

Report for an application for resource consent under the Resource Management Act 1991



Non-complying activity

1. Application description

Application number:	SUB60460558 (s11 subdivision consent)
Applicant:	Matakana Country Park Limited
Site address:	1153 Leigh Road, Omaha Flats 31 Omaha Flats Road Omaha Flats
Legal description:	LOT 1 DP 519220, 1/9 SH LOT 10 DP 519220 LOT 3 DP 519220, 1/9 SH LOT 10 DP 519220
Site area:	1.4634ha 6.7698ha
Lodgement date:	19 December 2025
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Rural - Mixed Rural Zone Matakana 2, Precinct
Overlays, controls, special features, designations, etc:	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: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise Controls: Macroinvertebrate Community Index - Rural Controls: Macroinvertebrate Community Index - Urban
Non-Statutory:	1 per cent annual exceedance probability (AEP) floodplain Overland Flow Path Stream
Proposed plan changes:	120
Zoning:	Rural - Mixed Rural Zone
Overlays	N/A
Controls	N/A
Qualifying Matters:	Flood Plains Historic Heritage Extent Of Place Overlay
Proposed plan change non-statutory:	Low to Very High Flood Hazard Areas Coastal Inundation Hazard Area

Low Shallow Landslide Susceptibility
Low Large Scale Landslide Susceptibility

2. Locality Plan



Source: Auckland Council GIS

3. The proposal, site and locality description

Proposal

The applicant seeks consent to undertake a two-lot subdivision around existing and consented activities on 1153 Leigh Road.

The two lots will consist of Lot 1, containing the existing development and activities and will be 1.176ha in size, and Lot 2 containing the consented childcare facility and be 2,864m² (shown in Figure 1 below).

The existing share of Lot 10 (access lot) is to transfer to Lot 1 heron (proposed lot 1), and an easement is proposed for access and some of the on-site parking associated with the childcare facility. The developments have existing connections to electricity and internet, stormwater management, wastewater treatment and disposal, water supply and firefighting water supply.

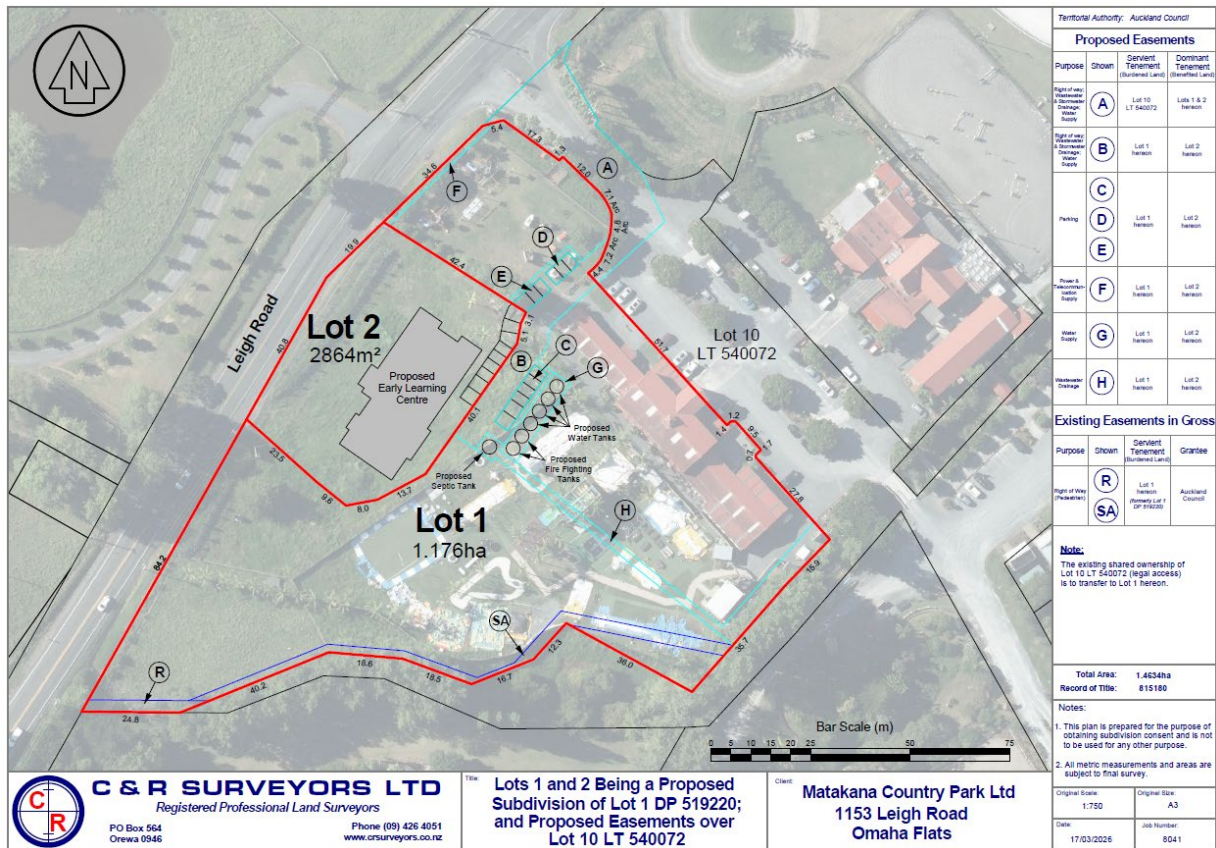


Figure 1. Proposed Scheme Plan.

Site and surrounding environment description

Kate Madsen of Paua Planning has provided a description of the proposal and subject site on pages 6-9 of the Assessment of Environmental Effects (AEE) titled: *Resource Consent Application For Subdivision, Matakana Country Park - Early Learning Centre*; dated December 2025 and revised 22 April 2026.

Having undertaken a site visit on 22 January 2026, I concur with that description of the site and surrounding environment. In summary:

- The Matakana Country Club Park (MCCP) is a privately owned 20ha property containing various existing activities and uses. The existing buildings at 1153 Leigh Road are of a rustic barn aesthetic.
- The site is within the Matakana 2 Precinct which provides for a number of specified activities within specified areas as outlined in the Precinct plan (Figure 2).
- The topography is relatively flat with the Omaha River running along the southern boundary of the site going from west to east.
- There are two shared site entrances, one from Leigh Road and the other from Omaha Flats Road with a central parking area within Lot 10 (access lot).

- In the wider environment, there is a mix of rural-residential sites, horticulture blocks, and commercial activities (such as a sculpture park).

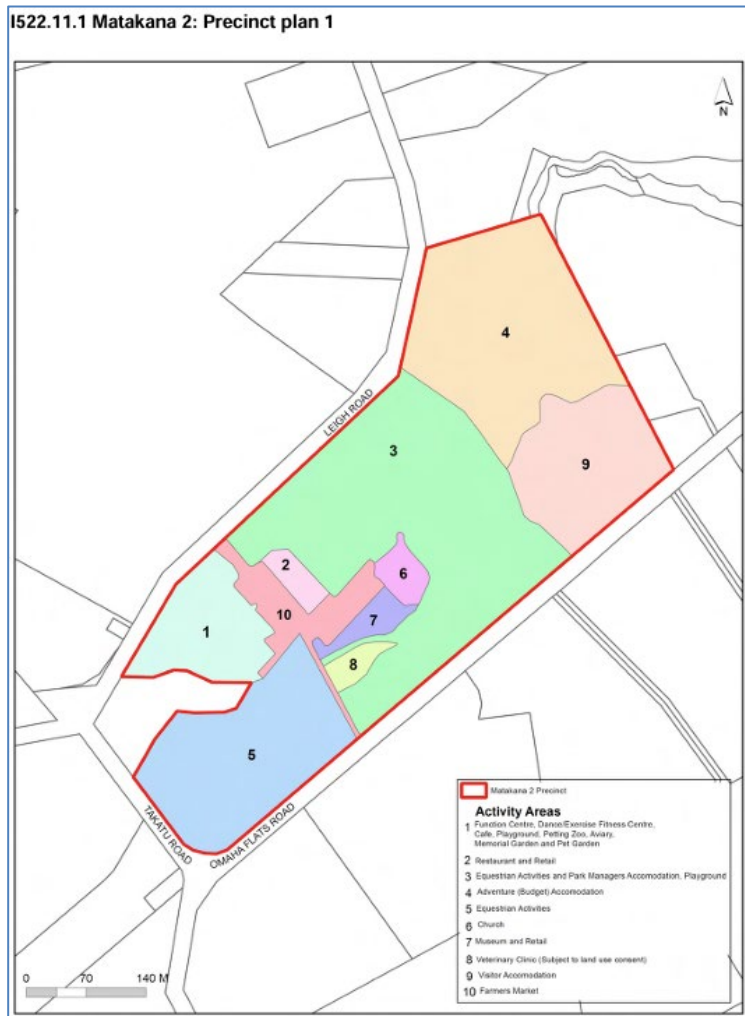


Figure 2. Matakana 2 Precinct plan 1 1522.11.1.

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Mark Bayfield, Development Engineer.
- Alison Pye, Policy Planner.
- Ken Burger, Subdivision Advisor.

Section 92 Request for Information

A request for further information was sought under the section 92 process under the RMA. This was considered necessary given the nature and scale of the proposal and to determine if public notification was required, noting that the application was lodged requesting public notification. The following components of the application was clarified and/or changed as a result of the s92 request.

- The applicant has advised that the Matakana Country Park Character & Design Manual was submitted as contextual information to assist assessment against the Matakana 2 Precinct objectives and policies under s104(1)(b) and as an “other relevant matter” under s104(1)(c), and was not proposed to give effect to any standard, including I522.6.10(2).
- Standard I522.6.10(2) requires a consent notice to be registered on each new title. The applicant is proposing to not comply with this requirement under the Matakana 2 Precinct provisions. The applicant clarified that there are no new consent notices proposed as part of this application, nor any changes to existing consent notices because the existing consent notices (detailed below) will be ‘carried down’ to the proposed lots 1 and 2.
- I522.6.10(2)(b) requires each new site can only be used for the activities shown in the Matakana 2 Precinct Plan which would not be complied with as activities within activity area 1 have been lawfully established. This is considered a technical infringement. As a result, additional reasons for consent under the Matakana 2 Precinct are included as outlined in the reasons for consent below.
- The applicant has confirmed in their s92 response that each new title created under this application will be subject to a registered land covenant requiring the new lot owner to enter into a management agreement administered by the owner of lot 3 (31 Omaha Flats Road), who is also the applicant. On this basis standard I522.6.10(3) is considered to be complied with and Lot 3 has been included as a subject site.
- The applicant advised in their AEE they were consulting with adjacent owners and occupiers and if provided, would provide written approval. As of writing this report, no written approvals have been provided.
- The applicant confirmed that the adjoining river did not meet the 3m average width threshold under section 230 of the RMA to require an esplanade reserve.

A consensus was not reached on the reasons for consent under the s92 request and this will be left to be resolved through the notification period.

Relevant Consenting History

The subject site has an extensive consenting history, however the following consents are considered of most relevant to the application:

- Subdivision consent SUB60036409 (legacy SUB-67771) was granted on the 16 June 2017 for the subdivision of the site being 1151 Leigh Road (Lot 2 DP 185730) into nine lots around existing buildings and uses on the site. As part of this consent, a property management agreement was established via consent notice to own, maintain, manage and operate power services for each lot. Consent notice 11288436.1 was created under this consent. The consent was given effect to, and created the subject sites.
- Subdivision consent under SUB60341158 was granted on 29 July 2019 and allowed for a boundary adjustment to make amendments to Lot 10 which included the reduction of Lot 10 in size and the transfer of part of Lot 10 into Lot 3. Lot 10 continued to have 9 undivided shares with Lots 1-9 and a continued right of way, and parking easements were proposed over the part of Lot 10 to be transferred to Lot 3 in favour of Lots 1, 2 and 4-9 for the purposes of maintaining access for these other lots.

The application gained consent on 22 April 2020 to vary the subdivision consent (SUB60341158-A) to variation conditions in order to remove lots 9 share of the access lot (lot 10), and make associated changes to easements.

This consent was granted SUB60341158 (and SUB60341158-A) and lapsed on 29 July 2024 (five years after the original consent was issued) without being given effect to.

- Consent to cancel a consent notice VCN70016930 were granted on 22 April 2020 and allowed a consent notice condition requiring a property management agreement for all lot owners to own, manage and power supply to all respective lots, to be cancelled.
- LUC60361764 (LUC60361764-A) and VCN70017863 were granted on 13 November 2020 and allowed for establish and operate an Adventure playground (Ninja World). The decision was challenged by way of judicial review and the decision to quash the notification decision was issued on 1 December 2021.
- LUC60394187 and VCN70020533 were issued on 22 June 2022 to replace the quashed consents LUC60361764 and VCN70017863 and re-establish the adventure playground (ninja world). The land use consent was given effect to and as discussed in further detail below, the applicant is in the process of registering the variation to consent notice against the record of title.

The land use consent was later varied under LUC60394187-A granted on 8 August 2023 to extend operating days from 1st of October to Kings Birthday weekend, to 1st September to Kings Birthday weekend.

- Consents LUC60423111 and VCN70022689 was granted 7 December 2023 and provided land use consent to allow for a go-kart activity on 31 Omaha Road and make associated changes to consent notice 11288436.1 to accommodate this activity within Activity Area 3. The land use consent was given effect to and as discussed in further detail below, the applicant is in the process of registering the variation to consent notice against the record of title.
- BUN60373617 (LUC60373618 and DIS60373619) was granted on 6 September 2024 and allowed for 60-person luxury visitor accommodation to be constructed on lot 9 (53 Omaha Flats Road, Omaha Flats), and for associated works such as earthworks, new driveway, and on-site wastewater treatment and disposal system. As of writing this report, these consents have not yet been given effect to.
- SUB60451226 was granted 29 August 2025 and allowed for a boundary adjustment between five sites within the Matakana 2 Precinct, and to remove Lot 9 (53 Omaha Flats Road) from the ownership of Lot 10 (shared access lot), and associated changes to easements. This consent has been issued s224c certificate and is considered to have been given effect to.
- VCN70025970 was granted 28 November 2025 and allowed for consent notice 11288436.1 to vary the condition titled 'No further subdivision' of consent notice 11288436.1 to no longer refer to lots 1-5 and 7-8. The applicant is in the process of registering the variation to consent notice against the record of title.

Variations to consent notices

The applicant has received several variations to consent notices under section 221 of the RMA, as detailed above. The applicant has advised they are in the process of registering these onto the record of title. As of writing this report they have not yet been registered. For clarity these are as follows:

- VCN70020533 granted 29 June 2022 and involved the following amendments to consent notice 11288436.1 (with ~~strikethrough~~ for deletion, underline for insertions):

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

- VCN70022689 granted 7 December 2023 and involved the following amendments to consent notice 11288436.1 (with ~~strikethrough~~ for deletion, underline for insertions):

<i>Lot</i>	<i>Activity Area</i>	<i>Activity/ies allowed</i>
Lot 1	Activity Area 1	Function centre, dance/exercise fitness class, café, playground, petting zoo, aviary, memorial garden and pet garden, staff accommodation
Lot 2	Activity Area 2	Restaurant and retail, staff accommodation
Lot 3	Activity Area 3	Equestrian activities and park manager's accommodation, playground, <u>electric kart activity</u>
Lot 4	Activity Area 4	Adventures (budget) accommodation and managers accommodation in accordance with the activity rules
Lot 5	Activity Area 5	Equestrian activities and park manager's accommodation in accordance with the activity rules
Lot 6	Activity Area 6	Church
Lot 7	Activity Area 7	Museum and retail
Lot 8	Activity Area 8	Veterinary clinic
Lot 9	Activity Area 9	Visitor accommodation and manager's accommodation in accordance with the Activity Area rules
Lot 10	Activity Area 10	Farmers market

- VCN70020860 granted 28 February 2024 and involved the following amendments to consent notice 11288436.1 (with ~~strikethrough~~ for deletion, underline for insertions):

<i>Lot</i>	<i>Activity Area</i>	<i>Activity/ies allowed</i>
------------	----------------------	-----------------------------

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, <u>care centre (childcare)</u> .
-------	-----------------	--

- VCN70025970 granted 28 November 2025 and involved the following amendments to consent notice 11288436.1 (with ~~strikethrough~~ for deletion, underline for insertions):

No further subdivision No further subdivision of lots 4—8 6 is allowed.

Compliance History

The applicant had not declared any current or previous abatement notices, enforcement orders, infringement notices, or convictions under the RMA.

Proposed Plan Change 120

The application was lodged on 19 December 2025 and the Proposed Plan Change 120 (PC120) was notified on 3 November 2025. Under section 86B(3) proposed rules relating to natural hazards have immediate legal effect. The new provisions under PC120 have been taken into consideration when assessing this application and there are new reasons for consent under the PC120 provisions as outlined in the reasons for consent.

5. Reasons for the application

The relevant operative plan and proposed plan provisions

In assessing an application for resource consent, the relevant provisions requiring consideration are:

- those provisions of the AUP(OP) that are not subject to appeal and are operative (including treated as operative under s86F of the RMA);
- those provisions of the AUP(OP) that are identified as subject to appeal and therefore remain proposed plan provisions;
- the relevant provisions of any relevant plan that remain operative as a consequence of the appeals against certain provisions of the AUP(OP); and
- the relevant provisions of a plan change to the AUP(OP) (including a private plan adopted by the Council) or a variation to a plan change to the AUP(OP) where the relevant provisions have legal effect.

The task of identifying the relevant provisions as described above requires individual analysis of the provisions of the AUP(OP) and the relevant appeals, within the context of the specific resource consent application.

In this instance:

- The application was lodged on 19 December 2025.

- Plan Change 120 was notified on 3 November 2025. The rules of PC120 where they have immediate legal effect under s86(B)(3) of the RMA are identified below.

Accordingly, resource consent is required for the following reasons:

Subdivision consent (s11) – SUB60460558

Auckland Unitary Plan (Operative in part)

Subdivision - Rural

- Subdivision of land within the 1 per cent annual exceedance probability floodplain is a restricted discretionary activity under rule E39.4.1(A8).
- Any subdivision listed in this table not meeting standards in E39.6.1 is a discretionary activity under Table E39.4.1(A9).
 - No specified building platform has been shown on the scheme plan which therefore does not comply with standard E39.6.1.1.
- Subdivision in the Rural – Mixed Rural Zone not complying with E39.6.5.1 is a non-complying activity under rule E39.4.2(A13).
 - The site size for Lot 1 is 1.97ha and for Lot 2 is 2,655m² which fails to meet the minimum site size of 40ha or the minimum average site size of 50ha under E39.6.5.2.
- The subdivision around existing and/or consented activities is not provided for in tables E39.4.1 or E39.4.2 which is a non-complying activity under rule E39.4.2(A27).

Matakana 2 Precinct

- To undertake a subdivision which does not comply with standard I522.6.10 and the Matakana 2 Precinct Plan 1 is a non-complying activity under rule I522.4.1(A11).
 - The subdivision is not for the purposes of creating a separate certificate of title (site) for one of the ten Activity Areas shown on the Matakana 2 Precinct plan 1 (I522.11.1), and therefore does not comply with I522.6.10(1)
 - The applicant is not applying to register a consent notice on each new title stating the following, which does not comply with standard I522.6.10(2):
 - 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 (standard I522.6.10(2)(a);
 - Each new site can only be used for the activities shown in each Activity Area on the Matakana 2: Precinct plan 1 (standard I522.6.10(2)(b); or
 - In respect of Activity Area 6 on the Matakana 2: Precinct plan 1, that the Church is protected as a building of historic heritage (standard I522.6.10(2)(c).
- To undertake a subdivision within any Activity Area in the Matakana 2 Precinct Plan 1 other than Activity Area 9 is a non-complying activity under rule I522.4.1(A13). The proposal relates to subdivision within Area 1 and involves Areas 3 and 10.

Historic Heritage Overlay

- To undertake a subdivision within a scheduled extent of place is a discretionary activity under rule D17.4.1(A17).

Note: This reason for consent is included as Lot 10 (shared access lot) is within the Historic Heritage Overlay Extent of Place extent of place.

The reasons for consent are considered together as a **non-complying activity** overall.

6. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

Mandatory notification is required as:


- the applicant has requested that the application is publicly notified (s95A(3)(a));
- there are outstanding requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

7. Notification recommendation

Public notification

For the above reasons under section 95A, this application must be processed with public notification.

Accordingly, I recommend that this application is processed with public notification.



Lucy Fleming
Senior Planner
Resource Consents

Date: 30/04/2026

8. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D of the RMA this application must be processed on a publicly notified basis.



Kailas Moral
Team Leader
Resource Consents

Date: 4/05/2026