



Publicly Notified Decision
Section 104, 104B, 106, and 108
of the Resource Management Act 1991

Date:	25 September 2026	Application Number:	LU-2026-113534-00, SG-2026-113535-00
Reporting Planner:	Bright Mushaishi	Site Visit on:	25 September 2026

Related Applications:	NIL
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Applicant:	Phillip Robert and Jacqueline Mary Solomon
Property Address:	95 Glenelg Road, Makauri, Gisborne
Legal Description:	Lot 1 DP 549844, Lot 2 DP 573026 contained in Record of Title(s) 946382, 1042202
Description of Activity:	Subdivision by way of boundary adjustment between Lot 1 DP 549844 and Lot 2 DP 573026 to create Lots 1 and 2 which do not comply with the minimum allotment sizes and to construct a dwelling on the proposed Lot 1.
Zoning:	Rural Production Zone
Overlay(s):	Interim Highly Productive Land under the NPS-HPL Land Overlay 1 Moderate Liquefaction Low Liquefaction Te Aitanga a Mahaki Area of Interest
Relevant Plan / Legislation and Rules	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan • C10.1.6(9) • DD4.6.1A(19)
RMA Consent Type	Land use, and Subdivision
Activity Status:	Discretionary

DECISION REPORT - PUBLICLY NOTIFIED CONSENT

1.0 Introduction

1.1. Proposal

Phillip Robert and Jacqueline Mary Solomon (the applicant) is seeking to subdivide Lot 1 Deposited Plan 549844 and Lot 2 Deposited Plan 573026 situated at 85 and 95 Glenelg Road, Hexton, by way of boundary adjustment into two allotments as follows:

- Lot 1 with a total area of 1.5851Ha,
- Lot 2 with a total area of 4.9332Ha,

Image 1 below shows the proposed configuration.



Image 1: Proposed lot configuration.

The total areas are subject to a final survey. The minimum lot size specified for the Rural Production zone is 8.0ha therefore each lot is of a substantially substandard size for the zone.

The applicant is proposing to maintain all the existing easements in favour of Lot 1 DP 573026 which includes the right of way, existing power, and telecommunication easements. The rights to the brewery spring will also remain unaffected.

The applicant is also proposing to extend the easement which is marked A (Right of Way to grant access, Right to convey electricity, telecommunications and computer media) to the proposed Lot 1.

It is proposed that the existing stockyards on proposed Lot 1 will be removed. The applicant indicated that they have identified 2 potential building platforms within the proposed Lot 1. It is proposed that Lot 2 will be retained as a productive lot.

The applicant proposes to deal with effluent and wastewater system designs at the building consent stage because the site is outside the Reticulated Services Boundary. It is proposed that water supply will be from rainwater collection from roofs into appropriate water storage systems.

The application is supported by the following technical reports:

- Geotechnical Investigation Report, prepared by Allied Geotech Ltd, dated 9 December 2022 (reference AG 0269).
- Highly Productive Land Assessment, prepared by Goodman Rural, dated 16 January 2024.
- Supplementary HPL advice, prepared by Goodman Rural and dated 20 August 2026.
- A signed HAIL statement by the applicant.

Previous Application

A previous bundled subdivision and land-use consent application, LU-2024-112319-00/SG-2024-112320-00, was lodged on 18 April 2024. That proposal sought to subdivide Lot 2 DP 573026 into four allotments and provide dwelling opportunities on lots below the Rural Production Zone's 8-hectare minimum area. The proposed lots comprised approximately 2,330 m², 9,864 m², 4,790 m² and 1.5071 hectares, with residential development proposed on the first three lots and the balance lot intended to remain in pastoral use.

That application was publicly notified. Council received six submissions, five opposing the proposal and one neutral submission. The application was subsequently withdrawn by the applicant on 25 June 2024 before a hearing or substantive consent decision was made. The withdrawal means that no determination was reached on the merits of that proposal.

The present application differs by retaining two titles rather than creating four allotments. It seeks a boundary adjustment between Lot 1 DP 549844 and Lot 2 DP 573026 to create proposed Lot 1 of approximately 1.5851 hectares and proposed Lot 2 of approximately 4.9332 hectares, together with land-use consent for a future dwelling on proposed Lot 1.

Consents Required and Activity Status

Consents have been bundled to enable a full and cohesive consideration of the actual and potential effects of the proposal. The two resource consents are:

- Land use consent: (Reference **LU-2026-113534-00**) – to have a dwelling within the proposed Lot 1. This increases the dwelling density in the Rural Production zone. This is a **Discretionary Activity** under **Rule DD4.6.1A(19)** of the **Tairāwhiti Resource Management Plan (TRMP)**.
- Subdivision consent: (Reference **SG-2026-113535-00**) - to subdivide Lot 1 Deposited Plan 549844 and Lot 2 Deposited Plan 573026 located at 85 and 95 Glenelg Road by way of boundary adjustment into 2 allotments within the Rural Production Zone. None of the proposed lots comply with the minimum allotment size of 8.0ha specified in the Plan for sites in the Rural Production Zone. This is a **Discretionary Activity** under **Rule C10.1.6(9)** of the **TRMP**.

The two consents are integral and therefore have an overall activity status of **Discretionary** under the **TRMP**.

1.2. Description of the Site and Receiving Environment



Image 2 - Aerial photograph of site and surrounds. Source: Toitū Te Whenua (LINZ)

The site is located at 85 and 95 Glenelg Road, Hexton, Gisborne. It is legally described as Lot 2 Deposited Plan 573026 (held under Record of Title 1042202) and Lot 1 Deposited Plan 549844 (held under Record of Title 946382). It is in the Rural Production Zone. The subject site is covered by the Interim Highly Productive Layer (Land Use Classification (LUC) 3e4 and 3w1 under the National Policy Statement for Highly Productive Land (NPS-HPL).



Image 3 – Site (red outline) showing the zoning in the area



Image 4 – Site (red outline) showing the interim highly productive land layer

The subject site is 6.5183 hectares (3.2055 for Lot 2 DP 573026 and 3.3128 for Lot 1 DP 549844) in extent. The site is located approximately 8.7 km northwest of the Gisborne Central Business District, and it is located approximately 1.12 kilometres from the Taruheru River. The site is located on the northwestern side of Glenelg Road.

The terrain of the subject site slopes downward from a plateau on the eastern side of the site to the west. The geotechnical investigation report prepared by Allied Geotech Ltd describes the topography of the site as:

"The property is primarily occupied by an elevated flat-topped to low angle (<5°) spur which extends into the property from the east, passes through its central zone and continues out of the property to the west. A small side spur also extends off this main spur and continues to the southwest. The remainder of the lot is occupied by the spurs side slopes which extend down to the north and south at angles ranging between some 5 and 30°, and areas of flat to low angle land at their base".

The site has stockyards located near the southern corner, minor accessory buildings and some mature trees on the northwestern side of the site. Lot 1 DP 549844 contains an existing dwelling. The site has an accessway which benefits an independent property (Lot 1 DP 573026), passing through the site from Glenelg Road. There is a second accessway located near the southern corner of the site. The subject site also has numerous drainage channels. The remainder of the site is covered by pasture.

A site visit was undertaken on 25 September 2026 and the following photos were taken from the site visit.



Image 5 – Site visit photo taken from the southeast facing northwest showing the existing vehicle crossing and accessway to the site.



Image 6 – Site visit photo taken from the northwest facing southeast showing the existing fence line proposed to be the adjusted boundary.



Image 7 – Site visit photo taken from the east facing west showing the proposed building area.

The surrounding environment is characterised by a mix of rural production, rural lifestyle, rural residential, and rural general activities. The site is located at the interface of multiple rural zones, with the Rural Production, Rural Lifestyle, Rural Residential, and Rural General zones all occurring within proximity of the site.

Land uses within the wider area include rural dwellings, accessory farm buildings, lifestyle grazing activities, shelter planting, and small-scale rural occupation. Properties opposite the site are located within the Rural Lifestyle Zone, while nearby landholdings contain a range of allotment sizes. Rural Lifestyle properties range from 4,730m² to more than 5ha, Rural Residential sites range from 1ha to more than 2ha, Rural General sites range from 3,612m² to over 170ha, and Rural Production sites range from 2ha to more than 60ha.

The subject site is bound on the northern, north-eastern, north-western, and southwestern sides by rural production properties, while its south-eastern boundary abuts Glenelg Road. The northern and northwestern sites have cropping and vineyard activities, and the eastern, northeastern sites and those that immediately adjoin the subject site on the western side have grazing activities. The sites on the southeastern side of Glenelg Road are zoned Rural Lifestyle and are within the area known as Glenelg Corner. The Rural General Zone is located approximately 150m northeast of the subject site. Details of the sensitive receptors are contained within section 2.6 of the application.

1.3. Legal Interests in the Property

The following relevant interests are registered on the Record of Title:

Record of Title 1042202

- T12753 – Water pipeline rights easement
- T15544 – Water pipeline rights easement
- 12485673.3 – Right of way, right to convey electricity, computer media, and telecommunications easement

Record of Title 946382

- T12753 – Water pipeline rights easement
- T15544 – Water pipeline rights easement
- 11812580.2 - Consent Notice

Comment

T12753 and T15544 are water conveyance easements registered in 1905 and 1927 and are in favour of Lot 1 DP 573026, over Lot 2 DP 573026. These will be inherited onto the new title for the proposed Lot 4.12485673.3 was registered in 2022 and is a right of way easement over part marked A and a right to convey electricity, computer media, and telecommunications over

part marked B and is in favour of Lot 1 DP 573026. The Consent Notice was registered in 2020 and required the consent holder to construct a new vehicle crossing for Lot 1. the consent notice also relates to the provision of telecommunications. The consent notice also required a site-specific geotechnical report and a site-specific effluent disposal system for any future buildings. These easements will not be affected by the proposed development.

1.4. Consent History

The following Resource Consents have previously been granted on the site and are relevant to the proposal:

- SG-2020-109460-00 and LU-2020-109583-00
- SG-2021-110737-00 and LU-2020-110738-00
- LU-2024-112319-00 and SG-2024-112320-00

Comment

SG-2020-109460-00 and LU-2020-109583-00 is a bundled subdivision and land use resource consent granted on 24 April 2020 to undertake a boundary adjustment of Lots 13 and 14 Deposited Plan 1825 into Lots 1 and 2. It also granted the construction of a dwelling on Lot 2.

SG-2021-110737-00 and LU-2020-110738-00 is also a bundled subdivision and land use resource consent granted on 17 January 2022 to subdivide Lot 2 Deposited Plan 549844 (created by the previously mentioned subdivision) into 2 lots and to allow the existing dwelling on a substandard lot of 2,683m². This subdivision created the subject site.

LU-2024-112319-00 and SG-2024-112320-00 is also a bundled land use and subdivision resource consent which was notified on 16 May 2024 and received five submissions against the proposal and 1 neutral submission. The resource consent was withdrawn on 25 June 2024. This consent was proposing 4 new allotments. The current proposal is a revision of this consent.

1.5. Process Matters

The application for land use and subdivision consent was received by Council on 6 June 2026. A request for further information under section 92 of the Resource Management Act 1991 (RMA) was issued on 22 June 2026. The request sought clarification and supporting information on the following matters:

- The treatment and accuracy of the existing registered easement following the proposed boundary adjustment.
- The confirmed location of the future dwelling building platform on proposed Lot 1.
- The proposal's consistency with Clause 3.8 of the National Policy Statement for Highly Productive Land 2022, including evidence that the subdivision would retain the overall productive capacity of the land over the long term.

- Whether a formal soils and land use capability assessment was required to confirm the mapped LUC 3 classification and productive capacity of the site.
- Potential soil contamination associated with historic disposal of drain-clearance material in the wider area, and an updated assessment under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS).
- Potential reverse sensitivity effects arising from the future dwelling's proximity to the adjoining vineyard, including noise, spray drift, dust and odour.
- Proposed landscaping or screening to mitigate rural amenity, visual and reverse sensitivity effects.
- Whether the conclusions of the 2024 Highly Productive Land assessment remained current, having regard to the previous, subsequently withdrawn subdivision proposal and any changes in site conditions.

The applicant provided a response on 9 September 2026. In respect of the easement, the applicant advised that the existing easement interests would be carried through to the new titles as appropriate, with any necessary amendments to the dominant and servient tenements to be addressed through the subdivision and title process. The applicant also identified the future dwelling platform on an amended scheme plan, locating it adjacent to the existing walnut trees.

Regarding highly productive land, the applicant relied on the existing Goodman Rural assessment and supplementary advice dated 20 August 2026. The response maintained that the boundary adjustment would not create an additional allotment, that proposed Lot 2 would remain available for rural use, and that the balance of proposed Lot 1 could continue to support grazing or other small-scale rural activity. The applicant submitted that soil, drainage, slope, and site size constrain intensive productive use, with the proposed dwelling located on elevated sloping land rather than the flatter, poorly drained areas. The response did not provide the requested formal soils and land use capability assessment, instead relying on Landcare Research soil information, a soil profile from the proposed building platform, and the Goodman Rural material.

In relation to potential contamination, the applicant supplied correspondence from the landowner confirming that the relevant drain-clearance soil was not deposited within proposed Lot 1. In respect of reverse sensitivity, the applicant advised that the proposed building platform would be approximately 40 metres from the adjoining vineyard boundary, exceeding the applicable 30-metre separation standard. The response acknowledged potential rural production effects, including machinery noise, spray drift, dust and odour, but considered these to be part of the existing Rural Production environment. It proposed screening planting as a potential mitigation measure, with the platform's topographical containment also relied upon to limit visual effects from Glenelg Road.

On 24 September 2026, the applicant was advised that Council had determined the application would be publicly notified. This decision was based on Council's concerns regarding the loss and fragmentation of productive land, potential reverse sensitivity effects on the adjoining vineyard operation arising from the future dwelling on proposed Lot 1, and the proposal's non-compliance with General Standard C10.1.6.1 (E) of the TRMP.

1.6. Application Distribution

The application was circulated to the following sections within Council:

- Development Engineers – concluded that services effects are acceptable.
- Environmental Risk – concluded that contamination effects are acceptable.
- Geotechnical Engineer – concluded that geotechnical effects are acceptable.
- Integrated Catchments – concluded that the proposal potentially reduces the available highly productive land unless if the site is re-mapped at a detailed scale to show which areas of land are productive soils.

The application was also circulated to the following external parties:

- Te Aitanga a Mahaki

Comments received have been incorporated into this decision and carried through as conditions and advice notes where relevant.

2.0 Reason for the Application

2.1. Bundling

Where a proposal requires more than one type of resource consent or requires more than one resource consent and the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated it is appropriate to bundle the consents. Therefore, they are considered together in a holistic manner with the most restrictive activity classification applying.

In this instance I consider that the consent breaches are related to a single activity and should be considered together.

2.2. Reasons for the Application

The proposal will be assessed under the TRMP which is considered to be fully operative in relation to this proposal.

The rules relevant to this proposal are included in the table below:

C10 Subdivision	
C10.1.6 Rules for Subdivisions	
C10.1.6.1 General Standards	
B. Allotment Sizes and Dimensions	
a) Subdivisions shall comply with the rules for allotment sizes and shape factor and road frontage Requirements in C10.1, provided that:	
2. The rules for minimum allotment sizes and dimensions shall not apply to subdivisions for meteorological activities.	Does not comply The proposed Lots 1 and 2 do not comply with the minimum allotment sizes of 8.0ha.
E. Boundary Adjustment	
a) Boundary adjustments shall not create any additional sites or reduce any site below the minimum subdivision size for the zone except where a single site is being created exclusively for a network utility service. This provision shall not apply where sites are to be amalgamated.	Does not comply The two existing lots do not comply with the minimum allotment sizes. The proposed allotment sizes do not comply with the minimum allotment sizes.
Rule Table C10.1.6	
Discretionary Activities	
10.1.6(9) Activities which do not comply with the General Standards and are not listed as Controlled or Restricted Discretionary activities	Discretionary The proposed Lots 1 and 2 cannot comply with the minimum allotment sizes for the Rural Production zone. Therefore, the proposal is a discretionary activity.

DD4 Rural Zones	
DD4.6 Rules	
DD4.6.1 Rules for Rural zones	
Rule Table DD4.6.1A – All Rural Zones	
Discretionary Activities	
4.6.1A(19) Activities not listed as Permitted activities but which comply with the General Standards	Discretionary
	The proposed dwelling on Lot 1 is not a permitted activity. However, it complies with the General Standards. Therefore, this rule applies.
Rule Table DD4.6.1B – Rural Productive Zone (Rural P)	
Permitted Activities	
4.6.1B(1) One dwelling unit on a site which contains not less than 8 hectares of land	Does not comply
	The proposed Lot 1 cannot comply with the minimum allotment size to accommodate a dwelling in the zone. Therefore, the proposal is Discretionary pursuant to Rule DD4.6.1A(19)

2.2.1. Plan Change 6

Plan Change 6 (PC6) was notified on 25 March 2026. PC6 is not relevant to this proposal as the site is located outside the affected area of Gisborne city.

2.3. Overall Status

As outlined in the table above, the application is considered to be a **Discretionary Activity** under the TRMP.

3.0 Section 95A Assessment for the Purpose of Public Notification

Section 95A(1) of the Resource Management Act 1991 (RMA) states that the consent authority must follow the steps set out in that section, in the order given, to determine whether to publicly notify an application for resource consent.

Those steps are set out below, in the order provided in the RMA.

3.1. Step 1. Mandatory public notification in certain circumstances s95A(2-3)

Has the applicant requested that the application be publicly notified?	No
• If No, Go to step 2... • If Yes, Publicly notify S.95A (2)(a) - Go to Public Notification Decision in section 3.5	

Was further information requested and not provided before the deadline or has the applicant refused to provide the information?	No
• If No, Go to step 2. • If Yes, Publicly notify S.95A (2)(a) - Go to Public Notification Decision in section 3.5	

Comment: Further information was requested and was provided.

The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No
• If No, Go to step 2. • If Yes, Publicly notify S.95A (2)(a) - Go to Public Notification Decision in section 3.5	

3.2. Step 2. Public notification precluded in certain circumstances s95A (4-6)

(a) The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification. (b) The application is for a resource consent for 1 or more of the following, but no other activities: (i) A controlled activity? (ii) A restricted discretionary activity, discretionary activity or non-complying activity but only if the activity is a boundary activity?	No
• If No, Go to step 3. • If Yes, Go to step 4 (step 3 does not apply)	

Comment: The proposed activity is a discretionary activity. The applicable rule does not preclude public notification, and the activity is not a boundary activity. Therefore, an assessment under step 3 is required

3.3. Step 3. If not precluded by step 2, public notification required in certain circumstances

The application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification.

The consent authority decides, in accordance with section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor. The following assessment addresses the adverse effects of the activities on the environment, in relation to public notification only:

3.3.1. Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects Disregarded

Pursuant to Section 95D(a) of the Act, when forming an opinion for the purposes of Section 95A, Council must disregard any effects on the persons who own or occupy the land in, on, or over which the activities will occur, and on persons who own or occupy any adjacent land. The land adjacent to the subject site is shown in Image 8 below.

- Section 19S Homebush SETTLEMENT
- Lot 2 Deposited Plan 510959
- Lot 9 Deposited Plan 2576
- Lot 1 Deposited Plan 573026
- Lot 1 Deposited Plan 8290
- Lot 3 Deposited Plan 8290
- Lot 4 Deposited Plan 8290
- Part Lot 16 Deposited Plan 1825
- Lot 1 Deposited Plan 2736
- Section 20S Homebush SETTLEMENT

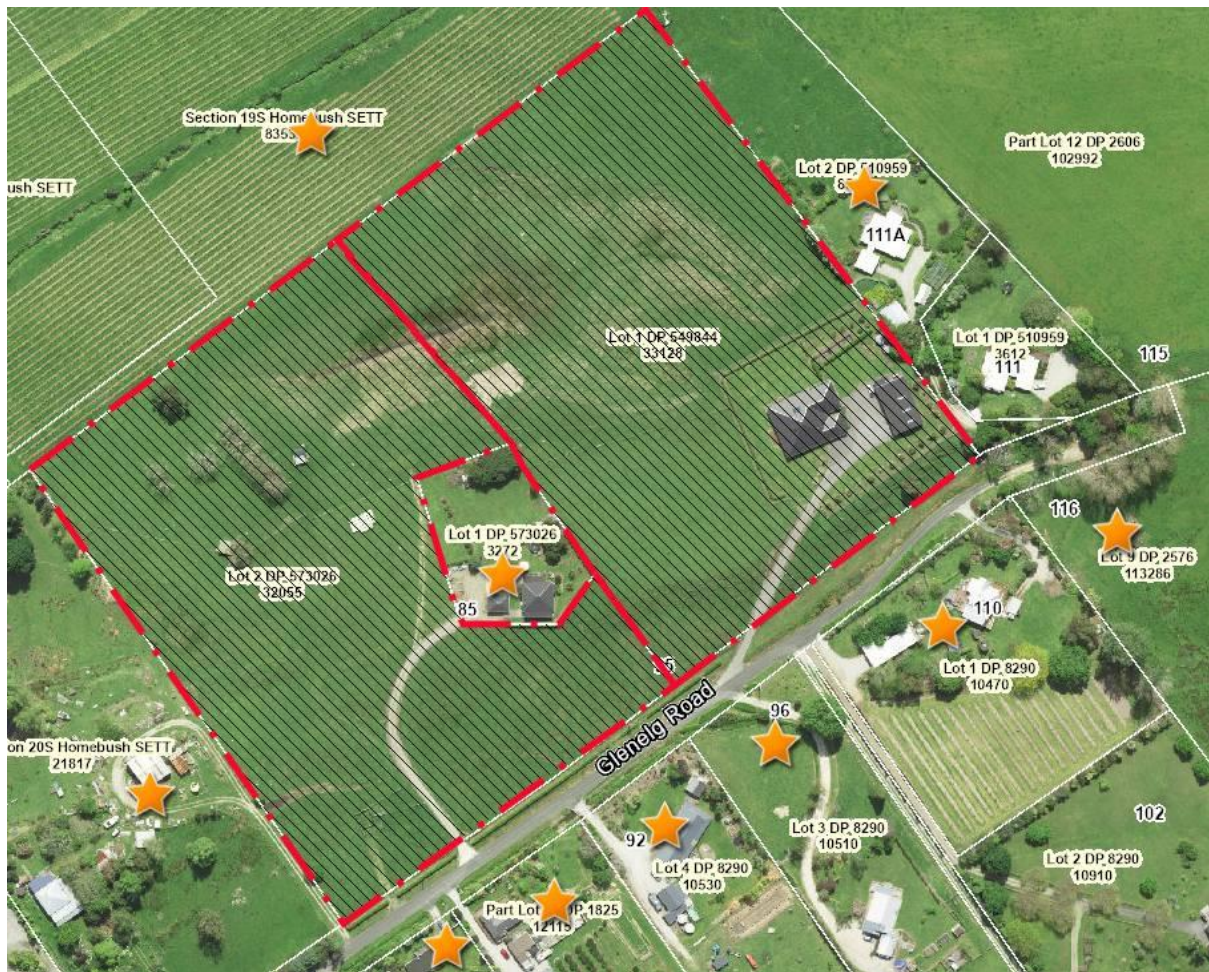


Image 8 –Aerial photo identifying the subject site (red outline) and those adjacent properties (orange stars) that have be excluded from the public notification assessment.

Permitted Baseline

Pursuant to Section 95D(b) of the Act, a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect. This is commonly referred to as the permitted baseline. Its purpose is to compare the effects of a proposal with those of a lawfully permitted alternative activity or development that could occur on the site, so that only effects beyond that baseline are considered.

The proposal comprises a boundary adjustment between Lot 1 DP 549844 and Lot 2 DP 573026, resulting in two allotments of approximately 1.5851 hectares and 4.9332 hectares, together with land use consent for a future dwelling on proposed Lot 1. The subdivision does not comply with the applicable Rural Production Zone allotment-size requirements, and proposed Lot 1 would not meet the 8-hectare minimum site area for a permitted dwelling. Accordingly, both the subdivision and the future dwelling require resource consent.

There is no permitted baseline available for the subdivision component of the proposal. Subdivision is not a permitted activity in the Rural Production Zone, and all subdivisions require resource consent under the TRMP. There is therefore no permitted subdivision scenario against

which the effects of creating a 1.5851-hectare allotment can be compared. The relevant effects, including the potential fragmentation and loss of productive land, the establishment of a small rural-residential/lifestyle allotment within the Interim Highly Productive Land overlay, and the potential for reverse sensitivity effects on the adjoining vineyard arise from the subdivision and its associated development potential.

Nor is there a relevant permitted baseline for the proposed future dwelling. Rule DD4.6.1B provides for one dwelling as a permitted activity only where the site contains not less than 8 hectares of land. Proposed Lot 1 would contain approximately 1.5851 hectares. Consequently, a dwelling on that allotment would not be permitted and requires land use consent. It would therefore be inappropriate to disregard the effects of the future dwelling by reference to a hypothetical permitted dwelling on proposed Lot 1.

The proposed dwelling remains a non-permitted activity on a substandard Rural Production allotment, and the setback does not alter the fact that the new sensitive residential receptor is enabled by the subdivision and associated land use consent.

Accordingly, the permitted baseline is not relevant to this application and has not been applied in the assessment of effects under section 95D. The actual and potential effects of the proposal, including effects on highly productive land and reverse sensitivity effects on adjoining primary production activities, must be assessed on their merits.

The receiving environment including any unimplemented consents is discussed above in Section 1.

Pursuant to Section 95D(d) of the Act, Council also must not have regard to any trade competition or effects of trade competition. No trade competition matters are relevant.

Assessment of Environmental Effects

An assessment of the actual and potential effects on the environment of allowing the activity indicates that no significant adverse environmental effects are likely. I consider that the adverse effects of the activity on the environment will be less than minor for the following reasons:

Effects on Rural Character and Amenity Values

Amenity values are defined in Part 2 of the Act as the natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. Rural amenity values can be adversely affected by subdivision, use, and development. Objective DD4.3.1.2 of the TRMP seeks to maintain rural amenity values. In broad terms, rural character is typically associated with low-density development, an open landscape, and land predominantly used for primary production and associated rural activities.

The subject site is within the Rural Production Zone and comprises two existing titles with a combined area of approximately 6.5183 hectares. The proposal is a boundary adjustment that

would create proposed Lot 1 of 1.5851 hectares and proposed Lot 2 of 4.9332 hectares. It also seeks land use consent for a future dwelling on proposed Lot 1, for which a building platform has been identified adjacent to existing walnut trees.

General Standard C10.1.6.1B establishes an 8-hectare minimum allotment size in the Rural Production Zone, together with relevant shape-factor requirements. Rule DD4.6.1B(1) permits one dwelling only where a site contains not less than 8 hectares. Proposed Lot 1 would be approximately 19.8 percent of the minimum allotment size anticipated by the TRMP, and proposed Lot 2 would also remain below the minimum. The subdivision and associated future dwelling are therefore not anticipated permitted outcomes within the zone.

While the wider Glenelg Road locality contains a mix of Rural Production, Rural Lifestyle, Rural Residential, and rural-residential development, this mixed pattern does not remove the need to give effect to the Rural Production Zone framework. The nearby Rural Lifestyle zoning provides the planning mechanism for rural living and peri-urban development at an appropriate density. In contrast, the Rural Production Zone anticipates larger landholdings and a lower density of residential development, so as to maintain rural character and provide for primary production activities.

The applicant relies on the existing substandard allotment pattern, rolling topography, nearby residential activity, and visual containment from landform and vegetation. The applicant also submits that the building platform for Lot 1 is not visible from Glenelg Road and that screening could be established. These matters may reduce the visibility of a future dwelling and moderate some localised visual effects. However, they do not resolve the broader rural-character effect arising from establishing a further dwelling entitlement on a 1.5851-hectare lot in the Rural Production Zone.

The applicant's supporting material acknowledges that the proposed Lot 1 is too small to operate as a commercially economic standalone unit and instead anticipates a rural-lifestyle form of occupation, potentially including small-scale activities such as grazing, gardening, poultry, or fruit trees. This reinforces that the proposed allotment would function primarily as a lifestyle/residential site rather than as a Rural Production allotment.

The proposed boundary reconfiguration would create a substantially undersized allotment and enable a new sensitive residential activity in an area planned for primary production. This outcome would increase the intensity of residential occupation beyond that anticipated by the 8-hectare minimum standard, erode the distinction between the Rural Production and Rural Lifestyle zones, and contribute to the incremental rural-residential fragmentation of the locality. The existence of historic substandard titles does not establish that further non-complying rural-residential development is appropriate. Rather, the relevant assessment must consider the effects of the present proposal against the outcomes sought by the operative planning framework.

The proposal also does not comply with General Standard C10.1.6.1(E) of the TRMP, which applies to boundary adjustments. This standard requires that a boundary adjustment must not result in any additional allotment being created and must not increase the degree of non-

compliance of any allotment with the applicable allotment-size, shape-factor, or road-frontage requirements. Although the proposal would retain two titles, the adjustment would reduce proposed Lot 1 to 1.5851 hectares, substantially increasing its non-compliance with the 8-hectare minimum allotment size applying in the Rural Production Zone. The boundary adjustment is not merely an administrative reconfiguration but enables a more intensive rural lifestyle/residential outcome on land that the TRMP anticipates will remain in larger allotments.

The proximity of the productive vineyard to the north further distinguishes the site from a purely rural-lifestyle environment. Although the proposed dwelling platform on Lot 1 is stated to be approximately 40 metres from the vineyard boundary, the proposal would introduce an additional sensitive residential receptor into the Rural Production Zone. The resulting reverse sensitivity risk is relevant both to rural amenity and to the ongoing operation of primary production activities and is addressed separately in this report.

The proposal would enable a new dwelling on a 1.5851-hectare allotment (substantially below the 8-hectare Rural Production Zone standard) and would facilitate a lifestyle/residential outcome not anticipated by the zone. While topography, vegetation, and potential planting may reduce visual exposure, they do not avoid the wider adverse effect on the planned rural character, low-density form, and amenity of the Rural Production Zone. Overall, the adverse effects on rural character and amenity values are assessed as more than minor.

Effects on Infrastructure, Works and Services

Effluent Disposal

The subject site is outside the Gisborne urban reticulated-services boundary. Accordingly, any future dwelling on proposed Lot 1 must be serviced by an onsite wastewater treatment and disposal system. The application proposes an onsite wastewater system, with detailed design, installation, and approval intended to occur through the building-consent process.

The available site information identifies varying ground conditions across the property. In particular, the flatter areas at the front and rear of the site are described as poorly drained and prone to waterlogging, while the proposed dwelling platform is located on elevated, sloping land. These conditions are relevant to the siting, design, loading capacity, and long-term performance of any effluent-disposal field, including the need to avoid areas susceptible to waterlogging and ensure that wastewater is contained and treated without adverse effects on surrounding land or water resources.

No site-specific onsite wastewater assessment, soil-infiltration testing, disposal-field layout, reserve disposal area, or final system design has been provided for proposed Lot 1. The application therefore does not yet demonstrate the location and capacity of a compliant wastewater system. However, Council's Development Engineer considers that the site may be suitable for onsite wastewater disposal, subject to further investigation at the building-consent stage.

If consent is granted, the matter can be managed through a consent notice requiring a suitably qualified person to prepare a site-specific wastewater design before building consent

is issued. The design should identify a primary and reserve disposal area wholly within proposed Lot 1, confirm suitable soil and drainage conditions, account for the dwelling's design loading, and demonstrate compliance with the applicable Council and Building Code requirements. Therefore, onsite wastewater effects can be appropriately avoided or mitigated and are assessed as less than minor.

Water Supply and Stormwater Disposal

Stormwater generated by future development on proposed Lot 1 must be managed within the site rather than discharged to a public reticulated system. The application proposes that stormwater be managed through existing natural overland-flow paths, onsite disposal, and infiltration, with roof water also collected and stored for domestic supply.

The site has a rolling landform, and the proposed dwelling platform is located on an elevated part of proposed Lot 1. The applicant's information identifies poorly drained and waterlogging-prone areas on the flatter land at the front and rear of the property, while the central part of the site is elevated and sloping. These site characteristics mean stormwater design must appropriately account for runoff from future roof areas, accessways, driveways, and other impervious surfaces, and ensure flows do not concentrate on sloping land or discharge in a manner that causes erosion, instability, ponding, or nuisance beyond the site.

No detailed stormwater design, calculations, final impervious-area allowance, disposal-field location, or confirmation of onsite infiltration capacity has been supplied with the application. While the proposal does not involve substantial earthworks and the application considers that existing drainage patterns would not be materially altered, reliance on general overland flow and future building-consent assessment alone does not establish that the future dwelling can comply with the stormwater-management standards or avoid downstream effects.

Council's Development Engineer considers that the site may be capable of managing stormwater onsite, subject to further investigation and detailed design at the building-consent stage. If consent is granted, this matter should therefore be addressed by a consent notice requiring a site-specific stormwater management design, prepared by a suitably qualified person, before building consent is issued. The design should demonstrate that stormwater from all roofs, accessways, and impervious surfaces can be collected, attenuated where necessary, and disposed of within proposed Lot 1 without causing erosion, instability, flooding, ponding, or nuisance to adjoining properties or the road reserve. Therefore, stormwater effects are able to be appropriately managed and are assessed as less than minor.

Access and Traffic

Glenelg Road is classified as a local road under the TRMP. The posted speed limit for Glenelg Rd is 100km/hr however the operating speed is potentially lower than this. While the road does accommodate 2-way traffic, it is not line-marked for 2 lanes due to its narrow width. The road shoulder is not sealed.

The applicant is proposing to increase the residential density by adding 1 extra dwelling to a Rural Production site. This will increase the volume of traffic to and from the site. A standard residential activity is anticipated to generate between 8 and 10 vehicle movements per day. The proposed development will increase the number of vehicle movements by 8 to 10 movements per day. It is considered that the increase can be acceptable.

As stated in section 1.1 above, access to Lot 1 will be gained via an existing vehicle crossing off Glenelg Road. There is an existing easement that is benefiting Lot 1 DP 573026. The number of dwellings which will be using this accessway will be doubled.

Furthermore, as stated in section 1.1 above, there is also an existing vehicle crossing to the proposed Lot 1. However, the applicant does not intend to use this at this stage.

Council's Development Engineer did not find any safety issues on access and traffic on Glenelg Road due to the proposed development.

Overall, the actual and potential adverse effects due to the proposed development on access and traffic will be less than minor.

Power and Telecommunications

Electrical power is available on Glenelg Road. The applicant has proposed to provide power to the net area of the proposed Lot 1. Therefore, any potential and actual adverse effects due to the proposal will be less than minor.

Telecommunications and computer media are also available on Glenelg Road. The applicant mentioned that these will be extended to Lot 1 as required.

The effects of the proposed development on telecommunications and computer media can be considered less than minor.

Contamination Effects

The proposal is a two-lot boundary adjustment. Proposed Lot 1 will contain the future dwelling, while proposed Lot 2 will contain the existing dwelling and remain available for rural use. The applicant has confirmed that the dwelling will be located on the identified building platform adjacent to the walnut trees, within the elevated central part of proposed Lot 1.

Council's Search of Council Records (SOCR) records that drain-clearance material from Tucker Road was deposited at 89 Glenelg Road and refers to the 2019 LDE soil-classification report. The report found the tested stockpiled material did not exceed the relevant rural-residential soil contaminant standards for the contaminants analysed; however, it expressly limits its conclusions to the sampled material and discrete sampling locations.

The applicant has provided a HAIL statement, based on Council-record information, that it is more likely than not that no HAIL activity has occurred on the relevant land. The applicant has also confirmed that the Tucker Road drain-clearance soil was not deposited within proposed Lot 1 or its identified building platform.

On the information available, the proposed building platform is not known to contain the imported drain material, and no HAIL activity has been established for that area. Nevertheless, the SOCR notes historical uncertainty associated with rural land uses and apparent stock-handling infrastructure, while the existing LDE report does not constitute a complete site-wide preliminary site investigation. Accordingly, if consent is granted and before any disturbance of the future building platform, a suitably qualified and experienced practitioner should confirm whether the NES-CS applies and, if necessary, prepare a preliminary site investigation and any further assessment or remediation plan required by the NES-CS.

Effects on Heritage Values

The subject site is not identified within the Cultural Heritage Overlay, nor does it contain any scheduled heritage buildings, registered archaeological sites, or recorded heritage features under the TRMP. Accordingly, the proposal is not anticipated to have any direct adverse effect on identified heritage values within the site or the immediate locality.

While the wider Glenelg Road area does possess a long-established history of rural subdivision and settlement, including associations with post-war soldier settlement schemes. This historic pattern of land development has already shaped the existing allotment configuration and rural settlement character evident throughout the locality today.

Overall, adverse effects on cultural heritage values would be less than minor.

Geotechnical and Earthworks

Although geotechnical investigations were undertaken for building platforms associated with the earlier four-lot proposal, the current application identifies only one future dwelling platform suitable for development. Any earthworks needed to establish the dwelling, access, and associated services will need to comply with the relevant TRMP land-disturbance standards and be undertaken in a manner that avoids sediment discharge, instability, and effects on existing drainage paths. The site is within Land Overlay 1, and the development site is on higher ground rather than the poorly drained, waterlogging-prone land at the front and rear of the property.

Overall, earthworks and land stability effects would be less than minor.

Effects on Productive Soils

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022 and must be assessed for all subdivision and land use consent applications on land that is zoned Rural Production, or Rural General zoned land that contains a Land Use Classification of 1, 2 or 3. It directs Council to avoid subdivision and inappropriate use/development of highly productive land unless:

- (a) There are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and
- (b) The subdivision, use, or development:
 - (i) Avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and
 - (ii) Avoids the fragmentation of large and geographically cohesive areas of highly productive land; and
 - (iii) Avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and
- (c) The environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

The applicant is required to demonstrate that the proposed subdivision will retain the overall productive capacity of the subject land over the long term. The application includes an assessment prepared by Stephen Peter Goodman, Director of Goodman Rural, together with supplementary information supplied in response to Council's request under section 92 of the Act. The applicant relies on the soil characteristics, drainage limitations, slope and size of the property to support its position that the proposal will retain overall productive capacity.

The proposal involves a boundary adjustment between two existing titles and the construction of a dwelling on proposed Lot 1. Proposed Lot 1 will contain approximately 1.5851 hectares, while proposed Lot 2 will contain approximately 4.9332 hectares. Although the proposal will retain two titles overall, it will establish proposed Lot 1 as a separate rural-residential or lifestyle holding with a new dwelling, onsite wastewater system, access, curtilage and associated residential development.

The NPS-HPL is particularly concerned with the conversion and fragmentation of highly productive land for rural-lifestyle purposes. In practical terms, it seeks to prevent land within Rural General and Rural Production zones from progressively being converted into small residential or lifestyle holdings where dwellings, curtilage, access, wastewater systems and other residential improvements permanently displace or constrain land-based primary production. Policy 6 expressly directs that the rezoning and development of highly productive land as rural lifestyle is to be avoided, except where the NPS-HPL provides otherwise.

Highly Productive Status

The subject land is zoned Rural Production and is identified within the interim Highly Productive Land layer. The NZLRI mapping identifies soils on the property as LUC 3e4 and 3w1. Until

operative regional HPL mapping determines otherwise, the land must be assessed under the interim definition in Clause 3.5(7) of the NPS-HPL.

The applicant's Goodman Rural assessment considers that parts of the property exhibit characteristics more consistent with LUC 4 because of slope, while the flatter areas contain poorly drained Gley soils that are prone to waterlogging. The applicant also considers that proposed Lot 1 is too small to operate as a commercially viable primary-production unit and that its balance area could continue to support grazing or other small-scale rural activities.

However, the application has not provided the formal, site-specific soils and Land Use Capability assessment requested by Council. The applicant has confirmed that it continues to rely on the existing LUC 3 mapping for the application, notwithstanding its contention that parts of the elevated land may display LUC 4 characteristics.

Past or present land use does not, by itself, determine the future productive capacity of the land. The fact that the property has not previously been intensively cultivated is therefore not sufficient to demonstrate that the land lacks productive capacity or that the future residential use is appropriate. Productive capacity must instead be assessed by reference to the land's physical characteristics, legal constraints, and the size and shape of the existing and proposed parcels.

Advisor's Assessment

Council's Senior Land Management Advisor reviewed:

- The 1:50,000 NZLRI mapping of LUC Classes 1, 2 and 3.
- Detailed 1:10,000 farm-scale LUC mapping undertaken by the East Cape Catchment Board in the late 1970s.
- Council's 2023 LiDAR information identifying the slopes across the property.
- The proposed boundary configuration and dwelling location.
- The GoodmanRural assessment and supporting information.

The Advisor confirmed that the property falls within the interim HPL classification and should continue to be assessed as HPL unless and until more detailed local mapping is formally accepted and incorporated into the applicable planning framework. This is consistent with the applicant's acknowledgement that the property remains identified as LUC 3 under the current NZLRI mapping.

The Advisor noted that the detailed East Cape Catchment Board mapping identified LUC 4e4 across parts of the subject land (see image 9 below). Council's 2023 LiDAR mapping also shows that approximately 2.5 hectares of the approximately 6.6-hectare landholding has slopes exceeding seven degrees. The Advisor considered that this more detailed information reduces the extent and geographical cohesiveness of the LUC 1, 2 and 3 land on the property.



Image 9: Detailed mapping of the Eastern Taruheru Catchment, East Cape Catchment Board 1978

Nevertheless, the Advisor identified approximately 0.7 hectares of HPL within proposed Lot 1 in the vicinity of the proposed residential development. The Advisor's overall conclusion was that the boundary adjustment, considered in isolation, would not alter the net quantity of HPL because land removed from one proposed lot would be added to the other. However, the construction of a dwelling on proposed Lot 1, together with its associated residential development, would potentially reduce the amount and availability of HPL.

I accept that the boundary realignment itself does not change the total physical area of soil within the overall landholding. However, the relevant proposal is not limited to lines being moved on a survey plan. It includes the establishment of a separate 1.5851-hectare title for a dwelling and associated lifestyle use. The productive-soils effects of that development must therefore be assessed as part of the proposal.

Boundary Adjustment General Standard

The applicant characterises the subdivision as a boundary adjustment because it rearranges two existing titles and does not increase the total number of titles. That description does not, however, establish compliance with General Standard C10.1.6.1(E) of the TRMP.

General Standard C10.1.6.1(E) provides that boundary adjustments must not:

- Create any additional sites; or

- Reduce any site below the minimum subdivision size for the zone.

The exception for a single site created exclusively for a network utility service does not apply, and the provision misapplying the standard where sites are amalgamated is also inapplicable because the proposal will retain two separate titles.

The proposal satisfies the first limb because it does not increase the number of titles. It does not satisfy the second limb because proposed Lot 1 will be reduced to 1.5851 hectares and proposed Lot 2 will be 4.9332 hectares, with both remaining below the Rural Production Zone's minimum subdivision size of 8 hectares. The applicant's own TRMP rules assessment identifies the proposal as not complying with General Standard C10.1.6.1(E).

Accordingly, describing the proposal as a boundary adjustment does not remove or neutralise the non-compliance. The standard does not state that a boundary adjustment is acceptable whenever the number of titles remains unchanged. It separately protects against an existing site being reduced below the applicable minimum subdivision size.

The existing titles are already undersized, but that circumstance reflects their historic creation rather than a planning intention to enable further rural-residential/lifestyle development. The minimum Rural Production lot size was previously 4 hectares and was subsequently increased to 8 hectares under the TRMP. Existing undersized titles in this locality were generally created before those minimum sizes were changed and therefore explain the current cadastral pattern. Their historic existence does not establish that it is appropriate to reduce one of those titles further or to authorise an additional dwelling and lifestyle use.

The current 8-hectare standard seeks to ensure that new or reconfigured lots remain sufficiently large and appropriately configured to retain productive-use options and safeguard the life-supporting capacity of the soil resource.

NPS-HPL Policy 6 Assessment

Policy 6 of the NPS-HPL states that the rezoning and development of highly productive land as rural lifestyle is to be avoided, except as provided for in the NPS-HPL. The policy applies not only to formal rezoning but also to the development of HPL for rural-lifestyle purposes.

No rezoning is proposed in this case. Nevertheless, the practical outcome would be a 1.5851-hectare title developed with a new dwelling, curtilage, access, wastewater system and associated residential activities. That is a rural-lifestyle outcome in substance, irrespective of whether the subdivision is described as a boundary adjustment.

The proposal does not facilitate or support land-based primary production. While parts of proposed Lot 1 may remain physically capable of grazing or small-scale cultivation, the lot's principal function would become residential or lifestyle occupation. The potential for incidental grazing, gardens, fruit trees or other small-scale activity does not alter the primary character and purpose of the proposal.

The applicant suggests that occupation of the property might encourage small-scale productive activity. That possibility is speculative and does not demonstrate that the dwelling is reasonably necessary to support land-based primary production. A residential dwelling is not transformed into a productive or supporting activity merely because an occupant may undertake incidental gardening, grazing or lifestyle-scale animal keeping.

I therefore consider the proposal inconsistent with Policy 6. It would authorise precisely the type of incremental rural-lifestyle development on HPL that the policy directs councils to avoid.

NPS-HPL Clause 3.5(7)(b)(iii) Assessment

The 2025 amendments added Clause 3.5(7)(b)(iii) to the NPS-HPL. Under that provision, before operative regional HPL mapping is in place, LUC 3 land subject to a resource consent application lodged on or after 17 October 2022 is excluded from the interim HPL definition where the application is for an activity other than rural lifestyle.

This amendment provides a limited pathway for urban and other non-rural-lifestyle development on LUC 3 land. It deliberately preserves the restrictions applying to rural-lifestyle development. The exclusion does not apply merely because an application is described as a boundary adjustment or because the number of titles will remain unchanged. The substantive subdivision, use and development outcome must be considered.

In this case, the boundary adjustment is directly associated with establishing a 1.5851-hectare lot for a new dwelling and residential occupation. The intended outcome is therefore rural-lifestyle development. Clause 3.5(7)(b)(iii) does not remove the land from the interim HPL definition and does not provide a basis for avoiding assessment under Policies 6 and 7 or Clauses 3.8 and 3.9.

Productive Capacity

Clause 3.8(1)(a) requires the applicant to demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term. Productive capacity means the ability of the land to support land-based primary production over the long term, based on its physical characteristics, legal constraints, and the size and shape of the existing and proposed parcels.

The proposal will consolidate additional land into proposed Lot 2, increasing that lot to approximately 4.9332 hectares. That aspect may improve the configuration of proposed Lot 2 relative to the existing titles. The boundary realignment itself would also not physically remove soil from the overall landholding.

However, proposed Lot 1 will be reduced to 1.5851 hectares and developed for residential occupation. Land occupied by the dwelling, wastewater treatment and disposal system, access, parking, residential curtilage and associated buildings will cease to be available for land-based primary production. That loss will be permanent for the practical life of the development.

The residential curtilage is also relevant even where the soil is not entirely sealed. Once land is incorporated into lawns, gardens, outdoor living areas, vehicle manoeuvring areas and the operational space around a dwelling, its availability and flexibility for commercial or integrated land-based primary production are materially reduced. The loss is therefore not confined to the dwelling's foundation footprint.

The fact that the remainder of proposed Lot 1 may be capable of grazing or small-scale activity does not demonstrate that the overall productive capacity of the landholding will remain unchanged. The proposal changes the land-use pattern by separating a small lot for residential occupation and permanently committing part of the land to non-productive infrastructure and curtilage.

The applicant has also relied partly on the small size and asserted lack of standalone economic viability of proposed Lot 1. However, the NPS-HPL provides that the size of a landholding is not, by itself, determinative of a permanent or long-term constraint. It also requires consideration of future productive potential rather than an assessment confined to past or present uses.

Although the productive loss may be limited in area, it is real and irreversible. On the information provided, I am not satisfied that the applicant has demonstrated that the proposed lots will retain the overall productive capacity of the subject land over the long term.

Inappropriate Development

Clause 3.9 requires territorial authorities to avoid inappropriate use or development of HPL that is not land-based primary production. A small-scale activity may qualify for an exception only where it has no impact on productive capacity.

The proposed dwelling does not meet that test. The dwelling and its associated access, wastewater system and curtilage will physically occupy land and remove it from production. The development will therefore have an impact on productive capacity, even if that impact is limited in spatial extent.

The proposal is also not a supporting activity reasonably necessary for primary production on the land. The application seeks consent for residential occupation, and the applicant has not demonstrated that the dwelling is functionally required to operate a productive enterprise on either proposed lot.

Aggregate Impacts

Clause 3.8(2)(a) requires Council to avoid, where possible, or otherwise mitigate any potential cumulative loss of the availability and productive capacity of HPL. The assessment cannot therefore be confined to the proportion of the district's productive land affected by this individual proposal.

The loss associated with one dwelling may appear limited when compared with the wider Poverty Bay Flats. However, the cumulative establishment of dwellings and rural-lifestyle holdings on historically undersized Rural Production titles can progressively reduce the stock of

land available for production. Each approval can permanently commit further land to dwellings, wastewater systems, access, curtilage and residential improvements.

The existing pattern of undersized titles does not justify further loss. Those titles were largely created under earlier subdivision standards, including when the applicable minimum was 4 hectares or before the present TRMP standards existed. The later increase to an 8-hectare minimum reflects a deliberate planning response intended to discourage further fragmentation and retain parcels capable of productive use.

Conclusion

I acknowledge the Senior Land Management Advisor's conclusion that the boundary realignment alone would not change the net physical area of HPL within the overall landholding. I also acknowledge the evidence that parts of the property are affected by slope and wetness constraints and that detailed historic mapping identifies areas of LUC 4e4 land.

Those matters reduce the scale of the effect but do not eliminate it. The site remains subject to the interim HPL provisions, and approximately 0.7 hectares of HPL has been identified within proposed Lot 1 in the vicinity of the residential development. The application has not supplied a formal site-specific soils and LUC assessment demonstrating that the affected land falls outside the HPL classification or that the proposal retains overall productive capacity over the long term.

The proposal is also more than a neutral adjustment of title boundaries. It will enable a separate 1.5851-hectare rural-residential/lifestyle holding and the construction of a dwelling, wastewater system, access, curtilage and associated residential improvements. The land occupied and functionally committed to those activities will be permanently removed from the Rural Production land resource.

The proposal does not comply with General Standard C10.1.6.1(E), notwithstanding that no additional title is created, because it reduces and retains sites below the Rural Production Zone's 8-hectare minimum subdivision size.

I consider that Clause 3.5(7)(b)(iii) does not exclude the proposal from the interim HPL definition because the intended outcome is rural-lifestyle development. I also consider the proposal inconsistent with Policy 6, Clause 3.8 and Clause 3.9 of the NPS-HPL because it establishes rural-residential/lifestyle development on HPL, has not demonstrated retention of overall productive capacity, and will cause a permanent and potentially cumulative loss of land available for primary production.

Overall, the actual and potential adverse effects on the productive-soil resource are considered to be more than minor.

Reverse Sensitivity Issues

In addition to the loss of productive land addressed above, reverse sensitivity is a concern. Proposed Lot 1 will introduce a new residential/lifestyle receptor near an established

productive vineyard to the north or northwest. Normal vineyard operations may generate machinery noise, agrichemical spray drift, dust and odour, potentially leading future occupants to complain or seek restrictions on those activities. The applicant acknowledges that these effects form part of the existing Rural Production environment.

The applicant relies on the proposed building platform on Lot 1 being approximately 40 metres from the vineyard boundary, which exceeds the TRMP's 30-metre minimum setback by approximately 10 metres. Although this separation provides some mitigation, compliance with the numerical setback does not necessarily demonstrate that reverse sensitivity effects will be acceptable. The TRMP separately requires consideration of nearby intensively worked land, the likelihood of complaints, and whether farming activities may be compromised when assessing a dwelling on a site smaller than 8 hectares.

The future dwelling will also depend on roof-water collection for its potable supply. This creates a particular potential for concerns or complaints about agrichemical spray drift affecting roof-catchment water. The approximately 40-metre separation does not, by itself, address that matter, particularly as no information has been provided about the vineyard's spraying practices, operating hours, machinery movements or other reasonably foreseeable activities.

The applicant has suggested screening vegetation between the future dwelling and the vineyard. However, no landscaping plan has been supplied specifying the buffer's location, width, species, planting density, establishment timeframe or ongoing maintenance. The statement that screening "can be proposed" does not amount to certain and enforceable mitigation, and vegetation would not necessarily address machinery noise, odour or operational disturbance.

The application records approvals from nearby properties associated principally with access effects, but no written approval or operational evidence from the vineyard owner or operator has been identified. This is relevant because Policy DD4.4.2(2) requires regard to consultation with adjoining landowners concerning the possible compromise of farming activities. Policy DD4.4.2(5) also seeks to ensure that residential dwellings do not adversely affect primary farming and are not themselves adversely affected by farming noise, spray drift and odour.

Policy 9 and Clauses 3.8(2)(b), 3.9(3)(b) and 3.13 of the NPS-HPL require reverse sensitivity effects to be avoided where possible, or otherwise mitigated, so they do not constrain land-based primary production. The presence of other dwellings and lifestyle properties in the locality does not remove that obligation. Adding another sensitive receptor increases the cumulative potential for complaints and constraints on productive activities.

Council's Compliance Team has advised that Council has received multiple complaints from owners or occupiers of lifestyle properties located near established productive rural activities. These complaints have concerned agrichemical spray drift and overspray, actual or perceived contamination of roof-catchment drinking-water supplies, dust from cultivated fields, machinery noise, and the use of percussion devices for bird scaring.

This experience demonstrates that reverse sensitivity effects are not merely theoretical. Even where rural activities are lawfully established, and their effects can reasonably be anticipated within the Rural Production Zone, new residents may still complain when those effects interfere with residential amenity. Such complaints may require Council investigation and can place operational, financial and regulatory pressure on productive landowners, even where no breach is ultimately established.

The Compliance Team's advice is particularly relevant because the proposed dwelling will rely on roof-water collection and will be located near an operating vineyard. The applicant has acknowledged that vineyard activities may generate spray drift, machinery noise, dust and odour. These are materially similar to the effects that have previously generated complaints elsewhere in the district.

The presence of existing lifestyle properties in the locality does not reduce this concern. Rather, Council's compliance experience indicates that each additional sensitive receptor can increase the cumulative likelihood of complaints and further constrain productive activities. The proposed setback and unspecified screening do not provide assurance that future occupants will accept these effects without complaint.

Conclusion

Considering the proximity of the proposed dwelling to the established vineyard, the limited information about vineyard operations, reliance on roof-catchment water, absence of demonstrated consultation with the vineyard operator, and lack of a detailed and enforceable buffer or screening plan, I am not satisfied that reverse sensitivity effects have been adequately avoided or mitigated. The actual and potential reverse sensitivity effects are therefore considered more than minor.

Cumulative Effects

Although the proposal is described as a boundary adjustment, its effects are not confined to relocating a cadastral boundary. It will establish proposed Lot 1 as a 1.5851-hectare residential/lifestyle holding with a new dwelling, access, wastewater system and residential curtilage. At only approximately 19.8% of the Rural Production Zone's 8-hectare minimum allotment size, the lot will primarily serve residential purposes rather than operate as a genuine productive unit.

The boundary adjustment may not reduce the total physical area of land held within the two titles. However, the dwelling, wastewater system, access and curtilage will permanently remove part of proposed Lot 1 from land-based primary production. The remaining land may support limited grazing, gardens or other lifestyle-scale activities, but those incidental uses do not compensate for the land permanently committed to residential development or demonstrate retention of its long-term productive capacity.

The cumulative concern is not limited to the area occupied by this particular dwelling. Clause 3.8(2)(a) of the NPS-HPL requires Council to avoid, where possible, or otherwise mitigate the potential cumulative loss of the availability and productive capacity of highly productive land.

Clauses 3.9(3)(a) and 3.13(1)(c) reinforce the need to consider cumulative loss arising from subdivision, use and development rather than assessing each application as an isolated event.

The existing undersized titles in the locality were generally created under earlier planning provisions, including when the applicable minimum lot size was 4 hectares, before it was increased to 8 hectares under the TRMP. Their existence does not establish that further residential development on undersized Rural Production land is appropriate. Rather, the current 8-hectare minimum represents a deliberate planning threshold intended to limit further fragmentation and retain land in parcels capable of supporting productive use.

If applications of this nature are repeatedly approved, productive land will be progressively converted into small residential holdings. The resulting pattern would reduce the overall area available for production, fragment productive landholdings and place additional dwellings beside established farming, horticultural and viticultural activities. These effects are lasting and cannot be reversed readily once dwellings, wastewater systems and residential improvements have been established.

Reverse sensitivity forms an important part of that cumulative effect. The proposed dwelling will be approximately 40 metres from an established vineyard, and the applicant acknowledges that normal vineyard operations may generate machinery noise, agrichemical spray drift, dust and odour. Although that separation exceeds the minimum 30-metre setback, no detailed buffer or landscaping plan has been supplied and no operational assessment or written approval from the vineyard operator has been identified.

The proposed dwelling will rely on roof-catchment water and will introduce another sensitive receptor near productive land. Each additional receptor increases the cumulative likelihood of complaints, Council investigations and pressure on productive operators to alter established practices. No-complaints covenants are also difficult to enforce after ownership changes, do not remove Council's obligation to consider complaints, and cannot protect productive properties that are not parties to the covenant. In this case, no such covenant has been identified as part of the proposed mitigation.

The cumulative effects also extend to rural character. Repeated establishment of small residential holdings gradually changes a spacious working Rural Production environment into a peri-urban or rural-residential one. That transition increases residential amenity expectations, reduces the practical operating space available to producers and may create incremental demand for road, stormwater and other infrastructure upgrades.

Accordingly, the effects cannot reasonably be characterised as minor merely because the physical loss associated with this application is limited in area. The relevant effects are permanent, additive and directly aligned with the pattern of fragmentation, rural-lifestyle development and reverse sensitivity that the TRMP and NPS-HPL seek to prevent. Conditions applying only to proposed Lot 1 cannot restore land occupied by residential development or fully protect surrounding productive activities from future complaints.

Overall, the cumulative effects are considered more than minor. Approval would contribute to the permanent loss and fragmentation of productive land, introduce another sensitive residential receptor near an established vineyard, increase reverse sensitivity risk and further erode the working character of the Rural Production Zone. These effects weigh strongly against granting consent.

3.3.2. Step 3 Conclusion

Is public notification required under step 3?	Yes
• If No, go to step 4 • If Yes, Publicly notify S.95A(7)(a) - Go to Public Notification Decision	

Comment: As detailed in section 3.3.1 above, I have concluded that effects with regard to section 95D will be more than minor. Therefore, public notification is required under Step 3.

3.4. Step 4 Public notification in Special Circumstances - S.95A(9)

Do special circumstances exist in relation to the application being publicly notified?	No
• If No, A determination of whether to give limited notification of the application under section 95B is contained within section 4.0 below • If Yes, Publicly notify. Go to Public Notification Decision in section 3.5	

Comment: 'Special circumstances' are not defined in the RMA. According to case law, special circumstances are those that are 'unusual or exceptional' but may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529 (CA)).

Because the conclusion in Step 3 above is that the development is likely to have adverse effects that are more than minor, I consider there is no need to determine if special circumstances exist under Step 4. In this instance I conclude that the application is inappropriate, and I suggest that public notification should occur.

3.5. Public Notification Decision

Having undertaken the s95A public notification tests, I recommend that this application be processed with public notification.

1.0 Section 95B Assessment for the Purpose of Limited Notification

The RMA provides at section 95B(1) that the consent authority must follow the steps set out in that section, in the order given, in order to determine whether limited notification of an application should be given.

Those steps are set out below, in the order provided in the RMA.

1.1. Step 1. Certain affected groups and affected parties must be notified 95B(2-3)

The RMA provides at s95B (1) that a consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

The assessment of section 95A determined that this application be processed with public notification. For this reason, an assessment against section 95B to determine whether any person(s) is affected is not necessary.

2.0 Section 95 Notification Recommendation and Decision

Reporting Planner:



Bright Mushaishi
Senior Consents Planner
Date: 25 September 2026

Peer Reviewer and Approval



Katrina Roos
Principal Planner
Date: 25 September 2026

