

In the Matter of: The Resource Management Act 1991

And

In the Matter of: An application under Section 88 of the Resource Management Act 1991 made by Touchwood Solid Wood Homes Ltd

File Reference: RM210239

Decision on Resource Consent Application

Activity

To vary Clause 1(v)(a)(i) of Consent Notice 11510177.1 to allow for construction of a dwelling outside a designated building platform pursuant to Section 221(3) of the Act.

To construct a single-story dwelling being the second dwelling on site which breaches Rule 12.10.3a 'Dwellings'.

Location

Address: 334 Oneriri Road, Kaiwaka

Legal Description: LOT 2 DP 533557, RT 877068

Reasons for Consent

Kaipara District Plan (Operative 2013) Rule Assessment:

The following apply to the subject property:

Zoning: Rural Zone

Overlays: Kaipara Harbour Overlay

Rules: 12.10.3a 'Dwellings' due to the proposed dwelling being the second dwelling on a site of less than 40ha – Discretionary.

221 Variation to Clause 1(v)(a)(i) of Consent Notice 11510177.1 – Discretionary Activity.

Activity Status: Discretionary Activity

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Determination 1: Consent Notice Variation

Pursuant to Section 221 of the Resource Management Act 1991, Clause 1(v)(a)(i) of Consent Notice 11510177.1 as it relates to Lot 2 DP 533557 (RT 877068) are varied subject to the following conditions.

Variation of Clause 1(v)(a)(i)

1. Clause 1(v)(a)(i) of Consent Notice 11510177.1 as it relates to Lot 2 DP 533557 (RT 877068) shall be varied as follows; (showing deletions in strikethrough and additions in bold and underlined):

*All dwellings shall be built generally within the designated building areas on each Lot as shown marked "H", "J" & "M" on the Plan, **with the exception of the minor dwelling established under Resource Consent RM210239.***

Solicitors Undertaking

2. A solicitor's undertaking shall be provided to Council confirming that the consent notice prepared for registration under resource consent RM210239 will be duly registered against the title of Lot 2 DP 533557. The consent notice for registration shall be prepared by a solicitor at the consent holder's expense and shall be complied with on a continuing basis by the owner of the lots and subsequent owners.

Determination 2: Land Use

Pursuant to Section 104, 104B, and 108 of the Resource Management Act 1991 ("the Act"), the Kaipara District Council **grants** RM210239; subject the following conditions:

General

3. The activity shall be carried out in accordance with the plans and all information submitted with the application formally received by the Kaipara District Council (Council) on 30 July 2021
 - Application form, and assessment of environmental effects prepared by Dream Planning, dated 20 July 2021.

Plan title and reference	Author	Rev	Dated
Site Layout, pg 1	Paperspaces		16 June 2021
Site Plan, pg 2	Paperspaces		16 June 2021
Floor Plan, pg 3	Paperspaces		16 June 2021
Elevations A & B, pg 4	Paperspaces		16 June 2021

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Elevations C & D, pg 5	Paperspaces		16 June 2021
Landscape Plan	Dream Planning		01 September 2021
Report title and reference	Author	Rev	Dated
Geotechnical Investigation for Proposed Subdivision at Lot 16 DP 209216 Oneriri Road, Kaiwaka	Wiley Geotechnical		20 June 2018
Landscape Memo	Caitlin Wallace		6 August 2021
Landscape Memo	Caitlin Wallace		6 October 2021
Other additional information	Author	Rev	Dated
Planting Species List	Dream Planning		Undated.
Further Information Response Letter	Vishal Chandra, Dream Planning		10 September 2021

Advice Note:

Where is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.

Charges

4. The Consent Holder shall pay any subsequent further charges imposed under Section 36 of the Act relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same provided that, in the case of any additional charges under Section 36(5) of the Act that are subject to challenge, the Consent Holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant final invoice.

Section 125 - Consent Lapse Dates

5. Under Section 125 of the Act, this consent lapses five years after the date is granted unless:
 - (a) An application under Section 125 of the Act is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses and the Council grants an extension.

Additional Conditions

6. A cash contribution in lieu of reserves shall be paid based on 0.5 % of the assessed value of the second dwelling, such value to be determined by a registered valuer appointed by Kaipara District Council, at the consent holder's expense.

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At the time of payment of the contribution, the valuation upon which the cash contribution is calculated shall be no more than 3 months old.

7. *Prior to commencement of any building works, the consent holder shall submit a finalised set of architectural detail drawings and materials specifications accompanied by a design statement prepared by a suitably qualified person for written certification by the Council. The purpose of this condition is to ensure that the building's proposed architectural treatment and finished appearance is consistent with that of the existing dwelling and the design guideline registered on the record of title. All works shall then be carried out with the details certified by the Council.*
8. *The consent holder shall complete all landscaping as per the application and to the satisfaction of the Council within the first planting season from completion of the development. This landscaping shall thereafter be maintained over the life of this resource consent. All plants and planting areas shall be maintained for 12 months following the initial planting with plants watered as necessary in the first planting season, with garden areas kept weed-free and debris free, and with ties removed where used for any trees within the first year of planting (this is to avoid plants snapping at the tie during strong winds). Any plant that dies, is removed or otherwise fails to establish shall be replaced the following planting season and maintained for the remainder of the maintenance period, all to the satisfaction of the Council.*
9. *The second dwelling is for the purposes outlined in this consent, being occupation by the applicant's family and friends. The dwelling shall not be rented as this is not supporting the primary residential activity of the site.*

Advice Notes

- i. *The consent holder shall be required to pay to Kaipara District Council a Development Contribution under the Local Government Act 2002 of \$3,315 plus GST for Roothing, and \$496 plus GST for Communities.*

A copy of the Council's policy on Development and Financial Contributions included within the Long-Term Plan 2018/2028 can be obtained from Council offices in Dargaville and Mangawhai or downloaded for the Council's website www.kaipara.govt.nz.

- ii. *The scope of this resource consent is defined by the application made to Council and all documentation supporting the application.*
- iii. *All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the*

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- Heritage New Zealand for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effects cannot be practised.*
- iv. *If subsurface archaeological evidence (shell, midden, hangi, storage pits, etc) should be unearthed during construction, work should cease in the immediate vicinity of the remains and the Heritage New Zealand should be contacted.*
 - v. *In the event koiwi (human remains) being uncovered, work should cease immediately and the tangata whenua of Te Uri O Hau shall be contacted so that appropriate arrangements can be made.*
 - vi. *Erosion and sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled “GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region” (GD05) and Section 4, Land Stability and Earthworks of the current Kaipara District Council’s Engineering Standards 2011.*
 - vii. *Erosion and sediment controls shall be installed prior to the commencement of any earthworks (excluding earthworks required for the construction of erosion and sediment controls). A suitably qualified and experienced person shall supervise the installation of all erosion and sediment controls. The erosion and sediment controls installed shall remain in place for the entire duration of earthworks activities.*
 - viii. *The consent holder shall implement suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site, and to control or mitigate any potential dust nuisance. All such measures shall be maintained throughout the entire duration of the construction period. The council reserves the right of all times to stop the works in and during periods of high wind.*
 - ix. *If you disagree with any of the above conditions, or additional charges relating to the processing of this application, you have a right of objection pursuant to sections 357A or 357B of the Act. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

Reasons for the Decision

1. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council’s Notification Assessment Report dated 15 December 2021.
2. In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable.
3. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District

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Plan 2013 and the Northland Regional Policy Statement as discussed in Section 8.0 of this report.

4. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
5. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner



 Melissa Hallett

1/03/2022

Date

Signed



 Dwayne Daly
 Acting Team Leader – Resource Consents
Kaipara District Council
4/03/2022

Date

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.

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Section 104 of the Resource Management Act 1991 - Assessment Report

Details of Application	
Applicant	Touchwood Solid Wood Homes Ltd
Property to which the consent relates	334 Oneriri Road, Kaiwaka, LOT 2 DP 533557, RT 877068

1.0 Description of Proposal

6. The applicant proposes to construct a secondary dwelling on the application site Lot 2 DP 533557 in addition to the existing dwelling on site. The application site is a 6,442m² lot and as such the proposal is in breach of Rule 12.10.3a 'Dwellings'.

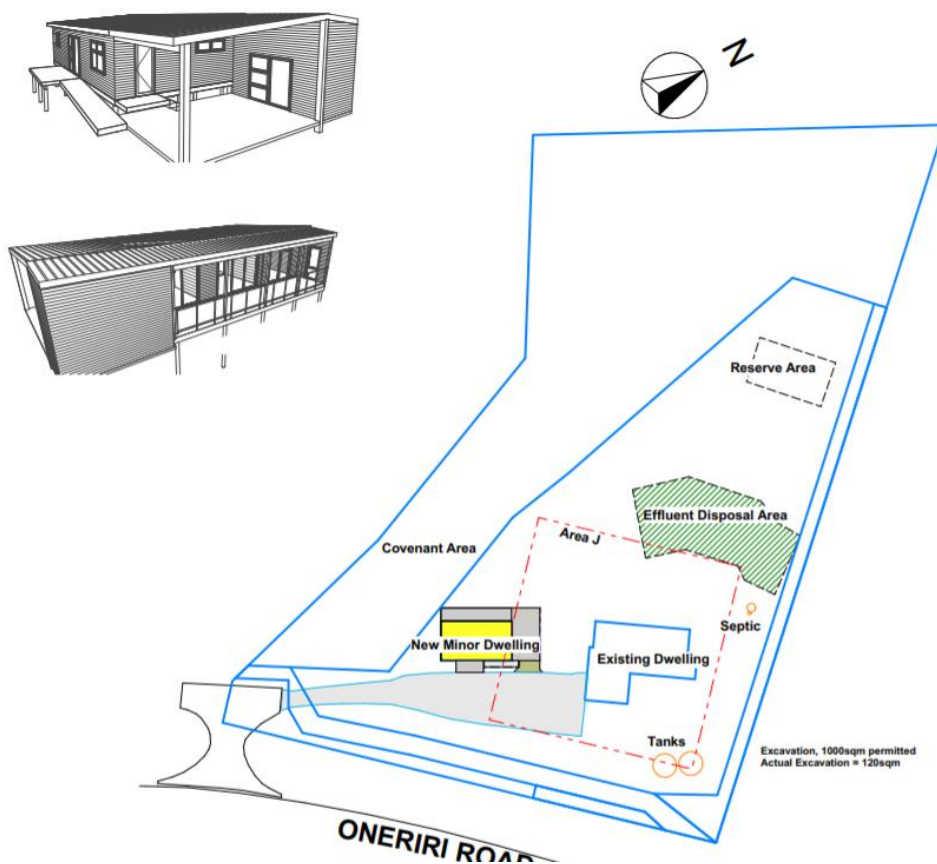


Figure 3: Proposed Site Plan.

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7. The applicant proposes to construct a secondary dwelling outside of the identified building platform to the south-west of the existing dwelling. The second dwelling will be located approximately 7.5m from the primary dwelling and will utilise the same driveway and outdoor areas. It is proposed that the second dwelling will be occupied by extended family of the lot owners. As such the applicant proposes to vary Clause (v)(a)(i) of Consent Notice 11510177.1 to allow for the secondary dwelling to be located outside of the building platform.

8. Clause (v)(a)(i) currently reads as follows;

(v) Any building constructed on the Lot shall be constructed in accordance with the following design controls (based on the Building Design Guidelines prepared by Dream Planning dated August 2018):

(a) Building Areas:

(i) All dwellings shall be built generally within the designated building areas on each Lot as shown marked "H", "J" & "M" on the Plan:

Note: in regard to this clause, "generally" will be accepted to mean that no more than 5% of the gross floor area of any buildings shall protrude beyond the designated building area.

9. During the processing of this application the following matters were raised by way of request for further information pursuant to Section 92 of the Act on 13 August 2021. The applicant was asked to address the following matters;

- *The floor area of the proposed second dwelling needs to be confirmed. The application states this is 65m² including decking and a car port although the site plan notes the proposed dwelling has a floor area of 120.60m². Please amend the relevant assessment where required to reflect the correct figure.*
- *The intended use of the dwelling is not clear. While it is noted that the applicant proposes this dwelling as additional family space, the application also notes that the accommodation will provide economic returns for the applicant. Council is generally not supportive of additional dwellings for short term accommodation purposes. If this dwelling is to be utilised by family only Council will require confirmation of this any decision will be conditioned accordingly.*

Please confirm the intended use and provided relevant assessment of this.

- *Please provide evidence that the geotechnical report that have been completed previously for this site also covered the proposed building site outside of the dedicated building area.*

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- *The application notes that the proposal does not meet the permitted density of one dwelling per 12ha. Please note that this is incorrect and that the permitted density is one dwelling per 20ha increasing the degree of non-compliance.*

In addition, the application notes that this non-compliance is mitigated by existing landscape treatments. The existing landscaping is located in a low point of the site along the front boundary and as such while it is well established it does not screen the proposed building platform at all from the public road.

It is considered that the existing planting will not ensure that the proposed development will blend into the rural environment. The proposed building is considered to have visual intrusion effects from beyond the site. Please provide further assessment of this and details of any additional mitigation measures the applicant may like to propose in response to this concern.

- *The application document notes that upon completion the two dwellings will appear as one when viewed from the road. Please demonstrate how this will be achieved including proposed materials and colours.*
- *Please demonstrate compliance with all design controls as required by Consent Notice 11510177.1.*
- *The proposal includes a variation to Consent Notice 11510177.1 but the application has not detailed how this is proposed to be varied. Please provide the revised wording you propose for this variation.*

10. A response was provided on 19 September 2021 with the following information;

- The proposed dwelling is to be 120m² including the carport and decking.
- The intended use of the development is an extended family space for the owners' parents to reside, who will have independent living while residing close to family.
- A copy of the Geotechnical report was provided. The report concludes the site based on the test locations is suitable for development. A more specific and detailed analysis of the ground conditions as it relates to the piles on which the development will sit and how stability of the land will be maintained will be provided through the building consent process.
- The correct density provision was confirmed. The agent believes the existing landscaping will offer the necessary mitigation so the rural character and amenity values are not adversely affected given the moderate scale of the development, the back drop of the

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main residence, shared facilities such as the driveway and infrastructure, and presence of the existing vegetation.

A Landscape Plan and Landscape Memo prepared by Dream Planning were provided. The Landscape Memo concluded there would be short term effects associated with the development until such time that the existing vegetation reached canopy cover in 3-5 years. The Planting Plan proposed nine Karaka trees to be planted near the proposed dwelling to break full views of the development in response to the short term effects.

- The proposed development is intended to be undertaken using the similar or the same materials, colours and joinery as the existing residence so the two developments are consistent in their visual presence.

In order to enable flexibility with this and for this to be confirmed during detailed design, a condition of consent is offered for the finalised architectural drawings to be submitted to the Council at the time a building consent is lodged.

- The proposed wording to the consent notice 11510177.1(v)(i) is below, where additions are underlined.

All dwellings shall be built generally within the designated building areas on each Lot as shown marked "H", "J" & "M" on the Plan, with the exception of the minor dwelling established under Resource Consent RM210239.

11. An email sent to the agent on 27 September 2021 outlined existing concerns with the proposal and requested comment on the scale of visual effect considered to existing in the short term and to focus the visual assessment also on the owner/occupier of adjoining Lot 1 DP 533557.
12. Further communication included a further Landscape Memo from Dream Planning dated 6th October 2021 concluding effects to be 'low' in scale.
13. Through correspondence the applicant also offered the following conditions;
 - *Prior to commencement of any building works, the consent holder shall submit a finalised set of architectural detail drawings and materials specifications for written certification by the Council. The purpose of this condition is to ensure that the building's proposed architectural treatment and finished appearance is consistent with that of the existing dwelling and the design guideline registered on the record of title. All works shall then be carried out with the details certified by the Council.*
 - *The consent holder shall complete all landscaping as per the application and to the satisfaction of the Council within the first planting season from completion of the development. This landscaping shall thereafter be maintained over the life of this resource consent. All plants and planting areas shall be maintained for 12 months*

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following the initial planting with plants watered as necessary in the first planting season, with garden areas kept weed-free and debris free, and with ties removed where used for any trees within the first year of planting (this is to avoid plants snapping at the tie during strong winds). Any plant that dies, is removed or otherwise fails to establish shall be replaced the following planting season and maintained for the remainder of the maintenance period, all to the satisfaction of the Council.

- The second dwelling is for the purposes outlined in this consent, being occupation by the applicant’s family and friends. The dwelling shall not be rented as this is not supporting the primary residential activity of the site.

14. A final email to the agent dated 13 October 2021 outlined remaining concerns on the short-term effects of the proposal. The agent chose not to respond to these matters and instead requested on 30 November 2021 that processing continue based on the information provided to date. As the applicant had provided the information requested by Council, the application was taken off hold on 30 November 2021.

2.0 Site and Consent History

15. The application site was created by subdivision RM180308 in June 2020. Consent Notice 11510177.1 is registered on the title. The proposal complies with all requirements of this consent notice with the exception of those proposed to be varied.

3.0 Site Description and Surrounding Environment

16. The site is zoned rural and is located approximately 3km west of Kaiwaka in a predominantly rural environment.

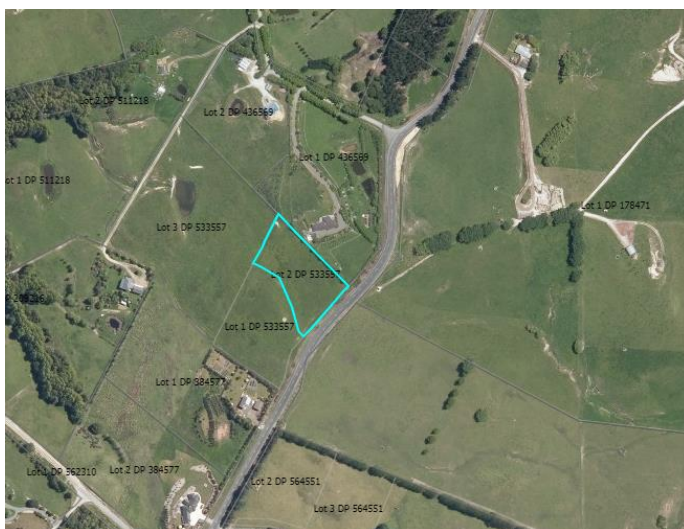


Figure 1: Site and surrounding Environment.

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17. The site is accessed from Oneriri Road via a shared vehicle crossing and small right of way with the adjoining lot, Lot 1 DP 533557, directly to the south. A gravel accessway leads to the existing dwelling, which sits level with the road. Between the existing driveway and Oneriri Road there is existing amenity planting, which was established through the subdivision in 2020. The area of planting at the southern-most end of the front boundary sits below both the road and the driveway and currently does not provide any screening to the existing dwelling. A rise in topography at the northern end of the front boundary lifts the existing planting to provide some visual buffering for the building.



Figure 2: View of front boundary facing north.

18. In the eastern most portion of the site is an approved building platform created by RM180308. The existing dwelling is located wholly within this. Beyond this, to the north and west the site drops away with much of the north and east of the site covered by an existing conservation covenant. This covenant area is located below the building platform and as such the existing dwelling looks out above this vegetation.
19. The surrounding environment is characterised by a mixture of rural lifestyle blocks and large rural land holdings. There is generally a low dominance of built form with existing surrounding dwellings being well screened by mature vegetation and being appropriately positioned to appear integrated with the landscape. The site is considered to sit beyond the predominantly rural-residential character observed closer to Kaiwaka.

4.0 *Kaipara District Plan (Operative 2013) Rule Assessment*

20. The following apply to the subject property:

Zoning: Rural Zone

Overlays: Kaipara Harbour Overlay

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Rules: 12.10.3a 'Dwellings' due to the proposed dwelling being the second dwelling on a site of less than 40ha – Discretionary.

Activity Status: Discretionary Activity

21. The applicant also proposes to vary consent notice 11510177.1 under Section 221(3) of the Act. This is also assessed as a discretionary activity.
22. Overall, the application is to be assessed as a discretionary activity.

5.0 Notification Assessment

23. A decision was made under delegated authority to process the consent on a limited notified basis as per the Council's Notification Assessment Report dated 15 December 2021. The application was limited notified to the owner of Lot 1 DP 533557 on 17 December 2021, with the submission period closing 04 February 2022.
24. A submission was received from the owner of Lot 1 DP 533557 on the evening on 30 January 2022 in response to the limited notification of the application. The submission concluded that the submitter has no objections to the construction of a minor dwelling on his neighbours property.
25. Pursuant to Section 100 of the Resource Management Act 1991, a hearing need not be held if no person (including the applicant) requested to be heard or the consent authority considers that a hearing is necessary. In this instance, the applicant and the submitter have not requested to be heard, therefore the Council considers that a hearing is not necessary.

6.0 Statutory Acknowledgements

26. Relevant to this application, any statutory acknowledgement within the meaning of the Act specified in Schedule 11 would be contained within the Te Uri o Hau Claims Settlement Act 2002. Environs Holdings Limited is a subsidiary of Te Uri o Hau Settlement Trust (caretaker of Te Uri o Hau Claims Settlement Act 2002) authorised to participate in the Resource Management Act 1991 proceedings.
27. There are no features within the subject site that have been recognised by the Crown, through a statutory acknowledgment, as significant to Te Uri o Hau. Under Regulation 5(1) of the Te Uri o Hau Settlement Trust regulations, Te Uri o Hau have waived the right to receive summaries of resource consent applications for land use of this type. Consequently, this application was not reviewed by Te Uri o Hau.

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7.0 Section 104(1)(a) - Actual & Potential Effects on the Environment

Trade Competition

28. With regard to Section 104(3)(a)(i), there are no known issues in the consent application or as a result of the submission process that raise questions of trade competition or the effects of trade competition.

Written Approvals

29. With regard to Section 104(3)(a)(ii), the Council must not have regard to the effects on those persons who have given written approval to the application. No persons/parties have provided written approval.

Permitted Baseline

30. In accordance with Section 104(2), the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (commonly referred to as the 'permitted baseline' test). The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the Plan or NES, irrelevant. The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.
31. Development within the Rural Zone compliant with the performance standards of the Kaipara District Plan and the relevant consent notices of the lot is a permitted activity. The proposed development is in breach of Rule 12.10.3a 'Dwellings' of the District Plan and has been assessed in relation to this breach only as it extends beyond what is permitted by the District Plan.
32. For the application site, the following activities with comparable effects are permitted.
- A single residential dwelling complying with the relevant performance standards.
 - An accessory building located within the identified building platform.
 - Rural-production activities complying with the relevant performance standards.

Receiving Environment

33. The 'environment' upon which effects are to be assessed comprises the existing and reasonably foreseeable future environment. In identifying the environment, it is necessary to consider the environment as it is at the time of application, and the likelihood of change to that environment in the future, based upon the activities that could be carried out as of right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).

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34. In this location, the receiving environment comprises of both developed and vacant rural sites, which accurately replicate the planned character for this area under the District Plan. In this context, the receiving environment includes similar sized rural lifestyle blocks on the periphery of the residential area of Kaiwaka.
35. The receiving environment also consists of buildings or activities complying with the relevant performance standards within Chapter 12 of the operative District Plan.
36. No other information is available that identifies any other likely to be implemented resource consents that may affect the decision of this resource consent.

Assessment of Effects

Positive Effects

37. The proposal provides for the construction of a residential dwelling on a rural site which will provide for the economic and social wellbeing of the owners and future occupiers of the site. Both the proposed dwelling and the existing dwelling are proposed to be occupied by family members to enable multi-generation living on the site.

Access and Traffic

38. Access and traffic components to be assessed relate directly to the proposed additional dwelling. As the second dwelling is in fact an accessory to the primary dwelling and is to be used by extended family the effects of this are limited. Both proposed dwellings are to be accessed via an existing vehicle crossing. The second dwelling will then be accessed off the existing driveway approximately 7.5m from the existing primary dwelling. It is anticipated that the proposed dwelling will generate approximately 6 additional daily traffic movements creating a total of 12 average daily movements for the site. There is sufficient provision for onsite parking for both dwellings including four car parking spaces.
39. With the compliance of relevant access and traffic rules of the District Plan including the provision of onsite manoeuvring, it is considered there will be less than minor effects on the safety and efficiency of vehicles and pedestrians using the site and adjoining access roads.
40. The proposal is therefore considered to have less than minor and acceptable traffic effects.

Landscape and Visual Effects

41. The proposed second dwelling will be located within 7.5m of the existing dwelling with a single access for the two. The proposed second dwelling is located outside of the approved building platform on the application site. The building platform was established through subdivision consent RM180308 for both landscape visual and geotechnical reasons. Geotechnical

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elements of this can be adequately addressed although landscape visual effects are assessed below.

42. Following review of RM180308 it is evident that the approved building platforms were proposed for key reasons; to retain open space within the lot, to ensure future buildings blend into the landscape and to ensure that the proposed planting was appropriately positioned to screen future dwellings. The proposed second dwelling is located between the access to the site on the south western boundary and the existing dwelling which is located within the approved building platform at approximately the same elevation. The second dwelling is proposed to be positioned outside of the approved building platform and will be closer to the adjoining lot, Lot 1 DP 533557, than buildings were intended at the time of subdivision. As such it is anticipated that both dwellings will be visible from the front boundary with both dwellings being viewed side by side from Oneriri Road.
43. Due to the position of the site, the proposal will be visible from Oneriri Road when travelling in both north and south directions. However, when traveling from either direction the site is only visible in the immediate vicinity and not from other prominent view points along Oneriri Road. As such it is likely the proposed dwelling will only be viewed in passing glimpses rather than being viewed from many surrounding viewpoints or for long periods of time. From this transient public view point the second dwelling will be viewed in a cluster with the existing dwelling. The applicant also proposes a condition of consent requiring the second dwelling to be designed using similar colours and materials to that of the primary dwelling at the time of building consent. In doing this it is anticipated that following completion, and from passing traffic, the two dwellings will appear to be cohesively designed as one development and will not appear as two separate household units or seem out of place in this rural residential environment.
44. With regards to adjoining and adjacent properties, Lot 1 DP 533557 is the only lot that will observe the full extent of any potential effects. Oneriri Road follows the ridgeline adjacent to the front boundary of the site. As such any properties to the south drop away below the road and will not have direct sight lines to the proposed building platform. There are two existing dwellings located on the western side of Oneriri Road, one to the north and one to the south of the application site. Both dwellings are surrounded by established vegetation and are orientated to views away from the application site. It is considered that the occupiers of nearby existing dwellings will not observe much of the proposal from within their respective sites and any visual effects would be less than minor.
45. Similarly, properties to the north west of the application site are located significantly downslope of the application site and are mostly orientated to the north with the application site behind. The nearest down-slope building platform is some 200m away and as such it is considered that visual effects from this distance would be indistinguishable from a single large dwelling.

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46. The exception to this would be the views observed from Lot 1 DP 533557 adjoining the application site directly to the south. This lot is currently vacant although the building platform is located only approximately 50m from the proposed dwelling.
47. Despite the proposed condition of consent to ensure visual cohesiveness, when viewed from Lot 1 DP 533557 it is considered there will be little overlap between the two buildings with the proposed dwelling extending significantly to the west of the existing dwelling. As a result, it is anticipated the view from the adjoining lot will be that of noticeably more built form, nearer to the adjoining site, than what is anticipated for a compliant building located within the defined building platform.
48. By proposing this dwelling outside of the defined building platform, the proposal does not ensure that the open space between the adjoining lots is maintained. Nor does it ensure the built form of the site is integrated into the immediate landscape.
49. The application site has extensive planting in place which was established as amenity planting at the time of subdivision. The existing planting has been in place for approximately two years and as such is still relatively small compared to the size and coverage expected at full maturity. The applicant has acknowledged this and as such has proposed an additional nine Karaka trees are planted in two clusters, at a minimum of 1m in height, one including four trees between the proposed dwelling and Oneriri Road and the other cluster being centred around the south and western end of the proposed dwelling. The proposed mitigation planting is proposed to soften the visual dominance of the additional built form from these perspectives. While this additional planting will provide some visual softening to the second dwelling, at a height of only 1m it is considered it will take a number of years to reach full effect. However, considering the transient nature from which the site will be viewed the additional building is not anticipated to appear visually dominant from the public realm. The associated landscape planting has been implemented to soften the appearance of the building platform where it can be seen from beyond the site. In this respect it is considered that the proposal would not have adverse visual effects on the surrounding area and is considered appropriate.
50. Although, the applicant has acknowledged in a Landscape Memo prepared by Dream Planning dated 6 August 2021 that only once the existing vegetation reaches maturity in 3-5 years' time will the planting provide sufficient visual softening (refer to Figure 6). However, this memo also notes that 'the existing planting at the current level of growth will not achieve sufficient screening for the building density proposed.' As such, it is considered that there will be a short-term adverse effect on the owner/occupiers of Lot 1 DP 533557 for a period of 3-5 years which is at least minor in scale.

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Figure 6: Proposal with planting at five years growth (Landscape Memo 6th October 2021)

51. From Lot 1 DP 533557 the two dwellings on the application site would be the only buildings fully visible within the immediate environment. The density proposed is not considered to be consistent with this immediate environment and as such it is anticipated that the proposed built form will appear visually dominant.
52. However, this effect is anticipated on one owner/occupier only. In response to the limited notification of the application, the owner of Lot 1 DP 533557 confirmed in writing dated 30 January 2022 that he has no objections to the construction of a minor dwelling on his neighbours property. It is therefore assumed that affected person has no concerns about the potential visual effects and as such the proposed development is deemed to be acceptable.
53. Furthermore, the site is not in an unduly prominent position; the house will not sit high on a ridgeline, nor will it be prominently visible from a public viewing point. The proposed building is also not visible from the coastal environment due to the inland nature of the site.
54. The proposed development is also appropriately located in relation to the nearby township of Kaiwaka. The site is approximately 3km from Kaiwaka in an area of predominantly rural to rural-residential activity characterised by similar sized lifestyle properties to larger rural production lots. In this location, beyond the periphery of the settlement, it is considered acceptable to enable higher densities than what is provided for by the District Plan only where adverse effects can be appropriately addressed. The existing and proposed landscape planting ensure that the rural landscape will not be eroded. In this instance and considering the specific design features of this proposal the rural landscape effects are viewed as acceptable.
55. The proposed building will not create additional effects on the landscape beyond those anticipated by the District Plan for the Rural Zone.

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56. As such it is considered that proposal will result in landscape and visual effects which are acceptable.

Character and Amenity Values

57. The second dwelling is proposed to be ancillary to the existing dwelling. The applicant intends to reside in the existing dwelling while enabling family members to occupy the secondary dwelling. In this instance the second dwelling is considered to support the primary function of the lot allowing multi-generational living.
58. The development has been designed in such a way that supports the cohesive use of the site and enforces a visual perception of one site as opposed to two independent sites similar to that of a subdivision. The second dwelling has been positioned near to the main dwelling to provide for a relationship between the two households while also providing a limited level of onsite privacy. In doing this the two dwellings are able to be accessed using the existing driveway. The existing planting on site surrounds the existing dwelling and the proposed building site together and does not provide separation between the two. This reduces visual barriers between the two dwellings and instead encompasses the two areas as one. The space between the two dwellings is only 7.5m wide and is proposed to be lawn utilised by both dwellings. The deck of the proposed dwelling also overlooks the existing outdoor space of the primary dwelling creating a shared private outdoor living area. The proposed design is considered to support the second dwelling's intention to support the primary function of the site. The site layout and design means it would be attractive for both dwellings to be occupied by family when such shared spaces are provided for.
59. In doing this, the remainder of the site is also retained as open space for use by the occupants. As such the property can retain part of its rural use and character. It is considered that the proposal will continue to support the existing residential function of the site without significantly changing the sites character from rural-residential to that of predominantly residential. The retention of rural functions on the site will not only retain open space but also provide for rural activities to occur in keeping with the surrounding area.
60. To further support the intended use of the site the applicant has proposed a condition of consent to restrict the use of the second dwelling to that outlined in the application, being for use by extended family. In doing this it enables flexibility to provide for the applicants' wellbeing while ensuring that the integrity of the Operative District Plan is not eroded.
61. The comprehensive design of the proposal ensures that both the character of the site and the surrounding environment is maintained. Further to this, the proposed building is single storey. As such it is considered that in conjunction with the existing and proposed mitigation planting the proposed building will not appear visually dominant from the public realm. The associated

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landscape planting is anticipated to soften the appearance of the building where it can be seen from beyond the site and in time will partially screen the building from Oneriri Road. In this respect it is considered that the proposal would not have any adverse effects on the rural character and amenity values of the area and is considered appropriate.

62. However, the proposed dwelling would be located outside the designated building platform and, as discussed in the section above, would have at least minor adverse visual effects on the owners and occupiers of Lot 1 DP 533557. Similarly, the use of a building as a dwelling in the proposed location outside the designated building platform and in close proximity to Lot 1 DP 533557 would have an adverse effect that is at least minor on amenity and character experienced by the owners / occupiers of that lot until the maturation of the proposed screen planting in 3-5 years, at which point adverse effects would be reduced to less than minor.
63. As noted above, the owner of Lot 1 DP 533557 confirmed in writing dated 30 January 2022 that he has no objections to the construction of a minor dwelling on his neighbours property. It is therefore assumed that affected person has no concerns about the potential character and amenity effects observed from this lot and as such the proposed development is deemed to be acceptable.
64. Overall, it is concluded that the proposed development will be consistent with the wider character and amenity of the area and any adverse effects will be acceptable.

Servicing Effects

65. The application site is not serviced by Council owned services. Water supply will be provided by onsite rain tanks. Wastewater and Stormwater can be appropriately managed on site and will be subject to final design at the time of building consent for the proposed dwelling.
66. As such it is considered that the proposed dwelling can be adequately serviced.

Cumulative Effects

67. On-going and subsequent development of land can potentially result in cumulative adverse effects as the volume and nature of development exceeds the carrying capacity of the environment to absorb these effects. While the proposed activity does not meet the relevant density provisions of the District Plan it has been considered that this location would be appropriate for the proposed activity following maturity of the existing planting. Therefore, it is considered that the resulting density of development is acceptable, and any medium to long term adverse cumulative effects will be less than minor. In this instance it is considered that the surrounding environment has capacity to absorb the effects created by this proposal and the density proposed will not exceed the tipping point of this capacity.

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68. Therefore, in this instance, it is considered that the cumulative effects of the proposed development on the environment will be less than minor.

Conclusion

69. In summary, having assessed the effects of the activity, subject to compliance with conditions it is considered that the activity will result in at least minor, but acceptable, adverse effects on the environment.

8.0 Section 104(1)(b) - Provisions of Standards, Policy Statements and Plans

National Environmental Standards

National environmental standards (NESs) are regulations issued under section 43 of the Resource Management Act 1991.

The National Environment Standards in effect are;

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminates in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standards for Marine Aquaculture

70. Consent is not required under the Resource Management Regulations 2011.

National Policy Statements

National policy statements (NPSs) are instruments issued under section 52(2) of the Resource Management Act 1991.

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- New Zealand Coastal Policy Statement

71. The proposal does not require specific consideration under the above National Policy Statements.

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Regional Policy Statement

Northland Regional Policy Statement 2016

72. The Operative Regional Policy Statement (“RPS”) for Northland contains high level policy guidance for development. The subject site does not contain any significant features as defined by the RPS and therefore consideration of the RPS provisions is limited to matters under the following objectives:

- *Objective 3.11 Regional Form.*

Policy 5.1.1 - Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and coordinated manner which:

- (a) Is guided by the ‘Regional Form and Development Guidelines’ in Appendix 2;*
- (b) Is guided by the ‘Regional Urban Design Guidelines’ in Appendix 2 when it is urban in nature;*
- (c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;*
- (d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
- (f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils¹⁰, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- (g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*
- (h) Is or will be serviced by necessary infrastructure.*

73. It is considered that the proposal will be in keeping with the character of the immediate locality and that the development would not result in adverse character and amenity effects following maturity of the mitigation planting. The proposed land use is deemed compatible with surrounding land uses and will not result in conflicting development. The proposal is consistent with the Northland Regional Policy Statement.

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Regional Plans

Regional Water and Soil Plan for Northland 2004

74. The proposal does not require any consent under the Regional Water and Soil Plan for Northland 2004.

Proposed Regional Plan for Northland

75. The proposal does not require any consent under the Proposed Regional Plan for Northland.

Kaipara District Plan 2013

Chapter 4: Overlays

Objective 4.4.1: To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.

Objective 4.4.2: To enable subdivision, land use and development in the Overlays, where it recognises and provides for:

The protection of natural character;

Maintenance or enhancement of the water quality of receiving environments;

Maintenance or enhancement of amenity values; and

Any other specific values identified in an Overlay.

Policy 4.5.2 By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.

Policy 4.5.14 By managing the scale, location and design of activities in the Kaipara Harbour Overlay.

Chapter 12: Rural Zone

Objective 12.5.2 To maintain the rural character and amenity, including the sense of openness; low dominance of built form; pasture and commercial forest areas; areas of indigenous vegetation and significant fauna; and unmodified natural landforms.

Objective 12.5.6 To provide for a range of activities in the Rural Zone which are located, designed and operated in such a way as to avoid, remedy or mitigate reverse sensitivity effects on existing land uses in the vicinity.

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Objective 12.5.8 To provide for development of land with a range of allotment sizes that is appropriate to the character of the surrounding rural environment

Policy 12.6.5 By avoiding, remedying or mitigating the adverse effects of subdivision and development (including ribbon development) on the natural environment values of the rural area.

Policy 12.6.14 By providing flexibility for subdivision and development density, as well as for a range of activities (industrial, commercial and residential etc.) that can be appropriately located in the Rural Zone and meet the environmental conditions appropriate to that Zone.

76. The proposal is consistent with the objectives and policies above as the proposed development will maintain the rural character and amenity of the subject site and surrounding rural environment as it provides for the construction of a secondary dwelling in addition to a primary dwelling on a rural lot that will be consistent with the existing built character of the surrounding area. The secondary dwelling is considered to support the primary use of the site allowing multi-generation living within the single site. The development has been designed to reflect this cohesive use.
77. As assessed in Section 7 of this report, effects resulting from building location have been considered to be minor in scale on the wider environment and do not require further mitigation beyond that proposed by the applicant. The location, scale, design and operational arrangements of the proposal adequately mitigates adverse effects on the overall character of the rural area to a level which is acceptable. Further, there are no known ecological, or heritage features on the site.
78. The proposal does not involve the removal of any significant vegetation as defined in the District Plan.

Conclusion

79. On balance, the proposal is considered to be consistent with the relevant provisions of the Regional Policy Statement and the objectives and policies contained within the District Plan.

9.0 Section 104(1)(c) - Other Matters

Contributions

Financial Contribution

80. Section 22.10.6 of the Kaipara District Plan 2013 sets out the amount of reserve contributions for the development of land for principally residential purposes at 0.5% of the value of the dwelling.

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Development Contribution

81. The Local Government Act 2002 provides the Council with the ability to charge development contributions for increased capacity on existing Council assets in accordance with Council policy. The consent holder would be required to pay development contributions for the proposed additional dwelling for roading.

10.0 Part 2 of the Act

82. Whilst it is accepted that the relevant plans as detailed in the above assessment have been competently prepared in accordance with Part 2 of the Act, for completeness an assessment of Part 2 matters is included below.

Section 5 – Sustainable Management Purpose of the Act

83. Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources, with sustainable management defined in Section 5(2).
84. It is considered that the proposal will promote the sustainable management of natural and physical resources as the proposal will enable the use and development of the physical resources of the site in a manner that would continue to enable the applicant and current and future landowners to provide for their future social and economic wellbeing. At the same time the proposal sufficiently avoids, remedies or mitigates adverse effects on receiving environments, amenity and rural residential character of the surrounding environment.

Section 6 – Matters of National Importance

85. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. The proposal is considered to be consistent with the provisions of Section 6 as it does not detract from the natural character of the coastal environment and is not located within any outstanding natural landscape. The proposal does not result in the removal of any vegetation and does not restrict access to the coastal environment.

Section 7 – Other Matters

86. Section 7 of the Act sets out other matters a consent authority must have particular regard to. The following matters are considered relevant:
- (a) the efficient use and development of natural and physical resources:
 - (b) the maintenance and enhancement of amenity values:
 - (g) maintenance and enhancement of the quality of the environment:

87. Pursuant to Section 7(b) particular regard shall be had to the efficient use and development of natural and physical resources. The proposal involves establishment of residential dwelling on

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the application site, which is unlikely to generate adverse effects. This is considered efficient use of the physical resources, being land that is zoned Rural in the District Plan.

88. Pursuant to 7(c) particular regard shall be had to the maintenance and enhancement of amenity values. In this case, the proposal is consistent with the site's rural character and would maintain the character and amenity values of the surrounding environment.
89. Pursuant to 7(g) particular regard shall be had to maintenance and enhancement of the environment. In this case, the proposed disposal of stormwater and wastewater is considered adequately addressed and therefore the health of the surrounding environment would be maintained.

Section 8 – Treaty of Waitangi

90. Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). In this case, the proposal does not raise any treaty issues.

11.0 Reasons for the Decision

91. A decision was made under delegated authority to process the consent on a non-notified basis as per the Council's Notification Assessment Report dated 15 December 2021.
92. In terms of Section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable.
93. In terms of Section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement as discussed in Section 8.0 of this report.
94. In terms of Section 104(1)(c) of the Act, other relevant matters, including financial and development contributions and monitoring have been considered in the determination of the application.
95. The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in Section 5.

Reporting Planner



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Melissa Hallett

Date



Signed

4/03/2022

Dwayne Daly

Date

Acting Team Leader – Resource Consents

Kaipara District Council

Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.

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