

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) Cancellation of amalgamation covenant under s240(4) of the Act

*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:

Dion Masters

Email:

Phone number:

Postal address:

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

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

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Northland Planning & Development 2020 Ltd

Email:

Phone number:

Postal address:

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

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

--

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:

RT Masters Trustee Limited and Dion Thomas Masters

Property address/
location:

8. Application site details

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

Name/s:	Dion Masters		
Site address/ location:			
Legal description:	Lot 1 DP546204	Val Number:	
Certificate of title:	929318		

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

Site visit requirements:

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

Is there a dog on the property? Yes No

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

Please contact applicant to arrange site 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.

Proposal to cancel existing amalgamation covenant holding together Lot 1 DP546204 and Pt Allotment M20 Parish of Ahipara under s240(4) of the RMA. Subdivision consent as a Restricted Discretionary Activity under the ODP utilising balance rights from RC2180648.

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):

<input type="radio"/> Building Consent	Enter BC ref # here (if known)
<input type="radio"/> Regional Council Consent (ref # if known)	Ref # here (if known)
<input type="radio"/> National Environmental Standard Consent	Consent here (if known)
<input type="radio"/> Other (please specify)	Specify 'other' here

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

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

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

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

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of environmental effects:

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

Your AEE is attached to this application Yes

14. Draft conditions:

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

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

15. Billing Details:

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

Name/s: (please write in full)

Dion Masters

Email:

Phone number:

Postal address:

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

Postcode 0449.

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)

Dion Masters

Signature:

(signature of bill payer)

Date 12/3/2026

MANDATORY

16. Important Information:

Note to applicant

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

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

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

Fast-track application

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

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

Privacy Information:

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

Dion Thomas MASTERS

Signature

Date 12/3/2026

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.

Subdivision Resource Consent Proposal

Dion Masters

182 Takahe Road, Ahipara

Date: 23/03/2026

Please find attached:

- An application for subdivision consent by cancelling the covenant that holds Lot 1 DP546204 and Part Allotment M20 Parish of Ahipara, together under s240(4) of the Act;
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision requires consent under the Operative District Plan as a **Restricted Discretionary Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

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

Regards



Alex Billot

Resource Planner

Reviewed by



Sheryl Hansford

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



1. TABLE OF CONTENTS

1. Table of Contents	2
1.0 Description of the Proposed Activity	5
BACKGROUND	5
CANCELLATION OF COVENANT DOCUMENT 11784654.4 UNDER S240(4) OF THE ACT	5
SUBDIVISION	6
2.0 The site and surrounding environment.....	8
3. Background	9
TITLE.....	9
<i>CONSENT NOTICE 11784654.5.....</i>	<i>9</i>
SITE FEATURES.....	10
4. Activity Status of the Proposal	14
WEIGHTING OF PLANS.....	14
OPERATIVE DISTRICT PLAN	14
RURAL PRODUCTION ZONE & DISTRICT WIDE MATTERS.....	15
OVERALL STATUS OF THE PROPOSAL UNDER THE OPERATIVE DISTRICT PLAN	15
CANCELLATION OF COVENANT UNDER S240 (4)	15
PROPOSED DISTRICT PLAN.....	15
NATIONAL ENVIRONMENTAL STANDARDS	17
<i>NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (NESCS)</i>	<i>17</i>
<i>NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER 2020.....</i>	<i>18</i>
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS.....</i>	<i>18</i>
5. Statutory Assessment	19
SECTION 104C OF THE ACT.....	19
SECTION 104(1) OF THE ACT	19
6. Environmental Effects Assessment.....	20
SUBDIVISION	20
SUBDIVISION	21
PROPERTY ACCESS.....	21
NATURAL AND OTHER HAZARDS	21
WATER SUPPLY.....	22
STORMWATER DISPOSAL	22
SANITARY SEWAGE DISPOSAL.....	22
ENERGY SUPPLY & TELECOMMUNICATIONS.....	22
EASEMENTS FOR ANY PURPOSE	22
PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES.....	23



<i>ACCESS TO RESERVES AND WATERWAYS</i>	23
<i>LAND USE COMPATIBILITY</i>	23
<i>PROXIMITY TO AIRPORTS</i>	23
7. Policy Documents	23
NATIONAL ENVIRONMENTAL STANDARDS	24
<i>NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NESCS)</i>	24
<i>OTHER NATIONAL ENVIRONMENTAL STANDARDS</i>	24
NATIONAL POLICY STATEMENTS.....	24
<i>NEW ZEALAND COASTAL POLICY STATEMENT 2011</i>	24
<i>NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND</i>	24
REGIONAL POLICY STATEMENT.....	25
FAR NORTH OPERATIVE DISTRICT PLAN	25
<i>RELEVANT OBJECTIVES AND POLICIES</i>	25
PROPOSED DISTRICT PLAN.....	25
SUMMARY	26
8. Section 125 – Lapsing of consent	26
9. Notification Assessment – Sections 95A to 95G of The Act	26
PUBLIC NOTIFICATION ASSESSMENT	26
<i>STEP 1 MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES</i>	26
<i>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES.</i>	26
<i>STEP 3: IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES..</i>	27
<i>STEP 4; PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES</i>	27
<i>PUBLIC NOTIFICATION SUMMARY</i>	27
LIMITED NOTIFICATION ASSESSMENT.....	27
<i>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED.</i>	27
<i>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES.</i>	28
<i>STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED</i>	28
<i>STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES</i>	29
<i>LIMITED NOTIFICATION ASSESSMENT SUMMARY</i>	29
NOTIFICATION ASSESSMENT CONCLUSION.....	29
10. Part 2 Assessment	29
11. Conclusion.....	30
12. LIMITATIONS	31



Appendices

- 1. Far North District Council Application Form**
- 2. Certificate of Title 929318 – LINZ**
- 3. Certificate of Title NA40C/83**
- 4. Covenant Document 11784654.4 - LINZ**
- 5. Consent Notice 11784654.5 - LINZ**
- 6. Scheme Plan – Williams & King**
- 7. Objectives and Policies**



Assessment of Environment Effects Report

1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Background

1.1 RC2180648 was approved on 9th September 2019, which included the provision of subdividing Part Allotment S20 Parish of Ahipara to create Lots 1-5. One of the conditions imposed was to enter into a covenant under Section 220(1)(b)(iii) and Section 220(2)(a) of the Act. This required Lot 1 DP546204 (Proposed Lot 1 of RC2180648) and Part Allotment M20 Parish of Ahipara (RT NA40C/83) shall not without the prior consent of the FNDC, transfer, lease or otherwise dispose of the land except in conjunction with each other.

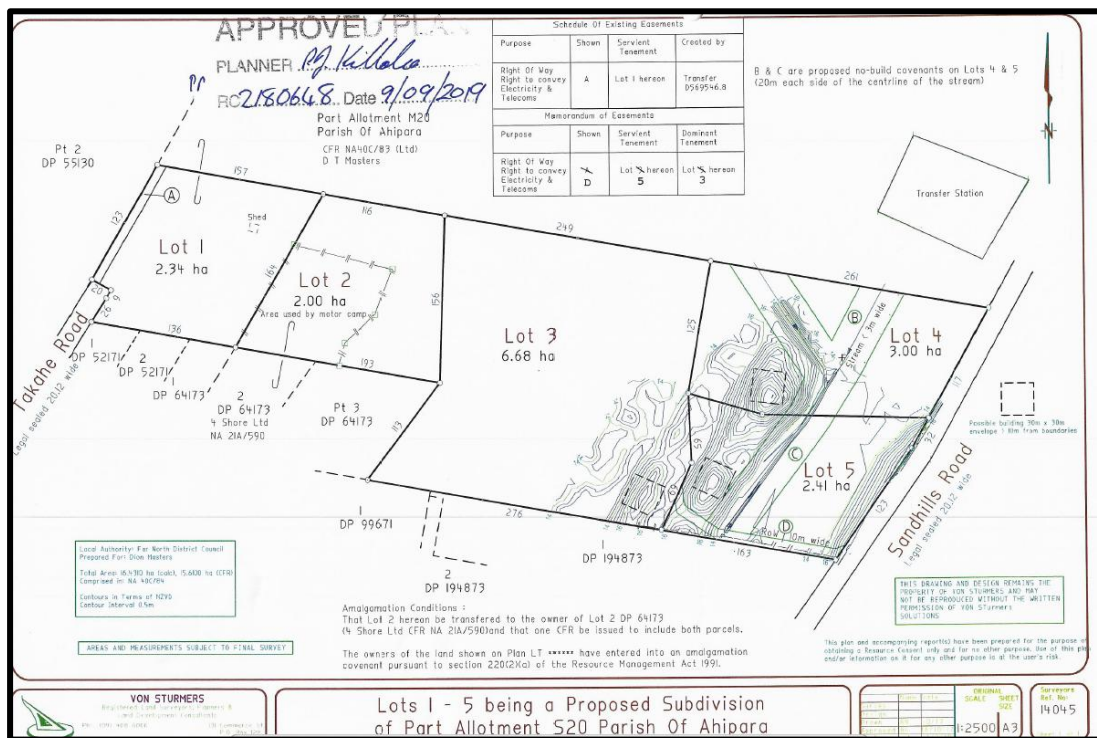


Figure 1: Approved plan for RC2180648 showing lot configuration.

- 1.2 Subsequently, a covenant under Section 240 of the RMA was registered on the titles for Lot 1 DP546204 and adjoining Part Allotment M20, holding these two titles together on 1st July 2020. The Covenant document 11784654.4 is contained within **Appendix 4** of this application.
- 1.3 The Applicant has advised that these two allotments were held together as the lots were to remain as one working farm at that point in time.

Cancellation of covenant document 11784654.4 under s240(4) of the Act

1.4 The circumstances of the property owner has now changed and it is now proposed to cancel the covenant document 11784654.4 holding the two allotments together.



- 1.5 Section 240(4) of the Act states:
'(4) The territorial authority may at any time, whether before or after the survey plan has been deposited in the Land Registry Office or the Deeds Register Office, cancel, in whole or in part, any covenant imposed under this section or under the corresponding provision of any former enactment.'
- 1.6 It is therefore requested that the subject covenant document is cancelled in whole, in order for the lots to be able to be sold independently of each other.
- 1.7 Section 240(5) of the Act then goes on to state:
*'(5) When a territorial authority cancels a covenant in whole or in part, then—
(a) where the survey plan has not been approved by the Chief Surveyor, a memorandum of the cancellation shall be endorsed on the survey plan:
(b) where the survey plan has been approved by the Chief Surveyor or deposited, the territorial authority must forward to the Registrar-General of Land a certificate signed by the chief executive or other authorised officer of the territorial authority to the effect that the covenant has been cancelled in whole or in part, and the Registrar-General of Land must note the records accordingly.'*
- 1.8 As the survey plan has been approved by the Chief Surveyor and deposited, it is anticipated that condition of consents will be imposed requiring the specified documents in 5(b) above to be completed and then lodged accordingly.
- 1.9 Given the cancellation of covenant document 11784654.4 will result in one additional independent allotment, an assessment of the relevant subdivision rules has been provided for below to assess the activity status of the proposal.

Subdivision

- 1.10 Under the Operative District Plan (ODP) the lots are zoned Rural Production. The proposal includes the cancellation of the covenant holding Lot 1 DP546204 and Pt Allotment M20, together. Each lot has an independent title at present, however the subdivision will enable these allotments to be held and sold independent of each other, effectively creating an additional allotment.
- 1.11 RC2180648 created Lots 1-5 under the provision of the once-off entitlement which provides for the creation of 5 allotments greater than two hectares. Under Rule 13.7.2.1(i), the Restricted Discretionary Activity [Clause (5)] states that under Clauses 3 & 4 there is provision for a specified total amount of subdivision activity. Where an application under one of these clauses does not take up the total amount of subdivision activity that is permitted by the rule, a further subdivision application can be made in future for the balance of the rights that existed as at 28 April 2000.



- 1.12 As such, it is considered that the proposal can meet Rule 13.7.2.1(i) [Clause 5] given the proposal can utilise that balance right from RC2180648. This would result in a maximum of 5 lots being created from the entitlement.
- 1.13 In this case, Lot 1 DP546204 has its own appellation and title (CFR 929318) already in existence. RC2180648, created the subject site and the proposed cancellation of covenant holding the subject sites together will not create any additional allotments nor titles, given these are both already in existence. Nonetheless, for completeness, it is considered appropriate to assess the proposal against the relevant subdivision rules.
- 1.14 As such, the subdivision proposal by way of cancelling the covenant holding the two lots together, is assessed as being a **Restricted Discretionary Activity** under the ODP.

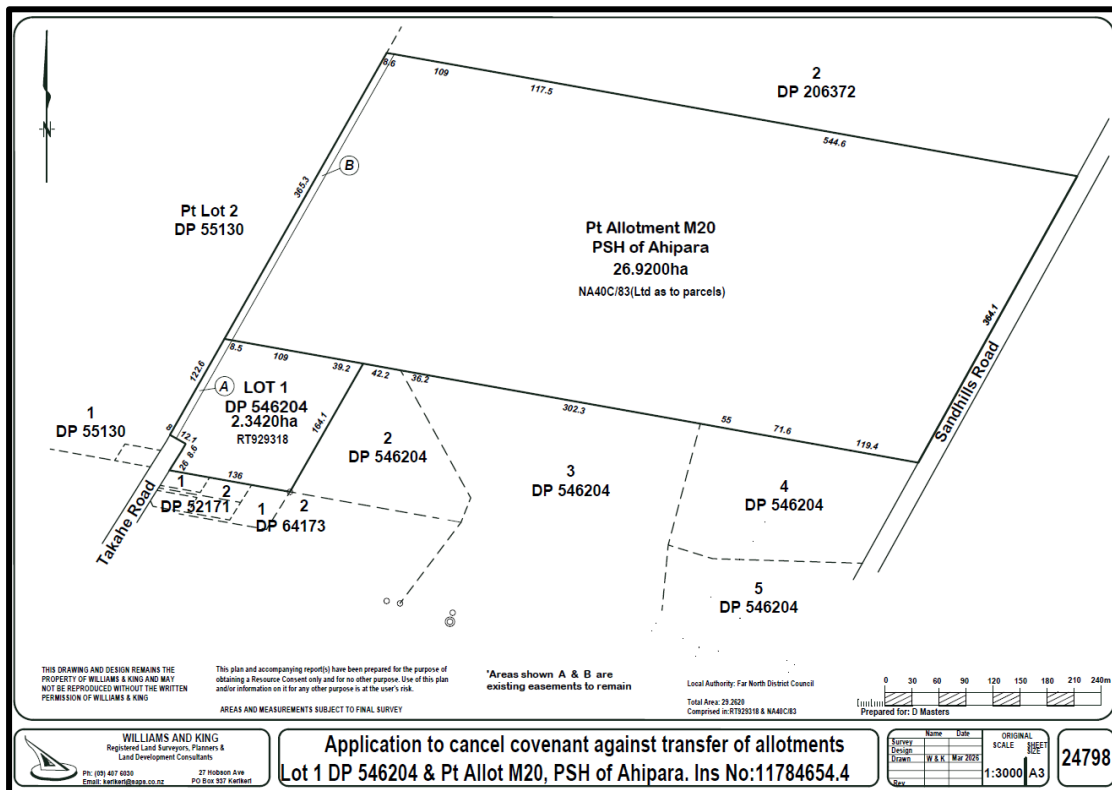


Figure 2: Proposed scheme plan.



3. BACKGROUND

Title

3.1 Part Allotment M20 is held within RT NA40C/83 which is dated 8th February 1977 with a legal area of 26.59 hectares. This title is limited to parcels. There are no existing consent notices registered on the title. There is one easement for right of way and rights for electricity and communication which is shown as D on DP198024. This will remain unchanged as part of this proposal.

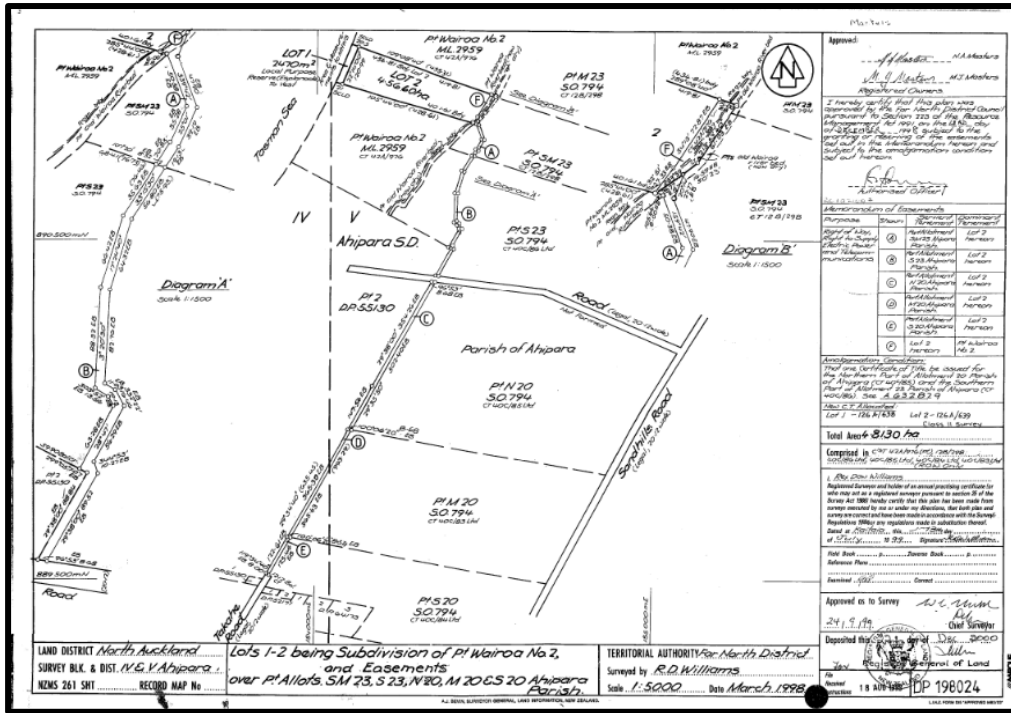


Figure 4: DP198024 showing location of existing easements.

3.2 Lot 1 DP546204 is held within CFR 929318, which is dated 1st July 2020, with a legal area of 2.3420ha. There is one existing easement registered which will remain unchanged as shown in **Figure 4** above. There is also an existing consent notice under document 11784654.5 which will be detailed below.

Consent Notice 11784654.5

3.3 The following conditions are relevant to Lot 1 DP546204.

- (i) *In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a Building Consent and install the wastewater treatment and effluent system as detailed in the reports prepared by Effluent Drainlayers, dated 6/04/2018 and updated report entitles "Dion Masters – Revised TP58 Report", dated 17/06/19 and submitted with RC 2180648.
The installation shall include an agreement with the system supplier or its authorised agent for the ongoing operation and maintenance of the wastewater treatment plant and the effluent disposal system.*



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

Where a wastewater treatment and effluent disposal is proposed that differs from that detailed in the above mentioned report, a new TP 58 / Site and Soil Evaluation Report will be required to be submitted, and Councils approval of the new system must be obtained, prior to its installation.

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.*
- (iii) Reticulated power supply and telecommunications services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.*

3.4 This consent notice document will remain registered on the underlying title for Lot 1 DP546204. There will not be a new title created as part of this proposal given the title is already in existence.

Site Features

3.5 The sites are located within the Rural Production zone under the ODP and is not subject to any outstanding landscapes or other resource features. You will note on the map below that the General Coastal zone slightly encroaches upon Lot 1 DP546204. At the maximum this appears to be 14m. We have assumed that this is a mapping error and it appears that a similar stance was taken in processing RC 2180648. For this reason, we have assessed the site under the Rural Production rules only.

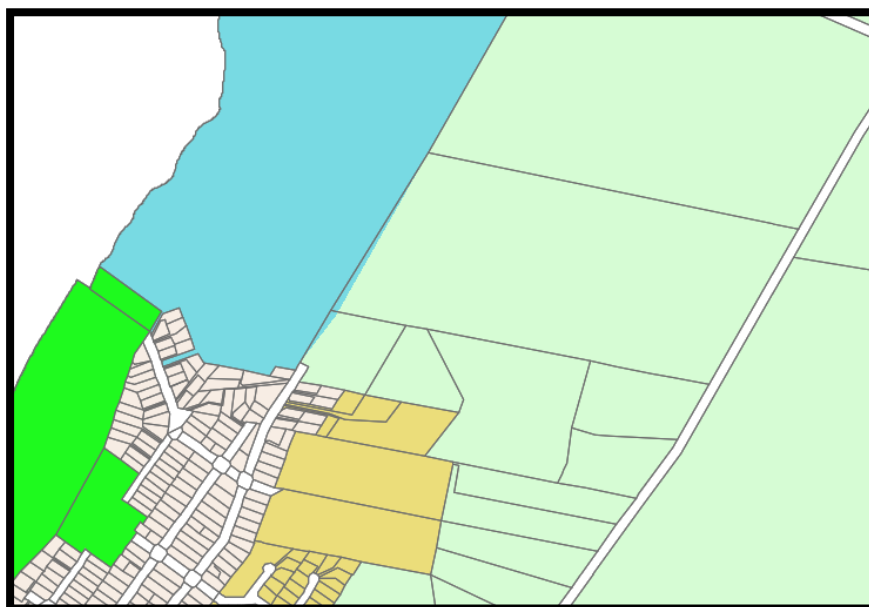


Figure 5: FNDC ODP zoning maps.



- 3.6 The Northland Regional Council has mapped the area surrounding the transfer station within Part Allotment M20 as being a registered HAIL site. Given the allotment dimensions and uses will not be altered and there will be no physical change to the site as a result of this proposal, it is considered that the proposal is Permitted in terms of the NESCS. This will be detailed further in this application.
- 3.7 While the site is zoned Rural it is in close proximity to the township of Ahipara and is located between the township and the wastewater treatment plant along Sandhills Road. As such the Council Wastewater rising main is located within Part Allotment M20. Councils maps also indicate that the site is impacted by a Privately owned drainage channel between 1.5m and 3m in width and 0 -1.5m in depth. This terminates within the site. Lot 1 DP546204 is subject to two unlined stormwater channels which terminate within the site. Council’s Infrastructure Team have been contacted to determine if Lot 1 can connect to the reticulated system, with no response received to date. It is noted that there is an existing consent notice condition requiring an onsite wastewater system to be provided for any building which requires wastewater disposal. There are also two unlined stormwater channels noted within the site.



Figure 6: Location of Council's infrastructure in relation to the site.

- 3.8 Within Part Allotment M20 is Council’s Refuse Transfer Station. This refuse station is a Class 2 station.
- 3.9 Lot 1 DP546204 is shown to have soils classified as 6s4 and ‘town’, with Part Allotment M20 have soils classified as 6s4 within the western portion and 3w4 within the eastern portion. LUC 6 soils are not classified as highly versatile soils, however LUC 3 soils are currently classified as highly versatile under the Regional Policy Statement for Northland (RPSN). As per the Land Implementation Guide for the National Policy Statement for Highly Productive Land (NPS-HPL), consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses. However, consideration of the effect of the activity on existing land use activities must be provided for.



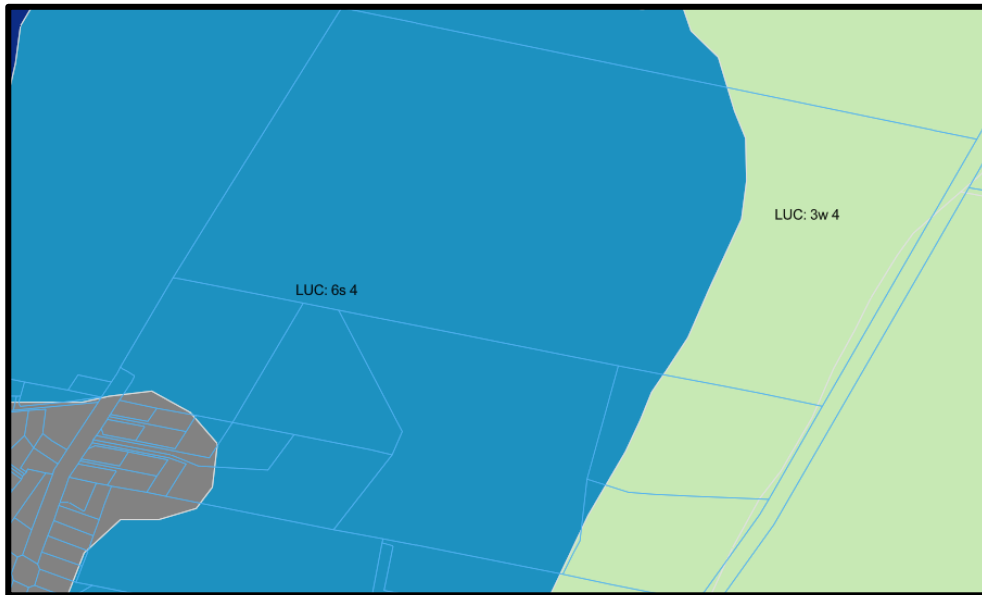


Figure 7: FNDC LUC soil classification maps.

- 3.10 The sites are not shown to contain any areas of PNA or reserves. As mentioned, the site is grazed farmland. The site is not located in an area where kiwi are noted as being present.
- 3.11 Lot 1 DP546204 is not shown to be susceptible to natural hazards. There are some areas within the eastern portion of Part Allotment M20 which are shown to be susceptible to river flood hazards. The use of this site will remain unchanged as a result of this proposal, such that no adverse effects from natural hazards are anticipated.



Figure 8: Flood susceptibility of Part Allotment M20.

- 3.12 There are no mapped archaeological sites within the subject sites. An archaeological assessment was completed as part of RC2180648 by Geometria Ltd, where it was confirmed that no archaeological sites were recorded on the property and the subdivision was concluded to have no archaeological effects. RC2180648 proceeded under the guidance of an ADP which was also requested by local Iwi.



3.13 There are areas of known wetlands within both of the allotments. These will remain unaffected by the proposal.



Figure 9: Known wetlands shown in green.

3.14 With regard to the Regional Policy Statement for Northland the sites are located just outside of the Coastal Environment with the exception of one small area on Lot 1 DP546204 and are not identified as containing any areas of high natural character.



Figure 10: RPS maps showing small area of site within coastal environment.

3.15 The sites are not located within or adjacent to a Statutory Acknowledgement Area.

4. ACTIVITY STATUS OF THE PROPOSAL

Weighting of Plans

- 4.1 Under the PDP, the sites are zoned as Rural Production, with a small portion of Lot 1 DP546204 being within the Coastal Environment Overlay.
- 4.2 The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023.
- 4.3 A large number of comprehensive submissions were received across the board such that the Council has confirmed that other than the rules which were initially identified as having immediate legal effect no additional rules will have legal effect until such time as a decision is made on those provisions.
- 4.4 District Plan hearings on submissions have recently concluded, however no decisions on the PDP have been issued. For this reason, PDP rules which do not have immediate legal effect are not considered.
- 4.5 Recent advice from Council is that objectives and policies of the PDP are now given more weighting.

Operative District Plan

- 4.1. The sites are zoned as Rural Production under the ODP, and therefore the sites will be assessed against the criteria relevant to the Rural Production zone, including subdivision, zone and district wide rules.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1 (i)	MINIMUM LOT SIZES	<p>Restricted Discretionary Activity.</p> <p>As previously mentioned, the proposal will utilise the balance rights under Clause 5.</p> <p>The proposal is therefore assessed as a Restricted Discretionary Activity.</p>
13.7.2.2	ALLOTMENT DIMENSIONS	<p>Complies</p> <p>There is adequate area within the sites for the concept 30m by 30m building envelope.</p>



13.7.2.3 - 13.7.2.9 **Not Applicable for this application.**

- 4.2. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone.

Rural Production zone & District Wide Matters

- 4.3. Lot 1 DP546204 contains two existing sheds as well as a metalled internal accessway. Part Allotment M20 contains the existing transfer station. As the boundaries are existing and there will be no physical change to the boundaries, it is considered that the proposal does not result in any infringements under the rules contained within Section 8.6.5.1 in relation to the Rural Production zone within the ODP. Furthermore, no excavations, indigenous vegetation clearance or changes to the existing access are proposed. There is ample area within the sites for future built development which can comply with the setback from wetland requirements within Chapter 12. As such, the proposal is considered to be Permitted in terms of the rules within Section 8.6.5.1 and the relevant sections of Chapter 12 and 15. No further assessment of these rules are considered necessary.

Overall status of the proposal under the Operative District Plan

- 4.4. The subdivision proposal is able to meet the **Restricted Discretionary** provisions for the Rural Production zone as per the requirements within 13.7.2.1(i) [Clause 5].
- 4.5. The proposal will be assessed as a **Restricted Discretionary Activity** with the relevant sections of 13.8.1 and 13.7.3 being assessed as part of this application process.

Cancellation of covenant under s240 (4)

- 4.6. As previously mentioned within this application, it is requested to cancel the covenant document 11784654.4 which holds the allotments together. This is requested to be completed under s240(4) of the Act.

Proposed District Plan

- 4.7. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the sites are zoned Rural Production as well as a small portion being subject to the coastal environment overlay. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility.	Not applicable. The site does not contain any hazardous substances to which these rules would apply.



	<p>HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Māori.</p> <p>HS-R6 relates to a hazardous facility within an SNA.</p> <p>HS-R9 relates to a hazardous facility within a scheduled heritage resource.</p>	
Heritage Area Overlays	<p>All rules have immediate legal effect (HA-R1 to HA-R14)</p> <p>All standards have immediate legal effect (HA-S1 to HA-S3)</p>	<p>Not applicable.</p> <p>The site is not located within a Heritage Area Overlay.</p>
Historic Heritage	<p>All rules have immediate legal effect (HH-R1 to HH-R10)</p> <p>Schedule 2 has immediate legal effect</p>	<p>Not applicable.</p> <p>The site does not contain any areas of historic heritage.</p>
Notable Trees	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	<p>Not applicable.</p> <p>The site does not contain any notable trees.</p>
Sites and Areas of Significance to Māori	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7)</p> <p>Schedule 3 has immediate legal effect.</p>	<p>Not applicable.</p> <p>The site does not contain any sites or areas of significance to Māori.</p>
Ecosystems and Indigenous Biodiversity	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	<p>Not applicable.</p> <p>The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.</p>
Subdivision	<p>The following rules have immediate legal effect:</p> <p>SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17</p>	<p>Not applicable.</p> <p>The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site</p>



		containing a scheduled SNA (SUB-R17).
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.
Earthworks	<p>The following rules have immediate legal effect: EW-R12, EW-R13</p> <p>The following standards have immediate legal effect: EW-S3, EW-S5</p> <p>As stated above the mapping system records the subject site as containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.</p>	Permitted. Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
Signs	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.

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

National Environmental Standards

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

- 4.9. As mentioned, the area surrounding the transfer station is classified as being HAIL. This is located within the eastern portion of Part Allotment M20. The remainder of the site is vacant land. Lot 1 DP546204 is not located in close proximity to the transfer station and is not known to have contained activities which would be listed on the HAIL.



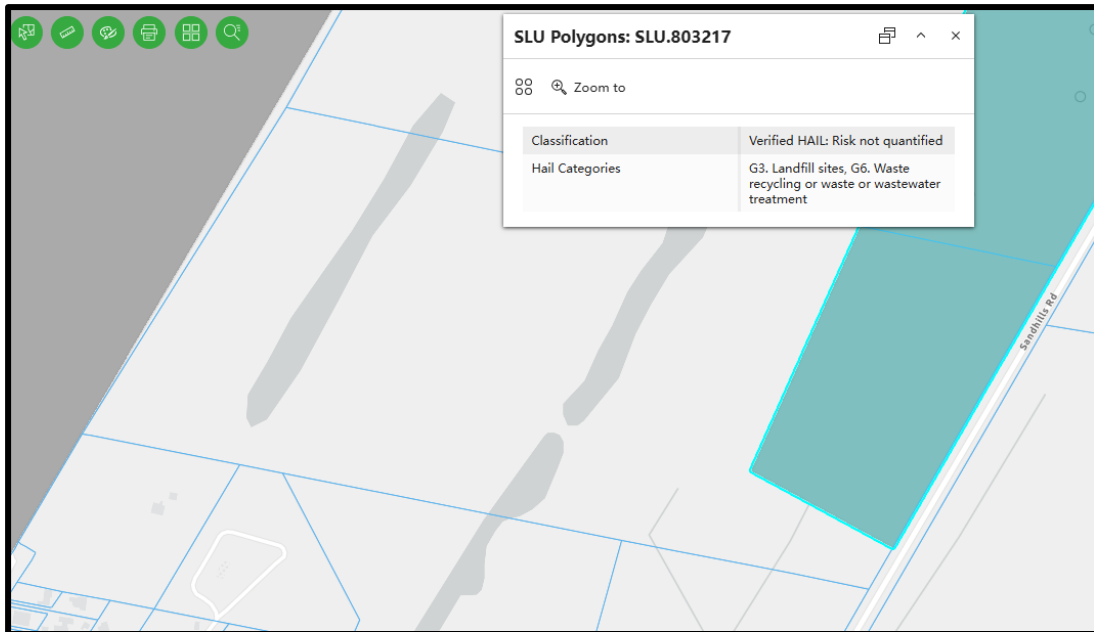


Figure 11: SLU Map showing HAIL site.

4.10. Given that the transfer station is contained to one portion of Part Allotment M20, it is considered that this area would compromise the ‘piece of land.’ There will be no change of use within this allotment or the piece of land. As per the Guide for the NESCS, the NES applies to the resulting land parcels that contain the ‘piece of land’ where the land use of that resulting land parcel could change. Given that it is not intended to change the use of the piece of land, the NESCS is not considered to apply to the activity.

4.11. As such, the application has been considered **Permitted** in terms of this regulation.

National Environmental Standards for Freshwater 2020

4.12. NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management are met.

4.13. There are known wetland areas within the sites under the NRC Maps. It is considered that a proposal of this nature will not trigger the requirement for consent under the NES-F. The proposal does not include reclamation of a river nor is it anticipated to affect the passage of fish. It is considered that there is ample area within the site for future development, located outside the areas of wetlands and the site can be developed such that no adverse effects on the wetland areas would be created.

4.14. As such, it is considered that the proposal is **Permitted** in terms of this regulation.

Other National Environmental Standards

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



5. STATUTORY ASSESSMENT

Section 104C of the Act

- 5.1. Section 104C governs the determination of applications for Restricted Discretionary Activities. When considering an application for resource consent, a consent authority must consider only those matters over which a discretion is restricted in national environmental standards or other regulations, or it has restricted the exercise of its discretion in its plan or proposed plan. The consent authority can grant or refuse the application. If the application is granted, the consent authority may impose conditions under Section 108 only for those matters listed above.

Section 104(1) of the Act

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

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

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

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

(b) Any relevant provisions of–

(i) A national environmental standard

(ii) Other regulations

(iii) A national policy statement.

(iv) A New Zealand Coastal Policy Statement

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

(vi) A plan or proposed plan; and

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

- 5.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). The proposal is considered to have actual and potential effects that are acceptable. The proposal is to cancel the covenant holding together the two allotments. Lot 1 DP546204 was originally to be created as an independent allotment as part of RC2180648, however was later proposed to be amalgamated given it was intended to be utilised as part of the larger farming unit. Now circumstances have changed such that it is proposed to separate these titles. The proposal will result in independent allotments where some form of rural productive use can still be undertaken on the sites, as well as residential development to enable future owners to reside on and live off the land.

- 5.4. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from



allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. It is considered that all effects can be managed within the lot boundaries. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Production zone.

- 5.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.
- 5.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

6. ENVIRONMENTAL EFFECTS ASSESSMENT

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

Subdivision

- 6.2. The proposal is considered to be a Restricted Discretionary activity as per rules 13.8.1. In considering whether to impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters listed in 13.8.1 & 13.7.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

Subdivision within the Rural Production Zone

- 6.3. As per Section 13.8.1 of the District Plan, in considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:
 - *effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;*
 - *effects of the subdivision under (b) and (c) above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;*
 - *effects on areas of significant indigenous flora and significant habitats of indigenous fauna;*
 - *the mitigation of fire hazards for health and safety of residents.*



- 6.4. Lot 1 DP546204 is only marginally located within the coastal environment. Given the lot is existing and the assessment undertaken within RC2180648, the proposal is not considered to have any adverse effects on the natural character of the coastal environment.
- 6.5. The sites are not located within 500 metres of land administered by DOC.
- 6.6. The proposal is not considered to have any effects on areas of significant indigenous flora or habitats of indigenous fauna.
- 6.7. The proposal is not considered to exacerbate fire hazards for the health and safety of residents.

Subdivision

- 6.8. In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters listed in 13.7.3.

PROPERTY ACCESS

- 6.8.1. Access will remain unchanged. A condition of consent was issued on the decision document for RC2180648 which required that the existing entrance to Lot 1 DP546204 to be upgraded to Council's Engineering Standards FNDC/S/6 and 6B and section 3.3.17 of NZS4404:2004, with the splays also being required to be sealed for a minimum distance of 6m from the existing seal edge, prior to s224(c) certificate being issued. The crossing place was upgraded in accordance with this. Given the recent works, it is considered that the crossing place meets the required standard and no upgrading of the crossing place is anticipated.
- 6.8.2. Pt Allotment M20 has access directly from Sandhills Road, which will remain unchanged. Given the use of the site will remain as is, no upgrading to the crossing or access is anticipated.

NATURAL AND OTHER HAZARDS

- 6.8.3. Lot 1 DP546204 is not shown to be susceptible to flood hazards. Therefore, it is considered that the river flood hazards are not considered to adversely affect the site for the purpose of subdivision. No other hazards are considered applicable to the site.
- 6.8.4. Part Allotment M20 is shown to be susceptible to some river flood hazard within the eastern portion of the site. The use of the site will remain unchanged from what is currently in existence. The site will continue to be utilised for the transfer station purposes within the eastern side, with the remainder remaining as farmland for grazing of livestock.
- 6.8.5. In terms of section 106 of the Act, the likelihood of natural hazards occurring is low. No material damage is expected, and the proposal is not considered to accelerate or worsen natural hazards, given that both lots contain existing development outside of the flood prone areas. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision consent.



WATER SUPPLY

6.8.6. The subject sites are vacant land and therefore water supply will be provided for on site at the time of built development. There is an existing consent notice condition registered on the title for Lot 1 DP546204 requiring potable water supply and supply for firefighting purposes to be provided for in conjunction with the construction of any dwelling. This will remain registered on the title and therefore no additional consent notice condition is anticipated.

STORMWATER DISPOSAL

6.8.7. Given the large area of the lots, it is considered that stormwater can be adequately managed within the site boundaries. At the time of built development within the lot, stormwater management can be designed to ensure effects of runoff are managed.

6.8.8. It is therefore considered that the proposal can manage stormwater runoff within the lot boundaries, without creating adverse effects on the surrounding environment or adjoining sites.

SANITARY SEWAGE DISPOSAL

6.8.9. Council's infrastructure is shown to extend to the end of Takaha Road. To date we have not had a response from Council's infrastructure team as to whether connection for Lot 1 is possible or not.

6.8.10. There is an existing consent notice condition registered on the title for Lot 1 DP546204 requiring a site specific onsite wastewater assessment to be lodged at the time of building on the site. This will remain registered on the title such that no further consent notice conditions are considered to be required.

6.8.11. Part Allotment 20 is over 26 hectares in area with ample area for onsite wastewater disposal if the site is over developed with a dwelling.

6.8.12. Overall, it is considered that the proposal does not result in adverse effects in terms of wastewater disposal and all effects can be managed within the new lot boundaries.

ENERGY SUPPLY & TELECOMMUNICATIONS

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

EASEMENTS FOR ANY PURPOSE

6.8.14. There are existing easements registered on the Titles. These will remain unchanged as part of the proposal. No new easements are proposed nor considered necessary.



PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES

6.8.15. The subject sites do not contain any notable trees, historic sites, building or objects. The sites are not known to contain any sites of historical or cultural significance. The sites are not shown as containing an Outstanding Natural Feature or Landscape Feature. There are no archaeological sites listed on the properties. The sites are not shown to contain any areas of PNA or protected indigenous vegetation. The sites are not shown to be within an area where kiwi may be present.

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

ACCESS TO RESERVES AND WATERWAYS

6.8.17. The sites do not have any access to public reserves, waterways or esplanade reserves. It is therefore considered that the provision for public access is not applicable to this proposal.

LAND USE COMPATIBILITY

6.8.18. The lot sizes are already in existence and are consistent with the other four lots created as part of RC2180648. Directly to and adjoining Lot 1 DP546204 is the more intensely developed residential zone and coastal living zone. The subject site therefore falls within a transition zone between the larger productive lots to the north and the more intensely developed lots to the south.

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

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

PROXIMITY TO AIRPORTS

6.8.21. The subject sites are not located in close proximity to any airport boundaries.

7. POLICY DOCUMENTS

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



National Environmental Standards

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

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

Other National Environmental Standards

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

National Policy Statements

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

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement for Electricity Networks
- New Zealand Coastal Policy Statement
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023
- National Policy Statement for Infrastructure 2025
- National Policy Statement for Natural Hazards 2025

New Zealand Coastal Policy Statement 2011

7.5. Lot 1 DP546204 is marginally within the Coastal Environment under the RPS. The proposal is not considered to be objectionable to the New Zealand Coastal Policy Statement (NZCPS), given the sites are consistent with other lots in the surrounding environment. Lot 1 DP546204 is buffered by the more intensely developed residential zone to the south and the subject site has ample area within the site for future development which would not be obtrusive within the coastal environment. No adverse effects on coastal processes are anticipated.

National Policy Statement for Highly Productive Land

7.6. As per the Land Guide to Implementation for the National Policy Statement for Highly Productive Land (NPS-HPL), consideration on the productive capacity of the land is not provided for within the discretion for activities with Controlled or Restricted Discretionary Activity statuses. However, consideration of the effect of the activity on existing land use activities must be provided for.

7.7. As has been discussed within this report, no reverse sensitivity or incompatible land uses are anticipated. The proposal will result in allotments which can accommodate a residential dwelling as well as productive activities within each lot. This is consistent with lots in the surrounding environment and the Rural Production zone in general. The lots are also capable of managing wastewater and stormwater within each of the lot boundaries such that no



downstream effects are anticipated. The proposal is not considered to create any reverse sensitivity effects as detailed within this report. Furthermore, the area noted as HPL contains an existing Transfer station such that it has effectively been removed from productive use, with the use of this site not changing.

- 7.8. As such, it is considered that the proposal will not create any reverse sensitivity effects or incompatible land uses and is consistent with the productive intent for the zone.

Regional Policy Statement

- 7.9. The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.
- 7.10. The proposal will result in the sites being held independently, with the size of the sites being such that they can be utilised for residential development and some form of productive use. No effects on ecosystems and biodiversity are anticipated as has been discussed throughout this report.
- 7.11. It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.

Far North Operative District Plan

Relevant objectives and policies

- 7.12. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area. It is considered that the proposal is not objectionable with lots in the surrounding environment and does not set a precedence given it is an application enabled as a Restricted Discretionary activity within the plan and lots of similar size and land use activities are already present in the surrounding environment. The proposal is considered to be consistent with the objectives and policies of the Plan. Those relevant objectives and policies are listed within **Appendix 7** attached to this application.

Proposed District Plan

- 7.13. Under the Proposed District Plan, the site is zoned Rural Production and marginally within the coastal environment overlay. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and



policies of the Proposed District Plan. Those relevant objectives and policies are listed within **Appendix 7** attached to this application.

Summary

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

8. SECTION 125 – LAPSING OF CONSENT

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

9. NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

Public Notification Assessment

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

Step 1 Mandatory public notification in certain circumstances

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

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

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

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

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

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

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

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

Step 2: Public Notification precluded in certain circumstances.

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

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

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

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

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

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

(i) a controlled activity:

(ii) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.



(iv)[Repealed]
(6)[Repealed]

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

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

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

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

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

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

Step 4; Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

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

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for subdivision by way of cancelling the covenant which holds the two lots together which results in a subdivision assessed as a Restricted Discretionary Activity, which is considered as neither exceptional nor unusual.

Public Notification Summary

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

Limited Notification Assessment

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

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

(2) Determine whether there are any—

(a) affected protected customary rights groups; or

(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).

(3) Determine—



(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

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

Step 2: Limited notification precluded in certain circumstances.

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

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

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

(6) The criteria for step 2 are as follows:

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

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

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

Step 3: Certain other affected persons must be notified

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

The proposal is not for a boundary activity.

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

(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

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

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



9.2.4. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on, and the following comments made:

- The size of the subject site is consistent with the character of the allotments in the locality. Therefore, the proposal is not considered objectionable with the surrounding environment.
- The proposal is not considered to create any reverse sensitivity effects.
- The proposal has been assessed as a Restricted Discretionary Activity and is therefore considered to be anticipated by the plan.
- The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

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

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

Step 4: Further notification in special circumstances

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

9.2.7. The proposal is for subdivision by way of cancelling the existing covenant which currently holds the sites together. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

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

Notification Assessment Conclusion

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

10. PART 2 ASSESSMENT

10.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.



- 10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 10.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The wetlands within the sites are not considered to be adversely affected. The sites do not contain any areas of Outstanding Natural Features and Landscapes nor any indigenous vegetation. The sites are not located along the coastal marine area or near lakes or rivers where public access would be required. The sites are not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The sites are not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal is not anticipated to increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.
- 10.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

11. CONCLUSION

- 11.1. The proposal includes a subdivision consent by cancelling the covenant against transfer of allotments imposed on Lot 1 DP546204 and Part Allotment M20 Parish of Ahipara. The proposal has been assessed as not resulting in any reverse sensitivity effects on existing land use activities in the area.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.



- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Restricted Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104C, 105 and 106 of the Act in relation to Restricted Discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.

12. LIMITATIONS

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





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

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




R. W. Muir
Registrar-General
of Land

Identifier 929318
Land Registration District North Auckland
Date Issued 01 July 2020

Prior References

NA40C/84

Estate Fee Simple
Area 2.3420 hectares more or less
Legal Description Lot 1 Deposited Plan 546204
Registered Owners
Dion Thomas Masters and RT Masters Trustee Limited

Interests

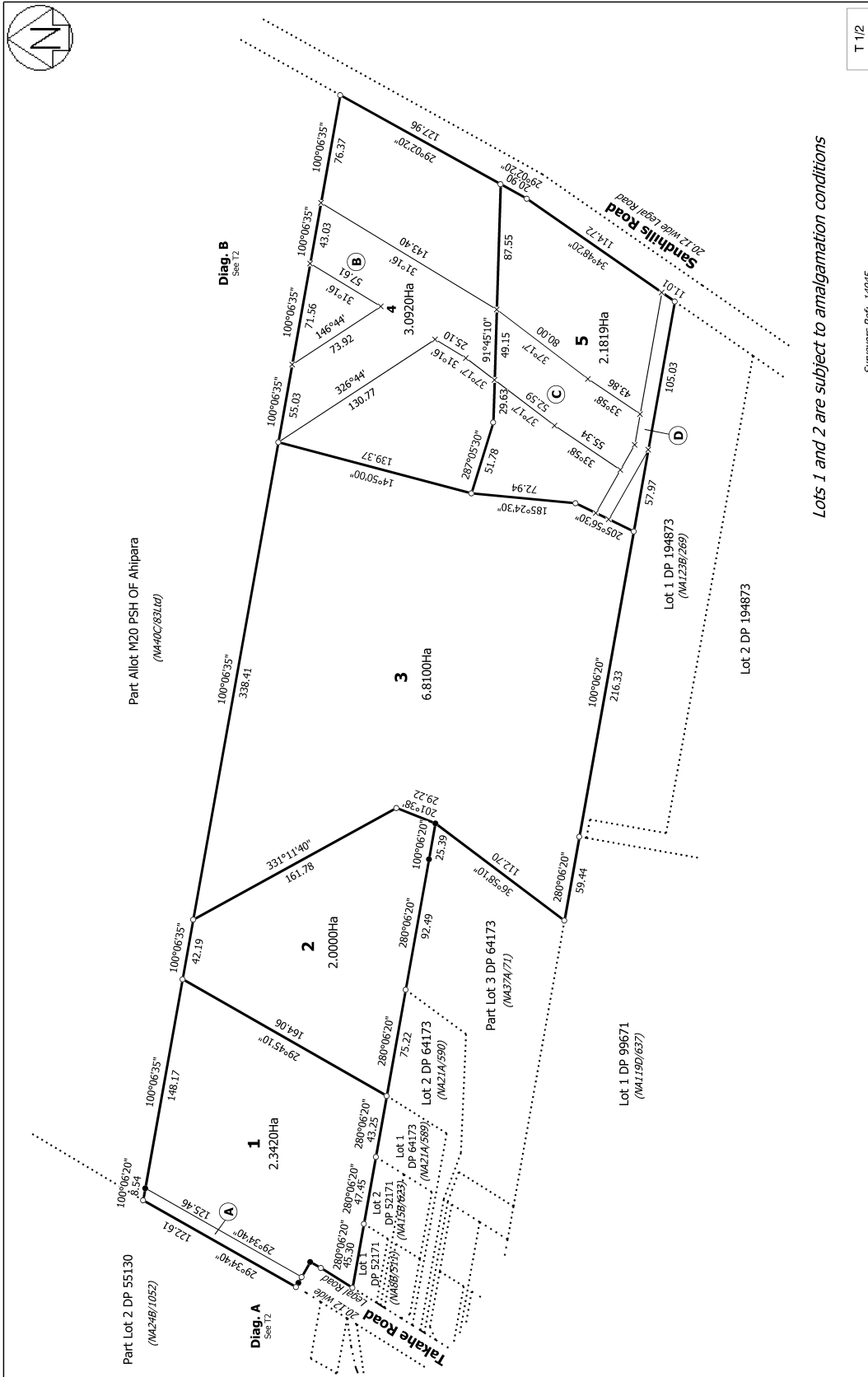
Subject to a right of way and to right to supply telecommunications and electricity rights over part marked A on DP 546204 created by Transfer D569546.8 - 22.12.2000 at 12:37 pm

The easements created by Transfer D569546.8 are subject to Section 243 (a) Resource Management Act 1991 11784654.4 COVENANT UNDER SECTION 240 RESOURCE MANAGEMENT ACT 1991 (ALSO AFFECTS NA40C/83) - 1.7.2020 at 11:10 am

11784654.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.7.2020 at 11:10 am

Land Covenant in Covenant Instrument 11784654.7 - 1.7.2020 at 11:10 am

13367731.3 Mortgage to Rabobank New Zealand Limited - 13.8.2025 at 3:57 pm



Lots 1 and 2 are subject to amalgamation conditions

T 1/2	Surveyors Ref: 14045	Title Plan LT 546204 Approved on: 2/06/2020
Land District: North Auckland	Surveyor: David Brett King	Firm: Survey & Planning Solutions (2010) L
Digitally Generated Plan Generated on: 02/06/2020 11:43am Page 3 of 4	LOTS 1 - 5 BEING A SUBDIVISION OF SOUTHERN PART ALLOTMENT 20 PARISH OF AHIPARA.	



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels**



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


R.W. Muir
Registrar-General
of Land

Identifier NA40C/83
Land Registration District North Auckland
Date Issued 08 February 1977

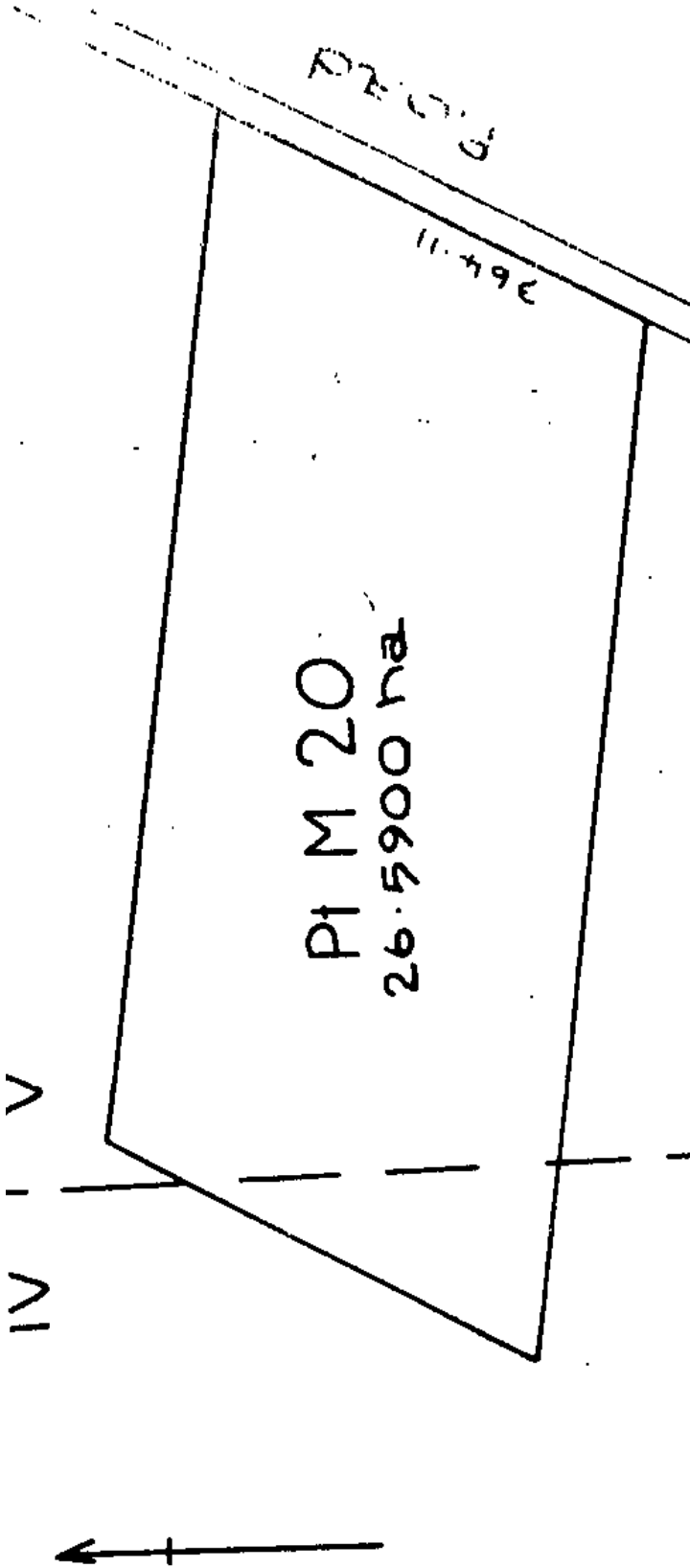
Prior References
NA1313/67

Estate Fee Simple
Area 26.5900 hectares more or less
Legal Description Middle Part Allotment 20 Parish of
Ahipara

Registered Owners
Dion Thomas Masters and RT Masters Trustee Limited

Interests

C008867.1 Compensation Certificate by Mangonui County Council (affects part) - 26.6.1989 at 3:00 pm
Subject to a right of way and rights to electricity and telecommunications over part marked D on DP 198024 created by
Transfer D569546.8 - 22.12.2000 at 12:37 pm
The easements created by Transfer D569546.8 are subject to Section 243 (a) Resource Management Act 1991
11784654.4 COVENANT UNDER SECTION 240 RESOURCE MANAGEMENT ACT 1991 (ALSO AFFECTS 929318)
- 1.7.2020 at 11:10 am
Land Covenant in Covenant Instrument 11784654.7 - 1.7.2020 at 11:10 am
13367731.3 Mortgage to Rabobank New Zealand Limited - 13.8.2025 at 3:57 pm





View Instrument Details

Instrument No 11784654.4
Status Registered
Date & Time Lodged 01 July 2020 11:10
Lodged By Patterson, Mark Stephen
Instrument Type Covenant Against Transfer of Allotments under s240 Resource Management Act 1991



Affected Records of Title	Land District
929318	North Auckland
NA40C/83	North Auckland

Annexure Schedule Contains 1 Pages.

Territorial Authority Certifications

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

Signature

Signed by Mark Stephen Patterson as Territorial Authority Representative on 02/07/2020 07:04 AM

Registered Owner Certifications

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

Signature

Signed by Mark Stephen Patterson as Registered Owner Representative on 02/07/2020 07:03 AM

*** End of Report ***

COVENANT

Pursuant to Section 220(2)(a) of the Resource Management Act 1991

On 9 September 2019 the Far North District Council granted a resource consent for the subdivision of Southern Part Allotment 20 Parish of Ahipara contained in NA40C/84 (Ltd).

One of the conditions of that consent required the subdividing owner to enter into a covenant with the Far North District Council that the land in Lot 1 DP 546204 (RT 929318) and Middle Part Allotment 20 Parish of Ahipara (RT NA40C/83) shall not without the prior consent of the Far North District Council, transfer, lease or otherwise dispose of the land except in conjunction with each other.

Dion Thomas Masters being the registered proprietor of all the above-mentioned land hereby covenants with the Far North District Council to comply with the said condition and consent to the registration of this covenant against all the said titles.

Dated this 7th day of April 2020

Signed by

Far North District Council
By:



Pat Killalea, Principal Planner
A duly authorised signatory

and by the registered proprietor:


.....
Dion Thomas Masters



THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2180648

Being the subdivision of Pt Allotment S20 PSH OF Ahipara
North Auckland Registry

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

SCHEDULE

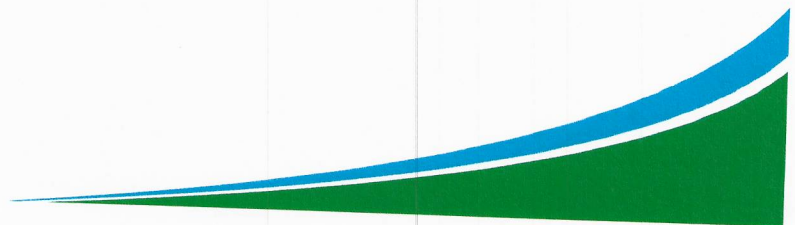
Lots 1, 2, 3, 4 and 5 DP 546204

- (i) In conjunction with the construction of any building requiring a wastewater disposal system the lot owner shall obtain a building consent and install the wastewater treatment and effluent system as detailed in the reports prepared by Effluent Drainlayers, dated 6/04/2018 and updated report entitled "*Dion Masters – Revised TP58 Report*", dated 17/06/19 and submitted with subdivision consent RC 2180648.

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

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

Where a wastewater treatment and effluent disposal is proposed that differs from that detailed in the abovementioned report, a new TP 58/site and soil evaluation report will be required to be submitted, and Council's approval of the new system must be obtained, prior to its installation.





- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (iii) Reticulated power supply and telecommunication services are not a requirement of subdivision consent RC2180648. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

Lots 4 and 5 DP 546204

- (iv) No building is to be erected within covenant areas "B & C" as shown on survey plan DP 546204 without the prior approval of Council.
- (v) Water located in the drains that run through the lots is not to be used for stock or domestic purposes.

SIGNED:

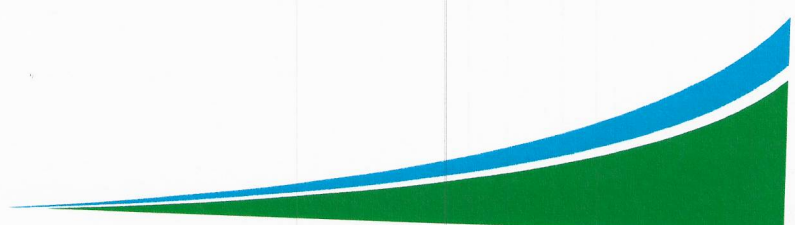
Mr Patrick John Killalea - Authorised Officer

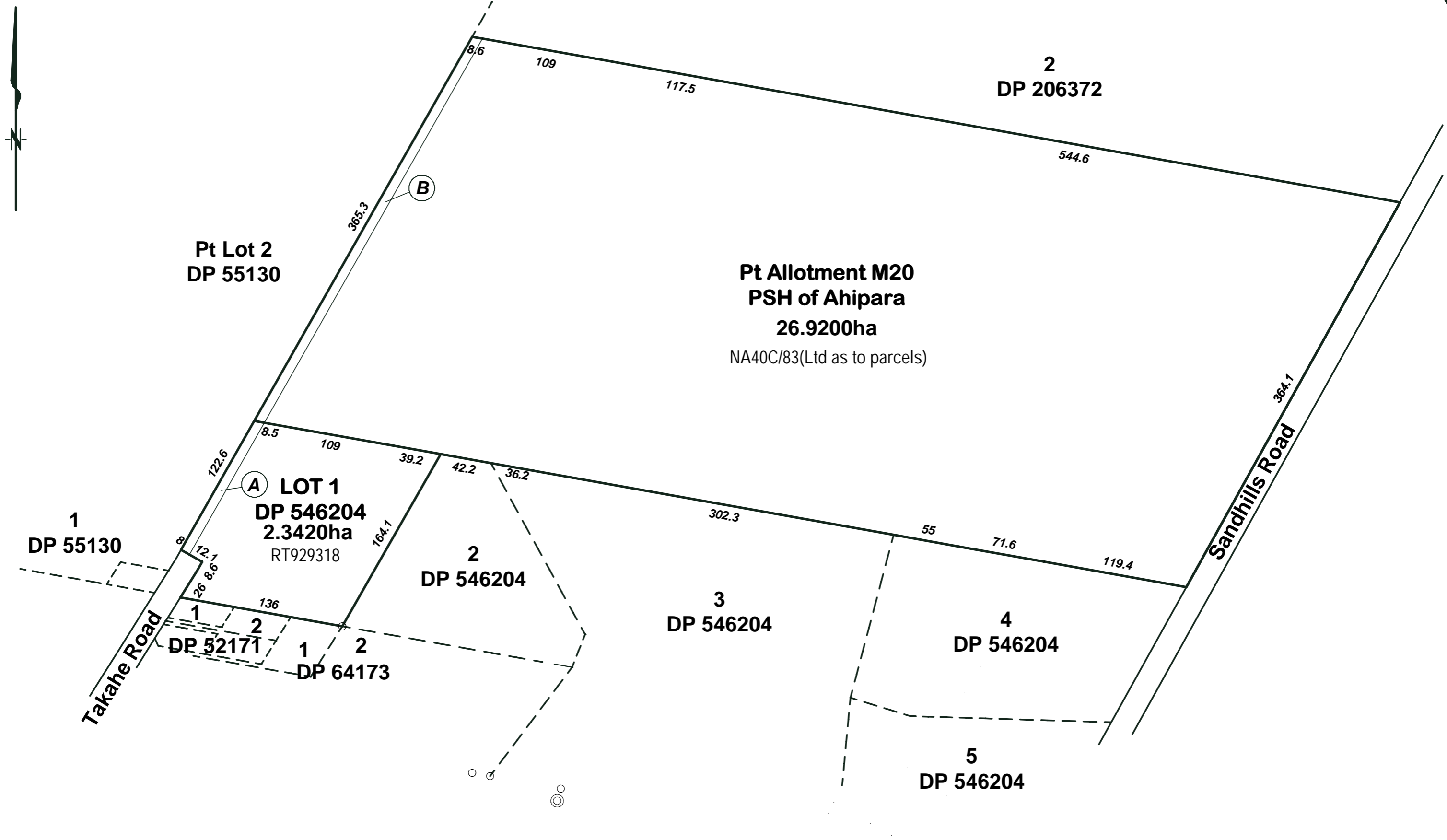
By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this 23rd day of March 2020





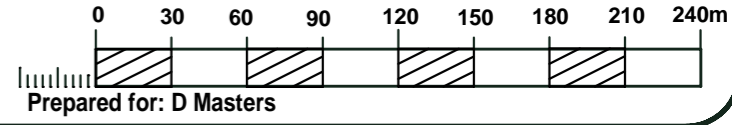
THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF WILLIAMS & KING AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WILLIAMS & KING

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.

'Areas shown A & B are existing easements to remain'

Local Authority: Far North District Council

Total Area: 29.2620
Comprised in: RT929318 & NA40C/83



AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

WILLIAMS AND KING
Registered Land Surveyors, Planners & Land Development Consultants

Ph: (09) 407 6030 27 Hobson Ave
Email: kerikeri@saps.co.nz PO Box 937 Kerikeri

Application to cancel covenant against transfer of allotments
Lot 1 DP 546204 & Pt Allot M20, PSH of Ahipara. Ins No:11784654.4

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey		1:3000	A3
Design			
Drawn	W & K Mar 2026		
Rev			

24798

Operative District Plan Relevant Objectives and Policies

Objectives and policies within the Subdivision Chapter

Objectives

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

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

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

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

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

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

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

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

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

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

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

Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) development of energy efficient buildings and structures;

(b) reduced travel distances and private car usage;

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

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

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

Objectives and policies within the Rural Environment

Objectives

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

Policies

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

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

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

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

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

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

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

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

Objectives and policies within the Rural Production Zone

Objectives

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

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

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

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

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

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

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

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

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

Policies

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

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

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

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

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

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

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

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

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

Proposed District Plan Objectives and Policies

Rural Production Zone

Objectives

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

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

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

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

(b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;

(c) does not compromise the use of land for farming activities, particularly on highly productive land;

(d) does not exacerbate any natural hazards; and

(e) is able to be serviced by on-site infrastructure.

RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained.

Policies

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

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

(a) enabling primary production activities as the predominant land use;

(b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.

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

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

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

RPROZ-P5 - Avoid land use that:

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

RPROZ-P6 - Avoid subdivision that:

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

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

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*
- (d) location, scale and design of buildings or structures;*
- (e) for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation**
- (f) at zone interfaces:*

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

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

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

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

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

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