



Our Reference: 10345.s127

16 April 2025

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Minor Variation to RC 2230437 at Glendale Heights, Kerikeri – G Frank and G Foster**

I am pleased to submit application on behalf of G Frank and G Foster, for a proposed minor variation to conditions of RC 2230437, subdivision consent issued for land at Glendale Heights zoned Rural Production. The application is a discretionary activity.

The application fee of \$686 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:

Gloria Frank and Graeme Foster as Trustees of Nurturing Hills Trust

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 Item 4

Property Address/  
Location:

71 Glendale Heights

Kerikeri

Postcode

## 7. Application Site Details

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

Name/s:

As per item 4

Site Address/  
Location:

71 Glendale Heights

KERIKERI

Postcode

Legal Description:

Lot 1 DP 549009

Val Number:

Certificate of title:

942513

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.*

Unlikely that a site visit will be required given the nature of the application.

### 8. Detailed description of the proposal:

This application relates to the following resource consent:

RC 2230437-RMASUB

Specific conditions to which this application relates:

Condition 1 and consequential changes to conditions 2(a); 4 & 5(c) and (d).

Describe the proposed changes:

The proposal removes a lot; and removes the need for ROW. It adds an amalgamation condition.

### 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)

Gloria Anne Frank + Graeme Glenney Foster

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)

Gloria Frank. Graeme Foster

Signature: (signature of bill payer)

Date 15-4-2025



## 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)

Lyndey Newport (Agent)

Signature:

[Redacted Signature]

Date 16/04/2025

*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.



**Graeme Foster and Gloria Frank**

# **APPLICATION FOR A MINOR VARIATION TO RC 2230437-RMASUB**

## **PURSUANT TO s127 OF RMA**

**71 Glendale Heights, Kerikeri**

Thomson Survey Ltd  
Kerikeri

### **1.0 INTRODUCTION**

#### **1.1 Background**

RC 2230437-RMASUB was originally issued on 2<sup>nd</sup> August 2023, and created three lots from two existing titles (one additional). Several conditions were amended/corrected pursuant to s133A, with an amended decision issued in January 2024. The amended consent is attached in Appendix 2.

#### **1.2 Reason for this Variation**

The original consent involved two existing titles, Lots 1 & 2 DP 549009. The consent holders no longer wish to involve Lot 2 DP 549009 in the subdivision at all, other than to amalgamate it with one of the lots proposed to be created in the subdivision of Lot 1 DP 549009. A revised scheme plan is attached in Appendix 1.

This variation in effect reduces the number of new title created, from one additional in RC 2230437 as issued, down to no additional titles.

#### **1.3 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. I regard the changes to be minor.



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## 2.0 PROPERTY DETAILS

Location: Glendale Heights, Kerikeri  
Title & Legal description: 942513; Lot 1 DP 549009– see Appendix 4.

## 3.0 SITE DESCRIPTION

The site remains as described in the original application. Refer to Location Map in Appendix 3.

## 4.0 CHANGES REQUESTED & EXPLANATION

### Amend Condition 1 as follows:

1. *The subdivision shall be carried out in accordance with the approved Scheme Plan – "Proposed Subdivision of Lots 1 & 2 DP 549009" by Thomson Survey (Ref. No. 10345 dt 27.07.2023 17.03.25) and attached to this consent with the Council's "Approved Stamp" affixed to it.*

#### Explanation:

Subdivision now only involves land in Lot 1 DP 549009.

### Amend Condition 2 by deleting clause (a) and replacing with new (additional) clause (a):

~~(a) — All easements in the memorandum to be duly granted or reserved.~~

The endorsement of the following conditional amalgamation, subject to it being expressed on the survey plan as follows:  
"That Lot 1 hereon and Lot 2 DP 549009 (942514) to be held in the same Certificate of Title."  
(LINZ reference.....)

#### Explanation:

The subdivision now proposes to hold the land in Lot 2 DP 549009 with new proposed Lot 1. The subdivision no longer includes or requires any easement because of the above amalgamation. The land over which the access if formed to the house on Lot 1 crosses Lot 2 DP 549009 but that land is now to be in the same title as Lot 1.

### Amend Condition 4 as follows:

4. *The existing vehicle crossing to Lot 1 and Lot 2 DP 549009 (to be held in one Title) and proposed ROW serving Lot 2 shall be upgraded to FNDC Engineering Standards and Guidelines (June 2004 – Revised 2009) for rural vehicle crossing and access, single width (FNDC/S/6B).*



Explanation:

There is no longer any ROW. Because the crossing is for an accessway serving one lot only, the condition should make it clear the crossing need only be single width.

**Amend Condition 5, clauses c) and d) by removing references to Lot 2**, i.e. only applies to Lot 3. The reason for this is that there is no longer a Lot 2 proposed.

## 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.

## 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 the original application.

The proposed changes relate primarily to the scheme plan, with other changes being consequential. Essentially the application reduces the number of new titles being created, and there is no longer a new proposed Lot 2.

The change is a positive one. It reduces density and maintains existing vegetation protection covenants.



## 6.2 Relevant Provisions of planning instruments

Since the application was first lodged and assessed there have been a number of changes to planning instruments. However, these need only be considered in regard to the changes being sought, not the original application.

### 6.2.1 Operative District Plan

This has not changed since the original application was processed.

### 6.2.2 Proposed District Plan (PDP)

The original application was granted after the PDP was publicly notified and nothing has changed in that PDP, with notification of decisions on submissions yet to be given.

### 6.2.3 National Planning Instruments

There have been no new national planning instruments enacted since the original application was processed and granted.

## 7.0 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 consent was issued under delegated authority, with no affected persons identified. The changes do not result in there being any additional affected persons.

## 8.0 CONCLUSION

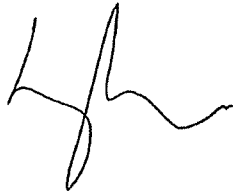
Despite the fact that this variation seeks changes to conditions other than those relating to plans, I consider the application to fall within the ambit of a 'minor' variation. All changes are related to the same matter – removal of proposed Lot 2 and reduction in number of new titles to be created.

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 Plan 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.



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

Date

16<sup>th</sup> April 2025

## 9.0 LIST OF APPENDICES

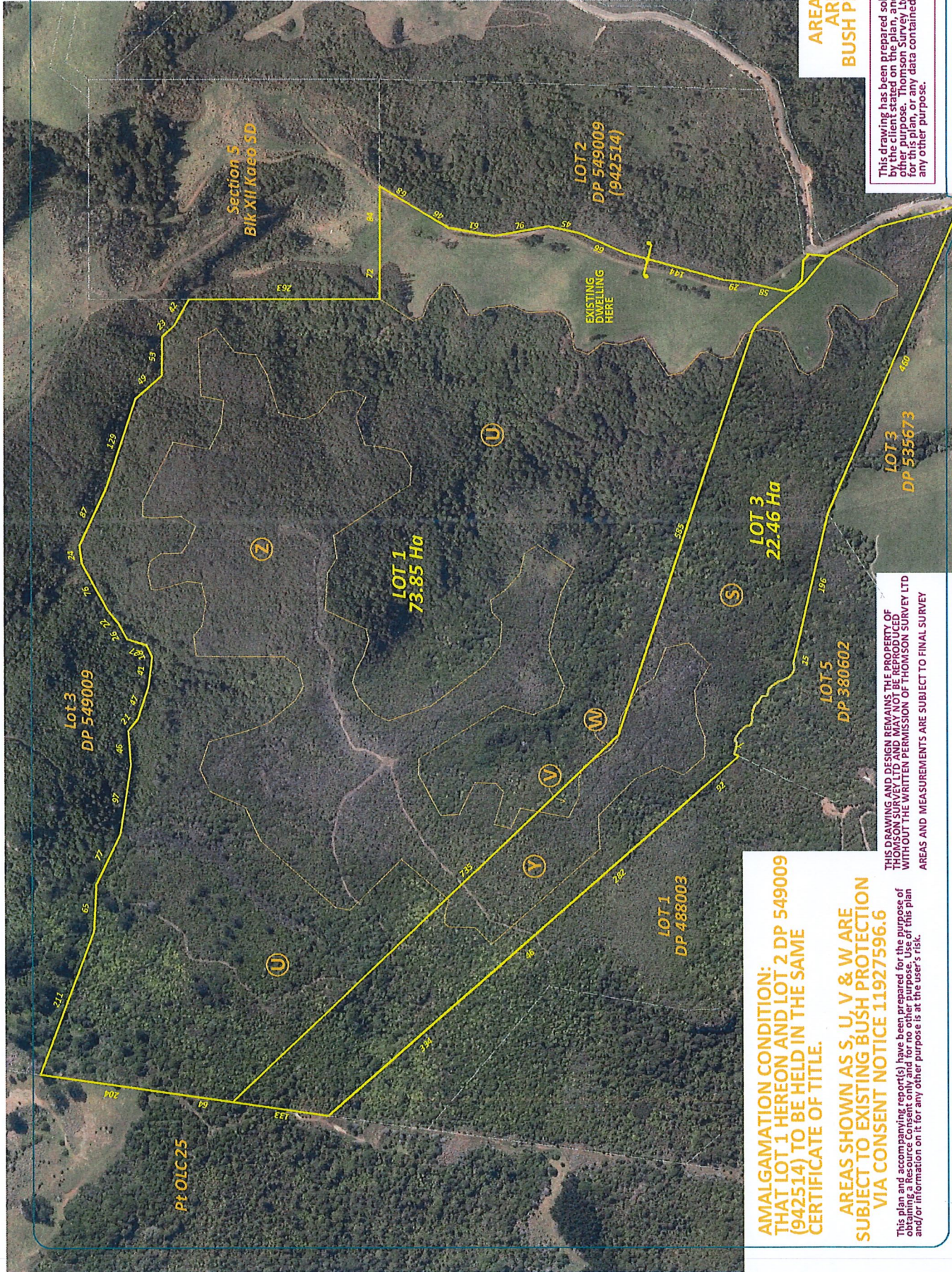
<b>Appendix 1</b>	Amended Scheme Plan(s)
<b>Appendix 2</b>	RC 2230437-RMASUB
<b>Appendix 3</b>	Location Map
<b>Appendix 4</b>	Record of Title & relevant instruments



# **Appendix 1**

## Amended Scheme Plan(s)





Local Authority: Far North District Council  
Comprised in: 942513  
Total Area: 96.3100ha  
Zoning: Rural Production  
Resource Features: NIL

AREAS SHOWN AS Y AND Z  
ARE TO BE SUBJECT TO  
BUSH PROTECTION COVENANTS

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. It is not to be used as evidence for any other purpose. This plan and any data contained on this plan, to be used for any other purpose.

## PROPOSED SUBDIVISION OF LOT 1 DP 549009 GLENDALE HEIGHTS

PREPARED FOR: FOSTER

Name	Date	ORIGINAL
Survey	SL 09/2022	SHEET SIZE
Design	SL 4.11.22	SCALE
Drawn	SL 4.11.22	1:5000
Rev	KY 17.03.25	A3

Surveyors  
Ref. No:  
10345  
Series  
Sheet of

AMALGAMATION CONDITION:  
THAT LOT 1 HEREON AND LOT 2 DP 549009  
(942514) TO BE HELD IN THE SAME  
CERTIFICATE OF TITLE.

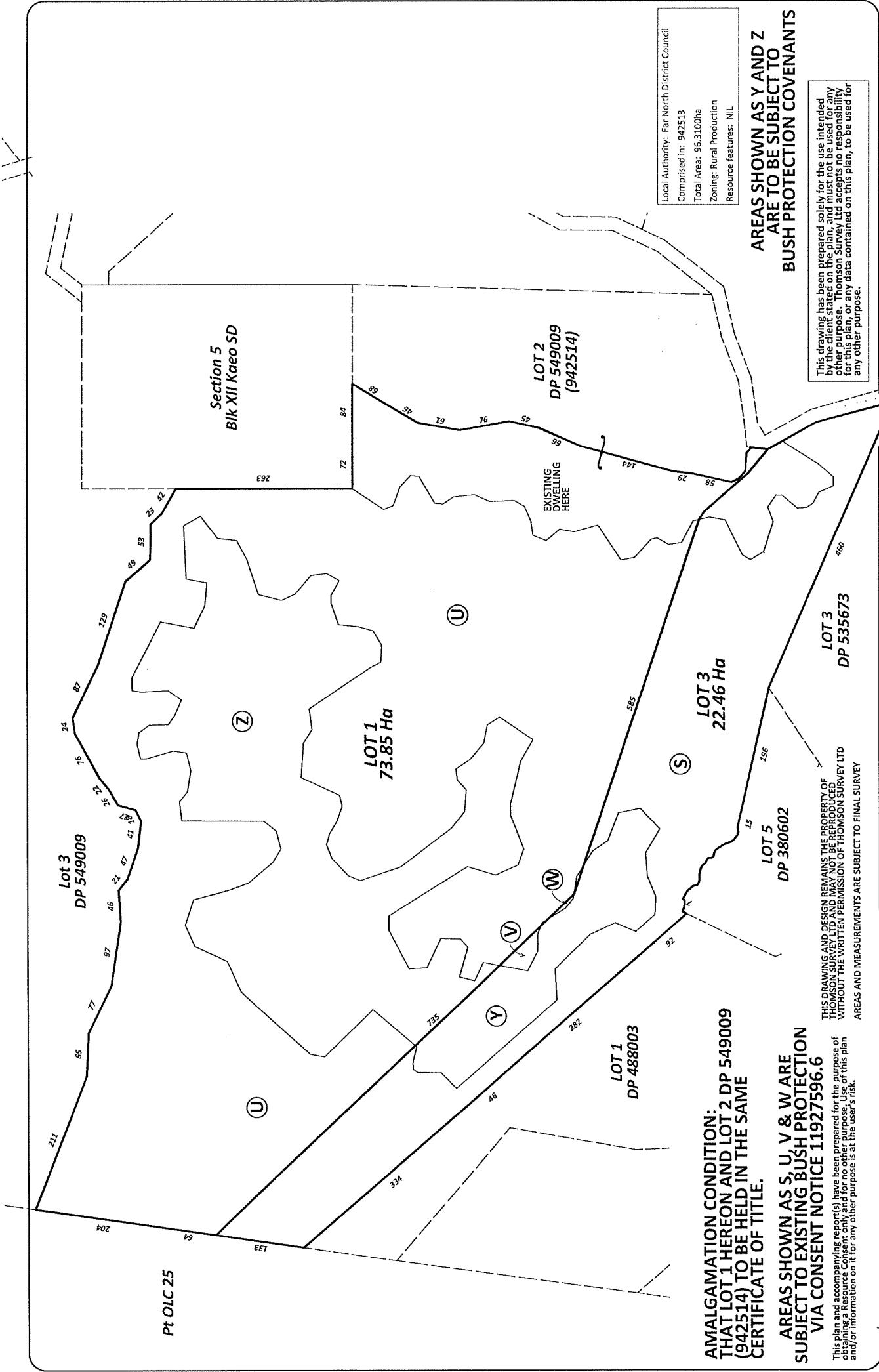
AREAS SHOWN AS S, U, V & W ARE  
SUBJECT TO EXISTING BUSH PROTECTION  
VIA CONSENT NOTICE 11927596.6

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.

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF  
THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED  
WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD  
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

THOMSON  
SURVEY  
LIMITED  
315 Kerikeri Rd  
P.O. Box 372, Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360 Fax: (09) 4077322  
Registered Land Surveyors, Planners & Land Development Consultants





Local Authority: Far North District Council  
Comprised in: 942513  
Total Area: 96.3100ha  
Zoning: Rural Production  
Resource features: NIL

AREAS SHOWN AS Y AND Z  
ARE TO BE SUBJECT TO  
BUSH PROTECTION COVENANTS

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Name	Date	ORIGINAL
Survey	SL 09/2022	SHEET SIZE
Design	SL 4.11.22	SCALE
Drawn	SL 4.11.22	1:5000
Approved	KY 17.03.25	A3
Rev		

**PROPOSED SUBDIVISION OF  
LOT 1 DP 549009  
GLENDALE HEIGHTS**

PREPARED FOR: FOSTER

315 Kerikeri Rd  
P.O. Box 372 Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

AMALGAMATION CONDITION:  
THAT LOT 1 HEREON AND LOT 2 DP 549009  
(942514) TO BE HELD IN THE SAME  
CERTIFICATE OF TITLE.

AREAS SHOWN AS S, U, V & W ARE  
SUBJECT TO EXISTING BUSH PROTECTION  
VIA CONSENT NOTICE 11927596.6

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Surveyors  
Ref. No:  
**10345**  
Series  
Sheet of



## **Appendix 2**

### **RC 2230437-RMASUB**

**DECISION ON SUBDIVISION CONSENT APPLICATION  
UNDER THE RESOURCE MANAGEMENT ACT 1991  
AMENDED PURSUANT TO S37 AND S133A OF THE RESOURCE  
MANAGEMENT ACT 1991**

## **Decision**

Pursuant to section 34(1) and sections 104, 104B, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** subdivision resource consent for a discretionary activity, subject to the conditions listed below to:

<b>Council Reference:</b>	2230437-RMASUB
<b>Applicant:</b>	Graeme Glenny Foster and Gloria Anne Frank
<b>Property Address:</b>	71 and 91 Glendale Heights, Kerikeri
<b>Legal Description:</b>	Lots 1 and 2 DP 549009
<b>Description of Application:</b>	To undertake a subdivision and boundary adjustment of Lots 1 and 2 DP 549009 creating one additional allotment in the Rural Production Zone where the subdivision creates an additional lot accessed off a Type A rural road, requiring consent as a Discretionary 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 the Scheme Plan - "Proposed Subdivision of Lots 1 & 2 DP 549009" by Thomson Survey (Ref. No.: 10345 dt. 27.07.2023), attached to this consent with Councils "Approved Stamp" affixed to it.

### **Survey plan approval (s223) conditions**

2. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.



## 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. In relation to Lot 3, upgrade the existing vehicle crossing by complying with the Councils Engineering Standard FNDC/S/6 & FNDC/S/6B of the Engineering standards and NZS4404:2004. Culverts should be a minimum of 300mm RCP, wherever required.
  - b. Upon completion of the works specified in condition(s) 3(a) above, provide evidence by way of a producer statement from a suitably qualified engineering professional, an independent qualified person, or written conformation from Council's Development Engineer, that the works in accordance with 3(a) have been completed.
4. The existing vehicle crossing to Lot 1 and proposed ROW serving Lot 2 shall be upgraded to FNDC Engineering Standards and Guidelines (June 2004 – Revised 2009) for rural vehicle crossing and access (FNDC/S/6B).
5. 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. Conditions of Consent Notice 11927596.6 as they relate to parent Lots 1 and 2 DP 549009 will automatically be passed down to the new lots. The following conditions specifically relate to new bush covenant areas created.

### **a. In relation to Lot 1**

- i. The lot owner shall preserve the indigenous trees and bush, as indicated on the survey plan, as areas "Z" and "U" 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 or bush, except that a singular access track of sufficient width for a quad bike may be created within areas "Z" and "U" for the purpose of ongoing weed and pest management. The lot owner shall be deemed to not be in breach of this prohibition if any of such trees or bush shall die from natural causes not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.*
- ii. There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into covenanted areas "Z" or "U".*
- iii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition provided that they are kept under effective control and prevented from entering the covenanted areas "Z" or "U".*

### **b. In relation to Lot 3**

- i. The lot owner shall preserve the indigenous trees and bush, as indicated on the survey plan, as areas "S", "V", "W" and "Y" 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 or bush, except that a singular access track of sufficient width for a quad bike may be created within areas "S", "V", "W" and "Y" for the purpose of ongoing weed and pest management. The lot owner shall be deemed not to be in breach of this prohibition if any of such trees or bush shall die from natural causes not attributed to any act or default by or on behalf of the owner or for which the owner is responsible.*

- ii. There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into covenanted areas "S", "V", "W" and "Y".*
- iii. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition provided that they are kept under effective control and prevented from entering the covenanted areas "S", "V", "W" and "Y".*
- c. At the time of lodging an application for building consent, the building applicant is to provide a report from a Chartered Professional Engineer with recognised competence in relevant geotechnical and structural matters, which addresses the site's investigation undertaken, and sets out the specific design of the building's foundations. [Lots 2 & 3]*
- d. In conjunction with the construction of any habitable building or shed greater than 110m<sup>2</sup>, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change, with overland/secondary flow paths able to accommodate a 1% AEP event. The details of the on-site detention storage and/or flow attenuation shall be prepared by a suitably qualified engineer or other suitably qualified person for the approval from Council. [Lots 2 & 3]*

## **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) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; 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. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *The site is accessed off an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively, the applicant may consider sealing their road frontage to remove the issue.*
6. *The consent holder will be responsible for the repair and reinstatement of the public roads and carriageway to the satisfaction of the Council Roading Manager, if damaged as a result of the works and building operations.*
7. *Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant. All debris is to be cleaned off the road at the end of each working day.*
8. *Any encroachment of the road onto private property shall be surveyed off and vested in Council, such that the legal road boundary along the road frontage of the subject site is at least 6m from the centreline of the carriageway or 2m from the edge of the carriageway (whichever is the greater).*
9. *TP58 Reports must be prepared by a person who is on a list of approved TP58 writers maintained by Far North District Council. Persons on the approved list must be either a Chartered Professional Engineer or a Registered Drainlayer who has attended and passed a TP58 writers course approved by Far North District Council.*

### **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 subdivision 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 Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. In particular the matters listed in the s95A report are of particular relevance.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
  - a. As detailed throughout the s95 report, the proposal provides for the subdivision of land that will be generally consistent with the lot pattern established in the locality and the additional lot will be indiscernible from Glendale Heights and the surrounding rural environment. Future development on Lots 2 and 3 will be absorbed by the existing topography and covenanted bush.
  - b. Additionally, the proposed lot sizes of 12.5ha, 22.5ha and 73.7ha will generally align with the requirements for subdivision in the Rural Production zone.
  - c. From an engineering perspective, future dwellings on Lots 2 and 3 can be adequately serviced onsite and accessed. A condition of consent has been accepted with respect to the upgrade of the vehicle crossing serving Lots 1 and 2 in accordance with the FNDC Engineering Standard.
  - d. The site is not located in a coastal environment, albeit the site has mapped Protected Natural Areas, Kiwi present, and waterways. The existing bush protection covenant and the extended areas of bush covenant that will protect most of the site area, will ensure the indigenous flora and fauna of the site continue to be protected in perpetuity.
  - e. The mapped River Flood Hazards zones are contained within the bush areas and existing and proposed covenants. The covenant provides separation of these hazards from future development areas ensuring the subdivision is not affected by or exacerbates flood hazards.
  - f. The proposal will also result in positive effects by enabling an additional lot to be created whilst maintaining the anticipated scale of development for the zone and the ongoing and extended protection of the bush areas on the lots.
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 there are no other statutory documents that are considered to be relevant to the application, aside from:
  - a. National Policy Statement for Highly Productive Land 2022 (NPS HPL)
  - b. National Policy Statement for Indigenous Biodiversity 2023 (NPS IB)
  - c. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES CS)
  - d. National Environmental Standards for Freshwater 2022 (NES FW)
  - e. Northland Regional Policy Statement
  - f. Operative Far North District Plan 2009
  - g. Proposed Far North District Plan 2022

National Policy Statement



Assessment under the NPS HPL is required for soils having land classification LUC 1, 2 and 3. The site is mapped as having LUC Class 4 and 6 soils and accordingly, assessment under the NPS HPL is not required.

The NPS IB comes into force in August 2023, and requires that there is no further reduction in indigenous biodiversity nationally and does this by providing direction to Councils to protect, maintain and restore indigenous biodiversity.

The sites are not subject to any mapped Significant Natural Areas or specified Māori land. Albeit substantial areas of the sites are protected through new and existing bush covenants which ensure that indigenous biodiversity continue to be protected on these sites.

#### National Environmental Standards

Based on the Applicant's review of Council records and review of Northland Regional Councils selected land use register and historical imagery available on Retrolens, the piece of land to which this application relates is not a HAIL site, and therefore the NES CS does not apply.

With regards to the NES FW, the site has a waterway running through a protected/covenanted bush area and given this protection, the NESFW is not relevant.

#### Northland Regional Policy Statement

There are existing and proposed bush protection covenants on site which would safeguard Northland's ecological integrity insofar as it relates to the vegetation on the subject site. In this case, the subdivision (only as it relates to the protective covenants) would support this objective, however it is recognised that the subdivision process is not required for the imposition of such protective covenants.

#### Operative Far North District Plan

The subdivision continues to be consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan because the Rural Production Zone seeks to promote the maintenance, enhancement and protection of the amenity and natural values of the zone. The proposal is not contrary to the relevant objectives and policies of the ODP.

#### Proposed Far North District Plan

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.

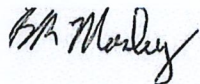
6. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards as the waterways and mapped river hazards are contained within existing and proposed bush covenant protection areas. Additionally, sufficient provision has been made for legal and physical access to the proposed lots.

Accordingly, council is able to grant this subdivision consent subject to the conditions above.

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 Natasha Rivai – Consultant 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.

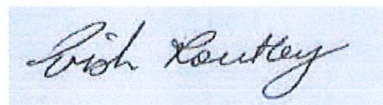


Barry Mosley

Date: 2 August 2023

### Independent Hearing Commissioner

**This decision has been amended pursuant to s37 and s133A under the Resource Management Act 1991**

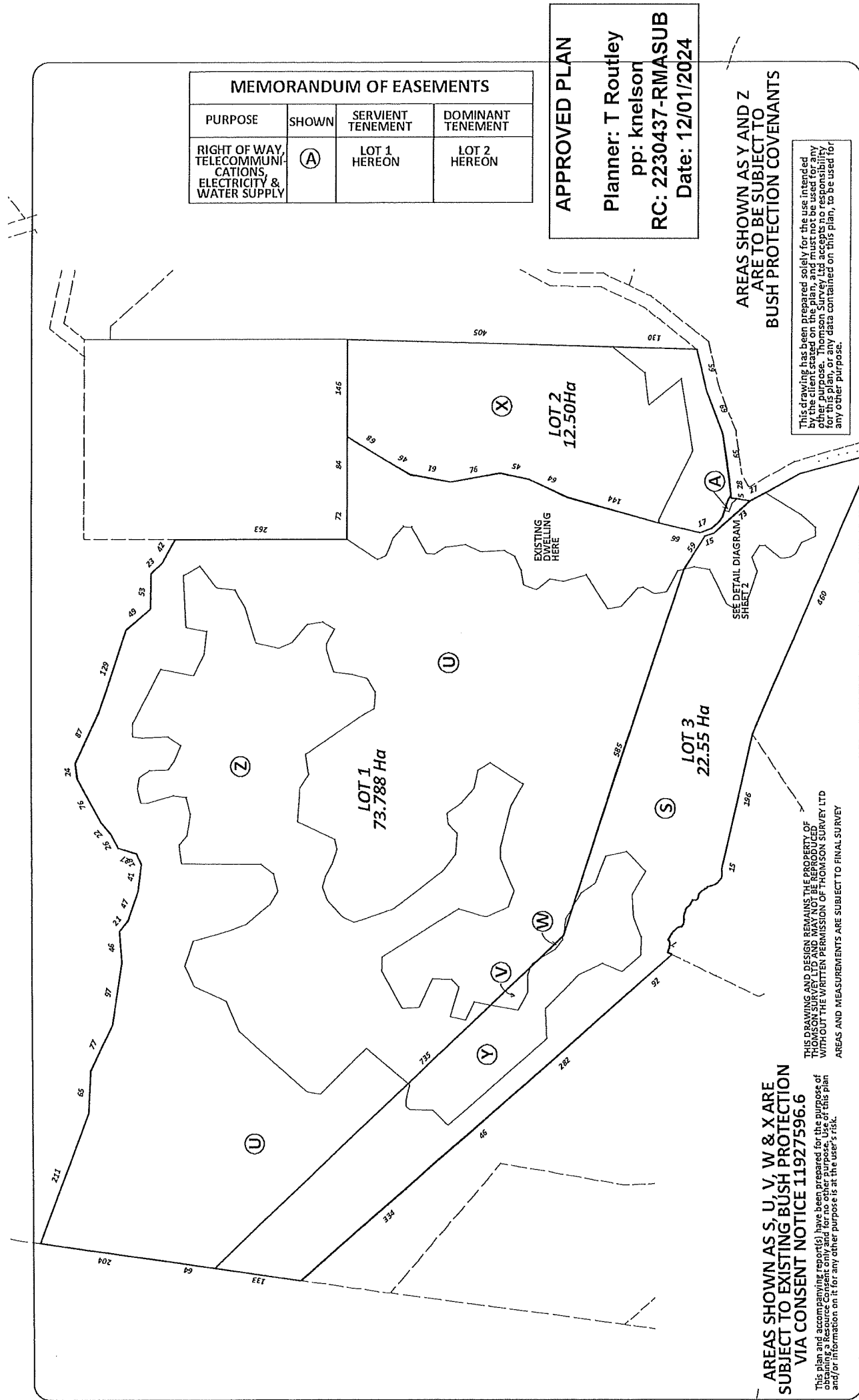


Patricia (Trish) Routley

**Manager Resource Consents**

**12 January 2024**





MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)	LOT 1 HEREON	LOT 2 HEREON

APPROVED PLAN  
Planner: T Routley  
pp: knelson  
RC: 2230437-RMASUB  
Date: 12/01/2024

AREAS SHOWN AS Y AND Z  
ARE TO BE SUBJECT TO  
BUSH PROTECTION COVENANTS

This drawing has been prepared solely for the use intended by the client and the client hereby acknowledges that they have accepted this plan for the purpose intended and that they accept no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

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AREAS SHOWN AS S, U, V, W & X ARE  
SUBJECT TO EXISTING BUSH PROTECTION  
VIA CONSENT NOTICE 11927596.6

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.

Surveyors  
Ref. No:  
10345  
Series  
Sheet of

Name	Date	ORIGINAL	SHEET
Survey	SL 09/2022	SCALE	SIZE
Design	SL 4.11.22	1:5000	A3
Drawn	SL 4.11.22		
Approved	KY 27.07.23		
Rev			

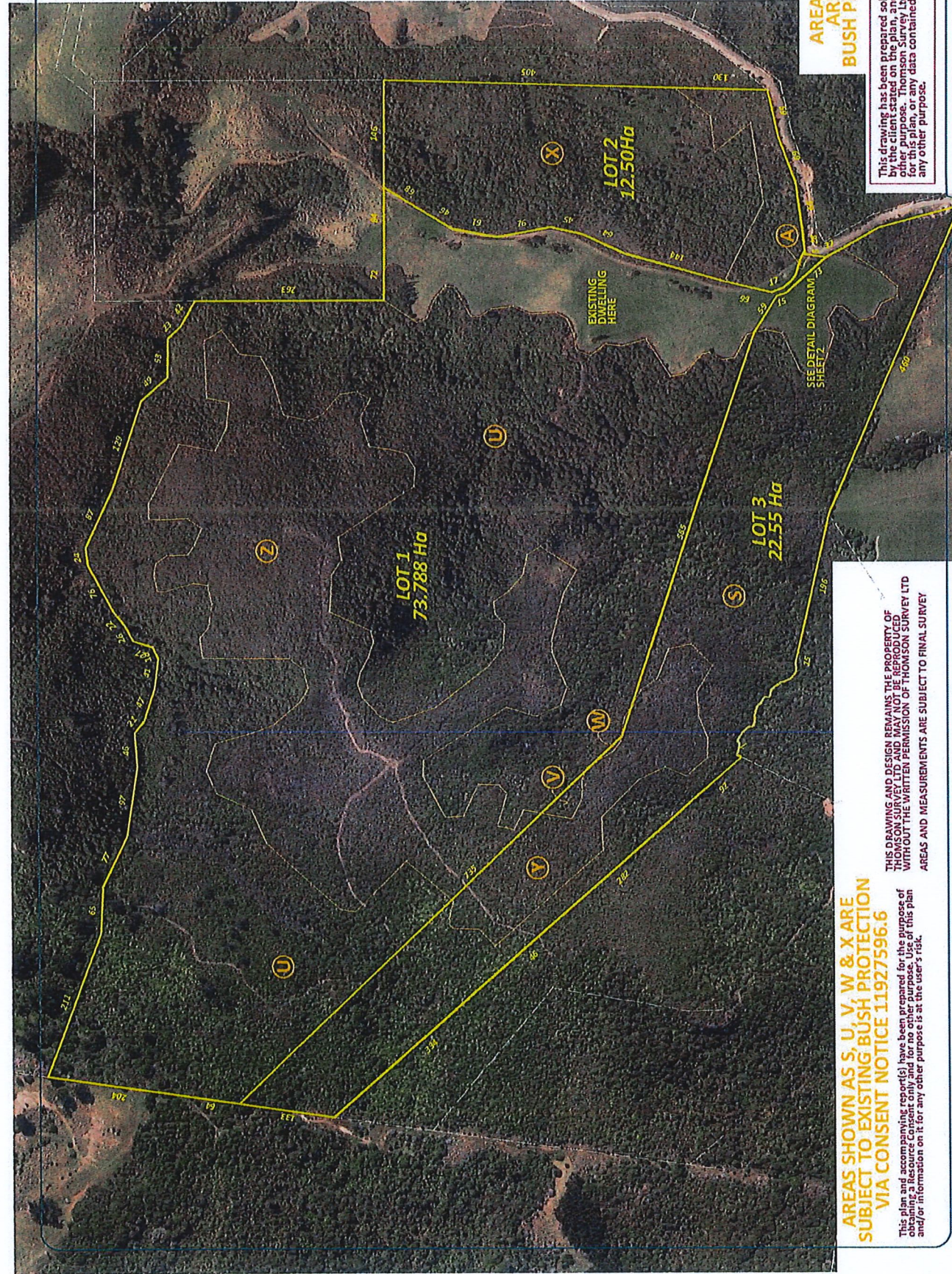
PROPOSED SUBDIVISION OF  
LOTS 1 & 2 DP 549009  
GLENDALE HEIGHTS

PREPARED FOR: FOSTER

THOMSON  
SURVEY  
LIMITED  
315 Kerikeri Rd  
P.O. Box 372, Kerikeri  
Email: kerikeri@tsurvey.co.nz  
Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants





MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY & WATER SUPPLY	(A)	LOT 1 HEREON	LOT 2 HEREON

APPROVED PLAN

Planner: T Routley  
pp: knelson  
RC: 2230437-RMASUB  
Date: 12/01/2024

AREAS SHOWN AS Y AND Z  
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Surveyors  
Ref. No:  
**10345**  
Series  
Sheet of

Name	Date	ORIGINAL	SHEET
Survey	SL	09/2022	SIZE
Design	SL	4.11.22	SCALE
Drawn	SL	4.11.22	1:5000
Approved	SL	27.07.23	A3
Rev	KY	27.07.23	
10345 Scheme 20230727			

PROPOSED SUBDIVISION OF  
LOTS 1 & 2 DP 549009  
GLENDALE HEIGHTS

PREPARED FOR: FOSTER

315 Kerikeri Rd  
P.O. Box 372 Kerikeri  
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Ph: (09) 4077360 Fax (09) 4077322

**THOMSON SURVEY**  
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# **Appendix 3**

## Location Map







# **Appendix 4**

## Record of Title & relevant instruments



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 942513  
**Land Registration District** North Auckland  
**Date Issued** 23 November 2020

**Prior References**  
755598

---

<b>Estate</b>	Fee Simple
<b>Area</b>	96.3100 hectares more or less
<b>Legal Description</b>	Lot 1 Deposited Plan 549009

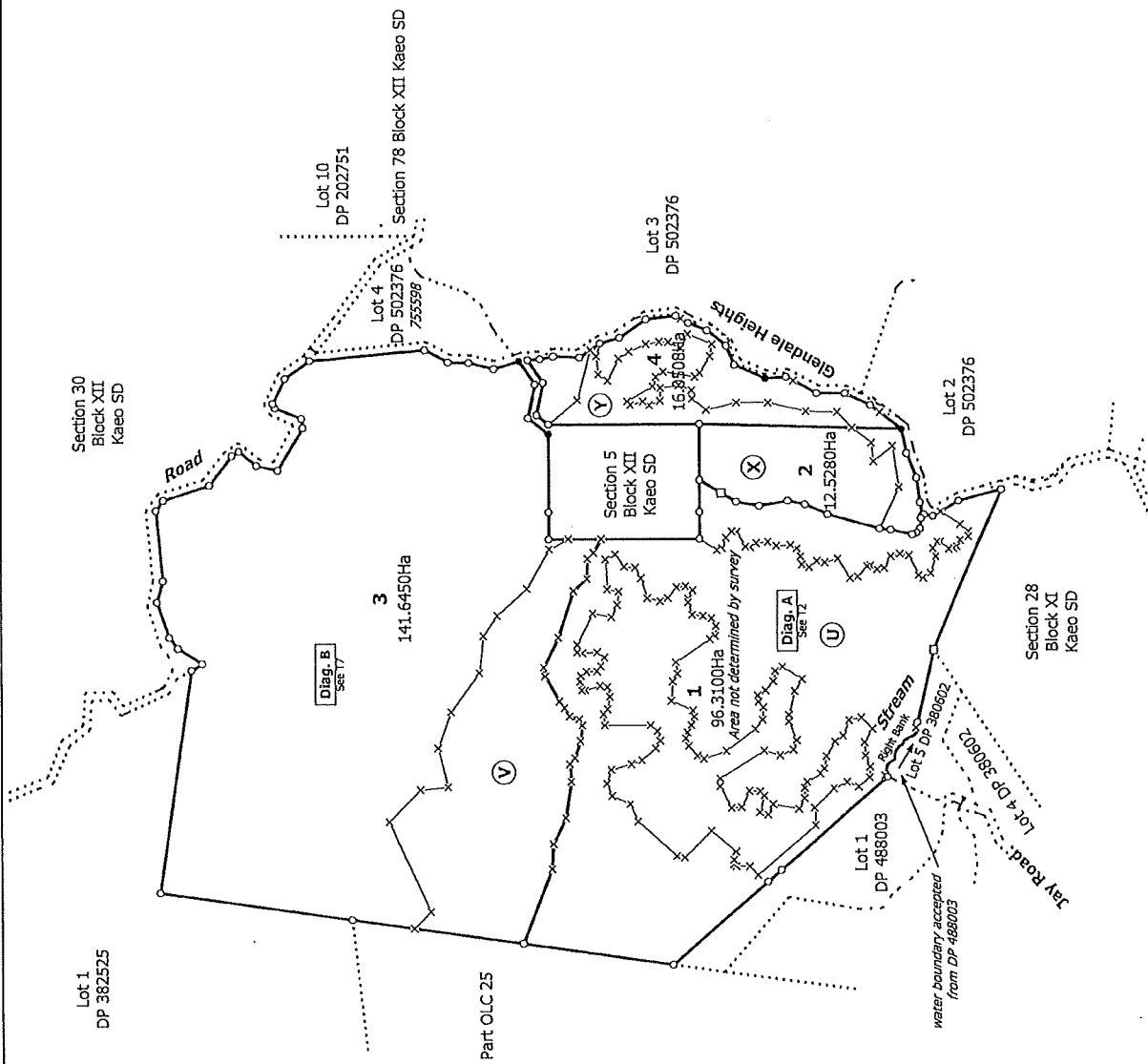
**Registered Owners**  
Gloria Anne Frank, Graeme Glenny Foster and Wylie McDonald Trustees No. 11 Limited

---

**Interests**

Land Covenant in Easement Instrument 7727588.4 - 26.2.2008 at 9:00 am  
Land Covenant in Easement Instrument 7765510.1 - 31.3.2008 at 9:00 am  
Land Covenant in Easement Instrument 10034295.6 - 5.6.2015 at 4:39 pm  
Land Covenant in Easement Instrument 10550678.1 - 11.10.2016 at 5:14 pm  
11927596.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 23.11.2020 at 4:57 pm





T 1/7

Land District: North Auckland

Digitally Generated Plan

Generated on: 12/11/2020 4:56pm Page 3 of 9

LOTS 1 - 4 BEING A SUBDIVISION OF LOT 2 DP 488003

Surveyor: Kurt Eric Watson  
Firm: Survey & Planning Solutions (2010) L

Title Plan  
LT 549009  
Approved on: 12/11/2020



## View Instrument Details

Instrument No. 11927596.6  
Status Registered  
Date & Time Lodged 23 Nov 2020 16:57  
Lodged By Jury, Sarah Emily  
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te  
**Land whenua**  
**Information**  
New Zealand



---

Affected Records of Title	Land District
942513	North Auckland
942514	North Auckland
942515	North Auckland

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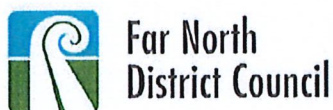
Annexure Schedule Contains 3 Pages.

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### Signature

Signed by Sarah Emily Jury as Territorial Authority Representative on 29/10/2020 03:37 PM

\*\*\* End of Report \*\*\*



Five to Ten 757, Hamford Ave

Palolo C440, New Zealand

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Phone: (09) 401 5200

Fax: (09) 401 2137

Email: [ask.w@fndc.govt.nz](mailto:ask.w@fndc.govt.nz)

Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

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## THE RESOURCE MANAGEMENT ACT 1991

### SECTION 221: CONSENT NOTICE

#### REGARDING RC-2200062-VAR/A

Being the Subdivision of Lot 4 DP 502376 Lot 2 DP 488003  
North Auckland Registry

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

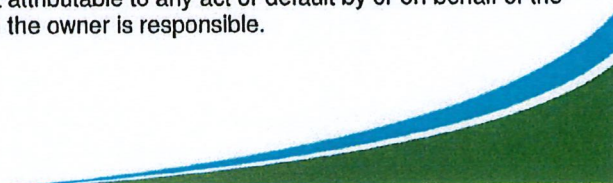
### SCHEDULE

#### Lot 1 DP 549009

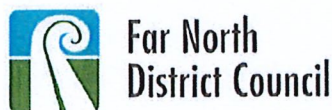
- (i) The Lot owner shall preserve the Indigenous trees and bush as indicated on the survey plan, as area "U" and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush, except that a singular access track of 5m width may be created through area "U" to provide access between the ridge area excluded from the covenant area and Glendale Heights Road. The Lot owner shall be deemed to be not in breach of this prohibition if any of such trees or 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.

#### Lots 2,3 & 4 DP 549009

- (ii) The Lot owner shall preserve the indigenous trees and bush as indicated on the survey plan, as areas "X", "V" and "Y" 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 or bush. The Lot owner shall be deemed to be not in breach of this prohibition if any of such trees or 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.







Private Bag 752, Manukau Ave  
 Auckland 0440, New Zealand  
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 Website: [www.fncc.govt.nz](http://www.fncc.govt.nz)

*Te Kaunihera o Tai Tokerau Ki Te Raki*

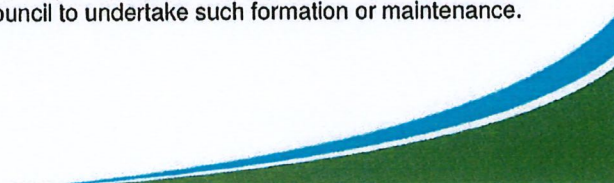
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Lots 1, 2, 3, & 4 DP 549009

- (iii) There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into covenanted areas "U", "X", "V" and "Y".
- (iv) The Lot owner shall on an ongoing basis, implement the weed and pest management strategy as approved under condition 3(c) of RC 2200062-RMASUB.
- (v) No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). Working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition provided that they are kept under effective control and prevented from entering the covenanted areas "U", "X", "V" and "Y".
- (vi) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting 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 purposes. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (vii) In conjunction with the construction of any building which includes a wastewater treatment and effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment and disposal system can be fully contained within the Lot boundaries and comply with the Regional Plan Permitted Activity Standards.
- (viii) Reticulated power supply or telecommunication services were not a requirement of RC 2200062-RMASUB. The responsibility for providing both power supply and telecommunication services remains the responsibility of the Lot owner.

All Lots

- (ix) The Council assumes no responsibility towards the formation and any future maintenance of the Glendale Heights Road which provides access to the Lot; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the Lot will not request the Council to undertake such formation or maintenance.





Far North  
District Council

Private Bag 757, Hume Rd

Palmerston North 440, New Zealand

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Phone: (07) 401 5200

Fax: (07) 401 2137

Email: [enquiries@fndc.govt.nz](mailto:enquiries@fndc.govt.nz)

Website: [www.fndc.govt.nz](http://www.fndc.govt.nz)

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wants to live, work and invest*

SIGNED:

*P.J. Killalea*

Mr Patrick John Killalea - Authorised Officer

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 20<sup>th</sup> day of October 2020

