

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

☐ Yes ☐ No

2. Type of consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| ☐ Land Use | ☐ Discharge |
| ☐ Fast Track Land Use* | ☐ Change of Consent Notice (s.221(3)) |
| ☐ Subdivision | ☐ Extension of time (s.125) |
| ☐ 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 Te Hono at Far North District Council, tehonosupport@fndc.govt.nz

5. Applicant details

Name/s:	Margaret Carroll	
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	7220 State Highway 1, Pakaraka	
	Postcode	

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:	Steven Sanson - Bay of Islands Planning	
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	PO Box 318, Paihia 0247	
	Postcode	

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:	refer records of titles attached as Appendix A	
Property address/ location:		
	Postcode	

8. Application site details

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

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

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

Site visit requirements:

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

Is there a dog on the property? ☐ Yes ☐ No

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

9. Description of the proposal

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

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

10. Would you like to request public notification?

☐ Yes ☐ No

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

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

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

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

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

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

☐ Subdividing land

☐ Changing the use of a piece of land

☐ Disturbing, removing or sampling soil

☐ Removing or replacing a fuel storage system

13. Assessment of environmental effects:

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

Your AEE is attached to this application ☐ Yes

14. Draft conditions:

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

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

15. Billing Details:

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

Name/s: (please write in full)

MARGARET MARY CARROLL

Email:

Phone number:

Work (Retired)

Home

Postal address:

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

7220 SH1

RD 2

Pokaraka

Kaikōhe

Postcode

0472

Fees Information

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

15. Billing details continued...

Declaration concerning Payment of Fees

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

Name: (please write in full)

MARGARET MARY CARROLL

Signature:

(signature of bill payer)

Date 14/11/25

MANDATORY

16. Important Information:

Note to applicant

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

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

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

Fast-track application

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

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

Privacy Information:

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

17. Declaration

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

Name (please write in full)

MARGARET MARY CARROLL

Signature

Date 14/11/2025

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

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

- ☐ Payment (cheques payable to Far North District Council)
- ☐ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ 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.

BAY OF ISLANDS PLANNING (2022) LIMITED

**Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri**

Email – office@bayplan.co.nz Website - www.bayplan.co.nz

.....
25 November 2025

Dear Team Leaders,

Re: Proposed 2-Lot Subdivision [Boundary Adjustment] & Amalgamation at 7220 State Highway 1, Ohaeawai

Our client, M.M. Carroll, seeks to undertake a 2-lot subdivision [boundary adjustment] of Lot 1 DP 191136 (RT: NA121A/34), located at 7220 State Highway 1, Ohaeawai.

The proposal is to subdivide the 4.6087 ha parent title into:

- **Proposed Lot 1:** 1.4 ha (containing the existing dwelling and ancillary buildings)
- **Proposed Lot 2:** 3.2 ha (comprising flat land in pasture)

Proposed Lot 2 is to be amalgamated with the adjoining property, Lots 1-3 DP 192678 and Section 15 Blk IX Kawakawa S.D. (RT: NA121C/200), as per the amalgamation condition on the scheme plan. Therefore, no new titles are created.

Consultation has been undertaken with the New Zealand Transport Agency (NZTA), and their written approval is attached.

Overall, the application is a **Non-Complying Activity**.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,



Steven Sanson
Consultant Planner

1. INTRODUCTION

The applicant seeks to carry out a 2-lot subdivision to separate the existing residential dwelling from the balance pasture land, which will then be amalgamated with an adjoining farm.

The records of title for the subject site (NA121A/34) and the adjoining amalgamation site (NA121C/200) are found in **Appendix A**.

The proposed scheme plan showing the subdivision and amalgamation condition is provided in **Appendix B**.

As the site gains access from the State Highway, consultation has been undertaken with the New Zealand Transport Agency (NZTA). Their written approval (Ref: 2025-1399) is provided in **Appendix C**.

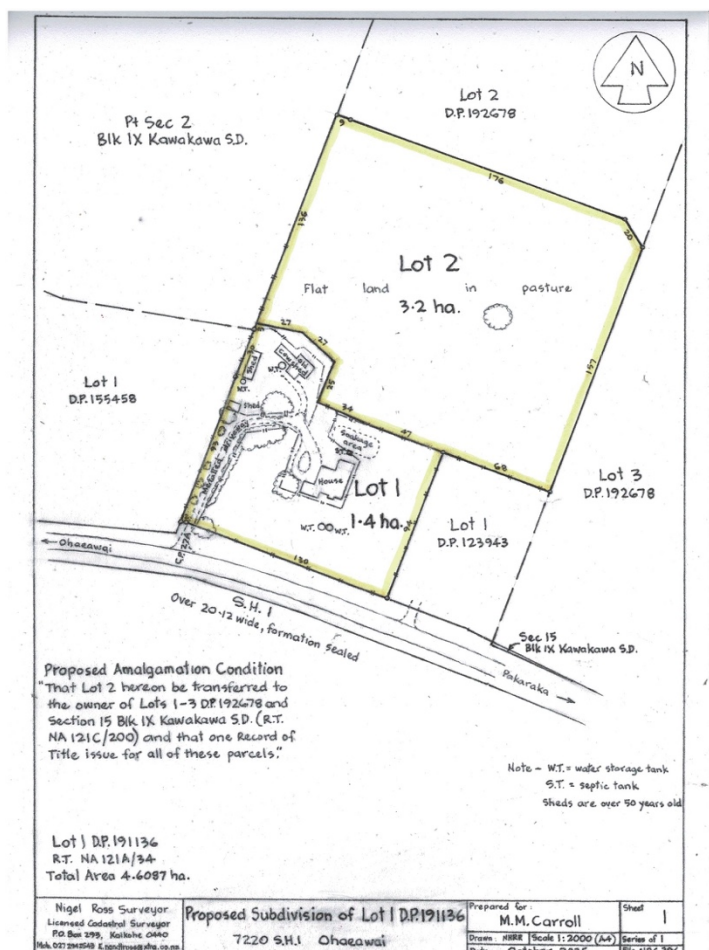


Figure 1 – Scheme Plan [Source: Nigel Ross Surveyor]

2. SITE & SURROUNDS

The two records of title subject to the application are provided below in Figures 2 and 3.

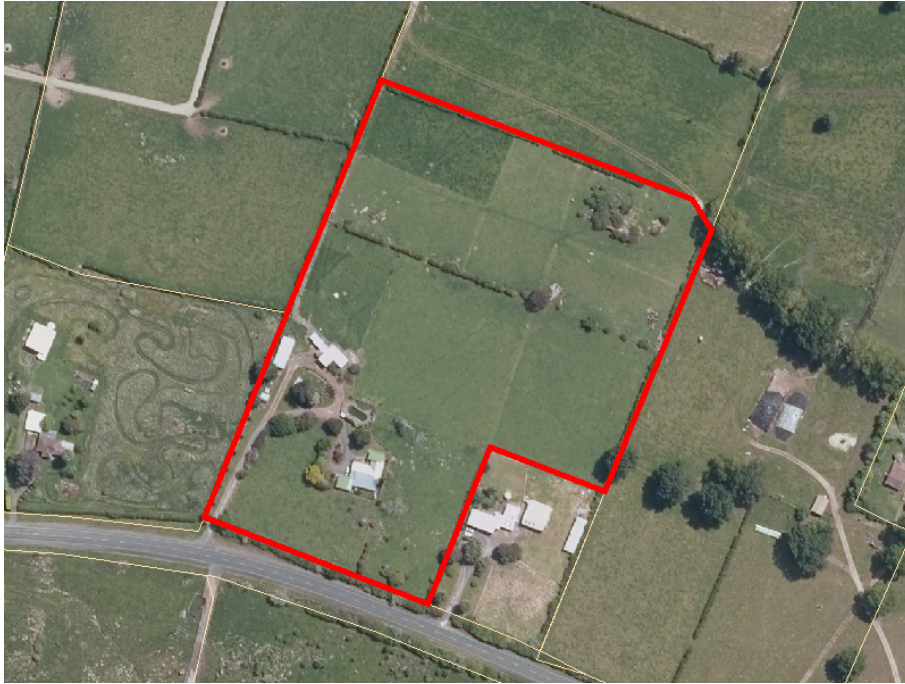


Figure 2 – Lot 1 DP 191136, M Carroll [Source: Prover]



Figure 3 – Lots 1-3 DP 192678, L Chappell [Source: Prover]

The subject site is Lot 1 DP 191136, a 4.6087-hectare title with frontage to State Highway 1. It currently contains an existing dwelling, ancillary sheds, and on-site services (water tank and septic tank). The land is part residential curtilage and part flat pasture.

The adjoining land to the north and east, which will be amalgamated with Proposed Lot 2, is Lots 1-3 DP 192678 (RT: NA121C/200), a large rural holding of 71.7191 hectares.

Access to the subject site is via an existing vehicle crossing (CP 27A) from State Highway 1, which is a Limited Access Road.

Under both the Operative District Plan (ODP) and Proposed District Plan (PDP), the site is zoned Rural Production Zone.

The site is not known to be affected by any other overlays or zoning attributions (e.g. Outstanding Natural Landscapes, Significant Natural Areas, or heritage). The surrounding environment is characterised by large rural-productive landholdings.

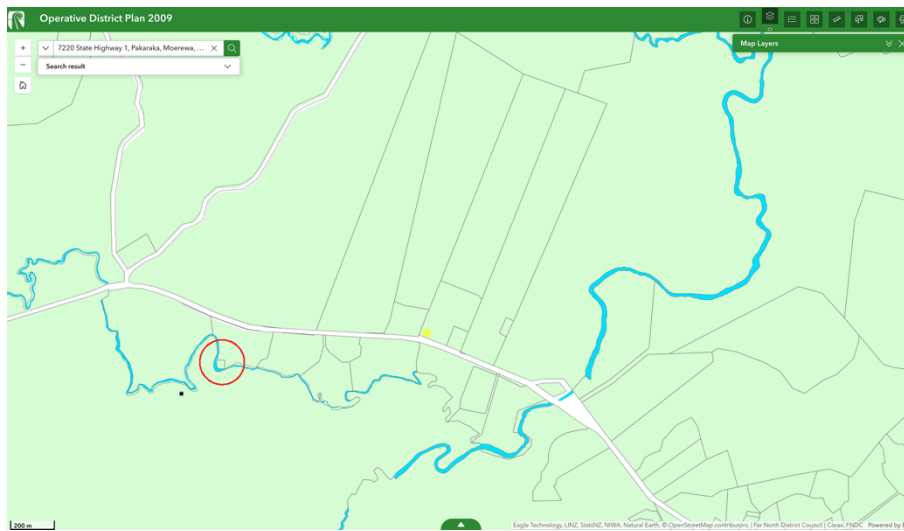


Figure 4 – Zoning ODP [Source: Far North Maps]

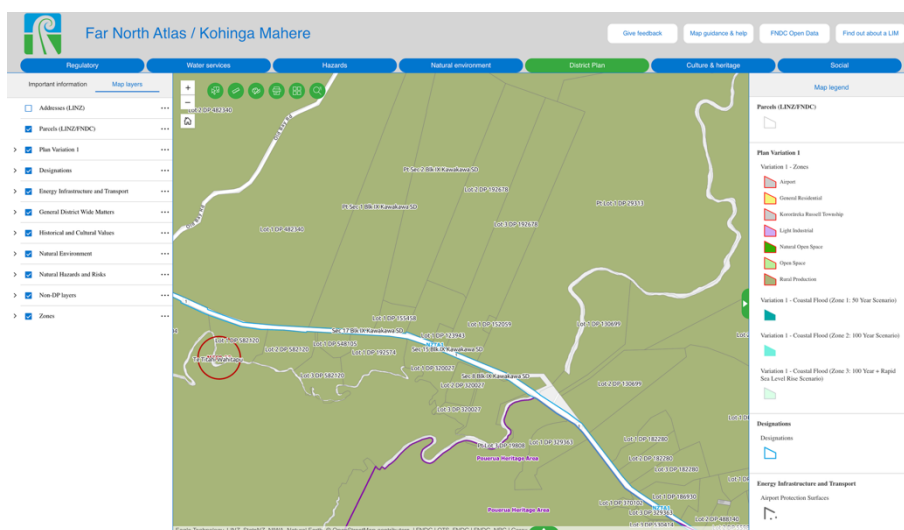


Figure 5 – Zoning PDP [Source: Far North Maps]

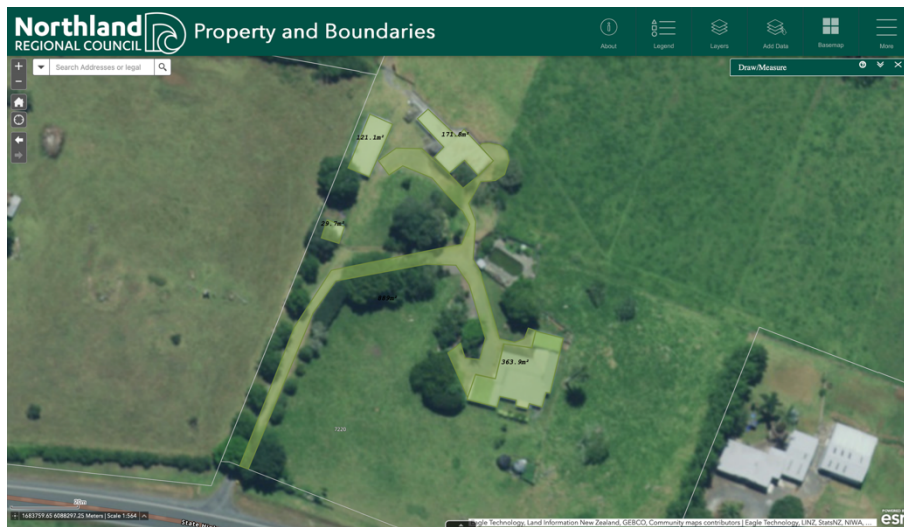


Figure 6 – Coverage [Source: Far North Maps]

The existing built coverage on site is as follows:

- House – 363.9m²
- Old Shed – 171.8m²
- Shed – 121.1m²
- Shed – 29.7m².

The existing impervious surface coverage is:

- Accessways – 889m².

Therefore, total coverage is 1,575.5m² [11.25%] and building coverage is 686.5m² [4.9%].

As Lot 2 is vacant and proposed to be amalgamated, no calculations are considered required.

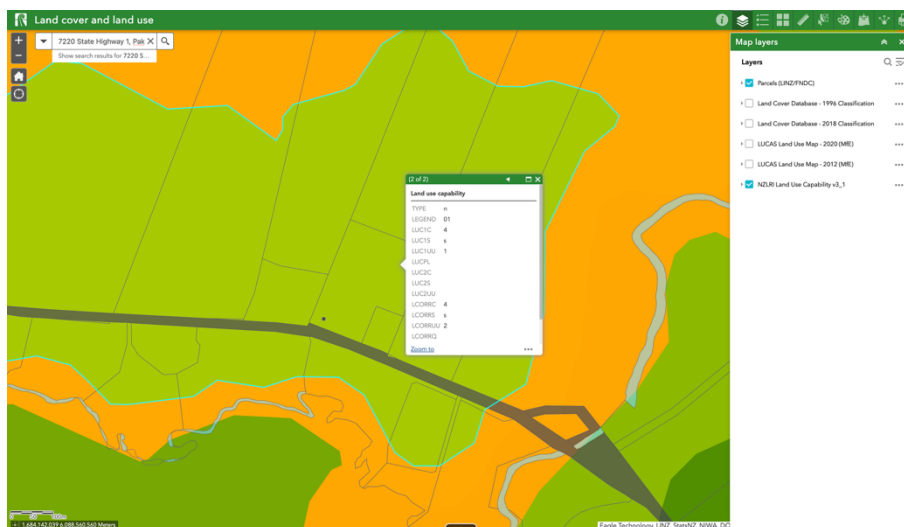


Figure 7 – Soils [Source: Far North Maps]

Soils on the site are Class 4.

3. RECORD OF TITLE, CONSENT NOTICES AND LAND COVENANTS

The applicant and the adjusting owner wish to surrender the easements created by Transfer D315274.5. These are not conditional easements, so Council is not involved in the surrender.

A very old (1934) Pipeline Easement through the property can also be ignored. This easement is redundant, having been removed from adjoining titles, and an approach from the applicants solicitor to LINZ Crown Property Section will result in its surrender.

The other instruments are not considered relevant, but can be provided if requested. NZTA provide their approval and relevant conditions of approval.

4. DESCRIPTION OF THE PROPOSAL

The proposal is to subdivide the 4.6087 ha parent lot (Lot 1 DP 191136) into two new lots:

- Proposed Lot 1: 1.4 ha
- Proposed Lot 2: 3.2 ha

The design ensures that Proposed Lot 1 contains the existing dwelling, sheds, and associated residential curtilage. No works are required to give effect to the proposed subdivision.

A component of the proposal is the amalgamation of Proposed Lot 2 (3.2 ha) with the adjoining 71.7191 ha title (NA121C/200). This action means no new titles are created, and the total number of titles remains the same.

The proposal is best described as a reorganisation of the land to provide a more efficient and appropriate lot layout.

It creates a formal lifestyle allotment (Lot 1) for the existing residential use and consolidates the balance productive pasture land (Lot 2) with the larger, adjoining farm.

This is a positive outcome that prevents unnecessary fragmentation and supports the productive capacity of the wider rural environment.

5. REASONS FOR CONSENT

The tables below provide an assessment against the applicable ODP and PDP performance standards.

ODP Standards

Table 1 – Rural Production Zone – Land Use Standards

Rule	Standards	Assessment
------	-----------	------------

Residential Intensity	Permitted – One unit per 12ha of land	Lot 1 will contain an existing dwelling. Lot 2 will be in pasture. Complies
Sunlight	Permitted - No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary	None of the buildings will exceed the sunlight standard as a result of the adjusted boundaries. Complies
Stormwater Management	Permitted - The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 15%.	Lot 1 has 11.25% coverage. Complies
Setback from Boundaries	Permitted - No building shall be erected within 10m of any site boundary;	No buildings encroach the 10m setback from the adjusted boundary. Complies
Keeping of Animals		Not relevant to proposal. Complies
Noise		Not relevant to proposal. Complies
Building Height	Permitted - The maximum height of any building shall be 12m.	No changes to existing buildings proposed. Complies
Helicopter Landing Area		Not relevant to proposal. Complies
Building Coverage	Permitted - Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 12.5% of the gross site area.	Lot 1 has 4.9% coverage. Complies
Scale of Activities	Permitted – The dwelling is exempt. For activities not including farming and plantation forestry 4 persons per site or 1 person per hectare of net site area, whichever is greater. Discretionary – Non compliance with the permitted standard where the activity is not either ancillary to farming or forestry.	Not relevant to proposal. Complies
Temporary Events		Not relevant to proposal.

		Complies
--	--	-----------------

Table 2 – District Wide Standards

Rule	Standard	Assessment
12.1 Landscape & Natural Features	12.1.6.1.1 Protection of Outstanding Landscape Features 12.1.6.1.2 Indigenous Vegetation Clearance in Outstanding landscapes 12.1.6.1.3 Tree Planting in Outstanding Landscapes 12.1.6.1.4 Excavation and/or filling within an outstanding landscape 12.1.6.1.5 Buildings within outstanding landscapes 12.1.6.1.6 Utility Services in Outstanding Landscapes	Not relevant to proposal. Complies
12.2 Indigenous Flora and Fauna	12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District 12.2.6.1.2 Indigenous Vegetation Clearance in the rural Production and Minerals Zones 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone 12.2.6.1.4 Indigenous Vegetation Clearance in Other Zones	Not relevant to proposal. Complies
12.3 Earthworks	12.3.6.1.1 Excavation and/or filling, excluding mining and quarrying, in the Rural Production Zone or Kauri Cliffs Zone Permitted – Maximum of 5,000m ³ within a 12-month period and cannot be higher than 1.5m cut or fill.	No works are required for the proposal. Complies
12.4 Natural Hazards	12.4.6.1.1 Coastal Hazard 2 Area 12.4.6.1.2 Fire Risk to Residential Units	Not relevant to proposal. Complies

Rule	Standard	Assessment
12.5 Heritage	12.5.6.1.1 Notable Trees 12.5.6.1.2 Alterations to/and maintenance of historic sites, buildings and objects 12.5.6.1.3 Registered Archaeological Sites	Not relevant to proposal. Complies
12.5A Heritage Precincts	There are no Heritage Precincts that apply to the site.	Not relevant to proposal. Complies
12.6 Air	Not applicable	Not relevant to proposal. Complies
12.7 Lakes, Rivers, Wetlands and the Coastline	12.7.6.1.1 Setback from lakes, rivers and the coastal marine area 12.7.6.1.2 Setback from smaller lakes, rivers and wetlands 12.7.6.1.4 Land Use Activities involving the Discharges of Human Sewage Effluent 12.7.6.1.5 Motorised Craft 12.7.6.1.6 Noise	Not relevant to proposal. Complies
12.8 Hazardous Substances		Not relevant to proposal. Complies
12.9 Renewable Energy and Energy Efficiency		Not relevant to proposal. Complies

Chapter 15 - Transportation standards		
Maximum daily one-way traffic movements - Rural Production	Permitted – 60 Restricted discretionary – 61 - 200	Not new traffic is generated. Complies
Parking	Permitted - Appendix 3C – 1 per every 5 persons the facility is designed for.	No new parking requirements result from the subdivision. Complies
Access	Permitted – Private access may serve a maximum of 8 household	The access arrangement has been considered by NZTA in this instance

	equivalents (80 vehicle movements)	and their feedback is provided in Appendix C. Complies
--	------------------------------------	---

Table 3 – Subdivision Standards

Subdivision Performance Standard	Comment
Rule 13.6.1 Definition of Subdivision of Land	The application meets the definition of subdivision as defined in the Resource Management Act 1991.
Rule 13.6.2 Relevant Sections of Act	These are applied to the application.
Rule 13.6.3 Relevant Sections of the District Plan	These are applied to the application.
Rule 13.6.4 Other Legislation	There are no other pieces of legislation which are triggered by the proposal.
Rule 13.6.5 Legal Road Frontage	The site is currently accessed via State Highway 1.
Rule 13.6.6 Bonds	Not applicable
Rule 13.6.7 Consent Notices	There are no consent notices that apply to the site.
Rule 13.6.8 Subdivision consent before work commences	No works are envisaged.
Rule 13.6.9 Assessing Resource Consents	Council are likely to impose conditions to address effects of the proposal.
Rule 13.6.10 Joint Applications	Not applicable
Rule 13.6.11 Joint Hearings	Not applicable
Rule 13.6.12 Suitability for Proposed Land Use	The application sites are not affected by natural hazards and sufficient provision for legal and physical access to each of the allotments proposed are existing.
Rule 13.7.2 Allotment Sizes, Dimensions and Other Standards	
Performance Standard	Comment

Subdivision Performance Standard	Comment
Rule 13.7.2.1 – Minimum Lot Sizes	The proposed subdivision creates Lot 1 that is smaller than 4ha. Non Complying Activity
Rule 13.7.2.2 – Allotment dimensions	This can be achieved.
Rule 13.7.2.3 – Amalgamation of land in a rural zone with land in an urban or coastal zone	Not applicable.
Rule 13.7.2.4 – Lots divided by zone boundaries	Not applicable.
Rule 13.7.2.5 – Sites divided by an outstanding landscape, outstanding landscape feature or outstanding natural feature	Not applicable
Rule 13.7.2.6 – Activities, Utilities, Roads and Reserves	Not applicable
Rule 13.7.2.7 – Savings as to previous approvals	Not applicable
Rule 13.7.2.8 – Proximity to Top Energy transmission lines	Not applicable
Rule 13.7.2.9 – Proximity to National Grid	Not applicable

PDP performance standards

These comprise relevant rules that have immediate effect under the PDP.

Table 4 – PDP Standards With Legal Effect

Proposed District Plan

Matter	Rule/Std Ref	Relevance	Compliance	Evidence
Hazardous Substances Majority of rules relates to development within a site that has heritage or cultural items scheduled and mapped however Rule HS-R6 applies to any development within an SNA – which is not mapped	Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource HS-R5, HS-R6, HS-R9	N/A	Yes	Not relevant to proposal. Complies
Heritage Area Overlays (Property specific) This chapter applies only to properties within identified heritage area overlays (e.g. in the operative plan they are called precincts for example)	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	N/A	Yes	Not relevant to proposal. Complies
Historic Heritage (Property specific and applies to adjoining sites (if the boundary is within 20m of an identified heritage item)). Rule HH-R5 Earthworks within 20m of a scheduled heritage resource. Heritage resources are shown as a historic item on the maps) This chapter applies to scheduled heritage resources – which are called heritage items in the map legend	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	N/A	Yes	Not relevant to proposal. Complies

Notable Trees (Property specific) Applied when a property is showing a scheduled notable tree in the map	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	N/A	Yes	Not relevant to proposal. Complies
Sites and Areas of Significance to Māori (Property specific) Applied when a property is showing a site / area of significance to Maori in the map or within the Te Oneroa-a Tohe Beach Management Area (in the operative plan they are called site of cultural significance to Maori)	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	N/A	Yes	Not relevant to proposal. Complies
Ecosystems and Indigenous Biodiversity SNA are not mapped – will need to determine if indigenous vegetation on the site for example	All rules have immediate legal effect (IB-R1 to IB-R5)	N/A	Yes	Not relevant to proposal. Complies
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	N/A	Yes	Not relevant to proposal. Complies
Earthworks all earthworks (refer to new definition) need to comply with this	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect:	Yes	Yes	Not relevant to proposal. Complies

	EW-S3, EW-S5			
Signs (Property specific) as rules only relate to situations where a sign is on a scheduled heritage resource (heritage item), or within the Kororareka Russell or Kerikeri Heritage Areas	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	N/A	Yes	Not relevant to proposal. Complies
Orongo Bay Zone (Property specific as rule relates to a zone only)	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	N/A	Yes	Not relevant to proposal. Complies
Comments:				
No consents are required under the PDP.				

Overall, the application will be considered as a **Non Complying Activity**.

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments. It is considered that no Regional Council authorisations are required to carry out the proposal.

6. NOTIFICATION ASSESSMENT

Public Notification

The table below outlines the steps associated with public notification insofar as it relates to s95 of the Act.

Step 1	Mandatory public notification in certain circumstances	
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	TBC
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
Step 2	if not required by step 1, public notification precluded in certain circumstances	

S95A(5)(a)	Is the application for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;	Yes
<u>Step 3</u>	<u>if not precluded by step 2, public notification required in certain circumstances</u>	
S95A(8)(a)	Is the application for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification.	No
S95A(8)(b)	Does the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor	TBC
<u>Step 4</u>	<u>public notification in special circumstances</u>	
S95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified.	No

The proposal does not meet the tests for mandatory public notification. The proposal is not precluded from public notification. There are not considered to be any special circumstances that warrant the application to be notified.

An assessment of effects is required to determine whether public notification is warranted, or not. This is undertaken below.

Limited notification

The table below outlines the steps associated with limited notification insofar as it relates to s95 of the Act.

<u>Step 1</u>	<u>certain affected groups and affected persons must be notified</u>	
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
<u>Step 2</u>	<u>if not required by step 1, limited notification precluded in certain circumstances</u>	
S95B(6)(a)	the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:	No

S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No
<u>Step 3</u>	<u>if not precluded by step 2, certain other affected persons must be notified</u>	
S95B(7)	If in the case of a boundary activity, whether an owner of an allotment with an infringed boundary is an affected person in accordance with s95E.	No
S95B(8)	If in the case of any other activity, a person is an affected person in accordance with section 95E.	TBA
<u>Step 4</u>	<u>further notification in special circumstances</u>	
<u>S95B(10)</u>	If special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section.	No

Affected Person Determination

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them.

An assessment of effects is required to determine whether limited notification is warranted, or not. This is undertaken below.

7. STATUTORY CONSIDERATIONS

Section 104B and s104D of the RMA governs the determination of applications for Non Complying Activities:

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

Section 104B: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

104D Particular restrictions for non-complying activities

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which [section 104\(3\)\(a\)\(ii\)](#) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

- (2) To avoid doubt, [section 104\(2\)](#) applies to the determination of an application for a non-complying activity.

Section 104D: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 104D(1): amended, on 18 October 2017, by [section 144](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 104D(1): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 104D(1)(a): amended, on 1 October 2009, by [section 150](#) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

With respect to Non Complying Activities, a consent authority may grant or refuse the application and may impose conditions under section 108 of the RMA.

Section 104 of the RMA sets out matters to be considered when assessing an application for a resource consent.

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#) and [section 77M](#), have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Assessment of Effects on the Environment (AEE)

The RMA (section 3) meaning of effect includes:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
 - (e) any potential effect of high probability; and
 - (f) any potential effect of low probability which has a high potential impact.

Section 104(2) of the RMA states that:

“when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”

This is referred to as the “permitted baseline”, which is based on the permitted performance standards and development controls that form part of a district plan. For an effects-based plan such as the Far North District Plan where specified activities are not regulated, determining the permitted baseline is a useful tool for determining a threshold of effects that are enabled by the zone.

In this instance, there are no permitted subdivisions / boundary adjustments.

Subdivision Effects

The assessment below considers the applicable criteria from Chapter 13 for Non Complying Activities.

13.10.1 Allotment Sizes & Dimensions

- In terms of allotment dimensions, Lot 1 contains existing development and Lot 2 is proposed to be amalgamated with a larger farm block. Both sites can contain 30m x 30m allotment dimensions.

13.10.2 Natural & Other Hazards

- The site is not impacted by any known natural hazards.

13.10.3, 13.10.4, 13.10.4 Three Waters

- Lot 1 has existing services. Lot 2 is currently vacant and is being amalgamated with a larger block. The purpose for Lot 2 is to augment the existing primary production use.

13.10.6, 13.10.7, 13.10.8 Power & Telecoms

- Energy and telecommunications are not a requirement for Rural Production Subdivision.

13.10.9 Easements

- No easements are required to provide for the subdivision.

13.10.10 Access

- The proposal does not alter access. Proposed Lot 1 will continue to use the existing approved crossing (CP 27A). Proposed Lot 2 will be accessed via the existing crossing for the farm it is joining (CP 31A). NZTA has assessed this arrangement and provided its approval, stating *“the existing standard of vehicle crossing is considered appropriate, no upgrade to the crossing places is requested by NZTA”*. Therefore, there are no adverse effects on the safety or efficiency of the transport network. As there are no changes proposed to access or infrastructure, there will be minimal [if any] earthworks required

for access / utilities.

13.10.11 Effect of Earthworks

- No works are envisaged.

13.10.12 Building Locations

- No new building locations are required or defined through this adjustment.

13.10.13 Preservation / Enhancement of Resources

- As the site does not have any known heritage resources, vegetation, fauna, landscape or conservation overlays / features applicable, it is not possible to protect or enhance these features.

13.10.14 Soils

- Soil is not of a quality which requires protection or would negate the subdivision for the purposes of carrying out rural production activities.

13.10.15 Waterbodies

- There are no relevant waterbodies that adjoin or straddle the site.

13.10.16 Land Use Incompatibility

- The proposed adjustment does not give rise to any new activities that would require an assessment of compatibility. The dwelling use on Lot 1 is compatible with pasture use for primary production.

13.10.17 Airports

- There are no airports within a reasonable proximity of the site.

13.10.18 Natural Character

- The site is not within the coastal environment.

13.10.19 Renewable Energy

- The nature of the application does not lend itself to promoting energy efficiency or renewable energy development.

13.10.20 National Grid

- Not applicable.

Overall, the responses to the specific criteria highlight the minimal effects that the proposed adjustment has on the wider environment. Effects in my view are less than minor and there are no adversely affected persons.

NES / NPS

The NES associated with soil contamination is relevant. The sites have been used for primary production in the past. However, the proposal does not effectively change the use of the underlying land under assessment or require any earthworks.

The site is not coastal or urban, so those higher order documents are not relevant.

The sites do not have high class soils and the NPS on this matter is therefore not relevant.

The proposal does not affect wetlands, water quality or quantity, or indigenous biodiversity. Those NPS / NES are also not relevant.

Northland Regional Policy Statement

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement - operative May 2016 (RPS). With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Character Area and is outside the Coastal Environment boundary.

Owing to the relevant characteristics of the site (considered earlier in the report) not all matters of the RPS are relevant when considered at a micro level. Those relevant matters are considered below.

Table 5 – Assessment of the Northland Regional Policy Statement

Objective / Policy	Comment
Integrated Catchment Management	Not relevant.
Region-Wide Water Quality	Not relevant.
Ecological Flows and Water Levels	Not relevant.
Indigenous Ecosystems & Biodiversity	Not relevant.
Enabling Economic Wellbeing	The proposal will support the owners / managers to better manage the properties and Lot 2 to better provide for efficient rural production activities.
Economic Activities – Reverse Sensitivity and Sterilization	The proposal does not result in any reverse sensitivity or sterilization effects.
Regionally Significant Infrastructure	The proposal relies on State Highway 1. Consultation with NZTA is provided in Appendix C .
Efficient and Effective Infrastructure	The proposal does not rely on any provided infrastructure from council utility providers. The proposal uses existing services provided on site.

Security of Energy Supply	Power is provided to Lot 1.
Use and Allocation of Common Resources	Not relevant.
Regional Form	The sites will retain their rural character and amenity.
Tangata Whenua Role in Decision Making	Tangata whenua may be involved in the process via Council.
Natural Hazard Risk	Not relevant.
Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage	Not relevant.

Overall, it is considered that the proposal would not be inconsistent with the RPS.

ODP Objectives and Policies

The relevant objectives and policies of the Plan are those related to the Rural Production Zone and Subdivision Chapter.

Table 6 – Assessment of the Rural Production Zone ODP

Objectives	Assessment
8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.	The boundary adjustment does little to impact the natural and physical resources of the Zone as assessed above.
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 wellbeing and for their health and safety.	The lot arrangement proposed is considered to be the most efficient use of the land that will provide for the wellbeing of the owners.
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.	The boundary adjustment neither increases nor decreases amenity values.
8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.	These significant natural values are not apparent on the site.
8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.	Not relevant.
8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully	There are no new activities proposed.

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.	There are no activities in the existing environment which are incompatible.
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.	There is no new establishment or operation of activities or services proposed.
8.6.3.9 To enable rural production activities to be undertaken in the zone.	Lot 1 can undertake rural production activities i.e small garden / produce growing / sheep / beef grazing at a small scale.
Policies	Assessment
8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.	These activities can continue.
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.	There are no off-site effects generated by the proposal.
8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.	There are no relevant land management practices of relevance in this instance.
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.	The proposal neither increases nor decreases amenity values.
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.	The proposal is considered to be appropriate as Lot 2 can be more efficiently used by the larger landholding.
8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.	Not relevant.

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.	There are no actual or potential land use incompatibility effects resulting from the proposal.
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.	There are no actual or potential land use incompatibility effects resulting from the proposal.
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.	There are no actual or potential land use incompatibility effects resulting from the proposal.

Table 7 – Assessment of the Subdivision Chapter ODP

Objectives	Assessment
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 the social, economic and cultural wellbeing of people and communities.	In this circumstance, the proposed adjustment is considered appropriate.
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 or indirectly from subdivision, including reverse sensitivity effects, are avoided, remedied or mitigated.	The proposal adjustment is considered appropriate and does not create any new activities for incompatibility / reverse sensitivity to be an issue.
13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.	Not relevant.
13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.	Not relevant.
13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage sufficient to meet the needs of the activities that will establish all year round.	Water is provided to Lot 1. Lot 2 can be provided at time of development.
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 is not proposed in this instance.
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.	Not relevant.

Policies	Assessment
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.	These are largely irrelevant save for clause [g] which has been used to determine the appropriate lot layout in this instance.
13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.	These are existing to the site.
13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.	There are no relevant natural hazards.
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.	Connections are existing for Lot 1.
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, and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.	Access is existing with no changes proposed.
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.	Not relevant.

13.4.7 That the need for a financial contribution be considered only where the subdivision would: (a) result in increased demands on car parking associated with non-residential activities; or (b) result in increased demand for esplanade areas; or (c) involve adverse effects on riparian areas; or (d) depend on the assimilative capacity of the environment external to the site.	Not relevant.
13.4.8 That the provision of water storage be taken into account in the design of any subdivision.	Lot 1 has existing access. Lot 2 can be provided at time of development [if any].
13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.	Not relevant.
13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.	Not relevant.
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.	These matters are not relevant in this instance.
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.	A management plan is not considered appropriate for this unique circumstance where a simple boundary adjustment is proposed.

13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regard to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including: (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns; (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area; (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas; (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "<i>Tangata Whenua Values and Perspectives</i>" (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.	There are no relevant s6 matters.
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.	These are considered above.

The proposal is considered to be consistent with the aims and intents of the ODP.

PDP Objectives and Policies

Table 7 – Assessment of the Rural Production Zone PDP

Objectives	Assessment
RPROZ-01 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 Council is continuing to zone the sites and area as Rural Production despite that it clearly is not in this instance.
RPROZ-02 The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.	Refer above. However, residential activities are still promoted in the Rural Production Zone which is what exists on Lot 1. Small scale opportunities for rural production also exist.
RPROZ-03 Land use and subdivision in the Rural Production zone: a. protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production; b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation; c. does not compromise the use of land for farming activities, particularly on highly productive land; d. does not exacerbate any natural hazards; and e. is able to be serviced by on-site infrastructure.	The site does not have high class soils. There are no existing or proposed reverse sensitivity effects. Farming activities are possible on the landholdings. There are no relevant natural hazards. Lot 1 is already serviced for three waters and Lot 2 can be at time of development.
RPROZ-04 The rural character and amenity associated with a rural working environment is maintained.	The boundary adjustment does not alter amenity values.
Policies	Assessment
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.	This will remain possible following the completion of the adjustment.

RPROZ-P2 Ensure the Rural Production zone provides for activities that require a rural location by: a. enabling primary production activities as the predominant land use; b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.	This will remain possible following the completion of the adjustment.
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.	There are no new sensitive activities proposed.
RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes: a. a predominance of primary production activities; b. low density development with generally low site coverage of buildings or structures; c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and d. a diverse range of rural environments, rural character and amenity values throughout the District.	The proposed subdivision neither reduces or increases amenity.
RPROZ-P5 Avoid land use that: a. is incompatible with the purpose, character and amenity of the Rural Production zone; b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; c. would result in the loss of productive capacity of highly productive land; d. would exacerbate natural hazards; and e. cannot provide appropriate on-site infrastructure.	The underlying land uses are not proposed to be changed and generate effects which are known and understood in this location.

RPROZ-P6 Avoid subdivision that: a. results in the loss of highly productive land for use by farming activities; b. fragments land into parcel sizes that are no longer able to support farming activities, taking into account: i. the type of farming proposed; and ii. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land. iii. provides for rural lifestyle living unless there is an environmental benefit.	The subdivision does not result in the loss of highly productive land. The adjustment does not change primary production potential.
--	--

RPROZ-P7 Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a. whether the proposal will increase production potential in the zone; b. whether the activity relies on the productive nature of the soil; c. consistency with the scale and character of the rural environment; d. location, scale and design of buildings or structures; e. for subdivision or non-primary production activities: i. scale and compatibility with rural activities; ii. potential reverse sensitivity effects on primary production activities and existing infrastructure; iii. the potential for loss of highly productive land, land sterilisation or fragmentation f. at zone interfaces: i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable; g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer; h. the adequacy of roading infrastructure to service the proposed activity; i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;	These specific items are addressed throughout the report with effects being less than minor.
--	---

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

Table 8 – Assessment of the Subdivision Chapter PDP

Objectives	Assessment
SUB-01 Subdivision results in the efficient use of land, which: a. achieves the objectives of each relevant zone, overlays and district wide provisions; b. contributes to the local character and sense of place; c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; e. does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and f. manages adverse effects on the environment.	The proposed adjustment is considered to be the most efficient use of land in this instance. There are no activities that exist which raise reverse sensitivity or incompatibility issues. The land use pattern is not severed, rather promotes a smaller lot pattern fronting the State Highway and allows a buffer to the rear of the sites where the more genuine rural production activities are proposed. The adjustment is clear of natural hazards.
SUB-02 Subdivision provides for the: a. Protection of highly productive land; and b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.	These aspects are not relevant.

SUB-03 Infrastructure is planned to service the proposed subdivision and development where: a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.	Infrastructure is already provided to Lot 1 and can be provided to Lot 2 at time of development.
SUB-04 Subdivision is accessible, connected, and integrated with the surrounding environment and provides for: a. public open spaces; b. esplanade where land adjoins the coastal marine area; and c. esplanade where land adjoins other qualifying waterbodies.	These factors are not relevant in this instance.
Policies	Assessment
SUB-P1 Enable boundary adjustments that do not alter: a. the degree of non compliance with District Plan rules and standards; b. the number and location of any access; and c. the number of certificates of title; and d. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.	The boundary adjustment does not result in any technical non compliance of other rules. The number and location of approved access points are not proposed to be changed. The number of certificates of titles are not proposed to be changed. The sites do not meet lot sizes, however the situation is consistent with the intent of boundary adjustments as it contains the existing residential use whilst amalgamating a larger block to be used more efficiently by a genuine rural production activity.
SUB-P2 Enable subdivision for the purpose of public works, infrastructure, reserves or access.	Not relevant.

SUB-P3 Provide for subdivision where it results in allotments that: a. are consistent with the purpose, characteristics and qualities of the zone; b. comply with the minimum allotment sizes for each zone; c. have an adequate size and appropriate shape to contain a building platform; and d. have legal and physical access.	The boundary adjustment provides for these matters, save the minimum allotment sizes. For the reasons above, the proposal is considered to be appropriate.
SUB-P4 Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan.	These matters have been considered.
SUB-P5 Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections; c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; d. contributing to a well connected transport network that safeguards future roading connections; and e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.	Not relevant.

SUB-P6 Require infrastructure to be provided in an integrated and comprehensive manner by: a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.	Infrastructure is already provided to Lot 1 and can be provided to Lot 2.
SUB-P7 Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.	Not relevant.
SUB-P8 Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision: a. will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and b. will not result in the loss of versatile soils for primary production activities.	The proposal would be for a rural lifestyle use for Lot 1, however this inappropriately discounts the fact that the overall proposal does not result in additional titles or potential for rural lifestyle and amalgamates Lot 2 with an existing rural production use that can more efficiently use and augment Lot 2 into its operation which is a more efficient use of land.
SUB-P9 Avoid rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.	Refer SUB-P8 above.
SUB-P10 To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.	Not relevant.

SUB-P11 Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application: a. consistency with the scale, density, design and character of the environment and purpose of the zone; b. the location, scale and design of buildings and structures; c. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity; d. managing natural hazards; e. Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and f. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.	These matters have been considered throughout the report.
--	--

In my view, the proposal provides general conformity with the PDP, although there are some proposed objectives and policies which cannot be truly met due to the size of the allotments and their proposed zone. The proposal can meet the objectives of the ODP.

The PDP hasn't been sufficiently considered in my view to be the 'relevant plan' under consideration for the purposes of this application.

Section 104D – 'Gateway Test'

When dealing with non-complying activities, before granting an application Council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

This consideration for non-complying activities is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for

approval, but the proposed activity must still be considered under s104. There is no primacy given to either of the two limbs, so if one limb can be passed then the 'test' can be considered to be passed.

In this instance it has been demonstrated that both the effects of the proposal are less than minor and that there is positive consistency with the objectives and policies of relevance to the proposal. Therefore, FNDC in this instance has both 'limbs' to appropriately decide in favour of this application.

8. PART II – RMA

Purpose

The proposal can promote the sustainable management of natural and physical resources on site, as the owners of the land are able to provide for their social and cultural wellbeing.

For the various reasons outlined above, the proposal is considered to meet the purpose of the RMA.

Matters of National Importance

In achieving the purpose of the RMA, a range of matters are required to be recognized and provided for. This includes:

- 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.

In context, the relevant items to the proposal and have been recognized and provided for.

Other Matters

In achieving the purpose of the RMA, a range of matters are to be given particular regard. This

includes:

- (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.

These matters have been given particular regard through the design of the proposal.

Treaty of Waitangi

The Far North District Council is required to take into account the principles of the Treaty of Waitangi when processing this consent. This consent application may be sent to local iwi and hapū who may have an interest in this application.

9. Conclusion

This application seeks resource consent to undertake a two lot subdivision which equates to a simple boundary adjustment [as the result of amalgamation], as a non-complying activity in the ODP. There are no consequential land use breaches as a result of the change of boundaries proposed.

Based on the assessment of effects above, it is concluded that any potential adverse effects on the existing environment would be less than minor and can be managed in terms of appropriate conditions of consent. Adverse effects on adjacent neighbours would be less than minor as the proposed subdivision does not change any of the underlying residential activities or effects generated in the locality.

The proposal is consistent with the relevant objectives of policies of the ODP and parts of the PDP suite. An assessment of Part II of the RMA has also been completed with the proposal generally able to satisfy this higher order document also.

On this basis, it is considered that the application is able to be processed on a non-notified basis.

Please do not hesitate to contact me should you require any additional information.



Steven Sanson
Consultant Planner



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **NA121C/200**
Land Registration District **North Auckland**
Date Issued 29 September 1998

Prior References

NA67B/913 NA91D/111

Estate Fee Simple
Area 71.7191 hectares more or less
Legal Description Lot 1-3 Deposited Plan 192678 and Section
15 Block IX Kawakawa Survey District

Registered Owners

Larry John Chappell

Interests

Subject to Section 241(2) Resource Management Act 1991

Subject to Section 59 Land Act 1948 (affects part)

922969.1 Gazette Notice declaring the adjoining State Highway No.1 to be a limited access road - 8.9.1980 at 10.53 am
(affects part)

B789404.1 Gazette Notice declaring the adjoining State Highway No.1 to be a limited access road - 1.3.1988 at 10.56 am
(affects part)

Subject to a right of way and to electricity and telephone rights over part marked A on DP 152059 created by Transfer
C487703.1 - 9.6.1993 at 2.45 pm (affects part)

Subject to a right to convey water and electricity over parts marked A and B on DP 191136 created by Transfer D315274.5
- 29.9.1998 at 10.14 am (affects part)

Appurtenant hereto is a right to convey water created by Transfer D315274.5 - 29.9.1998 at 10.14 am (affects part)

D471821.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 21.1.2000 at 3.45 pm

10561485.4 Mortgage to Rabobank New Zealand Limited - 14.10.2016 at 4:10 pm





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




R.W. Muir
Registrar-General
of Land

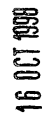
Identifier **NA121A/34**
Land Registration District **North Auckland**
Date Issued 29 September 1998

Prior References
NA67B/913

Estate Fee Simple
Area 4.6087 hectares more or less
Legal Description Lot 1 Deposited Plan 191136
Registered Owners
Margaret Mary Carroll

Interests

Subject to a pipeline right (in gross) over part marked D on DP 191136 to Her Majesty the Queen
B789404.1 Gazette Notice declaring the adjoining State Highway No.1 a limited access road - 1.3.1988 at 10.56 am
Appurtenant hereto is a right to convey water and electricity created by Transfer D315274.5 - 29.9.1998 at 10.14 am
Subject to a right to convey water over part marked C on DP 191136 created by Transfer D315274.5 - 29.9.1998 at 10.14 am
D471820.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 21.1.2000 at 3.45 pm



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

16 OCT 1998

Approved as to Survey <i>John McNeil</i> <i>John McNeil</i> Chief Surveyor Deposited this 21st day of Oct - 1998 District Land Registrar DP 191136		LOCAL AUTHORITY: Far North District Surveyed by: Thomson & King (Kerikeri) Scale: Not to Scale Date: June 1998	
LAND DISTRICT: NORTH AUCKLAND SURVEY BLK & DIST: V & IX Kawakawa NZMS P05 SHEET No. 5.3		Lot 1 Being a Subdivision of Pt Section 3, Block IX, Kawakawa S.D. & Easements over Pt Section 3, Block IX, Kawakawa S.D. & Pt Land on DP 25370 (Pt OLC 54).	

Sheet 2 of 2 Total Area Comprised in		I, Denis McGregor Thomson of Kerikeri Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan was prepared from surveys executed by me and my assistants and that the same are correct and true and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof Dated at Kerikeri this 23rd day of July 1998 Signature <i>D. Thomson</i> Field Book P Traverse Book Reference Plans Examined Correct	
---	--	---	--

Diagram A
Not to scale

Diagram B
Not to scale

Lot 1

Pt OLC 54
DP 25370

Pt Sec 2
50 28039

Pt Sec 3
50 28039

Waikaruru Stream



Pt Sec 2
Blk IX Kawakawa S.D.

Lot 2
D.P.192678

Lot 2

Flat land in pasture
3.2 ha.

Lot 1
D.P.155458

Lot 1

1.4 ha.

Lot 3
D.P.192678

Lot 1
D.P.123943

Ohaeawai

S.H. 1
Over 20-12 wide, formation sealed

Sec 15
Blk IX Kawakawa S.D.

Pakaraka

Proposed Amalgamation Condition

"That Lot 2 hereon be transferred to the owner of Lots 1-3 D.P.192678 and Section 15 Blk IX Kawakawa S.D. (R.T. NA 121C/200) and that one Record of Title issue for all of these parcels."

Note - W.T. = water storage tank
S.T. = septic tank
Sheds are over 50 years old

Lot 1 D.P.191136
R.T. NA 121A/34
Total Area 4.6087 ha.

Nigel Ross Surveyor
Licensed Cadastral Surveyor
P.O. Box 293, Kaitake 0440
Mob. 027 2942548 E. nandross@xtra.co.nz

Proposed Subdivision of Lot 1 D.P.191136
7220 S.H.1 Ohaeawai

Prepared for:
M.M. Carroll

Drawn: NHRR Scale 1:2000 (A4)
Date October 2025

Sheet 1
Series of 1
File NRS 396



Lot 2

3.2 ha.

Lot 1 DP 191136

Lot 1 DP 155458

Lot 1 DP 1521

#7220

Lot 1

1.4 ha

Lot 1 DP 123943

Sec 15 Blk IX Kawakawa SD

PROPOSED SUBDIVISION OF LOT 1 DP. 191136

NZ Transport Agency Waka Kotahi Reference: 2025-1399

13 November 2025

M M Carroll
C/- Nigel Ross Surveyor

Sent via Email: nandlross@xtra.co.nz

Dear Nigel,

Proposed 2 lot subdivision – 7220 State Highway 1, Pakaraka – M M Carroll

Thank you for your request for written approval from NZ Transport Agency Waka Kotahi (NZTA) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- A 2-lot subdivision of Lot 1 DP 191136 (RT - NA121A/34).

Assessment

In assessing the proposed activity, NZTA notes the following:

- The existing access is via State Highway 1 which is a Limited Access Road and has an Average Annual Daily Traffic (AADT) of 3821 and speed limit of 100km/h.
- Proposed Lot 1 will retain the existing dwelling and ancillary buildings and proposed Lot 2 will be amalgamated with Lot 2 DP 192678 (NA121C/200) to the north. As such, no additional record of title is being created.
- The site fronts State Highway 1 and is accessed via a vehicle crossing - CP 27A. There will be no Right of Way established between proposed Lot 1 and proposed Lot 2 and as such, the vehicle access is not being amended. Proposed Lot 2 will have access via the existing vehicle crossing that serves Lot 2 DP 192678 (RT – NA121C/200) being, CP 31A.
- Given the traffic generation is not being amended as a result of this subdivision and the existing standard of vehicle crossing is considered appropriate, no upgrade to the crossing places is requested by NZTA.
- Far North District Plan has a standard to manage reverse sensitivity of the state highway under NOISE-S5. As such, no specific reverse sensitivity conditions are sought by NZTA.

Limited Access Road (LAR)

Your client's site adjoins State Highway 1 which is identified as a limited access road. Per Section 91 of the Government Rounding Powers Act 1989, to access our client's site your client require a crossing place authorised by NZTA. In this instance the subject site is accessed via CP 27A. The access will remain and provide access to proposed Lot 1. Proposed Lot 2 will be accessed via CP 31A, further east.

Conditions

In discussion with NZTA your client's have agreed to include the following conditions as part your client's resource consent application. The legal name of NZTA is the **New Zealand Transport Agency**; therefore our full legal name is referred to in the conditions and approval.

1. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant similar documentation (such as: draft LT (Land Transfer) plan, ML plan (for Māori Land), SO (Survey Office) plan), to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Rounding Powers Act 1989.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Limited Access Road

As the site fronts a Limited Access Road, the New Zealand Transport Agency provides approval under Section 93 of the Government Rounding Powers Act 1989 for the site to gain direct access from the state highway as described in this written approval.

We are happy for you to provide this letter to the territory authority as evidence of our s95E RMA and s93 GRPA approvals.

Advice Notes

As the property has access to a limited access road, once the works have been completed to the satisfaction of the New Zealand Transport Agency Network Manager, a crossing place notice/s per Section 91 of the Government Rounding Powers Act 1989 will be registered on the titles confirming the legal establishment of the crossing place.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from The New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact the Environmental Planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely,



Tessa Robins
Senior Planner

Poutiaki Taiao / Environmental Planning, System Design, on behalf of NZ Transport Agency Waka Kotahi.

Enclosed:

- Attachment 1: Proposed Scheme Plan

Attachment 1: Proposed Scheme Plan

