

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

*\*The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

## 3. Would you like to opt out of the fast track process?

Yes  No

## 4. Consultation

Have you consulted with Iwi/Hapū?  Yes  No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council, [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant details

Name/s:

Maxwell Michael Newton Llyodd and Bronwyn Jacqueline Ataahua Wikaira

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Have you been the subject of abatement notices, enforcement orders, infringement notices and/or convictions under the Resource Management Act 1991?  Yes  No

If yes, please provide details.

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## 6. Address for correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Northland Planning & Development 2020 Ltd C/- Rochelle Jacobs

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

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

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## 7. 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:

Maxwell Michael Newton Llyodd and Bronwyn Jacqueline Ataahua Wikaira

Property address/  
location:

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## 8. Application site details

Location and/or property street address of the proposed activity:

Name/s:	Maxwell Michael Newton Llyodd and Bronwyn Jacqueline Ataahua Wikaira		
Site address/ location:	629 Koutu Loop Road		
	Opononi		
	0473		
	Postcode		
Legal description:	Lot 1 DP 364287	Val Number:	00617-65200
Certificate of title:	261451		

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff?  Yes  No

Is there a dog on the property?  Yes  No

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

Please contact Applicant to organise site visit.

## 9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

Proposal to construct a swimming pool, deck and pool fencing at the site which infringes the permitted standard for visual amenity, setback and sunlight within the Coastal Living Zone under the ODP. Resource consent is required as a Discretionary Activity under the ODP.
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If this is an application for a 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), with reasons for requesting them.

## 10. Would you like to request public notification?

Yes  No

## 11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

<input checked="" type="radio"/> Building Consent	EBC-2026-923/0	Ref # here (if known)
<input type="radio"/> Regional Council Consent (ref # if known)		Ref # here (if known)
<input type="radio"/> National Environmental Standard Consent		Consent here (if known)
<input type="radio"/> Other (please specify)	Specify 'other' here	

## 12. 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:

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? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result?  Yes  No  Don't know

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

## 13. 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.

Your AEE is attached to this application  Yes

## 14. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision?  Yes  No

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

## 15. 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 in full)

Maxwell Michael Newton Llyodd and Bronwyn Jacqueline Ataahua Wikaira

Email:

Phone number:

Work

Home

Postal address:

(or alternative method of service under section 352 of the act)

Postcode

### Fees Information

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

## 15. Billing details continued...

### 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: (please write in full)

Shane Lloyd

Signature:

(signature of bill payer)

Date

## 16. 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.

## 17. Declaration

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

Name (please write in full)

Shane Lloyd

Signature

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

See overleaf for a checklist of your information...

## Checklist

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*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)
- Details of your consultation with Iwi and hapū
- 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.

**Land Use Resource Consent**  
**Maxwell Llyodd and Bronwyn Wikaira**  
**629 Koutu Loop Road, Opononi**

26 June 2026

**Attention: Liz Searle and Jo Graham – Team Leader(s) Resource Consents**

The Applicant is seeking to construct an in-ground swimming pool and associated decking and fencing within their site at 629 Koutu Loop Road, Opononi. The swimming pool will have a maximum capacity of 35,000 litres, with an open-slatted deck surrounding the pool. The pool fence will be located around the edge of the decking, with a height of 1.2 metres.

The site is within the Coastal Living zone under the Operative District Plan (ODP) and is proposed to be rezoned to Rural Settlement under the Proposed District Plan (PDP) as well as being within the Coastal Environment Overlay. The southwestern portion of the site is also shown to be within the Coastal Flood zone, with the proposed pool location being located outside of this area. Consent is triggered under ODP Rules 10.7.5.1.1 Visual Amenity and 10.7.5.1.7 Setback from Boundaries. The proposal has been assessed as a **Discretionary Activity** under the ODP. The proposal has been assessed as a **Permitted Activity** under the PDP in terms of the rules which have current legal effect at the lodgement date of this application.

Written Approval from the affected property owners of the setback infringement has been sought and obtained and is attached within **Appendix 5**. A copy of the Plan Set is also attached within **Appendix 3** which has been prepared by Splashdown Pools.

**A Building Consent for the pool and pool fence has been lodged under EBC-2026-923/0. A Form 4 has been issued stating the requirement for resource consent, which is attached within Appendix 6. It is requested that once the Processing Planner has completed an Initial Assessment of the proposal, that the Form 4 block is lifted so that works can begin.**

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

Regards



Alex Billot  
Resource Planner

Reviewed by



Rochelle Jacobs  
Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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## **Appendices**

- 1. Far North District Council Application Form**
- 2. Record of Title – LINZ**
- 3. Plan Set – *Splashdown Pools***
- 4. Correspondence – *HNZPT***
- 5. Written Approval – *Lot 2 DP 364287***
- 6. EBC-2026-923/0 Form 4 - *FNDC***
- 7. ODP and PDP Objectives and Policies – *Northland Planning and Development***

## Assessment of Environment Effects Report

### 1. Description of the Proposed Activity

#### Land Use

1.1. The Applicant is seeking to construct an inground swimming pool, deck and pool fence within their site at 629 Koutu Loop Road, Opononi. The swimming pool will have a maximum capacity of 35,000 litres and will be 4.4 metres long and 9 metres wide (39.6m<sup>2</sup>). An open-slatted deck will surround the swimming pool with a pool fence located around the edge of the deck. This is detailed within the Plan Set attached within **Appendix 3**, with an image shown below for reference.

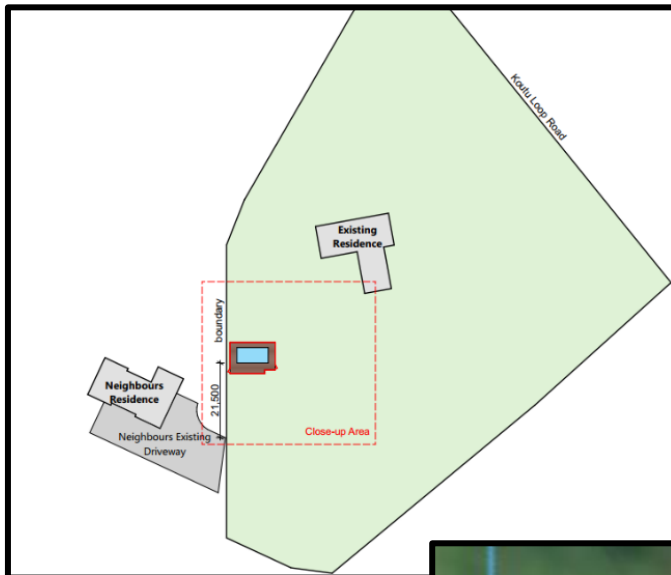
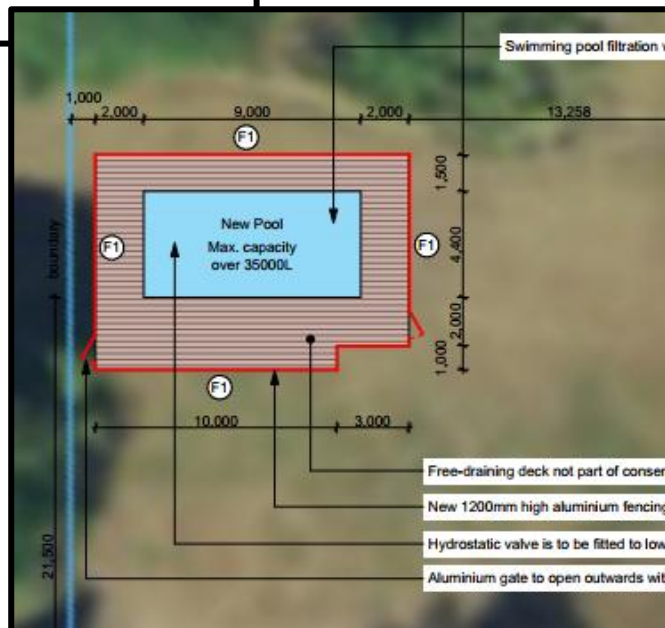


Figure 1 - Site Plan showing pool location (left)

Figure 2: Site Plan showing pool dimensions (right).



- 1.2. The site is within the Coastal Living zone under the ODP and is proposed to be rezoned to Rural Settlement (RSZ) under the PDP as well as being within the Coastal Environment Overlay. The south-western portion of the site is also shown to be susceptible to coastal flood zone overlay, however the proposed pool location is outside of the flood extent.
- 1.3. As shown in *Figure 1*, the pool fence will be located 1 metre from the south-eastern boundary which adjoins Lot 2 DP 364287, with the pool being located 3 metres from this same boundary. The site is over 5,000m<sup>2</sup> and as such a 10 metre permitted setback distance applies to the site. The proposed pool therefore infringes the permitted rule for setback under Rule 10.7.5.1.7. The height of the pool fence is 1.2 metres, at the maximum the ground will likely be built up 500mm and the deck will be around 300mm in height. AT the highest point being 2m, the fence can comply with the permitted sunlight rules for the CLZ. Written Approval from the affected property owners at Lot 2 DP 364287 has been sought and obtained, such that effects from the setback infringement can be disregarded to a degree.
- 1.4. The pool extent is 39.6m<sup>2</sup> but given the pool fence is also included as a building as well as the decking surrounding the pool forming part of the structure, it is considered that the proposal infringes the permitted standard under 10.7.5.1.1 Visual Amenity, for buildings exceeded 50m<sup>2</sup>. As such, consent is also sought under this rule.
- 1.5. Given that written approval has been obtained from the affected property owners, the proposal could be assessed as a Deemed Permitted Boundary Activity under the ODP, if it was not for the visual amenity aspect. Although a resource consent is being applied for as a Discretionary Activity under the ODP, it is worth noting the above factors and the technicalities for why consent is sought. This will be reflected within this report such that a more thorough assessment is not deemed necessary given the minor nature of the proposal.
- 1.6. It is noted that within the PDP, the visual amenity aspect has been removed from the RSZ and Coastal Environment overlay, subject to meeting standards for colour and height, which the proposal can meet, as will be detailed further in this assessment. The underlying Rural Settlement zone also provides an exemption for a building or structure less than 10 metres long along any one such boundary (other than a road boundary), such that no setback provisions apply. The proposal can comply with these exemptions such that there would not be a setback infringement created by the proposal under the PDP.

- 1.7. Overall, resource consent is required as a **Discretionary Activity** under the Operative District Plan for infringements of the rules relating to visual amenity and setback.
- 1.8. The proposal has been assessed as a Permitted Activity under the PDP in terms of the rules which have legal effect at the date of lodgement of this application.

#### Form 4

- 1.9. A Building Consent for the pool and pool fence has been lodged under EBC-2026-923/0. A Form 4 has been issued stating the requirement for resource consent, which is attached within **Appendix 6**. As a form 4 notice has been applied, it means no inspections for the works can be booked. Given the minor nature of this proposal and the fact that written approval is being provided by family members, it is requested that once the Processing Planner has completed an Initial Assessment of the proposal, that the Form 4 block is lifted so that works can begin.

## 2. Description of the Site and Surrounding Environment

- 2.1. The application site is located at 629 Koutu Loop Road, Opononi. The site is legally described as Lot 1 DP 364287. A copy of the record of title is attached in **Appendix 2**.
- 2.2. The site is 1.3226 hectares and is located northeast of the settlement of Opononi, within the small rural settlement of Koutu. The site is bounded by one privately owned allotment (Lot 2 DP 364287) on the northern, eastern and southern boundaries. Koutu Loop Road adjoins the site along the western boundary.
- 2.3. There is an existing dwelling located on the site, which is located slightly off centre, towards the southern portion of the site. Access is via an existing access directly from Koutu Loop Road. There is vegetation located within the south-western portion of the site as well as along the northern and easternmost boundaries, which is a mixture of



*Figure 3: Aerial image showing site and adjoining allotment.*

native and exotic species. The vegetation is not located within a PNA.

2.4. The proposed pool will be located within the eastern portion of the site, within an existing open area of maintained lawn. As mentioned, the pool fence and pool will be located within the permitted 10 metre setback distance from the adjoining Lot 2 DP 364287. This allotment is owned by family members of the Applicants who will share use and enjoyment of the pool. This has resulted in the chosen pool location to ensure ease of access for all users. This area of the site is also flat, which makes it ideal for an inground pool.



*Figure 5: Pool outline shown in pink, looking towards dwelling on adjoining Lot 2 DP 364287. Dividing boundary located near tree line.*



*Figure 4: Pool location shown in pink, looking towards northern area of subject site.*

2.5. The inground pool exterior will not be visible given the pool will be inground. An open slatted timber deck will surround the pool, with a black aluminium fence surrounding the deck, as shown in *Figure 6* below. The pool fence is to be 1.2 metres high.



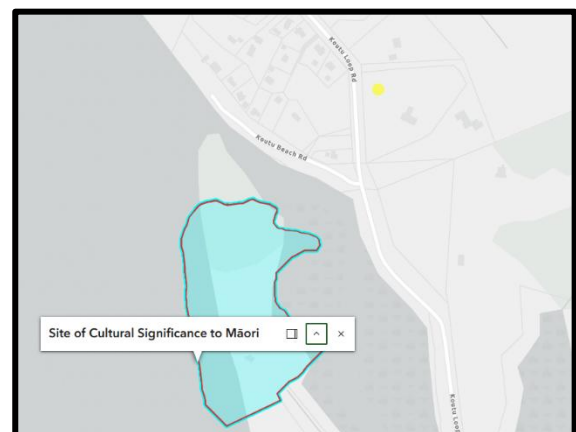
*Figure 6: Image of proposed aluminium fencing.*

- 2.6. Excavations and filling will be required for the inground pool and associated infrastructure. It is anticipated that the required excavations will be within the permitted threshold for the zone. No vegetation clearance is required as a result of the proposal.
- 2.7. On-site infrastructure services are existing for the dwelling on the site and the proposed pool does not include any additional connections to onsite wastewater services. Stormwater will be managed onsite with the pool decking being open-slatted such that rainwater will be able to penetrate through. The proposed and existing impermeable surfaces within the site are anticipated to be less than the permitted allowance of 600m<sup>2</sup>.
- 2.8. The site is not shown to be within an area of Outstanding or High Natural Character nor contain any areas of PNA. Hokianga Harbour, which is to the west of the site, is a PNA and an area of High Natural Character as well as a Statutory Acknowledgement Area for Te Rarawa. The proposed activity does not encroach into this area, nor does the site directly adjoin the Hokianga Harbour. Given the vegetated location of the site, the pool and associated fencing and decking is not anticipated to be seen from the Hokianga Harbour nor the adjoining Koutu Loop Road.



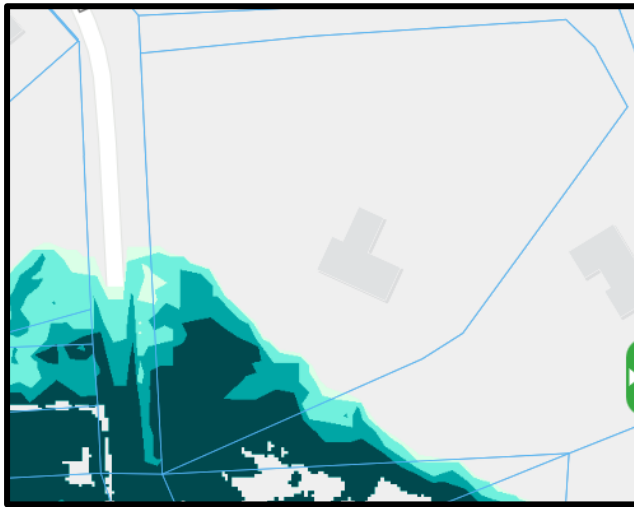
*Figure 7: Hokianga Harbour indicated by purple shade.*

- 2.9. The site is not located within an area where kiwi are known to be present.
- 2.10. The site and surrounding environment are identified as being within the Coastal Environment under the RPSN.
- 2.11. There are no archaeological sites recorded within the site or the immediate environment under the FNDC or NZAA maps. Heritage NZ Pouhere Taonga have been contacted as part of the pre-application process, with the response included within **Appendix 4**. An ADP approach has been recommended.
- 2.12. There is a Site of Cultural Significance to Māori located within the peninsula surrounded by the Hokianga Harbour, noted as 'Te Puata – battlefield and traditional site'. The proposed pool will not be visible from this site and will not encroach into the site's extent. Given the vegetated location of the site and the minor nature of the activity, being an extension of the existing residential activity within the site, it is considered that the proposal does not raise any cultural effects.



*Figure 8: Location of Site of Cultural Significance.*

2.13. As mentioned, the south-western portion of the site is shown to be susceptible to coastal flood hazards. The pool location does not encroach into the flood extent. Given the nature of the proposal, no adverse effects in terms of coastal flood hazards are anticipated as the proposal will not be altering the use of the site, which will remain for residential purposes. Within this flood extent are also indicative wetlands as identified on the NRC Maps. To the north of the site is a river flood extent, however this does not encroach into the site boundaries.



*Figure 9: Coastal Flooding Extent as it affects the subject site.*



*Figure 10: NRC indicative wetlands.*

### **Title**

2.14. The site is held within Record of Title 261451 which is dated 26<sup>th</sup> July 2006. The site has a legal area of 1.3226 hectares. There are no consent notices or easements registered on the title.

## **3. Reasons for Consent**

### **Operative District Plan (ODP)**

3.1. The site is zoned 'Coastal Living' (CLZ) under the Operative Far North District Plan (ODP). There are no other resource layers that apply to the site.

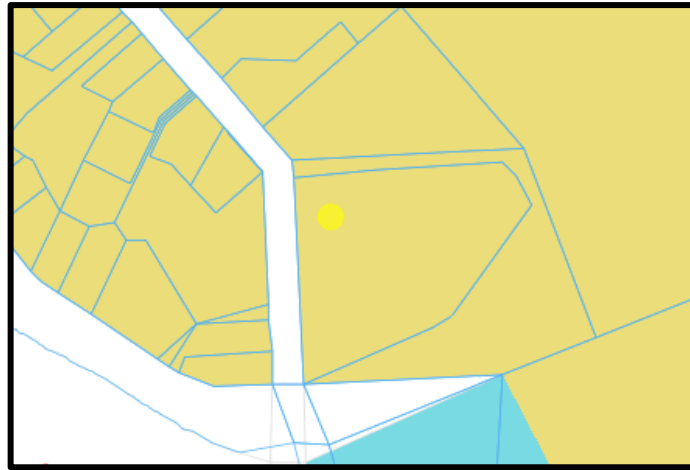


Figure 11: ODP CLZ.

3.2. The proposed activity is assessed against the following CLZ rules set out in [Table 1](#) below and the District-wide rules in [Table 2](#).

Table 1 - Assessment of the Permitted Section 10.675.1 Coastal Living Zone		
Plan Reference	Rule	Performance of Proposal
10.7.5.1.1	Visual Amenity	<p><b>Restricted Discretionary.</b></p> <p>(a) Any new building over 50m<sup>2</sup> triggers consent under this rule. The proposed pool and pool fence structure is anticipated to exceed this.</p> <p>(b) Not applicable as the proposal does not involve an alteration or addition.</p> <p>(c) Not applicable as the proposal does not include a replacement building.</p> <p>(d) Not applicable as the proposal is not renovation or maintenance.</p>
10.7.5.1.2	Residential Intensity	<p><b>Permitted.</b></p> <p>The proposal will not alter the number of residential units on the site.</p>
10.7.5.1.3	Scale of Activities	<p><b>Permitted.</b></p> <p>No non-residential activities are proposed.</p>
10.7.5.1.4	Building Height	<p><b>Permitted.</b></p>

		The maximum height of the pool fence will be 1.2 metres above ground level which is well within the permitted height of 8m.
10.7.5.1.5	Sunlight	<b>Permitted</b> Given the pool fence will be 1.2 metres high and located 1 metre from the dividing boundary with Lot 2 DP 364287, the proposal can comply with the permitted sunlight recession planes.
10.7.5.1.6	Stormwater Management	<b>Permitted.</b> The permitted impermeable surface coverage for the Coastal Living zone is 600m <sup>2</sup> or 10% of the site area, whichever is the lesser. In this instance, 600m <sup>2</sup> is the lesser. The proposed and existing impermeable surfaces are considered to account to less than 600m <sup>2</sup> , such that the proposal complies with the permitted threshold. The proposed decking will be open-slatted such that it will not be included within the impermeable surface calculations.
10.7.5.1.7	Setback from Boundaries	<b>Restricted Discretionary.</b> The pool fence will be located 1 metre from the dividing boundary with Lot 2 DP 364287 along the south-eastern side, with the pool being 3 metres from this same boundary. This infringes the permitted 10m setback. Written approval from the affected neighbour has been obtained.
10.7.5.1.8	Screening for Neighbours Non-Residential Activities	<b>Not Applicable.</b>
10.7.5.1.9	Transportation	<b>Permitted.</b> <u>Traffic</u> The proposal will not alter the existing TIF of the site. <u>Parking</u>

		<p>Parking is existing and the proposal will not alter the required parking spaces.</p> <p><u>Access</u></p> <p>Access will be provided for via existing provisions.</p>
<b>10.7.5.1.10</b>	<b>Hours of Operation Non-Residential Activities</b>	<b>Not applicable.</b>
<b>10.7.5.1.11</b>	<b>Keeping of Animals</b>	<b>Not applicable.</b>
<b>10.7.5.1.12</b>	<b>Noise</b>	<b>Permitted.</b>
<b>10.7.5.1.13</b>	<b>Helicopter Landing Area</b>	<b>Not applicable.</b>

**TABLE 2 - ASSESSMENT AGAINST THE APPLICABLE OPERATIVE PLAN DISTRICT-WIDE RULES:**

<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>12.1</b>	<b>LANDSCAPE AND NATURAL FEATURES</b>	<p><b>Not applicable</b></p> <p>The proposed building site is not within any mapped outstanding landscape or natural feature.</p>
<b>12.2</b>	<b>INDIGENOUS FLORA AND FAUNA</b>	<p><b>Permitted.</b></p> <p>The proposal will not result in any indigenous vegetation clearance given the pool will be located within an existing open area of the site.</p>
<b>12.3</b>	<b>SOILS AND MINERALS</b>	<p><b>Permitted.</b></p> <p>Excavations will be required for the inground pool and infrastructure, which are anticipated to be within 300m<sup>3</sup>, such that consent is not triggered.</p>
<b>12.4</b>	<b>NATURAL HAZARDS</b>	<p><b>Permitted.</b></p> <p>The proposal does not propose a residential unit and the site is not identified as being within a coastal hazard area.</p>
<b>12.5</b>	<b>HERITAGE</b>	<p><b>Permitted</b></p> <p>There are no registered archaeological sites that would be affected by the proposed development.</p>
<b>12.7</b>	<b>LAKES, RIVERS, WETLANDS AND THE COASTLINE</b>	<p><b>Permitted</b></p>

<b>12.8</b>	<b>HAZARDOUS SUBSTANCES</b>	<b>Not applicable</b>
<b>12.9</b>	<b>RENEWABLE ENERGY AND ENERGY EFFICIENCY</b>	<b>Not applicable</b>

***Operative District Plan Activity Status***

3.3. Overall, the proposed activity is a **‘Discretionary’** activity under the ODP. This relates to the combined visual amenity and setback from boundaries aspects of the proposed activity.

**Proposed District Plan**

3.4. Council has considered the Panel recommendations and on the 11<sup>th</sup> June 2026 has made a decision to adopt the majority of these decisions, including those which relate to this application. The decisions are set to be released on the 30<sup>th</sup> June under section 86B(1), and at this stage all PDP rules will have legal effect. After the notification of decisions there is a 30-working day period for submitters to appeal.

3.5. An assessment of the relevant rules and standards which have current legal effect has been undertaken below. All applications for resource consent that are being processed on the date the decisions are released will require a full assessment of the standards, rules, objectives and policies of the Decisions Version of the PDP to enable the continued processing of the application. Assessment of the relevant rules and standards which are adopted after 30<sup>th</sup> June 2026 will be provided for after this date, in order to enable processing of the application post notification of decisions.

3.6. Under the Proposed Far North District Plan (PDP) current mapping system, the site is zoned as Rural Settlement and within the Coastal Environment overlay. The south-western portion of the site is also within the Coastal Flood Extent.

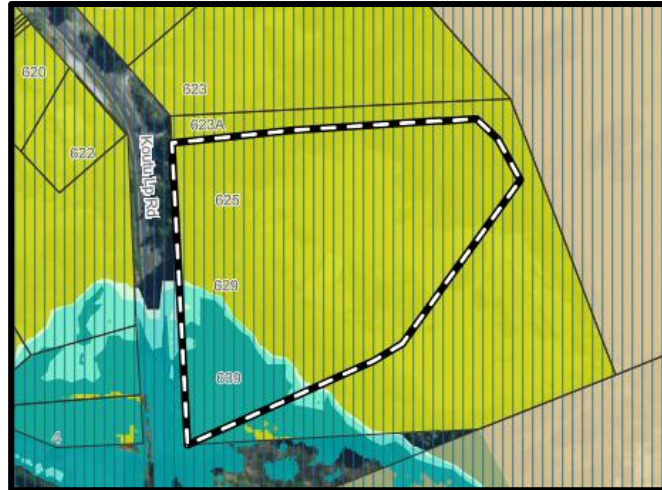


Figure 12: PDP Zoning & Overlay Maps.

3.7. An assessment against PDP rules that have immediate legal effect is set out in **Table 3** below.

**TABLE 3 - ASSESSMENT AGAINST THE PDP RULES THAT HAVE IMMEDIATE LEGAL EFFECT**

Chapter	Rule Reference	Compliance of Proposal
<b>Hazardous Substances</b>	The following rules have immediate legal effect:  Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource Rules HS-R5, HS-R6, HS-R9	<b>Not applicable</b>
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14)  All standards have immediate legal effect (HA-S1 to HA-S3)	<b>Not applicable</b>  The application site is not within a proposed Heritage Area.
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10)  Schedule 2 has immediate legal effect	<b>Permitted</b>  The site does not contain any scheduled heritage items.

<p><b>Notable Trees</b></p>	<p>All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect</p>	<p><b>Not applicable.</b> The site does not contain any scheduled notable trees.</p>
<p><b>Sites and Areas of Significance to Māori</b></p>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect</p>	<p><b>Not applicable</b></p>
<p><b>Ecosystems and Indigenous Biodiversity</b></p>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	<p><b>Permitted</b> No indigenous vegetation clearance is proposed as part of this application given all works will be undertaken within open areas of the site.</p>
<p><b>Subdivision</b></p>	<p>The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17</p>	<p><b>Not applicable.</b> The proposal is not a subdivision</p>
<p><b>Activities on the Surface of Water</b></p>	<p>All rules have immediate legal effect (ASW-R1 to ASW-R4)</p>	<p><b>Not applicable.</b></p>
<p><b>Earthworks</b></p>	<p>The following rules have immediate legal effect: EW-R12, EW-R13  The following standards have immediate legal effect: EW-S3, EW-S5</p>	<p><b>Permitted</b> The proposed earthworks will adhere to the accidental discovery protocol (EW-12) and erosion and sediment control (EW-13) rule standards that have immediate legal effect.</p>
<p><b>Signs</b></p>	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p>	<p><b>Not applicable.</b></p>

	All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<b>Not applicable.</b>

### Proposed District Plan Activity Status

3.8. The proposal is a ‘Permitted’ activity under the notified PDP rules that have current legal effect.

### National Environmental Standards

#### National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

3.9. The site is not a HAIL site and has no known history of HAIL activity. The proposal is considered Permitted in terms of this NES.

#### National Environmental Standards for Freshwater Management 2020

3.10. There are no freshwater wetlands or other stream bodies affected by the proposal. The proposal is considered Permitted in terms of this NES.

## 4. Statutory Assessment

### Section 104B of the Resource Management Act 1991 (RMA)

4.1. Section 104B governs the determination of applications for a Discretionary Activity. A consent authority may grant or refuse consent and impose conditions under section 108.

### RMA Section 104

4.2. The application proposal is subject to the matters set out in Section 104.

4.3. Section 104(1) of the RMA states that when considering an application for resource consent –

*“the consent authority must, subject to Part 2, and section 77M have regard to –*

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

### **Assessment of Effects on the Environment**

- 4.4. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the RMA). Positive effects arising from this proposal include the establishment of a pool which will be utilised in association with the principal dwelling on the site as well as for the enjoyment of adjoining owners who are also family members.
- 4.5. Potential adverse effects on the environment that go beyond the threshold of effects permitted in the Coastal Living zone include the visual amenity and setback impact of a new pool and associated fencing.

### **Visual Amenity Effects**

- 4.6. The ODP limits the permitted area of buildings in coastal environment landscapes to protect natural character. This is an RMA section 6(a) matter. The site is in the Coastal Living zone (CLZ), which is generally a rural area with a coastal influence, where natural character predominates. Residential buildings are provided for, however habitable and non-habitable buildings larger than 50m<sup>2</sup> are required to meet specified criteria to minimise their visual impact. The PDP proposes a Rural Settlement zone. In terms of the management of visual effects, proposed coastal environment overlay rules will regulate the size of permitted

buildings outside of an area of ONC or HNC to 110m<sup>2</sup>, with controls on exterior colour and materials. Permitted building height is proposed to be limited to 5m above ground level.

- 4.7. The proposal is for a pool, associated decking and pool fence, with a total combined area of over 50m<sup>2</sup>. In terms of the exterior colour, the pool structure exterior will not be visible, given it will be an inground pool. The surrounding decking will be natural timber, and the pool fencing will be a black aluminium fencing as indicated earlier in this report.
- 4.8. As detailed, the visual amenity aspect does not form part of the RSZ under the PDP and with the proposed materials of the deck and colour scheme of the fence, the proposal would comply with the rules and standards set out within the Coastal Environment overlay under the PDP. This aspect would therefore not trigger consent under the PDP but given the timing of the works consent is sought now to ensure works can proceed imminently.
- 4.9. It is considered that the design of the pool and the existing vegetation within the site, will reduce the potential prominence of the built form in relation to the wider landscape. It is noted that the pool is visible from the adjoining property Lot 2 DP 364287, however as mentioned, written approval has been received from the affected property owners and as these owners are family members, the pool has been located as such to provide ease of enjoyment for all users.
- 4.10. The assessment criteria within *Section 11.5 Visual Amenity in the General Coastal, South Kerikeri Inlet and Coastal Living Zones* of the ODP has been provided below.
- (a) *The size, bulk, height and siting of the building or addition relative to skyline, ridges, areas of indigenous vegetation and habitat of indigenous fauna, or outstanding landscapes and natural features.*
- 4.10.1. The proposed pool is located within an existing flat, open area of the site, which is buffered from the wider environment by existing vegetation. The pool is not considered to be located on a ridge or within the skyline nor within any areas of indigenous vegetation, outstanding landscape or natural features.
- (b) *The extent to which landscaping of the site, and in particular the planting of indigenous trees, can mitigate adverse visual effects.*

4.10.2. No landscaping is proposed nor considered required. Although the pool will be visible from Lot 2 DP 364287, written approval has been received from the adjoining property owners, with no request for landscaping or fencing. As mentioned, the pool has been located so both sites can enjoy use of the pool. Given written approval has been received from Lot 2 DP 364287, no adverse effects are anticipated. There are no other sites which would be affected by the proposal.

*(c) The location and design of vehicle access, manoeuvring and parking areas.*

4.10.3. Vehicle access, manoeuvring and parking will remain unchanged.

*(d) The means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved.*

4.10.4. The pool is screened from Koutu Loop Road and the Hokianga Harbour by existing vegetation within the site. The pool fence will be 1.2 metres in height such that it is not visually obtrusive. The pool will be located in-ground. No permanent screening is proposed nor considered required.

*(e) The degree to which the landscape will retain the qualities that give it naturalness and visual value as seen from the coastal marine area.*

4.10.5. As above, the proposed activity is not anticipated to be seen from the CMA given existing vegetation and the nature of the pool being inground. Qualities that give the landscape its naturalness and visual value are considered to be retained.

*(f) Where a building is in the coastal environment and it is proposed to be located on a ridgeline, whether other more suitable sites should be used and if not, whether landscaping, planting or other forms of mitigation can be used to ensure no more than minor adverse visual effects on the coastal environment.*

4.10.6. The proposed activity is not proposed to be located on a ridgeline.

*(g) The extent to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment.*

4.10.7. The proposal is not anticipated to exacerbate natural hazards. The impermeable surfaces within the site are anticipated to be within the permitted threshold for the zone and the pool will be located outside of the flood extents.

*(h) the extent to which private open space can be provided for future uses;*

4.10.8. There is ample area within the site for private open space.

*(h) the extent to which the siting, setback and design of building(s) avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*

*(i) the extent to which non-compliance affects the privacy, outlook and enjoyment of private open spaces on adjacent sites.*

4.10.9. The site is bounded by Lot 2 DP 364287 on the northern, southern and eastern boundaries. The pool will be visible along the south-eastern boundary of the site which adjoins Lot 2 DP 364287, which was intended given the proposed shared use of the pool. Written approval from the property owners of Lot 2 DP 364287 has been obtained such that effects on Lot 2 DP 364287 are disregarded.

4.10.10. In terms of the surrounding environment, the pool will not be visible from any other location outside of the site such that no adverse effects are anticipated.

#### Summary

4.11. The effects on landscape and natural character values are assessed as being less than minor as well as visual amenity effects. Given the spatial and vegetated separation between the proposed pool location and public places (Koutu Loop Road and Hokianga Harbour), cumulative effects are considered to be less than minor.

4.12. The pool structure will be visible from the adjoining Lot 2 DP 364287, which is intended as detailed. Written approval has been received from the property owners such that effects can be disregarded on Lot 2 DP 364287. There is ample area within the one metre setback to provide landscaping and/or fencing if privacy is wanted in the future, however given written approval has been received and this has not been requested, effects on Lot 2 DP 364287 are considered to be less than minor.

4.13. Overall, it is considered that effects from the proposal will be less than minor.

Setback From Boundaries

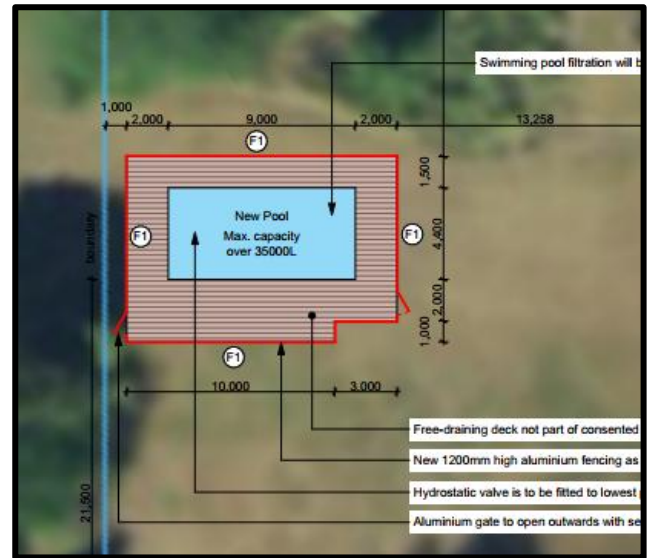
- 4.14. The proposed design results in a setback encroachment along the south-eastern side, into the permitted 10 metre setback. This boundary adjoins a privately owned allotment (Lot 2 DP 364287) which is a smaller 8936m<sup>2</sup> allotment and contains an existing dwelling located to the east of the subject site. The proposed pool fence is to be 1 metre from the dividing boundary, with the pool being setback 3 metres. As mentioned, the pool has been located as such to provide ease of use between users.
- 4.15. Written approval from the affected property owners has been obtained and is contained within **Appendix 5** of this application. Given that written approval has been received, effects can be disregarded. However, a brief assessment of Section 11.6 in relation to the setback infringement will be undertaken for completeness.



Figure 13: Aerial image showing location of Lot 2 DP 364287.



**Figure 14: Pool location shown in pink with house on Lot 2 DP 364287 shown in background.**



**Figure 15: Pool location and setbacks.**

4.16. It is noted that given written approval has been obtained, the setback infringement could have been assessed as a Deemed Permitted Boundary Activity (DBPA), if it was not for the visual amenity infringement. Given the visual amenity aspect falls away from the RSZ under the PDP, compliance with the Coastal Environment overlay as well as the exemptions provided for setback within the RSZ, the proposal would be assessed as a Permitted Activity under the PDP Appeals version anticipated to be released on 30<sup>th</sup> June, however due to the Applicants wanting to get the project underway as soon as possible, consent is sought under the current rules.

4.17. The proposal is a Discretionary Activity. Section 11.6 of the ODP contains discretionary assessment criteria for setback from boundaries. These are commented on as follows:

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

4.17.1. The pool structure itself is of modest size and is not considered to be objectionable with the surrounding environment. As has been detailed, the proposed pool and associated decking and fencing will not be objectionable within the surrounding environment and will be well integrated into the existing built form within the site given the existing vegetative plantings.

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

4.17.2. The proposal does not result in a setback infringement from the road boundary and is therefore not considered to intrude into the street scene. The pool will be visible from the adjoining Lot 2 DP 364287, however written approval has been received from the affected property owners such that effects can be disregarded. Given this, outlook and privacy of adjacent properties are therefore not considered to be adversely affected.

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

4.17.3. Vehicle manoeuvring will not be restricted as determined by the design.

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

4.17.4. No landscaping is proposed nor considered required. Although the pool will be visible from Lot 2 DP 364287, written approval has been received from the adjoining property owners, with no request for landscaping or fencing. As mentioned, the pool has been located so both sites can enjoy use of the pool. Given written approval has been received from Lot 2 DP 364287, no adverse effects are anticipated. There are no other sites which would be affected by the proposal.

4.17.5. There is ample area within the one metre setback to provide landscaping and/or fencing if privacy is wanted in the future, however given written approval has been received and this has not been requested, effects on Lot 2 DP 364287 are considered to be less than minor

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

4.17.6. Building maintenance and construction activities can be adequately contained within the boundaries of the site.

#### Summary

4.18. Given written approval has been received from the adjoining property owners of Lot 2 DP 364287, effects on this property in terms of the setback infringement can be disregarded such that effects are less than minor. There are no other properties affected by the proposal.

### **Relevant Statutory Provisions**

4.19. Section 104(1)(b) requires the consideration of any relevant provisions found in national policy statements or standards, regional policy statements or plans and operative or proposed district plans. Relevant statutory documents include:

- National Policy Statement for Natural Hazards 2025
- New Zealand Coastal Policy Statement
- Regional Policy Statement for Northland
- Far North District Plan
- Proposed Far North District Plan

#### **Natural Policy Statement for Natural Hazards 2025**

4.20. The new NPS is applicable to the proposal given the areas of coastal flood susceptibility within the site. Applicable policy for this proposal is Policy 4 which requires development where natural hazard risk is increased to either be avoided or mitigated. The dwelling on the site is existing, and the proposal will result in a pool and associated decking and fencing. The proposed and existing built development is located outside of the areas shown to be susceptible to coastal flood hazards. Impermeable surfaces within the site are anticipated to be within the permitted threshold for the zone, such that stormwater will be adequately managed on site, with no adverse downstream effects anticipated. As such, the risk is not

considered to be increased as a result of the proposal and no further action is considered necessary.

*New Zealand Coastal Policy Statement 2010 (with 2025 amendments)*

- 4.21. The NZCPS provisions apply to this proposal but are generally given effect to within the context of the District Plan and the higher order RPSN. The NZCPS is concerned with sustainable management of the coastal environment including its ecological function, and the preservation of its natural character and landscape values. Effects on Te Tiriti values, public access to the coast, coastal hazards and the wellbeing of people are also relevant considerations.
- 4.22. The site is within the coastal environment as mapped by the Regional Policy Statement for Northland. The current District Plan site zone is CLZ, which is within the ODP coastal environment. The PDP zoning is Rural Settlement. Coastal values and features are to be managed via a coastal environment overlay. Matters relating to the preservation of natural character and associated landscape and ecological values subject to building (visual amenity) that are directly relevant to RMA s6(a) matters of national importance.
- 4.23. The subject site includes existing built development comprising of a dwelling. The site includes a mix of native and exotic vegetation that screens the built development within the site (proposed and existing) from view from public places. This is consistent with development within the surrounding environment which in this location is characterised by dwellings scattered within both native and exotic vegetation. The consolidation of development within existing coastal settlements is supported by the NZCPS (Policy 6). The proposal will maintain the existing native vegetation on the site by ensuring vegetated areas are maintained and preserved by locating the built development outside of these areas (Objective 1 & Policy 11). Natural character will be preserved, given the vegetated backdrop and foreground and use of design controls of the pool fence and decking (Objective 2 & Policy 6, 13 & 15).
- 4.24. Overall, the proposal is considered to be consistent with the relevant objective and policies of the NZCPS.

### Regional Policy Statement for Northland (2016 - updated 2018)

- 4.25. The purpose of the Regional Policy Statement for Northland (RPS) is to promote the sustainable management of Northland's natural and physical resources by providing an overview of the region's resource management issues.
- 4.26. The RPS sets out policies and methods to achieve integrated management of Northland's natural and physical resources. The proposed pool location will be located outside of any regionally mapped outstanding landscape. The site does not include areas of high natural character, however there are areas of such character within the surrounding environment.
- 4.27. Objective 3.4 seeks to protect areas of significant indigenous vegetation and fauna habitats, maintain the extent of ecosystem diversity and habitat and where practicable, enhance these environments. Within the coastal environment, this includes avoiding adverse effects on threatened or at-risk indigenous species and avoiding significant adverse effects on areas of indigenous vegetation, habitats that have recreational, commercial, traditional or cultural value.<sup>1</sup> The application site is within a previously developed area and is zoned for low density residential development. Existing indigenous vegetation and associated habitat values will be protected to the extent possible. No adverse landform modification or vegetation clearance is required.
- 4.28. It is considered that in the context of the existing site zoning and minor nature of the proposal and the extent to which existing vegetation will be retained, the proposed development will not be contrary to the objectives and policies of the RPSN.

### Far North District Plan

- 4.29. The proposed activity has been assessed against the applicable objectives and policies of the ODP. A copy of these provisions is attached at **Appendix 7**.

### Coastal Environment & Coastal Living Zone

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<sup>1</sup> RPSN Policy 4.4.1(1)-(2)

- 4.30. The application site is within the ODP Coastal Environment which comprises rural and coastal land along the District's coastline. The site location sits within the settlement of Opononi/Koutu, near the Hokianga Harbour, where there is residential development of varying intensity, significant bush areas and indigenous fauna habitat. Within the Coastal Environment, it is expected that where natural character exists it will be preserved and that landscape and visual qualities will be protected from inappropriate development. Wherever possible, development is to be consolidated within existing settlements to provide medium and low-density settlements along the coastline.<sup>2</sup>
- 4.31. Coastal Environment Objective 10.3.1 recognises the tension between managing avoiding the adverse effects of subdivision and development and the practicalities around providing for appropriate development. As per s6(a) of the RMA, the NZCPS and the RPSN, the preservation of the natural character of the coastline and the coastal environment and any other associated natural and landscape values is sought (Objective 10.3.2). The CLZ forms part of the coastal environment and is generally similar to rural living areas with a coastal focus and where natural character predominates. Generally, lots within the CLZ are larger than the more intensely developed coastal residential zone, encapsulating areas of bush or rural land mixed with bush. Given the vulnerability of the natural environment, preserving and restoring the environment is a key objective.
- 4.32. In the context of the application and the Coastal Living zone, appropriate development includes development consistent with the need to preserve natural character (Objective 10.7.3.2, Policy 10.7.4.1, 10.7.4.3(a)). The proposal achieves this by developing an existing open area of the site located outside of the vegetated areas. The use of a natural recessive colour scheme for the fencing and natural timber for the decking along with the vegetated backdrop ensures that natural character is preserved. The preservation of the vegetation on the site will ensure that the vegetated landscape is maintained throughout the site with connectivity through adjoining lots (Policy 10.7.4.3(e)). Historic heritage is considered to be protected given there are no known archaeological sites within the property and an ADP approach has been recommended by HNZPT (Policy 10.7.4.3(f)). The proposal will ensure effects on natural character and amenity are mitigated to a less than minor degree (Objective 10.7.3.1).

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<sup>2</sup> Coastal Environment – Expected Outcomes 10.2.1, 10.2.2, 10.2.3

- 4.33. In accordance with Policy 10.7.4.3, the proposed building location will be within an existing open area of the site, where there will be least impact on the natural character and indigenous vegetation as is intended. Visual impacts are considered to be less than minor given the minor nature of the proposal and low building height. The proposed development will not have any known adverse effects on nearby archaeological sites or sites of interest to Iwi. The surrounding area of Opononi/Koutu is known to have significance to Māori given the history of the area. This is also reflected within the ODP and PDP Maps which indicate that the Hokianga Harbour and surrounding areas are of significance to Māori and local Iwi. The site is not located within these areas and given the minor nature of the proposal, it is not anticipated to adversely affect these features nor the natural character of the surrounding environment. The pool structure and associated decking and fencing is designed so it is not prominent within the landscape. The pool will be set against existing built form within the site such that it will be seen as an extension rather than an alteration to the existing landform. Adverse effects are considered to have been mitigated to a less than minor degree through the visual considerations and location of the proposed pool. Earthworks will be minimal and given this, is not expected to create adverse effects on natural character.
- 4.34. The proposal is minor in nature, requiring resource consent given the visual amenity aspect which is removed under the PDP zoning. The setback infringement could meet the DPBA requirements if it were not for the visual amenity aspect. Written approval has been obtained from the adjoining property owners (Lot 2 DP 364287) such that effects are considered to be less than minor. It is considered that the proposed pool and associated decking and fencing would not be contrary to the Coastal Environment or Coastal Living Zone objectives and policies.

### *Proposed Far North District Plan*

#### *Rural Settlement Zone & Coastal Environment Overlay*

- 4.35. The proposed site zoning is Rural Settlement and within the Coastal Environment Overlay. The southwestern portion of the site is also shown to be susceptible to the Coastal Flood extent overlay, however as the proposed activity is located outside of this area, no assessment of the natural hazards overlay has been undertaken. Zone rules, objectives and policies do not have current legal effect, however they do provide an indication of how this part of the district is to be managed.

- 4.36. The PDP is not yet operative; however it is a relevant consideration under section 104(1)(b). The proposal is considered to be generally consistent with the intent of the Rural Settlement Zone and Coastal Environment Overlay. The pool, decking and fencing is located within an established residential curtilage, does not adversely affect natural character values and written approval has been received from the adjoining property owners affected by the setback infringements. As assessed earlier in this report, the proposed activity would be assessed as a Permitted Activity in terms of the Hearings Panel recommendations for the relevant rules.
- 4.37. To manage resource management issues relating to the coastal environment, a mapped coastal overlay has been applied to District land to differentiate between land that is within, or outside of, the mapped coastal environment. To manage effects on the natural environment, the PDP has adopted environment overlays, including a high natural character overlay, which does not apply to the site. The proposed activity is consistent with the standards in this overlay.
- 4.38. Currently, in respect of this application, only rules relating to aspects of earthworks activities have current legal effect. The proposed excavation volumes are anticipated to be minimal with the relevant standards being adhered to. No indigenous vegetation clearance is proposed.
- 4.39. The establishment of a pool, decking and fencing on a site which contains an existing dwelling, in the coastal environment would not be contrary to the objectives and policies of the PDP that have current legal effect.

### *Plan Weighting Summary*

- 4.40. As required by Section 104(1)(b) of the RMA, a decision on this application must consider the extent to which a proposal is consistent with the relevant provisions of ODP and the PDP. As the operative plan, the ODP provisions retain the greatest weight until such time as the PDP has advanced beyond a Council decision and the resolution of any appeals.
- 4.41. Council has considered the Panel recommendations and on the 11th June 2026 has made a decision to adopt the majority of these decisions, including those which relate to this application. The decisions are set to be released on the 30th June under section 86B(1), and

at this stage all PDP rules will have legal effect. After the notification of decisions there is a 30-working day period for submitters to appeal.

- 4.42. Regarding the ODP objectives and policies, the intent of the Rural Settlement zone and Coastal Environment overlay is given effect to as the activity is small scale, located within a mixed-use environment and will not have any adverse impact on natural character.

## 5. Notification Assessment

- 5.1. Section 95A-95G sets out the public and limited notification criteria for resource consent applications.

### Section 95A – Public Notification Assessment

- 5.2. Section 95A requires a council to follow specific steps when deciding whether to publicly notify an application for resource consent. These steps are set out and commented on as follows.

#### Step 1: Mandatory public notification in certain circumstances

S95A(3)(a)	The applicant requests public notification
S95A(3)(b)	Public notification is required under section 95C
S95A(3)(c)	The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

- 5.3. The Applicant has not requested public notification, nor is it required under section 95C. Section 95A(3)(c) is not applicable.

#### Step 2: If not required by step 1, public notification in certain circumstances

S95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification.
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but not other, activities; a controlled activity; a restricted

	discretionary, discretionary or non-complying activity, but only if the activity is a boundary activity.
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- 5.4. The proposed activity applied for is not precluded from notification by a rule or a national environmental standard. The activity is not solely for a boundary activity.

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

S95A(8)(a)	The application is for a resource consent for 1 or more activities, and any one of those activities is subject to a rule or national environmental standard that requires public notification.
S95(8)(b)	In accordance with section 95D, the activity has or is likely to have adverse effects on the environment that are more than minor.

- 5.5. The proposed activity applied for is not subject to a rule or national environmental standard that requires public notification.
- 5.6. Section 95D specifies the criteria by which a consent authority may decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor. This includes what a council may or may not have regard to:

S95D(a)(i)-(ii)	A consent authority <u>must</u> disregard any effects on persons who own or occupy- (i) The land in, on, or over which the activity will occur, or (ii) Any land adjacent to that land
S95D(b)	A consent authority <u>may</u> disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.
S95D(c)	A consent authority <u>must</u> , in the case of a restricted discretionary activity, disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts its discretion.
S95D(d)	A consent authority <u>must</u> disregard trade competition and the effects of trade competition.

S95D(e)	A consent authority <u>must</u> disregard any effect on a person who has given written approval to the relevant application
---------	---

- 5.7. For the purposes of deciding public notification, any effects on persons who own or occupy the application site, or adjacent land may be disregarded. The proposal is not considered to create adverse effects as detailed within this application.
- 5.8. In accordance with Section 95D(b), the council has discretion to disregard the effects of an activity if a rule or a national environmental standard permits an activity with that effect, referred to as the permitted baseline. In terms of building setback, the proposed activity infringes the required minimum building setback from the southeastern boundary adjoining Lot 2 DP 364287. Consent is also required for visual amenity. No rule or national environmental standard permits activities with the above-mentioned effects.
- 5.9. The proposed activity is not a restricted discretionary activity such that the matters over which the Council has discretion is limited to a national standard or rule.
- 5.10. Written approval from the affected landowners of the setback infringement is provided with this application. Potential adverse effects on these persons may be disregarded. Potential adverse effects that extend beyond the site boundary and the immediately adjacent properties are assessed to be less than minor and would not be of a wider public interest to the extent that public notification is warranted.

**Step 4: Public notification in special circumstances**

S95(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified?
--------	---

- 5.11. When considering public notification, current caselaw has defined ‘special circumstances’ as those outside the common run of things which are exceptional, abnormal or unusual, but they may be less than extraordinary or unique. The proposed activity is to construct a pool, decking and fencing within the site. The proposed activity is located on a low-density coastal living type site that is anticipated by the District Plan. There are no extraordinary or unique circumstances.

- 5.12. Potential adverse effects beyond the immediate site boundary are less than minor. Public notification of the application is not deemed necessary, nor is it required.

### Section 95B – Limited Notification Assessment

- 5.13. If an application is not publicly notified, a consent authority must follow the steps of section 95B to decide if limited notification is required. A Section 95B assessment requires a decision about whether there are any specified affected groups or affected persons (under section 95E).

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

S95B(2)(a)	Are there any affected protected customary rights groups
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?
S95B(3)(a)	Is the proposed activity adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?
S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?

- 5.14. The proposed activity would not affect any protected customary rights groups or marine title groups. Hokianga Harbour is noted as a Statutory Acknowledgement Area, however the site does not directly adjoin this area and as such consultation is not considered to be required.

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

S95B(6)(a)	The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.
S95B(6)(b)	The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 5.15. The proposed activity is not subject to a rule or national environmental standard that precludes limited notification. The application activity status is not 'controlled'.

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

S95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.
S95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

5.16. The proposed activity does not solely involve a boundary activity. The proposed activity is a Discretionary Activity arising from an infringement to the building setback rule and visual amenity, given the permitted thresholds are exceeded.

5.17. Section 95E provides the basis on which a person is deemed to be affected by a proposed activity. Section 95E(1) a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but not less than minor). Section 95E(2)(a)-(c) sets out the adverse effects a consent authority can disregard or matters it must have regard to when assessing adverse effects on a person:

**Affected Persons**

S95E(2)(a)	A consent authority <u>may</u> disregard adverse effect of an activity on the person if a rule or a national environmental standard permits an activity with that effect.
S95E(2)(b)	A consent authority <u>must</u> disregard an adverse effect arising from a a controlled activity or a restricted discretionary activity if the effect of the activity does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.
S95E(2)(c)	A consent authority <u>must</u> have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

5.18. The application proposal is a Discretionary Activity. It is not a Controlled Activity or a Restricted Discretionary Activity. An assessment of the proposal requires consideration of all potential

effects on the environment. The Council may disregard the effects of an activity where they are permitted under a rule or a national environmental standard.

- 5.19. For the purpose of determining if a person is affected by a proposed activity, Section 95(3) states that a person is not affected in relation to an application if the person has given written approval. As detailed earlier in this assessment, the affected landowners (Lot 2 DP 364287) of the setback infringement have given their written approval to the application, which is attached within **Appendix 5**. The infringements are not considered to create any effects that would be more than if the proposal complied with the required setback distances. As such, effects on adjoining property owners are considered to be no more than minor. On that basis, it is considered that there are no persons who are affected by the proposed activity.
- 5.20. The Applicant requests that the application be processed on a non-notified basis.

## 6. Part 2 Assessment

- 6.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 6.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations. The proposal is considered to retain the existing use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and maintain the natural coastal character of the site and surrounding environment in keeping with the intent of the CLZ.
- 6.3. Section 6 of the Act contains the matters of national importance. These matters of national importance are considered relevant to this application. The proposal is located within the coastal environment. The site does not contain existing protected areas of indigenous vegetation. Providing for the social and economic wellbeing of the Applicant must be balanced with natural environment protection policies where locations are not identified as being outstanding and where residential development potential is signalled as being appropriate. Given the minor nature of the proposal, it is considered that the natural character of the site and surrounding environment will be maintained and the visual effects of the proposal will be less than minor as well as effects on landscape and character values. The site is not known to

contain any historic heritage nor be of significance to Māori. There is land within the surrounding environment, which is shown to be of significance to Māori, however given the minor nature of the proposal, effects on these features are anticipated to be no more than minor. It is therefore considered that the proposal is consistent with Section 6 of the Act.

- 6.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area.
- 6.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not within a documented area of significance to Māori and HNZPT have recommended proceeding on the basis of an ADP. The proposal has considered the principals of the Treaty of Waitangi and would not be contrary to these principals.
- 6.6. Overall, the application is assessed to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.

## 7. Conclusion

- 7.1. The Applicant is seeking to construct a swimming pool, associated decking and fencing within the site.
- 7.2. The site is zoned Coastal Living within the ODP and Rural Settlement within the PDP as well as being within the Coastal Environment overlay. Low density residential activity is enabled by both zones, subject to avoiding and / or mitigating potential adverse effects on the natural character values of the site, including coastal character. The activity is Discretionary overall for matters relating to visual amenity and setback from boundaries. The proposed activity complies with all other ODP and PDP (with current legal effect) permitted standards.
- 7.3. An assessment of potential adverse effects on the environment concludes that the effects of the proposal will be no more than minor. The site is located within an area of mixed use, adjoining similar lifestyle properties. The surrounding environment of Opononi/Koutu has

significance to Māori given the history of the area, however the site is not located within such areas and given the conclusions within this report, the proposal is not considered to have any effects on such sites that would result in more than minor effects. Written approval has been received from the affected adjoining landowners for the setback infringements, such that no adverse effects on adjoining landowners are anticipated.

- 7.4. The relevant provisions of the ODP and PDP apply with greater weight given to the ODP in the absence of a Council decision on submissions and the resolution of any appeals. The proposed activity is consistent with the overall intent of the ODP CLZ which contemplates low density development where these are not detrimental to natural character.
- 7.5. It is considered appropriate to grant consent on a non-notified basis.

## 8. Limitations

- 8.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 8.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 8.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 8.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 261451  
**Land Registration District** North Auckland  
**Date Issued** 26 July 2006

**Prior References**  
NA1040/266

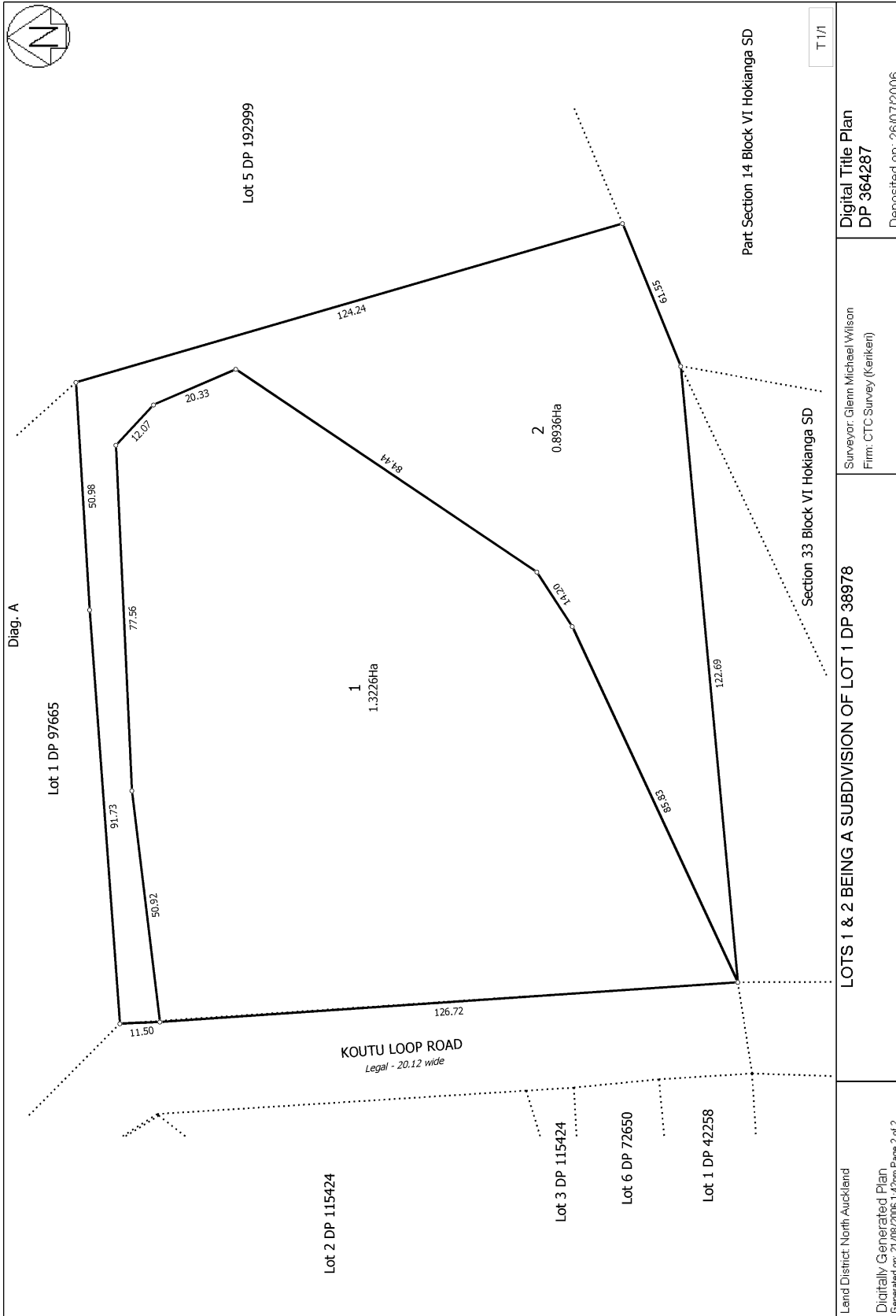
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**Estate** Fee Simple  
**Area** 1.3226 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 364287

**Registered Owners**  
Bronwyn Jacqueline Ataahua Wikaira and Maxwell Michael Newton Lloyd

---

**Interests**  
13406356.2 Mortgage to Bank of New Zealand - 10.10.2025 at 12:38 pm



Digital Title Plan  
DP 364287  
Deposited on: 26/07/2006

Surveyor: Glenn Michael Wilson  
Firm: CTC Survey (Kerikeri)

LOTS 1 & 2 BEING A SUBDIVISION OF LOT 1 DP 36978

Land District: North Auckland  
Digitally Generated Plan  
Generated on: 21/08/2006 1:42pm Page 2 of 2

## NOTICE OF WRITTEN APPROVAL

Written Approval of Affected Parties in accordance with Section 95E of the Resource Management Act

### PART A – To be completed by Applicant

Applicant/s Name:	Maxwell Michael Newton Llyodd and Bronwyn Jacqueline Ataahua Wikaira
Address of proposed activity:	629 Koutu Loop Road, Opononi
Legal description:	Lot 1 DP 364287
Description of the proposal (including why you need resource consent):	Proposal to construct a pool, pool fencing and deck on the site which infringes the permitted rules for visual amenity, setback and sunlight within the Coastal Living Zone under the Operative District Plan. The pool fencing will be located 1 metre from the south-eastern boundary with the pool being 3 metres from the same boundary, which adjoins Lot 2 DP 364287.
Details of the application are given in the attached documents & plans (list what documents & plans have been provided to the party being asked to provide written approval):	<ol style="list-style-type: none"> <li>1. Plan Set</li> <li>2. Proposed fencing sheet</li> <li>3. _____</li> <li>4. _____</li> <li>5. _____</li> <li>6. _____</li> </ol>

#### Notes to Applicant:

1. Written approval must be obtained from all registered owners and occupiers.
2. The **original copy** of this signed form and **signed plans and accompanying documents** must be supplied to the Far North District Council.
3. The amount and type of information provided to the party from whom you seek written approval should be sufficient to give them a full understanding of your proposal, its effects and why resource consent is needed.

**PART B – To be completed by Parties giving approval**

**Notes to the party giving written approval:**

1. If the owner and the occupier of your property are different people then separate written approvals are required from each.
2. You should only sign in the place provided on this form and accompanying plans and documents if you **fully understand** the proposal and if you **support** or have **no opposition** to the proposal. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.
3. Please note that when you give your written approval to an application, council cannot take into consideration any actual or potential effects of the proposed activity on you unless you formally withdraw your written approval **before** a decision has been made as to whether the application is to be notified or not. After that time you can no longer withdraw your written approval.
4. Please sign and date all associated plans and documentation as referenced overleaf and return with this form.
5. If you have any concerns about giving your written approval or need help understanding this process, please feel free to contact the duty planner on 0800 920 029 or (09) 401 5200.

Full name/s of party giving approval:

Address of affected property including legal description:

Contact Phone Number/s and email address: Daytime:  email:

I am/we are the OWNER(S) / OCCUPIER(S) of the property (circle which is applicable)

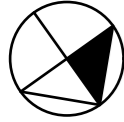
*Please note: in most instances the approval of all the legal owners and the occupiers of the affected property will be necessary.*

1. I/We have been provided with the details concerning the application submitted to Council and understand the proposal and aspects of non-compliance with the Operative District Plan.
2. I/We have signed each page of the plans and documentation in respect of this proposal (these need to accompany this form).
3. I/We understand and accept that once I/we give my/our approval the Consent Authority (Council) cannot take account of any actual or potential effect of the activity and/or proposal upon me/us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Consent Authority may refuse to grant the application.
4. I/We understand that at any time before the notification decision is made on the application, I/we may give notice in writing to Council that this approval is withdrawn.

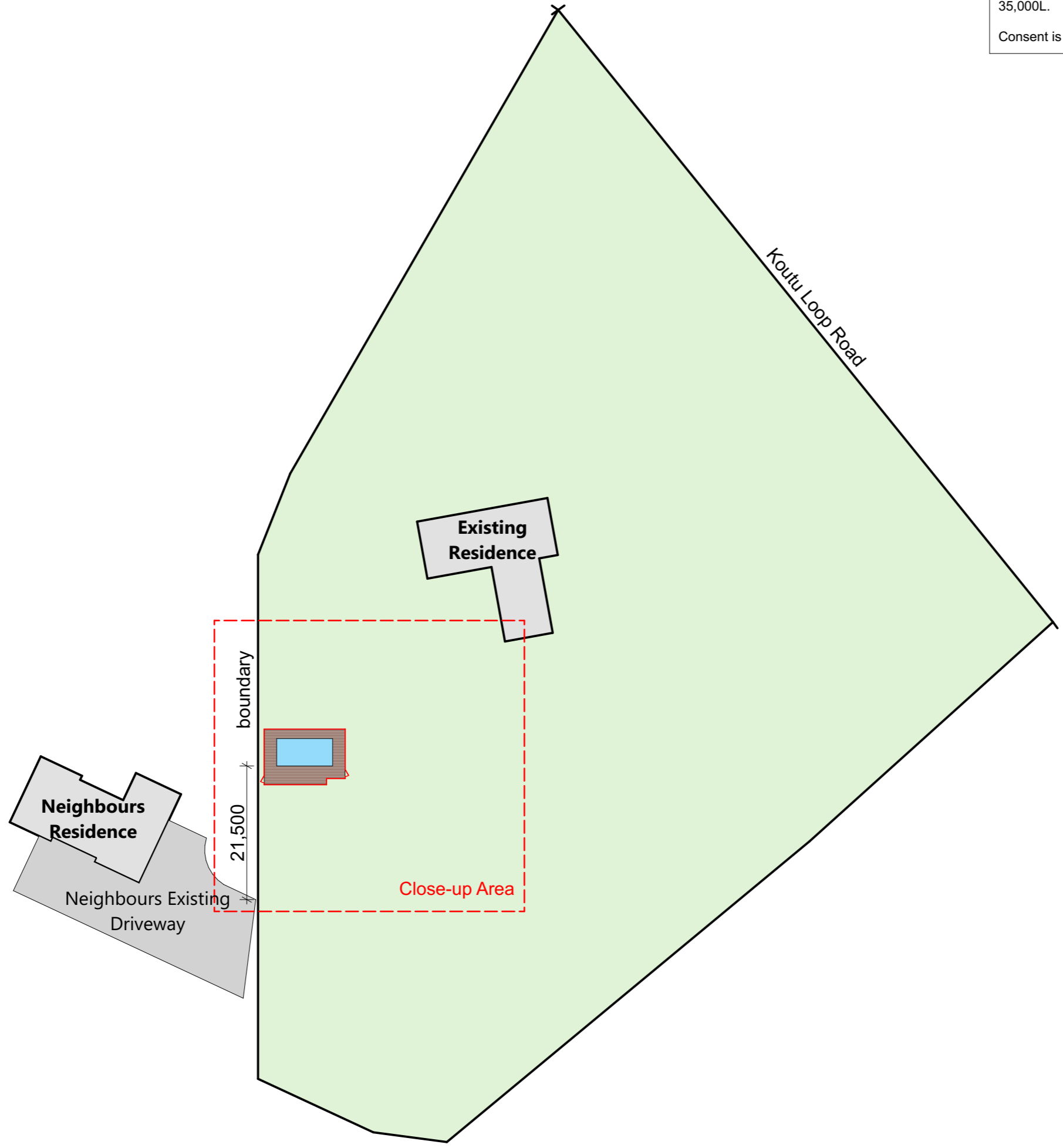
Signature	<input type="text" value="Shane Michael Lloyd"/>	Date	<input type="text" value="26/6/2026"/>
Signature	<input type="text"/>	Date	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>

Address:  
629 Koutu Loop Road, Opononi, Northland 0473

Lot 1 DP 364287



**Note:**  
Concrete pool capacity is greater than 35,000L.  
Consent is for **Pool & Pool Fencing**



**DRAFT**

Location Plan



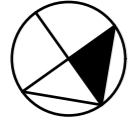
Location Plan

Address:  
629 Koutu Loop Road, Opononi, Northland 0473

Lot 1 DP 364287

Site Area: 13226m<sup>2</sup>

Wind: High  
Earthquake: 1  
Corrosion: D



Legend:  
F1: Aluminium pool fence - 1.2m high

**Note:**  
Concrete pool capacity is greater than 35,000L.  
Consent is for **Pool & Pool Fencing**



Pool Plan  
scale 1:200

**DRAFT**



Location Plan

## Alex Billot

---

**From:** Stuart Bracey <SBracey@heritage.org.nz>  
**Sent:** Thursday, 25 June 2026 11:07 am  
**To:** Alex Billot  
**Cc:** Rochelle  
**Subject:** RE: Proposed swimming pool - 625 Koutu Loop Road, Opononi

Hi Alex,

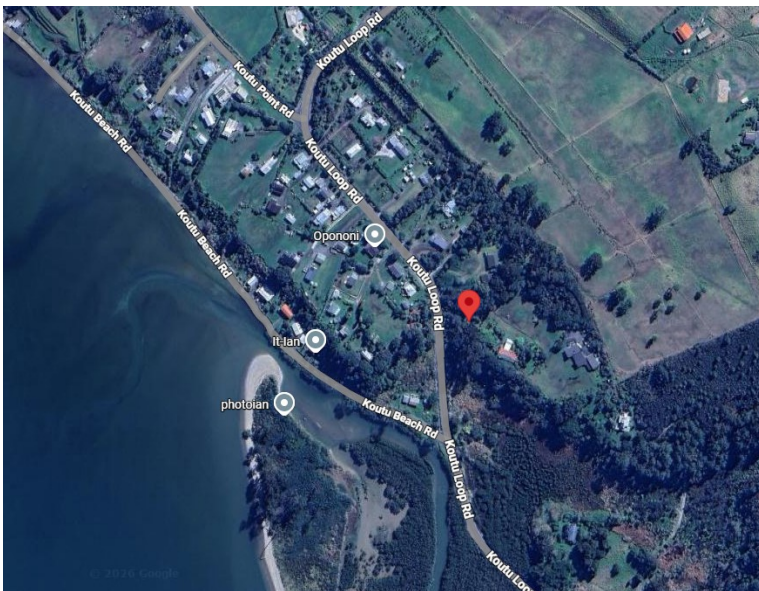
I confirm HNZPT has looked at this swimming pool development proposal (I note the Hokianga harbour is just down from the site if one wants to swim?). HNZPT advises it has no significant concerns with this proposal in this situation based on the following;

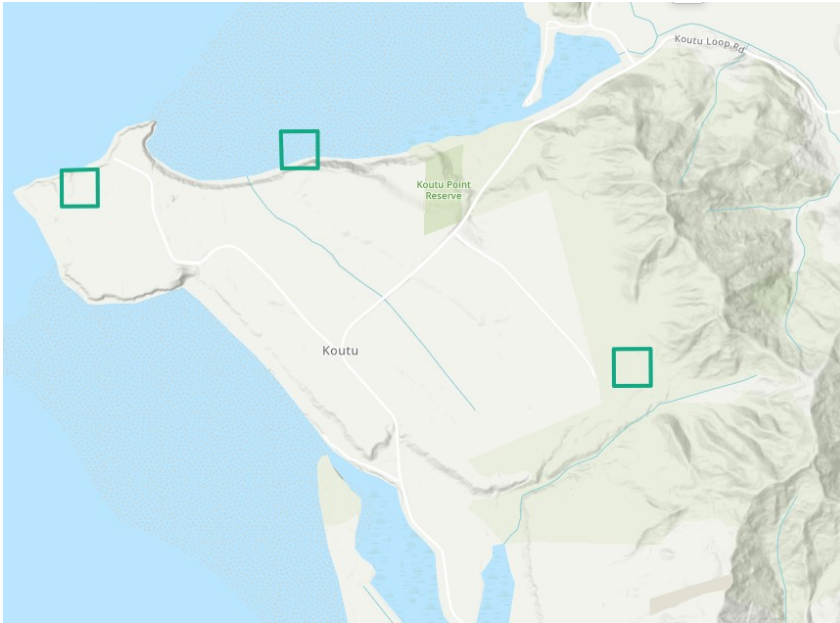
- The current residential development of the site.
- The lack of recorded archaeological sites in the immediate location

HNZPT advises that an ADP approach would be appropriate in this situation.

Thanks for engaging early in the RMA process on this proposal.

Cheers,  
Stuart





**Stuart Bracey | Kaiwhakamāhere | Heritage Planner | Northern Region | Heritage New Zealand Pouhere Taonga | L10 SAP**  
Tower 151 Queen Street Auckland CBD | Private Box 105 291 Auckland City 1143 | mobile 027 684 0833 | visit  
[www.heritage.org.nz](http://www.heritage.org.nz) and learn more about NZ's heritage places.

***Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei – Honouring the past; Inspiring the future***

This communication may be a privileged communication. If you are not the intended recipient, then you are not authorised to retain, copy or distribute it. Please notify the sender and delete the message in its entirety.

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**From:** Alex Billot <Alex@northplanner.co.nz>  
**Sent:** Thursday, 25 June 2026 10:43 am  
**To:** Stuart Bracey <SBracey@heritage.org.nz>  
**Cc:** Rochelle <rochelle@northplanner.co.nz>  
**Subject:** Proposed swimming pool - 625 Koutu Loop Road, Opononi

Hi Stu,

I believe Rochelle has mentioned this one to you – our client is proposing to construct a swimming pool at their property at 625 Koutu Loop Road, Opononi. The Plan Set is attached for your reference.

Resource consent is triggered for infringements of visual amenity, setback and sunlight within the Coastal Living Zone under the Operative District Plan (ODP).  
Building Consent has been lodged under EBC-2026-923/0.

Could you please review the proposal and advise of any comments HNZPT may have?

Let me know if you need any further information.

Thanks.

Kind regards,



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

**Alex Billot**

Resource Planner

Offices in Kaitaia & Kerikeri

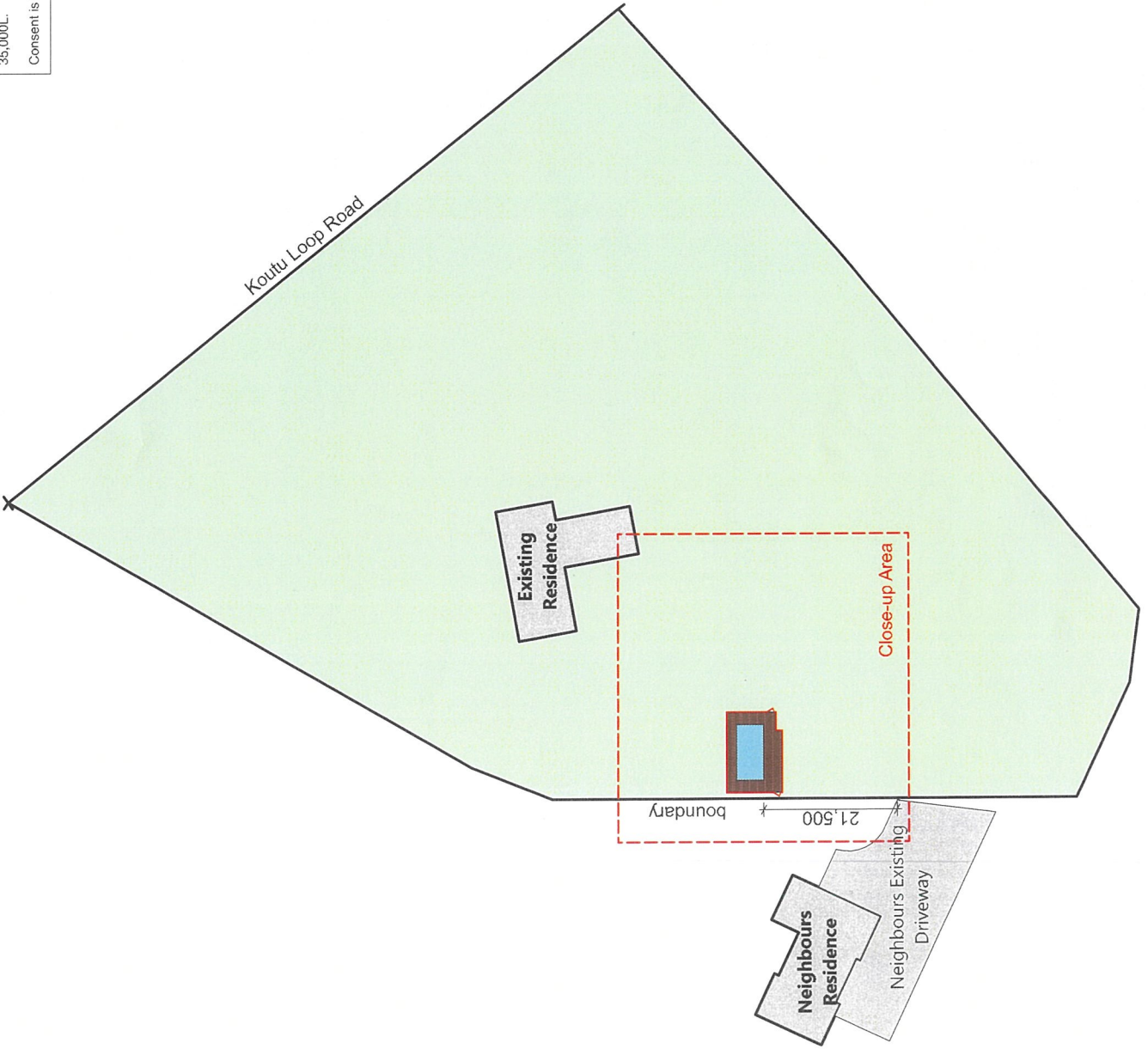
☎ 09 408 1866

Northland Planning & Development 2020  
Limited

Address:  
629 Koutu Loop Road, Opononi, Northland 0473  
Lot 1 DP 364287



**Note:**  
Concrete pool capacity is greater than  
35,000L.  
Consent is for Pool & Pool Fencing



**DRAFT**

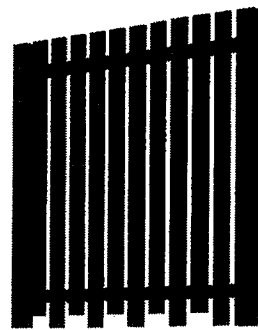


Location Plan

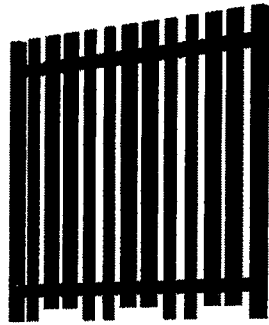
Rev A



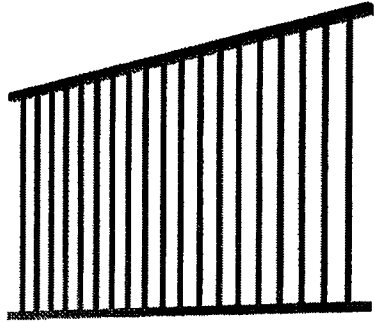
Balustrade Barrier Pedestrian Gate



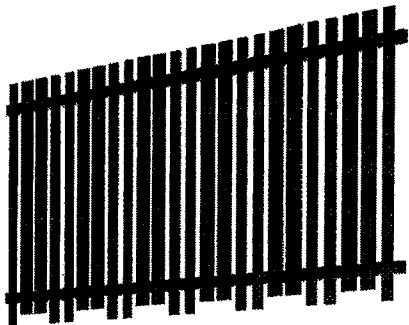
Belle Adjustable Gate



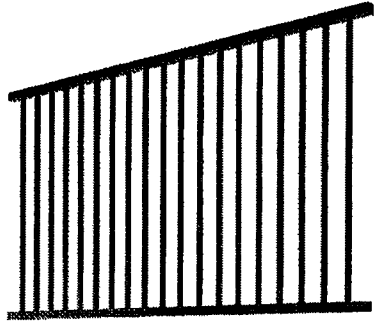
Bode Adjustable Gate



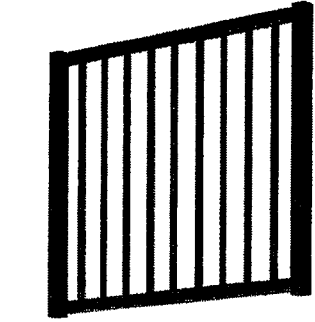
Belle Fence Panel



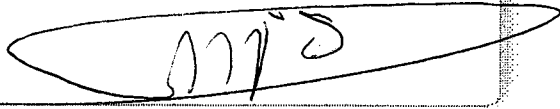
Bode Fence Panel



Delta Fence Panel



Delta Adjustable Gate



## Rochelle

---

**From:** Splashdown Pools <splashdownpools26@gmail.com>  
**Sent:** Friday, 26 June 2026 4:36 pm  
**To:** Rochelle  
**Subject:** Fwd: Written Approval Form and plans

Approval from Shane

----- Forwarded message -----

**From:** Shane LLOYDD <[shane@thesandshotel.co.nz](mailto:shane@thesandshotel.co.nz)>  
**Date:** Fri, Jun 26, 2026 at 4:28 PM  
**Subject:** Re: Written Approval Form and plans  
**To:** Splashdown Pools <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>

---

**From:** Shane LLOYDD <[shane@thesandshotel.co.nz](mailto:shane@thesandshotel.co.nz)>  
**Sent:** Friday, June 26, 2026 12:58 PM  
**To:** Splashdown Pools <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>  
**Subject:** Re: Written Approval Form and plans

Kia ora Peter,

Graham and Pip have both provided their approval for me, Shane Lloyd, to sign the written approval documentation on their behalf.

Please let me know if you require anything further.

Ngā mihi,  
Shane

---

**From:** Shane LLOYDD <[shane@thesandshotel.co.nz](mailto:shane@thesandshotel.co.nz)>  
**Sent:** Friday, June 26, 2026 11:43 AM  
**To:** Splashdown Pools <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>  
**Subject:** Re: Written Approval Form and plans

---

**From:** Shane LLOYDD <[shane@thesandshotel.co.nz](mailto:shane@thesandshotel.co.nz)>  
**Sent:** Friday, June 26, 2026 11:29 AM  
**To:** Splashdown Pools <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>  
**Subject:** Re: Written Approval Form and plans

Kia ora Peter

Please find attached

---

**From:** Splashdown Pools <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>  
**Sent:** Thursday, June 25, 2026 5:19 PM  
**To:** Shane LLOYDD <[Shane@thesandshotel.co.nz](mailto:Shane@thesandshotel.co.nz)>  
**Subject:** Fwd: Written Approval Form and plans

Hi Shane

Please find attached the Resource Consent Application from Northland Planning. Could you please fill the forms out and send them back.

Kind regards

Pete

----- Forwarded message -----

**From:** Peter Swinburne <[peterswinburne@gmail.com](mailto:peterswinburne@gmail.com)>  
**Date:** Thu, Jun 25, 2026 at 5:13 PM  
**Subject:** Fwd: Written Approval Form and plans  
**To:** [splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com) <[splashdownpools26@gmail.com](mailto:splashdownpools26@gmail.com)>

----- Forwarded message -----

**From:** Rochelle <[rochelle@northplanner.co.nz](mailto:rochelle@northplanner.co.nz)>  
**Date:** Thu, Jun 25, 2026 at 11:34 AM  
**Subject:** Written Approval Form and plans  
**To:** Peter Swinburne <[peterswinburne@gmail.com](mailto:peterswinburne@gmail.com)>

Good Morning Peter,

As discussed, can you please have the clients sign the application form attached. Its mostly filled in already. If they could check details and add in billing, contact details etc. that would be great.

For neighbours sign off, I've included BC plans and fence plans. Can they please initial all plans and email them back. Electronic signature is acceptable.

Am I right in saying that the fence colour will be back? Just wanting to double check what I'm writing is correct.

Home > All products > Aluminium > Delta



Regards,



**Rochelle Jacobs**

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020 Limited

--

*Kind Regards*  
*Pete and Sue Swinburne*  
*Splashdown Pools*  
*09-9447700*  
[www.splashdownpools.co.nz](http://www.splashdownpools.co.nz)

--

*Kind Regards*  
*Pete and Sue Swinburne*  
*Splashdown Pools*  
*09-9447700*  
[www.splashdownpools.co.nz](http://www.splashdownpools.co.nz)

15 June 2026

Maxwell Michael Newton Lloyd and Bronwyn Jacqueline Ataahua Wikaira  
625 Koutu Loop Road  
RD 3  
Kaikohe  
0473

Tēnā koe,

**Building consent number:** EBC-2026-923/0  
**Property ID:** 3349277  
**Address:** 629 Koutu Loop Road, Whirinaki 0400  
**Description:** Installation of pool and pool fence

### Requirement for Resource Consent

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

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

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

<b>Rule:</b>	10.7.5.1.1 VISUAL AMENITY (a) any new building(s), provided that the gross floor area of any new building(s) permitted under this rule does not exceed 50m <sup>2</sup>
<b>Reason:</b>	The proposed pool requires a building consent therefore under the Operative District Plan, is defined as a building. The plans demonstrate the proposed pool area is 52.8m <sup>2</sup> which exceeds the 50m <sup>2</sup> permitted threshold.

<b>Rule:</b>	10.7.5.1.5 SUNLIGHT
<b>Reason:</b>	The plans appear to show the proposed pool fence is to be installed on the free-draining deck not part of consented plans, and, located within 1.3m of the nearest boundary. Please advise the maximum height from the ground to the top of the deck at the nearest point from the boundary to enable compliance to be assessed.

<b>Rule:</b>	10.7.5.1.7 SETBACK FROM BOUNDARIES
<b>Reason:</b>	Plans show the proposed pool and pool fence located within 10m of a boundary.

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

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

If you have any queries, please contact the Duty Planner on [Duty.Planner@fndc.govt.nz](mailto:Duty.Planner@fndc.govt.nz) or 0800 920 029.

Nāku iti nei, nā



Lysigna mare

PIM Officer

**Delivery and Operations**

Emailed to: [saltyarchitecturenz@gmail.com](mailto:saltyarchitecturenz@gmail.com)

**FORM 4**  
**Certificate attached to**  
**PROJECT INFORMATION MEMORANDUM**

Section 37, Building Act 2004

**Building Consent Number: EBC-2026-923/0**

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

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

• **Resource Consent – REQUIRED**

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

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

Signature:



Trent Blakeman

Manager - Building Services –

Delivery and Operations

Position:

On behalf of:

Far North District Council (Building Consent Authority)

Date:

15 June 2026

**Operative Far North District Plan – Objectives and Policies**

<b>Coastal Environment</b>	
<b>Objectives</b>	
10.3.1	<i>To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.</i>
10.3.2	<i>To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:</i> <i>(a) the natural character of the coastline and coastal environment;</i> <i>(b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;</i> <i>(c) outstanding landscapes and natural features;</i> <i>(d) the open space and amenity values of the coastal environment;</i> <i>(e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).</i>
10.3.3	<i>To engage effectively with Maori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.</i>
10.3.4	<i>To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.</i>
10.3.5	<i>To secure future public access to and along the coast, lakes and rivers (including access for Maori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.</i>
10.3.6	<i>To minimise adverse effects from activities in the coastal environment that cross the coastal marine area boundary.</i>
10.3.7	<i>To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.</i>

10.3.8	<i>To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.</i>
10.3.9	<i>To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.</i>
<b>Policies</b>	
10.4.1	<p><i>That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:</i></p> <ul style="list-style-type: none"> <li><i>(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and</i></li> <li><i>(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and</i></li> <li><i>(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and</i></li> <li><i>(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and</i></li> <li><i>(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</i></li> <li><i>(f) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and</i></li> <li><i>(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and</i></li> </ul>

	<i>(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.</i>
10.4.2	<i>That sprawling or sporadic subdivision and development in the coastal environment be avoided through the consolidation of subdivision and development as far as practicable, within or adjoining built up areas, to the extent that this is consistent with the other objectives and policies of the Plan.</i>
10.4.3	<i>That the ecological values of significant coastal indigenous vegetation and significant habitats are maintained in any subdivision, use or development in the coastal environment.</i>
10.4.4	<i>That public access to and along the coast be provided, where it is compatible with the preservation of the natural character and amenity, cultural, heritage and spiritual values of the coastal environment, and avoids adverse effects in erosion prone areas.</i>
10.4.5	<i>That access by tangata whenua to ancestral lands, sites of significance to Maori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".</i>
10.4.6	<i>That activities and innovative development including subdivision, which provide superior outcomes and which permanently protect, rehabilitate and/or enhance the natural character of the coastal environment, particularly through the establishment and ongoing management of indigenous coastal vegetation and habitats, will be encouraged by the Council.</i>
10.4.7	<i>To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:</i> <i>(a) parking;</i> <i>(b) rubbish disposal;</i> <i>(c) waste disposal;</i> <i>(d) dinghy racks.</i>

10.4.8	That development avoids, remedies or mitigates adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
10.4.9	<i>That development avoids, where practicable, areas where natural hazards could adversely affect that development and/or could pose a risk to the health and safety of people.</i>
10.4.10	<i>To take into account the need for a year-round water supply, whether this involves reticulation or on-site storage, when considering applications for subdivision, use and development.</i>
10.4.11	<i>To promote land use practices that minimise erosion and sediment run-off, and storm water and waste water from catchments that have the potential to enter the coastal marine area.</i>
10.4.12	<p><i>That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:</i></p> <ul style="list-style-type: none"> <li><i>(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;</i></li> <li><i>(b) the number of buildings and intensity of development;</i></li> <li><i>(c) the colour and reflectivity of buildings;</i></li> <li><i>(d) the landscaping (including planting) of the site;</i></li> <li><i>(e) the location and design of vehicle access, manoeuvring and parking areas</i></li> </ul>

<b>Coastal Living Zone</b>	
<b>Objectives</b>	
10.7.3.1	<i>To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.</i>
10.7.3.2	<i>To preserve the overall natural character of the coastal environment by providing for an appropriate level of subdivision and development in this zone.</i>
<b>Policies</b>	
10.7.4.1	<i>That the adverse effects of subdivision, use, and development on the coastal environment are avoided, remedied or mitigated.</i>
10.7.4.2	<i>That standards be set to ensure that subdivision, use or development provides adequate infrastructure and services and maintains and enhances amenity values and the quality of the environment.</i>
10.7.4.3	<p><i>Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:</i></p> <ul style="list-style-type: none"> <li><i>(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;</i></li> <li><i>(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;</i></li> <li><i>(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;</i></li> <li><i>(d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District (refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)");</i></li> <li><i>(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;</i></li> <li><i>(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.</i></li> </ul>

**Proposed District Plan**

<b>Part 3 – Rural Settlement Zone</b>	
Objectives	
RSZ-O1	<i>Rural and coastal settlements are used predominantly for <a href="#">residential activities</a> and are sustained by a range of compatible activities and services</i>
RSZ-O2	<i>Land use and <a href="#">subdivision</a> is of a scale and intensity that is in keeping with the rural or coastal character and amenity values of each settlement</i>
RSZ-O3	<i>Land use and subdivision in the Settlement zone is appropriate for the physical and environmental attributes of the site and any infrastructure constraints.</i>
RSZ-O4	<i>Land use and subdivision in the Settlement zone is managed to control any reverse sensitivity issues that may occur within the zone or at the zone interface.</i>
Policies	
RSZ-P1	<i>Enable residential and complementary non-residential activities that support the role and function of the Settlement zone</i>
RSZ-P2	<i>Require land use and <a href="#">subdivision</a> in the Settlement zone associated with non-residential activities to demonstrate the ability to provide for onsite <a href="#">infrastructure</a> unless a reticulated service is available</i>
RSZ-P3	<i>Enable non-residential activities in the Settlement zone that:</i> <ul style="list-style-type: none"> <li><i>a. are of a scale, intensity and character that compliments the <a href="#">residential activities</a> and amenity values in the settlement;</i></li> <li><i>b. support the social and economic well-being of the community;</i></li> <li><i>c. do not adversely affect the viability and vitality of nearby urban centers; and</i></li> <li><i>d. demonstrate the ability to provide for onsite <a href="#">infrastructure</a>.</i></li> </ul>
RSZ-P4	<i>Avoid land use and development in the Settlement zone that results in reverse sensitivity effects either within the zone or on activities adjacent zones.</i>
RSZ-P5	<i>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Settlement Zone:</i>

	<ul style="list-style-type: none"> <li>a. the scale, character and amenity values of the settlement, in particular impacts on existing <u>residential activities</u>;</li> <li>b. siting and design;</li> <li>c. cultural and social well-being, including health and safety;</li> <li>d. potential reverse sensitivity <u>effects</u> both within the settlement and on adjacent zones and the rail designation boundary;</li> <li>e. its location within or adjoining to the settlement; and</li> <li>f. the vitality and viability of nearby urban environments.</li> <li>g. the capacity of the <u>site</u> to cater for on-site <u>infrastructure</u> associated with the proposed activity;</li> <li>h. the adequacy of roading <u>infrastructure</u> to service the proposed activity;</li> <li>i. managing <u>natural hazards</u>;</li> <li>j. any adverse <u>effects</u> on areas with <u>historic heritage</u> and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and</li> <li>k. any historical, spiritual, or cultural association held by <u>tangata whenua</u>, with regard to the matters set out in Policy TW-P6.</li> </ul>
<b>Part 2 – Coastal Environment</b>	
Objectives	
CE-O1	<i>The natural character of the <u>coastal environment</u> preserved and protected from inappropriate land use and subdivision.</i>
CE-O2	<p><i>Land use and <u>subdivision</u> in the <u>coastal environment</u>:</i></p> <ul style="list-style-type: none"> <li>a. <i>is undertaken in an integrated and coordinated manner;</i></li> <li>b. <i>is compatible with the surrounding land use;</i></li> <li>c. <i>does not result in urban sprawl occurring outside of existing urban areas;</i></li> <li>d. <i>promotes restoration and enhancement of the natural character of the <u>coastal environment</u>; and</i></li> <li>e. <i>recognises and provides for the relationship of <u>tangata whenua</u> with their ancestral lands in the coastal environment</i></li> </ul>
CE-O3	<i>Land use and subdivision in the coastal environment within urban areas is consolidated and provides for the social, economic and cultural well-being of people and communities within compromising other coastal environment values</i>

Policies	
CE-P1	<i>Identify the extent of the <a href="#">coastal environment</a> as well as areas of high and outstanding natural character using the assessment criteria in <a href="#">APP1- Mapping methods and criteria</a>.</i>
CE-P2	<i>Avoid adverse <a href="#">effects</a> of land use and <a href="#">subdivision</a> on the characteristics, qualities and values that make an area an outstanding natural character are in the <a href="#">coastal environment</a></i>
CE-P3	<i>Avoid significant adverse <a href="#">effects</a> and avoid, remedy or mitigate other adverse <a href="#">effects</a> of land use and <a href="#">subdivision</a> on the characteristics, qualities and values of natural character areas and natural features and landscapes in the <a href="#">coastal environment</a> not identified as an:</i> <ol style="list-style-type: none"> <li data-bbox="495 533 976 564">a. <i>Outstanding natural character area;</i></li> <li data-bbox="495 572 636 604">b. <i><a href="#">ONL</a>; or</i></li> <li data-bbox="495 612 602 644">c. <i><a href="#">ONF</a>.</i></li> </ol>
CE-P4	<i>Preserve the visual qualities, character and integrity of the coastal environment by:</i> <ol style="list-style-type: none"> <li data-bbox="495 740 1682 772">a. <i>consolidating land use and subdivision around existing urban centres and rural settlements; and</i></li> <li data-bbox="495 780 1469 812">b. <i>avoiding sprawl or sporadic patterns of development in the rural environment.</i></li> </ol>
CE-P5	<i>Enable land use and <a href="#">subdivision</a> in urban areas within the <a href="#">coastal environment</a> by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural well-being of people and communities.</i>
CE-P6	<i>Provide for farming activities within the coastal environment by:</i> <ol style="list-style-type: none"> <li data-bbox="495 949 2018 1023">a. <i>recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and</i></li> <li data-bbox="495 1031 1845 1062">b. <i>only allowing new farming activities outside outstanding and high natural character areas where appropriate.</i></li> </ol>
CE-P7	<i>Enable the use and development of Māori Purpose zoned land and Treaty Settlement land in the coastal environment by recognising that adverse effects on natural character may be acceptable to support the social, economic and cultural wellbeing of tangata whenua.</i>
CE-P8	<i>Encourage the restoration and enhancement of the natural character of the <a href="#">coastal environment</a>.</i>
CE-P9	<i>Deleted.</i>
CE-P10	<i>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the coastal environment:</i>

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|  | <ul style="list-style-type: none"><li>a. <i>the presence or absence of buildings, structures or infrastructure;</i></li><li>b. <i>the temporary or permanent nature of any adverse effects, including any cumulative effects;</i></li><li>c. <i>the location, scale and design of any proposed development;</i></li><li>d. <i>any means of integrating the building, structure or activity into the wider landscape;</i></li><li>e. <i>the ability of the environment to absorb change;</i></li><li>f. <i>the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures;</i></li><li>g. <i>the operational or functional need of any infrastructure to be sited in the particular location;</i></li><li>h. <i>any viable alternative locations or methods for the activity or development where significant adverse effects may arise;</i></li><li>i. <i>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</i></li><li>j. <i>the likelihood of the activity exacerbating natural hazards;</i></li><li>k. <i>the opportunity to enhance public access and recreation;</i></li><li>l. <i>potential effects of land use and subdivision on the coastal marine area and the overall quality of coastal waters;</i></li><li>m. <i>any positive contribution the development has on the characteristics and qualities, including restoration and enhancement;</i></li><li>n. <i>the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;</i></li><li>o. <i>the extent to which the land use and subdivision complements activities in the coastal marine area; and</i></li><li>p. <i>whether the activity is on a previously approved building platform.</i></li></ul> |
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