



Office Use Only

Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))

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

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

1. Pre-Lodgement Meeting

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

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

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

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

3. Would you like to opt out of the Fast Track Process? Yes / No

4. Applicant Details:

Name/s: SE + JD Crooks

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address: 52 Crookson Rd Kawakawa 0282
(or alternative method of service under section 352 of the Act)

Post Code: 0282

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

Name/s: DMS Surveyors Ltd

Electronic Address for Service (E-mail): cm@dmsonline.co.nz

Phone Numbers:

Postal Address: PO Box 264 Paikia 0247
(or alternative method of service under section 352 of the Act)

Post Code: _____

All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: ME Keable 46 Cookson Rd Kawakawa
(Lot 1 DP 195362)

Property Address/ Location: SE and SD Cooks 52 Cookson Rd
(Lot 2 DP 195362)

7. Application Site Details:
Location and/or Property Street Address of the proposed activity:

Site Address/ Location: 46 and 52 Cookson Rd, Kawakawa 0282

Legal Description: lots 1+2 DP 195362 Val Number:

Certificate of Title: Lot 1 DP 195362 CT 123 B 1702
Lot 2 DP 195362 CT 123 B 1703
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.

Each property has existing separate gate
and access off Cookson Road

8. Description of the Proposal:

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

The proposal is a boundary adjustment whereby
Lot 1 DP 195362 will be decreased in area from 2.5076 ha
to 1.77 ha

Existing Lot 2 DP 195362 will be increased in area
from 1.4310 ha to 2.17 ha

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

9. Would you like to request Public Notification Yes/No

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

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

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

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

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

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

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

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

Email:

Postal Address:

Phone Numbers:

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: [REDACTED] (please print)

Signature: [REDACTED] (signature of bill payer – mandatory) Date: 18.6.24

14. Important Information:

Note to applicant

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

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

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


Fast-track application

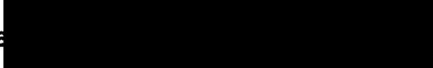
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track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

Privacy Information:

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

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

Name:  (please print)

Signature:  (signature)

Date: 18.6.24

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

Checklist (please tick if information is provided)

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

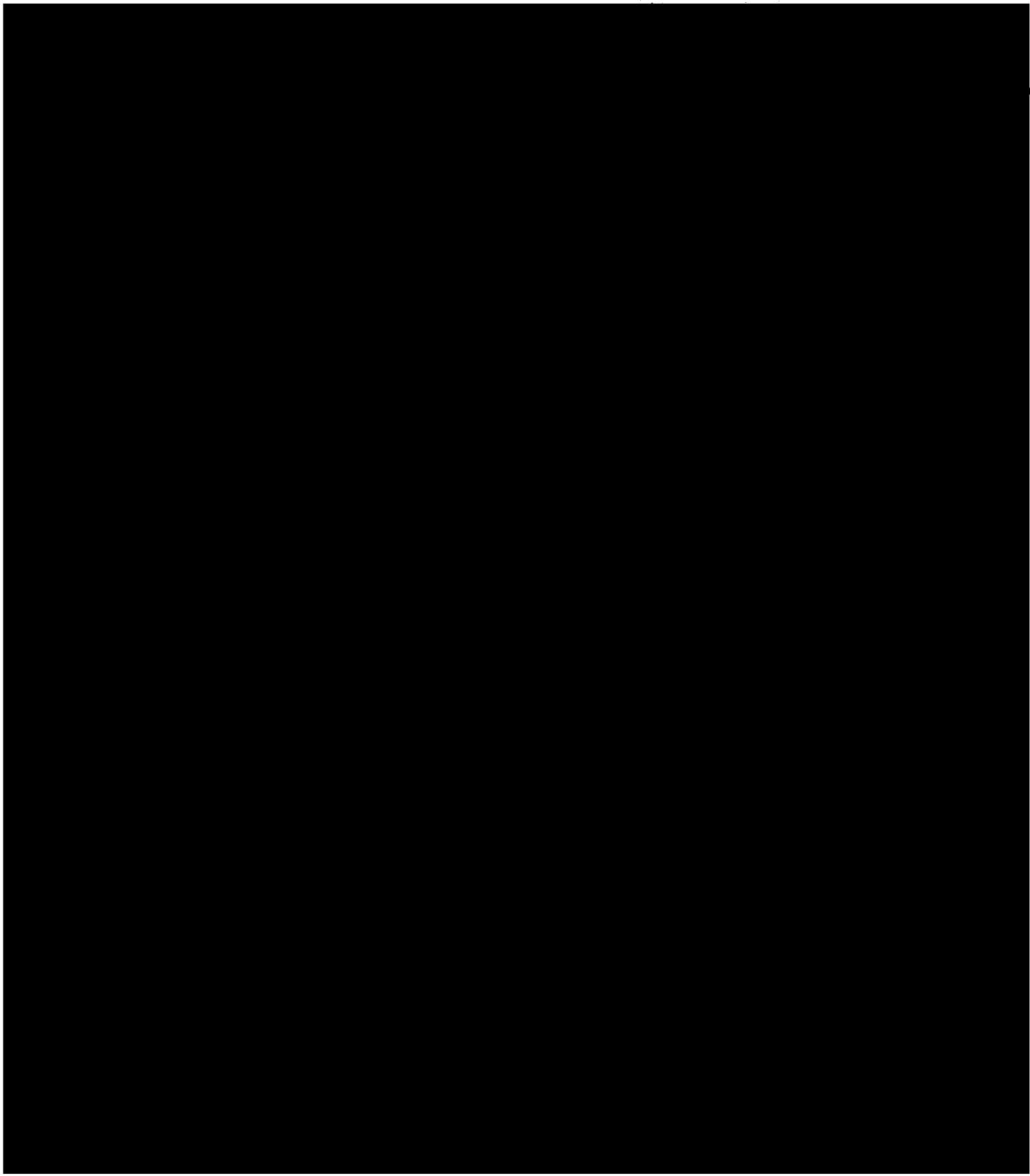
Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

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

UNBOUND

SINGLE SIDED


NO LARGER THAN A3 in SIZE





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




R.W. Muir
Registrar-General
of Land

Identifier NA123B/702
Land Registration District North Auckland
Date Issued 22 July 1999

Prior References

NA96A/350

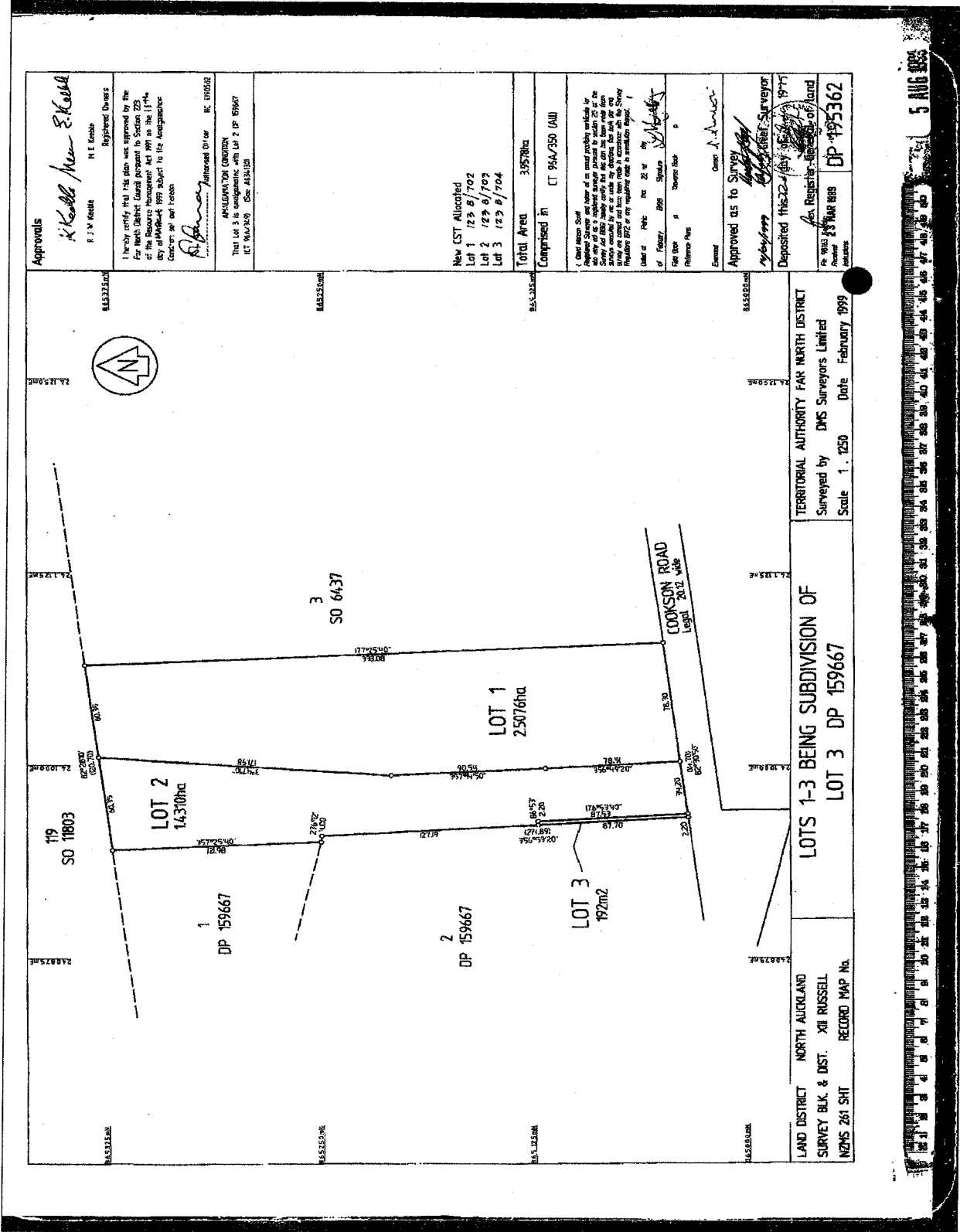
Estate Fee Simple
Area 2.5076 hectares more or less
Legal Description Lot 1 Deposited Plan 195362

Registered Owners

Mara Evelyn Keeble

Interests

325104.1 Settled under the Joint Family Homes Act 1964 - 13.6.1975 at 9:31 am
6661556.1 Mortgage to TSB Bank Limited - 28.11.2005 at 2:39 pm
11963312.1 CAVEAT BY HER MAJESTY THE QUEEN - 10.12.2020 at 11:57 am



Approvals
K. Keable
 K. J. V. Keable
 H. E. Keable
 Registering Owners
 I hereby certify that this plan was prepared by the registered surveyor named in Schedule 1 of the Survey Act 1977 and that the plan was prepared in accordance with the provisions of that Act and the Survey Act 1977 and that the plan was prepared in accordance with the provisions of that Act and the Survey Act 1977 and that the plan was prepared in accordance with the provisions of that Act and the Survey Act 1977.

REGISTERED SURVEYOR
 Name of Surveyor
 No. of Surveyor
 Name of Firm
 No. of Firm

New CST Allocated
 Lot 1 123 6/702
 Lot 2 123 6/703
 Lot 3 123 6/704
 Total Area 39570ha
 Comprised in CT 95A/390 (All)

Owner
 Name of Owner
 No. of Owner

Approved as to Survey
 Name of Surveyor
 No. of Surveyor

Deposited this 22nd day of February 1999
 Name of Registrar
 No. of Registrar

Registered as to Land
 Name of Registrar
 No. of Registrar

Scale 1:1250
 Date February 1999

LAND DISTRICT NORTH AUCKLAND
 SURVEY BLK. & DIST. XII RUSSELL
 NZMS 261 SH1
 RECORD MAP No.

LOTS 1-3 BEING SUBDIVISION OF
 TERRITORIAL AUTHORITY FAK NORTH DISTRICT
 Surveyed by DMS Surveyors Limited
 Scale 1:1250 Date February 1999

LOT 3 DP 159667

5 AUG 1999



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




R. W. Muir
Registrar-General
of Land

Identifier NA123B/703
Land Registration District North Auckland
Date Issued 22 July 1999

Prior References

NA96A/350

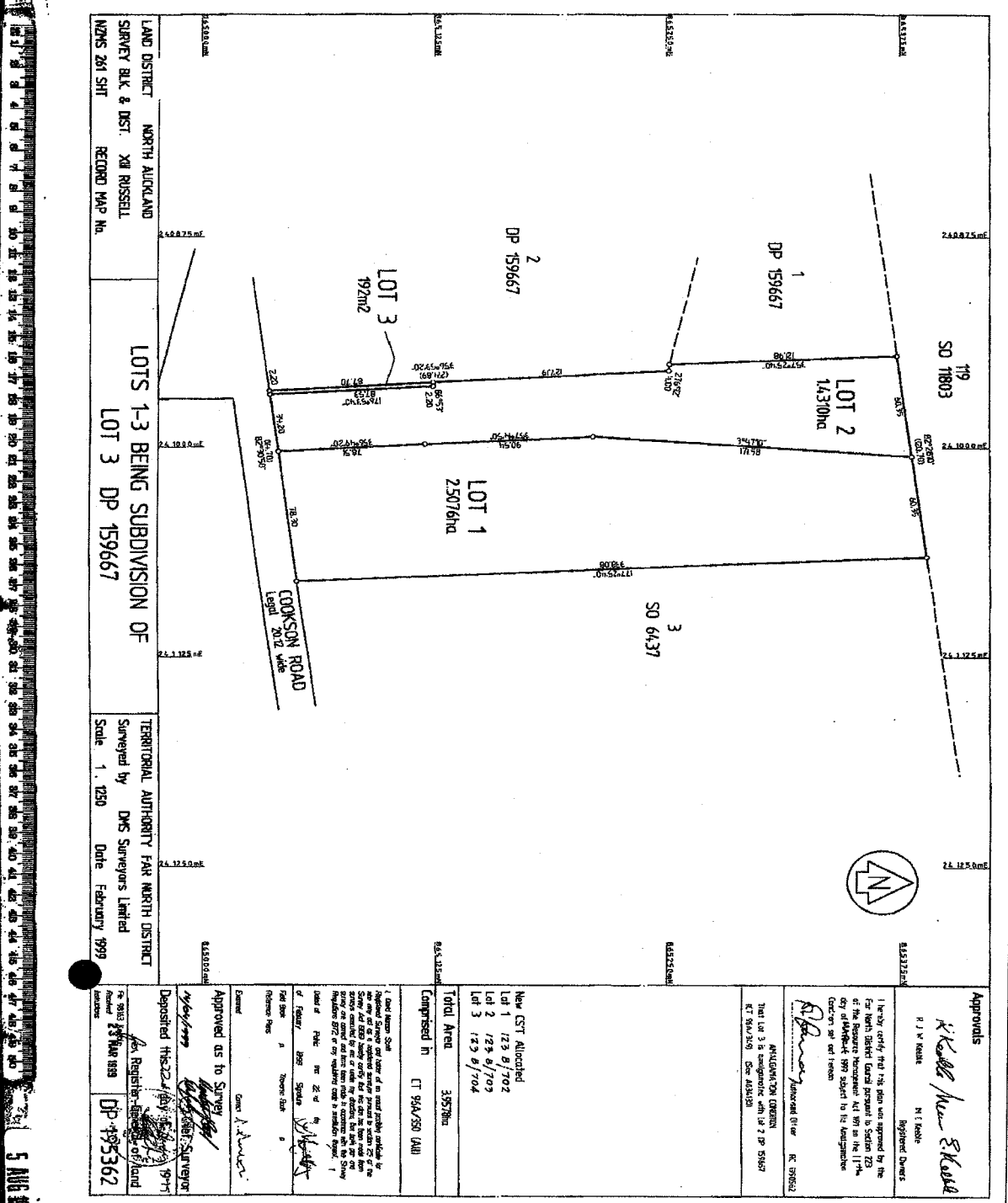
Estate	Fee Simple
Area	1.4310 hectares more or less
Legal Description	Lot 2 Deposited Plan 195362

Registered Owners

Jeffery Ernest Crooks and Judyth Diane Crooks

Interests

9482804.3 Mortgage to ANZ Bank New Zealand Limited - 2.10.2013 at 3:26 pm



LAND DISTRICT NORTH AUCKLAND
 SURVEY BLK. & DIST. XII RUSSELL
 NZMS 261 SH1 RECORD MAP No.

LOTS 1-3 BEING SUBDIVISION OF
 LOT 3 DP 159667

TERRITORIAL AUTHORITY FARM NORTH DISTRICT
 Surveyed by DNS Surveyors Limited
 Scale 1:1250 Date February 1999

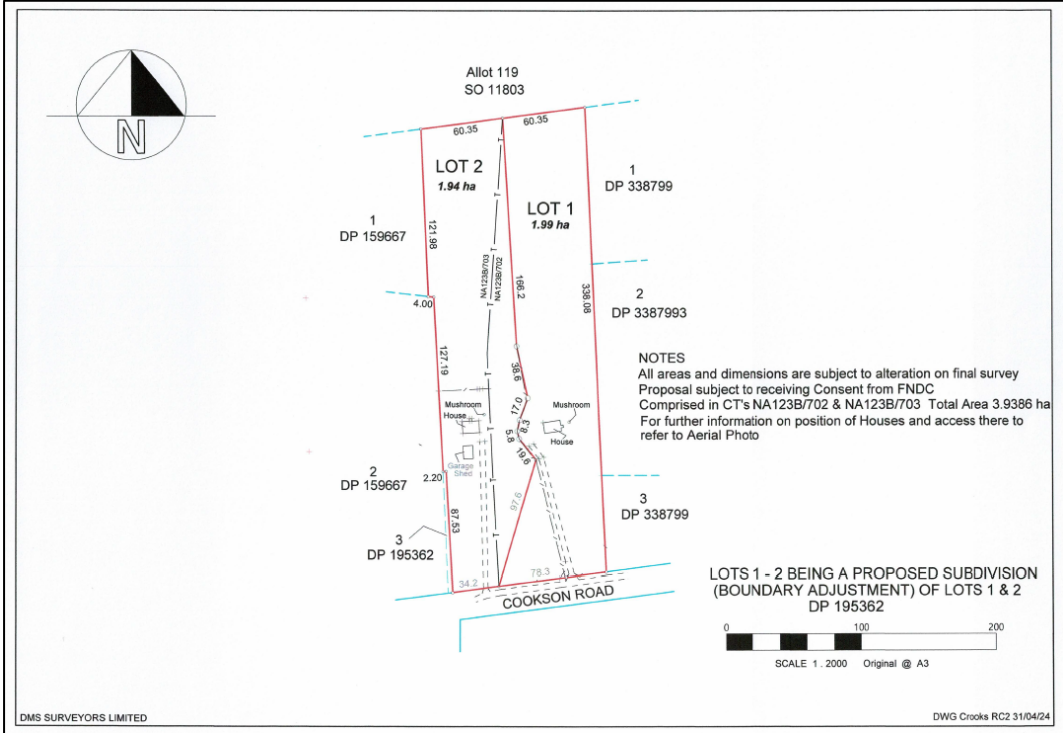


Approvals
 R. K. M. M. M.
 Registered Owners
 1. I hereby certify that this plan was approved by the Farm North District Council pursuant to Section 223 of the Resource Management Act 1991 on the 11th day of February 1999 subject to the stipulations contained on and between
 R. K. M. M. M.
 Authorisation Officer RC 378962
 THAT LOT 3 IS COMPATIBLE WITH LA 7 ZP S567
 RT 18/1/100 (See A634183)

New CST Allotment
 Lot 1 129 8/702
 Lot 2 129 8/703
 Lot 3 129 8/704
Total Area 3857ha
Comprised in CT 984/530 (AU)

Land Information
 1. The boundaries shown hereof are an exact faithful and correct copy of the original survey and are not to be altered or varied in any way without the consent of the Surveyor General. The boundaries shown hereof are not to be altered or varied in any way without the consent of the Surveyor General. The boundaries shown hereof are not to be altered or varied in any way without the consent of the Surveyor General.
 Surveyed by: [Signature]
 Approved as to Survey: [Signature]
 Deposited this 22nd day of February 1999
 Registered as to Land: [Signature]
 DP 1595362

5 AUG 2001



Assessment of Environmental Effects

Application for Resource Consent – Boundary Adjustment at Cookson Road

Prepared for: J E and J D Crooks
Prepared by: Steven Sanson | Consultant Planner
Date: June 2024

APPLICANT & PROPERTY DETAILS

Applicant	J E and J D Crooks
Address for Service	Sanson & Associates Limited PO Box 318 PAIHIA 0247 C/O - Steven Sanson steve@sansons.co.nz 021-160-6035
Legal Description	Lot 1 DP 195362 & Lot 2 DP 195362
Certificate Of Title	RT-123B/702 & 123B/703
Physical Address	46 and 52 Cookson Road, Kawakawa 0282
Site Area	Lot 1 – 2.5076ha & Lot 2 – 1.4310ha
Owner of the Site	Lot 1 – M E Keeble & Lot 2 – J E and J D Crooks
Occupier(s) of the Site	As above
District Plan Zone	ODP - Rural Production; PDP – Rural Production
District Plan Resource Features	Nil
Archaeology	Nil known
NRC Overlays	River Flood Hazard (100 Year ARI Event)
Soils	3s1
Kiwi Consideration	Nil
Protected Natural Area	Nil
HAIL	No

SUMMARY OF PROPOSAL

Proposal	<p>As outlined on the Scheme Plan prepared by DMS Surveyors Ltd, it is proposed to adjust the boundaries of Lot 1 DP 195362 & Lot 2 DP 195362 as follows:</p> <ul style="list-style-type: none">• Lot 1 (current): 2.5076ha; Lot 1 (proposed): 1.77ha• Lot 2 (current): 1.4310ha; Lot 2 (proposed): 2.17ha
Reason for Application	<p>The proposal is considered to breach the following rules of the Far North District Plan:</p> <ul style="list-style-type: none">• 13.7.2.1 Minimum Lot Sizes <p>The proposal is a Non-Complying Activity as per the Plan subdivision standards.</p>
Appendices	<p>Appendix 1 – Record of Titles Appendix 2 – Scheme Plan</p>
Consultation	<p>Nil</p>
Pre Application Consultation	<p>Please note that the application was initially rejected under s88E on 22 November 2022 (see 2230236-RMASUB).</p>

1.0 INTRODUCTION

We have been instructed by DMS Surveyors to provide this Assessment of Environmental Effects Report (“AEE”) to support a proposed boundary adjustment.

The application has been prepared in accordance with the provisions of Section 88 and the Fourth Schedule of the Resource Management Act 1991(RMA). This report serves as the Assessment of Environmental Effects required under both provisions.

The report also includes an analysis of the relevant provisions of the Far North District Plan, relevant Regional Planning documents, National Policy Statements and Environmental Standards, as well as Part 2 of the RMA.

2.0 THE PROPOSAL

As outlined on the Scheme Plan prepared by DMS Surveyors Ltd, it is proposed to adjust the boundaries of Lot 1 DP 195362 & Lot 2 DP 195362 as follows:

- Lot 1 (current): 2.5076ha; Lot 1 (proposed): 1.77ha
- Lot 2 (current): 1.4310ha; Lot 2 (proposed): 2.17ha

The proposal cannot meet 13.7.1(c) as Lot 1 is currently complying in size at 2ha and is proposed to be reduced. The proposal therefore reverts to a Non-Complying Activity.

A full review of the planning controls associated with the site is undertaken below including the ODP / PDP.

3.0 SITE & SURROUNDING ENVIRONMENT

Site details are outlined in Schedule 1 above and in the Record of Title attached in Appendix 1. Both sites are accessed from Cookson Road from existing vehicle crossings.

Each site contains an existing dwelling as well as accessory buildings typical of a rural lifestyle environment. Each site is serviced with power and telecoms.

Cookson road is in gravel formation, suitable for two-way operation. It currently services ~ 15 users (as depicted from aerial imagery).

Parts of each site are covered in some bush near the rear of each site. An overland flowpath runs through this part of the site and is also subject to flooding in a 1:100-year event. This is mapped in the PDP and by NRC. All built development is currently clear of this feature.

The sites are both well screened on all extents, enclosing the built development that is situated ~95m from the Cookson Road frontage. Viewshafts to the dwellings on each site are not completely enclosed, but the separation distances provide relief in terms of visual effects of existing development.

The surrounding environment is immediately characterised by rural lifestyle development. There are several residences within the Pakaru Road / Cookson Road intersection on similar sized lifestyle sites.

The soils present are considered highly productive as being Class 3.



Figure 1 - Lot 2 DP 195362 [Source: Prover]



Figure 2 - Lot 1 DP 195362 [Source: Prover]

Beyond the immediate surrounds, larger lots are present exhibiting agricultural uses.

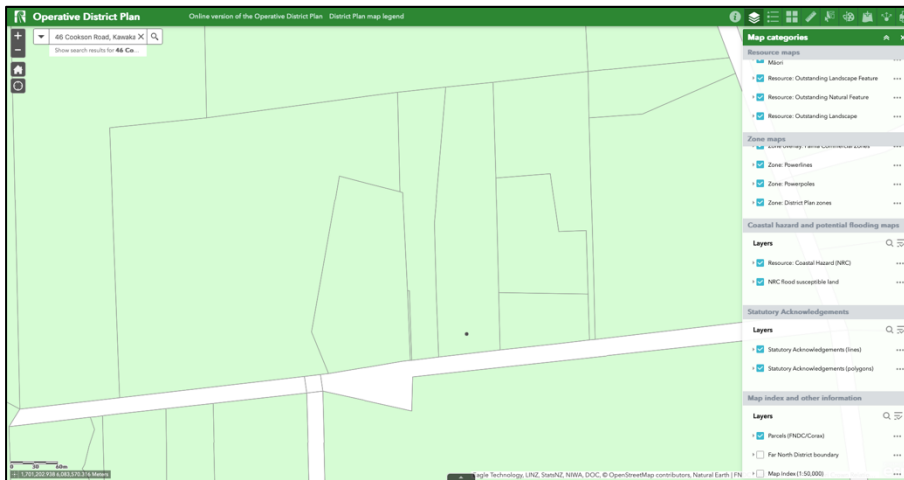


Figure 3 – ODP Zone Map [Source: Far North Maps]

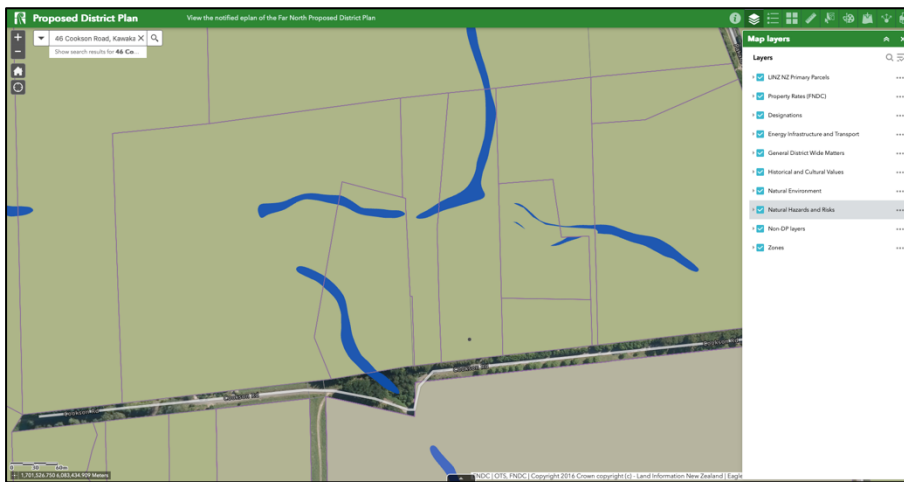


Figure 4 – PDP Zone Map [Source: Far North Maps]

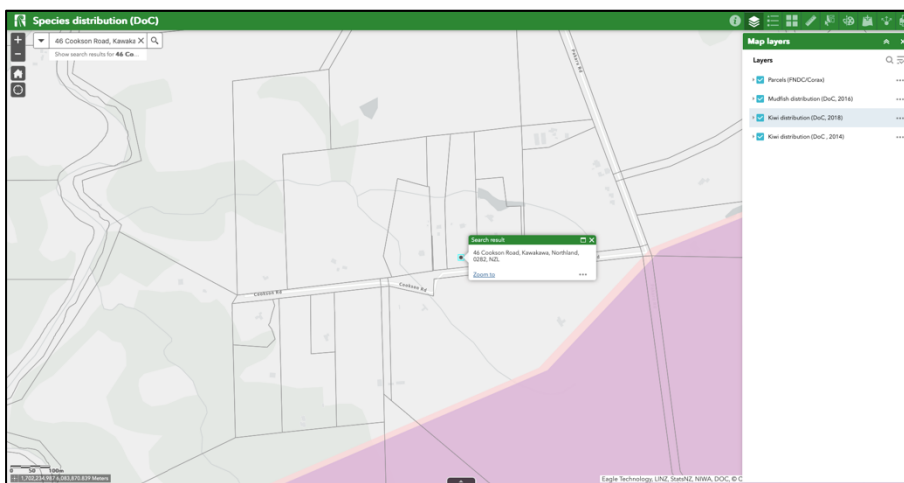


Figure 5 – Kiwi Zone Map [Source: Far North Maps]



Figure 6 – Cookson Road [Source: Google]

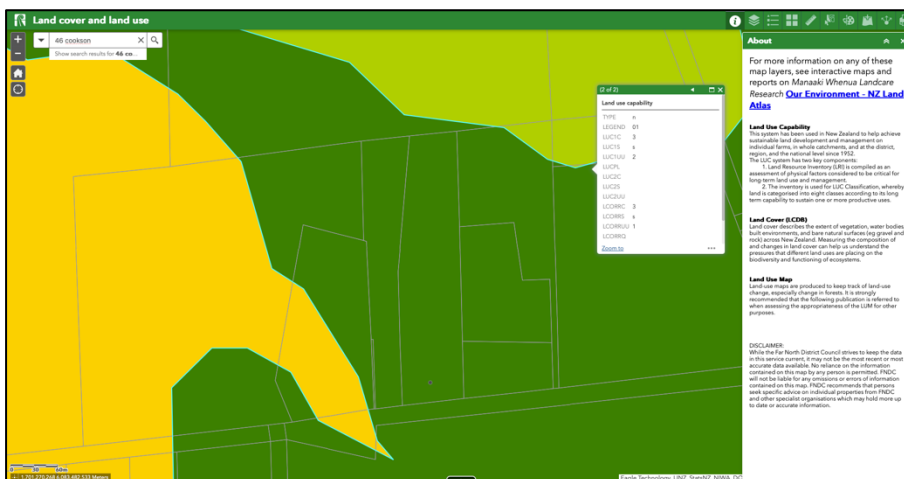


Figure 7 – Soils [Source: Far North Maps]



4.0 ASSESSMENT OF RELEVANT RULES

The below provides an assessment of the relevant rules associated with the sites.

RURAL PRODUCTION ZONE RULE ASSESSMENT

Rule # & Name	Compliance?	Evidence
8.6.5.1.1 Residential Intensity	Yes	Each lot contains an existing dwelling. No further dwellings are proposed.
8.6.5.1.2 Sunlight	Yes	The dwelling on Lot 1 is ~20m offset from the proposed adjusted boundary. The dwelling on Lot 2 is offset ~15m from

RURAL PRODUCTION ZONE RULE ASSESSMENT

		<p>its existing western boundary. The site is relatively flat and no sunlight breach is resulting.</p>
<p>8.6.5.1.3 Stormwater Management</p>	<p>Yes</p>	<p>Lot 1 contains the existing dwelling access way from Cookson Road. This is ~706.30m². Following adjustment this would result in 3.9% impervious coverage.</p>  <p>Lot 2 contains the existing dwelling, accessory building and access way from Cookson Road. This is ~997.02m². Following adjustment this would result in 4.6% impervious coverage.</p> 

RURAL PRODUCTION ZONE RULE ASSESSMENT

8.6.5.1.4 Setback from Boundaries	Yes	Refer Sunlight assessment above.
8.6.5.1.5 Transportation	Yes	Each dwelling is exempt from traffic considerations. Parking is provided on site and is existing. Access to the site from Cookson Road is existing.
8.6.5.1.6 Keeping of Animals	Yes	Not relevant.
8.6.5.1.7 Noise	Yes	Residential noise will not breach the standards.
8.6.5.1.8 Building Height	Yes	All dwellings are legally established and within the height limits.
8.6.5.1.9 Helicopter Landing Area	Yes	No helicopter landing area proposed.
8.6.5.1.10 Building Coverage	Yes	The buildings on each site make up a minimal amount of the total site area. These are assessed as being under the thresholds with Lot 1 being 165m ² and Lot 2 being 205m ² .
8.6.5.1.11 Scale of Activities	Yes	Rule exempts usually resident people on site.
8.6.5.1.12 Temporary Events	Yes	Not relevant. The nature of the activity does not involve any temporary events.

DISTRICT WIDE RULES ASSESSMENT

Rule # & Name	Compliance?	Evidence
12.1 Landscape and Natural Features	Yes	No such features present.
12.2 Indigenous Flora and Fauna	Yes	No indigenous vegetation clearance is required
12.3 Soils and Minerals	Yes	No earthworks required for boundary adjustment.
12.4 Natural Hazards	Yes	The 1:100 year flood ARI affects the site, no such rules are implicated as development is existing and the boundary adjustment does not change or proposed any new development within these areas.

DISTRICT WIDE RULES ASSESSMENT

12.5 Heritage and 12.5A Heritage Precincts	Yes	No heritage of concern exist on the site.
12.6 Air	Yes	Section deleted from the Plan
12.7 Lakes, Rivers and Wetlands	Yes	All existing development well clear of overland flowpaths / waterways.
12.8 Hazardous Substances	Yes	Nil existing or proposed.
12.9 Renewable Energy and Energy Efficiency	Yes	None proposed.
14 Financial Contributions	Yes	Not relevant
15.1 Traffic, Parking and Access	Yes	<p><u>Traffic (Rule 15.1.6A.2.1)</u> No breach of traffic intensity rules.</p> <p><u>Parking (Rules under 15.1.6B.1)</u> The site can readily accommodate the requirement as the dwellings are existing. No accessible car parks are required. No loading spaces are required.</p> <p><u>Access (Rules under 15.1.6C.1)</u> The private accessway is existing to each site and assumed developed in accordance with engineering standards at time of development. If upgrades required, these can be conditioned to meet current engineering standards although an existing use applies.</p> <p>The accessway for each site serves 1 residential unit each. Each accessway is sufficiently separated from Cookson Road.</p> <p>No passing bays are required for single dwelling accessways.</p> <p>There are no footpaths in the vicinity.</p> <p>As above, the vehicle crossings are existing but if they require upgrading, this can be completed through the subdivision process. Each site has existing access and existing rights apply to these as being developed previously to FNDC standards.</p> <p>No vehicles need to reverse off site and there are no bends and corners.</p>

DISTRICT WIDE RULES ASSESSMENT

		In terms of Cookson Road, as the boundary adjustment does not promote any new allotments, upgrading of the road to meet current requirements is considered out of scope as no new development rights are being initiated.
16 Signs and Lighting	Yes	Nil proposed.

SUBDIVISION RULES ASSESSMENT

Rule # & Name	Compliance?	Evidence
13.7.1 Boundary Adjustments	No	13.7.1(c) is breached as outlined earlier in this report.
13.7.2.1 Minimum Lot Sizes in the Rural Production Zone	No	Lot 1 is below the 2ha Discretionary Activity minimum allowed under the table.
13.7.2.2 Allotment Dimensions	Yes	Each site has an existing dwelling present.
13.7.2.3 Amalgamation of Land in a Rural Zone with Land in an Urban or Coastal Zone	Yes	Not relevant. Proposed activity does not involve the amalgamation of land.
13.7.2.4 Lots Divided by Zone Boundaries	Yes	Not relevant. Proposed activity does not involve land/allotment where two or more zones are applicable.
13.7.2.5 Sites Divided by an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature.	Yes	Not relevant.
13.7.2.6 Access, Utilities, Roads, Reserves	Yes	Not relevant.
13.7.2.7 Savings as to Previous Approvals	Yes	Not relevant.

SUBDIVISION RULES ASSESSMENT

13.7.2.8 Proximity to Top Energy Transmission Line	Yes	Not relevant.
13.7.2.9 Proximity to the National Grid	Yes	Not relevant.

The proposal is considered to be a Non-Complying Activity under the Operative Far North District Plan.

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 relevant
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 relevant
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an	All rules have immediate legal effect (HH-R1 to HH-R10)	N/A	Yes	Not relevant

<p>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) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend</p>	<p>Schedule 2 has immediate legal effect</p>			
<p>Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map</p>	<p>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</p>	N/A	Yes	Not relevant
<p>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)</p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect</p>	N/A	Yes	Not relevant
<p>Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if</p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	N/A	Yes	Not relevant as no clearance is proposed.

indigenous vegetation on the site for example				
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not relevant
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	Yes	Complies	No earthworks required for boundary adjustment.
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 relevant
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 relevant
Environmental Benefit Subdivision Subdivision within Heritage Overlay Subdivision with Heritage Resource Subdivision with SOSM	SUB-R6 SUB-R13 SUB-R13 SUB-R15	Yes	Complies	Subdivision not proposed under these rules
Comments:				
No consents are required under the PDP.				

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments. No such matters are present here for the boundary adjustment.

5.0 NOTIFICATION ASSESSMENT

5.1 Public Notification

Under s 95A(3) of the RMA an application is required to be publicly notified if:

- *The applicant requests public notification;*
- *Public notification is required under s 95C; and*
- *The application is made jointly with an application to exchange recreation reserve land.*

Public notification is not requested. All information required by Council will be supplied in a timely fashion to progress the proposed development and all necessary specialist reports (if any) have, or will have, been supplied alongside the application. The application is not made jointly with an application to exchange reserve land.

Under s 95A(5), an application cannot be publicly notified if:

- *A rule or national environmental standard (NES) precludes notification;*
- *The application is for:*
 - *A controlled activity*
 - *A restricted discretionary activity or discretionary activity for a subdivision or a residential activity (as defined by s 95A(6))*
 - *A boundary activity (as defined by section 87AAB); or*
 - *An activity prescribed by regulation.*

The proposed activity is not precluded from public notification (being a Non-Complying subdivision), however public notification is not required as per s95A (7) and (8).

Accordingly, an assessment in accordance with s 95D is required to determine if the proposal has or is likely to have effects on the environment that are more than minor.

6.0 EFFECTS ON THE ENVIRONMENT

6.1 Effects that Must be Disregarded

Effects on persons who are owners and occupiers of the land in, on, or over which the application relates, or of adjacent land must be disregarded when considering effects on the environment (s 95D(a)). The image below highlights the adjoining sites in context.



Figure 8 – Adjacent Sites [Source: Prover

[Download CSV](#)

Address	Suburb	Town	Capital Value	Owners	Last Sale Date	Last Sale Price	Land Area	Floor Area
54 Cookson Road	Kawakawa	Far North	700000	Blair Stanford Smillie	16 Dec 2019	622500	2.3742 ha	150 m ²
82 Cookson Road	Kawakawa	Far North	1140000	Ronald Charles Phillips	01 Jan 1900	275000	9.9380 ha	160 m ²
130 Pakaru Road	Kawakawa	Far North	3520000	A J Dodds and Sons Limited,A J Dodds and Sons Limited,A J Dodds and Sons Limited,A J Dodds and Sons Limited,Linda Jeanette Dodds,Nicola Jeanette Smith,A J Dodds and Sons Limited,A J Dodds and Sons Limited	01 Jan 1900	765000	152.4413 ha	310 m ²
38 Cookson Road	Kawakawa	Far North	760000	Christine Ann Godfrey			1.3990 ha	193 m ²
0 Cookson Road	Kawakawa	Far North	340000	Christine Ann Godfrey	01 Jan 1900	205000	1.9310 ha	120 m ²
38 Cookson Road	Kawakawa	Far North	415000	Gregory William Simmonds,Jill Simmonds	14 Jul 2004	200000	7,360 m ²	149 m ²
19 Cookson Road	Kawakawa	Far North	2820000	Andrew John Campbell,Richard Wayne Scott,Andrew John Campbell,Richard Wayne Scott,Andrew John Campbell,Richard Wayne Scott	11 Jan 2016		190.8320 ha	320 m ²

Any effect of persons who have given their written approval must also be disregarded. In this instance, no neighbouring parties have provided their written approval.

6.2 Effects that May be Disregarded

The permitted baseline may be taken into account should the Council deem it relevant. In this scenario the permitted baseline for the Rural Production Zone is only relevant insofar as it relates to built development on proposed Lot 1 and 2. These are evidenced as meeting the permitted baseline.

In relation to the subdivision, there are no permitted activities and therefore the permitted baseline is not relevant.

6.3 Effects Assessment

The following assessment has been prepared in accordance with Section 88 and Schedule 4 of the RMA which specifies that the assessment of effects provided should correspond with the scale and significance of the proposal.

Allotment Sizes and Dimension

The lots contain existing dwellings, and the proposed design is considered to have sufficient areas and dimensions to provide for their intended use. Although developed, each site can accommodate a 30m x 30m allotment area / envelope.

Septic operations / maintenance is not impacted, and the scheme plan shows the septic tank mushroom vents noting that these are located wholly within each site.

The allotments on Cookson Road where the site is located are markedly different from the opposite side. Around the application sites are smaller rural production / rural lifestyle allotments. On the opposite side of the road a larger rural production parcel is evident.

The preservation of the rural environment is not implicated by cumulative or long term effects as a result of the subdivision as the proposal represents a 'swap' of land that is similar to that found at present.

Natural and Other Hazards

The site is implicated by some minor 1:100 flooding overlays. The proposed subdivision does not alter this or impact existing development which is shown to be clear of the impacted areas.

Geotechnical matters are not considered relevant as building development is existing.

No earthworks are required to give effect to the proposal. Fire Hazard risk is not considered relevant as the proposal maintains existing use rights for the dwellings which are already established.

The site is not considered HAIL.

Water Supply

The lots are serviced by water tanks. No changes to this are proposed.

Stormwater Disposal

The subdivision does not change existing drainage patterns for the existing development.

There is no stormwater management breach as a result of the boundary adjustment.

Sanitary Sewage Disposal

Sewage disposal is within each of the allotment boundaries and there are no known issues with existing operational of these features.

Energy Supply

Each site has an established connection.

Top Energy Transmission Lines

Not implicated by boundary adjustment.

Telecommunications

Each site has an established connection.

Easements for Any Purpose

Nil required

Provision of Access

Access is existing to each allotment. These are considered adequate for their existing use.

Effect of Earthworks and Utilities

No earthworks are required for the boundary adjustment.

Building Locations

Building locations are existing as outlined on the scheme plan.

Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes

There are no known heritage resources to affect the property such as any known archaeological site or site of significance to māori.

Soil

The proposal results in a land swap that has no resulting implications for the ability to safeguard the life supporting capacity of soil.

Access to Reserves and Waterways

The subdivision does not promote any additional access to reserves or waterways.

Land Use Compatibility

The site is surrounded by pasture and rural lifestyle use in general. The boundary adjustment promotes no real difference from the status quo in terms of existing compatibility matters. The sites are considered to be compatible with the rural lifestyle present in the surrounds.

Proximity to Airports

There are no known airports in close proximity

Natural Character of the Coastal Environment

Not relevant.

Energy Efficiency and Renewable Energy Development / Use

Not relevant.

National Grid Corridor

Not relevant.

Effects Conclusion

Having considered the effects above, the adverse effects on the environment are considered to less than minor.

7.0 EFFECTS TO PEOPLE

7.1 Protected Customary Rights Groups, Customary Marine Title Groups and Statutory Acknowledgements

There are no protected customary rights groups or customary marine title groups affected by the proposed activity. In this instance the proposal is not on or adjacent to land that is subject to a statutory acknowledgement and will not result in adverse effects to people with such an acknowledgement.

7.2 Limited Notification Precluded

Limited notification is precluded where an application is for a resource consent for one or more activities, and each activity is subject to a rule or National Environmental Standard that precludes limited notification and if the resource consent is a Controlled Activity (other than subdivision of land) and is a prescribed activity as per s 360H(1)(a)(ii).

In this instance the application is not precluded from limited notification.

7.3 Affected Person Determination

As the proposed activity is not a boundary activity or a prescribed activity, determining whether a person is an affected person needs to be considered in accordance with s 95E.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them.

The proposed development incurs no adverse effects to the properties in the surrounds. Rural lifestyle development permeates the landscape and all effects associated with the boundary adjustment can be internalised / are already internalised via the existing development.

8.0 STATUTORY CONTEXT

8.1 Far North District Plan – Rural Production Zone

Objective / Policy Reference	Comment
8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.	It has been ensured that the proposed activity will not involve unsustainable use/management of both the natural and physical resources in the Rural Production Zone.
8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well being and for their health and safety.	The activity proposed is not expected to effect/hinder the ability to which the Rural Production Zone enables people and communities to provide their social, economic and cultural wellbeing and for their health and safety.
8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.	The proposed subdivision is not expected to deplete the amenity values of the Rural Production Zone to a level that is inconsistent with the productive intent of the zone.
8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.	The activity proposed is not expected to jeopardise the protection of significant natural values of the Rural Production Zone in any way.
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.	Not relevant.

<p>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.</p>	<p>No conflict is expected to arise between the new/already existing activities on site and those found in the wider area/neighbouring zones.</p>
<p>8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.</p>	<p>By design, the proposed subdivision avoids the adverse effects of incompatible use or development on natural and physical resources.</p>
<p>8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.</p>	<p>The proposed activity is not expected to affect the ease/efficiency of establishment and operation of activities and services that have a function need to be located in rural environments.</p>
<p>8.6.3.9 To enable rural production activities to be undertaken in the zone.</p>	<p>The proposed activity is not expected to hinder the ability for rural production activities to be undertaken in the zone.</p>
<p>8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.</p>	<p>The proposed subdivision is not expected to hinder nor negatively affect the zone and wider surrounds ability to undertake existing, proposed and recently consented activities.</p>
<p>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.</p>	<p>Not relevant. This is written as an internal objective/policy for the Plan itself, not for applicants to assess.</p>
<p>8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.</p>	<p>Development is already existing.</p>
<p>8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.</p>	<p>The nature of the development/subdivision proposed is not expected to deplete the standard of the amenity values of the Rural Production Zone to a level that is inconsistent with the productive intent of the zone.</p>
<p>8.6.4.5 That the efficient use and development of physical and natural</p>	<p>The design and density of the proposed subdivision does not readily fit, but the application effectively swaps land from one party to another which results in no net 'efficiency' loss.</p>

resources be taken into account in the implementation of the Plan.	
8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	Not relevant
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.	The generation of actual and potential adverse effects of conflicting land use activities has been avoided given the design of the proposed activity.
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	Not relevant.

8.2 Far North District Plan – Chapter 13: Subdivision

Objective / Policy Reference	Comment
13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well-being of people and communities.	The proposed subdivision is consistent with this intent.
13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or	Air, water, soil and ecosystems are not adversely compromised by the proposed development.

acceleration of natural hazards, are avoided, remedied or mitigated.	
13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.	These features are not present.
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 nil on the site.
13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.	All lots have existing on-site water management.
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.	The bush areas on site have no particular value worthy of protection.
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.	There are no specific requirements with respect to this objective in relation to the site and proposal.
13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.	Power is provided.
13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and	No specific allowances have been made.

orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).	
13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.	Access and infrastructure is existing.
13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities	Not relevant.
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.	These have been considered during the design of the scheme plan. Many are not relevant.
13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.	The current access arrangements are considered appropriate as a boundary adjustment isn't changing any material access on the sites.
13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.	These hazards are clear of built development.
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 considered appropriate in this context.
13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or	Access is existing and considered appropriate.

mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.	
13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.	There are no such significant areas on the site.
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.	There is no need for financial contributions.
13.4.8 That the provision of water storage be taken into account in the design of any subdivision	Water will be provided via on-site tanks.
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.	The bonus provisions are not being utilised.
13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.	This is Council focused and not relevant to applicants.
13.4.11 That subdivision recognises and provides for the relationship of	The land is general title land. No such features exist.

<p>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.</p>	
<p>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.</p>	<p>This is not a management plan subdivision.</p>
<p>13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:</p> <ul style="list-style-type: none"> (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns; (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area; (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas; (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of 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 <i>Chapter 2</i> and in particular <i>Section 2.5</i> and Council's "<i>Tangata</i> 	<p>These concepts, where relevant, have been incorporated into the design of the subdivision.</p>

<p><i>Whenua Values and Perspectives” (2004);</i></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> <p>(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.</p>	
<p>13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of <i>Part 3</i> of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.</p>	<p>These have been considered above.</p>
<p>13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:</p> <p>(a) development of energy efficient buildings and structures;</p> <p>(b) reduced travel distances and private car usage;</p> <p>(c) encouragement of pedestrian and cycle use;</p> <p>(d) access to alternative transport facilities;</p> <p>(e) domestic or community renewable electricity generation and renewable energy use.</p>	<p>It is Council’s will to impose such conditions, although they are not obviously relevant in this case.</p>
<p>13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:</p> <p>(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of</p>	<p>This is not relevant.</p>

transmission lines or support structures;
 (b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and
 (c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.

Having considered the relevant objectives and policies of the Rural Production Zone and Chapter 13: Subdivision, it is clear that the proposed subdivision is universally consistent with their aims and intents.

8.3 Proposed Far North District Plan – 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	Land use and subdivision in the Rural Production zone: <ol style="list-style-type: none"> protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production; protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation; does not compromise the use of land for farming activities, particularly on highly productive land; does not exacerbate any natural hazards; and is able to be serviced by on-site infrastructure.
RPROZ-O4	The rural character and amenity associated with a rural working environment is maintained.

Assessment:

1. Primary production activities are unlikely to occur on the site. The land is already developed and quite small in size. Each site has existing bush to the rear of the site and are appropriately setback from the Cookson road frontage.

2. The boundary adjustment will allow for the continued use of the existing residential dwellings which have a functional need to be located in the Rural Environment.
3. The boundary adjustment does not change or alter the existing protections of highly productive land. Reverse sensitivity is not implicated as evidenced earlier in this report. Farming is not implicated as the sites are only used for vary minor / small pastoral uses as lifestyle allotments. Natural hazards are not exacerbated as the boundary adjustment does not impact these features. On site infrastructure is available and existing.
4. The boundary adjustment does not impact character and amenity of a rural working environment.

Policies	
RPROZ-P1	Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.
RPROZ-P2	Ensure the Rural Production zone provides for activities that require a rural location by: <ol style="list-style-type: none"> a. enabling primary production activities as the predominant land use; b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.
RPROZ-P3	Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.
RPROZ-P4	Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes: <ol style="list-style-type: none"> a. a predominance of primary production activities; b. low density development with generally low site coverage of buildings or structures; c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and d. a diverse range of rural environments, rural character and amenity values throughout the District.
RPROZ-P5	Avoid land use that: <ol style="list-style-type: none"> a. is incompatible with the purpose, character and amenity of the Rural Production zone; b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; c. would result in the loss of productive capacity of highly productive land; d. would exacerbate natural hazards; and

	e. cannot provide appropriate on-site infrastructure .
RPROZ-P6	<p>Avoid subdivision that:</p> <ol style="list-style-type: none"> a. results in the loss of highly productive land for use by farming activities; b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account: <ol style="list-style-type: none"> 1. the type of farming proposed; and 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land. c. provides for rural lifestyle living unless there is an environmental benefit.
RPROZ-P7	<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> <ol style="list-style-type: none"> a. whether the proposal will increase production potential in the zone; b. whether the activity relies on the productive nature of the soil; c. consistency with the scale and character of the rural environment; d. location, scale and design of buildings or structures; e. for subdivision or non-primary production activities: <ol style="list-style-type: none"> i. scale and compatibility with rural activities; ii. potential reverse sensitivity effects on primary production activities and existing infrastructure; iii. the potential for loss of highly productive land, land sterilisation or fragmentation f. at zone interfaces: <ol style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable; g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer; h. the adequacy of roading infrastructure to service the proposed activity; i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

Assessment:

1. The boundary adjustment does not disable primary production activities.
2. Primary production activities can continue. None of the other activities outlined in the policy are relevant.

-
3. No new sensitive activities are proposed.
 4. The boundary adjustment is consistent with the policy as development is existing and the land swap does not increase or change any environmental effects.
 5. No change to land use is proposed for the sites.
 6. The boundary adjustment does not result in a loss of productive soils as the land will remain available for such uses. The land swap promotes very little difference from the status quo in terms of effects associated with land size. Rural lifestyle living is already present on the sites and no change / reversion to production activities are proposed outside of small scale grazing.
 7. Production potential for the sites remain neutral. The boundary adjustment does not rely on the soil to be undertaken. The sites are consistent with the status quo and the surrounds. Buildings and structures are existing and legally established. Rural activities in the surrounds are sufficiently setback to result in any effects to these uses. In any event the boundary adjustment does not change the existing development / activity on the site. There is no loss of soil as the boundary adjustment only changes the areas of land which contain existing development. There are no zone interface issues. Infrastructure is found on site and existing. Roading is considered appropriate. There are no known effects to historic heritage. There are no cultural matters identified on the site.

8.4 Proposed Far North District Plan – Subdivision

Objectives	
SUB-01	<p>Subdivision results in the efficient use of land, which:</p> <ul style="list-style-type: none"> a. achieves the objectives of each relevant zone, overlays and district wide provisions; b. contributes to the local character and sense of place; c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and f. manages adverse effects on the environment.
SUB-02	<p>Subdivision provides for the:</p> <ul style="list-style-type: none"> a. Protection of highly productive land; and 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.
SUB-03	<p>Infrastructure is planned to service the proposed subdivision and development where:</p> <ul style="list-style-type: none"> 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 b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.
SUB-04	<p>Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:</p> <ul style="list-style-type: none"> a. public open spaces; b. esplanade where land adjoins the coastal marine area; and c. esplanade where land adjoins other qualifying waterbodies.

Assessment:

1. The rural production zone intent is considered achieved. There are no overlays or other district wide provisions of relevance.
2. The highly productive land is protected as the boundary adjustment is associated with existing development. The boundary change does not result in any potential or actual loss of soils productivity or use as it remains available. The other resource features listed are not relevant to the site.
3. Infrastructure is existing on site.
4. No public access or additional open space is considered relevant.

Policies	
SUB-P1	Enable boundary adjustments that:

	<ul style="list-style-type: none"> a. do not alter: <ul style="list-style-type: none"> i. the degree of non compliance with District Plan rules and standards; ii. the number and location of any access; and iii. the number of certificates of title; and b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.
SUB-P2	Enable subdivision for the purpose of public works, infrastructure , reserves or access.
SUB-P3	<p>Provide for subdivision where it results in allotments that:</p> <ul style="list-style-type: none"> a. are consistent with the purpose, characteristics and qualities of the zone; b. comply with the minimum allotment sizes for each zone; c. have an adequate size and appropriate shape to contain a building platform; and d. have legal and physical access.
SUB-P4	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
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> <ul style="list-style-type: none"> a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections; c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; d. contributing to a well connected transport network that safeguards future roading connections; and e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.
SUB-P6	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ul style="list-style-type: none"> a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.
SUB-P7	Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies .

SUB-P8	<p>Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:</p> <ol style="list-style-type: none"> a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and b. will not result in the loss of versatile soils for primary production activities.
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> <ol style="list-style-type: none"> a. consistency with the scale, density, design and character of the environment and purpose of the zone; b. the location, scale and design of buildings and structures; 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; d. managing natural hazards; e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

Assessment:

1. This is not strictly met as proposed Lot 1 is decreasing in size.
2. Not relevant.
3. This is considered to be achieved.
4. Only hazards are relevant, and these are not implicated by the boundary adjustment.
5. Not relevant.
6. Infrastructure is existing.
7. Not relevant

-
8. The sites are already at a size considered to be rural lifestyle. The land swap does not implicate or create further effects. Bush protection can be provided on the sites. No new lots are created.
 9. The application is not being undertaken via Management Plan.
 10. Not relevant.
 11. Previously addressed above in the Rural Production Zone.

8.5 Regional Policy Statement for Northland (RPS)

The RPS sets region wide objectives and policies for the environment. Owing to the relevant characteristics of the site (considered earlier in the report) not all matters of the RPS are relevant when considered at a micro level. Those relevant matters are considered below.

3.5 Enabling Economic Wellbeing

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

Comment:

The proposed subdivision has been designed in a manner that maintains Northland's natural and physical resources. Economic wellbeing is enhanced through the provision of land dedicated to rural lifestyle development which will ultimately benefit the local and broader economy.

3.6 Economic Activities - Reverse Sensitivity and Sterilisation

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

- (a) *Reverse sensitivity for existing:*

-
- (i) *Primary production activities;*
 - (ii) *Industrial and commercial activities;*
 - (iii) *Mining; or*
 - (iv) *Existing or planned regionally significant infrastructure; or*
 - (b) *Sterilisation of:*
 - (i) *Land with regionally significant mineral resources; or*
 - (ii) *Land which is likely to be used for regionally significant infrastructure.*

Comment:

As highlighted earlier, it is not expected that the proposed subdivision will significantly impact local primary production activities or mining activities in the surrounding environment. Their viability will remain as the potential adverse effects are reduced to a less than minor level.

3.11 Regional Form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

5.1.1 Policy - Planned and Coordinated Development

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

- (a) *Is guided by the Regional Form and Development Guidelines in Appendix 2;*
- (b) *Is guided by the Regional Urban Design Guidelines in Appendix 2 when it is urban in nature;*
- (c) *Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*

-
- (d) *Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
 - (e) *Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
 - (f) *Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
 - (g) *Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
 - (h) *Is or will be serviced by necessary infrastructure.*

Note: in determining the appropriateness of subdivision, use and development (including development in the coastal environment – see next policy), all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality. The development has been designed to enhance the sense of place of the area and maintain the character of the area.

Comment:

Given the rural nature of the subdivision the urban and regional design guidelines are of limited relevance. In terms of cumulative effects, the subdivision raises nil concerns.

Land use incompatibility is appropriately avoided via existing separation distances, conforming to FNDC setback requirements and existing development being well separated from existing uses.

Whilst the site has 3s1 soils, these are not 'versatile' as per the Regional Policy Statement. In terms of sense of place, the rural character and nature of the site and surrounds is maintained effectively via lot sizes and subdivision design which provides for the existing vegetative backdrop to be maintained. As has been outlined quite clearly throughout this report, the site and proposed allotments are, or will be serviced, by appropriate infrastructure.

In relation to the relevant objectives and policies of the RPS, it is considered that the proposal is consistent with their overarching objectives and aims.

8.6 National Policy Statements and Plans

The site is not located within the Coastal Environment. The NZCPS is not relevant.

The site is not on the HAIL list – the NES-SC is not relevant.

The NES-FM is not relevant as there are no mapped natural wetlands as mapped by the NRC 'Biodiversity Wetland' mapping system.

The site is not urban – The NPS-UD is not relevant.

The NPS-HPL is relevant as the site contains Class III soils.

Objective 2.1 is of relevance – it states:

2.1 Objective

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.

The relevant policies are as follow:

2.2 Policies

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

highly productive land means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

land-based primary production means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land

productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of:

4 National Policy Statement for Highly Productive land 2022

- (a) physical characteristics (such as soil type, properties, and versatility); and
- (b) legal constraints (such as consent notices, local authority covenants, and easements); and
- (c) the size and shape of existing and proposed land parcels

The relevant implementation policies are addressed below

3.8 Avoiding subdivision of highly productive land

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

(a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:

Dwellings are already present on the site, and these already form part of the existing environment.

The proposed boundary adjustment does not change the overall productive capacity of the land as in this instance the amount of productive land remains the same on completion of the adjustment. There are no activities proposed which take land away from a potential productive use.

The predominant use is pastoral activities. These are not impacted by the boundary adjustment [or any other potential use].

(b) the subdivision is on specified Māori land:

The site is not on maori land.

(c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

The subdivision is not for the above purposes.

(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and

The proposal does not result in any cumulative loss of the availability and productive capacity of HPL as there are no related activities with the boundary adjustment that are proposed. Therefore, effects are avoided.

(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.

The proposal avoids such effects as the activities are existing and well separated from the existing land based primary production activities.

The ones of scale are across Cookson Road and sufficiently separated from the existing dwellings. The boundary adjustment does not bring these activities closer or reduce the separation buffer.

No mitigation conditions are required in terms of no complaints covenants or any other type of reverse sensitivity conditions because a change in the size of the allotments makes no difference in terms of effects received or implanted on those surrounding uses.

(3) In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.

Not relevant.

(4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

Those relevant policies and objectives have been assessed. Whether they have sufficient weight or not is immaterial in this matter as the boundary adjustment is not considered inconsistent with the aims and intent of the PDP / ODP provisions.

Soils are retained for the long term as the boundary adjustment does not change anything regarding their productivity. Overall, the proposal is consistent with the NPS-HPL.

8.7 S104D Resource Management Act 1991

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

It is contended throughout this report that the application promotes less than minor adverse effects to the environment and to persons. As outlined above the application will not be contrary to the relevant objectives and policies of relevant statutory documents. With this in mind, it is considered that the proposal can be granted subject to s104D.

9.0 PART 2 ASSESSMENT

9.1 Section 5 - Purpose of the Act

Section 5 in Part 2 of the Act identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being which sustain those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding remedying or mitigating adverse effects on the environment.

It is considered that proposal represents a sustainable use of existing resources that allow people and the community to provide for its social and economic wellbeing in a manner that mitigates adverse effects on the environment.

9.2 Section 6 - Matters of National Importance

In achieving the purpose of the Act, a range of matters are required to be recognised and provided for. This includes:

- a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

-
- c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
 - e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
 - f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
 - g) *the protection of protected customary rights:*
 - h) *the management of significant risks from natural hazards.*

The matters are largely irrelevant to the proposal.

9.3 Section 7 - Other Matters

In achieving the purpose of the Act, a range of matters are to be given particular regard.

This includes:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources: (ba) the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable*

energy.

These matters have been given particular regard through the design of the proposal.

9.4 Section 8 - Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

9.5 Part 2 Conclusion

Given the above, it is considered that the proposal meets the purpose of the Act.

10.0 CONCLUSION

Non-Complying resource consent is sought from the Far North District Council to carry out the proposed development. The proposal is considered to have less than minor effects on the wider environment and through assessment there are considered to be no adversely affected persons.

The proposal is consistent with the objectives and policies of the Far North District Plan, the Regional Policy Statement for Northland, relevant policy statements and plans and achieves the purpose of the Act.



Steven Sanson. BPlan Hons

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

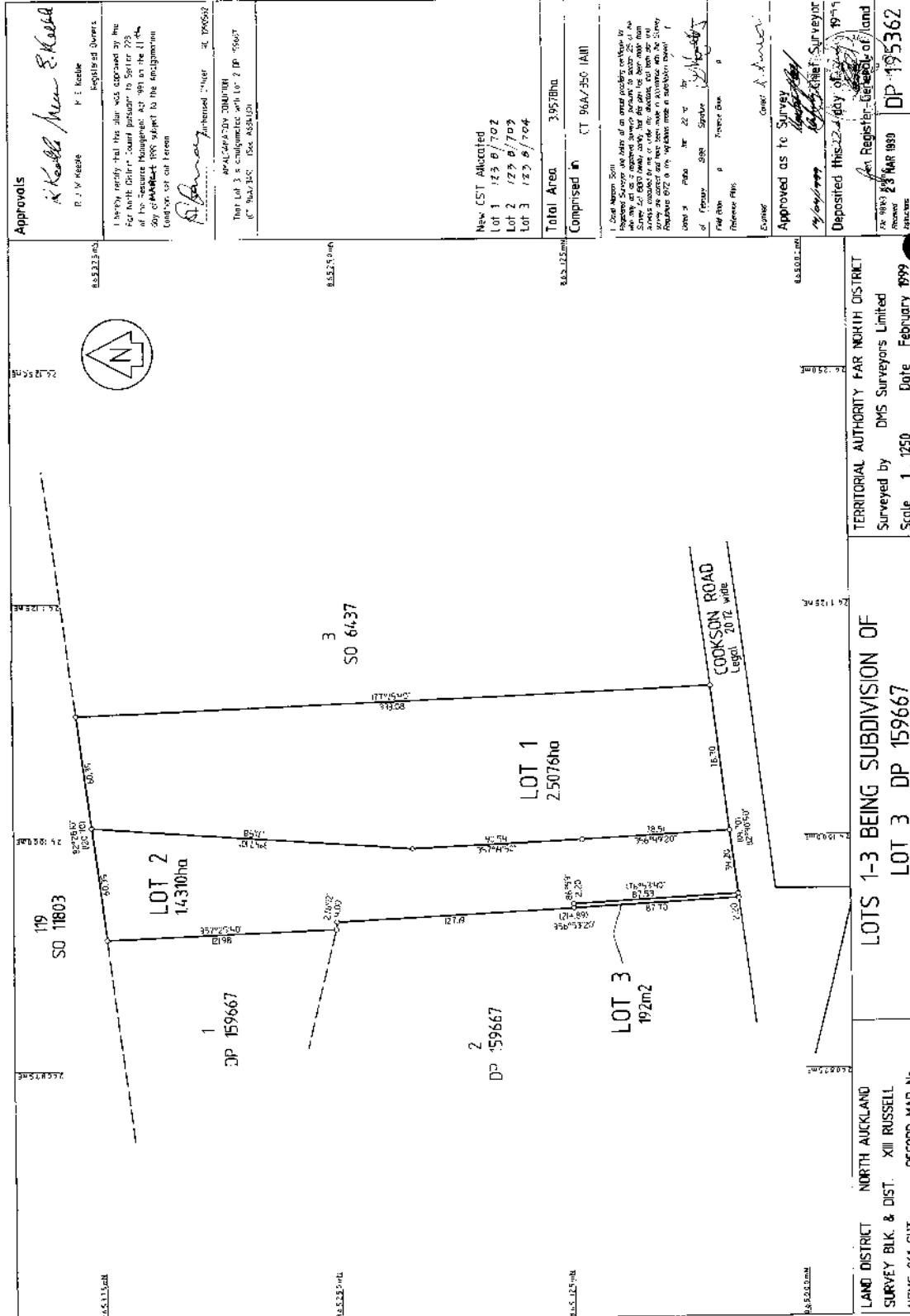
Identifier **NA123B/703**
Land Registration District **North Auckland**
Date Issued 22 July 1999

Prior References
NA96A/350

Estate Fee Simple
Area 1.4310 hectares more or less
Legal Description Lot 2 Deposited Plan 195362

Registered Owners
Jeffery Ernest Crooks and Judyth Diane Crooks

Interests
9482804.3 Mortgage to ANZ Bank New Zealand Limited - 2.10.2013 at 3:26 pm



5 AUG 1999



**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

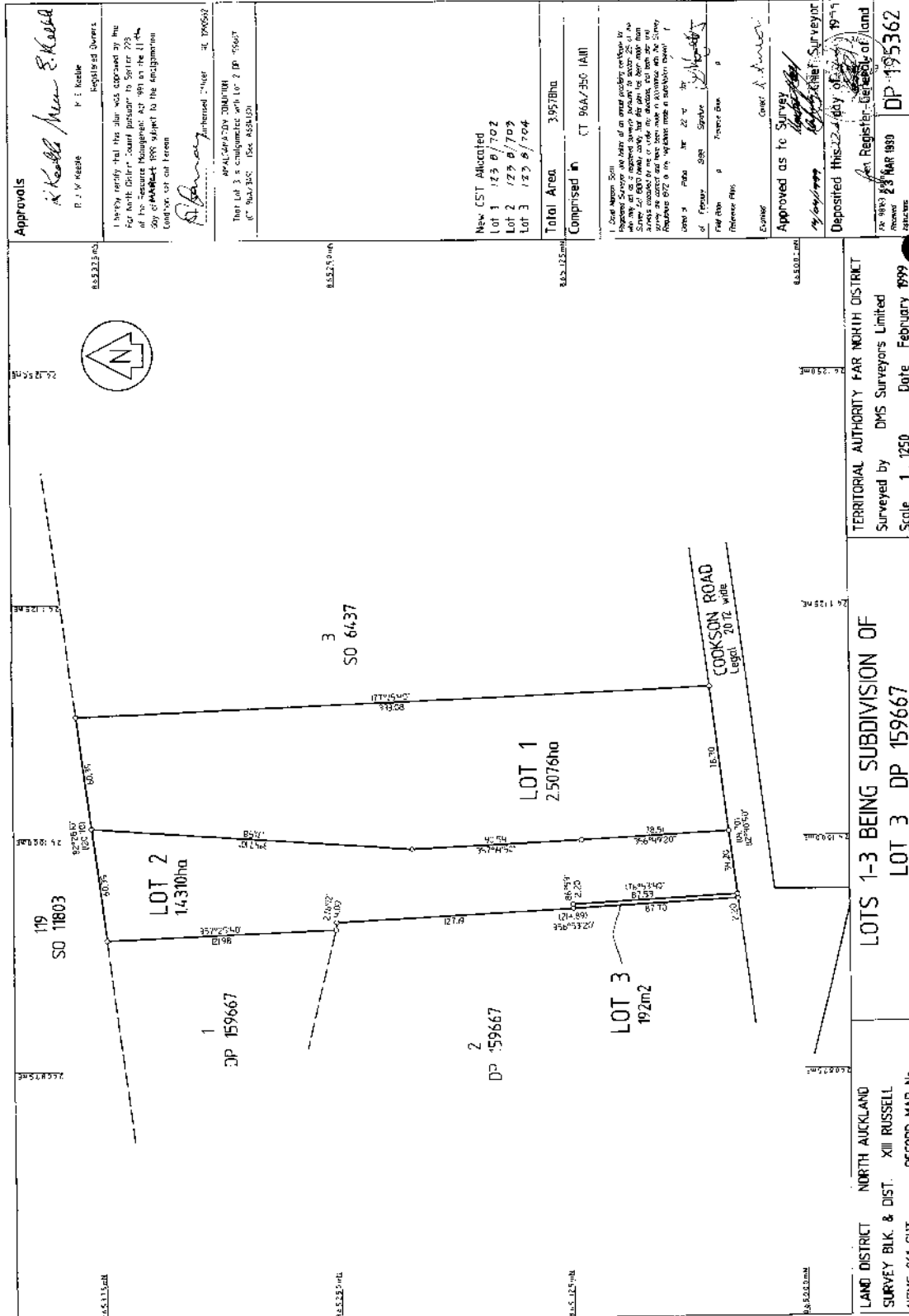
Identifier NA123B/702
Land Registration District North Auckland
Date Issued 22 July 1999

Prior References
NA96A/350

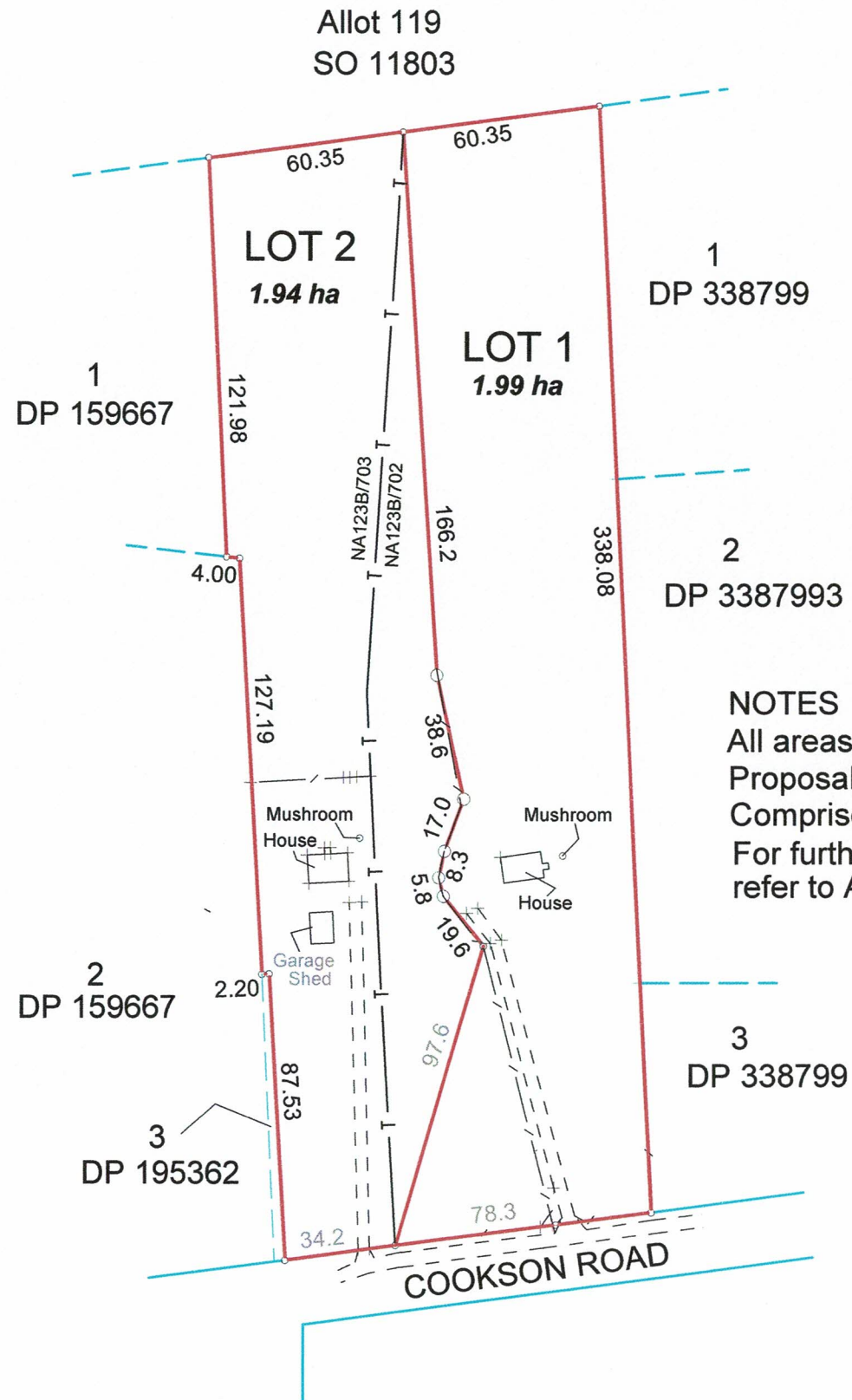
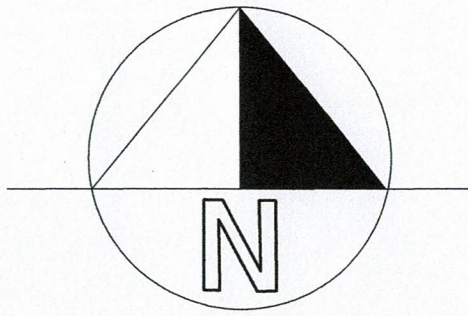
Estate Fee Simple
Area 2.5076 hectares more or less
Legal Description Lot 1 Deposited Plan 195362
Registered Owners
Mara Evelyn Keeble

Interests

325104.1 Settled under the Joint Family Homes Act 1964 - 13.6.1975 at 9:31 am
6661556.1 Mortgage to TSB Bank Limited - 28.11.2005 at 2:39 pm
11963312.1 CAVEAT BY HER MAJESTY THE QUEEN - 10.12.2020 at 11:57 am



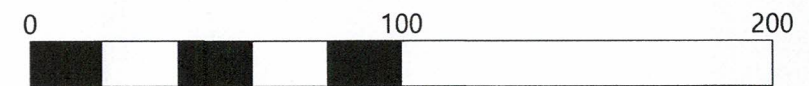
5 AUG 1999



NOTES

All areas and dimensions are subject to alteration on final survey
 Proposal subject to receiving Consent from FNDC
 Comprised in CT's NA123B/702 & NA123B/703 Total Area 3.9386 ha
 For further information on position of Houses and access there to refer to Aerial Photo

**LOTS 1 - 2 BEING A PROPOSED SUBDIVISION
 (BOUNDARY ADJUSTMENT) OF LOTS 1 & 2
 DP 195362**



SCALE 1 : 2000 Original @ A3