

**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**

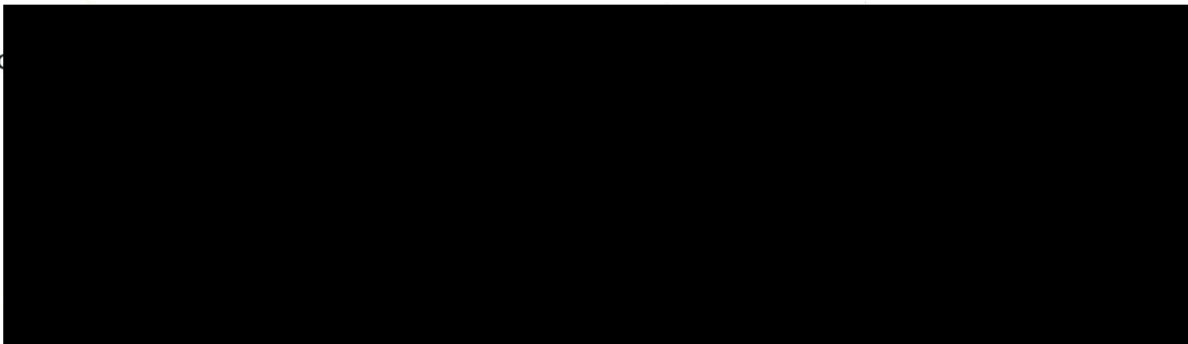
**4. Applicant Details:**

Name/s: Nathan & Veronica Wynyard

Electronic Address for Service (E-mail):

Phone Numbers:

Postal Address:  
 (or alternative method of service under section 352 of the Act)



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

Name/s: \_\_\_\_\_

Electronic Address for Service (E-mail): \_\_\_\_\_

Phone Numbers: Work: \_\_\_\_\_ Home: \_\_\_\_\_

Postal Address:  
 (or alternative method of service under section 352 of the Act) \_\_\_\_\_

Post Code: \_\_\_\_\_

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: Nathan & Veronica Wynyard

Property Address/  
Location: 113 Waione Road, Opononi  
RD3, Kaikohe, 0473

**7. Application Site Details:**

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

Site Address/  
Location: 113 Waione Road, Opononi  
RD3, Kaikohe, 0473

Legal Description: Lot 1 DP155343 BLK11 Hokianga SD Val Number: 00617 - 56330

Certificate of Title: \_\_\_\_\_  
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? No  
Is there a dog on the property? 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.

Nil restrictions

**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.

Add extension to existing dwelling that has already been located within boundary set back issued under previous Resource Consent refer to 2180653-RMALUC.  
Consent being applied for is Boundary Setback breach and Visual Amenity.

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** 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 2023-697/0 (granted)
- 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) Nathan Wynyard

Email:

Postal Address:

Phone Numbers:

**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 20<sup>th</sup> 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: Nathan Wynyard (please print)

Signature:  (signature of bill payer – mandatory)

Date: 15/10/2024

## 14. Important Information:

### Note to applicant

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

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

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

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.


A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

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

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

Name: Nathan Wynyard (please print)

Signature:  (signature)

Date: 15/10/2024

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

### Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- 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.

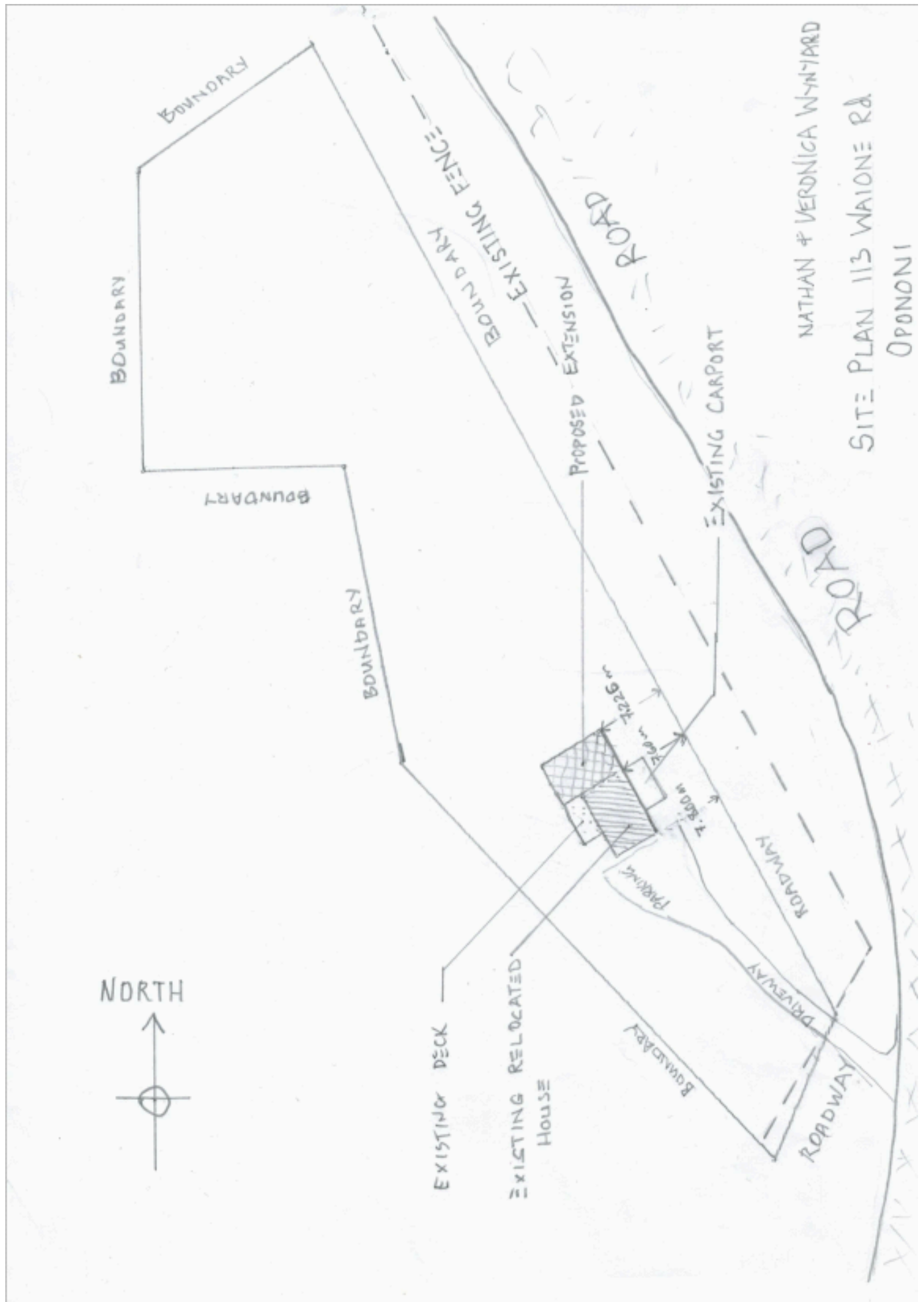
Only one copy of an application is required, but please note for copying and scanning purposes, documentation should be:

UNBOUND

SINGLE SIDED

NO LARGER THAN A3 in SIZE





## SITE AND SURROUNDING ENVIRONMENT

### Zoning

The property is located within the Coastal Living Zone on the ODP and is not subject to any overlays or natural hazards.

The Proposed District Plan of the FNDC zones the site as Rural Lifestyle

### Record of Title

See attached - there are no instruments or notices of concern to the proposal.

### Location

The proposed site is located at 113 Waione Road, Opononi, and is part of a subdivision that transforms a former farm into smaller residential lots and lifestyle blocks.

### Built Form and Access

The site is occupied by an existing relocated residential dwelling located on the eastern side and situated partly within the road boundary setback exclusion zone. Mitigating plantings surround the dwelling (see attached planting schedule) as per 2180653 RMALUC. The remainder of the site is mainly grass since removal of tobacco weed, blackberry, gorse and steeper slopes being planted with manuka.

Site access is existing for vehicles with a driveway already formed with a parking and maneuvering area.

### Topography and Natural Features

The site is bounded by Waione Road to the east and above being an unsealed 100 kmh road. To the west are two adjacent properties, one being an olive tree farm with no dwelling, whilst the other has a dwelling situated well below and approximately 450 m away.

The coastal reserve is approx 400m away and approximately 50 m below, out of sight from dwelling due to the ridgeline on adjacent property.

### Surround Environment

The surrounding area is a lifestyle block type subdivision. It has varying sized lots with the proposed site being one of the smaller in the area. Most sites have residential dwellings mostly appearing larger than the current relocated house but of a similar design characteristic i.e single level etc. Nearest school is approx 3 km away situated in the small Koutu Point village.

### Public Notification

Steps following are associated with S95 of the Act.

**Step One** - Mandatory public notification in certain circumstances.

- S95A(3)a - has the applicant requested for public notification? No.
- S95A(3)b - Is public notification required under Section 95c? TBC.
- S95A(3)c - Has application been made with an exchange of reserve land under section 15AA of Reserves Act 1997? No.

**Step Two** - If not required by step one, public notification precluded in certain circumstances.

- S95A(5)a - Is the application for resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification? No.
- S95A(5)b - Is the application for resource consent for 1 or more of the following, but no other activities? No.

The proposal does not meet tests for mandatory public notification, nor does it meet tests for precluding public notification. Therefore an assessment of the effects on the environment is supplied to ascertain whether public notification is required.

## ENVIRONMENTAL EFFECTS

### Effects that must be disregarded

#### Section 95Da

Effect on persons who are owners and occupiers of the land in, on or over which the application relates, or of adjacent land must be disregarded when considering effects on the environment.

These properties are mentioned below:

113 Waione Road (Applicant)

Waione Road, public highway (N.TA) (Boundary infringement).

111 Waione Road

135 Waione Road

No written approval has been sought for this application.

### Effects that May Be Disregarded

Sections 95D(b) and 95E(2)9 make provision that when council determines the extent of adverse effects of an activity or the effects on a person respectively, it may disregard an effect if a rule or NES permits on activity with that effect. Also known as the permitted activity baseline test.

The purpose being to isolate and make effects of the activities on the environment that are permitted by a plan or NES, irrelevance.

When applying the permitted baseline such effects cannot then be taken into account when assessing the effects of a particular resource consent application.

Case law has defined a baseline comprising non fanciful (credible) activities that would be permitted as of right by the plan in question.

The following is considered relevant in terms of the proposed development.

- ❖ The proposal is considered permitted in all respects barring the road boundary setback and visual amenity in a coastal living zone. These are the only two things in contention. The effect of the activity is only that it is 7.6m to 7.226m from road boundary and visual amenity concerns need to be remedied as proven in another section of the application.

It is asserted that the mentioned effects should be isolated from consideration of the overall effects of the proposal in terms of S95D, S95E and 104(1) (a) of the RMA.

## Existing Environment

The receiving environment is the environment upon which a proposed activity might have effects. It is permissible or necessary to consider the future state of the environment upon which effects will occur including;

- The future state of the environment as it might be modified by the utilization of rights to carry out permitted activities as mentioned above.
- The environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered where it appears likely that those resource consents will be implemented.

There are no known unimplemented consents in the environment.

## Assessment of Effects

According to Section 88 and schedule 4 of the Act which specifies that the assessment of effects provided should correspond with the scale and significance of the proposal.

The following assessment is provided.

The effects assessment is largely linked to the rules breached as well as any other matter that is considered relevant to the scope and context of the overall development.

## Environment Effects Assessment

**Positive Effects** - Positive effects also require consideration. Regarding this application positive effects include:-

1. Aesthetically Improved: The extension will improve the overall appearance of the dwelling and increase its value.
2. Added Value:- will have market value increased which in turn provides a good return on investment.
3. Better function: will make the dwelling more user friendly due to increased size of kitchen, dining, living and bathrooms not to mention such things as increased wardrobe space and storage etc.
4. Comfort:- allows more freedom of space, increased insulation proportions and room for more comfortable furniture etc.
5. Increased Living Space: provides an increase in room to allow for growing families or changed needs without having to relocate.
6. Increased Resale Value:- Good return for owners by increased value and more attractive to future buyers and hopefully less time on the market.

The proposed extension has a number of positive effects.

## Added Comments

The proposed extension achieves objectives required by measures outlined in the overall application.

Also of important note is the roadway above is situated on the far side of the road reserve and the remaining reserve area falls steeply to the shared roadside boundary below.

Mitigated planting already well established and with continuous growth and lush expansion along said boundary.

The extension will be in keeping with existing materials of present dwelling along with color and reflectivity. Being lower than the road level also helps diminish obtrusiveness and helps with enhancing its natural screening into the surrounding environment.



## **Effects to People**

Limited notification.

Steps relating to limited notification in relation to S95 of the Act.

Step One - Certain affected groups and affected people must be notified.

S95B(2)a - Any affected customary rights groups? No

S95B(2)b - Are there any customary marine title groups (in the case of an application for resource consent for an accommodated activity?) No.

S95B(3)b - Is the person to whom the statutory acknowledgement is made is an affected person under Section 95E? No

Step Two - If not required by step one, limited notification precluded in certain circumstances.

S95B(6)a - The application is for resource consent for one or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.

S95B(6)b - The application is for a controlled activity (but no other activities) that requires resource consent under a district plan (other than a subdivision of land) No.

## **Affected Person Determination**

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority (Council) has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them.

The proposals potential effects on adjacent landowners is mainly to the NTA (Council) as this is the party affected by the setback.(Boundary)

## **Effects on Person Assessment**

General - The proposed development will be visible from the immediate neighbours with adequate planting to lessen amenity and visual adverse effects generated to adjoining properties.

Though being visible from immediate neighbouring properties, the proposed extension is of a scale in keeping with what is anticipated for the zone and is of similar size/style to what is found in the area. Also accepting that less than minor bulk and dominance adverse effects will be created by the extension proposal.

NTA (Council Roading) - The site proposal does breach the road boundary setback distance but has no or little to no effect on the roadway. The carriageway is placed on the far side of the roadway reserve with the remainder falling steeply to the site boundary creating a very wide reserve area adjoining the site boundary.

Existing vegetation planted for mitigation purposes for existing house resource consent conditions softens any visual and dominance effects.

The breach being 7.6 and 7.226m away from the road boundary is easily mitigated by the above.

There are no known operation concerns with approving the setback breach in this instance.

## Conclusion

Considering all relevant actual and potential effects concerning the proposed extension.

There are effects that are less than minor to relevant persons promoted by the extension proposal.

The positive effects generated by the proposal will not only add value to the existing site but also to all surrounding sites in the area due to the fact that it is in keeping with aims and objectives with all planning documents and enhances residential development in the region.

## ASSESSMENT OF RELEVANT RULES

### OPERATIVE & PROPOSED FAR NORTH DISTRICT PLANS

The property is zoned Coastal living under the Far North District Operative Plan.

Following is an assessment against the applicable FNDC Operative and Proposed District Plans performance standards and identifies the reasons for Resource Consent.

- 10.7.5.1.1 Visual Amenity – Addition to existing building exceeds 30% of gross floor area.  
*(Non Compliant)*
- 10.7.5.1.2 Residential Intensity – Extension to existing Dwelling.  
*(Compliant)*
- 10.7.5.1.3 Scale of Activities – Not Applicable.  
*(Compliant)*
- 10.7.5.1.4 Building Height – Same height as Existing Dwelling and less than 8m.  
*(Compliant)*
- 10.7.5.1.5 Sunlight – No part of building projects beyond set limits.  
*(Compliant)*
- 10.7.5.1.6 Stormwater Management – Building and impermeable surfaces cover less than 10%.  
*(Compliant)*
- 10.7.5.1.7 Setback from Boundaries – Extension and existing house is located less than 10m to boundary.  
*(Non Compliant)*
- 10.7.5.1.8 Screening for Neighbours Non Residential Activities – Not applicable.  
*(Compliant)*
- 10.7.5.1.9 Transportation – Driveway and parking area already established and satisfactory.  
*(Compliant)*
- 10.7.5.1.10 Hours of Operation Non Residential Activities – Not applicable.  
*(Compliant)*
- 10.7.5.1.11 Keeping of Animals – Not applicable.  
*(Compliant)*
- 10.7.5.1.12 Noise – Not applicable.  
*(Compliant)*

10.7.5.1.13 Helicopter Landing Area – Not applicable.  
(Compliant)

As listed above, rules pertaining to Visual Amenity and Setback from boundary have been breached. Therefore an application for Resource Consent for land use has been applied for as a Restricted Discretionary Activity according to Rules 10.7.5.3.1 and Rule 10.7.5.3.6.

When considering an application in this provision the Council will restrict the exercise of its discretion to matters relating to:

1. The location of the building.

The building extension is located on the northerly side of an existing relocated dwelling situated within the Coastal Living Zone on the ODP and Rural Lifestyle Zone on the PDP. The existing building to be added to was placed within the Road boundary exclusion zone under Resource Consent# 2180653-RMALUC.

This setback breach put the relocated dwelling at 7.8m and 7.6 from the road boundary. The proposed extension at its most northern point will be 7.226m from the road boundary.

The site Area is 7,348m<sup>2</sup>

- Contour (general) sloping away from Waione Road falling steeply to the western corner.

- Vegetation Cover Nil except for extensive planting around relocated dwelling areas, with many trees now in excess of 3m tall along with native planting and shrubs now well established.

2. The size, bulk and height of the building in relation to ridgelines and natural features.

Roof height sits level or below road level, with ground continuing to rise above the road to the neighboring house above. There are no natural or significant features in the area.

3. The Colour and Reflectivity of the building.

The building will have a visually repressive color scheme to match the existing building.

4. The extent to which planting can mitigate visual effects.

The original site, before subdivision, was bare farmland used for grazing purposes. The section prior to dwelling being relocated was mainly grass with a large portion covered in gorse and tobacco weed.

An extensive planting schedule was implemented to mitigate visual effects after the house was relocated.

The majority of trees have now attained a height of 3m or more with shrubs and ground cover plants now well established, (attached is a planting schedule), from 2180653RMALUC. All the planting was done in close proximity to and surrounding the house.

The extension sits within the planted areas and absolutely no trees or vegetation has to be removed for building purposes.

Planted areas have now become self propagating and natural regeneration is taking place. The remainder of the site has now been cleared of gorse, blackberry and tobacco weed and is now mown grass.

The owners have chosen to hand sow all the steeper areas with ti-tree and manuka seeds and let natural regeneration occur. This species has been chosen as it most accurately reflects the naturalness of the region and doesn't produce the artificial look of many planted areas visible in the immediate neighborhood.

5. Any earthworks or vegetation clearance associated with the building.

No earthworks or vegetation clearance is required.

The extension will be built on what was a small lawn area covered in grass.

6. The location and design of associated vehicle access maneuvering and parking area.

The location of access parking and maneuvering remains the same as what is already in place and sufficient.

7. The extent to which the building will be visually obtrusive.

The building extension is expected to have minimal visual impact due to its strategic placement. It will be added to the end of the existing house, which is well-integrated into the surrounding established and growing plantings. Additionally, the extension is positioned below the roadway and ridge lines, further reducing its visibility. The potential for any visual disruption will be further mitigated by the continued growth of these plantings and the owner's commitment to expanding manuka across the site.

8. The cumulative visual effects of all the buildings onsite.

The overall visual impact of all the structures on the site is minimal. Currently, the only buildings present are the existing house, a small garden shed, and a relocatable port-a-com storage shed. The proposed extension will be added directly to the house, and while it will increase the size of the structure, its visual effect will remain modest. This approach avoids the significant visual disruption that would occur if the extension were built as a separate, stand-alone building, which would greatly increase the overall visual impact due to the dispersion of structures across the site.

9. The degree to which the landscape will retain the qualities that give it its naturalness, visual and amenity values.

The original subdivision of land which this site is, was grazed farmland void of trees and vegetation except Kikuyu grass, gorse, blackberry and tobacco weed. Thoughtful planting along road boundaries and around the house has become an effective screen along with various flaxes and shrubs interspersed to break up visual dominance and such factors.

It is proposed by the owners to further enhance the naturalness of the site by promoting the growth of Manuka around other areas of the site.

Manuka being the "natural" choice due to the fact that manuka was the original dominant growth in earlier times before farming and clearly evidenced by undeveloped areas in the near proximity.

10. The extent to which private open space can be provided for future uses.

Site Area is 7348m<sup>2</sup>, with up to 50% of area left after building coverage stormwater, waste water runoff, driveway and service areas etc considered and the bulk area left is mown grass. There is no anticipated shortage of private open space being available for owners to utilize.

11. The extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment.

The placement of the extension has been carefully determined by the pre-existing location of the relocated house. The setback was originally an error by the previous owner, caused by a road boundary fence that was incorrectly positioned, as later confirmed by a surveyor. The extension has been designed to match the existing single-level dwelling, with the roof height consistent with the current structure. The extension will create an L-shaped layout for the house, which effectively shortens the west elevation facing the sea and the east elevation facing the road. This design reduces the visual impact from the two main public open spaces. The neighboring properties to the north and south are on the same level as the house, while the property to the east is situated well above and is screened by vegetation. The property to the west, which faces the sea, is positioned below and slopes steeply towards the shoreline, featuring only an olive farm with extensive olive tree plantings, and no dwelling. By placing the single-level dwelling lower than the roadway and maintaining a setback that avoids encroaching on neighboring sites, the design successfully minimizes visual dominance. Additionally, this effect is further mitigated through strategic planting.



12. The extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.

There is only one nearby neighbor with a dwelling, located across the road and positioned significantly higher. The neighboring property below is an olive farm with no dwelling. Even in the event of a setback breach, the effects on the outlook and enjoyment of private open spaces on adjacent sites would be negligible.

#### **RULE 10.7.5.3.6 - SETBACK FROM BOUNDARIES**

In assessing an application resulting from a breach of Rules 10.7.5.1.7, Setback from boundaries, the matters to which the council will restrict its discretion are:

- a. The extent to which the building(s) reduces outlook and privacy of adjacent properties.

The neighboring property across the road is located above and much higher than the proposed building extension. Due to extensive mitigated planting by said neighbor the proposed extension will not be visible.

The other two adjacent sites are to the west and well below the proposed extension. One property is an Olive orchard farm with no dwelling, the other is also vacant and is used for stock grazing. The extent of reduced outlook and privacy in this instance is less than minor should the setback breach have not occurred at all.

- b. The extent to which buildings restrict visibility for access and egress of vehicles.

Existing driveway and parking area shall remain the same. The proposed extension is on the opposite side of the house from the driveway/parking area and is not visible therefore no restriction.

- c. The ability to mitigate any adverse effects on the surrounding environment, for example by way of planting.

The immediate area surrounding the dwelling has been extensively planted out as a mitigating factor to comply with previous resource consent. This surrounding area also encompasses the area for the proposed extension which is to be built on what is a small lawn area of mowed grass. It is proposed to bolster these areas with native manuka where there is deemed space to fit along with extensive manuka plantings elsewhere on the property to balance a natural look.

Other mitigating factors are naturally the colour of the proposed extension which would be in keeping with the existing dwelling which complies with the colour code required for a Coastal Living Zone area. Also the design of the extension being an L shape has reduced the visible area seen from what is the main area (from the water in the harbour) that the public can see from.

- d. The extent to which the buildings and their use will impact on the public use and enjoyment of adjoining esplanade reserves and strips and adjacent coastal marine area.

There are no adjoining esplanade reserves and strips and the adjacent coastal marine area is over 400 metres away and not accessible from the property. The adjacent properties are accessible to the coastal marine area but they are privately owned therefore there is no real impact on the public.

#### **ASSESSMENT OF THE ODP DISTRICT WIDE RULES**

RULE# 12.1 Landscapes and natural features are not impacted by this.  
(Compliant)

12.2. Indigenous Flora & Fauna.  
No vegetation of note and no vegetation clearance needed.  
(Compliant)

- 12.3. Soils & Minerals.  
The proposed extension requires nil earthworks.  
*(Compliant)*
- 12.4. Natural Hazards  
Existing house on site. Rule does not apply to alterations /additions.  
*(Compliant)*
- 12.5. Heritage and 12.5A Heritage Precincts.  
Site not impacted by these features.  
*(Compliant)*
- 12.6. Air – N/A  
*(Compliant)*
- 12.7. Lakes, Rivers, Wetlands and the Coastline.  
The proposed extension is not in proximity to these.  
*(Compliant)*
- 12.8. Hazardous substances – N/A  
*(Compliant)*
- 12.9. Renewable Energy and Energy Efficiency – N/A  
*(Compliant)*
- 13. Subdivision – N/A  
*(Compliant)*
- 14. Financial Contribution – N/A  
*(Compliant)*
- 15. Transportation  
Traffic – the proposed extension does not increase traffic movements  
Parking – The proposed extension does not increase minimum parking requirements  
Access – The access is existing and existing arrangement is suitable  
*(Compliant)*
- 16. Signs and Lighting – N/A  
*(Compliant)*
- 17. Designations and Utility Services – N/A  
*(Compliant)*
- 18. Special Areas – N/A  
*(Compliant)*
- 19. Genetically Modified Organisms – N/A  
*(Compliant)*

There are no consents required under The District Wide Chapter of the proposed District Plan.

There are rules within the PDP that have immediate legal effect. These are as follows:

Rule:

**Hazardous Substances – N/A**

*Not relevant as no such activity proposed.*

**Heritage Area Overlays – N/A**

*Not indicated on PDP*

**Historic Heritage – N/A**

*Not indicated on Far North PDP*

**Notable Trees – N/A**

*Not indicated on Far North PDP*

**Sites and Areas of Significance to Māori – N/A**

*Not indicated on Far North PDP*

**Ecosystems and Indigenous Biodiversity – N/A**

*Not indicated on Far North PDP- and no vegetation clearance required.*

**Activities on the Surface of the Water – N/A**

*Not indicated on Far North PDP*

**Earthworks – N/A**

*No earthworks required*

**Signs – N/A**

*Not indicated on Far North PDP*

**Orongo Bay Zone – N/A**

*No consents are required under the PDP rules with legal effect*

**RURAL LIFESTYLE**

RLZ-RI New building or structures and extensions or alterations to existing buildings or structures

Per 2 RLZ-S3 Setback - *(Non Compliant)*

Less than specified distance from the road boundary. Restricted Discretionary Activity

When considering Rules RLZ-R2 ie: impermeable surfaces coverage etc through to RLS-28 offensive trade etc. The proposed activity is compliant or the rule is non applicable.

**RURAL LIFESTYLE STANDARDS**

RLZ-S1 Max height

Less than 8m high

*(Complies)*

RLZ-S2 Height in Relation to Boundary.

Meets the scope.

*(Complies)*

RLZ-S3 Setback (excluding from MHWS or wetland, lake and river margins).

1. Not Applicable

2. Not Applicable

3. Non Compliant – existing building to be added to is less than 30m from boundary of an unsealed road

*(Non Compliant)*

RLZ-S4 Setback from MHWS – Not Applicable  
(Complies)

RLZ-S5 Building or Structure Coverage  
Land area is 7348m<sup>2</sup>  
Building area 138.6m<sup>2</sup> approx  
(Complies)

RLZ-S6 Building or Structures used to house feed stock etc – Not Applicable  
(Complies)

Because RLZ-S3 is breached it is deemed a restricted discretionary Activity. Where the standard is not met, matters of discretion are restricted to:

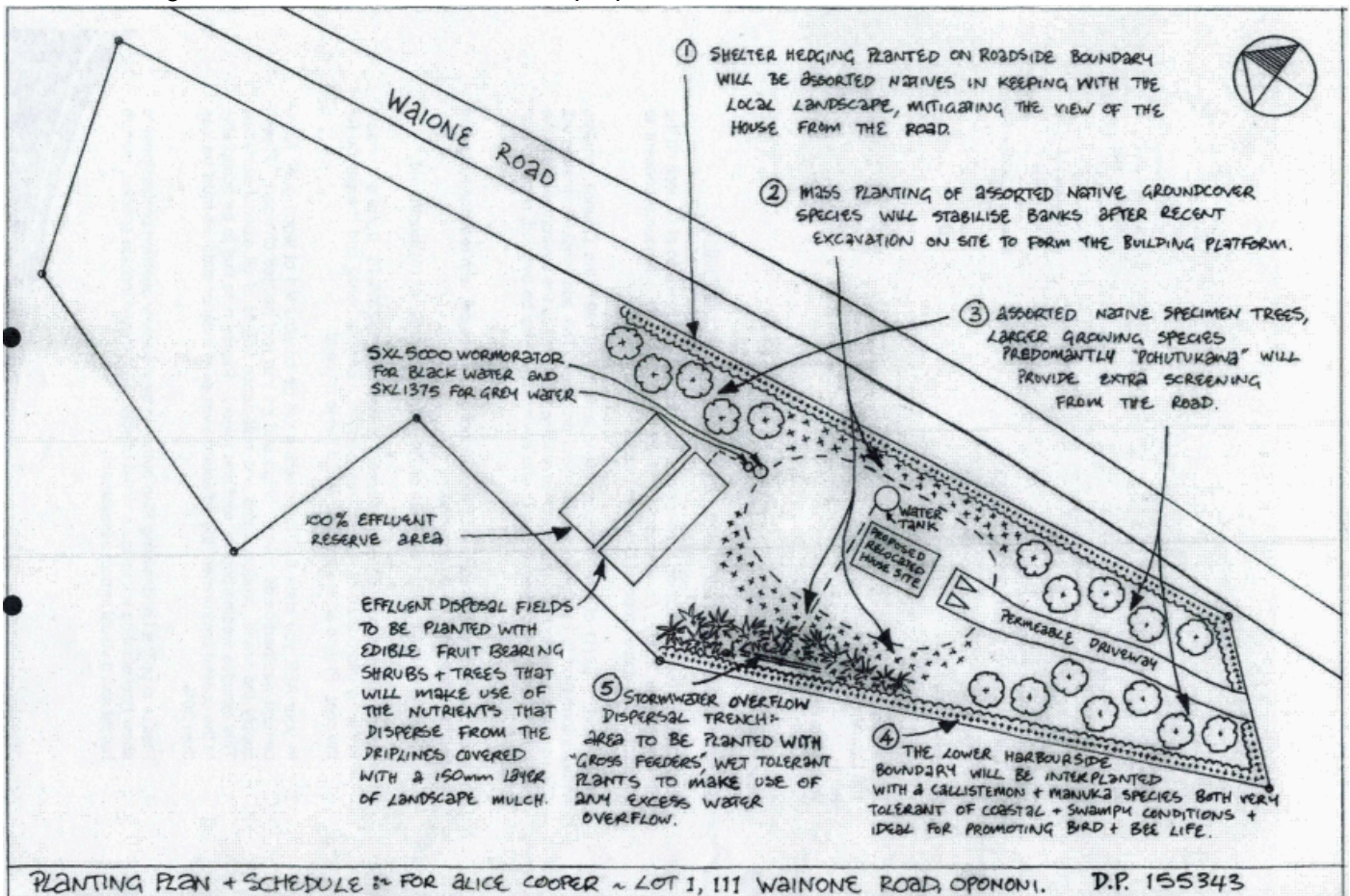
**a. The character and amenity of the surrounding area.**

The area is low density residential buildings with regenerating cleared farmland. No farm buildings of any note are visible in the vicinity. There is a small scattering of livestock on nearby blocks but nothing of note. Probably 15 – 20 sheep and another farm in the area with about 50 cows.

The subject property under proposal and adjacent properties are cleared farmland used for grazing purposes.

**b. Screening, planting and landscaping on the site.**

See included planting schedule for mitigation purposes for relocated house.2180653 RMALUC. Many of these mitigating plantings have now attained over 2.5m in height and with continued bulking out have achieved the desired purpose intended.



**c. The design and siting of the building or structure with respect to privacy and shading.**



Siting of proposed extension was determined by existing location of dwelling. The design of proposed building works utilized the only available and practical area available in conjunction with features such as single level, roofline same as existing and reducing visible area of main public viewing areas (Road & Sea) by utilizing L shape design.  
No neighboring properties will be shaded nor any public or private privacy be impacted.

**d. Natural Hazard mitigation and site constraints.**

No Natural Hazard features or site constraints on this or any nearby sites

**e. The Effectiveness of the proposed method for controlling stormwater.**

The existing stormwater disposal is as per plan and is currently suitable.  
For the proposed extension stormwater catchment on roof will be fed to the storage system as current with a 2 metre extension being made to soakage area for runoff as specified in approved building consent.  
No extra non permeable area will be created.

**f. The safety and efficiency of the current or future access, egress on site and the roading network.**

Current access/egress onto site shall remain the same and there will be no extra vehicular movements than what is currently occurring.

**g. The impact on existing and planned public walkways, reserves and esplanades.**

There are no existing and planned public walkways, reserves and esplanades around or in the vicinity of the site.

In conclusion a restricted Discretionary Activity is required under the Proposed Rural lifestyle due to boundary breach.

In all other respects the project is in keeping with the Objectives and Policies of the Proposed Rural Lifestyle document, i.e.,

- low density residential activity that is compatible with the rural character and amenity of the zone
- Is not an incompatible activity with the zone.
- Is a low density residential activity.
- Does not promote activity that is contrary to the zone
- And is consistent with all rules except RLZ-PA.c

## **STATUTORY CONTEXT**

### **National Policy Statements and Plans**

In terms of the NPS and NES the following is provided.

- In regard to the National Environmental Standard
  - Soil Contamination- There is no evidence or record of activities that have occurred and are listed on the HAIL.  
(*There is no need for consent under the NES*)
- It is a Coastal site as per the Regional Policy Statement making the New Zealand Coastal Policy Statement relevant. Following is an assessment.
  - The site is within a Coastal Living Zone and the activity proposed is in keeping with outcomes outlined in the NPS
  - The site is void of wetlands therefore the SPF for Fresh Water Management is not required
  - Property is zoned Coastal Living in the ODP making the MPS for Highly Productive Land not applicable.

## **NEW ZEALAND COASTAL POLICY STATEMENT 2010**

The NZCPS 2010 contains policies and objectives whose purpose is to achieve sustainable management purposes of the RMA in regards to New Zealand's coastal environment. It is relevant to this application to the extent that the lower order regional and district plans must give effect to the NZCPS where any subdivision use or development of land or coastal areas involving the coastal environment is proposed.

As the proposed activity involves the use of land for residential purposes and was created for that purpose, although situated in the regionally identified coastal environment it is subject to any regulatory provisions relevant to the management of that environment.

The scale and size of the proposal combined with its location outside of any protected landscapes or ecological areas confirms that the proposal is not at odds with the aims and intent of the NZCPS.

## **NORTHERN REGIONAL POLICY STATEMENT 2016**

The RPS for Northland sets the framework and broad direction for managing the region's natural and physical resources. Identifies significant resource management issues and sets out how resources such as land water, soils, minerals, plants, animals and structures will be managed in the region. As well as recognizing that there are activities and land that should be protected from negative impacts caused by subdivision as further development could result in incompatible land use, effects on receiving environments, reverse sensitivity issues and sterilization of productive land.

The proposal is consistent with the RPS, being an extension to an existing dwelling within a Coastal Living Zone. There are no reverse sensitivity implications as the proposal is for residential living and is in keeping with residential dwellings in the surrounding neighborhood.

## **FAR NORTH DISTRICT PLAN ASSESSMENT**

An assessment of the relevant objectives and policies associated with the Far North District Plan has been undertaken.

### **10.7 Coastal Living Zone.**

The coastal living zone objectives and policies seek to have residential development in appropriate locations that do not detract from the natural character of the coastal environment nor cause adverse effects on the natural and physical resources in that environment.

People's well being provided for by enabling low density residential development in coastal areas where any adverse effects on environment are able to be avoided, remedied or mitigated, while preserving the overall natural character by appropriate subdivision and development in this zone.

The proposed extension to existing dwelling aligns with the objectives and Policies and will maintain the existing residential character through use of materials and color to match existing dwelling. The retention of all existing vegetation plus planting of native manuka elsewhere on the property. The site is approx 400m away from the coastal environment so will have less than a minor impact on the environment's resilience to coastal hazards.

Overall the proposed extension will enhance the existing dwellings functionality and contribute positively to the coastal living environment.

## **PROPOSED FAR NORTH DISTRICT PLAN**

The proposed extension aligns with the objectives and policies of the proposed district plan. It allows the expansion of a residential dwelling within the Coastal Living Zone adding to the housing diversity in the area whilst keeping within the norms for the area. Situated below road level with planted screening to mitigate visual impact on the surroundings.

Regarding Coastal Environment overlay, the planned extension will have minimal impact on the current natural character. It optimizes an existing development while aligning with current land uses. The considerable set back (400m) from the coastal reserve ensures no adverse effects on preserving the coastal environment and does not diminish coastal amenity.

The assessments of the ODP and PDP objectives and policies have confirmed that these can be met by the proposal.

#### **CONCLUSION**

The application is for land use consent as a Restricted Discretionary Activity. Having considered matters relating to ODP, PDP National Policy Statements and such etc we can conclude that the two breaches in question though unable to be remedied or avoided can certainly be mitigated to fulfill the requirements as set out by relevant documents related to the issuing of a Resource Consent.

Should you need any further information, please do not hesitate to contact us.

Nathan & Veronica Wynyard.



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **NA92D/328**  
**Land Registration District** **North Auckland**  
**Date Issued** 06 July 1994

**Prior References**  
NA59D/767

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**Estate** Fee Simple  
**Area** 7348 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 155343  
**Registered Owners**  
Nathan Allyn Kenneth Wynward and Veronica Elizabeth Wynyard

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**Interests**  
Land Covenant in Transfer B532288.16



Approvals ROAD SHOWN IS LEGAL.  
 APPROVED *[Signature]*  
 REGISTERED OWNER

THE FAR NORTH DISTRICT COUNCIL APPROVES THIS PLAN OF SUBDIVISION IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1974 AND CERTIFIES THAT THE SURVEY PLAN IS IN ACCORDANCE WITH THE SURVEY ACT 1980 AND THE SURVEY REGULATIONS 1982 AND ACCORDINGLY THE COUNCIL HAS AGREED TO ACCEPT THE PRESENCE OF

*[Signature]*  
 S. A. MANSON  
 DELEGATED AUTHORITY  
 THE FAR NORTH DISTRICT COUNCIL  
 THE COMMON SEAL OF

NEW C.T. ALLOCATED  
 LOT 1 - 92D/328

Total Area ... 7348 m<sup>2</sup>  
 Comprised in ... 92D/328 (P.1)

I, **ANDREW ROBERTSON MIGHT**, Licensed Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my supervision and in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof.  
 Dated at **WHANGAREI** this **16** day of **DECEMBER** 19 **92**.  
 Signature *[Signature]*  
 Field Book .....  
 Reference Plans .....  
 Examined *[Signature]* Corrected *[Signature]* Approved

Approved as to Survey  
 18.13.92  
 Chief Surveyor

Deployed this **19** day of **February** 19 **93**  
 District Land Registrar

File No. **DP 155343**  
 Registered 17 MAR 1993

LAND DISTRICT NORTH AUCKLAND  
 SURVEY BLK. & DIST. III HOKIANGA  
 NZMS 261 SH1 0226 RECORD MAP No. #1

TERRITORIAL AUTHORITY FAR NORTH DISTRICT  
 Surveyed by FRASER THOMAS PARTNERS  
 Scale 1:1000 Date REC. 1992

