

# 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):*

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

\* *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](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant Details

**Name/s:**

Max Hayward

**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:**

Bay of Islands Planning (2022) 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:**

Allan Desmond Hayward, Donna Marie Sheehan, John Charles Hayward, Maxwell Roy Hay

**Property Address/  
Location:**

23 Taheke Road

Kaikohe

**Postcode**

0405

## 8. Application Site Details

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

**Name/s:**

**Site Address/  
Location:**

**Postcode**

**Legal Description:**

**Val Number:**

**Certificate of title:**

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.

## 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.

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)

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information

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

### Declaration concerning Payment of Fees

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

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

**Signature:**

(signature of bill payer)

**Date**

**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](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

## 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)

**Signature:**

Date

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

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

---

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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.

## 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)

THE HAYWARD FAMILY TRUST

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information

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

### Declaration concerning Payment of Fees

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

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

MAXWELL ROY HAYWARD (TRUSTEE)

**Signature:**

(signature of bill payer)

[Redacted Signature]

Date 12/02/2025

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](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

**BAY OF ISLANDS PLANNING (2022) LIMITED**

**Kerikeri House**  
**Suite 3, 88 Kerikeri Road**  
**Kerikeri**  
Email – [office@bayplan.co.nz](mailto:office@bayplan.co.nz) Website - [www.bayplan.co.nz](http://www.bayplan.co.nz)

---

17 February 2025

Far North District Council  
John Butler Centre  
Kerikeri

**Application seeking consent for a two-lot subdivision on Tuhuna No 14A Block in the Rural Production zone at 23 Taheke Road, Kaikohe.**

Please find attached an application for a two-lot subdivision at 23 Taheke Road, Kaikohe. The site is legally described as Tuhuna No 14A Block.

Max Hayward seeks consent to subdivide a 1.9349ha site creating two lots as a non-complying activity in the Rural Production zone within the operative Far North District Plan (ODP). Under the Proposed Far North District Plan (PDP) the application would also be assessed as a non-complying activity.

The proposed subdivision will create the following lots:

- Lot 1 – 6,000m<sup>2</sup>
- Lot 2 – 12,900m<sup>2</sup>

The application is supported by the following information –

- **Appendix A - Certificate of Title**
- **Appendix B - Scheme Plan prepared by Nigel Ross Surveyor**
- **Appendix C – NZTA Consultation**

Regards,



Andrew McPhee  
Consultant Planner



## APPLICANT & PROPERTY DETAILS

Applicant	Max Hayward
Address for Service	Bay of Islands Planning (2022) Limited Kerikeri House Suite 3 88 Kerikeri Road Kerikeri C/O – Andrew McPhee  <a href="mailto:andrew@bayplan.co.nz">andrew@bayplan.co.nz</a> 021-784-331
Legal Description	Tuhuna No 14A Block
Certificate Of Title	NA278/202
Physical Address	23 Taheke Road, Kaikohe
Site Area	1.9349 hectares
Owner of the Site	Allan Desmond Hayward, Donna Marie Sheehan, John Charles Hayward, Maxwell Roy Hayward and Michael John Colebrook
Operative District Plan Zone / Features	Rural Production Zone (ODP)
Proposed District Plan	Rural Production Zone (PDP)
Archaeology	Nil
NRC Overlays	Nil
Soils	Township / 2s1
Protected Natural Area	Nil
HAIL	Nil

### Schedule 1

## SUMMARY OF PROPOSAL

Proposal	A two-lot subdivision in the Rural Production zone at 23 Taheke Road, Kaikohe.
Reason for Application	The lot sizes proposed are not provided for within the ODP making the application for subdivision a non-complying activity.
Appendices	Appendix A - Certificate of Title Appendix B - Scheme Plan prepared by Nigel Ross Surveyor Appendix C – Correspondence with NZTA
Consultation	Consultation was undertaken with NZTA regarding the entrance off the State Highway. A record of correspondence is provided in Appendix C.
Pre Application Consultation	NZTA, as above.

## 1.0 INTRODUCTION

The applicant, Max Hayward, seeks resource consent to undertake a subdivision in the Rural Production zone at 23 Taheke Road (State Highway 12), Kaikohe. The site is legally described as Tuhuna No 14A Block. The title is provided in **Appendix A**.

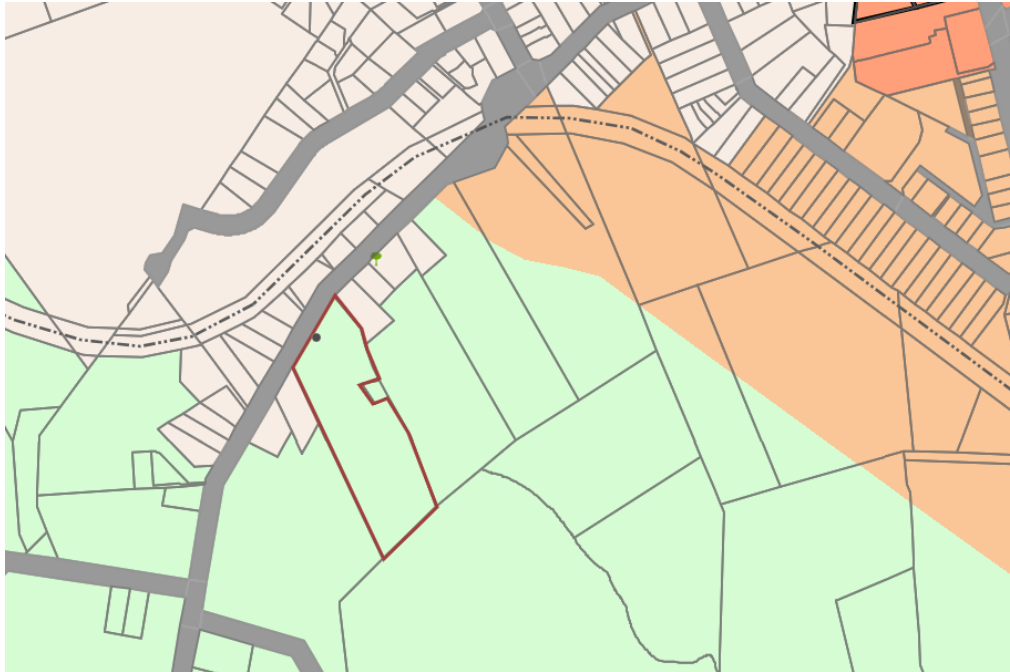
## 2.0 DESCRIPTION OF THE SITES AND SURROUNDS

The site is situated on the southern side of State Highway 12 amongst what can be best described as the south-western extent of the urban area of Kaikohe Township. The site is surrounded by Residential zoned land on both sides running adjacent to the State Highway, and on the opposite side of the State Highway. To the south the land is zoned Rural Production.

In 1988 Council purchased an area (Lot 1 DP 129504) of the site for a sewage pump station, which is located along the eastern boundary of the site. Access to this pump station is by way of a right of way easement over the applicant's site (see **Appendix A**).



Figure 1: Site Aerial (Source: Proposed District Plan Maps)



**Figure 2: Zoning (Source: Far North Maps)**

The zoning of the site as Rural Production in the current (and proposed) zoning framework within Kaikohe appears to be an anomaly, in so far that the Rural Production zoning splits the Residential zoning on the southern extent of the Taheke Road. Ordinarily zoning within the district plan urban zoning is contiguous and avoids spot zoning of this nature.

It is also noted that the absence of a consistently applied Rural Living zone around the periphery of the urban zones in the Kaikohe Township is another anomaly. While there are pockets of Rural Living zoned land to the northeast and the south, it is difficult to determine or understand Council's direction for Kaikohe in terms of where the next tranche of urban land will be considered.

The subject site contains an existing dwelling on the northern extent adjacent to the Taheke Road. The site south of the dwelling is largely vacant being generally grass covered with areas that have been planted as a private orchard.

All boundaries of the site are well vegetated, including the boundary of the right of way providing access to the pump station.

There are two access points to the site, one being utilised for the dwelling and the other providing a separate gated right of way entrance for Councils pump station (see Figure 3).



**Figure 3: Access to the site (Source: Google Earth)**

The site is not subject to any known hazards.

The site is not located within a Kiwi present area.

The landholding is a mix of soils identified as being ‘Township’ (coloured black) and Class 2 soils considered to be highly productive in accordance with the National Policy Statement for Highly Productive Land (**NPS-HPL**) (see Figure 4 below).



**Figure 4: Land Use Classification (Source: Far North Maps)**

### **3.0 RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS**

The Record of Titles are attached at **Appendix A**. There are no consent notices that apply to either site.

#### 4.0 DESCRIPTION OF PROPOSAL

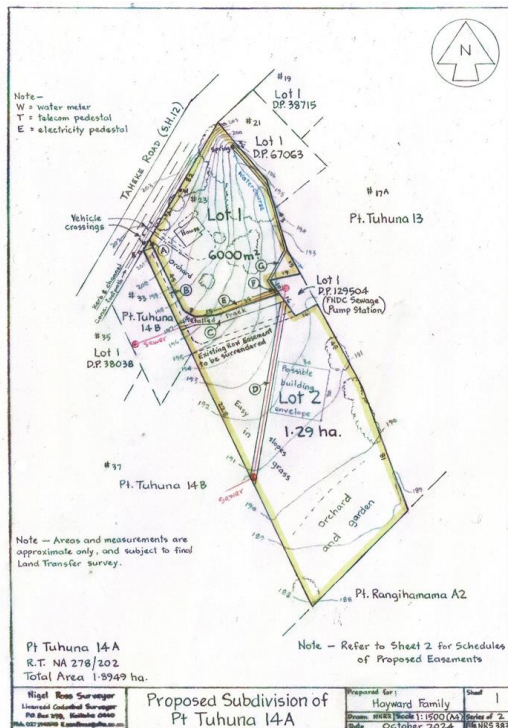
The applicants propose to undertake a subdivision at 23 Taheke Road (State Highway 12), Kaikohe, legally described as Tuhuna No 14A Block.

The proposal seeks to subdivide a 1.9349ha site creating two lots as a non-complying activity in the Rural Production zone within the ODP. The proposal also seeks to surrender existing easements and reapply them so that they follow the existing alignment of access from Taheke Road to the wastewater pump station site.

The proposed subdivision will create the following lots:

- Lot 1 – 6,000m<sup>2</sup>
- Lot 2 – 12,900m<sup>2</sup>

The proposal will be in accordance with the scheme plan provided in **Appendix B**.



**Figure 5: Proposed Scheme Plan (Source: Nigel Ross Surveyor)**

Access and power are currently available to the existing dwelling. No development on Lot 2 is proposed at this juncture. Given the location of the site adjacent to urban zoning and surrounding land use, it is considered that power is a matter that can be addressed as a consent notice condition when development is proposed on Lot 2 at a later juncture.

Proposed Subdivision of Pt Tuhuna 14A  
Sheet 2 - Schedules of Proposed Easements

Memorandum of Easements in Gross			
Purpose	Shown	Burdened Land	Grantee
Right-of-Way			
Right to convey electricity and water	(A) (B)	Lot 2 hereon	Far North District Council
Right-of Way, Right to convey sewage, electricity and water	(C)		
Right to convey sewage	(D)		
Right to convey sewage	(E) (F)	Lot 1 hereon	

Note - The existing Right-of-Way Easement, shown (A) on DP 129504, and created by Transfer C089591.2, is to be surrendered and replaced with Easements (A) (B) and (C)

Memorandum of Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right to convey electricity	(A)	Lot 2 hereon	Lot 1 hereon

Schedule of Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right to convey water	(F) (G)	Lot 1 hereon	Lot 2 hereon

File: NRS 383

Access to proposed Lot 2 can be provided through the existing formed access providing right of way to the pump station. The correspondence undertaken with NZTA confirms that the agency is comfortable with the current access arrangement for the site and have asked the applicant to volunteer an advice note to reconsider the access for proposed Lot 2 at a time when a change in land use is proposed (refer **Appendix C**). The applicant is happy to accept this advice note.

The existing dwelling on proposed Lot 1 is already serviced in terms of potable water, sewage, telecommunications and electricity. It is considered that consent notice conditions can be applied to proposed Lot 2 in respect of formalising these services as no development is proposed at this juncture. The site is large enough for these services to easily be accommodated.

Given the location of the site in proximity to Council services, there may be an opportunity to connect to reticulate services if sought by the applicant and accepted by Council.



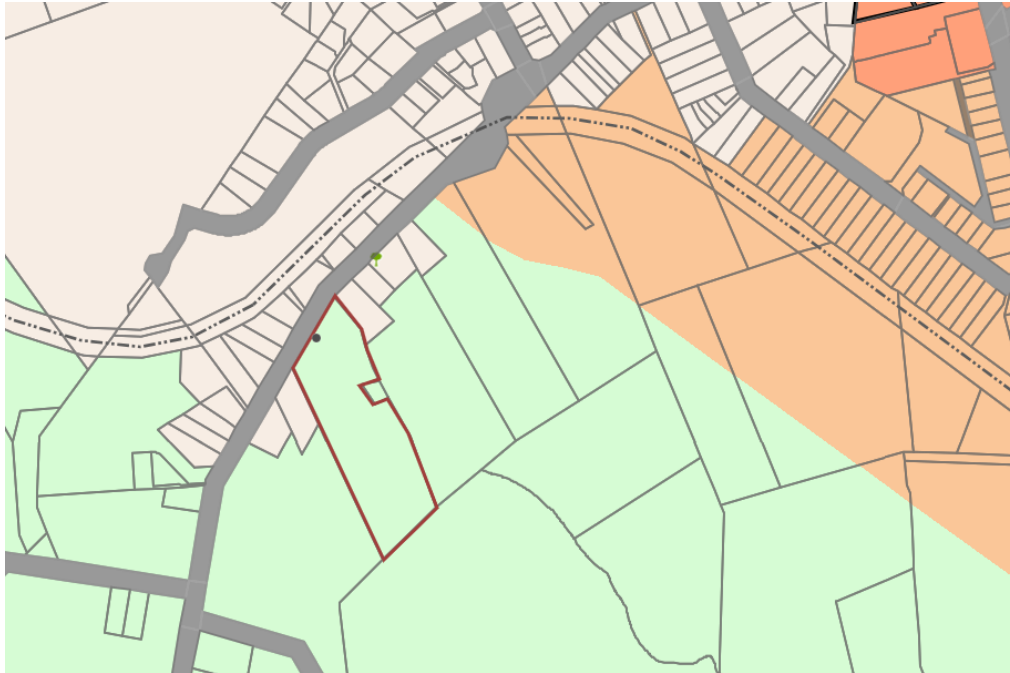
**Figure 6: FNDC Water Services (Source: Far North Maps)**

The subdivision is considered to be a **Non-complying** under the ODP.

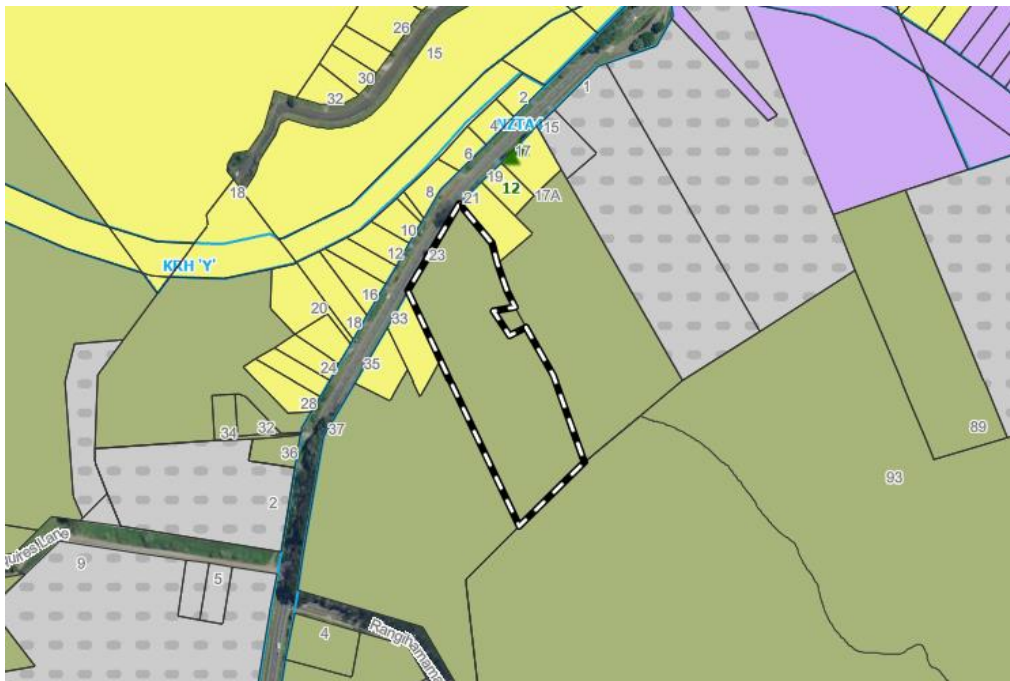
Based on the assessment of environmental effects provided below, it is concluded that any potential adverse effects arising from the subdivision would be less than minor and can be mitigated through appropriate conditions of resource consent.

## **5.0 DISTRICT PLAN ASSESSMENT (OPERATIVE AND PROPOSED)**

The Far North District Council (FNDC) zones the sites Rural Production in the ODP and Rural Production in the Proposed Far North District Plan (PDP). There are no identified Resource Features applicable.



**Figure 7: ODP zone – Rural Production (Source: Far North Maps)**



**Figure 8: PDP zone – Rural Production (Source: PDP Maps)**

The subdivision is subject to performance standards as set out in Table 1 below:



**Table 1 - Subdivision Performance Standards**

<b>Subdivision Performance Standard</b>	<b>Comment</b>
<b>Rule 13.6.1 Definition of Subdivision of Land</b>	The application meets the definition of subdivision as defined in the Resource Management Act 1991 ( <b>RMA</b> ).
<b>Rule 13.6.2 Relevant Sections of Act</b>	These are applied to the application.
<b>Rule 13.6.3 Relevant Sections of the District Plan</b>	These are applied to the application.
<b>Rule 13.6.4 Other Legislation</b>	Part of the site is subject to the NPS-HPL. This matter is assessed below.
<b>Rule 13.6.5 Legal Road Frontage</b>	The site is currently accessed via Taheke Rd (State Highway 12).
<b>Rule 13.6.6 Bonds</b>	Not applicable.
<b>Rule 13.6.7 Consent Notices</b>	No consent notices apply to the subject site.
<b>Rule 13.6.8 Subdivision consent before work commences</b>	Minimal physical works will be required to complete the subdivision (if any).
<b>Rule 13.6.9 Assessing Resource Consents</b>	The application is non-complying so Council may impose conditions to address effects of the proposal.
<b>Rule 13.6.10 Joint Applications</b>	Not applicable.
<b>Rule 13.6.11 Joint Hearings</b>	Not applicable.
<b>Rule 13.6.12 Suitability for Proposed Land Use</b>	The application does not create significant risk from natural hazards and has made sufficient provision for legal and physical access to each of the allotments proposed.
<b>Rule 13.7.2 Allotment Sizes, Dimensions and Other Standards</b>	
<b>Performance Standard</b>	<b>Comment</b>
<b>Rule 13.7.2.1 – Minimum Lot Sizes</b>	<p>The proposed two lot subdivision creates lots that are smaller than those provided for in the ODP.</p> <p>Minimum lot size for a discretionary subdivision is 4ha.</p> <p><b>Non-complying</b></p>

<b>Subdivision Performance Standard</b>	<b>Comment</b>
<b>Rule 13.7.2.2 – Allotment dimensions</b>	All new allotments can contain a 30m x 30m allotment dimension.
<b>Rule 13.7.2.3 - Amalgamation of land in a rural zone with land in an urban or coastal zone</b>	Not applicable.
<b>Rule 13.7.2.4 – Lots divided by zone boundaries</b>	Not applicable.
<b>Rule 13.7.2.5 - Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature</b>	Not applicable.
<b>Rule 13.7.2.6 – Activities, Utilities, Roads and Reserves</b>	Not applicable.
<b>Rule 13.7.2.7 – Savings as to previous approvals</b>	Not applicable.
<b>Rule 13.7.2.8 – Proximity to Top Energy transmission lines</b>	Not applicable.
<b>Rule 13.7.2.9 – Proximity to National Grid</b>	Not applicable.

**Table 2 - Natural and Physical Resources - Performance Standards**

<b>Chapter 12 – Natural and Physical Resources</b>	
<b>12.1 Landscapes and Natural Features</b>	Not applicable.
<b>12.2 Indigenous Flora and Fauna</b>	The site does not contain any significant areas of indigenous vegetation. No vegetation clearance is proposed as part of the subdivision. The sites do not contain any habitats of indigenous fauna.
<b>12.3 Soils and Minerals</b>	No earthworks are required as part of the subdivision.
<b>12.4 Natural Hazards</b>	The site is not affected by natural hazards.
<b>12.5 Heritage</b>	Not applicable.
<b>12.6 Air</b>	Not applicable.
<b>12.7 Lakes, Rivers Wetlands and the Coastline</b>	Not applicable.
<b>12.8 Hazardous Substances</b>	Not applicable.

<b>12.9 Renewable Energy and Energy Efficiency</b>	Not applicable.
--	-----------------

**Table 3 - Transportation Performance Standards**

<b>Chapter 15 - Transportation</b>	
<b>15.1.6A.2 Traffic Intensity</b>	<p>The proposed subdivision will only generate one additional lot. While no development is proposed at this juncture, standard residential units generate 10 one-way vehicle movements per unit in accordance with Appendix 3A – Traffic Intensity Factors. One dwelling can be reasonably expected per site and would be exempt.</p> <p>60 traffic movements are permitted.</p> <p><b>Complies</b></p>
<b>15.1.6B.1 Parking</b>	<p>No development is proposed at this juncture, however the proposed sites are of sufficient size to provide parking and manoeuvring for two vehicles.</p> <p><b>Complies</b></p>
<b>15.1.6C Access</b>	<p>As shown on the scheme plan, a vehicle crossing is already provided for each of the two proposed Lots. A right of way easement exists over proposed Lot 2 for a right of way in favour of FNDC for the sewage pump station.</p> <p>The access is onto a State Highway so is not a permitted activity. Consultation has been undertaken with NZTA and provided in <b>Appendix C</b>.</p> <p><b>Discretionary</b></p>
<b>15.1.6C.1.8 Frontage to Existing Roads</b>	<p>The proposed sites are all accessed Taheke Road (State Highway 12).</p> <p><b>Complies</b></p>

An assessment of the proposal against the relevant land-use rules of the ODP is provided where it relates to existing built development:

**Table 4 – Land-Use Performance Standards**

<b>Rural Production Zone</b>	
Rule 8.6.5.1.1 Residential Intensity	<p>There is a dwelling on proposed Lot 1. No development is proposed on Lot 2 at this juncture, however the scheme plan shows an indicative a 30 x 30 building envelope.</p>

<b>Rural Production Zone</b>	
	<b>Complies</b>
Rule 8.6.5.1.2 Sunlight	The dwelling on Lot 1 is existing and complies with this standard. No development is proposed on Lot 2 at this time.  <b>Complies</b>
Rule 8.6.5.1.3 Stormwater Management	15% is permitted on each site.  Lot 1 contains a dwelling and a short driveway and parking area. The site can accommodate 900m <sup>2</sup> as a permitted activity. It is estimated that the total impermeable surface for this property is below 400m <sup>2</sup> .  Lot 2 contains little impermeable surfaces. The right of way is a metal track providing access to the pump station is the only resemblance of an impermeable surface aside from the two small sheds on the property. The site can accommodate 1,935m <sup>2</sup> as a permitted activity.  <b>Complies</b>
Rule 8.6.5.1.4 Setback from Boundaries	No proposed lots create a new breach to setback from boundaries.  <b>Complies</b>
Rule 8.6.5.1.5 Transportation	Refer to Chapter 15 – Transportation for Traffic, Parking and Access above.
Rule 8.6.5.1.6 Keeping of Animals	Not applicable.
Rule 8.6.5.1.7 Noise	Residential activity.  <b>Complies</b>
Rule 8.6.5.1.8 Building Height	All existing buildings are less than 12m in height.  <b>Complies</b>
Rule 8.6.5.1.10 Building Coverage	12.5% is permitted on each site. Proposed Lot 1 contains a dwelling, which is well under the permitted threshold of 750m <sup>2</sup> building coverage.  Proposed Lot 2 contains two small sheds, which are well under the permitted threshold of 1,612.5m <sup>2</sup> building coverage.  No additional buildings proposed.

Rural Production Zone	
	<b>Complies</b>
Rule 8.6.5.1.11 Scale of Activities	Not applicable.
Rule 8.6.5.1.12 Temporary Activities	Not applicable.

Overall, this subdivision application falls to be considered as a **Non-complying** activity.

In terms of the PDP, the following rules are assessed in Table 4 below.

**Table 5 – PDP Standards**

Proposed District Plan				
Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource HS-R5, HS-R6, HS-R9	N/A	Yes	Not proposed  <b>Permitted Activity</b>
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps)	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>

This chapter applies to scheduled heritage resources – which are called heritage items in the map legend				
Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	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	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Ecosystems and Indigenous Biodiversity (SNA are not mapped – will need to determine if indigenous vegetation on the site for example)	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	No proposed vegetation clearance.  <b>Permitted Activity</b>
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	N/A	Yes	No earthworks are required for the subdivision.  <b>Permitted Activity</b>
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	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	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>

Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A	Yes	Not indicated on Far North Proposed District Plan  <b>Permitted Activity</b>
Subdivision	SUB-R6, R13-R15, and R17	Yes	Yes	Whilst subdivision is proposed the rules with legal effect are not relevant.  <b>Permitted Activity</b>
<b>Comments:</b>				
No consent is required under the PDP.				

## 6.0 STATUTORY CONSIDERATIONS

Section 104B of the RMA governs the determination of applications for Non-complying activities:

### 104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

With respect to Non-complying activities, a consent authority may grant or refuse the application, and may impose conditions under section 108 of the RMA.

Section 104 of the RMA states that when considering an application for a resource consent, “the consent authority must, subject to Part II, have regard to –

- (i) any actual and potential effects on the environment of allowing the activity; and
- (ii) any relevant provisions of –
- (iii) a national environment standard;
- (iv) other regulations;
- (v) a national policy statement; and
- (vi) a New Zealand Coastal Policy Statement;
- (vii) a regional policy statement or proposed regional policy statement;
- (viii) a plan or proposed plan; and
- (ix) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”

The matters to be addressed under s104 are discussed below which has been guided, where relevant, by the assessment criteria in section 13.10 of the ODP.

No Regional Plan matter is considered to be pertinent to the considerations as no consents are required in this respect.

Section 104 (1)(a) Assessment of Effects on the Environment

**Visual character and amenity effects**

The proposed lots are smaller than the minimum area provided for within the ODP in the Rural Production zone, therefore regard should be had to the effects of the development upon visual character and amenity of the wider environment.

As identified earlier in the report, the landholding is located in a Rural Production zone, surrounded on three boundaries by the Residential zone. Proposed Lot 1 at 6,000m<sup>2</sup> is not out of place with the surrounding properties on Taheke Road, which present as an urban environment (see Figures 9 & 10 below).

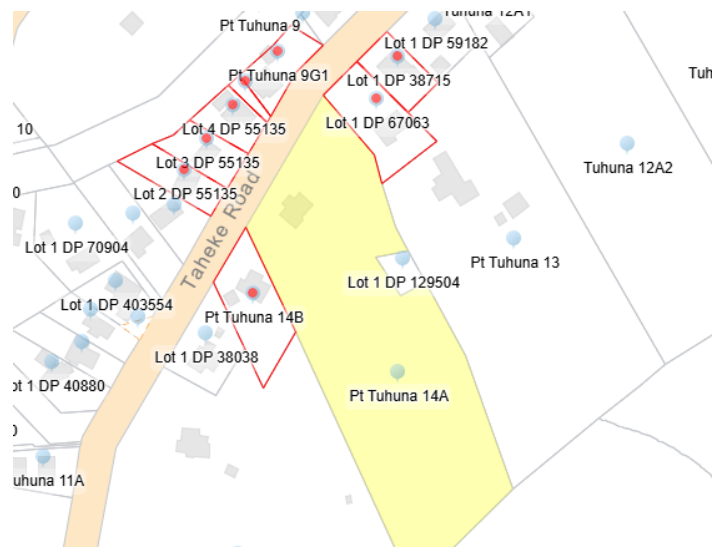
There is no development proposed on Lot 2 at this juncture. However, the larger landholding is abutting the urban area (Residential zone) in Kaikohe and should ordinarily have a Rural Living zone applied. The context within the ODP Rural Living zone is clear that the zone is intended to be “...an area of transition between town and country. The transition is expressed in terms mainly of residential intensity and lot sizes.” For reasons not known, Kaikohe is largely bereft of the Rural Living or transition zone, which would ordinarily apply to land abutting an urban zoning.

In terms of utility, the size of the subject site renders it largely uneconomic for rural production activities. Further commentary is provided below in terms of NPS-HPL.

Use of the site for traditional rural production activities would likely incur adverse effects on those neighbouring sites zone Residential.

It is therefore considered that any adverse effects associated with the character and amenity of the environment in this location will be less than minor.





Address	Suburb	Town	Capital Value	Owners	Last Sale Date	Last Sale Price	Land Area	Floor Area
21 Taheke Road	Kaikohe	Far North	400000	Malcolm James Kildare	29 Aug 2006	170000	1,965 m <sup>2</sup>	100 m <sup>2</sup>
19 Taheke Road	Kaikohe	Far North	400000	Honihana Kingi Reihana, Maureen Joanne Reihana	19 Jun 2016	180000	1,012 m <sup>2</sup>	120 m <sup>2</sup>
33 Taheke Road	Kaikohe	Far North	525000	Paul Wihongi, Sally Anne Wihongi	23 Jun 2011	250000	2,023 m <sup>2</sup>	140 m <sup>2</sup>
14 Taheke Road	Kaikohe	Far North	305000	Te Akau Nikora	01 Jan 1900	53000	1,029 m <sup>2</sup>	120 m <sup>2</sup>
12 Taheke Road	Kaikohe	Far North	415000	Hare Riiwhi Pou, Azaria Louise Rakete	04 Aug 2015	205000	1,019 m <sup>2</sup>	130 m <sup>2</sup>
10 Taheke Road	Kaikohe	Far North	350000	John Maurice Hudson	01 Jan 1900	74000	878 m <sup>2</sup>	130 m <sup>2</sup>
0 Taheke Road	Kaikohe	Far North	56000	Michael Henry Tauri, Te Arapera Mary Tauri			180 m <sup>2</sup>	
8 Taheke Road	Kaikohe	Far North	400000	Michael Henry Tauri, Te Arapera Mary Tauri	19 Jul 2012	165000	1,065 m <sup>2</sup>	20 m <sup>2</sup>

**Figures 9 & 10: Surrounding properties (Source: Prover)**

### Allotment sizes and dimensions

The land is being subdivided with the intent of providing for large lot residential development on proposed Lot 1. While no development is proposed on Lot 2, if a dwelling was proposed, then it would be best described as a lifestyle section. The scheme plan provided in **Appendix B** demonstrates that the new lot created can accommodate a 30m x 30m dimension. It is considered that that the proposed allotment sizes and dimensions are sufficient to accommodate current and future land use.

### Natural Hazards

Regard has been had to the hazard information held by both FNDC and the Regional Council, which revealed there are no identified natural hazards, contaminated sites or other hazards associated with the landholding.

### Water Supply

The FNDC on-line GIS Water Services Map indicates that public potable water services are available at the road boundary (see Figure 6 above). Council reticulated services are not ordinarily available for Rural Production zoned, generally due to their location away from serviced townships. However, in this instance the subject site is surrounded by Residential zoned land. Permission may be sought to connect the vacant site to the

Council water supply, however if this is not agreed by FNDC then the vacant site is sufficient in size to service potable water supplies on site by way of water tanks. Proposed Lot 1 already has on site water supply. It is considered that a consent notice condition can be applied requiring any future development on proposed Lot 2 to demonstrate the ability to provide a potable water supply.

### **Stormwater disposal**

Impermeable surfaces on both proposed Lots are well below the permitted thresholds for the stormwater management threshold in the Rural Production zone. As a permitted activity, Council has a level of certainty sufficient that the site can internalise stormwater from impermeable surfaces.

### **Sanitary sewage disposal**

Similarly to the commentary above for water supply, the FNDC on-line GIS Water Services Map indicates that sewage is available at the road boundary (see Figure 6 above). Council reticulated services are not ordinarily available for Rural Production zoned, generally due to their location away from serviced townships. However, in this instance the subject site is surrounded by Residential zoned land. Permission may be sought to connect the vacant lot to the Council wastewater network, however if this is not agreed by FNDC then the vacant lot is of a sufficient in size to service wastewater on site. Proposed Lot 1 already has on site wastewater treatment, it is considered that a consent notice condition can be applied requiring any future development on proposed Lot 2 to demonstrate the ability to provide a site-specific wastewater management system designed in accordance with the ASNZS: 1547 / TP58 design manual.

### **Energy supply and transmission lines**

Power is already established for proposed Lot 1; it is considered that a consent notice condition can be applied requiring any future development on proposed Lot 2 to demonstrate the ability to provide these services.

### **Telecommunications**

Communications are already established for proposed Lot 1; it is considered that a consent notice condition can be applied requiring any future development on proposed Lot 2 to demonstrate the ability to provide these services.

### **Easements**

The Scheme Plan in **Appendix B** identifies a memorandum of easements for the proposal. It is noted that the existing easement applying to the right of way in favour of FNDC does not currently follow the track that has been created to access the pump station. As such the schedule in the proposed scheme plan updates that which currently exists for the site, surrendering and replacing 'A' and replacing this easement with 'A', 'B' and 'C'. Easements 'D' – 'G' are also proposed to address the rights to convey sewage, electricity and water for the proposed Lots.

### **Provision of access**

Provision of access for proposed Lots 1 and 2 are demonstrated on the Scheme Plan (**Appendix B**). These two access already exist, one providing access to the existing dwelling and the other right of way access for FNDC to access their pump station.

As the property gains access from a State Highway, NZTA need to be consulted. A record of consultation with NZTA can be found in **Appendix C**. The response from NZTA concludes that they consider the site crossing places to be appropriate for the existing daily vehicle movements associated with the existing dwelling, orchard and Council's pump station. They go on to say that if proposed Lot 2 is to be developed in the future, resulting in a change to the traffic generation, NZTA would have a vested interest in whether the crossing place remains appropriate. As such, they request that the following advice note is volunteered to Council to be included in any consent decision:

*“Any change in use of the access, including where the property is subdivided further, or the land use changes will likely require a vehicle crossing upgrade. Consultation with the NZ Transport Agency in this instance is required.”*

### **Effect of Earthworks and Utilities**

No earthworks are necessary for this application. As above it is considered that any services required for future development of proposed Lot 2 can be sufficiently addressed through consent notice conditions.

### **Building locations**

While no development is proposed at this juncture on proposed Lot 2 the scheme plan has demonstrated that a 30m x 30m allotment can be provided.

### **Heritage resources, vegetation, fauna and landscape**

The site is not located within any identified heritage overlays in the ODP. There is no identified vegetation or habitats of indigenous fauna affected by the proposed subdivision.

### Soil

While the landholding contains Class 2 soils and is considered to be highly productive in accordance with the NPS-HPL, these soils are limited to proposed Lot 2 only. Proposed Lot 1 is identified as Township. The scheme plan seeks to align these as close as possible to ensure there is minimal effect to the soil resource.

However, the size of the site is such that it is not considered viable as a productive unit and the effects of what is being proposed on the productive potential of the land is no more than minor. No development is proposed at this juncture.

Councils section 32 analysis on the Rural zones for the PDP provides a useful benchmark in terms of establishing the quantum of land required to sustain productive property area (ha). As such it is a yardstick to establish whether the protection of highly productive land should apply. If the land is not capable of supporting productive rural activities, then the protection of that use is redundant.

Table 31 identifies Estimated Annual Return (\$) by Primary Production Property Size (ha).

Table 31: Estimated Annual Return (\$) by Primary Production Property Size (ha)

Annual Household Return (\$)	Required Productive Property Area (ha)					
	Sheep, Beef and Grain Farming		Other Livestock Farming (Deer Focussed)	Dairy Farming	Horticulture	
	Sheep and Beef	Arable Crops (Grain Focussed)			Kiwifruit	Viticulture
\$ 45,000	242	70	126	46	7	11
\$ 50,000	269	77	140	52	8	13
\$ 55,000	296	85	154	57	9	14
\$ 60,000	323	93	168	62	10	15
\$ 65,000	350	101	182	67	11	16
\$ 70,000	377	108	196	72	11	18
\$ 75,000	404	116	210	77	12	19
\$ 80,000	431	124	224	83	13	20
\$ 85,000	458	132	238	88	14	21
\$ 90,000	484	139	252	93	15	23
\$ 95,000	511	147	266	98	15	24
\$ 100,000	538	155	280	103	16	25

\* Source: M.E (based on available industry data and M.E assumptions)

The table provides the quantum of land required to support a range of rural production uses. It is clear from the table that horticultural activities require less land than other rural

production uses. The table identifies that the smallest quantum of land required that could support a viable horticulture activity is seven hectares. The subject site, along with the surrounding sites are all well below this threshold (1.9349ha).

Section 3.9 of the NPS-HPL is considered the most relevant in terms of this assessment. In 3.9 (1) the test in the NPS-HPL is to avoid ‘inappropriate’ use or development of highly productive land that is not land-based primary production. By way of context, the subject site and the sites in the immediate surrounds are most accurately described as residential or lifestyle development in the Rural environment. See Figures 9 and 10 above.

It is evident from the land use and subdivision established in the area that the subject site and those sites adjacent are no longer fit for purpose in terms of being suitable for a productive use. As such, there is no benefit in protecting them for a productive use into the future. In other words, the productive potential of the subject site is no longer present, and the soil potential has been sterilised already by the existing subdivision and development pattern in the area, particularly where bordered by Residential zoned land. To suggest otherwise would be fanciful.

The subject site, along with those in the immediate surrounds can only now realistically be used in a residential or lifestyle capacity. The continued use in that capacity is therefore appropriate, provided that the effects on the receiving environment are no more than minor.

In 3.9(2) of the Policy Statement, exceptions are given where the use and development of land identified as being highly productive is appropriate. It is considered that the following exceptions are relevant in terms of the subject site where the land is of a size no longer suitable for productive activities:

- (a) it provides for supporting activities on the land – the proposal is supporting an existing established residential or lifestyle activity.
  
- (g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land – the application is considered a ‘small scale’ activity.

In respect of 3.9(3):

- (a) there is not considered to be any loss of the availability and productive capacity of highly productive land given that the site is only 1.9349ha. It is best described as being residential or lifestyle in nature and is surrounded by sites much smaller on three boundaries.

(b) the site is not surrounded by land based primary production activities so it is not considered that the existing and proposed use of the land in a residential or lifestyle capacity will incur reverse sensitivity effects on primary production activities. On the contrary there is more likely to be adverse effects incurred by the land being used in a traditional rural production capacity on the neighbouring Residential zoned land.

The combination of the size of the property, the current land use, the surrounding land use and zoning means it can be pragmatically concluded that the effects on highly productive land will be less than minor.

### **Access to waterbodies**

The landholding does not abut any waterbodies more than 3m in width, nor does it prevent public access to and along the coastal marine area or to and along the banks of lakes or rivers.

### **Land use incompatibility**

As discussed previously in this report, the proposed subdivision is considered to be compatible with the surrounding land use, which can be best described as residential and lifestyle properties.

### **Proximity to airports**

The site is not located in proximity of any airport for it to be a relevant consideration.

### **Natural character of the coastal environment**

The site is not located within a coastal zone in the ODP, nor is it identified as being within the coastal environment within the Regional Policy Statement for Northland. As such there are not considered to be any effects on the natural character of the coastal environment.

### **Energy efficiency and renewable energy**

No development is proposed at this juncture. The subdivision is not of a scale where the consideration of energy efficiency and renewable energy are relevant to the application.

### **National grid corridor**

The nation grid does not apply in this location. Transpower New Zealand Limited assets are confined to the area south of Kaikohe.

*Section 104 (1)(ab) Any measures to achieve positive effects*

Positive effects arising from the subdivision include enabling the efficient use of land in this location and providing sections for much needed housing in the Kaikohe. The zoning applied in this location for the subject site is an anomaly given three of the four boundaries are urban in nature (Residential zone).

*Section 104 (b)(i) and (ii) National Environmental Standards & Other Regulations*

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). A review of Council records has revealed no evidence to suggest that a HAIL activity has previously been undertaken on site and is described in the Landcover database as a combination of 'Built-up Settlement' and a 'High Producing Exotic Grassland'. It is considered that the NESCS is not applicable to this application.

The NES for Freshwater (NESFW). A review of aerial images, including NRC's wetland maps, reveal no evidence to suggest that there are any wet areas that may be subject to the NESFW provisions. Therefore, no further assessment is required under the NESFW.

*Section 104 (b)(iii) National Policy Statement(s)*

The NPS-HPL is considered to be relevant insofar as the Class 2 soils are presented on the portion of the site identified for proposed Lot 2 (as per Figure 4 above). While the NPSHPL is relevant in terms of the underlying soil, the size of the site is such that it is not considered viable as a productive unit.

Detailed commentary has been provided earlier in this report concluding that the combination of the size of the property, the current land use, the surrounding land use and zoning means it can be pragmatically concluded that the effects on highly productive land will be less than minor.

*Section 104 (b)(iv) New Zealand Coastal Policy Statement*

The New Zealand Coastal Policy Statement is not relevant to this application.

*Section 104 (b)(v) Regional Policy Statement or Proposed Regional Policy Statement*

The Northland Regional Policy Statement is the applicable regional statutory document that applies to the Northland region. Jurisdiction for subdivision is governed by the FNDC and the policy framework for establishing an appropriate land use pattern across the district is set out in the ODP. This Plan is subject to the governing regional policy

framework set out in the Northland Regional Policy Statement.

**Table 6 – NRC Regional Policy Statement Review Assessment**

<b>Regional Policy Statement for Northland</b>	
<b>Objective / Policy</b>	<b>Assessment</b>
<b>Integrated Catchment Management</b>	Not relevant.
<b>Region Wide Water Quality</b>	Not relevant.
<b>Ecological Flows and Water Quality</b>	Not relevant.
<b>Enabling Economic Wellbeing</b>	The proposal will increase economic wellbeing for the applicants, local building and construction suppliers at a later juncture when land use is undertaken.
<b>Economic Activities – Reverse Sensitivity and Sterilisation.</b>	The purpose of the subdivision is to provide a large lot residential and lifestyle section commensurate with the surrounding land use pattern. There are no reverse sensitivity or sterilisation effects from the proposal as proposed Lot 1 is adjoining the Residential zone and proposed Lot 2 is no longer considered economic in respect of rural production activities.
<b>Regionally Significant Infrastructure</b>	Not relevant.
<b>Efficient and Effective Infrastructure</b>	Council reticulated services are available at the boundary of the site for stormwater, potable water supply and wastewater. The subdivision has been designed so it can utilise these services if acceptable to Council, otherwise infrastructure can be accommodated on site. While proposed Lot 1 already provides on site infrastructure, it is considered that services for proposed Lot 2 can be addressed at the time of development.
<b>Security of Energy Supply</b>	Electricity is available in this location and is supplied to proposed Lot 1. Proposed Lot 2 can be addressed at the time of development.
<b>Use and Allocation of Common Resources</b>	Not relevant.



<b>Regional Form</b>	The proposal does not result in any reverse sensitivity effects, or a change in a character or sense of place.
<b>Tangata Whenua Role in Decision Making</b>	Not considered relevant in this instance.
<b>Natural Hazard Risk</b>	Natural Hazards are not considered to be a factor for this application.
<b>Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage</b>	Not relevant.

Overall, it is considered that the proposal would not be inconsistent with the RPS.

Section 104 (b)(vi) Plans or Proposed Plans

This subdivision application is subject to the provisions of the ODP and is subject to consideration (limited weight) of the PDP objectives and policies. The site is zoned Rural Production in the ODP and Rural Production in the PDP. In terms of the ODP it is to be assessed in terms of the objectives and policies for the Rural Environment and Rural Production Zone, the Transportation and the district-wide Subdivision provisions.

The following objectives and policies are relevant to the assessment of this application:

**Rural Environment**

**Table 7 – ODP - Rural Environment Objectives and Policies**

OBJECTIVE OR POLICY		Assessment
<b>OBJECTIVES</b>		
8.3.1	To promote the sustainable management of natural and physical resources of the rural environment while enabling activities to establish in the rural environment.	The rural environment includes provision for both rural production and rural-lifestyle activities where reverse sensitivity effects are avoided. Sustainable management of the rural environment would include both forms of rural activity where adverse effects can be avoided, remedied or mitigated.

OBJECTIVE OR POLICY		Assessment
8.3.2	To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	The site is zoned Rural Production, so the NPS-HPL is a relevant consideration. The commentary earlier in the application addresses this matter and concludes that the combination of the size of the property, the current land use, the surrounding land use and zoning means it can be pragmatically concluded that the effects on highly productive land will be less than minor.
8.3.3	To avoid, remedy or mitigate adverse effects of activities on the rural environment.	The assessment of effects concludes that any effects would be less than minor on the rural environment.
8.3.4	To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.	The site does not contain any areas of significant indigenous vegetation or habitats of indigenous fauna.
8.3.5	To protect outstanding natural features and landscapes.	The area does not contain any outstanding landscapes or outstanding natural features.
8.3.6	To avoid actual and potential conflicts between land use activities in the rural environment.	The proposed subdivision is considered to be compatible with the receiving zone and surrounding land use in this location, which can be best described as urban and lifestyle properties.
8.3.7	To promote the amenity values of the rural environment.	The landholding is situated within a land use environment that is best described as urban and lifestyle properties. This land use pattern will remain. The proposed lot sizes in their locations are compatible with those surrounding.
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.	This objective is not relevant to the size and scale of this proposed subdivision.
<b>POLICIES</b>		

OBJECTIVE OR POLICY		Assessment
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.	Refer to 8.3.1 above.
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.	Refer to 8.3.2 above.
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.	All necessary infrastructure is either existing or can be addressed at the time of development. The proposal does not include any new infrastructure.
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.	There are no outstanding landscapes or outstanding natural features present on the site or in the vicinity. The amenity values of the local environment are not considered to be affected by the proposal.
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 effects from the existing use – i.e., reverse sensitivity).	The purpose of the subdivision is to provide a large lot residential and lifestyle section, which is generally commensurate with the surrounding land use pattern. Proposed Lot 1 is in fact adjoining Residential zoned land on three boundaries.

OBJECTIVE OR POLICY		Assessment
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.	The site does not contain any areas of significant indigenous vegetation or habitats of indigenous fauna.
8.4.7	That Plan provisions encourage the efficient use and development of natural and physical resources.	The proposed subdivision would enable efficient use of Rural Production land in this location. As detailed already in this report, the site is surrounded on three boundaries by the urban environment (Residential zone). The size of the site renders it uneconomic in terms of rural productive use.
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.	The proposed subdivision is considered appropriate in this location and would avoid or mitigate adverse effects on the amenity of the local rural environment. There are no outstanding landscapes, outstanding natural features or habitats that would be affected by the proposal.

### **Rural Production Zone**

The Rural Production zone applies to most of the district’s rural land other than those areas defined as Coastal, Rural Living or set aside for Recreation, Conservation or Minerals. The zone provides for a wide range of activities that are compatible with normal farming and forestry activities, including rural lifestyle and residential uses.

The relevant expected outcomes listed within the ODP for the Rural Production zone are:

*8.2.1 A rural environment where natural and physical resources are managed sustainably.*

*8.2.2 A rural environment in which a wide variety of activities is enabled, consistent with safeguarding the life supporting capacity of air, water, soil and ecosystems.*

8.2.3 A dynamic rural environment which is constantly changing to meet the social and economic needs of the district’s communities through the sustainable management of natural and physical resources.

8.2.4 The maintenance of areas of significant indigenous vegetation and significant habitats of indigenous fauna including aquatic habitats, and an increase in such areas that are formally protected.

8.2.5 Adverse effects arising from potentially incompatible activities are avoided, remedied or mitigated.

8.2.7 A rural environment where change is acknowledged whilst amenity values are maintained and enhanced to a level that is consistent with the productive intent of the zone.

The ODP recognises the varied character of land zoned Rural Production and the different characteristics and values which occur throughout the zone. The relevant objectives and policies for the Rural Production Zone are discussed in Table 8 below:

**Table 8 - Rural Production Zone Objectives and Policies**

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
<b>OBJECTIVES</b>		
8.6.3.1	To promote the sustainable management of natural and physical resources in the Rural Production Zone.	The sustainable management of natural and physical resources is discussed in the context of Rural Environment Objective 8.3.1 in Table 7 above. The rural environment includes provision for both rural production and rural-lifestyle activities where reverse sensitivity effects are avoided. Overall, the use of the sites will largely remain unchanged.
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.	Efficient use and development in the context of the rural environment has been considered under Policy 8.4.7 above. The site is surrounded on three boundaries by the urban environment (Residential zone). The size of the site renders it uneconomic in terms of rural productive use.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.3.3	To promote the maintenance and enhancement of the amenity values of the Rural Production Zone.	The immediate surrounding environment consists of smaller or similarly sized landholdings along the Taheke Road. Therefore, the proposed subdivision will be undertaken in a manner that is compatible with existing land use patterns. It is therefore considered that any adverse effects on rural amenity will be less than minor.
8.6.3.4	To promote the protection of significant natural values of the Rural Production Zone.	The site does not contain any significant natural values that require protection.
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	The site does not have frontage to Kerikeri Road.
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.	The proposed subdivision is compatible with the surrounding land use and would not generate any adverse reverse sensitivity effects on existing activities.
8.6.3.7	To avoided, remedy or mitigate the adverse effects of incompatible use or development on natural or physical resources.	As above.
8.6.3.8	To enable the efficient establishment and operation of activities and services that have a functional need to be located in the rural environments.	The Rural Production zone provides for a wide range of activities provided reverse sensitivity effects can be appropriately managed. As previously stated, the proposed use of the land is consistent with the character and use of land in the surrounding area and represents an efficient use of rural land.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
8.6.3.9	To enable rural production activities to be undertaken in the zone.	The site is surrounded by Residential zoned land on three boundaries and Rural Production to the south and adjoining proposed Lot 2. It is considered that the proposal will not have any bearing on the Rural Production zones ability to undertake rural production activities over and above the status quo.
POLICIES		
8.6.4.1	That a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated.	As discussed above, the subdivision is considered appropriate and would not generate adverse effects of any note, including any reverse sensitivity effects.
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.	As detailed in the assessment of environmental effects, any effects from the proposed subdivision in this location are considered to be less than minor.
8.6.4.3	That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	As detailed in the assessment of environmental effects, any effects from the proposed subdivision in this location are considered to be less than minor.
8.6.4.4	That the intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone.	No development is proposed. Lifestyle subdivision is provided for in the ODP. The proposed land use pattern is commensurate with the surrounding area along Taheke Road, as such it is considered that the is compatible with the amenity of the locality and would not adversely affect the amenity values of the Rural Production 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.	Efficient use and development are considered under Policy 8.4.7 in Table 7 above.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
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	The application sites do not have frontage to Kerikeri Road.
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.	As detailed in the assessment of environmental effects, there are not considered to be any reverse sensitivity effects within the Rural Production zone in this location from the proposed subdivision.
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.	No development is proposed at this stage, however consideration of the rural production activities can be accommodated at a time when development is proposed. As identified previously, given the close proximity of the Residential zone, rural production activities in this location may incur reverse sensitivity effects on the urban environment.
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.	The use of the sites will largely remain unchanged and will not give rise to any reverse sensitivity effects.

### **Subdivision**

The objectives and policies for subdivision are assessed in Table 9 below.

**Table 9 – Subdivision Objectives and Policies**

OBJECTIVE OR POLICY	PERFORMANCE OF PROPOSAL
<b>OBJECTIVES</b>	



OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
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 the social, economic and cultural wellbeing of people and communities.	The assessments above demonstrate that sustainable management of the physical land resource would be achieved. The existing and proposed activities are consistent with a variety of land uses that are appropriate within the zone and will not generate adverse effects on this local rural location.
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 or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.	As per the assessment of effects, the proposed subdivision will not result in adverse effects on the life-supporting capacity of air, water, soil or ecosystems, nor will the proposal give rise to reverse sensitivity effects.
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.	The sites do not possess such values or features and is not part of 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.	There are no heritage resources on the property.
13.3.5	To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.	This can be provided at time of development for the vacant lot.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
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.	As the sites do not possess any significant values or characteristics, special forms of subdivision are not necessary.
13.3.7	To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.	No sites of significance to Māori have been identified in the District Plan on the land or in the vicinity of the property.
POLICIES		
13.4.1	That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on: (a) natural character, particularly of the coastal environment; (b) ecological values; (c) landscape values; (d) amenity values; (e) cultural values; (f) heritage values; and (g) existing land uses.	The relevant items are the amenity of the locality and the surrounding land uses. The AEE did not identify any adverse effects on these identified values.
13.4.2	That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.	Current access to the properties remains. NZTA consider the existing site crossings appropriate for the existing daily vehicle movements associated with the existing dwelling, orchard and Council's pump station. Any change in land use can be addressed at the time it is proposed.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.4.3	That natural and other hazards be taken into account in the design and location of any subdivision.	Natural hazards are not a consideration for this application.
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.	This is not a requirement within the Rural Production Zone.
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, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.	Any works (if any) on the sites can be managed to avoid effects of this nature.
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.	Not applicable.
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.	Not applicable.

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.4.8	That the provision of water storage be taken into account in the design of any subdivision.	See Objective 13.3.5 above.
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.	Not applicable.
13.4.10	The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.	Not applicable.
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.	See Objective 13.3.7 above.
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.	Not applicable.
13.4.13	Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regard to s6 matters, and 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,	The proposal does not generate any adverse effects that are more than minor.  The techniques described in the policies are not necessary as the land does not possess the values or characteristics the techniques aim to protect.

OBJECTIVE OR POLICY	PERFORMANCE OF PROPOSAL
<p>rivers, streams and wetlands, and coherent natural patterns;</p> <p>(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;</p> <p>(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;</p> <p>(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer <b>Chapter 2</b> and in particular <b>Section 2.5</b> and Council’s “<i>Tangata Whenua Values and Perspectives</i>” (2004);</p> <p>(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;</p> <p>(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.</p>	

OBJECTIVE OR POLICY		PERFORMANCE OF PROPOSAL
13.4.14	That the objectives and policies of the applicable environment and zone and relevant parts of <b>Part 3</b> of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.	These have been taken into account as described in the assessments above.

In terms of district wide matters such as those that affect biophysical elements and physical elements such as infrastructure and transport, the proposal is not impacted by biophysical characteristics that require any consideration and from an infrastructure perspective the proposal can be serviced within its boundary with no resulting effects.

In terms of transportation, NZTA consider the site crossings are appropriate for the existing daily vehicle movements associated with the existing dwelling, orchard and Council's pump station. They go on to say that if proposed Lot 2 is to be developed in the future, resulting in a change to the traffic generation, NZTA would have a vested interest in whether the crossing place remains appropriate (see **Appendix C**). They have recommended and advice note, which the applicant is willing to accept. NZTA request that the following advice note is volunteered to Council to be included in any consent decision:

*“Any change in use of the access, including where the property is subdivided further, or the land use changes will likely require a vehicle crossing upgrade. Consultation with the NZ Transport Agency in this instance is required.”*

The proposal is therefore consistent with the aims and intents of the ODP. Overall, it is considered that the proposal would not be contrary to any ODP objective or policy.

**Table 10 – PDP Rural Production Zone**

OBJECTIVES	
RPROZ-O1	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-O2	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-O3	<p>Land use and subdivision in the Rural Production zone:</p> <ul style="list-style-type: none"> <li>a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;</li> <li>b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;</li> <li>c. does not compromise the use of land for farming activities, particularly on highly productive land;</li> <li>d. does not exacerbate any natural hazards; and</li> <li>e. is able to be serviced by on-site infrastructure.</li> </ul>
RPROZ-O4	The rural character and amenity associated with a rural working environment is maintained.
<b>POLICIES</b>	
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	<p>Ensure the Rural Production zone provides for activities that require a rural location by:</p> <ul style="list-style-type: none"> <li>a. enabling primary production activities as the predominant land use;</li> <li>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.</li> </ul>
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	<p>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:</p> <ul style="list-style-type: none"> <li>a. a predominance of primary production activities;</li> <li>b. low density development with generally low site coverage of buildings or structures;</li> <li>c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and</li> <li>d. a diverse range of rural environments, rural character and amenity values throughout the District.</li> </ul>
RPROZ-P5	<p>Avoid land use that:</p> <ul style="list-style-type: none"> <li>a. is incompatible with the purpose, character and amenity of the Rural Production zone;</li> <li>b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</li> <li>c. would result in the loss of productive capacity of highly productive land;</li> <li>d. would exacerbate natural hazards; and</li> <li>e. cannot provide appropriate on-site infrastructure.</li> </ul>

RPROZ-P6	<p>Avoid subdivision that:</p> <ul style="list-style-type: none"> <li>a. results in the loss of highly productive land for use by farming activities;</li> <li>b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account: <ul style="list-style-type: none"> <li>i. the type of farming proposed; and</li> <li>ii. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.</li> </ul> </li> <li>c. provides for rural lifestyle living unless there is an environmental benefit.</li> </ul>
RPROZ-P7	<p>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:</p> <ul style="list-style-type: none"> <li>a. whether the proposal will increase production potential in the zone;</li> <li>b. whether the activity relies on the productive nature of the soil;</li> <li>c. consistency with the scale and character of the rural environment;</li> <li>d. location, scale and design of buildings or structures;</li> <li>e. for subdivision or non-primary production activities: <ul style="list-style-type: none"> <li>i. scale and compatibility with rural activities;</li> <li>ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;</li> <li>iii. the potential for loss of highly productive land, land sterilisation or fragmentation</li> </ul> </li> <li>f. at zone interfaces: <ul style="list-style-type: none"> <li>i. any setbacks, fencing, screening or landscaping required to address potential conflicts;</li> <li>ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;</li> </ul> </li> <li>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;</li> <li>h. the adequacy of roading infrastructure to service the proposed activity;</li> <li>i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;</li> <li>j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>

As broached earlier in this report, the Rural Production zoning of the land in this location appears erroneous in so far that three of the site boundaries are zone General Residential. Further, there is a lack of Rural Residential zoning in the Kaikohe Township that would ordinarily surround the urban zoning.

The soils and underlying conditions associated with the sites are identified as versatile in the locale of proposed Lot 2. Proposed Lot 1 is identified as ‘Township’. As detailed in the assessment of effects above, the site is not considered economic in terms of productive primary production. This opinion is supported by the Rural Environmental Economic Analysis Report prepared by 4Sight Consulting for the Rural Environment s32 analysis for the PDP.



There is not considered to be reverse sensitivity or land use incompatibility effects resulting from the proposal. The productive potential of the subject site is no longer present and has largely been sterilised already by the existing subdivision and development pattern.

Natural hazards have no discernible effect on the land. This application does not exacerbate any hazard.

The proposal is consistent in scale and character of the surrounds which are a mix of residential and rural lifestyle properties.

All sites can be serviced by on-site infrastructure, with the potential to connect to Council reticulated services if agreeable.

There are no known historical, cultural or spiritual associations with the site.

On balance, it is considered that the proposal would not be contrary to the PDP Rural Production objective and policy framework.

**Table 11 – PDP Subdivision Chapter**

OBJECTIVES	
SUB-O1	Subdivision results in the efficient use of land, which: <ol style="list-style-type: none"> <li>a. achieves the objectives of each relevant zone, overlays and district wide provisions;</li> <li>b. contributes to the local character and sense of place;</li> <li>c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;</li> <li>d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;</li> <li>e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; an</li> <li>f. manages adverse effects on the environment.</li> </ol>
SUB-O2	Subdivision provides for the: <ol style="list-style-type: none"> <li>a. Protection of highly productive land; and</li> <li>b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.</li> </ol>

SUB-O3	<p>Infrastructure is planned to service the proposed subdivision and development where:</p> <ol style="list-style-type: none"> <li>a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and</li> <li>b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.</li> </ol>
SUB-O4	<p>Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:</p> <ol style="list-style-type: none"> <li>a. public open spaces;</li> <li>b. esplanade where land adjoins the coastal marine area; and</li> <li>c. esplanade where land adjoins other qualifying waterbodies.</li> </ol>
<b>POLICIES</b>	
SUB-P1	<p>Enable boundary adjustments that:</p> <ol style="list-style-type: none"> <li>a. do not alter:</li> <li>b. the degree of non compliance with District Plan rules and standards;</li> <li>c. the number and location of any access; and</li> <li>d. the number of certificates of title; and</li> <li>e. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.</li> </ol>
SUB-P2	<p>Enable subdivision for the purpose of public works, infrastructure, reserves or access.</p>
SUB-P3	<p>Provide for subdivision where it results in allotments that:</p> <ol style="list-style-type: none"> <li>a. are consistent with the purpose, characteristics and qualities of the zone;</li> <li>b. comply with the minimum allotment sizes for each zone;</li> <li>c. have an adequate size and appropriate shape to contain a building platform; and</li> <li>d. have legal and physical access.</li> </ol>
SUB-P4	<p>Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan.</p>
SUB-P5	<p>Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by</p> <ol style="list-style-type: none"> <li>a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;</li> <li>b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;</li> <li>c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;</li> <li>d. contributing to a well connected transport network that safeguards future roading connections; and</li> <li>e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.</li> </ol>

SUB-P6	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ul style="list-style-type: none"> <li>a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and</li> <li>b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.</li> </ul>
SUB- P7	<p>Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.</p>
SUB-P8	<p>Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:</p> <ul style="list-style-type: none"> <li>a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and</li> <li>b. will not result in the loss of versatile soils for primary production activities.</li> </ul>
SUB-P9	<p>Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.</p>
SUB-P10	<p>To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.</p>
SUB-P11	<p>Manage 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:</p> <ul style="list-style-type: none"> <li>a. consistency with the scale, density, design and character of the environment and purpose of the zone;</li> <li>b. the location, scale and design of buildings and structures;</li> <li>c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;</li> <li>d. managing natural hazards;</li> <li>e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and</li> <li>f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</li> </ul>

For the plethora of reasons already provided, the proposal is generally consistent with the Subdivision objectives and policies under the PDP.

### **Proposed Far North District Plan Objectives & Policies & Weighting**

Section 88A(2) of the RMA provides that “*any plan or proposed plan which exists when the application is considered must be had regard to in accordance with section 104(1)(b).*”

This requires applications to be assessed under both the operative and proposed objective and policy frameworks from the date of notification of the proposed district plan.

In the event of differing directives between objective and policy frameworks, it is well established by case law that the weight to be given to a proposed district plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan move through the notification and hearing process. In *Keystone Ridge Ltd v Auckland City Council*, the High Court held that the extent to which the provisions of a proposed plan are relevant should be considered on a case by case basis and might include:

- The extent (if any) to which the proposed measure might have been exposed to testing and independent decision making;
- Circumstances of injustice; and
- The extent to which a new measure, or the absence of one, might implement a coherent pattern of objectives and policies in a plan.

In my view the PDP has not gone through the sufficient process to allow a considered view of the objectives and policies for the Rural Production zone, however this has still been provided. The activity is non-complying overall, therefore both the ODP and PDP have been assessed accordingly and the proposal is deemed to meet the relevant objectives and policies.

Overall, the proposal is consistent with higher order documents.

#### Section 104 (c) Other Matters

There are no other matters that are considered relevant.

## **7.0 NOTIFICATION (S95A-95D)**

S95A of the RMA determines circumstances when public or limited notification of an application may be appropriate. Section 95A sets out a series of steps for determining public notification. These include:

- *Step 1* – Mandatory public notification in certain circumstances. In respect of this application, the applicant is not seeking public notification, nor is it subject to a mandatory notification requirement.

- *Step 2* – Public notification precluded in certain circumstances. The proposed subdivision does not qualify.
- *Step 3* – Public notification required in certain circumstances. In respect of clause 8(a) the application is not subject to a rule or national environmental standard that requires public notification. In respect of clause 8(b), this assessment of effects on the environment concludes that any adverse effects would be less than minor. For these reasons, it is considered that the application can be processed without public notification.
- *Step 4* – Public notification in special circumstances. Special circumstances are those that are unusual or exceptional, but they may be less than extraordinary or unique. (*Peninsula Watchdog Group Inc v Minister of Energy (1996) 2NZLR 5290*). It is considered that there are no unusual or exceptional circumstances that would warrant notification of this application.

Section 95b sets out a series of steps for determining limited notification. These include:

- *Step 1* – certain affected groups and affected persons must be notified. These include affected customary rights groups or marine title groups (of which there are none relating to this application). Affected groups and persons may also include owners of adjacent land subject to statutory acknowledgement if that person is affected in accordance with s95E. There are no groups or affected persons that must be notified with this application.
- *Step 2* – limited notification precluded in certain circumstances. These include any rule or national environmental standard that precludes limited notification, or the activity is solely for a controlled activity or a prescribed activity. These circumstances do not apply to this application.
- *Step 3* – certain other persons must be notified. An affected person is determined in accordance with s95E. A person is affected if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). Adverse effects on a person may be disregarded if a rule or a national environmental standard permits an activity with that effect or is a controlled or RDA with an adverse effect that does not relate to a matter over which a rule or standard reserves control or discretion. Those circumstances do not apply to this application. S95E(3) states that a person is not affected if the person has given, and not withdrawn their written approval for a proposed activity or a consent authority is satisfied that it is unreasonable in the circumstances for an applicant to seek a person's written approval.

In respect of this application, an assessment of effects on the environment has concluded

that adverse effects are less than minor. The proposed subdivision density is commensurate with surrounding land use so is consistent within the built development in this locale. It is therefore reasonable to conclude that any future development at a density and scale commensurate with the existing environment is consistent with the character and amenity of the surrounding area, and the proposed two lot subdivision would incur less than minor effects on the adjacent landowners.

Section 95C relates to the public notification after a request for further information which does not apply to this application. Section 95D provides the basis for determining notification under Section 95A(8)(b) if adverse effects are likely to be more than minor. This assessment concludes that potential adverse effects arising from this subdivision proposal would be less than minor.

## **8.0 PART II – RMA**

### Purpose of the RMA

The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural and economic wellbeing and their health and safety. The proposed subdivision will support the existing land use pattern in this location.

### Matters of National Importance

In context, the relevant items to the proposal and have been recognized and provided for in terms of section 6 of the RMA. Māori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted.

### Other Matters

These matters have been given particular regard through the design of the proposal. The proposal will result in an efficient use of resources with the subdivision occurring adjacent to the urban area on three boundaries. Amenity values will be maintained because the proposal is similar to some existing activities on nearby properties. There will be no adverse impact on local ecosystems or overall.

## **9.0 ‘GATEWAY’ ASSESSMENT**

### Section 104D – Particular Restrictions for Non-Complying Activities

When dealing with non-complying activities, before granting an application Council must be satisfied that either the adverse effects of the activity on the environment will be minor

(s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

This consideration for non-complying activities is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under s104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

In this instance it has been demonstrated that both the effects of the proposal are less than minor and overall that there is positive consistency with the objectives and policies of relevance to the proposal. Therefore, FNDC in this instance has both 'limbs' to appropriately decide in favour of this application.

## 10.0 OVERALL CONCLUSION

This application seeks resource consent to undertake a two-lot subdivision in the Rural Production Zone.

Based on the assessment of effects above, it is concluded that any potential adverse effects on the existing environment would be less than minor. Adverse effects on adjacent neighbours would be less than minor.

The proposal would not be contrary to any relevant Plan objective or policy. An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

On this basis, it is considered that the application can be processed on a non-notified basis.

Please do not hesitate to contact me should you require any additional information.

Kind regards,



Andrew McPhee  
Consultant Planner



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA278/202** **Part-Cancelled**

**Land Registration District** **North Auckland**

**Date Issued** 08 March 1918

**Prior References**

NAPR116/36

---

**Estate** Fee Simple  
**Area** 1.9349 hectares more or less  
**Legal Description** Tuhuna No 14A Block

**Registered Owners**

Allan Desmond Hayward, Donna Marie Sheehan, John Charles Hayward, Maxwell Roy Hayward and Michael John Colebrook

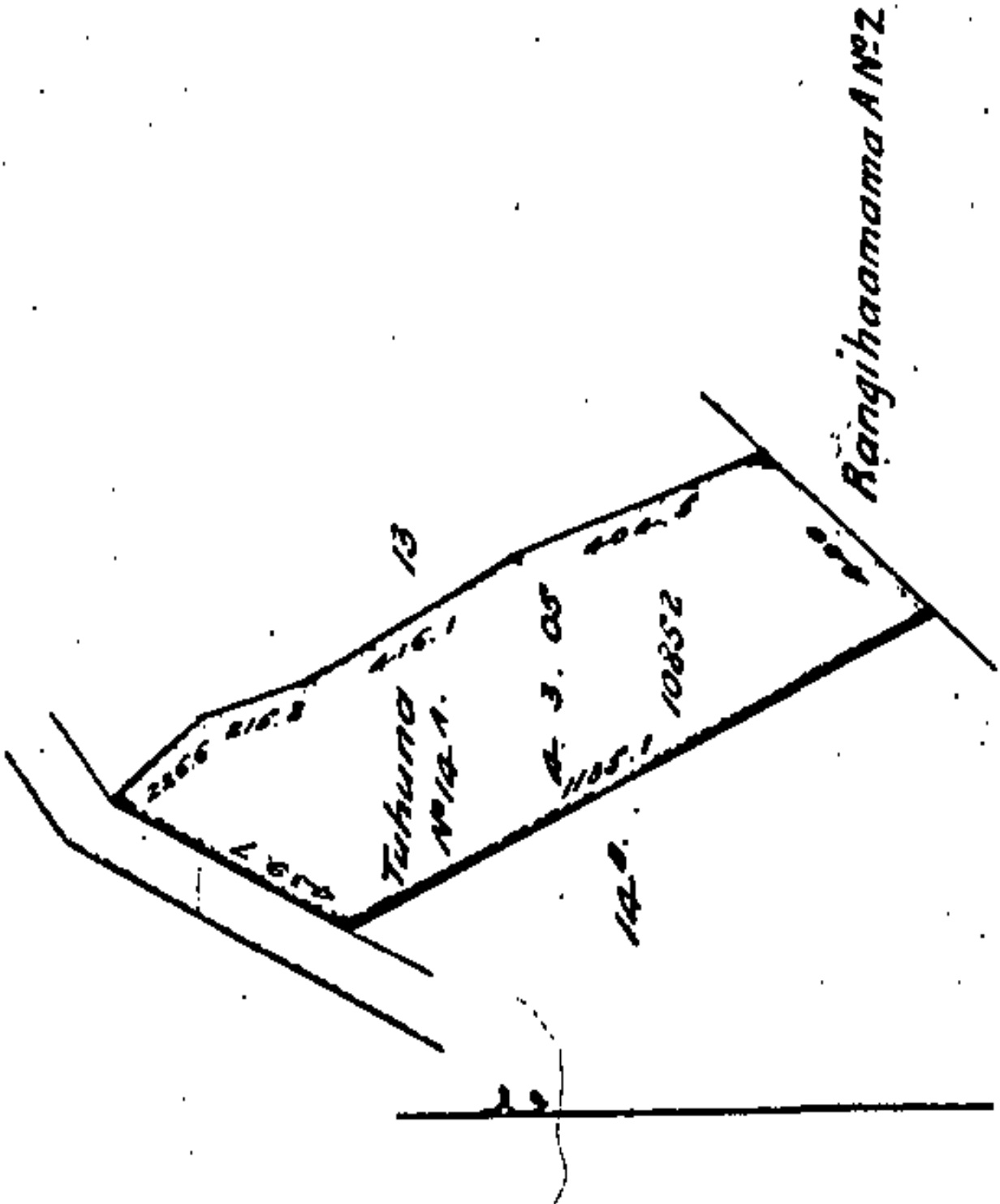
---

**Interests**

All dispositions of the within land are subject to the restrictions imposed by Section 74 of the Native Land Amendment Act 1913

C089591.2 Transfer dedicating Lot 1 Plan 129504 to the Kaikohe Borough Council at Kaikohe as a local purpose (utility) reserve pursuant to the Reserves Act 1977 together with a right of way over part herein shown marked 'A' on Plan 129504 - 16.1.1990 at 1.30 pm - New CT NA80D/8 issued.





862 050 m N

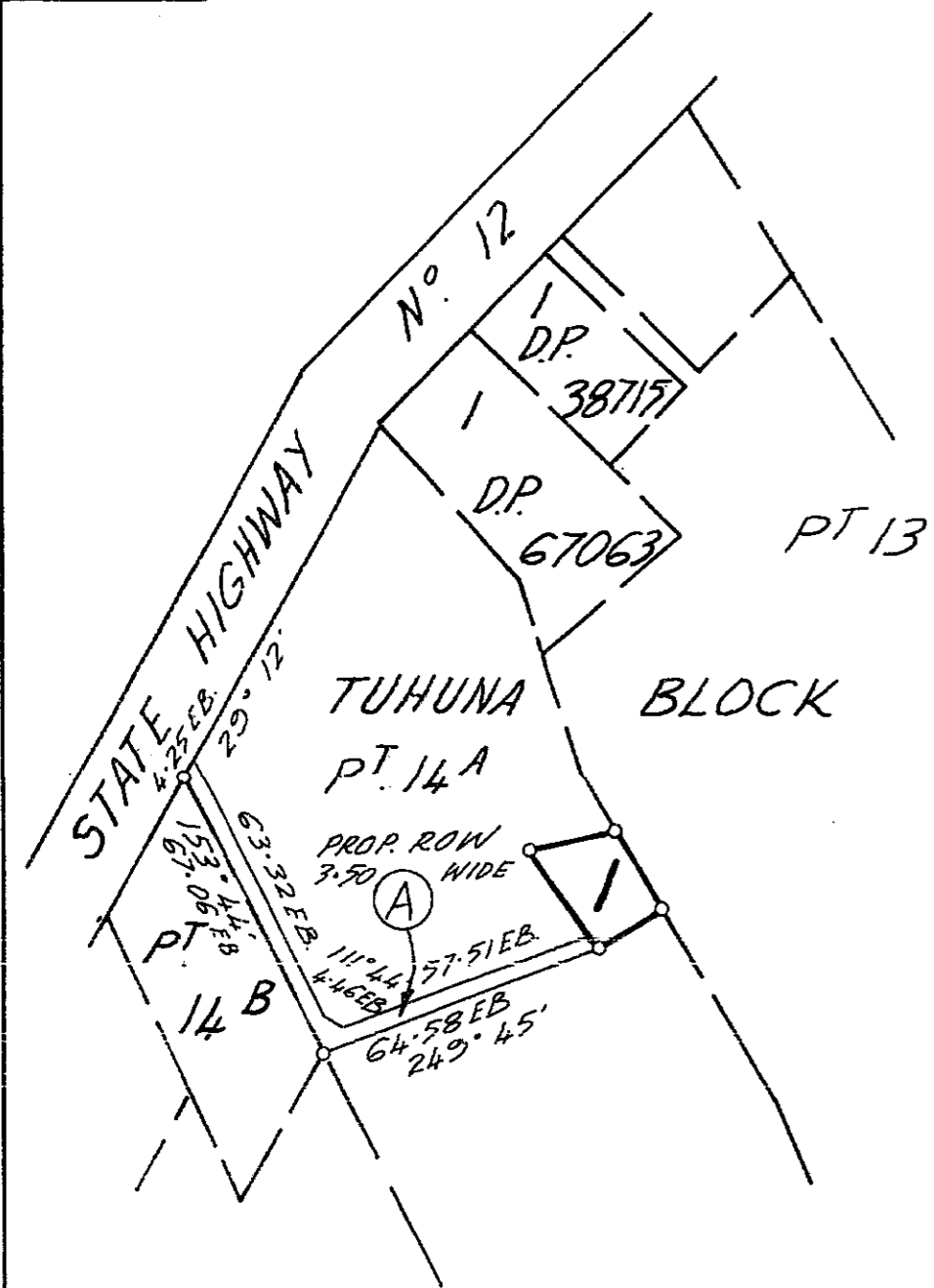
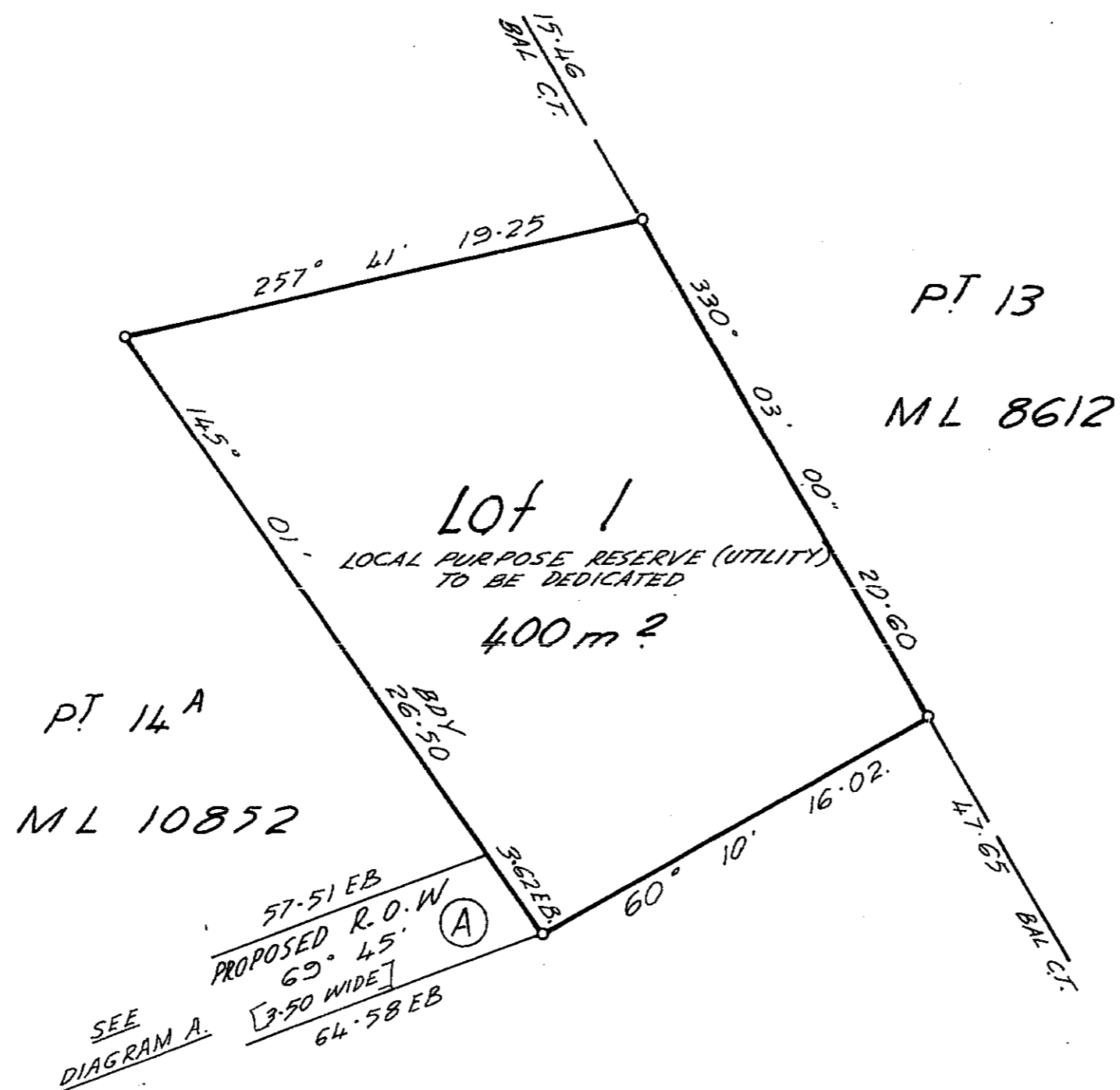


DIAGRAM A.  
SCALE 1:1500

862 000 m N



PT 14A  
ML 10852

PT 13  
ML 8612

Lot 1

LOCAL PURPOSE RESERVE (UTILITY)  
TO BE DEDICATED

400 m<sup>2</sup>

SEE  
DIAGRAM A.



PURSUANT TO A RESOLUTION OF THE KAIKŌHE BOROUGH COUNCIL PASSED ON THE 26 DAY OF June 1989 APPROVING PURSUANT TO SECTION 34B OF THE LOCAL GOVERNMENT ACT 1974 THE RIGHT OF WAY SHOWN HEREIN THE COMMON SEAL OF THE KAIKŌHE BOROUGH COUNCIL WAS AFFIXED HERETO IN THE PRESENCE OF

*[Signature]*  
MAYOR

*[Signature]*  
TOWN CLERK

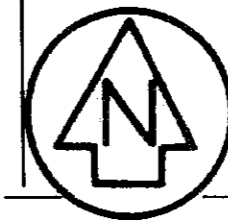
MAYOR

TOWN CLERK

211650 m E

211700 m E

36103



Approvals  
Approved *[Signature]*  
*[Signature]*  
Regd. Owner

EXEMPT FROM THE PROVISIONS OF PART XX OF THE LOCAL GOVERNMENT ACT 1974, LAND FOR A PUBLIC WORK, SEE SECTION 271 (1) OF THAT ACT

*[Signature]*  
TOWN CLERK  
13/12/1988

ROAD SHOWN IS LEGAL

APPROVED AS TO ADDITION OF PROPOSED RIGHT OF WAY  
*[Signature]* *[Signature]*

SCHEDULE OF PROPOSED EASEMENT IN GROSS

PURPOSE SHOWN	SERV. TEN	DAM. TENEMENT
ROW (A)	PT TUHUNA 14A	THE KAIKŌHE BOROUGH COUNCIL

LOT 1 HAS NO LEGAL ROAD FRONTAGE

Total Area 400 m<sup>2</sup>

Comprised in CT 278/202 P<sup>t</sup>

I, MURRAY ROBERTSON WRIGHT  
Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to the proviso to section 33(2) of the Surveyors Act 1966) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972.

Dated at KAIKŌHE this 26 day  
of OCTOBER 1988 Signature *[Signature]*

Field Book p. Traverse Book p.  
Reference Plans

Examined Correct *[Signature]* J. Lamberton

Approved as to Survey  
11/7/89 *[Signature]*  
Chief Surveyor

Deposited this 16<sup>th</sup> day of January 1990  
*[Signature]*  
Assistant District Land Registrar

File Received 24 JAN 1989  
Instructions

DP129504

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK. & DIST. XV OMAPERE  
NZMS 261 SHT RECORD MAP No. 5

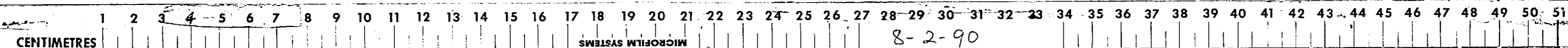
Lot 1 Being Part Tuhuna  
14A Block

TERRITORIAL AUTHORITY KAIKŌHE BOROUGH  
Surveyed by FRASER THOMAS PARTNERS  
Scale 1:200 Date FEB 1988



SURVEYOR GENERAL, DEPARTMENT OF LANDS AND SURVEY NEW ZEALAND

L & S FORM N93

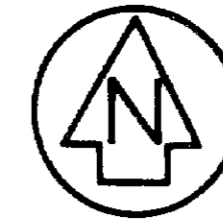


Approvals ROAD SHOWN IS LEGAL

BEARING DATUM GEODETIC 1949  
COORDINATE DATUM GEODETIC 1949  
M<sup>T</sup> EDEN CIRCUIT COORDINATES  
ORIGIN M<sup>T</sup> EDEN 700 000 m N  
300 000 m E

SCHEDULE OF COORDINATES

OS.M. 1078 SO. 61967 ORIGIN  
OS.M. 1078 SO. 61967 862 129.06 m N 211 617.16 m E  
OS.M. 1079 SO. 61967 861 914.29 211 482.66  
I.T. 11 861 970.04 211 617.25



862 200 m N

862 000 m N

OS.M. 1079  
SO. 61967

STATE HIGHWAY NO. 12  
212° 03'

TUHUNA BLOCK  
PT 14 A  
PT 14 B  
PT 13

OS.M. 1078  
SO. 61967

TO OS.M. 1078  
SO. 61967  
INITIAL BEARING  
43° 16' 40"

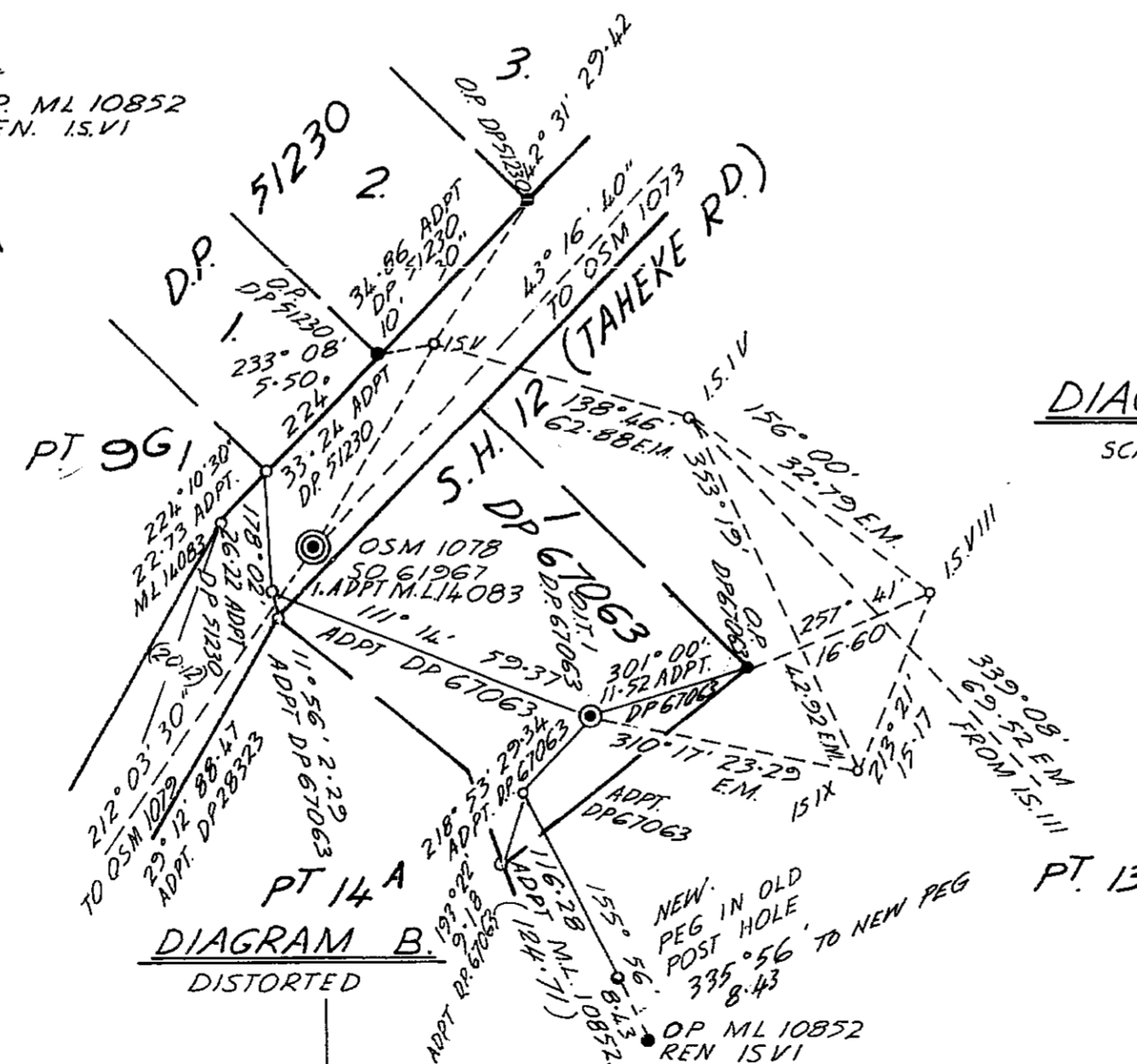
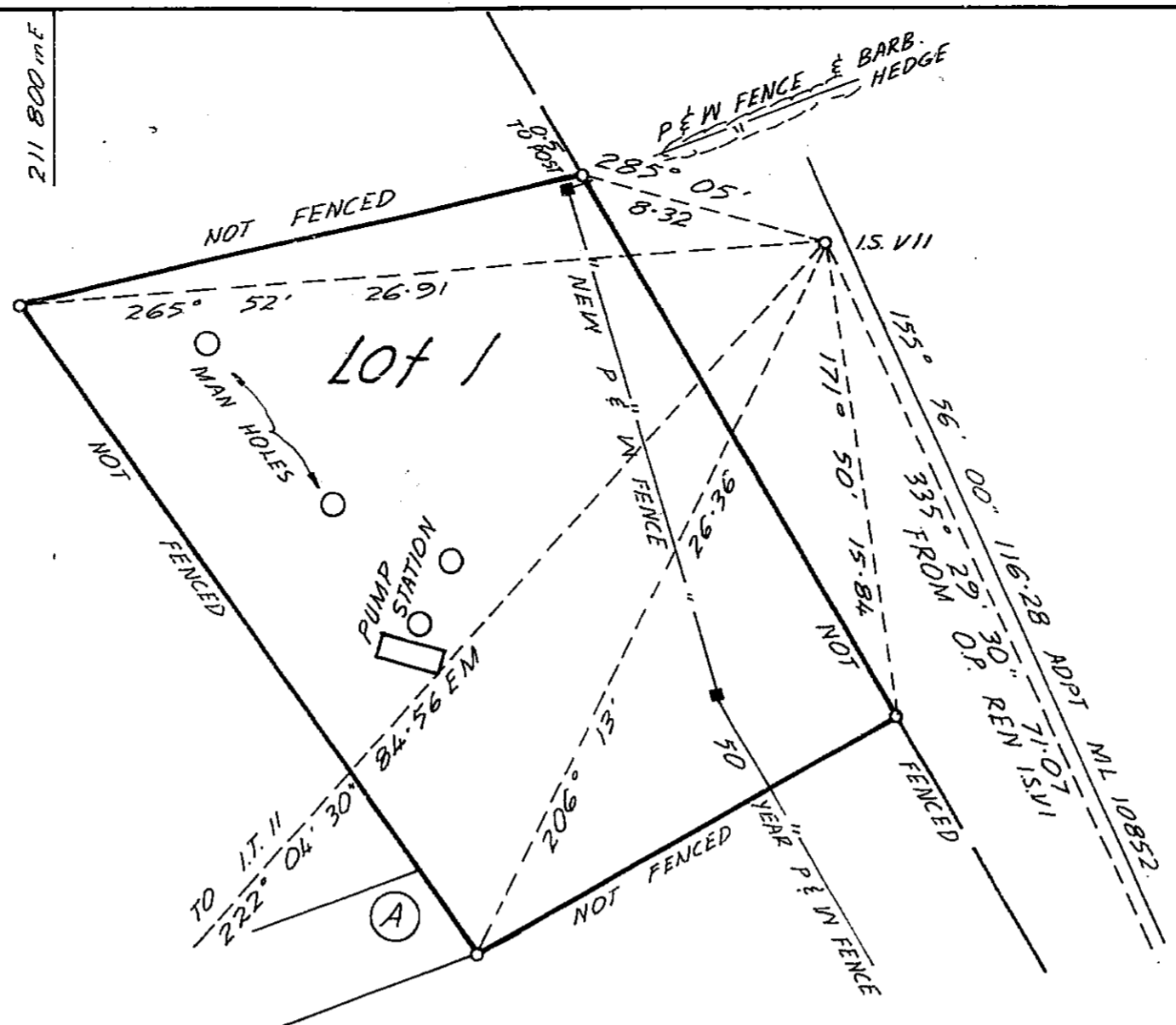


DIAGRAM A

SCALE - 1:200

91° 15' 30" 86.17 EM  
FROM I.T. 11

Total Area

Comprised in

I, MURRAY ROBERTSON WRIGHT  
Registered Surveyor and holder of an annual practising certificate (for who  
may act as a registered surveyor pursuant to the proviso to section 33(2)  
of the Surveyors Act 1966) hereby certify that this plan has been made  
from surveys executed by me or under my directions, that both plan and  
survey are correct and have been made in accordance with the Survey  
Regulations 1972.

Dated at KAIKOHE this 26 day  
of OCTOBER 19 88 Signature

Field Book 8043 p. 1-6 Traverse Book 1209 p. 174-177

Reference Plans M.L.'s 8612 & 14083, & 10852  
DP 38715, 51230, 67063, 38038, 28323. SO

Examined Correct J. Lamberton

Approved as to Survey

11 17 189

Chief Surveyor

Deposited this 16<sup>th</sup> day of January 1990

Assistant District Land Registrar

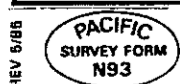
File  
Received 24  
Instructions

DP129504

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK. & DIST. XV OMAPERE  
NZMS 261 SHT RECORD MAP No N° 5

Lot 1 Being Part Tuhuna  
14 A Block

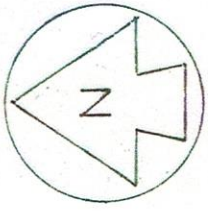
TERRITORIAL AUTHORITY KAIKOHE BOROUGH  
Surveyed by FRASER THOMAS PARTNERS  
Scale 1:1500 Date FEB. 1988



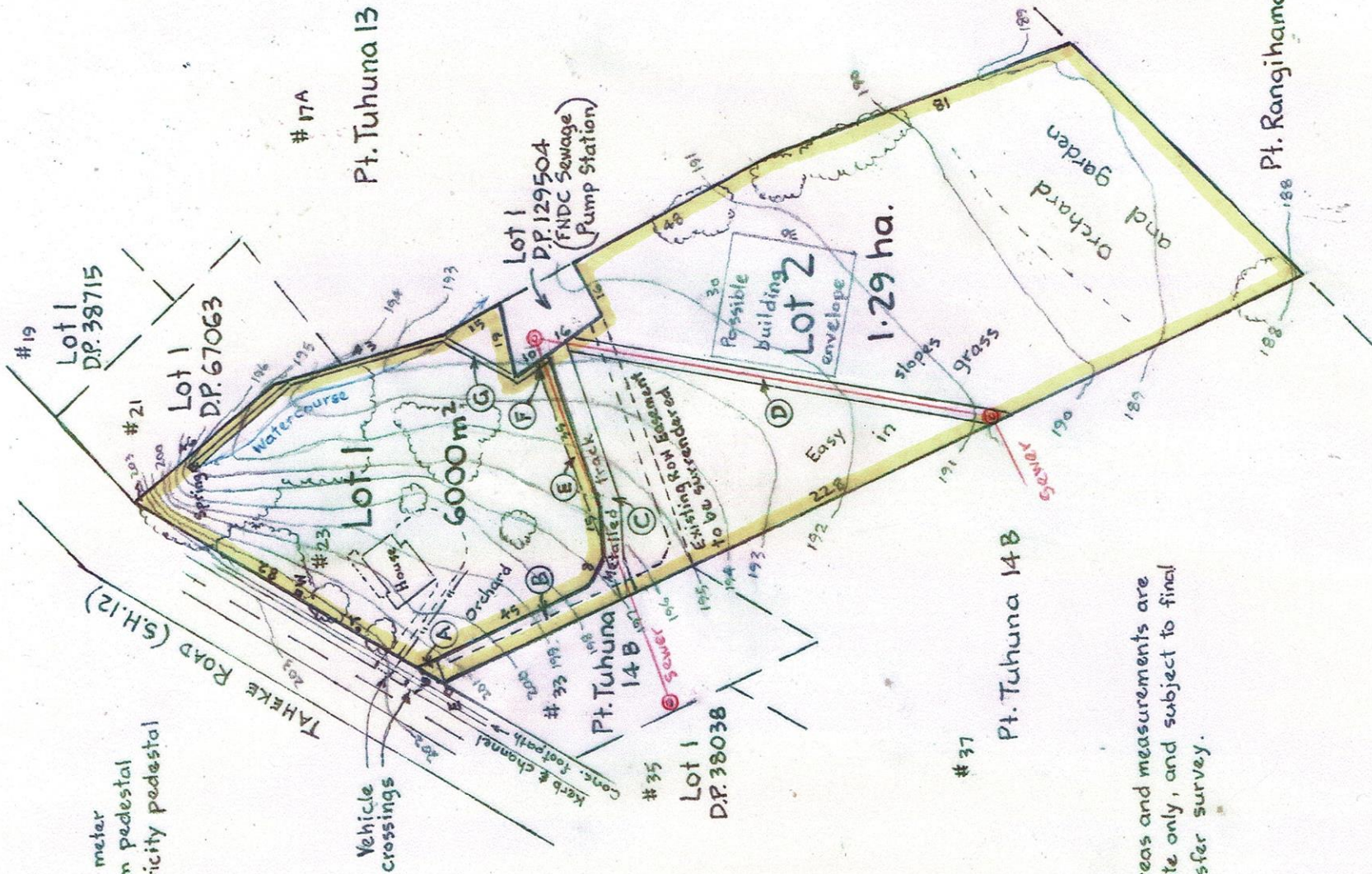
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

CENTIMETRES

8-2-90



Note -  
 W = water meter  
 T = telecom pedestal  
 E = electricity pedestal



Note - Refer to Sheet 2 for Schedules of Proposed Easements

Pt Tuhuna 14A  
 R.T. NA 278/202  
 Total Area 1.8949 ha.

<b>Nigel Ross Surveyor</b> Licensed Cadastral Surveyor PO Box 209, Kaitake 0140 Ph: 027 775095 E: nross@nigelross.co.nz	Prepared for:	Hayward Family	Sheet	1
	Drawn:	NRSR	Scale:	1:1500 (AA)
Date:		October 2024	File:	NRS 383

# Proposed Subdivision of Pt Tuhuna 14A

## Sheet 2 - Schedules of Proposed Easements

Memorandum of Easements in Gross			
Purpose	Shown	Burdened Land	Grantee
Right-of-Way	(A) (B)	Lot 2 hereon	Far North District Council
Right to convey electricity and water	(C)		
Right to convey sewage	(D)	Lot 1 hereon	
Right to convey sewage	(E) (F)		

Note - The existing Right-of-Way Easement, shown (A) on DP 129504, and created by Transfer C089591.2, is to be surrendered and replaced with Easements (A) (B) and (C)

Memorandum of Easements		
Purpose	Shown	Benefited Land
Right to convey electricity	(A)	Lot 1 hereon

Schedule of Proposed Easements		
Purpose	Shown	Benefited Land
Right to convey water	(F) (G)	Lot 2 hereon

Thursday, January 23, 2025 at 11:25:26 New Zealand Daylight Time

**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056  
**Date:** Tuesday, 21 January 2025 at 8:50:24 AM New Zealand Daylight Time  
**From:** Tessa Robins (Chester Consultants)  
**To:** Nigel Ross  
**CC:** taxmax@xtra.co.nz, Steve Sanson  
**Attachments:** Application Plan.jpeg

You don't often get email from [tessa.robins1@nzta.govt.nz](mailto:tessa.robins1@nzta.govt.nz). [Learn why this is important](#)

Morena Nigel,

Thank you for being patient whilst we assessed the information provided.

To reiterate, the proposal (as attached) is a 2-lot subdivision of Part Tuhuna 14A Block. Proposed Lot 1 (6000m<sup>2</sup>) will be sold and Proposed Lot 2 (1.29 Ha) will remain in the same family ownership as an orchard with no future development plans at this stage.

In this instance, as this is a subdivision around existing land uses and no new land use is proposed, NZTA do not oppose the proposal. As the proposed building platform is located in excess of 100m from the state highway carriageway, reverse sensitivity conditions to manage adverse effects on any future resident's health and wellbeing have not been deemed necessary. Please note that if the building platform is to be located closer to the state highway, this requirement may change at the time of a land use consent for any noise sensitive activities.

The site's crossing places are considered appropriate for the existing daily vehicle movement associated with the existing dwelling, orchard and Council's pump station. If proposed Lot 2 is to be developed in the future, resulting in a change to the traffic generation, NZTA would have a vested interest in whether the crossing place remains appropriate.

As such, NZTA request that the following advice note is volunteered to Council to be included in your consent decision:

*Any change in use of the access, including where the property is subdivided further, or the land use changes will likely require a vehicle crossing upgrade. Consultation with the NZ Transport Agency in this instance is required.*

If you have any queries regarding the above, please feel free to contact me via the details below.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Monday, December 16, 2024 2:08 PM  
**To:** Nigel Ross <[nandlross@xtra.co.nz](mailto:nandlross@xtra.co.nz)>  
**Cc:** [taxmax@xtra.co.nz](mailto:taxmax@xtra.co.nz) <[taxmax@xtra.co.nz](mailto:taxmax@xtra.co.nz)>; Steve Sanson <[Steve@bayplan.co.nz](mailto:Steve@bayplan.co.nz)>  
**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Hi Nigel,

Thank you for sending this through, I'll touch base with the engineers to receive their final comments. It is unlikely that they'll be able to get back to me before the end of the working year, sorry!

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Nigel Ross <[nandlross@xtra.co.nz](mailto:nandlross@xtra.co.nz)>  
**Sent:** Monday, December 16, 2024 12:46 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Cc:** [taxmax@xtra.co.nz](mailto:taxmax@xtra.co.nz) <[taxmax@xtra.co.nz](mailto:taxmax@xtra.co.nz)>; Steve Sanson <[Steve@bayplan.co.nz](mailto:Steve@bayplan.co.nz)>  
**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Good afternoon Tessa,

After some delay, here is the Council response regarding the number of vehicle visits to their Pump Station. This is consistent with a resident family member's observation of 2 – 3 visits per month. The vehicle would be a light truck or Ute.

Even with this low frequency, I still recommend that the entrance gateway be set back some 5m South of the roadside boundary, for safety reasons. This would allow the visiting vehicle to wait off the carriageway on arrival or departure. The white edge line is approximately 1.5m from the kerb line, insufficient width for safe stopping while the existing gate is opened. I attach a Google vertical image, in an attempt to demonstrate my

suggestion.

I trust that this information addresses your queries, so that you can finalise your recommendations or requirements.

Kind regards,  
Nigel  
NIGEL ROSS SURVEYOR  
Mob. 027 294 2543

**From:** Tessa Robins (Chester Consultants)  
**Sent:** Tuesday, November 19, 2024 7:35 AM  
**To:** Nigel Ross  
**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Morena Nigel,

Thank you, I assume the service vehicle is just a standard truck?

Once you have all the information, could you please mark up your preferred location on an aerial map for clarity?

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Nigel Ross <[nandlross@xtra.co.nz](mailto:nandlross@xtra.co.nz)>  
**Sent:** Monday, November 18, 2024 3:59 PM  
**To:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Hi Tessa,

I will enquire at Council, and report back. I would imagine that service vehicles would need to visit the facility no more than once each week, possibly less often. However, I will confirm.

One recommendation that I have, is for the gate at the road boundary to be re-positioned some 5m Southwards. This would allow utility vehicles to stop off the carriageway, while the gate is opened or closed, when entering or leaving.

I will respond further, as soon as I receive the information from Council.

Kind regards,

Nigel  
NIGEL ROSS SURVEYOR  
Mob. 027 294 2543

**From:** Tessa Robins (Chester Consultants)  
**Sent:** Monday, November 18, 2024 2:49 PM  
**To:** Nigel Ross  
**Subject:** Re: 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Hi Nigel,

Can you please confirm how many vehicle movements are generated from the ROW for the Sewage Pump Station.

Ngā mihi

Tessa Robins

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

---

**From:** Tessa Robins (Chester Consultants) <[Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)>  
**Sent:** Tuesday, November 12, 2024 3:59 PM  
**To:** Nigel Ross <[nandlross@xtra.co.nz](mailto:nandlross@xtra.co.nz)>  
**Subject:** 23 Taheke Rd, Kaikohe - Application-2024-1466 CRM:0503000056

Hi Nigel,

Thank you for sending through your client's proposal. I will review the proposal internally and get back to you with any comments.

Ngā mihi

**Tessa Robins**

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

**From:** Nigel Ross <[nandlross@xtra.co.nz](mailto:nandlross@xtra.co.nz)>



**Sent:** Wednesday, 30 October 2024 4:28 pm  
**To:** Environmental Planning <[EnvironmentalPlanning@nzta.govt.nz](mailto:EnvironmentalPlanning@nzta.govt.nz)>  
**Cc:** Steve Sanson <[Steve@bayplan.co.nz](mailto:Steve@bayplan.co.nz)>; [taxmax@xtra.co.nz](mailto:taxmax@xtra.co.nz)  
**Subject:** Proposed Subdivision of Pt Tuhuna 14A - 23 Taheke Road (SH 12), Kaikohe - Hayward Family

Good afternoon Tessa, or whoever,

Please find attached a copy of my application plan for this proposed subdivision in Kaikohe. Attached also is a Google Street View image, showing the two existing entrances into the property, and a copy of the Title.

I am the Surveyor acting for the Family, and Steve Sanson (Bay of Islands Planning 2022 Ltd) will be compiling the application to the Far North District Council – so I am copying him into this communication.

The property is within the previous Kaikohe Borough area, with smaller sites each side, and across the road, all zoned Residential. However the whole of the subject property is zoned Rural Production, even though the Northern one-third has been used for residential purposes for over 50 years.

With the passing of both parents, the Family needs to subdivide the property, as shown on the attached application plan, so that Lot 1 can be sold. No family member can take over and occupy the dwelling on Lot 1, but a son who has developed an orchard and garden on Lot 2 wishes to take ownership and continue using this Southern portion of his family land. He has no plans to build on this area at present, but any future building consent should be easily obtained with connections to services readily available.

In 1988 Council purchased an area (Lot 1 DP 129504) for a Sewage Pump Station, and a narrow right-of-way easement was shown on that survey plan. However, Council's metalled access track does not follow the legal easement, so this will be rectified as part of the subdivision.

Zoning rules determine that the application will be a non-complying activity, but it will create a logical result, with Lot 1 being confined North of Council's access track, and Lot 2 continuing to be used for grazing, orchard and gardens.

This stretch of highway has a 70 k/h speed limit, with no danger of this limit being raised. The Google Street View image shows the two crossings, which would have been constructed when the carriageway was upgraded, kerbed and channelled.

Sight distances are approximately 90m to the NE, well over 100m to the SW.

Would you please provide your comments/ requirements, so that Steve can include them in his application to Council.

Please contact me if you have any queries, or if further information is required.

Kind regards,

Nigel

NIGEL ROSS SURVEYOR

Mob. 027 294 2543

Ngā mihi

**Tessa Robins**

**Consultant Planner**

Te Toki, System Design, Transport Services

Email: [Tessa.Robins1@nzta.govt.nz](mailto:Tessa.Robins1@nzta.govt.nz)

Mobile: 022 377 8812

This message, together with any attachments, may contain information that is classified and/or subject to legal

privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by NZ Transport Agency Waka Kotahi for information assurance purposes.