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

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Private Bag 752, Kaikohe 0440, New Zealand
ask.us@fndc.govt.nz
0800 920 029
fndc.govt.nz

Application for resource consent

Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9).
Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — both available on the Council's web page.

1. Pre-Lodgement discussion

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?
◯ **Yes** ✔ **No** ✔ **N/A**

Have you consulted Council's Infrastructure Officer regarding infrastructure capacity to service the development?
◯ **Yes** ✔ **No** ✔ **N/A**

Have you consulted the Roading Officer regarding any road to vest or departure from District Plan / Engineering standards?
◯ **Yes** ✔ **No** ✔ **N/A**

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

2. Type of consent being applied for

(more than one circle can be ticked):

◯ **Land Use**
◯ **Fast Track (Land Use - Controlled Activity)**
◯ **Change of Consent Notice (s.221(3))**
◯ **Certificate of Compliance (s.139)**
◯ **Extension of time (s.125)**
◯ **Discharge:** Total voume = _____ m³
Note; volumes >3m³ requires NRC Consent 3m³
✔ **Subdivision**
◯ **Existing Use Certificate (s.139A)**
◯ **Consent under National Environmental Standard**
(e.g. Assessing and Managing Contaminants in Soil)
◯ **Other (please specify)** _____

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

◯ **Yes** ✔ **No**

4. Consultation

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

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant details

Name/s: Phyllis Rintoul - Waihou Valley Estate

Email:

Phone number:

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

Postcode

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

If yes, please provide details:

6. Address for correspondence

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

Name/s: Steven Sanson - Bay of Islands Planning

Email:

Phone number:

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

Postcode

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:

Property address/ location:

Postcode

8. Application site details

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

Name/s:

Site address/ location:

350 Horeke Road, Okaihau 0475

Postcode

Legal description: Allotment 130 Parish of Okaiha **Val Number:**

Certificate of title: NA41D/905

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.

Call Phyllis for gate code and to set up site visit meeting.

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.

Proposed boundary adjustment in the Rural Production Zone to create three lots (zero additional)

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

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

☐ **2009** ☐ **2023**

10. Would you like to request public notification?

☐ **Yes** ☑ **No**

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

(more than one circle can be ticked):

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

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

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

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

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

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

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

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

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

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

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

14. Assessment of environmental effects:

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

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

15. Draft conditions:

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

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

16. Billing Details:

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

Name/s: (please write in full) Phyllis Rintoul - Waihou Valley Estate

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) Phyllis Rintoul

Signature:
(signature of bill payer)

Date 19/10/26

MANDATORY

17. Important Information:

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

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

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

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

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

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

18. Declaration

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

Name (please write in full)

Signature

Date

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

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

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

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

Kerikeri House
Suite 3, 88 Kerikeri Road
Kerikeri
Email office@bayplan.co.nz **Website** www.bayplan.co.nz

28 October 2026

To: Far North District Council

Re: Application seeking consent for a boundary adjustment of Lot 2 DP 452146 (RT 577649), Allotment 130 and Part Section 29 Parish of Okaihau (RT NA41D/905), and Allotment 131 and Part Allotment 30 Parish of Okaihau (RT NA42A/1102) at 350 and 390 Horeke Road, Okaihau.

Please find attached an application for a boundary adjustment at 350 and 390 Horeke Road, Okaihau. The applicant is Phyllis Kathleen Rintoul, the registered proprietor of the land in all three records of title.

The applicant seeks consent to reorganise the boundaries of the land in those three titles by way of a boundary adjustment. Following completion there will be no additional titles created.

The purpose is to reorganise the boundaries of the farm to a more practical arrangement. The lots are as follows.

Proposed Lot 1:	1.0 ha, vacant, 20 m x 20 m building envelope shown
Proposed Lot 2:	20.2 ha, contains an existing dwelling
Proposed Lot 3:	95.1 ha, to be amalgamated with the balance of RT 577649 (40.2277 ha), giving a title of approximately 135.3 ha. Contains an existing dwelling

Each site is wholly within the Rural Production zone under both the Operative Far North District Plan (**ODP**) and the Proposed Far North District Plan (**PDP**). Both plans have been assessed because the PDP minimum allotment size standard SUB-S1, the highly productive land rule SUB-R22 and the trip generation rule TRAN-R9 are subject to appeal, so the equivalent operative provisions remain relevant.

Under the ODP, the proposal is a **Restricted Discretionary Activity** under Rule 13.8.1(b), which continues to apply to minimum lot size because SUB-R3 and SUB-S1 are under appeal. Lot 1 is a small lot of between 4,000 m^2 and 4 ha, and the land is of sites that existed at or prior to 28 April 2000.

The titles NA41D/905 and NA42A/1102 were issued in 1978. RT 577649 was previously subdivided with a recent title date of 2013, but is of an allotment size which is Controlled in any event.

Under the PDP, the proposal is a boundary adjustment under Rule SUB-R1. The number of titles does not increase and no additional allotment is created, so Rule SUB-R22 (additional allotments containing highly productive land) is not engaged. Standard SUB-S1 is not met for Lot 1, which makes the activity Restricted Discretionary under CON-1, and the setback of the existing dwelling alters the degree of non-compliance with a zone standard under CON-2, which makes the activity Discretionary. Proposed

Lot 2 (20.2 ha) meets the 8 ha Discretionary minimum allotment size. Proposed Lot 3 would meet the Controlled Activity requirement.

The existing dwelling on the Lot 3 is approximately 5.6 m from a new internal boundary, short of the 10 m setback in the Rural Production zone. The owner of both lots gives approval, and the setback is considered jointly with the boundary adjustment. The existing gravel hardstand on Lot 1 will be reinstated in grass so that impermeable surfaces on the lot meet the permitted standard.

The proposal is accordingly assessed overall as a **Discretionary Activity**, being the most restrictive status across the two plans.

As set out in this report, the highly productive land within the application site is a roadside strip of about 5,920 m^2 within Proposed Lot 1, together with a very small portion at the entrance to Lot 2. The strip is a small, narrow parcel with shallow topsoil. Horeke Road severs it from the larger area of similar soils, which is a separate site to the south, so it cannot be amalgamated with that land.

The proposal protects the strip by confining development on Lot 1 to a 400 m^2 building envelope within the 10,000 m^2 lot, by capping impermeable surfaces at 10 per cent, and by reinstating the existing hardstand in grass. The balance of the land is LUC 4 and LUC 6 and remains in a single farm unit.

The application is supported by the following information.

- **Appendix A** Records of Title (NA41D/905, NA42A/1102, RT 577649)
- **Appendix B** Scheme Plan (Nigel Ross Surveyor, File NRS 402, September 2026)
- **Appendix C** Geotechnical Investigation Report (Wilton Joubert Ltd, Job 93896, 26 March 2020)

Regards

Steven Sanson
Consultant Planner

1. Applicant & Property Details

Applicant	Phyllis Kathleen Rintoul
Address for Service	Bay of Islands Planning Limited, Kerikeri House, Suite 3, 88 Kerikeri Road, Kerikeri, C/O Steven Sanson, steve@bayplan.co.nz
Legal Description	Lot 2 DP 452146 (part RT 577649), Allotment 130 and Part Section 29 Parish of Okaihau (RT NA41D/905), and Allotment 131 and Part Allotment 30 Parish of Okaihau (RT NA42A/1102). The scheme plan labels Part Section 29 as Pt Allotment 29.
Records of Title	NA41D/905 (19.8303 ha), NA42A/1102 (24.0803 ha), and 577649 (112.6246 ha, of which Lot 2 DP 452146, 72.3969 ha, forms part of the application site)
Physical Address	350 and 390 Horeke Road, Okaihau
Site Area	116.3075 ha (the combined area of the land subject to the boundary adjustment), plus 40.2277 ha of RT 577649 to be amalgamated with Lot 3 and not otherwise affected
Zone	Rural Production zone (ODP and PDP)
Overlays / Notations	No heritage, hazard, outstanding landscape, significant natural area or coastal overlay is identified on Council's online planning maps. A strip of LUC 2s1 versatile soil lies within Proposed Lot 1, addressed at Section 7.5. A cemetery adjoins Proposed Lot 1 on a separate title held in the name of Bay of Islands County Council.

2. Summary of Proposal

Proposal	A boundary adjustment reorganising the land in RT NA41D/905, RT NA42A/1102 and RT 577649 into Proposed Lot 1 (1.0 ha), Proposed Lot 2 (20.2 ha) and Proposed Lot 3 (95.1 ha). Lot 3 is to be held in one Record of Title with Allotments 115, 116 and 127 and Pt Allotment 48 Parish of Okaihau, giving a title of approximately 135.3 ha. No additional allotment / title is created.
Reason for Application	**ODP:** Restricted Discretionary under Rule 13.8.1(b), because the boundary adjustment tests in Rule 13.7.1 are not met for Lot 1 (lot size) and the retained dwelling (setback), and Lot 1 is a small lot from sites that existed at or prior to 28 April 2000. **PDP:** Boundary adjustment under SUB-R1. CON-1 is not met (SUB-S1, Lot 1), which is Restricted Discretionary, and CON-2 is not met (the retained dwelling setback alters a zone standard non-compliance), which is Discretionary. SUB-R22 is not engaged as no additional allotment is created. **Overall,** Discretionary Activity.

Appendices	Appendix A Records of Title Appendix B Scheme Plan Appendix C Geotechnical Investigation Report

3. Introduction

The applicant seeks resource consent for a boundary adjustment. The land is legally described as Lot 2 DP 452146 (RT 577649), Allotment 130 and Part Section 29 Parish of Okaihau (RT NA41D/905), and Allotment 131 and Part Allotment 30 Parish of Okaihau (RT NA42A/1102).

The purpose is to reorganise the boundaries of the applicant's farm into a more practical arrangement. The dwelling and the spring on Lot 2 are separated from the working farm. The working farm in Lot 3 is consolidated with the applicant's other land into one title of about 135.3 ha. A small lot is formed on the upper roadside area beside the cemetery, which serves no fundamental rural productive purpose.

The Records of Title and relevant instruments are provided in **Appendix A**. The proposal is shown on the scheme plan prepared by Nigel Ross, Licensed Cadastral Surveyor (File NRS 402, September 2026), provided in **Appendix B** and reproduced at Figure 1.

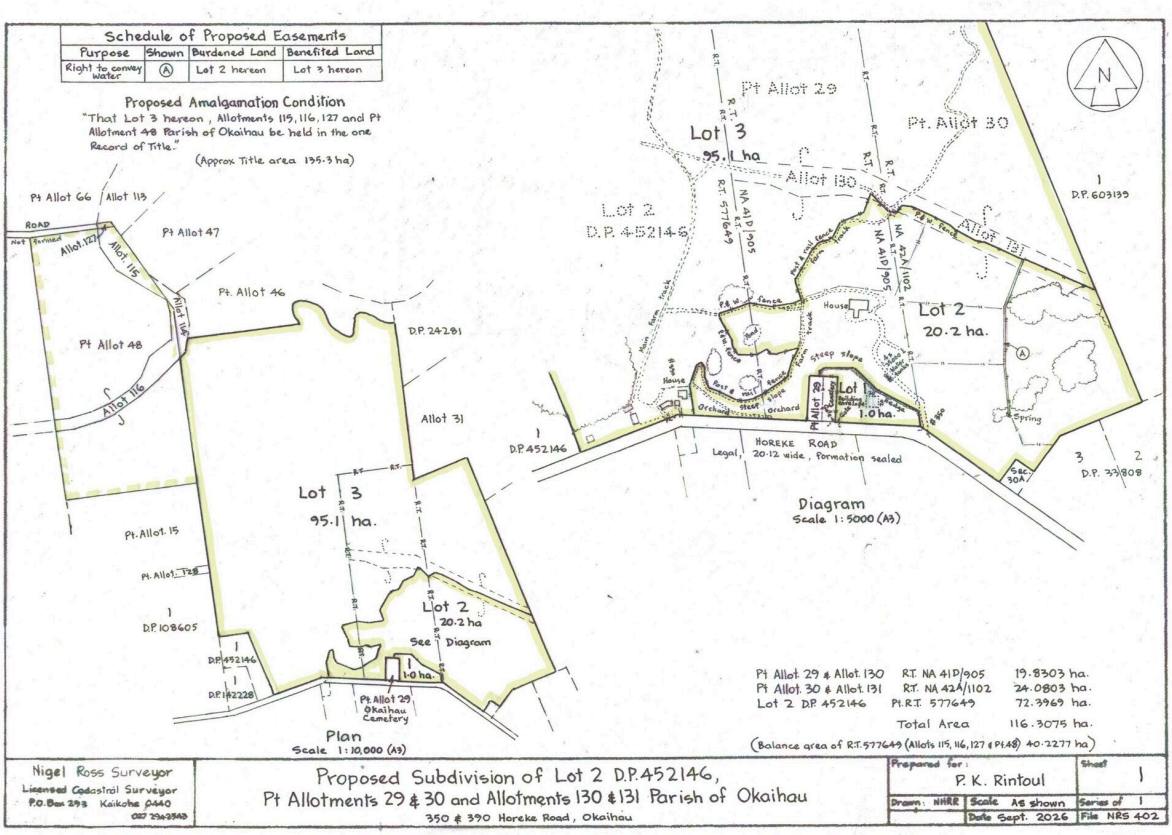


Figure 1. Proposed Subdivision of Lot 2 DP 452146, Pt Allotments 29 and 30 and Allotments 130 and 131 Parish of Okaihau. Source Nigel Ross Surveyor, File NRS 402.

4. Description of the Site and Surrounds

The site fronts Horeke Road, which runs west from the Okaihau township on State Highway 1 through the Utakura Valley toward Horeke on the Hokianga Harbour. The surrounding area is a rural farming locality with scattered dwellings. The landholding extends north and west from the road frontage toward the Waihou valley. Horeke Road at this location is a sealed road within a standard legal width.

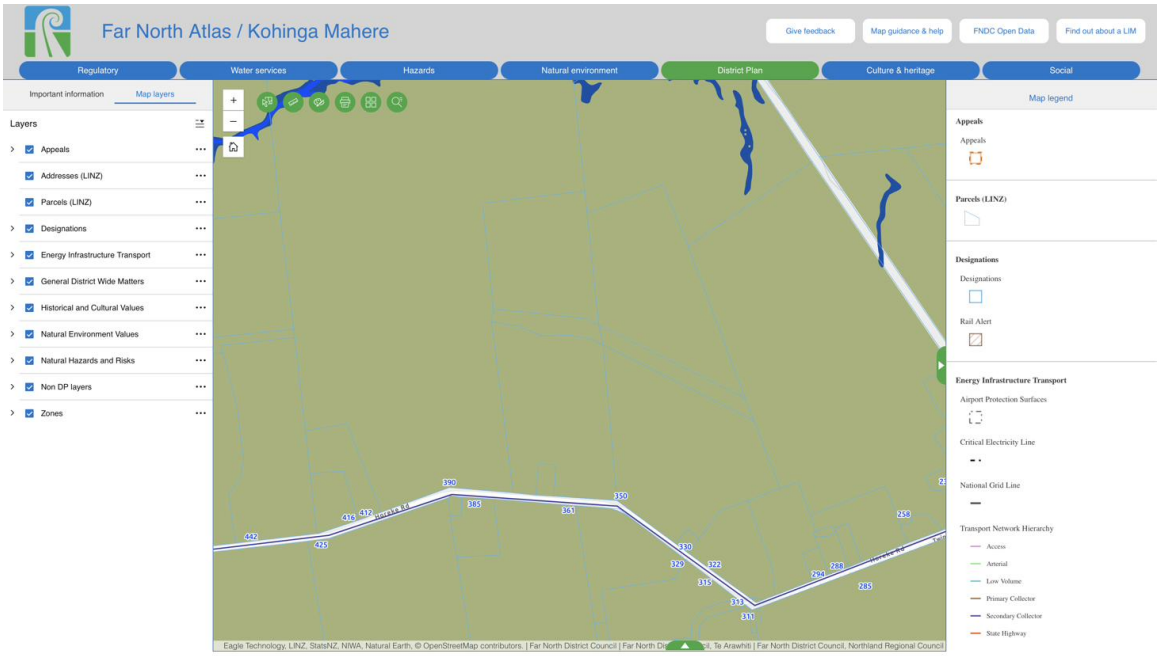


Figure 2. Zoning. Source Far North Atlas.

Surrounding environment and general character

The surrounding environment is a rural working landscape, with a different character on each side of Horeke Road. Rural dwellings are typically located in close proximity along the road, and a small cemetery adjoins the site. On the southern side of the road, the land immediately opposite the site is in pasture, and some horticultural use. On the applicant's northern side, the character is that of an extensive farming landholding, with pastoral paddocks, farm tracks and areas of trees running north toward the Waihou valley. The proposal sits at the road frontage beside the cemetery, on the upper area of the land, and does not alter the farming character of the northern side.

Existing development, access and services

Proposed Lot 2 contains an existing dwelling, four 25,000 litre water tanks, and a spring. Proposed Lot 3 contains a dwelling with sheds and an orchard (scattered fruit trees) on the steep slope above the road, together with farm tracks and fenced paddocks. A cemetery on a separate 4,000 m^2 title adjoins Proposed Lot 1 and fronts Horeke Road.

Proposed Lot 1 is vacant. Part of it is covered by a compacted gravel hardstand, formed for a previously contemplated land use, as shown in Figure 3. The hardstand will be removed and the area reinstated in grass. A hedge runs along the lot's eastern boundary.



Figure 3. Existing gravel hardstand within Proposed Lot 1, to be reinstated in grass, looking along Horeke Road. Source applicant, 7 September 2026.

Each of the three lots has legal road frontage and are accessed from existing crossings on Horeke Road. The dwellings on Lots 2 and 3 are independently serviced. Lot 1 has no services, and these will need to be provided at the time of development.

Topography, landform and geotechnical features

A geotechnical investigation by Wilton Joubert Ltd (Job 93896, 26 March 2020) covers the south-eastern corner of the landholding adjacent to Horeke Road, which is within Proposed Lot 1, and is provided at **Appendix C**. It comprised two hand auger boreholes to 0.6 m and 1.0 m, Scala penetrometer tests to 1.4 m and 1.5 m, and a walkover inspection. It was prepared for a proposed bar and cider factory.

The report describes an elevated, gently sloping crest with grades averaging less than 8 degrees, falling to the north. About 40 m from the south-eastern boundary corner, the crest changes to a moderate to steep flank at grades between 1V:3H and 1V:1.2H, falling toward a gently sloping bench.

The boreholes found about 0.2 m of topsoil over very stiff silty clay with fine gravel inclusions, reaching near refusal at 1.0 m. Shear vane readings exceeded 182 kPa, no fill and no groundwater were encountered, and allowable bearing capacity exceeds 100 kPa. The soils are classed as Class M, moderately expansive, under NZBC B1.

The report records no mapped natural hazards across the building area. It identifies surficial soil creep and small shallow slips on the flank to the north, and assesses overall site stability risk as low provided its recommendations are followed. It recommends that foundations within 8 m of slopes steeper than 20 degrees be designed for 1.0 m of soil creep, or alternatively that the building site be located at least 8 m upslope of such slopes. It also provides a statement for the purposes of sections 71 to 72 of the

Building Act 2004, and makes recommendations on earthworks, retaining walls, foundations and stormwater control.

Hydrology, vegetation and ecological context

A spring is mapped on Proposed Lot 2 and farm tracks, fences and areas of established trees are shown across the landholding. No indigenous vegetation clearance, earthworks or works within any waterbody are proposed.

Zoning, overlays and highly productive land

The site is wholly zoned Rural Production under the ODP and the PDP. No heritage, hazard, outstanding landscape, significant natural area or coastal overlay is identified on the site.

Land Use Capability mapping shows a strip of LUC 2s1 soil along the northern side of Horeke Road. The larger area of LUC 2s1 land in the locality lies on the southern side of the road, on separate titles. Horeke Road severs the areas of soil.

The applicant has measured the LUC 2s1 area within Proposed Lot 1 at 5,920.29 m^2 using Council's online mapping tools, as shown in Figure 5. That is about 59 per cent of Lot 1. A very small portion of Proposed Lot 2 at its entrance from Horeke Road is also mapped LUC 2s1. Immediately north of the road frontage the land is mapped LUC 6e4, and further north it is mapped LUC 4e2, extending toward the Waihou valley. LUC 4 and 6 land is not versatile and is not highly productive land. The proposal confines development on Lot 1 to a 400 m^2 building envelope within the 10,000 m^2 lot, which is addressed in detail at Section 7.5.

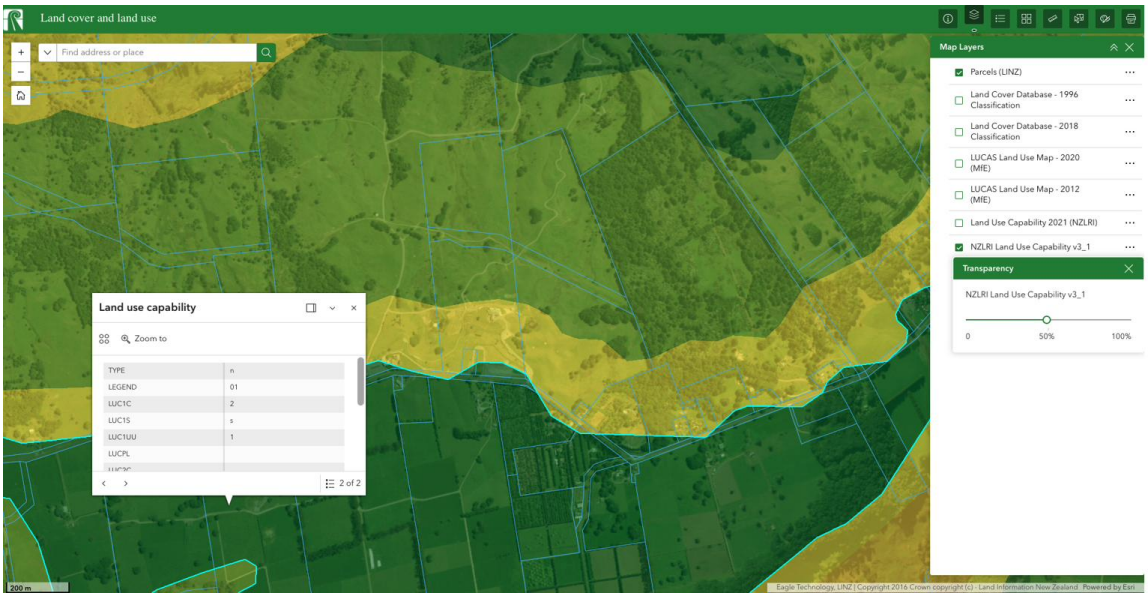


Figure 4. Land Use Capability context, showing LUC 2 land (yellow) along the Horeke Road frontage and on its southern side. Source Manaaki Whenua, Landcare Research LRIS Portal.

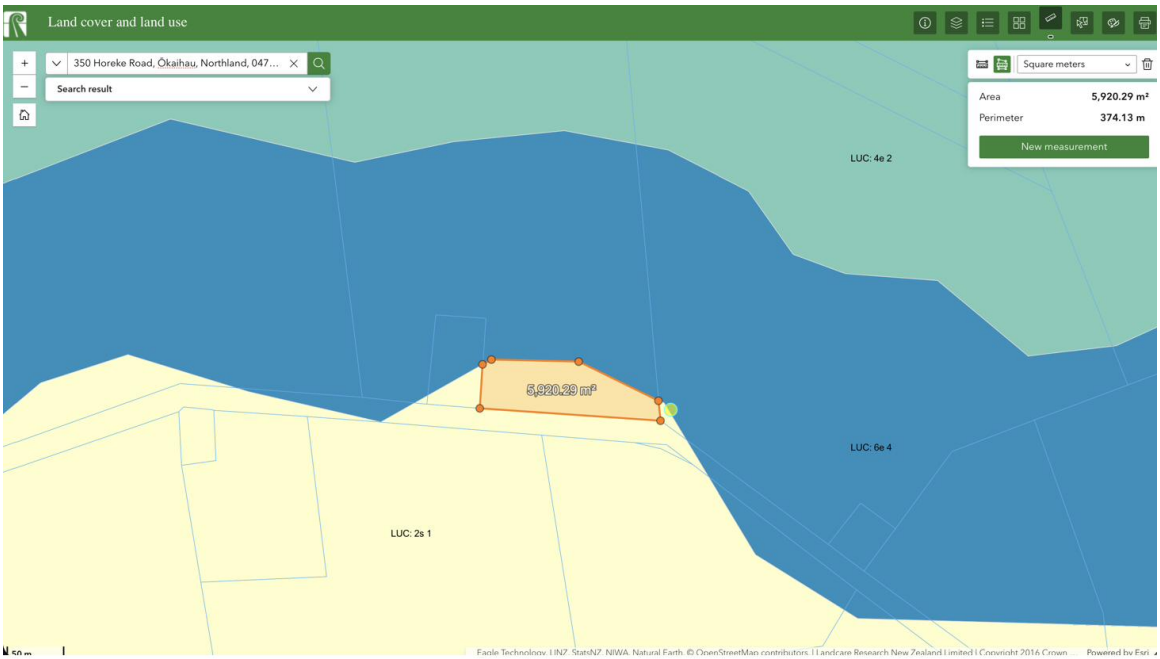


Figure 5. LUC 2s1 area within Proposed Lot 1 measured at 5,920.29 m². LUC 4e2 and LUC 6e4 shown to the north. Source Manaaki Whenua, Landcare Research LRIS Portal.

5. Records of Title, Easements and Covenants

The Records of Title are provided in **Appendix A**. The title histories are relevant to the activity status under the ODP and are summarised below.

Record of Title	Legal Description	Area	Issued	Prior References
NA41D/905	Allotment 130 and Part Section 29 Parish of Okaihau	19.8303 ha	23 November 1978	NA42C/533, NA44/191
NA42A/1102	Allotment 131 and Part Allotment 30 Parish of Okaihau	24.0803 ha	1 December 1978	NA126/144, NA42C/514
577649	Part Allotment 48, Allotments 115, 116 and 127 Parish of Okaihau, and Lot 2 DP 452146 (formerly Allotment 129)	112.6246 ha	20 May 2013	NA41D/903, NA85A/386

All three titles are registered in the name of Phyllis Kathleen Rintoul. NA41D/903 was issued in 1978 and NA85A/386 in 1991. Each title is subject to section 8 of the Mining Act 1971 and section 168A of the Coal Mines Act 1925 in respect of parts of the land. RT 577649 also carries a notation under section 241(2) of the Resource Management Act 1991 in respect of DP 452146. None of these notations prevents the boundary adjustment.

No registered easements or covenants affecting the design have been identified from the information available.

The boundary adjustment will register the following new easement.

Purpose	Shown	Burdened Land	Benefited Land
Right to Convey Water	A	Lot 2 hereon	Lot 3 hereon

The following amalgamation condition is proposed, as shown on the scheme plan.

> *That Lot 3 hereon, Allotments 115, 116, 127 and Pt Allotment 48 Parish of Okaihau be held in the one Record of Title.*

6. Description of Proposal

The proposal provides for a boundary adjustment that reorganises the land in three existing titles into three lots, with one amalgamation. No additional allotment or title is created.

Proposed Lot 1, 1.0 ha: This lot fronts Horeke Road and adjoins the cemetery. It is vacant, partly covered by a gravel hardstand that will be reinstated in grass, and accessed from its existing crossing. It is intended for residential use and a 20 m by 20 m building envelope (400 m^2) is shown on the scheme plan.

Proposed Lot 2, 20.2 ha: This lot contains an existing dwelling, four water tanks and a spring, and is accessed from its existing crossing. It meets the 20 ha Controlled minimum under the ODP and the 8 ha Discretionary minimum under the PDP.

Proposed Lot 3, 95.1 ha: This is the balance of the combined landholding. It contains a dwelling with sheds, an orchard and the main farm. It is to be held in one Record of Title with Allotments 115, 116 and 127 and Part Allotment 48, giving a title of approximately 135.3 ha. A right to convey water over Lot 2 benefits Lot 3.

No new building work, vegetation clearance or vehicle crossing is proposed as part of the boundary adjustment. Minor earthworks will be needed to remove the hardstand gravel and re-sow the area in grass. Lot 1 will be serviced at the time of development. The mitigation measures that form part of the proposal are described in the relevant sections of this report, and are offered as conditions of consent or consent notices.

Based on the assessment of environmental effects provided below, it is concluded that any potential adverse effects arising from the boundary adjustment now proposed would be less than minor and can be appropriately managed through conditions of consent.

7. District Plan Assessment

7.1 Status of the Proposed Plan provisions and the Operative Plan fall back

Council notified its decisions on the PDP on 30 June 2026, and the Appeals Version was released in August 2026.

Council has advised that where there are live appeals against a proposed provision, the proposed provision and any equivalent operative provision may need to be considered through the resource consent process. Provisions that are not under appeal are treated as operative, and the equivalent ODP provision no longer applies to the same matter.

Provision	Appeal status	Treatment in this assessment
Subdivision. Rule SUB-R1 (boundary adjustments), SUB-R2, SUB-R4, SUB-R5, SUB-R8 to SUB-R21 and SUB-R23, standards SUB-S2 to SUB-S5 and SUB-S7, objectives SUB-O1, O3, O4 and O6, and policies SUB-P1 to SUB-P6 and SUB-P10	**Not under appeal**	Treated as operative. The equivalent ODP provisions are superseded for these matters, including ODP Rule 13.7.1 (boundary adjustments) and Rule 13.7.2.2 (building envelope).
Subdivision. Rule SUB-R3 (subdivision to create a new allotment, including its Rural Production zone row) and standard SUB-S1 (minimum allotment sizes)	**Under appeal**	PDP provisions and ODP Table 13.7.2.1 and Rule 13.8.1 are both assessed where the proposal is treated as creating a new allotment. The ODP minimum lot size rule continues to apply.
Subdivision. Rule SUB-R22 (additional allotments containing highly productive land), standards SUB-S6 and SUB-S8, objectives SUB-O2 and SUB-O5, and policies SUB-P7, P8, P9 and P11	**Under appeal**	PDP provisions have legal effect and carry reduced weight. SUB-R22 is not engaged because no additional allotment is created. The ODP has no equivalent subdivision rule, so the NPS-HPL applies directly under Section 7.5.
Rural Production zone chapter, including RPROZ-R2, RPROZ-R3, RPROZ-S3 and the objectives and policies	**Under appeal throughout.** The whole chapter is shown within the orange border.	PDP chapter and ODP section 8.6 are both assessed, and the stricter standard is met where they differ. For impermeable surfaces the PDP limit is 10 per cent and the ODP limit is 15 per cent.
Definitions, including boundary adjustment, allotment, site, impermeable surface, highly productive land and minor residential unit	Not under appeal. Only the definition of community scale renewable electricity generation activities is under appeal.	Treated as operative.

Provision	Appeal status	Treatment in this assessment
Transport. Rule TRAN-R9 (trip generation) and TRAN-Table 12	**Under appeal.** The appeal by Foodstuffs North Island Limited seeks to raise the supermarket threshold in TRAN-Table 12 from 225 m^2 to 750 m^2 GFA.	PDP provision and ODP Rule 15.1.6A are both assessed at Section 7.4. The appeal does not concern the residential activity threshold relied on here.
Transport. Rules TRAN-R1, R2, R3 and R13, standards TRAN-S1 to S3 and Tables 7 to 11, objectives TRAN-O1 to O5 and policies TRAN-P1 to P7	Not under appeal. A new objective, a new policy and a new permitted rule sought by appeal have no legal effect.	Treated as operative. ODP Chapter 15 is superseded for these matters.

7.2 Operative Far North District Plan

7.2.1 Boundary adjustment, Rule 13.7.1

Rule 13.7.1 provides for boundary adjustments as a Controlled Activity. The PDP boundary adjustment rule SUB-R1 is not under appeal, so Rule 13.7.1 is superseded. In any event, clauses (c) and (e) of 13.7.1 are not met, so the application is considered under Rules 13.7.2 to 13.7.10, and Rule 13.8.1(b) provides the activity status.

7.2.2 Minimum lot size, Table 13.7.2.1 and Rule 13.8.1

As SUB-R3 and SUB-S1 are under appeal, ODP Table 13.7.2.1 and Rule 13.8.1 continue to apply to the minimum size of lots, and are assessed here alongside the PDP boundary adjustment rule. Table 13.7.2.1 sets the following for the Rural Production Zone.

Lot 2 (20.2 ha) and Lot 3 (about 135.3 ha) each meet the 20 ha Controlled minimum. Lot 1 (1.0 ha) does not, so it must qualify under another option. It does not meet the 12 ha option or the 2 ha option, and it is assessed against the three lot option in Rule 13.8.1(b).

Element of Rule 13.8.1(b)	Assessment
A maximum of 3 lots in the subdivision	The proposal results in three lots, being Lot 1, Lot 2 and Lot 3 (amalgamated with the balance of RT 577649). **Met**
Minimum size of any lot is 4,000 m^2	The smallest lot, Lot 1, is 1.0 ha (10,000 m^2). **Met**
At least one lot of at least 4 ha	Lot 2 (20.2 ha) and Lot 3 (about 135.3 ha). **Met**
Subdivision of sites that existed at or prior to 28 April 2000, or amalgamated from titles existing at or prior to that date	Assessed in the table below. **Met**

Element of Rule 13.8.1(b)	Assessment
Alternative option under 13.8.1(c), five lots of at least 2 ha	Not relied on, as Lot 1 is under 2 ha.

The age test matters only for Lot 1, as the other lots meet the Controlled minimum. Each title is examined below.

Title	Position at 28 April 2000	Assessment
NA41D/905 (Allotment 130 and Part Section 29)	Issued 23 November 1978	Existed before 28 April 2000. Lot 1 lies wholly within this title. **Qualifies**
NA42A/1102 (Allotment 131 and Part Allotment 30)	Issued 1 December 1978	Existed before 28 April 2000. This title contributes land to Lot 2 and Lot 3 only. **Qualifies**
577649 (Lot 2 DP 452146 and Allotments 115, 116, 127 and Part 48)	Issued 20 May 2013.	The land taken from this title is of an allotment size which is Controlled in any event. Lot 2 DP 452146 is 72.3969 ha, within a 112.6246 ha title, against a 20 ha Controlled minimum. No lot relies on the small lot allowance for this land, and both parent titles pre-date 2000. **Date does not matter**

Lot 1 lies wholly within NA41D/905 (Part Section 29) and outside NA42A/1102 and Lot 2 DP 452146, as shown on the scheme plan. NA41D/905 is a 1978 title that has not been subdivided, so the 2013 subdivision that created DP 452146 does not affect the small lot allowance for the land from which Lot 1 is taken. Lot 2 is formed from parts of NA42A/1102, NA41D/905 and Lot 2 DP 452146, and meets the Controlled minimum. Only Lot 1 relies on the allowance.

On that basis the proposal is a **Restricted Discretionary Activity** under Rule 13.8.1(b). Council's discretion is restricted to effects on the natural character of the coastal environment (not relevant, as the site is inland), effects on the ability of the Department of Conservation to manage its land within 500 m (there is no such land within 500 m), effects on significant indigenous flora and fauna habitat, mitigation of fire hazards, and the matters in Rule 13.7.3.

7.2.3 Other subdivision standards, Rules 13.6.5, 13.7.2.2 and 13.7.3

Rule	Requirement	Assessment
13.6.5	Legal road frontage for each allotment.	Each of Lots 1, 2 and 3 fronts Horeke Road. **Complies**

Rule	Requirement	Assessment
13.7.2.2	Each allotment can accommodate a 30 m by 30 m square building envelope that does not encroach into the 10 m boundary setbacks.	Lot 1 shows a 20 m by 20 m building envelope, as required by the PDP building platform standard SUB-S2, and a 30 m by 30 m square does not fit within it. Rule 13.7.2.2 is superseded because SUB-S2 is not under appeal. **Complies with PDP**
13.7.3.1	Property access complies with the access rules.	Existing crossings are retained and none is new or altered. The Chapter 15 rules are addressed at Section 7.4. **Complies**
13.7.3.2	Natural and other hazards, and section 106.	The geotechnical report at Appendix C records no mapped natural hazards and a low risk of instability on Lot 1, subject to its recommendations, which are proposed as a consent notice. **Complies**
13.7.3.3	Ability to provide a safe potable water supply to each allotment.	Lots 2 and 3 are served by existing supplies, including the water tanks on Lot 2, and a right to convey water over Lot 2 benefits Lot 3. Lot 1 will have roof collected water storage at the time of development. **Complies**
13.7.3.4	Stormwater disposal within each net area. Subdivisions creating sites of 2 ha or less must include a report from a suitably qualified person.	The gravel hardstand on Lot 1 will be removed and reinstated in grass so that impermeable surfaces are within the permitted thresholds of both plans, being 10 per cent under the PDP and 15 per cent under the ODP. Runoff from the roof and driveway of a future dwelling will be disposed of within Lot 1 at the time of development. Stormwater is addressed in this assessment. **Complies**
13.7.3.5	Means of sewage disposal within the net area of each allotment.	Lots 2 and 3 are served by existing on-site systems. Lot 1 (1.0 ha) has ample area for an on-site system designed at the time of development, noting the stiff clay soils recorded in the geotechnical report. **Complies**
13.7.3.6 and 13.7.3.7	Energy supply and telecommunications for urban allotments.	These rules apply to urban allotments and the Rural Living zone and not to the Rural Production zone. Power lines are visible along the Horeke Road frontage. **Not applicable**
13.7.3.8	Easements where necessary.	A right to convey water is proposed over Lot 2 in favour of Lot 3. **Complies**

Rule	Requirement	Assessment
13.7.3.9	Preservation of heritage resources, significant vegetation and habitats.	None identified on the lots. **Complies**
13.7.3.11	Land use compatibility.	Lot 1 lies on the upper roadside area, separated from the working farm by Lot 2 and Lot 3. The effects are addressed at Section 8. **Complies**
13.7.3.12	Proximity to airports (within 500 m).	The site is not within 500 m of an airport. **Not applicable**

7.2.4 Rural Production Zone rules, Chapter 8.6

Rule 13.7.2.1 requires every allotment to comply with the relevant zone rules, and Rule 13.6.10 requires any application arising from non-compliance with zone standards caused by the proposal to be considered jointly with it.

Rule	Requirement	Assessment
8.6.5.1.1	Residential intensity. One unit per 12 ha with at least 3,000 m^2 for exclusive use. This does not limit the use of an existing site, or a site created under Rule 13.7.2.1, for a single residential unit.	Lot 2 has one existing dwelling on 20.2 ha. Lot 1 is created under Rule 13.7.2.1 and may have a single residential unit. Lot 3 (about 135.3 ha) can support further units at 12 ha per unit. **Complies**
8.6.5.1.2	Sunlight. 45 degree recession plane from 2 m above any site boundary.	There is no recession plane breach. **Complies**
8.6.5.1.3 and 8.6.5.2.1	Stormwater management. Buildings and impermeable surfaces no more than 15 per cent of the site, or 20 per cent as a Controlled Activity.	The gravel hardstand on Lot 1 will be removed and reinstated in grass before section 224(c) certification, so that impermeable surfaces on the 1.0 ha lot are within 10 per cent (1,000 m^2), which also satisfies the ODP 15 per cent threshold. The PDP definition counts areas covered with aggregate as impermeable. **Complies**
8.6.5.1.4 and 8.6.5.3.4	Setback from boundaries. No building within 10 m of a site boundary. Non-compliance is Restricted Discretionary.	The existing dwelling on Lot 3 will be approximately 5.6 m from the new boundary with Lot 2. The four water tanks are not within the applicable setbacks. The owner of Lots 2 and 3 gives approval, and the boundary follows better contours. **Does not comply. Restricted Discretionary, considered jointly under Rule 13.6.10**

Rule	Requirement	Assessment
8.6.5.1.8 and 8.6.5.1.10	Height 12 m. Building coverage 12.5 per cent.	No new building is proposed. **Complies**
8.6.5.1.5	Transportation. Refer to Chapter 15.	Addressed at Section 7.4. **Complies**
8.6.5.1.6 to 8.6.5.1.12	Keeping of animals, noise, helicopter landing, scale of activities, temporary events.	Not relevant to the proposal. **Complies**

7.2.5 Activity status under the ODP

The proposal is a Restricted Discretionary Activity under Rule 13.8.1(b), as the boundary adjustment tests in Rule 13.7.1 are not met. The setback infringement is also Restricted Discretionary under Rule 8.6.5.3 and can be considered jointly. The status under the ODP is therefore **Restricted Discretionary**.

7.3 Proposed Far North District Plan

7.3.1 Boundary adjustment, Rule SUB-R1

Rule SUB-R1 is not under appeal and is treated as operative. The table below considers the rule in detail.

SUB-R1	Requirement	Assessment
CON-1	Compliance with SUB-S1 (Controlled minimum, with no increase in existing non-compliance) and SUB-S2 to SUB-S7.	Lot 1 (1.0 ha) is 39 ha short of the 40 ha Controlled minimum, whereas the existing NA41D/905 is 20.2 ha short, so the non-compliance increases. Lot 2 (20.2 ha) meets the 8 ha Discretionary minimum, and Lot 3 meets the Controlled minimum. SUB-S2 to SUB-S7 are complied with (7.3.3). **SUB-S1 not met for Lot 1. Restricted Discretionary**
CON-2	The adjustment does not alter existing activities, the degree of non-compliance with zone standards, the number and location of access, or increase the number of titles.	There is no change to existing activities, access or the number of titles. However, the existing dwelling's setback to the new boundary changes from compliance to 5.6 m, so the degree of non-compliance with a zone standard is altered. **Not met. Discretionary**
CON-3	Compliance with SUB-S8 (esplanades).	No lot adjoins a qualifying waterbody at the adjusted boundaries. **Met**
Outcome		CON-2 is not achieved, so the activity is a **Discretionary Activity** under SUB-R1.

7.3.2 Rules SUB-R3 and SUB-R22 not engaged

The PDP defines a boundary adjustment as a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments. Allotment has its meaning in section 218 of the RMA, being a continuous parcel whose boundaries are shown separately on a survey plan. Site means land in a single record of title, or adjoining allotments that cannot be dealt with separately without Council consent. None of these definitions is under appeal. The proposal is counted below against those definitions.

Count	Before	After
Records of title	Three. NA41D/905, NA42A/1102 and RT 577649.	Three. Lot 1, Lot 2, and Lot 3 held with Allotments 115, 116, 127 and Pt Allotment 48.
Allotments in the land being adjusted	Five. Allotment 130, Part Section 29, Allotment 131, Part Allotment 30 and Lot 2 DP 452146.	Three. Lot 1, Lot 2 and Lot 3.
Sites as defined	Three, being the three records of title.	Three, being Lot 1, Lot 2 and Lot 3 with the balance of RT 577649.

No additional allotment, title or site is created. The number of allotments in the land being adjusted falls from five to three, which is a consolidation. Rule SUB-R3 applies to subdivision creating a new allotment, and Rule SUB-R22 applies to subdivision creating additional allotments that contain highly productive land. Neither is therefore engaged. If Council read the words in the definition about not altering the number of allotments as excluding any reduction, the proposal would still be assessed under the fall back provisions in this section.

If Council were to treat Lot 1 as a new allotment, SUB-R3 would apply and Lot 1 would not meet the 8 ha Discretionary minimum in DIS-1, which would make it Non-complying. SUB-R3 and SUB-S1 are under appeal, the ODP provides for Lot 1 as a Restricted Discretionary lot, and the section 104D gateway tests are met in any event, as addressed at Section 8.

7.3.3 Subdivision standards, SUB-S1 to SUB-S8

Standard	Requirement	Assessment
SUB-S1	Minimum allotment sizes. Rural Production 40 ha Controlled, 8 ha Discretionary.	Applied through CON-1 of SUB-R1. Lot 1 (1.0 ha) meets neither. Lot 2 (20.2 ha) meets 8 ha but not 40 ha. Lot 3 complies. **Does not comply for Lot 1. Under appeal, and ODP Rule 13.8.1(b) is also assessed at 7.2**

Standard	Requirement	Assessment
SUB-S2	Building platforms for each allotment.	Lot 2 has an established building platform. Lot 1 shows a 20 m by 20 m building envelope, which meets the standard, and the geotechnical report assesses the investigated area as suitable for building. The existing dwelling on Lot 3 will be within 5.6 m of a new boundary, addressed at Section 8. **Complies for Lots 1 and 2. Lot 3 addressed as a discretionary matter**
SUB-S3	Water supply.	Lots 2 and 3 are served by existing supplies. Lot 1 will have roof collected water storage at the time of development. **Complies**
SUB-S4	Stormwater management.	The existing hardstand will be reinstated in grass, so no additional impervious area is created and coverage meets the permitted threshold. **Complies**
SUB-S5	Wastewater disposal.	Lots 2 and 3 are served by existing systems. Lot 1 can accommodate an on-site system designed at the time of development to AS/NZS 1547:2012. **Complies**
SUB-S6	Telecommunications and power (under appeal).	Power lines are visible along the Horeke Road frontage. Lot 1 will be connected at the time of development. **Complies**
SUB-S7	Easements for any purpose.	A right to convey water over Lot 2 for Lot 3 is shown. **Complies**
SUB-S8	Esplanades (under appeal).	No lot adjoins a qualifying waterbody at the adjusted boundaries. **Complies**

7.3.4 Other subdivision rules

Rule	Subject	Assessment
SUB-R2, R4, R5	Public works, private accessways, subdivision around an approved residential development	Not relevant. Each lot has its own existing crossing and no private accessway is created. **N/A**
SUB-R6, R7	Environmental benefit and management plan subdivision	Not relevant. **N/A**
SUB-R8	Land susceptible to instability	The geotechnical report assesses the investigated area of Lot 1 as low risk. The building platform can be located outside the steeper flank to the north. **Complies**

Rule	Subject	Assessment
SUB-R9 to R21	National Grid, flood and coastal hazard, heritage, Mineral Extraction zone, SNA, ONL, ONF, wetland, lake and river margins, coastal environment, ONCA	No such feature or overlay is identified on the site. **N/A**
SUB-R22	Subdivision creating additional allotments that contain highly productive land in the Rural Production zone	The proposal creates no additional allotment. There are three titles now and three will result. SUB-R22 is not engaged. If Council took a different view, SUB-R22 is a Discretionary Activity and the assessment at Section 7.5 applies. **Not engaged**

7.3.5 Rural Production zone rules

Rule	Subject	Assessment
RPROZ-R1 and S1 to S2	New buildings, height and height in relation to boundary	No new building is proposed. **N/A**
RPROZ-R2	Impermeable surface coverage. Permitted up to 10 per cent. Restricted Discretionary beyond, with a matter of discretion on minimising impermeable surfaces on highly productive land.	The Lot 1 hardstand will be reinstated in grass so that coverage is within 10 per cent (1,000 m^2) of the 1.0 ha lot. The PDP definition counts areas covered with aggregate, so the gravel is included. A consent notice will hold future development within that limit. **Complies**
RPROZ-R3	Residential activity. One unit per 40 ha, but this does not apply to a single residential unit on a site under 40 ha, or to a detached minor residential unit established under the NES-DMRU.	Lot 2 has one existing dwelling and Lot 3 has an existing dwelling. Lot 1 may have a single unit, being the first on that site. Lot 3 (about 135.3 ha) can support up to three units at 40 ha per unit. **Complies**
RPROZ-R4 to R13, R15 to R41	Visitor accommodation, home business, educational facility, farming, conservation, recreation, rural produce retail and other listed activities	None is proposed. The existing farming activity continues. **Complies / N/A**
RPROZ-R14	Cemeteries and urupā	The adjoining cemetery is an existing activity on a separate title and is not part of this application. **N/A**

Rule	Subject	Assessment
RPROZ-S3	Setback. New buildings at least 10 m from all site boundaries.	The existing dwelling on Lot 3 will be approximately 5.6 m from a new boundary. As the dwelling is existing and no building work is proposed, the standard is not triggered as a fresh land use matter, but the altered non-compliance is a relevant consideration under SUB-R1 CON-2 and Section 8. **Addressed at Section 8**
RPROZ-S4 to S10	Coverage, stock buildings and sensitive activity setbacks	No new building is proposed and there is no Horticulture Precinct on the site. **N/A**

7.4 Transport rules, other district wide matters and overall activity status

Each of Lots 1, 2 and 3 is accessed from its own existing crossing on Horeke Road. No crossing is new, altered or shared, and none serves as a private accessway to more than one allotment.

Rule	Subject	Assessment
TRAN-R1 and S1	Parking	Each lot can provide parking for its permitted use. **Complies**
TRAN-R2, S2 and S3	New or altered vehicle crossings and private accessways	No new or altered crossing is proposed, and no private accessway serves more than one allotment. **Complies**
TRAN-R3	Pedestrian access where vehicle access is not provided	Vehicle access is provided to each lot. **N/A**
ODP 15.1.6A	Traffic intensity. Rural Production permitted threshold of 60 one way movements per day. The first residential unit on a site, and farming, are exempt.	A dwelling on Lot 1 is the first residential unit on that site, and the existing dwellings and farming are exempt. **Complies**
ODP 15.1.6C.1.5	Vehicle crossing standards in rural zones. Crossings constructed to Council standards, and on a sealed road surfaced with permanent impermeable surfacing for at least the first 5 m.	The crossings are existing. The Lot 1 crossing will be upgraded, or can be conditioned to be upgraded, to meet the standards before section 224(c) certification. **Complies**

Rule	Subject	Assessment
ODP 15.1.6C.1.8	Frontage to existing roads.	Horeke Road has a legal width of 20.12 m, which meets the 20 m minimum in TRAN-Table 13, and no road widening is anticipated. **Complies**
TRAN-R9 and Table 12 (under appeal)	Trip generation. Threshold of 20 residential units or 200 ECM trips per day. The appeal by Foodstuffs North Island Limited concerns the supermarket threshold only.	A single dwelling on Lot 1, the existing dwellings on Lots 2 and 3, and the farm generate far less than the threshold, and the lots enable nothing close to 20 units. **Complies**
Earthworks, hazards, heritage, ecology, hazardous substances	District wide matters	Minor earthworks will be needed to remove the hardstand gravel and re-sow in grass, within the permitted standards. No vegetation clearance, waterbody works or hazardous substances are proposed, and no heritage item is identified. Natural hazards are addressed by the geotechnical report. **Complies**

Overall activity status: The status under each plan is summarised below.

Plan	Rule	Status
ODP	Rule 13.8.1(b), boundary adjustment tests in Rule 13.7.1 not met, Lot 1 a small lot from sites existing at or prior to 28 April 2000	Restricted Discretionary
ODP	Rule 8.6.5.1.4, setback of the existing dwelling on Lot 3, joint under Rule 13.6.10	Restricted Discretionary
ODP	Rule 13.7.2.2, 30 m by 30 m building envelope on Lot 1, only if applied	Discretionary
PDP	SUB-R1 CON-1, SUB-S1 not met for Lot 1	Restricted Discretionary
PDP	SUB-R1 CON-2, altered degree of non-compliance with the setback standard	Discretionary
PDP	SUB-R3 and SUB-R22, no additional allotment or title	Not engaged
PDP	TRAN-R2 and TRAN-R9	Permitted
Overall	Most restrictive status across both plans	**Discretionary Activity**

The application is assessed as a Discretionary Activity. If Council nevertheless treated Lot 1 as a new allotment under SUB-R3, the PDP status for Lot 1 would be Non-complying under DIS-1. SUB-S1 is

under appeal, the ODP expressly provides for small lots such as Lot 1 from titles of this age, and the section 104D gateway tests are met, as the adverse effects are less than minor and the proposal is not contrary to the objectives and policies of either plan, taken as a whole. This is addressed at Section 8.

7.5 Highly productive land

The National Policy Statement for Highly Productive Land (NPS-HPL) applies. Until highly productive land is mapped in the regional policy statement, the transitional definition applies, being land zoned general rural or rural production that is LUC 1, 2 or 3. Proposed Lot 1 is in the Rural Production zone and contains LUC 2s1 land, and Lot 2 contains a very small portion at its entrance, so that land is highly productive land.

A boundary adjustment is a subdivision under the RMA, so clause 3.8 applies. It requires subdivision of highly productive land to be avoided unless an exception applies. The relevant exception is that the applicant demonstrates the proposed lots will retain the overall productive capacity of the subject land over the long term, and measures are applied to minimise the highly productive land used for buildings and to protect it. The NPS-HPL defines productive capacity by reference to the physical characteristics of the land, legal constraints, and the size and shape of existing and proposed parcels.

The mapping uses the New Zealand Land Resource Inventory, which is a coarse scale dataset, so the areas below are map based and approximate.

Matter	Assessment
Extent of highly productive land	The applicant's measurement of the LUC 2s1 area within Lot 1 is 5,920.29 m^2. That is about 59 per cent of Lot 1, about 0.5 per cent of the 116.3 ha of subject land, and about 0.4 per cent of the 135.3 ha title that Lot 3 will form part of. A very small portion of Lot 2 at its entrance from Horeke Road is also mapped LUC 2s1, and Lot 3 contains none. Beyond the road frontage, the applicant's land is mapped LUC 6e4 and LUC 4e2, which is not highly productive land.
Existing environment and permitted baseline	The strip is presently part of NA41D/905 (19.8303 ha), in the Rural Production zone. Impermeable surfaces are permitted up to 10 per cent of the site under PDP RPROZ-R2 and 15 per cent under ODP Rule 8.6.5.1.3. That is between about 2.0 ha and 3.0 ha, which is between three and five times the whole 0.59 ha strip. The PDP definition counts areas covered with aggregate as impermeable. The strip could therefore be entirely covered in impermeable surface or hardstand as a permitted activity. That is not fanciful, as the strip is largely covered in gravel now for a previously contemplated land use. A minor residential unit is also provided for, under ODP Rule 8.6.5.2.3 and the NES-DMRU and could be located in the area where Lot 1 is proposed.

Matter	Assessment
Outcome with the proposal	The existing hardstand will be removed and reinstated in grass. All buildings, including any minor residential unit, can be confined to a 400 m^2 building envelope, being 4 per cent of the 10,000 m^2 lot if required by Council.
Soil depth	The geotechnical investigation recorded only about 0.2 m of topsoil over very stiff, hard silty clay with near refusal at 1.0 m, so the depth of soil available for production is limited.
Realistic productive use of Lot 1	Lot 1 is a 1.0 ha parcel on the road frontage, with a cemetery use adjoining on one side. Its soils are shallow, with about 0.2 m of topsoil over very stiff, hard clay, and basalt boulders are present at the base of the flank, as recorded in the geotechnical report. The land falls from a gently sloping crest to a moderate to steep flank to the north, where soil creep and small shallow slips are noted. Much of the strip has been compacted under the gravel hardstand, and the cemetery boundary and the road constrain the buffers that spray based horticulture or larger scale production would need. No genuine large scale rural production or horticulture could occur on Lot 1. Small scale grazing can be undertaken, and reinstating the hardstand in grass keeps that option open, as does limiting development to a small area of land as outlined above.
Size and shape of parcel	The strip is a narrow roadside parcel of about 0.59 ha. It cannot support genuine and economic land-based primary production as a standalone unit, whether or not the boundary adjustment proceeds. The size and shape of the parcel is a recognised element of productive capacity under the NPS-HPL.
Severance and amalgamation	The larger area of LUC 2s1 land in the locality lies on the southern side of Horeke Road, on separate titles. Horeke Road is a sealed legal road 20.12 m wide. It physically severs the Lot 1 strip from that land. Amalgamation with the larger area is not a feasible solution, therefore the proposal does not remove any realistic opportunity to combine highly productive land into a larger productive unit. Nor does it affect the productive capacity of the land across the road.
Retention of the productive land base	Lot 3 contains no highly productive land, and Lot 2 contains only a very small portion at its entrance. Both remain in farming use. Lot 3 is amalgamated with 40.2277 ha of the applicant's land into a single farm title of about 135.3 ha, which consolidates rather than fragments the farm unit. LUC 4 land is not fragmented into parcels unable to support farming, as Lot 2 remains over 20 ha.
Legal constraints	The amalgamation condition, the building envelope, and the geotechnical consent notice are legal controls that protect the farm unit and limit the footprint on Lot 1.

Taking the overall productive capacity of the subject land, the highly productive land is a 0.59 ha roadside strip within Lot 1, with a very small portion at the entrance to Lot 2. The strip has shallow topsoil, is of a size and shape that cannot support genuine and economic support land-based primary production, and is severed by Horeke Road from the larger area of similar soils on a separate site, so it cannot be amalgamated with it. Today it could lawfully be covered or built on without limit across the strip. No genuine large scale rural production or horticulture could occur on Lot 1 in any event, and small scale grazing can continue. After the boundary adjustment it is reinstated in grass, with buildings confined to a 400 m^2 envelope and surfaces capped at 10 per cent of the lot. The remainder of the land is non-versatile LUC 4 and LUC 6 land held in a consolidated farm. It is concluded that the proposed lots will retain the overall productive capacity of the subject land over the long term, so the clause 3.8 exception is met, and that the potential adverse effects on the availability and productive capacity of highly productive land are less than minor.

8. Statutory Considerations

As the proposal is a Discretionary Activity, addressed at Section 7.4, section 104B of the RMA applies. The consent authority may grant or refuse consent, and if granted, may impose conditions under section 108. Council's discretion is not limited. If Council were to treat Lot 1 as a Non-complying Activity, section 104D applies and the two gateway tests are addressed later in this section.

Section 104 requires that, subject to Part 2, the consent authority have regard to any actual and potential effects on the environment, the relevant provisions of national and regional instruments, and the relevant plan or proposed plan, and any other matter the consent authority considers relevant and reasonably necessary. Those matters are addressed below.

Section 104(1)(a), assessment of effects on the environment

Purpose and nature of the effects. The purpose of the boundary adjustment is to reorganise the boundaries of the farm to a more practical arrangement. No new titles are created. The effects are those of a reorganisation of an existing title pattern, and not of an intensification. The only new development it enables is a single dwelling on Lot 1, which is confined to a 400 m^2 building envelope.

Permitted baseline. Under the existing title pattern, impermeable surfaces are permitted up to 10 per cent of a site under the PDP and 15 per cent under the ODP. For NA41D/905 (19.8303 ha) that is between about 2.0 ha and 3.0 ha, and the PDP definition counts areas covered with aggregate as impermeable. A minor residential unit is also provided for under ODP Rule 8.6.5.2.3 and the NES-DMRU. NA41D/905 already contains a dwelling, so a further dwelling would need consent. None of these could be confined to a particular part of the title. The effects of the proposal are measured against that baseline. The proposal does give Lot 1 an entitlement to a single dwelling, as the first on its site, that the existing title would not have as of right, but it confines that dwelling to a 400 m^2 envelope, and in most other respects it is more restrictive of development on the strip than the baseline.

Minimum lot size. Lot 2 at 20.2 ha meets the 20 ha Controlled minimum under the ODP and the 8 ha Discretionary minimum under the PDP. Lot 1 at 1.0 ha is below the PDP minimums but is a type of lot that the ODP expressly provides for from titles that existed at or prior to 28 April 2000. Lot 1 is a single, vacant, gently sloping roadside lot beside a cemetery. Its size does not create additional building, servicing or access effects beyond those expected of a single rural dwelling, and the lot is large enough to contain a dwelling, water storage, an on-site wastewater system and stormwater management within its own boundaries.

Highly productive land. The effects on highly productive land are addressed at Section 7.5 and are less than minor. The highly productive land is a 0.59 ha strip with shallow topsoil within Lot 1, with a very small portion at the entrance to Lot 2. Horeke Road severs the strip from the larger area of similar soils, which is a separate site, so it cannot be amalgamated with it. The proposal protects the strip. The hardstand will be reinstated in grass, impermeable surfaces on Lot 1 will be capped at 10 per cent of the lot, and all buildings will be confined to a 400 m^2 building envelope within the 10,000 m^2 lot. These measures are offered as consent notices and conditions of consent. The remaining farm land is LUC 4 and LUC 6 and is consolidated into a single title of about 135.3 ha.

Impermeable surface and stormwater. The gravel hardstand on Lot 1 will be removed and reinstated in grass before section 224(c) certification, so that impermeable surfaces on Lot 1 are within 10 per

cent of the lot, being 1,000 m^2. That meets the PDP limit of 10 per cent and the ODP limit of 15 per cent. A consent notice will hold any future buildings and driveway within that limit. Stormwater from the roof and driveway of a future dwelling will be disposed of within Lot 1. Effects on stormwater and on the productive soil resource are less than minor.

Building setback. The boundary adjustment creates a new boundary approximately 5.6 m from the existing dwelling on Lot 3, short of the 10 m setback in the Rural Production zone. The dwelling is lawfully established and no building work is proposed. There is no sunlight or height in relation to boundary breach. The shortfall is solely a function of the new boundary line, which follows better contours than the alternatives. The matters the setback exists to address are visual dominance, loss of privacy and reverse sensitivity between buildings, and these arise between two farm allotments held by the same owner at the time of the adjustment. The applicant is the owner and gives approval to the infringement. The effect of the reduced separation is less than minor. Under the ODP the infringement is a Restricted Discretionary matter that is considered jointly under Rule 13.6.10.

Rural character and amenity. The proposal introduces no new activity and creates no additional title. One dwelling may later be built on Lot 1, within a 400 m^2 envelope. Dwellings are spaced along Horeke Road on both sides, and a single dwelling beside the cemetery is consistent with that pattern. The farming character on the applicant's northern side is unchanged. Effects on rural character and amenity are less than minor.

Reverse sensitivity. The creation of Lot 1 does not result in reverse sensitivity effects. Lot 1 lies on the upper roadside area, above the remainder of the land. The large Lot 3, which carries the working farm, lies between the existing dwelling on Lot 2 and the broader farm landholding, so farming activities are separated from Lot 1 by Lot 2 and Lot 3. The land immediately across Horeke Road is in pasture, the more intensive horticulture lies further beyond, and dwellings already exist along the road on both sides. Reverse sensitivity effects are less than minor.

Access and traffic. Each lot is accessed from its own existing crossing on Horeke Road. No new crossing is created and TRAN-R2 remains a Permitted Activity. The Lot 1 crossing will be upgraded, or can be conditioned to be upgraded, to meet the standards before section 224(c) certification. A single dwelling on Lot 1 generates far fewer trips than the trip generation thresholds. Effects on the safety and efficiency of the transport network are less than minor.

Servicing, easements and infrastructure. Lots 2 and 3 are served by existing services. A right to convey water over Lot 2 for the benefit of Lot 3 secures the existing supply arrangement. Lot 1 has no services at present, and water supply, wastewater disposal, stormwater, power and telecommunications will be provided at the time of development. The geotechnical report records stiff clay soils of low permeability, and the wastewater system for Lot 1 will be designed accordingly to AS/NZS 1547:2012 and approved under the Regional Council rules where required. Firefighting water will be provided from the tank supply in accordance with SNZ PAS 4509:2008. Servicing effects are less than minor.

Natural hazards. The site is not within a mapped flood, coastal or land instability hazard overlay. The geotechnical report at Appendix C, which covers Proposed Lot 1, records no mapped natural hazards across the investigated area and assesses the risk of instability affecting development there as low, provided its recommendations are followed. It identifies surficial soil creep and small shallow slips on

the flank to the north. To manage this, a consent notice will be registered against the title of Proposed Lot 1 requiring that any building be designed and founded in accordance with the general recommendations of the report, including foundations within 8 m of natural slopes exceeding 20 degrees being designed for 1.0 m of soil creep, or the building being sited at least 8 m upslope of such slopes. The consent notice will also require a site specific geotechnical assessment at building consent stage. Subject to that consent notice, the proposal does not increase exposure to natural hazards and section 106 of the RMA is satisfied.

Contaminated land. The applicant advises that the orchard near the Lot 3 dwelling is not a HAIL activity, and no HAIL activity is known to have occurred on Lots 1 or 2. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is therefore not engaged.

Ecology, heritage and landscape. No indigenous vegetation clearance and no works to any waterbody, including the spring on Lot 2, are proposed. The site contains no scheduled heritage resource, site of significance to Māori, outstanding landscape or significant natural area and is not within the coastal environment. There are no adverse effects on these values.

Section 104(1)(ab), measures to achieve positive effects

The boundary adjustment reorganises the farm to a more practical arrangement, with the working farm consolidated into a single title of about 135.3 ha that supports its long term farming use. It provides a residential lot on a small roadside parcel of limited productive value, and gives the highly productive strip more protection than it has now, by reinstating the hardstand in grass and confining buildings to a 400 m^2 envelope. It also formalises the title pattern around the existing dwellings.

Section 104(1)(b), national and regional instruments

The NPS-HPL is addressed at Section 7.5 and the clause 3.8 exception is met for the reasons given there. No HAIL activity or soil disturbance is proposed. No works within or affecting a natural wetland or watercourse are proposed, so the NES-FW is not engaged. The site is not within the coastal environment and the New Zealand Coastal Policy Statement is not relevant. The proposal is consistent with the Regional Policy Statement in that it avoids reverse sensitivity and sterilisation effects and retains the productive land base. No regional consent is identified as required.

Section 104(1)(b), objectives and policies of the Operative District Plan

Each objective and policy of the relevant ODP chapters is assessed individually. Where one is not relevant, that is stated.

Chapter 13, Subdivision, objectives

Ref	Objective	Assessment
13.3.1	Subdivision consistent with the purpose of the zones and the sustainable management of resources.	Consistent. The proposal reorganises the farm's title pattern, keeps the working farm in one title, and creates no additional title.

Ref	Objective	Assessment
13.3.2	Subdivision does not compromise the life supporting capacity of soils, and effects including reverse sensitivity and natural hazards are avoided, remedied or mitigated.	Consistent. The soil affected is a 0.59 ha strip, protected by the envelope, the 10 per cent cap and reinstatement. Hazards are addressed by the geotechnical report and consent notice. Reverse sensitivity is addressed at Section 8.
13.3.3	Subdivision does not jeopardise outstanding landscapes or natural features in the coastal environment.	Not relevant. There are none on the site.
13.3.4	Subdivision does not adversely affect scheduled heritage resources.	Not relevant. There are none on the site.
13.3.5	Reticulated water supply or on-site storage, and stormwater management, sufficient for the activities.	Consistent. Lots 2 and 3 are serviced, and Lot 1 will have roof water storage and on-site stormwater management.
13.3.6	Innovative development and integrated management through management plans.	Not relevant. No management plan is proposed.
13.3.7	The relationship of Māori with their ancestral lands and taonga is recognised and provided for.	Not adversely affected. No site of significance to Māori is identified, and the only earthworks are the minor reinstatement of the hardstand.
13.3.8	Electricity supply sufficient for the activities on the new lots.	Consistent. Power lines are visible along the road frontage and Lot 1 can connect at development.
13.3.9	Energy efficient design through site layout and orientation.	Consistent. The land is north facing, so a dwelling on Lot 1 can be oriented for passive solar design.
13.3.10	Efficient provision of infrastructure, communications and local services.	Consistent. Lot 1 uses the existing road and power frontage, and no new infrastructure is required.
13.3.11	The National Grid is not compromised.	Not relevant. No National Grid line is identified.

Chapter 13, Subdivision, policies

Ref	Policy	Assessment
13.4.1	Lot sizes and distribution determined with regard to effects on natural character, ecological, landscape, amenity, cultural and heritage values and existing land uses.	Consistent. None of these values is adversely affected, and the lots are compatible with adjoining land uses.
13.4.2	Standards require safe and effective vehicular and pedestrian access.	Consistent. Existing crossings are retained, and the Lot 1 crossing will be upgraded.
13.4.3	Natural and other hazards taken into account in design.	Consistent. The geotechnical report informs the consent notice for Lot 1.
13.4.4	Adverse visual impacts of utility services avoided.	Consistent. Services for Lot 1 are provided at development and can be located unobtrusively.
13.4.5	Access and servicing avoid adverse effects on neighbours, roads and natural and physical resources.	Consistent. No new crossing is created and earthworks are minor.
13.4.6	Protection of heritage resources, significant vegetation and habitats, and natural character.	Not relevant. None is identified on the site.
13.4.7	Financial contributions considered only for parking, esplanades, riparian effects or reliance on external assimilative capacity.	Not relevant. None of these applies.
13.4.8	Provision of water storage taken into account.	Consistent. Lot 1 will have roof collected water storage, and the Lot 2 tanks continue.
13.4.9	Bonus development donor and recipient areas.	Not relevant.
13.4.10	Subdivision in the Conservation Zone.	Not relevant. The site is in the Rural Production Zone.
13.4.11	Subdivision recognises the relationship of Māori with their ancestral lands and takes account of the Treaty of Waitangi.	Not adversely affected, as for objective 13.3.7.
13.4.12	Management plan rule for more intensive, innovative subdivision.	Not relevant.

Ref	Policy	Assessment
13.4.13	Subdivision preserves the character of the zone in regard to section 6 matters, using techniques such as clustering and minimising visual impact.	Consistent. Lot 1 is sited beside the cemetery on the road frontage, within a 400 m^2 envelope, with no vegetation clearance.
13.4.14	The objectives and policies of the zone are taken into account.	Consistent. They are assessed below.
13.4.15	Conditions on layout and orientation to achieve energy efficient buildings, reduced travel, and renewable energy use.	Consistent. The north facing land suits passive solar design, and conditions can be imposed if Council requires.
13.4.16	Proposals within a National Grid corridor.	Not relevant. No National Grid corridor is identified.

Chapter 8, Rural Environment, objectives and policies

Ref	Objective / Policy	Assessment
8.3.1	Promote sustainable management of the rural environment.	Consistent. The farm is reorganised to a more practical arrangement.
8.3.2	The life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.	Consistent. The affected soils are a small, shallow strip that is severed from similar soils, is reinstated in grass, and is protected by the envelope and coverage cap.
8.3.3	Avoid, remedy or mitigate adverse and cumulative effects on the rural environment.	Consistent. No additional title is created, so there is no cumulative fragmentation.
8.3.4	Protect areas of significant indigenous vegetation and habitats.	Not relevant. None is identified.
8.3.5	Protect outstanding natural features and landscapes.	Not relevant. None is identified.
8.3.6	Avoid actual and potential conflicts between land use activities.	Consistent. Lot 1 is separated from the working farm by Lots 2 and 3.
8.3.7	Maintain and enhance amenity values consistent with the productive intent of the zone.	Consistent. The farming character is unchanged.

Ref	Objective / Policy	Assessment
8.3.8	Integrated management through management plans.	Not relevant.
8.3.9	Enable rural production activities.	Consistent. The farm is consolidated into one title.
8.3.10	Enable activities compatible with rural amenity and production.	Consistent. A single dwelling is compatible.
8.4.1	Enable activities that contribute to sustainable management.	Consistent.
8.4.2	Allow activities where effects are avoided, remedied or mitigated and the life supporting capacity of soils is safeguarded.	Consistent. Effects are mitigated by the envelope, cap, reinstatement and consent notices.
8.4.3	New infrastructure safeguards soils, ecosystems and natural features.	Consistent. Lot 1 services are provided at development within the envelope area.
8.4.4	Enable development that maintains or enhances rural amenity.	Consistent.
8.4.5	Avoid incompatible land uses, including reverse sensitivity.	Consistent, as assessed under reverse sensitivity above.
8.4.6	Protect significant indigenous vegetation and habitats.	Not relevant.
8.4.7	Encourage efficient use of resources, including demands on infrastructure.	Consistent. Lot 1 uses the existing road and power frontage.
8.4.8	Control intensity, scale and type to avoid effects on habitats, landscapes and amenity, with regard to functional need and cumulative effects of non-farming activities.	Consistent. One dwelling is enabled and no additional title is created.
8.6.3.1	Promote sustainable management in the Rural Production Zone.	Consistent.
8.6.3.2	Enable efficient use and development of the zone for wellbeing, health and safety.	Consistent.

Ref	Objective / Policy	Assessment
8.6.3.3	Maintain and enhance amenity values consistent with the productive intent of the zone.	Consistent.
8.6.3.4	Protect significant natural values of the zone.	Not relevant. None is identified.
8.6.3.5	Protect the special amenity of the Kerikeri Road frontage.	Not relevant. The site is on Horeke Road.
8.6.3.6	Avoid, remedy or mitigate conflicts between new land uses and existing lawful activities.	Consistent, as assessed under reverse sensitivity.
8.6.3.7	Avoid, remedy or mitigate effects of incompatible use on natural and physical resources.	Consistent.
8.6.3.8	Enable activities with a functional need to be in rural environments.	Not relevant. The proposal is a reorganisation of the farm and a residential lot.
8.6.3.9	Enable rural production activities.	Consistent. The working farm is consolidated.
8.6.4.1	Enable farming and rural production, with effects including reverse sensitivity addressed.	Consistent.
8.6.4.2	Standards ensure off site effects are avoided, remedied or mitigated.	Consistent. The setback infringement affects only land of the same owner, who gives approval.
8.6.4.3	Encourage land management practices that mitigate effects on resources.	Consistent. The hardstand is reinstated in grass.
8.6.4.4	Type, scale and intensity of development has regard to rural amenity.	Consistent.
8.6.4.5	Efficient use of physical and natural resources taken into account.	Consistent.
8.6.4.6	Built form on the Kerikeri Road frontage.	Not relevant.
8.6.4.7	Avoid effects of conflicting land use activities.	Consistent.

Ref	Objective / Policy	Assessment
8.6.4.8	Give separation to activities whose effects cannot be avoided.	Consistent. Lot 1 is separated from the working farm by Lots 2 and 3.
8.6.4.9	Discourage activities sensitive to existing lawful activities from locating where they could compromise them.	Consistent. The Lot 1 dwelling is not close to the working farm, and the land across the road is in pasture.

Chapter 15.1, Traffic, Parking and Access, objectives and policies

Ref	Objective / Policy	Assessment
15.1.3.1	Minimise adverse effects of traffic on the environment.	Consistent. One dwelling on Lot 1 generates minor traffic.
15.1.3.2	Sufficient parking in tourist destinations.	Not relevant.
15.1.3.3	On-site car parking for activities, with safe cycling and pedestrian access.	Consistent. Parking is provided on each lot.
15.1.3.4	Appropriate loading and access.	Consistent. Existing crossings are retained.
15.1.3.5	Safe and efficient movement of vehicles, cycles and pedestrians.	Consistent.
15.1.4.1	Traffic effects are evaluated.	Consistent. They are assessed at Section 7.4.
15.1.4.2	Protect natural and built features in the provision of parking.	Not relevant.
15.1.4.3	Parking at a location and scale that suits the roading network.	Consistent.
15.1.4.4	Retain or replace existing parking.	Not relevant.
15.1.4.5	Loading spaces for commercial and industrial activities.	Not relevant.
15.1.4.6	Regulate the number, size, gradient and placement of access points.	Consistent. No new access is created and the Lot 1 crossing is upgraded.
15.1.4.7	Cycle and pedestrian needs taken into account.	Not relevant for a single rural dwelling on a rural road.
15.1.4.8	Alternative parking options.	Not relevant.

Section 104(1)(b)(vi), objectives and policies of the Proposed District Plan

Each objective and policy of the Subdivision, Rural Production and Transport chapters is assessed individually. Where one is not relevant, that is stated. The boundary adjustment creates no additional title, and the policies directed at new lots and rural lifestyle subdivision are assessed in that light.

Subdivision chapter, objectives

Ref	Objective	Assessment
SUB-O1	Subdivision results in the efficient use of land that achieves zone objectives, contributes to local character, avoids reverse sensitivity, avoids patterns that prevent zone objectives, does not increase natural hazard risk, and manages effects.	Consistent. The farm is reorganised and consolidated, Lot 1 is separated from the working farm, hazards are addressed, and no additional title is created.
SUB-O2 (under appeal)	Subdivision recognises and provides for the protection of highly productive land and natural, heritage and cultural values.	Consistent. The highly productive strip gets more protection than at present. The other values are not present on the site.
SUB-O3	Infrastructure is planned to service the proposed subdivision and development.	Consistent. Lots 2 and 3 are serviced and Lot 1 will be serviced at development.
SUB-O4	Subdivision is accessible, connected and integrated.	Consistent. Each lot has legal and physical access. Public open space and esplanade provisions are not relevant.
SUB-O5 (under appeal)	Subdivision protects the long term availability and productive capacity of highly productive land by avoiding inappropriate subdivision.	Consistent. The proposal is not inappropriate, as shown at Section 7.5.
SUB-O6	Subdivision is sequenced and coherent with growth supported by infrastructure.	Not relevant. No growth or new title is created.

Subdivision chapter, policies

Ref	Policy	Assessment
SUB-P1	Enable boundary adjustments that do not alter the degree of non-compliance with rules, the number and location of access, or the number of titles, and accord with minimum lot sizes and servicing provisions.	Partly consistent. The number of titles and access do not change. The adjustment alters the setback non-compliance of the existing dwelling and Lot 1 is below the minimum lot size. The effects of both are less than minor, and the owner gives approval to the setback.
SUB-P2	Enable subdivision for public works, infrastructure, reserves or access.	Not relevant.
SUB-P3	Provide for subdivision that results in allotments consistent with the zone, complying with minimum sizes, with a building platform and access.	Partly consistent. The lots suit the specific context where it is located within the zone, have a building platform and have access. Lot 1 does not meet the minimum allotment size, which is under appeal, and the ODP provides for it.
SUB-P4	Subdivision design and layout in the urban and settlement zones.	Not relevant. The site is in the Rural Production zone.
SUB-P5	Infrastructure provided in an integrated and comprehensive manner.	Consistent. Lots 2 and 3 are serviced and Lot 1 will be serviced at development.
SUB-P6	Esplanade reserves or strips.	Not relevant. No lot adjoins a qualifying waterbody.
SUB-P7 (under appeal)	Avoid rural lifestyle subdivision in the Rural Production zone unless it protects indigenous vegetation in perpetuity, provides a management plan, or is around an existing residential unit.	Partially Consistent. The proposal is a reorganisation of the farm's title pattern. It does not add to the number of titles. In context the proposal matches the general arrangement to have housing fronting Horeke Road. The creation of Lot 1 does not result in reverse sensitivity because of its location above the remainder of the land, and the large balance allotment between the house (Lot 2) and the broader farm landholding. Lot 1 cannot support genuine large scale rural production or horticulture, and small scale grazing can continue. The policy is under appeal and carries reduced weight.

Ref	Policy	Assessment
SUB-P8 (under appeal)	Avoid subdivision in the Rural Production zone that causes cumulative loss of highly productive land, cannot demonstrate retained productive capacity, fragments land, or results in rural lifestyle subdivision unless provided for in SUB-P7.	Consistent. There is no cumulative loss, overall productive capacity is retained as shown at Section 7.5, the farm is consolidated rather than fragmented, and no additional lot is created.
SUB-P9 (under appeal)	Restrict rural residential subdivision in the Rural Lifestyle zone unless a management plan achieves superior outcomes.	Not relevant. The site is in the Rural Production zone.
SUB-P10	Avoid subdividing minor residential units from principal units where the lots do not meet size and density.	Not relevant. No minor residential unit is subdivided.
SUB-P11 (under appeal)	Consider reverse sensitivity, character, buildings, infrastructure, hazards, heritage and cultural matters.	Consistent. Each matter is addressed at Section 8 and none is adversely affected.

Rural Production zone, objectives and policies

Ref	Objective / Policy	Assessment
RPROZ-O1	The zone is managed to ensure its availability for primary production and long term protection.	Consistent. The farm is consolidated into one title of about 135.3 ha.
RPROZ-O2	The zone is used for primary production and compatible activities.	Consistent. A single dwelling is compatible, and the farm continues.
RPROZ-O3	Land use and subdivision protect highly productive land from sterilisation, protect primary production from reverse sensitivity, do not compromise farming, do not exacerbate hazards, and can be serviced on site.	Consistent. The highly productive strip is protected, reverse sensitivity is addressed, hazards are not exacerbated, and Lot 1 can be serviced on site.

Ref	Objective / Policy	Assessment
RPROZ-O4	Rural character and amenity of a working rural environment are maintained.	Consistent. The farming character is unchanged.
RPROZ-P1	Enable primary production, with typical adverse effects anticipated and accepted.	Consistent. The farm continues and is consolidated.
RPROZ-P2	Provide for activities that require a rural location.	Not relevant. The proposal is a reorganisation of the farm and a residential lot.
RPROZ-P3	Manage new sensitive activities to avoid reverse sensitivity on primary production, particularly rural lifestyle development on highly productive land.	Consistent. Lot 1 lies on the upper roadside area, separated from the working farm by Lots 2 and 3, and its development is confined to a 400 m^2 envelope.
RPROZ-P4	Land use and subdivision maintain rural character and amenity.	Consistent. Development remains low density with low site coverage.
RPROZ-P5	Avoid land use that is incompatible, lacks a functional need, results in loss of highly productive land, exacerbates hazards, or cannot provide on-site infrastructure.	Consistent. The dwelling is compatible, productive capacity is retained, hazards are managed, and Lot 1 can provide on-site infrastructure.
RPROZ-P6	Avoid subdivision that causes cumulative loss of highly productive land, cannot demonstrate retained productive capacity, fragments land, or provides for rural lifestyle living unless around an existing residential unit or for an environmental benefit.	Consistent. This is a reorganisation with no additional title. Overall productive capacity is retained, the farm is consolidated, and the creation of Lot 1 does not result in reverse sensitivity because of its location above the remainder of the land and the large balance allotment between the house (Lot 2) and the broader farm landholding.
RPROZ-P7	Consider whether the proposal increases production potential, relies on productive soil, suits rural character, buildings, reverse sensitivity, loss of highly productive land, interface effects, on-site infrastructure, roading, heritage and cultural matters.	Consistent. Each matter is addressed at Sections 7 and 8, and none is adversely affected.

Transport chapter, objectives and policies

Ref	Objective / Policy	Assessment
TRAN-O1	The transport network is recognised and managed as regionally significant infrastructure.	Consistent. The proposal does not affect the network.
TRAN-O2	Land use and transport planning are integrated for an efficient pattern of land use and a safe network.	Consistent. Each lot uses an existing crossing.
TRAN-O3	Parking, loading and access support land use and subdivision and ensure safe operation.	Consistent.
TRAN-O4	The network provides for safe and efficient movement of vehicular, cycle and pedestrian traffic, including persons with a disability.	Consistent.
TRAN-O5	The network is resilient to climate change and supports active modes.	Not relevant for a single rural dwelling on a rural road.
TRAN-P1	Recognise the transport network as regionally significant infrastructure when determining applications.	Not relevant. The proposal does not affect transport projects.
TRAN-P2	Establish and maintain a transport network that is safe, efficient and connected.	Not relevant. No network is established or altered.
TRAN-P3	Ensure safe and efficient operation through management of subdivision layout, access design, vehicular access and traffic volumes.	Consistent. Existing crossings are retained, the Lot 1 crossing is upgraded, and traffic volumes are minor.
TRAN-P4	Manage parking and loading.	Consistent. Parking is provided on each lot.
TRAN-P5	Encourage land uses that support an integrated transport network.	Not relevant for a single rural dwelling.
TRAN-P6	Only allow high traffic generating activities with an integrated transport assessment.	Not relevant. The proposal is well below the thresholds.

Ref	Objective / Policy	Assessment
TRAN-P7	Consider traffic, location, safety and natural hazard matters when assessing effects on the network.	Consistent. Each is addressed at Section 7.4.

Taken as a whole, the proposal is consistent with the objectives and policies of the ODP and the PDP. The two PDP policies that sit most closely to the proposal, being SUB-P1 and SUB-P3, are partly consistent only because Lot 1 is below the minimum allotment size and the existing dwelling's setback changes. That is addressed by the ODP provision for small lots from pre-2000 titles, by the reduced weight of the PDP provisions under appeal, and by the less than minor effects. The proposal is not contrary to the objectives and policies of either plan.

Section 104(1)(b), weighting of the relevant planning instruments

Two categories of appeal status are distinguished. First, each PDP chapter lists certain new provisions sought by appeal that were not included in the decisions, which the Proposed Plan records as having no legal effect. Second, a number of decisions version provisions remain subject to appeal and are shown with an orange border. Provisions in the first category attract little / no weight. Provisions in the second category are the operative expression of the Council's decision but, being under appeal, attract reduced weight relative to a settled provision. Provisions that are neither attract full weight and are effectively operative.

Chapter	Provisions relied on and their appeal status	Weighting
PDP Subdivision	Not under appeal. Rule SUB-R1 (boundary adjustments), standards SUB-S2 to SUB-S5 and SUB-S7, objectives SUB-O1, O3, O4 and O6, and policies SUB-P1 to SUB-P6 and SUB-P10. Under appeal. Rule SUB-R3 and standard SUB-S1, Rule SUB-R22 (not engaged), standards SUB-S6 and SUB-S8, objectives SUB-O2 and SUB-O5, and policies SUB-P7, P8, P9 and P11. New provisions sought by appeal have no legal effect.	The provisions not under appeal carry full weight, including SUB-R1 which sets the activity status. SUB-R3, SUB-S1 and the HPL and rural lifestyle provisions carry reduced weight. The ODP minimum lot size provisions continue to apply where SUB-R3 and SUB-S1 are under appeal.
PDP Rural Production	The whole chapter is under appeal. RPROZ-R2 (10 per cent), RPROZ-R3, RPROZ-S3 and the objectives and policies are assessed under both plans.	Reduced weight. The ODP section 8.6 applies alongside, and the stricter standard is met where they differ.
PDP Definitions	Not under appeal for the terms relied on. Only the definition of community scale renewable electricity generation activities is under appeal.	Full weight.

Chapter	Provisions relied on and their appeal status	Weighting
PDP Transport	Not under appeal. Objectives TRAN-O1 to O5, policies TRAN-P1 to P7, and rules TRAN-R1, R2, R3 and R13. Under appeal. Rule TRAN-R9 and TRAN-Table 12, in an appeal by Foodstuffs North Island Limited on the supermarket threshold. New provisions sought by appeal have no legal effect.	Full weight except TRAN-R9, which carries reduced weight. TRAN-R2 is complied with, and the appeal does not concern the residential threshold.
ODP Chapter 13 Subdivision	Table 13.7.2.1 and Rule 13.8.1 continue to apply while SUB-R3 and SUB-S1 are under appeal. Rule 13.7.1 and Rule 13.7.2.2 are superseded by SUB-R1 and SUB-S2.	Full weight for minimum lot size. Other matters superseded.
ODP Chapter 8 Rural Environment	Rules in section 8.6 and objectives and policies. Apply because the Rural Production chapter is under appeal throughout.	Full weight alongside the PDP chapter.
ODP Chapter 15 Transportation	Rule 15.1.6A (traffic intensity), applying alongside TRAN-R9 which is under appeal.	Full weight for trip generation. Otherwise superseded by the PDP Transport chapter.

Weight of the provisions seeking to avoid small allotments

Several PDP provisions seek to avoid subdivision that produces small rural allotments or rural lifestyle lots. They are objectives SUB-O2 and SUB-O5, policies SUB-P7 and SUB-P8, and in the Rural Production chapter RPROZ-O3, RPROZ-P3 and RPROZ-P6. SUB-O2, SUB-O5, SUB-P7, SUB-P8 and the whole Rural Production chapter are under appeal. Policies SUB-P1 and SUB-P3, which refer to minimum allotment sizes, are not under appeal and are treated as operative.

Section 104(1)(b)(vi) requires Council to have regard to both the ODP and the PDP. A PDP provision under appeal has legal effect but carries reduced weight relative to a settled provision, because its content may change. The weight is a matter for the decision maker and is not fixed. Where the PDP provision is under appeal, and the operative ODP expressly provides for the very type of lot proposed, the ODP carries the greater weight on this question. The NPS-HPL applies directly whatever weight is given to the plans, and clause 3.8 is addressed separately at Section 7.5.

The proposal is also acceptable if full weight is given to the PDP provisions. Their purpose is to protect productive capacity and to avoid fragmentation that would prevent farming or forestry. Lot 1 cannot support genuine large scale rural production or horticulture, because of its 1.0 ha size, its narrow roadside shape, its shallow soils over hard clay, its topography, its compacted hardstand base, and the adjoining cemetery. Small scale grazing can continue. The farm is consolidated into a single title of about 135.3 ha, and the proposal does not reduce its productive capacity. SUB-P1 and SUB-P3 are partly consistent only because Lot 1 is below the minimum allotment size, and that shortfall causes no loss of productive land.

The conclusions in this report do not depend on the precise weighting of any one provision. The proposal is acceptable under the ODP framework, which expressly provides for small lots from titles of this age, and the PDP provisions that sit closely to Lot 1 are those under appeal.

Section 104D, if Lot 1 is treated as Non-complying

Section 104D allows consent to be granted for a Non-complying Activity if either the adverse effects on the environment will be no more than minor, or the application is not contrary to the objectives and policies of the relevant plans. Both tests are met. The adverse effects are less than minor for the reasons given above, and the proposal is not contrary to the objectives and policies of either plan.

Section 104(1)(c), other matters

There are no other matters considered relevant to the determination of this application.

9. Notification

Section 95A of the RMA sets out the steps for determining public notification, as follows.

Public notification is not mandatory, at Step 1, and is not precluded, at Step 2.

At Step 3, the application is not subject to a rule or national environmental standard requiring public notification, and this assessment concludes that any adverse effects on the environment would be less than minor.

At Step 4, there are no unusual or exceptional circumstances that would warrant public notification. The application can be processed without public notification.

Section 95B of the RMA addresses limited notification, as follows.

There are no affected customary rights or marine title groups, and no statutory acknowledgement is engaged, at Step 1. Limited notification is not precluded, at Step 2.

At Step 3, no person is considered to be affected in terms of section 95E. The proposal creates no additional title and introduces no new building or intensity beyond one future dwelling on Lot 1. The existing dwelling's reduced setback affects only land held by the applicant, who gives approval as the owner of both lots. The adjoining cemetery, held in the name of Bay of Islands County Council, is not adversely affected. The neighbouring properties across Horeke Road and to the west are separated by the road or by existing boundaries and are not adversely affected. Adverse effects on any person are less than minor.

No special circumstances arise, at Step 4.

This assessment concludes that potential adverse effects arising from the proposal would be less than minor, and the application can proceed on a non-notified basis.

10. Part 2 of the RMA

Purpose, section 5. The proposal promotes the sustainable management of natural and physical resources. It reorganises the farm to a more practical arrangement, provides a residential lot on a small

parcel of limited productive value, consolidates the productive farm, and enables the applicant to provide for its economic wellbeing, while the productive capacity of the soil resource is retained.

Matters of national importance, section 6. The site is not subject to any matter of national importance. There are no scheduled heritage resources, sites of significance to Māori, outstanding landscapes or areas of significant indigenous vegetation on or adjacent to the site, and the site is not in the coastal environment. Natural hazards are managed through the geotechnical recommendations.

Other matters, sections 7 and 8. The proposal maintains the amenity values and quality of the environment under section 7, including the efficient use of the land resource, and raises no matter engaging the principles of the Treaty of Waitangi under section 8.

The proposal is consistent with Part 2.

11. Overall Conclusion

This application seeks resource consent for a boundary adjustment of land at 350 and 390 Horeke Road, Okaihau, resulting in Proposed Lot 1 (1.0 ha), Proposed Lot 2 (20.2 ha) and Proposed Lot 3 (95.1 ha), with Lot 3 held in one Record of Title with the balance of RT 577649. Three titles become three titles, and no additional allotment is created. The purpose is to reorganise the boundaries of the farm to a more practical arrangement.

Under the Operative District Plan the proposal is a Restricted Discretionary Activity under Rule 13.8.1(b), because the boundary adjustment tests in Rule 13.7.1 are not met and Lot 1 is a small lot of more than 4,000 m^2 from titles issued in 1978 that have not been subdivided. RT 577649 was previously subdivided, but its land is of an allotment size which is Controlled in any event. Under the Proposed District Plan the proposal is a Discretionary Activity under Rule SUB-R1, because the setback of the existing dwelling alters a zone standard non-compliance, and Rules SUB-R3 and SUB-R22 are not engaged as no additional allotment is created. The proposal is assessed overall as a Discretionary Activity, with the section 104D gateway tests met in the alternative.

The highly productive land within the site is a 0.59 ha roadside strip within Lot 1, with a very small portion at the entrance to Lot 2. The strip has shallow topsoil, is severed from the larger area of similar soils by Horeke Road, and cannot be amalgamated with it. Today it could lawfully be covered or built on without limit. The proposal protects it by reinstating the hardstand in grass, confining buildings to a 400 m^2 envelope, and capping impermeable surfaces at 10 per cent of the lot. The overall productive capacity of the subject land is retained, and the farm is consolidated into a single title of about 135.3 ha. The geotechnical investigation confirms the risk of instability affecting development of Lot 1 is low, subject to recommendations secured by consent notice.

Based on the assessment above, the potential adverse effects on the environment of the proposal would be less than minor and can be managed through appropriate conditions. The proposal is not contrary to the objectives and policies of the Operative or Proposed District Plan, and is consistent with Part 2 of the RMA.

On this basis, it is considered that the application can be processed on a non-notified basis and granted subject to conditions.

Please do not hesitate to contact me should you require any additional information.

Kind regards

Steven Sanson
Consultant Planner

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 **NA41D/905**

Land Registration District **North Auckland**

Date Issued 23 November 1978

Prior References

NA42C/533 NA44/191

Estate Fee Simple

Area 19.8303 hectares more or less

Legal Description Allotment 130 Parish of Okaihau and Part Section 29 Parish of Okaihau

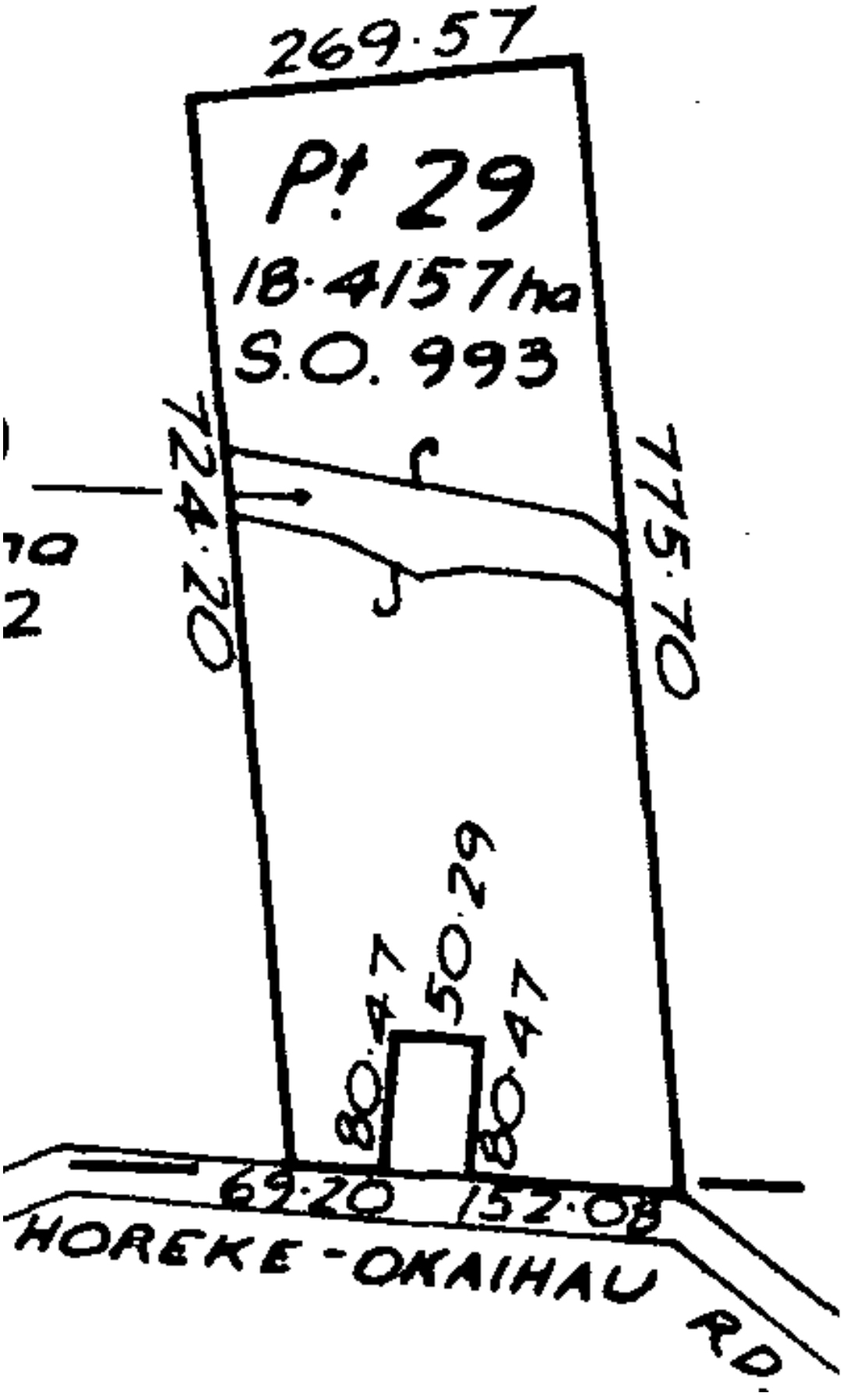
Registered Owners

Phyllis Kathleen Rintoul

Interests

Subject to Section 8 Mining Act 1971 (affects part)

Subject to Section 168A Coal Mines Act 1925 (affects part)


269·57
Pt 29
18·4157ha
S.O. 993
724·20
775·70
80·47
50·29
80·47
69·20
152·08
HOREKE - OKAIHAU RD

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 **NA42A/1102**

Land Registration District **North Auckland**

Date Issued 01 December 1978

Prior References

NA126/144 NA42C/514

Estate Fee Simple

Area 24.0803 hectares more or less

Legal Description Allotment 131 and Part Allotment 30
Parish of Okaihau

Registered Owners

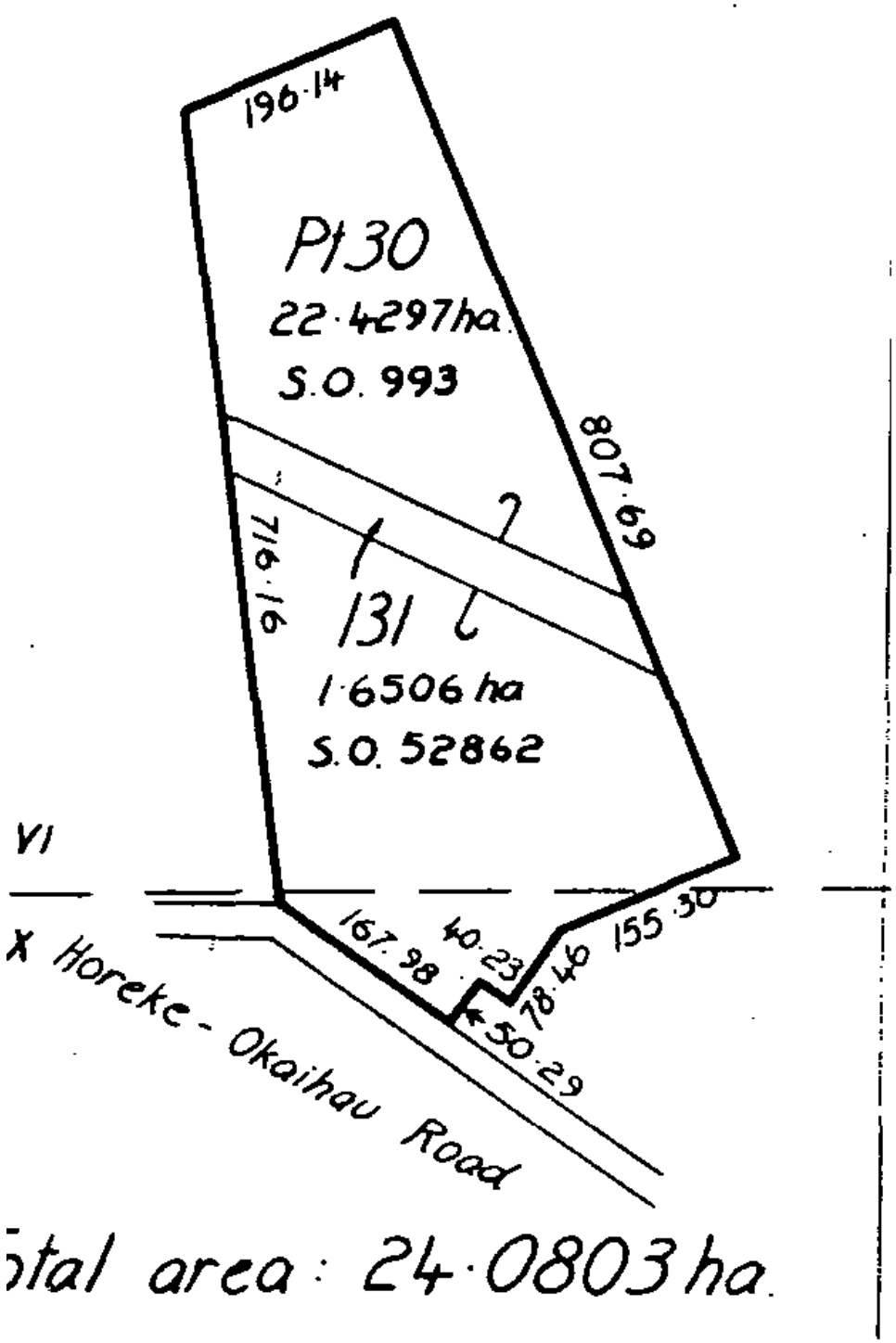
Phyllis Kathleen Rintoul

Interests

Subject to Section 8 Mining Act 1971 (affects allotment 131 Parish of Okaihau)

Subject to Section 168A Coal Mines Act 1925 (affects allotment 131 Parish of Okaihau)

VI. X Omapere S.D.



Total area: 24·0803 ha.

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 **577649**

Land Registration District **North Auckland**

Date Issued 20 May 2013

Prior References

NA41D/903 NA85A/386

Estate	Fee Simple
Area	112.6246 hectares more or less
Legal Description	Part Allotment 48 Parish of Okaihau and Allotment 115-116, 127 Parish of Okaihau and Lot 2 Deposited Plan 452146

Registered Owners

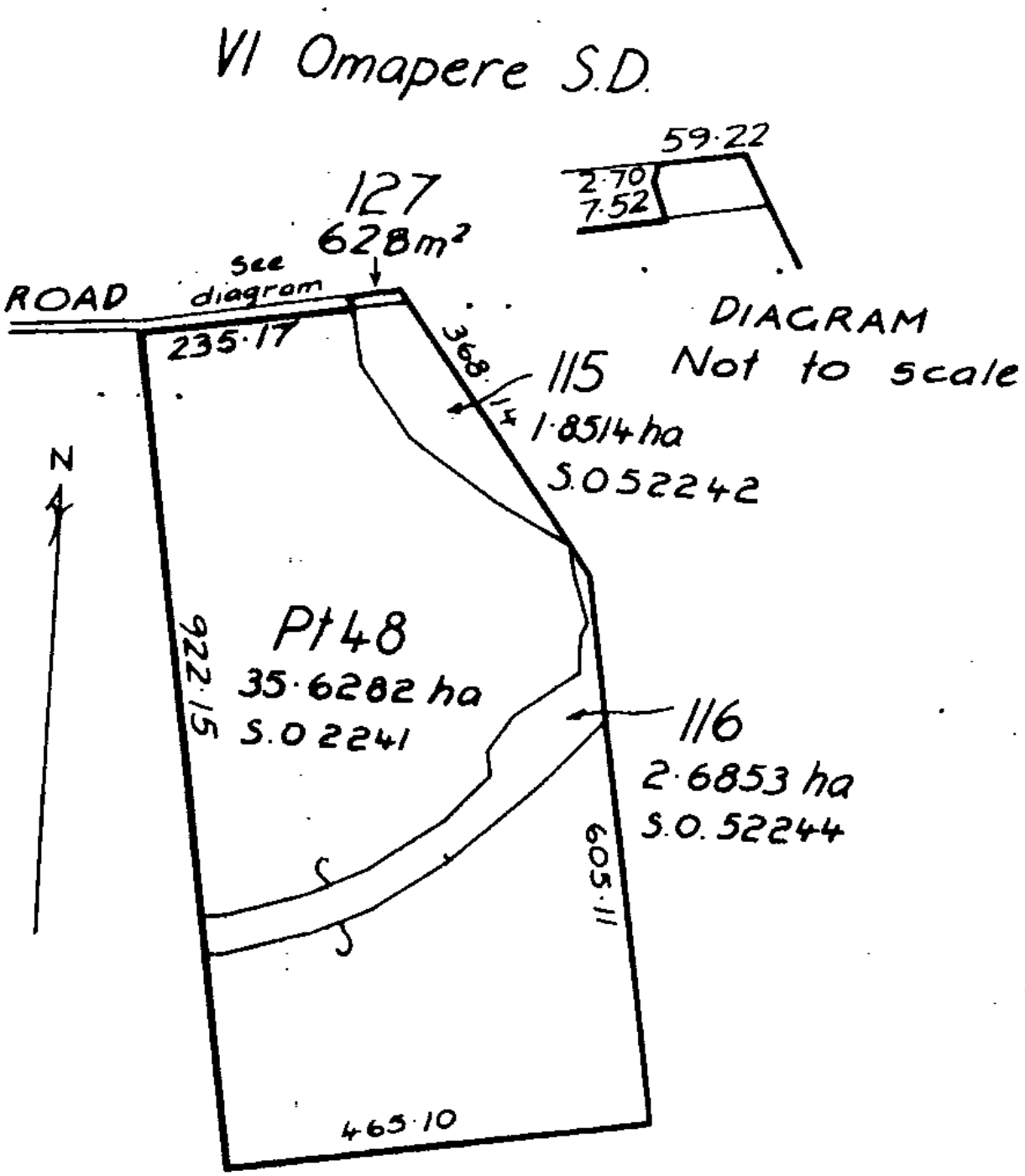
Phyllis Kathleen Rintoul

Interests

Subject to Section 8 Mining Act 1971 (affects Allotments 115-116 and 127 Parish of Okaihau and part Lot 2 DP 452146 formerly Allotment 129 Parish of Okaihau)

Subject to Section 168A Coal Mines Act 1925 (affects Allotments 115-116 and 127 Parish of Okaihau and part Lot 2 DP 452146 formerly Allotment 129 Parish of Okaihau)

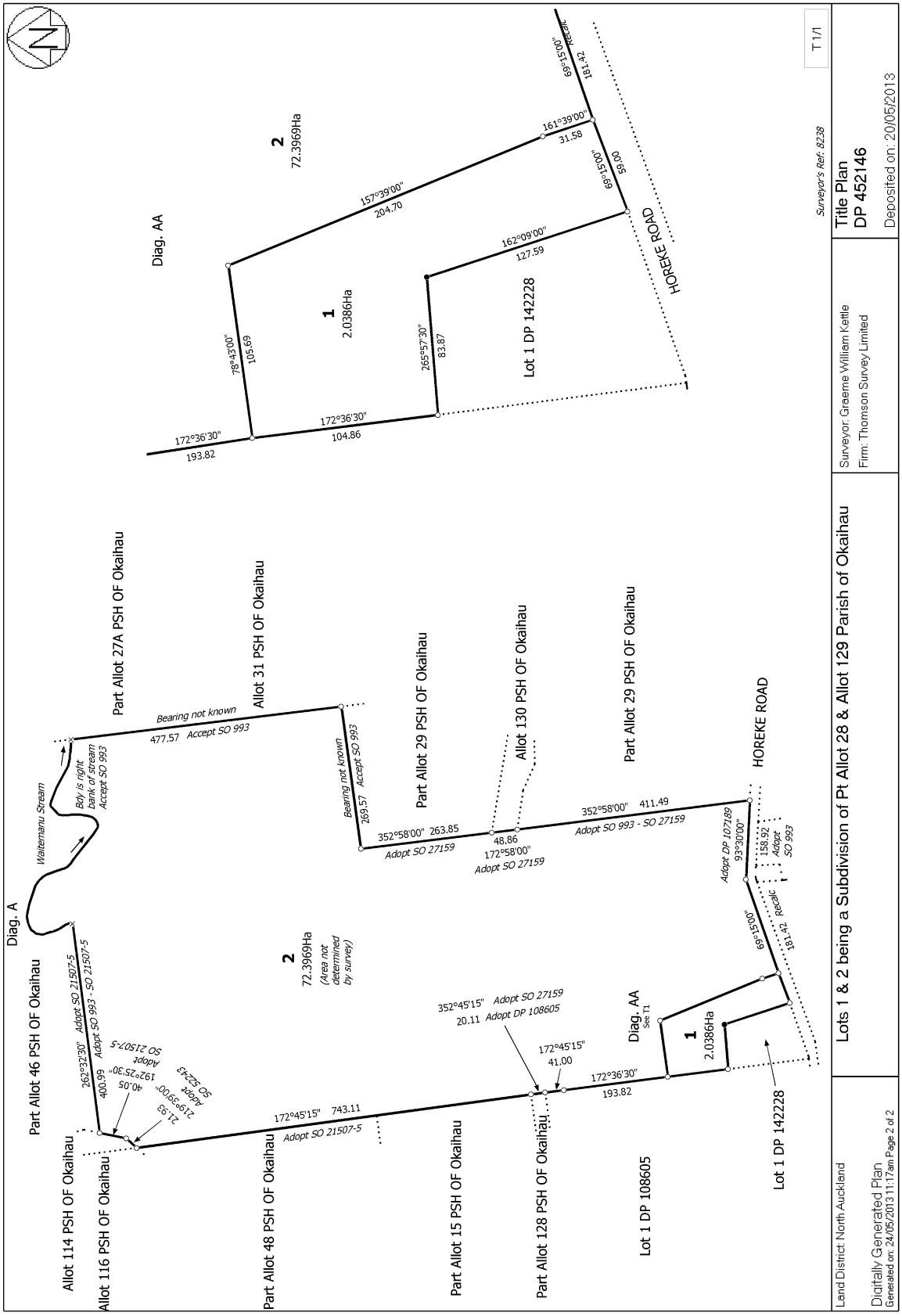
Subject to Section 241(2) Resource Management Act 1991 (affects DP 452146)



Total area: 40·2277 ha

S.O 52242, 52244, 2241

Measurements are Metric

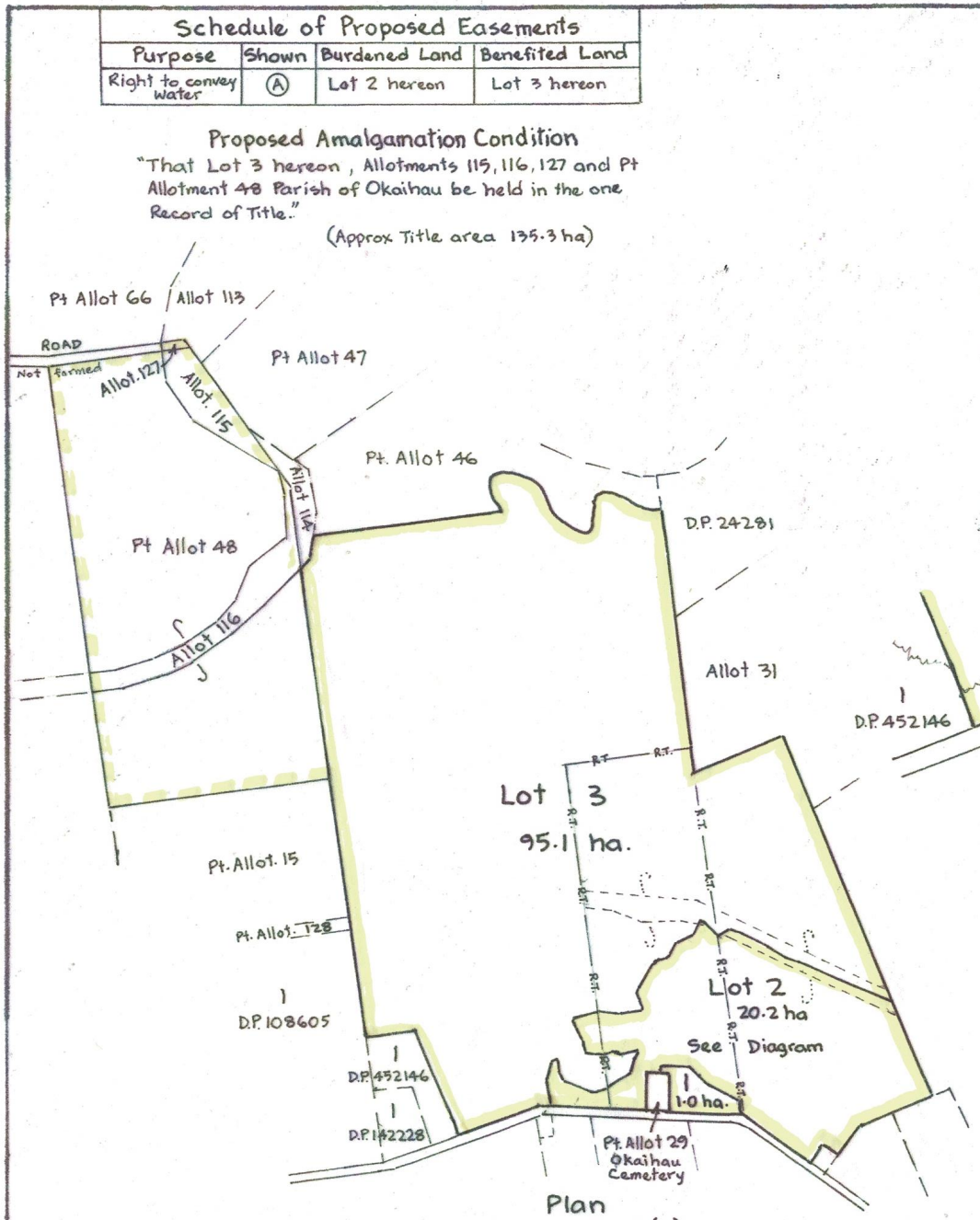

Lots 1 & 2 being a Subdivision of Pt Allot 28 & Allot 129 Parish of Okaihau
Title Plan DP 452146
Deposited on: 20/05/2013
Surveyor: Graeme William Kettle
Firm: Thomson Survey Limited
Surveyor's Ref: 8238
T1/1
Land District: North Auckland
Digitally Generated Plan
Generated on: 24/05/2013 11:17am Page 2 of 2
Diag. A
Diag. AA
Diag. AA See T1
2 72.3969Ha
1 2.0386Ha
2 72.3969Ha (Area not determined by survey)
1 2.0386Ha
HOREKE ROAD
Lot 1 DP 142228
Lot 1 DP 108605
Part Allot 46 PSH OF Okaihau
Allot 114 PSH OF Okaihau
Allot 116 PSH OF Okaihau
Part Allot 48 PSH OF Okaihau
Part Allot 15 PSH OF Okaihau
Part Allot 128 PSH OF Okaihau
Part Allot 27A PSH OF Okaihau
Allot 31 PSH OF Okaihau
Part Allot 29 PSH OF Okaihau
Allot 130 PSH OF Okaihau
Part Allot 29 PSH OF Okaihau
Waitemanu Stream
Bdy is right bank of stream Accept SO 993
Bearing not known
477.57 Accept SO 993
Bearing not known
269.57 Accept SO 993
352°58'00" 263.85
Adopt SO 27159
48.86
172°58'00"
Adopt SO 27159
352°58'00" 411.49
Adopt SO 993 - SO 27159
Adopt DP 107189
93°30'00"
158.92
Adopt SO 993
69°15'00" Recalc 181.42
262°32'30" Adopt SO 21507-5
400.99 Adopt SO 993 - SO 21507-5
40.05 192°25'30" Adopt SO 21507-5
21.93 219°39'00" Adopt SO 52243
172°45'15" 743.11
Adopt SO 21507-5
352°45'15" Adopt SO 27159
20.11 Adopt DP 108605
172°45'15"
41.00
172°36'30"
193.82
69°15'00" Recalc 181.42
161°39'00"
31.58
157°39'00"
204.70
69°15'00"
59.00
162°09'00"
127.59
265°57'30"
83.87
78°43'00"
105.69
172°36'30"
104.86
172°36'30"
193.82

Schedule of Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right to convey water	Ⓐ	Lot 2 hereon	Lot 3 hereon

Proposed Amalgamation Condition

"That Lot 3 hereon, Allotments 115, 116, 127 and Pt Allotment 48 Parish of Okaihau be held in the one Record of Title."

(Approx Title area 135.3 ha)



Plan
Scale 1:10,000 (A3)

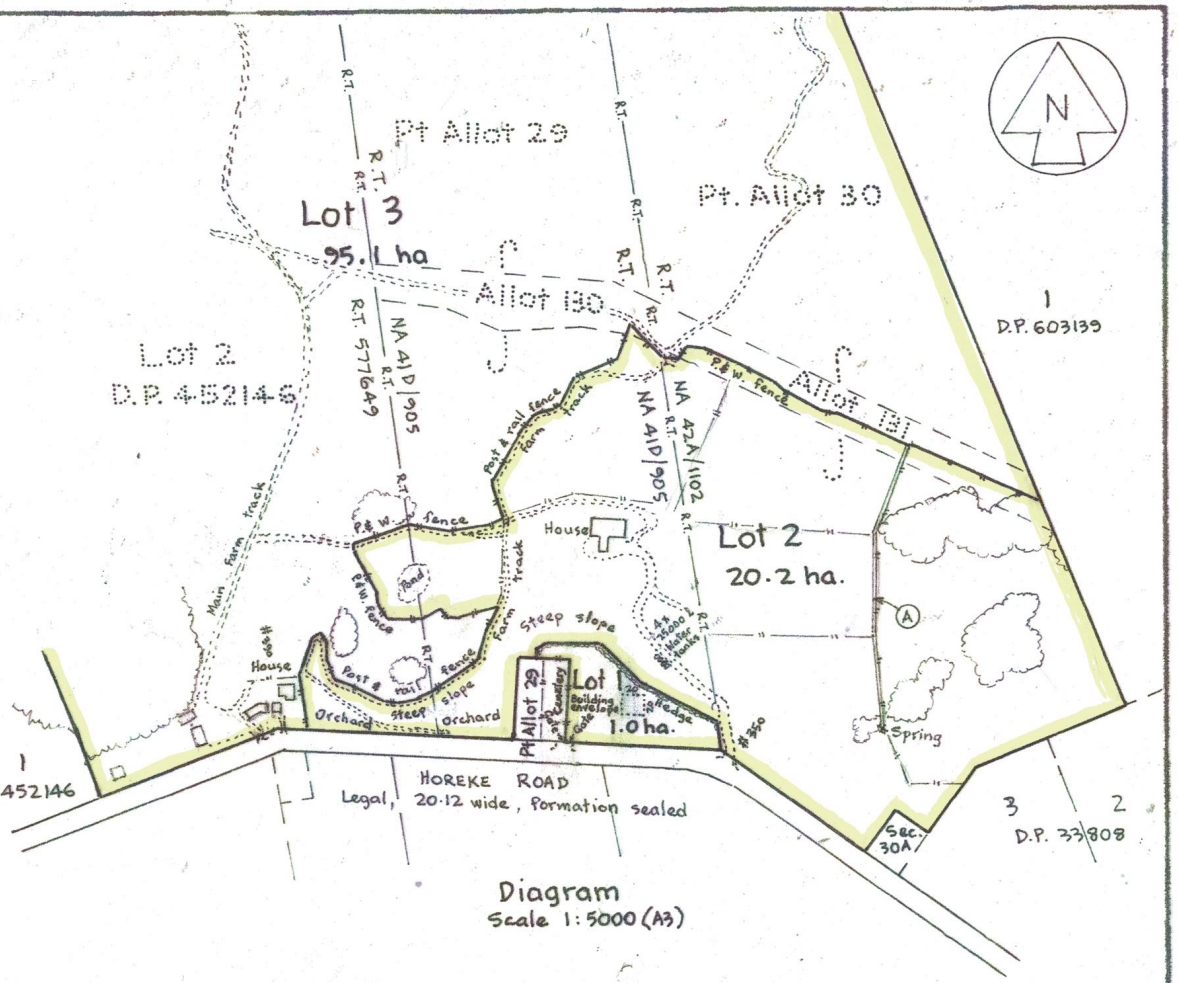


Diagram
Scale 1:5000 (A3)

Pt Allot. 29 & Allot. 130	R.T. NA 41D/905	19.8303 ha.
Pt Allot. 30 & Allot. 131	R.T. NA 42A/1102	24.0803 ha.
Lot 2 D.P. 452146	Pt. R.T. 577649	72.3969 ha.
	Total Area	116.3075 ha.

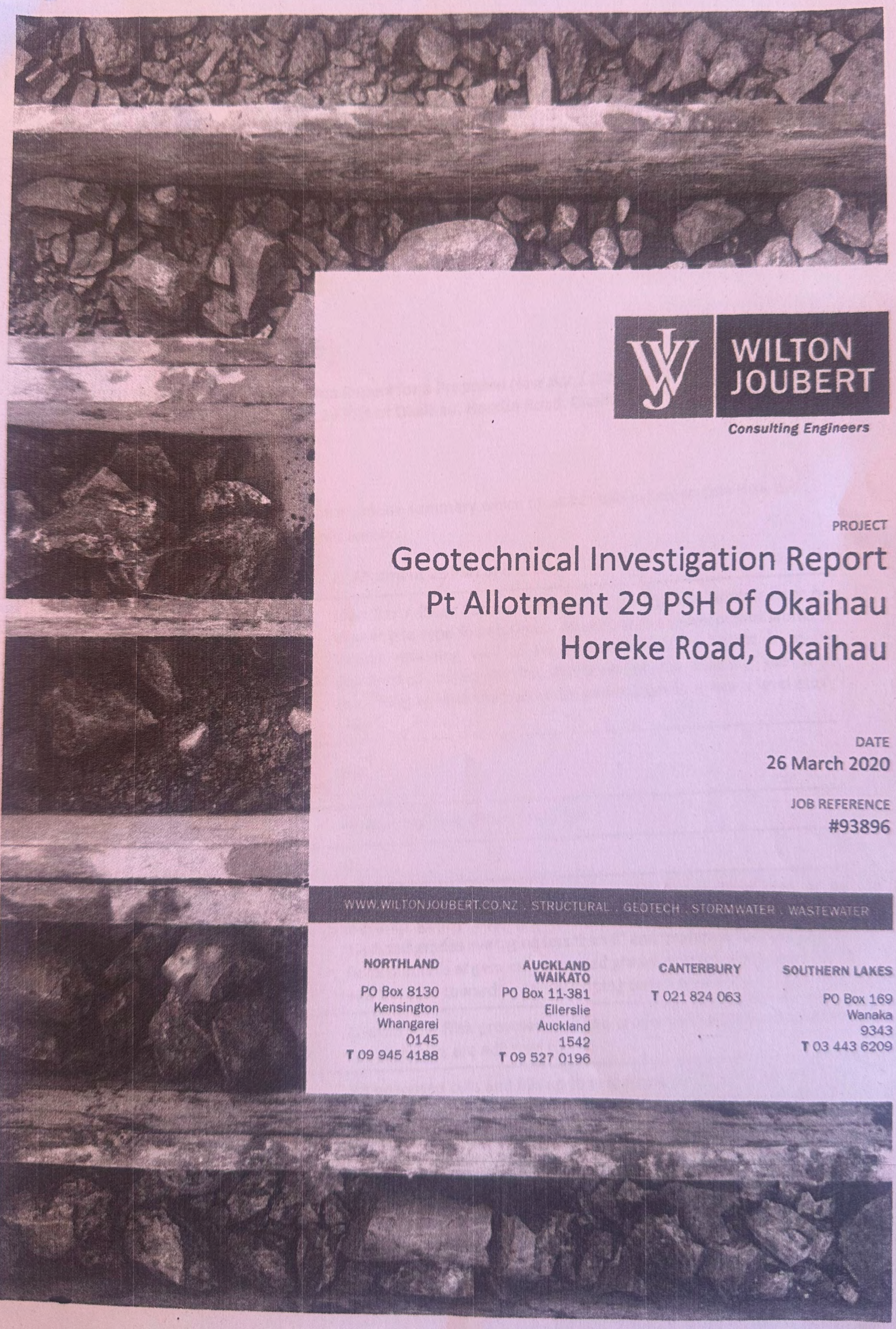
(Balance area of R.T. 577649 (Allots 115, 116, 127 & Pt 48) 40.2277 ha)

Nigel Ross Surveyor
Licensed Cadastral Surveyor
P.O. Box 293 Kaikohe 0440
027 2942543

Proposed Subdivision of Lot 2 D.P. 452146, Pt Allotments 29 & 30 and Allotments 130 & 131 Parish of Okaihau

350 & 390 Horeke Road, Okaihau

Prepared for: P. K. Rintoul		Sheet 1
Drawn: NHRR	Scale As shown	Series of 1
	Date Sept. 2026	File NRS 402



WILTON JOUBERT

Consulting Engineers

PROJECT

Geotechnical Investigation Report
Pt Allotment 29 PSH of Okaihau
Horeke Road, Okaihau

DATE

26 March 2020

JOB REFERENCE

#93896

WWW.WILTONJOUBERT.CO.NZ . STRUCTURAL . GEOTECH . STORMWATER . WASTEWATER

NORTHLAND
PO Box 8130
Kensington
Whangarei
0145
T 09 945 4188

AUCKLAND
WAIKATO
PO Box 11-381
Ellerslie
Auckland
1542
T 09 527 0196

CANTERBURY
T 021 824 063

SOUTHERN LAKES
PO Box 169
Wanaka
9343
T 03 443 6209

Wilton Joubert Ltd.

Geotechnical Investigation Report

Waihou Valley Estate
kr@rintoulcivil.co.nz

Tel: 021 080 12351
shaun@wjl.co.nz
Job No.: 93896
26 March 2020

Dear Ken,

**Geotechnical Investigation Report for a Proposed New Bar / Cider Factory at:
Pt Allotment 29 PSH of Okaihau, Horeke Road, Okaihau**

1. EXECUTIVE SUMMARY

The following table is intended to be a concise summary which must be read in conjunction with the relevant report sections as referenced herein.

Legal Description:	Pt Allotment 29 PSH of Okaihau.
Development Type:	New Bar / Cider Factory founded on a suspended timber floor on timber pile type foundations. As part of the development works, a timber retaining wall of an approximate 1.0m height is to be constructed adjacently to the west of the building site with backfilling against the wall to be undertaken to create a level entry area.
Development Proposals Supplied:	Yes.
Geology Encountered:	Kerikeri Volcanic Group Materials.
Fill Encountered:	No.
Overall Site Gradient in Proximity to Development:	The proposed building site is located the transition area of an elevated gently sloping crest that falls to the north at generally assessed grades averaging less than 8° and moderate to steep graded flank that falls at generally assessed grades averaging between 1V:3H and 1V:1.2H towards a gently sloping bench type area.
Site Stability Risk:	Overall Low Risk provided that the recommendations and guidance of this report are adhered to.
Cut / Fill Earthworks:	All proposed cuts and fills up to respective heights of 1.5m and 1.0m should be battered back at a gradient no greater than 1V:3H or be retained by a SED retaining structure. Cuts and fills that exceed the noted heights above should be retained by a SED retaining structure.

Suitable Shallow Foundation Type(s):	**Building Foundations:** Due to the hardness of the underlying natural ground subsoils, we conclude that the use of driven pile type foundations will be difficult to install and drive to required minimum depths. Due to the geology type, it is also likely that basalt rocks / boulders will be underlying the site soils at a shallow depth which will further create issues in driving piles. We recommend that timber pile type foundations founded in bored concrete encased footings are utilised. Alternatively, foundations can be designed as per NZS3604 driven piles provided a minimum embedment of 1.5m is achieved. Should the client still wish to utilise timber driven piles, it is recommended that a 100mm diameter pilot hole be augered to confirm that minimum driving depths can be achieved prior to commencing post driving. **Retaining Wall:** Timber pole type foundations founded in bored concrete encased footings. Driven piles for retaining structures are not recommended due to the noted issues above.
Shallow Soil Bearing Capacity:	Yes – Natural Soils only Geotechnical Ultimate Bearing Capacity = 300 kPa (Su =60kPa) Dependable Bearing Capacity = 150 kPa (SRF = 0.5) Allowable Bearing Capacity = 100 kPa (FoS = 3)
Expansive Soil Classification:	CLASS M, Moderately Expansive in accordance with NZBC B1 – Structure.
Foundations Subject to Soil Creep:	Any foundations located within 8m from slope grades exceeding 20° should be designed to account for 1.0m of soil creep.
Minimum Footing Depths:	For foundations outside the above recommendation, ordinary piles and anchor piles should be embedded a minimum of 600mm and 900mm below cleared ground levels respectively.
Further Geotechnical Review of Development Proposals Required:	No.

2. INTRODUCTION

This Geotechnical Investigation Report (GIR) has been prepared by Wilton Joubert Ltd. (WJL) for the client; Waihou Valley Estate in accordance with instructions received from them with regard to the above property.

The purpose of WJL's work was to evaluate the surface and subsurface conditions at the south-eastern corner of the property by undertaking a geotechnical investigation to determine the suitability of the Lot for the proposed development.

This report presents the results of the geotechnical investigation, describes the existing conditions, details any identifiable geological hazards affecting the site and provides geotechnical / foundation recommendations where appropriate.

At the time of report writing, the client has provided concept building plans. No historical property information has been provided. Therefore, we strongly recommend should any additional relevant information become available, then WJL must be contacted to ensure that this report and the recommendations contained therein are appropriate.

3. SITE DESCRIPTION

The 18ha (more or less) rural property is located off the northern side of Horeke Road, accessed approximately 2.3km southwest of the road transition with Settlers Way and 3.6km from the State Highway 1 intersection that runs through the main Okaihau Township. The property is essentially a large north facing rural block and is divided by a 4,000m² cemetery block at the south-western boundary.

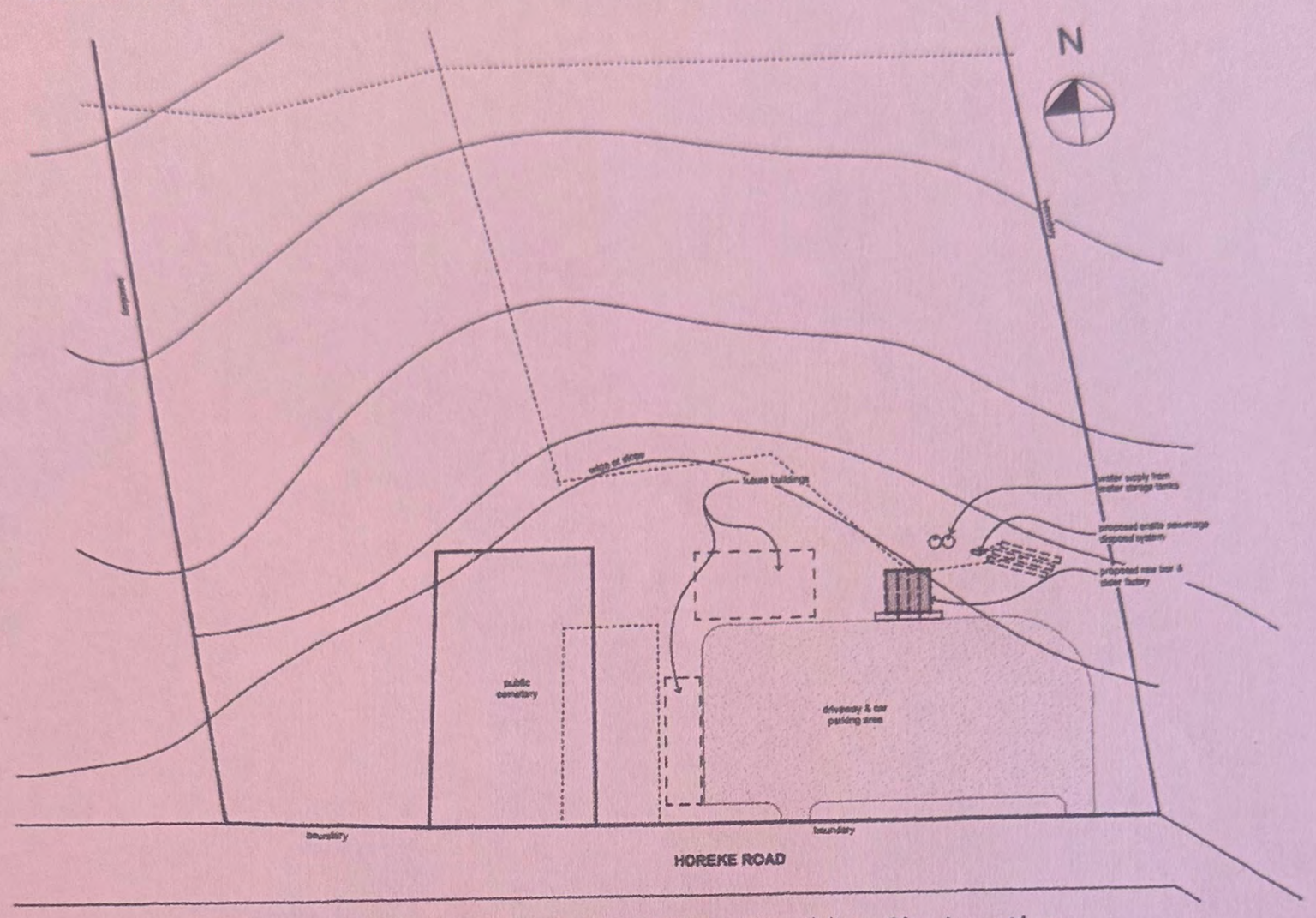
Our fieldwork investigation and this subsequent report is centred around the south-eastern corner of the property adjacent to Horeke Road where the intended development is proposed to be constructed.

The area consists of an elevated gently sloping crest that falls to the north at generally assessed grades averaging less than 8°. Approximately 40m from the south-eastern boundary corner and 100m from the central southern boundary, the crest transitions into a moderate to steep graded flank that falls at generally assessed grades averaging between 1V:3H and 1V:1.2H towards a gently sloping bench type area. The bench type crest area falls into rolling countryside.

The development area is covered in pasture with a small pocket of trees located at the base of the flank towards the northeast. Basalt boulders / rocks are also visibly present at ground level at the base of the flank.

4. PROPOSAL

The concept building plans indicate that a new single-level bar / cider factory of some 170m² is to be constructed at the southern end of the property (see below).



Site Plan provided by Client of Building Site Location.

The building is to be founded on a suspended timber floor on timber pile type foundations. As part of the development works, a timber retaining wall of an approximate 1.0m height is to be constructed adjacently to the west of the building site with backfilling against the wall to be undertaken to create a level entry area.

Refer; 'Site Plan' attached in the appendices.

5. GEOLOGY

Local geology across the approximate southern third area of the property where the proposed development and immediate surrounding area is situated is noted on the GNS Science New Zealand Geology Web Map, Scale 1:250,000 as; Kerikeri Volcanic Group Late Miocene Basalt of Kaikohe (Bay of Islands Volcanic Field) – Basalt lava, volcanic plugs and minor tuff.

Referring to the above mapping source, the remainder of the property is noted as; Punakitere Sandstone (Mangakahia Complex) in Northland Allochthon – Weakly to moderately indurated, alternating thin to thick bedded, quartzofeldspathic sandstone and mudstone. The rolling nature of the topography to the northern parts of the property is typical of this type of geology.

Refer; 'GNS Science Website.'

6. NATURAL HAZARDS

At the time of report writing, WJL are not aware of any mapped natural hazards across the proposed building site and immediate surrounding area.

The proposed building site is located within Kerikeri Volcanic Group geology generally on gently sloping ground. To the north of the building site is a steep bank which has evidence of previous shallow surficial soil creep and small shallow slips. These hazards should be assessed as part of our stability assessment for the proposed development.

7. FIELDWORK INVESTIGATION SUMMARY

The purpose of the following intrusive fieldworks investigation was to provide information on the general soil profile, the variability, relative density and strength of soils together with any observed groundwater levels within the investigated building site area.

WJL carried out a shallow ground investigation on 18 February 2020, comprising two hand auger boreholes (BH) of 75mm diameter to respective depths of 0.6m and 1.0m below ground level (bgl). Scala Penetrometer Tests (SPT's) were also undertaken at the base of both BH's to respective depths of 1.4m and 1.5m bgl.

The approximate locations of the BH's are shown on the site plan which is appended to this report along with the fieldwork investigation data.

Where possible, in cohesive materials, in-situ hand undrained shear vane tests (SVT's) were carried out at 0.2m / 0.3m depth intervals in accordance with the New Zealand Geotechnical Society (NZGS); Guidelines for Hand Held Shear Vane Testing, August 2001, and classified in accordance with the NZGS Field Classification Guidelines; Table 2.10, December 2005.

Classification of the recovered soil BH arisings was carried out in accordance with the "Field Description of Soil and Rock", NZGS, December 2005.

8. CONCLUSIONS

8.1 GROUND CONDITIONS

The ground conditions encountered during the shallow ground investigation have been interpreted from the BH Logs, SVT's and SPT's undertaken.

In general terms, the south-western and north-eastern ends of the investigated building site consisted of the following:

- **Topsoil** to a depth of 0.2m bgl.
- **Very Stiff Silty Clay** to termination of both BH's where subsoils became hard in nature and included fine gravel inclusions.

Refer; 'BH Logs' attached in the appendices.

The underlying natural subsurface conditions encountered are considered to be generally consistent with the published geological information.

It should be noted that actual conditions may vary across the development site, and in some locations may differ from those described.

8.2 SOIL SHEAR STRENGTHS

In general terms of soil bearing capacity, NZS3604 defines *'Good Ground'* as having an Allowable Bearing Capacity of at least 100kPa; 60kPa in-situ shear strength within cohesive soils.

Shear vane dial readings (corrected) of the soil tested in the BH's all exceeded 182kPa.

No remould soil shear strength values were obtained. However, based on the peak soil shear strengths, site conditions and observations together with our experience with these types of soils we anticipate and assume that the site soils investigated as being Moderately Sensitive as per the NZGS Guidelines.

8.3 GROUND BEARING

Scala test penetration values in terms of number of blows per 100mm ground penetration were noted at the base of both BH's to respective depths of 1.4m to 1.5m bgl to provide an indicative allowable bearing capacity of the underlying site subsoils for foundation design purposes and determine any uniformity in the underlying ground conditions across the investigated building site.

The blow counts; 17 blows being the highest and 8 blows being the lowest. From above and Section 8.2, we are satisfied that the bearing capacity at the proposed building site is >100kPa Allowable Bearing Capacity.

Refer; 'Scala Penetration Resistance Test Results' attached in the appendices.

8.4 EXPANSIVE SOILS

Based on the results of our fieldwork investigation, composition of the soils and visual assessment, along with our knowledge and experience with these soils, we classify the site as CLASS M, Moderately Expansive in accordance with NZBC B1 – Structure.

Refer; 'Notes' attached in the appendices.

Reworking or exposure of these soils during wet weather or winter months can result in much lower bearing capacities, and the potential for seasonal shrinkage / swelling which should be considered during foundation assessments.

8.5 GROUNDWATER

Groundwater was not encountered during the fieldwork investigation.

Considering the elevation, topography and underlying geology of the proposed building site area, we generally envisage that the use of drainage control measure will not be required during development works.

8.6 SITE STABILITY

The proposed building site is located at the transition area of an elevated gently sloping crest that falls to the north at generally assessed grades averaging less than 8° and moderate to steep graded flank that falls at generally assessed grades averaging between 1V:3H and 1V:1.2H towards a gently sloping bench type area.

The moderate to steep graded flank reveals clear evidence of surficial soil creep, small shallow slips and erosion. Basalt rocks / boulders are visibly present at ground level at the base of the flank suggesting that the ground below the flank is stable in nature with no major signs of instability.

The concept building plans indicates a preference for the building foundations and timber retaining wall to be founded on driven timber pile type foundations.
Should the client still wish to utilise timber driven piles, it is recommended that a 100mm diameter pilot hole be augered to confirm that minimum driving depths can be achieved prior to commencing post driving.

WJL recommends that building foundations and the timber retaining wall should comprise timber pile / pole type foundations founded in bored concrete encased footings. It should be noted that difficulty may be encountered in boring piles due to the likely presence of rocks / boulders as noted above and that appropriate machinery is sourced by the contractor to deal with any issues that may arise in boring. It is noted that this solution will provide shallow foundation depths in comparison to timber driven piles and therefore minimises the issues with encountering basalt rocks.

Due to the presence of instability on the moderate to steep graded flank below the building site, we recommend that any foundations located within 8m from slope grades exceeding 20° should be designed to account for 1.0m of soil creep. Alternatively, the building site could be moved upslope a minimum of 8m from natural slopes in excess of 20° which will mitigate any potential land instability that would impact the building and allow for conventional type foundation design.

From our fieldwork investigation and walkover inspection together with the development proposal which consists of the building being founded on a suspended timber floor on timber pile type foundations, and subject to the recommendations of this report being implemented, we are satisfied that the risk of instability impacting on the proposed development to be low.

With regard to the Building Act 2004; Sections 71-72, we believe on reasonable grounds that:

i. The building work to which an application of Building Consent relates will not accelerate, worsen, or result in slippage or subsidence on the land on which the building work is to be carried out or any other property; and

ii. The land of the building footprint and surrounding immediate amenity area is neither subject nor likely to be subject to slippage or subsidence, provided the development is undertaken in accordance with the recommendations and guidance of this report.

9. RECOMMENDATIONS

9.1 EARTHWORKS

9.1.1 General

As part of the development works, a timber retaining wall of an approximate 1.0m height is to be constructed adjacently to the west of the building site with backfilling against the wall to be undertaken to create a level entry area.

All earthworks and structural stages as detailed in the following Section 9 will require a Site Inspection if specified in the Building Consent (BC), or if specifically designed by WJL.

We recommend that all earthworks activities be carried out in full accordance with the following technical publications, in particular:

i. Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region June 2016 Guideline Document 2016/005.

ii. Auckland Council; Building on small sites - Doing it right. BC5850.

Refer for downloads the above Auckland Council documentation as below:

https://ourauckland.aucklandcouncil.govt.nz/articles/news/2017/09/auckland-council-leads-the-way-in-erosion-and-sediment-control/

https://www.aucklandcouncil.govt.nz/building-and-consents/understanding-building-consents-process/starting-building-renovation-work/Documents/bc5850-building-small-sites-brochure.pdf

iii. New Zealand Standard Code of Practise for Earthfill for Residential Development, NZS 4431:1989.

iv. Code of Practise for Urban Land Subdivision – NZS 4404:2010, and

v. Any other relevant publications, including any of the above as superseded.

Some general recommendations are provided below, however where possible site-specific advice should be sought from an experienced Geotechnical Engineer.

9.1.2 Temporary and Permanent Earthworks

We recommend that earthworks are not undertaken during wet conditions.

Particular care should be taken during the construction phase with respect to excavations to form the building platform, access driveways, etc.

The building site should be shaped to assist in stormwater run-off. Any excavation left open should be protected and or left in a state as to not pond water. Saturating site soils may result in a reduction of bearing capacities.

All deleterious material including any uncontrolled fill, vegetation, topsoil, etc. should be removed from all proposed areas of fill.

All proposed cuts and fills up to respective heights of 1.5m and 1.0m should be battered back at a gradient no greater than 1V:3H or be retained by a SED retaining structure. Cuts and fills that exceed the noted heights above should be retained by a SED retaining structure.

Imported NZS4431 compliant earthfill and / or hardfill should be utilised for all proposed fills.

All exposed soils should be re-grassed and/or planted as soon as practicable.

9.2 EARTH RETAINING STRUCTURE

9.2.1 General

The concept plans indicate that a timber retaining wall of an approximate 1.0m height is to be constructed adjacently to the west of the building site with backfilling against the wall to be undertaken to create a level entry area.

The wall should comprise timber pole type foundations founded in bored concrete encased footings as driven piles for retaining structures are not recommended.

For any proposed retaining structures on-site, we recommend as follows.

- These will need to be designed by a Chartered Professional Engineer and constructed in a safe manner.

- Factors of safety and surcharge loadings appropriate to the conditions should be in accordance with "Retaining Wall Design Notes – MWD, NZ, Issue C: July 1973".

- Due consideration to surcharges should be undertaken for each retaining structure and be in accordance with Council surcharge requirements by boundaries. It should be noted that an existing retaining wall is located along the western boundary (below the property).

- All permanent retaining walls should be constructed with appropriate toe drainage and should be backfilled to within 0.3m of their full height with lightly tamped, free draining granular backfill material, accompanied by perforated pipe drain located at the base of the walls should be installed behind all retaining walls to avoid build-up of hydrostatic pressures.

- Alternatively, an approved proprietary strip drain may be used. Toe drainage should be connected into an approved stormwater disposal system. All waterproofing details should be specified by the building designer.

- Subsequent to construction of retaining structure(s), a programme of regular monitoring must be initiated to assess the continuance of effective retention and drainage functions and if necessary, the instigation of any maintenance required to ensure fully effective drainage, function, etc.

9.2.2 Free Standing Cantilevered / Propped Cantilevered Retaining Walls

For the design of free-standing cantilevered walls, soil pressures may be determined for active pressure conditions using a Ka value of no less than 0.3 and a soil density of γ=18kN/m3.

Passive resistance in front of retaining wall poles can be determined using Broms Method generally assuming an undrained shear strength Cu = 100kPa.

9.3 FOUNDATIONS

The site subsoils are generally assessed as Moderately Sensitive and in terms of expansiveness are classified as CLASS M, Moderately Expansive in accordance with NZBC B1 – Structure.

It is our understanding that the new building is to be founded on timber pile type foundations. It is WJL's recommendation that foundations should comprise timber pile type foundations founded in bored concrete encased footings. Alternatively, foundations can be designed as per NZS3604 driven piles provided a minimum embedment of 1.5m is achieved.

It should be noted that difficulty may be encountered in boring piles due to the likely presence of rocks / boulders and that appropriate machinery is sourced by the contractor to deal with any issues that may arise in boring.

From our site soil investigation and assessments, the following bearing capacity values are considered appropriate for foundations for the relocated dwelling:

Ultimate Bearing Capacity	300 kPa (Su = 60kPa)
Allowable Bearing Capacity (F.O.S =3)	100 kPa
Dependable Bearing Capacity (Φ=0.5)	150 kPa

Any foundations located within 8m from slope grades exceeding 20° should be designed to account for 1.0m of soil creep.

For foundations outside the above recommendation, ordinary piles and anchor piles should be embedded a minimum of 600mm and 900mm below cleared ground levels respectively.

We strongly recommend that all foundation excavations are to be inspected by a Chartered Professional Engineer or their Agent who is familiar with both this site and the contents of this geotechnical report.to confirm ground conditions are as anticipated.

Any excavation should be made good about piles upon completion by backfilling to ground level with compacted approved fill as appropriate to ensure adequate lateral pile support.

9.4 CONSTRUCTION RISK MANAGEMENT

All works must be undertaken in accordance with the Health and Safety at Work Act 2015.

Any open excavations should be fenced off or covered, and/or access restricted as appropriate.

The location of all services should be verified at the site prior to the commencement of construction.

Whenever ground conditions are suspect or bad weather conditions are forecast, excavations should be carried out in a "hit and miss" pattern.

The Contractor is responsible for determining the width of each excavation to suit his plant and construction programme.

The Contractor is responsible at all times for ensuring that all necessary precautions are taken to protect all aspects of the works and services.

9.5 CONSTRUCTION INSPECTIONS

It is increasingly common for the Building Consent Authorities' (BCA) to require a Producer Statement; PS4, this is an important document. The purpose of the PS4 is to confirm the Engineers' professional opinion to the BCA that aspects of a building's design comply with the Building Code, or that elements of construction have been completed in accordance with the approved BC.

For WJL to issue a PS4 we will need to carry out the site inspections as per the BC and Council requirements.

Site inspections will be undertaken by a Chartered Professional Geotechnical Engineer or their Agent who is familiar with both this site and the contents of this geotechnical report. The site inspections also allow the timely provision of solutions and recommendations should any engineering problems arise.

Prior to works commencement, the above Engineer should be contacted to confirm the construction methodologies, inspection and testing frequency. Upon satisfactory completion of the above work aspects, WJL would then be in a position to issue the PS4 as required by Council. We require at least 48 hours' notice for site inspections.

9.6 STORMWATER AND SURFACE WATER CONTROL

Stormwater run-off from the development should be appropriately controlled and managed on-site in accordance with the New Zealand Building Code and as per Council requirements. The Development Designer should confirm compliance with all the above.

Stormwater flows must not be allowed to run onto or over site slopes, or to saturate the ground so as to adversely affect slope stability or foundation conditions.
Concentrated stormwater flows from driveways and paved areas must be collected and carried in sealed pipes or drains and discharged in a controlled manner to a disposal point as appropriate.

Subsequent to construction a programme of regular monitoring must be initiated to assess the continuance of effective drainage function and if necessary, the instigation of any maintenance required to ensure fully effective drainage, etc.

10. LIMITATIONS

This report has been prepared solely for the use of our Client with respect to both the particular brief and specific purpose provided to Wilton Joubert Ltd. (WJL), with regard to the specific project described herein. Both no liability or any duty of care is acknowledged or accepted for the use of any part of this report in any other context or for any other purpose, or by any other person, other party or entity.

This document is both the property and copyright © of WJL. Any unauthorised employment or reproduction, in full or part is forbidden. This report may not be read or reproduced other than in its entirety. This report does not address matters relating to the National Environmental Standard for Contaminated Sites. The opinions, recommendations and comments given in this report are the result from the application of accepted industry methods of site investigation.

As factual evidence has been obtained solely from boreholes, shear vane tests and scala penetrometer tests which by their nature only provide information about a relatively small volume of subsoils at that exact location, there may be special conditions pertaining to this site which have not been disclosed by the investigation and which have not been taken into account in our report.

Inferences are made about the nature and continuity of subsoils away from and beyond the testing locations but cannot be guaranteed. The descriptions detailed on the exploratory bore logs are based on the field descriptions of the soils encountered. In determination of expansive soils, WJL has based this on visual inspection, should local council or client require specific testing, this can be undertaken on request.

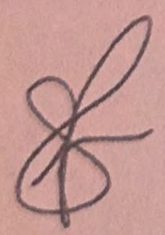
During construction, an Engineer competent to judge whether the conditions are compatible with the assumptions made in this report should examine the site. In all circumstances, if variations in the subsoil occur which differ from that described or assumed to exist, and then the matter should be referred back to WJL immediately.

The performance behaviour outlined by this report is dependent on the construction activity and actions of the builder/contractor. Inappropriate actions before or during the construction phase may cause behaviour outside the limits given in this report.

All future owners of this property should seek professional geotechnical advice to satisfy themselves as to its ongoing suitability for their intended use.

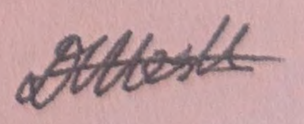
Yours faithfully,
Wilton Joubert Ltd.

Prepared by:



Shaun Page
Engineering Technician

Reviewed by:



David Leslie
BEng (Civil), MEMgt (Hons),
DipEng (Civil), MEngNZ
Senior Civil Engineer

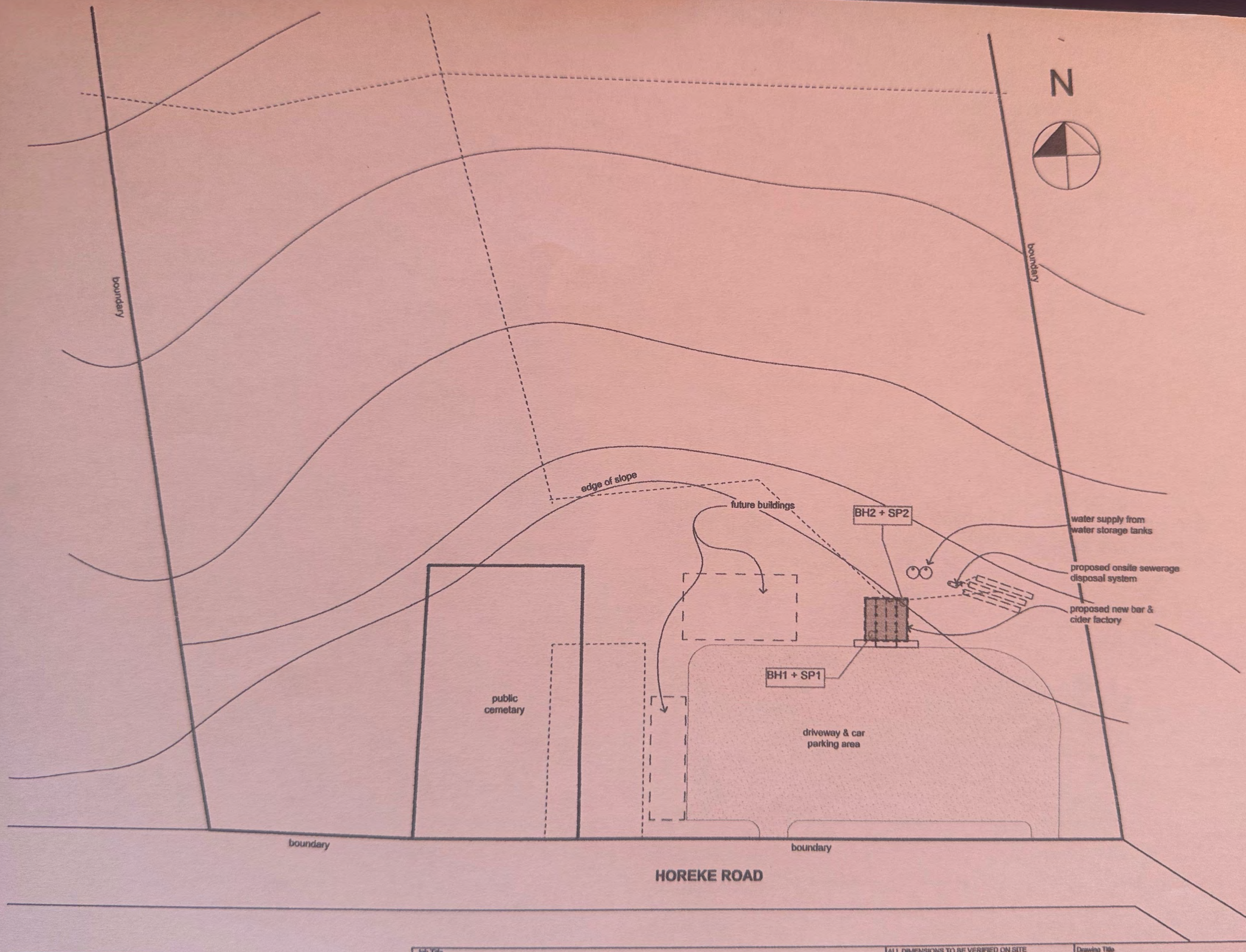
REPORT ATTACHMENTS

Field Investigation Data:

- Site Plan
- BH Logs
- Scala Penetration Resistance Test Results

Notes:

- Expansive Soils



Concept Plan
3/12/2019
NOT FOR CONSTRUCTION

Job Title
Proposed New Bar & Cider Factory for Waihou Valley Estate
At
Horeke Road
Okaihau

ALL DIMENSIONS TO BE VERIFIED ON SITE

CORE ARCHITECTURAL DESIGN LTD
66 Kerikeri road
Kerikeri
PO Box 1008, Kerikeri 0245
Northland, New Zealand
Phone: +64 9 407 5808
Fax: +64 9 407 6330
email: info@coreLtd.co.nz

Drawing Title
Location Plan

Drawing Number
A01

Scale
1:1000 @ A3

Plot Date
3/12/2019

Project No.
2019-0478

Revision
E

D:\Core Architectural Design Ltd\CADL - Documents\2019 Projects\2019-0478 Waihou Valley Bar\2019-0478

WILTON JOUBERT
Consulting Engineers

NORTHLAND OFFICE
PO Box 8130, KENSINGTON
WHANGAREI, NEW ZEALAND
PH: +64 (9) 945 4188

BOREHOLE LOG No. 1

JOB No. 93896

Hole Location: Refer to Site Plan

Client:	Ken Rintoul	**Site:**	Pt Allotment 29, Horeke Road, Okaihau		
Date Started:	18.02.2020	**Drilling Method:**	Hand Auger	**Logged By:**	K Mitchell
Date Completed:	18.02.2020	**Hole Diameter (mm):**	50mm	**Checked By:**	D Leslie
H&S 'Take 5':	Completed	**JSA No's:**	1 & 10	**Initials:**	KEM

	Soil Description	Depth (m)	Graphic Log	Water Level	Sensitivity	Recovery	Vane Shear Strength (kPa)	Scala Penetrometer (blows/100mm drop)
Kerikeri Volcanics	**TOPSOIL**, dark brown, dry, friable			No Groundwater			204	0 5 10 15
	Silty CLAY, brown, dry, very stiff	0.5					204	
	some fine gravel inclusions	1.0					204	
							204	
	End of Borehole @ 1.0m (Near Refusal)	1.5						
		2.0						
		2.5						
		3.0						
		3.5						
		4.0						
		4.5						

LEGEND

TOPSOIL | CLAY | SILT | SAND | GRAVEL | FILL

In situ shear vane reading

Remoulded shear vane reading

Average Scala Blows	11.6
Average Soil Sensitivity	n.a

NOTES:

Expansive Soils

Expansive soils are soils which experience volume changes upon wetting and drying. Expansion and swelling appears to be the dominant factor under certain conditions with fine grained soil containing considerable amounts of clay. Expansion and swelling may cause distress which is often experienced in light buildings.

In many parts of New Zealand there is a significant hazard to foundations for light buildings including homes with concrete slab floors. The volumetric expansion and contraction can cause houses and other structures to heave or settle resulting in damage that is sometimes severe. Soil movement can occur in both directions (vertical and horizontal) at different rates which results in distress and subsequent damage to the structure.

The extent of the damage varies from relatively minor brick veneer cracking and internal cracking on wall corners with attendant door and windows jamming, through to extensive and severe cracking including cracking of driveways, sidewalks, etc.

Expansive soils such as clay, claystone, mudstone, argillaceous rocks and shale all contain clay minerals. These minerals are very sensitive to changes in humidity. When expansive clayey soils get wet, these minerals absorb water molecules and consequently expand. When dry they shrink, leaving large voids in the soil which result in a reduction in bearing capacity of the soil.

Apart from seasonal moisture changes (wet winters/ dry summer), other factors can influence soil moisture such as:

- Irrigation of garden close to the dwelling foundation.
- Site drainage close to the structure.
- Plantation of large trees close to building foundations on expansive soils. A wide range of tree and shrub species have high groundwater demands during summer months. The effects of such demands on expansive soils can be substantial and can lead to differential building settlements. Accordingly, it is good housekeeping measure to ensure that high water demand species (such as gum, willow, cypress, etc.) are not planted close to buildings.
- Plumbing leaks.
- Prevalent or initial moisture conditions at construction time.

It should be also noted that the shear strength of expansive soil also changes with variations in humidity, and a stability problem may arise.

Expansive soils cause major damage to light foundations and associated structures. Heavy foundations and structures can resist the swelling uplift pressure.

Damage is dependent on the amount of movement experienced by the foundation, the non-uniformity in movement, which are all related to percentage of clay in the expansive soil, variation in moisture content, type of foundation, building construction and materials, etc.