

DONALDSONS

REGISTERED LAND SURVEYORS

8561

5 February 2025

Planning Division

Far North District Council
Private Bag 752
Kaikohe

Dear Sir/Madam

PROPOSED SUBDIVISION

COOK FAMILY TRUSTEE LTD, 562 WAIMATE NORTH ROAD, KERIKERI

We submit herewith a Resource Consent application together with the following:

- Application form & deposit \$2967
- Planning report
- Scheme plan
- Record of Title
- Top Energy Ltd comments
- Stormwater Assessment

Yours faithfully,

Micah Donaldson
MNZIS - Assoc.NZPI

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners



CSNZ THE CONSULTING
SURVEYORS
OF NEW ZEALAND
A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS

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:

Michael Cook

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:

Donaldsons Surveyors

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:

Cook Family Trustee Ltd

**Property Address/
Location:**

562 Waimate North Road

Kerikeri

Postcode

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

9. Description of the Proposal:

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

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)

Donaldsons Surveyors Ltd

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)

Micah Donaldson

Signature:

(signature of bill payer)

Date 05-Feb-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)

Micah Donaldson

Signature:

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

Date 05-Feb-2025

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.

PLANNING REPORT

PROPOSED SUBDIVISION

*COOK FAMILY TRUSTEE LTD, 562 WAIMATE NORTH ROAD,
KERIKERI*

DATE: 5 FEBRUARY 2025

REFERENCE: 8561



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INTRODUCTION

The applicant Cook Family Trustee Ltd seeks resource consent to subdivide their property located at 562 Waimate North Road, Kerikeri.

Proposed sites

Lot 1 = 1.02ha

Lot 2 = 13.35ha

The property is located in the Rural Production zone and the application is presented under the operative district plan as a non-complying activity that closely aligns with the restricted discretionary activity rule, compromised only by the title date, which was caused only as a consequence of a former boundary adjustment. The proposal is not affected by the operative rules of the proposed district plan.

SITE DESCRIPTION

The property is accessible at 562 Waimate North Road, approximately 10km west of Kerikeri.

Estate	Title	Appellation	Area	Owner
Fee Simple	RT 618007	Lot 1 DP 464878 Lot 2 DP 409906 Rangaunu 8B Blk	14.3740 ha	Cook Family Trustee Ltd

The site is predominantly covered in mature bush with some grassed paddocks used for stock grazing by the wider farm holding also owned by the Cook Family.

There is an existing dwelling on proposed Lot 1 accessible via the well-formed metalled access formation that extends approximately 1.2km to Waimate North Road. This same formation provides for the balance farm, in particular the shed located on proposed Lot 2.

The soil type is Aponga clay (AP) is defined as imperfectly to poorly drained. The soil capability is recorded as 6s5, which is not representative of versatile soil quality.

Apart from the immediate land surrounding the existing dwelling on Lot 1 and shed on Lot 2 the site is predominately covered in mature bush.

RESOURCE MANAGEMENT ACT 1991

The subdivision of land falls under the Resource Management Act 1991 and is required to demonstrate compliance with provisions applicable to the activity and its status under the District Plan.

SCHEDULE 4

An application for Resource Consent for an activity must include the following, outlining aspects of relevance to the proposed activity and zone expectations:

ASSESSMENT OF THE ACTIVITY AGAINST THE MATTERS UNDER PART 2 RMA

Part 2 Purpose and Principles

Purpose

(1)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The application seeks to demonstrate that the proposed subdivision will enable the sustainable use of the land through diversification, while also providing definitive protection for significant bush habitat.

The design of the proposal is intended to sustain natural resources and meet the needs of future generations, while also supporting land utilisation for rural housing.

The application site has long been removed from its natural state and has been part of the broader farm block for many years.

The subdivision will effectively separate two existing environments, with the current dwelling operating independently from the adjacent farm and implement shed. As such, the effects arising from the proposal are largely consistent with existing conditions.

Matters of national importance

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

The property itself is able to carry out the subdivision without any direct disturbance of wetlands, lakes or rivers. The impact on the coast is nil.

All significant vegetation becomes formerly protected within covenanted area 'X'.

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

There are no known outstanding natural features or landscapes on the site, as defined in the district plan.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

Covenant 'X' will protect the only known significant habitat.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Not applicable.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

The proposed bush protection upholds this requirement.
The proposal has no adverse impacts on culture or traditions.

The applicant has demonstrated a way to achieve a positive outcome with bush protection, which aligns with the principles of Kaitiakitanga.

There is absolutely no vegetation clearance or earthworks.

There is no influence on Fisheries.

The proposal is considered sufficiently in keeping with the Rural Production zone intent with both lots being larger than the standard minimum allowed (4000m²).

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

There are no known historic heritage sites.

(g) the protection of protected customary rights.

There are no known customary rights to consider.

Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The subdivision aims not only to protect and manage vulnerable environmental components for the benefit of future generations but also to enhance amenity values. By supporting diversified land use and expanding lifestyle living opportunities, smaller allotments empower landowners to take on a more effective and manageable stewardship role.

Treaty of Waitangi

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

The proposal is not considered to contradict the Treaty of Waitangi's interpretations.

ASSESSMENT OF THE ACTIVITY AGAINST SECTION 104(1)(B)

Section 104(1)(b)
any relevant provisions of—

- (i) a national environmental standard:*
- (ii) other regulations:*
- (iii) a national policy statement:*
- (iv) a New Zealand coastal policy statement:*
- (v) a regional policy statement or proposed regional policy statement:*
- (vi) a plan or proposed plan;*

Under various headings, the application covers all relevant provisions including, the Far North District Plan, National Policy Statement, National Environmental Standards, and Regional Policy Statements. There are no other relevant provisions. These are discussed under their respective headings.

An application must also include an assessment of the activity's effects on the environment that -

- (a) includes the information required by clause 6*
- (b) address the matters specified in clause 7; and*
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

CLAUSE 6

(1) An assessment of the activity's effects on the environment must include the following information:

(a) *if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposal is not considered to result in any 'significant' adverse effects to require reconsideration of location or methods of subdividing, being well connected to legal road and fundamental services (electricity and telecommunications).

The proposed lots are configured to maximise existing services and infrastructure, and their creation supports and contributes on an ongoing basis to the social and economic wellbeing of the community through promoting greater housing opportunities, particularly for those working in the rural sector.

(b) *an assessment of the actual or potential effects on the environment of the activity.*

The current title has various development opportunities that could see considerable change to the immediate landscape without need for resource consent, defining the 'permitted baseline.'

The potential effects therefore need to be considered alongside the district plans permitted activity threshold, and there is no significant change occurring because of subdividing.

Points of merit include the applicant's contribution to increasing rural lifestyle opportunities which in turn adds further economic stimulus to the community through ongoing expenditure. Additionally, the proposed bush protection measures define positive outcomes.

The level of effects are considered adequately understood and deemed less than minor whilst promoting a positive environmental outcome.

(c) *if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.*

Not applicable.

(d) *if the activity includes the discharge of any contaminants, a description of -*
(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
and
(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

No concerns.

(e) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:*

No concerns the subdivision does not introduce any effects to require management other than those outlined under existing and proposed consent notices relating to site management requirements; firefighting, onsite effluent, bush protection and geotechnical matters.

(f) *identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:*

Any adverse effects on the environment remain less than minor and given the proposal is generally compliant with the restricted discretionary provisions of the operative district plan, there is no need for consultation.

(g) *if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:*

No monitoring required

(h) *if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

No concern the subdivision outcome would result in 1 additional dwelling presenting a proportional level of effects possible under land use activity and other planning avenues.

(2) *A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.*

This is covered under the heading 'Northland Regional Policy Statement' following.

CLAUSE 7

7 Matters that must be addressed by assessment of environmental effects

(1) *An assessment of an activity's effects on the environment must address the following matters:*

(a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

The subject environment has evident rural lifestyle activity to which the subdivision promotes.

Considerable positive effects arise through greater diversity of lifestyle lots on the residential market, and achieves improved protection of habitat through vegetation protection.

(b) any physical effects on the locality, including any landscape, and visual effects.

The vicinity forms a well occupied rural setting with many lifestyle blocks now setting a definite precedent. The locality is considered suitable to absorb further effects of development in accordance with the evident development trends. The proposal defines gradual rural expansion, and not seen to deplete the environment or cause adverse cumulative effects, particularly given lifestyle development is now the preferred option on land that is less productive due to poor soil quality.

The reverse sensitivity effects are considered low impact and manageable by future landowners onsite, by way of landscaping and planting.

(c) Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.

There is no physical damage to ecosystems, instead the goal is to promote protection. The subdivision does not result in any habitat disturbance.

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:

No concern.
The property has no recorded archaeological sites (Archsite NZ) or listed sites of cultural significance under the district plan.

(e) any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

No concerns.
The proposal does not introduce any contaminants of concern.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

No known concerns.

In summary, the proposal supports both community and landowner economic well-being by diversifying land use and expanding rural housing opportunities for independent ownership. Importantly, this is achieved without causing significant adverse effects, aligning with the purpose and principles of the Resource Management Act 1991.

CONSULTATION

95E Consent authority decides if person is affected person

(2)

The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—
(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect;

The subdivision aligns closely with a restricted discretionary activity, ensuring that any effects remain consistent with those anticipated under alternative land uses. As it does not introduce out-of-character effects or exceed expected impact levels, consultation is not considered necessary for decision-making under Section 95 of the Resource Management Act 1991.

NORTHLAND REGIONAL POLICY STATEMENT

The Northland Regional Policy Statement presents development guidelines for the northland region.

PART 3: OBJECTIVES

3.4 Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

There is no immediate risk to or adverse impact on ecosystems. The applicant has offered to better protect areas of significant ecology.

3.5 Enabling economic wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Lifestyle allotments contribute to the community providing much needed housing opportunities.

6.1.1 Policy - Regional and district plans

Regional and district plans shall:

- (a) Only contain regulation if it is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;*
- (b) Be as consistent as possible;*
- (c) Be as simple as possible;*
- (d) Use or support good management practices;*
- (e) Minimise compliance costs and enable audited self-management where it is efficient and effective;*
- (f) Enable subdivision, use and development that accords with the Regional Policy Statement; and*
- (g) Focus on effects and where suitable use performance standards.*

The land is recorded as having poor soil qualities and predominately covered in mature bush making production use limited at best. An alternative use of the site is preferable on this basis local authority is required to initiate a supportive role utilising processes in place to be as 'simple as possible.'

REGIONAL DEVELOPMENT AND DESIGN GUIDELINES

Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

(a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;

5.1.1 Policy – Planned and coordinated development

Part A) Regional form and development guidelines

New subdivision, use and development should:

(a) Demonstrate access to a secure supply of water;

Lifestyle blocks utilise roof surface collection and storage in water tanks for potable supplies. These are generally a reliable source of water that meet the guideline intent.

(b) Demonstrate presence or capacity or feasibility for effective wastewater treatment;

On site effluent disposal presents no concern with 100% backup readily available.

(c) If of an urban or residential nature connect well with existing development and make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield (undeveloped) areas;

Not applicable.

(d) If of an urban or residential nature provide, where possible, opportunities to access a range of transport modes;

Not applicable.

(e) If of a community-scale, encourage flexible, affordable and adaptable social infrastructure that is well located and accessible in relation to residential development, public transport services and other development;

Not applicable.

(f) Recognise the importance of and provide for parks, in regards to medium and large-scale residential and residential / mixed use development.

Not applicable.

(g) If of a residential nature be, wherever possible, located close to or sited in a manner that is accessible to a broad range of social infrastructure;

Not applicable.

(h) Be directed away from regionally significant mineral resources and setback from their access routes to avoid reverse sensitivity effects;

There are no known nearby regionally significant mineral resources.

(i) Be designed, located and sited to avoid adverse effects on energy transmission corridors and consented or designated renewable energy generation sites (refer to 'Regional form and infrastructure' for more details and guidance);

There are no subject energy transmission corridors, or renewable energy sites. Top Energy Ltd has no concerns.

(j) Be designed, located and cited to avoid significant adverse effects on transportation corridors and consented or designated transport corridors;

No concerns.

(k) Be directed away from 10-year and 100-year flood areas and high-risk coastal hazard areas (refer to 'Natural hazards' for more details and guidance);

There are no severe flooding concerns within the site or any applicable high-risk coastal hazards.

(l) Seek to maintain or improve outstanding landscape and natural character values and provide for the protection of significant historic and cultural heritage from inappropriate subdivision, use and development (refer to 'Land, Water and Common Resources' for more details and guidance);

The proposal has no impact on listed outstanding landscapes, natural character, historic or aspects of known cultural significance.

(m) Protect significant ecological areas and species, and where possible enhance indigenous biological diversity (refer to 'Maintaining and enhancing indigenous ecosystems and species' for more details and guidance);

Protection measures are proposed and are already fenced.

(n) Maintain and improve public access to and along the coastal marine area, lakes and rivers;

Not applicable.

(o) Avoid or mitigate adverse effects on natural hydrological characteristics and processes (including aquifer recharge), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;

No concern.

(p) Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater storage and grey water recycling techniques;

Typically, rural lifestyle lots provide sufficient land to lead a partially or fully sustainable lifestyle.

Both lots are open to the north for good solar gain.

(q) Be designed to allow adaptation to the projected effects;

The effects of lifestyle sites are low impact and can often see vast improvements through personal acts of landscaping, weed and pest control. This is evident on surrounding lifestyle lots in this vicinity.

(r) Consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to the site of development;

Tangata whenua are protective of ecosystems and waterway, however the proposal does not result in adverse effects to cause any concerns in that regard.

(s) Encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods);

No concerns.

(t) Take into account adopted regional / sub-regional growth strategies;

No concern.

(u) Where appropriate, encourage housing choice and business opportunities, particularly within urban areas.

Lifestyle allotments provide a place of residence and for work and home style business activity proving an important component of the rural community, particularly where lifestyle lots can be created without degradation to versatile soils.

(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature:

Not applicable.

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

Rural lifestyle lots in a rural environment are not seen to present cumulative adversity, as they provide diversity in their ability to undertake a semi or even fully sustainable lifestyle.

(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;

The lots are designed with consideration to these components.

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

No concerns.

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and

The subdivision does not materially reduce the lands potential for soil based primary production for reason the land does not exhibit versatile soil or have available pasture to achieve economic viability.

(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.

The proposal will not alter the established sense of place, as the area already blends rural and lifestyle activities. The current zoning allows for land use that could result in a similar density of development as the proposed subdivision.

The open, rural character of the area is reinforced by large parcels of land that are unsuitable for development or agricultural production and as proposed subject to protection. Additionally, there is a clear demand for lifestyle lots, driven by the shortage of smaller rural properties. This gap in supply is particularly significant for those working on nearby rural production farms who require access to smaller, more manageable, low cost land parcels.

In this context, the subdivision would not only maintain but enhance the sense of place and character of the surrounding environment, supporting both the existing land use patterns and the demand for more diverse rural property options.

(h) Is or will be serviced by necessary infrastructure.

The sites are adequately served by necessary infrastructure.

In summary of the RPS we find adequate correlation with its intent for development to undertake a sustainable approach whilst securing long term benefits for future generations by way of protecting natural habitat and avoiding versatile soils.

NATIONAL POLICY STATEMENT

FOR FRESHWATER MANAGEMENT 2020

Part 1

1.3 Fundamental concept - Te Mana o te Wai

(1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Objectives and Policies

2.1

The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that priorities:

- (a) first, the health and wellbeing of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.*

2.2

Policy 3

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4

Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 6

There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration promoted.

Policy 9

The habitats of indigenous freshwater species are protected.

3.5 Integrated management

(1) Adopting an integrated approach ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to lagoons, estuaries and to the sea.*
 - (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments.*
 - (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effect on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*
 - (d) Encourage the co-ordination and sequencing of regional or urban growth.*
-

The National Policy Statement provides strong incentives for development to *avoid* actual or potential effects that could compromise wetlands or the natural components associated with waterways. As a result, subdivision designs and land use activities must carefully account for these environmental factors. This site’s poor soil quality translates to limited absorption capacity, leading to increased stormwater runoff at a rate comparable to that of an impermeable surface. However, in this particular case, all impermeable surfaces exist, and there are no known wetlands present.

The proposed bush protection covenant encompasses a significant area of native vegetation, directly contributing to improved water quality and aligning with the broader objectives of freshwater management. By preserving this natural buffer, the covenant supports filtration, reduces runoff impacts, and enhances ecological integrity.

NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards for assessing and managing contaminants in soil to protect human health 2011, is not considered applicable to the subject land to warrant a Preliminary site Investigation Report for potential soil contamination. The farming activity that would continue to occur on proposed Lot 2 is defined by the regulation as “exempt”.

OPERATIVE DISTRICT PLAN

The property is located in the Rural Production zone and is not affected by any Resource Overlays under the Far North Operative District Plan.

Under Chapter 13 TABLE 13.7.2.1: MINIMUM LOT SIZES the proposal is configured as a standard discretionary activity with proposed Lot 2 over 4000m² and the balance area over 4.0ha.

TABLE 13.7.2.1: MINIMUM LOT SIZES	Restricted Discretionary
<i>Rural Production</i>	<i>3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</i>

Both proposed lots uphold the minimum area requirement, however the title date has been compromised during a boundary adjustment activity that occurred on DP 464878 in 2014. The area of Lot 2 DP 464878 (1.6ha) was transferred to Whakataha 1A3 Block on RT 618008. No other subdivision activities have occurred.

The proposal is therefore presented as a non-complying activity.

ALLOTMENT DIMENSIONS

(Buildable Area)

Zone	Minimum Dimension
Rural Production	30m x 30m

All proposed lots are able to uphold the 30m x 30m allotment shape parameter in accordance with 10-metre setbacks from boundaries.

Assessment

Allotment Sizes and Dimensions

The allotment sizes have appropriate dimensions capable of providing for the main necessities; building, parking, outdoor areas disposal of effluent and control of stormwater compliant with permitted activity standards.

Hazards

There are no known natural hazards, and lower catchment flooding does not affect the application site.

Geotechnical investigation is proposed for at the building consent stage. This can be included in the consent notice provisions.

Lot 1 is not known for any HAIL activities to trigger the NES 2011 and Lot 2 is exempt as an activite production parcel.

Water Supply

Potable supplies on Lots 1 & 2 would be through use of onsite roof surface collection and storage in water tanks.

Firefighting water supply requirements should be included as a consent notice on Lot 2.

Stormwater

Lot 1 is at the permitted 15% site impermeable surface cover allowance.

Lot 2 is well below the permitted allowance.

A stormwater assessment has been included to assess the effects associated with Lot 1, concluding that the stormwater is well managed without needing additional intervention. The impacts are considered less than minor.

(a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).

The lots are able to discharge stormwater from a 10% AEP event to the gully without cause to any adverse effects on neighbouring properties or compromise to the receiving waterways. The lower gully catchment is heavily vegetated reducing the rate of stormwater runoff in general whilst stabilising the flowpath, adequate to achieve effective management of stormwater.

(b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.

Not applicable.

(c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.

As described in the stormwater assessment the existing feature pond and natural vegetated gullies encourage soakage.

(d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.

Stormwater assessment attached.

(e) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual" Auckland Regional Council (2003).

Flowrate controls are not required.

Sewage

Wastewater disposal exists on Lot 1 and Lot 2 has ample area for similar discharge practice.

Energy Supplies & Telecommunications

Comments from Top Energy are attached. Electricity requirements are nil.

For telecommunications Chorus NZ is not interested in developments where there are no new leads-ins and on that basis were not consulted.

It is suggested that council include a consent notice that states provision for electricity and telecommunications were not a requirement of the consent for Lot 2.

Easements & Covenants

Easements

There are three proposed easements shown 'A, B & F' on the scheme plan.

There is an existing appurtenant easement providing Right of Way and Right to convey services over adjoining Lot 3 DP 467790 that extends out to Waimate North Road (1.2km).

Additionally, there is a Gross easement in favour of Top Energy for Rights to convey electricity that would provide for Lots 1 & 2.

There is an existing consent notice (CONO 9722610.5) registered on the title that requires before the land is sold, an access must be constructed over the land to service adjoining Lot 2 DP 464878 (RT 618008). This consent notice can carry forward onto proposed Lot 2. It does not affect the area of proposed Lot 1 and therefore does not require any partial cancellation.

Proposed Land Covenants Section 221 RMA

The covenants to be recreated include the following:

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

LOT 2

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

LOT 2

- () *The lot owner shall preserve the living indigenous vegetation within the area identified on the title plan DP _____ as area 'X', and shall not without the prior written consent of the council, and in strict compliance with any conditions, cut down, damage or destroy that vegetation. Such consent shall be a resource consent. The lot owner shall exclude stock from entering the area. The owner shall not be in*

breach of this prohibition if any vegetation dies from natural causes.

LOT 2

- (v) All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.

LOT 2

Amalgamation Conditions

There are no proposed amalgamation conditions.

There is one amalgamation cancellation pursuant to Section 241(3) RMA
That Lot 1 DP 464878 be held with Rangaunu 8B block and Lot 2 DP 409906, and that one CFR be issued in accordance therewith. (Ref: 1078647)

Property Access

TRANSPORTATION

15.1 TRAFFIC, PARKING AND ACCESS

15.1.6A.2 PERMITTED ACTIVITIES

15.1.6A.2.1 TRAFFIC INTENSITY

This rule only applies when establishing a new activity or changing an activity on a site.

The Traffic Intensity Factor for a site in this zone is 60 daily one way movements. The Traffic Intensity Factor shall be determined by reference to Appendix 3A in Part 4.

This rule only applies when establishing a new activity on a site. It does not apply to existing activities, however, the Traffic Intensity Factor for the existing uses (apart from those exempted below) on site need to be taken into account when assessing new activities in order to address cumulative effects.

Exemptions: The first residential unit on a site, farming, forestry and construction traffic (associated with the establishment of an activity) are exempt from this rule.

Traffic occurs from single residential units and farming based use, and therefore would be exempt.

15.1.6B PARKING

15.1.6B.1 PERMITTED ACTIVITIES

15.1.6B.1.1 ON-SITE CAR PARKING SPACES

Where:

- (i) an activity establishes; or*
- (ii) the nature of an activity changes; or*
- (ii) buildings are altered to increase the number of persons provided for on the site;*

A rural lot intended for a single residential unit (dwelling) requires 2 parks, and this is achievable on the lots having adequate tracking curves and manoeuvring areas without concern.

15.1.6B.1.2 - 15.1.6B.1.4 (being access onto Williams Road, Kerikeri Road & Accessible car parks)
Not applicable.

15.1.6B.1.5 CAR PARKING SPACE STANDARDS

All lots are able to create onsite carparks and achieve safe manoeuvring compliant with dimension standards of Appendix 3D.

15.1.6B.1.6 LOADING SPACES

Not applicable.

15.1.6C ACCESS

15.1.6C.1 PERMITTED ACTIVITIES

15.1.6C.1.1 Private accessways in all zones

(a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan.

Appendix 3B-1

Standards for private access

Lots 1 and 2 have well-formed driveways constructed 3m wide in gravel.

There are no grades over 1:4, and stormwater controls exist.

The entrance onto Waimate North Road is in good condition and provides good sight visibility.



Appendix 3B-2

Standards for Roads to vest.

Not applicable.

Appendix 3C

Parking spaces required.

As described both lots can readily comply.

Appendix 3D

Manoeuvring and parking space dimensions

(90° regular user = width 2.5m (total depth one row 11.6m)

No concern.

Appendix 3E

Tracking curves are compliant.

15.1.6C.1.1

(a)

The access complies with Appendix 3B1.

(b)

Applicable only to urban & commercial zones.

(c)

A private accessway may serve a maximum of 8 household equivalents.

The access is shared for 1.2 km over Lot 3 DP 467790 and currently serves more than eight household equivalents. The proposed subdivision separates two established living environments—the existing dwelling and the farm activity—without increasing household equivalents or materially altering site usage.

While the creation of an additional title technically allows for another dwelling and associated traffic movements, the applicant has no intention of constructing a dwelling on Lot 2. The site will continue to be used solely for farming purposes, ensuring that traffic movements remain unchanged from the current situation. Given this, the applicant seeks a dispensation from the rule, as the intent of the standard—to prevent excessive traffic load on shared access—remains effectively upheld.

The provided image clearly demonstrates that the existing access is a well-maintained, double-width metalled formation with ample width and visibility, ensuring safe and practical access for all users, including Lots 1 and 2. The straight alignment, solid fencing, and open sightlines indicate that the road is structurally sound and fully capable of accommodating existing and future use without modification. The rural setting and low traffic volumes further reinforce that additional strain on the access is negligible.

Accordingly, a strict application of the rule in this instance would impose an unnecessary burden without any corresponding benefit. The image serves as clear evidence that the existing access meets practical and safety requirements, justifying a dispensation as both reasonable and appropriate.



(d) Where a subdivision serves 9 or more sites, access shall be by public road.

As outlined above, the proposed subdivision does not physically generate additional traffic, and a dispensation is sought to avoid the unnecessary vesting of a public road, consistent with the current situation.

Requiring vesting in this instance would place an undue burden on the Council without delivering any practical benefit. The existing access functions effectively for all users, and its maintenance remains appropriately managed without public ownership. Furthermore, given the evident challenges Council faces in maintaining its current road network—demonstrated by the deteriorating condition of existing vested roads—adding another road to its portfolio would only exacerbate these issues without justification.

Accordingly, allowing the access to remain in private ownership is the most logical and efficient outcome, ensuring continued functionality while avoiding unnecessary administrative and financial strain on Council resources.

(e) Access shall not be permitted:

(i) onto a State Highway or a Limited Access Road;

Not applicable.

(ii) onto an arterial or collector road within 90m of its intersection with an arterial road or a collector road;

Not applicable.

(iii) onto an arterial or collector road within 30m of its intersection with a local road;

Not applicable.

(iv) onto a local road within 30m of its intersection with an arterial or collector road;

Not applicable.

(v) onto Kerikeri Road (both sides of the road along the portion between Maraenui Drive and Cannon Drive). This rule does not apply to sites with lawfully established access points (as at 6 September 2001) onto Kerikeri Road.

Not applicable.

(vi) onto Kerikeri Inlet Road from Lot 1 DP 404507 or Lot 1 DP 181291 (and any sites created as result of a subdivision of these lots), except from a single vehicle crossing or intersection at least 30m from the adjoining boundary with Lot 2 DP 103531 and with at least 115m visibility in each direction.

Not applicable.

15.1.6C.1.2 Private Accessways in urban zones

Not applicable.

(b)

Commercial zones.

Not applicable.

(c) All private accessways in all urban zones which serve two or more activities are to be sealed or concreted

Not applicable.

15.1.6C.1.3 Passing bays on private accessways in all zones

No passing bays necessary.

15.1.6C.1.4 ACCESS OVER FOOTPATHS

Not applicable.

15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES

(a) Private access off roads in the rural and coastal zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 – Revised 2009).

Both lots have existing access and crossings without needing any upgrades.

15.1.6C.1.6 Vehicle Crossing Standards in Urban zones

Not applicable.

15.1.6C.1.7 General Access Standards

(a) Provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road.

The lots are able to safely manoeuvre vehicles onsite without having to reverse onto legal road.

(b) All bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle.

No concerns.

(c) Any access where legal width exceeds formation requirements shall have surplus areas (where legal width is wider than the formation) grassed.

Berms would be grassed.

(d) Runoff from impermeable surfaces shall, wherever practicable, be directed to grass swales and/or shall be managed in such a way as will reduce the volume and rate of stormwater runoff and contaminant loads.

As described in the stormwater assessment these measures are already adequately upheld.

15.1.6C.1.8 Frontage to existing roads

(a) Where any proposed subdivision has frontage to a road or roads that do not meet the legal road width standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), road widening shall be vested in the name of the Council.

Not applicable.

(b) Where any proposed subdivision has frontage to a road or roads that are not constructed to the standards specified by the Council in its "Engineering Standards and Guidelines" (June 2004 – Revised 2009), then the applicant shall complete the required improvements.

No concern.

(c) Where a site has more than one road frontage or frontage to a service lane or right-of-way (ROW) in addition to a road frontage, access to the site shall be in a place that:

(i) facilitates passing traffic, entering and exiting traffic, pedestrian traffic and the intended use of the site;

No concern.

(ii) is from the road or service lane or ROW that carries the lesser volume of traffic.

No concern.

(d) Where any proposed subdivision has frontage to a road on which the carriageway encroaches, or is close to the subject lot or lots, the encroachment or land shall vest in Council such that either the minimum berm width between the kerb or road edge and the boundary is 2m or the boundary is at least 6m from the centreline of the road whichever is the greater.

No concern.

15.1.6C.1.9 New Roads

Not applicable.

15.1.6C.1.10 Service lanes, cycle and pedestrian accessways

Not applicable.

15.1.6C.1.11 Road designations

Not applicable.

The proposal complies with all but one transportation standard, and a dispensation is justified. No additional traffic is introduced, and the existing access is safe, well-formed, and sufficient for all users. Vesting it as a public road would add unnecessary costs to Council without any benefit. Given these factors, the dispensation is reasonable and warrants Council support.

EFFECT OF EARTHWORKS AND UTILITIES

The subdivision does not require any earthworks.

Soil

The site's soil health and life-supporting capacity will be preserved. Both lots retain potential for private, sustainable use. However, the overall production capacity of the property is limited, as approximately 80% of the land consists of mature bush.

Access to water bodies

There are none to consider.

Land Use Incompatibility

The proposal is in keeping with the immediate environment not to require mitigation measures.

There are no other known land use incompatibles.

Proximity to Airports

No concern.

Natural Character of the coastal environment

The property does not have a coastal influence.

Energy Efficiency

The proposal is considered to adopt an acceptable level of energy efficiency with the lots orientated to the north achieving good solar gain.

NATURAL AND PHYSICAL RESOURCES

There are no obvious adverse impacts on any vulnerable natural and physical resources.

Earthworks and vegetation clearance is nil.

Department of Conservation were not considered affected parties as there is no impact on vulnerable vegetation.

OBJECTIVES (*Subdivision*)

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.

The proposal does not compromise the life-supporting capacities of air, water, or ecosystems. Its impacts should be assessed relative to the existing permitted baseline, and it is clear that the proposal does not introduce effects greater than those that might already occur through other planning avenues.

In addition, the current planning framework indicates that there is no significant environmental degradation necessitating further avoidance, remediation, or mitigation measures beyond those already proposed under Section 221 consent notice covenants.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

Lot 2 has been significantly modified over decades of farming. Its title permits a range of routine activities and is not considered to cause any form of alienation or contravene the intent of the Rural Production zone. Moreover, the property is not known to contain any scheduled heritage resources.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.

The proposal satisfies these requirements without concern.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

Although the subdivision is not innovative, it does promote sustainable management by providing significant bush protection and implementing land use management. This approach offers a superior outcome compared to alternative land use activities that would not require local authority involvement under permitted criteria.

Overall, the proposal meets the subdivision objectives, and the low environmental impact of the activity makes further policy considerations unnecessary.

In outline of the Rural Production zone Environmental Provisions the following provides emphasis on the zones capacity to support a variety of land use activities.

Rural Environment

8.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

8.6.2.1 A Rural Production Zone where a wide variety of activities take place in a manner that is consistent with the sustainable management of natural and physical resources.

8.6.2.2 A Rural Production Zone which enables the social, economic and cultural well-being of people and communities, and their health and safety, while safeguarding the life supporting capacity of the environment and avoiding, remedying or mitigating adverse effects on it.

The zone encourages a range of land use activities, particularly those that are sustainable for natural and physical resources. Designed to support the social, economic, and cultural wellbeing of communities, the rural zone facilitates uses that promote rural lifestyles. In this context, the applicants propose utilising an area of land with limited productive use for rural lifestyle purposes—a practice that is already in place. This approach results in a sustainable outcome without compromising the environment's life-supporting capacities.

8.6.3 OBJECTIVES

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

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.

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

8.6.4 POLICIES

8.6.4.1 That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated.

8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

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

The subdivision does not present any measurable adverse effects on significant natural values it proves quite the contrary being able to enforce protection or security from potential degradation of natural habitat, thus benefitting future generations.

PROPOSED DISTRICT PLAN

The property is zoned Rural Production under the provisions of the Proposed District Plan and is not influenced by any overlays.

The proposal does not employ any of the rules and standards relating to ecosystem protection, and the site is not influenced by any heritage overlays, therefore the proposed district plan has limited legal effect.

Overview

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities.

Rural land is an important resource as it underpins the social, economic and cultural well-being of the Far North District. The historic fragmentation of rural land has undermined the integrity of the rural environment and its ability to function for its intended purpose. It is important to protect this finite resource from inappropriate land use and subdivision to ensure it can be used for its primary purpose. In particular, primary production activities should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment.

Conversely, rural lifestyle development is not provided for in the Rural Production Zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity (as provided for in the subdivision chapter).

Council has a responsibility under the RMA and the Northland Regional Policy Statement to manage the rural land resource to provide for the economic, social and cultural well-being of people and communities, protect highly versatile soils, and avoid reverse sensitivity effects on primary production activities.

The context of the Rural Production Zone emphasises the need to protect the rural environment, particularly land with highly versatile soils, from further fragmentation. There is an inherent urgency to preserve natural habitats and prevent degradation, which is central to maintaining the integrity of rural production areas.

However, the zone is also recognized as dynamic, allowing for rural lifestyle lots, provided these align with the permanent protection of natural habitats. When land does not possess highly versatile soils, alternative uses should be considered to ensure the social and economic well-being of the community is supported, which aligns with the objectives of the proposed subdivision.

Reverse sensitivity effects are often manageable, and in this case, the site's poor soil quality limits its potential for high-production output. As a result, the likelihood of significant reverse sensitivity impacts, either onsite or in the surrounding area, is minimal.

Additionally, rural land must provide economic returns, and if agricultural or horticultural activities are not feasible, alternative land uses should be explored to maintain the viability of the land while supporting broader community goals.

Objectives

RPROZ-O1 *The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations*

The land is not classed as highly productive and its further fragmentation for lifestyle purposes would not compromise future generations. In fact the lands further subdivision for lifestyle purposes adds to rural housing opportunities, and the further protection of vulnerable ecology better serves a sustainable outcome that overall benefits future generations.

RPROZ-O2 *The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.*

There is no likely change to the production use given the poor soil quality.

RPROZ-O3 *Land use and subdivision in the Rural Production zone:*

a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;

No concern.

b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;

The immediate environment presents no unreasonable reverse sensitivity effects to suggest the need for mitigation.

c. does not compromise the use of land for farming activities, particularly on highly productive land;

The existing mix of lifestyle and rural production within the wider environment is testament that rural activities and lifestyle living are compatible under the right conditions. The subdivision expands on this theme without cause to incompatibility issues.

d. does not exacerbate any natural hazards;

Firefighting controls are proposed to better manage effects from fire hazards on Lot 2.

Building controls are proposed for future building activity on Lot 2 regarding geotechnical investigation.

e. is able to be serviced by on-site infrastructure.

Typical rural infrastructure and services are accessible to each lot.

RPROZ04 *The rural character and amenity associated with a rural working environment is maintained.*

The rural character and amenity of this environment is undoubtedly supportive of lifestyle-based activity, and the subdivision accordingly promotes this existing theme.

Policies

RPROZP5

Avoid land use that:

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

The proposal is considered to uphold (a – e).

RPROZP6

Avoid subdivision that:

- a. results in the loss of highly productive land for use by farming activities;*

The proposal does not result in the loss of highly productive land.

b. *fragments land into parcel sizes that are no longer able to support farming activities, taking into account:*

1. *the type of farming proposed; and*

More than two thirds of the affected land is not used for farming purposes, it defines natural bush habitat, and the area intended for lifestyle purposes, contributes too and serves an important role in promoting lifestyle living self-sufficiency, without any undue impact on the current farming capacity.

2. *whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.*

This is unlikely due to poor soil quality.

c. *provides for rural lifestyle living unless there is an environmental benefit.*

The proposal does support an environmental benefit.

SUBDIVISION

Objectives

SUB-O1 Subdivision results in the efficient use of land, which:

a. *achieves the objectives of each relevant zone, overlays and district wide provisions;*

The sites unique environment is considered to adequately uphold relevant zone objectives.

b. *contributes to the local character and sense of place;*

The character and sense of place is set, and the proposal is consistent with this theme.

c. *avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*

As described the rural character defines an absolute lifestyle base and the proposal is consistent with this theme, without introducing any reverse sensitivity effects.

d. *avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*

In this particular case, the rural environment does not align with highly productive land or any existing rural primary production use.

e. *does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and*

Mitigation of fire risk is proposed.

f. manages adverse effects on the environment.

The proposal offers management techniques through implementation of consent notice.

SUB-O2 Subdivision provides for the:

- a. Protection of highly productive land; and*
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.*

By utilising low-production land for lifestyle living, this approach directly supports the protection of more productive land by reducing the overall demand for rural lifestyle allotments. This helps to prevent the fragmentation of highly versatile soils and ensures that land with greater agricultural or horticultural potential remains available for primary production activities.

In conjunction with the proposed subdivision, the applicant is committed to protecting a substantial area of mature vegetation, exceeding 4.0 hectares. This contribution enhances the preservation of natural habitats and biodiversity, aligning with the objectives of the Rural Production zone to maintain environmental integrity while accommodating appropriate land use.

SUB-P3 Provide for subdivision where it results in allotments that:

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

The proposal is considered to accord with these preferred parameters.

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

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

The proposal is considered to accord with these preferred parameters.

SUB-R3 Subdivision of land to create a new allotment.

Activity status where compliance not achieved with CON-2:

Discretionary

Where:

DIS-1

- 1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved.

Activity status where compliance not achieved with DIS-1: Non-complying

SUB-S1 Minimum allotment sizes

Rural Production 40ha (Controlled) or 8ha (discretionary)

SUB-R6 Environmental benefit subdivision

Restricted Discretionary Activity

Table 1

Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 4ha - less than 10ha	1
Greater than 10ha - less than 20ha	2
Greater than 20ha	3

Total area of natural wetland to be legally protected on an individual Record of Title

Table 2

Total area of natural wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 0.5ha - less than 1ha	1
Greater than 1ha - less than 2ha	2
Greater than 2ha	3

Area 'X' is 11ha and would align with the allowance for two additional lots.

The applicant however does not present the application on the basis of subdividing under the environmental benefit rule, and therefore the proposal aligns under the proposed district plan as a non-complying activity that upholds the objectives and policies of rural production environment and subdivision chapter.

The legal effect is currently negligible and therefore the resource consent decision should be founded on the provisions according to the operative district plan.

CONCLUSION

The applicant proposes the subdivision of one additional lifestyle allotment, alongside the establishment of significant bush habitat protection, all while ensuring the rural production base remains intact.

The natural division of the site and its alignment with the established environments does not present any immediate risks that would require extensive mitigation measures. Furthermore, future construction activities are not expected to cause any environmental degradation beyond what is already permitted under the plan.

This subdivision aligns with the objectives and policies of the Rural Production zone, as outlined in both the operative and proposed district plans. The effects of the proposal are less than minor and fully comply with the intent of the zoning, which means the gateway tests are met. As a result, no affected parties require consultation.

The proposal is also consistent with higher-level planning documents, including the Northland Regional Policy Statement and the National Policy Statement, reinforcing its alignment with the overall policy framework.

Additionally, the subdivision supports the principles of the Resource Management Act 1991, particularly in relation to the protection of significant bush areas and ongoing management of environmental effects through consent notice. It provides sufficient information to meet the requirements of Clause 6 and 7 regarding the assessment of environmental effects.

Given the alignment with the planning framework and the evident merits of the proposal, it is recommended that the application be approved by the local authority, subject to standard conditions of consent.



Micah Donaldson
MNZIS - Assoc. NZPI



Quickmap Title Details



Information last updated as at 02-Feb-2025

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

Identifier **618007**

Land Registration District **North Auckland**

Date Issued 29 August 2014

Prior References

436307 NA19B/1053

Type Fee Simple

Area 14.3740 hectares more or less

Legal Description Rangaunu No 8B Block and Lot 1 Deposited Plan 464878 and Lot 2 Deposited Plan 409906

Registered

Owners

Cook Family Trustee Limited

Appurtenant to Rangaunu No 8B Block are right of way, right to transmit electricity & telecommunications easements created by Easement Instrument 6758623.4 - 20.2.2006 at 9:00 am

The easements created by Easement Instrument 6758623.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to Section 241(2) Resource Management Act 1991 (affects DP 409906)

9540332.4 CAVEAT BY TOP ENERGY LIMITED - 4.11.2013 at 10:28 am (affects part formerly CT 436307)

Appurtenant to Lot 1 DP 464878 is a right of way created by Easement Instrument 9580994.2 - 9.12.2013 at 9:18 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 464878)

9722610.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.8.2014 at 11:20 am (affects Lot 1 DP 464878)

The easements created by Easement Instrument 9722610.6 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right of way over part Lot 1 DP 464878 marked A and Rangaunu 8B Block marked B on, all on DP 464878
created by Easement Instrument 9722610.6 - 29.8.2014 at 11:20 am
9978395.1 Mortgage to Rabobank New Zealand Limited - 27.2.2015 at 9:58 am

The information provided on this report forms a guideline only. As a result, Custom Software Limited cannot and does not provide any warranties or assurances of any kind in relation to the accuracy of the information provided through this report, the Site and Service. Custom Software Limited will not be liable for any claims in relation to the content of this report, the site and this service.



4 February 2025

Top Energy Limited

Level 2, John Butler Centre
60 Kerikeri Road
P O Box 43
Kerikeri 0245
New Zealand
PH +64 (0)9 401 5440
FAX +64 (0)9 407 0611

Micah Donaldson
Donaldsons Surveyors Limited
PO Box 211
KERIKERI

Email: micah@donaldsons.net.nz

To Whom It May Concern:

RE: PROPOSED SUBDIVISION
Cook Family Trustee Ltd – 562 Waimate North Road, Kerikeri.
Lot 1 DP 464878, Lot 2 DP 409906 & Rangaunu 8B BLK

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirement for this subdivision is nil.

Top Energy advises that proposed Lot 1 has an existing power supply. Design and costs to provide a power supply to Lot 2 could be provided after application and an on-site survey have been completed.

Link to application: [Top Energy | Top Energy](#)

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

Yours sincerely

Aaron Birt
Planning and Design
T: 09 407 0685
E: aaron.birt@topenergy.co.nz

STORMWATER MANAGEMENT ASSESSMENT

COOK FAMILY TRUSTEE LTD, 562 WAIMATE NORTH ROAD, KERIKERI

Introduction

A subdivision is proposed for RT 618007 to create one new lot under 2.0 hectares, necessitating a stormwater management assessment.

Proposed Lot 1 will be 1.0 ha, with no increase in impermeable surfaces, as all necessary infrastructure is already in place. The site complies with the permitted standard of 15% impermeable surface coverage. Currently, Lot 1 has an impermeable surface area of 1,545m² (15%).

Proposed Lot 2 is not included in this assessment, as it remains well within the permitted activity criteria.

The property is zoned Rural Production under the provisions of the Far North District Plan.

Site, Soil & Situation Evaluation

The site is located at 562 Waimate North Road, with access extending approximately 1.2 km over the adjoining property, Lot 3 DP 467790.

The existing residence is situated on proposed Lot 1, and would share access with proposed Lot 2 via easements 'A' and 'B'.

Stormwater management includes sheet flow from the driveway and concrete parking area, which enters a drain flowing westward along the edge of the existing farm access. This drain continues through Whakataha 1A4, also owned by the Cook family. A feature pond to the north of the dwelling collects sheet flow from the northern side of the residence and overflow from the water tank, as well as stormwater from the access leading to the shed near the northern corner of Lot 1. The pond's overflow drains to the west.

The soil type on site is Aponga clay (AP) (NZMS 290 Sheet P04/05), characterised as imperfectly to poorly drained. The soil capability is recorded as 6s5, indicating it is not representative of versatile soil quality.

Mature trees occupy the lower gully, enhancing the control of stormwater flow across the site.

Stormwater Management

Impermeable surfaces on proposed Lot 1 primarily consist of the access formation and parking area, dwelling and a shed; a total of 1545m², which is directed predominately to the pond in a controlled manner. The existing residence has onsite water tanks capturing the roof surface areas. The pond also controls the sheet flow from the metalled access formation that extends northwards to the shed.

The lower site catchment is predominantly in bush and sheetflow from the site leading to the gully upholds natural servitude not to require easements.

Filtration and infiltration naturally occur through the vegetated ground and pond area, effectively mitigating the need for additional attenuation or sediment control measures.

In this rural setting, the combination of water tanks and the feature pond efficiently captures and manages roof surface water while remaining within the permitted impermeable surface allowance. As a result, the overall environmental effects of stormwater runoff are considered less than minor.

DISTRICT PLAN

Under the Far North District Plan Lot 1 complies with the stormwater management standard.

8.6.5.1.3 STORMWATER MANAGEMENT The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.

Subdivision Assessment Criteria

Although the lands existing use upholds the permitted activity criteria, the subdivision activity is presented as a non-complying activity and the allotment size is less than 2 ha, therefore an assessment is required.

13.10.4 STORMWATER DISPOSAL

(a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.

The stormwater management onsite does not require discharge permits under the Act.

(b) Whether the application complies with the provisions of the Council's "Engineering Standards and Guidelines" (2004) - Revised March 2009 (to be used in conjunction with NZS 4404:2004).

The existing stormwater management measures onsite comply with Council Engineering Standards and Guidelines.

(c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.

Not applicable.

(d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.

The existing stormwater management processes uphold low impact design in their natural state without need for manmade devices in this instance.

The feature pond proves to achieve excellent natural low impact design.

(e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.

The roof surfaces are all controlled in onsite water tanks with outflow discharge adequately controlled towards the pond.

The driveway surfaces although considered in the district plan as impermeable having an absorption factor of 0.5 (runoff coefficient) being half what an impermeable surface actually has (factor 1.0). Stormwater from the driveway is well controlled in open swales.

No further control measures appear necessary.

(f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.

Not applicable.

(g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.

The current receiving watercourse to the south flows through mature bush which defines good stormwater control.

(h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.

Not applicable. There is no increase in outflow rates.

(i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.

Not applicable. There is no increase in outflow rates.

(j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.

Stormwater attenuation is not required in this case due to the available outfall capacity. In this rural setting, stormwater is discharged via gravity in a controlled manner, ensuring that it does not impact adjoining lower-property catchments or any reticulated system. As a result, restrictions on site discharge rates (Q rates) are not a primary concern.

(k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.

No concerns given the site upholds permitted activity standards.

(l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipe lines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.

Not applicable.

(m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.

Not applicable.

(n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.

Easements are not considered necessary.

(o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.

Not applicable.

(p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.

Not applicable.

(q) The need for and extent of any financial contributions to achieve the above matters.

Not applicable.

(r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.

Not applicable.

In outline of the principle stormwater management guidelines, Technical Paper 10 (TP10) and GD 01 the following are outlined in support of the current situation.

TP-10

Chapter 1

1.1 Objectives of these guidelines

The primary objective of these guidelines is to outline and demonstrate the ARC's preferred design approach for structural stormwater management devices. Specifically this includes design guidance for water quality and water quantity ponds, wetlands, filtration practices, infiltration practices, biofiltration practices and other practices that may be used.

1.3 Managing stormwater

Stormwater management aims to protect human and ecological values by preventing or mitigating the adverse effects of stormwater quality and quantity on the human and aquatic environment.

Chapter 8

8.3.2 Pre-treatment

The use of vegetative filters as a pre-treatment BMP to improve long term performance of infiltration practices cannot be stressed enough.

Stormwater Management Devices GD01

A1.2

The scope of this guideline document is confined to the management of stormwater, which is defined as:

“Rainfall runoff from land, including constructed impervious areas such as roads, pavement, roofs and urban areas which may contain dissolved or entrained contaminants, and which is diverted and discharged to land and water.”

A4.2 Designing to reflect mana whenua values (GD01)

Mauri is a concept recognised by mana whenua as the connection between spiritual, physical and temporal realms. Loosely translated as the life force or life essence which exists within all matter, mauri sits at the very core of sustainable design for mana whenua and Te Ao Māori – the Māori worldview.

A key concern to mana whenua is the effect on the mauri of water caused by pollution of a stream, river, estuary, catchment or harbour. This can be due to sediment entering waterways, loss of riparian margins and the loss of native habitat to support native flora and fauna.

B1.0 Design process for stormwater management devices

Stormwater management must be considered early in the overall design process to ensure the site meets the hydrologic needs of the post-development catchment. It is important that a comprehensive land planning assessment is done, taking into consideration the proposed development land use and the effects on the wider catchment, both upstream and downstream. This will ensure stormwater management is designed for, alongside all other aspects of the development.

In summary the sites natural layout with various stormwater control mechanism upholds the guideline intent within needing further manmade control devices.

CONCLUSION

Onsite infiltration and natural filtration function as effective stormwater management techniques, aligning with low-impact design principles by addressing runoff at its source. These existing natural processes effectively regulate stormwater flow, enhance groundwater recharge, and maintain water quality without requiring additional engineered solutions.

Moreover, the site's impermeable surface coverage remains within the permitted activity thresholds set by the Far North District Plan. Consequently, there is no indication of cumulative adverse effects that would require further mitigation, ensuring compliance with regulatory standards while supporting sustainable land use practices.

Micah Donaldson (**MNZIS**)
Registered Professional Surveyor

DONALDSONS
Land engineering surveyors & development planners

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

Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 6758623.4 Easemen

Cpy - 01/01, Pgs - 007, 06/03/06, 10:00



DocID: 312336388

Grantor

Surname(s) must be

Peter William COOK and Shona Carmen COOK

Grantee

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



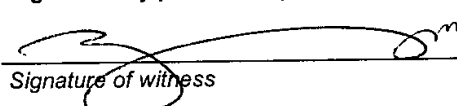
Peter William COOK and Shona Carmen COOK and OLD OAK FARMS LIMITED at Kerikeri



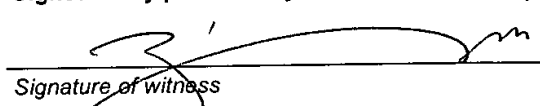
Grant* of easement or profit à prendre or creation or covenant

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

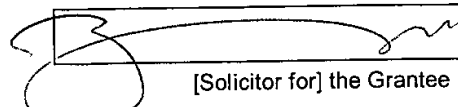
Dated this 8th day of February 2006

Attestation

 	<p>Signed in my presence by the Grantor</p>  <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name</p> <p>Occupation SUZANNE JOAN WOOLDRIDGE</p> <p>Address SOLICITOR</p> <p> KERIKERI</p>
	<p>Signature [common seal] of Grantor</p>

 	<p>Signed in my presence by the Grantee</p>  <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name</p> <p>Occupation SUZANNE JOAN WOOLDRIDGE</p> <p>Address SOLICITOR</p> <p> KERIKERI</p>
	<p>Signature [common seal] of Grantee</p>

Certified correct for the purposes of the 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.



Easement instrument

Dated 8th February 2006

Page 1 of 1 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way <i>and</i>	A, DP 364101	260824	260820, 260821, 260822, 260823 8B Rangaunu ML 12121 (485/225)
Right to transmit electricity and telecommunications	B, DP 364101		260822, 260823, 8 B Rangaunu ML 12121
	C, DP 364101		260823, 8 B Rangaunu ML 12121
	D, DP 364101		8 B Rangaunu ML 12121

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

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

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

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

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

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

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

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

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

~~[Annexure Schedule 2].~~

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

Annexure Schedule



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

Easement

Dated

8th February 2006

Page

1

of

1

pages

(Continue in additional Annexure Schedule, if required.)

RIGHT OF WAY

Rights and Powers

- 1.1 Paragraph 11(2) of Schedule 4 of the Land Transfer Regulations 2002 shall be deleted and replaced with the following:
- "11(2) i Subject to 11(2) ii, if the grantor (or grantees, if more than 1) and the grantor share the use of the easement facility, each of them shall make a contribution according to user for the repair and maintenance of the easement facility, and for the associated costs, for the purposes set out in subclause (1).
- 11(2) ii Any maintenance, repair or replacement of any easement facility that is necessary because of any act or omission by any owner of either the dominant or servient land (which includes any of the agents, employees, contractors, subcontractors or invitees of those owners) must be carried out promptly by that owner at the sole cost of that owner or in such proportion as relates to the act or omission."
- 2.1 Where there is a conflict between the provisions of the Land Transfer Regulations 2002 (Schedule 4), and/or the Property Law Act 1952, Ninth Schedule and the modifications in this Easement Instrument, these modifications will prevail.
- 2.2 Where there is a conflict between the provisions of the Land Transfer Regulations 2002 ("the Regulations") Schedule 4 and the Property Law Act 1952 Ninth Schedule, the Regulations will prevail.

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

[Handwritten signatures and initials]

Annexure Schedule



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

Easement

Dated

8th February 2006

Page

1

of

1

pages

(Continue in additional Annexure Schedule, if required.)

Continuation of attestation

Signed by the Grantee
OLD OAK FARMS LIMITED



Director



Director

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

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Deposit of Plan, Easement, Land Covenant

Page **1** of **1** pages

Capacity and interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Consentor

Surname must be underlined or in CAPITALS

<p>The National Bank of New Zealand Limited <i>Rj</i> ANZ National Bank Limited</p>	<p>Mortgage No C658718.3</p>
---	-------------------------------------

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

the deposit of plan 364101 together with the easements and land covenants endorsed thereon.

It is certified that on 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and that the mortgage has become the property of ANZ National Bank Limited (as the amalgamated company) under Part X111 of the Companies Act 1993.

Dated this _____ day of **19 JAN 2006**

Attestation

<p>ANZ National Bank Limited by its Attorney <i>R Prasad</i> Chandra Rekha Prasad</p>	<p>Signed in my presence by the Consentor <i>J. Faogali</i> Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name JEANNE ANN FAOAGALI Occupation BANK OFFICER Address AUCKLAND</p>
<p>Signature of Consentor</p>	

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



The National Bank of New Zealand

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Chandra Rekha Prasad** Manager Lending Services of Auckland in New Zealand certifies that:

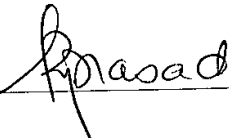
1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

Auckland	as No.	D.016180	Hokitika	as No.	105147
Blenheim	as No.	186002	Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1	Napier	as No.	644654.1
Dunedin	as No.	911369	Nelson	as No.	359781
Gisborne	as No.	G.210991	New Plymouth	as No.	433509
Hamilton	as No.	B.355185	Wellington	as No.	B.530013.1

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26th June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the property being dealt with pursuant to the Deed has become the property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. At the date of this certificate, I am the Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
4. At the date of this certificate, I have not received any notice or information of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

DATED at Auckland this 19th Day Of January 2006



Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Deposit of Plan, Easement, Land Covenant

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

William Ernest COOK and Patricia COOK

Mortgage No C658718.4

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

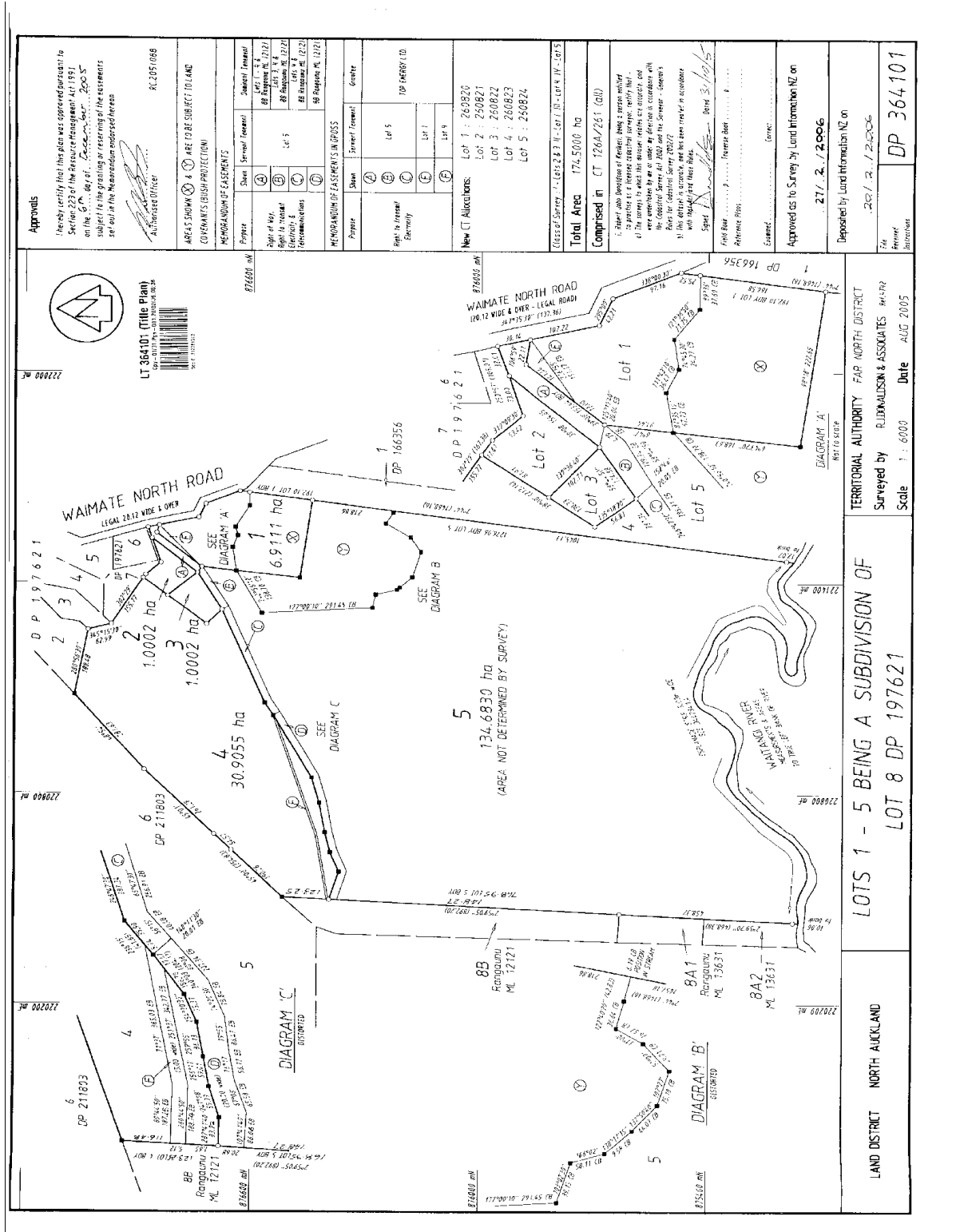
the deposit of plan 364101 together with the easements and land covenants endorsed thereon.

Dated this 11th day of January 2006

Attestation

	<p>Signed in my presence by the Consentor</p> <p><u>Brian McCallion</u></p>
	<p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name <u>Brian McCallion</u></p> <p>Occupation <u>Nanny</u></p> <p>Address <u>12a Bennett Street, Otumucetai, Tauranga</u></p>
<p>Signature of Consentor</p>	

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



View Instrument Details



Instrument No 9580994.2
Status Registered
Date & Time Lodged 09 December 2013 09:18
Lodged By Jonson, Jan Dorothy
Instrument Type Easement Instrument



Affected Computer Registers	Land District
260824	North Auckland
NA19B/1053	North Auckland
NA388/215	North Auckland

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage C658718.3 has consented to this transaction and I hold that consent
- I certify that the Mortgagee under Mortgage 9415573.4 has consented to this transaction and I hold that consent

Signature

Signed by Louise Annette Smith as Grantor Representative on 12/11/2013 09:33 AM

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 Peter Gilmour Macauley as Grantee Representative on 07/11/2013 08:43 AM

*** End of Report ***

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

2009/6229EF
 APPROVED
 Registrar-General of Land

Grantor

Peter William COOK and Shona Carmen COOK

Grantee

OLD OAK FARMS LIMITED and
 COOK FAMILY TRUSTEE LIMITED

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

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

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way	A, B, C & D on DP364101	Lot 5 DP 364101 Computer Freehold Register 260824	Whakataha No 1A No 3 Block Computer Freehold Register NA388/215 Lot 1 DP 62546 Computer Freehold Register NA19B/1053

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

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

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

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

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

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

Covenant provisions

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

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

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

~~[Annexure Schedule _____]~~

2009/5043EF
APPROVED
Registrar-General of Land

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

Continuation of "Easements or Profits a Prendre Rights and Powers (including terms, covenants and conditions)"

Easement of Right of Way

1. Where there is any conflict or inconsistency in the rights and powers implied in the Easement of Right of Way by the Land Transfer Regulations 2002 and Schedule Five of the Property Law Act 2007, the former shall prevail.

2. No notice pursuant to sections 308-312 of the Property Law Act 2007 shall be available for the purposes of altering or upgrading the state of the land over which the Right of Way is granted unless it is first agreed in writing by both the registered proprietors for the time being of the Servient and Dominant Tenements respectively that the Right of Way shall be altered or upgraded as the case may be.

View Instrument Details



Instrument No 9722610.5
Status Registered
Date & Time Lodged 29 August 2014 11:20
Lodged By Jonson, Jan Dorothy
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers **Land District**

618007 North Auckland

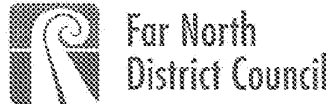
618008 North Auckland

Annexure Schedule: Contains 1 Page.

Signature

Signed by Peter Gilmour Macauley as Territorial Authority Representative on 29/08/2014 10:39 AM

*** End of Report ***



North Bay 712, Whangarei, New Zealand
Phone: 0900 790 827
Fax: 090 414 2266
Email: info@fncc.govt.nz
Website: www.fncc.govt.nz

To Kōwhiriā a Tei Tokerao Ki Te Raki

*For the place where nature
wants to live, work, and learn*

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE


REGARDING RC 2120360
Being the Subdivision of Lot 1 DP 62546
Rangaumu 6B and Lot 2 DP 409906
Whakataha 1A3
North Auckland Registry

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

SCHEDULE

Lots 1 & 2 – DP 464878

- (i) Prior to the sale of the lot to a third party, evidence shall be provided to the satisfaction of Council's Manager Resource Consents that:
 - The property owner has provided formed and metalled access on right of way easements A and B to the boundary of proposed Lot 2 in accordance with Chapter 15 and Appendix 3B of the Far North District Plan. The access formation shall consist of a minimum of 200 mm of compacted hardfill plus a GAP 40 running course. It shall include watertable drains and culverts as required to direct and control stormwater runoff.
 - If at the time of formation, the right of ways cannot be contained within the 10-metre legal easements created, then the property owner shall amend the right of way easement/s to cover the practical access and formation.

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

DATED at KERIKERI this 28th day of November 2013.

