



Office Use Only
Application Number:

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

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

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

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

1. Pre-Lodgement Meeting

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

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

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

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

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

4. Applicant Details:

Name/s: Murray Wilson

Electronic Address for Service (E-mail): [Redacted]

Phone Numbers: Home [Redacted]

Postal Address: (or alternative method of service under section 352 of the Act) [Redacted]

Post Code: [Redacted]

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

Name/s: Northland Planning and Development

Electronic Address for Service (E-mail): info@northplanner.co.nz

Phone Numbers: Work: 09 408 1866 Home:

Postal Address: (or alternative method of service under section 352 of the Act) PO Box 526, Kaitaia

Post Code: 0441

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

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

Name/s: Murray Bryan Wilson and Sandra Petronella Wilson

Property Address/ Location: 457 Rangiputa Road, Rangiputa

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/ Location: 457 Rangiputa Road, Rangiputa

Legal Description: Lot 2 DP330928 Val Number: 00081-06508

Certificate of Title: 127010
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.**

Please contact the applicant via details in Section 4 prior to site visit.

8. Description of the Proposal:

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

Proposal to subdivide the site to create an access lot which is to be amalgamated with adjoining lot Section I Block II Rangaunu SD. The site is located within the General Coastal zone and has been assessed as a Non-Complying Activity.

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

9. Would you like to request Public Notification

Yes/No

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

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

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

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

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

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

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

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

Email:


Postal Address:

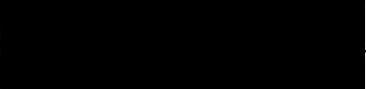
Phone Numbers:



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

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

Name:  (please print)

Signature:  (signature of bill payer – mandatory) Date: 22/2/24

14. Important Information:

Note to applicant

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

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

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


Fast-track application

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

Privacy Information:

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

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

Name:  (please print)

Signature:  (signature)

Date: 22/2/24

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

Checklist (please tick if information is provided)

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

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

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Subdivision Resource Consent Proposal

Murray Wilson

457 Rangiputa Road, Rangiputa

Date: 20/02/2024

Please find attached:

- an application form for a Subdivision Resource Consent to create an access lot in the **General Coastal Zone** under the Operative District Plan; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision requires consent under the Operative District Plan as a **Non-Complying Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

The proposal includes an amalgamation condition which will need approval from LINZ.

If you require further information, please do not hesitate to contact me.

Regards,



Alex Billot

Resource Planner

Reviewed by:

Sheryl Hansford



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. Easement Instrument 9937117.4 – LINZ**
- 4. Consent Notice 6345619.6 - LINZ**
- 5. Scheme Plan – Drawn by R Neave**



Assessment of Environment Effects Report

1. Description of the Proposed Activity

Subdivision

- 1.1 The proposal is to undertake a subdivision of Lot 2 DP330928 to create an access lot which is to be amalgamated with adjoining lot Section 1 Block II Rangaunu SD. The purpose of the subdivision is to secure access to Section 1 Block II by creating an allotment designated for this purpose. Currently Section 1 Block II is accessed via an existing access through Lot 1 DP149582. However, this allotment is subject to a Settlements Claim and therefore the applicant would like to ensure access is retained to Section 1 Block II if Lot 1 DP149582 is ever surrendered.
- 1.2 The proposal will result in Lot 2 DP330928 decreasing in size from 8.422ha to 8.238ha, because of the access lot (Lot 2) being 1840m² in area. The area that comprises of the access lot (Lot 2) is created over existing easements which service Section 1 Block II for the purpose of conveying electricity, telecommunications, computer media and right of way. Therefore, the use of the land will remain unchanged.
- 1.3 The resultant lot sizes are as follows:
- Lot 1 – 8.238ha
 - Lot 2 – access lot – 1840m². To be amalgamated with Section 1 Block II Rangaunu SD – 14.3ha.

Areas and measurements are subject to final survey.

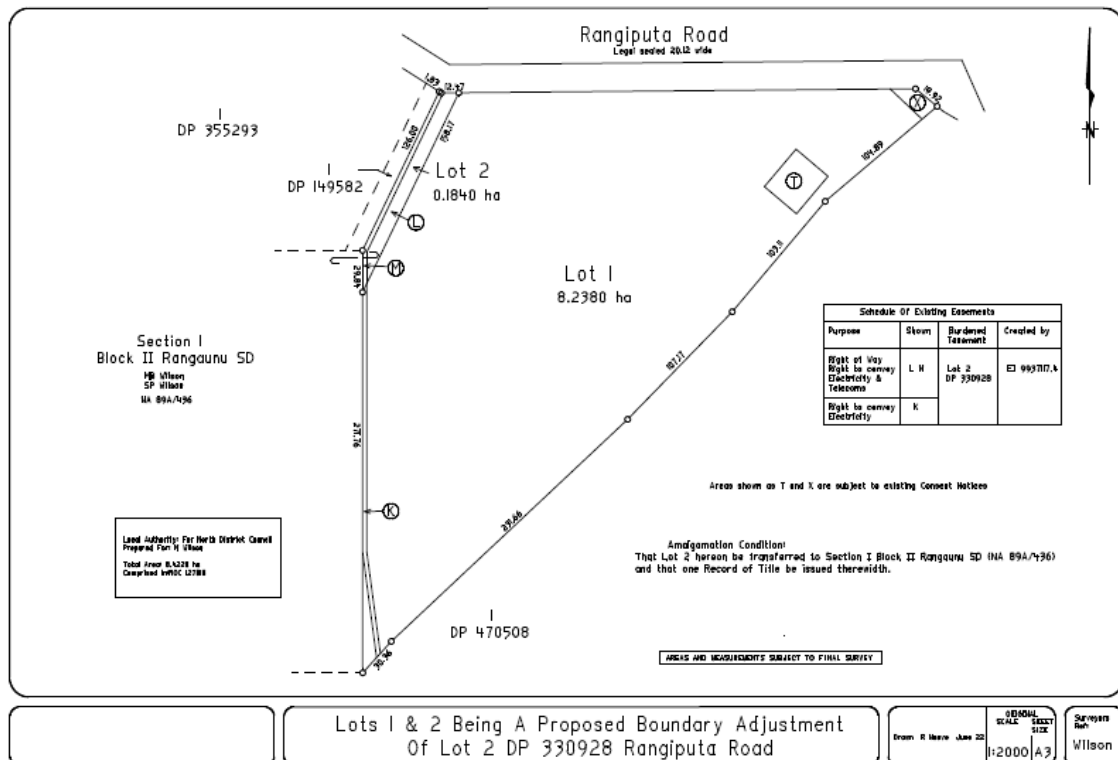


Figure 1: Proposed Scheme Plan.



Amalgamation Condition

- 1.4 An amalgamation condition forms part of this proposal and is as follows:
That Lot 2 hereon be transferred to Section 1 Block II Rangaunu SD (NA89A/436) and that one Record of Title be issued therewith.

2. The site and surrounding environment

- 2.1. The subject site is located at 457 Rangiputa Road and was created in 2005 as part of a seven lot subdivision. As part of the subdivision, designated building envelopes were proposed on each of the sites due to the indigenous vegetation present as well as archaeological features. The designated building envelope for the subject site is located in the north-eastern corner, which will remain within Proposed Lot 1. The proposed access lot is located over an existing cleared section of the site which follows the path of power lines along the north-western boundary. The proposal will not require any indigenous vegetation clearance.
- 2.2. The subject site has an existing access point located halfway along the road boundary with Rangiputa Road, which will service Proposed Lot 1. Access to Proposed Lot 1 from the proposed access lot is therefore not required and it will only service Section 1 Block II.
- 2.3. The site is predominantly covered in bush which is similar to most lots in the surrounding environment on the southern side of Rangiputa Road. The northern side of Rangiputa Road sees rural productive blocks with far less indigenous bush coverage. The site does not contain any built development at this time, however, the other lots which were created as part of the same subdivision do contain built development.
- 2.4. The subject site does not have access to Rangiputa Harbour, however is located within the coastal environment.



Figure 2: Aerial image of the site and surrounding environment.



Figure 3: Zoomed in aerial showing the cleared area where Proposed Lot 2 will be located.



Site Photos

2.5. A site visit was undertaken on 2nd February 2024, with a compilation of the photos below.



Figure 4: Image of Proposed Lot 2.



Figure 5: Image of Proposed Lot 2, taken from Rangiputa Road.



Figure 6: Image of existing Lot 1 DP149582 which currently provides access to Section I Block II



Figure 7: Existing crossing to Proposed Lot 1.

3. Background

Current Title

- 3.1. The subject site is held within Record of Title 127010 which is dated 14 March 2005. The site has an area of 8.422ha and is legally described as Lot 2 DP330928.
- 3.2. The title has one consent notice registered under document 6345619.6. An assessment has been provided below.

Consent Notice 6345619.6

- a. *The owner shall keep all vegetation in the sight distance area 'X' shown on DP330928 trimmed so that no vegetation exceeds a height of 750mm above ground level.*
Area 'X' is located in the north-eastern corner of Lot 2 DP330928 and will remain unaffected by the proposal.
 - b. *When the site access point for Lot 2 is constructed, it is to be sited no closer than 125 metres from the road bend at the north-eastern corner of Lot 2.*
The crossing place is existing.
 - c. *No building which requires effluent disposal shall be erected on Lot 2 without the prior approval of the Council.*
No buildings are proposed.
 - d. *No buildings are to be erected on Lot 2 except within the area shown 'T' on DP330928 or otherwise by fresh consent from the Council.*
No buildings are proposed.
- 3.3. It is intended that CN6345619.6 will remain registered on the underlying lot and therefore will be brought forward on to the new title for Proposed Lot 1.

Site Features

- 3.4. The site is located within the General Coastal zone under the Operative District Plan and within the Rural Production zone under the Proposed District Plan. The site is located within the Coastal Environment under the Regional Policy Statement for Northland. The applicant and adjoining owners have submitted against the proposed zoning to Rural Production as the lots cannot be used for productive use.
- 3.5. Given the sites rural location, there are no connections to reticulated services such as water supply, wastewater and stormwater.



3.6. The NRC Hazard Maps show that there is a River Flood Hazard area that intersects through the southern portion of the site as shown in Figure 8, which is not located near the proposed access lot.

3.7. There are archaeological sites mapped within the site and surrounding environment. As mentioned, the area where the access lot is to be located is an existing cleared portion of the site, which currently serves as a right of way. An extensive report was completed as part of the subdivision which created the subject site and as such, it is considered that the proposal will not have any adverse effects on areas identified as having archaeological significance.

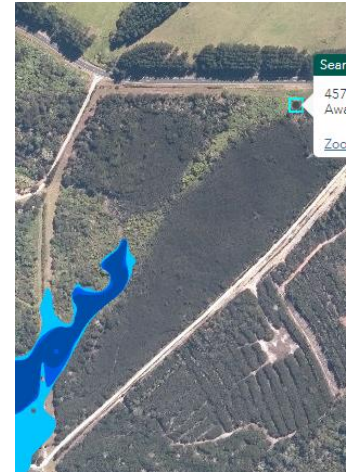


Figure 8: NRC Hazard Maps

3.8. The subject site is predominantly covered in indigenous bush identified as PNA Rangiputa Road Shrublands. No vegetation removal is required as part of this proposal as has been mentioned, the area where the proposed access lot is to be located is an existing cleared portion which follows the path of the power lines.

3.9. The site is also not known to contain any areas of Outstanding Natural Landscapes or Features or areas of High Natural Character. However adjoining Section 1 Block II is shown to be of high natural character. The proposal will not alter the use of these areas.

3.10. The subject site contains two soil types LUC4e10 and 4s5, both of which are not considered to be highly versatile under the RPS.

3.11. The site is not known to be located within a Statutory Acknowledgement Area.

4. Activity Status of the Proposal

Weighting of Plans

4.1. The proposal is subject to the Proposed District Plan process that was notified 27 July 2022.

4.2. The site is zoned as Rural Production under the Proposed District Plan, with Coastal Environment Overlay and is subject portions of the River Flood Hazard overlay within the plan. When the Proposed Plan was first notified there were a number of rules which were identified as having immediate legal effect. An assessment of the relevant rules and related objectives and policies the Proposed District Plan now forms part of this application.

4.3. The submissions period has closed, and submissions are now available to view on Councils Website. It is worth noting that the applicant and adjoining owners have submitted against the site and surrounding lots being rezoned as Rural Production as the lots cannot be used for productive use.



- 4.4. We have contacted Councils Policy Team enquiring about whether any additional rules have immediate legal effect. At this point in time no further rules have been publicly identified. As such, we have taken the approach that no further rules have immediate legal effect. If this is incorrect, we ask that Council contact us at their earliest convenience to provide us with an updated assessment list.

Operative District Plan

- 4.5. The subject site is located within the General Coastal Zone. An assessment of the relevant subdivision, zone and district wide rules of the District Plan is set out in the tables below.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.1	BOUNDARY ADJUSTMENTS	<p>The proposal will not create any new Record of Titles, as the access Lot is to be amalgamated with existing Section 1 Block II. The proposal will also not increase the number of access points, as the area is already designated as a ROW nor will it create any land use breaches.</p> <p>The proposal will see Lot 2 DP330928 slightly decrease in size and therefore, the proposal will increase the degree of non-compliance for the lot size in the General Coastal zone.</p> <p>As a result, the proposal cannot be assessed as a Boundary Adjustment subdivision.</p>
13.7.2.1	MINIMUM LOT SIZES	<p>Non-Complying Activity.</p> <p>The General Coastal zone does not have provision for subdivision as a Controlled Activity. The Restricted Discretionary provision is 20 hectares and there is no provision for subdivision as a Discretionary activity unless it is via a management plan.</p> <p>Rule 13.7.2.6 <i>Access, Utilities, Roads and Reserves</i> states that there is no minimum allotment areas in any zone for allotments created for access or utilities. Therefore, it is considered that access Lot 2 does not create any breaches under the Operative Plan. However, as Proposed Lot 1 being the balance lot will be 8.238ha in area, the proposal is technically considered a Non-Complying subdivision.</p> <p>As such, consent is sought as a Non-Complying activity.</p>
13.7.2.2	ALLOTMENT DIMENSIONS	<p>Complies</p> <p>Proposed Lot 1 has an existing designated building envelope which will remain unchanged by the proposal. Proposed Lot 2 will be amalgamated with Section 1 Block II. Proposed Lot 2</p>



		will be for the purpose of access, with ample area within Section 1 Block II for built development.
13.7.2.6	ACCESS, UTILITIES, ROADS AND RESERVES	As mentioned above, Proposed Lot 2 will be for the purpose of access and utilities only and as such, no minimum allotment area is required. Proposed Lot 2 will be amalgamated with Section 1 Block II.
13.7.2.3 – 9	Not Applicable for this application.	

4.6. The subdivision proposal will therefore be assessed as a **Non-Complying Activity**.

General Coastal Zone

4.7. Proposed Lot 1 does not contain any built development. There are existing metalled tracks within the site but as the lot is over 8 hectares in area, the existing impermeable surfaces will be well within the threshold of 10% of the total site area. Proposed Lot 2 is currently a grassed track. When the allotment is created as an access, it will contain impermeable surfaces, but as the allotment is to be amalgamated with Section 1 Block II which is over 14 hectares in area, it is considered that the impermeable surface coverage will be well within the permitted threshold of 10% of the total site area.

4.8. As such, it is considered that the proposal complies with the land use rules for the General Coastal zone set out under Section 10.6.5.1 and no further assessment will be made.

District Wide Matters

Plan Reference	Rule	Performance of Proposal
15.1.6A	TRAFFIC	Permitted Activity Proposed Lot 1 will be vacant land. Proposed Lot 2 will be an access lot to service Section 1 Block II and as such, traffic will be within the permitted threshold.
15.1.6B	PARKING	Permitted Activity Proposed Lot 1 is vacant. Parking will be provided for at the time of built development. Proposed Lot 2 is for the purpose of an access lot and as such, parking will be provided for within the amalgamated lot Section 1 Block II.
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	Permitted. Proposed Lot 1 will be serviced by an existing crossing place. No private accessway is required. Proposed Lot 2 will be an access lot which will service Section 1 Block II in the event that Lot 1 DP149582, which currently provides access to Section 1 Block II, is surrendered to Landcorp. The accessway within Proposed



		Lot 2 will be developed at the time it is required and is of sufficient width to enable compliance with the Operative Plan for servicing of one household, which requires a 3m carriageway width.
15.1.6C.1.2	PRIVATE ACCESSWAYS IN URBAN ZONES	Not applicable.
15.1.6C.1.3	PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES	Not applicable.
15.1.6C.1.4	ACCESS OVER FOOTPATHS	Not applicable.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	<p>Permitted Activity.</p> <p>(a) There is an existing crossing place to Proposed Lot 1 that provides access to the site. It is requested that the standard remain as is. If the site is developed with a dwelling, then upgrading of the crossing can be implemented at this stage.</p> <p>Proposed Lot 2 will be an access lot to Section 1 Block II. It is considered that upgrading of this crossing place to Council's Engineering Standards will be imposed as a condition of consent.</p> <p>(b) Access is off a sealed road and sealing for at least the first 5m from the road carriageway or to the road boundary (whichever is the lesser) will be provided for to Proposed Lot 2.</p> <p>(c) Not applicable.</p>
15.1.6C.1.6	VEHICLE CROSSING STANDARDS IN URBAN ZONES	Not applicable.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	<p>Permitted.</p> <p>(a) Vehicle manoeuvring within Proposed Lot 1 will be designed at the time of built development on the lot. Proposed Lot 2 is an access lot.</p> <p>(b) Not applicable.</p> <p>(c) The sides of the driveway will remain in grass.</p> <p>(d) Stormwater will be managed on site.</p>
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	<p>(a) The site has access from Rangiputa Road which is considered to meet the legal road width standards.</p> <p>(b) As above.</p> <p>(c) Not applicable.</p> <p>(d) There are no known encroachments of the carriageway into the proposed lots.</p>

4.9. It is therefore determined that the proposal does not result in any land use breaches.



Overall status of the proposal under the Operative District Plan

4.10. The subdivision proposal is considered to be a **Non-Complying Activity** within the General Coastal zone as per Section 13.11. Assessment of Section 13.10 will therefore be undertaken as part of this application, in conjunction with the matters set out in Sections 104, 104B, 104D and 106 of the Act.

Proposed District Plan

4.11. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

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



Indigenous Biodiversity		pruning trimming, clearance or associated land disturbance. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Not applicable. 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 Maori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5 As stated above the mapping system records the subject site as 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.	Permitted. 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.
Signs	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	Not applicable. No signs are proposed as part of this application.



Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.
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- 4.12. 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

- 4.13. The subject site is considered to be a rural lifestyle lot utilised for small scale farming activities and a bush block. A site visit, review of aerials and review of the property file for the site did not indicate that the site was HAIL. The application has been considered **Permitted** in terms of this regulation.
- 4.14. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

5. Statutory Assessment

Section 104B of the Act

- 5.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

Section 104D of the Act

- 5.2. Section 104D applies to Non-Complying Activities only and is the gateway test. Non-Complying activities must pass at least one of the gateway tests in order for consent authorities to consider approval. The gateway tests are determined in assessing the applicable documents under Section 104(1). This Section is applicable to the subdivision activity.

Section 104(1) of the Act

- 5.3. 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.'*

- 5.4. 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). Positive effects include that the proposal will secure access to Section 1 Block II in the case that the existing access within Lot 1 DP149582 is surrendered as part of the land claims process. The area where the access lot is proposed is an existing cleared area of the site and follows the path of existing powerlines, such that it is an underutilised portion of land and is required to remain clear from vegetation due to the powerlines as well as the for the existing easements in place. Therefore, no vegetation clearance is required as part of this application. Furthermore, Proposed Lot 1 has an existing designated building envelope which is located a sufficient distance from the proposed access lot, such that this will remain unchanged and unaffected. No additional certificates of titles will be created by the proposal, as the access lot is to be amalgamated with Section 1 Block II. In addition, no additional development rights will be created by the proposal. The proposal is effectively a boundary adjustment, however cannot be assessed as one due to the already non-complying lot size of Lot 2 DP330928 being marginally decreased in size (from 8.4ha to 8.2ha).
- 5.5. 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.
- 5.6. 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 7.
- 5.7. 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.

6. Environmental Effects Assessment.

- 6.1. 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.

- 6.2. The proposal is a Non-Complying activity as per rule 13.7.2.1. The criteria within 13.10 of the District Plan is therefore to be used for assessment of the subdivision, in conjunction with the matters set out under Sections 104, 104B, 104D, and 106 of the Resource Management Act 1991. An assessment that corresponds with the scale and significance of the effects on the environment is provided below:
- 6.3. An assessment has been undertaken in accordance with Section 13.10 Assessment Criteria of the District Plan below.

Subdivision

Allotment Sizes and Dimensions

- 6.3.1. The proposal is to subdivide off a small area (1840m²) from Lot 2 DP330928 to secure access to the adjoining Section 1 Block II Rangaunu SD. Currently Section 1 Block II is accessed via adjoining Lot 1 DP149582, however, this lot is subject to a settlements land claim and therefore may be surrendered in the future. To ensure that the applicant does not become landlocked, he is proposing to subdivide off a small portion of Lot 2 DP330928 for the purpose of access to Section 1 Block II. This subdivided portion (Proposed Lot 2) will be amalgamated with the title for Section 1 Block II, such that no additional Record of titles will be created by the proposal. As a result, Lot 2 DP330928 will slightly decrease in size, which increases the degree of non-compliance of the lot within the General Coastal zone. The proposal is effectively a non-complying boundary adjustment. Lot 2 DP330928 or Proposed Lot 1, will decrease in size by 1840m², which is not considered to adversely affect the use of the lot or the compatibility of the lot with the surrounding environment. As has been mentioned, the area where Proposed Lot 2 will be created is an existing cleared area of the site, which remains cleared due to powerlines running along this area. Therefore, no vegetation clearance is required as part of the application. Furthermore, there are existing easements for ROW, telecommunications and power and therefore, the proposal will not be changing the existing use of this area of the site. In addition, the existing designated building envelope within Lot 2 DP330928 (Proposed Lot 1) will remain unchanged and is located a significant distance from Proposed Lot 2. Therefore, the proposed location for the access lot is considered to be the most practical. It is considered the proposed allotments being created, being for access and the resultant balance lot are of sufficient size and dimension for their intended uses. It is also considered that the relationship of the allotments and their compatibility with the pattern of the adjoining subdivision and land use activities has not altered as a result of the proposal.





Figure 9: Existing lot configuration. Source: Prover

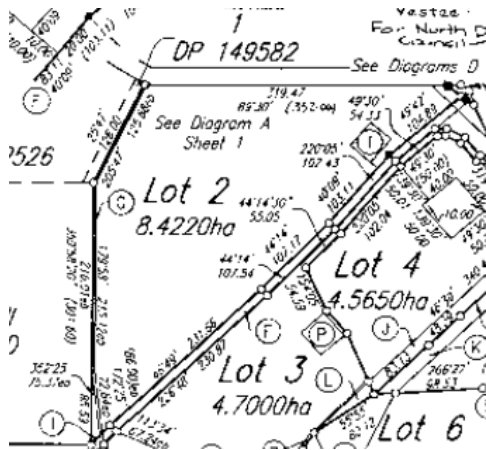


Figure 10: DP330928 showing existing designated building envelope to be contained within Proposed Lot 1.



Figure 11: Location of Proposed Lot 2

6.3.2. Operational and maintenance requirements can be adequately maintained within the proposed lot boundaries. Proposed Lot 2 will be a minimum of 12 metres wide, with only a 3 metre carriageway being required under the Operative District Plan, to service Section 1 Block II. Therefore, there is ample area within Proposed Lot 2 for the intended purpose.

6.3.3. The surrounding environment consists of bush blocks and rural lifestyle lots ranging from 4 hectares to 14 hectares. Proposed Lot 1 directly adjoins 4 hectare allotments which were created at the same time as the subject site. On the opposite (northern) side of Rangiputa Road, are larger productive lots utilised for farming. The proposal will see Lot 2 DP330928 decrease in size from 8.4 hectares to 8.2 hectares, which is still within the size range of allotments in the area. Proposed Lot 2 will be utilised as an access lot. The majority of the allotments which are located closer to the Rangiputa Harbour are accessed via private accessways from Rangiputa Road, with similar configuration to what is proposed. It is



therefore considered that the proposed allotments are compatible with the pattern of adjoining subdivision and land use activities. The access arrangements proposed are considered necessary to ensure that Section 1 Block II does not become landlocked in the future.

6.3.4. In regard to the cumulative and long-term implications of the proposal and whether it is sustainable in terms of preservation of the coastal environment (the site is not located within the rural environment and therefore this aspect has not been considered), the proposal is considered to be sustainable due to the fact that the use of Lot 2 DP330928 can remain. There will not be an increase in the number of titles nor will the development rights of the lots increase as a result of the proposal. The proposal is considered to provide a necessary and positive impact on the surrounding environment by ensuring access to Section 1 Block II is legally maintained. No vegetation clearance is required, as the area where Proposed Lot 2 is to be located is an existing cleared section and the designated building envelope with Lot 2 DP330928 will remain unaffected. The proposed lot size for Proposed Lot 1 is within the existing size range of the adjoining allotments. Given that no adverse effects are considered to be created, it is not considered that the proposal will result in any long-term or cumulative implications.

6.3.5. Overall, it is considered that the proposal provides allotments which are suitable and consistent within the surrounding environment. The cumulative and long-term implications of the proposal are considered to be less than minor, with the preservation of the coastal environment remaining intact.

Natural and Other Hazards

6.3.6. The subject site is shown to have some localized flooding in the southern portion of the site, however this is a significant distance from Proposed Lot 2, as well as being located downslope of Proposed Lot 2, such that no adverse effects from natural hazards on the proposal are anticipated.

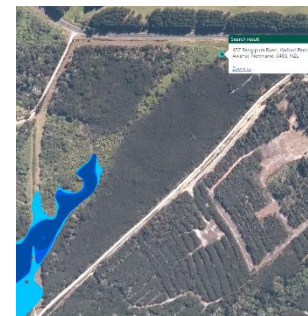


Figure 12: NRC Hazard Maps

6.3.7. The proposed subdivision will not exacerbate any natural hazards and will remain unchanged as a result.

6.3.8. In regard to s106 of the Act, it is considered that there is no significant risk from natural hazards applicable, which would allow Council to refuse subdivision consent. The proposal is not considered to accelerate, worsen or result in material damage of any kind.

Water Supply

6.3.9. The subject site is not within an area serviced by reticulated water.

6.3.10. Proposed Lot 1 is vacant, with water supply being a provision for any new development within the allotment.



- 6.3.11. Proposed Lot 2 is for the purpose of an access lot and will be amalgamated with Section 1 Block II. Provision for water supply will be provided for within Section 1 Block II. No provision for water supply is considered applicable to Proposed Lot 2 as the intended purpose of this lot is for access only.
- 6.3.12. It is considered no conditions will be imposed on the decision document in relation to water supply.

Stormwater Disposal

- 6.3.13. Proposed Lot 1 will remain vacant land until the time of built development within the lot. The site is of ample area for stormwater management to be managed within the proposed site boundaries.
- 6.3.14. Proposed Lot 2 will be amalgamated with Section 1 Block II such that there is adequate area for stormwater to be managed within the site boundaries. The proposal will not result in a breach of the permitted standards for impermeable surfaces.
- 6.3.15. It is considered that the proposed lots have adequate area to provide for stormwater disposal and therefore, no effects will be created that are more than minor. It is considered no conditions will be imposed on the decision document in relation to stormwater disposal.

Sanitary Sewage Disposal

- 6.3.16. The site is not benefited by Council's reticulated wastewater scheme.
- 6.3.17. Proposed Lot 1 is vacant, with sewage disposal being a provision for any new development within the allotment. Provision of sewage disposal is a requirement under Consent Notice Document 6345619.6, which will remain registered on the title for Proposed Lot 1.
- 6.3.18. Proposed Lot 2 is for the purpose of an access lot and will be amalgamated with Section 1 Block II. Provision for sewage disposal will be provided for within Section 1 Block II. No provision for sewage disposal is considered applicable to Proposed Lot 2 as the intended purpose of this lot is for access only.
- 6.3.19. It is therefore considered that the proposal will not create any adverse or cumulative effects in relation to wastewater disposal and no conditions are anticipated on the decision document in relation to wastewater disposal.

Energy Supply, Top Energy Transmission Lines and Telecommunications

- 6.3.20. The provision for power supply and telecommunications is not a requirement for the General Coastal zone. Power supply for Proposed Lot 1 will be provided for at the time of built development. Proposed Lot 2 will be an access lot.



6.3.21. The site is not located within 20 metres of an electrical transmission line designed to operate at or above 50kV. The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.

Easements for any Purpose

6.3.22. As shown on the scheme plan, there is a schedule of existing easements which will remain. As Proposed Lot 2 will be amalgamated with Section 1 Block II, and Proposed Lot 1 has independent access, no easements are proposed or considered necessary as part of this application.

Provision of Access

6.3.23. Proposed Lot 1 will be accessed via the existing crossing place from Rangiputa Road, which is shown in Figure 13 below.



Figure 13: Existing access to Proposed Lot 1.

6.3.24. Proposed Lot 2 will be an access lot. A new crossing place will need to be constructed to service Proposed Lot 2 in the location indicated in Figure 14 below. This is anticipated to be a condition of consent on the decision document.

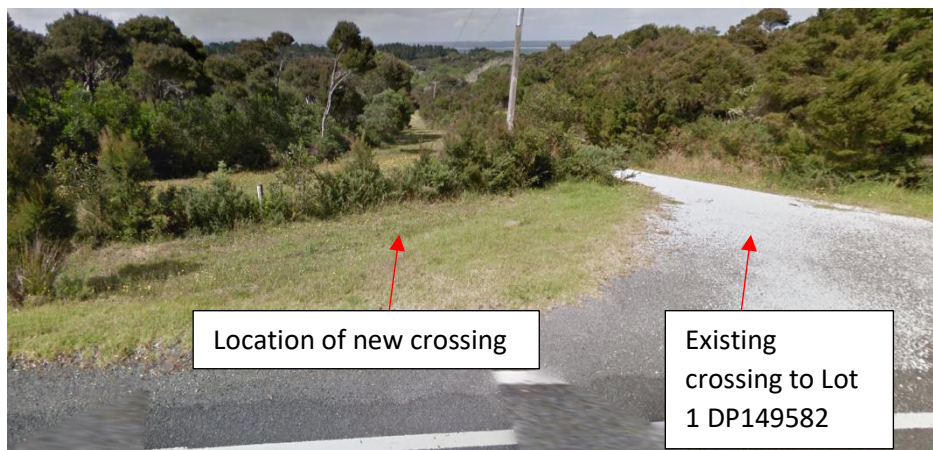


Figure 14: Image showing the proposed crossing location to Proposed Lot 2.



- 6.3.25. Rangiputa Road is a local sealed road of good standard and complies with the legal width requirements and it is considered that no upgrading will be required as part of this application.
- 6.3.26. The proposal can comply with the permitted rules within Chapter 15 Transportation, as demonstrated earlier in this report.

Effect of Earthworks and Utilities

- 6.3.27. Minor earthworks will be required for the construction of the crossing to Proposed Lot 2. As stated above 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.

Building Locations

- 6.3.28. Proposed Lot 1 contains an existing designated building envelope which will remain unchanged as part of this proposal. Proposed Lot 2 is not intended to be utilised for built development, as it is an access lot. Any built development can occur within Section 1 Block II.

Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land set aside for Conservation Purposes.

- 6.3.29. The site is shown to contain archaeological sites which were discovered and covered in detail within RC2010077. No archaeological sites are shown to have been located within Proposed Lot 2. As mentioned, where Proposed Lot 2 is to be located, is an area which is already covered by easements for the right to convey electricity, right of way, right to convey telecommunications and computer media, under Easement document 9937117.4. Therefore, it is considered that this area was assessed as part of RC2010077 to be suitable for such purpose. As the proposal will result in an access lot being created over this area, it is considered that the proposal will not change the use of the land, nor affect any areas of the site which had not previously been assessed as suitable for such a purpose. Therefore, it is considered suitable for the proposal to proceed under the guidance of an ADP.

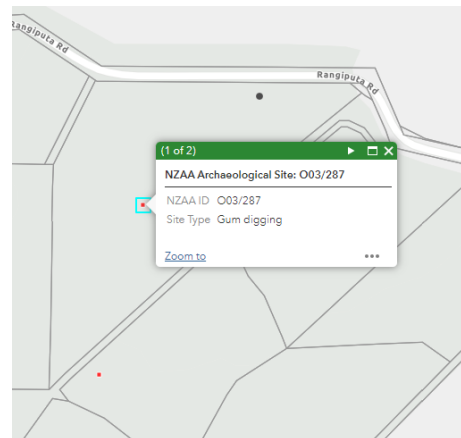


Figure 15: NZAA Maps

- 6.3.30. As discussed earlier in this report, Lot 2 DP330928 contains a portion of PNA Rangiputa Road Shrublands. As mentioned above, the area where Proposed Lot 2 is to be located is an existing cleared section of land, which follows the path of powerlines as well as already being for the purpose of various easements. No vegetation clearance is required as part of the proposal. It is considered that RC2010077 covered this in detail. The proposal is not considered to affect



any areas of PNA and will not change what is currently in existence. The proposal is just to legalise an existing situation.

- 6.3.31. It is therefore considered that the proposal will not create any adverse effects on these features. It is anticipated that an advice note will be placed on the decision document advising that the subdivision is to proceed under the guidance of an Accidental Discovery Protocol.

Soil

- 6.3.32. The site contains soils of classification LUC4 which are not considered highly versatile soils nor highly productive land. The site is a bush block, which contains areas of PNA as well as a designated building envelope which will remain unchanged as part of this proposal. As a result of the subdivision, the use of the site will remain unchanged and the proposal will not increase the development rights. The proposed subdivision will not alter the existing use of the land and creating an access lot to service Section 1 Block II will not affect the productivity of Proposed Lot 1, as it will continue to operate as is.

- 6.3.33. As the proposal will not increase the number of titles, nor will it increase development rights, it is considered that the proposal does not affect the ability to safeguard the life supporting capability of soil.

Access to Waterbodies

- 6.3.34. It is considered that access to waterbodies is not applicable to this subdivision.

Land Use Incompatibility

- 6.3.35. The surrounding environment includes allotments utilised for rural lifestyle use and bush blocks, ranging from 4 hectares to 14 hectares. Allotments on the opposite side of Rangiputa Road (northern side) are larger productive lots.

- 6.3.36. The proposal will result in an access lot to service Section 1 Block II to ensure that the property does not become landlocked, should the existing access be surrendered as part of the land claims. The proposal will not change in any new land use activities, nor will it create any reverse sensitivity effects. Proposed Lot 1 will marginally decrease in size, however the designated building envelope and all other features on site will remain unchanged. The area where Proposed Lot 2 is to be located already has rights to be utilised for access, and therefore, the proposal is effectively not changing the use of the land, rather just securing access to the Section 1 Block II.

- 6.3.37. Overall, it is considered that the proposal will not create any adverse effects in regards to incompatible land use activities.

Proximity to Airports

- 6.3.38. Not applicable as the subject site is not located in close proximity to an airport.



Natural Character of the Coastal Environment

6.3.39. The subject site is located within the coastal environment. The proposal will not increase the number of titles, nor will it increase development rights. The purpose of the subdivision is to create an access lot over an existing right of way easement to ensure that Section 1 Block II does not become landlocked. No vegetation clearance is proposed and no additional built development. The designated building envelope on Proposed Lot 1 will remain unchanged. As such, the application has taken into account the preservation of the natural character of the coastal environment and it is considered the proposal will not create any adverse effects on the coastal environment due to the nature of the proposal.

Energy Efficient and Renewable Energy Development/Use

6.3.40. No considered applicable to the application.

National Grid Corridor

6.3.41. The proposal is not within the National Grid Corridor.

Precedence

- 6.4. The proposal is to subdivide a portion off Lot 2 DP330928 to create an access lot for Section 1 Block II. Proposed Lot 2 will be the access lot which will be amalgamated with Section 1 Block II, therefore not increasing the number of titles nor development rights. Where Proposed Lot 2 is located, covers an area of existing easements, including a right of way which benefits Section 1 Block II. The applicant wants to secure this by providing an access lot independently owned from Lot 2 DP330928 (Proposed Lot 1). As the area where proposed Lot 2 is to be located is an existing cleared area, no vegetation clearance will be required as part of the proposal.
- 6.5. Many allotments in the area are accessed via access lots or rights of way, due to the existing configuration of the lots from historic subdivisions.
- 6.6. As Lot 2 DP330928 is already of a non-complying lot size for the zone, the proposal will marginally increase the degree of non-compliance by decreasing the size of Lot 2 DP330928 (Proposed Lot 1) from 8.4 hectares to 8.2 hectares. This results in the proposal not being able to be assessed as a boundary adjustment, however effectively this is what is occurring. The proposed lot size for Proposed Lot 1 is still within the lot size range of the surrounding environment and will still ensure the lot can be utilised for its intended purpose. The designated building envelope within Lot 2 DP330928 (Proposed Lot 1) will remain unaffected.
- 6.7. As the area where Proposed Lot 2 is to be located was set aside for the purpose of right of way, right to convey electricity, telecommunications and computer media under RC2010077 and the subsequent variations to the RC, it is considered that the proposal will not alter the existing use of the site, nor will it affect any historic sites or areas of indigenous vegetation.
- 6.8. Overall, it is considered that the proposal does not set a precedence due to the reasonings described above.



7. Policy Documents

7.1. 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)

7.2. 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

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

National Policy Statements

7.4. There are currently 7 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 on Electricity Transmission.
- New Zealand Coastal Policy Statement.
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity.

7.5. The site is located within the mapped extent of the Coastal Environment, therefore an assessment has been undertaken below. The NPS for Highly Productive Land is not applicable to this application as the soils on site are not mapped as being highly versatile.

New Zealand Coastal Policy Statement 2010

7.6. The proposal is to subdivide off a portion of Lot 2 DP330928 to create an access lot for Section 1 Block II. No additional titles nor development rights will be created as part of the proposal. The area of Proposed Lot 2 is already set aside for the purpose of ROW and therefore the proposal will not change the existing or intended use of the site. No vegetation clearance is proposed and no additional built development.

7.7. Overall, it is considered that the proposal is consistent with the objectives and policies of the NZCPS.

Far North Operative District Plan

Relevant objectives and policies

7.8. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Coastal Environment and the General Coastal Zone. The proposal is considered to create



no more than minor adverse effects on the coastal environment. The proposal is considered to be consistent with the character of the surrounding area and is considered to have negligible effects on the coastal amenity value of the area. The proposal is considered to be consistent with the objectives and policies of the Plan.

Assessment of the objectives and policies within the Subdivision Chapter

7.4 The following assessment is based upon the objectives and policies contained within section 13.3 and 13.4 of the District Plan.

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 Maori 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.

- 7.9. The proposal is considered to be consistent with the purpose of the General Coastal zone which aims to preserve the natural character of the coastal environment and protect it from inappropriate subdivision and use. The proposal will not increase the number of titles nor development rights and will not change the existing use or intended purpose of the site. No vegetation clearance is proposed ensuring the sustainable management of the natural and physical resources. The life supporting capacity of air, water, soil and ecosystems is not considered to be compromised and no adverse effects on the environment are anticipated. The area to be subdivided off Lot 2 DP330928 is not classified as outstanding landscape under the ODP and is not considered to jeopardise the natural features of the coastal environment. No heritage resources are anticipated to be affected as this area of the site has been considered suitable for right of way under RC2010077. The proposal will proceed under the guidance of an ADP. On site water storage and stormwater management for Lot 1 will be addressed at the time of built development. Proposed Lot 2 will be an access lot. The proposal is considered to create a superior outcome, as it will ensure that access to Section 1 Block II is not jeopardised as well as access being created over an area which has been set aside as ROW previously, therefore not isolating another area on the site which may be less suited for access. The relationship of Maori and their ancestral lands is not considered to be affected. Electricity supply is not a requirement for the General Coastal zone. No additional built development will be created as part of the proposal and therefore energy efficient design is not considered applicable. Provision of infrastructure will remain unchanged. The site is not located within the National Grid.

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 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.

13.4.5 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.

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

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

13.4.8 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.

- 7.10. The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage or existing land uses. The subdivision is in keeping with the surrounding character of the area. Surrounding allotments consist of rural lifestyle blocks and larger lots used for farming. The site is not known to include any Outstanding Landscapes or Natural Features. The proposal is not known to create any adverse effects on the indigenous vegetation within the site. Water supply to Lot 1 will be supplied at the time of built development on the lot. Proposed Lot 2 will be an access lot. The proposal is not known to have any adverse effects on the relationship of Maori and their relationship with their land, water, sites, wahi tapu and other taonga. Electricity supply is not a requirement of the General Coastal zone. All infrastructure to the lots, including access can be provided for. The proposal does not affect any aspects of the National Grid.

Assessment of the objectives and policies within the Coastal Environment

- 7.11. The following assessment is based upon the objectives and policies contained within sections 10.3 and 10.4.

Objectives

10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:

(a) the natural character of the coastline and coastal environment;

(b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(c) outstanding landscapes and natural features;

(d) the open space and amenity values of the coastal environment;

(e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).



10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.

10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.

10.3.6 To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.

10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.

10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

10.3.9 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.

- 7.11.1. The proposal is not considered to create any adverse effects, as the proposal will see an access lot created over an existing easement, whilst enabling Proposed Lot 1 to remain unaffected and of a size where the existing activities can remain. The natural character of the coastline is considered to remain unaffected as well as areas of indigenous vegetation, as has been explained throughout this report. The proposal is not considered to affect the relationship of Maori and their culture and traditions. Public access to the coast is not considered applicable in this instance. The proposal does not include activities which cross the CMA boundary, nor any moorings, boat ramps or other marine facilities. Water storage for Proposed Lot 1 will be provided for at the time of built development on the lot. Proposed Lot 2 will be an access lot. The sustainable management of natural and physical resources is considered to be maintained.

Policies

10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:

- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and**
- (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and**
- (c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and**



(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and

(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

(f) 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

(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

10.4.2 *That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.*

10.4.3 *That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.*

10.4.4 *That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.*

10.4.5 *That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".*

10.4.6 *That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.*

10.4.7 *To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:*

(a) parking;

(b) rubbish disposal;

(c) waste disposal;

(d) dinghy racks.

10.4.8 *That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

10.4.9 *That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.*



10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.

10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.

10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:

(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;

(b) the number of buildings and intensity of development;

(c) the colour and reflectivity of buildings;

(d) the landscaping (including planting) of the site;

(e) the location and design of vehicle access, manoeuvring and parking areas

- 7.11.2. The proposal is considered to meet the requirements under Policy 10.4.1. The proposal is not considered to result in sprawling or sporadic subdivision. The significant vegetation on site will remain unaffected. Public access to the coast is not considered relevant. Superior outcomes are considered to be provided for by creating an access lot over an existing easement, therefore not changing the use of the site. The proposal does not involve maritime facilities. The relationship with Maori and their culture and traditions is considered to remain unaffected. The proposal is not considered to be affected by natural hazards. Water supply will be provided for on Lot 1 at the time of built development on the lot. Proposed Lot 2 is for the purpose of an access lot. Stormwater will be managed within the site boundaries. No additional development rights or buildings will be created as part of this proposal. Proposed Lot 1 will contain the existing designated building envelope as created under RC2010077.

Assessment of the objectives and policies within the General Coastal Zone

- 7.12. The following assessment is based upon the objectives and policies contained within sections 10.6.3 and 10.6.4

Objectives

10.6.3.1 To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.

10.6.3.2 To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

10.6.3.3 To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations.

- 7.12.1. The natural character of the environment is considered to be preserved as the proposal will see an access lot created over an existing right of way, ultimately not changing the use of the site. Natural and physical resources are considered to remain unaffected.

Policies



10.6.4.1 That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.

10.6.4.2 That the visual and landscape qualities of the coastal environment in be protected from inappropriate subdivision, use and development.

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

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

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

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

(d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District. (Refer 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.

10.6.4.4 That controls be imposed to ensure that the potentially adverse effects of activities are avoided, remedied or mitigated as far as practicable.

10.6.4.5 Maori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide 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.

10.6.4.6 The design, form, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features.

7.12.2. The proposal is considered to be compatible with the preservation of the natural character and the coastal environment. No effects on the visual and landscape qualities of the coastal environment are anticipated as the proposal will create an access lot over and existing right of way, therefore not changing the use. Adverse effects on the items within Policy 10.6.4.3 are not anticipated. The proposal is not considered to affect the relationship of Maori and their relationship with culture and traditions. The proposal will not create additional titles nor additional development rights. The proposed location is considered the most suitable as it is already set aside for a right of way as well as being cleared due to the location of the powerlines.



Proposed District Plan

7.13. Under the Proposed District Plan, the site is zoned Rural Production and located within the Coastal Environment and therefore an assessment of the objectives and policies within this chapter have been included below. It should be noted that the applicant and adjoining neighbours have submitted against the proposed rezoning. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the 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.

Rural Production Zone

7.14. An assessment on the relevant objectives and policies within the Rural Production Zone has been addressed below.

Objectives

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

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

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

(a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;

(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 farming activities, particularly 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 associated with a rural working environment is maintained.

7.14.1. The proposal will not affect the existing use of the site and the rural lifestyle activities within the lot will be able to be maintained. The access lot is considered to have a functional need to be located within the site to ensure that Section 1 Block II does not become landlocked. The site does not contain soils which would classify it as highly productive land. No reverse sensitivity effects are anticipated. Natural hazards will not be exacerbated. Onsite infrastructure can be provided for within Lot 1 at the time of development.

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 and home businesses.**

RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

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

- (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 of the Rural Production zone;**
- (b)does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;**
- (c)would result in the loss of productive capacity of highly productive land;**
- (d)would exacerbate natural hazards; and**
- (e)cannot provide appropriate on-site infrastructure.**

RPROZ-P6 - Avoid subdivision that:

- (a)results in the loss of highly productive land for use by farming activities.**
- (b)fragments land into parcel sizes that are no longer able to support farming activities, taking into account:**
 - 1. the type of farming proposed; and**
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- (c)provides for rural lifestyle living unless there is an environmental benefit.**

RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- (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:*
 - 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.*

- 7.14.2. The proposal is not considered to create any adverse effects. All effects can be adequately managed within the proposed lot boundaries.
- 7.14.3. The proposal will retain the existing activities within each of the allotments, which is the intention of the subdivision.
- 7.14.4. No sensitive activities are anticipated to arise from the proposal, with the use of each lot remaining unchanged.
- 7.14.5. The character is considered to remain unchanged due to the nature of the subdivision.
- 7.14.6. The proposal is not considered to create any incompatible land use activities. It is considered the proposed lots have a functional need to be located in the zone. The proposal is not considered to result in the loss of highly productive land. Lot 1 is of a size that on-site infrastructure can be easily provided for.
- 7.14.7. The proposal will not result in the loss of highly productive land. The proposal will see better utilization of the land whilst retaining productive activities Lot 1. The proposal will not fragment the land as the area where the access lot is to be created is an existing easement. The proposal results in a more superior outcome than other forms of subdivision.
- 7.14.8. No adverse effects on historic heritage, cultural values, natural features, landscapes or indigenous biodiversity are anticipated.



Summary

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

8. Section 125 – Lapsing of consent

- 8.1. The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five-year provision be applied in this case.

9. Notification Assessment – Sections 95A to 95G of The Act

Public Notification Assessment

- 9.1. 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.

- 9.1.1. 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]



- 9.1.2. The application is for a Non-Complying activity but not a boundary activity. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

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.

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

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.

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision to create an access lot to Section 1 Block II to ensure the lot does not become landlocked in the future. The existing activities and existing designated building envelope within Proposed Lot 1 will remain unaffected. The proposal is not considered to be exceptional or unusual.

Public Notification Summary

- 9.1.5. 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

- 9.2. 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).

- 9.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are 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).

- 9.2.2. 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.

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 Schedule 11.

- 9.2.3. 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.

- 9.2.4. 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 6 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 5, 6 & 7 are also relied on, and the following comments made:

- The proposal will create an access lot which will not increase the number of titles nor create any additional development rights.
- The access lot will be created over an existing easement, and therefore it is considered that the use of the site will remain unchanged.
- No vegetation clearance is required, and areas of historic heritage and indigenous vegetation are considered to remain unaffected by the proposal.
- Given the existing situation, the use of the site will essentially remain unchanged as a result of the proposal and will be legalising an existing situation.
- 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.

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

9.2.6. 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),

9.2.7. The proposal is to subdivide the site to create an access lot to service an adjoining allotment. The use of the sites will remain unchanged. 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

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

Notification Assessment Conclusion

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

10. Part 2 Assessment

10.1. 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.



- 10.2. 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 existing 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 coastal character of the site and surrounding environment.
- 10.3. 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 considered to create any adverse impact on the coastal environment, as discussed within this report. The site does not contain any areas of Outstanding Natural Features and Landscapes. The indigenous vegetation on site will remain unaffected by the proposal. The site is not located along the coastal marine area or near lakes or rivers where public access would be required. The proposal is not considered to affect any areas of cultural significance and the proposal is not considered to affect the relationship of Maori and their culture and traditions. The proposal is not considered to affect any sites of historical significance or be within an area subject to customary rights. The proposal does not 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.
- 10.4. 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.
- 10.5. 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.
- 10.6. 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.

11. 104D Assessment

- 11.1. As detailed in section 5.2 of this application, Section 104D of the Act requires that a non-Complying subdivision must meet at least one of the gateway tests above in order for the decision-making authority to consider approving the application.
- 11.2. As detailed within section 6 above it is concluded that the effects of the proposal on the surrounding environment will be no more than minor. Passing the first test.
- 11.3. In section 7 above it was also concluded that the proposal would be generally consistent with the available policy documents. Passing the second test.



- 11.4. Case Law has determined that the precedent of granting resource consent is a relevant factor for a consent authority when considering whether to grant a non-Complying resource consent. A precedent effect is likely to arise in a situation where consent is granted to a non-Complying activity that lacks the evident unique, unusual or distinguished qualities that serve to take the application out of the generality of cases or similar sites in the vicinity. If the activity boasts sufficient qualities that are unusual or unique, that other proposals may not contain, precedent effects may be avoided. As discussed in Sections 6.4 to 6.8 of this report, in this case, the proposal is considered unique due to the purpose of the subdivision being to create an access lot to adjoining Section 1 Block II. The site currently gains access via Lot 1 DP149582. However this land may be surrendered as part of the land claims and therefore, the applicant wants to ensure there are no issues with gaining access to Section 1 Block II in the future. There is already an existing easement where the proposed access lot is to be located and therefore, it is considered that the use of the site will remain unchanged. No additional titles nor any additional development rights will be created as part of this proposal. Given all of the above, the proposal is not considered to set a precedence.
- 11.5. As both gateway tests have been satisfied it is concluded that the proposal can be approved under delegated authority by Council.

12. Conclusion

- 12.1. The proposal is to undertake a subdivision to create an access lot which is to be amalgamated with Section 1 Block II. This is to secure access to the site if there are any changes to the current access arrangements in the future. The proposal is considered to be consistent with neighbouring development patterns and will not create any adverse effects on the natural character of the coastal environment.
- 12.2. In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be no more than minor.
- 12.3. It is also considered that the proposal will have no more than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 12.4. The proposal is a non-Complying activity, an assessment of the gateway tests under section 104D have been undertaken. The proposal is considered to pass both gateway tests.
- 12.5. The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.
- 12.6. It is considered that the proposal results in no more than minor effects on the environment and the proposal is generally consistent with the relevant objectives and policies set out under



the District Plan and Regional Policy Statement. The development is considered appropriate for consent to be granted on a non-notified basis.

13. LIMITATIONS

- 13.1. 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.
- 13.2. 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.
- 13.3. 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.
- 13.4. 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.





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

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




R. W. Muir
Registrar-General
of Land

Identifier 127010
Land Registration District North Auckland
Date Issued 14 March 2005

Prior References
NA116C/377

Estate Fee Simple
Area 8.4220 hectares more or less
Legal Description Lot 2 Deposited Plan 330928
Registered Owners
Murray Bryan Wilson and Sandra Petronella Wilson

Interests

Subject to Section 206 Land Act 1924
6345619.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.3.2005 at 9:00 am
Land Covenant in Easement Instrument 6345619.14 - 14.3.2005 at 9:00 am
Subject to a right to convey electricity over part marked G on DP 330928 created by Easement Instrument 6345619.16 - 14.3.2005 at 9:00 am
The easement created by Easement Instrument 6345619.16 is subject to Section 243 (a) Resource Management Act 1991
Subject to a right to convey electricity over part marked G on DP 330928 created by Easement Instrument 6345619.18 - 14.3.2005 at 9:00 am
The easement created by Easement Instrument 6345619.18 is subject to Section 243 (a) Resource Management Act 1991
Subject to an electricity easement (in gross) over part G on DP 330928 in favour of Top Energy Limited created by Transfer 6345619.20 - 14.3.2005 at 9:00 am
The easement created by Transfer 6345619.20 is subject to Section 243 (a) Resource Management Act 1991
7800441.1 Variation of the conditions of the Land Covenant created by Easement Instrument 6345619.14 - 30.4.2008 at 9:00 am
Subject to a right to convey electricity over part marked K, and a right of way and a right to convey electricity, telecommunications and computer media over part marked L and M all on DP 470508 created by Easement Instrument 9937117.4 - 10.2.2015 at 5:43 pm
The easements created by Easement Instrument 9937117.4 are subject to Section 243 (a) Resource Management Act 1991

Rangiputa Road

Legal sealed 20.12 wide



DP 355293

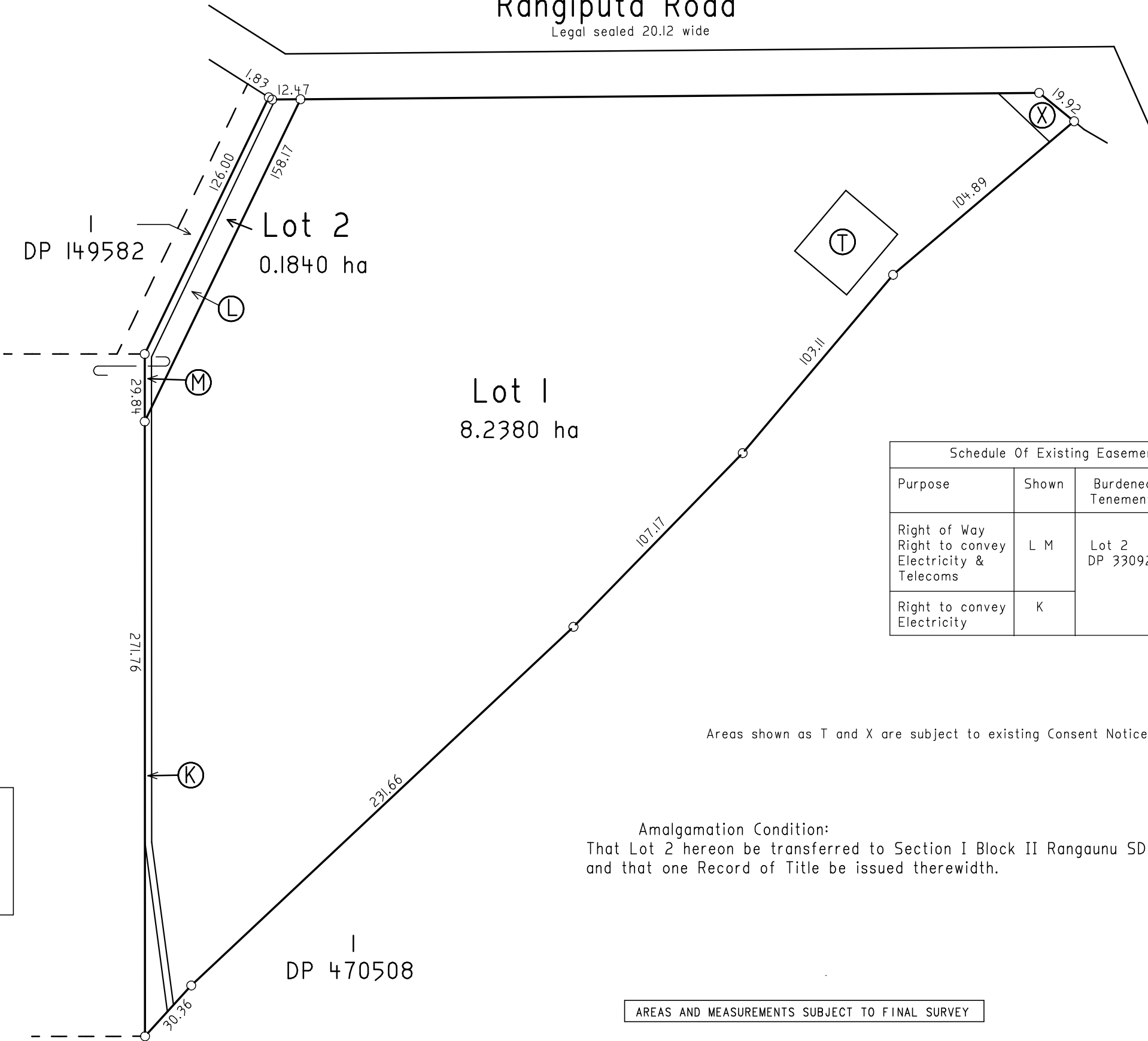
DP 149582
Lot 2
 0.1840 ha

Lot 1
 8.2380 ha

Section I
Block II Rangaunu SD

MB Wilson
 SP Wilson
 NA 89A/436

Local Authority: Far North District Council
 Prepared For: M Wilson
 Total Area: 8.4220 ha
 Comprised in: ROC 127010



Schedule Of Existing Easements			
Purpose	Shown	Burdened Tenement	Created by
Right of Way Right to convey Electricity & Telecoms	L M	Lot 2 DP 330928	EI 9937117.4
Right to convey Electricity	K		

Areas shown as T and X are subject to existing Consent Notices

Amalgamation Condition:
 That Lot 2 hereon be transferred to Section I Block II Rangaunu SD (NA 89A/436)
 and that one Record of Title be issued therewith.

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council
 Prepared For: M Wilson
 Total Area: 8.4220 ha
 Comprised in: ROC 127010

**Lots 1 & 2 Being A Proposed Boundary Adjustment
 Of Lot 2 DP 330928 Rangiputa Road**

Drawn R Neave June 22
 ORIGINAL SCALE SHEET SIZE
 1:2000 A3

Surveyors Ref:
Wilson



View Instrument Details

Instrument No 9937117.4
Status Registered
Date & Time Lodged 10 February 2015 17:43
Lodged By Manning, Russell Howard
Instrument Type Easement Instrument



Affected Computer Registers	Land District
127010	North Auckland
NA89A/436	North Auckland

Annexure Schedule: Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- Mortgage D387787.2 does not affect the servient tenement, therefore the consent of the Mortgagee is not required

Signature

Signed by Russell Howard Manning as Grantor Representative on 10/02/2015 05:41 PM

Grantee Certifications

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

Signature

Signed by Russell Howard Manning as Grantee Representative on 10/02/2015 05:42 PM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre*, or create land covenant
(Sections 90A and 90F Land Transfer Act 1952)

2009/6229EF
APPROVED
Registrar-General of Land

Grantor

MANLY ENTERPRISES LIMITED

Grantee

MURRAY BRYAN WILSON and SANDRA PETRONELLA WILSON

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement, <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Easement of right to convey electricity	Over that part of the Servient Tenement shown marked "K" on Deposited Plan 470508	Lot 2 Deposited Plan 330928 (computer freehold register identifier 127010)	Section 1 Block II Rangaunu Survey District (computer freehold register identifier NA89A/436)
Easements of right of way, right to convey electricity and right to convey telecommunications and computer media	Over those parts of the Servient Tenement shown marked "L" and "M" on Deposited Plan 470508	Lot 2 Deposited Plan 330928 (computer freehold register identifier 127010)	Section 1 Block II Rangaunu Survey District (computer freehold register identifier NA89A/436)

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

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

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

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

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

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

Covenant provisions

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

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

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule _____]~~

7

CONO 6345619.6 Cor

Copy - 01/01, Pgs - 008, 14/03/06, 11



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FAR NORTH DISTRICT COUNCIL
CONSENT NOTICE PURSUANT TO SECTION 221
RESOURCE MANAGEMENT ACT 1991

IN THE MATTER of Lot 2 DP 330928
(North Auckland Land
Registry)

A N D

IN THE MATTER of subdivision consent
pursuant to sections
105, 220 and 221 of
the Resource
Management Act 1991

1. I, CLIVE MANLEY, of FAR NORTH DISTRICT COUNCIL
HEREBY CERTIFY that pursuant to section 220(1) of the Resource
Management Act 1991 the Far North District Council by resolution
passed under delegated authority on 5 April 2004 imposed
the following conditions on the subdivision consent for Lot 2,
DP 330928:
- a. The Owner shall, keep all vegetation in the sight distance area
"X" shown on DP 330928 trimmed so that no vegetation
exceeds a height of 750mm above ground level.
 - b. When the site access point for Lot 2 is constructed, it is to be
sited no closer than 125 metres from the road bend at the
north-eastern corner of Lot 2 (measured from the Lot 1/2 road
boundary).
 - c. No building which requires effluent disposal shall be erected on
Lot 2 without the prior approval of the Council to a report on
such disposal, from a person with the appropriate expertise
and indemnity, in terms of the requirements of Auckland
Regional Council Technical Publication 58 and including an
indication of compliance with the relevant Northland Regional
Council rules.
 - d. No buildings are to be erected on Lot 2 except within the area
shown "T" on DP 330928 or otherwise by way of fresh consent
from the Council (which may involve consultation with the
Department of Conservation).
2. These conditions are to be retained, except by a written decision of
the Far North District Council to the contrary.

SIGNED by the said)
)
on behalf of and by the)
authority of the said)
FAR NORTH DISTRICT COUNCIL)
under section 252 of the)
Local Government Act 1974)



DATED the 13 day of AUG 2004

**CERTIFICATE UNDER SECTION 221
RESOURCE MANAGEMENT ACT 1991**

Correct for the purposes of the Land Transfer
Act

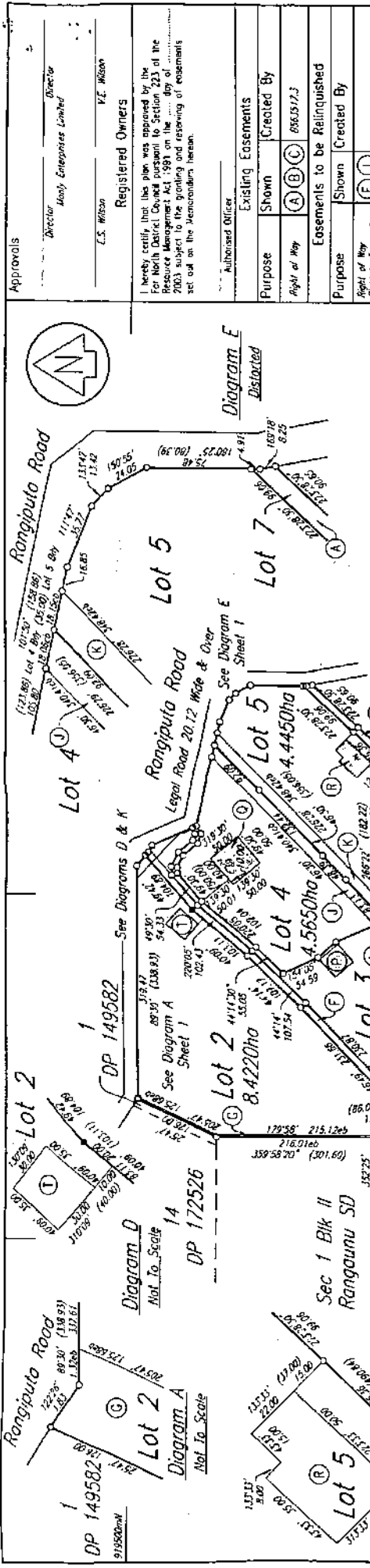


FAR NORTH DISTRICT COUNCIL

Particulars entered in the Register as shown in the
Schedule of Land herein on the date and at the time
stamped below

.....
**Assistant/District Land Registrar of the
District of North Auckland**

**HESKETH HENRY
SOLICITORS
AUCKLAND**



All external boundaries are adopted from DP 108093

Memorandum of Easements	
Shown	Dominant Tenement
(A) Right of Way	Lots 5 & 6 Hereon
(B) Right to Convey Electricity & Telecommunications	Lot 7 Hereon
(C) Right of Way	Lot 5 Hereon
(D) Right to Convey Electricity	Lots 3 & 4 Hereon
(E) Right of Way	Lot 7 Hereon
(F) Right of Way	Lots 3 - 6 Hereon
(G) Right of Way	Lot 7 Hereon
(H) Right of Way	Lot 7 Hereon
(I) Right of Way	Lot 7 Hereon
(J) Right of Way	Lot 7 Hereon
(K) Right of Way	Lot 7 Hereon
(L) Right of Way	Lot 7 Hereon
(M) Right of Way	Lot 7 Hereon
(N) Right of Way	Lot 7 Hereon
(O) Right of Way	Lot 7 Hereon
(P) Right of Way	Lot 7 Hereon
(Q) Right of Way	Lot 7 Hereon
(R) Right of Way	Lot 7 Hereon

Proposed Easement	
Shown	Dominant Tenement
(D) Right to Convey Electricity	Lots 3 - 6 Hereon
(A) Right of Way	Lot 7 Hereon
(B) Right to Convey Electricity	Lot 7 Hereon
(C) Right of Way	Lot 7 Hereon
(H) Right of Way	Lot 7 Hereon
(I) Right of Way	Lot 7 Hereon
(J) Right of Way	Lot 7 Hereon
(K) Right of Way	Lot 7 Hereon
(L) Right of Way	Lot 7 Hereon
(M) Right of Way	Lot 7 Hereon
(N) Right of Way	Lot 7 Hereon
(O) Right of Way	Lot 7 Hereon
(P) Right of Way	Lot 7 Hereon
(Q) Right of Way	Lot 7 Hereon
(R) Right of Way	Lot 7 Hereon

Memorandum of Easements in Gross	
Shown	Grantee
(A) Right of Way	Lot 7 Hereon
(B) Right to Convey Electricity	Lot 7 Hereon
(C) Right of Way	Lot 7 Hereon
(H) Right of Way	Lot 7 Hereon
(I) Right of Way	Lot 7 Hereon
(J) Right of Way	Lot 7 Hereon
(K) Right of Way	Lot 7 Hereon
(L) Right of Way	Lot 7 Hereon
(M) Right of Way	Lot 7 Hereon
(N) Right of Way	Lot 7 Hereon
(O) Right of Way	Lot 7 Hereon
(P) Right of Way	Lot 7 Hereon
(Q) Right of Way	Lot 7 Hereon
(R) Right of Way	Lot 7 Hereon

Registered Owners: V.E. Wilson

I hereby certify that this plan was approved by the Resource Management Act, 1991 on the ... day of ... 2003 subject to the granting and relaxing of easements set out in the Memorandum herein.

Authorized Officer: ...

Purpose: Shown (A)(B)(C) Created By: 086517J

Easements to be Relinquished: Shown (E)(F) Created By: 02669112

Notes: Areas marked (E)(J)(K)(L)(M)(N)(O)(P)(Q)(R) (S)(T)(U)(V)(W)(X)(Y) are subject to Consent Notices

Class II Survey: Lot 8

Class III Survey: Lots 1 - 7

New CSI Allocated: Lot 1 C.T. 127009, Lot 2 C.T. 127010, Lot 3 C.T. 127011, Lot 4 C.T. 127012, Lot 5 C.T. 127013, Lot 6 C.T. 127014, Lot 7 C.T. 127015, Lot 8 C.T. 127016

Total Area: 47.8472ha

Comprised in CT 1162/976 All CT 1162/317 M & CT 602/110 Eastern Only

I, Trevor James Shaw of Whangarei, being a person entitled to practise as a licensed cadastral surveyor, certify that - (a) the surveys to which this dataset relates are accurate, and were undertaken by me or under my direction, in accordance with the Cadastral Survey Act 2002 and the Cadastral Survey Regulations 2002, and (b) this dataset is accurate and has been created in accordance with that Act and those Rules.

Dated at Whangarei this ... day of ... 2003

Signature: ...

Field Book: P. Traverser Book P. Reference Plans DP 108093, DP 185988 & SO 316785

Examined: Correct

Approved as to Survey by Land Information NZ on: ...

Deposited by Land Information NZ on: ...

Sheet 1 of 2 Sheets

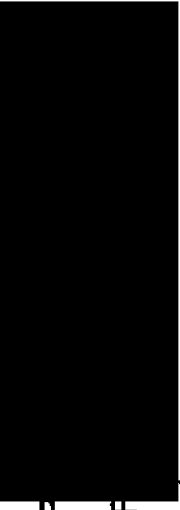
Territorial Authority for North District Surveyed By Simpson, Shaw & Co. Scale 1:4000 Date March 2003

Lots 1 - 8 Being Subdivision of Lots 1 & 2 DP 185988 & Right of Way Over PL Lot 1 DP 108093

Land District North Auckland Survey Block & District II Rangauunu

DP 330928 Approved AKLM 01/1

APPROVED PLAN No 2



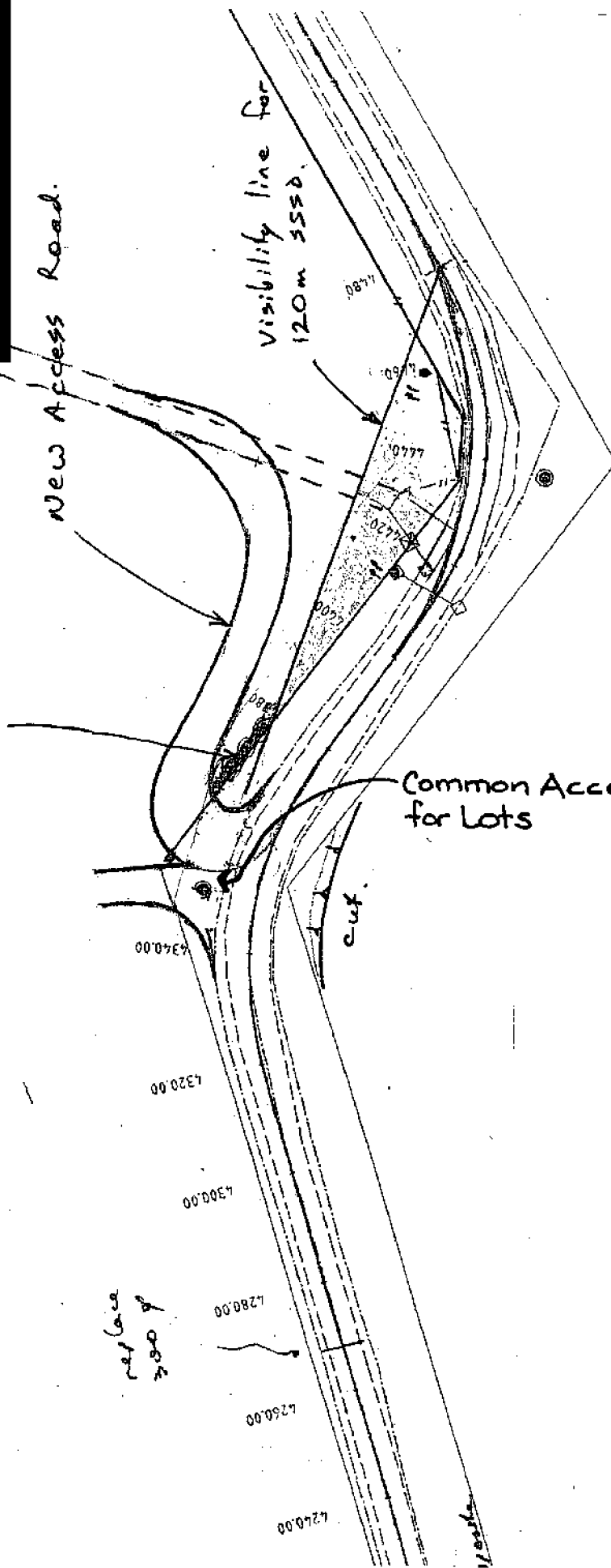
APPROVED PLAN (3)

Plant hedge 15m long
to screen headlights

New Access Road.

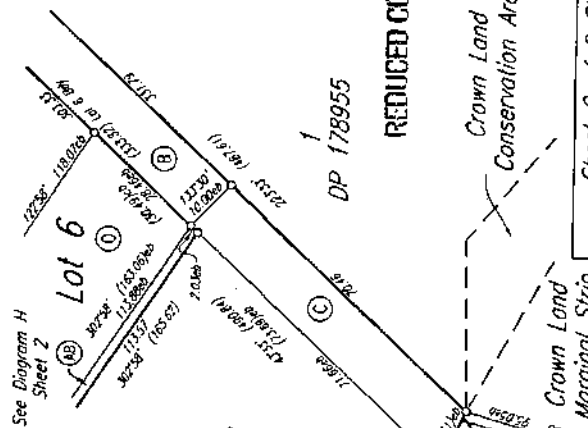
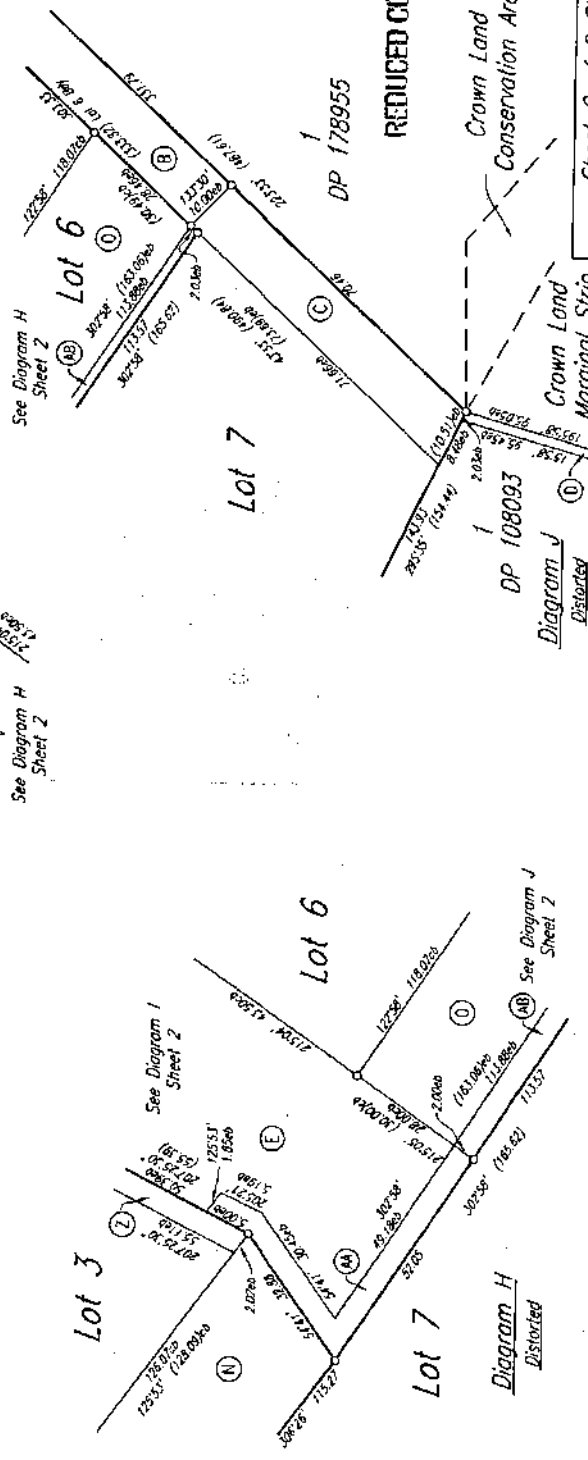
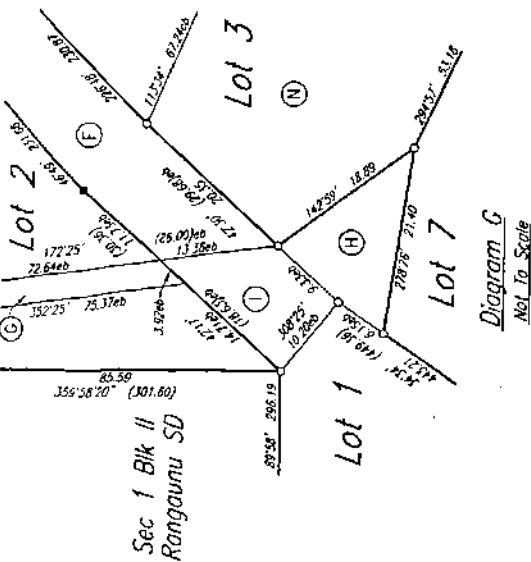
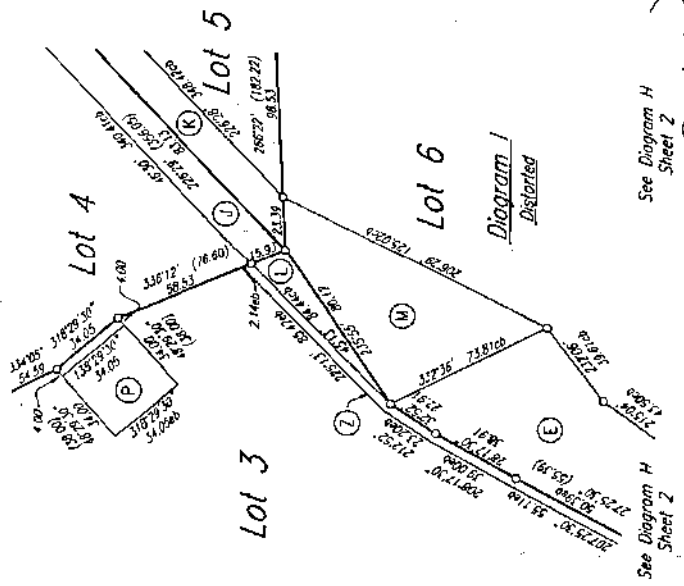
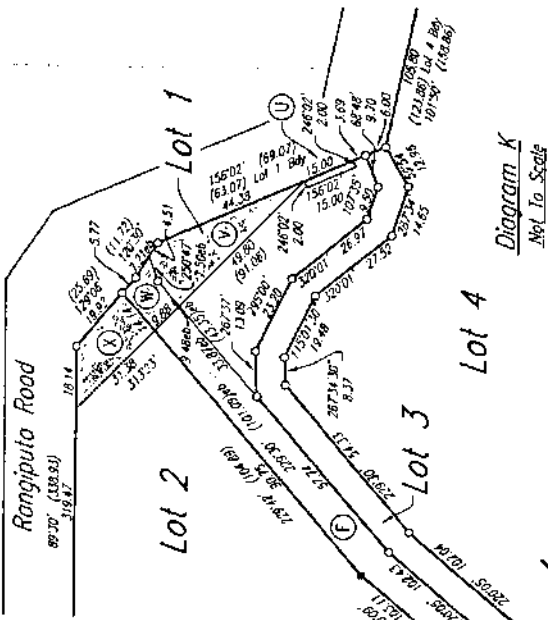
Visibility line for
120m SSSD.

Common Access Point
for Lots



7/00/132 RANGIPUTA ROAD : ACCESS TO LOT 2 DP 185988

APPROVED PLAN



Total Area	
Comprised in	<p>L. Inver James State of Whangarei being a person entitled to practise as a licensed cadastral surveyor, certify that—</p> <p>(a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002, and the Survey-General's Rules for Cadastral Survey 2002/22.</p> <p>(b) This dataset has not been created in accordance with that Act and those Rules.</p> <p>Dated at Whangarei this... day of... 2003</p> <p>Signature.....</p> <p>Field Book P. Traversa Book P.</p> <p>Reference Plans DP 108093 & DP 185988</p> <p>Examined Correct</p> <p>Approved as to Survey by Land Information NZ on.....</p>
Deposited by Land Information NZ on	
Instructions	DP 330928
Resolutions	DP 330928 - Manly Energies
Approved	AKLM 01/1

Sheet 2 of 2 Sheets

Territorial Authority For North District Surveyed By Simpson, Shaw & Co. Scale As Shown Date March 2003

Lots 1 - 8 Being Subdivision of Lots 1 & 2 DP 185988 & Right of Way Over Pt Lot 1 DP 108093

and District North Auckland Survey Block & District II Rangaimu