.

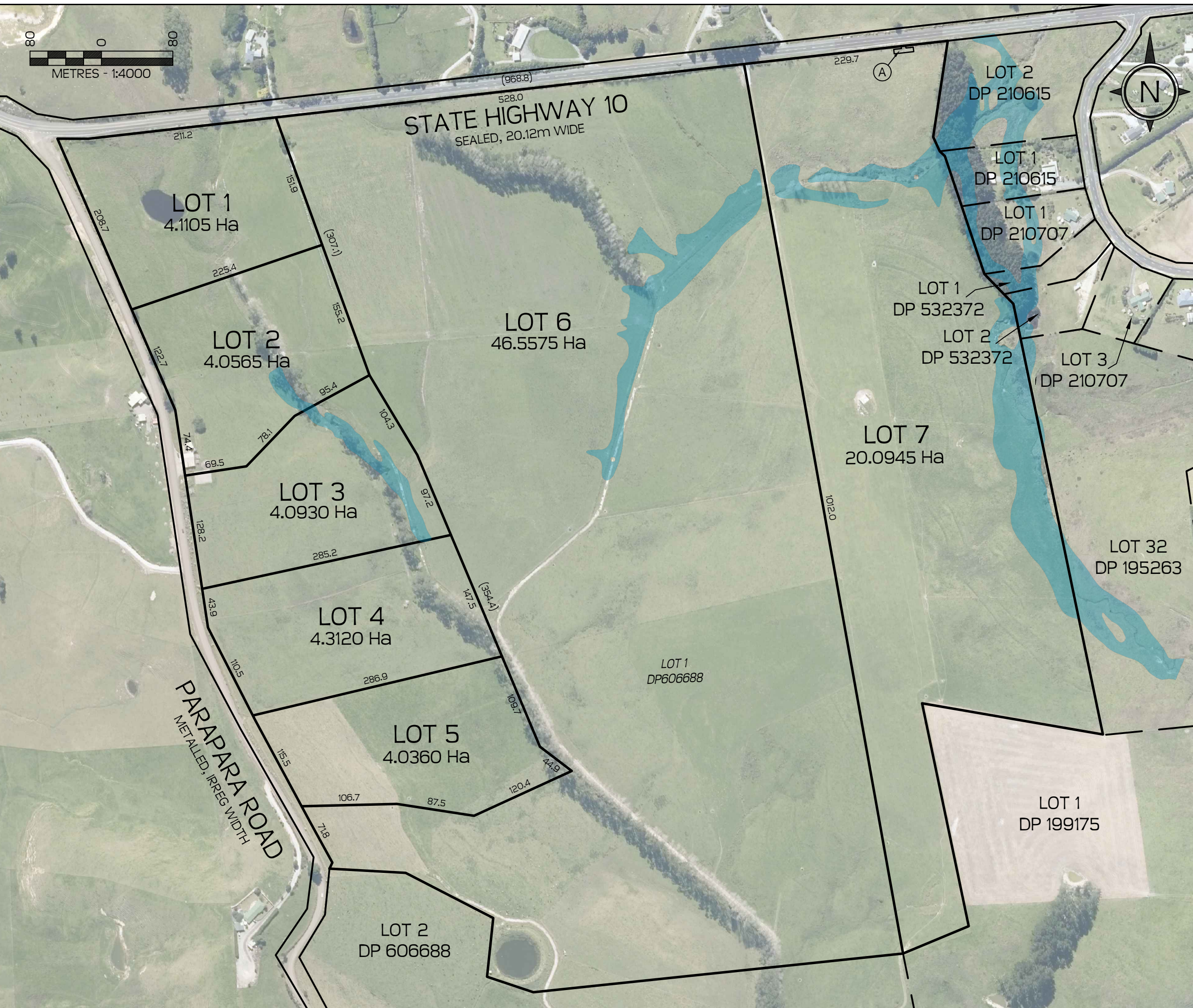
Section 5.4 of this report also confirms that the NES is not relevant to this application. Appropriate regard has therefore been given to s104(1)(b)(i) of the RMA.

While recourse to Part 2 is not required, section 5.3 of this report confirms that the proposal does not compromise the purpose or principles of the RMA.

Having regard to all the relevant matters in s104(1) and s104B of the RMA, the proposal can be approved subject to appropriate conditions of consent.

APPENDIX 1

SUBDIVISION SCHEME PLAN



- CAUTION:**
1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 4. DO NOT SCALE OFF DRAWINGS.
 5. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 6. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 7. 04m 2014-2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 8. BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED	GRANTEE / CREATED
RIGHT TO CONVEY ELECTRICITY	A	LOT 7 HEREON	TOP ENERGY LIMITED #12396682.2

 NRC FLOODING

TOTAL AREA: 87.2600 Ha
 COMPRISED IN: RT 1195566 (ALL)
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 12m FROM STATE HIGHWAY 10 ROAD BOUNDARIES, 10m FROM ALL OTHER BOUNDARIES.

REV	DATE	DESCRIPTION
B	04.02.25	BOUNDARY ADJUSTMENT - TK/AA
A	15.10.24	FIRST ISSUE - TK/AA

REF. DATA:

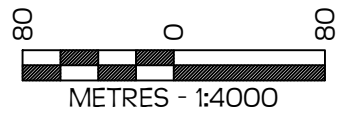


Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
HESLEY ESTATE LIMITED
 37 PARAPARA ROAD,
 TAIPA

TITLE
**PROPOSED SUBDIVISION OF
 LOT 1 DP 606688**

DATE	FEBRUARY 2025	SCALE	1:4000 @A3
DRAWING REF.	S18226	SHEET	1/1
		REV	B



CAUTION:

1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
4. DO NOT SCALE OFF DRAWINGS.
5. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
6. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
7. 04m 2014-2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD
8. INFORMATION AVAILABLE ON LINZ DATA SERVICE.
9. BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	BURDENED	GRANTEE / CREATED
RIGHT TO CONVEY ELECTRICITY	A	LOT 7 HEREON	TOP ENERGY LIMITED #12396682.2

NRC FLOODING

TOTAL AREA: 87.2600 Ha

COMPRISED IN: RT 1195566 (ALL)

THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 12m FROM STATE HIGHWAY 10 ROAD BOUNDARIES, 10m FROM ALL OTHER BOUNDARIES.

B	04.02.25	BOUNDARY ADJUSTMENT - TK/AA
A	15.10.24	FIRST ISSUE - TK/AA
REV	DATE	DESCRIPTION

REF. DATA:

reyburn & bryant

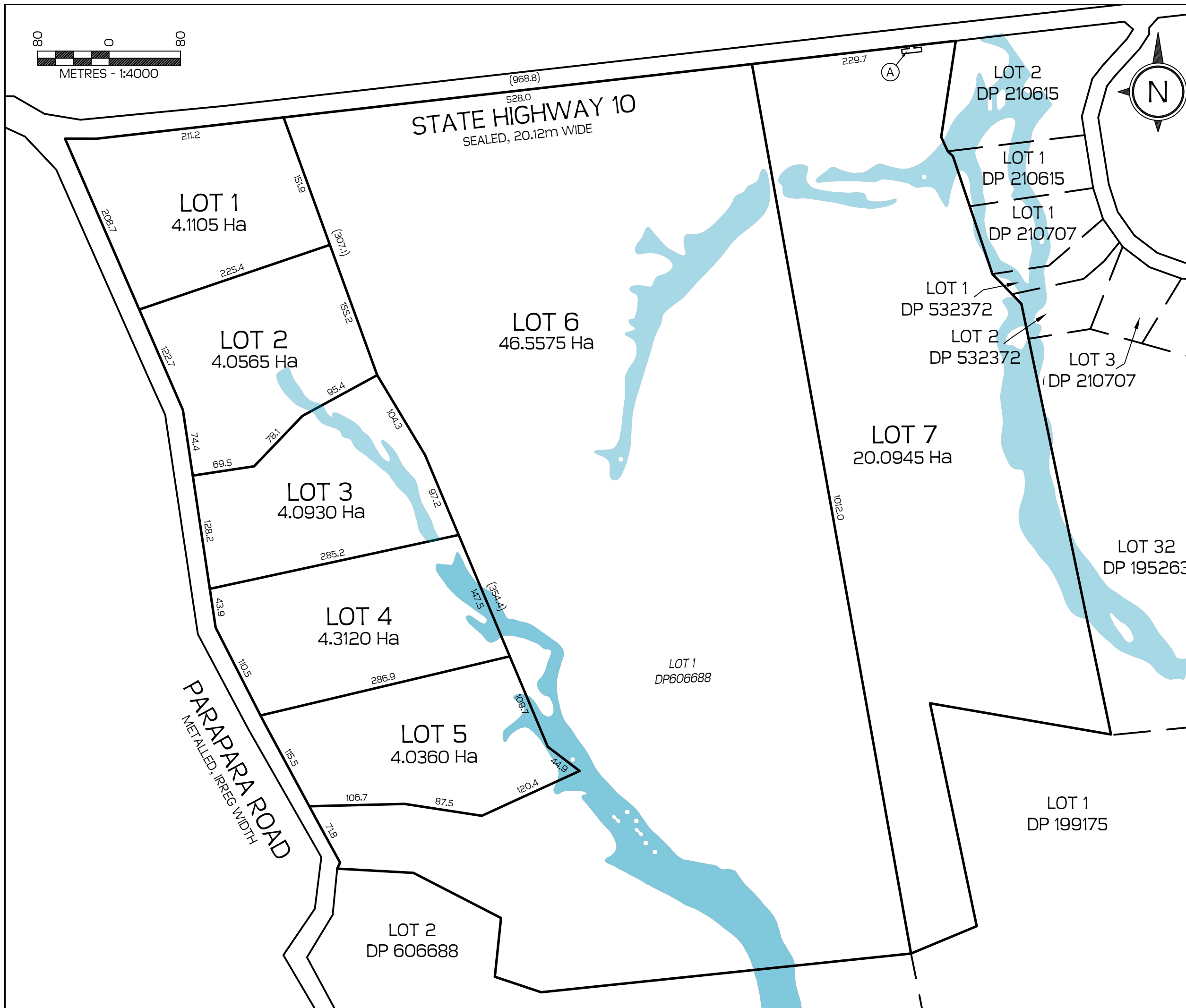
Ph: 09 438 3563 PO Box 191, Whangarei 0140
7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
HESLEY ESTATE LIMITED
37 PARAPARA ROAD,
TAIPA

TITLE
**PROPOSED SUBDIVISION OF
LOT 1 DP 606688**

DATE FEBRUARY 2025 SCALE 1:4000 @A3

DRAWING REF. S18226	SHEET 1/1	REV B
-------------------------------	---------------------	-----------------



APPENDIX 2

RECORD OF TITLE AND MEMORIALS



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




R.W. Muir
Registrar-General
of Land

Identifier **1195566**
Land Registration District **North Auckland**
Date Issued 01 October 2024

Prior References
NA67C/999

Estate Fee Simple
Area 87.2600 hectares more or less
Legal Description Lot 1 Deposited Plan 606688
Registered Owners
Donald James Muir

Interests

Subject to Section 8 Mining Act 1971

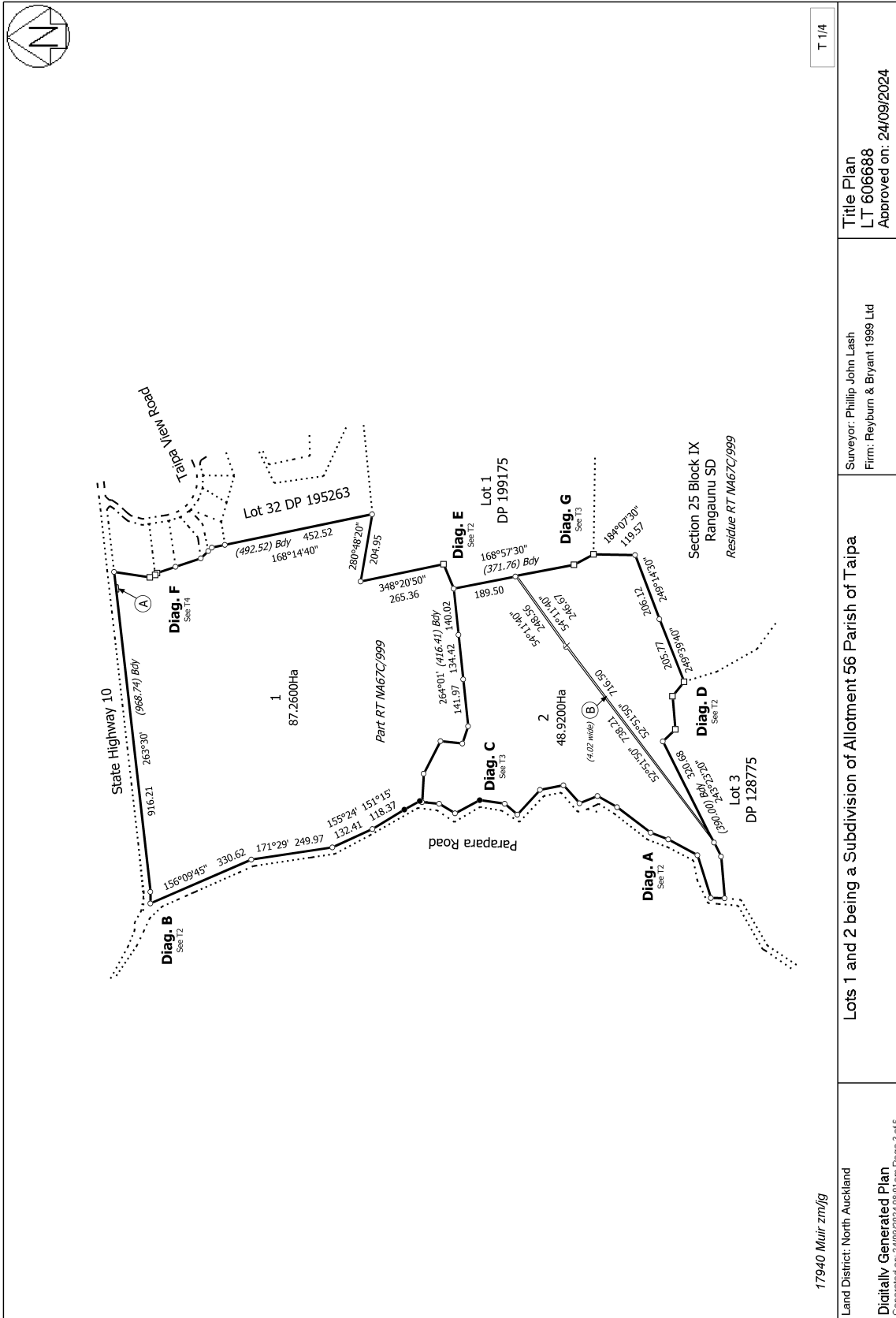
Subject to Section 168A Coal Mines Act 1925

D534038.1 Certificate pursuant to Section 94C Transit New Zealand Act 1989 declaring the adjoining State Highway to be a limited access road - 21.8.2000 at 2.05 pm

D539206.1 Notice pursuant to Sections 90 and 91 Transit New Zealand Act 1989 - 7.9.2000 at 1.31 pm

Appurtenant hereto are water supply and electricity easements created by Easement Instrument 6850903.1 - 4.5.2006 at 9:00 am

Subject to a right (in gross) to convey electricity over part marked A on DP 606688 in favour of Top Energy Limited created by Easement Instrument 12396682.2 - 1.7.2022 at 3:55 pm



17940 Muir zmf/g

Land District: North Auckland

Digitally Generated Plan

Generated on: 24/09/2024 10:01:11 am Page 3 of 6

Lots 1 and 2 being a Subdivision of Allotment 56 Parish of Taipa

Surveyor: Phillip John Lash
Firm: Reyburn & Bryant 1999 Ltd

Title Plan
LT 606688
Approved on: 24/09/2024

T 1/4



EASEMENT INSTRUMENT TO GRANT EASEMENT OR *PROFIT A PRENDRE*, OR CREATE LAND COVENANT

SECTIONS 90A AND 90F, LAND TRANSFER ACT 1952

Land Registration District

North Auckland

BARCODE

Grantor

Surname must be underlined

- (a) PURIRI STATION Limited, as to the land in NA75A/473
- (b) Paul Ronald Leslie BURTON and Robin Althea BURTON as to the land in NA83B/532

Grantee

Surname must be underlined

Ian James MUIR, Glenis Marjorie MUIR, Warwick George BRAY & Timothy Robin SPICER as to the land in Certificate of Title NA 67C/999
 Mark John DONNELLY AND Alice Catherine DONNELLY as to the land in Certificate of Title NA126B/954
 Paul Ronald Leslie BURTON and Robin Althea BURTON as to the land in Certificate of Title NA83B/532
 Philip John ELLIS as to the land in Certificate of Title NA134D/495



Grant * of easement or creation or covenant

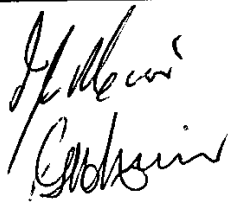
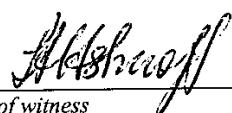
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure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

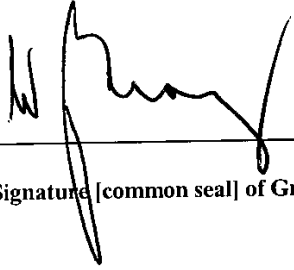

Dated this 21st day of February 2006

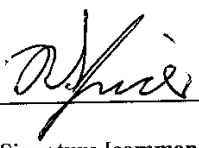

Attestation



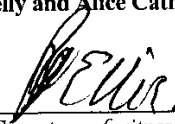
<p><i>[Signature]</i></p> <p>Director</p>	<p>Signed in my presence by the Grantor – Puriri Station Limited</p> <p>_____</p> <p><i>Signature of witness</i></p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p>
<p><i>[Signature]</i></p> <p>Director Signature [common seal] of Grantor</p>	<p>Witness name</p> <p>Occupation</p> <p>Address</p>


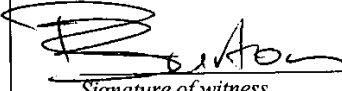
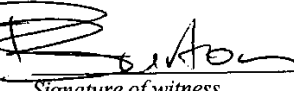
	<p>Signed in my presence by the Grantor - Paul Ronald Leslie Burton and Robin Althea Burton</p> <p style="text-align: center;">  _____ <i>Signature of witness</i> </p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p> <p>Witness name <u>M. DONNAN</u></p> <p>Occupation <u>ELECTRICIAN</u></p> <p>Address <u>237 CANAANA WAY</u></p>
---	---


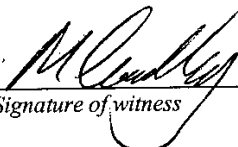
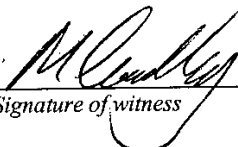
	<p>Signed in my presence by the Grantee Ian James Muir and Glenis Marjorie Muir</p> <p style="text-align: center;">  _____ <i>Signature of witness</i> </p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p> <p>Witness name <u>HELEN ASHCROFT</u></p> <p>Occupation <u>HAIRDRESSER</u></p> <p>Address <u>2 Orana Rd</u> <u>R.D. 3</u> <u>Kaitiaki</u></p>
	<p>Signature [common seal] of Grantee</p>

	<p>Signed in my presence by the Grantee – Warwick George Bray</p> <p></p> <p><i>Signature of witness</i></p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p>
<p>Signature [common seal] of Grantee</p>	<p>Witness name <i>Christine Anderson</i></p> <p>Occupation <i>Accountant</i></p> <p>Address <i>47 St Leonards Rd Epsom Auckland.</i></p>

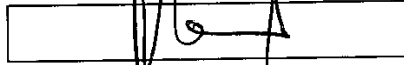
	<p>Signed in my presence by the Grantee – Timothy Robin Spicer</p> <p></p> <p><i>Signature of witness</i></p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p>
<p>Signature [common seal] of Grantee</p>	<p>Witness name <i>HELEN ASHCROFT</i></p> <p>Occupation <i>HAIRDRESSER</i></p> <p>Address <i>2 Omana Rd R.D.3 Kaitiaki.</i></p>

 	<p>Signed in my presence by the Grantee Mark John Donnelly and Alice Catherine Donnelly</p>  Signature of witness
	<p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name PHILIP JOHN ELLIS</p> <p>Occupation FARMER.</p> <p>Address 325 HARIRU RD. RD.3. KAIKOHU</p>

 	<p>Signed in my presence by the Grantee Paul Ronald Leslie Burton and Robin Althea Burton</p>  Signature of witness
	<p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name Catherine Donnelly</p> <p>Occupation House Wipe</p> <p>Address 237 Parapara Rd R03 Kaitiaki</p>

 	<p>Signed in my presence by the Grantee- Philip John Ellis</p>  Signature of witness
	<p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name MARK DONNELLY</p> <p>Occupation ELECTRICIAN</p> <p>Address 237 PARAPARA ROAD R03 KTA</p>

Certified correct for the purposes of Land Transfer Act 1952.



[Solicitor for] the Grantee

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

Annexure Schedule 1

Easement instrument

Dated 21. 2. 06

Page of 3 pages

Schedule A

Continue in additional Annexure Schedule if required.

Purpose (nature and extent) of easement, or covenant	Shown (plan reference)	Servient tenement (Identifier / CT)	Dominant tenement (Identifier / CT or in gross)
Water Supply and Electricity	(A) DP 356895	Lot 3, DP 128775 (CT NA 75A/473)	Lot 1 DP 140379 (CT NA83B/532) Lot 1 DP 208026 (CT NA134D/495) Lot 1 DP 200247 (CT NA126B/954) Allotment 56 Parish of Taipa (CT NA67C/999)
Water Supply	(B) DP 356895	Lot 3, DP 128775 (CT NA 75A/473)	Lot 1 DP 200247 (CT NA126B/954)
	(C) DP 356895		Lot 1 DP 140379 (CT NA83B/532) Lot 1, DP 208026 (CT NA134D/495)
	(E) DP 356895		Allotment 56 Parish of Taipa (CT NA67C/999)
	(D) DP 356895	Lot 1 DP 140379 (CT NA83B/532)	Lot 1, DP 208026 (CT NA134D/495)
Electricity	(F) DP 356895	Lot 3, DP 128775 (CT NA 75A/473)	Lot 1 DP 140379 (CT NA83B/532) Lot 1 DP 208026 (CT NA134D/495) Lot 1 DP 200247 (CT NA126B/954) Allotment 56 Parish of Taipa (CT NA67C/999)

~~Signature~~

J.L. P.M. [Signature]
 [Signature] [Signature] [Signature]
 [Signature] [Signature] [Signature]

EASEMENTS OR RIGHTS AND POWERS (INCLUDING TERMS, COVENANTS, AND CONDITIONS)

2/7

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~~ ~~negative~~ [added to] or [substituted] by:

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

[the provisions set out in the Annexure Schedule 2]

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

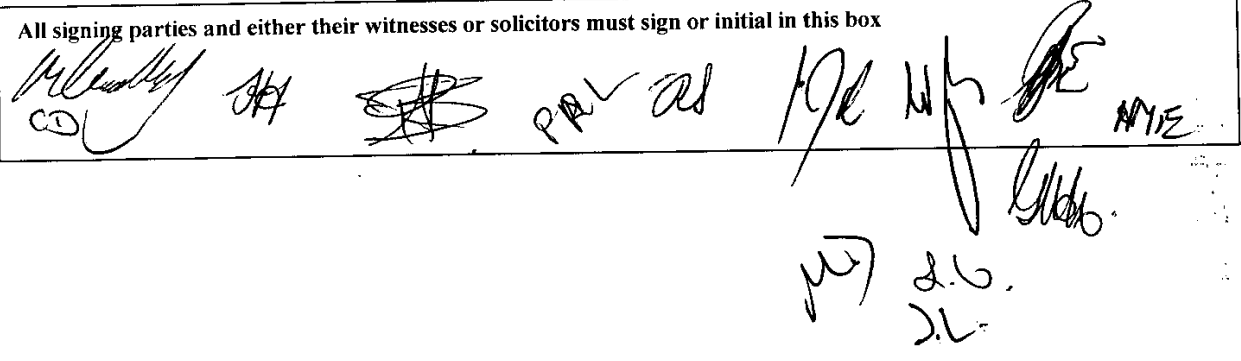
Continue in additional Annexure Schedule if required.

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

A rectangular box containing several handwritten signatures and initials. From left to right, there is a signature that appears to be 'M. [unclear]', a signature 'JH', a signature 'S. [unclear]', the initials 'PAL ad', a signature 'J. [unclear]', a signature 'M. [unclear]', a signature 'R. [unclear]', and the initials 'AMIE'. Below these, there are additional handwritten marks including 'G. [unclear]', 'M. [unclear]', 'S.L.', and 'J.L.'.

Annexure Schedule 2

Easement instrument

Dated 21. 2. 06

Page 3 of 7 pages

1. Rights and Powers

- (a) Except as modified below, the rights and powers are those set out in the Fourth Schedule to the Land Transfer Regulations 2202 ("the Fourth Schedule") and where the Fourth Schedule conflicts with these modifications, the modifications must prevail.

2. Terms Conditions Covenants Or Restrictions In Respect Of Any Of The Above Easements

- (a) The maintenance provisions in the Fourth Schedule are modified as follows:

Add to Clause 11:

- (5) *Any maintenance, repair or replacement of the easement facility (as defined in Clause 1 of the Fourth Schedule) on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that owner) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial causes of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the fourth Schedule).*
- (6) *Costs of electric power used for the conveyance of water must be apportioned between users in proportion to their usage of the water."*
- (b) The Grantees acknowledge that the supply of water and electricity shall be metered and shall install meters at their own expense. The Grantees acknowledge that they are to pay a proportionate share of the maintenance of the pump, bore and pipelines and any other costs involved with the supply of water and electricity to the dominant lands in proportion with their usage of water.
- (c) The Grantor being the registered proprietor of all the land in Certificate of Title NA 75A/473 shall also be responsible for the reading of the said water meters and the Grantees shall allow the Grantor free and uninterrupted access to their lands for the purposes of reading the said meters.
- (d) The Grantees agree that they will make payment of their share of costs upon receiving a written invoice and agree to make such payment within seven working days following the receipt of such invoices from the Grantor. If payment shall not be made within fourteen days from the service of a notice of default that the party receiving such notice has not met its obligations the water supply to the party in default may be terminated until payment has been made.
- (e) The Grantors and Grantees acknowledge that the supply of water is not guaranteed but the Grantor acknowledges that it will not unreasonably obstruct the flow of water. Neither Grantor nor Grantee shall knowingly allow the water to go to waste.
- (f) The Grantors makes no undertakings as to the quality or condition of the water and the Grantees acknowledge that the water is used at their own risk.

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

[Handwritten signatures and initials in a box]

SJP-110499-28-D2-V1:HMA

[Handwritten initials]

[Handwritten initials]

Annexure Schedule – Consent Form

Land Transfer Act 1952 section 238(2)

Easement instrument

Dated 21.10.05

Page 7 of 7 pages

Person giving consent
Surname must be underlined

Capacity and interest of Person giving consent
(eg Caveator under Caveat No)

ASB BANK LIMITED	Mortgagee under and by virtue of Mortgage No. D648539.1
------------------	---

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 within easements.

Dated this day of 2005

21 OCT 2005

Attestation

<p>SIGNED by ASB BANK LIMITED by its Attorney</p> <p><u>MARY MAGDALINE MCCORMICK</u></p> <p>without prejudice to the rights and powers existing under the interest of the Consentor</p> <p><i>M McCormick</i></p> <p>in the presence of:</p> <p>Witness:</p> <p>Bank Officer: <u>Alex Aiora</u> AUCKLAND</p> <p>Signature (or Common Seal) of Person giving consent</p>	<p>Signed in my presence by the Person giving consent</p> <hr/> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness Name</p> <p>Occupation</p> <p>Address</p>
---	---

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

26.

26.

M

499825

5/7

ASB BANK LIMITED
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I Mary Magdaline McCormick of Auckland, New Zealand, hereby certify:

1 THAT by a Deed dated **3 February 2004** and deposited in the Land Information New Zealand office as **No. 5911838** 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:

- Senior Manager Business and Rural Documentation
- Senior Manager Group Retail Loan Documentation
- Senior Manager Loan Security Maintenance
- Manager Business and Rural Loan Documentation
- Legal Executive, Lending Services
- Manager Administration
- Manager Security Alterations and Settlements
- Manager Inward Documents and Security Filing
- Manager Evening Processing Team
- Manager BankDirect
- Chief Manager Lending Services
- Manager Debt Assessment and Recoveries
- Manager Business Credit

2. THAT I hold the appointment of Manager Security Alterations and Settlements, Lending Services, 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.



Mary Magdaline McCormick

SIGNED at Auckland this

day of

21 OCT 2005

200

Annexure Schedule – Consent Form
Land Transfer Act 1952 section 238(2)

Easement instrument Dated **21. 2. 06** Page **6** of **7** pages

Person giving consent

Surname must be underlined

Capacity and interest of Person giving consent

(eg Caveator under Caveat No)

WESTPAC BANKING CORPORATION	Mortgage under and by virtue of Mortgage No.6626773.2
-----------------------------	---

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 within easements.

Dated this **22** day of **FEBRUARY** 20**06**

Attestation

<p>EXECUTED by WESTPAC BANKING CORPORATION by its duly appointed attorney</p> <p>MARILYN JOY AYERS BANK OFFICER HAMILTON</p> <p><i>[Signature]</i></p> <p>Signature (or Common Seal) of Person giving consent</p>	<p>Signed in my presence by the Person giving consent</p> <p><i>[Signature]</i></p> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness Name Bryonie Helen Phillips</p> <p>Occupation Bank Officer</p> <p>Address Hamilton</p>
--	---

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

[Handwritten signatures and initials]

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, Marilyn Joy Ayers, of Hamilton in New Zealand, Bank Officer

HEREBY CERTIFY -

1. **THAT** by Deed dated the 20th October 2003 a copy of which is deposited in the Land Registry Office at Christchurch (Canterbury Registry) numbered PA 5941731.1.

Westpac Banking Corporation ABN 33 007 457 141, incorporated in Australia (New Zealand division) under the Corporations Act 2001 and having its principal place of business in New Zealand at PWC Tower 188 Quay Street, P O Box 934, Auckland and carrying on the business of banking appointed me its attorney on the terms and subject to the conditions set out in the said Deed and the attached document is executed by me under the powers thereby conferred.

2. **THAT** at the date hereof I am a Tier Three Attorney for Westpac Banking Corporation.
3. **THAT** at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said **Westpac Banking Corporation** or otherwise.

Signed at Hamilton


Marilyn Joy Ayers

this 22 February 2006

Landonline User ID: **DAVIDSONACWA**

LODGING FIRM: **Davidson Armstrong & Campbell**

Address: **P O Box 54
Waipukurau**

Uplifting Box Number: _____

ASSOCIATED FIRM: _____

Client Code / Ref: **S.J.P.: 110499-28**

HEREWITH

Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Calc Sheets (#)

Survey Report

Dealing / SUD Number:
(LINZ Use only)

Priority Barcode/Date Stamp
(LINZ use only)

Plan Number Pre-Allocated or
to be Deposited:

Rejected Dealing Number: **6816539.1**

E1 6850903.1 Easement 1
COPY - 02/04, Pgs - 014, 04105/06, 08-18
Copies
(Inc. original)
DocID: 312442472

Other (state)

Priority Order	CT Ref:	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ EXCLUSIVE
1	See Schedule	EI	Puriri Station Ltd & ors / I J Muri & ors	50.00	4					\$20	\$78.00
2											
3											
4											
5											
6											

LAND INFORMATION
NEW ZEALAND
- 4 MAY 2006
AUCKLAND REGIONAL OFFICE

Annotations (LINZ use only)

Original Signatures? _____	
Subtotal (for this page)	\$78.00
Total for this dealing	\$78.00
Less Fees paid on Dealing # 6816539.1	\$58.00
Cash/Cheque enclosed for	\$20.00

Land Information New Zealand Lodgement Form

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

TITLE SCHEDULE

Landonline User ID: DAVIDSONACWA

LODGING FIRM: Davidson Armstrong & Campbell

Client Code / Ref: SJP-110499-28

Line Number	CT Ref:
1	NA75A/473 NA83B/532 NA134D/495 NA126B/954 NA67C/999
2	
3	
4	

Line Number	CT Ref:
5	
6	
7	
8	

Line Number	CT Ref:
9	
10	
11	
12	

Line Number	CT Ref:
13	
14	
15	
16	

Line Number	CT Ref:
17	
18	
19	
20	

View Instrument Details



Instrument No 12396682.2
Status Registered
Date & Time Lodged 01 July 2022 15:55
Lodged By Yearbury, Donna
Instrument Type Easement Instrument



Affected Records of Title	Land District
NA67C/999	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

Signature

Signed by Graeme John Mathias as Grantor Representative on 30/06/2022 04:45 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 Graeme John Mathias as Grantee Representative on 30/06/2022 04:45 PM

*** End of Report ***

Easement instrument to grant easement or profit à prendre

(Section 109 Land Transfer Act 2017)

Grantor

GLENIS MARJORIE MUIR and TIMOTHY ROBIN SPICER

Grantee

TOP ENERGY LIMITED

Grant of Easement or Profit à prendre

The Grantor being the registered owner of the burdened land 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, 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; profit or covenant	Shown (plan reference)	Burdened Land (Computer Register)	Benefited Land (Computer Register) or in gross
Right to convey electricity	Marked "A" on Deposited Plan 570829	Record of Title NA67C/999	In gross

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 2018 and/or Schedule 5 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 209 of the Land Transfer Act 2017]

[the provisions set out in Annexure Schedule B]

Annexure Schedule B

1. Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Burdened Land" means the land owned by the Grantor and contained in Record of Title NA67C/999;
- (b) "Easement Area" means that part of the Burdened Land marked on Deposited Plan 570829 with the letter "A";
- (c) "Emergency Situation" means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity by means of the Transmission Line;
- (d) "Transmission Line" means wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, pillars and transformers, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (e) words importing the singular include the plural and vice versa; and
- (f) references to the Grantor and Grantee include their respective heirs, executors, transferees, administrators, successors and assigns.

2. Grant of electricity easement

2.1 The Grantor grants to the Grantee as an easement in gross forever the right to convey, reticulate, convert, transform, transmit, supply and use electrical energy and power and to convey, send, transmit and transport telecommunications signals, waves, or impulses, without interruption or impediment and in any quantity by means of the Transmission Line.

2.2 The Grantee together with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials has the right to enter by a reasonable route and remain on the Easement Area and any other parts of the Burdened Land as are reasonably necessary to do the following work:

- (a) to survey, investigate, lay, install and construct the Transmission Line under the Easement Area, at a depth and along a line determined by the Grantee;
- (b) to install such infrastructure both on or under the surface of the Burdened Land as is necessary for the effective transmission of electricity by means of the Transmission Line;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove the Transmission Line;
- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Burdened Land for any purposes necessary or

- 4 -

	convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
	(e) to construct on the Burdened Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
	(f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
	(g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such: <ul style="list-style-type: none"> (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line; (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or (iii) inhibit the safe and efficient operation of the Transmission Line.
2.3	The Grantee has no obligation to construct the Transmission Line or convey electricity through it continuously or at all.
3.	Access
3.1	The Grantee must, before exercising the right of entry in clause 2.2: <ul style="list-style-type: none"> (a) make reasonable efforts to identify the Grantor or the occupier of the Burdened Land; (b) give reasonable notice, and in any event not less than three (3) days notice, to the Grantor or the occupier of the Burdened Land of the Grantee's intention to enter the Burdened Land, except in an Emergency Situation when prior notice is not required; (c) identify the work it intends to carry out.
3.2	The Grantee is not required by reason of the obligations in this clause to delay entry onto the Burdened Land from the date notified.
3.3	The Grantee, in entering the Land, will take reasonable steps to minimize inconvenience to the Grantor or the occupier of the Burdened Land, including: <ul style="list-style-type: none"> (a) liaising with the Grantor to arrange a suitable time of entry to the Easement Area (unless this is not possible due to an Emergency Situation); (b) leaving gates as they are found (if applicable); (c) driving in a safe manner and taking reasonable steps not to disturb stock (if applicable); and (d) Avoiding access through specific areas identified by the Grantor unless necessary to access the Transmission Line.
3.4	The Grantee is not required to delay entry onto the Burdened Land or to pay any money or other consideration to the Grantor or any occupier of the Burdened Land by reason of the obligations in this clause.

- 3.5 When accessing the Easement Area, the Grantee will:
- (a) complete work on the Transmission Line as soon as possible with as little damage as possible to the Burdened Land and any vegetation, fences or improvements on it; and
 - (b) use all reasonable endeavours to repair and make good all damage caused to the Burdened Land by the Grantee or the Grantee's agents, contractors or employees as a result of carrying out work on the Transmission Line.
- 4. Ownership of the Transmission Line**
- The Transmission Line will at all times remain the property of the Grantee.
- 5. Grantor's Continued Use of Burdened Land**
- Subject to clause 6, the Grantor may use the Burdened Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument.
- 6. Restrictions on Grantor's use**
- 6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:
- (a) On the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
 - (b) disturb the soil of the easement area below the depth of 0.3 metres;
 - (c) cause or knowingly permit flooding of the Easement Area;
 - (d) burn off crops, trees or undergrowth on the Burdened Land;
 - (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any part of the Transmission Line;
 - (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
 - (g) impede the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
 - (h) do anything on or in the Burdened Land which would or could damage or endanger the Transmission Line.
- 6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.
- 6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.

6.4	If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.2 (g)(i) - (iii), then such consent may be revoked by the Grantee without compensation.
6.5	Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantor must comply with any reasonable directions of the Grantee as to the height, materials used and location of such replacement fence.
6.6	If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do so then the Grantee may meet those obligations (and enter the Burdened Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.
7.	<p>Indemnity against third party claims</p> <p>Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) EXCEPT THAT it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.</p>
8.	<p>Licence and assignment</p> <p>The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.</p>
9.	<p>Perpetual easement</p> <p>There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.</p>
10.	<p>Arbitration</p> <p>If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.</p>

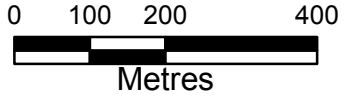
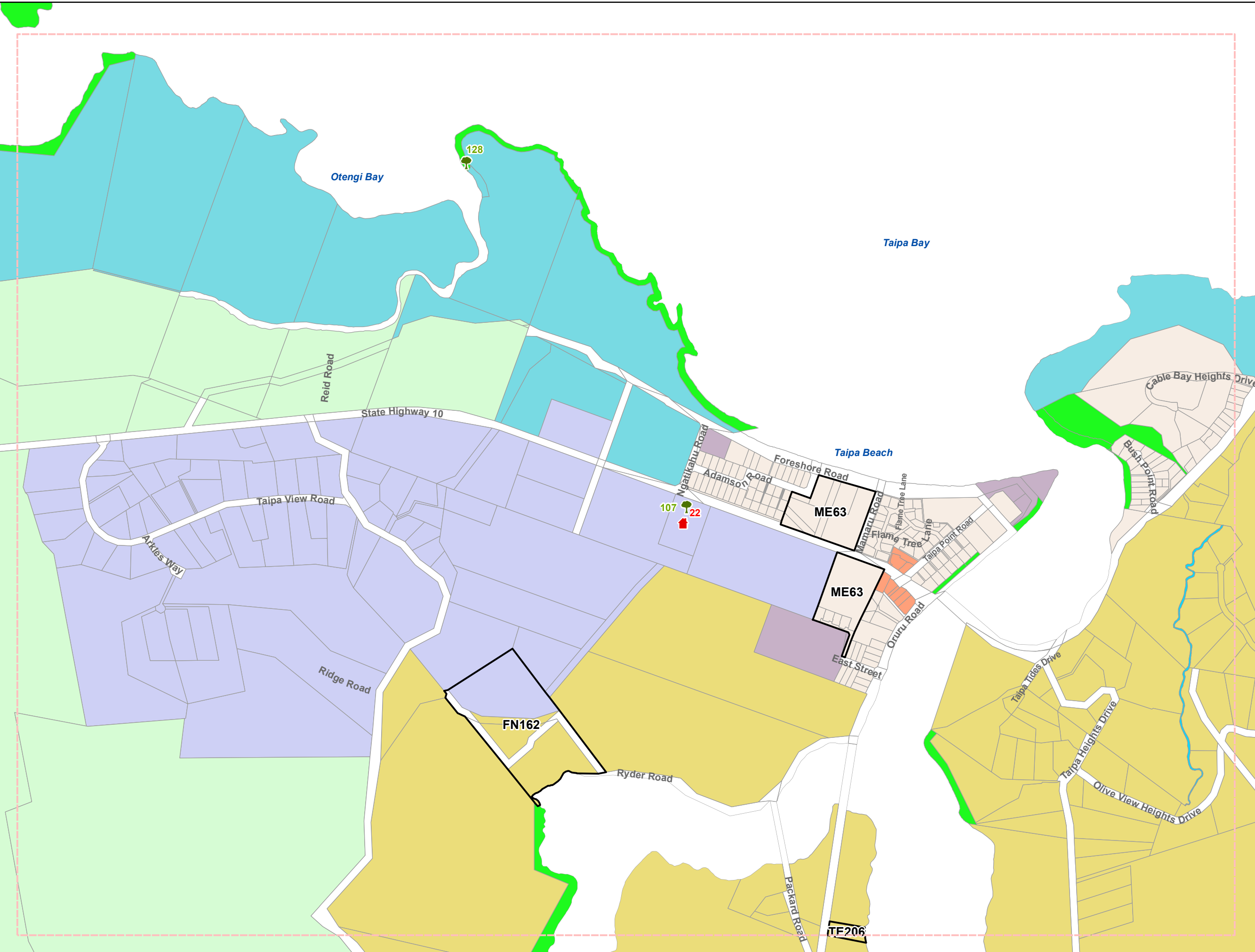
APPENDIX 3

FAR NORTH DISTRICT COUNCIL

PLANNING MAPS

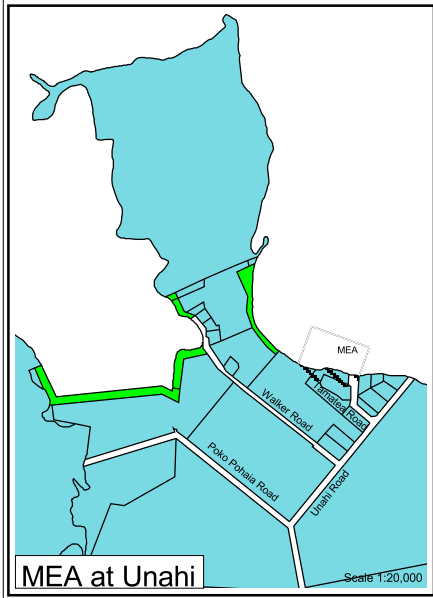
- Heritage Area
- Heritage Precinct
- ▭ Pedestrian Frontage
- ▭ Designations
- † Cemetery
- 🏠 Historic Site
- National Grid Line
- Top Energy High Voltage Power Line
- High Voltage Power Pole
- 🌳 Notable Tree
- District Boundary
- Railway
- 🏡 Carrington Estate
- 🏡 Coastal Living
- 🏡 Coastal Marine
- 🏡 Coastal Residential
- 🏡 Commercial
- 🌿 Conservation
- 🌿 General Coastal
- 🌿 Horticultural Processing
- 🏡 Industrial
- 🏡 Kauri Cliffs
- 🌊 Lakes & Rivers
- 🏡 Minerals
- 🏡 Motoroia Island
- 🏡 Orongo Bay Special Purpose
- 🏡 Point Veronica
- 🏡 Quail Ridge Country Club
- 🏡 Rail
- 🏡 Recreational Activities
- 🏡 Residential
- 🏡 Road
- 🏡 Rural Living
- 🌿 Rural Production
- 🏡 Russell Township
- 🏡 South Kerikeri Inlet Zone
- 🏡 South Kerikeri Inlet Zone Sensitive Area

Map Index

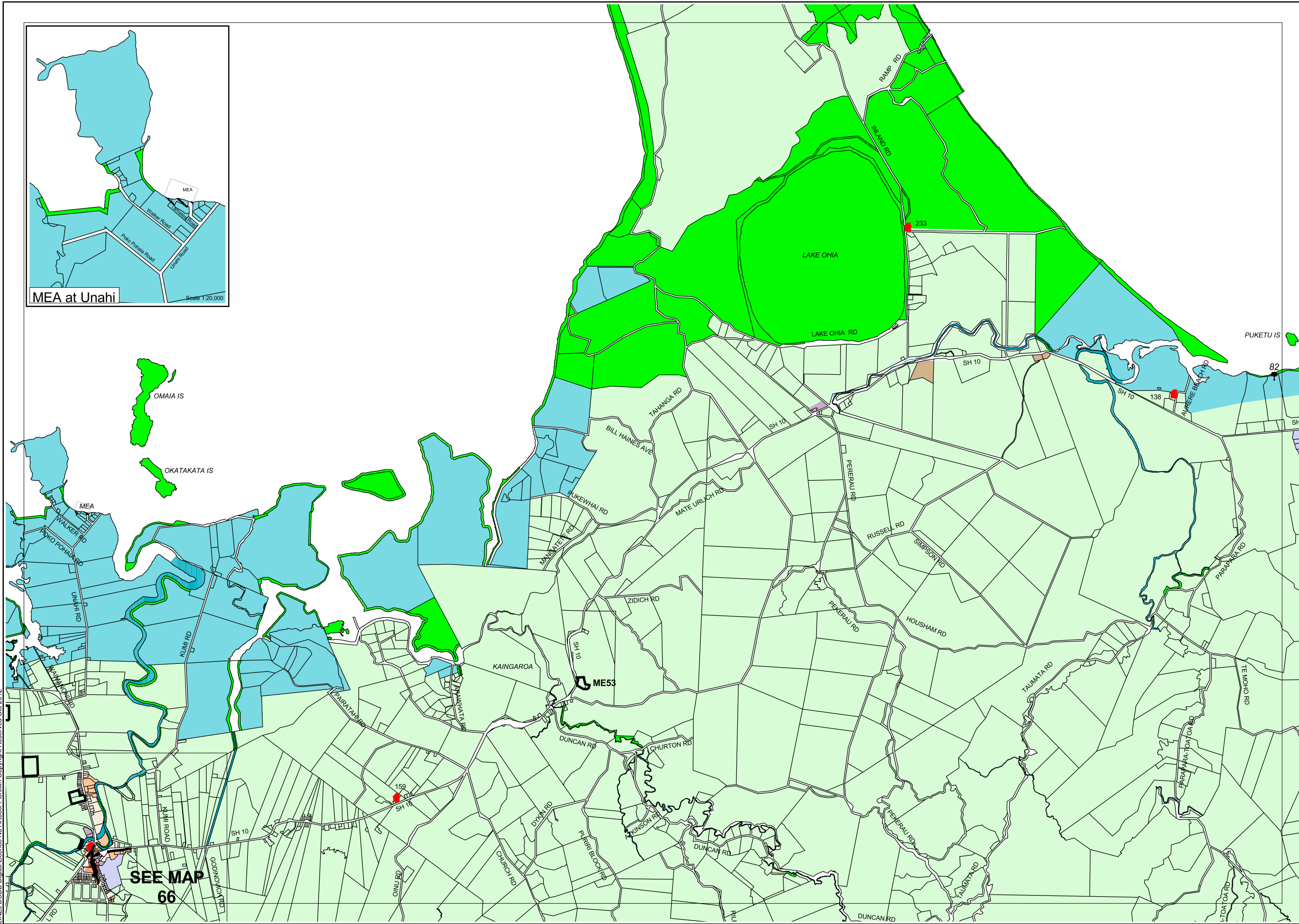


Note:
Roads carry the same zoning as the adjoining land.
If the boundary between zones follows a road,
the zone boundary is located on the centerline
of the formed road, or where unformed,
the centerline of the legal road.

Disclaimer:
Considerable care has been taken to avoid errors and
omissions, and the latest information has been included
in these District plan maps.
However, even with the greatest care inaccuracies may
occur and therefore the Far North District Council cannot
accept any responsibility for such errors and omissions.



- Zone**
- Conservation
 - Coastal Living
 - Commercial
 - General Coastal
 - Industrial
 - Lakes and Rivers
 - Minerals
 - Residential
 - Recreational Activities
 - Rural Living
 - Rural Production
 - Road
 - Coastal Marine
 - Designations
 - Pedestrian Frontage
 - Maritime Exemption Area
 - Historic Site
 - Notable Tree



Note :-
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road

10	11	12
13	14	15
18	19	20

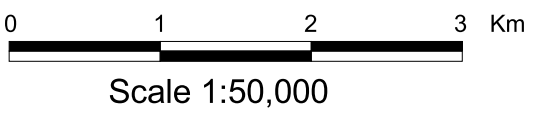
Map Index

Map 14

LINZs DCDB Digital Licence No AK35011 Crown Copyright. Reserved Oct 2012



Far North District Plan - Zone Maps



DISCLAIMER

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.

APPENDIX 4

RULE ASSESSMENT

Operative District Plan Provisions

Section 13 Subdivision		
Rule	Status	Comment
13.7 Controlled (Subdivision) Activities		
13.7.1 – Boundary Adjustments: All Zones except the Recreational Activities and Conservation Zones	N/A	Not a boundary adjustment.
13.7.2 – Allotment Sizes, Dimensions and Other Standards	N/A	Consent is sought under Rule 13.9.1(b).
13.7.3.1 – Property Access	N/A	Refer to assessments from Chapter 15 below.
13.7.3.2 – Natural and Other Hazards	N/A	There are no natural hazards on the sites.
13.7.3.3 – Water Supply	Controlled	The proposed lots will be supplied with water on-site.
13.7.3.4 – Stormwater Disposal	Controlled	The proposed lots will dispose of stormwater on-site.
13.7.3.5 – Sanitary Sewage Disposal	Controlled	The proposed lots will dispose of wastewater on-site.
13.7.3.6 – Energy Supply	Controlled	The proposed lots will be provided with electricity connections.
13.7.3.7 – Telecommunications	Controlled	The proposed lots will utilise wireless telecommunications connections
13.7.3.8 – Easements for any purpose	Controlled	Any necessary easements are shown on the scheme plan or will be provided as required.
13.7.3.9 – Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land set aside for Conservation purposes.	N/A	There are no identified resources which require protection.
13.7.3.10 – Access to Reserves and Waterways	N/A	There are no public reserves, waterways or esplanade reserves on or adjoining the sites.
13.7.3.11 – Land Use Compatibility	N/A	No new land uses are proposed.
13.7.3.12 – Proximity to Airports	N/A	The site is not located in close proximity to an airport.
13.8 Restricted Discretionary Activities		

13.8.1 – Subdivision within the Rural Production Zone	N/A	Not proposed.
13.8.2 – Subdivision within 100m of Minerals Zone	N/A	Not proposed.
13.8.3 – Subdivision in the Golf Living Sub-Zone (Kauri Cliffs Zone)	N/A	Not proposed.
13.8.4 – Subdivision in the General Coastal Zone	N/A	Not proposed.
13.8.5 – Subdivision in the Coastal Living and South Kerikeri Inlet Zones	N/A	Not proposed.
13.9 Discretionary Activities		
13.9.1 – Minimum net area for vacant new lots and new lots which already accommodate structures	Discretionary	Each of the proposed lots is at least 4ha.
13.9.2 – Management plans	N/A	Not proposed.

Section 15.1.6 Traffic		
Rule	Status	Comment
15.1.6C Access		
15.1.6C.1.1 – Private accessway in all zones	Discretionary	<ul style="list-style-type: none"> a. Private access will be provided in accordance with the specifications of Appendix 3B-1 in Part 4 of the OFNDP b. The accessways will have compliant centreline gradients. c. No shared accesses proposed. d. No shared accesses proposed. e. Accesses for Lot 7 is proposed along State Highway 10. All other lots can satisfy this section.
15.1.6C.1.2 – Private accessways in urban zones	N/A	Not an urban zone
15.1.6C.1.3 – Passing bays on private accessways in all zones	Permitted	<ul style="list-style-type: none"> a. The private accessways will have compliant widths, and passing bays are not required. b. Passing bays are not required. c. Vehicle queuing space is not required at the vehicle crossings.
15.1.6C.1.4 – Access over footpaths	N/A	There are no footpaths on this section of Parapara Road or State highway 10.
15.1.6C.1.5 – Vehicle crossing standards in rural and coastal zones	Permitted	<ul style="list-style-type: none"> a. The vehicle crossings will be constructed in accordance with the FNDC ES. b. The first 5m of the accesses will be surfaced with a permanent impermeable surfacing. c. N/A
15.1.6C.1.6 – Vehicle crossing standards in urban zones	N/A	The site is not in an urban zone.
15.1.6C.1.7 – General access standards	Permitted	The accessways will be constructed to comply with the general access standards.
15.1.6C.1.8 – Frontage to existing roads	N/A	<ul style="list-style-type: none"> a. Parapara Road or State highway 10 has a sufficient legal road width. b. Parapara Road or State highway 10 is constructed to an appropriate standard. c. The site only has one road frontage. d. The carriageway does not encroach upon the site.
15.1.6C.1.9 – New roads	N/A	No new roads are to be vested.

15.1.6C.1.10 – Service lanes, cycle and pedestrian accessways	N/A	No new service lanes, cycle or pedestrian accesses are proposed.
15.1.6C.1.11 – Road designations	N/A	The site does not front an existing road which is subject to a designation for road acquisition and widening purposes.
15.1.6C.2 – Discretionary activities	N/A	<p>A. The proposal does not comply with one or more of the standards for permitted activities set out in Rules 15.1.6C.3 to 15.1.6C.1.11</p> <p>B. Complies with Part 2 of the Plan – Environment Provisions; and</p> <p>C. it complies with Part 3 of the Plan – District Wide Provisions.</p>
15.1.6C.3 – Affected persons	Applicable	NZTA is considered an effected person, as such they have been reached out to and have given consent given the following condition's set out in Appendix 6 .
15.1.6C.4.1 – Property access	N/A	<p>A. Adequate site distances are provided</p> <p>B. Given the location of the site there are no current traffic safety or congestion problems in the area.</p> <p>C. There are no foreseeable future changes in traffic patterns</p> <p>D. No restrictions on vehicle movements are proposed</p> <p>E. The driveways will be built to council specifications.</p> <p>F. The driveways will be built to council specifications.</p> <p>G. The driveways will be built to council specifications no other mitigation measures are proposed.</p> <p>H. N/A</p> <p>I. –</p> <p>J. N/A</p> <p>K. N/A</p> <p>L. N/A</p> <p>M. Appendix 6</p>

Proposed District Plan Provisions

Subdivision Chapter (SUB)		
Rule	Status	Comment
SUB-R3 – Subdivision of land to create a new allotment	Non-complying	<ol style="list-style-type: none"> 1. The subdivision complies with SUB-S2 – S7. 2. The subdivision does not comply with SUB-S1 as proposed Lots 1 – 5 are smaller than 8ha.
SUB-R5 – R21	N/A	Not proposed.
Overall Status	Non-complying	

Transport Chapter (TRAN)		
Rule	Status	Comment
TRAN-R1 – Parking	Permitted	Sufficient parking spaces will be provided for the proposed lots in accordance with TRAN-S1.
TRAN-R2 – Vehicle crossings and access, including private accessways	Discretionary	<ol style="list-style-type: none"> 1. No shared access arrangements are proposed. 2. The vehicle crossings and accesses will be constructed to provide sufficient access for fire appliances. 3. The vehicle crossings for Lot 7 will be from State Highway 10. 4. Any unused vehicle crossings will be reinstated to match the existing shoulder and berm. 5. The private accessways will be constructed to comply with TRAN-Table 9. 6. The vehicle crossings and accesses will comply with TRAN-S2 and S3.
TRAN-R3 – R10	N/A	Not proposed.
Overall Status	Discretionary	

APPENDIX 5

NZTA APPROVAL LETTER

NZ Transport Agency Waka Kotahi Reference: Application-2024-0406

8 January 2025

Don Muir
C/- Thomas Keogh
Reyburn & Bryant

Sent via Email: thomas@reyburnandbryant.co.nz

Dear Thomas,

PROPOSED SEVEN-LOT SUBDIVISION– 37 PARAPARA ROAD, TAIPA, NORTHLAND – DON MUIR

Thank you for your request for written approval from NZ Transport Agency Waka Kotahi (NZTA) 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:

A proposed seven-lot subdivision at 37 Parapara Road, Taipa (Lot 1 DP 606688). The proposal will result in the following lots:

- Lot 1: 4.1290ha and will be utilised for rural-residential purposes.
- Lot 2: 4.0380ha and will be utilised for rural-residential purposes.
- Lot 3: 4.0930ha and will be utilised for rural-residential purposes.
- Lot 4: 4.3120ha and will be utilised for rural-residential purposes.
- Lot 5: 4.0360ha and will be utilised for rural-residential purposes.
- Lot 6: 46.5575ha and will be utilised as a productive rural block.
- Lot 7: 20.0945ha and will be utilised as a productive rural block.

Limited Access Road (LAR)

Your client's site adjoins State Highway 10 which is identified as a limited access road. Per Section 91 of the Government Roading Powers Act 1989, to access their site your client requires a crossing place authorised by NZTA. In this instance Lot 1 DP 606688 gains access to Parapara Road and State Highway 10. The subject site has three existing crossing places: CP 18, CP 19 and CP 20. It is noted that CP 19 and CP 20 are currently partially formed and utilised as farm crossings; as part of the proposed subdivision, CP 19 and 20 shall be retained for the purpose of maintaining farm access for proposed Lot 6. NZTA understand that vehicle movements at CP 19 and 20 are not anticipated to change or increase because of the proposed subdivision. CP 18 currently serves the existing farm use of Lot 1 DP 606688. As part of the proposed subdivision, CP 18 is anticipated to serve proposed Lot 7. Vehicle movements at CP 18 are anticipated to increase as a result of the subdivision and any subsequent residential use of proposed Lot 7. NZTA consider that CP 18 shall be upgraded in accordance with a Diagram C standard as per the Planning Policy Manual 2007. See Condition 1 for further information.

Assessment

In assessing the proposed activity, NZTA notes the following:

- The site has frontage to State Highway 10 and is currently utilised for rural-residential use. Our primary concern is to ensure that State Highway 10, within the vicinity of the proposal, operates in an integrated, safe, and efficient manner.
- As addressed previously, the subject site has access to CP 18, CP 19 and CP 20. As part of the proposal, Lots 1-5 will gain access to Parapara Road via individual vehicle crossings; there will be no shared access arrangements for these proposed lots.
- NZTA understand that the applicant is not wanting to construct the proposed vehicle crossings as part of this subdivision. As a result, NZTA understand that a consent notice shall be imposed by the Far North District Council requiring that all vehicle accesses onto Parapara Road will need to be constructed to the relevant Far North District Council requirements.
- As noted, Proposed Lot 6 will retain access to CP 19 and CP 20 as farm access for the existing farm use.
- Vehicle movements at CP 19 and 20 are only associated with the existing farm use and therefore are noted to be relatively sporadic vehicle movements. Vehicle movements at this crossing place are not anticipated to change or increase and are not anticipated to be utilised for residential purposes as a result of the proposed subdivision.
- NZTA understand that any future dwelling on proposed Lot 6 will gain access via Parapara Road. In addition to this, any future dwelling on proposed Lot 6 will be located a minimum of 71m from the edge of the state highway carriage.
- Proposed Lot 7 is proposed to gain access via an existing access at CP 18. Vehicle movements at CP 18 are currently associated with the existing rural use of the subject site.
- Vehicle movements at CP 18 are anticipated to increase as a result of any future dwelling on proposed Lot 7.
- NZTA understand that vehicle movements at CP 18 are anticipated to be less than 30 light vehicle movements per day, and therefore, CP 18 is required to be upgraded.
- NZTA consider that the CP 18 shall be upgraded in accordance with a Diagram C standard as per the Planning Policy Manual (2007). A 9m radii shall be provided at each side of the crossing, as well as traversable headwalls at each end of the culvert. The access shall also be sealed to the boundary.
- It has been assessed that due to the traffic volumes, and speed of the state highway network, any proposed dwellings within 100m of the state highway may have human health implications on occupants due to the level of noise from the highway. To ensure those residing in any future dwellings are not adversely impact by noise, NZTA consider that a consent notice be registered on Lot 1, Lot 6 and Lot 7 that requires any dwellings within 100m of the edge of the carriageway to be designed, constructed, and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr).
- Subject to the below conditions, NZTA consider that the proposal will not adversely impact the safety and efficiency of the state highway network.

Conditions

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

1. CP 18 shall be upgraded in accordance with New Zealand Transport Agency Diagram C standard as outlined in the Planning Policy Manual (2007), with a 9m radii at each side of the crossing, and traversable headwalls installed at each end of the culvert. The access shall be sealed to the boundary and to the satisfaction of the New Zealand Transport Agency Network Manager.
2. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the title of proposed Lot 1, 6 and 7 of the subdivision of land shown on Scheme Plan S18226 (Attachment One) that

addresses potential reverse sensitivity effects resulting from the normal operation of State Highway 10. This consent notice shall read as follows:

- (a) Any noise sensitive activities on the site that are in or partly within 100m of the sealed edge of State Highway 1 carriageway must be designed, constructed and maintained to achieve.
 - An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
3. 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 similar documentation (such as: draft LT (Land Transfer) plan, ML plan (for Māori Land), 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 via www.submitica.com 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 property has 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 the Environmental Planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely,

Tayla Cowper

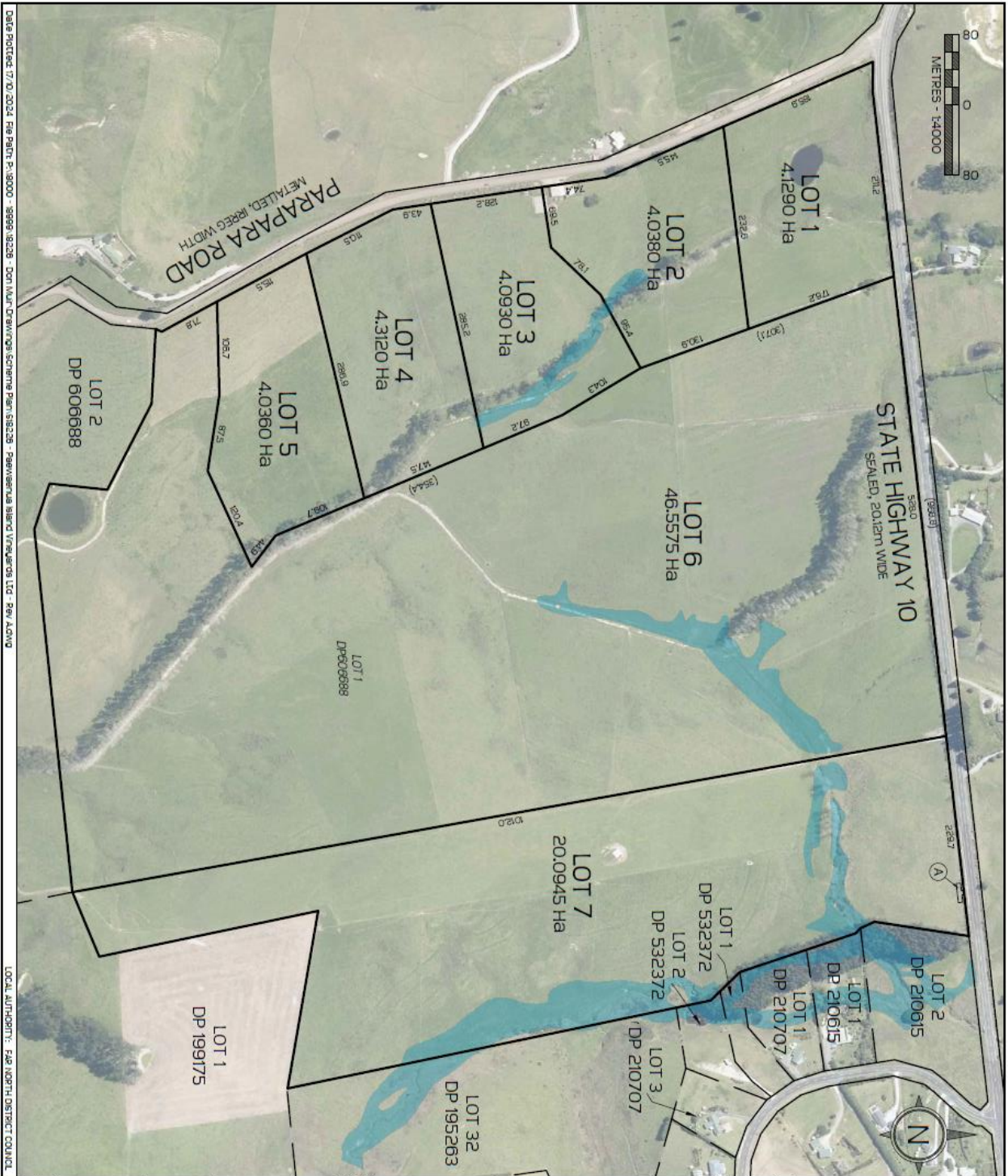
Intermediate Planner

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

Enclosed:

- Attachment 1: Proposed Scheme Plan
- Attachment 2: Diagram C
- Attachment 3: Crossing Places

Attachment One: Scheme Plan



CAUTION:

1. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
2. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
3. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
4. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
5. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
6. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
7. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
8. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
9. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.
10. THE GRANTEE SHOULD NOT BE AWARED MANUALLY.

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED	GRANTEE / CREATED
RIGHT TO CONVEY ELECTRICITY	A	LOT 7	TOP ENERGY LIMITED #12388882.2

■ NBC FLOODING

TOTAL AREA: 87,2800 Ha
 COMPRISED IN: PT 1195588 (ALL)
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE TAKEN FROM STATE HIGHWAY TO ROAD BOUNDARIES, WITH THE EXCEPTED FROM THE ROAD BOUNDARIES.

REP. DATE	REP. NAME	REP. TITLE	DESCRIPTION
A	15/10/24	REP. NAME	DESCRIPTION

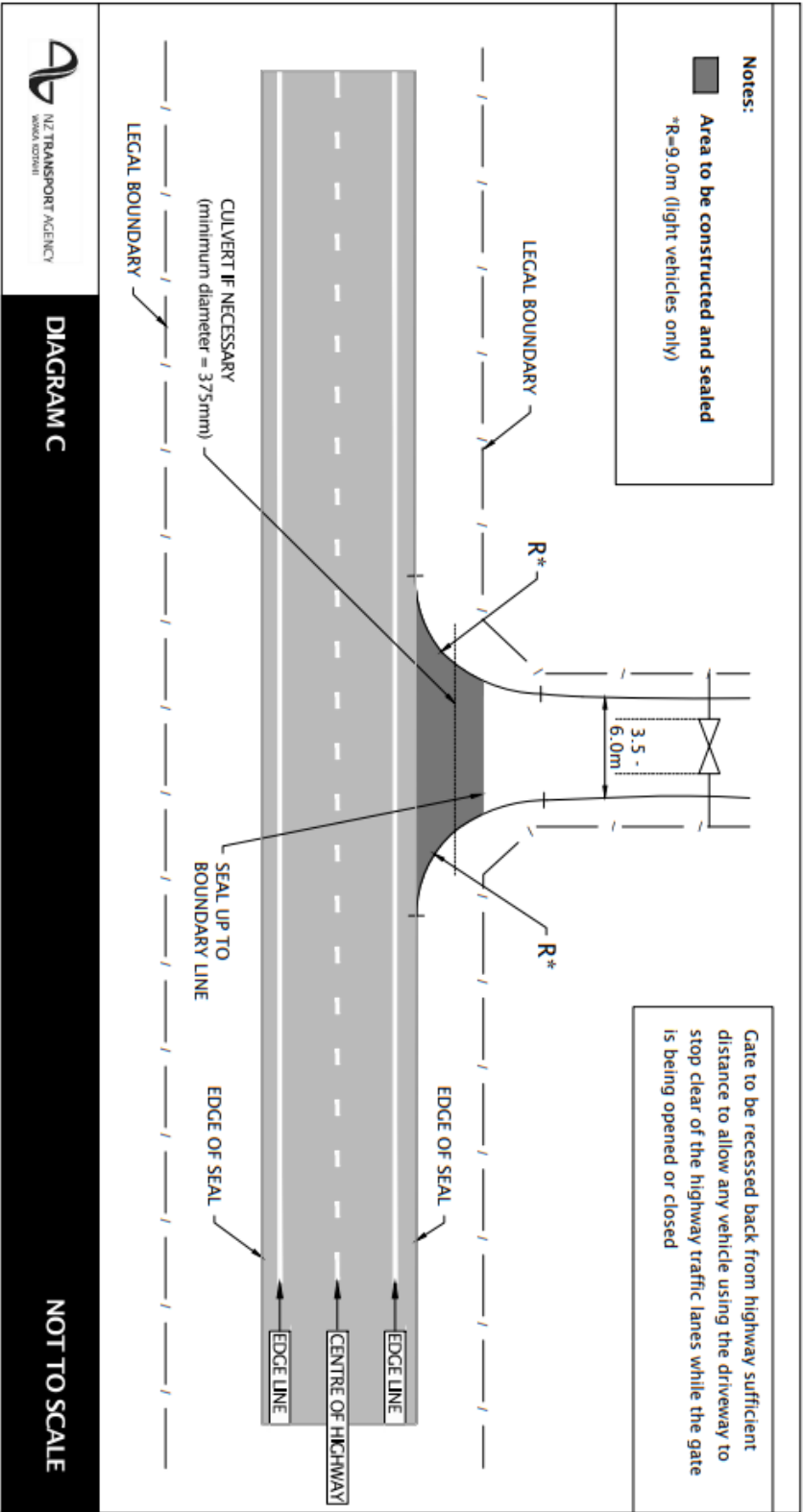
reylbourn & bryant
 Ph: 09 438 5563
 7 Selwyn Ave, Whangarei
 www.reylbournandbryant.co.nz
 PO Box 191, Whangarei 0146

CLIENT:
 PAEWAENUA ISLAND VINEYARDS LTD
 37 PARAPARA ROAD,
 TAIPA

TITLE:
 PROPOSED SUBDIVISION OF
 LOT 1 DP 606688

DATE: OCTOBER 2024 | SCALE: 1:4000 OAS
 DRAWING NO: S18226 | SHEET: 1/1 | REV: A

Date printed: 17/10/2024 File Path: P:\18000 - 18999-18226 - Don Muir Drawings Scheme Plans\18226 - Paewaru Island Vineyards Ltd - Rev A.dwg
 LOCAL AUTHORITY: EAG NORTH DISTRICT COUNCIL



Attachment Three: Crossing Places

