

In the Matter of: The Resource Management Act 1991

And

In the Matter of: An application under Section 88 of the Resource Management Act 1991 made by Hamish Michael Bassick

File Reference: RM250089

Decision on Resource Consent Application

Activity

To undertake a two-lot environmental benefit subdivision of the application site. The proposal is for the provision of wireless telecommunications to serve the new lots. The proposal also involves the amendment of consent notice 11516809.2 and cancellation of consent notice 11226637.2.

Location

Address: Mokohinau Drive

Legal Description: Lot 6 DP 537061

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment

The following apply to the subject property:

Zoning: Rural Zone

Overlays: N/A

Rules: Rule 12.13.1 'Environmental Benefit' – Restricted Discretionary Activity:
The proposal involves the subdivision of the parent site (Lot 6 DP 537061) into two freehold allotments, creating one additional lot, where the following key requirements of the Environmental Benefit rule are met:

- The permanent physical and legal protection of an ecological Environmental Benefit (approximately 7097m² comprising existing small wetland areas, riparian margins of an

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	1 of 39

intermittent stream, and proposed revegetation plantings) is proposed within the site via land covenants.

- The ecological features proposed for protection (existing wetland areas, stream margins, and revegetation areas marked as 'C' and 'D' on the scheme plan) will be subject to land covenants.
- The 'Ecological' Environmental Benefit, with a total proposed new covenanted area of 7097m², exceeds the minimum rule requirement of 0.5 hectares (5000m²).
- The creation of one additional Environmental Benefit Lot (resulting in two lots in total from the parent title) is within the maximum of three Environmental Benefit Lots permitted per site in perpetuity.
- Each proposed Environmental Benefit Lot (Proposed Lot 1: 6528m² nett; Proposed Lot 2: 1.3400ha nett) will have a minimum net site area greater than 4000m² and is designed to provide an area of at least 2500m² exclusive of the areas being permanently protected, to accommodate a dwelling and associated wastewater treatment and disposal system.
- The proposed subdivision is considered to comply with all other requirements of Rule 12.13.1 and the relevant Performance Standards in Section 12.10 and 12.15 of the Plan.
- The proposed subdivision is considered to meet all of the requirements of Rule 12.13.1 and therefore qualifies as a Restricted Discretionary Activity under this rule.

The proposed subdivision meets all of the requirements of Rule 12.13.1 (above), except that the proposed subdivision does not comply with the relevant performance standards outlined below, therefore being assessed as a restricted discretionary activity under Rule 12.13.1.

Rule 12.15.8 'Telecommunications' – Restricted Discretionary Activity: The proposal does not provide a cabled telecommunications connection at the boundary of the new allotments and instead proposes wireless telecommunications services for the future dwellings.

Activity Status: Restricted Discretionary Activity

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	2 of 39

Proposed Kaipara District Plan: Notified 28 April 2025 - Rule Assessment

On 28 April 2025, the Council notified the Proposed Kaipara District Plan (“PDP”). The submission period is currently open and closes on 30 May 2025.

Some rules in the PDP have immediate legal effect upon notification in accordance with section 86B(3) of the RMA. Rules in the PDP with immediate legal effect are identified with an orange gavel next to the rule. Rules with legal effect must be complied with.

Pursuant to section 86B(1), all other rules in the PDP, including rules relating to subdivision, have legal effect only once decisions on submissions relating to rules are made and publicly notified. If a rule is not subject to any submissions in opposition, it can be treated as operative under section 86F of the RMA. Rules that do not have legal effect (or are not operative under section 86F) do not trigger the need for a resource consent under the PDP.

As the submission period is still open, and the further submission period has not commenced, it is not possible for Council to determine if any rules in the PDP, including rules relating to subdivision, can be treated as operative under section 86F. Therefore, currently only those rules that qualify under section 86B(3) have immediate legal effect from the date of notification of the PDP.

Subdivision consent is not required under the PDP, as rules in the PDP relating to subdivision do not currently have legal effect.

Determinations

Determination 1:

Pursuant to Section 221(3) of the Resource Management Act 1991, Consent Notice 11226637.2 as it relates to Lot 6 DP 537061 is cancelled in its entirety; and

Pursuant to Section 221(3) of the Resource Management Act 1991, clause 1, 2 and 3(a) of Consent Notice 11516809.2 as it relates to Lot 6 DP 537061 is cancelled.

Determination 2:

Pursuant to Section 104, 104C, 108 and 220 of the Resource Management Act 1991 (“the Act”), the Kaipara District Council **grants** RM250089; subject to the following conditions:

General

1. The activity shall be carried out in accordance with the plans and all information submitted with the application formally received by the Kaipara District Council (“Council”) on 09 April 2025:
 - Application form, and assessment of environmental effects prepared by Adam Booth of Pacific Coast Survey Limited, dated April 2025.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	3 of 39

- Report titled, 'Assessment of Landscape and Visual Effects Proposed Subdivision Prepared for Hamish Bassick,' prepared by Evolve Planning and Landscape Architecture limited, dated April 2025.
- Report titled, 'Geotechnical Investigation for Proposed Subdivision at Lot 6 DP 537061, Mokohinau Drive, Mangawhai.' Prepared by Wiley Geotechnical Limited, dated 14 November 2024.
- Report titled, 'Ecological Report – Proposed Subdivision of Lot 6 DP 537061 Mokohinau Drive, Mangawhai, prepared by Madara Vilde of Wild Ecology Limited, dated March 2025.

Plan title and reference	Author	Rev	Dated
Scheme Plan – Proposed Subdivision of Lot 6 DP 537061 (1 of 2)	Pacific Coast Survey Limited	2	March 2025
Scheme Plan – Proposed Subdivision of Lot 6 DP 537061 (2 of 2)	Pacific Coast Survey Limited	2	March 2025
Engineering Proposal – Proposed Lot 1 Carriageway (1 of 4)	Pacific Coast Survey Limited	1	May 2025
Engineering Proposal – Proposed Lot 1 Carriageway (2 of 4)	Pacific Coast Survey Limited	1	May 2025
Engineering Proposal – Long Section Plan of Proposed Lot 1 Carriageway (3 of 4)	Pacific Coast Survey Limited	1	May 2025
Engineering Proposal – Long Section Plan of Proposed Lot 1 Carriageway (4 of 4)	Pacific Coast Survey Limited	1	May 2025

Advice Note:

Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Charges

2. The Consent Holder shall pay any subsequent further charges imposed under Section 36 of the Act relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under Section 36(5) of the Act that are subject to challenge, the Consent Holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant final invoice.

Section 125 – Consent Lapse Date

3. Under Section 125 of the Act, this consent lapses five years after the date it is granted unless:

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	4 of 39

- a) A survey plan is submitted to Council for approval under Section 223 of the Act before the consent lapses, and that plan is deposited within three years of the approval date in accordance with Section 224 of the Act; or
- b) An application under Section 125 of the Act is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses and the Council grants an extension.

Accidental Discovery Protocol

- 4. In the event of an 'accidental discovery' of sub-surface archaeological material (shell, midden, hangi, storage pits, etc), work must cease in the immediate vicinity of the remains and immediate steps must be taken to secure the site (tape it off). The Consent Holder must notify Council, Heritage New Zealand Pouhere Taonga and representative tangata whenua of the relevant iwi so that appropriate actions can be taken.

Prior to Section 223 Certification

- 5. **Prior to the sealing of the Survey Plan pursuant to Section 223 of the Act the following conditions shall be complied with:**

General

- (a) The survey plan shall be generally in accordance with the plan of subdivision titled 'Scheme Plan – Proposed Subdivision of Lot 6 DP 537061', Revision 2, dated March 2025, and prepared by Pacific Coast Survey Limited.

Easements

- (b) The survey plan shall show all necessary easements as required for Right of Way access, electricity, right to drain stormwater and telecommunication service.

Utility Providers

- (c) The Consent holder shall provide evidence from the appropriate network utility supply providers that arrangements can be made for the provision of electricity and show the necessary easements on the survey plan to the approval of the Council.

Environmental Benefits/Conservation Covenants

- (d) The survey plan shall show the proposed covenant(s) generally as indicated as Area's "C" and "D" on the plan of subdivision titled 'Scheme Plan – Proposed Subdivision of Lot 6 DP 537061', Revision 2 dated March 2025, and prepared by Pacific Coast Survey Limited, as being land subject to conservation covenants pursuant to Section 77 of the Reserves Act, or open space covenants pursuant to the Queen Elizabeth the Second National Trust Act 1977.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	5 of 39

(e) An Ecological Planting and Weed/Pest Control Management Plan (“EPWCMP”) generally in accordance with the recommendations of the report titled ‘Ecological Report – Proposed Subdivision of Lot 6DP 537061 Mokohinau Drive, Mangawhai, prepared by Madara Vilde of Wild Ecology Limited, dated March 2025, shall be prepared by a suitably qualified ecologist and submitted to the Council for written approval. The purpose of the EPWCMP is to ensure long term environmental benefit objectives are achieved. The EPWCMP shall, as a minimum, contain or provide for the following:

- (i) Prior to planting, the removal or management of all invasive weed species and their replacement with native, eco-sourced species that will enhance ecological values of local habitat.
- (ii) An establishment and maintenance programme which includes recommendations on the frequency of maintenance and monitoring to be undertaken and the anticipated duration to achieve the objectives of the EPWCMP, including (as applicable):
 - Watering,
 - Weed control,
 - Cultivation,
 - Control of pests and diseases,
 - Removal of litter,
 - Checking of stakes and ties,
 - Trimming, pruning,
 - Topping up mulch
 - And other works required to ensure planting maintains healthy growth and form.
- (iii) The measures to be adopted to achieve, as far as is practicable:
 - 90% survivorship of planted species; and
 - 85% canopy cover of indigenous vegetation.
- (iv) Weed and pest control within the covenant areas is to be implemented in perpetuity to support the long-term ecological integrity and success of the restoration areas beyond the initial five-year period or until 85% canopy closure is achieved.
- (v) The control of pests (including but not limited to rats, mustelids, possums and freshwater pests) to ensure, as far as practicable, that the ecological gains achieved via the EPWCMP are not compromised.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	6 of 39

- (vi) All plant material should be eco-sourced from the Rodney North Ecological District.

Building Areas/Restrictive Covenants

- (f) The survey plan shall show the identified building areas on Lots 1 and 2 as indicated on the plan of subdivision, titled ‘Scheme Plan – Proposed Subdivision of Lot 6 DP 537061’, Revision 2, dated March 2025, and prepared by Pacific Coast Survey Limited. The survey plan is to include dimensions, areas and boundary references for accurate siting for the purposes of ongoing compliance with Condition 6(i)(viii) of this consent (RM250089).

Engineering Design

- (g) The Consent Holder shall submit a detailed set of engineering plans, specifications and calculations, prepared in accordance with the Council’s Engineering Standards 2011 to the Council’s Development Engineer, of their delegated representative for approval. Approval shall be obtained prior to work commencing:

The engineering plans, calculations and specifications shall be prepared by a suitably experienced persons who:

- (i) Have the appropriate experience in the relevant areas; and
- (ii) Hold appropriate qualifications and membership of professional bodies; and
- (iii) Have professional indemnity insurance to the value of at least \$1,000,000.

The engineering plans, calculations and specifications shall include, but may not be limited to the following:

- (i) Culverts shall be detailed in accordance with the KDC Engineering Standards 2011 drawing S25.
- (ii) Appropriate stabilisation, stormwater drainage facilities and scour protection shall be provided.
- (iii) All design shall be certified as meeting the specified standards by a suitably qualified and experienced engineer to the approval of Council.
- (iv) Design details of the upgrade for proposed vehicle crossing shall be in accordance with drawing S07 of the Council’s Engineering Standards 2011 and plans submitted (Engineering proposal, Proposed Subdivision of Lot 6 DP 537061, Page 2 of 4, File: 4130, Rev 1, Dated: March 2025, Prepared by Pacific Coast Surveys) in support of the application 250089.
- (v) Design details of the construction for proposed right of way of the proposed Lots 1 & 2 in accordance with Section 5 of the Council’s Engineering Standards 2011 at the time of the subdivision development.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	7 of 39

Prior to Section 224(c) Certification

6. **Before a Certification is issued pursuant to Section 224(c) of the Act, the following conditions are to be complied with:**

Utility Connections

- a) Electricity connections shall be provided to the boundary of the net site area of Lots 1 and 2 in accordance with the Northpower requirements.

Easements

- b) The Consent Holder shall provide written confirmation from a licensed cadastral surveyor that all services and accesses constructed under this consent are located within the appropriate easement boundaries.

Engineering

- c) All works on the engineering plans approved under condition 5(g) of this consent are to be completed to the approval of the Council's Development Engineer, or their delegated representative.

Compliance with this condition shall be determined by the following:

- (i) Site inspections undertaken as agreed in Council's engineering plan approval letter for the engineering plans as required by condition 5(g) of this consent;
- (ii) Provision and approval of supporting documentation provided by the Consent Holder in support of the constructed works, including Producer Statements, completion certificates, works acceptance certificate, statement of compliance of as built works and as built plans, construction management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Section 3 of the Council's Engineering Standards 2011.

Environmental Benefit

- d) All animal pest control works described in the approved Ecological Planting and Weed/Pest Control Management Plan ("EPWCMP"), shall be implemented to the satisfaction of the Council. The Consent Holder shall provide a completion report from a suitably qualified animal pest control professional to the satisfaction of Council.
- e) All plant pest / weed control works described in the approved Ecological Planting and Weed/Pest Control Management Plan ("EPWCMP"). The Consent Holder shall provide a completion report from a suitably qualified ecologist to the satisfaction of Council, and the Council will undertake inspections as required to confirm compliance.
- f) All planting described in the approved Ecological Planting and Weed/Pest Control Management Plan ("EPWCMP"), shall be implemented to the satisfaction of the Council.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	8 of 39

The Consent Holder shall provide a completion report from a suitably qualified ecologist to the satisfaction of Council, and the Council will undertake inspections as required to confirm compliance.

- g) The Consent Holder must erect and maintain fencing in stock proof condition around the boundary of the covenant area as is necessary to prevent entry to the covenant area by grazing animals, but not closer to the bush than the dripline of the outermost tress. The standard of that fencing is to be a 7-wire fence with posts no more than five metres apart and with a minimum of five battens between each post and otherwise is to be as defined in paragraph 6 of the second schedule to the Fencing Act 1978.

Conservation Covenant

- h) A Conservation covenant(s) in accordance with Section 77 of the Reserves Act 1977, or an open space covenant under the Queen Elizabeth the Second National Trust Act 1977, shall be prepared for registration against the titles of the land depicted on the Survey Plan as being subject to a conservation/open space covenant. A conservation covenant shall require compliance with the provisions listed in Schedule 2 of the approved Council conservation covenant document, or an open space covenant shall require compliance with the QEII Trust.

Consent Notice/On-going conditions

- i) Pursuant to Section 221 of the Act, the following conditions shall be complied with in perpetuity and shall be registered on the titles of Lots 1 and 2 by way of Consent Notice(s).

In Regards to Lots 1 and 2

General

- (i) Earthworks, the location of buildings, building foundations, vehicle access & Driveways, and stormwater & wastewater disposal shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to any soil instability/ saturation issues that may exist or arise as a result of the development. All design shall be in accordance with the submitted geotechnical report (Ref: Geotechnical Investigation for Proposed Subdivision at Lot 6 DP 537061, Mokohinau Drive, Mangawhai, Dated: 02.05.2025, prepared by Wiley Geotechnical) and also with the Kaipara District Council's Engineering Standards 2011.
- (ii) Any future physical works on the lot will be subject to the requirements of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Any non-compliances to the relevant regulations contained in the NES-F will require further resource consent from the Northland Regional Council.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	9 of 39

Ecological Planting Maintenance, Weed and Animal/Pest Control

- (iii) All ecological planting on site shall be maintained in accordance with the approved Ecological Planting and Weed/Pest Control Management Plan, as required under condition 5(e) approved under resource consent RM250089

Evidence of compliance with this requirement shall be provided to Council in writing from a suitably qualified ecologist five (5) years from the date of issue of the Section 224(c) certificate for RM250089.

- (iv) Ongoing weed and animal/pest control shall be undertaken in accordance with the approved Ecological Planting and Weed/Pest Control Management Plan, as required under condition 5(e) approved under resource consent RM250089.

Evidence of compliance with this requirement shall be provided to Council in writing from a suitably qualified ecologist five (5) years from the date of issue of the Section 224(c) certificate for RM250089. For avoidance of doubt, weed and pest control is required within the covenant areas in perpetuity.

- (v) The keeping of cats, mustelids and rodents on the lots is prohibited.
- (vi) Dogs shall not be kept on the lot unless the following conditions are complied with:

1. Prior to the keeping of a dog on the lot, the owner shall provide details of the dog, including registration number, to the Council's Team Leader Monitoring and Compliance for ongoing monitoring purposes; and
2. Any dog kept on the lot shall be secured/contained at all times to ensure that they cannot roam into the covenant area on the lot. Containment shall be demonstrated to the satisfaction of the Council's Team Leader Monitoring and Compliance and may be in the form of an "electronic pet containment fence" means a system installed or attached to the perimeter of a defined area (or wireless equivalent) which is designed to prevent dogs escaping by transmitting a digital or electronic signal to a receiver collar worn by the dog.
3. Ongoing compliance with this condition will be monitored by Council. There will be a Council charge for this monitoring payable by the lot owner.

- (vii) Ongoing maintenance of the planting including weed control, pest animal control and plant replacement is to take place for minimum of 5 years following the issue of 224(c). The planting maintenance should be carried out bi-annually during Years 1-3 and annually during Years 4 & 5 for a minimum period of five years.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	10 of 39

Servicing

Built Development/Design Guidelines

- (viii) All habitable buildings must be located wholly within the identified building areas shown on the survey plan on Lots 1 and 2.
- (ix) The following design guidelines shall apply to development on the lots and shall be confirmed via a design statement from a suitably qualified and experienced landscape architect in support of a building consent application.

Building

- a. All glazing is to be non-mirrored.
- b. Any building on the lots is to be finished in the colours found in BS2525 complying with the following:
 - (I) Hue (colour) - All the colours from 00-24 are acceptable
 - (II) Reflectance Value (RV) and Greyness Groups – The predominant wall colours shall have a RV rating of no more than 30% for greyness group A, and B - colours within greyness groups C, D and E are not permitted.
 - (III) Roofs – A RV rating of no more than 25% for greyness groups A and B - colours within greyness groups C, D and E are not permitted.

Earthworks

- a. Cut and fill batters shall be contoured to naturally fit into the original landscape.
- b. Earthwork cut and fill batters shall be re-grassed and re-vegetated as soon as practical following earthworks or within 3 months whichever is the sooner.

Infrastructure services

- a. All services and utilities are to be either located below ground or screened. External service areas should be integrated within the building area so that rubbish, storage and similar items are not visible from outside the house site.
- b. Water tanks shall be buried to a minimum of half of their total height. The visible portion of all tanks shall be screened with plants / vegetation or shall be coloured a dark natural and recessive colour.

Lighting

- c. Exterior lighting shall prohibit the use of spotlights. Exterior lighting shall be fitted with covers and oriented downwards to achieve minimal external light spill outside the site.

Fencing

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	11 of 39

- d. Any fencing shall be restricted to rural fencing typology - post and rail or post and wire fencing to complement the rural character of the site (aside from safety fencing typology around pools)

Solicitors Undertaking

- j) A solicitor's undertaking shall be provided to Council confirming that all consent notices and covenants prepared for registration under the relevant conditions of this resource consent will be duly registered against the new titles to be issued for the subdivision. The solicitor must provide a post registration title and instruments.

All consent notices and covenants to be prepared or registration under the relevant conditions of this resource consent shall be prepared by a Solicitor at the Consent Holder's expense.

Consent Notice – Cancellation in Part

- k) Clause 1, 2 and 3(a) of Consent Notice 11516809.2 in respect of the property legally described as legal Lot 6 DP 537061 shall be cancelled at the time of Section 224(c) certification.
- l) A solicitor's undertaking shall be provided to Council confirming that the cancellation of parts of the consent notice under Condition 6(k) of this consent will be lodged in conjunction with the registering of the new consent notices required under Condition 6(i) of this consent.

Consent Notice – Cancellation in Full

- m) Consent Notice 11226637.2 in respect of the property being legally described as Lot 6 DP 537061 shall be cancelled at the time of Section 224(c) certification.
- n) A Solicitor's undertaking shall be provided to Council confirming that the cancellation of the consent notice under Condition 6(m) of this consent will be lodged in conjunction with the registering of the new consent notices required under Condition 6(i) of this condition.

Financial Contributions

- o) A cash contribution in lieu of reserves shall be paid based on 5% of the assessed value of a "nominal" 4000m² dwelling site on Lot 1 of the subdivision, such value to be determined by a registered valuer appointed by Kaipara District Council, at the applicant's expense.

At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than three (3) months old.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	12 of 39

Final Charges

- p) The Consent Holder shall pay all final charges imposed by Council under Section 36 of the Act relating to the monitoring, certification and completion of the conditions of this resource consent.

Advice Notes

- i. Under the Local Government Act 2002, the Consent Holder will be required to pay to Council a Development Contribution for each additional lot. For this development, the applicable contributions are for roading east, and community infrastructure, totalling **\$13978** plus GST per additional lot. Contributions for wastewater treatment and water supply are not currently applicable as the development proposes on-site servicing and no connection to Council's reticulated systems for these activities.

The proposed development will result in **one** additional allotment. The total Development Contribution is estimated to be **\$13798** plus GST. A copy of Council's policy on Development and Financial Contributions included within the Long Term Plan 2024-2027 and Development Contributions Policy (2024) can be obtained from Council offices in Dargaville and Mangawhai or downloaded from Council's website www.kaipara.govt.nz.

- ii. Under the Council Engineering Standards 2011, the Consent Holder will be required to ensure the person responsible for carrying out construction work holds public liability insurance to the value of at least \$2,000,000.00, and professional indemnity insurance to the value of at least \$1,000,000.00.
- iii. The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.
- iv. All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under that Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand Pouhere Taonga (HNZPT) for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.
- v. If you disagree with any of the above conditions, or additional charges relating to the processing of this application, you have a right of objection pursuant to sections 357A or 357B of the Act. Any objection must be made in writing to Council within 15 working days of notification of decision.
- vi. Erosion and sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of this consent, then the conditions of this consents shall prevail.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	13 of 39

- vii. The consent holder shall implement suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site, and to control or mitigate any potential dust nuisance. All such measures shall be maintained throughout the entire duration of the construction period. The council always reserves the right to stop the works in and during periods of high winds.
- viii. Erosion and sediment controls shall be installed prior to the commencement of any earthworks (excluding earthworks required for the construction of erosion and sediment controls). A suitably qualified and experienced person shall supervise the installation of all erosion and sediment controls. The erosion and sediment controls installed shall remain in place for the entire duration of earthworks activities.
- ix. Due to the presence of scattered kauri trees throughout the site future property owners will be required to abide by Biosecurity (National PA Pest Management Plan) Order 2022. The occupier must not undertake earthworks in a kauri hygiene area (KHA) unless they have, and operate in accordance with, an earthworks risk management plan that is approved for that land by the management agency, an inspector, or an authorised person.

Reasons for the Decision

1. In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable and appropriately mitigated as discussed in section 8.0 of this report.
2. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant statutory documents including the Kaipara District Plan 2013, Northland Regional Plan, Northland Regional Policy Statement, NPS-FW, and NPS-HPL.
3. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
4. The Council has taken into account the relevant principles outlined in Sections 6,7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.
5. On 28 April 2025, Council notified the Proposed Kaipara District Plan (“PDP”). The submission period is currently open and closes on 30 May 2025. As the submission period is still open, only those rules that qualify under section 86B(3) have immediate legal effect from the date of notification of the PDP. There are no rules in the PDP with immediate legal effect in accordance with section 86B(3) of the RMA that are applicable to this proposal. The proposal has been assessed against the objectives and policies in the PDP that have immediate legal effect and are relevant to the proposal.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	14 of 39



Reporting Planner

27 May 2025

Masato Nakamura



Peer Review

28 May 2025

Kim Nathan – Consultant Planner

Signed



5 June 2025

JJ Pienaar

Team Manager Resource Consents

Kaipara District Council

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	15 of 39

RM250089

Section 104 of the Resource Management Act 1991 – Assessment Report

Details of Application	
Applicant	Hamish Michael Bassick
Property to which the consent relates	Mokohinau Drive, Lot 6 DP 537061, 892400

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	16 of 39

1. Description of Proposal

- 1.1 The proposal is to undertake an Environmental Benefit subdivision of the parent site (Lot 6 DP 537061, 2.0759ha) into creating two new freehold rural-residential allotments, including proposed Lot 1 (approximately 7353m² gross, 6528m² net) and proposed Lot 2 (approximately 1.3400 hectares).
- 1.2 The proposal includes the legal and physical protection of approximately 7097m² of existing small wetland areas, intermittent stream riparian margins, and proposed revegetation areas through new land covenants to create the environmental benefit.
- 1.3 Access to the new lots will be via a new right-of-way (shown as 'A' on the scheme plan) to be constructed from Mokohinau Drive.
- 1.4 The proposal also seeks land use consent for the provision of wireless telecommunications to the new lots.
- 1.5 On-site systems are proposed for stormwater management, wastewater disposal, and potable water supply (rainwater harvesting) for the new lots.
- 1.6 Minimal physical works are proposed in relation to the right of way, as this is currently overgrown with plants. Physical works will not result in earthworks more than 1000m² on the subject site.
- 1.7 The proposal also involves the removal of the following consent notice conditions applicable to the site:
- 1.7.1 Pursuant to Section 221(3) of the Resource Management Act 1991, Consent Notice 11226637.2 as it relates to Lot 6 DP 537061 is cancelled in its entirety; and
- 1.7.2 Pursuant to Section 221(3) of the Resource Management Act 1991, clause 1, 2 and 3(a) of Consent Notice 11516809.2 as it relates to Lot 6 DP 537061 is cancelled.

2. Draft Conditions

- 2.1 Draft conditions were shared with the applicant/agent on 28/05/2025. The conditions have been agreed by the agent/applicant on 4/06/2025.

3. Site and Consent History

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	17 of 39

- 3.1 The subject site was established by the subdivision consent referenced by Council as RM120034 and subsequently varied by resource consent RM120034A. The original resource consent was approved by the Council in May 2012, and was a proposal for 8 allotments and a road to vest over two stages. It is noted that this underlying subdivision included vegetation and riparian areas subject to consent notice protection (as evident on the subject site), the proposal at the time was for a non-complying activity under the Kaipara District Plan, and did not utilize the consenting pathways available under the Environmental Benefit Rules under Rule 12.13.1.
- 3.2 It is noted that the underlying subdivision consents for the site have imposed consent notices which are proposed to be amended and cancelled. The applicant is seeking to cancel Consent Notice 11226637.2 and partially cancel Consent Notice 11516809.2. Consent Notice 11226637.2, mandated specific engineering design for earthworks and building on lots from a previous subdivision, is proposed for removal as it no longer pertains to the subject site. The partial cancellation of 11516809.2 involves removing several clauses: condition 1, which restricted site access for Lots 1, 2, and 3; condition 2, which detailed stock fencing requirements for Lot 8; and condition 3(a), which confined building to a specific platform on the subject lot (Lot 6). These cancellations are sought as the conditions are either irrelevant to the current Lot 6 or conflict with the proposed new two-lot subdivision layout and proposed identified building areas
- 3.3 It is also noted that the proposal requires resource consent under the National Environmental Standard for Freshwater (NES-F). The applicant has lodged the relevant resource consents to the Northland Regional Council on 20 May 2025. The permit is referenced by NRC as APP.046567.01.01.

4. Site Description and Surrounding Environment

- 4.1 The following is noted in describing the surrounding environment:
- 4.1.1 The site is located on Mokohinau Drive, Mangawhai, on the outskirts of the Mangawhai Village township and is near the Auckland/Kaipara jurisdictional boundary.
- 4.1.2 The surrounding area is zoned Rural and is characterized by a mix of rural-residential/'lifestyle' allotments and larger properties used for grazing and agricultural activities. Mokohinau Drive locality is transitioning towards a more rural-residential character, forming a cluster of lifestyle living activities.
- 4.1.3 The area features a combination of rural-residential property sizes.
- 4.1.4 The site falls within the Rodney North Ecological District. It is near the 'Cames Road Forest Remnants' (ROD025), a significant ecological area.
- 4.1.5 The property forms part of the upper catchment for the Waiteitei Stream, which flows to the south of the site's boundary.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	18 of 39

4.1.6 The broader area is classified as a 'Category 3 Threatened Land Environment,' indicating 20-30% remaining indigenous cover. There is an extensive network of existing conservation covenants on nearby properties, contributing to ecological connectivity.

4.2 The following is noted in describing the subject site:

4.2.1 The site is currently vacant. The nature of the site consists of sloping ground generally trending towards the south and east.

4.2.2 There is an existing covenanted vegetation area of 3087m² on the property (identified as 'B' on Lot 2). An unnamed intermittent stream flows within the site on a north-south direction.

4.2.3 The property is zoned Rural under the Kaipara District Plan. The surrounding area is characterized by a mix of rural-residential/lifestyle allotments and land used for grazing and agricultural activities.

4.2.4 Access to the site is via an existing vehicle crossing off Mokohinau Drive.

4.2.5 The site is located within the Rodney North Ecological District and adjoins the 'Cames Road Forest Remnants' (ROD025). It forms part of the catchment area for the Waiteitei Stream.

4.2.6 Geologically, the site is underlain by sedimentary rocks of the Pakiri Formation (Waitemata Group). The soils are characterized as albic ultic (UE) soils, which are typically prone to poor drainage and have clay-rich subsoils.

4.2.7 The applicant has reviewed the records and aerial photography to conclude that no HAIL activities have occurred on the subject site. Having reviewed this assessment, I agree and accept the conclusions drawn by the agent. The Northland Regional Council Selected Land Use Register does not show any recorded activity that would trigger the NES CS and no HAIL activities are reported as having been undertaken on the site. There is no indication within the geotechnical investigation that this has occurred.

4.2.8 No specific hazards are indicated by the NRC GIS maps for the vicinity of the site. The site is identified as Land Use Capability (LUC) class 6.

4.2.9 There is an existing overland flow path that exists on the subject site that is already protected by existing easements on the title.

5. Kaipara District Plan (Operative 2013) Rule Assessment

5.1 The following apply to the subject property

Zoning: Rural Zone

Overlays: N/A

Rules: Rule 12.13.1 'Environmental Benefit' – Restricted Discretionary
Activity: The proposal involves the subdivision of the parent site (Lot 6

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	19 of 39

DP 537061) into two freehold allotments, creating one additional lot, where the following key requirements of the Environmental Benefit rule are met:

- The permanent physical and legal protection of an ecological Environmental Benefit (approximately 7097m² comprising existing small wetland areas, riparian margins of an intermittent stream, and proposed revegetation plantings) is proposed within the site via land covenants.
- The ecological features proposed for protection (existing wetland areas, stream margins, and revegetation areas marked as 'C' and 'D' on the scheme plan) will be subject to land covenants.
- The 'Ecological' Environmental Benefit, with a total proposed new covenanted area of 7097m², exceeds the minimum rule requirement of 0.5 hectares (5000m²).
- The creation of one additional Environmental Benefit Lot (resulting in two lots in total from the parent title) is within the maximum of three Environmental Benefit Lots permitted per site in perpetuity.
- Each proposed Environmental Benefit Lot (Proposed Lot 1: 6528m² nett; Proposed Lot 2: 1.3400ha nett) will have a minimum net site area greater than 4000m² and is designed to provide an area of at least 2500m² exclusive of the areas being permanently protected, to accommodate a dwelling and associated wastewater treatment and disposal system.
- The proposed subdivision is considered to comply with all other requirements of Rule 12.13.1 and the relevant Performance Standards in Section 12.10 and 12.15 of the Plan.
- The proposed subdivision is considered to meet all of the requirements of Rule 12.13.1, and therefore qualifies as a Restricted Discretionary Activity under this rule.

The proposed subdivision meets all of the requirements of Rule 12.13.1 (above), except that the proposed subdivision does not comply with the relevant performance standards outlined below, therefore being assessed as a restricted discretionary activity under Rule 12.13.1.

Rule 12.15.8 'Telecommunications' – Restricted Discretionary Activity:
The proposal does not provide a cabled telecommunications

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	20 of 39

connection at the boundary of the new allotments and instead proposes wireless telecommunications services for the future dwellings.

Activity status: Restricted Discretionary

5.2 As a restricted discretionary Activity, Council's discretion is restricted to the matters listed under the relevant planning rules as follows:

General Subdivision Matters (from Rule 12.12.1, as referenced by 12.13.1 i)):

- 12.12.1 i): Compliance with Section 12.15 Performance Standards.
- 12.12.1 ii): Site Servicing and On-site Service Management (including Engineering Standards, Low Impact Stormwater, Reticulation, Firefighting Water).
- 12.12.1 iii): Allotment and Building Area Design for Reverse Sensitivity (including utilities).
- 12.12.1 iv): Appropriate Development within Site(s) (including Land Use Performance Standards 12.10, Landscape/Amenity, Natural Hazards, Land Use Conflicts, Maori Heritage).
- 12.12.1 v): Safe and Efficient Access (including entrance ways, State Highway/Arterial Road access).
- 12.12.1 vi): Provision for Maturanga Maori and Tikanga.
- 12.12.1 vii): Requirement for Other Instruments (Financial Contributions, Bonds/Covenants, Amalgamation/Easements, Esplanade Reserves/Strips).
- 12.12.1 viii): Timing of Consent and Duration.
- 12.12.1 ix): Effects on Outstanding Natural Landscapes.

Site(s) Design and Location (Rule 12.13.1 ii)):

- Accordance with Council Adopted Design Guidelines.
- Accordance with Adopted Structure Plans or Policy Guidance.
- Meeting Objectives of Plan Chapters 3, 12, and 4 (if in Overlay).
- Services and/or Management of On-site Services (Rule 12.13.1 iii)):
- Avoidance of Cumulative Effects on Environment and Infrastructure.
- Location relative to Existing Settlements and Infrastructure Capacity (including upgrades/contributions).

Potential Effects of Development within Site(s) (Rule 12.13.1 iv)):

- Minimisation of Earthworks for Servicing, Platforms, Access.
- Density of Subdivision/Development and Effects on Amenity, Landscape, Values.
- Revegetation with Eco-sourced Native Plants.
- Effects on Heritage Values (Appendix 17.1, 17.2).
- Environmental Benefit Assessment (Rule 12.13.1 v)):
- Extent Environmental Benefit Exceeds Mitigation Measures.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	21 of 39

- Size of Feature to be Protected.
- Quality of Feature to be Protected (including ecological significance, location, contribution to natural character, rarity, specific Overlay considerations, modification/restoration potential, management plans).
- Type of Permanent Protection and Management Proposed (including bonds/covenants, restrictions, ongoing management).

For the Non-Compliance with Telecommunications (Rule 12.15.8):

- 12.15.8 i): Provision of Extended Reticulation System (for new roads/ROWs).
- 12.15.8 ii): Ability for Alternate Phone Coverage (e.g., mobile).

6. Proposed Kaipara District Plan: Notified 28 April 2025 - Rule Assessment

On 28 April 2025, the Council notified the PDP. The submission period is currently open and closes on 30 May 2025.

Some rules in the PDP have immediate legal effect upon notification in accordance with section 86B(3) of the RMA. Rules in the PDP with immediate legal effect are identified with an orange gavel next to the rule. Rules with legal effect must be complied with.

Pursuant to section 86B(1), all other rules in the PDP, including rules relating to subdivision, have legal effect only once decisions on submissions relating to rules are made and publicly notified. If a rule is not subject to any submissions in opposition, it can be treated as operative under section 86F of the RMA. Rules that do not have legal effect (or are not operative under section 86F) do not trigger the need for a resource consent under the PDP.

As the submission period is still open, and the further submission period has not commenced, it is not possible for Council to determine if any rules in the PDP, including rules relating to subdivision, can be treated as operative under section 86F. Therefore, currently only those rules that qualify under section 86B(3) have immediate legal effect from the date of notification of the PDP.

Subdivision consent is not required under the PDP, as rules in the PDP relating to subdivision do not currently have legal effect.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	22 of 39

7. Notification Assessment

- 7.1 A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's accompanying Notification Assessment Report.

8. Statutory Acknowledgements

- 8.1 Relevant to this application, any statutory acknowledgement within the meaning of the Act specified in Schedule 11 would be contained within the Environs Holdings Limited is a subsidiary of Te Uri o Hau Settlement Trust (caretaker of Te Uri o Hau Claims Settlement Act 2002) authorized to participate in the Resource Management Act 1991 proceedings.
- 8.2 There are no features within the subject site that have been recognised by the Crown, through a statutory acknowledgment, as significant to Te Uri o Hau. The applicant consulted with Environs Te Uri o Hau, the authorized body for engaging in Resource Management Act processes on behalf of Te Uri o Hau. In an email to the applicant's agent on 4 April 2025, Environs Te Uri o Hau confirmed they have "no interest in Hamish Bassick's application for a 2 lot subdivision". No cultural concerns were raised as a result of this consultation.

8.3

9. Section 104(1)(a) – Actual & Potential Effects on the Environment

Trade Competition

- 9.1 With regard to Section 104(3)(a)(i), there are no known issues in the consent application or as a result of the submission process that raise questions of trade competition or the effects of trade competition.

Written Approvals

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	23 of 39

- 9.2 With regard to Section 104(3)(a)(ii), the Council must not have regard to the effects on those persons who have given written approval to the application. No persons have been provided written approval.

Permitted Baseline

- 9.3 In accordance with Section 104(2), the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (commonly referred to as the ‘permitted baseline’ test). The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the Plan or NES irrelevant. The baseline has been defined by case law as compromising non-fanciful (credible) activities that would be permitted as of right by the plan in question.
- 9.4 No subdivision activity can be undertaken as of right as a permitted activity under the Plan rules on the subject site. Therefore, there is no permitted baseline applicable in assessing the application.

Receiving Environment

- 9.5 The ‘environment’ upon which effects are to be assessed comprises the existing and reasonably foreseeable future environment. In identifying the environment, it is necessary to consider the environment as it is at the time of application, and the likelihood of change to that environment in the future, based upon the activities that could be carried out as a right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).
- 9.6 Further to the site description in Section 4.0 of this report, the surrounding environment comprises of a mix of larger rural activities and rural lifestyle living activities. The immediate area is where the lifestyle living activities are most commonly observed clustered around Mokohinau Drive and along Comes Road. It is against this environment to which the proposal is assessed against.
- 9.7 In this instance, the proposed development is assessed as a discretionary activity, and as such the discretion of the Council is not restricted, and the full extent of the adverse effects have been assessed.

Assessment of Effects

Positive Effects

- 9.8 The proposal includes the legal and physical protection of 7097m² of land associated with vegetation, riparian areas and natural wetlands. This will enhance the and improve the quality of these environments and provide a net environmental benefit, and a positive ecological effect.

Access and Traffic

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	24 of 39

- 9.9 Access to the proposed lots will be provided via the upgrading of a new right-of-way, designated as 'A' on the scheme plan, directly from Mokohinau Drive. The subdivision is anticipated to generate an additional six vehicle movements per site each day, an increase that the existing formation of Mokohinau Drive is considered capable of absorbing without adverse effects. All construction for the new vehicle crossing will adhere to the Kaipara District Council's Engineering Standards. It is therefore assessed that any potential effects on traffic and safety have been appropriately managed and are acceptable.

Servicing

- 9.10 The proposed lots will be self-sufficient in terms of services, as there is no council reticulated infrastructure available in this location. The submitted geotechnical report confirms that each lot has an adequate land area designated for on-site wastewater and stormwater disposal. Potable water for future dwellings will be supplied through the harvesting of rainwater into individual storage tanks. Wireless telecommunications are proposed for both lots with consent notices already in place on the parent title which would be replicated on the proposed allotments. As it relates to electricity supply, the applicant has accepted a condition of consent to provide supply to Lot 1. Overall, any adverse effects in relation to the servicing of the proposed allotments will be appropriately mitigated and acceptable.

Stability and Earthworks

- 9.11 A geotechnical investigation by Wiley Geotechnical Limited has confirmed that the site is suitable for the proposed subdivision, with no signs of instability observed near the proposed building platforms. The report concludes that with standard construction and earthwork practices, the development will not result in a significant risk of erosion, subsidence, slippage, or inundation. The property is not situated within a designated Coastal Flood Hazard Zone, and regional council maps do not indicate a susceptibility to inundation. Any risks from natural hazards have therefore been appropriately assessed and are considered acceptable.

Landscape and Visual Effects

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	25 of 39

9.12 In terms of landscape and visual effects, the subdivision layout has been designed to ensure potential landscape and visual effects are acceptable. The proposed lots remain largely in their current state, and future building platforms are sited to avoid being highly visible from public roads or the wider landscape. Potential effects will be further mitigated through design guidelines for future construction, which restrict building height, reflectivity through the use of non-mirrored glazing, and require recessive colour palettes. Earthworks will be kept to a minimum, any resulting batters will be contoured to integrate with the existing landform, and exterior lighting will be controlled to prevent light spill, ensuring that the visual impact of the development will be appropriately mitigated.

Character and Amenity Effects

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	26 of 39

- 9.13 In terms of character and amenity effects, the creation of two lots with areas of 0.7353 hectares and 1.3400 hectares is consistent with the established pattern of rural-residential and lifestyle properties in the Mokohinau Drive vicinity. Furthermore, the proposal is consistent with what is provided for in the District Plan's 'Environmental Benefit' rule, which anticipates this scale and extent of intensification, and the resulting density. The appropriate lot sizes will preserve and maintain a sense of openness of the existing rural character of the area. Any effects on local character and amenity values are therefore considered to be acceptable.

Ecological Effects

- 9.14 In terms of ecological effects, the application site contains notable ecological values, which are considered to possess moderate-high ecological value. The site also features scattered indigenous trees, an unnamed intermittent stream that is part of the Waiteitei Stream catchment, and two small wetland areas. While the stream and wetlands are currently in a modified state with low ecological condition, they have been identified as having high potential for restoration.
- 9.15 The wider Waiteitei Stream catchment is known to provide habitat for 'At Risk-Declining' longfin eel and 'Regionally Significant' banded kōkopu. The site itself supports a moderate diversity of birdlife, including the 'Regionally Significant' kererū, and provides suitable habitat for native lizards and potentially bats. Overall, the existing ecological significance of the site is assessed as moderate, with a high potential for ecological restoration and enhancement.
- 9.16 The proposal incorporates positive ecological outcomes that are designed to offset the effects of the development, including the establishment of a new land covenant totaling approximately 0.7097 hectares over key environmental features. This covenant will provide permanent legal protection for two existing wetland areas, the intermittent stream habitat, and substantial new revegetation planting areas. The Ecological Environmental Benefit (EEB) is to enhance natural drainage patterns, protect existing indigenous bush, and significantly improve on-site biodiversity and ecological connectivity. These enhancements will be achieved through a comprehensive Ecological Management Plan that mandates revegetation with eco-sourced species, permanent stock exclusion with stock-proof fencing, and a robust pest plant and animal control program. This new protected area will connect to and expand upon an extensive existing network of conservation covenants in the surrounding landscape, thereby strengthening a vital ecological corridor.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	27 of 39

9.17 Potential adverse ecological effects from the subdivision, such as sedimentation during construction, are expected to be appropriately managed and mitigated. The proposed building platforms and wastewater disposal fields have been sited to avoid direct impacts on the most sensitive ecological areas, respecting setbacks from wetlands and watercourses. Standard and proven mitigation measures, including the implementation of a comprehensive erosion and sediment control plan, will be required during any earthworks. Through the permanent legal protection and enhancement of 0.7097 hectares of ecologically valuable land, the proposal is considered to result in a net ecological benefit. The positive effects generated by the protection and restoration of these habitats are significant and will ensure the overall ecological effects of the activity are acceptable.

Cultural and Archaeological Values

9.18 No recorded archaeological sites exist on the property, and consultation has confirmed that Te Uri o Hau Environs has no interest in the proposal. To manage the potential for any unknown sub-surface discoveries, a standard Accidental Discovery Protocol will be imposed as a condition of consent. Noting these measures, any potential effects on cultural and archaeological values are considered acceptable.

Reverse Sensitivity

9.19 The proposal to create two lots is in keeping with the existing rural and rural-residential character of the area and will not introduce land uses that conflict with established activities, such as farming and forestry, which already function alongside numerous 'lifestyle' allotments in the locality. For this reason, the potential for reverse sensitivity effects to arise from the future residential use of the new lots is considered to be appropriately avoided and is acceptable.

Cumulative Effects

9.20 The proposed subdivision represents a continuation of the existing rural-residential development style that characterises this part of the Kaipara District, rather than setting a precedent for a new form of development. The scale and intensity of the proposal are consistent with the provisions of the District Plan. Mitigation measures, including defined building locations and controls on materials, will ensure that future development can be visually absorbed by the surrounding environment. The proposal is also consistent with the environmental benefit subdivision provisions and therefore anticipated and consistent with what is provided for in the Plan. Therefore, the proposal's contribution to cumulative effects on rural character and amenity is not considered to be significant and is acceptable

Conclusion

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	28 of 39

- 9.21 In summary having assessed the effects of the activity, subject to compliance with conditions, it is considered that the activity will have acceptable adverse effects on the environment.

10. Section 104(1)(b) – Provisions of Standards, Policy Statements and Plan

National Policy Statements

- 10.1 National Policy statements are instruments issued under section 52(2) of the Act. The National Policy Statements of relevance to this application are:
- National Policy Statement on Highly Product Land 2022 (NPS-HPL)
 - National Policy Statement for Freshwater Management 2020 (NPS-FW)
- 10.2 As it relates to the NPS-HPL, the site contains LUC6 soils as identified by Manaaki Whenua-Landcare Research, which are not classified as Highly Productive under the National Policy Statement for Highly Productive Land. Therefore, the site is not subject to the restrictions for subdivision related to productive land as provided in the NPS-HPL. Regardless, the proposal efficiently uses land that has limited productive potential while protecting ecological features that contribute to wider environmental values. The subdivision layout and appropriate sizes maintain sufficient land area for small-scale productive activities alongside rural residential use if desired.
- 10.3 The proposal is also consistent with the National Policy Statement for Freshwater Management (NPS-FM 2020) through its comprehensive approach to protecting and enhancing the site's freshwater features. The development incorporates sufficient setbacks from all identified wetlands and streams, with building platforms positioned to maintain required buffer distances. The permanent legal protection of 1.6025 hectares of ecological features, including all natural inland wetlands, with approximately 6,170m² of indigenous revegetation planting to establish 10-meter buffer zones. This vegetation will improve filtration of runoff, preventing contaminants from entering waterways. The stormwater management system has been specifically designed to attenuate peak flows below pre-development levels, with upgraded ponds and appropriate discharge methods to protect downstream receiving environments. All wastewater systems will maintain a minimum 15-meter setback from wetlands, and the implementation of the Ecological Management Plan provides for ongoing weed management and pest control in perpetuity, ensuring the long-term health of the freshwater ecosystems. These measures ensure that the proposal is consistent with the relevant objectives and policies of the NPS-FM 2020.

Regional Policy Statement (RPS)

Regional Water and Soil Plan for Northland 2004

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	29 of 39

- 10.4 The RPS provides broad direction and framework for managing Northland's natural and physical resources. It identifies significant resource management issues in Northland and establishes objectives, policies and methods for addressing these issues to achieve integrated management of resources. Key areas include freshwater quality, indigenous ecosystems and biodiversity, issues significant to Tangata Whenua, natural hazards, and natural character/landscapes/heritage. The RPS aims to shape Northland's future development while protecting and enhancing its unique environmental and cultural values.
- 10.5 In this regard, the proposal is consistent with the RPS's relevant objectives through its legal and physical protection of vegetation and freshwater provisions providing an environmental benefit through the proposal. The subdivision design avoids impacts on wetlands and streams by maintaining minimum appropriate setbacks, while implementing comprehensive erosion and sediment controls to protect downstream receiving environments.
- 10.6 Overall, the proposal is generally consistent with the objectives and policies of the RPS.

Proposed Regional Plan for Northland 2024

- 10.7 The Regional Plan's objectives and policies establish a comprehensive framework for sustainable resource management in Northland, balancing development needs with environmental protection. The plan aims to maintain and improve water quality and quantity while safeguarding ecological integrity and indigenous biodiversity, including protecting significant freshwater bodies and wetlands, and maintaining fish passage. The policies provide specific guidance on resource management, infrastructure development, environmental protection, coastal management, and cultural considerations.
- 10.8 In this regard, the proposal demonstrates consistency with these objectives and policies through the legal and physical protection of freshwater features and vegetation on site to create 0.7097 hectares of environmental benefit. The stormwater management and wastewater disposal fields are proposed and designed to ensure that these will not impact the sensitive features on site.
- 10.9 It is noted that the applicant has applied for necessary consents from Northland Regional Council (NRC) related to the NES-FW. These include consent APP.046567.01.01 works within proximity to existing natural inland wetlands.
- 10.10 Overall, the proposal is generally consistent with the objectives and policies of the Regional Plan.

Kaipara District Plan 2013

Chapter 6: Ecological Areas

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	30 of 39

Objective 6.5.1 – “To maintain and enhance the quality of existing significant indigenous vegetation and the ecological values of the District.”

Objective 6.5.2 – “To provide for appropriate use and subdivision of land containing significant indigenous vegetation and significant habitats of indigenous fauna, where the ecological and other values are maintained.”

Objective 6.5.3 – “To recognize the ecological benefits of protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.”

Policy 6.6.2 – “By avoiding, minimizing and/or mitigating adverse effects as far as practicable on areas of significant indigenous vegetation and habitats.”

Policy 6.6.2b – “By providing opportunities for landowners to protect, restore or enhance areas of significant indigenous vegetation and habitats of indigenous fauna.”

10.11 In this regard, the proposal involves subdivision of land that provides for efficient land use while maintaining, enhancing, and protecting ecological values present on the subject site in perpetuity. No works are proposed in the western boundary area containing the stream and indigenous vegetation. The proposal includes wetland protection and buffer planting, with conditions requiring ongoing maintenance to protect these natural features.

10.12 While a small portion of earthworks is proposed within the 10m setback of a wetland, these are specifically for upgrading existing stormwater management infrastructure to better protect the wetlands from future runoff. The proposal therefore aligns with these objectives and policies by both protecting existing ecological features and enhancing them through active management.

Chapter 12: Rural Zone

Objective 12.5.2 – “To maintain the rural character and amenity, including the:

- *Sense of openness;*
- *Low dominance of built form;*
- *Pasture and Commercial Forest Areas;*
- *Areas of indigenous vegetation and significant fauna; and*
- *Unmodified natural landforms.*

Objective 12.5.3 – “To protect habitats of indigenous fauna and to maintain the diverse range of indigenous vegetation.”

Objective 12.5.4 - To ensure that the servicing of new subdivision and development does not adversely affect the environment, in particular sensitive receiving environments”

Objective 12.5.8 – “To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding rural environment.”

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	31 of 39

Objective 12.5.9 – “To allow a diverse range of activities to establish in the Rural Zone in a way that does not constrain the primary function of the zone for farming or forestry activities.”

Objective 12.5.10 – “To integrate and provide for existing site features such as indigenous vegetation, streams or wetlands, as part of the subdivision where appropriate.”

Policy 12.6.2 – “By providing opportunity for rural residential development in areas surrounding the towns and villages of the District, in a manner that will maintain the character and amenity of the Rural Zone.”

Policy 12.6.3a – “By enabling greater intensity of subdivision and development where the ecological values of the land will be protected and/or enhanced.”

Policy 12.6.3c – “By providing for innovative subdivision designs that result in better environmental outcomes.”

Policy 12.6.4 – “By requiring all subdivision to contribute to the retention of rural character and amenity.”

Policy 12.6.5 – “By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.”

Policy 12.6.7 – “By encouraging subdivision designs that incorporate ecological features, streams and wetlands as part of the development.”

Policy 12.6.10 - By maintaining opportunities for the diversity of rural land use, without significant interference from adjacent residential, lifestyle or rural – residential activities.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	32 of 39

- 10.13 In this regard, the proposal maintains rural character and amenity appropriate lot areas, preserving a sense of openness relative to any future built form. The subdivision provides appropriate rural residential opportunities consistent with the surrounding environment particularly clustered around Mokohinau Drive, which already features many similarly sized rural lifestyle properties.
- 10.14 The site layout respects natural features, with building platforms positioned to avoid impacts on wetlands and streams where possible. The subdivision incorporates wetland and bush protection, with approximately 0.709 hectares of ecological features being permanently protected, along with extensive buffer planting, providing an environmental benefit as part of the subdivision proposal.
- 10.15 Infrastructure requirements are addressed through on-site wastewater systems with suitable setbacks from protected areas, stormwater management, and an appropriately designed access way with passing bays. These design elements ensure the subdivision will not adversely affect the environment while enabling an appropriate level of rural residential development.
- 10.16 The proposal therefore demonstrates consistency with the objectives and policies of the Rural Zone by balancing rural residential opportunities with environmental protection.
- 10.17 Overall, the proposal is generally consistent with the relevant objectives and policies of the Rural Zone.

Conclusion

- 10.18 Overall, the proposal is generally consistent with the relevant objectives and policies of the Operative Kaipara District Plan.

Proposed Kaipara District Plan 2013

- 10.19 As outlined above, subdivision consent for this proposal is only required under the Operative Kaipara District Plan. While the Proposed Kaipara District Plan has been publicly notified, rules relating to subdivision in the Proposed Kaipara District Plan do not currently have legal effect. However, the objectives and policies of the Proposed Kaipara District Plan (notified version 28 April 2025) have legal effect and are relevant to the assessment of the application for subdivision consent under section 104(1)(b) of the RMA

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	33 of 39

- 10.20 Under the Proposed District Plan, the General Rural Zone (GRUZ) is primarily focused on enabling primary production activities and aims to maintain rural character and amenity, including low building densities, while protecting primary production from reverse sensitivity effects. Non-rural activities are generally to be avoided unless a functional or operational need for a rural location is demonstrated. The Subdivision (SUB) chapter reinforces that subdivision should enable efficient land use that is consistent with the zone context and respond to site constraints. Specifically, for the Mangawhai/Hakaru Managed Growth Area, Policy SUB-P12 restricts further subdivision to ensure consolidated infrastructure can sustainably manage future growth. However, the SUB chapter's overview acknowledges that despite this general restriction, "some small-scale opportunities for further subdivision in this Managed Growth Area" exist, including through "Environmental Benefit subdivision rules". A key rural subdivision objective is also to provide flexibility for people to live and work in a rural environment (SUB-O3).
- 10.21 In this regard, the proposal is considered appropriate within this proposed plan context, primarily by qualifying as a "small-scale opportunity" for Environmental Benefit subdivision within the Mangawhai/Hakaru Managed Growth Area, as identified above. The proposal is generally consistent with the specific mechanism of Rule SUB-R6, as the parent title pre-dates April 2025, the land is not highly productive (being LUC Class 6), the proposed lots exceed the 4,000m² minimum, and an ecological enhancement is offered through the 0.7097-hectare covenanted area with an associated ecological management plan. Furthermore, the creation of one additional large lifestyle lot is consistent with maintaining a low-density rural character (GRUZ-O4, GRUZ-P4), and the reverse sensitivity effects are acceptable (GRUZ-O2, GRUZ-P3). The on-site servicing for water, wastewater, and stormwater also means the proposal places minimal demand on consolidated public infrastructure, which addresses the thrust of Policy SUB-P12. Overall, the proposal is generally consistent with the relevant objectives and policies of the proposed plan.

Conclusion

- 10.22 Overall, the proposal is generally consistent with the relevant objectives and policies of the Proposed Kaipara District Plan 2025. As the outcomes considered under both plan frameworks are the same, no further weighting assessment is required. Nonetheless, as the proposed plan is at its early stages of the Schedule 1 Process, it is considered that lesser weight can be afforded.

11. Section 104(1)(x) – Other Matters

Contributions

Financial Contribution

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	34 of 39

11.1 Section 22.10.6 of the District Plan sets out the amount of reserves contributions for subdivision of land for principally residential purposes where lots can accommodate a residential dwelling at 5% of the value of a 4000m² building site on a rural lot. In this case, three additional undeveloped lots are proposed and therefore a reserves contribution is required and will be imposed as a condition of consent.

Development Contribution

11.2 The Local Government Act 2002 provides the Council with the ability to charge development contributions for increased capacity on existing Council assets in accordance with Council policy. The Consent Holder would be required to pay development contributions for the three additional undeveloped lots.

12. Section 37 Extension

DRAFT CONDITIONS

Draft conditions were shared with the applicant/agent on 28 May 2025. The conditions have been agreed by the applicant/agent on 04 June 2025. A section 37 extension was agreed to by the applicant/agent for sharing of conditions.

In this regard, Section 37 of the Act provides for a consent authority to extend a time period specified in the Act. Under section 37A(4)(b) of the Act, a consent authority may extend the time period (up to no more than twice the maximum specified in the Act), where either:

- (i) Special circumstances apply (including special circumstances existing by reason of the scale of complexity of the matter) or
- (ii) The applicant agrees to the extension, and the authority has taken into account –
 - a. The interests of any person who in its opinion, may be directly affected by the extension or
 - b. The interest of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan and
 - c. Its duty under Section 21 to avoid unreasonable delay.

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	35 of 39

13. Section 106 Assessment

- 13.1 Pursuant to Section 106(1)(a) Council may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions if it considers that there is a significant risk from natural hazards.
- 13.2 In this regard, the proposed subdivision is not at significant risk from natural hazards. The proposal and proposed building platforms avoid the areas of the site with the overland flow path. The site is assessed to be appropriate from a stability standpoint, and stability is also maintained as it relates to the earth bunds proposed.
- 13.3 Pursuant to Section 106(1)(c) Council may refuse subdivision consent if sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- 13.4 In this regard, sufficient provision is made to provide access to all allotments. Lot 1 will maintain the existing access, and Lot 2 will gain access with the right of way over Lot 1.

14. Part 2 of the Act

- 14.1 Whilst it is accepted that the relevant plans as detailed in the above assessment have been competently prepared in accordance with Part 2 of the Act, for completeness an assessment of Part 2 matters is now included.

Section 5 – Sustainable Management Purposes of the Act

- 14.2 Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources with sustainable management defined in Section 5 (2).
- 14.3 It is considered that the proposal will promote the sustainable management of natural and physical resources as it provides for rural residential living opportunities in an area identified for growth area, protecting and enhancing ecological features including wetlands and indigenous vegetation and implementing comprehensive stormwater and wastewater management systems to protect receiving environments. Overall, the proposal is consistent with s5 of the Act.

Section 6 – Matters of National Importance

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	36 of 39

14.4 Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. In this regard, the proposal addresses these matters by preserving natural features and providing for their protection and enhancement. Specifically, the permanent protection of indigenous vegetation, wetlands, and stream margins contributes to the preservation of the natural character of these areas (s6(a)). The protection and enhancement of these significant natural areas, including buffer planting and ongoing pest control, will safeguard the habitats of indigenous fauna (s6(c)). The setbacks from wetlands and streams, along with appropriate stormwater management, will help maintain public access to and along waterways (s6(d)). No known areas of cultural significance have been identified on the site, and an accidental discovery protocol is proposed as a condition of consent to address potential archaeological findings (s6(e) and (f)). The proposal is consistent with section 6 of the Act.

Section 7 – Other Matters

14.5 Section 7 of the Act sets out other matters a consent authority must have particular regard to. The following matters are considered relevant.

- Kaitiakitanga
- The efficient use and development of natural and physical resources
- The maintenance and enhancement of amenity values
- Intrinsic values of ecosystems
- Maintenance and enhancement of the quality of environment
- Any finite characteristics of natural and physical resources

In this regard, the proposal demonstrates kaitiakitanga (s7(a)) through the comprehensive ecological management plan that includes protection, enhancement, and ongoing maintenance of natural features. The efficient use and development of natural and physical resources (s7(b)) is achieved through the subdivision layout that works with the site's natural contours and continues the clustered arrangement. The proposal maintains and enhances amenity values (s7(c)) by creating appropriately sized rural lifestyle lots that are consistent with the surrounding environment while preserving open space and natural features. The environmental protection measures, including buffer planting and pest control, will maintain and enhance the quality of the environment (s7(f)). Overall, the proposal is generally consistent with section 7 of the Act.

Section 8 – Treaty of Waitangi

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	37 of 39

14.6 Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). In this regard, appropriate consultation has been undertaken, and no cultural concerns have been raised with respect to the proposed development to date. The proposal focuses on protecting and enhancing natural features, particularly wetlands and waterways, aligns with kaitiakitanga principles important to iwi. The inclusion of an accidental discovery protocol as a condition of consent provides a mechanism to address any potential discoveries of cultural significance during development works. Overall, the proposal appropriately takes into account the principles of the Treaty of Waitangi.

15. Reason for Decision

In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are acceptable and appropriately mitigated as discussed in section 8.0 of this report.

14.7 In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant statutory documents including the Kaipara District Plan 2013, Northland Regional Plan, Northland Regional Policy Statement, NPS-FW, and NPS-HPL.

14.8 In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.

14.9 The Council has taken into account the relevant principles outlined in Sections 6,7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

14.10 On 28 April 2025, Council notified the Proposed Kaipara District Plan (“PDP”). The submission period is currently open and closes on 30 May 2025. As the submission period is still open, only those rules that qualify under section 86B(3) have immediate legal effect from the date of notification of the PDP. There are no rules in the PDP with immediate legal effect in accordance with section 86B(3) of the RMA that are applicable to this proposal. The proposal has been assessed against the objectives and policies in the PDP that have immediate legal effect and are relevant to the proposal.

Reporting Planner: _____

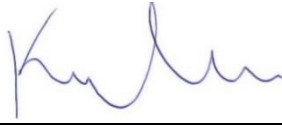


Masato Nakmaura

5/06/2025

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	38 of 39

Peer Review:



28/05/2025

Kim Nathan – Consultant Planner

Signed:



5/06/2025

JJ Pienaar

Team Manager Resource Consents

Kaipara District Council

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991

Document Ref:	Document Name:	Version	QAM Author	Date	Page
rsubdecrep	RMA Subdivision Decision & s104 Assessment Report	6	QAM	Aug 24	39 of 39