



Office Use Only
Application Number:

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-Lodgement Meeting

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement? **Yes / No**

2. Type of Consent being applied for (more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Discharge
- Extension of time (s.125)
- Change of conditions (s.127)
- Change of Consent Notice (s.221(3))
- Consent under National Environmental Standard (e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____

***The fast track for simple land use consents is restricted to consents with a controlled activity status and requires you provide an electronic address for service.**

3. Would you like to opt out of the Fast Track Process? Yes / No

4. Applicant Details:

Name/s: Kiri Dutton & Lloyd Wilkie

Electronic Address for Service (E-mail): [Redacted]

Phone Numbers: [Redacted]

Postal Address: PO Box 295, Mangonui
(or alternative method of service under section 352 of the Act)

Post Code: 0442

5. Address for Correspondence: Name and address for service and correspondence (if using an Agent write their details here).

Name/s: Northland Planning and Development

Electronic Address for Service (E-mail): [Redacted]

Phone Numbers: [Redacted] Home: _____

Postal Address: PO Box 526, Kaitaia
(or alternative method of service under section 352 of the Act)

Post Code: 0441

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

6. Details of Property Owner/s and Occupier/s: Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s: Kiri Lynn Dutton & Lloyd Thomas Sommerville Wilkie

Property Address/
Location: 19A Silver Egg Road, Mangonui

7. Application Site Details:

Location and/or Property Street Address of the proposed activity:

Site Address/
Location: 19A Silver Egg Road, Mangonui

Legal Description: Lot 2 DP499218 Val Number: 00084-46901

Certificate of Title: 740679
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)

Site Visit Requirements:

Is there a locked gate or security system restricting access by Council staff? **Yes / No**
Is there a dog on the property? **Yes / ~~No~~**

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. **This is important to avoid a wasted trip and having to re-arrange a second visit.**

Please contact applicant via details provided in Section 4 to organise site visit.

8. Description of the Proposal:

Please enter a brief description of the proposal here. Attach a detailed description of the proposed activity and drawings (to a recognized scale, e.g. 1:100) to illustrate your proposal. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Proposal to construct a swimming pool and associated fencing within an existing deck, which breaches 7.6.5.1.7 Setback from Boundaries, 12.1.6.1.1 Protection of Outstanding Landscape Features, 12.1.6.3.2 Buildings Within Outstanding Landscapes and 12.7.6.1.1 Setback from Lakes, Rivers and the CMA. The site is located within the Residential Zone.

If this is an application for an Extension of Time (s.125); Change of Consent Conditions (s.127) or Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s) or extension being sought, with reasons for requesting them.

9. Would you like to request Public Notification

Yes/No

10. Other Consent required/being applied for under different legislation (more than one circle can be ticked):

- Building Consent (BC ref # if known)
EBC-2024-834/0
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

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

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following (further information in regard to this NES is available on the Council's planning web pages):

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) yes no don't know

Is the proposed activity an activity covered by the NES? (If the activity is any of the activities listed below, then you need to tick the 'yes' circle). yes no don't know

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

12. Assessment of Environmental Effects:

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

Please attach your AEE to this application.

13. Billing Details:

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

Name/s: (please write all names in full) Lloyd Wilkie & Kiri Dutton

Email: [REDACTED]

Postal Address: PO Box 295, Mangonui

[REDACTED] Post Code: 0442

Phone Numbers: Work [REDACTED] Fax:

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

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

Name [REDACTED] (please print)

Sign [REDACTED] (signature of bill payer – **mandatory**) Date: 18/04/24

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.

De [REDACTED] with this application is true and complete to the best of my knowledge.

Na [REDACTED] (please print)

Sig [REDACTED] (signature)

Date: 18/04/24

(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)
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

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

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

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE

Land Use Resource Consent Proposal

Kiri Dutton & Lloyd Wilkie

19A Silver Egg Road, Mangonui

Date 20 October 2023

Please find attached:

- an application form for a Land-use Resource Consent to construct a new swimming pool and associated fencing partially within an existing deck in the **Residential Zone**; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The application has been assessed as a **Discretionary Activity** under the Far North Operative District Plan and **Permitted** under the Proposed District Plan.

If you require further information, please do not hesitate to contact me.

Regards,

Alex Billot

Sheryl Hansford

Resource Planner

Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



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Attachments:

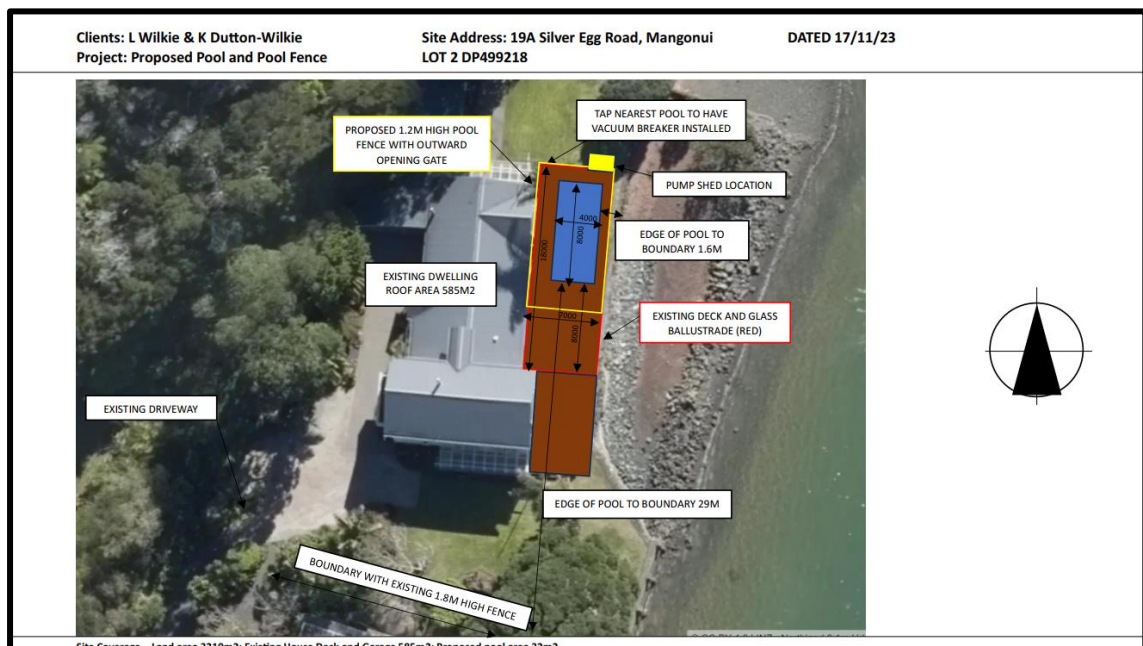
1. Far North District Council Application
2. Record of Title – LINZ
3. Consent Notice–LINZ
4. Plans – OCD Pools & Landscapes
5. Form 4 – FNDC
6. Iwi Correspondence – Sandra Heihei
7. Iwi Correspondence – Eljon Fitzgerald



Assessment of Environment Effects

1. Description of the Proposed Activity

- 1.1. The proposal is to construct a new swimming pool and associated fencing partially within an existing deck on the site. There is an existing glass balustrade along the edge of the existing deck which will be utilised as part of the pool fencing. A Building Consent Application for the swimming pool and associated fencing has been lodged under reference number EBC-2024-834/0 with a Form 4 Notice issued.
- 1.2. The proposal requires consent for the following rules, which are also identified within the Form 4:
- **7.6.5.1.7 Setback from Boundaries**
 - **12.1.6.1.1 Protection of Outstanding Landscape Features**
 - **12.1.6.3.2 Buildings within Outstanding Landscape Features**
 - **12.7.6.1.1 Setback from Lakes, Rivers and the CMA**



2. The site and surrounding environment

- 2.1. The subject site is located at 19A Silver Egg Road, Mangonui. The site is accessed via a ROW over adjoining Lot 1 DP499218, which leads to the rear of the existing dwelling. The existing dwelling is situated in the eastern most portion of the site, nearest to the CMA. The western portion of the site is covered in indigenous bush which is protected by way of consent notice. This area of the site is steep and leads towards the Rangikapiti Pa Historic Reserve which adjoins the subject site.



- 2.2. The existing dwelling has been located on site since the early 1980s. The dwelling itself is located on a flat portion of the site, with outdoor areas being located to the east and north of the site. It is proposed that the new swimming pool is located partially within an existing deck on the site. It is considered that due to the existing built development on the site as well as the topography and protected bush, this is the most suitable and practical location for the swimming pool.

- 2.3. The site and surrounding environment are zoned Residential, with the exception of the Rangikapiti Pa Historic Reserve which is zoned Conservation. Rangikapiti Pa is also shown to be of Outstanding Landscape, with the Pa Site, subject site and adjoining allotment also shown to contain Outstanding Landscape Feature noted as 'Rangikapiti Pa – Council Hill Pa Site overlooking mouth of Mangonui Harbour'. This is shown within Resource Map 15 of the ODP.

- 2.4. As shown in Figure 5, the eastern boundary of the site is also the CMA boundary, which was defined in 2016 when the site was created.

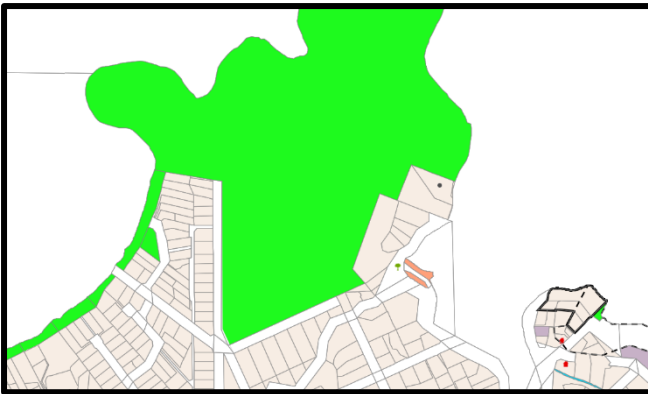


Figure 2: FNDC Maps showing Residential zoning of the subject site.

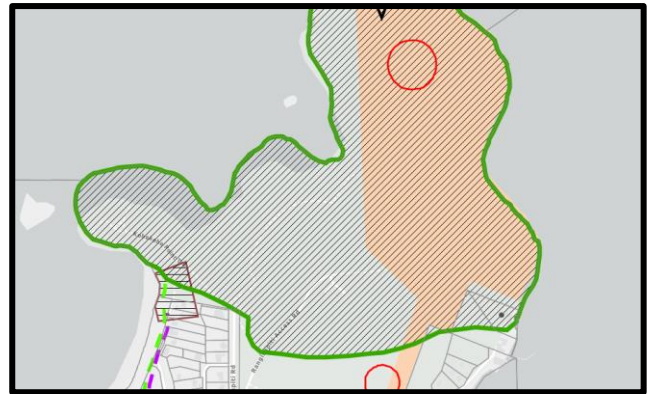


Figure 3: Outstanding Natural Feature overlay as it affects the site.



Figure 4: Aerial image of the site and Rangikapiti Pa Historic Site.



Figure 5: Zoomed in aerial image of the site showing site boundaries.



Site Visit

2.5. A site visit was completed on 18th April 2024, with a compilation of photos shown below:



Figure 6: Image taken from the northern side of the deck. Pool is to be located within this portion. White picket fence shows boundary with CMA.



Figure 7: Existing glass balustrade which will be retained to form part of the pool fencing. Existing seawall within CMA.



Figure 8: Image from the deck overlooking the Mangonui Harbour. Area of rocks is within the CMA, which was the portion of land identified as CMA when the title for the subject site was created in 2016.

3. Background

Title

- 3.1. The subject site is currently held within Record of Title 740679. The subject site is legally described as Lot 2 DP 499218 and has an area of 3210m². The title is dated 15th November 2016. As mentioned, the western portion of the site is subject to a bush protection covenant. This is illustrated as area 'Z' on DP499218.
- 3.2. There is one consent notice registered to the title which contains four conditions. The first three conditions relate to protection of the Pohutakawa trees within areas X, W, V, U, T and S identified on the survey plan and protection of the indigenous bush within areas Y and Z also identified in the survey plan. Condition 4 relates to the width of the Silver Egg Road and the right of way access not meeting Council's Engineering Standards.
- 3.3. The proposal will not affect the protected indigenous bush or trees on the site and will not impact the access to the site.

Site Features

- 3.4. The site is located within the Residential zone, the site does not contain any areas identified as being Outstanding Landscape, however, does contain areas shown as Outstanding Landscape Feature under the FNDC Operative District Plan, as illustrated in Figure 3 earlier in this report.
- 3.5. Under the Proposed District Plan the site is zoned General Residential. The site is also located within the Coastal Environment overlay, as well as the portion of indigenous bush being noted as High Natural Character. The site is also noted as being within the Mangonui and Rangitoto Peninsula Heritage Area – Part B. The site is not shown to be of Outstanding Natural Feature under the PDP.
- 3.6. The Mangonui Harbour, which adjoins the eastern boundary of the site is noted as being a Statutory Acknowledgement Area. Consultation with Ngatikahu ki Whangaroa has been undertaken as part of this proposal. No response has been received to date.
- 3.7. The site is not shown to be registered on the HAIL.
- 3.8. The subject site itself does not contain any historic sites registered on the NZAA. Rangikapiti Pa is an Historic Site as well as containing sites of cultural significance to Maori. The proposed pool location is located over 250 metres from the Rangikapiti Pa site.
- 3.9. The western portion of the site containing the protected indigenous vegetation is shown to be part of a PNA, which extends to the adjoining

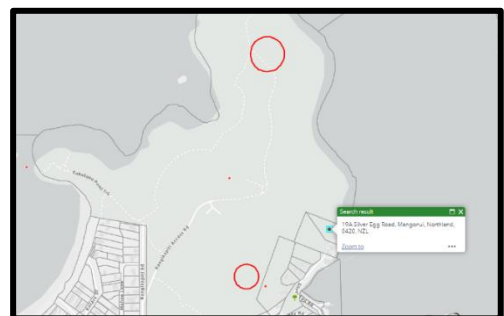


Figure 9: NZAA maps



Rangikapiti Pa Site. As mentioned, the Pa Site is also shown to be of Outstanding Landscape as well as being managed by DOC.

3.10. The site is not shown to be located in an area where Kiwi are present.

3.11. The NRC Hazard Maps indicate that the lower lying part of the site, where the existing dwelling is located is susceptible to river and coastal hazards due to the proximity to the Mangonui Harbour. The site is not shown to be susceptible to coastal erosion hazards.

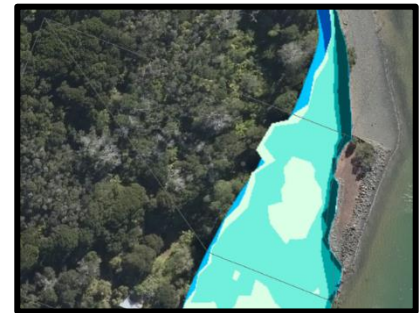


Figure 10: NRC Hazard Maps

3.12. The RPS Maps show that the western portion of the site, which contains the protected indigenous vegetation, is of high natural character. This is consistent with the PNA boundaries. The site is also wholly contained within the coastal environment, as is the majority of Mangonui. Rangikapiti Pa Site is shown to be of Outstanding Landscape, however this does not encroach into the subject site.

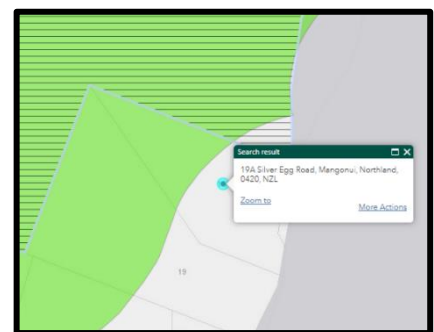


Figure 11: RPS Maps

4. Weighting of Plans

- 4.1. The proposal is subject to the Proposed District Plan process that was notified 27 July 2022.
- 4.2. The site is zoned General Residential under the Proposed District Plan. The site is also located within the Coastal Environment overlay, as well as the portion of indigenous bush being noted as High Natural Character. The site is also noted as being within the Mangonui and Rangitoto Peninsula Heritage Area – Part B. The eastern most portion of the site where it adjoins the CMA is also classified as being susceptible to Coastal and River Flood Hazards.
- 4.3. When the Proposed Plan was first notified there were a number of rules which were identified as having immediate legal effect. The Summary of submissions have now been released, and no additional rules have been identified by Council’s Policy department as having immediate legal effect under s86F. An assessment of the relevant rules and related objectives and policies of the Proposed District Plan now forms part of this application.
- 4.4. We have contacted Councils Policy Team enquiring about whether any additional rules have immediate legal effect. At this point in time no further rules have been publicly identified. As such, we have taken the approach that no further rules have immediate legal effect. If this is incorrect, we ask that Council contact us at their earliest convenience to provide us with an updated assessment list.



5. Activity Status of the proposal

- 5.1. Under the Operative Plan, the subject site is located within the Residential Zone.
- 5.2. Under the Proposed District Plan, the site is zoned as General Residential as well as being within the Mangonui and Rangitoto Peninsula Heritage Area – Part B and Coastal Environment Overlay.

Operative Plan - Residential zone

- 5.3. Under the Operative Plan, the site is zoned Residential. An assessment of the rules under Section 7.6.5.1, has been undertaken below. It is noted that the pool fencing is less than 2m in height, however as the pool fencing requires building consent under the Building Act 2004, the pool fencing is classified as a building. The pool itself will be less than 1 metre in height and therefore is not classified as a building as per the FNDC ODP Definitions.

Assessment of the permitted RESIDENTIAL ZONE RULES:		
<u>COMPLIES</u>		
Plan Reference	Rule	Performance of Proposal
7.6.5.1.1	RELOCATED BUILDINGS	Not applicable.
7.6.5.1.2	RESIDENTIAL INTENSITY	Permitted. The subject site contains a legally established dwelling and the proposal will see a new swimming pool constructed partially within an existing deck. Therefore, the number of dwellings on the site will remain unchanged.
7.6.5.1.3	SCALE OF ACTIVITIES	Not applicable. The proposal is for a residential activity.
7.6.5.1.4	BUILDING HEIGHT	Permitted. The swimming pool will be approximately 0.9m above ground level and the pool fence will be approximately 1.9m above ground level (1.2m in height sitting on top of the existing 0.7m high deck).
7.6.5.1.5	SUNLIGHT	Permitted. The structures comply with the permitted sunlight rules.
7.6.5.1.6	STORMWATER MANAGEMENT	Permitted. The permitted threshold for the Residential Zone is 50%. The impermeable surfaces within the site are well within this threshold.
7.6.5.1.7	SETBACK FROM BOUNDARIES	Restricted Discretionary Activity. The minimum setback is 1.2m, except that no setback is required for a maximum total length of 10m along any one such boundary. The pool itself will be 1.6 metres from the eastern boundary however the pool fence, which requires building consent and is therefore classified as a building will be located 1.1 metres from the eastern boundary and



		will be more than 10 metres in length. Therefore, consent is required for the setback breach.
7.6.5.1.8	SCREENING FOR NEIGHBOURS – NON-RESIDENTIAL ACTIVITIES	Not applicable. The proposal is for a residential activity.
7.6.5.1.9	OUTDOOR ACTIVITIES	Not applicable. The proposal is for a residential activity only.
7.6.5.1.10	VISUAL AMENITY	Not applicable.
7.6.5.1.11	TRANSPORTATION	Permitted. Traffic: The District Plan anticipates 10 traffic movements per a standard household. The first residential dwelling on a site is exempt from this rule. The proposal will not increase the TIF of the site. Parking: Parking is existing on site and will not be changed as a result of this proposal. Access: The access is via an existing right of way. It is not anticipated any upgrades to the access or crossing place are required due to the nature of the consent. No further assessment of Chapter 15 is considered necessary as part of this application.
7.6.5.1.12	SITE INTENSITY – NON-RESIDENTIAL ACTIVITIES	Not applicable. The proposal is for residential activities.
7.6.5.1.13	HOURS OF OPERATION – NON-RESIDENTIAL ACTIVITIES	Not applicable.
7.6.5.1.14	KEEPING OF ANIMALS	Not applicable. No keeping of animals is proposed.
7.6.5.1.15	NOISE	Permitted. The proposed activity is not anticipated to exceed the permitted threshold for noise given it is for a residential activity.
7.6.5.1.16	HELICOPTER LANDING AREA	Not applicable. No helicopter landing areas are proposed.
7.6.5.1.17	BUILDING COVERAGE	Complies. The total building coverage of the site is well within the permitted threshold of 45%. Swimming pools less than 1m in height are exempt from this rule.

District Wide Matters

Assessment of the permitted 12.1 Natural & Physical Resources		
Plan Reference	Rule	Performance of Proposal
Assessment 12.1 Landscapes and Natural Features		



<p>12.1.6.1.1 (P)</p> <p>12.1.6.3.2 (D)</p>	<p>PROTECTION OF OUTSTANDING LANDSCAPE FEATURES</p>	<p>Discretionary</p> <p>(a) Not applicable as no tree planting is proposed</p> <p>(b) Not applicable as no above ground utility services are proposed.</p> <p>(c) The proposal will result in an excavation volume of 25 cubic metres. This rule does not allow for any excavations and therefore, the proposal will result in a breach of this rule. Consent required.</p> <p>(d) Not applicable as no vegetation clearance is proposed.</p> <p>There are no provisions within the RDA criteria for buildings within Outstanding Landscape Features and therefore the proposal defaults to Discretionary.</p> <p><i>Rule 12.1.6.3.2 Buildings within Outstanding Landscape Features</i> states that any new building is a Discretionary Activity.</p>
Assessment of 12.3 Soils & Minerals		
<p>12.3.6.1.3</p>	<p>EXCAVATION AND/OR FILLING IN THE RESIDENTIAL ZONE</p>	<p>Permitted.</p> <p>The proposal requires 25 cubic metres of excavation which does not exceed the permitted volume of 200m³ and does not involve a cut or filled face exceeding 1.5m in height.</p>
Assessment of 12.7 Lakes, Rivers, Wetlands and the Coastline		
<p>12.7.6.1.1</p>	<p>SETBACK FROM LAKES, RIVERS AND THE CMA</p>	<p>Discretionary</p> <p>The site is zoned Residential and therefore a minimum setback of 26m from the CMA is required. As shown on the plans, the pool fencing is located 1.1 metres from the boundary of the CMA.</p>

Operative District Plan Rule Breaches

5.4. The assessment above indicates the following breaches under the Operative District Plan:

7.6.5.1.7 Setback from Boundaries

5.5. The pool will be located 1.6m from the eastern boundary, however the pool fence, which requires building consent, will be located 1.1m from the eastern boundary, and as such, consent is required for a breach of the permitted 1.2 metre minimum setback. The proposal can meet the requirements under the Restricted Discretionary provisions Rule 7.6.5.3.7 Setback from Boundaries.

12.1 Landscapes and Natural Features

5.6. The proposal will not result in any vegetation clearance as the pool and pool fencing will be located partially within the existing deck area. The site is shown to be partially covered by the Outstanding Landscape Feature overlay within the ODP, including the area where the pool will be located. *Rule 12.1.6.1.1* does not allow any excavation within an Outstanding Landscape Feature. As the proposal will require 25 cubic metres of excavation for the pool, resource



consent is required. Discretionary Rule 12.1.6.3.2 *Buildings within Outstanding Landscape Features* states that any building will be a Discretionary Activity. As such, consent is required.

12.7.6.1.1 Setback from Lakes, Rivers and the CMA

5.7. The permitted setback distance from the CMA for the Residential zone to any building or impermeable surface is 26m. The pool fence will be 1.1m from the CMA boundary and therefore consent is required.

Overall Status of the Application

5.8. The proposal is a **Discretionary Activity** as per Sections 7.6.5.4, 12.1.6.3 & 12.7.6.3 *Discretionary Activities*. An assessment of Sections 11.6, 12.1.7 and 12.7.7 will be undertaken as part of this assessment.

Proposed District Plan

5.9. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned as General Residential as well as being within the Mangonui and Rangitoto Peninsula Heritage Area – Part B and Coastal Environment Overlay. The site is not shown to be classified as containing an Outstanding Natural Feature under the PDP, however the indigenous vegetation is shown to be of High Natural Character. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	<p>The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource</p> <p>Rules HS-R5, HS-R6, HS-R9</p>	<p>Not applicable.</p> <p>The site does not contain any hazardous substances to which these rules would apply.</p>
Heritage Area Overlays	<p>All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)</p>	<p>Permitted.</p> <p>The site is located within the Mangonui and Rangitoto Peninsula – Part B Heritage Area.</p> <p>HA-R1 – not applicable as no maintenance or repair of buildings or structures is proposed.</p> <p>HA-R2 – Not applicable as the proposal does not result in an addition or</p>



		<p>alteration to existing buildings or structures and is rather a new building.</p> <p>HA-R3 – not applicable as no strengthening or fire protection of a scheduled Heritage Resource is proposed.</p> <p>HA-R4 – The building is not located within a site containing a scheduled Heritage Resource and the building can comply with the setbacks required from a Scheduled Heritage Resource as will be well over 20 metres from any such resource. Permitted.</p> <p>HA-R5 – The proposal will comply with the permitted rules within the Earthworks chapter and will not be within 20m of a scheduled heritage resource. Permitted.</p> <p>HA-R6 – No infrastructure or renewable electricity generation is proposed.</p> <p>HA-R7 – not applicable.</p>
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	<p>Not applicable.</p> <p>The site does not contain any areas of historic heritage.</p>
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	<p>Not applicable.</p> <p>The site does not contain any notable trees.</p>
Sites and Areas of Significance to Maori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	<p>Not applicable.</p> <p>The site does not contain any sites or areas of significance to Maori.</p>
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	<p>Permitted.</p> <p>The proposal will not result in any clearance of indigenous vegetation.</p>
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	<p>Not applicable.</p> <p>The proposal is not for subdivision.</p>
Activities on the	All rules have immediate legal effect (ASW-R1 to ASW-R4)	<p>Not applicable.</p>



Surface of Water		The proposal does not involve activities on the surface of water.
Earthworks	<p>The following rules have immediate legal effect: EW-R12, EW-R13</p> <p>The following standards have immediate legal effect: EW-S3, EW-S5</p>	Permitted. Earthworks as part of this proposal will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
Signs	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	Not applicable. No signs are proposed as part of this application.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	Not applicable. The site is not located in the Orongo Bay Zone.

Proposed District Plan Breaches

5.10. The assessment above indicates that the proposal is **Permitted** insofar as the Proposed District Plan.

Overall Activity Status

5.11. Overall, the proposal requires consent under the Operative District Plan as a **Discretionary Activity**.

National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

5.12. A site visit, review of aerials and discussions with the landowner did not indicate that the site contained or has contained, any activities listed on the HAIL. The application has been considered Permitted in terms of this regulation.

5.13. No other National Environmental Standards are considered applicable to this development. The activity is considered permitted in terms of these above-mentioned documents.

Control of Earthworks Bylaw

5.14. As the earthworks will be within 3 metres of a boundary with a water body, an earthworks permit is triggered for this activity.



- 5.15. Section 12.1 of the Control of Earthworks Bylaw stipulates that *'The Council may, in its absolute discretion, exempt an owner or occupier from a requirement to obtain a permit under clause 7.1, provided that an application for an exemption is made in writing and accompanied by the payment of any required application and processing fees in accordance with Council's Fees and Charges Schedule. No exemption will be valid unless it is given to the applicant by the Council in writing.'*
- 5.16. We seek that in this instance, given the Discretionary activity status of the proposal and the minor nature of the works proposed, that any earthworks conditions be covered in the one resource consent approval. Costs associated with providing for the exemption will be covered by the resource consent process and keeping all the consent conditions together in one document ensures transparency in terms of future compliance. As such in this instance an exemption makes sense. We ask that this be conveyed by way of advice note on the resource consent decision.

6. Statutory Assessment

Section 104B of the Act

- 6.1. Section 104B governs the determination of applications for Discretionary Activities. With respect to Discretionary Activities, a consent authority may grant or refuse an application, and impose conditions under section 108.

Section 104(1) of the Act

- 6.2. Section 104(1) of the Act states that when considering an application for resource consent –

"the consent authority must, subject to Part II, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national environmental standard:*
 - ii. other regulations:*
 - iii. a national policy statement:*
 - iv. a New Zealand Coastal Policy Statement:*
 - v. a regional policy statement or proposed regional policy statement:*
 - vi. a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application."*

- 6.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the act). Positive effects arising from this



proposal are that the pool and fencing will be located in the area of the existing deck as well as enhancing the outdoor area of the subject site for residential use. The proposed location is the most suitable and practical for the site and will enable ease of use of the proposed pool, whilst minimising the amount of earthworks required. Potential adverse effects arising from this proposal relate to the effects arising from the pool and fence being located less than 2 metres from the CMA boundary.

- 6.4. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 6.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided below.

7. Environmental Effects Assessment

- 7.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.

Setback from Boundaries

- 7.2. The proposed fencing will be located 1.1 metres from the boundary, which is also the boundary with the CMA. As mentioned, the proposed fencing is more than 10 metres long and therefore is not exempt under the setback rules. It is noted that the existing glass balustrade along the edge of the existing deck will be utilised as part of the pool fencing. The existing glass balustrade follows the existing edge of the deck, so will not change what is currently in existence.
- 7.3. An assessment of Section 11.6 has been provided below:

(a) Where there is a setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites.

(b) The extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties.

(c) The extent to which the buildings restrict visibility for vehicle manoeuvring.

(d) The ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting.



(e) The extent to which provision has been made to enable and facilitate all building maintenance and construction activities to be contained within the boundaries of the site.

- 7.4. The site is located along the coastline of the Mangonui Harbour, specifically Mill Bay. To the rear (west of the site) is Rangikapiti Pa Historic Reserve which consists of a mix of dense indigenous bush until it reaches Rangikapiti Pa, which is a cleared area of the site. Residential activity occurs along the lower reaches and is concentrated around the CMA boundaries. The subject site is located at the furthest north point of the residential activity area and is not easily seen from other residential properties along Silver Egg Road. The only residential allotment adjoining the site is 19 Silver Egg Road, which previously formed part of a unit title with the site. This site also includes a large dwelling with associated outdoor areas being to the east of the dwelling, nearest to the CMA. The proposed pool will be located partially within the existing deck and as such, it is considered that the scale, proportions and buildings on the site will remain unchanged as seen from the surrounding environment. The pool and fencing will not encroach closer to the boundary with the CMA, then what is currently in existence with the deck. Furthermore, typically, any fence less than 2m in height would not be classified as a building, however as the purpose of the fence is to surround a pool, building consent is needed, and as such a setback breach occurs. It is considered that the proposal is in keeping with the existing character of the environment.
- 7.5. The proposal is not considered to intrude into the street scene or reduce outlook and privacy of adjacent properties. The pool will not be visible from 19 Silver Egg Road due to the orientation of the existing dwelling. Furthermore, the pool will be located partially within the existing deck which is utilised for private outdoor space by the applicants and their family, and the pool will not be changing the use of this portion of the site as it will remain as being for private outdoor use.
- 7.6. No effects on vehicle manoeuvring are anticipated. Vehicle access, parking and manoeuvring will remain unchanged.
- 7.7. Planting is not considered necessary in this instance. There is an existing glass balustrade along the deck, which will be retained as the pool fence. The proposal will effectively not change what is currently in existence in terms of visual effects.
- 7.8. Maintenance and construction activities will occur within the site boundaries.

Summary

- 7.9. Overall, the proposal is consistent with the character of the Residential Zone and will not impede on outlook and privacy for adjacent properties. The existing glass balustrade along the edge of the existing deck will be utilised as part of the pool fence, such that it is not visually obtrusive. The pool fence will not restrict visibility for accessing or egressing vehicles or effect parking and manoeuvrability on site. Therefore, the effects generated from the pool fence within 1.2 metres of the boundary are considered to be less than minor.

Landscape and Natural Features

- 7.10. Under the ODP, the site is shown to be partially within an Outstanding Landscape Feature noted as 'Rangikapiti Pa- Council Hill Pa Site overlooking the mouth of the Mangonui Harbour' as listed in Appendix 1B in Part 4 and shown in the Resource Maps. It is worth noting that this



is not reflected in the PDP, where no Outstanding Natural Feature overlay has been imposed on the site.

- 7.11. 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.
- 7.12. In addition to these matters, the Council shall also apply the relevant assessment matters set out below, and will also have regard to the Landscape Assessment report, which was prepared for the Council in 1995 and which contains details of the Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features in the Far North District together with any site-specific landscape assessment:
- 7.13. Under the above-mentioned landscape assessment, it is considered that the subject site falls within the C26 Landscape Unit as provided for within the ‘Landscape units and sensitivity ratings.’ This is shown in Figure 12 below, which is an excerpt taken from the document. The subject site location is circled in blue. This landscape category is identified as the Rocky Coast interspersed with Beaches, which is considered to have the most relevance to the location of the Rangapitiki Pa.

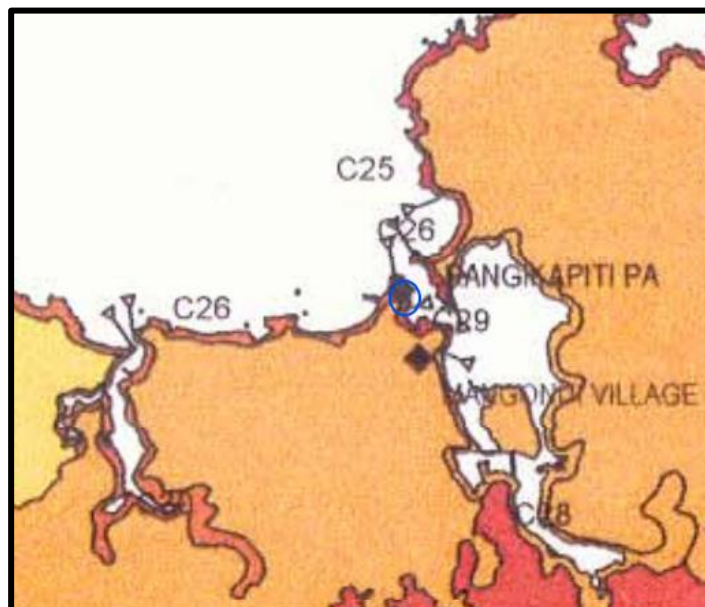


Figure 12: Landscape Units Map

(a) the rarity of the landscape, landscape features or natural features;

- 7.13.1. The ODP defines the Outstanding Natural Feature which affects the site as ‘Rangikapiti Pa – Council Hill Pa Site overlooking mouth of Mangonui Harbour’. It is considered that the rarity of this site is high. The Landscape Assessment completed in 1995 has valued this at 4 on a scale from 1-7, with 7 indicating extremely high volume. The proposal is not anticipated to affect the rarity of the Pa Site which is located on an adjoining site.

(b) the visibility of outstanding landscapes, outstanding landscape features or outstanding natural features;



7.13.2. From the site, the Rangikapiti Pa is not visible, due to the steep topography and the dense indigenous vegetation which separates the site and the Rangikapiti Pa some 200 metres away.

(c) the aesthetic, heritage, cultural and natural values of the outstanding landscapes and natural features;

7.13.3. Rangikapiti Pa is considered to have high aesthetic, cultural, heritage and natural values. The Landscape Assessment has rated this at 6.

7.13.4. The proposal is not considered to alter these values as the proposed pool and fencing will be located partially within an existing deck and an area already developed for residential use, which will not be visible from the Rangikapiti Pa site. The rear of the subject site is covered in dense bush which extends through to the adjoining site to the Pa.

(d) the elements which make up the distinctive character of the outstanding landscape or outstanding landscape features;

7.13.5. The Landscape Assessment has stated that the factors that enhance the landscape characters are 'headlands reinforced by vegetation.' It is considered that in this particular instance, the elements which make up the distinctive character is the Pa Site itself and the surrounding dense indigenous vegetation. The proposal is not considered to alter either of these features as the proposal will be located on a residential site and will not change the use of the site.

(e) the extent of visible change to the landscape which may result from an activity;

7.13.6. No visible change is anticipated as the proposed pool and fencing will be located partially within the existing deck. No vegetation removal is proposed and any excavations will be hidden by the existing deck and proposed pool.

(f) the extent to which adverse effects may be mitigated through screening or other means;

(g) the degree of visual intrusion in the landscape;

(h) the siting of the activity in relation to ridgelines or natural landscape features;

(i) the design of any building, structure, landform or any development;

(j) the location and design of vehicle access, manoeuvring and parking spaces;

7.13.7. The proposed pool and fencing are not anticipated to be visually intrusive. The pool will be built into the existing deck and the existing glass balustrade will be used as the pool fence. The proposed pool and fencing will not be visible from the Pa Site, due to the topography and the dense indigenous vegetation. Screening and/or planting is not considered necessary in this instance.

7.13.8. The proposal will not be located on a ridgeline and is located on the lower reaches of the natural feature.

7.13.9. The design of the pool is such that it will be partially located within the existing deck, not increasing the existing building footprint.

7.13.10. Vehicle access, manoeuvring and parking will remain unaffected.

(k) the potential for more than minor adverse effects on the outstanding natural feature as a result of the proposed activity;

(l) the extent to which the activity will protect and/or enhance the outstanding natural feature or landscape;



(m) the extent to which the activity may adversely affect ecological values of indigenous flora and fauna;

(n) provisions for the permanent legal protection of the Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;

(o) the environmental effect of the increase in residential intensity and/or the extra lots in relation to the benefits of achieving permanent legal protection of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;

(p) the extent to which an application proposes revegetation and/or enhancement of the Outstanding Landscape, Outstanding Landscape Feature, or Outstanding Natural Feature, and the measures to secure the long term sustainability of the revegetation and/or enhancement;

- 7.13.11. The proposal is not anticipated to create more than minor adverse effects on the outstanding natural feature as the proposed pool and fencing will be located partially within the existing deck footprint, which is already used for residential purposes. No effects on ecological values are anticipated. The features on site which contribute to the Outstanding Natural Feature is the indigenous bush, which is already formally protected by a bush covenant. The proposal will not affect this. No increase in residential intensity or extra lots are proposed. No revegetation is proposed as no vegetation will be removed.

(q) the characteristics of the application site, including its size, shape and topography;

- 7.13.12. The application site is residential in nature and character and the proposal will not alter this. The indigenous bush on site is already formally protected.

(r) the effectiveness of any proposed pest control programme;

- 7.13.13. Not applicable.

(s) the relationship of people and communities with outstanding landscapes, outstanding landscape features and outstanding natural features.

- 7.13.14. The proposal is not considered to affect the relationship of people and communities with the Rangikapiti Pa Historic Site. The subject site is residential in nature and the significant indigenous vegetation on the site is already formally protected. The proposed pool and fencing will not affect the indigenous vegetation on site as the pool and fencing will occur partially within the existing deck footprint. The proposal will not alter the use of the site nor is it considered to affect the use or visual outlook of the Rangikapiti Pa Historic Site.

Summary

- 7.14. The proposed pool and associated fencing are not considered to impact the visual, ecological, character, natural or cultural values of the Rangikapiti Pa Historic Site. The proposed pool and fencing will be located partially within the existing deck footprint, which is located to the east of the existing dwelling, furthest from the Rangikapiti Pa Site. The indigenous bush on site is already formally protected by consent notice and will remain unaffected by the proposal. The site is residential in nature and the proposal will not be altering the use of the site. The proposed location is determined to be the most suitable and practical location for the pool whilst ensuring that effects on the Rangikapiti Pa Historic Site and indigenous bush surrounding the Pa Site are mitigated to a less than minor degree.



Setback from CMA

7.15. There is an existing glass balustrade along the edge of the existing deck which will be utilised as part of the pool fencing, which is located 1.1 metres from the CMA boundary. This results in a breach of the permitted setback distance of 26 metres for the Residential Zone. It is noted that due to the topography of the site as well as the protected indigenous bush within the western portion, all existing structures (which are legally established) are within the site are within 26m of the CMA boundary. This is a common occurrence with most low-lying allotments along Silver Egg Road as well as sites in the surrounding environment.

7.16. The Council shall also apply the relevant assessment matters set out below:

(a) the extent to which the activity may adversely affect cultural and spiritual values;

7.16.1. As discussed in the sections above, the proposal is not considered to adversely affect any cultural and spiritual values. Ngatikahu ki Whangaroa have been contacted as part of this application, with no response received to date. The site and surrounding environment is residential in nature, with many allotments containing built development within 26 metres of the CMA due to the topography of the land and the intense built development of the area. The proposal is not out of character with lots in the surrounding environment.

(b) the extent to which the activity may adversely affect wetlands;

7.16.2. There are no known wetlands within close proximity to the subject site.

(c) the extent to which the activity may exacerbate or be adversely affected by natural hazards;

7.16.3. The lower lying area of the site, which is where the existing built development is located, is shown to be susceptible to coastal and river flood hazards, as is the majority of the surrounding area. Between the subject site and the CMA are existing natural hazard protection structures in the form of a Seawall at MHWS and a breastwork of boulders near the waters edge. These structures are considered to mitigate adverse effects from natural hazards on the subject site. Furthermore, the proposed pool and fencing will be located partially within the existing deck footprint and therefore not encroaching any closer to the CMA boundary than what is already in existence. It is therefore considered that the proposal will not exacerbate natural hazards.



Figure 13: Image of existing natural hazard protection structures, taken from the existing deck.

(d) the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment;

7.16.4. The site is not located in close proximity to any lakes, rivers or wetlands. The site is located within the coastal environment. As mentioned, the site and surrounding environment is residential in nature and the proposed pool and fencing will not be altering the use or



character of the site. The proposal is not considered to have any adverse effects on the natural character of the coastal environment as it will not change the use of the site.

(e) the history of the site and the extent to which it has been modified by human intervention;

- 7.16.5. The history of the site is residential. The existing built development on the site has been in existence since the early 1980s, where the site was a unit title allotment. The title became freehold in 2016 after many modifications to the structures on the unit title made it difficult to continue the structures being held as part of a unit title. This previous human intervention has made the eastern portion of the site residential in nature. The western portion contains indigenous bush which is formally protected.

(f) the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins;

- 7.16.6. The proposal is not considered to have any adverse effects on the biodiversity or life supporting capacity of the CMA. The proposed works will be wholly contained within the subject site boundaries.

(g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply;

(h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins;

- 7.16.7. No effects on water quality are anticipated. Stormwater will be managed within the site as per the existing methods. No effects on a water catchment that serves a public water supply are anticipated.

(i) whether there are better alternatives for effluent disposal;

- 7.16.8. The proposal does not involve an effluent disposal system.

(j) the extent to which the activity has a functional need to establish adjacent to a water body;

- 7.16.9. The proposed activity will be contained partially within the existing deck footprint and will be for private use and enjoyment of the applicants. There are no other practical or suitable locations within the site for the proposed activity such that the proposed location has been determined to be the most suitable. Due to the existing built development, the topography and the indigenous vegetation on the site, locations for this type of activity are limited. As mentioned, built development with this proximity to the CMA is not uncommon in the surrounding environment. As such, it is considered that there is a functional need for the activity to be in this location as it is the most suitable due to the constraints of the site.

(k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.



7.16.10. Esplanade strips and reserves are not a consideration of this application.

Summary

7.17. The subject site is residential in nature and due to the constraints of the site, all built development is within 26m of the CMA boundary. The proposed pool and fencing will be partially within the existing deck footprint, such that it will not create any further encroachment towards the CMA boundary. Built development within this proximity to the CMA is not uncommon in the surrounding environment. Ngatikahu ki Whangaroa have been contacted as part of this application with no response received to date.

8. Policy Documents

8.1. In accordance with Section 104(1)(b) of the Act, the following documents are considered relevant to this application:

Any relevant provisions of –

- i. A national environmental standard;
- ii. Other regulations;
- iii. A national policy statement;
- iv. A New Zealand coastal policy statement;
- v. A regional policy statement or proposed regional policy statement;
- vi. A plan or proposed plan

8.2. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

National Environmental Standards

8.3. As mentioned earlier in this report, there have been no previous or current activities listed on the HAIL, undertaken on the site. The proposal is therefore considered permitted in terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

8.4. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of the above-mentioned documents.

National Policy Statements

8.5. There are currently seven National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy on Electricity Transmission
- National Policy Statement for Highly Productive Land



- New Zealand Coastal Policy Statement
- National Policy Statement for Indigenous Biodiversity.

8.6. With the exception of the Coastal Policy Statement which is assessed below, no other National Policy Statements are relevant to this application.

Coastal Policy Statement

8.7. The subject site is located within the Coastal Environment as well as a portion of the site being of Outstanding Natural Feature and High Natural Character. The area of High Natural Character is shown to be the western portion of the site which contains the area of protected indigenous vegetation, as shown in Figure 14. The proposed works are located outside of this area.

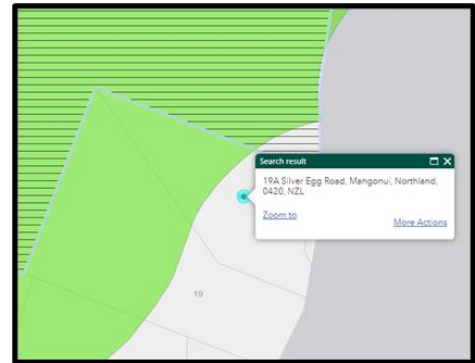


Figure 14: RPS Maps

8.8. The proposal is considered to achieve the objectives and policies of the NZCPS as the proposal does not adversely impact on the integrity, form, functioning or resilience of the coastal environment.

8.9. The development is considered to be consistent with the New Zealand Coastal Policy Statement objectives, particularly:

- Objective 1: To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land
- Objective 2: Preserving the natural character of the coastal environment.
- Objective 3: To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment
- Objective 6: Enabling people and communities to provide for their social, economic and cultural wellbeing.

8.9.1. The proposal will not adversely affect the natural biological and physical processes of the coastal environment as the development will be located partially within the existing deck footprint and all effects will be managed on site. Water quality will be maintained with the existing stormwater management methods remaining onsite.

8.9.2. The proposal is consistent with the character and residential landscape of the coastal community of Mangonui as well as the existing residential activities on the site. The proposed location is considered to be the most suitable for the site due to the physical constraints and being located within the existing deck. The natural character of the coastal environment is considered to remain unchanged from the proposal.



- 8.9.3. Ngatikahu ki Whangaroa have been contacted as part of this application with no response received to date. Due to the existing use of the site being residential and the proposal resulting in a pool and associated fencing which will utilise the existing glass balustrade, no adverse effects are anticipated.
- 8.9.4. The proposal allows for ample open space for the use and enjoyment of residents. The coastline will not be restricted by this proposal, and the natural character and amenity of the area will be preserved. The proposal is considered to result in positive economic effects by providing employment through the construction phase of the pool and fence, while creating less than minor effects on the residential/coastal character of the locality.
- 8.10. The development is considered to be consistent with the New Zealand Coastal Policy Statement policies, particularly:
- Policy 1: Extent and characteristics of the coastal environment
 - Policy 2: The Treaty of Waitangi, tangata whenua and Maori Heritage
 - Policy 5: Land or waters managed or held under other Acts
 - Policy 6: Activities in the coastal environment
 - Policy 13: Preservation of natural character
 - Policy 15: Natural features and natural landscapes
 - Policy 22: Sedimentation
 - Policy 24: Identification of Coastal Hazards
- 8.10.1. In regard to Policy 1, the site is located within the Mangonui area, where there is existing intense urban development along the coastline of the Mangonui Harbour. This creates a unique situation as the extent and characteristics of this coastal environment consists of dense residential development close to the waters edge. The proposed pool and fence will not alter the use of the site, nor will it create any further encroachments to the CMA boundary than what is already in existence. The effects from the proposal are considered to be less than minor.
- 8.10.2. In regard to Policy 2, Ngatikahu ki Whangaroa have been contacted as part of this application process with no response received to date.
- 8.10.3. Policy 5 relates to land or waters held under other Acts. This is considered relevant as the Rangikapiti Pa Historic Site is Conservation Land managed by DOC. As has been discussed in depth throughout this report, the proposal is not considered to create any adverse effects on the Rangikapiti Pa Site. The subject site adjoins the Pa site with the existing vegetation from the Pa site extending into this site, with the built development located closed to the CMA. The indigenous vegetation on the site will remain unaffected and the proposed pool location is deemed the most suitable, given it is within the existing residential activities on the site and will not alter how the site is used.
- 8.10.4. Policy 6 relates to activities in the coastal environment, where consolidation of activities of existing coastal settlements is promoted as well as development which maintains the character of the existing built environment. The proposal is considered to contribute to



consolidation of activities as the pool and fencing will be located partially within the existing deck footprint, such that residential activities will continue to be consolidated in one area of the site. This also maintains the existing character of the built development within the site. The development is located within the permitted setback distances from the CMA, however, the entire existing built development on the site as well as other sites in the surrounding environment, are located within these setback distances. The physical constraints of the site restrict development, such that built development outside of the permitted setback distances is not achievable. As such, it is considered that there is a functional need for the proposal to be located in the location proposed.

- 8.10.5. In regard to Policy 13, the proposal is considered to preserve the natural character of the coastal environment, as the proposal will not change the character or use of the site and is consistent with other built development in the area.
- 8.10.6. Policy 15 discusses the protection of natural features and landscapes of the coastal environment. As has been discussed in depth within this report, the FNDC Resource Maps indicate that the site is of Outstanding Natural Feature, due to being in close proximity to the Rangikapiti Pa Historic Site. The proposal is not anticipated to create any adverse effects on the Rangikapiti Pa site and will not affect the indigenous vegetation within the subject site. The site is already used for residential use and the proposal will not alter this.
- 8.10.7. In regard to Policy 22, the proposal will involve only 25m³ of excavation for the pool. All excavation will be managed on site, with no sedimentation anticipated to enter the coastal waters.
- 8.10.8. Policy 24 relates to coastal hazards. As mentioned, the site is shown to be susceptible to coastal hazards, however there are already measures in place in the form of hard protection structures. The proposal is not considered to exacerbate natural hazards and as the footprint of the existing structures on site will not be increasing, it is considered that the proposal does not increase the effects from natural hazards to the site.
- 8.10.9. Overall, the proposed activity is consistent with the objectives and policies of the New Zealand Coastal Policy Statement.

Regional Policy Statement

- 8.11. The relevant policy statement applicable to the application is the Operative Regional Policy Statement for Northland (RPS). The site is located within the Coastal Environment as well as partially shown to be of Outstanding Natural Feature as well as High Natural Character.
- 8.12. The relevant objectives relate to:
- 3.4: Indigenous Ecosystems and Biodiversity
 - 3.12: Tangata Whenua role in decision making
 - 3.13: Natural Hazard Risk
 - 3.14: Natural Character, Outstanding Natural Features, Outstanding Natural Landscape and Historic Heritage



8.12.1. The site contains indigenous vegetation within the western portion of the site which is formally protected by an existing bush covenant. The proposal will not affect the area of indigenous bush within the site or on adjoining sites. Ngatikahu ki Whangaroa have been consulted with as part of this application with no response received to date. The proposal is not considered to exacerbate or increase the likelihood of natural hazards within the site. The proposal will not be increasing the building footprint of the site as it will be partially contained within the existing deck. The proposal is not considered to affect the quality or characteristics of the Rangikapiti Pa Historic Site as the use of the site will remain residential and the proposed activity will be contained within an area of the site which is already used for residential activities. Historic heritage is not considered to be impacted by the minor nature of the proposal.

8.12.2. Overall, it is considered that the proposal is consistent with the objectives of the RPS. The relevant policies of the RPS are:

- 4.4: Maintaining and enhancing indigenous ecosystems and species
- 4.5: Identifying the coastal environment, natural character, outstanding natural features, outstanding natural landscapes and historic heritage resources
- 4.6: Managing effects on natural character, features/landscapes and heritage
- 4.7: Supporting management and improvement
- 5.1: Regional Form
- 7.1: Development in natural hazard prone areas
- 7.2: General Risk reduction policies
- 8.1: Participation in decision making, plans, consents and monitoring

8.12.3. The policies within Chapter 4 of the RPS relate to water, land and common resources. Included within this chapter is the maintenance and protection of significant ecological areas and habitats. This is considered relevant to the proposal due to the indigenous vegetation within the site. As mentioned, the indigenous vegetation within the site will remain unaffected by the proposal. The proposal will involve works within an existing deck footprint and maintained lawn area, such that no vegetation removal will be required. This is one of the reasons why the proposed location for the pool is deemed the most suitable, as it ensures that all works are located within the existing residential area within the site, mitigating any adverse effects on the indigenous vegetation within the site and on adjoining allotments. Policy 4.5 then goes on to discuss outstanding natural features, which are sensitive to use, subdivision and development. The proposal is not considered to have a more than minor effect on the Rangikapiti Pa site nor the surrounding hillside indigenous vegetation, as has been discussed throughout this report. The proposal will ensure that the existing character is maintained and preserved and will not impede how the public view the Pa site nor the use of the site. As discussed, the site is residential in nature and the proposal is not altering the use of the site. In regard to Policy 4.6, managing effects on natural character, features/landscapes and heritage, the proposal is not considered to create any adverse effects on these features. It is noted within Policy 4.6.1 it states, *'recognise that may areas contain ongoing use and development that were present when the area was identified as high or outstanding or may*



have subsequently been lawfully established. This is considered applicable to the proposal as the site already contains lawfully established residential activities, which the proposal is not changing. The surrounding environment also contains intense urban development, such that the proposal is not altering the existing characteristics of the site nor the surrounding environment. Overall, it is considered that the proposal does not create any adverse effects on the coastal environment nor the indigenous vegetation or areas of outstanding features within and on adjoining sites.

- 8.12.4. Chapter 5 of the RPS discusses policies in relation to Regional Form and infrastructure. The proposal does not result in incompatible land uses and maintains the sense of place and character of the surrounding environment. The proposal will result in consolidated development within the site as it will not extend outside of the existing built footprint. Although the proposed activity breaches the permitted setback distance from the CMA, this is not uncommon within the surrounding environment. Due to the physical constraints of the site, all built development is within 26 metres of the CMA. Nonetheless, the existing coastal processes will not be affected by the proposal, which ensures that the proposal is consistent within Policy 5.1.2 of this chapter.
- 8.12.5. Chapter 6 discusses efficient and effective planning which relates to the requirements for regional and district plans. The proposal is considered to have given affect to all relevant objectives and policies of the regional and district plans.
- 8.12.6. Natural hazards are discussed within Chapter 7. The proposal will see the pool and fencing constructed within an area susceptible to coastal and river flood hazards, however as discussed, the majority of the site which has been developed on is subject to these hazards, as well as many allotments in the surrounding environment. There are existing measures in place to protect the site from natural hazards, which will remain unchanged as part of this proposal. The proposal is not considered to increase the vulnerability of the site, showing compliance within Policy 7.1.1. and 7.1.2.
- 8.12.7. Chapter 8 relates to Tangata Whenua. As discussed, Ngatikahu ki Whangaroa have been consulted with as part of this application with no response received to date. The proposal has given effect to this Chapter by engaging Tangata Whenua for comment and feedback.
- 8.13. Overall, it is therefore considered that the proposal is consistent with the objectives and policies of the RPS.

Far North Operative District Plan

Relevant objectives and policies

- 8.14. The relevant objectives and policies of the Plan are those related to the Urban Environment and Residential Zone as well as the Landscapes and Natural Features section and Lakes, Rivers, Wetlands and the Coastline section. The proposal is considered to be consistent with the character of the surrounding area and is considered to have negligible effects on the amenity



value of the area. The proposal is considered to be consistent with the objectives and policies of the Plan.

Assessment of Objectives and Policies within the Urban Environment

8.15. The following assessment is based upon the objectives and policies contained within Sections 7.3 and 7.4.

Objectives

7.3.1 To ensure that urban activities do not cause adverse environmental effects on the natural and physical resources of the District.

7.3.2 To enable the continuing use of buildings and infrastructure in urban areas, particularly where these are under-utilised.

7.3.3 To avoid, remedy or mitigate the adverse effects of activities on the amenity values of existing urban environments.

7.3.4 To enable urban activities to establish in areas where their potential effects will not adversely affect the character and amenity of those areas.

7.3.5 To achieve the development of community services as an integral and complementary component of urban development.

7.3.6 To ensure that sufficient water storage is available to meet the needs of the community all year round.

8.15.1. As detailed earlier in this report, any potential adverse effects have been avoided and mitigated. The proposal will enable the continued use of the building and infrastructure on the site and will not alter the use, as residential activities can still continue. Amenity values will be maintained as the proposal will result in a pool and fencing which will be used in association with the dwelling on the site. The pool and fence will be located partially within the existing deck, not increasing the residential area on the site. The proposal does not involve community services. Water storage has not been a consideration of this proposal and will remain unchanged.

Policies

7.4.1 That amenity values of existing and newly developed areas be maintained or enhanced.

7.4.2 That the permissible level of effects created or received in residential areas reflects those appropriate for residential activities.

7.4.3 That adverse effects on publicly-provided facilities and services be avoided or remedied by new development, through the provision of additional services.

7.4.4 That stormwater systems for urban development be designed to minimise adverse effects on the environment.

7.4.5 That new urban development avoid:

(a) adversely affecting the natural character of the coastal environment, lakes, rivers, wetlands or their margins;

(b) adversely affecting areas of significant indigenous vegetation or significant habitats of indigenous fauna;

(c) adversely affecting outstanding natural features, landscapes and heritage resources;



- (d) adversely affecting the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (e) areas where natural hazards could adversely affect the physical resources of urban development or pose risk to people's health and safety;*
- (f) areas containing finite resources which can reasonably be expected to be valuable for future generations, where urban development would adversely affect their availability;*
- (g) adversely affecting the safety and efficiency of the roading network;*
- (h) the loss or permanent removal of highly productive and versatile soils from primary production due to subdivision and development for urban purposes.*

7.4.7 *That urban areas with distinctive characteristics be managed to maintain and enhance the level of amenity derived from those characteristics.*

7.4.8 *That infrastructure for urban areas be designed and operated in a way which:*

- (a) avoids remedies or mitigates adverse effects on the environment;*
- (b) provides adequately for the reasonably foreseeable needs of future generations;*
and
- (c) safeguards the life-supporting capacity of air, water, soil and ecosystems.*

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

- 8.15.2. The amenity values of the site will be maintained. The level of effects is considered appropriate for the residential activities. Consent is sought due to the proximity of the proposal to the CMA boundary and the fact the site is noted as partially being of Outstanding Natural Feature. The proposal will not create any adverse effects on the CMA nor the Outstanding Natural Feature and is considered consistent with existing development on the site as well as within the existing environment. No effects on publicly provided facilities or services are anticipated. No effects on stormwater systems are anticipated. Although the proposal is not considered 'new urban development' as it will result in a pool and fence within the existing deck area and associated with the existing dwelling on the site, no adverse effects on the features listed within Policy 7.4.5 are anticipated, as has been discussed within this report. Amenity values will be maintained. Policy 7.4.8 is not considered relevant to the proposal. No community services are proposed.

Assessment of Objectives and Policies within the Residential Zone

- 8.16. The following assessment is based upon the objectives and policies contained within Sections 7.6.3 and 7.6.4

Objectives

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

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

7.6.3.3 *To protect the special amenity values of residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result*



of a subdivision of these lots), and those having frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive.

- 8.16.1. The proposal does not involve new residential areas, as it will result in a pool and fence within an existing deck area, on an existing residential site which contains an existing residential dwelling. The proposal is considered to be consistent with the surrounding environment and the effects are compatible with effects of a residential activity. Policy 7.6.3.3 is not considered relevant to this application.

Policies

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

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

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

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

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

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

7.6.4.7 That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.

7.6.4.8 That the portion of a site or of a development that is covered in buildings and other impermeable surfaces be limited so as to provide open space around buildings to enable planting, and to reduce adverse hydrological, ecological and amenity effects.

7.6.4.9 That sites have adequate access to sunlight and daylight

7.6.4.10 That provision be made to ensure a reasonable level of privacy for inhabitants of buildings on a site.

7.6.4.11 That the built form of development allowed on residential sites on the urban fringe, specifically Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333, Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), and those with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive remains small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.

- 8.16.2. The site and surrounding environment are residential in nature and are zoned accordingly. There is an existing dwelling on the site and the proposal does not result in an additional housing type or form. No non-residential activities are proposed. The proposal is not considered to create net effects that exceed those of a typical single residential unit. As



discussed within this report, due to the close proximity of the site to the CMA, as well as the constraints of the site and the underlying outstanding natural feature, consent is required for the activity. The proposal will enhance the outdoor space of the site and will not affect areas of planting nor parking and manoeuvring areas. The proposal will result in the pool and fence being located partially within the existing deck footprint, which is considered to be the most practical and suitable location and will ensure the existing open space on the site is maintained. Access to sunlight and daylight will not be affected. The level of privacy for inhabitants will be maintained. Policy 7.6.4.11 is not considered applicable to this proposal.

Assessment of the Objectives and Policies within the Landscape and Natural Features Section

8.17. The following assessment is based upon the objectives and policies contained within Sections 12.1.3 and 12.1.4.

Objectives

12.1.3.1 To protect outstanding landscapes and natural features from inappropriate, subdivision use and development.

12.1.3.2 To protect the scientific and amenity values of outstanding natural features.

12.1.3.3 To recognise and provide for the distinctiveness, natural diversity and complexity of landscapes as far as practicable including the complexity found locally within landscapes and the diversity of landscapes across the District.

12.1.3.4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.

8.17.1. As has been discussed throughout this report, the Outstanding Natural Feature which affects the site is considered to be protected. Amenity values will be maintained. The site is already residential in nature, and the proposed activity will not be changing the use of the site. This application has recognised the unique landscape that the site is located within and concluded that effects will be less than minor.

Policies

12.1.4.1 That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.

12.1.4.2 That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.

12.1.4.3 That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.

12.1.4.4 That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent.

12.1.4.5 That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.

12.1.4.6 That activities avoid or mitigate adverse effects on the scientific and amenity values associated with outstanding natural features.



12.1.4.7 That the diversity of outstanding landscapes at a District-wide and local level be maintained and enhanced where practicable.

12.1.4.8 That the trend is towards the enhancement rather than the deterioration of landscape values, including the encouragement of the restoration of degraded landscapes.

12.1.4.9 That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.

12.1.4.10 That landscape values be protected by encouraging development that takes in account:

(a) the rarity or value of the landscape and/or landscape features;

(b) the visibility of the development;

(c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area;

(d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value;

(e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values;

(f) Maori cultural values associated with landscapes;

(g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

- 8.17.2. As discussed throughout this report, the proposal is not considered to create any adverse effects on the adjoining Rangikapiti Pa Site nor the surrounding indigenous vegetation which forms part of this site. The proposal will maintain the protection of the indigenous vegetation. The proposal will not alter how the public perceives the Outstanding Natural Feature, as the proposed activity will be located within the subject site boundaries and within an area which is already utilised as a deck. No visual effects are anticipated due to the nature of the proposed activity. Amenity values will be maintained. The proposal will not result in the deterioration of landscape values. The indigenous vegetation on the site will remain unaffected. In regard to Policy 12.1.4.10, the subject site is residential in nature and the proposal will see a pool and fence located within an existing deck area utilised for outdoor use, on the site. The visibility of the development is considered low, due to the nature of the activity as well as views from public areas. No adverse effects are anticipated nor are any effects on indigenous vegetation anticipated. Ngatikahu ki Whangaroa have been consulted with no response received to date. The proposal will provide benefit to social, economic and cultural well-being.

Assessment of the Objectives and Policies within the Lakes, Rivers, Wetlands and the CMA Section

- 8.18. The following assessment is based upon the objectives and policies contained within Sections 12.7.3 and 12.7.4.

Objectives

12.7.3.1 To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.



12.7.3.2 To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.

12.7.3.3 To secure public access (including access by Maori to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to and along the coastal marine area, lakes and rivers, consistent with Chapter 14 - Financial Contributions, to the extent that this is compatible with:

(a) the maintenance of the life-supporting capacity of the waterbody, water quality, aquatic habitats, and

(b) the protection of natural character, amenity, cultural heritage, landscape and spiritual values; and

(c) the protection of public health and safety; and

(d) the maintenance and security of authorised activities (but acknowledging that loss of privacy or fear of trespass are not valid reasons for precluding access).

In some circumstances public acquisition of riparian margins may be required and managed for purposes other than public access, for example to protect significant habitats, waahi tapu or historic sites, or for public recreation purposes.

12.7.3.4 To provide for the use of the surface of lakes and rivers to the extent that this is compatible with the maintenance of the life supporting capacity of the water body, water quality, aquatic habitats, and the protection of natural character, amenity, cultural heritage, landscape and spiritual values.

12.7.3.5 To avoid the adverse effects from inappropriate use and development of the margins of lakes, rivers, indigenous wetlands and the coastline.

12.7.3.6 To protect areas of indigenous riparian vegetation:

(a) physically, by fencing, planting and pest and weed control; and

(b) legally, as esplanade reserves/strips.

12.7.3.7 To create, enhance and restore riparian margins.

- 8.18.1. No effects on riparian margins are anticipated. Natural, cultural, heritage and landscape values are considered to be protected. Public access is not considered relevant. No use of the surface of lakes or rivers is proposed. No areas of indigenous riparian vegetation are affected.

Policies

12.7.4.1 That the effects of activities which will be generated by new structures on or adjacent to the surface of lakes, rivers and coastal margins be taken into account when assessing applications.

12.7.4.2 That land use activities improve or enhance water quality, for example by separating land use activities from lakes, rivers, indigenous wetlands and the coastline, and retaining riparian vegetation as buffer strips.

12.7.4.3 That adverse effects of land use activities on the natural character and functioning of riparian margins and indigenous wetlands be avoided.

12.7.4.4 That adverse effects of activities on the surface of lakes and rivers in respect of noise, visual amenity of the water body, life supporting capacity of aquatic habitats, on-shore



activities, the natural character of the water body or surrounding area, water quality and Maori cultural values, are avoided, remedied or mitigated.

12.7.4.5 That activities which have a functional relationship with waterbodies or the coastal marine area be provided for.

12.7.4.6 That public access to and along lakes, rivers and the coastline be provided as a consequence of development or as a result of Council (see Method 10.5.19) or public initiatives except where it is necessary to restrict access or to place limits on the type of access, so as to:

(a) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or

(b) protect cultural values, including Maori culture and traditions; or

(c) protect public health and safety;

to the extent that is consistent with policies in Chapter 14.

12.7.4.7 That any adverse effects on the quality of public drinking water supplies from land use activities, be avoided, remedied or mitigated. (Refer to Commentary and Methods 12.7.5.6 and 12.7.5.7.)

12.7.4.8 That the Council acquire esplanade reserves, esplanade strips and access strips in accordance with Chapter 14 - Financial Contributions and Method 10.5.10 of the Plan.

12.7.4.9 That riparian areas in Council ownership be managed so as to protect and enhance the water quality of surface waters.

12.7.4.10 That historic buildings erected close to, or over, water bodies be protected and provision be made for new buildings where this form of development is in keeping with the historic pattern of settlement.

12.7.4.11 That the extent of impervious surfaces be limited so as to restore, enhance and protect the natural character, and water quantity and quality of lakes, rivers, wetlands and the coastline.

12.7.4.12 That provision be made to exempt activities on commercial or industrial sites from the need to be set back from the coastal marine area, and from the need to provide esplanade reserves on subdivision or development, where the location of the commercial or industrial site is such as to be particularly suited to activities that cross the land-water interface, or have a close relationship to activities conducted in the coastal marine area. Refer also to Rule 14.6.3.

12.7.4.13 That provision be made to exempt activities on particular sites as identified in the District Plan Maps as adjacent to an MEA from the need to be set back from the coastal marine area where those activities on that site have a functional relationship with marine activities and cross the line of Mean High Water Springs (MHWS).

12.7.4.14 That the efficient use of water and water conservation be encouraged.

12.7.4.15 To encourage the integrated protection and enhancement of riparian and coastal margins through:

(a) planting and/or regeneration of indigenous vegetation;

(b) pest and weed control;

(c) control (including, where appropriate, exclusion) of vehicles, pets and stock.

Note: The Regional Coastal Plan for Northland and Regional Water and Soil Plan for Northland contain policies, rules and other methods to protect and enhance wetlands, lakes,



rivers and the coastal marine area. Vehicle, pet and stock control is particularly important in areas and at times when birds are nesting.

- 8.18.2. The effects of the proposed activity have been assessed throughout this report and it was concluded that these will be less than minor. No effects on water quality are anticipated. Riparian margins and indigenous wetlands are not relevant to this application. No activities on the surface of lakes or rivers are proposed. The site is residential in nature and as such it is considered that there is a functional relationship with the CMA already in existence, not just within this site, but the Mangonui area in general. Public access is not considered relevant to this application. No effects on the quality of public drinking water supplies are anticipated. Esplanade reserves, strips and access strips are not considered relevant. No effects on riparian margins are considered. No historic buildings will be affected by this proposal. Impervious surfaces within the site are well within the permitted threshold for the zone. The site is not zoned commercial or industrial and therefore Policy 12.7.4.12 is not applicable. Policy 12.7.4.13 is not applicable to this application nor is 12.7.4.14. No planting or pest and weed control is proposed on the coastal margin. The proposal will not result in any changes to the coastal margin as it affects the site.

Proposed District Plan

General Residential Zone

- 8.19. The following assessment is based upon the objectives and policies contained within the General Residential Zone

Objectives

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

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

GRZ-02 The General Residential zone consolidates urban residential development around available or programmed development infrastructure to improve the function and resilience of the receiving residential environment while reducing urban sprawl.

GRZ-03 Non-residential activities contribute to the well-being of the community while complementing the scale, character and amenity of the General Residential zone.

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

GRZ-05 Land use and subdivision in the General Residential zone provides communities with functional and high amenity living environments.

GRZ-06 Residential communities are resilient to changes in climate and are responsive to changes in sustainable development techniques.



- 8.19.1. The proposal will not alter the density of the site or the housing type. GRZ-02 is not considered applicable. No non-residential activities are proposed. The proposal will not result in an increased demand on infrastructure. The proposal will enhance the amenity of the site and provide a functional use of the outdoor space. The proposal will not exacerbate natural hazards, nor will it increase the vulnerability of the site to natural hazards and climate change as has been discussed throughout this report.

Policies

GRZ-P1 Enable land use and subdivision in the General Residential zone where:

- a. there is adequacy and capacity of available or programmed development infrastructure to support it; and***
- b. it is consistent with the scale, character and amenity anticipated in the residential environment.***

GRZ-P2 Require all subdivision in the General Residential zone to provide the following reticulated services to the boundary of each lot:

- a) telecommunications;***
- b) fibre where it is available; or***
- c) copper where fibre is not available;***
- d) local electricity distribution network;***
- e) wastewater; and***
- f) potable water and stormwater where it is available.***

GRZ-P3 Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure.

GRZ-P4 Enable non-residential activities that:

- a) do not detract from the vitality and viability of the Mixed Use zone;***
- b) support the social and economic well-being of the community;***
- c) are of a residential scale; and***
- d) are consistent with the scale, character and amenity of the General Residential zone.***

GRZ-P5 Provide for retirement villages where they:

- a) compliment the character and amenity values of the surrounding area;***
- b) contribute to the diverse needs of the community;***
- c) do not adversely affect road safety or the efficiency of the transport network; and***
- d) can be serviced by adequate development infrastructure.***

GRZ-P6 Encourage and support the use of on-site water storage to enable sustainable and efficient use of water resources.

GRZ-P7 Encourage energy efficient design and the use of small-scale renewable electricity generation in the construction of residential development.



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

- a. consistency with the scale, design, amenity and character of the residential environment;**
- b. the location, scale and design of buildings or structures, potential for shadowing and visual dominance;**
- c. for residential activities:**
 - i. provision for outdoor living space;**
 - ii. privacy for adjoining sites;**
 - iii. access to sunlight;**
- d. for non-residential activities:**
 - i. scale and compatibility with residential activities**
 - ii. hours of operation**
- e. at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;**
- f. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including:**
 - i. opportunities for low impact design principles**
 - ii. ability of the site to address stormwater and soakage;**
- g. managing natural hazards; and**
- h. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.**

8.19.2. The proposal will not increase demand on infrastructure due to the nature of the proposal. The proposal is also consistent with the scale, character and amenity in the residential environment. GRZ-P2 relates to subdivision and is therefore not applicable to the proposal. No multi-unit developments are proposed as part of this application nor are any non-residential activities. Retirement villages are not proposed and therefore GRZ-P5 is not applicable. Water storage for the site will remain unchanged, although the pool itself can be counted as a form of water storage. No renewable energy is proposed or required.

8.19.3. In regard to GRZ-P8, the proposal is considered to be consistent with development in the surrounding environment. No shadowing or visual dominance is anticipated due to the activity being for a pool and associated fencing. The proposal will provide for outdoor living and not affect the privacy or sunlight of adjoining sites. The proposal is not located at a zone interface. No increase on demand of infrastructure is anticipated. Natural hazards will not be exacerbated. Ngatikahu ki Whangaroa have been contacted with no response received to date.

Coastal Environment

8.20. The following assessment is based upon the objectives and policies contained within the Coastal Environment.

Objectives



CE-O1 The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.

CE-O2 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.**

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

- 8.20.1. The natural character of the coastal environment is considered to be preserved. The proposal will not alter the use of the site, which is residential. The characteristics and qualities of the natural character will remain unchanged. As has been discussed, the site and surrounding environment are residential in nature. The proposal does not result in urban sprawl. NgatiKahu ki Whangaroa have been contacted as part of this application with no response received to date. The proposal is consistent with existing built development in the surrounding environment and the site itself. The pool and pool fencing will be contained within the existing area used for residential activities of the site.

Policies

CE-P1 Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.

CE-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:

- a) outstanding natural character;**
- b) ONL;**
- c) ONF.**

CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:

- a) Outstanding natural character;**
- b) ONL;**
- c) ONF.**

CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:

- a) Consolidating land use and subdivision around existing urban centres and rural settlements; and**
- b) Avoiding sprawl or sporadic patterns of development.**



CE-P5 *Enable land use and subdivision in urban zones within the coastal environment where:*

- a) There is adequacy and capacity of available or programmed development infrastructure; and*
- b) The use is consistent with, and does not compromise the characteristics and qualities.*

CE-P6 *Enable farming activities within the coastal environment where:*

- a) the use forms part of the values that established natural character of the coastal environment; or*
- b) the use is consistent with, and does not compromise the characteristics and qualities.*

CE-P7 *Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where:*

- a) the use is consistent with the ancestral use of that land; and*
- b) the use does not compromise any identified characteristics and qualities.'*

CE-P8 *Encourage the restoration and enhancement of the natural character of the coastal environment.*

CE-P9 *Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.*

CE-P10 *Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a) the presence or absence of buildings, structures or infrastructure;*
- b) the temporary or permanent nature of any adverse effects;*
- c) the location, scale and design of any proposed development;*
- d) any means of integrating the building, structure or activity;*
- e) the ability of the environment to absorb change;*
- f) the need for and location of earthworks or vegetation clearance;*
- g) the operational or functional need of any regionally significant infrastructure to be sited in the particular location;*
- h) any viable alternative locations for the activity or development;*
- i) any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- j) the likelihood of the activity exacerbating natural hazards;*
- k) the opportunity to enhance public access and recreation;*
- l) the ability to improve the overall quality of coastal waters; and*
- m) any positive contribution the development has on the characteristics and qualities.*



8.20.2. The site is located within the coastal environment, which is consistent with the surrounding residential development within Mangonui. The site is also shown to partially contain an area of High Natural Character, which is the western portion of the site that contains the protected indigenous bush. The proposal is not located within the area of Outstanding Natural Character, Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF) within the PDP. The Rangikapiti Pa Historic Site is classified as Outstanding Natural Landscape, however the proposal is not considered to affect the characteristics and qualities of this site, as has been discussed in detail throughout this report. The proposal does not result in sprawl and will be an extension of the existing residential development on site. The pool will be partially located within the existing deck footprint, therefore consolidating the outdoor areas within the site. The proposal will not result in an increased demand on infrastructure. Characteristics and qualities of the surrounding environment will not be compromised as discussed in detail throughout this report. In regard to CE-10, the site is residential in nature and the proposal will not alter this. No adverse effects are anticipated. The location of the proposal will be partially within the existing deck footprint. The scale and design is considered to be suitable for the site. The structures will be easily integrated into the existing development on the site. Only minimal excavations are required and no vegetation clearance. The proposal does not involve regionally significant infrastructure. There are no other viable locations for the proposal on the site due to the physical constraints, as discussed within this report. NgatiKahu ki Whangaroa have been contacted with no response received to date. Natural hazards are not anticipated to be exacerbated. Public access and recreation are not considered applicable. Quality of coastal waters is not considered to be impacted. The proposal will enhance the residential activity on the site whilst not creating any adverse effects on the indigenous bush on site, outstanding natural landscapes or the coastal environment. The proposal is considered suitable in terms of the site and surrounding environment.

Heritage Area Overlays

8.21. The following assessment is based upon the objectives and policies contained within the Heritage Area Overlays Section.

Objective

HA-O1 - The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected

8.21.1. The site itself does not contain any historical significance as such, however the adjoining site which contains Rangikapiti Pa does. The heritage values of the specific overlay will be discussed below.

Policy for all Heritage area overlays

HA-P1 - To protect the unique heritage values of each Heritage Area overlay by:

a. identifying and protecting the heritage buildings, objects and sites, and archaeological sites within the Heritage area overlay;



b. maintaining the architectural and historical integrity of scheduled Heritage Resources;

c. acknowledging the surrounds or setting of the Heritage area overlay which has an important relationship with the values of the Heritage Resources;

d. providing for construction and alteration of buildings or structures when they contribute to the cultural values, character and heritage values of the Heritage area overlay; and

e. providing for the demolition of non-heritage buildings or structures when they do not contribute to the cultural values, character and heritage values of the Heritage area overlay.

8.21.2. As mentioned, the site does not contain any heritage buildings, objects or sites or archaeological sites. The historical significance of the adjoining site is a Pa Site and as such architectural integrity is not applicable. The surrounds and setting of the Mangonui and Rangitoto Peninsula are described as ‘Covers the area which falls within the early township having been generally developed by 1948. Reflecting the surviving historical boundaries, commercial, residential and public [buildings](#), and areas of higher potential archaeological sensitivity. Rangikapiti and Mangonui Domain support the nature of historical development and include a significant pa [site](#). The largely undeveloped coastal and conservation [land](#) of Rangitoto Point is included, where a high density of archaeological sites has been recorded containing several pa [sites](#) and terraces, as well as the mid-19th century trading post at Butlers Trading Post (former)Butlers Point. The pa [sites](#) at Rangikapiti and Rangitoto Point share strong visual connections and context, as two [sites](#) guarding the harbour mouth.’ The proposal will not alter this due to the nature of the activity. Demolition of non-heritage buildings are not proposed.

Policies for Mangōnui and Rangitoto Peninsula Heritage area overlay

HA-P8 - To maintain the integrity of the Mangōnui and Rangitoto Peninsula Heritage area overlay and protect the heritage values by:

- a. retaining the compact and intact range of public, commercial and residential heritage buildings in Part A, reflective of a colonial period coastal settlement township;***
- b. ensuring subdivision complements the form of the early township and the surviving historical boundaries and street layout; and***
- c. protecting scheduled archaeological sites from damage or destruction and retrieving archaeological information whenever unscheduled archaeological sites are discovered.***

HA-P9 - To enable subdivision and land use in Part B which recognises and protects the heritage values, strong connection and context of the Rangikapiti and Rangitoto Point pa sites guarding the Mangōnui harbour mouth.

8.21.3. The proposal will not affect the heritage buildings in Part A as the site is not located within the Part A area, rather it is located within Part B. The proposal is not for subdivision. The proposal will not affect any scheduled archaeological sites.



- 8.21.4. As discussed throughout this report, the proposal will not adversely affect the heritage values and context of the Rangikapiti Pa Site. The proposal will result in a pool and associated fencing partially within an existing deck footprint. The site itself already contains a residential dwelling. The proposal is not considered to create any adverse effects on the heritage values of the surrounding environment.

Summary

- 8.22. Under the Proposed District Plan, the site is zoned General Residential and within the Mangonui and Rangitoto Peninsula Heritage Area Overlay – Part B. The proposal is considered to create less than minor adverse effects on the residential environment and is consistent with the residential intent of the surrounding environment and the zone. The proposal is considered to be consistent with the relevant objectives and policies of the Proposed District Plan.

Summary

- 8.23. The above assessment demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

9. Notification Assessment – Sections 95A to 95G of The Act

Public Notification Assessment

- 9.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(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.

- 9.1.1. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances

(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:



(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) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

(iv) [Repealed]

(6) [Repealed]

- 9.1.2. The application is not subject to a rule or NES that precludes public notification. The application is not for a controlled activity. The proposal includes activities which are not boundary activities. Therefore Step 3 must be considered.

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

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(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 will have or is likely to have adverse effects on the environment that are more than minor.

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effect on the environment as detailed in the sections above.

Step 4; Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is to construct a pool and associated fence partially within an existing deck. The site is residential in nature and contains an existing residential dwelling. The proposal will not affect the indigenous vegetation within the site nor change the character of the site.

Public Notification Summary

- 9.1.5. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.



Limited Notification Assessment

- 9.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

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

(2) 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).

(3) 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).

- 9.2.1. There are no protected customary rights groups or customary marine title groups that are relevant to this application. The Mangonui Harbour is noted as being a Statutory Acknowledgement Area, with Ngatikahu ki Whangaroa being the affected party. Consultation has been made with Ngatikahu ki Whangaroa, however no response has been received to date.

Step 2: Limited notification precluded in certain circumstances

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(6) The criteria for step 2 are as follows:

(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 limited notification;

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 9.2.2. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity. Therefore Step 2 does not apply and Step 3 must be considered.

Step 3: Certain other affected persons must be notified.

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

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

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.

The proposal does involve a boundary activity, which is a setback breach from the eastern boundary, which is the boundary with the CMA.

In deciding who is an affected person under section 95E, a council under section 95E(2):



(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.

9.2.3. A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval. In regard to this, NgatiKahu ki Whangaroa have been contacted as part of this proposal with no response received to date.

9.2.4. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 7 of this report, which found that the potential adverse effects on the environment will be no more than minor. In regard to effects on persons, the assessment in Sections 6, 7 & 8 are also relied on, and the following comments made:

- The proposal will not alter the use of the site and will enable residential activities to continue. The proposed pool and fencing will be located partially within the existing deck, therefore providing consistency with the building footprint currently on the site.
- The proposal will not result in any structures being closer to the CMA boundary than what is currently in existence.
- Vehicle access, parking and manoeuvring will remain unchanged.
- The proposed location of the pool and fencing is considered to be the most suitable due to the physical constraints of the site.
- The proposal is consistent with other development in the area.
- The proposal is not considered to be contrary to the objectives and policies under the Operative & Proposed District Plans, Regional Policy Statement, Coastal Policy Statement and Regional Plan.
- All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.

9.2.5. Therefore, no persons will be affected to a minor or more than minor degree.

9.2.6. Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited



notification under this section (excluding persons assessed under section 95E as not being affected persons),

- 9.2.7. The proposal is to construct a pool and associated fencing on the site which will be consistent with the existing residential activities on the site. It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

- 9.2.8. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

- 9.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

10. Part 2 Assessment

- 10.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the residential character of the site and surrounding environment.
- 10.3. Section 6 of the Act sets out a number of matters of national importance. The proposal will result in the preservation of the natural character of the coastal environment as the existing residential use of the site will remain unchanged. The proposed pool and fencing will be located partially within the existing deck, therefore being consistent with the existing building footprint of the site. The Outstanding Natural Feature which is shown to be partially through the site and within the adjoining Rangikapiti Pa Historic Site will remain unaffected by the proposal. The western portion of the site which contains the protected indigenous vegetation will not be affected by the proposal, as all development will be contained in the eastern portion of the site. Public access is not considered relevant to this proposal. NgatiKahu ki Whangaroa have been contacted as part of this application with no response received to date. Historic Heritage will not be affected by the proposal as the site is not known to contain any archaeological sites and development will occur in already developed areas of the site. The proposal is not considered to exacerbate natural hazards. As such, the proposal is considered to have recognised and provide for the matters of national importance listed within Section 6 of the Act.
- 10.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.



- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. Ngatikahu ki Whangaroa have been contacted with no response received to date. The proposal is not considered to be contrary to the principals of the Treaty of Waitangi.
- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

11. Conclusion

- 11.1. The proposal is to construct a pool and associated fencing within the site, which is considered suitable in the context of the site and surrounding environment. The development will result in no more than minor adverse effects on the residential environment, and no more than minor effects on any person or party.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding environment.
- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Discretionary Activity, the proposal has been assessed against the relevant objectives, policies and assessment criteria contained within the Operative District Plan. It is considered that the proposed activity would not be contrary to those provisions and that any potential adverse effects can be avoided or mitigated. It is considered appropriate for consent to be granted on a non-notified basis.

12. LIMITATIONS

- 12.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 12.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals,



without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.

- 12.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 12.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

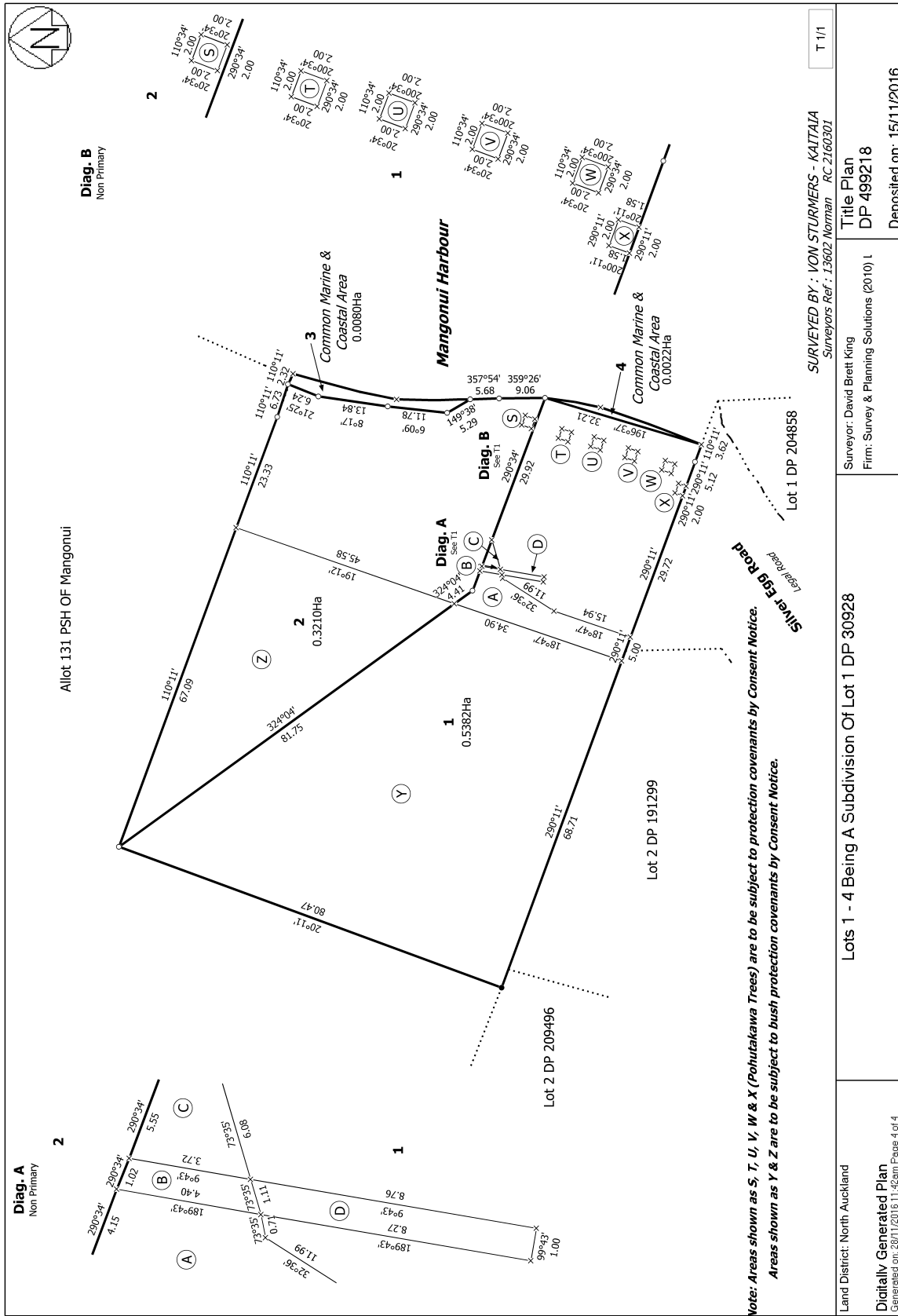
Identifier **740679**
Land Registration District **North Auckland**
Date Issued 15 November 2016

Prior References
760400

Estate Fee Simple
Area 3210 square metres more or less
Legal Description Lot 2 Deposited Plan 499218
Registered Owners
Lloyd Thomas Sommerville Wilkie and Kiri Lynn Dutton

Interests

10601588.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 15.11.2016 at 10:55 am
Appurtenant hereto is a right of way, a right to convey electricity, telecommunications, computer media & water and a right to drain sewage created by Easement Instrument 10601588.7 - 15.11.2016 at 10:55 am
The easements created by Easement Instrument 10601588.7 are subject to Section 243 (a) Resource Management Act 1991
10639900.3 Mortgage to Westpac New Zealand Limited - 16.12.2016 at 4:27 pm



SURVEYED BY : VON STURMERS - KAITIARA
Surveyors Ref : 13602 Norman RC-2160301

Surveyor: David Brett King
Firm: Survey & Planning Solutions (2010) L

Lot 1 DP 204858
Lot 2 DP 191299
Lot 1 DP 30928

Land District: North Auckland
Digitally Generated Plan
Generated on: 28/11/2016 11:42am Page 4 of 4

Title Plan
DP 499218

Deposited on: 15/11/2016

T 1/1

View Instrument Details



Instrument No 10601588.6
Status Registered
Date & Time Lodged 15 November 2016 10:55
Lodged By Vane, Davina Lila
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
740678	North Auckland
740679	North Auckland

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Fiona Catherine Burton as Territorial Authority Representative on 14/11/2016 02:58 PM

*** End of Report ***



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Website: www.fncc.govt.nz

Te Kaitiaki o Tei Tokerau Kī Te Raki

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2160301
Being the Subdivision of Lot 1 DP 30928
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lots 1 and 2 – DP 499218

- (i) The Pohutukawa trees identified as "X", "W", "V", "U", "T", and "S" on the survey plan protection shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- (ii) The indigenous trees and bush shown as "Y" and "Z" on the survey plan shall not without the prior written consent of the Department of Conservation and the Council; and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush or suffer or permit the cutting down damaging or destruction of any such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.





Far North
District Council

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Te Kaunihera o Tai Tokerau Ki Te Raki

- (iii) The indigenous trees and bush area shown as "Y" and "Z" on the survey plan shall be enhanced and maintained through the implementation of the approved weed and pest management plan (under RC 2160301). This management plan is to be implemented at the cost of the land owner and requires on-going pest control, annual weed removal, and control of invasive weed species to limit the risk of spread of invasive weeds to the adjoining historic reserve that is managed and administered by the Department of Conservation.
- (iv) Silver Egg Road and the right of way access to the site are formed to a width that does not meet Council's Engineering Standards. Due to the narrow width of the carriageway and access way care should be taken by vehicle operators when accessing the site.

SIGNED:



Mr Patrick John Killalea

By the FAR NORTH DISTRICT COUNCIL

Under delegated authority:

PRINCIPAL PLANNER - RESOURCE MANAGEMENT

DATED at KERIKERI this 18th day of August 2016



Clients: L Wilkie & K Dutton-Wilkie
Project: Proposed Pool and Pool Fence

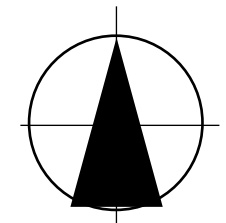
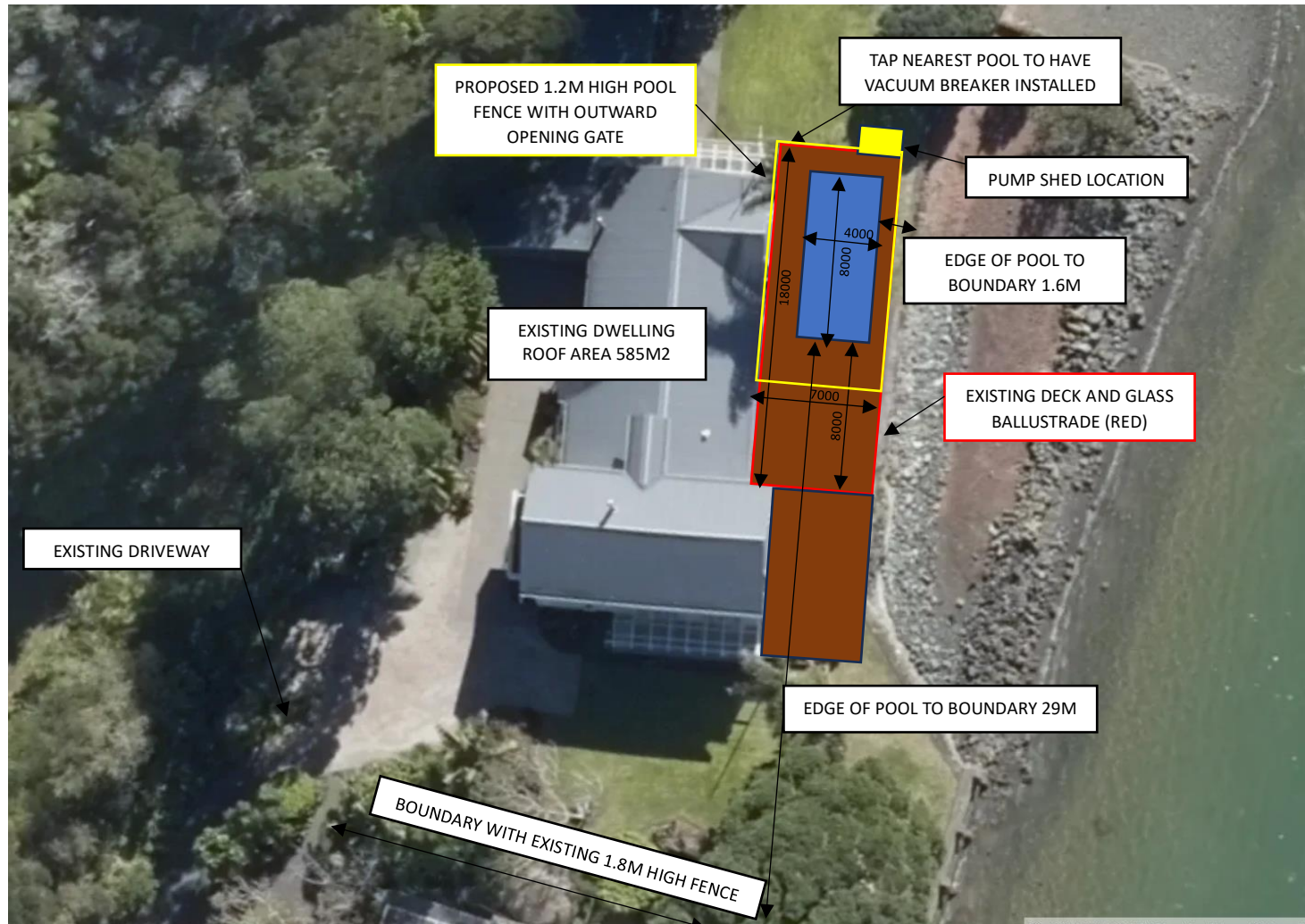
Site Address: 19A Silver Egg Road, Mangonui
LOT 2 DP499218

DATED 17/11/23



Important notes:

1. NZBC D1/AS1: Access Routes
2. Decking to be non-slip surrounding pool. Pool filter will be tee'd into the closest gully trap.
3. NZBC F9/AS1: Means of restricting access to residential pools.
4. Pool fence gates will be self-closing, outward opening and lockable.
5. Any release latch is required to be 1500mm above ground level/or 300mm down the inside of the gate (1200+300=1500).



Site Coverage – Land area 3210m²; Existing House Deck and Garage 585m²; Proposed pool area 32m².

4.0 BUILDING WALL FORMING THE POOL BARRIER.

4.1 WINDOWS IN THE BUILDING WALL B) A restrictor limiting the size of the opening such that a 100mm diameter sphere cannot pass through.

4.2.3. For hinged doors that open towards the pool, a self-closing device shall return the door to the closed and latched position from any position when the door is stationary.

For all other doors, a self-closing device shall return the door to the closed and latched position when the door is stationary and 150mm or further from the closed and latched position.

2 April 2024

Kiri Lynn Dutton and Lloyd Thomas Sommerville Wilkie
262 Larmer Road
RD 1
Kaitaia 0481

Dear Sir / Madam,

Building consent number: EBC-2024-834/0
Property ID: 3359626
Address: 19A Silver Egg Road, Mangonui 0420
Description: New Swimming Pool & Fencing

Requirement for Resource Consent

PIM Assessment of your application has highlighted the need for Resource Consent that must be granted prior to any building works or earthworks commencing.

NB: As of 27th July 2022, some rules and standards in the Far North District Council Proposed District Plan took legal effect and compliance with these rules applies to your building consent. Please visit our website to see these rules
[Far North Proposed District Plan \(isoplan.co.nz\)](http://isoplan.co.nz)

The site is zoned **Residential** under the District Plan and Resource Consent is required for breach of the following:

Rule:	7.6.5.1.7 SET BACK FROM BOUNDARIES (b) The minimum set-back from any boundary other than a road boundary, on all sites other than Lot 1 DP 28017, Lot 1 DP 46656, Lot 1 DP 404507, and Lot 1 DP 181291, Lot 2 DP 103531, Lot 1 DP 103531, Lot 2 DP 58333 and Pt Lot 1 DP 58333 (and any sites created as a result of a subdivision of these lots), shall be 1.2m except that no set-back is required for a maximum total length of 10m along any one such boundary.
Reason:	The Swimming Pool fence is within 1.2m of the boundary for a maximum total length >10m along any one such boundary.
Rule:	12.1.6.1.1 PROTECTION OF OUTSTANDING LANDSCAPE FEATURES (c) excavation and/or filling shall not occur within an Outstanding Landscape Feature as listed in Appendix 1B in Part 4 and shown on the Resource Maps.
Reason:	Excavations are proposed within an Outstanding Landscape Feature - Rangikapiti Pa - Conical hill pa site overlooking mouth of Mangonui Harbour, as listed in Appendix 1B in Part 4 and shown on the Resource Maps.

Rule:	12.1.6.3.2 BUILDINGS WITHIN OUTSTANDING LANDSCAPE FEATURES Any new building, or any alteration or extension to an existing building, in an Outstanding Landscape Feature, as listed in Appendix 1B and shown on the Resource Maps is a discretionary activity.
Reason:	Building works are proposed in an Outstanding Landscape Feature - Rangikapiti Pa - Conical hill pa site overlooking mouth of Mangonui Harbour, as listed in Appendix 1B and shown on the Resource Maps.

Rule:	12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA Any building and any impermeable surface must be set back from the boundary of the coastal marine area. The setback shall be: (b) a minimum of 26m in the Residential, Coastal Residential and Russell Township Zones.
Reason:	The proposed works are in a Residential zone and are within 26m of the Coastal Marine area.

Please note there may be other rule breaches found during the Resource Consent process. It is your responsibility to ensure the Resource Consent approved plans match the Consented approved plans.

The application form can be downloaded from www.fndc.govt.nz and submitted to Council's (Planning Department) with the appropriate documentation and instalment fee.

If you have any queries, please contact the Duty Planner on Duty.Planner@fndc.govt.nz or 0800 920 029.

Yours faithfully



Leeanne Tane
PIM Officer
Delivery and Operations

Emailed to: poos@ocdgroup.co.nz; lloyd@topvets.co.nz; kirid@slingshot.co.nz

Property ID: 3359626

FORM 4
Certificate attached to
PROJECT INFORMATION MEMORANDUM
Section 37, Building Act 2004

Building Consent Number: EBC-2024-834/0

**RESTRICTIONS ON COMMENCING BUILDING WORK UNDER
RESOURCE MANAGEMENT ACT 1991**

The building work referred to in the attached Project Information Memorandum is also required to have the following **Resource Consent(s)** under the Resource Management Act 1991:

- **Resource Consent – REQUIRED**

As the above Resource Consent(s) will affect the building work to which the Project Information Memorandum relates, until this has been granted no building work may proceed.

Failure to comply with the requirements of this notice may result in legal action being taken against you under the Resource Management Act 1991.

Signature:



Position:

Manager - Building Services

On behalf of:

Far North District Council (Building Consent Authority)

Date:

2 April 2024

Northland Planning Development

From: Northland Planning Development
Sent: Thursday, 16 May 2024 10:16 am
To: sandra heihei
Subject: Resource consent - Silver Egg Road, Mangonui
Attachments: Location Pool Plan Wilkie 18.4.24.pdf

Kia ora Sandra,

I am contacting you in regards to a resource consent application we are preparing on behalf of our clients at Silver Egg Road in Mangonui.

They are proposing to construct a new swimming pool and associated pool fencing within an existing deck.

The development requires resource consent based upon its setback from the CMA (Mangonui Harbour). The CMA is mapped as being a Statutory Acknowledgement Area for Ngātikahu ki Whangaroa.

Originally, we sent the request to Eljon Fitzgerald who advised he had passed on the request to yourself, to provide feedback on the proposed development.

I have attached the pool location plans for your reference, as well as the site location shown below.

If you could please provide feedback on the proposed development, that would be greatly appreciated.

If you require any further information, please do not hesitate to contact our office.



Kind regards,



Alex Billot
Resource Planner

Offices in Kaitaia & Kerikeri
☎ 09 408 1866
Northland Planning & Development 2020 Limited

My office hours are Monday, Thursday & Friday 9am – 2pm

Northland Planning Development

From: Northland Planning Development
Sent: Tuesday, 23 April 2024 11:25 am
To: Eljon Fitzgerald
Subject: Mangonui Resource Consent
Attachments: Location Pool Plan Wilkie 18.4.24.pdf

Morena Eljon,

We are in the early stages of prepping a resource consent for a new swimming pool at Silver Egg Road in Mangonui.

The development requires resource consent based upon its setback from the coastal marine area.

The Coastal marine area is mapped as being a Statutory Acknowledgement Area for Ngātikahu ki Whangaroa.

Are you able to send this through to the correct person within the Runanga and pass on any feedback they may have on this development.

Pool location plans are attached.



Regards,



Rochelle Jacobs
Director / Senior Planner

Offices in Kaitaia & Kerikeri
☎ 09 408 1866 | 📠 027 449 8813
Northland Planning & Development 2020 Limited

