

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 | ☐ Discharge: Total volume = <input type="text" value=""/> m ³ |
| ☐ Fast Track Land Use* | <i>Note; volumes >3m³ requires NRC Consent.</i> |
| ☒ Change of Consent Notice (s.221(3)) | ☐ Subdivision |
| ☐ Certificate of Compliance (s.139) | ☐ Existing Use Certificate (s.139A) |
| ☐ Extension of time (s.125) | ☐ Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil) |
| ☐ Other (please specify) <input type="text" value=""/> | |

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

3. Would you like to opt out of the fast track process?

☒ Yes ☐ No

4. Consultation

Have you consulted with iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact:
The Resource Consents Planning Technicians, planning_technicians@fndc.govt.nz

5. Applicant details

Name/s:

Amit Nandi & Swagata Bairagee Nandi

Email:**Phone number:****Postal address:**

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

Have you been the subject of enforcement notices, enforcement orders, planning enforcement notices and enforcement orders under the Resource Management Act 1991? ☐ Yes ☒ No

If yes, please provide details.

6. Address for correspondence

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

Name/s:

Amit Nandi

Email:**Phone number:****Postal address:**

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

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

7. Details of property owner/s and occupier/s

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

Name/s:

Amit Nandi & Swagata Bairagee Nandi

Property address/
location:

8. Application site details

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

Name/s:

Amit Nandi & Swagata Bairagee Nandi

Site address/
location:

43 Guy Road, Kaikohe 0405

Postcode

Legal description:

Lot 3 Deposited Plan 617735

Val Number:

00523-58503

Certificate of title:

1245269

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

Site visit requirements:

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

Is there a dog on the property? ☐ Yes ☒ No

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

9. Description of the proposal

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

Proposal to vary Conditions ii), iii) and iv) of Consent Notice 13542994.4

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

The proposal has been prepared in accordance with the following version of the FNDC Engineering Standards:

☐ 2009 ☒ 2023

10. Would you like to request public notification?

☐ Yes ☒ No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

☒ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard Consent

☐ Other (please specify)

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

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

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

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

☐ Subdividing land

☐ Disturbing, removing or sampling soil

☐ Changing the use of a piece of land

☐ Removing or replacing a fuel storage system

13. Natural hazards (National Policy Statement for Natural Hazards 2025)

Is the site subject to known or potential natural hazards (for example, flooding, coastal inundation, erosion, or unstable land), as contemplated by the National Policy Statement for Natural Hazards 2025? ☐ Yes ☒ No

If yes, please identify the relevant natural hazard(s) by ticking the applicable box(es) below:

☐ Flooding

☐ Active Faults

☐ Landslips

☐ Liquefaction

☐ Coastal Erosion

☐ Tsunami

☐ Coastal Inundation

Please ensure all relevant technical reports are submitted with the application.

14. Assessment of environmental effects:

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

Your AEE is attached to this application ☒ Yes

15. Draft conditions:

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

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

16. Billing Details:

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

Name/s: (please write in full)

Amit Nandi

Email:

Phone number:

Postal address:

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

Fees Information

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

Declaration concerning Payment of Fees

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

Name: (please write in full)

Amit Nandi

Signature:

(signature of bill payer)

Date 08-Sep-2026

MANDATORY

17. 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. 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.

18. Declaration

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

Name (please write in full)

AMIT NANDI

Signature

A signature

by electronic means

Date 08-Sep-2026

See overleaf for a checklist of your information...

Checklist of your information

Please tick if information is provided

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

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

Amit Nandi and Swagata Bairagee Nandi

Variation to Consent Notice Conditions under Section 221(3) of the Resource Management Act 1991

RC 2240257-RMACOM – 43 Guy Road, Kaikohe

8th September 2026

To,

The Team Leaders
Resource Consents,
Far North District Council

Please find below an application to vary consent notice conditions imposed under **RC 2240257-RMACOM**. This application is supported by this Assessment of Environmental Effects (AEE), prepared in accordance with Schedule 4 of the Resource Management Act 1991 (the Act).

Pursuant to section 221(3) of the Resource Management Act 1991, the Applicants seek to vary **conditions ii), iii) and iv) of Consent Notice 13542994.4** (registered against Lots 2 and 3 DP 617735 on 4 June 2026), which relate to **noise mitigation for noise-sensitive activities** within proximity of State Highway 12.

New Zealand Transport Agency Waka Kotahi (NZTA), as the agency whose written approval the original conditions were based on, has reviewed its internal noise contour and boundary mapping for this section of State Highway 12 and confirmed it is comfortable for the conditions to be simplified and the distance trigger reduced from 100 metres to 40 metres.

This application is made pursuant to section 221(3) of the Resource Management Act 1991. In accordance with section 221(3A), sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications.

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

Appendices:

1. Far North District Council Application Form (Form 9)
2. Records of Title — Lot 2 DP 617735 (Identifier 1245268) and Lot 3 DP 617735 (Identifier 1245269), both issued 4 June 2026
3. Consent Notice 13542994.4 as registered (Instrument No. 13542994.4, s221(4)(a) RMA, registered 4 June 2026) — Lots 2 & 3, including annexure schedule signed by Nicola Cowley, Principal Planner – Resource Consents, dated at Kerikeri 4 August 2025
4. Decision RC 2240257-RMACOM, 7 March 2024
5. Approved Scheme Plan, Capricorn Planning, Rev 1, 08/02/2024
6. NZTA correspondence — Tayla Cowper, email chain 14 April 2026 – 26 May 2026
7. NZTA Written Approval Ref 2023-1567, dated 30 November 2023 (Amina Bhikoo, Planner)
8. Cape Planning Limited correspondence, 30 January 2024, confirming that variation of the NZTA-derived conditions requires NZTA's explicit approval.

1. Application Description

Background

1.1. The Applicants completed a three-lot subdivision at 43 Guy Road, Kaikohe under RC2240257-RMACOM, decided under delegated authority on 7 March 2024. The subdivision created Lot 1 (12,362m², retaining the existing dwelling), Lot 2 (600m²) and Lot 3 (600m²), the latter two fronting State Highway 12 and sharing a vehicle crossing. As is standard practice for greenfield residential lots created adjacent to a state highway, Council required certain matters to be secured on a continuing basis against the new titles by way of a consent notice registered under section 221 of the Act, so that the requirements would bind not just the original consent holder but all future owners of Lots 2 and 3.

That consent notice was issued by Council (signed by Nicola Cowley, Principal Planner – Resource Consents, under delegated authority, dated at Kerikeri 4 August 2025) and registered as Instrument No. 13542994.4 under section 221(4)(a) of the Act on 4 June 2026, against the titles of Lot 2 DP 617735 (RT 1245268) and Lot 3 DP 617735 (RT 1245269).

Origin of the noise mitigation requirement

1.2. The noise mitigation condition did not originate with Council itself — it derives from NZTA's written approval under section 95E of the Act (Ref 2023-1567, dated 30 November 2023), given because the subdivision relies on a vehicle crossing off a state highway, which NZTA controls. Where an applicant needs access onto a state highway and NZTA's approval is not otherwise guaranteed, section 95E allows NZTA to grant written approval subject to conditions it considers necessary; those conditions are then typically carried through into the resource consent itself, exactly as occurred here. NZTA's original approval set the noise condition at a 100m trigger distance from the sealed edge of the SH12 carriageway, requiring:

- an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces
- road-traffic vibration levels complying with Class C of NS8176:2017
- an outdoor living space noise level not exceeding 57 dB LAeq(24h)

together with, where windows must be closed to meet the indoor standard, a mechanical ventilation and cooling system meeting specified performance criteria, and a pre-construction acoustic design report from a suitably qualified specialist.

How the condition was actually imposed

1.3. Consent Notice 13542994.4 as registered (Appendix 3) carries forward only the indoor design noise standard (40 dB LAeq(24hr)) from NZTA's approval — the vibration and outdoor living space criteria in NZTA's original condition 3(a) were not included in the condition as issued by Council. This has been confirmed by direct comparison of the registered instrument against the March 2024 decision (the two are identical in wording, word for word) and against NZTA's original 2023 approval letter. The registered Consent Notice reflects the wording ultimately adopted by Council in the subdivision decision. While NZTA's original written approval also referred to vibration and outdoor living space criteria, those requirements were not incorporated into the consent notice as registered. It does not affect this application, since both the currently registered condition and NZTA's proposed amended wording (set out at section 3 below) follow the same simplified, indoor-noise-only approach — it is noted here for completeness and transparency, so that the history of the condition is clear on the file.

What has changed

1.4. More than two years after granting its original approval, NZTA has reviewed the property against its internal road traffic noise contours and boundary mapping and confirmed that the area requiring mitigation extends to approximately 40 metres from the carriageway. NZTA has confirmed in writing (Appendix 6) that the area actually affected by road-traffic noise at a level warranting mitigation extends to approximately 40 metres from the carriageway edge, not 100 metres, and that the ventilation/cooling and acoustic design report requirements are no longer considered necessary at all. NZTA has proposed specific replacement wording, which the Applicants accept in full.

What this application does

1.5. Because the noise mitigation requirement is secured by a registered consent notice rather than simply stated as a condition of a still-live consent, it cannot be changed by informal agreement between the Applicants and NZTA alone — section 221(3) of the Act specifically requires an application to, and decision by, the territorial authority (Council) to vary or cancel a condition in a registered consent notice. This application is that formal mechanism. It seeks to vary the consent notice in line with NZTA's updated technical position.

This requirement — that any change to NZTA-derived conditions needs NZTA's explicit approval — was identified at the time the conditions were first imposed. Cape Planning Limited, the independent planning consultancy engaged by Council to process the original application (given the Applicant's employment within Council's Resource Consents team), confirmed in writing on 30 January 2024 that any modification of these conditions "would necessitate further consultation with NZTA," and that conditions stipulated by NZTA could not be converted to advisory notes "without their explicit approval." Consistent with that advice, the Applicant has since obtained NZTA's explicit written approval to the variation now sought (Appendix 6).

Applicants and ownership

1.6. The Applicants, Amit Nandi and Swagata Bairagee Nandi, are the current registered proprietors of both Lot 2 and Lot 3, confirmed by the Records of Title at Appendix 2. Neither lot has been sold or is under contract for sale. This is relevant because it means there is no third party whose settled expectations about the property are disturbed by this variation — the Applicants are both the parties who will benefit from the reduced requirement and the parties who will remain bound by whatever the varied condition ultimately requires.

2. Description of the Site and Surrounding Environment

The site

2.1. The application site comprises Lot 2 DP 617735 (Record of Title 1245268) and Lot 3 DP 617735 (Record of Title 1245269), each 600m² in area, created by subdivision of Pt Lot 1 DP 16040 under RC2240257-RMACOM. Both lots are currently vacant. Lot 1 (12,362m², prior reference NA85A/761) retains the existing dwelling and associated buildings and is not subject to this application. Lots 2 and 3 front State Highway 12 directly and share a single vehicle crossing (crossing two, per NZTA's original approval), while Lot 1 retains its own separate, existing crossing.

Zoning and planning context

2.2. The site is zoned General Residential under the Proposed Far North District Plan (Appeals Version). The surrounding environment comprises established residential development within the Kaikohe urban area. This reflects the site's location within the established Kaikohe township, where it sits among a mix of residential allotments of varying size along Guy Road/State Highway 12, with rural land beyond to the rear of the block. The lots created by the subdivision (600m² each) are consistent in scale with existing development in the immediate vicinity, as recorded in the original 2024 decision.

State Highway 12 and the noise environment

2.3. State Highway 12 runs directly along the site's road frontage and forms the eastern boundary of Lots 2 and 3. NZTA's original written approval (Ref 2023-1567) records that the speed limit at this location is 50 km/h and confirms the subdivision's vehicle crossing arrangement onto State Highway 12.

Following the granting of the subdivision consent, NZTA reviewed its internal road traffic noise contour and boundary mapping for this section of State Highway 12. That review concluded that the area requiring acoustic mitigation extends to approximately 40 metres from the edge of the carriageway, rather than the 100-metre trigger originally applied. NZTA has confirmed this position in writing and has provided revised consent notice wording, which forms the basis of the variation sought through this application.

Title status

2.4. Both titles were issued on 4 June 2026 and are registered to Amit Nandi and Swagata Bairagee Nandi. Both are subject to:

- a mortgage to ANZ Bank New Zealand Limited (12844346.3, 17.10.2023). ANZ is not a party to this application. The matter being varied — the noise mitigation standard applying to future dwellings — sits between NZTA (as the agency whose written approval the condition derives from) and the Applicants as the current registered proprietors and future developers of the lots. It does not touch on the security or value of ANZ's mortgage in a way that would require the mortgagee's involvement in this application;
- Consent Notice 13542994.4 pursuant to section 221 RMA (4.6.2026) — this is the instrument the subject of this application, confirmed at Appendix 3; and
- standard services easements (rights to drain water and sewage, rights of way, and rights to convey electricity and telecommunications, including to Chorus New Zealand Limited) relating to the subdivision. None of these easements are affected by this application, which is limited to the noise mitigation condition only.

What is not being changed

2.5. For clarity, condition i) of the registered consent notice — which requires stormwater retention tanks with flow-attenuated outlets, designed so that post-development discharge is no greater than predevelopment flow for rainfall events up to a 10% AEP (plus a climate change allowance), with

overland flow paths sized for a 1% AEP event, discharging in accordance with the Stormwater Disposal Report – Onsite Disposal (Far North Drainage, 08/12/2023) — is entirely unaffected by this application and remains in full effect. This application is deliberately confined to the noise mitigation condition, which is the only matter on which the relevant technical authority (NZTA) has indicated a change is appropriate.

3. Reasons for Consent

Variation of Consent Notice conditions under s221(3)

3.1. This application is made under section 221(3) of the Act, which allows a territorial authority, on application, to vary or cancel a condition specified in a consent notice registered under section 221.

3.2. The Applicants seek to cancel conditions ii), iii) and iv) of Consent Notice 13542994.4 (reproduced below, verbatim from the registered instrument at Appendix 3) and replace them with a single, simplified condition, consistent with NZTA's confirmed position. In practical terms, this variation replaces existing Conditions ii), iii) and iv) with a single updated condition reflecting NZTA's current technical assessment. The variation reduces the trigger distance from 100 metres to 40 metres while retaining the indoor acoustic performance standard, with no separate ventilation or reporting requirement.

Current conditions ii)–iv), Consent Notice 13542994.4 [Lots 2 & 3]:

ii) Any noise sensitive activities on the site that are located in or partly within 100m of the sealed edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.

iii) If windows must be closed to achieve the design noise levels in condition ii), the building must be designed, constructed and maintained with ventilation and cooling system. For habitable spaces the system must achieve the following:

(a) Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.

(b) The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.

(c) The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.

iv) A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Far North District Council demonstrating compliance with conditions ii) and iii) prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.

Proposed replacement condition [Lots 2 & 3]:

a) Any new dwelling, dwelling extension, or other noise sensitive location on Lots 2 and 3 that is in or partly within 40 metres of the edge of State Highway 12 carriageway must be designed, constructed, and maintained to achieve an indoor design noise level of 40 dB LAeq (24hr) inside all habitable spaces.

Technical basis

3.3. This wording is drawn directly from NZTA's written confirmation (Tayla Cowper, Intermediate Planner – Environmental Planning, 26 May 2026, Appendix 6), which records that:

"From looking at the property in relation [to] internal noise contours and boundary maps, I generally agree with your request. I do note that the road noise appears to potentially impact the property up to approximately 40metres due to the internal noise contours we see along this section of the state highway."

This is a substantive, evidence-based reassessment, not a discretionary or accommodating gesture — NZTA has evaluated the request against its own internal noise contour and boundary mapping datasets for this specific section of highway, and has reached a considered view that the previously applied 100m standard distance materially overstates the area actually affected by traffic noise at this location. NZTA's letter is explicit that this reflects internal contours specific to this section of SH12, rather than a general policy shift — meaning the narrower distance is a site-specific technical finding, not a general relaxation that would apply to noise conditions elsewhere along the highway.

Removal of the ancillary requirements

3.4. NZTA's amendment email of 26 May 2026 confirms, using tracked changes, that the ventilation/cooling requirement (former condition iii) and the acoustic design report requirement (former condition iv) are to be deleted in full, leaving only the single simplified indoor noise standard at the reduced 40m trigger. The logical basis for this is straightforward: those ancillary requirements exist only to manage compliance with the indoor noise standard where a dwelling falls within the affected corridor. If NZTA's own assessment is that the corridor is narrower than previously thought, any dwelling built outside 40m has no basis for those requirements to apply in the first place, since it was never actually within the area of concern.

NZTA's role and the limits of its position

3.5. NZTA is the agency responsible for State Highway 12 and was the source of the original condition via its written approval under section 95E of the Act, dated 30 November 2023 (Ref 2023-1567, Appendix 7). Its updated, site-specific assessment is the primary technical basis for the variation sought, and NZTA is uniquely well placed to make this call, being both the road controlling authority and the body that set the original condition. It is also worth noting the limits of what NZTA has agreed to: its letter expressly states that "no further changes, or amendments to the proposal/conditions have been reviewed or approved by the New Zealand Transport Agency" beyond what is set out in its 26 May 2026 email. This confirms that NZTA's support is specific and bounded — it covers exactly the variation sought in this application, and nothing more, which gives Council a clear and complete picture of what NZTA has and has not agreed to.

Net effect of the variation

3.6. The practical effect of the variation is to narrow the geographic extent of the noise-design trigger from 100m to 40m of the SH12 carriageway edge, and to remove the mechanical ventilation/cooling and acoustic design report requirements for any dwelling built outside that narrower 40m band. Importantly, the core protection for any dwelling that does fall within 40m — the requirement to achieve an indoor design noise level of 40 dB LAeq(24hr) — is retained in full and unchanged. What is being varied is the geographic scope of when that protection applies, and the ancillary machinery around it, not the underlying acoustic standard itself.

4. Statutory Assessment

Section 104 of the Resource Management Act 1991

4.1. Applications to vary consent notice conditions under s221(3) are determined having regard to s104, so far as applicable, in the same manner as any other discretionary consent application.

4.1.1 Far North Proposed District Plan – Appeals Version

The subject site is zoned General Residential Zone under the Proposed Far North District Plan (Appeals Version). The proposal is an application under section 221(3) of the Resource Management Act 1991 to vary an existing registered Consent Notice. No additional subdivision, land use, buildings or infrastructure works are proposed.

4.1.2 Area-Specific Matters – General Residential Zone

Rule	Discussion	Compliance
GRZ-R1 New Buildings or Structures	No new building, relocated building or structure is proposed as part of this application. The proposal only varies an existing Consent Notice and does not trigger GRZ-R1.	N/A
GRZ-R2 Impermeable Surface Coverage	The proposal does not alter site coverage, stormwater design or impermeable surface area. The approved subdivision and servicing remain unchanged.	N/A
GRZ-R3 Residential Activity	No additional residential units are proposed. The application does not increase residential yield or development rights on Lots 2 or 3.	N/A
GRZ-S1 Maximum Height	No buildings are proposed; therefore, no change to building height results from this application.	N/A
GRZ-S2 Height in Relation to Boundary	The proposal does not alter the location or form of any building and therefore does not affect the recession plane requirements.	N/A
GRZ-S3 Setback	No change to building setbacks or the approved subdivision layout is proposed. Existing boundary setbacks remain unaffected.	N/A
GRZ-S4 Facade	No fencing or façade alterations form part of this proposal.	N/A
GRZ-S5 Outdoor living space	The application does not affect residential design or outdoor living space provisions. Any future dwelling will be required to comply at the building consent stage.	N/A
GRZ-S6 Outdoor storage	No outdoor storage areas are proposed or modified.	N/A

4.1.3 General Residential Zone Objectives and Policies

The proposal is considered to be consistent with the intent of the General Residential Zone for the following reasons:

Objective / Policy	Assessment
GRZ-O1	The proposal does not alter housing density, lot size, infrastructure or residential amenity. It simply refines the location where acoustic mitigation is required.
GRZ-O2	Urban residential development remains consolidated within an established serviced residential area. No change to the approved subdivision pattern is proposed.
GRZ-O4	The lots continue to be served by approved reticulated infrastructure and the proposal has no effect on infrastructure capacity.
GRZ-O5	Residential amenity is maintained by retaining an acoustic design requirement within the 40 metre area identified by NZTA while removing unnecessary restrictions beyond that distance.
GRZ-P1 & GRZ-P7	The proposal is consistent with the anticipated scale and amenity of the residential environment and has no adverse effects on privacy, sunlight, character, infrastructure or natural hazards.

Overall Assessment

The proposal is consistent with the objectives, policies and relevant rules of the General Residential Zone. The application does not seek additional development rights or intensification of land use. It merely varies an existing registered Consent Notice to reflect NZTA's approved reverse sensitivity requirement of 40 metres from the State Highway 12 carriageway, while maintaining appropriate protection for future noise-sensitive activities.

4.2. Section 104(1) requires the consent authority to have regard to:

- (a) actual and potential effects on the environment;
- (ab) any measures proposed to ensure positive effects;
- (b) relevant provisions of any national environmental standard, national policy statement, regional policy statement, or plan; and
- (c) any other relevant matter.

s104(1)(a) — Effects

4.3. The variation narrows the area within which a specific noise-design standard applies, based on updated, site-specific technical input from NZTA. In assessing the actual and potential effects of that narrowing, several considerations point towards the effects being no more than minor:

- **Source of the assessment.** NZTA's confirmation is founded on its own noise contour and boundary modelling for this section of SH12, and represents the agency best placed to assess road-traffic noise effects from the state highway it manages — this is not a lay assessment or a matter of opinion, but a technical finding from the relevant specialist authority.
- **The core standard is unchanged.** The indoor design noise standard of 40 dB LAeq(24hr) — the substantive protection for occupants — is retained in full within 40m of the carriageway. What has changed is the geographic trigger for when that standard applies, not the standard itself.
- **Building Code protection remains beyond 40m.** Beyond 40m, any dwelling remains subject to the New Zealand Building Code and standard construction requirements in the ordinary way; NZTA's assessment indicates that road-traffic noise at this distance does not warrant the additional, more onerous acoustic specification that would otherwise apply.

- **No third-party owner is affected.** The Applicants hold both titles, so there is no third-party owner whose interests are affected by the variation. Any future purchaser of either lot would take title subject to the varied consent notice in the ordinary way, in the same manner as any purchaser takes title subject to whatever conditions are validly registered against it at the time of purchase.
- **No other person or party is affected.** The variation does not touch on lot yield, lot size, access arrangements, servicing, or any other aspect of the subdivision — it is confined to a single, narrowly defined noise mitigation standard, on the recommendation of the one agency whose interests the original condition was designed to protect.

4.4. On the basis of the above, the effects of the variation are considered no more than minor.

s104(1)(ab)

4.5. Not applicable — no offsetting or compensation measures are proposed or required, as no material adverse effect has been identified that would call for offsetting.

s104(1)(b) — Relevant statutory documents

4.6. In accordance with section 104(1)(b), the relevant statutory documents include the Regional Policy Statement for Northland (2016, as amended), the Operative Far North District Plan, and the Proposed Far North District Plan (Appeals Version).

4.7. The original subdivision was granted under RC2240257-RMACOM. The current application does not revisit the subdivision approval and is limited solely to varying the registered consent notice.

4.8. As this application was lodged after 1 July 2026, it is assessed against the Proposed Far North District Plan (Appeals Version). The proposal does not alter the approved subdivision, zoning, access, servicing or infrastructure; the only matter before Council is the variation of the registered reverse sensitivity consent notice. The Subdivision and Transport chapter provisions considered at 4.9 below are, in substance, unchanged from those assessed in the original 2024 decision — there has been no rezoning, no relevant plan change, and no alteration to the underlying policy framework applying to this site in the intervening period. The only matter now before Council is the NZTA-driven amendment to the noise mitigation condition itself; no other aspect of the subdivision, zoning, or applicable plan provisions has changed.

4.9. Of particular relevance to the variation itself:

- **TRAN-P3(g)** (Proposed District Plan, Transport chapter) The proposal continues to manage reverse sensitivity effects between future residential activity and State Highway 12. The only change is that the extent of the affected area reflects NZTA's current site-specific acoustic assessment rather than the original 100 metre trigger. The transport network, including State Highway 12, is recognised as regionally significant infrastructure under TRAN-O1. Reverse sensitivity, in this context, refers to the risk that residential activity established near a state highway could later generate complaints about the highway's own effects (such as traffic noise), potentially constraining the highway's ongoing operation. The proposed condition continues to manage that reverse sensitivity relationship between residential activity on Lots 2 and 3 and the state highway, in essentially the same way as the original condition did — the only difference is that the geographic extent of the managed area is now based on updated, site-specific evidence rather than a generic precautionary distance.
- **TRAN-P8(j)** requires consideration of impacts on any State Highway when assessing land use and subdivision effects. NZTA's written position, obtained specifically for this variation,

directly and comprehensively addresses this policy requirement — Council has before it the current, considered view of the state highway's own controlling authority.

Plan Weighting

4.10. As required by s104(1)(b), the extent to which the proposal is consistent with the ODP and PDP should be weighed if different outcomes would arise under each. Consistent with the approach taken in the original 2024 decision — which found the ODP and PDP produced similar outcomes for this site and required no weighting exercise — this application is assessed primarily against the Proposed District Plan. As noted at 4.8, the relevant PDP provisions have not materially changed since the original assessment; the only change bearing on this application is the NZTA-confirmed noise mitigation condition itself, which is a plan-external, technical matter (arising from NZTA's own updated engineering assessment) rather than a change in PDP policy direction. Accordingly, no weighting exercise is required for this variation.

s104(1)(c) — Other matters

4.11. No other matters are considered relevant and reasonably necessary to determine this application. In particular, section 104D (the "gateway test" for non-complying activities) has no application here, as the application is not for a non-complying activity — it is a Discretionary Activity under section 221(3), and Council's discretion under s104 is accordingly unrestricted, in the same way as it would be for any other discretionary consent.

5. Part 2 Assessment

5.1. The application has been considered against Part 2 (sections 5–8) of the Act, which sets out the Act's overarching purpose and principles and informs the exercise of Council's discretion under s104.

5.2. Section 5 (Purpose). The proposal sustains the potential of the site to meet the reasonably foreseeable needs of future occupants of Lots 2 and 3, while safeguarding against adverse noise effects from State Highway 12 through retention of the core indoor noise standard within the area NZTA has identified as actually affected. This reflects the balance section 5 seeks between enabling people and communities to provide for their wellbeing and safeguarding the environment (in this case, the acoustic amenity of future dwellings) from adverse effects.

5.3. Section 6 (Matters of national importance). No matters of national importance under section 6 are engaged by this variation — it does not touch on natural character, outstanding natural features or landscapes, indigenous vegetation or habitats, public access, historic heritage, or Māori cultural relationships with land or water.

5.4. Section 7 (Other matters). The variation maintains the relevant amenity values considered under the original consent; the core noise-mitigation standard is retained within the area NZTA has confirmed is affected, meaning the amenity outcome for future occupants of Lots 2 and 3 is, in substance, unchanged from what was originally intended, simply delivered through a more accurately targeted mechanism.

5.5. Section 8 (Treaty of Waitangi). No issues arise in respect of the principles of Te Tiriti o Waitangi. The variation does not involve any matter of cultural significance, does not affect any site, area, or feature of importance to tangata whenua, and is confined to a technical noise mitigation standard for residential dwellings.

5.6. Overall, the proposal is consistent with Part 2 of the Act, and nothing in Part 2 weighs against the grant of the variation sought.

6. Conclusion

6.1. The Applicants seek to vary conditions ii), iii) and iv) of Consent Notice 13542994.4 (RC 2240257-RMACOM), reducing the noise-design trigger distance from 100m to 40m of the State Highway 12 carriageway edge and removing the associated ventilation/cooling and acoustic design report requirements, consistent with NZTA's own updated, site-specific assessment of road-traffic noise contours for this section of the highway.

6.2. This application has been made pursuant to section 221(3) of the Resource Management Act 1991. In accordance with section 221(3A), sections 88–121 and 127(4)–132 apply with all necessary modifications, and the application falls to be determined under section 104 of the Act.

6.3. The effects of the variation are considered no more than minor, on the basis that the core indoor noise standard is retained in full within the confirmed affected area, the reduction in trigger distance is supported by NZTA's own site-specific technical assessment rather than a general relaxation of standards, no other aspect of the subdivision or its conditions is affected, and both affected titles remain in the Applicants' own ownership, meaning no third-party interest is disturbed.

6.4. The proposal has been assessed against the Proposed District Plan, consistent with the original 2024 decision's finding that the ODP and PDP produce similar outcomes for this site and require no weighting; no material change to the relevant PDP provisions has occurred since that assessment, other than the NZTA-driven condition change addressed in this application.

6.5. Having regard to sections 104 and Part 2 of the Resource Management Act 1991, the proposed variation is considered to have no more than minor adverse effects, is consistent with the relevant objectives and policies of the Proposed Far North District Plan, and should therefore be granted pursuant to section 221(3) of the Act.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

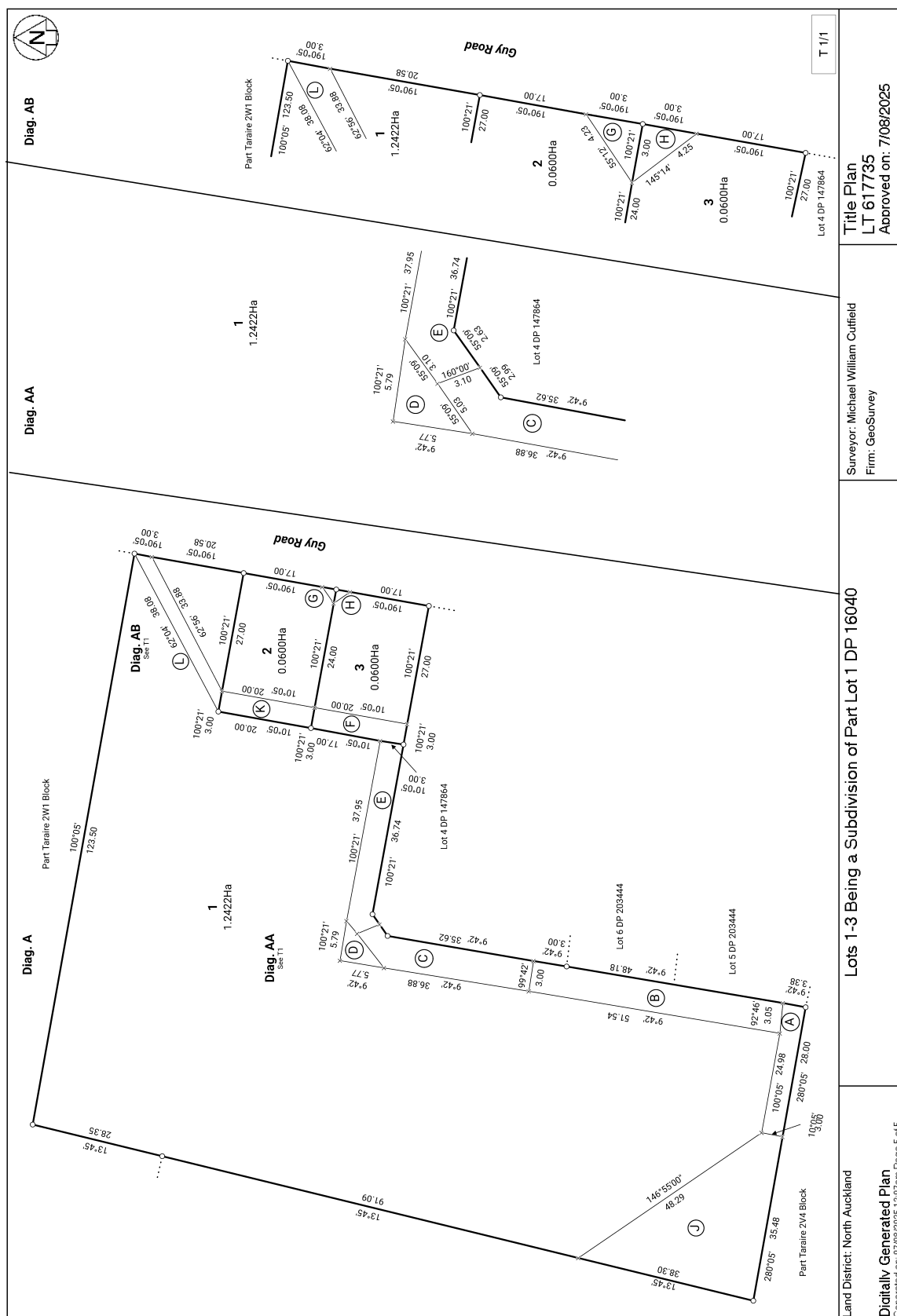
Identifier **1245268**
Land Registration District **North Auckland**
Date Issued 04 June 2026

Prior References
NA85A/761

Estate Fee Simple
Area 600 square metres more or less
Legal Description Lot 2 Deposited Plan 617735
Registered Owners
Amit Nandi and Swagata Bairagee Nandi

Interests

Appurtenant hereto is a sewage pipeline right specified in Easement Certificate C361138.5 - 1.4.1992 at 2:44 pm
The easements specified in Easement Certificate C361138.5 are subject to Section 309 (1) (a) Local Government Act 1974
12844346.3 Mortgage to ANZ Bank New Zealand Limited - 17.10.2023 at 11:33 am
13542994.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.6.2026 at 1:08 pm
Subject to a right (in gross) to convey telecommunications over part marked K on DP 617735 in favour of Chorus New Zealand Limited created by Easement Instrument 13542994.5 - 4.6.2026 at 1:08 pm
Subject to a right of way over part marked G and a right to convey electricity and telecommunications over part marked K all on DP 617735 created by Easement Instrument 13542994.6 - 4.6.2026 at 1:08 pm
Appurtenant hereto is a right to drain water and sewage, a right of way and a right to convey electricity and telecommunications created by Easement Instrument 13542994.6 - 4.6.2026 at 1:08 pm
The easements created by Easement Instrument 13542994.6 are subject to Section 243 (a) Resource Management Act 1991





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

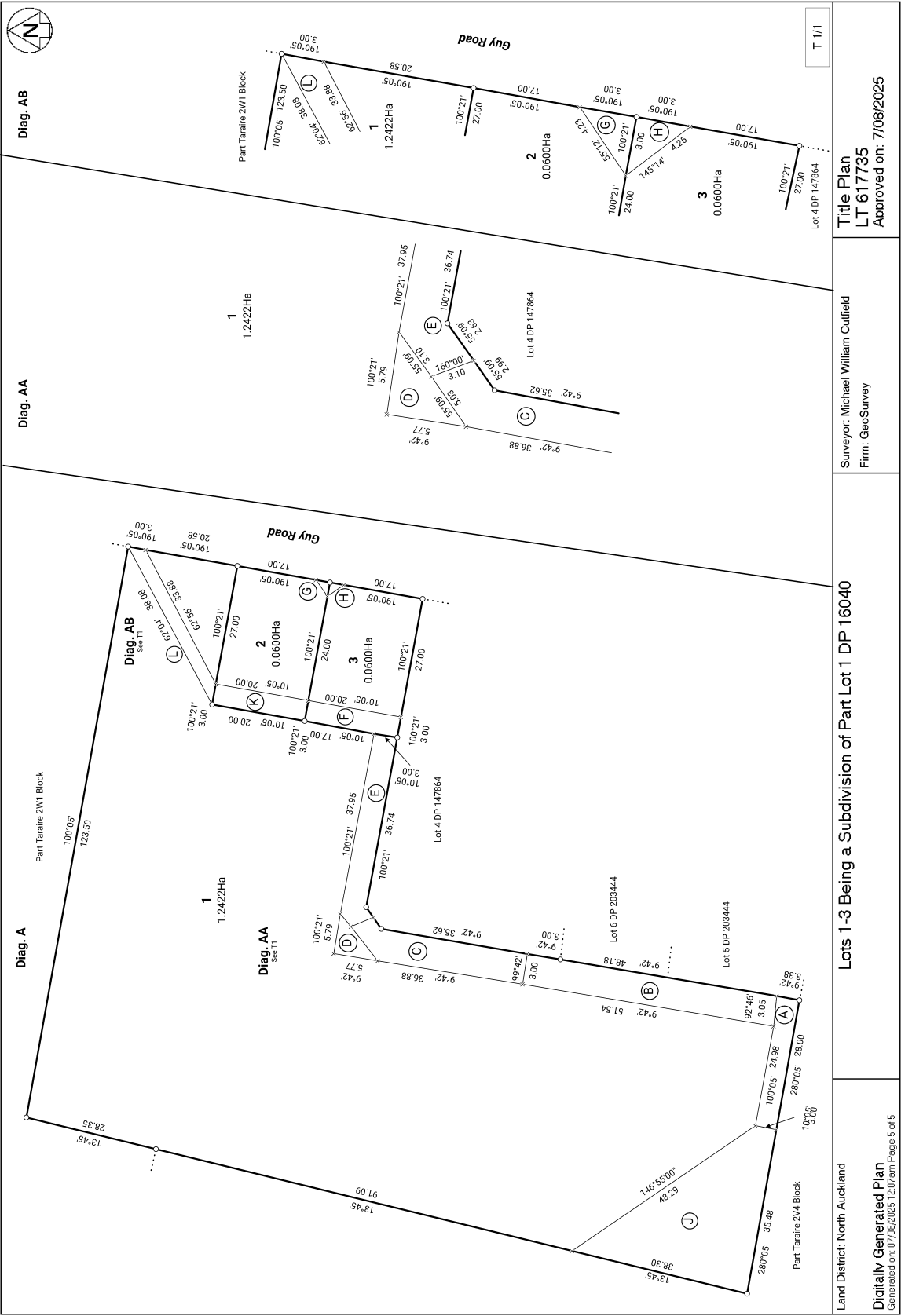
Identifier **1245269**
Land Registration District **North Auckland**
Date Issued 04 June 2026

Prior References
NA85A/761

Estate Fee Simple
Area 600 square metres more or less
Legal Description Lot 3 Deposited Plan 617735
Registered Owners
Amit Nandi and Swagata Bairagee Nandi

Interests

Appurtenant hereto is a sewage pipeline right specified in Easement Certificate C361138.5 - 1.4.1992 at 2:44 pm
The easements specified in Easement Certificate C361138.5 are subject to Section 309 (1) (a) Local Government Act 1974
12844346.3 Mortgage to ANZ Bank New Zealand Limited - 17.10.2023 at 11:33 am
13542994.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 4.6.2026 at 1:08 pm
Subject to a right to drain water and sewage over part marked F and a right of way over part marked H all on DP 617735
created by Easement Instrument 13542994.6 - 4.6.2026 at 1:08 pm
Appurtenant hereto is a right to drain water and sewage, a right of way and a right to convey electricity and
telecommunications created by Easement Instrument 13542994.6 - 4.6.2026 at 1:08 pm
The easements created by Easement Instrument 13542994.6 are subject to Section 243 (a) Resource Management Act 1991





View Instrument Details

Instrument No	13542994.4
Status	Registered
Lodged By	Sokolowski, Michael
Date & Time Lodged	04 Jun 2026 13:08
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	Land District
1245268	North Auckland
1245269	North Auckland

Annexure Schedule	Contains 2 Pages
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Signature

Signed by Michael Sokolowski as Territorial Authority Representative on 03/06/2026 02:04 PM

*** End of Report ***

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC-2240257-RMACOM

Being the Subdivision of Part Lot 1 DP 16040
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule 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 these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 2 and 3 DP 617735

- i) In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change, with overland/secondary flow paths able to accommodate a 1% AEP event. In conjunction with this, any overflow from the stormwater tanks or hardstanding surfaces must be directed to the stormwater disposal system detailed in the report titled 'Stormwater Disposal Report – Onsite Disposal' prepared by Far North Drainage, dated 08/12/2023.
- ii) Any noise sensitive activities on the site that are located in or partly within 100m of the sealed edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
- iii) If windows must be closed to achieve the design noise levels in condition ii), the building must be designed, constructed and maintained with ventilation and cooling system. For habitable spaces the system must achieve the following:
 - (a) Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.

- (b) The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- (c) The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- iv) A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Far North District Council demonstrating compliance with conditions ii) and iii) prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.



SIGNED:

Ms Nicola Cowley - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE CONSENTS

DATED at **KERIKERI** this 4th day of August 2025

DECISION ON COMBINED CONSENT APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 106 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** land use and subdivision resource consent for a Discretionary Activity, subject to the conditions listed below, to:

Applicant: Amit Nandi
Council Reference: 2240257-RMACOM
Property Address: 43 Guy Road, Kaikohe
Legal Description: PT LOT 1 DP 16040

The activity to which this consent relates is:

Activity A – Subdivision:

Subdivision to create three allotments in the Residential Zone.

Activity B – Land Use:

Land use consent required for breach of access standards as a Discretionary Activity.

Subdivision & Landuse Conditions

Pursuant to sections 108 and 220 of the Act, this subdivision and land use consent is granted subject to the following **conditions**:

1. The subdivision must be carried out in general accordance with the approved plan of subdivision prepared by Capricorn Planning, referenced 'Proposed Subdivision of Pt Lot 1 DP 16040 43 Guy Road, Kaikohe', revision 1, dated, 08/02/2024 and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. This consent must be carried out in general accordance with the Application Form and Assessment of Environmental Effects prepared by Amit Nandi, dated 8 December 2023 all documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number 2240257-RMACOM.

Report title and reference	Author	Rev	Dated
Stormwater Disposal Report - Onsite Disposal	Far North Drainage	-	08/12/2023

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:

- a. Submit a survey plan in accordance with the approved resource consent subdivision scheme plan prepared by Capricorn Planning, referenced 'Proposed Subdivision of Pt Lot 1 DP 16040 43 Guy Road, Kaikohe', revision 1, dated, 08/02/2023 and attached to this consent with the Council's "Approved Stamp" affixed to it.
- b. Ensure that the right-of-way, right to drain and any services easements must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant records of title.

Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder must:
 - a. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 2 and 3 in accordance with the requirements of the wastewater utility service provider.
 - i) Design plans and details must be submitted to Council's Development Engineer for approval prior to construction.
 - ii) Following construction, certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
 - b. The consent holder must design and construct connections to the public water reticulation network to serve Lots 2 and 3 in accordance with the requirements of the wastewater utility service provider.
 - i) Design plans and details must be submitted to Council's Development Engineer for approval prior to construction.
 - ii) Following construction, certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
 - c. Stormwater systems for all lots must be constructed and installed as per the report titled 'Stormwater Disposal Report – Onsite Disposal', provided by Far North Drainage LTD, dated 08/12/2023.

Vehicle Access

- d. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
- e. Vehicle crossing (accessway two) to serve Lots 2 and 3 must be upgraded in accordance with the Far North District Council Engineering urban accessway standards, for double width crossings. The kerb and channel adjoining the state highway will need to be replaced. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

- f. Construct a concreted or sealed formation on right of ways G & H in accordance with the approved plans noted in Condition 1 and with the requirements of Far North District Council Engineering urban accessway standards. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
- g. Provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the state highway, including the upgrading vehicle crossings, have been constructed to the New Zealand Transport Agency standards.
- h. Following completion of the accessway and associated works, the consent holder will be responsible for the repair and reinstatement of the public road carriageway and footpath, if damaged because of the works.

Utilities

- i. The consent holder must make provision for telecommunications and electricity to lots 2 and 3 in accordance with the requirements of the respective utility operators. These utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
- j. Secure the conditions below by way of a Consent Notice issued under section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice must be met by the consent holder:
 - i) In conjunction with the construction of any buildings and other impermeable surfaces, the lot owner shall install stormwater retention tank/s with a flow attenuated outlet/s. The system shall be designed such that the total stormwater discharged from the site, after development, is no greater than the predevelopment flow from the site for rainfall events up to a 10% AEP plus allowance for climate change, with overland/secondary flow paths able to accommodate a 1% AEP event. In conjunction with this, any overflow from the stormwater tanks or hardstanding surfaces must be directed to the stormwater disposal system detailed in the report titled 'Stormwater Disposal Report – Onsite Disposal' prepared by Far North Drainage, dated 08/12/2023.

[Lots 2 & 3]

- ii) Any noise sensitive activities on the site that are located in or partly within 100m of the sealed edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve:
 - An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.

[Lots 2 & 3]

- iii) If windows must be closed to achieve the design noise levels in condition (ii), the building must be designed, constructed and maintained with

ventilation and cooling system. For habitable spaces the system must achieve the following:

- Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.

[Lots 2 & 3]

- iv) A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Far North District Council demonstrating compliance with conditions ii) and iii) prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.

[Lots 2 & 3]

Advice Notes

Lapsing of Consent

1. Pursuant to section 125 of the Act, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;
 - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - b) An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Act.

Right of Objection

2. If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Archaeological Sites

3. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should

any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

General Advice Notes

4. *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
5. *During Construction, the consent holder will:*
 - a. *Be responsible for arranging for buried services to be located and marked prior to commencing earthworks and is also responsible for the repair and reinstatement of any underground services damaged as a result of the earthworks.*
 - b. *Ensure all erosion and sediment control measures are in place for the duration of the works in accordance with the silt and sediment control plan approved by FNDC.*
 - c. *Ensure that the original ground contour is to be retained along each side boundary so that the natural overland flow paths remain un-changed.*
6. *At Completion, the consent holder will:*
 - a. *Ensure that any debris deposited on the public road because of the earthworks shall be removed by or at the expense of the applicant.*
7. *Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.*

Please submit your CAR to the New Zealand Transport Agency CAR Manager via aran.arrieta@nzta.govt.nz a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are also no affected persons and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The application is for a Discretionary activity resource consent as such under section 104 the Council can consider all relevant matters. Notwithstanding the matters outlined in 13.7.3.1 to 13.7.3.12 are of relevance and have guided my decision.
3. In regard to section 104(1)(a) of the Act the actual and potential effects of the proposal will be acceptable as:
 - a. The proposal is largely consistent with the outcomes anticipated under the zoning and provisions in terms of lot size, orientation, use, and anticipated

future intensity from built development. Overall, lot sizes meet controlled standards for residential subdivision, this further demonstrates an acceptable form of development on the site. The lot sizes are reflective of an intensity and development that is already existing in the immediate area and underlying zone.

- b. Appropriate provision has been made for infrastructure with public connections to the potable water, wastewater and stormwater networks.
 - c. There is no reticulated stormwater disposal for the area, notwithstanding the applicant has demonstrated that the proposed Lots can be serviced via an open swale which will flow to an existing pond. This has been reviewed and accepted by Council's Infrastructure and Asset Management Team who concludes that this will have no effect on the Council reticulated stormwater scheme. It is also concluded that with the methods in place, stormwater from the site will not adversely impact the neighbours.
 - d. Practical and legal access is provided for the development along with ample area for future on-site manoeuvring for all proposed lots. The access for Lot 1 is existing and will be maintained while proposed Lot 2 and 3 will share vehicle access which provides legal and physical access to both lots which is acceptable.
 - e. Waka Kotahi (New Zealand Transport) has granted written approval for the vehicle access from a state highway, accompanied by specific conditions outlined in the decision. These conditions have been incorporated into the decision, and, as a result, it is concluded that Waka Kotahi is not adversely affected by the access breach.
 - f. In terms of positive effects, the proposal is providing for the subdivision of an underutilised parcel of land. The final allotments are of a generous size as to provide spacious living within the Residential Zone, being close to services and commercial amenities. Overall, the proposal effectively provides for additional residential allotments while maintaining the established character of the Kaikohe area.
4. In regard to section 104(1)(ab) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
- a. Northland Regional Policy Statement 2016,
 - b. Operative Far North District Plan 2009,
 - c. Proposed Far North District Plan 2022

Northland Regional Policy Statement 2016

The Regional Policy Statement (RPS) for Northland sets the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals, and structures will be managed.

The applicant has provided the following in response to the NRPS:

The subject site is within the Northland region and is subject to the governing objectives and policies of the operative Northland Regional Policy Statement (May 2016). Although the jurisdiction for land use and subdivision activities is governed by the Far North District Council, the policy framework for subdivision activities and the management of potential adverse effects is set out in the Far North District Plan. This plan is subject to the governing regional policy framework set out in the Northland Regional Policy Statement. With respect to any identified features, the site is not within any area of 'High' or 'Outstanding' Natural Area or the Coastal Environment boundary.

Of statutory relevance to this proposal are regional objectives and policies relating to sustainable management, enabling economic wellbeing, and planned and coordinated development. The proposed subdivision is considered to promote sustainable management as the additional lots will attract investment to the community and enable more housing to be provided within the residential zone. The cumulative effects of this subdivision are assessed as being compatible within this environment. The development seeks to subdivide land within the urban area of the Kaikohe township, which has all necessary infrastructure available and is anticipated by the District Plan. The existing character of the area is already highly residential, and the development will not be out of character.

Overall, it is considered that the proposal would not be inconsistent with the Northland Regional Policy Statement objectives and policies.

I agree with the applicant's points and have no further comments.

Operative Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan. The applicant has provided the following discussion against the relevant chapters of the District Plan.

a) **Chapter 13 – Subdivision**

Objectives: 13.3

Policies: 13.4

These provisions seek to provide for subdivision where it is consistent with the purpose of the zone, as described above. The provisions also seek to ensure subdivision is only located on sites where the provision of infrastructure is available or on-site provision of water services can be provided. In this case there is nothing to prevent the use of onsite disposal for stormwater, subject to the conditions of consent. The provision of potable water and wastewater can be addressed through reticulated connections. The applicant has also provided the following assessment:

- *The subdivision is of low density, creating only two additional lots, which will be in keeping with the residential character of the surrounding area, being of 600m² size.*
- *The subdivision will not be affecting the life-supporting capacity of air, water, soil or ecosystems as the subdivision will be sustainably managed. In addition, reverse sensitivity effects are not anticipated as the two 600m² lots are along the road which adjoin and front other lots utilised for*

residential purposes or place of worship, which is the activity is not inconsistent with.

- The new lots will be able to connect to Council reticulated water supply and wastewater. Stormwater management can also be provided for. Stormwater runoff will be directed towards the rear of Lots 2 and 3 through a network of underground pipes passing from the southern boundary of Lot 1. These pipes will optimise water flow and address potential waterlogging concerns. The surface drainage system will sufficiently collect and divert stormwater away from impervious surfaces on the property.*
- The site is developed for residential type use and is zoned for such. The site does not adjoin any watercourse features nor contain/be within any Māori ancestral lands, sites, wahi tapu and other taonga.*
- Lot 1 has an existing power supply. Power supply can be provided for Lots 2 & 3, which is expected to be a condition of consent. As such, the proposal will be consistent with this Objective. See Top Energy's approval letter contained in this application.*
- The property is within an existing and zoned residential area. The development can occur as it has access to Council infrastructure and public road. In addition, it is situated within the Kaikohe township, enabling easy access to public transport, communications and local services.*
- Safe and effective vehicular and pedestrian access to Lots 2 and 3 will be provided for, as per NZTA's requirements. As such, the subdivision will be consistent with this Policy*
- Access will be off State Highway. However, NZTA have viewed the proposal and provided a written approval, subject to upgrade of the vehicle crossing. Rocks will be strategically placed at the discharge points of the stormwater pipes to effectively mitigate any potential erosion of the earthwork, thereby, effectively mitigating adverse effects on natural and physical resources of the site as well as off-site.*
- The site is developed for residential type use and is zoned for such. The site does not adjoin any watercourse features nor contain/be within any Māori ancestral lands, sites, wahi tapu and other taonga.*

I agree with and adopt the applicant's assessment. As such I consider that the proposal is not contrary to the policies and objectives of the Subdivision Chapter.

b) Chapter 15 – Transportation

Objectives: 15.1.3

Policies: 15.1.4

The objectives and policies of the transport chapter seek to ensure that the adverse effects of traffic on the natural and physical environment is minimised while ensuring that suitable provision is made for onsite parking while

considering safe cycling and pedestrian access and use of the site. Additionally, traffic effects from activities shall be evaluated in making decisions on resource consents. The applicant has provided the following in relation to the relevant objectives and policies:

- There are no anticipated effects on natural and physical environment based on additional traffic from Lots 2 and 3.
- At time of housing development on Lots 2 and 3, sufficient carparking is able to be provided to meet the required number of carparks for at least one dwelling.
- The first residential unit on a site is exempt from the traffic intensity rule. The addition of two additional lots is not anticipated to have more than minor effects as the sites will be accessed off the State Highway, which is able to accommodate heavy traffic.
- As discussed above, NZTA have provided their written approval, along with recommended condition regarding vehicle access. This is expected to be conditioned and will be complied with. As such, it is considered that the proposal complies with policy 15.1.4.6.

I agree with and adopt the applicant's assessment. As such I consider that the proposal is not contrary to the policies and objectives of the Transportation Chapter.

Proposed Far North District Plan

The activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan.

Specifically, the proposal is consistent with the objectives and policies contained within the Subdivision (SUB-O1 - O4, SUB-P1 - P11) and Transport (TRAN-O1 - O6 & TRAN-P1 - P8) Chapters. The subdivision provides for residential living and division of an underutilised residential parcel that can benefit from council reticulation. This is consistent with the underlying zone which seeks to consolidate urban sprawl and provide for a range of lot sizes. Residential lands must be provided with high level living environments while complementing the existing scale, character and amenity of the zone.

Both the existing house and the new vacant lot will have on-site services for stormwater and The lots are well-shaped and have suitable areas for building platforms, along with legal and physical access.

The proposal will create residential allotments which are of a size similar to those in the surrounding environment. They will be provided with connections to council reticulated network and are of a size that can accommodate residential development and required stormwater servicing. Additionally, the lots are of a size where there is more than sufficient area for outdoor space, planting, parking and manoeuvring. Overall it is considered that the development will maintain the residential character and amenity of the zone.

The two vehicle crossing are existing, despite requiring minor upgrades. Lot 1 will retain their access while Lots 2 and 3 will share the other vehicle crossing. This arrangement has been sighted and approved by NZTA subject to conditions (these have been included on the consent decision). The two additional lots are provided on the outskirts of the Kaikohe residential area, additional traffic generation will be readily absorbed onto the State Highway which can manage high volumes. The shared use and upgrade of an existing crossing is considered to be a suitable and sustainable use of existing resources.

The proposed activity is consistent with the relevant objectives, policies and assessment criteria of the Proposed District Plan. For this resource consent application, the relevant provisions of both an operative and any proposed plan must be considered. Weighting is relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans. The RMA does not distinguish between the weight that should be accorded to the objectives and policies of an operative plan as compared to those in a plan change.

As the outcomes sought are similar under the operative and the proposed plan frameworks, no weighting is necessary.

6. In regard to section 104(1)(c) of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions above.
8. Based on the assessment above the activity will be consistent with Part 2 of the Act. The activity will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. There are no matters under section 6 that are relevant to the application. The proposal is an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.
9. Overall, for the reasons above it is appropriate for consent to be granted subject to the imposed conditions.

Approval

This resource consent has been prepared by Courtney Tovell-Soundy - Cape Planning, consultant planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Name: Pat Kihalea

Date: 7th March 2024

Title: Independent Commissioner

Site Features

	Water Meter
	Water Line - Public
	Water Line - Private
	Sewer Manhole
	Sewer Line - Public
	Sewer Line - Private
	SW Line - Private



Existing Easements			
Shown	Purpose	Burdened Land	Instrument
A B	Stormwater Right	Lot 1 Hereon	T C395004.1
A		Lot 1 Hereon	T D556234.1

APPROVED PLAN

Planner: Trish Routley
pp: ERamsay
RC: 2240257-RMACOM
Date: 07/03/2024

Proposed Easements			
Purpose	Shown	Burdened Land	Benefitted
Right to Drain Storm Water	A	Lot 1	Lot 2 & 3
	B		
	C		
	E		
	I		
	J		
Right to Drain Sewage	F	Lot 3	Lot 2
	D	Lot 1	Lot 2 & 3
	E	Lot 1	Lot 2 & 3
Right of Way	F	Lot 3	Lot 2
	G	Lot 2 & 3	Lot 2
	H	Lot 2 & 3	Lot 3

Applicant: Amit and Swagata B Nandi
Local Authority: Far North District Council
Total Area: 1.3622ha
Comprised in: NA85A/761



Proposed Subdivision of
 Pt Lot 1 DP 16040
 43 Guy Road, Kaikohe

Scheme Plan

Drawn For	Amit Nandi and Swagata Bairagee Nandi
Drawn By	Amit Nandi
Revision	1
Revision Date	8/02/2024
Scale	1:750



Outlook

RE: Application 2023-1567: 43 Guy Road, Kaikohe CRM:0093204381

From Tayla Cowper <tayla.cowper@nzta.govt.nz>

Date Tue 26/05/2026 16:32

To Amit Nandi <amit_nandi@outlook.com>

Kia ora Amit,

As discussed, NZTA are comfortable for Condition 3 of NZTA Ref 2023-1567 Written Approval (Dated 30 November 2023), and subsequently Condition 4 (ii, iii and iv) of the Subdivision Consent 2240257-RMACOM to be amended as follows :

3. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the title of proposed Lot 2 and 3 of Scheme Plan Dated 18.11.2023, Rev 1. This consent notice shall read as follows:

a. Any new dwelling, dwelling extension, or other noise sensitive location on Lots 2 and 3 that is in or partly within 40 metres of the edge of State Highway 12 carriageway must be designed, constructed, and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.

~~Any noise sensitive activities on the site that are located in or partly within 100m of the sealed edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.~~

~~• Road traffic vibration levels complying with class C of NS8176:2017.~~

~~• Outdoor living space has a level not exceeding 57 dB LAeq(24h).~~

~~b. If windows must be closed to achieve the design noise levels in condition (3a), the building must be designed, constructed and maintained with ventilation and cooling system. For habitable spaces the system must achieve the following:~~

~~i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.~~

~~ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.~~

~~iii. The system must provide cooling that is controllable by the occupant and can maintain the~~

~~temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.~~
~~c. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Far North District Council demonstrating compliance with conditions I and II prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.~~

Please feel free to use this as confirmation to the Far North District Council regarding this amendment. No further changes, or amendments to the proposal/conditions have been reviewed or approved by the New Zealand Transport Agency.

Should yourself or council have any questions, please do not hesitate to reach out.

Kind regards,

Tayla Cowper (she/her)
Intermediate Planner – Waikato/Bay of Plenty

Poutiaki Taiao | Environmental Planning

Email: tayla.cowper@nzta.govt.nz

Phone: 07 834 4684

Waka Kotahi NZ Transport Agency
Hamilton, Level 1, Deloitte Building, 24 Anzac Parade
PO Box 973, Waikato Mail Centre, Hamilton 3240, New Zealand



www.nzta.govt.nz

From: Amit Nandi <amit_nandi@outlook.com>
Sent: Tuesday, 26 May 2026 11:27 am
To: Tayla Cowper <tayla.cowper@nzta.govt.nz>
Subject: Fw: Application 2023-1567: 43 Guy Road, Kaikohe

Kia ora Tayla,

I was wondering if there is any update, please?

Kind Regards,

Amit Nandi

+64 27 5555 136

Commit to the LORD whatever you do, and your plans will succeed. (Proverbs 16:3)

From: Amit Nandi <amit_nandi@outlook.com>

Sent: 19 May 2026 13:18

To: Tayla Cowper <tayla.cowper@nzta.govt.nz>

Subject: Re: Application 2023-1567: 43 Guy Road, Kaikohe

Kia ora Tayla,

Thank you for reviewing my request and for your helpful response.

I am happy to accept the proposed amended wording applying within 40 metres of the edge of State Highway 12 carriageway.

Could you please provide written confirmation or an updated approval response supporting the amended wording, so I can provide this to Far North District Council as part of a section 221(3) application.

Thank you again for your assistance.

Kind Regards,

Amit Nandi

+64 27 5555 136

Commit to the LORD whatever you do, and your plans will succeed. (Proverbs 16:3)

From: Tayla Cowper <tayla.cowper@nzta.govt.nz>

Sent: 18 May 2026 16:23

To: amit_nandi@outlook.com <amit_nandi@outlook.com>

Subject: RE: Application 2023-1567: 43 Guy Road, Kaikohe

Kia ora Amit,

Just following up on this one.

I have reviewed your request regarding the noise conditions at 43 Guy Road, Kaikohe.

From looking at the property in relation internal noise contours and boundary maps, I generally agree with your request. I do note that the road noise appears to potentially impact the property up to approximately 40ms due to the internal noise contours we see along this section of the state highway.

Would it be suitable to amend the consent notice wording to the following: *"Any new dwelling, dwelling extension or other noise sensitive location on Lots 2 and 3 that is in or partly within 40 metres of the edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq (24hr) inside all habitable spaces."*

Happy to chat further, please feel free to give me a call if you wish to discuss.

Kind regards,

Tayla Cowper (she/her)
Intermediate Planner – Waikato/Bay of Plenty

Poutiaki Taiao | Environmental Planning

Email: tayla.cowper@nzta.govt.nz

Phone: 07 834 4684

Waka Kotahi NZ Transport Agency
Hamilton, Level 1, Deloitte Building, 24 Anzac Parade
PO Box 973, Waikato Mail Centre, Hamilton 3240, New Zealand



www.nzta.govt.nz

From: Tayla Cowper

Sent: Tuesday, 14 April 2026 1:41 pm

To: 'amit_nandi@outlook.com' <amit_nandi@outlook.com>

Subject: Application 2023-1567: 43 Guy Road, Kaikohe

Kia ora Amit,

I hope you are well!

I am just following up on your email you sent to the planning team. I note my colleague Amina initially dealt with this case for you, but she has now left the agency.

I am looking into your enquiry and have just reviewed the information you have provided. I will have a chat internally and come back to you with a way to move forward regarding that noise condition.

I will be in touch in the next coming days.

Happy to chat,

Tayla Cowper (she/her)
Intermediate Planner – Waikato/Bay of Plenty

Poutiaki Taiao | Environmental Planning

Email: tayla.cowper@nzta.govt.nz

Phone: 07 834 4684

Waka Kotahi NZ Transport Agency
Hamilton, Level 1, Deloitte Building, 24 Anzac Parade
PO Box 973, Waikato Mail Centre, Hamilton 3240, New Zealand



www.nzta.govt.nz

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Waka Kotahi New Zealand Transport Agency Reference: 2023-1567

30 November 2023

Amit Nandi

Sent via: amit_nandi@outlook.com

Dear Amit

Three Lot Subdivision – 43 Guy Road Kaikohe, Northland – Amit Nandi

Thank you for your request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi) under section 95E of the Resource Management Act 1991. Your proposal has been considered as follows:

Proposal

Resource consent is sought for the following activities:

- A three lot subdivision:
 - Lot 1 will be 12,422m² in size
 - Lot 2 will be 600m² in size
 - Lot 3 will be 600m² in size.
- Crossing one will be used by Lot 1.
- Crossing two will be used by Lots 2 and 3.

Assessment

In assessing the proposed activity, Waka Kotahi notes the following:

- The speed limit for State Highway 12 is 50 km p/h and therefore the Far North District Council Engineering standard for an urban accessway will apply.
- The site is zoned Residential in the Far North District Council District Plan.
- State Highway noise reverse sensitivity has been considered due to the close proximity to the state highway.

Conditions

In discussion with Waka Kotahi you have agreed to include the following conditions as part of your resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Vehicle crossing (accessway two) shall be upgraded in accordance to the Far North District Council Engineering urban accessway standards. The kerb and channel adjoining the state highway will need to be replaced.
2. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the state highway, including the upgrading vehicle crossings, have been constructed to the New Zealand Transport Agency standards.
3. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the title of proposed Lot 2 and 3. This consent notice shall read as follows:

- a. Any noise sensitive activities on the site that are located in or partly within 100m of the sealed edge of State Highway 12 carriageway must be designed, constructed and maintained to achieve:
 - An indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.
 - Road-traffic vibration levels complying with class C of NS8176:2017.
 - Outdoor living space has a level not exceeding 57 dB LAeq(24h).
- b. If windows must be closed to achieve the design noise levels in condition (3a), the building must be designed, constructed and maintained with ventilation and cooling system. For habitable spaces the system must achieve the following:
 - i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
 - iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- c. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the Far North District Council demonstrating compliance with conditions I and II prior to construction or alteration. The design must take into account the future permitted use of the state highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels.

Determination

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

Advice Notes

Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved.

Please submit your CAR to the New Zealand Transport Agency CAR Manager via aran.arrieta@nzta.govt.nz a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Expiry of this approval

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from the New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Amina Bhikoo via email at amina.bhikoo@nzta.govt.nz or you can contact the environmental planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely




Amina Bhikoo

Planner

Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

cc: aran.arrieta@nzta.govt.nz

Enclosed:

- Attachment 1: Proposed Scheme Plan

ATTACHMENT 1: Scheme Plan



Existing Easements			
Shown	Purpose	Burdened Land	Instrument
A B	Stormwater Right	Lot 1 Hereon	T C959004.1
A		Lot 1 Hereon	T D556234.1

Proposed Easements			
Purpose	Shown	Burdened Land	Benefitted
Right to Drain Water	A	Lot 1	Lot 2 & 3
	B		
	C		
	E	Lot 3	Lot 2
Right to Drain Sewage	D	Lot 1	Lot 2 & 3
	F	Lot 3	Lot 2

Applicant: Amit and Swagata B Nandi
Local Authority: Far North District Council
Total Area: 1.3622ha
Comprised in: NA85A/761

 Proposed Subdivision of Pt Lot 1 DP 16040 43 Guy Road, Kaikohe	Scheme Plan	Drawn For	Amit Nandi and Swagata Bairagee Nandi
		Drawn By	Amit Nandi
		Revision	1
		Revision Date	18/11/2023



Outlook

RE: 2240257-RMASUB, 43 Guy Road, Kaikohe

From Courtney Tovell-Soundy <courtney@capeplanning.co.nz>**Date** Tue 30/01/2024 15:48**To** 'Amit Nandi' <amit_nandi@outlook.com>

Afternoon Amit,

These conditions stem directly from NZTA's approval, please refer to their letter dated 30 November 2023. As outlined at the bottom of their letter, they provide their written approval based on the specific assessment and conditions they provide.

Therefore, any modification or removal of these conditions would necessitate further consultation with NZTA. While I understand you may wish to explore this option, in doing so we would need to extend timeframes under Section 37 of the RMA to allow for the additional time required in further consultation.

Furthermore, as these conditions are stipulated as consent requirements by NZTA, I'm not comfortable converting them to advisory notes without their explicit approval.

Please let me know how you would like to proceed.

Kind regards,

Courtney Tovell-Soundy

Director / Planning Consultant

Cape Planning

Mobile: +64 279 163 051

Email : courtney@capeplanning.co.nz

From: Amit Nandi <amit_nandi@outlook.com>**Sent:** Tuesday, January 30, 2024 3:32 PM**To:** courtney@capeplanning.co.nz**Subject:** Fw: 2240257-RMASUB, 43 Guy Road, Kaikohe

Good day Courtney,

I have carefully reviewed the conditions you have proposed and have a few concerns that I would appreciate your insights on.