Donaldson's Surveyors Limited

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DONALDSONS REGISTERED LAND SURVEYORS

8425

12 July 2024

Planning DivisionFar North District Council Private Bag 752

Kaikohe

Dear Sir/Madam

PROPOSED LAND USE

L. & M Gray, 120 & 1224 Marsden Road, Paihia

We submit herewith an application for Resource Consent together with the following:

- Application form & deposit \$2558
- Planning report
- Land Use plan
- Building Plans
- Records of Title (x2)
- NZTA & Fire & Emergency comments
- Entrance design plan

Yours faithfully,

Micah Donaldson MNZIS - Assoc.NZPI

DONALDSONS

Registered Land / Engineering Surveyors and Development Planners









Office Use Only	
Application Number:	

section 352 of the Act)

Private Bag 752, Memorial Ave
Kaikohe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fnds.govt.nz

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA))
(If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Form 9)

Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges – both available on the Council's web page.

1. Pre-Lodger	ment Meeting		
Have you met with a	Council Resource Consent represer	ntative to discuss this applicat	tion prior to lodgement? Yes / No
2. Type of Cor	sent being applied for (more that	an one circle can be ticked	I):
<mark>√ Land Use</mark>	O Fast Track Land	Use* O Subdivision	on O Discharge
O Extension of tim	ne (s.125) O Change of condit	ions (s.127) O Change	of Consent Notice (s.221(3))
O Consent under	National Environmental Standard		
O Other (please s	le land use consents is restricted to con	sents with a controlled activity s	status and requires you provide an
3. Would you l	ike to opt out of the Fast Track I	Process?	Yes / No
4. Applicant D	etails:		
Name/s:	L. & M. Gray		
Electronic Address for Service (E-mail): Phone Numbers: Postal Address: (or alternative method of service under section 352 of the Act)			
5. Address for details here).	Correspondence: Name and add		t Code: Indence (if using an Agent write their
Name/s:	Donaldson's Surveyors Ltd		
Electronic Address for Service (E-mail):			
Phone Numbers:		e:	
Postal Address: (or alternative method of service under			

Post Code:

6.		roperty Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to with an relates (where there are multiple owners or occupiers please list on a separate sheet if required)
Name/s: Lindsay Gray and Melita Gray		Lindsay Gray and Melita Gray
Property Address/: 12 Location		124 & 128 State Highway 11 (Marsden Road) Paihia
7. Locatio	Application on and/or Prope	Site Details: erty Street Address of the proposed activity:
Site Ad _ocatio	dress/ on:	124 & 128 State Highway 11 (Marsden Road) Paihia
egal De	scription:	Lot 2 DP 190355 & Lot 17 DP 15984
al Num ecords	of Title:	RT NA120B/600 & NA425/151 Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)
ls there Is there Please	e a dog on the p provide details	or security system restricting access by Council staff? Yes / No
8.	Please enter a a recognized so Notes, for furth	of the Proposal: brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (tcale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance er details of information requirements. If Use activities associated with establishing a residential unit.
	Cancellation	pplication for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and be identifiers and provide details of the change(s) or extension being sought, with reasons for em.

9. Would you like to request Public Notification?

10. Other Conserticked):	it required/being applied	for under different legisla	ation (more than one circle can be
	(BC ref EBC-2024-1023	<mark>8/0)</mark> O Regional Counci	I Consent (ref # if known)
O-National Environr	mental Standard consent		ction 348 LGA
Human Health The site and proposal may	1: / be subject to the above NES		Contaminants in Soil to Protect egard needs to be had to the NES please I's planning web pages):
	ently being used or has it hi dustry on the Hazardous In		O yes $$ no O don't know Exempt as production land
	an activity covered by the Ned below, then you need to t	-	$\sqrt{\text{yes O}}$ no $\sqrt{\text{O}}$ don't know
O Subdividing land	1	Changing the use of a piec	e of land
O Disturbing, removin	a or sampling soil	Removing or replacing a fu	uel storage system
	of Environmental Effects		,
of Schedule 4 of the Res information in an AEE mu	ource Management Act 1991 ust be specified in sufficient d	and an application can be reject	conmental Effects (AEE). This is a requirement cted if an adequate AEE is not provided. The which it is required. Your AEE may include cted parties.
Please attach your AE	E to this application. $\sqrt{3}$	See within the planning repor	t
			iving any refunds associated with processing
Name/s: (please write all names in full)	Donaldson's Surveyors Lir	mited	
Email:			
Postal Address:			
			Post Code: 0245
Phone Numbers:			Fax:
for it to be lodged. Please ne application you will be require	ote that if the instalment fee is in	sufficient to cover the actual and re avoiced amounts are payable by the	ment and must accompany your application in order easonable costs of work undertaken to process the 20 th of the month following invoice date. You may
			us for all costs actually and reasonably incurred in

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

Name:	Micah Donaldson			
Signature:		(signature of bill payer – mandatory)	Date:	12 July 2024

14. Important Information:

Note to applicant

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

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

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

Fast-track application

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

Privacy Information:

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

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

Name: N	licah Donaldson	(please print)		
Signatu		(signature)	Date:	12 July 2024

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

Checklist (please tick if information is provided)

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

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

Digital Applications may be submitted via E- mail to: Planning.Support@fndc.govt.nz

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

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DONALDSONS REGISTERED LAND SURVEYORS

PLANNING REPORT

PROPOSED LAND USE ACTIVITY

L. & M. GRAY, 124 MARSDEN ROAD, PAIHIA

Date: 12 July 2024 Reference: 8425







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INTRODUCTION

L. & M. Gray are preparing to construct a new dwelling in the commercial zone under the Far North District Plan and require resource consent for associated land use infringements.

The applicants are in the process of carrying out a boundary adjustment with the neighbour (Paihia Beach Resort) referenced RC 2240516. The proposed dwelling would occupy proposed Lot 1 RC 2240516.

Council issued a PIM assessment under EBC-2024-1023/0 on the 5 June 2024 that required the following rules to be addressed, and any other that may also be applicable.

Rule 12.4.6.1.2 Fire Risk to Residential Units

Rule 7.7.5.1.1 Building Height

Rule 7.7.5.1.5 Noise mitigation or residential activity

Rule 15.1.6C.1.1 Private Accessway in all zones.

The proposal is located in the commercial zone, and is presented as a discretionary activity under the Operative District Plan, and is zoned Mixed Use under the Proposed District Plan, compliant with rules having immediate legal effect.

SITE DESCRIPTION

The properties legal reference currently (pre-boundary adjustment):

Appellation: Lot 2 DP 190355 RT: NA120B/600 Appellation: Lot 17 DP 15984

RT: NA425/151

Registered Owners: Lindsay & Melita Gray

The sites are located at 120 & 124 Marsden Road (State Highway 11) Paihia. Lot 17 DP 548625 and Lot 2 DP 190355 (proposed Lot 1 RC 2240516) is vacant land overlooking Te Ti Bay.

The northern part of the property, adjacent to the state highway, features a level contour covered in gravel, which has served as a parking area for many years. Beyond this, the contour rises sharply to the south and is densely covered in bush. Designated as "High Natural Character" on the maps of the Northland Regional Council, the bush area is intended to be avoided. Instead, focusing on utilising the already cleared land closer to the lower contour.

Adjoining the eastern boundary is Lot 18 DP 548625, where a new dwelling is currently under construction. To the west lies the Paihia Beach Resort along with other multi-level residential units accessible off Davis Crescent.





RESOURCE MANAGEMENT ACT 1991

This part of the report sets out the assessment against the matters in Part 2 and the information required in clauses 6 and 7 of Schedule 4. An assessment of the relevant plan provisions (District Plan, RPS and NZCPS) is carried out in the sections which follow.

ASSESSMENT OF EFFECTS

Schedule 4 requires that an application for a resource consent include:

- Information required in all applications 2
- (1) An application for a resource consent for an activity (the activity) must include the following:
- an assessment of the activity against the matters set out in Part 2; and *(f)*
- an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b). *(g)*
- The assessment under subclause 1(g) must include an assessment of the activity against -(2)
- (a) any relevant objectives, policies or rules in a document;

An application must also include an assessment of the activity's effects on the environment that -

- includes the information required by clause 6; and (a)
- addresses the matters specified in clause 7; (b)

PART 2 PURPOSE AND PRINCIPLES

The relevant text of Part 2 is set out below:

5 **Purpose**

The purpose of this Act is to promote the sustainable management of natural and physical resources.

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

- safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (b)
- avoiding, remedying, or mitigating any adverse effects of activities on the environment. (c)



6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (b) the efficient use and development of natural and physical resources;
- (c) the maintenance and enhancement of amenity values;
- (f) maintenance and enhancement of the quality of the environment;

The proposal aligns with the sustainable management purpose and principles outlined in the RMA by maintaining consistency with the surrounding built development, and avoiding the area of natural character. This approach effectively manages the utilisation, development, and protection of high natural and physical resources, fostering cohesion with the natural environment while bolstering economic and social well-being.

Mitigation measures have been employed to minimise adverse effects on the coastal environment and the upper bush ecology to the greatest extent possible. These measures are consistent with the zone expectations, as evidenced following by a comparison of effects and relevant objectives and policies.

The underlying district plan breach focuses on the effects associated with a residential unit in the commercial zone, and fire risk to residential unit.

SCHEDULE 4

Clause 6 - Information required in assessment of effects

Clause 6(1) specifies the information that must be included in the assessment of effects:

(a) if it is likely that the activity will result in any significant adverse effects on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposed residential unit positions within the only cleared area on the site to minimise unnecessary clearing. As the building activity progresses, future amenity planting will accompany the landscaping efforts, softening the impact of the built structure. It is anticipated that all effects will be minor, as the land use adheres to the underlying rules and standards to a reasonable extent.

While the structure is modest in size for a dwelling, it appears small in comparison to the existing commercial activity. The zone has long anticipated an expansion of the existing resort, with the original resort design even extending over the subject titles as part of a planned larger complex. Although this expansion never materialised, it's evident that the intended use of the land has always been for development purposes.

Any adverse impacts from the proposed building are well within the zone's expectations.



(b) an assessment of the actual or potential effects on the environment of the activity.

The subject area of land designated for building activity has undergone a transformation from its historical bush setting, having served for many years as a parking area leased to Paihia Beach Resort. The proposed further modification, entailing the incorporation of a structure into the landscape, is relatively minor within this context, essentially defining an existing building footprint.

This site is part of a planned commercial zone and has recently been designated a "Mixed Use" status under the proposed district plan. This classification identifies land where both current and potential effects are foreseen, with the understanding that appropriate management strategies can mitigate these impacts.

The management of both actual and potential effects is achieved through the application of various low-impact architectural design techniques, which harmonize with the natural contours and surrounding architecture. This design approach integrates the proposed structure into the landscape, rather than having it protrude from it.

Any effects resulting from earthwork cuts are short-term and mitigated by retaining walls and the building itself. Excavated soil would be responsibly transported to a designated facility. The level of potential adverse effects is well understood, and these effects are considered minor in relation to the zone's objectives.

The proposal also yields positive effects, including enhanced land utilization, improved landscape aesthetics following the completion of the building activity, and economic benefits for the local community through the engagement of consultants and contractors. Once completed, the development is anticipated to strike a balance with environmental considerations, aligning with the principles and purpose of the Resource Management Act.

(c) if the activity includes the use of hazardous substances and installations, an assessment of any risk to the environment that are likely to arise from such use.

Not applicable.

- (d) if the activity includes the discharge of any contaminants, a description of -
- (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

Wastewater and stormwater are disposed of into the reticulated network.

(e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects:

Earthworks and sediment control measures would uphold GD05 and be implemented to reduce the effects of waterway discolouration from sediment displacement.

(f) identification of the persons affected by the activity and consultation undertaken, and any response to the views of any person consulted:

The level of effects associated with the building activity are consistent with the zone not to require consultation.



if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

The applicant offers to include a consent condition; if any archaeological features are uncovered, works shall cease until an applicable authority has been approved by Heritage NZ.

if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

No known concerns.

Clause 7 - Matters that must be addressed by assessment of environmental effects

Clause 7(1) specifies the matters that must be addressed by an assessment of environmental effects. any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

The sites intended commercial use and fact the proposed building site is vastly modified, reduces potential unforeseen impacts on the environment.

any physical effects on the locality, including any landscape, and visual effects. (b)

Physical effects undoubtedly occur, however these are within zone tolerances.

The site location is setback from the coastline, in excess of the 30m permitted activity standard, and with the surrounding upper ridgeline providing a substantial backdrop of vegetation this allows the structure to nestled into the landscape.

The surrounding existing built development within this same setting illustrates the ability of large resort structures to integrate into the environment without concern.

c) Any effects on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.

The building site is mostly cleared of any vegetation, and would not contain any significant habitats.

any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural values, or other special value, for present and future generations:

The proposed development area is considered to have equivalent aesthetical value to the other sites in the wider vicinity, therefore the effects of this development, regardless of its proximity to the coastal environment and land with "high natural character" presents no obvious character differences, proving to be of acceptable proportions and environmental impact.



any discharge of contaminants in to the environment, including any unreasonable emissions of noise, and options for the treatment and disposal of contaminants:

Stormwater and sewage are the main discharges and these both are well managed presenting no concern.

(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

No known concern.

NEW ZEALAND COASTAL POLICY STATEMENT

ISSUES

Particular issues outlined in the coastal policy statement include:

- Continuing decline in species, habitats and ecosystems in the coastal environment;
- Poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;
- Continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property;

The proposal does not exacerbate any of the key issues noted in the coastal policy statement.

OBJECTIVES

In terms of the objectives, Objective 6 is of particular relevance:

OBJECTIVE 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development recognising that:

The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.

The proposal aligns with Objective 6, as it signifies the landowner's aim to establish and seamlessly integrate into the existing living environment. Moreover, the development is expected to generate positive contributions to social and economic wellbeing by utilizing this vacant land and fostering additional work opportunities within the community.



POLICIES

The following guideline policies are seen to be consistent with the proposed activity's approach:

Policy 6(1) Activities in the coastal environment

consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable.

- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgeline...
- set back development from the coastal marine area...

Policy 13 Preservation of natural character

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(g) a range of natural character from pristine to modified

The landscape surrounding the existing bush area is undoubtedly modified.

The assessment of environmental effects is representative of a modified natural character and the site is designed for development purposes.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment including by:

(10) Identifying areas and opportunities for restoration or rehabilitation;

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development.

Policy 23 Discharge of contaminants

- (4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment-by-catchment basis, by:
- (a) avoiding where practicable and otherwise remedying cross contamination of sewerage and stormwater systems;

(10) promoting integrated management of catchments and stormwater networks;



Sediment control measures would be implemented throughout the works period.

The site is predominately vegetated, and the proposal only disturbs land that is already alienated. There is no land available for any restoration.

The building setback from the MHWS and location of the State Highway creating a segregation between the environments reduces potential impacts on the foreshore. The proposal does not encroach into mature vegetation.

NATIONAL ENVIRONMENTAL STANDARDS

The property is not considered to be a HAIL site and therefore is not subject the NES for assessing and managing contaminants in soil to protect human health 2011, to warrant a Preliminary site Investigation Report for potential soil contamination.

There are no other national environmental standards applicable to the application site.

The proposed dwelling is not located within 100m of a known wetland and the land use activity upholds the National Environmental Standards for Freshwater Regulations 2020.

FAR NORTH DISTRICT PLAN

The property is located in "Area A4" of the Commercial Sub zone, and is not listed as having any Outstanding Landscape under the operative district plan.

Commercial Environment

The Commercial Zone incorporates the existing commercial areas of the District. It is intended to retain the style and atmosphere of these areas, and to confirm that future commercial development in the District will be concentrated in the existing commercial areas.

In these centres commercial activities will be mutually compatible, will benefit from a close locational relationship, and will be appropriate to the character and amenity of the area.

OBJECTIVES AND POLICIES

7.7.3.1 To achieve the development of commercial areas in the District accommodating a wide range of activities that avoid, remedy or mitigate the adverse effects of activities on other activities within the Commercial Zone and on the natural and physical resources of the District.



7.7.4.2 That the range of activities provided for in the Commercial Zone be limited only by the needs for the effects generated by the particular activity to be consistent with other activities in the zone.

Within the environment, all activities revolve around residential functions, encompassing even the resort-based operations, albeit with a commercial focus. Despite the commercial nature of the resort, its activities are fundamentally centred on providing accommodations and amenities for residents and visitors alike. Thus, while it operates as a business entity, its essence remains rooted in serving the needs and lifestyle of those within the residential community.

The effects of the proposed land use are well in line with the intended growth expectations.

The effects of the land use are low impact relative to the environment.

The proposal upholds the objectives and policies of the commercial zone.

The proposal is not considered to introduce any disconnect with the existing environment, and aligns with the zone intent.

7.7.5.1 PERMITTED ACTIVITIES

7.7.5.1.1 **BUILDING HEIGHT**

(a) The maximum height of any building in the following Commercial Zones shall be 10m:

(viii) Paihia Areas A2 and A3 (Map 91);

The buildings total height exceeds 10m between the ground floor and the roof Apex. However, the definition of building height, is the vertical distance above ground level to the top of the building at that point. Because the building is staggered up the contour, the actual maximum height above ground in the worst-case scenario is 6.5m, and therefore complies.

7.7.5.1.2 **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 the nearest site boundary which adjoins a Residential, Coastal Residential, Russell Township, Rural Living or Coastal Living zones (refer to definition of Recession Plane in Chapter 3 -Definitions), except 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.

The boundary does not adjoin any of the listed zones or accessway.

VISUAL AMENITY AND ENVIRONMENTAL PROTECTION 7.7.5.1.3

(a)

Not applicable.



(b) At least 50% of that part of the site between the road boundary and a parallel line 3m therefrom, which is not occupied by buildings or driveways, shall be landscaped.

The site has landscape planting along the road boundary already in place.

(c) Any landscaping required by these rules shall remain on the site for the duration of the activity and be maintained, and, if such landscaping dies or becomes diseased or damaged, shall be replaced.

7.7.5.1.4 SETBACK FROM BOUNDARIES

(a) Where the road frontage of a site is identified as a `Pedestrian Frontage' on the Zone Maps all buildings shall be built up to the road boundary and a veranda provided for the full frontage of the site.

Not applicable.

(b) The setbacks from the road boundary within the Commercial Zone in Paihia as shown on Map 91 shall be as follows: (i) (ii) Area A1: 6m; Area A2: 6m; (iii) Area A3: 0m; (iv) Area A4: 0m provided no more than 60% of the road boundary is occupied by a building;

No concern.

7.7.5.1.5 NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

Any new residential activity involving permanent or non-permanent accommodation shall be developed in such a way that the attenuation of noise between any boundary and living room is no less than 20 dB, and between any boundary and any room used for sleeping is no less than 30 dB. In the absence of forced ventilation or airconditioning, these reductions shall be achieved with any exterior windows open.

This rule is configured for the commercial zone, and the proposal does not relate to commercial based residential accommodation, therefore it should not apply.

NZTA provided recommendations during the subdivision application that are to be registered on the title of the new lot. Their assessment concludes;

Noise sensitive activities such as a new residential building near to an existing state highway can potentially be affected by road-traffic noise. This could cause annoyance and sleep disturbance potentially resulting in adverse health effects. In turn, this can cause reverse sensitivity effects on the state highway network. Given the intended land use of Lot 1, to ensure that those residing in any future dwelling are not adversely impacted by noise, NZTA considers that a consent notice be registered on the title that requires any future dwelling to be designed and constructed to maintain an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces. See Condition 4 for further detail.

The proposed Consent Notice schedule includes:

Any dwelling or other noise sensitive location on the site in or partly within 18m of the edge of State Highway 11 carriageway must be designed, constructed and maintained to achieve. an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.



The building design proposes adequate acoustic insultation to uphold those parameters. This would be further addressed as part of the building consent assessment, and can be administered as a resource consent condition.

7.7.5.1.6 TRANSPORTATION

15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES

(a) The construction of private accessway, in addition to the specifics also covered within this rule, is to be undertaken in accordance with Appendix 3B-1 in Part 4 of this Plan.

The access arrangements are undergoing considerable change as part of the concurrent subdivision boundary adjustment application, whereby there would no longer be any shared Right of Way, instead the subject site would have one independent entrance. The entrance construction would occur as part of the subdivision consent conditions.

Conditions of this land use consent shall include that the subdivision consent be completed through to 224c stage before the proposed dwelling is occupied.

The proposal complies with the minimum access standards described under Appendix 3B-1.

(b) Minimum access widths and maximum centreline gradients, are set out in the Appendix 3B-1 table except that the grade shall be:

No steeper than 1:20 adjacent to the road boundary for a length of at least 6m.

No concern, with the grade being between 1% and 4%.

(c) A private accessway may serve a maximum of 8 household equivalents.

There are no shared accessways. The concurrent subdivision application describes the Right of Way cancellations and how the boundary adjustment creates an independent access to Paihia Beach Resort.

(d) Where a subdivision serves 9 or more sites, access shall be by public road.

Not applicable.

- (e) Access shall not be permitted:
- (i) onto a State Highway or a Limited Access Road;

NZTA has provided their support, formulated as part of the subdivision consent conditions.

These can be repeated as part of the land use consent conditions.



- (ii) onto an arterial or collector road within 90m of its intersection with an arterial road or a collector road; Not applicable.
- (iii) onto an arterial or collector road within 30m of its intersection with a local road;

The entrance forming part of the subdivision approval, complies, being approximately 40m from the intersection of Kerikeri Road.

(iv) onto a local road within 30m of its intersection with an arterial or collector road; Not applicable.

15.1.6C.1.2 PRIVATE ACCESSWAYS IN URBAN ZONES

(i) The private accessway serves no more than four residential units;

The private accessway from the road boundary to any parking or loading space shall be:

- not less than 3m wide; and
- a minimum overhead clearance of 4m.

Not applicable.

- (b) Private accessways in the Commercial and Industrial Zones shall comply with the following:
- (ii) Two-way operation, excluding service stations.

The private accessway from the road to any parking or loading space shall:

- not be less than 6m or more than 7m in width; and
- have a minimum overhead clearance of 4.2m.

Not applicable.

(c) All private accessways in all urban zones which serve two or more activities are to be sealed or concreted.

The entrances would comply.



15.1.6C.1.3 PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES

With no shared access, passing bays are not requirement.

15.1.6C.1.4 ACCESS OVER FOOTPATHS

Access over the footpath has been addressed under the subdivision approval, and would be secured by way of the proposed consent condition that requires the subdivision completion pursuant to Section 224 be issued prior to the proposed dwelling occupation.

15.1.6C.1.6 VEHICLE CROSSING STANDARDS IN URBAN ZONES

(a) Private access off streets in the urban zones the vehicle crossing is to be constructed in accordance with Council's "Engineering Standards and Guidelines" (June 2004 - Revised 2009).

The entrance is constructed in accordance with FNDC engineering standards.

(b) Where the vehicle crossing serves two or more properties the vehicle crossing is to be widened to provide a double width vehicle crossing.

Not applicable.

15.1.6C.1.7 GENERAL ACCESS STANDARDS

(a) Provision shall be made such that there is no need for vehicles to reverse off a site except where there are less than 4 parking spaces gaining access from a local road.

The site has ample area for vehicles to manoeuvre without needing to revere off site.

(b) All bends and corners on the private accessway are to be constructed to allow for the passage of a Heavy Rigid Vehicle.

There are no bends or corners.

(c) Any access where legal width exceeds formation requirements shall have surplus areas (where legal width is wider than the formation) grassed.

No concerns.



(d) Runoff from impermeable surfaces shall, wherever practicable, be directed to grass swales and/or shall be managed in such a way as will reduce the volume and rate of stormwater runoff and contaminant loads.

This would be addressed under the building consent process. The site has the ability to direct stormwater to grassed swales before entering the stormwater network.

15.1.6C.1.8 FRONTAGE TO EXISTING ROADS

The existing road frontage complies with road standards.

15.1.6C.1.9 NEW ROADS

There are no new roads.

15.1.6C.1.10 SERVICE LANES, CYCLE AND PEDESTRIAN ACCESSWAYS

Not applicable.

15.1.6C.1.11 ROAD DESIGNATIONS

Not applicable.

In summary, the traffic movements associated with the proposed dwelling upholds the transportation standards, compliant with the permitted activity status.

7.7.5.1.7 KEEPING OF ANIMALS

Not applicable.

7.7.5.1.8 Noise

Not applicable to residential activity.

7.7.5.1.10 Roof Pitch

Not applicable

7.7.5.1.12 Helicopter Landing Area

Not applicable.



The proposal complies with the permitted activity standards.

The proposed building is residential in use, and the commercial zone is silent on residential units.

For clarity, the following describes the restricted discretionary rule for noise.

NOISE MITIGATION FOR RESIDENTIAL ACTIVITIES

In assessing an application resulting from a breach of Rule 7.7.5.1.5 Noise Mitigation for Residential Activities the matters to which the Council will restrict its discretion are:

(a) the degree of noise attenuation achieved by the residential activity, taking into account the risk of exposure to noise from activities in the vicinity;

The proposed building is strategically positioned behind the restaurant and accommodation units, ensuring it remains unaffected by the activities in those areas. It benefits from the design of the resort building with its access lift and stairwell adjacent, which acts as a buffer zone to the proposed building. Constructed primarily of concrete, the resort offers excellent sound mitigation capabilities, supplemented by internal ventilation systems that eliminate the need for opening windows.

The proposed dwelling would have double glazed windows and wall insulation to ensure good acoustic properties that comply with NZTA recommendations; an indoor design noise level of 40 dB LAeq(24hr).

(b) the hours of operation of the adjoining activity that is generating the noise;

The adjoining activity is commercial based travellers' accommodation & restaurant (Paihia Beach Resort).

The accommodation operates continually.

The restaurant operates:

The hours of operation include:

Breakfast: Monday to Sunday from 7:00am to 10:00am Dinner: Monday to Sunday from 6:00 pm to Late

The outdoor living spaces of the resort units face north towards the beach, providing ample separation from the proposed dwelling. This layout minimises any potential interference between the resort activities and the proposed building.

The restaurant activity is contained within the building reducing noise displacement to the outside environment.

Considering the resort's present noise reduction measures, and that included for the proposed building, combined with naturally occurring sounds from traffic along Marsden Road and coastal wave action, these all serve to diminish any potential impact on the proposed dwelling and the surrounding environment.

Similarly, the proposed use of the dwelling for residential activity has a symbiotic relationship, where the resort and its surroundings would remain unaffected, overall ensuring a harmonious coexistence between the different elements of each development.



(c) the timing and duration of the noise from adjoining sites that is affecting the site of the application.

Being a commercial zone, each land use activity is required to control the level of noise displaced from site, and the proposal presents no concerns to warrant further assessment.

An acoustic report would accompany the building consent application, and this can form part of the resource consent conditions.

NATURAL AND PHYSICAL RESOURCES

12.2 INDIGENOUS FLORA AND FAUNA

The subject land for the proposed building, access, and parking construction are clear of vegetation.

Excavation standards are not described for the commercial zone under the operative district plan.

All excavated surfaces are to be retained by engineered walls (timber & block). All retained surfaces are predominantly obscured by the proposed dwelling, therefore would not cause any visual adverse effects. The retaining walls require building consent that would be assessed under separate cover.

The volume of earthworks is estimated to be 650m³ and this would be taken offsite to a designated facility.

The works which are being proposed will comply with Earthworks EW-S3 Accidental Discovery Protocol and Earthworks EW-S5 Erosion and Sediment Control - Auckland Council Guideline Document GD005 GD05 Erosion and Sediment Control (aucklanddesignmanual.co.nz).

12.4 NATURAL HAZARDS

12.4.6.1.2

FIRE RISK TO RESIDENTIAL UNITS (a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest; (b) Any trees in a deliberately planted woodlot or forest shall be planted at least 20m away from any urban environment zone, Russell Township or Coastal Residential Zone boundary, excluding the replanting of plantation forests existing at July 2003.

The applicant seeks land use consent to breach the 20m setback standard to reduce the need for vegetation clearance.

It is proposed to build 4m - 6m of the dripline.

Good firefighting water supplies are within proximity, with an accessible reticulated hydrant located along Marsden Road, being 42m from the dwelling.



12.4.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

The proposed activity is affected by fire risk to residential units as a discretionary activity.

(i) the degree of fire risk to dwellings arising from the proximity of the woodlot or forest and vice versa;

The applicant is aware of the fire risk to the residential unit due to proximity of mature bush. The applicant has consulted with Fire and Emergency NZ, based on the building design and obtained their support. The building would be setback between 4 - 6m from the dripline by terraced patios.

(ii) any mitigation measures proposed to reduce the fire risk;

The terraced patios reduce the fire creep.

The terraced areas are split level with over 4m height difference.

Cladding material on the south side of the house would be fire retardant.

The guttering would be metal to reduce the adverse effects of combusting plastic.

(iii) the adequacy of the water supply;

The site is approximately 42m from a reticulated fire hydrant. This defines a clear route over the concrete footpath and driveway, facilitating firefighting accessibility.

(iv) the accessibility of the water supply to fire service vehicles.

The site provides good access for fire trucks over an easy flat contour.

PROPOSED DISTRICT PLAN

The district's urban business centres have traditionally been zoned commercial and contain retail activities, commercial services, food and beverage establishments as well as social and educational services, with limited residential activities. The Mixed Use zone provides a framework in which commercial and residential activities can co-exist and it enables a range of compatible activities.

Objectives

MUZ-O1 The Mixed Use zone is the focal point for the district's commercial, community and civic activities, and provides for residential development where it complements and is not incompatible with these activities.

The proposal for residential development within the MUZ-O1 Mixed Use zone is designed to seamlessly blend with the existing commercial, community, and civic activities that serve as the district's focal point. Emphasizing compatibility, the residential structure is envisioned as a multi-level building, staggered in



design, reminiscent of the nearby resort. Despite being scaled down in comparison, this architectural approach ensures a cohesive integration with the surrounding environment. Such a design strategy not only promotes a sense of harmony but also facilitates the coexistence of diverse functions and activities within mixed-use zones.

MUZ-O5 Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is with the Open Space zone.

In the MUZ-O5 Mixed Use zone, residential activity is strategically positioned above commercial endeavours, aiming to maintain vibrant street fronts, with the exception being interfaces with the Open Space zone. The proposed residential building is intentionally situated farther away from the road front, ensuring that adjacent land retains its feasibility for commercial use. This design approach not only fosters active and engaging streetscapes but also preserves the economic viability of future commercial ventures along the road frontage.

Policies

MUZ-P1 Enable a range of commercial, community, civic and residential activities in the Mixed Use zone where: a. it supports the function, role, sense of place and amenity of the existing environment; and b. there is:

- i. existing infrastructure to support development and intensification, or
- ii. additional infrastructure capacity can be provided to service the development and intensification.

In accordance with MUZ-P1 guidelines, the Mixed Use zone is intended to accommodate a variety of commercial, community, civic, and residential activities, provided they align with the existing environment's function, role, sense of place, and amenity. Additionally, such development should be supported by existing infrastructure or have the potential for additional infrastructure to be provided to meet the needs of development and intensification.

Fortunately, the application site already boasts all necessary services, including wastewater, water supply, stormwater management, electricity, and telecommunications. This comprehensive infrastructure ensures that the proposed development, including the residential component, can proceed smoothly. Moreover, the proposed development maintains and enhances the functional role and amenity value of the site, in line with the objectives of the Mixed Use zone.

MUZ-P3 Require development in the Mixed Use zone to contribute positively to:

- a. high quality streetscapes;
- b. pedestrian amenity;
- c. safe movement of people of all ages and abilities;
- d. community well-being, health and safety; and
- e. traffic, parking and access needs.

According to MUZ-P3 requirements, development within the Mixed Use zone must contribute positively to several key aspects, including high-quality streetscapes, pedestrian amenity, safe movement for people of all ages and abilities, community well-being, health, and safety, as well as addressing traffic, parking, and access needs.



Regarding high-quality streetscapes, while the proposal may not directly enhance this aspect, it ensures the preservation of the existing streetscape without depletion. Similarly, pedestrian amenity values are maintained, and it's anticipated that the completion of the residential unit, along with landscaping efforts, will enhance overall amenity, benefiting pedestrians in the area.

The presence of an existing footpath alongside the legal road ensures the safe movement of people, and the proposed entrance into the site is planned in accordance with council engineering standards, including pedestrian safety.

Furthermore, the introduction of new development often contributes to community well-being by signalling economic growth and positivity. In terms of practical considerations, the site's ample parking space, manoeuvring area, and accessibility to the legal road address traffic, parking, and access needs, ensuring a balanced approach to development that caters to user expectations and infrastructure requirements.

The following description outlines rules and standards intended for application within the zone. While these guidelines currently lack legal enforceability, they serve as a reference to comprehend the proposed zone's nature and the consistency of activities proposed within it.

Rules MUZ-R1

PER-1

The building or structure, or extension or alteration to an existing building or structure will accommodate a permitted activity.

The building use for residential activity as a private household is consistent with the permitted activity allowance.

PER-2

The building or structure, or extension or alteration to an existing building or structure on the site, excluding large format retail, does not exceed a GFA of 400m.

The floor area, totalling 404.8m², represents a minor discrepancy which, in its insignificance, suggests that it should not necessitate an assessment of environmental impacts. This slight deviation from expected measurements implies a negligible effect on environmental considerations, thereby indicating that further evaluation would lack substance.

MUZ-R4 Mixed Use zone

PER-1

The residential activity is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022.

The residential activity is above ground floor level.



MUZ-R5 Residential unit PER-1

The residential unit is located above the ground floor level of a building unless it existed at 27 July 2022.

The garage is located on the ground floor level.

PER-2

Residential units established after 27 July 2022 comply with standard: NOISE-S5 Noise insulation.

The applicant has the building designed for noise mitigation including; being setback from road frontage, double glazed windows, and R3.6 insulation batts.

<u>Standards</u>
The following do not currently have legal effect and are described for clarity only.

MUZ-S1 Maximum height	
The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level, except: 1. the maximum height differs within the following areas that are mapped within Paihia: Area A: 8.5m Area B: 10m; and	The site is located within Area B. The buildings total height exceeds 10m between the ground floor and the roof Apex. However, the definition of building height, is the vertical distance above ground level to the top of the building at that point. Because the building is staggered up a contour, the actual maximum height above ground in the worst-case scenario is 6.5m, and therefore complies.
 that any fence or standalone wall along a side or rear boundary which adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation does not exceed 2m in height. 	
MUZ-S2 Height in relation to boundary Where the building or structure, or extension or alteration to an existing building or structure adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural	1. 55 degrees at 2m above ground level at the northern boundary of the site. 2. 45 degrees at 2m above ground level at the eastern
Open Space, or Sport and Recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary:	and western boundaries of the site. 3. 35 degrees at 2m above ground level at the southern boundary of the site.
MUZ-S3 Setback (excluding from MHWS or wetland, lake and river margins)	Not applicable.



The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation.	
MUZ-S4 Setback from MHWS The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS	The building setback from the coast is approximately 60m. No concern.
MUZ-S5 Pedestrian frontages For sites with pedestrian frontage identified on the planning maps: 1. At least 65% of the building frontage at ground floor must be clear glazing; and 2. The principal public entrance to the building must be located on the front boundary.	Not applicable.
MUZ-S6 Verandahs For sites with pedestrian frontage identified on the planning maps: 1. Any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; and 2. A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall: a. directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; and b. have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and c. be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.	Not applicable.
MUZ-S7 Outdoor storage Any outdoor storage areas, except for the display of goods for retail sale, must be fully screened by a solid fence or wall of a minimum height of 1.8m so that it is not visible from adjoining sites and roads.	Not applicable.
MUZ-S8 Landscaping and screening on a road boundary 1. Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees.	Landscaping exists.



The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.	
MUZ-S9 Landscaping for sites that adjoin any sites other than mixed use or industrial	Not applicable.
MUZ-S10 Coverage 1. At least 10% of the site shall be planted in grass, vegetation or landscaped with permeable material; and 2. The stormwater collection system is designed in accordance with Far North District Council Engineering Standards April 2022.	No concern the rear of the site is densely vegetated in mature bush and far exceeds 10%. Stormwater would uphold council engineering standards.

Coastal Environment

Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character.

Objectives

CE-01

The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.

The proposal is designed with a keen understanding of the importance of preserving the natural character of the coastal environment. To achieve this, it has been carefully crafted to seamlessly integrate into an already vastly alienated landscape without further altering the prevailing coastal character.

CE-02

Land use and subdivision in the coastal environment:

- a. preserves the characteristics and qualities of the natural character of the coastal environment;
- b. is consistent with the surrounding land use;
- c. does not result in urban sprawl occurring outside of urban zones;
- d. promotes restoration and enhancement of the natural character of the coastal environment; and
- e. recognises tangata whenua needs for ancestral use of whenua Māori.

As above no concern.

CE-O3 Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.

No concern, the land use is of far smaller proportions to that of the adjoining resort. The proposal is therefore consistent with the existing built development.



Natural Character



The PNA areas published by the Department of Conservation (prepared by Wildlands 2008) shows the vegetation of significance extending along the upper ridge at the southern extent of the subject properties.



Recent updates in the Proposed District Plan Maps reveal an adjusted overlay, notably enlarged, extending beyond the margins of existing buildings and the state highway formation. This expansion appears disproportionate and impractical, especially considering the Mixed Use zoning and its potential impact on established properties. The overlay's overrepresentation raises concerns, particularly regarding the ability to



clear vegetation for essential fire-break measures, potentially compromising safety and established land use rights.

The proposed building activity, positioned below mature vegetation on the hillside, is considered not to directly harm the ecology above. This assertion is based on spatial separation, with the construction site located distinctively from the established flora. Additionally, the presence of mature vegetation acts as a natural buffer, visually enhancing the landscape while shielding the lower area from environmental disturbances. The argument acknowledges potential indirect impacts but maintains that the project's spatial arrangement mitigates direct adverse effects, emphasizing the need for ongoing environmental stewardship.

Ecosystems & Indigenous Biodiversity

Overview

The district is home to a wide range of indigenous species, habitats and ecosystems and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. The protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation.

Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. Where Significant Natural Areas are identified in the District Plan or through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS or any more recent National Policy Statement on indigenous biodiversity there will be greater control over land use and subdivision to ensure that the ecological significance of these areas are protected.

Objectives

IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.

IB-O2 Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.

Policies

IB-P2 Within the coastal environment:

a. avoid adverse effects of land use and subdivision on Significant Natural Areas; and b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.

IB-P5 Ensure that the management of land use and subdivision to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that:

- a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;
- b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas in some circumstances;
- c. allows for maintenance, use and operation of existing structures, including infrastructure; and
- d. enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.



The proposed building activity epitomises a meticulous approach to site development, intricately navigating a multifaceted landscape replete with diverse influences. An integral facet of this deliberation is the proximity to the state highway, which necessitates assessment of road noise implications.

Moreover, situated within a coastal milieu, the project confronts the spectre of natural hazards endemic to such environments.

In tandem with these considerations, the proposal remains steadfast in its commitment to preserving the intrinsic natural character of the locale. Anchored in principles of respecting the lands conservation value, the proposal employs a nuanced approach to safeguarding biodiversity and ecological corridors, particularly those within the upper contour, thus supporting the amenity value of the landscape while upholding its ecological integrity.

This defines a delicate equilibrium wherein the imperatives of development are judiciously reconciled with the imperatives of environmental stewardship, achieving the goal of sustainable development wherein the imperatives of economic progress coalesce seamlessly with those of environmental preservation.

In summation, the proposal acknowledges the interplay of diverse developmental influences and forges a blueprint for sustainable development that upholds the objectives and policies.

IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area

The proposed works associated with the building construction are certainly outside the 2008 SNA overlay, and along the fringe of the Proposed District Plan SNA.

Activity status: Permitted Where: PER-1	
It is for any of the following: To address an immediate risk to the health and safety of the public or damage to property;) Not applicable.
. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal;) Not applicable.
. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;) Not applicable.
. Clearance for biosecurity reasons;	The applicant is in the process of clearing wildginger.
. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine);) Not applicable.
. To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;	Minor clearing would from time to time be required for fire safety, in the future to ensure the safety of life and property.
To allow for the construction of a single residential unit on a title and essential associated onsite infrastructure and access and it does not exceed 1,000m;) There is no requirement to clear more than 1000m².
. It is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a) Not applicable.



	Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987, or a Heritage covenant under the Heritage New Zealand Pouhere Taonga Act 2014 and the vegetation clearance is provided for in that covenant or order;	
	The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width either side of the fence line;) Not applicable.
0.	The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old;	0) Not applicable.
1.	Creation and maintenance of firebreaks to manage fire risk;	
2.	The harvesting of indigenous timber approved under the	1) As above (6 + 7)
	Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries;	2) Not applicable.
3.	It is for the operation, repair and maintenance of the following activities where they have been lawfully established:	3) Not applicable.
	i. fences ii. infrastructure iii. buildings	
	iv. driveways and access v. walking tracks vi. cycling tracks	
	vii. farming tracks.	
	IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area Activity status: Permitted Where: PER-1	The proposed works are considered to be on the fringe of the SNA. In any event, there is no requirement to clear vegetation or cause land disturbance greater than 100m².
	It does not exceed 100m² per site in any calendar year.	
-	PER-1 A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and	PER 1 is not applicable.
_	It does not exceed the following amounts per site over a 5-year period:	
	Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;	



All other zones — 500m².

PER-2

A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and

It does not exceed 100m² per site in any calendar year.

PER 2 the proposal complies.

Natural Hazards

The site is influenced by the Coastal Erosion (Zone 3: 100 year + rapid sea level rise scenario).

The district is affected by natural hazards. These are natural processes that become a hazard when they affect people, property, infrastructure or the wider environment.

Natural hazards include those that occur frequently such as flooding, coastal erosion and inundation, and land instability; and those natural hazards that occur less frequently including wildfires, tsunami, high winds and droughts.

A precautionary approach is required to manage natural hazard risks. This reflects the direction provided by national and regional policy statements, the imperfect knowledge available on natural hazards, the potentially significant costs and consequences that result from a major hazard event and that it is often difficult and more expensive to mitigate hazard risk after subdivision and land use development has occurred.

Objectives

NH-01

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

The site is buffered from the direct influence of sea level rise with the adjoining state highway. The building design reduces the impact of inundation by having the garage on the ground floor and living above.

Regarding tsunami; there is adequate high ground to allow for onsite evacuation routes.

The fire hazard has been described under the operative district plan, with an adequate level of mitigation.

NH-O2

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



The site is located with similar vulnerabilities to many others in the Paihia vicinity, and does not cause or present any increased risk.

Policy

NH-P2

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

a) the nature, frequency and scale of the natural hazard;

Coastal hazards can occur slow and imperceptibly, or fast during storm conditions and natural processes such as tsunami.

Fire hazards are typically associated with drought summer conditions.

b) not increasing natural hazard risk to other people, property, infrastructure and the environment beyond the site; The proposed dwelling does not cause an increased level of adverse effects on other property, infrastructure or environment beyond.

c) the location of building platforms and vehicle access;

The site plans illustrate the subject hazards in relation to the proposed building, access and parking areas, and these do not present obvious concerns.

d) the use of the site, including by vulnerable activities;

The use of the site for residential activity is defined as a 'vulnerable activity' by definition under the proposed district plan. This is the same or similar use to all properties within proximity.

e) the location and types of buildings or structures, their design to mitigate the effects and risks of natural hazards, and the ability to adapt to long term changes in natural hazards;

The state highway road formation is considered to provide the primary barrier of protection from the effects of coastal erosion. The building design provides further mitigation, where short-term effects from sea level inundation would reduce the impacts on the residential unit when elevated above natural ground level.

f) earthworks, including excavation and fill;

Earthworks would occur over a short duration, and unlikely to be caught within a coastal hazard event.



Cut material would be removed from site as it is excavated, avoiding the possibility of high quantities of sediment being washed into the coastal environment.

All cut faces are being protected with engineered retaining, avoiding the likelihood of erosion issues.

g) location and design of infrastructure;

Earthworks involved with constructing the access and entrance would occur over a short period of time. The formation is along a flat grade simplifying the construction process.

The works are separated from the coast by the State Highway.

Sediment control measures would be included.

h) activities that involve the use and storage of hazardous substances; Not applicable.

i) aligning with emergency management approaches and requirements; No concern.

j) whether mitigation results in transference of natural hazard risk to other locations or exacerbates the natural hazard; and

There are no properties located below the application site, therefore any mitigation measures would not transfer impacts onto other locations, or exacerbate the natural hazard.

k) reduction of risk relating to existing activities.

The proposal would not increase or transfer effects, and the building design with raised living area, reduces the risk to residential activity.

Coastal hazard

NH-P7

Manage new land use and subdivision in coastal hazard areas so that:

a) new subdivision avoids locating building platforms within High Risk Coastal Hazard areas and building platforms should be located outside other coastal hazard areas where alternative locations are available and it is practicable to do so;

Not applicable.



- b) new buildings containing vulnerable activities are not located within High Risk Coastal Hazard areas unless:
- i) there is no other suitable location available on the existing site;
- ii) hazard risks can be mitigated without the need for hard protection structures.

The land use does not avoid building in a High Risk Coastal Hazard area, but it does mitigate the effects, and creates a balance by way of avoiding bush with high natural character, thereby the project is demonstrating a commitment to sustainability and conservation. The decision to locate buildings on an already altered part of the site to minimise earthworks and vegetation clearance mitigates environmental impacts. Balancing development needs with environmental preservation is crucial for creating sustainable communities. It is fair to surmise that the site does not provide a better location.

Hard protection measure are not proposed, instead the vulnerable activity is elevated above the coastal hazard.

- c) where a building or building platform is located with a coastal hazard area, it should be designed and constructed such that:
- i) the building platform will not be subject to inundation and / or material damage (including erosion) over a 100year timeframe; and either
- ii) the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or
- ii) the finished floor level of any other building must be at least 300mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.

The state highway defines a hard protection structure that would prevent effects of erosion occurring onsite. There are no flooding influences.

d) hazard risk is not transferred to, or increased on, other properties;

The proposal does not cause any known transfer of effects.

e) buildings, building platforms, access and services are located and designed to minimise the need for hard protection structures;

With the presence of the state highway barrier, and that the residential activity is designed above ground level this appears to eliminate the need for hard protection structures.

f) safe vehicle access	within	the	site	is	provided;	and
No concern.						

g) services are located and designed to minimise the risk of natural hazards. No concern.

Wildfire

NH-P9

Manage land use and subdivision that may be susceptible to wildfire risk by requiring:

a) setbacks from any contiguous scrub or shrubland, woodlot or forestry;

Setbacks are proposed, although they are less than the standard measures, this is because there is a need to reduce the impact on "high natural character".

b) access for emergency vehicles; and

There is good vehicle access for fire trucks.

c) sufficient accessible water supply for firefighting purposes.

The site is within reach of a reticulated fire hydrant.

NH-R5

Rules

NH-R5 Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings) Activity status: Permitted

Where:

PER-1

Any building used for a vulnerable activity (excluding accessory buildings) either:

- 1) is located on a site that has access to a fire hydrant; or
- 2) provides for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

The proposal complies.



PER-2

Any building used for a vulnerable activity (excluding accessory buildings) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.

The proposal fails to comply.

Standards

NH-S1 All natural hazards

Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.

The hazards rules have limited legal effect and therefore reports have not been prepared in this instance.

EARTHWORKS

Overview

Earthworks involve the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth. Earthworks are an integral part and necessary component of the use and development of rural and urban land for living, business and recreation purposes. In addition, earthworks are a key component of the development, operation, maintenance and upgrading of infrastructure.

Objectives

EW-01

Earthworks are enabled where they are required to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, the coastal marine area, public safety, surrounding land and infrastructure.

EW-02

Earthworks are appropriately designed, located and managed to protect historical and cultural values, natural environmental values, preserve amenity and safeguard the life-supporting capacity of soils.



EW-O3

Earthworks are undertaken in a manner which does not compromise the stability of land, infrastructure and public safety.

Policies

EW-P1

Enable earthworks necessary to provide for the district's social, economic and cultural well-being, and their health and safety where they provide for:

- a) urban land uses and development within urban zones;
- b) rural land uses and development including, farm tracks, land drainage, and other farming activities within the Rural zones;
- c) conservation and recreation activities:
- d) land drainage and flood control works; and
- e) installation, upgrade and maintenance of infrastructure.

The proposal includes sediment control in accordance with industry standards and therefore accords with the objectives and policies.

EW-R13

Earthworks and erosion and sediment control activity status: Permitted

Where:

PER-1

The earthworks complies with standard EW-S5 Erosion and sediment control.

EW-S5

Erosion and sediment control

All zones

Earthworks

- 1) must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005); and 2) shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.
- The applicant offers conditions of consent to include that during earthworks, sediment control be installed and be actively managed during the course of works in accordance with GD05.



In summary the proposal complies with the Proposed District Plan and its underlying objectives and policies.

CONCLUSION

The land use activities are consistent with the commercial zone objectives and policies, whilst demonstrating that the level of effects are less than minor under discretionary assessment.

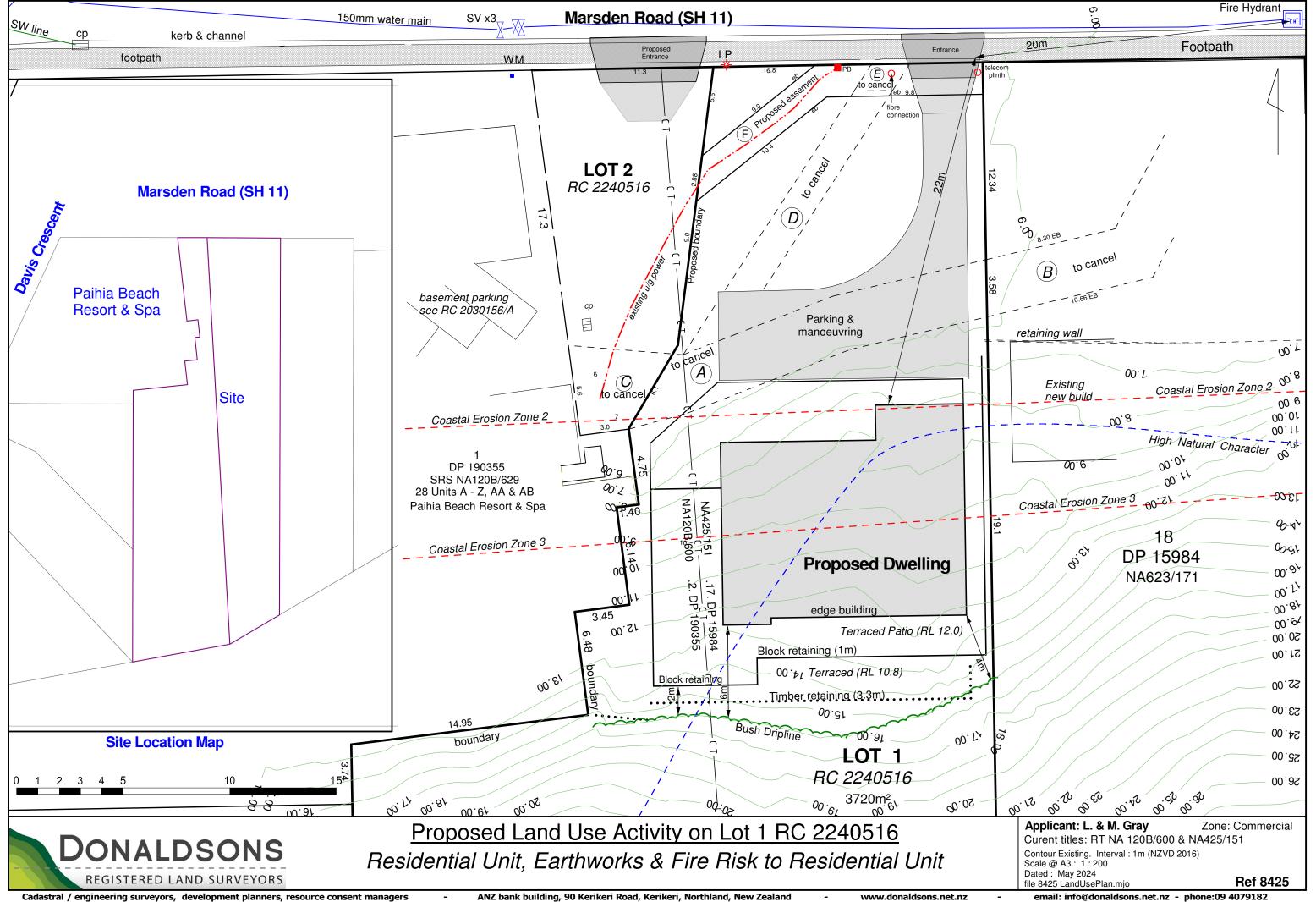
The proposal is not deemed contrary to the higher planning documents, the Coastal and Regional Policy Statements, having demonstrated consistency with their framework.

The land use is considered to uphold Part 2, Purpose and Principles under the Resource Management Act 1991, and outlines sufficient information to meet the requirements of Clause 6 and 7 of the assessment of environmental effects.

In consideration of the overall planning framework, the proposal is considered necessary in order for the applicant to achieve better utilisation of the site and the application is recommended to local authority for approval.

Micah Donaldson Assoc.NZPI DONALDSONS





Proposed Dwelling

Lindsay & Melita Gray 124 Marsden Road Paihia Lot 17 DP 15984

DRAFT Construction Drawings

Date: 12 July 2024 Job Number: 4140

Drawn by:



Designer Sheet Index					
Sheet No.	Sheet Title	Rev			
A01	Site Plan	J			
A02	Ground Level Floor Plan	J			
A03	First Level Floor Plan	J			
A04	Second Level Floor Plan	J			
A05	Elevations A & B	J			
A06	Elevations C & D	J			

Current Lots: Lot 17 DP 15984 - 124 Marsden Road, Paihia Lot 2 DP 190355 - 128 Marsden Road, Paihia

Proposed Lot: Lot 1 DP 361931 Lot area: 3,705m² Corrosion zone: D Wind zone: Very High Paihia Commercial Zone: A4

District plan compliance:

Building height:

Permitted: 10m max (3.5m with 6m of roadside boundary) Proposed: 10.5m approx. Does not comply, RC required.

Sunlight rule: Does not comply, RC required.

Visual Amenity & Environmental Protection: TBC by planner

Setbacks to boundaries:

Permitted: 0m provided no more then 60% of the road boundary is occupied by a building (this rule does not comply to buildings erected below the ground.). Proposed: Complies

Stormwater Management

Permitted: The disposal of collected stormwater from the roof of all new buildings and new impervious surfaces provided that the activity is within an existing consented urban stormwater management plan or discharge consent.

(Impermeable surfaces):

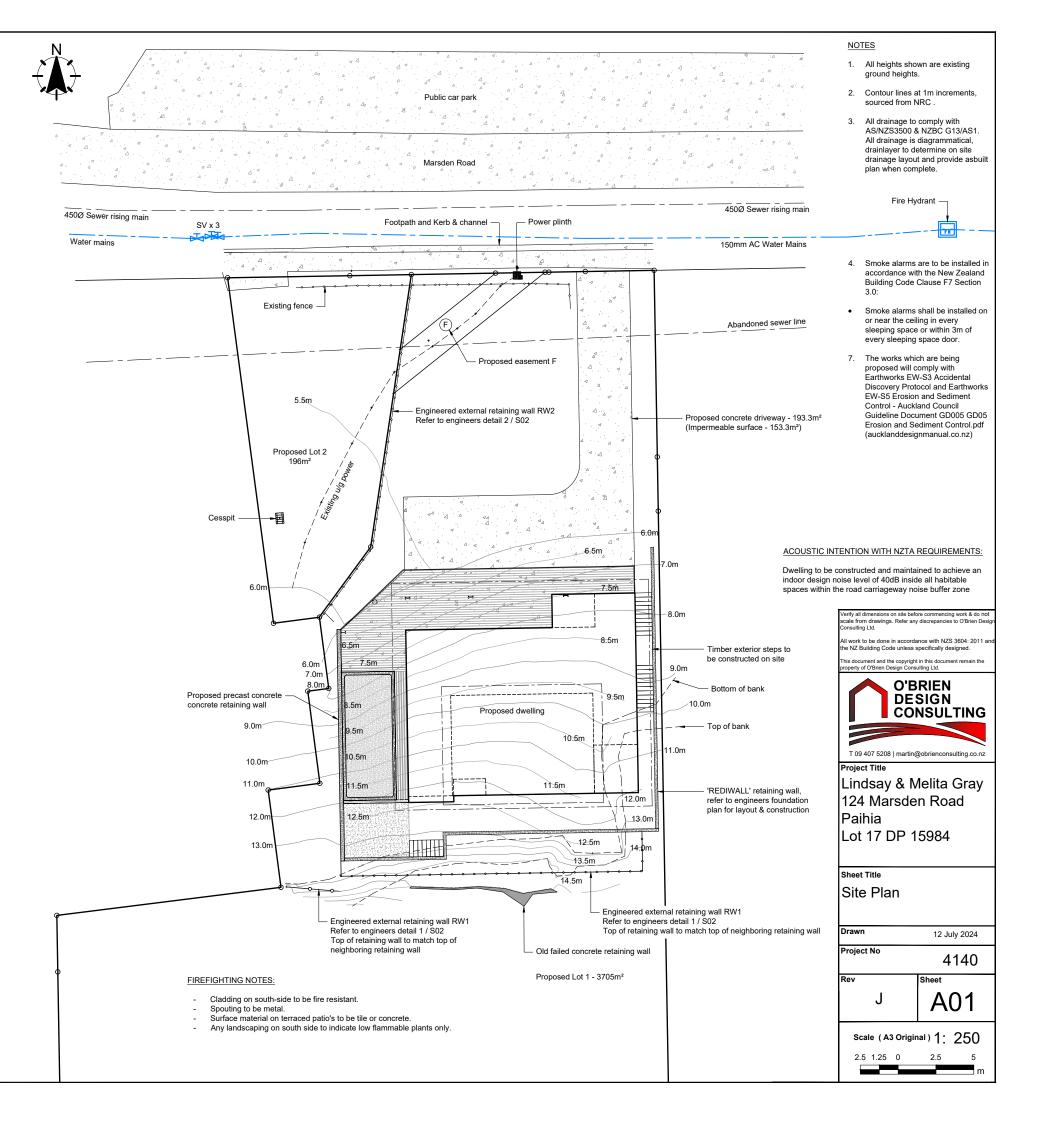
Proposed driveway: 70.4m²
Proposed dwelling: 275.4m²
Total proposed: 345.8m²

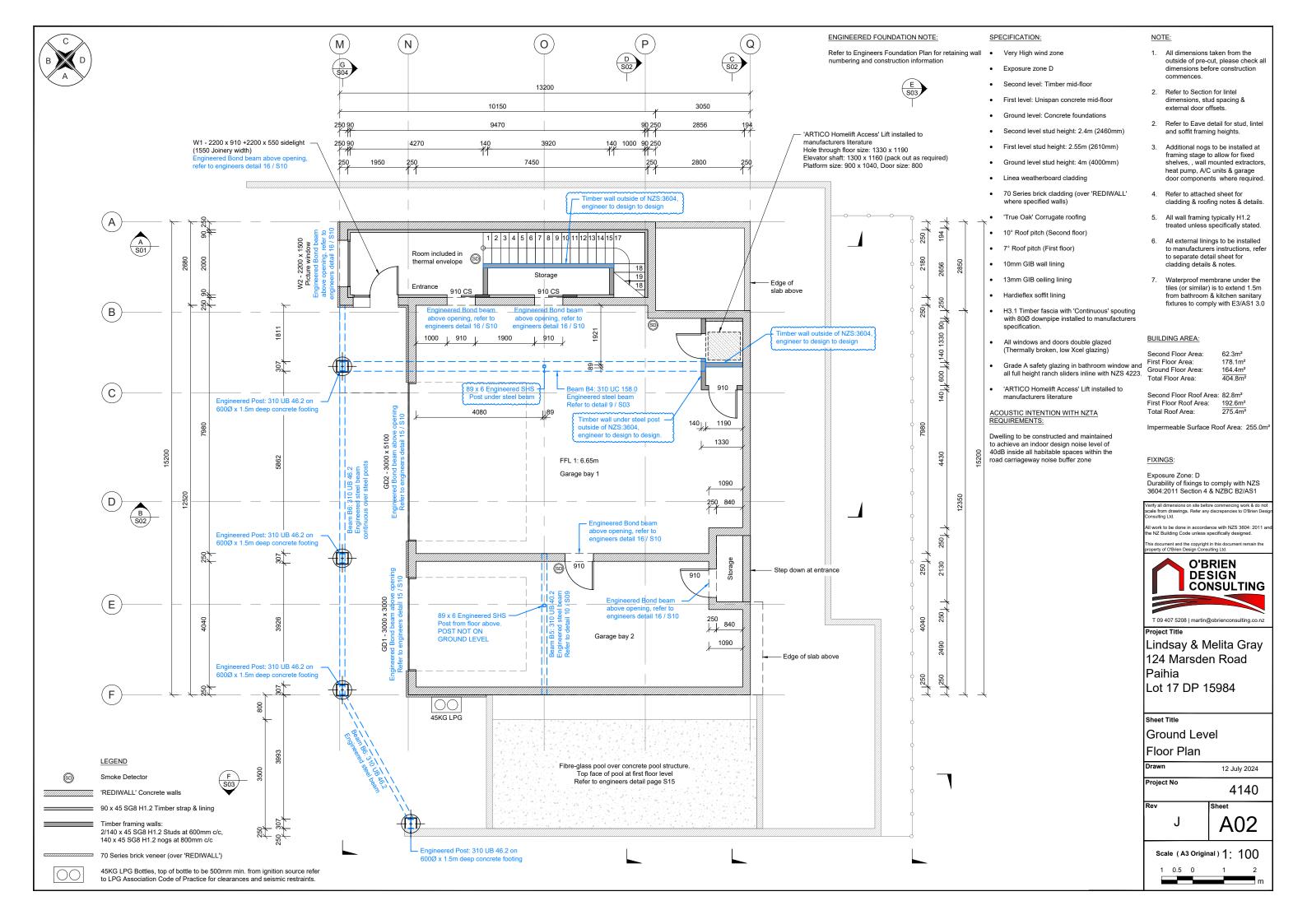
Total permitted = TBCm²

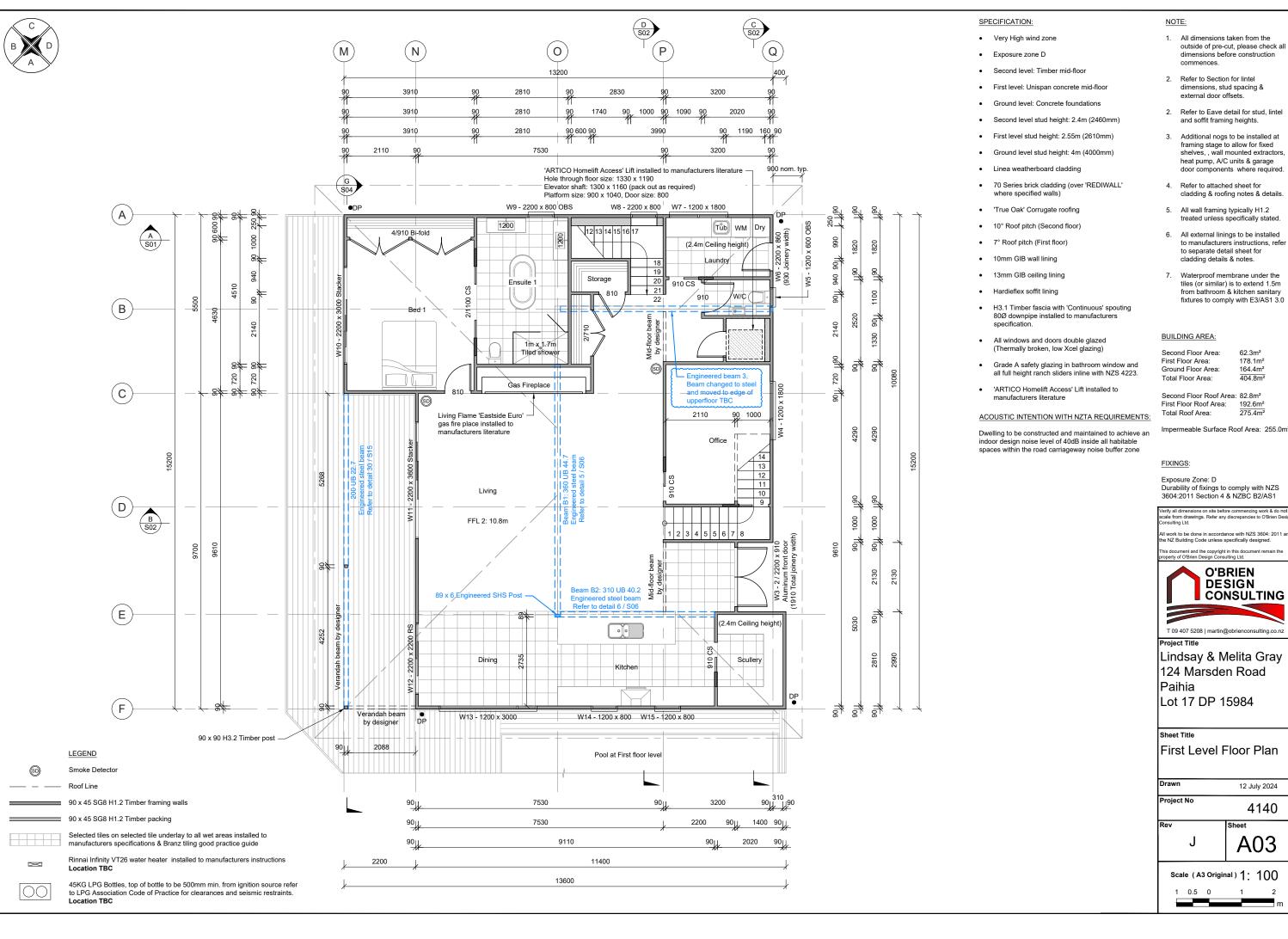
Earthworks

Main cut: 749m³
Total cut: 768m³
Spoil to be removed from site
Total permitted = TBC by planner



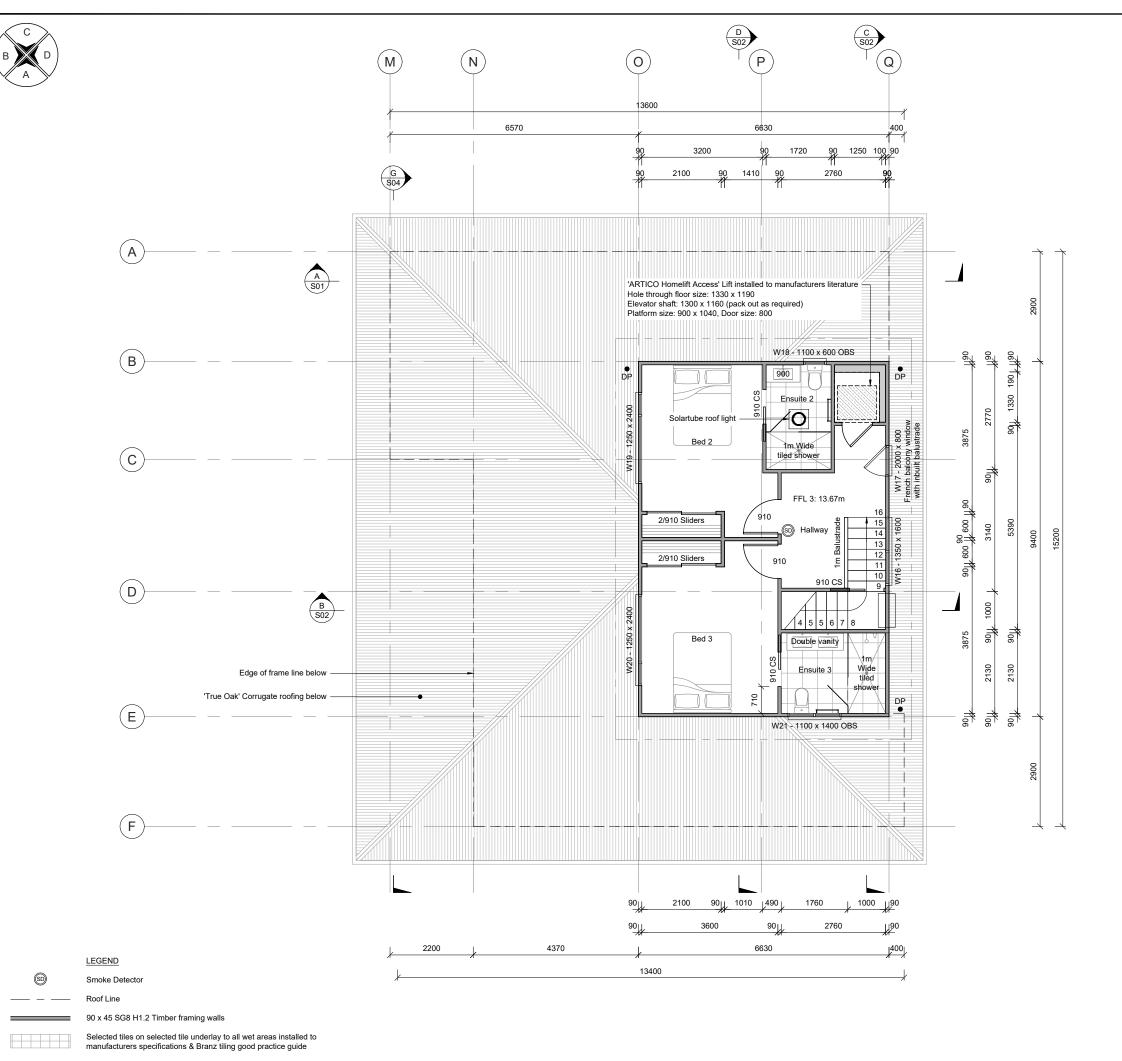






- framing stage to allow for fixed shelves, , wall mounted extractors
- to manufacturers instructions, refer to separate detail sheet for
- tiles (or similar) is to extend 1.5m from bathroom & kitchen sanitary





SPECIFICATION:

- Very High wind zone
- Exposure zone D
- Second level: Timber mid-floor
- First level: Unispan concrete mid-floor
- · Ground level: Concrete foundations
- Second level stud height: 2.4m (2460mm)
- First level stud height: 2.55m (2610mm)Ground level stud height: 4m (4000mm)
- Linea weatherboard cladding
- 70 Series brick cladding (over 'REDIWALL'
- where specified walls)

 True Oak' Corrugate roofing
- 10° Roof pitch (Second floor)
- 7° Roof pitch (First floor)
- 10mm GIB wall lining
- 13mm GIB ceiling lining
- Hardieflex soffit lining
- H3.1 Timber fascia with 'Continuous' spouting with 80Ø downpipe installed to manufacturers specification.
- All windows and doors double glazed (Thermally broken, low Xcel glazing)
- Grade A safety glazing in bathroom window and all full height ranch sliders inline with NZS 4223.
- 'ARTICO Homelift Access' Lift installed to

ACOUSTIC INTENTION WITH NZTA REQUIREMENTS:

Dwelling to be constructed and maintained to achieve an indoor design noise level of 40dB inside all habitable spaces within the road carriageway noise buffer zone

NOTE:

- All dimensions taken from the outside of pre-cut, please check al dimensions before construction
- Refer to Section for lintel dimensions, stud spacing & external door offsets.
- Refer to Eave detail for stud, lintel and soffit framing heights.
- Additional nogs to be installed at framing stage to allow for fixed shelves, , wall mounted extractors heat pump, A/C units & garage door components where required.
- 4. Refer to attached sheet for cladding & roofing notes & details.
- All wall framing typically H1.2 treated unless specifically stated.
- All external linings to be installed to manufacturers instructions, refer to separate detail sheet for cladding details & notes.
- Waterproof membrane under the tiles (or similar) is to extend 1.5m from bathroom & kitchen sanitary fixtures to comply with E3/AS1 3.0

BUILDING AREA:

 Second Floor Area:
 62.3m²

 First Floor Area:
 178.1m²

 Ground Floor Area:
 164.4m²

 Total Floor Area:
 404.8m²

 Second Floor Roof Area:
 82.8m²

 First Floor Roof Area:
 192.6m²

 Total Roof Area:
 275.4m²

Impermeable Surface Roof Area: 255.0m²

FIXINGS:

Exposure Zone: D Durability of fixings to comply with NZS 3604:2011 Section 4 & NZBC B2/AS1

cale from drawings. Refer any discrepancies to O'Brien Designosulting Ltd.

All work to be done in accordance with NZS 3604: 2011 he NZ Building Code unless specifically designed.

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T 09 407 5208 | martin@obrienconsulting.co.nz

Project Title

Lindsay & Melita Gray 124 Marsden Road Paihia Lot 17 DP 15984

Sheet Title

Second Level Floor Plan

Prawn 12 July 2024

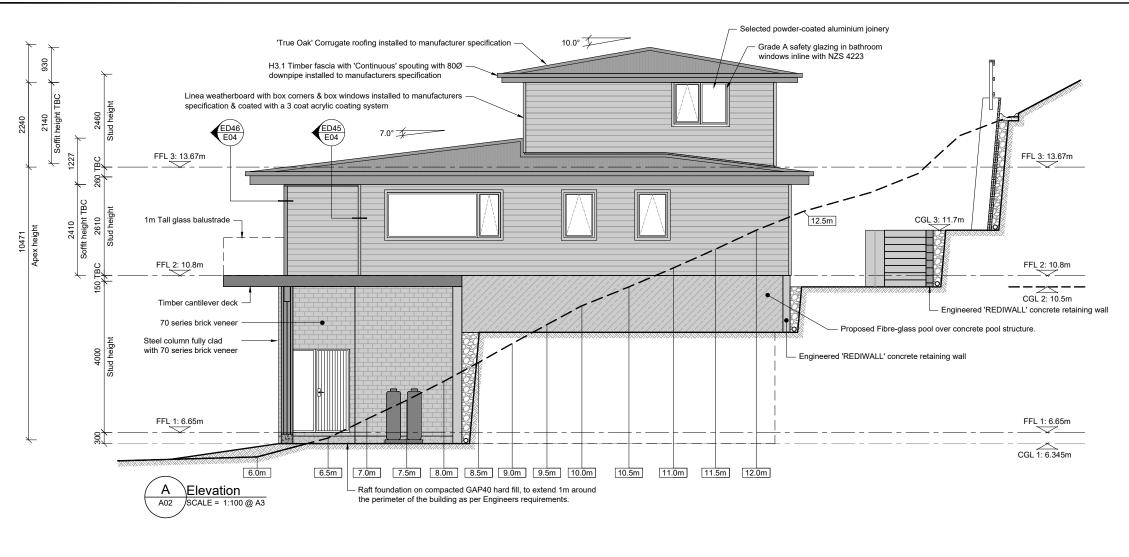
Project No

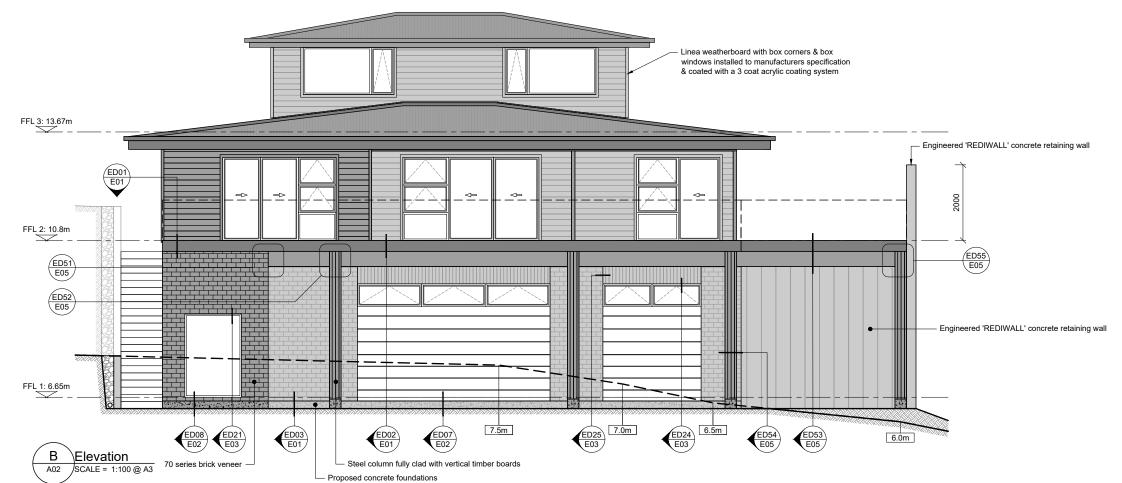
4140

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A04

Scale (A3 Original) 1: 100





SPECIFICATIONS								
Cladding Type	Linea Weatherboard							
Stud Height		4000, 2610, 2460						
Roofing Type	'True Oak' Corruate							
Roof Pitch		7° & 10°						
Joinery	Aluminium							
Wind Zone	Very high							
Earth Quake Zone	1							
RISK MATRIX								
Risk Factor	1	м	н	VH/EH	Score			
THERE I GOLD.	L	IVI	п		Score			
A. Wind Zone	0	0	1	2	2			
B. Number of Storeys	0	1	2	4	4			
C. Roof / Wall Intersection	0	1	3	5	0			
D. Eave Width	0	1	2	5	2			
E. Envelope Complexity	0	1	3	6	3			
F. Deck Design	0	2	4	6	2			
	Total 13							

ACOUSTIC INTENTION WITH NZTA REQUIREMENTS:

Dwelling to be constructed and maintained to achieve an indoor design noise level of 40dB inside all habitable spaces within the road carriageway noise buffer zone

NOTE:

- All heights shown are existing ground heights.
- All external linings to be installed to manufacturers instructions, refet to separate detail sheet for cladding details & notes.
- All windows and doors double glazed other than the garage joinery.
- Grade A safety glazing in bathrooms & tall windows and sliders inline with NZS 4223.

FIXINGS:

Exposure Zone: D Durability of fixings to comply with NZS 3604:2011 Section 4 & NZBC B2/AS1

rerity all dimensions on site before commencing work & do not scale from drawings. Refer any discrepancies to O'Brien Design Consulting Ltd.

all work to be done in accordance with NZS 3604: 2011 are NZ Building Code unless specifically designed.

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Project Title

Lindsay & Melita Gray 124 Marsden Road Paihia Lot 17 DP 15984

Sheet Title

Elevations A & B

Drawn 12 July 2024

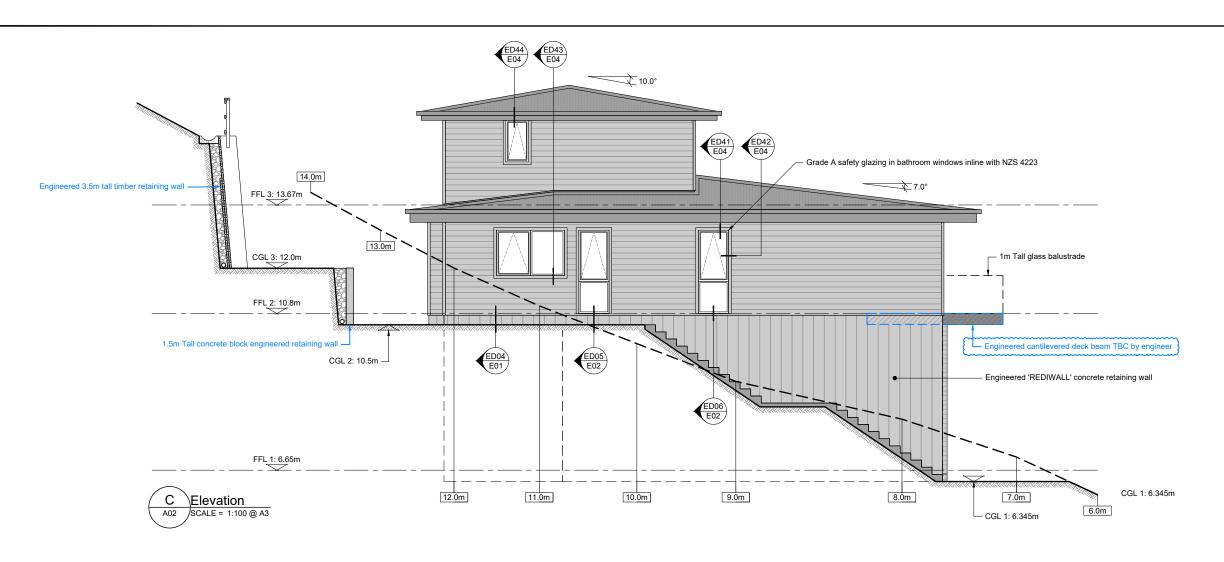
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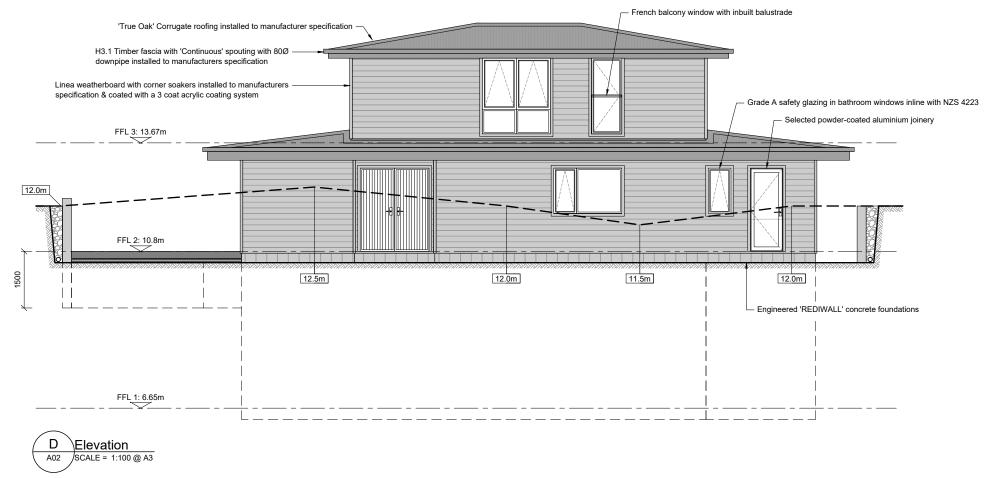
J

A05

4140

Scale (A3 Original) 1: 100





SPECIFICATIONS							
Cladding Type		Linea Weatherboard					
Stud Height		4000, 2610, 2460					
Roofing Type		'True Oak' Corruate					
Roof Pitch		7° & 10°					
Joinery	Aluminium						
Wind Zone	Very high						
Earth Quake Zone	1						
RISK MATRIX							
Risk Factor	L	М	Н	VH/EH	Score		
A. Wind Zone	0	0	1	2	2		
B. Number of Storeys	0	1	2	4	4		
C. Roof / Wall Intersection	0	1	3	5	0		
D. Eave Width	0	1	2	5	2		
E. Envelope Complexity	0	1	3	6	3		
F. Deck Design	0	2	4	6	2		
	Total 13				13		
	Cladding Type Stud Height Roofing Type Roof Pitch Joinery Wind Zone Earth Quake Zone RISK N Risk Factor A. Wind Zone B. Number of Storeys C. Roof / Wall Intersection D. Eave Width E. Envelope Complexity	Cladding Type	Cladding Type	Cladding Type	Cladding Type		

ACOUSTIC INTENTION WITH NZTA REQUIREMENTS:

Dwelling to be constructed and maintained to achieve an indoor design noise level of 40dB inside all habitable spaces within the road carriageway noise buffer zone

NOTE:

- All heights shown are existing ground heights.
- All external linings to be installed to manufacturers instructions, refer to separate detail sheet for cladding details & notes.
- All windows and doors double glazed other than the garage joinery.
- Grade A safety glazing in bathrooms & tall windows and sliders inline with NZS 4223.

FIXINGS:

Exposure Zone: D Durability of fixings to comply with NZS 3604:2011 Section 4 & NZBC B2/AS1

cale from drawings. Refer any discrepancies to O'Brien Designonsulting Ltd.

All work to be done in accordance with NZS 3604: 2011 he NZ Building Code unless specifically designed.

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1 09 407 5208 | martin@obi

Project Tit

Lindsay & Melita Gray 124 Marsden Road Paihia Lot 17 DP 15984

Sheet Title

Elevations C & D

Drawn 12 July 2024

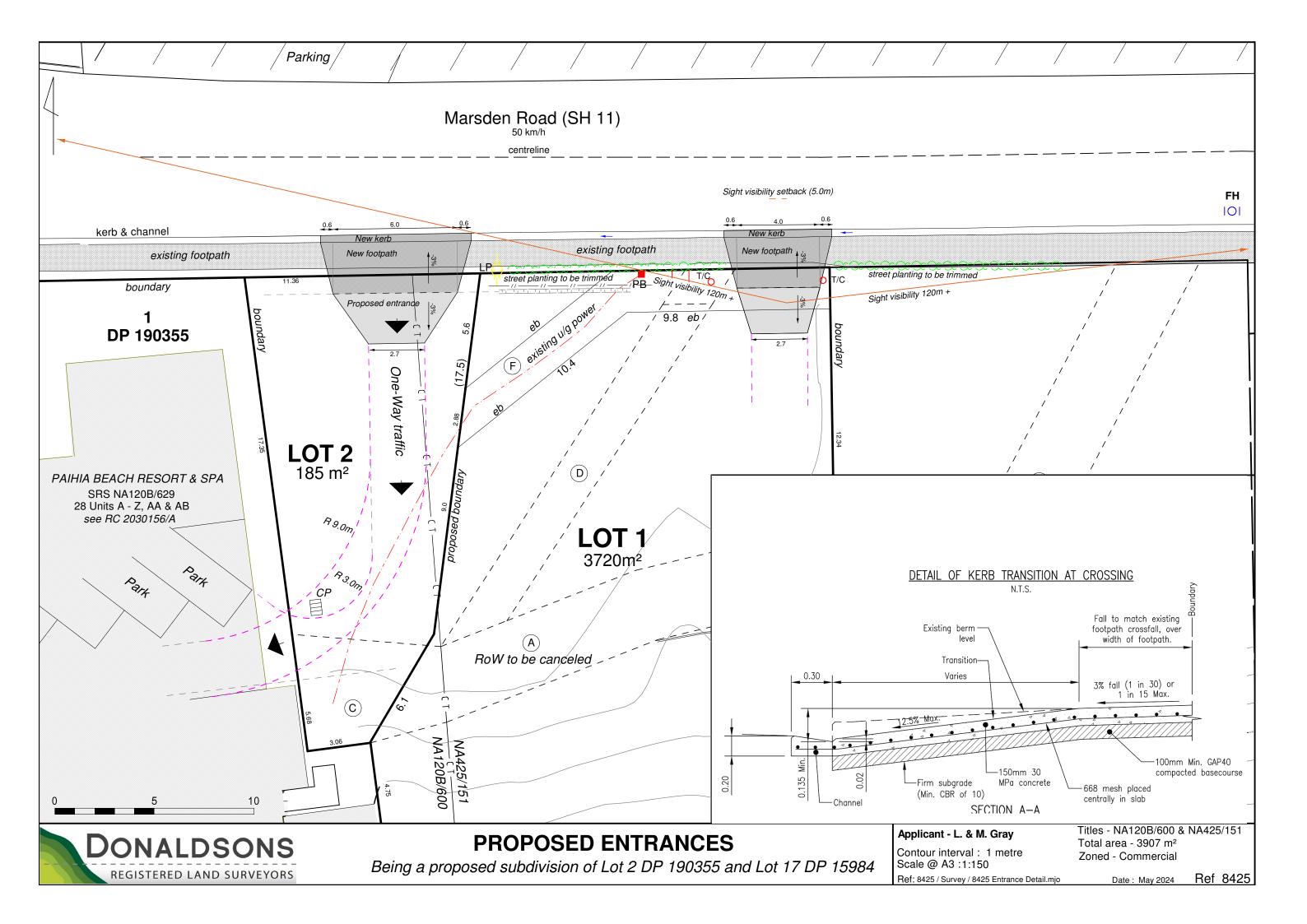
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A06

4140

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RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





Identifier NA120B/600

Land Registration District North Auckland

Date Issued 01 October 1999

Prior References NA484/229

Estate Fee Simple

Area 2076 square metres more or less Legal Description Lot 2 Deposited Plan 190355

Registered Owners

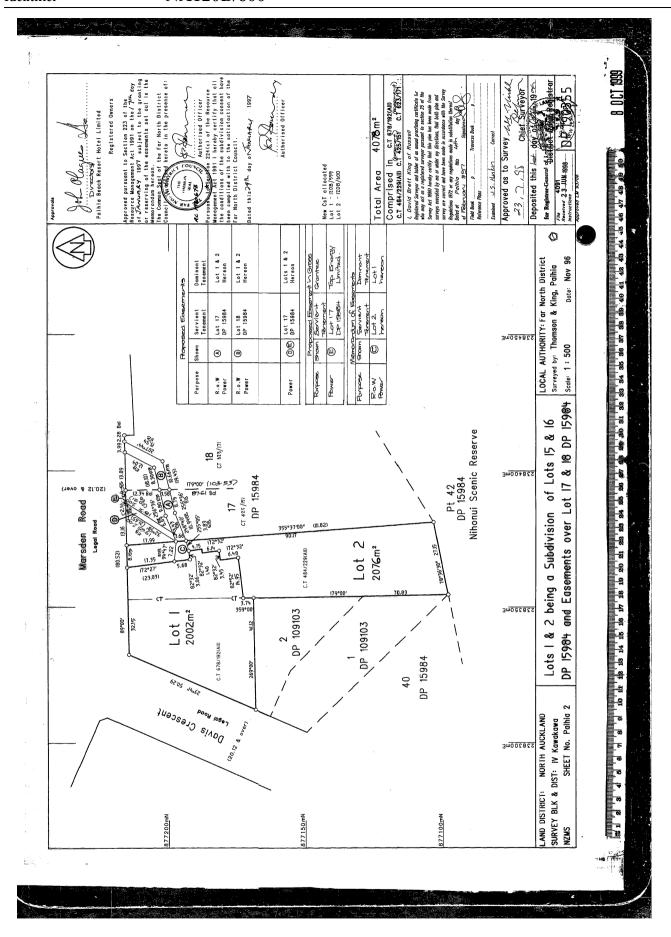
Melita Fay Gray as to a 1/2 share Lindsay Stuart Gray as to a 1/2 share

Interests

Fencing Agreement in Transfer 227525

Subject to a right of way and to a power right over part marked C on DP 190355 specified in Easement Certificate D435872.3 - 1.10.1999

The easements specified in Easement Certificate D435872.3 are subject to Section 243 (a) Resource Management Act 1991 Appurtenant hereto are rights of way and power rights created by Transfer D435872.5 - 1.10.1999





RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD





Identifier NA425/151

Land Registration District North Auckland
Date Issued 30 November 1925

Prior References

NA410/54

Estate Fee Simple

Area 1831 square metres more or less
Legal Description Lot 17 Deposited Plan 15984

Registered Owners

Melita Fay Gray as to a 1/2 share Lindsay Stuart Gray as to a 1/2 share

Interests

Fencing Agreement in Transfer 196382 - 30.11.1925

Subject to an electricity right (in gross) over part marked E on DP 190355 in favour of Top Energy Limited created by Transfer D435872.2 - 1.10.1999 at 2.15 pm

Subject to a right of way over part marked A and to a power right over parts marked A, D and E on DP 190355 created by Transfer D435872.5 - 1.10.1999 at 2.15 pm

Bay of Islands Maraden Rd 16



44 Bowen Street Pipitea, Wellington 6011 Private Bag 6995 Wellington 6141 New Zealand T 0800 699 000 www.nzta.govt.nz

NZ Transport Agency Waka Kotahi Reference: 2024-0615

2 July 2024

L & M Gray C/- Micah Donaldson Donaldsons Registered Land Surveyors 90 Kerikeri Road, Kerikeri 0245

Sent via Email: micah@donaldsons.net.nz

Dear Micah,

PROPOSED SUBDIVISION (BOUNDARY ADJUSTMENT) - 128 MARSDEN ROAD (STATE HIGHWAY 11), PAIHIA - L & M GRAY

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

Proposal

Resource consent is sought for the following activities:

- Proposed subdivision byway of boundary adjustment between Lot 2 DP 1903551 and Lot 17 DP 159842 as shown on scheme plan 8425 (dated May 2024) and prepared by Donaldsons Registered Land Surveyors (Attachment 1). The boundary adjustment will result in the following lots:
 - Proposed Lot 1 3720m²
 - Proposed Lot 2 185m²
- NZTA understands that proposed Lot 2 will be amalgamated with an adjacent parcel (Lot 1 DP 190355) which contains the Paihia Beach Resort (PBR).

Assessment

In assessing the proposed activity, NZTA notes the following:

- NZTA understands that the purpose of the boundary adjustment is to reconfigure the access to the PBR.
- A new vehicle entrance is proposed on Lot 2 at X: 174.08704, Y: -35.278933. This vehicle entrance will be utilised by PBR as part of the hotel operations. The access will be utilised as an ingress only with vehicles exiting the PBR site via Davis Crescent.
- The applicant has stated to NZTA that the Lot 2 access will be maintained by PBR and that access to the resort is coordinated during the booking process, with staff assistance readily available. The resort will also install internal signage to clearly indicate the egress and ingress points. The access is not for the general public, it is for guests
- NZTA has reviewed the proposed access location for Lot 2 and considers that given the urban environment, the access shall be constructed in accordance with Far North District Council standards for commercial/ industrial use. See Condition 1 for further details.

¹ RT NA120B/629

² RT NA425/151

- Proposed Lot 1 has the intended future use of a single residential dwelling. Access to Lot 1 is proposed via an
 existing vehicle entrance located at X: 174.087274, Y: -35.278932.
- Given the intended land use of Lot 1, NZTA requires for the subject access to be designed, constructed, and maintained in accordance with FNDC Engineering Standard for Vehicle Crossing – Residential (Attachment 4). See Condition 2 for further detail.
- Noise sensitive activities such as a new residential building near to an existing state highway can potentially be affected by road-traffic noise. This could cause annoyance and sleep disturbance potentially resulting in adverse health effects. In turn, this can cause reverse sensitivity effects on the state highway network. Given the intended land use of Lot 1, to ensure that those residing in any future dwelling are not adversely impacted by noise, NZTA considers that a consent notice be registered on the title that requires any future dwelling to be designed and constructed to maintain an indoor design noise level of 40 dB L_{Aeq(24hr)} inside all habitable spaces. See Condition 4 for further detail.

Conditions

In discussion with NZTA your clients have agreed to include the following conditions as part of your client's resource consent application. The legal name of NZTA is the **New Zealand Transport Agency**; therefore our full legal name is referred to in the conditions and approval.

- 1. The new vehicle crossing located at X: 174.08704, Y: -35.278933, to serve proposed Lot 2, shall be formed in accordance with the Far North District Plan Engineering Standard Vehicle Crossing Commercial/ Industrial (Sheet No. 19) and to the satisfaction of the Far North District Council Roading Manager.
- The vehicle crossing located at X: 174.087274, Y: -35.278932, to serve proposed Lot 1, shall be upgraded in accordance
 with the Far North District Plan Engineering Standard Vehicle Crossing Residential (Sheet No. 18) and to the
 satisfaction of the Far North District Council Roading Manager.
- 3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to the New Zealand Transport Agency, correspondence from the Far North District Council confirming that works in the state highway have been constructed to council standards.
- 4. A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered against the title of proposed Lot 1 of the subdivision of land shown on Scheme Plan 8425 (dated May 2024) that addresses potential reverse sensitivity effects resulting from the normal operation of State Highway 11. This consent notice shall read as follows:

Any dwelling or other noise sensitive location on the site in or partly within 18m of the edge of State Highway 11 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB L_{Aeq(24hr)} inside all habitable spaces.

Determination

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

Advice Notes

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

Please submit your CAR to the NZTA CAR Manager via NorthlandHighwayCAR@fultonhogan.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Expiry of this approval

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

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact the Environmental Planning team at environmentalplanning@nzta.govt.nz.

Yours sincerely



Vonnie Veen-Grimes

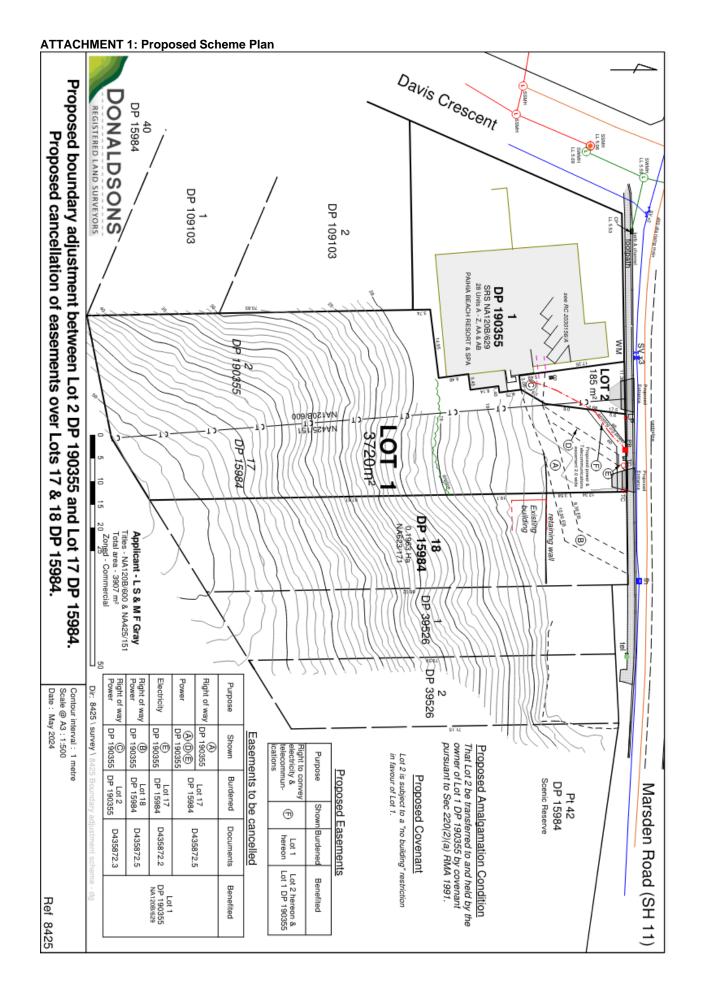
Planner

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

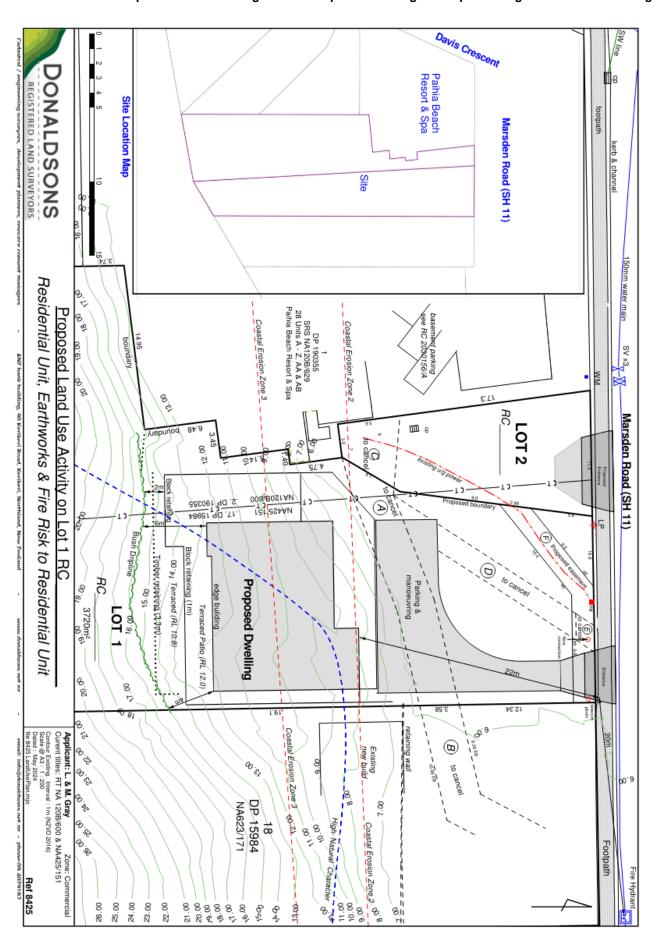
cc: NorthlandHighwayCAR@fultonhogan.com

Enclosed:

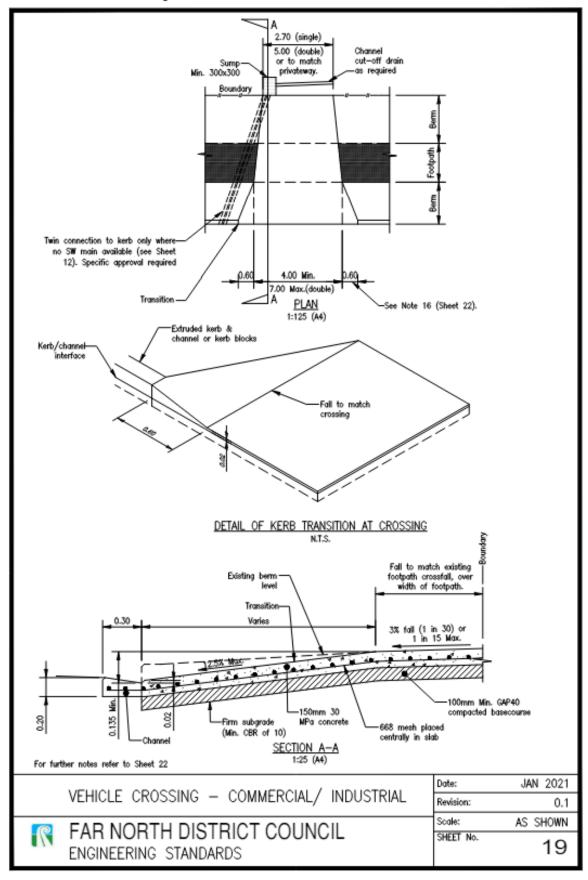
- > Attachment 1: Proposed Scheme Plan
- > Attachment 2: Proposed Access Arrangement & Proposed Building Envelope for Single Residential Dwelling
- Attachment 3: Far North District Council Engineering Standard for Vehicle Crossing Commercial/ Industrial
- > Attachment 4: Far North District Council Engineering Standard for Vehicle Crossing Residential



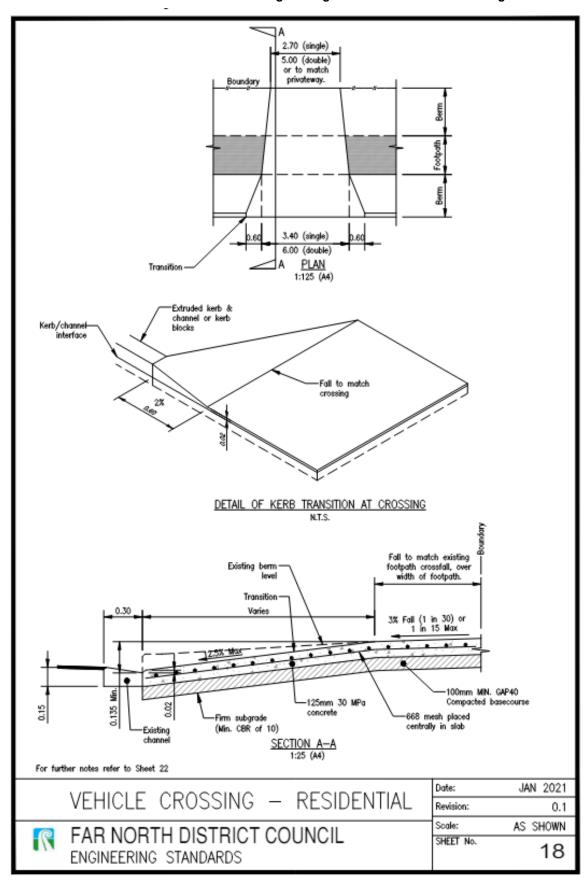
ATTACHMENT 2: Proposed Access Arrangement & Proposed Building Envelope for Single Residential Dwelling



Sheet 19 Vehicle Crossing - Commercial/ Industrial



ATTACHMENT 4: Far North District Council Engineering Standard for Vehicle Crossing – Residential



micah@donaldsons.net.nz

From: Goffin, Jason <Jason.Goffin@fireandemergency.nz>

Sent: Thursday, 20 June 2024 9:39 am micah@donaldsons.net.nz

Subject: RE: 120 - 124 Marsden Road Paihia - L. Gray - Fire Risk to

Hi Micah,

As it has a reticulated water supply and meets SNZPAS 4509:2008 it meets our operational requirements. FNDC are the consent authority regarding the dripline and is their responsibility to manage this.

Kind Regards

Jason Goffin

Advisor Risk Reduction – Kaitohutohu Matua Whakaheke Moorea Specialist Fire Investigator – Kaititiro Ahi Maatanga Te Tai Tokerau Te Hiku Region 1 9 Homestead Road Kerikeri



Mobile: 027 7066467

Email: jason.goffin@fireandemergency.nz

Fire Fact "A House Fire Can Become Fatal within 5 Minutes"

From: micah@donaldsons.net.nz <micah@donaldsons.net.nz>

Sent: Wednesday, June 19, 2024 4:19 PM

To: Goffin, Jason < Jason.Goffin@fireandemergency.nz>

Subject: RE: 120 - 124 Marsden Road Paihia - L. Gray - Fire Risk to

Hi Jason.

Any update on this one?

Regards,

Micah

From: micah@donaldsons.net.nz < micah@donaldsons.net.nz >

Sent: Thursday, 6 June 2024 5:04 pm

To: Jason.Goffin@fireandemergency.nz

Subject: 120 - 124 Marsden Road Paihia - L. Gray - Fire Risk to

Jason,

Our client would like to build closer than 20m from the fringe of existing bush located along Marsden Road Paihia.

Reticulated water supplies are available within code requirements.

The bush happens to be classified "high natural character" meaning the council would rather the bush was left untouched as far as practical.

There is a fire hydrant just 42m from the building, and the site is accessible by fire truck, with the access along a near flat grade.

The dripline from overhanging branches is between 4m - 6m from the edge of the building.

You will see on the building plans, terraced retaining behind the building. This creates a fire separation buffer between the two.

Any questions let me know.

Regards,

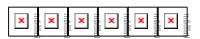
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