



Our Reference: 10942 (FNDC)

17 August 2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed boundary adjustment – West Coast Road, Kohukohu - Bawden

I am pleased to lodge on behalf of J and C Bawden, application for a boundary adjustment of two adjacent titles on West Coast Road, Kohukohu. The application is a controlled activity boundary adjustment, rationalising boundaries of two titles in regard to West Coast Road.

The appropriate fee has been paid separately.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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 | ☐ Discharge: Total volume = <input type="text"/> m ³
<i>Note: volumes >3m³ requires NRC Consent.</i> |
| ☐ Fast Track Land Use* | ☒ Subdivision |
| ☐ Change of Consent Notice (s.221(3)) | ☐ Existing Use Certificate (s.139A) |
| ☐ Certificate of Compliance (s.139) | ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) |
| ☐ Extension of time (s.125) | |
| ☐ Other (please specify) <input type="text"/> | |

*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:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

John & Catherine Bawden

Email:

Phone number:

Postal address:

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

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991? ☐ Yes ☐ No

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Lynley Newport at Thomson Survey 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:

as per item 5

**Property address/
location:**

8. Application site details

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

Name/s:	see item 5		
Site address/ location:	West Coast Road		
	KOHUKOHU		
	Postcode 0491		
Legal description:	Sec 93, 97 & 122 Mangamuka	Val Number:	
Certificate of title:	NA35C/654		

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.

Vacant farmland, but please contact applicant prior to site 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.

Subdivision by way of a boundary adjustment, of land zoned Rural Production in both the ODP and PDP-DV.

No new/additional titles created.

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.

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

☐ 2009 ☒ 2023

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

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ☒ Yes ☐ No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

☒ Flooding

☐ Active Faults

☐ Landslips

☐ Liquefaction

☐ Coastal Erosion

☐ Tsunami

☐ Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. 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

15. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☒ Yes ☐ No

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

16. 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)

John and Catherine Bawden

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)

JOHN HAROLD BAWDEN

Signature:

(signature of bill payer)

Date 13/08/2016

MANDATORY

17. 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.

18. Declaration

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

Name (please write in full)

JOHN HAROLD BAWDEN

Signature

Date 13/08/2016

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

See overleaf for a checklist of your information...

John & Catherine Bawden

BOUNDARY ADJUSTMENT SUBDIVISION

West Coast Road, KOHUKOHU

**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**Thomson Survey Ltd
Kerikeri**

1.0 INTRODUCTION

1.1 The Proposal

The applicants propose a boundary adjustment between Sections 93, 97 & 122 Blk X Mangamuka SD (two adjacent titles) such that the boundary between the two titles is rationalised, using the physical alignment of West Coast Road as the adjusted boundary. Currently land in NA35C/854 is severed by the road, with land on both sides. It makes more sense to reduce that title area to only include land on one side of the road (eastern side), and transfer the land on the other (western) side to the adjacent NZ55A/65 – also on the western side of the road.

The Location Map in Appendix 2, containing appellation and title details shows the current situation. The Scheme Plan in Appendix 1 shows the proposed boundary adjustment.

It is noted that the physical alignment of West Coast Road is well outside of the legal road alignment and the portion of physical road thus affected, is shown on the scheme plan as Lot 3 Road to Vest. The proposal does not include any road stopping or road swapping proposal.

The proposal includes an Amalgamation Condition reading:

"That Lot 2 hereon and Section 93 SO 46277 and Sections 12 & 122 Blk X Mangamuka SD be held in the same Record of Title." - refer to Appendix 1.

For current titles' areas compared to the proposed titles' areas, are shown in tabular form below (excluding Road to Vest, which is separate from any boundary adjustment):

Current Title	Land Area	Proposed Title	Land Area
NA35C/654	19.5486ha	Lot 4 on Scheme Plan	18.0331ha
NA55A/65	9.9806ha	Lots 1,2 & Section 12	11.2511ha

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent from the Council for a boundary adjustment subdivision as a controlled activity. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

2.0 PROPERTY DETAILS

Location: West Coast Road, Kohukohu – refer Appendix 2 for Location Map

RT's & Legal descriptions:
 NA35C/654 Section 93 SO 46277; Sections 97 & 122, Blk X
 Mangamuka SD
 NA55A/65 Sec 12 Blk X Mangamuka SD

Refer to Appendix 3 for copies of titles

3.0 SITE DESCRIPTION

3.1 Physical characteristics

The land in Lot 4 on the scheme plan, all on the east side of West Coast Road is flat, low-lying and entirely in pasture. It is grazing land, with the Wairupe Creek forming its eastern boundary. It contains no buildings.

The land to be on the western side of the road is reasonably level immediately adjacent to the road, before then rising up-slope, with moderate contour, in a westerly direction. It has grass and tree cover. It does not support any buildings either.

West Coast Road, in this location is sealed public road, maintained by the Council.

3.2 Mapped features

The properties are zoned Rural Production in the Operative District Plan (ODP) and Proposed District Plan (PDP-DV). No resource features apply in the ODP. The PDP-DV maps show the land to be in Lot 4 as prone to flooding, over its entirety. There are small isolated parts of land to the west of West Coast Road mapped as flood prone, with the majority of that property being elevated and not prone to flooding.

The soils on the application sites are not LUC 1, 2 or 3. There are no areas mapped as Protected Natural Areas within the two properties, and both properties are outside of any kiwi present or high density kiwi areas.

3.3 Legal Interests

Neither title has any legal interests relevant to the application.

3.4 Consent History

There is no relevant consent history.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Sections 1 and 6 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Sections 7 & 8 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Section 3 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	The application is a boundary adjustment subdivision.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Nil required.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Section 7 of this Planning Report.

(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2): (a) any relevant objectives, policies, or rules in a document; and (b) any relevant requirements, conditions, or permissions in any rules in a document; and (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).	Refer to Section 7.
(3) An application must also include any of the following that apply:	
(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)): (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)): (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).	Refer to Section 5.
(4) An application for a subdivision consent must also include information that adequately defines the following:	
(a) the position of all new boundaries: (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (c) the locations and areas of new reserves to be created, including any	Refer to Scheme Plans in Appendix 1.

esplanade reserves and esplanade strips: (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads.	
---	--

Clause 6: Information required in assessment of environmental effects

<i>(1) An assessment of the activity's effects on the environment must include the following information:</i>	
<i>(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	Refer to Section 6. The activity will not result in any significant adverse effect on the environment.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Section 6.
<i>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable.
<i>(d) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	Not applicable.
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	No mitigation measures required.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Section 8.

<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects (RMA)

<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to section 6 for (a)-(d)
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The proposal will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The application site is not subject to hazard to a degree that impacts on the proposal. The proposal does not involve hazardous installations.

5.0 COMPLIANCE ASSESSMENT**5.1 Weighting Assessment**

The ODP remains the only 'operative' district plan, however the PDP-DV now has legal effect. As such, a weighting assessment is required.

The subdivision chapter in the PDP was heavily submitted on, with hundreds of pages of recommended decisions on submissions. The Rural Production Zone subdivision provisions, in particular, attracted a huge number of submissions, the vast majority opposing the minimum lot sizes being proposed. However, the Council chose to reject any and all submissions seeking a change to those minimum lot sizes. This will likely result in Appeals being lodged, and Environment Court proceedings, before resolution on minimum lot sizes occurs and those provisions get to the point of being beyond challenge and able to be regarded as operative. The boundary adjustment subdivision rules/standards were not as heavily submitted on than the general subdivision minimum lot sizes, however, will still likely be included in the 'suite' of appeals in regard to subdivision provisions, and particularly rural subdivision provisions.

With the degree of uncertainty still around the PDP-DV's subdivision provisions, I am of the opinion that the Council is not yet at the point where it can give more weight to the PDP-DV.

5.2 Operative District Plan

The application sites are zoned Rural Production.

The application can be regarded as a boundary adjustment given that there are currently two contiguous titles and the proposal will result in two contiguous titles (no additional).

13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

Boundary Adjustments Performance Standards Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

- (a) there is no change in the number and location of any access to the lots involved; and
- (b) there is no increase in the number of certificates of title; and
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g. building setbacks, effluent disposal); and
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in Rules 13.7.2 to 13.7.10.

Part (a) is complied with as there is no change to existing physical access to any title.

Part (b) is complied with as there will be no additional titles created.

Part (c) is, I believe met, because the application sites' lot area is already not compliant with controlled activity minimum lot sizes, but the degree of non compliance does not increase.

Part (d) can be complied with as the properties are contiguous.

Technically, both parts (e) and (f) are not met because it is not intended to utilize land in Lot 4 for residential use given its flood risk. A consent notice is proposed to apply to Lot 4 to that effect. Practically, because no residential activity is proposed, I consider the boundary adjustment meets parts (e) and (f) insofar as where residential development is provided for (not Lot 4), the adjusted title on the west side of the road can accommodate it.

Should the Council concur with my opinion, the application is a controlled activity. Should the Council not agree with my opinion, then the zones' minimum lot sizes then need to be considered in order to determine activity status.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m ² and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000; Option 5. N/A as the proposal does not utilise remaining rights.	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m ² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

The title being 'subdivided' is older than April 2000. Lot 2 is to be amalgamated with the western title. This will result in a title larger than 2ha. The balance Lot 4 is also larger than 2ha. My interpretation of the proposal is that the result will be two titles, both over 2ha in area, consisting of land from two existing titles both older than April 2000. The boundary adjustment would therefore be a restricted discretionary activity under the ODP if the controlled activity status outlined above is not accepted.

The ODP's Rule 13.7.2.6 provides for vested roads to have no minimum allotment area:

13.7.2.6 ACCESS, UTILITIES, ROADS, RESERVES

Notwithstanding the standards for minimum net area, there shall be no minimum allotment areas in any zone for allotments created for access, utilities, roads and reserves.

Other Rules:

Zone Rules:

There are no relevant zone rules. The application site is vacant land.

District Wide Rules:

There are no relevant district wide rules in Chapter 12 of the ODP as none of the matters covered in that chapter feature on the application site. Whilst there are low lying areas prone to flooding, the ODP contains no rules in this regard. No development is planned near the Wairupe Creek (Chapter 12.7).

Chapter 14 Financial Contributions (esplanade reserve) is not applicable as there is no lot of less than 4ha with a water boundary.

Chapter 15.1 Traffic, Parking and Access

Being only an adjustment of boundaries between two vacant pieces of land, I have not identified any breaches of rules in Chapter 15.1.6 of the ODP. In regard to residential standard crossing, no residential development is proposed for Lot 4; and the title to be located on the western side of the West Coast Road already has farm access. I believe it would be sufficient for that western title to take a consent notice approach to future access for residential development, should that ever occur – requiring a vehicle crossing permit at time of building consent for future residential development.

In summary, I have not identified any land use breaches.

5.3 Proposed District Plan (PDP-DV)

The properties involved in this proposal are zoned Rural Production in the PDP-DV, with the land in Lot 4 largely mapped as River and Coastal Flood Hazard. In terms of the PDP-DV's boundary adjustment subdivision rule/standard, these are very similar to the ODP's, but with some minor differences.

SUB-R1, CON-1 requires boundary adjustments to comply with the minimum lot sizes applying to the zone. The proposal cannot meet this given that the Rural Production Zone's controlled activity minimum lot size is 40ha. An inability to comply with CON-1 defaults to restricted discretionary activity status.

CON-1 also requires a 20m x 20m building platform for each lot (noting in this case, however, that Lot 4 is not to support any residential development). Each adjusted lot – in this case the western title only, must also have a means to provide a water supply system, which can be achieved; a satisfactory means of managing stormwater which can also be achieved; satisfactory on-site wastewater treatment and disposal, again readily achieved; and necessary easements – of which there are none.

CON-2 requires that the boundary adjustment does not:

1. Alter the ability of existing activities to continue to be permitted under the rules and standards of this district plan;
2. Alter the degree of non compliance with zone or district wide standards;
3. Alter the number and location of any access; and
4. Increase the number of certificates of title.

There are no existing activities. The adjusted boundaries do not alter the degree of non compliance with zone or district wide standards; do not alter the number or location of any access, and do not increase the number of certificates of title. CON-2 is therefore met.

CON-3 is not relevant as there are no esplanade requirements.

I have not identified any PDP-DV zone rule breaches given that the land involved in this proposal is vacant.

In terms of district wide PDP-DV rules, the Flood Hazard within the site warrants consideration under the PDP-DV Flood Hazard rules and Subdivision rules relating to land in a Flood Hazard area.

Boundary adjustments are assessed under SUB-R1. SUB-R11 – Subdivision of a site within flood hazard areas, applies in addition to SUB-R1. The presence of a flood hazard area within the application site automatically triggers restricted discretionary activity status (noting the proposal is already at that activity category in any event). The restricted discretionary activity status is dependent on meeting RDIS-1:

RDIS -1

1. *Building platforms are located wholly outside the spatial extent of the 1 in 100 year flood hazard area;*
2. *Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and*
3. *Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level.*

Building platforms are / will be located wholly outside the spatial extent of the 1 in 100 year flood hazard area. Firstly land in Lot 4 will have a consent notice applied to it preventing residential development; and secondly, in regard to the other title on the west side of the road, there are multiple building sites outside the spatial extent of the 1 in 100 year flood hazard area. Strictly speaking we are not creating new additional allotments, only adjusting

the boundary between two existing allotments. Doing so does not divert flood flow and will not result in any increase in flood hazard beyond the site. Access is existing to some extent, but can be suitably upgraded for future residential use within the western title, if and when said development occurs.

On the basis of the above the restricted discretionary activity status prevails in terms of (River) Flood Hazard.

The land involved in this proposal is also mapped as having a very small area of land subject to coastal flooding. This is limited to road side / edge and along old creek bed within the proposed western title. Even though limited in area, the following PDP-DV rule is relevant:

SUB-R12**Subdivision of a site within coastal hazard areas.**

Activity status: Restricted discretionary where:

RDIS-1

All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area.

Matters of discretion are restricted to:

- a. location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards;*
- b. the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone and the vulnerability of these uses to coastal storm inundation and erosion events;*
- c. the effects of any proposed hazard mitigation works including any earthworks on public access, landscape and other environmental values; and*
- d. the proposed use of, necessity for and design of hard protection structures to mitigate hazards.*

RDIS-1 is readily achieved. Activity status therefore remains as restricted discretionary. Refer to section 6.2 below.

The PDP-DV also contains rules in its Natural Hazards section in regard to land use activities, however, no land use activity is proposed as part of this application.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Property Access

Access is existing to land on both sides of West Coast Road, via farm crossings and steel gates almost directly opposite each other. Visibility is excellent in both directions. Given no residential development is proposed on land on the eastern side; and that any residential development on land on the western side is likely some way off, it is requested that there be no condition of consent requiring upgrading or formation of crossings prior to titles issuing. Instead a consent notice could be imposed on the title on the western side, requiring a Vehicle Crossing permit at time of building consent for any residential dwelling.

6.2 Natural and other hazards

This proposal to adjust boundaries does not subdivide any land in order to create additional vacant titles upon which future development might be proposed. Nonetheless, noting that the existing title will lose the more elevated western side of West Coast Road from its title, it is proposed that Lot 4 have a consent notice applied, preventing residential development unless it can be shown that such development can fully mitigate against the risk of flood hazard. This would include reporting by suitably qualified professional engineers to assess risk and propose mitigation, and the report to be provided to the Council for its approval. Such approval would be via a resource consent given that to establish residential development on a lot almost entirely mapped as Flood Hazard would require such a consent (as well as building consent).

This approach would ensure that any future owner of Lot 4 will be fully aware of the limitations the land has for residential use.

In regard to other hazards, the application land is not subject to erosion; landslip; rockfall; alluvion; avulsion; unconsolidated fill; soil contamination; subsidence; or fire hazard to the extent that would prevent this boundary adjustment subdivision from being granted.

The PDP-DV contains several assessment criteria when considering flood hazard risk. These are:

- a. *location of suitable and stable building platforms, access and servicing, including on-site wastewater/stormwater disposal where applicable;*

It is not intended to develop Lot 4. The western title is reasonably large with elevated areas, offering several suitable and stable building platforms, with access. The adjusted title is large enough to accommodate on site services.

- b. *the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone, and the vulnerability of the uses to flood hazard events;*

See comment under (a). Only the western title is intended for future development. It is relatively clear of flood hazard.

- c. *the degree to which there may be material damage, through inundation or erosion, in a 1 in 100 year flood event;*

There will be no material damage through inundation or erosion.

- d. *the provision of safe access and egress to and within the created lots during a flood event, including consideration of depth and velocity of flood water over private roads and accessways;*

see comment under item (b) above. Access to the western title is existing and can be located / aligned such that it is not at risk of inundation.

- e. *effects on the functions of floodplains and overland flow paths;*

Nil effect on the functions of floodplains or overland flowpaths.

- f. *the effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and*

Nil effect on upstream or downstream properties.

- g. *the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard.*

There will be no requirement for design of engineering solutions to mitigate hazard for the western title. If at some point in the future an owner of Lot 4 wishes to investigate the use of that lot for residential use, then they will be required to commission suitable engineering assessment, reporting and design.

The assessment criteria for coastal flood hazard are slightly different. These are:

- a. *location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards;*

Building platforms and access and services can be established outside of any coastal hazard area.

- b. *the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone and the vulnerability of these uses to coastal storm inundation and erosion events;*

Refer to comments in regard to river flood hazard.

- c. *the effects of any proposed hazard mitigation works including any earthworks on public access, landscape and other environmental values; and*

No hazard mitigation works proposed.

- d. *the proposed use of, necessity for and design of hard protection structures to mitigate hazards.*

No hard protection structures required to mitigate hazards.

Given the above assessment I do not believe there is any requirement for a comprehensive hazard risk assessment. I have reached the conclusion that, in terms of the NPS Natural Hazards' Risk Assessment matrix, the risk of hazard on land in Lot 4 is neither unlikely/rare likelihood, nor of minor nor negligible consequence. This is why no development, particularly residential development is proposed for the land in that lot. However, insofar as the land to be in the adjusted title on the western side of the road, the opposite is true. I believe there is sufficient land available to ensure that the likelihood of risk from hazard is low and of minor

consequence. This is especially true given that the title already exists and is simply having land added to it.

6.3 Water Supply

No additional titles are created. There is no existing built development requiring a potable or fire fighting water supply. I do not consider it necessary to include a consent notice in regard to fire fighting water supply, given that this is a requirement at building consent stage in any event.

6.4 Stormwater Disposal

No additional titles are created. The size of the adjusted titles means that it is extremely unlikely that the permitted impermeable coverage on each title will ever be breached.

6.5 Sanitary Sewage Disposal

No additional titles are created. Any future buildings that incorporates an on-site wastewater treatment and disposal system can address this at building consent stage.

6.6 Energy Supply and Telecommunications

No additional titles are being created and there is no requirement to provide power and telecommunications for rural lots in any event.

6.7 Easements for any Purpose

No easements are proposed or required.

6.8 Heritage Resources, Vegetation, Fauna and Landscape

The sites contain none of the items listed in ODP's 13.7.3.9 (a)-(g). They contain no Outstanding Natural Landscape, Outstanding Natural Feature, or Outstanding / High Natural Character areas, as mapped or defined in the PDP-DV. The properties contain no Sites of Significance to Maori, and no heritage sites or archaeological sites.

No additional titles are created. The proposal will have no adverse effect on any heritage or cultural values. There is limited existing indigenous vegetation within the site and this is not affected by the proposed boundary adjustments. The site is outside of any high density or kiwi present area and the property is a working farming unit. The boundary adjustment is aimed at rationalising boundaries such that there is one title on either side of the West Coast Road, and ensuring that road does not bisect a title.

6.9 Access to Reserves and Waterways

There is no lot of less than 4ha with a waterbody boundary.

6.10 Land Use Incompatibility

Given that the boundary change does not increase development rights (no increase in number of titles), and that the land will likely continue in grazing use for some time, I do not see any land use incompatibility issues arising.

6.11 Proximity to Airports

Not relevant.

6.12 Natural Character of the Coastal Environment

The site is not in the coastal environment.

6.14 Cumulative and Precedent Effects

The proposal does not generate any cumulative effects because no additional titles or development rights are created.

Boundary adjustments of this nature in the Rural Production Zone already occur and I do not believe granting this consent creates a negative precedent, nor does it threaten the integrity of the ODP.

7.0 STATUTORY ASSESSMENT**7.1 Operative District Plan Objectives and Policies**

Objectives and policies relevant to this proposal are those in Chapter 13 Subdivision, particularly those relating to boundary adjustments, and Chapter 8.6 Rural Production Zone.

The proposal promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate boundary adjustment subdivision that does not compromise the life-supporting capacity of air, water, or ecosystems, and adverse effects are capable of mitigation. The lot sizes remain consistent with those found in the Rural Production Zone (Objectives 13.3.1 and 2 and Policy 13.4.14).

The western most title will continue to have ample scope for on-site wastewater treatment and disposal. On-site stormwater management is achievable (Objective 13.3.5 and related Policy 13.4.8). It is not proposed to provide for residential development on the eastern title.

I am not aware of any sites of significance to Māori or cultural values associated with the site. No earthworks are required and no indigenous vegetation clearance is envisaged or required (Objective 13.3.7 and Policy 13.4.11)

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I believe the proposal, being a boundary adjustment only, is consistent with these objectives, noting that no additional development is proposed. Power and telecoms are not a requirement of rural subdivisions.

The site displays no known cultural or heritage values, nor any outstanding landscape values. The natural character values of the sites are not adversely affected. I do not believe the subdivision will prevent adjacent land uses from continuing to operate (Policy 13.4.1).

Safe and efficient access is already provided (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives and policies include:

Objectives:

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

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

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

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

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

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

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

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

And 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 on the environment, including any reverse sensitivity effects, on the environment resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

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

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

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

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

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

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

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

The proposed boundary adjustment subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). Given no additional development will result compared to what can occur now, reverse sensitivity effects are nil. The amount of land remaining available for land use reliant on soils remains the same. (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, whilst avoiding the actual and potential adverse effects of conflicting land use activities. The proposal is a boundary adjustment subdivision and does not intensify built development overall. I am of the view that the boundary adjustment does not create additional land use incompatibility effects of a minor or more than minor nature.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be consistent with the Rural Production Zone objectives and policies.

7.2 Proposed District Plan (Decisions Version) Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the PDP, as amended by decisions on submissions, follows:

SUB-O1

Subdivision results in the efficient use of land, which:

- a. achieves the objectives of each relevant zone, precinct, development area, overlays and the district wide provisions;*
- b. contributes to the existing and planned 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.

The boundary adjustment retains two titles of a size consistent with the zone (at discretionary activity level), and which can continue to be grazed, thereby achieving the objectives of the zone. With no additional titles, it continues to contribute to the existing local character. No reverse sensitivity issues will arise. By preventing residential development on proposed Lot 4, the risk from natural hazards is not increased. The proposal has no adverse effects on the environment.

SUB-O2

Subdivision provides for the:

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, wetland, lake and river margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, Sites and Areas of Significance to Māori, and Historic Heritage.

The site does not contain any highly productive land. The site is not in the coastal environment, and does not contain any of the features listed in part b of the above policy, other than the margin of the creek, which is totally unaffected by the proposal.

SUB-O3

Infrastructure is planned to service the proposed subdivision and development where:

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 is planned and connections made with the wider infrastructure network.

The application site is not within an area of benefit for Council's 3 waters and any development will be self sufficient in regard to wastewater treatment and disposal. Water supply and stormwater management will be on-site.

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment including by providing for:

a. Safe transport connections including active modes of public transport where practicable;

b. new, and connection to existing public open spaces;

c. esplanade where land adjoins the coastal marine area; and

d. esplanade where land adjoins other qualifying water bodies.

Parts (a) and (b) are relevant. Access is existing and no new titles are created.

SUB-O5

Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities.

The site does not contain any highly productive land.

SUB-O6

Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure.

No additional titles are created, and therefore no additional demand on infrastructure.

SUB-P1

Enable boundary adjustments that:

- a. Do not alter:
 - 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.

The boundary adjustment is consistent with the above policy.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not relevant – application does not involve public works, infrastructure, reserves or access lots.

SUB-P3

Provide for subdivision where it results in allotments that:

- a. are consistent with the planned environment of the zone or precinct;
- b. comply with the minimum allotment sizes for each zone or precinct;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

No additional titles are created. The adjusted titles remain consistent with the planned environment of the zone, both being over 8ha in area. Whilst this is not consistent with the controlled activity minimum lot size, it is consistent with the discretionary activity minimum lot size. As stated earlier, titles have legal and physical access.

SUB-P4

Manage subdivision design and layout in the General Residential, Mixed Use, Medium Density Residential, Town Centre and Settlement zone to

N/A – the land is not zoned any of the referenced zones.

SUB-P5

Require infrastructure to be provided in an integrated and comprehensive manner by:

- a. demonstrating that the subdivision will be appropriately serviced (including telecommunications) and integrated with existing and planned infrastructure if available; and
- b. ensuring that the infrastructure is provided in accordance with the planned environment of the zone.

Neither the ODP nor the PDP require power and telecommunication services in rural zones. The lots can be appropriately serviced in regard to road access.

SUB- P6

Require the vesting of esplanade reserves or esplanade strips when subdividing to specific allotment sizes land adjoining the coast or other qualifying water bodies.

There are no lots of less than 4ha adjoining any qualifying waterbody.

SUB-P7

Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural inland wetlands in perpetuity; and
- b. Provides a management plan which results in superior environmental outcomes, including through, where relevant:
 - i. the protection of natural character, landscape, amenity, heritage or cultural values; and/or
 - ii. the restoration, enhancement and legal protection of indigenous biodiversity; or
- c. is around an existing residential unit.

The proposal is not a rural lifestyle subdivision.

SUB-P8

Avoid subdivision that:

- a. Within the Horticulture Precinct, is not provided for in PREC1-P5;
- b. In all other parts of the Rural Production Zone:
 - i. results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;
 - ii. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;
 - iii. fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c);
 - iv. Results in rural lifestyle subdivision unless provided for in SUB-P7.

Part a. of the policy above is not relevant. There is no highly productive land. The proposal does not 'fragment' land because it is a boundary adjustment only, with only a small change in title area. The subdivision is not rural lifestyle.

SUB-P9

Restrict rural residential
subdivision in the Rural Lifestyle zone unless the development
....

The site is not zoned Rural Lifestyle.

SUB-P10

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.

Not applicable. There are no minor residential units.

SUB-P11 Consider the following matters where relevant when assessing and managing the effects of subdivision:

- a. The potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate;
- b. consistency with the scale, density, design and character of the environment and purpose of the zone;
- c. the location, scale and design of buildings and structures;
- d. 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;
- e. managing natural hazards;

f. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
g. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The proposal has adequately taken into account all of the above matters, where relevant, and these matters have been addressed earlier in this report.

The site is zoned Rural Production in the Proposed District Plan.

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.

The proposal does not impact on the availability of land for primary production. There is no 'highly productive land'.

RPROZ-O2

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

This objective is activities based. The proposal does not include any activity.

RPROZ-O3

Land use and subdivision in the Rural Production zone:

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

There is no area of highly productive land within the site. No reverse sensitivity issues will arise. The use of the land for primary production activities is not compromised. The proposal does not provide for residential development on the lot that is subject to hazard. The other title is able to be serviced by on-site infrastructure.

RPROZ-O4

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

The subdivision will not adversely impact on rural character and amenity.

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.

The proposal is not for a primary production activity.

RPROZ-P2

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

- a. enabling primary production activities as the predominant land use;
- b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation, small-scale educational facilities and home businesses; and
- c. enabling the maintenance, operation or upgrade of any lawfully established existing activities, provided any loss of highly productive land from those activities is minimised.

The application is not for a land use activity. In any event the adjusted title areas continue to enable primary production activities.

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, particularly the reverse sensitivity effects of rural lifestyle development on highly productive land.

Refer to earlier comments in regard to reverse sensitivity.

RPROZ-P4

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

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

The application does not adversely affect rural character and amenity values. The proposal does not create any additional titles and as such, remains low density.

RPROZ-P5

Avoid land use that:

No land use being applied for – not relevant.

RPROZ-P6

Avoid subdivision that:

- a. results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;
- b. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;
- c. fragments land into parcel sizes that are no longer able to support farming or forestry activities, taking into account:
 1. the type of farming or forestry proposed; and
 2. whether smaller land parcels can support the proposed farming or forestry activity due to the presence of highly productive land.
- d. provides for rural lifestyle living unless there is an environmental benefit or is around an existing residential unit.

The above policy is so repetitive of the equivalent subdivision policy that one has to wonder why it is repeated in the zone chapter. In any event, refer to commentary earlier in this report.

RPROZ-P7

Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Production Zone:

- a. whether the proposal will increase production potential in the zone;
- b. whether the activity relies on the productive nature of the soil;
- c. consistency with the scale and character of the rural environment;
- d. location, scale and design of buildings or structures;
- e. for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
- f. at zone interfaces and the rail designation boundary:
 - 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.

Relevant matters within RPROZ-P7 have been taken into account and have been addressed earlier in this report.

The sites are, in part, subject to river and coastal flood hazard.

NH-O1 seeks to ensure that the risks from natural hazards are managed. No additional vacant title has been created. The adjusted lot to the east of the road is subject to flood hazard and it is proposed to prevent residential development on that lot. This is considered sufficient mitigation.

NH-O2 seeks to ensure no increase in risk, or that risks are mitigated. See above comment on NH-O1.

NH-O3 and O4 are not relevant.

NH-P1 applies to territorial authorities and not individual property owners. NH-P2 calls for the management of land use and subdivision so that natural hazard risk is not increased, or is mitigated. Refer to comments under NH-O1 and O2 above. NH-P3 and P4 seem to be aimed more at a territorial authority than an individual property owner. NH-P5 is of limited relevance

given that no new development is proposed within any area subject to hazard. Assessment is therefore not required.

NH-P6 applies to river flood hazard and NH-P7 applies to coastal flood hazard. No new building platforms are proposed or required as a result of the boundary adjustment. No earthworks is proposed and no hazardous substances are involved in the proposal. The capacity and function of overland flowpaths is not affected by the boundary adjustment. Access is directly off a council maintained public road. No new buildings are proposed for Lot 4. No hazard risk is transferred to other properties.

7.3 Part 2 Matters

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal provides for peoples' social and economic well being, and for their health and safety, while sustaining the potential of natural and physical resources, safeguarding the life-supporting capacity of air, water, soil and ecosystems; and avoiding, remedying or mitigating adverse effects on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (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.

As a restricted discretionary activity, the proposed boundary adjustment is considered consistent with Part 2 of the Act. The proposal does not adversely affect the natural character of the coastal environment, or any river and its margins. While Lot 4 is significantly affected by the risk of hazard, it is proposed to include a consent notice on that title preventing residential development. No other parts of section 6 of the Act are relevant.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (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.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters".

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The principles of the Treaty of Waitangi have been considered and I believe a boundary adjustment not increasing the intensity of development, does not offend any of those principles.

7.4 National Policy Statements & Environmental Standards

I have not identified any National Policy Statement or National Environmental Standard that is relevant to the proposal other than the National Policy Statement – Natural Hazards.

The lot most affected by natural hazard is to have a consent notice preventing residential development. The western lot has sufficient elevated land, with access, so as to mitigate any risk of flooding. I believe the risk of flooding is therefore unlikely, with low consequence and low risk. It should be remembered that no additional title is being created.

7.5 Regional Policy Statement for Northland (RPS)

The RPS contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

The application sites contain no highly versatile soils. Reverse sensitivity effects are not increased.

The RPS contains policies in regard to natural hazards. No new title is being created whereby new/additional development is proposed on any land that is subject to natural hazards.

8.0 s95A-E ASSESSMENT

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Public notification is not mandatory and is not precluded. Effects are no more than minor. Public notification is not required.

8.2 S95B Limited Notification Assessment

A consent authority must follow the steps set out in s95B to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified pursuant to s95A. Step 1 identifies certain affected groups and affected persons that must be notified. None exist in this instance. Step 2 of s95B specifies the circumstances that preclude limited notification. No such circumstance exists and Step 3 of s95B must be considered. This specifies that certain other affected persons must be notified. The application is not for a boundary activity (by definition in the Act). The s95E assessment below concludes that there are no affected persons to be notified. There is no requirement to limited notify the application pursuant to Step 3.

8.3 S95D Level of Adverse Effects

The AEE in this report assesses effects on the environment and concludes that these will be no more than minor.

8.4 S95E Affected Persons

The activity, re-arranges boundaries of two contiguous titles. No additional title is created, no additional development rights are provided for. Access is existing and unchanged. In short, there are no adverse effects on adjacent properties and I have not identified any affected

persons. No pre lodgement consultation is required with tangata whenua, Heritage NZ, or Department of Conservation.

10.0 CONCLUSION

The proposal is to change boundaries of two existing titles to create two 'new' titles – no increase. Effects on the wider environment are less than minor. The proposal is more consistent than not with the relevant objectives and policies of the Operative and Proposed District Plans, any relevant national policy statement, and the Regional Policy Statement. The proposal is consistent with Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the proposal under delegated authority.



Lynley Newport
Senior Planner
Thomson Survey Ltd

Date

11.0 APPENDICES

Appendix 1	Scheme Plan(s)
Appendix 2	Location Map
Appendix 3	Records of Title and Relevant Instruments

Appendix 1

Scheme Plan(s)



NOTES AND DISCLAIMERS

This drawing has been produced solely for the use intended by the client stated on the plan, and must not be used for any other purpose. The client acknowledges that the surveyor is not responsible for the accuracy of the data used in this plan, and that the surveyor is not responsible for the accuracy of the data used in this plan.

This drawing and design remains the property of Thomson Survey Ltd and may not be reproduced without the written consent of Thomson Survey Ltd. Please check data and ask Thomson Survey Ltd of any discrepancies or omissions.

Application information shown hereon was sourced from the Department of Conservation, New Zealand. Refer to record of title for easement details. Local Authority: Far North District Council

Zone: Rural Production

Comptrol: NA55A/65 & NA35C/654

Total Area: 29.342ha

Dimensions shown may be bowditch adjusted

Final survey and may change.

AMALGAMATION CONDITION:
That Lot 2 Hereon and Section 93 SO 46277 and Sections 12 & 122 BLK X Mangamuka SD be held in the same Record of Title.
(Under Section 220(1)(b)(iii) and (iii) of the RMA 1991)

AMALGAMATION CONDITION:
That Lot 2 Hereon and Section 93 SO 46277 and Sections 12 & 122 BLK X Mangamuka SD be held in the same Record of Title.
(Under Section 220(1)(b)(iii) and (iii) of the RMA 1991)

THOMSON SURVEY
LIMITED

Registered Land Surveyors, Planners & Land Development Consultants

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

Proposed Boundary Adjustment of NA35C/654 & NA55A/65
By way of Subdivision of Sections 12, 93, 97 & 122
BLK X Mangamuka SD

West Coast Road, Kohukohu

PREPARED FOR: Bowden

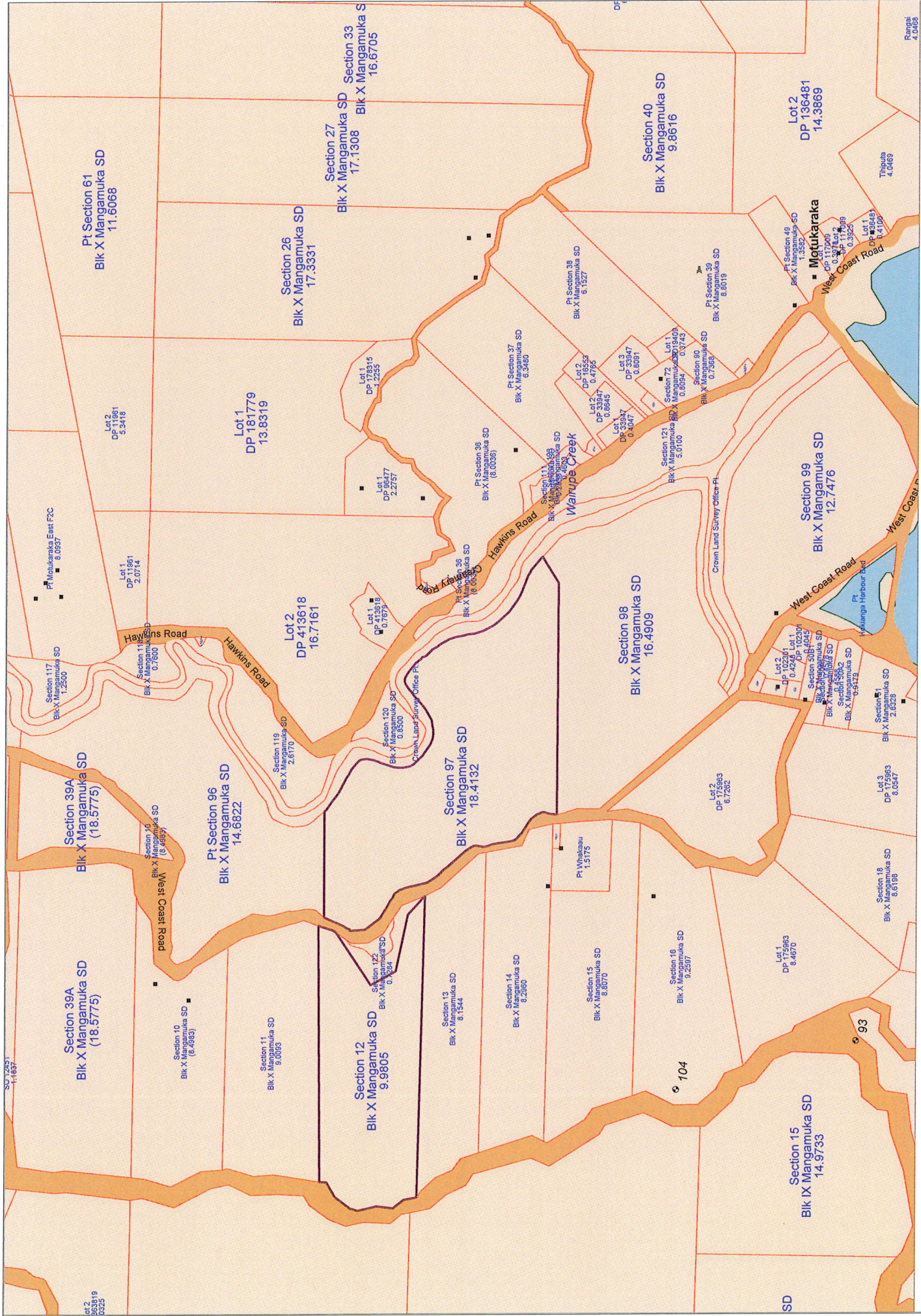
Name	Date	Scale	Sheet Size
Survey	MD	1:3500	A3
Drawn	SL	1:3500	A3
Rev. A	SL	1:3500	A3
Rev. B	SL	1:3500	A3

10942 Scheme LCD

Surveyors Ref. No: 10942
Series: 10942
Sheet 1 of 1

Appendix 2

Location Map



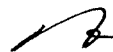
Appendix 3

Records of Title and Relevant Instruments



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA35C/654**
Land Registration District **North Auckland**
Date Issued 07 March 1977

Prior References

NA33A/1042 NA33A/1043

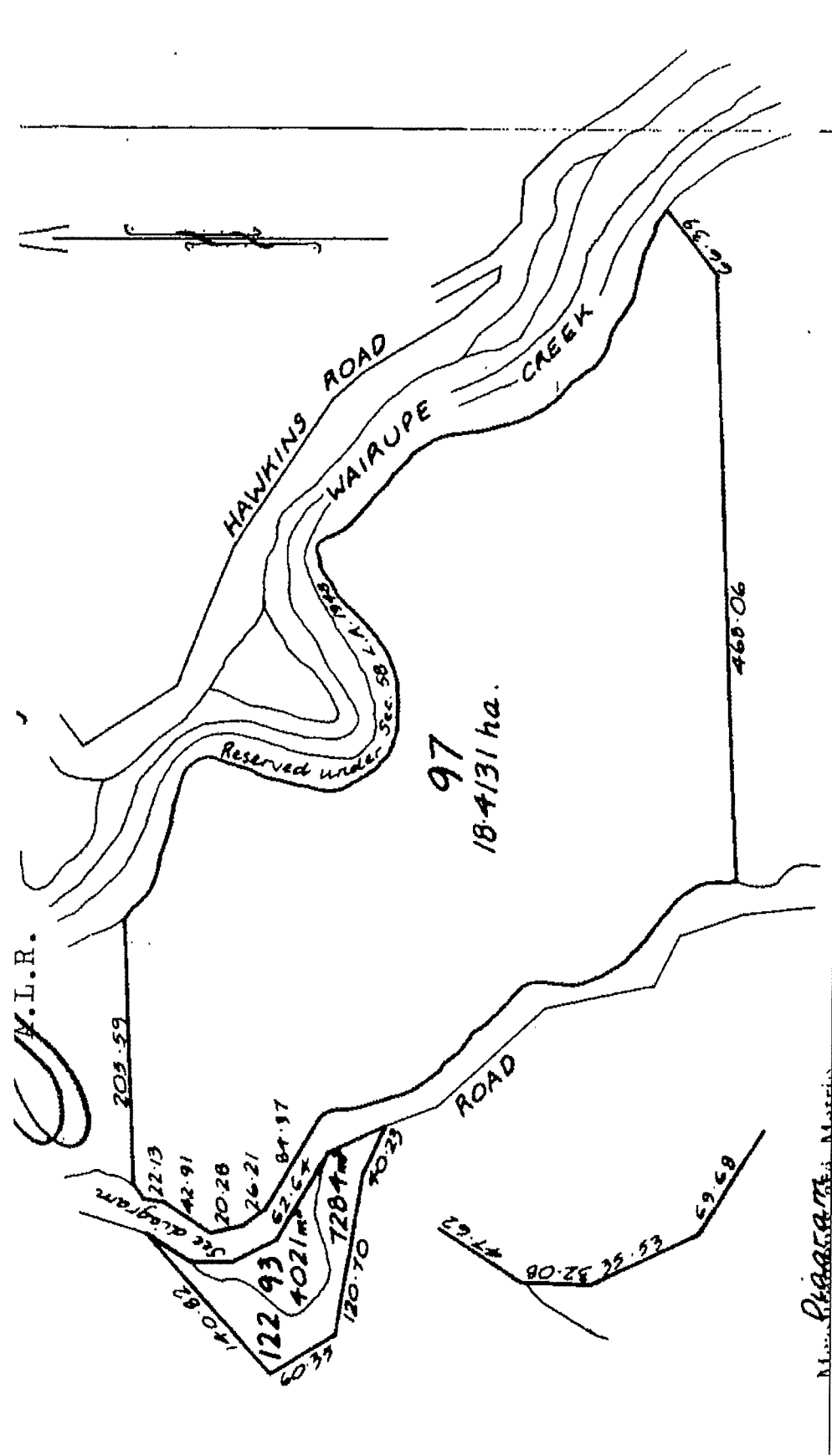
Estate Fee Simple
Area 19.5436 hectares more or less
Legal Description Section 93, Section 97 and Section 122
Block X Mangamuka Survey District

Registered Owners

John Harold Bawden and Catherine Mary Bawden

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925
C326407.5 Mortgage to Bank of New Zealand - 25.11.1991 at 2.26 pm





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA55A/65**
Land Registration District **North Auckland**
Date Issued 06 July 1983

Prior References
NAPR381/47

Estate	Fee Simple
Area	9.9806 hectares more or less
Legal Description	Section 12 Block X Mangamuka Survey District

Registered Owners
John Harold Bawden and Catherine Mary Bawden

Interests
Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925

