



PAUA PLANNING

RESOURCE CONSENT APPLICATION FOR SUBDIVISION

Matakana Country Park - Early Learning Centre

1151 Leigh Road, Omaha Flats
December 2025

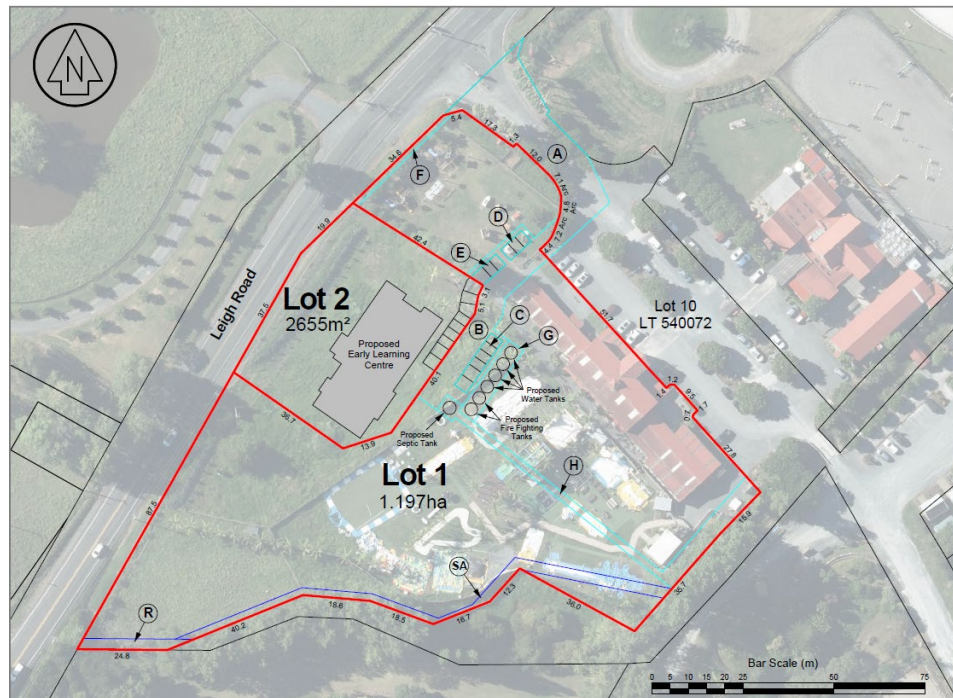


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ATTACHMENTS

- 1. Certificate(s) of Title**
- 2. Plan of Subdivision (C&R Surveyors)**
- 3. Land-Use Consent ELC (LUC60403942 & VCN70020860)**
- 4. Discharge Consent (DIS60051710-A)**
- 5. Consent Notice Variation Decision (VCN70025970)**
- 6. Matakana Country Park Character & Design Manual (Draft)**

1. EXECUTIVE SUMMARY

This Assessment of Environmental Effects (AEE) supports a resource consent application by Matakana Country Park Ltd to subdivide Lot 1 DP 519220 at 1153 Leigh Road, Omaha Flats into two freehold allotments. The subdivision is administrative in nature and reflects the existing and consented development pattern within the Matakana Country Park (MCP). No physical works, earthworks, servicing upgrades, or changes in activity scale are proposed.

Proposed Lot 1 (2,655m²) contains the newly constructed and lawfully consented Early Learning Centre (ELC), approved by a Hearings Panel on 28 February 2024 (LUC60403942 & VCN70020860). All associated access, parking, stormwater, wastewater and servicing infrastructure are established and certified. Proposed Lot 2 (1.197ha) forms the balance area of the MCP landholding and continues in its established role as part of the wider mixed rural visitor precinct.

The subdivision formalises legal access to Lot 1 via the existing right-of-way over Lot 10 DP 519220, with easements securing long-term access, circulation and servicing arrangements. No additional development rights are created and no changes occur to transport, infrastructure load, rural character, landscape values, amenity, natural hazards exposure, or productive land use.

The receiving environment includes the long-established MCP activities, the ELC building (largely completed), and the updated precinct boundary adjustments confirmed through SUB60451226 (granted 29 August 2025). In addition, Council recently removed the legacy “no further subdivision” restriction from Consent Notice 11288436.1 for Lots 1-5 and 7-8 (VCN70025970 granted 28 November 2025), confirming that subdivision controls are fully managed through the AUP(OP) and the I522 Matakana 2 Precinct. This removal was necessary to prevent repeated technical infringements triggered by routine boundary adjustments and did not enable any additional subdivision rights.

The assessment concludes that the subdivision will have no more than minor adverse effects on the environment. Both proposed lots are outside all natural hazard overlays, and no new sensitive activities or effects are introduced. The proposal is consistent with the objectives and policies of the Mixed Rural Zone (H19), E39 Subdivision, E36 Natural Hazards, and the I522 Matakana 2 Precinct, all of which anticipate the continued integrated operation of MCP, including community facilities such as the ELC.

The applicant has requested public notification under s95A(3)(a) of the RMA to ensure transparency and opportunity for community participation. Following public notification, submissions will be invited and the application will be determined by the appointed hearings panel.

Based on the assessment within this AEE, the proposal meets the statutory tests under ss104, 104D and 106, and is capable of being granted consent, subject to the public notification and hearing process.

2. INTRODUCTION

This Assessment of Environmental Effects (AEE) has been prepared in support of a resource consent application by Matakana Country Park Ltd to subdivide Lot 1 DP 519220 at 1153 Leigh Road, Omaha Flats, creating two freehold allotments (Proposed Lots 1 and 2). The subdivision formalises the existing and consented land-use pattern within the MCP, specifically establishing a separate certificate of title for the Early Learning Centre (ELC) authorised by the Hearings Panel on 28 February 2024 under LUC60403942 & VCN70020860.

Proposed Lot 1 (2,655m²) contains the purpose-built ELC building, associated outdoor areas, parking, and all on-site servicing infrastructure, which have been constructed and certified in accordance with prior consents. Proposed Lot 2 (1.197ha) contains the balance of the parent lot and remains in use as part of the wider MCP.

No physical works are required to implement the subdivision, as all infrastructure and access arrangements are established. The application therefore serves to formalise existing development, secure legal access over Lot 10 LT 540072, and register easements required to support ongoing operation of the ELC and wider MCP activities.

This subdivision is entirely administrative and creates no new development potential, effects, or changes to activity scale and operations.

This AEE has been prepared in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991 (RMA) and includes:

- A description of the site and surrounding environment
- A description of the proposed subdivision
- The reasons for consent and relevant statutory requirements
- An assessment of actual and potential environmental effects
- Consideration of the relevant provisions of the Auckland Unitary Plan (OP), Regional Policy Statement, NES/NPS where applicable, and Proposed Plan Change 120
- An assessment against Sections 104, 104D, and 106 of the RMA
- Consideration of Part 2 matters
- A conclusion regarding appropriateness of granting consent

The applicant requests public notification of this application under s95A(3)(a) of the RMA.

3. SITE DESCRIPTION

3.1. General Information & Zoning

Site Address:	1153 Leigh Road, Omaha Flats
Legal Description:	Lot 1 DP 519220 & 1/9 Share Lot 10 LT540072 (easements)
Ownership:	Matakana Country Park Ltd
Applicant:	Matakana Country Park Ltd
Total Site Area on CT:	1.4634ha

Auckland Unitary Plan – Operative in Part (AUPOP)

Zoning:	Rural - Mixed Rural Zone
Precinct:	Matakana 2 Precinct
Overlays:	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Omaha Waitemata Aquifer Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 607, St Andrew's Presbyterian Church (former)
Controls:	Macroinvertebrate Community Index – Rural & Urban
Designations:	None
Non-statutory overlays:	Stream (Open Watercourse) Overland Flow Paths Flood Plain (1 per cent AEP) & Flood Prone Area Highly Productive Land <i>Note: All buildings and all proposed boundaries are outside mapped floodplain and flood-prone areas.</i>

Plan Change 120

As the site is located in the Mixed Rural Zone and is therefore outside of the urban environment and is part of a settlement with fewer than 5,000 people, it is excluded from intensification and rezoning under PC120. The risk-based framework of E36 (Natural Hazards) in PC120 has immediate legal effect and will be considered.

3.2. Site Description

The Matakana Country Park “MCP” is a privately owned 20-hectare estate which provides a range of family and community activities. The subject site within MCP is located on the southern side of Leigh Road and is contained within the block bound by Leigh Road, Takatu Road and Omaha Flats Road. The wider landholdings contain a number of uses including the Stables Restaurant and Smiths Bar, Equestrian Centre, Bramble’s café, art gallery, craft shop, bike hire and group exercise studio as well as a number of activities such as Action Ninja World, E-Volt Racing Matakana, the Matakana Country Park Sunday Market, miniature train rides, pony rides, animal experiences, carriage rides and it is utilised as a wedding and events venue.

The existing buildings at the eastern end of Lot 1 are generally of a rustic/rural aesthetic, being of a barn type design with unstained board and batten cladding and red corrugated iron roofing.

The subject site has a relatively flat topography with the Omaha River running along the southern boundary of the site traversing from west to east and eventually outside of the eastern boundary of the larger site discharging to an inlet in the Whangateau Harbour. The site has two low volume overland flow paths and the southern edge of the site is subject to flood plains as shown on the Council GIS. A Flood Report from previous applications is held on council records.

Vehicular and pedestrian access to the subject site is from both Leigh Road (main entrance) and Omaha Flats Road via existing vehicle crossings. The carriageway has been widened to accommodate a formal right turn bay for visitors turning right into the site plus a left turn slip lane has been constructed to assist drivers entering the site from the east.

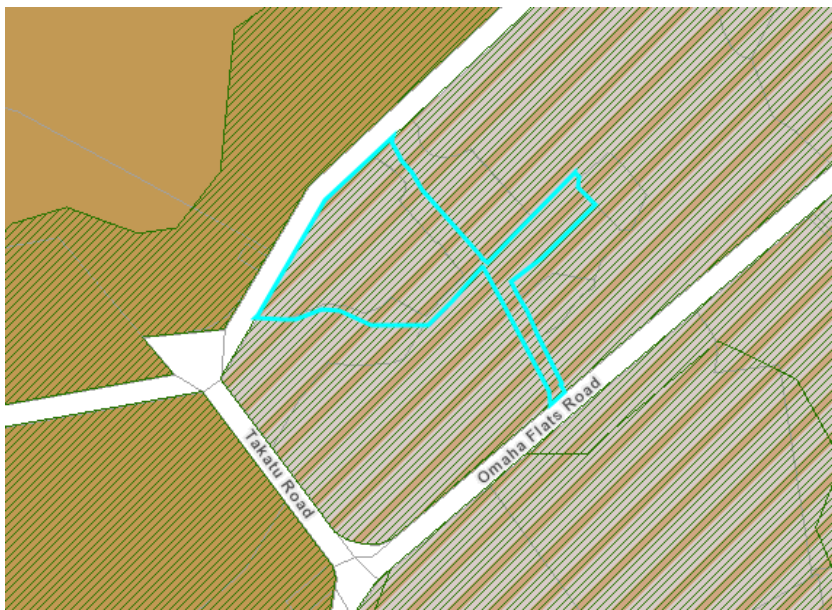


Figure 1 Locality & Zoning Map (Source: AUP GIS Maps)



Figure 2 Aerial Map of Site (Source: Auckland Council GIS Map)

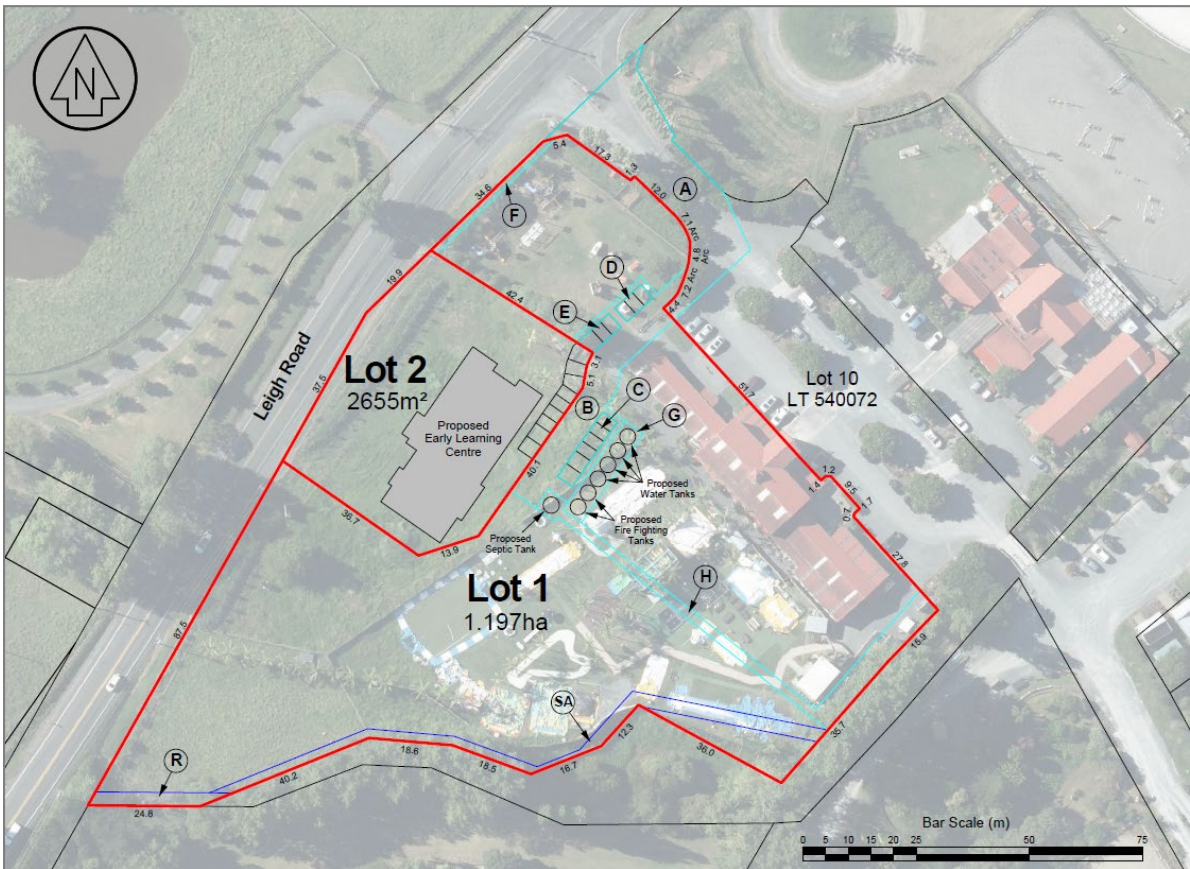


Figure 3 Survey Scheme Plan (Source C&R Surveyors)

3.3. Site Surrounds

The surrounding environment is characterised by a mixture of small rural-residential properties, horticultural blocks, a sculpture park and commercial activities and larger rural production units (see Figure 2). The coastal environment of the Whangateau Harbour is located 400 metres to the east of the site and the township of Matakana is located approximately 2km to the west of the site. Leigh Road, Omaha Flats Road and the portion of Takatu Road connecting Leigh Road and Omaha Flats Road are all arterial routes which feed the wider environment of Matakana, Leigh, Omaha, Tauwharanui and Point Wells.

3.4. Background

MCP has an extensive resource consent history that has progressively established the current pattern of community, visitor, rural-commercial and recreational activities within the Matakana 2 Precinct. Only the consents directly relevant to the subdivision proposal are summarised below:

- SUB-67771 (2017) Approved the original subdivision of the wider MCP lands into nine lots around the established activity areas, creating the Activity Area framework now embedded in the Matakana 2 Precinct.
- SUB60341158 & SUB60341158-A (2019-2020) Approved boundary adjustments among Lots 2, 3, 9 and 10 DP 519220, including amendments to access and shared parking easements.
- VCN70020533 (2022) Varied Consent Notice 11288436.1 to enable the Adventure Playground and Ninja course to operate within Activity Area 1.
- LUC60394187 & LUC60394187-A (2022-2023) Approved the establishment of the seasonal adventure playground attraction.
- LUC60403942 & VCN70020860 (2024) Granted land-use consent for the Early Learning Centre for 99 children and 24 FTE staff, and varied Consent Notice 11288436.1 to allow a childcare activity within Activity Area 1.
- SUB60451226 (Granted 29 August 2025) Approved boundary adjustments among five MCP lots, including removal of Lot 9 from shared access ownership of Lot 10 and updated easements. Council accepted the adjustments as consistent with precinct intent and confirmed no adverse character, amenity, servicing, or hazard effects.
- VCN70025970 (Granted 28 November 2025) Removed the outdated “no further subdivision” restriction from Consent Notice 11288436.1 for Lots 1-5 and 7-8. The need for removal was identified during SUB60451226 because a boundary adjustment constitutes a ‘subdivision’ under the AUP(OP), and retaining the restriction would have required ongoing, unnecessary variations for routine adjustments. Council ultimately agreed that the restriction served no effects-based purpose and that its removal did not enable further subdivision, which remains fully controlled by AUP(OP) rules.

These recent consents demonstrate:

- Council acceptance of adjustments and rationalisation of lot boundaries within the precinct when they align with Activity Areas.
- Council confirmation that the Consent Notice restriction on further subdivision was not required to manage effects, and its removal does not enable new subdivision opportunities.
- The established and legally recognised pattern of land use, including the already-constructed Early Learning Centre on proposed Lot 1.

This history forms the foundation for the current administrative subdivision, which simply formalises existing development and legal access arrangements.

4. PROPOSAL

4.1. Subdivision

The proposal is to subdivide the parent site at 1153 Leigh Road to create two freehold lots generally in accordance with the C&R Surveyors Scheme Plan (Rev 3, 15/08/2025). Proposed Lot 1 (2,655m²) contains the newly constructed Early Learning Centre (completion on schedule for March 2026, building is now closed in) and associated outdoor areas, parking, and on-site servicing infrastructure.

Proposed Lot 2 (1.197ha) forms the balance of the existing landholding and remains in use as part of the wider MCP environment. The subdivision also formalises the transfer of existing legal access rights over Lot 10 LT 540072 so that Lot 1 gains secure and permanent legal access to Leigh Road. A series of easements are proposed to ensure the ongoing operation and servicing of the ELC and the wider site. These include rights-of-way, water supply, wastewater and stormwater drainage, power and telecommunications, and pedestrian access, as detailed in the easement schedule on the scheme plan.

No physical works are required to implement the subdivision, as all essential infrastructure serving Lot 1 has already been constructed and authorised through prior consents. The subdivision therefore serves solely to create two legally defined lots and to formalise access and servicing arrangements consistent with the established development pattern on the site.

It is noted that the 'no further subdivision' restriction formerly applying to Lots 1–5 and 7–8 under Consent Notice 11288436.1 was removed by Council under VCN70025970 (28 November 2025). The restriction now applies only to Lot 6. This variation did not create any additional subdivision rights, and all subdivision remains governed by the Mixed Rural Zone, E39 and the I522 Matakana 2 Precinct rules. If the consent notice had not already been varied in 2025, the applicant would have sought its removal as part of this application.

The subdivision also facilitates the potential transfer of the ELC to a dedicated childcare operator, although this commercial context is not relied upon as part of the statutory assessment. For clarity, the

applicant confirms that the Matakana Country Park Character & Design Manual proposed with this application will apply to Lots 1 and 2 following subdivision and any subsequent sale. All future owners will be required, by way of consent notice, to comply with the Manual when undertaking any new development, buildings, signage, lighting, or landscape works. This ensures long-term maintenance of the integrated rural-park character anticipated by the I522 Matakana 2 Precinct.

There are several previously granted variations to the existing consent notice 11288436.1 which have not yet been registered with LINZ (process is underway). These will be ‘carried down’ onto both proposed new lots 1 & 2 as follows:

- LUC60394187/VCN70020533 (29 June 2022, by Duty Commissioner) – relevant to Activity Area 1 on Lot 1 DP 519220, which enabled the Adventure Playground and Ninja course to operate within Activity Area 1. The wording of the Consent Notice:
Activities allowed Each lot can only be used for the activities shown in the corresponding Activity Area of the Auckland Unitary Plan Matakana 2 precinct overlay, Precinct plan 1, specifically:

Lot	Activity Area	Activity/ies allowed
Lot 1	Activity Area 1	Function centre, dance/exercise fitness class, café, playground, petting zoo, aviary, memorial garden and pet garden, staff accommodation, adventure playground/ninja course

- LUC60403942 & VCN70020860 (28 February 2024, by Hearings Panel) – relevant to Activity Area 1 on Lot 1 DP 51922, which granted land-use consent for the Early Learning Centre for 99 children and 24 FTE staff, and varied Consent Notice 11288436.1 to allow a childcare activity within Activity Area 1. The wording of the Consent Notice:
Activities allowed: Each lot can only be used for the activities shown in the corresponding Activity Area of the Auckland Unitary Plan Matakana 2 precinct overlay, Precinct plan 1, specifically:

Lot	Activity Area	Activity/ies allowed
Lot 1	Activity Area 1	Function centre, dance/exercise fitness class, café, playground, petting zoo, aviary, memorial garden and pet garden, staff accommodation, adventure playground/ninja course, care centre (childcare).

- SUB60451226 VCN70025970 (28 November 2025) Lots 1-5 & 7-8 - Removed the outdated “no further subdivision” restriction from Consent Notice 11288436.1 for Lots 1-5 and 7-8. The wording of the Consent Notice:
No further subdivision No further subdivision of lot 6 is allowed. (Note – this removes this clause from the Consent Notice for lots 1-5 & 7-8)

4.2. Land use

The proposed subdivision does not alter the existing transport environment or generate any additional traffic beyond what has already been consented through the Early Learning Centre (ELC) land use approval. Vehicle access to Lot 1 continues to be provided via the established right-of-way over Lot 10 LT 540072, which was assessed and confirmed as suitable during the land-use consent process.

All vehicle access, parking, manoeuvring and sightline requirements associated with the ELC have already been reviewed, certified and constructed in accordance with the approved engineering plans. No new access points, upgrades, or transport-related works are proposed or required as part of this subdivision. E27 is relevant in that subdivision technically qualifies as establishing a ‘new activity’, but no new vehicle movements, crossings, or design changes occur and therefore no additional assessment is required.

In this context, the subdivision is consistent with the purpose and intent of E27 Transport, as it does not intensify site access demands, alter parking or loading arrangements, or introduce safety effects on Leigh Road. The existing transport infrastructure fully meets the requirements of E27 and will continue to service the site effectively following subdivision.

4.3. Servicing

All servicing for the ELC on proposed Lot 1 including wastewater disposal, stormwater management, water supply, and firefighting water provision has already been consented, constructed, and inspected through the building consent and associated engineering approvals. Wastewater discharge for the ELC is separately authorised under its existing discharge consent, and stormwater disposal measures (rain garden, on-site attenuation, dual-purpose tanks) have been installed in accordance with the certified design. No additional connections or network extensions are required to support the subdivision.

Wastewater disposal for the Early Learning Centre is separately authorised under the existing discharge consent (DIS60051710-A), which was varied on 24 August 2023 to enable the ELC to utilise the centralised wastewater treatment and land-application system that serves Matakana Country Park. The variation confirmed that no upgrades to the system were required, and that the ELC discharge would occur via a dedicated 12,500-litre septic tank connected into the existing treatment and land disposal network. The consent sets a site-wide discharge limit of 12.5m³/day and requires active management of land-use activities to ensure cumulative flows remain within this cap, including peak-flow management across activities if required. Council’s Wastewater Specialist confirmed that, subject to ongoing compliance with conditions, the system has adequate capacity and the ELC can be accommodated without creating new or increased adverse effects.

Proposed Lot 2 remains as the balance rural land and does not require servicing upgrades or new infrastructure. Accordingly, the subdivision complies with the relevant servicing expectations of E1 - E13, as it relies entirely on lawful, existing infrastructure and does not require new servicing installations or generate any cumulative infrastructure effects.

4.4. Natural Hazards

A review of Auckland Council GIS hazard layers confirms that both proposed lots lie outside all mapped natural hazard overlays, including flood plains, flood-prone areas, overland flow paths, and flood hazard areas. As such, PC120's strengthened natural hazard rules (which have immediate legal effect) do not apply to this subdivision, as they only regulate subdivision within identified hazard areas.

The ELC building platform on proposed Lot 1 has already been assessed and constructed under building consent, including compliance with overland flow management, stormwater design, and foundation stability. No physical works are proposed as part of this subdivision, and the proposal does not create new development potential within a hazard area. Accordingly, the subdivision avoids natural hazard risk and is consistent with the requirements and outcomes of E36 Natural Hazards.

5. ACTIVITY STATUS

5.1. Compliance with the Auckland Unitary Plan Standards

The following tables set out compliance with the relevant AUP(OP) Standards.

E39 Subdivision - Rural		
Standard to be complied with	Compliance	Description
Table E39.4.1 Subdivision for specified purposes (A8) Subdivision of land within any of the following natural hazard areas: • 1 per cent annual exceedance probability floodplain - Restricted Discretionary Activity		
Table E39.4.2 Subdivision in Rural Zones (A13) Subdivision in the ... Rural - Mixed Rural Zone ... not complying with Standard E39.6.5.1 - non-complying activity		
Standard E39.6.5.1 <i>Subdivision in ... mixed rural zone must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1</i>	Does not comply	E39.6.5.1.1 Mixed Rural Zone Minimum average site size = 50ha Minimum site size = 40ha Lot 1 is only 1.0253ha
I522 Matakana 2 Precinct		
Standard to be complied with	Compliance	Description

I522 Matakana 2 Precinct		
Standard to be complied with	Compliance	Description
Table I522.4.1 (A11) Subdivision not complying with Standard I522.6.10 and the Precinct Plan 1 Non-complying (A13) Subdivision within any Activity Area other than Activity Area 9 Non-complying activity		
Standard I522.6.10 (1) Subdivision must be for the purpose of creating a separate certificate of title (site) for one of the ten Activity Areas shown on the Matakana 2: Precinct plan 1.	Does not comply	The subdivision creates a separate CT for PART of Precinct Activity Area 1 and therefore does not comply with I522.6.10(1).
Standard I522.6.10 (2) There must be a consent notice registered on each new title stating the following: (a) there must be no residential activity on any new site (except the manager's accommodation within Activity Areas 3, 4 and 9 on the Matakana 2: Precinct plan 1; (b) each new site can only be used for the activities shown in each Activity Area on the Matakana 2: Precinct plan 1; and (c) in respect of Activity Area 6 on the Matakana 2: Precinct plan 1, that the Church is protected as a building of historic heritage.	Complies	This consent notice currently exists for Lot 1, and will be carried over onto proposed Lots 1 & 2.
Standard I522.6.10 (3) Activity Area 3 is designated the manager's site and there must be land covenants registered against any new certificate of title created requiring the owners of any new site to enter into a management agreement with the owner of Activity Area 3 so that the requirements of Standard I522.6.10(2)(b) above can be enforced.	Not relevant	The new lot is not within Activity Area 3
Standard I522.6.10 (4) The owners of any new site must grant the Council an encumbrance to recognise the right of the Council to also enforce any breach of the land covenants referred to in Standard I522.6.10(2)(b) above.	Complies	The applicant and/or owner of proposed Lot 2 will grant Council encumbrance as per I522.6.10(4) as part of this consent.

5.2. Auckland Unitary Plan (Operative in Part) (AUP (OP))

5.2.1. Subdivision Consent – s11

Rural Subdivision

Table E39.4.1 Subdivision for specified purposes

- Subdivision of land within the 1 per cent annual exceedance probability floodplain is a **restricted discretionary** activity pursuant to E39.4.1(A8) (*Technical infringement - there is identified floodplains on the site, but not within the specified building areas*)

Table E39.4.2 Subdivision in rural zones

- Table E39.4.2 Subdivision in Rural Zones (A13) Subdivision in the ... Rural - Mixed Rural Zone ... not complying with Standard E39.6.5.1 - **non-complying** activity (*The proposed subdivision does not comply with E39.6.5.1.1 as the lots do not meet the minimum lot size for the zone*).

Table I522.4.1 Matakana 2 Precinct

- Table I522.4.1 (A11) Subdivision not complying with Standard I522.6.10 and the Precinct Plan 1, as a **non-complying** activity
- Table I522.4.1 (A13) Subdivision within any Activity Area other than Activity Area 9, as a **non-complying** activity

5.3. Activity Status Summary

For the purposes of the s95 recommendation, the notification assessment has been considered as a non-complying activity overall.

Overall, the application is to be considered a **non-complying** activity.

6. STATUTORY EVALUATION s104 & 104D of the RMA

For clarity, the applicant requests that this application be publicly notified under s95A(3)(a) of the RMA.

As a non-complying activity under the AUP (OP), and as public notification is requested, the following sections of the Resource Management Act are specifically relevant when assessing this application:

- Section 104 Consideration of Applications
- Section 104D Particular restrictions for non-complying activities
- Section 108 Conditions of Resource Consents
- Schedule 4 Assessment of Effects on the Environment.

These provisions have been taken into account in this assessment.

6.1. Positive Effects

The subdivision provides positive effects by establishing a clear legal title for the ELC, improving administrative efficiency and long-term management of MCP. The proposal also ensures ongoing legal certainty for access and servicing through formalised easements.

6.2. Adverse Effects

In considering the adverse effects of the proposed subdivision, the Council:

- may disregard adverse effects where a national environmental standard or the Auckland Unitary Plan permits an activity with the same or similar effects;
- must disregard trade competition and the effects of trade competition; and
- must disregard any effects on persons who have provided written approval to the application.

The actual and potential adverse effects of the subdivision are assessed below and include rural character, landscape and amenity, transport, servicing, natural hazards, productive land, cultural and precinct-specific considerations.

6.2.1. Permitted Baseline

Under s104(2) of the Resource Management Act 1991, the consent authority may disregard an adverse effect of an activity if a rule or national environmental standard permits an activity with that effect (the “permitted baseline”).

In this case, the permitted baseline has limited relevance because all subdivision triggers a requirement for resource consent.

It is noted that the subdivision does not involve any physical works, earthworks, site modification, or new activities that could otherwise be benchmarked against permitted rural activities. As such, the permitted baseline provides no material basis for disregarding effects, and the application proceeds with a full effects-based assessment under s104(1).

6.2.2. Receiving Environment

The receiving environment for this application includes not only the existing physical environment on the subject site but also the wider MCP setting and surrounding rural landscape. For RMA assessment purposes, the receiving environment comprises:

- activities permitted by the Auckland Unitary Plan in the Mixed Rural Zone and the I522 Matakana 2 Precinct;
- all lawfully established activities, including those authorised through existing use rights or resource consents; and
- any unimplemented but likely to be implemented resource consents relating to the site or adjoining land.

Importantly, the receiving environment already includes the Early Learning Centre (ELC), which is under construction and lawfully established through land-use consent and the associated variation to Consent Notice 11288436.1 permitting a childcare activity in Activity Area 1. The ELC building and associated infrastructure are now largely completed (constructed to roof stage), meaning these works form part of the existing environment against which effects must be assessed.

The receiving environment also reflects the updated planning framework following VCN70025970, which removed the consent-notice restriction on further subdivision for Lots 1–5 and 7–8. Council confirmed this restriction was no longer necessary to manage effects and that its removal did not enable additional subdivision beyond what is already regulated under E39 and the Matakana 2 Precinct provisions.

Within the wider precinct, the receiving environment also encompasses the established MCP operations, including visitor attractions, commercial activities, community facilities, internal vehicle circulation areas, existing buildings, and previously authorised development footprints. These activities establish a mixed rural-community character that is materially different from a typical rural production environment and are reasonably expected to continue.

As the subdivision does not introduce new development potential or alter the scale or nature of existing activities, the receiving environment is effectively unchanged by the proposal. The effects of the subdivision must therefore be assessed within this context: a site that is already developed and committed to community, visitor, and rural-themed activities, with no additional environmental sensitivity or exposure arising from the creation of two lots.

6.2.3. Subdivision - Site Suitability and Layout

The proposed subdivision layout reflects the existing and consented land use pattern on the site. Lot 1 contains the fully constructed Early Learning Centre (ELC) and associated outdoor and parking areas, while Lot 2 remains as the balance rural land forming part of the wider MCP environment. No new building platforms are created, and the layout is consistent with established access, servicing connections, and activity areas. The site is therefore physically suitable for subdivision, and the proposed lot boundaries accurately follow existing functional relationships on the ground.

6.2.4. Rural Character

The subdivision does not introduce any physical development, change in activity scale, or new structures that could affect rural character. Existing rural character elements including open space, mature vegetation, the wider park-like setting, and the low-rise built form typical of MCP, are maintained. The ELC building is already lawfully established and integrates with surrounding MCP buildings through its rural material palette and consolidated activity hub. The subdivision simply formalises lot boundaries around existing development and does not intensify rural activity or fringe the landscape with additional built form.

The rural environment will continue to read as a cohesive collection of community-oriented rural visitor activities within a predominantly open rural landscape. There is no reduction in openness, no introduction of urban scale development, and no cumulative effects on rural character. The proposal is therefore consistent with the expected rural character outcomes for this part of the Mixed Rural Zone and the Matakana 2 Precinct.

To provide additional certainty regarding the long-term maintenance of rural character and amenity values, the applicant has prepared a “Matakana Country Park Character & Design Manual”, submitted with this application. Although not an existing operative document, the Manual is offered as a volunteered management tool that sets out generalised building design controls, material palettes, rural colour schemes, landscape treatment requirements, lighting limitations, signage principles, and acoustic/amenity standards. It is intended to guide all future works within MCP, ensuring a consistent rural “Country Park” aesthetic and avoiding incremental urbanisation. The Manual therefore forms part of the applicant’s proposed mitigation package and provides assurance that rural character will be maintained over time.

6.2.5. Landscape & Amenity

The subdivision will not generate any change in visual amenity or landscape values because it does not involve any new structures, earthworks, or vegetation removal. The existing rural landscape pattern (comprising pasture, landscaped areas associated with the MCP, and the established ELC building platform) remains unaltered. Views from Leigh Road and surrounding properties will remain exactly as anticipated and granted by the land-use consent for the ELC.

The ELC building has already been assessed through the earlier land-use hearing, including its siting, scale, building materials, and relationship to the Country Park aesthetic. No new visual effects arise from the act of subdivision alone. The openness of the wider rural landscape, the vegetated boundaries, and the park-like character remain intact. As no additional development rights are created beyond those already exercised, the subdivision maintains existing levels of rural amenity.

6.2.6. Vehicle and Legal Access

Legal and physical access to Lot 1 continues to be provided via the established right-of-way over Lot 10 LT 540072, which serves the existing ELC and other MCP activities. The subdivision does not alter access design, sightlines, or safety conditions. Parking and manoeuvring areas for the ELC have already been constructed (or are under construction) in accordance with approved engineering plans. Lot 2 retains access through the existing internal MCP circulation network. The subdivision therefore maintains compliant and safe access under E27 and does not introduce any adverse transport effects.

6.2.7. Servicing

All servicing for Lot 1 is already established and lawfully consented, including wastewater disposal, stormwater management, firefighting supply, water supply, power, and telecommunications. These were implemented as part of the ELC development and independently certified. Lot 2 remains as Ninja World and rural land and does not require new servicing. The subdivision does not necessitate additional infrastructure or network upgrades. Servicing is therefore adequate and consistent with E1 - E13.

More specifically, wastewater for the ELC is already authorised under the varied discharge consent DIS60051710-A (24 August 2023). The variation enables the childcare facility to connect to the existing

MCP wastewater treatment and drip-irrigation disposal system via a dedicated 12,500-litre septic tank, with all discharges managed within the site-wide 12.5 m³/day limit. Council accepted that the system has adequate capacity, and that no changes to the treatment or disposal infrastructure are required.

6.2.8. Natural Hazards

GIS mapping confirms that both proposed lots are outside all natural hazard overlays, including flood plains, flood-prone areas, and overland flow paths. The ELC building platform was previously assessed under building consent and constructed to avoid hazard effects. As no new earthworks or building platforms are proposed, and the subdivision does not introduce future development potential within hazard-prone land, the proposal meets the requirements of E36 and PC120's strengthened natural hazard provisions. No adverse hazard effects will result.

6.2.9. Productive Land and Reverse Sensitivity Effects

The site has long been committed to non-productive, community-oriented activities associated with MCP. The subdivision does not convert rural production land to urban use or compromise any existing productive capacity. There are no reverse sensitivity issues because the ELC is already established and operates within an existing mixed-use rural environment. No new receptors or sensitive activities are introduced beyond those already lawfully operating. The subdivision therefore avoids adverse effects on productive land use and reverse sensitivity.

6.2.10. Objectives and Policies

The objectives of the Rural Subdivision Chapter aim to ensure that land subdivision provides for the needs of the community, whilst ensuring that it is well designed, supported by appropriate infrastructure, maintains/enhances natural features, avoids fragmentation of rural production land and reverse sensitivity effects and protects the character and amenity values of rural areas.

The proposal is consistent with H19 because it:

- Maintains rural character and amenity by avoiding any new built form or development intensification.
- Supports rural-based community and visitor activities that contribute to the functioning of the wider Matakana rural environment.
- Avoids fragmentation that would affect productive rural land or introduce lifestyle development contrary to zone intent.
- Ensures the continued efficient use of land already committed to MCP activities, aligning with objectives enabling community support functions in rural settings.

The proposal is fully aligned with the objectives and policies of the I522 Matakana 2 Precinct. The precinct seeks to maintain the integrated, rural-park character of MCP while enabling community, visitor, and rural-themed activities. Importantly, the activity status and appropriateness of the Early Learning Centre

on Lot 1 have already been confirmed through the land-use consent process, including the Hearings Panel approval of the variation to Consent Notice 11288436.1, which formally added “care centre (childcare)” as an allowable activity within Activity Area 1. This variation means the ELC is now an expressly recognised activity under the precinct framework and sits correctly within the established activity structure of the MCP.

The I522 Precinct seeks to ensure that all development maintains the distinctive “Country Park” rural character. To support this outcome, the applicant proposes to adopt and implement a “Matakana Country Park Character & Design Manual” as part of this application. The Manual functions as an implementation tool for the precinct by codifying rural architectural elements, landscape frameworks, signage and lighting controls, and amenity management measures. Although newly introduced, it provides a structured framework that aligns directly with the precinct’s objectives and policies, ensuring that future works remain consistent with the intended rural character and integrated management of the MCP.

For clarity, the Matakana Country Park Character & Design Manual is referenced in this AEE as a non-statutory management and design framework to inform assessment against the I522 Matakana 2 Precinct objectives and policies under s104(1)(b), and as an “other relevant matter” under s104(1)(c). It is not proposed to be given effect through a consent notice or condition of consent, and no statutory enforcement is sought as part of this subdivision application.

Council recently confirmed (VCN70025970) that ongoing reliance on a consent-notice restriction to prevent further subdivision is not required to uphold the integrity of the Matakana 2 Precinct, because the precinct rules themselves provide the necessary controls. This provides additional support for the current subdivision, which is consistent with the precinct framework and does not create new development potential.

The proposed subdivision does not alter how the MCP functions or how Activity Areas are organised; it simply formalises lot boundaries around the already-approved ELC building without modifying internal circulation, servicing, or the operational layout of the MCP. The MCP will continue to operate as a cohesive, integrated entity as intended by the precinct, and the rural-park character and visitor-based functions remain unchanged. Accordingly, the subdivision is consistent with and gives effect to the I522 precinct objectives and policies.

6.2.11. Cultural Effects

The subdivision does not involve earthworks, watercourse modification, or new development, and therefore does not generate any additional cultural effects beyond those assessed through the ELC land-use consent. No sites or features of cultural significance are located within the subdivision area, and the proposal maintains existing access, landscape patterns, and environmental conditions. The proposal therefore results in no adverse cultural effects.

7. Consultation & Engagement

Extensive consultation occurred during the original land-use consent process for the Early Learning Centre (LUC60403942 & VCN70020860), which was publicly notified and determined through a full hearing process. As recorded in the Commissioners' decision (28 February 2024), a total of four submissions were received (two in support and two neutral) with no opposing submissions lodged.

Submitters included local businesses, neighbouring landowners, and community-based organisations with an interest in the operation of MCP and the proposed ELC activity. Issues raised during the land-use process related primarily to rural character, amenity, reverse sensitivity, transport, and firefighting water supply, all of which were resolved through evidence and conditions of consent.

The Commissioners also noted that the applicant had obtained a substantial number of written approvals prior to notification, although these were not relied upon for effects-disregard purposes. Nevertheless, the overall level of community engagement demonstrated strong local awareness of, and support for, the ELC development.

Although not required, the applicant intends to continue a constructive and transparent engagement approach with neighbouring properties. Because the proposal involves no physical works, no changes to activity scale and no new effects, consultation is focused on maintaining positive relationships and ensuring neighbours are aware of the administrative nature of the proposal.

Over the following weeks, the applicant will meet and/or correspond with the immediately adjoining or nearby property owners, including:

- 1166 Leigh Road (Lot 8 DP 202167)
- 1168 Leigh Road (Lot 1 DP 201719)
- 1 Takatu Road (Lot 1 DP 185730)
- 25 Omaha Flats Road (Lot 6 DP 519220)

These landowners have been identified based on proximity, access orientation, and potential interest in the ongoing operation of the MCP and the already-constructed ELC.

Where neighbours are comfortable doing so, the applicant will seek written approvals for the subdivision. Any approvals received will be forwarded to Council promptly for inclusion in the consent file. The applicant acknowledges that, because the application is being publicly notified at their request, written approvals cannot remove the requirement for public notification; however, they remain helpful for Council's consideration of effects and for demonstrating continued neighbour support.

Consultation for this subdivision continues the applicant's established approach of early engagement and transparency. Given the administrative nature of the proposal, the absence of new physical effects, and the strong legacy of community interaction established through the land-use consent process, the consultation undertaken and proposed is considered appropriate for the scale and nature of the activity.

8. RELEVANT STATUTORY INSTRUMENTS — RMA s104(1)(b) & (1)(c)

8.1. Introduction

In accordance with Section 104(1)(b) of the Resource Management Act 1991 (“RMA”), this part of the report identifies the statutory planning documents that are relevant to the assessment of this proposal. Section 104(1)(b) requires the consent authority to have regard to:

- (i) any relevant provisions of a national environmental standard (NES);
- (ii) any relevant provisions of a national policy statement (NPS);
- (iii) the New Zealand Coastal Policy Statement 2010 (not applicable here);
- (iv) any relevant provisions of a regional policy statement (RPS) or proposed RPS; and
- (v) any relevant provisions of a plan or proposed plan, including the Auckland Unitary Plan (Operative in Part) (“AUP(OP)”) and relevant plan changes.

Under Section 104(1)(c), the consent authority must also have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application.” For this subdivision, relevant “other matters” include the planning context established through the earlier land-use consent for the Early Learning Centre (ELC) and the proposed Matakana Country Park Character & Design Manual offered as part of this application to support ongoing rural character outcomes.

8.2. Relevant Statutory Instruments

8.2.1. National Environmental Standards (NES)

There are no NES provisions that directly regulate subdivision in this context. NES-Freshwater, NES-Air Quality, and NES-PFAS do not apply to rural subdivision of this nature, and no earthworks or contaminant-generating activities are proposed.

8.2.2. National Policy Statements (NPS)

No NPS directly influences subdivision of this type; however, to the extent that the NPS on Highly Productive Land (2022) was considered in the original ELC hearing and the site was confirmed *not* to contain highly productive soils, no additional NPS direction is triggered for this application.

8.2.3. Auckland Unitary Plan (Operative in Part)

The AUP(OP) provides the primary planning framework for assessing this application and includes:

- Regional Policy Statement (RPS) directing rural subdivision outcomes, integrated management, natural hazards, and protection of rural character.
- District Plan (AUP) Provisions, including:

- H19 Rural – Mixed Rural Zone
- I522 Matakana 2 Precinct
- E39 Subdivision – Rural
- E36 Natural Hazards
- E1–E13 Servicing and Infrastructure chapters
- E27 Transport

These provisions collectively guide the assessment of effects and activity status for subdivision of this site.

8.2.4. Proposed Plan Change 120 – Housing Intensification and Resilience

PC120 has been publicly notified (3 November 2025) and the natural hazard provisions have immediate legal effect under s86B(3) RMA. Accordingly, the hazard-related policies and rules relevant to subdivision (particularly E36 and E39 hazard references) must be considered under s104(1)(b)(vi).

PC120 contains no changes to rural subdivision standards that affect the activity status of this application; however, the strengthened hazard-risk framework is relevant to confirming that both lots are outside hazard overlays.

8.2.5. Other Relevant Matters - s104(1)(c)

Under s104(1)(c), the following additional matters are relevant:

- The existing land-use consent and varied Consent Notice authorising the ELC as an identified activity;
- The proposed Matakana Country Park Character & Design Manual, which provides additional assurance for Council regarding rural character, signage, lighting, landscape and design management;
- The established pattern of community, visitor, recreational and rural activities forming the operational context of the MCP.

These matters support the conclusion that the subdivision is entirely consistent with the rural character and functional outcomes anticipated for the site.

The recent variation to Consent Notice 11288436.1 (VCN70025970, granted 28 November 2025) arose directly from matters identified through the processing of SUB60451226, which sought a boundary adjustment among several MCP lots. Under the AUP(OP), a boundary adjustment is legally defined as a “subdivision,” and therefore technically infringed the existing “no further subdivision” restriction on the relevant titles.

During SUB60451226, Council initially indicated a preference to retain the restriction and simply annotate the consent notice to state that “*no further subdivision shall occur other than that approved under*

SUB60451226.” While this would have resolved the immediate technical conflict, it would not have prevented the same issue arising again for any future boundary realignment that may be necessary to rationalise easements, refine activity area boundaries, or respond to operational needs within the MCP.

The applicant considered that repeatedly breaching, amending, or annotating the consent notice for routine adjustments would create unnecessary administrative burden, legal cost, and complexity for both landowners and Council, without delivering any material environmental benefit. This position was discussed extensively with Council planners and policy staff, and following detailed consideration, Council accepted the applicant’s view that the restriction no longer served a necessary planning purpose.

As confirmed in the Council’s decision on VCN70025970, the “no further subdivision” clause was not required to manage effects, nor did it contribute meaningfully to achieving the objectives and policies of the AUP(OP) or the I522 Matakana 2 Precinct. Retaining it would not have altered activity status or planning outcomes, as all subdivision remains subject to the Mixed Rural Zone, E39 Subdivision rules, and the precinct framework.

The restriction was therefore removed from Lots 1-5 and 7-8 DP 519220, with Council confirming that its removal does not create any additional subdivision rights and that future subdivision (whether boundary adjustments or otherwise) will continue to be fully regulated by the AUP(OP). If the variation had not been processed earlier in 2025, the applicant would have applied for the same removal in conjunction with this subdivision application.

8.2.6. Auckland Unitary Plan – Regional Policy Statement (RPS)

The proposal has been assessed against the key relevant RPS themes, including:

Rural Environment (B9)

The RPS seeks to maintain the character, function and amenity of rural areas while managing the effects of subdivision, use and development. The subdivision does not introduce new built development, change activity patterns, or affect rural productivity. It simply formalises the legal boundaries around existing activities at MCP. The rural character, landscape patterns, and amenity values remain unchanged.

Natural Hazards (B10)

The RPS directs development away from hazard-prone land where practicable. The subject land is not within any natural hazard overlays, and the ELC platform has already been assessed under building and land-use consents. The subdivision does not increase hazard exposure or risk.

Integrated Management (B2)

The RPS encourages integrated land use and infrastructure planning. The proposal fits within an existing serviced, operational rural precinct and uses existing access, servicing and internal circulation systems without requiring additional infrastructure.

The subdivision is therefore consistent with the RPS and the integrated management direction of the Unitary Plan.

8.2.7. Auckland Unitary Plan – Rural Zone (H19)

The Mixed Rural Zone seeks to:

- Enable a range of rural activities while maintaining rural character;
- Avoid fragmentation of productive rural land; and
- Manage effects of non-rural activities.

This subdivision does not intensify development or introduce new sensitive activities. Both lots reflect the existing developed pattern of MCP, which is an established rural visitor and community destination. There is no reduction in rural productivity, as the site is already committed to non-productive activities authorised through long-standing consents.

The subdivision therefore does not undermine the objectives and policies of H19 and is fully consistent with the intended rural character and function of the zone.

8.2.8. Auckland Unitary Plan – I522 Matakana 2 Precinct

The core purpose of the Precinct is to enable the ongoing operation and expansion of MCP while retaining a distinctive “country park” rural character and ensuring that subdivision supports integrated park management.

The proposal:

- Does not change the layout or operation of MCP;
- Aligns with the Activity Areas in Precinct Plan 1;
- Reflects the already-consented and largely constructed ELC;
- Maintains the integrated management of MCP;
- Is supported by the proposed Character & Design Manual, which provides additional assurance of rural character outcomes; and
- Relies on existing access, circulation and operational systems.

Given that the Consent Notice has already been varied to include “care centre (childcare)” as an authorised activity in Activity Area 1, the subdivision formalises the spatial arrangement of these authorised uses.

The proposal is therefore consistent with the objectives and policies of the I522 Precinct, including those relating to rural character, community activity enablement, and limited, managed subdivision.

8.2.9. Auckland Unitary Plan – E39 Subdivision (Rural)

The subdivision does not comply with the minimum site size requirements for Mixed Rural Zone (40ha minimum; 50ha average) and therefore falls as a non-complying activity under E39.4.2(A13).

However:

- No additional development potential is created;
- All servicing, access and infrastructure are already constructed and authorised;
- The subdivision maintains consistency with the I522 Precinct framework; and
- Rural character, amenity, landscape and servicing effects are no more than minor (as assessed elsewhere in the AEE).

Other E39 matters (engineering, natural hazards, infrastructure capacity) are satisfied. The policy framework recognises that adverse effects of rural subdivision can be managed where existing lawful development patterns are retained, as in this case.

8.2.10. Auckland Unitary Plan – E36 Natural Hazards (Including PC120 Operative Provisions)

Under PC120, natural hazard provisions have immediate legal effect. As confirmed in the hazards assessment:

- Both proposed lots lie outside all hazard overlays;
- No new building platforms or earthworks are proposed;
- The ELC platform and stormwater systems are already approved and constructed;
- There is no increased exposure of people or property to natural hazard risk.

The subdivision is therefore fully consistent with the strengthened risk-based hazard framework under E36 and PC120.

8.2.11. Section 104D

Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either:

- a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - i. The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - ii. The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - iii. Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

As assessed in Section 6 of this AEE:

- No new buildings, earthworks, or physical changes are proposed.
- The ELC is already lawfully established and built to roof stage.
- The subdivision formalises existing use patterns without intensifying activity.
- Rural character, landscape, and amenity values are retained.
- Transport, access, and servicing remain unchanged and compliant.
- Both lots lie outside natural hazard overlays, and no hazard risk is created or worsened.
- No loss of productive land occurs, as the site is already committed to non-productive activities.
- Reverse sensitivity effects are neutralised through the no-complaints covenant already required under the land-use consent.

Although the activity is non-complying overall, the subdivision does not generate the types of adverse effects those rules are designed to prevent (rural fragmentation, lifestyle living, or productive land loss). There are no material adverse environmental effects. Accordingly, the proposal meets s104D(1)(a).

A detailed assessment of the relevant objectives and policies (H19, I522, RPS, E36, E39) demonstrates that:

- The proposal does not conflict with the Mixed Rural Zone outcomes.
- It is fully aligned with the I522 Matakana 2 Precinct, which anticipates community and visitor-based activities and controlled subdivision aligned with the MCP's integrated operation.
- It is consistent with RPS themes relating to rural character, hazard avoidance, integrated management, and rural land use.
- It is supported by volunteered measures, including the Character & Design Manual, strengthening rural-character outcomes.
- The subdivision maintains the established planning framework on the site.

The proposal is therefore not contrary to the objectives and policies of the AUP(OP) or any proposed plan (including PC120 hazard provisions).

Because the proposal satisfies both the "effects" limb and the "policy" limb, the subdivision passes the s104D Gateway Test, and the Council is lawfully able to recommend consent be granted.

8.2.12. Section 106

Section 106(1) of the RMA requires the consent authority to refuse subdivision consent if:

- (a) the land is or is likely to be subject to significant natural hazards, and those risks cannot be avoided, remedied, or mitigated; or*
- (b) the proposed allotments do not have suitable access.*

Neither of these grounds apply to this subdivision, for the following reasons:

- Both proposed lots lie entirely outside the 1% AEP floodplain, flood-prone areas, overland flow paths, and other natural hazard overlays.
- No earthworks or development is proposed.
- The ELC building platform, foundations, stormwater management system, and bunding/landscaping were all assessed and approved at building-consent stage.
- The subdivision does not increase exposure to hazards for people or property.
- Under PC120, hazard rules have immediate legal effect, but they do not apply because the site is not hazard-prone. No new allotments are created in a hazard area, and no additional development rights are introduced.
- Both allotments have lawful and appropriate access:
- Lot 1 will continue to use the existing formed access via Lot 10 LT 540072 (ROW), which has been assessed and confirmed as safe and appropriate during the ELC land-use consent.
- Lot 2 retains access through the internal MCP circulation network.
- No new access points to Leigh Road are proposed or required.
- Sightlines, vehicle movements, and safety outcomes remain unchanged.

There is no basis to refuse the subdivision under s106, as:

The land is not subject to natural hazards requiring refusal; and
Both lots have adequate and appropriate access.

9. Part II of the RMA

Section 104 is subject to Part II of the RMA, therefore the following sections of the Act are relevant to the Section 104 assessment.

9.1. Section 5 – Purpose and Principles

Section 5 requires the sustainable management of natural and physical resources in a way that enables people and communities to provide for their social, economic, and cultural wellbeing while avoiding, remedying, or mitigating adverse effects.

This subdivision achieves the purpose of the RMA because:

- It enables the ongoing operation of an already-consented Early Learning Centre (ELC), which delivers important community wellbeing benefits.
- It does not result in any physical changes to the environment, nor does it create any new environmental effects.
- Rural character, amenity, landscape values, infrastructure capacity, servicing, natural hazards, and productive land values are maintained.

- The subdivision supports the ongoing integrated operation of MCP, a long-standing rural community and visitor facility.

Overall, the proposal maintains environmental quality while supporting community, economic, and social benefits, thereby giving effect to the sustainable management purpose of s5.

9.2. Section 6 – Matters of National Importance

No Section 6 matters are directly engaged.

- The site does not contain outstanding natural features or landscapes, coastal environments, significant indigenous vegetation, or heritage features.
- Public access, waahi tapu, and freshwater protection under s6(e)–(h) are not affected.
- No physical works are proposed, and therefore no Section 6 values are modified or potentially compromised.

The subdivision is therefore consistent with all Section 6 matters.

9.3. Section 7 – Other Matters

Section 7 details other matters that should be considered by Council when deciding to grant or refuse consent, including the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. It is considered that:

- The subdivision formalises existing development and makes efficient administrative use of land already committed to rural visitor and community purposes.
- Amenity values remain unchanged as no built form or activity intensification occurs.
- Rural character and landscape quality are retained. The applicant has also proposed a Character & Design Manual to support long-term rural character outcomes.
- No productive land is lost (the site is already non-productive). No natural features are affected.
- No ecological change is proposed; no waterways or habitats are affected.

Accordingly, the proposal is consistent with the relevant subsection 7 matters.

9.4. Section 8 – Treaty of Waitangi

Section 8 requires that the principles of the Treaty be taken into account. The subdivision:

- Does not involve land disturbance, waterway modification, or development that could affect cultural values.

- Creates no change from the previously assessed and lawfully consented ELC activity, which raised no unresolved cultural issues.
- Does not affect iwi-identified sites or treaty settlement land.

The proposal is therefore consistent with Treaty principles, including active protection and partnership, and does not raise any issues under s8.

9.5. Part 2 Summary

The subdivision:

- Achieves the sustainable management purpose of s5,
- Is consistent with all relevant matters in ss6 and 7, and
- Takes into account the principles of s8.

There are no Part 2 reasons to decline consent, and the proposal is entirely consistent with the RMA's overarching intent.

10. CONCLUSION

This subdivision application seeks to create two freehold allotments at 1153 Leigh Road that reflect the existing and lawfully established pattern of development within MCP, including the already-consented and largely constructed Early Learning Centre (ELC). The proposal does not involve any physical works, site modification or activity intensification. It simply formalises existing land-use arrangements and easements without altering the established operational environment.

The assessment contained in this AEE has evaluated the actual and potential effects of the subdivision in accordance with s104(1) of the RMA. The proposal maintains the established rural character, landscape values, amenity, servicing and access arrangements, and does not introduce new environmental effects beyond those already present. Both proposed lots lie outside all natural hazard overlays, and no productive land values are affected. Recent decisions SUB60451226 and VCN70025970 further confirm Council's acceptance of rationalised lot boundaries within the precinct and the removal of the historic consent-notice restriction on further subdivision, reinforcing that the AUP(OP) and I522 Precinct provisions provide sufficient control over subdivision outcomes.

The proposal has been assessed against all relevant statutory instruments under s104(1)(b), including the Auckland Unitary Plan (Operative in Part), the Regional Policy Statement, the Mixed Rural Zone provisions (H19), the Matakana 2 Precinct (I522), and the applicable Auckland-wide provisions. The subdivision is not contrary to these policy directions. The strengthened natural hazard provisions introduced by Proposed Plan Change 120 have immediate legal effect, and the site's location outside hazard-prone land confirms that these provisions are met. The requirements of s106 are satisfied, with suitable access and no hazard constraints.

As a non-complying activity, the application meets the s104D gateway test, as it is not contrary to the relevant objectives and policies of the operative and proposed plans. The applicant has also volunteered the Matakana Country Park Character & Design Manual as part of the proposal, providing additional structure and certainty for the ongoing maintenance of rural character and precinct coherence.

This application is being publicly notified at the applicant's request under s95A(3)(a). Following notification, submissions will be invited, and a section 42A reporting planner will prepare a recommendation for the hearings panel or appointed commissioners, who will then make the final determination on the application after considering the submissions and the evidence presented.

Overall, the assessments in this AEE demonstrate that the subdivision sits comfortably within the established planning and physical context of MCP. The final decision appropriately rests with the hearings panel/commissioners, following the public notification and submissions process.