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OUR REF: LIM-2021-1333  
YOUR REF:  
Receipt No 6436124

20-Apr-2021

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**LAND INFORMATION MEMORANDUM - N°. 2021-1333**  
**Pursuant to Local Government Official Information and Meetings Act 1987**  
**(Section 44A)**

The following information is provided **to the Applicant** in respect of the property described as:

**Lot 51 DP 82590**

**Valuation Roll N°. 00225-34900 Prop ID N°. 3317048**  
**and located at 19 Tui Grove, Paihia 0200**

**1. Special Features or Characteristics**

Refers to 1991 NZ Land Resource Inventory Worksheet – Land Use Capability Unit 6e17, indicating moderately steep to steep land with moderately to strongly leached yellow-brown earths of Marua Suite overlying greywacke.

a)	Potential Erosion	Moderate
b)	Avulsion	Nil
c)	Falling Debris	Nil
d)	Subsidence	Moderate potential
e)	Slippage	Moderate potential
f)	Alluvion	Nil
g)	Inundation	Nil
h)	Hazardous Contaminants	None known
i)	Any other	-

**Note:** The above information is generic to the area and may not be site-specific.

## 2. Disclosure of Rates for the Purposes of a Land Information Memorandum

The Local Government Official Information and Meetings Act requires that Council provide information relating to any rates owing in relation to the land covered by the LIM.

This disclosure document sets out the rate position as at the date shown below. It should be noted that this figure must not be taken as a settlement figure for the payment of outstanding rates as at the time of settlement of any purchase of the property concerned.

It remains the responsibility of the vendor and purchaser to determine the final rates figure on the settlement date and ensure that this is paid in accordance with the requirements of the Local Government (Rating) Act 2002.

<b>Valuation Number:</b>	<b>00225-34900</b>
Rate Account No:	2417048
Rates Levied for the Current Year:     \$	3,452.15
Date of Disclosure:	13-Apr-2021

### 2019 Rating Valuation Details

Land Value (\$)	250,000
Improvement Value (\$)	280,000
Capital Value (\$)	530,000
Rating Valuation Area	0.0811Ha

## 3. Consents

### a) Resource Consents

25-May-1977     79750-TCPBIC     Subdivision in stages of Part Allots 284 and 285 Block VIII Parish of Kawakawa created DP 82590.

- b) **Certificates** (documents relating to the above Consents are attached)  
 c) **Notices** (documents relating to the above Consents are attached)  
 d) **Orders** -  
 e) **Licences** -  
 f) **Requisitions** -

**Note:** Council reserves the right to serve requisitions whenever found necessary.

## 4. Building Consents, Permits & Code Compliance Certificates (CCC)

<i>Description</i>	<i>Date of Issue</i>	<i>Number</i>	<i>Type of Structure</i>
Code Compliance Certificate Issued	16-Apr-2013	CCC-2013-195/1	Replace a fire damaged Dwelling.
Building Consent Issued	28-Sep-2012	BC-2013-195/0	Replace a fire damaged Dwelling.
Code Compliance Certificate Issued	09-Sep-1997	BC-1995-1494/0	Granny flat.
Building Consent Issued	12-Jun-1995	BC-1995-1494/0	Granny flat.
Building Permit Issued	14-Oct-1991	BP-1037674	Carport.
Building Permit Issued	02-May-1983	BP-576	Plumbing & Drain laying as required.
Building Permit Issued	28-Apr-1983	BP-178601	New Dwelling.

### Comments: -

Memo attached - "Information Regarding Buildings where Council Holds no Record of Consents".

Domestic Smoke Alarms Guidance Notes attached.

### Any known outstanding issues:

None known

### Are there any unauthorised building works known to Council?

None known

**Note 1:**

The Building Act 2004 was implemented from 31 March 2005 and replaced the Building Act 1991. All applications for building consents are now processed under this Act. Code Compliance Certificates do not apply to building permits that were issued prior to the Building Act 1991.

**Note 2:**

Where a Code Compliance Certificate (a "CCC") has not issued, reasons could be that the owner has not requested a final inspection, or that there is further work required to meet compliance.

**Note 3:**

The Far North District Council does not copy building plans for Land Information Memoranda. Site and drainage plans are included if on file.

**5. Development Contributions**

Information attached.

**6. Utilities**

- |    |                                |                                |
|----|--------------------------------|--------------------------------|
| a) | <u>Drinking Water Supply</u>   | Connected / Metered            |
| b) | <u>Drinking Water Supplier</u> | Far North District Council     |
| c) | <u>Stormwater</u>              | See Stormwater management plan |
| d) | <u>Sewer</u>                   | Connected                      |

**7. Land Uses:**

Far North District Plan

Land zoned as **Residential** under the Far North District Plan.  
(Please refer to attached zone rules for Land Use and Subdivision activities).

**Note 1:**

It is suggested that any queries you may have regarding any aspects of the Far North District Plan be referred to the Council's Planning Department.

**8. Notices under Other Acts Notified by any Statutory Organisation:**

Nothing on file.

**9. Notices by any Network Utility Operator**

Nothing on file.

**10. Road Legalisation Issues**

No known issues.

**11. Other Information**

See Kiwi Distribution Zone map and Advice note attached.

A registered / recorded archaeological site is located on or within the vicinity (accurate to 100m) of this property. Further information should be sought from Heritage New Zealand Pouhere Taonga prior to any further development.

The Far North District Council is planning a number of new infrastructure projects across the district. When these projects are completed, the rates for the property subject to this Land Information Memorandum report may increase. These projects, and any associated estimated rates increase, are reported on in the most recent Far North District Council Long Term Plan or Annual Plan document.

See information attached re: Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.



B CARGILL  
PROPERTY INFORMATION

***Note for Applicants:***

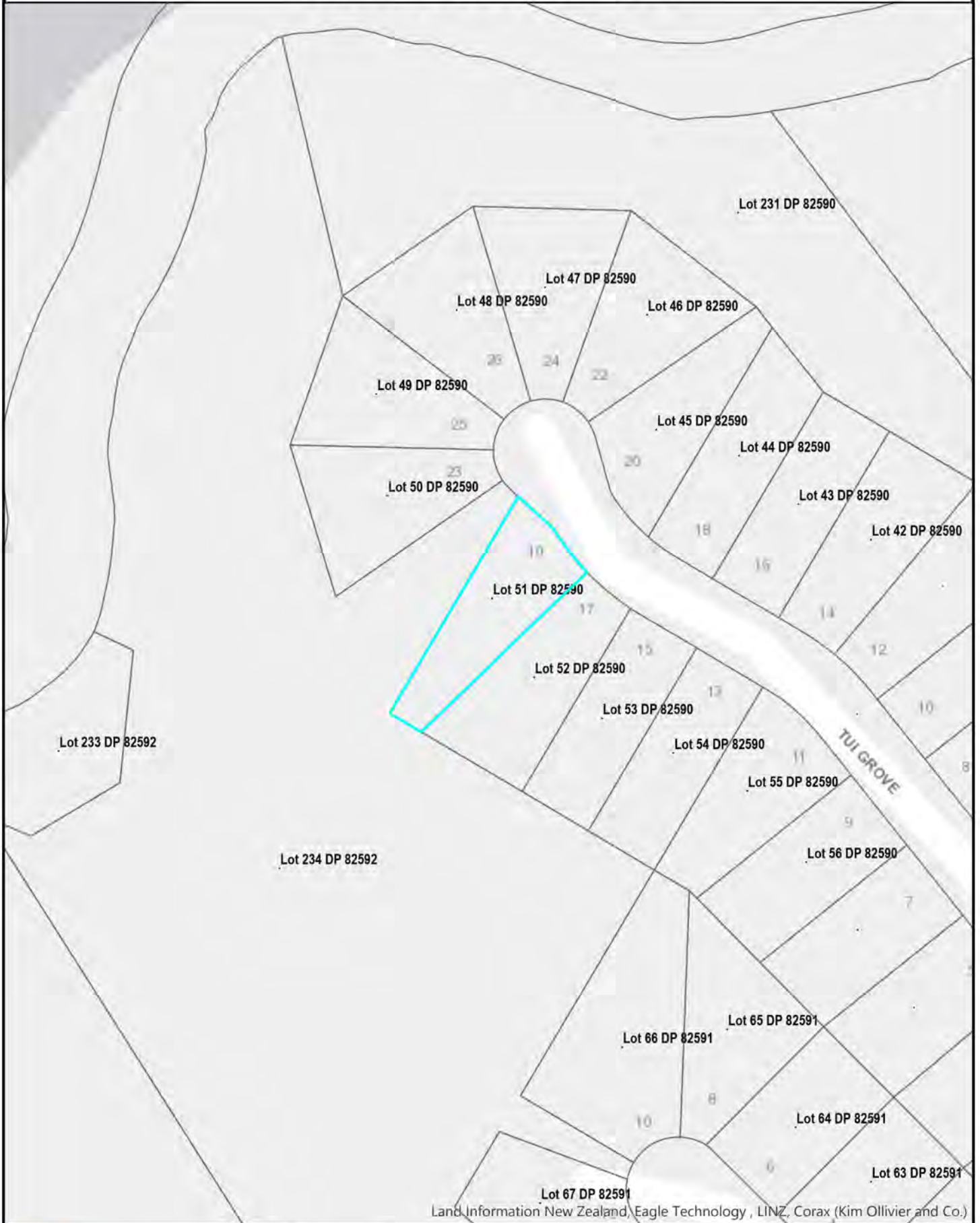
The above information represents the information held by the Far North District Council in respect of any of the categories of information listed. Where the Council has advised 'not known' in respect of any category it is the responsibility of the applicant to undertake any other enquiries. No further comment concerning this property can be made without an inspection by a Council Officer. Such inspection will be carried out if you desire and a charge will be made for this service on a cost basis.

The information in this Memorandum is provided for the use of the applicant alone and is not to be relied on by any third party. The Council assumes no responsibility to any person other than the applicant.

Where information has been supplied to Council by a third party it cannot guarantee the accuracy of that information and it is supplied on the understanding that no liability shall arise or be accepted by the Council for any error contained therein.



# Val No: 00225-34900



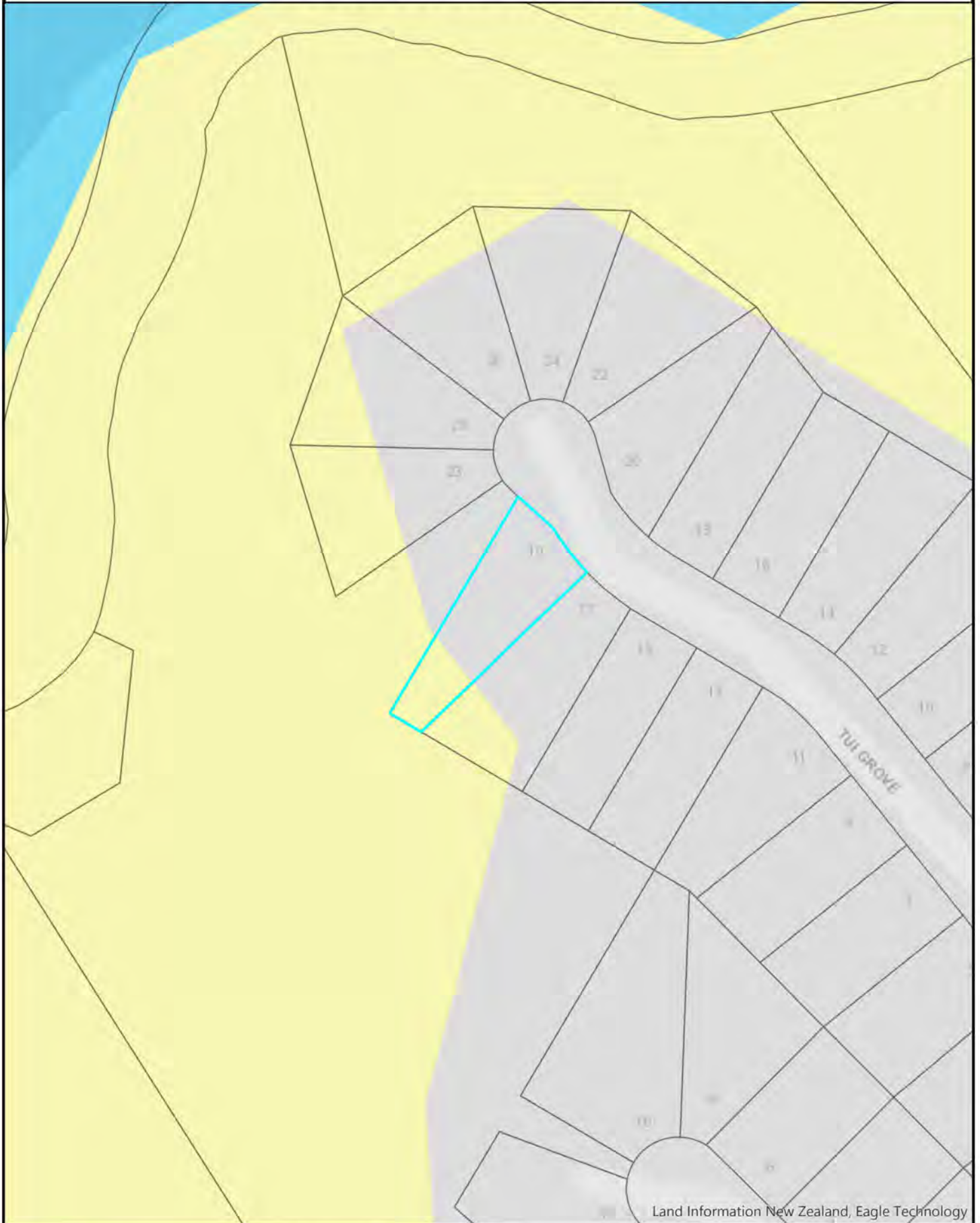
Land Information New Zealand, Eagle Technology, LINZ, Corax (Kim Ollivier and Co.)



**DISCLAIMER:**

While the Far North District Council strives to keep the data in this service current, it may not be the most recent or most accurate data available. No reliance on the information contained on this map by any person is permitted. FNDC will not be liable for any omissions or errors of information contained on this map. FNDC recommends that persons seek specific advice on individual properties from FNDC and other specialist organisations which may hold more up to date or accurate information.

# Onsite Wastewater Risk Model



Land Information New Zealand, Eagle Technology

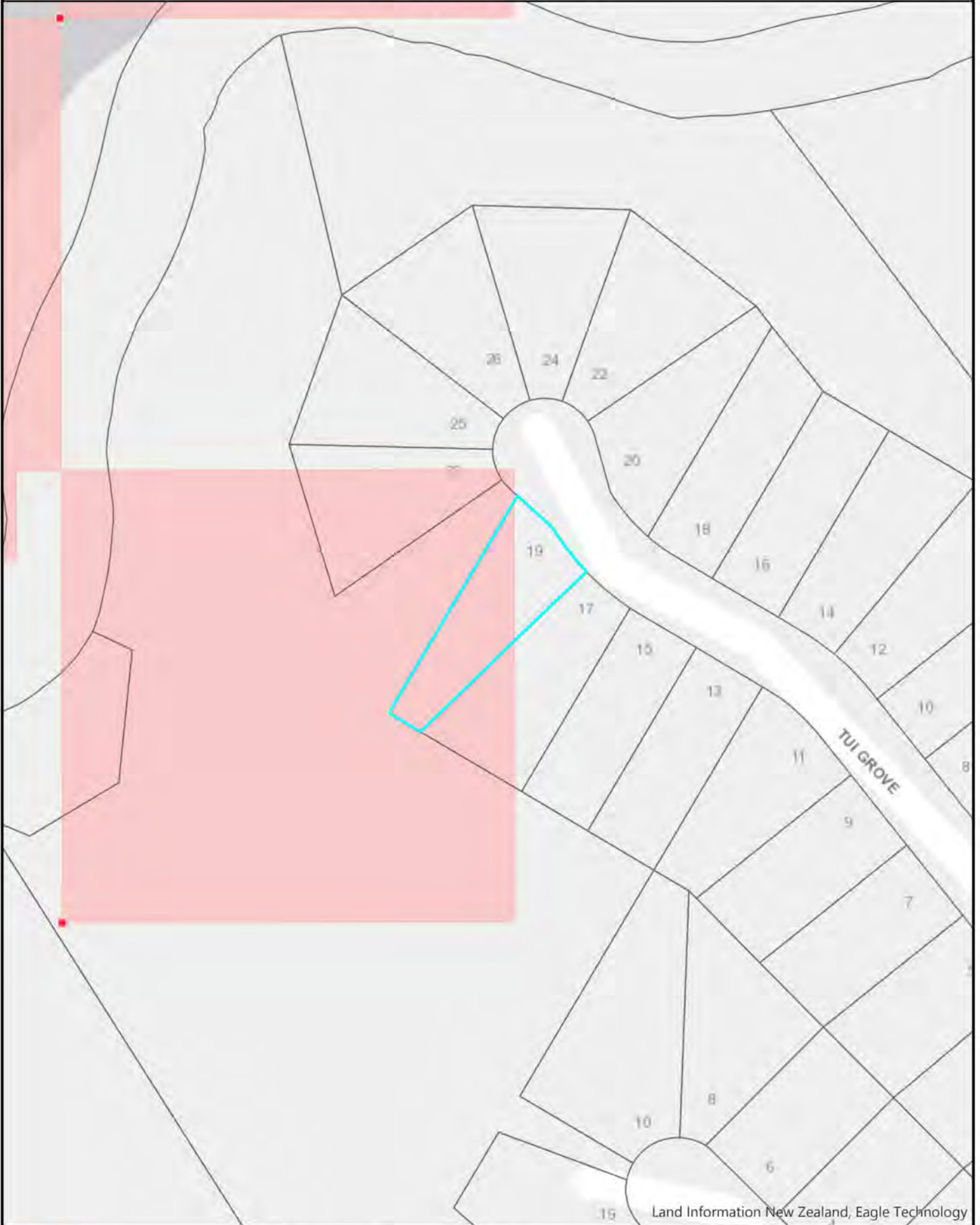


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# Historic Sites



Land Information New Zealand, Eagle Technology



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# FNDC LIM Map Legend

## Updated 6/06/2019.

### Legal Description Labels



### Corax Parcels

GISCorax.GISADMIN.parcel



### GHD Flooding Study

GHD Modelled Flooding, based on MPD + Climate Change

5 Year ARI Floodplain



10 Year ARI Floodplain



100 Year ARI Floodplain



### FNDC Hazard Data

FNDC CD Points

- Damage Reported
- Dangerous Building Notice
- Earth Quake Commission
- Insanitary Building Notice
- Risk

FNDC GEO Hazards

- Coal Mines
- Coastal Erosion
- Fill
- Flooding
- Flooding & Poor Soakage
- Flooding & Suspect Ground
- Poor Soakage
- Poor Soakage & Suspect Ground
- Slippage
- Slippage & Suspect Ground
- Slippage Poor Soakage & Suspect Ground
- Suspect Ground

### DP\_Zone\_Historic (pts)



### HeritageNZ Sites (The List)



### NZAA Sites (pts)

- NZAA Registered Site

### NZAA Sites (poly)

- NZAA Registered Site Area

### NZAA Site Accuracy

- NZAA Registered Site accuracy

### DP Zone: Heritage (polygon)



### Onsite Wastewater Risk Model

- High
- Medium
- Bare Rock
- Town
- Estuary, Lake, River

### DOC Kiwi Distribution 2014

- High
- Kiwi Present

### Selected Land Use Sites - Points (NRC)

- Verified - HAIL
- Unverified - HAIL
- Tested - Contaminated
- Managed
- Tested - Uncontaminated
- Remediated
- Other

### Selected Land Use Sites - Polygons (NRC)

- Verified - HAIL
- Unverified - HAIL
- Tested - Contaminated
- Managed
- Tested - Uncontaminated
- Remediated
- Other

### 1996 Land Cover

- Broadleaved Indigenous Hardwoods
- Deciduous Hardwoods
- Indigenous Forest
- Fernland
- Exotic Forest
- Forest - Harvested
- High Producing Exotic Grassland
- Low Producing Grassland
- Flaxland
- Gorse and/or Broom
- Mangrove
- Menuka and/or Kanuka
- Matagouri or Grey Scrub
- Mixed Exotic Shrubland
- Orchard, Vineyard or Other Perennial Crop
- Short-rotation Cropland
- Urban Parkland/Open Space
- Herbaceous Freshwater Vegetation
- Herbaceous Saline Vegetation
- Estuarine Open Water
- Lake / Pond / River
- Gravel / Rock / Sand
- Landslide
- Surface Mine or Dump
- Built-up Area (settlement)
- Transport Infrastructure



# Services



Land Information New Zealand, Eagle Technology, FNDC



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### Stormwater Points

- Aquecell Pit
- Catchpit
- Culvert No Structure
- Detention Dam
- Double Catchpit
- Double Maxi
- Dummy Node
- Floodgate
- Inlet Structure
- Manhole
- Maxi
- Mega Pit
- Outlet
- Outlet Structure
- Pump
- Retention Tank
- Rodding Eye
- Scruffy Dome
- Spillway
- Standard Soakhole
- Superpit
- Surging Manhole
- Other Asset Types

### Stormwater Major Sites

- Box Culvert
- Boxed Chambers
- Land
- Pond
- Pump Station
- Retaining

### Stormwater Rateable Area



### Wastewater Lines- NOT CONNECTED TO NETWORK



### Wastewater Lines

- EDS
- EDS Abandoned
- Gravity Main
- Gravity Main Abandoned
- Gravity Outfall
- Overflow
- Pipe Bridge
- Pressure Sewer
- Rising Main
- Rising Main Abandoned
- Service

### Wastewater Rateable Area



### Wastewater Points - NOT CONNECTED TO NETWORK

- Isolating Valve
- LPS Pump Stations
- Lamphole
- Manhole
- Valve
- Valve Chamber

### Wastewater Points

- Air Valve
- Control Chamber
- Dummy Node
- End Cap
- Injection Point
- Isolating Valve
- LPS Pump Stations
- Lamphole
- Maintenance Bend
- Maintenance Shaft
- Manhole
- Marsh
- Monitoring Alarm
- Non Return Valve
- Observation Bore
- Piezometer
- Pump Station
- Rodding Eye
- Scour Valve
- Septic Tank
- Sluice Valve
- Storage Tank
- Treatment Plant
- Valve
- Valve Chamber
- Other Asset Types

### Wastewater Major Sites



### Water Supply Points

- Anchor Block
- Backflow Preventor
- Blank Cap
- Closed Valve
- Dummy Node
- Fire Hydrant
- Intake
- Kaikohe Base Station Cumber Rd
- Monitoring Equipment
- Pump Station
- Raw Water Reservoir
- Reducer
- River Intake
- Tank
- Treated Water Reservoir
- Treatment Plant
- Valve
- Water Meter
- Water Tower
- Weir
- Other Asset Types

### Water Supply Lines

- Backwash Line
- Future Water Duct
- Overflow Pipework
- Pipe Bridge
- Pipe Main Abandoned
- Pipe Main
- Pump Supply Main
- Pump Supply Main Abandoned
- Raw Pipe Main
- Raw Pipe Main Abandoned
- Rider Main
- Scour Main
- Service

### Water Supply Rateable Area (100m)



### Water Supply Major Sites



### Other Lines

- Drainage\_Districts, Culvert
- Drainage\_Districts, Drain
- Drainage\_Districts, Foot Bridge
- Water\_Major\_Site, Ancillaries - Site Infrastructure
- ww\_Major\_Site, Boundary Fence
- ww\_Major\_Site, Ancillaries - SCADA

### Other Points

- Pipe\_Bridge, 1\_Lane\_Road
- Pipe\_Bridge, 2\_Lane\_Road
- Pipe\_Bridge, Aerial Pipeline
- Pipe\_Bridge, Drain Crossing
- Pipe\_Bridge, Exposed Pipe
- Pipe\_Bridge, Foot Bridge
- Pipe\_Bridge, Pipe Crossing
- Water\_Major\_Site, Borehole
- ww\_Major\_Site, Gabion Retaining

### Stormwater Lines

- Box Culvert
- Catchpit Lead
- Culvert
- Dish Drain
- Drain Coil
- Fence
- Kerb & Channel
- Lined Channel
- Overland Flowpath
- Service
- Swale Drain
- Unlined Channel



Far North  
District Council

# FAR NORTH DISTRICT COUNCIL BYLAWS

## WATER SUPPLY

To come into force as from: 1 December 2009

For the purpose of:  
charging,

The regulation of Council provided water supplies, metering and  
the prevention of contamination of and wastage from the water supply  
system and the protection of water supplies



## Chapter Seven

### Water Supply

#### Contents

<b>GENERAL.....</b>	<b>4</b>
701 Interpretation .....	4
<b>ORDINARY AND EXTRAORDINARY SUPPLY .....</b>	<b>5</b>
702 Ordinary Supply .....	5
703 Extraordinary Supply .....	5
704 No Obligation to give Extraordinary Supply .....	5
705 Use of Ordinary Supply .....	5
706 Use of Extraordinary Supply .....	5
707 Supply by Meter .....	5
<b>CONTINUITY OF SUPPLY AND PRESSURE.....</b>	<b>5</b>
708 Continuity of Supply.....	5
709 Pressure .....	5
710 Prohibition or Restriction of Supply.....	5
711 Water Supply before Occupation of Dwelling .....	6
712 Application for Supply.....	6
713 Supplies from Standpipes on Hydrants .....	6
714 Determination of Size of Service .....	6
715 Issue of Permit .....	6
716 Work not to be Commenced without a Permit .....	6
717 No deviation from Permit .....	6
<b>CONNECTIONS, DISCONNECTIONS AND INSPECTIONS .....</b>	<b>7</b>
718 No Person to Connect to System .....	7
719 Disconnections Required.....	7
720 Notice when Supply not Required.....	7
721 Restriction for Non-payment or Non-compliance with Notice .....	7
722 Turning on Fee .....	7
723 Inspection of Installations .....	7
725 Stoptaps to be Provided .....	8
726 Only One Point of Supply.....	8
<b>PREVENTION OF CONTAMINATION.....</b>	<b>8</b>
728 No connection to other supplies.....	8
729 Drawn Water not to be Returned .....	8
730 Minimum Air Gap.....	8
731 Priming of Pumps .....	8
732 Supply to Shipping .....	9
733 Check Valves in Multiple Service.....	9
734 Protection of Supply Pipes.....	9
735 Prevention of Backflow .....	9
<b>PREVENTION OF WASTE .....</b>	<b>9</b>
736 Waste and Improper Use to be Avoided .....	9
737 Fittings to be in Good Repair .....	9
738 Deficient Pipes.....	9
739 Existing Pipes and Fittings.....	9



740	Water Conservation .....	9
<b>METERS</b>	<b>.....</b>	<b>10</b>
741	Installation of Meters.....	10
742	Protection of Meters.....	10
743	Testing of Meters.....	10
744	Meter Accounts Adjusted.....	10
745	Meter Defective or Tampered With.....	10
746	Estimating Consumption when Meter Out of Repair .....	10
<b>CHARGES</b>	<b>.....</b>	<b>11</b>
747	Charges for Service Pipes and Meters etc. ....	11
748	Charges for Ordinary Supply .....	11
749	Charges for Extraordinary Supply.....	11
750	Reading of Meters or Accounts.....	11
751	Metered Supply to Non-rateable Properties.....	11
752	Water Charged at Annual Charge.....	11
753	Supplies to Local Authorities.....	11
754	Water for Extinguishing Fires.....	11
<b>SUPPLY OUTSIDE DISTRICTS</b>	<b>.....</b>	<b>12</b>
755	Application of Bylaw.....	12
<b>PROTECTION OF WATER SUPPLY</b>	<b>.....</b>	<b>12</b>
756	Catchments .....	12
757	Carcasses to be Removed .....	12
758	Against Interference and Obstruction .....	12
759	Repeals .....	12
<b>OFFENCES AND PENALTIES</b>	<b>.....</b>	<b>12</b>
<u>760</u>	<u>Offences and Penalties.....</u>	<u>12</u>

## GENERAL

### 701 Interpretation

701.1 For the purpose of this bylaw, unless inconsistent with the context, the following definitions apply:

APPROVED means approved by the Chief Executive.

COUNCIL means Far North District Council or any officer authorised to exercise the authority of the Council

CHIEF EXECUTIVE OFFICER means the Chief Executive Officer of the Council and includes any person to whom the duties of the Chief Executive have for the time being been delegated.

DIRECT CONNECTION includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise which renders possible backflow into the Council's water works system.

DISTRIBUTING PIPE means any pipe conveying water supplied by the District Council from a storage tank or from a hot water apparatus supplied from such tank and under pressure there from.

DISTRICT means the district of the Far North District Council as defined in Part 2 of Schedule 2 of the Local Government Act 2002.

FIRE HOSE REEL mean a metal reel, permanently connected to the water supply, on which is wound rubber tubing having an internal diameter of 12.5 mm nominal or 20 mm nominal which can be used for first-aid fire fighting purposes.

FIRE SPRINKLER SYSTEM means the system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purposes of extinguishing fire and is maintained with a superimposed pressure to fall to mains pressure.

MECHANICAL SPRINKLER or SPRINKLER means a revolving spray, sprinkler pipe or contrivance installed exclusively for the purpose of extinguishing fire.

PUSH THROUGH WATER HEATER means a water heater with a stop tap on the cold water inlet so designed that the hot water is discharged through an open outlet.

SERVICE PIPE means that section of a pipe conveying water from the street main to the consumer's premises, which lies between the main and a point 250 mm distant from the consumer's property and includes –

- (a) The ferrule or stoptap at the junction of the service pipe with the main;
- (b) Any stoptap fitted at the end of a service pipe; and
- (c) Any stoptap fitted on a service pipe between the end thereof and the main.

STANDPIPE means a rigidly supported vertical length of pipe connected to a water main, emerging from the ground with a tap or valve, serving as an outdoor water supply point

STOPTAP includes stopcock, stopvalve, and any other device for stopping at will the flow of water in a line of pipes.

STORAGE TANK means any tank other than a flushing cistern having a free water surface under atmospheric pressure from which water supplied by the council is delivered for use.

SUPPLY PIPE means the pipe provided by the consumer to connect the service pipe to the consumer's premises.

WATER CATCHMENT means an area utilised for public potable water supply purposes (refer to the District Plan)

WATER WORKS includes all rivers, streams, lakes, waters, and underground waters, and all rights appertaining thereto, and all land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings, machinery, and appliances of every kind, vested in the Council or acquired or constructed or operated by or under the control of the Council for or relating to the purpose of water supply, whether within or outside the District.

WET RISER MAIN means a vertical water main installed in a multi storey building with outlets on each floor to which the fire brigade can connect hose for fire fighting purposes, and connected to a water supply.

## **ORDINARY AND EXTRAORDINARY SUPPLY**

### **702 Ordinary Supply**

- 702.1 All water supplied from the water works to properties situated within the District, other than that hereinafter described as an "extraordinary supply", shall be deemed to be an "ordinary supply" for the purposes of this bylaw.
- 702.2 Every person paying to Council the appropriate rates or charges levied in this respect of such properties shall be entitled to an ordinary supply of water.

### **703 Extraordinary Supply**

- 703.1 Any Water supplied from the water works to a specific consumer by resolution of Council, and any water supplied from a standpipe on a hydrant pursuant to sub-clause 713.1, shall be deemed to be an "extraordinary supply" for the purposes of this part of this bylaw.

### **704 No Obligation to give Extraordinary Supply**

- 704.1 Council shall be under no obligation to give or continue any extraordinary supply of water.

### **705 Use of Ordinary Supply**

- 705.1 No consumer or other person shall use or permit or allow to be used any water supplied from the water works as and for an ordinary supply in , upon or in connection with any premises for any of the purposes defined in this part of this bylaw as an extraordinary supply.

### **706 Use of Extraordinary Supply**

- 706.1 No consumer or other person receiving an extraordinary supply for one purpose shall use or permit or allow to be used any part of such supply for any purpose other than the particular purpose for which he receives it.

### **707 Supply by Meter**

- 707.1 Both ordinary and extraordinary supplies of water to any property shall be metered except where otherwise provided for herein.

## **CONTINUITY OF SUPPLY AND PRESSURE**

### **708 Continuity of Supply**

- 708.1 Council does not guarantee the uninterrupted supply of water, whether in cases of ordinary or extraordinary supply, and no allowance or compensation will be made or allowed on account of water being shut off, whether for the purpose for laying mains, health concerns, effecting repairs, attaching new services, or for any other purposes or reason whatsoever.
- 708.2 All hospitals, schools, factories, office blocks, theatres, restaurants, hairdressing salons, hotels, motels, boarding houses, blocks of flats, and all consumers who, for the purpose of continuing a business or process, or for any other reason are dependant on a constant supply of water shall provide such storage tanks as are necessary to give effective continuity for their particular purpose.

### **709 Pressure**

- 709.1 Council does not guarantee any specified maximum or minimum pressure in its distribution system and no allowance or compensation will be made or allowed on account of change of pressure in the supply.

### **710 Prohibition or Restriction of Supply**

- 710.1 The Chief Executive may at any time which is publicly notified, and until further public notice has been given, restrict or prohibit the use of water for any one or more of the purposes covered in the definition of extraordinary supply, and thereupon it shall be an offence against this Part of this bylaw for any person to use water in the manner so restricted or prohibited.
- 710.2 If at any time the Chief Executive considers that because of drought or for any other reason the available water supply is not sufficient to allow the unrestricted consumption of water for either ordinary or extraordinary supplies and that special measures are necessary in order to conserve such available water supply the Chief Executive may, after it being publicly notified, and until further public notice has been given, restrict or prohibit the use of water whether an ordinary or extraordinary supply for any specified purpose or for any specified period or may restrict the quantity which may be used. Any such restrictions or prohibitions may apply to the whole of the district or if circumstances so require to a

portion only of the district.

- 710.3 No consumer shall in case of any such restriction or prohibition be entitled to any payment or compensation whatsoever.
- 710.4 Any person offending against or failing to observe or comply with any of the provisions of any such restriction or prohibition commits an offence against this Part of this bylaw.

#### **711 Water Supply before Occupation of Dwelling**

- 711.1 No person shall occupy or permit the occupation of a building for residential purposes or human habitation unless such building shall be provided with an adequate and convenient supply of wholesome water for domestic purposes with approved pipes and fittings installed in accordance with Council's Engineering Standards and Guidelines current at the time of installation.

#### **Application for Supply**

- 712.1 Any person who-
- (a) Requires an ordinary or extraordinary supply of water in respect of any premises, or
  - (b) Is receiving a supply to his premises and requires a change to the level of service or relocate the point of supply
- shall apply for such supply on an application form obtained from an office of Council.
- 712.2 Every application shall state thereon the purpose for which the supply is required, and any other relevant information and plans as may be required by Council, shall be accompanied by the connection fee as determined from time to time by Council and shall be signed by the owner or lessee of the premises for which the supply is required.
- 712.3 The applicant shall enter into such an agreement as Council may require in relation to such supply and Council may determine if the method of supply shall be by meter or other means.

#### **713 Supplies from Standpipes on Hydrants**

- 713.1 For approved purposes and subject to such conditions as Council may prescribe, an extraordinary supply of water may be given by means of a standpipe to be placed upon a specified fire hydrant. Application for such supply, together with the hire of a standpipe if required, shall be made in accordance with Clause 712 above.
- 713.2 Unauthorised use of a standpipe or a fire hydrant is a breach of this by-law.

#### **714 Determination of Size of Service**

- 714.1 Council shall have the right to estimate the proposed consumption and to determine the size of main tapping, the size of the meter, and the size of the service pipe required for any ordinary or extraordinary supply.

#### **715 Issue of Permit**

- 715.1 Upon receipt of any such application under clause 712 and 713, Council may if it is satisfied that a permit should be issued, issue a permit authorising the connection for the supply from the waterworks.
- 715.2 A permit issued under sub-clause 715.1 which is not actioned by the applicant within 6 months of the date of issue of the permit, shall lapse unless otherwise approved by Council.

#### **716 Work not to be Commenced without a Permit**

- 716.1 No connections to the waterworks system shall be made unless a permit has been issued under sub-clause 715.1. It is an offence against this part of the bylaw to carry out such works without a permit or in contravention of any conditions of a permit. Connections, alterations to connections or repairs to connections to the waterworks system shall only be made by Council or its agents.

#### **717 No deviation from Permit**

- 717.1 No person, without the prior permission of Council, shall carry out any work other than in accordance with the permit granted to him. All work shall be carried out in accordance with, and subject to, the provisions of the Plumbers, Gasfitters, and Drainlayers Regulations 2010 and the provisions of this Part of this Bylaw.

## **CONNECTIONS, DISCONNECTIONS AND INSPECTIONS**

### **718 No Person to Connect to System**

718.1 No person, other than an officer or an agent of Council shall, without express written authority signed by the Chief Executive, make any connection with or otherwise interfere with, any part of the water works system.

### **719 Disconnections Required**

719.1 Where any water fitting is to be permanently disconnected, the portion of any pipe that supplies water to that fitting only, provided it is not required to supply water to any other fitting shall also be disconnected in an approved manner. Disconnections from the waterworks shall only be made by Council or its agents.

### **720 Notice when Supply not Required**

720.1 When any building or property supplied with water by Council becomes unoccupied or for any other reason a supply of water is no longer required, the owner or occupier as is appropriate shall give notice thereof in writing to Council. The supply will be terminated only after the water supply account is paid in full, and any disconnection fee, set from time to time by Council, has been paid.

### **721 Restriction for Non-payment or Non-compliance with Notice**

721.1 As provided for under section 193(1)(BA) of the Local Government Act 2002, Council may restrict the supply of water to any premises where the owner fails to pay any targeted rates that have been assessed on water supplied pursuant to section 19(1) of the Local Government Rating Act 2002 within one month of the due date of the rate invoice. Council may also recover all monies owing in any Court of competent jurisdiction as a debt owing to Council. The restriction shall be subject to s69S of the Public Health Act.

721.2 The local authority may restrict the supply of water to any premises where the owner or occupier –

- (a) Fails to comply with a notice from the Chief Executive requiring repair of defective pipes or fitting; or
- (b) Willfully allows water to run to waste or be misused.

The restricted supply must be sufficient not to create unsanitary conditions

The unrestricted supply will only be restored when the offending condition has been eliminated and the reconnection fee paid.

### **722 Turning on Fee**

722.1 Whenever the supply has been cut off from any premises such supply will not be again turned on except on payment of a fee of such amount as may from time to time be fixed by resolution of Council.

### **723 Inspection of Installations**

723.1 It shall be lawful for Council at any time of the day or night to enter upon any land, and at any time of any day between the hours of 8am to 6pm to enter into any building, for the purposes of inspection of all or any of the fittings and other apparatus therein connected directly or indirectly with the water works provided that, in the case of occupied land or occupied buildings, reasonable notice of Council's intention to enter is given to the occupier which notice must be given not less than 24 hours in advance, and to the owner, if the occupier is not also the owner, as early as reasonably practicable before entry or as soon as reasonably practicable after entry has been made. Any person resisting or refusing to allow any such entry or inspection commits an offence against this part of the bylaw. If Council is obstructed or refused admittance, Council may restrict the supply of water to that premises

### **724 Point of Supply**

724.1 The Point of Supply to the consumer shall normally be a point 250 mm outside the property boundary but in places where such alignment is inconvenient for making a connection by reason of fences, walls or other causes, it shall be sufficient if the service pipe is laid by the council to a point as close as is reasonably possible to such property boundary.

724.2 The extension to the property boundary from the termination of the service pipe, and the supply pipe within the premises shall be provided by the owner or occupier in accordance with Council's Engineering Standards and Guidelines current at the date of the work and at his own cost and

expense.

- 724.3 In the case of an ordinary or extraordinary supply requiring metering, the meter may be installed on the supply pipe by arrangement between Council and the consumer.

#### **725 Stoptaps to be Provided**

- 725.1 In addition to any stoptap fitted by the Council on the service pipe, the consumer shall, except in the case of a fire sprinkler system, fit stoptaps as follows to the satisfaction of the Chief Executive –

- (a) Where a building is set back from the street boundary, a stoptap shall be fitted on the supply pipe to control all outlets on the premises.
- (b) Where a building is on the property boundary a stoptap shall be provided inside the building as close as possible to the point of pipe entry to control all the outlets on the property.
- (c) In every building of more than 1 floor, at every floor level including the subfloor or basement level, one or more stoptaps to control the supply to all outlets on such floor.

All stoptaps shall be kept readily accessible at all times and exterior stoptaps shall be protected by strong durable boxes or earthenware, concrete, cast iron, or other approved material.

#### **726 Only One Point of Supply**

- 726.1 Except with the written consent of the Chief Executive, no premises shall be supplied with more than one service pipe and where this consent is given, only under such conditions as Council prescribes.

- 726.2 The point of supply for multiple ownership properties shall be as follows

- (a) for company share, body corporate – as for single ownership
- (b) for leasehold/tenancy in common and unit title, body corporate – each owner has an individual supply
- (c) for commercial properties in multiple occupation or ownership – to be agreed on a case by case basis
- (d) for commercial and industrial properties with both fire and service connections – to be agreed on a case by case basis

#### **727 One Pipe not to Serve Two Premises**

- 727.1 Except with the written consent of the Chief Executive no water shall be supplied to any buildings or premises from any pipe or water supply fitting or appliance laid or installed on or in connection with any other buildings or premises held under one rating assessment.

### **PREVENTION OF CONTAMINATION**

#### **728 No connection to other supplies**

- 728.1 No direct connection shall be made between any system of piping supplied with water by Council and any other sources of supply of water.

- 728.2 No direct connection shall be made or maintained to any drainage system, drainage or sanitary fitting, or to any fittings or apparatus including steam boilers used for the reception or conveyance of any liquid, gas, or drawn water.

#### **729 Drawn Water not to be Returned**

- 729.1 No person shall return or allow any water drawn from Council's water supply system to return to any main or pipe or any other part of the water supply system of Council.

#### **730 Minimum Air Gap**

- 730.1 The minimum air gap between the outlet of a water supply pipe or fitting which is directly connected to the local authority system and the highest possible water level of the fixture or receptacle into which water is drawn or used shall be twice the diameter of the effective opening of such supply pipe or fitting but in no case shall it be less than 25 mm.

#### **731 Priming of Pumps**

731.1 No pump shall be equipped with a direct connection for priming or other purposes. Priming may be arranged by means of a discharge point and funnel where the discharge point is a minimum of 25 mm above the funnel as defined by the air gap.

### **732 Supply to Shipping**

732.1 Each water supply point available to shipping, including fire connections, shall be equipped with an approved backflow prevention device located to prevent the flow of water from the ship to any supply pipe.

### **733 Check Valves in Multiple Service**

733.1 Where a supply of water to premises from more than one point of supply is permitted and where, in the opinion of Council, the supplies may be interconnected, the supply at each point shall be through a check valve installed between two isolating gate valves with a bleed valve fitted on the delivery side of the supply isolating valve so that the effectiveness of the check valve may be readily determined.

### **734 Protection of Supply Pipes**

734.1 No supply of pipe or fitting shall be laid or fixed, through, in, or into any drain, sink ashpit, or manure pit, nor through, in, or near any place where the water may become liable to be contaminated.

### **735 Prevention of Backflow**

735.1 Commercial consumers shall protect the service connection at the point of supply to their commercial property by the installation of a suitable backflow prevention device, in accordance with Council's backflow prevention and cross Connection Control Policy, unless otherwise agreed by Council.

735.2 Where in the opinion of Council any non-commercial consumer has a piping system, which may be connected or used in a manner as to be a possible source of contamination of Council water supply system, the consumer shall ensure that the service connection is protected at the point of supply to such property, by a backflow prevention system approved by Council.

735.3 Fees for inspections of backflow prevention systems shall be charged at the rate defined in Council's Fees and Charges Schedule current at the time of the inspection..

## **PREVENTION OF WASTE**

### **736 Waste and Improper Use to be Avoided**

736.1 No person shall use, or permit or suffer to be used, the water supply obtained through Council's waterworks system improperly or to an unreasonable extent or in a wasteful manner, or otherwise in any manner contrary to the provisions of this Part of this Bylaw.

736.2 No person shall intentionally allow water to run to waste from any pipe, tap or other fitting. Any such action shall be a breach of this bylaw.

### **737 Fittings to be in Good Repair**

737.1 No person shall allow any pipe, tap, or other fitting on his premises connected with the water supply to be out of repair or in any way defective so that water is wasted, misused or contaminated, or water hammer is caused.

### **738 Deficient Pipes**

738.1 Where, in the opinion of Council, any pipe, appliance or fitting in connection with any water service of any premises has deteriorated, or is of inferior quality or workmanship, or is causing or is likely to cause waste of water, or is insufficient for the proper supply of water, it shall be lawful for Council to give to the owner or occupier of such premises notice in writing requiring him to carry out such works as shall be specified in that behalf in such notice, and failure by such owner or occupier to comply with the requirements of such notice within the time specified therein shall be an offence against this bylaw.

### **739 Existing Pipes and Fittings**

739.1 Any existing pipes or fittings in any premises connected to Council's water supply at the date of this Part of this bylaw or in any property which may subsequently be connected to the water supply may remain in use provided that upon inspection by Council they are found to be satisfactory.

### **740 Water Conservation**

740.1 All equipment and appliances installed on ordinary and extraordinary supplies shall be designed, installed,



operated and maintained in order to maximise water conservation as far as practicable

- 740.2 Air conditioning or industrial plant using an extraordinary supply for cooling purposes shall be provided with water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects. The use of water once through a cooling system that is without the use of re-circulating equipment is prohibited without the written permission of the Chief Executive.

## **METERS**

### **741 Installation of Meters**

- 741.1 When a supply of water is required by the Chief Executive to be metered, the meter will be supplied and installed by Council and the consumer shall pay a meter rent, fixed by the Council by resolution publicly notified, to cover the cost and maintenance of such meter provided in this Part of this bylaw.
- 741.2 Any meter which was installed by the consumer prior to the coming into operation of this Part of this bylaw shall continue to be maintained by him until it is, in the opinion of Council, no longer fit for use, when it will be replaced by a Council meter.
- 741.3 Without the prior written authority of the Chief Executive, no branch fitting whatsoever shall be connected to the service pipe between the mains and the meter.
- 741.4 Approved high pressure isolating valves shall be fixed on either side of the meter.

### **742 Protection of Meters**

- 742.1 Where required by Council the consumer shall -
- (a) Provide an approved site on or as close as practicable to the property boundary for a meter;
  - (b) Take sufficient precaution to protect the meter from damage at all times;
  - (c) Enclose the meter in a suitable box or other enclosure and shall in cases where natural support is absent provide suitable wall brackets or other support; and
  - (d) Ensure that the meter shall be readily accessible at all times.

### **743 Testing of Meters**

- 743.1 Should a consumer dispute the accuracy of a meter he may apply to Council to have the meter tested and if it is found to be over-reading there will be no charge for the test. If the meter is correct or under-reading the consumer shall pay to Council the cost of reinstalling the meter in addition to the testing fee.
- 743.2 Should any meter which is owned by the consumer be out of repair, or cease to register, or register inaccurately, the consumer, on receiving written notice to that effect, shall forward the meter to Council to be tested, and shall obtain from the Chief Executive a certificate of its accuracy before reinstallation of the meter. All costs incurred in the testing, removal, repairs and reinstallation of the meter shall be borne by the consumer.
- 743.3 All testing of meters shall be by Council. The test will be made by running a measured quantity of water of not less than 2000 litres through the meter and the meter shall be deemed to be correct if it registers within 4 percent either less or more than the measured quantity. In addition, the meter shall be capable of registering small flows from 2 percent of normal flow and upward; the consumer shall have the right to witness this test.

### **744 Meter Accounts Adjusted**

- 744.1 Should any meter after being tested be found to be reading incorrectly, Council shall make an adjustment in accordance with the results of such test after due allowance for permissible tolerances, the consumer shall pay accordingly to such adjustment.

### **745 Meter Defective or Tampered With**

- 745.1 The consumer of the meter shall be responsible to ensure it is in good working order. Should any meter be defective, have its seal or dial broken or appear to Council to have been tampered with, Council may declare the reading void and estimate the consumption in any manner he thinks fit, and the consumer shall pay according to such estimate, and may also be required to pay for the repair to the meter and for all such attendant charges.

### **746 Estimating Consumption when Meter Out of Repair**



- 746.1 Should any meter be out of repair or cease to register (except as in sub-clause 745.1 above) Council shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four period charged to the consumer), which decision shall be final, and such consumer shall pay according to such decision:

Provided that when, by reason of a large variation of consumption due to seasonable or other causes, the average of the previous four period would be an unreasonable estimate of the consumption, Council shall be entitled to take into consideration other evidence for the purpose of arriving at a reasonable estimate, and such decision shall be final, and the consumer shall pay according to such decision.

## **CHARGES**

### **747 Charges for Service Pipes and Meters etc.**

- 747.1 The charges payable by the consumer for tapping the main pipe and for laying the service pipe, installing a meter, testing a meter where required, keeping such service pipe and meter in repair and renewing where necessary, disconnection and reconnection where required and road restoration, shall be of such amount as may from time to time be determined by Council or as may be agreed on with any person receiving that supply.

### **748 Charges for Ordinary Supply**

- 748.1 Charges for an ordinary supply of water shall be either by water rates, or uniform annual charges and/or a charge fixed in accordance with the quantity of water consumed.

### **749 Charges for Extraordinary Supply**

- 749.1 Charges for an extraordinary supply of water (whether according to the quantity consumed or otherwise) shall be of such amount as may from time to time be fixed by resolution of the Council, after being publicly notified, or may be agreed on with any person receiving that supply. Minimum charges for such extraordinary supply may be likewise be specified in the said resolution or agreement.

### **750 Reading of Meters or Accounts**

- 750.1 Meters will be read or accounts rendered at such intervals as Council may from time to time decide.

### **751 Metered Supply to Non-rateable Properties**

- 751.1 The charges for water supplied to a non-rateable property shall be by meter and in such amounts as may from time to time be fixed by resolution of Council, after being publicly notified, or as may be agreed on with any person receiving that supply. Minimum charges for such extraordinary supply may likewise be specified in the said resolution or agreement.

### **752 Water Charged at Annual Charge**

- 752.1 When an extraordinary supply of water is granted to a consumer for any purpose at an annual charge, it shall be lawful for Council if it thinks fit, to affix a meter to such supply, and the charge shall be determined by the provisions of this Part of this bylaw relating to the purpose for which the water is being used.

### **753 Supplies to Local Authorities**

- 753.1 The charges to be made for water supplied to other local authorities shall be of such amounts as may from time to time be fixed by resolution of the Council or as may be agreed on with any local body receiving that supply.

### **754 Water for Extinguishing Fires**

- 754.1 Unmetered connections, which may be provided for fire hydrants and fire protection systems, shall be used for no other purpose and shall be independent of any service connection to the property.
- 754.2 In any case in which, in the opinion of Council, a fire connection is so constructed or so located that it is likely that water drawn from it or from any part of it by any person for purposes other than fire fighting, Council may cause a water meter to be installed on such fire service or on such part. In every such case whenever water has been used for fire fighting purposes, Council shall estimate the quantity of water so used and a sum based on such estimate at the appropriate charge rate, shall be allowed against cost of such amount of water to the owner's account.
- 754.3 Any fire sprinkler system shall be constructed and installed and thereafter maintained in good order to the satisfaction of Council, and shall be so designed and fixed that water cannot be drawn there from for any other purpose.

- 754.4 In the case of premises outside the district, a connection for a sprinkler system may be provided from a Council main, with the prior consent of the Chief Executive.
- 754.5 Hose reels used solely for fire protection purposes may be installed under conditions prescribed by Council.
- 754.6 The cost of making, repairing, and renewing the connection from the main to the consumers premises shall be paid and borne by the consumer.
- 754.7 An annual licence fee of such amount fixed by resolution of Council shall be paid by the consumer to Council in respect of such installation.
- 754.8 Water used for the purpose of extinguishing fires will not be charged for.

## **SUPPLY OUTSIDE DISTRICTS**

### **755 Application of Bylaw**

- 755.1 Where Council supplies water outside the district and in the area of another local authority with the consent of that local authority, then for that supply all of the provisions of the empowering Act relating to water works shall apply and all the provisions of this Part of this bylaw shall apply equally to all places, persons, and things outside the district as they apply to the same within the district.

## **PROTECTION OF WATER SUPPLY**

### **756 Catchments**

- 756.1 No person shall pollute or cause to be polluted any water that forms part of a water catchment.
- 756.2 In any area or land held by the Council as a water catchment, no person shall, without first obtaining consent in writing from Council-
- Enter; hunt, trap, shoot or fish; light or maintain any fire; take a dog; damage or destroy any trees, shrubs, or other existing cover or interfere with any property take any firearm or weapon of any kind which may be used for the destruction of birds or animals; or use any pesticide or toxic substances for any purposes whatsoever.
- 756.3 In granting any consent Council may impose such conditions as it shall consider necessary or advisable, and every person to whom any such consent shall have been issued who shall fail to comply with every condition thereof commits an offence against this Part of this bylaw.
- 756.4 No person shall burn, bury, or otherwise dispose of any refuse or other matter in any catchment area that forms part of a water works, except to the satisfaction of the custodian.

### **757 Carcasses to be Removed**

- 757.1 Any person who kills any animal on any land held by Council as a water catchment shall remove the carcass thereof from such area, or shall dispose of the carcass as directed by and to the satisfaction of the custodian.

### **758 Against Interference and Obstruction**

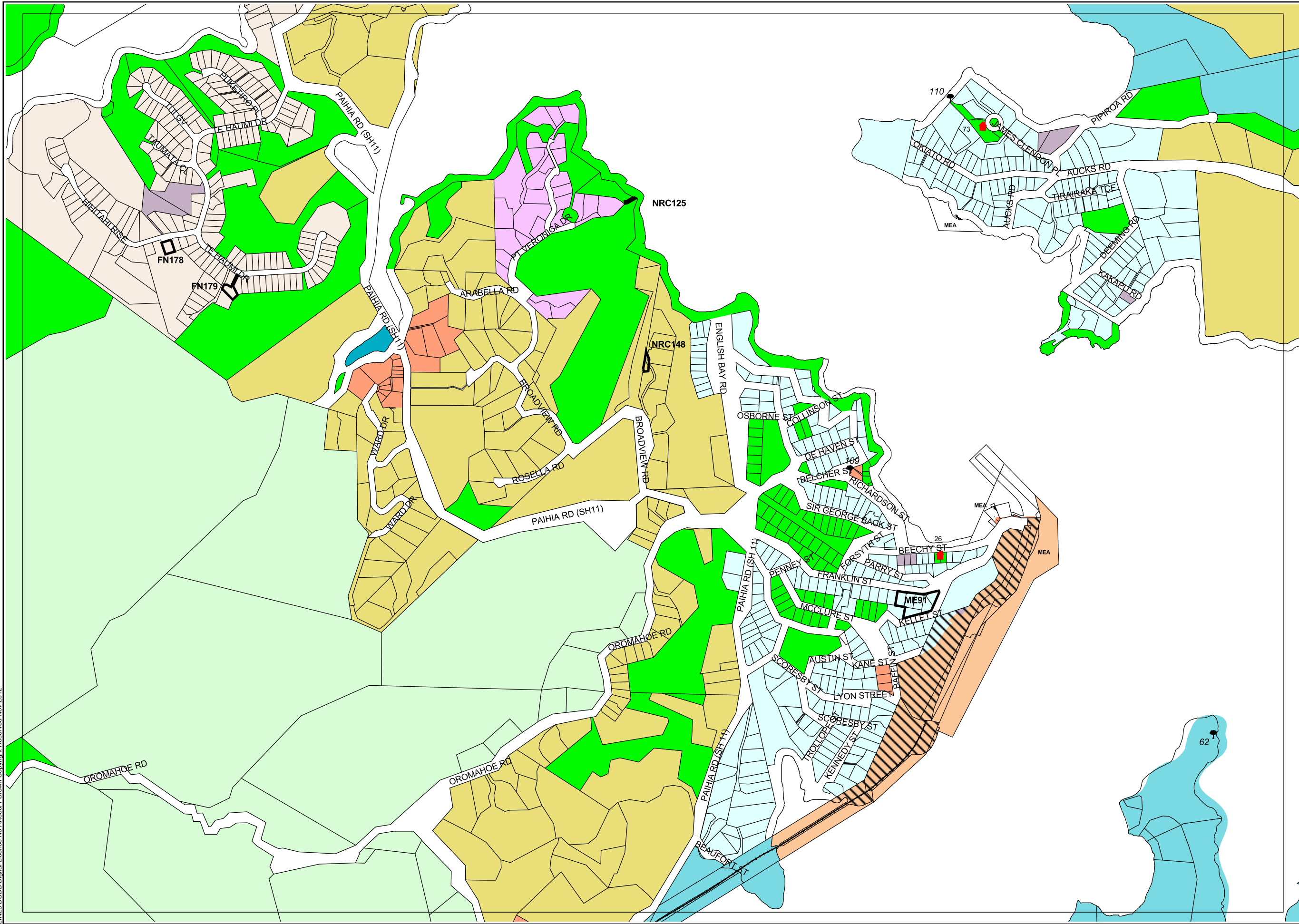
- 758.1 In any restricted or open catchment or area or any land held by Council as a water catchment-
- (a) No person shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.
- (b) Every person shall upon request of Council immediately leave the restricted catchment area or land held by Council as a water catchment, but shall nevertheless be liable also to be prosecuted for the breach for any of the provisions of this Part of this bylaw, and the failure to do so to leave shall constitute a further offence.
- (c) No person shall obstruct or hinder any duly appointed officer of the local authority in the exercise of any powers vested in him under provisions of this Part of this bylaw.

### **759 Repeals**

- 759.1 Kaikohe Borough Council Bylaw No.1, 1963

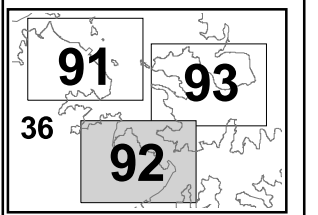
**760 Offences and Penalties**

760.1 Any person who does anything in breach of any provision of this bylaw commits an offence and on summary conviction shall be liable to a fine not exceeding \$20,000.



- Zone**
- Conservation
  - Coastal Living
  - Commercial
  - Coastal Residential
  - General Coastal
  - Industrial
  - Lakes and Rivers
  - Point Veronica
  - Residential
  - Recreational Activities
  - Rural Production
  - Road
  - Coastal Marine
  - Designations
  - Maritime Exemption Area
  - Historic Site
  - Notable Tree
  - New Zealand Railways Corporation Designation

Note :-  
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road



Map Index  
**Map 92**  
TE HAUMI  
OPUA - OKIATO

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**Far North District Plan - Zone Maps**



Scale 1:10,000

**DISCLAIMER**

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.

## 7 URBAN ENVIRONMENT

### CONTEXT

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Redistribution and increase of population in the District is causing a demand for the expansion of some settlements. This has the potential to cause significant effects on the environment. In particular, urban expansion requires the provision of infrastructure (roads, electricity, telecommunications, water supplies, sewage and stormwater disposal systems, and community facilities such as parks and reserves, public parking, libraries and halls). It also results in a demand for residential, commercial, industrial and community activity.

Some other settlements have declining populations and a consequent decline in associated urban activities. This can have the effect of creating a surplus of infrastructure for the activities which wish to utilise them. These resources, such as buildings, roads and service infrastructure, cannot be moved to another location. Enabling people and communities to provide for their well-being by the use of such physical resources in innovative ways which do not have significant adverse effects on the environment is as important as managing development in expanding communities.

The various urban areas within the District have distinct, and often unique, amenity values. It is this variety which contributes to the diversity of the District and to the quality of life of its residents.

Amenity is protected in this Plan by providing separate zones for housing, industry and commerce, and by establishing appropriate thresholds. The thresholds reflect the different levels of sensitivity to environmental effects of the various urban activities.

A consequence of urban development is an increase in the area of impermeable surfaces. This in turn can affect the speed, volume and quantity of runoff into streams and rivers and can result in a significant deterioration of the natural environment of streams, rivers and the coast. This can be minimised through the use of Low Impact Design principles and through catchment-based management measures.

### 7.1 ISSUES

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- 7.1.1 The demand for development which leads to urban expansion and the potential for this expansion to adversely affect the character and amenity of the areas in which it occurs.
- 7.1.2 The intensity of urban development generates a need for community-based utility services, in order to avoid adverse effects on the environment.
- 7.1.3 The adverse effects on communities of under-utilised buildings and infrastructure.
- 7.1.4 Amenity values within urban areas can be adversely affected by inappropriate subdivision, use and development.
- 7.1.5 Urban development results in an increase in impermeable surfaces and a risk of environmental degradation of streams, rivers and the coast and the habitats of flora and fauna that they contain.
- 7.1.6 Urban development leads to an increased demand for water in a District where there are summer shortfalls.
- 7.1.7 Increasing the intensity of urban development may generate more traffic and a demand for roads and access to them.

### 7.2 ENVIRONMENTAL OUTCOMES EXPECTED

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- 7.2.1 Urban areas developed in a manner that promotes sustainable management of natural and physical resources, while preserving the distinctive character and amenity of each area.
- 7.2.2 Urban areas where a wide range of activities are provided for in a manner which ensures that adverse effects on the environment are avoided, remedied or mitigated.
- 7.2.3 Urban areas containing a variety of residential and non-residential environments, providing for a level of amenity which is appropriate to the particular environment.

### 7.3 OBJECTIVES

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- 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.

## 7.4 POLICIES

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- 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.

## 7.5 METHODS OF IMPLEMENTATION

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### DISTRICT PLAN METHODS

- 7.5.1 **Policies 7.4.1, 7.4.2 and 7.4.7** are implemented through patterns of zoning appropriate to each urban area and the zone rules in the Plan.
- 7.5.2 **Policies 7.4.3, 7.4.4 and 7.4.9** are implemented through controls on subdivision applications (**Chapter 13**) and on applications for land use consents.
- 7.5.3 Methods in **Chapter 12 - Natural and Physical Resources**, together with the zoning pattern, will achieve **Policies 7.4.5, 7.4.6 and 7.4.8**.

- 7.5.4 Financial contributions (**Chapter 14**), towards provision car parking associated with non-residential activities and esplanade areas may be required. The amount of contribution will take account of the need for such services (**Policy 7.4.3**).
- 7.5.5 Land suitable for urban expansion is identified in the **Zone Maps (Policy 7.4.5)** and also in structure plans e.g. the **Watea Structure Plan (Section 18.2)**.

#### **OTHER METHODS**

- 7.5.6 The Council may promote opportunities for development, particularly of urban areas with under-utilised physical resources, through means other than the Plan e.g. Mainstreet programmes.
- 7.5.7 The Council will investigate the introduction of bylaws requiring on-site water storage to be provided when land is subdivided or developed within the urban environment, notwithstanding that there may be an existing reticulated water supply.
- 7.5.8 The Council will investigate the need for, and opportunities to provide, additional water storage for new and existing settlements, especially those in coastal locations.
- 7.5.9 The Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.

#### **COMMENTARY**

*People accept changes as an inevitable consequence of life in the Far North but they also expect some degree of certainty in the development of urban areas. Certainty as to the effects of uses they and their neighbours can make of their land contributes to their well-being. Urban areas generally involve relatively intense forms of development that require communal services in order that the effects of development can be made acceptable. Having made the investment in these services it is sensible that the community is able to make continuing use of the services.*

*The Plan is not prescriptive in respect of the types of activities that can occur in the urban areas of the District. Control of development as exercised through **Policies 7.4.2, 7.4.4, 7.4.7 and 7.4.8** is therefore aimed at avoiding, remedying or mitigating any adverse effects that activities may have on the environment.*

*For the same reason, **Policies 7.4.1 and 7.4.9** also target the need for activities to be consistent with, or to enhance, the amenity of the area in which they are located. Equity is important in this context. The policies apply equally to all people.*

***Policies 7.4.3 and 7.4.7** recognise that urban development implies relatively high density of development. This in turn requires the provision of community-based services if amenity values and the condition of the natural and physical environment are to be maintained.*

*Impermeable surfaces are inevitable as development continues to occur in the Far North District. Impermeable surfaces generate stormwater run-off that can contribute to flooding, erosion and the release of contaminants into waterways. The use of Low Impact Design principles can reduce the run-off volume and velocity, and filter contaminants. People and communities need to be considerate of the benefits of development that uses Low Impact Design principles.*





## 7.6 RESIDENTIAL ZONE

### CONTEXT

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The Residential Zone enables the development of residential areas where the effects of activities permitted in the zone are compatible with sustainable development and with the existing character and amenity, which is typically medium density residential living.

The zone contains specific amenity standards designed to protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between Maraenui Drive and the Kerikeri Town Centre.

The zone also contains specific provisions for protecting the residential amenity of the Coopers Beachfront Estate, as defined on *Planning Map 61*.

### 7.6.1 ISSUES

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These issues supplement those set out in *Section 7.1*.

- 7.6.1.1 Areas that are predominantly residential, or that are identified for the future development of residential activity, can be adversely affected by development that does not have a residential character, scale and intensity similar to that of existing residential development.

### 7.6.2 ENVIRONMENTAL OUTCOMES EXPECTED

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These outcomes supplement those set out in *Section 7.2*.

- 7.6.2.1 Residential areas containing a range of activities that are compatible, in terms of their effects, with the predominant residential use and character of those areas.

### 7.6.3 OBJECTIVES

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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.
- 7.6.3.3 To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive.

### 7.6.4 POLICIES

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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.

- 7.6.4.7 That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.
- 7.6.4.8 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited so as to provide open space around buildings to enable planting, and to reduce adverse hydrological, ecological and amenity effects.
- 7.6.4.9 That sites have adequate access to sunlight and daylight.
- 7.6.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on a site.
- 7.6.4.11 That the built form of development allowed on residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive remains small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

### **COMMENTARY**

*This Plan identifies the need to provide for both additional development in existing residential areas, and for the expansion of residential development into new areas.*

*The Council does not see the need, at this stage in the development of the District, for a sophisticated array of development controls. Rather, it has established rules that are designed generally to ensure that the type of residential development that has occurred historically in the Far North can continue provided adverse environmental effects are avoided, remedied or mitigated.*

*However, the Plan provides flexibility for new forms of residential activity, and also non-residential activity, to locate in residential areas. It is assumed that this type of development will be the exception rather than the rule in the Residential Zone. The effect of all activity must be consistent with the residential nature of surrounding development. This is important in enabling people to make decisions about the use and development of their land, and contributes to their well-being.*

*The entrance to Kerikeri along Kerikeri Road from SH10 is an important part of the town's identity for local residents and visitors alike. The road side stalls, tourist orientated enterprises, extensive landscape planting and shelter belts, add to the character of the entrance to Kerikeri, which is one of a mature landscape in which built form is well integrated with the surrounding vegetation. Specific requirements for building setbacks, landscape planting and vehicle crossings along Kerikeri Road will ensure that these special amenity values are recognised and protected.*

*There are roads within the District that have comparatively high levels of vehicle use (over 1,000 vehicle movements per day). These require particular consideration in terms of the management of traffic effects.*

## **7.6.5 ZONE RULES**

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Activities in the Residential Zone must comply not only with the zone rules but also with the relevant rules in **Part 3 of the Plan - District Wide Provisions**. An activity may be permitted by the zone rules but may require a resource consent because it does not comply with one or more of the rules in **Part 3**.

Particular attention is drawn to:

- (a) **Chapter 12 Natural and Physical Resources** (and the **District Plan Maps**);
- (b) **Chapter 13 Subdivision**;
- (c) **Chapter 14 Financial Contributions**;
- (d) **Section 15.1 Traffic, Parking and Access**;
- (e) **Chapter 16 Signs and Lighting**;
- (f) **Chapter 17 Designations and Utility Services** (and the **Zone Maps**).

### **7.6.5.1 PERMITTED ACTIVITIES**

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

- (a) it complies with the standards for permitted activities set out in **Rules 7.6.5.1.1 to 7.6.5.1.17** below; and
- (b) it complies with the relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

#### 7.6.5.1.1 RELOCATED BUILDINGS

Buildings are permitted activities provided that they comply with all the standards for permitted activities in the Plan, and further provided that where the building is a relocated building all work required to reinstate the exterior including painting and repair of joinery shall be completed within six months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

#### 7.6.5.1.2 RESIDENTIAL INTENSITY

(a) Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 600m<sup>2</sup>

Unsewered sites: 3,000m<sup>2</sup>

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (as stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted activities are complied with.

(b) Accessory buildings on a site within the Coopers Beachfront Estate are a permitted activity provided that:

(i) there is no more than one accessory building detached from each residential unit on the site; and

(ii) any accessory building which is detached from the residential unit has a total floor area of no more than 45m<sup>2</sup>.

#### 7.6.5.1.3 SCALE OF ACTIVITIES

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the household shall not exceed:

2 persons per 600m<sup>2</sup> (sewered)

2 persons per 3,000m<sup>2</sup> (unsewered)

Provided that:

(a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and

(b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and

(c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

**Exemptions:** The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

#### 7.6.5.1.4 BUILDING HEIGHT

The maximum height of any building shall be 8m.

#### 7.6.5.1.5 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**), except that:

(a) a building may exceed this standard for a maximum distance of 10m along any one boundary other than a road boundary, provided that the maximum height of any building

where it exceeds the standard is 2.7m (refer to Recession Plane Diagram B within the definition of Recession Plane in **Chapter 3 – Definitions**); and

- (b) where a site boundary adjoins a legally established entrance strip, private way, access lot, or access way serving a rear site, the measurement shall be taken from the farthest boundary of the entrance strip, private way, access lot, or access way.

#### 7.6.5.1.6 STORMWATER MANAGEMENT

The maximum proportion of the gross site area covered by buildings and other impermeable surfaces shall be 50%.

#### 7.6.5.1.7 SET BACK FROM BOUNDARIES

- (a) The minimum building setback from road boundaries shall be 3m, except that;
- (i) no building shall be erected within 9m of any road boundary with Kerikeri Road on properties with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive; and
  - (ii) no building shall be erected within 10m of the Cobham Road boundary on Lot 1 DP 28017 and Lot 1 DP 46656 or the Kerikeri Inlet Road boundary of Lot 1 DP 404507 (and any sites created as a result of a subdivision of these lots);
  - (iii) no new buildings as of 25 March 2019 shall be erected within 10m of the Kerikeri Inlet boundary of Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333.
- (b) The minimum set-back from any boundary other than a road boundary, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), shall be 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary; and
- (c) Not less than 50% of that part of the site between the road boundary and a parallel line 2m there from (i.e. a 2m wide planting strip along the road boundary) shall be landscaped, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots). For the landscaping required on Lot 1 DP 28017 and Lot 1 DP 46656 (and any sites created as a result of a subdivision of these lots) refer to Rule 7.6.5.1.10 (b) below; and
- (d) The minimum set back from any other boundary other than the road boundary on Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) shall be 3m.

Landscaping includes grassed areas but does not include paved areas, drive ways or car parking (refer to **Chapter 3 Definitions**).

Attention is also drawn to the setback from **Lakes, Rivers, Wetlands and the Coastline** provisions in **Chapter 12.7**.

**Note:** This rule does not apply to the below ground components of wastewater disposal systems. However, provisions in **Chapter 12.7 – Lakes Rivers Wetlands and the Coastline** still apply to below ground components of wastewater treatment systems.

Attention is also drawn to the *TP58 On-site Wastewater Systems: Design and Management Manual* and the Regional Water and Soil Plan for Northland, as consent may be required.

#### 7.6.5.1.8 SCREENING FOR NEIGHBOURS - NON-RESIDENTIAL ACTIVITIES

Except along boundaries adjoining a Commercial or Industrial zone, outdoor areas providing for activities such as parking, loading, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be screened from adjoining sites by landscaping, wall/s, close boarded fence/s or trellis/es or a combination thereof. They shall be of a height sufficient to wholly or substantially separate these areas from the view of neighbouring properties. Structures shall be at least 1.8m in height, but no higher than 2.0m, along the length of the outdoor area. Where such screening is by way of landscaping it shall be a strip of vegetation which has or will attain a minimum height of 1.8m for a minimum depth of 2m.

#### 7.6.5.1.9 OUTDOOR ACTIVITIES

Except as otherwise provided by **Rule 7.6.5.1.10**, any activity may be carried out outside except that any commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles shall be carried out within a building.

#### 7.6.5.1.10 VISUAL AMENITY

(a) Within the Coopers Beachfront Estate (as defined on **Planning Map 61**) domestic vehicles, and recreational vessels which are on a road trailer, may be stored on a site provided that:

- (i) no materials, machinery, non-domestic vehicles or non-trailer borne vessels shall be stored; and
- (ii) no repair, restoration or maintenance of any vessels shall be carried out; and
- (iii) no new commercial non-residential activity involving manufacturing, altering, repairing, dismantling or processing of any materials, live produce, goods or articles, shall be carried out

on a site in the Coopers Beachfront Estate, unless stored or carried out within a building, except during the period of construction and/or maintenance of a residential unit and/or accessory buildings on the site.

(b) Prior to any building work on Lot 1 DP 28017 and Lot 1 DP 46656 located on Cobham Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) the following shall be provided:

- (i) The entire length of the road boundary, other than access points, shall be fenced using a visually permeable fence of varying heights not exceeding 1.8m and shall be planted to a depth of at least 3m from the road boundary with trees and shrubs that reflect the non weed species present along the road corridor. The planting shall predominantly visually mitigate and screen the built development within the site when viewed from the road. Full screening of all built development is not required. This fencing and planting shall be maintained in perpetuity.
- (ii) All other external boundaries of the above sites, not including the road or stream boundaries, shall be fenced using a visually permeable fence not exceeding 1.8m in height and shall be planted to a depth of at least 1.5m from the site boundary with shrubs and trees that will, in time, achieve a height sufficient to ensure the mitigation and screening of buildings within the site from neighbouring properties. Full screening of all buildings is not required. This planting shall be maintained in perpetuity.

(c) Prior to any building work on Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 located on Kerikeri Inlet Road, Kerikeri (and any sites created as a result of a subdivision of these lots or any amalgamation of the lots) a landscaping plan that has been approved by Council showing:

- Screening of the entire length of the Kerikeri Inlet Road boundary, other than the access point, with a pittosporum hedge (or similar dense foliage evergreen hedge, or mix of species) capable of achieving a minimum height of 3m and a minimum of twenty trees capable of achieving a height of 5m within the 10m setback area behind the required hedge. Visually impermeable fencing can be installed on the road side of the hedge;
- Screening of the eastern boundary of Lot 1 DP 404507 with an evergreen hedge capable of growing to a minimum height of 3m;
- A hedge of *Griselinia littoralis* or similar along the western boundary of Lot 1 DP 404507 where it adjoins Lot 2 DP 103531 and Lot 1 DP 181291 to achieve a minimum height of 2.5m;
- Tree planting along the northern boundary, and within the northern third of Lot 1 DP 404507 and Lot 1 DP 181291. The proposed species must reflect the character of the area and the proximity to the stream, be capable of attaining a minimum height of 10.0 metres, and shall be resistant to Myrtle Rust. The trees shall be planted as pb95 specimens. The objective of the tree planting is to soften and fragment views of the site from the north rather than screen views.
- All planting shall be implemented and maintained in perpetuity.

#### 7.6.5.1.11 TRANSPORTATION

Refer to **Chapter 15 – Transportation** for Traffic, Parking and Access rules.

#### 7.6.5.1.12 SITE INTENSITY - NON-RESIDENTIAL ACTIVITIES

- (a) except as provided in (b) hereunder, the maximum net area of activities other than residential units on any site shall be 1,000m<sup>2</sup> for sewered sites, and 5,000m<sup>2</sup> for unsewered sites, except that this area may be exceeded for public reserves without buildings;
- (b) in the Coopers Beachfront Estate (as defined on **Planning Map 61**) retail sales of goods and services (excluding home stay accommodation, rental accommodation or holiday accommodation not being a camping ground or motor camp) are not a permitted activity.

#### 7.6.5.1.13 HOURS OF OPERATION - NON-RESIDENTIAL ACTIVITIES

- (a) the maximum number of hours the activity shall be open to visitors, clients or deliveries shall be 50 hours per week; and
- (b) hours of operation shall be limited to between the hours:
  - 0700 - 2000 Monday to Friday
  - 0800 - 2000 Saturday, Sunday and Public Holidays

Provided that this rule does not apply:

- (i) where the entire activity is located within a building; and
- (ii) where each person engaged in the activity outside the above hours resides permanently on the site; and
- (iii) where there are no visitors, clients or deliveries to or from the site outside the above hours.

**Exemptions:** This rule does not apply to activities that have a predominantly residential function such as lodges, motels and homestays.

#### 7.6.5.1.14 KEEPING OF ANIMALS

No site shall be used for factory farming, a boarding or breeding kennel or a cattery.

#### 7.6.5.1.15 NOISE

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any other site in this zone, or at or within the notional boundary of any dwelling in a rural or coastal zone:

0700 to 2200 hours	50 dBA L <sub>10</sub>
2200 to 0700 hours	45 dBA L <sub>10</sub> and 70 dBA L <sub>max</sub>

##### **Noise Measurement and Assessment:**

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling or the legal boundary where this is closer to the dwelling.

##### **Construction Noise:**

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

#### 7.6.5.1.16 HELICOPTER LANDING AREA

Helicopter landing areas are not permitted.

#### 7.6.5.1.17 BUILDING COVERAGE

Any new building or alteration/addition to an existing building is a permitted activity if the total Building Coverage of a site does not exceed 45% of the gross site area.

#### 7.6.5.2 CONTROLLED ACTIVITIES

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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 600m<sup>2</sup>, 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.

#### **7.6.5.3 RESTRICTED DISCRETIONARY ACTIVITIES**

An activity is a restricted discretionary activity in the Residential Zone if:

- (a) it does not comply with any one of the following **Rules 7.6.5.1.2 Residential Intensity; 7.6.5.1.3 Scale of Activities; 7.6.5.1.4 Building Height; 7.6.5.1.5 Sunlight; 7.6.5.1.7 Setback from Boundaries; 7.6.5.1.11 Transportation; 7.6.5.1.15 Noise** and/or **7.6.5.1.17 Building Coverage** as set out above; but
- (b) it complies with all of the other rules for permitted and controlled activities under **Rules 7.6.5.1 and 7.6.5.2**; and
- (c) it complies with **Rules 7.6.5.3.1 Residential Intensity; 7.6.5.3.2 Scale of Activities; 7.6.5.3.3 Building Height; 7.6.5.3.4 Sunlight; 7.6.5.3.5 Building Coverage; 7.6.5.3.6 Transportation; 7.6.5.3.7 Setback from Boundaries** and **7.6.5.3.8 Noise** below; and
- (d) 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 may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

#### **7.6.5.3.1 RESIDENTIAL INTENSITY**

Each residential unit for a single household shall have available to it a minimum net site area of:

Sewered sites: 300m<sup>2</sup>

Unsewered sites: 2,000m<sup>2</sup>

This minimum net site area may be for the exclusive use of the residential unit, or as part of land held elsewhere on the property, provided that a ratio of one residential unit per minimum net site area (as stated above) is not exceeded.

Except that this rule shall not limit the use of an existing site for a single residential unit for a single household, provided that all other standards for permitted, controlled or restricted discretionary activities are complied with.

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

- (a) the character and appearance of building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area;
- (b) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;
- (c) the size, location and design of open space and the extent to which trees and garden plantings are utilised for mitigating adverse effects;
- (d) the ability of the immediate environment to cope with the effects of increased vehicular and pedestrian traffic;
- (e) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;
- (f) location in respect of the roading network – sites on local roads are not generally considered appropriate for activities which generate high levels of pedestrian and vehicular activity;
- (g) noise generation and the extent to which reduction measures are used;
- (h) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;
- (i) whether the development is designed in a way that avoids, remedies or mitigates any adverse effects of stormwater discharge from the site into reticulated stormwater systems and/or natural water bodies;
- (j) the ability to provide adequate opportunity for landscaping and buildings and for all outdoor activities associated with the residential unit(s) permitted on the site;
- (k) the degree to which mitigation measures are proposed for loss of open space and vegetation;
- (l) any adverse effects on the life supporting capacity of soils;
- (m) the suitability of sites for building and access;
- (n) visual effects of site layout on the natural character of the coastal environment;
- (o) the effect on indigenous vegetation and habitats of indigenous fauna.

#### **7.6.5.3.2 SCALE OF ACTIVITIES**

The total number of people engaged at any one period of time in activities on a site, including employees and persons making use of any facilities, but excluding people who normally reside on the site or are members of the same household shall not exceed:

4 persons per 600m<sup>2</sup> (sewered)

4 persons per 3,000m<sup>2</sup> (unsewered)

Provided that:

- (a) this number may be exceeded for a period totalling not more than 60 days in any 12 month period where the increased number of persons is a direct result of activities ancillary to the primary activity on the site; and



- (b) this number may be exceeded where persons are engaged in constructing or establishing an activity (including environmental enhancement) on the site; and
- (c) this number may be exceeded where persons are visiting marae.

In determining the total number of people engaged at any one period of time, the Council will consider the maximum capacity of the facility (for instance, the number of beds in visitors accommodation, the number of seats in a restaurant or theatre), the number of staff needed to cater for the maximum number of guests, and the number and nature of the vehicles that are to be accommodated on site to cater for those engaged in the activity.

**Exemptions:** The foregoing limits shall not apply to activities of a limited duration required by normal farming and plantation forestry activities, provided that the activity shall comply with the requirements of s16 of the Act.

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

- (i) the siting of the building(s), decks and outdoor areas relative to adjacent properties in order to avoid visual domination and loss of privacy and sunlight to those properties;
- (ii) the location and design of vehicular and pedestrian access, on site vehicle manoeuvring and parking areas and the ability of those to mitigate the adverse effects of additional traffic;
- (iii) the extent to which hours of operation are appropriate in terms of the surrounding environment;
- (iv) noise generation and the extent to which reduction measures are used;
- (v) any servicing requirements and/or constraints of the site – whether the site has adequate water supply and provision for disposal of waste products and stormwater;
- (vi) where a property is adjacent to a public reserve, the potential impacts on the public use and enjoyment of that reserve.

#### **7.6.5.3.3 BUILDING HEIGHT**

The maximum height of any building shall be 9m.

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

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping and screening.

#### **7.6.5.3.4 SUNLIGHT**

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary (refer to definition of Recession Plane in **Chapter 3 - Definitions**).

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

- (a) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
- (b) the location and proximity of adjacent residential units, and the outdoor space used by those units;
- (c) the ability to mitigate any adverse effects of loss of sunlight.

#### **7.6.5.3.5 BUILDING COVERAGE**

Any new building or alteration/addition to an existing building is a restricted discretionary activity if the total Building Coverage of a site does not exceed 55% or 550m<sup>2</sup>, whichever is the lesser, of the gross site area.

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

- (a) the ability to provide adequate landscaping for all activities associated with the site;
- (b) the extent to which building(s) are consistent with the character and scale of the existing buildings in the surrounding environment;
- (c) the scale and bulk of the building in relation to the site;

- (d) the extent to which private open space can be provided for future uses;
- (e) the extent to which the cumulative visual effects of all the buildings impact on landscapes, adjacent sites and the surrounding environment;
- (f) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;
- (g) the extent to which landscaping and other visual mitigation measures may reduce adverse effects;
- (h) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

#### 7.6.5.3.6 TRANSPORTATION

Refer to **Chapter 15 – Transportation** for Traffic, Parking and Access rules.

#### 7.6.5.3.7 SETBACK FROM BOUNDARIES

In assessing an application resulting from a breach of **Rule 7.6.5.1.7 Setback from Boundaries** the matters to which the Council will restrict its discretion are:

- (a) the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;
- (b) the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;
- (c) the extent to which the buildings restrict visibility for vehicle manoeuvring;
- (d) the ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting;
- (e) for Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots) and sites having frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive:
  - (i) the scale of the buildings;
  - (ii) the extent of setback from Kerikeri Road and Cobham Road;
  - (iii) the visual appearance of the site from the Kerikeri Road and Cobham Road frontage;
  - (iv) the extent to which the building(s) are in harmony with landscape plantings and shelter belts;
- (f) the extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine areas.

#### 7.6.5.3.8 NOISE

In assessing an application resulting from a breach of **Rule 7.6.5.1.15 Noise** the matters to which the Council will restrict its discretion are:

- (a) the character, level and duration of noise from any activity as received at the boundary, or notional boundary of another site;
- (b) the hours of operation in relation to the surrounding environment;
- (c) the effectiveness of any noise mitigation measures proposed.

#### 7.6.5.4 DISCRETIONARY ACTIVITIES

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

- (a) it complies with **Rules 7.6.5.1.13 Hours of Operation for Non-residential Activities** and **7.6.5.1.14 Keeping of Animals** for permitted activities set out above; and
- (b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**; but
- (c) it does not comply with one or more of the other standards for permitted, controlled or restricted discretionary activities in this zone as set out under **Rules 7.6.5.1, 7.6.5.2, and 7.6.5.3** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application the Council will have regard to the assessment criteria set out under **Chapter 11**.

If an activity does not comply with the standards for a discretionary activity it will be a non-complying activity in this zone.

**7.6.5.4.1 HELICOPTER LANDING AREA**

Any helicopter landing area.

# 13 SUBDIVISION

## CONTEXT

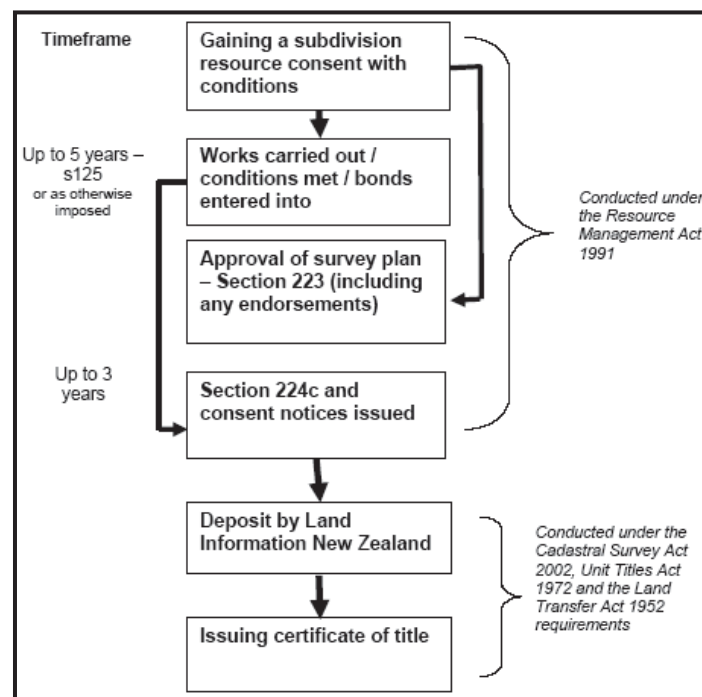
The Far North District Council is responsible for issuing two types of resource consents – land use consents and subdivision consents. In many cases both types of consents must be obtained before a development can proceed. Consents may also be needed from the Northland Regional Council. This chapter deals with subdivision.

Subdivision is essentially a process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Land subdivision creates separate and saleable certificates of title, which can define an existing interest in land (including buildings) and impose limitations on landowners or occupiers for how the land can be used or developed, through conditions and consent notices imposed under sections 108, 220 and 221 of the Resource Management Act 1991. Subdivision also provides the opportunity for Council to require land to be vested, and reserve and other financial contributions to be taken to provide necessary infrastructure.

Figure 1 below shows the subdivision process. [Ministry for the Environment Quality Planning website]

Note that Council does not have control of the whole process.

**FIGURE 1: PROCESS OF SUBDIVISION**



Land subdivision under the RMA includes:

- the creation of separate fee-simple allotments with new certificates of title (freehold);
- the lease of land or buildings or both for 35 years or longer (leasehold);
- the creation of a unit title, company lease, or cross-lease.

**Freehold subdivisions** occur where new allotments (usually referred to as lots) are created under the Land Transfer Act and ownership is held in an estate in fee simple. Fee simple means that the ownership of the land and the buildings on it is held solely by those persons listed on the certificate of title. Freehold is the most common form of subdivision. The boundaries are pegged by licensed cadastral surveyors and a 'guaranteed' title is issued.

**Leasehold subdivisions:** land or buildings or both that are leased for a period exceeding 35 years is defined in the RMA as a subdivision. A leasehold estate is most commonly defined as an estate or interest in land held for a fixed term of years. **Cross-lease subdivisions** (occasionally called composite leasehold and share titles) occur where buildings or dwellings are leased. The cross-lease plan shows the dwellings as 'flats' and is often called a 'flats-plan'. The term 'cross-lease' is used to describe the method whereby the purchaser of a dwelling / flat obtains a lease of that dwelling, generally for a term of 999 years, together with an undivided share in the underlying fee-simple estate. Cross-lease titles usually involve common-use areas (eg, shared driveways) and exclusive or restrictive covenant areas (eg, backyards). The owners agree to use certain areas for their own use without infringing on the areas of the other owners. For any changes to be made to a cross-lease site or building the leaseholder must have regard to the cross-lease documents that may require the consent of all other cross-leasing owners (eg, to erect a garage or add a new room)

**Unit title subdivisions (or strata titles)** generally occur where more than one dwelling or building is built on a single title and separate ownership is required. This includes multi-storey developments and the unit title allows for ownership to be defined in three dimensions. A unit title provides single ownership of a 'principal unit' (the dwelling) and one or more 'accessory units' (eg, garages or outdoor spaces). Each principal and each accessory unit will usually be defined spatially, so that the dwelling and any other buildings or outdoor spaces are contained in compartments of space, which are owned rather than leased. There are usually common areas that provide access for all unit title owners (eg, driveways, lifts and stairwells).

A unit title is made up of two components:

- (a) ownership in the particular unit
- (b) an undivided share in the ownership of the common property.

[quoted from Ministry for the Environment Quality Planning website]

All subdivision requires resource consent except for:

- (a) lots for utility services under the Public Works Act;
- (b) those other situations set out in Section 11 of the Act. The exemptions in s11 anticipate (among other things) the creation of separate titles for natural and historic conservation purposes.

Boundary adjustments are a controlled activity throughout the District, subject to meeting specific criteria. Section 13.7.2, which includes Table 13.7.2.1, sets out the activity status, allotment sizes and dimensions for all other subdivisions throughout the District. The matters, or topics, which the Council will consider in any application for a resource consent for subdivision, and the rules that apply to any such application are set out in section 13.7.3 of this chapter. The rules will ensure that appropriate consideration is given to the relevant elements of subdivision, and that conditions of consent are directed towards those elements.

Attention is drawn to the fact that rules in parts of the Plan other than this chapter may have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with the relevant zone rules or District-wide rules. The provisions of the relevant zone rules and District-wide rules will be relevant for land use activities, which may be associated with subdivisions and which would allow the subdivision to proceed.

**Chapter 2** of this Plan describes in general terms the role of the Maori Land Court in regulating the partition, amalgamation, aggregation and exchange of Maori land. Subdivision of ancestral land does not occur in the ordinary course of events and so there is no special provision in this Plan for it. However, the Council recognises the need to provide for the development of ancestral land and this is included in **Part 2 of the Plan - Environment Provisions**.

For the context of the management plan rule refer to **Rule 13.9.2**.

## 13.1 ISSUES

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- 13.1.1 Because the type and scale of activities that can occur in the District are often linked to the size of a lot, the effect of subdividing land is reflected in the subsequent development of that land.
- 13.1.2 While subdivision is essentially a mechanistic process, integrated management of resources can be assisted by the imposition of appropriate controls on the way in which subdivision is carried out.
- 13.1.3 The subdivision of land can result in development that has significant effects on natural character.
- 13.1.4 Subdivision of properties containing scheduled heritage resources (as listed in **Appendices 1D, 1E, 1F and 1G**) can result in the alienation of a heritage resource from land closely associated with it and the consequent loss/degradation/diminution of its heritage values.



- 13.1.5 Subdivisions may lead to an increased demand for water in a District where there are summer shortfalls.
- 13.1.6 Subdivision may lead to an increased demand for energy in the District where there is a limited reticulated supply and a reliance on electricity generated outside the District. The adoption of energy efficiency and renewable energy initiatives and technologies will need to be considered in all new subdivisions and related development.
- 13.1.7 The subdivision of land can result in development that has an adverse effect on the sustainable functioning of infrastructure, particularly roads.
- 13.1.8 Inappropriate subdivision, use and development can cause reverse sensitivity effects on the National Grid, compromising its safe and efficient operation, development, maintenance and upgrading.

**Note:** Attention is also drawn to the provisions of **Section 12.9**. This section includes an Issue, Objective and Policy with respect to potential reverse sensitivity effects arising from subdivision, use and development adjacent to consented or existing lawfully established renewable energy projects, including associated transmission activities.

## 13.2 ENVIRONMENTAL OUTCOMES EXPECTED

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- 13.2.1 A subdivision pattern that is consistent with:
- (a) existing land uses;
  - (b) the preservation of the natural character of the coastal environment and the restoration or enhancement of areas which may have been compromised by past land management practices;
  - (c) the protection, restoration and/or enhancement of outstanding natural features and landscapes;
  - (d) the protection, restoration and/or enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (e) the maintenance and enhancement of public access to and along the coast and lakes and rivers;
  - (f) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
  - (g) the type of management of natural and physical resources that is provided for in the **Environmental Provisions** (refer to **Part 2**) and elsewhere in the **District Wide Provisions** (refer to **Part 3**) of this Plan;
  - (h) the retention of heritage values of heritage resources (as listed in **Appendices 1D, 1E, 1F and 1G**) through conservation of its immediate context.
- 13.2.2 Sufficient water storage is provided to meet the present and likely future needs of the Community.
- 13.2.3 Subdivisions, land use and development which respond in a sustainable way to the site specific environmental conditions, values and enhancement opportunities, through the use of management plans.
- 13.2.4 A sufficient and secure energy supply is available to meet the present and likely future needs of the District.
- 13.2.5 13.2.5 Where the safe and efficient operation, maintenance, development and upgrading of the existing National Grid operations are protected from the reverse sensitivity effects of other activities.

## 13.3 OBJECTIVES

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- 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

## **13.4 POLICIES**

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- 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.

## 13.5 METHODS

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### DISTRICT PLAN METHODS

- 13.5.1 Rules in **Chapter 13** of the Plan impose controls on most forms of subdivision activity.
- 13.5.2 **Chapter 13** provides an alternative to the standard rules, through the implementation of a management plan for subdivision in the Rural Production, General Coastal, Coastal Living, South Kerikeri Inlet and Waimate North Zones.
- 13.5.3 Financial contributions in respect of subdivision are set out in **Chapter 14**.
- 13.5.4 Matters of National Importance specified in s6 of the Act are addressed in various sections of the District Plan, including the following sections in particular:
- (a) preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins is provided for in **Chapter 10** and in **Section 12.7**;
  - (b) protection and enhancement of outstanding natural features and landscapes is provided for in **Section 12.1** and by the restriction on subdivision in the Recreational Activities and Conservation Zones;
  - (c) the protection of significant indigenous vegetation and significant habitats of indigenous fauna is addressed in **Section 12.2**;
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is provided for in **Chapter 10**, **Section 12.7** and **Chapter 14**;
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga are provided for throughout the District Plan but attention is drawn in particular to **Chapter 2**; and
  - (f) the protection of historic heritage is addressed in **Chapter 12.5**.
- The objectives and policies relating to each of the above (where relevant) and those of the applicable zone will be taken into account in assessing applications for subdivision, including applications made under **Rule 13.9.2**.
- 13.5.5 Structure Plans are included as an alternative means of providing for subdivision on a comprehensive basis (**Section 13.12**).
- 13.5.6 Where a subdivision (which includes a boundary adjustment) is proposed on land where a hazardous activity of industry has been, or is more likely than not to have been, or is currently operating, then the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply.
- 13.5.7 Where an application is made for an activity, breaching **Rule 13.8.1** Transpower New Zealand Limited shall be considered an affected party, due to the national significance of the National Grid.

### OTHER METHODS

- 13.5.8 Non-regulatory methods, including brochures and informal contact with applicants will help to promote subdivision activities that are sensitive to the physical environment. In this respect, the Council encourages early consultation with parties who may be affected by a subdivision proposal such as neighbouring landowners, Heritage New Zealand Pouhere Taonga and tangata whenua.
- 13.5.9 The Council encourages applicants to take into account any provisions of any relevant planning documents prepared for the area and recognised by iwi authorities, pursuant to Sections 6(e), 6(g), 7(a) and 7(aa) of the Resource Management Act 1991

### COMMENTARY

*Subdivision of land can have adverse effects on the environment if the design of the subdivision is such that subsequent use and development on the subdivided land is environmentally inappropriate. While it is the*

use of land, and not the subdivision pattern itself, that has the effects, the subdivision pattern enables the use. Consequently, the control of subdivision is justified because it enables the Council to minimise the risk of activities being established on lots that are too small, too steep, hazard prone, incapable of being serviced, and so on.

To this extent the control of subdivision is complementary to the control of land use activities.

The Council's approach has therefore been to ensure that the conditions of consent for subdivisions enable appropriate subsequent use and development, and the objectives and policies in this chapter reflect this approach.

The Council also recognises the desirability of responding positively to innovative subdivision proposals that, although they may not comply with the rules, offer a good resource management outcome for the development of a property. This chapter provides for such innovation.

Applicants can choose whether to apply first for a land use or a subdivision consent, or apply for both together.

## 13.6 GENERAL RULES

The following rules shall apply, unless specifically stated otherwise, to all applications for subdivision of land.

When preparing subdivision applications, applicants should be mindful of the relevant zoning (refer to **Part 2 - Environment Provisions**), as well as to the provisions elsewhere in **Part 3 - District Wide Provisions**, particularly:

- (a) **Chapter 12 Natural and Physical Resources;**
- (b) **Chapter 14 Financial Contributions;**
- (c) **Chapter 15 Transportation;**
- (d) **Chapter 18 Special Areas.**

### 13.6.1 DEFINITION OF SUBDIVISION OF LAND

The definition of the subdivision of land is set out in s218 of the Act, and this definition is included in a Glossary of Definitions from the Act.

### 13.6.2 RELEVANT SECTIONS OF ACT

All applications are subject to the requirements set out in the Act, with particular reference to s106, s219, s220, and s230 - s237G. S104 and s105 are also relevant, in respect of the assessment of applications, as is the Government Rounding Powers Act 1989

### 13.6.3 RELEVANT SECTIONS OF THE DISTRICT PLAN

All applications will be assessed against the objectives and policies of the applicable zone(s) and those contained in **Chapters 12, 14, 15** and **18** where relevant.

### 13.6.4 OTHER LEGISLATION

All applications shall comply with the relevant requirements contained in other Acts and codes, with particular reference to the Building Act 2004, the Local Government Act 2002, the Local Government Act 1974, the Resource Management (National Environmental Standard for Air Quality) Regulations 2004, the Resource Management (National Environmental Standard for sources of Human Drinking water) Regulations 2007, the Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2008, the Resource Management (National Environmental Standard for Electricity Transmission) Regulations 2010, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and any relevant Regional Plan for Northland.

### 13.6.5 LEGAL ROAD FRONTAGE

All new allotments shall be provided with frontage to a legal road, or to a road to be vested on the application, except where access by a private road or right of way is included, and approved, within the subdivision consent application or where prior consent pursuant to s348 of the Local Government Act 1974 has been obtained

### 13.6.6 BONDS



The Council may require bonds as a condition of a subdivision consent. The bond is repaid on the completion of some specified work or action. The purpose of a bond is to provide an incentive to resource consent holders to give effect to the conditions of consent. A bond also gives the Council the ability to arrange for the work or action required to be carried out even if the resource consent holder does not.

#### **13.6.7 CONSENT NOTICES**

Where there is any on-going condition of a subdivision consent, a consent notice pursuant to s221 of the Act shall be registered against the Certificate of Title to the allotment to which the condition applies. Examples of the matters that may be included in a consent notice could be any encumbrances on the Title and any provision for the protection of transmission lines.

#### **13.6.8 SUBDIVISION CONSENT BEFORE WORK COMMENCES**

Except where prior consent has been obtained to excavate or fill land pursuant to rules under **Section 12.3**, or consent to vegetation clearance has been obtained pursuant to rules under **Sections 12.1** or **12.2**, and/or relevant consents have been obtained from the Regional Council, no work, other than investigatory work, involving the disturbance of the land or clearance of vegetation shall be undertaken until a subdivision consent has been obtained.

When the subdivision consent is granted, provided all the necessary calculations and assessment of effects is provided with the application, the subdivision consent application shall be deemed to include consent to excavate or fill land, and clear vegetation to the extent authorised by the consent and subject to any conditions in the consent. Alternatively, an applicant may apply to add a land use consent application to the subdivision consent application, for any excavation/filling work and/or vegetation clearance. This does not exempt a consent holder from also obtaining any relevant resource consent or approvals from the Regional Council or the Heritage New Zealand Pouhere Taonga for earthworks, vegetation clearance or disturbance of an archaeological site.

#### **13.6.9 ASSESSING RESOURCE CONSENTS**

Where the rules specify that the Council shall consider certain matters in regard to granting consent or imposing conditions, in the case of controlled subdivision activities, 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).

#### **13.6.10 JOINT APPLICATIONS**

Any application arising from non-compliance with zone standards caused by the proposed subdivision shall be considered jointly with the subdivision consent.

#### **13.6.11 JOINT HEARINGS**

Where a subdivision activity also requires a resource consent from Northland Regional Council and both the Regional and District Council consents are subject to public notification, the Council will promote that the applications be heard jointly.

#### **13.6.12 SUITABILITY FOR PROPOSED LAND USE**

Where s106 of the Act applies to any part of the land to be subdivided, or any part of the land contains contamination, it is the applicant's responsibility to provide all information relative to the potential hazard and to show the means whereby the land shall be made suitable for the proposed land use. The Council shall have regard to any appropriate proposals before issuing the subdivision consent, or declining approval pursuant to s106 (relating to natural and other hazards such as subsidence, erosion and flooding, legal and physical access).

### **13.7 CONTROLLED (SUBDIVISION) ACTIVITIES**

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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.

### 13.7.1 BOUNDARY ADJUSTMENTS: ALL ZONES EXCEPT THE RECREATIONAL ACTIVITIES AND CONSERVATION ZONES

#### Boundary Adjustments Performance Standards

Boundary adjustments to lots may be carried out as a controlled (subdivision) activity provided that:

- (a) there is no change in the number and location of any access to the lots involved; and
- (b) there is no increase in the number of certificates of title; and
- (c) the area of each adjusted lot complies with the allowable minimum lot sizes specified for the relevant zone, as a controlled activity in all zones except for General Coastal or as a restricted discretionary activity in the General Coastal Zone (refer **Table 13.7.2.1**); except that where an existing lot size is already non-complying the degree of non-compliance shall not be increased as a result of the boundary adjustment; and
- (d) the area affected by the boundary adjustment is within or contiguous with the area of the original lots; and
- (e) all boundary adjusted sites must be capable of complying with all relevant land use rules (e.g building setbacks, effluent disposal); and
- (f) all existing on-site drainage systems (stormwater, effluent disposal, potable water) must be wholly contained within the boundary adjusted sites.

Applications under this rule will not be notified but where these conditions cannot be met the application will be considered under the relevant zone rules set out in **Rules 13.7.2 to 13.7.10**.

## 13.7.2 ALLOTMENT SIZES, DIMENSIONS AND OTHER STANDARDS

### 13.7.2.1 MINIMUM AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

Every allotment to be created by a subdivision shall comply either with the conditions of a resource consent or with the minimum standards specified as follows in Table 13.7.2.1, and shall comply with all other relevant zone rules, except as provided for in **Rules 13.7.2.4, 13.7.2.5, 13.7.2.6 and 13.7.2.7** below.

**TABLE 13.7.2.1: MINIMUM LOT SIZES**

#### (i) RURAL PRODUCTION ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 20ha.</p> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p> <p><b>Note 3:</b> Subdivision within 100m of the boundary of the Minerals Zone is a restricted discretionary activity.</p>	<p>1. Subdivision that complies with the controlled activity standard, but is within 100m of the boundary of the Minerals Zone;</p> <p>2. The minimum lot size is 12ha; or</p> <p>3. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>4. A maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of the lots is 2ha, and where the subdivision is created from a site that existed at or prior to 28 April 2000;</p> <p>5. Rules under clauses 3 and 4 provide two alternative options for the creation of a specified number of small lots from sites existing at 28 April 2000. Where an application under one of these clauses takes up only part of the total allowance, a subsequent application to take up the remainder of that particular allowance may be considered by Council, notwithstanding that the subsequent application involves a lot which no longer meets the existing at 28 April 2000 criterion.</p> <p><b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p> <p><b>Note 2:</b> Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p>	<p>1. The minimum lot size is 4ha; or</p> <p>2. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>3. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.</p> <p>4. Subdivision in the Pouerua Heritage Precinct (refer <b>Maps 35, 41 and HP1</b>), is a discretionary subdivision activity.</p> <p><b>Note 1:</b> There is no restriction on the number of 4ha lots in a subdivision (clause 1).</p> <p><b>Note 2:</b> The effect of the rule under clause 2 is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a non-complying activity unless the lots are part of a Management Plan application.</p>

#### (ii) MINERALS ZONE

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
Subdivision is not a controlled activity in this zone		Subdivision is a discretionary activity in this zone

**(iii) WAIMATE NORTH ZONE**

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>A maximum of 3 lots in any subdivision, provided that the minimum lot size is 4,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000.</p> <p><b>Note:</b> The effect of the above rule is that there is a once-off opportunity to subdivide a maximum of two small lots from a site existing at 28 April 2000. Subdivision of small lots which does not meet this rule is a non-complying activity unless the lots are part of a Management Plan application.</p>		<p>1. A maximum of 3 lots in any subdivision, provided that the minimum lot size is 2,000m<sup>2</sup> and there is at least 1 lot in the subdivision with a minimum size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or</p> <p>2. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.</p> <p><b>Note:</b> Any further subdivision under this alternative (Clause 1) is a Non-complying Activity.</p>

**(iv) RURAL LIVING ZONE**

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot size is 4,000m<sup>2</sup></p> <p><b>Note 1:</b> There is no restriction on the number of 4,000m<sup>2</sup> lots in a subdivision.</p> <p><b>Note 2:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b>).</p>		<p>The minimum lot size is 3,000m<sup>2</sup></p> <p><b>Note:</b> There is no restriction on the number of 3,000m<sup>2</sup> lots in a subdivision.</p>

**(v) RESIDENTIAL ZONE**

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
<p>The minimum lot sizes are 3,000m<sup>2</sup> (unsewered) and 600m<sup>2</sup> (sewered).</p>		<p>The minimum lot sizes are 2,000m<sup>2</sup> (unsewered) and 300m<sup>2</sup> (sewered).</p>

**(vi) COMMERCIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 250m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewered lots, provided that servicing of the lot (including car parking, loading etc), can be achieved.

**(vii) INDUSTRIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 500m <sup>2</sup> (sewered).		The minimum lot size is 2,000m <sup>2</sup> (unsewered). There is no limit for sewered sites, provided that servicing of the site (including car parking, loading etc), can be achieved.

**(viii) GENERAL COASTAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Subdivision is not a controlled activity in this zone.	The minimum lot size is 20ha. <b>Note 1:</b> There is no restriction on the number of 20ha lots in a subdivision. <b>Note 2:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b> ).	A subdivision in terms of via a management plan as per <b>Rule 13.9.2</b> may be approved.

**(ix) COASTAL LIVING ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot size is 4ha (with provision for stormwater and wastewater disposal as a necessary part of the application). <b>Note 1:</b> Reference should also be made to the minimum lot size applying to land within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (see below in this Table and <b>Rule 13.7.2.5</b> ). <b>Note 2:</b> Subdivision within 100m of the boundary of a Mineral Zone is a restricted discretionary activity.	1. The minimum lot size is 8,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application). 2. Subdivision that complies with the Controlled Activity Standard, but is within 100m of the boundary of the Minerals Zone.	1. The minimum lot size is 5,000m <sup>2</sup> (with provision for stormwater and wastewater disposal as a necessary part of the application); or 2. A subdivision in terms of a management plan as per <b>Rule 13.9.2</b> may be approved.



**(x) COASTAL RESIDENTIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 800m <sup>2</sup> (sewered).		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) and 600m <sup>2</sup> (sewered).

**(xi) RUSSELL TOWNSHIP ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered); and 1,000m <sup>2</sup> (sewered).		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) and 800m <sup>2</sup> (sewered).

**(xii) SOUTH KERIKERI INLET ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Subdivision is not a controlled activity in this zone.	The minimum lot size is 4 ha in non-sensitive areas (see Map 84).	Subdivision via a management plan only as per Rule 13.9.2 may be approved.

**(xiii) RECREATIONAL ACTIVITIES ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

**(xiv) POINT VERONICA ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
As in accordance with the approved development plan (refer <b>Appendix 6D</b> )		Any subdivision not provided for by way of a controlled activity shall be non-complying.

**(xv) CARRINGTON ESTATE ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Unit title subdivision of the accommodation units and lodge/golf club complex within the Carrington Estate Zone, as identified in the Carrington Estate Development Plan and Schedule <b>Appendix 6E</b> in <b>Part 4</b> of the Plan), and as further detailed in Maps Sub 1-9 submitted within the consent applications, and in accordance with the conditions of <b>RC 1990480/A</b> .		Any subdivision not provided for by way of a controlled activity shall be non-complying.

**(xvi) HORTICULTURAL PROCESSING ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Minimum lot size of 4,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ).		Minimum lot size of 2,000m <sup>2</sup> , maximum of 3 lots; for horticultural processing activities (as described in <b>Rule 18.4.6.1</b> ); or for any other activity.

**(xvii) CONSERVATION ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
Nil. Subdivision is a non-complying activity in this zone.		Nil. Subdivision is a non-complying activity in this zone.

**(xviii) ORONGO BAY SPECIAL ZONE**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
The minimum lot sizes are 3,000m <sup>2</sup> (unsewered) and 1,000m <sup>2</sup> (sewered) provided the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.		The minimum lot sizes are 2,000m <sup>2</sup> (unsewered) provided that the subdivision is part of an approved Comprehensive Development Plan in accordance with <b>Rule 18.8.6.1</b> and <b>Rule 18.8.6.3.3</b> and provided that the maximum number of separate titles created shall not exceed seven in the zone.

**(xix) OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURES AND OUTSTANDING NATURAL FEATURES, AS SHOWN ON THE RESOURCE MAPS - REFER ALSO TO RULE 13.7.2.5**

<b>Controlled Activity Status (Refer also to 13.7.3)</b>	<b>Restricted Discretionary Activity Status (Refer also to 13.8)</b>	<b>Discretionary Activity Status (Refer also to 13.9)</b>
<p>The minimum lot size is 20ha except in the General Coastal Zone.</p> <p><b>Note:</b> This standard applies to any part of a lot that is included in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in Appendices 1A and 1B and as shown on the Resource Maps.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (Appendix 1A) or Outstanding Landscape Feature (Appendix 1B) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the Puerua Heritage Precinct).</p>	The minimum lot size is 20ha in the General Coastal Zone.	<p>1. For the Rural Production, General Coastal and Coastal Living Zones subdivision via a management plan as per <b>Rule 13.9.2</b>;</p> <p>2. For all other zones, the minimum lot size for a discretionary activity in an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as listed in <b>Appendices 1A and 1B</b> and as shown on the Resource Maps is the same as the discretionary standard that applies to the zone in which the site is located.</p> <p>Where a new boundary line passes through the Outstanding Natural Feature (<b>Appendix 1A</b>) or Outstanding Landscape Feature (<b>Appendix 1B</b>) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977 subdivision is a non-complying activity (this does not apply within the <b>Puerua Heritage</b></p>

		Precinct).
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**(xx) GOLF LIVING SUB-ZONE OF KAURI CLIFFS ZONE**

Controlled Activity Status (Refer also to 13.7.3)	Restricted Discretionary Activity Status (Refer also to 13.8)	Discretionary Activity Status (Refer also to 13.9)
	<p>Subdivision of up to 60 new lots for residential (golf living) purposes, provided that:</p> <p>(a) no lot is less than 4,000m<sup>2</sup> in area;</p> <p>(b) the subdivision is otherwise undertaken in accordance with <b>Rules 13.7 to 13.11 (Chapter 13 Subdivision)</b>, but excluding <b>Rule 13.7.2.1</b>.</p> <p>(c) on-site treatment and disposal of wastewater is provided for; and</p> <p>(d) the building footprints are specified on an approved plan of subdivision.</p> <p>The provisions of <b>Rule 13.10</b> shall apply when assessing any proposed subdivision within the Golf living sub-zone.</p> <p>Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:</p> <p>(i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;</p> <p>(ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;</p> <p>(iii) the effect on adjoining activities.</p>	Subdivision that does not comply with the Restricted Discretionary Activity Standard.

Provided that any existing development on any new lot in the subdivision must comply with all of the relevant zone rules and the rules in **Part 3 of the Plan - District Wide Provisions** for permitted or controlled activities.

**13.7.2.2 ALLOTMENT DIMENSIONS**

Any allotment created in terms of these rules must be able to accommodate a square building envelope of the minimum dimensions specified below; which does not encroach into the permitted activity boundary setbacks for the relevant zones:

Zone	Minimum Dimension
Residential, Coastal Residential, Russell Township	14m x 14m
Rural Production, Minerals, General Coastal, Coastal Living, South Kerikeri Inlet, Rural Living, Waimate North, Point Veronica and Carrington Estate	30m x 30m

Any allotment created in terms of these rules shall comprise one contiguous parcel of land, except that in the case of land subdivided under the Unit Titles Act 2010, the principal unit and any accessory units shall be deemed to be a contiguous area if they are contained within the same site.

### **13.7.2.3 AMALGAMATION OF LAND IN A RURAL ZONE WITH LAND IN AN URBAN OR COASTAL ZONE**

Notwithstanding the provisions of **Rule 13.7.2.1** and **Table 13.7.2.1**, an allotment in a rural zone may be amalgamated into one certificate of title with an adjoining (contiguous) allotment in any urban or coastal zone, but only where that part of the title in the urban or coastal zone meets all the requirements for a separate controlled activity allotment in that zone, as set out in **Table 13.7.2.1** and **Rule 13.7.2.2**, except that in the General Coastal Zone such subdivision will be assessed as a restricted-discretionary activity.

### **13.7.2.4 LOTS DIVIDED BY ZONE BOUNDARIES**

Where an allotment is shown on the **Zone Maps** as having two or more zones applicable, a subdivision along a zone boundary shall be a controlled (subdivision) activity, provided that the resulting lot complies with the minimum controlled activity lot size applicable in that zone except in the General Coastal Zone where subdivision will be assessed as a restricted-discretionary activity and provided that any subdivision of a lot divided by a boundary between the Minerals Zone and any other zone is a restricted discretionary activity (refer to **Rule 13.7.2.1** and **Table 13.7.2.1**).

### **13.7.2.5 SITES DIVIDED BY AN OUTSTANDING LANDSCAPE, OUTSTANDING LANDSCAPE FEATURE OR OUTSTANDING NATURAL FEATURE**

The subdivision rules relating to the size of allotments in areas covered by an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, as shown on the Resource Maps, take precedence over the comparable rules for zones.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, for those parts of the site not covered by the landscape or feature, rules relating to allotment size for the particular zone apply as if the legal boundary of the site was located along the boundary of the landscape or feature.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, minimum lot sizes for that part of the site within the landscape or feature is specified within **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**.

Where a site contains, or is divided by the boundary of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature, and the area within the landscape or feature is smaller than the lot sizes provided for in **Rule 13.7.2.1(xix)** of **Table 13.7.2.1**, the whole of the site must be taken as Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature and **Rule 13.7.2.1(xix)** applies over the entire site.

### **13.7.2.6 ACCESS, UTILITIES, ROADS, RESERVES**

Notwithstanding the standards for minimum net area, there shall be no minimum allotment areas in any zone for allotments created for access, utilities, roads and reserves. Within areas covered by a structure plan, appropriate provision shall be made for access, utilities, roads and reserves in terms of those structure plans.

A consent notice may be registered on the Certificate of Title, pursuant to **Rule 13.6.7**, in respect of any lot occupied by a utility, requiring enforcement of a condition that, in the event of the utility being removed, the lot be amalgamated with an adjoining allotment unless it is a fully complying allotment for the respective zone.

### **13.7.2.7 SAVINGS AS TO PREVIOUS APPROVALS**

Notwithstanding the standards for minimum net area in **Rule 13.7.2.1** and **Table 13.7.2.1**, there are no minimum allotment areas in any zone for unit titles where a proposed unit development plan has been granted subdivision consent. This rule applies only to allotments approved by Council prior to 28 April 2000. All relevant rules applicable within the zone must be complied with by the building/s erected, or to be erected, on allotments in terms of this rule.

### **13.7.2.8 PROXIMITY TO TOP ENERGY TRANSMISSION LINES**

Where an electricity transmission line (of 110 kV or more) crosses land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to those lines. No activity (including earthworks) or proposed building sites shall be located within 20m of any support structure and no building platform shall be located within a corridor measured 20m from the centre line of the transmission lines.

**13.7.2.9 PROXIMITY TO THE NATIONAL GRID**

Where an electricity transmission line identified on the zone maps as part of the National Grid crosses or adjoins land subject to a proposed subdivision, the application shall clearly show those lines and all proposed building sites in relation to that infrastructure.

**Note:** Attention is also drawn to the provisions of Part 3 of the Plan – District Wide Provisions, which reference the rules relating to development occurring within the National Grid Yard.

**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.

The Act also provides for a consent notice under s221 in accordance with **Rule 13.6.7**.

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.

### **13.7.4 SUBDIVISION WITHIN THE NATIONAL GRID CORRIDOR FOR ALL ZONES**

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Subdivision is a controlled activity where:

- (a) The site is within the National Grid Corridor, and every allotment is capable of containing within its net site area a building envelope located entirely outside of the National Grid Yard.

In considering whether or not to grant consent or impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) Whether the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001);
- (ii) Whether the design and construction of any subdivision provides for continued physical access to the National Grid line to provide for inspections, maintenance and upgrading of the transmission network;
- (iii) The extent to which the subdivision design and consequential development (e.g. future building envelope location, outlook of buildings, access location) will avoid, remedy or mitigate the potential reverse sensitivity on the National Grid, while also addressing nuisance effects (e.g. visual amenity) created by the National Grid;
- (iv) The extent to which the design and construction of the subdivision allows for activities to be setback from high voltage transmission lines to ensure adverse effects on and from the National Grid

transmission network and on public safety and property are appropriately avoided, remedied or mitigated e.g. through the location of roads, reserves and building envelopes;

- (v) The nature and location of any proposed vegetation to be planted in the vicinity of any National Grid transmission lines;
- (vi) Provision for the ongoing operation; maintenance and any planned development and upgrade of the existing National Grid;
- (vii) The outcome of any consultation with Transpower in relation to (i)-(v) above;
- (viii) The matters listed in 13.7.3.

Where an application is required because of non-compliance with this rule, Transpower New Zealand Limited shall be considered an affected party in accordance with the Act.

**Note:** If a subdivision activity does not comply with the above rule it becomes a non complying activity in accordance with **Rule 13.11(e)**.

## 13.8 RESTRICTED DISCRETIONARY ACTIVITIES

### 13.8.1 SUBDIVISION WITHIN THE RURAL PRODUCTION ZONE

Subdivision is a restricted discretionary activity where:

- (a) the minimum lot size is 12ha; or alternatively
- (b) a maximum of 3 lots in any subdivision, provided that the minimum size of any lot is 4,000m<sup>2</sup> and there is at least one lot in the subdivision with a minimum lot size of 4ha, and provided further that the subdivision is of sites which existed at or prior to 28 April 2000, or which are amalgamated from titles existing at or prior to 28 April 2000; or alternatively
- (c) a maximum of 5 lots in a subdivision (including the parent lot) where the minimum size of lots is 2ha, and where the subdivision is created from a lot that existed at or prior to 28 April 2000.

In considering whether or not to grant consent on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to the following matters:

- (i) for applications under **13.8.1(a)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment.
- (ii) for applications under **13.8.1(b)** or **(c)**:
  - effects on the natural character of the coastal environment for proposed lots which are in the coastal environment;
  - effects of the subdivision under **(b)** and **(c)** above within 500m of land administered by the Department of Conservation upon the ability of the Department to manage and administer its land;
  - effects on areas of significant indigenous flora and significant habitats of indigenous fauna;
  - the mitigation of fire hazards for health and safety of residents.

In considering whether or not to impose conditions on applications for restricted discretionary subdivision activities the Council will restrict the exercise of its discretion to the following matters:

- (1) the matters listed in **13.7.3**;
- (2) the matters listed in **(i)** and **(ii)** above.

For the purposes of this rule the upstream boundary of the coastal environment in the upper reaches of harbours is to be established by multiplying the width of the river mouth by five.

### 13.8.2 SUBDIVISION WITHIN 100M OF MINERALS ZONE

Subdivision is a restricted discretionary activity in the Rural Production and Coastal Living Zones where any part of any proposed lot is within 100m of the boundary of a Minerals Zone.

In considering whether or not to grant consent or impose conditions on applications for restricted discretionary subdivision activities, the Council will restrict the exercise of its discretion to consideration of the following matters:

- (i) the location of the building site(s) for residential buildings having regard to topography, geology, distance from the boundary of the Minerals Zone, distance from the existing and proposed quarry faces;

- (ii) the likelihood and effects of vibration, dust, noise and flyrock on the identified building site/s;
- (iii) any cumulative adverse effects resulting from the approval of the subdivision;
- (iv) access to the subdivision in relation to the adjoining Minerals Zone;
- (v) the matters listed in **13.7.3**.

### **13.8.3 SUBDIVISION IN THE GOLF LIVING SUB-ZONE (KAURI CLIFFS ZONE)**

Subdivision of up to 60 new lots for residential (golf living) purposes is a restricted discretionary activity in the Golf living sub-zone of the Kauri Cliffs Zone, provided that:

- (a) no lot is less than 4,000m<sup>2</sup> in area;
- (b) the subdivision is otherwise undertaken in accordance with **Rules 13.7 to 13.11 (Chapter 13 Subdivision)**, but excluding **Rule 13.7.2.1**;
- (c) on-site treatment and disposal of wastewater is provided for; and
- (d) the building footprints are specified on an approved plan of subdivision.

The provisions of **Rule 13.10** shall apply when assessing any proposed subdivision within the Golf living sub-zone.

Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained, and will be assessed having regard to:

- (i) the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone;
- (ii) the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated;
- (iii) the effect on adjoining activities.

### **13.8.4 SUBDIVISION IN THE GENERAL COASTAL ZONE**

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the General Coastal Zone to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the matters listed in **13.7.3**;
- (g) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (h) whether the effects of earthworks and the provision of services to the subdivision will have an adverse visual effect on the environment and whether these effects can be avoided, remedied or mitigated;
- (i) the maintenance and enhancement of public access to and along the coastal marine area and other water bodies. Refer also to rules in **Chapters 12.7 and 14**.

### **13.8.5 SUBDIVISION IN THE COASTAL LIVING AND SOUTH KERIKERI INLET ZONES**

The Council will restrict the exercise of its discretion and may impose conditions on restricted discretionary activity applications for subdivision in the Coastal Living and South Kerikeri Inlet Zones to the following matters:

- (a) the location of access to the lots;
- (b) the location of utility services;
- (c) the location of building envelopes;
- (d) the effect of earthworks and utilities;
- (e) the location of lot boundaries;
- (f) the mitigation of fire hazards for health and safety of residents;
- (g) the matters listed in **13.7.3**;

- (h) whether provision for access to the subdivision has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, visual effects, effects on vegetation and habitats, and natural character;
- (i) whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

Applications for restricted discretionary activities within the South Kerikeri Inlet Zone will be treated as limited notification applications requiring notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

## 13.9 DISCRETIONARY (SUBDIVISION) ACTIVITIES

Subdivision is a discretionary activity where:

- (a) it does not comply with one or more of the standards for controlled or restricted-discretionary (subdivision) activities set out in rules under **13.7** and **13.8**, but
- (b) it complies with the rules under **13.9.1**, **13.9.2** or **13.9.3**;
- (c) it is located in the Pouerua Heritage Precinct.

Applications for discretionary and non-complying activities within the South Kerikeri Inlet Zone will require notification of all property owners within the Zone and DH Ellis (being the property owner of Lot 2 DP 114410) at least.

If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity, it will be a non-complying (subdivision) activity.

### 13.9.1 MINIMUM NET AREA FOR VACANT NEW LOTS AND NEW LOTS WHICH ALREADY ACCOMMODATE STRUCTURES

Refer to **Table 13.7.2.1** under **Rule 13.7.2.1** column headed "Discretionary Activity Status".

### 13.9.2 MANAGEMENT PLANS

#### CONTEXT

The purpose of management plan subdivision or development is to facilitate the sustainable management of natural and physical resources in an integrated way.

The management plan rule provides a once-off opportunity for integrated subdivision or development which results in superior outcomes to more traditional forms of subdivision, use or development.

Management plans allow subdivision and development where the location, form and scale of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values.

Management plans provide flexibility to create innovative and site specific proposals.

#### 13.9.2.1 CONTENTS OF APPLICATION

An application for a management plan subdivision or development must, to the extent that it is relevant to the site and the proposal, provide within the application, including assessment of environmental effects and accompanying specialist reports, information on the following:

##### (a) Description of the Proposal

- (i) a cadastral plan that shows the parent site(s) in which the management plan is located; the specified portion of the site(s) subject to the management plan; and any balance area, including for the purpose of complying with **Rule 13.9.2.2(c)**;
- (ii) the size and location of the proposed lots on the property and the provision made for roads, accessways, public utilities, proposed reserves (including esplanade reserves, esplanade strips, and access strips), covenanted areas or other encumbrances or restrictions, and information on infrastructure proposed to vest in Council (including road, utilities, and reserves);
- (iii) details of the building envelopes within which all built elements are to be located;
- (iv) details of requirements for earthworks including the management of run-off during construction;
- (v) requirements for vegetation clearance;
- (vi) stormwater and effluent disposal systems;



- (vii) proposals for staging of development including, where a subdivision is to be staged, arrangements for vesting any reserves, access facilities (vehicle and pedestrian) or public utilities required by the resource consent and located in subsequent stages;
- (viii) details of the consultation that has been undertaken and the result(s) of this;
- (ix) how sustainable management is to be achieved including the management objectives, details of what is to happen and where, and how this is to be monitored and reviewed.

**(b) Existing Site Characteristics**

- (i) a description of the shape and location of the property in relation to its wider geographic context and local setting;
- (ii) topography and geography of the property;
- (iii) geotechnical aspects of the property;
- (iv) stormwater channels/overland flow paths and presence of natural hazards (such as flood prone land or land liable to erosion or any fire hazard);
- (v) the property history including past uses and management and any implications for future management;
- (vi) soil types and their classification on the NZ Land Inventory worksheets;
- (vii) the natural character, landscape (including identification of any Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features as shown on the **Resource Maps**), visual and amenity value characteristics of the site, and an assessment of the effects of construction and site development on those characteristics and values. Attention is drawn to the 1995 LA4 Landscape Assessment of the Far North District held by the Council that provides further information on landscape values and characteristics of the District;
- (viii) areas of indigenous vegetation and habitats of indigenous fauna with identification of any such areas which are significant as defined in **Method 12.2.5.6**, and any notable or heritage trees;
- (ix) archaeological sites, historic heritage resources or sites of significance to Maori;
- (x) relevant information regarding adjoining properties;
- (xi) the location and purpose of any public reserve land in the vicinity of the site;
- (xii) any known areas in the vicinity which are being actively managed for pest control or protected or enhanced for conservation benefit;
- (xiii) the District Plan zoning of surrounding land, including any relevant structure plan, Long Term Council Community Plan proposal(s) or other document identified in s74.
- (xiv) the presence of any transmission lines or network utility within, or in the vicinity of, the site.

**(c) Proposed Management Measures**

- (i) measures to protect, manage and enhance indigenous vegetation and habitats, outstanding landscapes and natural features, heritage resources and riparian margins, including appropriate means of controlling dogs, cats, rats<sup>1</sup>, mustelids and other animal pests and the means of controlling pest plants;
- (ii) measures to maintain open space in order to retain coastal and/or rural character;
- (iii) measures to protect the life-supporting capacity of soils;
- (iv) measures to protect sites of significance to Maori on the property;
- (v) measures for the ongoing control and management of stormwater and effluent disposal;
- (vi) measures to promote and achieve integrated catchment management;
- (vii) measures to control the placement and visual appearance of dwellings and ancillary buildings such as garages and water tanks;
- (viii) any other measures to internalise adverse effects including measures to avoid reverse sensitivity on existing activities or uses.

The Council may require additional information on aspects of the proposal.

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<sup>1</sup>Kiore are considered a taonga by Ngatiwai Trust Board.

**(d) Draft Management Plan**

The proposal must include a Draft Management Plan (to be finalised in accordance with the conditions of consent) setting out, the extent relevant to the proposal:

- (i) the objectives of the proposal;
- (ii) the mechanisms to ensure that the management plan applies to and binds future owners;
- (iii) where restoration planting and/or other natural resource management works are to be undertaken, performance may be secured by a Council bond on the following basis:
  - bonded work is to be completed within 4 years of the subdivision s224(c) certificate issuing;
  - access to bonding will not be available until one year after planting, where there is evidence to Council's satisfaction of the successful initial implementation of an approved management plan;
  - the management plan is to include matters of the following type. Named species appropriate to the location, size at planting, density (for example 7,000 stems/ha), seed source, weed clearance/release, pest control, fertiliser application and, at Council's discretion, a requirement for irrigation should conditions require;
  - legally effective post s224 certificate arrangements are required which secure the retention of re-planted vegetation; establish responsibility for continued execution of the management plan until its objectives (be they tree height, percentage canopy cover or both) and/or term are satisfied (this may require a community owned management structure depending on the number of subsequent owners); and ensure Council access to the land in the event the bond is to be executed. These requirements may necessitate a bond to be complemented by covenants or other legal instruments;
  - Council retains the discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which present a significant risk in its assessment to successful re-establishment or management plan implementation. Evidence of the degree of risk should be included in the information required by **Rule 13.9.2.1**.

**13.9.2.2 MANAGEMENT PLAN STANDARDS**

Management plan subdivision is a discretionary activity in the Rural Production, Waimate North, General Coastal and Coastal Living Zones where it complies with the standards set out below:

- (a) The average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves shall be no less than:
  - (i) 2ha in the Rural Production Zone;
  - (ii) 1ha in the Waimate North Zone;
  - (iii) 6ha in the General Coastal Zone;
  - (iv) 5,000m<sup>2</sup> in the Coastal Living Zone; and
  - (v) 2ha average in the South Kerikeri Inlet Zone.

over that specified portion of the site that is subject to the management plan.
- (b) Only one consent for a discretionary (subdivision) activity in terms of a management plan can be granted in respect of a site or any specified portion of a site provided that the averaging provisions contained within this rule can only be used for each specified portion of the site once.
- (c) Where a management plan subdivision or development is granted in respect of a specified portion of a site, separate title shall be obtained or amalgamated with another adjoining lot not within the management plan application for the portion of the site not subject to the management plan. The portion of a site that is not subject to the management plan shall be no less than:
  - (i) 4ha in the Rural Production Zone;
  - (ii) 4ha in the Waimate North Zone;
  - (iii) 20ha in the General Coastal Zone; and
  - (iv) 4ha in the Coastal Living Zone and South Kerikeri Inlet Zone.

- (d) The Development Bonuses available under **Rules 12.1.6.3.1, 12.2.6.3.2, 12.5.6.3.1** and **18.3.6.4.3** will not be available on any site created by a consent granted under this rule, nor will they be available as part of the process of obtaining such a consent.
- (e) Any further subdivision of any lot contained within a subdivision management plan shall be a non-complying activity.
- (f) The application must include a draft management plan as described in **Rule 13.9.2.1(d)**.

### 13.9.2.3 ASSESSMENT CRITERIA

In assessing an application for discretionary subdivision and development in accordance with a management plan, the Council may require more detail to be provided and will have regard to the following matters (to the extent that these are relevant to the proposal) in addition to other relevant matters set out in **Rule 13.10**:

- (a) the adequacy of the management plan;
- (b) the degree to which the management plan gives effect to the NZ Coastal Policy Statement;
- (c) the degree to which the management plan gives effect to the Regional Policy Statement for Northland and is consistent with the Regional Coastal Plan for Northland;
- (d) the District-wide objectives and policies the objectives and policies of this chapter and those for the particular zone or zones affected by the application; including, where relevant, the objectives and policies applying generally to the coastal environment set out in **Sections 10.3** and **10.4** and the rural environment set out in **Sections 8.3** and **8.4**;
- (e) the degree to which potential adverse effects on the environment have been identified and avoided as far as practicable, and where it is not practicable to avoid any adverse effects, those have been remedied or mitigated;
- (f) the degree to which the proposal represents better sustainable management of natural and physical resources of the land and surrounding environment; (and protects the productive potential of the land);
- (g) where the subdivision is all or partly within the coastal environment (and acknowledging that the management plan provisions also apply elsewhere in the District) the degree to which the proposal preserves the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and protects them from inappropriate subdivision, use and development and enhances the natural character of the coastal environment;
- (h) whether landscape, visual and amenity value characteristics of the site are maintained, protected or enhanced and the degree to which regard is had of the LA4 Landscape Assessment report (1995);
- (i) whether the proposals to ensure long-term protection and enhancement of indigenous flora and fauna are adequate and the need for conditions to ensure ongoing compliance with such proposals;
- (j) the adequacy of proposals for rehabilitation or re-establishment of areas of indigenous flora, including the extent to which land which is steep or has stability issues or is of low value for food production is set aside for revegetation;
- (k) the extent to which planting proposals utilise indigenous flora appropriate to the locality and the extent to which local genetic stock is used;
- (l) where relevant, measures to provide public access through the property to and along the coastal marine area, lakes and rivers;
- (m) the proposals to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- (n) the adequacy of any areas proposed to be vested as open space reserve(s) using mechanisms identified in **Rule 13.7.3.9 (i – v)**;
- (o) the degree to which the proposal protects life supporting capacity of soils and provides for continued productive use of the land;
- (p) whether the subdivision proposed by the management plan is likely to have more than a minor adverse effect on the options for a future road network to serve the area, or for water supply, sewerage, and stormwater reticulation, or for reserves or community facilities or for any other utility service;
- (q) effects of the subdivision on the use and management of public land in the vicinity of the site;
- (r) the degree to which the proposal avoids natural hazards including fire hazards;
- (s) whether the proposal has the potential to cause reverse sensitivity issues for existing activities or uses;
- (t) the degree to which the application complies with the Other Matters set out in **Rule 13.7.3**;

- (u) the provisions of any structure plan or other management plan on an adjoining property that has been prepared for the locality;
- (v) whether bonds are necessary to assist in achieving the management plan;
- (w) the extent to which information and proposed management measures are provided by suitably qualified persons;
- (x) the extent to which the proposal creates a large balance lot and protects and, if appropriate, restores it;
- (y) the appropriateness of the location of building platforms and the associated building envelopes;
- (z) the extent to which the application promotes energy efficiency and renewable energy development and use as provided for in Policy 13.4.15 through incorporating the following initiatives:
  - (i) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
  - (ii) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
  - (iii) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
  - (iv) access to alternative transport facilities;
  - (v) domestic or community renewable electricity generation;
  - (vi) solar street lighting;
- (aa) any other matter which is determined to be relevant to the application; and in particular:
  - (i) whether further subdivision of all lots within the management plan is prohibited through the use of relevant legal instruments.

### 13.9.3 DEVELOPMENT BONUS

Where any proposed plan of subdivision provides for the formal protection of Outstanding Landscape (as shown on the **Resource Maps**), or Outstanding Landscape Features or Outstanding Natural Features (as listed in **Appendices 1A** and **1B** and shown on the **Resource Maps**), or areas of significant indigenous vegetation or significant habitats of indigenous fauna (refer to criteria in **Method 12.2.5.6** of the Plan), or heritage resources, the Council may grant a development bonus, on application for a resource consent. Notwithstanding the rules referred to below, bonus lots may not be located in Natural Resource Overlay Areas or in the General Coastal Zone.

The rules relating to development bonuses are as follows:

- (a) **12.1.6.3.1** (in respect of landscape and natural features);
- (b) **12.2.6.3.2** (in respect of indigenous flora and fauna);
- (c) **12.5.6.3.1** (in respect of heritage resources); and
- (d) **18.3.6.4.3** (in respect of the Waimate North Zone).

**Note:** Applications under these rules must identify donor and recipient areas and assess environmental effects on those areas.

## 13.10 ASSESSMENT CRITERIA

In considering whether or not to grant consent or impose conditions on applications for discretionary (subdivision) activities, the Council will have regard to s104, s105 and s106 of the Act, the objectives and policies of the Plan and to the assessment criteria set out below.

**Note:** Attention is drawn to the need to also refer to **Chapter 15.1** for rules relating to property access.

### 13.10.1 ALLOTMENT SIZES AND DIMENSIONS

- (a) Whether the allotment is of sufficient area and dimensions to provide for the intended purpose or land use, having regard to the relevant zone standards and any District wide rules for land uses.
- (b) Whether the proposed allotment sizes and dimensions are sufficient for operational and maintenance requirements.
- (c) The relationship of the proposed allotments and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

- (d) Whether the cumulative and long term implications of proposed subdivisions are sustainable in terms of preservation of the rural and coastal environments.

### 13.10.2 NATURAL AND OTHER HAZARDS

In assessing any subdivision, and for the purposes of s106 of the Act, the Council will have regard to:

- (a) Any information held by the Council or the Northland Regional Council regarding natural hazards, contaminated sites or other hazards.
- (b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- (c) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.
- (d) In relation to inundation from any source, the Council shall have regard to the following factors:
  - (i) the effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
  - (ii) flood plain management measures proposed;
  - (iii) the proposed coastal protection mechanisms / techniques / measures and their environmental effects;
  - (iv) any proposed boundary drainage to protect surrounding properties;
  - (v) the adequacy of existing outfalls and any need for upgrading;
  - (vi) any need for retention basins to regulate the rate and volume of surface run-off.
- (e) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the allotment's Certificate of Title, pursuant to **Rule 13.6.7**.
- (f) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title, pursuant to **Rule 13.6.7**.
- (g) In relation to contaminated sites, any soil tests establishing suitability, and methods to avoid, mitigate or remedy the effects, including removal to approved disposal points.
- (h) In relation to land filling and excavation operations, the following factors:
  - (i) the effects on surrounding properties in terms of dust nuisance, visual detracting, or the potential height of buildings on filled land;
  - (ii) any adverse impacts on the natural pattern of surface drainage both on and outside the site;
  - (iii) the type of, and placement of, fill material in terms of its potential for contamination of land or water, or potential subsidence;
  - (iv) mitigation, or avoidance, of adverse effects caused by filtration affecting neighbouring properties;
  - (v) remedies necessary during emergencies;
  - (vi) the rules contained in **Section 12.3** relating to filling and excavation of land;
  - (vii) the impact of filling or excavation on heritage values, ecological values, cultural values, surface water quality, and access along waterways;
  - (viii) any beneficial effects in terms of waterway enhancement.

Attention is drawn to Northland Regional Council's natural hazards information and to s106 of the Resource Management Act 1991 which allows a consent authority to refuse subdivision consent in certain circumstances.

### 13.10.3 WATER SUPPLY

- (a) Where there is no reticulated water supply available for connection, whether it would be appropriate to allow a private restricted flow rural-type water supply system; such supply being always available and complying with "*Drinking Water Standards of New Zealand*" (1995).
- (b) Whether the provisions of the "*Engineering Standards and Guidelines 2004 – Revised March 2009*" (to be used in conjunction with NZS 4404:2004) have been met in respect of fire fighting water supply requirements.
- (c) Whether the provisions of the Council's "*Engineering Standards and Guidelines*" (2004) - *Revised March 2009* (to be used in conjunction with NZS 4404:2004) have been met in



respect of installation of all necessary water supply pipe lines, and ancillary equipment necessary for the subdivision, including extensions to existing supply systems, and including mains, sub-mains, service and fire hydrants.

- (d) Whether the existing water supply systems, to which the connection will be made, have sufficient capacity to service the subdivision.
- (e) Whether it may be necessary to provide new reservoirs, pumping stations and rising mains, or increased pipe sizes leading to the subdivision in existing streets, or providing new wells and new pumping units.
- (f) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public water supply utility required to be provided.

#### 13.10.4 STORMWATER DISPOSAL

- (a) Whether the application complies with any regional rules relating to any water or discharge permits required under the Act, and with any resource consent issued to the District Council in relation to any urban drainage area stormwater management plan or similar plan.
- (b) Whether the application complies with the provisions of the Council's *"Engineering Standards and Guidelines" (2004) - Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (c) Whether the application complies with the Far North District Council Strategic Plan - Drainage.
- (d) The degree to which Low Impact Design principles have been used to reduce site impermeability and to retain natural permeable areas.
- (e) The adequacy of the proposed means of disposing of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces.
- (f) The adequacy of any proposed means for screening out litter, the capture of chemical spillages, the containment of contamination from roads and paved areas, and of siltation.
- (g) The practicality of retaining open natural waterway systems for stormwater disposal in preference to piped or canal systems and adverse effects on existing waterways.
- (h) Whether there is sufficient capacity available in the Council's outfall stormwater system to cater for increased run-off from the proposed allotments.
- (i) Where an existing outfall is not capable of accepting increased run-off, the adequacy of proposals and solutions for disposing of run-off.
- (j) The necessity to provide on-site retention basins to contain surface run-off where the capacity of the outfall is incapable of accepting flows, and where the outfall has limited capacity, any need to restrict the rate of discharge from the subdivision to the same rate of discharge that existed on the land before the subdivision takes place.
- (k) Any adverse effects of the proposed subdivision on drainage to, or from, adjoining properties and mitigation measures proposed to control any adverse effects.
- (l) In accordance with sustainable management practices, the importance of disposing of stormwater by way of gravity pipe lines. However, where topography dictates that this is not possible, the adequacy of proposed pumping stations put forward as a satisfactory alternative.
- (m) The extent to which it is proposed to fill contrary to the natural fall of the country to obtain gravity outfall; the practicality of obtaining easements through adjoining owners' land to other outfall systems; and whether filling or pumping may constitute a satisfactory alternative.
- (n) For stormwater pipes and open waterway systems, the provision of appropriate easements in favour of either the registered user or in the case of the Council, easements in gross, to be shown on the survey plan for the subdivision, including private connections passing over other land protected by easements in favour of the user.
- (o) Where an easement is defined as a line, being the centre line of a pipe already laid, the effect of any alteration of its size and the need to create a new easement.
- (p) For any stormwater outfall pipeline through a reserve, the prior consent of the Council, and the need for an appropriate easement.
- (q) The need for and extent of any financial contributions to achieve the above matters.
- (r) The need for a local purpose reserve to be set aside and vested in the Council as a site for any public utility required to be provided.

#### 13.10.5 SANITARY SEWAGE DISPOSAL

- (a) Whether the capacity, availability, and accessibility of the reticulated system is adequate to serve the proposed subdivision.



- (b) Whether the application includes the installation of all new reticulation, and complies with the provisions of the Council's *"Engineering Standards and Guidelines" (2004) - Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (c) Whether the existing sanitary sewage disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision.
- (d) Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems.  
**Note:** Council consent to install private rising mains within legal roads will be required, under the Local Government Act.
- (e) Where a reticulated system is not available, or a connection is impractical, whether a suitable sewage treatment or other disposal systems is provided in accordance with regional rules or a discharge system in accordance with regional rules or a discharge permit issued by the Northland Regional Council.
- (f) Where a reticulated system is not immediately available but is likely to be in the near future, whether a temporary system is appropriate.  
**Note:** Consent notices may be registered against Certificates of Title pursuant to **Rule 13.6.7** requiring individual allotments to connect with the system when it does become available.
- (g) Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged into the environment from a suitable sewage treatment or other disposal system, together with any consent notices to ensure compliance.
- (h) Whether there is a need for, and the extent of, any development contributions to achieve the above matters.
- (i) Whether there is a need for a local purpose reserve to be set aside and vested in the Council as a site for any public sewage utility for sanitary disposal purposes required to be provided.
- (j) Whether the subdivision represents the best practical option in respect of the provision that is made for the disposal of sewage and waste water.

#### 13.10.6 ENERGY SUPPLY

- (a) Where the subdivision involves the construction of new roads or formed rights of way, whether an extended reticulation system will be installed (at the subdivider's cost), having regard to the provisions of the Council's *"Engineering Standards and Guidelines 2004 – Revised March 2009* (to be used in conjunction with NZS 4404:2004). The application for subdivision consent should also indicate how lots are to be reticulated.
- (b) Whether the proposed reticulated system to be installed by the subdivider is adequate for the likely development.
- (c) Where the proposed system will serve other land that is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed and the cost of such provision.  
**Note:** Upgrading or cost sharing will be solely a matter for the network operator.
- (d) Where a gas supply is proposed, whether the gas network operator is responsible for the installation of all pipelines and their future maintenance, in line with the provisions of the Council's *"Engineering Standards and Guidelines" (2004)- Revised March 2009* (to be used in conjunction with NZS 4404:2004).
- (e) Whether there is a need for a local purpose reserve to be set aside as a site for any public utility required to be provided.
- (f) Whether there will be potential adverse effects of the proposed reticulation system on amenity values.
- (g) Whether the subdivision design, location of building platforms and proposed electricity supply has had adequate regard to the future adoption of appropriate renewable energy initiatives and technologies.

#### 13.10.7 TOP ENERGY TRANSMISSION LINES

Where it is proposed to subdivide land to create new allotments within an area measured 20m of either side of the centre point of an electrical transmission line designed to operate at or above 50 kV, particular regard shall be had to the following matters:

- (a) The extent to which the subdivision design mitigates the effects of the lines through the location of roads and reserves under the route of the line.

- (b) The ability to carry out maintenance and inspection of transmission lines to avoid risk of injury and/or property damage.
- (c) The outcomes of consultation with the affected utility operator.
- (d) The subdivision design, location of building platforms, location of any proposed tree planting, extent and nature of earthworks.

#### 13.10.8 TELECOMMUNICATIONS

- (a) Where the subdivision involves construction of new roads or formed rights of way, whether an extended reticulation system has been installed (at the subdivider's cost), having regard to the Council's "*Engineering Standards and Guidelines 2004 – Revised March 2009* (to be used in conjunction with NZS 4404:2004) and "The National Environmental Standard for Telecommunication Facilities 2008".
- (b) Where the proposed system will serve other land which is not part of the subdivision, whether the network operator is providing sufficient capacity as initially installed, and the cost of such provision.
- (c) Whether the proposed reticulation system will have potential adverse effects on amenity values.

**Note:** Upgrading or cost-sharing will be solely a matter for the network operator.

#### 13.10.9 EASEMENTS FOR ANY PURPOSE

Whether there is a need for an easement for any of the following purposes:

- (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) 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) any other network utilities.
- (e) Easements in gross in favour of the Council adjoining banks of rivers, streams, lakes, wetlands or the coastal marine area not subject to an esplanade reserve or strip.
- (f) Stormwater easements passing through esplanade reserves where drainage will be to the adjoining lake or river.

#### 13.10.10 PROVISION OF ACCESS

- (a) Whether provision for access to and within the subdivision, including private roads, has been made in a manner that will avoid, remedy or mitigate adverse effects on the environment, including but not limited to traffic effects, including effects on existing roads, visual effects, effects on vegetation and habitats, and natural character.

#### 13.10.11 EFFECT OF EARTHWORKS AND UTILITIES

- (a) Whether the effects of earthworks and the provision of services to the subdivision will have an adverse effect on the environment and whether these effects can be avoided, remedied or mitigated.

#### 13.10.12 BUILDING LOCATIONS

- (a) Whether the subdivision provides physically suitable building sites.
- (b) Whether or not development on an allotment should be restricted to parts of the site.
- (c) Where a proposed subdivision may be subject to inundation, whether the establishment of minimum floor heights for buildings is necessary in order to avoid or mitigate damage.
- (d) Whether the subdivision design in respect of the orientation and dimensions of new allotments created facilitates the siting and design of buildings able to take advantage of passive solar gain (e.g. through a northerly aspect on an east/west axis).

**Note:** Attention is also drawn to the Visual Amenity rules applying in the General Coastal, South Kerikeri Inlet and Coastal Living Zones and in Outstanding Landscapes (see **Chapter 10** and **Section 11.1**).

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

- (a) Whether any vegetation, habitats of indigenous fauna, heritage resources and landscape features are of sufficient value in terms of the objectives and policies in **Chapter 12** of the Plan, that they should be protected.
- (b) Whether the means (physical and/or legal) by which ongoing preservation of the resource, area or feature will be achieved is adequate.
- (c) Where there are Sites of Cultural Significance to Maori, (refer to **Appendix 1F** and the **Resource Maps**), whether it is appropriate to require their protection by physical or legal means and/or to provide for access to the site over the land to be subdivided.
- (d) Where a reserve is to be set aside and vested in the Council, whether the value of the reserve land is offset against the assessment of any financial contribution.
- (e) Whether any measures are proposed to protect known high density kiwi habitats from predation by dogs, cats, rats, mustelids, pigs, and other animal pests.
- (f) Whether the subdivision would have an adverse effect on the ability to protect listed historic buildings, places or objects and their setting or surrounds; and the protection of listed notable trees.
- (g) Whether the subdivision will result in the permanent protection and/or enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding landscapes, outstanding landscape features or outstanding natural features.
- (h) Whether the subdivision will result in the significant enhancement of biodiversity values through planting of native flora (preferably those species that naturally grow in the area) and ongoing management (including pest animal and plant control, fencing and replacement of failed plantings, stream enhancement and waterway protection).

**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. Mechanisms other than a Consent Notice which may be acceptable include:

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

**13.10.14 SOIL**

- (a) The extent to which any subdivision will contribute to or affect the ability to safeguard the life supporting capability of soil.
- (b) The degree to which the life supporting capacity of the soil may be adversely affected by the subdivision and the degree to which any soils classified as I, II or III in the NZ Land Resource Inventory Worksheets are adversely affected by the subdivision.

**13.10.15 ACCESS TO WATERBODIES**

- (a) Whether the subdivision provides public access to and along the coastal marine area or to and along banks of lakes or rivers, and whether that access is appropriate, given the nature of the land subject to the subdivision application, and the sensitivity of the waterbody to environmental effects resulting from the use of that access by the public.

**13.10.16 LAND USE INCOMPATIBILITY**

- (a) 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.

**13.10.17 PROXIMITY TO AIRPORTS**

- (a) The degree to which the proposal takes into account reverse sensitivity - adverse effects arising from incompatible land use activities arising from being in proximity to an airport (including, but not limited to, the hours of operation, flight paths, noise, vibration, glare and visual intrusion).

#### 13.10.18 NATURAL CHARACTER OF THE COASTAL ENVIRONMENT

- (a) The degree to which the proposal takes into account the preservation and/or enhancement of the natural character of the coastal environment.

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

The extent to which the application promotes energy efficiency and renewable energy development and use through the following initiatives:

- (a) ability to develop energy efficient buildings and structures (e.g. by providing a north-facing site with the ability to place a building on an east/west axis);
- (b) reduced travel distances and car usage by designing a layout with as many links to adjacent sites and surrounding roads as practicable;
- (c) encouragement of pedestrian and cycle use by designing a layout that allows easy direct access to and from, shops, schools, work places, reserves and other amenities;
- (d) access to alternative transport facilities;
- (e) domestic or community renewable electricity generation;
- (f) solar street lighting.

#### 13.10.20 NATIONAL GRID CORRIDOR

Where it is proposed to have development within the National Grid Corridor particular regard shall be had to the following matters:

- (a) Whether the design and construction of the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Distances (NZECP 34:2001);
- (b) Provision for the ongoing operation, maintenance and planned upgrade of the National Grid.

Where an application is made for development within the National Grid Corridor as a non-complying activity, Transpower New Zealand Limited will be considered an affected party in accordance with the Act.

### 13.11 NON-COMPLYING (SUBDIVISION) ACTIVITIES

Subdivision is a non-complying activity where:

- (a) If a subdivision activity does not comply with the standards for a discretionary (subdivision) activity; or
- (b) the subdivision is in a Coastal Hazard 1 Area, as shown on the **Coastal Hazard Maps**;
- (c) the subdivision is in the Recreational Activities and Conservation Zones. Any application for a subdivision in the Recreational Activities and Conservation Zones will be publicly notified; or
- (d) a new boundary line passes through the Outstanding Natural Feature (**Appendix 1A**) or Outstanding Landscape Feature (**Appendix 1B**) or a lot is created which results in the only building site and/or access to it being located in the feature unless it is for creation of a reserve under the Reserves Act 1977. This clause does not apply within the Puerua Heritage Precinct.
- (e) if a subdivision activity does not comply with the standards of Rule 13.8.1 (National Grid Corridor).

The Council will use the assessment criteria in **13.10** as a guide when assessing non-complying subdivision activities in conjunction with the matters set out in Sections 104, 104B, 104D and 106 of the Act.

### 13.12 STRUCTURE PLANS

Structure plans are valuable tools to co-ordinate development carried out by individuals, and particularly urban development on the periphery of existing settlements. Development carried out in accordance with a structure plan will ensure that proper provision is made for roads, reserves, community facilities and public works so that the new area of development is a logical and workable extension of the existing development.

A structure plan will be given effect to through a Proposed Change to the District Plan. The relevant provisions of the Act will apply to any such Proposed Change.

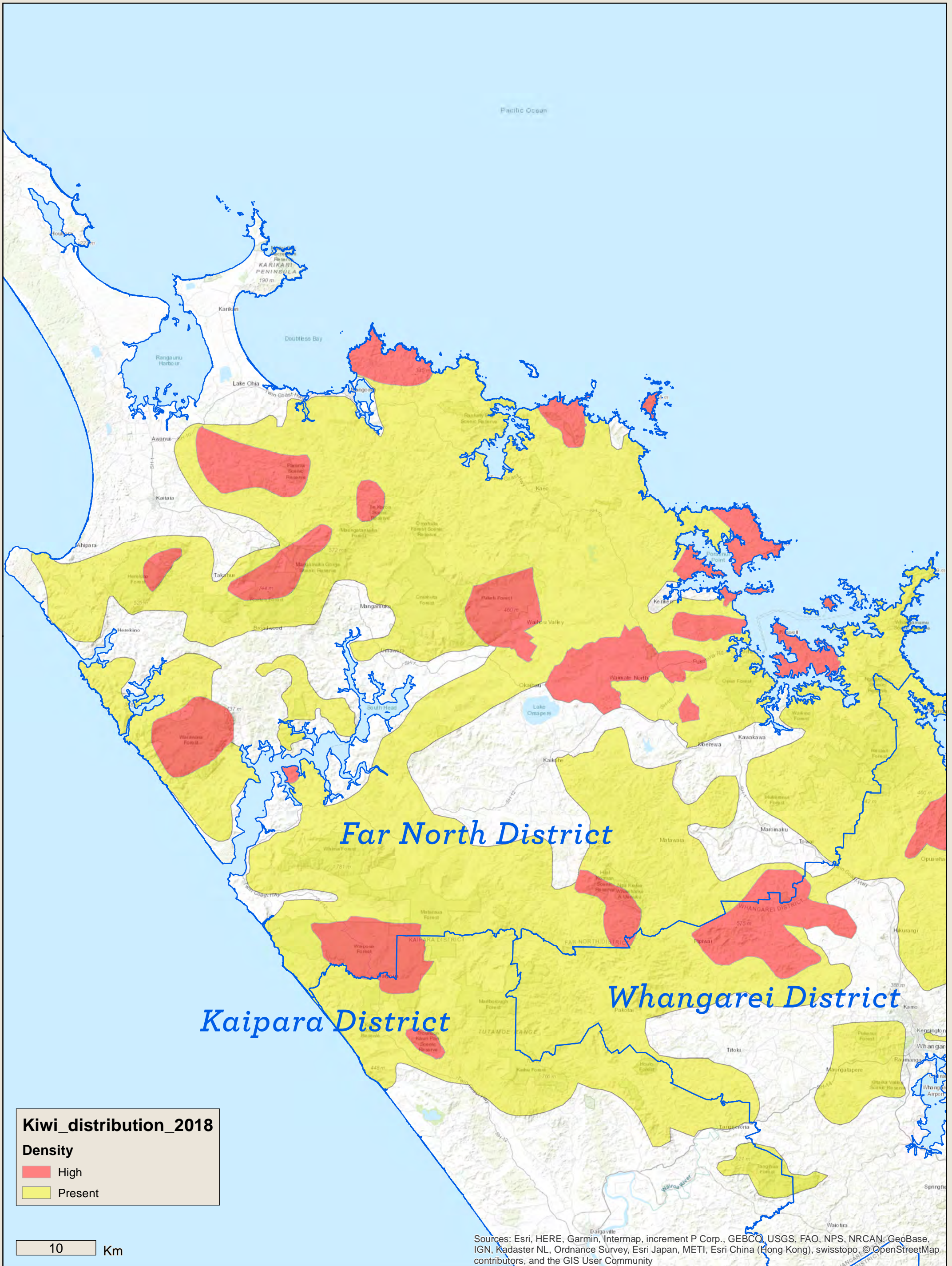
A structure plan may be prepared by the Council or by others as a preliminary to subdivision. The purpose of a structure plan is to establish the broad framework for development in a particular area. The plan will

make provision for the community infrastructure which is needed, and will ensure that individual development decisions and applications in the area covered by the plan are co-ordinated and consistent with the District Plan.

A structure plan will consist of plans and written material and should include information on the following:

- (a) the size and location of the area covered by the structure plan;
- (b) the topography and geography of the structure plan area;
- (c) the classification of the soil;
- (d) the geotechnical aspects of the structure plan area;
- (e) the presence of natural hazards (such as flood prone land or land liable to erosion);
- (f) the identification of any outstanding landscapes and natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna, or heritage resources;
- (g) the proposed roading pattern for the area (including footpaths and cycleways);
- (h) the proposed reserves network for the area;
- (i) the proposed location of community facilities such as halls and community centres;
- (j) the proposed location of rural, residential, commercial and industrial environments;
- (k) the requirements (if any) of network utility operators such as electricity, telecommunications, education and healthcare;
- (l) the Low Impact Design principles utilised to reduce impermeable areas and reduce stormwater runoff volumes and avoid or mitigate adverse effects on receiving environments.







### **High Density Kiwi and Kiwi Present Areas:**

*The Council has Department of Conservation maps showing “kiwi present” and “high density kiwi” zones within Northland. Call count monitoring and survey data, kiwi distribution known by Northland kiwi practitioners and landowner reports have all contributed to the development of the maps. These maps are in general terms and are drawn at a large scale and this limits the precision. They should be seen as a guide.*

**Important Note:** *The property that is the subject of this LIM is identified as being within an identified kiwi present, or high density kiwi area. As such please check the Title for the property, and any resource consents applying to the property, for anything restricting or prohibiting the keeping of cats, dogs and mustelids (kiwi predators). Where such a restriction exists, the property owner must abide by that restriction. You can obtain a copy of the Certificate of Title by undertaking a title search through a lawyer, surveyor, or directly from the Land Information NZ website link.*

*Where there is no existing restriction applying, property owners can help by voluntarily taking measures to minimise the risk to kiwi from predation by dogs and cats, either by not having any cats and/or dogs on the site, or where there are cats and/or dogs, by taking all practicable steps to keep them under control, especially at night and especially when there are likely to be chicks and juvenile kiwi present.*

*Further information can be obtained about kiwi areas and predator risk from the Department of Conservation.*

COMPLETION CERTIFICATE:

B.I.C  
T.P.C

750 Vol 3

LEGAL DESCRIPTION

Processing Fee  
Engineering Fee

Rec. No  
Rec. No H.3227 1060.00

CONDITIONS OF APPROVAL:

44. BIC 750 - LAND TRANSFER PLANS (South British Property and Investment Co. Ltd): 25 MAY 1977

Resolved: 25 MAY 1977  
That the Land Transfer Plans of (1) Lots 35-60, 195-197 and 231-232 being subdivision of Part Allots 284 and 285, Blk VIII, Kawakawa S.D., D.P 82590 (2) Lots 61-78, 185-186, 194 and 228-230 being subdivision of Part Allots 284 and 285, Blk VIII, Kawakawa S.D. (3) Lot 233 and 234 being a subdivision of Part Allots 285, Block VIII, Kawakawa S.D. -- D.P 82592 be approved pursuant to Section 34 of the Counties Amendment Act 1961, conditional on the granting or reserving of the easements detailed in the memorandum of easements endorsed thereon and certifying that the requirements of Section 33 (4) of

44. continued: BIC 750  
Resolved: 25 MAY 1977  
25 MAY 1977  
Town and Country Planning Act 1953, have been complied with, be completed under Seal by the Chairman and County Clerk on behalf of Council.

25.77 BIC 750 - South British Property and Investment Co. Ltd:

Resolved: 22 JUN 1977  
22 JUN 1977  
That the Land Transfer Plan of Lot 222 being subdivision of Part Allot 197 Kawakawa Parish be approved pursuant to Section 34 of the Counties Amendment Act 1961, conditional on the granting or reserving of the easements detailed in the memorandum of easements endorsed thereon and certifying that the requirements of Section 33 (4) of the Town and Country planning Act 1953, have been complied with, be completed under Seal by the Chairman and County Clerk on behalf of Council.

I HEREBY CONFIRM that the condition or conditions of approval as listed above for which I am responsible, have been complied with to my satisfaction.

Health Inspector \_\_\_\_\_ Building Inspector \_\_\_\_\_

Surveyor/Planner Stage 2 incorporating amendments to lots 47-49 + 67-70.

Engineering \_\_\_\_\_

Roading \_\_\_\_\_ Sewerage \_\_\_\_\_ Stormdrainage \_\_\_\_\_

U/Ground Power \_\_\_\_\_ U/Ground T/Phone \_\_\_\_\_ Water \_\_\_\_\_

Assistant County Treasurer paid \$1820 - 91 lots D \$20 Engineering Fee rec. 3011 G 7. 6. 77. P

Reserve Land Acquisition \_\_\_\_\_

Land Transfer plan approved on \_\_\_\_\_ and sealed on 25/6/77

Assistant County Clerk H.S. for A.B.B. Despatched 21/6/77  
for 222 22/6/77



HEL:LB BIC 750

MR FINCH

23th July 1975

Von Sturmer and Webster,  
Registered Surveyors,  
P.O. Box 128,  
KAITAIA

Dear Sirs,

Te Haumi Heights Subdivision - South British Property and  
Investment Company Limited:

Your letter of the 5th June 1975, together with amended scheme plan of the above proposal, was considered by Council at their recent meeting, when the following resolution was adopted:-

"That Council approve scheme plan BIC 750, being the subdivision in stages of allotments 196, 197 and 185 of the Parish of Kawakawa for the South British Property Investment Co. Ltd, Te Haumi, subject to compliance with the following conditions:

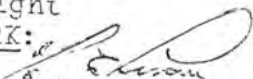
- (1) The vesting of Lots 225 and 226 as sites for water reservoirs.
- (2) The vesting of proportional areas of Lot 223 as reserves, at the time each stage of development is completed, on the Land Transfer Plan of each particular stage.
- (3) That due to the scale of the earthworks the allotment boundaries be approved in principle only, and that when the earthworks are completed, a plan be submitted showing that in respect of all sections, there is an adequate building site, complying with the District Planning Scheme, to which vehicular access can be gained.
- (4) That adequate stormwater control with approved retention ponds and silt traps with grassing and planting be maintained until the area has become stable.
- (5) Clearing of existing ground cover during development of the subdivision and erection of buildings be kept to a minimum.
- (6) That in addition to the grassing of all cleared areas that trees and shrubs be planted and maintained to the satisfaction of the County Engineer.
- (7) That "As-Built" plans showing the extent of the cuts and fills be supplied on completion of the works.

- (8) A registered engineer experienced in soil compaction methods is to be responsible for supervising and controlling the earthworks on those areas of substantial filling and shall provide a certificate stating that all filled lots are suitable for the construction of normal residential dwellings without giving rise to the necessity of special foundations.
- (9) That engineering investigations confirm the stability and limitations of buildings overhanging steep slopes or located adjacent to such slopes.
- (10) That the developer widen the seal at the intersection with the Kawakawa/Paihia Road and provide adequate left turning lanes and right turning storage lanes.
- (11) That a 1585mm x 80mm concrete footpath be provided on one side and be continuous throughout.
- (12) That the carriageway width for the main subdivision road from the Kawakawa/Paihia Highway to the junction with cul-de-sac No: 3 be 10 metres.
- (13) The carriageway widths for No: 1, 2 and 3 cul-de-sac to be 8 metres
- (14) The main subdivision road beyond No: 3 cul-de-sac and No: 4 cul-de-sac to have a 7 metre carriageway with suitable parking bays.
- (15) That road reserve widths be 15 metres except for that section of main road with a carriageway width of 10 metres.
- (16) That the total pavement depth be 200mm subject to confirmation of Engineering investigations.
- (17) That vehicular access be provided to each lot with grades not steeper than 1 in 5.
- (18) That piped stormwater drains within the subdivision provide a connection within each lot suitable to serve that lot.
- (19) That a sanitary sewer connection within each lot suitable to serve that lot be provided.
- (20) That the development be provided with its own sewage disposal system with provision in siting of the treatment plant etc, to connect into the Paihia County Town sewerage system.
- (21) The provision of easements over all piped systems.
- (22) Subdivider to provide booster pump.
- (23) Subdivider and Council share cost on 50/50 basis with one high level 50,000 gallon reservoir and 6 inch main from start of subdivision to where it leaves the road reserve past the high level reservoir.
- (24) Subdivider to install 4 inch main and hydrants from high level reservoir immediately. Council to supply 6 inch water main from Paihia to the entrance of the subdivision.
- (25) Payment of Engineering fee of \$20-00 per lot.

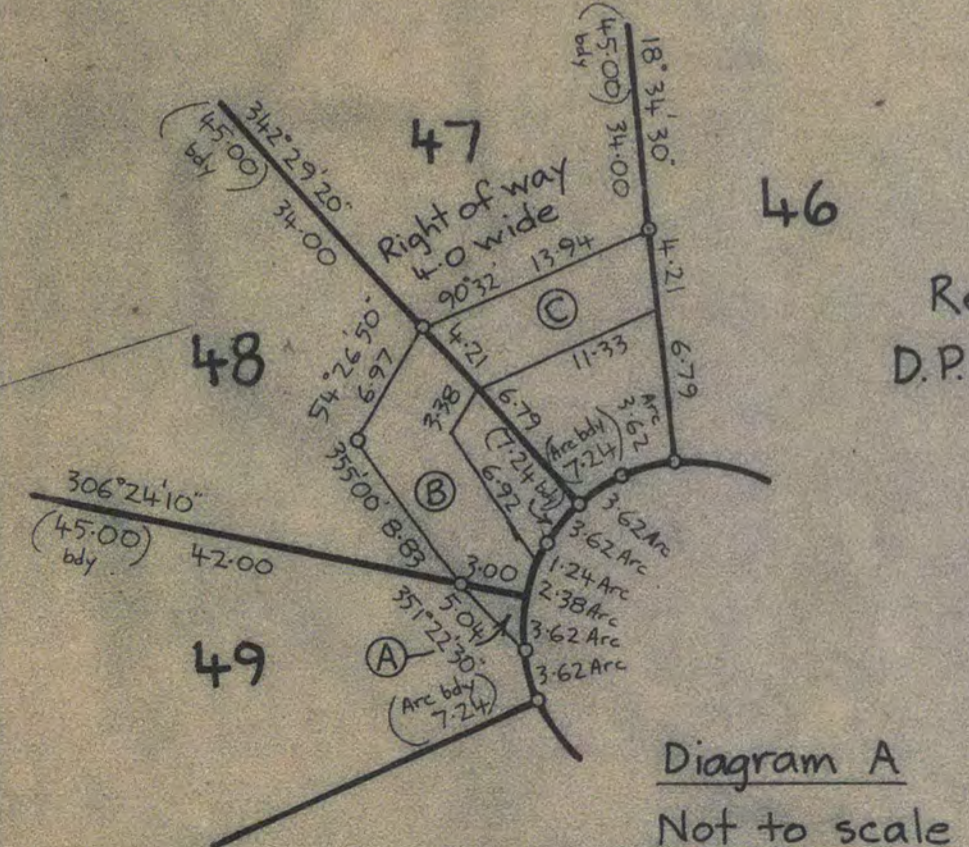
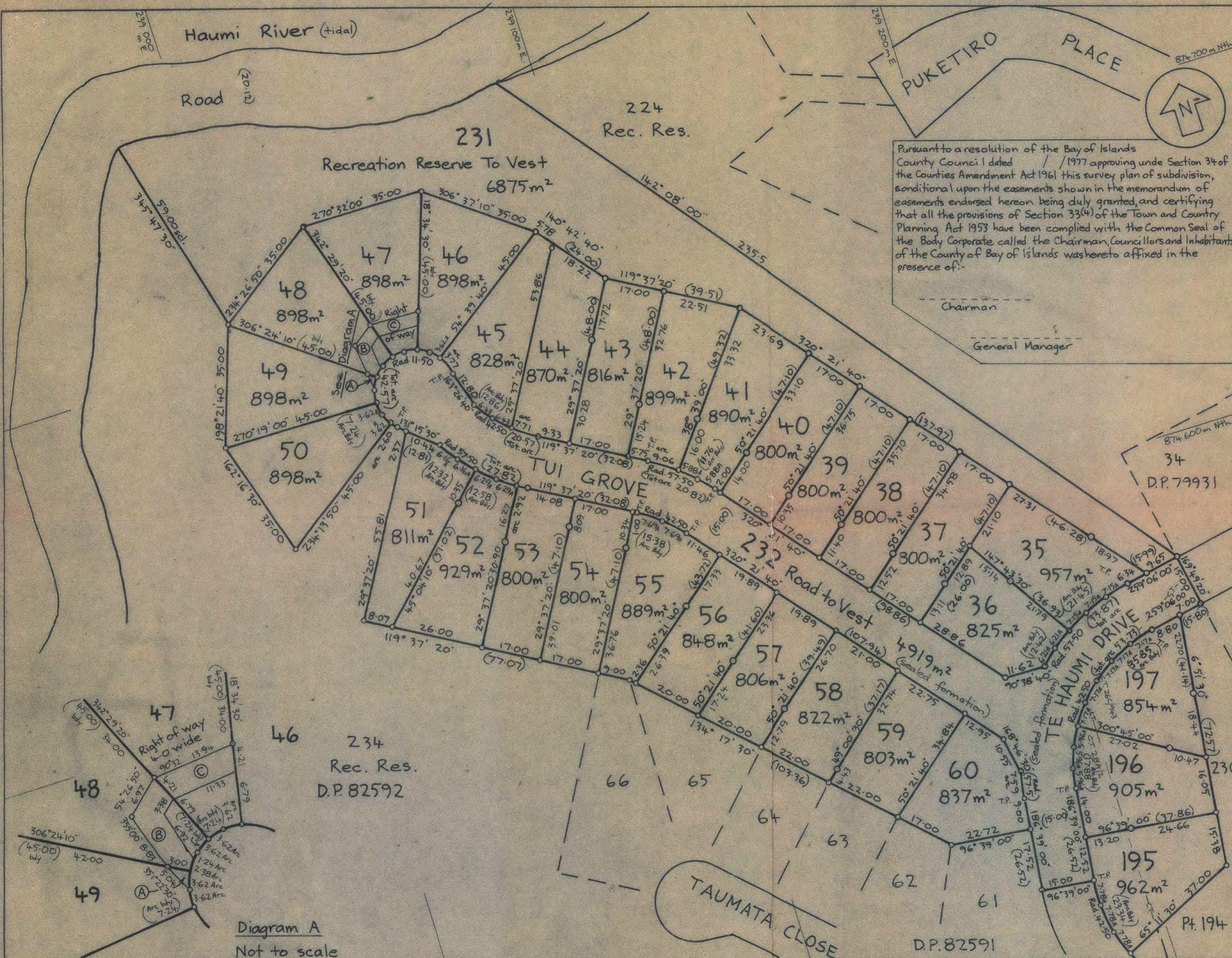
The County Engineer to be supplied with all Engineering plans and specifications for approval.

Yours faithfully,

M.M. Plowright  
COUNTY CLERK:







Approvals:  
Roads shown are legal

Pursuant to a resolution of the Bay of Islands County Council Dated / / 1977 approving under Section 34 of the Counties Amendment Act 1961 this survey plan of subdivision, and certifying that all the provisions of Section 33(4) of the Town and Country Planning Act 1953 have been complied with the Common Seal of the Body Corporate called the Chairman, Councillors and Inhabitants of the County of Bay of Islands was hereto affixed in the presence of:-

Chairman  
General Manager

MEMORANDUM OF EASEMENTS:

Nature	Shown	Serv Ten.	Dom. Ten.
Right of way	A	Pt. Lot 49	Lots 46 to 48
Right of way	B	Pt. Lot 48	Lots 46 & 47
Right of way	C	Pt. Lot 47	Lot 46

This plan is concurrent with D.P. 82591 and D.P. 82592

Approved:- the Common Seal of the South British Property and Investment Co. Ltd was hereto affixed in the presence of:-

Chairman  
Director

Secretary

Total Area 3.6635 ha.  
Comprised in Cst. 26°/943, 28A/2

I, Graeme Robert Webster of Kaitiaki Registered Surveyor and holder of an annual practising certificate hereby certify that this plan has been made from Surveys executed by me or under my direction, that both plan and Survey are correct and have been made in accordance with the regulations under the Surveyors Act 1966

Dated at Kaitiaki this 14th day of January 1977 Signature *G.R. Webster*

Field Book p. Traverse Book p.  
Reference Plans  
Examined Correct

Approved as to Survey  
Chief Surveyor

Deposited this day of 19  
District Land Registrar

File Received Instructions 58 FEB 1977 DP82590

LAND DISTRICT NORTH AUCKLAND  
SURVEY BLK. & DIST. VIII KAWAKAWA  
NZMS SHEET NO.

Lots 35-60, 195-197 & 231-232 being a Subdivision of Parts Allots 284 & 285 Parish of Kawakawa

LOCAL AUTHORITY BAY OF ISLANDS COUNTY  
Surveyed by Von Sturmer & Webster  
Scale 1:750 Date Ap. - Sept 1976





FORM 7  
CODE COMPLIANCE CERTIFICATE

Section 95, Building Act 2004

Building Consent Number: BC-2013-195/1

THE BUILDING

Street Address of Building

19 Tui Grove, Paihia 0200

Legal description of land where building is located:

LOT 51 DP 82590 KAWAKAWA PSH BLK VIII KAWAKAWA SD

Building Name:

Level/Unit Number:

Current, lawfully established, use:

Residential

Location of Building within site / block number:

Year first constructed:

THE OWNER

Name of Owner:

Greig Bernard Kaai and Jacquelyn Ann McNicholas

Contact Person Name:

Murray Timperley

Mailing Address:

Lifestyle Developments Northland Ltd  
P O Box 500  
Kerikeri 0245

Street Address / Registered Office:

19 Tui Grove

Paihia

Phone Number:

Landline:

Mobile:

094077269

027 562 9543

Daytime:

After Hours:

Facsimile Number:

Email Address:

lifestyledev@xtra.co.nz

Website:

First point of contact for communications with the building consent authority:

Far North District Council

Freephone: 0800 920029

Memorial Avenue

Phone: (09) 401 5200

Private Bag 752

Fax: (09) 401 2137

Kaikohe 0440

Email: ask.us@fndc.govt.nz

New Zealand

Website: www.fndc.govt.nz

BUILDING WORK

The following building work is authorised and issued by Far North District Council:

Replace a Fire Damaged Dwelling

CODE COMPLIANCE

The building consent authority named below is satisfied, on reasonable grounds, that:

(a) the building work complies with the building consent.

Signature:

Position:

S Maihi  
Building Officer

On behalf of:

Far North District Council (Building Consent Authority)

Date:

16 April 2013





FORM 5  
**BUILDING CONSENT**

Section 51, Building Act 2004

**Building Consent Number: BC-2013-195/0**

THE BUILDING

Street Address of Building

19 Tui Grove, Paihia 0200

Building Name:

Level/unit number:

Legal description of land where building is located:

LOT 51 DP 82590 KAWAKAWA PSH BLK VIII  
KAWAKAWA SD

Location of Building within site / block number:

THE OWNER

Name of Owner:

Greig Bernard Kaai and Jacquelyn Ann McNicholas

Contact Person Name:

Adrian Taylor

Mailing Address:

C/- Cadence Draughting  
1 Daroux Drive  
RD 2  
Kerikeri 0295

Street Address / Registered Office:

As Above

Phone Number:

Landline:

Mobile:

09-407 3263

021-184 2285

Daytime:

After Hours:

Facsimile Number:

Email Address:

adrian@cadence.net.nz

Website:

First point of contact for communications with the building consent authority:

Far North District Council  
Memorial Avenue  
Private Bag 752  
Kaikohe 0440  
New Zealand

Freephone: 0800 920029  
Phone: (09) 405 2750  
Fax: (09) 401 2137  
Email: ask.us@fndc.govt.nz  
Website: www.fndc.govt.nz

BUILDING WORK

The following building work is authorised by this building consent:

**Replace a Fire Damaged Dwelling**

This building consent is issued under section 51 of the Building Act 2004. This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building). This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.



This building consent is subject to the following conditions:

1. This consent is approved on the basis of existing use rights for the previous building that burnt down. The building is approved to be constructed to replace the dwelling that burnt down. The replacement structure shall be built as per the dwelling and attached carport that burnt down, that was approved by Council.
2. The site plan for this consent includes deck areas on the western boundary. Full details of the existing deck areas along this boundary were not provided as part of this consent application, and compliance of these deck areas were not assessed as part of the Planning assessment. It should be noted that if these decks are over 1 metre in height, then they are considered to be buildings under the District Plan and the setback and sunlight angle rules will apply.

### **Section 88 Restricted Building Work**

This project has been identified as Restricted Building Works. On completion of any Restricted Building Work (RBW), every Licensed Building Practitioner who carries out or supervises RBW must:

- Provide the owner and the Council with a Record of Building Work stating what RBW the LBP carried out or supervised;
- Provide written notice if the LBP ceases to be engaged or changes during the project;
- Provide Record of Building Work(s) prior to issue of the Code Compliance Certificate.

#### **Primary Structure**

- Walls
- Roof
- Columns and Beams
- Bracing

#### **External moisture management systems (carpenter, external plasterer, roofer)**

- Roof cladding or roof cladding system
- Ventilation system
- Wall cladding or wall cladding system
- Waterproofing

#### **Important & Imperative Information:**

1. Lower floor to be re-clad over compliant wrap and cavity system.

#### **COMPLIANCE SCHEDULE**

A compliance schedule is not required for the building.

#### **ATTACHMENTS**

Copies of the following documents are attached to this building consent:

- \* Project information number BC-2013-195/0
- \* Certificate attached to project information memorandum PIM Conditions

Signature:

PP: *G. H. Lane*

Position:

Stuart Jobe  
Building Officer

On behalf of:

Far North District Council (Building Consent Authority)

Date:

28 September 2012





**PROJECT INFORMATION MEMORANDUM /  
DISTRICT PLAN CHECK**

Section 34-39, Building Act 2004

**Building Consent Number: BC-2013-195/0**

**THE BUILDING**

Street Address of Building

19 Tui Grove, Paihia 0200

Building Name:

Level/unit number:

Legal description of land where building is located:

LOT 51 DP 82590 KAWAKAWA PSH BLK VIII  
KAWAKAWA SD

Location of Building within site / block number:

**THE OWNER**

Name of Owner:

Greig Bernard Kaai and Jacquelyn Ann McNicholas

Contact Person Name:

Adrian Taylor

Mailing Address:

C/- Cadence Draughting  
1 Daroux Drive  
RD 2  
Kerikeri 0295

Street Address / Registered Office:

As Above

Phone Number:

Daytime:

Landline:

09-407 3263

After Hours:

Mobile:

021-184 2285

Facsimile Number:

Email Address:

adrian@cadence.net.nz

Website:

First point of contact for communications with the Territorial Authority:

Far North District Council  
Memorial Avenue  
Private Bag 752  
Kaikohe 0440  
New Zealand

Freephone: 0800 920029

Phone: (09) 405 2750

Fax: (09) 401 2137

Email: ask.us@fndc.govt.nz

Website: www.fndc.govt.nz

**John Butler Centre  
Kerikeri**

**BUILDING WORK**

A Project Information Memorandum (PIM) / District Plan check has been carried out for the following building work:

**Replace a Fire Damaged Dwelling**

This PIM / District Plan check is: (cross where applicable)

- Confirmation that the proposed work may be undertaken subject to the provisions of the Building Act 2004, and requirements of the building consent;
  - Not yet applied for
  - No. BC-2013-195/0**
- Type of Activity – Existing Use Rights pursuant to Section 10A of the RMA 1991
- See attached Conditions
- 

**FOR COUNCIL USE**

District Plan Fee: \$407.50

Date Received: 16/08/2012

Receipt No: 2745000



This Project Information Memorandum / District Plan check includes:

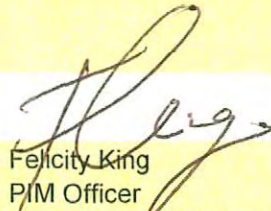
- Information identifying special features of the land concerned (including Heritage Status):
  - **District Plan Zone – Residential**
- Details of authorisations which have been granted:
  - **Various...Building Consents for Dwelling, a “granny Flat” and a Carport have been issued.**
- Details of authorisations which have been refused:
  - **N/A**
- Notification of any authorisation which must be obtained before the proposed building work may be undertaken:
  - **N/A**
- Information about the land or buildings concerned notified to Council by any statutory organisation having the power to classify land and buildings:
  - **Topography – Steep**
  - **Wind Zone – High**
  - **Sea Spray Zone –Yes**
- Details of relevant utility systems:
  - **Council Sewer, Water and Stormwater Services Available**

#### ATTACHMENTS

Copies of the following documents are attached to this Project Information Memorandum / District Plan check:

- 
- Conditions / Advice Notes relevant to this project
- 
- 

Signature:



Felicity King  
PIM Officer

Position:

On behalf of:

Far North District Council (Building Consent & Territorial Authority)

Date:

18 September 2012



7

APPROVED PIM/BC 2013/195  
 Date: 28/9/12  
 Signed: [Signature] Lot 51  
 DP82590  
 FAR NORTH DISTRICT COUNCIL  
 Area: 811m<sup>2</sup>

Val'n No. :00225-34900

**THESE PLANS AND SPECIFICATIONS MUST BE KEPT ON SITE DURING CONSTRUCTION AND BOUNDARY PEGS MUST BE LOCATED AND FLAGGED BEFORE WORK IS COMMENCED.**

WIND ZONE: VERY HIGH  
Region A/Urban/Exposed/T4

Earthquake Zone: 1

Exposure Zone: C

**INSPECTION REQUIRED OF ALL WATER SUPPLY & SOIL/WASTE DISPOSAL PIPES, PRIOR TO COVERAGE WITH CONCRETE**

DISTRICT PLAN ZONE Residential

Far North District Council Received

**BUILDER TO CHECK LOCATIONS, LEVELS, DEPTHS ETC. OF ALL INGROUND SERVICES PRIOR TO COMMENCEMENT**

**BUILDING CONSENT CONDITIONS (Refer to Form 5)**

REVISIONS:  
 A 13.09.12 Add Survey information - spot levels, corrected building to boundary distances and impermeable surfaces, add Sunlight Angle marker points.

**CADENCE** Draughting  
 m: 021 184 2285 e: adrian@cadence.net.nz  
 DESIGN 2 LBP No. BP108944

Site Plan

Rebuild Fire Damaged Home

McNicholas  
 19 Tui Grove  
 TeHaumi  
 Paihia

Project number CD080

Date July 2012

Revision A

01 of 18

Scale @ A3 1:200

**ADNZ**  
 ARCHITECTURAL DESIGNERS NZ

Building Consent application

FAR NORTH DISTRICT COUNCIL  
 CONSENT No: BC 2013/195

Date PIM Checked:

Signed: [Signature]

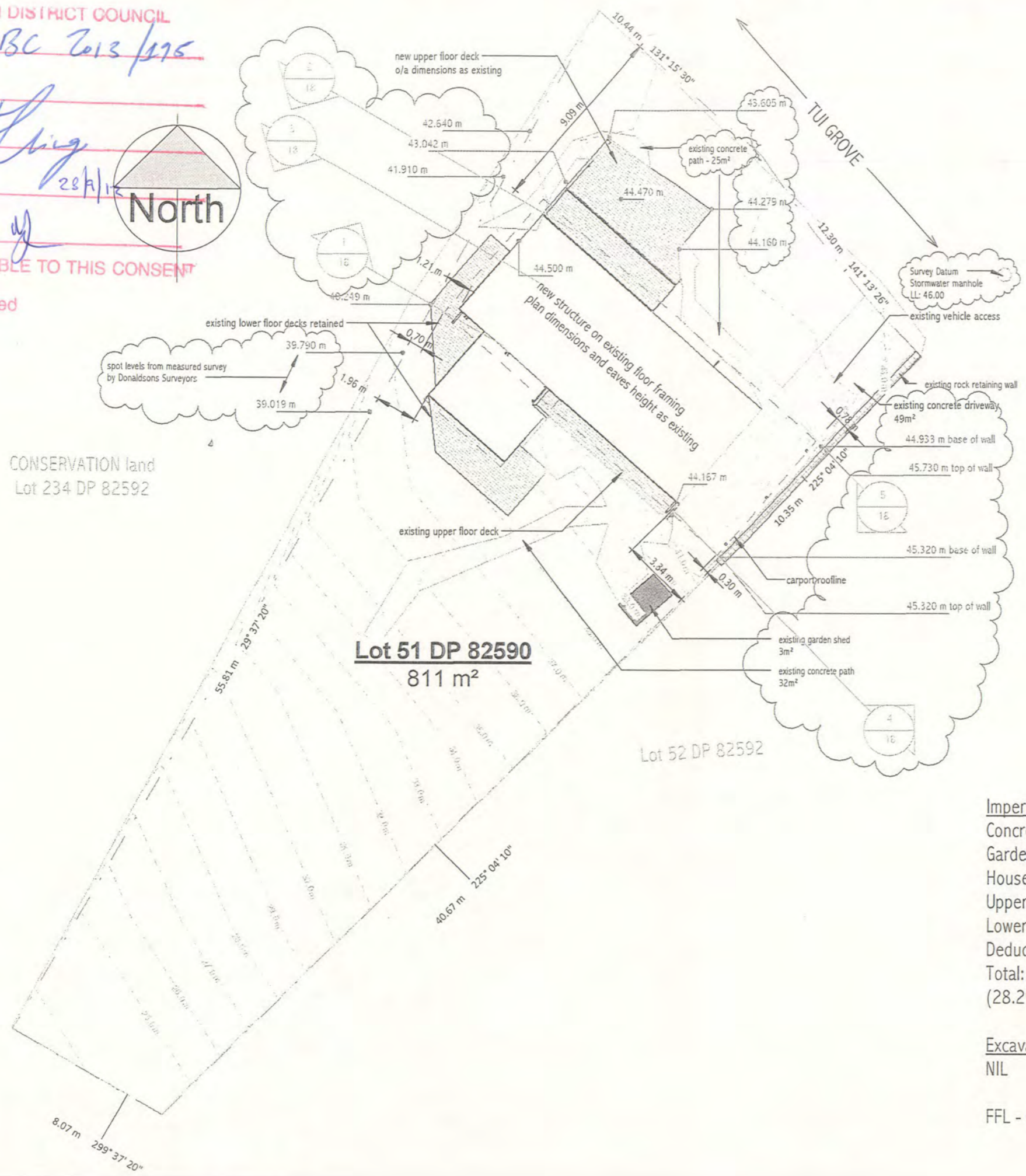
Date BC Checked: 28/9/12

Signed: [Signature]

CONDITIONS APPLICABLE TO THIS CONSENT

- General conditions
- Form 4a - RC required
- Sec 72 required
- Sec 75 required

CONSERVATION land Lot 234 DP 82592



Impermeable Surface	
Concrete drive & paths:	106.0m <sup>2</sup>
Garden shed:	3.0m <sup>2</sup>
House (roof plan area):	
Upper Floor:	125.7m <sup>2</sup>
Lower Floor:	21.0m <sup>2</sup>
Deduct overlaps:	-26.2m <sup>2</sup>
Total:	229.5m <sup>2</sup>
(28.29% - Permitted)	

Excavation  
NIL

FFL - existing



FORM 10  
**CODE COMPLIANCE CERTIFICATE NO:** \_\_\_\_\_

(Section 43(3), Building Act 1991)



**Issued By: FAR NORTH DISTRICT COUNCIL**

Building Consent No : BC 951494

Applicant : DOUGLAS, MS S.

Builder : PHIL RENNIE



**PROJECT**

[N]	New building	Area :	.00 m <sup>2</sup>	Intended use(s):	Multi-family
[N]	Relocated building	Area :	.00 m <sup>2</sup>	Description of work:	GRANNY FLAT
[Y]	Alteration	Area :	35.00 m <sup>2</sup>	Intended life:	[Y] Indefinite but not less than 50 years
[N]	Demolition	Area :	.00 m <sup>2</sup>	[ ]	Specified as 0 years (conditions on Building Consent)
[N]	Plumbing/Drainage Only			Being stage	1 of an intended 1 stages

**PROJECT LOCATION**

Street Address : 19 TUI GROVE PAIHIA

Legal Description : LOT 51 DP 82590 KAWAKAWA PSH BLK VIII KAWAKAWA SD

Area: .08110 H

Valuation No: 00460-496-00

Ward: KERIKERI

This is

- a final code compliance certificate issued in respect of all of the building work under the above building consent.
- an interim code compliance certificate in respect of part only of the building work under the above building consent, as follows: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

This interim certificate is issued subject to the conditions specified on the reverse.

Signed for and on behalf of the Council :

Name : S. W. [Signature]

Position : Building Officer

Date : 9 / 9 / 97



FORM 4  
**BUILDING CONSENT NO : BC 951494**

(Section 35, Building Act 1991)



**Issued by : FAR NORTH DISTRICT COUNCIL**

Refer to Project Information Memorandum No: PIM951494

**APPLICANT**

Name:	DOUGLAS, MS S.	Telephone:	4028-221
Mailing Address:	19 TUI GROVE, PAIHIA		
Builder:	PHIL RENNIE	Telephone:	4026-240
Address:	21 TUI GROVE, PAIHIA		025 518 263.
Contact Person:	(APPLICANT)	Telephone:	
Address:			

**PROJECT**

<input checked="" type="checkbox"/> [N]	New building	Area :	.00 m <sup>2</sup>	Intended Use(s) : Multi-family Description of work: GRANNY FLAT Intended life: <input checked="" type="checkbox"/> [Y] Indefinite but not less than 50 years <input type="checkbox"/> [ ] Specified as 0 years
<input type="checkbox"/> [N]	Relocated building	Area :	.00 m <sup>2</sup>	
<input type="checkbox"/> [Y]	Alteration	Area :	35.00 m <sup>2</sup>	
<input type="checkbox"/> [N]	Demolition	Area :	.00 m <sup>2</sup>	
<input type="checkbox"/> [N]	Plumbing/Drainage only			

**PROJECT LOCATION**

Street Address : 19 TUI GROVE PAIHIA  
 Legal Description : LOT 51 DP 82590 KAWAKAWA PSH BLK VIII KAWAKAWA SD  
 Area: .08110 H Valuation No: 00460-496-00 Ward: KERIKERI

This building consent is a consent under the Building Act 1991 to undertake building work in accordance with the attached plans and specifications so as to comply with the provisions of the Building Code. It does not affect any duty or responsibility under any other Act nor permit any breach of any other Act. Please see reverse side for requirements of consents.

This building consent is issued subject to the conditions specified in the attached \_\_\_ pages headed "Conditions of Building Consent No 951494".

Signed by for and on behalf of the Council :

Name : S. Young  
 Position : Building/Plumbing Inspector Date : 12 / 6 / 95

**FOR COUNCIL USE**

The Council's total charges payable on the uplifting of this consent in accordance with the attached details, are : \$ 350.00

Building Research Levy : \$ \_\_\_\_\_

Building Industry Authority Levy : \$ \_\_\_\_\_

TOTAL VALUE OF WORK: \$ 19000-00

TOTAL : \$ 350.00

Date Received: 29/5/95 Receipt No: 686297 \$250.00  
12/6/95 691457 \$100.00



Receipt No. 129865

Date Permit Issued 14/10/91

**OWNER**

Name Ms S DOUGLAS

Mailing Address 19 TUI GROVE  
PAIHIA

**BUILDER**

Name W GLENTWORTH

Mailing Address P.O. Box 280  
KERIKERI

**PROPERTY ON WHICH BUILDING IS TO BE ERECTED/DEMOLISHED**

**SITE**

Street No. \_\_\_\_\_

Street Name TUI GROVE

Town/District TE HAMI

Riding KERIKERI

**LEGAL DESCRIPTION**

Valuation Roll No. 460-496

Lot 51 D.P. 82590

Section \_\_\_\_\_ Block VIII

Survey District KAWAKAWA

**DESCRIPTION OF PROPOSED WORK AND MAIN PURPOSE OF USE**

CARPORT



**FLOOR AREA**      **DWELLING UNITS**

Whole Sq. Metres 11      Number Erected \_\_\_\_\_

ESTIMATED VALUES \$	Building	<u>1000</u>	<u>00</u>
	Plumbing		
	Drainage		
	G.S.T.		
<b>TOTAL</b>		<u>1000</u>	<u>00</u>

**NATURE OF PERMIT (TICK BOX)**

NEW BUILDING  
- exclude domestic garages and domestic outbuildings

FOUNDATIONS ONLY

ALTERED, REPAIRED, EXTENDED, CONVERTED, RESITED  
- include installation of heating appliances

NEW CONSTRUCTION  
OTHER THAN BUILDINGS - include demolitions

DOMESTIC GARAGES AND DOMESTIC OUTBUILDINGS

**FEES APPLICABLE**

Building Permit	\$ <u>50 00</u>	Water Connection	\$ _____
Street Damage Deposit	\$ _____		\$ _____
Building Research Levy	\$ _____		\$ _____
Plumbing	\$ _____		\$ _____
Drainage	\$ _____		\$ _____
Sewer Connection	\$ _____		\$ _____
Vehicle Crossing Levy	\$ _____	G.S.T.	\$ _____
M.S. Plumbing	\$ _____	<b>TOTAL:</b>	\$ <u>50 00</u>

Receipt No. 129865

Date of Payment 10/10/91

Authorised Officer R. A. Peana

Special Conditions: (In addition to those noted on reverse): \_\_\_\_\_

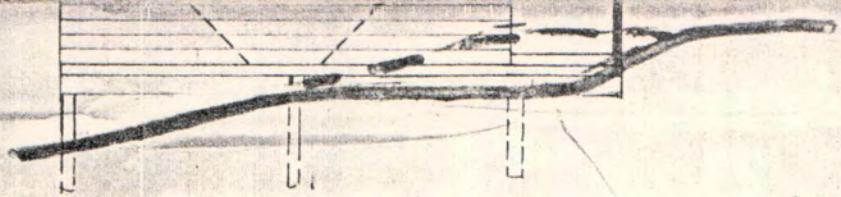
24 Hrs. NOTICE REQUIRED PRIOR TO INSPECTIONS

**NOTICE TO APPLICANT**

PERMISSION IS HEREBY GRANTED YOU to carry out the works as proposed in accordance with the drawings and other documents submitted, and with any conditions defined; such work to be subject to inspection at any time during progress and to be carried out in strict conformity with the requirements of the Council By-Laws.

IMPORTANT - YOU ARE FULLY RESPONSIBLE for any damage done to any works such as telephone cables, power cables, water mains, gas mains, sewers, pipes, footpaths, roads or other services.



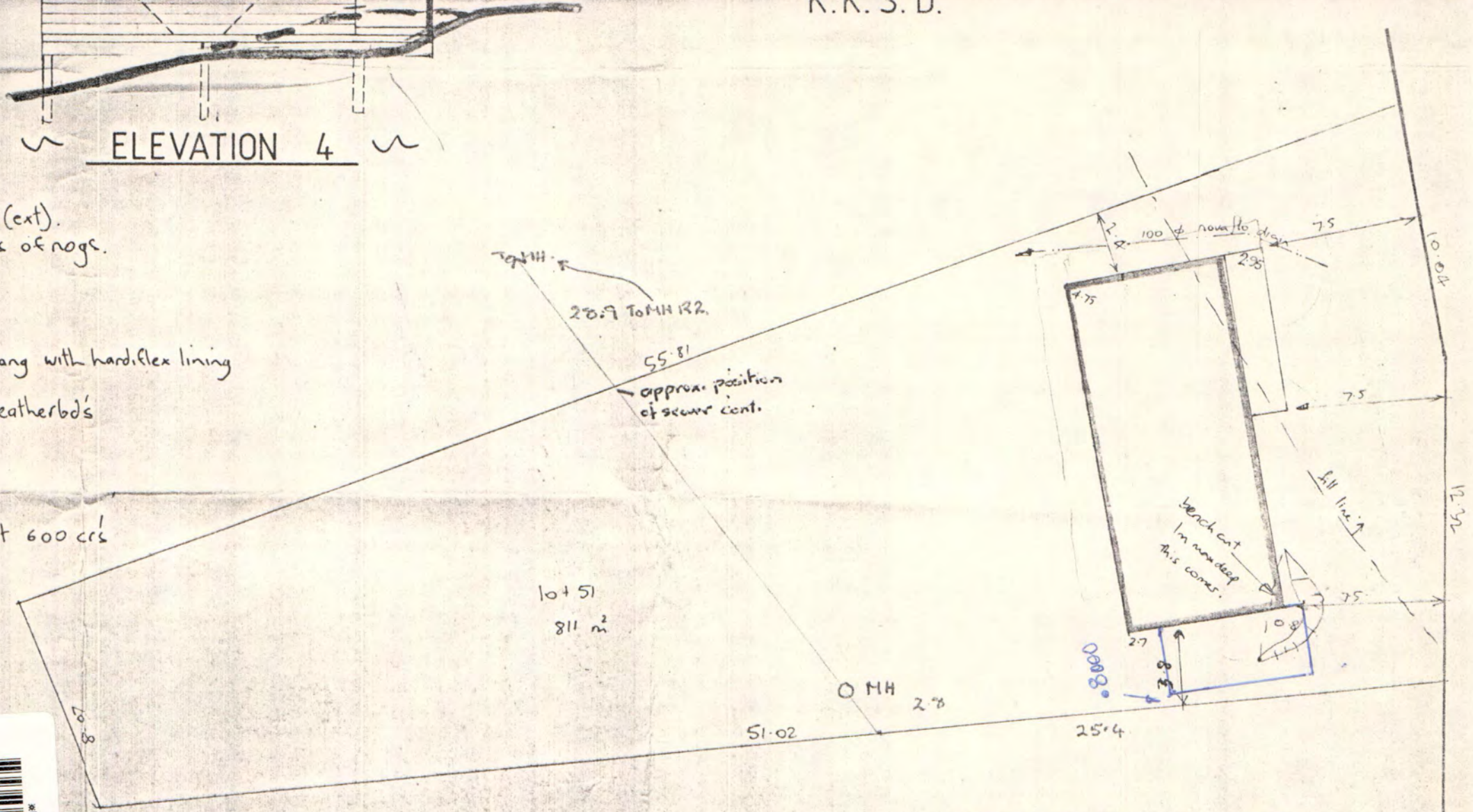


ELEVATION 4

ning  
ning  
50 crs (ext).  
3 rows of rogs.

overhang with hard flex lining  
weatherbd's  
per

sts at 600 crs



lot 51  
811 m<sup>2</sup>

O MH 2.7

SITE PLAN 1: 250



Rev B front setback 7.5 m 11/83  
Rev A R Han - WB Nov 82

ADDITIONAL DETAILS

R. HAU.

p.o. box 179 - ph. 614

SHEET 1<sup>B</sup>

DRAWN JW	CHECKED /	SCALES as shown	SERIES OF 2
TRACED JW	DATE SEP 79		REF R1



# Permit for a Plumber or Drainlayer to carry out Plumbing or Drainage Work

Mr J JOYCE a Plumber or (Drainlayer)  
of KAWAKAWA is hereby authorised to carry out the work described herein and as set forth in the plans deposited with me, on the premises owned (or occupied) by

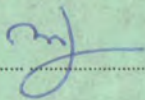
Mr RAY HAU  
and situated on TE HAUNI SUBDIVISION Road Section  
Blk. PAHIA Survey District

Main Contractor PIONEER COTTAGES Address KERIKERI  
Val. Assess. 56/62/51

Description of Work PLUMBING AND DRAIN LAYING AS REQUIRED  
Estimated Cost of Work including Materials \$ \$3000.00

Fee Paid \$ 70.00 Receipt No. 16900 Date 25 April 1983  
Such work is to be carried out in strict accordance with the Drainage and Plumbing Regulations, 1959, and shall be completed on or before the 28th day of October 19 83.

**IMPORTANT:** Confirm this subcontract with Main Contractor/Owner and return this form within 14 days if you **do not** get the contract.

Date 2.5.83 County Health Inspector 

I shall be commencing the plumbing detailed on this permit on 28th day of October 1983  
drainage

No 576

Conditions:

**DRAINAGE AND PLUMBING NOTIFIABLE INSPECTIONS**

- Site Inspection
- Open Drainage Inspection
- Sewer Connection Inspection
- Practical Plumbing Inspection
- Final Inspection

PLUMBER/DRAINLAYER



# BUILDING PERMIT

(Office Copy)

# AUTHORITY

BAY OF ISLANDS COUNTY COUNCIL

Stats. No. A

78601

No. ~~6337~~

6472

~~6438~~

Receipt No. A6909



**OWNER**

Name R HAU

Address C/- POST OFFICE, OPUA

**BUILDER**

Name PIONEER COTTAGES (NORTHLAND) LTD

Mailing Address BOX 179, KERIKIRI

### PROPERTY ON WHICH BUILDING IS TO BE ERECTED/DEMOLISHED

**SITE**

Street No. \_\_\_\_\_

Street Name TUI GROVE

Town/District \_\_\_\_\_

Riding WAITANGI

**LEGAL DESCRIPTION**

Valuation Roll No. 56/62/51

Lot 51 D.P. 82590

Section \_\_\_\_\_ Block \_\_\_\_\_

Survey District \_\_\_\_\_

### DESCRIPTION OF PROPOSED WORK AND MAIN PURPOSE OF USE

NEW DWELLING

FLOOR AREA		DWELLING UNITS	
Whole Sq. Metres	<u>84 m2</u>	Number Erected	_____

ESTIMATED VALUES			
Building	\$	<u>\$32000</u>	<u>00</u>
Drainage	\$	<u>\$3000</u>	<u>00</u>
Plumbing	\$	_____	_____
<b>TOTAL</b>	\$	<u>\$35000</u>	<u>00</u>

**NATURE OF PERMIT (TICK BOX)**

NEW BUILDING  
- include dwelling added, exclude domestic garages

FOUNDATIONS ONLY

ALTERED, REPAIRED, EXTENDED  
- include conversions and domestic garages

NEW CONSTRUCTION OTHER THAN BUILDINGS  
- include demolitions

**FEES APPLICABLE**

Building Permit (etc)	\$	<u>227.00</u>
Building Research Levy	\$	<u>35.00</u>
Sewer Connection	\$	_____
Water Connection	\$	_____
Street Damage Deposit	\$	_____
<b>TOTAL</b>	\$	<u>262.00</u>

Authorised Officer

Date

28/4/83

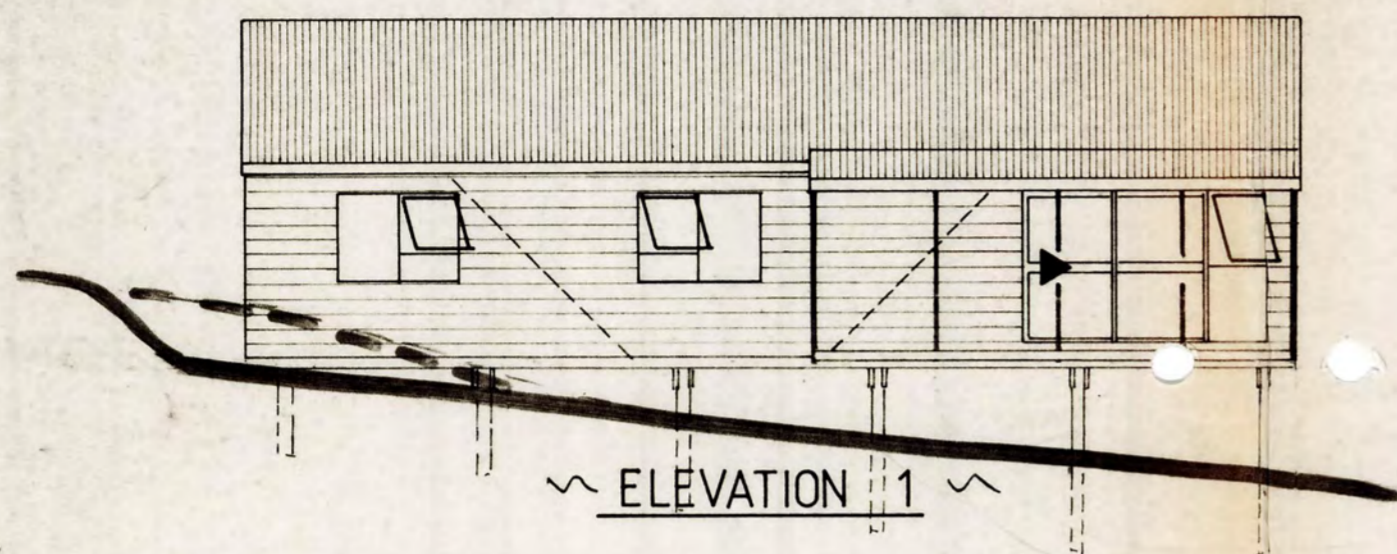
Special Conditions: (In addition to those noted on reverse):

### NOTICE TO APPLICANT

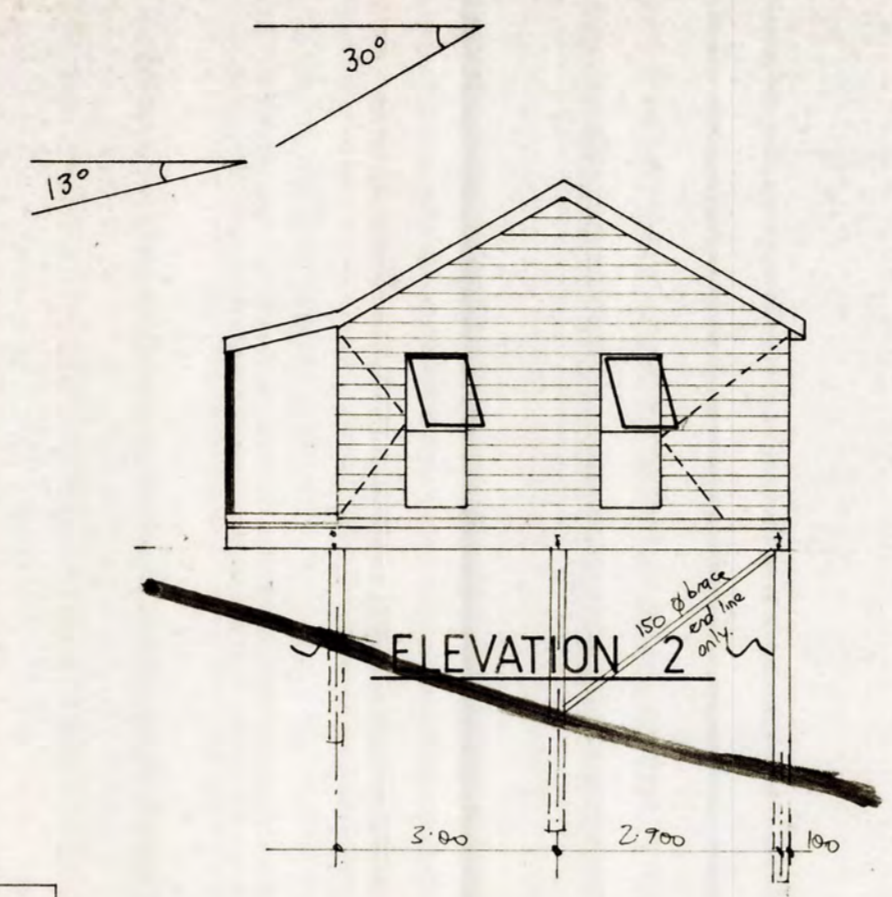
PERMISSION IS HEREBY GRANTED YOU to carry out the works as proposed in accordance with the drawings and other documents submitted, and with any conditions defined; such work to be subject to inspection at any time during progress and to be carried out in strict conformity with the requirements of the Council By-Laws

IMPORTANT - YOU ARE FULLY RESPONSIBLE for any damage done to any works such as telephone cables, water mains, gas mains, sewers, pipes, footpaths, roads or other services.

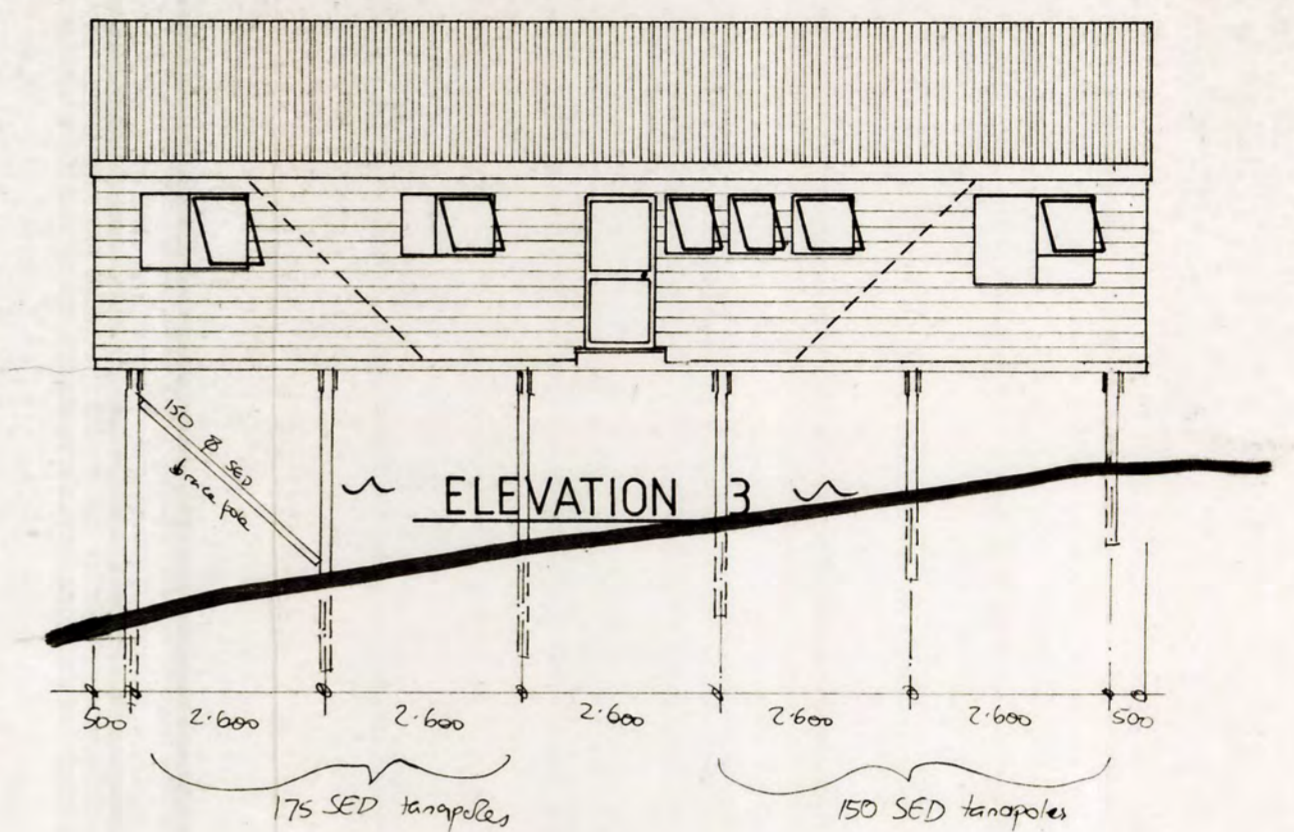




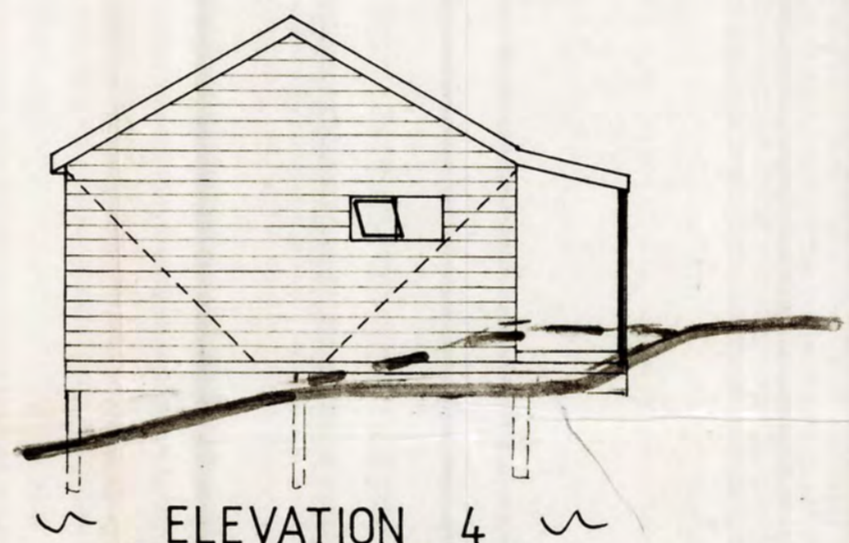
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

All timber sizes nominal

'FISHER' anodised aluminium Joinery thru-out.

SITE DESCRIPTION

LOT 62  
D.P.  
K.K.S.D.

0,45mm gauge G.Corr. Iron roof on building paper  
75 x 50 Purlins at 760 crs max.

'PRYDE' gang nail trusses at 900 crs.

100 x 50 veranda rafters at 900 crs

galv. gutter on 150 x 30 fascia bd.

4.5mm Hardflex soffit lining

TAN 100 x 75 posts at 2000 crs max.

100 x 40 tan. decking

150 x 50 deck joists at 600 crs, check joists over 250 x 50's

Embed poles 1300

R14 BATTs to ceiling  
R11 BATTs to walls.

External walls 100 x 50 timber framing  
Internal walls 75 x 50 timber framing  
all with studs at 450 crs (ext).  
at 600 crs (int.) + 3 rows of nogs.

150 x 25 fascia

200 soffit overhang with hardflex lining

235mm Hardplank weatherbd's over building paper

150 x 50 floor joists at 600 crs

all interior linings  
9.5mm G.b. bd.

breather foil with 100mm sag under flooring

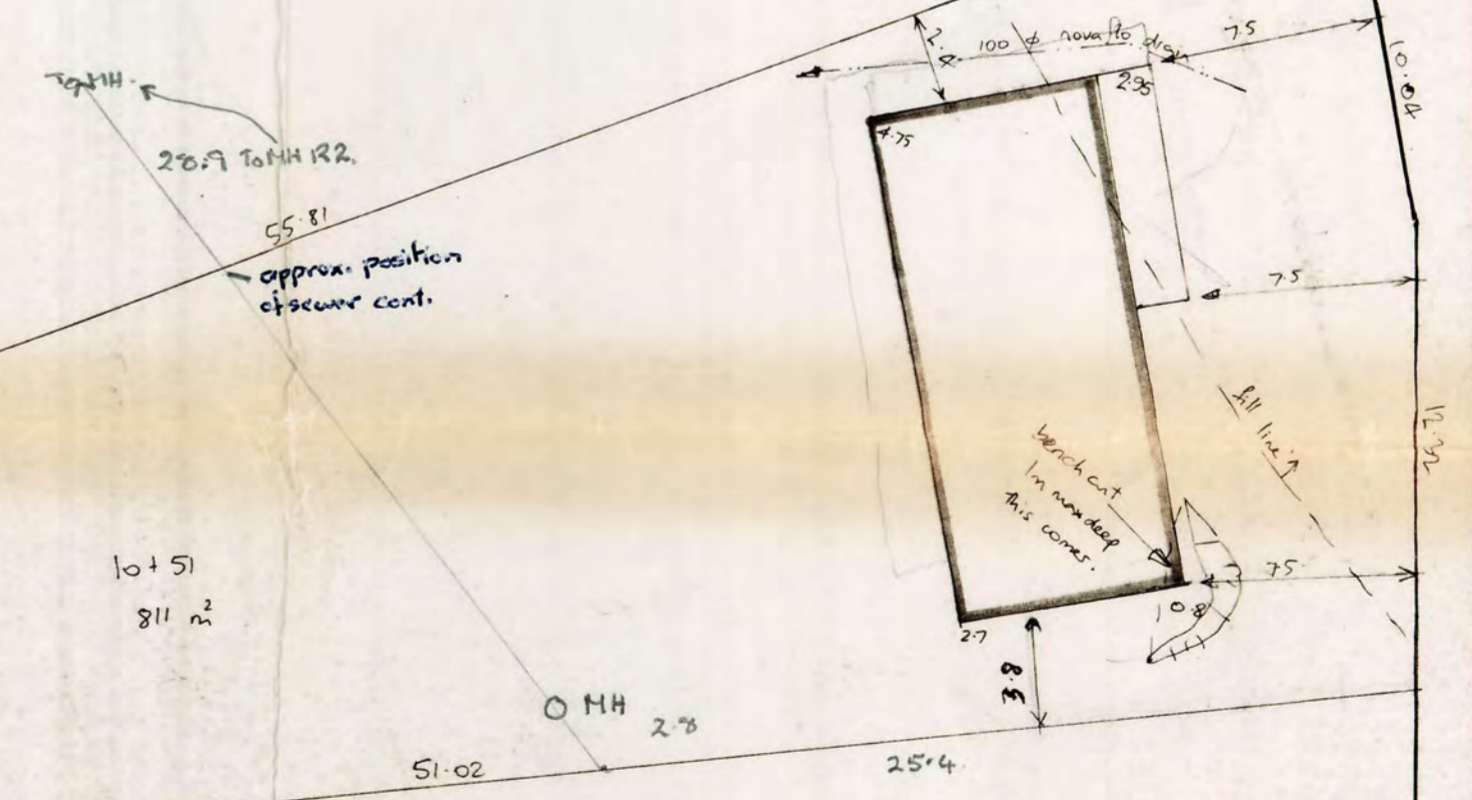
75 x 40 ceiling battens at 400 crs

18mm Particle bd. flooring

2/250 x 50's

3.0 2.7 120

CROSS SECTION 1:50



SITE PLAN 1:250

Rev B front setback 7.5 m 11/82  
Rev A R.Hau - WB Nov 82

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PIONEER COTTAGES

CONSTRUCTIONAL DETAILS R. HAU.

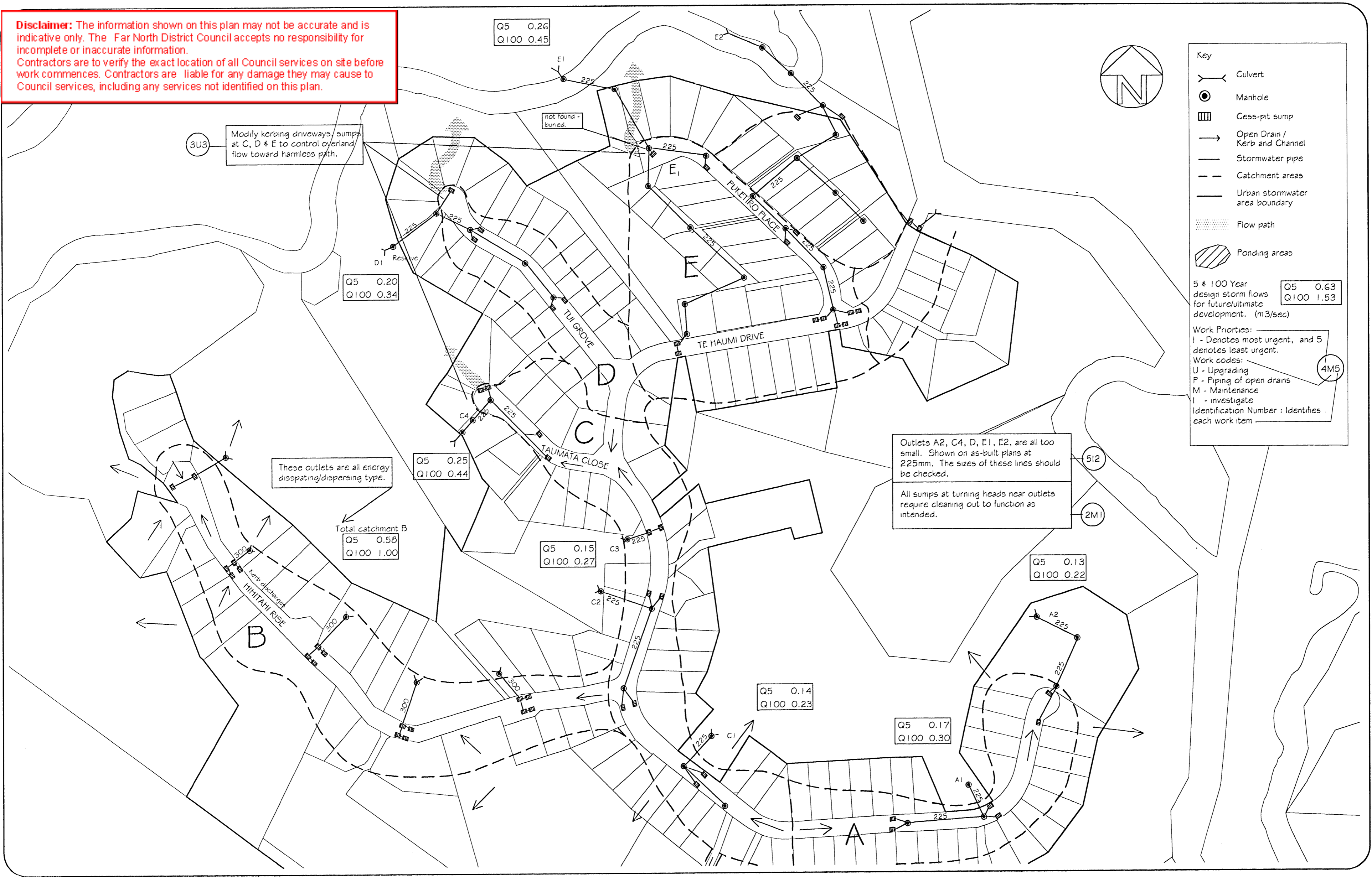
p.o. box 179 - ph. 614

SHEET 1<sup>B</sup>

DRAWN JW	CHECKED ✓	SCALES	SERIES OF 2
TRACED JW	DATE SEP 79	as shown	REF R1



**Disclaimer:** The information shown on this plan may not be accurate and is indicative only. The Far North District Council accepts no responsibility for incomplete or inaccurate information. Contractors are to verify the exact location of all Council services on site before work commences. Contractors are liable for any damage they may cause to Council services, including any services not identified on this plan.



HAIGH CONSULTANTS LTD  
 National Bank Building  
 P O Box 89  
 KERIKERI Ph (09) 4078327  
 Fax (09) 4078378

FAR NORTH DISTRICT COUNCIL

4.5 TE HAUMI  
 Urban Stormwater Management Plan  
 4 KERIKERI / PAIHIA COMMUNITY

DRAWN: Pip  
 SCALE: 1:2000

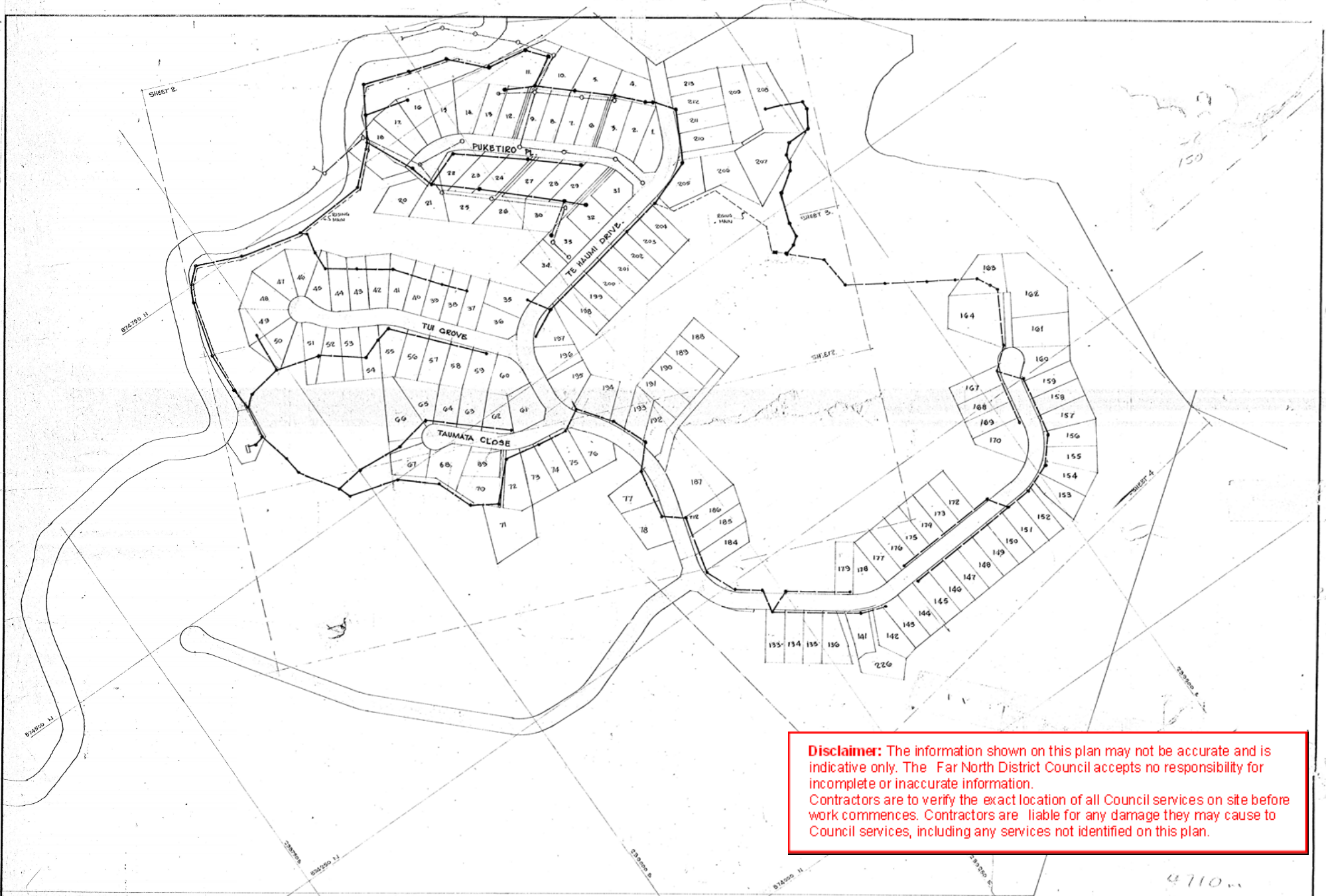
DATE: 28/06/03  
 CHECKED:

SHEET:  
 1 of 1  
 REF: 01 095

**THP30000**  
 Re-Order Filemaster "D"

SELF-ADMINISTRATIVE PLAN CHANGE  
 Project Number: 12264

THA/3001/3



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SUBDIVISION - TE HAUMI HEIGHTS PAHIIA



**Hanson Thorburn & Davidson**  
 Registered Civil and Structural Engineers

155 VINCENT ST.  
 AUCKLAND  
 P.O. BOX 3780  
 PH: 09 323 0700

Amendments	Date

AS BUILT SANITARY SEWERS		Drawing Number: 107/203	
# STORMWATER SHEET 1.		Date	
Scale: 1:1500			

BIC 750 Plan No 818



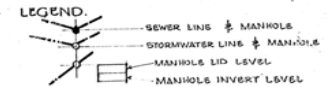
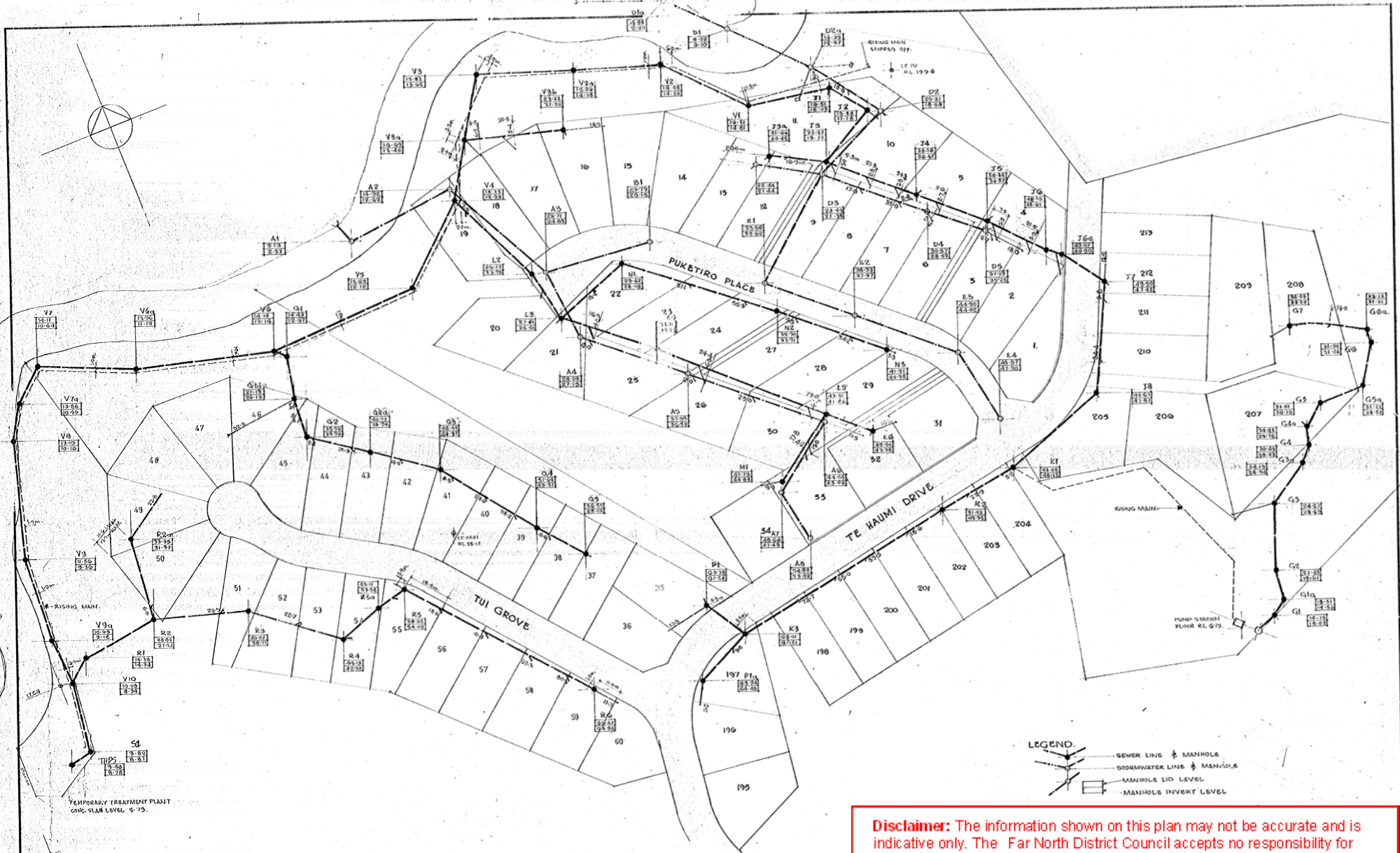
# THP30001

Re-Order Filemaster "D"

SEE ADDRESS PLAN HANGER

Plan Number: 12841

THA/3001/3



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SUBDIVISION • TE HAUMI HEIGHTS PAHIA

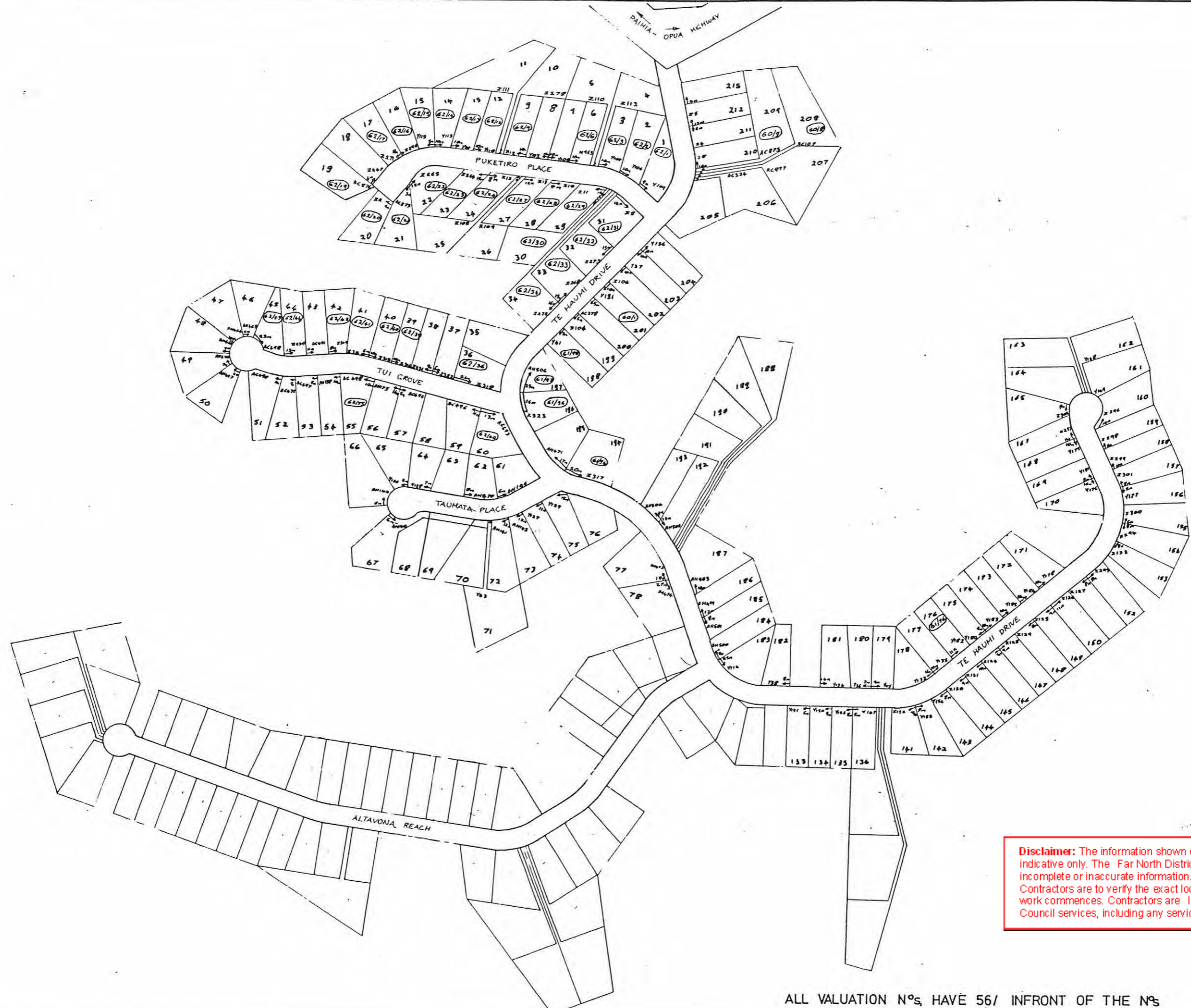


**Hanson Thorburn & Davidson**  
Registered Civil and Structural Engineers  
155 VINCENT ST  
AUCKLAND  
P.O. BOX 9780  
PHONE 522 07

Amendments	Date	As BUILT SANITARY SEWERS & STORMWATER SHEET 2	Drawing Number <b>107/204</b>
		Scale: 1:750	Date

31C 780 Plan No 818





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ALL VALUATION N<sup>o</sup>s, HAVE 56/ INFRONT OF THE N<sup>o</sup>s

BAY OF ISLANDS COUNTY COUNCIL		SCALE 1:1500		REVISIONS		APPROVED						
		SURVEYED	DESIGNED	TRACED	CHECKED	NO.	DATE	DETAIL	BY	COUNTY ENGINEER	FIELD BOOK	LEVEL BOOK
TE HAUMI HEIGHTS - METER POSITIONS											THP20000	



## Development Contribution Information

Property: 19 Tui Grove, Paihia 0200

Development Contribution implication: No

Development Contributions:	PAID	PAYABLE	OUTSTANDING
<b>Roading</b>			
<b>Reserves</b>			
<b>Community Infrastructure</b>			
<b>Water</b>			
<b>Wastewater</b>			
<b>Stormwater</b>			
<b>TOTAL</b>			

**Please note:** The amounts quoted above include GST and are valid provided a Building Consent or Resource consent for the described works is **granted** prior to any change in Council's Development Contribution Policy.

**PAID column:** This represents any development contributions which have been paid previously.

**PAYABLE column:** The development contributions are what would be payable in the event that a single dwelling was to be built on a vacant site. Note: A site that currently has a dwelling will not be liable for contributions unless a second dwelling was to be built.

**OUTSTANDING column:** The development contributions in this column relate to contributions which have been assessed on a Resource Consent (subdivision, land use consent) which are currently payable.

**Commercial or Industrial developments:** development contributions for commercial or Industrial applications will depend on the scale and nature of the development. Please contact Rachel Kake for further assistance.

**Note:** Development Contributions in respect of development consents granted prior to 1 July 2015 remain payable in accordance with the policy applicable at the time that the consent was granted.

**Comments:** Our records show that there currently is a dwelling on site.

From the 1<sup>st</sup> of July 2015, Council has ceased charging Development Contributions. For the term of this Policy Council will not require Development Contributions.

**Completed by:** Rachel Kake

**Date:** 12 April 2021

Ref: ELIM-2021-1333



## **Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

All landowners need to be aware of the introduction from 1 January 2012 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011.

These regulations provide a national environmental standard for activities on pieces of land where the soil may be contaminated in such a way as to be a risk to human health.

The identified activities are:

- removing or replacing a fuel storage system;
- sampling the soil, disturbing the soil;
- subdividing land; and
- changing the use of the piece of land.

Depending on the level of soil contamination and the proposed remedial action to be taken any of the above activities will be either a permitted activity, a controlled activity, a restricted discretionary activity, or a discretionary activity and may require an application for resource consent.

The land covered by the regulations is land which is being used, or has been used, or more likely than not is being used or has been used for any of the activities or industries, as identified in the current edition of the *Hazardous Activities and Industries List* (HAIL) Ministry for the Environment under the following categories:

**Chemical manufacture, application and bulk storage**

**Electrical and electronic works, power generation and transmission**

**Explosives and ordnance production, storage and use**

**Metal extraction, refining and reprocessing, storage and use**

**Vehicle refuelling, service and repair**

**Cemeteries and waste recycling, treatment and disposal**

Council records cannot confirm whether the subject land is, has been or may be a HAIL site and it is recommended that landowners or potential owners make their own enquiries.

*(The full Hazardous Activities and Industries List has been attached for your information)*





## Attachment 1

**THIS LIST IS CURRENT TO DATE OF PUBLICATION OF RESOURCE MANAGEMENT (NATIONAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH) REGULATIONS 2011 - refer MfE website for the most up to date edition.**

### **Hazardous Activities and Industries List (HAIL) October 2011**

#### **A Chemical manufacture, application and bulk storage**

1. Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application
2. Chemical manufacture, formulation or bulk storage
3. Commercial analytical laboratory sites
4. Corrosives including formulation or bulk storage
5. Dry-cleaning plants including dry-cleaning premises or the bulk storage of dry-cleaning solvents
6. Fertiliser manufacture or bulk storage
7. Gasworks including the manufacture of gas from coal or oil feedstocks
8. Livestock dip or spray race operations
9. Paint manufacture or formulation (excluding retail paint stores)
10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds
11. Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application
12. Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides
13. Petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground
14. Pharmaceutical manufacture including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies or the manufacturing of illicit drugs with the potential for environmental discharges
15. Printing including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops)
16. Skin or wool processing including a tannery or fellmongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products
17. Storage tanks or drums for fuel, chemicals or liquid waste
18. Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside

#### **B Electrical and electronic works, power generation and transmission**

1. Batteries including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores)
2. Electrical transformers including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment
3. Electronics including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices
4. Power stations, substations or switchyards

#### **C Explosives and ordnance production, storage and use**

1. Explosive or ordnance production, maintenance, dismantling, disposal, bulk storage or re-packaging

2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors
3. Training areas set aside exclusively or primarily for the detonation of explosive ammunition

#### **D Metal extraction, refining and reprocessing, storage and use**

1. Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material
2. Foundry operations including the commercial production of metal products by injecting or pouring molten metal into moulds
3. Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds
4. Metalliferous ore processing including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals
5. Engineering workshops with metal fabrication

#### **E Mineral extraction, refining and reprocessing, storage and use**

1. Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition
2. Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
3. Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process
4. Commercial concrete manufacture or commercial cement storage
5. Coal or coke yards
6. Hydrocarbon exploration or production including well sites or flare pits
7. Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings

#### **F Vehicle refuelling, service and repair**

1. Airports including fuel storage, workshops, wash-down areas, or fire practice areas
2. Brake lining manufacturers, repairers or recyclers
3. Engine reconditioning workshops
4. Motor vehicle workshops
5. Port activities including dry docks or marine vessel maintenance facilities
6. Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas
7. Service stations including retail or commercial refuelling facilities
8. Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

#### **G Cemeteries and waste recycling, treatment and disposal**

1. Cemeteries
2. Drum or tank reconditioning or recycling
3. Landfill sites
4. Scrap yards including automotive dismantling, wrecking or scrap metal yards
5. Waste disposal to land (excluding where bio-solids have been used as soil conditioners)
6. Waste recycling or waste or wastewater treatment

**H Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment**

**I Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment**





**INFORMATION REGARDING BUILDINGS  
WHERE COUNCIL HOLDS NO RECORDS OF CONSENTS**

***WHAT IF A LIM SHOWS THAT NO RECORDS ARE HELD BY THE COUNCIL BUT THERE ARE BUILDINGS OR STRUCTURES ON THE PROPERTY?***

Land Information Memoranda (LIM's) identify the information held by the Council concerning any Building Consent or Permit for existing buildings or structures. In some instances however, if there is a building in existence, the Council records may be incomplete. The absence of records for Building Consents or Permits may mean one of the following:

- The building was erected without a Building Consent or Permit
- The original building may have been erected by a Government Department, e.g. Education, Railways, Electricity, and such Permits were kept in their records.
- The Council record was unable to be located.
- Hokianga County Council records prior to November 1987 were lost in a fire which destroyed the Hokianga County Council building.
- Prior to the Building Act 1991, Council was only required to keep documents for not less than ten years (See NSZ1990 Chapter 2). Documents may have discarded after the expiry of that period.

***WHAT IF I BUY A PROPERTY WHICH HAS AN EXISTING BUILDING WITHOUT ANY BUILDING CONSENT OR PERMIT?***

If building work was carried out without a Building Permit prior to the introduction of the Building Act 1991, then there was no authority under that Act, and there is no authority under the Building Act 2004, for Council to retrospectively issue a Building Consent for that work. If this is the situation, Council is generally unlikely to take any action against the current owners of that building unless the building is deemed Dangerous and/or Insanitary pursuant to the Building Act 2004 or the Health Act 1956. This assumes that the buildings comply in all other respects with other statutory requirements.

For post-Building Act 1991 building work, for which Council holds no records, it is likely that the building work was carried out without consent. If so, the property owner and the person that carried out the work may have contravened the Building Act 1991 or the Building Act 2004 and enforcement action may be taken at the Councils discretion.

Council may upon a successful application decide to issue a Certificate of Acceptance (COA) where work has been carried out without consent.



Certificates of Acceptance for unconsented building work can only be made if the work was carried out after 1 July 1992 (Introduction of the Building Act 1991).

The value of the COA to the owner or potential purchaser will ultimately depend on the extent to which the building work is able to be inspected.

Council may refuse to issue a Certificate of Acceptance if it is unable to determine compliance with the Building Code.

***CAN I AS AN OWNER, PLACE ANY INFORMATION ON THE FILE TO ACKNOWLEDGE BUILDINGS CONSTRUCTED PRIOR TO 1<sup>ST</sup> JULY 1992?***

For building work carried out before 1st July 1992, a Condition Assessment Report (CAR) may be submitted to the council for inclusion on the relevant property file.

This service is only available for buildings constructed under the former Building Permit system (pre-1992) where final certificates were not issued.

The report should be completed by a Suitably Qualified Professional with appropriate insurance cover such as a Licensed Building Practitioner (LBP), engineer, designer or architect.

The report will need to establish that:

- The work is considered safe (verified by an appropriate trade professional)
- The structure is sanitary (not offensive or likely to be a health risk)
- The structure is not subject to dampness
- The structure has adequate drinking water or sanitary facilities (where applicable).

**Councils Disclaimer:**

The report records the views of the report writer only. The council has not inspected the building. Placing the report on the property file does not constitute a building consent under the Building Act 2004 or alter the legal status of the building work. The council will not be liable for any damage or loss resulting from reliance on the report by the current or any future owner(s).





## Domestic Smoke Alarms Guidance Notes 15 April 2003

### Building Act

Section 44(1)(c) of the Building Act has been amended by adding, after the word “dangers”, the words “(other than a warning system for fire that is entirely within a household unit and serves only that unit)”.

### Building Regulations

Building Code Clause F7 has been amended as follows:

Clause 7.2 of the First Schedule of the principal regulations is amended by adding the words “in an emergency”.

The First Schedule of the principal regulations is amended by revoking clause F7.3, and substituting:

Limits on application: Performance F7.3 does not apply to *Outbuildings* or *Ancillary buildings*, and

#### Performance

**F7.3.1** A means of detection and warning must alert people to the emergency in *adequate* time for them to reach a *safe place*.

**F7.3.2** Appropriate means of detection and warning for fire must be provided within each *household unit*.

**F7.3.3** Appropriate means of warning for fire and other emergencies must be provided in *buildings* as necessary to satisfy the other performance requirements of this code.

The above amendments to the Building Regulations come into force on 24 April 2003.

### Approved Document F7 Warning Systems

The above amendments to the Building Act and Building Code enable the Approved Document F7 to require the installation of an automatic smoke detection and alarm system where one is not already required by Table 4.1 of C/AS1. Further it is to obviate the requirement for a compliance schedule where domestic smoke alarms are required under Approved Document F7.

Smoke alarms may be battery powered and are not required to be interconnected. In addition they shall be provided with a hush facility having a minimum duration of 60 seconds.

Smoke alarms shall have a test facility located on the smoke alarm (readily accessible to building occupants).

Smoke alarms shall be listed or approved by a recognized authority as complying with at least one of: UL 217, ULC S531, AS 3786, BS 5446 Part 1.

Smoke alarms shall be located on the escape routes on all levels within the *household unit*. On levels containing the sleeping spaces, the smoke alarms shall be located either:

- a) In every sleeping space, or
- b) Within 3.0 m of every sleeping space door. In this case the smoke alarms must be audible to sleeping occupants on the other side of the closed doors.

Smoke alarms shall be installed on or near the ceiling in accordance with AS 1670.6 and the manufacture's instructions.

Recommended maintenance procedures are:

- a) In-situ annual cleaning with a vacuum cleaner (no disassembly of smoke alarm).
- b) Monthly testing by use of the smoke alarm's test facility.

Note that under the Approved Documents there is no intention that increases in travel distances should be allowed because domestic smoke alarms are installed. Further, alternations under section 38 and change of use under section 46 will trigger the requirement to install domestic smoke alarms.

Approved Document F7 will be available in limited supply on Thursday 17 April 2003. Otherwise it will be generally available from Wednesday 23 April 2003 from:

Victoria University Book Centre  
PO Box 12 337  
Wellington

Phone: 0800 370 370  
Fax: 04 463 5510  
Email: [enquiries@bookcentre.co.nz](mailto:enquiries@bookcentre.co.nz)  
Web: [www.bookcentre.co.nz](http://www.bookcentre.co.nz)