

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:

BOI Farm Limited

Email:

Phone number:

Postal address:

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

6. Address for Correspondence

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

Name/s:

Set Consulting Limited

Email:

Phone number:

Postal address:

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

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

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

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

Name/s:

**Property Address/
Location:**

Postcode

8. Application Site Details

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

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

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.

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.

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

10. Would you like to request Public Notification?

Yes No

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

(more than one circle can be ticked):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application Yes

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

DERMOT MCCOACH

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)

DERMOT MCCOACH

Signature:

(signature of bill payer)

Date 16/10/24

MANDATORY

15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

15. Important information continued...


Declaration

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

Name: (please write in full)

Alistair Hartstone

Signature:



Date 18-Oct-2024

is made by electronic means

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

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

Resource Consent Application for
Bay of Islands Farm Limited
28 and 60 Horahora Road
Maromaku



Resource Consent Application – Bay of Islands Farm Limited

Application Details

Applicant:	Bay of Islands Farm Limited (C/- Dermott McCoach)
Location:	28 and 60 Horahora Road, Maromaku
Legal Description:	Part Section 32 Block VIII Motatau Survey District (Id 837146) and Section 19 Block VIII Motatau Survey District (Id 837145)
Proposal:	Subdivision by way of a boundary adjustment in the Rural Production Zone ('RPZ')
Zoning and Resources:	Rural Production Zone with no resources identified (Operative District Plan) Rural Production Zone with part Flood Hazard (proposed District Plan)
Application Status:	Non-Complying Activity

Attachments

Attachment A	Scheme Plan of Subdivision
Attachment B	Certificates of Title
Attachment C	Operative District Plan maps

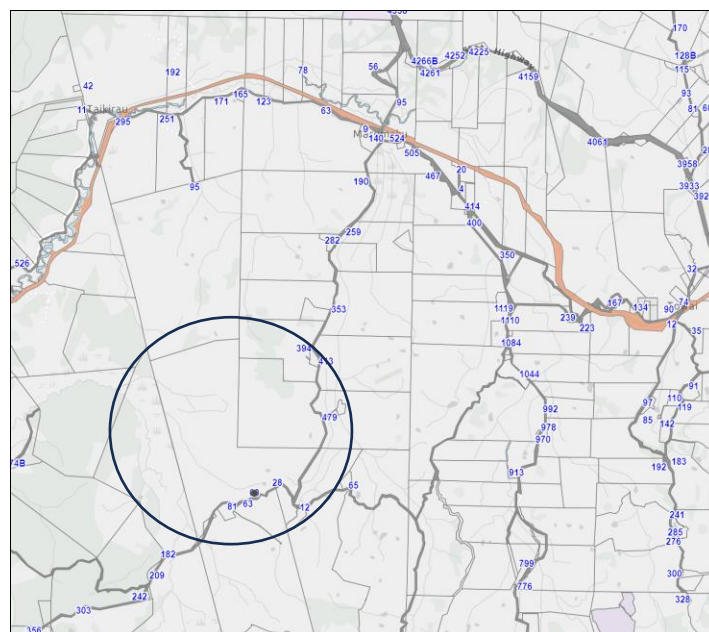
1.0 The Proposal

- 1.1 The proposal involves a boundary adjustment of the existing property boundaries between Part Section 19 Block VIII Motatau Survey District (68.7359ha) and Section 32 Block VIII Motatau Survey District (158.1630ha). A scheme plan illustrating the proposal is contained in Attachment A.
- 1.2 The proposal will result in Lot 1 containing 1.65ha inclusive of an existing dwelling located at 60 Horahora Road, curtilage, and access. The balance lot of 225.2488ha containing an existing dwelling at 28 Horahora Road and farm buildings with separate access will consist of the balance of Section 32 Block VIII Motatau Survey District being combined as a single allotment with Section 19 Block VIII Motatau Survey District.
- 1.3 The only residential dwelling to be contained on the balance Lot 2 will be the existing dwelling located at 28 Horahora Road, as Section 19 Block VIII Motatau Survey District is currently vacant.

2.0 Site and Surrounding Environment

- 2.1 The subject site is located on Horahora Road, Maromaku approximately 6.5 kms south from the State Highway 1 intersection with Callaghan Road. The site consists of a large farm holding with farm buildings and existing dwellings located at 28 and 60 Horahora Road. Built development in the wider area is generally sparse and the character of the area is strongly rural. There are no areas within the site that are identified as having any District-wide resources and no areas of indigenous bush or similar features. However, a lower-lying portion of the site adjoining the western boundary is identified as flood hazard under the Regional Plan for Northland and the area on the adjoining site to the immediate west of the western boundary is identified as a biodiversity wetland.

Location of subject site (circled)



2.2 The current records of title for the two affected properties are contained in Attachment B. There are no instruments registered on either of the titles that affect the proposal.

2.3 It should be noted that the subject record of title for Part Section 32 Block VIII Motatau Survey District (Id 837146) was issued on the 10th May 2018, despite no evidence on the record of title of any changes to boundaries resulting from subdivision or other activities at that time. LINZ have provided evidence of a Departmental Dealing ('DD')¹ which is not registered on the title but records (in this case) that the previous record of title for Part Section 32 Block VIII Motatau Survey District (being Id 671099) was cancelled and replaced by the current record of title (being Id 837146). The DD provided by LINZ records the following:

'11046029.1 Transfer of the life estate and merger of the reversion estate to Jennifer Marian Vuglar and Gary John Vuglar - 10.5.2018 at 10:22 am CFR 837146 issued CANCELLED'

A copy of the historic title Id 671099 recording cancellation of the title is provided in Attachment B.

2.4 This matter is relevant to the extent that the District Plan rules assessed below specify 28 April 2000 as a means of assessing whether a proposal complies with the District Plan rules or not. In this case, it is accepted the title was issued after 28 April 2000, but the site has not been subject to any subdivision or change of boundaries since a road legalisation exercise involving the site was completed in 1992 (as recorded on the historic title Id 671099).

3.0 District Plan Rules

3.1 The subject site is zoned Rural Production Zone ('RPZ') with no resources identified that affect the site.

3.2 The provisions under the Subdivision Chapter are relevant to the proposal. No rules in any other Chapters of either the RPZ or District-Wide Chapters are considered relevant to the proposal. The proposal is assessed against the relevant Subdivision Chapter rules as follows:

- The proposal complies with Clauses (a), (b), (d) – (f) under Rule 13.7.1 Boundary Adjustments: All Zones Except The Recreational Activities And Conservation Zones. It does not comply with Clause (c) where proposed Lot 1 will not contain a minimum 20ha as a controlled activity lot size in the RPZ.
- The proposal cannot comply with the controlled, restricted discretionary, or discretionary activity rules specified in Rule 13.7.2.1 as proposed Lot 1 cannot comply with the minimum lot sizes specified as a restricted discretionary or discretionary activity, and the record of title was issued on the 10 May 2018 (being after 28 April 2000).
- The proposal is not a management plan application
- The proposal complies with Rule 13.7.2.2 Allotment Dimensions

¹ LINZ describe a Departmental Dealing as *'...an internal process and is not a registered record. It is a way of enabling LINZ staff to correct or amend errors on Certificates of Title. The historic view of the title provides an explanation as to why this process has been undertaken.'*

- Rules 13.7.2.3 – 13.7.2.9 are not relevant to the proposal.
 - The proposal is therefore assessed as a non-complying activity under Rule 13.11.
- 3.3 For the purpose of clarity, proposed Lots 1 and 2 both contain existing dwellings, access and associated curtilage and services. Therefore, the subdivision does not require consideration of matters such as access locations or further servicing of development.

NES Requirements

- 3.4 The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (the 'NESCO') is considered relevant to the application.
- 3.5 As the activity is a subdivision the Regulation requires consideration. The site has been used solely for pastoral farming since at least the 1950's with no evidence of any activities on the Hazardous Activities and Industries List being undertaken on the site. Therefore, it is considered that the NESCO does not require further consideration.
- 3.6 The National Environmental Standards for Freshwater Regulation 2020 is not considered relevant to the site as no works are proposed that will trigger any requirements under the Regulation.

4.0 Statutory Considerations

- 4.1 The following assessment addresses those matters considered relevant under Section 95, Section 104, and the Fourth Schedule of the Act.
- 4.2 In addressing Section 95A, the following applies:
- The proposal does not require public notification pursuant to s95A(3). For completeness, the applicant is not requesting public notification of the application.
 - The proposal is not precluded from public notification under the criteria specified in Section 95A(5)(a) or (b)(i) and (iii).
 - Section 95A(8)(a) does not apply to the proposal.
 - An assessment of effects completed in accordance with Section 95D is provided below. That assessment concludes that the effects are less than minor in all respects and therefore Section 95A(8)(b) does not apply.
 - No special circumstances are considered to exist that warrant public notification as per Section 95A(9). There are no unique or exceptional circumstances associated with either the site or the proposal that constitute special circumstances.
- 4.3 For the purposes of Section 95B, the following applies:
- There are no protected customary rights groups or affected customary marine title groups.
 - The proposal does not fall under the criteria specified in Section 95B(6).
 - For the purpose of Section 95B(8), an assessment of affected persons in accordance with Section 95E is provided below. No persons have been identified who may be adversely affected to a minor or more than minor extent by the proposal.
 - No other persons are required to be notified of the application as per Section 95B(10).

- 4.4 On the basis of the above assessment, it is respectfully requested that the application proceed without public or limited notification.

5.0 Assessment of Effects – Section 95D

- 5.1 The following assessment of effects is undertaken in accordance with Section 95D. For the purpose of Section 95D(a), the effects on the following persons who occupy or own adjacent land must be disregarded:

- 182 Horahora Road (Pt Motatau 2Sec32D)
- 95 Mason Road (Sec 31 Blk VIII Motatau SD)
- 394 Callaghan Road (Lot 2 DP 379274)

- 5.2 Section 95D(b) and Section 104(2) provide for consideration of the permitted baseline, being activities that *‘...a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.’* The permitted baseline includes any activities that are lawfully established on the site at the time any application is made. Both proposed Lots 1 and 2 contain existing dwellings and associated access from Horahora Road. The balance of the properties is used for pastoral farming with associated buildings which is undertaken as a permitted activity.

- 5.3 As subdivision is not a permitted activity, due consideration can be given to the extent of permitted land use activities that may be undertaken in the absence of any subdivision. In this case, the only potentially relevant matter is the extent to which the proposal may result in additional development rights for residential dwellings. The boundary adjustment will create an additional development right for one residential dwelling on proposed Lot 2. This may be relevant where proposed Lot 2 can accommodate additional residential units at a density of one dwelling per 12ha of land. However, with an ultimate potential for 18 residential units, it would not be credible and would be considered fanciful to suggest that multiple residential units (say more than 3-4 houses) would be constructed on the lot as a result of the subdivision. There is no evidence of any such multi-unit development on rural land in the vicinity of the site or wider area of the District as part of any farming operation. Therefore, while an additional development right for one dwelling on proposed Lot 2 will arise, the potential for that development right to realistically be realised in constructing more than 3 – 4 dwellings is fanciful and not considered relevant.

- 5.4 For the purpose of this report, it is assessed that the existing environment, consisting of the existing residential dwellings, access and services, will not change as a result of the proposed boundary adjustment, and no realistic non-fanciful additional permitted development rights will result though any permitted baseline assessment.

- 5.5 As a non-complying activity, Section 95D(c) does not apply to the proposal.

- 5.6 There are no trade competition effects requiring consideration under Section 95D(d).

5.7 No written approvals are provided from adjacent landowners in support of the application. Therefore, no consideration of Section 95D(e) is required.

5.8 The following assessment of effects is based on the Assessment Criteria contained in Section 13.10 of the District Plan, as directed by Rule 13.11 (Non-Complying Subdivision) Activities. Where the criteria are not relevant or the permitted baseline is considered to account for any adverse effects, then this will be stated.

13.10.1 Allotment Sizes And Dimensions

5.9 Lot 2 will comply with the minimum lot size in the Rural Production Zone. Proposed Lot 1 at 1.65ha will be less than the controlled activity minimum lot size, but complies with the lot sizes specified in the restricted discretionary subdivision Rule 13.8.1 (b). At 1.65ha located in the receiving environment, Lot 1 is considered to retain rural productive values and will preserve rural character and amenity values, when considering the existing environment and noting minimum lot sizes for restricted discretionary activities.

13.10.2 Natural And Other Hazards

5.10 The site contains areas of low-lying land along the western extent of proposed Lot 2 identified as subject to flood hazards by the Northland Regional Council. However, given the existing environment and the evident extent of the lower lying areas subject to flooding, the subdivision proposal will not generate any additional risk of natural hazards. As an aside, it is highly unlikely that any person would choose to construct a dwelling within the identified flood hazard areas.

13.10.3 Water Supply

5.11 Both existing dwellings on proposed Lots 1 and 2 are serviced by an existing water supply.

13.10.4 Stormwater Disposal

5.12 Both existing dwellings on proposed Lots 1 and 2 have stormwater management in place, and natural overland flow paths exist that generally drain to the west.

13.10.5 Sanitary Sewage Disposal

5.13 Both existing dwellings on proposed Lots 1 and 2 are serviced by on-site effluent treatment and disposal systems within the boundaries of each lot in compliance with Northland Regional Council requirements.

13.10.6 Energy Supply

5.14 Both existing dwellings on proposed Lots 1 and 2 have power connections.

13.10.7 Top Energy Transmission Lines

5.15 There are no transmission lines that affect the existing or proposed lots.

13.10.8 Telecommunications

5.16 Both existing dwellings on proposed Lots 1 and 2 have a telecommunications connection.

- 13.10.9 Easements For Any Purpose
- 5.17 No new easements are proposed or required.
- 13.10.10 Provision of Access
- 5.18 Both existing dwellings on proposed Lots 1 and 2 are serviced by an existing vehicle crossing onto Horahora Road.
- 13.10.11 Effects of Earthworks And Utilities
- 5.19 No earthworks or additional utility services are required as part of the subdivision.
- 13.10.12 Building Locations
- 5.20 The permitted baseline provides for a number of potential building sites across proposed Lot 2. However, given the existing dwellings, no potential building locations require identification as part of this proposal.
- 13.10.13 Preservation And Enhancement Of Heritage Resources, Vegetation, Fauna And Landscape, And Land Set Aside For Conservation Purposes
- 5.21 The subject site does not contain any significant heritage resources, vegetation, fauna and flora or landscape values. Given the existing development on proposed Lots 1 and 2, no adverse effects on such values will arise.
- 13.10.14 Soil
- 5.22 There will be no adverse effects on soils as a result of the subdivision, noting that the site does not contain Class 1 – 3 soils as specified by the NPS-HPL.
- 13.10.15 Access To Waterbodies
- 5.23 There are no significant water bodies located within the subject site.
- 13.10.16 Land Use Incompatibility
- 5.24 There are no issues arising from the subdivision relating to land use incompatibility.
- 13.10.17 Proximity To Airports
- 5.25 This is not relevant to the application.
- 13.10.18 Natural Character Of The Coastal Environment
- 5.26 This is not relevant to the application.
- 13.10.19 Energy Efficiency And Renewable Energy Development/Use
- 5.27 This is not relevant to the application.
- 13.10.20 National Grid Corridor
- 5.28 This is not relevant to the application.
- 5.29 In summary, the extent of adverse effects arising from the proposal are all accounted for by way of the existing development on Lots 1 and 2. While it is acknowledged that the proposal is a non-

complying activity due to the date of issue of the subject title, this is considered to be a technicality based on the LINZ advice regarding the record of title history. Therefore, it is considered that any adverse effects arising from the proposal will be less than minor and largely imperceptible on the environment.

6. Affected persons

- 6.1 In undertaking an assessment of the effects of the proposal, due consideration has been given to the extent of actual and potential adverse effects on adjacent landowners. Having found that the adverse effects associated with the subdivision will be less than minor, it is considered that no persons will be adversely affected to a minor or more than minor extent by the granting of consent.

7 Section 104 Assessment

Assessment of Effects

- 7.1 Section 104(1)(a) requires consideration of any actual and potential effects on the environment of allowing the activity. This has been carried out in the assessment above. The conclusion reached is that the effects of granting consent to the proposal are less than minor. No significant wider positive effects will arise from the proposal, apart from those that benefit the applicant.

- 7.2 Overall, the effects are considered acceptable in the receiving environment.

National and Regional Planning Documents

- 7.3 Given the proposal provides for a boundary adjustment of existing rural titles and there is an applicable permitted baseline, the application is not considered to require assessment under any national or regional planning document.

Operative Far North District Plan

- 7.4 Section 104(1)(b)(vi) requires consideration of the relevant objectives and policies contained in any Operative or proposed District Plan. Therefore, an assessment of the Operative Far North District Plan provisions is provided below.

- 7.5 The only relevant provisions of the Operative District Plan that require consideration in this case are the matters under Chapter 8.6 Rural Production Zone and Chapter 13 Subdivision. No other Chapters are considered relevant as there are no District-Wide provisions that require consideration and all built development and access is existing.

- 7.6 The relevant objectives and policies in Chapter 8.6 Rural Production Zone include Objective 8.3.3 as it relates to adverse and cumulative effects on the rural environment, and Policy 8.4.8 which sets out matters that particular regard is to be had to for subdivision. As there are no identified District-wide resources that are affected by the proposal and all built development and infrastructure is existing, the proposal is considered to be consistent with these provisions. Notably, both the objective and policy reference cumulative effects. It is understood that the specification of the date of 28 April 2000 in the relevant subdivision rules is a means of limiting

the cumulative effects associated with continuous subdivision applications in a rural productive area. In this case, no cumulative effects will arise on the basis that, despite the record of title being issued in 2018, no subdivision has in fact been undertaken on the site for a considerable length of time, and certainly not since 28 April 2000 as evidence by the historical title provided in Attachment B.

- 7.7 The relevant objectives and policies in Chapter 13 – Subdivision direct generally that subdivision is appropriate and consistent with expectations for each zone, that any District-wide matters under Chapter 12 can be addressed, and that lots created by subdivision are suitable for the intended use and can be adequately serviced. Despite being a non-complying activity, the extent of existing built development resulting from the subdivision proposal will not change. No additional services or construction of any access or vehicle crossings is required as part of the proposal. On that basis, the proposal is considered to be consistent with Objectives 13.3.1 and 13.3.3, and Policies 13.4.1, 13.4.2, 13.4.3 and 13.4.6.

Proposed Far North District Plan

- 7.8 The proposed Far North District Plan ('proposed Plan') was released for submissions on the 27th July 2022 and is now progressing through the hearing process. No recommendations have been issued by the Hearings Panel at the time of preparing this application. The subject site is identified as being in the Rural Production Zone, with a 10 year and 100 year River Flood Hazard Zone located over the western portion of proposed Lot 2. None of the rules specified as having immediate legal effect apply to this proposal. However, the relevant objectives and policies of the proposed Plan must be considered in accordance with Section 104(1)(b)(vi).
- 7.9 The Zone objectives and policies are contained in Part 3 – Area Specific Matters. It is noted that the proposed Rural Production Zone is intended to provide for primary production activities, while avoiding loss of highly productive land and creation of small lots that do not support farming activities. The Subdivision Chapter includes specific provisions for boundary adjustments, notably Policy SUB-P1 which enables boundary adjustments where *inter alia* there is compliance with minimum lot sizes specified for the Zone. The proposal would not be a complying boundary adjustment where the minimum lot size for the Rural Production Zone would be 40ha.
- 7.10 Part 2 – District Wide Matters includes Chapters addressing ecosystems and indigenous biodiversity, natural hazards, coastal environment, and earthworks. None of these matters apply to the proposal.
- 7.11 As the proposed District Plan has only recently been publicly notified with hearings having commenced, but no decisions yet made on contents, the Plan is only in its formative stages. Minimal weighting is therefore given to the objectives and policies of the proposed Plan in assessing the proposal.
- 7.12 Overall, the subdivision proposal is considered to be consistent with the provisions of the Operative District Plan.

Other Matters

- 7.13 Section 104(1)(c) provides for consideration of any other matters that may be relevant to the subdivision activity. There are no known other matters considered to be relevant in assessing the subdivision consent application.

8. Part 2 Assessment

- 8.1 As per current case law², an assessment of matters under Part 2 is only required where there is invalidity, incomplete coverage or uncertainty in the planning provisions. The Operative and proposed Plans contain provisions that are relevant to the proposal, and there is no evidence to suggest the relevant provisions are invalid, incomplete or present uncertainty in making any decision. No assessment of the Part 2 provisions is therefore required.

9. Section 104D Assessment

- 9.1 As a non-complying activity, the gate-way test under Section 104D must be considered. Section 104D states that ‘... a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—
... (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.’*

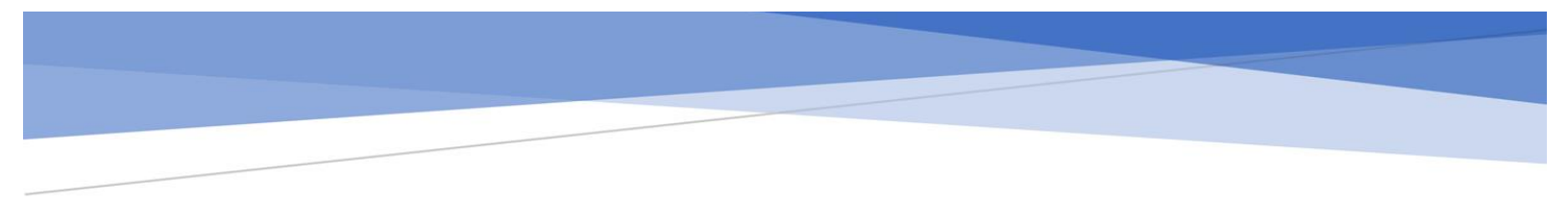
- 9.2 As assessed in this report, it is considered that the proposal will result in less than minor adverse effects given the extent of existing development on the proposed lots. The relevant provisions of the Operative District Plan have been assessed as part of the application. The proposal is not considered to be contrary to the objectives and policies of the Operative Plan. While the proposal may not be considered as consistent with the current provisions of the proposed Plan, any weighting to be given to the proposed Plan provisions is considered to be minimal at this point in time.

- 9.3 As the proposal is considered to pass both of the gateway tests under Section 104D(1)(a) and (b), the proposal can be considered favourably for consent.

10. Conclusion

- 10.1 The application lodged for Bay of Islands Farm Limited provides for subdivision by way of boundary adjustment affecting two existing records of title located within the Rural Production Zone. By virtue of proposed Lot 1 being smaller than 12 hectares, and one of the affected records of title being issued after 28 April 2000, the application requires consideration as a non-complying activity.

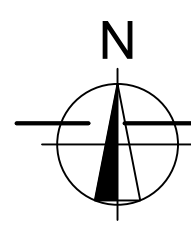
² R J Davidson Family Trust v Marlborough DC [2017] NZHC 52

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- 10.2 The adverse effects of the subdivision proposal have been assessed as less than minor, on the basis that the existing environment includes an existing dwelling and all associated services and access on each lot, and there will be no increase in the number of titles as a result of the proposal. The provisions under the Operative Far North District Plan have been assessed and, more particularly, those provisions identified in Chapters 8 and 13. The proposal is considered to be consistent with those provisions. On this basis, the subdivision proposal can be granted in accordance with Section 104 and 104D as a non-complying activity.
- 10.3 It is respectfully suggested that conditions of consent required pursuant to Section 108 and 220 for any approval may include a 'general accordance' condition to ensure that the subdivision is carried out in accordance with the application as presented. No conditions are considered necessary prior to issuing of a Section 224 approval.



Attachment A

Scheme Plan of Subdivision



SEC 31
VIII MOTATAU SD

LOT 2
DP 379274

SEC 19
BLK VIII MOTATAU SD
CT NA321/39 (1/2 SHARE)
CT 837145 (1/2 SHARE)

LOT 2
156.423ha (Bal)

PT MOTATAU 2 SEC 32D

LOT 1
1.74ha

EXISTING
HOUSE &
CROSSING

HORAHORA
ROAD

CALLAGHAN
ROAD

AMALGAMATION CONDITION:
THAT LOT 2 HEREON BE AMALGAMATED WITH SECTION 19
BLK VIII MOTATAU SD AND THAT ONE CERTIFICATE OF TITLE
BE ISSUED.

TOTAL AREA: 158.1630ha
COMPRISED IN: NA69A/793(1/2 SHARE) & 837146 (1/2 SHARE)

FAR NORTH DISTRICT COUNCIL
ZONED: RURAL PRODUCTION ZONE

CAUTION:

- THIS IS A CONCEPT PLAN. ALL AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
- THE VENDOR AND PURCHASER MUST CONTACT COOK COSTELLO IF SALE & PURCHASE AGREEMENTS ARE TO BE ENTERED INTO USING THIS PLAN. BOUNDARIES, EASEMENTS OR OTHER DETAIL WILL NEED TO BE CONFIRMED WITH COOK COSTELLO.
- SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
- THIS PLAN IS COPYRIGHT TO COOK COSTELLO (CCL 2015).

NOT FOR CONSTRUCTION



REV.	REVISION DETAILS	DATE	DRAWN	APP.
C				
B				
A	1ST ISSUE	24-05-24	KH	TP

PROJECT DETAILS
BAY OF ISLANDS FARM LTD
60 HORAHORA ROAD
MAROMAKU
KAWAKAWA

TITLE
SCHEME PLAN
BEING A SUBDIVISION OF
PT SECTION 32
BLK VIII MOTATAU SD

DATE CREATED 24/05/2024	DRAWN K HANSARD	DESIGNED T PYMAR	APPROVED T PYMAR
CCL REF NO 17400	SCALE 1:10,000 @ A3	STATUS FOR INFORMATION	
DWG NUMBER SCH01			REVISION A

500 SCALE 1:10000
400
300
200
100
0

0 100 200 300 400 500 SCALE 1:10000

DATE PLOTTED: 17/09/2024 FILE PATH: Z:\17000-17499\17400 - 60 Horahora Road\70 - Survey\710 - CAD\17400 Scheme Plan 20240416.dwg

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Attachment B

Certificates of Title



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R. W. Muir
Registrar-General
of Land

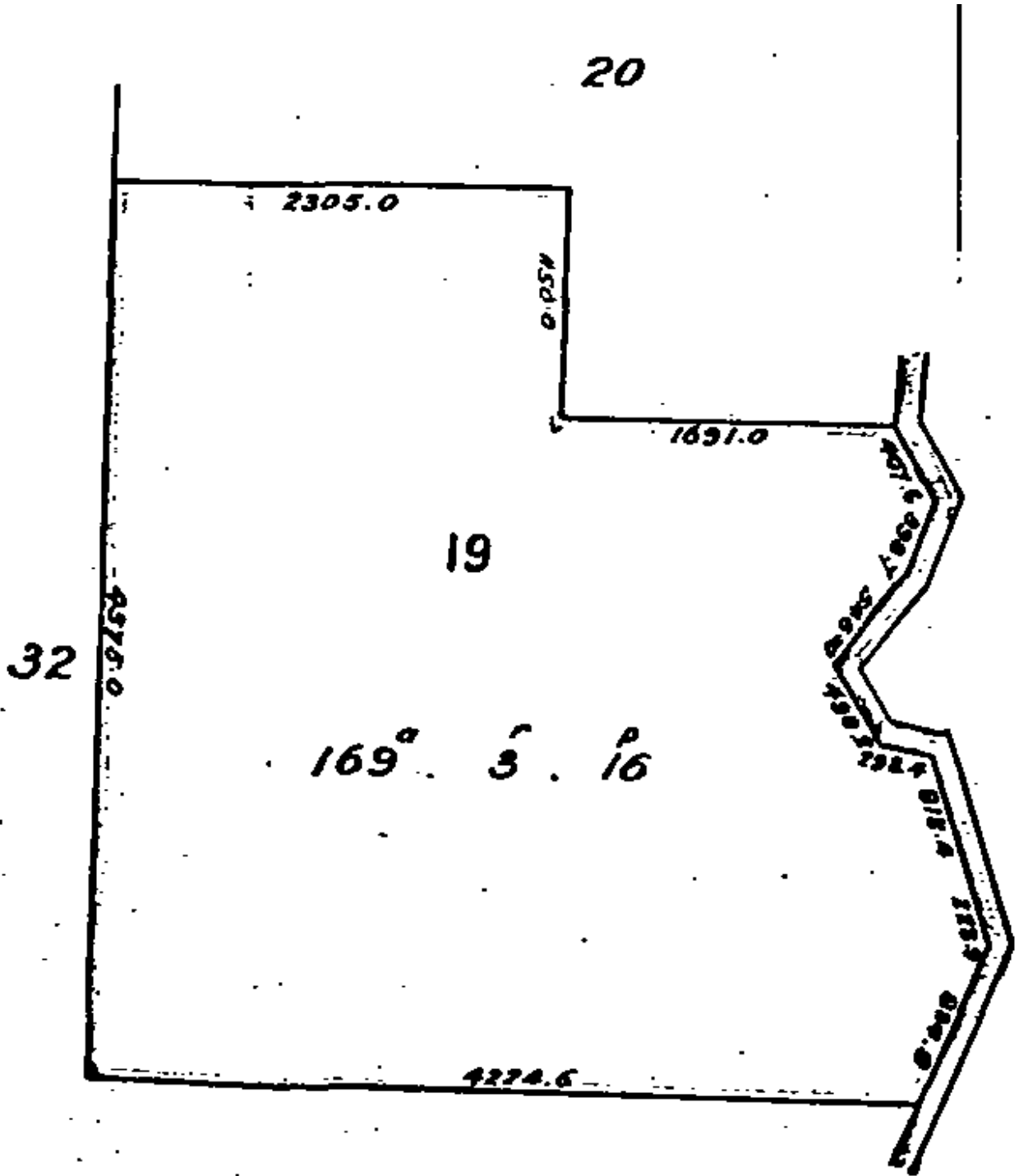
Identifier **837145**
Land Registration District **North Auckland**
Date Issued 10 May 2018

Prior References
671098

Estate Fee Simple - 1/2 share
Area 68.7359 hectares more or less
Legal Description Section 19 Block VIII Motatau Survey
District

Registered Owners
Bay of Islands Farm Limited

Interests
11108566.7 Mortgage to ASB Bank Limited - 31.5.2018 at 11:35 am
11108566.10 Mortgage to Jennifer Marian Vuglar - 31.5.2018 at 11:35 am





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




R. W. Muir
Registrar-General
of Land

Identifier **837146**
Land Registration District **North Auckland**
Date Issued 10 May 2018

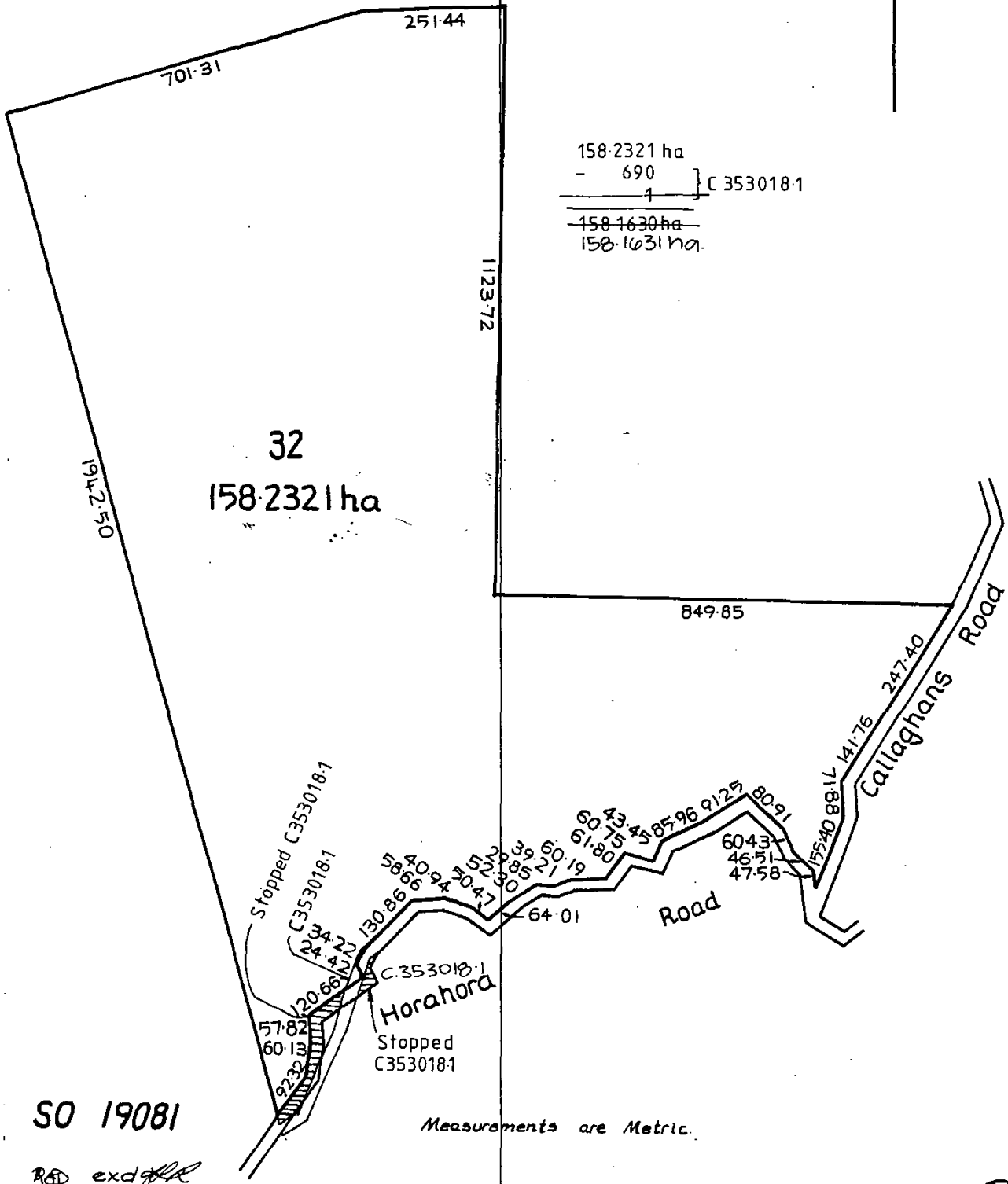
Prior References
671099

Estate Fee Simple - 1/2 share
Area 158.1630 hectares more or less
Legal Description Part Section 32 Block VIII Motatau Survey
District

Registered Owners
Bay of Islands Farm Limited

Interests
Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979
11108566.7 Mortgage to ASB Bank Limited - 31.5.2018 at 11:35 am
11108566.10 Mortgage to Jennifer Marian Vuglar - 31.5.2018 at 11:35 am

Bay of Islands County



SO 19081

RA exd



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Historical Search Copy




R. W. Muir
Registrar-General
of Land

Identifier **671099** **Cancelled**
Land Registration District **North Auckland**
Date Issued 02 September 2014

Prior References
NA69A/793

Estate Freehold for Life - 1/2 share
Area 158.2321 hectares more or less
Legal Description Section 32 Block VIII Motatau Survey
District

Original Proprietors

Jenny Vuglar (also known as Jennifer Marian Vuglar)

Estate Reversion in Fee Simple - 1/2 share
Area 158.2321 hectares more or less
Legal Description Section 32 Block VIII Motatau Survey
District

Original Proprietors

Jennifer Marian Vuglar and David Michael Roughan

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

C353018.1 Gazette Notice (NZ Gazette 22 February 1992 No. 25 p.507) declaring part herein marked U on Survey Office Plan 63357 to be road vesting in The Far North District Council and declaring part herein marked R on SO Plan 63357 to be taken and vested in The Far North District Council - 5.2.1992 at 1.46 pm

9819935.3 Mortgage to ANZ Bank New Zealand Limited - 2.9.2014 at 3:06 pm

10139990.1 Transfer of the interest David Michael Roughan to Garry John Vuglar - 2.9.2015 at 10:28 am

10294398.1 Correction of Name of Garry John Vuglar to Gary John Vuglar - 22.12.2015 at 3:18 pm

10294398.2 Discharge of Mortgage 9819935.3 - 22.12.2015 at 3:18 pm

10294398.5 Mortgage to ASB Bank Limited - 22.12.2015 at 3:18 pm

11046029.1 Transfer of the life estate and merger of the reversion estate to Jennifer Marian Vuglar and Gary John Vuglar - 10.5.2018 at 10:22 am CFR 837146 issued

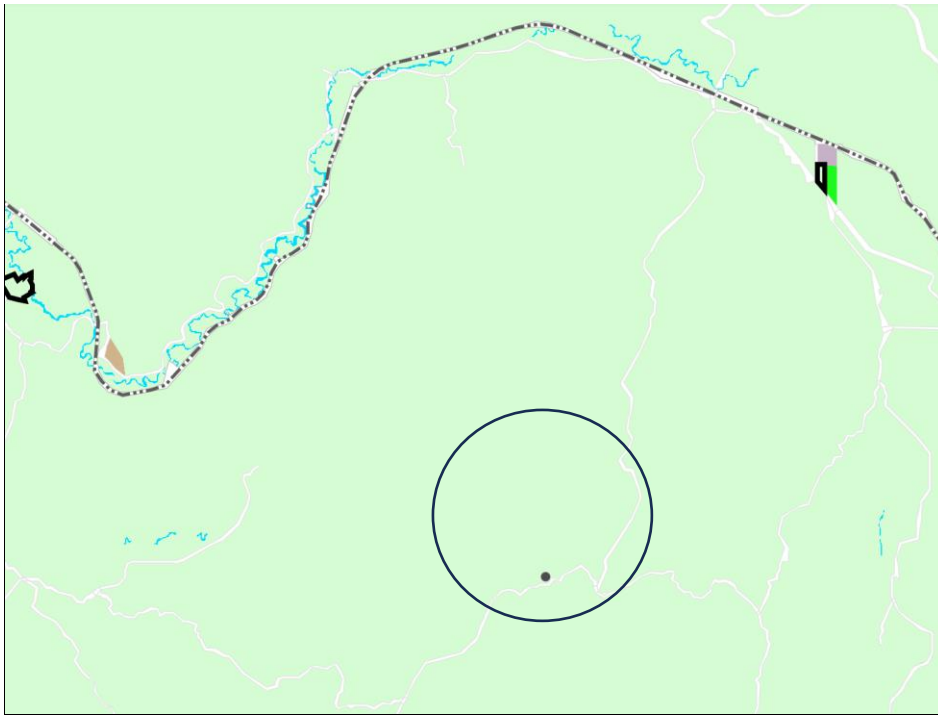
CANCELLED



Attachment C

Operative and proposed District Plan maps

Operative District Plan Zone Map



Proposed District Plan Zone and Natural Hazards Map

