

**Application for Land Use Consent under Section 88 of the Resource Management Act 1991**

**To:** Chief Executive  
Kaipara District Council  
Private Bag 1001  
**Dargaville**

.....  
Applicant - (Full name and address)

.....  
Owner - (Full name and address) - if same as above tick box

.....  
Occupier - (Full name and address) - if same as above tick box

**Location**

Street Address: ..... Locality: .....

Legal Description: .....

Does the site contain or abut any river, lake, stream, landmark, historic site or notable bush? .....

**Type of activity being applied**

- Controlled
  - Discretionary
  - Non-Complying
- (Circle one)

Description of activity to which application relates is: .....

Name any additional resource consents required in relation to this proposal:

Yet to be applied for: .....

Already applied for: .....

Attached is an assessment of any effects the proposed activity may have on the environment in accordance with Fourth Schedule to the Act (excluding controlled activity unless requirement specified in District Plan).

Attached is relevant information required by District or Regional Plan or Regulations. In particular, plans showing the location of any existing or proposed buildings and/or other facilities in relation to boundaries should be included with this application.

..... Date .....  
Signature of applicant or person  
authorised to sign on behalf of applicant

**Address for Service of Applicant**

.....  
.....  
Telephone Number:..... Fax Number: .....

**Address for Invoicing purposes**

.....  
.....

**Annexure**

- (a) An assessment of effects on the environment in accordance with the Fourth Schedule to the Act
- (b) Any other information required by the District Plan or Regional Plan or Act or Regulations to be included

**Note** In order to assist with the timely processing of your application it is important that you submit **five** complete copies of the application (including any supporting documents) at the time of lodgement.

**Fees**

Please refer to Council's schedule of Fees and Charges – see "Bulk and location infringements". The fee will vary depending on whether or not the application is to be notified and whether or not a hearing is required.

## Checklist for Environmental Standards Infringement

These applications can be processed speedily and for least cost if you, the applicant, provide **all** the information needed with the application at the outset. This includes:

1. A completed Land Use Consent application form – be sure to provide your name and Contact address and telephone number. The **Type of activity being applied for** is “*discretionary*” and the **description of activity to which application relates is** in most cases “*Infringement of yard requirement by building. The yard requirement is \_\_\_\_\_ metres. It is proposed to locate the building \_\_\_\_\_ metres from the boundary.*”
2. Assessment of Effects. It is a requirement of the Resource Management Act that all Resource Consent applications include an “Assessment of Effects on the Environment”. The criteria in section 13.2.7 of the district plan (see over page) are a guide to completing such an assessment.
3. A site plan drawn reasonably to scale, preferably on A4 paper using black ball point pen (*photocopies more easily*). The plan should show the proposed location of the building in relation to boundaries, existing boundaries, location of proposed and existing access and effluent disposal/sewer connection. For height infringements, the total height of building, and height in relation to boundary will also need to be shown.
4. Provide an explanation of why it is that you want to put the building where you want to put it. The assessment criteria in Clause 13.2.7 of the District Plan refers to issues such as:
  - The physical limitations on development arising from the size, shape or topography of the site.
  - The location of existing buildings or services.
  - The location of any historic or natural feature, which make it impractical or undesirable to meet the specified environmental standards.
5. Written consent from neighbours. The number of people potentially affected by your proposal depends on several factors – there is no “hard and fast” rule. Usually the neighbour against the boundary affected by the application will be considered affected but in some situations, it could affect the view of someone across the road, or down the street. If so, their consent will also be needed.
6. The money. If you have done a good job in preparing your application it will make it easier and quicker to process, thereby improving the possibility of a refund at the end of it all.
7. Five complete sets of the application form.

### **13.2.7 Activities Made Discretionary By Their Failure to Comply With Zone Environmental Standards - Limited Exercise of Discretion**

Land use consent shall be sought from the Council for any building, structure, earthworks or clearance of vegetation not complying with the environmental standards in Section 2.2.5 (Rural zone), Section 3.5.5 (Residential zone), Section 4.5.5 (Commercial zone), Section 4.6.6 (Industrial zone and Limited zone), and Section 5.5.5 (Maori Purposes zone). Any such application for land use consent shall be considered as a discretionary activity and be subject to the provisions in Part VI of the Act. It will generally be dealt with in a non-notified manner where the requirements in Section 94(2) of the Act are met.

When considering any application the Council will limit its discretion to those parts of the proposal that fail to comply with the standard(s) and have regard to:-

- (i) The amenities of adjacent sites, and possible loss of privacy, noise or visual intrusion from the proposed activity.
- (ii) The physical limitations on development arising from the size, shape or topography of the site, the location of existing buildings or services, the location of any historic or natural feature which is to be protected which make it impracticable or undesirable to meet the specified environmental standards.
- (iii) The environmental effects related to compliance with the standards and whether alternative building designs or layouts or methods of earthworks and vegetation clearance, provide a better means of avoiding or mitigating environmental effects.
- (iv) The liability of the site to erosion and other forms of natural hazard.
- (v) In relation to any verandah
  - The pedestrian volume on the adjacent street
  - The economic life of the building and the period of use expected
  - The location of the building in the zone and verandah facilities available on adjacent sites.
- (vi) In relation to the Impermeable Surfaces Standard
  - the extent to which Low Impact Design Principles have been used to avoid, remedy or mitigate any adverse effects of stormwater runoff on the Mangawhai Village receiving environment, and

- the nature of development and stormwater disposal in the surrounding catchment and the likely cumulative effects of similar impermeable surfaces in other parts of the catchment.
- (vii) In relation to relocation of dwellings
- Structural Design - the structural soundness of the dwelling.
  - External Appearance - the external appearance of the dwelling and the extent to which it can be located and finished in the manner which is compatible with the amenities of the surrounding area.
  - The proposed timetable for completion of the work required to reinstate the exterior of the building and site it on permanent foundations.
- (viii) In relation to the Water and Wastewater for the Limited Industrial Zone
- Whether a connection can be made to existing reticulated water supply, sewage disposal system and/or stormwater system.
  - Whether the demand placed on any existing reticulated system by the proposed activity is such that the system will be unable to meet the reasonable foreseeable needs of all existing sites within adjacent Residential, Commercial or Industrial zones which are capable of connection to the system.
  - The extent to which the proposal is able to meet the full cost of any necessary upgrading of any existing reticulated system that is to be connected to. In general it is expected that such costs will be met wholly by the applicant.