THOMSON SURVEY LIMITED

SURVEYORS AND RESOURCE PLANNERS

Our Reference: 10993.1

23 November 2026

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Resource Consent application – boundary adjustment subdivision at 703 Motukiore Road – Ian Ray (Joe) Carr

I am pleased to lodge application on behalf of Joe Carr, for a boundary adjustment subdivision at 703 Motukiore Road, Horeke. The property is zoned Rural Production in both the Operative and Proposed District Plans. The proposal involves two existing titles, and will create two titles (no additional).

The fee has been paid separately.

Regards

Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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Background picture represents a New Zealand surveying trig station, used to beacon control survey marks

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

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Private Bag 752, Kaikohe 0440, New Zealand
ask.us@fndc.govt.nz
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Application for 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 discussion

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

◯ Yes ☑ No ◯ N/A

Have you consulted Council's Infrastructure Officer regarding infrastructure capacity to service the development?

◯ Yes ☑ No ◯ N/A

Have you consulted the Roading Officer regarding any road to vest or departure from District Plan / Engineering standards?

◯ Yes ☑ No ◯ N/A

**Contact details of who and how to engage in pre lodgement discussions can be found on the Resource Consent pages of the FNDC website.*

2. Type of consent being applied for

(more than one circle can be ticked):

◯ **Land Use**

◯ **Fast Track (Land Use - Controlled Activity)**

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

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

◯ **Extension of time (s.125)**

◯ **Discharge:** Total voume = _____ m³
Note; volumes >3m³ requires NRC Consent 3m³

☑ **Subdivision**

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

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

◯ **Other (please specify)** _____

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

☑ **Yes** ◯ **No**

4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant details

Name/s: Ian Ray (Joe) Carr

Email: [redacted]

Phone number:

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

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

If yes, please provide details:

6. Address for correspondence

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

Name/s: Lynley Newport

Email: [redacted]

Phone number:

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

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

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

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

Name/s: As per item 5

Property address/ location:

Postcode

8. Application site details

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

Name/s: as per item 5

Site address/ location: 703 Motukiore Road
HOREKE
Postcode

Legal description: Pt Motukiore C Blk; Motukiore D **Val Number:**

Certificate of title: NA50C/1034 & NA50C/1036

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.

Gate Key For 703 Motukiore Road. Open mailbox door. Key is hanging on a nail on the top left (observed) of door opening.

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.

Boundary adjustment subdivision between two adjacent titles, both zoned Rural Production in ODP and PDP.

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

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

◯ **2009** ◯ **2023**

10. Would you like to request public notification?

◯ **Yes** ☑ **No**

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

(more than one circle can be ticked):

- ◯ **Building Consent** Enter BC ref # here (if known)
- ◯ **Regional Council Consent (ref # if known)** Ref # here (if known)
- ◯ **National Environmental Standard Consent** Consent here (if known)
- ◯ **Other (please specify)** Specify 'other' here

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

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

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

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

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

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

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

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

- ☑ **Flooding**
- ◯ **Landslips**
- ◯ **Coastal Erosion**
- ◯ **Coastal Inundation**
- ◯ **Active Faults**
- ◯ **Liquefaction**
- ◯ **Tsunami**

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

14. Assessment of environmental effects:

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

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

15. Draft conditions:

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

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

16. Billing Details:

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

Name/s: (please write in full) Ian Ray Carr

Email: [redacted]

Phone number: [redacted]

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

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

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

Name: (please write in full) Ian Ray Carr

Signature:
(signature of bill payer) [redacted] MANDATORY

Date 16.11.26

17. Important Information:

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

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

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

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

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

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

18. Declaration

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

Name (please write in full) Ian Ray Carr

Signature [redacted]

Date 16/11/26

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

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

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

Ian Ray (Joe) Carr

BOUNDARY ADJUSTMENT SUBDIVISION

703 Motukiore Road, HOREKE

PLANNER'S REPORT & ASSESSMENT OF ENVIRONMENTAL EFFECTS

Thomson Survey Ltd
Kerikeri

1.0 APPLICANT AND PROPERTY DETAILS

Site Address:	703 Motukiore Road, Horeke
Applicant Name:	Ian Ray (Joe) Carr
Legal Descriptions & Records of Title:	NA50C/1034 Pt Motukiore C Blk NA50C/1036 Motukiore D Blk
Site Area:	80.8ha and 115ha respectively
Title Owner:	Ian Ray Carr
Zoning:	ODP: Rural Production Zone PDP-AV: Rural Production Zone
Overlays:	ODP: Nil PDP-AV: limited areas of River and Coastal Flood Hazard
Locality Map:	Refer Appendix 2
Summary of Proposal:	To subdivide by way of a boundary adjustment between the two aforementioned titles (no additional titles), creating a small lot around existing residential dwelling and placing the rest of the land in one large balance area.

Summary of Reasons for Consent:

ODP: boundary adjustment subdivision consent is required as a restricted discretionary activity;
PDP-AV: boundary adjustment subdivision consent is required as a non complying activity.

2.0 INTRODUCTION

2.1 The Proposal

The applicants propose a simple boundary adjustment between two large rural holdings to enable a much smaller area around existing residential development, and a much larger balance rural holdings for productive use (in excess of 187ha). The area of the lot around the existing residential unit is proposed to be 9,000m^2. The proposed Scheme Plan is attached in Appendix 1.

One easement is included, to provide for the existing access to continue to be utilised by the dwelling.

2.2 Scope of this Report

This assessment and report accompanies the Resource Consent Application, and is provided in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991. The application seeks consent from the Council for a boundary adjustment subdivision. The information provided in this assessment and report is considered commensurate with the scale and intensity of the activity for which consent is being sought. The name and address of the owner of the property is contained in the Form 9 Application form.

3.0 SITE DESCRIPTION

3.1 Physical characteristics

The application land is on Motukiore Road, Council maintained public road with metal surface. The land, near Motukiore Road, has historically been used as a timber mill – treatment and storage - as part of forestry operations carried out by the applicant, with several shed buildings, as well as the existing residential unit to be within the proposed smaller adjusted lot.

The road frontage area is gently undulating in contour and cleared land (in grass) with scattered trees. Large portions of the balance of the land are in trees and the contour becomes moderately to steeply rolling hill country.

Just to the north of the application land is the Arohamauroa Marae. The Perunui Stream (intermittent flow) not an obvious watercourse and simply marked as a culvert where it goes under Motukiore Road), forms the boundary of the proposed larger balance adjusted lot. This same watercourse goes under the existing formed access into the application land. The access is via a culvert crossing installed by the Hokianga County Council in about 1975 (applicant comment).

3.2 Mapped features

Through the area described above, where the watercourse is located, the land is mapped as localised flood hazard.

The sites are zoned Rural Production in the Operative District Plan (ODP), with no resource features. The application land is zoned Rural Production in the PDP-AV.

Soils are mapped as poor quality (LUC 6). A reasonably sized portion of NA50C/1034, well to the north of the dwelling and to be within the large balance adjusted lot, is subject to a QEII Open Space Covenant (5-02-451). This same area is mapped in DoC's 2016 Protected Natural Area overlay as a PNA – "Carrs Waimahe Stream Bush". The majority of the application land is mapped as 'kiwi present', however the applicant has commented that there have been no kiwi present for at least 35 years.

3.3 Legal Interests

As stated above, NA50C/1034 is subject to an Open Space Land Covenant, a copy of which is contained in Appendix 3. In addition both titles are subject to a Notice registered pursuant to Section 195(2) Climate Change Response Act 2002.

3.4 Consent History

The property file is valuation / rating based as opposed to specific titles, so contains consents relating to other titles in the same rating entity and ownership, but which are not related to the application land.

The property file shows three s139 Certificates of Compliance for vegetation clearance and forestry activity (1990935; 1990540 and 2000802) none of which appear to relate to the application land but instead relate to other blocks of land in the same ownership.

7733-TCPLUC was a land use consent issued in 1990 for the timber treatment plant and sawmill established on the site. Associated with this land use consent was building consent BP 1051673, issued in 1991.

The timber treatment plant and sawmall is also consented by the Regional Council under AUT.004742.01.03 (Discharge Consent), and registered with the Northland Regional Council as a HAIL site – reference SLU.803825 – A18 Wood treatment or preservation or bulk storage of treated timber. The latest monitoring report was issued in September 2026, with "all conditions

of the resource consent complied with at the time of inspection". The applicant advises that there is no longer any commercial operations associated with the timber sawmill and treatment plant. It was last active about 10 years ago

In 1998, RC 1990368-RMALUC was issued for the re-erection of a shed within the 10m boundary setback. The related BC, also issued in 1998, is referenced BC-1999-595.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

(1) An application for a resource consent for an activity must include the following:	
(a) a description of the activity: .	Refer Sections 1 and 6 of this Planning Report.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Sections 7 & 8 of this Planning Report.
(b) a description of the site at which the activity is to occur:	Refer to Section 3 of this Planning Report.
(c) the full name and address of each owner or occupier of the site:	This information is contained in the Form 9 attached to the application.
(d) a description of any other activities that are part of the proposal to which the application relates:	The application is a boundary adjustment subdivision.
(e) a description of any other resource consents required for the proposal to which the application relates:	Nil required.
(f) an assessment of the activity against the matters set out in Part 2:	Refer to Section 7 of this Planning Report.
(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2): (*a) any relevant objectives, policies, or rules in a document; and* *(b) any relevant requirements, conditions, or permissions in any rules in a document; and* *(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).*	Refer to Section 7.

(3) An application must also include any of the following that apply:	
(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)): *(b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):* *(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).*	Refer to Section 5.
(4) An application for a subdivision consent must also include information that adequately defines the following:	
(a) the position of all new boundaries: *(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:* *(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:* *(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:* *(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:* *(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):* *(g) the locations and areas of land to be set aside as new roads.*	Refer to Scheme Plans in Appendix 1.

Clause 6: Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:	
(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:	Refer to Section 6. The activity will not result in any significant adverse effect on the environment.
(b) an assessment of the actual or potential effect on the environment of the activity:	Refer to Section 6.
(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:	Not applicable to the boundary adjustment.
(d) if the activity includes the discharge of any contaminant, a description of— *(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and* *(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:*	Not applicable to the boundary adjustment.
(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:	No mitigation measures required.
(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:	Refer to Section 8.
g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:	No monitoring is required as the scale and significance of the effects do not warrant it.
(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).	No protected customary right is affected.

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

(1) An assessment of the activity's effects on the environment must address the following matters:	
(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:	Refer to section 6 for (a)-(d)
(b) any physical effect on the locality, including any landscape and visual effects:	
(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:	
(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:	
(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:	The boundary adjustment will not result in the discharge of contaminants, nor any unreasonable emission of noise.
(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	The application site is not subject to hazard to a degree that impacts on the proposal. The proposal does not involve hazardous installations.

5.0 COMPLIANCE ASSESSMENT

5.1 Operative District Plan (ODP)

The proposal is assessed against Rule 13.7.1 of the ODP:

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

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

(a) there is no change in the number and location of any access to the lots involved; and

(b) there is no increase in the number of certificates of title; and

(c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted

discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and

(d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and

(e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and

(f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

Part (a) is complied with insofar as there is no proposed change to physical access.

Part (b) is met as there is no increase in the number of certificates of title;

Part (c): Both existing titles are in excess of the Rural Production Zone's controlled activity minimum lot size (>20ha). The boundary adjustment alters that, with one lot reducing in area to 9,000m^2. **Part (c) cannot therefore be met.**

Part (d) is met in that the lots are contiguous.

Part (e) is, or will, also met. The area of land and location of boundaries, around the existing dwelling will accommodate all existing on-site services and buildings in compliance with the relevant land use rules. It is proposed that there be a condition at s223 stage requiring evidence that this is achieved for the proposed Lot 1.

Part (f): refer above.

In summary the boundary adjustment meet all parts of 13.7.1 except part (c) and is further assessed accordingly below. Where 13.7.1 cannot be fully complied with, one is directed to rules in 13.7.2.

13.7.2 contains allotment sizes in its Table 13.7.2.1. Where a title is older than April 2000, as is the case here, one is entitled to create up to two lots of 4,000m^2 minimum area, provided there is a balance greater than 4ha. We are proposing a 9,000m^2 lot and balance much larger than 4ha, which is also then being combined with the adjacent title to leave an even larger balance. This is a restricted discretionary subdivision option. I therefore consider the boundary adjustment to be a restricted discretionary activity under the ODP.

5.2 Proposed District Plan Appeals Version (PDP-AV)

SUB-R1 – Boundary Adjustments

CON-1
The boundary adjustment complies with standards:

SUB-S1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;
SUB-S2 Requirements for building platforms for each allotment;
SUB-S3 Water supply;
SUB-S4 Stormwater management;
SUB-S5 Wastewater disposal;
SUB-S6 Telecommunications and power supply; and
SUB-S7 Easements for any purpose;

CON-2
The boundary adjustment does not:

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

CON-3
The boundary adjustment complies with standard:
SUB -S8 Esplanades.

CON-1, SUB-S1 and all of CON-2 are basically the same as the ODP's boundary adjustment provisions. SUB-S1 minimum allotment sizes for controlled activities is not met for proposed adjusted Lot 1, and the boundary adjustment therefore becomes a restricted discretionary activity, with matters of discretion restricted to 'matters of any infringed standard' and 'any relevant matters of control'. It should be noted that SUB-R2 (subdivision to create additional allotments) contains CON-3 whereby it is a controlled activity to subdivide a 5,000m^2-2ha lot around an existing legally established dwelling, where there is a balance of >40ha.

In regard to SUB-S2 through S7, land to be in the adjusted 187ha is largely undeveloped. With an area that big, I believe SUB-S2 through S7 (where relevant) could readily be met. In regard the adjusted smaller lot, this has an existing established building platform (with building), and existing on-site services, along with the existing consented timber plant.

In regard to CON-2, existing activities are farming and forestry; and existing residential activity – all permitted under rules and standards in the PDP-AV. There is no "non-compliance" to be altered. There is no change to the number or location of access and no increase in the number of titles. CON-2 is therefore met.

In regard to CON-3, there are no esplanade requirements. The steam referred to earlier in this report is less than 3m wide.

The PDP-AV states that SUB-R8 through SUB-R23 inclusive apply *in addition to* SUB-R1 – SUB-R7. The following therefore have relevance.

Rule SUB-R11 – Subdivision of a site within flood hazard area is relevant only insofar as the PDP maps indicated potential localised flooding along Motukiore Road and into the application land where its boundary is with road. The boundary being changed crosses (partially within) this area.

Whilst a boundary adjustment is legally a 'subdivision' I believe the aim of this rule is to manage the creation of additional lots within a flood hazard area rather than adjusting a boundary, especially when no change to access or buildings/structures is envisaged. In the event that the Council feels compelled to take the technical, risk averse approach and regard the boundary adjustment as if it were subdividing to create additional allotments, the following is offered.

SUB-R11 Subdivision of a site within flood hazard area Restricted discretionary activity where: RDIS -1 1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year flood hazard area;	The existing dwelling is outside the spatial extent of the 1 in 100 year flood hazard area, being elevated on a hill. Should the very large adjusted balance ever support a building, this too can be outside that spatial extent.
2. Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and	No new (additional) allotments are being created. Built development is existing on both lots.
3. Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level.	Access is existing with no additional use proposed. There has been no flooding of the access since 1974. With no additional titles, and access already existing with no increased usage, I believe the restricted discretionary activity requirements are met.

Rule SUB-R12 – Subdivision of a site within coastal hazard area is relevant because the same area mapped as river flood hazard is also coastal flood hazard. Whilst a boundary

adjustment is legally a 'subdivision' I believe the aim of this rule is to manage the creation of additional lots within a coastal hazard area rather than adjusting a boundary, especially when no change to access or buildings/structures is envisaged. As with the river flood hazard, In the event that the Council feels compelled to take the technical, risk averse approach and regard the boundary adjustment as if it were subdividing to create additional allotments, the following is offered.

SUB-R11 Subdivision of a site within flood hazard area Restricted discretionary activity where: RDIS-1 All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area.	This is a boundary adjustment with no additional titles proposed. Although this is the existing scenario, access into the application land (and along the only road frontage the application land has) is mapped as 'coastal flood hazard'. It is therefore impossible to access existing titles without crossing that area mapped as hazard, let alone adjusted titles. However, the site is protected and isolated from any risk of coastal flooding because of the Hapanga Road embankment (2.5km north west of the site, across the stream). Technically, because a boundary adjustment is legally regarded as a subdivision, even when creating no additional allotments, the proposal becomes a non complying boundary adjustment because the existing access crosses a coastal hazard area. It should be noted however, that there is no **Coastal Flood Zone 1:50** area (regarded as the higher likelihood risk than 1:100) mapped anywhere near the existing residential dwelling or over the access into the site. There is Coastal Flood Zone 1:100 area mapped over the access, but note comment above questioning the accuracy of that mapped area in terms of actual occurrence.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Property Access

Access is via Motukiore Road, a Council maintained metal surface road – classified as an 'access road'. The road is low usage and there is excellent visibility in both directions from the existing crossing into the site. Two titles access the road now, and two titles will access the site post boundary adjustment – no change and no increase in traffic movements. This means the proposal has no impact on Council's roading network.

6.2 Natural and other hazards

The property entrance, and Motukiore Road frontage to the site is mapped as Coastal Flood Hazard. However, the site is protected and isolated from coastal inundation effects by the Hapanga Road embankment (north west of site). The applicant has never seen any section of Motukiore Road flooded between Hapanga Road and the application site.

The boundary adjustment subdivision does not create any additional vacant allotments. Residential development is existing on the proposed adjusted smaller lot, outside of any area mapped as being susceptible to flooding.

Access into the site was formed some time ago. It has been utilised by residential, farming and logging vehicles for many years. No increased or intensified usage will result from this boundary adjustment, which simply places a smaller area of land around the existing dwelling and a much larger adjusted balance allotment for productive use.

Whilst there are areas mapped as river flood hazard, including access into and within the site, the boundary adjustment does not exacerbate or worsen that hazard because it does not provide for any additional allotment.

There is no Coastal Flood Zone 1:50 area mapped anywhere near the existing residential dwelling or over the access into the site. There is only Coastal Flood Zone 1:100 area mapped over a small extent of the access, which is at or above the same level as Motukiore Road. It is only the former that is regarded as "high risk" by Regional and District Councils.

The Council needs to recognise that the presence of 'mapped' hazard areas over existing titles with existing land uses and access, does not in and of itself exacerbate the risk of hazard. I see no reason pursuant to s106 of the Act that would prevent the council from granting this boundary adjustment.

6.3 Water Supply

No additional titles are created. Existing built development self reliant in terms of water supply.

6.4 Stormwater Disposal

No additional titles are created. Existing built development self reliant in terms of stormwater management and disposal. Total (existing) impermeable surfaces to be within the adjusted Lot 1 boundaries, are estimated at less than 10% of the adjusted lot area.

6.5 Sanitary Sewage Disposal

No additional titles are created. Existing built development self reliant in terms of wastewater management and disposal.

6.6 Energy Supply and Telecommunications

No additional titles are being created and power and telecoms not a requirement in the rural production zone in any event.

6.7 Easements for any Purpose

Refer to Scheme Plan in Appendix 1.

6.8 Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes

No additional vacant titles created. The application land has no high or outstanding landscape values. There is an existing QEII Open Space Covenant within the application land and this remains.

Heritage Resources

There are no NZAA Archaeological Sites mapped within the application land. There are no Heritage Items or Areas mapped within the application land. There are no sites or areas of significance to Maori mapped within the application land.

Vegetation & Fauna

The application land has been utilised for forestry. The majority of the application land is identified as kiwi present, albeit the applicant advises that they have not witnessed kiwi present on the land since about 1985. There is a reasonably sized area of indigenous bush at the northern end of the application land, protected via a QEII Open Space Covenant, which will remain in place. The land involved is currently in a single title and this will remain the case post boundary adjustment. With no additional allotments or development, I consider the status quo can remain with no additional requirements in terms of vegetation or fauna necessary. I do not believe the boundary adjustment has any adverse effects on vegetation or fauna.

6.9 Access to Reserves and Waterways

There is no adjusted lot of less than 4ha adjacent to any qualifying waterbody.

6.10 Land Use Incompatibility

Given that the boundary change does not change land use of number of allotments, I do not see any risk of land use incompatibility issues arising.

7.0 STATUTORY ASSESSMENT

7.1 Part 2 Considerations

5 Purpose

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

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

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

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

6 Matters of national importance

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

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:
(g) the protection of protected customary rights:
(h) the management of significant risks from natural hazards.

The site does not exhibit the majority of the features listed above. An area of native trees within the application land is already protected and this will remain the case. The boundary adjustment does not increase the risk of natural hazards.

7 Other matters
In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—
(a) kaitiakitanga:
(aa) the ethic of stewardship:
(b) the efficient use and development of natural and physical resources:
(ba) the efficiency of the end use of energy:
(c) the maintenance and enhancement of amenity values:
(d) intrinsic values of ecosystems:
(e) [Repealed]
(f) maintenance and enhancement of the quality of the environment:
(g) any finite characteristics of natural and physical resources:
(h) the protection of the habitat of trout and salmon:
(i) the effects of climate change:
(j) the benefits to be derived from the use and development of renewable energy.

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters". Part (b) is of particular relevance in that this boundary adjustment seeks to rationalise property boundaries in alignment with land uses. This is seen as an efficient use of natural and physical resources. No additional titles result and no additional development over and above what can occur already is proposed or provided for.

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

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

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

7.2 National Policy Statements & Standards

7.2.1 National Policy Statement – Indigenous Biodiversity (NPS-IB)

The objective of the NPS-IB is to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. It seeks to do this by, amongst other things, recognising landowners as stewards of indigenous biodiversity; by protecting, and in some cases restoring, indigenous biodiversity in order to achieve the goal of overall maintenance of that biodiversity, while providing for the social, economic and cultural wellbeing of people (including landowners).

The application land is already utilised for forestry. It already has land protected by Open Space Land Covenant. The proposal does not create any additional titles and does not change existing land uses. With this no change scenario, other than boundaries, the proposal has no impact on indigenous biodiversity.

7.2.2 National Policy Statement – Natural Hazards (NPS-NH)

The NPS-NH provides direction to decision-makers to ensure that subdivision does not increase natural hazard risk, and that new exposure to hazard risk is avoided where practicable. The Objectives and Policies of the NPS-NH seek to appropriately manage the natural hazard risk to people, property and infrastructure, and to ensure that the risk is not increased. The risk is to be assessed on the likelihood of an event and the consequences associated with exposure to the hazard.

In the case of this proposal, there is no new exposure to hazard risk. The proposal rationalises boundaries without changing land use or increasing development opportunity. Therefore, despite having a very localised mapped flood hazard mapped for some of the application land, the risk of increased or new exposure to hazard is non existent. Please also refer to earlier comments in this report in regard to embankment works at Hapanga Road that effectively mitigates coastal flood risk.

7.2.3 National Polity Statement & Environmental Standard – Freshwater (NPS-FM and NES-F)

There are waterbodies within the site and the access into the site crosses a minor stream. However, noting the above comment about no change in land use or development potential, the proposal poses no risk to freshwater quality or quantity.

7.2.4 National Environmental Standard – Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

The application site supports a timber treatment plant and sawmill, established in 1990. This was consented by both regional and district councils and is identified on the NRC's Selected Land Use on-line maps, and registered as SLU.803825. Timber treatment and storage plants are a HAIL (A18 wood treatment or preservation or bulk storage of treated timber). Whilst no longer in active commercial use, the site remains listed, and monitored by NRC.

Subdivision is an 'activity' covered by the above referenced NES. However, the NES-CS is clear in that the activity must be related to the 'piece of land' that is subject to the NES-CS.

In this instance SLU.803825 is the 'piece of land' and that land is not being subdivided. It remains entirely within one title. The adjusted boundary between that title and the title to the south, does not involve any of the land that is regarded as a 'piece of land' for the purposes of the NES-CS. Therefore no further regard need be had to the NES-CS.

7.2.5 National Environmental Standard – Commercial Forestry (NES-CF)

The NES-CF came into effect in 2023. Any existing commercial forestry operations within the application land will continue to be subject to the NES-CF. This rationalisation of boundaries does not alter any requirements pursuant to the NES-CF.

7.3 Regional Policy Statement for Northland (RPS)

I do not consider the proposal to be inconsistent with any relevant objectives and policies in the RPS for Northland. Existing land uses continue and no additional titles result. There is no increased risk from natural hazard; no highly versatile soils; no high or outstanding landscape values; no heritage or cultural values; and no adverse effects on indigenous vegetation or fauna.

7.4 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are those in Chapter 13 Subdivision, particularly those relating to boundary adjustments, and Chapter 8.6 Rural Production Zone.

The proposal promotes sustainable management of the natural and physical resources of the District and provides for the applicants' social and economic well being. It is an appropriate boundary adjustment subdivision that does not compromise the life-supporting capacity of air, water, or ecosystems, and adverse effects are capable of mitigation. The lot sizes remain consistent with those found in the Rural Production Zone (Objectives 13.3.1 and 2 and Policy 13.4.14).

On-site service capability is not considered given the nature of this boundary adjustment, with existing development and very large undeveloped balance area (Objective 13.3.5 and related Policy 13.4.8).

I am not aware of any sites of significance to Māori or cultural values associated with the site. No earthworks are required and no indigenous vegetation clearance is envisaged or required (Objective 13.3.7 and Policy 13.4.11)

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I do not consider this to be a relevant consideration in this particular instance noting no additional development proposed. Power and telecoms are not a requirement of rural subdivisions.

The site displays no known cultural or heritage values, nor any outstanding landscape values. The natural character values of the sites are not adversely affected. I do not believe the subdivision will prevent adjacent land uses from continuing to operate (Policy 13.4.1).

Access is already provided via Council maintained public road (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives include Objectives 8.6.3.1 and 8.6.3.2 which promote sustainable management of resources and enable the efficient use and development of land. The boundary adjustment is consistent with both.

The proposal does not represent physical change and has no impacts on amenity values (8.6.3.3), or significant natural values (8.6.3.4). Neither is there any risk of increased land incompatibility issues arising (8.6.3.6, 8.6.3.7). The current operations will continue (8.6.3.8 and 8.6.3.9).

The proposal is consistent with zone policies in that it does not create any additional adverse effects or reverse sensitivity effects, and it represents an efficient use and development of resources.

7.5 Proposed District Plan (AV) Objectives and Policies

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

SUB-O1
Subdivision results in the efficient use of land, which:

a. *achieves the objectives of each relevant zone, precinct, development area, overlays and the district wide provisions;*
b. *contributes to the existing or planned local character and sense of place;*
c. *avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
d. *avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
e. *does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and*
f. *manages adverse effects on the environment.*

The proposal enables the efficient use of land and in doing so achieves the objectives of the rural production zone. The land use is not changing. No reverse sensitivity issues arise and the risk from natural hazards is not increased. There are no adverse effects.

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

The proposal has no impact on any of the above, where relevant to the application land.

SUB-O3 and SUB-O4 - on-site infrastructure – are not overly relevant given the proposal does not create any additional lot for the purpose of built development.

SUB-O5 seeks to protect the long-term availability and productive capacity of highly productive land, of which there is none.

No additional infrastructure is necessitated by the subdivision (SUB-O6).

SUB-P1
Enable boundary adjustments that:

a. *do not alter:*

    i. *the degree of non-compliance with District Plan rules and standards;*
    ii. *the number and location of any access; and*
    iii. *the number of certificates of title.*

I consider the proposal to be consistent with the above policy. The smaller adjusted lot (9000m^2) is consistent with the subdivision provision allowing subdivision around existing residential development.

SUB-P3
Provide for subdivision where it results in allotments that:

a. *are consistent with the planned environment of the zone or precinct;*
b. *comply with the minimum allotment sizes for each zone;*
c. *have an adequate size and appropriate shape to contain a building platform; and*
d. *have legal and physical access.*

Refer to comments under SUB-P1. I consider the proposal to be consistent with the above policy.

SUB-P5 addresses infrastructure needs of subdivisions creating additional lots – which this is not.

SUB-P7
Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:…..

Whilst it could be argued that the size of the adjusted smaller lot may be considered 'rural lifestyle', this term is not defined. Neither does it represent a rural lifestyle 'subdivision' as such because the dwelling already exists and the proposal does not create additional rural lifestyle allotments. In short the proposal does not create an additional lot for the purposes of rural lifestyle. It simply adjusts a boundary.

SUB-P8
Avoid subdivision that:

a. *within the Horticulture Precinct, is not provided for in PREC2-P5:*
b. *in all other parts of the Rural Production zone:*
    i. *results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;*
    ii. *cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;*

iii. fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c);
iv. Results in rural lifestyle subdivision unless provided for in SUB-P7.

There is no highly productive land. There is no change to land use. The area around the existing residential dwelling was not utilised for any productive use in any event. The large balance adjusted lot can and will continue be utilised for production activities.

SUB-P11
Consider the following matters where relevant when assessing and managing the effects of subdivision:

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

Given that existing land uses will continue and there is no increase in the number of titles, most of the above have no relevance to the proposal.

The site is zoned Rural Production in the PDP-AV.

Objectives

RPROZ-O1 requires the zone to be managed to ensure its availability for primary production activities and its long-term protection for current and future generations. RPROZ-O2 seeks to ensure the zone is used for primary production purposes. The boundary adjustment does not remove any additional land from being available for primary production purposes.

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

There is no highly productive land. There are no additional reverse sensitivity effects. Productive use of the land can continue and the proposal does not exacerbate (worsen) any natural hazards.

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

Rural character is unchanged.

Policy RPROZ-P1 seeks to enable primary production activities, which this proposal does. RPROZ-P2 seeks to ensure the zone provides for activities that require a rural location, which this proposal does.

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

No new 'sensitive' activities proposed.

RPROZ-P4
Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:
a. a predominance of primary production activities;
b. low density development with generally low site coverage of buildings or structures;
c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and
d. a diverse range of rural environments, rural character and amenity values throughout the District.

Rural character and amenity is unchanged.

RPROZ-P6
Avoid subdivision that.
a. results in any cumulative loss of the availability of highly productive land for use by farming or forestry activities;
b. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term
c.fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
i. the type of farming proposed; and
ii. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.
c. provides for rural lifestyle living unless there is an environmental benefit, or is around an existing residential unit.

The site contains no highly productive land. No additional titles are created. The smaller adjusted lot is around an existing residential unit.

RPROZ-P7

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

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

The above matters have been taken into consideration where relevant.

7.6 Weighting of the Plans

The Proposed District Plan is now at an Appeals Version stage. Some parts of the PDP-AV have been appealed and are not yet beyond challenge. Whilst there are some appeals registered against specific subdivision rules and standards, boundary adjustment subdivision provisions appear to have not been appealed. The PDP-AV, being the more up to date (younger) planning instrument, can be considered to give better effect to higher order planning instruments such as national policy statements. However, the ODP cannot be discarded completely because it remains 'operative' and cannot yet be completely superseded by the PDP-AV.

Overall I believe the PDP-AV can be given greater weight than the ODP when assessing this application. Notwithstanding that, this planning report and AEE has addressed both the ODP and PDP-AV. The proposal is considered consistent with both documents in any event.

8.0 s95A-E ASSESSMENT

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Public notification is not mandatory and is not precluded. Effects are less than minor. Public notification is not required.

8.2 S95B Limited Notification Assessment

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

8.3 S95D Level of Adverse Effects

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

8.4 S95E Affected Persons

The activity, re-arranges boundaries of titles around their land use. This rationalisation of boundaries is more efficient. It does not increase the total number of titles. I see no adjacent property adversely affected by the boundary adjustment. The absence of mapped heritage or cultural features leads me to the conclusion that no pre lodgement consultation is required with tangata whenua, Heritage NZ, or Department of Conservation.

9.0 PLANNING ACT 2026

Brief mention should be made of the Planning Act 2026, which came into force on the day after Royal assent, which was 30th September 2026. This will amend the Resource Management Act in a limited way as from 30th October 2026. The amendments define certain things that will be outside of the scope of matters the Council is able to consider, despite there being a rule in its Plan in regard that matter. The matters are generally limited to amenity aspects in regard to the built environment and are not overly relevant to this application.

There is a four year Transition Period associated with the Planning Act and Natural Environment Act eventually totally replacing the RMA, the latter remaining the principal legal instrument under which resource consent applications are prepared, lodged, considered and granted.

10.0 CONCLUSION

The proposal is to rationalise boundaries around existing land uses. There is no increase in the number of titles. Effects on the wider environment are less than minor. The proposal is consistent with the relevant objectives and policies of the Operative and Proposed District Plans, any relevant national policy statement, and the Regional Policy Statement. The proposal is consistent with Part 2 of the Resource Management Act.

There is no District Plan rule or national environmental standard that requires the proposal to be publicly notified and no persons have been identified as adversely affected by the proposal. No special circumstances have been identified that would suggest notification is required.

It is therefore requested that the Council grant approval to the proposal under delegated authority.



Lynley Newport Date 23rd November 2026
Senior Planner
Thomson Survey Ltd

11.0 APPENDICES

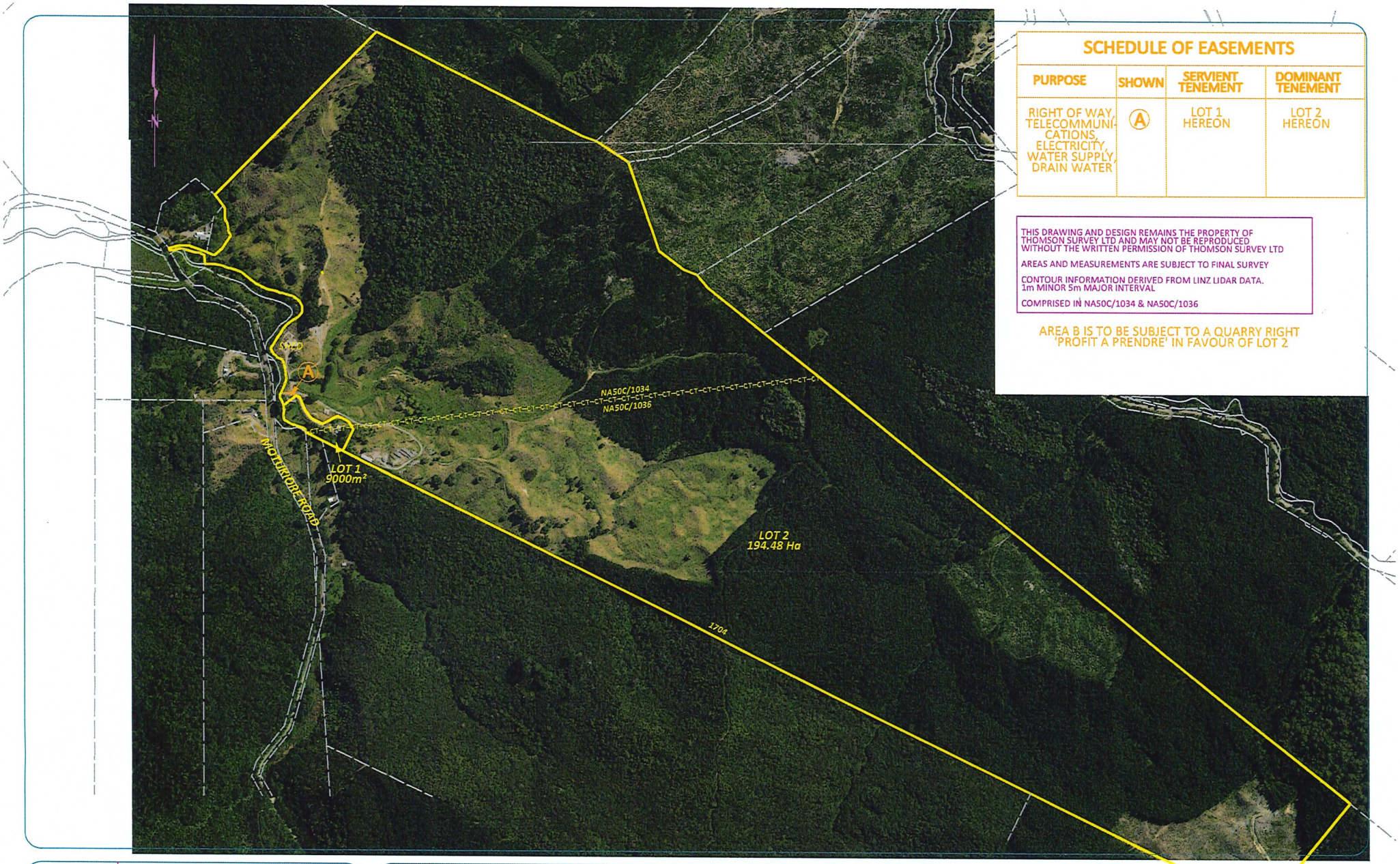
Appendix 1 Scheme Plan(s)

Appendix 2 Location Map

Appendix 3 Records of Title and Relevant Instruments

Appendix 1

Scheme Plan(s)



SCHEDULE OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT OF WAY, TELECOMMUNICATIONS, ELECTRICITY, WATER SUPPLY, DRAIN WATER	A	LOT 1 HEREON	LOT 2 HEREON

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF THOMSON SURVEY LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMSON SURVEY LTD

AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY

CONTOUR INFORMATION DERIVED FROM LINZ LIDAR DATA.
1m MINOR 5m MAJOR INTERVAL

COMPRISED IN NA50C/1034 & NA50C/1036

AREA B IS TO BE SUBJECT TO A QUARRY RIGHT 'PROFIT A PRENDRE' IN FAVOUR OF LOT 2

THOMSON SURVEY LIMITED
315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077360 Fax (09) 4077322
Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF Pt MOTUKIORE C & MOTUKIORE D BLOCKS

703 MOTUKIORE ROAD, HOREKE

PREPARED FOR: CARR

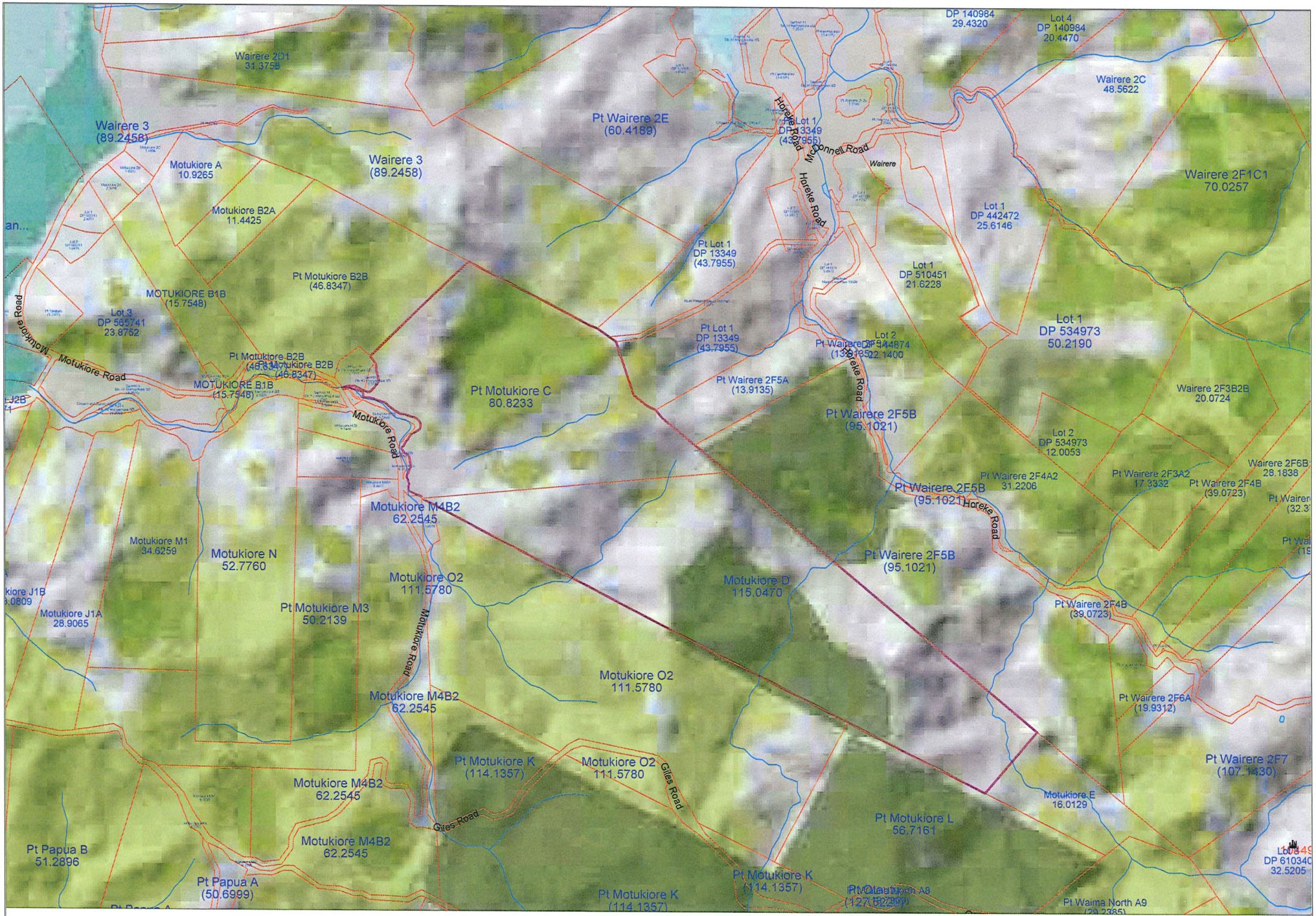
	Name	Date
Survey		
Design		
Drawn	SL	30.10.26
Approved		
Rev		

ORIGINAL
SCALE 1:8000
SHEET SIZE A3

10993 SCHEME.LCD

Surveyors Ref. No: 10993

Appendix 2
Location Map



QuickMap
Custom Software Ltd

0 250 500 750 1000 1250 1500 1750 2000 2250 2500m

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

Scale 1:20000 Topographical and Cadastral map derived from LINZ data. Printed: 23-Nov-2026 02:32.

Appendix 3

Records of Title and Relevant Instruments

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**NA50C/1034**
Land Registration District	**North Auckland**
Date Issued	09 September 1982

Prior References
NA250/292

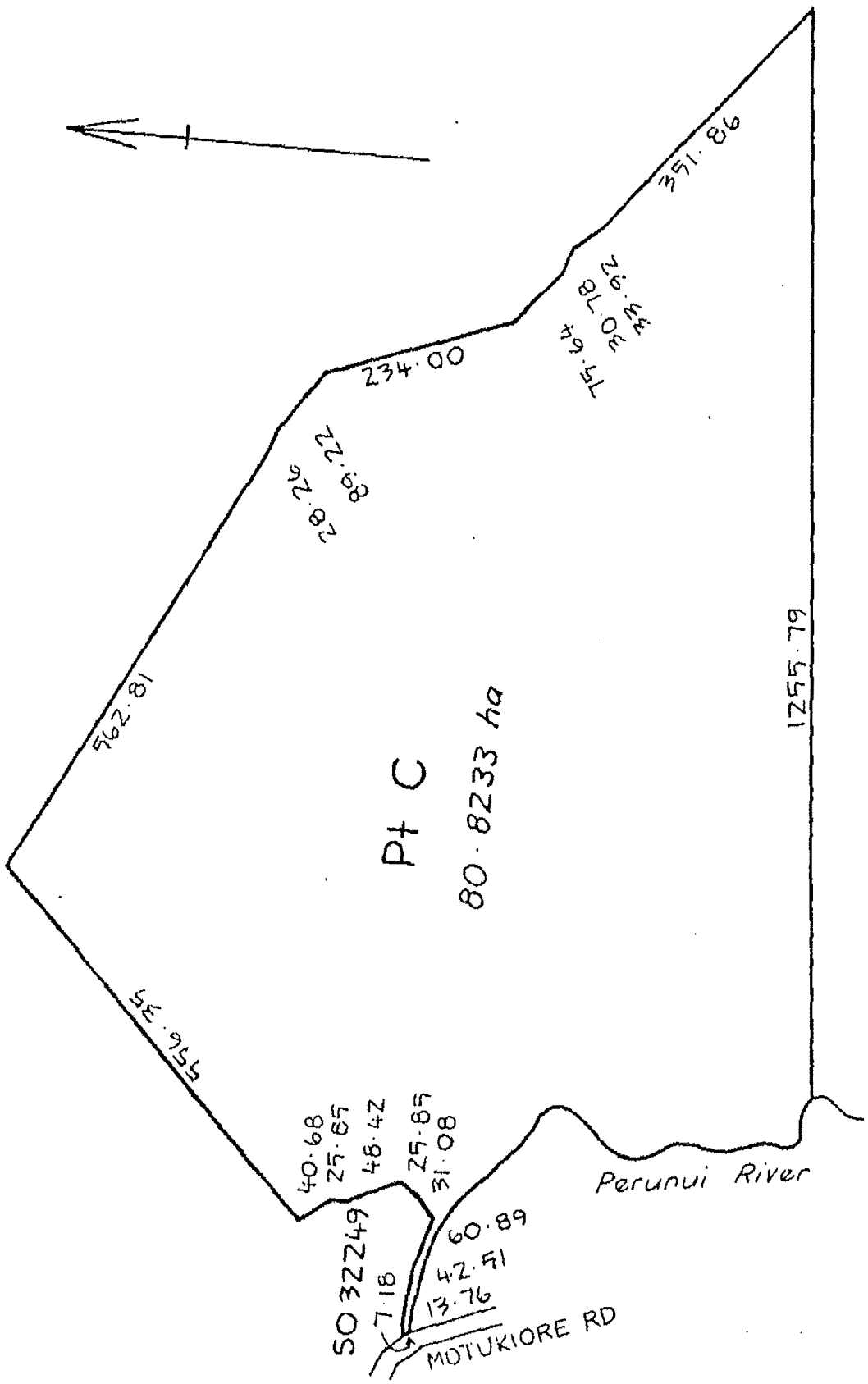
Estate	Fee Simple
Area	80.8233 hectares more or less
Legal Description	Part Motukiore C Block
Registered Owners	

Ian Ray Carr

Interests

7821090.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth the Second National Trust Act 1977 - 20.5.2008 at 9:00 am

9110084.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 2.7.2012 at 11:59 am


351.86
75.64
30.78
33.92
234.00
28.26
89.22
562.81
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Pt C
80.8233 ha
556.35
40.68
25.85
48.42
25.85
31.08
Perunui River
60.89
42.51
13.76
SO 32249
7.18
MOTUKIORE RD

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**NA50C/1036**
Land Registration District	**North Auckland**
Date Issued	09 September 1982

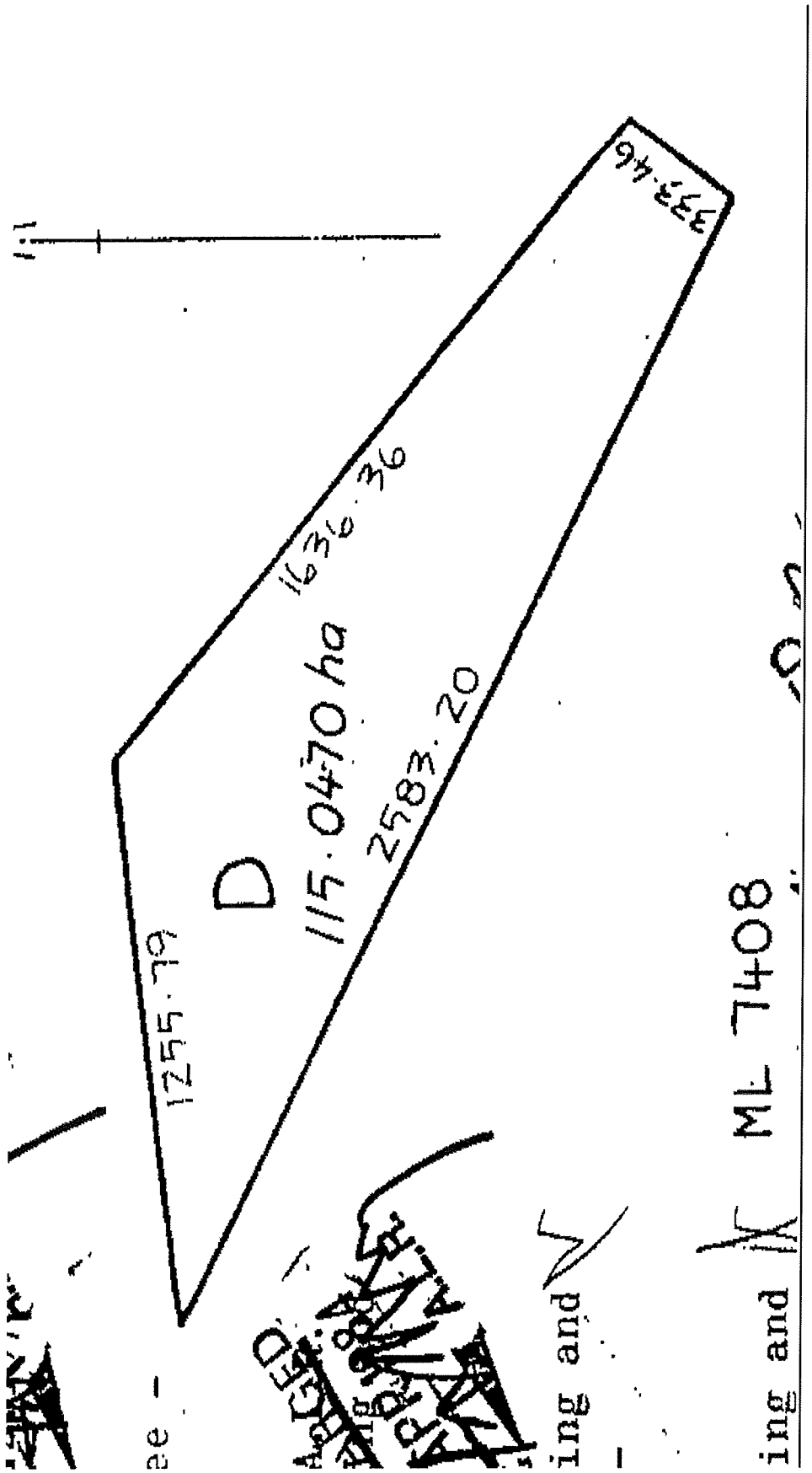
Prior References
NA255/99

Estate	Fee Simple
Area	115.0470 hectares more or less
Legal Description	Motukiore D Block

Registered Owners
Ian Ray Carr

Interests

9110084.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 2.7.2012 at 11:59 am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No. 5/2/451

OPEN SPACE COVENANT

(Pursuant to Section 22 of the Queen Elizabeth the Second National Trust Act 1977)

WHEREAS IAN RAY CARR

(hereinafter called "**the Covenantor**") is registered as proprietor of an estate as set out in the Schedule of Land hereto (hereinafter called "**the land**")

AND WHEREAS the **QUEEN ELIZABETH THE SECOND NATIONAL TRUST** established by the Queen Elizabeth the Second National Trust Act 1977 (hereinafter called "**the Trust**") is authorised by that Act to obtain open space covenants over any private land

AND WHEREAS the Covenantor has agreed to enter into an open space covenant with the Trust for the purpose set forth in the First Schedule hereto

NOW THEREFORE in consideration of the covenants and conditions hereinafter contained **THESE PRESENTS WITNESS** that in pursuance of the said agreement and by virtue of Section 22 of the Act the Covenantor and the Trust with the intent and so as to bind the land into whosoever hands the same may come **MUTUALLY COVENANT** at all times to observe and perform the respective duties and obligations imposed by the restrictions, stipulations and agreements contained in the Schedules hereto to the end and intent that the same shall bind the land in perpetuity.

FIRST SCHEDULE

The Purpose of the within written open space covenant is to achieve the following open space objectives of the Covenantor and the Trust:

a) To protect and maintain the open space values of the land.
b) To protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna.
c) To protect the landscape amenity of the bush on the land.

SECOND SCHEDULE

Interpretations, restrictions, stipulations and agreements

1. In the Deed unless the context otherwise requires:-
   "**Act**" means the Queen Elizabeth the Second National Trust Act 1977.
   "**Board**" means the Board of Directors of the Queen Elizabeth the Second National Trust.
   "**Covenantor**" means the "**Owner**" who entered into this covenant with the Trust.
   "**Chief Executive**" means the person appointed under Section 18(1)(a) of the Act.

"Owner" means the person or persons who from time to time are registered as the proprietor(s) of **"the land"**.

"the land" means the property or part thereof defined as subject to this covenant and as shown on the plan annexed to this Deed.

2. No act or thing shall be done or placed or permitted to be done or remain upon the land which in the opinion of the Board materially alters the actual appearance or condition of the land or is prejudicial to the land as an area of open space as defined in the Act.

   In particular, on and in respect of the land, except with the prior written consent of the Board, or as outlined in the Third Schedule, the Owner shall not:

   (a) Fell, remove, burn or take any native trees, shrubs or plants of any kind.
   (b) Plant, sow or scatter any trees, shrubs or plants or the seed of any trees, shrubs or plants other than local native flora, or introduce any substance injurious to plant life except in the control of pest plants.
   (c) Mark, paint, deface, blast, move or remove any rock or stone or in any way disturb the ground.
   (d) Construct, erect or allow to be erected, any new buildings or make exterior alterations to existing buildings.
   (e) Erect, display or permit to be erected or displayed, any sign, notice, hoarding or advertising matter of any kind.
   (f) Carry out any prospecting or exploration for, or mining or quarrying of any minerals, petroleum, or other substance or deposit.
   (g) Dump, pile or otherwise store any rubbish or other materials, except in the course of maintenance or approved construction, provided however that after the completion of any such work all rubbish and materials not wanted for the time being are removed and the land left in a clean and tidy condition.
   (h) Effect a subdivision as defined in the Resource Management Act 1991.
   (i) Allow cattle, sheep, horses, or other livestock to enter, graze, feed or otherwise be present provided, however, that they may graze up to any approved fenceline on the perimeter of the land.

3. In considering any request by the Owner for an approval in terms of Clause 2 hereof, the Board will not unreasonably withhold its consent if it is satisfied that the proposed work is in accordance with the aim and purpose of the covenant as contained in the First Schedule.

4. Except with the prior written consent of the Board, no action shall be taken or thing done, either on the land or elsewhere, which will in any way cause deterioration in the natural flow, supply, quantity, or quality of any river, stream, lake, pond, marsh, or any other water resource affecting the land.

5. The Owner shall notify the Trust of any advice received from any authority or company, including a mining company, or other body or person of the intention to erect or lay on or underground utility transmission lines or carry out any prospecting, exploration, mining or quarrying on the land and shall not signify any concurrence in relation to the proposed work without the written permission of the Board.

6.(i) The Owner shall continue to comply with the provisions of the Biosecurity Act 1993 and all amendments thereto provided, however, that the Owner may request assistance from the Trust in carrying out the aforementioned responsibility.

6.(ii) That in keeping with the aims and purposes of this covenant the Owner shall continue to comply with the Wild Animal Control Act 1977 and shall take reasonable measures for the control of wild animals as defined in the Act.

7. The Owner shall keep all fences and gates on the boundary of the land in good order and condition and will accept responsibility for all repairs. Except as provided for in Clause 8 herein rebuilding or replacement of all such fences and gates will be the responsibility of the Owner.
8. The Trust shall repair and replace to its former condition any fence, gate or other improvement on the land which may have been damaged in the course of the Trust exercising any of the rights conferred by the covenant.
9. Subject to any conditions mutually agreed between the Trust and the Owner, members of the public shall have freedom of entry and access to the land with the prior permission of the Owner.
10. The Owner may approve the use of firearms, traps or the safe use of poison by any person or persons for the eradication of pest animals on the land.
11. The Trust, through its officers, agents or servants, may at all times enter upon the land for the purpose of viewing the state and condition thereof. In exercising this right, any officer, agent or servant of the Trust will notify the Owner in advance.
12. Any consent, approval, authorisation or notice to be given by the Trust shall be sufficient if given in writing signed by the Chief Executive and delivered or sent by ordinary post to the last known residential or official address of the Owner or to the solicitor acting on behalf of the Owner.
13. The Owner or the Trust may at any time during the term of this covenant, by mutual agreement, carry out any works or improvements, or take any action either jointly or individually, or vary the terms of this covenant to ensure the more appropriate preservation of the land as an open space in terms of the Act provided, however, such agreement is not contrary to the aim and purpose of this covenant.
14. The Trust may revoke this covenant if all the members of the Board are satisfied that by reason of any change in the character of the land or of any other circumstances which the Board may deem sufficiently material, this covenant ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable use of the land without securing any practical benefit consistent with the purpose of the Act.
15. Nothing in these presents hereinbefore contained shall be deemed to render the Covenantor personally liable for any breach of these covenants and conditions committed after the Covenantor shall have ceased to be the Owner.
16. The Owner shall notify the Trust of any change of ownership or control of all or any part of the land, and shall supply the Trust with the name and address of the new owner.
17. If at any time prior to registration hereof by the District Land Registrar the Owner desires to sell or otherwise dispose of all or any part of the land such sale or disposition shall be made expressly subject to the restrictions, stipulations and agreements contained in the Schedules hereto.

THIRD SCHEDULE

1. The Owner may establish a plantation of Pinus species trees around the perimeter of the covenanted bush trees on the land and manage and harvest same PROVIDED THAT when carrying out silvicultural work and on harvest the Owner shall accept full responsibility for replacing any fences and gates on the boundary of the land damaged or removed to facilitate the silviculture and/or harvest.

2. Should water encroach into the bush on the land the Owner and the Trust have mutually agreed that the Owner may, in consultation with the Trust as to siting prior to construction and after obtaining the appropriate Territorial Authority consent, construct a dam adjacent to the bush.

SCHEDULE OF LAND

Land Registry:	North Auckland
Estate:	fee simple
Area:	24.8000 hectares Shown as Area A on aerial photodiagram
Lot & D.P. No. (other legal description)	Part Motukiore C Block Block XV Mangamuka Survey District

Part Certificate of Title: NA 50C/1034

IN WITNESS WHEREOF this memorandum has been executed this 23 day of May 2001

by:
IAN RAY CARR

as Covenantor
in the presence of

Witness (Signed) L.J. Robertson J.P.

Name (Print) Leslie Thomas Robertson

Occupation Politician

Address 11 Hihi Rd,
Hihi,
R.D. Mangonui

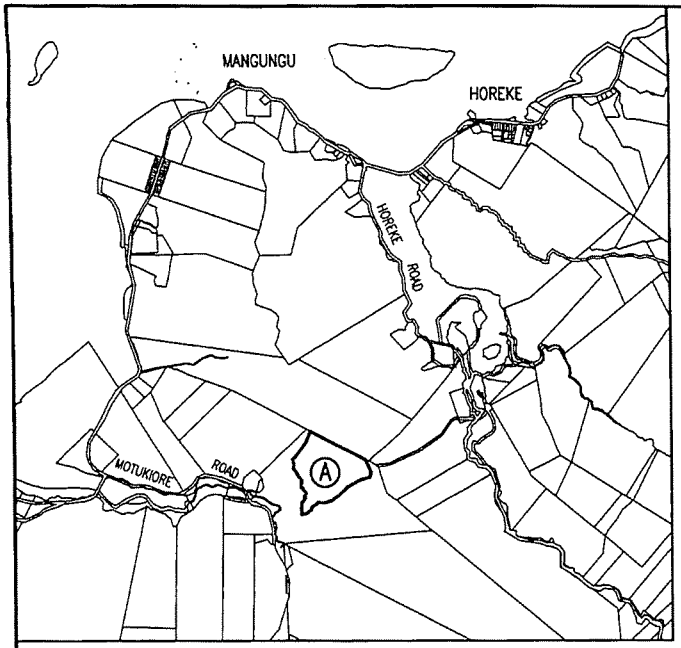
THE COMMON SEAL of the QUEEN ELIZABETH THE SECOND NATIONAL TRUST was hereto affixed in the presence of:

Chairperson

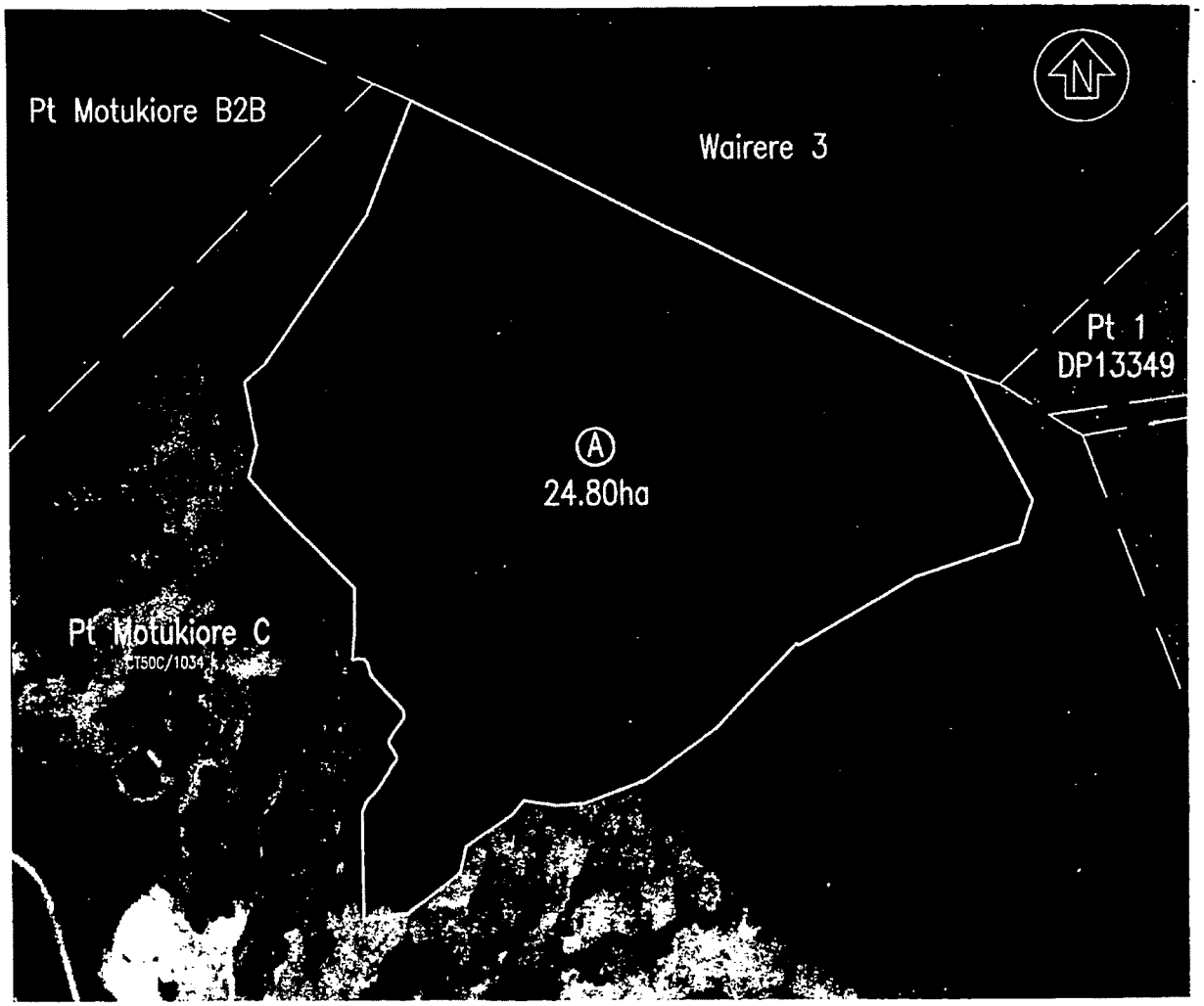
Director

Chief Executive

THE QUEEN ELIZABETH II NATIONAL TRUST
COMMON SEAL



LOCATION DIAGRAM
Scale 1:40000
(Local Area: Motukiore)



7461

Sheet 1 of 2

Certified as being correct for Covenant Purposes subject to Section 22(8) of the Queen Elizabeth II National Trust Act 1977.

Licenced Surveyor 11/10/2006

This is to certify that the Protected Areas shown can be defined in accordance with Section 22(8) of the Queen Elizabeth II National Trust 1977.

Approving Surveyor 27/10/2006

QUEEN ELIZABETH II NATIONAL TRUST
OPEN SPACE COVENANT
within Pt Motukiore C

Total Covenant Area: 24.80ha approx

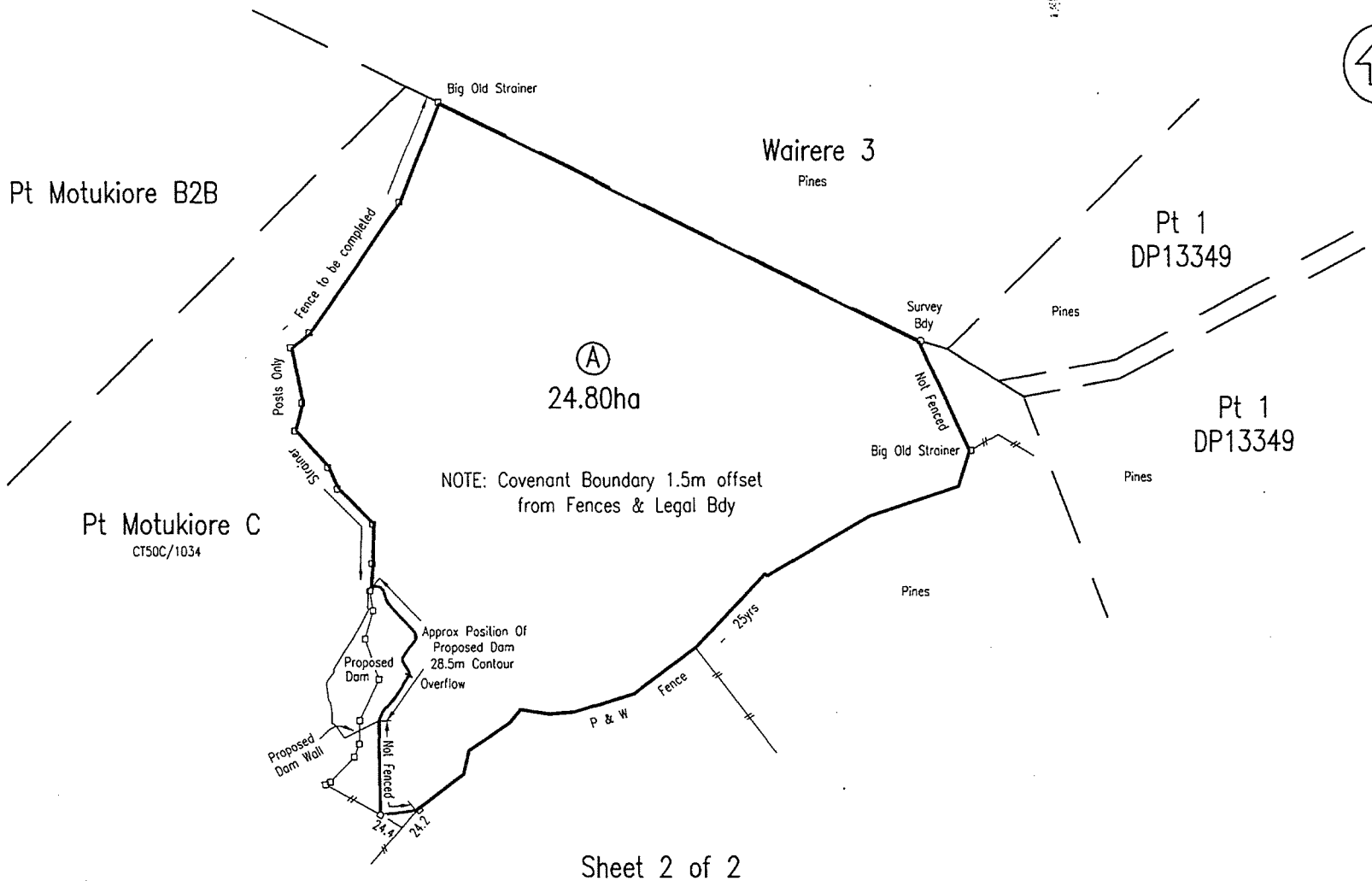
NORTH AUCKLAND LAND DISTRICT – Far North District

Photo: SN9935C Neg M/11	Approx Scale @ A3: 1:4000approx	Sec Boundary
Photo Date: 04/03/2000	File Ref: 5/2/451	Covenant Bdy

Chief Executive Officer
being a person authorised by the Trust to certify on its behalf.

Approved by Registered Proprietor: CT50C/1034

Ian Ray Carr



Sheet 2 of 2

7461

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Approving Surveyor 27/10/2006

QUEEN ELIZABETH II NATIONAL TRUST
OPEN SPACE COVENANT
within Pt Motukiore C

Total Covenant Area: 24.80ha approx

NORTH AUCKLAND LAND DISTRICT – Far North District

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Chief Executive Officer
being a person authorised by the Trust to certify on its behalf.

Approved by Registered Proprietors: CT50C/1034

Ian Ray Carr

OPEN SPACE COVENANT

Pursuant to Section 22 of
the Queen Elizabeth the
Second National Trust
Act 1977.

Correct for the
purposes of the Land
Transfer Act.



I R CARR
Covenantor

Chief Executive
being a person authorised
by the Trust to certify on
its behalf.

AND

THE QUEEN ELIZABETH THE
SECOND NATIONAL TRUST

Landonline User ID: Queenentwep

LODGING FIRM: QE II National Trust

Address: PO Box 3341
Wellington 6145

Uplifting Box Number:

ASSOCIATED FIRM:

Client Code / Ref: 5/2/451

HEREWITH

Survey Plan (#)	
Title Plan (#)	
Traverse Sheets (#)	
Field Notes (#)	
Calc Sheets (#)	
Survey Report	

Dealing / SUD Number: (LINZ Use only) 7821090

Priority Barcode/Date Stamp (LINZ use only)

Plan Number Pre-Allocated or to be Deposited:

Rejected Dealing Number:

Other (state) Covenant

Priority Order	CT Ref.	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES.	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES $ GST INCLUSIVE
1	NA50C/1034	COV	Ian Ray Carr & QE II National Trust	60.00							$60.00
2											
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Subtotal (for this page)	$60.00
Total for this dealing	$60.00
Less Fees paid on Dealing #	
Debit my Account for	**$60.00**

Fees Receipt and Tax Invoice

GST Registered Number 17-022-695

LINZ Form P005

Original Signatures? _____