

1 Application Details

Council Reference:	2260100-RMASUB
Applicant:	Sean Frieling and Leah Maree Frieling
Property Address:	52 Rotokawau Road, Waipapakauri 0486
Legal Description:	Lot 2 DP 394720
Description of Application:	Proposal for a 3 lot subdivision in Rural production as Discretionary Activity.
Reporting Planner:	Swetha Maharaj
Operative District Plan Zoning:	Rural Production Zone
Operative District Plan Notations:	Treaty Settlement - Area of Interest Te Aupōuri Iwi Management Plan – Ngā Tai e rua o Te Aupōuri – 2018 Statutory Acknowledgements – Lake Ngātu and Lake Rotokawau
Other Notations of Relevance:	NA
Proposed District Plan Zoning:	Rural Production zone
Proposed District Plan Overlays:	NA
Proposed District Plan Designations:	NA
Building Consent Reference number :	EBC-2023-409/0.

2 Procedural Details

Date Received:	04-Sep-2025
Date of Site Visit:	11-Sep-2025
Further Information Requested:	22-04-2025
Further Information Received:	24-04-2025, 4-Dec-2025
Suspended under section 88E:	NA
Extension Pursuant to section 37:	NA

Pre-application Meeting Held: NA

Pre-lodgement Consultation by Applicant: NA

Locality Plan

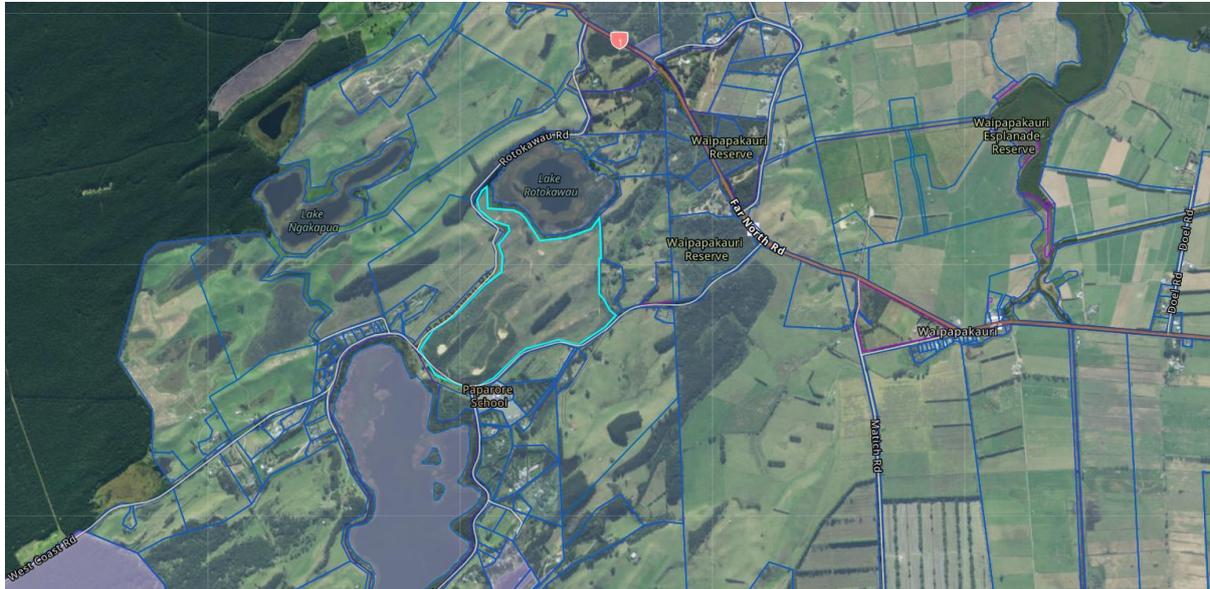


Figure 1: The location of the site

3 Description of Site

The site is as described in the application documents being the Assessment of Environmental Effects (AEE) titled “Application seeking consent for a three-lot subdivision on Lot 2 DP 394720 in the Rural Production zone at 52 Rotokawau Road, Waipapakauri.” prepared by BAY OF ISLANDS PLANNING (2022) LIMITED, dated 1 September 2025.

I concur with this description but make the following additional comment.

The subject site is located at 52 Rotokawau Road, Waipapakauri and is legally described as Lot 2 DP 394720. The site has an area of approximately 41 hectares and is zoned Rural Production under both the Operative Far North District Plan (ODP) and the Proposed Far North District Plan (PDP).

Access to the site is obtained via West Coast Road, with an existing formed vehicle crossing and internal accessways providing access to the three established dwelling sites. All three dwellings, each with associated garages and on-site wastewater systems, have been constructed on the site under Building Consent EBC-2023-409/0.

Topographically, the site comprises of a series of undulating to steep ridgelines and slopes with intervening low-lying areas that include wetlands. The central high point of the property is a prominent landform within the site.

Ground conditions across much of the property have been historically modified, including forestry activities, the formation of access tracks, and more recently the establishment of building platforms, driveways, and associated infrastructure. The land has historically been used for forestry and low-intensity grazing. The site is largely comprised of Class 6 soils,

with limited areas of Class 3 soils located primarily along steeper margins adjoining West Coast Road.

The site is not identified as being subject to natural hazards on Council GIS mapping, and is not located within a Kiwi Distribution Area. No scheduled historic heritage items are mapped on the site under the District Plans. However, the site is located within an area of high cultural and historic significance, being within a Treaty Settlement Area of Interest and in proximity to Statutory Acknowledgement Areas associated with Lake Ngātu and Lake Rotokawau. Cultural values associated with Pukengātu Pā have been identified through the submitted Cultural Impact Assessment. It is noted that the precise spatial extent of Pukengātu Pā is not definitively mapped within the subject site.

Surrounding Environment

The site is situated between Lake Ngātu to the south and Lake Rotokawau to the north, within a wider rural landscape characterised by rolling dune-derived landforms, pastoral land use, wetlands, and areas of regenerating vegetation. The surrounding environment, while zoned Rural Production, exhibits a fragmented rural character, with numerous lifestyle-scale holdings and established residential development evident in the locality, particularly around the margins of Lake Ngātu.

Record of Title

The Record of Title has the following interests/consent notices that are relevant to the site:

Interests

Appurtenant to part herein formerly contained in CT NA26B/849 is a water supply easement created by Transfer 934535.4 - 13.3.1981 at 9:03 am

11873693.1 Mortgage to ANZ Bank New Zealand Limited - 25.9.2020 at 3:55 pm

No consent notices, covenants, or encumbrances are identified on the title that would preclude or materially constrain the proposed subdivision.

Consent History

2300295- proposal seeks consent to subdivide Lot 2 DP 394720 by way of a management plan subdivision over two stages, to create Lots 1 (27.7 Ha) and 2 (13.7Ha) within stage 1, and 14 lifestyle Lots (ranging in 1.2Ha-0.6200ha in area), reserve, road to vest, within Stage 2. On 4/04/2022 a formal request was made to withdraw this application.

4 Description of Proposed Activity

The activity is as described in the application documents being the Assessment of Environmental Effects (AEE) titled "Application seeking consent for a three-lot subdivision on Lot 2 DP 394720 in the Rural Production zone at 52 Rotokawau Road, Waipapakauri." prepared by BAY OF ISLANDS PLANNING (2022) LIMITED, dated 1 September 2025 at page 16.

In summary, the proposal seeks for a three-lot subdivision of the existing 41-hectare parent title.

The subdivision proposes the creation of the following allotments:

- Proposed Lot 1: 4.13 hectares

- Proposed Lot 2: 4.05 hectares
- Proposed Lot 3 (Balance Lot): 33.28 hectares

No additional building platforms, dwellings, or intensification of development are proposed as part of this application and all accessways, building platforms, and services required to support the existing dwellings are already in place.

The subdivision does not require further earthworks beyond minor works associated with surveying and boundary adjustments. The subdivision does not propose clearance of indigenous vegetation, modification of wetlands, or works within water bodies.

Note: Three residential dwellings, each with an attached garage and on-site wastewater disposal system, have already been constructed on the property pursuant to Building Consent EBC-2023-409/0. The proposed subdivision does not authorise additional residential activity beyond what is already established; it regularises the existing development by providing individual titles for each dwelling and a larger balance lot. Any future dwelling(s) would be subject to the district plan rules in force at that time and are not part of this decision. Lot 3 (33.28 ha) has sufficient area that, depending on the applicable district plan provisions at any future time, an additional dwelling may be permitted. Any future dwelling would be subject to the applicable permitted activity standards and other regulatory requirements and does not form part of this application.

5 Distribution and Correspondence

Internal Specialists

The proposal has been reviewed and assessed by the following Council specialists and the matters within the scope of this application have been taken into account in the assessment below.

Internal Specialist	Date Sent	Date Received
RC Engineer	4/09/2025	8/12/2025
Roading	19/09/2025	22/09/2025

External Party

Correspondence has been received from the following external parties, and the matters within the scope of this application have been considered in this assessment below.

External Party	Date Sent	Date Received
Iwi	9/09/2025	13/09/2025, 5/12/2025, 15/01/2026
Heritage New Zealand Pouhere Taonga	9/09/2025	18/09/2025, 18/12/2025
Northland Regional Council- Freshwater Policy Analyst	9/09/2025	24/09/2025

Department of Conservation	9/09/2025	18/09/2025
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6 Reasons for the Application

Rule Assessment

The proposal requires resource consents for the following reasons:

section 11 – Subdivision

Rule Number and Name	Non Compliance Aspect	Activity Status
Rule 13.7.2.1 – Minimum Lot Sizes	Controlled- The minimum lot size is 20ha. Restricted Discretionary- The minimum lot size is 12ha Discretionary- The minimum lot size is 4ha The proposed three-lot subdivision creates lots that are all a minimum 4ha in size.	Discretionary

Proposed Far North District Plan

The Proposed Far North District Plan (PDP) was notified on 27 July 2022. A summary of submissions and further submissions to the Proposed District Plan (PDP) as originally notified has been released and is available on Council’s website.

Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the PDP was notified on 26 November 2024, with the submission period closing on 10 December 2024. These provisions replace the corresponding provisions in the PDP as originally notified.

Due to the breadth of submissions received, the FNDC District Plan team has advised that no rules can currently be considered operative under section 86F of the Resource Management Act 1991 (the Act). While hearings are progressing, no decisions have yet been released. Decisions are anticipated by mid-2026.

Rules in the PDP that have immediate legal effect under section 86B(3) of the Resource Management Act remain relevant to the assessment of proposals. Although not operative, these rules must be considered, as they carry legal effect. In the PDP, such rules are identified by an orange ‘gavel’ symbol. Rules without immediate legal effect (i.e. no gavel symbol) do not apply.

An assessment of the proposal against the rules with immediate legal effect has been undertaken. In this case there are none that are relevant to the proposal. Therefore, no consideration needs to be given to any of the rules under the PDP.

Overall Activity Status

Overall, the application is a Discretionary activity.

7 National Environmental Standards

The following National Environmental Standards are considered relevant to the site; however, resource consent is not required under the standard as addressed below.

National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 (NESCS)

Based on a review of the Northland Regional Council Selected Land Use Register and historic aerial imagery available via Retrolens, the land to which this application relates is not identified as a Hazardous Activities and Industries List (HAIL) site.

Accordingly, the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health 2011 does not apply to this proposal.

National Environmental Standards for Freshwater 2020 (NESFW)

The subject site is located in proximity to Lake Ngātu and Lake Rotokawau, both of which are freshwater bodies subject to the National Environmental Standards for Freshwater 2020 (NES-F).

The site contains low-lying areas that include wetland. The proposal is limited to subdivision and does not involve any works in wetlands, within the beds or margins of lakes/streams, or additional earthworks/vegetation clearance.

As no activities regulated by the NES-F are triggered by the subdivision, and no additional effects on freshwater bodies or wetlands are anticipated, the proposal is consistent with the requirements of the National Environmental Standards for Freshwater 2020.

Accordingly, no activities regulated by the NES-F are triggered. For completeness, any future wetland or lake-margin works (if proposed) would require separate assessment against the NES-F and regional rules.

Notification Assessment

Section 95A – Public Notification Assessment

Section 95A requires a decision on whether or not to publicly notify an application and sets out a step by step process by which to make this decision.

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?	No
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 in certain circumstances.

s95A(5)(a)	Is the application for a resource consent for one 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; a controlled activity;	No

	a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity?	
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Step 3: If not precluded by step 2, public notification required in certain circumstances not

s95A(8)(a)	Is the application for a resource consent for one 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)	In accordance with section 95D, will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? The assessment below addresses this matter.	No

Assessment of Environmental Effects

To determine whether the activity will have or will be likely to have adverse effects on the environment that are more than minor, an assessment of environmental effects carried out in accordance with section 95D of the Act is required.

The assessment of effects in pages 24- 28 of the AEE is comprehensive and considered to address all relevant matters.

Effects that must be Disregarded

Adjacent Land

Pursuant to section 95D(a) the consent authority must disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land.

The land adjacent to the subject site is identified in Table 1 and Figure 1 below.

Table 1: Adjacent Land

Legal Description	Address
Section 2 Survey Office Plan 459372	NA
Part Section 64 Block VIII Opoe Survey District	72 West Coast Road, Waipapakauri 0486
Lot 1 Deposited Plan 394720	80 West Coast Road, Waipapakauri 0486
Lot 2 Deposited Plan 422037	83 West Coast Road, Waipapakauri 0486
Lot 1 Deposited Plan 210536	105 West Coast Road, Waipapakauri 0486
Lot 1 Deposited Plan 103260	113 West Coast Road, RD 1, Awanui 0486
Part Section 27 Block VIII Opoe Survey District and Section 1 Survey Office Plan 474554	157 West Coast Road, Waipapakauri 0486
1/1, Section 29 Block VIII Opoe Survey District	West Coast Road, Waipapakauri 0486
1 /1, Section 1 Survey Office Plan 484985	West Coast Road, Waipapakauri 0486
1/1, Part Section 26 Block VIII Opoe Survey District	26 Rotokawau Road, Waipapakauri 0486

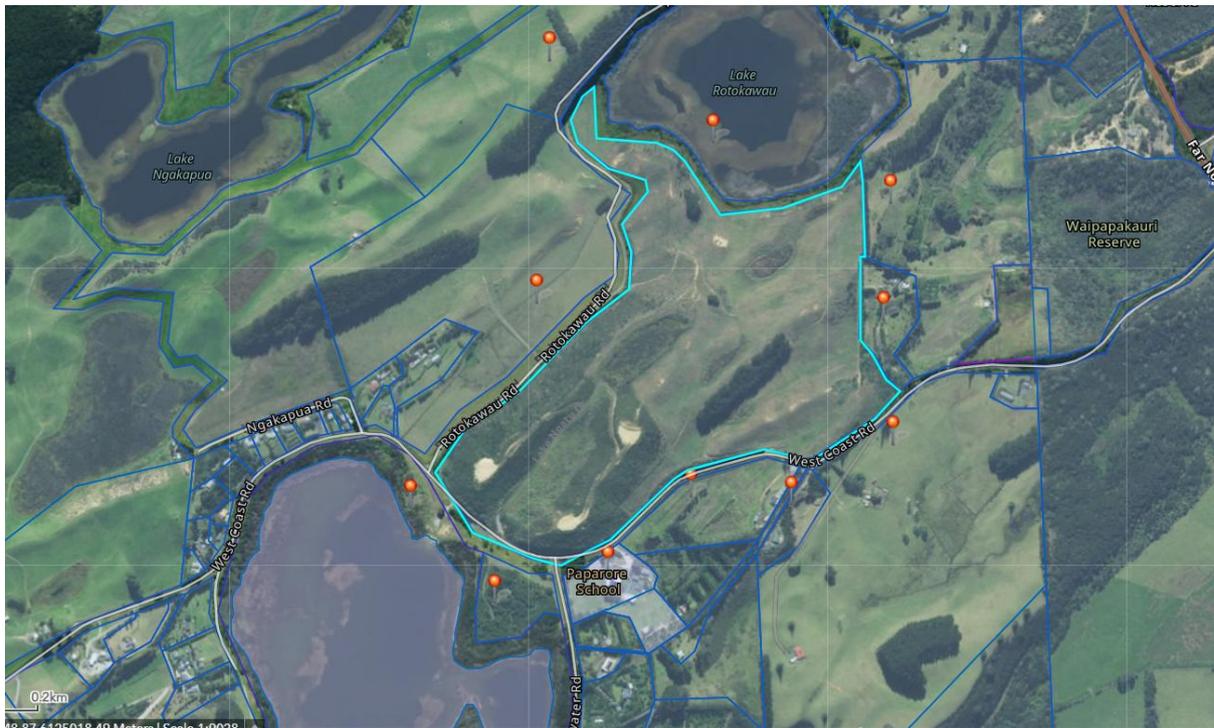


Figure 2: Adjacent Land

Restricted Discretionary Activities

Pursuant to section 95D(c) in the case of a restricted discretionary activity, the consent authority must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion.

The application is not for a restricted discretionary activity and therefore the consent authority can take into account any relevant matter when assessing the environmental effects.

Written Approvals

Pursuant to section 95D(e) the consent authority must disregard any effect on a person who has given written approval.

In this instance, no written approvals have been provided.

Trade Competition

Pursuant to section 95D(e) the consent authority must disregard trade competition and the effects of trade competition.

There are no trade competition matters.

Effects that may be Disregarded

Permitted Baseline

Pursuant to section 95D(b) the Council has the discretion to disregard effects of an activity if a rule or national environmental standard permits an activity with that effect, this is known as the permitted baseline.

There is no relevant permitted baseline as all subdivision activities require resource consent under the Operative District Plan.

Assessment

Receiving Environment

The receiving environment comprises of a rural landscape within the western Waipapakauri area, characterised by a mix of large rural holdings, lifestyle-scale properties, wetlands, and established residential development.

The site is located between Lake Ngātu to the south and Lake Rotokawau to the north, both of which are ecologically and culturally significant water bodies and subject to Statutory Acknowledgement Areas. The lakes and surrounding wetlands form an important part of the broader receiving environment and contribute to the cultural, landscape, and ecological values of the area. Topographically, the receiving environment is defined by rolling to steep dune-derived landforms, with elevated ridgelines interspersed with low-lying wetland areas.

From a cultural perspective, the receiving environment is recognised as having high cultural and historic significance, including associations with Pukengātu Pā, tangata whenua values, and Treaty settlement interests linked to Ngāi Takoto and Te Oneroa-a-Tōhē. These values relate primarily to the broader landscape, ancestral connections, and proximity to culturally significant sites. Cultural values within the receiving environment have been identified through the submitted Cultural Impact Assessment and archaeological investigations.

Overall, the receiving environment is best described as a modified rural and cultural landscape.

This is the environment within which the adverse effects of the application must be assessed.

Adverse Effects Assessment

Taking into account the above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Allotment Sizes and Building Locations

The proposed subdivision will create three allotments with areas of approximately 4.13 hectares, 4.05 hectares, and 33.28 hectares. These allotment sizes are consistent with the discretionary activity framework for subdivision within the Rural Production Zone and exceed the minimum lot size threshold of 4 hectares for discretionary subdivision.

The proposed subdivision does not authorise additional residential activity beyond what is already established; it regularises the existing development by providing individual titles for each dwelling and a larger balance lot. Any future dwelling(s) would be subject to the district plan rules in force at that time and are not part of this decision. Three residential dwellings have already been constructed under Building Consent EBC-2023-409/0, and the subdivision serves to regularise existing development by providing individual titles for each

dwelling and a larger balance lot. No further dwellings or building platforms are enabled or anticipated as a result of the subdivision.

The existing dwellings are located on elevated ridgelines and previously modified areas of the site. The subdivision does not alter the location, scale, or visual presence of these dwellings within the landscape. As such, the proposal does not introduce new built form or intensification effects.

The proposed allotment provides sufficient space for on-site servicing, stormwater management, and ongoing rural activities.

Overall, the effects associated with allotment sizes and building locations are considered to be no more than minor, as the proposal does not intensify development, alter building locations, or diminish rural character beyond the existing baseline.

Natural and Other Hazards

The subject site is not identified as being subject to natural hazards on Far North District Council's GIS hazard mapping, and no evidence of instability, flooding, coastal erosion, or land slippage was observed during site visits or identified in the technical assessments submitted with the application.

The proposed subdivision does not involve additional earthworks, changes to landform, or intensification of use that would increase exposure to natural hazards.

A traffic safety assessment has identified that minor vegetation trimming and/or small-scale earthworks may be required to maintain compliant sight distances at the existing vehicle crossing.

Council's resource consent engineer has reviewed the application and not raised any concerns.

Given the absence of identified natural hazards, the limited extent of any additional works, and the existing development on the site, the proposal will not result in adverse effects related to natural or other hazards. Accordingly, effects in this respect are assessed as less than minor.

Infrastructure

The proposed subdivision does not give rise to new or increased infrastructure demands beyond those already established on the site. Three dwellings have been constructed under existing building consents, and all necessary servicing infrastructure to support those dwellings is already in place.

Stormwater

Stormwater generated on the proposed allotments will continue to be managed on-site, consistent with the existing development pattern. The size of each proposed allotment provides ample capacity to accommodate on-site stormwater disposal without reliance on reticulated infrastructure or off-site discharge. The subdivision will not increase stormwater volumes or alter existing flow paths in a manner that would adversely affect neighbouring properties, wetlands, or water bodies.

Given the scale of the allotments, the absence of further development, and the established stormwater management arrangements, adverse effects relating to stormwater are assessed as less than minor.

Wastewater

Each of the existing dwellings on the site is serviced by an on-site wastewater treatment and disposal system approved under Building Consent EBC-2023-409/0. The proposed subdivision does not alter the location or operation of these wastewater systems, nor does it introduce additional wastewater-generating activities. The allotment sizes provide sufficient land area to ensure ongoing effective wastewater disposal and maintenance, including reserve disposal areas if required.

No adverse effects on land, groundwater, or nearby water bodies are anticipated as a result of the subdivision, and effects associated with wastewater disposal are therefore considered to be no more than minor.

Water

There is no reticulated water supply available to the site. Potable water supply for each proposed allotment is provided via on-site rainwater collection systems. The subdivision does not increase water demand beyond what is already associated with the existing dwellings, and the large size of the allotments provides adequate capacity for water storage and supply.

Accordingly, the subdivision will not result in adverse effects on water resources, and effects in this respect are assessed as less than minor.

Energy Supply and Telecommunications

Reticulated electricity and telecommunications services are already available to service the existing dwellings. No upgrades or extensions to network infrastructure are required as part of the subdivision. The subdivision does not impose any requirements that would adversely affect network efficiency or capacity, and ongoing access to energy and telecommunications services can be maintained without adverse effects.

Effects associated with energy supply and telecommunications are therefore considered to be less than minor.

Easements for Any Purpose

The proposed subdivision provides for all necessary legal and physical access and servicing arrangements through existing and proposed easements, as shown on the approved scheme plan. Easements are to be created to formalise access, servicing, and utility connections required to support the existing dwellings on each proposed allotment.

No adverse effects on amenity, land use, or the environment are anticipated as a result of the proposed easements. Any minor effects associated with the legal formalisation of access and services are administrative in nature and can be appropriately managed through standard subdivision conditions.

Accordingly, adverse effects arising from easements for any purpose are assessed as less than minor.

Access

Vehicular access to the proposed allotments is provided via an existing vehicle crossing and internal accessways from West Coast Road, which currently service the three existing dwellings on the site. No new access points to the public road network are proposed as part of the subdivision.

A Traffic Safety Assessment prepared by a suitably qualified engineer has been submitted in support of the application and reviewed by Council's roading and engineering specialists. The assessment confirms that the existing access arrangements are generally appropriate for the level of traffic generated by the development, which reflects existing residential use rather than new or intensified activity. The assessment identifies that compliant sight distances can be achieved at the existing vehicle crossing, subject to minor vegetation trimming and, if required, small-scale earthworks within the road reserve.

Vegetation clearance and minor earthworks within the road reserve is required to achieve compliant sight distance at the existing vehicle crossing onto West Coast Road. The applicant has offered a 224(c) condition to ensure the upgrade and require engineering certification.

Traffic volumes on West Coast Road will remain unchanged, and the proposal does not result in any increase in safety risk to road users.

Council's engineering review confirms that, subject to the recommended conditions, the access arrangements comply with relevant engineering standards and provide safe and efficient access to each allotment.

Accordingly, adverse effects associated with access and traffic safety are assessed as less than minor.

Soil

The subject site is predominantly comprised of Class 6 soils, with limited areas of Class 3 soils located primarily along the steeper margins of the property adjacent to West Coast Road. These higher-class soils represent a small proportion of the overall site area and are fragmented, constrained by topography, and not currently utilised for intensive productive land use.

The proposed subdivision does not involve additional land disturbance, earthworks, or land clearance beyond what has already occurred historically through forestry activities and the establishment of the existing residential development.

The overall productive capacity of the land is not reduced beyond the existing baseline, and the proposal does not undermine the long-term ability of the balance land to be used for low-intensity rural purposes.

Accordingly, adverse effects on soil arising from the proposed subdivision are assessed as no more than minor.

Access to Waterbodies

The subject site is located between Lake Ngātu and Lake Rotokawau, both of which are ecologically and culturally significant water bodies and subject to Statutory Acknowledgement Areas. These lakes form part of the wider receiving environment and are valued for their environmental, cultural, and recreational attributes.

The proposed subdivision does not provide new or increased access to either lake, nor does it alter existing access arrangements. No legal or physical accessways to Lake Ngātu or Lake Rotokawau are proposed as part of the subdivision, and the subdivision does not enable additional development or activities that would increase recreational or private access to these water bodies.

Existing access tracks, building platforms, and servicing infrastructure are located on elevated landforms and away from the margins of the lakes. The subdivision does not involve works within lake margins, wetlands, or riparian areas, and no modification of water bodies or their beds is proposed.

As the subdivision serves to regularise existing residential development and does not introduce new dwellings or intensification, there will be no change to current patterns of human activity in proximity to the lakes. Accordingly, there is no increased risk of adverse effects on water quality, ecological values, or cultural values associated with increased access or use.

Overall, any adverse effects in this respect to waterbodies are assessed as less than minor.

Land Use Incompatibility

The subject site and surrounding land are zoned Rural Production under both the Operative and Proposed Far North District Plans. The intent of the zone is to enable productive rural activities while managing potential conflicts with sensitive land uses.

The proposed subdivision does not introduce any new land uses that are incompatible with the Rural Production Zone. Three residential dwellings already exist on the site as a permitted activity, and the proposed subdivision does not authorise additional residential activity beyond what is already established; it regularises the existing development by providing individual titles for each dwelling and a larger balance lot. Any future dwelling(s) would be subject to the district plan rules in force at that time and are not part of this decision. As such, the proposal does not increase the presence of sensitive activities within the rural environment.

The surrounding area already exhibits a fragmented rural character, with a mix of farming activities, lifestyle-scale properties, and established residential development, particularly around Lake Ngātu. Residential use is therefore an established and anticipated component of the local receiving environment.

The size of the proposed allotments, particularly the retention of a large 33.28-hectare balance lot, ensures that the capacity for rural activities is maintained and that sufficient separation distances are available to manage potential reverse-sensitivity effects.

Accordingly, the proposed subdivision will not result in land use incompatibility or reverse-sensitivity effects and adverse effects will be no more than minor.

Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape

The subject site is located within a landscape of recognised cultural, ecological, and historic importance, including proximity to Lake Ngātu, Lake Rotokawau, and Pukengātu Pā. Pukengātu Pā is understood to be located on elevated land on the subject site, forming part of the broader cultural landscape associated with the Lake Ngātu and Lake Rotokawau area. The application site is within that wider landscape but does not contain a mapped or recorded pā feature. It is noted that the precise spatial extent of Pukengātu Pā is not definitively mapped within the subject site.

These values are acknowledged and form an important part of the wider receiving environment.

An archaeological assessment prepared by a suitably qualified archaeologist confirms that there are no recorded archaeological sites located within the areas affected by the proposed

subdivision, and that the land associated with the existing dwellings, accessways, and service infrastructure has been extensively modified through historic forestry operations and more recent development. The assessment concludes that no archaeological sites have been destroyed and that remaining archaeological values can be appropriately managed through avoidance and standard accidental discovery procedures.

With respect to vegetation and fauna, the subdivision does not propose clearance of indigenous vegetation, modification of wetlands, or disturbance of habitats. As such, the proposal does not give rise to adverse ecological effects.

In terms of landscape effects, the subdivision will not alter the location, scale, or visual prominence of built form, nor will it introduce new structures or development. The rural landscape character, while sensitive, has already been modified and the proposal does not further diminish landscape values beyond the existing condition.

Overall, the proposed subdivision does not result in the loss, degradation, or inappropriate modification of heritage resources, vegetation, fauna, or landscape values. The activity is confined to formalising existing development within previously modified areas.

Overall, it is considered that any adverse effects in relation to heritage resources, indigenous vegetation, fauna and landscapes on the wider environment will be less than minor.

Cultural Effects

The subject site is located within an area of high cultural significance to tangata whenua, including proximity to Pukengātu Pā and adjacency to Statutory Acknowledgement Areas associated with Lake Ngātu and Lake Rotokawau. These cultural values are acknowledged and recognised as forming part of the wider receiving environment. Cultural values identified by mana whenua relate to the wider cultural landscape associated with Pukengātu Pā and the Statutory Acknowledgement areas for Lakes Ngātu and Rotokāwau.

A Cultural Impact Assessment (CIA) has been prepared by Te Rūnanga o Ngāitakoto and Moana Whenua Trust Limited. The CIA identifies Pukengātu Pā as a site of significance to Māori and notes that, while no recorded archaeological remains have been identified on the subject site, the absence of archaeological material does not negate the existence or location of the Pā. The CIA notes that the precise spatial extent of Pukengātu Pā is not definitively mapped, and that the Pā is understood by mana whenua to be associated with the highest point in the locality, which aligns with the topography of the subject site and is consistent with traditional pā siting practices.

The CIA further records that an earlier subdivision proposal affecting the land was lodged in 2019 and subsequently withdrawn following opposition from mana whenua, due to concerns about adverse cultural effects associated with subdivision and residential occupation in proximity to Pukengātu Pā. Since that time, three dwellings have been constructed on the site pursuant to building consents. The current application seeks to subdivide the land to formalise individual occupation areas, rather than to enable new development.

Three dwellings have already been lawfully established on the site pursuant to building consents. The proposed activity is limited to a subdivision to regularise existing residential development, and does not enable additional dwellings, building platforms, or land-use intensification. No further earthworks or vegetation clearance are required.

While the subdivision does not materially increase physical effects and no recorded archaeological sites are identified on the property, the CIA identifies ongoing cultural and spiritual effects arising from the permanent recognition of residential occupation and

individual titles within a culturally significant landscape. These effects relate to ancestral associations, kaitiakitanga responsibilities, and the perceived loss of cultural integrity of the Pā and its surrounding landscape, rather than to physical modification of land.

It is therefore recognised that tangata whenua, in particular Ngāi Takoto, have a cultural interest in the site and may be considered affected by the proposal due to the proximity to, and potential overlap with, Pukengātu Pā and the wider cultural landscape. These effects are specific to tangata whenua and are not experienced by the wider public.

Based on the Cultural Impact Assessment and iwi correspondence, **it cannot be concluded that the adverse cultural effects experienced by Te Rūnanga o Ngāitakoto and Moana Whenua Trust Limited are less than minor.**

Adverse Effects Conclusion

In conclusion, I consider that the proposal will not have and is not likely to have more than minor adverse effects on the wider environment.

Step 4: Public notification in special circumstances

s95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified? The assessment below addresses this matter.	No
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Special circumstances are those that are:

- Exceptional or unusual, but something less than extraordinary;
- Outside of the common run of applications of this nature, or;
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary to suggest that public notification should occur.

Section 95B – Limited Notification Assessment

Where an application is not publicly notified under section 95A, section 95B requires a decision on whether there are any affected persons (under section 95E) and sets out a step by step process by which to make this decision.

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

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?	Yes
s95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	Yes

In this instance, the proposal is on land adjacent to Statutory Acknowledgement Areas associated with Lake Ngātu and Lake Rotokawau, as specified in Schedule 11 of the Act. While statutory acknowledgements require the consent authority to recognise the cultural

associations of tangata whenua with these areas, they do not, in themselves, automatically result in affected persons for notification purposes.

The proposed subdivision does not involve works within the statutory acknowledgement areas, does not alter access to the lakes, and does not result in additional physical development or intensification.

Accordingly, while the statutory acknowledgement alone does not automatically give rise to affected persons, it is a relevant consideration under section 95E(2)(c). Commentary in Brookers Online’s RMA notification analysis confirms that statutory acknowledgements are a relevant planning document matter, but do not automatically result in affected person status. Rather, affected person status still requires evidence of adverse effects on a person’s interests that are minor or more than minor. In this case, while the site is adjacent to statutory acknowledgement areas, affected person status for notification purposes arises from the presence of minor adverse cultural effects on tangata whenua (as evidenced in the Cultural Impact Assessment and iwi correspondence) rather than solely by reason of the statutory acknowledgement itself.

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

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

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

s95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.	No
s95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E. The assessment below addresses this matter.	Yes

Affected Persons Assessment

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to, pursuant to s95B(7) or (8), in accordance with 95E. A person is affected if the activity’s adverse effects on a person are minor or more than minor (but not less than minor).

Pursuant to section 95E(2)(c) the consent authority must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Effects that must be Disregarded

Controlled or Restricted Discretionary Activities

Pursuant to section 95E(2)(b) the activity is a restricted discretionary activity and the consent authority must disregard any adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard restricts discretion.

The application is for a Discretionary activity and therefore a full consideration of effects can be made.

Written Approvals

Pursuant to section 95E(3)(a) a person is not an affected person if they have given written approval to the application (and not withdrawn it).

No persons have given their written approval.

Effects that may be Disregarded

Permitted Baseline

Pursuant to section 95D(b) the permitted baseline may be taken into account and the Council has the discretion to disregard those effects.

The permitted baseline has been taken into account as addressed in the section 95A Assessment above.

Assessment

Taking into account the above, the following affected persons are identified for the purposes of section 95B of the Resource Management Act 1991 because:

The site forms part of a wider cultural landscape of significance to tangata whenua, including associations with Pukengātu Pā, Lake Ngātu, and Lake Rotokawau. These values are longstanding and derive from ancestral occupation, spiritual connections, and kaitiakitanga responsibilities.

The proposed activity is limited to a subdivision to formalise existing residential development. Three dwellings have already been established on the site, and the subdivision does not enable additional dwellings, building platforms, or land use intensification. No further earthworks, vegetation clearance, or physical works are proposed, and the subdivision does not alter access to, or use of, culturally significant sites or water bodies.

An archaeological assessment confirms that the areas subject to subdivision and existing development have been extensively modified, and that no recorded archaeological sites have been destroyed. The subdivision does not increase the scale or intensity of activity occurring within the cultural landscape.

The below parties are considered affected because the proposal involves the subdivision and formalisation of land tenure in close proximity to Pukengātu Pā and the surrounding culturally significant landscape, including associated ancestral and spiritual values identified in the Cultural Impact Assessment. While the subdivision does not involve additional physical development or intensification, it gives rise to ongoing cultural and spiritual effects that are specific to tangata whenua and are not experienced by the wider community. The ongoing cultural and spiritual effects identified arise from the formalisation of land tenure in close proximity to a culturally significant landscape. While the physical development already exists, subdivision represents a permanent recognition of individual titles and long-term residential occupation. For tangata whenua, this can give rise to cultural and spiritual concerns relating to kaitiakitanga, the incremental loss of connection to culturally significant

landscapes, and the perception of enduring change within an ancestral setting. These effects are cultural in nature rather than physical.

While statutory acknowledgements are relevant considerations under section 95E(2)(c), affected person status in this instance is based on the presence of minor adverse cultural effects, rather than solely on the existence of a statutory acknowledgement.

- **Ngāi Takoto**- mana whenua with cultural, ancestral, and spiritual associations with Pukengātu Pā, Lake Ngātu, and the surrounding cultural landscape.
- **Te Oneroa-a-Tōhē**- as kaitiaki of the adjoining coastal and lake environments and holders of cultural redress interests associated with the wider area
- **Moana Whenua Trust Limited**- entity representing tangata whenua interests in relation to the statutory acknowledgement areas and cultural values identified in the Cultural Impact Assessment and consultation correspondence.
- Other iwi, including Te Aupōuri, Te Rarawa, and Ngāti Kahu, have acknowledged historical and cultural interests within the wider rohe. However, there is no evidence before the consent authority that the proposed subdivision gives rise to minor or more than minor adverse effects on cultural values held or exercised by those iwi in relation to this site. Accordingly, while their wider cultural associations have been acknowledged in the assessment, they are not considered affected persons for the purposes of section 95E.

While the proposal does not materially worsen the existing baseline or result in additional physical impacts, the effects are sufficient to warrant recognition through the notification process. Outcomes sought by Iwi include recognition and protection of the cultural landscape in proximity to Pukengātu Pā. The CIA does not identify specific mitigation measures that would avoid or remedy the adverse cultural effects identified and this reflects the nature of the effects, which are cultural and spiritual rather than physical, and arise from the presence and formalisation of residential occupation within a culturally significant landscape.

The cultural effects identified are localised and specific to tangata whenua and are not experienced by the wider public or adjoining landowners.

Accordingly, it is considered that the appropriate notification response is **limited notification to the identified affected tangata whenua parties**.

Taking into account the above, no other affected persons are identified because:

- The proposal does not result in adverse effects on adjoining landowners, infrastructure providers, or the wider environment that are more than minor. The subdivision does not alter access, servicing, or land use patterns in a manner that would adversely affect neighbouring properties.

Step 4: Further notification in special circumstances

s95B(10)	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons)?	No
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I do not consider there are special circumstances that would warrant the notification of the application to any other person. The proposed activity is not out of the ordinary within this zone.

8 Notification Recommendation

Based on the assessment above under section 95A of the Act, the application is not required to be publicly notified. However, having regard to section 95B of the Act, there are identifiable affected persons, and the application is therefore required to be **processed by way of limited notification**.

I therefore recommend that this application is processed **limited notified**.



Swetha Maharaj

Senior Planner

Date: 30th January 2026.

9 Notification Determination

Acting under delegated authority, and for the reasons set out in the above assessment, under sections **95A and 95B** of the Resource Management Act 1991, this application shall be processed on a **limited-notified basis and be served on the following parties**:

- **Te Rūnanga o Ngāitakoto**
- **Moana Whenua Trust Limited**
- **Te Oneroa-a-Tōhē**

No other persons are considered to be affected for the purposes of sections 95B and 95E of the Act, and public notification is not required.



Name: Pat Killalea

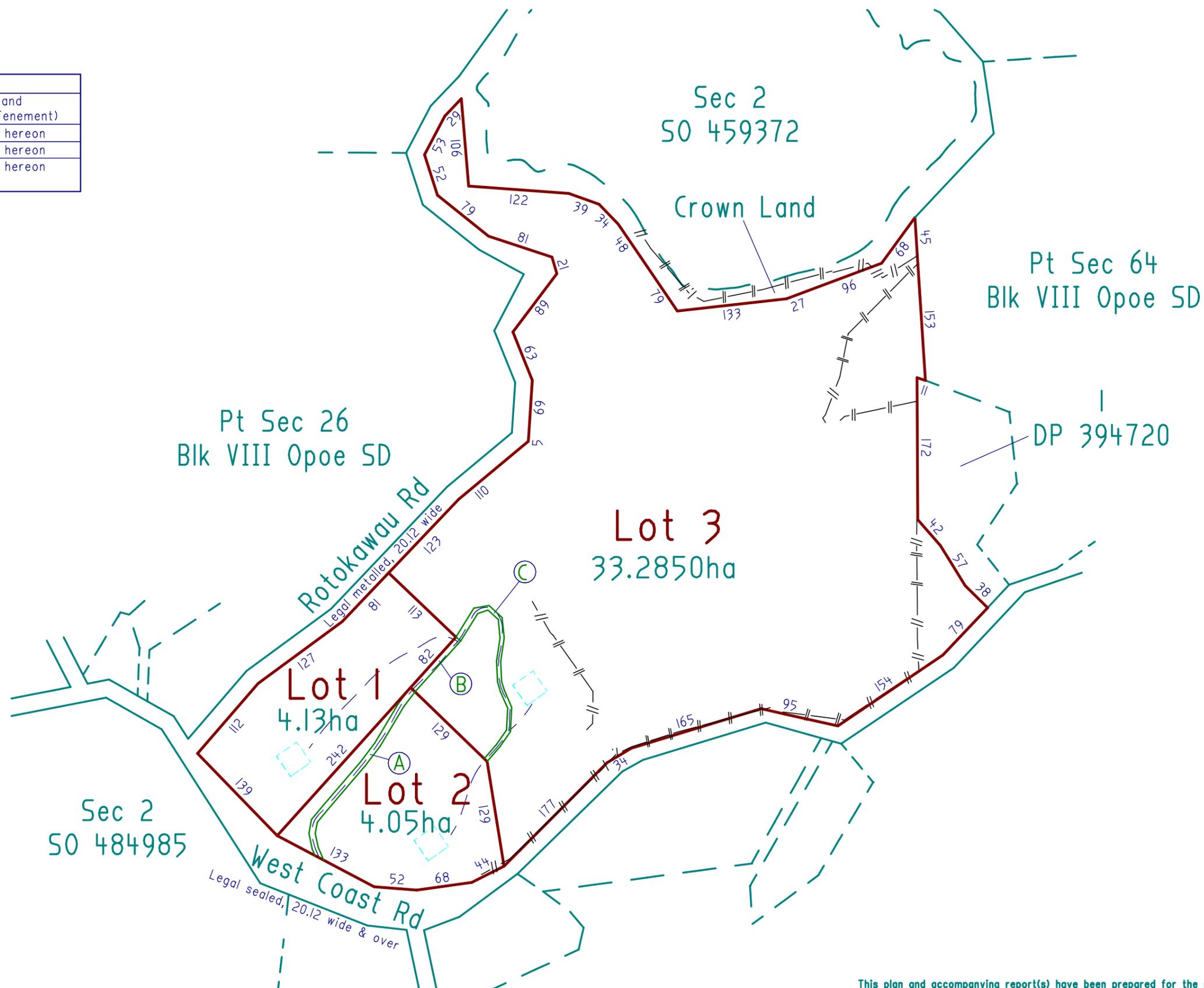
Date: 3/02/2026

Title: Independent Commissioner

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land (Servient Tenement)	Benefited Land (Dominant Tenement)
Right of Way	A	Lot 2 hereon	Lots 1 & 3 hereon
Right to convey Electricity & Telecommunications	B	Lot 3 hereon	Lots 1 & 2 hereon
	C	Lot 3 hereon	Lots 1 & 2 hereon

30m

 Shape factor
 (Min. 10m from boundary)



Local Authority: Far North District Council

Total Area: 41.4650ha
 Comprised in: RT 378745

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 NOT BE REPRODUCED WITHOUT THE WRITTEN
 PERMISSION OF SURVEY & PLANNING SOLUTIONS

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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



VON STURMERS

Registered Land Surveyors, Planners &
 Land Development Consultants

Ph: (09) 408 6000 131 Commerce St
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PROPOSED SUBDIVISION OF LOT 2 DP 394720

PREPARED FOR: L & S FRIELING

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey	NW Jan 2023		
Design			
Drawn	SH Feb 2023		
Rev	SH 26-07-2023		

Surveyors
 Ref. No:
15271
 Series
 Sheet of

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Pt Sec 64
Blk VIII Opoe SD

1
DP 394720

Sec 2
50 484985

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