



Office Use Only
Application Number:

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

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

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

4. Applicant Details:

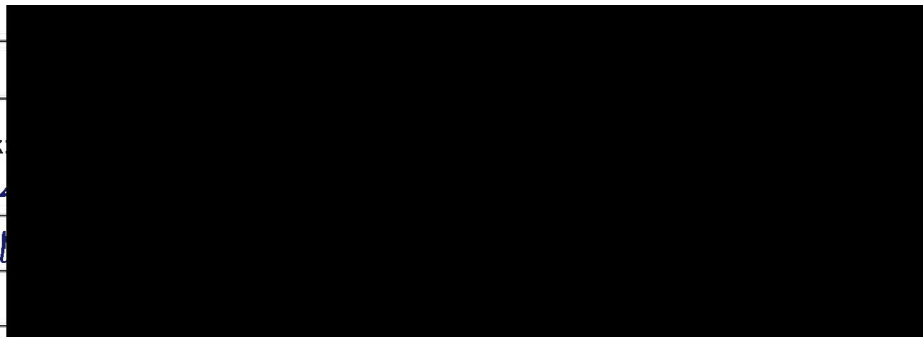
AMIT NANDI

Name/s:

Electronic Address for Service (E-mail):

Phone Numbers: Work

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



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

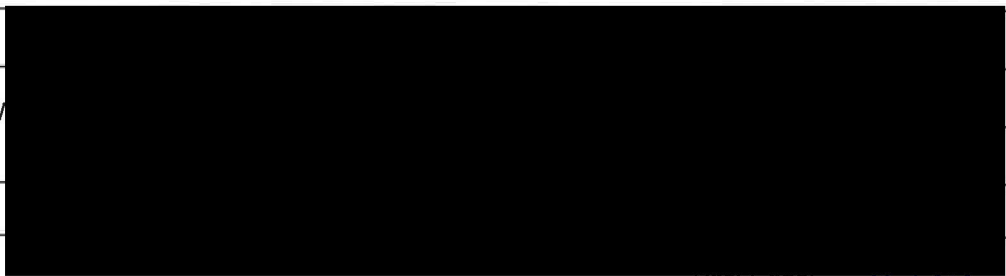
AMIT NANDI

Name/s:

Electronic Address for Service (E-mail):

Phone Numbers: W

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



Post Code:

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

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: AMIT NANDI / SWAGATA BAIRAGEE NANDI

Property Address/ Location: 43 GUY ROAD
KAIKOHE 0405

7. Application Site Details:

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

Site Address/ Location: 43 GUY ROAD
KAIKOHE

Legal Description: PART LOT 1 DP 16040 Val Number: 00523 - 58500

Certificate of Title: NA 85A / 761

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.**

8. Description of the Proposal:

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

Proposed to create two additional lots in the Residential Zone as a Discretionary Activity.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification

Yes/No

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

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

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

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

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

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

Email: _____

Postal Address: _____

Post Code: _____

Phone Numbers: Work: _____ Home: _____ Fax: _____

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 print)

Signature: _____ (signature of bill payer – **mandatory**) Date: 08-12-2023

14. Important Information:

Note to applicant

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

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

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

Fast-track application


Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

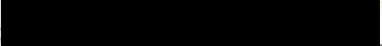
A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

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

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

Name:  (please print)

Signature:  (signature)

Date: 08-12-2023

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

Checklist (please tick if information is provided)

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

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

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Amit Nandi
43 Guy Road
Kaikohe 0405

027 5555 136
amit_nandi@Outlook.com

8 December 2023

Resource Consents Team
The Far North District Council
Private Bag 752
Kaikohe 0440

Re: Proposed 3 lot Subdivision, 43 Guy Road, Kaikohe 0405

Dear Sir/Ma'am,

The applicant is seeking resource consent to subdivide 13622 m2 of residential zoned land into 3 new lots. The parent lot is currently occupied by an existing house, a garage, and a shed. The application is a **Discretionary Activity** under the Far North District Plan that can meet the applicable subdivision performance standards specified in the **Residential Zone**.

It's a **Discretionary Activity** since the site is accessed off State Highway 12.

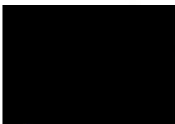
Overall, it is concluded that any potential adverse effects on the environment would be less than minor, and that the proposal will achieve the objectives and policies for the residential zone.

We attach information required to be included in this application by the relevant statutory documents as follows:

- **Planning Report and Assessment of Environmental Effects [Capricorn Planning]**
- **Appendix A – Record of Title.**
- **Appendix B – Subdivision Scheme Plan**
- **Appendix C – Chorus and Top Energy Approvals**
- **Appendix D – Stormwater Disposal Report (By Farnorth Drainage Ltd)**
- **Appendix E – NZTA Written Approval**

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

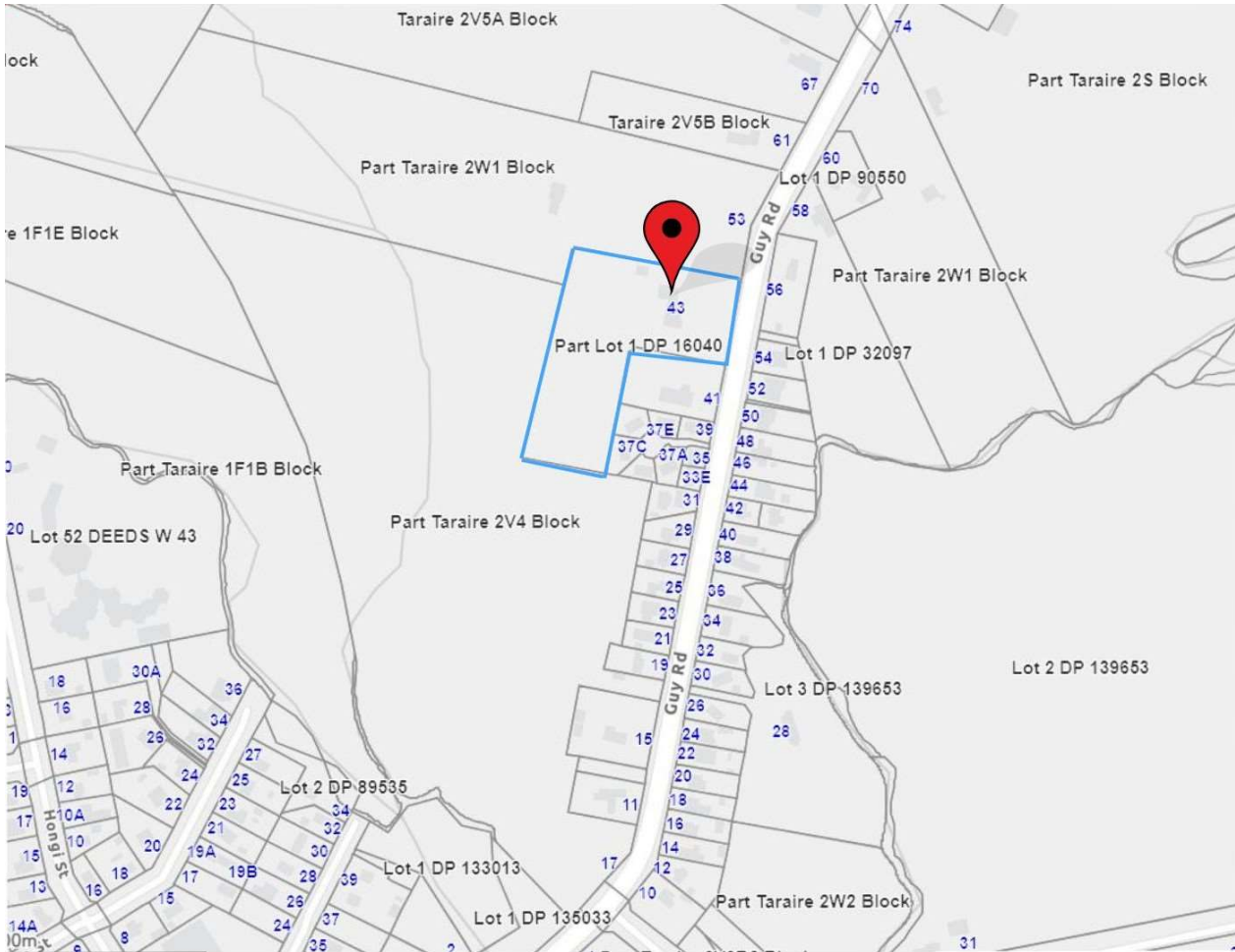


Amit Nandi
027 5555 136
amit_nandi@Outlook.com

1.0 INTRODUCTION

1. We, **Amit Nandi** and **Swagata Bairagee Nandi**, would like to seek resource consent to subdivide a 13622 m² urban residential property at 43 Guy Road, Kaikohe, into three (3) residential lots. The site is legally described as Part Lot 1 DP 16040. A copy of the Record of Title is attached to **Appendix A**.
2. The site is currently occupied by an existing residential dwelling, and because of its size and location within a residential area, it can be subdivided again.
3. The application is a **Discretionary activity** subdivision under the Far North District Plan rule 15.1.6C.1.1(e), given that it will be accessible via State Highway 12. The minimum lot size rules comply with subdivision standards for the **Residential zone**. It is concluded that any potential adverse effects arising from the subdivision would be less than minor and that the proposal reflects a similar pattern of development for this area.

2.0 SITE AND LOCALITY DESCRIPTION



Prover Map



Prover Aerial



Google

Google Street View Photo (2023) – Taken from Guy Road.



Existing House on Proposed Lot 1

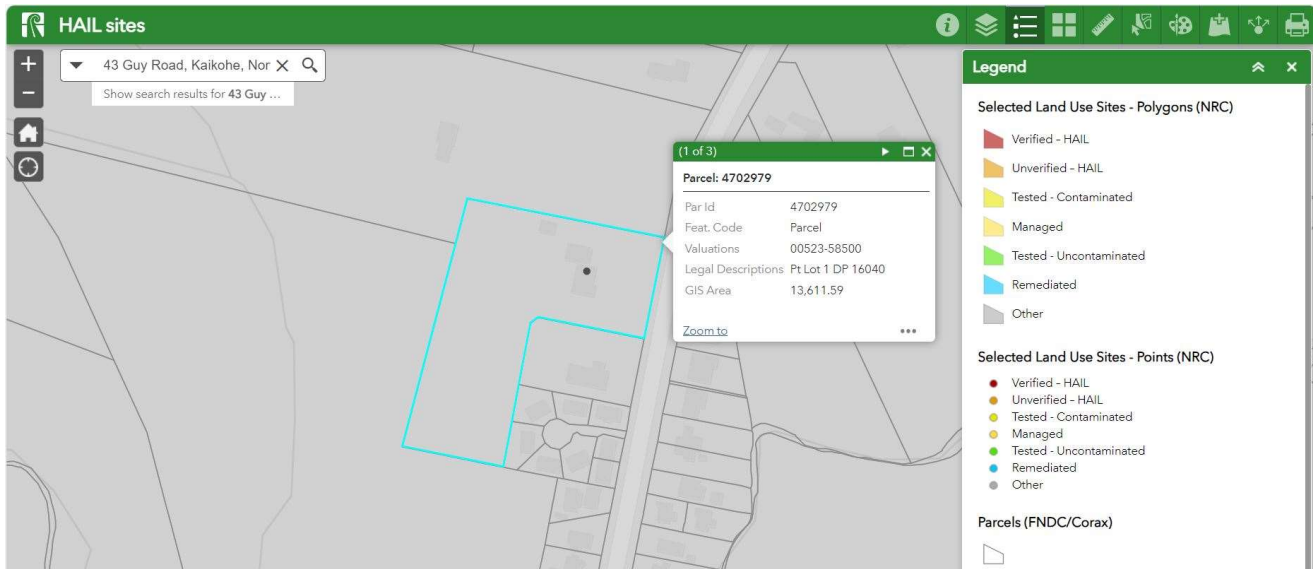
4. The application site is situated in an urban residential area on the north-eastern side of Kaikohe township. The site is accessible off State Highway 12 (Guy Road) at the eastern boundary. The northern boundary is adjacent to other residential sections that are currently occupied. The southern boundary is adjacent to the Jehovah's Witness Church. The western boundary is adjacent to a vacant section, which is primarily covered in grass. The property is within 800 metres of the Kaikohe town centre.
5. The topography of the site is flat. Reticulated Council services including water supply and wastewater are currently utilised by the existing residential unit and are available for the proposed additional Lot. The stormwater connection will be done through underground pipes and swale drain.
6. The property comprises an existing residential dwelling, a detached garage, and a rear shed. The remaining portion of the property consists of a grass-covered area adorned with multiple boundary trees serving as a shelter belt. Access to the property is currently provided via a driveway connected to State Highway 12 (Guy Road) on the eastern side of the site.
7. The immediately adjoining northern (Part Taraire 2W1 Block), western (Part Taraire 2V4 Block), and southern (Lot 4 DP 147864) properties are developed with occupied residences. The site has frontage along the eastern boundary to Guy Road, from which it is accessed.
8. Historic aerial photographs from Retrolens (see below) show that the site has been used for residential activities for a long time; prior to this, pastoral agricultural activities were on this site. HAIL Sites of FNDC Maps indicates that it is not a HAIL site (See below). Hence, A HAIL report to check the site for contamination is not considered necessary.



Source Retrolens 1993



Source Retrolens 1981



HAIL Site FNDC Maps

3.0 DESCRIPTION OF THE PROPOSAL

Subdivision

9. The proposed subdivision is to create three residential lots from the parent lot (Part Lot 1 DP 16040) established on April 1, 1992, as follows:
 - Proposed Lot 1: 12,412 m² (contains an existing dwelling)
 - Proposed Lot 2: 600 m²
 - Proposed Lot 3: 600 m²

10. See below the proposed scheme plan. A copy of the complete proposed subdivision scheme plan is attached (**Appendix B**)

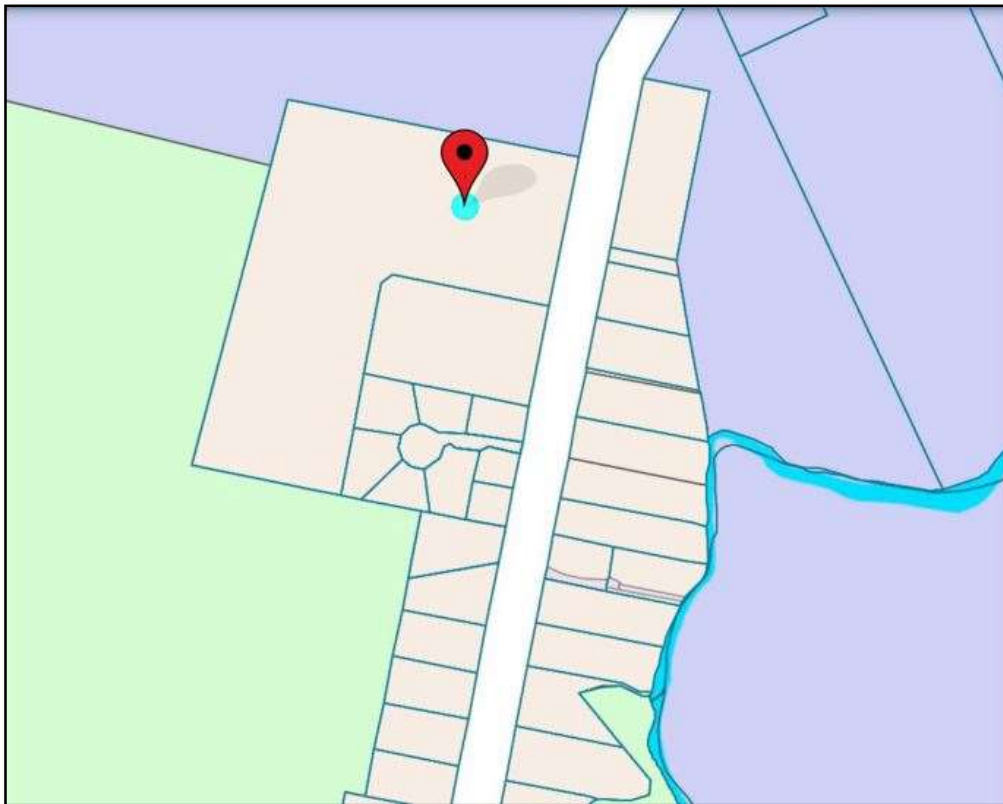
11. Lot 1 will have its own access off State Highway 12 (Guy Road), which already has an established vehicle crossing. Lots 2 and 3 will have frontage to State Highway 12 (Guy Road), which will require a ROW to provide access to both lots. There is already an established vehicle crossing between Lots 2 and 3.

12. Fibre and power are reticulated on Guy Road and can be connected to each lot. (Refer to **Appendix C**)

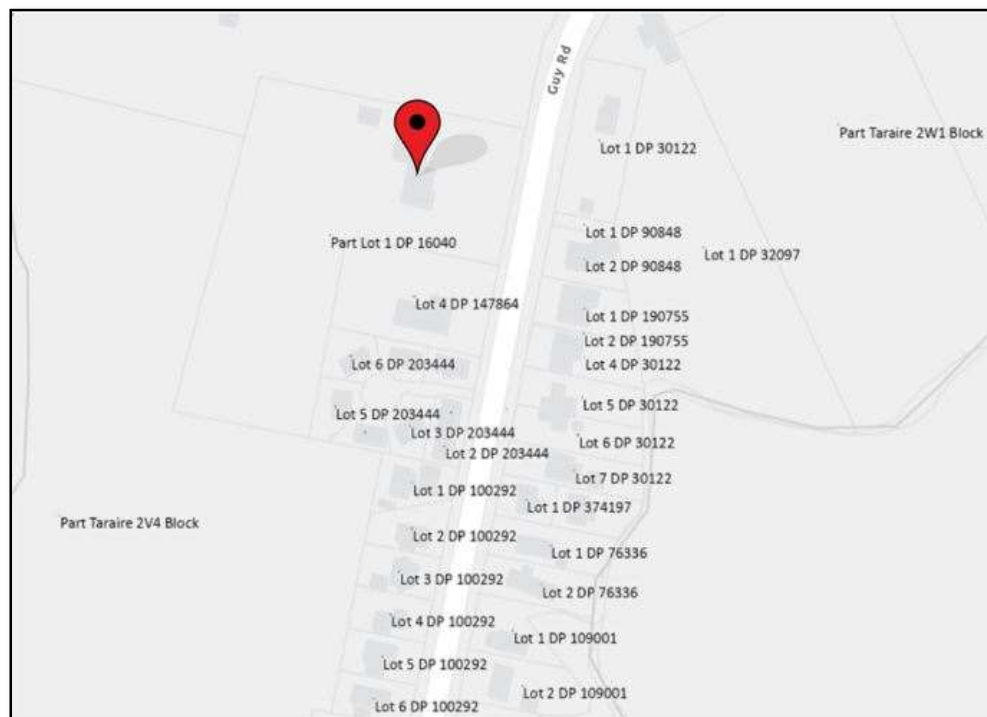
4.0 REASONS FOR CONSENT

Far North District Plan

13. Under the Far North District Plan, the site is zoned 'Residential'. There are no resource features that apply to this site.



Far North Maps – Residential Zone



Far North Maps – Parcel Label (Legal Description)

14. Chapter 13 Subdivision Rules 13.7.2.1(v) 'Allotment Sizes, Dimensions, and Other Standards' provide for subdivision outcomes on **residential** zoned sites as follows:

- Rule 13.3.7.2.1(v): The minimum lot sizes are 3,000 m² (unsewered) and 600 m² (sewered). (**Controlled Activity**).
- Rule 13.3.7.2.1(v): The minimum lot sizes are 2,000 m² (unsewered) and 300 m² (sewered). (**Discretionary Activity**).

15. In respect of this application, it is assessed as **Discretionary Activity** Land Use under Rule 15.1.6C.1.1(e) 4. since the site is accessed off State Highway 12.

National Environmental Standard

16. The site has not been classified as HAIL given the previous historical use for pastoral farming and residential activities.

17. The site is also not captured by the NES Freshwater as there is no related freshwater resources on this site or nearby.

5.0 SECTION 104 ASSESSMENT

18. Section 104B of the determination of applications for discretionary and non-complying activities:

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

Section 104B: inserted, on 1 August 2003, by [section 44](#) of the Resource Management Amendment Act 2003 (2003 No 23).

19. Applications for discretionary activities may be granted or refused, and if granted, may be subject to conditions of consent.

20. When considering an application for resource consent, a consent authority must have regard to the matters under Section 104 of the Resource Management Act 1991, including any matters relating to Part 2. References to Part 2 in applications are only required where plans may be deficient in terms of giving effect to the purpose and principles of the Act.

21. Section 104 specifies that consent authorities have regard to the following matters when considering whether to grant or refuse an application for resource consent:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (c) *any relevant provisions of-*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (d) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

22. In the case of the subject application, those considerations include the actual and potential effects of an activity on the environment, the relevant provisions of the regional policy statement or other relevant statutory document, a district plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. As the site is not within the coastal environment, the NZCPS is not relevant.

23. The following assessment addresses all relevant considerations under s.104 of the RMA.

SECTION 104 (1)(a) - ASSESSMENT OF EFFECTS ON THE ENVIROMENT

24. Section 104(1)(a) requires that consent authorities have regard to any actual or potential effects on the environment of allowing the activity. Section 2 of the RMA defines 'Environment' as follows:

environment includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

25. Section 3 defines the meaning of 'effect' to include:

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

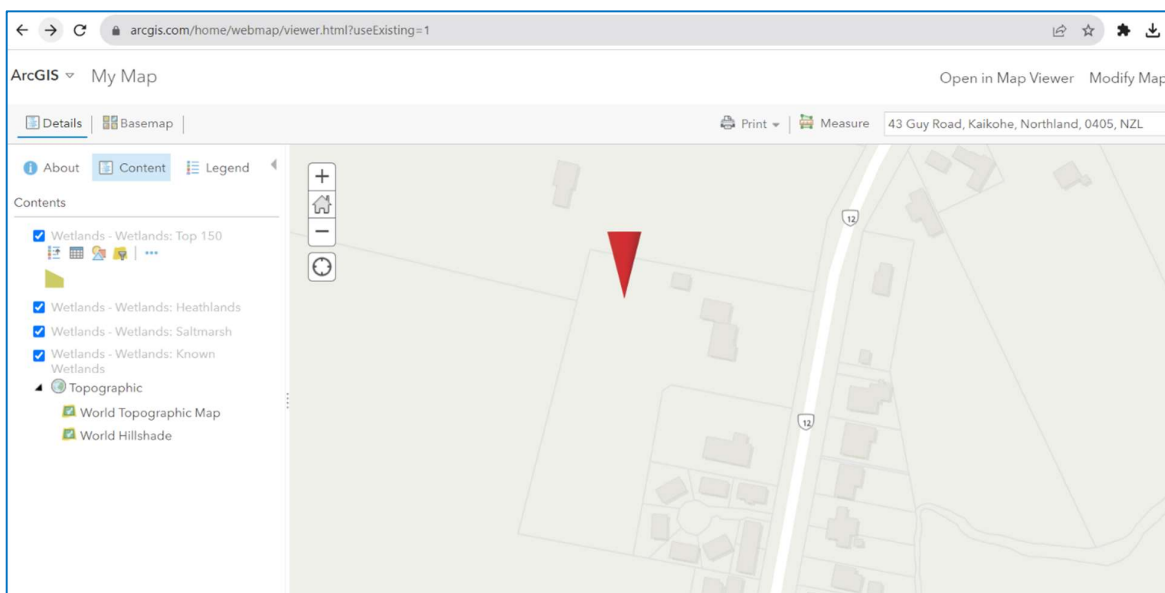
Section 3: amended, on 7 July 1993, by [section 3](#) of the Resource Management Amendment Act 1993 (1993 No 65).

26. Positive effects associated with this activity are that there will be an additional vacant residential site available for housing. These sites are being created on land which is located very close to the Kaikohe town centre.

27. Potential adverse effects associated with this activity relate to the subdivision of the site. This will be addressed in the sections below.

28. The NES-CS (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) is not applicable to this site.

29. There are no wetlands or other relevant features on or near this site, therefore the National Environmental Standards for Freshwater is not applicable. See NRC's Wetland Map below.



SUBDIVISION

This activity has been assessed against the relevant assessment criteria within chapter 13.10 of the District Plan.

ALLOTMENT SIZES AND DIMENSIONS

30. Lot 1 will be 12422 m², it will have a frontage to State Highway 12 (Guy Road) and have its own access. Lot 2 and Lot 3 are 600 m² each with frontage to State Highway 12 (Guy Road) and would have a right of way for the existing driveway along the eastern boundary to provide access for Lot 2 and Lot 3. These sites can accommodate the required 14m x 14m square building platform, including of the setback requirements.
31. Lot 1 has a site area of 12422 m², and Lot 2 and Lot 3 have 600 m² each, as required for a controlled activity in the residential zone. Lot 1 has an existing dwelling, garage, and shed on it and will have sufficient size and dimensions for operational and maintenance requirements. The southern boundary of the proposed lots adjoins neighbouring Jehovah's Witnesses Church. The northern boundary of the proposed lots adjoins a larger section of the property also used for residential purposes. The western boundary of proposed Lot 3 will adjoin proposed Lot 1. The effects, including cumulative and long-term, will be less than minor.
32. In summary, the allotment sizes and dimensions are suitable for their intended use. Each lot has suitable access and is of a size and dimension capable of supporting the existing residential units and associated services. Lot 2 and 3 will also have the right of way on the eastern boundary for the existing access.

NATURAL AND OTHER HAZARDS

33. Both the FNDC and NRC GIS maps depict the site as being free from any hazards impacting the site.
34. The site was not historically used for any activities that required a HAIL assessment.

WATER SUPPLY

35. The property is on the town water supply.

STORMWATER DISPOSAL

36. The stormwater runoff will be systematically directed towards the rear of Lots 2 and 3 through a carefully designed network of underground pipes passing from the southern boundary of Lot 1, as indicated in the scheme plan (Appendix B). These pipes are strategically positioned to optimise water flow and address potential waterlogging concerns. The surface drainage system has been meticulously planned to sufficiently collect and divert stormwater away from impervious surfaces on the property. Additionally, it is proposed that rocks will be strategically placed at the discharge points of the pipes to effectively mitigate any potential erosion of the earthwork.

SANITARY SEWAGE DISPOSAL

37. The property has an existing connection to the council's reticulated sanitary sewage system, which will be retained by Lot 1. It is assumed that wastewater associated with future development of Lot 2 and Lot 3 can be accommodated by the council system.

ENERGY SUPPLY AND TELECOMMUNICATIONS

38. Fibre and power are reticulated on Guy Road and can be connected to each lot along the shared driveway (refer **Appendix C**).

EASEMENTS FOR ANY PURPOSE

39. Access to Lots 2 and 3 will be facilitated through State Highway 12 (Guy Road), necessitating the establishment of a Right of Way (ROW) to ensure seamless access for both lots. It is pertinent to note that there exists an established vehicle crossing between Lots 2 and 3. The driveway's location will be within the designated easement areas denoted as G on the subdivision scheme plan in **Appendix B**. Furthermore, the subdivision scheme plan outlines

easements (A, B, C, E, and F) for Stormwater Drainage running along the western boundary of Lot 3 and along the southern boundary encompassing Lots 1 and 3, while Sewage easements (D, E, and F) also traverse along the western boundary of Lot 3 and the southern boundary through Lot 1.

BUILDING LOCATION

40. All the proposed sites will have access to reticulated water and wastewater services and an area able to accommodate a 14 x 14m residential unit, exclusive of the setback requirements. An existing fence separates the southern boundary from the JW Church; the northern boundary also has an existing fence separating it from the property, which is used for residential purposes.

PROVISION OF ACCESS

41. There are two existing access to the property. The first existing access way will provide access for Lot 1 off Guy Road. The second existing access Lot 2 and 3 will be accessed through the eastern boundary of the property as a ROW off State Highway 12 (Guy Road). This will comply with the required legal 5m width and 3m wide carriageway. NZTA's Written Approval can be found in **Appendix E**.

Table 2: Transportation Performance Standards

Chapter 15 - Transportation	
15.1.6A.2 Traffic Intensity	The proposed subdivision would enable land use activities that can comply with the permitted traffic intensity rule. Permitted Activity
15.1.6B.1 Parking	On-site carparking can be provided for the range of permitted land use activities enabled by the subdivision. Permitted Activity
15.1.6C Access	There are two existing access to the property. The first existing access way would be used to provide vehicular access for Lot 1 enabling the driveway to run parallel with the northern boundary of Lot 2. A separate existing accessway off State Highway 12 (Guy Road) on the eastern boundary would provide access to proposed Lot 2 and Lot 3 as a ROW as depicted within the subdivision scheme plan prepared (refer Appendix B). Discretionary Activity.

EFFECT OF EARTHWORKS AND UTILITIES

42. Anticipated earthworks are limited to essential drainage requirements, with a deliberate emphasis on minimizing any potential impact on the surrounding environment.

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

43. The site does not contain any areas of mapped Significant Indigenous Vegetation, Heritage Resources, Landscape Features or Sites of Cultural Significance to Maori.

SOIL

44. The site has been zoned for residential purposes, with proposed Lot 1 previously developed and supporting a residential dwelling. The rest of the site is vacant and being used as a lawn and garden area for the existing dwelling. Subdividing to provide more residential use does not affect the life-supporting capacity of the soil; however, the ability to utilise the soil is in reality reduced.

ACCESS TO WATERBODIES

45. The site does not adjoin any reserve or waterway, nor does it contain any reserves or watercourse features.

LAND USE INCOMPATIBILITY

46. The site is zoned residential and is used for residential purposes. All neighbouring properties are also zoned as Residential; therefore, this subdivision application will not cause any land use incompatibility issues to arise.

PROXIMITY TO AIRPORTS

47. The site is not near the Kaikohe Airport.

NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

48. The proposal is not located within the Coastal Environment.

ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE

49. No renewable energy developments form part of this application.

NATIONAL GRID CORRIDOR

50. The proposal is not within the National Grid Corridor.

AFFECTED PARTIES

51. The proposed creation of three new lots aligns with neighbouring allotments in size and character, with no adverse effects beyond the property boundary anticipated. Lot 1 is already developed and as assessed in attached reports, can adequately accommodate all servicing and infrastructural needs. Neighbouring properties will remain unaffected, with Lot sizes in line with residential zoning. Despite Lot 1 and 3 bordering the Jehovah's Witness Church, minimal adverse privacy and dominance effects are expected, as the nearest residential buildings are oriented away from Lot 1. Access to Lot 1 through the existing driveway, separated from Lot 2 and 3, further mitigates potential adverse effects, and traffic movement remains compliant with cumulative and long-term effects deemed less than minor.

SUBDIVISION SUMMARY

52. The actual and potential effects of undertaking this subdivision are assessed to have a no more than minor adverse impact on the environment and will assist in generating positive effects such as providing additional housing within the Kaikohe township.

6.0 STATUTORY CONSIDERATIONS

NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER

53. There are no wetlands or other relevant features on or near this site, therefore the National Environmental Standards for Freshwater is not applicable.

NORTHLAND REGIONAL POLICY STATEMENT

54. 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.

55. 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.

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

FAR NORTH DISTRICT PLAN

57. The District Plan provisions of relevance to this application are the objectives and policies for subdivision, the **Residential Zone** and environmental and transport standards that apply district wide.

58. The District Plan Urban Environment is comprised of three urban sub-zones that includes the Residential Zone, the Commercial Zone and the Industrial Zone. These zones provide for distinctively different urban environments that together function as a community environment that enables living and employment opportunities. They are the parts of the district that have public infrastructure services that enable the growth and intensification of land use activities.

59. Across the whole Urban Environment, the Far North District Plan seeks to ensure that urban activities do not have adverse environmental effects on natural and physical resources (Objective 7.3.1) and that effects on amenity and character values are avoided, remedied, or mitigated (Objective 7.3.3). Permitted development standards have been established to ensure that environmental effects generated in residential areas are appropriate (Policy 7.4.2). As discussed above, the effects generated by the proposed development are within the permitted standards for the Residential zone and would be consistent with the amenity values that characterise the local area. The proposal provides the opportunity for additional residential housing in a manner that fits with what is anticipated for the character of the existing urban environment. The cumulative impacts of this development are considered acceptable given that the development will be consistent with neighbouring activities and will have less than minor adverse impacts on the neighbouring residential environment.

60. Policy 7.4.5 links the Urban Environment policy framework to the protection and maintenance of natural environment features and values. The proposed development will not adversely impact any natural environment features and values.

61. Specific to the Residential zone, Objective 7.6.3.1 seeks to achieve new residential areas at similar densities to those that currently prevail. This residential infill proposal would establish a development density that is consistent with lot sizes in the area and would increase the available housing stock in Kaikohe. The proposed subdivision layout would ensure that potential residential dwellings can be provided outside the required setbacks for this zone. Outdoor living areas can be well oriented for sunlight access, privacy, parking, and manoeuvring (Policies 7.6.4.7,

7.6.4.9, and 7.6.4.10). Impermeable surfaces would be within the permitted thresholds to provide for permeable private open space and planting (Policy 7.6.4.8).

62. The subdivision of land is done in a way that is consistent with the purpose of the residential zone (objective 13.3.1). The proposal will provide land suitable for residential use that is consistent with neighbouring properties and uses. The size of all lots (1, 2, and 3) is consistent as controlled standard, but they are able to provide a minimum building envelope outside the setbacks and will have less than minor effects on the amenity values and existing land uses of the area (Policy 13.4.1).
63. Overall, it is considered that the proposed dwelling would not be contrary to any applicable District Plan objective or policy.

8.0 NOTIFICATION ASSESSMENT (s95 Matters)

64. The Council will need to determine the basis on which the application will be processed. These include public notification, limited notification, or non-notification.
65. Resource Legislation Amendment Act (2017) has introduced several changes to the notification assessment process. Amended sections 95A and 95B have introduced a step-by-step process that Council must follow when determining whether to publicly or limited notify an application.

8.1 PUBLIC NOTIFICATION (s95A)

66. Section 95A outlines the steps that must be followed to determine whether an application should be publicly notified.

Step 1 – Details requirements for mandatory public notification. None of these apply to the proposal.

Step 2 – Details situations where public notification is precluded (if not required under step 2). The application is for a subdivision Discretionary activity, therefore public notification is not precluded under this step.

Step 3 – Details requirements for public notification in certain circumstances. This includes applications that are determined to be publicly notified under s95D. For this application, it is concluded that potential adverse effects would be less than minor.

Step 4 – Details requirements in special circumstances. It is considered that there are no special circumstances that would warrant notification.

8.2 LIMITED NOTIFICATION (s95B)

67. The amended s95B also includes steps to be followed when deciding whether an application should be subject to limited notification.

Step 1 – relates to the consideration of certain affected groups and affected persons including any protected customary rights groups or affected marine title groups. There are no such groups affected by this application.

Step 2 – details requirements for limited notification where the application is for one or more activities that is precluded from limited notification by a rule or standard or is a controlled or prescribed activity. This step does not preclude this application from limited notification.

Step 3 – relates to boundary adjustments, where an owner of an infringed boundary is to be notified or a prescribed activity. Also relates to any other activity where it is required to determine if a person is an affected person in accordance with s95E. For the purpose of limited notifying an application, a person is an affected person if a consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). There are no potentially affected persons who will be adversely affected by the adverse effects of this application as all the 3 proposed Lots meets the minimum site space of 600m² (sewered) required for a controlled activity including:

- 41 Guy Road, Kaikohe

The location of these sites is visually depicted below:



68. In terms of potentially affected persons, based on previously mentioned reasons it is considered the adverse effects on these adjoining property owners will be less than minor therefore the consent can be processed on a non-notified basis.

Step 4 – relates to requirements to notify where special circumstances exist. There are no special circumstances that would warrant limited notification of this application.

PART II

PURPOSE

69. The proposal can promote the sustainable management of natural and physical resources on site, as current and future owners and users of the land are able to provide for their social, cultural, and economic wellbeing and their health and safety.
70. The proposed Lot 1 will continue to provide an existing residential dwelling and associated property within proximity to Kaikohe. Lots 2 and 3 are vacant and will be available for future residential development within the Kaikohe. The proposed subdivision will enable the sale of these two properties independently, which could provide opportunities for people looking to purchase a house or section within the area. Those people help contribute to the local economy and utilise local services and infrastructure. Housing is sorely needed within the local area, in all shapes and sizes, to accommodate various members of the community, and although the proposal does not directly contribute, it may provide additional opportunity. In doing so, this achieves all four well-beings as identified in Part 2. Air, water, soil, and ecosystems are not anticipated to be adversely affected by this small-scale subdivision on the periphery of Kaikohe within the residential zone. Any effects on the environment are not anticipated to be more than minor.

MATTERS OF NATIONAL IMPORTANCE

71. The site is not mapped as being within a Kiwi present area. Maori are not considered to be adversely affected by this proposal, nor is any historic heritage likely to be impacted; however, in the event anything is discovered, the accidental discovery protocol will be adhered to.

OTHER MATTERS

72. The development will result in an efficient use of resources, with the development occurring on the periphery of the urban zone, providing for separated residential housing where agricultural activities will not be adversely impacted. There will be no adverse impact on local ecosystems.

9.0 CONCLUSION

73. This application seeks a **discretionary** resource consent to undertake a subdivision within the **residential zone**. The assessment of effects on the environment concludes that, for the reasons outlined in the application, the effects of undertaking this subdivision will be less than minor on the surrounding environment.
74. The proposal was considered to be consistent with the purpose of the National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health.
75. No currently gazetted National Policy Statements including the NZ Coastal Policy Statement were considered to be undermined by this development.
76. The Regional Policy Statement for Northland was also reviewed as part of this application. The proposal was considered to be consistent with the aims of this document.
77. In terms of the operative Far North District Plan, the proposal was assessed against the objectives and policies for the Rural Environment in general, the Residential Zone, and the District Wide chapter relating to Soils and Minerals and Subdivision, with the conclusion that it is generally compatible with the aims of the District Plan as expressed through those relevant objectives and policies.
78. The relevant assessment criteria within the District Plan were also considered, the conclusions reached being that the proposal fulfilled the relevant criteria when assessed within the context of the outcomes the rules aim to achieve.
79. In terms of the potential adverse effects being minor or more than minor, it is considered that there are no directly affected parties to this proposal as all effects can be adequately mitigated.
80. An assessment of Part II of the Act has also been completed, with the proposal generally able to satisfy this higher-order document.

Appendix A:
Certificate of Title



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




R. W. Muir
Registrar-General
of Land

Identifier **NA85A/761**
Land Registration District **North Auckland**
Date Issued 01 April 1992

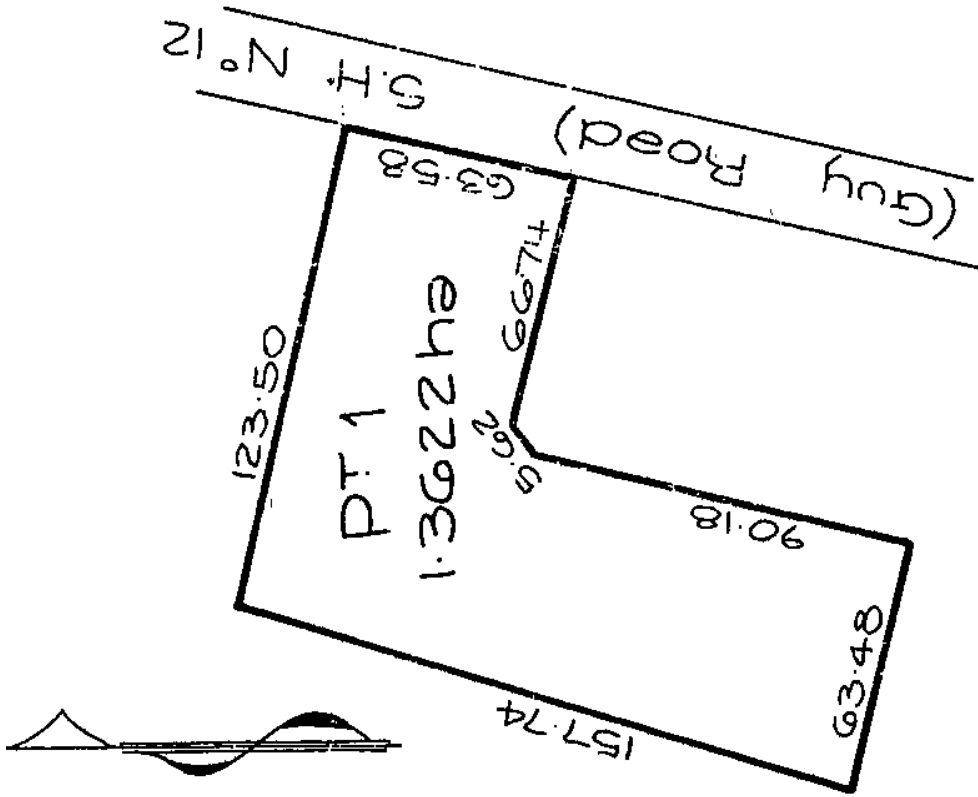
Prior References
NA75B/600

Estate Fee Simple
Area 1.3622 hectares more or less
Legal Description Part Lot 1 Deposited Plan 16040

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
Subject to a stormwater right over part marked B on Plan 147864 created by Transfer C395004.1 - 15.7.1992 at 2.54 pm
The easements created by Transfer C395004.1 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a stormwater right over part marked Z on DP 203444 created by Transfer D556234.1 - 9.11.2000 at 10.21 am
12844346.3 Mortgage to ANZ Bank New Zealand Limited - 17.10.2023 at 11:33 am



DP 16040
G.S. Exd Handy

Approved by the District Land Registrar, South Auckland No. 351560
 Approved by the District Land Registrar, North Auckland, No. 4380/81
 Approved by the Registrar-General of Land, Wellington, No. 436748.1/81

C361138.S EC

EASEMENT CERTIFICATE

(IMPORTANT: Registration of this certificate does not of itself create any of the easements specified herein).

I/We DAVID MICHAEL GARNER of Kaikohe, Market Gardener and NICOLA JANE GARNER his wife

being the registered proprietor(s) of the land described in the Schedule hereto hereby certify that the easements specified in that Schedule, the servient tenements in relation to which are shown on a plan of survey deposited in the Land Registry Office at Auckland on the day of 19 1992 under No. 147864 are the easements which it is intended shall be created by the operation of section 90A of the Land Transfer Act 1952.

SCHEDULE
 DEPOSITED PLAN NO. 147864

Nature of Easement (e.g., Right of Way, etc.)	Servient Tenement		Dominant Tenement Lot No.(s) or other Legal Description	Title Reference
	Lot No.(s) or other Legal Description	Colour, or Other Means of Identification, of Part Subject to Easement		
Right to drain sewage	Lot 4 DP 147864, CT 88A/216	(A)	Part DP 16040 & being part Taraira 2W No. 1 & 2V No. 4 Block	75B/600

State whether any rights or powers set out here are in addition to or in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952.

1. Rights and powers:

No additional rights and powers.

2. Terms, conditions, covenants, or restrictions in respect of any of the above easements:
Nil.

Dated this 3rd day of Feb 1992 ✓

Signed by the above-named
DAVID MICHAEL GARNER and
NICOLA JANE GARNER

in the presence of

Witness

Occupation


Address



EASEMENT CERTIFICATE

(IMPORTANT): Registration of this certificate does not of itself create any of the easements specified herein.

Correct for the purposes of the Land Transfer Act


Solicitor for the registered proprietor

LAW NORTH PARTNERS
BARRISTERS & SOLICITORS
KAIKOHE

EC(1)

(one copy)



2.4.92 01 APR 92 C 361138 5

88A/215

85-01/161



C395000.1 TB

Under the Land Transfer Act 1952

Memorandum of Transfer

WHEREAS DAVID MICHAEL GARNER of Kaikohe, market gardener and NICOLA JANE GARNER his wife (hereinafter called "the transferors") are

being registered as proprietors

of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in those pieces of land situated in the Land District of North Auckland containing FIRST 3000 square metres

NEW ZEALAND STAMP DUTY AK1
15/06/9200150001 DUTY *300.00

more or less being Lot 4 Deposited Plan 147864 and being part Taraire 2W No. 1 and 2V No. 4 Blocks and being all the land comprised and described in Certificate of Title No. 88A/216 (North Auckland Registry) SUBJECT TO 1. Sewage pipeline easement appurtenant to part Lot 1 Plan 16040 (C.T. 85A/761) shown in Easement Certificate No. C.361138.5 (subject to Section 309(1)(a) Local Government Act 1974); 2. Section 309(1)(c) Local Government Act 1974 requiring the creation of the storm water easement specified on Deposited Plan 147864 for which provision is hereinafter made (hereinafter called "the land first above described")

AND SECONDLY 1.3622 hectares more or less being part Lot 1 Deposited Plan 16040 being part Taraire 2W No. 1 and 2V No. 4 Blocks and being all the land comprised and described in Certificate of Title No. 85A/761 (North Auckland Registry) TOGETHER WITH Sewage pipeline easement over part Lot 4 Plan 147864 marked "A" and shown in Easement Certificate No. C.361138.5 (subject to Section 309(1)(a) Local Government Act 1974) AND SUBJECT TO 1. Mortgage B.627292.5; 2. Mortgage C.195095.1; 3. Section 309(1)(c) Local Government Act 1974 requiring the creation of the storm water easement specified on Deposited Plan 147864 for which provision is hereinafter made (hereinafter called "the land secondly above described")

AND WHEREAS the transferors have for the consideration hereinafter appearing agreed with KAIKOHE CONGREGATION OF JEHOVAH'S WITNESSES a body corporate under and by virtue of the Charitable Trusts Act 1957 at Auckland (hereinafter called "the transferee") to the sale to the transferee of the land first above described together with the right to drain water appurtenant thereto on the terms hereinafter set forth

NOW THESE PRESENTS WITNESS:

1. IN CONSIDERATION of the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) paid by the transferee to the transferors (the receipt of which sum is hereby acknowledged) the transferors DO HEREBY TRANSFER to the transferee all their estate and interest in the land first above described.

2. FOR the consideration aforesaid the transferors DO HEREBY TRANSFER AND GRANT to the transferee as an easement forever appurtenant to the land first above described the full and free right and liberty to drain water from the land first above described over that part of the land secondly above described shown marked "B" on Plan 147864 TO THE INTENT that the transferee and its successors entitled to the land first above described shall forever have the same rights and powers of grantees implied in easements of the right to drain water more particularly set out in the Seventh Schedule to the Land Transfer Act 1952.

~~In Consideration of~~

~~and receipt of which sum is hereby acknowledged~~

~~Do hereby Transfer to~~

~~at~~ state and in the

~~and to be described as~~

In witness whereof these presents have been executed this

of April 30th 19 92 day

Signed by the above named
DAVID MICHAEL GARNER

and NICOLA JANE GARNER
in the presence of:

THE COMMON SEAL OF RAYMOND)
CONGREGATION OF JEHOVAH'S)
WITNESSES was hereto)
affixed in the presence of:)



Presiding Overseer

No.

TRANSFER OF

Correct for the purposes of the Land Transfer Act



SOLICITOR FOR THE TRANSFEREE

I hereby certify that this transaction does not contravene the provisions of Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952.

D.M. and N.J. GARNER Transferor

SOLICITOR FOR THE TRANSFEREE

KAIKOHE CONGREGATION OF
JEHOVAH'S WITNESSES Transferee

I hereby certify for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply.

Particulars entered in the Register as shown herein on the date and at the time endorsed below.

SOLICITOR FOR THE TRANSFEREE

Assistant / District Land Registrar

of the District of



PALMER MACAULEY & BLAIKIE
SOLICITORS
KAIKOHE



Solicitors for the Transferee



884/216

884/216

1254 15 JUL 92 68805004

884/216

C395004-11



D556234.1 TE

TRANSFER
Land Transfer Act 1952



If there is not enough space in any of the panels below, the two page form incorporating the Annexure Schedule should be used; no other format will be received.

Land Registration District

NORTH AUCKLAND

Certificate of Title No. All or Part? Area and legal description -- Insert only when part or Stratum, CT

85A	761	ALL	
-----	-----	-----	--

Transferor Surnames must be underlined or in CAPITALS

John Michael HUNIA and Diane Catherine HUNIA

Transferee Surnames must be underlined or in CAPITALS

HOUSING NEW ZEALAND LIMITED

Estate or Interest or Easement to be created: Insert e.g. Fee simple; Leasehold in Lease No; Right of way etc.

Stormwater Easement herein

Consideration

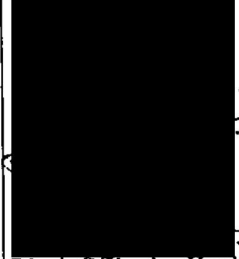


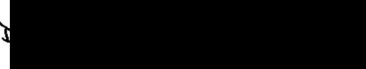
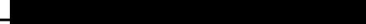
\$500.00

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 27 day of October 2000

Attestation

 Diane Catherine Hunia Signature, or common seal of Transferor	Signed in my presence by the Transferor Signature of Witness 
	Witness to complete in BLOCK letters (unless typewritten or legibly stamped) Witness name  Occupation  Address 

Certified correct for the purposes of the Land Transfer Act 1952

Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1971.
(DELETE INAPPLICABLE CERTIFICATE)

Transferee

Annexure Schedule



Insert below

"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

0007 130 22

Page

1

of

4

Pages

1 Interpretation

1.1 In these conditions unless the context otherwise requires:

"the transfer" means this transfer (including these conditions) as it may be varied from time to time;

"these conditions" means these conditions as they may be varied from time to time;

"costs" means the costs of the installation, creation, establishment, repair, maintenance, and serving of any article, property or facility used or needed for the proper exercise of the rights created by this transfer;

"dominant land" in relation to the easement means the land described in this transfer to which the easement is appurtenant;

"easement" means the easement recorded by this transfer;

"the Grantee" in relation to the easement means the registered proprietor for the time being of the dominant land to which the easement is appurtenant, and where appropriate means the Grantee's agents, employees, contractors, tenants, licensees and invitees;

"the Grantor" in relation to the easement means the registered proprietor for the time being of the servient land which is subject to the easement, and where appropriate means the Grantor's agents, employees, contractors, tenants, licensees and invitees;

"servient land" in relation to the easement means the land described in this transfer which is subject to the easement;

"stormwater easement" means the rights and obligations recorded by this transfer in relation to the stormwater easement area;

"stormwater easement area" means that part of the servient land described in this transfer as being subject to a stormwater easement.

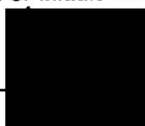
2 Grant of Easement

Grant of Stormwater Easement

2.1 Housing New Zealand Limited shall have the right to drain stormwater over that part of the land in Certificate of Title 85A/761 (North Auckland Registry) marked "Z" on Deposited Plan 203444 being appurtenant to the land contained in Certificates of Title 132A/491 to 132A/498 (inclusive) (North Auckland Registry).

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

VN



Annexure Schedule



Insert below

"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

27 OCT 2000

Page

2

of

4

Pages

3 Provisions relating to the Easement

3.1 The following provisions are applicable to the easement recorded by this transfer:

- (a) The grant shall be for all time from the date the easement is deemed to be created pursuant to section 90A(6) of the Land Transfer Act 1952.
- (b) No power is implied in respect of the easement for the Grantor to determine the easement for breach of any provision in this transfer (whether express or implied) or for any other cause, it being the intention of the parties that the easement shall subsist for all time unless it is surrendered.
- (c) If any party ("*the defaulting party*") neglects or refuses to perform or join with the other party ("*the other party*") in performing any obligation under this transfer the following provisions shall apply:
 - (i) The other party may serve upon the defaulting party a written notice ("*default notice*") requiring the defaulting party to perform or to join in performing such obligation and stating that, after the expiration of 7 days from service of the default notice the other party may perform such obligation;
 - (ii) If at the expiry of the default notice the defaulting party still neglects or refuses to perform or join in performing the obligation the other party may:
 - (aa) perform such obligation; and
 - (bb) for that purpose enter the relevant servient land or dominant land and carry out any work;
 - (iii) The defaulting party shall be liable to pay to the other party the costs of the default notice and the specified proportion of costs incurred in performing such obligation;
 - (iv) The other party may recover from the defaulting party as a liquidated debt any moneys payable pursuant to this subclause.
- (d) The Grantor shall not do any act which impedes, interferes with or restricts the rights of the Grantee in relation to the easement.
- (e) The Grantee may for the purpose of complying with any obligation of the Grantee under this transfer in relation to the easement:
 - (i) enter the servient land with or without agents, employees and contractors with all necessary tools, implements, machinery, vehicles or equipment; and
 - (ii) remain on the servient land for such time as is reasonable for the purpose of performing such obligation.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

VN

Annexure Schedule



Insert below "Mortgage", "Transfer", "Lease" etc

Transfer

Dated 27 OCT 2000

Page 3 of 4 Pages

- (f) In exercising any rights under this subclause the Grantee shall:
 - (i) cause as little damage, disturbance, inconvenience and interruption to the servient land and to the use of the servient land as is reasonably necessary; and
 - (ii) forthwith make good any damage done to the servient land and to the occupier of the servient land.
- (g) The parties shall pay all costs incurred in connection with the easement created by this transfer in equal proportions, unless the incurring of costs was caused by the deliberate act or omission of either the Grantor or the Grantee, in which case that party shall be responsible for the costs.

4 Stormwater Easement

4.1 The full, free, uninterrupted and unrestricted right, liberty and privilege for the Grantee (in common with the Grantor) to convey stormwater (whether rain, tempest, spring, soakage or seepage water) in any quantities in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) from the dominant land through pipes and conduits laid or to be laid under the surface of and through the soil of the relevant stormwater easement area, together with the additional rights incidental thereto set out below.

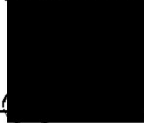
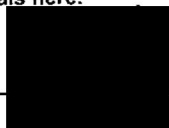
5 The following terms, conditions and restrictions of the Grantor and the Grantee shall apply to the Right to Drain Stormwater Easement

5.1 The full, free, uninterrupted, and unrestricted right, liberty and privilege for the Grantee (in common with the Grantor) for the purposes of the easement concerned:

- (a) To use any line of pipes already laid on the relevant easement area(s) or any pipe or pipes in replacement or in substitution for all or any of those pipes;
- (b) Where no such line of pipes exist, to lay, place and maintain or to have laid, placed and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under or over the surface (as the parties decide) of the relevant easement area(s);

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

VN



Annexure Schedule



Insert below

"Mortgage", "Transfer", "Lease" etc

Trasfer

Dated

27 OCT 2000

Page

4

of

4

Pages

(c) To enter upon the relevant easement area(s) (or where only the position of the pipe line is defined in the relevant easement area(s), then upon such other parts of the servient land as are reasonably necessary and by such route as is reasonable in the circumstances) and to remain there for any reasonable time, with any tools, implements, machinery, vehicles, or equipment for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the line of pipes or any part thereof and of opening up the soil of the relevant easement area(s) to such extent as may be necessary and reasonable in that regard PROVIDED THAT the Grantee shall in undertaking such works cause as little disturbance as possible to the surface of the servient land and on completion, restore the surface of the servient land as near as possible to its former condition.

5.2 The right to a reasonable contribution from the other party or parties toward the cost of laying, cleansing, maintaining, repairing and renewing the pipe line or lines to an appropriate standard.

5.3 The right to recover from the other party or parties the cost of repairs to the pipe line occasioned by any wilful or negligent act, and all such costs occasioned by them, their agents, servants, contractors, permitted occupants, residents or invitees arising out of the use of the pipe line.

Continuation of "Attestation"

Signed for and on behalf of HOUSING NEW ZEALAND LIMITED by its attorney

Roger James Poole

in the presence of:

Signature of Witness

Name: Paulette Ann Sorensen

Occupation: Administrator - Titles

Address: Housing New Zealand Wellington

"The execution of this document by the Bank is without prejudice to all the other rights and remedies of the Bank of whatsoever nature."

MORTGAGEE CONSENT

THE NATIONAL BANK OF NEW ZEALAND LIMITED being the mortgagee under Memorandum of Mortgage No. D525567.3 of the land described in the attached memorandum of transfer consents to the grant of the stormwater easement but without prejudice to the rights remedies and powers under that mortgage.

THE NATIONAL BANK OF NEW ZEALAND LIMITED by its attorneys:

JEANETTE FIONA FUN-NELL

in the presence of:

Name:

VIRGINIA NIA

Occupation:

BANK OFFICER

Address:

AUCKLAND

If this Annexure Schedule is used as an expansion of an instrument, all signing solicitors must put their signatures or initials here.

VN



The National Bank
of New Zealand Limited

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Jeanette Fiona Fun-nell** Manager Lending Services of Auckland in New Zealand **HEREBY CERTIFY:**

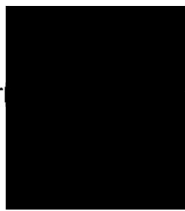
1. **THAT** by Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

Auckland	as No	D.016180	Hokitika	as No	105147
Blenheim	as No	186002	Invercargill	as No	242542.1
Christchurch	as No	A.256503.1	Napier	as No	644654.1
Dunedin	as No	911369	Nelson	as No	359781
Gisborne	as No	G.210991	New Plymouth	as No	433509
Hamilton	as No	B.355185	Wellington	as No	B.530013

The National Bank of New Zealand Limited (the "Bank") appointed me its Attorney with the powers and authorities specified in that Deed.

2. **THAT** at the date of this Certificate, I am the Manager Lending Services, Auckland Regional Support Centre of the Bank.
3. **THAT** at the date of this certificate, I have not received any notice or information of the revocation of that appointment by the winding-up or dissolution of the Bank or otherwise.

DATED at Auckland this 20 day of OCTOBER 2000



Certificate of Non-Revocation of Power of Attorney

I, ROGER JAMES POOLE of Wellington in New Zealand, of Housing New Zealand Limited

HEREBY CERTIFY:

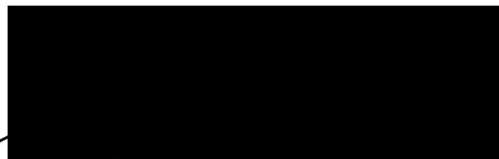
- 1. THAT by Deed dated 20 July 1998 copies of which are deposited in the Land Registry Offices at**

AUCKLAND (North Auckland Registry) and there numbered	D293888
BLLENHEIM (Marlborough Registry) and there numbered	198833
CHRISTCHURCH (Canterbury Registry) and there numbered	A361551
DUNEDIN (Otago Registry) and there numbered	951568
GISBORNE (Poverty Bay Registry) and there numbered	221301
HAMILTON (South Auckland Registry) and there numbered	B493774
HOKITIKA (Westland Registry) and there numbered	110301
INVERCARGILL (Southland Registry) and there numbered	259272
NAPIER (Hawke's Bay Registry) and there numbered	674452
NELSON (Nelson Registry) and there numbered	379259
NEW PLYMOUTH (Taranaki Registry) and there numbered	452788
WELLINGTON (Wellington Registry) and there numbered	B676923

Housing New Zealand Limited, a duly incorporated company appointed me its Attorney on the terms and subject to the conditions set out in the said Deed and the attached document is executed by me under the powers thereby conferred.

- 2. THAT at the date hereof I am the Project Manager Subdivisions of Housing New Zealand Limited.**
- 3. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of Housing New Zealand Limited or otherwise.**

**SIGNED at Wellington this)
27th day of October 2000)**





TRANSFER

Land Transfer Act 1952

UNZ.COM

10.21 09.NOV00 D 556234

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
for REGISTRAR-GENERAL OF LAND

Law Firm Acting
Chapman Tripp Sheffield Young Solicitors AUCKLAND

Handwritten notes: (TP) E - 168, 85A/761, 132A/491 to 498










Auckland District Law Society
REF: 4130 2

This page is for Land Registry Office use only.
(except for "Law Firm Acting")



Appendix B:
Scheme Plans

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

Proposed Easements			
Purpose	Shown	Burdened Land	Benefitted
Right to Drain Storm Water	A	Lot 1	Lot 2 & 3
	B		
	C		
	E		
Right to Drain Sewage	D	Lot 1	Lot 2 & 3
	E	Lot 1	Lot 2 & 3
	F	Lot 3	Lot 2
Right of Way	G	Lot 2 & 3	Lot 2 & 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	18/11/2023
Scale	1:750

Appendix C:
Chorus and Top Energy Approvals

Chorus New Zealand Limited

03 October 2023

Chorus reference: 10613175

Attention: Amit Nandi

Quote: New Property Development

2 connections at 43 Guy Road , Kaikohe, Far North District, 0405

Your project reference: N/A

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

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

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

The total contribution we would require from you is **\$0.00 (including GST)**. This fee is a contribution towards the overall cost that Chorus incurs to link your development to our network. This quote is valid for 90 days from 03 October 2023. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

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

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

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

Kind Regards

Chorus New Property Development Team





6 November 2023

Top Energy Limited

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

Amit Nandi

Email: amit_nandi@outlook.com

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION
Amit Nandi, 43 Guy Road, Kaikohe. Part Lot 1 DP 16040.**

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

Top Energy's requirement is that power be made available for the additional lots. Top Energy advises that proposed Lot 1 has an existing power supply. Costs to supply power to proposed Lots 2 & 3 would be provided after application and an on-site survey have been completed.

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

If you have any further queries, please do not hesitate to contact the writer.

Yours sincerely

Aaron Birt
Planning and Design
T: 09 407 0685
E: aaron.birt@topenergy.co.nz

Appendix D:
Stormwater Disposal

FAR NORTH DRAINAGE LTD

8 December 2023

To:

Resource Consent Team
Far North District Council

Subject: Stormwater Disposal Report - Onsite Disposal

Dear Sir/Ma'am,

Far North Drainage Ltd is pleased to submit this Stormwater Disposal Report for your consideration regarding the onsite disposal project at 43 Guy Road, Kaikohe. The purpose of this report is to outline the proposed stormwater disposal system, detailing how water flow will be directed to the back of the Lot 1 and ultimately to an existing pond through an open drain or swale, as depicted in the accompanying scheme plan.

Proposed Stormwater Disposal System:

1. Drainage:

The stormwater discharge will be methodically guided in the direction of the rear portions of Lots 2 and 3 via an intricately planned system of subterranean conduits that extend from the southern perimeter of Lot 1, as delineated in the below scheme plan. The positioning of these pipelines is calculated to maximise water flow and prevent waterlogging. The surface drainage system has been carefully designed to efficiently gather and redirect stormwater away from the property's impervious surfaces. Furthermore, it is suggested that rocks be strategically positioned at the discharge points of the pipelines in order to efficiently reduce the risk of soil erosion on the earthwork.

2. Natural Open Drain/Swale:

To enhance the stormwater management systems effectiveness, an existing natural open drain or swale will be incorporated into the design. This feature will act as a secondary conveyance channel, allowing for natural filtration and absorption of stormwater before it reaches the final disposal point. The swale has been landscaped with native vegetation to promote ecological balance and aesthetic appeal.

3. Pond:

The stormwater collected from the property will culminate in an existing pond located at the designated disposal point. This pond will serve as a retention basin, allowing for further sedimentation and natural treatment of the stormwater. The pond's design adheres to environmental standards and promotes biodiversity by incorporating appropriate aquatic flora.

Environmental Considerations:

Far North Drainage Ltd is committed to environmentally sustainable practices. The proposed stormwater disposal system aims to minimize environmental impact by incorporating natural drainage features and promoting water quality enhancement through natural processes.



FAR NORTH DRAINAGE LTD

Conclusion:

We trust that the enclosed Stormwater Disposal Report adequately outlines our proposed onsite disposal system. Far North Drainage Ltd is dedicated to ensuring the effective management of stormwater while prioritizing environmental sustainability.

Please do not hesitate to contact us if you require any additional information or clarification regarding the project. We appreciate your attention to this matter and look forward to your feedback.

Sincerely,

Darrell Hornell
Certified Drain Layer
ID Number: 15786
Far North Drainage Ltd

Scheme Plan



Appendix E:
NZTA Written Approval

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 $L_{Aeq(24hr)}$ 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 $L_{Aeq(24h)}$.
- 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 $L_{Aeq(30s)}$ 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 $L_{Aeq(30s)}$ 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 $L_{Aeq(30s)}$ 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 C395004.1
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		
Right to Drain Sewage	E	Lot 3	Lot 2
	D	Lot 1	Lot 2 & 3
	E	Lot 3	Lot 2

Applicant: Amit and Swagata B Nandi
Local Authority: Far North District Council
Total Area: 1.3022ha
Comprised in: NA85A/701

	Proposed Subdivision of Pt Lot 1 DP 16040 43 Guy Road, Kaikohe	<h2>Scheme Plan</h2>	Drawn For	Amit Nandi and Swagata Bairagee Nandi
			Drawn By	Amit Nandi
			Revision	1
			Revision Date	18/11/2023