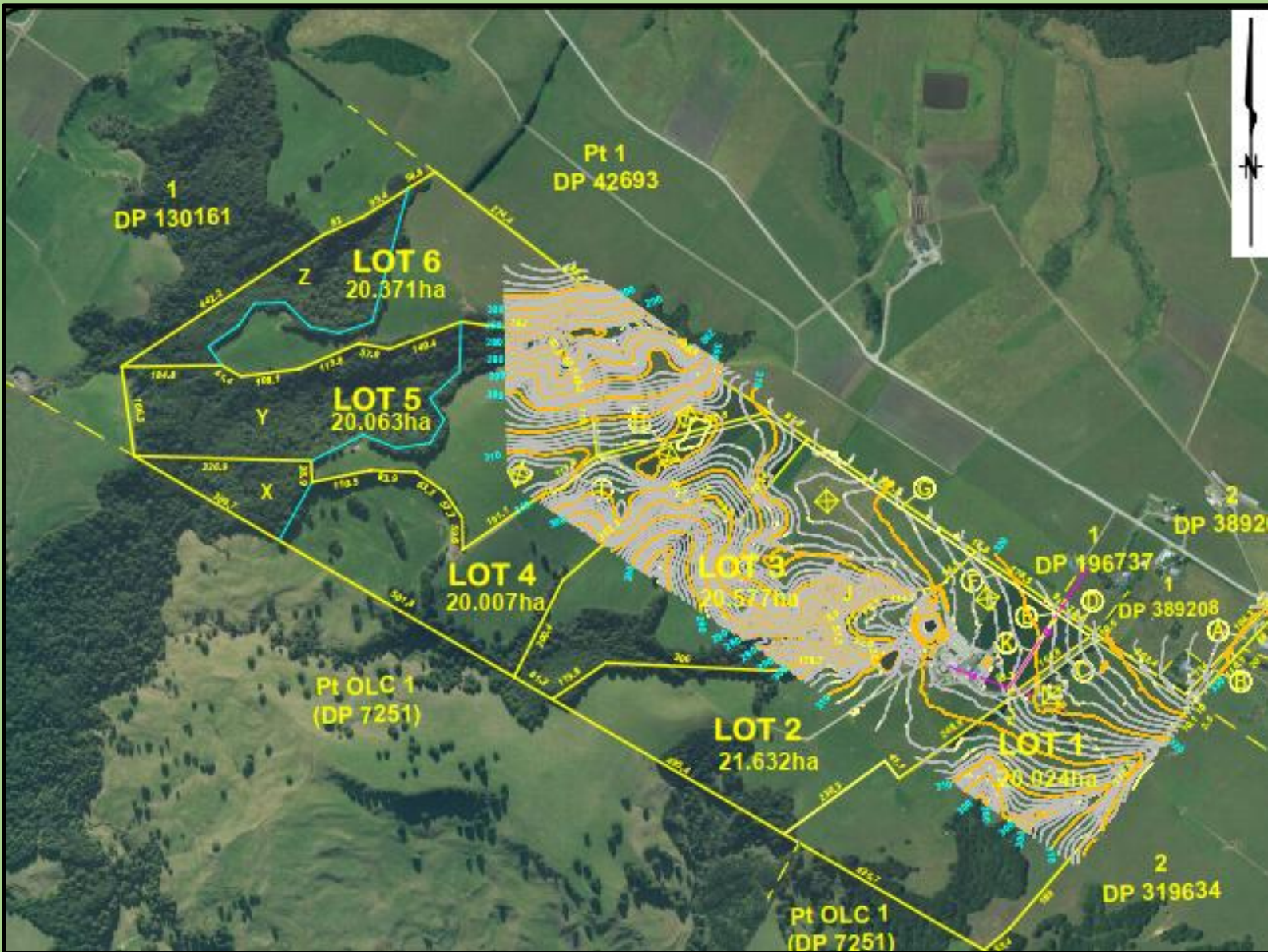


# Subdivision Resource Consent Proposal

## Prospect Estate

111C Signal Road, Okaihau



Date: 25/06/2026

Attention: Liz Searle & Jo Graham – (Team Leaders - Resource Consents)

The Applicant wishes to lodge a new subdivision resource consent application for a site at 111C Signal Road, Okaihau. Currently, there is an existing approved combined subdivision and land use resource consent for the property under 2220759 – RMACOM.

RC 2220759 – RMACOM enabled a 10-lot subdivision of the site and associated earthworks. The combined application was assessed as a Discretionary Activity within the Rural Production zone under the Operative District Plan (ODP). Consent was granted on 28<sup>th</sup> October 2022 with the decision amended pursuant to section 133A on 14<sup>th</sup> November 2022 due to minor corrections to made to Conditions 4(j), 4(o)I and 4(o)vi.

RC 2220759 created 10x 12-hectare allotments and one road to vest allotment. Bush protection covenants were also proposed. The new subdivision application will see the proposal reduced significantly, with only 6x 20-hectare allotments being created, with the bush protection covenants remaining. The requirement for road to vest has been removed given that the lots will now be accessed via a private accessway as the number of users will be below 8 HEs. The new proposed lot sizes can comply with the Controlled Activity lot sizes for the Rural Production Zone (RPZ) within the ODP.

Given the new lot sizes can comply with the Controlled minimum lot size for the RPZ, a new subdivision consent is being lodged rather than a variation to the previous consent. It is offered as part of the subject application that RC 2220759 be surrendered, subject to approval of the current application.

The subdivision requires consent under the Operative District Plan as a **Controlled Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan at time of lodgement.

Regards,

Alex Billot



Resource Planner

Reviewed by:

Rochelle Jacobs



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**



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## **Appendices**

- 1. Far North District Council Application Form**
- 2. Certificate of Title – LINZ**
- 3. Scheme Plan – *Williams & King***
- 4. RC 2220759 RMACOM Approved Decision – FNDC**
- 5. RC 2220759 RMACOM Approved Scheme Plan – FNDC**
- 6. RC 2220759 RMACOM Top Energy Correspondence – *Top Energy***
- 7. ODP & PDP Objectives and Policies**



## Assessment of Environment Effects Report

### 1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

#### Subdivision

- 1.1 The proposal is to undertake a subdivision of Pt Lot 2 DP 42693 to create 6x 20-hectare allotments.
- 1.2 As detailed within the preamble of this report, there is currently an existing active combined land use and subdivision consent for the site under RC 2220759-RMACOM. This existing resource consent enabled the subdivision of Pt Lot 2 DP 42693 to create 10x 12 hectare allotments and a road to vest. Land use consent was also approved for the earthworks required to construct the road to vest. The combined subdivision and land use proposal was assessed as a Discretionary Activity under the Operative District Plan (ODP).
- 1.3 The Applicant wishes to reduce the proposal significantly, decreasing the number of proposed allotments from 10 to 6. Each new proposed allotment will be increased in lot size from 12 hectares to 20 hectares. Given the number of allotments created will be less than 8, the need to upgrade Signal Road and provide a road to vest is not required as the number of lots has reduced significantly and all lots will be accessed via a private accessway.
- 1.4 Given the reduced proposal, the land use consent approved for the anticipated earthworks volumes required to create the road to vest, is now not required. Hence, the subject application is for subdivision only.
- 1.5 As previously mentioned, it is offered that RC 2220759 is surrendered as part of this proposal, subject to the approval of the subject application.
- 1.6 The proposed lot sizes are as follows -
  - Lot 1 – 20.024 hectares – to contain the existing dwelling
  - Lot 2 – 21.632 hectares – to contain the existing milking shed and dairy operations
  - Lot 3 – 20.577 hectares – vacant land
  - Lot 4 – 20.007 hectares – vacant land
  - Lot 5 – 20.063 hectares – vacant land



- Lot 6 – 20.371 hectares – vacant land

*Areas and measurements are subject to final survey.*

- 1.7 Given the proposed lot sizes are over 20 hectares, the subdivision proposal has been assessed as a **Controlled Activity** under the ODP.

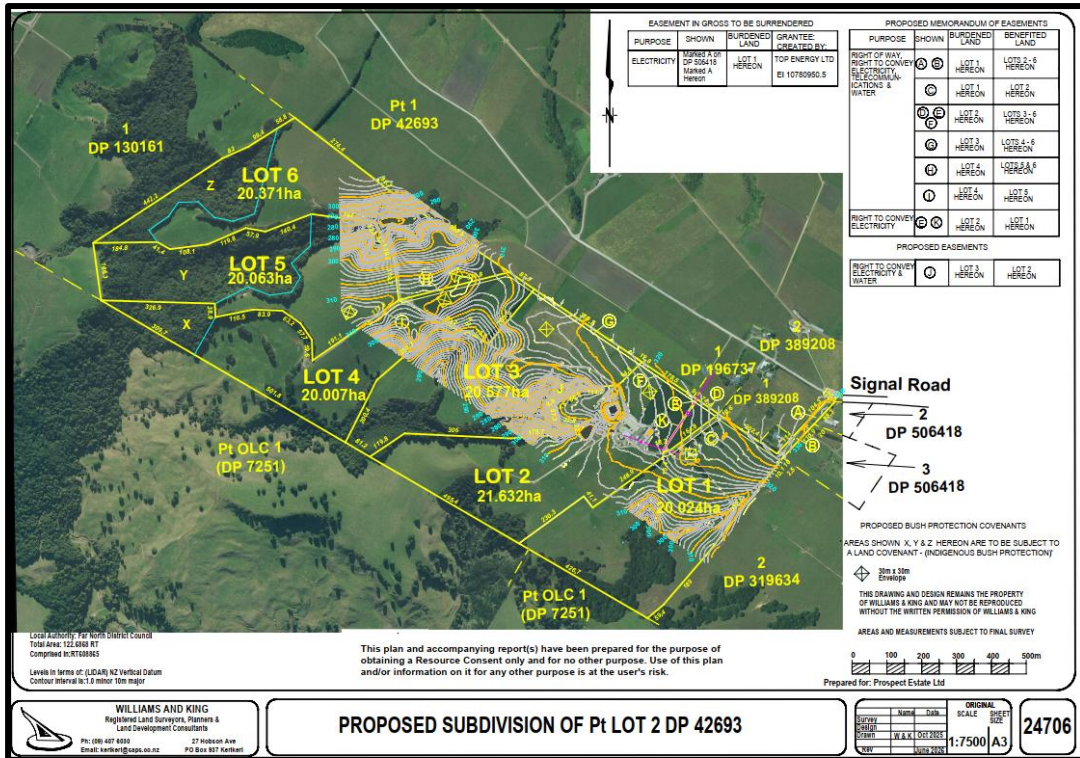


Figure 1: Proposed scheme plan.

- 1.8 Access to the lots will be via an existing shared crossing place from Signal Road. This crossing place currently services two existing adjoining allotments (Lot 2 DP 506418 and Lot 3 DP 506418) as well as the subject site. Access to the site is currently via a shared private accessway, via a panhandle access which is owned by the subject site. Adjoining Lots 2 & 3 DP 506418 have rights of access over a portion of the accessway. A series of easements will then provide access to the lots subject of this subdivision, as will be detailed further in this assessment. Given the number of household equivalents (HEs) utilising the accessways will be less than 8, no road to vest is proposed nor considered required.
- 1.9 Proposed Lot 1 will contain the existing dwelling, with all other lots having no residential development. The Site Suitability Report prepared by Geologix as part of RC 2220759 concluded that the existing system servicing the dwelling comprised of a septic tank to the



south of the existing unit, discharging to scoria filled trenches in a V-shape to the south of the unit. At the time of RC 2220759, the trenches were found to extend over a proposed boundary into a new lot. As the lots have now been reconfigured, the trenches are considered to be wholly within the new lot boundaries and as such a new disposal field is not considered to be required. The new dividing boundary nearest to the existing dwelling is to the north of the dwelling, with the septic system and trenches to the south, such that the entire septic system and trenches will be contained within the new Lot 1 boundaries.

- 1.10 Proposed Lot 2 will contain the existing milking shed and effluent ponds, with Proposed Lots 3-6 being vacant farmland. Bush covenants are proposed over existing areas of PNA within Lots 4-6 as will be detailed further in this assessment.

## **2.0 THE SITE AND SURROUNDING ENVIRONMENT**

- 2.1 The property is located at 111C Signal Road, Okaihau and is legally described as Pt Lot 2 DP 42693. The site is located on the southern side of Signal Road and is one of the last allotments to gain legal access off the public road. The site is generally rectangular in shape and gains access off Signal Road by way of a ROW which is owned by the property. As detailed the ROW over the subject site provides access to two other sites.
- 2.2 The topography of the land varies from flat areas, to rolling pasture and steep gullies. The site contains large areas of bush which will be covenanted and grazed paddocks.
- 2.3 The property is developed with a dwelling, cow shed and amenities. The surrounding environment is mixed use, containing a number of lifestyle blocks, and productive farms. The last 5 – 10 years has seen development within the area boom with several lifestyle sites being created within the immediate local surrounds.





Figure 2: Existing dwelling within Lot 1.



Figure 3: Existing driveway to the dwelling.



Figure 4: Existing driveway within site which will form ROW C.



Figure 5: Access off Signal Road.

2.4 The site is zoned as Rural Production under the Operative District Plan (ODP) as well as within the Proposed District Plan (PDP). Given the rural nature of the site and surrounding environment, reticulated services for water, wastewater and stormwater are not available to this site.

2.5 The site is shown to contain a portion PNA Scotts Bush Road, which is reflected within the proposed covenanted areas on the scheme plan. The site is also within an area where kiwi are noted as being present. The site is not within the Coastal Environment under the Regional Policy Statement Maps (RPSN) nor does it contain any areas of high or outstanding natural character or landscape.

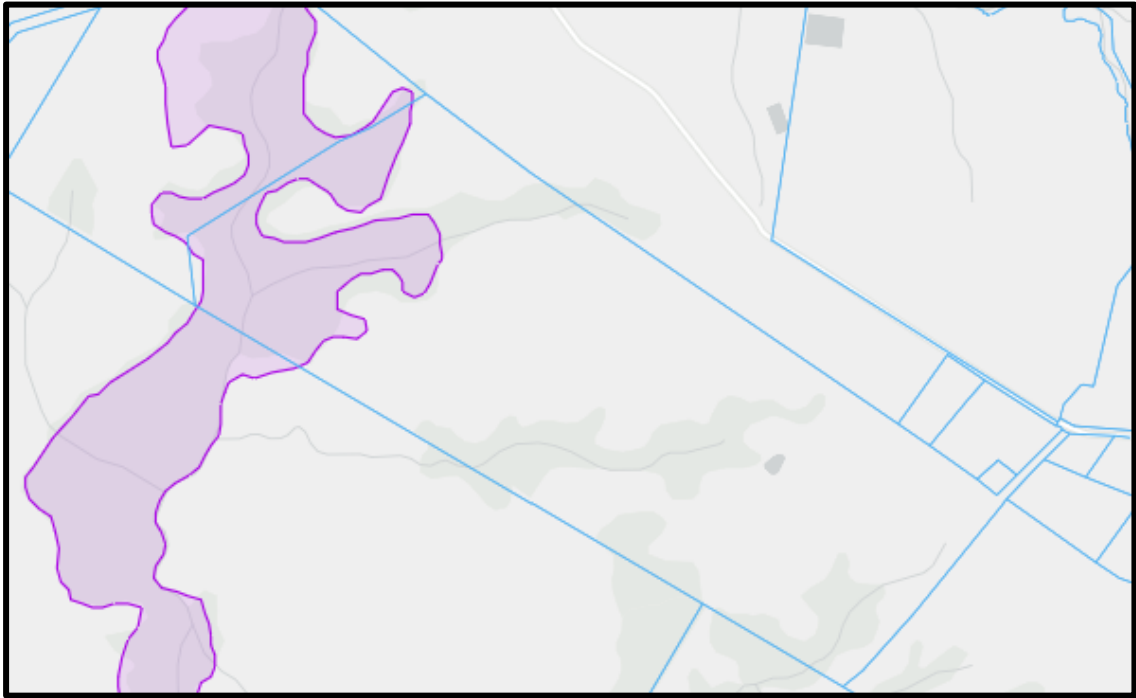


Figure 6: FNDC Maps showing PNA Scotts Bush in purple.

- 2.6 The site is not shown to contain any recorded archaeological sites within the FNDC and NZAA maps.
  
- 2.7 Some areas of river flood susceptibility are within the site however these appear to follow existing overland flowpaths, as indicated within *Figure 7* below.



Figure 7: NRC Hazard Maps showing areas of river flood susceptibility within the site.

2.8 The site is shown to contain an array of soils as shown in *Figure 8* below. The westernmost portion consists of LUC 6e13 soils (orange shade), with a small area in the middle of the site being LUC 4e2 (light green shade) and the remainder being LUC 3s2 (dark green shade). Soils of LUC 3 are currently defined as highly versatile under the RPSN and as such, highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL). The NPS-HPL came into effect on 17<sup>th</sup> October 2022, prior to the approval of RC 2220759. As such, it is considered that the NPS-HPL was assessed as part of the original application. Given that the proposal will see the number of lots reduced and the lot sizes increased from 12 hectares to 20 hectares, it is considered that the proposed variation results in a superior outcome in terms of the NPS-HPL and effects on highly versatile land. Furthermore, as per the Land Implementation Guide for the NPS-HPL, consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses, however consideration of the effect of the activity on existing land use activities must be provided for. Therefore, no consideration of the National Policy Statement for Highly Productive Land (NPS-HPL) will be provided for within this application, however the effect of the activity on existing land use activities will be provided for further within this application.

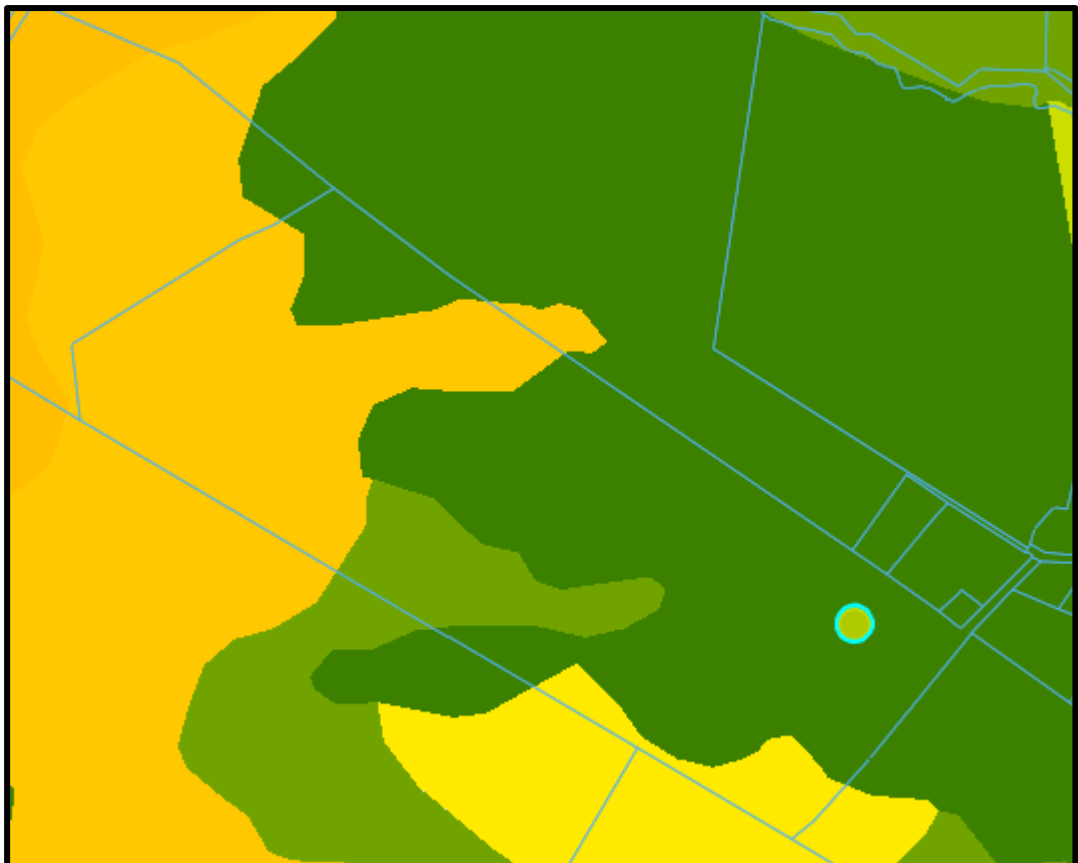


Figure 8: LUC Soils Maps showing soils across the site.



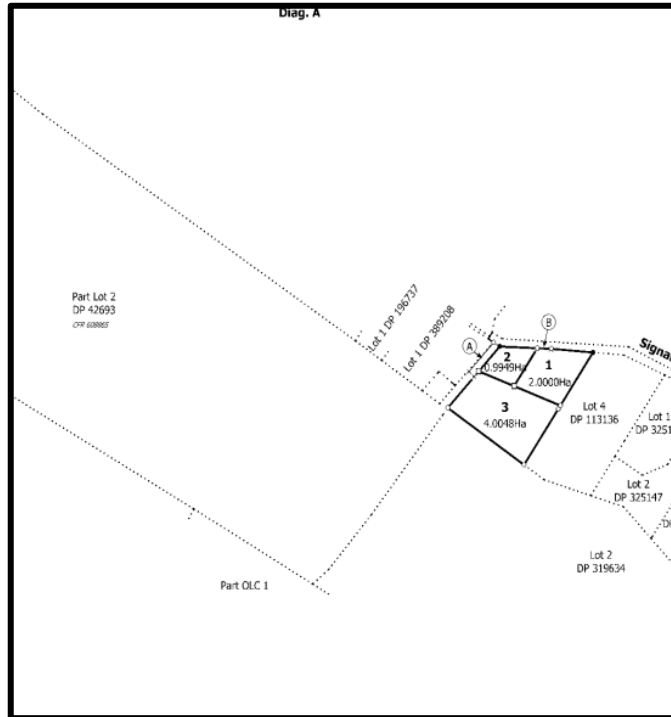


Figure 10: Easement A on DP 506418.

### 3.0 ACTIVITY STATUS OF THE PROPOSAL

#### Operative District Plan

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

#### Subdivision

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1 (i)	MINIMUM LOT SIZES	<b>Controlled Activity.</b>  The Controlled Activity minimum lot size is 20 hectares. All lots are in excess of 20 hectares. As such the proposed subdivision is assessed as a Controlled Activity.



<b>13.7.2.2</b>	<b>ALLOTMENT DIMENSIONS</b>	<b>Complies</b>  The proposed lots can adequately contain the concept 30m x 30m building envelope, given the 20 hectare lot sizes.  Proposed Lot 1 will contain the existing dwelling and associated onsite servicing.
<b>13.7.2.3 - 13.7.2.9</b>	<b>Not Applicable for this application.</b>	

3.2 The subdivision proposal is able to meet the **Controlled Activity** provisions for the Rural Production zone.

*Rural Production zone*

3.3 Proposed Lot 1 is to contain the existing dwelling and ancillary buildings. Proposed Lot 2 will contain the existing milking shed and amenities. Proposed Lots 3-6 will be vacant land. The existing buildings within the site are located in excess of 10 metres from the new lot boundaries; impermeable surface coverage and building coverage are anticipated to be well within the permitted thresholds given the large lot sizes and sunlight infringements are anticipated. Given the nature of the application, it is considered that the proposal complies with the relevant land use rules under Section 8.6.5.1 of the ODP as will be detailed below.

<b>ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>8.6.5.1.1</b>	<b>RESIDENTIAL INTENSITY</b>	<b>Permitted.</b>  Proposed Lot 1 will contain the existing dwelling. All other lots will not contain residential development.
<b>8.6.5.1.2</b>	<b>SUNLIGHT</b>	<b>Permitted</b>



		The existing structures within Lots 1 & 2 are located over 10 metres from the new proposed dividing boundaries such that the sunlight provisions will be adequately met.
<b>8.6.5.1.3</b>	<b>STORMWATER MANAGEMENT</b>	<b>Permitted</b>  Given the proposed size of the lots and the existing built development, it is considered that this will account for less than 15% of the total site area for each lot.
<b>8.6.5.1.4</b>	<b>SETBACK FROM BOUNDARIES</b>	<b>Permitted.</b>  The existing buildings within Lots 1 & 2 are set back in excess of 10 metres from the new dividing boundaries.
<b>8.6.5.1.5</b>	<b>TRANSPORTATION</b>	A full assessment has been undertaken in the table below.
<b>8.6.5.1.6</b>	<b>KEEPING OF ANIMALS</b>	<b>Not applicable.</b>
<b>8.6.5.1.7</b>	<b>NOISE</b>	<b>Not applicable.</b>
<b>8.6.5.1.8</b>	<b>BUILDING HEIGHT</b>	No new buildings sought.
<b>8.6.5.1.9</b>	<b>HELICOPTER LANDING AREA</b>	<b>Not applicable.</b>
<b>8.6.5.1.10</b>	<b>BUILDING COVERAGE</b>	<b>Permitted</b>  The building coverage within Lots 1 & 2 is well within 12.5% of the total site area for the lot.
<b>8.6.5.1.11</b>	<b>SCALE OF ACTIVITIES</b>	<b>Not applicable</b>
<b>8.6.5.1.12</b>	<b>TEMPORARY EVENTS</b>	<b>Not applicable.</b>

3.4 Overall, the proposal has been assessed as a Permitted Activity in terms of the Rural Production zone (RPZ) rules.

#### *District Wide Matters*

<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>Chapter 12</b>		



<b>12.1</b>	<b>LANDSCAPES AND NATURAL FEATURES</b>	<b>Permitted.</b> The subject site does not contain any outstanding landscape areas.
<b>12.2</b>	<b>INDIGENOUS FLORA AND FAUNA</b>	<b>Permitted.</b> The proposal will not result in removal of any indigenous flora or fauna.
<b>12.3</b>	<b>SOILS AND MINERALS</b>	<b>Permitted.</b> Excavation works will be required to construct the private accessways proposed. It is considered the excavations will be well within the permitted volumes for the Rural Production zone.
<b>12.4</b>	<b>NATURAL HAZARDS</b>	<b>Permitted.</b> The site is not susceptible to coastal erosion and there are no new dwellings proposed which would breach the fire risk rule.
<b>12.5</b>	<b>HERITAGE</b>	<b>Permitted.</b> The site is not located within a Heritage Area nor does it contain any notable trees or historic sites.
<b>12.6</b>	<b>AIR</b>	<b>Deleted chapter.</b>
<b>12.7</b>	<b>LAKES, RIVERS, WETLANDS AND THE COASTLINE</b>	<b>Permitted.</b> No new buildings or impermeable surfaces are sought within 30m of any streams or wetlands.
<b>12.8</b>	<b>HAZARDOUS SUBSTANCES</b>	<b>Permitted.</b> The site does not contain any known hazardous substances.
<b>12.9</b>	<b>RENEWABLE ENERGY AND ENERGY EFFICIENCY</b>	<b>Permitted.</b> No renewable energy is proposed.
<b>Chapter 15 – Transportation</b>		
<b>15.1.6A</b>	<b>TRAFFIC</b>	<b>Permitted Activity</b> The first residential unit on a site and farming activities are exempt from this rule.  Proposed Lot 1 will contain the existing dwelling with all other lots being vacant land.



		The permitted TIF for the zone is 60 if not accessed from a State Highway, or 30 if accessed from a State Highway. As such, the proposal can comply with this section.
<b>15.1.6B</b>	<b>PARKING</b>	<p><b>Permitted Activity</b></p> <p>The parking areas within Proposed Lot 1 will remain unchanged.</p> <p>Proposed Lots 2-6 do not contain an existing residential dwelling. There is ample area for future parking requirements within these lots.</p>
<b>15.1.6C.1.1</b>	<b>PRIVATE ACCESSWAY IN ALL ZONES</b>	<p><b>Permitted.</b></p> <p>(a) There is an array of private accessways proposed as part of the subdivision application. All accessways will be constructed to the FNDC Engineering Standards 2023, with conditions of consent offered to reflect this. This will be detailed further in this application.</p> <p>(b) As above.</p> <p>(c) The private accessways will not service more than 8 HEs.</p> <p>(d) Not Applicable.</p> <p>(e) Not Applicable.</p>
<b>15.1.6C.1.2</b>	<b>PRIVATE ACCESSWAYS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.3</b>	<b>PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b>	<p><b>Permitted.</b></p> <p>Passing bays will be provided as required.</p>
<b>15.1.6C.1.4</b>	<b>ACCESS OVER FOOTPATHS</b>	<b>Not applicable.</b>
<b>15.1.6C.1.5</b>	<b>VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES</b>	<p><b>Permitted</b></p> <p>(a) The proposed lots will utilise an existing crossing place from Signal Road. This will be upgraded in accordance with Council's Engineering Standards which is offered as a condition of consent. Internal vehicle crossings from the private accessways are to be constructed at a later date</p>



		<p>with a consent notice condition being offered on the new titles, consistent with RC 2220759.</p> <p>(b) Signal Road is not a sealed road.</p> <p>(c) The vehicle crossing services more than two allotments and as such the private accessway will be 6m wide and extend a minimum of 6m from the edge of the carriageway.</p>
<b>15.1.6C.1.6</b>	<b>VEHICLE CROSSING STANDARDS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.7</b>	<b>GENERAL ACCESS STANDARDS</b>	<p><b>Permitted.</b></p> <p>(a) Not applicable.</p> <p>(b) Any bends or corners will be constructed to allow for the passage of a HRV.</p> <p>(c) The sides of the driveway will remain in grass.</p> <p>(d) Stormwater will be managed on site.</p>
<b>15.1.6C.1.8</b>	<b>FRONTAGE TO EXISTING ROADS</b>	<p><b>Permitted.</b></p> <p>(a) The site has minimal frontage to Signal Road, with the only site frontage being the panhandle access. Where the site has frontage to Signal Road, it is considered to meet the legal road width standards.</p> <p>(b) As above.</p> <p>(c) Complies.</p> <p>(d) There are no known encroachments of the carriageway given the small road frontage of the site.</p>
<b>15.1.6C.1.9 – 15.1.6C..11 are not applicable to this application</b>		

3.5 It is therefore determined that the proposal does not result in any breaches of the applicable Zone or District Wide Rules.

*Overall status of the proposal under the Operative District Plan*

3.6 The subdivision proposal is able to meet the **Controlled** subdivision provisions for the Rural Production zone as per the requirements within 13.7.2.1(i).



- 3.7 The proposal will be assessed as a **Controlled Activity** subdivision with the relevant sections of 13.7.3 being assessed as part of this application process.

### Proposed District Plan

- 3.8 Council has considered the Panel recommendations and on the 11<sup>th</sup> June 2026 has made a decision to adopt the majority of these decisions, including those which relate to this application. The decisions are set to be released on the 30<sup>th</sup> June under section 86B(1), and at this stage all PDP rules will have legal effect. After the notification of decisions there is a 30-working day period for submitters to appeal.
- 3.9 An assessment of the relevant rules and standards which have current legal effect has been undertaken below. All applications for resource consent that are being processed on the date the decisions are released will require a full assessment of the standards, rules, objectives and policies of the Decisions Version of the PDP to enable the continued processing of the application. Assessment of the relevant rules and standards which are adopted after 30<sup>th</sup> June 2026 will be provided for after this date, in order to enable processing of the application post notification of decisions.
- 3.10 Section 88A of the Resource Management Act provides that the application is to be assessed on the basis of the plan status that applied when the application was lodged. Accordingly, if the Proposed District Plan becomes operative prior to a decision being issued on the activity, the activity status of the application remains unchanged and is not altered by the later plan change. The application should therefore continue to be considered against the status applying at the time of lodgement, subject to any relevant weighting that may still be given to the objectives and policies of the Operative Plan.
- 3.11 Under the Proposed Far North District Plan (PDP) current mapping system, the site is zoned as Rural Production and is subject to the river flood hazard overlay over the areas identified earlier in this report.
- 3.12 Rules that have current legal effect are set out below.



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



<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<p><b>Not applicable.</b></p> <p>The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance.</p> <p>No plantation forestry activities are proposed.</p> <p>Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.</p>
<b>Subdivision</b>	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<p><b>Not applicable.</b></p> <p>The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).</p>
<b>Activities on the Surface of Water</b>	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<p><b>Not applicable.</b></p> <p>The proposal does not involve activities on the surface of water.</p>
<b>Earthworks</b>	<p>The following rules have immediate legal effect:          EW-R12, EW-R13</p> <p>The following standards have immediate legal effect:          EW-S3, EW-S5</p> <p>As stated above the mapping system records the subject site as</p>	<p><b>Permitted.</b></p> <p>Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.</p>



	containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.	
<b>Signs</b>	The following rules have immediate legal effect: SIGN-R9, SIGN-R10  All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	<b>Not applicable.</b> No signs are proposed as part of this application.
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<b>Not applicable.</b> The site is not located in the Orongo Bay Zone.

3.13 The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

### National Environmental Standards

#### *National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)*

3.14 As concluded within RC 2220759, there are existing effluent ponds which are to be contained within Lot 2, along with the existing dairy farm operations. Effluent ponds are likely captured under G5 of the HAIL. Lot 2 will be increasing in size from the originally approved 12 hectares to 21.6 hectares. It is therefore considered that as per RC 2220759, the allotment can and will continue operating as a productive allotment. The same argument is therefore made that under Section 5(8)(c) it is noted that land is only covered if it is being subdivided in a way that causes the land to stop being production land. As the land will not cease to be production land, it is therefore not covered and no assessment is necessary as part of this application. As such, the application has been considered Permitted in terms of the NESCS.



### *National Environmental Standards for Freshwater 2020*

- 3.15 Within RC 2220759, it was found that the site contains some overland flowpaths and small streams, with no development proposed in proximity to these areas. There were also two wet areas identified which were sent through the NRC for assessment, which identified potential wetland margins with the other being a constructed wetland if it was not previously a wetland at the time of RC 2220759.
- 3.16 Updated regulations for the NES for Freshwater came into effect on 1 November 2022 and the National Policy Statement for Freshwater Management 2020 was also updated in December 2022. These updates came into effect after the approved decision for RC 2220759.
- 3.17 As part of the updated regulations, the definition of ‘natural inland wetland’ was amended, such that wetlands in the CMA are not defined as natural inland wetlands and the definition provided for an exclusion of wetlands in pasture. Regulation 54 of the NES for Freshwater was also amended to cover only wetlands which have a hydrological connection with the associated works.
- 3.18 Given the areas identified as potential wetland within RC 2220759 would now not be defined as a natural inland wetland, given these are in pasture and have more than 50% exotic pasture species, it is considered that consent under the NES-F is not applicable. Furthermore, any works associated with the construction of the right of ways would not have a hydrological connection with any wetland area.
- 3.19 As such, it is now considered that consent under the NES-F is not a requirement for this proposal and as such, no further assessment will be provided.

### *Other National Environmental Standards*

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

## **4.0 STATUTORY ASSESSMENT**

### **Section 104A of the Act**

- 4.1 Section 104A governs the determination of applications for Controlled Activities. With respect to Controlled Activities, a consent authority may not refuse an application, unless s106 applies.



Council may impose conditions under s108 only for those matters which control is reserved in a national environmental standard, operative or proposed plan or other regulations.

### Section 104(1) of the Act

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

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

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

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

*(b) Any relevant provisions of –*

*(i) A national environmental standard*

*(ii) Other regulations*

*(iii) A national policy statement.*

*(iv) A New Zealand Coastal Policy Statement*

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

*(vi) A plan or proposed plan; and*

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

4.3 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). The proposal is considered to have actual and potential effects that are acceptable. The proposal is to subdivide the site to create six allotments over 20 hectares in area. The proposal will result in allotments where some form of rural productive use can still be undertaken on each site, as well as residential development to enable future owners to reside on and live off the land.

4.4 Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects



on the environment. It is considered that all effects can be managed within the proposed lot boundaries. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Production zone.

4.5 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.

4.6 Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application’. There are no other matters relevant to this application.

## **5.0 ENVIRONMENTAL EFFECTS ASSESSMENT**

5.1 Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.

5.2 The proposal is considered to be a Controlled activity. In considering whether to impose conditions on applications for controlled subdivision activities, the Council will restrict the exercise of its discretion to the following matters listed in 13.7.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

### *Property Access*

5.2.1 All lots will be accessed via the same existing crossing place from Signal Road. As mentioned, this crossing place currently services the site and two adjoining allotments. As a result of the proposal, the maximum number of users (Household Equivalents – HEs) utilising the crossing place will be eight. If the crossing place is required to be upgraded, a condition of consent is offered in accordance with the FNDC Engineering Standards 2023.

5.2.2 The lots will be accessed via an array of private accessways, as indicated by the easements shown on the proposed scheme plan. The following conditions of consent are offered in terms



of construction of the accessways, which reflects the number of users of each of the accessways:

- *Provide a formed and metalled access on ROW A & B to a 6m finished unsealed carriageway width including unsealed shoulders. The formation shall include culverts as required to control and direct the discharge of stormwater runoff.*
- *Provide a formed and metalled access on ROW C & I to a 3.5m finished carriageway width with passing bays provided to comply with Rule 15.1.6.1.2 of the Far North District Plan. The formation shall include culverts as required to control and direct the discharge of stormwater runoff*
- *Provide a formed and metalled access on ROWs D, E, F, G & H to a 4.5m finished carriageway width with passing bays provided to comply with Rule 15.1.6.1.2 of the Far North District Plan. The formation shall include culverts as required to control and direct the discharge of stormwater runoff.*
- *Provide evidence that all culverts within the subdivision are constructed with a 375 mm minimum diameter RCP culvert to provide improvements from the current published FNDC Engineering Standards*

5.2.3 In terms of internal vehicle crossings to Lots 3-6, these will be provided at the time of built development of the lots, consistent with RC 2220759. A consent notice condition is therefore offered to be registered on Lots 3-6 advising this:

*'At the time of building consent provide a formed entrance to the lot which complies with Councils Engineering Standard Sheet 21, Type 1A. Where required, an adequately sized culvert (minimum diameter 375mm) is to be installed under each new crossing with grouted rock headwalls on both ends [ Lots 3-6].'*

5.2.4 As assessed earlier in this report, the application is assessed as being Permitted in terms of Chapter 15 of the ODP. Access has been provided to the lots in the safest and most practical way.

#### *Natural and Other Hazards*

5.2.5 River flood hazards are shown to surround the overland flowpaths and streams within the site. There is ample area outside of the flood susceptible areas which can be utilised for future built development and onsite servicing, given the lot size of 20 hectares. It is worth noting that



given the large lot sizes, these lots may remain vacant and utilised as productive land independently or leased to larger productive landholdings.

- 5.2.6 In terms of section 106 of the Act, the likelihood of natural hazards occurring is low. No material damage is expected, and the proposal is not considered to accelerate or worsen natural hazards, given that future development can be located outside of the flood prone areas and consent notice conditions can control design of future buildings. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision consent.

#### *Water Supply*

- 5.2.7 Proposed Lots 1 & 2 have existing provision for water supply via water tanks. Proposed Lots 3-6 will be vacant land as part of this proposal. Therefore, it is anticipated that the standard consent notice condition will apply for any future dwelling constructed on these lots.

#### *Stormwater Disposal*

- 5.2.8 Given the large lot sizes and low anticipated impervious coverage with residential development in rural areas, it is considered that stormwater can be adequately maintained within the lots with negligible change to what is currently in existence. Stormwater attenuation is not considered necessary given the 20 hectare lot sizes.

- 5.2.9 Low Impact Design methods can be utilised for future development within the sites.

- 5.2.10 Overall, it is considered that stormwater can be adequately managed within the vacant lots at time of built development. The existing provisions within Lots 1 & 2 will remain for the existing built development, with all methods adequately contained within the proposed lot boundaries.

#### *Sanitary Sewage Disposal*

- 5.2.11 Council's infrastructure is not available to this rural site.

- 5.2.12 As mentioned earlier in this report, Proposed Lot 1 will contain the existing dwelling, with all other lots having no residential development. The Site Suitability Report prepared by Geologix as part of RC 2220759 concluded that the existing system servicing the dwelling comprised of



a septic tank to the south of the existing unit, discharging to scoria filled trenches in a v-shape to the south of the unit. At the time of RC 2220759, the trenches were found to extend over a proposed boundary into a new lot. As the lots have now been reconfigured, the trenches are considered to be wholly within the new lot boundaries and as such a new disposal field is not considered to be required. The new dividing boundary nearest to the existing dwelling is to the north of the dwelling, with the septic system and trenches to the south, such that the entire septic system and trenches will be contained within the new Lot 1 boundaries. The existing system is considered to be in good working order with no obvious signs of system failure.

5.2.13 Given the large size of Lots 2-6, it is considered that any future onsite servicing can be adequately contained within the lot boundaries.

5.2.14 As such, it is considered that onsite wastewater disposal can be adequately contained within the vacant lots with the existing system on lot 1 being wholly contained within the new Lot 1 boundaries.

#### *Energy Supply & Telecommunications*

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

5.2.16 As stated earlier in this report, within existing easement A is a right to convey electricity in favour of Top Energy. This is held within Easement Instrument 10780950.5. This easement will be surrendered as part of this proposal.

#### *Easements for any purpose*

5.2.17 Proposed easements are as per the scheme plan. These are necessary to provides rights for access, to convey electricity, telecommunications and water to the lots.

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



- 5.2.18 The subject site does not contain any notable trees, historic sites, building or objects. The site is not known to contain any sites of historical or cultural significance. The site is not shown as containing an Outstanding Natural Feature or Landscape Feature.
- 5.2.19 The site is shown to contain areas of PNA Scotts Bush Road. These are reflected by the proposed covenanted areas shown as X, Y & Z on the scheme plan. Fencing will remain for stock inclusion and informal pest and weed management can be undertaken by future lot owners. Given these covenanted areas will be contained within 20 hectare allotments, no additional controls are considered necessary in order to ensure protection and enhancement of these areas.
- 5.2.20 The site is within a kiwi present zone. Similar to RC 2220759, a full restriction on cats and mustelids is offered with a two working farm dog restriction. This provides a superior outcome compared to RC 2220759 as the number of dogs across the lots will be reduced, given a maximum of 12 working dogs would be allowed across the lots compared to the previously approved 20 working dogs (two allocated for each lot).
- 5.2.21 The following consent notice conditions are therefore offered:

*The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as area(s) [X, Y and Z] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. The exception is for the preparation of one house site per allotment, approved accessory buildings, roadway and walking track maintenance, and tracks for pest control operations) without the prior written consent of the Council. Such consent may be given in the form of an email if it is for the above. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible [Lots 4, 5 & 6]*

*The owner of each lot must ensure any stock or other browsing animals are prevented from entering the covenanted areas by way of fencing animals in or fencing off the covenanted*



*areas at all times. Any change to this consent notice will require further assessment and may be subject to a resource consent [Lots 4, 5 & 6]*

*No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids). A maximum of two working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:*

- i. micro-chipped,*
- ii. within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*
- iii. kept in a kennel or tied up at night.*
- iv. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification*

*Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-*

- i. A photograph of the dog;*
- ii. Written confirmation that the dog(s) have been micro-chipped;*

*A plan showing the extent of the dog proof fenced area.*

*[Lots 1-6]*

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

#### *Access to Reserves and Waterways*

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

#### *Land Use Compatibility*

5.2.24 The site and surrounding allotments are zoned Rural Production. The proposed allotments are being created in an area which is seeing a number of lifestyle sites being approved. These proposed allotments are consistent with neighbouring subdivision patterns and are also creating sites which are larger. All allotments are at least 20ha in area such that there will be privacy and sufficient setbacks between each allotment. Given the size of each site, there will likely be farming activities on each allotment. As all lots are likely to have similar land uses



with similar effects being generated land use incompatibility between allotments is not anticipated.

5.2.25 Given that the proposal will create lots similar to those in the surrounding environment, it is considered that the proposal is not objectionable with the surrounding environment nor will any reverse sensitivity effects be created given the large size of the lots and ample area for future residential development.

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

#### *Proximity to Airports*

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

## **6.0 POLICY DOCUMENTS**

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

### **National Environmental Standards**

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

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

#### *Other National Environmental Standards*

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

### **National Policy Statements**

6.4 There are currently 10 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement for Electricity Networks



- New Zealand Coastal Policy Statement
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat
- 2023
- National Policy Statement for Infrastructure 2025
- National Policy Statement for Natural Hazards 2025

6.5 The only applicable NPS is considered to be the NPS for Natural Hazards (NPS-NH) given Proposed Lots 3 & 4 are affected by natural hazards. Assessment of the NPS-HPL is not considered to be required as detailed earlier in this application and given no reverse sensitivity or incompatible land use activities are anticipated as detailed within this report.

#### *National Policy Statement for Natural Hazards 2025*

6.6 The new National Policy Statement for Natural Hazards is applicable to the site given the area of the site affected by flood susceptibility within the site.

6.7 Given the large lot sizes it is considered that there is adequate area within the site to accommodate built development and onsite servicing, without creating adverse effects in terms of flooding. Any subsequent use of the land is unlikely to accelerate, worsen or result in material damage to the land, other land, or structure. Sufficient provision has been made for physical access to each lot and no material damage of future development is anticipated.

#### **Regional Policy Statement**

6.8 The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.

6.9 The proposal will result in six allotments which will be of a size where they can be utilised for residential development and productive use. No effects on ecosystems and biodiversity are anticipated as has been discussed throughout this report.



- 6.10 It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.

### Far North Operative District Plan

- 6.11 The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area. The proposal is considered to be consistent with the objectives and policies of the Plan given the proposal is a Controlled Activity and therefore anticipated within the Plan. Those relevant objectives and policies are listed within **Appendix 7** attached to this application.

### Proposed District Plan

- 6.12 Under the Proposed District Plan, the site is zoned Rural Production. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan. Those relevant objectives and policies are listed within **Appendix 7** attached to this application.

### *Plan Weighting Summary*

- 6.13 As required by Section 104(1)(b) of the RMA, a decision on this application must consider the extent to which a proposal is consistent with the relevant provisions of ODP and the PDP. As the operative plan, the ODP provisions retain the greatest weight until such time as the PDP has advanced beyond a Council decision and the resolution of any appeals.
- 6.14 Council has considered the Panel recommendations and on the 11th June 2026 has made a decision to adopt the majority of these decisions, including those which relate to this application. The decisions are set to be released on the 30th June under section 86B(1), and at this stage all PDP rules will have legal effect. After the notification of decisions there is a 30-working day period for submitters to appeal.



- 6.15 Regarding the ODP objectives and policies, the intent of the Rural Production zone is given effect to as the activity is small scale, located within a mixed-use environment and will not have any adverse impact on land classified as highly productive.

### Summary

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

## 7.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

### Public Notification Assessment

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

#### *Step 1 Mandatory public notification in certain circumstances*

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

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

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

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

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

*(b) public notification is required under section 95C:*

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

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

#### *Step 2: Public Notification precluded in certain circumstances.*

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

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

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

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

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

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

*(i) a controlled activity:*

*(ii) [Repealed]*



- (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*
- (iv)[Repealed]*
- (6)[Repealed]*

7.1.2 The application is for a Controlled activity and therefore we move to Step 4.

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

- (7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*
  - (a) if the answer is yes, publicly notify the application; and*
  - (b) if the answer is no, go to step 4.*
- (8) The criteria for step 3 are as follows:*
  - (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
  - (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

7.1.3 Not applicable.

*Step 4: Public notification in special circumstances*

- (9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*
  - (a) if the answer is yes, publicly notify the application; and*
  - (b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

7.1.4 There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision within the Rural Environment where six lots will be created which is consistent with allotments in the surrounding environment. The proposed lot sizes can comply with the controlled activity provisions for the RPZ and given there is an existing subdivisional resource consent approved for the site, subdivision as proposed is not considered as neither exceptional nor unusual.

*Public Notification Summary*

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

**Limited Notification Assessment**

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

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



- (2) Determine whether there are any—
  - (a) affected protected customary rights groups; or
  - (b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).
- (3) Determine—
  - (a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
  - (b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.
- (4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

7.3.1 There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are known to be relevant to this application.

*Step 2: Limited notification precluded in certain circumstances.*

- (5) Determine whether the application meets either of the criteria set out in subsection (6) and,—
  - (a) if the answer is yes, go to step 4 (step 3 does not apply); and
  - (b) if the answer is no, go to step 3.
- (6) The criteria for step 2 are as follows:
  - (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;
  - (b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

7.3.2 There is no rule in the plan or National Environmental Standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

*Step 3: Certain other affected persons must be notified*

- (7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.
- (8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.
- (9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

7.3.3 The proposal is not for a boundary activity.

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

- (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—
  - (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and
  - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and



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

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

7.3.5 With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 5 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 4, 5 & 6 are also relied on, and the following comments made:

- The size of the proposed allotments is consistent with the character of the allotments in the locality. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
- The proposal is not considered to create any reverse sensitivity effects.
- The proposal will result in a superior outcome compared to the existing approved resource consent for the site, given lot sizes will be increased enabling more potential for productive activities.
- The proposal has been assessed as a Controlled subdivision activity and is therefore considered to be anticipated by the plan.
- The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

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

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

*Step 4: Further notification in special circumstances*

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



- 7.3.8 The proposal is to subdivide the site to create six allotments. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

#### *Limited Notification Assessment Summary*

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

#### **Notification Assessment Conclusion**

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

### **8.0 PART 2 ASSESSMENT**

- 8.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 8.2 The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 8.3 Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The proposal is not located within the coastal environment nor is it located near any lakes, rivers or wetlands. The site does not contain any areas of Outstanding Natural Features and Landscapes. The areas of PNA within the site will be protected by way of land covenant. The site is not located along the coastal marine area or near lakes or rivers where public access would be required. The site is not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The site is not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal is not anticipated to increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.



- 8.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 8.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 8.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

## 9.0 CONCLUSION

- 9.1 The proposal is to undertake a subdivision as a Controlled Activity, where six allotments will be created. The proposed subdivision will replace existing resource consent RC 2220759, such that the existing consent will be surrendered subject to approval being received for the subject subdivision. The proposal will not create any reverse sensitivity effects on existing land use activities in the area.
- 9.2 Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.
- 9.3 In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 9.4 It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 9.5 As a Controlled Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104A, 105 and 106



of the Act in relation to Controlled activities, it is considered appropriate for consent to be granted on a non-notified basis.

## 10.0 LIMITATIONS

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



# Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes  No

## 2. Type of consent being applied for

(more than one circle can be ticked):

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

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

## 3. Would you like to opt out of the fast track process?

Yes  No

## 4. Consultation

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council, [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant details

**Name/s:**

Prospect Estate Ltd C/- Peter Giesbers

**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.

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## 6. Address for correspondence

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

**Name/s:**

Northland Planning & Development 2020 Ltd c/- Rochelle Jacobs

**Email:**

**Phone number:**

**Postal address:**

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

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

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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:**

Prospect Estate Limited

Property address/  
location:

268 Punakitere Road

Kaikohe

0473

Postcode

## 8. Application site details

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

Name/s:

Site address/  
location:

  
  
  
 Postcode

Legal description:

Val Number:

Certificate of title:

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

### Site visit requirements:

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

Is there a dog on the property?  Yes  No

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

## 9. Description of the proposal

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

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

## 10. Would you like to request public notification?

Yes  No

## 11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard Consent

Other (please specify)

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

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

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result?  Yes  No  Don't know

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

## 13. Assessment of environmental effects:

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

Your AEE is attached to this application  Yes

## 14. 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.

## 15. 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)

Prospect Estate Limited

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information

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

## 15. Billing details continued...

### 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)

Peter Giesbers

**Signature:**

(signature of bill payer)

**Date** 26-Jul-2026

**MANDATORY**

## 16. Important Information:

### Note to applicant

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

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

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

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

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

## 17. Declaration

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

**Name** (please write in full)

Rochelle Jacobs

**Signature**

**Date** 24-Jun-2026

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

*See overleaf for a checklist of your information...*

## Checklist

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*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.



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **608865**  
**Land Registration District** **North Auckland**  
**Date Issued** 13 February 2013

**Prior References**  
NA1162/85

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**Estate** Fee Simple  
**Area** 122.6869 hectares more or less  
**Legal Description** Part Lot 2 Deposited Plan 42693  
**Registered Owners**  
Prospect Estate Limited

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**Interests**

Subject to a right of way, right to convey electricity, telecommunications and computer media and water over part marked A on DP 506418 created by Easement Instrument 10780950.4 - 30.5.2017 at 3:09 pm

The easements created by Easement Instrument 10780950.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part marked A on DP 506418 in favour of Top Energy Limited created by Easement Instrument 10780950.5 - 30.5.2017 at 3:09 pm

The easements created by Easement Instrument 10780950.5 are subject to Section 243 (a) Resource Management Act 1991

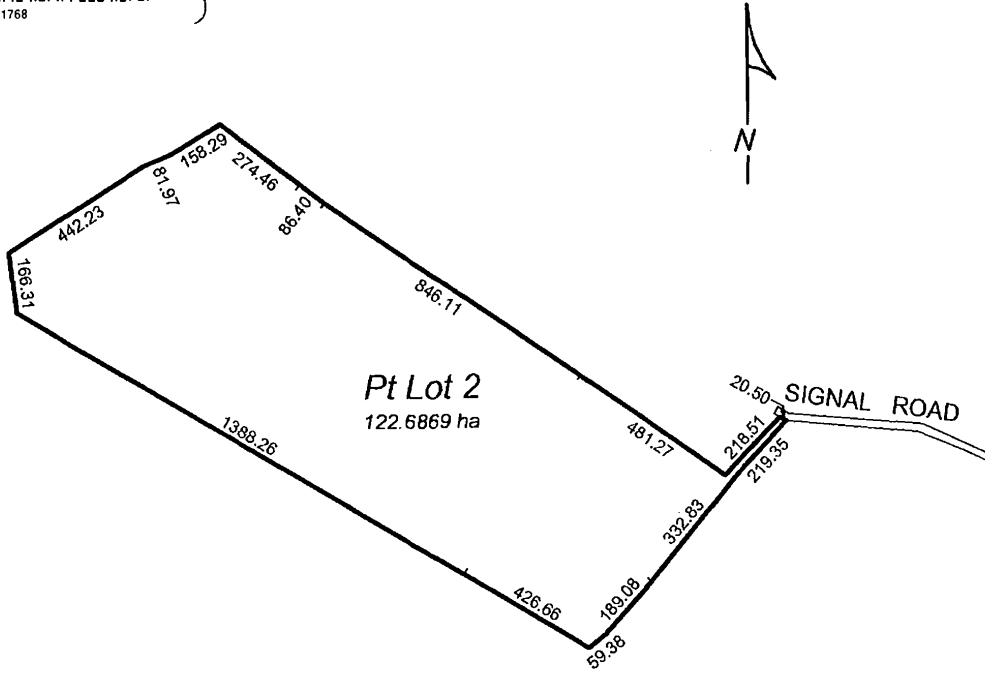
12523697.3 Mortgage to Rabobank New Zealand Limited - 5.8.2022 at 4:20 pm

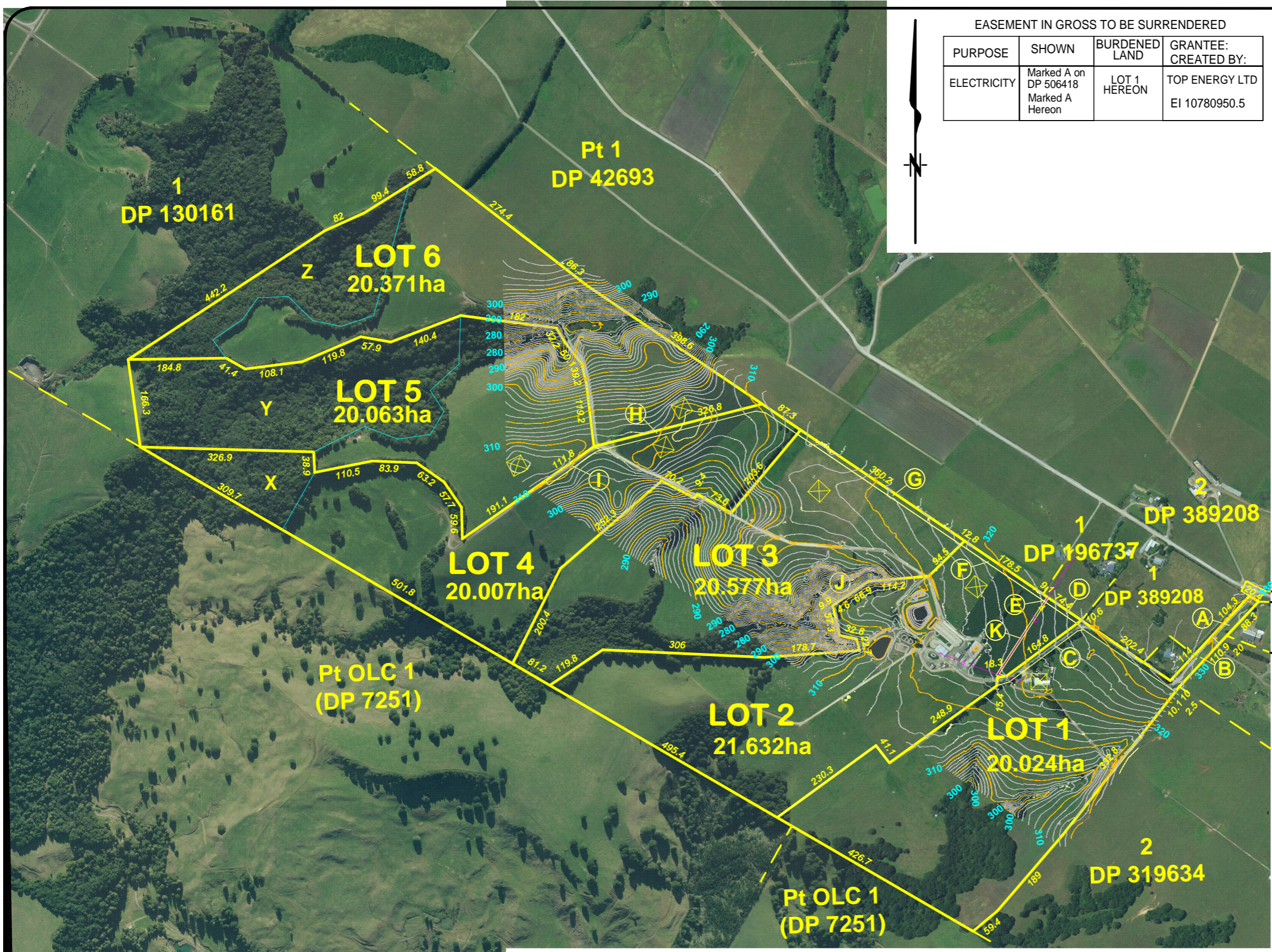
Title Diagram CT 608865

Copy - 01/01, Pgs - 001, 05/03/13, 14:36



DocID: 513881768

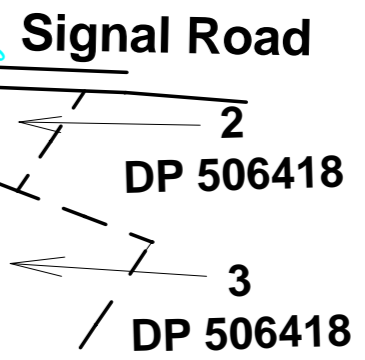




EASEMENT IN GROSS TO BE SURRENDERED			
PURPOSE	SHOWN	BURDENED LAND	GRANTEE: CREATED BY:
ELECTRICITY	Marked A on DP 506418 Marked A Hereon	LOT 1 HEREON	TOP ENERGY LTD EI 10780950.5

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND	BENEFITED LAND
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATIONS & WATER	(A) (B)	LOT 1 HEREON	LOTS 2-6 HEREON
	(C)	LOT 1 HEREON	LOT 2 HEREON
	(D) (E) (F)	LOT 2 HEREON	LOTS 3-6 HEREON
	(G)	LOT 3 HEREON	LOTS 4-6 HEREON
	(H)	LOT 4 HEREON	LOTS 5 & 6 HEREON
(I)	LOT 4 HEREON	LOT 5 HEREON	
RIGHT TO CONVEY ELECTRICITY	(E) (K)	LOT 2 HEREON	LOT 1 HEREON

PROPOSED EASEMENTS			
RIGHT TO CONVEY ELECTRICITY & WATER	(J)	LOT 3 HEREON	LOT 2 HEREON

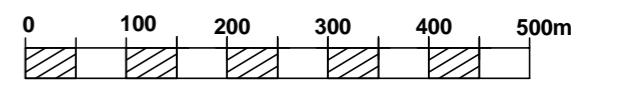


PROPOSED BUSH PROTECTION COVENANTS  
 AREAS SHOWN X, Y & Z HEREON ARE TO BE SUBJECT TO A LAND COVENANT - (INDIGENOUS BUSH PROTECTION)



THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY



Prepared for: Prospect Estate Ltd

Local Authority: Far North District Council  
 Total Area: 122.6868 RT  
 Comprised in: RT608865

Levels in terms of: (LIDAR) NZ Vertical Datum  
 Contour interval is: 1.0 minor 10m major

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.

**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 Pt LOT 2 DP 42693

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	W & K	Oct 2025		
Drawn				
Rev		June 2026		

**24706**

**FAR NORTH DISTRICT COUNCIL**

**FAR NORTH OPERATIVE DISTRICT PLAN  
DECISION ON RESOURCE CONSENT APPLICATION (COMBINED)  
As amended pursuant to section 133A of the RMA**

**Resource Consent Number: 2220759-RMACOM**

**Pursuant to section 104 C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:**

**Prospect Estate Limited**

**The activities to which this decision relates are listed below:**

**Activity A – Subdivision: to undertake a subdivision to create 10 new allotments and associated earthworks in the rural production zone as a discretionary activity**

**Activity B – Landuse: to undertake earthworks in the Rural Production Zone.**

**Subject Site Details**

Address: 111C Signal Road, Okaihau 0475  
Legal Description: PT LOT 2 DP 42693  
Record of Title reference: CT-608865

**Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:**

**Decision A – Subdivision:**

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands & Survey, referenced proposed Subdivision Part Lot 2 DP 42693, Rev E, dated 12/08/2022, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - (a) All easements to be duly granted or reserved.
  - (b) Show all the areas proposed for protective covenants for bush protection.
  - (c) Lot 11 as road to vest.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
  - (a) Submit plans and details of all works for the approval of Far North District Council. It is to be noted that certain works must be carried out or certified by a Suitably Qualified Person (IQP) or Chartered Professional Engineer

(CPEng) working within the bounds to their assessed competencies. All plans needing design/certification by Council approved IQP/CPEng will require completion of design producer statement (PS1).

Plans are to include but are not limited to:

- i. Upgrade of Signals Road to a 6.5m wide carriageway with 1.0m wide shoulders, consistent with Rural Road Type B in accordance with the drawings supplied in conjunction with the Transport Assessment prepared by TPC dated 18<sup>th</sup> August 2021, reference 21442 and updated drawings dated 6/05/22.
- ii. Upgrade and seal of the new road to vest with a 6m wide carriageway with 0.75m wide shoulders, consistent with Rural Road in accordance with FNDC Engineering Standard FNDC/S/7 and Table 3.1A, Type A specifications.
- iii. Intersection upgrade Signals Road to Waiare Road in accordance with FNDC Engineering Standard FNDC/S/6B.
- iv. New cul-de-sac turning area or t-intersection at the termination of the new road to vest in accordance with Figure 3.3 or 3.4 of NZS4404:2010.
- v. Erosion and sediment control measures which are to be in place for the duration of the works in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

*Note 1: Design for (i.) to (iii.) above to note the restrictions and recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442 and updated drawings dated 6/05/22. The cul-de-sac shall be constructed entirely within the road corridor. If the cul-de-sac (or a portion thereof) is to be constructed on private property, the underlying land is to be surveyed and vested in Council*

- (b) Provide a pest and weed management plan for the areas of indigenous vegetation to be protected as shown in the scheme plan detailed in condition 1 of this decision, for the approval of the resource consents manager or other duly delegated officer. The management plan shall include:
  - i. Pest and weed eradication measures including ongoing maintenance
  - ii. Appropriate signage
  - iii. Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - iv. Reporting mechanisms including progress weed and pest eradication
  - v. Any other relevant matter for the purposes of managing the allotments.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
- (a) A Chartered Professional Engineer shall determine the level of construction monitoring (CM1-CM5) required and shall ensure that the construction work is in accordance with FNDC Engineering Standards and the approved plans and provide a producer statement (PS4) on completion of the works.
  - (b) The consent holder will be responsible for the repair and reinstatement of the public roads (Waiare & Signal) carriageway, if damaged as a result of the works and building operations.
  - (c) The consent holder shall provide evidence that the existing fence has been relocated and roadside vegetation trimming is to be undertaken at the Waiare Rd/Signals Rd intersection in accordance with the recommendations of the Transport Assessment prepared by TPC Traffic Planning Consultants, dated 18 August 2021, reference 21442.
  - (d) Provide evidence that reflective markers have been installed on the poles and the base of the poles shall be painted white to a height of 2 metres. Note: This condition applies for Signal Road only.
  - (e) The consent holder's contractor shall provide a producer statement (PS3) on completion of the works associated with the new road to vest and the upgrade of Signals Road to confirm the construction works are in accordance with FNDC Engineering Standards and approved plans.
  - (f) Consent holder to provide suitable evidence by way of as-built information, test results and RAMM data that the road upgrade works have been completed in accordance with the requirements of the FNDC Engineering Standards and Schedule 1D of NZS 4404:2004 are to be submitted to Council on completion.
  - (g) Provide evidence that a preferred road name and two alternatives for the road to vest have been supplied to the Community Board for approval. The applicant is advised that in accordance with Community Board policy, road names should reflect the history of the Area.
  - (h) Provide evidence that the cost of purchasing and installing a road name sign for the road to vest has been paid to Council contractors.
  - (i) Provide a formed and metalled access on ROW C, D, E & F to a 5m finished carriageway width. The formation shall include culverts as required to control and direct the discharge of stormwater runoff.
  - (j) Provide a formed and metalled access on ROW G to a 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6.1.2 of the Far North District Plan. The formation shall include culverts as required to control and direct the discharge of stormwater runoff.
  - (k) Provide a formed and metalled access on ROWs H & I to a 3m finished carriageway width. The formation shall include culverts as required to control and direct the discharge of stormwater runoff.
  - (l) Provide evidence that all culverts within the subdivision (comprising the intersection between the road to vest and proposed lots 2 to 10 ROW and all

residential lot vehicle crossings) are constructed with a 375 mm minimum diameter RCP culvert to provide improvements from the current published FNDC Engineering Standards.

- (m) Provide confirmation that the existing wastewater disposal system on Lot 2 is located fully within the proposed boundaries. In the event that the wastewater disposal system encroaches upon a neighbouring allotment provide evidence that the wastewater system has been relocated such that it is contained within the new allotment boundaries.

*Note: The relocation of underground services may trigger a building consent. The consent holder is advised to check the building consent requirements with a suitably qualified practitioner.*

- (n) Provide evidence the consent holder has entered into a maintenance contract with a suitably qualified and experienced person to maintain the wastewater treatment system so that it works effectively at all times. At a minimum, all maintenance shall be in accordance with the recommendations of the Operation and Maintenance Manual prepared by the system supplier.

- (o) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant of the affected allotment.

- i. At the time of building consent provide a formed entrance to the lot which complies with Councils Engineering Standard FNDC/S/6 and 6B. Where required, an adequately sized culvert (minimum diameter 375mm) is to be installed under each new crossing with grouted rock headwalls on both ends [ Lots 1 & 3 - 10].
- ii. At the time of lodging an application for building consent on any of the lots the building applicant is to provide a report from a Chartered Professional engineer with recognised competence in relevant geotechnical and structural matters, which addresses the site's investigation undertaken, sets out the specific design of the building's foundations and indicates the programme of supervision of the foundation construction [ Lots 1-10].
- iii. In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change. The details of the on-site retention storage and flow attenuation shall be prepared by a suitable qualified engineer, noting the restrictions and recommendations of the Site Suitability Report prepared by Geologix Consulting Engineers, Revision 01 dated December 2021 included in RC 2220759 [ Lots 1-- 10].
- iv. At the time of lodging an application for building consent, the applicant shall submit to Council a TP58 in general accordance with the recommendations made within the Site Suitability Engineering Report prepared by Geologix Consulting Engineers, dated December 2021. The report shall be prepared by a chartered professional engineer or

approved TP58 report writer and reference the above-mentioned report in particular section 5 Wastewater. The report shall identify the type of wastewater treatment required, a suitable area necessary for effluent disposal plus a 100% reserve disposal area, all contained within the respective lot boundaries [Lots 1 & 3 - 10].

- v. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509 [ Lots 1 & 3 - 10]
- vi. Telecommunications and electricity supply to each lot are not a condition of this consent and power has not been reticulated to the boundary of the lot. The lot owner is responsible for the provision of a power supply to operate the on-site aerobic wastewater treatment plant and any other device which requires electrical power to operate [ Lots 1 and 3 - 10].
- vii. The owner shall preserve the indigenous trees and bush as indicated on the survey plan, as area(s) [W, X, Y and Z] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible. The exception is for the preparation of one house site per allotment, approved accessory buildings, roadway and walking track maintenance, and tracks for pest control operations) without the prior written consent of the Council. Such consent may be given in the form of an email if it is for the above. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible [ Lots 7 – 10].
- viii. The owner of each lot must ensure any stock or other browsing animals are prevented from entering the covenanted areas by way of fencing animals in or fencing off the covenanted areas at all times. Any change to this consent notice will require further assessment and may be subject to a resource consent [ Lots 7 -10].
- ix. Compliance with the weed and pest management strategy shall be a requirement of the management plan on an ongoing basis. Evidence of compliance with the pest and weed management shall be provided to the monitoring team on annual basis [rcmonitoring@fndc.govt.nz](mailto:rcmonitoring@fndc.govt.nz) [ Lots 1-10].
- x. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids. A maximum of two working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:
  - i. micro-chipped,
  - ii. within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
  - iii. kept in a kennel or tied up at night.

- iv. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- i. A photograph of the dog;
- ii. Written confirmation that the dog(s) have been micro-chipped;
- iii. A plan showing the extent of the dog proof fenced area. [Lots 1 -10].

### **Decision B – Landuse:**

1. The earthworks associated with the subdivision in Decision A of RC 2220759 is approved.
2. It is the consent holder's responsibility to advise all road users of Signal Road and the FNDC IAM's Department prior to the commencement of any works on a public road.
3. The ESP referred to in condition 3(a) of Decision A Subdivision and any other stormwater diversion and silt control measures are to be in place prior to the commencement of bulk earthworks. Photographic evidence of ESP measures being in place are to be emailed to FNDC Team Leader Monitoring and Compliance RCmonitoring@fndc.govt.nz referencing RC 2220759 RMACOM
4. Any debris deposited on the public road as a result of the earthworks shall be removed by or at the expense of the applicant. All debris is to be cleaned off the road at the end of each working day.
5. The consent holder is responsible for locating property boundaries and underground services prior to commencing earthworks.
6. All earthworks referred to under condition 3(a) of Decision A subdivision are to be carried out in periods of fine weather within the typical October to April earthwork season.

### **Advice Notes**

1. Provide evidence that a Traffic Management Plan (TMP) has been approved by Council's Corridor Access Engineer and a Corridor Access Request (CAR) obtained prior to vehicle crossings being constructed or upgraded. Application for TMP and CAR are made via <https://www.fndc.govt.nz/Our-Services/Transport/Roads/Road-closures-and-restrictions>.
2. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should

also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

3. It is recommended that the consent holder of RC 2220161 be contacted and advised to apply for a variation to be consistent with this decision.

### **Reasons for the Decision**

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.

2. District Plan Rules Affected:

#### Adverse effects will be minor:

Adverse effects arising from this proposal relate to the allotment size, earthworks and productive soils. Cumulative effects are that there will be 9 new dwellings established on the site at some point in the future. This will create increases in traffic (roads will be upgraded), stormwater (management systems will be put in place to capture this from the road, and water tanks will be installed to capture this off the new roofs).

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

#### Positive effects of the proposal:

Under s104(1)(a) the positive and potential effects of the proposal are:

Positive effects arising from this subdivision is that additional allotments within this area will provide land for future housing, which is currently under pressure, while at the same time ensuring that the sites can still be utilised for future production. The development is being sought in an area which already has a number of similar sized allotments. Clustering them together will mean that similar smaller scale production activities are likely to take place, it also enables neighbours to establish lease agreements to graze paddocks. The 12 ha allotments will contain some highly versatile soils. The size of these sites ensure that the property can continue being productive. The subject site is located within 20min from both Kerikeri and Kaikohe, and 5min from Okaihau which provide all necessary services for future development on these sites. Both the local Primary and Secondary Schools are located within the settlement of Okaihau.

#### Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

##### Rural Environment

- a) Objectives 8.3.1, 8.3.2, 8.3.3, 8.3.4, 8.3.5, 8.3.6, 8.3.7, 8.3.8, 8.3.9 and 8.3.10
- b) Policies: 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.6, 8.4.7 and 8.4.8

This subdivision will contribute to the sustainable management of natural and physical resources by continuing to enable productive farming activities to be undertaken on each new allotment. There are additional controls on cats, dogs by way of consent notices on each new title to ensure that native kiwi are not adversely impacted by future development of these sites. Kiwi habitat will also be protected by protective covenants placed on the existing bush areas on the property. It could be

argued the life supporting capacity of soils will be safeguarded as each allotment is of a size where production activities can still be undertaken.

Amenity values will be maintained with bush areas being protected and larger allotments being created ensuring that the areas primary purpose remains as productive. While the character of the site will change with the introduction of more housing, the wider environment contains development of a similar intensity such that it is considered compatible. Incompatible land uses are not anticipated on surrounding allotments given that each allotment will remain productive.

While there are some smaller lots that adjoin the site, the effect in terms of production activities on these allotments is considered no more than minor. The site includes some areas of significant indigenous vegetation. These areas will be protected along with other bush areas on site. The development will be an efficient use of the site with each allotment retaining sufficient area for farming, and/or vegetation protection. The intensity, scale and type of development is considered acceptable in this mixed-use farming / lifestyle area with required infrastructure being installed as part of the consent. The development is not considered to have any adverse impacts on habitats, landscape features, or rural amenity. Future dwellings have a functional need to establish within the rural environment as this provides housing for owners, farm workers, and contractors who work in the rural environment.

#### Rural Production

- a) Objectives: 8.6.3.1, 8.6.3.2, 8.6.3.3, 8.6.3.4, 8.6.3.5, 8.6.3.6, 8.6.3.7, 8.6.3.8 and 8.6.3.9
- b) Policies: 8.6.4.1, 8.6.4.2, 8.6.4.3, 8.6.4.4, 8.6.4.5, 8.6.4.6, 8.6.4.7, 8.6.4.8 and 8.6.4.9

This subdivision will enable the creation of 10 new rural allotments each being approximately 12 ha in size. Each site is of a size in which a future dwelling could easily be accommodated, and productive use can continue. Given the size of all the allotments, reverse sensitivity effects are not anticipated. Land Management practices associated with rural lifestyle / small scale farming development are generally considered low scale with no more than minor effects on the wider environment. On-site effects relating from future housing will be consistent with neighbouring sites in the area. Amenity values will not be compromised. The site is not accessed, nor does it have a frontage to Kerikeri Road. No conflicting land uses are anticipated.

Separation is not considered necessary from other activities as this is built into the existing zone rules. Future lifestyle use of the sites is not considered to be sensitive to or likely to compromise any neighbouring lawfully established activities.

#### Soils and Minerals

- a) Objectives: 12.3.1, 12.3.2, 12.3.3 and 12.3.4
- b) Policies: 12.3.4.1, 12.3.4.2, 12.3.4.3, 12.3.4.4, 12.3.4.5, 12.3.4.6, 12.3.4.7, 12.3.4.8, 12.3.4.9 and 12.3.4.10

The effects associated with soil erosion will be mitigated by the measures offered and by capturing those measures in conditions of consent. The life supporting capacity of soils will not be adversely impacted due to the sustainable management of the site

through the subdivision layout. No soil extraction works are sought. Excavation and filling activities will be managed by a construction management plan for the new road to vest and also for the ROW's. This will ensure adequate erosion and sediment control measures are in place, at all times. Soil conservation will be promoted with the protection of large bush areas on the property. No mining or quarrying activities are sought. The site is not located within a national grid corridor.

#### Subdivision

- a) Objectives: 13.3.1, 13.3.2, 13.3.3, 13.3.4, 13.3.5, 13.3.6, 13.3.7, 13.3.8, 13.3.9, 12.3.10 and 13.3.11
- b) Policies: 13.4.1, 13.4.2, 13.4.3, 13.4.4, 13.4.5, 13.4.6, 13.4.7, 13.4.8, 13.4.9, 13.4.10, 13.4.11, 13.4.12, 13.4.13, 13.4.14, 1.4,15 and 13.4.16

There will be no adverse impacts on any of the items listed within Policy 13.4.1. Vehicular access to each new lot will be provided as part of this subdivision. The site is not impacted by natural hazards. No connections for reticulated services are available within this rural area.

Power and Telecom connections are not a requirement for rural subdivisions and a consent notice will reflect this. Access to the allotments and future servicing is not anticipated to have any adverse effects on neighbouring allotments, public roads or natural and physical resources. The subdivision does not cause any adverse effects on riparian margins. Water storage will be provided at time of building. No bonus development donor or recipient areas are applicable to this development. The site is not zoned conservation. The subdivision is not anticipated to have any adverse impacts on local tangata whenua. A management plan development is not appropriate in this case. Public access to waterways is not considered practical for this development given the small size of the streams. The site does not contain any areas of interest to local Maori. The bush areas are already well fenced which covers those riparian margins. No areas of historic heritage will be impacted by this development. The site is not subject to natural hazards.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.
  - a) The Northland Regional Policy Statement 2018
  - b) Northland Regional Plan 2019
  - c) National Policy Statement for Freshwater Management
  - d) National Environmental Standards (Air/ NESCS/ Forestry etc)
4. No other matters were considered in relevant in making this decision.
5. Part 2 Matters  
The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.
6. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

**Approval**

This resource consent has been prepared by Trish Routley, Consultant Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



**Pat Killalea, Principal Planner**

**Date: 28<sup>th</sup> October 2022**

**Decision amended pursuant to section 133A under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:**



**Pat Killalea, Principal Planner**

**Date: 14<sup>th</sup> November 2022**

**Right of Objection**

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

**Lapsing of Consent**

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.



*Top Energy Limited*

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Kerikeri 0245  
New Zealand  
PH +64 (0)9 401 5440  
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20 October 2021

Rochelle Jacobs  
Northland Planning & Development

Email: [rochelle@northplanner.co.nz](mailto:rochelle@northplanner.co.nz)

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION**  
**Peter Giesbers, 111c Signal Rd, Okaihau. Part Lot 2 DP42693.**

Thank you for your recent correspondence with attached proposed subdivision scheme plans.

Top Energy's requirements for this subdivision are nil.

Top Energy recommends that provision for power be made at the time of development. Costs to supply power could be provided after application and an on-site survey have been completed.

In order to get a letter from Top Energy upon completion of your subdivision, a copy of the resource consent decision must be provided.

If you have any further queries, please do not hesitate to contact the writer.

Yours sincerely

**Aaron Birt**  
Planning and Design  
T: 09 407 0685  
E: [aaron.birt@topenergy.co.nz](mailto:aaron.birt@topenergy.co.nz)

## **Operative District Plan Relevant Objectives and Policies**

### **Objectives and policies within the Subdivision Chapter**

#### **Objectives**

*13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.*

*13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*

*13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.*

*13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

*13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.*

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

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

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

*13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).*

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

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

## **Policies**

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:

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

13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.

13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.

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

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

13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.

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

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

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

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

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

13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.

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

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004));

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

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

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

13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.

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

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

- (c) encouragement of pedestrian and cycle use;*
- (d) access to alternative transport facilities;*
- (e) domestic or community renewable electricity generation and renewable energy use.*

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

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

## **Objectives and policies within the Rural Environment**

### **Objectives**

- 8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.*
- 8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.*
- 8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.*
- 8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna*
- 8.3.5 To protect outstanding natural features and landscapes.*
- 8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.*
- 8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.*
- 8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.*
- 8.3.9 To enable rural production activities to be undertaken in the rural environment.*
- 8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.*

### **Policies**

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

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

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

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

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

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

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

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

## **Objectives and policies within the Rural Production Zone**

### **Objectives**

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

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

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

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

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

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

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

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

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

### **Policies**

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

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

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

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

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

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

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

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

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

## **Proposed District Plan Objectives and Policies – Hearings Panel Recommendations**

### **Rural Production Zone**

#### **Objectives**

*RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.*

*RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production, lawfully established existing activities and other compatible activities that have a functional need to be in a rural environment.*

*RPROZ-O3 - Land use and subdivision in the Rural Production zone:*

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

*RPROZ-O4 - The rural character and amenity values associated with a rural working environment are maintained.*

#### **Policies**

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

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

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

*RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise*

*mitigate, reverse sensitivity effects on primary production activities, particularly the reverse sensitivity effects of rural lifestyle development on highly productive land.*

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

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

*RPROZ-P5 - Avoid land use that:*

- (a) is incompatible with the purpose, character and amenity values of the Rural Production zone;*
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- (c) would result in the loss of availability and productive capacity of highly productive land, including consideration of the cumulative effects of such losses;*
- (d) would exacerbate natural hazards; and*
- (e) cannot provide appropriate on-site infrastructure.*

*RPROZ-P6 - Avoid subdivision that:*

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

*RPROZ-P7 – Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Production Zone:*

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*

*(d) location, scale and design of buildings or structures;*

*(e) for subdivision or non-primary production activities:*

*i. scale and compatibility with rural activities;*

*ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*

*iii. the potential for loss of highly productive land, land sterilisation or fragmentation*

*(f) at zone interfaces and the rail designation boundary:*

*i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*

*ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*

*(g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*

*(h) the adequacy of roading infrastructure to service the proposed activity;*

*(i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*

*(j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*