

# Application for resource consent or fast-track resource consent

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

## 1. Pre-Lodgement Meeting

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

## 2. Type of Consent being applied for

(more than one circle can be ticked):

- |   |   |
|---|---|
| <input checked="" type="radio"/> Land Use   | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision  | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

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

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

Yes  No

## 4. Consultation

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?



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



## 5. Applicant Details

**Name/s:**

Nirmalsinh Mahida

**Email:**

**Phone number:**

**Postal address:**

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

## 6. Address for Correspondence

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

**Name/s:**

Northland Planning & Development 2020 Ltd

**Email:**

**Phone number:**

**Postal address:**

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

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

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

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

**Name/s:**

Hinaben Nirmalsinh Mahida and Nirmalsinh Jitendrasinh Mahida

**Property Address/  
Location:**

6 Melody Lane, Kaitia

Postcode

0410



## 8. Application Site Details

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

Name/s:

See certificate of title details

Site Address/  
Location:

6 Melody Lane, Kaitaia

Postcode

0410

Legal Description:

Lot 3 DP39790

Val Number:

00031-93300

Certificate of title:

641918

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff?  Yes  No

Is there a dog on the property?  Yes  No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

Please contact applicant to arrange site visit.

## 9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposal to subdivide the site to create one additional allotment in the Residential zone, Land use consent is also sought for a breach of the permitted rule for stormwater management for Lot 1. The combined application has been assessed as a Discretionary Activity.

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

## 10. Would you like to request Public Notification?

Yes  No



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

(more than one circle can be ticked):

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

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

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

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

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

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

### 13. Assessment of Environmental Effects:

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

Your AEE is attached to this application  Yes

### 13. Draft Conditions:

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

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



## 14. Billing Details:

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

**Name/s:** (please write in full)

Nirmalsinh Jitendrasinh Mahida

**Email:**

**Phone number:**

**Postal address:**

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

### Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

### Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

**Name:** (please write in full)

Nirmalsinh Jitendrasinh Mahida

**Signature:**

(signature of bill payer)

[Redacted Signature]

Date 14/04/25

**MANDATORY**

## 15. Important Information:

### Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### Fast-track application

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

### Privacy Information:

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



### 15. Important information continued...

#### Declaration

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

Name: (please write in full)

Nirmal Singh Mahi de

Signature:

[Redacted Signature]

Date 14/04/25

*A signature is not required if the application is made by electronic means*

#### Checklist (please tick if information is provided)

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

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

## Combined Subdivision and Landuse Resource Consent Proposal

**Nirmalsinh Mahida**  
**6 Melody Lane, Kaitaia**

27 March 2025

Please find attached:

- an application form for a combined Subdivision and Land-use Resource Consent, in the Residential Zone; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The combined subdivision and land-use application have been assessed as a **Discretionary Activity** under the Far North Operative District Plan.

If you require further information, please do not hesitate to contact me.

Regards,

Alex Billot



Resource Planner

Reviewed by:



Sheryl Hansford

Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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## **Attachments**

1. **FNDC Resource Consent Application – Signed**
2. **Scheme Plan - Von Sturmers Surveyors**
3. **Record of Title – LINZ**
4. **Correspondence – FNDC Development Engineer (Infrastructure Engineering)**
5. **Correspondence – Top Energy**
6. **Correspondence - Chorus**





# Assessment of Environment Effects Report

## 1.0 Description of the Proposed Activity

### Subdivision

- 1.1 The Applicant is proposing to undertake a subdivision of the subject site at 6 Melody Lane, Kaitaia, to create one additional allotment. The site is zoned as Residential under the Operative District Plan (ODP) and contains one residential dwelling, with attached carport. The garden shed will be removed as part of this proposal.
- 1.2 The proposed lot sizes are as follows:
  - Proposed Lot 1 – 480m<sup>2</sup> - to contain the existing dwelling with access from Melody Lane.
  - Proposed Lot 2 – 362m<sup>2</sup> – vacant lot with access from Bonnett Road.
- 1.3 The subdivision component is assessed as a Discretionary Activity as per Rule 13.7.2.1(v).

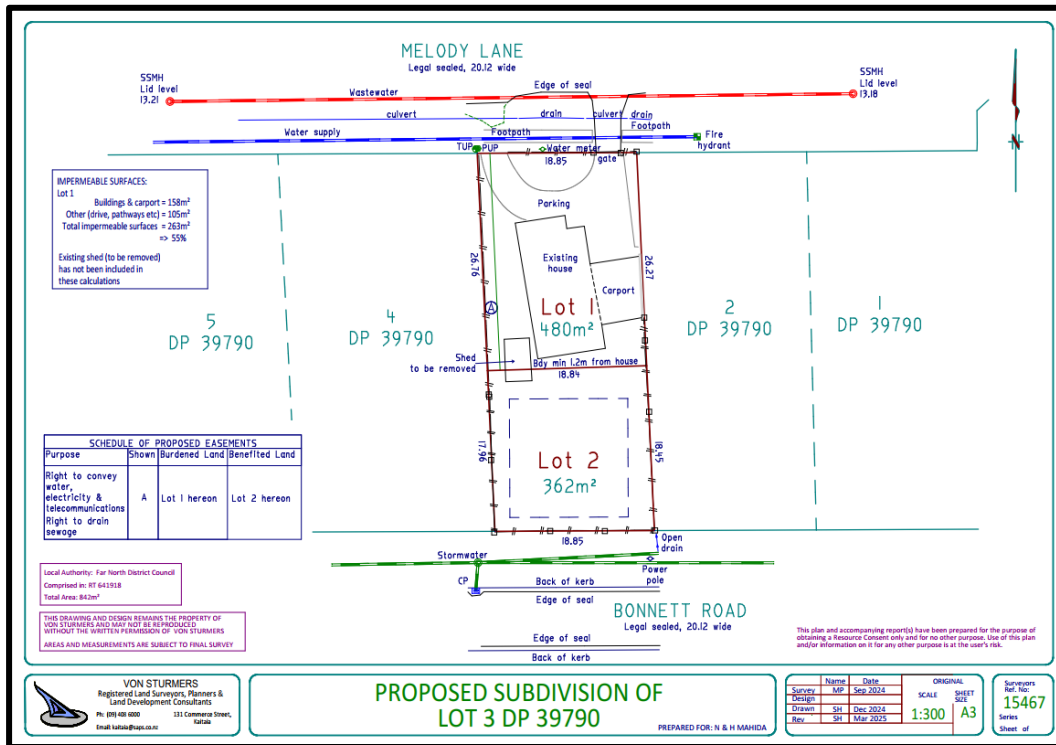


Figure 1: Proposed scheme plan.

### Land Use

- 1.4 The permitted threshold for impermeable surface areas within the Residential zone is 50% of the gross site area. The proposal will result in an impermeable surface coverage within Lot 1 of 263m<sup>2</sup> or 55% of the site area. Proposed Lot 2 will contain no impermeable surfaces.
- 1.5 Therefore, the proposal triggers the requirement for land use consent for breach of Permitted Rule 7.6.5.1.6 Stormwater Management. The proposal can comply with the controlled threshold of 60% under Rule 7.6.5.2.1.





## 2.0 Site Description

- 2.1 The subject site is located at 6 Melody Lane, Kaitaia. The site contains one residential dwelling with attached carport. There is a small garden shed on site which will be removed, as per the scheme plan.
- 2.2 Access to the site is via an existing sealed crossing place in the north-eastern corner of the site, from Melody Lane. Parking is provided for onsite as per the scheme plan. The rear of the site is utilised as garden space and open area, which will be contained within Proposed Lot 2. The southern boundary of the site adjoins Bonnett Road. Access to Lot 2 is proposed to be via Bonnett Road.
- 2.3 The site is serviced by FNDC reticulated wastewater, water and stormwater services, with the dwelling having existing connections.
- 2.4 The subject site and sites in the surrounding environment are zoned Residential under the ODP. Under the Proposed District Plan (PDP) the subject site and surrounding lots are zoned as General Residential. Sites located further afield to the north-east and east are zoned Commercial which captures the township of Kaitaia.

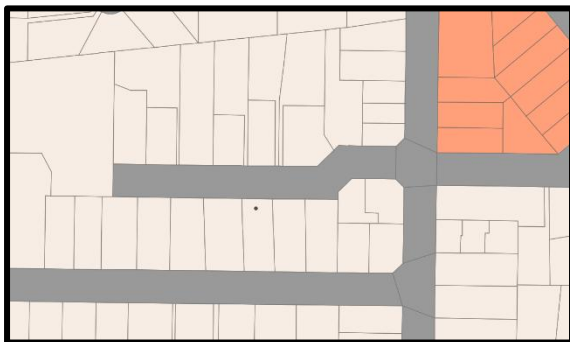


Figure 2: FNDC ODP Zoning Maps.



Figure 3: FNDC PDP Zoning Maps.



Figure 4: Aerial view of the site and surrounding environment.



## Site Visit

2.5 A site visit was carried out in March 2025. A compilation of photos has been copied below.



*Figure 5: Image of the existing dwelling and access which will be contained within Lot 1.*



*Figure 6: Image of the existing crossing and roadside drain to Lot 1.*



*Figure 7: Image of garden shed which will be removed.*



*Figure 8: Image of proposed Lot 2 taken from Bonnett Road.*

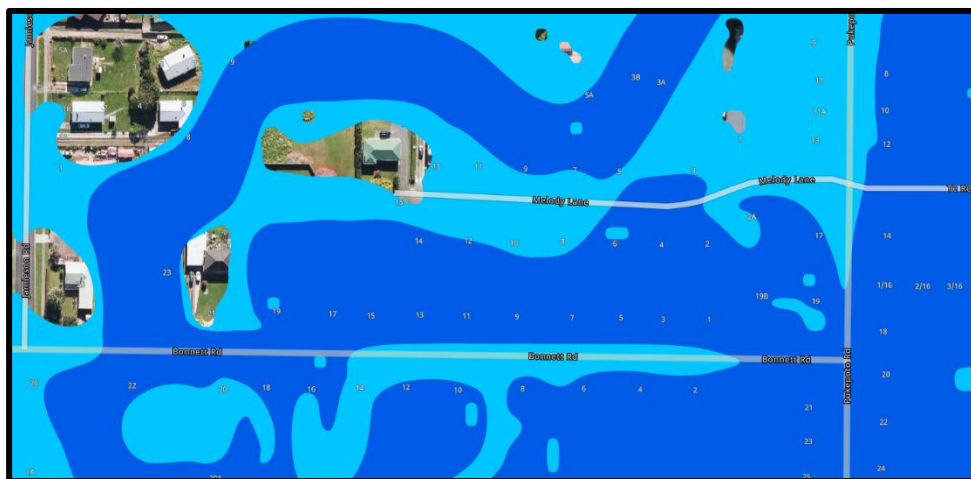
## Title

2.6 The subject site is held within Record of Title 641918, which is dated 20 December 2013. The site is legally described as Lot 3 DP39790 with an area of 842m<sup>2</sup>. There are no consent notices or easements registered on the title.



### Site Features

- 2.7 Under the Operative District Plan, the site is located within the Residential zone and is not subject to any Outstanding Landscapes or other resource features.
- 2.8 Under the Proposed District Plan, the site is zoned as General Residential. The site is also located within a Treaty Settlement Area of Interest overlay as well as River Flood Hazard overlay.
- 2.9 The existing dwelling on site has existing connection to Councils reticulated wastewater, water and stormwater services. Connection is available to the additional lot as confirmed by FNDC Infrastructure Team Leader (correspondence attached within **Appendix 4** of this application).
- 2.10 There are no historic sites registered within the subject site on the NZAA Maps and the site is not shown to be within an area where kiwi are present.
- 2.11 The site is not shown to have contained or currently contain activities listed on the HAIL.
- 2.12 With regard to the Regional Policy Statement for Northland the site is not located within the Coastal Environment nor within an area of Outstanding Natural Feature or Landscape.
- 2.13 The NRC Hazard maps indicate that the site is susceptible to river flood hazards 50 year and 100 year extents, as is the majority of the Kaitaia township. The Applicant has advised that works have been undertaken within Melody Lane for flood control in the years that he has occupied the residence.



*Figure 9: NRC Hazard Maps indicating the 50 year and 100 year flood extent.*

- 2.14 Given the site is zoned Residential, it is considered that the National Policy Statement for Highly Productive Land (NPS-HPL) is not applicable to the proposal and no assessment of this Policy Statement will be undertaken as part of this application.
- 2.15 The site does not adjoin a statutory acknowledgement area.



### 3.0 Weighting of Plans

- 3.1 The site is zoned as General Residential under the Proposed District Plan and is subject to the Treaty Settlement Area of Interest Overlay and the River Flood Hazards Overlay.
- 3.2 The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 3.3 District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.

### 4.0 Activity Status of the proposal

#### Operative District Plan

- 4.1 The subject site is located within the Residential Zone. An assessment of the relevant subdivision, zone and district wide rules of the District Plan is set out in the tables below.

#### Subdivision

Table 1 - Assessment of the applicable Subdivision Rules for the Residential Zone:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.1	BOUNDARY ADJUSTMENTS	Not applicable.
13.7.2.1(v)	MINIMUM LOT SIZES	<b>Discretionary</b> The proposed lot sizes are 480m <sup>2</sup> and 362m <sup>2</sup> and the site is reticulated. Therefore, the proposal cannot comply with the controlled provision of minimum 600m <sup>2</sup> lot size but can comply with the Discretionary provision of a minimum of 300m <sup>2</sup> lot size.
13.7.2.2	ALLOTMENT DIMENSIONS	<b>Permitted</b> Lot 1 will contain an existing dwelling. Lot 2 will be vacant and as depicted on the scheme plan, the concept 14m by 14m building envelope can be accommodated within the site.
13.7.2.3 – 9	<b>Not Applicable for this application.</b>	





- 4.2 The subdivision component of the proposal is assessed as a Discretionary Activity in accordance with Rule 13.7.2.1(v).

**Residential Zone standards**

<b>Table 2 - Assessment of the permitted RESIDENTIAL ZONE RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>7.6.5.1.1</b>	<b>RELOCATED BUILDINGS</b>	<b>Permitted</b> Not applicable.
<b>7.6.5.1.2</b>	<b>RESIDENTIAL INTENSITY</b>	<b>Permitted</b> Proposed Lot 1 will contain one existing dwelling. Proposed Lot 2 will be vacant.
<b>7.6.5.1.3</b>	<b>SCALE OF ACTIVITIES</b>	<b>Permitted</b> Not applicable.
<b>7.6.5.1.4</b>	<b>BUILDING HEIGHT</b>	<b>Permitted</b> Not applicable.
<b>7.6.5.1.5</b>	<b>SUNLIGHT</b>	<b>Permitted</b> There are no infringements regarding Sunlight along the new lot boundary.
<b>7.6.5.1.6</b>	<b>STORMWATER MANAGEMENT</b>	<b>Controlled</b> The permitted amount of impermeable surfaces within the Residential zone is 50% of the gross site area. The proposal will result in an impermeable surface coverage for Lot 1 of 263m <sup>2</sup> or 55% of the site area. Proposed Lot 2 will contain no impermeable surface areas.  Therefore, the proposal triggers the requirement for land use consent for breach of Permitted Rule 7.6.5.1.6 Stormwater Management within Lot 1. The proposal can comply with the controlled threshold of 60% under Rule 7.6.5.2.1.
<b>7.6.5.1.7</b>	<b>SETBACK FROM BOUNDARIES</b>	<b>Permitted.</b> The existing structures are setback sufficient distance from the new boundary such that no setback breach occurs.
<b>7.6.5.1.8</b>	<b>SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES</b>	<b>Permitted.</b> Not applicable as the proposal is for residential activities only.
<b>7.6.5.1.9</b>	<b>OUTDOOR ACTIVITIES</b>	<b>Permitted.</b> Not applicable.
<b>7.6.5.1.10</b>	<b>VISUAL AMENITY</b>	<b>Permitted.</b>



		Not applicable as the proposal is not within the Coopers Beachfront Estate or within Kerikeri.
7.6.5.1.11	<b>TRANSPORTATION</b>	<b>Permitted.</b> Assessed in Table 3 below.
7.6.5.1.12	<b>SITE INTENSITY – NON-RESIDENTIAL ACTIVITIES</b>	<b>Permitted.</b> All activities on site are residential.
7.6.5.1.13	<b>HOURS OF OPERATION – NON-RESIDENTIAL ACTIVITIES</b>	<b>Permitted.</b> Not applicable.
7.6.5.1.14	<b>KEEPING OF ANIMALS</b>	<b>Permitted.</b> Not applicable.
7.6.5.1.15	<b>NOISE</b>	<b>Permitted.</b> Not applicable.
7.6.5.1.16	<b>HELICOPTER LANDING AREA</b>	<b>Permitted.</b> Not applicable.
7.6.5.1.17	<b>BUILDING COVERAGE</b>	<b>Permitted.</b> The total building coverage on Lot 1 is 158m <sup>2</sup> or 32.9% of the total site area. This complies with the permitted threshold of 45% of the total site area. Lot 2 does not contain any built development.

**District Wide Standards**
**Table 3 - Assessment of the applicable permitted DISTRICT WIDE RULES:**

<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Chapter 12 – Natural and Physical Resources</b>		
<b>12.1</b>	<b>LANDSCAPES AND NATURAL FEATURES</b>	<b>Not applicable.</b>
<b>12.2</b>	<b>INDIGENOUS FLORA AND FAUNA</b>	<b>Not applicable.</b>
<b>12.3 12.3.6.1.2 (P)</b>	<b>EXCAVATION AND/OR FILLING</b>	<b>Permitted.</b> The only excavations anticipated as part of this proposal will be the construction of the crossing place to Lot 2 (which will be predominantly contained within the road reserve) and the digging of trenches for utility services to Lot 2. All earthworks are anticipated to comply with the permitted threshold.
<b>Sections 12.5 – 12.9 are not applicable to this proposal.</b>		
<b>Chapter 15 - Transportation</b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>





<b>15.1.6A</b>	<b>TRAFFIC</b>	<p><b>Permitted.</b></p> <p>The permitted TIF for the residential zone is 20. Proposed Lot 1 will contain one existing dwelling. Proposed Lot 2 will be vacant.</p> <p>As per Rule 15.1.6A.2.1, the first residential unit on a site is exempt. As such, the proposal is permitted in terms of this rule.</p>
<b>15.1.6B</b>	<b>PARKING</b>	<p><b>Permitted.</b></p> <p>The parking areas within Proposed Lot 1 will remain unchanged. Proposed Lot 2 will be vacant, with parking areas being at the discretion of the future owner.</p>
<b>15.1.6C.1.1</b>	<b>PRIVATE ACCESSWAY IN ALL ZONES</b>	<p><b>Not applicable.</b></p> <p>No private accessways are proposed.</p>
<b>15.1.6C.1.2</b>	<b>PRIVATE ACCESSWAYS IN URBAN ZONES</b>	<p><b>Not applicable.</b></p> <p>No private accessways are proposed.</p>
<b>15.1.6C.1.3</b>	<b>PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b>	<p><b>Not applicable</b></p>
<b>15.1.6C.1.4</b>	<b>ACCESS OVER FOOTPATHS</b>	<p><b>Permitted.</b></p> <p>There is an existing footpath along the frontage of Proposed Lot 1. There is no footpath along the frontage of Proposed Lot 2.</p> <p>Proposed Lot 1 has one existing crossing which will remain, and the maximum width of the crossing is less than 6 metres.</p>
<b>15.1.6C.1.5</b>	<b>VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES</b>	<p><b>Not applicable.</b></p>
<b>15.1.6C.1.6</b>	<b>VEHICLE CROSSING STANDARDS IN URBAN ZONES</b>	<p><b>Permitted.</b></p> <p>(a) The crossing to Lot 1 is existing and is considered to meet the required engineering standards. A new crossing will be constructed to Lot 2 from Bonnett Road, with the construction of the crossing to Council's standards anticipated to be a condition of consent.</p> <p>(b) The vehicle crossings will not service more than one property.</p>
<b>15.1.6C.1.7</b>	<b>GENERAL ACCESS STANDARDS</b>	<p><b>Permitted</b></p> <p>(a) Parking to Lot 1 is existing and will remain unchanged. Parking within Lot 2 will be at the discretion of future owners.</p> <p>(b) Not applicable.</p> <p>(c) Not applicable.</p> <p>(d) Stormwater will be managed on site.</p>
<b>15.1.6C.1.8</b>	<b>Frontage to Existing Roads</b>	<p><b>Permitted</b></p> <p>(a) Lot 1 will have access to Melody Lane and Lot 2 will have access to Bonnett Road. Both roads are sealed and considered to meet the legal road width standards.</p>



		(b) Both Melody Lane and Bonnett Road are considered to meet the required engineering standards. (c) Not applicable. Each site will only have one road frontage. (d) No carriageway encroachments are anticipated.
<b>15.1.6C.1.9 – 11</b>	<b>Not applicable to this development.</b>	

#### Overall status of the proposal under the District Plan

- 4.3 In terms of the subdivision component, the proposal is assessed as a **Discretionary Activity** in accordance with ODP Rule 13.7.2.1(v).
- 4.4 Land use consent is also required for a breach of impermeable surfaces within Proposed Lot 1. The impermeable surface coverage within Lot 1 can meet the controlled provision set out under ODP Rule 7.6.5.2.1.
- 4.5 Although the land use component of the proposal can comply with the Controlled Provisions for the zone, as the proposal involves a subdivision which has a Discretionary Activity status, the land use and subdivision proposal is bundled as a **Discretionary Activity** in accordance with ODP Rules 7.6.5.4 and 13.9 Discretionary Activities. Assessment of the relevant provisions within Chapter 11 and Section 13.10 of the ODP will be undertaken within this application.

#### Proposed District Plan (PDP)

- 4.6 The proposal is subject to the Proposed District Plan (PDP) process. The subject site is proposed to be zoned General Residential and is within the Treaty Settlement Area and River Flood Hazards Overlays.
- 4.7 Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Table 4 – Assessment against the PDP rule standards that have immediate legal effect		
Chapter	Rule Reference	Compliance of Proposal
<b>Hazardous Substances</b>	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  Rules HS-R5, HS-R6, HS-R9	<b>Not applicable.</b>  The site does not contain any hazardous substances to which these rules would apply.
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14)	<b>Not applicable.</b> The site is not located within a Heritage Area Overlay.





	All standards have immediate legal effect (HA-S1 to HA-S3)	
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	<b>Not applicable.</b> The site does not contain any areas of historic heritage.
<b>Notable Trees</b>	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	<b>Not applicable.</b> The site does not contain any notable trees.
<b>Sites and Areas of Significance to Maori</b>	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	<b>Not applicable.</b> The site does not contain any sites or areas of significance to Māori.
<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Not applicable.</b> The site does not contain any ecosystems or indigenous biodiversity to which these rules would apply.
<b>Subdivision</b>	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<b>Permitted.</b> The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).
<b>Activities on the Surface of Water</b>	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<b>Not applicable.</b> The proposal does not involve activities on the surface of water.
<b>Earthworks</b>	The following rules have immediate legal effect: EW-R12, EW-R13  The following standards have immediate legal effect: EW-S3, EW-S5	<b>Complies.</b> Any earthworks will proceed under the guidance of an ADP in accordance with Rule EW-R12 and EW-S3.



<b>Signs</b>	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p><b>Not applicable.</b> No signs are proposed as part of this application.</p>
<b>Orongo Bay Zone</b>	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p><b>Not applicable.</b> The site is not located in the Orongo Bay Zone.</p>

4.8 The assessment above indicates the proposal is able to comply with the Proposed District Plan rules that have immediate legal effect.

### National Environmental Standards

4.9 A site visit and review of aerials of the subject site did not indicate that the site was HAIL. No such assessment of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health has therefore been undertaken. The application has been considered **Permitted** in terms of this regulation.

4.10 The site does not adjoin any freshwater bodies such as lakes, rivers, or wetlands and as such the National Environmental Standard for Freshwater Management was not considered applicable to this development. The application has been considered **Permitted** in terms of this regulation.

4.11 No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

## 5.0 Statutory Assessment

### Section 104B of the Act

5.1 Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application and impose conditions under section 108.

### Section 104(1)(a) of the Act

5.2 Section 104(1) of the Act states that when considering an application for resource consent –

*“the consent authority must, subject to Part II, have regard to –*

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring*



*positive effects on the environment that will or may result from allowing the activity;  
and*

- (b) *any relevant provisions of –*
- i. a national environmental standard:*
  - ii. other regulations:*
  - iii. a national policy statement:*
  - iv. a New Zealand Coastal Policy Statement:*
  - v. a regional policy statement or proposed regional policy statement:*
  - vi. a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

- 5.3 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the Act). Positive effects arising from this subdivision is that the proposed subdivision will see an underutilised portion of the site held within an independent Record of Title which is of adequate area to accommodate a future residential dwelling. The sites are serviced by reticulated services, with Lot 1 connections existing and to remain unchanged. Potential adverse effects relate to the effects on character and amenity on the surrounding environment.
- 5.4 Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 5.5 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.0 below.
- 5.6 Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application’. There are no other matters relevant to this application.

## **6.0 Environmental Effects Assessment**

- 6.1 Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.





- 6.2 The subdivision and land-use application is considered to be a Discretionary Activity.
- 6.3 An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

### Subdivision

- 6.4 An assessment of Section 13.10 of the ODP has been undertaken below.

#### Allotment Sizes and Dimensions

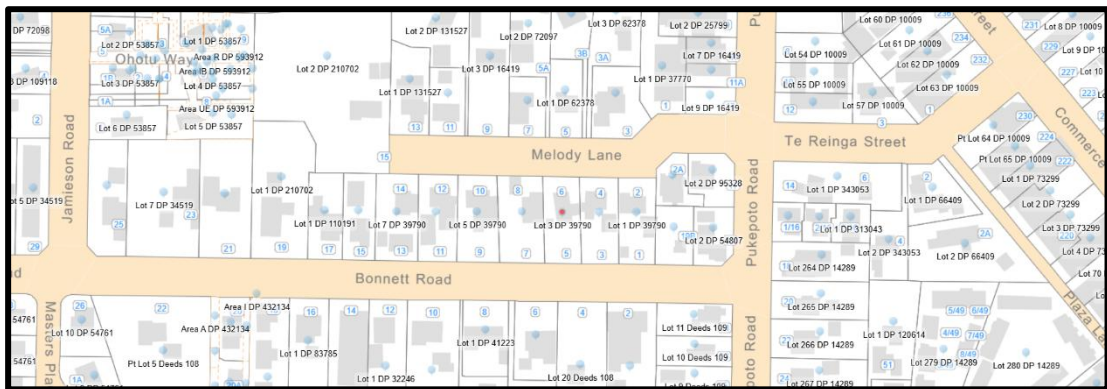
- 6.4.1 The intended purpose of the proposal is to provide one additional allotment in a residential zoned area, which will provide opportunity for future built development on the vacant lot. Proposed Lot 1 is intended to remain unchanged, with the dwelling and access remaining as is. As per the scheme plan provided in **Appendix 3** of this application, the existing building on Lot 1 is setback a sufficient distance from the proposed new dividing boundary to not create any setback or sunlight effects. The impermeable surfaces within Lot 1 breach the permitted standard by 5% or 23m<sup>2</sup>, which is considered negligible given the urban nature of the site and zone. Outdoor space for the dwelling on Lot 1 can be undertaken to the north, west or east of the site, with ample area being provided for such use. No other land use breaches are created by the proposal. Lot 2 is of adequate area and dimensions to provide for the concept 14m by 14m buildable envelope, which has been indicated on the scheme plan provided with this application. The lot contains ample area for associated outdoor use, which will depend on the future design of a dwelling on the site. As such, it is considered that the proposal creates lots of sufficient area and dimensions for the intended residential use of the sites with operational and maintenance requirements easily able to be accommodated within the lots.
- 6.4.2 In terms of the relationship of the lots and their compatibility with the pattern of the adjoining subdivision and land use activities as well as access arrangements, the proposal is considered to not be objectionable with these. The site and surrounding environment are zoned residential, with residential activities being undertaken on many of the lots along both Melody Lane and Bonnett Road. This area of Kaitaia is on the fringe of the commercial township of Kaitaia, making it a sought-after area due to being within walking distance to schools, daycares, recreation and commercial areas as well as places of employment.
- 6.4.3 Subdivision in the area is quite dated, however, there has been a recent surge in subdivision applications as well as land-use applications for single and multi-unit dwellings, in the surrounding residential environment. This is anticipated to be due to the lack of housing available in Kaitaia and the high demand for additional housing. Most lots along Bonnett Road and Melody Lane have not been subdivided since the late 1900s, however there are lots of similar size to what is proposed in the surrounding urban Environment with three lots of 310m<sup>2</sup> to 386m<sup>2</sup> being located approximately 100 metres east of the site (shaded purple in **Figure 10** below). The aerial images of the area also show allotments containing two dwellings. Although not being subdivided into two, the land use activities are still similar to what is proposed. This can be seen at the property located at 13 Bonnett Road (shaded



yellow in **Figure 10** below), where a dwelling has been situated at the rear of 14 Melody Lane, which appears to be of similar size and dimension to what is proposed.



*Figure 10: Aerial image of the site and surrounding environment, identifying some lots with similar lot size and land use activities to the proposed.*



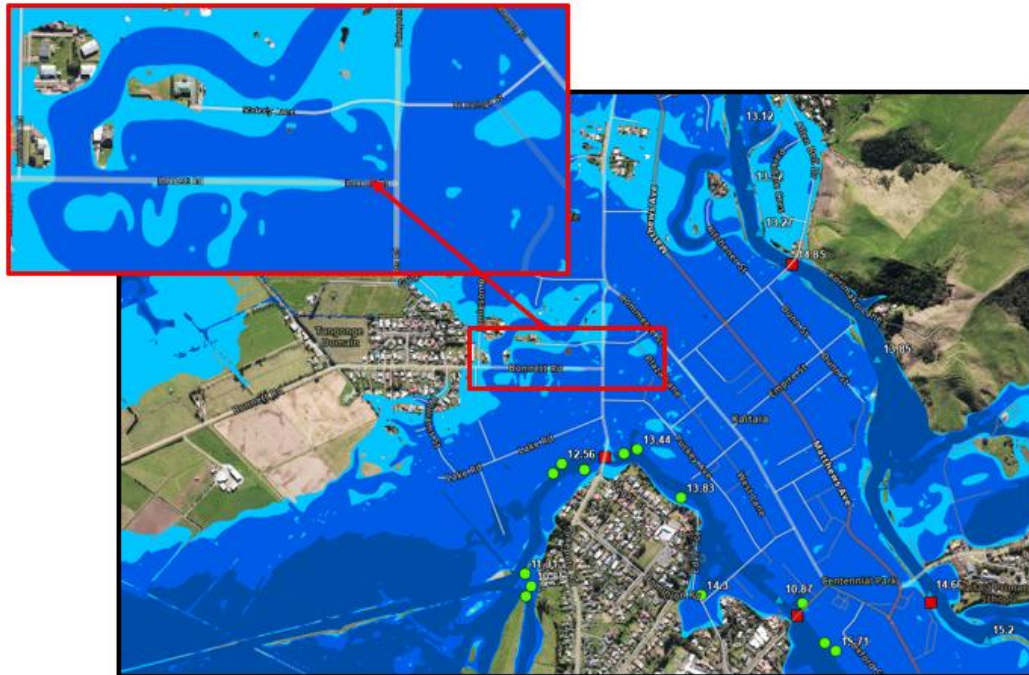
*Figure 11: Prover image of the site and surrounding environment showing indicating development in the area.*

- 6.4.4 Overall, given the dense urban nature of the surrounding environment and the existing development and land use activities, it is considered that the proposal is compatible with adjoining land use and subdivision activities and will not create any adverse effects on character and amenity of the surrounding environment.
- 6.4.5 In terms of access, Lot 1 has an existing sealed crossing and driveway from Melody Lane, which will remain unchanged. Lot 2 will require a new crossing to be constructed from Bonnett Road, which is anticipated to be a condition of consent. Many lots have access from Bonnett Road, such that the proposal is not considered to create any adverse effects in terms of access arrangements.
- 6.4.6 The site is not located within the rural or coastal environment. The proposal is not considered to create cumulative or long-term implications which would create adverse effects on the surrounding environment.



**Natural Hazards**

6.4.7 The subject site is shown to be susceptible to river flood hazards – 50 year and 100 year AEP. As shown in **Figure 12** below, the majority of the Kaitaia township is affected by these river flood hazards. Extensive works have been undertaken along the river banks within Kaitaia as well as the Applicant advising that there have been flood hazard works undertaken down Melody Lane in the recent years that he has owned the property.



*Figure 12: NRC Hazard Maps showing the flood extent within Kaitaia and surrounding the subject site.*

6.4.8 Given Lot 1 has existing development, and no changes will be occurring to the built development on this proposed lot, it is considered that effects will be less than minor. It is noted that the impermeable surfaces on Proposed Lot 1 exceed the permitted threshold by 5% or 23m<sup>2</sup>, however given that stormwater management is existing by way of collection of roof runoff from the dwelling to the reticulated stormwater network, and no additional impermeable surfaces will be created within Lot 1, it is considered that effects in terms of natural hazards will be less than minor.

6.4.9 As part of this proposal, Proposed Lot 2 will be vacant, and therefore it is anticipated that stormwater management will be addressed at the time of built development. Stormwater management of any future dwelling can be adequately addressed at Building consent stage to ensure there are no adverse effects on the existing stormwater systems in the area.

6.4.10 The site is not known to be impacted by any other natural hazards.

6.4.11 In terms of Section 106 of the Act, given that the majority of Kaitaia is shown to be susceptible to river flood hazards, and the river flood hazard works that have been undertaken in the





area, it is considered that there is no significant risk from natural hazards as a result of the proposal. Lot 1 will contain existing development that will remain unchanged, and Lot 2 will be vacant, with mitigation measures able to be imposed at the time of built development on the lot. Physical and legal access to the lots will be via Melody Lane (Lot 1) and Bonnett Road (Lot 2) which are also shown to be susceptible to river flood hazards, however the roading networks within the Kaitaia township are also shown to be affected, such that it is considered the proposal does not accelerate or worsen the likelihood of natural hazards occurring.

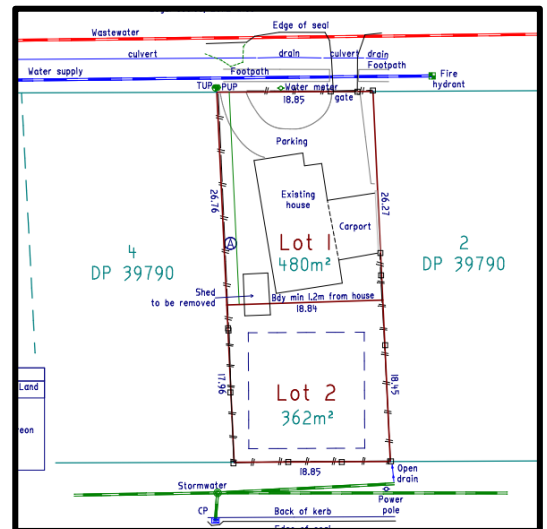
6.4.12 Overall, in terms of Section 106(1A) of the Act, it is considered that the proposal will not increase the likelihood of natural hazards occurring, and the proposal is not considered to accelerate or worsen such risk. It is therefore considered that there are no matters under s106 of the Act which would cause the Council to refuse the subdivision application.

**Water Supply**

6.4.13 Reticulated water supply is available along Melody Lane and Bonnett Road. There is an existing connection to Lot 1 via Melody Lane, with connection to Lot 2 proposed to be provided from Melody Lane as well. An easement has been provided within Easement A of the scheme plan providing Lot 2 with the right to convey water over Lot 1. FNDC’s Infrastructure Team were contacted as part of this application process to determine if Lot 2 can connect to the reticulated water supply network, which was advised to be possible. This correspondence is included within **Appendix 4** of this application.



*Figure 13: FNDC 3Waters Maps showing location of existing services.*



*Figure 14: Proposed scheme plan showing Easement A along the western boundary of Lot 1.*

**Stormwater Disposal**

6.4.14 Reticulated stormwater services are available to the site, as indicated in **Figure 13** above. Lot 1 has existing connection to the reticulated stormwater network, with runoff from the dwelling and carport directed to this connection point. The runoff from parking areas by sheet flow to grassed areas within the site. As mentioned, the proposal results in a very minor breach of the permitted impermeable surface coverage within Lot 1 of 5% or 23m<sup>2</sup>. This is



considered to be negligible given that the development is existing and there is existing connection to the reticulated system. This will be discussed further as part of the land use component of this proposal.

- 6.4.15 Lot 2 will be vacant land and contain no impermeable surface areas as part of this proposal. As discussed above, stormwater management can be addressed at the time of building consent for a dwelling on the lot. FNDC's Infrastructure Team have advised that there is capability of the reticulated stormwater services for the additional lot. This correspondence is included within **Appendix 4** of this application.

#### **Sanitary Sewage Disposal**

- 6.4.16 Reticulated wastewater supply is available along Melody Lane and Bonnett Road as indicated in **Figure 13** above. There is existing connection to Lot 1 via Melody Lane, with connection to Lot 2 proposed to be provided from Melody Lane as well. An easement has been provided within Easement A of the scheme plan providing Lot 2 with the right to drain sewage over Lot 1. FNDC's Infrastructure Team were contacted as part of this application process to determine if Lot 2 can connect to the reticulated wastewater network, which was advised to be possible. This correspondence is included within **Appendix 4** of this application.

#### **Energy Supply, Top Energy Transmission Lines & Telecommunications**

- 6.4.17 Top Energy and Chorus were contacted as part of the pre-application process. Their responses are contained within **Appendices 5 and 6** of this application. Both Top Energy and Chorus advised that connection to the vacant lot will be required. Lot 1 has existing provisions to the existing dwelling on the site. Connection to these services for Lot 2 is anticipated to be a condition of consent on the decision document. Easement A on the proposed scheme plan provides the provision of the right for Lot 2 to convey electricity and telecommunications over Lot 1.
- 6.4.18 There are no known transmissions lines designed to operate at or above 50kV within 20m of the subject site.

#### **Easements for any Purpose**

- 6.4.19 As part of this proposal, Easement A is provided along the western boundary of Lot 1, which will provide Lot 2 with the right to convey water, electricity and telecommunications as well as the right to drain sewage.
- 6.4.20 No easements in favour of the Council are proposed nor considered necessary.

#### **Provision of Access**

- 6.4.21 Lot 1 has existing access from Melody Lane, which services the existing dwelling. This crossing place is sealed and contains an existing culvert underneath.





*Figure 15: Existing sealed crossing and drive to Lot 1.*

6.4.22 Lot 2 will have access from Bonnett Road, with a new crossing place being required to service the lot. Construction of this crossing place is anticipated to be a condition of consent on the decision document. Given the residential nature of the area, the additional traffic movements on Bonnett Road and the surrounding environment is anticipated to be easily absorbed into the existing road network such that no adverse effects are anticipated.



*Figure 16: Image of road frontage of Lot 2.*

**Effect if Earthworks and Utilities**

6.4.23 The only excavations proposed as part of this proposal will be the construction of the crossing place to Lot 2, as well as any excavations for connection to utilities. No adverse effects are anticipated given the minor nature of the works.

**Building Locations**

6.4.24 Lot 1 has existing built development. Lot 2 will be vacant and is considered to provide ample area for future built development. No restrictions are proposed in terms of location of any future built development.

6.4.25 The design of any future dwelling will be at the discretion of future owners, with passive solar gain being able to be taken advantage of.





**Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes**

6.4.26 The site is not known to contain any vegetation, habitats of indigenous fauna, heritage resources or landscape features. The site is not known to contain or be in close proximity to Sites of Cultural Significance to Māori. No reserves to be vested in Council are proposed nor applicable. The site is not located within a kiwi present area or high density kiwi habitat. The proposal is not considered to have an adverse effect on listed historic buildings, places or objects. No permanent protection of such features are proposed nor considered necessary. Biodiversity values will not be impacted given the residential nature of the site and surrounding environment.

**Soil**

6.4.27 The site and surrounding environment are zoned Residential, such that the productive capacity of the soils is not considered applicable. The life supporting capacity of the soils is considered to be unaffected by this residential subdivision.

**Access to Waterbodies**

6.4.28 The site does not adjoin the CMA or any lakes or rivers. Public access to such features is not considered applicable to this proposal.

**Land Use Incompatibility**

6.4.29 The proposal will result in one additional allotment being created in a Residential zone. The proposal will see Lot 1 containing the existing built development and Lot 2 being vacant. Lot 2 will contain an existing underutilized portion of the site, which is not considered to impact the outdoor use of Lot 1, given there is ample area around the existing dwelling to provide for outdoor use of the dwelling on Lot 1.

6.4.30 As explained earlier in this report, there are lots in the surrounding environment similar in size to those proposed, as well as existing land use activities, where two dwellings have been created on a lot of similar size to the subject site. Given this, it is considered that the proposal is consistent with subdivision and land use activities in the surrounding environment such that no reverse sensitivity effects are anticipated.

6.4.31 The proposal is not considered to create any adverse effects given it will enable additional residential development in an area where vacant lots are of rare sorts and the demand for such lots and additional housing is high.

**Proximity to Airports**

6.4.32 The site is not located in proximity to airports.

**Natural Character of the Coastal Environment**

6.4.33 The site is not located within the coastal environment.



**Energy Efficiency and Renewable Energy Development/Use**

6.4.34 No renewable energy is proposed as part of this application. Energy efficiency can be designed at the time of built development on Lot 2.

**National Grid Corridor**

6.4.35 The site is not located within the National Grid Corridor.

**Land Use**

- 6.5 As mentioned earlier in this report, land use consent is required for a breach of impermeable surfaces within Proposed Lot 1.
- 6.6 The permitted amount of impermeable surfaces within the Residential zone is 50% of the gross site area. The proposal will result in an impermeable surface coverage for Lot 1 of 263m<sup>2</sup> or 55% of the site area. This is 5% more than the permitted threshold or 23m<sup>2</sup>. Proposed Lot 2 will contain no such impermeable surfaces.
- 6.7 Therefore, the proposal triggers the requirement for land use consent for breach of Permitted Rule 7.6.5.1.6 Stormwater Management within Lot 1. The proposal can comply with the controlled threshold of 60% under Rule 7.6.5.2.1.
- 6.8 Lot 1 has existing stormwater management methods on site. During our site visit, it was observed that the runoff from the dwelling and the carport was directed to downpipes, which are then directed to Councils reticulated stormwater services. Runoff from the parking areas in the northern portion of the site appeared to be directed to grassed areas on site via sheet flow. The existing stormwater management is not proposed to be altered as part of the proposal and will remain unchanged. Given that the proposal results in a negligible breach of the permitted threshold of 23m<sup>2</sup> or 5%, it is considered that the effects of the breach are less than minor.
- 6.9 As the built development on Lot 1 will not be increasing, in fact it will be decreasing as the shed which is located over the boundary will be removed, it is considered that the existing mitigation methods are adequate to control stormwater, without adverse effects being created on the environment. If there is any additional built development on Lot 1 proposed in the future, resource consent would be triggered at the time of building consent, for a breach of impermeable surfaces. It would be at this stage that stormwater for any future built development on Lot 1 could be assessed as new connections/management methods would be required.
- 6.10 Overall, it is considered that given the permitted baseline, which allows 50% impermeable surface coverage which in this case, is 240m<sup>2</sup>, the breach of 5% or 23m<sup>2</sup> is considered to be no more than minor in this residential area. The existing stormwater management methods will remain unchanged, with any future built development requiring building consent on Lot 1 triggering the need for further assessment. Given the above, it is considered that the proposal



will result in no more than minor effects in terms of the impermeable surfaces breach for Lot 1.

6.11 For completeness, an assessment of Section 11.3 of the ODP has been undertaken below.

*(a) The extent to which building site coverage and impermeable surfaces result in increased stormwater runoff and contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment.*

*(b) The extent to which Low Impact Design principles have been used to reduce site impermeability.*

*(c) Any cumulative effects on total catchment impermeability.*

*(d) The extent to which building site coverage and impermeable surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water.*

*(e) The physical qualities of the soil type.*

*(f) Any adverse effects on the life supporting capacity of soils.*

*(g) The availability of land for the disposal of effluent and stormwater on the site without adverse effects on the water quantity and water quality of water bodies (including groundwater and aquifers) or on adjacent sites.*

*(h) The extent to which paved, impermeable surfaces are necessary for the proposed activity.*

*(i) The extent to which landscaping may reduce adverse effects of run-off.*

*(j) Any recognized standards promulgated by industry groups.*

*(k) The means and effectiveness of mitigating stormwater run-off to that expected by the permitted activity threshold.*

*(l) The extent to which the proposal has considered and provided for climate change.*

*(m) The extent to which stormwater detention ponds and other engineering solutions are used to mitigate any adverse effects.*

6.11.1 As mentioned above, the proposal results in a breach of 5% or 23m<sup>2</sup> of the permitted impermeable surface coverage within Lot 1. This is a result of the existing built development and paved areas within Lot 1. The site has existing connection to the reticulated stormwater network, which will remain unchanged as part of this proposal. Low Impact Design principles can be accounted for at the time of additional built development on the lots. No cumulative effects are anticipated given the built development and paved areas are existing on Lot 1 and any additional built development or paved areas would trigger the need for resource consent at which time stormwater management of additional impermeable surfaces could be accounted for. The natural contour or drainage patterns will remain unchanged as part of this proposal as all development on Lot 1 is existing. As mentioned, the existing paved areas and built development are existing and are necessary for residential use of the site as the paved areas provide access and parking for the dwelling. No additional landscaping is proposed nor considered necessary. No industry groups are known. The permitted baseline of the site is an impermeable surface coverage of 50% or 240m<sup>2</sup> in this instance and the proposal breaches this by 5% or 23m<sup>2</sup>. It is considered that the additional impermeable surface coverage over the permitted baseline is considered negligible and given that the development is existing with no change to the existing stormwater management methods in the site proposed, no





additional mitigation is necessary. Climate change was assumed to be accounted for during the design of the structures on site. No stormwater detention ponds or other engineering solutions are proposed.

## 7.0 Policy Documents

7.1 In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

### National Environmental Standards

7.2 As discussed in the sections above the proposal is permitted in terms of the relevant National Environmental Standard documents.

### National Policy Statements

7.3 There are currently 8 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- National Policy Statement for Highly Productive Land.
- New Zealand Coastal Policy Statement.
- National Policy Statement for indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat

7.4 The above-mentioned National Policy Statements are not considered applicable to the proposed subdivision and therefore, no assessment of the above policies will be made.

### Regional Policy Statement for Northland 2016 and Regional Plan for Northland (February 2024)

7.5 The role of The Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.

7.6 This proposal is of a small scale and will result in one additional allotment within the Residential zone. The proposal has been considered to be consistent with the subdivision and land use activities in the surrounding environment, with no reverse sensitivity effects created. Although the site is located within a river flood hazard zone, this is consistent with the majority of the residential areas surrounding the Kaitaia township, such that it is not out of the ordinary. Stormwater management for the vacant lot can be addressed at the time of building consent. The sites do not contain any known areas of indigenous vegetation, habitats of fauna



or outstanding natural landscapes or features. The proposal is considered compatible with the intent of the RPS.

### Far North District Plan

- 7.7 The relevant objectives and policies of the Plan are those related to Subdivision, the Urban Environment, and the Residential Zone. As assessed above, it is considered that the proposed subdivision will generate no more than minor adverse effects on the receiving environment, including the adjacent sites. The proposal will be consistent with the character of the surrounding area. The proposal would not be contrary to the objectives and policies of the ODP, as commented on in the paragraphs below.

### Assessment of the objectives and policies for Subdivision Activities

#### Objectives

*13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.*

*13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.*

*13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.*

*13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.*

*13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.*

*13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.*

*13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.*

*13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.*

*13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability*



*to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).*

*13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.*

*13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.*

- 7.7.1 The subdivision will be consistent with the purpose of the Residential zone which is to *enable development of residential areas where the effects of activities permitted in the zone are compatible with sustainable development and with the existing character and amenity, which is typically medium density residential living.* The proposal will not compromise the life supporting capacity of air, water, soil or ecosystems. No adverse effects are anticipated nor any reverse sensitivity effects. Outstanding landscapes or natural features in the Coastal Environment will not be affected by this residential subdivision. Heritage resources are not anticipated to be affected. Reticulated connections are existing to Lot 1 with it being confirmed that Lot 2 can also connect. Superior outcomes are provided for as an existing underutilised area of open space will be subdivided to create a vacant allotment which is highly sought after in this area. The relationship with Māori and their ancestral lands are not anticipated to be affected. Electricity supply is existing to the dwelling on Proposed Lot 1 and will be provided to Lot 2 as part of the subdivision proposal. The built development on Lot 1 is existing and as such, energy efficient design is not applicable. This can be designed for at the time of built development on Lot 2. The sites are not within the National Grid.

### **Policies**

*13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:*

- (a) natural character, particularly of the coastal environment;*
- (b) ecological values;*
- (c) landscape values;*
- (d) amenity values;*
- (e) cultural values;*
- (f) heritage values; and*
- (g) existing land uses.*

*13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.*

*13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.*

*13.4.4 That in any subdivision where provision is made for connection to utility services, the potential adverse visual impacts of these services are avoided.*

*13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads*





*(including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.*

*13.4.6 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.*

*13.4.7 That the need for a financial contribution be considered only where the subdivision would:*

- (a) result in increased demands on car parking associated with non-residential activities; or*
- (b) result in increased demand for esplanade areas; or*
- (c) involve adverse effects on riparian areas; or*
- (d) depend on the assimilative capacity of the environment external to the site.*

*13.4.8 That the provision of water storage be taken into account in the design of any subdivision.*

*13.4.9 That bonus development donor and recipient areas be provided for so as to minimise the adverse effects of subdivision on Outstanding Landscapes and areas of significant indigenous flora and significant habitats of fauna.*

*13.4.10 The Council will recognise that subdivision within the Conservation Zone that results in a net conservation gain is generally appropriate.*

*13.4.11 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.*

*13.4.12 That more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.*

*13.4.13 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:*

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;*
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*
- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*



*(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;*

*(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.*

*(g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.*

*13.4.14 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.*

*13.4.15 That conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:*

*(a) development of energy efficient buildings and structures;*

*(b) reduced travel distances and private car usage;*

*(c) encouragement of pedestrian and cycle use;*

*(d) access to alternative transport facilities;*

*(e) domestic or community renewable electricity generation and renewable energy use.*

*13.4.16 When considering proposals for subdivision and development within an existing National Grid Corridor the following will be taken into account:*

*(a) the extent to which the proposal may restrict or inhibit the operation, access, maintenance, upgrading of transmission lines or support structures;*

*(b) any potential cumulative effects that may restrict the operation, access, maintenance, upgrade of transmission lines or support structures; and*

*(c) whether the proposal involves the establishment or intensification of a sensitive activity in the vicinity of an existing National Grid line.*

7.7.2 There will be no adverse impacts on any of the items listed within Policy 13.4.1. Vehicular access to Lot 1 will remain unchanged with a new crossing required from Bonnett Road to service Lot 2. There is no footpath located along the road frontage of Lot 2. Natural hazards have been taken into account as part of this application, with mitigation measures offered. Connections to utility services are existing for Lot 1 with provisions being made for Lot 2. All connections are anticipated to be underground such that visual impacts will be less than minor. The proposed access arrangements are not considered to create adverse effects. Heritage resources, indigenous vegetation and indigenous fauna will not be affected by the proposed subdivision. The sites are not located in the Coastal Environment nor do they contain areas of riparian margins, Outstanding Landscapes or Natural Features. Financial contribution is not a consideration of this application. Water supply is via the reticulated town supply to Lot 1, with provision being made for Lot 2. Bonus development donor and recipient areas are not a consideration of the proposal. The sites are not within the Conservation zone. The relationship of Māori and their culture and traditions is not anticipated to be affected. The proposal is not considered to be intensive development. The proposal will be consistent with the character of the zone and no adverse effects are anticipated. The objectives and policies of the Urban Environment and Residential zone will be undertaken below. The sites are not within the National Grid Corridor.



## Assessment of the objectives and policies within the Urban Environment

### Objectives

- 7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.*
- 7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.*
- 7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.*
- 7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.*
- 7.3.5 To achieve the development of community services as an integral and complementary component of urban development.*
- 7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.*
- 7.7.3 No adverse effects are anticipated by the proposed subdivision. The proposal will enable the continued use of the building on Lot 1 and existing connections. No adverse effects on the amenity values of the urban environment are anticipated. Character and amenity are not anticipated to be adversely affected. Community services are not applicable to this proposal. The sites will be connected to the reticulated water system.

### Policies

- 7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.*
- 7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.*
- 7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.*
- 7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.*
- 7.4.5 That new urban development avoid:*
- (a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;*
  - (b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;*
  - (c) adversely affecting outstanding natural features, landscapes and heritage resources;*
  - (d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
  - (e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;*





*(f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;*

*(g) adversely affecting the safety and efficiency of the roading network;*

*(h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.*

7.4.6 *That the natural and historic heritage of urban settlements in the District be protected (refer to Chapter 12).*

7.4.7 *That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.*

7.4.8 *That infrastructure for urban areas be designed and operated in a way which:*

*(a) avoids remedies or mitigates adverse effects on the environment;*

*(b) provides adequately for the reasonably foreseeable needs of future generations; and*

*(c) safeguards the life-supporting capacity of air, water, soil and ecosystems.*

7.4.9 *That the need for community services in urban areas is recognised and provided for.*

7.7.4 Amenity values will be maintained. The level of effects created by the proposal are considered appropriate. No adverse effects on publicly provided facilities are anticipated. Connection to the existing reticulated stormwater network is existing and will remain unchanged. The proposal is not considered to create any adverse effects listed within Policy 7.4.5. The sites are not located within the Natural or Historic Heritage districts. Infrastructure is existing. Community services are not included with this proposal.

## **Assessment of the objectives and policies within the Residential Zone**

### **Objectives**

7.6.3.1 *To achieve the development of new residential areas at similar densities to those prevailing at present.*

7.6.3.2 *To enable development of a wide range of activities within residential areas where the effects are compatible with the effects of residential activity*

7.6.3.3 *To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive*

7.7.5 As discussed earlier within this application, the proposal is considered to create lots of similar density to those in the surrounding environment. The proposal will result in Lot 1 containing the existing dwelling and Lot 2 being vacant. It is assumed that Lot 2 will be utilised for residential use, however this will be at the discretion of future owners. The site is not located on the urban fringe and does not have frontage to Kerikeri Road.

### **Policies**



*7.6.4.1 That the Residential Zone be applied to those parts of the District that are currently predominantly residential in form and character.*

*7.6.4.2 That the Residential Zone be applied to areas which are currently residential but where there is scope for new residential development.*

*7.6.4.3 That the Residential Zone be applied to areas where expansion would be sustainable in terms of its effects on the environment.*

*7.6.4.4 That the Residential Zone provide for a range of housing types and forms of accommodation*

*7.6.4.5 That non-residential activities only be allowed to establish within residential areas where they will not detract from the existing residential environment*

*7.6.4.7 That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.*

*7.6.4.8 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited so as to provide open space around buildings to enable planting, and to reduce adverse hydrological, ecological and amenity effects.*

*7.6.4.9 That sites have adequate access to sunlight and daylight.*

*7.6.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on a site.*

7.7.6 The sites are located within the Residential zone and the proposal is considered to be consistent with the characteristics and form of the residential zone in general. It has been concluded in the above assessment that effects will be no more than minor. No non-residential activities are proposed as part of this application. Lot 1 will contain the existing dwelling with ample area being provided for outdoor space, parking and manoeuvring. Lot 2 is vacant and the design of any future building, parking and outdoor space will be at the discretion of new owners. As discussed in detail in this report, Lot 1 results in a breach of the permitted allowance for impermeable surfaces of 5% or 23m<sup>2</sup>. Nonetheless, given the residential nature of the site, it is considered there is ample area for open space to maintain amenity values. Lot 2 will be vacant. Lot 1 has adequate access to sunlight and daylight, with development on Lot 2 being at the discretion of the new owners. Privacy will be maintained for the existing dwelling on Lot 1.

### **Proposed District Plan**

7.8 Under the Proposed District Plan, the site is zoned General Residential, and within the River Flood Hazards and Treaty Settlements Area overlay and therefore an assessment of the Objectives and Policies within these chapters have been included below. The proposal is considered to create no more than minor adverse effects on the residential environment and is consistent with the residential intent of the surrounding environment and the zone. The proposal is considered to be consistent with the Objectives and Policies of the Proposed District Plan.



## Assessment of the objectives and policies within the General Residential Zone

### Objectives

*GRZ-O1 - The General Residential zone provides a variety of densities, housing types and lot sizes that respond to:*

- (a) housing needs and demand;*
- (b) the adequacy and capacity of available or programmed development infrastructure;*
- (c) the amenity and character of the receiving residential environment; and*
- (d) historic heritage.*

*GRZ-O2 - The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.*

*GRZ-O3 - Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.*

*GRZ-O4 - Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.*

*GRZ-O5 - Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.*

*GRZ-O6 - Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.*

- 7.8.1 The proposal will see one additional vacant allotment which will aid in response to the housing needs and demands in the area. Lot 1 has existing connections to reticulated services, with it being confirmed that Lot 2 can connect. Amenity and character will be maintained. No effects on historic heritage are anticipated. The proposal will result in consolidated development as infrastructure is provided for and the site is within a residential zone. The proposal does not result in non-residential activities. As mentioned, it has been confirmed that Lot 2 can connect to the reticulated services. The proposal will enable functional and high amenity living environments by providing a vacant lot which can contain a residential dwelling and outdoor space. The proposal is not considered to affect the resilience of the community.

### Policies

*GRZ-P1 - Enable land use and subdivision in the General Residential zone where:*

- (a) there is adequacy and capacity of available or programmed development infrastructure to support it; and*
- (b) it is consistent with the scale, character and amenity anticipated in the residential environment.*

*GRZ-P2 - Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot:*

- (a) telecommunications:*
  - i. fibre where it is available; or*
  - ii. copper where fibre is not available;*
- (b) local electricity distribution network;*
- (c) wastewater; and*





*(d)potable water and stormwater where it is available.*

*GRZ-P3 - Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.*

*GRZ-P4 - Enable non-residential activities that:*

*(a) do not detract from the vitality and viability of the Mixed Use zone;*

*(b) support the social and economic well-being of the community;*

*(c) are of a residential scale; and*

*(d) are consistent with the scale, character and amenity of the General Residential zone.*

*GRZ-P5 - Provide for retirement villages where they:*

*(a) compliment the character and amenity values of the surrounding area;*

*(b) contribute to the diverse needs of the community;*

*(c) do not adversely affect road safety or the efficiency of the transport network; and*

*(d) can be serviced by adequate development infrastructure.*

*GRZ-P6 - Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.*

*GRZ-P7 - Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.*

*GRZ-P8 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

*(a) consistency with the scale, design, amenity and character of the residential environment;*

*(b) the location, scale and design of buildings or structures, potential for shadowing and visual dominance;*

*(c) for residential activities:*

*i. provision for outdoor living space;*

*ii. privacy for adjoining sites;*

*iii. access to sunlight;*

*(d) for non-residential activities:*

*i. scale and compatibility with residential activities*

*ii. hours of operation*

*(e) at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;*

*(f) the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including:*

*i. opportunities for low impact design principles*

*ii. ability of the site to address stormwater and soakage;*

*(g) managing natural hazards; and*

*(h) any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6*

7.8.2 As mentioned, it has been determined the infrastructure is there to support the proposal. The proposal has been assessed as being consistent with the scale, character and amenity of the



zone. Utility services are existing to Lot 1. Connections for power and telecommunications will be provided to Lot 2. No multi-use development is proposed. No non-residential activities are proposed. Retirement villages are not proposed. Lot 1 is connected to the reticulated water supply, with no onsite water storage existing. Lot 2 will also be connected to the reticulated water supply, with onsite water storage being at the discretion of future owners. Energy efficient design will be at the discretion of future owners of Lot 2. The proposal is considered to be consistent with the scale, design, amenity and character of the surrounding environment, as discussed within this application. No new buildings are proposed. Outdoor living space can be provided within Lot 1, with Lot 2 being of ample area to provide for open space, privacy and access to sunlight. No non-residential activities are proposed. The site is not located at a zone interface. The site is affected by river flood hazards, which has been assessed within this report and effects found to be no more than minor. No effects on historical, spiritual or cultural association by Tangata Whenua are anticipated.

## Summary

- 7.9 The above assessment of the relevant policy documents demonstrates that the proposal will be consistent with the relevant objectives and policies of those statutory documents.

## 8.0 Notification Assessment – Sections 95A to 95G of the Act

### Public Notification Assessment

- 8.1 Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

#### Step 1 Mandatory public notification in certain circumstances

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and, —*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

*(a) the applicant has requested that the application be publicly notified;*

*(b) public notification is required under section 95C;*

*(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

- 8.1.1 It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore step 1 does not apply and Step 2 must be considered.

#### Step 2: Public Notification precluded in certain circumstances.

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and, —*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

*(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) [Repealed]*

*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*

*(iv) [Repealed]*

*(6) [Repealed]*

- 8.1.2 The application is for a Discretionary Activity, therefore step 3 does not apply and step 4 must be applied.

#### **Step 4; Public notification in special circumstances**

*(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

- 8.1.3 There are no special circumstances that exist to justify public notification of the application because the proposal is not considered to be controversial or of significant public interest, particularly given that it is private land, and the application is for one additional allotment, which is consistent with the surrounding environment. The application is neither exceptional nor unusual.

#### **Public Notification Summary**

- 8.1.4 From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

### **Limited Notification Assessment**

- 8.2 If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

#### **Step 1: Certain affected groups and affected persons must be notified**

*(2) Determine whether there are any—*

*(a) affected protected customary rights groups; or*

*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) Determine—*

*(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*

*(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

- 8.2.1 There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application. Therefore Step 1 does not apply and Step 2 must be considered.





**Step 2: Limited notification precluded in certain circumstances**

*(5) Determine whether the application meets either of the criteria set out in subsection (6) and, —*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(6) The criteria for step 2 are as follows:*

*(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 limited notification:*

*(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

- 8.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application is for a discretionary activity. Therefore Step 2 is not applicable and we move to step 3.

**Step 3: Certain other affected persons must be notified.**

*(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*

*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

*(9) Notify each affected person identified under subsections (7) and (8) of the application.*

*The proposal is not for a boundary activity nor is it a prescribed activity.*

- 8.2.3 The proposal does not include a boundary activity. As has been determined within this application, no other persons are considered to be affected by the proposal.

**Step 4: Further notification in special circumstances**

*(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),*

- 8.2.4 The proposal is to undertake a subdivision where one additional allotment will be created. It is considered that no special circumstances exist in relation to the application.

**Limited Notification Assessment Summary**

- 8.3 Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

**Notification Assessment Conclusion**

- 8.4 Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

**9.0 Part 2 Assessment**

- 9.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 9.2 The proposal will meet Section 5 of the RMA as the natural and physical resources will be maintained in this residential environment. The proposal is considered to retain the urban



character of the immediate surrounding environment. In addition, the proposal will avoid adverse effects on the environment and will maintain the urban character of the site and surrounding environment.

- 9.3 Section 6 of the Act sets out a number of matters of national importance. The only applicable matter is considered to be natural hazards. As assessed within this application, the proposal is not considered to exacerbate natural hazards. Mitigation measures will be triggered at the time of additional built development on Lots 1 and/or 2. No other matters of national importance are considered relevant to this application.
- 9.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area.
- 9.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.
- 9.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the Objectives, Policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

## 10.0 Conclusion

- 10.1 The proposal is to undertake a subdivision of the site to create one additional allotment in the Residential zone. This will see an underutilised area of the site being created as an independent title which is of high demand. Lot 1 will contain the existing dwelling and will maintain the existing connections and access. Lot 2 will require a new crossing place from Bonnett Road as well as utilities and service connections, which will be provided for as part of this proposal. The proposal has been concluded to be consistent with development in the surrounding environment as well as maintain the existing character and amenity.
- 10.2 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less than minor.
- 10.3 It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 10.4 The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is



that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.

- 10.5 As a Discretionary activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. It is considered that the proposal results in no more than minor effects on the environment and the proposal is generally consistent with the relevant Objectives and Policies set out under the District Plan and the Regional Policy Statement. The development is considered appropriate for consent to be granted on a non-notified basis.

## 11.0 LIMITATIONS

- 11.1 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 11.2 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 11.4 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





# MELODY LANE

Legal sealed, 20.12 wide

SSMH  
Lid level  
13.21

SSMH  
Lid level  
13.18

**IMPERMEABLE SURFACES:**  
Lot 1  
Buildings & carport = 158m<sup>2</sup>  
Other (drive, pathways etc) = 105m<sup>2</sup>  
Total impermeable surfaces = 263m<sup>2</sup>  
=> 55%

Existing shed (to be removed)  
has not been included in  
these calculations

5  
DP 39790

4  
DP 39790

**Lot 1**  
480m<sup>2</sup>

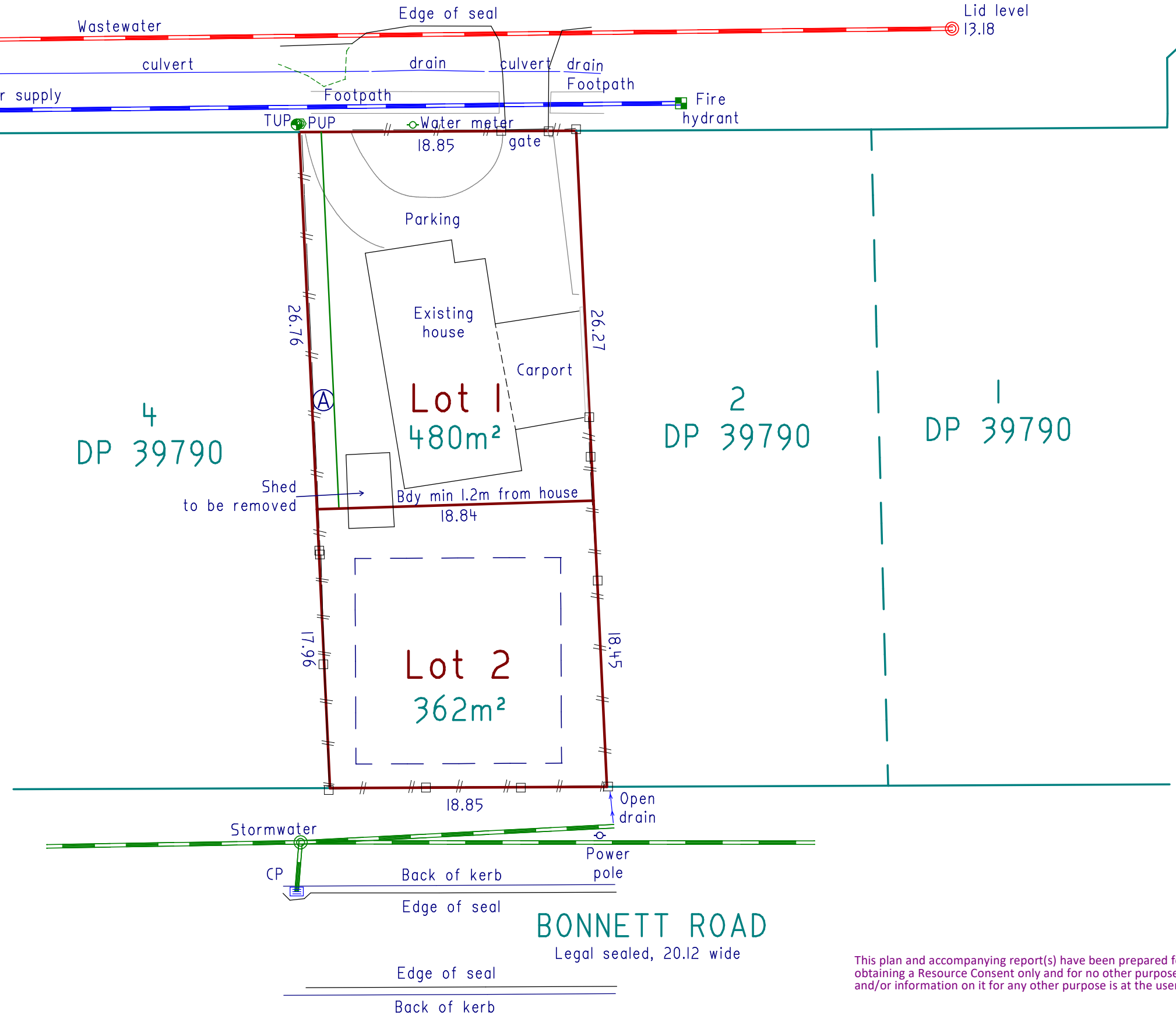
2  
DP 39790

1  
DP 39790

SCHEDULE OF PROPOSED EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right to convey water, electricity & telecommunications	A	Lot 1 hereon	Lot 2 hereon
Right to drain sewage			

Local Authority: Far North District Council  
Comprised in: RT 641918  
Total Area: 842m<sup>2</sup>

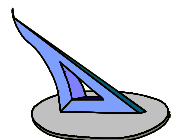
THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF VON STURMERS AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF VON STURMERS  
AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL SURVEY



# BONNETT ROAD

Legal sealed, 20.12 wide

This plan and accompanying report(s) have been prepared for the purpose of obtaining a Resource Consent only and for no other purpose. Use of this plan and/or information on it for any other purpose is at the user's risk.



## VON STURMERS

Registered Land Surveyors, Planners & Land Development Consultants

Ph: (09) 408 6000 131 Commerce Street, Kaitaia  
Email: kaitaia@saps.co.nz

# PROPOSED SUBDIVISION OF LOT 3 DP 39790

PREPARED FOR: N & H MAHIDA

Survey	Name MP	Date Sep 2024	ORIGINAL SCALE 1:300	SHEET SIZE A3
Design				
Drawn	SH	Dec 2024		
Rev	SH	Mar 2025		

Surveyors  
Ref. No:  
**15467**  
Series  
Sheet of



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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **641918**  
**Land Registration District** **North Auckland**  
**Date Issued** 20 December 2013

**Prior References**  
NA134D/292

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**Estate** Fee Simple  
**Area** 842 square metres more or less  
**Legal Description** Lot 3 Deposited Plan 39790  
**Registered Owners**  
Nirmalsinh Jitendrasinh Mahida and Hinaben Nirmalsinh Mahida

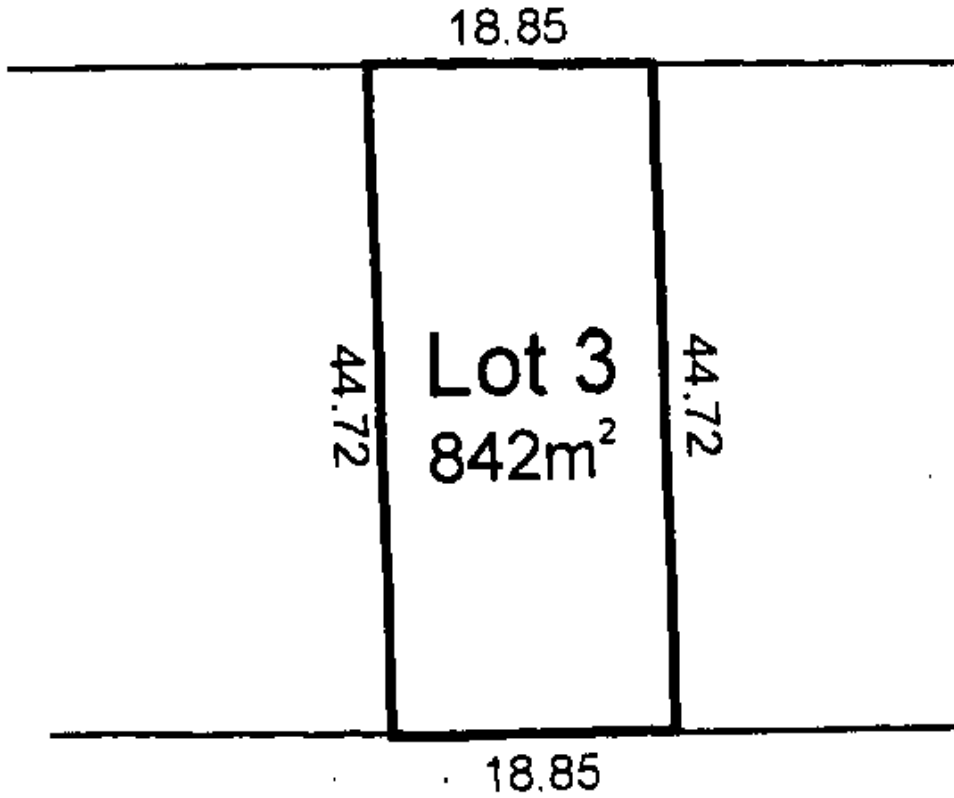
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**Interests**



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MELODY LANE



BONNETT ROAD

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DP 39790


## Northland Planning Development

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**From:** Losaline Finekifolau <Losaline.Finekifolau@fndc.govt.nz>  
**Sent:** Thursday, 20 March 2025 9:34 am  
**To:** Northland Planning Development  
**Subject:** RE: Proposed Subdivision - 6 Melody Lane, Kaitaia

Hi Alex,

Yes connection is available.

 **Losaline Finekifolau**  
Development Engineer - Infrastructure Engineering  
M 0274218114 | P +6494015236 | Losaline.Finekifolau@fndc.govt.nz  
Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

[fndc.govt.nz](http://fndc.govt.nz)



---

**From:** Northland Planning Development <info@northplanner.co.nz>  
**Sent:** Thursday, 20 March 2025 9:31 am  
**To:** Losaline Finekifolau <Losaline.Finekifolau@fndc.govt.nz>  
**Subject:** RE: Proposed Subdivision - 6 Melody Lane, Kaitaia

You don't often get email from [info@northplanner.co.nz](mailto:info@northplanner.co.nz). [Learn why this is important](#)

**CAUTION:** This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Losaline,

Thank you for your response.

Can you please advise if connection is available to the reticulated water supply and stormwater services for the additional lot?

Kind regards,



**Alex Billot**  
Resource Planner

Offices in Kaitaia & Kerikeri  
☎ 09 408 1866  
Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &  
Friday 9am – 2pm*



---

**From:** Losaline Finekifolau <[Losaline.Finekifolau@fndc.govt.nz](mailto:Losaline.Finekifolau@fndc.govt.nz)>  
**Sent:** Tuesday, 18 March 2025 11:06 am  
**To:** Northland Planning Development <[info@northplanner.co.nz](mailto:info@northplanner.co.nz)>  
**Subject:** RE: Proposed Subdivision - 6 Melody Lane, Kaitaia

Kia ora Alex,

As you are within the area of benefit for wastewater, in principle capacity is available subject to compliance with the engineering standards.

Ngā mihi



**Losaline Finekifolau**

Development Engineer - Infrastructure Engineering

M 0274218114 | P +6494015236 | [Losaline.Finekifolau@fndc.govt.nz](mailto:Losaline.Finekifolau@fndc.govt.nz)

Te Kaunihera o Te Hiku o te Ika | Far North District Council

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Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

[fndc.govt.nz](http://fndc.govt.nz)



---

**From:** Northland Planning Development <[info@northplanner.co.nz](mailto:info@northplanner.co.nz)>  
**Sent:** Monday, 17 March 2025 11:50 am  
**To:** Sujeet Tikaram <[Sujeet.Tikaram@fndc.govt.nz](mailto:Sujeet.Tikaram@fndc.govt.nz)>  
**Cc:** Losaline Finekifolau <[Losaline.Finekifolau@fndc.govt.nz](mailto:Losaline.Finekifolau@fndc.govt.nz)>  
**Subject:** RE: Proposed Subdivision - 6 Melody Lane, Kaitaia

**CAUTION:** This email originated from outside Far North District Council.

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Thank you Sujeet, much appreciated.

Kind regards,



**Alex Billot**

Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &  
Friday 9am – 2pm*

---

**From:** Sujeet Tikaram <[Sujeet.Tikaram@fndc.govt.nz](mailto:Sujeet.Tikaram@fndc.govt.nz)>  
**Sent:** Monday, 17 March 2025 11:26 am

**To:** Northland Planning Development <[info@northplanner.co.nz](mailto:info@northplanner.co.nz)>

**Cc:** Losaline Finekifolau <[Losaline.Finekifolau@fndc.govt.nz](mailto:Losaline.Finekifolau@fndc.govt.nz)>

**Subject:** RE: Proposed Subdivision - 6 Melody Lane, Kaitaia

Hi Alex,

I have cc'd in Losaline, Council's Infrastructure Development Engineer for a response to your query.

Cheers



**Sujeet Tikaram**

Senior Resource Consents Engineer - Resource Consents - Engineering

M 027 566 1191 | P 6494015376 | [Sujeet.Tikaram@fndc.govt.nz](mailto:Sujeet.Tikaram@fndc.govt.nz)

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

[fndc.govt.nz](http://fndc.govt.nz)



**From:** Northland Planning Development <[info@northplanner.co.nz](mailto:info@northplanner.co.nz)>

**Sent:** Monday, 17 March 2025 11:16 am

**To:** Sujeet Tikaram <[Sujeet.Tikaram@fndc.govt.nz](mailto:Sujeet.Tikaram@fndc.govt.nz)>

**Subject:** Proposed Subdivision - 6 Melody Lane, Kaitaia

**CAUTION:** This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Sujeet,

I am hoping you are still the correct person to send through these requests to, however, if not, please let me know who we should contact for requests like this.

We are preparing an application for the subdivision of 6 Melody Lane, Kaitaia to create one additional allotment. Lot 1 will contain the existing dwelling with existing connections and Lot 2 will be vacant.

Can you please advise if there is capacity for Lot 2 to connect to the reticulated services in the area?

The proposed scheme plan is attached.

Thanks in advance.

Kind regards,



**Alex Billot**

Resource Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866

Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday & Friday 9am – 2pm*





*Top Energy Limited*

Level 2, John Butler Centre  
60 Kerikeri Road  
P O Box 43  
Kerikeri 0245  
New Zealand  
PH +64 (0)9 401 5440  
FAX +64 (0)9 407 0611

14 March 2025

Sheryl Hansford  
Northland Planning & Development 2020 Ltd

Email: [info@northplanner.co.nz](mailto:info@northplanner.co.nz)

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION**  
**Nirmalsinh Mahida – 6 Melody Lane, Kaitaia. Lot 3 DP 39790.**

Thank you for your recent correspondence with attached proposed scheme plans.

Top Energy's requirement for this subdivision is that power be made available for the additional lot.

Top Energy advises that there is an existing power supply available for proposed Lot 1. Design and costs to provide a power supply to Lot 2 would be provided after application and an on-site survey have been completed.

Link to application: [Top Energy | Top Energy](#)

In order to get a letter from Top Energy upon completion of your subdivision/boundary adjustment, a copy of the resource consent decision must be provided.

Yours sincerely

**Aaron Birt**  
Planning and Design  
T: 09 407 0685  
E: [aaron.birt@topenergy.co.nz](mailto:aaron.birt@topenergy.co.nz)



# Chorus New Zealand Limited

17 March 2025

Chorus reference: 11174002

**Attention:** Sheryl Hansford

**Quote: New Property Development**

**1 connections at 6 Melody Lane , Kaitaia, Far North District, 0410**

**Your project reference: Mahida Subdivision**

Thank you for your enquiry about having Chorus network provided for the above development.

Chorus is pleased to advise that, as at the date of this letter, we are able to provide reticulation for this property development based upon the information that has been provided:

Fibre network	\$0.00
---------------	--------

The total contribution we would require from you is **\$0.00 (including GST)**. This fee is a contribution towards the overall cost that Chorus incurs to link your development to our network. This quote is valid for 90 days from 17 March 2025. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

If you choose to have Chorus provide reticulation for your property development, please log back into your account and finalise your details. If there are any changes to the information you have supplied, please amend them online and a new quote will be generated. This quote is based on information given by you and any errors or omissions are your responsibility. We reserve the right to withdraw this quote and requote should we become aware of additional information that would impact the scope of this letter.

Once you would like to proceed with this quote and have confirmed all your details, we will provide you with the full New Property Development Contract, and upon confirmation you have accepted the terms and paid the required contribution, we will start on the design and then build.

For more information on what's involved in getting your development connected, visit our website [www.chorus.co.nz/develop-with-chorus](http://www.chorus.co.nz/develop-with-chorus)

Kind Regards

Chorus New Property Development Team

