

Our Reference: 10262.1 (FNDC)

13 June 2025

Resource Consents Department
Far North District Council
JB Centre
KERIKERI

Dear Sir/Madam

RE: Proposed boundary adjustment subdivision at 26 Hawkins Road, Kohukohu – J & C Bawden

I am pleased to submit application on behalf of J & C Bawden, for a proposed boundary adjustment subdivision involving four existing titles, and creating four new titles (no additional) on land at Hawkins Road, Kohukohu, zoned predominantly Rural Production with very small area of General Coastal. The application is a controlled activity.

The application fee of \$2,967 has been paid separately via direct credit.

Regards



Lynley Newport
Senior Planner
THOMSON SURVEY LTD

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 Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

2. Type of Consent being applied for

(more than one circle can be ticked):

- | | |
|---|---|
| <input type="radio"/> Land Use | <input type="radio"/> Discharge |
| <input type="radio"/> Fast Track Land Use* | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision | <input type="radio"/> Extension of time (s.125) |
| <input type="radio"/> Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil) | |
| <input type="radio"/> Other (please specify) _____ | |

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

| |
|--|
| |
| |

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

John and Catherine Bawden

Email:

Phone number:

Postal address:

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

5. Address for Correspondence

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

Name/s:

Lynley Newport

Email:

Phone number:

Postal address:

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

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

7. Details of Property Owner/s and Occupier/s

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

Name/s:

as per item 5

**Property Address/
Location:**

Postcode

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

(more than one circle can be ticked):

☐ **Building Consent**

☐ **Regional Council Consent (ref # if known)**

☐ **National Environmental Standard consent**

☐ **Other (please specify)**

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

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

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

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

☒ **Subdividing land**

☐ **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

13. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No

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

(more than one circle can be ticked):

- ☐ **Building Consent**
- ☐ **Regional Council Consent (ref # if known)**
- ☐ **National Environmental Standard consent**
- ☐ **Other (please specify)**

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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

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Your AEE is attached to this application ☒ Yes

13. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No

14. 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)

John ~~Harold~~ HAROLD BAUDEY

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.

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)

JOHN HAROLD BAUDEY

Signature:

(signature of bill payer)

Date 29/05/2025

MANDATORY

15. 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.

15. Important information continued...

Declaration

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

Name: (please write in full)

JOHN HAROLD BARNES

Signature:

[Redacted Signature]

Date 29/05/2025

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

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.

John & Catherine Bawden

BOUNDARY ADJUSTMENT SUBDIVISION

26 Hawkins Road, KOHUKOHU



**PLANNER'S REPORT &
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

Thomson Survey Ltd
Kerikeri

1.0 INTRODUCTION

1.1 The Proposal

The applicants propose multiple boundary adjustments between four of their contiguous titles at Hawkins Road, Kohukohu. Proposed new (replacement) amalgamation conditions will see a total of four titles created (no increase). The current title areas vary, as will the future title areas. The main reason for the boundary adjustments is to rationalise the titles around existing

built development, e.g. separate title for a residential building; another title for another residential building and accessory buildings; and place all components of an operating dairy operation (shed and effluent ponds) into one title instead of being in two titles currently.

For ease of reference, the current scenario and the proposed scenario is outlined in the Table below:

| Current Title | Land Area | Proposed Title | Land Area |
|------------------------|----------------------|------------------------|----------------------|
| NA33A/144 | 1.9204ha | 1 | 2054m ² |
| NA1D/1090 | 22.6728ha | 2 | 2.74ha approx |
| 456854 | 26.7467ha | 3 | 27.03ha approx |
| NA411/9 | 1323m ² | 4 | 21.44ha approx |
| Total Land Area | 51.2ha approx | Total Land Area | 51.4ha approx |

The scheme plans are attached in Appendix 1. To assist the Council to visualise the end result, a colour coded plan is also provided, showing proposed new Titles 1-4.

1.2 Scope of this Report

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

2.0 PROPERTY DETAILS

Location: Hawkins Road, Kohukohu – refer Appendix 2 for Location Map

RT's & Legal descriptions:

| | |
|-----------|---|
| NA33A/144 | Lot 1 DP 19409 & Section 72, 90 Blk X Mangamuka SD |
| NA1D/1090 | Secs 74-75 & Pt Sec 36-38 Blk X Mangamuka SD; Lot 2 & Pt Lot 1 DP 16553 & Lots 2-3 DP 33947 |
| 456854 | Lot 2 DP 413618 & Secs 111, 118-121, 123, 138 Blk X Mangamuka SD |
| NA411/9 | Lot 3 DP 16553 |

Refer to Appendix 3 for copies of all titles

3.0 SITE DESCRIPTION

3.1 Physical characteristics

The four application titles/sites all have frontage to Hawkins Road. The sites make up the applicants' home, dairy and grazing unit. The land is primarily in pasture, with scattered vegetation, including some pine plantation areas. The land is flat at the road side and in the northern end. The land slopes upwards in a north easterly direction at the southern end, with the sites' high point being the north eastern boundary with Creamery Road.

The four application sites support two residential dwellings, ancillary buildings, cowshed and various other farm buildings. Hawkins Road is Council public road, metal surface.

3.2 Mapped features

The sites are zoned Rural Production in the Operative District Plan (ODP), with no resource features. The extreme southern corner of one of the titles is zoned General Coastal. This zoning is not because of any physical characteristics, but simply an arbitrary 200m from line of mean high water spring.

The land is zoned Rural Production in the Proposed District Plan (PDP), with the very end of the southern 'tail' of one of the titles being within the 'coastal environment' reflecting its proximity to estuarine mangroves. The only resource feature applying to the application titles is related to coastal and river flood hazards.

All parts of the application sites on the western side of Hawkins Road is mapped as River Flood Hazard Zone, 10 and 100 Year ARI events. This is all flat grazing land with no built development. There are pockets of land on the east side of Hawkins Road, mapped as Coastal Flooding, Zones 1 (50 Yr scenario); 2 (100 yr scenario) and 3 (100 yr scenario with rapid sea level rise). There are no existing residential buildings within the Zone 1 or 2 areas.

Small parts of the application sites are shown as being within a 'kiwi present' area. The soils on the application sites are either LUC 4w (lower lying areas), or LUC 6e (on the slopes).

3.3 Legal Interests

Record of Title NA33A/144 is not subject to any legal interests of relevance to the application.

Record of Title NA1D/1090 has no legal interests.

Record of Title 456854 is subject to a right of way, registered in 1977. This enables the crossing of the creek from the flats on the west side of Hawkins Road, to the property across the creek. This easement will remain. The title is also subject to an electricity easement in favour of Lot 1 DP 413618. This too will remain.

Record of Title NA411/9 is not subject to any legal interests.

3.4 Consent History

The property file shows two historic subdivisions affecting the application sites. There are no building consents on the property file.

RC 1960480-RMASUB was issued in 1996 but involved land outside of the application sites, albeit also owned by the applicants and part of their overall farming property. RC 2070880-RMASUB was issued in 2008 and created Lots 1 and 2 DP 413618, the latter forming part of the application sites for this application.

4.0 SCHEDULE 4 – INFORMATION REQUIRED IN AN APPLICATION

Clauses 2 & 3: Information required in all applications

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

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

| | |
|---|--|
| within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (g) the locations and areas of land to be set aside as new roads. | |
|---|--|

Clause 6: Information required in assessment of environmental effects

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

adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

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

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

5.0 COMPLIANCE ASSESSMENT

5.1 Operative District Plan (ODP)

The proposal seeks to create four new titles from four existing titles and is assessed against Rule 13.7.1 of the ODP:

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

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

- (a) there is no change in the number and location of any access to the lots involved; and*
- (b) there is no increase in the number of certificates of title; and*
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer Table 13.7.2.1); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and*
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and*
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and*
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.*

Part (a) is complied with as there is no change in the number or location of access to the lots;

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

Part (c) is met. There are two existing titles in excess of 20ha in area, meeting the controlled activity minimum lot size applying in the zone. There are two existing titles already less than the controlled activity minimum lot size. The boundary adjustments reduce the level of non compliance, e.g. a 1323m² lot for a 2054m² lot, and a 1.9204ha lot for a 2.74ha lot. As such (c) is met.

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

Part (e) is also considered to be met in regard to all new titles. The existing building within Lot already breaches the road boundary setback. The road boundary is not changing. This situation has existed since the 1940's and I consider can be regarded as an existing use right. The existing building will not breach the 10m setback from any new proposed boundary. The existing building also breaches the zone's Sunlight rule on the road boundary. Again however, this is an existing situation, with no additional breaches as a result of new boundaries. The building within proposed Lot 1 has an existing operating on-site wastewater treatment and disposal system. This is behind the building and appears to be within the new proposed lot boundaries.

I choose to believe that where a proposed boundary adjustment does not result in any NEW breach and an historic existing use right appears to exist, then land use consent is not required, and therefore part (e) is met. The existing buildings and on site wastewater system to be within "Title 2" are all well within new boundaries.

Part (f) is met – refer to above comment.

In summary I consider the boundary adjustment to be able to meet all parts of 13.7.1 and is therefore a controlled activity. Only where the conditions of 13.7.1 cannot be met must the application then be considered under the relevant rules set out in 13.7.2. This section is therefore not discussed further.

Section 13.7.3 contains the matters the Council shall take into account when considering controlled activity subdivisions, and which consents must make provision for (where relevant). The matters in 13.7.3 are not, in my opinion, rules that must be complied with, but rather matters that must be considered. Section 6 of this report contains an Assessment of Environmental Effects, covering the matters listed in 13.7.3.

5.2 Proposed District Plan (PDP)

The FNDC publicly notified its PDP on 27th July 2022 and the majority of rules in the PDP will not have legal effect until such time as the FNDC publicly notifies its decisions on submissions. There are, however, certain rules that have been identified in the PDP as having immediate legal effect. These are:

- Hazardous substances on scheduled sites or areas of significance to Maori, significant natural areas or a scheduled heritage resource.
- Heritage Area Overlays
- Historic Heritage rules and Schedule 2
- Notable Trees
- Sites and Areas of Significance to Maori
- Ecosystems and Indigenous Biodiversity
- Subdivision (specific parts)
- Activities on the surface of water
- Earthworks
- Signs
- Orongo Bay Zone

The proposed boundary adjustments do not involve any of the above rules. In summary, I have not identified any breaches of rules in the PDP that have legal effect.

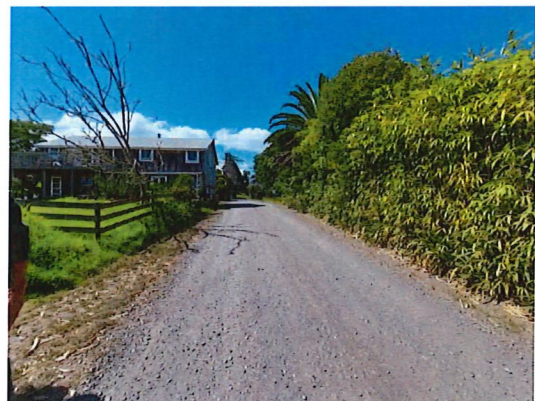
6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Property Access

Access is existing and well formed in all instances.



Hawkins Road, looking north along frontage of Title 3



Hawkins Road looking south along frontage of Title 2 and beyond



Existing crossing into Lot 1

Hawkins Road is council road, metal surface. The adjacent landowner has sealed (at their expense) the portion in front of their house. This does not quite extend along the frontage to proposed Lot 1.

There is no need to upgrade or improve access, given (a) the standard of Hawkins Road; (b) the standard of existing crossings; (c) no additional titles; and (d) no new crossings proposed.

An unusual aspect of the application is proposed Lot 1 and its *existing* buildings. An existing double storey building sits abutting the road boundary and sits approximately 1m from the edge of the metal carriageway. This is addressed later in this AEE section of the Planning Report. The building has been in place since the 1940's and historic survey data verifies that it does not encroach into Road Reserve. The building does not impede visibility along Hawkins Road or when entering or leaving Lot 1, with the crossing being far enough south of the building to enable a driver leaving the property to see beyond the shed along Hawkins Road.

A summary assessment against relevant rules in Chapter 15.1.6C of the ODP follows. This does not address any rules in 15.1.6C that relate to urban zones, new roads, service lanes, cycle and pedestrian accessways, or access over footpaths. The assessment is limited given that all crossings are existing, with no new or relocated crossings proposed, and no additional development. Existing use rights apply in that there is no intensification of use of any of the crossings.

All existing crossings are of the required width and gradient. They have existing use rights (15.1.6C.1.1 and 15.1.6C.1.5). No passing bays are required given that access is directly off public road, with no shared private accessway beyond that (15.1.6C.1.3). In regard to 15.1.6C.1.7, there is no need for vehicles to reverse off a site and parts (b)-(d) are not applicable.

Rule 15.1.6C.1.8(a) is met in that Hawkins Road is at least 20m legal width. Part (b) is met in that Hawkins Road is formed to the appropriate standard. The site has frontage to Creamery Road as well as Hawkins Road, with the main access to all titles being to the latter (part (c)). No encroachment has been identified (d).

In summary, I consider the proposal provides for the matters listed in 13.7.3.1.

6.2 Natural and other hazards

This series of boundary adjustments does not subdivide any land in order to create additional vacant titles upon which future development might be proposed and which might be at risk of hazard. As such the risk of hazard is avoided. The proposal adjusts boundaries, including the creation of a separate title around existing development (Lot 1) whereby parts of that lot are subject to coastal flood hazard. It is only the lower parts of the lot that are at risk of flooding, with the existing dwelling located on the lot's high point adjacent to the road. The boundary adjustment does not therefore exacerbate the risk of hazard.

Rapid sea level rise may affect the property over the 100 year horizon scenario, however, this risk is not regarded a "high" and already exists. The proposed boundary adjustment does not exacerbate the risk.

In regard to other hazards, the application land is not subject to erosion; landslip; rockfall; alluvion; avulsion; unconsolidated fill; soil contamination; subsidence; or fire hazard.

6.3 Water Supply

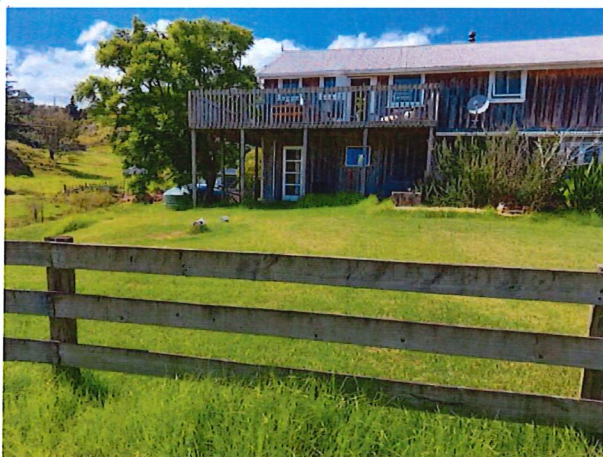
No additional titles are created. Existing built development, including the cow shed, has existing water supply, including potable water in regard to the existing dwellings. Vacant titles have the ability to provide for individual water supply if and when required for new built development.

6.4 Stormwater Disposal

No additional titles are created. The dwelling and sheds to be within Title 2 have existing stormwater management in place. The area of land around the buildings is increasing in area, not decreasing. No additional attenuation is regarded as necessary. Lot 1's stormwater is also already collected and managed. The only impermeable surface is the roof of buildings, and runoff is collected to tank. Impermeable surface coverage on Lot 1 is only 7% of proposed lot area, less than half the permitted amount.

6.5 Sanitary Sewage Disposal

No additional titles are created. Both existing dwellings have on-site wastewater treatment and disposal systems, within the proposed new title boundaries.



Residential portion of existing building, showing water storage tank and existing wastewater system in foreground.

6.6 Energy Supply and Telecommunications

No additional titles are being created and the boundary adjustment does not include any expectation or application for additional dwellings. There is no requirement to provide power and telecommunications for new rural lots, let alone when only adjusting boundaries and not creating any additional lots. Clauses 13.7.3.6 and 13.7.3.7 of the ODP only apply to 'urban' allotments in any event.

6.7 Easements for any Purpose

No additional easements are proposed. Any existing easements on parcels to be amalgamated, will remain.

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

The sites contain none of the items listed in 13.7.3.9 (a)-(g). No additional titles are created. The proposal will have no adverse effect on any heritage or cultural values. There is limited existing indigenous vegetation within the site and this is not affected by the proposed boundary adjustments. The vast majority of the application site is outside of any high density or kiwi present area and the property is a working farming unit. The boundary adjustments are aimed at rationalising boundaries around existing activities. New proposed Lot 1 is not in a high density or kiwi present area. It is not considered justified or necessary to propose any restriction on the keeping of cats and dogs, especially when no additional titles are being created.

6.9 Access to Reserves and Waterways

There is no qualifying waterbody to which esplanade access is required. The two titles of less than 4ha area do not contain, and do not have a boundary with, any qualifying waterbody.

6.10 Land Use Incompatibility

Given that the boundary change does not increase development rights (no increase in number of titles), and development is existing on the two proposed smaller titles, there is little likelihood of increased risk of land use incompatibility issues arising.

6.11 Proximity to Airports

Not relevant.

6.12 Natural Character of the Coastal Environment

The only part of the application sites considered to be within the coastal environment (as mapped in the Regional Policy Statement for Northland) is the extreme southern tip of Sec 121 Blk X Mangamuka SD on the western side of Hawkins Road and to be part of the large Title 3. This area is a flat grazing paddock with frontage to Hawkins and West Coast Road. It

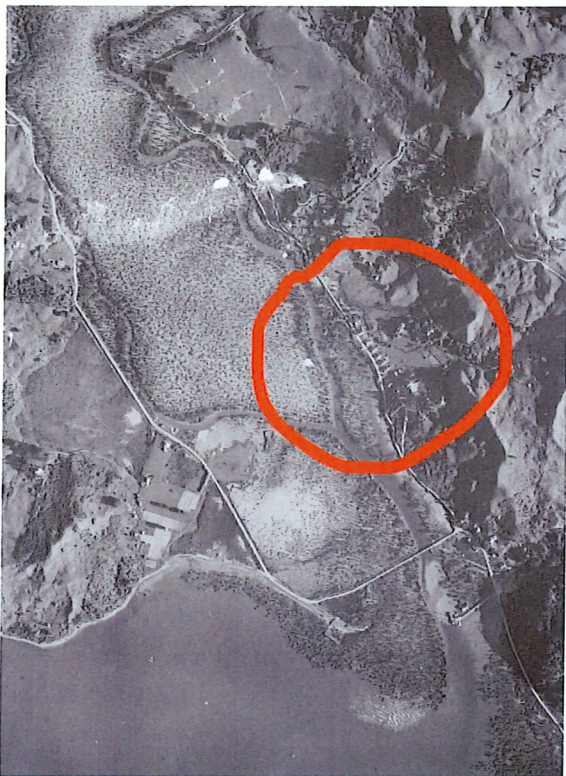
has no natural character values. It is currently in a Title with area of 26.7ha and will be in a Title with area 27ha. The boundary adjustment does not adversely impact on the natural character of the coastal environment.

6.13 Building Locations

Whilst not a matter under 13.7.3 of the ODP, a discussion around the location of the existing building on Lot 1 in relation to the road and road boundary is included. The building, in its current location, has been in existence since before 1942, as were several others to the south along Hawkins Road. All were built clear of the road carriageway. Historically the building included a joinery factory, as indicated on historic plans. The footprint has altered, but has not been moved closer to the road from when originally constructed. The building was converted to residential use before the applicants' 'time' (anecdotal comment). The applicant has owned the property for some time and his father before him.

A 1942 aerial image below shows several buildings on Hawkins Road frontage – orange circle.

In summary the building, with property address 58 Hawkins Road, has been where it is for some time, does not encroach into road reserve, and does not have adverse effects on users of Hawkins Road. The living area and private open space area of the building is to the north and east, away from the road, with very little outdoor area, or windows on the road boundary end of the building. These factors, along with the existing use aspect, all mitigate against any potential reverse sensitivity effects of traffic in proximity to the building. It is also worth noting that Hawkins Road is neither a high speed nor high volume road.



Retrolens image, 1942

I do not consider the boundary adjustment, creating a separate title around an existing development, creates any additional adverse effects.

6.14 Cumulative and Precedent Effects

The proposal does not generate any cumulative effects because no additional titles or development rights are created.

Boundary adjustments of this nature in the Rural Production Zone already occur and I do not believe granting this consent creates a negative precedent, nor does it threaten the integrity of the ODP.

7.0 STATUTORY ASSESSMENT

7.1 Operative District Plan Objectives and Policies

Objectives and policies relevant to this proposal are those in Chapter 13 Subdivision, particularly those relating to boundary adjustments, and Chapter 8.6 Rural Production Zone. I have not considered it necessary to include any assessment of Chapter 10.6 General Coastal Zone given the very limited amount of land with that zoning and the 'no change' scenario being presented.

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

The vacant titles have ample scope for on-site wastewater treatment and disposal, and this is existing in the case of two proposed titles). The lots are, or will be, reliant on on-site water catchment and supply. On-site stormwater management is achievable (Objective 13.3.5 and related Policy 13.4.8).

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

Objectives 13.3.8-13.3.10 are about ensuring subdivisions have access to adequate services and make efficient use of infrastructure. I believe the proposal, being a boundary adjustment only, is consistent with these objectives, noting that no additional development is proposed. Power and telecoms are not a requirement of rural subdivisions.

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

Safe and efficient access is already provided (Policies 13.4.2 and 3)

Relevant Rural Production Zone objectives and policies include:

Objectives:

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

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

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

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

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

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

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

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

And policies

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

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

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

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

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

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

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

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

The proposed boundary adjustment subdivision promotes an efficient use and development of the land (Objective 8.6.3.2). Amenity values can be maintained (8.6.3.3). Given no additional development will result compared to what can occur now, reverse sensitivity effects are nil. The amount of land remaining available for land use reliant on soils remains the same. (Objectives 8.6.3.6-8.6.3.9 inclusive and Policies 8.6.4.8 and 8.6.4.9).

Policy 8.6.4.7 anticipates a wide range of activities that promote rural productivity, whilst avoiding the actual and potential adverse effects of conflicting land use activities. The proposal is a boundary adjustment subdivision and does not intensify built development overall. I am of the view that the boundary adjustment does not create additional land use incompatibility effects of a minor or more than minor nature.

The proposal provides for sustainable management of natural and physical resources (8.2.4.1). Off site effects can be avoided, remedied or mitigated (8.6.4.2 and 8.6.4.3). Amenity values can be maintained (8.6.4.4). The proposal enables the efficient use and development of natural and physical resources (8.6.4.5).

In summary, I believe the proposal to be consistent with the Rural Production Zone objectives and policies.

7.2 Proposed District Plan Objectives and Policies

An assessment against the relevant objectives and policies in the Subdivision section of the Proposed District Plan (PDP) follows:

SUB-O1

Subdivision results in the efficient use of land, which:

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

SUB-O2

Subdivision provides for the:

- a. Protection of highly productive land; and*
- b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character,*

Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.

SUB-O3 Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and
- b. where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.

SUB-O4

Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:

- a. public open spaces;
- b. esplanade where land adjoins the coastal marine area; and
- c. esplanade where land adjoins other qualifying water bodies

I consider the boundary adjustment to remain an efficient use of land. It does not remove land from being available for uses reliant on the soil. It rationalises titles around existing built development and in that way actually improves productivity.

The proposal is in keeping with the local character and does not create adverse reverse sensitivity effects. The site is subject to potential flood hazard, however no new development is planned or provided for in areas potentially affected by flooding. Adverse effects on the environment are considered to be minor and capable of mitigation (SUB-O1).

The application site contains none of the features/values listed in SUB-O2(b). The titles already have access to Council road network and the ability to provide for on-site servicing (SUB-O3). No Esplanade Reserve is required (SUB-O4).

SUB-P1

Enable boundary adjustments that:

- a. do not alter:
 - i. the degree of non compliance with District Plan rules and standards;
 - ii. the number and location of any access; and
 - iii. the number of certificates of title; and
- b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.

The boundary adjustment does not alter the degree of non compliance with District Plan rules and standards. The number and location of accesses does not change. Four titles will be created from four titles. The proposal is not able to be consistent with all of part (b), however the PDP minimum lot sizes referred to are yet to have any legal effect. Access, infrastructure and esplanade provisions, where relevant, can be complied with.

SUB-P2

Enable subdivision for the purpose of public works, infrastructure, reserves or access.

Not relevant – application does not involve public works, infrastructure, reserves or access lots.

SUB-P3

Provide for subdivision where it results in allotments that:

- a. are consistent with the purpose, characteristics and qualities of the zone;

- b. comply with the minimum allotment sizes for each zone;
- c. have an adequate size and appropriate shape to contain a building platform; and
- d. have legal and physical access.

The Council proposes to zone the site Rural Production, inferring it is currently consistent with the purpose, characteristics and qualities of such a zoning. Given the boundary adjustment is a 'no change' scenario with no further subdivision to additional titles, it follows that the proposal remains consistent with the purpose, characteristics and qualities of the zone. The titles remain of an appropriate shape and size to support development (where not already developed); and have legal and physical access. The proposal is not consistent with part (c), however in being consistent with SUB-P1, specifically relating to boundary adjustments, I believe the SUB-P1 to take priority.

SUB-P4

Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan

The proposal has had regard to all the matters listed, where relevant.

SUB-P5

Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:

Not relevant as the site is not zoned any of the zones referred to.

SUB-P6 *Require infrastructure to be provided in an integrated and comprehensive manner by:*

- a. *demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
- b. *ensuring that the infrastructure is provided in accordance the purpose, characteristics and qualities of the zone.*

Any existing development is reliant on existing on-site servicing. Vacant titles have an abundance of potential house sites. The sites have access to Council road network.

SUB- P7

Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying water bodies.

No Esplanade Reserve is required.

SUB-P8 *Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:*

- a. *will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
- b. *will not result in the loss of versatile soils for primary production activities.*

The application does not involve the creation of any additional rural lifestyle titles.

SUB-P9

Avoid subdivision [sic] rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.

The subdivision is not a Management Plan.

SUB-P10

To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.

Not relevant. The proposal does not subdivide a minor residential unit from any principal residential unit.

SUB-P11

Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:

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

As no consent is required under the PDP the relevancy of this policy is questionable. Notwithstanding that, any relevant matters listed in SUB-P11 have been considered to the appropriate level.

In summary I believe the proposed subdivision to be consistent with the PDP's objectives and policies in regard to subdivision.

The site is zoned Rural Production in the Proposed District Plan, and contains no resource features.

Objectives

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

RPROZ-O3

Land use and subdivision in the Rural Production zone:

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

RPROZ-O4

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

There is no highly productive land (by definition). The land is farmed as a dairy operation. The boundary adjustment does not adversely impact on rural character and amenity.

Policies

RPROZP3

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

No new 'sensitive' activity is proposed in the vicinity of any primary production activity.

RPROZP4

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

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

Rural character and amenity is maintained.

RPROZP5

Avoid land use that:

.....

The proposal is not a land use.

RPROZP6

Avoid subdivision that.

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

The site contains no highly productive land. No additional titles are created.

RPROZP7

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

- a. whether the proposal will increase production potential in the zone;
- b. whether the activity relies on the productive nature of the soil;
- c. consistency with the scale and character of the rural environment;
- d. location, scale and design of buildings or structures;

-
- e. for subdivision or non-primary production activities:
 - i. scale and compatibility with rural activities;
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation
 - f. at zone interfaces:
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;
 - g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;
 - h. the adequacy of roading infrastructure to service the proposed activity;
 - i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;
 - j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

No resource consent is required under the PDP and the above policy is therefore of limited relevance. Part (e) applies to subdivisions. The proposal does not result in additional reverse sensitivity effects and there is no highly productive land.

Historic heritage and cultural values, and effects on natural features, landscapes and indigenous vegetation have all been carefully considered.

Although there is a very small portion of one title with a proposed coastal environment overlay, an assessment against coastal environment objectives and policies is not warranted. The vast majority of that one title is proposed to be zoned Rural Production.

The sites are, in part, subject to river and coastal flood hazard.

NH-O1 seeks to ensure that the risks from natural hazards are managed. No additional vacant title has been created in the vicinity of any land affected by hazard and I consider this to be 'management' of risk.

NH-O2 seeks to ensure no increase in risk, or that risks are mitigated. The proposed Lot 1, partially affected by hazard, is already built on, i.e. no increased risk. The building is on the high point and is double storey – both forms of mitigation of risk.

NH-O3 and O4 are not relevant.

NH-P1 applies to territorial authorities and not individual property owners. NH-P2 calls for the management of land use and subdivision so that natural hazard risk is not increased, or is mitigated. Refer to comments under NH-O2 above. NH-P3 and P4 seem to be aimed more at a territorial authority than an individual property owner. NH-P5 is of limited relevance given that no new development is proposed within any area subject to hazard. Assessment is therefore not required.

NH-P6 applies to river flood hazard and NH-P7 applies to coastal flood hazard. No new building platforms are proposed or required as a result of the boundary adjustment. Titles 1 & 2 support existing buildings. There is abundant land in Titles 3 & 4 outside of any area subject to potential flooding. No earthworks is proposed and no hazardous substances are involved in the proposal. The capacity and function of overland flowpaths is not affected by the boundary adjustment. Access is directly of a council maintained public road. Access within proposed titles is existing. No new buildings are proposed and no hazard risk is transferred to other properties.

7.3 Part 2 Matters

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

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

6 Matters of national importance

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

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

As a controlled activity, the proposed boundary adjustment is considered consistent with Part 2 of the Act. The proposal does not adversely affect the natural character of the coastal environment, or any river and its margins. There are no significant risks from natural hazards. No other parts of section 6 of the Act are relevant.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

Regard has been had to any relevant parts of Section 7 of the RMA, "Other Matters".

8 Treaty of Waitangi

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

The principles of the Treaty of Waitangi have been considered and I believe a boundary adjustment not increasing the intensity of development, does not offend any of those principles.

7.4 National Policy Statements & Environmental Standards

I have not identified any National Policy Statement or National Environmental Standard that is relevant to the proposal.

7.5 Regional Policy Statement for Northland (RPS)

The RPS contains objectives and policies related to infrastructure and regional form and economic development. These are enabling in promoting sustainable management in a way that is attractive for business and investment. The proposal is consistent with these objectives and policies.

The application sites contain no highly versatile soils. Reverse sensitivity effects are not increased.

The RPS contains policies in regard to natural hazards. No new title is being created whereby new/additional development is proposed on any land that is subject to natural hazards.

8.0 s95A-E ASSESSMENT

8.1 S95A Public Notification Assessment

A consent authority must follow the steps set out in s95A to determine whether to publicly notify an application for a resource consent. Public notification is not mandatory and is not precluded. Effects are no more than minor. Public notification is not required.

8.2 S95B Limited Notification Assessment

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

8.3 S95D Level of Adverse Effects

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

8.4 S95E Affected Persons

The activity, re-arranges boundaries of four titles. No additional title is created, no additional development rights are provided for. Built development exists on two proposed titles and vacant titles are over 20ha in area. Access is existing and unchanged. In short, there are no adverse effects on adjacent properties and I have not identified any affected persons. No pre lodgement consultation is required with tangata whenua, Heritage NZ, or Department of Conservation.

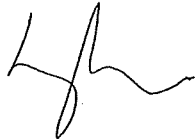
10.0 CONCLUSION

The proposal is to change boundaries of four existing titles to create four 'new' titles – no increase. Effects on the wider environment are less than minor. The proposal is more consistent than not with the relevant objectives and policies of the Operative and Proposed

District Plans, any relevant national policy statement, and the Regional Policy Statement. The proposal is consistent with Part 2 of the Resource Management Act.

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

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



Lynley Newport
Senior Planner
Thomson Survey Ltd

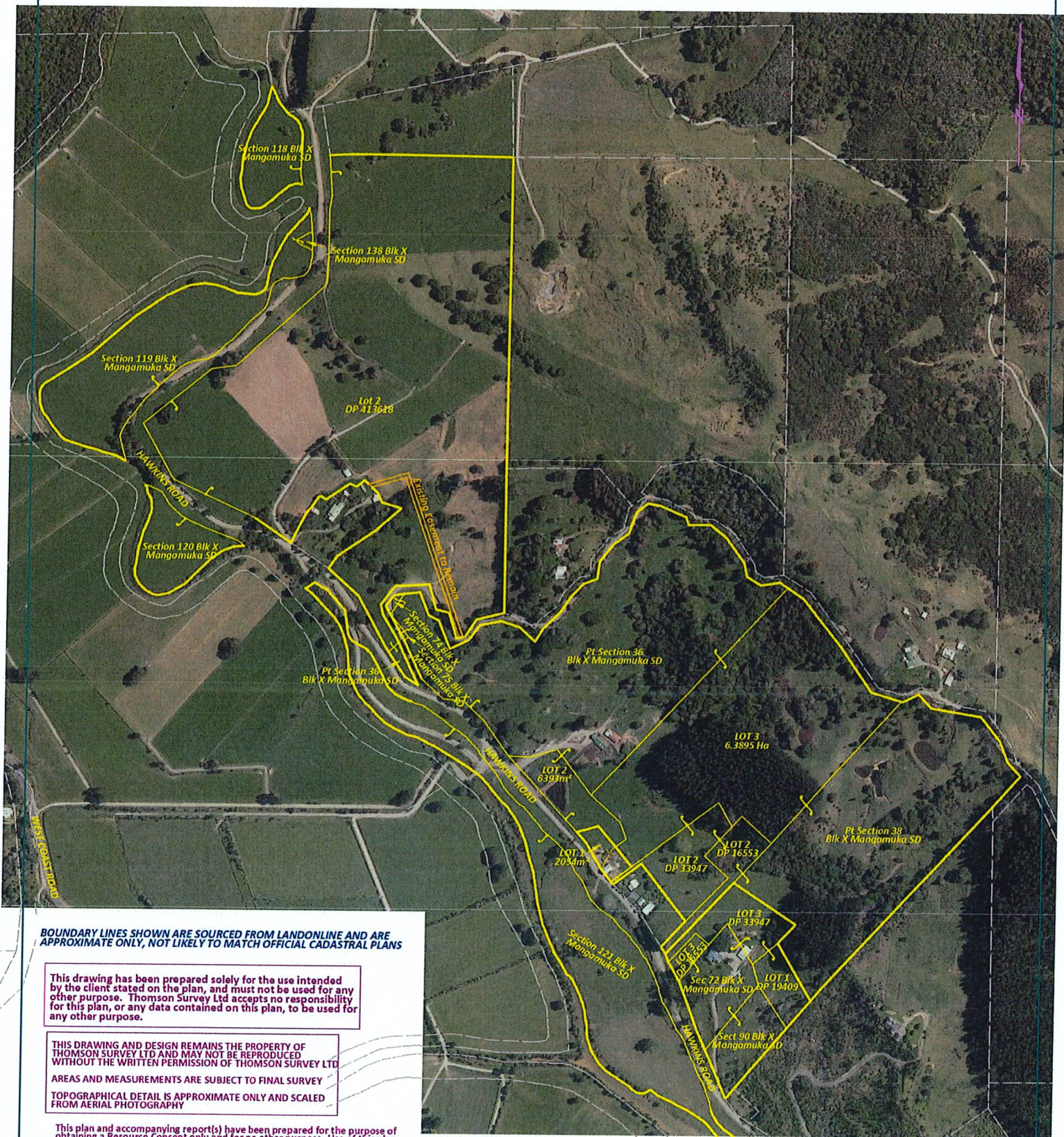
Date 13th June 2025

11.0 APPENDICES

| | |
|-------------------|---|
| Appendix 1 | Scheme Plan(s) |
| Appendix 2 | Location Map |
| Appendix 3 | Records of Title and Relevant Instruments |

Appendix 1

Scheme Plan(s)



BOUNDARY LINES SHOWN ARE SOURCED FROM LANDONLINE AND ARE APPROXIMATE ONLY, NOT LIKELY TO MATCH OFFICIAL CADASTRAL PLANS

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

Amalgamation Condition:

That Lot 2, Lot 3, Sections 74, 75 & 121 Blk X Mangamuka SD, Pt Sections 36 & 38 Blk X Mangamuka SD, Lot 2 DP 33947 & Lot 2 DP 16553 all be held in one Record of title;

And that Lot 3 DP 33947, Lot 3 DP 16553, Lot 1 DP 19409, Section 72 & 90 Blk X Mangamuka SD all be held in one Record of title;

And that Lot 2 DP 413618, Pt Section 36 Blk X Mangamuka SD, & Sections 118, 119, 120, 138 Blk X Mangamuka SD all be held in one Record of title.

OVERALL PLAN INCLUDING EXTENT OF AMALGAMATIONS



315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

**Proposed Boundary Adjustment
(Subdivision) of NA33A/144,
NA1D/1090, 456854, NA411/9**

PREPARED FOR: BAWDEN

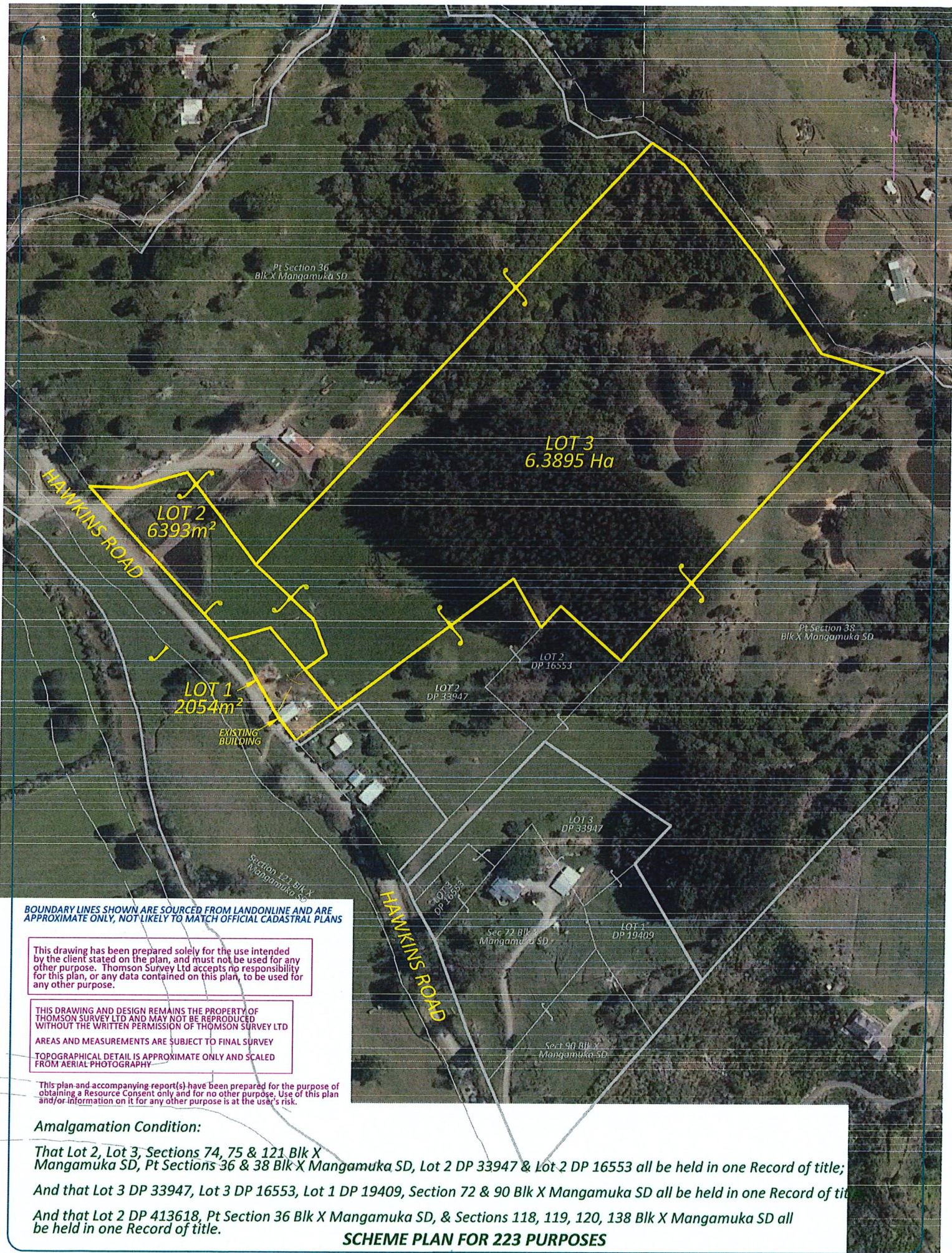
| Survey | Name | Date |
|----------|------|----------|
| Design | | |
| Drawn | SL | 16.04.25 |
| Approved | | |
| Rev | | |

ORIGINAL
SCALE SHEET
SIZE
1:4500 A3

10262 SCHEME 4500.LCD

Surveyors
Ref. No:
10262

Series
Sheet of



315 Kerikeri Rd
P.O. Box 372 Kerikeri
Email: kerikeri@tsurvey.co.nz
Ph: (09) 4077360 Fax (09) 4077322

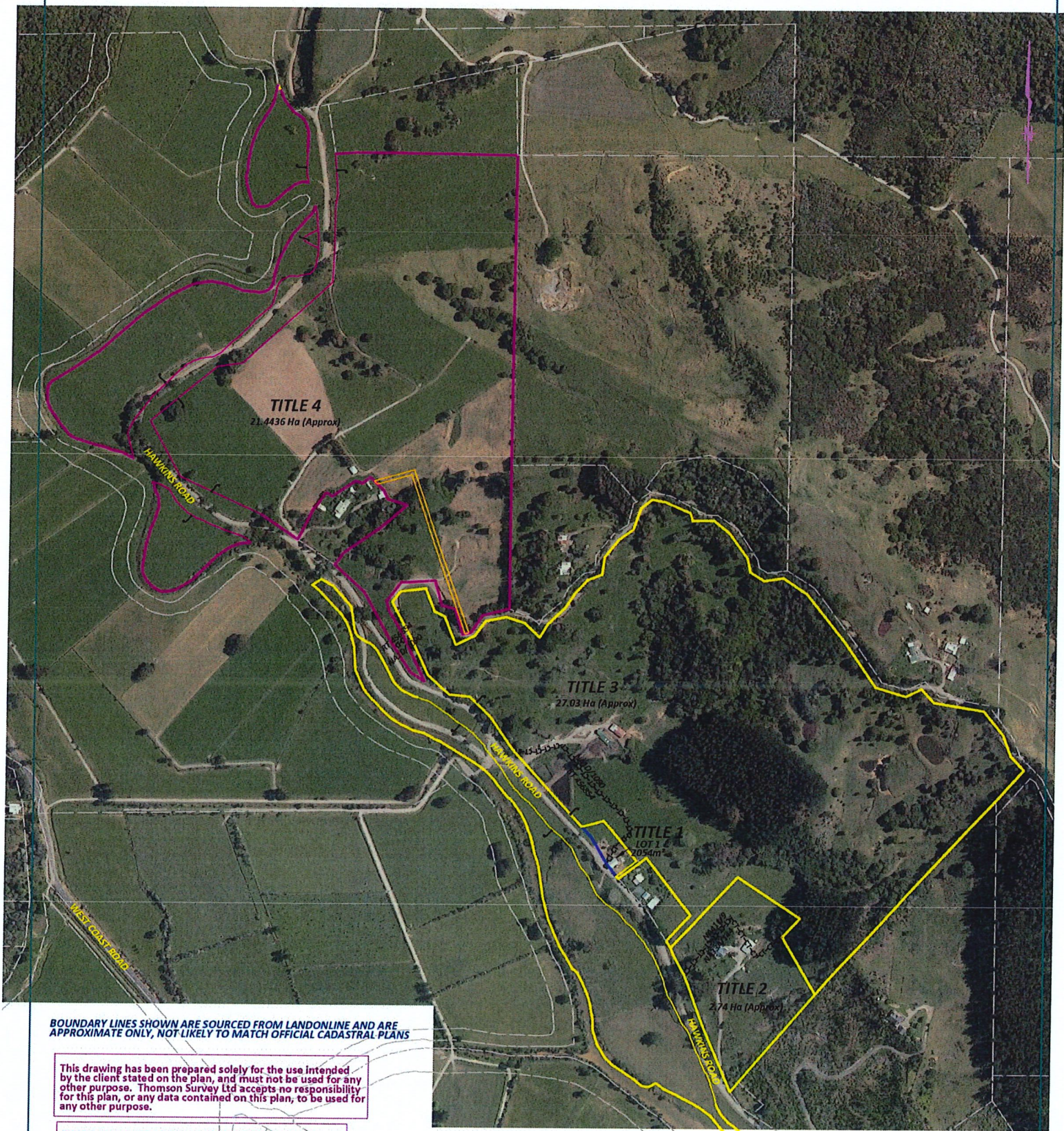
Registered Land Surveyors, Planners & Land Development Consultants

**Proposed Boundary Adjustment
(Subdivision) of NA33A/144,
NA1D/1090, 456854, NA411/9**

PREPARED FOR: BAWDEN

| Survey | Name | Date | ORIGINAL | SHEET |
|-----------------------|------|----------|----------|-------|
| Design | | | SCALE | SIZE |
| Drawn | SL | 10.04.25 | 1:2000 | A3 |
| Approved | | | | |
| Rev | | | | |
| 10262 SCHEME 2000.LCD | | | | |

Surveyors
Ref. No:
10262
Series
Sheet of



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This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

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Proposed Resulting Title Plan

BOUNDARY LINES SHOWN ARE SOURCED FROM LANDONLINE AND ARE APPROXIMATE ONLY, NOT LIKELY TO MATCH OFFICIAL CADASTRAL PLANS

315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

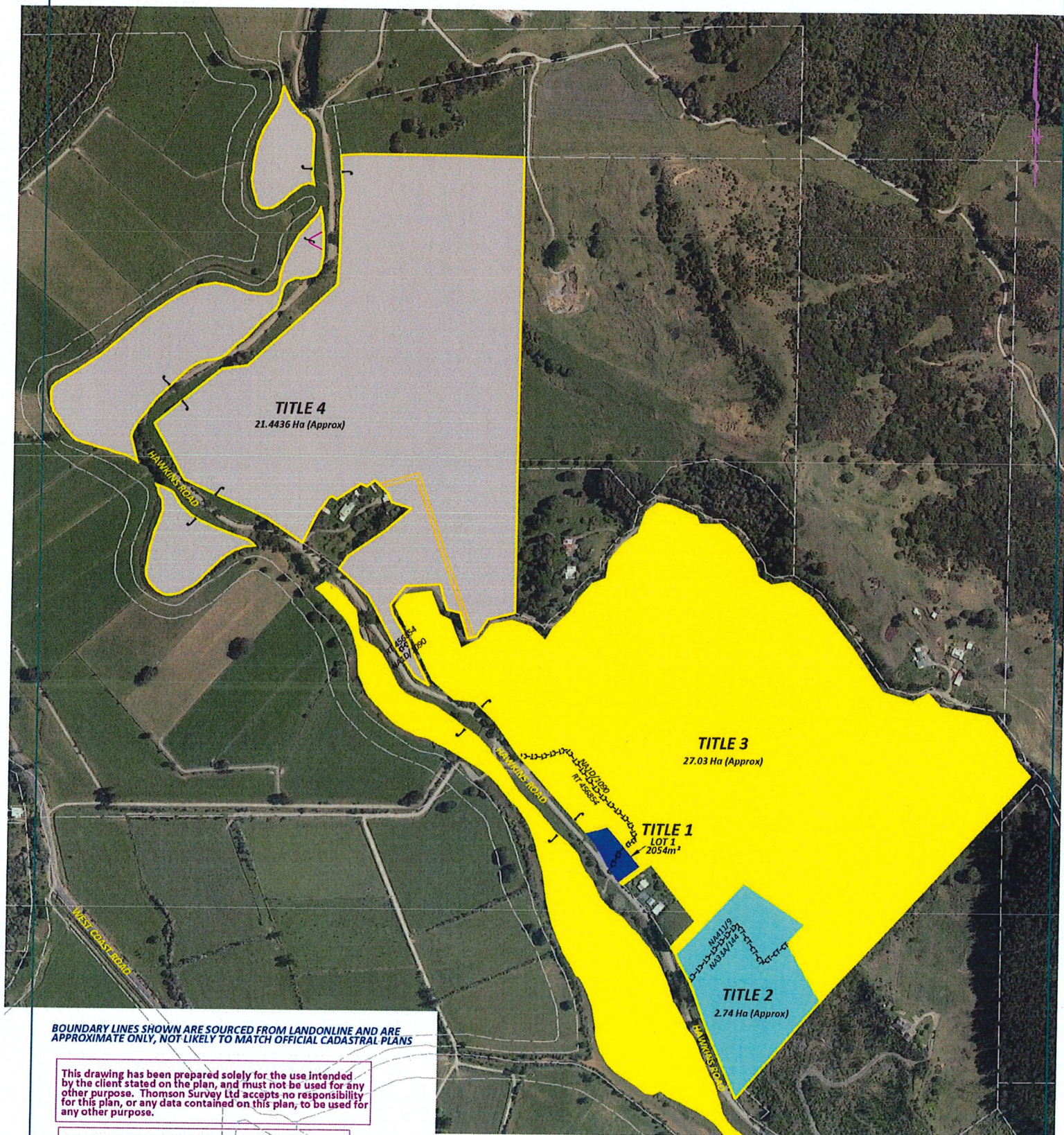
**Proposed Boundary Adjustment
 (Subdivision) of NA33A/144,
 NA1D/1090, 456854, NA411/9**

PREPARED FOR: BAWDEN

| | Name | Date | ORIGINAL | |
|-----------------------|------|----------|----------|------------|
| Survey | | | SCALE | SHEET SIZE |
| Design | | | | |
| Drawn | SL | 16.04.25 | | |
| Approved | | | | |
| Rev | | | 1:4500 | A3 |
| | | | | |
| 10262 SCHEME 4500.LCD | | | | |

Surveyors
 Ref. No:
10262

Series
 Sheet of



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BOUNDARY LINES SHOWN ARE SOURCED FROM LANDONLINE AND ARE APPROXIMATE ONLY, NOT LIKELY TO MATCH OFFICIAL CADASTRAL PLANS

Proposed Resulting Title Plan



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Registered Land Surveyors, Planners & Land Development Consultants

**Proposed Boundary Adjustment
(Subdivision) of NA33A/144,
NA1D/1090, 456854, NA411/9**

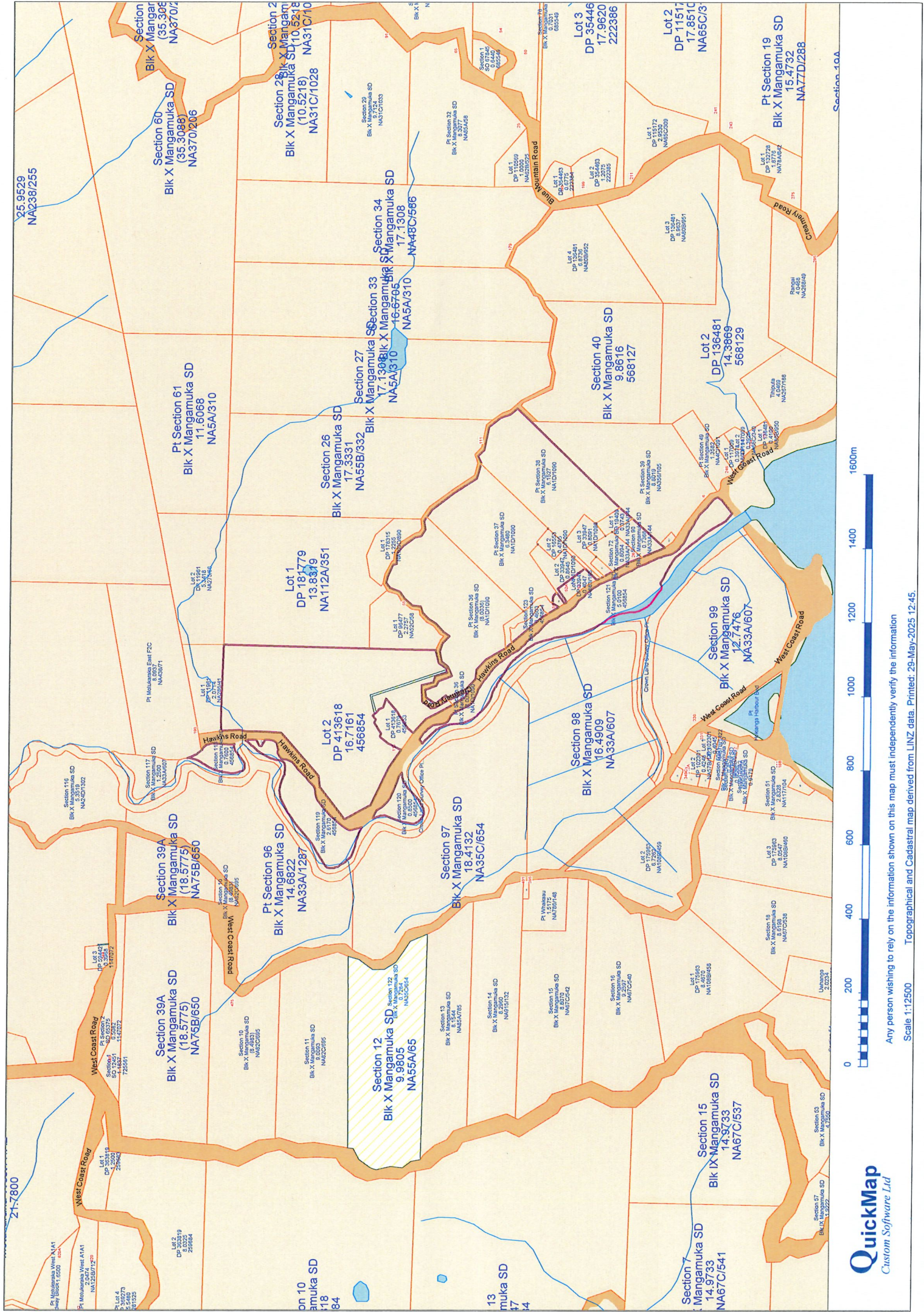
PREPARED FOR: BAWDEN

| | | | | |
|-----------------------|------|----------|----------|---------------|
| | Name | Date | ORIGINAL | |
| Survey | | | SCALE | SHEET SIZE |
| Design | | | | |
| Drawn | SL | 16.04.25 | 1:4500 | A3 |
| Approved | | | | |
| Rev | | | | |
| 10262 SCHEME 4500.LCD | | | | |

Surveyors
Ref. No:
10262
Series
Sheet of

Appendix 2

Location Map



Appendix 3

Records of Title and Relevant Instruments



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

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




R.W. Muir
Registrar-General
of Land

Identifier 456854
Land Registration District North Auckland
Date Issued 02 March 2011

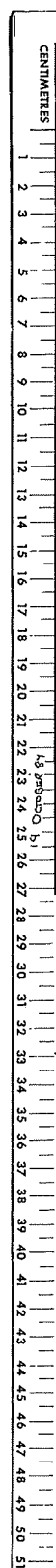
Prior References
NA40C/367 NA69A/838

Estate Fee Simple
Area 26.7467 hectares more or less
Legal Description Lot 2 Deposited Plan 413618 and Section
111, 118-121, 123, 138 Block X
Mangamuka Survey District

Registered Owners
John Harold Bawden and Catherine Mary Bawden

Interests

Subject to a right of way over part Section 121 Block X Mangamuka marked A on SO 47890 created in 458801.2 - 17.8.1977 at 10:10 am
Subject to Section 8 Mining Act 1971
Subject to Section 168A Coal Mines Act 1925 (affects parts formerly contained in NA40C/367)
Subject to Section 5 Coal Mines Act 1979 (affects parts formerly contained in NA69A/838)
Subject to Section 241(2) Resource Management Act 1991 (affects DP 413618)
Subject to a right to convey electricity over part marked A on DP 413618 created by Easement Instrument 8708218.3 - 2.3.2011 at 1:30 pm
8708218.4 Mortgage to Stanley James Bawden and Phyllis Mabel Bawden - 2.3.2011 at 1:30 pm

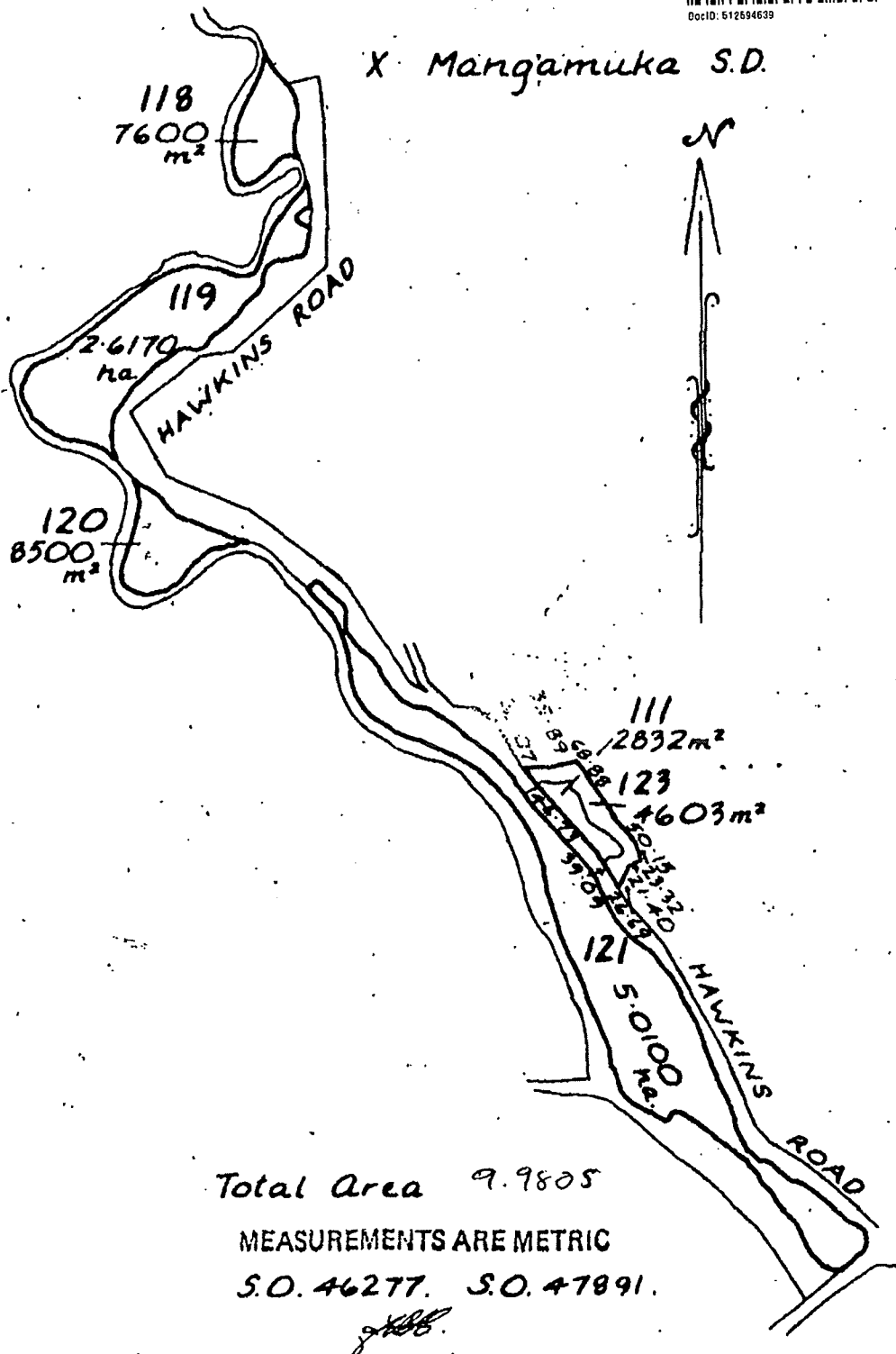
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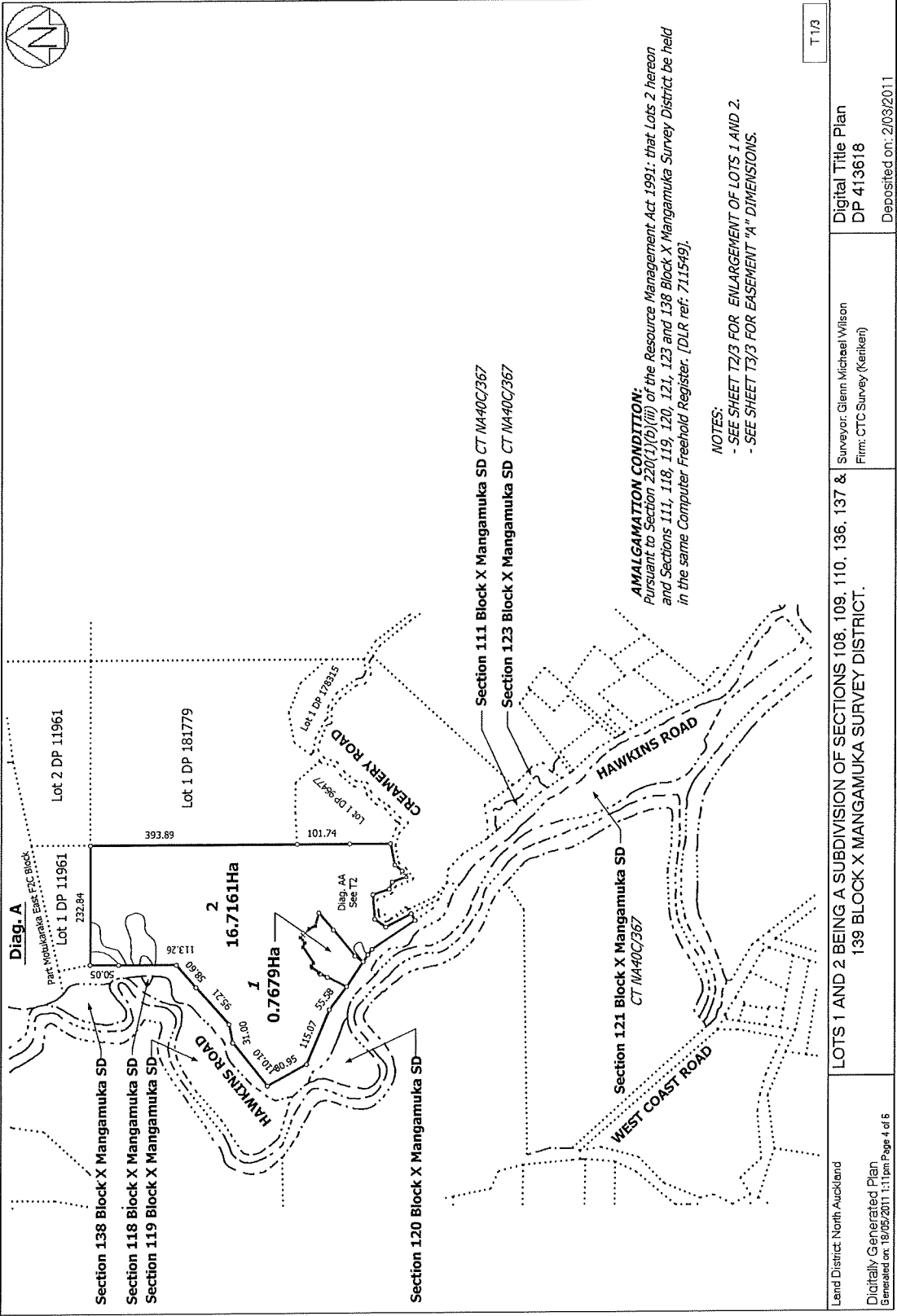
Title Diagram 456854

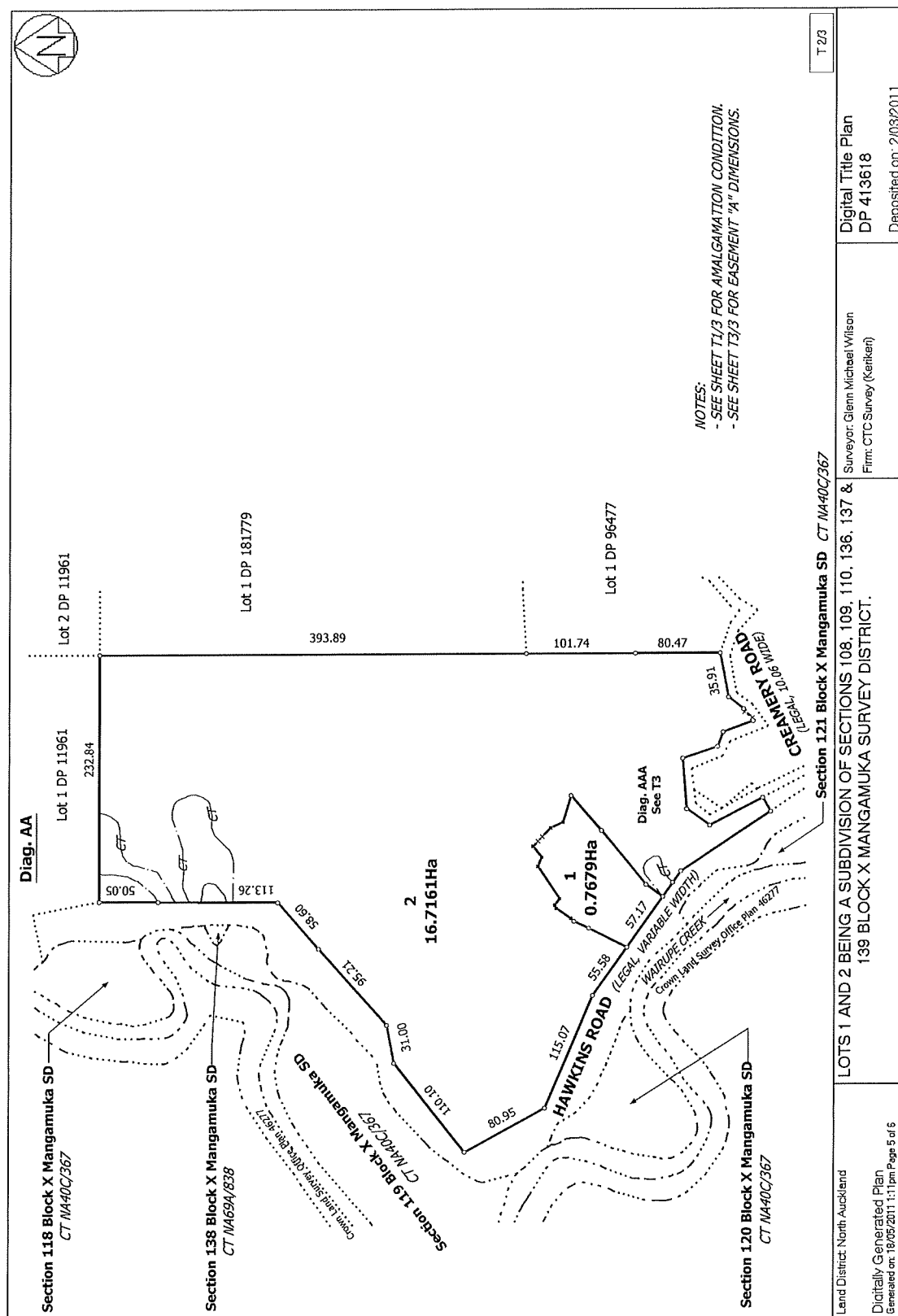
Cpy - 01/01, Pgs - 001, 04/05/11, 12:56

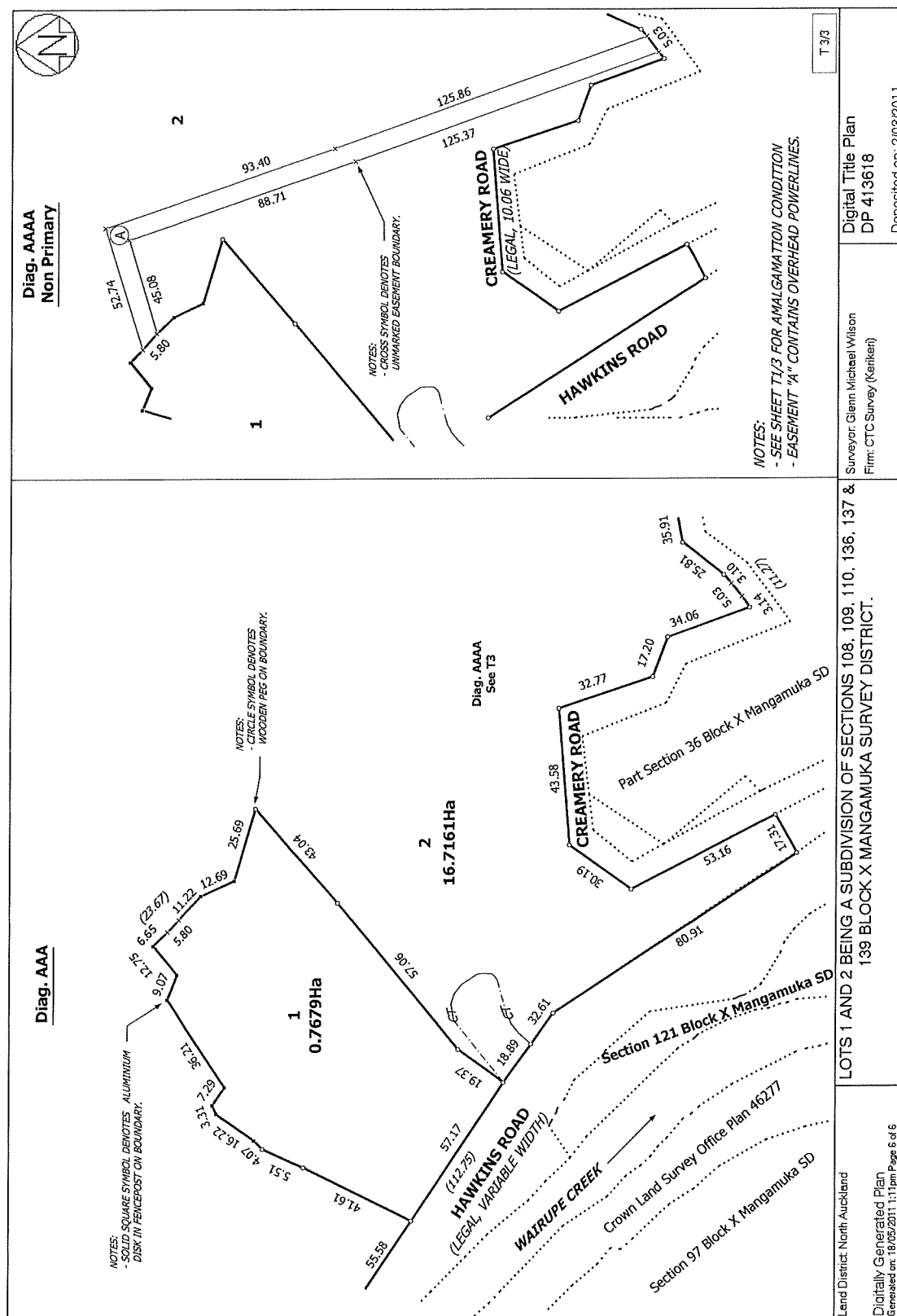


DocID: 512594639





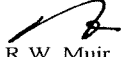






**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier NA411/9
Land Registration District North Auckland
Date Issued 26 March 1925

Prior References
NA370/128

| | |
|--------------------------|--|
| Estate | Fee Simple |
| Area | 1323 square metres more or less |
| Legal Description | Lot 3 Deposited Plan 16553 |
| Registered Owners | John Harold Bawden and Catherine Mary Bawden |

Interests

Wainupe

Creek

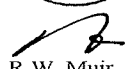
0.1.12.3

3



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




R. W. Muir
Registrar-General
of Land

Identifier NA33A/144
Land Registration District North Auckland
Date Issued 04 August 1975

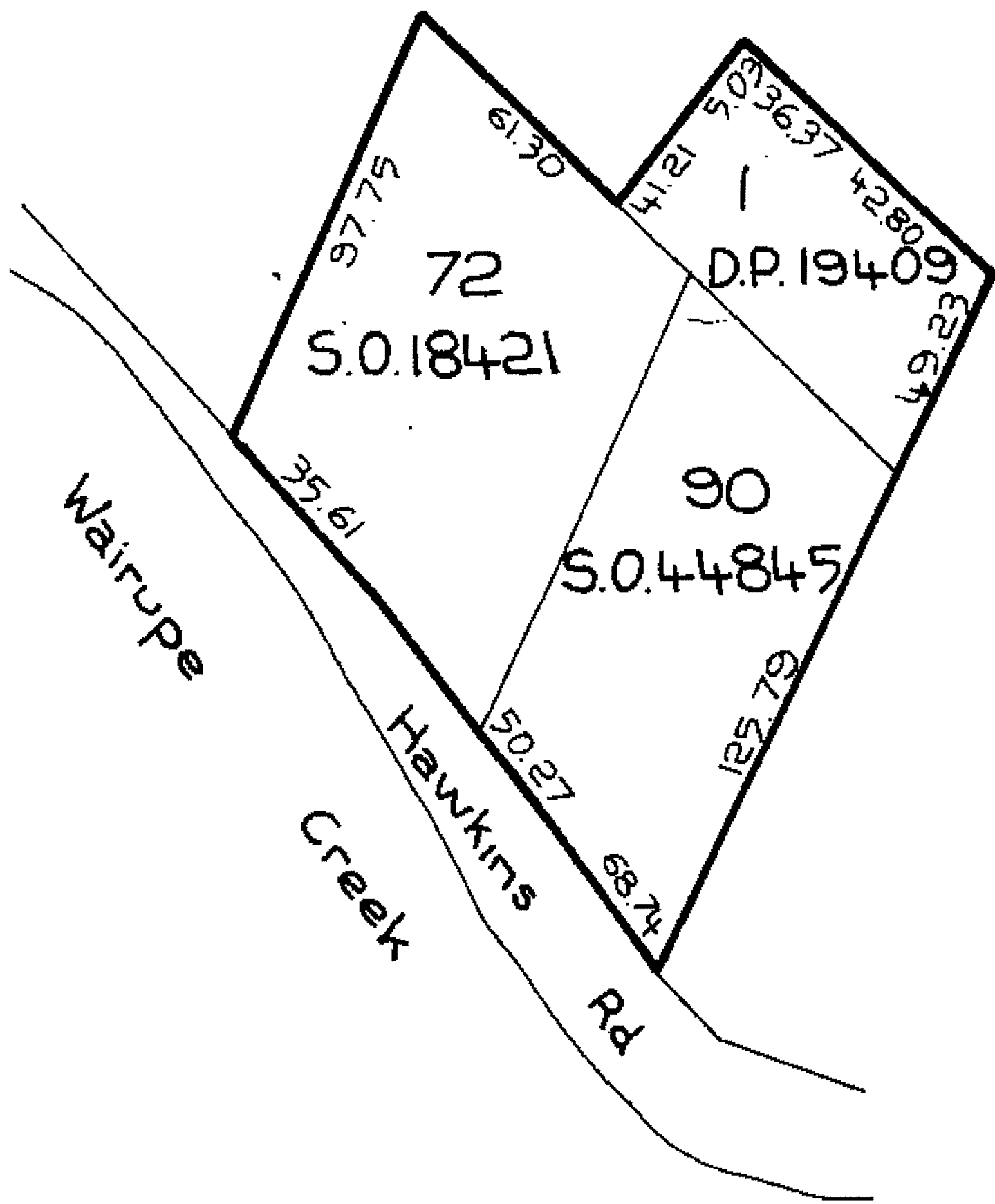
Prior References
NAPR7A/1394

| | |
|--------------------------|---|
| Estate | Fee Simple |
| Area | 1.9204 hectares more or less |
| Legal Description | Lot 1 Deposited Plan 19409 and Section 72, 90 Block X Mangamuka Survey District |

Registered Owners
John Harold Bawden and Catherine Mary Bawden

Interests

Subject to Section 59 Land Act 1948
B913711.2 Settled under the Joint Family Homes Act 1964 - 15.11.1988 at 9.05 am
C326407.5 Mortgage to Bank of New Zealand - 25.11.1991 at 2.26 pm



L. & S. -B. 13
SR

Number 10075 Land District of NORTH AUCKLAND

**Certificate under Section 116 of the Land Act 1948 for the issue of a Certificate
of Title Under the Land Transfer Act 1952**

Name, address, and occupation of person entitled to Crown Grant:

STANLEY JAMES BARDEN of Kohukohu, farmer

Date from which entitled: 21 January 1976

Statutory authority for issue of Certificate of Title: Section 54 Land Act 1948

Area: 10.1169 hectares

Description of land: Sections 108, 109, 110, 111, 118, 119, 120, 121 Block X
Mangamuka Survey District SUBJECT TO a Right of Way in
favour of the registered proprietor of Section 98 Block X
Mangamuka Survey District over that portion of Section
121 as marked 'A' on Survey Office Plan 47890 the said
easement including the rights and powers as set out in
Clause 1 of the Seventh Schedule of the Land Transfer
Act 1952

Purchase price: \$215.00 Fees collected: \$4.00

Trusts, reservations, and restrictions affecting land, and general remarks:

Subject to Section 8 of the Mining Act 1971.

Subject to Section 168A of the Coal Mines Act 1925.

We HEREBY CERTIFY that the above particulars are correct, and the District Land Registrar
is hereby authorised to issue accordingly a Certificate of Title under the Land Transfer Act
1952 instead of a Crown Grant:

Deputy Chief Surveyor
Deputy Chief Surveyor.

Assistant Commissioner of Crown Lands
Assistant Commissioner of Crown Lands.

11/18/1976

Previous reference:

Provisional Register. Vol. fol.

C116 458801.2 Certificat

Cpy - 01/01, Pgs - 003, 12/05/11, 07:45



DocID: 517610697

Department of Lands & Survey

TELEGRAPHIC ADDRESS: 'LANDS'

Telephone No: 71-899

OUR REFERENCE: S 555

YOUR REFERENCE:

P.O. Box 5249,
AUCKLAND. 1.



The District Land Registrar,
AUCKLAND. 1.

137 AUG 1977

SECTIONS 108, 109, 110, 111, 118, 119, 120, 121
BLOCK X MANGAMUKA SURVEY DISTRICT

This is to authorise you to deliver Certificate of Title

Volume 336 folio 633 issuing from Certificate No: 10075 (under

Section 116 of the Land Act 1948) to -

Mr S.J. Bawden,

R.D. KORUKOHU.

Written authority is held in this office directing the Certificate of Title to go to the abovenamed.

J.D. O'BRIEN
Commissioner of Crown Lands

per: *Handwritten signature*

No.

L. & S.-B. 13

L. & S.—B. 13

No.

CERTIFICATE under Section 116 of the Land Act 1948

Received this day of 19
Certificate of Title vol. fol. issued.

District
Assistant Land Registrar.

27410H—10,000/5/737C



AUG 17 10 10 AM '77

DISTRICT LAND REGISTRAR
AUCKLAND NO. 6

458801-2



View Instrument Details

Instrument No. 8708218.3
Status Registered
Date & Time Lodged 02 Mar 2011 13:30
Lodged By Buxton, Amy
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



| Affected Computer Registers | Land District |
|-----------------------------|----------------|
| 456853 | North Auckland |
| 456854 | North Auckland |

Annexure Schedule: Contains 1 Page.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Richard George Ashwell Palmer as Grantor Representative on 02/03/2011 10:54 AM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Richard George Ashwell Palmer as Grantee Representative on 02/03/2011 10:55 AM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

John Harold BAWDEN and Catherine Mary BAWDEN

Grantee

Stanley James BAWDEN and Phyllis Mabel BAWDEN

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in Schedule B

Schedule A

| Purpose (Nature and extent) of easement; <i>profit</i> or covenant | Shown (plan reference) | Servient Tenement (Computer Register) | Dominant Tenement (Computer Register) or in gross |
|--|------------------------|---------------------------------------|---|
| Right to convey electricity | Marked A on DP 413618 | Lot 2 DP 413618 CT 456854 | Lot 1 DP 413618 CT 456853 |

Schedule B

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007



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

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




R.W. Muir
Registrar-General
of Land

Identifier **NA1D/1090**
Land Registration District **North Auckland**
Date Issued 25 July 1963

Prior References

| | | |
|-----------|-----------|-----------|
| NA1647/82 | NA214/156 | NA376/52 |
| NA388/109 | NA875/165 | NA875/290 |
| NA880/62 | | |

| | |
|--------------------------|---|
| Estate | Fee Simple |
| Area | 22.6728 hectares more or less |
| Legal Description | Section 74-75 and Part Section 36-38 Block X Mangamuka Survey District, Lot 2 and Part Lot 1 Deposited Plan 16553 and Lot 2-3 Deposited Plan 33947 |

Registered Owners

John Harold Bawden and Catherine Mary Bawden

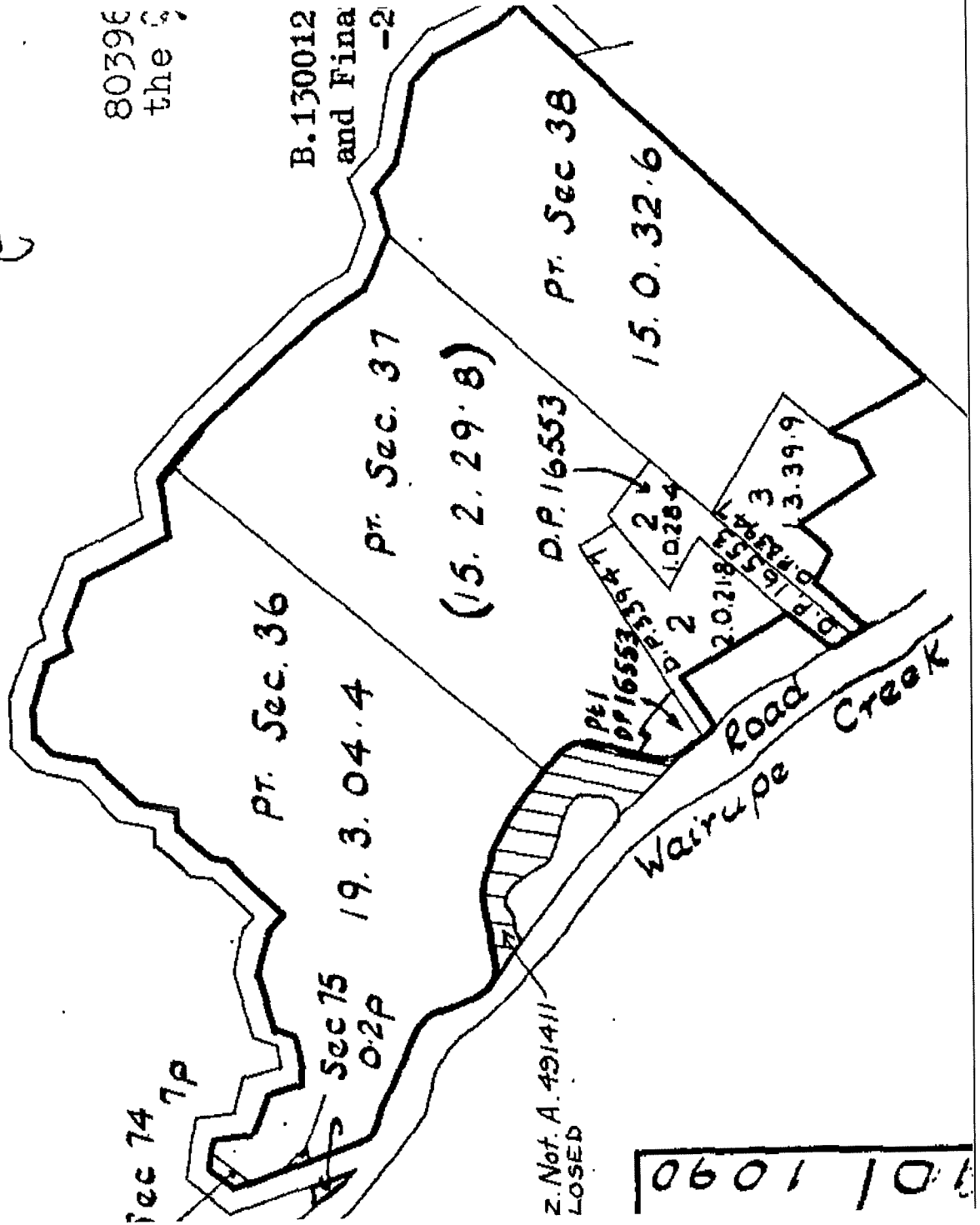
Interests

X Mangamuka S.D.

085383.1 Mortgage to 1
23.4.1975 at 12.04 o'clock

80396
the 3;

B.130012
and Fina
-2



Z. Not. A. 491411
LOSED

0601 101