



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  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

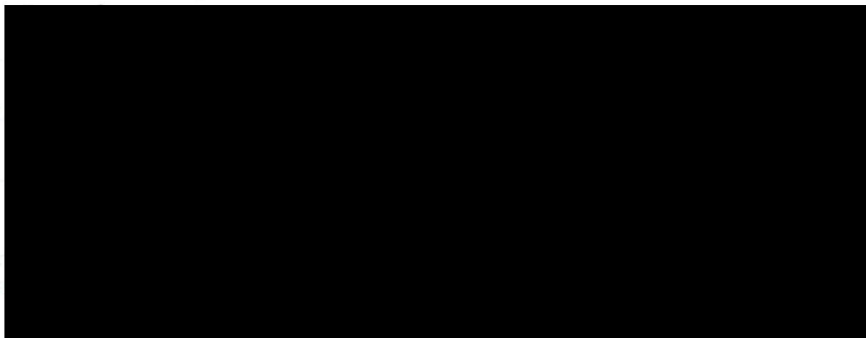
4. Applicant Details:

Name/s:

Electronic Address for Service (E-mail):

Phone Numbers:

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



Post Code:



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

Name/s:

Northland Planning and Development

Electronic Address for Service (E-mail):

info@northplanner.co.nz

Phone Numbers:

Work: 09 408 1866

Home:

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

PO Box 526, Kaitaia

Post Code: 0441

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

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

Name/s: Whitelaw Weber Trustee Services Limited, Pamela Jane Sparksman and Dale Stephen

Property Address/ Location: 150 Turvey Road, Mangonui

7. **Application Site Details:**

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

Site Address/ Location: 150 Turvey Road, Mangonui

Legal Description: Lot 4 DP49910 Val Number: 00085-27001

Certificate of Title: NA17D/1487  
Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

**Site Visit Requirements:**

Is there a locked gate or security system restricting access by Council staff? Yes / No  
Is there a dog on the property? Yes / No  
Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. **This is important to avoid a wasted trip and having to re-arrange a second visit.**

Please contact applicant via details in Section 4 prior to site visit. Lot 1 is tenanted therefore need notice to arrange with tenant. Lot 2 - the gate will be locked if we are away - 2 farm dogs.

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.

Proposal to subdivide the site to create one additional allotment in the Rural Living Zone. The proposal also results in a breach of the permitted impermeable surfaces within Lot 1.

The proposal has been assessed 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:

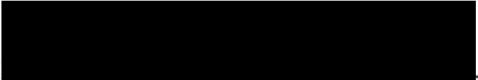
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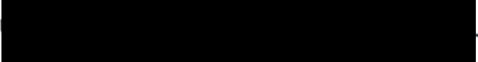
Phone Numbers:



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

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

Name:  (please print)

Signature:  (signature of bill payer – mandatory) Date: 12/2/24

## 14. Important Information:

### Note to applicant

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

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

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


### Fast-track application


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

### Privacy Information:

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

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

Name:  (please print)

Signature:  (signature)

Date: ~~20~~ 12/2/24

(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**

## Combined Land Use and Subdivision Resource Consent Proposal

**Pam Sparksman**

**150 Turvey Road, Mangonui.**

Date: 25 January 2024

Please find attached:

- an application form for a Combined Land-use and Subdivision Resource Consent in the **Rural Living Zone** to create one additional allotment and;
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

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

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

Regards,



Shanay Howard  
Resource Planner

Sheryl Hansford



Resource Planner/Director

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**



## 1. Table of Contents

<b>1. Table of Contents .....</b>	<b>2</b>
<b>1. Description of the Proposed Activity .....</b>	<b>5</b>
SUBDIVISION .....	5
LAND USE .....	5
<b>2. The site and surrounding environment.....</b>	<b>6</b>
<b>3. Background .....</b>	<b>8</b>
TITLE.....	8
SITE FEATURES.....	8
<b>4. Weighting of Plans.....</b>	<b>9</b>
<b>5. Activity Status of the proposal .....</b>	<b>9</b>
OPERATIVE DISTRICT PLAN .....	9
SUBDIVISION .....	9
RURAL LIVING ZONE STANDARDS .....	10
DISTRICT WIDE MATTERS .....	11
OVERALL STATUS OF THE APPLICATION.....	12
PROPOSED DISTRICT PLAN.....	13
NATIONAL ENVIRONMENTAL STANDARDS .....	14
<b>6. Statutory Assessment .....</b>	<b>15</b>
SECTION 104B OF THE ACT.....	15
SECTION 104(1) OF THE ACT .....	15
<b>7. Environmental Effects Assessment. ....</b>	<b>16</b>
SUBDIVISION .....	16
ALLOTMENT SIZES AND DIMENSIONS.....	17
NATURAL AND OTHER HAZARDS .....	18
WATER SUPPLY .....	18
STORMWATER DISPOSAL.....	18
SANITARY SEWAGE DISPOSAL.....	19
ENERGY SUPPLY, TOP ENERGY TRANSMISSION LINES, & TELECOMMUNICATIONS .....	19
EASEMENTS FOR ANY PURPOSE .....	20
PROVISION OF ACCESS.....	20
EFFECT OF EARTHWORKS AND UTILITIES.....	21
BUILDING LOCATIONS.....	21
PRESERVATION AND ENHANCEMENT OF HERITAGE RESOURCES, VEGETATION, FAUNA AND LANDSCAPE, AND LAND SET ASIDE FOR CONSERVATION PURPOSES .....	21
SOIL .....	22
ACCESS TO RESERVES AND WATERWAYS.....	22
LAND USE COMPATIBILITY .....	22



<i>PROXIMITY TO AIRPORTS</i> .....	22
<i>NATURAL CHARACTER OF THE COASTAL ENVIRONMENT</i> .....	22
<i>ENERGY EFFICIENCY AND RENEWABLE ENERGY DEVELOPMENT/USE</i> .....	23
<b>LAND USE</b> .....	<b>23</b>
<i>STORMWATER MANAGEMENT</i> .....	23
<b>SUMMARY</b> .....	<b>25</b>
<b>8. Receiving environment</b> .....	<b>25</b>
<b>OTHER CONSIDERATIONS</b> .....	<b>26</b>
<b>CHARACTER AND VISUAL AMENITY EFFECTS</b> .....	<b>26</b>
<b>CUMULATIVE EFFECTS</b> .....	<b>26</b>
<b>POSITIVE EFFECTS</b> .....	<b>26</b>
<b>ENVIRONMENTAL EFFECTS ASSESSMENT SUMMARY</b> .....	<b>26</b>
<b>9. Policy Documents</b> .....	<b>27</b>
<b>NATIONAL ENVIRONMENTAL STANDARDS</b> .....	<b>27</b>
<i>NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011</i> .....	27
<b>NATIONAL POLICY STATEMENTS</b> .....	<b>27</b>
<i>NEW ZEALAND COASTAL POLICY STATEMENT 2010</i> .....	27
<i>REGIONAL POLICY STATEMENT</i> .....	28
<b>FAR NORTH DISTRICT PLAN</b> .....	<b>29</b>
<i>RELEVANT OBJECTIVES AND POLICIES</i> .....	29
<i>ASSESSMENT OF THE OBJECTIVES AND POLICIES WITHIN THE SUBDIVISION CHAPTER</i> .....	29
<i>ASSESSMENT OF THE OBJECTIVES AND POLICIES WITHIN THE RURAL LIVING ZONE</i> .....	34
<b>PROPOSED DISTRICT PLAN</b> .....	<b>36</b>
<i>OBJECTIVES AND POLICIES WITHIN THE SUBDIVISION CHAPTER</i> .....	36
<i>OBJECTIVES AND POLICIES FOR THE RURAL RESIDENTIAL ZONE</i> .....	39
<b>SUMMARY</b> .....	<b>41</b>
<b>SECTION 104(1)(B) SUMMARY</b> .....	<b>42</b>
<b>SECTION 104(1)(C) OF THE ACT</b> .....	<b>42</b>
<b>10. Section 125 – Lapsing of consent</b> .....	<b>42</b>
<b>11. Notification Assessment – Sections 95A to 95G of The Act</b> .....	<b>42</b>
<b>PUBLIC NOTIFICATION ASSESSMENT</b> .....	<b>42</b>
<i>STEP 1 MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES</i> .....	42
<i>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</i> .....	42
<i>STEP 4; PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES</i> .....	43
<i>PUBLIC NOTIFICATION SUMMARY</i> .....	43
<b>LIMITED NOTIFICATION ASSESSMENT</b> .....	<b>43</b>
11.2.1 <i>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED</i> .....	43



<i>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES</i> .....	44
<i>STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED</i> .....	44
<i>STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES</i> .....	45
<i>LIMITED NOTIFICATION ASSESSMENT SUMMARY</i> .....	45
<b>NOTIFICATION ASSESSMENT CONCLUSION</b> .....	<b>45</b>
<b>12. Part 2 Assessment</b> .....	<b>46</b>
<b>13. Conclusion</b> .....	<b>46</b>
<b>14. LIMITATIONS</b> .....	<b>47</b>

## **Appendices**

- 1. Far North District Council Application Form**
- 2. Certificate of Title NA17D/1487 – LINZ**
- 3. Certificate of Title NA82C/951 - LINZ**
- 4. Subdivision Scheme Plan – Von Sturmurs Surveyors**
- 5. Correspondence – Top Energy**
- 6. Correspondence – Chorus**
- 7. RC2230235 – Decision - FNDC**
- 8. RC2230235 – Approved Plans - FNDC**





# Assessment of Environment Effects Report

## 1. Description of the Proposed Activity

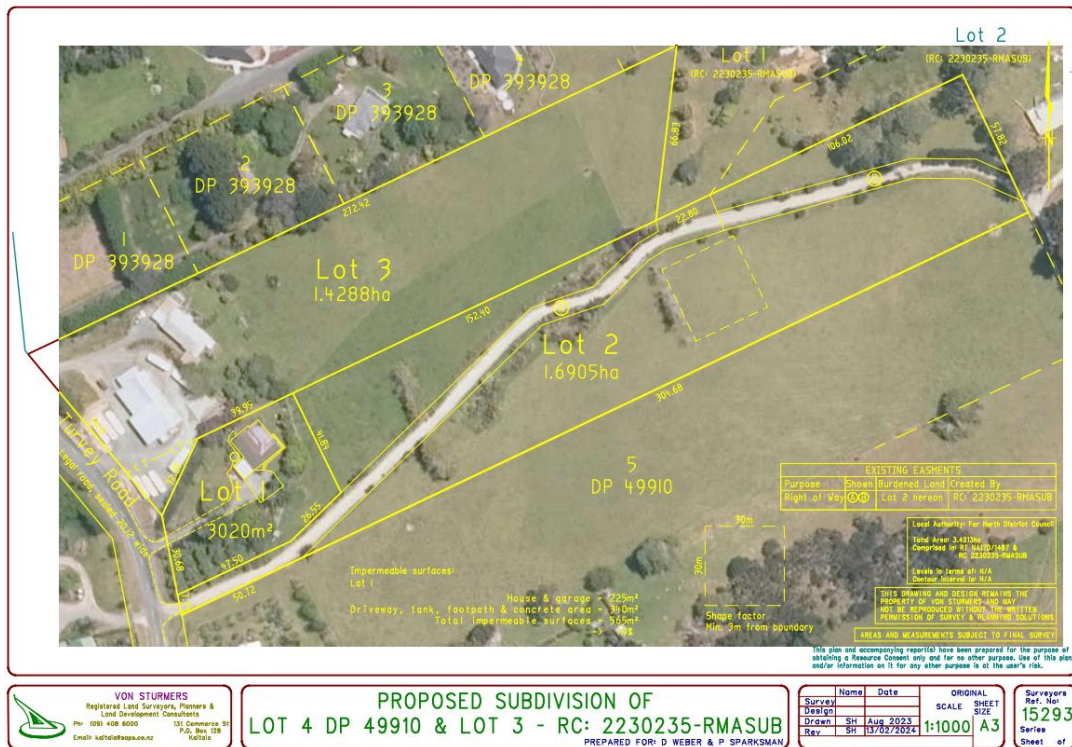
### Subdivision

1.1. The proposal is to undertake a subdivision of Lot 4 DP 49910 to create one additional allotment in the Rural Living Zone. The proposal also includes a slight boundary adjustment between Lot 4 DP49910 and Lot 3 DP49910 so that the existing bus depot is contained wholly within Lot 3 DP49910. It is also noted that Lot 3 DP49910 is also subject to subdivision under approved decision RC2230235. Hence, Lot 3 DP49910 has been referred to as Lot 3 of RC2230235. As part of RC2230235, Lot 3 is to be amalgamated with Lot 2 of RC2230235.

1.2. The proposed lots are as follows:

- Proposed Lot 1 = 3020m<sup>2</sup> - to contain the existing built development
- Proposed Lot 2 = 1.6905 hectare - vacant balance lot
- Proposed Lot 3 – 1.4288ha – to contain the existing bus depot.

*Areas and measurements are subject to final survey.*



**Figure 1: Scheme plan - Von Sturmers Surveyors**

### Land Use

1.3. As a result of the proposed subdivision, proposed Lot 1 will contain the existing built development which will make up a total site coverage of 19% impermeable surfaces.



- 1.4. Therefore, proposed Lot 1 will no longer be able to comply with the permitted threshold for Stormwater Management and the breach has been included in this application.

## 2. The site and surrounding environment

- 2.1. The subject site is zoned Rural Living under the Operative District Plan and Rural Residential within the Proposed District Plan.
- 2.2. Lot 4 DP49910 has an area of 2.0234 hectares and currently contains a residential dwelling with the associated infrastructure as well as a small portion of the bus depot as shown in Figure 2 below.
- 2.3. Lot 4 DP49910 gains access from Turvey Road via two existing vehicle crossings. The northern most vehicle crossing provides access to the existing dwelling; this will remain unchanged as a result of the subdivision as this will provide access to proposed Lot 1. The southern most vehicle crossing provides access to the existing ROW. This access will be held within proposed Lot 2.
- 2.4. The northwestern corner of the site contains an area of impermeable surfaces which is used by the Bus Depot. As part of this proposal, a boundary adjustment is proposed with the adjoining Lot 3 of RC2230235 so that the bus depot is wholly contained within one allotment. This area is fenced off from the rest of the site and will remain unchanged as part of this proposal. The remainder of the land consists of pasture, and some scattered vegetation.



Figure 2: Aerial view of Proposed Lot 1 showing the existing built development and crossing places.



Figure 3: Aerial view of Lot 4 DP49910

- 2.5. The property is located on the peripheral of the Mangonui/Doubtless Bay area and the immediate environment consists of vacant and built lifestyle sections ranging from 3000m<sup>2</sup> to 6 hectares.
- 2.6. The site is located a short distance from Mangonui Harbour, Waterfront Drive and Coopers Beach. The site is located within an area, which is intensifying creating a buffer between the residential settlement and larger rural allotments further inland.

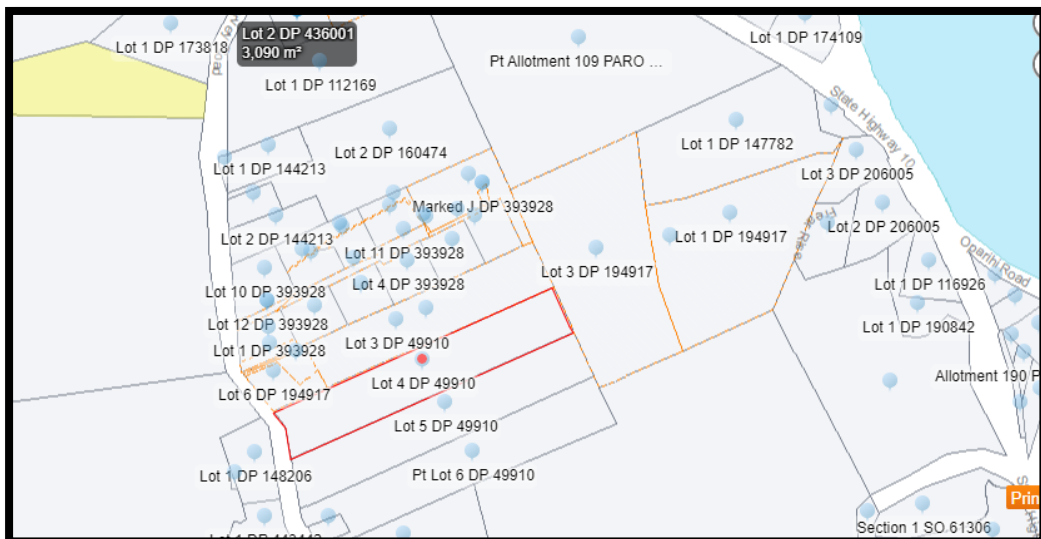


Figure 4: Site and surrounding environment.



### 3. Background

#### Title

- 3.1. Lot 4 DP49910 is held within Record of Title NA17D/1487 and is dated 10<sup>th</sup> February 1970. The site has an area of 2.0234ha. There are no relevant interests registered to the title.
- 3.2. Currently, Lot 3 DP49910 is held within Record of title NA82C/951, with an area of 7.97ha. RC2230235 was approved on 27<sup>th</sup> January 2023, which included Lot 3 DP49910 and was to create one additional lot as a Controlled Activity. Lot 3 of RC2230235 is subject to this application and is to be held in the same Record of Title as Lot 2 of RC2230235. This will remain unchanged as part of this application.

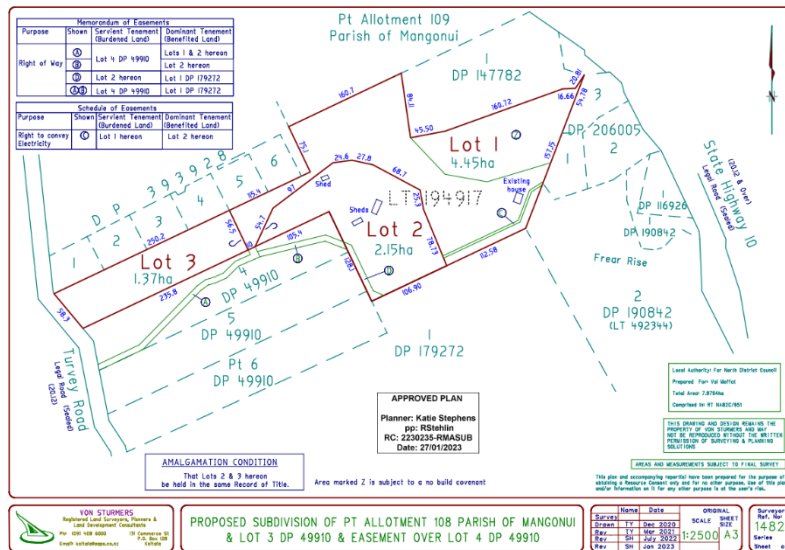


Figure 5: Approved Plan under RC2230235

#### Site Features

- 3.3. The site is located within the Rural Living Zone under the Operative District Plan and zoned Rural Residential within the Proposed District Plan.
- 3.4. The site is located within the Coastal Environment but not within any areas identified as Outstanding Natural Landscapes or Features under the Regional Policy Statement for Northland.
- 3.5. Reticulated services are not available to the site.
- 3.6. NZAA has not mapped any archaeological sites on the property.
- 3.7. The site does not contain any areas of significant indigenous vegetation or fauna.
- 3.8. The site is not subject to flooding as per the NRC and FNDC hazard maps.
- 3.9. The subject site is shown to be located within an area where kiwi is present.



3.10. The site is not known to be located within a Statutory Acknowledgement Area.

3.11. The sites have a Land use classification of LUC 4e3, which is not classed as highly versatile soil as per the National Policy Statement for Highly Productive Land.

## 4. Weighting of Plans

4.1. The proposal is subject to the Proposed District Plan process that was notified 27 July 2022.

4.2. The sites are zoned as Rural Residential under the Proposed District Plan. When the Proposed Plan was first notified there were a number of rules which were identified as having immediate legal effect. An assessment of the relevant rules and related objectives and policies of the Proposed District Plan now forms part of this application.

4.3. While the submissions period has closed, and submissions are now available to view on Councils Website. We have contacted Councils Policy Team enquiring about whether any additional rules have immediate legal effect. At this point in time no further rules have been publicly identified. As such, we have taken the approach that no further rules have immediate legal effect. If this is incorrect, we ask that Council contact us at their earliest convenience to provide us with an updated assessment list.

## 5. Activity Status of the proposal

### Operative District Plan

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

### Subdivision

Assessment of the applicable Subdivision Rules for the Rural Living Zone:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1	MINIMUM LOT SIZES	<p><b>Discretionary.</b></p> <p>Proposed Lot 1 is 3360m<sup>2</sup> which is unable to comply with the controlled threshold for allotment sizes of 4000m<sup>2</sup>. Within the Rural Living Zone there is no provision for Restricted Discretionary Activities.</p> <p>Therefore, the proposal will be assessed as a Discretionary Activity as the proposal can comply with the minimum allotment size of 3000m<sup>2</sup>.</p>



<b>13.7.2.2</b>	<b>ALLOTMENT DIMENSIONS</b>	<b>Permitted</b> The minimum dimension is 30m x 30m which all lots can achieve. Note: Lot 1 & 3 contain an existing dwelling within each lot.
<b>13.7.2.3 – 9</b>	<b>Not Applicable for this application.</b>	

5.2. The proposal is able to meet the lot size provided for as a **Discretionary Activity** as per Table 13.7.2.1 above.

### Rural Living Zone Standards

5.3. Proposed Lot 1 contains an existing dwelling and associated buildings. Proposed Lot 2 is vacant with an existing right of way. Proposed Lot 3 will contain the existing bus depot and a dwelling. Therefore, an assessment under Section 8.7.5.1 of the District Plan is required.

<b>Assessment of the permitted RURAL LIVING ZONE RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>8.7.5.1.1</b>	<b>RESIDENTIAL INTENSITY</b>	<b>Permitted.</b> Lot 1 will contain the existing dwelling. Lot 2 will be vacant. Lot 3 will contain one dwelling.  Therefore, this proposal can comply with this rule.
<b>8.7.5.1.2</b>	<b>SCALE OF ACTIVITIES</b>	<b>Permitted.</b> No activities are proposed as part of this application.
<b>8.7.5.1.3</b>	<b>BUILDING HEIGHT</b>	<b>Permitted.</b> The existing structures are within the permitted threshold.
<b>8.7.5.1.4</b>	<b>SUNLIGHT</b>	<b>Permitted</b> The new dividing boundaries are located a sufficient distance from existing structures to comply with this rule.
<b>8.7.5.1.5</b>	<b>STORMWATER MANAGEMENT</b>	<b>Controlled Activity.</b> As detailed on the scheme plan provided with this application, the subdivision will result in proposed Lot 1 containing 19% impermeable surfaces. Lot 1 is therefore not able to meet the permitted threshold for stormwater management, however can comply with the controlled provision of 20%.  Lot 2 & 3 are able to comply with the permitted provisions.
<b>8.7.5.1.6</b>	<b>SETBACK FROM BOUNDARIES</b>	<b>Permitted</b> The new dividing boundaries are located a sufficient distance from existing structures to comply with this rule.



8.7.5.1.7	<b>SCREENING FOR NEIGHBOURS NON-RESIDENTIAL ACTIVITIES</b>	<b>Not applicable</b> as no additional or new non-residential activities are proposed.
8.7.5.1.8	<b>TRANSPORTATION</b>	A full assessment has been completed in the table below.
8.7.5.1.9	<b>HOURS OF OPERATION NON-RESIDENTIAL ACTIVITIES</b>	<b>Not applicable</b> as no additional or new non-residential activities are proposed.
8.7.5.1.10	<b>KEEPING OF ANIMALS</b>	<b>Not applicable</b> as no commercial keeping of animals are proposed.
8.7.5.1.11	<b>NOISE</b>	<b>Permitted</b> The proposal complies with the permitted standard.
8.7.5.1.12	<b>HELICOPTER LANDING AREA</b>	<b>Not applicable</b> as no helicopter landing is required.
8.7.5.1.13	<b>BUILDING COVERAGE</b>	<b>Permitted.</b> Lot 1 contains the existing built development which consists of the dwelling and garage. This equates to 225m <sup>2</sup> or 6% of the total site area which is within the permitted threshold of 10%. Lot 2 does not contain any built development. Lot 3 is able to comply with the permitted thresholds.

### District Wide Matters

<b><u>DISTRICT WIDE MATTERS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
15.1.6A	<b>TRAFFIC</b>	<b>Permitted Activity</b> The subdivision proposal will not change the TIF's currently occurring on site. Proposed Lot 1 will contain one existing dwelling and proposed Lot 2 will continue to be utilized as a rural lifestyle lot, with a potential future residential unit. Proposed Lot 3 will contain the existing activities which were in existence when RC2230235 was approved. Given the subdivision will not be increasing the development rights on the property, and the first residential dwelling is exempt from this rule, no changes in traffic movements are anticipated as part of this combined landuse and subdivision application.
15.1.6B	<b>PARKING</b>	<b>Permitted Activity</b> Lot 1 and Lot 3 have existing vehicle parking and manoeuvring areas which will remain unchanged as part of this proposal. Lot 2 has sufficient area available to provide onsite parking and manoeuvring areas.
15.1.6C.1.1	<b>PRIVATE ACCESSWAY IN ALL ZONES</b>	<b>Permitted Activity</b> (a) Existing access points are provided for all allotments which are to council standard. Access to Proposed Lot 2 is from Turvey Road via an existing right of way shown on the scheme plan. (b) Gradients do not exceed 1:8.



		<p>(c) The number of household equivalents that the right of way serves will remain unchanged as proposed Lot 1 will utilize the existing vehicle crossing which is separate from the right of way.</p> <p>(d) No requirement for a public road.</p> <p>(e) Crossings are existing.</p>
<b>15.1.6C.1.2</b>	<b>PRIVATE ACCESSWAYS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.3</b>	<b>PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b>	<p><b>Not applicable.</b></p> <p>The right of way is existing, and no additional users will be added to the right of way as a result of this application.</p>
<b>15.1.6C.1.4</b>	<b>ACCESS OVER FOOTPATHS</b>	<b>Not applicable.</b>
<b>15.1.6C.1.5</b>	<b>VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES</b>	<p><b>Permitted Activity.</b></p> <p>(a) The access to the sites will be via existing crossing places that have been well formed.</p> <p>(b) As above.</p> <p>(c) As above.</p>
<b>15.1.6C.1.6</b>	<b>VEHICLE CROSSING STANDARDS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.7</b>	<b>GENERAL ACCESS STANDARDS</b>	<p><b>Permitted.</b></p> <p>(a) There is no need for vehicles to reverse off site.</p> <p>(b) Complies.</p> <p>(c) The sides of the driveway will remain in grass.</p> <p>(d) Stormwater will be managed on site.</p>
<b>15.1.6C.1.8</b>	<b>FRONTAGE TO EXISTING ROADS</b>	<p><b>Permitted.</b></p> <p>(a) Turvey Road is considered to meet the legal standards. The proposal will not increase the traffic intensity.</p> <p>(b) As above.</p> <p>(c) The access arrangements for the proposed lots will not change as a result of the subdivision. The legal road carriageway does not encroach upon the property.</p>
<b>15.1.6C.1.9 – II</b>	Not applicable to this development.	

5.4. The proposal can comply with the relevant rules for the zone as well as the District Wide Matters.

### Overall status of the application

5.5. The proposal results in a breach of Rule 8.7.5.1.5 Stormwater Management for impermeable surfaces within Lot 1. The proposal can comply with the Controlled provisions for stormwater management. However, as the proposal also results in a Discretionary Activity for subdivision,





the overall status of the combined landuse and subdivision application is a **Discretionary Activity** as per Rules 8.7.5.4 and 13.9 of the District Plan.

### Proposed District Plan

5.6 The FNDC Proposed District Plan was made public on the 27<sup>th</sup> July 2022 for submissions. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Residential. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
<b>Hazardous Substances</b>	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource  Rules HS-R5, HS-R6, HS-R9	<b>Not applicable.</b>  The site does not contain any hazardous substances to which these rules would apply.
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	<b>Not applicable.</b>  The site is not located within a Heritage Area Overlay.
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10)	<b>Not applicable.</b>  The site is not located within an area noted as being of Historic Heritage.
<b>Notable Trees</b>	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	<b>Not applicable.</b>  The site does not contain any notable trees.
<b>Sites and Areas of Significance to Maori</b>	All rules have immediate legal effect.	<b>Not applicable.</b>  The site does not contain any scheduled sites and areas of significance to Māori.
<b>Ecosystems and Indigenous Biodiversity</b>	All rules have immediate legal effect (IB-R1 to IB-R5)	<b>Not applicable.</b>  The site does not contain any ecosystems or indigenous biodiversity to which these rules would apply.
<b>Subdivision</b>	The following rules have immediate legal effect: <b>SUB-R6</b> - Environmental Benefit Subdivision.	<b>Permitted.</b>  The site is not an environmental benefit



	<p><b>SUB-R13-</b> Subdivision of a site within a heritage area overlay.</p> <p><b>SUB-R14</b> - Subdivision of a site that contains a scheduled heritage resource.</p> <p><b>SUB-R15</b> - Subdivision of a site containing a scheduled site and area of significance to Māori.</p> <p><b>SUB-R17</b> - Subdivision of a site containing a scheduled SNA</p>	<p>subdivision; the site does not contain any heritage overlays; scheduled heritage resources; a scheduled site and area of significance to Māori or; any SNA's.</p>
<b>Activities on the Surface of Water</b>	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<p><b>Not applicable.</b></p> <p>The proposal does not involve activities on the surface of water.</p>
<b>Earthworks</b>	<p>The following rules have immediate legal effect: EW-R12, EW-R13</p> <p>The following standards have immediate legal effect: EW-S3, EW-S5</p>	<p><b>Not applicable.</b></p> <p>No earthworks are required as part of the subdivision.</p>
<b>Signs</b>	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p><b>Not applicable.</b></p> <p>No signs are proposed as part of this application.</p>
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<p><b>Not applicable.</b></p> <p>The site is not located in the Orongo Bay Zone.</p>

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

5.8 Under the proposed District Plan, this activity will be assessed as a Permitted Activity.

### National Environmental Standards

5.9 As a result of the subdivision, Proposed Lot 3 will wholly contain the bus depot. The area of the bus depot which is currently contained within Lot 4 DP49910 is an area utilized for parking of buses, as can be seen in Figures 6 & 7 below. The boundary will be slightly adjusted between



the lots so that the entirety of the bus depot is contained within Lot 3 DP49910, to ensure that the operation of the bus depot is not jeopardised in the future.

- 5.10 As the use of the site will remain unchanged by the slight boundary adjustment, it is considered that the NESCS is not applicable to the subject site and therefore the proposal is deemed to be permitted in terms of this regulation.

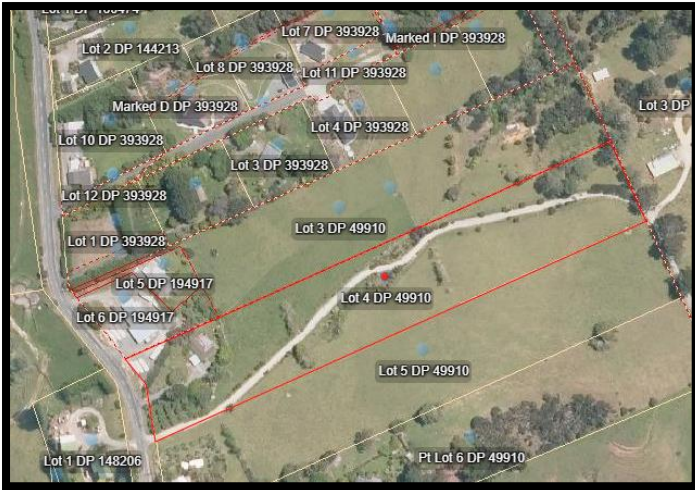


Figure 6: Aerial view of the sites showing the overall bus depot



Figure 7: Small portion of bus depot currently contained within Lot 4 DP49910 which will be transferred to Proposed Lot 3 as a result of this application.

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

## 6. Statutory Assessment

### Section 104B of the Act

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

### Section 104(1) of the Act

- 6.2. Section 104(1) of the Act states that when considering an application for resource consent-

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

- (a) Any actual and potential effects on the environment for allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) Any relevant provisions of–*
  - (i) A national environmental standard*
  - (ii) Other regulations*
  - (iii) A national policy statement*



- (iv) *A New Zealand Coastal Policy Statement*
  - (v) *A regional policy statement or proposed regional policy statement*
  - (vi) *A plan or proposed plan; and*
- (c) *Any other matter the consent authority considers relevant and reasonable necessary to determine the application.'*

- 6.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the Act). As assessed in Sections 4 & 5 above, the proposal will have actual and potential effects that are acceptable. In addition, the proposal will also have positive effects on the environment as the proposal will create an additional allotment which is consistent with what is anticipated in this zone and which is of high demand in the area, especially for coastal/rural lifestyle sections. The proposal will also see the bus depot being wholly contained within one allotment which ensures that the operation of the bus depot will not be jeopardised in the future.
- 6.4. Section 104(1) (ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. As noted above, the proposed development itself will generate positive effects that are consistent with the intent of the Rural Living zone and surrounding environment.
- 6.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided below.
- 6.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application.' There are no other matters relevant to this application.

## 7. Environmental Effects Assessment.

- 7.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 7.2. The proposal is considered to be a Discretionary activity as per Rule 13.7.2.1.

### Subdivision

- 7.3. This proposal is considered to be a **Discretionary Activity** as per *Chapter 13.9*. In considering whether to impose conditions on applications for discretionary subdivision activities, the



Council has full discretion. An assessment has been provided based on following matters listed in *13.10 Assessment Criteria*.

### ALLOTMENT SIZES AND DIMENSIONS

7.3.1. Proposed Lot 1 will be 3020 m<sup>2</sup>, Proposed Lot 2 will be 1.6905 hectares and Proposed Lot 3 will be 1.4288ha. Proposed Lot 1 contains the existing built development and associated infrastructure within the proposed allotment boundaries. Proposed Lot 2 is of a size that is considered to be sufficient to provide for on-site infrastructure associated with future housing, including provision for stormwater. A concept 30m x 30m building envelope has been shown within Proposed Lot 2 on the scheme plan, which can comply with the setback requirements for the zone. Proposed Lot 3 contains the existing bus depot as well as a residential dwelling.

7.3.2. Adjoining subdivision patterns range from residential lifestyle to small scale farming. Sites to the west located across Turvey Road range from 4000m<sup>2</sup> through to 5000m<sup>2</sup>, with larger productive allotments surrounding those allotments. The Bus Depot is to the north of the site and smaller residential sections approximately 3000m<sup>2</sup> in size. To the east and south are rural lifestyle sections and productive allotments ranging from 900m<sup>2</sup> to 24ha, with many allotments within that ranging from 1-3 hectares overlooking Mangonui Harbour. Given that this proposed development is located on the periphery of the medium residential development and within close proximity to other more intensive development to the north near the Mangonui settlement, and along Turvey Road, it is considered that the location of the proposed allotments and their future intended use is compatible and consistent with neighbouring development trends. Given that proposed Lot 1 already contains a dwelling and all associated outbuildings and infrastructure, the proposed subdivision will not result in any further adverse effects or potential for reverse sensitivity as this portion of the site already acts independently from the rest of the site, therefore the subdivision will not change the existing situation.



Figure 8: Surrounding environment.

7.3.3. Vehicle access will remain unchanged. The dwelling on Proposed Lot 1 will utilise the existing crossing to the site, with Proposed Lot 2 utilising the crossing which services the existing ROW. As a result, the proposal will not increase the number of users of the ROW. Proposed Lot 3 will also utilise the existing access points, with this remaining unaffected by the boundary adjustment.

7.3.4. The cumulative and long-term implications of this subdivision are considered to be less than minor as the site is located within an area of low-density residential development due to the



close proximity to the built environment and commercial spaces in Doubtless Bay. The surrounding environment has an area of land parcels which are also zoned as Rural Living under the Operative District Plan and Rural Residential under the Proposed District Plan. This demonstrates that the surrounding environment is intended for low density residential activities and small-scale farming. The proposed allotment sizes have the ability to contain a residential dwelling while carrying out small scale productive activities such as gardening which is consistent with the immediate environment and purpose of the zoning. These activities are considered to be consistent with the existing landuse activities within proximity to the subject site and is considered to be compatible with the pattern of adjoining subdivisions. In addition to this, proposed Lot 1 already contains existing built development, with the proposal not increasing the development rights of the lot. For instance, at present Lot 4 DP49910 can contain five residential units as a permitted activity (subject to meeting the other land use rules). As a result of the subdivision, Lot 1 cannot contain another residential unit and Lot 2 has an area where four residential units would be a permitted activity. As such, the development rights of the site are not increasing and the intention of the subdivision is to subdivide off the dwelling from the remainder of the property and to ensure the bus depot is wholly contained within Proposed Lot 3.

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

#### **NATURAL AND OTHER HAZARDS**

- 7.3.6. There is no known Natural Hazards located on site, as per FNDC and NRC Maps.
- 7.3.7. As mentioned earlier in this report, it has been determined that the subject site is not classified as containing activities listed on the HAIL and therefore, is deemed to be permitted in terms of the NESCS.
- 7.3.8. In regard to s106 of the Act, it is considered that there is no significant risk from natural hazards applicable, which would allow Council to refuse subdivision consent. The proposal is not considered to accelerate, worsen or result in material damage of any kind.

#### **WATER SUPPLY**

- 7.3.9. As proposed Lot 1 and 3 contain built development, provisions for onsite water supply are existing; the subdivision will not result in any changes to this.
- 7.3.10. Water supply to proposed Lot 2 can be accommodated via onsite rainwater harvesting at the time of built development on the lot.

#### **STORMWATER DISPOSAL**

- 7.3.11. Councils' infrastructure is not available to this site. Therefore, stormwater must be managed on site.



- 7.3.12. As a result of the subdivision, the existing impermeable surfaces located within the area of proposed Lot 1, will equate to 19%. This has been discussed further under the Land use portion of this assessment.
- 7.3.13. The balance allotment (Lot 2) will contain the existing ROW which will remain compliant with the permitted threshold for Stormwater Management under the Operative District Plan. Due to the size of the balance lot, it is anticipated that with a future dwelling, it will also remain compliant. The site is large enough to implement appropriate stormwater mitigation methods by way of attenuation and roof collection ensuring any potential adverse effects resulting from future built development can be managed and mitigated within the proposed site boundaries.
- 7.3.14. Proposed Lot 3 will be increasing in size and will also contain existing built development which complies with the permitted threshold for the zone. Stormwater Management of the site will remain unchanged as part of this proposal.
- 7.3.15. It is considered that the allotments have adequate area for stormwater disposal and therefore, no effects will be created that are more than minor.

#### **SANITARY SEWAGE DISPOSAL**

- 7.3.16. Councils' infrastructure is not available to the sites.
- 7.3.17. Proposed Lot 1 and 3 contain onsite wastewater infrastructure within the proposed allotment boundaries; no changes to these are proposed as part of this subdivision.
- 7.3.18. Proposed Lot 2 is large enough to accommodate onsite infrastructure.
- 7.3.19. It is therefore considered that the proposal will not create any adverse or cumulative effects in relation to wastewater disposal. It is anticipated that a consent notice condition will be imposed for Proposed Lot 2 which will require a site specific TP58 report to be submitted at the Building Consent Stage, for any building that requires effluent disposal.

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

- 7.3.20. Proposed Lot 1 & 3 have existing provisions for telecommunications to the existing dwellings on site. Proposed Lot 2 will be a vacant lot. As part of the application process, Chorus were contacted to see if connection to Lot 2 was possible. Chorus advised that connection for Lot 2 would cost \$24,174.82. This is considered excessive and due to the nature of the subdivision, connection to fibre is not considered necessary. There are many options available now for telecommunications in rural environments which do not require the installation of fibre. As Lot 2 will be accessed via a long ROW, with house sites being in excess of 100 metres from the boundary of Turvey Road, if connection to fibre was required, this would also require a long internal connection from the road boundary to the house site, which will add another considerable cost to the future owner of the lot. It is considered that due to the many options available for rural telecommunications, other than fibre and due to the rural nature and size



of the lot, connection to telecommunications is not practical nor necessary for Proposed Lot 2. It is considered that a consent notice stating that connection to telecommunications has not been provided to the boundary of Lot 2 is sufficient to ensure any future owners are aware.

7.3.21. Top Energy were contacted on 17<sup>th</sup> January 2024 and have advised that power be made available for the additional lot. Proposed Lot 1 and 3 have existing power supply.

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

**EASEMENTS FOR ANY PURPOSE**

7.3.23. As mentioned throughout this report, the subject site contains a right of way which runs through the site. As part of this subdivision the ROW will be contained with proposed Lot 2 (balance lot). The schedule of easements is shown below which has been extracted from the scheme plan.

EXISTING EASEMENTS			
Purpose	Shown	Burdened Land	Created By
Right of Way	(A) (B)	Lot 2 hereon	RC: 2230235-RMASUB

Figure 9: Schedule of easements (source: Scheme Plan).

**PROVISION OF ACCESS**

7.3.24. Access to proposed Lot 1 is existing. The crossing place is sealed which is consistent with other crossing places along Turvey Road. Therefore, it is not anticipated that further upgrades will be required.



Figure 10: Frontage and crossing place to proposed Lot 1.





7.3.25. The crossing place to Lot 2 is also existing, as access to Proposed Lot 2 will be via the existing ROW as shown in Figure 11 below. The vehicle crossing has been sealed and formed in accordance with Councils Engineering Standards. No further upgrades are anticipated as part of this subdivision.



Figure 11: Location of VC to proposed Lot 2. (please note this crossing has now been sealed).

7.3.26. Access to Lot 3 is existing and will remain unchanged as part of this proposal.

7.3.27. Overall, the access points to the proposed allotments will remain unchanged. Proposed Lot 1 and 2 have acted separately from each other, therefore this proposal will not change the existing situation in terms of access arrangements.

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

7.3.28. No earthworks are proposed as part of this subdivision.

#### **BUILDING LOCATIONS**

7.3.29. Proposed Lot 1 & 3 contain existing development. Proposed Lot 2 contains ample area which is physically suitable for future housing.

7.3.30. The location of any future buildings within proposed Lot 2 will be at the discretion of the new owners.

7.3.31. Proposed Lot 2 is a sufficient size, such that any future or existing buildings will be able to facilitate passive solar gain if the owner decides to do so in the future.

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

7.3.32. The site does not contain any heritage resources that would need to be protected. The site is not known to contain any Sites of Cultural Significance to Māori.

7.3.33. As discussed earlier in this report, the site contains no areas of indigenous bush or areas of PNA. No vegetation removal is required as part of this application.

7.3.34. The subject site is also located within an area where kiwi is present. Given the site is in a rural lifestyle environment and further than 1km away from a high kiwi density area, it is anticipated that an advice note be applied in relation to Kiwi presence.

#### **SOIL**

7.3.35. The subdivision will create a total of one additional lifestyle allotment. The soils have a landuse classification of 4e3 which is not considered to be highly productive land. Furthermore, due to the surrounding environment and existing size of the allotment; the life supporting capacity of soils will still remain on each lot, with sufficient space remaining for small scale gardening and landscaping within Lot 1 and larger scale productive activities within Lot 2. The use of the Lot 3 will remain unchanged.

#### **ACCESS TO RESERVES AND WATERWAYS**

7.3.36. The site does not contain any waterways.

#### **LAND USE COMPATIBILITY**

7.3.37. The proposed allotments are being created in an area where there is already a number of residential and lifestyle allotments. These proposed allotments are generally consistent with other lifestyle allotments in the vicinity, in particular to the north of the site. Land use incompatibility is not considered likely as the adjoining allotments contain rural - residential activities, with the existing development adjacent to the Bus Depot remaining unchanged. Small scale farming can be carried out on many of the properties adjoining proposed Lot 2; however, this will be on a scale which forms part of the residential-rural lifestyle that future owners are looking for and will be similar to the activities that can be carried out on proposed Lot 2.

#### **PROXIMITY TO AIRPORTS**

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

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

7.3.39. The site is located within the Coastal Environment; however, the subject site is located further inland, and located on the peripheral area of the Coastal Environment overlay within the Regional Policy Statement. The proposed subdivision will not result in any noticeable effects on the natural character of the Coastal Environment, due to the sites location and the existing development in the surrounding environment.

7.3.40. Proposed Lot 1 will predominately remain unchanged, as no changes are proposed to the existing environment, and proposed Lot 2 will surround Lot 1 in a manner which aids to integrate the allotment into the existing environment. The boundaries of proposed Lot 3 will alter slightly to contain the bus depot. This will not alter how the surrounding environment



perceives the site, as what is currently in existence on site will remain unchanged. The proposed subdivision is not considered to be objectional within the surrounding environment and is not considered to result in adverse effects on the character of the Coastal Environment.

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

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

#### **NATIONAL GRID CORRIDOR**

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

### **Land Use**

7.4. The proposal is to be assessed as a Discretionary Activity as per District Plan Rule 8.7.5.4 **Discretionary Activities**. The criteria within Chapter 11 of the District Plan are utilised in assessing the environmental impacts of this development. An assessment that corresponds with the scale and significance of the effects on the environment is provided below:

#### **Stormwater Management**

7.4.1. The existing impermeable surfaces equate to 565m<sup>2</sup> or 19% of the total new site area within proposed Lot 1 which breaches the Permitted threshold of 12.5% or 3000m<sup>2</sup>, whichever is the lesser (12.5% in this instance).

7.4.2. The proposal cannot comply with the permitted threshold (Rule 8.7.5.1.5), however can comply with the controlled threshold (Rule 8.7.5.2.2) as the impermeable surfaces are below 20% of the total site area. Nonetheless, as the proposal includes a subdivision activity and the land-use breach is as a result of the subdivision the proposal has bundled the two together and the assessment criteria as set out in Chapter 11.3 has been undertaken below:

#### **11.3 ASSESSMENT CRITERIA**

*(a) the extent to which building site coverage and Impermeable Surfaces contribute to total catchment impermeability and the provisions of any catchment or drainage plan for that catchment.*

7.4.3. The total amount of impermeable surface coverage will be 565m<sup>2</sup> or 19% of the total new site area on proposed Lot 1. The site contains existing stormwater mitigation methods which are contained within the new site boundaries to ensure the increase in percentage will have no adverse effect on total catchment impermeability or any catchment drainage plan.

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

7.4.4. The stormwater mitigation methods will remain unchanged. Rainwater from the existing roof area is collected to a water tank on site. Overflow is directed to a drainage coil in the ground



which is directed to the paddock area below the house. The driveway runoff is collected by a drainage grate and sump, which is also directed to the paddock. All stormwater runoff will be managed within the site boundaries and will effectively remain unchanged. No adverse effects are anticipated on the adjoining properties as all stormwater is managed within the site boundaries.

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

7.4.5. The existing impermeable surfaces within Lot 1 will not change as a result of the proposal, as the proposed lots have acted independently. The impermeable surfaces are consistent with what is expected within the Rural Living zone and is considered to be necessary to support the primary activity onsite. The proposed stormwater management methods are considered adequate to cope with the proposed impermeable surfaces, such that the cumulative effects of the proposal on total catchment impermeability are considered to be less than minor.

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

7.4.6. There will be no alteration of the natural contour and drainage patterns on-site to accommodate the proposal.

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

7.4.7. The physical qualities of the soil type will remain unchanged.

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

7.4.8. It is anticipated there will be no adverse effects on the life supporting capacity of soils.

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

7.4.9. The site contains existing built development. The stormwater breach resulting from the subdivision is not considered to result in adverse effects on the water quantity and water quality of water bodies.

*(h) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity.*

7.4.10. The impermeable surfaces as shown on the scheme plan are considered necessary for the existing activity and associated infrastructure.

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



7.4.11. The site is already well landscaped which will aid in reducing adverse effects of run-off.

*(j) the recognised standards promulgated by industry groups.*

7.4.12. Not applicable in this instance.

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

7.4.13. The existing stormwater mitigation methods are considered to be an effective way to mitigate any adverse effects resulting from additional run-off. Additional stormwater run-off will be minimal with any additional impact assessed as being less than minor.

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

7.4.14. The stormwater measures on site are considered adequate when providing for climate change.

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

7.4.15. It is considered that detention ponds and other engineering solutions are not required in this instance.

## Summary

7.4.16. The development is not considered out of the ordinary within the surrounding environment or within the Rural Living zone in general. Stormwater runoff from the existing development will be adequately controlled, with runoff being directed to the water tank and overflow being dispersed via existing measures. No cumulative effects or effects on adjoining properties are anticipated, as stormwater will be managed within the site boundaries.

7.4.17. It is therefore considered that the proposal will not create any effects that are more than minor in relation to stormwater management.

## 8. Receiving environment

8.1. In assessing the potential adverse effects on the environment, the receiving “environment” for effects must be considered. The receiving environment is a mandatory consideration defined by case law and is the environment beyond the subject site upon which a proposed activity might have effects. In this case the receiving environment is as described in Section 2 of this report.



### Other considerations

- 8.2. As per sections 95D(d) and 104(3)(a) of the Act, the following assessment has not had regard to:
- Trade competition, or the effects of trade competition

### Character and Visual Amenity Effects

- 8.3. Proposed Lot 2 will be vacant until development occurs and proposed Lots 1 & 3 contain existing residential development and associated infrastructure. The proposal will not alter what is currently in existence on proposed Lot 1 and will utilize the land more effectively given that proposed Lot 1 is already visually and topographically separated from the remainder of the site by fencing and the existing right of way. The proposal will also ensure the bus depot is contained wholly within Lot 3, which due to the existing landscaping and use of the bus depot, is what the surrounding environment currently perceives. Given the proposal is consistent with the intention of the zone and maintains a rural lifestyle amenity; it is considered that the character and visual amenity of the area will not alter.
- 8.4. It is therefore considered that the proposal will have no more than minor effects on the character and visual amenity of the area.

### Cumulative Effects

- 8.5. Over time cumulative effects can arise. These effects can be created through incremental changes that are created by activities. The proposal is not considered to set a precedent in terms of lot size as the lots are consistent with other allotments in the area.

### Positive Effects

- 8.6. The positive effects of the proposal include:
- The proposal is in keeping with the environmental outcomes of the zone;
  - The character and current lifestyle use of the area will not change as a result of the subdivision.
  - The proposal will not result in any adverse social, economic or cultural effects.
  - Proposed Lot 1 contains an existing dwelling and associated services that will not change as a result of the subdivision. The use of Proposed Lot 3 will also remain unchanged.
  - Stormwater within the proposed Lot 1 will be adequately managed by the existing methods and proposed Lot 2 is large enough to ensure stormwater will be effectively managed on site.
  - The proposed new boundaries are reflective of how the site is currently used.

### Environmental Effects Assessment Summary

- 8.7. Overall, from the assessment undertaken above the proposal will have actual and potential effects that are considered to be no more than minor.



## 9. Policy Documents

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

### National Environmental Standards

#### **National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011**

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

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

### National Policy Statements

9.4. There are currently 7 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy on Electricity Transmission
- New Zealand Coastal Policy Statement
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity.

#### **New Zealand Coastal Policy Statement 2010**

9.5. The New Zealand Coastal Policy Statement 2010 is relevant to the application as the application site is located within the coastal environment under the NRC Regional Policy Statement.

9.6. The subject site is not known to contain any areas of outstanding landscape or features. The proposal will not change the existing use of the site, which is to remain as rural lifestyle, with proposed Lot 1 containing the existing residential dwelling and associated infrastructure.

9.7. It is considered the proposal will not adversely affect the natural aspects within the coastal environment nor will the proposal create any adverse effects on the natural character and amenity values within the area.

9.8. It is therefore considered that the proposal is consistent with the objectives and policies of the New Zealand Coastal Policy Statement 2010.

#### **National Policy Statement for Highly Productive Land.**

9.9. The NPS for HPL has one objective and 9 policies. These all relate to sites which are classified as having highly productive land. Highly Productive Land is defined as –



**highly productive land** means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)

- 9.10. As this is a new NPS the Regional Policy Statement is yet to map highly productive land and as such in assessing this, we refer to clause 3.5(7).

*3.5(7) - Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*

*(a) Is*

- i. zoned general rural or rural production; and*
- ii. LUC 1, 2, or 3 land; but*

*(b) Is not*

- i. identified for future urban development; or*
- ii. subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle*

- 9.11. The site does not contain Class 1, 2 or 3 soils; therefore, the land is not considered Highly Productive Land under the National Policy Statement for Highly Productive Land.

### **Regional Policy Statement**

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

- 9.13. The relevant objectives and policies have been assessed below.

#### ***Objective 3.5 – Enabling Economic Wellbeing***

***Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.***

- 9.14. These size allotments are in high demand and are of rare sorts in the current economic climate and it is considered that creating an independent rural-residential allotment with an existing residential dwelling in an area which is of high demand will benefit the economic wellbeing of Northland and its communities. The proposal will provide one vacant allotment which can be





utilised for rural-lifestyle use and productive use which will also provide economic wellbeing to the surrounding communities. The boundaries of Proposed Lot 3 will be altered slightly to ensure that the bus depot is wholly contained within one allotment, ensuring operation of the bus depot is maintained for the future.

***Objective 3.6 – Economic Activities – Reverse Sensitivity and Sterilisation***

***The viability of land and activities important for Northland’s economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:***

***(a) Reverse sensitivity for existing:***

***(i) Primary production activities;***

***(ii) Industrial and commercial activities;***

***(iii) Mining\*; or***

***(iv) Existing and planned regionally significant infrastructure; or***

***(b) Sterilisation of:***

***(i) Land with regionally significant mineral resources; or***

***(ii) Land which is likely to be used for regionally significant infrastructure. \*Includes aggregates and other minerals.***

- 9.15. Due to the location and zoning of the site, there are no reverse sensitivity effects created. The proposed lot sizes are of a size which are not considered to be of intensive development which will maintain the amenity of the site. The balance lot will remain as a larger rural lifestyle lot. The proposed Land Use and subdivision will not create any visual changes.
- 9.16. Due to the above, it is considered that there will be no reverse sensitivity effects as the proposal will create allotments which are not objectionable to the surrounding environment and maintain the amenity of the area and the Rural Living zone.

## **Far North District Plan**

### **Relevant objectives and policies**

- 9.17. The relevant objectives and policies of the Plan are those related to Subdivision and the Rural Living Zone. The proposal is considered to create no more than minor adverse effects on the surrounding environment. The proposal is considered to be consistent with the character of the surrounding area and is considered to have negligible effects on the amenity value of the area, as the lot sizes in the locality already reflect the size of the lot proposed. The proposal is considered to be consistent with the objectives and policies of the Plan.

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

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

#### **Objectives**



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

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

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

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

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

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

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

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

**13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).**

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

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

- 9.19. The subdivision will be consistent with the purpose of the Rural Living zone which is essentially residential development on relatively small rural lots that ensure a high standard of privacy and amenity. The subdivision of this site is considered appropriate as it will not result in any adverse effects on the surrounding environment and no physical changes are proposed as part of the subdivision. Proposed Lot 1 already contains development which is visually screened from any public areas, any future development on proposed Lot 2 will be located away from



the road such that future development will not appear visually dominant and maintain the rural character of the zone. Furthermore, the subdivision will not be creating any additional development rights. The bus depot will be wholly contained within Lot 3, whilst not changing the visual aspects or use of the bus depot.

- 9.20. No physical changes are proposed as part of this subdivision, as mentioned earlier in this report. The site is located in the Rural Living zone which anticipates low density housing. Proposed Lot 1 contains residential development with existing stormwater controls and proposed Lot 2 has ample area, with an existing right of way, such that the proposal will not compromise the life supporting capacity of air, water, soils or ecosystems. The site does not contain any area's prone to natural hazards, and stormwater can be effectively managed within the site boundaries ensuring that the combined land use and subdivision will not create any adverse effects.
- 9.21. The sites do not contain any areas identified as Outstanding Natural Landscape or Natural Features. The proposal will not adversely affect any scheduled heritage resources. The site does not have connection to any reticulated infrastructure. As mentioned earlier in the report, proposed Lots 1 and 3 contain existing onsite infrastructure within the new lot boundaries and proposed Lot 2 can easily accommodate onsite infrastructure. It is not anticipated that this proposal will have any impact on local Maori areas of tapu, their taonga or traditions. Electrical supply and telecommunications is existing to proposed Lot 1 and 3. Correspondence from Top Energy and Chorus have been provided. It has been requested that provision for telecommunications to Lot 2 not be provided as part of the subdivision, with a consent notice being issued on the title to make future owners aware of this. Passive design strategies can be implemented on any future development at the discretion of the owners. The site is not located within the National Grid.

### Policies

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

***(a) natural character, particularly of the coastal environment;***

***(b) ecological values;***

***(c) landscape values;***

***(d) amenity values;***

***(e) cultural values;***

***(f) heritage values; and***

***(g) existing land uses.***

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



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

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

**13.4.5 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.**

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

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

**(a) result in increased demands on car parking associated with non-residential activities; or**

**(b) result in increased demand for esplanade areas; or**

**(c) involve adverse effects on riparian areas; or**

**(d) depend on the assimilative capacity of the environment external to the site.**

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

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

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

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

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

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

**(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;**



*(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;*

*(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;*

*(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2 and in particular Section 2.5 and Council's "Tangata Whenua Values and Perspectives" (2004);*

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

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

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

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

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

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

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

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

*(d) access to alternative transport facilities;*

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

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

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

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

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

9.22. There will be no adverse impacts on any of the items listed within Policy 13.4.1. As mentioned earlier in this report, vehicular access to the proposed allotments is existing and will not change as a result of this proposal. The site is not prone to any known natural hazards. The existing



dwellings on proposed Lots 1 & 3 have existing provisions for connection to utility services. Connection to telecommunications for Lot 2 is not considered necessary as part of the subdivision. The proposal will not create any adverse effects on neighbouring properties, public roads (including State Highways), or the natural and physical resources on the site. The proposal does not contain any areas of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, and outstanding landscapes and natural features. The proposal is not considered to have any adverse effects on the natural character of the coastal environment. The proposal does not meet any of the criteria within policy 13.4.7. Water storage is provided for on Lots 1 & 3, with this being provided for Lot 2 at the time of built development on the lot. Bonus development donor and recipient areas are not a consideration of this application. The proposal does not include a subdivision within the Conservation zone. The proposal is not considered to have any impacts on local tangata whenua. A management plan development is not appropriate in this instance. The assessment of the zone objectives and policies has been noted above and the development is considered consistent with the overall aims. The proposed lots are of a size where items under 13.4.15 can be met. The site is not within a National Grid corridor.

#### **Assessment of the objectives and policies within the Rural Living Zone**

- 9.23. The following assessment is based upon the objectives and policies contained within Sections 8.7.3 and 8.7.4.

##### **Objectives**

***8.7.3.1 To achieve a style of development on the urban periphery where the effects of the different types of development are compatible.***

***8.7.3.2 To provide for low density residential development on the urban periphery, where more intense development would result in adverse effects on the rural and natural environment.***

***8.7.3.3 To protect the special amenity values of the frontage to Kerikeri Road between SH10 and the urban edge of Kerikeri.***

- 9.24. The proposed subdivision will create allotments which are consistent with allotment sizes in the surrounding environment.
- 9.25. Proposed Lot 1 will contain the existing dwelling and proposed Lot 2 will be vacant until development occurs on the site. Proposed Lot 2 is large enough to ensure the effects are compatible with the surrounding environment and reflects low density development as only one additional allotment is being created. Proposed Lot 3 will contain the bus depot and existing built development. The site is not located along Kerikeri Road.

##### **Policies**

***8.7.4.1 That a transition between residential and rural zones is achieved where the effects of activities in the different areas are managed to ensure compatibility.***

***8.7.4.2 That the Rural Living Zone be applied to areas where existing subdivision patterns have led to a semi-urban character but where more intensive subdivision would result in adverse effects on the rural and natural environment.***



**8.7.4.3 That residential activities have sufficient land associated with each household unit to provide for outdoor space, and where a reticulated sewerage system is not provided, sufficient land for onsite effluent disposal.**

**8.7.4.4 That no limits be placed on the types of housing and forms of accommodation in the Rural Living Zone, in recognition of the diverse needs of the community.**

**8.7.4.5 That non-residential activities can be established within the Rural Living Zone subject to compatibility with the existing character of the environment.**

**8.7.4.6 That home-based employment opportunities be allowed in the Rural Living Zone.**

**8.7.4.7 That provision be made for ensuring that sites, and the buildings and activities which may locate on those sites, have adequate access to sunlight and daylight.**

**8.7.4.8 That the scale and intensity of activities other than a single residential unit be commensurate with that which could be expected of a single residential unit.**

**8.7.4.9 That activities with effects on amenity values greater than a single residential unit could be expected to have, be controlled so as to avoid, remedy or mitigate those adverse effects on adjacent activities.**

**8.7.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on adjoining sites.**

**8.7.4.11 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.**

**8.7.4.12 That the Council maintains discretion over new connections to a sewerage system to ensure treatment plant discharge quality standards are not compromised (refer to Rule 13.7.3.5).**

- 9.26. The proposal will create one additional allotment which is considered compatible with lots in the surrounding environment. The proposed subdivision is considered to be of low density and is not considered to create any adverse effects on the rural and natural environment as all effects such as stormwater will be managed within the site boundaries. Stormwater will be managed within all new site boundaries.
- 9.27. There is sufficient area within each allotment to provide for outdoor space and the existing services.
- 9.28. Proposed Lot 1 will contain the existing residential development, with proposed Lot 2 anticipated to be developed in the future which is consistent with the zone. Proposed Lot 3 will also contain existing built development.
- 9.29. The proposal does not include any new non-residential activities. The proposal does not include any home-based activities.
- 9.30. Access to sunlight and daylight for the existing dwelling will not be affected by the proposal. There is adequate area within both allotments to allow for access to sunlight and daylight with the existing built development being located a sufficient distance from the new adjusted boundary.



- 9.31. The proposal is not considered to create a scale and intensity which is greater than a single residential unit.
- 9.32. Effects on amenity values are considered to be less than minor as the proposal is keeping in with the character of the surrounding environment.
- 9.33. A reasonable level of privacy is provided for within the proposal.
- 9.34. The site is not located on Kerikeri Road nor is the site located in an area which benefits from a reticulated sewer system.

### Proposed District Plan

- 9.35. Under the Proposed District Plan, the sites are zoned Rural Residential and therefore an assessment of the objectives and policies within this chapter has been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

#### Objectives and Policies within the Subdivision Chapter

##### Objectives

###### ***SUB-01 - Subdivision results in the efficient use of land, which:***

- a) achieves the objectives of each relevant zone, overlays and district wide provisions;***
- b) contributes to the local character and sense of place;***
- c) avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;***
- d) avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;***
- e) does not increase risk from natural hazards or risks are mitigated and existing risks reduced; and***
- f) manages adverse effects on the environment.***

###### ***SUB-02 - Subdivision provides for the:***

- a) Protection of highly productive land; and***
- b) Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage.***

###### ***SUB-03 - Infrastructure is planned to service the proposed subdivision and development where:***





- a) there is existing infrastructure connection, infrastructure should provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b) where no existing connection is available infrastructure should be planned and consideration be given to connections with the wider infrastructure network.*

***SUB-04 - Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:***

- a. public open spaces;*
- b. esplanade where land adjoins the coastal marine area; and*
- c. esplanade where land adjoins other qualifying waterbodies.*

9.36. The proposal is considered to achieve the objectives of the zone. The proposal will contribute to the local character by providing an additional lot which is of similar size to those in the surrounding environment. No reverse sensitivity effects are anticipated. The proposal is not impacted by natural hazards. The additional lot is not located on highly productive land. There are no areas of Significance to Maori located on the site. There are no archaeological sites within the site. Provision for wastewater infrastructure has been discussed within this report. SUB-04 is not considered applicable as the site does not adjoin any of the areas listed in the objective.

#### **Policies**

***SUB-P1 - Enable boundary adjustments that:***

- a) do not alter;*
- b) are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.*

***SUB-P2 - Enable subdivision for the purpose of public works, infrastructure, reserves or access.***

***SUB-P3 - Provide for subdivision where it results in allotments that:***

- a. are consistent with the purpose, characteristics and qualities of the zone;*
- b. comply with the minimum allotment sizes for each zone;*
- c. have an adequate size and appropriate shape to contain a building platform; and*
- d. have legal and physical access.*

***SUB-P4 - Manage subdivision of land as detailed in the district wide, natural environment values, historical an cultural values and hazard and risks sections of the plan***

***SUB-P5 - Manage subdivision design and layout in the General Residential, Mixed Use and Settlement zone to provide for safe, connected and accessible environments by:***

- a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;*



- b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections;*
- c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;*
- d. contributing to a well connected transport network that safeguards future roading connections; and*
- e. maximising accessibility, connectivity by creating walkways, cycleways and an interconnected transport network.*

***SUB-P6 - Require infrastructure to be provided in an integrated and comprehensive manner by:***

- a. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure if available; and*
- b. ensuring that the infrastructure is provided is in accordance the purpose, characteristics and qualities of the zone.*

***SUB- P7 - Require the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies.***

***SUB-P8 - Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:***

- (a) will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and*
- (b) will not result in the loss of versatile soils for primary production activities.*

***SUB-P9 - Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule.***

***SUB-P10 - To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.***

***SUB-P11 - Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application:***

- (a) consistency with the scale, density, design and character of the environment and purpose of the zone;*
- (b) the location, scale and design of buildings and structures;*
- (c) the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity;*
- (d) managing natural hazards;*
- (e) Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and*



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

9.37. The access and infrastructure within proposed Lots 1 & 3 are all existing and will not alter as a result of the proposal. Access is existing within proposed Lot 2; wastewater can be effectively accommodated at the time of development. The purpose of the subdivision is not for public works, infrastructure, reserves, or access. The proposed additional allotment is consistent with the purpose, characteristics and qualities of the Rural Residential zone and complies with the minimum allotment sizes for the zone as a Discretionary Activity. Legal and physical access to the lots is existing. The sites will connect to a well-connected transport network. This application has determined that the sites can be appropriately serviced. No esplanade reserves are proposed. The site is not located within the Rural Production zone. The proposal does not involve the subdivision of a minor residential unit. The proposed lots are consistent with the scale, density and design of allotments in the surrounding environment. Infrastructure to the sites has been discussed in this report and can be adequately provided for. No adverse effects on historic heritage, natural features or indigenous biodiversity values are anticipated. Proposed Lot 1 and 3 are already developed with a dwelling and associated infrastructure where the existing use will remain unchanged, and stormwater can be adequately managed onsite.

## **Objectives and Policies for the Rural Residential Zone**

### **Objectives**

***RRZ-O1 - The Rural Residential zone is used predominantly for rural residential activities and small scale farming activities that are compatible with the rural character and amenity of the zone.***

***RRZ-O2 - The predominant character and amenity of the Rural Residential Zone is maintained and enhanced, which includes:***

- a. peri-urban scale residential activities;***
- b. small-scale farming activities with limited buildings and structures;***
- c. smaller lot sizes than anticipated in the Rural Production or Rural Lifestyle Zones; and***
- d. a diverse range of rural residential environments reflecting the character and amenity of the adjacent urban area.***

***RRZ-O3 - The Rural Residential zone helps meet the demand for growth around urban centres while ensuring the ability of the land to be rezoned for urban development in the future is not compromised.***

***RRZ-O4 - Land use and subdivision in the Rural Residential zone:***

- a. maintains rural residential character and amenity values;***
- b. supports a range of rural residential and small-scale farming activities; and***
- c. is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface.***



- 9.38. The proposal will provide allotments that reflect the actual use of the sites with proposed lot 1 containing the existing dwelling and residential activities which is already fenced off and separated from the remainder of the site. Proposed Lot 2 will be vacant with ample area on site for a future dwelling and associated rural activities. Proposed Lot 3 will contain the existing bus depot and activities on site. The proposal is considered to be compatible with adjoining allotments and can support a range of small-scale activities.

#### **Policies**

***RRZ-P1 - Enable activities that will not compromise the role, function and predominant character and amenity of the Rural Residential Zone, while ensuring their design, scale and intensity is appropriate, including:***

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

***RRZ-P2 - Avoid activities that are incompatible with the role, function and predominant character and amenity of the Rural Residential Zone including:***

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

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

***RRZ-P4 - Require all subdivision in the Rural Residential zone to provide the following reticulated services to the boundary:***

- a. telecommunications:***
  - i. fibre where it is available;***
  - ii. copper where fibre is not available;***
  - iii. copper where the area is identified for future fibre deployment.***
- b. local electricity distribution network.***

- 9.39. The proposal is not considered to be contrary to the zone nor is the proposal of urban form or character. No adverse amenity effects are anticipated as the use of the sites will remain unchanged. The proposal will not alter what is currently in existence on the sites. All effects can be adequately managed within the proposed lot boundaries.



- 9.40. Given the existing situation on the subject site, and the location of the site, the proposal is not considered to result in any reverse sensitivity effect associated with the proposal. Furthermore, the site does not adjoin a Rural Production or Horticultural zone.
- 9.41. Reticulated services are existing to the boundary of proposed Lot 1 and 3. Provision for connection to telecommunications to Lot 2 is not considered to be necessary as part of this application, due to the rural nature of the proposal as well as there being many options available for rural telecommunications other than fibre. A consent notice condition advising that telecommunications have not been provided to the boundary of Lot 2 is considered sufficient in this instance.

***RRZ-P5 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:***

***(a) consistency with the scale and character of the rural environment;***

***(b) location, scale and design of buildings or structures;***

***(c) at zone interfaces:***

***i. any setbacks, fencing, screening or landscaping required to address potential conflicts;***

***ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;***

***(d) the capacity of the site to cater for on-site infrastructure associated with the proposed activity***

***(e) the adequacy of roading infrastructure to service the proposed activity;***

***(f) managing natural hazards;***

***(g) any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and***

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

- 9.42. The proposal is considered consistent with the scale and character of the surrounding environment. The location, scale and design of the existing buildings and infrastructure will remain unchanged as no additional buildings are proposed on Lot 1. No effects on zone interfaces are considered applicable. Proposed Lot 2 has ample area where onsite infrastructure can be accommodated. No effects from natural hazards are anticipated. No adverse effects on historic heritage, cultural values, natural features or indigenous biodiversity are anticipated. There are no known historical spiritual or cultural association held by tangata whenua.

## Summary

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



### Section 104(1)(b) Summary

9.44. The above assessment demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

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

9.45. Section 104(1)(c) also states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonably necessary to determine the application'.

9.46. There are no other matters relevant to this application.

## 10. Section 125 – Lapsing of consent

10.1. The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five-year provision be applied in this case.

## 11. Notification Assessment – Sections 95A to 95G of The Act

### Public Notification Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;*

*(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*



- (i) a controlled activity;*
- (ii) [Repealed]*
- (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*
- (iv) [Repealed]*
- (6) [Repealed]*

- 11.3. The application is a Discretionary activity subdivision and land-use consent. No preclusions apply in this instance.

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

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

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

*(b) if the answer is no, go to step 4.*

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

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;*

*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

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

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

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

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

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

- 11.5. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision where one additional allotment will be created which will result in a Stormwater Management breach. There are many allotments in the immediate vicinity which are of similar size or smaller to the proposed allotments and hence the proposal is not considered to be exceptional or unusual.

**Public Notification Summary.**

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

**Limited Notification Assessment**

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

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

*(2) Determine whether there are any—*

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

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



(3) Determine—

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and  
(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

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

- 11.8. No customary rights groups or marine titles groups are considered to be affected. The proposal is not known to be subject to a statutory acknowledgement area. As such, it is considered that no notification is required. Therefore, Step 2 must be considered.

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

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

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

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

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

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:

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

- 11.9. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

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

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

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

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

- 11.10. The proposal is not for a boundary activity.

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

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

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

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

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

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





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

- The size of the proposed allotments is consistent with the character of the allotments in the locality and is determined to be a Discretionary activity subdivision. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
- The development is not considered to be contrary to the objectives and policies under the District Plan.
- Proposed lot 1 contains existing built development and associated infrastructure such as access, onsite wastewater disposal, telecommunications, and power; this will continue to operate the same.
- All stormwater will be managed within the site boundaries, such that there will be no downstream effects created.
- There will be no additional access points required as part of the proposal.
- The proposal will see more efficient and effective operation of the bus depot by having this wholly contained within one allotment.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

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

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

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

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

11.16. The proposal is to subdivide the site to create one additional allotment and have the bus depot contained within one allotment. It is considered that no special circumstances exist in relation to the application.

**Limited Notification Assessment Summary**

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

**Notification Assessment Conclusion**

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



## 12. Part 2 Assessment

- 12.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 12.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations. It is considered that the proposal will safeguard the life-supporting capacity of air, water, soil and ecosystems. In addition, the proposal will avoid adverse effects on the environment and will maintain the character of the site and surrounding environment.
- 12.3. Section 6 of the Act sets out a number of matters of national importance. The subject site is not located near any lakes, rivers or wetlands. The subject site is located within the coastal environment, however no adverse effects are anticipated due to the large distance of the site from the coast and the fact that visual amenity and character will be maintained. There are no outstanding natural features or landscapes which are considered to be affected, nor any areas of significant indigenous vegetation or habitats of fauna. Public access is not considered relevant in this case. The site does not contain any areas identified as being a Site of Cultural Significance to Māori. The relationship of Māori and their culture is considered to remain unaffected by the proposal. Historic heritage and protected customary rights will not be affected by the proposal. The site is not known to be susceptible to natural hazards. It is considered that the effects of this proposal on Section 6 of the Act are considered to be less than minor.
- 12.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 12.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The proposal has taken into account the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 12.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

## 13. Conclusion

- 13.1. The proposal is to undertake a subdivision where the lot sizes are able to comply with the Discretionary activity provisions of the Plan. The proposal will create one additional allotment with Lot 1 containing the existing dwelling and associated services. Proposed Lot 2 will be



vacant until the site is developed. The proposal also includes a slight boundary adjustment to ensure that the bus depot is contained wholly within Lot 3.

- 13.2. As a result of the subdivision, Proposed Lot 1 is unable to meet the permitted requirements for Stormwater Management. The existing stormwater mitigation methods are considered to be sufficient to ensure that stormwater is controlled within the new site boundaries in a manner which ensures the proposal does not create any downstream effects.
- 13.3. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and the proposal does not result in degradation of the character of the surrounding environment.
- 13.4. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 13.5. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 13.6. The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.
- 13.7. As a Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104B, 105 and 106 of the Act in relation to discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.

## 14. LIMITATIONS

- 14.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 14.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 14.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.



- 14.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





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

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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA17D/1487**  
**Land Registration District** **North Auckland**  
**Date Issued** 10 February 1970

**Prior References**  
NA1311/39

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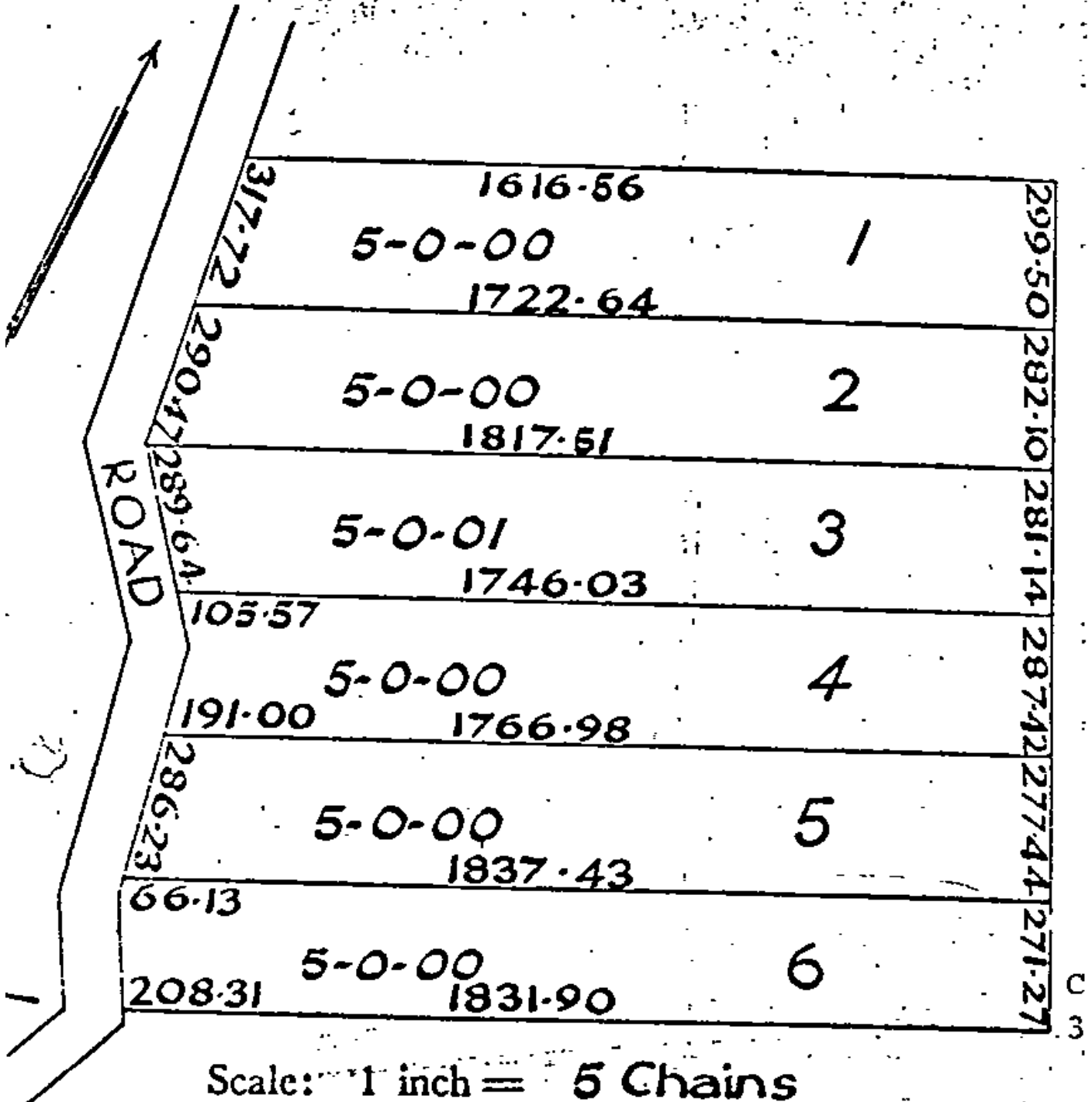
**Estate** Fee Simple  
**Area** 2.0234 hectares more or less  
**Legal Description** Lot 4 Deposited Plan 49910

**Registered Owners**  
Dale Stephen Weber, Pamela Jane Sparksman and Whitelaw Weber Trustee Services Limited

---

**Interests**  
8858198.3 Mortgage to ASB Bank Limited - 7.9.2011 at 3:10 pm

# V Mangonui S.D.





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

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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA82C/951** **Part-Cancelled**

**Land Registration District** **North Auckland**

**Date Issued** 03 February 1992

**Prior References**

NA17D/1486      NA54D/431

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**Estate** Fee Simple  
**Area** 7.9794 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 49910 and Part  
Allotment 108 Parish of Mangonui

**Registered Owners**

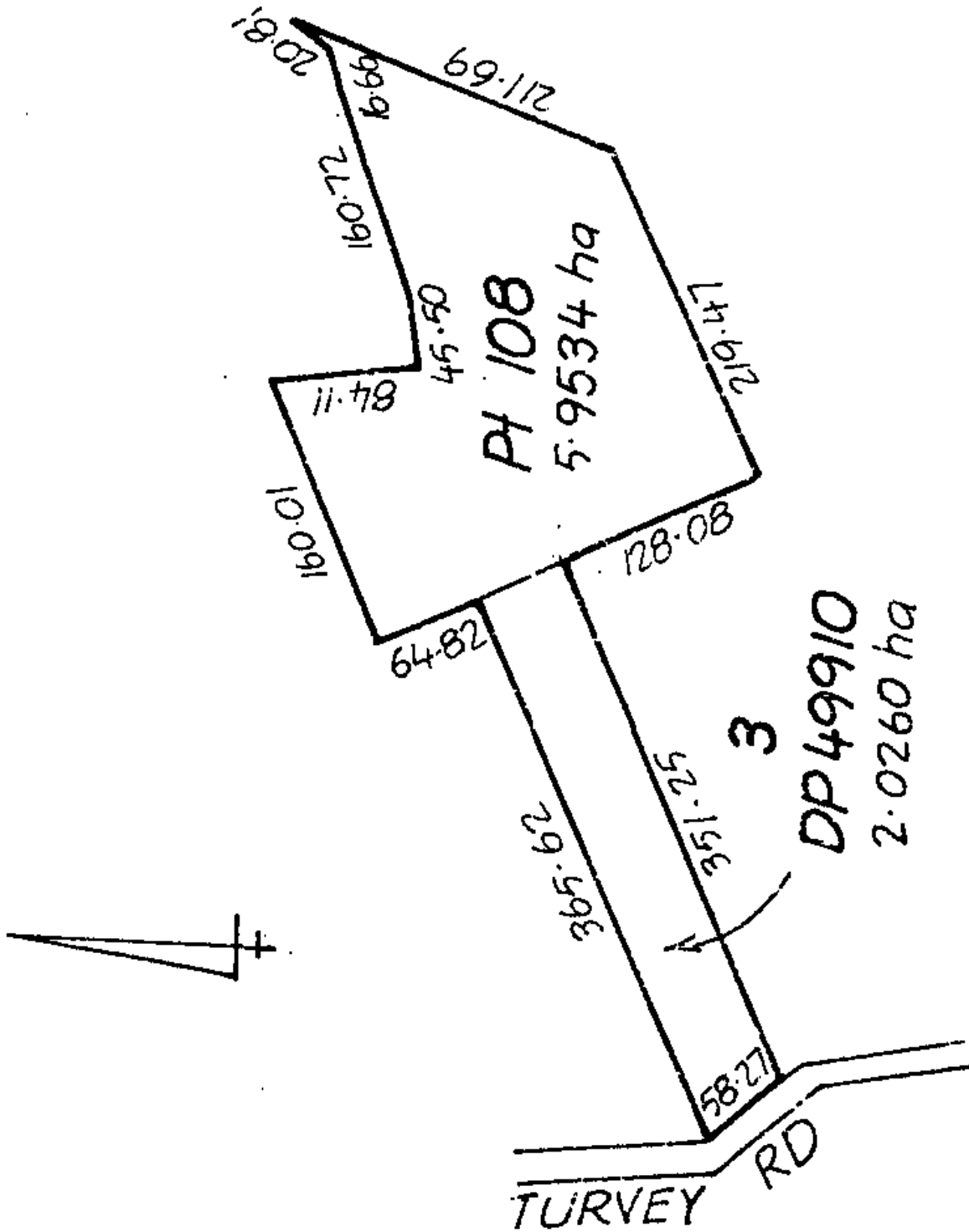
Dale Stephen Weber, Pamela Jane Sparksman and Whitelaw Weber Trustee Services Limited

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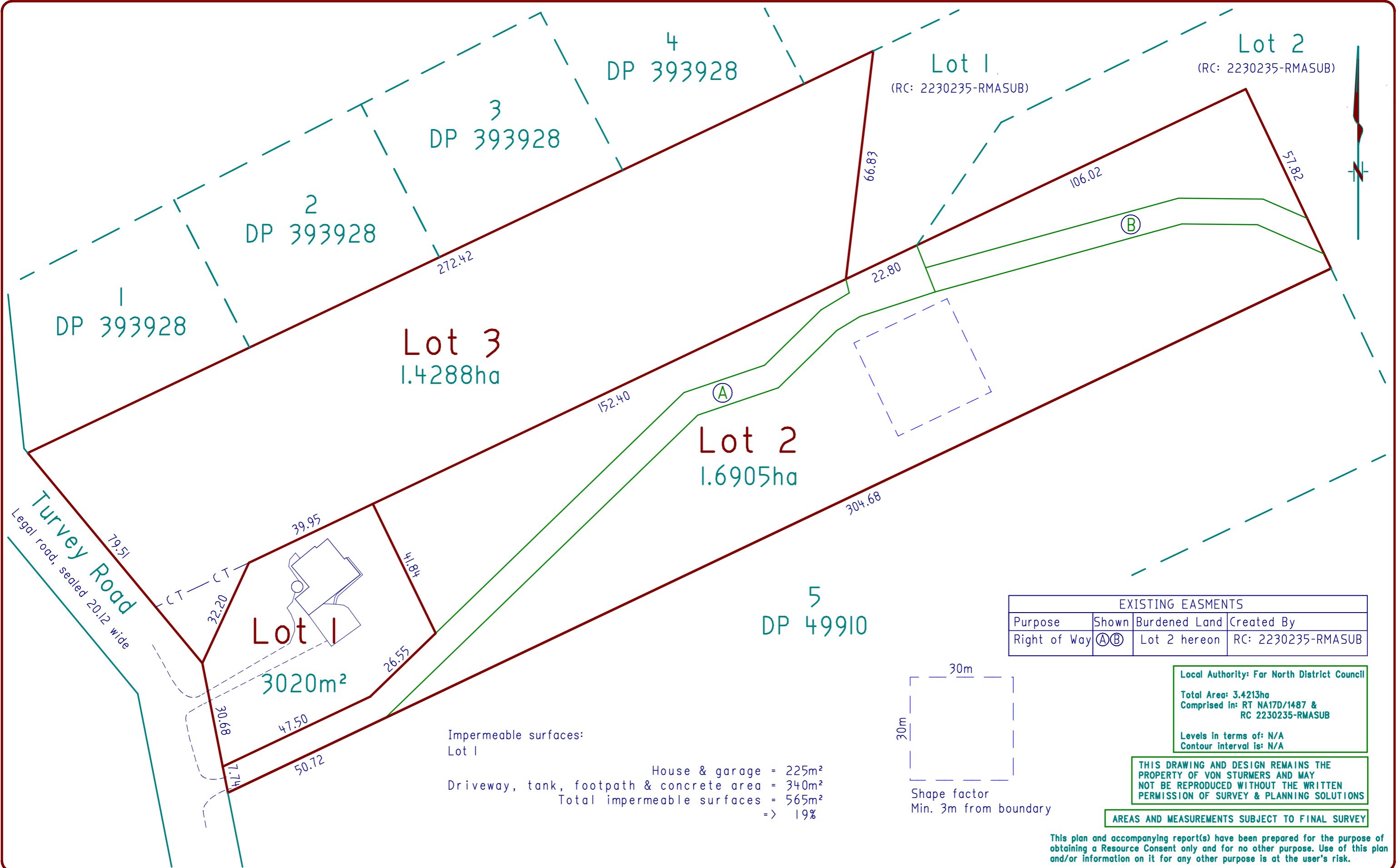
**Interests**

Subject to Section 308 (4) Local Government Act 1974

C285625.3 Gazette Notice (N.Z. Gazette 20 June 1991 No.90 p.1971) declaring (629m<sup>2</sup>) is acquired for a limited access road which becomes road, limited access road and State Highway and part (38m<sup>2</sup>) is acquired in connection with a limited access road and said land shall vest in the Crown - 18.7.1991 at 10.30 am







EXISTING EASMENTS			
Purpose	Shown	Burdened Land	Created By
Right of Way	(A)(B)	Lot 2 hereon	RC: 2230235-RMASUB

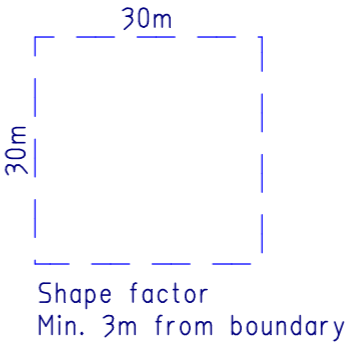
Local Authority: Far North District Council  
 Total Area: 3.4213ha  
 Comprised in: RT NA17D/1487 & RC 2230235-RMASUB  
 Levels in terms of: N/A  
 Contour interval is: N/A

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

AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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

Impermeable surfaces:  
 Lot 1  
 House & garage = 225m<sup>2</sup>  
 Driveway, tank, footpath & concrete area = 340m<sup>2</sup>  
 Total impermeable surfaces = 565m<sup>2</sup>  
 => 19%



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

**PROPOSED SUBDIVISION OF**  
**LOT 4 DP 49910 & LOT 3 - RC: 2230235-RMASUB**  
 PREPARED FOR: D WEBER & P SPARKSMAN

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey Design			
Drawn	SH Aug 2023		
Rev	SH 13/02/2024		

Surveyors Ref. No:  
**15293**  
 Series  
 Sheet of



EXISTING EASMENTS			
Purpose	Shown	Burdened Land	Created By
Right of Way	(A)(B)	Lot 2 hereon	RC: 2230235-RMASUB

Local Authority: Far North District Council  
 Total Area: 3.4213ha  
 Comprised in: RT NA17D/1487 & RC 2230235-RMASUB  
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 Total impermeable surfaces = 565m<sup>2</sup>  
 => 19%

30m  
 30m  
 Shape factor  
 Min. 3m from boundary

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

**PROPOSED SUBDIVISION OF  
 LOT 4 DP 49910 & LOT 3 - RC: 2230235-RMASUB**  
 PREPARED FOR: D WEBER & P SPARKSMAN

Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey			
Design			
Drawn	SH Aug 2023		
Rev	SH 13/02/2024		

Surveyors Ref. No:  
**15293**  
 Series  
 Sheet of



*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

8 February 2024

Sheryl Hansford  
Northland Planning & Development

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

To Whom It May Concern:

**RE: PROPOSED SUBDIVISION  
D Weber and P Sparksman – 150 Turvey Road, Mangonui. Lot 4 DP 49910.**

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 lot. Top Energy advises that proposed Lot 1 has an existing power supply. Costs to make power available to proposed Lot 2 could be provided after application and an on-site survey have been completed.

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

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

Yours sincerely



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

# Chorus New Zealand Limited

30 January 2024

Chorus reference: 10726494

**Attention:** Sheryl Hansford

**Quote: New Property Development**

**1 connections at 150 Turvey Road, Mangonui, Far North District, 0420**

**Your project reference: Sparksman - 150 Turvey Road, Mangonui**

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	\$21,021.58
---------------	-------------

The total contribution we would require from you is **\$24,174.82 (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 26 January 2024. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

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

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

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

Kind Regards

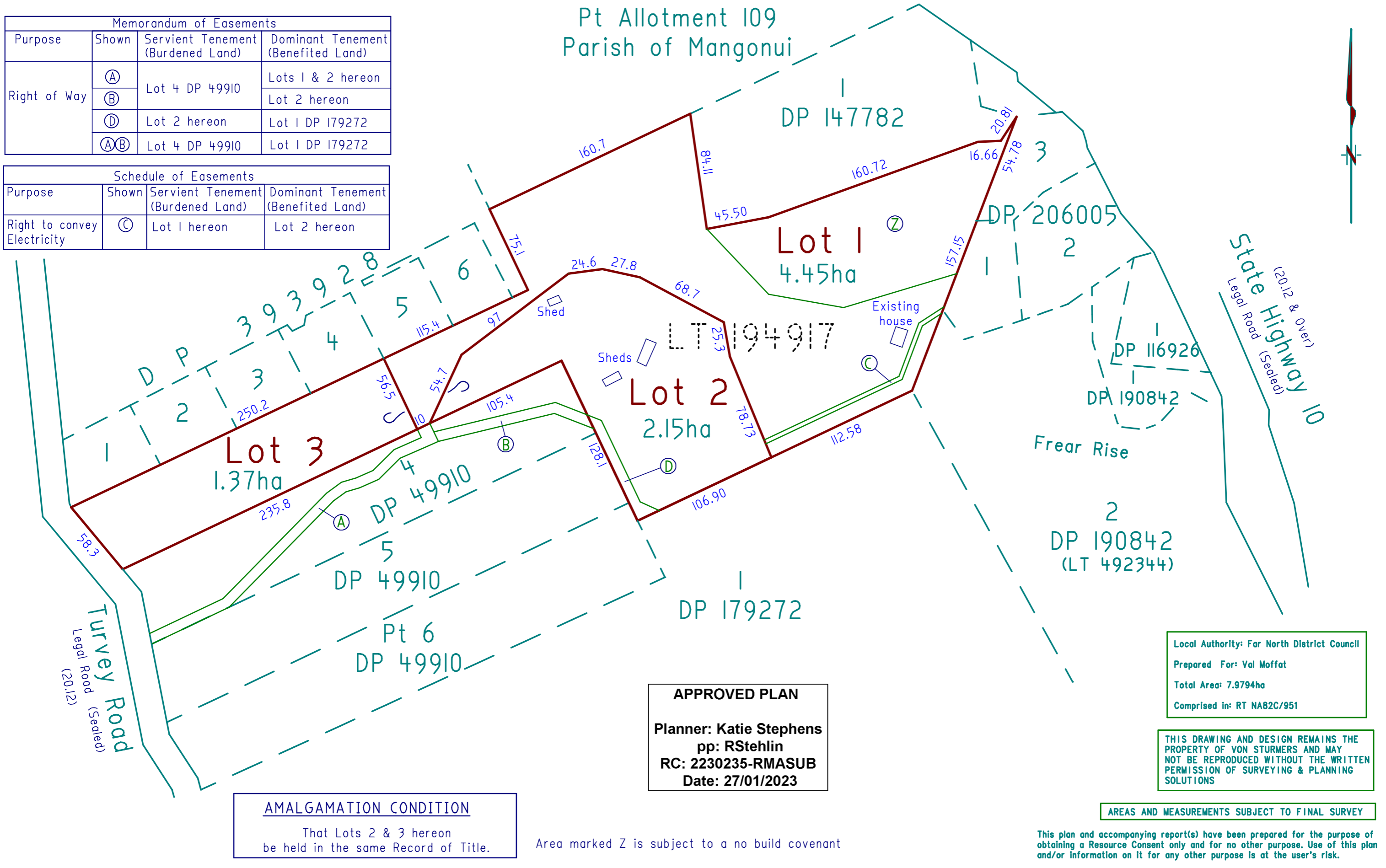
Chorus New Property Development Team



Pt Allotment 109  
Parish of Mangonui

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way	(A)	Lot 4 DP 49910	Lots 1 & 2 hereon
	(B)		Lot 2 hereon
	(D)	Lot 2 hereon	Lot 1 DP 179272
	(A)(B)	Lot 4 DP 49910	Lot 1 DP 179272

Schedule of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right to convey Electricity	(C)	Lot 1 hereon	Lot 2 hereon



**AMALGAMATION CONDITION**  
That Lots 2 & 3 hereon be held in the same Record of Title.

**APPROVED PLAN**  
Planner: Katie Stephens  
pp: RStehlin  
RC: 2230235-RMASUB  
Date: 27/01/2023

Local Authority: Far North District Council  
Prepared For: Val Moffat  
Total Area: 7.9794ha  
Comprised in: RT NA82C/951

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AREAS AND MEASUREMENTS SUBJECT TO FINAL SURVEY

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

**PROPOSED SUBDIVISION OF PT ALLOTMENT 108 PARISH OF MANGONUI & LOT 3 DP 49910 & EASEMENT OVER LOT 4 DP 49910**

	Name	Date	ORIGINAL SCALE	SHEET SIZE
Survey				
Drawn	TY	Dec 2020	1:2500	A3
Rev	TY	Mar 2021		
Rev	SH	July 2022		
Rev	SH	Jan 2023		

Surveyors Ref. No: **14823**  
Series  
Sheet of

**DECISION ON SUBDIVISION CONSENT APPLICATION  
UNDER THE RESOURCE MANAGEMENT ACT 1991**

## Decision

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

<b>Council Reference:</b>	2230235-RMASUB
<b>Applicant:</b>	Valerie Ilia Moffat
<b>Property Address:</b>	134 Turvey Road, Mangonui
<b>Legal Description:</b>	LOT 3 DP 49910 PT ALLOT 108 MANGONUI PSH BLK V MANGONUI SD
<b>Description of Application:</b>	to create one additional lot as a Controlled Activity in the Rural Living Zone

## Conditions

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

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Von Sturmers, referenced Pt Allotment 108 Parish of Mangonui & Lot 3 DP 49910 & Easement Over Lot 4 DP 49910, dated Jan 2023, and attached to this consent with the Council's "Approved Stamp" affixed to it.

### Survey plan approval (s223) conditions

2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
  - a. All easements in the memorandum to be duly granted or reserved.
  - b. Area 'Z' to be reserved as a no build or earthworks area.
  - c. The endorsement of the following amalgamation, pursuant to Section 220(1) (b)(ii) of the Resource Management Act 1991:  
  
That Lots 2 & 3 hereon be held in the same Record of Title.  
LINZ ID 1828583
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act the consent holder shall:
  - a. Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.

## Section 224(c) compliance conditions

4. Prior to the issuing of a certificate pursuant to section 224(c) of the Act, the consent holder shall:
  - a. Upgrade the entrance to ROW A from Turvey Road to comply with the Councils Engineering Standard FNDC/S/6, 6B, and section 3.3.7.1 of the Engineering standards and NZS4404:2004 by surfacing the entrance plus splays for a minimum distance of 6m from the existing edge with an impermeable surface.
5. 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 shall be met by the consent holder:
  - a. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system the applicant shall submit for Council approval a TP58 Report prepared by a Chartered Professional Engineer or an approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.

**[All Lots]**
  - b. The site is identified as being within a kiwi present area. All dogs should be kept under effective control or within dog enclosures, and cats and dogs should be kept contained or inside at night to reduce predation on the North Island Brown Kiwi.

**[All Lots]**
  - c. The area identified as 'Z' on the LT Plan contains an archaeological site described as O04/434 - Industrial by NZAA. No building or earthworks shall occur within Area 'Z'.

**[Lot 1]**

## 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 lots can be appropriately serviced (infrastructure and access).

## **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 controlled resource consent as such under section 104A the Council must grant this application and may only impose conditions in relation to those matters over which control is reserved, these matters are found in section 13.7.3 of the Operative District Plan.
3. 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.
4. In regard to section 104(1)(b) of the Act the following statutory documents are considered to be relevant to the application:
  - a. Operative Far North District Plan 2009,
  - b. Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 22-30 of the Assessment of Environmental Effects submitted with the application.

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

5. In regard to section 104(1)(c) of the Act there are no other matters relevant to the application



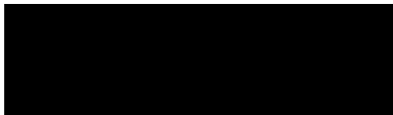
6. Based on the assessment above the activity will be consistent with Part 2 of the Act.

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.

7. 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 Katie Stephens, Resource 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.



**Esther Powell**

**Date: 27 January 2023**

**Team Leader Resource Consents**