Thomson Survey Limited

SURVEYORS AND RESOURCE PLANNERS

Our Reference: 10936 (FNDC)

21 August 2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed Boundary Adjustment subdivision – Okura Trust – 29 Okura Drive

I am pleased to lodge on behalf of Okura Trust, application for a boundary adjustment subdivision at 29 Okura Drive, Kerikeri. The land is zoned Rural Production under both the Operative District Plan and Proposed District Plan (Appeals Version). The application is a non complying subdivision.

The proposal includes a partial cancellation of an existing consent notice as it affects the small area of land being transferred to another title.

The fee has been paid separately.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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After Hours: Director: Denis Thomson 09 4071372
After Hours: Office Manager: Sam Lee 021 1370060

Te Kaunihera o Te Hiku o te Ika
Far North District Council

Office Use Only
Application Number:

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

◯ **Yes** ✓ **No**

2. Type of consent being applied for

(more than one circle can be ticked):

◯ **Land Use**

◯ **Fast Track Land Use***

✓ **Change of Consent Notice (s.221(3))**

◯ **Certificate of Compliance (s.139)**

◯ **Extension of time (s.125)**

◯ **Discharge:** Total voume = ______ m³

Note; volumes >3m³ requires NRC Consent.

✓ **Subdivision**

◯ **Existing Use Certicicate (s.139A)**

◯ **Consent under National Environmental Standard**
(e.g. Assessing and Managing Contaminants in Soil)

◯ **Other (please specify)** ______

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

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

✓ **Yes** ◯ **No**

4. Consultation

Have you consulted with Iwi/Hapū? ◯ **Yes** ✓ **No**

If yes, which groups have you consulted with? ______

Who else have you consulted with? ______

For any questions or information regarding iwi/hapū consultation, please contact:
The Resource Consents Planning Technicians, **planning_technicians@fndc.govt.nz**

5. Applicant details

Name/s: Okura Trust

Email: [redacted]

Phone number:

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

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

If yes, please provide details.

6. Address for correspondence

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

Name/s: Lynley Newport at Thomson Survey Ltd

Email: [redacted]

Phone number:

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

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

7. Details of property owner/s and occupier/s

Name and Address of the owner/occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: as per item 5

Property address/
location:

8. Application site details

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

Name/s: see item 5

Site address/ location: 29 Okura Drive
KERIKE
Postcode 0230

Legal description: Lot 1 DP 627527 **Val Number:**

Certificate of title: 1280387

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

Site visit requirements:

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

Is there a dog on the property? ◯ **Yes** ✓ **No**

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

9. Description of the proposal

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

Subdivision by of boundary adjustment, of land zoned Rural Production.

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

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

◯ **2009** ✓ **2023**

10. Would you like to request public notification?

◯ **Yes** ✓ **No**

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

(more than one circle can be ticked):

◯ **Building Consent** Enter BC ref # here (if known)

◯ **Regional Council Consent (ref # if known)** Ref # here (if known)

◯ **National Environmental Standard Consent** Consent here (if known)

◯ **Other (please specify)** Specify 'other' here

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

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

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

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

☑ **Subdividing land**

◯ **Changing the use of a piece of land**

◯ **Disturbing, removing or sampling soil**

◯ **Removing or replacing a fuel storage system**

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

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

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

☑ **Flooding**

◯ **Landslips**

◯ **Coastal Erosion**

◯ **Coastal Inundation**

◯ **Active Faults**

◯ **Liquefaction**

◯ **Tsunami**

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

14. Assessment of environmental effects:

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

Your AEE is attached to this application ☑ **Yes**

15. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☑ **Yes** ◯ **No**

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

16. Billing Details:

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

Name/s: (please write in full) Craig Stephen Lee

Email: [redacted]

Phone number:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full) Craig [redacted]

Signature: (signature of bill payer) [redacted] Date 20-Aug-2026

17. Important Information:

Note to applicant

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

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

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

Fast-track application

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

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

Privacy Information:

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

18. Declaration

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

Name (please write in full) Craig Stephen Lee

Signature [redacted] Date 20-Aug-2026

A signature is not r[redacted]*eans*

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

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

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

Okura Trust

PROPOSED SUBDIVISION by way of BOUNDARY ADJUSTMENT & Partial Cancellation of Consent Notice Pursuant to s221(3) of the Act

Okura Drive, KERIKERI

PLANNING REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd, Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

Boundary Adjustment Subdivision

The applicants own two adjacent titles, either through Okura Trust or Monro Lee Developments. There is a Sale and Purchase Agreement in place for one of those titles, namely that land legally described as Lot 12 DP 333135. Part of the agreement includes the creation of an alternative and additional access to Lot 12, by way of 'subdividing' an access strip off Lot 1 DP 627527 and transferring it to be held in the same title as Lot 12 DP 333135. This is in addition to existing appurtenant right of way, rather than instead of.

Refer to Appendix 1 for a copy of a plan provided by the applicants, and an annotated version showing proposed Lot numbers in regard to 'subdividing' Lot 1 DP 627527, and proposed Amalgamation Condition wording in regard the transfer of the access Lot 2.

The access Lot 2 is approximately 980m^2 in area, leaving a Lot 1 balance of 5937m^2. The latter is one of several titles subject to a Management Plan subdivision. Any further subdivision of that title, even if only a boundary adjustment, is therefore automatically a non complying activity pursuant to rules in the Operative District Plan – refer to compliance assessment later in this report.

This is not without precedent, with Lot 1 DP 627527 having already been involved in a previous minor boundary adjustment with the property adjacent to Lot 12 DP 333135 in order that land adjacent to the watercourse, and maintained by the owners of Lot 13 DP 333135, be within their title. This was granted by the Council in full knowledge that some of the land involved was part of a Management Plan subdivision. RC 2260325-RMASUB, applied for by David Lumley, refers.

A location map is attached in Appendix 2.

The application is assessed pursuant to both the Operative District Plan (ODP) and the Proposed District Plan – Decisions Version (PDP-DV).

Cancellation of Consent Notice from land to be in Lot 2

As part of that previous subdivision, but through a later request, the Council also consented the cancellation of any consent notice relating to the Management Plan and Residents' Association off that part of the Management Plan lot being transferred to another title, and therefore outside of the Management Plan subdivision.

This application includes the same request – that **Consent Notice 13343924.5 as registered on Lot 1 DP 627527 be cancelled as it affects Lot 2 on the annotated plan in Appendix 1.** Land in Lot 1 on the plan will remain subject to the Consent Notice.

1.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application made by the applicant, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent to subdivide by way of a boundary adjustment, as a non complying activity under the ODP and discretionary activity under the PDP-DV. The requested cancellation of the Consent Notice (pursuant to s221(3) of the Act) is a discretionary activity. The stricter category applies overall.

The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. Applicant details are contained within the Application Form 9.

2.0 PROPERTY DETAILS

Location:	29 Okura Drive, Kerikeri, involving land at 15 Okura Drive
Legal Description:	Lot 1 DP 627527, involving Lot 12 DP 333135 in regard to the transfer of land
RT's:	Record of Title 1280387, involving Record of Title 135973.

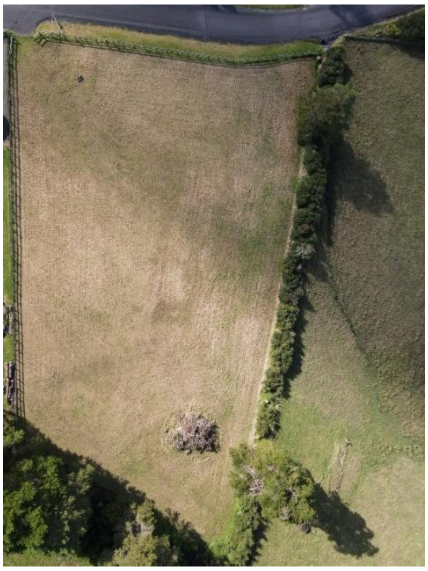
3.0 SITE DESCRIPTION

3.1 Site Characteristics

The site being subdivided is zoned Rural Production in both the ODP and PDP-DV. The land with which Lot 2 is to be held with is also zoned Rural Production in both plans. No resource features apply in the ODP. The PDP-DV maps show that the watercourse between the two titles forming part of this proposal, is marginally within a River Flood Hazard Zone (10 year ARI

Event) and the 100 year ARI event to a slightly greater extent. This is to a very small extent and not affecting future development (building) areas in any way.

The application site is near level, with a slight slope towards the watercourse. See below drone shot – north point is top left hand corner. The proposed Access Lot 2 will run straight down the western (left hand) boundary, starting at the existing formed entrance/crossing.



The property with which the Access Lot 2 is to be held with is also near level. Properties on the north and south boundaries are already developed. See drone footage below. North point is top right hand corner. The trees on eastern (right hand) boundary are partially within the application site.

The sites have grass cover apart from some boundary plantings.

The site is not mapped as containing any archaeological, cultural or heritage resources or values. There is no Protected Natural Area vegetation or habitat within the site.

LUC maps show the site is LUC 4 apart from a tiny area (350m^2) of LUC 3 that encroaches into the extreme northern corner of the application site, where the existing crossing is located and where future access is proposed.

3.2 Legal Interests

The application site has the following legal interests registered on it:

Consent Notice 13343924.5 – registered as part of the Management Plan subdivision, and the partial cancellation (insofar as it affects new Lot 2) of which is being requested pursuant to s221(3) of the Act;

Appurtenant rights to drain sewage in two easement instruments; and

Land Covenant (in gross) in favour of Okura Residents' Association – The cancellation of the aforementioned consent notice from Lot 2 will result in that lot not required to be a member of the Okura Residents' Association. The balance Lot 1 remains part of the Management Plan and all associated responsibilities and obligations.

3.3 Consent History

The application site has no building consent history, being a vacant site. The two resource consents relevant to the application site are the Management Plan subdivision and the more recent boundary adjustment consent.

RC 2220225-RMASUB was issued in 2022 with a Variation issued in 2025;

RC 2260325-RMASUB was issued in March 2026.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:	
(a) a description of the activity: .	Refer Sections 1 and 5 of this Planning Report.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Section 6 of this Planning Report.
(b) a description of the site at which the activity is to occur:	Refer to Section 3 of this Planning Report.

(c) the full name and address of each owner or occupier of the site:	This information is contained in the Form 9 attached to the application.
(d) a description of any other activities that are part of the proposal to which the application relates:	No other activities are part of the proposal. The application is for a boundary adjustment subdivision pursuant to the FNDC's ODP and PDP-DV.
(e) a description of any other resource consents required for the proposal to which the application relates:	None are required.
(f) an assessment of the activity against the matters set out in Part 2:	Refer to Section 7 of this Planning Report.
(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2): *(a) any relevant objectives, policies, or rules in a document; and* *(b) any relevant requirements, conditions, or permissions in any rules in a document; and* *(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).*	Refer to Sections 5 and 7 of this Planning Report.
(3) An application must also include any of the following that apply:	
(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):	Refer to section 5.
(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):	There is no existing resource consent. Not applicable.
(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource	The site is not within an area subject to a customary marine title group. Not applicable.

management matters set out in that planning document (for the purposes of section 104(2B)).	
(4) An application for a subdivision consent must also include information that adequately defines the following:	
(a) the position of all new boundaries: *(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:* *(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:* *(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:* *(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:* *(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):* *(g) the locations and areas of land to be set aside as new roads.*	Refer to Scheme Plans in Appendix 1.

Clause 6: Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:	
(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:	Refer to Section 6 of this planning report. The activity will not result in any significant adverse effect on the environment.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Section 6 of this planning report.
(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:	Not applicable as the application does not involve hazardous installations.
(d) if the activity includes the discharge of any contaminant, a description of— *(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and* *(ii) any possible alternative methods of discharge, including discharge into any other receiving*	The subdivision does not involve any discharge of contaminant.

environment:	
(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:	Refer to Section 6 of this planning report.
(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:	Refer to Section 8 of this planning report. No affected persons have been identified.
g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:	No monitoring is required as the scale and significance of the effects do not warrant it.
(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).	No protected customary right is affected.

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

(1) An assessment of the activity's effects on the environment must address the following matters:	
(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:	Refer to Sections 6 and 8 of this planning report and also to the assessment of objectives and policies in Section 7.
(b) any physical effect on the locality, including any landscape and visual effects:	Refer to Section 6. The site has no high or outstanding landscape or natural character values.
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:	Refer to Section 6. The subdivision has no effect on ecosystems or habitat.
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:	Refer to Section 6. The site has no aesthetic, recreational, scientific, historical, spiritual or cultural values that I am aware of, that will be adversely affected by the proposal.
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.

options for the treatment and disposal of contaminants:	
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	The subdivision site is not subject to hazard. The proposal does not involve hazardous installations.

5.0 COMPLIANCE ASSESSMENT

5.1 Weighting Assessment

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

The subdivision chapter in the PDP was heavily submitted on, and in particular the Rural Production Zone subdivision provisions, with a multitude of submissions requested changes to minimum lot sizes. The subdivision chapter of the PDP-DV is subject to Appeal (refer to Appeals Version on line). The Appeals Version, as at the date of lodging this application, did not indicate any appeals specifically to the boundary adjustment subdivision rules/standards, albeit a linkage still remains to the other parts of the subdivision chapter that have been appealed.

With the degree of uncertainty still around some of the PDP-DV's subdivision provisions, I do not believe the Council can yet give full weight to the PDP over the ODP in terms of subdivision generally, however as noted above the boundary adjustment provisions of the PDP do not appear to have been appealed.

5.2 Operative District Plan

The application site is zoned Rural Production and the title within which Lot 2 is to be amalgamated is also zoned Rural Production.

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

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

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

(a) there is no change in the number and location of any access to the lots involved; and
(b) there is no increase in the number of certificates of title; and
(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and
(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and

(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and
(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

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

Part (a) is not complied with given that the primary reason for the boundary adjustment is to provide for alternative (future) private access to Lot 12 DP 333135, and a minor relocation of the crossing into the application site.

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

Part (c) is, I believe, met because the application site's lot area is already not compliant with controlled activity minimum lot sizes, and the degree of non compliance does not increase given the application site was created under the Management Plan's averaging provisions, rather than a minimum area, and the adjusted lot area still meets the Management Plan's averaging provisions.

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

Parts (e) and (f) can both be complied with as both lots are able to support future development with on site services fully within their boundaries.

Because of a failure to comply with part (a) of the boundary adjustment rules, the zones' minimum lot sizes then need to be considered in order to determine activity status.

Table 13.7.2.1: Minimum Lot Sizes

(i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	**Restricted Discretionary Activity Status (Refer also to 13.8)**	**Discretionary Activity Status (Refer also to 13.9)**
The minimum lot size is 20ha.	1. The minimum lot size is 12ha; or 2. The minimum lot size is 12ha; or 3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m2 and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the	1. The minimum lot size is 4ha; or 2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m² and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or 3. A subdivision in terms of a management plan as per Rule 13.9.2 may be approved. Option 4 N/A

	subdivision is created from a site that existed at or prior to 28 April 2000; Option 5. N/A as the proposal does not utilise remaining rights.	

The title is younger than April 2000. The Lot 1 balance will be 5,937m^2 which is less than the discretionary minimum lot size. However, the lot was, and will remain, part of a Management Plan subdivision, where the average lot size is 2ha. That average is maintained – average lot size of management plan lots will be 2.1972ha. When looking at lot sizes, therefore, the boundary adjustment would be discretionary activity.

Over-riding this, however, is Rule 13.9.2.2 Management Plan Standards part (e) which reads:

(e) Any further subdivision of any lot contained within a subdivision management plan shall be a non-complying activity.

Even though no additional titles are created, the above rule renders this application a **non complying activity under the ODP**.

Other Rules:

Zone Rules:

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

District Wide Rules:

There are no relevant district wide rules in Chapter 12 of the ODP as none of the matters covered in that chapter feature on the application site. Whilst there is a water course near a boundary, there already was (Chapter 12.7). No development is planned in this application in the vicinity of that water course.

Chapter 14 Financial Contributions (esplanade reserve) is not applicable as the water course is less than 3m average width.

Chapter 15.1 Traffic, Parking and Access

Rules in Chapter 15.1.6A and 15.1.6B are not considered relevant to the proposal – which is a boundary adjustment subdivision, not a land use. Lot 2 is for the purposes of future access, however is not the only access to Lot 12 DP 333135, which already has appurtenant right of way off Okura Drive to the north. Lot 2 is simply to provide for a future option of an accessway solely for Lot 12's use should the future property owner seek to form and use that access. There is no intention to form the access as part of this boundary adjustment given that the title with which Lot 2 is to be amalgamated with, already has legal access.

Legal width of Lot 2 is 10m and can accommodate, in the future, an access to the required standard, if and when that access is constructed.

A crossing into Lot 2 is already formed, constructed to standard. Using that existing crossing for Lot 2 means that the balance Lot 1 will require its own new crossing, which can be formed to the FNDC's standards.

In summary, I have not identified any land use (zone or district wide) breaches of any other rules in the ODP.

5.3 Proposed District Plan – Appeals Version (PDP-AV)

In regard to relevant provisions in the PDP-AV, the proposal is subject to the boundary adjustment rules/standards.

The PDP-AV contains a boundary adjustment standard not that dissimilar to that in the ODP. SUB-R1, CON-1 requires boundary adjustments to comply with the minimum lot sizes applying to the zone. The proposal cannot meet this given that the Rural Production Zone's controlled activity minimum lot size is 40ha (subject to Appeal). **An inability to comply with CON-1 defaults to restricted discretionary activity status**.

CON-1 also requires a 20m x 20m building platform for each lot (noting Lot 2 is to be held with an adjacent title with abundant space for such a building platform), which can be achieved; a means to provide a water supply system, which can be achieved/required by consent; a satisfactory means of managing stormwater which can also be achieved/required by consent; satisfactory on-site wastewater treatment and disposal, again readily achieved on Lot 1; and necessary easements – of which there are none.

CON-2 requires that the boundary adjustment does not:

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

There are no existing activities other than the Management Plan, and the adjusted lot area for Lot 1 does not alter compliance with the Management Plan equivalent rule in the PDP-AV (subject to Appeal). The purpose of this boundary adjustment is to alter the number and location of access, so CON-2, item 3 cannot be complied with. Item 4 is met because there is no increase in the number of titles. **An inability to comply with all of CON-2 results in discretionary activity status.**

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

The PDP-AV's Management Plan rule (SUB-R7) contains the same average lot size as the ODP's rule – 2ha, however as stated above, is subject to Appeal.

I have not identified any PDP-AV zone rule breaches given that both the application site and the title with which Lot 2 is to be amalgamated are vacant land.

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

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

RDIS -1

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

Building platforms are located wholly outside the spatial extent of the 1 in 100 year flood hazard area – which is restricted to a very narrow margin immediately adjacent the watercourse. No flood flow will be diverted onto other properties. The accessway is not intended to be formed as part of this proposal, but when it is, it can be formed/constructed so as to ensure access remains compliant with part 3.

On the basis of the above the restricted discretionary activity status applies.

The PDP-AV also contains rules in its Natural Hazards section in regard to land use activities subject to Appeal). No land use activity is proposed as part of this application.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Effects on Okura Management Plan

Because of the application site's balance lot's ongoing involvement in the Okura Management Plan and the obligations and responsibilities that come with that, it is pertinent to assess the effects of this boundary adjustment on the Okura Management Plan and the application site's role in that Plan.

The Management Plan's purpose and objectives in managing the Okura Trust subdivision are:

- *to ensure a well-designed, sustainable settlement pattern on the application site that achieves the most efficient use of the site and results in positive outcomes; while*

- *minimising the adverse effects on the environment, and enhancing the environment where possible; and*
- *ensuring the enhancement and maintenance of amenity values and character values; and*
- *ensuring the enhancement and maintenance of indigenous vegetation and habitat in and adjacent to riparian areas and elsewhere within the Management Plan area; and*
- *protecting indigenous fauna, particularly avian species; and*
- *mitigating against potential reverse sensitivity effects; and*
- *providing public walkway along Okura Stream, by way of an Esplanade Strip; and*
- *providing for passive recreation opportunities for the owners of lots subject to the Management Plan, via shared covenant areas and pedestrian accessways; and*
- *having regard to cultural values in the design of the development and its ongoing management*.

It is proposed to cancel any and all Management Plan obligations as they would apply to new Access Lot 2, and to retain all Management Plan obligations for the balance Lot 1. The land being transferred is only a very small percentage of the overall land subject to the Management Plan and does not affect the Management Plan's ability to continue to meet the 2ha average lot size required.

It is noted that the western boundary of the application site is also the boundary of the Management Plan subdivision. In other words the adjacent Lot 8 DP 548286 is not part of the Management Plan. The proposal, by removing the land in proposed Lot 2 from the Management Plan, effectively adjusts the boundary of the Management Plan subdivision 10m to the east, with little adverse impact on the Management Plan subdivision.

The application site is not subject to any planting or landscaping requirements pursuant to the Okura Subdivision Landscape Enhancement Plan. The proposal therefore has no adverse effect on the landscape objectives of the Management Plan. Nonetheless the vendor and purchaser have agreed that the access lot will be attractively landscaped/planted, utilizing indigenous species consistent with those listed in the Landscape Enhancement Plan.

The proposal does not involve any indigenous vegetation clearance and the site does not contain a great deal of indigenous vegetation in the first instance, being mostly cleared and mown lawn coverage. There is riparian vegetation, a small amount of which may require removal or trimming to accommodate a watercourse crossing in due course, but not as part of this proposal. The proposal does not adversely impact on the indigenous vegetation and habitat objectives of the Management Plan.

The balance Lot 1 will continue to adhere to the obligations of the Management Plan in terms of pest plant and animal management and control.

The minor reduction in area of Lot 1 DP 627527 has no impact on the property's ability to meet all relevant development standards and ongoing obligations associated with the Okura Subdivision Management Plan including access, stormwater management, wastewater management, water supply, building setback from boundaries, and building coverage.

The removal of a 10m access lot down the western boundary of Lot 1 DP 627527 does not adversely impact on the findings and recommendations of the original Management Plan's Haigh Workman Engineering Report, which showed indicative building envelope and disposal areas well clear of the proposed Lot 2 area.

The balance lot will still be able to easily comply with the zone's impermeable and building coverage permitted standards. In any event, the lot has ongoing obligations in regard to stormwater management pursuant to consent notice requirements.

The appurtenant easement rights applying to the application site will not be affected by the proposed boundary adjustment.

6.2 Allotment Sizes and Dimensions

Proposed balance Lot 1 remains of an appropriate size and dimension to easily accommodate a 30m x 30m (ODP) and 20m x 20m (PDP-AV) square building envelope, complying with boundary setbacks. No building is proposed on Lot 2, which is for future access only and which is to be held with the larger Lot 12 DP 333135 which will accommodate the buildable area for the adjusted title.

6.2 Natural and Other Hazards

Natural hazards were assessed as part of the original Management Plan subdivision. At that time neither the PDP-DV, nor the NPS Natural Hazards were in play. The only natural hazard applicable to the site is the very small (marginal) overflow from the watercourse. This does not extend up into the application site's buildable area or disposal and reserve disposal areas. The original Subdivision Suitability Report supporting the management plan application found that the flood risk status was 'low' and the flood susceptibility was 'low'.

The reduction in area of the Management Plan balance lot does not alter these findings.

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

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

   The balance Lot 1 retains a suitable and stable building platform, access and servicing. Lot 2 does not require one.

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

See comment under (a). Lot 1 is consented for future residential living and this can readily be accommodated outside of any flood hazard area. Lot 2 is future access where the site to which access may be provided already has legal and physical access elsewhere. This means we are not in a situation where the only access to a site is subject to flooding.

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

There will be no material damage through inundation or erosion.

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

see comment under item (b) above. Lot 1 is accessed via Okura Drive, public road and the entrance/crossing into the site is not subject to flooding.

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

Nil effect on the functions of floodplains or overland flowpaths.

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

Nil effect on upstream or downstream properties.

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

At some point in the future, a crossing over the small tributary creek/stream will be required to access Lot 12 from Lot 2. This is not proposed as part of this application. When construction of the crossing is considered, there will be a need for design by a suitably qualified professional given the presence of potential flood hazard.

The application site was part of land investigated pursuant to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS). These investigations, the latest of which supported the management plan application, concluded that is was "highly unlikely that subdivision on Sec 3 SO 496053 & subdivision and a land use change to residential at pending Lot 3 Portion of Sec 1 SO 496053 will pose a risk to human health." The legal descriptions referred to were those in place at the time the PSI was written, and did include the application site.

There has been no land use change on the application site since that PSI and therefore the findings remain valid.

6.3 Water Supply

There is no Council reticulated water supply available to the property. The existing consent notice in regard to the provision of a potable and fire fighting water supply at time of building consent will continue to apply to the balance Lot 1. There is no need for such a consent notice to apply to Lot 2 given that it will not be capable of supporting a residential dwelling.

6.4 Energy Supply & Telecommunications

Power and phone is not a requirement for rural subdivision, and there is an existing consent notice that will continue to apply to the balance Lot 1 in that regard. Again, there will no activity requiring power or telecoms established within Lot 2.

6.5 Stormwater Disposal

A comprehensive Subdivision Site Suitability Report supported the original management plan application. This did not identify any overland flowpath or stormwater detention areas relevant to, or within, the application site. The reduction in lot area does not result in an inability to meet the permitted activity impermeable surface coverage of 15% applying in the zone. The balance Lot 1 will continue to be subject to a consent notice clause in regard to stormwater management.

If and when access is formed within Lot 2, this will create impermeable coverage. However, by the time that occurs, Lot 2 will have been amalgamated with Lot 12 DP 333135, resulting in a total site area of over 2ha and coverage will be easily within the permitted activity coverage threshold (3,000m^2 impermeable coverage).

6.6 Sanitary Sewage Disposal

See above. The reduction in balance lot area does not adversely impact on the lot's ability to accommodate an on-site wastewater treatment and disposal system, consistent with the original Haigh Workman report, and in compliance with the Regional Plan for Northland. The balance lot 1 will continue to be subject to a consent notice(s) in regard to on site wastewater in any event, including a clause that would enable the lot to connect to Council wastewater network should capacity allow in the future.

Lot 2 is incapable of supporting any structure requiring on site wastewater treatment and disposal.

6.7 Easements for any purpose

Refer to Plan(s) in Appendix 1. No new easements are proposed or required.

6.8 Property Access

As stated earlier, there is an existing formed access into the application site off vested public road (Okura Drive extension). This will provide access into proposed Lot 2 and a new crossing is proposed for the balance Lot 1, likely immediately adjacent, or not far from, the existing. This will be formed to the appropriate standard consistent with all other crossings formed as part of the Management Plan consent. The picture below shows the existing formed crossing leading directly onto proposed 10m Lot 2 Access lot alignment.

The proposal does not create any additional traffic movements initially, but once the Lot 2 access is formed and utilised by the future lot owner, then potentially some or all of the lot's residential traffic will make use of Okura Drive past the point of where their existing access is (also off Okura Drive). I understand the agreement between parties restricts the use of Lot 2 access to a single residential use only. I consider this to have a less than minor effect on Okura Drive's ability to operate safely and efficiently.

6.9 Earthworks

No earthworks required other than any minor works associated with the formation of new crossing to balance Lot 1. Compliance with both the ODP and PDP-DV permitted activity thresholds is easily achievable.

6.10 Building Locations

As stated previously, the slight reduction in area of the balance Lot 1, to remain part of the Management Plan subdivision, does not adversely impact on future building location. The lot can continue to provide a safe building platform, and accommodate on site services.

6.11 Preservation and enhancement of heritage resources (including cultural), vegetation, fauna and landscape, and land set aside for conservation purposes

Vegetation, fauna and landscape

The Management Plan features a host of objectives in regard to indigenous vegetation and fauna, and landscape/amenity considerations. The application site, however, does not feature in the Landscape Plan except for existing Riparian Vegetation, not all of which is indigenous. Neither does the application site have any protected areas that feature elsewhere within the Management Plan. There are ongoing pest plant and animal strategy requirements and these will continue to be upheld by the owners of the balance Lot 1.

The existing riparian vegetation is labelled on the Landscape Enhancement Plan as just that - "existing trees". There is no further reference to those trees in terms of any protection or enhancement plantings. A detailed Planting Plan was accepted by the Council as part of the final Management Plan. This also did not reference the 'existing trees' as being part of any protection or enhancement objectives or initiatives. In fact the approved Planting Plan made the specific comment that existing vegetation may be removed. See excerpt below.

> There are a number of existing shelter trees located along a number of the proposed lot boundaries, principally Lots 10, 11 and 12. As these trees are very large they may in the future be removed. If this was to occur the areas of shelterbelts that are removed should be replanted with the "landscape amenity enhancement plantings".[3]

Lot 10 is the application site.

To my way of thinking, this provides the rationale for the removal of some of the riparian vegetation in the future to accommodate a crossing over the water course. It is proposed that Lot 2 be planted, consistent with the species listed in the landscape amenity enhancement plantings documentation and plans. It is worth noting that natives have already been planted on the south side of the stream in anticipation of shelterbelt removal.

In summary, the proposal does not adversely affect any of the management plan's objectives and initiatives in regard to the preservation and enhancement of indigenous vegetation, fauna and landscape.

The PDP-DV contains provisions, objectives and policies, around wetland, lake and river margins. However, these only apply where a 'river' has average width exceeding 3m, which the watercourse on the boundary of the application site does not.

Heritage/Cultural

The original management plan subdivision addressed heritage and cultural issues and Ngati Rehia were involved in the application process. I do not believe the proposal has any impact on heritage/cultural matters.

6.12 Soil

The soils on the property are predominantly mapped as being LUC 4. There is a tiny amount of LUC 3 soils in the vicinity of the Lot 2 access lot (which is already a formed crossing). The proposal does not adversely affect the life supporting capacity of soil.

6.13 Access to, and protection of, waterbodies

The proposal, as presented, has nil adverse effect on waterbodies. If and when access is formed within Lot 2, this can be done in such a way so as to ensure no adverse effects on the waterbody that may come about because of additional runoff. Crossing the watercourse will potentially require works either on the sides of the watercourse (bridging), or within the watercourse itself (culvert). The formation of a metal (or sealed/concreted) access requires at least a 10m setback from a "smaller river". A resource consent would likely be required under the current ODP's Chapter 12.7 setback rule, which requires any impermeable surfaces to be a certain distance from a watercourse, minimum distance being 10m.

Rules in the PDP-AV controlling earthworks or indigenous vegetation clearance, or structures, in regard to natural character of wetland, lake and river margins (under Appeal), only apply to rivers with average width of greater than 3m. I have not identified any rule in the PDP-AV equivalent to the ODP's Chapter 12.7 setback requirements for smaller rivers.

6.14 Land use compatibility (reverse sensitivity)

The proposal does not change the existing allowable and planned level of density and does not alter land uses. I do not consider the proposal has any adverse reverse sensitivity effects.

6.15 Proximity to Airports

The site is outside of any identified buffer area associated with any airport.

6.16 Natural Character of the Coastal Environment

The site is not within the coastal environment.

6.17 Energy Efficiency and renewable Energy Development/Use

The proposal has not considered energy efficiency. This is an option for future lot owners

6.18 National Grid Corridor

The National Grid does not run through the application site.

6.19 Effects on Rural Character and Amenity

The application site is part of a consented management plan subdivision that took into account effects on rural character and amenity. The proposal does not adversely affect either.

6.20 Cumulative and Precedent Effects

Cumulative Effect:

The proposal does not create any additional title or development right. As such there are no adverse cumulative effects.

Precedent Effect:

Precedent effects are a matter for consideration when a consent authority is considering whether or not to grant a consent. The proposal does not set an adverse precedent or threaten the integrity of either the ODP or PDP-AV. Both plans provide for Management Plan subdivision and the proposal does not adversely affect the application site's ability to continue to part of a consented management plan subdivision. The Council has recently granted similar consent for the same property to be involved in a boundary adjustment with another adjacent property in order to rationalise the boundary in terms of watercourse and vegetation. In doing so the Council set a precedent that it clearly considered acceptable.

6.21 Partial Cancellation of Consent Notice

The application includes the partial cancellation of Consent Notice 13343924.5 as registered on Lot 1 DP 627527 such that it will not apply to Lot 2 on the annotated plan in Appendix 1. This is consistent with the approach taken with 2260325-RMASUB, where the small amount of the original Management Plan lot that was to transfer to another title, outside of the Management Plan, had the consent notice cancelled off it. The effects of this on the Management Plan subdivision are discussed in section 6.1. In terms of other components of the Consent Notice in question, like the clauses relating to the Management Plan, they are not relevant to the small Lot 2, because it cannot support residential living. Clauses (i)-(v) are all related to a residential dwelling and so are not applicable.

In summary, there are no adverse effects of cancelling the consent notice from applying to Lot 2 on the plans attached to this application.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are considered to be primarily those listed in Chapter 8.6 (Rural Production Zone); and 13 (Subdivision), of the District Plan. These are listed and discussed below where relevant to this proposal.

Subdivision Objectives & Policies

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

This is an enabling objective. The Rural Production Zone is predominantly, but not exclusively, a working productive rural zone. The application site is already well under-sized for being a productive rural property, being more aligned with rural residential lot sizes rather than rural production. In addition, no additional title is being created, therefore no additional development rights. I consider the continued use of the land for rural residential purposes to be a suitable and sustainable use of the land.

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.

The Assessment of Environmental Effects and supporting information conclude that the proposed subdivision is appropriate for the site and that the subdivision can avoid, remedy or mitigate any potential adverse effects.

Objectives 13.3.3 and 13.3.4 refer to outstanding landscapes or natural features; and scheduled heritage resources; and to land in the coastal environment. The site exhibits none of these features.

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.

The application site is already subject to an ongoing consent notice in regard to the provision of on-site water supply at time of building consent.

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.

This objective encourages Management Plan applications, and the application site is part of an ongoing Management Plan subdivision, so should be encouraged.

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.

And related Policy

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

The site is not known to contain any sites of cultural significance to Maori, or wahi tapu. The subdivision will have minimal, if any, impact on water quality. I do not believe that the proposal adversely impacts on the ability of Maori to maintain their relationship with ancestral lands, water, sites, wahi tapu and other taonga.

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.

The provision of power is not a requirement for rural allotments. The application site is subject to an ongoing consent notice in this regard. The lot with which Lot 2 is to amalgamated has existing power to boundary. In any event, no additional title is being 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.

The boundary adjustment subdivision has not considered energy efficiency. It does not impact on available building platforms.

Objective 13.3.11 is not discussed further as there is no National Grid on or near the subject site.

Policies

13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:
(a) natural character, particularly of the coastal environment;
(b) ecological values;
(c) landscape values;
(d) amenity values;
(e) cultural values;
(f) heritage values; and
(g) existing land uses.

The values outlined above, where relevant to the proposal, have been discussed earlier in this report. I believe sufficient regard has been had to items (a) through (g).

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

13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State

Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.

Safe access can be provided. No additional title is created.

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

The site is identified as having a very thin/slender area along the watercourse that might be subject to flooding. This is well clear of any area likely to be developed within the balance Lot 1 and while the access Lot 2 may be affected by the flood hazard mapping, a crossing can readily be constructed ensuring sufficient height above flood hazard for safe passage. In any event, the access is not the only access to the property with which it is being amalgamated. There is existing legal and physical access via an appurtenant right of way.

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

Power and telecommunications are not a requirement for rural allotments. The land with which Lot 2 is to be amalgamated already has power.

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

The site does not contain any heritage resources. There are no areas of indigenous vegetation or habitat of any note. The site is not in the coastal environment and whilst there is a riparian area currently vegetated, this is not near any part of the balance Lot 1 that might be developed in the future. Whilst a small amount of riparian vegetation may eventually need to be cleared to accommodate a stream crossing of some type, this is not part of this application, and in any event, additional planting within Lot 2 is proposed to maintain amenity.

Policy 13.4.7 is not relevant as there is no qualifying water body to which esplanade requirements apply.

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

This is discussed earlier. The additional lots will require on-site water supply and storage.

Policies 13.4.9 and 13.4.10 are not discussed further. The former relates to bonus development donor and recipient areas, which are not contemplated in this proposal; whilst the latter only applies to subdivision in the Conservation Zone.

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

The application is consistent with the above policy given that the balance Lot 1 remains part of a consented Management Plan subdivision.

*13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to **s6 matters**. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:*
(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;
(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of 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.
(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

S6 matters (National Importance) are addressed later in this report.

In addition:

(a) The proposal does not create any additional titles;
(b) The proposal is not in an area displaying high or outstanding natural values;
(c) The site contains no significant indigenous vegetation;
(d) The site is not within the coastal environment;
(e) The proposal enables the maintenance of amenity and rural character values;
(f) The proposal is not believed to negatively impact on the relationship of Maori with their culture;
(g) There are no identified heritage values within the site; and
(h) The site is not subject to any significant natural hazards that would limit future development.

I consider the proposal to be consistent with Policy 13.4.13.

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

The subdivision has had regard to the underlying zone's objectives and policies – see below.

13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following: (a) development of energy efficient buildings and structures; (b) reduced *travel distances and private car usage; (c) encouragement of pedestrian and cycle use; (d) access to alternative transport facilities; (e) domestic or community renewable electricity generation and renewable energy use*

The subdivision layout has taken the above matters into account where relevant.

Policy 13.4.16 is not considered relevant as it only relates to the National Grid.

In summary, I believe the proposal to be consistent with the above Objectives and Policies.

<u>Rural Production Zone Objectives and Policies</u>

Objectives:

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

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

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

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

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

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

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

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

And policies

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

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

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

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

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

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

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

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

Objective 8.6.3.5 and Policy 8.6.4.6 are not considered relevant as they are solely related to Kerikeri Road.

The proposed subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). Reverse sensitivity effects are not likely to arise given that no additional titles are being created (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, and the underlying goal is to avoid any actual and potential adverse effects of conflicting land use activities. I believe in the case of this proposal, given the site's location, the existing and proposed land uses around it, and the fact that no additional title is created, that there will be no additional adverse reverse sensitivity effects. The site being subdivided does not contain any highly versatile soils other than a very small area in proximity to the Lot 2 entrance, part of a larger area to the north mapped as having LUC 3 soils.

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

In summary, I believe the proposal to be consistent with the objectives and policies as cited above.

7.2 Proposed District Plan (AV) Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the PDP-AV:

SUB-O1 *Subdivision results in the efficient use of land, which:*
a. achieves the objectives of each relevant zone, precinct, development area, overlays and the district wide provisions;
b. contributes to the existing or planned local character and sense of place;

c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;
d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;
e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and
f. manages adverse effects on the environment.

Despite being the subject of a Management Plan subdivision, and despite the fact that this has rendered the land no longer able to be utilised for larger scale rural production purposes, the Council has persisted with a Rural Production zoning in the PDP-DV. The zoning is no longer appropriate for the Management Plan lots.

The zone's objective is primarily to provide for the continuation of rural production use, but with a marked emphasis on the protection of highly productive land, which this site is generally not. We therefore have a situation where a site deliberately zoned Rural Production by the Council is already incapable of meeting the zone's primary objective. This is not good policy planning. Why zone land for a use that it is not capable of achieving.

The zone also enables residential use. I consider the proposal to be consistent with the existing local character and sense of place. Reverse sensitivity issues do not arise. Development can occur outside of any areas at risk of hazard and adverse effects on the environment are readily managed.

SUB-O2 *Subdivision recognises and provides for the protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, wetland, lake and river margins, areas of significant indigenous vegetation and significant habitats of indigenous fauna, Sites and Areas of Significance to Māori, and Historic Heritage.*

The site does not exhibit any of the features listed above. As such the objective is not overly relevant.

SUB-O3 *Infrastructure is planned to service the proposed subdivision and development where:*
a. there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and
b. where no existing connection is available infrastructure is planned and connections made with the wider infrastructure network.

The application site is not within an area of benefit for Council's 3 waters and will be self sufficient in regard to wastewater treatment and disposal. It is noted, however, that the application site is subject to consent notice clauses that do provide for future connection to Council's wastewater system should capacity provide for that. Water supply and stormwater management will be on-site and there are existing consent notice clauses in this regard.

SUB-O4
Subdivision is accessible, connected, and integrated with the surrounding environment including by providing for:
a. Safe transport connections including active modes of public transport where practicable;
b. new, and connection to existing public open spaces;
c. esplanade where land adjoins the coastal marine area; and
d. esplanade where land adjoins other qualifying water bodies.

Parts (a) and (b) are relevant. Access is existing and no new titles are created. The application site is part of a management plan subdivision which includes access to esplanade strip along the banks of the Okura Stream, north of the site.

SUB-O5
Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities.

The site does not contain any sufficiently large area of highly productive land to warrant its protection.

SUB-O6
Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure.

The application site is part of a management plan subdivision previously consented by the Council.

SUB-P1
Enable boundary adjustments that:

- *a. Do not alter:*
  - *i. The degree of non compliance with District Plan rules and standards;*
  - *ii. The number and location of any access; and*
  - *iii. The number of certificates of title.*

The boundary adjustment is consistent with the majority of the above policy.

SUB-P2 *Enable subdivision for the purpose of public works, infrastructure, reserves or access.*

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

SUB-P3 *Provide for subdivision where it results in allotments that:*
a. are consistent with the planned environment of the zone or precinct;
b. comply with the minimum allotment sizes for each zone or precinct;
c. have an adequate size and appropriate shape to contain a building platform; and
d. have legal and physical access.

As stated earlier, the application site is already well under the PDP-AV's currently proposed minimum lot sizes. However, it is part of a management plan subdivision, with which its area is consistent noting the 2ha averaging provision. In this regard, being part of a management plan, a type of subdivision encouraged in the Rural Production Zone, I consider the proposal consistent with part (a) and generally consistent with part (b). In regard to parts (c) and (d) of the policy, the balance Lot 1 remains of adequate size and shape to contain a building platform, and has legal and physical access.

SUB-P4
Manage subdivision design and layout in the General Residential, Mixed Use, Medium Density Residential, Town Centre and Settlement zoneto ….

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

SUB-P5

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

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

SUB- P6

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

The site does not adjoin any qualifying waterbody.

SUB-P7

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

The proposal is not a rural lifestyle subdivision. It involves an application site that is better described as rural residential and certainly the lot area confirms this. Furthermore the lot is part of an already consented Management Plan, and will remain so.

SUB-P8

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

Part (a) of the policy above is not relevant. The proposal meets the aim of parts b(i) & (ii) because while there is a tiny area of highly productive land across the northern corner of the site, this is already ‘separated’ from the much larger area of mapped highly productive land to the north. The proposal does not result in any cumulative loss of the availability or productive capacity of highly productive land for use by farming. In regard to part b(iii) the application site is already substantially smaller than a productive unit. The proposal is not a rural lifestyle subdivision (part iv).

SUB-P9

Restrict rural residential
subdivision inthe Rural Lifestyle zone unless the development ….

….

The site is not zoned Rural Lifestyle.

SUB-P10
To protect amenity and character by avoiding the subdivision of minor residential units from principalresidential units where resultant allotments do not comply with minimum allotment size and residential density.

Not applicable. There are no minor residential units.

SUB-P11 *Consider the following matters where relevant when assessing and managing the effects of subdivision:*
a. The potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate;
b. consistency with the scale, density, design and character of the environment and purpose of the zone;
c. the location, scale and design of buildings and structures;
d.the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;
e. managing natural hazards;
f. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and
g. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

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

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

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

The proposal does not impact on the availability of land for primary production, mainly because the site is already too small for use for primary production. Only a very small part of the application site is mapped as 'highly productive land' and this is already 'fragmented' off the much larger area defined as highly productive land by the road.

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

This objective is an activities based objective rather than one related to subdivision. In any event the application site is part of a lawfully established (consented) management plan subdivision.

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

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

There is no area of highly productive land within the site large enough to be utilised for productive purposes. It covers the area of the existing access into the site and is already separated from the larger area of class 3 soils because of the road. The proposal is consistent with parts a-c. The proposal does not exacerbate natural hazards and the proposed balance Lot 1 is able to be serviced with on-site infrastructure.

RPROZ-O4

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

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

RPROZ-P1

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

The proposal is not for a primary production activity.

RPROZ-P2

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

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

The application is not for a land use activity.

RPROZ-P3

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

Refer to earlier comments in regard to reverse sensitivity.

RPROZ-P4

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

a. *a predominance of primary production activities;*
b. *low density development with generally low site coverage of buildings or structures;*

c. *typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
d. *a diverse range of rural environments, rural character and amenity values throughout the District.*

The application site is not in an area where primary production activities are predominant, being part of a consented management plan and where most of the surrounding area is no longer in production. The application site already exists and no additional titles are being created. The proposal does not adversely affect character or amenity values.

RPROZ-P5
Avoid land use that:

No land use being applied for – not relevant.

RPROZ-P6
Avoid subdivision that:

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

The above policy is repetitive of the equivalent subdivision policy. Refer to commentary earlier in this report.

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

a. *whether the proposal will increase production potential in the zone;*
b. *whether the activity relies on the productive nature of the soil;*
c. *consistency with the scale and character of the rural environment;*
d. *location, scale and design of buildings or structures;*
e. *for subdivision or non-primary production activities:*
    i. *scale and compatibility with rural activities;*
    ii. *potential reverse sensitivity effects on primary production activities and existing infrastructure;*
    iii. *the potential for loss of highly productive land, land sterilisation or fragmentation*
f. *at zone interfaces and the rail designation boundary*:
    i. *any setbacks, fencing, screening or landscaping required to address potential conflicts;*
    ii. *the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
g. *the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
h. *the adequacy of roading infrastructure to service the proposed activity;*
i. *Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*

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

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

7.3 Part 2 Matters

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- *(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

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

6 Matters of national importance

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

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

The site does not exhibit the features listed above.

7 Other matters

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

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". These include 7(b), (c), (d), (f) and (g). The application site is part of a management plan subdivision where the above matters were taken into account in granting consent to that management plan subdivision. This proposal does not alter that.

8 Treaty of Waitangi

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

The principles of the Treaty of Waitangi have been considered and it is believed that this proposed subdivision does not offend any of those principles.

In summary, it is considered that all matters under s5-8 inclusive have been adequately taken into account.

7.4 National Policy Statement – Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS HPL) warrants brief mention given the application site is mapped as having a small triangular area of "highly productive land" in its most northern corner. The area mapped as such, within the application site, is 350m^2 and already fragmented from the much larger area to the north, also mapped as 'highly productive land'.

The area concerned is located where the existing access into the application site is located, so is already 'compromised' in regard to likely future impermeable cover. It will similarly be where the new access Lot 2's crossing will be. The boundary adjustment subdivision makes little, if any, difference to the availability of 350m^2 of "highly productive land" for productive use, simply because it cannot be usefully put to that use in any event.

The balance of the application site is not 'highly productive land'.

Section 3.8 of the NES – HPL, *Avoiding subdivision of highly productive land,* provides for subdivision where the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term.

I believe the comments made in the above first two paragraphs adequately demonstrates that the lots (noting no additional titles are created) will retain the overall productive capacity of the subject land over the long term.

7.5 Other National Policy Statements and National Environmental Standards

NES Assessing and Management Contaminants in Soil to Protect Human Health

This NES was fully addressed in the Management Plan application that created the application site. No consent is required pursuant to the above NES.

7.6 Regional Policy Statement

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

Objective 3.6 Economic activities – reverse sensitivity and sterilisation

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

(a) Reverse sensitivity for existing:

(i) Primary production activities; ....

The associated Policy to the above Objective is ***Policy 5.1.1 – Planned and coordinated development***.

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

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects; ...

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and ...

Policy 5.1.1 seeks to ensure that subdivision in a primary production zone does not *"materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities"*.

This has been discussed at length elsewhere in this planning report. The boundary adjustment subdivision does not *"materially reduce the potential for soil-based primary production on land with highly versatile soils"*.

5.1.3 Policy – Avoiding the adverse effects of new use(s) and development

Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:

(a) Primary production activities in primary production zones (including within the coastal marine area);......

In regard to this subdivision, it is considered that no additional adverse reverse sensitivity issues are likely to arise as a result.

8.0 s104D GATEWAY TEST FOR NON COMPLYING ACTIVITIES

The subdivision is a non complying activity under the ODP because the further subdivision of a Management Plan lot is a non complying activity, even if only a boundary adjustment. It should be noted, however, that the boundary adjustment is a discretionary activity under the PDP-AV.

S104D of the Act requires a consent authority to be satisfied of one or other, or both, of the following thresholds to be met, before it can consider granting consent.

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of—

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

The proposal will not create adverse effects on the environment of a more than minor nature. The proposal is not contrary to the objectives and policies of the Operative District Plan, nor the Proposed District Plan-AV. I consider the proposal to meet at least one of the gateway tests, if not both.

9.0 s95A-E ASSESSMENT & CONSULTATION

9.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Step 1 specifies when public notification is mandatory in certain circumstances. No such circumstances exist. Step 2 of s95A specifies the circumstances that preclude public notification. No such circumstance exists and Step 3 of s95A must be considered. This specifies that public notification is required in certain circumstances. No such circumstance exists. In summary public notification is not required pursuant to Step 3 of s95A.

9.2 S95B Limited Notification Assessment

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

9.3 S95D Level of Adverse Effects

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

9.4 S95E Affected Persons

A person is an 'affected person' if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). A person is not an affected person if they have provided written approval for the proposed activity.

Whilst the activity is a non complying activity under the ODP, the fact remains that no additional title is being created, and no additional development rights will result. The balance Lot 1 remains part of the originally consented management plan. The proposed access Lot 2 will be held with the adjacent property. Whilst it will at some point provide access, this will be low usage, residential type 'traffic'. The intent is to landscape/plant the length of the access Lot 2 on both its northwest and southeast boundaries to maintain amenity. I have reached the conclusion that the proposal will not have any minor or more than minor effects on adjacent properties.

10.0 CONCLUSION

The site is considered suitable for the proposed boundary adjustment subdivision. Effects on the wider environment are no more than minor. The proposal is not considered contrary to the relevant objectives and policies of the Operative District Plan or Proposed District Pan (AV). The proposal is considered to be consistent with relevant objectives and policies of National and Regional Policy Statements.

Part 2 of the Resource Management Act has been had regard to. There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified. No affected persons have been identified.

It is requested that the Council give favourable consideration to this application and grant consent.

[redacted]

Signed Dated 21st August 2026

Lynley Newport,
Senior Planner
Thomson Survey Ltd

11.0 LIST OF APPENDICES

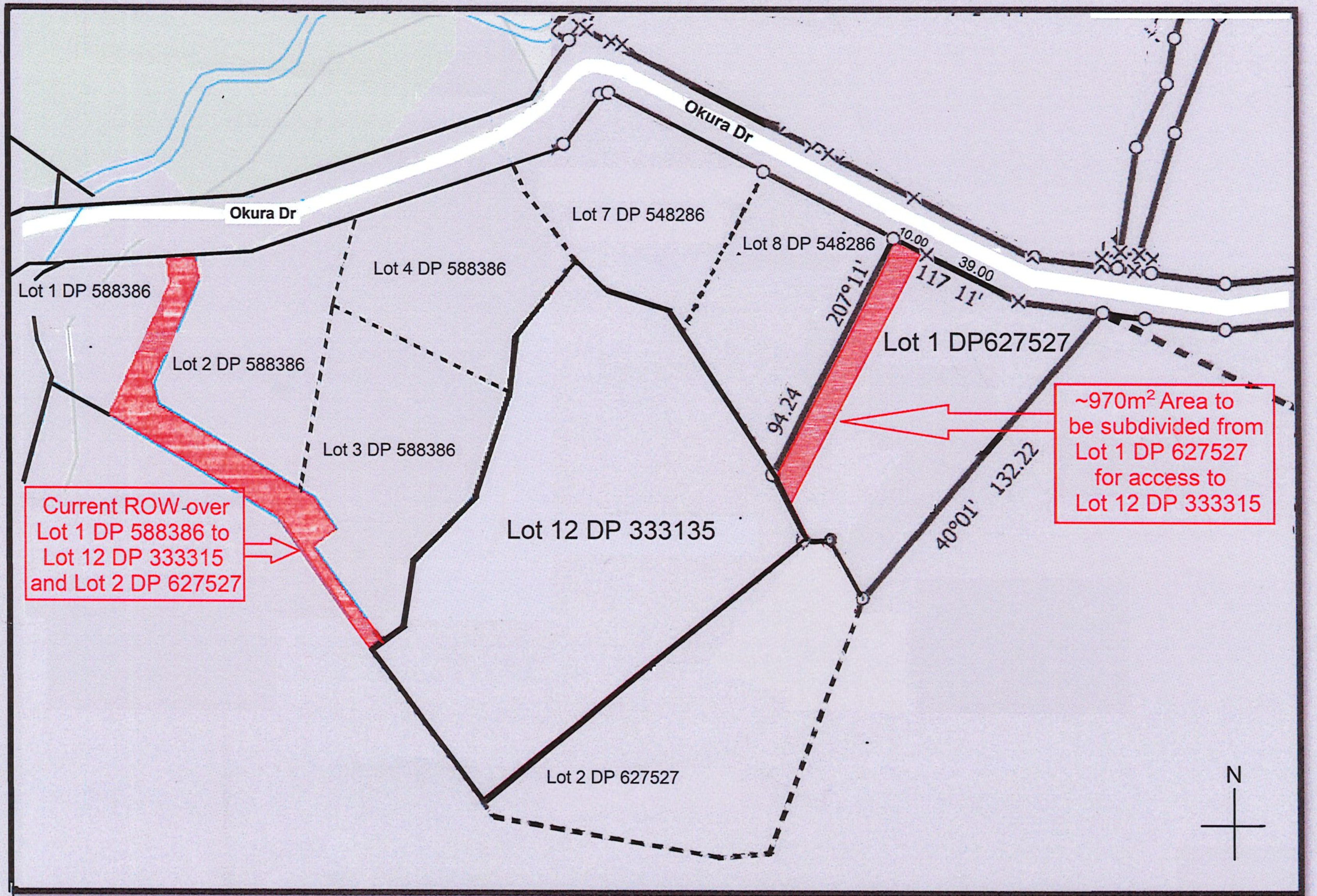
Appendix 1 Plan(s)

Appendix 2 Location Plan

Appendix 3 Record of Title & Relevant Instruments

Appendix 1

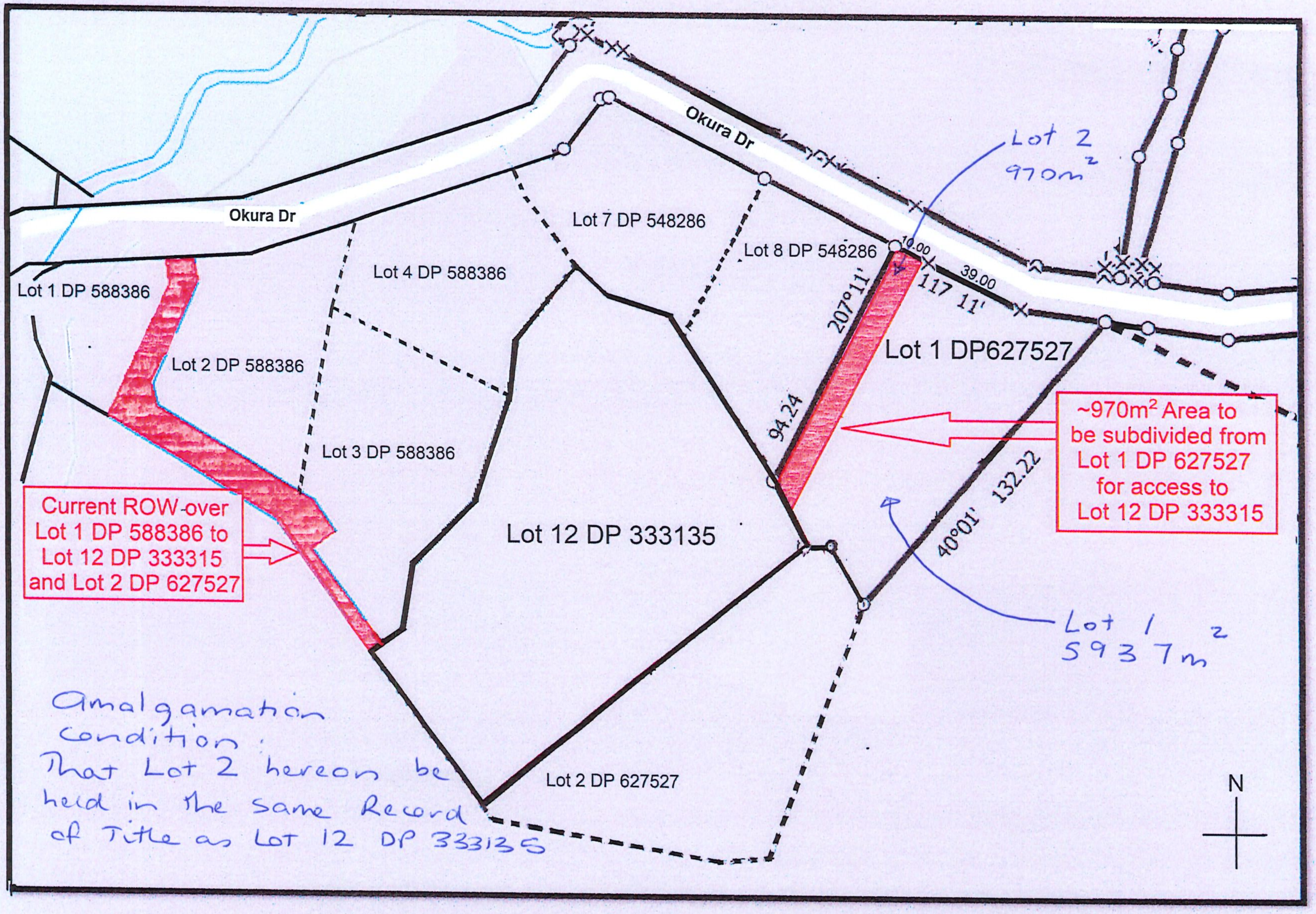
Plan(s)



FOR APPLICATION BY OKURA TRUST AND MONRO LEE DEVELOPMENTS 20 JULY 2026

PROPOSED BOUNDARY CHANGE SUBDIVISION BETWEEN LOT 1 DP627527 AND LOT 12 DP333135 OKURA DRIVE, KERIKERI

ORIGINAL SCALE 1:2000 SHEET SIZE A4



FOR APPLICATION BY
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20 JULY 2026

PROPOSED BOUNDARY CHANGE SUBDIVISION BETWEEN
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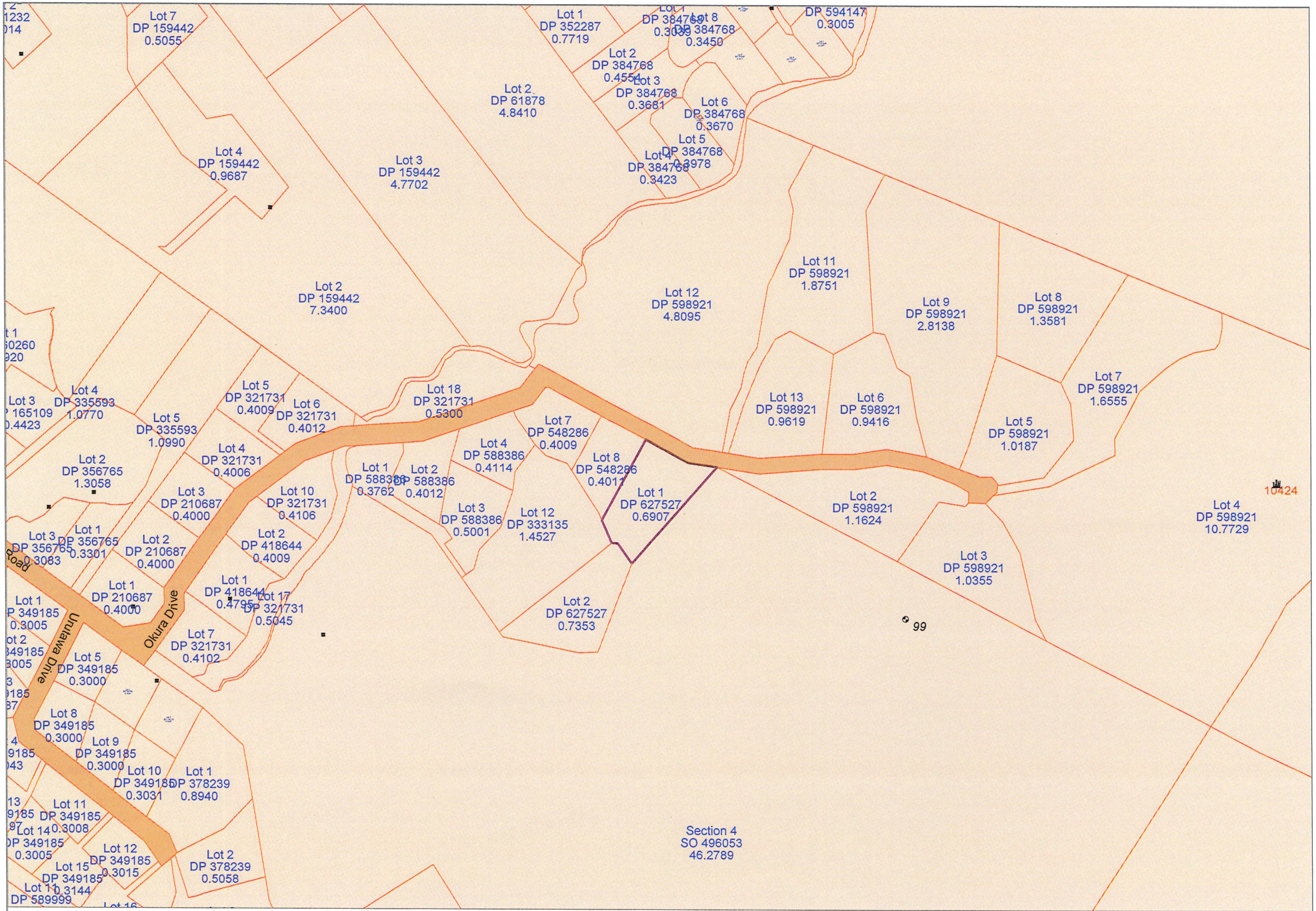
ORIGINAL
SCALE 1:2000
SHEET SIZE A4

Appendix 2

Location Plan



Scale 1:5000

0 50 100 150 200 250 300 350 400 450 500 550 600m

QuickMap
Custom Software Ltd

Any person wishing to rely on the information shown on this map must independently verify the information

Topographical and Cadastral map derived from LINZ data. Printed: 17-Aug-2026 02:21.

Appendix 3

Records of Title & Relevant Instruments

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier **1280387**
Land Registration District **North Auckland**
Date Issued 14 May 2026

Prior References
1174363

Estate	Fee Simple
Area	6907 square metres more or less
Legal Description	Lot 1 Deposited Plan 627527

Registered Owners
Craig Stephen Lee, Toni Lee Monro and PM Trustee Limited

Interests

Subject to Section 168A Coal Mines Act 1925

Subject to Section 8 Mining Act 1971

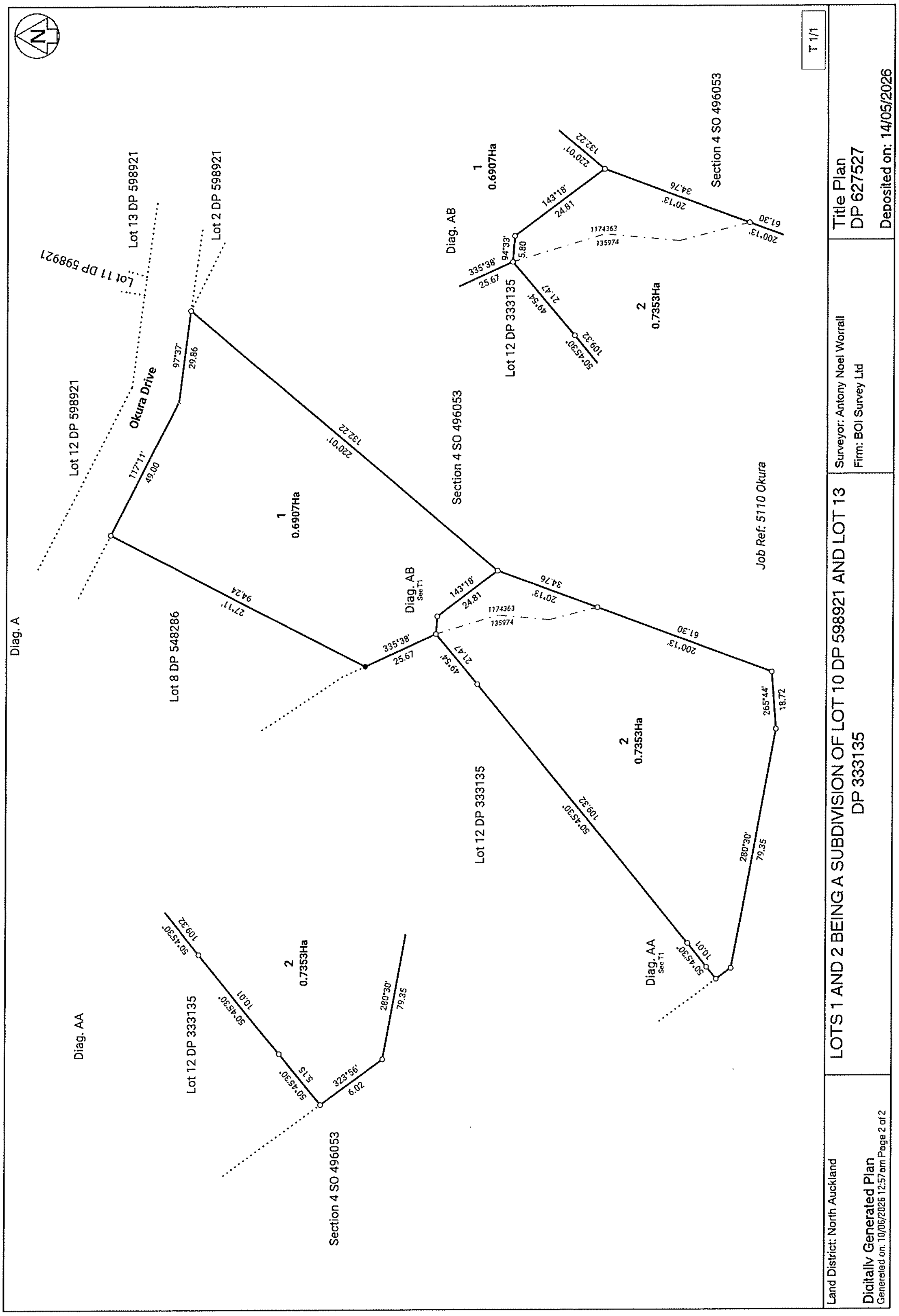
13343924.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 7.8.2025 at 3:55 pm

Appurtenant hereto is a right to drain sewage created by Easement Instrument 13343924.6 - 7.8.2025 at 3:55 pm

Appurtenant hereto is a right to drain sewage created by Easement Instrument 13343924.8 - 7.8.2025 at 3:55 pm

The easements created by Easement Instrument 13343924.8 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant (in gross) in favour of Okura Residents' Association Incorporated created by Covenant Instrument 13343924.10 - 7.8.2025 at 3:55 pm


LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 10 DP 598921 AND LOT 13 DP 333135
Surveyor: Antony Noel Worrall
Firm: BOI Survey Ltd
Title Plan
DP 627527
Deposited on: 14/05/2026
Land District: North Auckland
Digitally Generated Plan
Generated on: 10/06/2026 12:57am Page 2 of 2
T 1/1
Job Ref: 5110 Okura
Okura Drive
Lot 13 DP 598921
Lot 2 DP 598921
Lot 11 DP 598921
Lot 12 DP 598921
Lot 8 DP 548286
Lot 12 DP 333135
Section 4 SO 496053
1
0.6907Ha
2
0.7353Ha
Diag. A
Diag. AA
Diag. AB
1174363
135974
97°37' 29.86
117°11' 49.00
220°01' 132.22
27°11' 94.24
335°38' 25.67
143°18' 24.81
20°13' 34.76
200°13' 61.30
265°44' 18.72
280°30' 79.35
50°45'30" 109.32
50°45'30" 10.01
49°54' 21.47
94°33' 5.80
50°45'30" 5.15
323°56' 6.02

View Instrument Details

Instrument No	13343924.5
Status	Registered
Lodged By	Baker, Lisa Anne
Date & Time Lodged	07 Aug 2025 15:55
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	**Land District**
1174365	North Auckland
1174355	North Auckland
1174356	North Auckland
1174357	North Auckland
1174358	North Auckland
1174359	North Auckland
1174360	North Auckland
1174361	North Auckland
1174362	North Auckland
1174363	North Auckland
1174364	North Auckland
1174354	North Auckland

Annexure Schedule	Contains 3 Pages

Signature

Signed by Isabella May Nathan as Territorial Authority Representative on 27/05/2025 09:45 AM

***** End of Report *****

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Far North District Council

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0800 920 029
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THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING **RC 2220225**
Being the Subdivision of Lot 1 DP 548286 & Lot 2 DP 555928
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 2-11 and 13 DP 598921

i. In the event that capacity allows and a wastewater connection to Council's Reticulated sanitary sewerage system can be made, then, in conjunction with any building constructed on the lot, the property owner shall obtain all necessary consents, and install a raw sewage storage tank, macerating pump, and delivery line with a connection into the Council reticulation sanitary sewerage system. The raw sewage storage tank shall have a sufficient charge capacity to contain a minimum of 24 hours wastewater production and shall be fitted with a high-level audible alarm installed to warn of pump or system failure.

ii. Where connections or capacity on the Council reticulation sanitary sewerage system is not available, and only in such event, then sites will require an on-site wastewater disposal system, where the lot owner shall obtain a Building Consent and install a wastewater treatment and effluent disposal system. The system design should be developed noting the recommendations of the Engineering Report by Haigh Workman dated July 2020 reference 19 100 and provided with RC 2220225, and shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area.

For on-site wastewater disposal system:

a) The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.

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b) Following 12 months of operation of the wastewater treatment and effluent disposal system the lot owner shall provide certification to Council that the system is operating in accordance with its design criteria.

c) On Lots 2 to 11 and 13 a maintenance contract for the on-site wastewater system shall be in place at all times which includes inspections and maintenance of both the wastewater treatment and disposal systems.

iii. Upon construction of any habitable dwelling on Lots 2 to 11 and 13, sufficient water supply for firefighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by firefighting appliances in accordance with Far North District councils district plan and more particularly with the New Zealand Fire Service Fire Fighting Code of Practice SNZ PAS 4509:2008.Demonstration of achievement of an alternative means of compliance with this standard will be considered to satisfy this requirement but note that written approval from the NZ Fire service is required.

iv. Future owners of the subject lots are advised that there are no conventional electricity or telecommunication connections provided Far North District Council will not be responsible for ensuring nor providing electricity or telecommunication connections to the proposed lot, upon future development of the site, or at the time of further subdivision.

v. In conjunction with any future development on proposed Lots 2 to 11 and 13, the Lot owner shall submit a stormwater management report that is prepared by a Chartered Professional Engineer or suitably qualified person in accordance with the FNDC Engineering Standards for Council approval. The report shall reference the recommendations of the Site Suitability Report by Haigh Workman reference 19 100 dated July 2020 and submitted with the application. Stormwater runoff from new buildings and impermeable surface areas on the lot shall be restricted to that of pre-development levels for a 10% AEP storm event plus an allowance for climate change.

Lots 2-13 DP 598921

vi. Residents' Association: The owner of each allotment within the subdivision shall be required to be a member of the Okura Residents Association and both the owner of each allotment shall adhere to the conditions of the approved management plan. In the event of default of any site owner on any obligations under these conditions, Council will call upon the Residents' Association to fulfil these conditions.

vii. Management Plan: The owner of each lot shall be required at all times to comply with all aspects of the final management plan approved under conditions 3 (d) and (e) of RC2220225 including in respect of landscaping and building design controls, pet controls and reverse sensitivity controls.

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Lot 4 DP 598921

viii. The owner of Lot 4 shall not build or construct or permit to be built or constructed on that part of the land identified as area X on the survey plan any dwelling or other building to be used as a residence, to maintain a buffer zone for the Kerikeri Wastewater Treatment Plant.

ix. The owner of Lot 4 shall retain the indigenous vegetation as indicated on the survey plan, as area Y and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Cowley

SIGNED:

Ms Nicola Cowley - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at **KERIKERI** this 30th day of August 2024