



Our Reference: 10719.s127 (FNDC)

20 December 2024

Resource Consents Department
Far North District Council
JB Centre
KERIKERI



Dear Sir/Madam

**RE: Proposed Variation pursuant to s127 – RC 2220829-RMASUB, 268B Kapiro Road,
Kerikeri – Twin Oaks Oasis Limited**

I am pleased to submit application on behalf of Twin Oaks Oasis Limited, for a proposed variation of conditions of RC 2220829-RMASUB, a subdivision consent issued for land at 268B Kapiro Road. The application 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

4. Applicant Details:

Name/s:

Twin Oaks Oasis Limited

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

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:

As per Record of Title attached to application

Property Address/
Location:

as per item 5 above

Postcode

7. Application Site Details

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

Name/s:

Site Address/
Location:

268B Kapiro Road

KERIKERI

Postcode

Legal Description:

Lot 2 DP 495945

Val Number:

Certificate of title:

728724

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.

If a site visit is required, please call Jason (applicant) prior.

8. Detailed description of the proposal:

This application relates to the following resource consent:

Specific conditions to which this application relates:

Conditions 1 and 3(b).

Describe the proposed changes:

New Scheme Plan provided, showing different easement arrangement (condition 1); amendment to access standard (3 (b)). Refer to application.

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)

Sason Lumsden

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)

Sason Lumsden

Signature: (signature of bill payer)

Date 20/12/24

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. 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)

Jason Cameron

Signature:

[Redacted Signature]

Date *20/12/24*

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

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- 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.

Twin Oaks Oasis Limited

S127 APPLICATION

Change of conditions to

RC 2220829-RMASUB

268B Kapiro Road, KERIKERI

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

RC 2220829-RMASUB is a subdivision consent, issued 29th June 2023. A copy is attached in Appendix 1. The subdivision granted consent for two lots (one additional), with areas of 1.87ha (Lot 1 containing development) and 3300m² (Lot 2 vacant).

The consent holder seeks to vary the condition(s) related to the standard required for the shared access, specifically that part of the shared access that runs down the eastern boundaries of Lots 1 & 2 of the subdivision. In order to do that, the number of potential users of shared accessway is proposed to be reduced by way of re-defining easement (and carriageway) location.

This modification to access standard requires a variation to condition 1 of RC 2220829-RMASUB as it relates to the scheme plan, and a variation to condition 3(b) where the access standard is specified. No other changes are necessary. The amended Scheme Plan is attached in Appendix 2.

Location map and Record of Title are attached in Appendices 3 & 4 respectively. The approval of the owners of the land over which new easement 'F' is proposed has been obtained and this approval is attached in Appendix 5. This is not a Written Approval pursuant to the RMA, but rather confirmation to the Council that the owners of the land over which easement F is proposed, are in agreement.

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: 268B Kapiro Road, Kerikeri

Legal description: Lot 2 DP 495945

Record of Title: 728724 with an area of 2.199ha.

3.0 SITE DESCRIPTION

The site is one of three lots consented via RC 2160171-RMASUB. The site is zoned Rural Production under the Operative District Plan. The site is relatively flat and mostly in pasture with an area of avocado orchard in the west. The proposed Lot 1 contains existing built development (dwelling and sheds).

4.0 CHANGES REQUESTED AND EXPLANATION

The variation is in regard to conditions 1 and 3(b).

Condition 1 currently reads:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Footprint Survey, referenced Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 495945, dated 05/22, and attached to this consent with the Council's "Approved Stamp" affixed to it.

The desire to amend access in terms of number of users and location elements, requires the amendment of the scheme plan, and it is therefore requested that condition 1 be amended to read:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by ~~Footprint Survey~~ Thomson Survey Limited, referenced ~~Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 495945 & Easement Over Lot 3 DP 495945~~, dated ~~05/22~~ 12/12/24, and attached to this consent with the Council's "Approved Stamp" affixed to it.

In addition, it is requested that condition 3(b) be amended as follows:

~~Submit to Council's Development Engineer or duly designated person for approval, plans, specifications and details of all engineering works to widen the existing shared private accessway and construct passing bays. The existing accessway is to be widened to a minimum width of 3m along the full length of right of way easements 'F' and 'A' the accessway that borders the eastern boundary of Lot 1 and 2 where required, and to construct passing bays at appropriate locations along the accessway that borders the eastern boundary of Lots 1 and 2. The works shall be designed by a suitable qualified engineer in accordance with Council's current District Plan requirements, Engineering Standards and NZS4404:2004.~~

Explanation:

The consent holder seeks to reduce the number of users over some of the shared accessway and this has resulted in a much shorter distance of shared access on the eastern boundary of Lot 1 only (no longer Lot 2), and then access to Lot 2's boundary is now being provided internal to the application site. There is no change to right of way B. Right of Way J on the current stamped approved plan is proposed to be deleted and replaced by F, along with a new easement A over Lot 1 in favour of Lot 2. This will result in no requirement for passing bays within either new proposed "F" or "A". Refer to AEE later in this report for further detail.

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 2220829-RMASUB. This is an important point noting that the original consent was a non

complying activity and successfully passed the 104D Gateway Threshold test. In addition it was assessed for consistency with the National Policy Statement Highly Productive Land. The change to access arrangements does not impact on either of these factors and as such no additional assessment against 104D or the NPS HPL is required.

The current 3(b) was imposed because the original stamped approved plan showed right of way easement 'J', down the eastern boundary of Lots 1 & 2, over the adjacent Lot 3 DP 495945, for the benefit of Lots 1 & 2 on the scheme plan. This would have meant three titles with the right to use 'J' and a standard of 3m metal carriageway width with passing bays. Discussions on site at the time identified two locations where passing bays could be located, primarily on two corners where visibility might be impacted.

The modified proposal sees no change to how Lot 1 is accessed, except it would have no need to use new proposed 'F', and the easement schedule on the amended scheme plan reflects this. It is only the access to new proposed Lot 2 that is amended. This is to now be provided via B & C on the scheme plan, over new F for short distance, and then over A on Lot 1, to Lot 2 boundary.

New right of way F will only serve Lot 2 and is owned by an adjacent title, bringing total users to two. New right of way A will only serve Lot 2 and is owned by Lot 1, bring total users to two. Easement C will accommodate a portion of driveway serving only two lots. There are no blind corners or brows that would restrict visibility on either, noting F links up with C, and both F & A are less than 100m long. In summary, there is no requirement under the Operative District Plan for a passing bay on either F or A (or C). These requirements can therefore be deleted from condition 3(b).

Easement C is currently only stormwater attenuation and services but is intended to provide for a portion of driveway to enable clear visibility from easement F through to easement B. This can be done without affecting its efficiency in providing for drainage. Easement C will also only serves two lots.

Condition 3(b) is not thought to cover the existing shared access within existing right of way B. No change is being sought to condition 3(a).

The change does not result in any additional breaches of the ODP and can therefore be processed as a Variation as opposed to a new consent. Given there are no additional breaches, the effects of the variation are considered less than minor. The carriageway width will still be formed, or increased, to 3m wherever it is currently sub-width. There is no requirement for passing bays.

6.2 Relevant Provisions of planning instruments

Of the planning instruments referred to under s104, none have changed since the original consent was processed.

7.0 STATUTORY ASSESSMENT

7.1 District Plan Objectives and Policies

There have been no changes to either the Operative or Proposed District Plan since the original application was lodged and processed. The changes only relate to access standard and the PDP process has not progressed sufficiently through its submission and hearings process in regard to its Transportation section, to give that section any weighting.

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.

7.3 National Policy Statements

There are no new National Policy Statements relevant to the proposed variation.

7.4 National Environmental Standards

No new National Environmental Standards have come into effect since the original application was processed.

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 has obtained the approval of the owner of Lot 3 DP 495945 for a proposed easement F over their land, subject to the boundaries of F not changing from those shown on the scheme plan, that the consent holder is solely responsible for maintaining the access within F and that the consent holder pays all legal fees involved in preparing and registering the easement instrument. The consent holder is agreeable to these conditions. Please note the "approval" in Appendix 5 is for the creation of easement F, not for the subdivision, as this has already been granted.

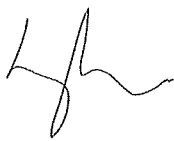
9.0 CONCLUSION

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. Thomson Survey Ltd is keen to lodge application for s223 TA Approval and would therefore like this application for minor variation to be processed as quickly as possible.

Report prepared by:



Lynley Newport
Senior Planner,
THOMSON SURVEY LTD

Date 20th December 2024

10.0 LIST OF APPENDICES

Appendix 1	RC 2220829-RMASUB
Appendix 2	Draft updated scheme plan
Appendix 3	Location Map
Appendix 4	Record of Title
Appendix 5	Approval for Easement F

Appendix 1
RC 2220829-RMASUB



**DECISION ON LAND USE CONSENT APPLICATION
UNDER THE RESOURCE MANAGEMENT ACT 1991**

Decision

Pursuant to section 34(1) and sections 104, 104B and D and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent for a Non-Complying activity, subject to the conditions listed below, to:

Council Reference: 2220829-RMASUB
Applicant: Twin Oaks Oasis Limited
Property Address: 268B Kapiro Road, Kerikeri 0294
Legal Description: Lot 2 DP 495945

Description of Application:

The activities to which this decision relates are listed below:

To create one additional Lot in the Rural Production Zone as a Non-Complying activity.

Conditions

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Footprint Survey, referenced Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 495945, dated 05/22, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Survey plan approval (s223) conditions

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

Section 224(c) compliance conditions

3. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
 - a. Ensure that the existing vehicle crossing onto Kapiro Road is sealed or concreted back for a minimum distance of 5m from the existing seal edge unless this work has already been completed.

It is to be noted that infrastructure belonging to the Kerikeri Irrigation Company is located within the road reserve and shall be protected by an appropriate barrier to prevent any damage from vehicles. Any damage shall be rectified by or at the expense of the consent holder.

- b. Submit to Council's Development Engineer or duly designated person for approval, plans, specifications and details of all engineering works to widen the existing shared private accessway and construct passing bays. The existing accessway is to be widened to a minimum width of 3m along the full length of the accessway that borders the eastern boundary of Lot 1 and 2 where required, and to construct passing bays at appropriate locations along the accessway that borders the eastern boundary of Lots 1 and 2. The works shall be designed by a suitable qualified engineer in accordance with Council's current District Plan requirements, Engineering Standards and NZS4404:2004.
4. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the consent holder:
- a. In conjunction with the construction of a future building on proposed Lot 2, the Lot owner shall provide at the time of a Building Consent application a geotechnical report prepared by suitable qualified Chartered Professional Engineer (or other suitably qualified person), which addresses building foundations being proposed in the application and slope stability. Foundations for buildings shall be specifically designed by a Chartered Professional Engineer with geotechnical expertise.

[Lot 2]

- b. In conjunction with the construction of a future dwelling on proposed Lot 2, the Lot owner shall obtain a Building Consent and install a wastewater treatment and effluent disposal system on the Lot. The system shall be designed by a Chartered Professional Engineer or registered drainlayer and shall reference the recommendations of the O'Brien Design Consulting "On-Site Wastewater Report (Revision A)" reference – 2770 B TP58, dated 23rd May 2022 and submitted with resource consent application 2220829-RMASUB.

[Lot 2]

- c. In conjunction with any future development on proposed Lot 2, the Lot owner shall submit a stormwater management report that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. The report shall include methods of stormwater disposal and stormwater attenuation design. Attenuation shall be provided to limit post-development flow to predevelopment levels for the 10% and 1% AEP events, plus an allowance for climate change. Overland/secondary flow paths that can accommodate the 1% AEP storm event shall also be provided on proposed Lot 2 and are to be unobstructed by new buildings, other structures or landscaping.

Note: Stormwater attenuation does not need to be provided if stormwater runoff up to the 10% and 1% AEP events can be discharged directly to ground via engineered soakage devices with prior Council approval.

[Lot 2]

- d. 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.

[Lot 2]

Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) The consent is given effect to; or
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

Right of Objection

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

Archaeological Sites

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

General Advice Notes

4. During the assessment of your application, it was noted that a private Land Covenant exists on your property. Council does not enforce private land covenants, and this does not affect Council approving your plans. However, you may wish to get independent legal advice, as despite having a resource consent from Council, the private land covenant can be enforced by those parties specified in the covenant.
5. The site is identified as being within a kiwi present zone. Any cats and/or dogs kept on site must be kept inside and/or ties up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances

exist. Therefore, under delegated authority, it was determined that the application be processed without notification.

2. The application is for a Non-Complying activity resource consent as such under section 104 the Council can consider all relevant matters.

In particular the matters listed below are of particular relevance.

Rule Number and Name	Non-Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	The proposed activity cannot comply with the requirements for a Discretionary subdivision in accordance with the District Plan.

3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable for the following reasons:

- a. The soils on site are not highly versatile as identified in the soil assessment prepared by Haigh Workman and provided with the application. This has also been confirmed by way of email from Haigh Workman,
- b. The additional Lot will create an opportunity for residential development in an area where there is a housing shortage,
- c. No reverse sensitivity is anticipated, with activities in the surrounding environment being similar and commercial in nature with larger rural production activities not being undertaken within the immediate environment. Although there are sites which have been developed for horticultural purposes within the locality, these activities are not being undertaken directly adjacent to the site, with the site and Lot 2 being well separated from intense horticultural activities.
- d. Written approval from the adjacent property to the south has been provided which indicates that there is a low likelihood of reverse sensitivity within the immediate environment.

4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.

5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:

- a. Operative Far North District Plan 2009,
- b. Proposed Far North District Plan 2022, and
- c. Northland Regional Policy Statement 2016.

Operative Far North District Plan

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

Objectives:

8.3.2: It is considered that the subject site is no longer used for productive purposes, is mostly pastured and is within an area predominantly used for residential and lifestyle purposes. It is considered that this activity will not further compromise the life

supporting capacity of soils, and no highly productive soil has been identified on site.

8.6.3: The site is within an area used for residential and lifestyle purposes and it is considered that this activity will not conflict with the surrounding land use on the directly adjacent properties. Given the setback from the road, and from other properties in the immediate environment it is not anticipated that the subdivision will create conflict with other surrounding land uses. Due to the level of commercial and residential development within the surrounding environment it is also not anticipated that adverse effects on rural amenity will be created.

13.3.5: The existing and consented development on Lot 1 either have access to or will have access to water supply, on-site water storage and stormwater management. Lot 2 will have access to these services at development stage and as the result of the subdivision conditions and consent notices.

13.3.8: The provision of electricity to the new Lots is the responsibility of the Lot owners and is required by way of consent notice.

Policies:

13.4.2: Conditions to upgrade the existing access and Right of Way have been imposed to ensure that vehicular and pedestrian access to the site is provided.

13.4.8: The provision of water storage is a requirement of this activity by way of consent notice.

Proposed Far North District Plan

The application site is within the Horticultural Zone, under the Proposed District Plan. It is determined that the activity is consistent with the relevant objectives, policies and assessment criteria for the following reasons:

Objectives:

HZ O3:

- a. Although the activity has allowed for subdivision and the potential for future land use, there is no highly productive land on site (Class 1 – 3 as identified with in the National Policy Statement for Highly Productive Soils), or within the new lot created.
- b. Lot 2 adjoins land that is less intensively managed agriculturally than land to the north and east of the subject site. Reverse sensitivity is therefore less of an issue as it would be if the surrounding properties were used for intensive production purposes.
- c. Due to the land use within the surrounding environment and existing constraints, any horticultural activity that would take place on site would likely create reverse sensitivity.
- d. The subdivision does not exacerbate any natural hazards.
- e. Given the surrounding land uses, the level of development in the surrounding environment and the setback of the activity from the road, no change to the rural character and amenity is anticipated. Although some of the surrounding allotments, and directly adjacent allotments are larger in size, they are not necessarily being used for productive activities, with many of the larger Lots being used for

lifestyle or commercial uses. Although Lot 2 is smaller in size, Lot 1 is still of a size that can be used for productive purposes on a small scale in future, should the Lot owner want to do so.

- f. On-site servicing for wastewater, stormwater and water supply can be provided for, and is a requirement of the consent notices which have been applied as a result of this consent.

Policies:

HZ P5:

- a. The soil on site is not highly productive land, and therefore fragmentation by way of subdivision will not result in loss in soil of this nature.
- b. Due to the surrounding land use in the immediate surrounding environment, it is unlikely that horticultural activities would or could be undertaken on site without causing reverse sensitivity.
- c. A building platform on the additional Lot can be provided for with existing development being on the balance Lot.
- d. On-site servicing can be provided for.

HZ P7:

- a. The subdivision will not detract production potential of the site. Lot 1 is still of a size which can be used for small scale productive purposes, should the landowner wish to do so.
- b. Subdivision does not rely on productive soil, although the soil has been classed as LUC 4 type soils as assessed in the reports and correspondence provided by Haigh Workman.
- c. Given the surrounding land uses, the level of development in the surrounding environment and the setback of the activity from the road, no change to the scale, rural character and amenity is anticipated. Although some of the surrounding allotments, and directly adjacent allotments are larger in size, they are not necessarily being used for productive activities, with many of the larger Lots being used for lifestyle or commercial uses. Although Lot 2 is smaller in size, Lot 1 is still of a size that can be used for productive purposes on a small scale in future, should the Lot owner want to do so.
- d. Although it is anticipated that a residential dwelling will be developed within Lot 2 following this subdivision, no additional development is included in the subdivision application or proposed at this time.
- e. Reverse sensitivity will not be created through subdivision or future land use. There will be no loss to highly productive land as reports and correspondence from Haigh Workman have confirmed that soil

types on site are LUC 4. Lot 1 can still be used for small scale productive activities, should it be desired.

f. On-site services can be provided for.

The PDP has only been recently notified and as such there is potential for change as the plan goes through the statutory process. As such despite the different outcomes anticipated by the PDP little weight is given to these provisions.

Regional Policy Statement

The subdivision is consistent with the Northland Regional Policy Statement as it does not create any reverse sensitivity effects and does not change the character or sense of place within the surrounding environment as discussed above. In addition, it is assessed that while the subject site is mapped as having highly versatile soils, these will not be adversely affected as additional evidence has been provided to Council which confirms that the soils on site are not highly versatile, and are classed as LUC 4 soil types.

6. In regard to section 104(1)(c) of the Act the other matters relevant in making this decision are:

Precedent

Case Law has established that the precedent of granting resource consent is a relevant factor for a consent authority in considering whether to grant Non-Complying resource consent. A precedent effect is likely to arise in situation where consent is granted to a Non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out 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 can be approved.

Granting this application will not set a precedence as the subject site is:

- Located in an area which is used for mixed purposes and not predominantly rural production activities.
- The property immediately adjacent to Lot 2 has given written approval. No properties adjacent to Lot 2 is being used for productive purposes, and have been developed for lifestyle activities.
- As the immediate and close existing environment is inclusive of Lot sizes and activities which are both residential and commercial in nature, this activity is consistent with what already exists in the surrounding area with Lots ranging from 2000m² and 7000m² to 11,000m² in close proximity on the road frontage. In addition, due to the location of the new Lot (and anticipated future dwelling) being well set back from the road, it is not anticipated that the character and amenity of the environment as seen from Kapiro Road will change as a result of the subdivision or future development.
- In addition, the site has views across the Waipapa Stream to the development on Waipapa Road (and vice versa). Due to the extent of the development within the wider environment (as well as the closer

environment) it is not anticipated that the character and amenity of the surrounding environment will change.

- No highly versatile soils have been identified on site, as reports and correspondence from Haigh Workman have confirmed that the soils on site are classified as LUC 4, contrary to the soil types shown on the Northland Regional Council maps. Lot 1 can still be used for small scale productive uses.
 - Although there are orcharding activities on the opposite side of Kapiro road, and in proximity, there are no properties directly adjacent to the site which are being used for production purposes. The directly adjacent properties are being used for lifestyle purposes with sites in proximity also being used for and commercial (accommodation and education) purposes.
7. In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan as outlined in section 5 above. Therefore, consent can be granted for this non-complying activity.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act.
- The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

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



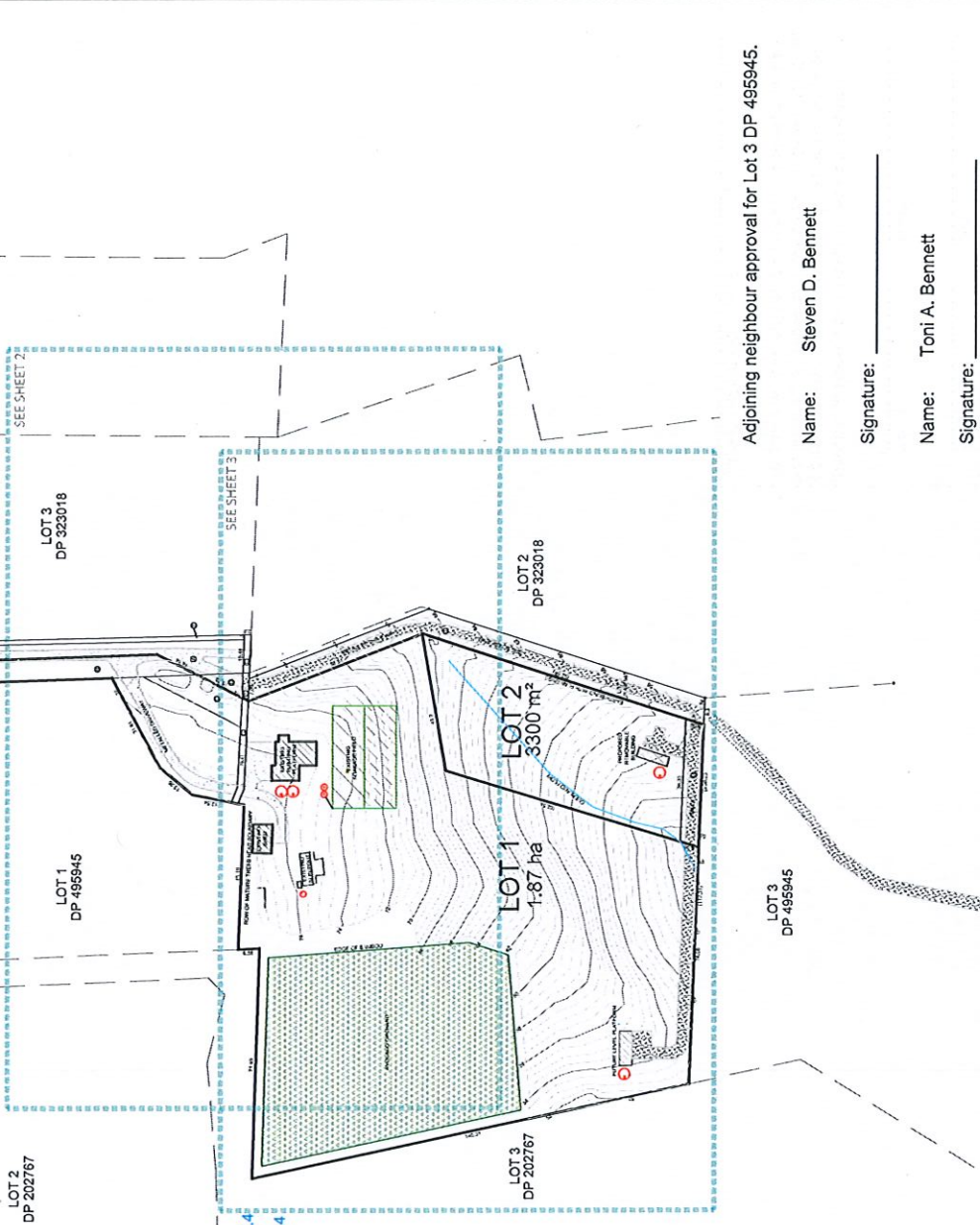
Barry Mosley

Independent Hearing Commissioner

Date: 29 June 2023



KAPIRO ROAD



APPROVED PLAN
 Planner: Hannah Kane
 pp: ENathan
 RC: 2220829-RMASUB
 Date: 30/06/2023

Proposed Easements		
Purpose	Shown	Benefiting
Right of Way, Right to convey water, tel, electricity, right to drain water	D, E, F, J	Lots 1 & 2
	H	Lot 1

Memorandum of Existing Easements		
Purpose	Shown	Benefiting
Right of Way, Right to convey water, telecommunications, electricity & right to drain water	A	Lots 1 & 2
	X	Lots 1 & 2
	B	Lots 1 & 3 DP 495945 (EI 10458346.4)
Right of Way, Right to convey water, telecommunications, electricity	B	Lots 1 & 3 DP 495945 (EI 5888720.2)
	G	Lot 3 DP 495945 (EI 5888720.2)
Right to convey electricity & telecommunications, right to drain water.	C	Lots 1 & 3 DP 495945 (EI 10458346.4)

Memorandum of Existing Easements in Gross		
Purpose	Shown	Benefiting
Right to convey electricity	G	Top Energy Ltd (EI 10458346.5)
Right to convey telecommunications	B	Chorus New Zealand Ltd (EI 10458346.6)

- Notes**
- Dimensions and areas are subject to resource consent and final survey.
 - Land covenant in EI 10458346.5.
 - 5805160.2 Consent Notice pursuant to Sec 221 RMA 1991.
 - Levels in terms of NZVD2016 datum, source RMTS SO 55463.
 - Contour intervals: 0.5m minor, 2.0m major.
 - Total area: 2.20 Ha.
 - Comprised in current title: 728724.
 - Areas B & C are subject to existing Land Covenant (Stormwater Attenuation - Sec 221 RMA).
 - Area X is subject to existing Land Covenant (Planting - Sec 221 RMA).
 - Lots 1 & 2 subject to existing Consent Notice 5805160.2.

Adjoining neighbour approval for Lot 3 DP 495945.

Name: Steven D. Bennett

Signature: _____

Name: Toni A. Bennett

Signature: _____

SCALE (A3)	1:1500
DRAWING REFERENCE	Q177
SHEET	1/3
REV	B

CLIENT: JASON CAUVAIN

ADDRESS: 268b KAPIRO ROAD, KERIKERI

TITLE: LOTS 1&2 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 495945

05/22	05/22
DESIGNED	DRAWN
APPROVED	APPROVED

MINGO INNES

05/22

REV.	DESCRIPTION	BY	DATE	SURVEYED
A	ORIGINAL ISSUE	MI	05/22	DESIGNED
B	ADJOINING OWNER APPROVAL	MI	05/22	DRAWN



VERIFI ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. INQUIRY REGARDING DIMENSIONS OVER SOCIAL MEDIA IS DISCOURAGED. TO FACILITATE ANY NOTIFICATION OF DISCREPANCY, PLEASE CONTACT US AT 06 342 2222. THIS PLAN IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUE. NOT BE APPROVED WITHOUT THE HIGH WORTH CONSULTING ENGINEERING LIMITED.



LOT 3
DP 323018

APPROVED PLAN
 Planner: Hannah Kane
 pp: ENathan
 RC: 2220829-RMASUB
 Date: 30/06/2023

Lot 2 DP 323018

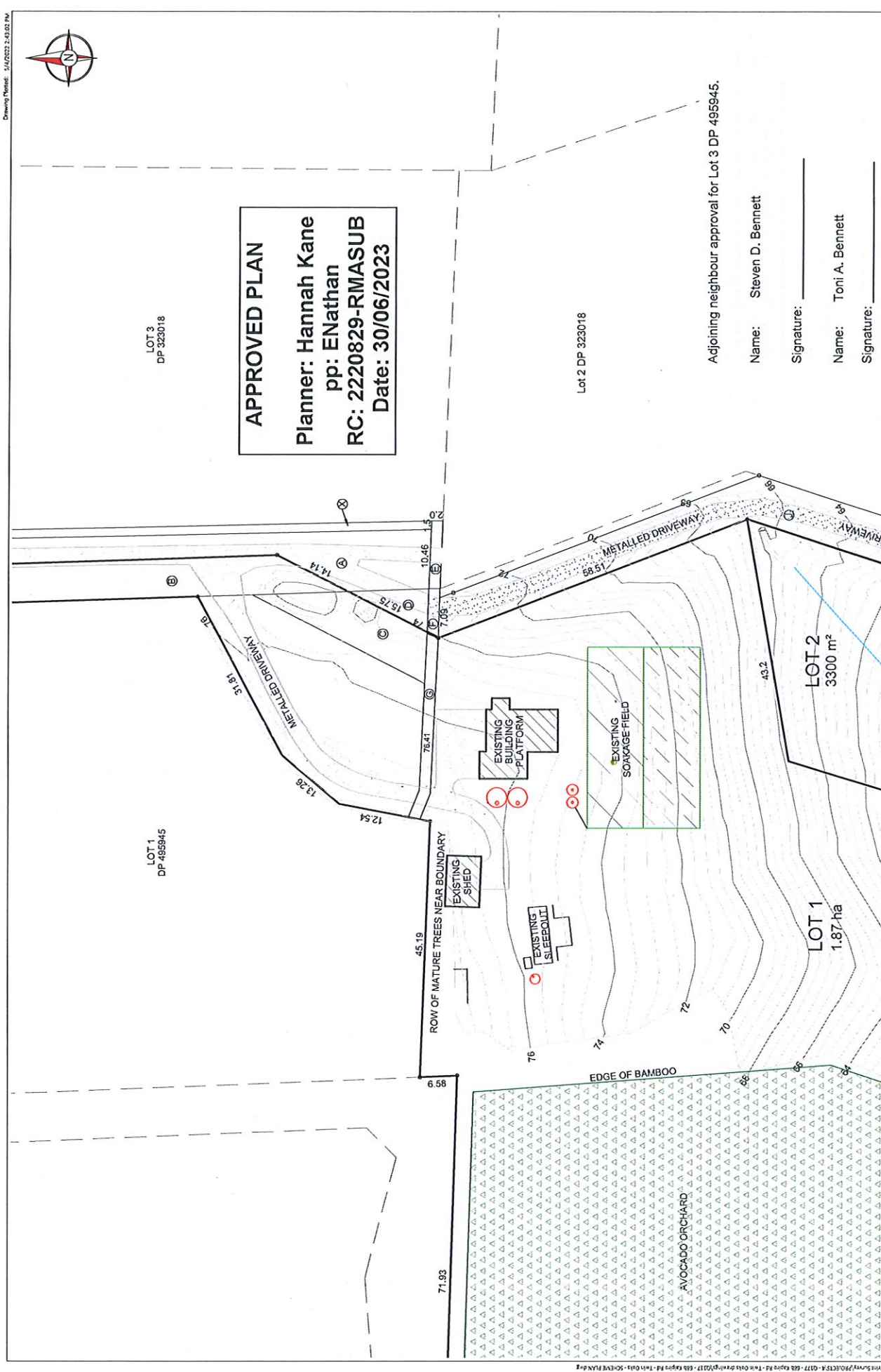
Adjoining neighbour approval for Lot 3 DP 495945.

Name: Steven D. Bennett

Signature: _____

Name: Toni A. Bennett

Signature: _____



	REV. A ORIGINAL ISSUE B ADJOINING OWNER APPROVAL	BY MI M1 DATE 05/22	SURVEYED DESIGNED 05/22 05/22	MINGO INNES 05/22	TITLE: LOTS 1&2 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 495945	ADDRESS: 288b KAPIRO ROAD, KERIKERI	CLIENT: JASON CAUVAIN	SCALE (A3) 1:500 0 6 12 18 24 30m	DRAWING REFERENCE Q.177	SHEET 2/3	REV B
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VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT. THIS PLAN IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE PRIOR WRITTEN CONSENT OF FOOTPRINT SURVEY LIMITED.

Appendix 2

Draft updated scheme plan

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(D) (G)	LOT 1 HERON	E.I. 10458346.5
TELECOMMUNICATIONS & COMPUTER MEDIA	(B)	LOT 1 HERON	E.I. 10458346.6

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(B)	LOT 1 HERON	E.I. 5888720.2
TELECOMMUNICATIONS & COMPUTER MEDIA	(D) (G)	LOT 1 HERON	E.I. 5888720.2
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HERON	E.I. 10458346.4
ELECTRICITY TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B) (C)	LOT 1 HERON	E.I. 10458346.4

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(A) (B) (C) (D)	LOT 1 HERON	LOT 2 HERON

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

Local Authority: Far North District Council
 Comprised in: 728724
 Total Area: 2.1990ha
 Zoning: Rural Production
 Resources features: NIL

THOMSON SURVEY
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360
 www.tsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

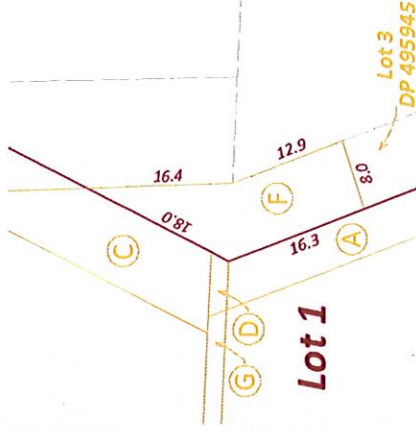


DIAGRAM OF EASEMENT F PROPORTIONAL

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(F)	LOT 3 DP 495945	LOT 2 HERON

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent for the proposed subdivision. Use of this plan and/or information on it for any other purpose is at the user's risk.



Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	KY	06.12.24	1:1500	A3
Approved	KY	12.12.24		

10/219 Scheme 20241212

PROPOSED SUBDIVISION OF LOT 2 DP 495945 & EASEMENT OVER LOT 3 DP 495945
 2688 KAPIRO ROAD, KERIKERI

PREPARED FOR: J. CAUVAIN

Supervisors Ref. No: 10719
 Sheet 1 of 1

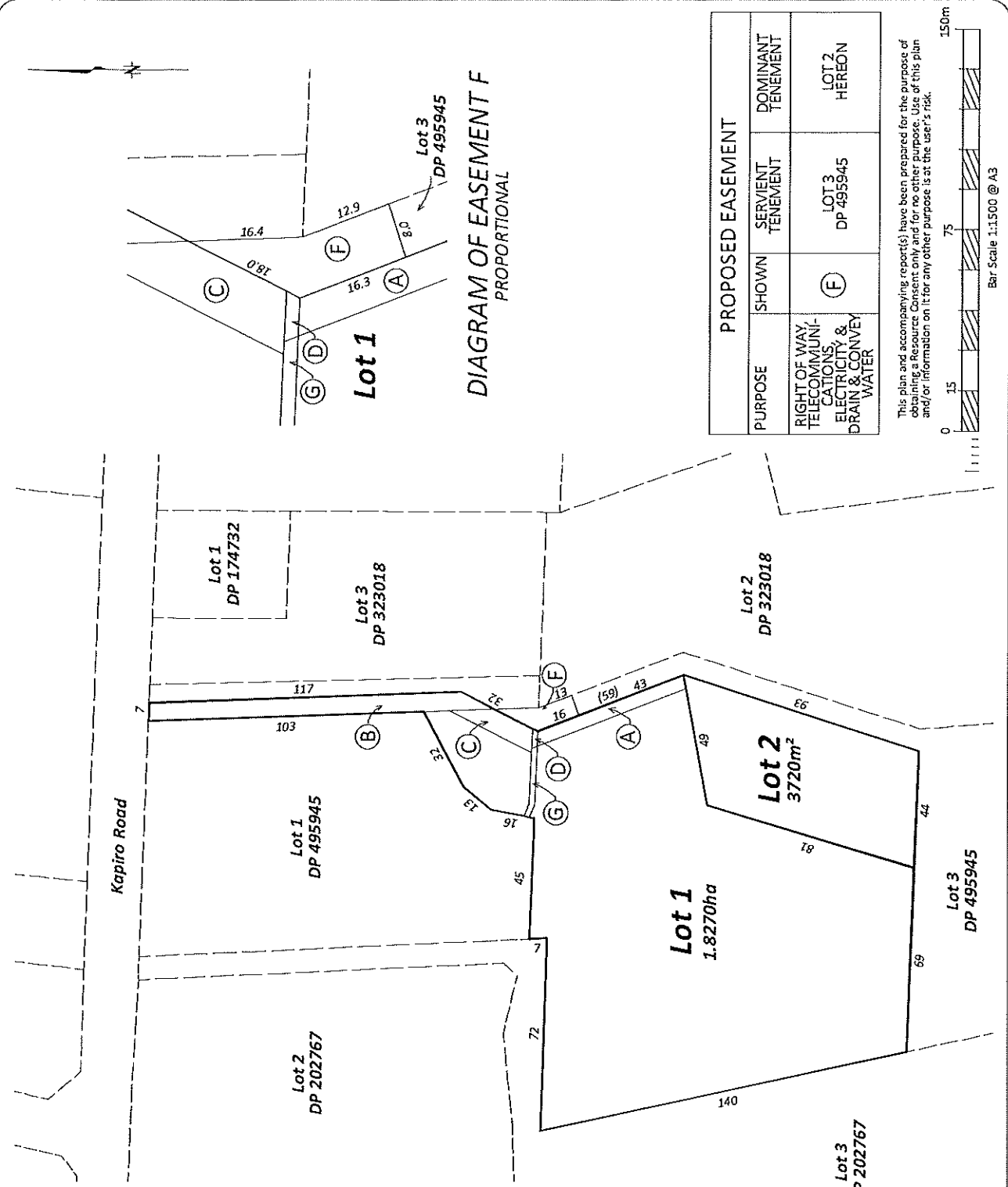
EXISTING EASEMENTS IN GROSS		
PURPOSE	SHOWN	SERVIENT TENEMENT / CREATED BY
ELECTRICITY	(G)	LOT 1 HERON / E.I. 10458346.5
TELECOMMUNICATIONS & COMPUTER MEDIA	(B)	LOT 1 HERON / E.I. 10458346.6

EXISTING EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT / CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(B)	LOT 1 HERON / E.I. 5888720.2
TELECOMMUNICATIONS & COMPUTER MEDIA	(G)	LOT 1 HERON / E.I. 5888720.2
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HERON / E.I. 10458346.4
ELECTRICITY TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B) (C)	LOT 1 HERON / E.I. 10458346.4

MEMORANDUM OF EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT / DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(A) (B) (C) (D)	LOT 1 HERON / LOT 2 HERON

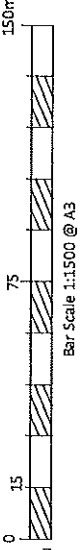
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 AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Comprised In: 728724
 Total Area: 2.1990ha
 Zoning: Rural Production
 Resource Features: NIL



PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(F)	LOT 3 DP 495945	LOT 2 HERON

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



Survey Design	Name	Date	ORIGINAL SHEET SIZE
Drawn	KY	06.12.24	SCALE 1:1500
Approved	KY	12.12.24	A3
Rev	KY	12.12.24	

Supervisor's Ref. No: 10719
 Sheet 1 of 1

PROPOSED SUBDIVISION OF LOT 2 DP 495945 & EASEMENT OVER LOT 3 DP 495945
 268B KAPIRO ROAD, KERIKERI
 PREPARED FOR: J. CAUVAIN

THOMSON SURVEY
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360
 www.tsurvey.co.nz

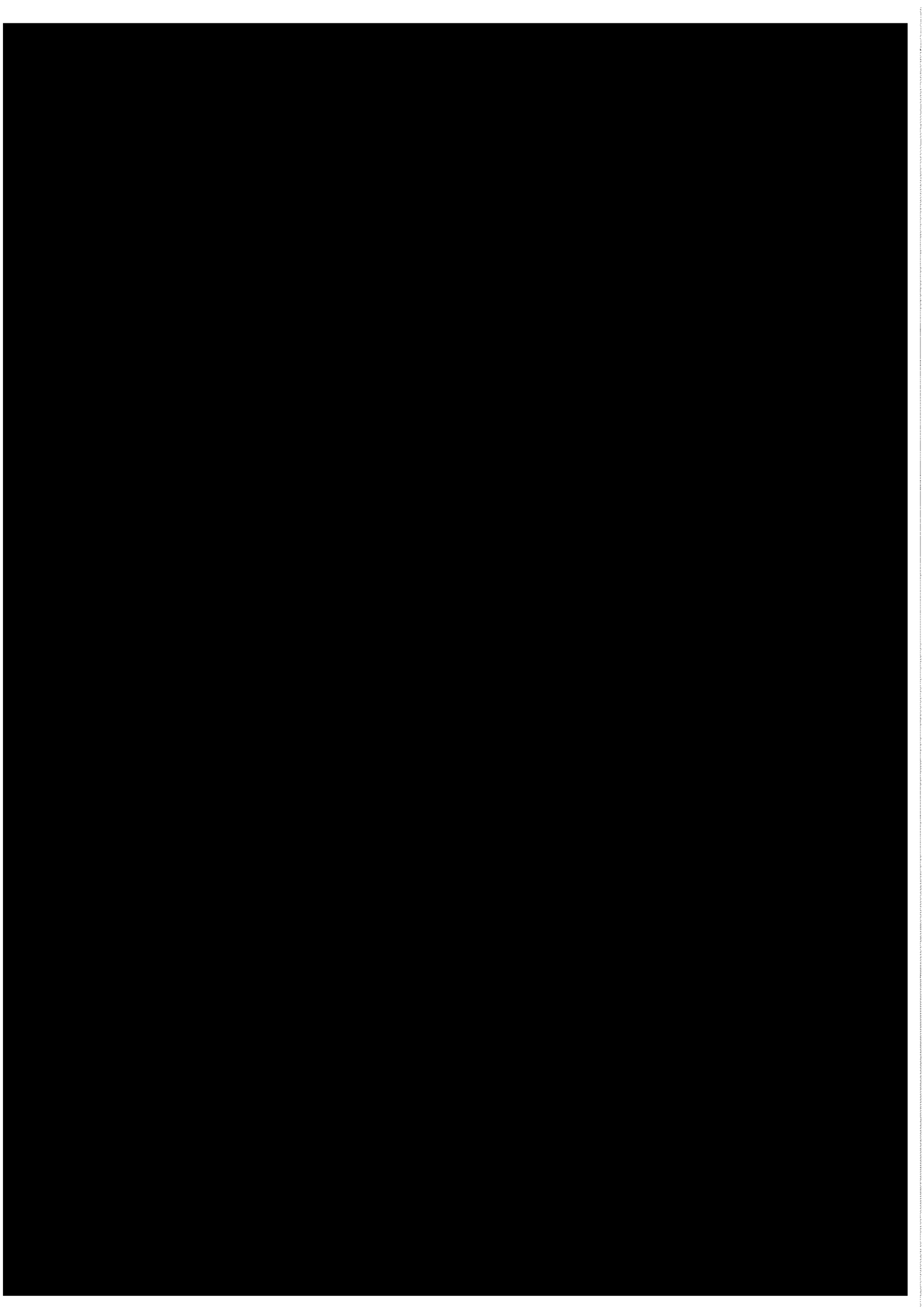
Registered Land Surveyors, Planners & Land Development Consultants

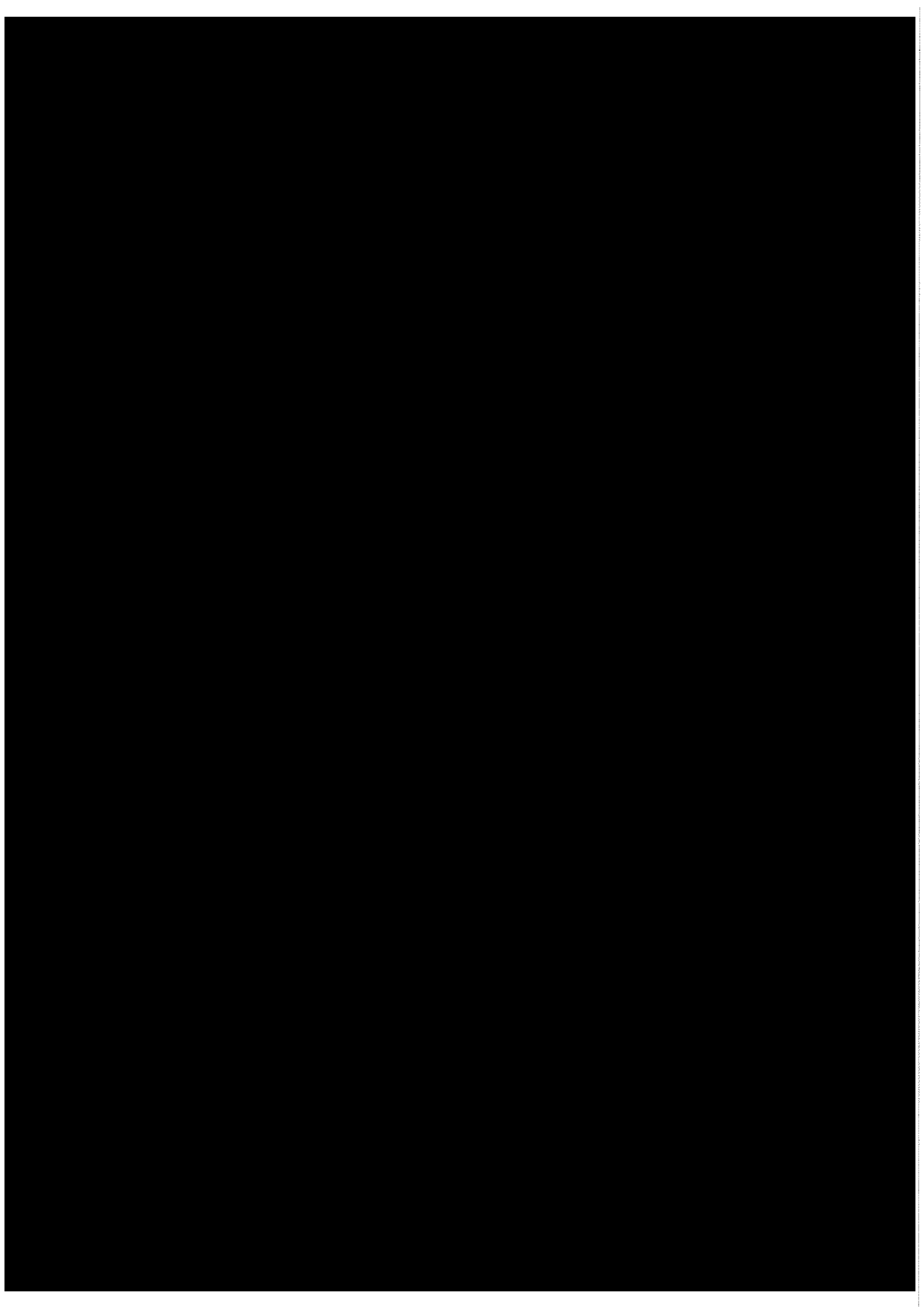
Appendix 3

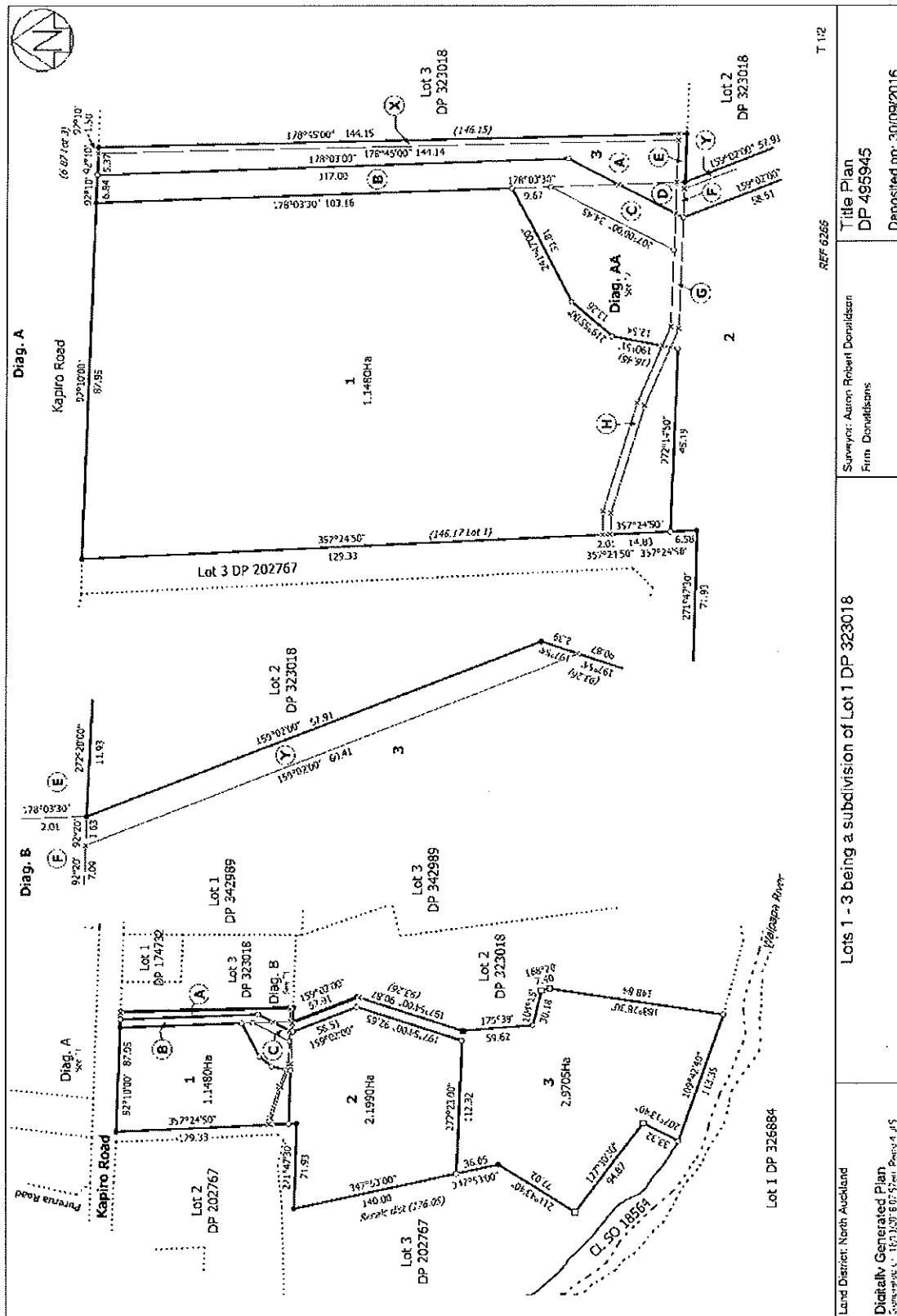
Location Map

Appendix 4

Record of Title







REF: 6265 T 1/2

Title Plan
DP 455945
Deposited on: 30/09/2016

Surveyor: Aaron Robert Donaldson
Firm: Donaldsons

Lot 1 - 3 being a subdivision of Lot 1 DP 323018

Land District: North Auckland
Digitally Generated Plan
Computer File: 16711331 607-5741 Page 4 of 5

Appendix 5

Approval for Easement F

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	(D, G)	LOT 1 HERON	E1 10458346 5
TELECOMMUNICATIONS COMPUTER MEDIA	(B)	LOT 1 HERON	E1 10458346 6

PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS ELECTRICITY COMPUTER MEDIA & WATER SUPPLY	(B)	LOT 1 HERON	F1 0888720 7
TELECOMMUNICATIONS COMPUTER MEDIA	(D, G)	LOT 1 HERON	E1 5888720 7
RIGHT OF WAY LOWLY WATER	(B)	LOT 1 HERON	E1 10458346 4
ELECTRICITY TELECOMMUNICATIONS COMPUTER MEDIA & DRAIN WATER	(B, C)	LOT 1 HERON	F1 10458346 4

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TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
Compiised in: 728724
Total Area: 2.1950ha
Zoning: Rural Production
Resource Features: Nil

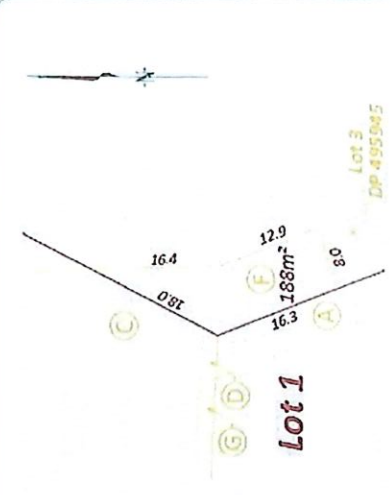
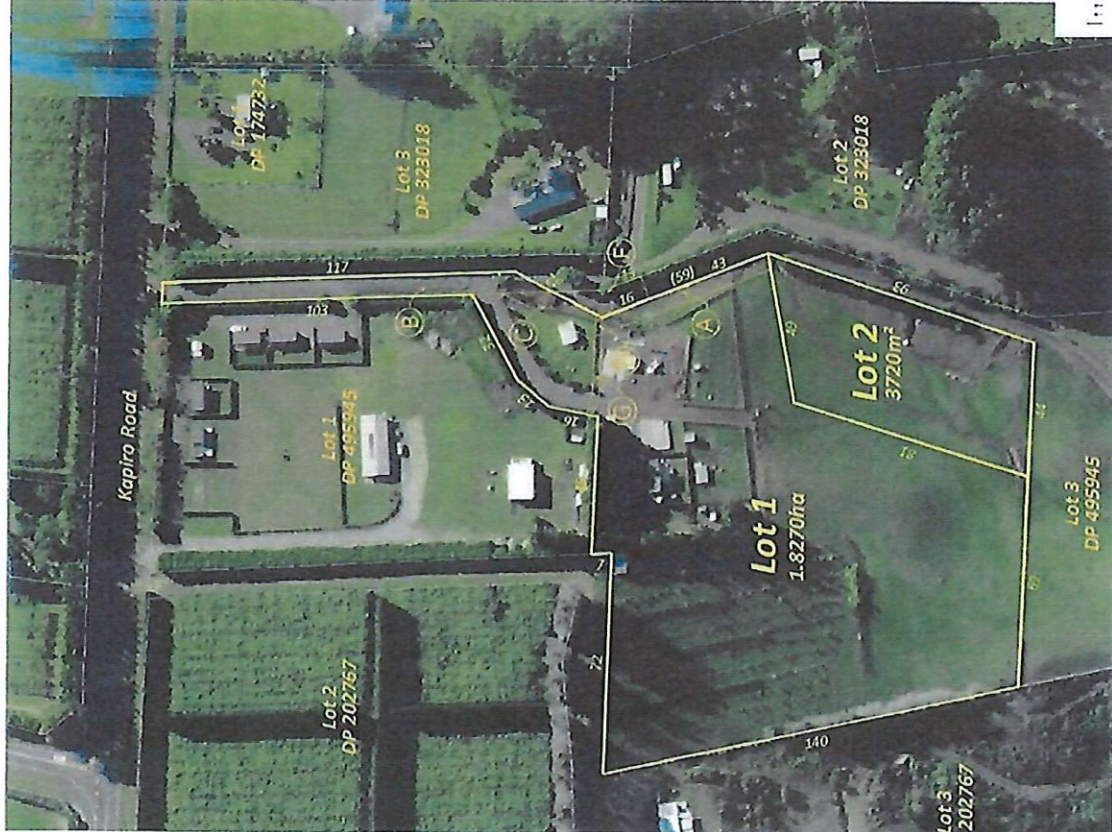


DIAGRAM OF EASEMENT F PROPORTIONAL

Approval of Easement F over Lot 3 DP 495945

Name: Steven O Bennett

Signature: *[Handwritten Signature]*

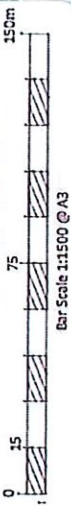
Name: Tom Bennett

Signature: *[Handwritten Signature]* 13/12/2024

PROPOSED EASEMENT

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS ELECTRICITY COMPUTER & WATER	(A, E)	LOT 1 HERON LOT 3 HERON	LOT 2 HERON LOT 3 HERON

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Survey Name	Date	Original Scale	Sheet Size
Dustin	KY	06.12.24	1:1500 A3
Approved	KY	12.12.24	
Rev	KY	2024.12.12	

Surveyers Ref. No: 10719
Sheet 1 of 1

APPROVAL OF PROPOSED EASEMENT OVER LOT 3 DP 495945
2688 KAPIRO ROAD, KERIKERI

PREPARED FOR: J. CAUVAIN

THOMSON SURVEY
315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@thomsonsurvey.co.nz
Ph: (09) 4072360
www.thomsonsurvey.co.nz

Registered Land Surveyors, Planners & Land Development Consultants

EXISTING EASEMENTS IN GROSS		
PURPOSE	SHOWN	SERVIENT TENEMENT CREATED BY
ELECTRICITY	(D)(G)	LOT 1 HERON E.I. 10458346.5
TELECOMMUNICATIONS & COMPUTER MEDIA	(B)	LOT 1 HERON E.I. 10458346.6

EXISTING EASEMENTS		
PURPOSE	SHOWN	SERVIENT TENEMENT CREATED BY
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY, COMPUTER MEDIA & WATER SUPPLY	(E)	LOT 1 HERON E.I. 5888720.2
TELECOMMUNICATIONS & COMPUTER MEDIA	(D)(G)	LOT 1 HERON E.I. 5888720.2
RIGHT OF WAY CONVEY WATER	(B)	LOT 1 HERON E.I. 10458346.4
ELECTRICITY TELECOMMUNICATIONS, COMPUTER MEDIA & DRAIN WATER	(B)(C)	LOT 1 HERON E.I. 10458346.4

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 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

Local Authority: Far North District Council
 Compiled in: 7/28/24
 Total Area: 2.1990ha
 Zoning: Rural Production
 Resource features: NIL

THOMSON SURVEY
 Limited
 Registered Land Surveyors, Planners & Land Development Consultants
 315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Northland Region
 Phone: (09) 4097500
 www.tsurvey.co.nz

APPROVAL OF PROPOSED EASEMENT OVER LOT 3 DP 495945
 2688 KAPIRO ROAD, KERIKERI
 PREPARED FOR: J. CALUVAIN

Survey	Name	Date	ORIGINAL SHEET
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Approved	KY	12.12.24	A3

Scale: 1:1500

Surveyors Ref. No: 10719
 Sheet 1 of 1

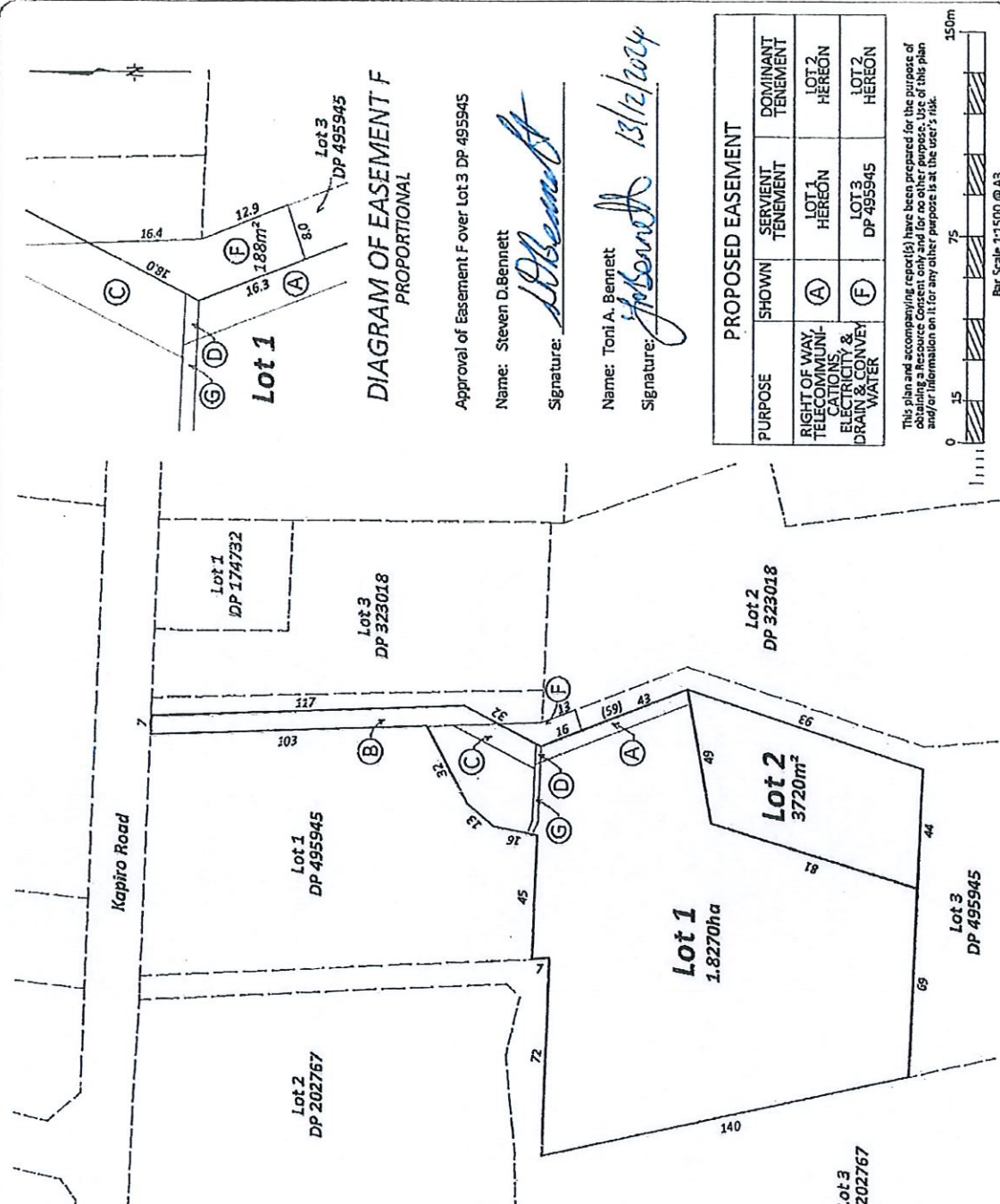


DIAGRAM OF EASEMENT F PROPORTIONAL

Approval of Easement F over Lot 3 DP 495945

Name: Steven D. Bennett

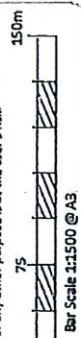
Signature: *[Signature]*

Name: Tori A. Bennett

Signature: *[Signature]* 13/12/2024

PROPOSED EASEMENT			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY TELECOMMUNICATIONS, ELECTRICITY & DRAIN & CONVEY WATER	(A)	LOT 1 HERON DP 495945	LOT 2 HERON
	(F)	LOT 3 DP 495945	LOT 2 HERON

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





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



R. W. Muir
Registrar-General
of Land

Identifier 728724
Land Registration District North Auckland
Date Issued 30 September 2016

Prior References

92285

Estate	Fee Simple
Area	2.1990 hectares more or less
Legal Description	Lot 2 Deposited Plan 495945

Registered Owners

Jason Anthony Cauvain as to a 7/10 share
Jennifer Maree Holmes as to a 3/10 share

Interests

Subject to Section 59 Land Act 1948

5805160.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2003 at 9:00 am

Subject to a right of way, right to convey water, electricity, telecommunications and computer media over part marked B and right to convey telecommunication and computer media over part marked G all on DP 495945 created by Easement Instrument 5888720.2 - 5.2.2004 at 9:00 am

Appurtenant hereto is a right to convey electricity, telecommunications and computer media and a right to drain water created by Easement Instrument 5888720.2 - 5.2.2004 at 9:00 am

Some of the easements created by Easement Instrument 5888720.2 are subject to Section 243 (a) Resource Management Act 1991

10458346.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.9.2016 at 9:58 am

Subject to a right of way, right to convey water over part marked B and a right to convey electricity, telecommunications and computer media and a right to drain water over part marked B and C on DP 495945 created by Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

Appurtenant hereto is a right of way, right to convey water, electricity, telecommunications and computer media and a right to drain water created by Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.4 are subject to Section 243 (a) Resource Management Act 1991 (See DP 495945)

Land Covenant in Easement Instrument 10458346.4 - 30.9.2016 at 9:58 am

Subject to a right (in gross) to convey electricity over part marked G on DP 495945 in favour of Top Energy Limited created by Easement Instrument 10458346.5 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.5 are subject to Section 243 (a) Resource Management Act 1991 (See DP 495945)

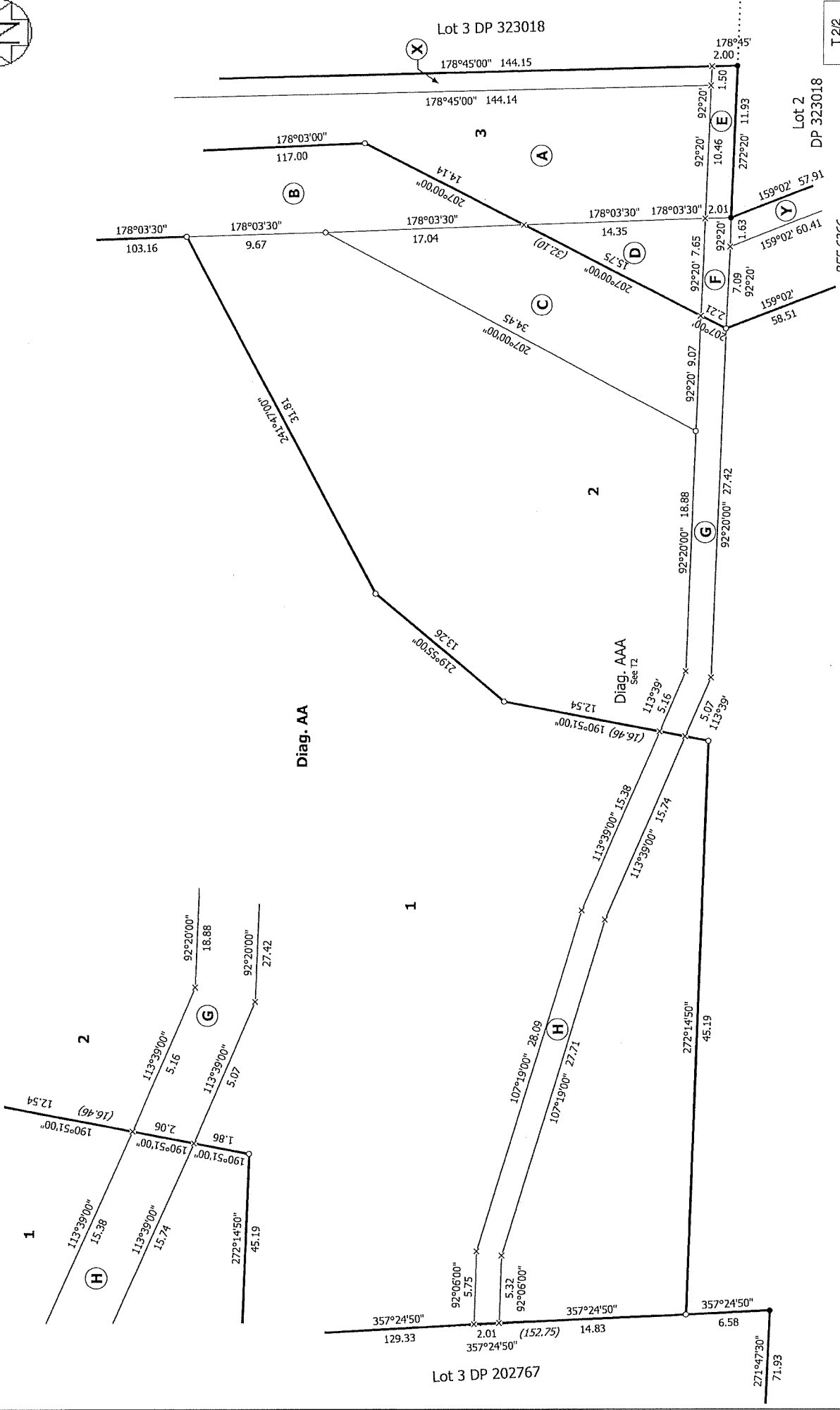
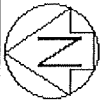
Subject to a right (in gross) to convey telecommunications and computer media over part marked B on DP 495945 in favour of Chorus New Zealand Limited created by Easement Instrument 10458346.6 - 30.9.2016 at 9:58 am

The easements created by Easement Instrument 10458346.6 are subject to Section 243 (a) Resource Management Act 1991 (See DP 495945)

Identifier

728724

11316604.2 Mortgage to Bank of New Zealand - 20.12.2018 at 12:34 pm



T 2/2

REF 6266

<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 18/10/2016 07:57 am Page 5 of 5</p>	<p>Surveyor: Aaron Robert Donaldson</p> <p>Firm: Donaldsons</p>	<p>Lots 1 - 3 being a subdivision of Lot 1 DP 323018</p>	<p>Title Plan</p> <p>DP 495945</p> <p>Deposited on: 30/09/2016</p>
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