



<b>Office Use Only</b> Application Number:
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**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 Form 9)**

*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):**

- Land Use
- Extension of time (s.125)
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) \_\_\_\_\_
- Fast Track Land Use\*
- Change of conditions (s.127)
- Subdivision
- Change of Consent Notice (s.221(3))
- Discharge

*\*The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.*

**3. Would you like to opt out of the Fast Track Process?** Yes / No

**4. Applicant Details:**

Name/s: Michal shazar

Electronic Address for Service (E-mail): \_\_\_\_\_

Phone Numbers: \_\_\_\_\_

Postal Address: (or alternative method of service under section 352 of the Act) \_\_\_\_\_

**5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).**

Name/s: Northland Planning and Development

Electronic Address for Service (E-mail): Info@northplanner.co.nz

Phone Numbers: Work: 09 408 1866 Home: \_\_\_\_\_

Postal Address: (or alternative method of service under section 352 of the Act) PO Box 526 , Kaitaia

Post Code: 0441

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

**6. 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: Michal Shazar

Property Address/  
Location: Olive View Heights Drive, Taipa

**7. Application Site Details:**

Location and/or Property Street Address of the proposed activity:

Site Address/  
Location: Olive View Heights Drive, Taipa

Legal Description: Lot 2 DP 207759 Val Number: \_\_\_\_\_

Certificate of Title: NA135D/195

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  
 Yes  No

Is there a dog on the property?

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 phone the property owner prior to arranging the site visit.



**8. Description of the Proposal:**

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

A subdivision to create one additional allotment in the Coastal Living Zone as a Discretionary Activity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or 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) or extension being sought, with reasons for requesting them.

**9. Would you like to request Public Notification**

Yes/No

**10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):**

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

**11. 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 (further information in regard to this NES is available on the Council's planning web pages):

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? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle).  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

**12. 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.

**Please attach your AEE to this application.**

**13. Billing Details:**

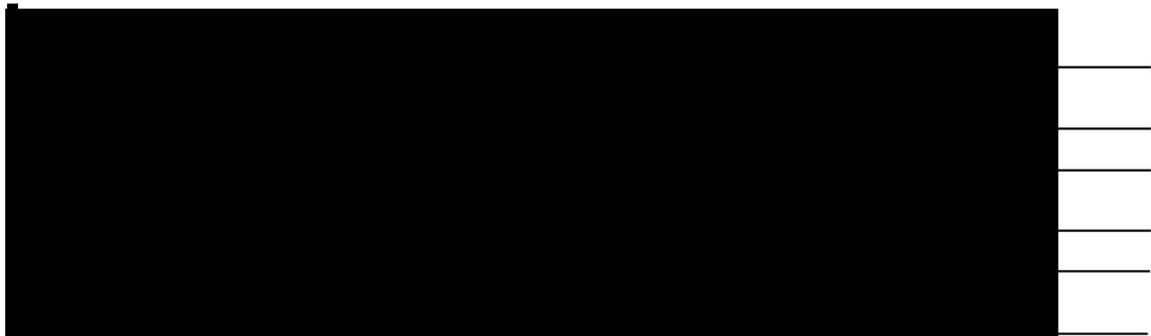
This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write all names in full)

Email:

Postal Address:

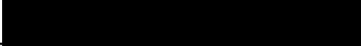
Phone Numbers:



**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 20<sup>th</sup> 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 print)

Signature:  (signature of bill payer – **mandatory**) Date: 18.10.2023

## 14. 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.

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

Name: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_ (signature)

Date: 18.10.2023

(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)
- 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.*

**Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:**

**UNBOUND**

**SINGLE SIDED**

**NO LARGER THAN A3 in SIZE**



**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** NA135D/195  
**Land Registration District** North Auckland  
**Date Issued** 01 August 2003

**Prior References**  
NA121C/287

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**Estate** Fee Simple  
**Area** 1.0290 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 207759

**Registered Owners**

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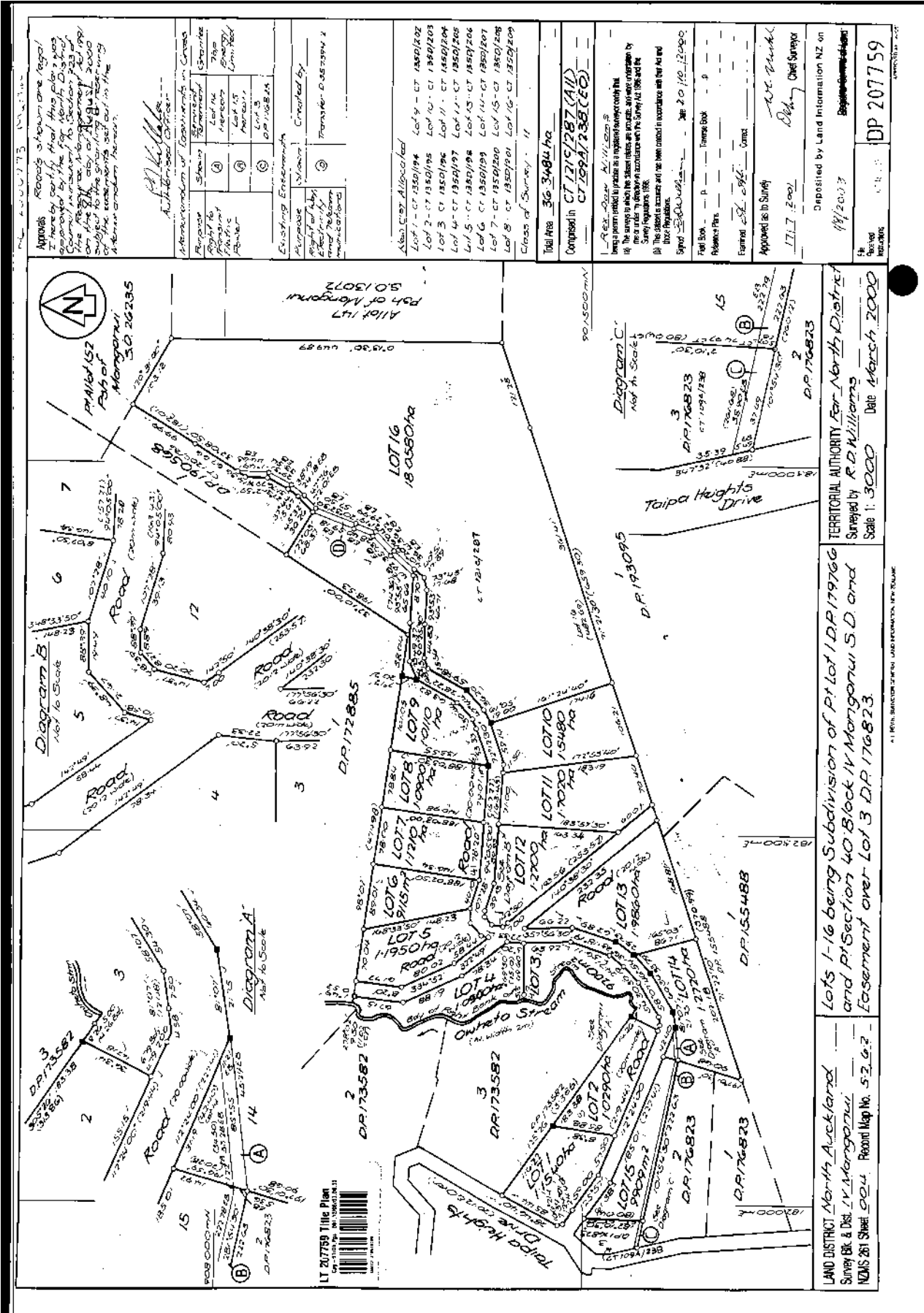
**Interests**

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress egress and regress over the said land

D083610.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 23.12.1996 at 2.21 pm

D320507.3 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 14.10.1998 at 3.05 pm

5678508.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.8.2003 at 9:00 am



Approvals: Records shown are legal & hereby certify that this plan was prepared in accordance with the provisions of the Survey Act 1966 and the Survey Regulations 1988.

The Registrar, North Auckland District, has received and approved this plan on the 24th day of August, 2000.

At the time of registration, the Registrar has no knowledge of any other plan or instrument affecting the land shown on this plan.

*R. A. Williams*  
 Chief Surveyor

Particulars	Area	Notes
Lot 1 - CT 1350/194	Lot 1 - CT 1350/194	
Lot 2 - CT 1350/195	Lot 2 - CT 1350/195	
Lot 3 - CT 1350/196	Lot 3 - CT 1350/196	
Lot 4 - CT 1350/197	Lot 4 - CT 1350/197	
Lot 5 - CT 1350/198	Lot 5 - CT 1350/198	
Lot 6 - CT 1350/199	Lot 6 - CT 1350/199	
Lot 7 - CT 1350/200	Lot 7 - CT 1350/200	
Lot 8 - CT 1350/201	Lot 8 - CT 1350/201	
Lot 9 - CT 1350/202	Lot 9 - CT 1350/202	
Lot 10 - CT 1350/203	Lot 10 - CT 1350/203	
Lot 11 - CT 1350/204	Lot 11 - CT 1350/204	
Lot 12 - CT 1350/205	Lot 12 - CT 1350/205	
Lot 13 - CT 1350/206	Lot 13 - CT 1350/206	
Lot 14 - CT 1350/207	Lot 14 - CT 1350/207	
Lot 15 - CT 1350/208	Lot 15 - CT 1350/208	
Lot 16 - CT 1350/209	Lot 16 - CT 1350/209	
Lot 17 - CT 1350/210	Lot 17 - CT 1350/210	

Class of Survey: 11

Total Area: 36.3484 ha

Composed in: CT 1350/207 (A1), CT 1350/208 (C2)

Prepared by: *R. A. Williams*

Checked by: *R. A. Williams*

Approved as to Survey: *R. A. Williams*, Chief Surveyor

Date: 20/10/2000

Deposited by Land Information NZ on 18/2000

Scale: 1:3000

Date: March 2000

DP 207759

LAND DISTRICT North Auckland  
 Survey Bk & Dist. IV. Mangonui  
 NGS 261 Sheet 5024. Reconn Map No. 52\_6\_3

Lots 1-16 being Subdivision of Pt Lot 1 DP 179766 and Pt Section 40 Block IV Mangonui S.D. and Easement over Lot 3 DP 176823.

TERRITORIAL AUTHORITY For North District  
 Surveyed by R. A. Williams  
 Scale 1:3000 Date March 2000

## Subdivision Resource Consent Proposal

0 Olive View Heights, Taipa.

Michal Shazar.

26 October 2023

Please find attached:

- an application form for a Subdivision Resource Consent as a Discretionary Activity in the Rural Production Zone.
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The proposed subdivision application has been assessed as a **Discretionary Activity** under the Operative District Plan and a **Permitted Activity** under the Proposed District Plan.

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

Regards,

Shanay Howard



Resource Planner

Reviewed by:

Sheryl Hansford



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**



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## **Attachments**

1. **FNDC Application**
2. **Certificate of Title**– *LINZ.*
3. **Consent Notice D083610.2** – *LINZ.*
4. **Consent Notice 5678508.2** – *LINZ.*
5. **Consent Notice 320507.3** – *LINZ.*
6. **Scheme Plan** – *Von Sturmers.*
7. **Geotechnical Site Suitability Report** – *Wilton Joubert Consulting Engineers.*
8. **Civil Site Suitability Report**– *Wilton Joubert Consulting Engineers.*



## Assessment of Environment Effects Report

### 1.0 Description of the Proposed Activity

- 1.1 Consent is sought to undertake a subdivision to create one additional allotment in the Coastal Living Zone shown in Figure 1 below.
- 1.2 The proposed lot sizes are as follows:
- Proposed Lot 1 – 5145m<sup>2</sup>
  - Proposed Lot 2 – 5145m<sup>2</sup>
- Areas and measurements are subject to final survey.*



*Figure 1: Scheme Plan, Von Sturmers.*

### 2.0 Site Description

- 2.1 The property is located at 0 Olive View Heights in Taipa which is legally described as Lot 2 DP 207759 having an area of approx. 1.029 hectares.
- 2.2 The site currently gains access via an existing vehicle crossing off Olive View Heights Drive which is located within Proposed Lot 1. The site is predominantly undeveloped except for a gravel driveway and storage shed.
- 2.3 The site is predominately rectangular in shape, which slopes to the southeast towards the Owheto Stream on the adjacent property. The site consists of pasture with areas of scattered shrub.





*Figure 2: Surrounding environment.*

- 2.4 The surrounding environment consists of a range of residential and lifestyle allotments ranging from 5000m<sup>2</sup> to 1.8 hectares. Further inland from Doubtless Bay, there are larger parcels in the surrounding environment which are primarily in productive use with many containing a residential dwelling. The site is located less than 1km away from the Taipa settlement and less than 3km from Cable Bay. The surrounding environment is relatively developed with smaller allotment sizes that cater for residential activities.

**Title**

- 2.5 Lot 2 DP 207759 is held within Record of Title NA135D/195. The title is dated 01 August 2003 and has a legal area of 1.0290 hectares.
- 2.6 There are three consent notices registered on the title. An assessment has been provided below.
- 2.7 **Consent Notice D083610.2** (Section 1 SO 62901 and part Section 39 Block IV Mangonui Survey District) and **Consent Notice D320507.3** (Pt Lot 1 DP 179766 and PT section 40 Block IV Mangonui) was imposed on this site's parent title. This site has since been subdivided, and therefore the consent notices are not applicable to the subject site.
- 2.8 **Consent Notice 5678508.2** remains relevant to the site.
- (i) Complies – at the time of development, approval from council will be sought for the required item.



- (ii) Complies – at the time of development, approval from council will be sought in regard to wastewater.
- (iii) Not applicable to the site.
- (iv) Not applicable to the site.
- (v) Not applicable to the site.

2.9 There are no other interests are registered to the title.

### Site Features

- 2.10 The site is located within the Coastal Living Zone under the Operative District Plan.
- 2.11 The site is located within the Rural Lifestyle zone within the Proposed District Plan.
- 2.12 In the Regional Policy Statement the site is not located within any areas of Outstanding Natural Landscapes or Features. The site is not located within any areas of High Natural Character. The site is also not located within the Coastal Environment.
- 2.13 The site does not contain any areas of Protected Natural Areas.
- 2.14 Given the site's rural location there are no connections to reticulated services such as water supply, wastewater, and stormwater.
- 2.15 The site is shown to be located within a kiwi present area.
- 2.16 A very small portion of the site is subject to a River Flood Hazard area as per the NRC Natural Hazard Maps. The River Flood Hazard follows the stream on the adjoining site with a portion of the flooding overlapping onto the south-eastern boundary. The is not considered to impact the subdivision.
- 2.17 NZAA shows there are no archaeological sites within the property.
- 2.18 The Regional Plan does not map the site as being within a Priority catchment area.
- 2.19 The site has a Land Use Classification of 6e19 and 4e3 which is not considered to be highly productive soils.
- 2.20 The site is not located within a Statutory Acknowledgement Area and is not located within an area of interest to local hapu on Councils Treaty Settlement maps.

## 3.0 Activity Status of the proposal

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



### Subdivision

3.2 The subject site is located within the Coastal Living zone. An assessment of the relevant subdivision rules has been provided below.

<b>ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE COASTAL LIVING ZONE:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
13.7.2.1	MINIMUM LOT SIZES	<p><b>Discretionary Activity.</b></p> <p>The sites are not located within 100m of a Mineral zone.</p> <p>The sites in the subdivision will both be 5145m<sup>2</sup>, such that it is able to meet the Discretionary activity criteria.</p>
13.7.2.2	ALLOTMENT DIMENSIONS	<p><b>Permitted</b></p> <p>The minimum dimension is 30m x 30m taking into account the 10m setback from all boundaries. On all allotments, a 30m x 30m with the appropriate setbacks can be accommodated.</p>

<b>ASSESSMENT OF THE PERMITTED COASTAL LIVING RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
10.7.5.1.1	VISUAL AMENITY	<p><b>Permitted</b></p> <p>No buildings are sought as part of this application.</p>
10.7.5.1.2	RESIDENTIAL INTENSITY	<p><b>Permitted</b></p> <p>There are no dwellings on the title subject to subdivision.</p>
10.7.5.1.3	SCALE OF ACTIVITIES	<p><b>Permitted</b></p> <p>The proposal for an activity which is relevant to this rule.</p>
10.7.5.1.4	BUILDING HEIGHT	<p><b>Permitted</b></p> <p>The proposal does include the erection of a building.</p> <p>There is an existing storage shed located on Proposed Lot 1 which is well within the permitted threshold.</p>
10.7.5.1.5	SUNLIGHT	<p><b>Permitted</b></p>



		<p>The proposal does include the erection of a building.</p> <p>The existing storage shed is setback sufficiently from the new boundary, such that it can comply with the sunlight provisions.</p>
10.7.5.1.6	STORMWATER MANAGEMENT	<p><b>Permitted</b></p> <p>Proposed Lot 1 contains an existing driveway and storage shed; however, this is within the permitted threshold for the zone.</p> <p>No further impermeable surfaces are proposed as part of this subdivision.</p>
10.7.5.1.7	SETBACK FROM BOUNDARIES	<p><b>Permitted</b></p> <p>The proposal does include the erection of a building.</p> <p>There is an existing storage shed located on Proposed Lot 1 which is well within the permitted threshold.</p>
10.7.5.1.8	SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES	<p><b>Not relevant.</b></p> <p>The proposal does not include a non-residential activity, such that this rule does not apply.</p>
10.7.5.1.9	TRANSPORTATION	See assessment below.
10.7.5.1.10	HOURS OF OPERATION NON-RESIDENTIAL ACTIVITIES	<p><b>Not relevant.</b></p> <p>The proposal does not include a non-residential activity, such that this rule does not apply.</p>
10.7.5.1.11	KEEPING OF ANIMALS	<p><b>Permitted</b></p> <p>Not applicable</p>
10.7.5.1.12	NOISE	<p><b>Permitted</b></p> <p>Not applicable</p>
10.7.5.1.13	HELICOPTER LANDING AREA	<p><b>Permitted</b></p> <p>Not applicable</p>

**ASSESSMENT OF THE APPLICABLE PERMITTED DISTRICT WIDE RULES:**
**PERFORMANCE STANDARDS**

Plan Reference	Rule	Performance of Proposal
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12.3.6.1.2	EXCAVATION AND FILLING IN THE COASTAL LIVING, ... ZONES.	<b>Permitted.</b> No earthworks are proposed as part of this subdivision.
15.1.6A	TRAFFIC	<b>Permitted Activity</b> Each site will enable 1 dwelling per site, which is exempt from this rule.
15.1.6B	PARKING	<b>Permitted Activity.</b> Adequate parking space is available on all sites.
15.1.6C.1.1	PRIVATE ACCESSWAY IN ALL ZONES	<b>Not Applicable.</b> No Private accessways are proposed.
15.1.6C.1.5	VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES	<b>Permitted Activity</b> Olive View Heights Drive is an unsealed road. The existing vehicle crossing located on proposed Lot 1 does not require upgrades.  The vehicle crossing to proposed Lot 2 is proposed to be formed at the time of development.
15.1.6C.1.7	GENERAL ACCESS STANDARDS	<b>Permitted.</b> (a) There will be adequate turning on each site. (b) Access will not be via a private accessway. (c) Access will not be via a private accessway. (d) Stormwater will be managed as per the Site Suitability Report.
15.1.6C.1.8	FRONTAGE TO EXISTING ROADS	<b>Permitted Activity</b> (a) Olive View Heights Drive, where it adjoins the site is able to meet the legal road width standards. (b) Olive View Heights Drive is a rural unsealed road which accommodates traffic in both directions. No upgrades are considered necessary. (c) There is only 1 site frontage. (d) The overlay from the surveyors does not indicate that there are any encroachments from Olive View Heights Drive onto the site.

3.3 The assessment above has identified the following breaches to the District Plan rules:

### 13.7.2.1 Minimum Allotment Sizes

3.3.1 The proposal will create two new allotments that will be 5145m<sup>2</sup>, such that it is able to comply with the **Discretionary Activity** provisions outlined within *13.7.2.1 Minimum Allotment Sizes*.

### Overall Activity Status of the Proposal against the Operative District Plan





- 3.4 Therefore, in accordance with *Chapter 13.9*, the subdivision will be assessed as a **Discretionary Activity**.

### Proposed District Plan

- 3.5 The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned as Rural Lifestyle. When the Proposed Plan was first notified there were a number of rules which were identified as having immediate legal effect. The Summary of submissions have now been released, and no additional rules have been identified by Council's Policy department as having immediate legal effect under s86F. An assessment of the relevant rules and related objectives and policies of the Proposed District Plan now forms part of this application.

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. HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Maori. HS-R6 relates to a hazardous facility within an SNA. HS-R9 relates to a hazardous facility within a scheduled heritage resource.	<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) All standards have immediate legal effect (HA-S1 to HA-S3)	<b>Not applicable.</b> The site is not located within a Heritage Area Overlay.
<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 Maori.
<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Not applicable.</b> The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance.



		No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.
<b>Subdivision</b>	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<b>Not applicable.</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 Maori (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>Permitted.</b> No earthworks are proposed as part of this subdivision.
<b>Signs</b>	The following rules have immediate legal effect: SIGN-R9, SIGN-R10  All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	<b>Not applicable.</b> No signs are proposed as part of this application.
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<b>Not applicable.</b> The site is not located in the Orongo Bay Zone.

- 3.6 The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

### National Environmental Standards



## National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

- 3.7 In terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) there is no evidence to indicate that any HAIL activities have previously been undertaken, or currently being undertaken on the subject site.
- 3.8 Discussions with the landowner have been undertaken which further validates that there are no activities or industries described in the HAIL that are currently being or have been undertaken on the site.
- 3.9 It is therefore concluded that the proposed subdivision does not require assessment under the NES or a Preliminary Site Investigation (PSI). The application has been considered **Permitted** in terms of this regulation.
- 3.10 No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

## 4.0 Statutory Assessment

### Section 104B of the Act

- 4.1 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) of the Act

- 4.2 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 for 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 reasonable necessary to determine the application.’*



- 4.3 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). As assessed in Sections 4 & 5 above, the proposal will have actual and potential effects that are acceptable. In addition, the proposal will also have positive effects on the environment as the proposal will create an additional allotment which is consistent with what is anticipated in this zone and which is of high demand in the area, especially for coastal/rural lifestyle sections.
- 4.4 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’. It is considered 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. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Coastal Living zone.
- 4.5 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 below.
- 4.6 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.

## 5.0 Environmental Effects Assessment

- 5.1 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.
- 5.2 This proposal is considered to be a **Discretionary Activity** as per *Chapter 13.9*. In considering whether to impose conditions on applications for discretionary subdivision activities, the Council has full discretion. An assessment has been provided based on following matters listed in *13.10 Assessment Criteria*.

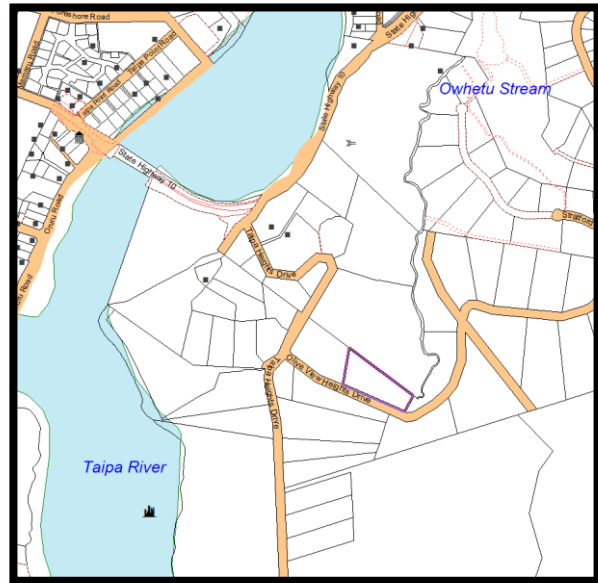
### ALLOTMENT SIZES AND DIMENSIONS

- 5.2.1 Lots 1 and 2 are both 5145m<sup>2</sup> qualifying as a Discretionary activity. The proposed allotment sizes are sufficient to provide for on-site infrastructure associated with future housing, including provision for stormwater. Given the size of the proposed allotments and the semi-regular shape of the lots, each site is easily able to accommodate future development without triggering a land use consent.



5.2.2 Adjoining subdivision patterns range from Residential, to lifestyle to small scale farming. Sites to the west range from 4800m<sup>2</sup> through to 6664m<sup>2</sup> in area overlooking Doubtless Bay. Both allotments will directly adjoin the lifestyle allotments ranging from 1.15ha to 4.6ha, which all contain residential activities all within the Coastal Living Zone. To the south, the sites along Taipa Heights Drive and Olive View Heights Drive are zoned Coastal Living and range between approx. 8000m<sup>2</sup> – 10ha in area. With sites further afield up to 222ha in the Rural Production Zone. Given that this proposed development is located on the periphery of the medium residential development and within close proximity to other more intensive development to the north, it is considered that the location of the proposed allotments and their future intended use is compatible and consistent with neighbouring development trends.

5.2.3 The cumulative and long-term implications of this subdivision are considered to be less than minor as the site is located within an area of low-density residential development due to the close proximity to the built environment and commercial spaces in Doubtless Bay. The surrounding environment has an area of land parcels which are also zoned as Coastal Living.



*Figure 3 - Surrounding development*

This demonstrates that the surrounding environment is intended for low density residential activities and small-scale farming. The proposed allotment sizes have the ability to contain a residential dwelling while carrying out small scale farming activities such as gardening which is consistent with the immediate environment and purpose of the zoning. These activities are considered to be consistent with the existing landuse activities within proximity to the subject site and is considered to be compatible with the pattern of adjoining subdivisions.

5.2.4 Overall, it is considered that the proposal provides allotments which are suitable and consistent within the surrounding environment. The cumulative and long-term implications of the proposal are considered to be less than minor, with the preservation of the coastal environment remaining intact.

**NATURAL AND OTHER HAZARDS**

5.2.5 The subject site is slightly impacted by river flooding shown on NRC Maps, as the site descends towards Owhetu Stream that is located on the adjoining site. The flood hazard is restricted to a very small portion of the site closest to the south-eastern boundary. Wilton Joubert has undertaken an assessment which indicates that the impact of flooding is significantly low on any future development within proposed Lot 2. The site is not susceptible to any other Natural Hazards as per FNDC and NRC Maps.



- 5.2.6 In regard to s106 of the Act, it is considered that there is no significant risk from natural hazards applicable, which would allow Council to refuse subdivision consent. The proposal is not considered to accelerate, worsen or result in material damage of any kind.

### **WATER SUPPLY**

- 5.2.7 Water supply to each new allotment will be via onsite rainwater harvesting.
- 5.2.8 Fire Fighting water supply can be provided in accordance with the NZS standard. In Northland Fire and Emergency NZ adopt a different standard dependant on house size and location. Councils standard consent notice which covers both options is therefore offered as a condition of consent on all allotments.

### **STORMWATER DISPOSAL**

- 5.2.9 Councils' infrastructure is not available to this site. Therefore, stormwater must be managed on site.
- 5.2.10 The Site Suitability Report prepared by Wilton Joubert has provided an assessment for stormwater management. The report recommends that impermeable surfaces which exceed the permitted threshold be attenuated back to pre-development flow rates for the 10% AEP storm event, with an allowance for climate change. As mentioned earlier in this report, a dwelling and associated onsite services can be constructed onsite within the permitted threshold for Stormwater Management.
- 5.2.11 The Site Suitability Report provides more detail in respect to the dispersal and discharge of overflow from the water tanks and confirms that it can be effectively achieved in a manner which is controlled. Stormwater from the driveways and hardstand areas can be effectively controlled by being dispersed.
- 5.2.12 It is anticipated that a consent notice will be registered on the title stating that any future development on the proposed allotments shall be carried out in accordance with the Site Suitability Report prepared by Wilton Joubert.
- 5.2.13 It is considered that the design of the stormwater systems will be in accordance with Councils Engineering standards and guidelines.
- 5.2.14 It is considered that the proposed lots have adequate area to provide for stormwater disposal via rainwater tanks and attenuation within each lot for any future built development and therefore, no effects will be created that are more than minor.

### **SANITARY SEWAGE DISPOSAL**

- 5.2.15 Councils' infrastructure is not available to this site. There are no existing wastewater systems on the subject title.



5.2.16 The Site Suitability Report prepared by Wilton Joubert provided with this application has demonstrated that the proposed new allotments can effectively accommodate wastewater disposal onsite.

5.2.17 It is therefore considered that the proposal will not create any adverse or cumulative effects in relation to wastewater disposal. It is anticipated that a consent notice condition will be imposed for Proposed Lot 1 and 2 which will require a site specific TP58 report to be submitted at the Building Consent Stage, for any building that requires effluent disposal.

### **ENERGY SUPPLY, TOP ENERGY TRANSMISSION LINES, & TELECOMMUNICATIONS**

5.2.18 The provision for power supply and telecommunications is not a requirement for the Coastal Living zone.

5.2.19 The site is not located within 20 metres of an electrical transmission line designed to operate at or above 50kV. The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.

### **EASEMENTS FOR ANY PURPOSE**

5.2.20 No easements are proposed.

### **PROVISION OF ACCESS**

5.2.21 Access to proposed Lot 1 is existing. The crossing place is unsealed which is consistent with other crossing places along Olive View Heights Drive as the road is unsealed. Therefore, it is not anticipated that further upgrades will be required.

5.2.22 It is proposed that the crossing place to Lot 2 be formed at the time of development, due to the large road frontage available. This will ensure it is placed in the most practical location, which will depend on where the future dwelling will be located.

### **EFFECT OF EARTHWORKS AND UTILITIES**

5.2.23 No earthworks are proposed as part of this subdivision.

### **BUILDING LOCATIONS**

5.2.24 Both the Geotechnical and Civil Site Suitability Report prepared by Wilton Joubert has investigated the proposed sites and has concluded that each allotment is physically suitable for future housing.

5.2.25 It has been noted that the proposed building locations are indicative only, the location of the any future buildings will be at the discretion of the new owners.

5.2.26 Proposed Lots 1 and 2 are a sufficient size, such that any future buildings will be able to facilitate passive solar gain if the owner decides to do so.



## **PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES**

- 5.2.27 The site does not contain any heritage resources that would need to be protected. The site is not known to contain any Sites of Cultural Significance to Māori.
- 5.2.28 As discussed earlier in this report, the site contains no areas of indigenous bush or areas of PNA. No vegetation removal is required as part of this application.
- 5.2.29 The subject site is also located within an area where kiwi is present. Given the site is in a rural lifestyle environment and further than 1km away from a high kiwi density area, it is anticipated that an advice note be applied in relation to Kiwi presence.

## **SOIL**

- 5.2.30 The subdivision will create a total of one additional lifestyle allotment. The soils have a landuse classification which is not considered to be highly productive land. Furthermore, due to the surrounding environment and existing size of the allotment; the life supporting capacity of soils will still remain on each lot, with sufficient space remaining for small scale gardening and landscaping. The soils on site have not been mapped as highly versatile.

## **ACCESS TO RESERVES AND WATERWAYS**

- 5.2.31 The site does not contain any waterways.

## **LAND USE COMPATIBILITY**

- 5.2.32 The proposed allotments are being created in an area where there is already a number of residential and lifestyle allotments. These proposed allotments are generally consistent with other lifestyle allotments in the vicinity, in particular to the northwest of the site. Land use incompatibility is not considered likely as the adjoining allotments contain residential activities. While small scale farming can be carried out on the property adjoining northern boundary, this will be on a very small scale which forms part of the residential-rural lifestyle that future owners are looking for. In addition to this, the site is situated above the northern boundary, such that any adverse effects including noise, is avoided. The remainder of adjoining sites contain predominately residential activities with clear open space and existing vegetation, which is not considered to be incompatible with the proposed subdivision.

## **PROXIMITY TO AIRPORTS**

- 5.2.33 Not applicable as the subject site is not located in close proximity to an airport.

## **NATURAL CHARACTER OF THE COASTAL ENVIRONMENT**

- 5.2.34 The site is not located within the Coastal Environment.





## **ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE**

5.2.35 The proposal promotes energy efficient and renewable energy, which can be accommodated on both sites. This will be at the discretion of the new owner.

## **NATIONAL GRID CORRIDOR**

5.2.36 The site is not located within the national grid corridor.

## **6.0 Policy Documents**

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

### **National Environmental Standards**

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

### **National Policy Statements**

6.3 There are currently 7 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.
- National Policy Statement for Indigenous Biodiversity.
- New Zealand Coastal Policy Statement.

### **Other National Policy Standards**

6.4 It is considered that there are no National Policy Statements applicable to this proposal.

### **Regional Policy Statement**

6.5 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.

6.5.1 The proposal is considered to provide for economic wellbeing in accordance with Objective 3.5, the subdivision will employ local professionals to provide supplementary information and complete the subdivision.

6.5.2 Policy 5.1.1 manages subdivision to ensure any subdivision is completed in a planned and co-ordinated approach, subdivision recognises any cumulative effects, and will not result in incompatible land uses while recognising the sense of place and character of surrounding land uses. No adverse cumulative effects will occur due to the subdivision; the lots will be serviced on site and will provide opportunities of small rural lifestyle uses. Due to the nature and use



of the sites, no reverse sensitivity effects are anticipated, and the visual amenity is in keeping with the surrounding character.

6.5.3 As such, it is considered the proposal is compatible with the intent of the RPS.

### Far North Operative District Plan

#### Relevant objectives and policies

6.6 The relevant objectives and policies of the Plan are those related to the Coastal Environment and Coastal Living Zone. The proposal is considered to create no more than minor adverse effects on the Coastal Environment.

#### Objectives and policies within the Coastal Environment

6.7 The following assessment is based upon the objectives and policies contained within section 10.3 and 10.4 of the District Plan.

##### Objectives

**10.3.1 To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.**

**10.3.2 To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:**

**(a) the natural character of the coastline and coastal environment;**

**(b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;**

**(c) outstanding landscapes and natural features;**

**(d) the open space and amenity values of the coastal environment;**

**(e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).**

**10.3.3 To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.**

**10.3.4 To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.**

**10.3.5 To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.**

**10.3.6 To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.**

**10.3.7 To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.**

**10.3.8 To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.**



**10.3.9 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms.**

- 6.7.1 As mentioned throughout this report, the site is located further inland from Doubtless Bay such that the proposal avoids potential adverse effects on the coastal environment. The Site Suitability Report prepared by Wilton Joubert demonstrates that the proposed allotments can accommodate a residential dwelling and all associated onsite services in a manner which ensures no adverse effects will be created as a result of the proposed subdivision.
- 6.7.2 The proposed subdivision avoids adverse impacts on the coastline and coastal environment, as the site is located within an area which is located further inland from Doubtless Bay; this is reflected in the Regional Policy Statement as the site is not located within the Coastal Environment. The site does not contain any areas of Significant Indigenous Vegetation or Significant Indigenous Habitats of Indigenous Fauna, Outstanding Natural Landscapes or Features. The proposal retains open space and the amenity values within the coastal environment. Water quality will not be impacted by this proposal.
- 6.7.3 The proposal is not considered to impact the relationship between Māori and their relationship with their culture, taonga and tradition. The application was sent to Iwi however no reply has been received to date.
- 6.7.4 The site does not adjoin any areas which require public access.
- 6.7.5 The site does not contain any lakes, rivers or areas which adjoin the CMA.
- 6.7.6 The proposal does not include any activities which cross the CMA boundary.
- 6.7.7 Not relevant.
- 6.7.8 The Site Suitability Reports provided with the application demonstrates that water tanks can be provided onsite which ensures sufficient water supply storage will be provided.
- 6.7.9 The proposal is considered to facilitate sustainable management of natural and physical resources in an integrated way.

**Policies.**

**10.4.1 That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:**

- (a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and**
- (b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and**



*(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and*

*(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and*

*(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and*

*(f) 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*

*(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and*

*(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.*

**10.4.2** *That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.*

**10.4.3** *That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.*

**10.4.4** *That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.*

**10.4.5** *That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".*

**10.4.6** *That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.*

**10.4.7** *To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:*

*(a) parking;*

*(b) rubbish disposal;*

*(c) waste disposal;*

*(d) dinghy racks.*



**10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.**

**10.4.9 That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.**

**10.4.10 To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.**

**10.4.11 To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.**

**10.4.12 That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:**

**(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;**

**(b) the number of buildings and intensity of development;**

**(c) the colour and reflectivity of buildings;**

**(d) the landscaping (including planting) of the site;**

**(e) the location and design of vehicle access, manoeuvring and parking areas.**

- 6.7.10 The proposal recognises and provides for the features and elements that contribute to the character of the area, while ensuring the proposed subdivision minimises adverse effects on the natural character of the coastal environment. The proposal has demonstrated that the proposed allotments can accommodate onsite infrastructure in a manner which does not adversely affect the safety and efficiency of the roading network. The proposal avoids adverse effects on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation, significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment, while recognising the relationship between Māori and their culture and traditions with land, water, sites, waahi tapu and other taonga.
- 6.7.11 The proposed subdivision is located on the peripheral of Doubtless Bay, which is gradually being developed due to the close proximity the site has to the amenities of Doubtless Bay. The site is located approximately 150m east of built residential land which is approximately 5000m<sup>2</sup> in size. Therefore, the proposed subdivision is consolidated to areas where there are already similar sized residential land parcels and is considered to avoid sprawling and sporadic subdivisions.
- 6.7.12 Not relevant as the site does not contain any significant coastal indigenous vegetation and significant habitats.
- 6.7.13 Not relevant as the site not located near the coast or within an area where public access would be required.



- 6.7.14 The site is not known to contain any known ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area.
- 6.7.15 The subject site has a rural lifestyle character as a result of being located further inland from the Coastal Marine Area. Any future built development will be subject to the District Plan zoning rules which will ensure that the character of the environment is maintained and enhanced at the time of development. Given the surrounding environment no landscaping or planting has been proposed as a part of this subdivision.
- 6.7.16 Not relevant as the proposal does not relate to a maritime facility.
- 6.7.17 The proposal is not considered to result in adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 6.7.18 The site is subject to a very small amount of flooding which is isolated to the corner of the site near the stream on the adjoining property. As demonstrated earlier in this report, the flooding is not considered to adversely affect future built development or pose a risk to the health and safety of people.
- 6.7.19 The proposed subdivision has taken into account water supply which has been demonstrated earlier in this report.
- 6.7.20 Any future development and associated works will be carried out in a manner which promotes land use practices that minimise erosion and sediment run-off; and stormwater and wastewater from catchments that have the potential to enter the coastal marine area. This has also been demonstrated in the site suitability reports provided with the application.
- 6.7.21 The proposal does not relate to a development which requires consideration for points (a) – (e).

### **Assessment of the objectives and policies within the Coastal Living Zone.**

- 6.8 The following assessment is based upon the objectives and policies contained within Sections 10.7.2 and 10.7.4.

#### ***Objectives.***

***10.7.3.1 To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.***

***10.7.3.2 To preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in this zone.***



- 6.8.1 The proposal provides for the well-being of people by enabling low density residential development within a site, where the proposed development is compatible with the surrounding environment; such that it avoids adverse effects on the environment.
- 6.8.2 The proposed subdivision is an appropriate scale and size which is able to be effectively absorbed into the surrounding environment; such that it will not compromise the overall character of Doubtless Bay.

***Policies.***

***10.7.4.1 That the adverse effects of subdivision, use, and development on the coastal environment are avoided, remedied or mitigated.***

***10.7.4.2 That standards be set to ensure that subdivision, use or development provides adequate infrastructure and services and maintains and enhances amenity values and the quality of the environment.***

***10.7.4.3 Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and 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 Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori 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.***

- 6.8.3 As demonstrated throughout this report, the effects generated from the subdivision are considered to be less than minor. The proposed additional allotments are able to accommodate a future dwelling and associated infrastructure in a way that mitigates any potential adverse effects on the environment and neighbouring properties.
- 6.8.4 The proposed allotments are able to accommodate adequate onsite infrastructure, which has been demonstrated within the site suitability reports provided with the application.



- 6.8.5 The approval of this subdivision will not result in sporadic or clustered development, as the site is located within an area which is being developed as it is located within the peripheral of Doubtless Bay. The site has very distant views of the CMA, such that any future development will be effectively absorbed into the surrounding environment. The subject site does not adjoin any area's which would require public access. The proposal recognises and provides 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. The site is predominantly surrounded by land parcels consisting of pasture and built development, such that in this case any plantings would not meet the intention of (10.7.4.3 (e)). The site does not contain areas which may be of historic heritage.

### Assessment of the objectives and policies within the Subdivision Chapter

- 6.9 The following assessment is based upon the objectives and policies contained within section 13.3 and 13.4 of the District Plan.

#### 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.***

6.9.1 The subdivision will be consistent with the purpose of the Coastal Living zone and the existing built development in the surrounding environment. The proposed new allotments will enable coastal lifestyle living which is highly sought in Doubtless Bay.

6.9.2 The site is not located within any areas of Outstanding Landscapes or Natural Features.

6.9.3 The site is not located within proximity to any scheduled resources.

6.9.4 Onsite water storage and stormwater management has been assessed and can be provided for in such a way that meets the needs of the activities that will be established all year round.

6.9.5 The site contains no areas of indigenous vegetation.

6.9.6 The relationship between Māori and their ancestral lands, water, sites, wahi tapu and other taonga has been recognised.

6.9.7 Electricity supply can be provided at the time of built development which is consistent with the intention of the Coastal Living Zone.

6.9.8 The subdivision supports an energy efficient design. At the time of development, the owner has the option to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

6.9.9 The site is coastal living, such that the provision of infrastructure will be wholly onsite.

6.9.10 Both proposed allotments can cater for stormwater, wastewater and water supply on-site.

6.9.11 The national grid will not be compromised.

### **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:***

- ***natural character, particularly of the coastal environment;***
- ***ecological values;***
- ***landscape values;***



- **amenity values;**
  - **cultural values;**
  - **heritage values; and**
  - **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 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.**
- 13.4.5 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.**
- 13.4.6 That the provision of water storage be taken into account in the design of any subdivision.**
- 13.4.7 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.**
- 13.4.8 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**

6.9.12 The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage values or existing land uses. The subdivision is in keeping with the surrounding character of the area. Surrounding allotments consist of coastal lifestyle blocks and larger lots zoned as Coastal Living. The site is not known to include any Outstanding Landscapes or Natural Features. The site does not contain any indigenous vegetation.

6.9.13 Safe and effective vehicular access can be achieved on both allotments. Proposed Lot 1 has an existing vehicle crossing. Proposed Lot 2 does not contain a vehicle crossing; however, it is anticipated that a vehicle crossing will be constructed at the time of development to ensure the location of the vehicle crossing suits the location of future development on the site.

6.9.14 Natural and other hazards have been taken into account with the design and location of the subdivision. This has been explained within Section 5 earlier in the report.

6.9.15 The subdivision has been designed in a way that avoids, remedies and mitigates any adverse effects on neighbouring properties, public roads and the natural and physical resources of the site.

6.9.16 The site does not contain any significant indigenous vegetation on the site.



- 6.9.17 The provision of water storage has been taken into account in the design of the subdivision. At the time of any future dwelling on both lots, provision for water storage will be accommodated onsite.
- 6.9.18 The proposal is not known to have any adverse effects on the relationship of Maori and their relationship with their land, water, sites, wahi tapu and other taonga.
- 6.9.19 The applicable objectives and policies for the environment and zone have been taken into account when considering the intensity, design and layout of this subdivision.
- 6.9.20 Overall, the subdivision consent is considered to be consistent with the relevant objectives and policies applying to this chapter.

### Proposed District Plan

- 6.10 Under the Proposed District Plan, the site is zoned Rural Lifestyle and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural 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.

### Rural Lifestyle

- 6.11 The following assessment is based upon the objectives and policies contained within the Rural Lifestyle Section of the Proposed District Plan.

#### **Objectives:**

***RLZ-O1 The Rural Lifestyle Zone is used predominantly for low density residential activities and small-scale farming activities that are compatible with the rural character and amenity of the zone.***

***RLZ-O2 The predominant character and amenity of the Rural Lifestyle Zone is characterised by:***

- a. low density residential activities;***
- b. small scale farming activities with limited buildings and structures;***
- c. smaller lot sizes than anticipated in the Rural Production Zone;***
- d. a general absence of urban infrastructure;***
- e. rural roads with low traffic volumes;***
- f. areas of vegetation, natural features and open space.***

***RLZ-O3 The role, function and predominant character and amenity of the Rural Lifestyle Zone is not compromised by incompatible activities.***

***RLZ-O4 Land use and subdivision in the Rural Lifestyle Zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production Zones.***



- 6.11.1 The proposal provides low density residential development which enables small scale productive activities such as gardening activities which is within keeping of the surrounding environment.
- 6.11.2 The proposal maintains the character and amenity which is characterised within (a) – (f).
- 6.11.3 The proposal provides for residential activities which is consistent with the existing activities in the surrounding environment. As demonstrated earlier in this report, the role, function, and character of the rural lifestyle zone will not be compromised as a result of the proposed subdivision.
- 6.11.4 The proposed subdivision will not compromise the effective and efficient operation of primary production activities within the Rural Production Zone as the property is not located within close proximity to any area's zoned as Rural Production.

### ***Policies***

***RLZ-P1 Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Lifestyle Zone, while ensuring their design, scale and intensity is appropriate to manage adverse effects in the zone, including:***

- a. low density residential activities;***
- b. small scale farming activities;***
- c. home business activities;***
- d. visitor accommodation; and***
- e. small scale education facilities.***

***RLZ-P2 Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Lifestyle Zone because they are:***

- a. contrary to the density anticipated for the Rural Lifestyle zone;***
- b. predominately of an urban form or character;***
- c. primary production activities, such as intensive indoor primary production, that generate adverse amenity effects that are incompatible with rural lifestyle living; or***
- d. commercial, rural industry or industrial activities that are more appropriately located in a Settlement Zone or an urban zone.***

***RLZ-P3 Avoid where possible, or otherwise mitigate, reverse sensitivity effects from sensitive and other non-productive activities on primary production activities in the adjacent Rural Production Zone.***

***RLZ-P4 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 and character of the rural lifestyle environment;***
- b. location, scale and design of buildings or structures;***
- c. at zone interfaces:***



- d. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
- e. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
- f. the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- g. the adequacy of roading infrastructure to service the proposed activity;*
- h. managing natural hazards;*
- i. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and*
- j. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

6.11.5 The Rural Lifestyle zone enables low density residential activities to occur, with small scale farming activities such as gardening. The proposed subdivision will not compromise the role, function, and character of the Rural Lifestyle zone.

6.11.6 The proposal is not contrary to the density anticipated by the zone and is not considered to be incompatible with the role, function, and character of the Rural Lifestyle Zone.

6.11.7 As demonstrated in Section 5 of this report, the proposed subdivision will avoid any potential for reverse sensitivity.

6.11.8 The subdivision has been managed in a way that ensures the proposal is consistent with the scale and character of the rural lifestyle environment. The allotment sizes are able to accommodate a building with associated on site infrastructure while meeting the required setbacks. The proposal will not exacerbate any natural hazards on sites and does not contain any known of historic heritage and cultural values, natural features and landscapes or indigenous biodiversity.

### Summary

6.12 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.

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

### Public Notification Assessment

7.1 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.*

7.1.1 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]*

7.1.2 The application is a Discretionary Activity subdivision consent, therefore, no preclusions apply in this instance.

### **Step 3: If not precluded by Step 2, public notification required in certain circumstances**

- (7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*
  - (a) if the answer is yes, publicly notify the application; and*
  - (b) if the answer is no, go to step 4.*
- (8) The criteria for step 3 are as follows:*
  - (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
  - (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

7.1.3 No applicable rules require public notification of the application. The activity will not have a more than minor effect on the environment.

### **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.*

7.1.4 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 proposal will create one additional allotment



which is of similar size to those in the surrounding environment. The application is neither exceptional or unusual.

### **Public Notification Summary**

7.1.5 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**

7.2 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).

7.2.1 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).

7.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application includes is a Discretionary Activity and it is for the subdivision of land. Therefore Step 3 must be considered.

#### **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.



7.2.3 The proposal does not include a boundary activity.

7.2.4 In deciding who is an affected person under section 95E, a council under section 95E(2):

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*

*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*

*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

7.2.5 A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval.

7.2.6 With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 4 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 4, 5, 6 & 7 are also relied on and the following comments made:

- The size of the proposed allotments is consistent with the character of the allotments in the locality. Given the surrounding environment is low density residential development, the proposed allotment sizes are not objectionable with the surrounding environment.
- The rural lifestyle use of the site will remain unchanged as a result of the proposal.
- The development is not considered to be contrary to the objectives and policies under the District Plan.
- Both sites will enable small scale productive activities to be carried out on site.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

7.2.7 Therefore, no persons will be affected to a minor or more than minor degree.

7.2.8 Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

#### **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),*

7.2.9 As part of the subdivision, the proposal will create one additional allotment in the Coastal Living Zone. Therefore, it is considered that no special circumstances exist in relation to the application.





### Limited Notification Assessment Summary

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

### Notification Assessment Conclusion

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

## 8.0 Part 2 Assessment

- 8.1 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.
- 8.2 The proposal will meet Section 5 of the RMA as the development will result in some positive changes to the natural and physical resources which currently exist on site. The proposal is considered consistent with the coastal living subdivision patterns of the immediate surrounding environment. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 8.3 Section 6 of the Act sets out a number of matters of national importance. The subject site is located in the coastal environment. The subject site is not known to contain any lakes, rivers or wetlands which would be affected by the proposed subdivision. No effects of outstanding natural features or landscapes are anticipated. The site does not contain any areas of indigenous vegetation. The relationship of Maori and their culture and traditions is considered to remain unaffected. The proposal is not known to adversely affect any historic heritage sites or protected customary rights. No vegetation clearance is proposed as part of this application. The proposal will not exacerbate the small portion of flooding located on site.
- 8.4 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 and climate change. The proposal maintains amenity values in the area as the proposal seeks to create two additional allotments which are of similar size and characteristic to those in the surrounding environment. The site is not considered to be adversely affected by climate change as it is not susceptible to any coastal or natural hazards which would adversely affect the smaller allotments. All stormwaters will be managed within the site boundaries.
- 8.5 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 proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.
- 8.6 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.

## 9.0 Conclusion

- 9.1 The proposal is to create one additional allotment in the Coastal Living Zone as a Discretionary Activity. The subdivision will create allotments which are consistent with neighbouring development patterns. The Site Suitability Report submitted with this application, demonstrates that the new allotments can accommodate a residential dwelling and associated onsite infrastructure in a manner which does not result in adverse effects on the surrounding environment or adjoining properties.
- 9.2 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be no more than minor.
- 9.3 It is also considered that the proposal will have no more than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 9.4 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.
- 9.5 As a Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104B, 105 and 106 of the Act in relation to discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.

## 10.0 LIMITATIONS

- 10.1 *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.*
- 10.2 *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.*



- 10.3 *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.*
- 10.4 *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.*



**THE RESOURCE MANAGEMENT ACT 1991**

**SECTION 221 : CONSENT NOTICE**

**D083610 · 2 CONO**

**REGARDING:**

The Subdivision of Section 1 SO 62901  
and part Section 39 Block IV Mangonui  
Survey District  
North Auckland Registry

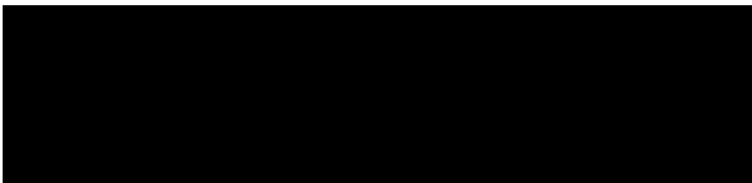
PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in Schedule 1 below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and this Notice is to be registered on the new titles, as set out in Schedule 2 herein.

**SCHEDULE 1**

- (i) Site access points to Lots 1 and 2 on the plan, because of the steepness of the land, are to be sited, formed, surfaced and drained [Minor Access Standard] only subsequent to bylaw [earthworks permission] compliance and documented Council approval.
- (ii) No building shall be erected on proposed Lots 1, 2 or 3, or the balance area, without the prior approval of the Council to a site report prepared by a registered engineer with geotechnical and hydrological expertise which addresses foundation stability and stormwater control. Any recommendations or designs contained therein are to be included in the building plans lodged for consent.
- (iii) Lots 1, 2 or 3 on the subdivision plan may not be transferred, leased or otherwise disposed of until such time as the Council [ by way, at least, of an approved development plan and a statutory declaration that the prospective purchaser intends to carry out such development] is satisfied that a prospective purchaser for any of the said lots has a bona fide proposal to establish a permitted, controlled or discretionary Rural A zone activity, as required by Rule 6.1.6 of the Mangonui County Section of the Operative Far North District Plan.
- (iv) No non-complying re-subdivision of Lot 1, 2, 3 or the balance area is to be permitted for a period of three years from the date of deposit of the subdivision.

**SCHEDULE 2**

- (i) Certificates of Title 109A/236 and 109A/237
- (ii) Certificates of Title 109A/236, 109A/237, 109A/238 and the residue of Certificate of Title 85A/665
- (iii) Certificates of Title 109A/236, 109A/237 and 109A/238
- (iv) Certificates of Title 109A/236, 109A/237, 109A/238 and the residue of Certificate of Title 85A/665





SIGNED:

By the Far North District Council - Pursuant to Section 252 of the Local Government Act 1974

DATE: 22 November 1996

SIGNED by TREVOR HERBERT MARTIN )  
and JOSEPHINE ANN MARTIN as registered )  
proprietors in the presence of: )



D.F. LEANING  
SOLICITOR  
MANGONUI



2.21 23 DEC 96 D 083610.2

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY NORTH AUCKLAND  
ASST. LAND REGISTRAR



85A/665

85A/665  
2 COND / 25



## THE RESOURCE MANAGEMENT ACT 1991

### SECTION 221: CONSENT NOTICE

IN THE MATTER of Plan 207759

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by THE FAR NORTH DISTRICT COUNCIL to the effect that the conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and any subsequent owners after the deposit of the survey plan, and is to be registered on the appropriate titles.

#### SCHEDULE

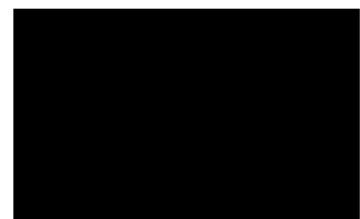
1. No buildings shall be erected on the proposed lots 1-15 without the prior approval of the Council to specific designs for foundations, prepared by a Registered Engineer with geotechnical expertise.
2. No building which requires effluent disposal shall be erected on lot 1-15 without the prior approval of the Council to a report from a person with the appropriate expertise on such disposal in terms of the requirements of Auckland Regional Council technical publication 58, including an indication of compliance with the relevant Northland Regional Council Rules
3. Any building constructed on lots 5-12 described hereunder is to be located entirely within the building envelope specified on the plan attached to this Consent Notice.
4. All indigenous vegetation (excluding gorse and other noxious plants) now located on lots 5-12 described hereunder outside the identified building envelopes and shown on the attached plan is to be preserved and shall not without the prior written consent of the Council and then only in strict compliance with any condition imposed by the Council, cut down, damage or destroy any of such trees or bush, or suffer or permit the cutting down, damaging or destruction of any such trees or bush. The owner shall be deemed

not to be in breach of this prohibition if any such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

5. Any building to be constructed on lots 5-9 described hereunder is to be no higher than 6 metres above the average ground level within the specified building envelope, and is to be finished and from thereon maintained in recessive natural colours; such colours to be approved at the time of a building consent being lodged with the Council.

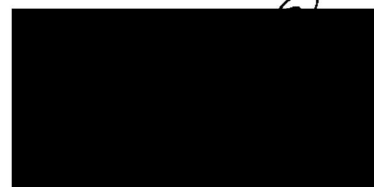
#### **THE LAND EFFECTED BY THIS CONSENT NOTICE IS**

- FIRST.** 1.1540 hectares more or less being Lot 1 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title Volume 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 194 (North Auckland Registry)
- SECONDLY.** 1.0290 hectares more or less being Lot 2 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 195 (North Auckland Registry)
- THIRDLY.** 9200m<sup>2</sup> more or less being Lot 3 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 196 (North Auckland Registry)





- FOURTHLY. 1.0900 hectares more or less being Lot 4 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 197 (North Auckland Registry).
- FIFTHLY. 1.1950 hectares more or less being Lot 5 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 198 (North Auckland Registry).
- SIXTHLY 9115 m<sup>2</sup> more or less being Lot 6 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 199 (North Auckland Registry)
- SEVENTHLY. 1.1210 hectares more or less being Lot 7 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 200 (North Auckland Registry)
- EIGHTLY. 1.0900 hectares more or less being Lot 8 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and



described in Certificate of Title Volume 135D Folio 201 (North Auckland Registry)

NINETHLY. 1.0110 hectares more or less being Lot 9 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 202 (North Auckland Registry)

TENTHLY. 1.5480 hectares more or less being Lot 10 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 203 (North Auckland Registry)

ELEVENTHLY. 1.7020 hectares more or less being Lot 11 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 204 (North Auckland Registry)

TWELTHLY. 1.2700 hectares more or less being Lot 12 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 205 (North Auckland Registry)

THIRTEENTHLY. 1.9860 hectares more or less being Lot 13 on Deposited Plan 207759 being part of the land formerly comprised and described

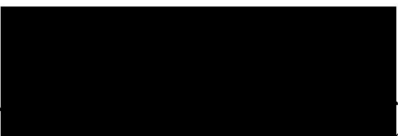


in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 206 (North Auckland Registry)

FOURTEENTHLY. 1.2720 hectares more or less being Lot 14 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 207 (North Auckland Registry)

FIFTEENTHLY. 9909m<sup>2</sup> more or less being Lot 15 on Deposited Plan 207759 being part of the land formerly comprised and described in Certificate of Title 121C Folio 287 (North Auckland Registry) but now the whole of the land comprised and described in Certificate of Title Volume 135D Folio 208 (North Auckland Registry)

**SIGNED:**

.....  
  
Resource Consents Manager for the FAR NORTH DISTRICT COUNCIL

DATE:

..... 20<sup>th</sup> June 2003 .....

**SIGNED** by

TREVOR HERBERT MARTIN and

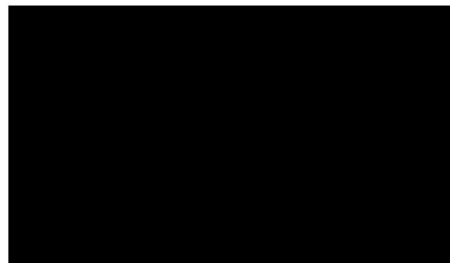
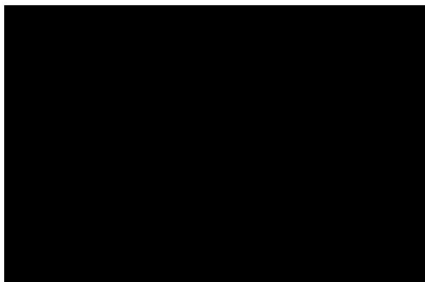
JOSEPHINE ANN MARTIN

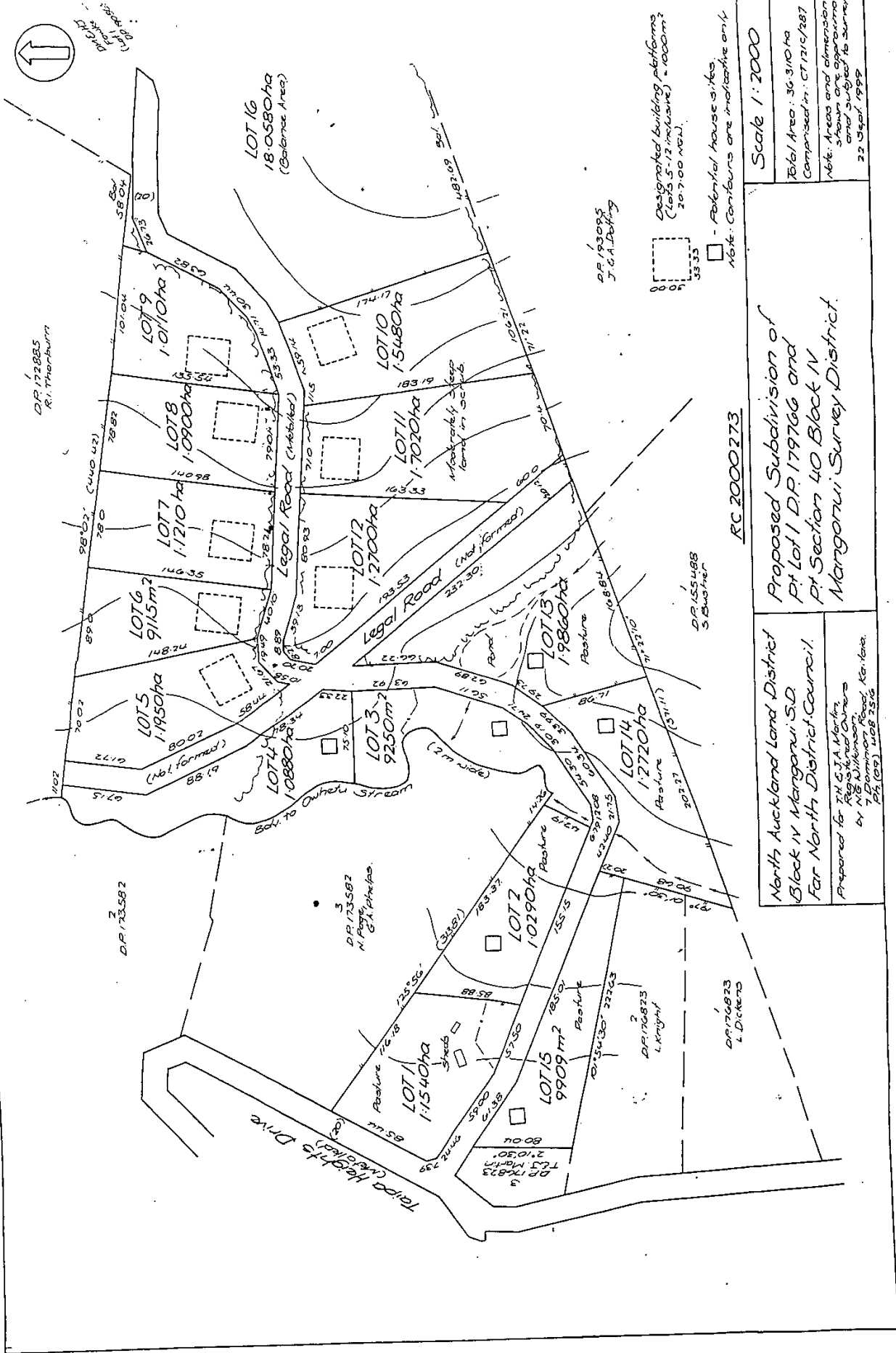
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North Auckland Land District  
Block IV Mangorui S.D.  
for North District Council.

Prepared for: I.H. G.J.A. Martin  
Registered Owners  
by: N.B. Wilkinson  
Registered Road, Kaitiaki,  
Pt. 1 (20) 408 254

Proposed Subdivision of  
Pt Lot 1 D.P. 179766 and  
Pt Section 40 Block IV  
Mangorui Survey District.

Scale 1:2000

Total Area: 36.310 ha  
Comprised in: CT 1215/287

Note: Areas and dimensions shown are approximate and subject to survey 22 Sept. 1999



THE RESOURCE MANAGEMENT ACT 1991

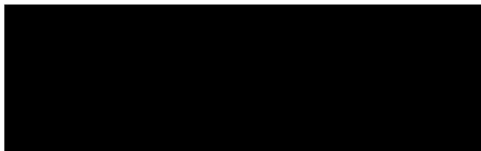
SECTION 221: CONSENT NOTICE

(Deposited Plan 207759  
North Auckland Registry)

12/10/2011

ROBIN FOUNTAIN  
SOLICITOR  
MANGONUI

2



D320507.3

THE RESOURCE MANAGEMENT ACT 1991

CONO

SECTION 221 : CONSENT NOTICE

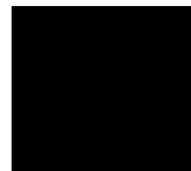
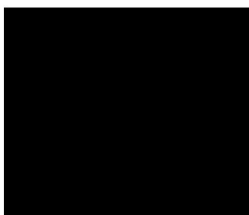
REGARDING:

The Subdivision of Lot 1 DP 179766 and  
Section 40 Block IV Mangonui SD  
North Auckland Registry

PURSUANT to Section 221 and for the purposes of Section 224 of the Resource Management Act 1991, this Consent Notice is issued by the FAR NORTH DISTRICT COUNCIL to the effect that conditions described in Schedule 1 below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and this Notice is to be registered on the new titles, as set out in Schedule 2 herein.

SCHEDULE 1

- (i) Prior to lodging a building consent for a dwelling on Lot 1, the applicant shall submit a satisfactory on-site effluent disposal report, in respect of a selected building site on Lot 1 which has been indicated on a copy of the subdivision plan, carried out by a Registered Engineer, a Registered Drainlayer or other suitably qualified person, in accordance with the terms and criteria of the Auckland Regional Council Technical Publication 58, to prove that adequate capability for effluent disposal is available and can be contained within the respective boundaries of the proposed allotment; and that such discharge would be in compliance with the Regional Council discharge rules and permitted activity criteria.
- (ii) No building shall be erected on the proposed Lot 1 without the prior approval of the Council to specific designs for foundations; prepared by a registered engineer with geotechnical expertise.
- (iii) Lot 1 on the subdivision plan may not, at any time, be transferred, leased or otherwise disposed of until such time as the Council is satisfied [by way, at least, of an approved development plan (to scale) and a statutory declaration that the prospective purchaser intends to carry out such development] that a prospective purchaser for the said lot has a bona fide proposal to establish a permitted, controlled or discretionary Rural A zone activity, as required by Rule 6.1.6 of the Mangonui County Section of the Operative Far North District Plan.



**SCHEDULE 2**

- (i) Lot 1 DP 190568 being all Certificate of Title 120C/26.
- (ii) Lot 1 DP 190568 being all Certificate of Title 120C/26.
- (iii) Lot 1 DP 190568 being all Certificate of Title 120C/26.

**SIGNED:**

By the  of the Mangonui District Council, by its Environmental Services Manager

**DATE:** 6<sup>th</sup> August 1998

**SIGNED** by Trevor Herbert MARTIN and Josephine Ann MARTIN as registered proprietors in the presence of:



**D.F. LEANING  
SOLICITOR  
MANGONUI**



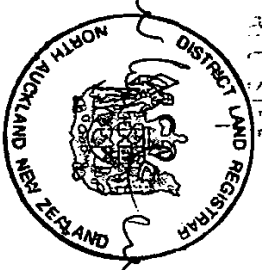


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3.05 14.OCT198 D 320507 - 3

PARTICULARS ENTERED IN THE  
LAND REGISTRY TO THE  
ASST LAND REGISTRAR



105B/765

Cons

1/34-

3



1  
DP 207759

3  
DP 173582

Lot 1  
5145m<sup>2</sup>

Lot 2  
5145m<sup>2</sup>

Olive View Heights Drive  
Legal metalled, 20.12 wide

Owheto Stream

DP 207759

15  
DP 207759

14  
DP 207759

Local Authority: Far North District Council  
Total Area: 1.029ha  
Comprised in: RT NA135D/195  
Levels in terms of: N/A  
Contour interval is: N/A

THIS DRAWING AND DESIGN REMAINS THE  
PROPERTY OF VON STURMERS AND MAY  
NOT BE REPRODUCED WITHOUT THE WRITTEN  
PERMISSION OF SURVEY & PLANNING SOLUTIONS

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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 St  
Email: kaitaia@saps.co.nz P.O. Box 128  
Kaitaia

# PROPOSED SUBDIVISION OF LOT 2 DP 207759

PREPARED FOR: M SHAZAR

	Name	Date	ORIGINAL	SHEET
Survey			SCALE	SIZE
Design			1:750	A3
Drawn	SH	29-08-2023		
Rev				

Surveyors  
Ref. No:  
**15332**  
Series  
Sheet of

1  
DP 207759



Owheho Stream

3  
DP 207759

Local Authority: Far North District Council  
 Total Area: 1.029ha  
 Comprised in: RT NA135D/195  
 Levels in terms of: N/A  
 Contour interval is: N/A

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14  
DP 207759



**VON STURMERS**  
 Registered Land Surveyors, Planners &  
 Land Development Consultants  
 Ph: (09) 408 6000 131 Commerce St  
 Email: kaitaia@saps.co.nz P.O. Box 128  
 Kaitaia

**PROPOSED SUBDIVISION OF  
 LOT 2 DP 207759**



PREPARED FOR: M SHAZAR

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey Design		1:750	A3
Drawn	SH 29-08-2023		
Rev			

Surveyors Ref. No:  
**15332**  
 Series  
 Sheet of

**SITE** Lot 2 DP 207759, Olive View Heights Drive, Taipa  
**PROJECT** Proposed 2-Lot Rural-Residential Subdivision  
**CLIENT** Michal Shazar  
**REFERENCE NO.** 129263  
**DOCUMENT** Geotechnical Site Suitability Report  
**STATUS/REVISION NO.** FINAL – Resource Consent  
**DATE OF ISSUE** 25 September 2023

Report Prepared For	Email
Michal Shazar	m.shazarpery@gmail.com

<b>Authored by</b>	<b>N. Ngaropo</b> <i>BSc (Geol)</i>	Engineering Geologist	nikora@wjl.co.nz	
<b>Reviewed by</b>	<b>S. Page</b>	Engineering Technician	shaun@wjl.co.nz	
<b>Approved by</b>	<b>D. Soric</b> <i>BE CPEng, MEngNZ</i>	Senior Geotechnical Engineer	damir@wjl.co.nz	