

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):

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

**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:

Carpenter Investments Limited

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:

Zenith Planning Consultants - Att Wayne

Email:

Phone number:

Postal address:

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

Postcode 0204

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

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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:

Carpenter Investments Limited

Property address/
location:

8. Application site details

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

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

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

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

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

9. Description of the proposal

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

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

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)

RONALD HUGH CARPENTER

Email:

Phone number:

Work

Home

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)

RONALD HUGH CARPENTER

Signature:

(signature of bill payer)

Date 15.05.2016

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 87A(4)(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)

Wayne Smith

Signature

Date

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

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

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

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

19th May 2026

Resource Consents Team
Far North District Council
Private Bag 752
Kaikohe 0440

Attention: Team Leaders

APPLICATION FOR A SUBDIVISION CONSENT FOR CARPENTER INVESTMENTS AT 68 LANE ROAD, RUSSELL TO CREATE TWO LOTS.

Zenith Planning Consultants Limited has been engaged by Carpenter Investments to prepare a subdivision application. The application is non-complying due to lot size.

I have attached the following information in support of the application:

- Completed Application Form 9
- Planning Report and Assessment of Effects
- Scheme plan
- Certificate of Title and legal instruments

With respect to the application fee, the applicant has paid online using the reference 68 Lane Rd RC or Carpenter RC.

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

wayne@zenithplanning.co.nz

mob: +64 (0) 21 202 3898

Planning Report and Assessment of Effects

Subdivision Resource Consent

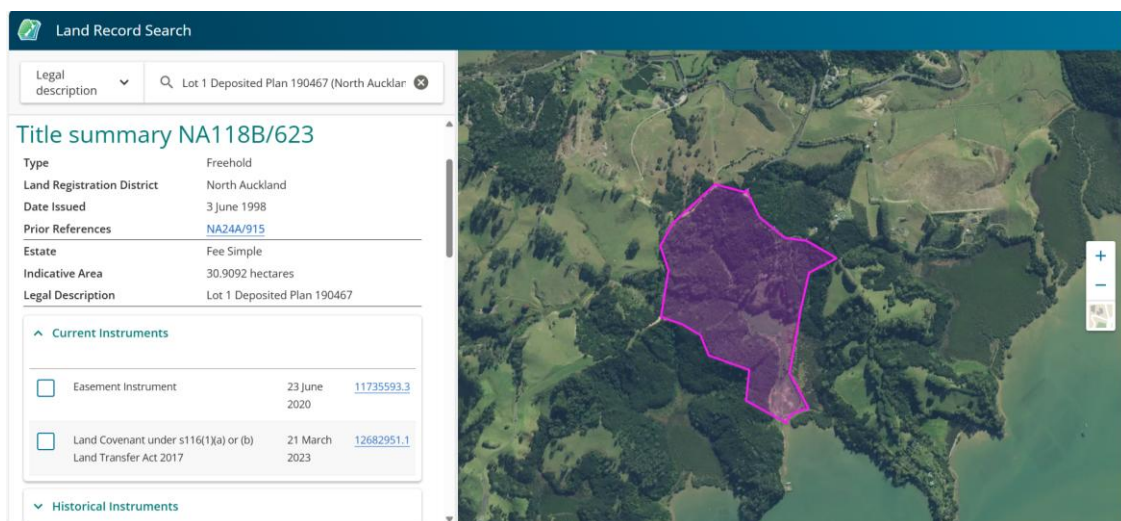
Carpenter Investments Ltd

68 Lane Road, Russell

PLANNING REPORT AND ASSESSMENT OF EFFECTS

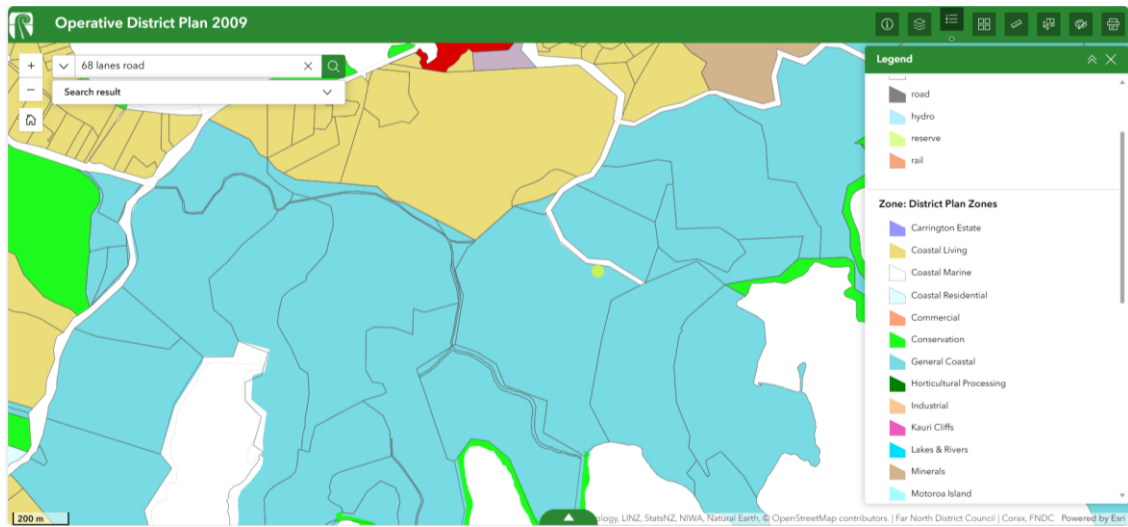
APPLICATION AND SITE DESCRIPTION

- 1.01 Zenith Planning Consultants have been engaged by Carpenter Investments Limited to prepare and lodge a subdivision resource consent for their property at 68 Lane Road, Russell.
- 1.02 The application site is property is 30.9092ha in area and is legally described as Lot 1 DP 190467. The property is accessed off Lane Road which is a small no exit metalled road located off Russell-Whakapara Road and approximately 1km from the Russell-Whakapara/ Aucks road intersection.
- 1.03 The application site has variable contour ranging from flat to steep land and mostly covered in regenerating vegetation. There is an existing dwelling which has been unused for several years and which has an overgrown residential curtilage. The applicant intends to renovate the dwelling, tidy up the overgrown curtilage area and tidy up the internal access by trimming back vegetation. The house is surplus to current needs for the applicant and is part of a larger farming block to the north of the site known as Moojebing Park Estate. The Moojebing Farm Estate is operated as a pastoral farming unit over multiple titles and also enjoys water frontage onto the Waikare Inlet. There are several land based oyster operations related to current leases within the Waikare Inlet on adjoining parcels of land.
- 1.04 The majority of the application site (Lot 1 DP 190467) is vegetated with only the dwelling and some farmland below the dwelling and towards the coast being in pasture. There are no covenants related to vegetation protection on site although there is a covenant with a “no objection to development proposals” applicable to the site and which benefits adjacent properties. This covenant has no relevance to this proposal.

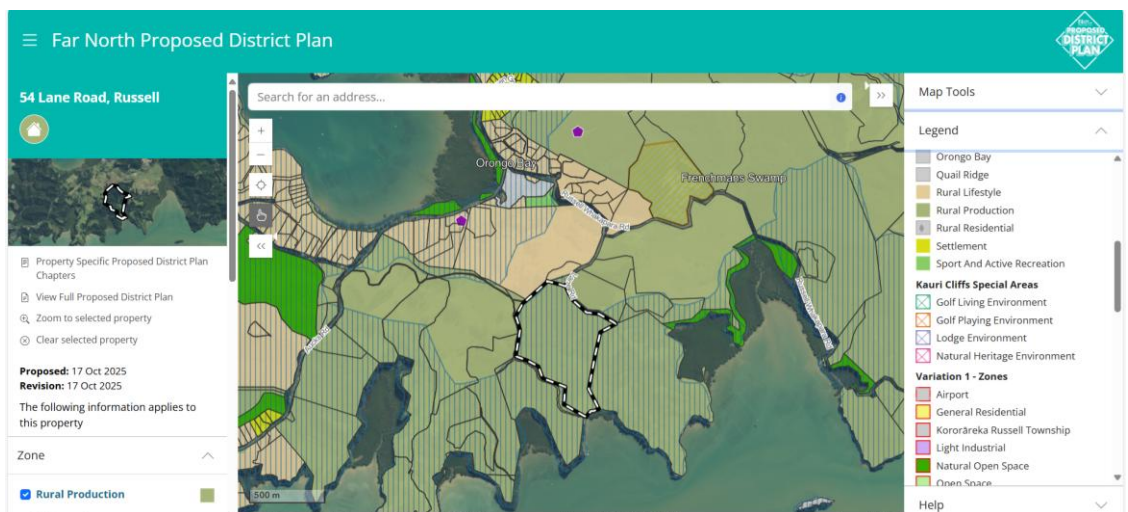


The application site highlighted above. The property reaches the CMA and is mostly in vegetation.

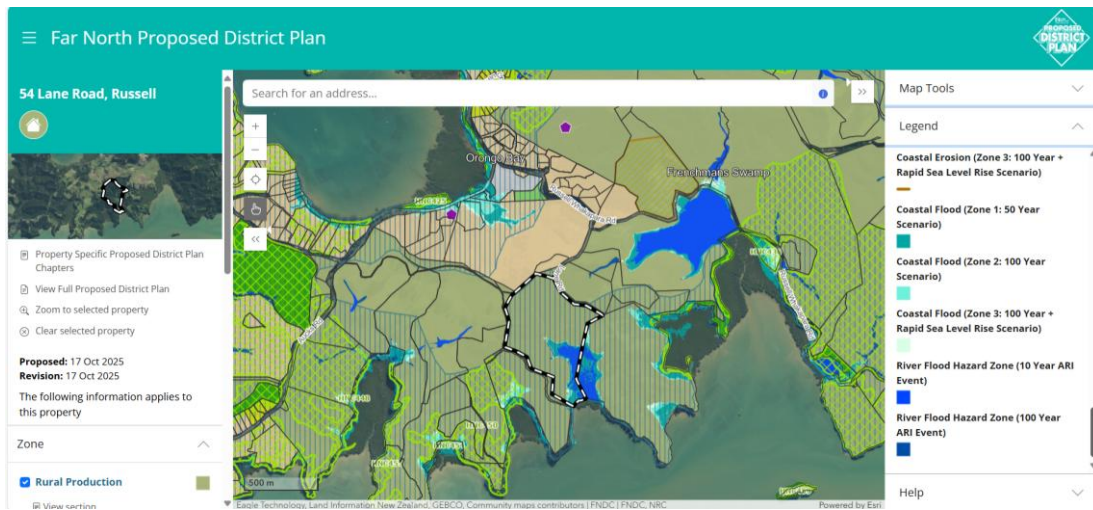
- 1.05 The lower pastoral area of the application site is susceptible to flooding and coastal inundation according to Council hazard maps and is highlighted in the maps to follow.
- 1.06 The current zoning of the property is General Coastal under the Operative Plan as highlighted below. The site contains no resource features such as Outstanding Landscape or natural hazards under the Operative Plan. Land surrounding the property is also zoned General Coastal although land immediately north is zoned Coastal Living.



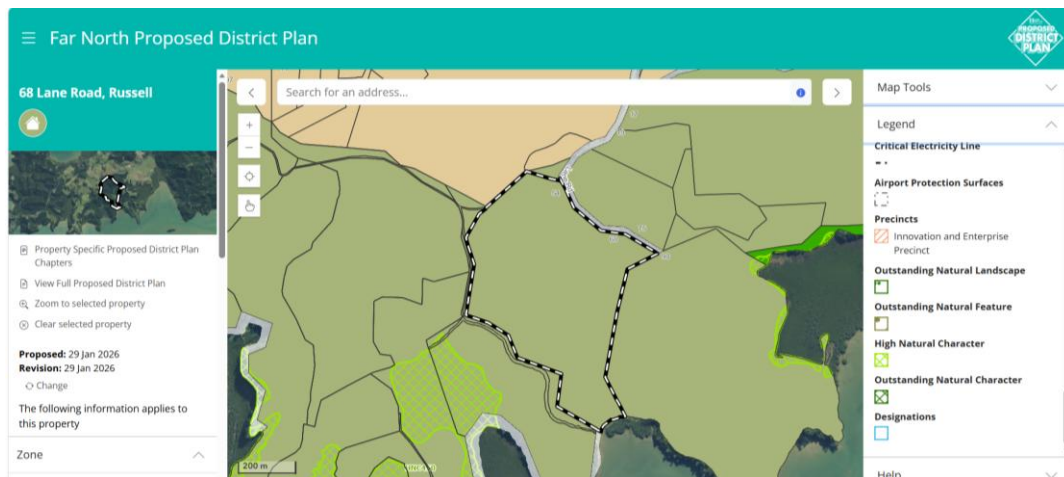
- 1.07 The new proposed district plan is expected to be endorsed by Council around the end of May 2026 at which time the revised proposed plan will be issued and will be subject to an appeal period. During the appeal period there will be two sets of rules which will apply to development proposals. The property is proposed to be zoned Rural Production and has a coastal overlay as highlighted below (vertical lines).



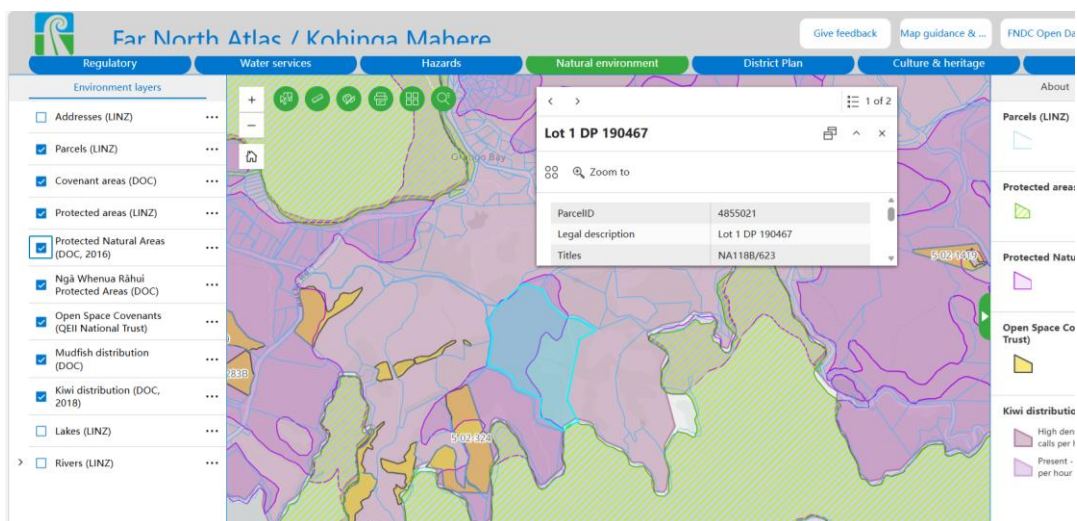
The application site is identified above with a Rural Production zoning.



The site has areas of potential flooding and could be subject to coastal inundation as highlighted.



The site has no other features such as High Natural Character or Outstanding Natural Landscape.



The site does have part of a Protected Natural Area as highlighted and is located within a Kiwi Present Area.

APPLICATION PROPOSAL

2.01 The application being considered is for the subdivision of Lot 1 DP 190467 to create two lots. The smaller proposed Lot 1 will contain the existing dwelling, internal access road and some paddocks below the dwelling which are in pasture. Proposed Lot 2 is vacant and comprises regenerating vegetation within the steeper areas within the lot and the flatter areas will in pasture. There is sufficient space within proposed Lot 2 to accommodate a dwelling should there be any future need to do so. As noted within the application introduction the existing dwelling on proposed Lot 1 is surplus to requirements for the applicant and their farming operations.

2.02 The General Coastal rules for subdivision are noted within Table 13.7.2.1 of the Far North Operative District Plan.

General Coastal Zone – lot sizes

- Controlled – not applicable
- Restricted Discretionary – 20ha minimum lot size
- Discretionary – subdivision by way of a Management Plan

2.03 The proposed lot sizes for the proposed lots are as follows:

- Proposed Lot 1 – 3.3685ha
- Proposed Lot 2 – 27.550ha

2.04 None of the proposed subdivision options apply to the proposal and there is no proposal to subdivide by way of the Management Plan and each lot proposed is not more than 20ha. The proposal is therefore assessed as a non-complying activity.

The Application is Non-Complying

PROPOSED DISTRICT PLAN

2.05 As noted previously, the majority of rules within the Proposed District Plan do not have any legal effect until such time as Council publicly notifies its decisions on submissions which is expected at the end of May 2026. There are however certain rules that have been identified in the proposed plan which have immediate legal effect and that may therefore apply and need to be considered in assessing this application. Such rules may affect the activity status of the application. There are no subdivision rules themselves which have immediate legal effect and which influence the application.

2.06 The following matters have rules with immediate legal effects and can be related to subdivision proposals depending on the use of the site and onsite characteristics. The following matters have immediate legal effect – hazardous substances, scheduled sites or areas of significance to Maori, significant natural areas, excavation and filling, or a scheduled heritage resource. None of these matters apply as none of these aspects are applicable to the site. Additionally, Heritage Area Overlays, historic heritage rules, and Notable Trees are also not applicable.

- 2.07 The proposal does not intend to undertake any physical works with only the boundary of the proposed lots being confirmed (following an existing fence line) and removing overgrown vegetation within the residential curtilage of the dwelling. The natural hazards section which does have immediate legal effect is negated as there is no physical works to be completed and the area of influence is small in comparison to the overall lot.
- 2.08 On this basis there are no rules which have immediate legal effect and which apply to the proposal to subdivide or to the application site. Consideration of relevant subdivision objectives and policies is still required however, given the Non-Complying activity status which applies to the proposal.

3.0 ASSESSMENT OF EFFECTS

- 3.01 With the subdivision lot size resulting in the application being non-complying all matters can be considered in terms of assessing the merits of the application. For the purposes of assessing the application, the district plan directs consideration of the proposal to the assessment criteria within section 13 which is detailed below. Where appropriate other matters and considerations including National Environmental Standards and National Policy Statements as they apply to the proposal.
- 3.02 It is necessary to consider the potential of Permitted Baseline and Existing Environment comments in considering the relevant matters to be assessed.

PERMITTED BASELINE

- 3.03 Pursuant to section 104(2) of the Act, when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline"). When considering an application for resource consent it is important to reference and place some reliance on Permitted Baseline arguments. This provides the expectation for development proposals within the zone and enables the consideration of the differences between what could be undertaken "as of right" and that which is proposed. When referencing and using Permitted Baseline such arguments should not be fanciful but based on realistic proposals and expectations.
- 3.04 In addition to Permitted Baseline considerations, Existing Use Right considerations could also apply especially where the proposed activity is similar in nature and previously lawfully established.
- 3.05 In this circumstance, any subdivision proposal requires a resource consent application. On this basis it is considered that the Permitted Baseline consideration is not useful to this application.
- 3.06 With respect to Existing Use Right considerations which may apply, the existing dwelling within proposed Lot 1 enjoys existing use rights having been lawfully established. Any future dwelling on proposed Lot 2 may trigger a resource consent requirement based on the property being fully within the Coastal Environment and there may be other rules which are breached. Until the site is developed the extent of any consent requirements is unknown and would not have any relevant existing use rights except for potentially internal road access.

- 3.07 It is further noted that there is a range of lot sizes surrounding the application site and an intensive lifestyle development approved on land located to the north (different zoning) but immediately adjoining. The lots proposed in this application offer an appropriate size, notwithstanding the non-complying activity status with proposed Lot 1 not being more than 20ha. There is a prevalence of larger lifestyle development offering low density development opportunities in bush clad lots. The productive capacity of the application site is limited due to the regenerating vegetation present on the site.
- 3.08 The existing environment is an important consideration in justifying the appropriateness of the proposed subdivision. The proposal is not considered to be out of character for similar pockets of development within the General Coastal zone.

ASSESSMENT CRITERIA EVALUATION

- 3.09 The following criteria applies to Discretionary and Non-Complying subdivision applications. Not all matters to be considered are relevant to the application.

13.10 ASSESSMENT CRITERIA

In considering whether or not to grant consent or impose conditions on this application, such work, needs to be completed prior to the issuance of the s224(c) Certificate.

13.10.1 ALLOTMENT SIZES AND DIMENSIONS

- (a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards and any District wide rules for land uses.
- (b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.
- (c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.
- (d) Whether the cumulative and long term implications of proposed subdivisions are sustainable in terms of preservation of the rural and coastal environments.

The operative plan provides for various lot sizes within the General Coastal zone with a minimum lot size of 20h or an option to subdivide by way of a management plan. There is no intention to promote a management plan proposal for a two lot subdivision however the provision allows for lower lot sizes to be created where there is benefit in doing so and which ensures an average lot size of 6ha per lot. If the applicant chose this option the lot size elements would be easily met but there would be greater ongoing compliance requirements which are not justified in this situation.

The reason for this subdivision was detailed earlier with the applicant seeking to provide a lifestyle property (Lot 1) for an existing residence which is not currently used and surplus to the overall farming operation requirements. The houses on the overall farming operations are accessed off Aucks Road and comfortably meet current demands. The farm also has an existing lifestyle property located off Aucks Road which is physically separate to the farm land holdings but operationally linked.

The lot size is based on the land used by the existing residence and includes the access driveway and several paddocks in pasture immediately below the dwelling which could be grazed. The boundary line will follow existing fencelines as illustrated on the scheme plan. The proposed lot size ensures that all development standards are complied with and that there are no issues for the onsite servicing of the property. The only physical changes visible from the subdivision would be the removal of vegetation (typically weed specimens) within the residential curtilage.

The larger balance lot at 27.55ha is still significantly larger than the 20ha minimum lot size for the General Coastal Zone. Proposed Lot 2 adjoins the Coastal Marine Area, has extensive areas (the majority of the site) in regenerating vegetation and several areas in pasture. These current uses will continue as they currently operate. The flatter portions of the site have some susceptibility issues with respect to flooding and coastal inundation but there is sufficient remaining space for a dwelling in the future if this lot was ever sold from the overall land holdings.

Any new dwelling on the vacant 27ha property would likely trigger a resource consent from a visual amenity perspective given the coastal environment overlay. It is unlikely that there would be any vegetation required to be removed to accommodate the building of any new dwelling on proposed Lot 2 given the scale of the land involved.

The proposed lot sizes are comparable to existing and recently consented lot sizes for the General Coastal zone. Land to the north is zoned Coastal Living and this results in significant additional development in an area where modest scale development is appropriate and (in this case) proposed. The coastal character of this location will not change as a result of the proposed subdivision.

13.10.2 NATURAL AND OTHER HAZARDS

In assessing any subdivision, and for the purposes of s106 of the Act, the Council will have regard to:

- (a) Any information held by the Council or the Northland Regional Council regarding natural hazards, contaminated sites or other hazards.
- (b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- (c) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.

The application site contains has been identified as having natural hazards in the form of potential flood risk and coastal inundation. The areas are identified in planning maps from the proposed district plan which identified the extent of the hazard. The hazard effectively covers the lowest portions of proposed Lot 2 which are presently in pasture and located on the south-eastern area of the lot. The proposed lifestyle lot (Lot 1) is not affected by the hazard risk with the existing dwelling located well away from any risk with elevated views of the area subject to the notation.

The important consideration for this site is that the proposed subdivision does not change anything on the ground that is not already in place. There is an access road along the eastern boundary which travels through the hazard area and this internal road has no changes proposed. The areas subject to the risk are only in pasture, and if inundated, will be flooded for a period of time and the pasture will regrow. Re-seeding

for pasture may be necessary if there is prolonged surface water on the site but this is the landowners decision on how this area is managed as it currently occurs.

The natural hazards on proposed Lot 2 will not be affected by the proposed subdivision with any future onsite development able to avoid these areas.

The potential for hazard related effects is less than minor notwithstanding the presence of hazards within the site. These hazards can be simply avoided and future development will be unaffected.

13.10.3 WATER SUPPLY

- (a) Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with "Drinking Water Standards of New Zealand" (1995).
- (b) Whether the provisions of the "Engineering Standards and Guidelines 2004 – Revised March 2009" (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.

The existing dwelling on proposed lot 1 harvests roof water as its potable supply and it is intended that any proposed dwelling on proposed Lot 2 will also harvest roof water for this purpose. By harvesting roof water, it provides a readily available potable source with occasional top ups potentially required from water supply companies.

The supply of water for firefighting purposes is a necessary requirement in rural locations. The extent and need for water supply will be in accordance with the required standards and will be confirmed at the Building Consent stage. It is common practice to have a dedicated full water tank for a fire fighting supply with a Section 221 Consent Notice condition reflective of this requirement.

Water supply effects are less than minor.

13.10.4 STORMWATER DISPOSAL

- (d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.
- (e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.
- (k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.

Due to the extensive lot sizes and that roof water is to be harvested as a potable supply and fire fighting supply. There is little, if any, stormwater related matters required to be addressed. Surplus stormwater not required for potable supply and for fire fighting will be directed to natural overland flow paths. There is no evidence of scouring or other signs of effects from stormwater surrounding the existing dwelling.

There are multiple potential house sites on the larger proposed Lot 1 and which avoids the identified natural hazard areas. It is considered unnecessary to address this aspect until such time as a building consent is required and the building location confirmed.

Onsite constraints are not an impediment to developing somewhere within proposed Lot 2.

The effects from stormwater are considered to be less than minor.

13.10.5 SANITARY SEWAGE DISPOSAL

- (e) Where a reticulated system is not available, or a connection is impractical, whether a suitable sewage treatment or other disposal systems is provided in accordance with regional rules or a discharge system in accordance with regional rules or a discharge permit issued by the Northland Regional Council.

The existing development on proposed Lot 1 has an existing onsite wastewater treatment and disposal system. When the dwelling was occupied, the system was functioning well. There is sufficient land adjacent to the dwelling which could provide additional soakage area should it be required in the future.

With proposed Lot 2 being greater than 2ha it is unnecessary to provide a site and soil suitability report including addressing wastewater. Should there be a future need for a dwelling on this lot, the required TP58 report (or equivalent) will be provided with any building consent. The system would be tailored to the dwelling size and location wherever it may be located within Lot 2.

13.10.6 ENERGY SUPPLY

- (b) Whether the proposed reticulated system to be installed by the subdivider is adequate for the likely development.
- (g) Whether the subdivision design, location of building platforms and proposed electricity supply has had adequate regard to the future adoption of appropriate renewable energy initiatives and technologies.

Existing power and telecommunications are available to each lot off Lane Road.

The physical provision of a power supply to the property boundary from the legal road is not required in the General Coastal Zone. Both lots enjoy road frontage with connections available at the boundary. A Section 221 Consent Notice will usually include a condition which states that power and communication services are available and not provided to the lot boundary. This condition would be imposed with respect to proposed Lot 2.

There is no impediment to the future occupiers of the respective lots utilising renewable energy.

13.10.7 TOP ENERGY TRANSMISSION LINES

Where it is proposed to subdivide land to create new allotments within an area measured 20m of either side of the centre point of an electrical transmission line designed to operate at or above 50 kV, particular regard shall be had to the following matters:

This provision does not apply as there are no 50kV lines near to the application site.

13.10.8 TELECOMMUNICATIONS

- (a) Where the subdivision involves construction of new roads or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost), having regard to the Council's "Engineering Standards and Guidelines 2004

- Revised March 2009 (to be used in conjunction with NZS 4404:2004) and “The National Environmental Standard for Telecommunication Facilities 2008”.
- (c) Whether the proposed reticulation system will have potential adverse effects on amenity values.

Supply to the property boundary is not a requirement of subdivision as per the rules of the district plan. A consent notice condition under s221 could be imposed on the respective lots.

13.10.9 EASEMENTS FOR ANY PURPOSE

Whether there is a need for an easement for any of the following purposes:

- (b) Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title.
- (c) Service easements, whether in gross or private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned and unlikely to require upgrading.
- (d) Easements for any of the following purposes:
 - (i) private ways, whether mutual or not;
 - (ii) stormwater, sanitary sewer, water supply, electric power, gas reticulation;
 - (iii) telecommunications;

There are no proposed easements detailed within the subdivision other than an existing easement as illustrated on proposed Lot 2.

13.10.10 PROVISION OF ACCESS

- (a) Whether provision for access to and within the subdivision, including private roads, has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, including effects on existing roads, visual effects, effects on vegetation and habitats, and natural character.

The application site enjoys road frontage onto Lane Road which is a metalled no exit road which services a handful of properties. Both lots enjoy road frontage with access already in place. It is not considered that additional upgrading is necessary of either Lane Road or the existing entrances.

The effects of the proposed subdivision when considering access related matters is less than minor.

13.10.11 EFFECT OF EARTHWORKS AND UTILITIES

- (a) Whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

There are no earthworks proposed.

Any utilities required will connect to the existing network.

13.10.12 BUILDING LOCATIONS

- (a) Whether the subdivision provides physically suitable building sites.
- (b) Whether or not development on an allotment should be restricted to parts of the site.

- (d) Whether the subdivision design in respect of the orientation and dimensions of new allotments created facilitates the siting and design of buildings able to take advantage of passive solar gain (e.g. through a northerly aspect on an east/west axis).

There are multiple possible building site locations within the large 27.55ha (proposed Lot 2). There are some areas to be avoided which are susceptible to flood risk or coastal inundation but there remain many possible house sites within the lot. The extensive areas of bush and vegetation can also be largely avoided to although some minor clearance may be necessary depending on the final location and the most appropriate internal access to the dwelling. With the Coastal Environment notation applicable under the proposed plan, it is likely that any future development will trigger a resource consent on visual amenity grounds. As previously noted, there is no intent to construct a new dwelling on Lot 2, at this point in time.

Physical constraints of the site will ultimately determine where development should be directed. With parameters for flood risk moving over time and the classification of weather events also changing, it is considered more appropriate to delay any assessments until there is a demand for a dwelling on proposed Lot 2. At this point in time the location of the dwelling can be finalised taking into account the most up to date data around hazard risk and any changes to onsite characteristics which may have happened.

There is sufficient scope within both proposed lots to adopt renewable energy systems for existing and future development. This avenue is more accessible and cost effective than in the past.

Future development could have passive solar gains if the occupier and owner elects to use this energy source for their development. The proposed lots have good access to sunlight.

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

- (b) Whether the means (physical and/or legal) by which ongoing preservation of the resource, area or feature will be achieved is adequate.
- (g) Whether the subdivision will result in the permanent protection and/or enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes, outstanding landscape features or outstanding natural features.
- (h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grow in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

The application site contains no resource features under the Operative District Plan. There is no Outstanding Landscape, no Outstanding Natural Features but does have some relevant “non-district plan” considerations required to be considered in assessing the application.

As noted within the site description, the site is mostly covered in regenerating bush which is located on the steeper portions of the site. There is an existing dwelling and on the lower portions of the site there is pastural grazing. This steeper land is not viable for pastural grazing and it is the landowners' intent to retain these areas in vegetation. A portion of this area is noted as a Protected Natural Area and the applicant is active in weed and pest control including some area programmes with other landowners in the area.

In addition to the PNA, the site is also within a "Kiwi Present" area, and this confirms that Kiwi are known to be located within the site and immediate environs.

Currently there are rules within the respective district plans around vegetation clearance and which would apply to the applicant if such a proposal was ever considered. The applicant's preference is to rely solely on the district plan provisions to protect the vegetation on site and not formally protect these areas with covenants or Section 221 Consent Notice conditions as are sometimes offered. Parts of the applicant's current properties have similar conditions but are considered to be cumbersome instruments and not the easiest to manage with respect to stock management and related requirements. The applicant is well aware that any vegetation clearance would be subject to the relevant district plan rules which for sites with existing cleared vegetation are stricter than solely bush clad blocks. Any proposition to clear (in addition to landuse consents for any building) would likely trigger a resource consent requirement.

With respect to Kiwi protection and related fauna, the imposition of the standard no cats, dogs and mustelids condition is usually imposed on landowners. The applicant is prepared to limit the number of dogs on the smaller lifestyle site to a maximum of two and which are to be under control at all times. Dogs within relatively remote locations such as the application site offer company for the occupiers but also offer security. Dogs for these larger parcels are also readily used for managing stock which could be located on the paddocks below the dwelling. There would be a general request to exempt working dogs for the larger proposed Lot 2 as this will remain part of the larger farming unit.

No formal protection of indigenous vegetation is proposed on the subdivision with a reliance placed on the rules of the district plan. There is a condition offered for the protection of fauna such as Kiwi with a ban on cats and mustelids and allowances for dogs both domestic and working for each lot.

There is no intention to add to the extensive existing regenerating vegetation on the application site. The future owner of Lot 1 may add more vegetation to the property but this is at the new owner's discretion.

The areas of the site closest to the CMA and subject to occasional flooding and coastal inundation requires no measures to be put in place to counteract these hazards. The land in question is used for grazing purposes only and is does not propose any measures to reduce this risk. Future works may be undertaken to reduce the risk and incidence, but this is not proposed at this time and not been considered in terms of any consent requirements that may be required.

13.10.14 SOIL

- (a) The extent to which any subdivision will contribute to or affect the ability to safeguard the life supporting capability of soil.

- (b) The degree to which the life supporting capacity of the soil may be adversely affected by the subdivision and the degree to which any soils classified as I, II or III in the NZ Land Resource Inventory Worksheets are adversely affected by the subdivision.

The application site is not noted as noted having highly versatile soils.

13.10.15 ACCESS TO WATERBODIES

The application site does have frontage onto the Waikare Inlet as illustrated within the scheme plan. The extent of the frontage is modest at approximately 90m in width and not accessible from Lane Road though the application site. There is a road reserve to the west of the property which connects onto a Crown Grant Road on the Waikare Inlet. The existing easement A on proposed Lot 2 connects with this road reserve and therefore access to the coast via the adjoining road reserve and easement is possible to Lane Road.

13.10.16 LAND USE INCOMPATIBILITY

- (a) The degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

The proposed use for rural lifestyle purposes is generally consistent with the immediate location. There does not appear to be any activities on adjoining sites which could lead to any incompatibility concerns or result in reverse sensitivity effects.

13.10.17 PROXIMITY TO AIRPORTS

The application site is not close to any airport and this provision does not apply.

13.10.18 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

The application represents a non-complying subdivision due to lot size but it is noted that there are many lots below the 20ha lot size and within the general area, which contribute in a positive manner to the coastal environment. The proposal sees the subdivision of an existing dwelling which is surplus to the farming operation of the applicant. There is no intension to construct a new dwelling on proposed Lot 2 but this may occur in the future.

It is further noted that there are multiple possible locations in which a dwelling could be constructed which would meet the expectations for development within the coastal environment. The design, material selections, as well as build location all contribute to reaching a conclusion of less than minor effects. The topography of the land would also contribute positively to the development should it occur.

The smaller lifestyle lot contains a consented dwelling which forms part of the existing environment and the character of the area. Effects are considered to be less than minor.

13.10.19 ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT /USE

The extent to which the application promotes energy efficiency and renewable energy development and use through the following initiatives:

- (a) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);

The district plan encourages the ability of lot owners to utilise renewable energy options and to adopt energy efficient design in the development within the lot. This is most commonly applicable to domestic solar energy systems. This subdivision application does not inhibit this potential with both lots able to utilise renewable energy options if they wish too.

13.10.20 NATIONAL GRID CORRIDOR

The application site contains no National Grid Corridor and therefore this provision does not apply to this application.

ASSESSMENT OF EFFECTS CONCLUSION

- 3.10 The subdivision application is non-complying but is not considered to result in any adverse effects. The lot size of proposed Lot 1 is well below the 20ha requirements but any subdivision of this 30.9ha property would represent a non-complying activity unless the application was made via a management plan proposal.
- 3.11 Proposed Lot 1 which contains the existing dwelling is sufficiently sized to meet all development standards and meet onsite servicing requirements. While additional land could be included, this would be limited to the bush area and add a further party to the management of the site. The collective management of the bush is best achieved by retaining as part of the overall farming block and not included in a lifestyle property.
- 3.12 There is potential for a new dwelling to be established on proposed Lot 2 but it is contended that this would result in not more than minor effects with the dwelling able to be readily absorbed into the site while meeting the relevant development standards. The pattern and density of development is not out of character for what is now a regular rural lifestyle area. The lot sizes are comparable to other lots located within the same zone and within the general area. Concerns such as precedent and intensity of development are not considered to be matters of concern given previous approvals and existing development intensities within this area.
- 3.12 The natural hazards on the site and which are located in the larger proposed Lot 2 can simply be avoided. The existing vegetation can also be avoided. These two aspects means that the existing elements of the site will remain unaffected by the potential future development within proposed Lot 2. The development will blend into the location and have limited visual effects on the receiving environment with careful design, selection of materials and building location. It is noted that future resource consents for any built form will likely be required and this offers the opportunity to ensure the mitigation measures proposed within that consent are effective and meet coastal character expectations.
- 3.13 The existing development on Lot 1 and scale of proposed Lot 2 means that no engineering report is required. In the event that future development does occur on the proposed lots then an Engineer's report may be necessary to address the onsite restraints.

- 3.14 The applicant is offering a consent notice condition around the of cats and mustelids and restrictions on dogs as noted previously. These measures will ensure that operational requirements of the farm and the security and company offered enhances the lifestyle choices made for the small block owner.
- 3.15 The applicant does not seek to formally protect the vegetation on site as this is currently being managed effectively as part of the overall farming operations. To formalise the protection and not rely on the district plan infers that rules and related objectives and policies do not achieve the intended outcome. There is considered to be sufficient measures in place which ensures that vegetation on the site is protected in a less overbearing manner.
- 3.16 Overall effects from both components is that they are less than minor.

4.0 OPERATIVE DISTRICT PLAN – OBJECTIVES AND POLICIES

- 4.01 The following assessment of objectives and policies is focused on the relevant subdivision considerations particularly as the subdivision proposal creates the landuse breaches of the plan. The assessment of effects has covered the specific matters in more detail but as stated there remains sufficient scope within the subdivision provisions to not be required to review other sections. If there were landuse components not relating to the subdivision proposed then these would need to be considered, but this is not the case in this instance.
- 4.02 The following considerations will provide commentary and details as to how the proposal is generally consistent with key objectives and policies for the Subdivision chapter which also includes consideration of stormwater considerations. The following Objectives and Policies are considered to be the most relevant to the application with consideration only of the subdivision chapter.

SUBDIVISION

13.3 OBJECTIVES

- 13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.
- 13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.
- 13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.
- 13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.

- 13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).
- 13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.4 POLICIES

- 13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:
- (a) natural character, particularly of the coastal environment;
 - (d) amenity values;
 - (g) existing land uses.
- 13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.
- 13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.
- 13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.
- 13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.
- 13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.
- 13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:
- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
 - (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
 - (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.
- 13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.
- 13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:
- (a) development of energy efficient buildings and structures;

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

COMMENTARY ON OBJECTIVES AND POLICIES

- 4.03 The presumption for a non-complying activity is that the proposal is automatically contrary to objectives and policies. In some situations, this is correct, but in others (such as this proposal) they are non-complying because the proposal make practical sense and results in less than minor effects. The rules detail lot sizes and assign activity status classifications to these rules. When larger parcels of land are involved it is the intensity of development which is managed and does not allow for onsite characteristics. In this instance compliance with the management plan would result in a Discretionary threshold being achieved but is not the purpose of the subdivision.
- 4.04 The subdivision proposal simply seeks to dispose a surplus dwelling with a reasonable parcel of land which doesn't detract from the immediate character of the area. The parcel is more than sufficiently sized for onsite servicing and is currently redundant to the operational needs of the farm holding. If circumstances were to change and a dwelling to be constructed on Lot 2 then there are multiple potential locations in which the relevant requirements could be satisfied to maintain coastal character.
- 4.04 The lots primary focus to achieve the purpose of the zone and not conflict with the intent of the zone. The proposal is assessed to have achieved this by maintaining amenity values of the site, ensuring property boundaries for the lots reflect the onsite characteristics and which ensures that the additional development afforded by the application can be readily absorbed accordingly.
- 4.05 Many of the above objectives consider the potential effects of the proposal as a potential outcome and seek to ensure the conclusion from an effects perspective is less than minor. The planning assessment and supporting technical report support the conclusion reached and not only meets the intent of the zone but also is acceptable within the receiving environment.
- 4.06 The current General Coastal zone is appropriate for the location and has an emphasis placed on the relationship of land to the coastal environment. In addition to the district plan there are related regional and national policy statements. The plan identifies that existing developed area should maintain their intent while reducing potential effects. This proposal sees an effective use of a currently unused residential building and the larger balance retaining its relationship with the remaining farming operations.
- 4.07 The potential for additional development in the form of a dwelling on proposed Lot 2 is not intended to be completed at this point in time but cannot be discounted in the future. If this was to occur, then the relevant rules applicable to built form and associated residential use would apply. There are many potential dwelling locations as noted within the assessment of effects. Onsite constraints such as flood risk and coastal inundation areas can simply be avoided and vegetated areas are also unlike to be viable given the steepness of some areas. The remaining land is still sufficient to construct a dwelling which would meet development expectations within the Coastal Environment.
- 4.08 The proposal will provide for the well-being of a household who will ultimately reside on the currently vacant area of the proposed lot. Only those objectives and policies not

related to the coastal environment hold any weight and have been concluded with the proposal being consistent with the intent and the overall outcomes sought.

GENERAL COASTAL ZONE

10.6.3 OBJECTIVES

These objectives supplement those set out in Section 10.3.

- 10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.
- 10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.
- 10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

10.6.4 POLICIES

These policies supplement those set out in Section 10.4.

- 10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.
- 10.6.4.2 That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.
- 10.6.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:
 - (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, 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;

4.09 It is contended that the subdivision proposal is not in conflict with the key objectives and policies noted above for the zone. The emphasis on the preservation of natural character can readily be achieved and there is no suggestion that the proposed subdivision is inappropriate. The key consideration is that the smaller lot already is developed and that there is currently no intension to further develop proposed Lot 2. If development of Lot 2 was to occur it could be completed in a manner which ensures that these objectives and policies are adhered to and the desired outcomes achieved.

4.10 The smaller proposed lot 1 has been sized to comfortably meet onsite servicing requirements and enable some grazing of the paddocks below the dwelling. Lot 2 is part of the larger farming operations with operational elements based on nearby parcels also part of the farming unit. The vegetation on site is to be retained and protected by rules within both the operative and proposed district plan. These rules will trigger if any

quantities vegetation were to be removed. This is unlikely given the steep terrain on which the existing bush is located. In a similar manner to vegetated areas, the areas susceptible to flooding and coastal inundation would also be avoided. There remains sufficient land outside of the natural hazards and the existing vegetation which could meet requirements for development of a dwelling.

- 4.11 Despite the current intentions, the proposed subdivision will create an opportunity for an additional dwelling to be established on proposed Lot 2 and continue to operate as part of the applicant's overall farming operations. Proposed lot 1 which is not required for the present operations will be sold and will contribute to the new lot owners social and economic well-being.
- 4.12 The proposal will not compromise the amenity values of the site as any future dwelling on proposed lot 2 would be subject to a resource consent which would only be acceptable if the effects were concluded as being less than minor.
- 4.13 The proposed subdivision will not create any reverse sensitivity concerns as the area is primarily a rural area with a coastal influence and the smaller developed site is a long distance from any potential activities which could affect the occupiers.
- 4.14 The additional traffic from the potential additional dwelling will have no discernible effect on the existing access with no changes on Lane Road required.
- 4.15 Power and telecommunications can be accessed off the existing network located within the area with sufficient easements provided to address this matter.
- 4.16 The proposed subdivision is considered to be generally consistent with the relevant subdivision and impermeable surfaces related objectives and policies.

PROPOSED FAR NORTH DISTRICT PLAN

- 4.17 The proposed district plan has completed all hearings and deliberations and will produce a revised plan at the end of May 2026. This revised plan will be subject to an appeal period and then deemed operative once the appeals process is completed. Those parts of the plan that are not appealed will be deemed operative and given full weight in terms of considerations made. Although the rules do not apply to the current proposal it is necessary to consider the relevant Objectives and Policies due to the applications' non-complying activity status. The weighting afforded to the proposed district plan with this status is minor.

Objectives and Policies

- 4.18 The objectives and policies for subdivision are noted as follows acknowledging that only those which are considered to be relevant have been included.

SUBDIVISION OBJECTIVES

SUB-01 Subdivision results in the efficient use of land, which:

- 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 the risk from natural hazards or risks are mitigated and existing risks reduced;
- f. Manages adverse effects on the environment.

SUBDIVISION POLICIES

SUB-P3 Provide for subdivision where it results in allotments that:

- 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-P9 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.

SUB-P11 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:

- 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.

- 4.19 The proposed plan seeks to zone the application site as Rural Production with a Coastal Environment overlay with these provisions being largely similar to the current operative plan. The provisions detail the need to preserve coastal character, ensure that important values are maintained or enhanced and allow for development in certain circumstances. Acknowledgement of natural hazards and other restrictions remain important. It is contended that the proposal is generally consistent with these considerations and while there is no current desire to construct a dwelling on proposed Lot 2, there is a sufficient number of areas within the lot which would meet expectations for any built form.

- 4.20 It is further contended that the proposed lot sizes are not foreign to the zone and not out of character. The existing dwelling on proposed Lot 1 meets all the relevant development standards and space exists for the development of the larger lot which avoids natural hazards and existing flora and fauna.
- 4.21 Many of the matters completed within the assessment of effects address objective and policy considerations and it is further noted that this proposal would not set a precedent. The proposal will not result in any increase in hazard risk and will maintain local character values notwithstanding the reduced lot sizes.
- 4.22 The proposal is considered to be generally consistent with the relevant objectives and policies of the Proposed Far North District Plan.

5.0 HIGHER ORDER PLANNING CONSIDERATIONS

- 5.01 The subdivision has been considered in terms of the relevant higher order planning document such as Regional and National Planning policies and Statements and National Environmental Standards, which all focus on the potential effects of development of land resulting from subdivision. The provisions seek to ensure that certain aspects are avoided and if approved, they offer suitable confidence that mitigation measures will be sufficient for the subsequent development.
- 5.02 Key constraints applicable to the land and relevant to this proposal can be avoided and retained without interference from current activities. Future development on Lot 2 could avoid the identified natural hazards and stay clear of the regenerating vegetation. Development of the remaining area could be completed in a manner which meets the expectations of the relevant rules and which resource consent and their conditions will apply.
- 5.03 The proposal is considered to represent appropriate development for a site which is currently used for lifestyle purposes and with a slight increase in intensity of development will maintain this.
- 5.04 The effects of the proposal are considered to be generally consistent with higher order planning documents.

6.0 PART 2 CONSIDERATIONS

- 6.01 The application does not conflict with any matter or consideration under Part 2 of the Act. The proposal provides for the social and economic well-being of the district by improving the environment and enabling appropriate development to be established all while resulting and ensuring the potential effects of the proposal are less than minor.
- 6.02 It is therefore contended that the proposed subdivision is appropriate and consistent with the purpose of the Act.

7.0 NOTIFICATION ASSESSMENT S95A TO 95G OF THE ACT

7.01 Sections 95A to 95G require Council to follow specific steps in determining whether to notify an application. In considering the conclusions findings within this report are relied upon.

7.02 Public Notification section 95A

Step 1

Mandatory public notification in certain circumstances

- (a) the applicant has requested that the application be publicly notified:
- (b) public notification is required under section 95C:
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicant has not requested public notification and none of the remaining matters as described are applicable.

Step 2 Public Notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:
 - (i) a controlled activity:
 - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity:
 - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:
 - (iv) a prescribed activity (see section 360H(1)(a)(i)).

The subdivision component is non-complying and the proposal is not precluded from public notification.

Step 3 – Public Notification required in certain circumstances

The criteria for Step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

The NES Regulation (contaminated land) is not relevant to this application as there has been no uses which qualify as an activity on the HAIL list, and which have been

undertaken on the application site. Furthermore, NRC records confirm there are no known contaminated sites within the application site.

The effects from the proposed subdivision are considered to be less than minor as concluded within earlier sections of this report.

The proposal will result in the potential for an additional dwelling within the coastal environment. The potential effects from an additional dwelling on the wider environment can be managed in a way which concludes that effects are less than minor.

7.03 Affected Persons Assessment – Limited Notification Section 95B

If the application is not required to be publicly notified, a Council must follow the steps of section 95B to determine whether to limited notify the application.

Step 1: certain affected groups and affected persons must be notified

- (2) Determine whether there are any—
- (a) affected protected customary rights groups; or
 - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

There are no protected customary rights or customary marine titles which apply to the application site.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The criteria for step 2 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:
- (b) the application is for a resource consent for either or both of the following, but no other, activities:
 - (i) a controlled activity that requires consent under a district plan (other than a subdivision of land):
 - (ii) a prescribed activity (see section 360H(1)(a)(ii)).

The application is not precluded from Limited Notification as neither of the exemptions as described above apply to the application.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- (7) Determine whether, in accordance with section 95E, the following persons are affected persons:
- (a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and
 - (b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.

The assessment of the proposal concludes that there are no adverse effects on any adjoining or adjacent landowners. The current house is not close to any boundaries and

any future dwelling on proposed Lot 2 can be designed to reduce effects on neighbours should it ever eventuate.

There will be no changes on the site from what presently occurs which is consistent with typical rural farming with a coastal influence.

There are no persons deemed to be potentially affected by the proposed subdivision and subsequent development.

7.04 Notification Assessment Conclusion

Pursuant to sections 95A to 95G it is recommended that the Council determine that the application can be processed non-notified for the following reasons:

- In accordance with section 95A, public notification is not required, and in particular the adverse effects on the wider environment are considered to be less than minor;
- In accordance with section 95B, written approvals have not been sought as based on the matters of particular concern, the effects are less than minor and therefore no persons are considered to be affected persons; and,
- In accordance with section 95A(9) and 95B(10), there are no special circumstances to require public or limited notification.

8.0 S104D (GATEWAY TEST) ASSESSMENT

8.01 Section 104D identifies particular restrictions for non-complying activities and also details the circumstances in which Council can approve an application notwithstanding its non-complying status. The provision has the following requirements:

- (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.

8.02 It is considered that the proposed subdivision does not create adverse effects on the environment that are minor or more than minor. In considering effects, there is potential for a future dwelling on proposed Lot 2 but this development would be subject to the district plan rules and likely to trigger a resource consent.

8.03 Key considerations around character and amenity values remain unaffected by the proposal with the site readily able to absorb the development. There are also positive environmental effects resulting from the proposal relating to the effective use of land not

suitable for productive purposes, but which can be used for lifestyle purposes. The avoidance of natural hazards can be achieved on site with future development on Lot 2 and the retention of flora and fauna can be controlled by the extensive district plan provisions. The applicant has offered to agree to conditions around banning cats and mustelids with controls placed on dogs for farm working and safety purposes.

- 8.04 It is considered that the proposed subdivision is not contrary to the Objectives and Policies of the Plan or those relevant higher order documents.
- 8.05 In reaching this conclusion, it is considered that the proposal meets both limbs of the test and therefore the thresholds of s104D of the Act, and that the Council can therefore grant the consent accordingly.

9.0 SUMMARY

- 9.01 The application is subdivision consent which by virtue of the proposed lot sizes is non-complying. The proposed lots are 3.3685ha and 27.55ha respectively with the smaller Lot 1 containing an existing dwelling which has been identified as surplus to the farming operations. Lot 2 will be retained as part of the larger farming operations and has areas of pasture as well as natural hazards.
- 9.02 The identified hazards include land susceptible to coastal inundation and flooding which can be avoided by any development in the future. There is also a large area of regenerating vegetation on Lot 2 which accounts for the majority of the lot. This area is maintained currently by the landowner and include pest and weed eradication programmes as part of those protection measures. There is no proposal to formalise any vegetation protection with a land covenant or other formal protection measures.
- 9.03 Despite the lot size issue, the lots proposed will meet the purpose of the plan and the expected uses for the lot. It is not unusual for smaller lots to be established around existing development within the coastal environment. Indeed if further development was to occur it should occur in clusters to ensure that other area remain natural in character. With no immediate plans to construct a dwelling and many options available, the future location if the lot is ever developed will be subject to the relevant rules at the time.
- 9.04 Amenity values can be easily maintained for this reasonably large coastal property.
- 9.05 There will be no changes to the existing access which is achieved off Lane Road. The road access is fit for purpose and reasonably well maintained. Stormwater will be harvested as a potable supply and some used for fire fighting purposes with any surplus water disposed to ground given the good onsite drainage characteristics.
- 9.06 The effects of this subdivision application have been assessed and concluded as being less than minor. No persons are considered to be affected by the proposed subdivision consent. The effects on the wider environment are considered to be less than minor.
- 9.07 The proposal is not contrary to relevant objectives and policies of the Far North District Plan and the higher order planning documents.

9.08 It is considered that the application can be approved under s104B and 104D of the Act as the two limbs of the “gateway tests” have been met.

9.09 With respect to conditions of consent the applicant would appreciate sighting a draft set of conditions for review and comment (if necessary).

Should you have any queries in respect to this application please contact me.

Yours faithfully



Wayne Smith

Zenith Planning Consultants Ltd

Principal | Director

BPlan | BSocSci | MNZPI

wayne@zenithplanning.co.nz

mob: +64 (0) 21 202 3898



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




R. W. Muir
Registrar-General
of Land

Identifier NA118B/623
Land Registration District North Auckland
Date Issued 03 June 1998

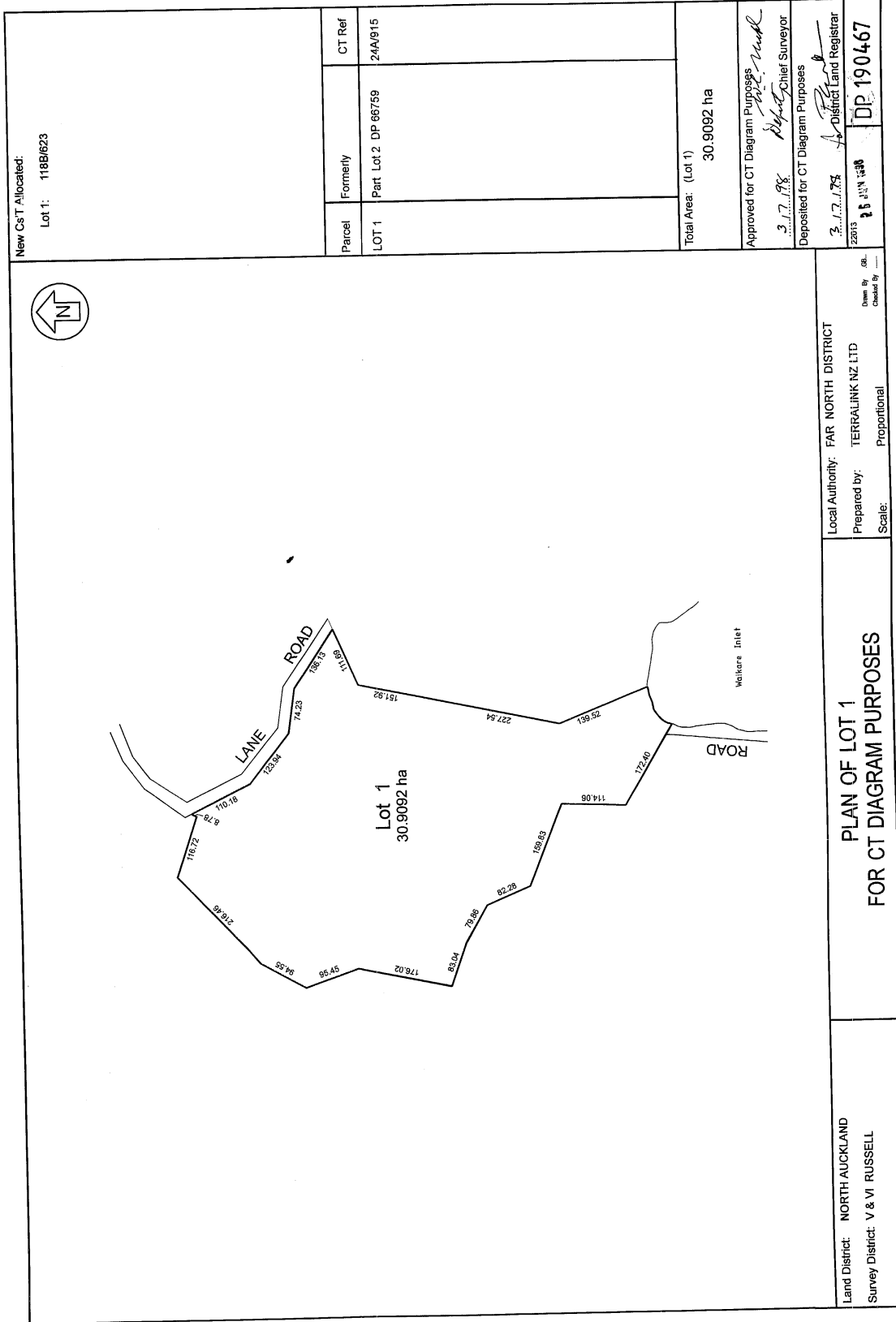
Prior References
NA24A/915

Estate Fee Simple
Area 30.9092 hectares more or less
Legal Description Lot 1 Deposited Plan 190467

Registered Owners
Carpenter Investments Limited

Interests

Subject to a right of way and a right to convey electricity, telecommunications and water over parts marked B and D on DP 542129 created by Easement Instrument 11735593.3 - 23.6.2020 at 11:30 am
Land Covenant in Covenant Instrument 12682951.1 - 21.3.2023 at 3:57 pm



View Instrument Details



Instrument No 12682951.1
Status Registered
Date & Time Lodged 21 March 2023 15:57
Lodged By Rowlands, Brittany Joan
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
476989	North Auckland
76318	North Auckland
912226	North Auckland
912227	North Auckland
NA113D/111	North Auckland
NA118B/623	North Auckland

Annexure Schedule Contains 2 Pages.

Covenantor Certifications

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

Signature

Signed by Rebecca Mary Karamaena as Covenantor Representative on 21/03/2023 11:27 AM

Covenantee Certifications

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

Signature

Signed by Rebecca Mary Karamaena as Covenantee Representative on 21/03/2023 11:28 AM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

WILLOWRIDGE DEVELOPMENTS LIMITED

Covenantee

WILLOWRIDGE DEVELOPMENTS LIMITED

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A
required

Continue in additional Annexure Schedule, if

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Covenant - No Objection	All of the land contained within the burdened land	RT NA118B/623 RT 76318	RT 912226 RT 912227 RT 476989 RT NA113D/111

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

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

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017].~~

[Annexure Schedule One].

Annexure Schedule One

1. The Covenantor acknowledges and agrees that this instrument shall be registered against the titles to the Benefited Land and the Burdened Land and agrees:
 - a. To observe and perform the Covenants in this Instrument at all times (and to ensure that all occupiers, employees, contractors, invitees observes and performs the Covenants at all times); and
 - b. Unless otherwise specified in this Instrument, the Covenants will forever run with and bind the Burdened Land for the benefit of the Benefited Land.
2. The Covenantor covenants with the Covenantee that:
 - a. **No Objection:** The Covenantor shall not make or lodge, be a party to, procure, assist or support, finance or contribute to the cost of any submissions or proceedings (under the Resource Management Act 1991 or otherwise) designed or intended to or having the effect of limiting, preventing or restricting:
 - i. any rezoning or amendments to the provisions of the District Plan or any proposed plan for residential and related activity on the Benefitted Land;
 - ii. or any residential or related activity being undertaken or proposed to be undertaken on the Benefitted Land.
 - b. **Road Vesting:** The covenants set out in this instrument shall cease to apply to any part of the Burdened Land which is intended to vest in the Crown or any territorial authority or any utility company as road, reserve or utility site, upon survey relating to such vesting or transfer being approved as to survey and being accepted for deposit by Land Information New Zealand.

View Instrument Details



Instrument No 11735593.3
Status Registered
Date & Time Lodged 23 June 2020 11:30
Lodged By Jonson, Jan Dorothy
Instrument Type Easement Instrument



Affected Records of Title	Land District
76318	North Auckland
NA113D/111	North Auckland
NA118B/623	North Auckland

Annexure Schedule Contains 1 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage 9926056.6 has consented to this transaction and I hold that consent
- I certify that the Mortgagee under Mortgage 10986737.3 has consented to this transaction and I hold that consent

Signature

Signed by Lucia Lisa Aprea as Grantor Representative on 20/07/2020 10:06 AM

Grantee Certifications

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

Signature

Signed by Lucia Lisa Aprea as Grantee Representative on 20/07/2020 10:06 AM

*** End of Report ***

Approved for ADLS by Registrar-General of Land under No. 2018/6266

EASEMENT INSTRUMENT TO GRANT EASEMENT OR PROFIT À PRENDRE

Sections 109 Land Transfer Act 2017

**Grantor**

Lindsay Robert HYLAND, Murray Craig GENTIL and LR Hyland Trustee Limited

Grantee

Lindsay Robert HYLAND, Murray Craig GENTIL and LR Hyland Trustee Limited

Grant of Easement or Profit à prendre

The Grantor being the registered owner of the burdened land set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement, or profit	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of Way Right to Convey Electricity, Right to Convey Telecommunications Right to Convey Water	B & D on DP 542129	Lot 1 DP 190467 Record of Title NA118B/623	Section 24 BLK V Russell SD, Lot 1, 2 and 3 DP 319371 Record of Title 76318
Right of Way Right to Convey Electricity Right to Convey Telecommunications Right to Convey Water	D on DP 542129	Lot 1 DP 190467 Record of Title NA118B/623	Lot 1 DP 182616 Record of Title NA113D/111

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

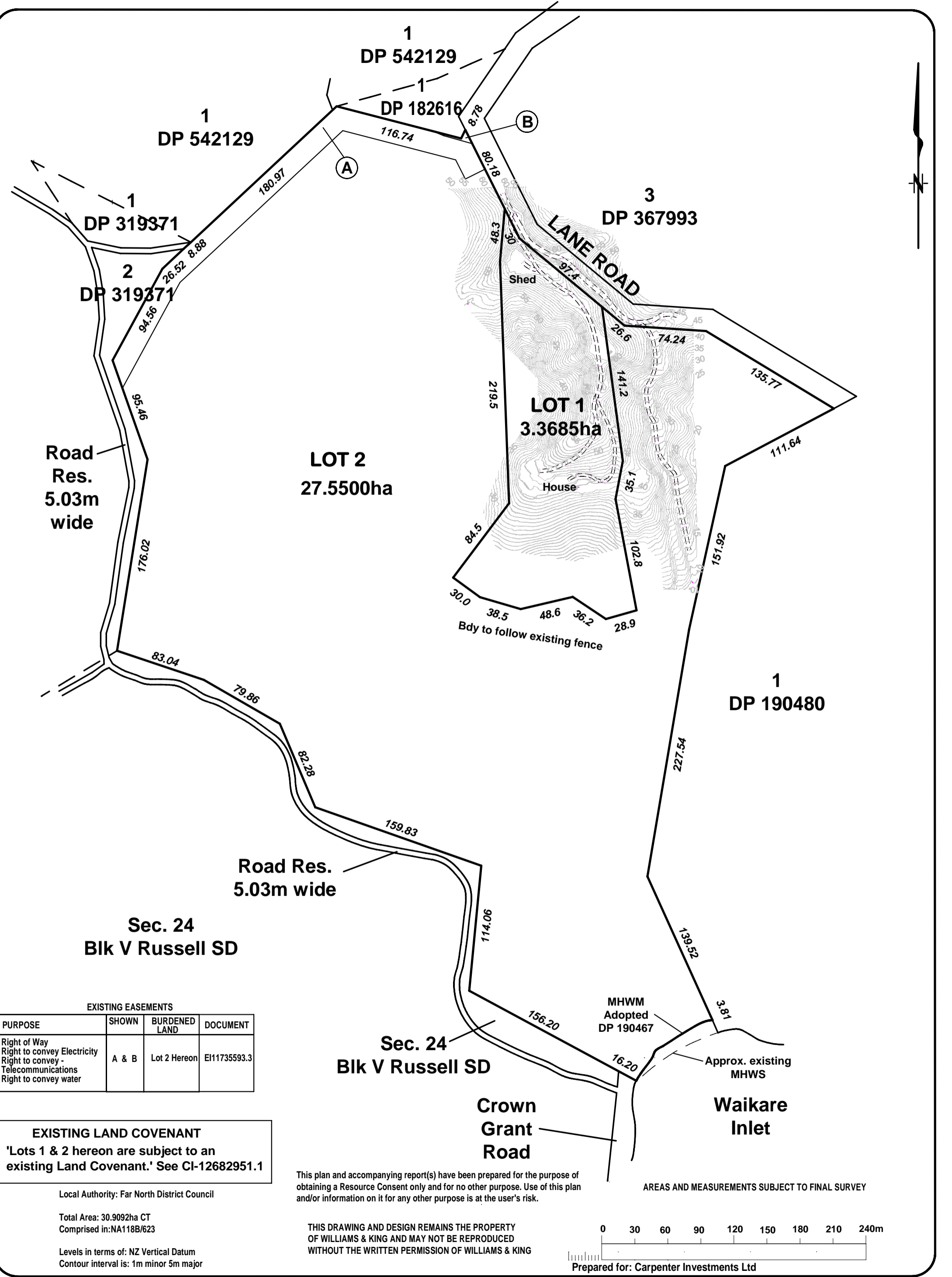
Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]~~

~~[the provisions set out in Annexure Schedule _____]~~



Road Res.
5.03m
wide

LOT 2
27.5500ha

LOT 1
3.3685ha

1
DP 190480

Sec. 24
Bik V Russell SD

Road Res.
5.03m wide

Sec. 24
Bik V Russell SD

Crown
Grant
Road

Waikare
Inlet

EXISTING EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	DOCUMENT
Right of Way Right to convey Electricity Right to convey - Telecommunications Right to convey water	A & B	Lot 2 Hereon	EI11735593.3

EXISTING LAND COVENANT
'Lots 1 & 2 hereon are subject to an existing Land Covenant.' See CI-12682951.1

Local Authority: Far North District Council

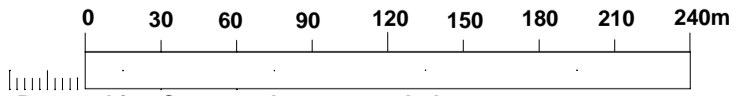
Total Area: 30.9092ha CT
Comprised in: NA118B/623

Levels in terms of: NZ Vertical Datum
Contour interval is: 1m minor 5m major

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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY



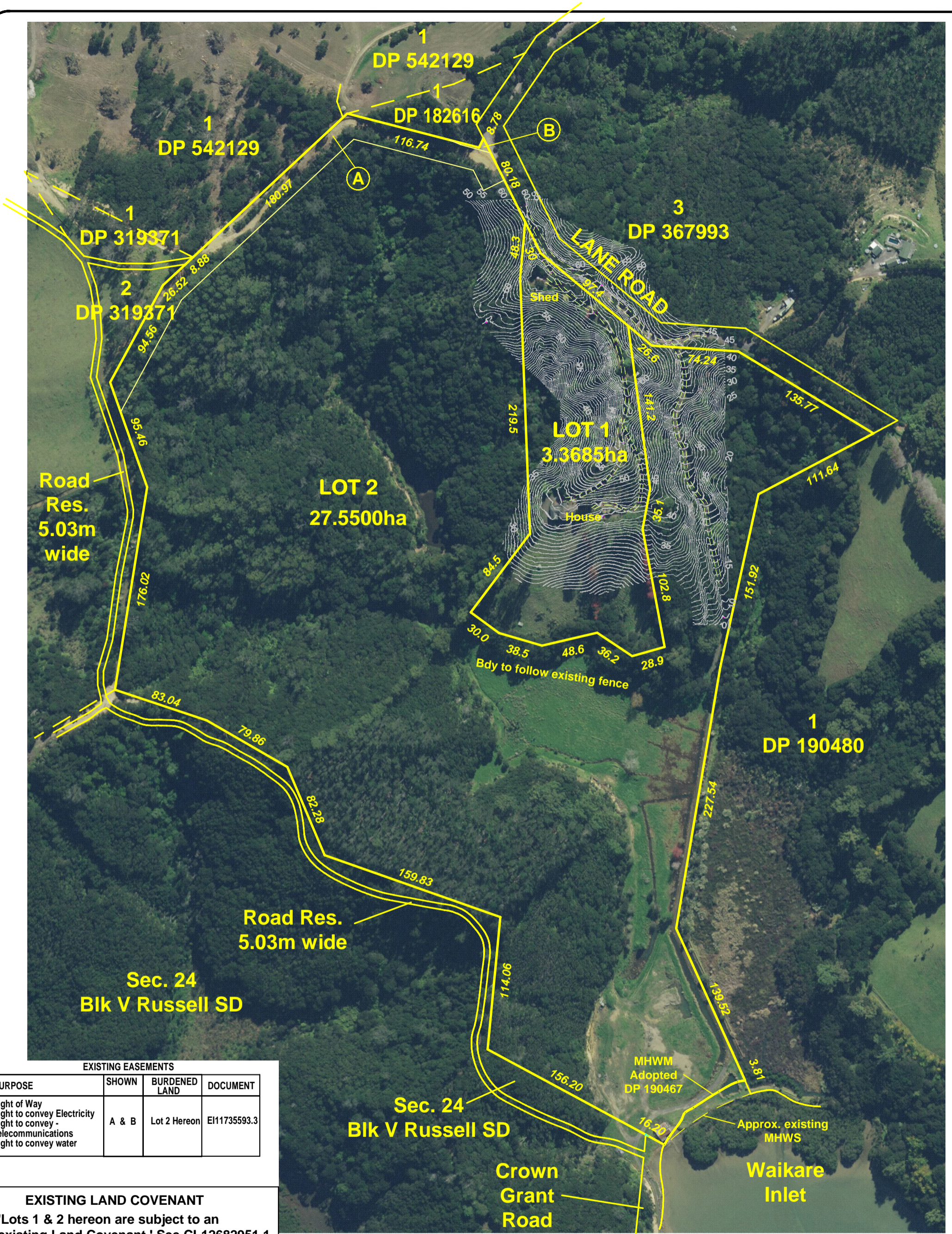
Prepared for: Carpenter Investments Ltd

WILLIAMS AND KING
Registered Land Surveyors, Planners & Land Development Consultants
Ph: (09) 407 6030 27 Hobson Ave
Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

PROPOSED SUBDIVISION OF LOT 1 DP 190467

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Apr 2026	1:3000	A3
Drawn				
Rev				

24832



EXISTING EASEMENTS

PURPOSE	SHOWN	BURDENED LAND	DOCUMENT
Right of Way Right to convey Electricity Right to convey - Telecommunications Right to convey water	A & B	Lot 2 Hereon	EI11735593.3

EXISTING LAND COVENANT

'Lots 1 & 2 hereon are subject to an existing Land Covenant.' See CI-12682951.1

Local Authority: Far North District Council

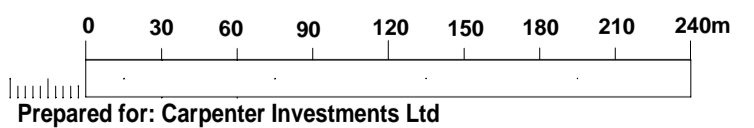
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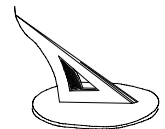
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PROPOSED SUBDIVISION OF LOT 1 DP 190467

	Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			1:3000	A3
Design				
Drawn	W & K	Apr 2026		
Rev				

24832