

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

If yes, who have you spoken with?

2. Type of consent being applied for

(more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify)
- Discharge
- Change of Consent Notice (s.221(3))
- Extension of time (s.125)

**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

8. Application site details

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

Name/s:	Ivan Ballantine		
Site address/ location:	333 Kaimaumau Road, Waiharara		
			Postcode 0486
Legal description:	Lot 3 DP 178335	Val Number:	
Certificate of title:	NA110A/7		

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 phone Ivan to organise site visit on 0210661653

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.

To create one additional lot in the General Coastal Zone as a Non-Complying Activity. and cancellation of consent notice.

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)

Ivan Ballantine

Email:

Phone number:

Postal address:

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

Fees Information

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

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)

Leon Balkentine

Signature:

(signature of bill payer)

[Redacted Signature]

Date 14.4.20

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)

Leon Balkentine

Signature

[Redacted Signature]

Date 14.4.20

A signature made by electronic means

See overleaf for a checklist of your information...

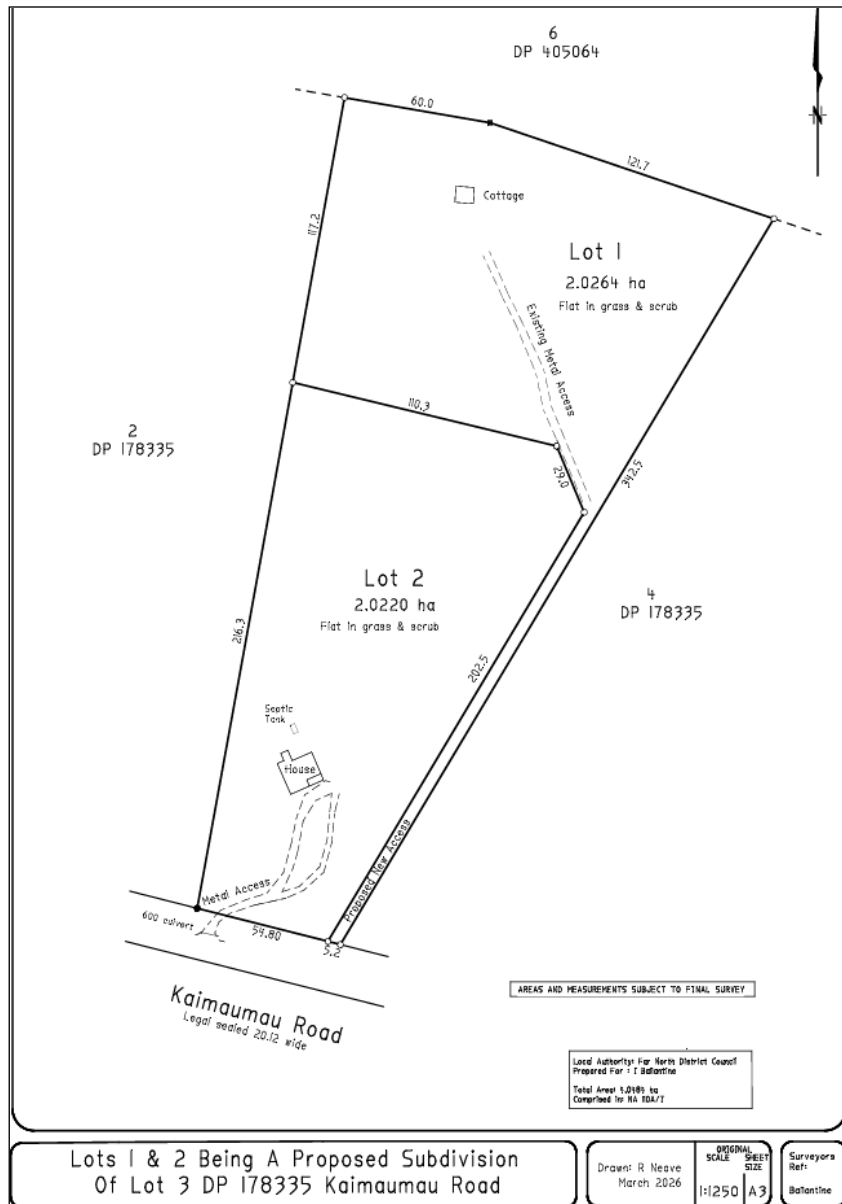
Checklist

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.

333 KAIMAUMAU ROAD, WAIHARARA



1 Information Requirements

Information requirements

This Assessment of Environmental Effects ('AEE') has been prepared in accordance with the requirements of Schedule 4 in the Resource Management Act 1991 ('the Act') and reflects the scale and nature of the activity. This application is intended to provide the information necessary for a full understanding of the activity for which consent is sought. This application has had regard to the relevant matters in the following documents.

- Local Government Act 2002
- Resource Management Act 1991
- National Policy Statement for Indigenous Biodiversity 2023.
- Regional Policy Statement
- Proposed Regional Plan for Northland.
- Far North Operative District Plan
- Far North Proposed District Plan

Furthermore, this application is supported by

- Appendix A: Application form – Application for a Resource Consent.
- Appendix B: Certificate of Title NA110A/7
- Appendix C: Consent Notice D113040.3
- Appendix D: Scheme Plan

2 Application Details

Applicant:	Ivan Dennis Ballantine
Property Address:	333 Kaimaumau Road, Waiharara.
Legal Description:	Lot 3 DP 178335 – 4.484 hectares
Description of Application:	Two lot subdivision in the General Coastal Zone as a Non-complying activity and Cancellation of consent notice.

Operative District Plan Zoning: General Coastal Zone.

Operative District Plan Notations: Gazetted wetland (rear of the site); within proximity to Kaimaumu-Motutangi wetlands. Land Use Class 4;

Other Notations of Relevance: Treat Settlement – AOI – Ngati Kahu and Te Aupōuri, Black Mudfish distribution.

Proposed District Plan Zoning: Rural Production Zone.

Proposed District Plan Overlays: No overlays



Figure 1: The location of the site (source: FNDC maps).

3 Description of Site.

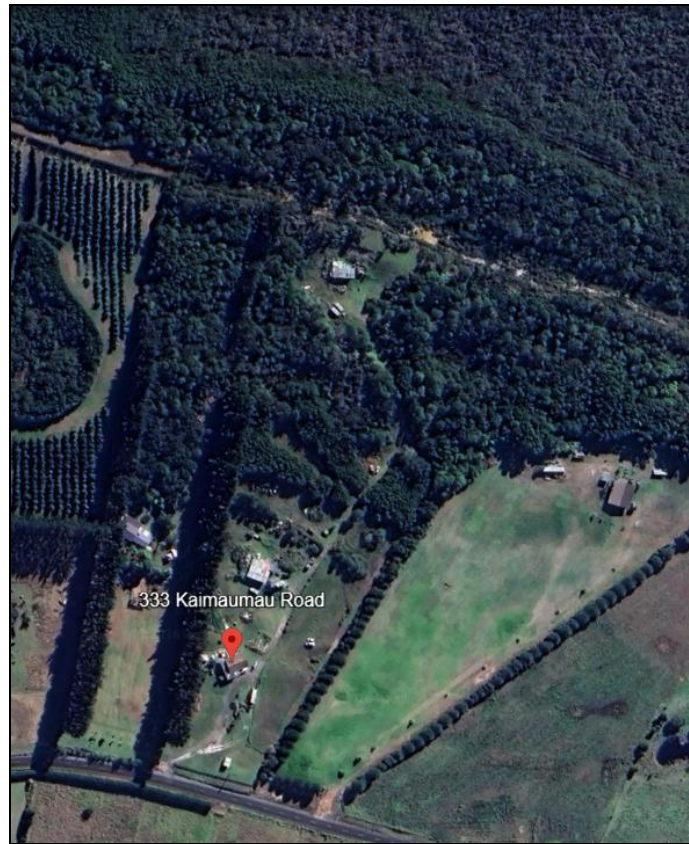


Figure 2: Aerial Image of site (source: Google Earth).

The subject site is located at 333 Kaimaunau Road which is legally described as Lot 3 DP 178335 being 4.484 hectares. The site is accessed via an existing vehicle crossing from Kaimaunau road located near the south-western corner of the site. The metal driveway extends past the primary dwelling all the way to the existing cottage on the northern portion of the site.

As detailed in Figure 3 and 4 below the site contains

- An existing cottage and long drop toilet - was constructed 1997 with the appropriate permits at the time, although no records can be found. The old cottage was built by the property owner prior to the parent subdivision being approved and titles being issued for this property. Property owner is certain permits were obtained but have no records, likely a result of the FNDC building fire; and
- A primary dwelling with existing services which was constructed in 2005 (BC-2005-1401/0).



Figure 3: Photograph of site standing near the road boundary showing the south-eastern portion of the site and the right image showing the south-western portion of the site.



Figure 4: Photograph of the northern portion of the site. Left photo is standing near the northern boundary on the mound, left photo is standing on the drive as you come up to the old cottage.

As detailed in Figure 3 and 4 above the topography of the site is generally flat with the exception for the elevated mound near the northern boundary of the property where it adjoins the Kaimaumu-Motutangi wetlands; it is important to note that while the subject site adjoins the parcel highlighted as Kaimaumu-Motutangi wetlands, the wetland is not in close proximity to the subject site.

As depicted in Figure 2 above the southern portion of the site is predominately grassed with some scattered vegetation and mature boundary planting along the western and eastern fenceline. The northern portion of the site has heavily vegetated areas including a mixture of tobacco weed, dense Sydney golden wattle trees, tea tree and underlying shrub including kikuyu and basket grass. The northern portion of the site has a cleared grassed area where the cottage is located along with an existing cleared area which forms the old driveway.

Notations of relevance:

An assessment against the notations of relevance has been carried out below.

Zoning

The site is zoned General Coastal under the Operative District Plan and Rural Production under the Proposed District Plan.

The site is not located in the Coastal Environment as per the Regional Policy Statement.

Natural Hazards:



Figure 5: Natural Hazards maps (FNDC maps - left, NRC maps - right)

As per FNDC and NRC maps the site is not located in an area prone flooding, tsunami inundation, erosion, or liquefaction.

The site has no registered HAIL sites located on the property.

Water Services

Given the location, the located has no connection to any water services.

Natural Environment.

Kaimaumau-Motutangi wetlands.

The rear (northern) portion of the site adjoins land within the wider Kaimaumau–Motutangi wetland complex, which is identified in Northland Regional Council mapping as one of the “Top 150 wetlands” and lies within an area mapped as having mudfish distribution (refer Figure 6). Importantly, while the subject site shares a boundary with the larger land parcel containing the wetland complex, no wetland area is located in proximity to the existing cottage on proposed Lot 1. The ground along the northern boundary rises to a low mound, creating a clear topographic separation between the cottage area and the lower-lying wetland environment. In addition, there is a vegetated buffer dominated by invasive/exotic species along and beyond the boundary, and the wetland areas are understood to occur further into the adjoining parcel and downslope, rather than immediately adjacent to the subject site.



Figure 6: NRC biodiversity wetlands (right).

As detailed in figure 6 above NRC have not identified the area located on site as a known wetland. The site also has not been identified as a ONL, SNA or protected natural area.

Land Cover:

DOC's land cover data base (Department of Conservation, n.d.) identifies the Land Cover of the site as predominately grassland, with an area of Manuka and Kanuka on the northern portion of the site. This is consistent with the Land Cover database – 2018 classification (Manaaki Whenua) (Far North District Council, n.d.).

LUC Maps also show the property with two separate soil classes, LUC 4w3 on the northern portion of the site and LUC 4w4 on the southern portion of the site.

Archaeological sites and Areas of cultural significance.

There are no areas of cultural significance on or near the subject site.



Figure 7: Archaeological sites (source: FNDC Maps - Historic sites).

There are no archaeological sites located on the subject site. However, as depicted in Figure 7 above there are some registered archaeological sites located in the surrounding environment. This includes




- NZAA O04/637 – shell middens, historic artefacts; terraces. – northwestern site.
- NZAA O04/1003 – shell middens with historic artefacts eroding out of stream bank – south-western (on the eastern side of the two next to each other).
- NZAA O04/1002 – shell midden on creek bank – southern western (closest to the bottom right corner).

Building/Resource Consents

Primary dwelling – BC-2005-1401/0

Primary dwelling – RC 2050905-RMADIS (LUC) – To construct a dwelling breaching Visual Amenity in the General Zone.

Record of Title

	RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD Search Copy	  R.W. Main Registrar-General of Land
Identifier	NA110A/7	
Land Registration District	North Auckland	
Date Issued	18 April 1997	
Prior References	NA58A/417	
<hr/>		
Estate	Fee Simple	
Area	4.0484 hectares more or less	
Legal Description	Lot 3 Deposited Plan 178335	
Registered Owners	Ivan Dennis Ballantine	
<hr/>		
Interests		
	Subject to Section 8 Mining Act 1971	
	Subject to Section 168A Coal Mines Act 1925	
	D133040.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 18.4.1997 at 3.26 pm	
	D164181.2 Mortgage to (now) Westpac New Zealand Limited - 27.6.1997 at 3.43 pm	
	6636408.1 Variation of Mortgage D164181.2 - 7.11.2005 at 9:00 am	

The Record of Title NA110A/7 has the following interests/consent notices that are relevant to the proposal:

- Subject to Section 8 Mining Act 1971
- Subject to Section 168A Coal Mines Act 1925
- Consent Notice D133040.3

Consent Notice D133040.3 is of relevance to this resource consent application; however, cancellation of this consent notice is proposed as part of the subdivision pursuant to s221 of the Resource Management Act. As the consent notice is still a legal instrument until new titles are issued an assessment of the relevant conditions registered to the consent notice is set out below.

- (1) Prior to any development over or near registered archeological site 004/637 on Lot 1 (including fencing, roading, construction or tree planting), obtain first an authority to modify the site from the New Zealand Historic Places Trust in Wellington.

As demonstrated on the survey plan attached to the title, this is not relevant to the resource consent application as it is not applicable to the subject site.

- (2) Lot 3 Deposited Plan 178335 contained in Certificate of Title no.110A/7 and Lot 4 Deposited Plan 178335 Certificate of Title no.110A/8 may not be transferred, leased or otherwise disposed of until such time as the

Council (by way, at least of an approved Development Plan and a Statutory Declaration that the prospective Purchaser intends to carry out such development) is satisfied that a prospective Purchaser for any of the said Lots has a bone fide proposal to establish a permitted, controlled or discretionary rural A zone activity, as required by Rule 6.1.6 of the Mangonui County Section of the Operative Far North District Plan.

This is no longer applicable.

- (3) No building shall be erected without the prior approval of the Council to specific designs for foundations prepared by a registered engineer with geotechnical expertise.

It is anticipated that this condition or similar will carry forward as a consent notice.

- (4) No building requiring effluent disposal shall be erected without the prior approval of the Northland Regional Council to discharge permission or certification in writing from that Council that such permission is not required.

It is anticipated that a consent condition will be registered by the consent holder.

4 Description of Proposed Activity

Activity A - Subdivision

The proposed activity is to create one additional allotment within the General Coastal Zone. The subdivision is a Non-Complying Activity under the Operative District Plan (ODP).

- Proposed Lot 1: 2.0264 ha
- Proposed Lot 2: 2.0220 ha

Both proposed allotments contain existing residential activities and associated infrastructure, which have been established on the site for more than 20 years. The subdivision will not change the existing use of the site and is primarily intended to legally formalise the long-standing arrangement of two separate residential uses.

The subdivision will not involve any changes to what's currently existing and will not be introducing any additional activities. The only works required as part of the subdivision includes:

- establishing vehicle access to Proposed Lot 1, including a vehicle crossing and the formation of a driveway connection to the existing cottage access (via a flag-leg access arrangement shown on the scheme plan).

Proposed Lot 1 – 2.0264 ha

Proposed Lot 1 contains an existing cottage located near the northern boundary. The cottage has been present on the site for approximately 30 years and is currently accessed via an existing formed route.

The scheme plan shows Proposed Lot 1 being accessed via a dog-leg from Kaimaumu Road, which will connect to the existing driveway. This approach is intended to avoid the need for additional vegetation clearance associated with forming a new access.

Servicing for the cottage is currently as follows:

- Water supply: roof water collection (rainwater)
- Wastewater: no installed wastewater treatment system; a long-drop toilet is used

Any necessary upgrades to wastewater servicing can be addressed through appropriate consent consents if in the future the owner chooses to do wastewater disposal.

Proposed Lot 2 – 2.0220 ha

Proposed Lot 2 contains the existing primary dwelling and associated ancillary buildings. The dwelling is currently accessed via a metalled driveway from an existing vehicle crossing on Kaimaumu Road.

Existing servicing for Proposed Lot 2 includes:

- Wastewater: on-site secondary treatment system
- Water supply: rainwater tanks

Activity B Cancellation of consent notice

Consent Notice - D133040.3

The owner seeks the cancellation (or variation) of consent notice D133040.3 registered on the Record of Title, pursuant to **s221(3)(a)** of the Resource Management Act 1991. The consent notice was imposed in connection with a previous subdivision consent issued more than 25 years ago.

In this case, Conditions 1 and 2 of Consent Notice D133040.3 are considered no longer necessary and/or not applicable to the subject site (having regard to the current proposal and the established use of the land). Conditions 3 and 4 remain relevant; however, for clarity and administrative efficiency, the owner requests that these requirements be re-imposed under a new consent notice (or otherwise appropriately secured by updated conditions) associated with the current subdivision consent. This approach ensures the continuing obligations remain clear, current, and enforceable, while removing redundant or irrelevant notice conditions.

5 Reasons for the Application

Weighting of plans

The Council publicly notified its Proposed District Plan (PDP) on 27 July 2022, with the submission period closing on 21 October 2022. A summary of submissions was released on 4 August 2023, and the further submissions period closed on 5 September 2023.

A significant number of detailed submissions were lodged across all topics. As a result, the Council has confirmed that apart from the rules initially identified as having immediate legal effect no additional rules will gain legal effect until decisions are issued on those provisions, which is anticipated in May 2026.

Hearings on submissions to the PDP have recently concluded, but no decisions have yet been released. Therefore, PDP rules without immediate legal effect are not taken into account at this stage.

However, the objectives and policies of the PDP must be assessed as they should be weighted against the ODP.

Operative Far North District Plan

The subject site is located within the General Coastal Zone. An assessment of the relevant subdivision, zone and relevant district wide rules are provided in the table below.

section 9(3) – Land use

Rule Number and Name	Non-Compliance Aspect	Activity Status
Chapter 10.6 General Coastal Zone		
10.6.5.1.1 VISUAL AMENITY	Proposed Lot 1 and Lot 2 have existing residential dwellings with existing use rights. The subdivision will not result in non-compliance with this rule.	Permitted
10.6.5.1.2 RESIDENTIAL INTENSITY	Proposed Lot 1 and Lot 2 have existing residential activity with existing use rights. The subdivision will not result in non-compliance with this rule.	Permitted
10.6.5.1.3 SCALE OF ACTIVITIES	No new activities are proposed as part of this subdivision.	Not applicable
10.6.5.1.4 BUILDING HEIGHT	Proposed Lot 1 and Lot 2 have existing residential activity with existing use rights. The subdivision will not result in non-compliance with this rule.	Permitted

10.6.5.1.5 SUNLIGHT	The subdivision will not result in a sunlight infringement.	Permitted
10.6.5.2.3 STORMWATER MANAGEMENT	<p>The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 10%. Therefore, the maximum amount of gross site are covered by buildings or impermeable surfaces shall be</p> <ul style="list-style-type: none"> • Lot 1 – 2092m² • Lot 2 – 2022m² <p>Impermeable surfaces will remain within the permitted threshold for each allotment.</p>	
10.6.5.1.7 SETBACK FROM BOUNDARIES	The proposed subdivision will not result in any setback infringements; all building will be setback 10m from any new boundaries.	Permitted
10.6.5.1.8 TRANSPORTATION	An assessment has been made below	
10.6.5.1.9 – 10.6.5.1.11	Not applicable to this resource consent application.	N/A
Chapter 15 – Transportation.		
15.1.6C.1.5 VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	<p>The vehicle crossing to proposed Lot 1 will be constructed in accordance with the applicable engineering standards.</p> <p>The vehicle crossing to proposed Lot 2 shall be upgraded (if required) to the applicable engineering standards.</p>	Permitted

15.1.6C.1.8 FRONTAGE TO EXISTING ROADS	Kaimaumau Road is a well-formed road.	Permitted.
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section 11 – Subdivision

Rule Number and Name	Non-Compliance Aspect	Activity Status
Rule 13.7.2.1: Minimum lot sizes – General Coastal Zone	<ul style="list-style-type: none"> Proposed Lot 1 – 2.0264ha Proposed Lot 2 – 2.0220ha <p>The proposed lot sizes are unable to meet the controlled, restricted discretionary or discretionary status therefore this will be assessed as a non-complying activity.</p>	Non-Complying

The proposal shall be assessed as a Non-Complying activity.

Overall Activity Status

Overall, the application is a Non-Complying activity.

6 National Environmental Standards

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

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

Based on my review of Northland Regional Councils selected land use register and historical imagery available on Retro lens, the piece of land to which this application relates is not a HAIL site, and therefore the NESCS does not apply.

National Environmental Standards for Freshwater 2020 (NESFW)

While the NESFW is enforced by the regional council, FNDC must still consider whether the activities subject of this application may have implications in terms of the NESFW regulations.

The subject site is within proximity to the Kaimaumau wetlands and therefore is applicable to this resource consent application. However, it is important to note that the approval of this subdivision will not result in additional earthworks, vegetation clearance or discharge of water.

Effects that must be Disregarded

Adjacent Land

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



Figure 8: Adjacent property

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

Table 1: Adjacent Land

Legal Description	Address	Pin
Lot 2 DP 178335	331 Kaimaunau Road	Blue
Lots 5-7 DP 405064	Unknown	Pink
Lot 4 DP 178335	337 Kaimaumu Road	Green
Lot 1 DP 211826	348 Kaimaumu Road,	Orange

Permitted Baseline

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

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

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

Trade Competition

There are no trade competition matters relevant under s95D(d).

Written Approvals

No written approvals have been provided under s95D(e).

Assessment of Environmental Effects

Receiving Environment

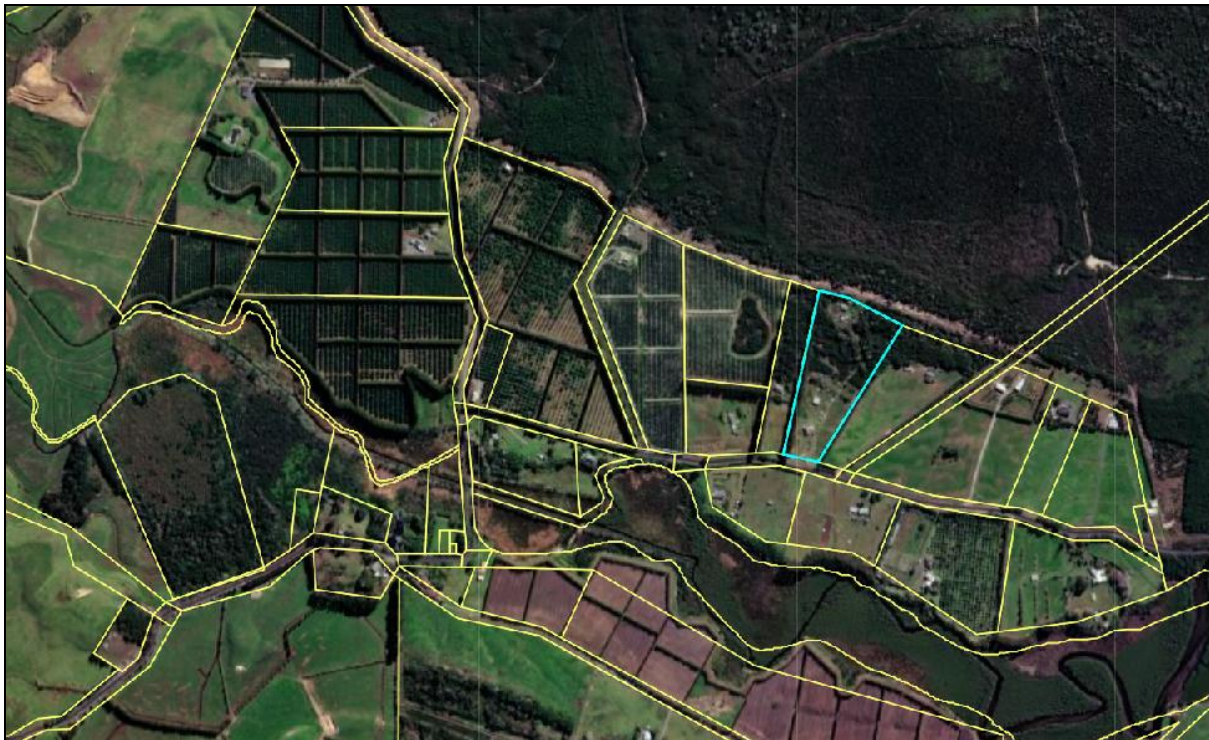


Figure 9: Aerial image showing the receiving environment.

The receiving environment consists of various lot sizes ranging from rural-residential 2ha allotments to more productive allotments approximately 19ha with associated residential activities. The allotments within the closer vicinity of the site are rural lifestyle in nature, ranging from 6,351m² (Lot 1 DP 206954) – 5.8ha (Lot 1 DP 193935) with most of them predominately between 2–4ha. Dwellings are typically set back from Kaimaumau Road on metalled driveways containing accessory structures and small farmed paddock areas around the house sites.

Although zoned General Coastal the character of the receiving environment is rural lifestyle, with smaller productive activities associated with residential living (with exception to the orchards).

The Kaimaumau–Motutangi wetland complex lies immediately to the north/north-east of the lifestyle ribbon, with the subject site and several neighbouring allotments adjoining the peripheral wetland edge. The aerial shows a distinct firebreak and linear mound running broadly parallel to the site's northern boundary (within Lot 6 DP 405064) (this was confirmed during a site visit), functioning as a defensible margin between the lifestyle allotments and the wetland scrub/peatland.

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

Environmental Effects Assessment

Having reviewed the relevant rules within the Operative District plan and taking into account the matters that must be included within an assessment of effects in accordance with Clause 7 of Schedule 4 of the Act, the following is has been considered.

Subdivision

The proposal has been assessed as a Non-Complying Activity in the Operative District Plan. An assessment has been provided based on the matters set out in *13.10 Assessment Criteria*.

Allotment Sizes and Dimensions

Each allotment (Lot 1 2.0264 ha, Lot 2 2.0220 ha) is intended to retain one existing dwelling (cottage on Lot 1; primary dwelling on Lot 2) with associated curtilage and small-scale rural/lifestyle use. The site sits within FNDC's General Coastal Zone under the Operative District Plan. While the subdivision is Non-Complying in activity status, the proposed lot sizes are practicable for the current use of the site which is for rural -lifestyle purposes.

The Subdivision Chapter (ODP) frames Council's assessment matters for subdivision and supports consideration of whether allotments are fit-for-purpose in their zone. In this case, the subdivision is only formalising the current use of the site and will not result in any changes or activity's that would otherwise occur if subdivision did not move forward.

As mentioned within the site description the proposed allotment areas has been and will continue to sufficiently accommodate infrastructure associated with the existing cottage and dwelling. The existing cottage currently on proposed lot 1 is old, and requires maintenance, it is currently serviced by an existing long drop toilet and a rainwater tank. If in the future the owner decides to move forward with a wastewater system a site specific TP58 report will be required at building consent stage. Both allotments have sufficient area for stormwater management, and the existing access will predominately be retained while utilising areas of already cleared vegetation.

The immediate block exhibits a heterogeneous rural-lifestyle pattern which is reflective of the titles ranging from approximately 0.6 ha to 5.8 ha, commonly 2–4 ha, set amid larger productive orchard allotments (up to ~19 ha). The proposed <2 ha lots are generally consistent with other allotments in the immediate environment and retain one dwelling per lot resulting no intensification beyond the existing two dwellings on the parent title. Dwellings in the locality are set back from Kaimaumu Road and served by metalled driveways; this pattern remains unchanged as a result of the subdivision.

The subdivision formalises the existing two-dwelling situation; it does not create pressure for additional dwellings or urbanised infrastructure, thereby avoiding cumulative intensification. Consent notices for rural firefighting water and defensible space respond to the Kaimaumu peat wildfire (2021–22) context and maintain a defensible interface with wetland scrub/peatland in the long term, supporting community safety and environmental resilience. As a result of the subdivision, the owner will clear any invasive vegetation within a 20m radius to further mitigate any potential effects arising in respect to fire risk.

Overall, considering the above and existing use of the site, the proposed subdivision is consistent with the surrounding environment

Natural and Other Hazards

The subject site is not prone to any known natural hazards and therefore as per s106 of the RMA 1991, it's considered that there is no significant risk from natural hazards applicable which would allow Council to refuse consent.

Water Supply

The sites are not within an area serviced by reticulated water supplier.

Both Proposed Lot 1 and 2 collects roof-runoff which is directed to a water tank. This provides sufficient drinking water storage.

As both proposed Lot 1 and Lot 2 contains an existing dwelling and currently does not provide for firefighting water supply. The following consent notice condition is offered for Proposed Lot 1 and 2.

At the time any new habitable building is constructed the owner must provide and maintain a firefighting water supply that is always available and accessible to firefighting appliances. The system must comply with the Council's current Engineering Standards and the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). Any alternative method or storage volume may only be used with written approval from Fire and Emergency New Zealand (FENZ) [Lots 1 and 2].

Stormwater Disposal

Given the location of the site, stormwater must be managed on site. Both allotments have ample area to manage stormwater run-off in a manner which will not result in adverse effects on the immediate or surrounding environment.

As with water supply; proposed Lots 1 and 2 have existing provisions for roof run-off. Stormwater will remain unchanged as a result of the subdivision.

It is considered that the allotments have adequate area for stormwater disposal and therefore, no effects will be created that are more than minor.

Sanitary Sewage Disposal

The site is not located within an area of reticulated wastewater. Therefore, wastewater must be managed on-site.

Proposed Lot 1 currently contains an existing long drop toilet which has been established since 1997. The applicant offers the following consent condition to be applied;

In such time a new wastewater system is to be installed, the owner shall ensure that it complies with relevant rules and regulations administered by the Northland Regional Council or obtain the necessary resource consent [Lot 1].

Proposed Lot 2 contains an existing onsite wastewater disposal system.

Energy, top energy transmission lines and telecommunication

Energy supply and telecommunications is not a requirement of the General Coastal Zone. The site is not located within 20m of an electrical transmission line designed to operate at or above 50kV.

Easements for any purpose

No easements are proposed as part of this subdivision.

Provisions for access



Figure 10: Photographs showing the existing access to proposed Lot 2



Figure 11: Photographs demonstrating sight distances from existing access to proposed Lot 2 (left looking east and right looking west).

As detailed in figure 9 and 10, proposed Lot 2 contains an existing access with sufficient sightlines in both directions. It is anticipated that if the vehicle crossing required any upgrades this will form a s224 condition.

Proposed Lot 1

Access to proposed Lot 1 will be via a dog leg access which runs up the eastern boundary of the site and then bend into and connect to the existing driveway to the cottage. The location of the vehicle crossing is shown in figure 11 below.



Figure 12: Proposed Location of access to proposed Lot 1.



Figure 13: Image showing sight distances from the proposed vehicle crossing to proposed Lot 1 (source: Google Maps).

The proposed location of the vehicle crossing to proposed Lot 1 is able to meet the relevant sight distance requirements within the Engineering Standards. It is anticipated that as a condition of consent the consent holder shall construct the vehicle crossing in accordance with the relevant engineering standards.

Effects of earthworks and utilities

As both proposed allotments are already in residential use, there will only be very minimal earthworks required to reconfigure the driveway through the dog leg access to proposed Lot 1.

Therefore, any effects are considered to be minimal and as such effects are considered less than minor.

Building locations

Proposed Lot 1 contains an existing cottage, and proposed lot 2 contains an existing dwelling which are situated in suitable locations. The subdivision will not result in any changes to the existing built development. The owner does not intend to move any buildings on site.

Preservation and enhancement of heritage resources, vegetation, fauna and landscape, and land set aside for conservation purposes.

The vegetation consists of predominantly invasive species. In addition, the ground cover is dry and even in the during periods of heavy rain such as the march 2026 rain event, the area does not retain and hold water.

While the site has been identified as a potential habitat for Black Mudfish, NRC maps has not identified the site as containing a known wetland or potential habitat of a threatened species, and there are no areas identified on the site as Protected Natural Areas.

Furthermore, as part of creating the Significant Natural Areas in accordance with the Regional Policy Statement FNDC were required to identify significant vegetation and habitats; as part of this assessment undertaken by FNDC, the subject site was not included containing areas of significant habitats.

Furthermore, the area identified on the site does not meet the definition of a wetland under the National Policy Statement for Freshwater given the area is predominantly invasive species and I was unable to find any maps from NRC of the area on the site potentially being a habitat to a threatened species as per the definition of the natural inland wetland (NPS-FM (e (iii))).

The subject site does not contain any areas of heritage or cultural significance. Approval of this subdivision will not result in any indigenous vegetation clearance or changes to the current use of the site. While the subdivision is a non-complying activity, both proposed allotments contain existing residential activities with its own self-sufficient infrastructure which have existed for over 20 years and the existing cottage for nearly 30 years. Therefore, noting the above, and any effects generated by the approval of this subdivision are considered less than minor.

Soil

The soil on site and surrounding locality is generally characterized by gumland found in the aupouri ecological district. Gumland soils are often characterized by low fertility.

The subdivision will not result in any changes to what is currently existing and therefore will not result in any adverse effects on the safeguarding capacity of the soil.

Access to waterbodies

The site is not located within proximity to the costal marine area, rivers, or other forms of water bodies which would warrant public access.

Land use incompatibility

The receiving environment is characterised by an established rural-lifestyle pattern, with surrounding allotments generally ranging from approximately 0.6 ha to 5.8 ha, and most commonly 2–4 ha, with larger productive holdings including orchard blocks of up to approximately 19 ha within the wider environment. This mix reflects a locality where residential living and small-scale rural activities typically occur together, with productive horticulture present in parts of the wider environment.

The proposed subdivision creates two allotments of approximately 2 ha, each of which contains an existing dwelling (the cottage on Lot 1 and the primary dwelling on Lot 2). As such, the proposal does not introduce a new land use, does not increase the number of dwellings beyond what has already existed on the parent title for many years, and does not enable a level of development that is inconsistent with the surrounding rural-lifestyle pattern.

In this setting, the potential effects associated with adjoining rural and horticultural land uses such as intermittent machinery noise, occasional dust, odour, spray operations and seasonal activity form part of the existing rural baseline and are considered less than minor. The existing dwellings have co-existed with these rural effects for an extended period, and the subdivision will not materially change the intensity of activity on the site or adjacent land. The proposal is not expected to generate new or increased adverse effects from incompatible land use activities, nor create new reverse sensitivity pressures beyond those already present.

The northern boundary of the site adjoins a heavily vegetated margin (including wattle, gorse, tobacco weed and scattered mānuka/kānuka) and is separated from the wetland-fringe environment by a raised landform (mound) and an established firebreak that runs parallel to the northern boundary on the adjoining land. These physical features provide further separation and reduce the potential for direct interface effects at the wetland edge.

However, as mentioned through this report, the subdivision will not materially change what has existing on site since prior to 1997 and currently forms part of the existing environment.

Overall, the subdivision will legally formalise a long-standing arrangement of two existing residential activities on the site. The resulting allotments are compatible with the existing pattern of subdivision and land use activities in the locality.

Proximity to the airports

The site is not located within proximity to any airports, such that it is not relevant.

Natural Character of the Coastal Environment

Although the site is located in the General Coastal Zone; it does not form part of the Coastal Environment as per the RPS. The locality of the site is generally rural in character containing areas of orchards and rural -life style properties before reaching the Kaimaumuau settlement.

The proposal maintains existing natural character by avoiding physical changes to landform, drainage and vegetative patterns. The northern portion of the site is dominated by exotic/invasive vegetation with scattered regenerating manuka, and kanuka trees. There are no identified indigenous features requiring formal protection.

Energy efficiency and renewable energy development/use

Providing connections to allotment in the General Coastal zone is not a requirement. However, proposed Lot 2 has an existing connection to energy and telecommunications. This application promotes energy efficiency and renewable energy which can be accommodated on both proposed sites. However, this is at the discretion of the new owners.

National grid corridor.

The site is not located within the national grid corridor.

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

S221 Consent Notice Variation.

As part of this application, the owner seeks the cancellation or variation of Consent Notice D133040.3 under s221(3)(a) of the RMA. The consent notice was imposed in connection with a subdivision consent granted more than 20 years ago. Conditions 1 and 2 are considered no longer necessary and/or not applicable to the site, while Conditions 3 and 4 partially remain relevant if the owner or future owners decide to construct a new dwelling in

the future. Therefore, are proposed to be carried forward into an updated consent notice associated with the current subdivision for clarity and ease of ongoing compliance.

No adverse effects are considered to be generated by this activity.

Adverse Effects Conclusion

The proposed subdivision is a non-complying activity; however, it is limited in scale and primarily legal in effect, formalising two existing residential activities into two ~2 ha allotments. The proposal will not introduce additional dwelling rights and involves minimal physical works, limited to establishing compliant access to Lot 1. Adverse effects are assessed as no more than minor and can be appropriately managed through standard subdivision conditions and updated consent notices, including the requested s221(3) consent notice change.

7 Statutory Assessment.

Section 104B of the Resource Management Act 1991

Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. As a Non-Complying Activity Council retains the discretion to grant or refuse consent and if granted, to impose conditions under s108, subject to the statutory tests outlined below.

Section 104D of the Resource Management Act 1991 – Gateway Test

Under s104D, consent for a non-complying activity may only be granted if the consent authority is satisfied that either

- The adverse effects of the activity on the environment will be less than minor; or
- The activity is not contrary to the objectives and policies within the relevant plans.

Section 104 – Matters to be considered.

Under s104, and subject to Part 2 of the RMA, council must have regard to the following matters:

- The actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of national direction and planning documents; and
- Ant other matters Council consider relevant and reasonably necessary to determine the application.

The actual and potential effects arising from the development can be both positive and adverse. As set out in this report, the proposal is primarily a legal change (creating two titles) rather than a physical change. The receiving environment is rural lifestyle in character and the proposed allotments already contain an old cottage and a dwelling on the parent title. The subdivision does not result in additional buildings or additional development rights; it does not introduce land use incompatibility; and any servicing and access upgrades for proposed Lot 1 are capable of being appropriately managed via standard subdivision conditions and consent notices. Overall, the effects are considered less than minor.

Section 104(1)(b) requires the consent authority to consider relevant provisions. An assessment against the relevant provisions has been carried out below which corresponds to the scale and significance of the proposal.

Section(1)(c) states that the consent authority may consider other matters that are relevant and reasonably necessary to the determine the application. In this case no other matters have been identified.

8 Policy Documents

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

National Environmental Standards

As discussed earlier in this report, the application is permitted under the NES-FM and NES-CS.

National Policy Statements

To date, there are currently ten National Policy Statements. The relevant National Policy Statements which are applicable to the application have been assessed below.

National Policy Statement for Indigenous Biodiversity (NPS-IB).

Although the site does not contain any areas of indigenous biodiversity; an assessment has been carried out for completeness given the sites location and overall activity status.

The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) directs decision-makers to maintain indigenous biodiversity so there is at least no overall loss, while recognising tangata whenua as kaitiaki and providing for social, economic and cultural wellbeing (Objective 2.1). In relation to this application, the proposed two-lot subdivision is limited to a legal reconfiguration of an already developed title (two existing dwellings) and

does **not** involve vegetation clearance, earthworks, drainage works or construction as part of the consent, therefore there will be no loss in indigenous biodiversity as a result of the subdivision. The applicant recognises the importance of engaging appropriately with mana whenua through established council channels where relevant and if vegetation clearance was to occur within areas of indigenous vegetation (Policy 1); which in this case it is not. On that basis, the proposal does not give rise to adverse effects on terrestrial indigenous biodiversity and is consistent with the NPS-IB's intent (Policies 8–10), while still providing for reasonable rural living outcomes.

Consistent with the NPS-IB's direction to adopt a precautionary approach when considering adverse effects (Policy 3), the assessment has been prepared at a level of detail that is proportionate to the nature and scale of the activity. Based on site observations and the planning information reviewed for this application, there is no known significant indigenous vegetation or habitat on the site that would warrant protection (Policies 6–7), and the vegetation present is predominantly exotic/invasive. Accordingly, no biodiversity mitigation or enhancement is proposed because the subdivision itself will not result in effects on indigenous biodiversity; if any future works are proposed that could affect future vegetation or habitat regeneration (which won't be the case), those would be assessed separately at the time against the relevant planning framework and the NPS-IB (Policies 1–2 and 17).

New Zealand Coastal Policy Statement 2010

The subject site is not located within an area identified in the RPS as within the Coastal Environment. As such this is not considered applicable.

Regional Policy Statement

The proposal is consistent with the intent of the Northland RPS objectives relating to biodiversity, development outcomes, tangata whenua participation, and natural hazard risk. In particular, the subdivision maintains the existing development pattern on the subject site by formalising two long-established dwellings into two approximately 2 ha titles, without enabling additional residential rights. This approach supports Objective 3.5 (Enabling economic wellbeing) and Objective 3.6 (Economic activities – reverse sensitivity and sterilisation) by providing for rural living and land ownership arrangements in a way that does not create new land-use conflict or constrain surrounding rural production activities. It also aligns with Objective 3.4 (Indigenous ecosystems and biodiversity) because the subdivision itself does not include land disturbance (e.g., vegetation clearance, earthworks or drainage works) and, based on the site inspection and planning information reviewed for this application, there are no identified indigenous vegetation values on site requiring protection that would be adversely affected by the subdivision. Finally, the proposal is consistent with

Objective 3.14 (Natural hazard risk) as it does not increase development rights; any future building works remain subject to standard hazard and building controls. Objective 3.12 (Tangata whenua role in decision-making) is acknowledged through the applicant's intent to engage via Council processes if FNDC consider them potentially affected and to recognise that tangata whenua participation is a key part of the RPS framework.

The proposal is also consistent with the relevant RPS policy directions requested. Policy 4.4 (Maintaining and enhancing indigenous ecosystems and species) is addressed by the proposal's effects profile: it is creating a new allotment to formalise the separate residential uses that does not involve habitat removal or modification. Policies 4.5–4.6 are acknowledged through the review of the RPS mapping layers: the RPS provides mapped layers that delineate the coastal environment and identify related natural character and landscape matters, and the applicant understands the site is outside the mapped RPS coastal environment extent, with no RPS mapped coastal environment/natural character triggers identified for this application. Policy 4.7 (Supporting management and improvement) is reflected in the proposal's conservative design approach (retaining existing access corridors and development pattern and avoiding new effects), while Policy 6.1 (Efficient and effective planning) is supported because subdivision conditions and consent notices can efficiently manage any residual matters at the appropriate stage if required (e.g., s224(c) certification for engineering requirements). Policy 7.1 (Development in natural hazard-prone areas) is addressed through the subdivision's limited scope (no additional development rights; reliance on existing platforms).

Far North Operative District Plan.

The relevant objectives and policies

The relevant objectives and policies of the Operative District Plan are those relating to Subdivision, Coastal Environment and General Coastal Zone. The proposal is considered to create no more than minor effects on the receiving environment.

Chapter 13 Subdivisions.

The proposed two-lot subdivision is consistent with the purpose and intent of the Chapter 13 subdivision objectives, which seek subdivision patterns that support sustainable management and the purpose of the relevant zone while providing for community wellbeing and avoiding, remedying or mitigating adverse effects (Objectives 13.3.1–13.3.2). The proposal simply formalises two long-established residential activities (one primary dwelling and one cottage) on the parent title into two approximately 2 ha allotments. It does not introduce additional dwellings or enable more intensive land use than currently exists, and it

does not involve bulk earthworks, vegetation clearance, drainage modification or other physical works as part of the subdivision itself. On this basis, the subdivision does not compromise the life-supporting capacity of air, water, soil or ecosystems, and it does not create or accelerate natural hazards or reverse sensitivity effects (Objective 13.3.2). The proposal is also consistent with objectives relating to landscape and heritage protection because no outstanding landscape / natural feature or scheduled heritage resource is identified as being affected by the subdivision (Objectives 13.3.3–13.3.4). The proposal aligns with infrastructure and servicing objectives Proposed Lot 2 has existing WW, SW and WS, with proposed Lot 1 containing an existing long drop toilet. However, if the owner decides to do so Proposed Lot 1 has sufficient area to support an appropriate on-site infrastructure (Objective 13.3.5), with an appropriate new vehicle crossing which will feed into the existing driveway on the northern portion of the lot that support efficient infrastructure provision (Objectives 13.3.10–13.3.11).

In relation to the Chapter 13 policies, the proposed allotment sizes and layout respond directly to the established rural-lifestyle pattern and the intent to manage cumulative effects. Policy 13.4.1 is met because the subdivision pattern and allotment distribution have been designed with regard to potential effects (including cumulative effects) on natural character, ecological values, landscape values, amenity, cultural values, heritage values and existing land uses, noting the proposal retains the existing low-density residential arrangement and does not introduce additional development rights. Policy 13.4.2 is satisfied because safe and effective vehicular access can be achieved using the existing road crossing and driveway arrangements, with any necessary upgrades able to be addressed through standard engineering by way of consent condition s224 (proposed Lot 2). Proposed Lot 1 will have a separate dog leg access, which sufficient sightline to support accessing and egressing vehicles. Policy 13.4.3 is addressed because natural and other hazards have been considered at subdivision stage, and the proposal does not increase hazard exposure through additional development rights or new building platforms.

Policies 13.4.4 and 13.4.5 relate to managing the adverse visual and physical effects of subdivision servicing and associated works. Here, no extension of reticulated utility networks is proposed, and servicing will remain rural and on-site, consistent with the existing context. As a result, the subdivision does not create adverse visual effects from new utility infrastructure (Policy 13.4.4) and any necessary minor works (e.g., limited driveway works) can be managed to avoid effects on neighbouring properties, public roads, and the site's natural and physical resources (Policy 13.4.5). Policy 13.4.6 requires protection/restoration/enhancement of heritage resources, significant indigenous vegetation and habitats, threatened species, coastal natural character and riparian margins, and

outstanding landscapes/features where appropriate. In this case, based on site observations and mapping reviewed for the application, there are no known on-site indigenous vegetation or habitat values requiring formal protection through subdivision conditions, and the subdivision does not introduce works or intensification that would adversely affect these areas as activities are already existing. Accordingly, the policy is met through an effects-based outcome: the subdivision avoids creating new adverse effects and retains the existing development footprint.

Policy 13.4.7 (financial contributions) is not triggered by this proposal because it does not create additional non-residential carparking demand, does not require new esplanade areas, does not involve adverse effects on riparian areas, and does not rely on the assimilative capacity of the environment external to the site. Policy 13.4.8 is met because the subdivision provides for on-site water storage and enables conditions to secure water supply requirements (including firefighting supply where required) as part of subdivision certification. Policies 13.4.9 (bonus development donor/recipient areas) and 13.4.10 (Conservation Zone net conservation gain) are not applicable because no bonus development mechanism is proposed and the site is not in the Conservation Zone.

Policy 13.4.11 requires subdivision to recognise and provide for the relationship of Māori and their culture and traditions with ancestral lands, waters, sites, wāhi tapu and other taonga, and to take into account Treaty principles. This proposal is limited to formalising existing residential use and does not propose land disturbance; nevertheless, the applicant acknowledges this policy and will engage through Council processes if any cultural matters are raised during processing.

Policy 13.4.13 is the overarching design policy requiring subdivision to preserve and where possible enhance zone character and, as far as practicable, avoid adverse effects through techniques such as clustering, minimising vegetation clearance/earthworks, protecting heritage and ensuring hazards are not exacerbated. The proposal meets this direction by retaining an existing low-density settlement pattern, avoiding new building platforms and minimising any need for works beyond the existing access corridor. Policy 13.4.14 is satisfied because the intensity, design and layout of the subdivision have been considered against the applicable zone and district-wide provisions and the Chapter 13 subdivision objectives and policies. Policy 13.4.15 encourages subdivision layouts that support energy-efficient building outcomes. While this proposal does not create new building platforms or intensification, it retains practical site layout and access arrangements that do not preclude future passive design or energy-efficient building development on either allotment. Finally, Policy 13.4.16 relates to subdivision within or near the National Grid

corridor. No National Grid corridor has been identified as affecting the subject site for the purposes of this application.

Overall, it is considered that this proposal is consistent with the relevant objectives and policies within this chapter.

Chapter 10 Coastal Environment

The proposal is consistent with the intent of the Chapter 10 objectives and policies, which seek to manage development in coastal areas by avoiding adverse effects (or remedying/mitigating where avoidance is not practicable) and preserving natural character and associated values. Although the site is zoned General Coastal, it is outside the mapped coastal environment extent identified at the regional policy statement level; notwithstanding this, the proposal has been assessed against Chapter 10 due to its zoning context and proximity to the broader Kaimaumu–Motutangi wetland margin. The subdivision is limited to formalising two long-established dwellings into two approximately 2 ha allotments and does not introduce additional development rights or require earthworks/vegetation clearance as part of the consent. Accordingly, the proposal aligns with Objective 10.3.1 and Policy 10.4.1 because it represents an “appropriate” form of subdivision that avoids more than minor effects on coastal environment values by retaining the existing development footprint. It is also consistent with Policy 10.4.2 because it does not promote sprawling or sporadic development; rather, it maintains the existing low-density rural-lifestyle pattern and consolidates development within the already-developed areas of the site. Policy 10.4.3 and Objective 10.3.2 are satisfied because no significant indigenous vegetation or habitat values have been identified on site for this application, and the subdivision itself does not authorise activities that would alter vegetation patterns or ecological function. Policy 10.4.6 (encouraging innovative development that permanently protects or enhances natural character through indigenous vegetation/habitat management) is acknowledged; however, given the proposal’s limited scale and the absence of known indigenous vegetation requiring protection, no additional enhancement is proposed and the policy intent is met through avoidance of adverse effects.

Policies 10.4.8–10.4.12 are addressed through the proposal’s “no new effects” profile and the ability to secure appropriate requirements at subdivision stage. Policy 10.4.8 is met because the proposal does not disturb land, waterways, wāhi tapu or other taonga and does not change land use intensity beyond the existing residential baseline; the applicant also recognises that engagement through Council processes remains appropriate if any cultural matters are identified during processing. Policy 10.4.9 (avoiding hazard-prone areas where practicable) is satisfied because the subdivision does not create new building platforms or

intensify development in hazard-exposed locations; existing dwellings remain in place and any future building work would remain subject to separate approvals and hazard considerations. Policy 10.4.10 is met because the locality has no reticulated supply and the subdivision provides for continued reliance on year-round on-site water storage, including the ability to secure firefighting water requirements by consent notice/condition. Policy 10.4.11 (minimising erosion/sediment and stormwater/wastewater effects that could enter the coastal marine area) is addressed because the subdivision does not involve earthworks and continues rural on-site servicing; as such, it does not increase erosion or discharge risk, and any future site works would be managed through standard controls and good practice. Finally, Policy 10.4.12 is satisfied because the proposal does not increase the number of buildings, does not introduce prominent skyline/ridgeline development, and retains existing setbacks, screening and access arrangements; any future additional building development remains subject to the relevant land use controls for siting, design, colours/materials, landscaping, and access layout.

Therefore, it is considered that the proposal is consistent with the relevant objectives and policies contained within this chapter.

Chapter 10.6 General Coastal Zone

The General Coastal Zone provisions sit within the wider Chapter 10 framework, which emphasises preserving natural character and managing subdivision, use and development so adverse effects are avoided, remedied or mitigated, with particular regard to landscape, ecology, access, cultural values and hazards. In this case, the proposal (a two-lot subdivision creating two ~2 ha titles) is fundamentally an administrative outcome that formalises two long-established residential activities on the parent title, with both lots already containing dwellings and associated infrastructure. The subdivision does not introduce additional development rights, does not require bulk earthworks, and retains the existing access arrangements (with only minor formation works potentially required within dog leg access and associated vehicle crossing). Consequently, the proposal aligns with the intent of Objectives **10.6.3.1–10.6.3.3** by maintaining the existing rural-coastal character and avoiding the spread of built form into sensitive areas, rather than enabling new or intensified coastal development.

The policies for the General Coastal Zone (Policies 10.6.4.1–10.6.4.6) are met through the proposal's effects profile and the ability to secure appropriate controls at subdivision stage. In particular, the proposal retains existing building locations and setbacks, maintains established screening vegetation and does not create new prominent ridge/skyline development, thereby limiting any potential visual or natural character effects in a manner

consistent with the coastal environment management approach set out in Chapter 10. Servicing remains rural and on-site. The proposal also recognises the importance of tangata whenua relationships with land and taonga and provides for engagement via Council processes where required, consistent with Chapter 10's direction to recognise and provide for Māori values in coastal management. Overall, the General Coastal Zone objectives and policies are achieved because the subdivision does not materially change land use intensity or physical form, and it enables any necessary access/servicing requirements to be addressed through standard conditions.

FNDC Proposed District Plan

The Proposed District Plan (PDP) is not yet operative; however, hearings are complete and Council has indicated it intends to notify decisions in May 2026; with the appeal period due to close in June.

Subdivision

Although not a boundary adjustment the proposed subdivision aligns with the intent of SUB-O1 because it represents an efficient use of land that gives effect to the underlying zone/district-wide framework, reinforces local character, avoids reverse sensitivity, and manages effects and natural hazard risk. In particular, the proposal formalises two long-established residential activities on the parent title into two ~2 ha allotments and does not, of itself, authorise bulk earthworks, vegetation clearance or new development rights; therefore it does not create a land use pattern that would undermine the objectives and policies of the zone, and it does not increase natural hazard risk (with any residual risks managed through standard subdivision conditions/consent notices and the s224(c) process). The proposal is also consistent with SUB-O2 because, based on site observations and the planning information reviewed for this application, there are no known mapped Significant Natural Areas or indigenous vegetation values on site requiring protection, and the subdivision does not result in any direct effects on ONFs/ONLs, natural character overlays, wetland/lake/river margins, sites and areas of significance to Māori, or historic heritage. SUB-O3 is addressed because servicing is planned and provided through on-site infrastructure appropriate to the rural locality (water storage and on-site wastewater), and any access upgrades can be delivered in an integrated, efficient manner via subdivision certification conditions. SUB-O4 is met because the subdivision maintains existing access connections and does not impede integration with the surrounding environment; esplanade reserve/strip requirements are not triggered because the land does not adjoin the coastal marine area or other qualifying waterbodies for the purposes of this subdivision.

The policy framework is also satisfied. The proposal is not a boundary adjustment, so SUB-P1 is not directly applicable; however, the subdivision is consistent with the general intent of achieving well-functioning allotments and does not create additional access points beyond the established pattern. SUB-P2 is not relevant because the subdivision is not for public works/reserves/access. SUB-P3 is central and is met: the two allotments are consistent with the rural character of the locality, are of adequate size and shape to contain existing building platforms and servicing, and will have legal and physical access via Kaimaumu Road and the existing driveway arrangement. SUB-P4 is satisfied because the subdivision has been assessed against the relevant district-wide matters and the applicable natural environment / hazards considerations within the scope of this application. SUB-P5 is not applicable as it relates to subdivision design and layout in urban zones (General Residential, Mixed Use, Medium Density Residential, Town Centre and Settlement). SUB-P6 is met because on-site infrastructure can service each allotment and any necessary engineering requirements can be imposed and certified at subdivision stage. SUB-P7 (esplanade vesting/strips) is not triggered because the subdivision does not adjoin the coast or a qualifying waterbody. To the extent the PDP rural provisions are considered relevant, SUB-P8 and SUB-P9 are addressed on the basis that this proposal does not create a new pattern of rural lifestyle yield in practical terms; it regularises an existing two-dwelling situation and can be assessed and conditioned to ensure adverse effects are internalised and any applicable environmental outcomes are achieved. SUB-P10 (avoiding subdivision of minor residential units from principal units where density/lot size is not met) is not applicable, as the proposal is not a minor unit separation but a two-lot subdivision reflecting existing dwellings. Finally, SUB-P11 is satisfied because the proposal is consistent with the scale and character of the environment, provides for on-site infrastructure, manages natural hazard risk, and avoids adverse effects on historic heritage, cultural values, natural features/landscapes, natural character and indigenous biodiversity values; it also acknowledges tangata whenua associations and is open to engagement through Council processes should matters be raised during processing

Rural Production Zone

The Rural Production Zone objectives seek to ensure rural land remains available for primary production and is protected long-term (RPROZ-O1), while providing for primary production and compatible rural activities that have a functional need for a rural location (RPROZ-O2). The proposal is a two-lot subdivision that formalises two long-established dwellings on the parent title and does not introduce additional development rights or non-rural activities. As such, the proposal is consistent with the Rural Production Zone direction by maintaining a low-intensity rural pattern and retaining the capacity for ongoing

rural use of each lot (e.g., small-scale), while relying on on-site servicing typical of rural environments. In relation to RPROZ-O3 and RPROZ-O4, the subdivision does not exacerbate natural hazards, is able to be serviced by on-site infrastructure and maintains rural character and amenity by avoiding additional buildings or intensification beyond the existing baseline.

The Rural Production Zone policies also support this outcome. RPROZ-P1 anticipates and accepts typical rural effects where primary production occurs, and RPROZ-P3 seeks to manage new sensitive or non-productive activities to avoid or mitigate reverse sensitivity effects on primary production. In this case, the subdivision does not introduce a new sensitive activity (the two dwellings already exist) and therefore does not create new reverse sensitivity pressure beyond the existing use of the site. The proposal also aligns with RPROZ-P4 and RPROZ-P5 by maintaining low density and rural character, avoiding incompatible urban-type activities, and continuing to rely on appropriate on-site infrastructure. RPROZ-P6 seeks to avoid subdivision that fragments rural land to the point it cannot support farming and to avoid rural lifestyle living unless there is an environmental benefit. While the proposed lot sizes are rural-lifestyle in scale, the key point is that this application does not create new rural lifestyle yield in practical terms, it formalises an existing two-dwelling arrangement that has operated for many years. The effects and outcomes are therefore more akin to regularising an existing rural living pattern rather than enabling a new pattern of rural fragmentation. Finally, the assessment matters in RPROZ-P7 are satisfied because the proposal is consistent with the scale and character of the rural environment, does not increase production constraints or hazard risk, internalises servicing on site, and avoids adverse effects on adjoining land and rural activities.

9 Notification Assessment

Section 95A – Public Notification Assessment

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

Step 1: Mandatory public notification in certain circumstances

s95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
s95A(3)(b)	Is public notification required under section 95C?	No
s95A(3)€	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA	No

	of the Reserves Act 1977?	
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Step 2: If not required by step 1, public notification in certain circumstances.

S95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
s95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; <ul style="list-style-type: none"> • a controlled activity; • a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity? 	No

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

s95A(8)(a)	Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification?	No
s95A(8)(b)	In accordance with section 95D, will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? The assessment below addresses this matter.	No

Step 4: Public notification in special circumstances

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

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

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

Section 95B – Limited Notification Assessment

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

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

s95B(2)(a)	Are there any affected protected customary rights groups?	No
s95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
s95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No
s95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No

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

s95B(6)(a)	The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.	No
s95B(6)(b)	The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).	No

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

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

	95E. The assessment below addresses this matter.	
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Affected Persons Assessment -s95E

This section assesses whether the application must be limited notified to any affected persons under s95B(7) or s95B(8), applying the tests in s95E. A person is considered affected where the adverse effects on that person are minor or more than minor (i.e., not less than minor).

The proposal is a Non-Complying activity, and therefore all relevant effects may be fully considered. In accordance with s95E(3)(a), a person is not an affected person if they have provided written approval and have not withdrawn it. No written approvals have been obtained for this application.

Assessment

As demonstrated through the duration of this report, the subdivision is essentially formalising the existing separate residential uses of the site. The subdivision will not result in any physically changes that would otherwise occur if subdivision was not applied for.

The proposal is considered consistent with the surrounding environment and will not result in incompatible land uses from the subdivision. The site has existing mature boundary planting; existing buildings are set back from the road. In additional the existing cottage, plus associated residential activities on proposed Lot 1 are completely screened from all adjoining properties, even future proposed Lot 2. Very minimal to no vegetation clearance or earthworks will be required for access to Proposed Lot 2. Proposed Lot 1 may require potential scrapping of topsoil if the owner decides to place some metal.

The effects resulting from the subdivision is considered less than minor; such that no persons have been identified as affected by the proposal.

10 Part 2 Matters

Section 5 requires the sustainable management of natural and physical resources, meaning enabling people and communities to provide for their social, economic and cultural wellbeing and health and safety, while sustaining resources for future generations, safeguarding life-supporting capacity, and avoiding, remedying or mitigating adverse effects.

The proposal supports these outcomes because it formalises an existing, long-standing two-dwelling arrangement through a two-lot subdivision, without introducing new development rights or intensifying land use. The subdivision therefore enables reasonable

use of land and land tenure (wellbeing) while avoiding material adverse effects because it is primarily a legal change rather than physical development.

Section 6 requires decision-makers to “recognise and provide for” matters of national importance relevant to the application, including: natural character of the coastal environment (including wetlands and margins), significant indigenous vegetation and habitats, public access, Māori relationships with taonga, historic heritage, and management of significant natural hazard risk. In this case, the subdivision does not involve works that would modify landform, hydrology, or vegetation patterns, and there is no known indigenous vegetation/habitat on the site that warrants protection through this consent. The proposal does not create additional demand for public access or alter access opportunities. No historic heritage values are known to be affected. Finally, with respect to natural hazards, the proposal does not increase development rights or intensify hazard exposure; it relies on established development areas and access, and any residual risks can be addressed through standard subdivision conditions and the s106/s224(c) certification process.

Section 7 requires “particular regard” to matters including kaitiakitanga and stewardship, efficient use and development of resources, amenity values, intrinsic ecosystem values, finite characteristics of resources, and effects of climate change.

The proposal is consistent with these considerations because it uses land efficiently by legally recognising an existing development pattern; it maintains rural amenity by avoiding additional dwellings and limiting physical works to access formation; it does not reduce ecological function through vegetation clearance or earthworks; and it retains the rural approach to on-site infrastructure appropriate to the locality. The proposal also aligns with climate-related considerations by not increasing hazard vulnerability through additional density and by enabling future owners to maintain appropriate rural resilience measures (e.g., adequate water storage and safe access) consistent with a working rural environment.

Section 8 requires Council to take into account the principals of the Treaty of Waitangi. As demonstrated throughout this report, the application acknowledges the treaty and does not consider this application to be contrary to the treaty due to the nature of the activity and the existing situation.

Overall, the proposal is consistent with Part 2 of the RMA. It enables reasonable use of land and community wellbeing while avoiding or minimising adverse effects, does not compromise matters of national importance (including wetlands/margins, indigenous biodiversity, Māori relationships with taonga, heritage, or natural hazard risk), and maintains rural amenity and efficient resource use.

11 Conclusion

Overall, the proposed two-lot subdivision in the General Coastal Zone is a Non-Complying activity that is limited in scale and primarily formalises two long-established residential activities on the parent title. The proposal does not introduce additional development rights and will result in minimal physical works (limited to part of the access formation for Lot 1), with servicing continuing via appropriate on-site infrastructure. The assessment demonstrates that actual and potential adverse effects are no more than minor, the subdivision provides for safe and practical access, and there is no significant natural hazard risk that would justify refusal

The proposal is consistent with the relevant planning framework when read as a whole, including the Operative District Plan's subdivision provisions and the broader statutory direction in Part 2 of the RMA. Appropriate conditions and consent notices can be used to secure access and servicing requirements and manage any residual matters. On this basis, resource consent is sought and is considered appropriate to grant.

This report has been prepared by



Shanay Howard.

NZPI Associate Planner

Post graduate diploma in Planning



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




R. W. Muir
Registrar-General
of Land

Identifier NA110A/7
Land Registration District North Auckland
Date Issued 18 April 1997

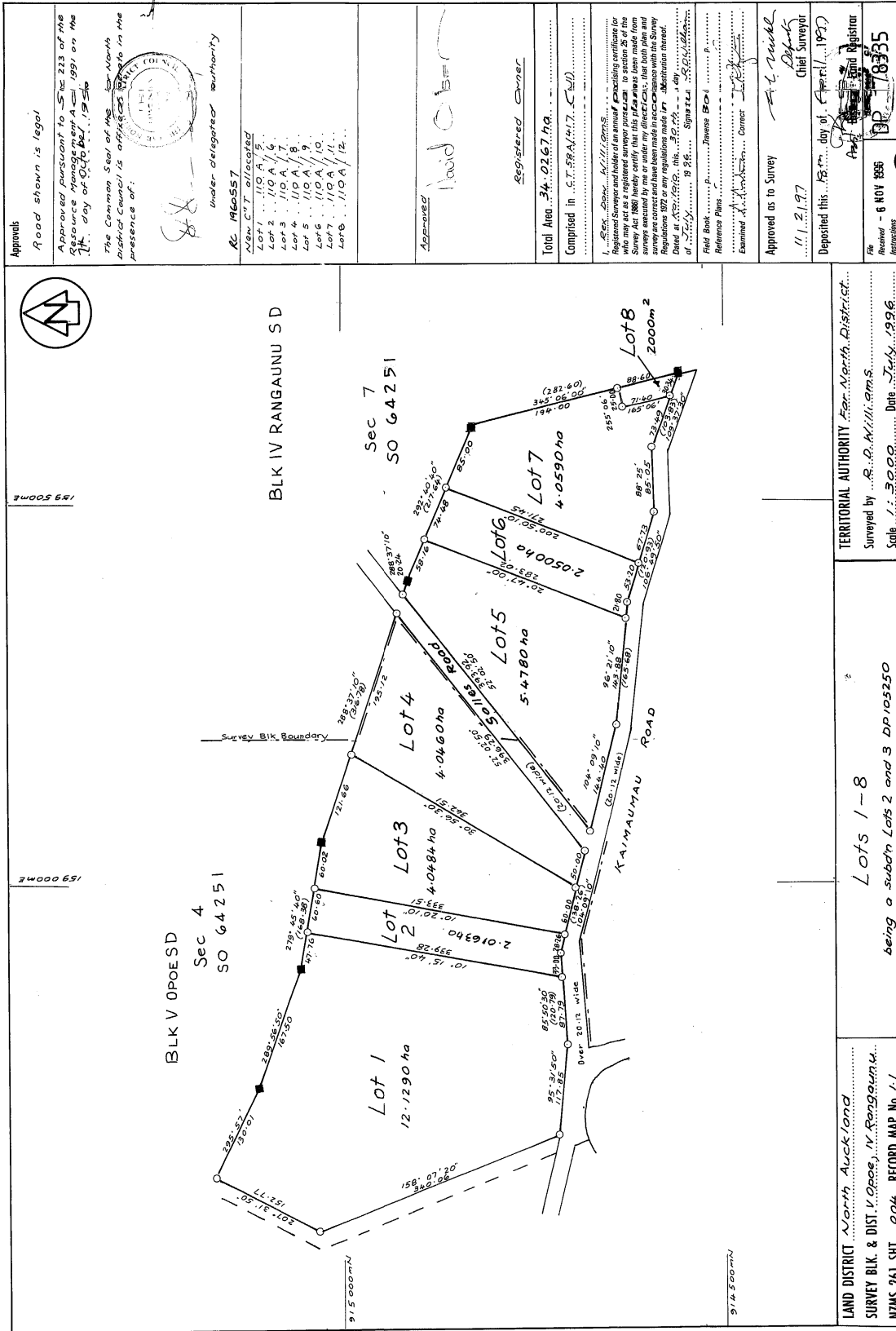
Prior References
NA58A/417

Estate Fee Simple
Area 4.0484 hectares more or less
Legal Description Lot 3 Deposited Plan 178335

Registered Owners
Ivan Dennis Ballantine

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925
D133040.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 18.4.1997 at 3.26 pm
D164181.2 Mortgage to (now) Westpac New Zealand Limited - 27.6.1997 at 3.43 pm
6636408.1 Variation of Mortgage D164181.2 - 7.11.2005 at 9:00 am



LAND DISTRICT North Auckland
 SURVEY BLK. & DIST. V OPOESD, IV RANGAUNI
 NZAMS 261 SHT 004 RECORD MAP No 11

being a subdn Lots 2 and 3 DP105250

Lots 1-8

TERRITORIAL AUTHORITY For North District
 Surveyed by R. D. Williams
 Scale 1:5000 Date July 1996

W.A. HARRISON, SURVEY GENERAL, DEPARTMENT OF SURVEY AND INFORMATION, WELLINGTON

Approvals
 Road shown as legal
 Approved pursuant to Sec 223 of the Resource Management Act 1991 on the 11th day of April 1997

The Common Seal of the North Auckland District is affixed to this map in the presence of:

Under delegated authority
 R. 1960557
 New C.T. allocated
 Lot 1 110 A/5
 Lot 2 110 A/6
 Lot 3 110 A/7
 Lot 4 110 A/8
 Lot 5 110 A/9
 Lot 6 110 A/10
 Lot 7 110 A/11
 Lot 8 110 A/12

Approved
 David Carter
 Registered Owner

Total Area 34.0267 ha.
 Comprised in 5 T. 58 A/4, 7, 8, 9, 10, 11, 12

I, R. D. Williams, Surveyor, do hereby certify that this plan was made from surveys executed by me or under my direct supervision, that both plan and survey are correct and have been made in accordance with the Survey Regulations and that the information therein is true and correct to the best of my knowledge and belief.

Field Book...
 Reference Plans...
 Examined...
 Approved as to Survey...
 Deposited this... day of April 1997

Chief Surveyor
 R. D. Williams
 DP 178335
 Received - 6 NOV 1996

22 APR 1997

D133040.3 CoNo

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221 : CONSENT NOTICE

IN THE MATTER of Deposited Plan
No.178335

A N D

IN THE MATTER of Certificate of
Title No.58A/417 Lot
2 and Lot 3 Section
136 Opoe Survey
District and Section
15 Block IV Rangaunu
Survey District
(North Auckland
Registry)

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that the conditions described in Schedule 1 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 this Notice is to be registered on the new titles as set out in Schedule 2 herein.

SCHEDULE 1

- (1) Prior to any development over or near registered archeological site 004/637 on Lot 1 (including fencing, roading, construction or tree planting), obtain first an authority to modify the site from the New Zealand Historic Places Trust in Wellington.
- (2) Lot 3 Deposited Plan 178335 contained in Certificate of Title no.110A/7 and and Lot 4 Deposited Plan 178335 Certificate of Title no.110A/8 may not be transferred, leased or otherwise disposed of until such time as the

...2

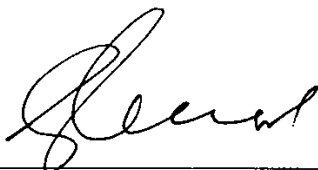
Council (by way, at least of an approved Development Plan and a Statutory Declaration that the prospective Purchaser intends to carry out such development) is satisfied that a prospective Purchaser for any of the said Lots has a bone fide proposal to establish a permitted, controlled or discretionary rural A zone activity, as required by Rule 6.1.6 of the Mangonui County Section of the Operative Far North District Plan.

- (3) No building shall be erected without the prior approval of the Council to specific designs for foundations prepared by a registered engineer with geotechnical expertise.
- (4) No building requiring effluent disposal shall be erected without the prior approval of the Northland Regional Council to discharge permission or certification in writing from that Council that such permission is not required.

SCHEDULE 2

- (1) Condition 1 refers to Lot 1 DP 178335 contained in Certificate of Title no.110A/5 (North Auckland Registry).
- (2) Condition 2 refers to Lot 3 Deposited Plan 178335 contained in Certificate of Title 110A/7 and Lot 4 Deposited Plan 178335 contained Certificate of Title No.110A/8 (North Auckland Registry).
- (3) Condition 3 and 4 refer to Lots 1 to 8 on Deposited Plan no.178335 contained in Certificate of Title No.'s 110A/5 to 110A/12 (North Auckland Registry).

SIGNED:



by the FAR NORTH DISTRICT COUNCIL
pursuant to Section 252 of the
Local Government Act 1974

~~Environmental Manager~~
General

DATE:

3rd March 1997

SIGNED by
DAVID CHARLES OLSEN
as the subdividing owner
in the presence of:

) David Olsen

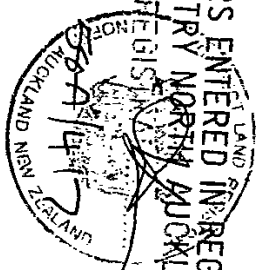


WAYNE CRIBB
SOLICITOR
KAITIAKI



3.26 18.APR97 D 133040.3

PATRICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
ASSISTANT REGISTRAR



Rep 1

CONO

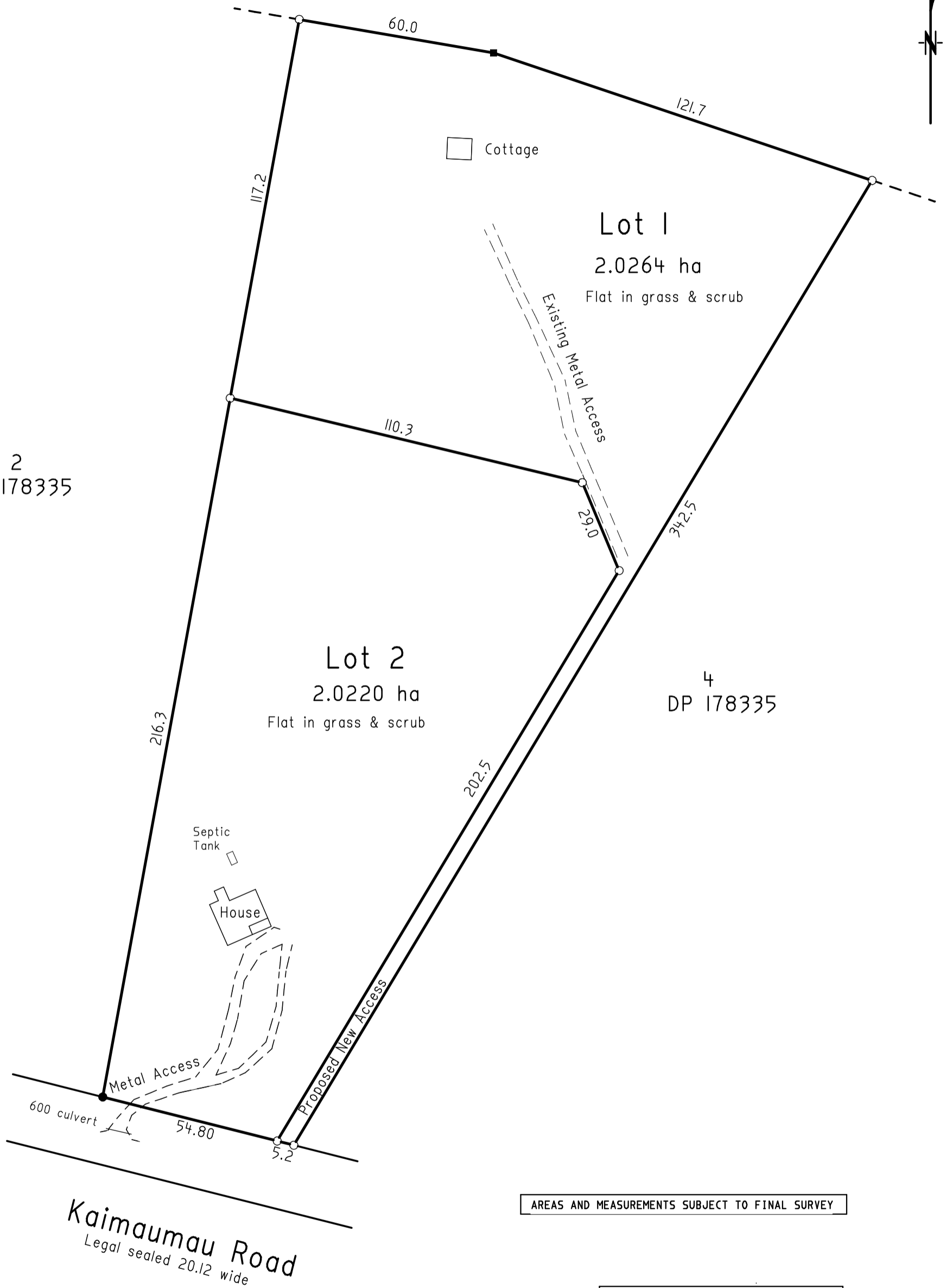
58A/41

4

6
DP 405064



2
DP 178335



4
DP 178335

Lot 2
2.0220 ha
Flat in grass & scrub

Lot 1
2.0264 ha
Flat in grass & scrub

Septic Tank

House

Kaimaumau Road
Legal sealed 20.12 wide

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

Local Authority: Far North District Council
Prepared For: I Ballantine
Total Area: 4.0484 ha
Comprised in: NA 110A/7

Lots 1 & 2 Being A Proposed Subdivision
Of Lot 3 DP 178335 Kaimaumau Road

Drawn: R Neave
March 2026

ORIGINAL
SCALE
SHEET
SIZE
1:1250 | A3

Surveyors
Ref:
Ballantine