



**Office Use Only**  
Application Number:

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

**(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))**

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

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

**1. Pre-Lodgement Meeting**

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

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

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

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

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

**4. Applicant Details:**

Name/s: \_\_\_\_\_  
Waiaua Bay Farm Limited

Electronic Address for Service (E-mail): \_\_\_\_\_

Phone Numbers: \_\_\_\_\_ Home: \_\_\_\_\_

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

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

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

Name/s: \_\_\_\_\_  
Steve Tuck  
\_\_\_\_\_

Electronic Address for Service (E-mail): \_\_\_\_\_  
steve.tuck@mitchelldaysh.co.nz

Phone Numbers: \_\_\_\_\_ Home: \_\_\_\_\_

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

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

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

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

Name/s: Waiaua Bay Farm Limited

Property Address/  
Location: 139 Tepene Tablelands Road, KAEO

**7. Application Site Details:**

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

Site Address/  
Location: 139 Tepene Tablelands Road, KAEO

Legal Description: Lot 4 Deposited Plan 50234 Val Number: \_\_\_\_\_

Certificate of Title: NA9C/788

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.**

If a site inspection is required, please contact Amy Tapper via the email address above to arrange.

**8. Description of the Proposal:**

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

Cancellation of condition 3(f) of subdivision consent no. 2180183-RMASUB as detailed in the attached application.

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

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

~~Yes~~/No

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

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

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

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

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)

- yes  no  don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).

- yes  no  don't know

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

**12. Assessment of Environmental Effects:**

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

**Please attach your AEE to this application.**

**13. Billing Details:**

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

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

Email:

Postal Address:

Post Code:

Phone Numbers:

Fax:

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

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

Name \_\_\_\_\_ (please print)

Signature \_\_\_\_\_ (signature of bill payer – **mandatory**)

Date: 6 June 2024

## 14. Important Information:

### Note to applicant

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

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

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

### Fast-track application

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

### Privacy Information:

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

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

Name: \_\_\_\_\_ (please print)

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

Date: 6 June 2024

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

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

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

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

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

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**



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WAIUAU BAY FARM LIMITED

**APPLICATION TO CANCEL  
CONSENT CONDITION**

Subdivision consent 2180183-RMASUB

6 June 2024

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This report has been prepared by Mitchell Daysh Ltd on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Any use or reliance by a third party is at that person's own risk. No liability or responsibility is accepted by Mitchell Daysh Ltd for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.





## **PART A**

Resource Consent Application



FORM 10

**APPLICATION FOR CHANGE OR CANCELLATION OF  
RESOURCE CONSENT CONDITION**

Under section 127, Resource Management Act 1991

To: Far North District Council

1. Waiaua Bay Farm Limited applies for a cancellation of a condition of a resource consent.
2. This application relates to the following resource consent: 2180183-RMASUB.
3. This application relates to the following specific condition of the resource consent:

Condition 3(f), which is shown below:

*3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:*

*[...]*

*(f) In order to ensure that development on the balance area of the Golf Living sub-zone does not exceed 46 lots, impose an appropriate legally binding mechanism on the relevant certificate of titles which contain the Golf Living sub-zone requiring that any future subdivision shall not exceed 46 lots. The Consent Holder shall provide to Council a Solicitor's undertaking to register this mechanism on the respective titles.*

*Note: The Kauri Golfs Zone is designed to recognise and provide for the management and development of the international golfing facility, and this includes the ability to establish residential use in the Golf Living sub-zone which anticipates up to 60 allotments for residential (golf living purposes) as a restricted discretionary activity. This application has been granted on the basis that it provides for 14 of these anticipated residential allotments on the adjacent Golf Playing sub-zone, meaning that the balance land within the Golf Living sub-zone is now intended to provide for a balance total of the 60 lots (60 - 14 = 46 lots), being 46 lots.*

4. The site that the resource consent relates to is as follows: Lot 4 Deposited Plan 50234, Identifier NA9C/788.
5. There are no other activities that are part of the proposal to which this application relates.
6. I attach an assessment of the proposed cancellation's effect on the environment that –
  - (a) Includes the information required by clause 6 of the Schedule 4 of the Resource Management Act 1991; and

(b) Addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) Includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

7. I attach an assessment of the proposed cancellation against the matters set out in Part 2 of the Resource Management Act 1991
8. I attach an assessment of the proposed cancellation against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of the Act.
9. I attach all information required to be included in this application by the Far North District Plan and the Resource Management Act 1991.

Signature



(Person authorised to sign on behalf of the applicant, Waiaua Bay Farm Limited)

Date: 6 June 2024

Electronic address for Service: [steve.tuck@mitchelldaysh.co.nz](mailto:steve.tuck@mitchelldaysh.co.nz)

Telephone:



Postal address:

Mitchell Daysh Limited  
PO Box 149  
NAPIER 4140

Contact person:

Steve Tuck



## **PART B**

Assessment of Environmental Effects

## 1. INTRODUCTION

This Assessment of Environmental Effects (“AEE”) has been prepared on behalf of Waiaua Bay Farm Limited (“WBFL” or “the Applicant”).

The application is made under section 127 of the Resource Management Act 1991 (“RMA” or “the Act”) and proposes to cancel condition 3(f) of subdivision consent no. 2180183-RMASUB (“the subdivision consent”).

Condition 3(f) obliges WBFL as consent holder to impose a legally binding restriction on the titles of land in the Kauri Cliffs Zone – Golf Living sub-zone (“Golf Living sub-zone”).

This AEE sets out the background to, and nature of, the proposal. It identifies the applicable resource consent requirements and assesses the environmental effects and applicable statutory requirements in accordance with the relevant planning instruments. The assessment herein reveals that there is no resource management basis why an amended subdivision consent cannot be issued.

The structure of this AEE is as follows:

1. Introduction (this section);
2. Site and Context Description;
3. Proposal;
4. Resource Consent Requirements;
5. Assessment of Environmental Effects;
6. Statutory Assessment;
7. Notification Assessment;
8. Conclusion.

## 2. SITE AND CONTEXT DESCRIPTION

The subdivision consent was granted by Far North District Council on 11 December 2017. A copy of the subdivision consent is attached as Appendix 1 to this AEE.

The subdivision consent authorises a 16-lot subdivision of Lot 4 DP 50234. The footprint of the consented subdivision is referred to as “the site” in this application.

The site location is indicated by the yellow outline in Figure 1 below. Figure 2 locates the site (circled in yellow) within the parent parcel, Lot 4 DP 50234.



Figure 1: Site location.

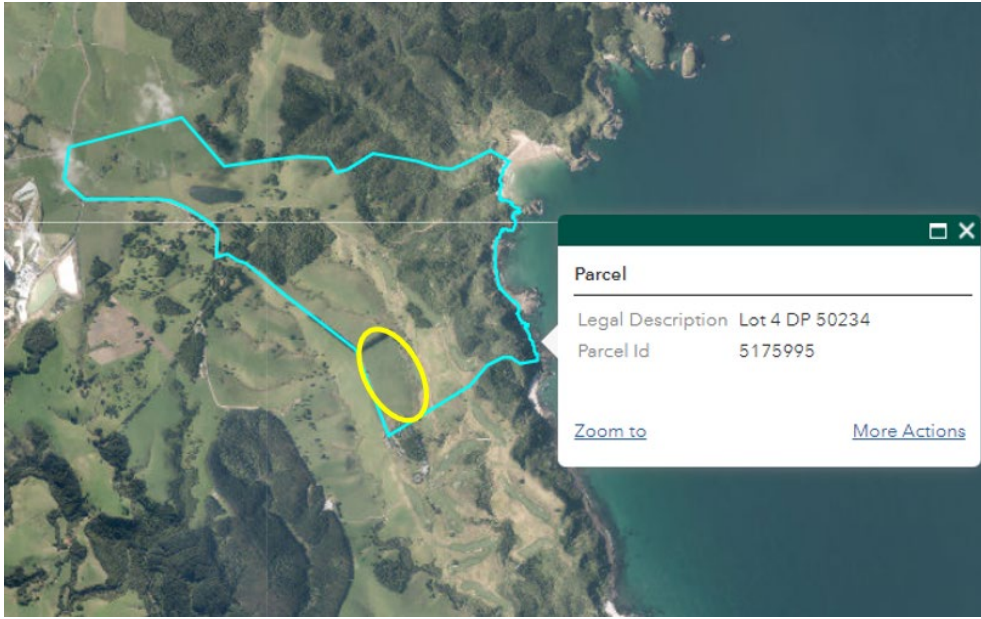


Figure 2: Site location within parent Lot 4 DP 50234.

**2.1 LOT 4 DP 50234**

Lot 4 DP 50234 is part of WBFL’s wider landholding at “Kauri Cliffs”, which is an approximately 2,350-hectare property located between Matauri Bay to the north and the Takou River to the south.

Lot 4 DP 50234 is a 243.5-hectare parcel located on the eastern side of Kauri Cliffs Drive and Tepene Tablelands Road. A copy of the Record of Title for the site is attached as Appendix 2 to this AEE. The Title Plan is replicated from the Record of Title below.

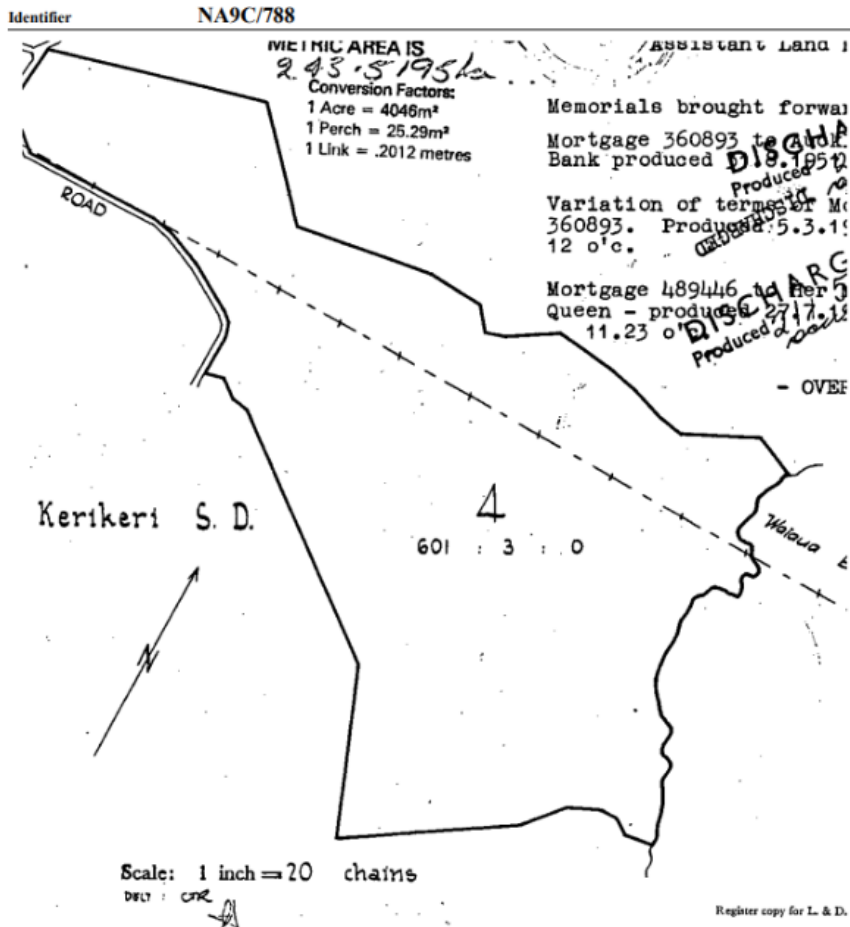


Figure 3: Lot 4 DP 50234 Title Plan.

Lot 4 DP 50234 is encumbered by an open space covenant which protects an 11.8-hectare area of native forest located midway along the western boundary of the lot. The open space covenant is provided with the Record of Title at Appendix 2 to this AEE.

The covenanted area is more than 0.6 km north of the northern boundary of the site, as indicated by Figure 4. The subdivision consent does not authorise any activities, and this application does not propose any changes, that could affect the covenanted area.



Figure 4: Setback from site to covenanted area.

## 2.2 THE SITE

The site is an area of approximately 9.6 hectares located in the south-west corner of Lot 4 DP 50234. The balance 233 hectares of Lot 4 DP 50234 are shown on the plan of subdivision approved under 2180183-RMASUB as new Lot 15.

The site is immediately north of the boundary with Lot 8 DP 50236 and east of Kauri Cliffs Drive. The configuration of the consented subdivision is shown in Figure 4 below, which replicates the plan referred to in Condition 1 of the subdivision consent.

Subdivision construction works at the site have been completed in accordance with the conditions of the subdivision consent and the related land use consent 2180205-RMALUC. Works completed include substantial landscaping, the internal road, drainage, and installation of water, wastewater, electricity and telecommunication utilities to service future dwellings on Lots 4 – 14 and the dwellings completed in recent years on Lots 1 – 3. The dwelling on Lot 16 (marked on Figure 5 as “Existing owners’ cottage”) is long established and benefits from existing services. The subdivision is however, yet to be certified under section 223 of the Resource Management Act 1991 (“RMA”).



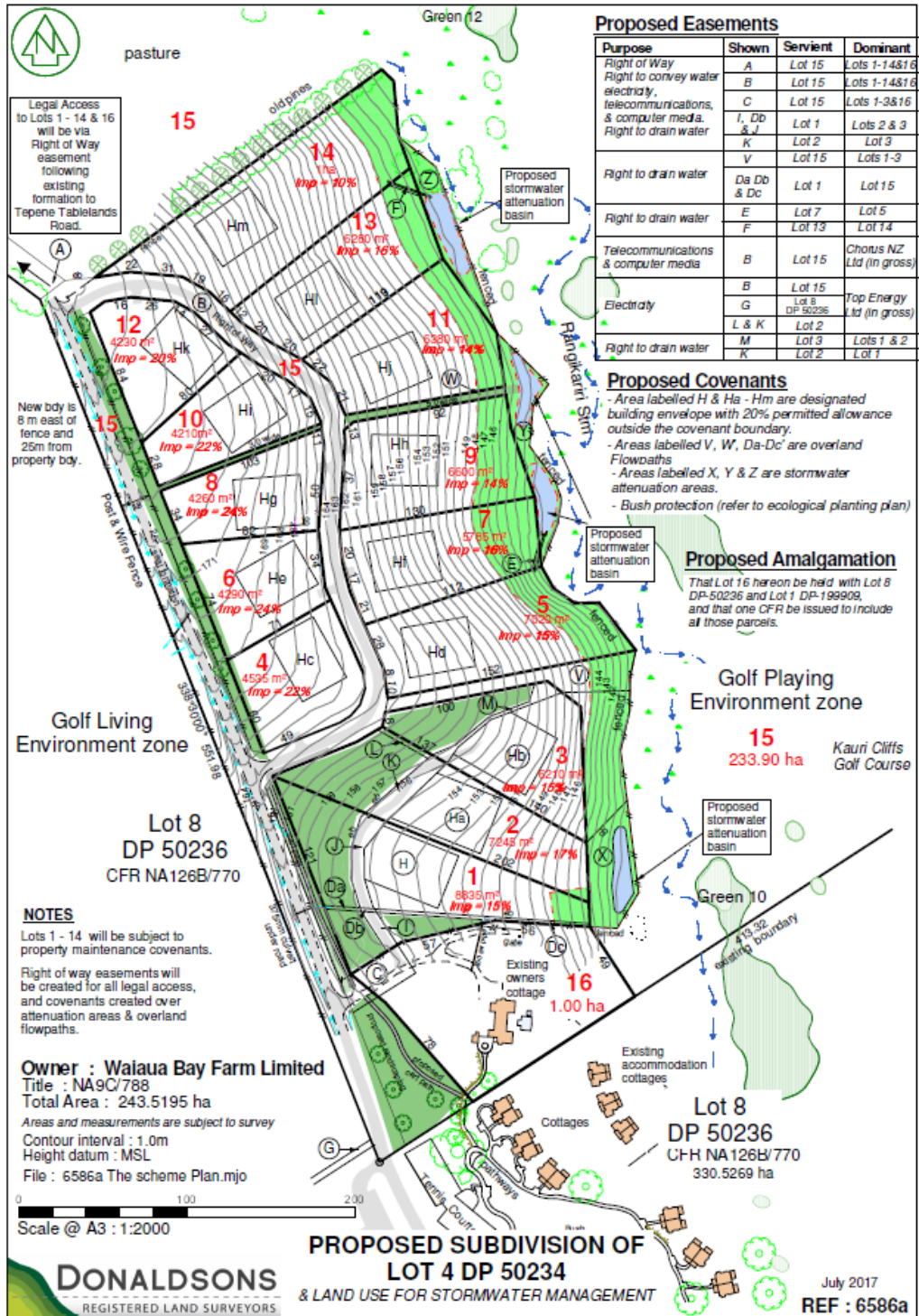


Figure 5: Consented subdivision layout.



**Figure 6: View from Lot 10 south towards dwellings on Lots 1 - 3.**



**Figure 7: Dwellings on Lots 1 - 3.**

The figure below shows how the subdivision has progressed, with the completed road, dwellings on Lots 1 – 3, and extensive landscaping circled approximately in yellow.



Figure 8: Aerial view of completed landscaping, road and dwellings.

### 2.3 ZONING

Under both the operative Far North District Plan (“District Plan”) and the Proposed Far North District Plan, the site is subject to two zones.

- Lots 1 – 8, 10 and 16 are in the Kauri Cliffs Zone – Golf Playing subzone (“Golf Playing subzone”).
- Lots 11 – 15 are in the Golf Playing subzone *and* the Kauri Cliffs Zone – Golf Living subzone (“Golf Living subzone”).

The figure below shows how these zones are configured over the site.

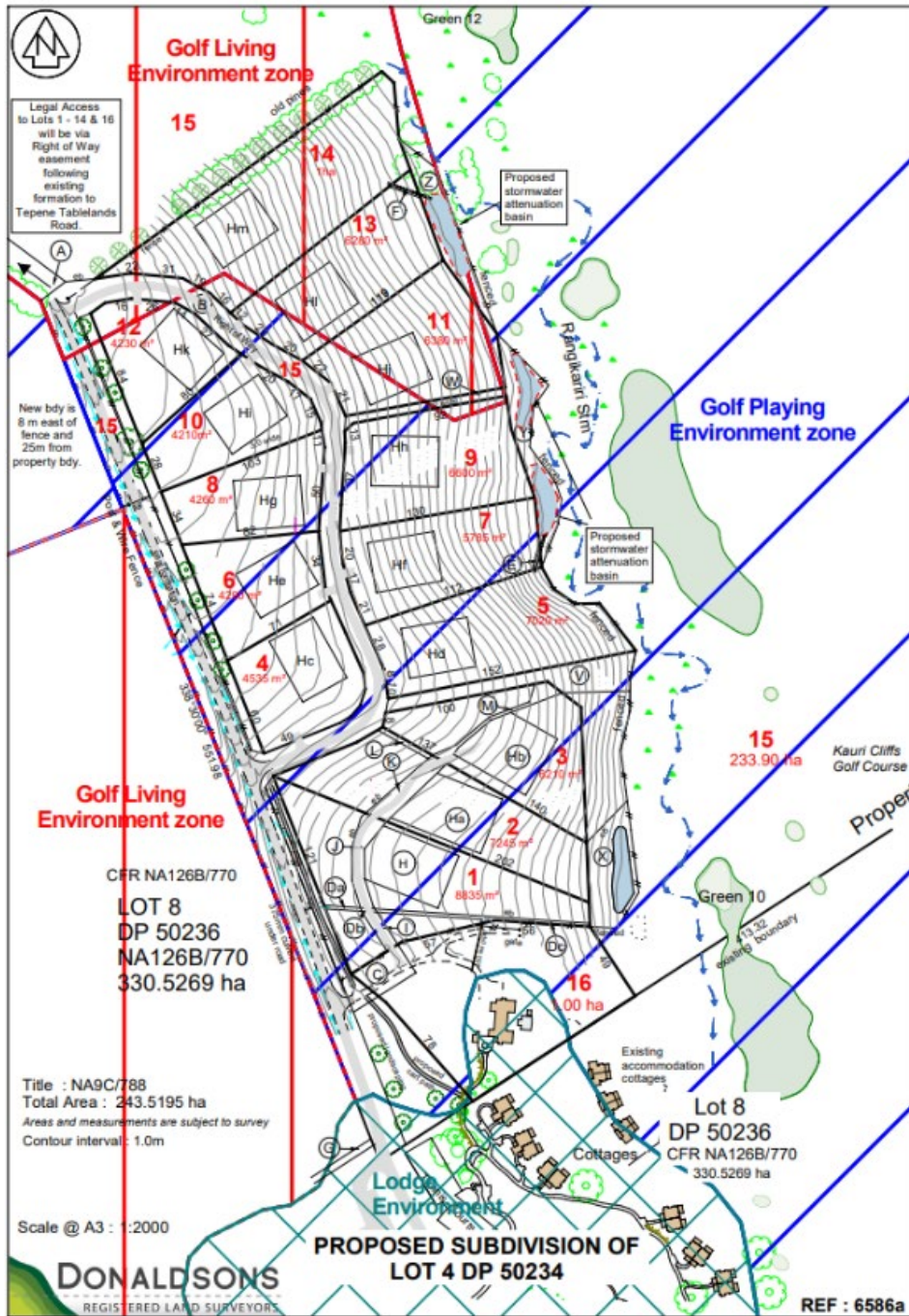


Figure 9: Zone extents over subdivision<sup>1</sup>.

<sup>1</sup> District Plan Appendix 6F shows that the Kauri Cliffs Zone - Lodge subzone extends to the boundary between Lot 4 DP 50234 and Lot 8 50236. The Lodge subzone therefore does not intersect the site.

### 3. THE PROPOSAL

The Applicant proposes to cancel condition 3(f) and the associated note of 2180183-RMASUB. The condition is as follows (in bold):

*3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:*

[sub-clauses 3(a) – 3(e) not shown here]

***(f) In order to ensure that development on the balance area of the Golf Living sub-zone does not exceed 46 lots, impose an appropriate legally binding mechanism on the relevant certificates of titles which contain the Golf Living sub-zone requiring that any future subdivision shall not exceed 46 lots. The Consent Holder shall provide Council a Solicitor's undertaking to register this mechanism on the respective titles.***

***Note: The Kauri Golfs Zone [sic] is designed to recognise and provide for the management and development of the international golfing facility, and this includes the ability to establish residential use in the Golf Living sub-zone which anticipates up to 60 allotments for residential (golf living purposes) as a restricted discretionary activity. This application has been granted on the basis that it provides for 14 of these anticipated residential allotments on the adjacent Golf Playing sub-zone, meaning that the balance land within the Golf Living sub-zone is not intended to provide for a balance total of the 60 lots (60 – 14 = 46 lots), being 46 lots.***

#### 3.1 REASONS FOR PROPOSAL

If implemented, the condition would prevent more than 46 new lots from being created in the parts of Kauri Cliffs zoned as Golf Living sub-zone. This nullifies the District Plan subdivision rules for the Golf Living sub-zone and interposes a more restrictive arrangement.

The effect of Condition 3(f) is to prohibit future subdivision in the Golf Living sub-zone beyond an additional 46 lots. This highly onerous condition is:

- not required by any District Plan provision;
- not required in response to the effects of the subdivision approved under 2180183-RMASUB; and,
- counter to the District Plan subdivision rules for the Golf Living sub-zone, which enable the consent authority to consider subdivision consent applications as either a restricted discretionary or discretionary activity.

It is appropriate to cancel the condition so that any future subdivision proposals in the Golf Living sub-zone are processed in accordance with the District Plan provisions of the day.

The rationale for imposing condition 3(f) appears to lie in a misapprehension of the District Plan framework for subdivision in the Golf Living sub-zone, as follows.

The decision report attached to 2180183-RMASUB includes the following reasons:

*While the subdivision is located within the area originally intended as part of the Golf Playing Sub-Zone, the proposal is considered to be consistent with the overall intent of the Kauri Cliffs Zone, as the proposal is providing for the first of the **60 residential lots anticipated** in close proximity to the existing lodge and cottage accommodation and adjoining an area identified as Golf Living Sub-Zone directly to the north. As such the location of the proposed allotments while not strictly in the correct zone are located within the centre of the whole development, directly adjoining and lining areas to the north and south that are similar in character due to their purpose for residential development or accommodation purposes. The proposed location of the future residential development will still achieve the purpose of having residential lots surrounding the existing golf course environment. **Overall, the proposal is providing the first 14 residential lots of the total of 60 anticipated.***

(bold emphasis added)

The Note to condition 3(f) states:

*This application has been granted on the basis that it provides for 14 of these anticipated residential allotments on the adjacent Golf Playing sub-zone, **meaning that the balance land within the Golf Living sub-zone is not intended to provide for a balance total of the 60 lots** (60 – 14 = 46 lots), being 46 lots.*

(bold emphasis added)

The bolded decision text above indicates that the decision-maker adopted a reading of the District Plan to the effect that the potential for >60 lots to be created in the Golf Living sub-zone must be precluded. Consequently the 14 new residential lots created by 2180183-RMASUB were deducted from the 60 lots “anticipated” in the Golf Living sub-zone and condition 3(f) was imposed to prevent the total number of lots created in that sub-zone from ever exceeding 60.

However, the District Plan provisions do not limit subdivision in the Golf Playing sub-zone to 60 lots. Rather, applications to create up to 60 lots may qualify to be processed on a restricted discretionary basis. An application(s) that creates more than 60 lots in the Golf Playing sub-zone will always be a discretionary activity, under Rule 13.7.2.1(xx).

It does not follow from the District Plan objectives, policies or rules, that the creation of >60 lots in the Golf Playing sub-zone should be prohibited, whether by a plan provision, a legal mechanism as required by Condition 3(f), or by other means. The District Plan specifically requires that an application(s) creating more than 60 lots in the Golf Playing sub-zone must be processed as a *discretionary* activity. Despite this, Condition 3(f) removes the discretionary activity consent application pathway without a clear resource management basis for the *de facto* prohibition.

Relevant District Plan provisions are reviewed in the next section of this AEE, to show that there is no requirement for subdivision activity in the Golf Living sub-zone to be prohibited by the means prescribed in Condition 3(f), or by any other means.

## 3.2 DISTRICT PLAN PROVISIONS

The District Plan manages subdivision in the Golf Living sub-zone through a restricted discretionary or discretionary activity status framework set out in Rule 13.7.2.1(xx) as follows:

### ***Restricted Discretionary Activity Status*** (Refer also to 13.8)

*Subdivision of up to 60 new lots for residential (golf living) purposes, provided that:*

- (a) no lot is less than 4,000m<sup>2</sup> in area;*
- (b) the subdivision is otherwise undertaken in accordance with Rules 13.7 to 13.11 (Chapter 13 Subdivision), but excluding Rule 13.7.2.1.*
- (c) on-site treatment and disposal of wastewater is provided for; and*
- (d) the building footprints are specified on an approved plan of subdivision.*

*The provisions of Rule 13.10 shall apply when assessing any proposed subdivision within the Golf living sub-zone. Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:*

- (i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;*
- (ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;*
- (iii) the effect on adjoining activities.*

### ***Discretionary Activity Status*** (Refer also to 13.9)

*Subdivision that does not comply with the Restricted Discretionary Activity Standard.*

The cross-references to rules 13.8, 13.9 and 13.10 direct the reader to extensive assessment criteria for subdivision proposals. This rule framework is duplicated by Rule 18.7.6C of the Kauri Cliffs Zone, below.

#### ***18.7.6C.2 Restricted Discretionary Activity***

*The subdivision of up to 60 new lots for residential (golf living) purposes, is a restricted discretionary activity provided that:*

- (a) no lot is less than 4,000m<sup>2</sup> in area;*
- (b) the subdivision is otherwise undertaken in accordance with Rules 13.7 to 13.11 (Chapter 13 Subdivision) but excluding Rule 13.7.2.1;*
- (c) on-site treatment and disposal of wastewater is provided for; and*
- (d) the building platforms are specified on an approved plan of subdivision.*

#### ***18.7.6C.3 Discretionary Activities***

*An activity is a discretionary activity in the Golf living sub-zone if: (a) it does not comply with one or more of the standards for permitted or restricted discretionary activities in this zone as set out under Rules 18.7.6C.1 and 18.7.6C.2 above; but*

As such, applications to create up to 60 lots in the Golf Living sub-zone are restricted discretionary activities if conditions are met. Applications that do not meet the restricted discretionary conditions, or that seek to create 61 or more lots, are a discretionary activity.

The District Plan does not provide for a subdivision in the Golf Living sub-zone to be assessed as a non-complying activity. There are no non-complying activities specified at sub-section 18.7.6C, and none of the circumstances specified at Rule 13.11 that trigger a non-complying activity status for subdivision apply to the Golf Living sub-zone because:

- There are no standards stated for discretionary activities in Rule 13.7.2.3.1(xx) against which a default would trigger a non-complying activity status (Rule 13.11(a));
- No part of the Golf Living sub-zone is subject to a Coastal Hazard Area (Rule 13.11(b));
- Rule 13.11(c) in relation to the Recreational Activities and Conservation Zones is not applicable to the Golf Living sub-zone;
- Rules 13.11(d) and 13.11(e) are inapplicable because no part of the Golf Living sub-zone intersects any Outstanding Natural Feature, Outstanding Landscape Feature or the National Grid Corridor.

Furthermore, there is nothing in the District Plan to make subdivision in the Golf Living sub-zone a prohibited activity. There is no rule in Chapter 13 (Subdivision) or 18.7 (Special Areas – Kauri Cliffs Zone) of the District Plan that prohibits subdivision.

The objectives and policies for the Kauri Cliffs Zone at Chapter 18.7 do not require subdivision to be prohibited in the manner Condition 3(f) requires. The zone emphasises that coastal and rural qualities and values must be managed and, in some cases, protected. However, the provisions do *not* indicate that limiting subdivision in the manner required by Condition 3(f) is necessary to achieve these management outcomes.

In summary, the District Plan identifies 60 lots as the threshold beyond which a discretionary activity status will apply to subdivision in the Golf Living sub-zone. There is no prohibition on subdivision in this zone.

For completeness, it is noted that the Proposed Far North District Plan maintains the subdivision framework described above for the operative District Plan.



#### **4. RESOURCE CONSENT REQUIREMENTS**

Section 127(3) of the RMA provides that an application to change or cancel a condition of a resource consent must be processed as if it were an application for a resource consent for a **discretionary** activity.

This application complies with the requirement of section 127(1)(a) that the holder of a subdivision consent must apply under section 127 for a change or cancellation of a consent condition *before* the survey plan is deposited.

As such this application is a **discretionary** activity pursuant to section 127 of the RMA.

## 5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

Pursuant to RMA section 127(3)(b), applications to change or cancel a consent condition(s) are subject to sections 88 to 121 of the Act as if “...*the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively*”.

As such, this effects assessment is limited to consideration of the effects deriving from the proposed cancellation of condition 3(f).

The consequence of cancelling the condition would be to remove the consent holder’s obligation to register a legal mechanism that prevents the grant of subdivision consents authorising more than 46 additional lots to be created in the Golf Living sub-zone.

This is a return to the status quo under the District Plan. Cancelling the condition will not authorise or enable a subdivision (or any other activity). Rather it will oblige any future subdivision consent applications to be assessed against the applicable District Plan provisions, whereas under Condition 3(f) this assessment would be a redundant exercise.

With Condition 3(f) cancelled, any future subdivision consent applications in the Golf Living sub-zone will be either a restricted discretionary or discretionary activity and must be assessed against the matters of discretion and assessment matters of rules 13.2.7.1(xx)(i) to (iii), 13.8.3, 13.9.2.3 and 13.10. There will be no *prima facie* bar to the grant of subdivision consents for more than 60 lots, because there is no such presumption in the District Plan.

This proposal therefore does not present any potential environmental effects, because it does not seek approval for any subdivision, development or land use activities. It simply seeks to ensure that future subdivision proposals in the Golf Living sub-zone (if any) can be processed under the applicable District Plan provisions.

The environmental effects of any future subdivision proposals would depend on the location and design of the subdivision(s). The assessment and management of adverse effects would be an outcome of the process of preparing, processing and determining any future subdivision consent application(s).

## 6. STATUTORY ASSESSMENT

### 6.1 RMA SECTION 104

In considering an application for resource consent under Section 104 of the RMA, a consent authority must have regard to the following (subject to Part 2):

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (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; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

In terms of section 104(1)(a), as discussed in section 5 of this AEE, the proposal does not entail any environmental effects.

In terms of section 104(1)(ab), offset or compensation measures are irrelevant to this proposal.

In terms of section 104(1)(b):

- there are no national environmental standards, national policy statements, New Zealand coastal policy statements or other regulations relevant to this proposal;
- the Regional Policy Statement for Northland (“RPS”) identifies, at chapter 2, that subdivision can have various adverse effects, such as on urban form, economic potential and social wellbeing, by creating reverse sensitivity issues and altering land values, aside from the physical effects of subdivision construction works. Any such effects are assessed against the regional and district plan provisions by way of resource consent application processes. This proposal cannot give rise to any effects identified by the RPS as of concern, rather it seeks to enable applications to be made.

- The Northland Regional Plan does not regulate subdivision. It regulates large scale earthworks, vegetation removal, water takes and discharges that could be associated with subdivision activity. Any such activities, and their effects, would be the subject of assessment under any future resource consent applications that might be made if condition 3(f) is cancelled. Cancellation of the condition cannot, of itself, enable any such effects.
- The Far North District Plan and the Proposed Far North District Plan provide the local regulatory framework for subdivision activities. Section 3.2 of this AEE details that framework and identifies how the proposal would reinstate the ability for WBFL and the consent authority to make, and assess, discretionary resource consent applications for more than 60 lots in the Golf Living sub-zone.

In terms of section 104(1)(c), a relevant “other matter” for consideration is whether the proposal would set a precedent. On this subject, the proposal does not, of itself, generate any environmental effects and does not enable any proposal not already contemplated by the District Plan. It is considered that reinstating the ability to apply for subdivision as a discretionary activity under Rule 13.2.7.1(xx) will not create a precedent.

## **6.2 PART 2, RESOURCE MANAGEMENT ACT 1991**

Part 2 of the RMA sets out the purpose of the Act (section 5), matters of national importance (section 6), considerations pertaining to other matters (section 7) and considerations pertaining to the Treaty of Waitangi (section 8).

The application is for a discretionary activity under section 127 of the RMA to cancel a condition of a subdivision consent. It will not give rise to an effect that would be contrary to Part 2 of the Act. The grant of the approval sought will simply facilitate the operation of the district plan subdivision provisions relevant to the Golf Living sub-zone, in the event that a discretionary subdivision consent application is made in the future.

As such, the proposal is considered to be consistent with Part 2 of the RMA.

## 7. NOTIFICATION ASSESSMENT

### 7.1 PUBLIC NOTIFICATION ASSESSMENT

**Step 1** – *Mandatory public notification:*

- The applicant does **not** request public notification of the application (as per section 95A(3)(a)); and
- The application does not include an exchange of recreation reserve land under the Reserves Act 1977 (as per Section 95A(3)(c)).

**Step 2** – *Public notification precluded in certain circumstances:*

- Public notification is not precluded under Step 2.

**Step 3** – *If not precluded by Step 2, public notification required in certain circumstances:*

- Neither of the circumstances (a requirement for public notification or more than minor adverse effects) specified under s95A(8) are present. Therefore, public notification is not required under Step 3.

**Step 4** – *Public notification in special circumstances:*

It is noted that caselaw defines special circumstances as follows:

- *Are unusual or exceptional but may be less than extraordinary or unique; and*
- *Unlikely to be justified where there is no evidence of adverse effects likely to arise from an activity.*

This application is not unusual or exceptional (indeed it seeks to reinstate the status quo) and no adverse effects are likely to arise if an amended consent is granted.

Given the above, public notification of this application is not required.

### 7.2 LIMITED NOTIFICATION ASSESSMENT

Section 95B(1) of the RMA requires a consent authority to determine whether to give limited notification of a resource consent application if an application is not publicly notified under section 95A of the RMA.

**Step 1** – *Certain affected groups and affected persons must be notified:*

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups or customary marine title groups or a statutory acknowledgement area.

**Step 2** – *If not required by Step 1, limited notification precluded in certain circumstances:*

- Limited notification is not precluded under Step 2.

**Step 3** – *If not precluded by Step 2, certain other affected persons must be notified:*

- The proposal is not a boundary activity and no other potentially affected parties have been identified.

**Step 4** – *Further notification in special circumstances*

This application is not unusual or exceptional and there are no special circumstances that warrant limited notification.

As such, it is appropriate for the application to be processed on a non-notified basis.

## **8. CONCLUSION**

This application is made under section 127 of the RMA. It seeks the cancellation of condition 3(f) of subdivision consent 2180183-RMASUB.

Applications under section 127 of the RMA are required to assess the effects of the proposed change or cancellation of the relevant condition(s). The assessment provided in this AEE reveals that cancelling the condition as proposed will not give rise to any adverse effects.

Cancelling Condition 3(f) will enable any future application(s) for subdivision in the Kauri Cliffs Golf Living sub-zone to be assessed via either the restricted discretionary or discretionary consenting pathways that are expressly set out in the District Plan for this sub-zone.

As there is no basis for the retention of Condition 3(f) in terms of the environmental effects of the subdivision that the consent relates to, or the District Plan provisions, it is considered appropriate for the condition to be cancelled and an amended version of subdivision consent 2180183-RMASUB to be issued.



## **APPENDIX 1**

Subdivision Consent 2180183-  
RMASUB





**Application No: 2180183-RMASUB**

*Te Kauhiera o Tai Tokerau Ki Te Raki*

11 December 2017

Waiaua Bay Farm Limited  
C/- Donaldsons Land Surveyors  
PO Box 211  
Kerikeri 0245

Dear Sir / Madam,

**Re: RESOURCE CONSENT APPLICATION BY Waiaua Bay Farms**

I am pleased to inform you that your application for resource consent has been approved. The decision is enclosed for your information. The application was considered and determined under authority delegated to the Team Leader Resource Consents of the Far North District Council, pursuant to Section 34A of the Resource Management Act 1991.

It is very important that you understand and comply with any conditions of consent. If you have any questions or concerns about any aspect of your consent or its conditions, please contact the planner who prepared the decision.

Please note, that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid by the 20<sup>th</sup> of the month following the date of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully



Rachael Pull  
Planning Support  
**Resource Consents Department**





Far North  
District Council

Pivotal Bay 752, Memorial Ave  
Kaitiaki 0440, New Zealand  
Freephone: 0800 920 029  
Phone: (09) 401 5200  
Fax: (09) 401 2137  
Email: [asl.us@fndc.govt.nz](mailto:asl.us@fndc.govt.nz)  
Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

11-Dec-2017

*Te Kaunihera o Tai Tokerau Ki Te Raki*

Waiaua Bay Farm Limited  
C/- Donaldsons Land Surveyors  
PO Box 211  
Kerikeri 0245

Dear Waiaua Bay Farm Limited,

Thank you for your recent application for resource consent at 139 Tepene Tablelands Road, Kaeo 0478.

Far North District Council provides a number of services to assist individuals and organisations comply with the obligations of the Resource Management Act and we would very much like to know how well we responded to your application on this occasion.

We would be grateful if you would take a few minutes to complete the short questionnaire on the reverse side of this letter. **If you are not the person that was most directly involved with the application, please pass this questionnaire to them instead.**

We have enclosed a FreePost envelope for the completed questionnaire to be returned directly to CTMA (the independent service-quality improvement firm that is helping us with our customer service improvement programme).

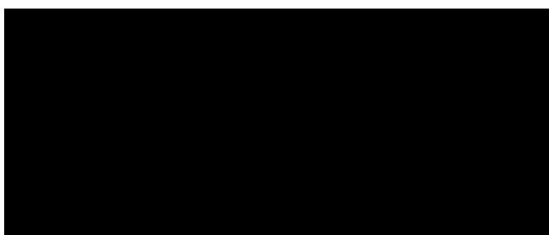
Alternatively, you may prefer to respond on-line by selecting the "Resource Consent" questionnaire at:

**[www.WasItOK.com/FNDC/resources](http://www.WasItOK.com/FNDC/resources)**

If you do choose to complete the questionnaire on-line please enter the following reference number **2180183-RMASUB** in the space provided on the web page. This number will help us link your response to the type of consent you applied for and those responsible for processing it.

We appreciate the time you may spend completing this short questionnaire and we assure you that we will use the information to continue to improve our service to you.

If you have any further enquiries regarding Far North District Council and our services, please contact our call centre on 0800 920 029.



Shaun Clarke  
Chief Executive Officer



# Resource Consent Customer Survey

[5009489 5]

If you prefer, you may respond to this survey online at: [www.WasItOK.com/FNDC/resources](http://www.WasItOK.com/FNDC/resources)

Thank you for telling us about your recent experience obtaining a **Resource Consent** from **Far North District Council**.

How satisfied were you with the **resource consent process** at **Far North District Council** in each of the following areas?

	Very satisfied	Somewhat satisfied	Neither satisfied nor dissatisfied	Somewhat dissatisfied	Very dissatisfied	(Or, not applicable)
The clarity of what you needed to supply with your application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ease completing the council's application form(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access to information from the council throughout the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consistency of information from the council throughout the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness of counter staff you spoke to about the Resource Consent process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Availability of Resource Consent staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge of Resource Consent staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness of Resource Consent staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsiveness of staff returning your phone calls and email messages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support from staff following up on promised actions and keeping you informed of progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The time it took to process your Resource Consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The value for money offered by Far North District Council's Resource Consent process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

In total, how many times did you need to make contact with **Far North District Council** to progress this consent application?

1 time only (at time of lodgement)
  2 times
  3 times
  4 times
  5 or more times

How satisfied were you **OVERALL** with the Resource Consent process at **Far North District Council** on this occasion?

Very satisfied
  Somewhat satisfied
  Neither satisfied nor dissatisfied
  Somewhat dissatisfied
  Very dissatisfied

Overall, how **EASY** did you find it dealing with **Far North District Council** obtaining Resource Consent?

Very easy
  Somewhat easy
  Neither easy nor difficult
  Somewhat difficult
  Very difficult

Based on your experience obtaining Resource Consent from **Far North District Council** on this occasion, would you recommend the area, to others wishing to build, invest or develop?

I definitely would
  I probably would
  I might or might not
  I probably would not
  I definitely would not

Thank you again for your help. Please return this questionnaire using the FreePost envelope provided to: **CTMA New Zealand Ltd., FreePost 199937, PO Box 35444, Browns Bay, Auckland 0753.**

**FAR NORTH DISTRICT COUNCIL**

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

**Resource Consent Number: 2180183-RMASUB and 2180205-RMALUC**

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

**Waiaua Bay Farms**

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

**Activity A – Subdivision 2180183-RMASUB:**

To undertake a proposed sixteen lot subdivision to create 14 additional lots. It is proposed that Lot 16 is amalgamated with Lot 8 DP 50236, and Lot 15 is the balance lot of 233.90ha. The subdivision requires non-complying resource consent pursuant to 18.7.6B as no subdivision is provided for in the Golf Playing Sub-Zone.

**Activity B – Land Use 2180205-RMALUC:**

In conjunction with the proposed subdivision, the applicant is also applying for discretionary resource consent for earthworks (12.3.3), non-complying for impervious surfaces (18.7.6B2) restricted discretionary access (13.7.3.1) and the applicant is seeking non-complying land use consent to authorise the construction of three residential units on proposed lots 1 – 3 of the subdivision RMA2180183-RMASUB.

**Subject Site Details**

Address: 139 Tepene Tablelands Road, Kaeo  
(Pt Lot 4, Matauri Bay Road, Kaeo)  
Legal Description: PT LOT 4 DP 50234 - QE II OPEN SPACE COVENANT ON  
SO 69808 - 11.8HA  
Certificate of Title reference: NA-9C/788, NA-52B/518

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

**Decision A – Subdivision 2180183-RMASUB:**

- 1 The subdivision shall be carried out generally in accordance with the approved scheme plan of subdivision prepared by Donaldsons Surveyors Limited, referenced 6586a, dated July 2017, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements to be duly granted or reserved.

(b) Drainage easements a minimum of 3 metres wide shall be provided, pursuant to Section 220(1)(f) of the Resource Management Act 1991, shall be endorsed on the survey plan under a Schedule of Memorandum of Easements and shall be duly granted or reserved.

(c) The following amalgamation condition –

*“That Lot 16 hereon be held with Lot 8 DP 50236 and Lot 1 DP 199909, and that one CFR be issued to include all parcels.”*

Refer LINZ approval 1481259

(d) The building envelopes identified on the scheme plan.

(e) Stormwater attenuation areas X, Y, and Z.

3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

(a) Provide the FNDC Monitoring Officer with a copy of the notification provided to the NRC to satisfy Condition 2 of the Northland Regional Council Consent AUT.038618.01.02 dated 11 August 2017.

(b) Ensure that the volume of earthworks undertaken does not exceed 18,800m<sup>3</sup> of cut material and the same of fill.

Fill placement as part of the consented earthworks to be undertaken on the site are to be supervised by a Chartered Professional Engineer to be engaged by the Consent Holder. The Council is to be advised in writing of the appointment of the Chartered Professional Engineer and notified when work is to commence, and when it has been completed. Upon completion of the works the Chartered Professional Engineer shall provide confirmation that the fill has been properly compacted in accordance with NZS4402:1986.

(c) Provide formed concreted and cobbled carriageway on the internal access road to 5m finished carriageway width, with a vehicle crossing to each Lot. The formation shall include swallow swale drains to contain stormwater runoff as well as catch pits and pipes as required to control and direct the discharge of stormwater runoff. The works shall be completed generally in accordance with the Plans 1-6.mjo reference 6586a, prepared by Donaldson Registered Land Surveyors, dated 10 July 2017 and submitted with RC 2170209.

(d) Install stormwater swale drains, rock lined stormwater overland flowpaths and stormwater attenuation basins with restricted outflow to limit run-off from the site to the pre-development levels, in accordance with the Stormwater Management Assessment prepared by Donaldsons Surveyors Limited for Waiaua Bay Farm Ltd, ref 6586a, dated July 2017 and submitted with RC2180183-RMASUB.

The Consent Holder shall provide a Producer Statement – Construction PS4 from the detention system designer to confirm that the stormwater attenuation basins have been constructed in accordance with the approved design. The Producer

statement shall include confirmation of the contributing catchment areas, basin attenuation volumes and discharged attenuated flow rates.

- (e) Undertake proposed Ecological Revegetation (dark green hatched areas specified on the "Landscape Mitigation and Enhancement Plan" prepared by Hawthorn Landscape Architects dated 13 September 2017), in accordance with the "Planting Plan and Vegetation Management Plan" by Northland Ecology dated November 2017 to the satisfaction of the Council's Resource Consents Monitoring Officer or duly delegated officer. The Consent Holder shall provide written confirmation from a suitably qualified and experienced Landscape Architect and/or Ecologist that any planting or further works have been undertaken in accordance with the "Landscape Management and Planting Plan" and the "Planting Plan and Vegetation Management Plan".
- (f) In order to ensure that development on the balance area of the Golf Living sub-zone does not exceed 46 lots, impose an appropriate legally binding mechanism on the relevant certificate of titles which contain the Golf Living sub-zone requiring that any future subdivision shall not exceed 46 lots. The Consent Holder shall provide to Council a Solicitor's undertaking to register this mechanism on the respective titles.  
  
Note: The Kauri Golfs Zone is designed to recognise and provide for the management and development of the international golfing facility, and this includes the ability to establish residential use in the Golf Living sub-zone which anticipates up to 60 allotments for residential (golf living purposes) as a restricted discretionary activity. This application has been granted on the basis that it provides for 14 of these anticipated residential allotments on the adjacent Golf Playing sub-zone, meaning that the balance land within the Golf Living sub-zone is now intended to provide for a balance total of the 60 lots (60 – 14 = 46 lots), being 46 lots.
- (g) Provide written confirmation from electric power and telecommunications utility service providers that their conditions for the provision of these services to this development have been satisfied.
- (h) Provide written evidence that subdivision consent 2170209-RMACOM has been surrendered pursuant to section 138 of the RMA.
- (i) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of proposed Lots 1-15. The costs of preparing, checking and executing the Notice shall be met by the Consent Holder.
  - (i) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the Consent Holder 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 and Proposed Regional Plan Permitted Activity Standards.

Note: Design parameters for the wastewater treatment and disposal have been identified in the site suitability report prepared by PK Engineering, ref 17-58, dated July 2017 and submitted with RC2180183-RMASUB.

- (ii) That any buildings on Lots 1-14 be located within the building envelope with an allowance for up to 20% of the building coverage to be located outside of this envelope to allow for flexibility of building design.
- (iii) At the time of building consent or land use resource consent for any development on Lots 1-14, the Consent Holder shall submit an assessment from a suitably qualified and experienced Landscape Architect to indicate that the development is in accordance with the attached Appendix 7 – Building and Landscape Design Guidelines by Hawthorn Landscape Architects Ltd dated 13 September 2017, including detailing landscape planting to be undertaken to give effect to the above Design Guidelines and the Landscape Mitigation and Enhancement Plan dated 13 September 2017 by Hawthorn Landscape Architects.
- (iv) That any planting required to be undertaken in accordance with the Landscape Mitigation and Enhancement Plan dated 13 September 2017 by Hawthorn Landscape Architects and the Appendix 7 – Building and Landscape Design Guidelines by Hawthorn Landscape Architects Ltd dated 13 September 2017, shall be implemented within the next planting season following practical completion of the building works for Lots 1 – 14, and maintained in perpetuity.
- (v) Areas of Ecological Revegetation planted in accordance with condition 3(e) of RC2180183-RMASUB, shall be maintained in perpetuity in accordance with the recommendations of the “Planting Plan and Vegetation Management Plan” by Northland Ecology dated November 2017.
- (vi) For Lot 15 only, easements X, Y, and Z shall be maintained for the purposes of stormwater attenuation in perpetuity, including all necessary maintenance in accordance with the Stormwater Management Assessment prepared by Donaldsons Surveyors Limited for Waiaua Bay Farm Ltd, ref 6586a, dated July 2017 and submitted with RC2180183-RMASUB.
- (vii) At the time of building consent for any new dwelling on Lots 1 – 14, provide evidence that each Lot has access to water for fire fighting purposes and complying with SNZPAS 4509:2008, as detailed on the fire fighting water supply plan dated 10 July 2017 prepared by Donaldsons Surveyors.
- (viii) The keeping or bringing onto the site of any cats, dogs or mustelids is prohibited on any lot.
- (ix) No building shall be erected, nor any works which increase impermeable surfaces may be undertaken, nor any planting or structure placed which may create a flow obstruction, on any area of the site which has been proposed as a secondary / overland (Q100) flow path [on the Stormwater Management Assessment – Proposed Lots 1-14 prepared by Donaldsons

Surveyors dated July 2017], and as shown on the as-built drawing (attached).

- (x) Lots 1-14 are located in the Golf Playing Sub-Zone and have been approved for subdivision on the basis of providing for activities associated with the Golf Living Sub Zone. Accordingly, where a Land Use activity is proposed and does not comply with any one or more of the Golf Playing Sub-Zone standards, the Resource Consent application would need to demonstrate consistency with the Golf Living Sub-Zone standards.

**Decision B – Landuse 2180205-RMALUC:**

***Impervious Areas – Lots 1-14***

1. Impervious areas are allowed on lots 1-14 of RC2180183-RMASUB to a maximum of:

Lot 1	1325m <sup>2</sup>	Lot 8	1022m <sup>2</sup>
Lot 2	1232m <sup>2</sup>	Lot 9	924m <sup>2</sup>
Lot 3	932m <sup>2</sup>	Lot 10	926m <sup>2</sup>
Lot 4	998m <sup>2</sup>	Lot 11	893.m <sup>2</sup>
Lot 5	1053m <sup>2</sup>	Lot 12	846m <sup>2</sup>
Lot 6	1030m <sup>2</sup>	Lot 13	1005m <sup>2</sup>
Lot 7	926m <sup>2</sup>	Lot 14	1000m <sup>2</sup>

***Construction of Residential on Lots 1-3***

2. The construction of the residential units on lots 1-3 of RC2180183-RMASUB shall not be undertaken until the subdivision (RC2180183-RMASUB) has been completed with 224(c) certification obtained.
3. The construction of the residential units shall be undertaken in accordance with the following plans and elevations and attached to this consent with the Council's "Approved Stamp" affixed to it:
- a. Proposed Land Use for 3 Residential Units on Proposed Lots 1-3 Site Plan reference: 7028 prepared by Donaldsons Surveyors dated August 2017.
  - b. Exterior Elevations prepared by ADPG Architects reference A3.1.1 dated 14 July 2017.
  - c. Garage Floor / Roof Plan, Ext Elevations prepared by ADPG Architects reference A2.3.1 dated 20 July 2017.

***Access***

4. The consent holder shall provide a formed and concreted / paved or sealed access on ROW labelled 'I', 'Db' 'J' & 'K' to a 3m finished carriageway. The formation shall include kerbing or a dish channel to contain stormwater runoff as well as catch pits and culverts in general accordance with plan prepared by Donaldson's Surveyors 'Lots 1 – 3 Detail Plan', dated 25 July 2017 Referenced 6586a.

***Stormwater***



5. The consent holder shall construct and install the proposed stormwater management system in general accordance with the plan prepared by Donaldson's Surveyors 'Lots 1 – 3 Detail Plan', dated 25 July 2017 Referenced 6586a, and 'Stormwater Line 5' dated 21 July 2017 Referenced 6586a.

#### **Advice Note**

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to that Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

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

1. **Notification Decision**  
The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are less than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. **Relevant Statutory Provisions – Far North District Plan, Northland Regional Policy Statement and New Zealand Coastal Policy Statement**

##### **Operative Far North District Plan**

The proposed activity is considered to have adequately taken into account, and be consistent with, relevant statutory provisions, including the following objectives and policies from the Operative Far North District Plan.

The relevant objectives and Policies for this proposal are those in section 13.3 and 13.4 of the Subdivision Chapter, and 15.1 of the Transportation Chapter. These objectives and policies for subdivision in section 13.3. and 13.4 generally seek to provide for subdivision of land in a manner that is consistent with the purpose of the zone of a site and avoids adverse effects on special features, while ensuring that any new allotments are sufficiently serviced in terms of water, wastewater, access, stormwater and utilities, and within 15.1 to ensure that suitable access is provided. In this instance, the subject site is situated in the Kauri Cliffs Zone. A description of the purpose of the Kauri Cliffs Zone along with specific objectives and policies are provided in section 18.7 of the Special Areas Chapter 18.

These provisions seek to ensure that development in the Kauri Cliffs Zone recognises the coastal and rural qualities, and manages and protects the natural and physical resources therein. The provisions also acknowledge and seek to enable the golf course operations on the parent site. More specifically, policies identify the sustainable development of future golf courses within the Golf Playing Sub-Zone, and that "golf living" activities consistent with an open rural landscape character be provided within those parts of the Kauri Cliffs Zone which are located more than 0.5km inland from the coast,

and that buildings are sited to ensure any impacts of development within the coastal environment are minimised, and that sufficient land is available for wastewater and stormwater disposal.

The proposal is considered to be adequately serviced in terms of access, and provision for wastewater disposal and stormwater attenuation. The building sites are located approximately 0.7km inland, and with proposed design guidelines and revegetation works, the proposal is considered to maintain a landscape character that is anticipated where all lots meet the minimum lot size of 4000m<sup>2</sup> specified for subdivision within the Kauri Cliffs Zone.

While the subdivision is located within the area originally intended as part of the Golf Playing Sub-Zone, the proposal is considered to be consistent with the overall intent of the Kauri Cliffs Zone, as the proposal is providing for the first of the 60 residential lots anticipated in close proximity to the existing lodge and cottage accommodation and adjoining an area identified as Golf Living Sub-Zone directly to the north. As such the location of the proposed allotments while not strictly in the correct zone are located within the centre of the whole development, directly adjoining and lining areas to the north and south that are similar in character due to their purpose for residential development or accommodation purposes. The proposed location of the future residential development will still achieve the purpose of having residential lots surrounding the existing golf course environment. Overall, the proposal is providing the first 14 residential lots of the total of 60 anticipated. Given the application indicates that the owners do not intend using the proposed location for an extension of the golf course, and that they own all allotments involved, it is considered that the use of the location for residential rather than golf purposes is acceptable.

Overall, the proposal is considered to be consistent with the relevant objectives and policies as the proposal will maintain the character of the Kauri Cliffs Zone, recognising the importance of the surrounding natural features, and the proposed lots are able to be adequately accessed and serviced.

**Relevant National planning provisions include:**

**The New Zealand Coastal Policy Statement 2010**

The New Zealand Coastal Policy Statement 2010 (NZCPS) provides guidance on uses and development with the coastal environment at a national level. The overarching intent of the NZCPS is to ensure sustainable management specifically of the coastal environment (which includes the coastal marine area), noting that there are a number of unique issues that affect the coastal environment. These include pressures from uses and development on the natural character and landscape values of the coastal environment, water quality and its effect on aquatic life and recreational uses, coastal hazards, and cultural heritage. The direction given by the NZCPS is further reflected in the RPS, which identifies the coastal area and parts that are considered areas of high and outstanding natural character.

The proposed subdivision is located outside of any area identified as being of high or outstanding natural character. The large scale of the parent site means that the subdivision will be located a substantial distance from the CMA, and views towards the development will be distant and viewed in conjunction with the existing development to the south surrounding the lodge. Extensive areas of vegetation are

proposed around each building site, and to support existing vegetation at the bottom of the site in proximity to the wetland and Rangikariri Stream. Stormwater control and attenuation is designed to be low impact, meeting FNDC requirements. Earthworks will be finished in natural material and vegetated where possible, and the proposal is not located within an area known to contain archaeological sites. Overall, the proposal is considered to be consistent with the relevant provisions of the NZCPS.

**Relevant Regional planning provisions include:**

**The Northland Regional Policy Statement**

The Northland Regional Policy Statement (RPS) covers the management of natural and physical resources across the Northland region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues. As such it does not contain specific rules that trigger the requirement for consent but rather give guidance to consent applications and the development of District Plans on a regional level.

The Northland Regional Policy Statement was notified in October 2012. The RPS was made operative on 9 May 2016, except for the provisions that relate to genetic engineering (which are subject to appeal, but are otherwise irrelevant). Therefore, for all intents and purposes, the new RPS is operative.

Objectives 3.14 and 3.15 relate to the protection, and management and enhancement of the natural character of the Coastal Environment and fresh water bodies and their margins, and these are supported by Policies 4.4.1 and 4.6.1. The proposed subdivision while within the coastal environment, is not within any areas of high or outstanding natural character. The design, and location of the proposed subdivision is considered to be consistent with these matters given the setback of the development site from the CMA, the revegetation work planned, and the proposed stormwater attenuation design.

Objective 3.11 Regional form and associated policies 5.1.1 and 5.1.2, seek to ensure that development occurs in appropriate locations that are able to be adequately serviced, avoiding incompatible land uses and maintaining the character of the surrounding environment. The location of the subdivision within the Kauri Cliffs Zone indicates that the area has already been identified as an area where further development will consolidate, and the proposal includes extensive revegetation measures to soften the proposed development, and to strengthen the margins of the adjoining wetland, and Rangikariri Stream.

**3. Other matters considered relevant in making this decision**

***Precedent***

Case law has established that the precedent of granting a resource consent is a relevant factor for a consent authority in considering whether to grant a non-complying resource consent. A precedent effect is likely to arise in situations where consent is granted to a non-complying activity that lacks the evident unique, unusual or distinguishing qualities that serve to take the application outside of the generality of cases or similar sites in the vicinity. In other words, if an activity is sufficiently unusual and sufficiently outside the run of foreseeable other proposals it avoids any precedent effect and can be approved.

In this instance, the proposed subdivision requires resource consent as a non-complying activity as subdivision is not provided for the Golf Playing Sub-Zone within the Kauri Cliffs Zone. Precedent is a factor that needs to be considered, as this is one of the first applications of this type to be tested against these District Plan Provisions. There is a potential concern that granting this application could set a precedent for future subdivisions under the proposed Kauri Cliffs Zone provisions.

Overall, it is considered that the application is significantly distinguished from other potential consent applications for similar development in the vicinity and the wider district for the following reasons:

- The subject site is located within the Kauri Cliffs Zone which forms part of a wider, single-ownership land holding with any neighbouring properties located a significant distance away. This means that the subject site has the capacity to absorb additional built form and development, while generally internalising any effects.
- The Kauri Cliffs Zone is classified as a special area in Chapter 18 of the District Plan. The Kauri Golfs Zone is designed to recognise and provide for the management and development of the international golfing facility, and this includes the ability to establish residential use in the Golf Living sub-zone which anticipates up to 60 allotments for residential (golf living purposes) as a restricted discretionary activity. This application has been granted on the basis that it provides for 13 of these anticipated residential allotments on the adjacent Golf Playing sub-zone, meaning that the balance land within the Golf Living sub-zone is now intended to provide for a balance total of the 60 lots (60 – 13 = 47 lots), being 47 lots.
- The applicant has offered a comprehensive suite of mitigation measures that ensure that the visual, landscape and rural character and amenity effects are less than minor.

There are no other matters considered relevant to the determination of this application.

#### **4. Part 2 Matters**

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act as follows:

##### *Section 5- Purpose of the Act*

In terms of Part 2 of the Act, the proposed activity must meet the purpose of the Act set out in section 5 which is “to promote the sustainable management of natural and physical resources.” A definition of sustainable management is provided within part 2 of the Act. It is considered that the proposal is in accordance with the purpose of the Act as it is promoting the sustainable management of natural and physical resources i.e. land and buildings. Furthermore, the proposed subdivision constitutes development of land which enables people to provide for their social and economic wellbeing.

##### *Section 6- Matters of National Importance*

Section 6 of the Act highlights matters of national importance that shall be recognised and provided for in order to achieve the sustainable management purpose of the Act. Section 6(a) requires 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. In this instance the proposed development is considered appropriate as the subdivision is

designed to be sympathetic to the surrounding environment through the addition of extensive planting, and revegetation in proximity to the wetland, the use of stormwater attenuation devices to control stormwater that will discharge to the wetland, and through controls on building design to ensure that built development is adequately absorbed into the surrounding landscape.

*Section 7- Other matters*

Section 7 of the Act lists other matters that particular regard shall be given to in order to achieve the purpose of the Act. The matters that relate to this proposal are the efficient use and development of natural and physical resources and the maintenance and enhancement of amenity values. The proposal is considered an efficient use and development of the existing natural and physical resource base as it enables land to be used for living purposes while resulting in less than minor effects in the surrounding locality. It is also considered that the proposal maintains existing amenity values in the area as the proposed allotments are consistent with the outcomes anticipated in the Kauri Cliffs Zone for residential development, and that the proposed revegetation in the vicinity of the wetland will provide benefits to this feature and hence will maintain the quality of the environment.

*Section 8 - Treaty of Waitangi*

Section 8 is not considered relevant to the present application as the proposal does not relate to the principles of the Treaty of Waitangi.

**5. Conclusion**

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

**Approval**

This resource consent has been prepared by David Badham (Consultant / Senior Planner – Barker & Associates) and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

  
**Pat Killalea, Principal Planner**

  
**Date**

**Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

**Lapsing Of Consent**

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

The consent is given effect to; or

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



pasture

Green 12

### Proposed Easements

Purpose	Shown	Servient	Dominant
Right of Way	A	Lot 15	Lots 1-14&16
Right to convey water	B	Lot 15	Lots 1-14&16
electricity,	C	Lot 15	Lots 1-3&16
telecommunications,	I, Db & J	Lot 1	Lots 2 & 3
& computer media.	K	Lot 2	Lot 3
Right to drain water	V	Lot 15	Lots 1-3
Right to drain water	Da Db & Dc	Lot 1	Lot 15
Right to drain water	E	Lot 7	Lot 5
Right to drain water	F	Lot 13	Lot 14
Telecommunications & computer media	B	Lot 15	Chorus NZ Ltd (in gross)
Electricity	B	Lot 15	Top Energy Ltd (in gross)
	G	Lot 8 DP 50236	
	L & K	Lot 2	
Right to drain water	M	Lot 3	Lots 1 & 2
	K	Lot 2	Lot 1

Legal Access to Lots 1 - 14 & 16 will be via Right of Way easement following existing formation to Tepene Tablelands Road.

Proposed stormwater attenuation basin

New bdy is 8 m east of fence and 25m from property bdy.

### Proposed Covenants

- Area labelled H & Ha - Hm are designated building envelope with 20% permitted allowance outside the covenant boundary.
- Areas labelled V, W, Da-Dc are overland flowpaths
- Areas labelled X, Y & Z are stormwater attenuation areas.
- Bush protection (refer to ecological planting plan)

### Proposed Amalgamation

That Lot 16 hereon be held with Lot 8 DP-50236 and Lot 1 DP-199909, and that one CFR be issued to include all those parcels.

Golf Playing Environment zone

15  
233 90 ha  
Kauri Cliffs Golf Course

Proposed stormwater attenuation basin

Green 10

**APPROVED PLAN**

PLANNER .....  
Date 11/12/17

Lot 8  
DP 50236  
CFR NA126B/770  
330.5269 ha

**NOTES**  
Lots 1 - 14 will be subject to property maintenance covenants.  
Right of way easements will be created for all legal access, and covenants created over attenuation areas & overland flowpaths.

**Owner : Waiaua Bay Farm Limited**  
Title : NA9C/788  
Total Area : 243.5195 ha  
Areas and measurements are subject to survey  
Contour interval : 1.0m  
Height datum : MSL  
File : 6586a The scheme Plan.mjo

Scale @ A3 : 1:2000

**PROPOSED SUBDIVISION OF LOT 4 DP 50234 & LAND USE FOR STORMWATER MANAGEMENT**

July 2017  
REF : 6586a

**DONALDSONS**  
REGISTERED LAND SURVEYORS

Indigenous lowland forest & coastal element species.

### Proposed Covenant

Pursuant to Sec 221 RMA 1991

Areas shaded green are to be subject to bush protection

Indigenous wetland and swamp shrubland species

Indigenous lowland forest & coastal element species.

## APPROVED PLAN

PLANNER 

RC 21801838 2180205 Date 11/12/17

Owner : Waiaua Bay Farm Limited

Title : NA9C/788

Total Area : 243.5195 ha

Areas and measurements are subject to survey

Contour interval : 1.0m

Height datum : MSL

File : 6586 The scheme Plan.mjo

0 100 200

Scale @ A3 : 1:2000

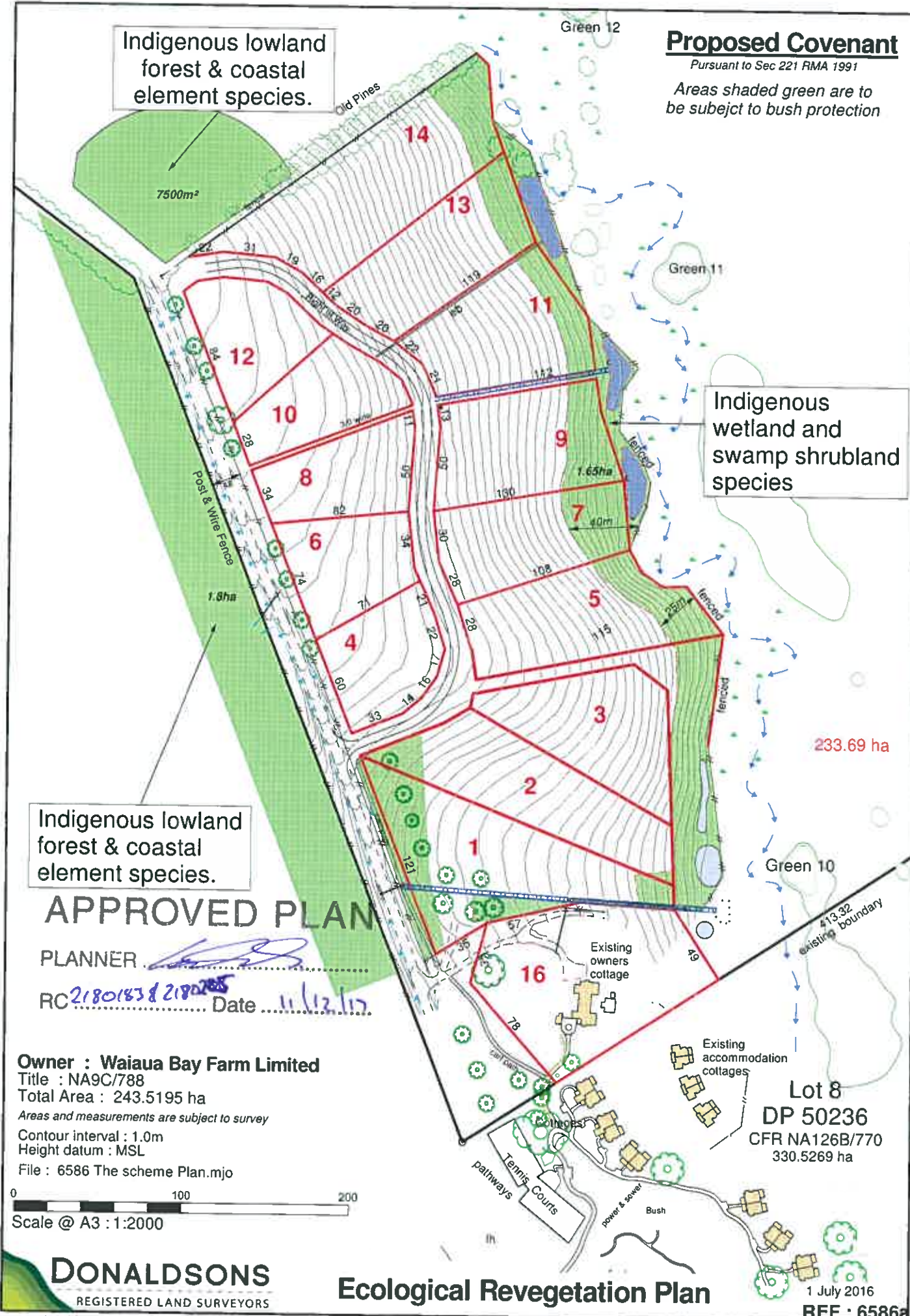
# DONALDSONS

REGISTERED LAND SURVEYORS

## Ecological Revegetation Plan

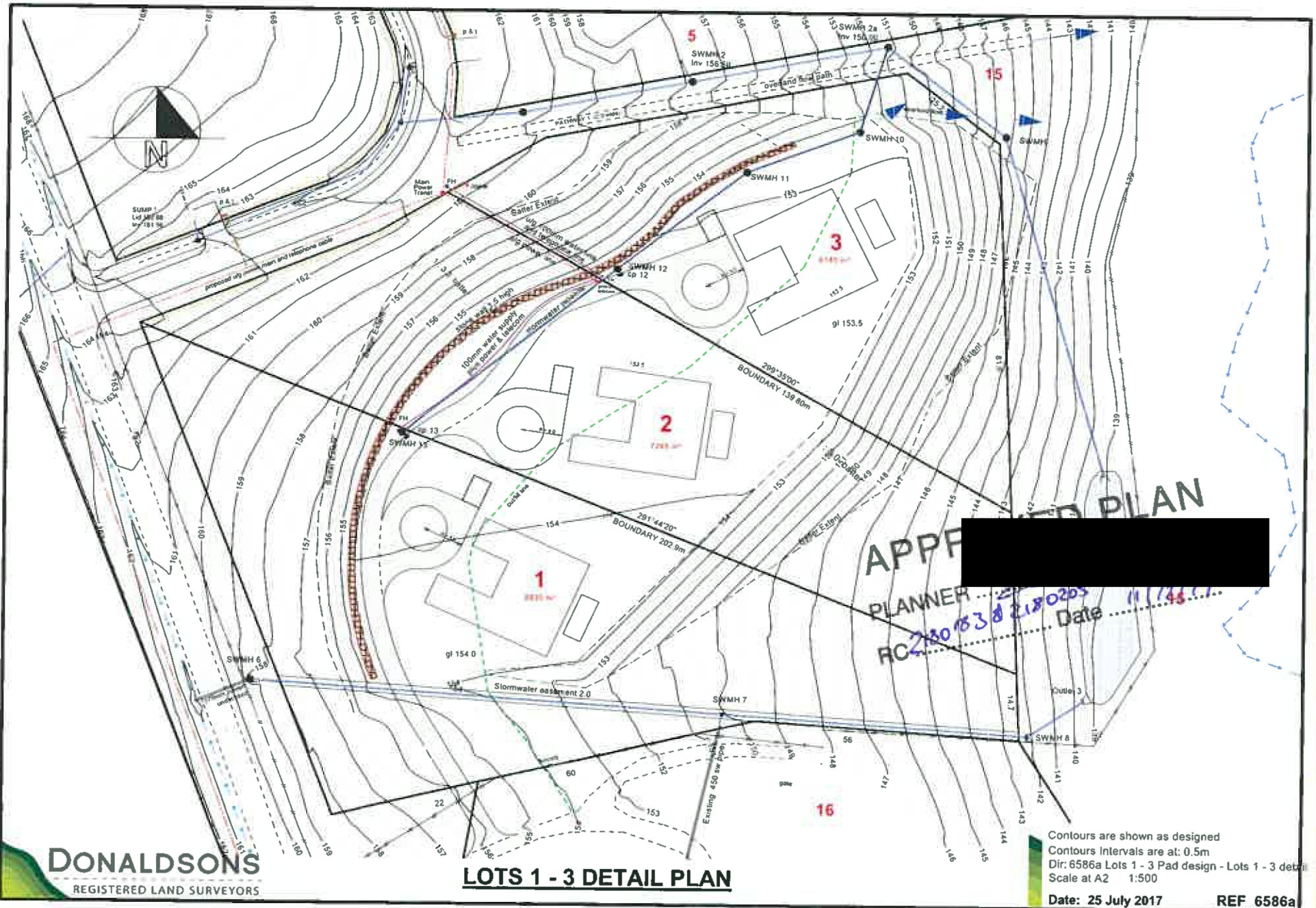
1 July 2016

REF : 6586a





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**DONALDSONS**  
REGISTERED LAND SURVEYORS

**LOTS 1 - 3 DETAIL PLAN**

Contours are shown as designed  
Contours intervals are at: 0.5m  
Dir: 6586a Lots 1 - 3 Pad design - Lots 1 - 3 detail  
Scale at A2 1:500  
Date: 25 July 2017 REF 6586a



### Earthworks Volumes:

Access: 8000m<sup>3</sup> - cut  
 Access: 2300m<sup>3</sup> - fill  
 Overland flow drains: 330m<sup>3</sup> - cut  
 Stormwater attenuation ponds: 500m<sup>3</sup> - cut  
 Building envelope (Lot 1-3): 10,000m<sup>3</sup> - cut  
 (Lot 1-3): 10,000m<sup>3</sup> - fill

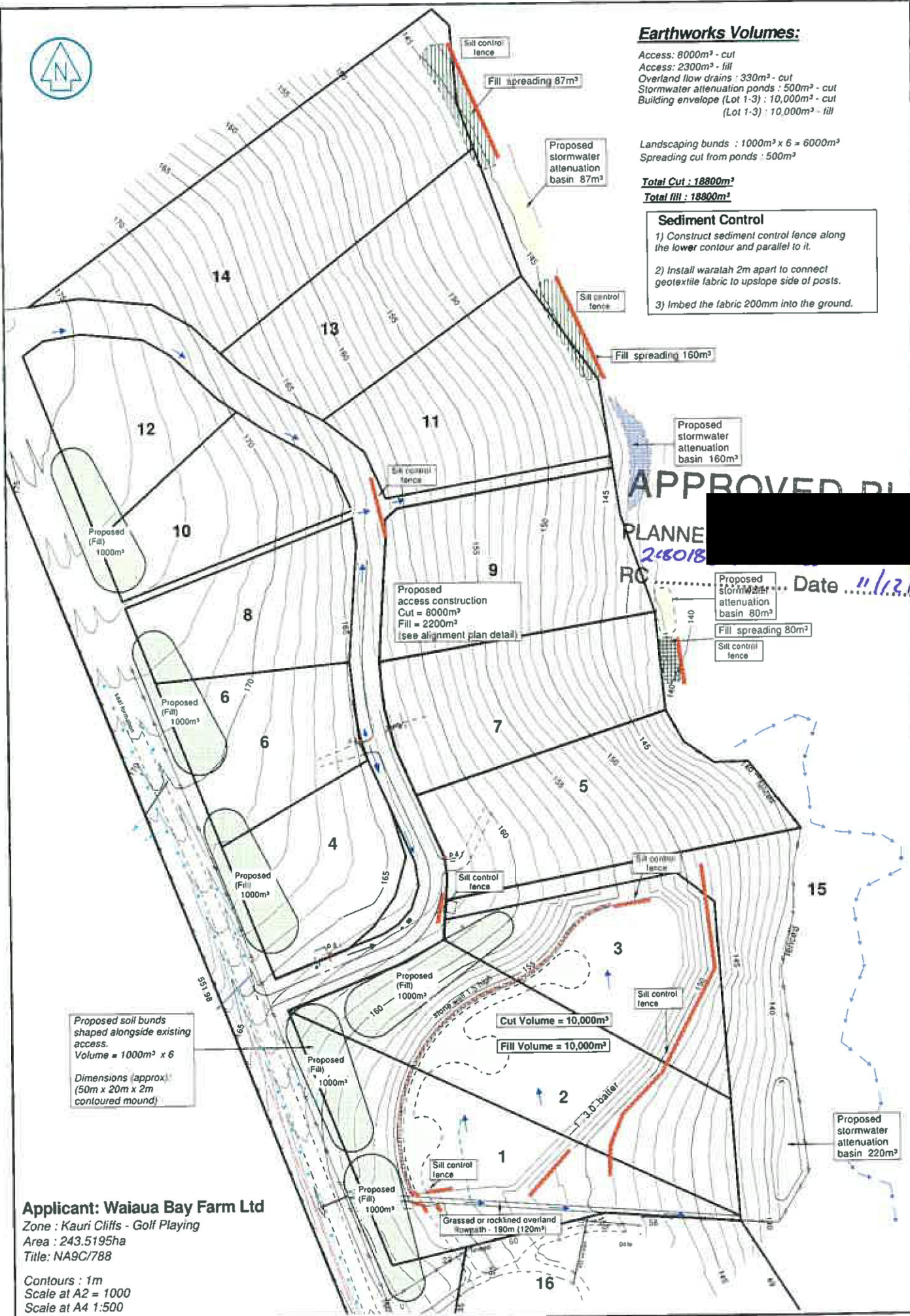
Landscaping bunds : 1000m<sup>3</sup> x 6 = 6000m<sup>3</sup>  
 Spreading cut from ponds : 500m<sup>3</sup>

**Total Cut : 18800m<sup>3</sup>**

**Total fill : 18800m<sup>3</sup>**

### Sediment Control

- 1) Construct sediment control fence along the lower contour and parallel to it.
- 2) Install waratah 2m apart to connect geotextile fabric to upslope side of posts.
- 3) Imbed the fabric 200mm into the ground.

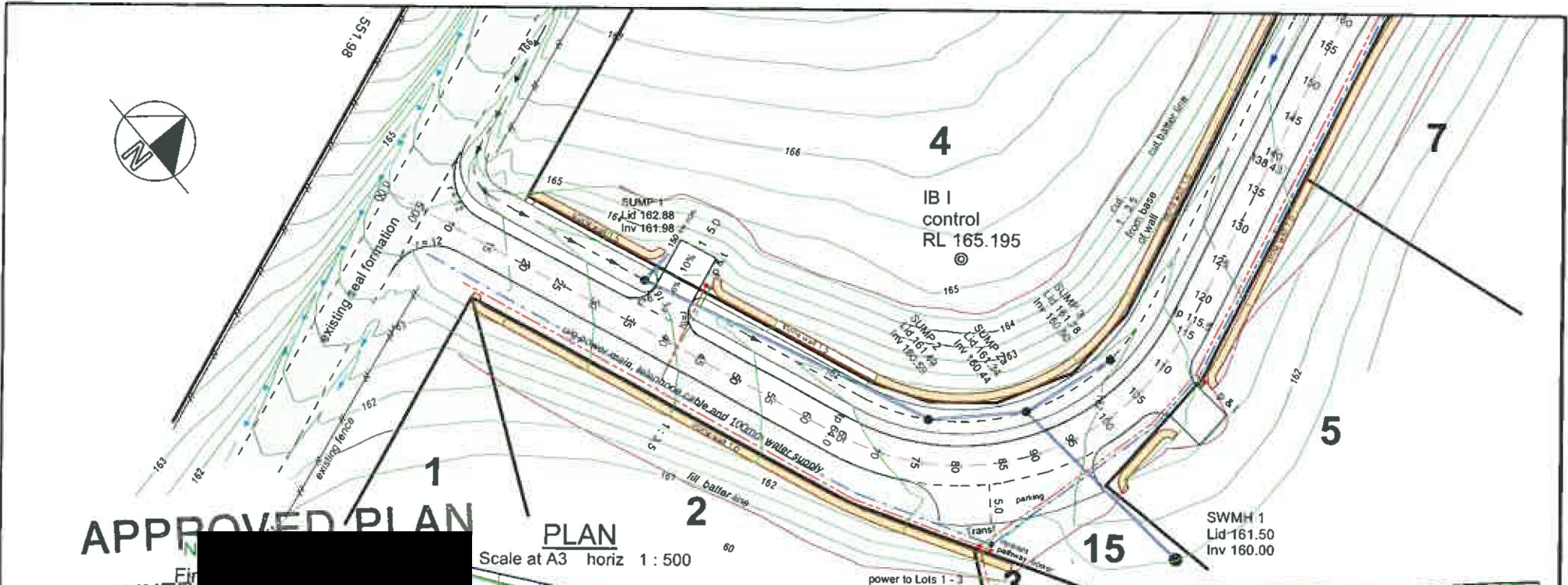


**APPROVED PLAN**  
 PLAN No. 248018  
 RC  
 Date 11/12/17

Proposed soil bunds shaped alongside existing access.  
 Volume = 1000m<sup>3</sup> x 6  
 Dimensions (approx): (50m x 20m x 2m contoured mound)

**Applicant: Waiau Bay Farm Ltd**  
 Zone : Kauri Cliffs - Golf Playing  
 Area : 243.5195ha  
 Title: NA9C/788

Contours : 1m  
 Scale at A2 = 1000  
 Scale at A4 1:500



**APPROVED PLAN**

**PLAN**  
Scale at A3 horiz 1 : 500

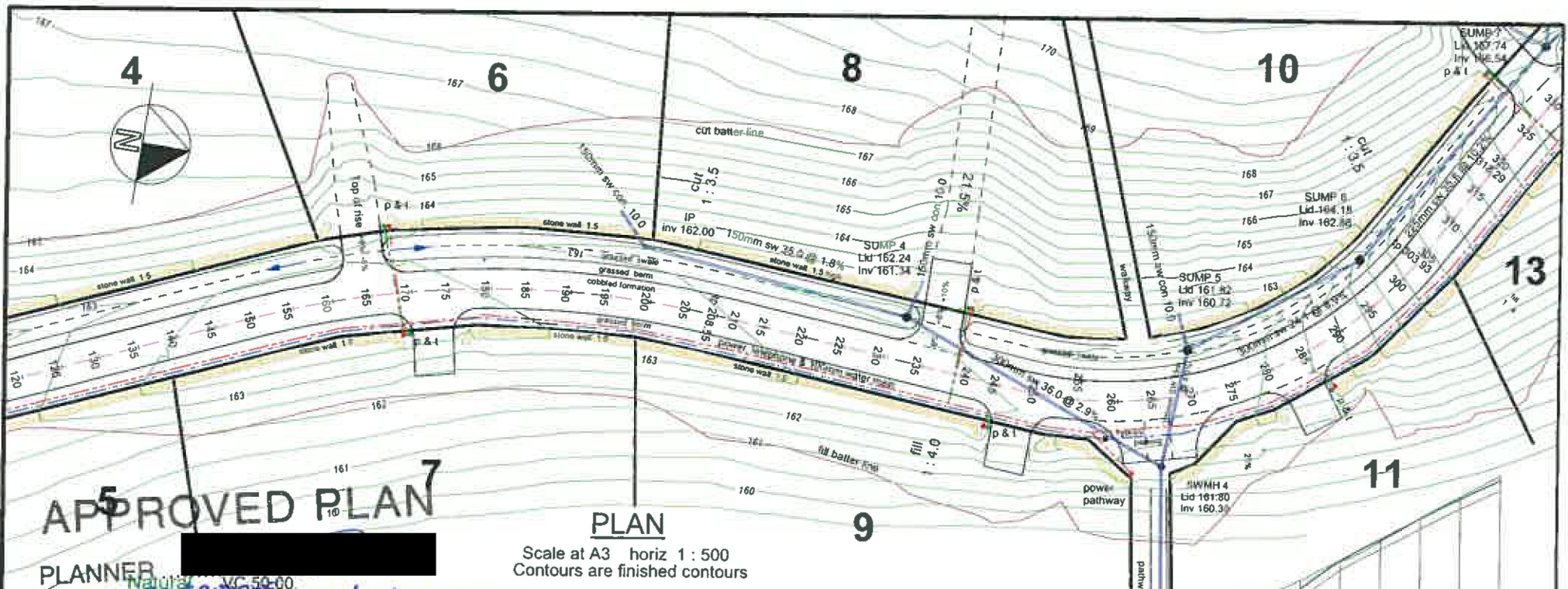
PLANNER [Redacted]  
RC 218093 & 218026 Date 11/12/17

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Cut/fill to subgrade	+0.00	-0.00	+0.12	+0.09	+0.08	+0.04	+0.04	+0.09	+0.15	+0.21	+0.30	+0.35	+0.36	+0.36	+0.43	+0.63	+0.92	+1.23	+1.49	+1.58	+1.59	+1.51	+1.31	+1.15	+0.91	+0.74	+0.51	+0.33	+0.19	+0.16	+0.19	+0.22
Finished	164.50	164.50	164.29	164.08	163.87	163.66	163.45	163.24	163.03	162.82	162.62	162.46	162.32	162.20	162.11	162.01	161.91	161.81	161.76	161.79	161.90	162.09	162.33	162.57	162.81	163.03	163.22	163.38	163.51	163.61	163.67	163.71
Subgrade	164.50	164.50	164.04	163.83	163.62	163.41	163.20	162.99	162.78	162.57	162.37	162.21	162.07	161.95	161.86	161.76	161.66	161.56	161.51	161.54	161.65	161.84	162.08	162.32	162.56	162.78	162.97	163.13	163.26	163.36	163.42	163.46
Natural	164.50	164.50	164.16	163.92	163.71	163.45	163.24	163.08	162.93	162.78	162.67	162.55	162.43	162.31	162.28	162.39	162.58	162.79	163.00	163.12	163.24	163.35	163.39	163.47	163.46	163.52	163.49	163.46	163.45	163.52	163.61	163.68
Chainage	0.00	5.00	10.00	15.00	20.00	25.00	30.00	35.00	40.00	45.00	50.00	55.00	60.00	65.00	70.00	75.00	80.00	85.00	90.00	95.00	100.00	105.00	110.00	115.00	120.00	125.00	130.00	135.00	140.00	145.00	150.00	155.00

**DONALDSONS** Scales at A3 horiz 1 : 500  
REGISTERED LAND SURVEYORS vert 1 : 100

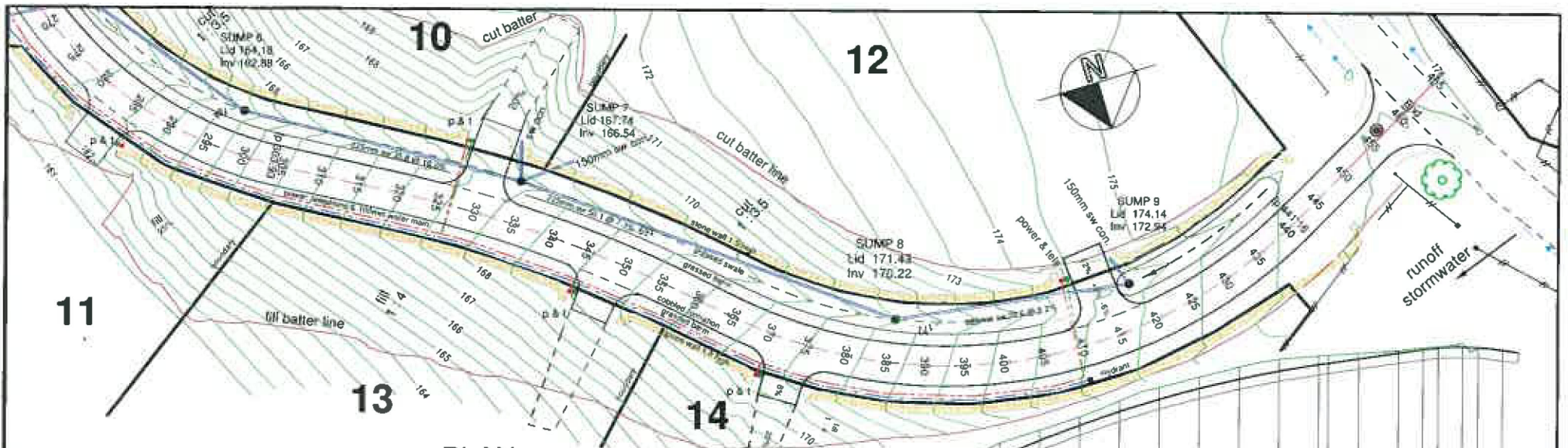
**LONGSECTION 00 - 155**

Plan 1.mjo ref 6586a  
10 July 2017



PLANNER: [Redacted]  
 RC Subgrade Date 11/12/17

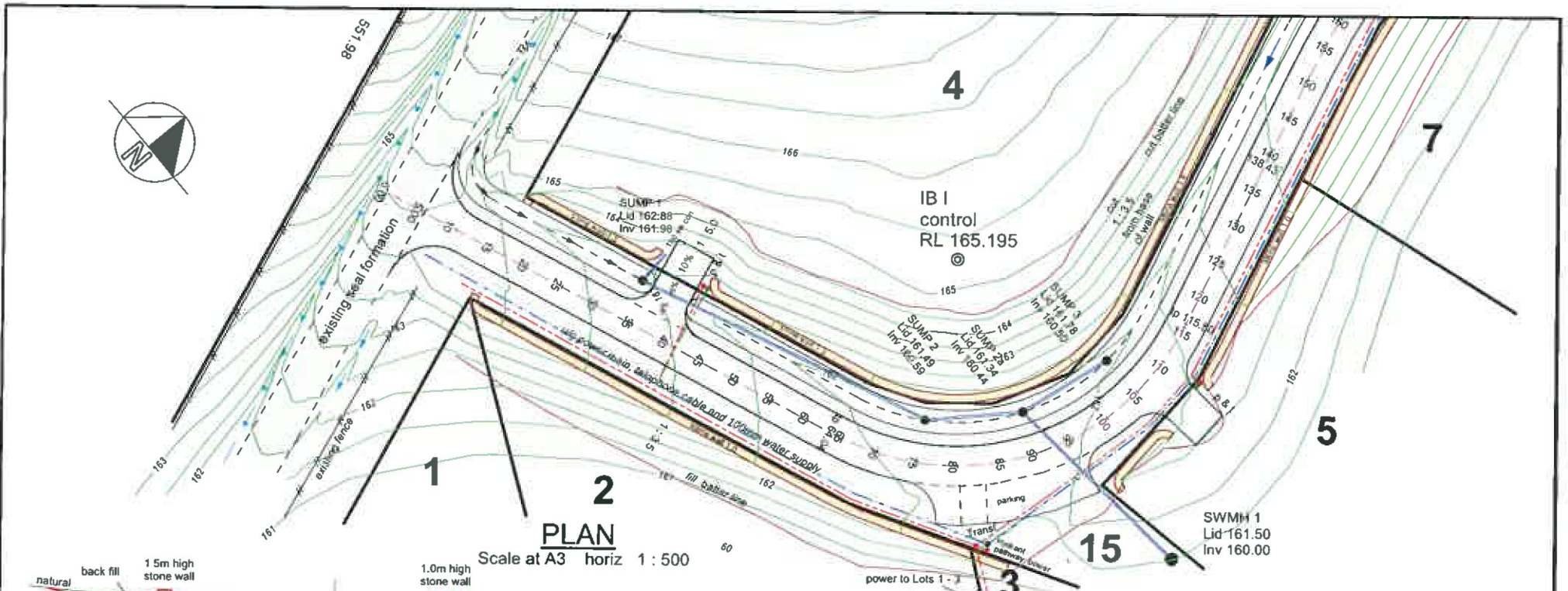
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165.00	163.75	163.43	163.68	-0.32
170.00	163.79	163.37	163.62	-0.43
175.00	163.80	163.29	163.54	-0.51
180.00	163.77	163.21	163.46	-0.56
185.00	163.70	163.14	163.39	-0.56
190.00	163.69	163.06	163.31	-0.63
195.00	163.66	162.99	163.24	-0.67
200.00	163.51	162.91	163.16	-0.60
205.00	163.41	162.83	163.08	-0.58
208.55	163.35	162.78	163.03	-0.58
210.00	163.33	162.76	163.01	-0.58
215.00	163.27	162.68	162.93	-0.59
218.69	163.22	162.62	162.87	-0.59
220.00	163.18	162.60	162.85	-0.58
225.00	163.08	162.53	162.78	-0.55
228.69	163.00	162.47	162.72	-0.53
230.00	162.95	162.45	162.70	-0.50
235.00	162.91	162.37	162.62	-0.53
240.00	162.82	162.30	162.55	-0.53
245.00	162.62	162.22	162.47	-0.40
250.00	162.43	162.14	162.39	-0.28
255.00	162.31	162.07	162.32	-0.24
260.00	162.38	161.99	162.24	-0.39
265.00	162.69	161.92	162.17	-0.78
270.00	162.99	161.91	162.16	-1.08
275.00	163.13	162.04	162.29	-1.09
280.00	163.33	162.32	162.57	-1.01
285.00	163.64	162.73	162.98	-0.91
290.00	164.02	163.28	163.53	-0.74
295.00	164.44	163.98	164.23	-0.46
300.00	164.94	164.72	164.97	-0.22
305.00	165.44	165.25	165.50	-0.20
310.00	166.04	165.77	166.02	-0.27
315.00	166.60	166.28	166.53	-0.31
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**APPROVED PLAN**  
 Scales @ A3 horiz 1 : 500

PLANNER [REDACTED]  
 RC 2801838 2180205 Date 11/12/17

	6.91%										8.95%										2.95%										3.04%									
Datum R.L. 166.00	VC 30.00										VC 40.00										10.00																			
Cut / fill to subgrade	-0.37	-0.40	-0.32	-0.30	-0.31	-0.36	-0.40	-0.39	-0.38	-0.40	-0.44	-0.46	-0.48	-0.44	-0.45	-0.43	0.45	-0.52	-0.61	-0.61	-0.51	-0.46	-0.52	-0.55	-0.53	-0.55	-0.55	-0.46	-0.45	-0.39	-0.31	-0.27	-0.23	-0.23						
Finished	167.01	167.46	167.89	168.28	168.64	168.64	168.98	169.33	169.67	169.89	170.02	170.27	170.36	170.71	171.06	171.40	171.40	171.85	172.30	172.30	172.74	173.19	173.19	173.62	174.01	174.37	174.37	174.80	175.24	175.61	175.61	176.03	176.03	176.46	176.46					
Subgrade	166.76	167.21	167.64	168.03	168.39	168.64	168.73	169.08	169.42	169.64	169.77	170.02	170.11	170.46	170.81	171.15	171.60	171.60	172.05	172.05	172.49	172.94	173.19	173.37	173.76	174.12	174.37	174.43	174.71	175.16	175.32	175.75	176.00	176.00	176.46	176.46				
Natural	167.14	167.61	167.95	168.33	168.70	168.70	169.09	169.47	169.81	170.02	170.16	170.47	170.57	170.94	171.25	171.60	172.03	172.50	172.50	173.01	173.55	173.89	173.89	174.23	174.63	174.96	175.24	175.50	175.70	175.79	175.80	175.86	176.03	176.03	176.40	176.40				
Chainage	320.00	325.00	330.00	335.00	340.00	340.00	345.00	350.00	355.00	358.10	360.00	363.70	365.00	370.00	375.00	380.00	385.00	390.00	395.00	400.00	400.00	405.00	410.00	415.00	420.00	425.00	430.00	435.00	440.00	441.16	445.00	450.00	453.06	453.06	458.08	460.00	463.08			



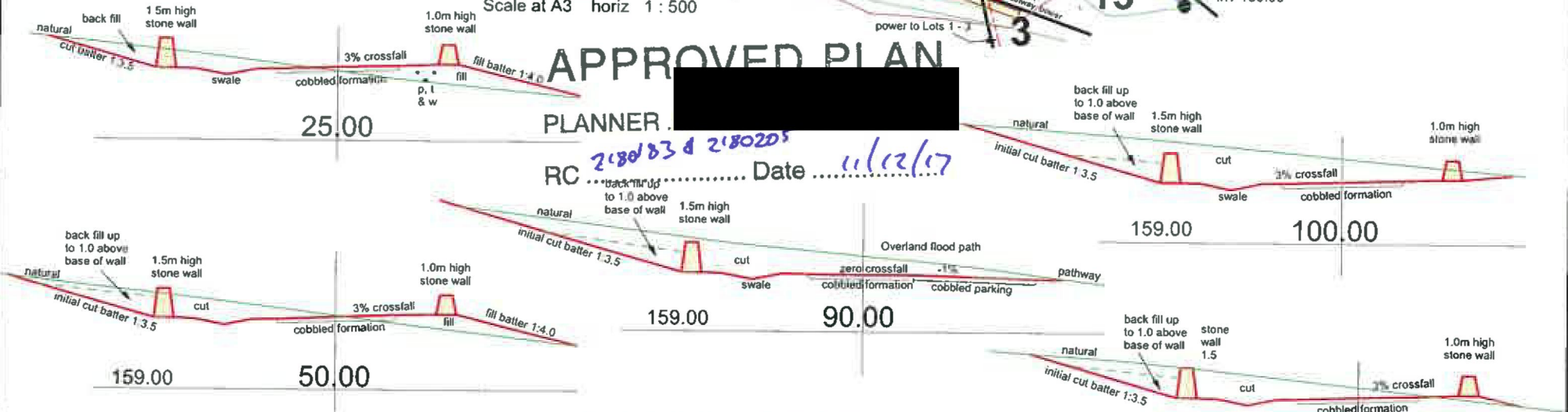
**PLAN**

Scale at A3 horiz 1 : 500

**APPROVED PLAN**

PLANNER [REDACTED]

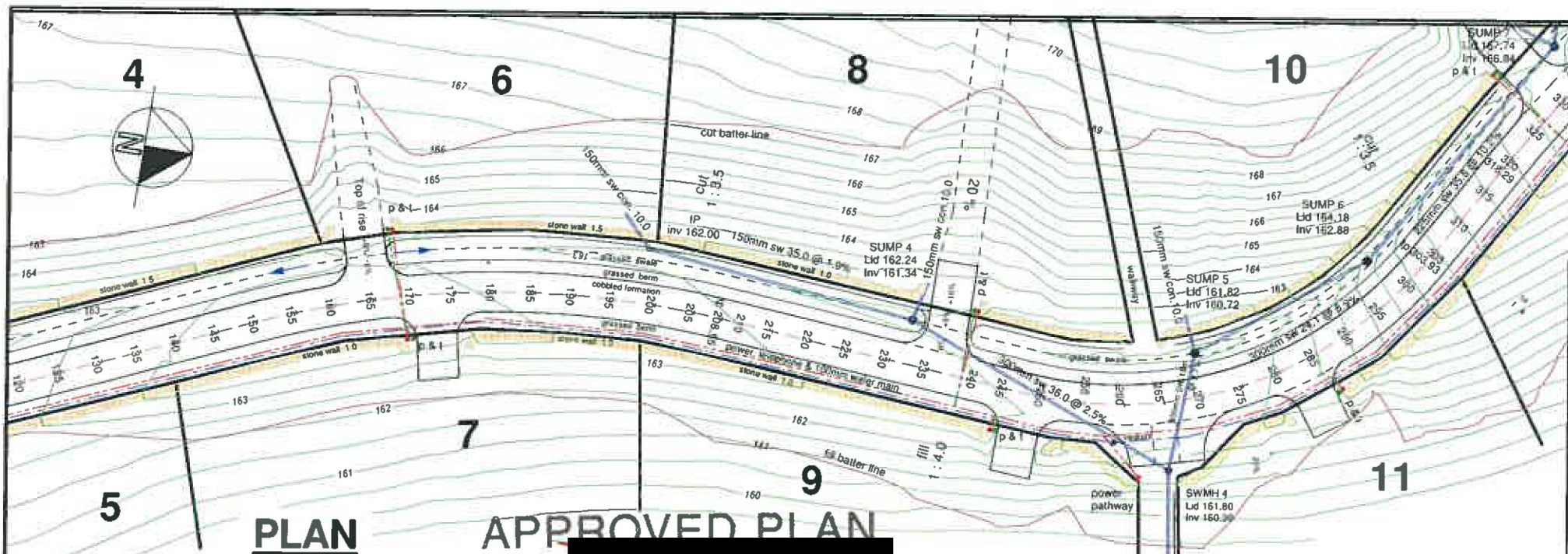
RC 218083 & 2180205 Date 11/12/17



**CROSS - SECTIONS**

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00 - 155



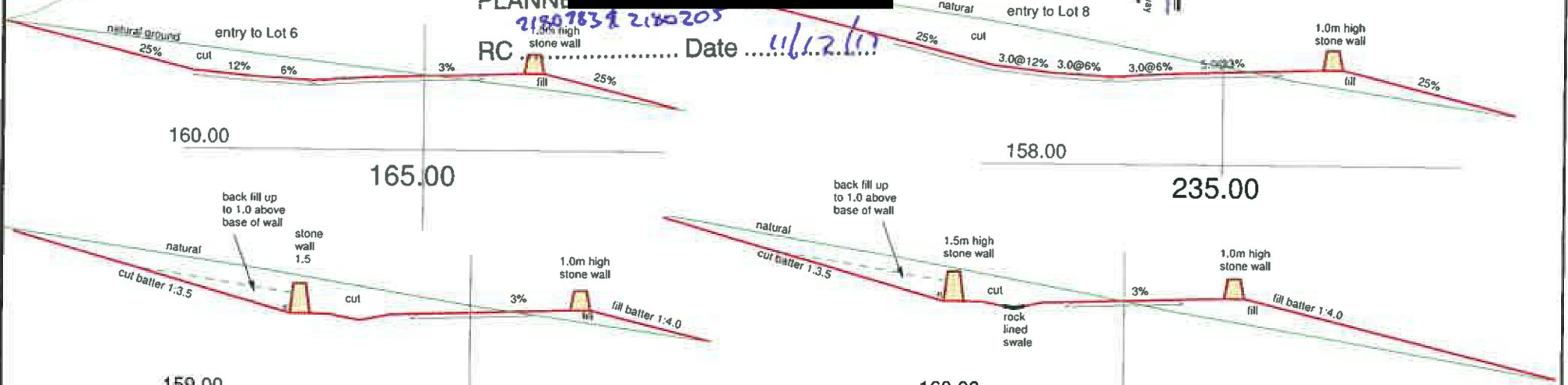
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**APPROVED PLAN**

PLANNED [REDACTED]

RC 2180783 & 2180205 Date 4/12/11

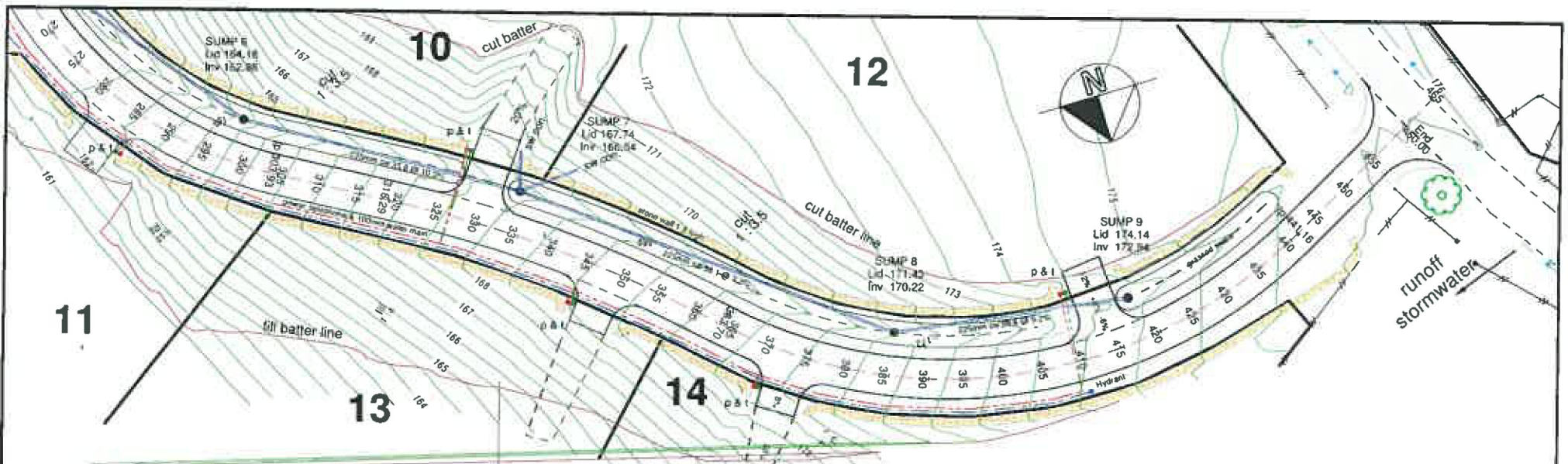


**CROSS-SECTIONS**  
160 - 320

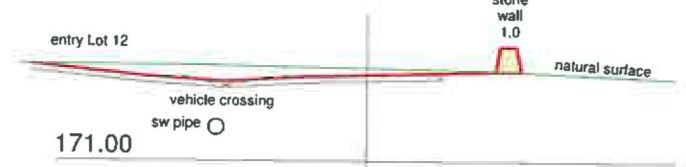
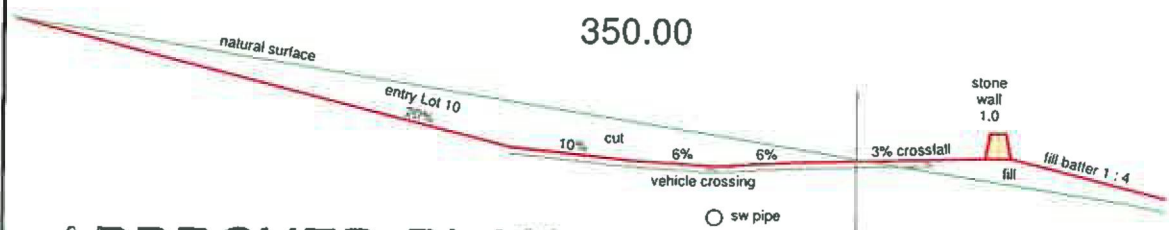
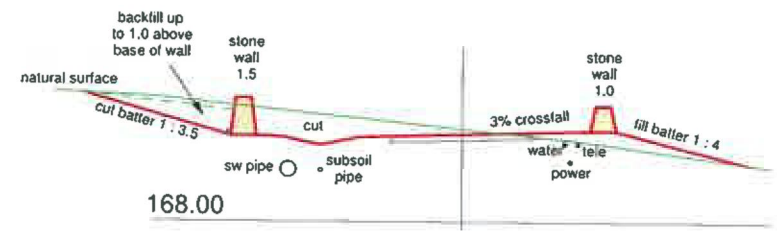
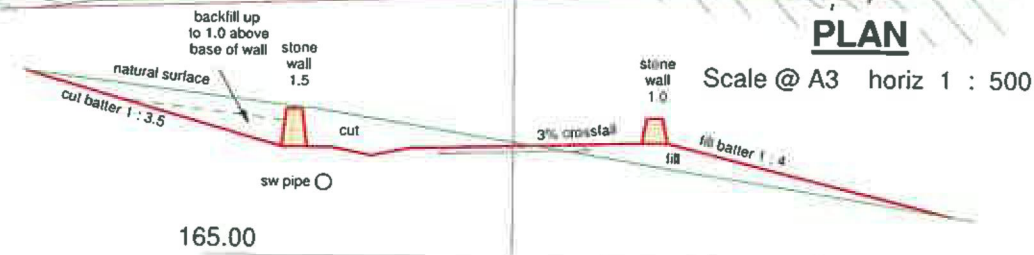
Scales at A3  
horiz 1 : 200  
vert 1 : 200

**DONALDSONS**  
REGISTERED LAND SURVEYORS

10 July 2017  
Plan 5.mjo ref 6586a



Scale @ A3 horiz 1 : 500



**CROSS - SECTIONS**

Scale @ A3 horiz 1 : 200  
vert 1 : 200

320 - 460

**APPROVED PLAN**

PLANNER...  
2:50/1838

BC... Date 11/12/17

**DONALDSONS**

REGISTERED LAND SURVEYORS

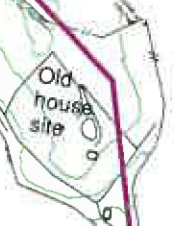
Plan 6.mjo  
10 July 2017

ref 6586a





Tepene Tablelands Road  
Entry security gates



# APPROVED PLAN

PLANNER .....

RC ..... Date ..... 11/12/17

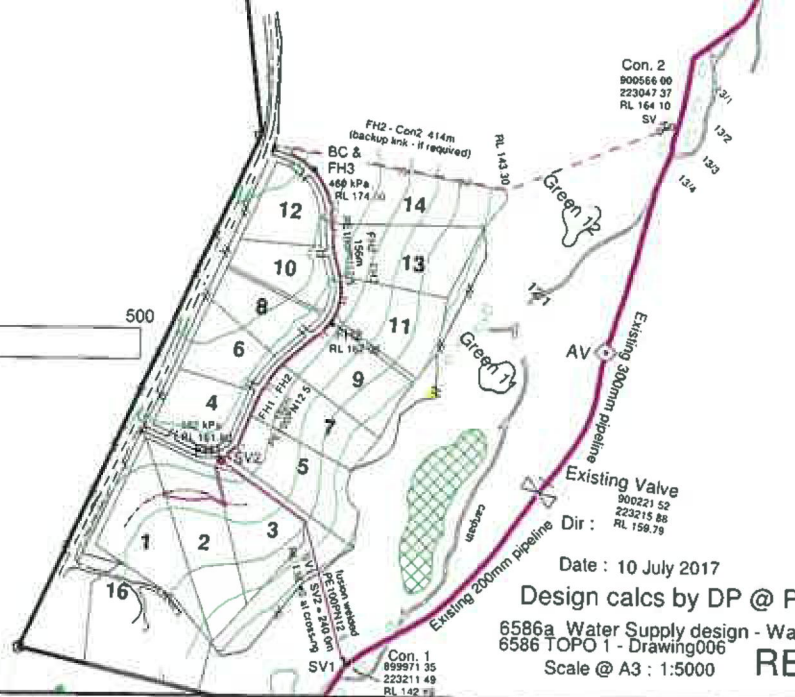


## FIRE FIGHTING WATER SUPPLY

### DONALDSONS

REGISTERED LAND SURVEYORS

Land / engineering Surveyors & development planners



Con. 2  
900566 00  
223047 37  
RL 164 10  
SV

Existing Valve  
900221 52  
223215 88  
RL 159.78  
Dir :

Date : 10 July 2017

Design calcs by DP @ Parkland

6586a Water Supply design - Water supply

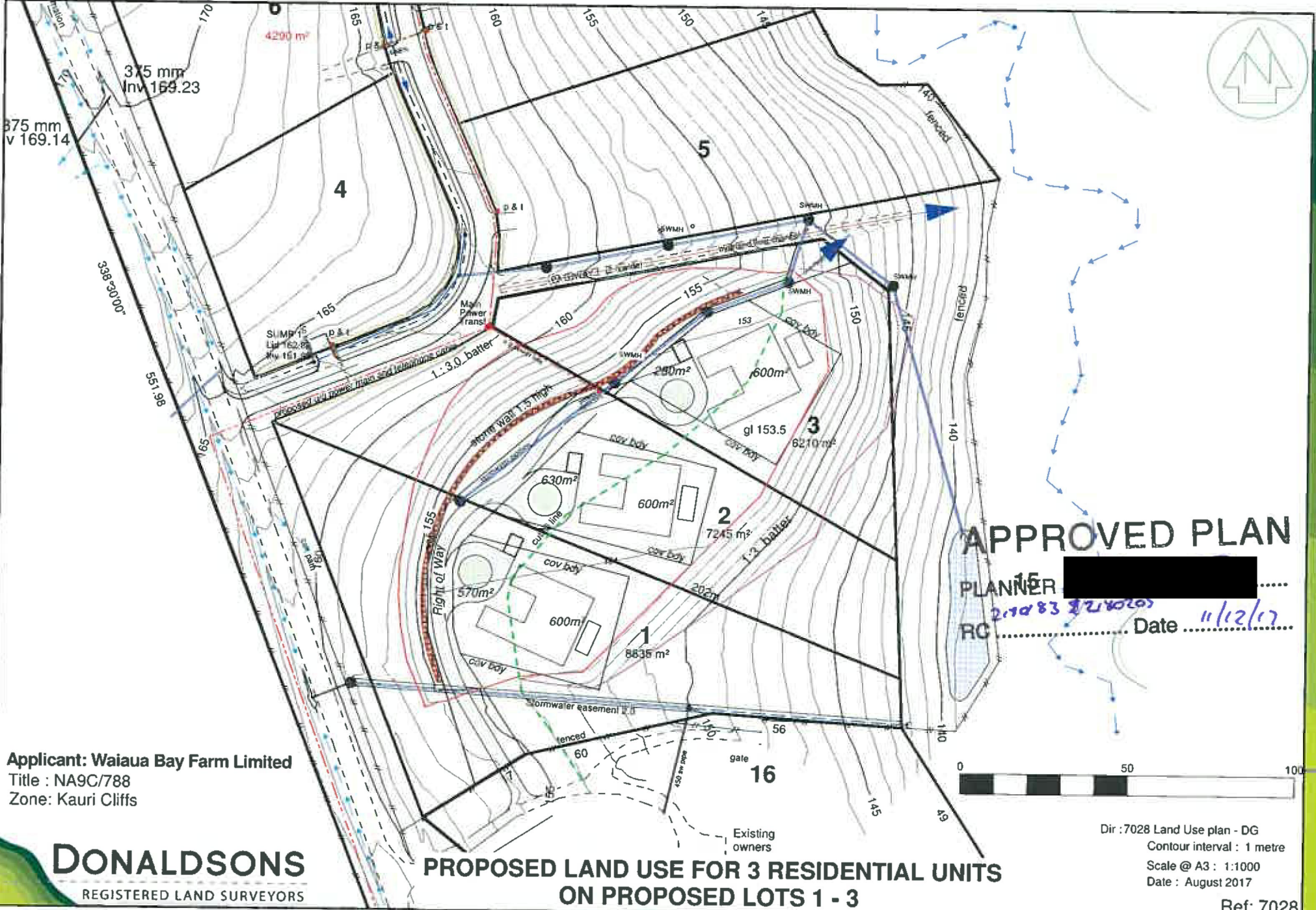
6586 TOPO 1 - Drawing006

Scale @ A3 : 1:5000

REF : 6586a

www.donaldsons.net.nz

em: info@donaldsons.net.nz - p:09 4079182



Applicant: Waiaua Bay Farm Limited  
 Title : NA9C/788  
 Zone: Kauri Cliffs

**DONALDSONS**  
 REGISTERED LAND SURVEYORS

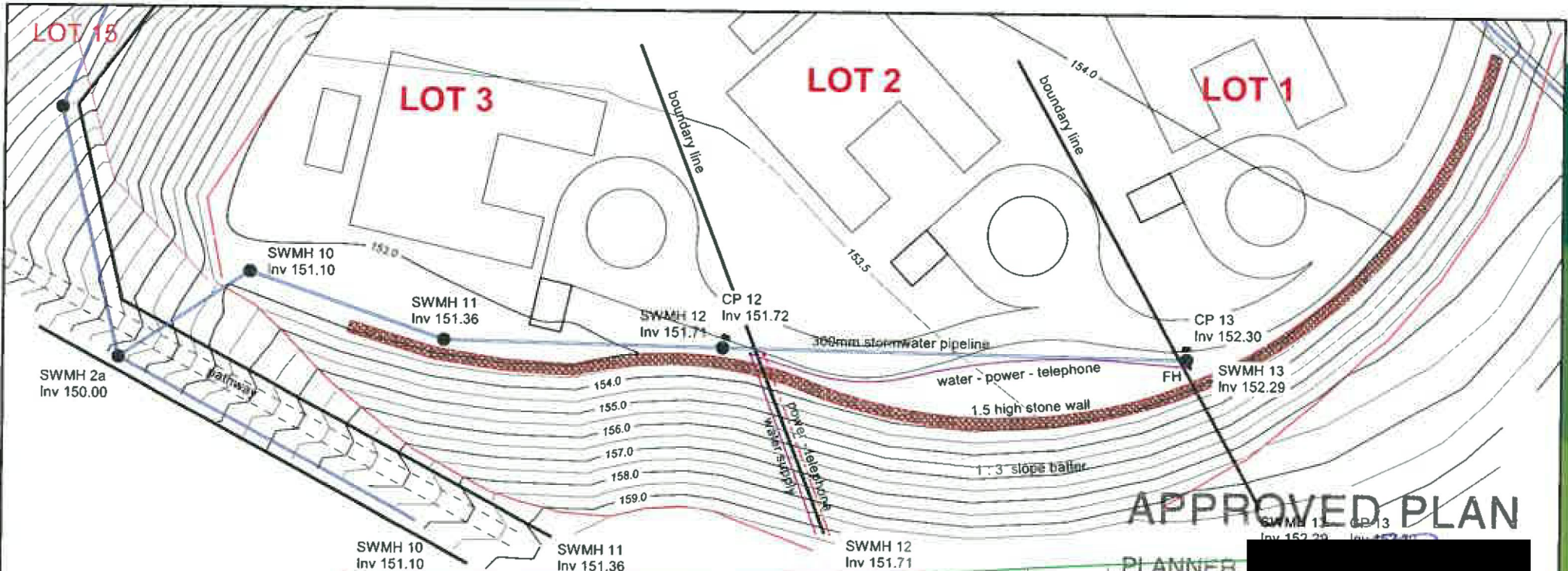
**PROPOSED LAND USE FOR 3 RESIDENTIAL UNITS  
 ON PROPOSED LOTS 1 - 3**

**APPROVED PLAN**  
 PLANNER [REDACTED] .....  
 RC ..... Date 11/12/17



Dir : 7028 Land Use plan - DG  
 Contour interval : 1 metre  
 Scale @ A3 : 1:1000  
 Date : August 2017

Ref: 7028



Datum R.L. 150.00	300mm		300mm		300mm		300mm		300mm		300mm						
Cut to invert	19.6m @ 5.60%		25.7m @ 1.00%		34.9m @ 1.00%		58.2m @ 1.00%				300mm						
INVERT	-1.27	-1.65	-1.72	-1.48	-1.49	-1.45	-1.46	-1.45	-1.41	-1.41	-1.44	-1.48	-1.50	-1.49	-1.46	-1.42	-1.42
NATURAL	151.27	152.21	152.82	152.69	152.80	152.80	152.86	152.96	153.02	153.12	153.25	153.39	153.50	153.59	153.66	153.71	153.72
Distance	0.00	10.00	19.66	30.00	40.00	45.39	50.00	60.00	70.00	80.33	90.00	100.00	110.00	120.00	130.00	138.53	139.68

**DONALDSONS**  
REGISTERED LAND SURVEYORS

**STORMWATER LINE 5**

PLAN Stormwater line 5 - PLAN

Date : 21 July 2017

REF : 6586a

# Accidental Discovery Protocol (ADP)

From Heritage New Zealand Pouhere Taonga

**Prior to the commencement of any works, a copy of this ADP should be made available to all contractors working on site.**

Under the *Heritage New Zealand Pouhere Taonga Act 2014* an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Over 12,000 archaeological sites have been recorded in Northland, and more are identified on a regular basis.

For Maori sites (the most common site types in Northland), the largest and most obvious site types are pa, pits and terraces. However, evidence may be of a smaller nature, in the form of bones, shells, charcoal, burnt stone etc; a midden is an archaeological rubbish tip, in which many of these items can be found consolidated together. Evidence of disturbance of a midden can be a scattering of shell across a wide area; this can be confusing if it is near a beach. Pieces of obsidian or chert, together with stone tools, may also be recovered.

In later sites of European origin artefacts such as bottle glass, iron/metal, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures.

Burials/koiwi tangata may be found from any period.

Some examples:



Shell midden



Historic bottle



Animal bone



Archaeological stratigraphy



A flight of pits in forest



Shell midden uncovered in road scraping

In the event of an “accidental discovery” of archaeological material the following steps must be taken:

1. All work on the site will cease immediately. The contractor/works supervisor will shut down all equipment and activity.
2. The contractor/works supervisor/owner will take immediate steps to secure the site (tape it off) to ensure the archaeological remains are undisturbed and the site is safe in terms of health and safety requirements. Work may continue outside of the site area.
3. The contractor/works supervisor/owner will notify the Area Archaeologist of Heritage New Zealand – Pouhere Taonga (Northland Office), tangata whenua and any required statutory agencies<sup>1</sup> if this has not already occurred.
4. Heritage New Zealand – Pouhere Taonga advise the use of a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, under the terms of the *Heritage New Zealand Pouhere Taonga Act 2014*, the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand – Pouhere Taonga before work resumes.
6. If burials, human remains/koiwi tangata are uncovered, steps 1 to 3 above must be taken and the Area Archaeologist of Heritage New Zealand – Pouhere Taonga, the New Zealand Police and the Iwi representative for the area must be contacted immediately. The area must be treated with discretion and respect and the koiwi tangata/human remains dealt with according to law and tikanga.
7. Works at the site area shall not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and statutory requirements met. All parties will work towards work recommencement in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

**ADVICE TO ALL CONTRACTORS/SITE WORKERS/OWNERS:-**

***IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE AREA ARCHAEOLOGIST***

Contact details for the Area Archaeologist in Northland is:

Dr James Robinson, Northland Area Archaeologist  
Heritage New Zealand – Pouhere Taonga  
PO Box 836, Kerikeri 0245  
PH: (64 9) 407 0470 - DDI. (64 9) 407 0473 - MOBILE 027 249 0864  
[jrobinson@heritage.org.nz](mailto:jrobinson@heritage.org.nz)

---

<sup>1</sup> For example, the New Zealand Police in the event that human remains are found.



# 2

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## APPENDIX 2

Record of Title Lot 4 DP 50234



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** NA9C/788  
**Land Registration District** North Auckland  
**Date Issued** 20 September 1966

**Prior References**  
NA778/62

---

**Estate** Fee Simple  
**Area** 243.5196 hectares more or less  
**Legal Description** Lot 4 Deposited Plan 50234

**Registered Owners**  
Waiaua Bay Farm Limited

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**Interests**

D460515.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 9.12.1999  
at 9.00 am

**METRIC AREA IS**  
 2.43.5195ha  
 Conversion Factors:  
 1 Acre = 4046m<sup>2</sup>  
 1 Perch = 25.29m<sup>2</sup>  
 1 Link = .2012 metres

ASSISTANT LAND I

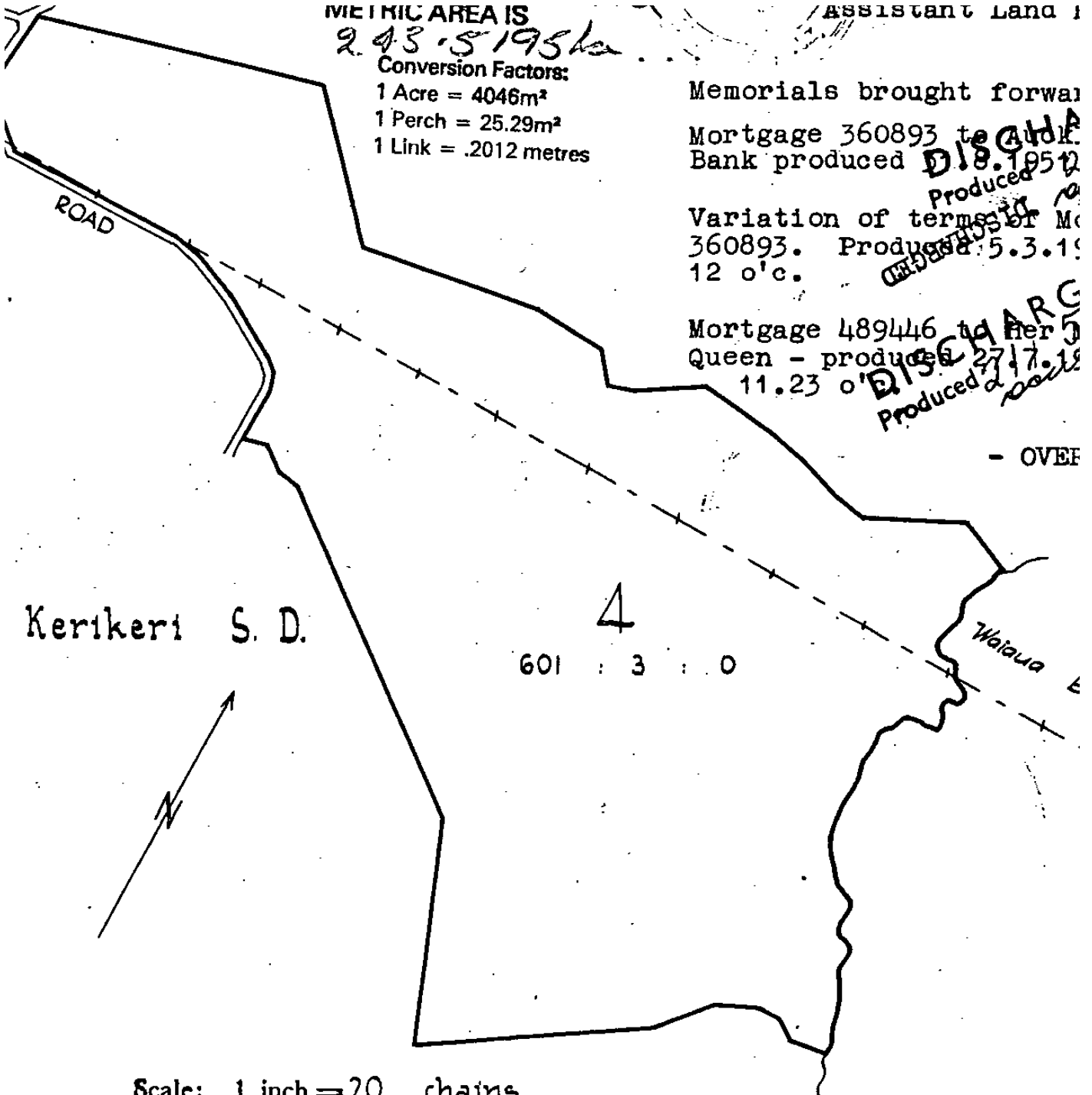
Memorials brought forward  
 Mortgage 360893 to Bank produced 18.1950

Variation of terms of Mortgage 360893. Produced 5.3.19  
 12 o/c.

Mortgage 489446 to Queen - produced 11.23 o/c

**DISCHARGE**  
 Produced 18.1950  
 Produced 5.3.19  
 Produced 11.23 o/c

- OVER



Kerikeri S. D.

601 : 3 : 0

Waiau

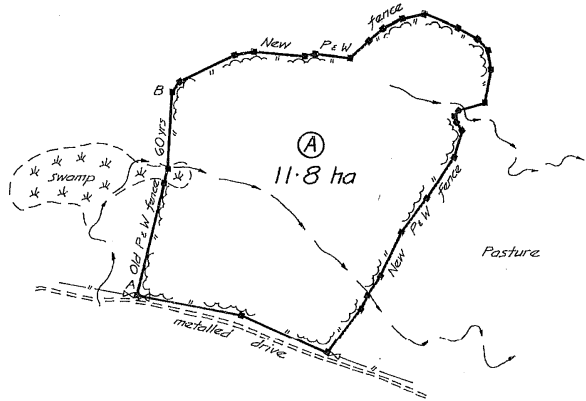
Scale: 1 inch = 20 chains

DELT: CR

Register copy for L. & D.



DIAGRAM B  
Scale 1:4000



KEY (A)

- A-B Old P & W fence 60 yrs
- B-A New P & W fence

Photograph: 237174  
Flown: 8<sup>th</sup> September 1993

Pt 3  
DP 50233



XIII Whakarara SD  
I Kerikeri SD

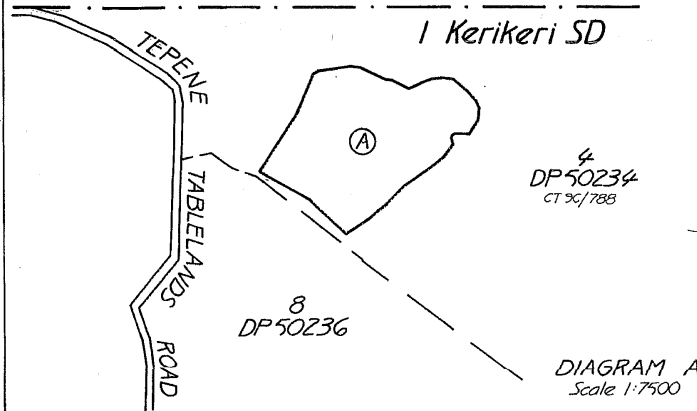
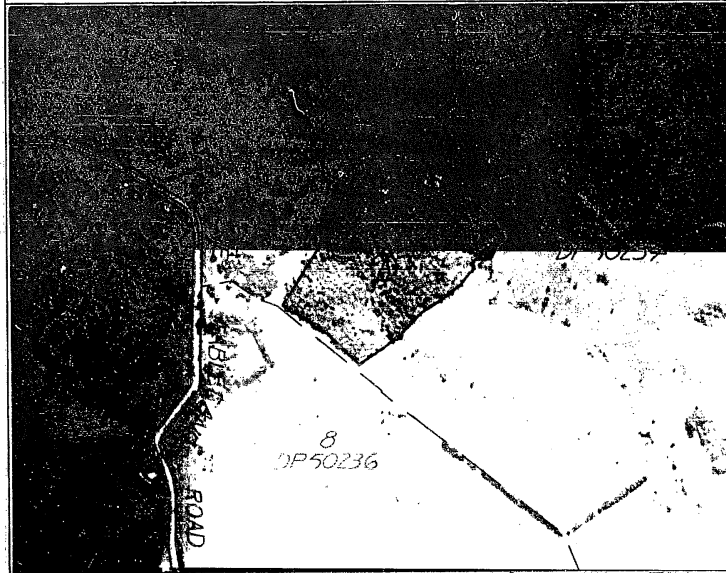


DIAGRAM A  
Scale 1:7500



Approvals  
Registered Owner:

*B. Keller, U. W. Williams*  
Waikanae Bay Farm Ltd  
(Directors)

PROPOSED OPEN SPACE COVENANT SCHEDULE		
SHOWN	DESCRIPTION	AREA
(A)	Pt Lot 4 DP 50234	11.8 ha

Field Inspection by Cliff Hart on  
the 25<sup>th</sup> June 1999.

Total Area...11.8 ha approx.....

Comprised in ...CT.9C/788 (P?).....

I, .....  
Registered Surveyor and holder of an annual practising certificate for  
who may act as a registered surveyor pursuant to section 25 of the  
Survey Act 1980 hereby certify that this plan has been made from  
surveys executed by me or under my directions, that both plan and  
survey are correct and have been made in accordance with the Survey  
Regulations 1972 or any regulations made in substitution thereof.  
Dated at ..... this ..... day .....  
of ..... 19 ..... Signature .....

Field Book ..... p. 22 ..... Traverse Book ..... p. ....  
Reference Plans .....  
Examined ..By.. *Inspector* Correct .....

Approved for open space covenant  
purposes only: *Inspector*  
2 18 1999 Deputy Chief Surveyor

Deposited this ..... day of ..... 19 .....

District Land Registrar

File  
Received 23 JUL 1999  
Instructions 2043

SO 69808

LAND DISTRICT ...North... Auckland.....  
SURVEY BLK. & DIST. .... Kerikeri.....  
NZMS 261 SHT ..FO4... RECORD MAP No ..5.3.....

QUEEN ELIZABETH II NATIONAL TRUST  
OPEN SPACE COVENANT WITHIN  
Lot 4 DP 50234

TERRITORIAL AUTHORITY ...Far. North District  
Surveyed by Lands & Survey Northland.....  
Scale ....1:7500 approx Date ....June..1999.....



30 AUG 1999

NOTICE OF PRODUCTION OF INSTRUMENTS

LT 107  
The District Land Registrar  
Private Bag  
AUCKLAND

QUEEN ELIZABETH II TRUST  
Messrs  
  
(Firm intending to register)

For office use only  
Date \_\_\_\_\_  
Number \_\_\_\_\_

The following are produced  
List of Instruments Produced by Number or C.T. Reference

CERTIFICATE OF TITLE    ~~12~~ 9C/788  
  
31 22.NOV99    941428

To enable registration of:

1. A Covenant from \_\_\_\_\_ to \_\_\_\_\_
2. A \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_
3. A \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_
4. A \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_

After Registration Instruments Listed Above To Be Returned To:

MARTELLI MCKEGG WELLS & CORMACK (ATT: MCC)  
PO Box 5745    LTO Box 137  
AUCKLAND

Received Above Instruments  
For D.L.R.    /    /

## OPEN SPACE COVENANT

*(Pursuant to Section 22 of the Queen Elizabeth the Second National Trust Act 1977)*  
**WHEREAS WAIAUA BAY FARM LIMITED at Auckland**

(hereinafter called "**the Covenantor**") is registered as proprietor of an estate as set out in the Schedule of Land hereto (hereinafter called "**the land**")

**AND WHEREAS** the **QUEEN ELIZABETH THE SECOND NATIONAL TRUST** established by the Queen Elizabeth the Second National Trust Act 1977 (hereinafter called "**the Trust**") is authorised by that Act to obtain open space covenants over any private land

**AND WHEREAS** the Covenantor has agreed to enter into an open space covenant with the Trust for the purpose set forth in the First Schedule hereto

**NOW THEREFORE** in consideration of the covenants and conditions hereinafter contained **THESE PRESENTS WITNESS** that in pursuance of the said agreement and by virtue of Section 22 of the Act the Covenantor and the Trust with the intent and so as to bind the land into whosoever hands the same may come **MUTUALLY COVENANT** at all times to observe and perform the respective duties and obligations imposed by the restrictions, stipulations and agreements contained in the **SECOND** Schedule hereto to the end and intent that the same shall bind the land in perpetuity.

### FIRST SCHEDULE

The Purpose of the within written open space covenant is to achieve the following open space objectives of the Covenantor and the Trust:

- a) To protect and maintain the open space values of the land.
- b) To protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna.

### SECOND SCHEDULE

Interpretations, restrictions, stipulations and agreements

1. In the Deed unless the context otherwise requires:-
  - "**Act**" means the Queen Elizabeth the Second National Trust Act 1977.
  - "**Board**" means the Board of Directors of the Queen Elizabeth the Second National Trust.
  - "**Covenantor**" means the "**Owner**" who entered into this covenant with the Trust.
  - "**Trust Manager**" means the person appointed under Section 18(1)(a) of the Act.

"Owner" means the person or persons who from time to time are registered as the proprietor(s) of "the land".

"the land" means the property or part thereof defined as subject to this covenant and as shown on the plan annexed to this Deed.

2. No act or thing shall be done or placed or permitted to be done or remain upon the land which in the opinion of the Board materially alters the actual appearance or condition of the land or is prejudicial to the land as an area of open space as defined in the Act. In particular, on and in respect of the land, except with the prior written consent of the Board, the Owner shall not:
  - (a) Fell, remove, burn or take any native trees, shrubs or plants of any kind.
  - (b) Plant, sow or scatter any trees, shrubs or plants or the seed of any trees, shrubs or plants other than local native flora, or introduce any substance injurious to plant life except in the control of noxious plants.
  - (c) Mark, paint, deface, blast, move or remove any rock or stone or in any way disturb the ground.
  - (d) Construct, erect or allow to be erected, any new buildings or make exterior alterations to existing buildings.
  - (e) Erect, display or permit to be erected or displayed, any sign, notice, hoarding or advertising matter of any kind.
  - (f) Carry out any prospecting or exploration for, or mining or quarrying of any minerals, petroleum, or other substance or deposit.
  - (g) Dump, pile or otherwise store any rubbish or other materials, except in the course of maintenance or approved construction, provided however that after the completion of any such work all rubbish and materials not wanted for the time being are removed and the land left in a clean and tidy condition.
  - (h) Effect a subdivision as defined in the Resource Management Act 1991.
  - (i) Allow cattle, sheep, horses, or other livestock to enter, graze, feed or otherwise be present provided, however, that they may graze up to any approved fenceline on the perimeter of the land.
3. In considering any request by the Owner for an approval in terms of Clause 2 hereof, the Board will not unreasonably withhold its consent if it is satisfied that the proposed work is in accordance with the aim and purpose of the covenant as contained in the First Schedule.
4. Except with the prior written consent of the Board, no action shall be taken or thing done, either on the land or elsewhere, which will in any way cause deterioration in the natural flow, supply, quantity, or quality of any river, stream, lake, pond, marsh, or any other water resource affecting the land.
5. The Owner shall notify the Trust of any advice received from any power authority, mining company, or other body or person of the intention to erect utility transmission lines or carry out any prospecting, exploration, mining or quarrying on the land and shall not signify any concurrence in relation to the proposed work without the written permission of the Board.
6. (i) The Owner shall continue to comply with the provisions of the Agricultural Pests Destruction Act 1967 and the Biosecurity Act 1993 and all amendments thereto provided, however, that the Owner may request assistance from the Trust in carrying out the aforementioned responsibility.
6. (ii) That in keeping with the aims and purposes of this covenant the Owner shall continue to comply with the Wild Animal Control Act 1977 and shall take reasonable measures for the control of wild animals as defined in the Act.

7. The Owner shall keep all fences and gates on the boundary of the land in good order and condition and will accept responsibility for all repairs. Except as provided for in Clause 8 herein rebuilding or replacement of all such fences and gates will be the responsibility of the Owner.
8. The Trust shall repair and replace to its former condition any fence, gate or other improvement on the land which may have been damaged in the course of the Trust exercising any of the rights conferred by the covenant.
9. Subject to any conditions mutually agreed between the Trust and the Owner, members of the public shall have freedom of entry and access to the land with the prior permission of the Owner.
10. The Owner may approve the use of firearms and traps by any person or persons for the eradication of noxious animals on the land.
11. The Trust, through its officers, agents or servants, may at all times enter upon the land for the purpose of viewing the state and condition thereof. In exercising this right, any officer, agent or servant of the Trust will notify the Owner in advance.
12. Any consent, approval, authorisation or notice to be given by the Trust shall be sufficient if given in writing signed by the Trust Manager and delivered or sent by ordinary post to the last known residential or official address of the Owner or to the solicitor acting on behalf of the Owner.
13. The Owner or the Trust may at any time during the term of this covenant, by mutual agreement, carry out any works, improvements or take any action either jointly or individually or vary the terms of this covenant to ensure the more appropriate preservation of the land as an open space in terms of the Act provided, however, such agreement is not contrary to the aim and purpose of this covenant.
14. The Trust may revoke this covenant if all the members of the Board are satisfied that by reason of any change in the character of the land or of any other circumstances which the Board may deem sufficiently material, this covenant ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable use of the land without securing any practical benefit consistent with the purpose of the Act.
15. Nothing in these presents hereinbefore contained shall be deemed to render the Covenantor personally liable for any breach of these covenants and conditions committed after the Covenantor shall have ceased to be the Owner.
16. The Owner shall notify the Trust of any change of ownership or control of all or any part of the land, and shall supply the Trust with the name and address of the new owner.
17. If at any time prior to registration hereof by the District Land Registrar the Owner desires to sell or otherwise dispose of all or any part of the land such sale or disposition shall be made expressly subject to the restrictions, stipulations and agreements contained in the Second Schedule hereto.

### **THIRD SCHEDULE**

1. The Owner may, after consultation with the Trust as to route, form and maintain a walking track through the bush on the land, provided that in so doing every reasonable endeavour is made to ensure the sensitive root structure of kauri trees is safeguarded both during formation and maintenance of the walking track and from public use of the said track.

SCHEDULE OF LAND

Land Registry: NORTH AUCKLAND  
 Estate: fee simple

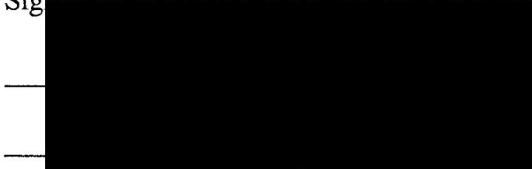
Area: 11.8 hectares

Lot & D.P. No. Part Lot 4  
 (other legal description) DP 50234  
 Block I  
 Kerikeri SD  
 shown as area A on SO 69808

Certificate(s) of Title: 9C/788

IN WITNESS WHEREOF this memorandum has been executed  
 this 14 day of September 1997

Signed by WAIATA BAY FARM LIMITED



Director

Director

in the presence of

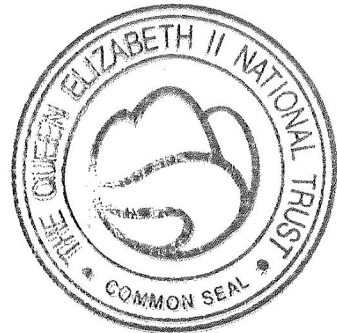
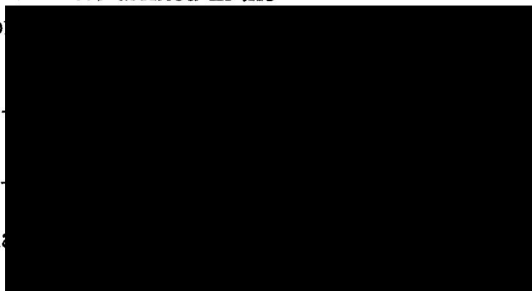
Witness (Signed) ..... TRP  
 Name (Print) .....  
 Occupation .....  
 Address .....

THE COMMON SEAL of the QUEEN  
 ELIZABETH THE SECOND NATIONAL  
 TRUST was hereto affixed in the  
 presence of

Chairman

Director

Trust Man




**OPEN SPACE COVENANT**

Pursuant to Section 22 of  
the Queen Elizabeth the  
Second National Trust  
Act 1977.

Correct for the  
purposes of the Land  
Transfer Act.

**WAIUA BAY FARM LTD**  
Covenantor



Trust Manager  
being a person authorised  
by the Trust to certify on  
its behalf.

AND

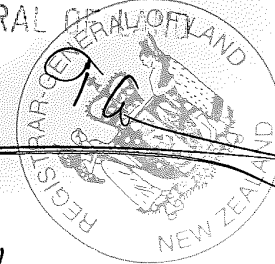
**THE QUEEN ELIZABETH THE  
SECOND NATIONAL TRUST**



LINE COPY

9.00 09.DEC99 D 460515 . /

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY NORTH AUCKLAND  
for REGISTRAR-GENERAL OF LAND



3-21