

Application for SUBDIVISION Consent:

101.2021.12291 and 102.2021.12291, Number Seven Stirling Limited,
7 Stirling Street, Te Aroha.



1 Application Details

Council Reference	101.2021.12291
Applicant	Number Seven Stirling Limited
Property Address	7 Stirling Street, Te Aroha.
Legal Descriptions	Lot 3 DPS 7023
Records of Title	SA15D/565
Date Lodged	13 May 2021
Proposal	<u>Subdivision:</u> To create two residential lots. <u>Land-use:</u> To undertake a subdivision where the existing dwelling would have a yard and height relative to site boundary encroachment once the new boundaries have been created.
Rules	<u>Subdivision:</u> Rule 6.1.2(b) Residential lot (minimum lot size – 450m ²) Rule 6.2.15 Subdivision General Performance Standards Existing Buildings to Comply <u>Land-use:</u> Rule 6.2.15 Subdivision General Performance Standards Existing Buildings to Comply
Application	Section 88 Resource Management Act 1991
Activity Status	Restricted Discretionary Activity

2 Location Map



Figure 1: Location Plan (Not to Scale)

3 Site and Surroundings

3.1 Overview

This report deals with an application by Number Seven Stirling Limited to undertake a two lot subdivision at 7 Stirling Street. The application has been lodged by GeoMetrix on behalf of the Applicant.

The subject title is registered in the ownership of Boxkan Limited and has the following details:

Identifier	Legal Description	Date	Area (ha)	No. of Dwellings
SA15D/565	Lot 3 DPS 7023	13 December 1973	1011m ²	1

- 3.2 There are no interests registered on the Record of Title that are of relevance to this application.
- 3.3 The property is within the Residential Zone of Te Aroha and is not subject to any overlays. The subject site is located towards the south-western end of Stirling Street and contains an existing dwelling, one accessory building and a carport which are positioned in the front half of the property. The topography of the site is predominantly flat except for an approximate 500mm decline midway along the western boundary.

- 3.4 There are no known heritage features or items of cultural significance on the property. Furthermore, no areas have been identified or are known to pose a contamination risk hazard from current or past activities within the title.
- 3.5 The properties to the immediate east, west and south are similarly located in the Residential Zone and are of similar shapes and sizes to the subject site. The Rural-Residential Zone is located to the north, but is currently used for farming purposes. The properties to the west of the site are vacant lots, while the properties that are occupied to the east consist of primarily older single detached dwellings with weatherboard or brick exteriors and iron roofs.
- 3.6 Designation 88, known as the Thames Branch railway line and Designation 167, known as the Hauraki Rail Trail are approximately 40m south-west of the site at the end of the Stirling Street.
- 3.7 The dwelling is accessed via an existing vehicle crossing on Stirling Street near the south-eastern corner of the property. The vehicle crossing is located over 385m away from the Stirling Street and Hikutaia Street intersection. Stirling Street is identified as a 'Local' road in the District Plan and has a speed limit of 50km/h.
- 3.8 The dwelling has existing connections to Council wastewater and water services located within the Stirling Street reserve. There are also existing telecommunications and electricity connections. Stormwater is disposed of on-site.

4 Description of Proposal

- 4.1 This applicant seeks resource consent for a Restricted-Discretionary activity land-use and subdivision under the Operative Matamata-Piako District Plan (District Plan); the predominant planning document to be considered in assessing this application.
- 4.2 The Applicant is seeking to create two lots from one existing title, which would generate non-compliances with bulk and location provisions of the District Plan in relation to the existing dwelling once the new boundaries are created. The resulting lots and their non-compliances are described as follows:

Lot 1 – of 479m² would sit at the front of the parent property. This allotment would contain the existing weatherboard dwelling, single garage and carport. It is proposed that the existing single garage along the north-eastern boundary at the rear of the proposed lot would be partly removed or relocated clear of the new boundaries. Household recreational space would be provided north of the dwelling. Vehicle access to the dwelling would be provided via the existing vehicle crossing and driveway along the north-eastern boundary. Two external parks would be provided on the site.

Lot 2 – of 533m² would be located on the rear half of the parent property. This allotment would be vacant. The site has sufficient space to provide for a 10x15m building platform. A recreational space would be situated west of the building platform. Vehicle access to the proposed lot would be provided via a new vehicle crossing and access leg along the south-western boundary of the parent property. Due to the location of the existing dwelling, the access leg would only be 3m wide, which is 0.5m less than the required minimum. To comply with District Plan requirements, the applicant has proposed to create a narrow right of way easement over the adjoining property legally described as Lot 1-2 DPS 7023. There is sufficient space for parking and manoeuvring onsite.
- 4.3 Figure 2 below is a scheme plan of the proposed subdivision, which also includes the elevation details of the setback and height in relation to side boundary infringements.

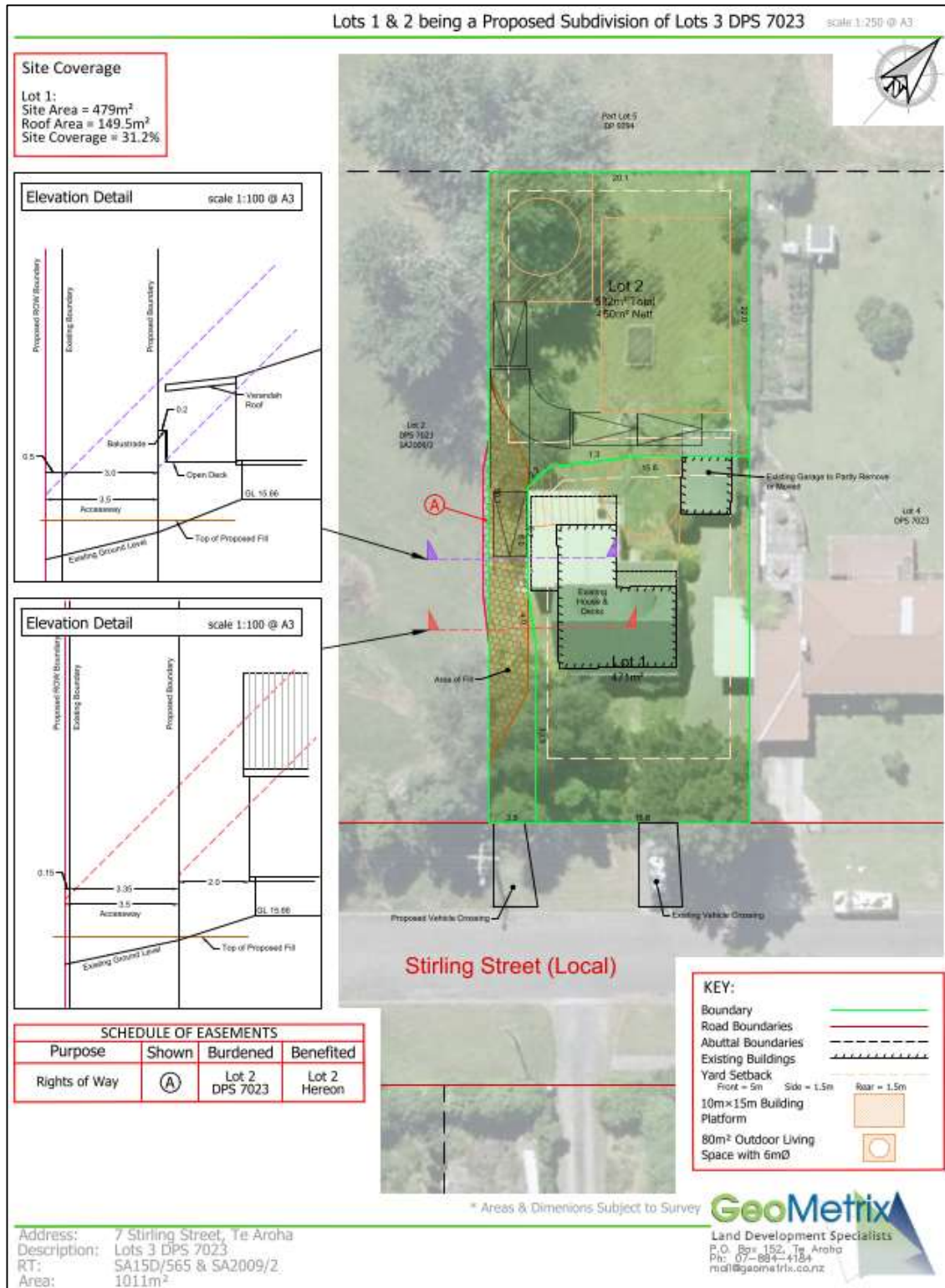


Figure 2: Scheme plan showing the size and layout of the proposed lots (Not to Scale).

5 Reasons for Consent

5.1 Rules of the Operative Matamata-Piako District Plan

The subject site is located within the Residential Zone under the District Plan. The proposal would trigger several provisions of the District Plan. An assessment of the activity has been provided below and the following activity statuses apply:

Subdivision Activity

- 5.3 The application for subdivision has been lodged under Rule 6.1.2(b). The rule provides for the creation of residential lots, with a minimum size of 450m² net site area as a Controlled activity. As detailed above, the net area for the lots would be 479m² and 450m² respectively. The proposal would therefore meet the Controlled activity rule.

- 5.4 Rule 6.2.1 outlines the performance standards applicable to all subdivisions:

(i) General performance standards

All subdivision shall comply with the relevant performance standards in this section.

(ii) Controlled Assessment Criteria

The matters of control within Section 6.4 shall apply.

(iii) Non-compliance

Any subdivision proposal which does not comply with (i) above and is not subject to a rule provision which assigns an alternative activity status, shall be a Restricted Discretionary activity.

- 5.5 The proposal has been assessed against the relevant matters contained within Section 6.2 and 6.3 below.

- 5.9.1(i) – *Stormwater*: Complies. Refer to Table 1 below.
- 5.9.1(ii) – *Wastewater*: Complies. Refer to Table 1 below.
- 5.9.1(iii) – *Water supply*: Complies. Refer to Table 1 below.
- 5.9.1(v) – *Other reticulation*: Complies. Refer to Table 1 below.
- 6.2.4 – *Development suitability*: Complies. A Site Suitability Report has been submitted with the application (by GeoMetrix) which concluded that the site would be suitable for development. A building platform in a compliant location has been demonstrated on Lot 2. Lot 1 would contain the existing dwelling.
- 6.2.5 – *Development Contributions*: Complies. If the consent is granted, development and financial contributions in accordance with the District Plan and Council's policy would be required. The application has outlined that the applicant would comply with this rule.
- 6.2.8 – *Earthworks*: Complies. The application has outlined that due to Lot 2's relatively flat topography minimal earthworks would be required to establish a suitable building platform. The access leg would require approximately 100m³ of fill, which is well under the permitted amount of 1000m³ in the District Plan.
- 6.2.15 – *Existing buildings to comply*: Does not comply. Refer to Table 1 below.
- 9.1.2(ii)3.1 – *An existing vehicle crossing that does not change in character, scale or intensity of use is a permitted activity*. Complies. The existing access servicing Lot 1 would not change in character, scale or intensity of use.

- 9.1.2.(ii)3.4 – *A new vehicle crossing that complies with the performance standards in 9.1.2(iv)(a)(i)-(iv) is a permitted activity. Complies.* The performance standards in 9.1.2(iv)(a)(i)-(iv) apply to vehicle crossings onto collector or local roads. Stirling Street is defined as a local road which means the vehicle crossing serving Lot 2 is required to be suitably developed in accordance with the Development Manual to provide for the number of vehicles using the site. This vehicle crossing would be designed, formed, and constructed in accordance with the Development Manual to provide for the lot's estimated 8 car equivalent movements per day. The crossing would be located approximately 8m south of the existing vehicle entrance and would have complying sight and separation distances.
- 9.1.4 *On-site parking:* Complies. Space has been provided on each lot to accommodate two car parking spaces.

5.6 Land-use Activity

Rule 6.2.15 of the District Plan states that all subdivision consent applications shall demonstrate that existing and proposed buildings comply with the provisions of the District Plan once the new lots have been created. In this instance, the proposal triggers a land use consent because the existing building on Lot 1 would not comply with the District Plan's yard setbacks from the proposed boundaries. As a result, the existing dwelling would not comply with Development Control 3.1.1(iii) Side yard setback – 1.5m as it would encroach the western side yard by 1.3m. It would also not meet Development Control 3.1.1(ii) Height relative to site boundaries as it would protrude through the recession plane on the same western boundary.

5.7 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The proposal has been assessed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). The NESC is not considered to be applicable in this instance, as no HAIL activities have been identified or are known to have occurred on the property.

5.8 Summary: Consents required and activity status

The proposed subdivision and land-use consent requires resource consent under the following rules:

Subdivision

- Rule 6.1.2(b) – Residential Lot (min 450m² lot size) – Controlled activity, but standard 6.2.1(iii) outlines that any subdivision proposal that does not comply with 6.2.1(i) is a Restricted Discretionary Activity.

Land-use

- Rule 6.2.15 - Existing Buildings to Comply – Restricted Discretionary

To summarise the above, the proposal would not comply with all of the general performance standards under Section 6.2, as the existing dwelling would not meet the required setback and height in relation to site boundary distances once the new lots have been created. As a result, the proposal carries Restricted Discretionary activity status in accordance with Rule 2.2.1.2.

- 5.7 A summary of the proposed service provisions for each of the dwellings is outlined below.

Table 1: Services Summary

Services	Lot 1	Lot 2
Lot size	479m ²	533m ² (450m ² net)
Complying building platform	Lot 1 would contain an existing dwelling, an accessory building and carport.	Lot 2 would be a vacant lot which would be capable of containing a complying 150m ² building platform clear of impediments.
Stormwater	Lot 1 would use the parent property's existing stormwater system. Evidence of the location of the existing stormwater soakage system is required.	Lot 2 would require a stormwater soakage design at the time of any relevant Building Consent application.
Wastewater	The dwelling on Lot 1 would use the parent property's existing connection to the Council's reticulated network, located within the berm of Stirling Street.	Lot 2 would require a new wastewater connection to be installed at the expense of the consent holder.
Water Supply	The dwelling on Lot 1 would use the parent property's existing connection to the Council's reticulated network, located within the berm of Stirling Street.	Lot 2 would require a new water connection to be installed at the expense of the consent holder.
Vehicle Access	Access to Lot 1 would be provided via an existing vehicle crossing located towards the north-eastern corner of the parent lot's road frontage.	Access to Lot 2 would be provided via a new vehicle entrance located towards the south-western boundary of the parent lot. A 0.5m portion of the access leg would be a formed by a Right of Way easement in favor of Lot 2 over the adjoining boundary of Lot 1-2 DPS 7023.
Compliance of existing buildings with Development Controls	The existing dwelling on Lot 1 would not comply with the required side setback and height in relation to boundary distances in respect of the new south-western boundary. This matter will be further addressed below in Section 7 of this report. The existing garage at the rear of Lot 1 would not comply with the District Plan yard requirements in respect of the new boundaries. In this instance, the applicant has proposed to remove the garage or move it away from the new	Lot 2 would not be occupied by any existing buildings.

	boundary. A condition can be imposed on the consent which would require the applicant to either remove the accessory building or cut it down so it is away the internal boundaries.	
Electricity & Telecommunications	The dwelling on Lot 1 would use the existing connections from Stirling Street road frontage.	Lot 2 would require new telecommunications and electricity connections to be installed at the expense of the consent holder.
Development Contributions	Lot 1 would be occupied by an existing dwelling and would therefore not be required to pay a development contribution.	Lot 2 would create one additional residential development, therefore Development Contribution fees will apply.

6 Notification Assessment – Is Public Notification Required?

- 6.1 In processing a resource consent application, the consent authority must decide within 20 working days whether to give public or limited notification of that application. The criteria for determining the notification pathway of a resource consent application is outlined in sections 95A and 95B.

Section 95A - Determination of whether public notification is required.

Step 1: Mandatory public notification in certain circumstances:

- (a) *the applicant has requested that the application be publicly notified;*
- (b) *public notification is required under section 95C:*
- (c) *the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

Comment:

Mandatory public notification is not required as none of the above criteria have been triggered in this instance.

Step 2: If not required by Step 1, public notification may be excluded in certain circumstances:

- (a) *the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*
- (b) *the application is for a resource consent for 1 or more of the following, but no other, activities:*
 - (i) *a controlled activity:*
 - (ii) *a restricted discretionary activity, discretionary, or non-complying activity, but only if the activity is a boundary activity:*

Comment:

The application is not precluded from public notification as none of the above criteria have been triggered in this instance.

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

- (a) *The application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
- (b) *The consent authority decides, in accordance with section 95D, that the activity would have or is likely to have adverse effects on the environment that are more than minor.*

Section 95D - A consent holder that is deciding for the purpose of Section 95A(8)(b) (Step 3(b) above) whether an activity would have or is likely to have adverse effects on the environment that are more than minor -

- (a) *must disregard any effect on persons who own or occupy:*
 - (i) *the land in, on, or over which the activity would occur; or*
 - (ii) *any land adjacent to that land; and*
- (b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*
- (d) *must disregard trade competition and the effects of trade competition; and*
- (e) *must disregard any effect on a person who has given written approval to the relevant application.*

Comment:

Any adverse effects of the proposal would be confined to the local environment. Any effects that extend beyond the subject site and adjacent properties are considered to be less than minor. For the purpose of Section 95D, the effects on the wider environment are considered to be no more than minor, therefore public notification is not required for this proposal.

Step 4: Further notification in special circumstances

Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified.

Comment:

There are no special circumstance which warrant public notification of the application.

Section 95C - Public notification after a request for further information or report.

- 1) *A consent authority must publicly notify an application for a resource consent (see Step 1 above) if –*
 - (a) *it has not already decided whether to give public or limited notification of the application; and*
 - (b) *subsection (2) or (3) applies.*
- 2) *This subsection applies if the consent authority requests further information on the application under section 92(1), but the applicant –*
 - (a) *does not provide the information before the deadline concerned; or*
 - (b) *refuses to provide the information.*

- 3) *This subsection applies if the consent authority notifies the applicant under Section 92(2)(b) that it wants to commission a report, but the applicant –*
- (a) does not respond before the deadline concerned; or*
 - (b) refuses to agree to the commissioning of the report.*
- 4) *This section applies despite any rule or national environmental standard that precludes public or limited notification of the application.*

Comment:

None of the above criteria have been triggered in this instance.

Summary

To conclude, public notification is not mandatory in this instance, nor has it been excluded. The effects on the wider environment are considered to be no more than minor. Furthermore, no special circumstances or National Environmental Standards require public notification to take place. It is therefore recommended that the application proceed without full public notification.

7 Notification Assessment – Is Limited Notification Required?

- 7.1 If the application is not publicly notified, the Council must decide if there are any affected persons and give limited notification to those persons. Section 95B and 95E outline the relevant criteria, which has been included below:

Step 1: Certain affected groups and affected persons must be notified:

Determine whether there are any –

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

Determine –

- (a) Whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*
- (b) Whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*
- (4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

Comment:

None of the above criteria have been triggered in this instance.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances:

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*
- (b) the application is for a controlled activity (but no other activities) that requires resource consent under a district plan (other than a subdivision of land).*

Comment:

Limited notification is not precluded as none of the above criteria have been triggered in this instance.

Step 3: If not precluded by Step 2, certain other affected persons must be notified:

Determine whether in accordance with Section 95E, the following persons are affected persons:

- (a) In the case of a boundary activity, an owner of an allotment with an infringed boundary; and*
- (b) In the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.*

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

Section 95E -

- 1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- 2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section, -*
 - (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- 3) A person is not an affected person in relation to an application for a resource consent for an activity if –*
 - (a) The person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) The consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- 4) Subsection (3) prevails over subsection (1)*

Comment:

As determined in Section 5 of this report, the proposed residential subdivision would comply with the relevant District Plan performance standards, except for a non-compliance with the District Plan's bulk and location requirements in relation to the south-western side boundary of Lot 1. As a result, the subdivision consent carries Restricted Discretionary activity status. The potential effects associated with these infringements and the subdivision generally are assessed below.

The effects on the environment are assessed against the matters which Council has restricted its discretion pursuant to the Assessment Criteria determined in Rule

1.4.1 – Visual of the Operative District Plan.

Visual and Amenity

When making an assessment against the visual and amenity effects of the proposal it is considered that distance of structures from site boundaries, scale, design, degree of compatibility with surrounding properties and privacy should be assessed.

The setback requirements of the District Plan are applied to minimise the adverse effects created by building scale or dominance, shading, building location and site layout. This ensures that development achieves adequate privacy and open space for adjoining neighbours and is compatible in scale with surrounding activities and structures. As established by under the District Plan, a 1.5m setback from side boundaries is considered an adequate buffer between adjacent residential properties. The open deck and roof of the existing dwelling would be located approximately 0.2m away from its new south-west boundary at its closest point. The dwelling itself is located further back from the deck, but appears to still encroach on the setback. This level of encroachment could create adverse privacy, shading and dominance effects.

However, when deciding whether or not an activity would generate adverse effects of the surrounding environment that are more than minor, section 95D of the RMA states that the consent authority must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur or any land adjacent to that land. Therefore, in this instance where the encroachments would only affect the owners and occupiers of Lot 2, which the applicant currently owns, it is considered that these adverse effects can be disregarded.

One reason why appropriate distances to boundaries is required is to meet the privacy needs of the dwelling's occupants, future occupants and the neighbouring properties. While the Applicant still own both properties, it is considered that the proposed lot would not create any additional adverse privacy effects on top of what already exists. In this instance, the adverse privacy effects are considered to be less than minor as the encroachment is on an access way, which is typically only occupied for short periods.

In regard to the other visual assessment matters, the dwelling is existing which means any scale, design and degree of compatibility effects generated has already been recognised by the surrounding environment.

The height in relation to site boundary infringement has the potential to result in visual obtrusiveness, shadowing and privacy effects. The purpose of the rule is to procure sufficient light for adjoining properties and to make sure that development is compatible with the surrounding environment.

While the level of the infringement appears to be extensive on paper, the associated effects would actually be considered minimal due to the design of the new lots. The dwelling and balcony would infringe on an access way, meaning the degree of visual obtrusiveness, shadowing and privacy effects for the new lot would be nominal, if say the adverse effects were compared to those on an adjoining dwelling. Further, the intended purpose of the infringed space is primarily for vehicle and pedestrian use. As each of these activities is for a short period of time the effects on the access way are considered to be negligible. In this instance, the proposal would not compromise the use of the access way or affect amenity for the future occupiers of Lot 2.

The effects on the infringement are not considered to extend beyond Lot 2 to Lot 1-2 DPS 7023. This is because the existing dwelling complied with the setback and height in relation to boundary distances prior to the proposed subdivision.

Given these reasons outlined above, it is considered that the potential adverse visual and amenity effects from the encroachment would be less than minor.

Residential Development

As the effects associated with the bulk and location non-compliances have been found to be less than minor, it is appropriate to assess the remainder of the matters relating to the subdivision proposal in the context of it being a Controlled activity.

For a Controlled activity, the Council can consider a party affected, but only if that party is affected by a matter over which the Plan has retained control. In this instance, the Plan has retained control over matters relating to site suitability, servicing, and development contributions. These matters are discussed below.

Site suitability

Lot 1 would be a 479m² site containing the existing dwelling, accessory garage and carport, while Lot 2 would be a vacant residential lot that is 533m² in area. Each lot would comply with the minimum size required for a residential lot and would be suitable size and shape to provide the required minimum 150m² rectangular area of land for a building site and a 6m diameter circle to the north, east or west. Further, this area would be free of any impediments. The property is clear of any natural hazards identified in the District Plans Maps. Overall, any site suitability effects as a result of the proposal are considered to be less than minor.

Servicing

As discussed in Section 5 of the Notification Decision, the proposal would comply with the infrastructure requirements of the District Plan and Development Manual. In regard to three waters, each lot would have access to Council's water and wastewater services, and stormwater could be detained on each respective site. Electricity and telecommunications would be available at the road frontage. If the subdivision were to be granted, new connections for Lot 2 to the available services would need to be installed at the expense of the consent holder. Further, at the time of a relevant building consent application, an onsite stormwater soakage design would be required. Lot 1 would be accessed via the existing access way, while Lot 2 would be accessed by a new access way located along the western boundary of the parent lot. A new vehicle entrance would be installed at the south-western corner boundary of the parent lot. So the proposed access leg can obtain a complying width, a small right of way easement has been proposed over the western property boundary of the adjoining property (Lot 1-2 DPS 7023) in favour of Lot 2. This easement would need to be created to provide a legally protected portion of access in this location.

Overall, the proposal could increase the impact upon Council's infrastructure services by a degree equivalent to one additional household. The demand upon the wastewater network and water supply would not be significant and is not expected to give rise to any noticeable effects on the capacity of these systems. Further, the access would not generate any adverse effects on the road network in regard to safety, efficiency and use. As a result, any servicing effects as a result of the proposal are considered to be less than minor.

Development Contributions

The application proposes to create two lots from one existing title. There is currently one credit that exist for the title. As a result, one set of Development Contributions would apply for Water, Wastewater, Roading and Parks & Reserves.

7.2 Summary

Having regard to the above assessment, whereby the adverse effects on the

localised environment were found to be less than minor, no persons are considered to be adversely affected by the proposal. Thus, the proposal does not trigger a requirement for parties to be notified as 'affected parties' under the s95E and limited notification is not required.

8 Section 95 Recommendation

That pursuant to Sections 95A-95E of the Act, this application proceeds on a non-notified basis because:

- 1 Public notification is not mandatory in this instance;
- 2 The adverse effects on the wider environment would be no more than minor;
- 3 No special circumstances or National Environmental Standards exist that would require public or limited notification to take place;
- 4 No persons have been determined to be adversely affected because the localised effects are also considered to be less than minor.

Report Prepared for Submission by:



Shonelle Eccles
Graduate Resource Consent Planner

Report Reviewed by:



Nathan Sutherland
Team Leader - Resource Consent

This notification decision has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 7.4 dated 2 December 2020 by:



Ally van Kuijk
District Planner

Date: 26/07/2021

101.2021.12291 – Consideration Assessment
102.2021.12291 – Consideration Assessment
(Restricted Discretionary Activity)



9 Processing Details

- Section 92** The application was placed on hold for further information.
- Section 37** The application was placed on hold at the applicant's request under Section 37A(4) to allow for the issue of Draft Conditions. In agreeing to the extension, the Council has taken into account the interests of any persons who may be affected by the extension, the interests of the community, and the duty to avoid unreasonable delay.

10 Application Details

- 10.1 The application details, including the proposal have been detailed in Sections 1 and 4 of the attached Notification Assessment. In addition, the reasons for consent, and the application site and the surrounding environment have been detailed in Sections 3 and 5 of the associated Notification Assessment report.

11 District Plan Zoning/Environment and other Notations

- 11.1 The District Plan zoning/environment and other notations affecting the site have been detailed in Sections 3 and 5 of the associated Notification Assessment.

12 Comments Received

- 12.1 In addition to the consideration of potentially affected parties through the Notification Assessment, Council or the applicant invited and received comments from the following parties:
- **Urban Consents Engineer:** Comments have been received from Council's Engineering Consultant whose recommendations shall be included as conditions of consent.
 - **Development Contributions Assessment:** An assessment of financial and development contributions has also been provided.

13 Statutory Context

- 13.1 Section 104 of the Act sets out those matters that, subject to Part 2, a consent authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any offsets proposed or agreed to by the applicant, any relevant provisions of several national and local planning documents, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 13.2 For a Restricted Discretionary activity pursuant to section 104C of the Act, after considering an application for resource consent, a consent authority may grant or

refuse the application, and if it grants the application, may impose conditions under section 108 of the Act. However, in determining the outcome of the application, the Council can only take into account those matters over which discretion is restricted in National Environmental Standards or other regulations, or where it has restricted the exercise of its discretion in its District Plan. If it chooses to grant consent, it can likewise only impose conditions that relate to these matters.

- 13.3 For a Right of Way pursuant to Section 348 of the Local Government Act 1974, a Consent Authority may grant consent for a and impose conditions over such matters such as formation standards and minimum width requirements.

14 Actual or Potential Effects on the Environment

- 14.1 Section 104(2) of the Act allows the consent authority to disregard an adverse effect of the activity on the environment if the Plan permits an activity with that effect (i.e. the permitted baseline principle). As there are no subdivisions able to be undertaken as a Permitted Activity, the permitted baseline is not considered to be relevant in this instance.

- 14.2 The adverse effects of this activity has been addressed in Section 6 and 7 of the Notification Assessment report. This assessment also applies to this consideration.

- 14.3 To ensure the relevant matters of control would be met along with the development suitability rules outlined in the Plan, conditions of consent relating to the following matters are recommended:

- **General Accordance** – A condition is required in order to ensure the proposal is completed in accordance with the plans and information submitted with this application. This is to ensure the effects considered within this application are consistent with those that will result from giving effect to the proposal.
- **Engineering Conditions** – to ensure that all engineering works are carried out in accordance with Council's Engineering Standards and the standards of the appropriate utility providers.
- **Accessory building relocate/removal** - to ensure that the existing accessory building is cut down so it is away from the new internal boundaries or removed from the entire site prior to the construction of the second dwelling.
- **Boundary Setback Condition** – A condition to ensure that the boundary be situated no closer to the dwelling than the distance applied for by the applicant.
- **Development Contribution Condition** – to require that Development contributions be paid for the creation of one additional HEU (Household Equivalent Unit).
- **Easement Condition** – A condition requiring that the ROW easement be registered over Lot 1-2 DPS 7023 in favour of Lot 2.

- 14.4 The above conditions have been imposed to ensure that the relevant matters of controls will be met, along with the development suitability rules outlined within the Plan.

- 14.5 Overall, with the imposition of the above conditions, the effects of the activity are considered to be less than minor.

15 Relevant Provisions of the Operative District Plan

15.1 The Objectives and Policies of relevance to this application are contained in the table below:

Objectives	Policies
3.4.2.1 Subdivision O1 To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone and that existing activities and resources in the vicinity of the site are not unreasonably compromised. Q4 Subdivision of land in a manner that does not adversely affect the function or capacity of transportation networks within the District including the avoidance, remediation, or mitigation of potential reverse-sensitivity effects.	P1 To ensure that each allotment has suitable natural and physical characteristics including infrastructure services for the activities anticipated by the zoning or resource consent.
2.4.6 Sustainable management strategy: Integrating land-use and infrastructure O1 Land-use, subdivision and infrastructure are planned in an integrated manner that: • Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure; • Recognises the need for the provision of infrastructure; and subdivision, land-use and development to be coordinated; and • Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.	P2 Land use and infrastructure must be co-ordinated so that: • Development can be appropriately serviced by infrastructure in a cost-effective manner; • Land use change does not result in adverse effects on the functioning of infrastructure networks; and • Development does not adversely affect the efficiency and effectiveness of infrastructure networks.
2.4.7. Sustainable management strategy: Regionally significant infrastructure O1 The national, regional, and local benefits of regionally significant infrastructure are recognized and protected.	P5 Prevent inappropriate subdivision, use and development that may compromise the efficient, affordable, secure, and reliable operation and capacity of regionally significant infrastructure.

- 15.2 The objectives and policies for subdivision seek to ensure that subdivisions create lots that are practical to develop and service, and that the transportation network is not adversely affected. In this instance, the proposed lots meet the minimum lot size provided for in the District Plan for the Residential Zone. As such, it is considered that the lots proposed to be created are practical. Service connections would be supplied in accordance with the Development Manual or an approved specification variation at the time of development. The proposed road network would have sufficient capacity to accommodate the proposed subdivision.
- 15.3 The objectives and policies in the Sustainable Management section of the Plan seeks to ensure the integration of land-use with infrastructure, and the protection of regionally significant infrastructure networks. The proposal envisages subdivision of land within the Residential Zone, where there is adequate capacity to extend the infrastructure reticulation. Consequently, it is considered that the proposal is not contrary to the relevant Sustainable Management objectives and policies.
- 15.4 The proposed subdivision would consist of lots that are suitable for the residential activities anticipated in the Residential Zone, would be compatible in scale to surrounding activities and development, and would maintain the amenity values of the surrounding residential environment. On this basis, it is considered that the application is not contrary to the above objectives and policies.

16 Relevant Provisions of National and Regional Planning Instruments

- 16.1 It is considered that the only National Environmental Standard relevant to this application is the National Environmental Standards for Assessing and Managing Contaminants in Soils to protect Human Health. However, the NESCS is not considered to be applicable in this instance, as no HAIL activities have been identified or are known to have occurred on the property.
- 16.2 The proposal is consistent with the relevant provisions of the Waikato Regional Policy Statement. It is anticipated that the proposed subdivision would not affect any of the relevant provisions of the Waikato Regional Plan.

17 Other Relevant Matters

- 17.1 Section 106 of the RMA prescribes certain circumstances where a consent authority may refuse a subdivision consent. An assessment of the proposal against these criteria is provided below:
- The land and structures on the land, will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
 - Any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source.
 - Sufficient provision has been made for legal and physical access to each allotment created by the subdivision.
- 17.2 On this basis it is considered that the proposal complies with Section 106 of the RMA.
- 17.3 There are no other matters considered relevant to making an appropriate consideration of this application.

19 Part 2 Matters

- 19.1 Part II of the RMA states, amongst others, the purpose of the Act and the matters that Council shall have particular regard to in exercising its discretion under the Act. Sections 5, 7(b), (c), (f) and (g) are of specific relevance to the application concerned:

Section 5: Purpose of the Act

It is considered that the application does achieve the purpose of the Act, as it meets the principles of sustainable management. Furthermore, the proposal would enable a more efficient use of an existing residential site, in a way that meets the development expectations of the District Plan. This is the case as the proposed activity would not detract from the amenity values or quality of the environment.

Section 7(b): Efficient Use and Development

The proposal would result in a residential subdivision on land within the Residential Zone. It is considered that the proposal would result in the efficient development of the land resource. This is the case as the land would be used in accordance with the purposes for which it is zoned.

Section 7(c) & (f): Amenity Values and Quality of the Environment

The lots to be created comply with the lot sizes provided for in the District Plan for the Residential Zone. As such, the subdivision would not detract from the amenity values or the quality of the environment.

Section 7(g): Finite Characteristics of Resources

The only finite resource involved in the application is the soil. As the site is located within an established Residential Zone, the proposal is not seen to have any negative impact on the finite characteristics of the soil.

20 Conclusion and Recommendation

- 20.1 Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to the conditions identified in Section 14 of this report that will avoid, remedy and mitigate any adverse effects of the activity on the environment.

The reasons for this recommendation are as follows:

- 1 The proposal is considered consistent with the objectives and policies of the Operative District Plan.
- 2 Any actual and potential effect on the environment are considered to be less than minor, and capable of mitigation through the imposition of appropriate conditions.
- 3 The proposal is consistent with Part 2 of the Act.

Notice of Decision

Land-use Consent: 102.2021.12291



Application

Application for Resource Consent by Number Seven Stirling Limited at 7 Stirling Street, Te Aroha, being Lot 3 DPS 7023, to undertake a residential subdivision where the existing dwelling would not comply with the building envelope requirements of the District Plan in respect of the new lot boundaries. The relevant rules of the District Plan are 6.2.15, 3.1.1 (ii)(a), and 3.1.1(iii).

Decision

Pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991, Council grants, subject to the conditions below, land use consent to Number Seven Stirling Limited at 7 Stirling Street, Te Aroha, being Lot 3 DPS 7023, to undertake a residential subdivision where the existing dwelling would not comply with the building envelope requirements of the District Plan in respect of the new lot boundaries.

Pursuant to Section 113 of the Act the reasons for the decision are:

- 1 The proposal is considered consistent with the objectives and policies of the Operative District Plan.
- 2 Any actual and potential effect on the environment are considered to be less than minor, and capable of mitigation through the imposition of appropriate conditions.
- 3 The proposal is consistent with Part 2 of the Act.

Conditions

1. That the development proceed in general accordance with the scheme plan by GeoMetrix Limited (Ref: "Lots 1 & 2 being Proposed Subdivision of Lots 3 DPS 7023," dated 10/05/21, REV 5) and all information submitted with the resource consent application (MPDC Reference: 101.2021.12291) except as amended by the conditions below.
2. That the charges, set out in accordance with Section 36 of the Resource Management Act 1991, shall be paid to Council for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent.

Report Prepared for Submission by:



Shonelle Eccles
Graduate Resource Consent Planner

Report Reviewed by:



Nathan Sutherland
Team Leader - Resource Consent

This decision has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 7.4 dated 2 December 2020 by:



Ally van Kuijk
District Planner

Date: 26/07/2021

Notice of Decision

Subdivision Consent: 101.2021.12291

Application

Application for Resource Consent by Number Seven Stirling Limited at 7 Stirling Street, Te Aroha, being Lot 3 DPS 7023, to undertake a two lot residential subdivision. The relevant rules of the District Plan are 6.1.2(b) and 6.2.15.

Decision

Pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991, Council grants, subject to the conditions below, consent to Number Seven Stirling Limited at 7 Stirling Street, Te Aroha, being Lot 3 DPS 7023, to undertake a two lot residential subdivision.

Pursuant to Section 113 of the Act the reasons for the decision are:

- 1 The proposal is considered consistent with the objectives and policies of the Operative District Plan.
- 2 Any actual and potential effect on the environment are considered to be less than minor, and capable of mitigation through the imposition of appropriate conditions.
- 3 The proposal is consistent with Part 2 of the Act.

Conditions

In General Accordance

1. That the development proceed in general accordance with the scheme plan by GeoMetrix Limited (Ref: "Lots 1 & 2 being Proposed Subdivision of Lots 3 DPS 7023," dated 10/05/21, REV 5) and all information submitted with the resource consent application (MPDC Reference: 101.2021.12291) except as amended by the conditions below.

Subdivision

2. That prior to any design and development, a written statement shall be provided to Council appointing a representative experienced in design and development. All discussions and correspondence relating to design and development matters shall be undertaken with Council staff only through this representative.

Roading

3. That all damage to the street/footpath, kerb and channel/road, road carriageway grass berm and urban services by the construction works associated with the development, must be repaired to the satisfaction of Council's Resource Consents Engineer. This repair work is to be completed at the expense of the Consent Holder.

4. That as a result of undertaking earthworks, the Consent Holder shall ensure that heavy vehicles operating on the site shall not track dirt onto the adjoining roadway. Where unavoidable tracking or spills occur, the Consent Holder shall immediately clean the soil off the roadway. The control of silts from the site shall comply with the Waikato Regional Council's COP for Erosion and Silt control for small sites.

Access

5. That an easement in favour of Lot 2 shall be registered on the computer freehold register of Lot 2 DPS 7023 for right of way. This easement shall encompass any structures or formation occurring within Lot 2 DPS 7023 associated with the access leg serving Lot 2.
6. That prior to undertaking any work within either the formed or unformed road corridor, the Consent Holder shall submit a Corridor Access Request (CAR) that includes a Traffic Management Plan (TMP) through *beforeudig.co.nz* which has been prepared by a qualified Site Traffic Management Supervisor (STMS). No works must be undertaken within the road reserve until such time as the CAR is approved by Council in writing.

Advice Note:

Worksites within the formed and / or unformed road corridor must be made safe at all times for pedestrians, road users, and contractors through the implementation of the Traffic Management Plan (TMP) approved during the Corridor Access Request process.

7. That the new urban vehicle crossing serving Lot 2 shall be formed and constructed in accordance with the Regional Infrastructure Technical Specifications (RITS) drawing D3.3.1 & D3.3.5 with a minimum of 125mm 20MPa concrete placed on 75mm of compacted granular material (WHAP20). The formwork shall be inspected prior to concrete being poured. At least 4 working days' notice shall be given to the Council's Resource Consents Engineer
8. The access leg serving Lot 2 shall be constructed in accordance with MPDC Development Manual Table 3.1, including being filled and battered within its 3.5m legal width to provide a minimum 2.8m wide driveable area. The California Bearing Ratio (CBR) of the access leg shall be in accordance with MPDC Development Manual standards Table 3.1 (a). The compacted sub-grade for all private accesses or rights of way in this table shall have a CBR of no less than three to four at a depth of 250mm, otherwise pavement depth shall be increased or the sub-grade improved. Council's consents engineer shall witness CBR testing onsite and CBR tests results shall be provided to the Council's Resource Consents Engineer.

Earthworks

9. That prior to undertaking earthworks the Consent Holder shall implement a comprehensive erosion and sediment control plan to prevent the migration of silts off the property and into nearby streams.

Wastewater

10. That an independent sewer supply shall be provided to Lot 2 at the expense of the Consent Holder and in accordance with the MPDC Development Manual. For services crossing boundaries, the supply shall be wholly located within the relevant easement area.
11. That prior to the construction of the sewer laterals, a plan detailing the construction of these laterals shall be submitted to Council's Resource Consents Engineer for approval. The plan shall be in accordance with MPDC Development Manual.
12. That the sewer connection to Council's sewer main shall be installed by a certified licenced drain layer.

Water

13. That an independent water supply shall be provided and/or upgraded to Lot 2 at the expense of the consent holder and in accordance with the MPDC Development Manual. For services crossing boundaries, the supply shall be wholly located within the relevant easement area.
14. That prior to the construction of the water laterals, a plan detailing the construction of these laterals shall be submitted to Council's Resource Consents Engineer for approval. The plan shall be in accordance with MPDC Development Manual.

Stormwater

15. That a site plan for stormwater shall be provided to Council's Resource Consents Engineer for approval, detailing that stormwater from the existing buildings and hardstand areas to be retained within the proposed Lot 1 boundaries and the stormwater for the access leg and proposed Lot 2 is disposed to retention/soakage entirely within the Lot 2 boundaries. Should a new stormwater system be required to achieve this, the system must be designed by an appropriately qualified person and approval of Council's Resource Consents Engineer as to compliance with the standards in the MPDC Development Manual shall be obtained prior to installation.

Electricity

16. That an independent electricity connection shall be provided and/or upgraded to the lots at the expense of the consent holder and in accordance with the MPDC Development Manual. Evidence shall be provided to Council's Resource Consents Engineer from a suitably qualified person confirming the location of the electricity connection within Lot.

Telecommunications

17. That independent telecommunications connections shall be provided and/or upgraded to the lots at the expense of the consent holder and in accordance with the \ MPDC Development Manual. Evidence shall be provided to Council's

Resource Consents Engineer from a suitably qualified person confirming the location of the telecommunication connection within Lot.

Other

18. That no part of the south western boundary of Lot 1 shall be situated closer to the existing dwelling within that allotment than 0.2m.
19. That prior to the application for 223 Certificate, a location diagram confirming the offset distance for the location of the dwelling on Lot 1 and the south-western boundary as required under Condition 18 above must be provided to Council.
20. That the accessory building occupying the boundary shared between Lot 1 and Lot 2 shall either be removed or cut down to be at least 1m away from the new internal boundary and the north-western façade of the building.

General

21. That easements as appropriate for water, sewer, electricity and telecommunications shall be registered on the computer freehold titles for services crossing boundaries if required.
22. That comprehensive "As Built" plans of all urban services shall be prepared by a surveyor in accordance with the Infrastructure Code of Practice for the "supply of data" including co-ordinates of spatial information in terms of New Zealand Transverse Mercator, invert and lid levels in terms of Moturiki Datum shall be forwarded to Council.
23. That all GST requirements with respect to the transferring of assets to Council (e.g. vehicle crossing, service connections, roading improvements and signage, culverts etc) must be complied with by the completion and return of the GST requirements/asset register and tax invoice form provided by Council and that the charges set out in accordance with Section 36 of the Resource Management Act 1991 shall be paid to Council for the carrying out of its functions in relation to the administration of this resource consent.
24. That prior to the issue of 224 certificate for the subdivision, the consent under section 348 of the Local Government Act 1974 in the corresponding decision shall be given effect to.

Development and Financial Contributions

25. That a development contribution for Reserves in respect of the creation of one additional development opportunity on the site shall be paid.

Advice Note:

That pursuant to Section 198 of the Local Government Act 2002, development contributions for Roding, Water, Stormwater and Wastewater in accordance with Council's Development Contribution Policy be paid in respect of the creation of one additional development opportunity on the site (see attached schedule).

Report Prepared for Submission by:



Shonelle Eccles

Graduate Resource Consent Planner

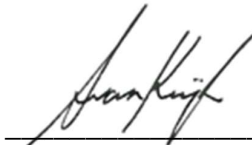
Report Reviewed by:



Nathan Sutherland

Team Leader - Resource Consent

This decision has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 7.4 dated 2 December 2020 by:



Ally van Kuijk

District Planner

Date: 26/07/2021

Notice of Decision

Easement Consent: 107.2021.12215

Application

Application pursuant to Section 348 of the Local Government Act 1974 to create a right of way easement over Lot 1 & 2 DPS 7023, in favor of Lot 2 of subdivision consent 101.2021.12215 in accordance with the scheme plan by GeoMetrix (Ref: "Lots 1 & 2 being Proposed Subdivision of Lots 3 DPS 7023," dated 10/05/21, REV 5)

Decision

Pursuant to Sections 348 of the Local Government Act 1974, Council grants permission to create a right of way easement over Lot 1 & 2 DPS 7023, in favor of Lot 2 of subdivision consent 101.2021.12215 as the proposal will not give rise to any adverse effects (refer to assessment under land-use and subdivision consent 101 & 102.2021.12291).

Conditions

In General Accordance

1. That prior to the issue of a certificate pursuant to Section 348 of the Local Government Act 1974, Conditions 2 and 3 below shall be complied with.

Roading/Access

2. The new urban vehicle crossing serving proposed Lot 2 shall be formed and constructed in accordance with the Regional Infrastructure Technical Specifications (RITS) drawing D3.3.1 & D3.3.5 with a minimum of 125mm 20MPa concrete placed on 75mm of compacted granular material (WHAP20). The formwork shall be inspected prior to concrete being poured. At least 4 working days' notice shall be given to the Council's Resource Consents Engineer.
3. The access leg serving Lot 2 shall be constructed in accordance with MPDC Development Manual Table 3.1, including being filled and battered within its 3.5m legal width to provide a minimum 2.8m wide driveable area. The California Bearing Ratio (CBR) of the access leg shall be in accordance with MPDC Development Manual standards Table 3.1 (a). The compacted sub-grade for all private accesses or rights of way in this table shall have a CBR of no less than three to four at a depth of 250mm, otherwise pavement depth shall be increased or the sub-grade improved. Council's Resource Consents Engineer shall witness CBR testing onsite and CBR tests results shall be provided to the consents engineer.

Report Prepared for Submission by:



Shonelle Eccles
Graduate Resource Consent Planner

Report Reviewed by:



Nathan Sutherland
Team Leader - Resource Consent

This application (107.2021.12291) has been granted under delegation from the Matamata-Piako District Council, pursuant to section 34A of the Resource Management Act 1991, and in accordance with Council Resolution 7.4 dated 2 December 2020 by:



Ally van Kuijk
District Planner

Date: 26/07/2021

**Matamata-Piako District Council
Development Contribution
Assessment Notice**

**101.2021.00012291.001 DD – Number Seven Stirling Limited
7 Stirling Street Te Aroha**



PLEASE NOTE

This assessment is indicative only, based on information received as at 17 May 2021

This assessment is based on the 2018-2028 LTP Development Contributions Policy (DCP) and the Operative District Plan.

As per the policy, if the amount assessed is not paid in the year it is assessed, then the policy as it stands on the 1 July each subsequent year it remains unpaid will be charged. Please contact Council prior to payment to ensure the latest figures for your consent have been supplied.

Should any of the information provided in the application be altered and/or amended by Council or the applicant after the 17 May 2021 this assessment may be reassessed to take into account those alterations and/or amendments.

Description:

Proposed creation of 2 Household Equivalent Unit's (HEU's) within the Residential zone, Te Aroha Urban

Assessment based on creation of 1 additional Te Aroha Urban HEU's

Development Contributions – LTP 2018-28

Activity	Total HEU's	Credit HEU's	Extra HEU's	Value	Total incl. GST
Water	2	1	1	\$32.53	\$32.53
Wastewater	2	1	1	\$3172.65	\$3172.65
Stormwater	2	1	1	NA	NA
Roading	2	1	1	\$980.23	\$980.23

Development Contribution - District Plan

Parks / Reserves	2	1	1	\$1354.98	\$1354.98
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Total to be paid	GST inclusive	<u>\$5,540.39</u>
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Objection to or reconsideration of Development Contributions

Under the Local Government Act 2002 (Act) you can object or request reconsideration of any development contributions levied by Council. The Act states objections and

requests for reconsiderations must be lodged and resolved in accordance with the procedure set out in the Council's Development Contributions Policy (Clause 8.2 and 8.2A).

To contest development contributions you can:

- apply for reconsideration
- lodge an objection

Request for Reconsideration

Your request must be made in writing within 10 working days of receiving the notice of development contributions from Council (Section 199A of the Act).

You can request reconsideration of Development Contributions if you believe:

- The development contribution was incorrectly calculated or assessed under the Council's development contributions policy; or
- The Council incorrectly applied its development contributions policy; or
- The information recorded or used to assess the Development Contribution was incomplete or contained errors.

Your request for reconsideration will be assessed by Council and a written notice of the outcome will be sent within 15 working days of the date we receive all relevant information. Once the decision has been made by Council you can lodge an objection if you wish. You can not apply for a request for reconsideration if you have already applied for an objection.

Request for an Objection

An objection must be lodged within 15 working days from the date you receive the development contribution notice from Council or 15 working days from when you receive your notice of reconsideration outcome (Clause 1, Schedule 13A of the Act).

The notice of objection must:

- be in writing, and
- set out the grounds and reasons for the objection, and
- state the relief sought, and
- state whether you wish to be heard on the objection.

Objections are considered by independent commissioners at a hearing and can only be made on the grounds specified in the Act. The content of a development contributions policy cannot be challenged. The Act specifies we must use commissioners appointed by the Ministry.

A hearing may not be needed if:

- you indicate that you do not wish to be heard or
- otherwise agree that no hearing is required and
- the commissioner(s) hearing and deciding the objection also need(s) to be satisfied that they are able to determine the objection without a hearing.

If a hearing is held the Development Contributions Commissioners must fix the date, time and place of the hearing. Notice of the hearing must then be served on the Council and the objector at least 10 working days before the date the hearing begins. Council will have to recover costs involved relating to the hearing. These fees are available on our website as part of the fees and charges.

If you are the agent acting on behalf of your client, it is important to advise them of their right to dispute development contributions immediately due to the limited timeframes.

If you require further information regarding reconsiderations and/or objections see the Development Contribution Policy, Clause 8.2 and 8.2A at www.mpd.govt.nz/building or contact us on 07 884 0060.