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3 November 2025

Resource Consents Department
Far North District Council
Memorial Avenue
Private Bag 752
Kaikohe 0440

By Email Only

Dear Sir / Madam,

Re: RESOURCE CONSENT APPLICATION : 1 DONALD LANE, KAITAIA

- 1.0 David Kehely and Michaela Jensen “(the Applicant)” have instructed us to lodge a resource consent application for their captioned property.
- 1.1 A full AEE in accordance with the requirements of the RMA 1991 is attached. The requisite FNDC Application form is included in the appendices.
- 1.2 If you could kindly advise a reference number, we will arrange for the Client to make the necessary deposit payment to the FNDC by bank transfer.

Yours sincerely,

Neil Mumby
Director
Cable Bay Consulting



**APPLICATION FOR RESOURCE CONSENT TO THE FAR
NORTH DISTRICT COUNCIL PURSUANT TO SECTION 88 OF
THE RESOURCE MANAGEMENT ACT 1991**

**Combined Subdivision and Land Use Consent for a
Subdivision around existing development in the
Residential Zone, with a consequential impermeable
surface infringement.**

1 Donald Lane, Kaitaia

Assessment of Environmental Effects

November 2025



INTRODUCTION AND PROPOSAL

- 1.1 David Kehely and Michaela Jensen “(the Applicant)” seek resource consent under the Resource Management Act 1991 and the Far North District Council District (“FNDC”) Operative District Plan (“ODP”) for a two lot subdivision in the Residential Zone.
- 1.2 The subdivision will take place around two existing dwellings, and the proposed internal boundaries will also result in a consequential impermeable surface infringement.
- 1.3 The Register of Title information is summarised in Table 1 below;

Existing Title	Existing Area
Lot 4 Deeds Plan 678, created in 1954, Limited As to Parcels	1,338m ²

Table 1 :

Register of Title Information

- 1.4 In summary form, this proposed subdivision will result in one allotment of approximately 666m² (Lot 1) which contains the “southern dwelling” and one allotment of 672m² (Lot 2) which contains the “northern dwelling.”

DOCUMENTATION

- 1.5 This application is accompanied by the following documents;
- Register of Title (**Attachment 1**)
 - Adjacent Land Analysis (**Attachment 2**)
 - Scheme Plan (**Attachment 3**)
 - Engineering Report (**Attachment 4**)
 - Section 86B of the RMA 1991 Check (**Attachment 5**)
 - Operative District Plan Development Control Check (**Attachment 6**)
 - Relevant ODP Assessment Criteria (**Attachment 7**)
 - Fourth Schedule Compliance Assessment (**Attachment 8**)
 - NRPS : Relevant Objectives & Policies (**Attachment 9**)
 - ODP : Relevant Objectives & Policies (**Attachment 10**)
 - PDP : Relevant Objectives & Policies (**Attachment 11**)
 - Service Provider Correspondence (**Attachment 12**)
 - Application Form & Checklist (**Attachment 13**).

DESCRIPTION OF SITE AND SURROUNDS

- 1.6 The land is as legally described in Table 1 with a total land area of approximately 1338m². The current Register of Title is appended in **Attachment 1** for ease of reference.
- 1.7 The subject site is flat and rectangular in shape. Vegetation is limited to some scattered exotic tree species, primarily along the northern boundary. Within the site there are two single level detached dwellings each with single garages present. The southern



dwelling is of stucco construction with corrugated iron roof. The northern dwelling has been constructed with Hardi-plank cladding and a tile roof. The garages are of identical design with a mono pitch roof. The dwellings and garages are separated by an existing closed board 1.8 metre high fence along the proposed internal boundary line. The dwellings can be seen in the images below.



Figure 1 : Southern Dwelling and Garage

Source Site Visit as at 1/11/25.



Figure 2 : Northern Dwelling

Source Site Visit as at 1/11/25.



- 1.8 Access is presently via a concreted crossing and metallated access which runs along the eastern boundary to serve both dwellings. This detail can be seen in the images below.



Figure 3 : Existing Crossing and Access

Source Site Visit as at 1/11/25.



Figure 4 : Aerial Imagery

Source FNDC GIS as at 14/10/25.

- 1.9 The subject site is contiguous with the northern edge of the residential area of Kaitaia. The site borders a large area of industrial zoned land to the north comprising mainly



commercial development in the form of large format retail as well as a service station. Low density residential development borders the property to the west, east and south. North Road / State Highway 1 is located some 60 metres to the west. Adjacent land analysis for the purposes of later assessment under s95D of the Act is contained in **Attachment 2**.

- 1.10 The subject site is zoned Residential under the Operative District Plan (“ODP”), with no limitations listed in the Resource Maps, as illustrated in Figures 5 & 6 below.

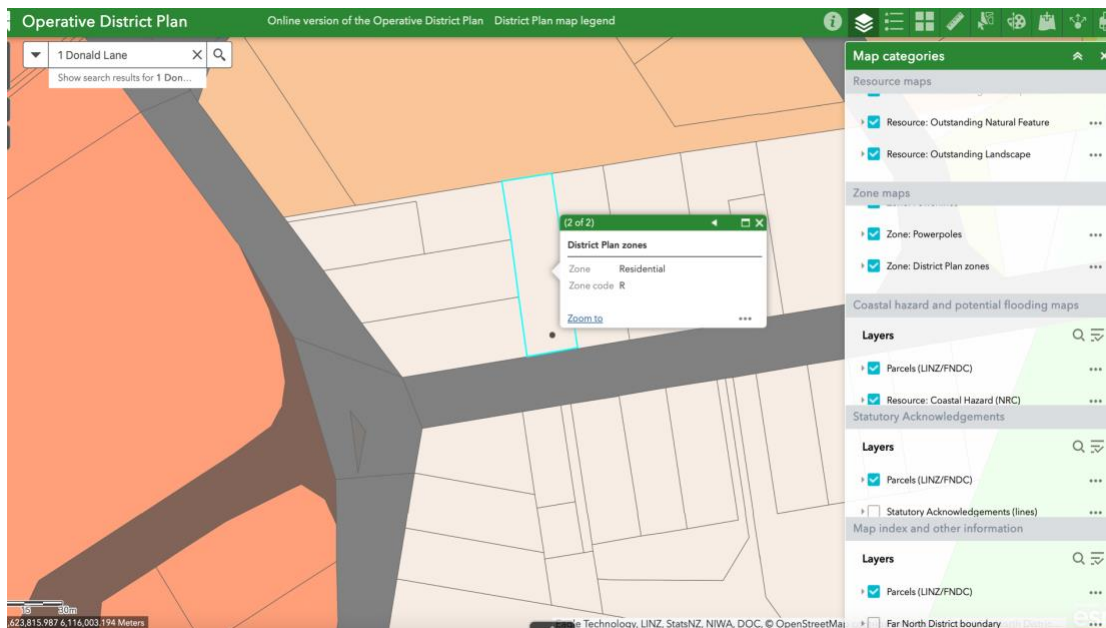


Figure 5 : FNDC ODP Zoning Map

Source FNDC GIS 26/09/25

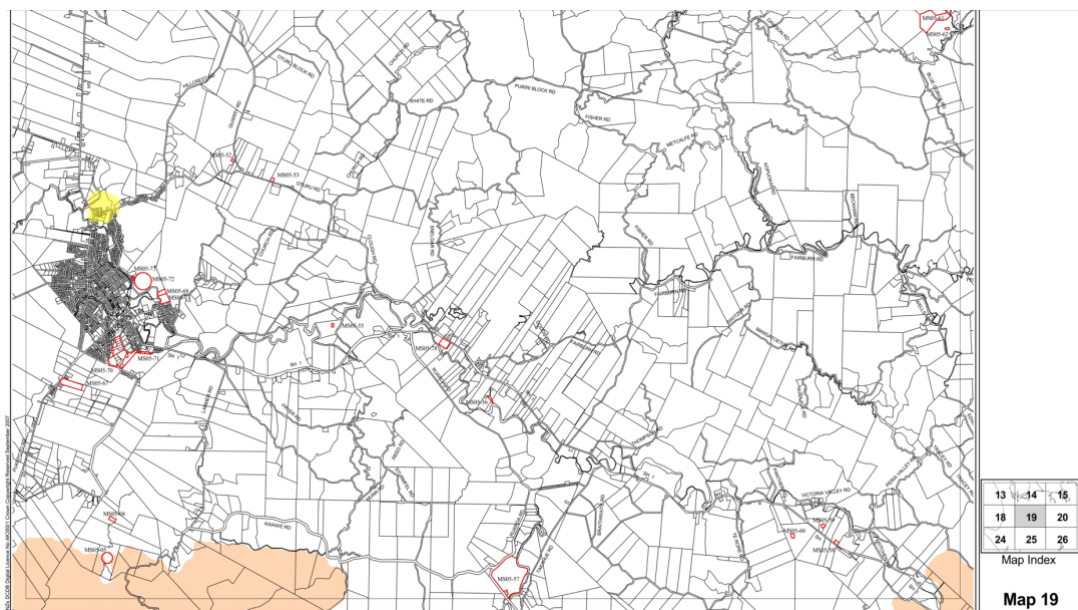


Figure 6 : FNDC Resource Maps

Source FNDC ODP Map 19



1.11 No HAIL sites are present as per the screenshot below;

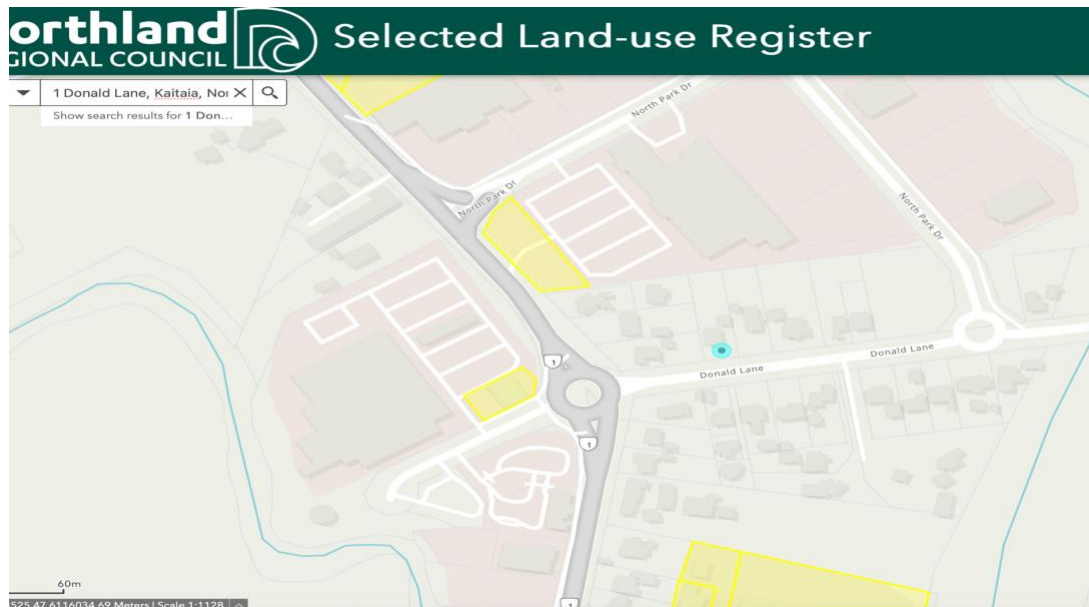


Figure 7 : HAIL Map

Source NRC GIS 26/09/25

1.12 No recorded NZAA Archaeological sites are shown on the site in Councils GIS. The site does not contain any District Plan Historic Sites, District Plan Archaeological Sites, or District Plan sites of Significance to Māori.

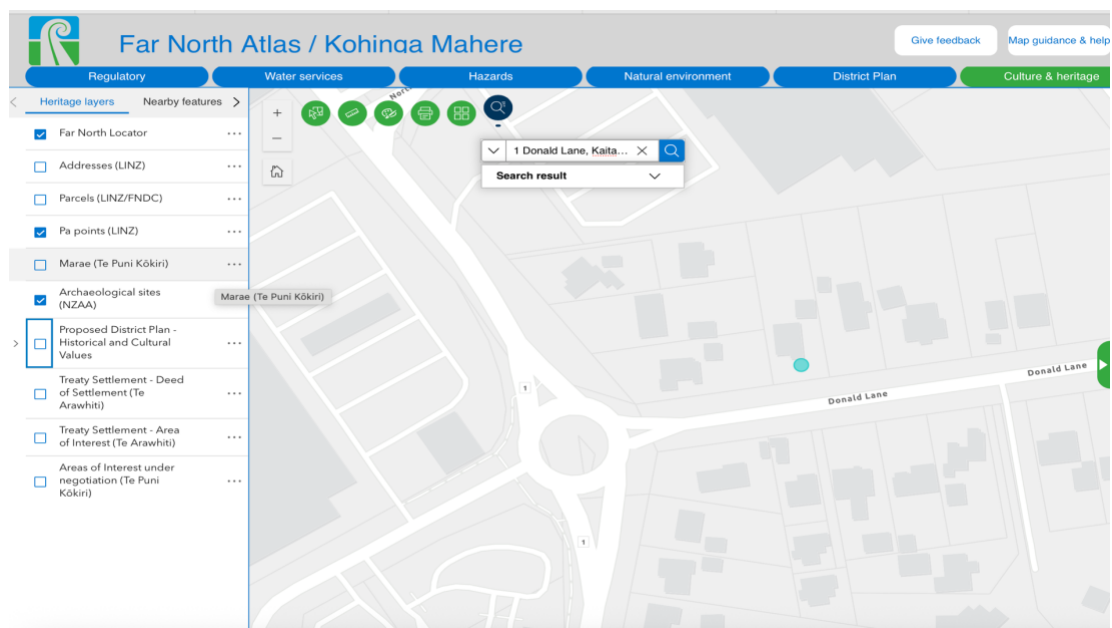


Figure 8: NZAA Archaeological Sites

Source FNDC GIS 26/09/25

1.13 The site is located with a flood plain as per the screenshot below.

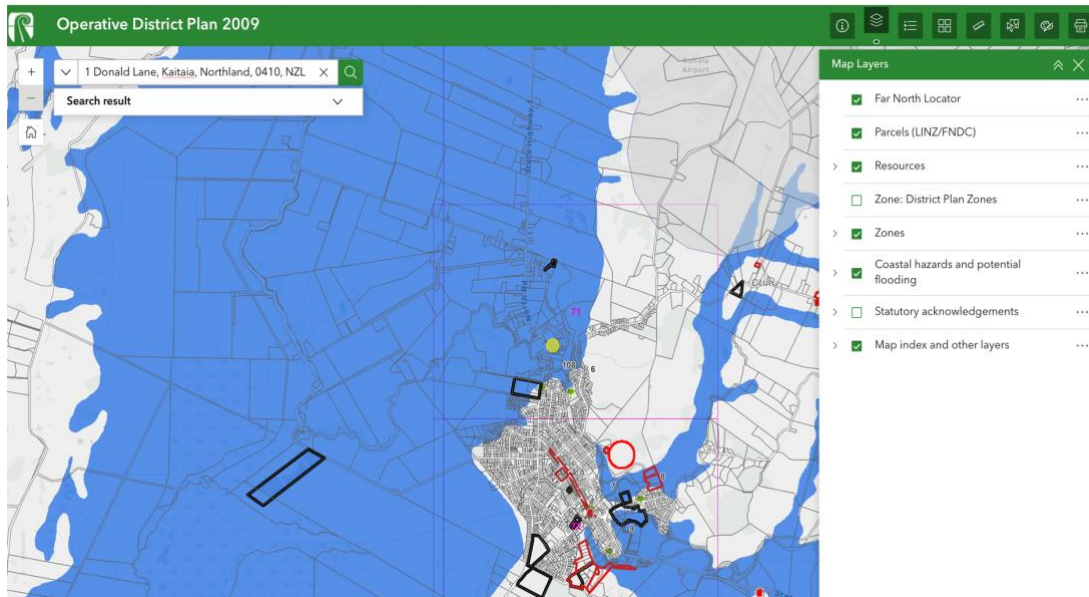


Figure 9: Flood Plain

Source FNDC GIS 26/09/25

- 1.14 The site is zoned “General Residential” under the Proposed District Plan (“PDP”). The site is also notated as being affected by flooding and within a Treaty Settlement Area of Interest. This can be seen in Figure 10 below.

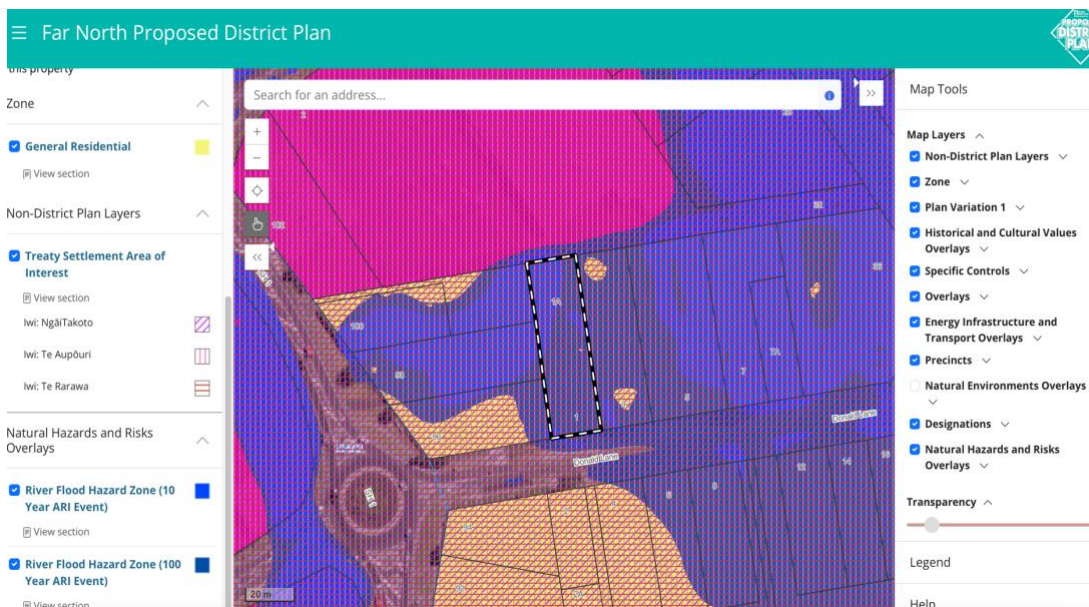


Figure 10 : FNDC PDP Zoning Maps

Source FNDC GIS 26/09/25

- 1.15 No heritage matters, notable trees, Sites and Areas of Significance to Māori, Outstanding Natural Landscapes, Outstanding Natural Features, or Statutory Acknowledgment Areas are notated on the PDP maps.



Site History

- 1.16 A review of the FNDC property files shows that Council has records that pertain to both dwellings on the site. A review of the FNDC property files indicates that the initial dwelling was constructed on the site around 1955 (see Building Permit 509) extensions were later consented in 1960 (BP3927). A second dwelling (relocatable) was constructed on the site in 2022 under EBC-2022-1438/0. Since that time, two single garages have been constructed to the south of each dwelling.
- 1.17 Discussions with the Applicant (a licensed builder) indicates that these garages were constructed by his firm (Kehely Construction Ltd) on the site under the amendments to the Building Act made in August 2020, which provides for garages of less than 30m² to be constructed without building consent. These garages also comply with the relevant District Plan standards.



Subdivision Concept Design

- 2.1 The proposed subdivision layout is shown below, with a further full detailed plan set in **Attachment 3** for ease of reference.

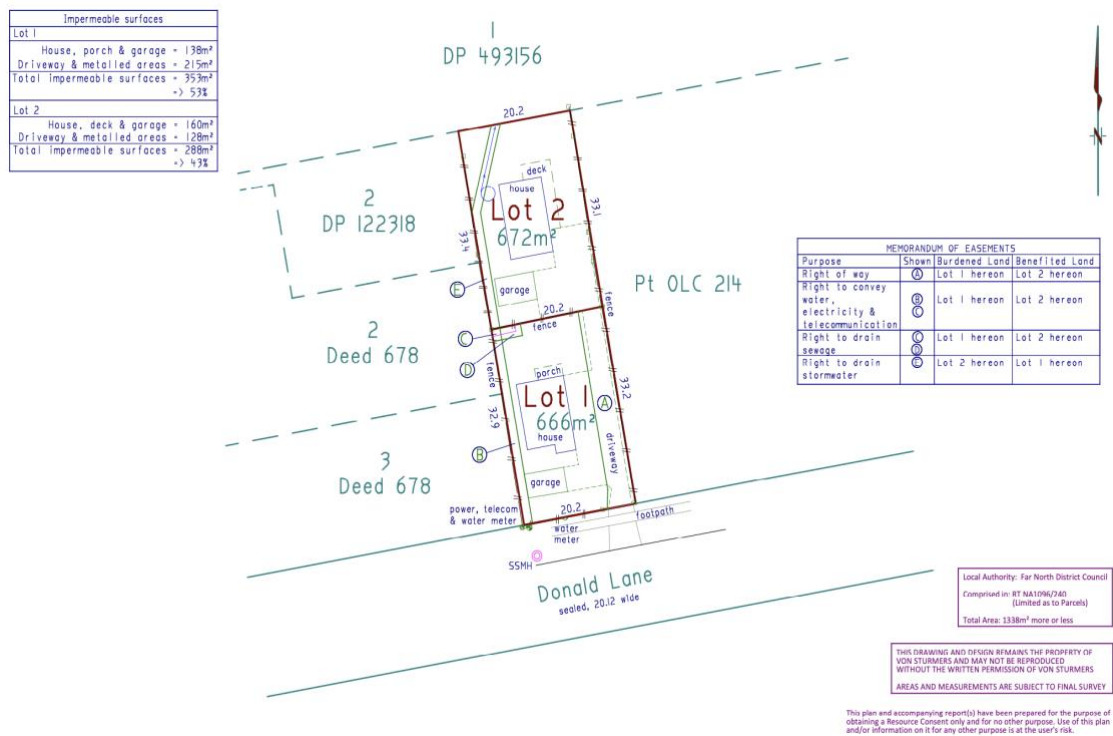


Figure 11 : Overall Scheme Plan

Source Von Sturmers October 2025

- 2.2 The subdivision design is straight forward as it is taking place around two existing dwellings and garages. There is however a consequential infringement of the impermeable surface standards as a consequence of the impermeable surfaces within the proposed Right of Way being contained within Proposed Lot 1.

Planning Design Considerations

- 2.3 The creation of lot boundaries around existing dwellings with consequential infringements of standards or rules within District Plans is common. In respect of this application, it is noted that the impermeable surface infringement occurs on Lot 1 only. When the site is viewed as a whole at the current time there is no infringement as the impermeable surfaces across the site comprise some 48% only.
- 2.4 A consent notice can be imposed limiting the provision of further impermeable surfaces across Lot 2 so as to ensure that impermeable surfaces within the catchment continue to be appropriately managed within the anticipated 50% threshold, and appropriately address the matter of potential additional permitted “windfall” rights with respect to impermeable surfaces.



Engineering Design Considerations

- 2.5 Engineering reports were prepared for the site at the time of the 2022 building consent application for the second dwelling that has since been constructed on the site. This earlier report addressed flooding, stability and services in the usual manner, and was approved of by the FNDC in the building consent process. A copy of the engineering report is contained in **Attachment 4** for ease of reference. Appropriate conditions can be carried across to the proposed subdivision.



Recommended Consent Conditions

- 3.1 Given this proposal involves subdivision around existing development, we anticipate standard conditions being imposed dealing with easements, access etc. Additional conditions via consent notice are also offered if considered necessary by Council to mitigate effects and address relevant criteria within the ODP. These are listed below;

Lot 1 & Lot 2 Reverse Sensitivity

“...No owners, lessees, tenants, visitors or other occupiers of the lots shall obstruct the operation of, complain, or initiate enforcement action of any kind against those persons or entities undertaking lawfully established or permitted industrial activities on sites neighbouring sites zoned for industrial purposes...”

Lot 2 Impermeable Surfaces

“There shall be no increase in impermeable surfaces on the site as a consequence of the formation of additional hardstand areas, building additions, or new buildings, without the prior supply of an engineering report addressing stormwater mitigation measures for the approval of the Far North District Council in advance of these works”.



DISTRICT PLANNING FRAMEWORK

- 3.2 At the present time, the principal district planning instruments relevant to this subdivision are the ODP, PDP and Variation 1 to the PDP. There are no other plan changes relevant to this proposal.

Proposed District Plan

- 3.3 The FNDC publicly notified its PDP on 27th July 2022. Whilst hearings on the PDP have commenced, no decisions have yet been issued by the Hearings Commissioners. It is understood that decisions will be issued by Council in May 2026.
- 3.4 Under s86B of the Resource Management Act 1991 a rule in a Proposed District Plan has legal effect only once a decision on submissions have been made, unless the criteria under s.86B(3)(a) to (e) apply.
- 3.5 In terms of s.86B(3) of the Act, a review of the PDP shows that there are no provisions that relate to water, air or soil, significant indigenous vegetation, significant indigenous habitats of fauna, historic heritage or aquaculture activities that require resource consent in this intervening period.
- 3.6 Tabulated analysis of the PDP provisions are contained in **Attachment 5**. As there are no relevant rules within the PDP with immediate legal effect that affect the proposed activity status, the activity status of this application is prescribed by the current FNDC ODP. The objectives and policies of the PDP are however relevant for the s.104 assessment undertaken later in this report. This matter is discussed further in paragraph 5.10 to 5.21 of this report.

Operative District Plan

- 3.7 As already stated, the ODP is the dominant planning document in considering this proposal. Tabulated analysis of the ODP provisions is contained in **Attachment 6**. The analysis confirms that consent is required under the following rules of the ODP;
- Controlled Activity subdivision consent under Rule 13.7.2.1 (v) as the proposal meets the minimum lot size of 600m² for sewered sites.
 - Controlled Activity land use consent under Rule 7.6.5.2 (a) for stormwater management as proposed Lot 1 will result in an impermeable surface of 53% thereby exceeding the 50% maximum impermeable surface standard contained in Rule 7.6.5.1.6.

Overall this combined subdivision and land use consent application is considered a controlled activity.



Section 104 & 106 of The RMA 1991

- 3.8 We note that Rule 13.6.9 of the ODP explicitly states that with respect to controlled activity subdivisions, *“the application will only be assessed in terms of possible conditions, and would only be declined pursuant to s106 of the Act (natural hazards and access)”*. The ODP provides a range of assessment criteria that are relevant for this application. These are set out in Rule 13.7, 13.7.3.1 to 13.7.3.12 of the ODP. These are included in **Attachment 7**.
- 3.9 With respect to the subdivision assessment criteria, the dwellings exist and the proposed lots are of demonstratable sufficient size to accommodate dwellings, and adequate water supply, stormwater and wastewater disposal is able to be provided as set out in the engineering report that accompanied the prior building consent application. Moreover service providers have been consulted, whom have confirmed that adequate power and telecommunications can be provided. Appropriate easements have also been provided. There are no listed heritage matters or sensitive ecological areas present on the site that will be affected by the proposal. The form of development (that is two dwellings) are specifically envisaged by the plan provisions. The proposal is in accordance with these assessment criteria.
- 3.10 With respect to the land use component, and with reference to the assessment criteria in 7.6.5.2.1 (a) to (i) of the ODP, the proposal will not result in adverse stormwater effects as the infringement of this standard is a technical infringement generated by the proposed lot boundaries only. Moreover, a consent notice is also offered to address potential future stormwater effects in case of further development on Lot 2 as a consequence of windfall development rights.
- 3.11 Lastly, and as already stated, the dwellings have been issued building consent and the approved specifications for the building consent confirm that construction was undertaken in accordance with Verification Method E1/VM1 in the New Zealand Building Code as per the notes in Rule 7.6.5.2.1 of the ODP. As a consequence the proposal is in accordance with these assessment criteria.



STATUTORY REQUIREMENTS

4.0 Section 5 – Purpose of the RMA

Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
 - (a) *Sustaining the potential of natural and physical resources (excluding the minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 104 – Consideration of Applications

- 4.1 Section 104 of the Resource Management Act 1991 sets out those matters that must be considered when assessing an application for resource consent. Subject to Part II of the Act, Section 104A requires a consent authority to have regard to the following matters in this instance:

“104A Determination of applications for controlled activities

After considering an application for a resource consent for a controlled activity, a consent authority—

- (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and*
- (b) may impose conditions on the consent under section 108 only for those matters—*
 - (i) over which control is reserved in national environmental standards or other regulations; or*
 - (ii) over which it has reserved its control in its plan or proposed plan.*

- 4.2 The Fourth Schedule of the Act outlines the matters that must be included in an assessment of effects. A compliance schedule demonstrating how this AEE meets the requirements of the Fourth Schedule contained in **Attachment 8**.
- 4.3 The subsequent sections of this AEE address the requirements of s.5, s.104 and the Fourth Schedule of the Act as appropriate to the scale of the activity, and as necessary to provide an informed assessment of this proposal.



ASSESSMENT OF EFFECTS

- 4.4 The Council must decide whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Permitted Baseline

- 4.5 The permitted baseline may be taken into account and the Council has the discretion to disregard those effects. In terms of the subject site, it is noted that under the ODP, units on a sewered site can be constructed at the rate of one unit per 600m² of site area.

Receiving Environment

- 4.6 The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed. There are no known consents in the area or that have been recently applied for on adjacent sites that may impact this proposal. However if the FNDC is aware of any relevant applications, this AEE can be updated as required to reflect any change in circumstances.

Section 106 Matters

- 4.7 The engineering report in **Attachment 4** that accompanied the most recent building consent contains an assessment on engineering matters, including stability. Moreover, the proposed subdivision appropriately provides for legal access to each of the proposed lots. There are no adverse effects of the nature identified in s.106 of the Act that preclude this subdivision from proceeding.

Subdivision and Consequential Land Use Effects

- 4.8 The effects arising from the proposal have been assessed using the objectives and policies and the relevant assessment criteria within the ODP as a guide. Please refer to Attachments 2, 6, 7-12 and Paragraphs 2.1 to 3.11 of this AEE for this assessment. The effects are considered minor.



PROVISIONS OF ANY RELEVANT PLAN, POLICY STATEMENT, OR OTHER REGULATION

National Environmental Standards for Assessing and Managing Contaminated in Soils to Protect Human Health (2011) (NES :CS)

- 5.0 With respect to the NES:CS specifically, the site has not been used for cropping purposes and the Applicants have advised that they are not aware of any HAIL activities present. In addition, the HAIL GIS Maps on Councils website have been reviewed, and this does not indicate any HAIL sites on the property.

National Policy Statement for Freshwater Management(2022) ("NPS:FW)

- 5.1 The NPS : FW sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. It is considered that the proposal is not inconsistent with the objectives of the NPS FW in that the density of development is specifically envisaged by the zone provisions and the dwellings exist.

NPS Indigenous Biodiversity

- 5.2 The site contains no significant natural area or other indigenous vegetation of note.

The Northland Regional Policy Statement

- 5.3 The Northland Regional Policy Statement ("NRPS") was made operative in May 2016. The site is located outside of any outstanding natural landscape, outstanding natural features, natural character areas. This can be seen in Figure 12 below.

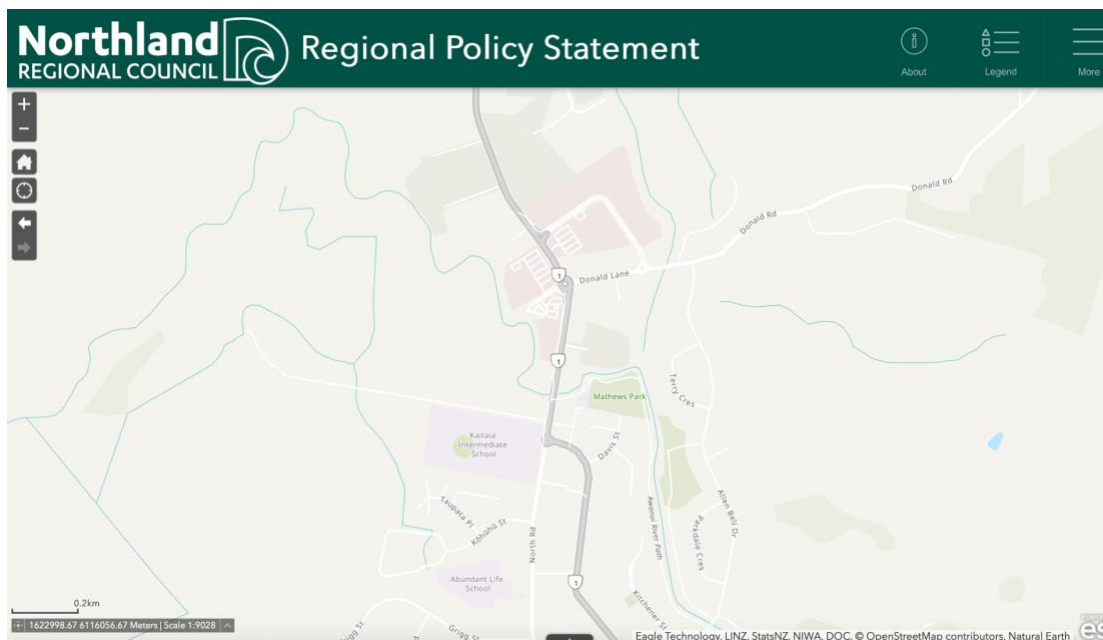


Figure 12: Regional Policy Statement Map

Source NRC GIS 14/10/25

- 5.4 The NRPS contains objectives and policies related to natural hazards and development. The objectives and policies considered relevant to this proposed subdivision are contained in **Attachment 9**.



- 5.5 As outlined earlier in this report, the site is within a modelled flood plain. The hazard risk has been addressed in the supplied engineering report and approved by FNDC in the building consent process. The proposal is consistent with the relevant NRPS objectives and policies.

FNDC ODP Objectives and Policies

- 5.6 As already stated, the proposal constitutes a controlled activity overall under the FNDC DP. The pertinent objectives and policies are contained in **Attachment 10**.

Commentary – Subdivision Objectives and Policies

- 5.7 The proposed subdivision is of a nature specifically envisaged by the zone provisions (13.3.1). The lot sizes, dimensions and location of the allotments have been designed so as to take into account existing land uses (13.4.1). The existing dwellings are located in the less environmentally sensitive portions of the site and take into account solar gain to facilitate energy efficient design (13.3.9, 13.4.15 (a)). There are no scheduled heritage resources present on the site (13.3.4), and stormwater management will also be in place for the proposed development (13.3.5). The proposal contains a set of suggested resource consent conditions to address environmental effects arising from the proposal (13.3.2). Particular consideration has been given to ensuring adverse effects are appropriately avoided, remedied or mitigated. The proposal is in accordance with these objectives and policies.

Commentary – Residential Zone Objectives and Policies

- 5.8 The proposed subdivision and consequential effects of the impermeable surface infringement are appropriate for a residential zoned site in an urban area. The proposal will enable the continued use of the existing dwellings (7.3.2) appropriately avoid, remedy or mitigate effects on amenity values (7.3.3). The proposal contains a set of suggested resource consent conditions to address environmental effects arising from the proposal, including water supply (7.3.6). The proposal is in accordance with these objectives. The proposal will adequately maintain the amenity values of the local area (7.4.1) and the supporting infrastructure will be appropriately designed (7.4.8). The proposal is consistent with the density of development in the immediate surrounding area (7.6.3.1).

Summary

- 5.9 In summary, for the reasons detailed above, the proposal can be considered consistent with the relevant objectives and policies contained within the FNDC ODP.

PDP Objectives and Policies



- 5.10 The pertinent objectives and policies are contained in **Attachment 11**. As the objectives and policies of the General Residential zone are consistent with the ODP, this proposal sits comfortably with these as the proposed development will achieve the objectives of the zone as it will cater for variety of densities in an area identified to accommodate growth (GRZ-01 and GRZ-04)n with appropriate infrastructure being in place (GRZ-P8 (f)).
- 5.11 The proposal will result in a land use and subdivision consistent with surrounding existing built development, and with appropriate infrastructure in place.
- 5.12 As with the General Residential zone objectives and policies, the associated subdivision objectives and policies sit comfortably alongside this proposal as the proposal will achieve the objectives of the zone SUB-01 (a), contribute to local character and sense of place (SUB01 (b)) and SUB-P3 (a) to (d) and does not increase risk from natural hazards (SUB 01 (e) and SUB-P11 (d) as the dwellings exist. Moreover, appropriate infrastructure is provided (SUB-03(a) and SUB-P6 (a) and (b)).
- 5.13 With respect to natural hazards, the existing buildings are located within the modelled flood plain. The hazard risk has been previously assessed in the building consent process and supporting engineering report at that time. Conditions can be imposed on the subdivision to ensure that the proposal is consistent with policies regarding flood hazard (NH-01 & NH-02, NH-P2, NH-P5, NH-P6, NH-P8).

Variation 1 to the PDP

- 5.14 The Far North District Council has notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the Proposed District Plan. Proposed Plan Variation 1 makes minor amendments to correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. There are multiple zones and provisions of the PDP that are affected by this variation. Examples of this include changes to the wording of both rural, urban and special purpose zones. The variation does not seek changes to the subdivision provisions in the General Residential Zone. Submissions for this variation closed in December 2024 so the provision have no effect on activity classification and little if any weight in the decision making process for this application at the current time.



ANY OTHER RELEVANT AND REASONABLY NECESSARY MATTER

Weighting of District Planning Documents

- 5.15 In general terms the weight afforded to the objectives and policies of a PDP are determined by the extent to which the PDP provisions have been tested in the statutory process. Typically, a PDP notified by a consent authority will garner greater weighting in the process a few years after notification as decisions are issued and appeals are resolved in accordance with the time frames prescribed in the RMA 1991.
- 5.16 However this is not the case with FNDC PDP. Whilst the statutory process for the PDP substantively commenced on 27 July 2022 with the public notification of the PDP, according to the FNDC website, the PDP received “...a high number of submissions with 580 original submissions (with over 8,500 original submission points), and 549 further submissions (with 26,174 further submission points) covering a broad range of issues...”
- 5.17 As a consequence of that significant number of submissions, as well as staffing issues, Council wrote to the Minister for Environment on 15 July 2024 seeking an extension of time until 27 May 2026 for the issue of Council decisions on the PDP. This extension of time was granted by the Minister for the Environment on 17 September 2024.
- 5.18 All of this means that despite being in the public realm for a number of years, the PDP has not yet had any decisions issued on submissions by either the Hearings Panel or Council.
- 5.19 As a consequence, the PDP carries less weighting in the decision making process at the present time, than would otherwise be expected. This is setting aside the fact that the Council will still need to make a decision as to whether or not they will accept the recommendations of the Hearings Panel. The Council decisions will then be subject to potential challenge via appeal.
- 5.20 We also note that in parallel with this Council has recently notified a plan variation to correct errors, including corrections to zoning and other amendments to the PDP. Submissions for this variation closed in December 2024.
- 5.21 In our opinion all of this means that the Operative District Plan is the dominant document in the weighing up of the objectives and policies of the district planning documents.



PART 2 OF THE RMA

- 6.0 The purpose of the RMA under s5 is to promote the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way or at a rate that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.
- 6.1 This application is considered to be consistent with this purpose. In particular, the proposal seeks to enable the wellbeing (social and economic) of the applicants by allowing efficient utilisation of their site and will ensure that adverse effects of the proposal on the environment will be avoided, remedied and/or mitigated.
- 6.2 Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. The site does not contain any identified “outstanding landscape” or features. It does not contain records of any significant indigenous vegetation and/or habitats of indigenous fauna, or any archaeologically significant or heritage items.
- 6.3 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, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The proposal is considered to be consistent with the maintenance and enhancement of amenity values.
- The development has been designed to take into account the existing dwellings, and will not result in any adverse impacts on adjacent sites.
 - The proposal will enable an efficient use of physical resources as it will utilise land already used for residential purposes.
- 6.4 Section 8 requires all persons exercising functions and powers under the RMA to ‘take into account’ the Principles of the Treaty of Waitangi. No section 8 issues are considered to result.
- 6.5 Overall, the application is consistent with Part 2 of the RMA for the following reasons:
- The proposal provides for the wellbeing of people within the FNDC District by providing for the efficient utilisation of an existing site.;
 - The proposal avoids, remedies or mitigates adverse effects on the environment.



WRITTEN APPROVALS / CONSULTATION

- 7.1 No other written approvals have been sought with this application as the nature of the subdivision is specifically provided for in the zone, and no other parties are adversely affected.
- 7.2 Moreover, the proposed subdivision is taking around consented dwellings. This layout will ensure that the proposed subdivision will not result in adverse effects on adjacent / other parties.
- 7.3 The Applicant has however consulted with service providers (Top Energy, Chorus) and confirmation of servicing is contained in **Attachment 12**.



SECTION 95 NOTIFICATION

8.0 In accordance with an assessment following the steps set out in sections 95A of the Act, the application need not be publicly notified because:

- Under step 1, public notification is not mandatory as the applicant has not requested it, there are no outstanding or refused requests for further information, and the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
- Under step 2, public notification is precluded as the application is exclusively for a controlled activity resource consent.
- Step 3 is not applicable given public notification being precluded by step 2.

Under step 4, there are no special circumstances to warrant public notification because special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

8.1 Special circumstances” have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau CC* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

8.2 In *Murray v Whakatane DC* [1997] NZRMA 433, Elias J stated that circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

8.3 In this instance there are no special circumstances as the nature of the consent application is consistent with the rules, and objectives and policies for subdivision in the Residential zone.

8.4 In accordance with an assessment following the steps set out in sections 95B, the application need not be limited notified because:



- Under step 1, limited notification is not mandatory as there are no protected customary rights groups or customary marine title groups affected by the proposed activity. The proposed activity is not 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.
- Under step 2, limited notification is not precluded.
- Step 3 limited notification is not required however as no parties are adversely affected by the proposal in terms of s.95E. This is as a consequence of the development being specifically anticipated within the zone, and by the conditions of consent offered by the Applicant to avoid, remedy or mitigate effects.
- Under Step 4, there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any persons should occur.

8.5 I conclude that overall neither public nor limited notification is required for this proposal.



CONCLUSION

- 9.0 Under the FNDC ODP the application site is zoned Residential. The proposal seeks combined subdivision and land use consent which is consistent with the assessment criteria as well as the objectives and policies of the zone.
- 9.1 The application has been assessed in terms of the matters detailed in the relevant sections of the RMA (1991), and the FNDC ODP. The environmental effects arising from the proposal are less than minor.
- 9.2 In my opinion, the proposal accords with Section 104 of the RMA and can be granted resource consent on a non-notified basis.

Neil Mumby
Planning Consultant
B. Soc.Sci (REP) (Hons)
MNZPI(Full),
Member
ISOCARP
November 2025

Attachment 1



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy



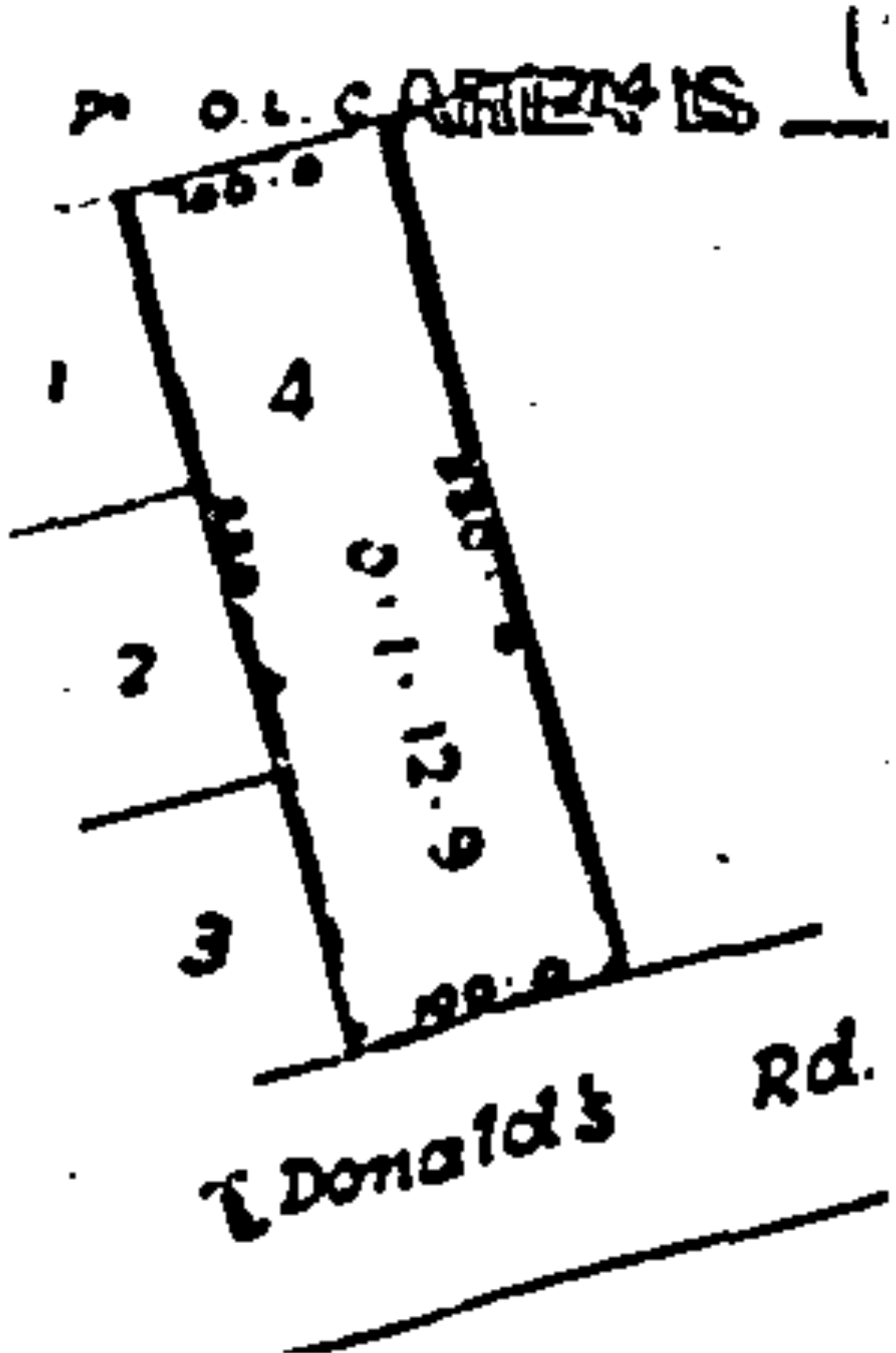

R.W. Muir
Registrar-General
of Land

Identifier **NA1096/240**
Land Registration District **North Auckland**
Date Issued 21 January 1954

Prior References
NA964/171

Estate Fee Simple
Area 1338 square metres more or less
Legal Description Lot 4 Deeds Plan 678
Registered Owners
David Justin Kehely and Michaela Marie Jensen

Interests
13298213.8 Mortgage to ASB Bank Limited - 22.5.2025 at 2:31 pm



Attachment 2

Adjacent Land Assessment

1 Donald Lane, Kaitaia

- 1.1 Adjacent land uses are primarily residential in nature, with a residential zoning present on those sites to the west, east and south of the site. To the north is an area of industrial zoned land. A table identifying the legal descriptions of adjacent land (where available) and associated land uses are contained in Table 1 below;

Street Address	Legal Description	Property Description
Not Specified	Lot 2 Deposited Plan 122318,	A rear residential lot served by a panhandle access from Great North Road / State Highway 1.
2 North Park Drive	Lot 1 Deposited Plan 493156,	Industrial zoned land, containing large format retail and extensive carpark area.
3 Donald Lane	art Old Land Claim 214,	Residential lot containing detached dwelling with landscaped grounds.
4 Donald Lane	Lot 5 Deposited Plan 37749	Residential lot with detached dwelling.
2 Donald Lane	Lot 1 Deposited Plan 197505	Residential lot with detached dwelling.
96 North Road	Lot 3 Deeds Plan 678	Residential lot with detached dwelling with access from Donald Lane.
98 North Road	Lot 2 Deeds Plan 678,	Residential lot with detached dwelling with access from North Road / State Highway 1.

1.2 An image showing the location of the adjacent land is below in Figure 2 below;

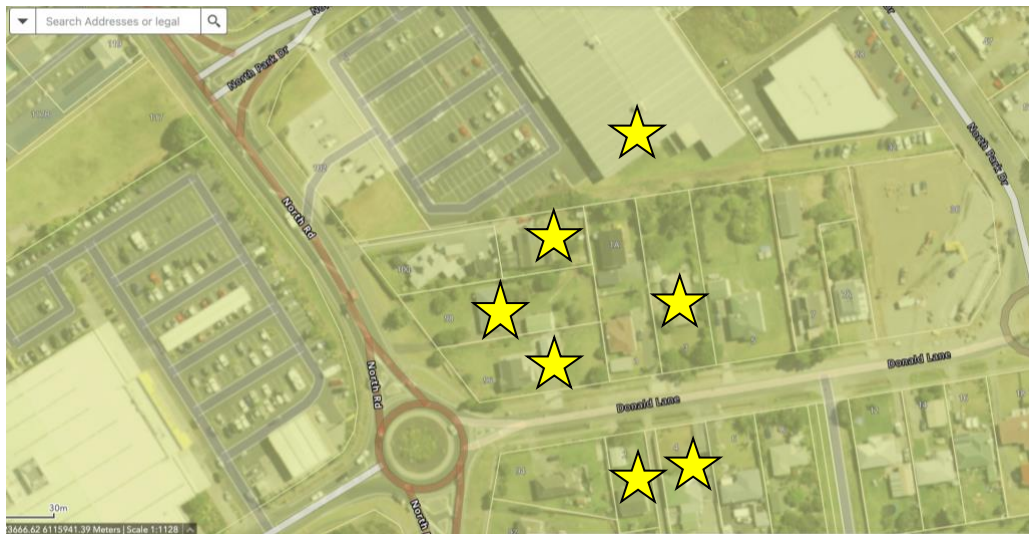


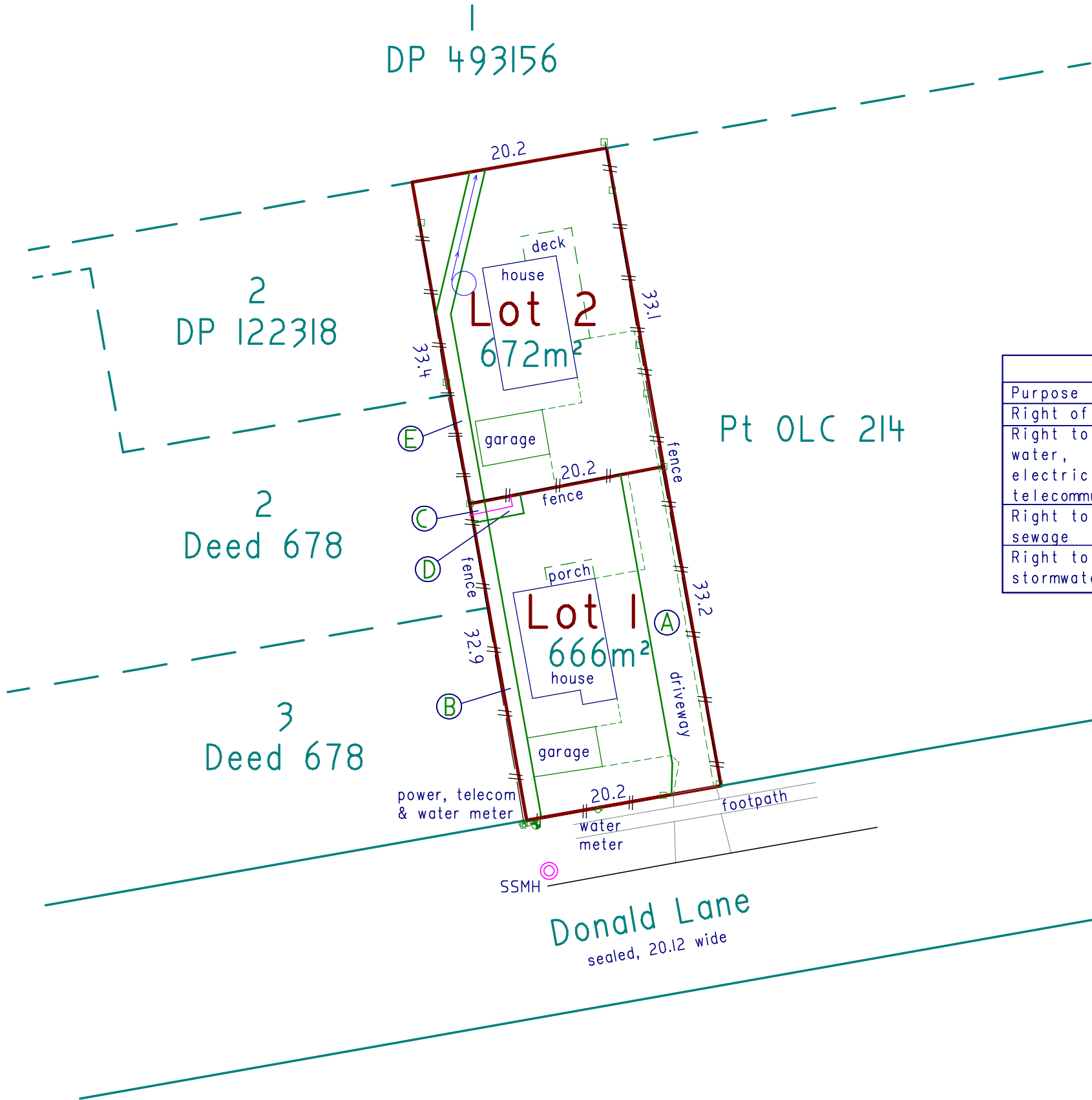
Figure 2 : Adjacent Land Assessment

Key

★ = Adjacent Land

Attachment 3

Impermeable surfaces	
Lot 1	
House, porch & garage	= 138m ²
Driveway & metalled areas	= 215m ²
Total impermeable surfaces	= 353m ²
	=> 53%
Lot 2	
House, deck & garage	= 160m ²
Driveway & metalled areas	= 128m ²
Total impermeable surfaces	= 288m ²
	=> 43%

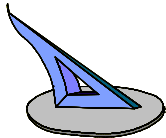


MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	(A)	Lot 1 hereon	Lot 2 hereon
Right to convey water, electricity & telecommunication	(B) (C)	Lot 1 hereon	Lot 2 hereon
Right to drain sewage	(C) (D)	Lot 1 hereon	Lot 2 hereon
Right to drain stormwater	(E)	Lot 2 hereon	Lot 1 hereon

Local Authority: Far North District Council
 Comprised in: RT NA1096/240
 (Limited as to Parcels)
 Total Area: 1338m² more or less

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

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



VON STURMERS
 Registered Land Surveyors, Planners &
 Land Development Consultants
 Ph: (09) 408 6000 131 Commerce Street,
 Kaitia
 Email: kaitia@saps.co.nz

PROPOSED SUBDIVISION OF LOT 4 DEED PLAN 678 (Limited as to Parcels)

PREPARED FOR: D KEHELY

	Name	Date	ORIGINAL	
Survey	NW	Sept 2025	SCALE 1:500	SHEET SIZE A3
Design				
Drawn	SH	01-10-2025		
Rev				

Surveyors
 Ref. No:
15580
 Series
 Sheet of

Attachment 4



Dave Kehely

**GEOTECHNICAL REPORT FOR
PROPOSED RELOCATABLE DWELLING**

1 Donald Lane, Kaitaia

Subject: RE: Kehely Project 1 Donald Lane Kaitaia
From: Conor Pullman <c.pullman@lde.co.nz>
Date: 21/06/2022, 09:56
To: Lee Wilkinson <lee@advancedesign.co.nz>
CC: dave kehely <david1990@hotmail.co.nz>

Hi Lee,

The purpose of this email is to confirm that LDE has viewed the proposed foundations for the new dwelling at 1 Donald Lane on drawing sheets as outlined in the below email.

We confirm the foundation design is consistent with the geotechnical report for the proposed new dwelling at 1 Donald Lane prepared by LDE Ltd and dated 8th April 2022.

Please advise if you require anything else regarding this project.

Kind regards

Conor Pullman
Senior Engineering Geologist
BSc, PGDipSci, MEngNZ

+64 22 156 3105
+64 9 974 8799
Ext: 308



LDE Ltd
192 Bank Street
Regent
Whangarei, 0112
www.lde.co.nz

Consulting Engineers - Geotechnical, Civil, Structural & Environmental.

[Terms](#)

From: Lee Wilkinson <lee@advancedesign.co.nz>
Sent: Monday, 20 June 2022 10:39 am
To: Conor Pullman <c.pullman@lde.co.nz>
Cc: dave kehely <david1990@hotmail.co.nz>
Subject: Kehely Project 1 Donald Lane Kaitaia

Greetings Conor,

Still working on the RFI for this project:

Looks like we have resolved the inundation issue however item #2 is still outstanding.

We designed the foundation to suit the recommendations (6.2) on pages 9-10 as per your report

FNDC have asked

"2. Please have LDE engineers conduct a drawing review as per section 6.2 of the geotechnical report."

Please review attached plans, particularly Foundation L102, Sections L201 &202 and Detail sheet A101.

Really only need a cover email that you have reviewed them and that plans comply with your recommendations.

Thanks

--

Best Regards

Lee

Lee Wilkinson

Managing Director

Advancedesign Architecture

Ph (09) 4389709 (021) 137 2965

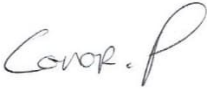
Postal PO Box 3284, Onerahi 0142

Email: lee@advancedesign.co.nz

Website: www.advancedesign.co.nz

DOCUMENT CONTROL

Version	Date	Issued For / Comments
0		Choose an item.
		Choose an item.

Prepared By	Reviewed By	Authorised By
 Jack Mackay-Neal Engineering Geologist <i>BSc, PMEG</i>	 Conor Pullman Senior Engineering Geologist <i>BSc, PGDipSci, MEngNZ</i>	 Gareth Harding Chartered Professional Engineer (Geotech/Civil) <i>CPEng, IntPE(NZ), BE, BSc, CMEngNZ</i>

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APPENDIX A: ARCHITECTURAL PLANS

APPENDIX B: GEOTECHNICAL INVESTIGATION PLAN

APPENDIX C: GEOTECHNICAL INVESTIGATION DATA

1 EXECUTIVE SUMMARY

Based on the investigation and appraisal of the site reported herein, the proposed building development has been assessed as stable and is generally considered to be suitable for conventional construction in accordance with the relevant codes of practice.

The site is situated within soils classified as Class H (highly expansive) and require pile embedment of at least 900mm. Portions of the property and proposed building platform are within the 10-year flood risk zone, with the remainder of the property within the 50 and 100-year flood risk zone.

All other geotechnical hazards at the site have been assessed as either not present or of acceptable risk provided that the various mitigation measures and good practice recommendations made in this report are adopted.

2 INTRODUCTION

LDE Ltd has been engaged by Dave Kehely to undertake a geotechnical assessment for a proposed building development at 1 Donald Road, Kaitaia. A relocatable dwelling is proposed for the site. The proposed scheme plan is shown in Figure 1 below and attached as Appendix A.

The purpose of the investigation was to determine the geotechnical suitability of the site for the proposed development in accordance with the Resource Management Act (1991) and the Far North District Council (FNDC) Engineering Standards (2009). The scope of our suitability assessment included consideration of any existing or potential geotechnical hazards at locations of the new building, consideration of engineering requirements for residential construction, and the servicing of building with respect to access, wastewater, and stormwater disposal.

2.1 Proposed Development

A relocatable dwelling is proposed for the site, to be installed in the north of the property, behind an existing dwelling.

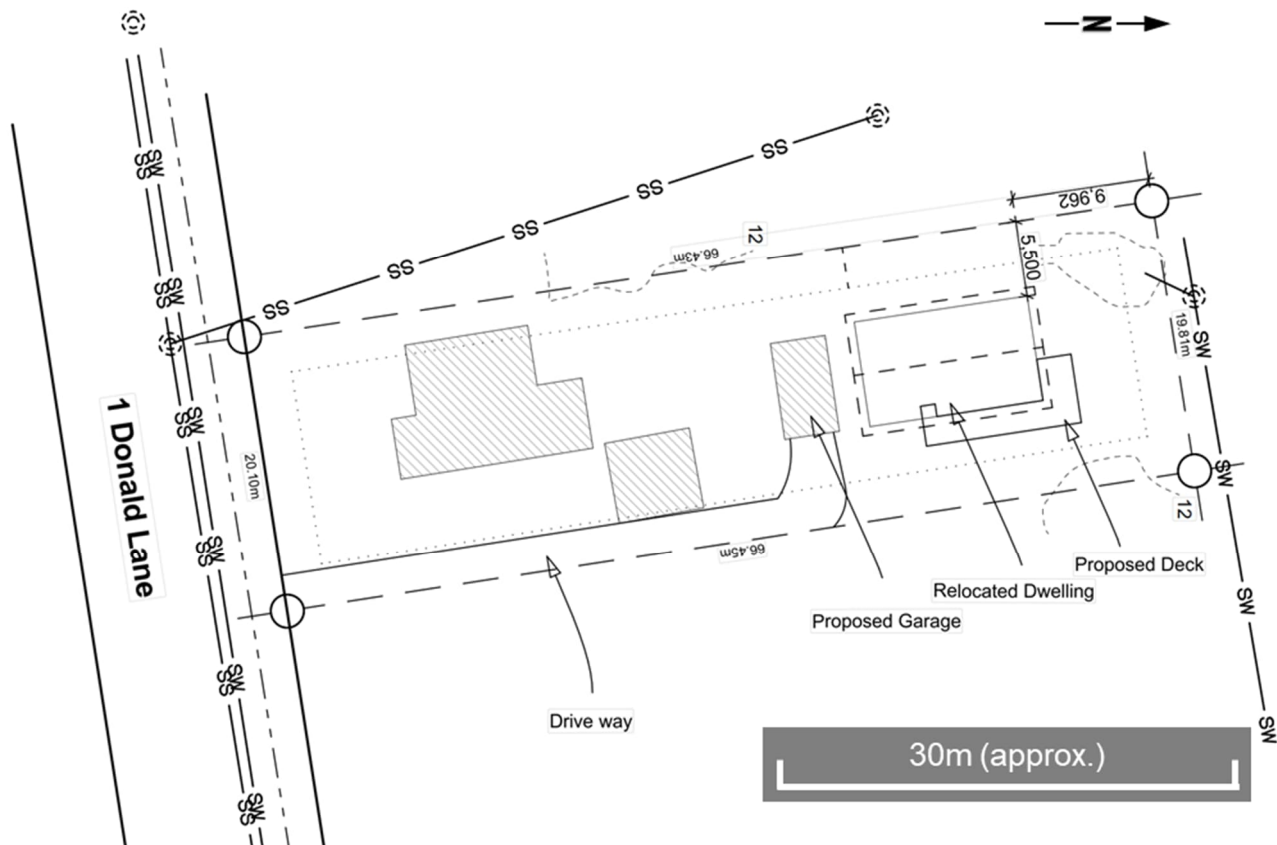


Figure 1: Site plans of proposed relocatable dwelling. Plans supplied by Advance Design Architecture.

The FNDC 3Water maps¹ indicates the property has available connections to potable water, reticulated wastewater, and stormwater disposal at the property boundaries

3 DESKTOP STUDY

3.1 Site Description

1 Donald Lane is situated within the northern extent of the contiguous urban area of Kaitaia (Figure 2). The site borders a large commercial development to the north, with residential development bordering the property to the east and west. The property is generally flat, with a small unformed drain found along the western property boundary. The local area consists of large floodplains from the nearby Awanui and Pairatahi Rivers which drain to the north. Presently the site of the proposed dwelling is grassed, with small plantings on the property margins. A large palm tree is situated near the northern property boundary, with remnants of large trees present on the western property edge. A dwelling and concrete driveway are located along Donald Lane at the southern end of the property.

¹ <https://www.fndc.govt.nz/Our-Services/Online-maps/Far-North-Maps>



Figure 2: Location of the site relative to Kaitaia. Imagery sourced from Google Earth

3.2 Hazard Mapping

A review of relevant hazard mapping from the NRC² has been undertaken. The following was identified from our review.

- The site is partially situated within the 10-year flood risk zone, and wholly within the 50 and 100-year flood risk zones – Priority Rivers (Figure 3).
- The property is situated above the Aupouri-Awanui aquifer, with water levels at a depth of between 3 – 5m as indicated by local wells.

There are no other mapped hazards by any local territorial authority for the site.

² <https://localmaps.nrc.govt.nz/LocalMapsGallery/>



Figure 3: Flood risk zones for 1 Donald Lane. Imagery from the NRC²

3.3 Historical Aerial Imagery

A review of historical and recent aerial imagery has been undertaken, with images sourced from Retrolens³ and Google Earth. The site was first constructed on between 1950 and 1960, where the existing dwelling and detached garage were constructed on a grassed site. The detached garage has been recently demolished, presumably to permit access to the rear of the property. No other notable changes have occurred at the site since initial construction.

3.4 Geological Mapping

The 1:250,000 geological map of the region⁴ shows the site as being underlain by Late Pleistocene - Holocene estuary, river and swamp deposits, described as “*Unconsolidated to poorly consolidated sand, peat, mud and shell deposits (estuarine, lacustrine, swamp, alluvial and colluvial)*”

³ Retrolens – Historical Imagery Resource. <https://retrolens.co.nz/map/>. Imagery licensed by LINZ CC-BY 3.0.

⁴ Edbrooke, S.W.; Brook, F.J. (compilers) 2009: Geology of the Whangarei area: scale 1:250 000. Lower Hutt: GNS Science. Institute of Geological & Nuclear Sciences 1:250,000 geological map 2. 68 p. + 1 folded map

4 GROUND CONDITIONS

4.1 Subsurface Investigations

Our investigation of the site included the following work:

- Four 50mm hand augered boreholes (HA01 to HA04) put down to a target depth of 3m or refusal. Measurements of the undrained shear strength were taken at 200mm intervals within cohesive soils encountered down through the boreholes using a calibrated shear vane.

The locations of the subsurface investigations are on the Geotechnical Investigation Plan in Appendix B. Logs of the boreholes are presented in Appendix C.

The field work was completed in February 2022.

4.2 Subsurface Conditions

In summary, our investigations generally encountered a sequence of high plasticity alluvial silts and clays, consistent with the mapped alluvium at the site.

Topsoil was encountered at the surface at each test site to a depth of 150 to 250mm, comprising dry to moist, slightly organic silt. Topsoil was found to a depth of 400mm within HA03, this material buried by uncontrolled fill.

Below this topsoil was a layer of hard silty clay or clayey silt. This was found to be moist and highly plastic, with shear strengths exceeding 150kPa in all cases, persisting to a depth of 1.20m – 1.60m. This material was not encountered in HA03.

Underneath this alluvium was a layer of stiff to very stiff silty clay or clayey silt which extended to the base of each hand auger. Highly plastic, this material was moist, generally becoming wet with depth. Shear strengths as measured with a calibrated shear vane generally exceeded 90kPa, but occasionally were greater than 150kPa in HAs 02, 03 and 04. The lowest measurement of the shear strength of this material was 67kPa, recorded at a depth of 2.2m in HA01. One reading of 50kPa at a depth of 2.0m also within HA01 is considered anomalous.

Uncontrolled fill was encountered within the upper 250mm of HA03 and consists of moist, highly plastic silty clay. This material was not encountered in any other borehole.

Bedrock was not encountered in the investigation. Based on the geomorphology of the site and our experience in this unit, it is expected that slightly weathered to fresh bedrock lies at upwards of 20m depth below the site.

4.3 Soil Moisture Profile and Groundwater Conditions

Testing was performed during a protracted dry spell in Northland, this may lower the groundwater surface from that found during standard climatic conditions.

The soils beneath the building site were dry at the surface, becoming moist at a depth of between 0.15m - 0.50m, and wet between 1.1m - 2.5m in HA01 and HA03 respectively. Groundwater was struck in HA02 at a depth of 3.0m.

The moisture content of the near surface soils is expected to be higher during the winter months or extended periods of wet weather resulting in their saturation at times. The extent of the wetting front will be dependent on the duration of the period of rainfall but may extend down some 1m to 2m of the surface. Similarly, the groundwater table is expected to rise some 1m to 2m during extended periods of wet weather. In our opinion complete saturation of the ground is possible but is a low probability occurrence.

4.4 Seismic Subsoil Category

We consider that the site is a Class C shallow soil site as defined by NZS 1170.5 (2004) "Structural Design Actions: Part 5: Earthquake actions – New Zealand".

5 NATURAL HAZARDS AND GROUND DEFORMATION POTENTIAL

5.1 Definition and Legislation

This section summarises our assessment of the natural hazards within the property as broadly required by Section 106 of the Resource Management Act (1991 and subsequent amendments) and including geotechnical hazards given Section 71(3) of the Building Act (2004). This includes erosion, inundation, subsidence, and slippage.

This section also includes our assessment of ground beneath the building site which is outside the definition of "Good Ground" as defined by NZS3604 (2011) "Timber Framed Buildings".

5.2 Earthquake Hazards

5.2.1 Tsunami

Tsunami pose a risk to any low lying coastal areas of New Zealand and can pose a risk of expected loss of life greater than (double) that of the near-source earthquake event itself. However, tsunami is not specifically identified under the Building Act (2004) in comparison to the specified inundation sources (flooding, overland flow, storm surge, tidal effects, and ponding).

Although tsunami will result in inundation of coastal lowlands, there are currently no prescriptive methods or specific code designs that need to be considered in building design, and it should be appreciated that to date some form of

tsunami risk is knowingly or unknowingly accepted by the wider population and society of New Zealand for any low-lying titled land adjacent to the coast.

While the site is situated at approximately 12m above sea level, the level of tsunami inundation risk is considered to be low for 1:100 and 1:500-year return events. Kaitaia is also mapped by the NRC as within the "Safe Area", the region considered outside that impacted by a 1:2500-year return event. It is therefore considered that additional design considerations are not required to mitigate against the potential adverse effects of wave heights associated with tsunami inundation at the site.

5.3 Liquefaction

Although the site is located on an alluvial landform, a detailed liquefaction hazard assessment for the site is not considered to be necessary as the investigation data indicates the unlikely potential for seismic liquefaction-induced settlement or lateral spreading of the site due to the clay rich nature of the soils and low water table encountered.

The proposed suspended timber floor on piles is considered to be easily releveable in the event of any liquefaction induced settlements.

5.4 Flooding

The site is located within the NRC River Flood Hazard Zone 100-year extents. From the contour information provided by the NRC GIS maps, the flood hazard level has been estimated as RL 12.0m. Inundation of the site is expected to be in the order of 100 to 200mm for this 1 in 100-year event.

In order to address these issues, the following recommendations are made;

- Finished Floor Levels should be set at RL 12.5m, which is 500mm above the 1 in 100-year event.
- Consideration of the potential inundation levels shall be considered during detailed design to ensure that access to and from the property is safe for flood events up to the 1 in 100-year event.



Figure 4: Image showing 1 Donald Lane and the 100-year priority catchment flood map. Data from the NRC.

5.5 Ground Shrinkage and Swelling Potential

Plastic soils can be subject to shrinkage and swelling due to soil moisture content variations which can result in apparent heaving and settlement of buildings, particularly between seasons. The magnitude of movement is a function of the reactivity of the clay minerals and the amount of clay as a fraction near surface soils. These factors are in turn associated with geological origin and the degree and nature of in-situ weathering.

The near surface soils at the site were found to be highly plastic and predominantly clay. Based on our experience and past laboratory testing in similar geological conditions, and a visual tactile assessment, we expect that the soils are moderately to highly expansive. The sites are therefore outside the definition of 'Good Ground' as defined in NZS3604 (2011).

Without further site-specific laboratory testing to classify the soils, we recommended that design of any concrete slab foundations assume Class H1 (highly reactive) in accordance with AS2870 (2011). Specific recommendations for foundation design are given in Section 6 below.

5.6 Conclusions

From our assessment of the natural hazard and ground deformation risks presented to the proposed development we consider that the site is suitable for development, provided that the recommendations given in Section 6 are adopted.

6 ENGINEERING RECOMMENDATIONS

6.1 Site Preparation and Earthworks

Due to the flat nature of the site, excavations to prepare for the building platform are expected to involve topsoil stripping only

6.1.1 Site Contouring and Topsoiling

As soon as possible, all final cut-slopes and fill slopes should be covered with topsoil a minimum of 0.10m thick to prevent the ground from drying out readily resulting in the development of cracks. This is particularly important for the fill materials that are particular to this site due to their high reactivity (shrink – swell behaviour).

The finished ground level should be graded so that water cannot pond against, beneath or around the building for the economic life of structure. To achieve this, it will be important that the building platform beneath the topsoil grades away from the site.

6.2 Foundation Design and Construction Recommendations

Based on our investigation and appraisal of the building site, we consider that the proposed conventional shallow piles will be suitable for the site.

Due to the presence of expansive soils, the site is not considered 'Good Ground' as defined in NZS3604 (2011).

Soils encountered at the site are considered to be consistent with class H (highly expansive) in terms of NZS 3604 (2011). Shallow pile foundations may be sized in accordance with NZS3604 (2011) but shall have minimum embedment's below cleared ground level as outlined in Table 1 below to reduce potential for shrink/swell movement to adversely affect foundations.

Table 1: Minimum embedment below cleared ground

Pile Type	Depth below cleared ground
Ordinary Piles	0.9m
Brace Piles	1.05m

Anchor Piles	1.2m
--------------	------

The foundation drawings should be reviewed by LDE Ltd prior to submission for building consent to determine if the proposed structure and foundation are suitable for the ground conditions.

6.3 Verification Checks

6.3.1 Fill Placed Beneath Foundations

As required by NZS3604 (2011) and NZS4229 (2013), any fill beneath the building will need to be certified by a Chartered Professional Engineer or Professional Engineering Geologist in accordance with NZS4431 (1989). A "Certificate of Suitability of Earthfill for Residential Development" will also be required in accordance with NZS3604 (2011) and NZS4229 (2013).

In order for the fill to be certified, the excavation will need to be inspected by the certifying Engineer or Engineer's representative to ensure that all compressible materials are removed prior to the placement of the new fill.

Verification strength testing of the backfill by the certifying Engineer or Engineer's representative will also be required to ensure that the minimum fill strengths specified in this report have been achieved.

6.3.2 Foundation Excavations

Verification testing of the ground by a representative of LDE Ltd is recommended to ensure that the ground conditions at the base of the foundation excavations are as described in this report, and that all unsuitable and loose materials have been removed as required by NZS3604 (2011) and NZS4229 (2013). We should be contacted immediately if these conditions vary from that described in this report. Deepening or widening of the foundations or a modification to the recommendations or design may be required.

6.4 Stormwater Management

It is important to ensure that all surface water from roof, paved and other impervious areas are appropriately collected, attenuated if required and then discharged to a suitable point sufficiently away from the building and any areas of fill (or council network if available).

Based on FNDC rules, it is likely that it will be required to attenuate all new impervious areas for the 100-year rainfall event.

The stormwater system for the building should be operational as soon as the roof is in place. This is to ensure that the ground within the vicinity of the building is not compromised by the negative effects and potential consequences of soil saturation.

6.5 Service Pipes

All service pipes, stormwater structures, and culverts should be designed and constructed to ensure adequate capacity, strength, and water tightness to prevent leakage into the platform through blockage, running under pressure, or structural failure.

All service pipes installed within the fill should be flexible, or flexibly joined, so that they may deflect without breaking if the ground settles.

A record should be kept of the position, type, and size of all subsoil drains, and in particular of their outlets.

6.6 Garden Trees and Shrubs

We consider that that gardens and trees can be established adjacent to the building, however due to the detrimental effect that these can have on the building (particularly trees) we suggest the following be taken into consideration:

- The development of the gardens should not interfere with any subfloor ventilation or the drainage system for the building.
- Care should be taken to avoid the over watering of gardens close to building footings.
- To reduce the potential for heave damage associated with tree root growth or foundation settlement due to soil shrinkage due to moisture uptake by the trees, trees should be planted a minimum of 1.5 times the mature height of the tree away from the foundation.

7 LIMITATIONS

This report has been prepared exclusively for Dave Kehely with respect to the particular brief given to us. Information, opinions and recommendations contained in it cannot be used for any other purpose or by any other entity without our review and written consent. LDE Ltd accepts no liability or responsibility whatsoever for or in respect of any use or reliance upon this report by any third party.

This report was prepared in general accordance with current standards, codes and practice at the time of this report. These may be subject to change.

Opinions given in this report are based on visual methods, and subsurface investigations at discrete locations. It must be appreciated that the nature and continuity of the subsurface materials between these locations are inferred and that actual conditions could vary from that described herein. We should be contacted immediately if the conditions are found to differ from that described in this report.

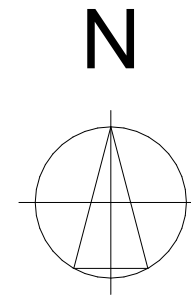
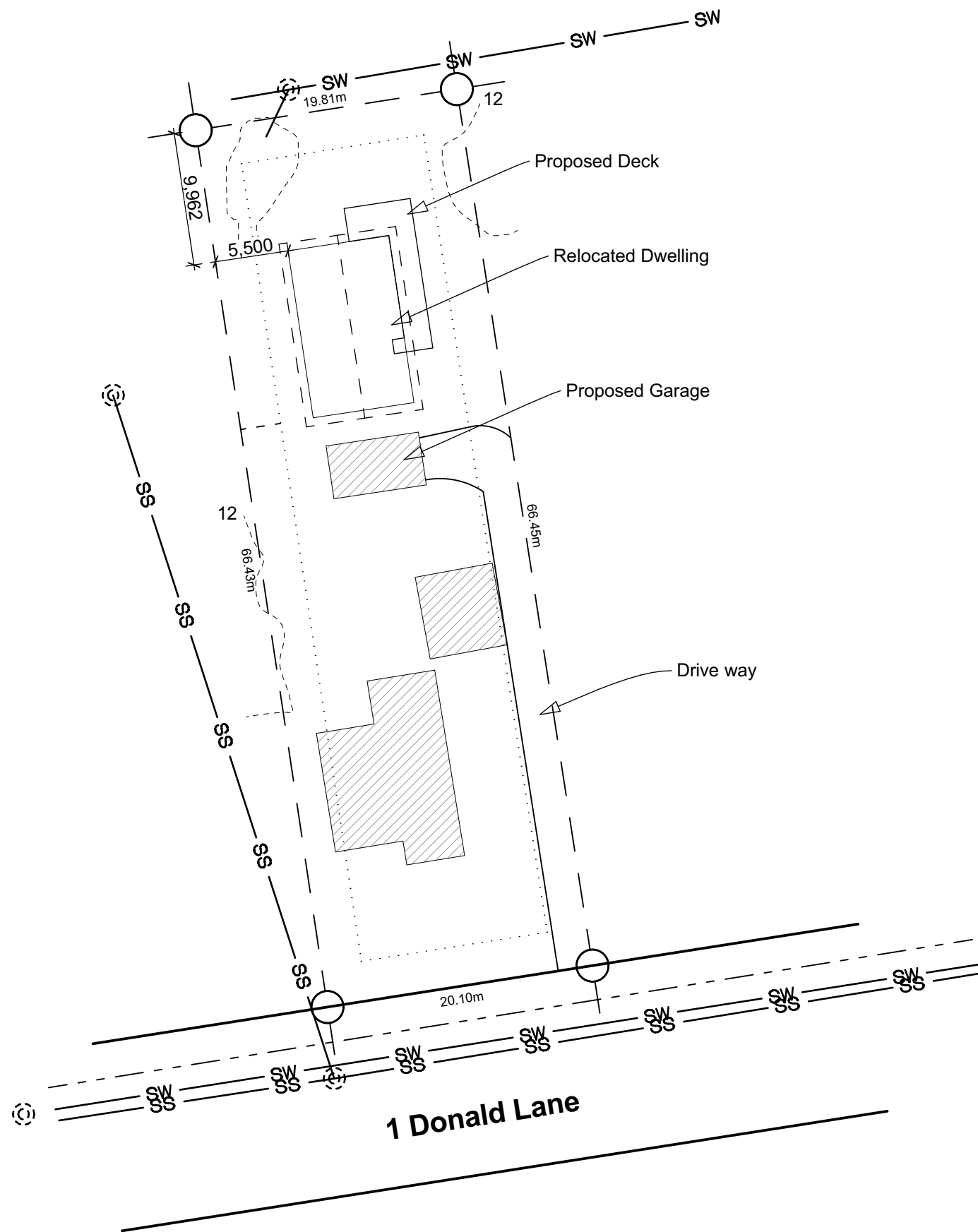
This report should be read in its entirety to understand the context of the opinions and recommendations given.

Construction site safety is the responsibility of the builder/contractor. The recommendations included herein should not be construed as direction of the contractor's methods, construction sequencing or procedures. LDE Ltd can provide geotechnical recommendations during construction, upon request.

FNDC - Approved Building Consent Document - EBC-2022-1438/0 - Pg 17 of 26 - 06/07/2022 - WH

APPENDIX A

ARCHITECTURAL DRAWINGS



Lot 4 DEEDS 678
Owner: David Kehely & Michaela Jensen
Area: 1325m²
Wind Zone: High
Exposure Zone: C
District Plan Zone: Residential
Proposed House: 95.62m²
Site Coverage: 7.1%
Driveway: 70m²



DRAFT

For: **David Kehely & Michaela Jensen**
Job Title: **Relocate**
At: **1 Donald Lane**
Kaitaia, 0410
New Zealand

Drawn: **SW**
Checked: **Lee Wilkinson**
Engineer: **LDE**
Plot Date: **11/03/22**
Approved:

ADVANCED DESIGN ARCHITECTURE

ADVANCED DESIGN GROUP LTD
35 NORFOLK STREET, WHANGAREI
Ph(09) 4389 709
Email: info@advancedesign.co.nz

Drawing Title

Site Plan

Drawing Number

L101

Scale

1:400

Job Number

ADG 603

ALL DIMENSIONS TO BE VERIFIED ON SITE

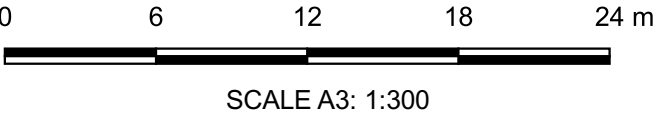
APPENDIX B

GEOTECHNICAL INVESTIGATION PLAN



LEGEND

- Testing
- ⊕ Hand auger borehole
- Base Data
- Proposed building platform



- NOTES
1. Aerial basemap and property boundaries sourced from LINZ Data Service (CC-BY 4.0).
 2. Investigation locations and building platform shown as approximate only.

CLIENT
Dave Kehely

PROJECT
Geotechnical Investigation for Proposed Dwelling
1 Donald Road
Kaitaia

DRAWING TITLE
Geotechnical Investigation Plan



PROJECT REF 21402	DRAWING REF GIP	REVISION A
DATE 07/03/2022	PREPARED BY JMN	CHECKED BY GH
FILE PATH M-FILES\LDE - Project\ase Data v2.qgz		

APPENDIX C

GEOTECHNICAL INVESTIGATION DATA

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		Hand Auger Borehole Log		Test ID: HA01	
		Method: 50mm Hand Auger		Project ID: 21402	
				Sheet: 1 of 1	
Client: Dave Kehely		Coordinates: 6115984mN, 1623738mE		Test Date: 17/02/2022	
Project: Geotechnical Investigation		System: NZTM		Logged By: JMN	
Location: 1 Donald Lane, Kaitaia		Elevation: Ground		Checked By: CP	
Test Site: Refer to site plan		Located By: Phone GPS		Vane ID: 1945	

(m)	Graphic Log	Material Description	Geology	Water	In-situ Testing		Test Values	Depth (m)				
					Dynamic Cone Penetrometer (blows / 50mm)							
					Shear Vane, Su (kPa)							
					2	4	6	8		peak / remoulded (sensitivity)		
					50	100	150	200				
0.0		Clayey SILT; brown. Hard; dry; high plasticity; rootlets	Topsoil							235+		
0.5		CLAY with some silt; orange brown with black streaks. Hard; dry; high plasticity	Alluvium							UTP		-0.5
0.6		0.6m: Addition of orange streaks								UTP		
1.0		Sandy CLAY with some silt; orange brown with very large black streaks and spots. Hard; dry; high plasticity								235+		-1.0
1.5		Silty CLAY; brown with light grey streaks. Stiff to very stiff; moist; high plasticity								235+		-1.5
2.0		2.0m: Becoming wet								98 / 40 (2.4)		-2.0
2.2		2.2m - 2.5m: Sandy CLAY; light grey. Firm, wet, high plasticity								50 / 13 (3.8)		
2.3										67 / 29 (2.3)		-2.5
2.4										87 / 22 (4)		
2.5										135 / 79 (1.7)		-3.0
2.6										131 / 50 (2.6)		
3.0												-3.5
3.5												-4.0
4.0												-4.5
4.5												-5.0
5.0												-5.5

Hole Depth: 2.80m	Termination: End of hole at 2.8m, rejected due to squeezing	Vane peak	Standing water level
Remarks: Materials are described in general accordance with NZGS 'Field Description of Soil and Rock' (2005). No correlation is implied between shear vane and DCP values.		Vane residual	Groundwater inflow
		Vane UTP	Groundwater outflow
		UTP = Unable to Penetrate	

Hand Auger Borehole Log

Method: 50mm Hand Auger

Test ID: HA02

Project ID: 21402

Sheet: 1 of 1

Client:	Dave Kehely
Project:	Geotechnical Investigation
Location:	1 Donald Lane, Kaitaia
Test Site:	Refer to site plan

Coordinates:	6115986mN, 1623746mE
System:	NZTM
Elevation:	Ground
Located By:	Phone GPS

Test Date:	17/02/2022
Logged By:	JMN
Checked By:	CP
Vane ID:	1945

[illegible]

Hole Depth: 3.00m	Termination: Reached target depth
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Remarks: Shear vane tip saturated at 3.0m .

Materials are described in general accordance with NZGS 'Field Description of Soil and Rock' (2005).
No correlation is implied between shear vane and DCP values.

 Vane peak  Standing water level
 Vane residual  Groundwater inflow
 Vane UTP  Groundwater outflow

UTP = Unable to Penetrate

Hand Auger Borehole Log

Method: 50mm Hand Auger

Test ID: HA03

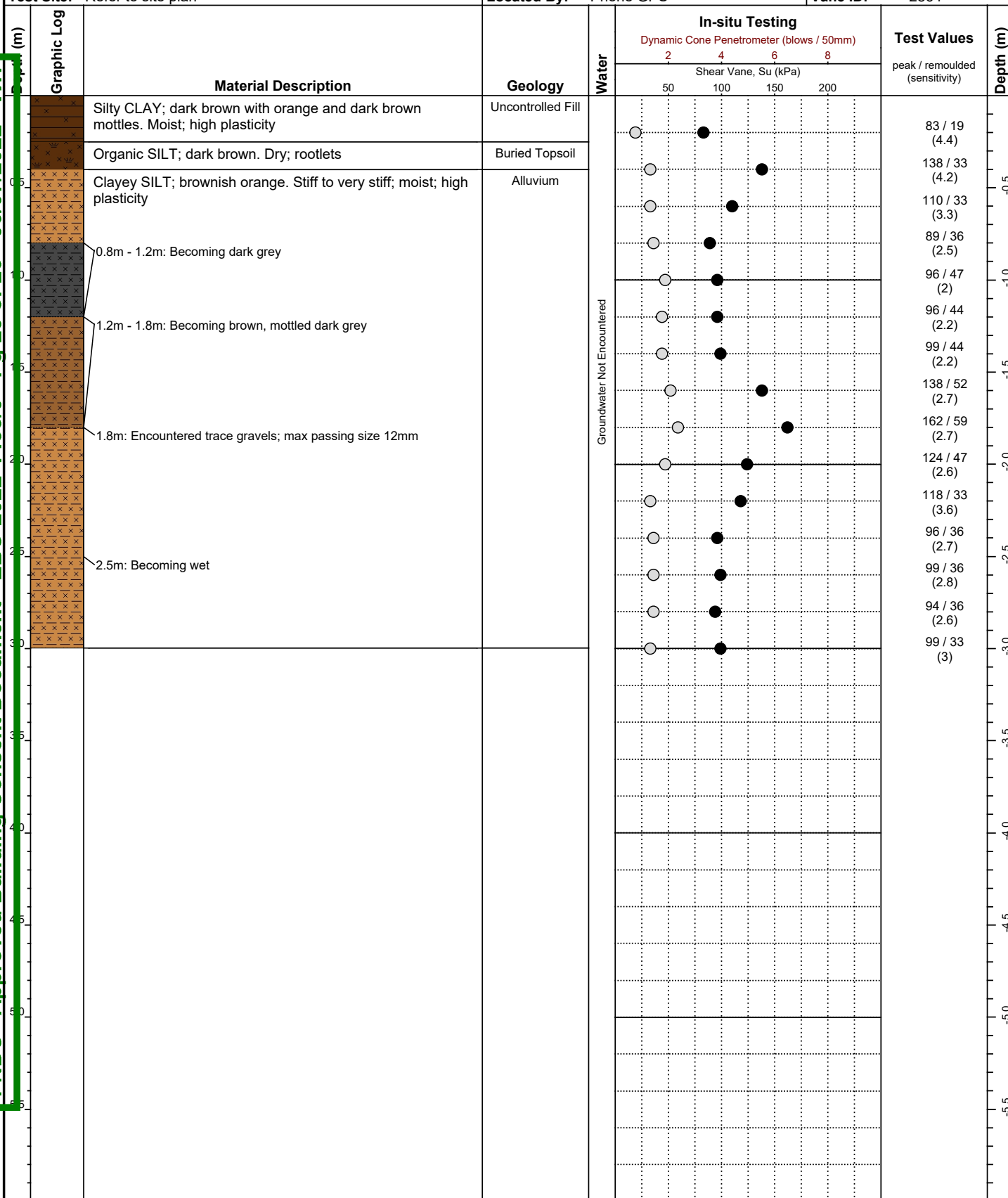
Project ID: 21402

Sheet: 1 of 1

Client:	Dave Kehely
Project:	Geotechnical Investigation
Location:	1 Donald Lane, Kaitaia
Test Site:	Refer to site plan

Coordinates:	6115997mN, 1623736mE
System:	NZTM
Elevation:	Ground
Located By:	Phone GPS

Test Date:	17/02/2022
Logged By:	CP
Checked By:	CP
Vane ID:	2864



Hole Depth: 3.00m	Termination: Reached target depth
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Remarks:

Materials are described in general accordance with NZGS 'Field Description of Soil and Rock' (2005). No correlation is implied between shear vane and DCP values.

● Vane peak ▽ Standing water level
 ○ Vane residual ◁ Groundwater inflow
 ◆ Vane UTP ▷ Groundwater outflow

UTP = Unable to Penetrate

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		Hand Auger Borehole Log		Test ID: HA04			
Method: 50mm Hand Auger		Project ID: 21402		Sheet: 1 of 1			
Client: Dave Kehely		Coordinates: 6115999mN, 1623744mE		Test Date: 17/02/2022			
Project: Geotechnical Investigation		System: NZTM		Logged By: CP			
Location: 1 Donald Lane, Kaitaia		Elevation: Ground		Checked By: CP			
Test Site: Refer to site plan		Located By: Phone GPS		Vane ID: 2864			
(m)	Graphic Log	Material Description	Geology	Water	In-situ Testing	Test Values	Depth (m)
					Dynamic Cone Penetrometer (blows / 50mm) 2 4 6 8 Shear Vane, Su (kPa) 50 100 150 200		
0		Organic SILT; dark brown. Dry; rootlets	Topsoil			83 / 28 (3)	
0.5		Clayey SILT; brownish orange. Very stiff; moist; high plasticity	Alluvium			193+	-0.5
0.5		0.4m - 3.0m: Grading to brownish orange with grey streaks				UTP	
1.0						193+	-1.0
1.1		1.1m: Hole squeezing				193+	-1.1
1.5						154 / 63 (2.4)	-1.5
1.5						91 / 33 (2.8)	-1.5
1.5						135 / 44 (3.1)	-1.5
2.0						193+	-2.0
2.0						138 / 52 (2.7)	-2.0
2.5						149 / 55 (2.7)	-2.5
2.5						154 / 66 (2.3)	-2.5
2.5						138 / 55 (2.5)	-2.5
3.0						140 / 55 (2.5)	-3.0
3.0						124 / 50 (2.5)	-3.0
3.5							-3.5
4.0							-4.0
4.5							-4.5
5.0							-5.0
5.5							-5.5
Hole Depth: 3.00m		Termination: Reached target depth					
Remarks:				● Vane peak ▼ Standing water level ○ Vane residual ◁ Groundwater inflow ◆ Vane UTP ▷ Groundwater outflow UTP = Unable to Penetrate			
Materials are described in general accordance with NZGS 'Field Description of Soil and Rock' (2005). No correlation is implied between shear vane and DCP values.							

Attachment 5

PROPOSED DISTRICT PLAN – DEVELOPMENT CONTROL CHECK S.86B OF THE RMA 1991

1 Donald Lane, Kaitaia

Rule	Assessment
Hazardous Substances HS-R2, R5, R6, R9	The site does not contain, nor are any hazardous substance facilities proposed.
Heritage Area Overlays HA-R1 to R14 inclusive. HA S1 & S2	N/A as none apply to the application site.
Historic Heritage Rules and Schedule 2. Rules HH R1-R9 Inclusive.	N/A as the site does not have any identified (scheduled) historic heritage values.
Notable Trees NT R1 – R9 inclusive and NT S1 & S2	N/A – no notable trees present on the site.
Sites and Areas of Significance to Māori SASM R1 – R7 inclusive.	The PDP does not list any site or area of significance to Māori as being present on the site.
Ecosystems and Indigenous Biodiversity – IB-R1 to R5	No indigenous vegetation clearance is proposed.
Subdivision SUB R6, R13, R14, R15, R17.	The site contains no Heritage Resources, Scheduled Sites of Significance to Māori or a Scheduled Significant Natural Area. No Environmental Benefit subdivision is proposed.
Activities on the Surface of Water ASW R1 – R4 inclusive.	N/A as no such activities are proposed.
Earthworks EW R12 & EW R13 and EWS3 & EWS5	EW-R12 and associated EW-S3 relate to the requirement to abide by Accidental Discovery Protocol if carrying out earthworks and artefacts are discovered. EW-R13 and associated EW-S5 refer to operating under appropriate Erosion and Sediment Control measures. These are not applicable to the proposal as all activities exist.
Signage – SIGN R9 & R10 and S1 to S6 Inclusive.	N/A – No heritage resources are present on the site and signage does not form part of this application.

Attachment 6

OPERATIVE DISTRICT PLAN – DEVELOPMENT CONTROL CHECK

1 Donald Lane, Kaitaia

Chapter / Rule	Compliance Statement
Chapter 12.1 - Landscapes and Natural Features	Does not apply as there is no landscape or natural feature overlay applying to the site.
Chapter 12.2 Indigenous Flora and Fauna	Does not apply as there is no clearance of indigenous vegetation proposed.
Chapters 12.5, (5A) and (5B) Heritage	Does not apply as the site does not contain any heritage sites, notable trees, sites of cultural significance to Māori that are scheduled in the ODP.
Chapter 12.7 Waterbodies	Does not apply given site characteristics.
Chapter 12.8 Hazardous Substances	Does not apply as the activity being applied for is not a hazardous substances facility.
Chapter 12.9 Renewable Energy	Does not apply as the activity does not involve renewable energy.
13.6.5 Legal Road Frontage	The lots have adequate legal frontage as shown on plan of subdivision.
13.6.8 Subdivision Consent before work commences	No site works or vegetation clearance is proposed as all buildings, and access exist.
13.7.2 Allotment size	Complies with standards for a controlled activity subdivision under Rule 13.7.2.1 (v).
13.7.2.2 Allotment Dimensions	14 metre by 14 metre building platforms are able to be provided within the proposed allotments.
13.7.2.3 Amalgamation of Land	N/A
13.7.2.4 Lots Divided by Zone Boundaries	N/A
13.7.2.5 Outstanding Landscape, Outstanding Landscape Feature Or Outstanding Natural Feature	N/A as the ODP does not list any of these items on the site.
13.7.2.6 Access, Utilities, Roads, Reserves	N/A
13.7.2.7 Savings as to previous proposals	N/A
13.7.2.8 Proximity To Top Energy Transmission Lines	N/A
13.7.2.9 Proximity To The National Grid	N/A
13.7.3.1 Property Access	The existing dwellings (including access) have existing use rights. Conditions of consent can be imposed to ensure that access meets applicable FNDC engineering standards.
13.7.3.2 Natural And Other Hazards	The site is located within a modelled flood plain. However the subdivision is taking

	place around consented development, with the most recent dwelling being constructed on the site in 2022. This dwelling was accompanied by the engineering report in the appendices that addressed flooding matters.
13.7.3.3 Water Supply	Complies - Water supply is via existing connections approved of by the FNDC.
13.7.3.4 Stormwater Disposal	Complies – stormwater is via existing connections approved of by the FNDC.
13.7.3.5 Sanitary Sewage Disposal	Complies - wastewater is via existing connections approved by the FNDC.
13.7.3.6 Energy Supply	Complies – connections are in place and also see correspondence from Top Energy confirming connections available.
13.7.3.7 Telecommunications	Complies – connections are in place and see correspondence from Chorus confirming connections are available.
13.7.3.8 Easements For Any Purpose	Please refer to proposed scheme plan.
13.7.3.9 Preservation Of Heritage Resources, Vegetation, Fauna And Landscape, And Land Set Aside For Conservation Purposes	N/A as there are no listed items present.
13.7.3.10 Access To Reserves And Waterways	N/A
13.7.3.11 Land Use Compatibility	A consent notice on reverse sensitivity matters can be imposed on the subdivision to address this issue.
13.7.3.12 Proximity To Airports	N/A
Chapter 14 Financial Contributions	No esplanade reserve or strip is offered is as part of this subdivision.
Chapter 15.1.6A.1 & 15.1.6A.2 & 15.1.6A.2.1 – Traffic Movements	The rules in Chapter 15.1.6A.1 & 15.1.6A.2 are clear that they are to be applied in conjunction with the Traffic Intensity Factor (“TIF”) Tables in Appendix 3A. These only apply to land use activities, and in the instance of this proposal the dwellings exist and have existing use rights, so are not relevant to the proposed subdivision as nothing will change.
15.1.6B - Parking Requirements)	As above, these rules apply to land use activities and not subdivision, and in the instance of this application both existing dwellings have existing use rights. Nonetheless onsite parking for two vehicles is able to be provided for each unit.
Rule 15.1.6C.1.1 to 15.1.6C.1.11 inclusive. Access	The existing dwellings (including access) have existing use rights. Conditions of

	consent can be imposed to ensure access meets FNDC standards.
7.6.5.1.1 Relocated Buildings	N/A as dwellings exist.
7.6.5.1.2 Residential Intensity	Each unit has greater than 600m ² of land associated with it.
7.6.5.1.3 Scale of Activities	N/A as standard residential activity.
7.6.5.1.4 Building Height	Complies - All buildings exist, but they do comply with maximum height.
7.6.5.1.5 Sunlight	Complies – The proposed internal boundaries will not result in any consequential infringements.
7.6.5.1.6 Stormwater Management	Infringes – Lot 1 will have an impervious area of 53%. Lot 2 will comply with an impervious area of 43%.
7.6.5.1.7 Setback from Boundaries	All buildings exist and they comply with the required setbacks.
7.6.5.1.8 Screening from Neighbours	N/A
7.6.5.1.9 Outdoor Activities	N/A
7.6.5.1.10 Visual Amenity	N/A
7.6.5.1.11 Transportation	See Chapter 15 assessment above.
7.6.5.1.12 Site intensity Non Residential activities	N/A
7.6.5.1.13 Hours of Operation Non Residential Activities	N/A
7.6.5.1.14 Keeping of Animals	N/A
7.6.5.1.15 Noise	N/A
7.6.5.1.16 Helicopter Landing Area	N/A
7.6.5.1.17 Building Coverage	Complies – Building coverage is less than 45% of gross site area on each of the newly created lots. Lot 1 has a building coverage of some 21% and Lot 2 has a building coverage of some 24%.

Attachment 7

Operative District Plan – Relevant Assessment Criteria

1 Donald Lane, Kaitaia

Controlled Land Use Consent Criteria for Stormwater Management

7.6.5.2 CONTROLLED ACTIVITIES

An activity is a controlled activity in the Residential Zone if:

- (a) it complies with all of the standards for permitted activities under **Rules 7.6.5.1** except for **7.6.5.1.6 Stormwater Management**; and
- (b) it complies with **7.6.5.2.1 Stormwater Management** below; and
- (c) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

7.6.5.2.1 STORMWATER MANAGEMENT

The maximum proportion or amount of the gross site area covered by buildings and other impermeable surfaces shall be 60% or 600m², whichever is the lesser.

In order for an activity to be regarded as a controlled activity, a report must be prepared to demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off to no more than the levels that would result from the permitted threshold of buildings and other impermeable surface coverage in **Rule 7.6.5.1.6**. Any report required by this rule shall be prepared by a Chartered Professional Engineer or other suitably qualified person and must be provided to Council with an application for resource consent.

Note: The Verification Method E1/VM1 in the New Zealand Building Code (1992), Clause E1 Surface Water, can be utilised to demonstrate compliance with this rule.

Note: If no report is provided with the application, or if the report cannot demonstrate the likely effects of the activity on stormwater run-off and the means of mitigating run-off, then the activity becomes a discretionary activity.

In assessing an application under this provision the Council will restrict the exercise of its discretion to:

- (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;
- (b) the extent to which Low Impact Design principles have been used to reduce site impermeability
- (c) any cumulative effects on total catchment impermeability;
- (d) the extent to which building site coverage and Impermeable Surfaces will alter the natural contour or drainage patterns of the site or disturb the ground and alter its ability to absorb water;
- (e) the physical qualities of the soil type;
- (f) 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;
- (g) the extent to which paved, Impermeable Surfaces are necessary for the proposed activity;
- (h) the extent to which landscaping and vegetation may reduce adverse effects of run-off;
- (i) the means and effectiveness of mitigating stormwater runoff to that expected by permitted activity threshold.

Controlled Subdivision Consent Assessment Criteria

13.7 CONTROLLED (SUBDIVISION) ACTIVITIES

Subdivision is a controlled activity where it complies with the following standards and the standards set out in rules under **13.7.1**, **13.7.2** and **13.7.3**.

Under s106(1) the Council may refuse to grant a subdivision consent if it considers that either:

- (a) any land in respect of which a consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (b) any subsequent use that is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, falling debris, subsidence, slippage, or inundation from any source; or
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

13.7.3 CONTROLLED (SUBDIVISION) ACTIVITIES: OTHER MATTERS TO BE TAKEN INTO ACCOUNT

Any application for a controlled (subdivision) activity resource consent must also make provision (where relevant) for the matters listed under **Rules 13.7.3.1 to 13.7.3.12** (inclusive), and the Council shall take account of these matters in reaching a decision on the application.

13.7.3.1 PROPERTY ACCESS (see **Chapter 15 Transportation**)

A controlled (subdivision) activity application must comply with rules for property access in **Chapter 15**, namely **Rules 15.1.6C.1.1 - 15.1.6C.1.11** (inclusive).

13.7.3.2 NATURAL AND OTHER HAZARDS

Any proposed subdivision shall avoid, remedy or mitigate any adverse effects of natural hazards.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.2** the Council will restrict the exercise of its control to the following matters and shall have regard to section 106 of the Resource Management Act 1991:

- (a) the degree to which the proposed subdivision avoids, remedies or mitigates the potential adverse effects of:
 - (i) erosion;
 - (ii) overland flow paths, flooding and inundation;
 - (iii) landslip;
 - (iv) rockfall;
 - (v) alluvion (deposition of alluvium);
 - (vi) avulsion (erosion by streams or rivers);
 - (vii) unconsolidated fill;
 - (viii) soil contamination;
 - (ix) subsidence;
 - (x) fire hazard;
 - (xi) sea level rise

Provided that where **Coastal Hazard Maps** show land as being within a Coastal Hazard 1 Area, any subdivision that will create additional allotments (other than to facilitate the subdivision of land for the purposes of transfer to the Council) shall be a non-complying subdivision activity.

13.7.3.3 WATER SUPPLY

All new allotments shall be provided with the ability to connect to a safe potable water supply with an adequate capacity for the respective potential land uses, except where the allotment is for a utility, road, reserve or access purposes, by means of one of the following:

- (a) a lawfully established reticulated water supply system; or
- (b) where no reticulated water supply is available, the ability to provide an individual water supply on the respective allotment.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.3** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, for example the installation of filtration equipment if necessary;
- (ii) adequacy of water supplies, and access for fire fighting purposes;
- (iii) the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.

13.7.3.4 STORMWATER DISPOSAL

- (a) All allotments shall be provided, within their net area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP).
- (b) The preferred means of disposal of collected stormwater in urban areas will be by way of piping to an approved outfall, each new allotment shall be provided with a piped connection to the outfall laid at least 600mm into the net area of the allotment. This includes land allocated on a cross lease or company lease. The connection should be at the lowest point of the site to enable water from driveways and other impervious surfaces to drain to it. Where it is not practical to provide stormwater connections for each lot then the application for subdivision shall include a report detailing how stormwater from each lot is to be disposed of without adversely affecting downstream properties or the receiving environment.
- (c) The provision of grass swales and other water retention devices such as ponds and depressions in the land surface may be required by the Council in order to achieve adequate mitigation of the effects of stormwater runoff.
- (d) All subdivision applications creating sites 2ha or less shall include a detailed report from a Chartered Professional Engineer or other suitably qualified person addressing stormwater disposal.
- (d) Where flow rate control is required to protect downstream properties and/or the receiving environment then the stormwater disposal system shall be designed in accordance with the onsite control practices as contained in "Technical Publication 10, Stormwater Management Devices – Design Guidelines Manual" Auckland Regional Council (2003).

In considering a controlled (subdivision) activity application under **Rule 13.7.3.4** the Council will restrict the exercise of its control to the following matters:

- (i) control of water-borne contaminants, litter and sediments;
- (ii) the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents);
- (iii) the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles;
- (iv) the location, scale and construction of stormwater infrastructure;
- (v) measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area.

13.7.3.5 SANITARY SEWAGE DISPOSAL

- (a) Where an allotment is situated within a duly gazetted district or drainage area of a lawfully established reticulated sewerage scheme, or within an area to be serviced by a private reticulated sewerage scheme for which Northland Regional Council has issued a consent, each new allotment shall be provided with a piped outfall connected to that scheme and shall be laid at least 600mm into the net area of the allotment.
- (b) Where connection is not available, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewage within the net area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose or activity for which sewerage is not necessary (such as a transformer).

Note: Allotments include additional vacant sites on cross lease or unit titles.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.5** the Council will restrict the exercise of its control to the following matters:

- (i) the method and adequacy of sewage disposal where a Council owned reticulated system is not available;
- (ii) the capacity of, and impacts on, the existing reticulated sewage disposal system;
- (iii) the location, capacity and environmental effects of the proposed sanitary sewerage system.

13.7.3.6 ENERGY SUPPLY

All urban allotments (Residential, Commercial, Industrial Zones) including the Coastal Residential, Russell Township, and Rural Living Zones, shall be provided with the ability to connect to an electrical utility system and applications for subdivision consent should indicate how this could be done.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.6** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy and standard of any electrical utility system.

13.7.3.7 TELECOMMUNICATIONS

All urban allotments (Residential, Commercial, Industrial Zones) including the Coastal Residential, Russell Township, and Rural Living Zones, shall be provided with the ability to connect to a telecommunications system at the boundary of the site.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.7** the Council will restrict the exercise of its control to the following matters:

- (i) the adequacy and standard of telecommunication installations.

13.7.3.8 EASEMENTS FOR ANY PURPOSE

Easements shall be provided where necessary for public works and utility services.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.8** the Council will restrict the exercise of its control to the following matters:

- (a) Easements in gross where a service or access is required by the Council.
- (b) Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title.
- (c) Service easements, whether in gross or private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned and unlikely to require upgrading.
- (d) The need for easements for any of the following purposes:
 - (i) private ways, whether mutual or not;
 - (ii) stormwater, sanitary sewer, water supply, electric power, gas reticulation;
 - (iii) telecommunications;
 - (iv) party walls and floors/ceilings;
 - (v) other utilities.

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

Where any proposed allotment contains one or more of the following:

- (a) a Notable Tree as listed in **Appendix 1D**;
- (b) an Historic Site, Building or Object as listed in **Appendix 1E**;
- (c) a Site of Cultural Significance to Maori as listed in **Appendix 1F**;
- (d) an Outstanding Natural Feature as listed in **Appendix 1A**;
- (e) an Outstanding Landscape Feature as listed in **Appendix 1B**;
- (f) an archaeological site as listed in **Appendix 1G**;
- (g) an area of significant indigenous vegetation or significant habitats of indigenous fauna, as defined in **Method 12.2.5.6**.

The continued preservation of that resource, area or feature shall be an ongoing condition for approval to the subdivision consent.

Note: There are many ways in which preservation/protection can be achieved, and the appropriate means will vary according to the circumstance. In some cases physical means (e.g. fencing) may be appropriate. In other cases, a legal means will be preferred instead of (or as well as) physical means.

Council encourages permanent protection by:

- (i) a reserve or covenant under the Reserves Act;
- (ii) a Maori reservation under s338 and s340 of Te Ture Whenua Maori (Maori Land) Act;
- (iii) a conservation covenant with the Department of Conservation or the Council;
- (iv) an open space covenant with the Queen Elizabeth II National Trust;
- (v) a heritage covenant with the Heritage New Zealand Pouhere Taonga.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.9** the Council will restrict the exercise of its control to the preservation of significant indigenous vegetation and fauna habitats, heritage resources and landscape.

Where an application is made under this provision, the following shall be included as affected parties in terms of s93 and s94 of the Act:

- for an Historic Site, Building or Object, or archaeological site, the Heritage New Zealand Pouhere Taonga and the Department of Conservation;
- for a Site of Cultural Significance to Maori, the tangata whenua for whom the site has significance;
- for an area of significant indigenous vegetation or significant habitat of indigenous fauna, the Department of Conservation.

13.7.3.10 ACCESS TO RESERVES AND WATERWAYS

Where appropriate and relevant, public access shall be provided in proposed subdivisions, to public reserves, waterways and esplanade reserves.

The Council may decide, on application, that public access to reserves or public areas may be provided in lieu of, or partially in lieu of, any reserves or financial contribution that is required in respect of the subdivision.

In considering a controlled (subdivision) activity application under **Rule 13.7.3.10** the Council will restrict the exercise of its control to the provision of easements or registration of an instrument for the purpose of public access and the provision of public works and utility services.

13.7.3.11 LAND USE COMPATIBILITY

Subdivision shall avoid, remedy or mitigate any adverse effects of incompatible land uses (reverse sensitivity). In considering a controlled subdivision activity under **Rule 13.7.3.11** the Council will restrict the exercise of its control to the following matters:

- (i) the degree to which the proposed allotments take into account adverse effects arising from incompatible land use activities (including but not limited to noise, vibration, smell, smoke, dust and spray) resulting from an existing land use adjacent to the proposed subdivision.

13.7.3.12 PROXIMITY TO AIRPORTS

Where applications for subdivision consent relate to land that is situated within 500m of the nearest boundary of land that is used for an airport, the airport operator will be considered by the Council to be an affected party. The written approval of the airport operator to the proposed subdivision must be obtained by the applicant. Where this approval cannot be obtained, the Council will consider the application as a discretionary activity application.

Attachment 8

Fourth Schedule Assessment under Resource Management Act 1991

Compliance Check for Information Required

1 Donald Lane, Kaitaia

Clause 2 Information Required in all applications	
<i>(1) An application for a resource consent for an activity must include the following:</i>	
<i>(a) a description of the activity:</i>	Refer Paragraphs 2.1 to 2.5 of this Planning Report.
<i>(b) an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Paragraphs 2.1 to 3.11 and paragraphs 4.5 to 4.9 of this Planning Report.
<i>(b) a description of the site at which the activity is to occur:</i>	Refer to Paragraphs 1.6 to 1.17 of this Planning Report.
<i>(c) the full name and address of each owner or occupier of the site:</i>	This information is contained in the Form 9 attached to the application.
<i>(d) a description of any other activities that are part of the proposal to which the application relates:</i>	Refer to Paragraphs 1.6 to 1.17 of this Planning Report. The application is for subdivision and land use consent under the FNDC's ODP. No other breaches of the ODP have been identified.
<i>(e) a description of any other resource consents required for the proposal to which the application relates:</i>	Consent is being sought for subdivision and land use, under the FNDC ODP only.
<i>(f) an assessment of the activity against the matters set out in Part 2:</i>	Refer to Paragraphs 6.0 to 6.5 of this Planning Report.
<i>(g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b), including matters in Clause (2):</i> <i>(2) The assessment under subclause (1)(g) must include an assessment of the activity against—</i> <i>(a) any relevant objectives, policies, or rules in a document; and</i> <i>(b) any relevant requirements, conditions, or permissions in any rules in a document; and</i> <i>(c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).</i> <i>(3) An application must also include an assessment of the activity's effects on the environment that—</i> <i>(a) includes the information required by clause 6; and</i> <i>(b) addresses the matters specified in clause 7; and</i> <i>(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.</i>	Refer to Paragraphs 3.2 to 3.11 and Paragraph 5 to 5.21 of this Planning Report.

Clause 3. Additional Information Required in Some Applications

An application must also include any of the following that apply:

a. *if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under [section 87A\(1\)](#)):*

Refer to paragraphs 1.6 to 1.17 and attachment six.

b. *if the application is affected by [section 124](#) or [165ZH\(1\)\(c\)](#) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of [section 104\(2A\)](#)):*

There is no existing resource consent. Not applicable.

c. *if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under [section 85](#) of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of [section 104\(2B\)](#)).*

The site is not within an area subject to a customary marine title group. Not applicable.

Clause 4 Additional Information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

(a) <i>the position of all new boundaries:</i> (b) <i>the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:</i> (c) <i>the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:</i> (d) <i>the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:</i> (e) <i>the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority</i> under <u>section 237A:</u> (f) <i>the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under <u>section 237A:</u>):</i> (g) <i>the locations and areas of land to be set aside as new roads.</i>	Refer to Scheme Plans in Attachment 3.
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Clause 6: Information required in assessment of environmental effects

(1) An assessment of the activity's effects on the environment must include the following information:

(a) <i>if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:</i>	The activity will not result in any significant adverse effect on the environment.
(b) <i>an assessment of the actual or potential effect on the environment of the activity:</i>	Refer to Paragraphs 2.1 to 3.11 and paragraphs 4.5 to 4.9 of this Planning Report.
(c) <i>if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:</i>	Not applicable as the application does not involve hazardous installations.
(d) <i>if the activity includes the discharge of any contaminant, a description of—</i>	The subdivision does not involve any discharge of contaminant (subject to conditions).

<i>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</i> <i>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</i>	
<i>(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:</i>	Refer to paragraphs 3.1 to 3.11 of this planning report.
<i>(f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</i>	Refer to Paragraphs 7.1 to 7.3 of this planning report. No affected persons have been identified.
<i>g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</i>	No monitoring is required as the scale and significance of the effects do not warrant it.
<i>(h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</i>	No protected customary right is affected.

Clause 7: Matters that must be addressed by assessment of environmental effects	
<i>(1) An assessment of the activity's effects on the environment must address the following matters:</i>	
<i>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</i>	Refer to Paragraphs 8 to 8.5 of this planning report and to the assessment of objectives and policies in paragraphs 5 to 5.21 of this planning report.
<i>(b) any physical effect on the locality, including any landscape and visual effects:</i>	Refer to paragraphs 2.1 to 4.8 of this planning report. The site has no high or outstanding landscape or natural character values.
<i>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</i>	Refer to paragraphs 2.1 to 4.8 of this planning report. The subdivision has no effect on ecosystems or habitat.
<i>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</i>	The site has no aesthetic, recreational, scientific, spiritual or cultural values that will be adversely affected by the act of subdividing.
<i>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</i>	The subdivision will not result in the discharge of contaminants, nor any unreasonable emission of noise.
<i>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</i>	The site is within a mapped flood hazard area but has been previously addressed in the engineering report prepared for the building consent process and which is contained in Attachment 4 for ease of reference. The proposal does not involve hazardous installations.

Attachment 9

Northland Regional Policy Statement – Objectives and Policies

1 Donald Lane, Kaitaia

Objective 3.13 - Natural Hazard Risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:

- (a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;*
- (b) Becoming better prepared for the consequences of natural hazard events;*
- (c) Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;*
- (d) Not compromising the effectiveness of existing defences (natural and man-made);*
- (e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and*
- (f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.*
- (g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.*

7.1.1 Policy – General risk management approach

Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:

- (a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;*
- (b) Minimising any increase in vulnerability due to residual risk;*
- (c) Aligning with emergency management approaches (especially risk reduction);*
- (d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and*
- (e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.*

Attachment 10

Operative District Plan - Subdivision Objectives and Policies

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.

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.

Note 1: Structures and activities located near transmission lines must comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with this plan does not ensure compliance with NZECP34:2001.

Note 2: Vegetation to be planted within, or adjacent to, the National Grid Corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Operative District Plan – Residential Zone Objectives & Policies

Objectives 7.3

- 7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.
- 7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.
- 7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.
- 7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.
- 7.3.5 To achieve the development of community services as an integral and complementary component of urban development.
- 7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.

Policies 7.4

- 7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.
- 7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.
- 7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.
- 7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.
- 7.4.5 That new urban development avoid:
 - (a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;
 - (b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;
 - (c) adversely affecting outstanding natural features, landscapes and heritage resources;
 - (d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
 - (e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;
 - (f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;
 - (g) adversely affecting the safety and efficiency of the roading network;
 - (h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.
- 7.4.6 That the natural and historic heritage of urban settlements in the District be protected (refer to **Chapter 12**).
- 7.4.7 That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.
- 7.4.8 That infrastructure for urban areas be designed and operated in a way which:
 - (a) avoids remedies or mitigates adverse effects on the environment;
 - (b) provides adequately for the reasonably foreseeable needs of future generations; and

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

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

7.6.3 Objectives

"These objectives supplement those set out in **Section 7.3**.

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

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

7.6.4 Policies

These policies supplement those set out in **Section 7.4**.

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

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

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

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

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

7.6.4.6 That activities with net effects that exceed those of a typical single residential unit, be required to avoid, remedy or mitigate those effects with respect to the ecological and amenity values and general peaceful enjoyment of adjacent residential activities.

Attachment 11

Proposed District Plan – Objectives and Policies

1 Donald Lane, Kaitaia

Objectives – General Residential Zone

GRZ-01 - The General Residential Zone provides a variety of densities, housing types and lot sizes that respond to:

- a. housing needs and demand
- b. the adequacy and capacity of available or programmed development infrastructure.
- c. the amenity and character of the receiving residential environment

GRZ-04 - Land use and subdivision in the General Residential zone is supported where there is adequacy and capacity of available or programmed development infrastructure.

Policies – General Residential Zone

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

- a. Consistency with the scale, design, amenity and character of the residential environment;
- b. The location, sale and design of buildings or structures, potential for overshadowing and visual dominance;
- c. For residential activities
 - i. Provision for outdoor living space;
 - ii. Privacy for adjoining sites
 - iii. Access to sunlight
- d. For residential activities:
 - i. Scale and compatibility with residential activities
 - ii. Hours of operation
- e. At zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;
- f. The adequacy or capacity of available or programmed development infrastructure to accommodate the proposal including:
 - i. Opportunities for low impact design principles
 - ii. Ability of the site to address stormwater and soakage
- g. Managing natural hazards; and
- h. Any historical, spiritual or cultural association held by tangata whenua, with regards to matters set out in Policy TW-P6

Objectives – Subdivision

SUB-O1

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-O2

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-O3

Infrastructure is planned to service the proposed subdivision and development where:

- a. there is existing infrastructure connection, infrastructure should be 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-O4

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.

Subdivision - Policies

SUB-P1

Enable boundary adjustments that:

- a. do not alter:
 - i. the degree of non compliance with District Plan rules and standards;
 - ii. the number and location of any access; and
 - iii. the number of certificates of title; and
- 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 and 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.

Objectives - Natural Hazards

NH-O1

The risks from natural hazards to people, infrastructure and property are managed, including taking into account the likely long-term effects of climate change, to ensure the health, safety and resilience of communities.

NH-O2

Land use and subdivision does not increase the risk from natural hazards or risks are mitigated, and existing risks are reduced where there are practicable opportunities to do so.

NH-O3

New infrastructure is located outside of identified natural hazard areas unless:

it has a functional or operational need to be located in that area;

it is designed to maintain its integrity and function, as far as practicable during a natural hazard event; and

adverse effects resulting from that location on other people, property and the environment are mitigated.

NH-O4

Natural defences, such as natural systems and features, and existing structural mitigation assets are protected to maintain their functionality and integrity and used in preference to new structural mitigation assets to manage natural hazard risk.

Policies - Natural Hazards

NH-P2

Manage land use and [subdivision](#) so that [natural hazard](#) risk is not increased or is mitigated, giving consideration to the following:

- a. the nature, frequency and scale of the [natural hazard](#);
- b. not increasing [natural hazard](#) risk to other people, property, [infrastructure](#) and the [environment](#) beyond the [site](#);
- c. the location of [building](#) platforms and vehicle access;
- d. the use of the [site](#), including by [vulnerable activities](#);
- e. the location and types of [buildings](#) or [structures](#), their design to mitigate the [effects](#) and risks of [natural hazards](#), and the ability to adapt to long term changes in [natural hazards](#);
- f. [earthworks](#), including excavation and fill;
- g. location and design of [infrastructure](#);
- h. activities that involve the use and storage of hazardous substances;
- i. aligning with emergency management approaches and requirements;
- j. whether mitigation results in transference of [natural hazard](#) risk to other locations or exacerbates the [natural hazard](#); and
- k. reduction of risk relating to existing activities.

NH-P3 Take a precautionary approach to the management of [natural hazard](#) risk associated with land use and [subdivision](#).

NH – P5 Require an assessment of risk prior to land use and [subdivision](#) in areas that are subject to identified [natural hazards](#), including consideration of the following:

- a. the nature, frequency and scale of the [natural hazard](#);
- b. the temporary or permanent nature of any adverse [effect](#);
- c. the type of activity being undertaken and its vulnerability to an event, including the [effects](#) of climate change;
- d. the consequences of a [natural hazard](#) event in relation to the activity;
- e. any potential to increase existing risk or creation of a new risk to people, property, [infrastructure](#) and the [environment](#) within and beyond the [site](#) and how this will be mitigated;
- f. the design, location and construction of [buildings](#), [structures](#) and [infrastructure](#) to manage and mitigate the [effects](#) and risk of [natural hazards](#) including the ability to respond and adapt to changing hazards;
- g. the [subdivision/site](#) layout and management, including ability to access and exit the [site](#) during a [natural hazard](#) event; and .
- h. the use of natural features and natural buffers to manage adverse [effects](#).

NH – P6 Manage land use and [subdivision](#) in [river flood hazard areas](#) to protect the subject [site](#) and its development, and other property, by requiring:

- a. subdivision applications to identify [building](#) platforms that will not be subject to inundation and material damage (including erosion) in a 1 in 100 year flood event;

- b. a minimum freeboard for all [buildings](#) designed to accommodate [vulnerable activities](#) of at least 500mm above the 1 in 100 year flood event and at least 300mm above the 1 in 100 year flood event for other new [buildings](#);
- c. commercial and industrial [buildings](#) to be constructed so they will not be subject to material damage in a 1 in 100 year flood event;
- d. [buildings](#) within a 1 in 10 Year [River Flood Hazard Area](#) to be designed to avoid material damage in a 1 in 100 year flood event;
- e. storage and containment of hazardous substances so that the integrity of the storage method will not be compromised in a 1 in 100 year flood event;
- f. [earthworks](#) (other than [earthworks](#) associated with flood control works) do not divert flood flow onto surrounding properties and do not reduce flood plain storage capacity within a 1 in 10 Year [River Flood Hazard area](#);
- g. the capacity and function of [overland flow paths](#) to convey [stormwater](#) flows safely and without causing damage to property or the [environment](#) is retained, unless sufficient capacity is provided by an alternative method; and
- h. the provision of safe vehicle access within the [site](#)

NH P8 - Locate and design [subdivision](#) and land use to avoid [land](#) susceptible to [land](#) instability, or if this is not practicable, mitigate risks and [effects](#) to people, [buildings](#), [structures](#), property and the [environment](#).

Attachment 12



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

15 October 2025

Neil Mumby
Cable Bay Consulting Ltd

Email: neil.mumby@cablebayconsulting.co.nz

To Whom It May Concern:

RE: PROPOSED SUBDIVISION
D Kehely – 1 Donald Lane, Kaitaia. Lot 4 Deed Plan 678.

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

Top Energy's requirement for this subdivision is nil. Top Energy advises that there is an existing power supply at proposed lots 1 & 2.

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

Chorus New Zealand Limited

14 October 2025

Chorus reference: 11394593

Attention: Neil Mumby

Quote: New Property Development

2 connections at 1 Donald Lane , Kaitaia, Far North District, 0410

Your project reference: 1 Donald Lane

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

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

Fibre network	\$0.00
Pre-built fibre	\$0.00

The total contribution we would require from you is **\$0.00 (including GST)**. This fee is a contribution towards the overall cost that Chorus incurs to link your development to our network. This quote is valid for 90 days from 14 October 2025. This quote is conditional on you accepting a New Property Development Contract with us for the above development.

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

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

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

Kind Regards

Chorus New Property Development Team



Attachment 13

Application for resource consent or fast-track resource consent

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

1. Pre-Lodgement Meeting

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

2. Type of Consent being applied for

(more than one circle can be ticked):

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

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

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

☐ Yes ☐ No

4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☐ No

If yes, which groups have you consulted with?

Who else have you consulted with?

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

5. Applicant Details

Name/s:		
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	 	
		Postcode

6. Address for Correspondence

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

Name/s:		
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	Postcode	

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

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

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

Name/s: Property Address/ Location:	
	Postcode

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

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)

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.

--

☐ Yes ☐ No

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

(more than one circle can be ticked):

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

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

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

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

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

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

13. Assessment of Environmental Effects:

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

Your AEE is attached to this application ☐ **Yes**

13. Draft Conditions:

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

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

14. Billing Details:

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

Name/s: (please write in full)

David Justin Kehely and Michaela Marie Jensen

Email:

david1990@hotmail.co.nz

Phone number:

Work 0278611812

Home

Postal address:

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

76D Hohoura Heads Road

RD4

Kaitaia

Postcode

0484

Fees Information

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

Declaration concerning Payment of Fees

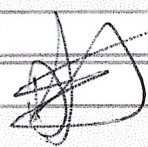
I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without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

Name: (please write in full)

David Justin Kehely

Signature:

(signature of bill payer)



Date

15/10/25

MANDATORY

15. Important Information:

Note to applicant

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

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

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

Privacy Information:

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

15. Important information continued...

Declaration

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

Name: (please write in full)

Signature:

Date

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

Checklist (please tick if information is provided)

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

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