

# APPLICATION



\*013\*



Our Reference: 9554 (Tracey)

5 November 2019

Resource Consents Department  
Far North District Council  
JB Centre  
KERIKERI

Dear Sir/Madam

**RE: Proposed Subdivision Zhann Tracey at 222 Newton Road, Omapere**

I am pleased to submit application for Zhann Tracey, to subdivide land at 222 Newton Road, Omapere. The proposal creates four additional lots in the Rural Production Zone, as a restricted discretionary subdivision activity.

The application fee is attached.

Regards



Karen Yerkovich  
**THOMSON SURVEY LTD**

Kerikeri Service Centre

05 NOV 2019



Office Use Only  
Application Number:  
2200253

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))  
(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

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

1. Pre-Lodgement Meeting

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

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

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

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

3. Would you like to opt out of the Fast Track Process?

(Yes) / No

4. Applicant Details:

Name/s: Zhann Tracey

Electronic Address for Service (E-mail): zhanntray@yahoo.com.24

Phone Numbers: Work: 021 076 7844 Home:

Postal Address: 51 Nei Street, RO 1, Ohakune

Post Code: 4691

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

Name/s: Karen Yerkovich

Thomson Survey

Electronic Address for Service (E-mail): Karen@tsurvey.co.nz

Phone Numbers: Work: 407 7360 Home:

Postal Address: PO Box 372, Kerikeri

Post Code: 0245

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: Zhann Tracey

Property Address/  
Location: 222 Newton Road  
Dhakune

**7. Application Site Details:**

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

Site Address/  
Location: 222 Newton Road  
Dhakune

Legal Description: Lot 2 OP 184528 Val Number: \_\_\_\_\_

Certificate of Title: NA1158/198

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

**Site Visit Requirements:**

Is there a locked gate or security system restricting access by Council staff?

Yes /  No

Is there a dog on the property?

Yes /  No

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

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**8. Description of the Proposal:**

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

Subdivision in the Rural Production Zone to  
create five lots (four additional).

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

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

Yes/ No



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

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

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

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

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)  yes  no  don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).  yes  no  don't know

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

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

Email: zhanntray@yahoo.com.au

Postal Address: 51 Kei Street  
R O 1  
Ohakune Post Code: 4691

Phone Numbers: Work: 021 076 7844 Home: \_\_\_\_\_ Fax: \_\_\_\_\_

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

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

Name: ZHANN TRACEY (please print)

Signature: [Signature] (signature of bill payer – mandatory) Date: 24/09/2019



## 14. Important Information:

### Note to applicant

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

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

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

### Fast-track application

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

### Privacy Information:

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

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

Name: Karen Yerkovich (please print)

Signature: [Handwritten Signature] (signature)

Date: 05.11.19

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

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

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

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

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

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**



**Zhann Tracey**

# **PROPOSED SUBDIVISION**

**222 Newton Road, Omapere**

## **REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**Thomson Survey Ltd  
Kerikeri**



### **1.0 INTRODUCTION**

#### **1.1 The Proposal**

The applicant, Zhann Tracey, proposes to subdivide his land at 222 Newton Road, Omapere, approximately 3km from the Omapere township, to create a total of five lifestyle lots (four additional), involving land in one Title. The land is zoned Rural Production. The property gains access off the end of Newton Road, (a public, formed and metalled road).

Refer to *Appendix 1* for a copy of proposed Scheme Plan(s).

Refer to *Appendix 2* for a location plan.

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## 1.2 Scope of this Report

This assessment and report is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991.

The application seeks consent to subdivide, as a restricted discretionary subdivision 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, and covers:

- A description of the proposal;
- A description of the site and its environs;
- An assessment of environmental effects;
- An assessment of the proposal against relevant objectives and policies of the Far North District Plan;
- An assessment of the proposal against relevant provisions of Part 2 of the Act and other National and Regional Standards, Policies and Plans;
- Record of consultation;
- Supporting reports including Site Suitability Report from Kerikeri Drainage Ltd.

## 2.0 PROPERTY DETAILS

Location:	222 Newton Road, Omapere
Legal description:	Lot 2 DP 184528
CT:	NA115B/198 (Refer to Appendix 3)
Land Area:	33.5320ha
Zoning:	Rural Production

## 3.0 SITE DESCRIPTION

The property is zoned Rural Production under the District Plan and is 33.5320ha in area. The application site is located at the end of Newton Road, Omapere.

The property is primarily in bush with clearings on all proposed lots. It supports a principal dwelling on proposed Lot 2. A long metal access driveway meanders approximately 500m through the property leading to the dwelling.

The site is rolling contour which slopes up from the southern end of the property to the northern end.

The property is not identified on the NRC's on-line maps as containing any areas subject to a 1:10 or 1:100 flood event. The northern and southern parts of the property are identified as being erosion prone on the NRC on-line maps, these areas are away from any area on the proposed lots that will be developed for building sites.



The property is not identified on the NRC's Regional Policy Statement on-line maps as containing any area of outstanding landscape or natural character values and is not within the coastal environment.

What is being proposed is in keeping with the development of the surrounding area and would not create no precedent effect, nor any minor or more than minor cumulative effects.

### 3.1 Legal Interests

There are three existing easements on the property. With one being an easement in gross to convey water in favour of Far North District Council, one for the legal access for Lots 1, 3 and 4 DP 184528 containing Right of Way, Electricity and Telecommunications rights, and the third being a water easement for Lot 2 DP 100455. Refer to Appendix's 5, 6 and 7 for existing easement documents. A new Right of Way, Electricity and Telecommunications easement has been created for the access into the proposed lots. This intersects with the existing easements, creating numerous new easements.

### 3.2 Consent History

The title is dated 9<sup>th</sup> December 1997.

#### Resource Consent History

RC 1970286	1996	Proposed Subdivision
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## 4.0 THE PROPOSAL IN DETAIL

The proposed scheme plan is attached in Appendix 1. The proposal creates the following:

Lot 1	2.0610ha	shed with attached caravan,
Lot 2	3.8000ha	contains existing buildings,
Lot 3	6.1930ha	vacant,
Lot 4	2.2940ha	vacant,
Lot 5	19.1840ha	vacant.

The effect of this is a total of five new titles from an existing one title – increase of four titles.

Access for all lots will be gained via Right of Way through Lot 5 off Newton Road. Lot 3 will also need Right of Way access through Lot 4.

## 5.0 ACTIVITY STATUS

### 5.1 Zoning

The application site is zoned Rural Production. There are no resource features applying.

## 5.2 District Plan Assessment

Table 13.7.2.1 Minimum Lot Sizes applies:

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 20ha. Note 1: Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and Rule 13.7.2.5). Note 2: Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 3: Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.</p>	<p>1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone; 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;.....</p>	<p>1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. 4. Subdivision in the Pouerua Heritage Precinct (refer Maps 35, 41 and HP1), is a discretionary subdivision activity. Note 1: There is no restriction on the number of 4ha lots in a subdivision (clause 1). Note 2: The effect of the rule under clause 2 is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a noncomplying activity unless the lots are part of a Management Plan application.</p>

Refer to Option 4 in the table under restricted discretionary options. The title is dated 9 December 1997; there are five lots being created; and all lots are greater than 2ha in area. The subdivision is a **restricted discretionary activity**.

### 13.8.1 (c)(ii) Subdivision within the Rural Production Zone

- *Effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*  
Subject site is not in the coastal environment



- *Effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of Departments to manage and administer its land;*  
There is Conservation Land which is administered by Department of Conservation approximately 100m east of the subject site. It is highly unlikely that this proposal will effect how Department of Conservation administer this isolated piece of land.
- *Effects on areas on significant indigenous flora and significant habitats of indigenous fauna;*  
There is no indigenous vegetation of any significance, and no significant habitat of indigenous fauna on the subject site
- *The mitigation of fire hazards for health and safety of residents.*  
The existing dwelling on proposed Lot 2 is greater than 20m from vegetation, and any new dwellings on proposed Lots 1, 3, 4 and 5 can achieve a 20m setback.

## 6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 6.1 Allotment Sizes and Dimensions

Proposed Lot 2 supports existing built development, proposed Lots 1, 3, 4 and 5 can provide the required 30m x 30m building area. They have sites that can achieve a northerly outlook, with good access to sunlight. The vacant lots are of size suitable for rural lifestyle farming living with on-site servicing.



*Existing Development on Proposed Lot 2*

### 6.2 Natural and Other Hazards

The site is not known to be subject to any natural hazard and is not within any area shown as being subject to a 1:10 or 1:100 AEE event.

The northern and southern parts of the property are identified as being erosion prone on the NRC on-line Natural Hazards maps, these areas are away from any area on the proposed lots that will be developed for building sites.

In regards to other hazards, a check of Council records, along with the Northland Regional Council's Selected Landuse Sites (Contaminated Sites) database, has shown no known historic of present Hazardous Activities or Industries undertaken on the site.

### **6.3 Water Supply**

The existing house on proposed Lot 2 has its own water supply. Any future dwellings on the vacant lots, Lots 1, 3, 4 and 5, can utilise roof water catchment for water supply. The Council can impose its standard Consent Notice in regard to the need to provide for sufficient water supply for both potable and fire fighting purposes when residential dwellings are constructed.

### **6.4 Stormwater Disposal**

Proposed Lot 2 is in excess of 3ha in area, with the site having existing impermeable surfaces in regards to building and metal driveway. Any overflow runoff will soak down into existing watercourses. This is an existing situation and I do not believe there is any need for any additional attenuation.

The creation of any buildings on the currently vacant lots, Lots 1, 3, 4 and 5 will result in minor increase in run-off, primarily associated with the impermeable roof areas plus any other access created. This will not be significant.

### **6.5 Sanitary Sewage Disposal**

The existing house on proposed Lot 2 has its own on-site effluent disposal. I was not able to locate any information in the property files in regard to this, and if the Council is at all concerned as to whether the existing system is functioning and that the disposal area will be within the boundaries to proposed Lot 2, then a condition can be imposed at s223 stage for a drainlayer to confirm these matters. However, given the distance the house is from the boundaries, I do not believe this is necessary.

Proposed Lots 1, 3, 4 and 5 are large enough in size that they will be capable of containing its on-site effluent disposal within their boundaries. The design of any system is best left to building consent stage.

### **6.6 Energy Supply & Telecommunications**

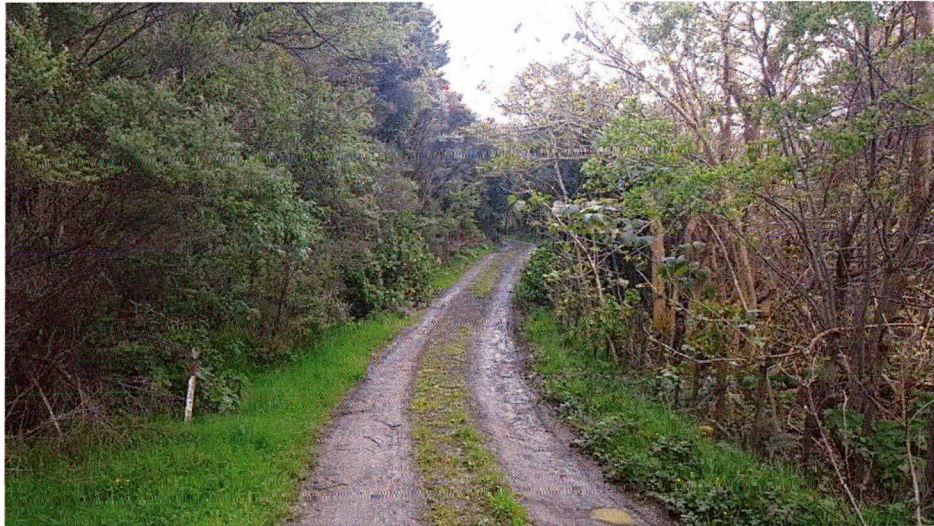
Power and telecommunications are not required for rural subdivisions. The Council's standard Consent Notice, advising a future lot owner that provision for power and telecommunications is their responsibility, can be applied. Lot 2 has existing electricity, from solar panels and backup generator. Consultation has been undertaken with both Top Energy and Chorus to see if there are any constraints in the provision of these services, should a future lot owner seek to install them. Correspondence is attached in Appendix 4.



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## 6.7 Property Access

The existing access to the house on Lot 2 is gained off the end of Newton Road. With the house being situated approximately 500m off the road. All of the vacant lots will gain access off Newton Road at this same point. An existing farm race through the property will need to be upgraded and extended for proposed Lots 3 and 4.



Existing access through to house on proposed Lot 2

## 6.8 Effects of Earthworks

Earthworks will be required for forming access and entrances into Lots 1, 3, 4 and 5. The existing driveway and farm race will need to be upgraded. This will involve less than 5000m<sup>3</sup> of earthworks, and appropriate sediment and erosion control measures will be put in place during works.

## 6.9 Building Locations

Proposed Lot 2 has an existing house and sheds, proposed Lot 1 has an existing shed with caravan attached. The vacant lots, Lots 3, 4 and 5 are all large in size with potential locations for future dwellings.





Existing shed on proposed Lot 1

### **6.10 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes**

#### Heritage/Cultural Values

There are no archaeological, or Sites of Significance to Maori recorded in the District Plan or the NZAA Archaeological Site Recording Scheme.

My preliminary assessment of the proposal in terms of potential adverse effects on cultural values is that these will be no more than minor. This assessment is based on the following:

- (a) The large size of the lots, with plenty of scope for building sites;
- (b) Satisfactory on site waste water and stormwater treatment and disposal possible;

#### Vegetation (Flora)

The northern part of proposed Lot 5 is classified as Waitemarama Gorge Forest, survey number O06/013, and the southern part of proposed Lots 2, 3 and 5 is classified as Waiwhatawhata Bush, survey number O06/014. Both these areas of vegetation are very large in size, O06/013 being 421.2ha in area, and O06/014 being slightly smaller at 384.6ha. It is suggested that a consent notice be registered against these new titles that the bush shall not be cut down, damaged or destroyed.

The property is within a very large area identified as 'kiwi present'. The property is currently farmed, with one residential dwelling. It would be unreasonable to place any restriction on having working dogs on any of the proposed lots, I would ask, therefore, that there be no restriction, and that an Advice Note would be adequate for the lots.

#### Areas set aside for Conservation Purposes

There are no statutory areas set aside for conservation purposes.



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### **6.11 Soil**

This low density subdivision will not adversely affect the life supporting capacity of soils. The land is currently predominantly in bush with grass clearings. This will remain the situation post subdivision other than the immediate area of any future dwelling and access.

### **6.12 Access to, and protection of, waterbodies**

There are two minor existing watercourses which flow through the property. The watercourses will not form the boundary of any property. Building sites and wastewater disposal on the vacant lots can be achieved away from these.

### **6.13 Land use compatibility (reverse sensitivity)**

The predominant land use in the surrounding area is now lifestyle and bush lots.

What is being proposed is in keeping with the development of the surrounding area and would create no precedent effect, nor more than minor cumulative effects.

The property is currently utilized for low intensity grazing and lifestyle use. The creation of four additional lifestyle lots is unlikely to raise issues of reverse sensitivity.

### **6.14 Natural Character of the Coastal Environment**

The site is not zoned Coastal and is not within the Regional Policy Statement's "coastal environment".

### **6.15 Energy Efficiency and renewable Energy Development/Use**

The sites are ideally located to utilise renewable energy sources should a future lot owner wish to. The sites have good access to sunlight.

### **6.16 National Grid Corridor**

Not relevant. The National Grid does not run through the application site.

### **6.18 Other Matters**

#### Positive Effects:

The proposal allows for people to provide for their economic and social wellbeing. The creation and availability of lifestyle lots, with high amenity and character values provides an ideal living choice.

#### Cumulative Effect:

The proposal does not, in my opinion, create any significant adverse cumulative effects. The subdivision is low intensity and a restricted discretionary activity, provided for in the District Plan.

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Precedent Effect:

The subdivision is of a density provided for in the District Plan and does not create an adverse precedent.

## **7.0 STATUTORY ASSESSMENT**

### **7.1 Far North District Plan Objectives and Policies**

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapters 8 (Rural Environment); and 13 (Subdivision), of the District Plan.

#### Subdivision Objectives & Policies

##### *Objectives*

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities; and

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

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

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

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

13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

##### *Policies*

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

(a) natural character, particularly of the coastal environment;

(b) ecological values;

(c) landscape values;

(d) amenity values;



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(e) cultural values;

(f) heritage values; and

(g) existing land uses.

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

13.4.8 That the provision of water storage be taken into account in the design of any subdivision.

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:...

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

The subdivision is a restricted discretionary activity. The subdivision is low density and is considered to represent sustainable management, having minimal adverse effects on natural and physical resources.

Reverse sensitivity effects are not significantly increased and lots can be developed without exacerbating natural hazards. There are no identified outstanding landscape values and no heritage values or sites of significance.

Future lot owners will be required to provide for appropriate water storage and all lots are capable of providing on site wastewater treatment and disposal and stormwater management.

The subdivision is in keeping with the existing character.

Access can be satisfactorily provided once the existing access is upgraded.

#### Rural Production Zone Objectives and Policies

Objectives and Policies applying to the Rural Production Zone are focused on sustainable management, and avoiding, remedying and mitigating adverse effects.

The proposed subdivision promotes sustainable management and is an efficient use and development of the Rural Production Zone. There are no actual or potential adverse effects (including reverse sensitivity) that are more than minor. The proposal is not considered incompatible with existing land uses.

The density level proposed fits within the parameters of a restricted discretionary subdivision, and an attractive balance between open space and built environment is achievable.

In summary, having assessed the proposal against the relevant objectives and policies of the District Plan, it is considered that it is consistent with those objectives and policies.

## 7.2 Part 2 Matters

### *Section 5 Purpose:*

The proposed subdivision is considered to be sustainable and to provide for wellbeing.

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

Granting the subdivision will not compromise or adversely affect any significant indigenous vegetation or habitat.

### *Section 7 Other Matters:*

The proposed development is considered to be an efficient use and development of the natural resources as it is compatible with the surrounding area.

The proposed development maintains amenity values. It is of a level of density provided for, and envisaged by, the District Plan.

### *Section 8 Treaty of Waitangi*

I do not believe the proposal adversely impacts on cultural values, or tangata whenua ability to maintain a continued relationship with that taonga.

## 7.3 National and Regional Planning Documents

The Regional Policy Statement for Northland contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment; but also focus on ensuring that productive land is not subject to fragmentation and/or sterilisation, and that reverse sensitivity effects are avoided, remedied or mitigated.

### **Objective 3.6 Economic activities – reverse sensitivity and sterilisation**

*The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:*

*(a) Reverse sensitivity for existing:*

*(i) Primary production activities;*

.....



In regard to this subdivision, it is considered that no additional reverse sensitivity issues arise as a result. The area already supports a mixed uses of grazing and bush block lifestyle.

The associated Policy to the above Objective is **Policy 5.1.1 – Planned and coordinated development.**

*Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:*

.....

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

.....

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

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

.....

Policy 5.1.1(f) applies to subdivision and plan changes on land with highly versatile soils in primary production zones. The Regional Policy Statement defines "highly versatile soils" as those with various LUC classifications II and III. The application site, in this instance, does not contain such soils.

Policy 4.4.1 of the Regional Policy Statement is about maintaining and protecting significant ecological areas and habitats. The property is not coastal and contains two areas of indigenous vegetation, which we are offering a consent notice to be registered on the affected titles that the bush shall not be cut down, damaged or destroyed.

Policy 4.6.1 is about managing effects on the characteristics and qualities of natural character, natural features and landscapes. Outside of the coastal environment, significant adverse effects are to be avoided, and other adverse effects avoided, remedied or mitigated. I consider the proposal consistent with this objective. The site is not shown as containing any high or outstanding natural or landscape values. The proposal does not necessitate clearance other than very small amounts in order to create private tracks.

I believe the proposal is not contrary to any of the objectives or policies in the Regional Policy Statement for Northland.

#### **7.4 National Environmental Standards**

To the applicant's knowledge there are no National Environmental Standards considered relevant to the proposal. There is no historical information or Google Earth imagery suggesting that the application site has ever been used for any activity listed in the Ministry for the Environment's Hazardous Activity and Industry List (HAIL). The site is not shown on the

Regional Council's Selected Land Use Site on-line maps. As such the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is not considered to apply.

## 8.0 CONSULTATION

The proposal meets restricted discretionary minimum lot sizes and density levels. The adverse effects of the proposal are no more than minor. In my opinion there are no adversely affected adjoining property owners. Written Approvals have not been sought from adjoining landowners.

## 9.0 CONCLUSION

The site is considered suitable for the proposed subdivision, and effects on the wider environment are no more than minor. The proposed subdivision is a restricted discretionary activity and is precluded from public notification.

There is no District Plan rule or national environmental standard that requires the proposal 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 proposal on a non notified basis, subject to appropriate conditions.

Signed:

Dated:

**Karen Yerkovich**

**Thomson Survey Ltd**

## 10.0 LIST OF APPENDICES

- Appendix 1** Scheme Plan(s)
- Appendix 2** Location Plan
- Appendix 3** Records of Title
- Appendix 4** Consultation with Top Energy and Chorus
- Appendix 5** Easement Certificate D224879.5
- Appendix 6** Transfer D643570.1
- Appendix 7** Easement Instrument 8936241.1
- Appendix 8** NRC Natural Hazards Map



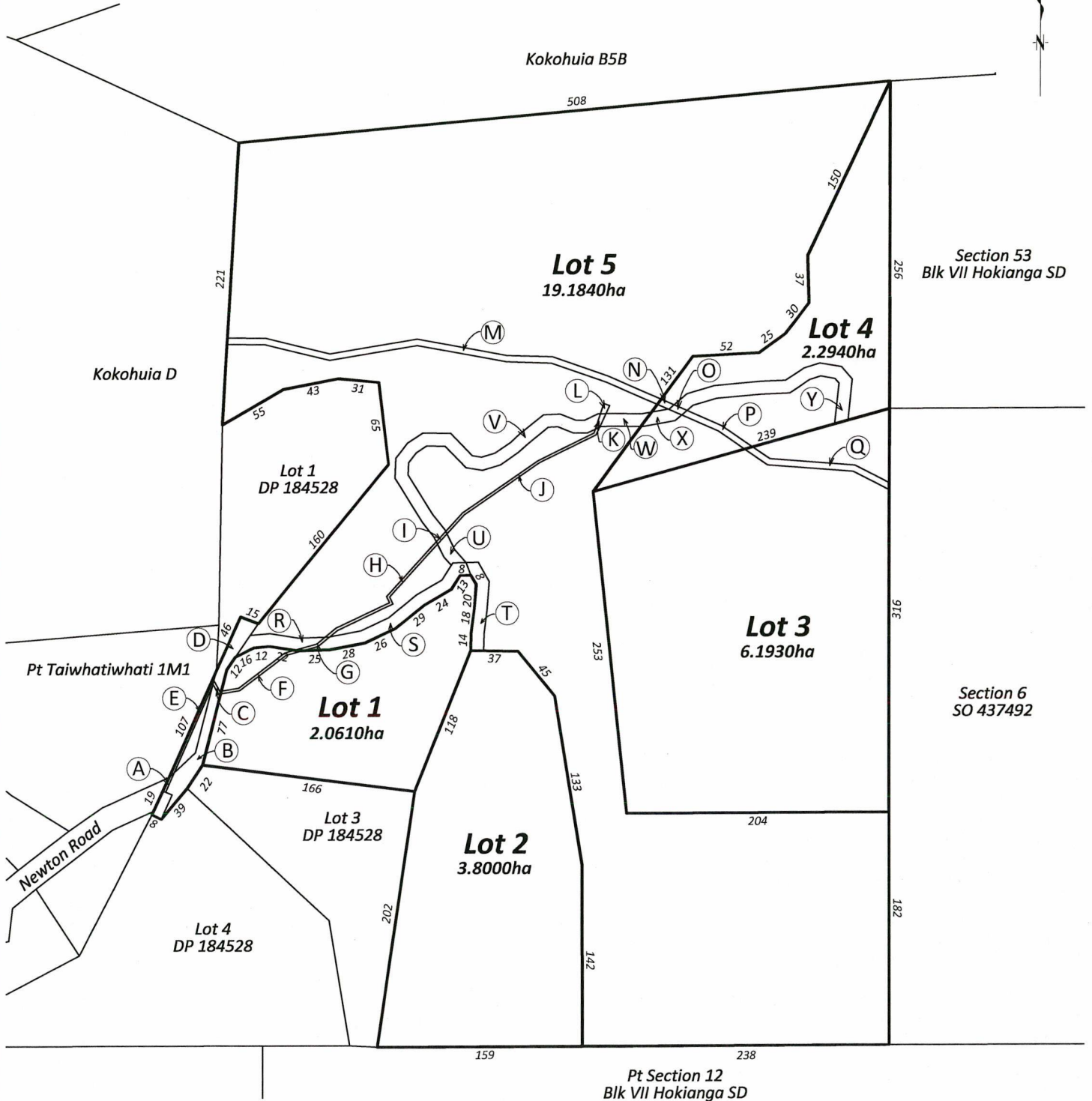
# **Appendix 1**

## Scheme Plan(s)

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A B C D) (G R S)	LOT 5 HEREON	LOTS 1 - 3 HEREON
	(T)	LOT 5 HEREON	LOT 2 HEREON
	(I K U V) (W)	LOT 5 HEREON	LOTS 3 & 4 HEREON
	(O X Y)	LOT 4 HEREON	LOT 3 HEREON

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	(A B) (C D)	LOT 5 HEREON	E.C. 224879.5
RIGHT TO CONVEY WATER	(A C E) (G H I) (J K L)	LOT 5 HEREON	D643570.1
	(F)	LOT 1 HEREON	

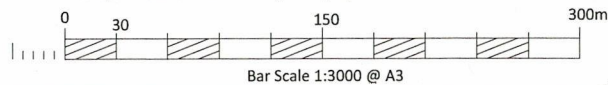
EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY WATER	(M)	LOT 5 HEREON	E.I. 8936241.1
	(N O P)	LOT 4 HEREON	
	(Q)	LOT 3 HEREON	



Local Authority: Far North District Council  
 Comprised in: CFR NA115B/198  
 Total Area: 33.5320ha  
 Zoning: Rural Production  
 Resource features: NIL

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  
 TOPOGRAPHICAL DETAIL IS APPROXIMATE ONLY AND SCALED FROM AERIAL PHOTOGRAPHY

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.



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

## PROPOSED SUBDIVISION OF LOT 2 DP 184528

PREPARED FOR: Z. TRACEY

Name	Date	ORIGINAL	SCALE	SHEET SIZE
Survey			1:3000	A3
Design				
Drawn	KY 02.09.19			
Approved				
Rev	KY 16.09.19			
9554 20190916 Scheme.lcd				

Surveyors Ref. No:

9554

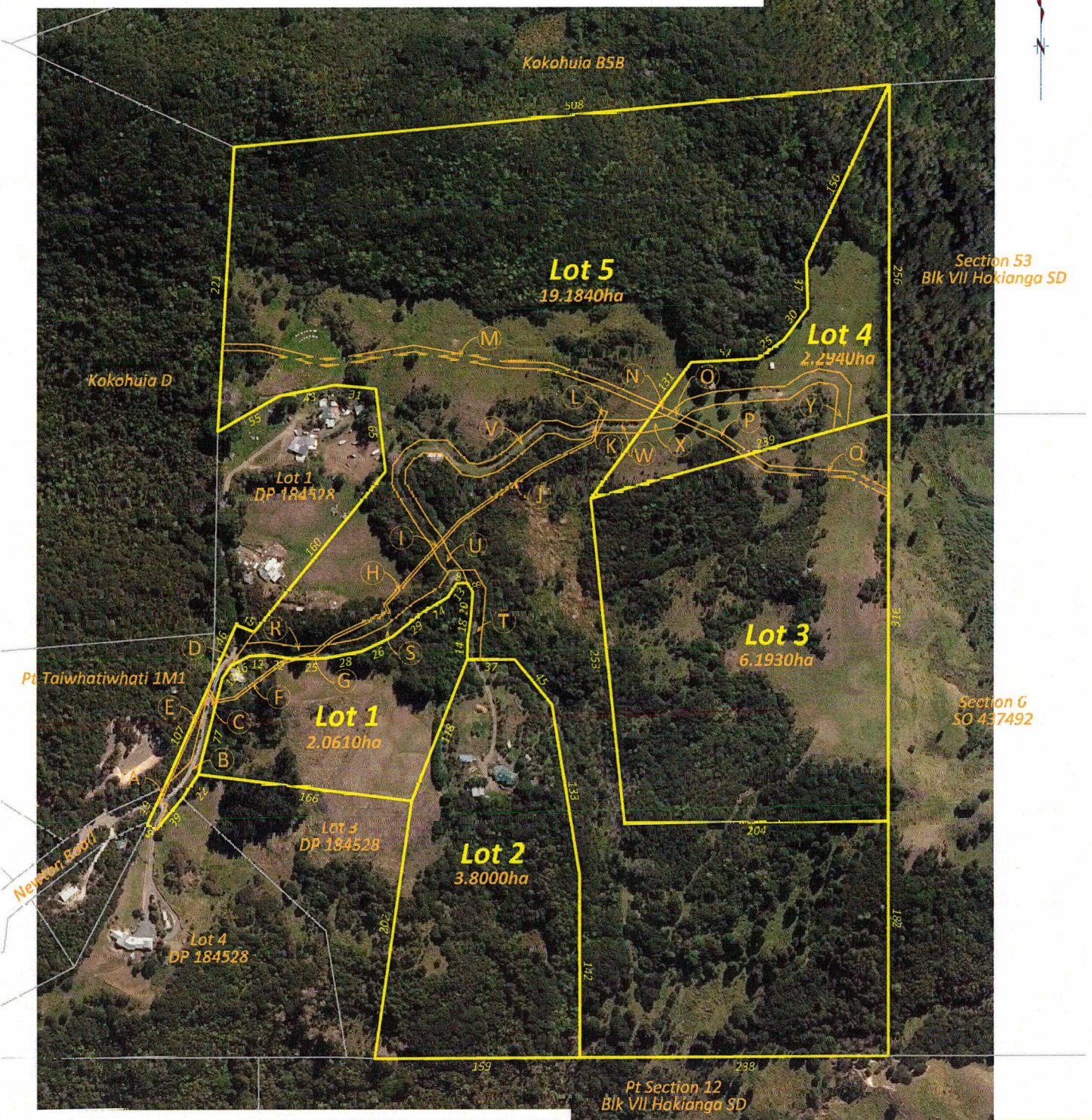
Sheet 1 of 1



MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	A B C D G R S	LOT 5 HEREON	LOTS 1 - 3 HEREON
	T	LOT 5 HEREON	LOT 2 HEREON
	I K U V	LOT 5 HEREON	LOTS 3 & 4 HEREON
	W	LOT 5 HEREON	LOT 3 HEREON
	O X Y	LOT 4 HEREON	LOT 3 HEREON

EXISTING EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT OF WAY, TELECOMMUNICATIONS & ELECTRICITY	A B C D	LOT 5 HEREON	E.C. 224879.5
RIGHT TO CONVEY WATER	A C E G H I J K L	LOT 5 HEREON	D643570.1
	F	LOT 1 HEREON	

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
RIGHT TO CONVEY WATER	M	LOT 5 HEREON	E.I. 8936241.1
	N O P	LOT 4 HEREON	
	Q	LOT 3 HEREON	



Local Authority: Far North District Council  
 Comprised in: CFR NA115B/198  
 Total Area: 33.5320ha  
 Zoning: Rural Production  
 Resource features: NIL

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Bar Scale 1:3000 @ A3

**THOMSON SURVEY LIMITED**  
 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

**PROPOSED SUBDIVISION OF LOT 2 DP 184528**

PREPARED FOR: Z. TRACEY

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:3000	A3
Design			
Drawn	KY 02.09.19		
Approved			
Rev	KY 16.09.19		

9554 20190916 Scheme.lcd

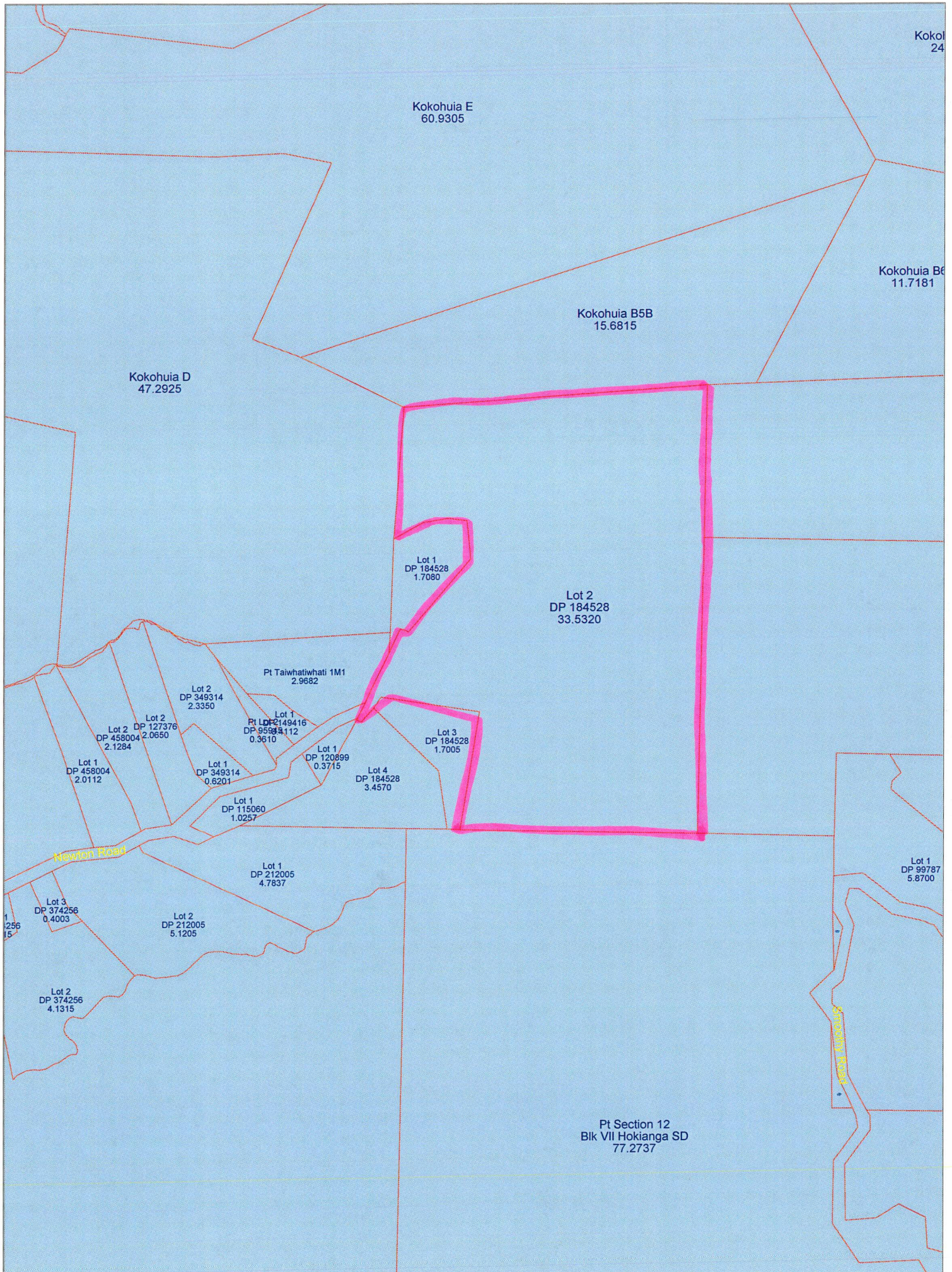
Surveyors Ref. No:  
**9554**  
 Sheet 1 of 1



## **Appendix 2**

### Location Plan







## **Appendix 3**

### Records of Title





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** NA115B/198  
**Land Registration District** North Auckland  
**Date Issued** 09 December 1997

**Prior References**

NA65C/56

---

**Estate** Fee Simple  
**Area** 33.5320 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 184528

**Registered Owners**

Zhann Tracey

---

**Interests**

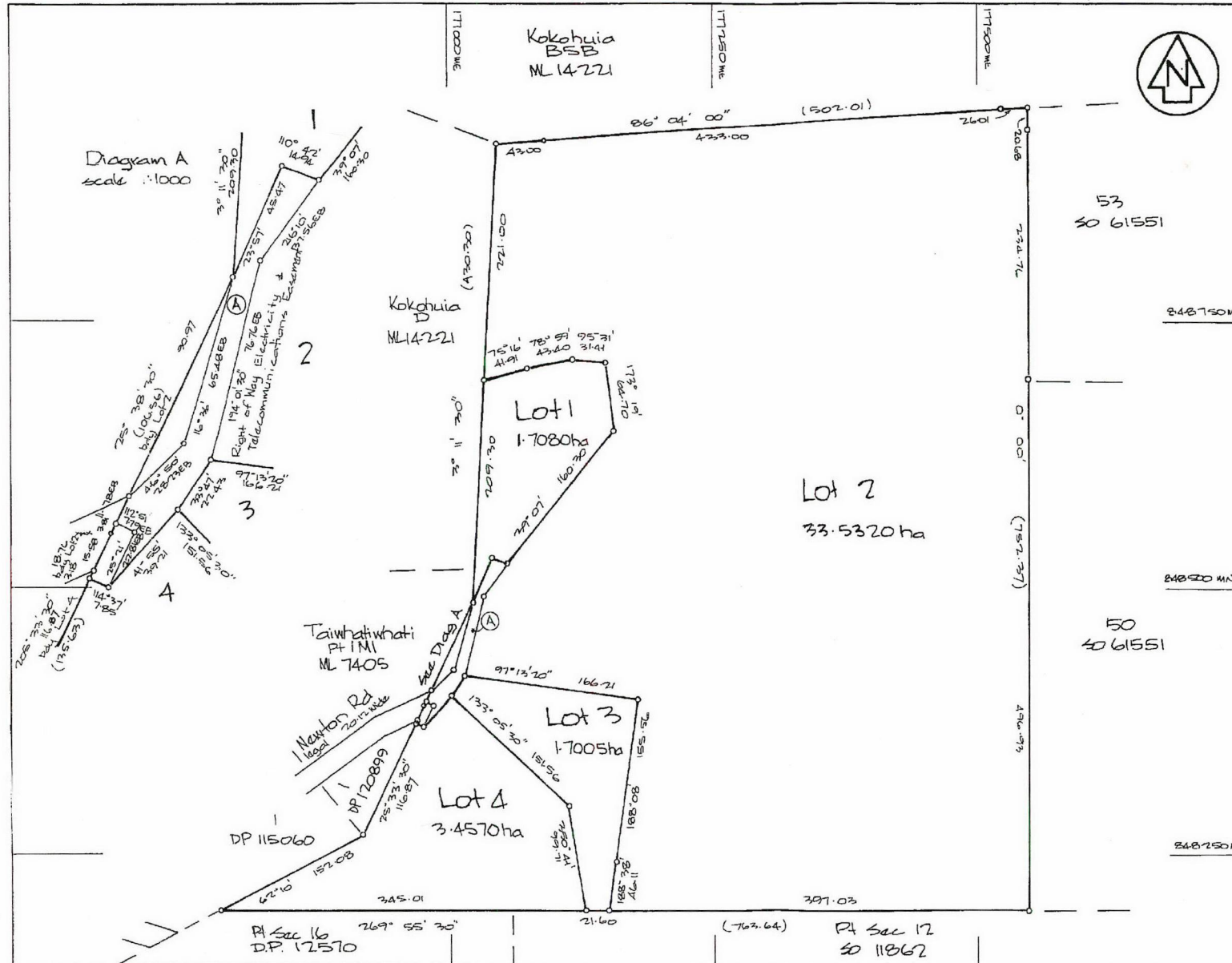
Subject to a right of way and to telecommunications and electricity rights over part marked A on DP 184528 specified in Easement Certificate D224879.5 - 9.12.1997 at 2:47 pm

The easements specified in Easement Certificate D224879.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey water over part marked A on DP 204203 created by Transfer D643570.1 - 26.9.2001 at 2:07 pm

5251687.1 Mortgage to The National Bank of New Zealand Limited - 12.6.2002 at 2:08 pm

Subject to a right (in gross) to convey water over part marked B on DP 385156 in favour of Far North District Council created by Easement Instrument 8936241.1 - 21.9.2012 at 3:21 pm



Approved pursuant to section 223 of the Resource Management Act 1991 on the 13<sup>th</sup> day of MAY 1997 subject to the granting or reserving of the easement shown in the memorandum hereon.  
The Common Seal of the Far North District Council is affixed hereto in the presence of

*[Signature]*  
Authorized Officer  
22. 1970286

Memorandum of Easement			
Purpose	Shown	Benefit	Dominant Tenement
Right of Way Electricity Telecommunications	(A)	Lot 2 hereon	Lots 1 3 & 4 hereon

Approved  
*[Signature]*  
S.M. Crabb  
Registered owner

New C & T Allocated  
Lot 1 - 115B/197  
Lot 2 - 115B/198  
Lot 3 - 115B/199  
Lot 4 - 115B/200

Total Area 40.3975 ha  
Comprised in C.T. 65C/56 (All)

I Nigel Ross of Kaipohia Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.  
Dated at Kaipohia this 8<sup>th</sup> day of September 1997  
Signature *[Signature]*

Field Book ... p. ... Traverse Book ... p. ...  
Reference Plans 505 61551 11627 2774 DP 10054 115060 120899 ML 7405 1272 10409  
Examined ... Correct ...

Approved as to Survey  
*[Signature]*  
8/10/97 Deputy Chief Surveyor

Deposited this 9 day of Dec 1997  
*[Signature]*  
District Land Registrar

File Received 9 SEP 1997  
Instructions DP 184528

LAND DISTRICT North Auckland  
Survey Blk. & Dist. VII Hokianga  
NZMS 261 Sheet 006 Record Map No. 42

Lots 1-4 being subdivision of  
Lot 2 D.P. 115060

TERRITORIAL AUTHORITY Far North District  
Surveyed by Simpson Shaw  
Scale 1:2500 Date March 1997

Prepared by Sterling Reports Ltd. Auckland, New Zealand.

W.A. ROBERTSON, DIRECTOR GENERAL/SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

DOSLI FORM D18





**Appendix 4**  
Consultation with  
Top Energy & Chorus



17 September 2019

Karen Yerkovich  
Thomson Survey  
PO Box 372  
KERIKERI 0245

Email: [karen@tsurvey.co.nz](mailto:karen@tsurvey.co.nz)

*Top Energy Limited*

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

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION – Z. Tracey, Newton Road, Omapere. Lot 2 DP 184528.**

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

Top Energy's requirements for this subdivision are nil.

Top Energy advises that power is available adjacent to the proposed development.

Top Energy recommends provision of an electricity supply to individual lots be made at the time of development.

Costs to supply power could be provided after application and an on-site survey have been completed.

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

Yours sincerely

**Aaron Birt**  
Planning and Design

T: 09 407 0685

E: [aaron.birt@topenergy.co.nz](mailto:aaron.birt@topenergy.co.nz)



**Chorus Property Development Team**

PO Box 9405  
Waikato Mail Centre  
Hamilton 3240  
Email: [develop@chorus.co.nz](mailto:develop@chorus.co.nz)



CHORUS

**Chorus Ref #:** OPN54131

**Your Ref #:**

Z Tracey

23 September 2019

Dear Karen Yerkovich

**New Property Development Agreement:**

OPN54131 : OPN: Newton Road, Omapere, 5 Lots (1-5)

Thank you for choosing Chorus New Zealand Limited (**Chorus**) to connect your development. We will help you get your new build ready and connected to some of the best broadband and voice services available in the world.

Please find attached your New Property Development Agreement and quote based on the scheme plans you have provided. This contract provides details of what we intend to do at your development along with any actions that are your responsibility. We understand there's a lot of information to digest. We recommend you go through the contract with your lawyer if you are concerned about any parts of it.

**To progress your development with Chorus:**

- Read, sign and complete the required details of the attached agreement to confirm that you accept the conditions and the quoted cost. The quote will expire 90 days from the date of issue. If this happens, you may need to reapply if you want to proceed with connecting your development.
- Once you have signed and sent us the agreement, please pay for your share of the build (\$9,200.00 incl. GST) within 30 days. You'll find all the options for payment on Page 2 of your contract.
- When we receive your completed agreement and payment, we will start the process to connect your development to our network. Once the design plan is finalised, we can proceed to provide you with materials and work with you to ensure these are installed correctly.
- Once your development is connected, the new occupants will be able to place an order with their broadband or phone provider to get their services up and running.
- Please take note of the design and build timeframes required to connect your development to our network:
  - Design: up to 28 working days from the date we receive your completed agreement and payment.
  - Build: usually 1-3 months from the materials being installed. This depends on the progress of your development, council requirements, or changes to the scope of work.

OPN54131

23 September 2019

GENv1.0

**Key responsibilities:**

So it's clear who does what, we've outlined the jobs that you'll need to do, and what we need to do to get your development connected. More detailed information can be found in your contract.

**Jobs for you:**

- Provide us with your power plans if you want power and telecommunications in the same trench
- Trenching – opening and backfill
- Notify us by emailing [develop@chorus.co.nz](mailto:develop@chorus.co.nz) when you require the telecommunication materials
- Pick up materials from our depot and store them safely
- Lay the materials – we will oversee this to make sure it meets standard requirements
- Provide us with your 'As Built's' when installation is complete
- Provide us the Land Title Plans showing easements if applicable
- Register easements
- Install the 20mm lead-in greenpipe within the property boundary

See Appendix A for useful guides.

**Jobs for Chorus:**

- Provide a design based on the scheme plans and power plans you submit to us
- Provide the telecommunication materials to be picked up by you from our depot
- Oversee the laying of the materials in your trenches within your development
- Laying of materials outside of your development e.g. council land
- Jointing, testing and commissioning works once our network is in the ground
- Update our records so the new occupants can connect to the network through their broadband or phone provider
- Send you a clearance letter when your development is complete

Please don't hesitate to contact us if you have any questions, or for more information, visit [www.chorus.co.nz/develop-with-chorus](http://www.chorus.co.nz/develop-with-chorus). We look forward to working with you.

Regards



Shaun Hault  
Property Development Coordinator



**Appendix 5**  
Easement Certificate D224879.5

0224879.6EC

Approved by the District Land Registrar, South Auckland No. 351560  
Approved by the District Land Registrar, North Auckland, No. 4380/81  
Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

## EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

~~I/XXX~~ SUZANNE MARIE CRABB

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the 10th day of October 19 97 under No. 184528 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

### SCHEDULE DEPOSITED PLAN NO. 184528

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right of Way	Lot 2 DP 184528 CT 115/198	A	Lots 1, 3 and 4 DP 184528	Dominant Tenements 115/197 115/199 115/200
Right to Transmit Electricity & Telecommunications	Lot 2 DP 184528 CT 115/198	A	Lots 1, 3 and 4 DP 184528	Dominant Tenements 115/197 115/199 115/200

S.M.C.  
R



State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

In addition to the rights and powers more particularly set forth in the Seventh Schedule to the Land Transfer Act 1952 the rights implied in easements of vehicular rights of way as set forth in the Ninth Schedule to the Property Law Act 1952 shall also apply and with the additional covenants following:

- (a) The cost of maintaining the right of way shall be shared in proportion to use by the registered proprietors using the easement area.
  - (b) Where the need for maintenance is directly attributable to the actions of one of those registered proprietors or their invitees the cost shall in that case be borne wholly by the party to whom that action is directly attributable
  - (c) The registered proprietors making use of the stockyards adjacent to the right of way marked A shall ensure that they do not cause an obstruction which could prevent access to any of the lots enjoying the benefit of this right of way.
2. The rights and powers of the Grantee under the rights to convey electric power and telephonic communications are the same rights and powers as those set out in Clauses 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952 as if the words "electric power and telephonic communications" were inserted in lieu of the word "water" wherever the same appears in the said Clause 2 and as if the words "wires cables conduits and poles" were inserted in lieu of the words "line of pipes" "pipe or pipes" and "pipe line" wherever the same appear in the said Clause 5.

S.M.C. A

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:

THE FOLLOWING TERMS, CONDITIONS, COVENANTS AND RESTRICTIONS APPLY TO THE ABOVE EASEMENTS:

1. THE EASEMENTS ARE TO BE ENJOYED IN PERPETUITY.

2. THE EASEMENTS ARE TO BE ENJOYED IN PERPETUITY.

Dated this 8<sup>th</sup> day of December 1997

Signed by the above-named

SUZANNE MARIE CRABB

S.M. Crabb

in the presence of

Witness *Adrienne Margaret Newton*

Occupation ADRIENNE MARGARET NEWTON

Address LEGAL EXECUTIVE  
KAIKOHE



# EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

*Correct for the purposes of the  
Land Transfer Act*

The above/within easements when created will be/are subject to Section 243(a) Resource Management Act 1991

*Solicitor for the registered proprietor*

ALR.

PARTICULARS ENTERED  
LAND REGISTRY  
ASST 1A

2.47 09 DEC 97 D 224879-5



LINZ COPY

Palmer Macauley  
Solicitors  
KAIKOHE



## **Appendix 6**

### Transfer D643570.1



D 643570.1 TE

# **TRANSFER**

**Land Transfer Act 1952**

**This page does not form part of the Transfer.**

**TRANSFER**  
Land Transfer Act 1952

*If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.*

Land Registration District

NORTH AUCKLAND

Certificate of Title No.    All or Part?    Area and legal description — *Insert only when part or Stratum, CT*

115B	198	All	
------	-----	-----	--

Transferor Surnames must be underlined

Suzanne Marie Crabb

Transferee Surnames must be underlined

Stanley John Askew and Lorraine Patricia Askew

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No. ....; Right of way etc.*

Easement of right to convey water (continued on page 2 Annexure Schedule)

Consideration

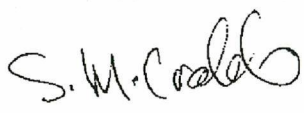
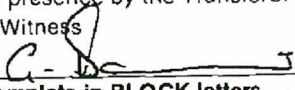
\$1.00

Operative Clause

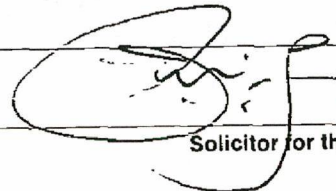
For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 20<sup>th</sup> day of November 2000

Attestation

	Signed in my presence by the Transferor
	Signature of Witness 
	<b>Witness to complete in BLOCK letters</b> <i>(unless typewritten or legibly stamped)</i>
	Witness name <b>GREGORY LESLIE DAVIS</b> Occupation <b>SOLICITOR</b> Address <b>KAIKOHE</b>
Signature, or common seal of Transferor	

**Certified correct for the purposes of the Land Transfer Act 1952**  
Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1977  
 (DELETE IN APPLICABLE CERTIFICATE)

  
 Solicitor for the Transferee



Annexure Schedule

TRANSFER

Dated

20<sup>th</sup> November 2000

Page

2

of

2

Pages

Continuation of "Estate or Interest or Easement to be created"

The Transferee shall have the right to convey water over the part of the land in Certificate of Title 115B/198 marked "A" on DP 204203 being forever appurtenant to the land of the Transferee contained in Certificate of Title ~~540/1406~~, 137D/1 ✓

The waterline shall have an internal diameter not more than 25mm.

The Transferee shall not be entitled to sell any of the water.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

S. M. Coates



Approved by Registrar-General  
of Land under No. 1995/1004

# TRANSFER

Land Transfer Act 1952

Law Firm Acting
CONNELL RISHWORTH SOLICITORS WHANGAREI

Auckland District Law Society  
REF: 4135

*Both*

REGISTRAR-GENERAL OF LAND  
LAND REGISTRY NOR. 1

PARTICULARS ENTERED IN THE  
LAND REGISTRY NOR. 1

2.07 26.SEP01 D 643570 -/

LINZ COPY ⊕

This page is for Land Registry Office use only.  
(except for "Law Firm Acting")



## **Appendix 7**

### Easement Instrument 8936241.1



# View Instrument Details



**Instrument No.** 8936241.1  
**Status** Registered  
**Date & Time Lodged** 21 Sep 2012 15:21  
**Lodged By** Millar, John Lindsay  
**Instrument Type** Easement Instrument

---

**Affected Computer Registers**    **Land District**  
NA115B/198                            North Auckland

---

**Annexure Schedule:** Contains 6 Pages.

---

## Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage 5251687.1 has consented to this transaction and I hold that consent

## Signature

Signed by John Lindsay Millar as Grantor Representative on 21/09/2012 03:18 PM

---

## Grantee Certifications

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

## Signature

Signed by John Lindsay Millar as Grantee Representative on 21/09/2012 03:18 PM

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



Approved by Registrar-General of Land under number 2002/6055

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

Land Registration District

North Auckland

BARCODE

Grantor

Surname must be underlined

Zhann Tracey

Grantee

Surname must be underlined


Far North District Council



**Grant \* of easement or *profit a prendre* or creation or covenant**

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

Dated this 22 day of September 2009 2011

Attestation

<p>S.M. Anderson Zhann Tracey by his duly authorized attorney Suzanne Marie Anderson</p>	<p>Signed in my presence by the Grantor</p> <p></p>
	<p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness Name ADRIENNE MARGARET NEWTON LEGAL EXECUTIVE KAIKOHE</p> <p>Occupation</p> <p>Address</p>
<p>Signature [common seal] of Grantor</p>	

<p></p>	<p>Signed in my presence by the Grantee</p> <p></p>
	<p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness Name LORRAINE JOY BROCKLISS ADMINISTRATOR</p> <p>Address 58 WAIPAPA RD, RD2, KERIKERI</p>
<p>Signature [common seal] of Grantee</p>	

Certified correct for the purposes of the Land Transfer Act 1952

[Solicitor for] the Grantee

\*If the consent of any person is required for the grant, the specified consent form must be used.  
REF 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2004/6055

**Annexure Schedule 1**

Easement Instrument Dated 1 / /09 Page 2 of 4 Pages

**Schedule A**

Purpose (nature and extent) of easement, Profit, or covenant	Shown (plan references)	Servient tenement ("Servient land") (Identifier/CT)	Dominant tenement ("Dominant land") (Identifier/CT or in gross)
Right to convey water	B on DP 385156	CT.NA115B/198	In gross

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

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

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule 5 of the of the Property Law Act 2007.

The implied rights and powers [**varied**] [**negatived**] [**added to**] or [**substituted**] by:

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

[the provisions set out in Annexure Schedule 2]

**Covenant provisions**

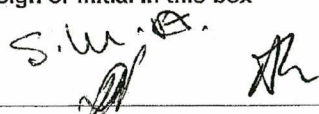
Delete phrases in [ ] and insert memorandum number as required.  
Continue in additional Annexure Schedule if required.

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

[Memorandum number \_\_\_\_\_, registered under Section 155A of the Land Transfer Act 1952]

[Annexure Schedule 2].

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





Approved by Registrar-General of Land under No. 2004/2138

**Annexure Schedule 2**

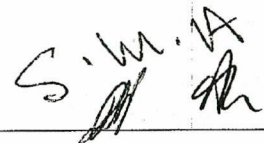
Easement Instrument Dated 1 / 11 / 2009 Page 3 of 4 Pages

*(Continue in additional Annexure Schedule, if required.)*

The Grantee shall have the easements referred to in Annexure Schedule 1 and the following additional provisions shall apply:-

1. Any terms used in this easement that are defined in the Land Transfer Regulations 2002 or in Schedule 5 of the Property Law Act 2007 shall take those meanings.
2. Where there is a conflict between the provisions of Schedule 4 of the Land Transfer Regulations, Schedule 5 of the Property Law Act 2007, and the modifications in this easement instrument, the modifications in this easement instrument shall prevail. If there is conflict between the provisions of Schedule 4 of the Land Transfer Regulations 2002 and Schedule 5 of the Property Law Act 2007 then the provisions of Schedule 5 of the Property Law Act 2007 shall prevail.
3. Reference in Clauses 3(1), 4(1), and 5(1) of Schedule 4 of the Land Transfer Regulations to the dominant land shall be deleted for the purpose of this easement instrument.
4. The Grantee shall have the right to dig up to any depth the soil of the portions of the servient land and to lay down and construct pipes of such size and material as the Grantee thinks fit for the purpose of this easement. Except in the case of emergency the Grantee will exercise its rights under this easement instrument only in dry conditions over that part of the stipulated course which is also part of the Grantor's airstrip.
5. The Grantor covenants with the Grantee not to place any buildings, erect fences or other permanent structures on the Stipulated Course without the specific prior written consent of the Grantee and the Grantor will not at any time commit or suffer any acts whereby the rights, powers, licences and liberties hereby granted to the Grantee may be interfered with or affected. The issue by the Grantee of a building consent pursuant to the Building Act 2004 (or any modification or re-enactment thereof) shall not be regarded as written consent for the purpose of this clause. The parties acknowledge that, at the date of execution of this easement instrument, the Grantor's airstrip crosses the stipulated course for the easement facility.
6. The Grantee shall be responsible for the installation, repair, replacement, and maintenance of the easement facility so as to keep the same in good order and repair and condition and to prevent the same from becoming a nuisance:-
  - (i) The cost of installation, maintenance, repair, and replacement of the easement facility will be the responsibility of the Grantee, and
  - (ii) Except in the case of emergency the Grantee will give to the Grantor not less than 48 hours notice of intention to exercise access to the easement facility for maintenance and repairs.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their Solicitors must put their signatures or initials here.

S.W.A  


Approved by Registrar-General of Land under No. 2004/2138

**Annexure Schedule 2**

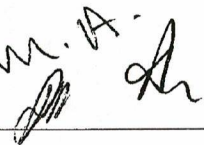
Easement Instrument Dated / /2009 Page 3 of 4 Pages

*(Continue in additional Annexure Schedule, if required.)*

The Grantee shall have the easements referred to in Annexure Schedule 1 and the following additional provisions shall apply:-

1. Any terms used in this easement that are defined in the Land Transfer Regulations 2002 or in Schedule 5 of the Property Law Act 2007 shall take those meanings.
2. Where there is a conflict between the provisions of Schedule 4 of the Land Transfer Regulations, Schedule 5 of the Property Law Act 2007, and the modifications in this easement instrument, the modifications in this easement instrument shall prevail. If there is conflict between the provisions of Schedule 4 of the Land Transfer Regulations 2002 and Schedule 5 of the Property Law Act 2007 then the provisions of Schedule 5 of the Property Law Act 2007 shall prevail.
3. Reference in Clauses 3(1), 4(1), and 5(1) of Schedule 4 of the Land Transfer Regulations to the dominant land shall be deleted for the purpose of this easement instrument.
4. The Grantee shall have the right to dig up to any depth the soil of the portions of the servient land and to lay down and construct pipes of such size and material as the Grantee thinks fit for the purpose of this easement. Except in the case of emergency the Grantee will exercise its rights under this easement instrument over the Grantor's airstrip only in dry conditions.
5. The Grantor covenants with the Grantee not to place any buildings, erect fences or other permanent structures on the Stipulated Course without the specific prior written consent of the Grantee and the Grantor will not at any time commit or suffer any acts whereby the rights, powers, licences and liberties hereby granted to the Grantee may be interfered with or affected. The issue by the Grantee of a building consent pursuant to the Building Act 2004 (or any modification or re-enactment thereof) shall not be regarded as written consent for the purpose of this clause. The parties acknowledge that, at the date of execution of this easement instrument, the Grantor's airstrip crosses the stipulated course for the easement facility.
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If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their Solicitors must put their signatures or initials here.

S.M.A.  




Approved by Registrar-General of Land under number 2002/6055

**Annexure Schedule – Consent Form***Land Transfer Act 1952 section 238(2)*Insert type of instrument  
"Caveat", "Mortgage" etc

Easement Instrument

Page 1 of 1 Pages

**Consentor**

Surname(s) must be underlined or in CAPITALS

**Capacity and Interest of Consentor**

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

ANZ National Bank Limited

(now) Mortgagee under Mortgage No.5251687.1

**Consent***Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.**Delete words in [ ] if inconsistent with the consent**State full details of the matter for which consent is required*

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

[section of the

Act

]

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

the Consentor hereby consents to:

Easement to convey water granted/created by the annexed Easement Instrument – such consent is issued by the Consentor as mortgagee under Mortgages No.320097.13, 489232.1 and C658344.2

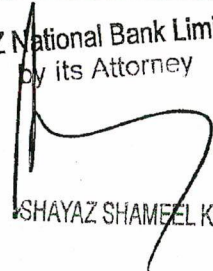
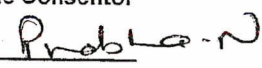
Dated this

day of

20 APR 2010

2009

**Attestation**

ANZ National Bank Limited by its Attorney  SHAYAZ SHAMEEL KHAN	Signed in my presence by the Consentor  Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed) <b>Witness Name</b> PRABHA NATARAJAN <b>Occupation</b> BANK OFFICER AUCKLAND <b>Address</b>
Signature of Consentor	

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

REF: 7029 – AUCKLAND DISTRICT LAW SOCIETY

**CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY**

I, **Shayaz Shameel Khan of Auckland, New Zealand, Team Leader, Retail Loan Support, Lending Services Centre**, certify –

1. That by deed dated 28 June 1996, ANZ National Bank Limited of Wellington, New Zealand appointed me its attorney.
2. That I have not received notice of any event revoking the power of attorney.
3. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the property being dealt with pursuant to the Deed has become the property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.



Shayaz Khan

Signed at **Auckland** this day of

20 APR 2010

Land Information New Zealand, Dealing Numbers:

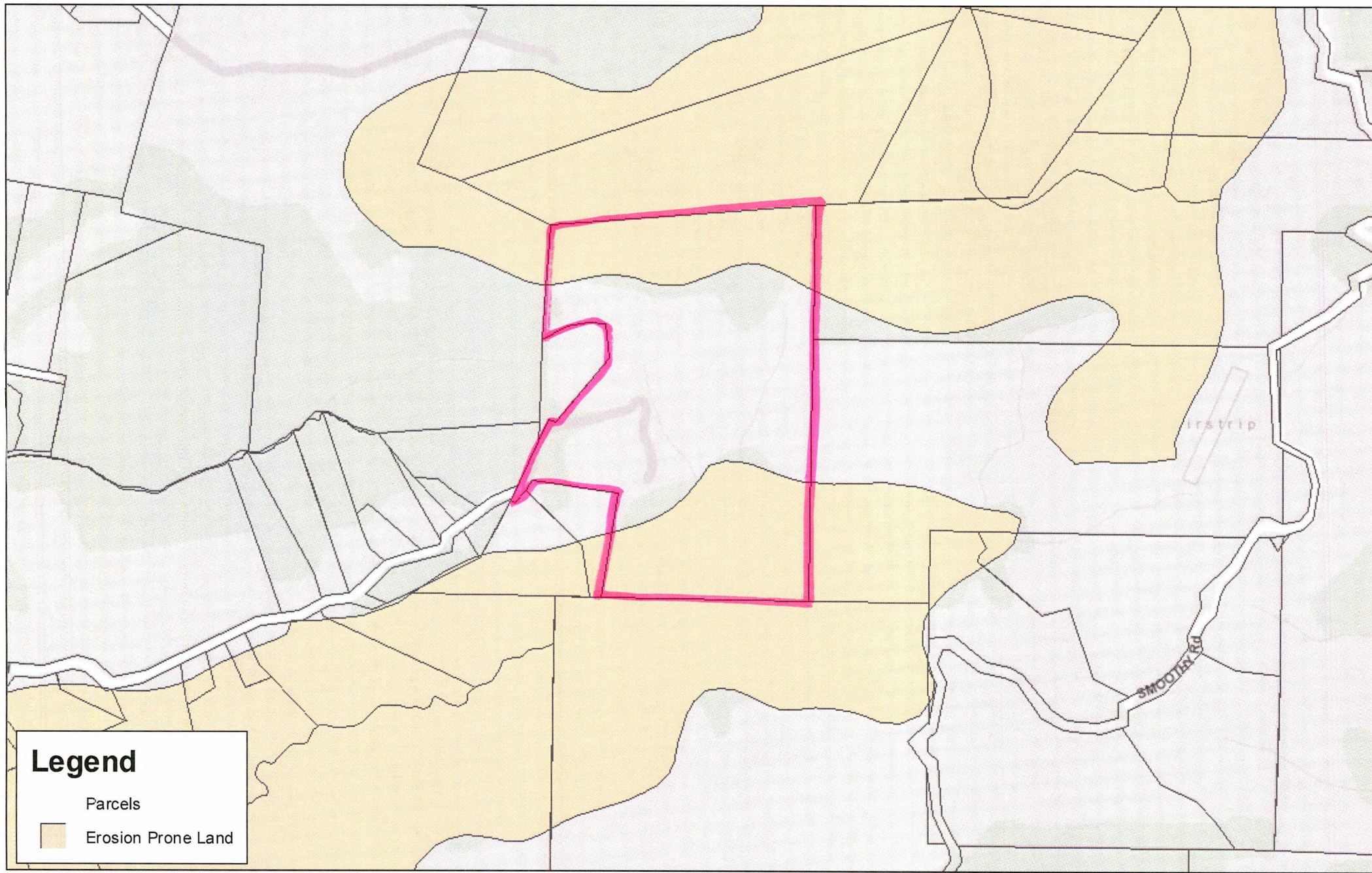
Auckland	as No.	D.016180	Hokitika	as No.	105147
Blenheim	as No.	186002	Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1	Napier	as No.	644654.1
Dunedin	as No.	911369	Nelson	as No.	359781
Gisborne	as No.	G.210991	New Plymouth	as No.	433509
Hamilton	as No.	B.355185	Wellington	as No.	B.530013.1



## **Appendix 8**

### NRC Natural Hazards Map





**Legend**

- Parcels
- Erosion Prone Land



Natural Hazards

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 DISCLAIMER:  
 The Northland Regional Council cannot guarantee that the information shown is accurate and should not be reused in any manner without proper consultation with its owner.

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