

Our Reference: 9734.VAR

7 February 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

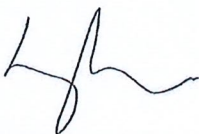
Dear Sir/Madam

**RE: Proposed Variation to RC 2300058-RMAOBJ – 3 lot subdivision at 399E Puketotara Road, Kerikeri – A & W Rivers**

I am pleased to submit application on behalf of A & W Rivers, for a variation to conditions of RC 2300058-RMAOBJ. The application, lodged pursuant to s127 of the Act, is a discretionary activity.

The application fee of \$1,232 has been paid separately via direct credit.

Regards



Lynley Newport  
**Senior Planner**  
**THOMSON SURVEY LTD**

# Application for change or cancellation of resource consent condition (S.127)

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

If yes, who have you spoken with? \_\_\_\_\_

## 2. Type of Consent being applied for

Change of conditions (s.127)

## 3. Consultation:

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

*For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)*

## 4. Applicant Details:

Name/s:

Alan & Wendy Rivers

Email:

Phone number:

Postal address:

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

## 5. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

## 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:

Riversmeet Limited (Alan & Wendy Rivers Directors)

Property Address/  
Location:

399D & E Puketotara Road

R D 2 KERIKERI

Postcode

0295

## 7. Application Site Details

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

Name/s:

As above

Site Address/  
Location:

As above

Postcode

Legal Description:

Lot 5 DP 404255

Val Number:

Certificate of title:

414695

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

### 7. Application Site Details (continued)

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.*

### 8. Detailed description of the proposal:

This application relates to the following resource consent:

RC 2300058 - RMA/OBJ

Specific conditions to which this application relates:

RC 2300058 - RMA/OBJ

Condition 1 of Stage 1; Condition 4 of Stage 2; suggested additional condition.

Describe the proposed changes:

Refer to attached Planning Report/AEE.

### 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

Regional Council Consent (ref # if known)

National Environmental Standard consent

Other (please specify)

### 11. 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 (including consultation from iwi/hapū).

Your AEE is attached to this application  Yes

## 12. Draft Conditions:

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

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

## 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 in full) Alan Jonh Rivers

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information:

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

### Declaration concerning Payment of Fees:

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

**Name:** (please write in full)

Alan Rivers

**Signature:** (signature of bill payer)

**Date** 04/02/2025

**MANDATORY**

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

### 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 write in full)

Alan John Rivers

Signature:

[Redacted Signature]

Date 04/02/2025

*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)
- Details of your consultation with Iwi and hapū
- 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 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.

## **Alan & Wendy Rivers**

### **S127 APPLICATION**

#### **Change of conditions to**

#### **RC 2300058-RMACOM & Subsequent 2300058-RMA/OBJ**

399D & E Puketotara Road, KERIKERI

### **PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Thomson Survey Ltd  
Kerikeri

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## **1.0 INTRODUCTION**

### **1.1 The Proposal**

RC 2300058-RMACOM and subsequent objection decision 2300058-RMAOBJ were issued on 31<sup>st</sup> August 2020 and 27<sup>th</sup> October 2020 respectively. The latter date is the formal date of issue. The consent was for a two stage subdivision and land use consent for second residential unit (retrospective for an additional residential unit on Lot 2) and Fire Risk to Residential Unit. The land use component has been given effect to, but not the subdivision.

A copy of 2300058-RMAOBJ is attached in Appendix 1. The subdivision granted consent for three lots (two additional), where one additional lot is provided for in stage 1 and the other additional lot in Stage 2.

The consent holder now seeks to vary the subdivision consent by way of changing the boundary between Lots 2 & 3 in Stage 2, plus a minor boundary re-alignment of Lot 1, Stage 1. There is an existing dwelling on land in Lot 1.

The variation will see Lot 2 increase from 1.194ha in area to 4.01ha, and a consequential reduction in balance Lot 3's area from 10.91ha down to 8.16ha. Lot 1's area will reduce very slightly from 1.32ha down to 1.28ha. In addition, access over Lot 2 to Lot 3 is proposed to be re-aligned.

The amended Scheme Plans are attached in Appendix 2. Location map and Record of Title are attached in Appendices 3 & 4 respectively.

## 1.2 Scope of this Report

This assessment and report accompanies the application for a change to conditions (s127) and is regarded as a **discretionary** activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought.

## 2.0 PROPERTY DETAILS

Location:	399D & E Puketotara Road, Kerikeri
Legal description:	Lot 5 DP 404255
Record of Title:	414695 with an area of 12.31ha

## 3.0 SITE DESCRIPTION

The physical characteristics of the site are largely unchanged from when the original consent was granted. The application site is zoned Rural Production in the Operative District Plan (ODP) and has no resource features as mapped in the ODP. The application site is located down a privately formed and maintained access within legal road alignment, coming off Puketotara Road, approximately 4kms from the State Highway 10 intersection.

The property supports a residential dwelling, with nearby shed and ancillary buildings, all within proposed Lot 1; and a large shed plus small residential unit, to be within proposed Lot 2. The original consent included land use consent for the second residential unit and fire risk to that residential unit.

The site's southern boundary is with the Puketotara Stream, along which there is an existing esplanade strip (20m wide). A smaller tributary stream comes into the property from the north, flowing through the middle of the site. This feeds into a man-made pond/dam within the large Lot 3, with outflow then continuing on to Puketotara Stream. This was the case when the original consent was issued, and nothing has changed.

The land in Lot 3, and west of the tributary stream, is at a lower elevation to land to be in Lots 1 & 2. It will be accessed via an existing formed track, other than at the top of the hill, where a new track is to be formed on a new alignment to that shown in the existing consent - tracking along the northern boundary of Lot 2 rather than the existing lower access track to the second residential unit and shed. This provides better privacy and independence for future owners of Lots 2 & 3.

The land is zoned Horticulture under the Proposed District Plan (PDP).



#### 4.0 CHANGES REQUESTED AND EXPLANATION

The variation is to change condition 1 of Stage 1 and condition 4 in Stage 2, in regard to references to Approved Stamped plans.

Condition 1, Stage 1, currently reads:

*The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 20.05.20 (Stage 1) and attached to this consent with the Council's "Approved Stamp" affixed to it.*

The change to proposed lot boundaries in Stage 1 is minimal with only a small change to Lot 1's western boundary. It is requested that condition 1 of Stage 1 be amended to read:

*The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated ~~20.05.20~~ 22.01.25 (Stage 1) and attached to this consent with the Council's "Approved Stamp" affixed to it.*

No other change is being sought to Stage 1.

Condition 4, Stage 2, currently reads:

*The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 2" Ref No. 9734, dated 28/05/20 (Stage 2) and attached to this consent with the Council's "Approved Stamp" affixed to it.*

The variation proposes increasing Lot 2's area and a corresponding reduction in Lot 3's area. The change does not alter the category of activity of the original consent, and does not increase the density level, or development rights. Whereas the tributary stream was originally entirely within the large balance lot, it will now form the boundary between two lots in excess of 4ha. It is requested that condition 4 of Stage 2 be amended to read:

*The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced "Proposed Subdivision of Lot 3 (Stage 1) 5-DP 404255 – Stage 2", headed Stage 2, Ref No. 9734, dated ~~28/05/20~~ 22.01.25 (Stage 2) and attached to this consent with the Council's "Approved Stamp" affixed to it.*

It is noted that the original consent contained no physical works condition in regard to ROW A to be established in Stage 2. This was understandable as the short length of ROW A as shown on the scheme plan was already formed to the required standard. This will no longer be the case with the variation, where not only does ROW A become longer, it is also

unformed for part of its alignment. The following additional condition at stage 2 may be appropriate:

*Form and upgrade the vehicle access on Right of Way Easement A to a 3m finished metalled width with passing bays provided to comply with Rule 15.1.6C.1.3 and Appendix 3B-1 of the Far North District Plan. The formation is to consist of a minimum of 200mm of compacted hard fill plus a GAP30 or GAP40 running course and is to include water table drains and culverts as required to direct and control stormwater runoff.*

No other changes to Stage 2 are requested and no change to the Land Use Decision B are requested.

## 5.0 STATUTORY REQUIREMENTS

Applications for changes to consent conditions are lodged pursuant to s127. Pursuant to clause 127(3)(a), the application for a change to consent conditions is a **discretionary activity** application.

Sections 88 to 121 of the Act apply, and the following planners report and Assessment of Environmental Effects is offered pursuant to the requirements of those relevant sections of the Act. The Assessment of Effects only addresses the effects of the change, as specified in s127.

## 6.0 s104 CONSIDERATIONS

S104 of the Act requires a consent authority to consider any actual and potential effects on the environment resulting from the change; and any relevant provisions of

- (i) A national environmental standard;
- (ii) Other regulations;
- (iii) A national policy statement;
- (iv) A NZ Coastal Policy Statement;
- (v) A regional policy statement;
- (vi) A plan or proposed plan.

### 6.1 Assessment of Environmental Effects

When considering the effects under a s127 application, it is only the effects of the changes being sought that need be assessed and considered. As such, this assessment of environmental effects does not re-visit or repeat that provided for the processing of RC 2300058-RMACOM and RMAOBJ/A. This is an important point noting that the original consent was a non complying activity and successfully passed the 104D Gateway Threshold test.

The change being requested is logic driven. There is no benefit (either in value or practically) in including land on the east side of the stream in Lot 3. The land to be in the proposed new Lot 3 is separate from the rest of the site, both in terms of topography and vegetative cover. None of the land to now be in Lot 2 has any productive value, being reasonably steep and dominated by vegetative cover.

There are no adverse effects in reducing Lot 3's area down to 8.16ha. The area of bush referred to in the existing conditions and to be subject to protection, remains entirely within Lot 3, will still be identified, and subject to the same protection. The right of way access entrance point off the unnamed legal road can remain connected to the existing required double width entrance (that will serve Lots 2 & 3), before deviating to the north to follow a new alignment for part of the way into Lot 2 before re-joining the existing track. Stage 1, condition 3(b) can therefore remain unchanged.

It is acknowledged that the original consent did not require any upgrade of right of way A on the Stage 2 plan in favour of Lot 3, because it was existing well formed track. The alignment is now proposed to be changed, and a condition of consent should be added to ensure that it is the required standard to service one lot (refer to requested changes).

The minor change to Lot 1's western boundary has nil effects. The access conditions as upheld in the Objection decision, can remain unchanged given that no additional lots or development rights are proposed.

The house site on proposed Lot 3 has always been envisaged on the western side of the stream, and the owner of that lot will therefore be responsible for ensuring an appropriate stream crossing is in place, just as the existing consent provides for.

## **6.2 Relevant Provisions of planning instruments**

Since the original consent was issued in 2020, the Council has notified its PDP. In addition the government has enacted a National Policy Statement and National Environmental Standard for Freshwater, a National Policy Statement for Highly Productive Land, and a National Policy Statement for Biodiversity.

The PDP proposes a Horticulture Zone for the subject site, a somewhat surprising decision given the site's topography, vegetative cover and soil characteristics (LUC class 4 & 6 soils). Given the soil class, the land does not fall under the National Policy Statement's definition of Highly Productive Land, so should not be zoned for horticultural use. Anomalies such as this are rife amongst the properties zoned Horticulture in the PDP, begging the question as to the wisdom or accuracy of such a zone. It is likely that this aspect of the PDP will need to be re-visited in light of the NPS HPL.

Be that as it may, the PDP and NPS HPL have no bearing on the boundary change. The land is not 'highly productive' in the first instance, and the Horticulture zone has no legal effect.

The water body within Lot 3 is man-made and pre dates the NES Freshwater in any event, having been constructed prior to September 2020. The property owners currently drive across a shallow ford to access the land to be in Lot 3. The proposed change does not change anything in regard to crossing the tributary stream. This would have been required in the original consent layout, as well as this proposed changed layout.

In regard to biodiversity, no change is being requested to conditions relating to indigenous vegetation.

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## 7.0 STATUTORY ASSESSMENT

### 7.1 District Plan Objectives and Policies

There have been no changes to the Operative District Plan since the original application was lodged and processed. The FNDC notified its PDP in July 2022, after the original consent was issued. The proposed Horticulture Zone, even though inappropriate for the reasons outlined above, provides for 10ha lots controlled activity and 4ha lots discretionary. The original layout of Lots 2 & 3 would be non complying under that zone, yet the proposed new layout would be discretionary.

### 7.2 Part 2 Matters

The original proposal was considered to be consistent with Part 2 of the Act. There have been no changes to the Act and the changes to consent conditions do not alter the conclusion that the proposal is consistent with Part 2.

## 8.0 CONSULTATION

Under Section 127(4) of the Act:

- (4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
- (a) made a submission on the original application; and*
  - (b) may be affected by the change or cancellation.*

The original application was processed on a non-notified basis, under delegated authority. The consent holder obtained approval from the NZ Fire and Emergency Services because of the Fire Risk to residential Unit land use breach. This land use consent has been given effect to.

Changing the lot layout and areas has nil impact on adjacent property owners. The realignment of right of way A along a portion of the northern boundary with an adjacent property is acknowledged, however, this will be low usage and for part of the way there is vegetative screening. The consent holder is prepared to ensure landscaping along the entire length of the right of way where it is next to the property boundary. The dwelling on the adjacent lot is orientated in the opposite (northerly) direction, away from the southern boundary.

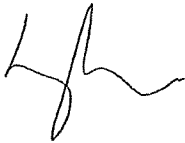
## 9.0 CONCLUSION

It is considered the effects of the changes on the wider environment are less than minor. The proposal remains consistent with the relevant objectives and policies of the Operative and Proposed District Plans and the Regional Policy Statement, and Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to change conditions to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the s.127 application on a non notified basis. The original consent will lapse in October 2025 so some urgency in determining this variation is requested in order that the consent holder can get on with s223 survey and thereby 'give effect' to the consent prior to that date.

Report prepared by:



Lynley Newport  
**Senior Planner,**  
**THOMSON SURVEY LTD**

Date 7<sup>th</sup> February 2025

## 10.0 LIST OF APPENDICES

<b>Appendix 1</b>	RC 2300058-RMAOBJ/A
<b>Appendix 2</b>	Draft updated scheme plans
<b>Appendix 3</b>	Location Map
<b>Appendix 4</b>	Record of Title

# **Appendix 1**

## RC 2300058-RMAOBJ/A



# Far North District Council

## FAR NORTH DISTRICT COUNCIL

### FAR NORTH OPERATIVE DISTRICT PLAN DECISION ON RESOURCE CONSENT APPLICATION (Section 357A)

Resource Consent Number: 2300058-RMAOBJ/A

Pursuant to section 357D of the Resource Management Act 1991 (the Act), the Far North District Council hereby partially upholds the objection of;

#### A and W Rivers

#### The activity to which this decision relates:

An objection in relation to conditions 4 (b) and 4 (c) of Decision A in 2300058-RMACOM, and to the omission of staging of conditions, which was a consent for subdivision to create two additional lots in the Rural Production Zone (in two stages). No objection has been made in relation to Decision B of 2300058-RMACOM which was a land use consent for breaches of the residential intensity and fire risk to residential units rules.

The condition(s) objected to are as follows;

- 4 (b) Upgrade the entrance to the unnamed legal road off Puketotara Road to provide a double width entrance which complies with *FNDC/S/6D standards in accordance with the FNDC Engineering Standards and Guidelines 2004-Revised 2009*. Seal the entrance plus spays for a minimum distance of 10m from the existing seal edge. A vehicle crossing permit and Traffic Management Plan and Corridor Access Request applications are to be submitted and obtained prior to works commencing.
- 4 (c) Upgrade the first 50m of the access carriageway on the unnamed legal road to provide an accessway that meets *Appendix 3B-2: Rural Type A standard*. The formation shall consist of a minimum of 200mm of compacted hardfill plus a GAP 40 running course and is to include watertable drains and culverts as required to direct and control stormwater runoff.

Council upheld the staging objection. Council did not uphold the objection to conditions 4 (b) and 4 (c). However, Council removed a consent notice condition 4(f)(i) regarding maintenance of the unnamed legal road.

#### Subject Site Details

Address: 399D Puketotara Road, Kerikeri  
Legal Description: Lot 5 DP 404255  
Certificate of Title reference: 3353002

**As a result of partially upholding the section 357D objection the conditions of consent shall now read as follows:**

**Decision A – Subdivision:**

**Stage 1, Lots 1 & 3**

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 1" Ref No. 9734, dated 20.05.20 (Stage 1) and attached to this consent with the Council's Approved Stamp affixed to them it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) The extent of the indigenous vegetation on the lots for the purpose of vegetation protection consent notices (see condition 4 (f) (ii)).
3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Provide evidence that the unnamed legal road is clear of all buildings and structures.
  - (b) Upgrade the entrance to the unnamed legal road off Puketotara Road to provide a double width entrance which complies with FNDC/S/6D standards in accordance with the FNDC Engineering Standards and Guidelines 2004 – Revised 2009. Seal the entrance plus splays for a minimum distance of 10m from the existing seal edge.
  - (c) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of Lots 1 and 3. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

**Lots 1 and 3**

- (i) The owner of the lot is advised that the Council assumes no responsibility toward the formation and any future maintenance of the access formation within the (insert private way) which provides access to the lot. Until such a time as the Council, of its own volition, decides to assume responsibility, the owner or occupier of the land within the lot will not request Council to undertake such formation or maintenance.
- (ii) The owner shall preserve the indigenous trees and bush shown on the survey plan as area(s) \_\_\_\_\_ and shall not without the prior written consent of the Council, and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees/bush. The owner shall be deemed to be not in breach of this prohibition if any such trees/bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.



- (iii) The property is located within a kiwi present zone indicating that the site may contain or is within proximity to habitat that may support North Island Brown Kiwi. The following measures are applied to the site to reduce any increased threats to this species as a result of intensification:
  - i. No more than two dogs shall be kept on the lot. All dogs must be kept inside or tied up at night and must be kept under control at all times.
  - ii. No more than two cats shall be kept on the lot. The cat must be kept inside at night and neutered.

### **Lot 3**

- (iv) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.
- (v) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

### **Stage 2, Lots 2 & 3**

4. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thompson Survey Ltd, referenced "Proposed Subdivision of Lot 5 DP 404255 – Stage 2", Ref No. 9734, dated 28/05/20 (Stage 2), and attached to this consent with the Council's Approved Stamp affixed to them it.
5. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements to be duly granted or reserved.
6. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) Provide evidence from a registered drainlayer or engineer that the effluent disposal field and reserve disposal area for the wastewater system on Lot 2 are fully contained within the boundaries of the lot.
  - (b) Provide for Council's approval a preferred name and two alternatives for the private way. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the area.
7. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
  - (a) Provide evidence that the unnamed legal road is clear of all buildings and structures.

- (b) Upgrade the first 50m of the access carriageway on the unnamed legal road to provide an accessway that meets Appendix 3B-2: Rural Type A standard. The formation shall consist of a minimum of 200mm of compacted hardfill plus a GAP 40 running course and is to include watertable drains and culverts as required to direct and control stormwater runoff.
- (c) Provide a passing bay on the existing access to comply with 15.1.6C.1.3 of the District Plan. The passing bay should be located adjacent to where ROW A exits/enters the existing access.
- (d) Install road signage for the private way associated with the subdivision as approved in Condition 6(b) and in accordance with Council's Engineering Standards and Guidelines.
- (e) If not already registered when titles were created from Stage 1, then the conditions referred to in Condition 3(d) shall be secured by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of Lots 1, 2 and 3. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

**Decision B – Landuse:**

1. The activity shall be carried out in accordance with the approved plans prepared by Thompson Survey Ltd, referenced Fire Mitigation Plan, Ref. No. 9734. dated 07/07/20 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. Water for fire-fighting purposes must be provided in accordance with the Firefighting Water Supplies Code of Practice Consent, dated 30/07/2020, and approved by Fire and Emergency New Zealand. In particular, a dedicated water tank with 10,000l of water is required at all times, with appropriate access for firefighting purposes and the tank must be fitted with an appropriate fire service coupling for emergency appliance use.

### **Reasons for the Decision to uphold the Objection (pursuant to Section 357D(2):**

1. The applicant applied for changes to the drafting of the decision to facilitate the intended staging of the subdivision. Council agreed that there had been errors in the layout of the conditions. The decision was amended as requested.
2. The applicant objected to conditions 4 (b) and 4 (c) of Decision A. The objections related to entrance way standards and upgrades on an unmaintained Council road.
3. The objection was referred to the Northern Transport Alliance (NTA) for consideration. In an email dated 13 October 2020 NTA Road Safety and Traffic Engineer Nick Marshall declined to support the objection.
4. The requirement to upgrade the first 50m of the road was upheld. However, Mr Marshall states that if the road is upgraded Council/NTA would then maintain that part of the road which had been upgraded.
5. Consent notice condition 4(f)(i) was consequently removed from the subdivision decision.
6. The amended decision facilitates the intended staging, upholds the requirements of the NTA, and removes consent notice condition 4(f)(i) to reflect NTA's commitment to maintain that part of the road which has been upgraded.

### **Approval**

This decision has been prepared by Louise Wilson, Team Leader Resource Consents 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: 27<sup>th</sup> October 2020**

### **Right of Appeal**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 358 of the Resource Management Act 1991) to appeal the decision. The notice of appeal must be in the prescribed form, stating reasons for the appeal and shall be lodged with the Environment Court within 15 working days of the receipt of this decision. Any person lodging an appeal shall ensure that a copy of the notice of appeal is served on Council at the same time as the notice is lodged with the Environment Court.

### **Lapsing of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent, as amended as a result of this decision on an objection, will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

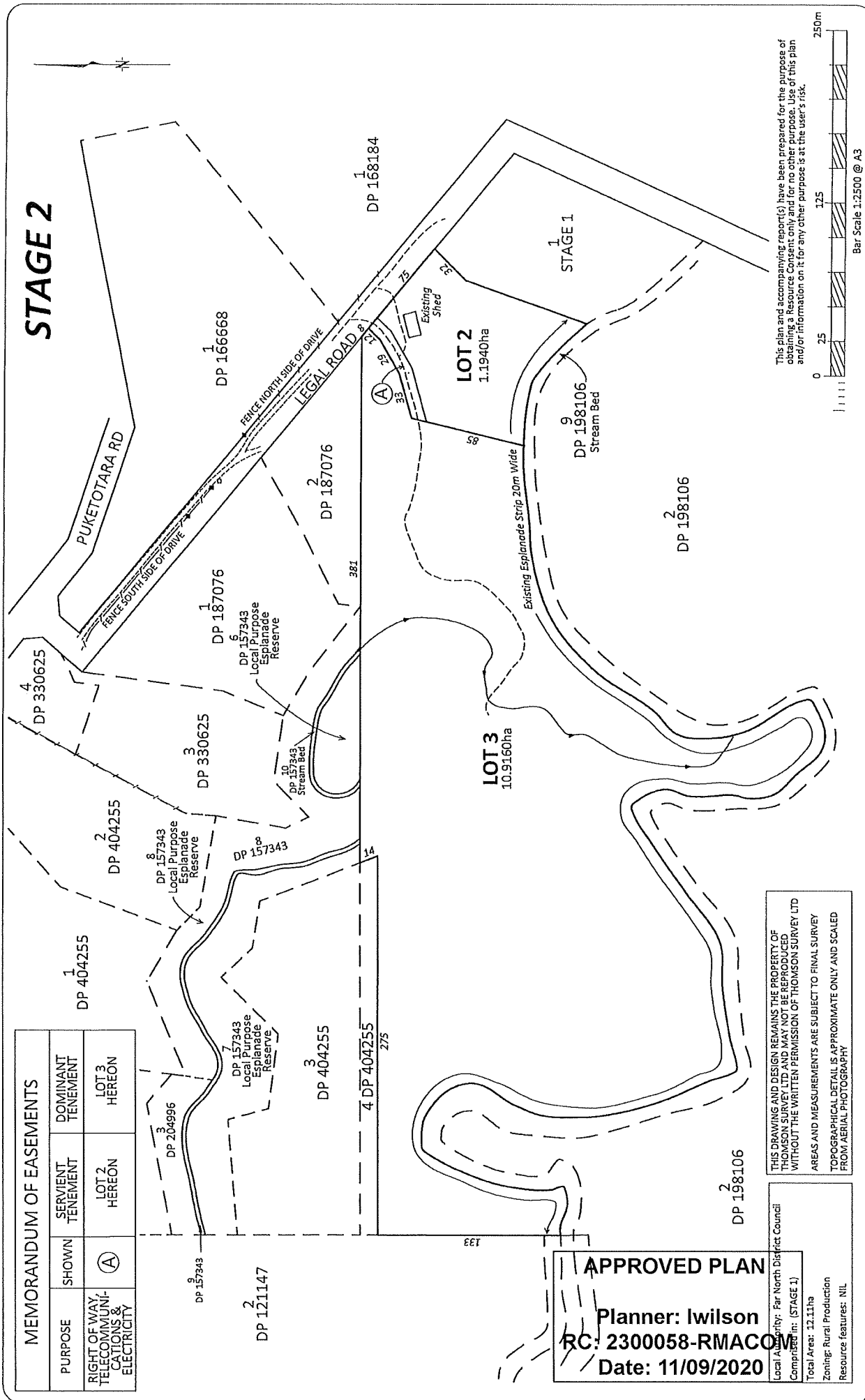
The consent is given effect to; or

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



**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 3 HEREON

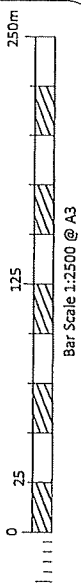


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 AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY  
 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

**APPROVED PLAN**  
 Planner: Iwilson  
 RC: 2300058-RMACOM  
 Date: 11/09/2020

Local Authority: Far North District Council  
 Compasit in: (STAGE 1)  
 Total Area: 12.11ha  
 Zoning: Rural Production  
 Resource features: NIL

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**THOMSON SURVEY**  
 Limited  
 Registered Land Surveyors, Planners & Land Development Consultants  
 315 Kerikeri Rd  
 P.O. Box 312 Kerikeri  
 Far North District Council  
 Phone: (09) 4077360  
 www.tsurvey.co.nz

**PROPOSED SUBDIVISION OF LOT 3 (STAGE 1)**  
 399E PUKETOTARA ROAD, KERIKERI

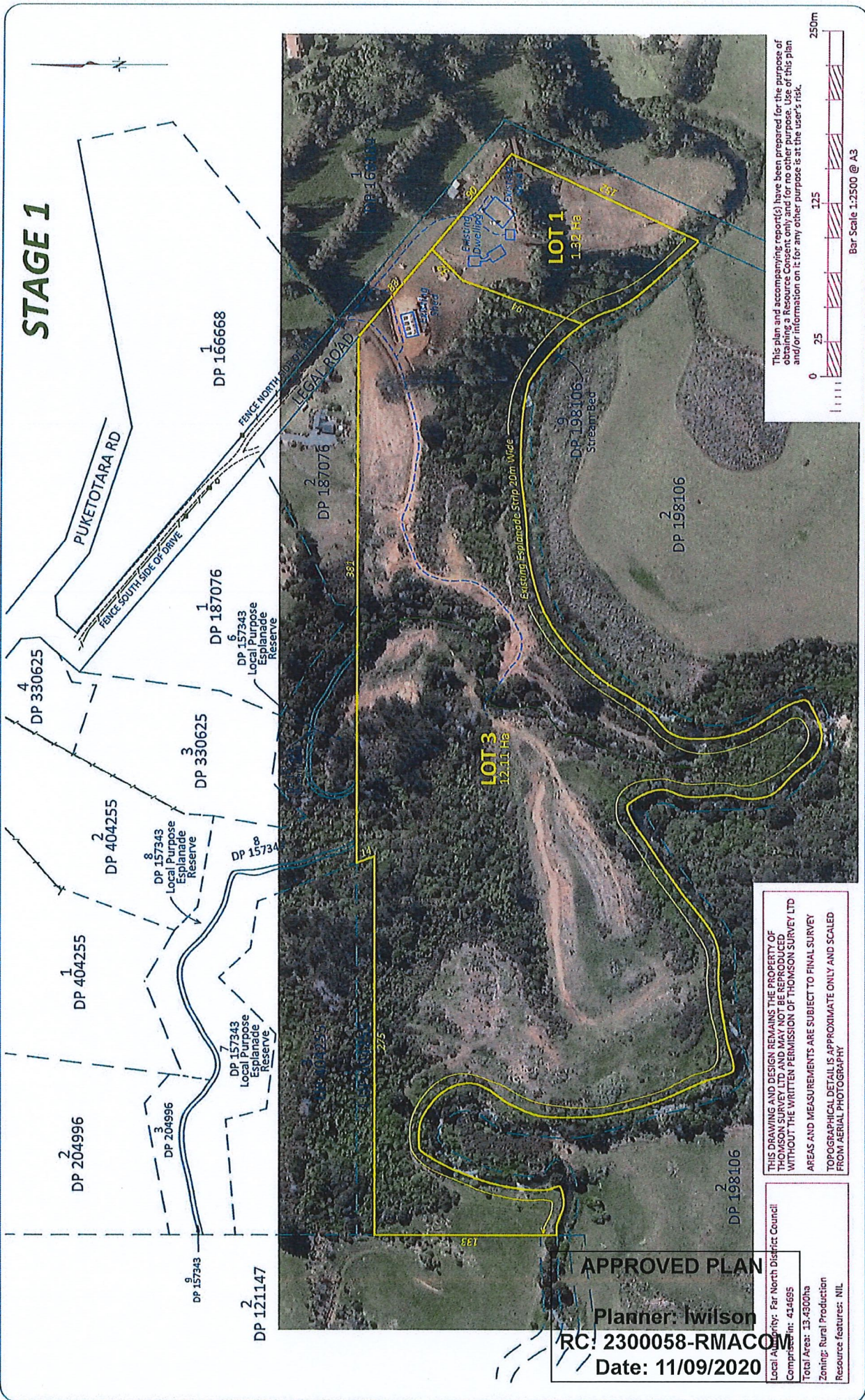
PREPARED FOR: A RIVERS

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Desired			SCALE	SIZE
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Approved				
Rev	KY	28.05.20		

9734\_Scheme Stage 2 20200528.tcd

Surveyors Ref. No: 9734  
 Sheet 1 of 1

# STAGE 1

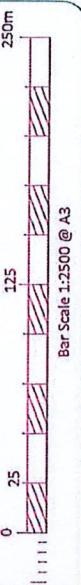


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Local Authority: Far North District Council  
 Compulsive In: 414695  
 Total Area: 13.4300ha  
 Zoning: Rural Production  
 Resource features: NIL

**APPROVED PLAN**  
 Planner: IWilson  
 RC: 2300058-RMACOM  
 Date: 11/09/2020

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Surveyors Ref. No: **9734**  
 Sheet 1 of 1

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design				
Drawn	KY	20.05.20	1:2500	A3
Approved				
REV				
	9734 Scheme Stage 1.lcd			

**PROPOSED SUBDIVISION OF LOT 5 DP 404255**  
 399E PUKETOTARA ROAD, KERIKERI  
 PREPARED FOR: A RIVERS

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

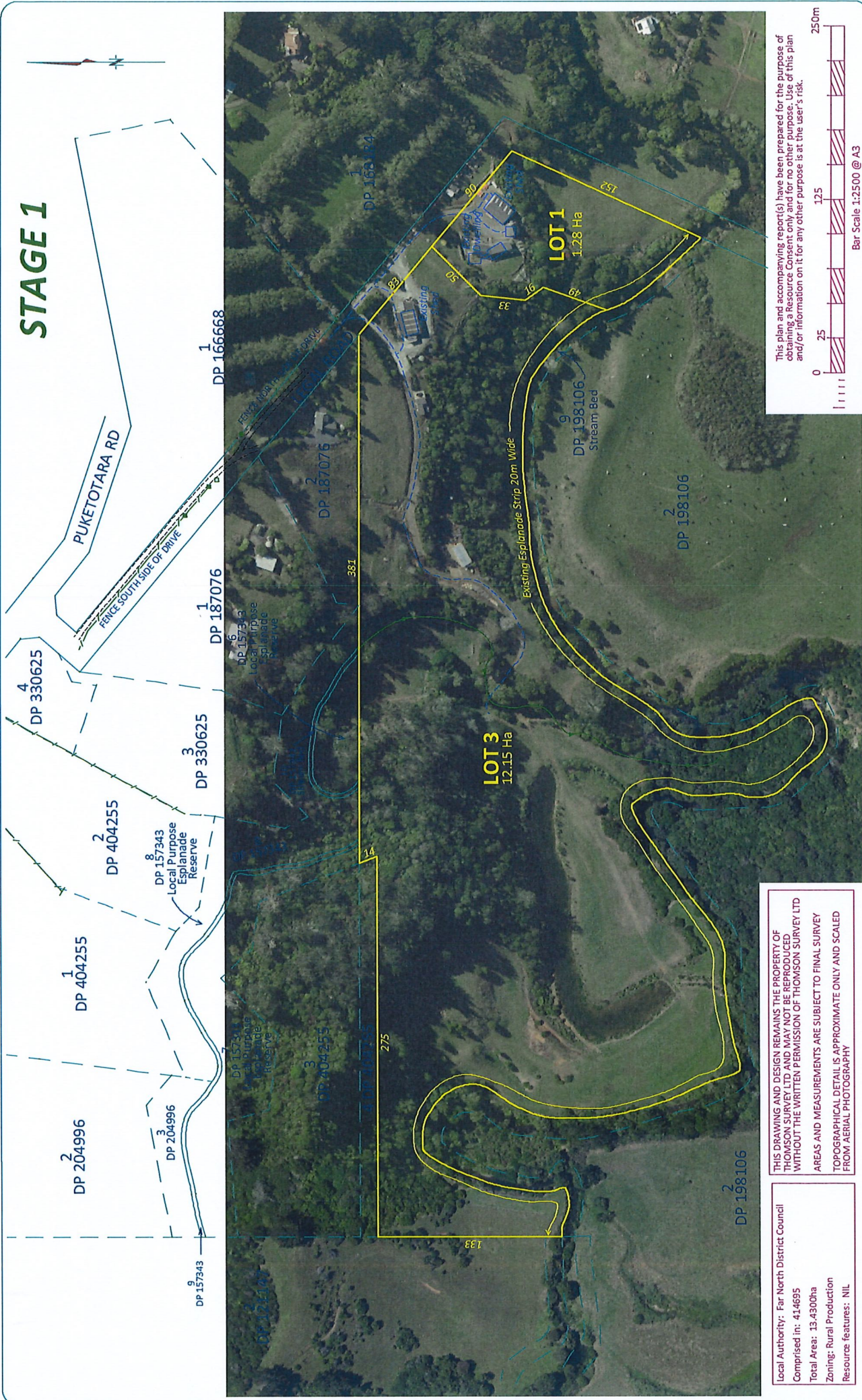




## **Appendix 2**

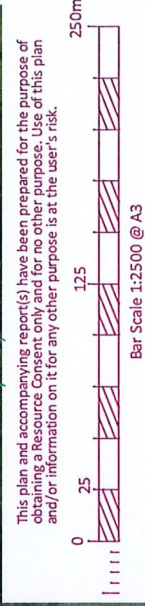
### Draft updated scheme plans

# STAGE 1



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 Comprised in: 414695  
 Total Area: 13.4300ha  
 Zoning: Rural Production  
 Resource features: NIL



Surveyors Ref. No: **9734**  
 Sheet 1 of 1

Survey	Name	Date	ORIGINAL	SHEET SIZE
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Approved	KY	22.07.25		A3
Rev				

9734 Scheme Stage 1 20250122.lcd

## PROPOSED SUBDIVISION OF LOT 5 DP 404255 399E PUKETOTARA ROAD, KERIKERI

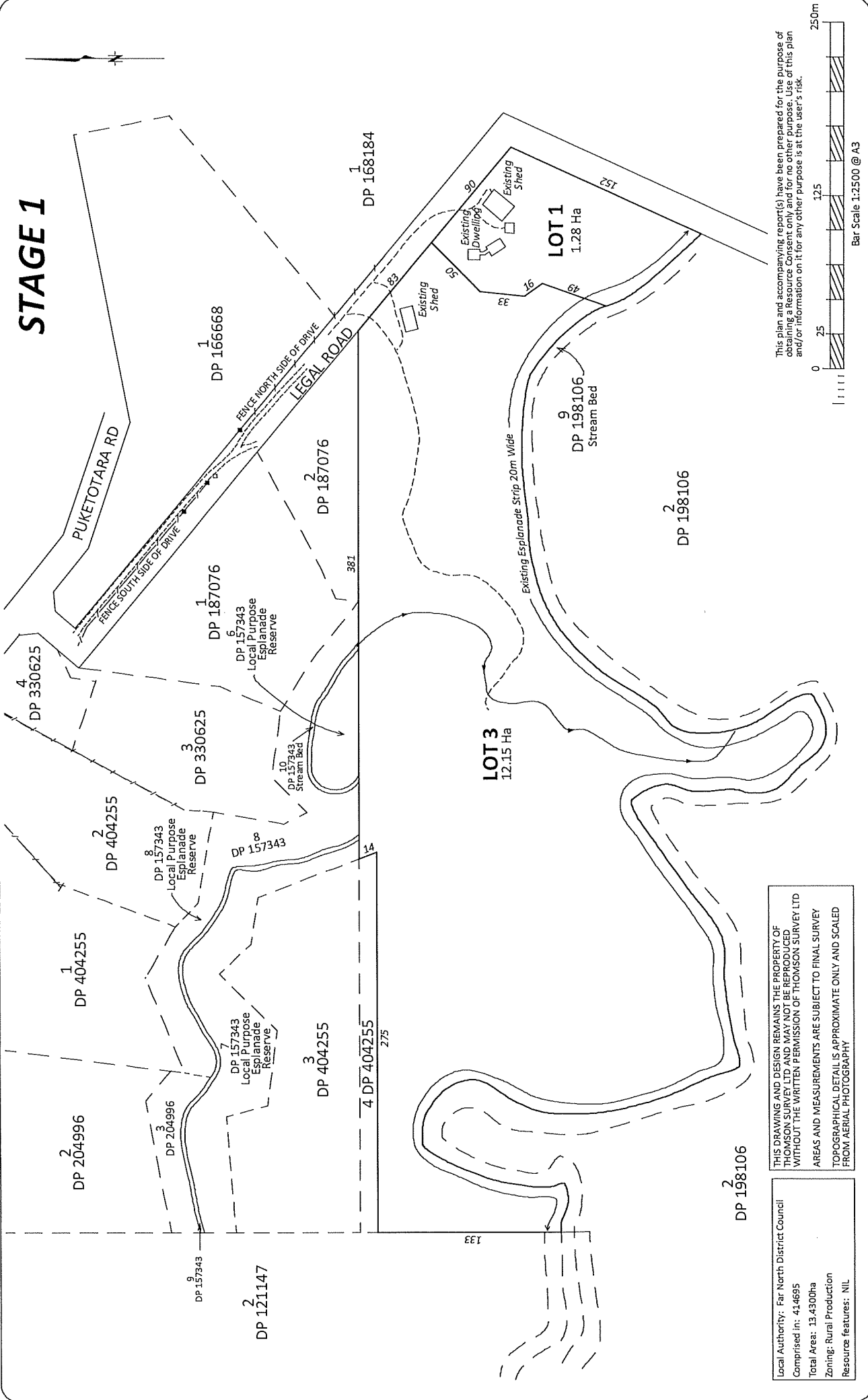
PREPARED FOR: A RIVERS

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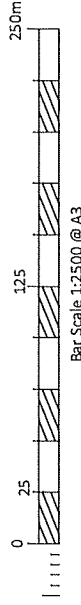
Registered Land Surveyors, Planners & Land Development Consultants

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 Email: kerikeri@tsurvey.co.nz  
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# STAGE 1



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 Total Area: 13.4300ha  
 Zoning: Rural Production  
 Resource Features: NIL

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Approved	KY	22.01.25	A3

Rev 9734\_Scheme\_Stage\_1\_20250122.tcd

**PROPOSED SUBDIVISION OF  
 LOT 5 DP 404255  
 399E PUKETOTARA ROAD, KERIKERI**

PREPARED FOR: A RIVERS

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 P.O. Box 372 Kerikeri  
 Far North District Council  
 PH: (09) 4077360  
 www.fs.survey.co.nz

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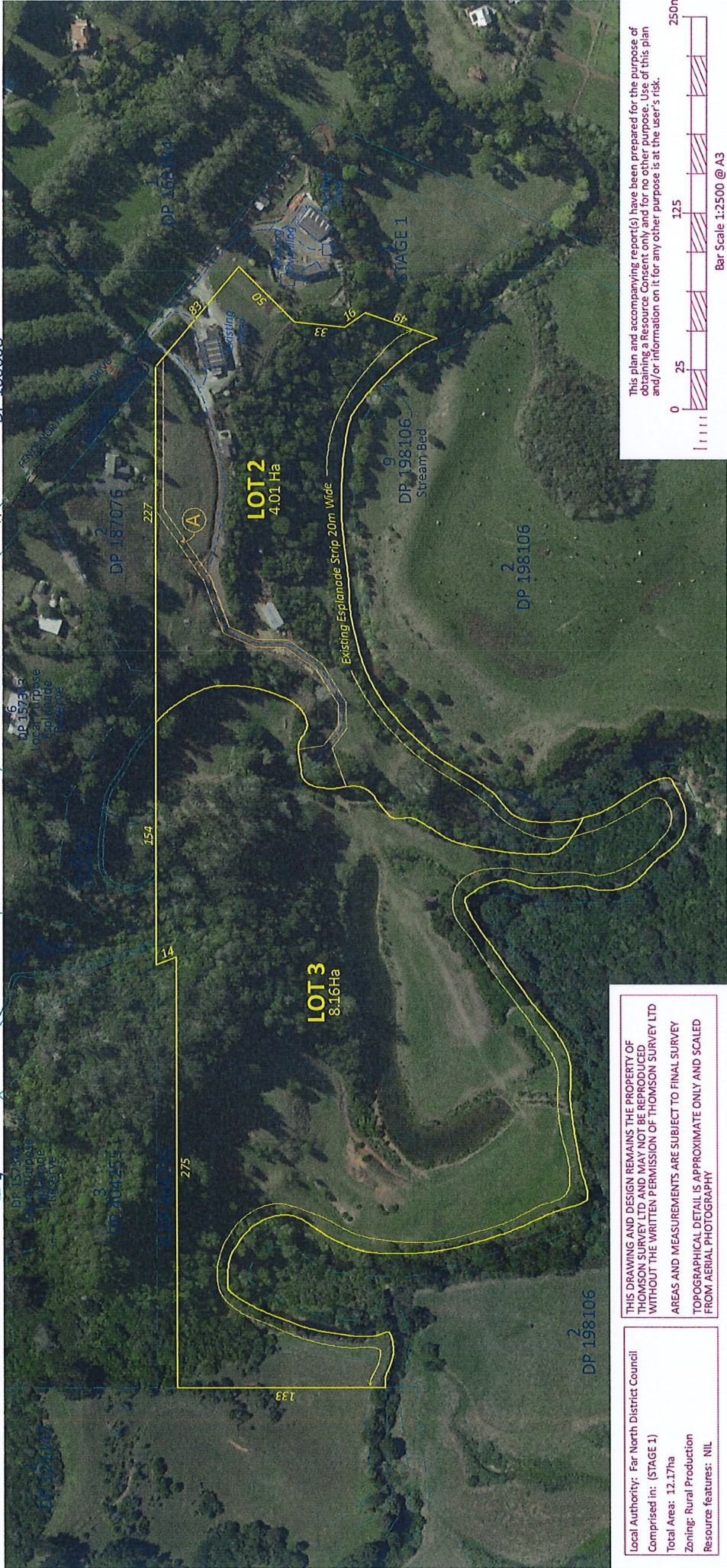
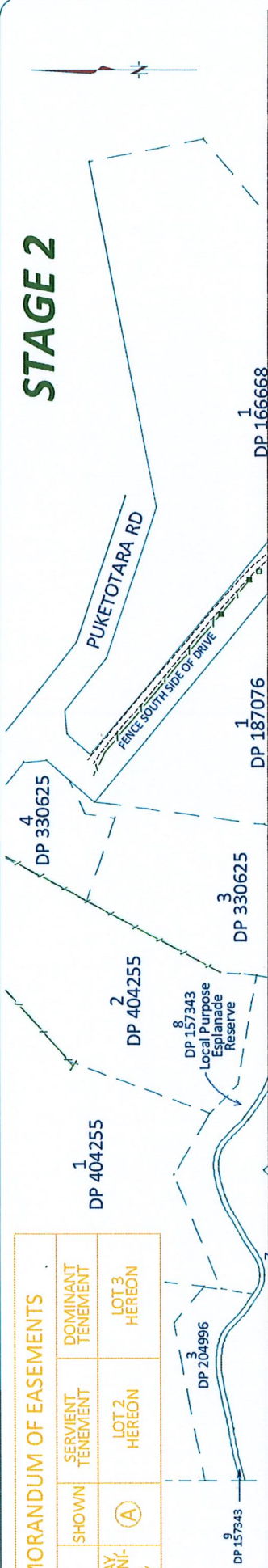
Registered Land Surveyors, Planners & Land Development Consultants

Surveyors Ref. No: 9734  
 Sheet 1 of 1

## MEMORANDUM OF EASEMENTS

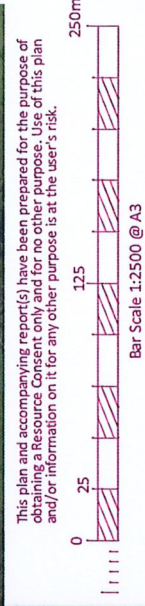
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RIGHT OF WAY TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HERON	LOT 3 HERON

# STAGE 2



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Local Authority: Far North District Council  
 Comprised in: (STAGE 1)  
 Total Area: 12.17ha  
 Zoning: Rural Production  
 Resource features: NIL



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 Email: kerikeri@survey.co.nz  
 Ph: (09) 4077500  
 www.survey.co.nz

## PROPOSED SUBDIVISION OF LOT 3 (STAGE 1) 399E PUKETOTARA ROAD, KERIKERI

PREPARED FOR: A RIVERS

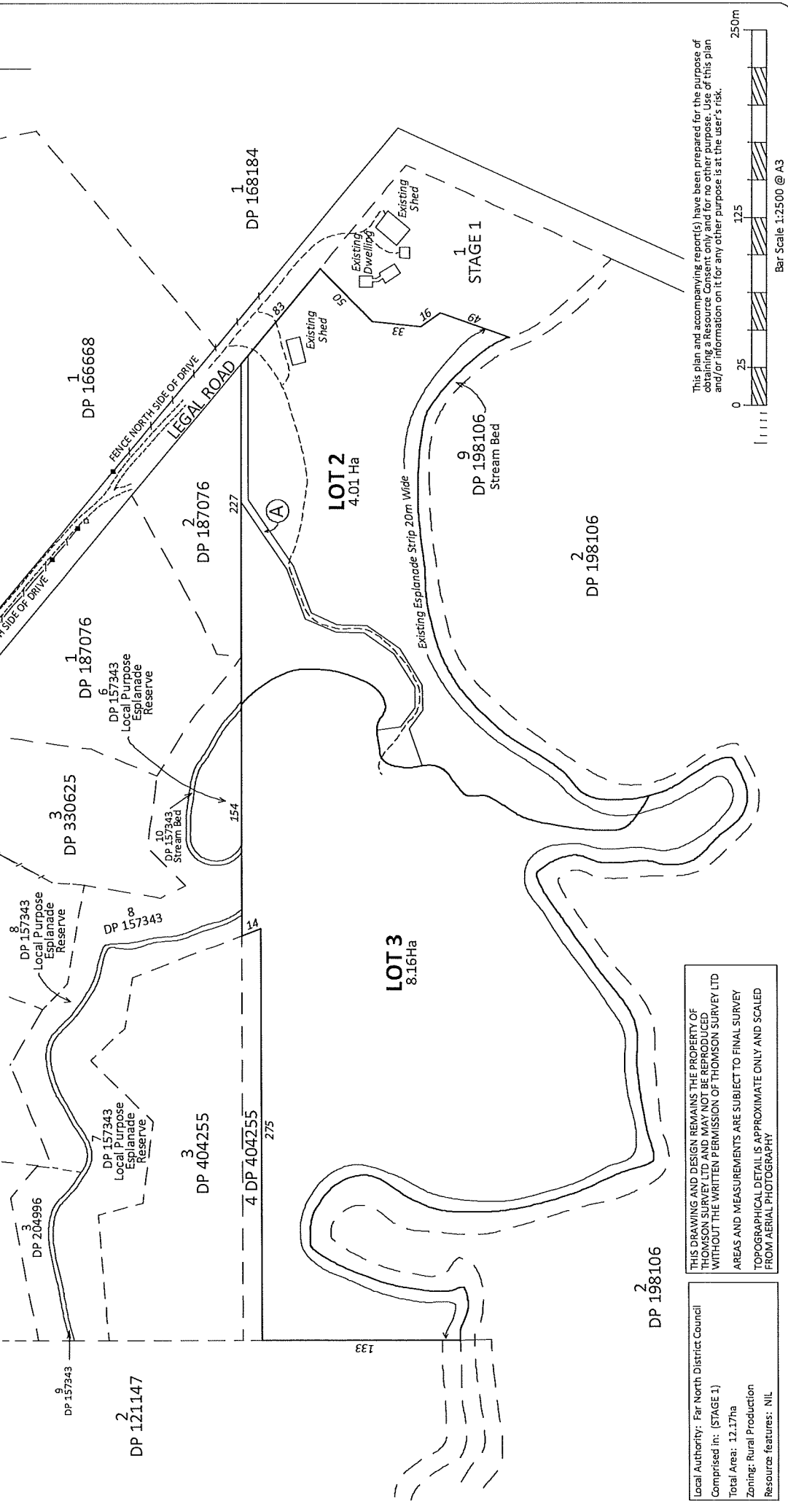
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Approved			1:2500
Rev	KY	22.01.25	SHEET SIZE
			A3

Surveyors Ref. No: **9734**  
 Sheet 1 of 1

9734 Scheme Stage 2 20250122.lcd

# STAGE 2

MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON
		LOT 3 HEREON



Local Authority: Far North District Council  
 Comprised in: (STAGE 1)  
 Total Area: 12.17ha  
 Zoning: Rural Production  
 Resources features: NIL

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Supervisors Ref. No: **9734**

Sheet 1 of 1

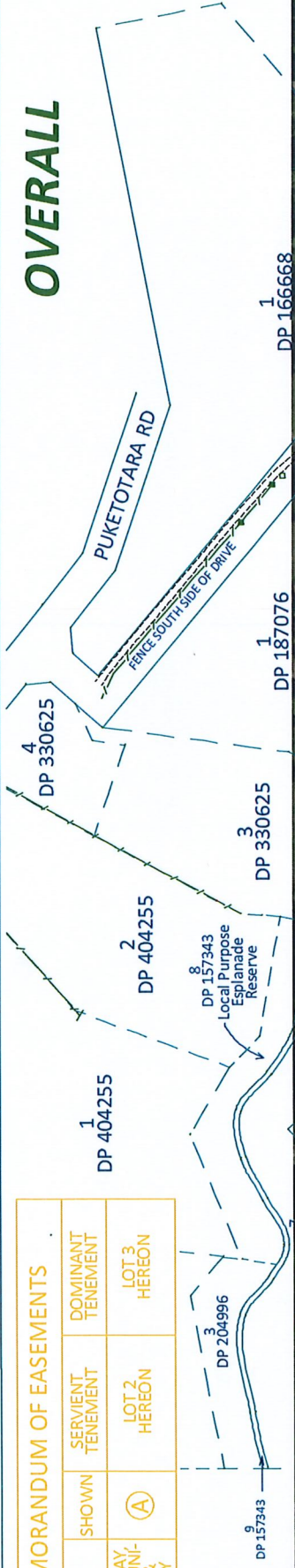
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 399E PUKETOTARA ROAD, KERIKERI

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Approved	KY	22.01.25

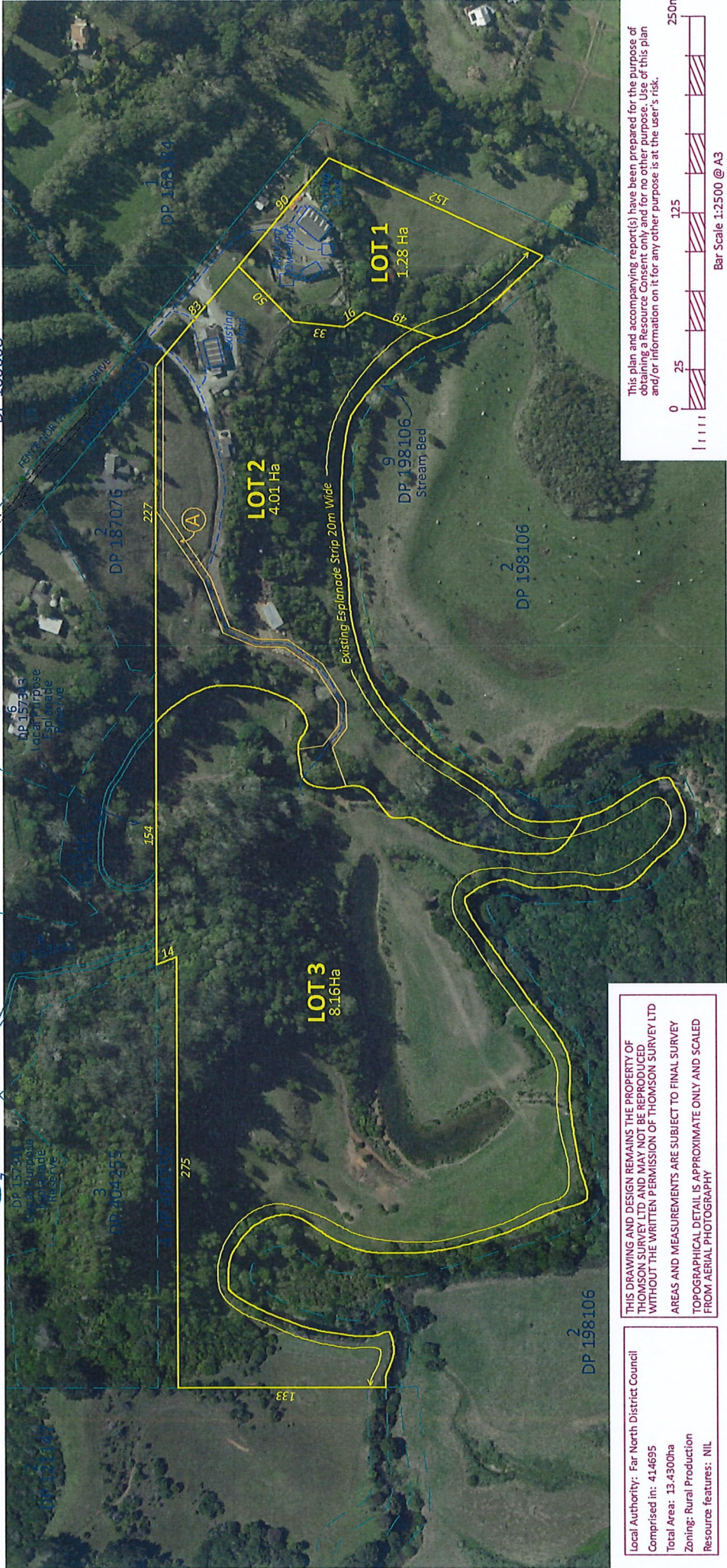
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9734 Scheme Stage 2 20250122.tcd

# OVERALL



MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON
		LOT 3 HEREON



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 Comprised in: 414695  
 Total Area: 13.4300ha  
 Zoning: Rural Production  
 Resource features: NIL

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 www.thomsonsurvey.co.nz

**PROPOSED SUBDIVISION OF LOT 5 DP 404255**  
 399E PUKETOTARA ROAD, KERIKERI

PREPARED FOR: A. RIVERS

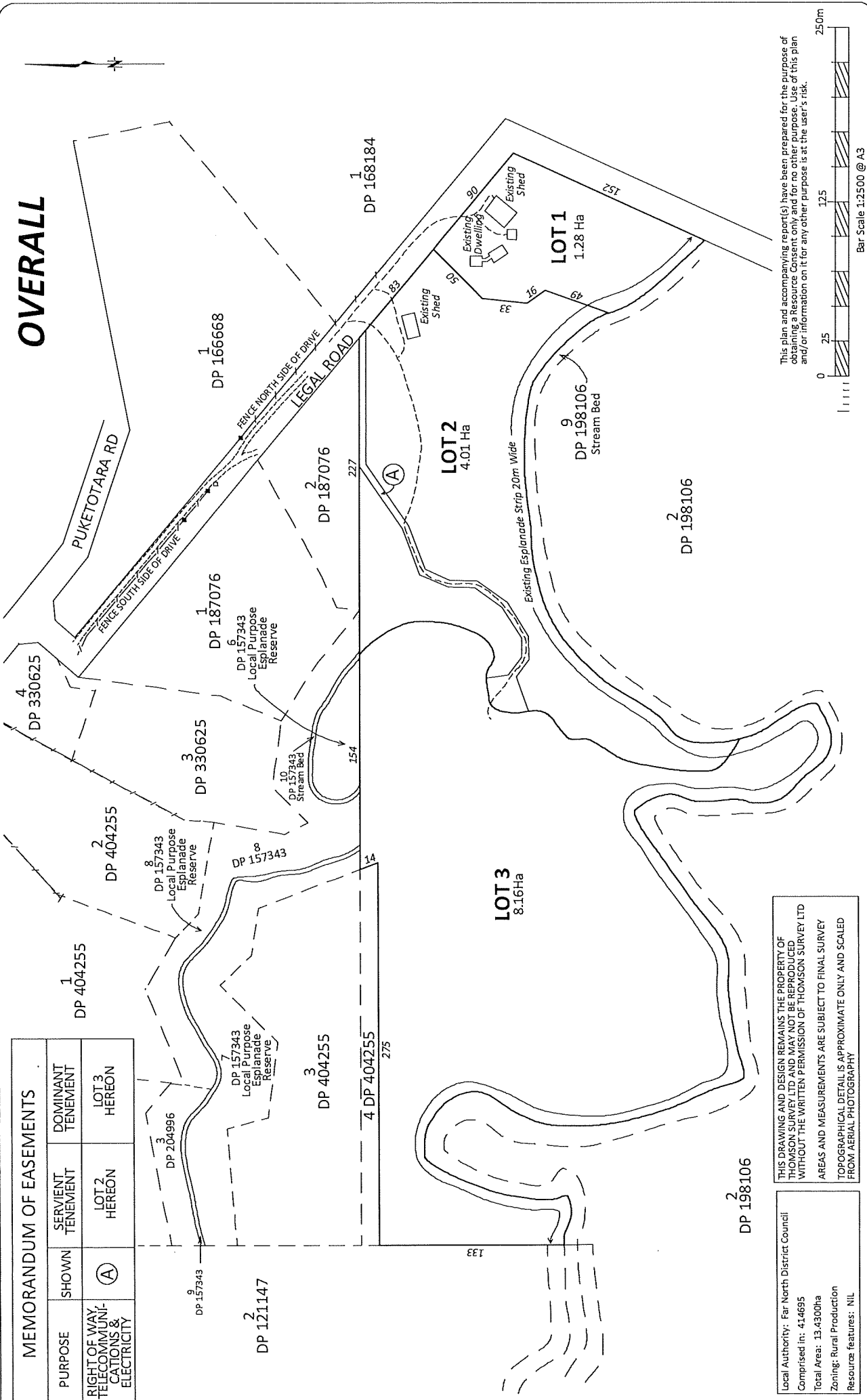
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Approved			A3
Rev	KY	22.01.25	

9734\_Scheme\_Overall\_20250122.lcd

Surveyors Ref. No. **9734**  
 Sheet 1 of 1

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS & ELECTRICITY	(A)	LOT 2 HEREON	LOT 3 HEREON

# OVERALL



Local Authority: Far North District Council  
 Comprised in: 414695  
 Total Area: 13.4300ha  
 Zoning: Rural Production  
 Resources features: NIL

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**PROPOSED SUBDIVISION OF  
 LOT 5 DP 404255  
 399E PUKETOTARA ROAD, KERIKERI**

Survey	Name	Date	ORIGINAL
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Rev	KY	22.01.25	A3

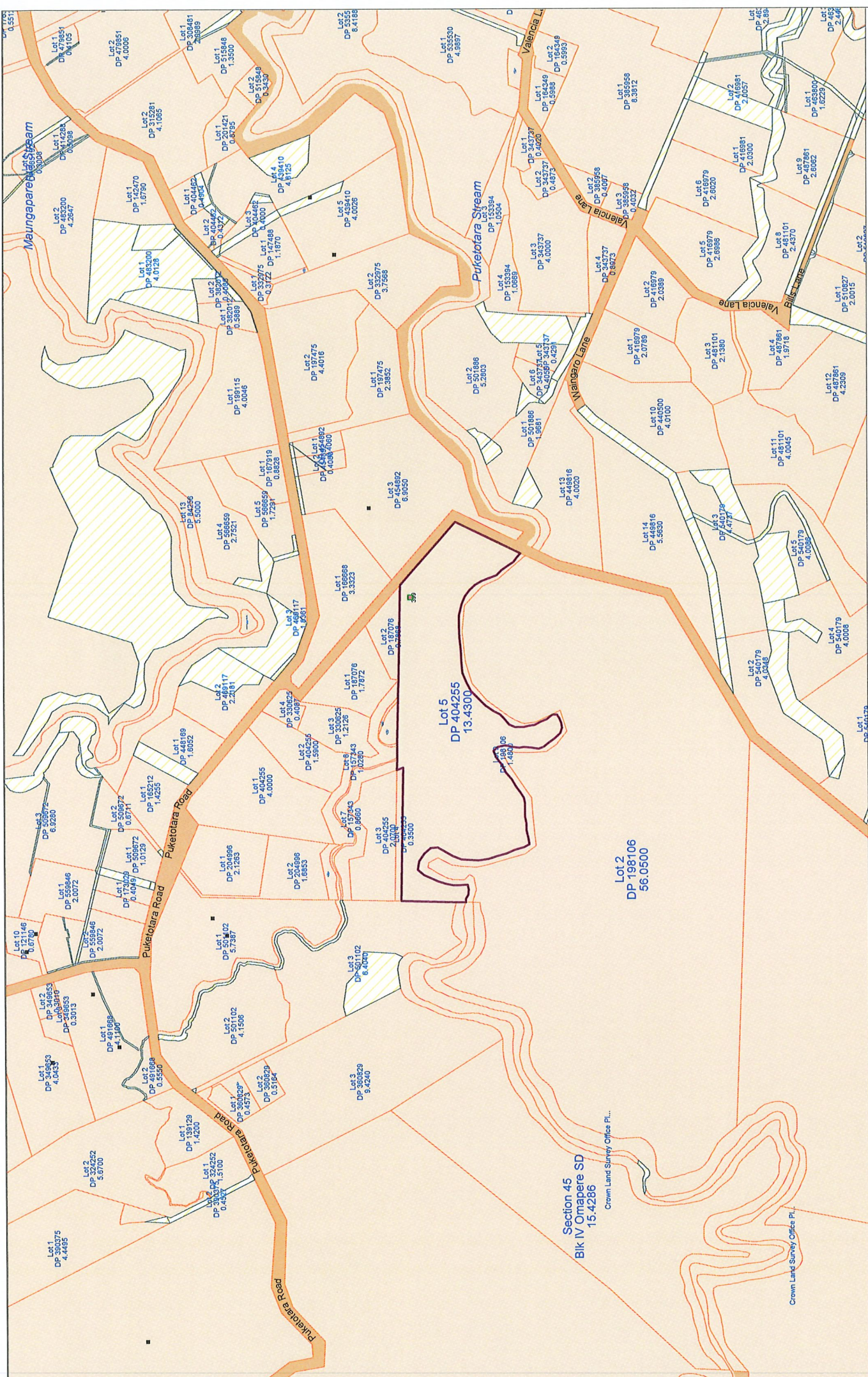
Surveyors Ref: No: 9734  
 Sheet 1 of 1

PREPARED FOR: A RIVERS

## **Appendix 3**

### Location Map





Any person wishing to rely on the information shown on this map must independently verify the information  
 Scale 1:10000 Topographical and Cadastral map derived from LINZ data. Printed: 04-Feb-2025 01:49.

# **Appendix 4**

## Record of Title



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 414695  
**Land Registration District** North Auckland  
**Date Issued** 15 September 2008

**Prior References**

NA127A/546

---

**Estate** Fee Simple  
**Area** 13.4300 hectares more or less  
**Legal Description** Lot 5 Deposited Plan 404255

**Registered Owners**  
Riversmeat Limited

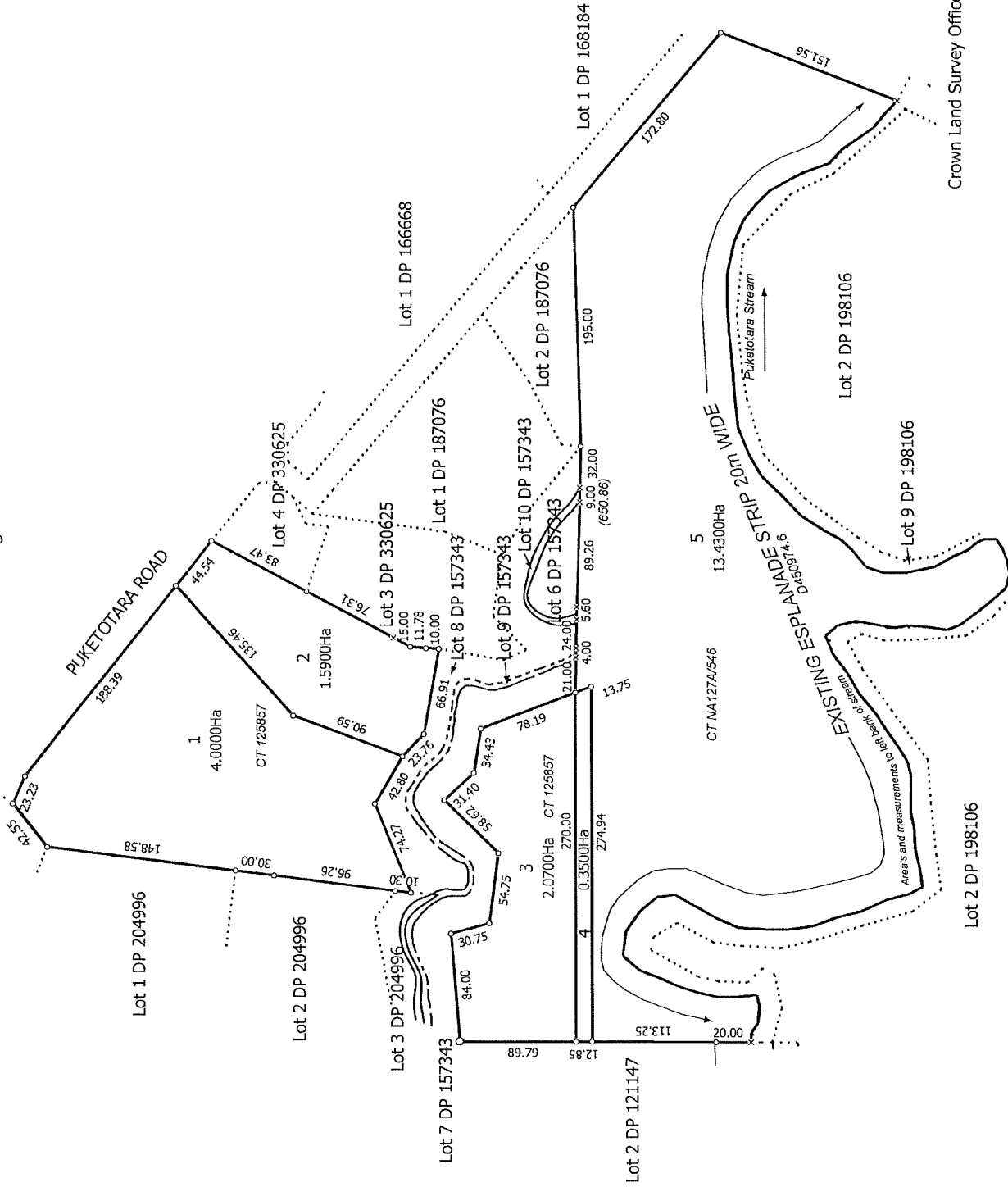
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**Interests**

D450974.6 Esplanade Strip Instrument pursuant to Section 232 Resource Management Act 1991 in favour of The Far North District Council - produced 11.11.1999 at 2.05 and entered 15.12.1999 at 9.00 am  
9952621.2 Mortgage to ASB Bank Limited - 30.1.2015 at 3:42 pm



Diag. A



Crown Land Survey Office Plan 39473

T 1/1

Surveyor's Ref: 7495

Land District: North Auckland

**Digitally Generated Plan**

Generated on: 17/09/2008 1:15pm Page 2 of 2

Lots 1 - 5 Being a Subdivision of Lots 1 & 2 DP 330625 and Lot 1 DP 198106

Surveyor: Denis McGregor Thomson

Firm: Thomson Survey Limited

**Digital Title Plan**

DP 404255

Deposited on: 15/09/2008