

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 Schedule 4). 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):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

*The fast track is for simple land use consents and is restricted to consents with a controlled activity status.

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

Yes No

4. 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

5. Applicant Details

Name/s:

Robert Mayes & Jamie Emery

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

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.

7. 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:

Glenda & Robert Mayes

**Property Address/
Location:**

498 Pekerau Road

Lake Ohia

Postcode

0483

8. Application Site Details

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

Name/s:	Robert Mayes & Jamie Emery		
Site Address/ Location:	498 & 456 Pekerau Road		
	Lake Ohia		
	Postcode	0483	
Legal Description:	Lots 1 & 2 DP 187604	Val Number:	
Certificate of title:	NA117C/478 & NA117C/477		

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.

GATE Locked - Dog will be Locked AWAY PLEASE CALL 0273890822

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposal to subdivide the site by way of boundary adjustment with no additional titles being created. BASIC BOUNDARY CHANGE
--

If this is an application for a 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), with reasons for requesting them.

10. Would you like to request Public Notification?

Yes No

11. 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)

12. 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:

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? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. 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

13. 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.

Your AEE is attached to this application Yes

13. 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

14. 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) Jamie Emery

Email:

Phone number:

Postal address:

(or alternative method of service under section 35 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)

JAMIE EMERY

Signature:

(signature of bill payer)

Date 12.3.2025

MANDATORY

15. 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. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

ROBERT MAYES

Signature:

[Redacted Signature]

Date 4.3.25

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)
- Details of your consultation with Iwi and hapū
- 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.

Subdivision Resource Consent Proposal

Robert Mayes and Jamie Emery

498 Pekerau Road, Lake Ohia

Date: 25/03/2025

Please find attached:

- an application form for a Subdivision Resource Consent in the **Rural Production** under the Operative District Plan; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision requires consent under the Operative District Plan as a **Restricted Discretionary Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

The proposal includes an amalgamation condition which will need to be approved by LINZ.

If you require further information, please do not hesitate to contact me.

Regards



Alex Billot

Resource Planner

Reviewed by



Sheryl Hansford

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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Appendices

- 1. Far North District Council Application Form**
- 2. Certificate of Title – LINZ**
- 3. Consent Notice D261002.2 - LINZ**
- 4. Scheme Plan – Von Sturmers Surveyors**



Assessment of Environment Effects Report

1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Subdivision

1.1 The proposal is to undertake a subdivision of Lot 2 DP187604 to create an allotment which will be amalgamated with adjoining Lot 1 DP187604. No additional Record of Titles will be created as part of this proposal. The site is located within the Rural Production zone under the Operative District Plan (ODP).

1.2 The proposed lot sizes are as follows:

- Proposed Lot 1 – 4 hectares – to be amalgamated with Lot 1 DP187604 (total combined area of 5.7 hectares).
- Proposed Lot 2 – 8.27 hectares

Areas and measurements are subject to final survey.

1.3 Due to the date of the title being prior to 2000, the proposal is able to comply with the **Restricted Discretionary** provisions for the Rural Production zone.

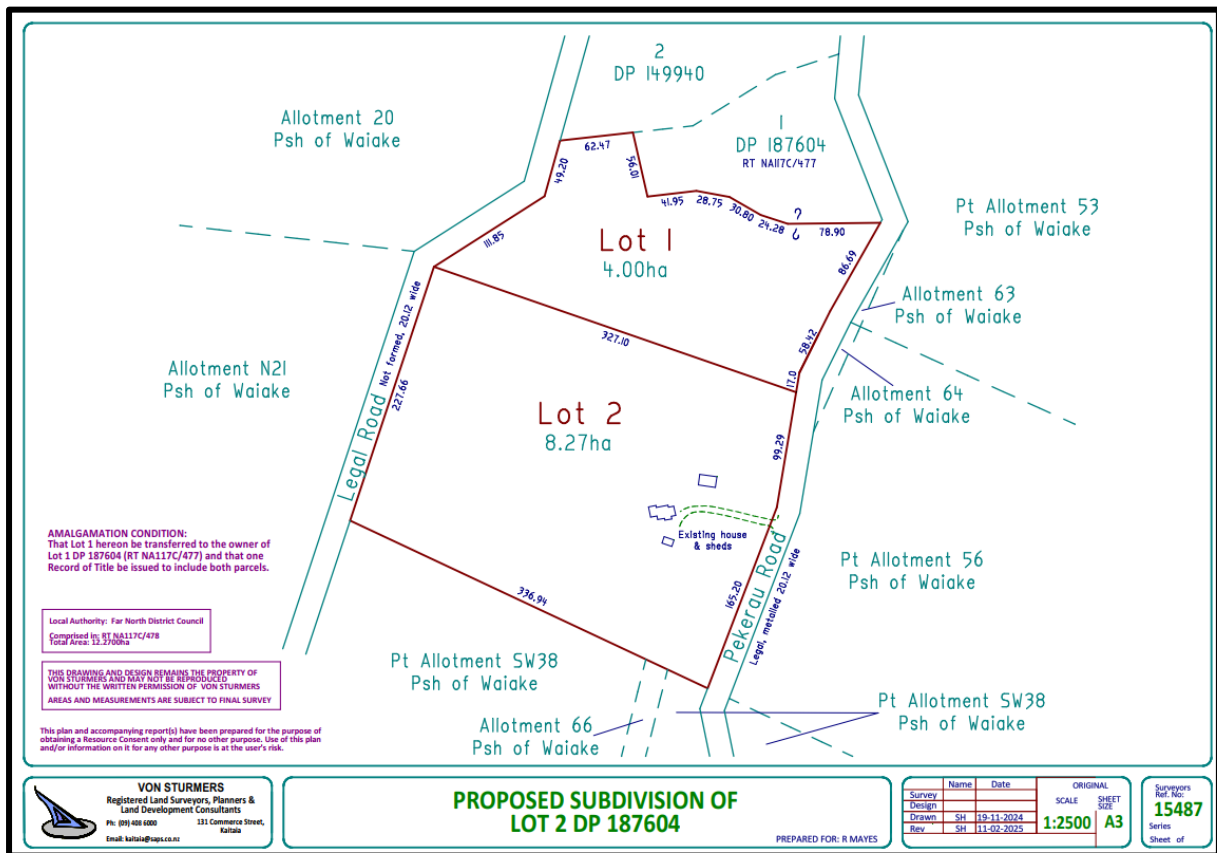


Figure 1: Proposed scheme plan



Amalgamation Condition

- 1.4 It is proposed that Proposed Lot 1 is held within the same Record of Title as adjoining Lot 1 DP187604 (NA117C/477). The following amalgamation condition is therefore proposed:

'That Lot 1 hereon be transferred to the owner of Lot 1 DP187604 (RT NA117C/477) and that one Record of Title be issued to include both parcels.'

2.0 THE SITE AND SURROUNDING ENVIRONMENT

- 2.1 The site is located at 498 Pekarau Road, Lake Ohia. The site contains an existing dwelling and sheds. Access to the site is from Pekarau Road. The site is bounded by an unformed paper road along the western boundary.
- 2.2 The majority of the site is covered in pines which the Applicant has been advised were self-seeded. There are some open areas on the site utilised as paddocks for grazing of livestock.
- 2.3 The topography of the site increases in elevation from the roadside, where the dwelling is situated on top of a hill. The remainder of the site is of rolling topography as can be seen in the images below.
- 2.4 The area of the site which is to be subdivided off and transferred to the adjoining owner, is an area of pines which the applicant does not have use for. The proposal will see the adjoining lot increase in size, which will enable a larger range of productive activities to be undertaken on the adjoining allotment, whilst having a less than minor effect on the productive capacity of the subject site.
- 2.5 The surrounding environment consists of a range of rural productive allotments of 1.6ha to larger rural productive blocks in excess of 20 hectares.

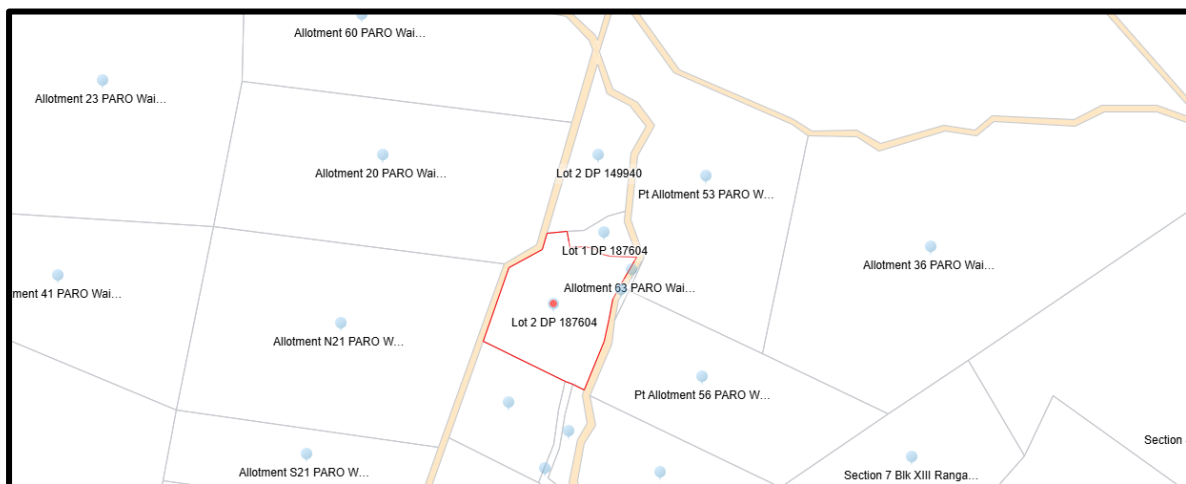


Figure 2: Site and surrounding environment. Source: Prover





Figure 3: Aerial view of the site. Source: Google Maps

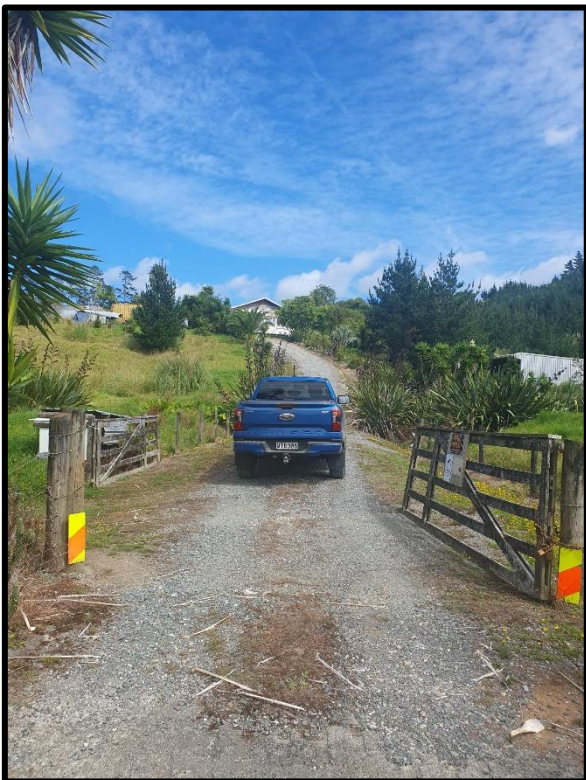


Figure 5: Existing access to the subject site. Dwelling can be seen in the distance.



Figure 4: Area of site which will be Proposed Lot 1. Self-seeded pines can be seen in this image.

3. BACKGROUND

Title

3.1 Lot 2 DP 187604 is held within Record of Title NA117C/478. The title is dated 9th April 1998 and has a legal area of 12.27 hectares. There is one consent notice registered on the title under Document D261002.2, which is dated 1998.

3.2 An assessment of the one condition held within D261002.2 has been undertaken below:

- *No building, except pursuant to Section 36 of the Building Act, is to be permitted unless Council is satisfied that its finished floor level would be at least 1 metre higher than the crown of the adjoining portion of Pekerau Road.*

3.2.1 No new buildings are proposed as part of this application.

Site Features

3.3 The site is located within the Rural Production zone within the Operative District Plan as well as being within the Rural Production zone under the Proposed District Plan.

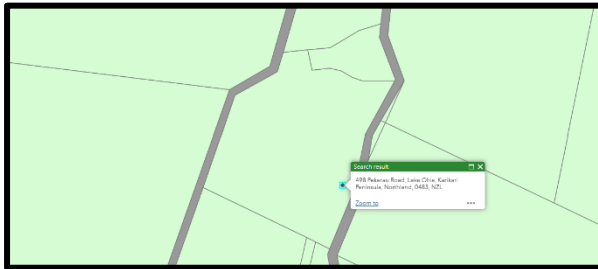


Figure 7: ODP Zoning Maps.



Figure 6: PDP Zoning Maps

3.4 Given the site's rural location there are no connections to reticulated services such as water supply, wastewater, and stormwater. There is an existing onsite wastewater system servicing the existing dwelling on Proposed Lot 2. Proposed Lot 1 is vacant land and will be amalgamated with the adjoining lot, which also contains an existing dwelling.

3.5 NZAA shows there are no archaeological sites within the property and the site is not listed as HAIL.

3.6 The western portion of the site contains soils of 6e7 (yellow shade), which are not classified as highly versatile soils. The eastern portion of the site which adjoins Pekerau Road is classified as having soils of 3w1 (green shade). Soils classified as LUC3 are considered to be highly productive land within the National Policy Statement for Highly Productive Land (NPS-HPL). As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land, consideration on the productive capacity of the land is not provided for within the discretion

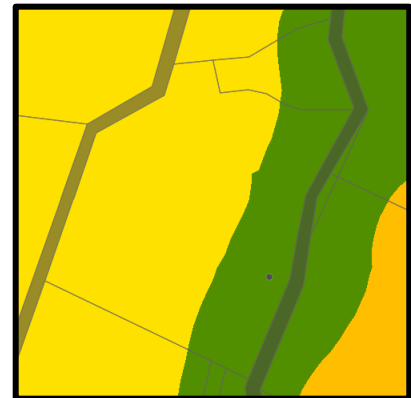


Figure 8: LUC Soils Maps



for activities with Controlled or Restricted Discretionary Activity status. However, consideration of the effect of the activity on existing land use activities must be provided for.

- 3.7 The site is not shown to contain any areas of PNA or reserves. As mentioned, the site is predominantly covered in self-seeded pine trees, with the open areas utilised for grazing of livestock. The site is shown to be on the edge of a kiwi present area, as indicated in Figure 9 below.

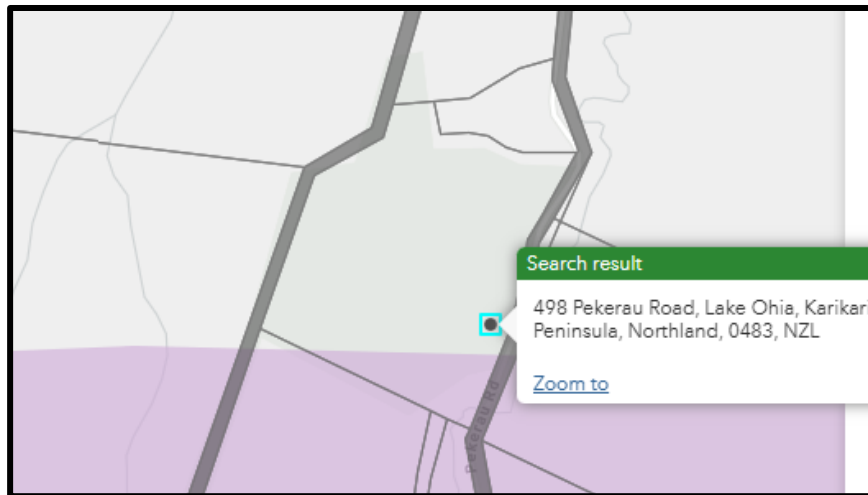


Figure 9: Specie Distribution Maps showing edge of kiwi present area.

- 3.8 The eastern portion of the site which adjoins Pekerau Road is subject to a River Flood Hazard area as per the NRC Natural Hazard Map in Figure 10. The River Flood Hazard is outside of the existing built development within Proposed Lot 2. There will be no physical changes to the site with no additional crossing places or built development proposed as all is existing.



Figure 10: NRC Hazard Maps showing flood susceptibility of the site.

- 3.9 With regard to the Regional Policy Statement for Northland the site is located outside of the Coastal Environment and is not subject to any Outstanding Natural features and landscapes.

- 3.10 The site is not located within or near a Statutory Acknowledgement Area. The site is within the rohe of Ngati Kahu.



4. ACTIVITY STATUS OF THE PROPOSAL

Weighting of Plans

- 4.1. Under the Proposed District Plan, the site is zoned as Rural Production.
- 4.2. The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 4.3. District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.

Operative District Plan

- 4.4. The site is zoned as Rural Production under the ODP, and therefore the site will be assessed against the criteria relevant to the Rural Production zone, including subdivision, zone and district wide rules.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.1	BOUNDARY ADJUSTMENTS	<p>Not applicable.</p> <p>Although the proposal will not increase the number and location of access or increase the number of certificate of titles, the proposal cannot be assessed as a boundary adjustment as the proposed lot sizes cannot comply with the allowable minimum lot sizes specified for a controlled activity, and will increase the degree of non-compliance for the subject site as it will decrease in area from 12.27ha to 8.27ha.</p> <p>Therefore, the proposal is therefore not assessed as a boundary adjustment.</p>
13.7.2.1 (i)	MINIMUM LOT SIZES	<p>Restricted Discretionary Activity.</p> <p>The title is dated 1998. The proposal will create one additional allotment, which is to be amalgamated with adjoining Lot 1 DP187604, therefore no additional titles will be created.</p>



		The proposal is able to comply with Clause 3 of the Restricted Discretionary Activity provisions, which states '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'
13.7.2.2	ALLOTMENT DIMENSIONS	<p>Complies</p> <p>Proposed Lot 2 will contain the existing built development.</p> <p>Proposed Lot 1 will be vacant land, however is to be amalgamated with adjoining Lot 1 DP187604, which contains existing built development. As such, no concept building envelope are considered to be required.</p>
13.7.2.3 - 13.7.2.9	Not Applicable for this application.	

- 4.5. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone.

Rural Production zone

- 4.6. Proposed Lot 2 is to contain the existing dwelling and shed as well as the existing accessway. Proposed Lot 1 will be vacant land which is predominantly covered in self-seeded pines. Although Proposed Lot 1 will be amalgamated with adjoining Lot 1 DP187604, the proposal will see Lot 1 DP187604 increase in size and as such, assessment of Lot 1 DP187604 is not considered required as the proposal will result in positive effects in terms of the rules within 8.6.5.1.
- 4.7. As such, assessment of Proposed Lot 2 against the rules contained within 8.6.5.1 of the ODP has been undertaken below.

ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
8.6.5.1.1	RESIDENTIAL INTENSITY	<p>Permitted</p> <p>Proposed Lot 2 will contain the single existing dwelling. There are no other dwellings located within the proposed lots.</p>
8.6.5.1.2	SUNLIGHT	Permitted



		The existing structures on Lot 2 are located over 10 metres from the new proposed boundaries such that the sunlight provisions will be adequately met.
8.6.5.1.3	STORMWATER MANAGEMENT	Permitted Proposed Lot 2 will contain the existing dwelling, shed & metalled driveway. Lot 2 is 8.27 hectares in area and as such, it is considered that this will account for less than 15% of the total site area.
8.6.5.1.4	SETBACK FROM BOUNDARIES	Permitted. The existing structures within Lot 2 are set back in excess of 10 metres from the new boundaries.
8.6.5.1.5	TRANSPORTATION	A full assessment has been undertaken in the table below.
8.6.5.1.6	KEEPING OF ANIMALS	Not applicable.
8.6.5.1.7	NOISE	Not applicable.
8.6.5.1.8	BUILDING HEIGHT	No new buildings sought.
8.6.5.1.9	HELICOPTER LANDING AREA	Not applicable.
8.6.5.1.10	BUILDING COVERAGE	Permitted The building coverage within Lot 2 is well within 12.5% of the total site area for the lot.
8.6.5.1.11	SCALE OF ACTIVITIES	Not applicable
8.6.5.1.12	TEMPORARY EVENTS	Not applicable.

- 4.8. As such, it is considered that the proposal is **Permitted** in terms of the rules under Section 8.6.5.1 of the Operative District Plan and no further assessment will be made as part of this application.

District Wide Matters

Plan Reference	Rule	Performance of Proposal
15.1.6A	TRAFFIC	Permitted Activity The proposal will create one additional allotment, which is to be amalgamated with adjoining Lot 1 DP187604. Lot 2 will contain the existing residential dwelling. The first residential unit on a site and farming activities are exempt from this rule.
15.1.6B	PARKING	Permitted Activity



		<p>Proposed Lot 2 will contain the existing residential unit which has existing parking areas that will remain unchanged as part of this proposal.</p> <p>Proposed Lot 1 will be amalgamated with adjoining Lot 1 DP187604, which has an existing dwelling and parking provisions which will remain unchanged.</p>
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	<p>Not applicable.</p> <p>No private accessways are proposed as part of this application.</p>
15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	Not applicable.
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	Not applicable.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	Not applicable.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	<p>Permitted Activity.</p> <p>(a) Proposed Lot 2 will utilise the existing crossing place from Pekerau Road which has been legally established to council standard.</p> <p>Proposed Lot 1 will utilise the existing access place to Lot 1 DP187604. No additional traffic movements will be created.</p> <p>(b) Pekerau Road is a metalled road.</p> <p>(c) The vehicle crossing will not service two or more properties.</p>
15.1.6C.1.6	VEHICLE CROSSING STANDARDS IN URBAN ZONES	Not applicable.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	<p>Permitted.</p> <p>(a) The vehicle manoeuvring within Lot 2 will remain unchanged.</p> <p>(b) Not applicable.</p> <p>(c) The sides of the driveway will remain in grass.</p> <p>(d) Stormwater will be managed on site.</p>
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	<p>(a) The site is accessed from Pekerau Road, which is considered to meet the legal road width standards.</p> <p>(b) Pekerau Road is considered to be constructed to the required standards.</p> <p>(c) Not applicable.</p> <p>(d) There are no known encroachments of the carriageway into the proposed lots.</p>
15.1.6C.1.9 – 15.1.6C..11 are not applicable to this application		

4.9. It is therefore determined that the proposal does not result in any breaches of the District Wide Rules.



Overall status of the proposal under the Operative District Plan

- 4.10. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone as per the requirements within 13.7.2.1(i).

Proposed District Plan

- 4.11. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility. HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Māori. HS-R6 relates to a hazardous facility within an SNA. HS-R9 relates to a hazardous facility within a scheduled heritage resource.	Not applicable. The site does not contain any hazardous substances to which these rules would apply.
Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable. The site is not located within a Heritage Area Overlay.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site does not contain any areas of historic heritage.
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any notable trees.
Sites and Areas of Significance to Māori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect.	Not applicable. The site does not contain any sites or areas of significance to Māori.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable. The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance.



		No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Not applicable. The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5 As stated above the mapping system records the subject site as containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.	Permitted. Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable.



		The site is not located in the Orongo Bay Zone.
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- 4.12. The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 4.13. The subject site is considered to be a productive block utilized for the grazing of livestock and self-seeded pines. A site visit and review of aerials for the site did not indicate that the site was HAIL. As such, the application has been considered **Permitted** in terms of this regulation.

National Environmental Standards for Freshwater 2020

- 4.14. NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management are met.
- 4.15. There are no wetland areas near the proposed allotments which would trigger the requirement for consent under the NES-F.
- 4.16. As such, it is considered that the proposal is **Permitted** in terms of this regulation.

Other National Environmental Standards

- 4.17. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

5. STATUTORY ASSESSMENT

Section 104C of the Act

- 5.1. Section 104C governs the determination of applications for Restricted Discretionary Activities. When considering an application for resource consent, a consent authority must consider only those matters over which a discretion is restricted in national environmental standards or other regulations, or it has restricted the exercise of its discretion in its plan or proposed plan. The consent authority can grant or refuse the application. If the application is granted, the consent authority may impose conditions under Section 108 only for those matters listed above.

Section 104(1) of the Act

- 5.2. Section 104(1) of the Act states that when considering an application for resource consent –

“the consent authority must, subject to Part II, have regard to –

(a) Any actual and potential effects on the environment for allowing the activity; and



(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and

(b) Any relevant provisions of –

(i) A national environmental standard

(ii) Other regulations

(iii) A national policy statement.

(iv) A New Zealand Coastal Policy Statement

(v) A regional policy statement or proposed regional policy statement.

(vi) A plan or proposed plan; and

(c) Any other matter the consent authority considers relevant and reasonable necessary to determine the application.'

- 5.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). The proposal is considered to have actual and potential effects that are acceptable. The proposal is a subdivision by way of boundary adjustment, where no additional titles will be created. The result of the subdivision will be an underutilised piece of land being transferred to an adjoining allotment to increase the productivity of the adjoining lot whilst not impacting the existing productive use of the site. The proposal is considered to result in a superior outcome in terms of productive use of the sites.
- 5.4. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. It is considered that all effects can be managed within the proposed lot boundaries. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Production zone.
- 5.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.
- 5.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

6. ENVIRONMENTAL EFFECTS ASSESSMENT

- 6.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4



of the Act, the following environmental effects warrant consideration as part of this application.

- 6.2. The proposal is considered to be a Restricted Discretionary activity as per rule 13.8.1. In considering whether to impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters listed in 13.8.1 & 13.7.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

Subdivision within the Rural Production Zone

- 6.3. As per Section 13.8.1 of the District Plan, in considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- *effects on the natural character of the coastal environment for proposed lots which are 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 the Department to manage and administer its land;*
- *effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*
- *the mitigation of fire hazards for health and safety of residents.*

- 6.4. The subject site is not located within the coastal environment.

- 6.5. The site is not located within 500 metres of land administered by DOC.

- 6.6. The proposal is not considered to have any effects on areas of significant indigenous flora or habitats of indigenous fauna. The proposal will create lots which can adequately manage effects within the proposed lot boundaries. The lots themselves do not contain any indigenous vegetation or indigenous fauna.

- 6.7. Proposed Lot 2 will contain the existing built development, with Proposed Lot 1 being amalgamated with adjoining Lot 1 DP187604, which also has existing built development. Mitigation of fire hazards is not considered applicable given Lot 2 has existing built development and it is not intended that Lot 1 will be built on.

Subdivision

- 6.8. In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters listed in 13.7.3.



PROPERTY ACCESS

6.8.1. The dwelling on Lot 2 is accessed via an existing crossing place from Pekerau Road. An internal metal drive leads to the dwelling on the site. There is an existing culvert under the crossing place. This will remain unchanged as part of this proposal. The existing crossing place has been legally established to council standard therefore it is not anticipated any further works are required.



Figure 11: Existing crossing and access to the dwelling on Lot 2.

6.8.2. Proposed Lot 1 will not require an access point as it will be amalgamated with adjoining Lot 1 DP187604, which has an existing crossing place. Proposed Lot 1 is not intended to be utilised for future built development and will see the productive area of Lot 1 DP187604 increased. As such, no additional traffic movements are considered to be created by this proposal.

6.8.3. An assessment of Chapter 15 was made in Section 4 of this report, which found that the proposal meets the permitted standards.

NATURAL AND OTHER HAZARDS

3.10.1 The eastern portion of the site is susceptible to river flood hazards as shown below. This area follows Pekerau Road, where a stream runs parallel to the road formation. Lot 2 will contain existing built development with the intention of Lot 1 being for productive use. The proposal will not change what is currently in existence. No other hazards are considered applicable to the site.

3.10.2 In terms of section 106 of the Act, the likelihood of natural hazards occurring is low. No material damage is expected, and the proposal is not considered to accelerate or worsen natural hazards, given that the



Figure 12: NRC Hazard Maps showing flood susceptibility of the site.



proposal will not create any additional titles and will not physically change what is currently in existence. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision consent.

WATER SUPPLY

- 3.10.3 Proposed Lot 2 contains the existing dwelling and has existing provision for water supply by way of collection of rainwater into water tanks onsite.
- 3.10.4 Proposed Lot 1 is not intended to contain a dwelling and will be utilised as productive land to support the existing dwelling on Lot 1 DP187604.
- 3.10.5 As all built development is existing, it is considered that a consent notice condition in relation to water supply is not required.

STORMWATER DISPOSAL

- 3.10.6 Lot 2 contains existing impermeable surfaces which are anticipated to be far less than 15% of the total site area. No changes to the current stormwater disposal methods are anticipated.
- 3.10.7 Lot 1 will be vacant land and is anticipated to be utilised for productive use to support the dwelling on Lot 1 DP187604.
- 3.10.8 It is therefore considered that the proposed allotments can manage stormwater runoff within the lot boundaries, without creating adverse effects on the surrounding environment or adjoining sites.

SANITARY SEWAGE DISPOSAL

- 3.10.9 Council's infrastructure is not available to this rural site.
- 3.10.10 Proposed Lot 2 contains the existing dwelling, which is serviced by an existing wastewater system. The existing septic tank and trenches are located near the existing dwelling which is located a sufficient distance from the proposed boundaries to comply with the required rules. The applicant has advised that the tank has been cleaned regularly.
- 3.10.11 Due to Lot 1 not being intended to be utilised for built development and the fact it will be amalgamated with adjoining Lot 1 DP187604 which contains an existing dwelling and septic system, no assessment of this lot in terms of sanitary sewage disposal is considered necessary. No conditions in relation to wastewater for the proposed lots are anticipated.

ENERGY SUPPLY & TELECOMMUNICATIONS

- 3.10.12 The provision for power supply and telecommunications is not a requirement for the Rural Production zone.
- 3.10.13 The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.



EASEMENTS FOR ANY PURPOSE

3.10.14 No easements are proposed as part of this application.

PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

3.10.15 The subject site does not contain any notable trees, historic sites, building or objects. The site is not known to contain any sites of historical or cultural significance. The site is not shown as containing an Outstanding Natural Feature or Landscape Feature. There are no archaeological sites listed on the property. The site is not shown to contain any areas of PNA or protected indigenous vegetation.

3.10.16 The site is shown to be on the edge of the kiwi present area. The nearest kiwi high density area is located over 2 kilometres south. As per the FNDC Practice Note for Significant Indigenous Flora and Fauna '(6) *If a subdivision is within an area of kiwi present but the circumstances listed in (iii) above do not exist within the Kiwi present areas (outside the 1km buffer) consideration may be given to conditions offered by the applicant or an advice note is appropriate.*'

3.10.17 The site is not located in close proximity to a PNA. It is not known if there are Land Care groups active in the area. Pest Control is undertaken onsite by the owner. There are no known clear links between PNAs or linkages of corridors between high density kiwi areas, given the kiwi present and high-density areas are all located to the south of the site.

3.10.18 Given the above and the fact that the proposal will not be creating any additional titles or development rights, it is considered appropriate to issue an Advice Note on the decision document advising that kiwi may be present in the area and cats and/or dogs shall be controlled at night.



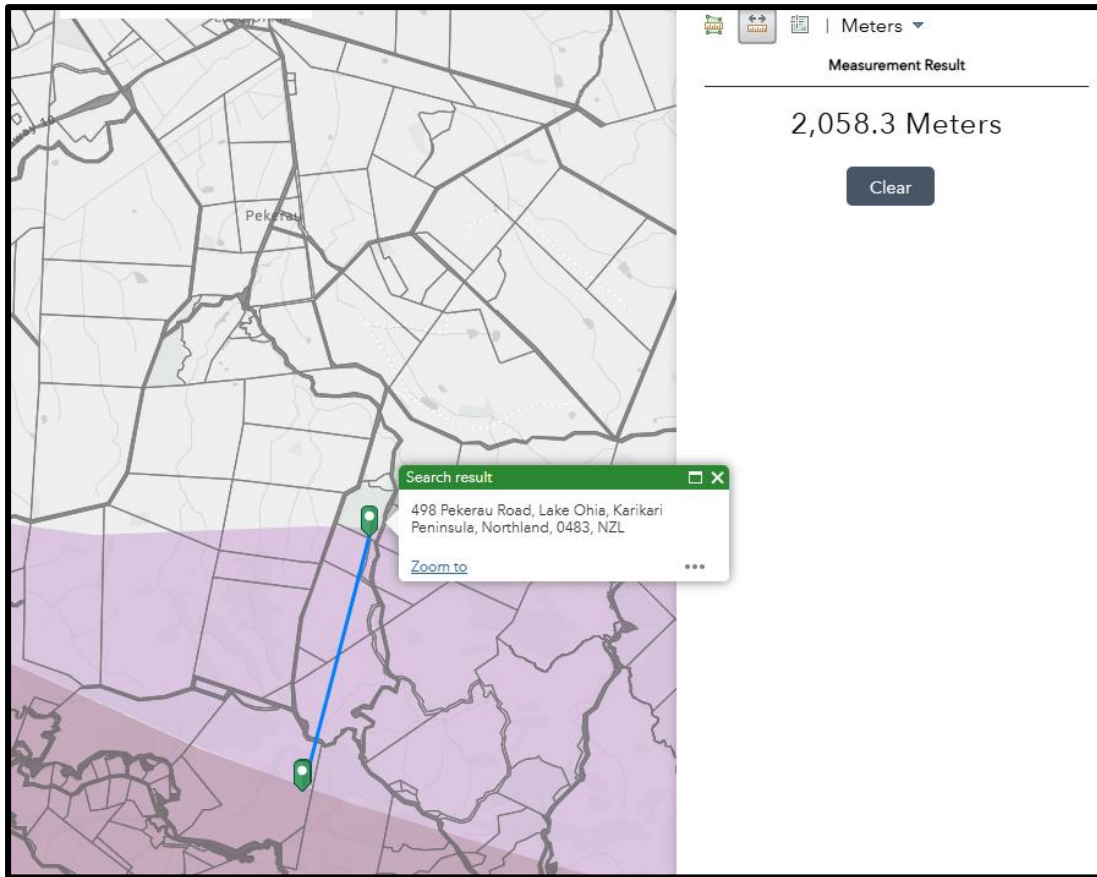


Figure 13: Species Distribution Maps showing location of site in relation to kiwi present and high density areas.

3.10.19 It is therefore considered that the proposed subdivision does not have any adverse effects on any indigenous vegetation or fauna habitats, heritage resources or landscapes.

ACCESS TO RESERVES AND WATERWAYS

3.10.20 The site does not have any access to public reserves, waterways or esplanade reserves. It is therefore considered that the provision for public access is not applicable to this proposal.

LAND USE COMPATIBILITY

3.10.21 The site and surrounding allotments are zoned Rural Production. The lot sizes vary from smaller rural lifestyle allotments of less than 2 hectares to lots in excess of 20 hectares. The typical land use is productive lots which contain a residential dwelling, or vacant lots utilised for farming activities. The proposal will see an underutilised piece of land transferred into the ownership of the adjoining lot. The adjoining lot is currently 1.6 hectares and contains a residential dwelling. The proposal will see 4 hectares of self-seeded pines subdivided off and held within the same title as the adjoining lot. This will increase the productive use of the adjoining lot, enabling a wider range of productive activities to be undertaken by the owner. The proposal will see a balance of 8.27 hectares, which will contain the applicant’s dwelling and ample area for productive use to be undertaken on the remainder of the land.



3.10.22 Given that the proposal will not see an increase in the number of titles, nor will there be any additional access points or development rights, it is considered that the proposal is compatible with activities in the surrounding environment.

3.10.23 The proposal will not alter the existing use of the site such that no effects from reverse sensitivity are anticipated. The physical traits of the land will remain with only the boundaries being altered.

3.10.24 It is therefore considered that the proposal is not objectionable with lots in the surrounding environment and does not set a precedence given it is an application enabled as a Restricted Discretionary activity within the plan and lots of similar size and land use activities are already present in the surrounding environment.

PROXIMITY TO AIRPORTS

3.10.25 The subject site is not located in close proximity to any airport boundaries.

7. POLICY DOCUMENTS

7.1. In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

7.2. In terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES), it is considered that the proposal does not trigger the requirement for investigation under the NES as detailed within Section 4 of this report.

Other National Environmental Standards

7.3. No other National Environmental Standards are considered applicable to this development.

National Policy Statements

7.4. There are currently 8 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- New Zealand Coastal Policy Statement.
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat



- 7.5. The only applicable NPS to this proposal is considered to be the NPS for Highly Productive Land which will be assessed below.

National Policy Statement for Highly Productive Land 2022

- 7.6. As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land (NPS-HPL), consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses. However, consideration of the effect of the activity on existing land use activities must be provided for.
- 7.7. As has been discussed within this report, no reverse sensitivity or incompatible land uses are anticipated. The proposal will not increase the number of titles and is ultimately a boundary adjustment where a piece of land is being transferred to the adjoining allotment to increase the productive potential of that land, without impacting the existing productive use of the subject site. The proposal will result in lots consistent with the surrounding environment and the Rural Production zone in general. Lot 2 will contain the existing dwelling and is capable of managing wastewater and stormwater within the proposed lot boundaries such that no downstream effects are anticipated. Lot 1 will be vacant land and is anticipated to remain that way given the adjoining lot which it will be amalgamated with, contains an existing dwelling and associated services. No additional access points will be required as the proposal does not result in an increase in development rights for the adjoining lot, given the site size will be less than what is required for a second residential dwelling in the Rural Production zone. Given the use of the lots will remain unchanged, no reverse sensitivity effects are anticipated.
- 7.8. As such, it is considered that the proposal will not create any reverse sensitivity effects or incompatible land uses and is consistent with the productive intent for the zone.

Other National Environmental Standards

- 7.9. It is considered that there are no National Policy Statements applicable to this proposal.

Regional Policy Statement

- 7.10. The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.
- 7.11. The proposal will result in a piece of land being subdivided off the subject site and amalgamated with the adjoining lot's title. This will ultimately increase the productive potential of the adjoining lot, which is currently less than 2 hectares in area, whilst not affecting the productive capacity of the subject site. No effects on ecosystems and biodiversity are anticipated as has been discussed throughout this report.
- 7.12. It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.



Far North Operative District Plan

Relevant objectives and policies

7.13. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area, as no new titles will be created by the proposal. The proposal is considered to be consistent with the objectives and policies of the Plan.

7.14. The below assessment will cover the relevant objectives and policies within the FNDC ODP.

Assessment of the objectives and policies within the Subdivision Chapter

7.15. The following assessment is based upon the objectives and policies contained within Sections 13.3 and 13.4 of the District Plan.

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.

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.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.

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

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability



to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.

- 7.15.1. The subdivision will be consistent with the purpose of the Rural Production zone as the allotments can comply with the allotment sizes for a Restricted Discretionary Activity. The proposed new allotments will enable *small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and minimising the likelihood and risk of incompatible land uses establishing in proximity to each other.* The subdivision is not considered to compromise the life supporting capacity of air, water, soil or ecosystems as the proposal will create allotments where all effects can be managed within the site boundaries. No reverse sensitivity effects are anticipated as has been discussed in detail within this report. The proposal is not considered to create or accelerate natural hazards, as what is currently in existence will remain unchanged with no new access points or building envelopes proposed. The site is not located within the coastal environment. There are no known heritage resources within the site or in close proximity. Onsite water storage is existing for Lot 2 and will remain unchanged. Water storage for Lot 1 is not considered applicable given it will be amalgamated with adjoining Lot 1 DP187604, which has existing water storage provisions. The proposal will result in a superior outcome as it will increase the productive potential of Lot 1 DP187604, whilst not affecting the productive capacity of the subject site. The relationship of Māori and their ancestral lands are not anticipated to be affected. Electricity supply has not been a consideration of this application. Built development on Lot 2 is existing and no new built development on Lot 1 is anticipated. Access will remain unchanged. The site is not within the National Grid.

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:

- *natural character, particularly of the coastal environment;*
- *ecological values;*
- *landscape values;*
- *amenity values;*
- *cultural values;*
- *heritage values; and*
- *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.

13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.



13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

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.

13.4.7 That the need for a financial contribution be considered only where the subdivision would:

- (a) result in increased demands on car parking associated with non-residential activities; or
- (b) result in increased demand for esplanade areas; or
- (c) involve adverse effects on riparian areas; or
- (d) depend on the assimilative capacity of the environment external to the site.

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

13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.

13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.

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.

13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.

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:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer



Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

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.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

(c) encouragement of pedestrian and cycle use;

(d) access to alternative transport facilities;

(e) domestic or community renewable electricity generation and renewable energy use.

13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:

(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;

(b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and

(c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.

7.15.2. The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage or existing land uses. Vehicular access will remain unchanged. Natural hazards have been discussed within this report, with no adverse effects anticipated. Connection to utility services is not a requirement of the Rural Production zone. No adverse effects are anticipated on neighbouring property, public roads and the natural and physical resources of the site. No vegetation removal is proposed as part of this application. The site is not known to contain any heritage resources, significant indigenous vegetation or habitats of fauna. The site is not located within the coastal environment, nor does it contain any riparian margins or areas of outstanding landscapes and features. Financial contribution is not considered necessary in this case. Water storage is existing for Lot 2. Bonus development and recipient areas are not considered relevant. The site is not located within the conservation area. The proposal is not considered to affect the relationship of Māori and their culture and traditions. NZAA maps do not show any archaeological sites within the subject site or in the vicinity. The proposal is not considered to be an intensive subdivision, and a management plan is not considered relevant.



- 7.15.3. In regard to Policy 13.4.13, the proposal can comply with the RDA provisions for the zone. No effects on natural character or its elements are anticipated. No vegetation clearance is proposed as part of this application. No new built development is anticipated given the nature of the proposal. The site does not adjoin foreshore areas or esplanade areas. The relationship of Māori with their culture, traditions and taonga are not anticipated to be affected. No planting of indigenous vegetation is proposed due to the existing use of the lots and the fact that this will not enhance any links. The site is not known to contain any areas of historic heritage. Natural hazards are not anticipated to be exacerbated as has been discussed throughout this report.
- 7.15.4. The objectives and policies of the Rural Production Environment will be undertaken below. Due to the proposal meeting the RDA provisions for the zone, it is considered consistent with the intent of the zone. No additional built development is anticipated. The proposal is not located within the National Grid.

Assessment of the objectives and policies within the Rural Environment

- 7.16. The following assessment is based upon the objectives and policies contained within sections 8.3 and 8.4.

Objectives

- 8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.*
- 8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.*
- 8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.*
- 8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna*
- 8.3.5 To protect outstanding natural features and landscapes.*
- 8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.*
- 8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.*
- 8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.*
- 8.3.9 To enable rural production activities to be undertaken in the rural environment.*
- 8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.*
- 7.16.1. The proposal will promote the sustainable management of natural and physical resources as no additional titles will be created and the existing use of the site can remain. The life supporting capacity of soils is not considered to be compromised as has been discussed within this report. No adverse or cumulative effects are anticipated. The site does not contain any areas of significant vegetation nor any areas of outstanding natural features or landscapes. Conflicts between land use activities are not anticipated as the surrounding environment already contains allotments which are utilised for similar activities. The maintenance and



enhancement of the amenity values of the zone will be promoted as the proposal can comply with the RDA provisions for the zone and is therefore considered to be anticipated within the zone. Management plans are not considered applicable to this low-density development. Rural production activities can continue within the site and surrounding environment. Amenity values will be maintained.

Policies

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.

8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.

8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).

8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.

8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.

8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.

- 7.16.2. The proposal promotes the sustainable management of natural and physical resources by utilizing the land in a more efficient way. Furthermore, the proposal will see the productive capacity of the adjoining Lot 1 DP187604 increased, given the land area will increase. The proposal is not considered to create any adverse effects. No new infrastructure is proposed. The site does not contain any outstanding landscapes or features. Amenity values will be maintained. No incompatible land uses are anticipated nor any reverse sensitivity effects, as has been discussed in detail within this report. The site is not known to contain any areas of significant indigenous vegetation or fauna. No additional traffic movements are anticipated given the nature of the proposal. The intensity, scale and type of the proposal is considered



to be consistent with other lots in the area and no adverse effects are anticipated. The proposal is considered to have a functional need as it will increase and maintain the productive capacity of the affected lots. No cumulative effects are anticipated.

Assessment of the objectives and policies within the Rural Production Zone

- 7.17. The following assessment is based upon the objectives and policies contained within sections 8.6.3 and 8.6.4

Objectives

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural environment to a level that is consistent with the productive intent of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

- 7.17.1. The proposal will promote the sustainable management of natural and physical resources by increasing the productive potential of Lot 1 DP187604, whilst not affecting the existing productive use of the subject site, which will become proposed Lot 2. Social, economic and cultural well-being will be promoted by providing lots which can provide productive use to the owners whilst still being able to be easily maintained. Amenity values will be maintained. Significant natural values will be maintained. The site is not located along Kerikeri Road. No potential conflicts between land use activities are anticipated given the existing use of the site will remain unchanged. No incompatible use or development is anticipated. No establishment or operation of activities or services is anticipated given what is in existence will remain. Rural production activities will continue to be undertaken.

Policies

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.



8.6.4.2 That standards be imposed to ensure that the off-site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.

8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.

8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects cannot be avoided remedied or mitigated are given separation from other activities

8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.

7.17.2. Farming and productive activities will be maintained and enhanced. No off-site effects are anticipated. No adverse effects are anticipated. Amenity values will be maintained and enhanced. Physical and natural resources have been taken into account. The site is not located along Kerikeri Road. No conflicting land use activities are proposed. No reverse sensitivity effects are anticipated.

Proposed District Plan

7.18. Under the Proposed District Plan, the site is zoned Rural Production, and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Rural Production Zone

7.19. An assessment on the relevant objectives and policies within the Rural Production Zone has been addressed below.

Objectives

RPROZ-01 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-02 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.



RPROZ-03 - Land use and subdivision in the Rural Production zone:

- (a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- (b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- (c) does not compromise the use of land for farming activities, particularly on highly productive land;*
- (d) does not exacerbate any natural hazards; and*
- (e) is able to be serviced by on-site infrastructure.*

RPROZ-04 - The rural character and amenity associated with a rural working environment is maintained.

7.19.1. The proposal is considered to enable primary production activities and will enable this to be provided for future generations. The proposal is considered to protect HPL by enabling lots which can continue the existing productive activities. No reverse sensitivity effects are anticipated. Natural hazards are not anticipated to be exacerbated. No additional onsite infrastructure is proposed, with the existing infrastructure remaining.

Policies

RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:

- (a) enabling primary production activities as the predominant land use;*
- (b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- (a) a predominance of primary production activities;*
- (b) low density development with generally low site coverage of buildings or structures;*
- (c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- (d) a diverse range of rural environments, rural character and amenity values throughout the District.*

RPROZ-P5 - Avoid land use that:

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;*
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- (c) would result in the loss of productive capacity of highly productive land;*



- (d) would exacerbate natural hazards; and*
- (e) cannot provide appropriate on-site infrastructure.*

RPROZ-P6 - Avoid subdivision that:

- (a) results in the loss of highly productive land for use by farming activities.*
- (b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
 - 1. the type of farming proposed; and*
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- (c) provides for rural lifestyle living unless there is an environmental benefit.*

RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*
- (d) location, scale and design of buildings or structures;*
- (e) for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation**
- (f) at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;**
- (g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- (h) the adequacy of roading infrastructure to service the proposed activity;*
- (i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- (j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

7.19.2. Each proposed lot is of a size where some form of rural productive activity can be accommodated within each lot. The proposal is not considered to create any new sensitive activities as the anticipated intended use of the lots are already existing within the surrounding environment. The rural character and amenity are considered to be maintained as the proposal will provide allotments which will enable current and any future owners to live and produce on the land. The proposal is considered to be of low density as there is ample area to offset building coverage and impermeable surface coverage within the lots. Due to the existing activities in the surrounding environment and the fact that Lot 2 already contains



built development, effects from odour, noise and dust associated with the rural working environment are not anticipated. The proposal will enhance the diverse range of character and amenity values by providing lots which current and future owners can live on as well as provide additional income or additional food source (such as vegetable gardens, livestock for home kill), increasing the economic and social aspects of the area. The proposal is considered to be consistent with the purpose, character and amenity of the Rural Production zone has been discussed throughout this report. There is a functional need for the lots in the area and zone in general. Natural hazards are not anticipated to be exacerbated. No loss of HPL is anticipated. Some form of farming activities can be undertaken within each of the allotments, which will increase the productive use of the land. Scale and character are consistent with the surrounding environment. No reverse sensitivity effects are anticipated. The site is not located at a zone interface. Infrastructure is existing for Lot 2 with no new infrastructure anticipated for Lot 1 given the nature of the proposal. Access will remain unchanged with no additional traffic movements anticipated. No effects on historic heritage, cultural values, natural features or landscape and indigenous biodiversity are anticipated. The proposal is not considered to affect any historical, spiritual or cultural association held by Tangata Whenua.

Summary

- 7.20. The above assessment demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

8. SECTION 125 – LAPSING OF CONSENT

- 8.1. The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five-year provision be applied in this case.

9. NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

Public Notification Assessment

- 9.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified;

(b) public notification is required under section 95C;

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.



- 9.1.1. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances.

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity:

(ii) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

(iv) [Repealed]

(6) [Repealed]

- 9.1.2. The application is for a Restricted Discretionary activity but not a boundary activity. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

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

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

Step 4; Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision within the rural environment where no additional titles will be created, which is considered as neither exceptional nor unusual.



Public Notification Summary

- 9.1.5. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

Limited Notification Assessment

- 9.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

Step 1: Certain affected groups and affected persons must be notified.

(2) Determine whether there are any—

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and

(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

- 9.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application.

Step 2: Limited notification precluded in certain circumstances.

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 9.2.2. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

Step 3: Certain other affected persons must be notified

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

The proposal is not for a boundary activity.

In deciding who is an affected person under section 95E, a council under section 95E(2):



(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in.

9.2.3. A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval.

9.2.4. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on, and the following comments made:

- The size of the proposed allotments is consistent with the character of allotments in the locality. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
- The proposal is not considered to create any reverse sensitivity effects.
- The proposal has been assessed as a Restricted Discretionary Activity and is therefore considered to be anticipated by the plan.
- No additional titles, access or development rights will be created as part of this proposal. What is physically in existence, as seen by the public, will remain unchanged.
- The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

9.2.5. Therefore, no persons will be affected to a minor or more than minor degree.

9.2.6. Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),



- 9.2.7. The proposal is to subdivide the site to transfer ownership of a piece of land to an adjoining owner. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

- 9.2.8. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

- 9.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

10. PART 2 ASSESSMENT

- 10.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 10.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The proposal is not located within the coastal environment nor is it located near any lakes, rivers or wetlands. The site does not contain any areas of Outstanding Natural Features and Landscapes nor any indigenous vegetation. The site is not located along the coastal marine area or near lakes or rivers where public access would be required. The site is not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The site is not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal does not increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.
- 10.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.



- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

11. CONCLUSION

- 11.1. The proposal is to undertake a subdivision as a Restricted Discretionary Activity, where no additional titles will be created. The proposal will not create any reverse sensitivity effects on existing land use activities in the area.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.
- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Restricted Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104C, 105 and 106 of the Act in relation to Restricted Discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.

12. LIMITATIONS

- 12.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 12.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 12.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 12.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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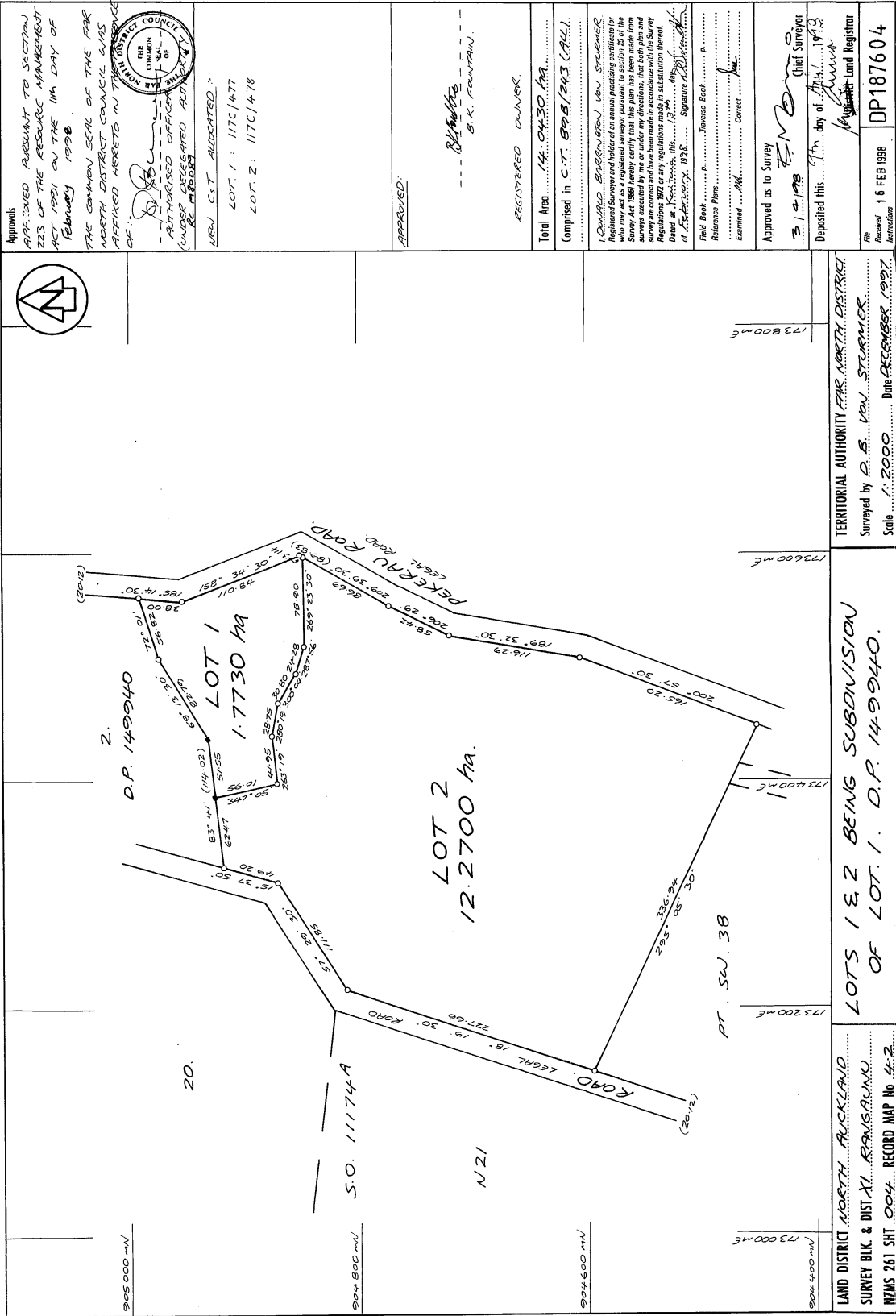
Identifier NA117C/478
Land Registration District North Auckland
Date Issued 09 April 1998

Prior References
NA89B/243

Estate Fee Simple
Area 12.2700 hectares more or less
Legal Description Lot 2 Deposited Plan 187604

Registered Owners
Robert Brent Mayes and Glenda Ann Mayes

Interests
Subject to Section 206 Land Act 1924
Subject to Section 8 Coal Mines Amendment Act 1950
D261002.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 9.4.1998 at 2.50 pm



ALL BEING SURVEYORS GENERAL LAND INFORMATION NEW ZEALAND



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Land Registration District North Auckland
Date Issued 09 April 1998

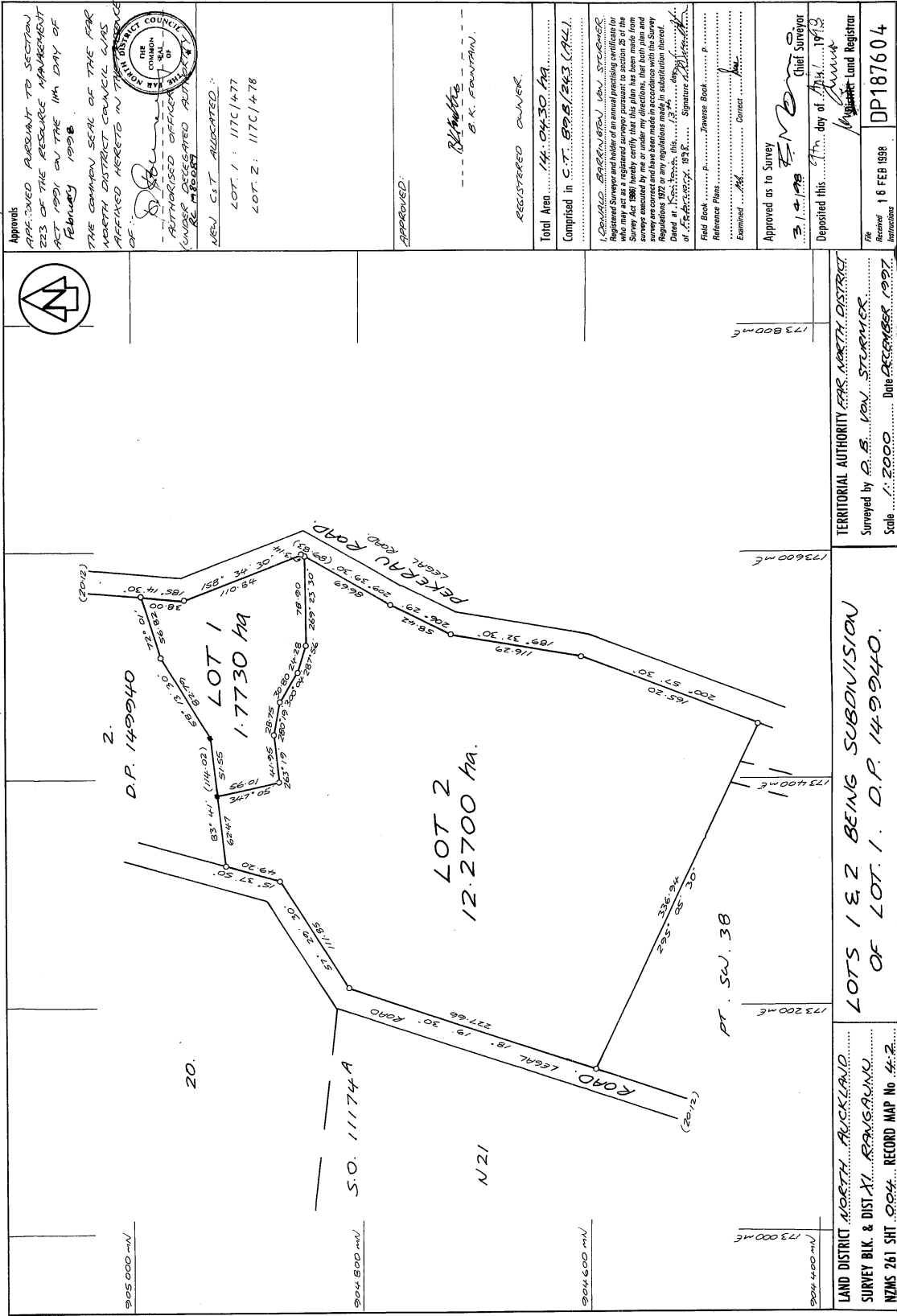
Prior References
NA89B/243

Estate Fee Simple
Area 1.7730 hectares more or less
Legal Description Lot 1 Deposited Plan 187604

Registered Owners
Leon Morar Emery and Jamie Te Awhina Emery

Interests

Subject to Section 206 Land Act 1924
Subject to Section 8 Coal Mines Amendment Act 1950
D261002.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 9.4.1998 at 2.50 pm
11604515.3 Mortgage to Westpac New Zealand Limited - 25.11.2019 at 10:52 am



ALL BEING SURVEYORS GENERAL LAND INFORMATION, NEW ZEALAND.



D261002.2 COND

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

REGARDING:

The Subdivision of
Lot 1 DP 149940
Blk XII Rangaunu SD
North Auckland Registry

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in Schedule 1 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 this Notice is to be registered on the new titles, as set out in Schedule 2 herein.


SCHEDULE 1

- (1) No building, except pursuant to Section 36 of the Building Act, is to be permitted unless Council is satisfied that its finished floor level would be at least 1 metre higher than the crown of the adjoining portion of Pekerau Road.

SCHEDULE 2

- (1) Condition (1) in Schedule 1 refers to Lots 1 and 2 DP 187604 being contained in CsT 117C/477 and 478.

SIGNED:


ENVIRONMENTAL SERVICES MANAGER for the Far North District Council

DATE:

3RD MARCH 1998

SIGNED by



as registered proprietor(s)

in the presence of:

P. G S WILD

Name

Surveyor

Occupation



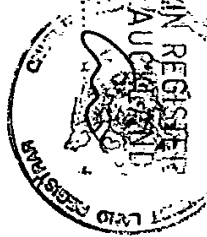
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2.50 09.APR98 D 261002

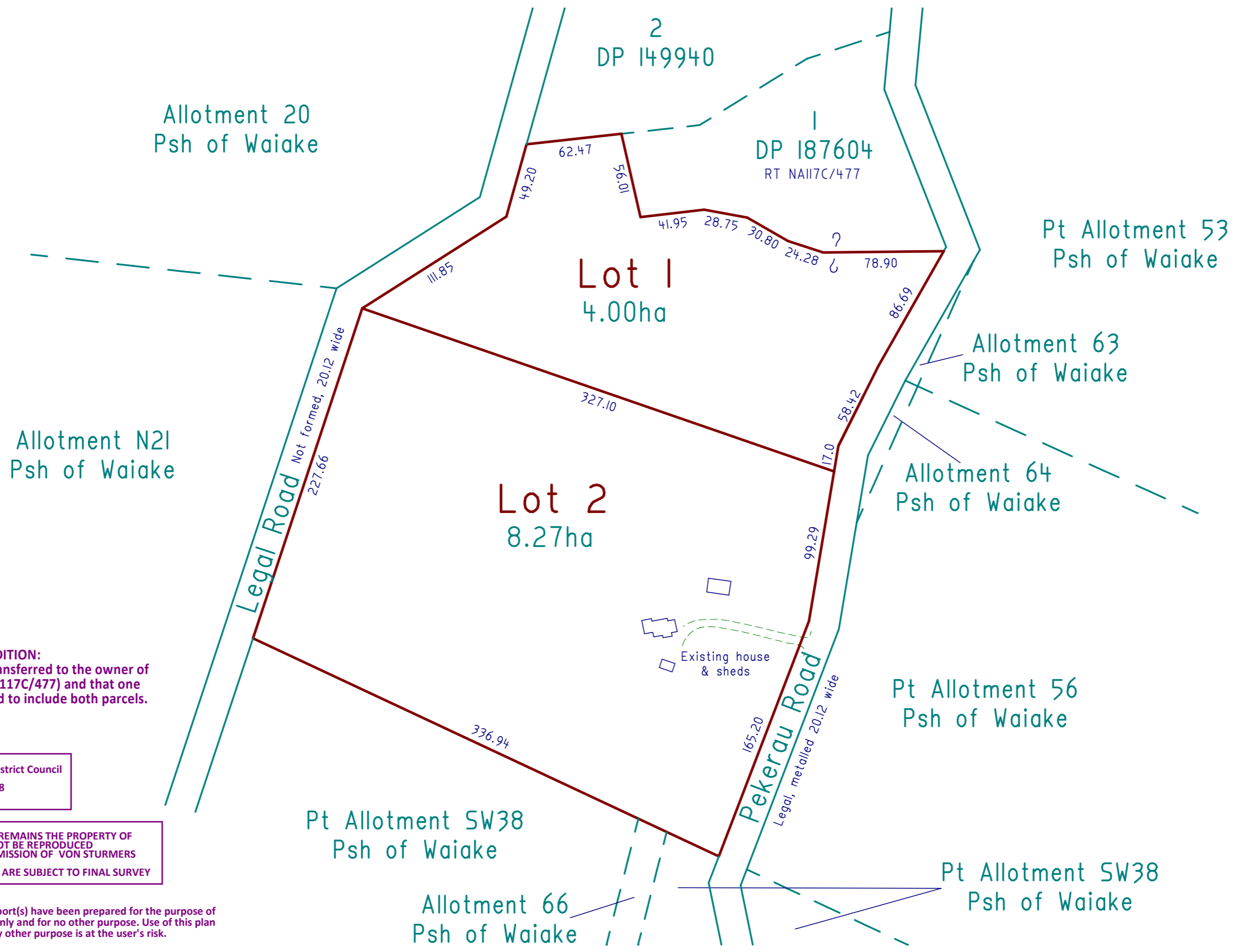
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUSTRALIA
ASST. LAND REGISTRAR



2

SC \$ 28





AMALGAMATION CONDITION:
That Lot 1 hereon be transferred to the owner of Lot 1 DP 187604 (RT NA117C/477) and that one Record of Title be issued to include both parcels.

Local Authority: Far North District Council
Comprised in: RT NA117C/478
Total Area: 12.2700ha

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

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.



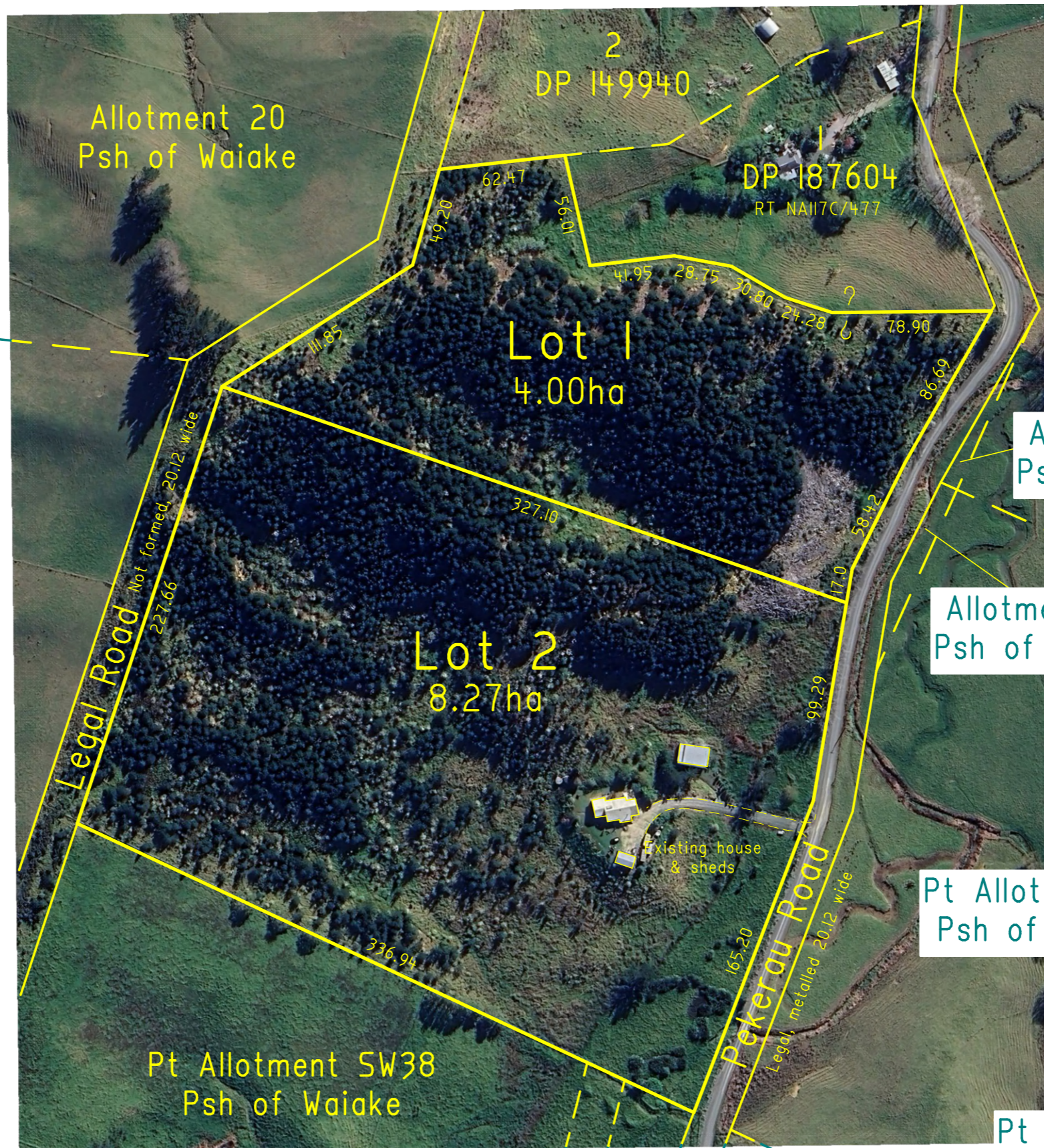
VON STURMERS
Registered Land Surveyors, Planners & Land Development Consultants
Ph: (09) 408 6000 131 Commerce Street, Kaitiāia
Email: kaitiāia@saps.co.nz

PROPOSED SUBDIVISION OF LOT 2 DP 187604

PREPARED FOR: R MAYES

Name	Date	ORIGINAL	SHEET SIZE
Survey		SCALE	
Design		1:2500	A3
Drawn	SH 19-11-2024		
Rev	SH 11-02-2025		

Surveyors Ref. No: **15487**
Series
Sheet of



Allotment N21
Psh of Waiake

Pt Allotment 53
Psh of Waiake

Allotment 63
Psh of Waiake

Allotment 64
Psh of Waiake

Pt Allotment 56
Psh of Waiake

Pt Allotment SW38
Psh of Waiake

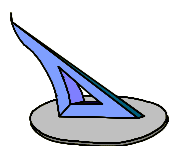
Allotment 66
Psh of Waiake

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