

DATE: 4 August 2025
TO: Melissa Pearson (Consultant Planner, FNDC)
FROM: Philip Brown (Director, Campbell Brown Planning Limited)
SUBJECT: **FURTHER SUBDIVISION POTENTIAL – RURAL RESIDENTIAL ZONE**

Introduction

You have sought some comment from me regarding the potential for significant further subdivision beyond the extent of subdivision enabled by the recent decision of the Environment Court ([2025] NZEnvC 156).

The subdivision and conditions

The approved subdivision provides for the creation of 115 residential lots ranging in size from 3,000m² to 6,000m². There are 41 lots that are 4,000m² or more, and 31 lots that are 5,000m² or more.

NCL's submission on the proposed Far North District Plan (**PDP**) seeks that the land on which the subdivision is located be rezoned as Rural Residential Zone (**RRZ**). Subdivision in the RRZ is intended to provide for minimum lots of 4,000m² as a controlled activity, with lots down to 2,000m² as a discretionary activity.

The consented subdivision includes a condition requiring a consent notice on all residential lots stating as follows:

"There shall be no further subdivision of any lot unless the subdivision is a boundary adjustment that does not result in any additional subdivision rights under the Operative District Plan or the subdivision other than a boundary adjustment complies with the minimum lot size required for a permitted, controlled, restricted discretionary or discretionary activity by the Operative District Plan at the time of the application for resource consent."

The condition will prevent any further subdivision as a controlled activity, as there are no lots within the subdivision that are capable of being subdivided while maintaining minimum lot areas of 4,000m².

Potential for future subdivision

Some potential for subdivision exists, but only as a discretionary activity and only for the lots that exceed 4,000m² (to enable subdivision into two lots that each have a minimum area of 2,000m²).

The first point to note is that an application for a discretionary activity is far from straightforward. Any relevant matter is 'on the table' and there is generally a presumption that consent would not be granted unless a compelling case on the merits of the proposal can be made.

However, there are also several other reasons why further subdivision is not expected to any material extent.

There is a low likelihood that larger sites would be purchased by developers looking to split a lot into two. There is insufficient certainty of outcome for a developer to make an investment of this nature, given that the development return relies on obtaining a discretionary activity subdivision consent.

Other purchasers, that do not initially have development aspirations, would be expected to extinguish the future subdivision potential by locating large houses and outdoor areas centrally on each lot, to maximise separation from adjoining sites. The covenants that require low boundary fencing between lots would incentivise planting along boundaries for privacy. Additional land would be allocated to on-site wastewater disposal fields. These activities would ensure that most of a site is utilised in conjunction with the development of a single house, curtilage, and gardens and therefore does not readily provide unutilised space that lends itself to severance for a separate site.

I have considered the practicality of subdivision for each of the larger lots within the approved subdivision. My brief comments are below.

Stage 3:

There are five lots of 4,000m² or above within this stage. One lot (Lot 84) is exactly 4,000m² in area so I do not consider this to be a viable subdivision prospect as there is no additional land available for access. Lots 87 and 89 are located immediately north of Fantail Rise but only have one viable building platform on each lot as the contour slopes away to the north at a relatively steep grade closer to their northern boundaries. Lot 61 is a potential candidate for future subdivision but the Environment Court specifically sought only two lots in this location so I would expect a discretionary subdivision application to be particularly challenging. I note that many of the lots in Stage 3, including all of those noted above, are subject to planting covenants that limit areas available to accommodate building platforms. The lots also have large yard setbacks of between 10m-25m from boundaries (as shown on the landscape plans) which effectively limit the size of building platforms to an area capable of accommodating only one dwelling.

Stage 4:

Stage 4 contains most of the larger lots within the subdivision. However, Lots 95-103 (9 lots) are subject to a 25m building setback from Kapiro Road and Redcliffs Road which removes around a third of the site area from potential building platforms. This effectively renders them incapable of subdivision at a practical level as the PDP's large building platform requirement for subdivision (30m x 30m) is unlikely to be able to be accommodated for a new lot. These lots also have planting covenants on them.

Most of the other lots are narrow and rectangular (Lots 111-117, and 121) or irregular in shape (Lots 107, 110 and 118). There is potentially some prospect of owners attempting subdivision of some of the remaining eight lots (104-106, 108-109, and 112-114), but Lots 108-109 and 112-114 have planting covenants on them that restricts available development land. Lot 106 is relatively steep and contains only one suitable building platform. Lots 104 and 105 appear to be the most conducive to further development although their rectangular shape would force further development to be either in front of or behind any existing dwelling that was established at the time of any future subdivision application.

Stage 5:

There are seven lots over 4,000m² in Stage 5. However, Lots 129-133 are narrow or irregular in shape and steep, with only one realistic building platform on each site. Lot 150 is an irregular shape that does not make it conducive for future subdivision, and it is only barely above 4,000m². On the face of it, Lot 157 seems suitable for further due to its long road frontage, but one half of it is taken out of potential development due to a planting covenant.

Stage 6:

Stage 6 sits on a spur at the end of Spoonbill Drive. Lots 174-176 are of suitable size but have challenging contour and are all impacted by covenanted planting. Lot 170 is 6,000m² and could potentially be a candidate for further subdivision.

Summary:

Based on the above evaluation, I consider that only a handful of lots within the approved subdivision would have realistic potential for further subdivision (perhaps 3-6 lots in total). As noted, any such proposal would need to traverse a challenging discretionary activity subdivision consent pathway. Furthermore, my expectation is that most owners that purchase lots within the subdivision would be doing so for the spacious lifestyle that the development affords and are likely to develop their lots in a way that does not facilitate further subdivision.

For these reasons, I consider that future subdivision of lots within the development is unlikely, and if it does occur it would be very limited in extent.



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