

Application for change or cancellation of resource consent condition (S.127)

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) 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

If yes, who have you spoken with? _____

2. Type of Consent being applied for

☒ Change of conditions (s.127)

3. 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

4. Applicant Details:

Name/s:

Whyte Pastoral Ltd

Email:

Phone number:

Postal address:

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

Office Use Only
Application Number:

5. Address for Correspondence

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

Name/s:

Cato Bolam Consultants Ltd

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.

6. Details of Property Owner/s and Occupier/s

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

Name/s:

**Property Address/
Location:**

Postcode

7. Application Site Details

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

Name/s:

Whyte Pastoral Ltd

**Site Address/
Location:**

402c State Highway 10, Kaeo

Postcode

Legal Description:

Lot 1 DP 137855

Val Number:

Certificate of title:

Please see attached

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

7. Application Site Details (continued)

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 note this is a Bull Farm. Please keep gates as found.

8. Detailed description of the proposal:

This application relates to the following resource consent: 2220580-RMAVAR/A

Specific conditions to which this application relates:

Please see attached AEE

Describe the proposed changes:

Please see attached AEE

9. Would you like to request Public Notification?

☐ Yes ☒ No

10. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

11. 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 (including consultation from iwi/hapū).

Your AEE is attached to this application ☒ Yes

12. Draft Conditions:

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

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No

13. Billing Details:

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

Name/s: (please write in full) Whyte Pastoral Ltd - C/- Stuart Whyte

Email:

Phone number:

Postal address:

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

Fees Information:

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

Declaration concerning Payment of Fees:

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

Name: (please write in full)

Stuart Whyte

Signature: (signature of bill payer)

Date 14-Aug-2026

14. Important Information:

Note to applicant

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

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

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive

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

Declaration

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

Name: (please write in full)

AM Jelavich

Signature:

Date 14/8/2026

Checklist (please tick if information is provided)

- ☐ Payment (cheques payable to Far North District Council)
- ☐ Details of your consultation with Iwi and hapū
- ☐ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☐ Applicant / Agent / Property Owner / Bill Payer details provided
- ☐ Location of property and description of proposal
- ☐ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☐ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☐ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☐ Topographical / contour plans

Please refer to chapter 4 (Standard Provisions) of the Operative District Plan for details of the information that must be provided with an application. This contains more helpful hints as to what information needs to be shown on plans.



Whyte Pastoral Ltd
402c State Highway 10, Kaeo

S127 Application for Variation
to Resource Consent 2220580-RMAVAR/A

PLANNERS | SURVEYORS | ENGINEERS | ARCHITECTS | ENVIRONMENTAL

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Document Record

Client	Whyte Pastoral Ltd
Site Address	402c State Highway 10, Kaeo
Job Number	49843
Document RMAVAR/A	S127 Application for Variation to Resource Consent 2220580-
Document No	49843-RP-PLN-PL01 s127Application

Issue and Status

Date of Issue	14/08/2026
Status	For Resource Consent

Author



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Reviewer



Kaaren Joubert – Planning Manager

Approved for Issue



Simon Reiher – Director

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1.0 Property / Application Details

Site Address:	State Highway 10, Kaeo
Legal Description:	Lot 1 DP 137855
Site Area:	68.1825 hectares
Operative Plans Applying:	Operative Far North District Plan 2009
Zoning:	General Coastal and Rural Production
Overlays:	N/A
Proposed Plans / Plan Changes Applying:	Proposed Far North District Plan
Zoning:	Rural Production
Overlays:	Coastal Environment
Northland Regional Council Natural Hazards:	A small area of the site close to SH10 is identified as Flood Susceptible, small areas of the site adjacent to the Coastal Marine Area are identified as a Coastal Flood Hazard Zone and small discrete areas are identified as River Flood Hazards Zone,
Other Applications Required:	None

2.0 Introduction

This document is an Assessment of Environmental Effects (“**AEE**”) prepared in accordance with the requirements of Section 88 of the Resource Management Act 1991 (“**RMA**”) and the Fourth Schedule to the RMA. All matters required to be addressed under the RMA are set out in this AEE.

2.1 Proposal in Brief

The applicant (“**Whyte Pastoral Limited**”) seeks consent to vary several conditions of Resource Consent 2220580-RMAVAR/A pursuant to s127 of the RMA to allow for a different subdivision layout to that previously approved. The approved layout has farm tracks through the centre of the rural residential lots and leaves the balance farm lot an undesirable shape. The proposed layout changes the size and boundaries of all the lots to create a more functional layout; no additional allotments are being created.

2.2 Scope of this Report

This AEE is for a change to conditions pursuant to s127 of the RMA and is regarded as a Discretionary activity. The information provided in this AEE is considered commensurate with the scale and intensity of changes for which consent is being sought.

2.3 Main Issues Raised by the Proposal

The proposed changes do not seek to increase the number of lots to be created and instead seek to change the lot layout to better reflect the use of the farm; the proposal is within the scope of Section 127 of the Act.

3.0 The Site and Background

3.1 The Site

The application site is Lot 1 DP 137855, State Highway 10, Whangaroa and has an area of 68.1825 hectares. It is approximately 4.5km to the north of Kaeo and 3.5km to the south of Whangaroa. The site is accessed via an existing farm vehicle track off SH10. It encompasses the headland point, which is covered in indigenous vegetation, and an area of grazed farmland. The site has expansive views out across a large mangrove forest which is part of the Kaeo River.

Refer to **Figure 1** below:

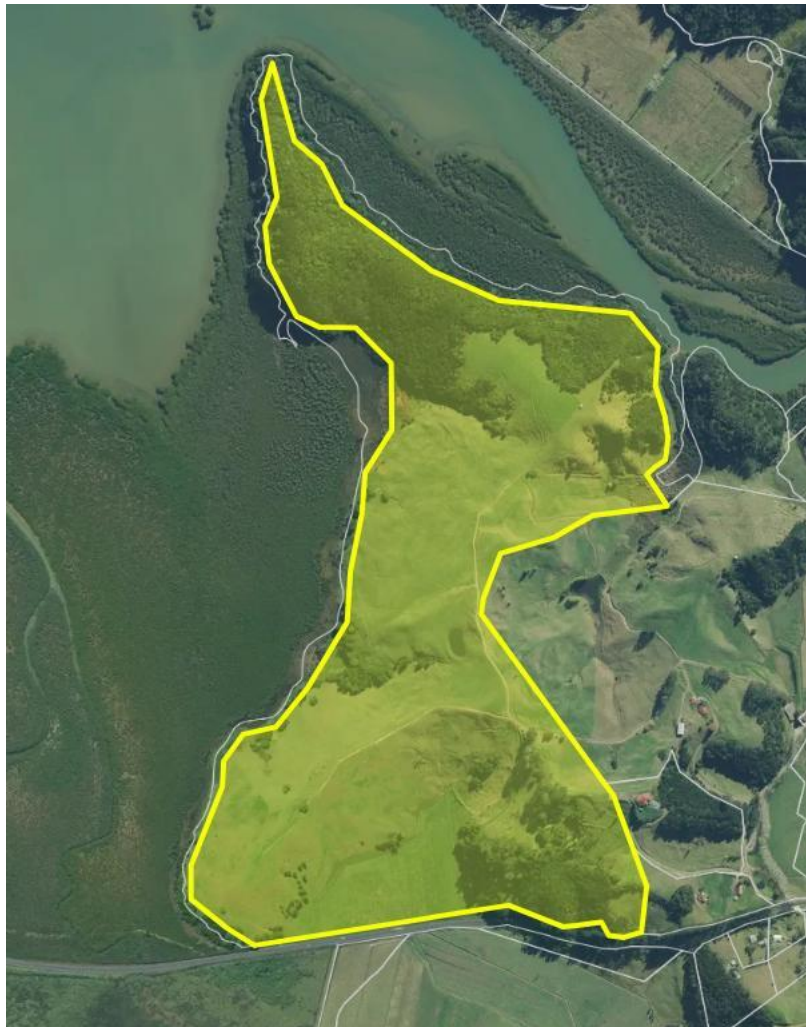


Figure 1 – Aerial Photograph of Subject Site

The site does not contain highly productive land as can be seen in **Figure 2** below:

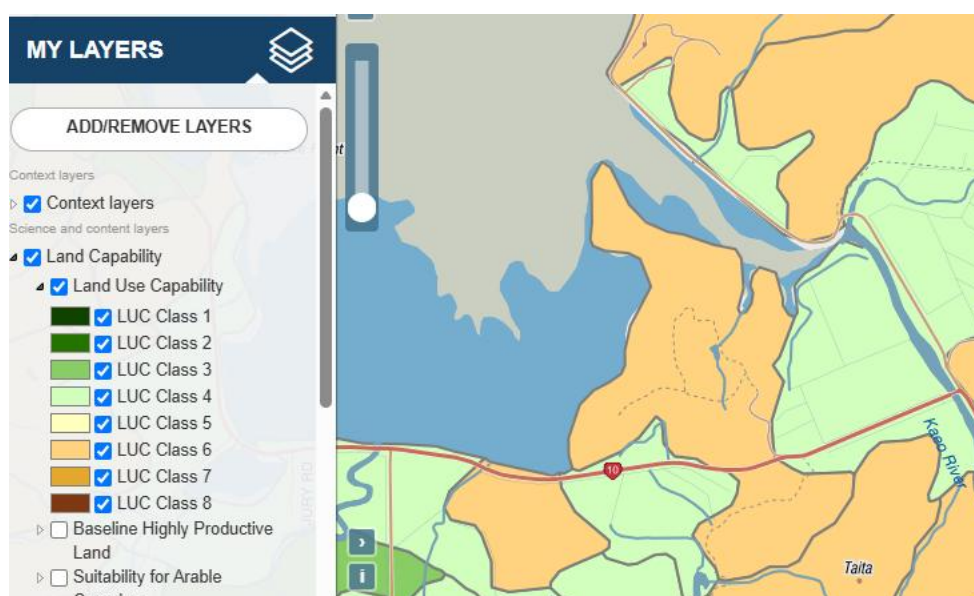


Figure 2 – Landuse Capability Map

3.2 Record of Title

It is held in Record of Title NA81C/773 and is subject to the following instrument:

- C351317.1 Gazette Notice (N Z Gazette 31.10.1991 page 3545) acquiring parts (2170 square metres) for road which pursuant to Section 60(2) Transit New Zealand Act 1989 forms part of State Highway No. 10 and vesting the same in the Crown - 28.2.1992 at 1.42 pm

Copies of the Record of Title are included in **Appendix A**.

3.3 Background

The previous resource consents issued on the site are identified in **Figure 3** below:

Resource Consents		Includes Certificates, Notices and Orders where available.
17-Nov-2023	2240137-RMALUC	Land Use Consent for breaches of rules 15.1.6C.1.1(a) – Construction of Private Accessways and 15.1.6C.1.3 (a) and (b) – Passing Bays on Private Accessways in the General Coastal Zone.
20-Nov-2023	2220580-RMAVAR/A	Variation to conditions of RC 2220580.
20-Dec-2022	2220580-RMASUB	Proposed subdivision of Lot 1 DP 137855 to create 4 additional Lots in the Rural Production and General Coastal Zone as a Restricted Discretionary Activity.
28-May-2010 30-Apr-2010 (Superseded)	2100413-RMASUB	Staged subdivision of Pt Nwaukukupa, Secs 19 25 28– ML 3312 Blk II Kaeo SD, Lots 3, 4 & 5 Lot 3 DP 32504, & Secs 1-4 SO 66131 created DP 487560.
16-Jul-1997	1970961-RMASUB	Proposed subdivision of Lot 1 DP 137855 into 13 allotments.
12-Dec-1989	8425-TCPSUB	Subdivision of Lot 1 and 2 Waikukupa DP 32504 created DP 137855.

Figure 3 – Resource consents issued on the site.

[illegible]

There was a subsequent s127 amendment to conditions of consent 2220580-RMAVAR/A approved on 20 November 2023.

This provided a variation to Conditions 1, 4(c) and 4(vii) of RC2220580-RMASUB including the addition of a new consent notice condition – a copy of the decision and approved plan is included in **Appendix B**. The change to Condition 1 was the reference to the survey plan, the change to condition 4(c) related to the specifications required for the ROW, the change to condition 4(vii) was the change to the consent notice relating to the colours and materials of future development and restricting this condition to the lots within the Rural Production zone (i.e. Lots 1-4) and the addition of a consent

notice condition was inserting specific landscaping controls for future buildings on Lot 5 located within the General Coastal zone. The approved scheme plan is shown in **Figure 5** below:

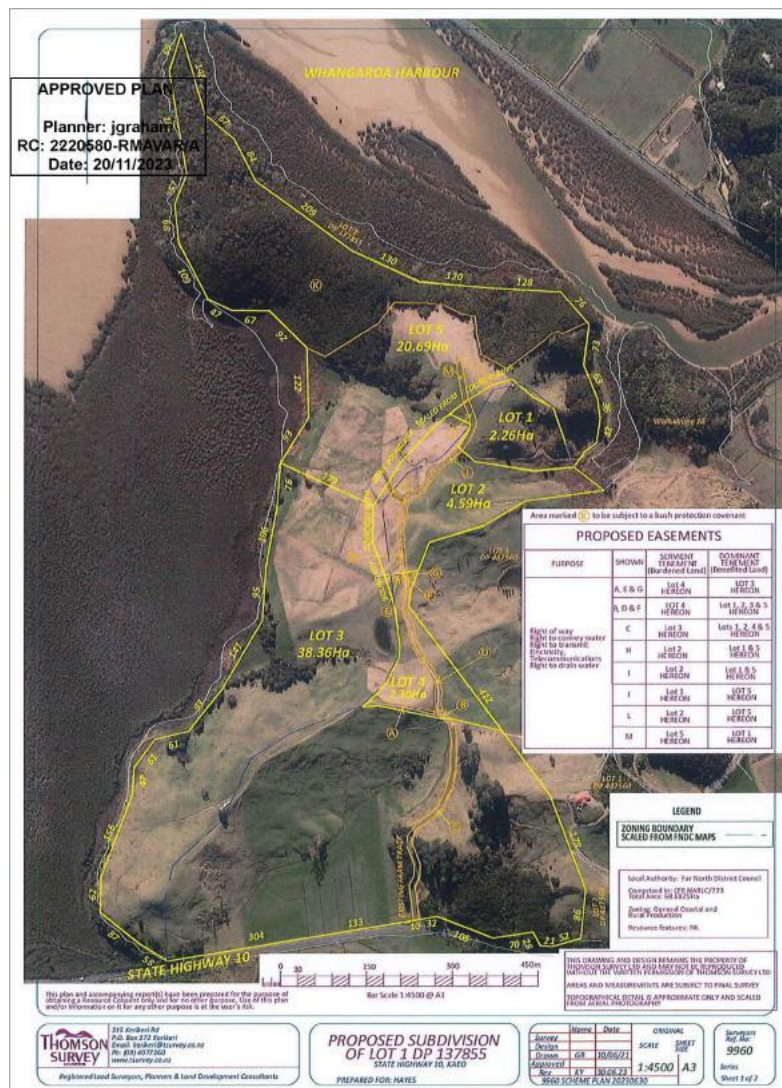


Figure 5 – Approved Scheme Plan for RC2220508-RMASUB

The change to the layout involved Lots 2 and 3 from the original scheme plan being merged and a new much smaller Lot 5 created, which encompassed the bushed headland and a small area of farmland at the northern end of the peninsula along with a slightly smaller balance lot (Lot 3).

A copy of the above decisions and approved plans are included in **Appendix B**.

4.0 Reasons for the Application

4.1 Section 127

Section 127 of the RMA enables the holder of a resource consent to apply to the consent authority for the change or cancellation of any condition of that consent (other than any condition on the duration of the consent). A variation under s127 of the RMA is not considered a new consent. The present right is defined by the original resource consent, which in this case is RC2220508A-RMASUB.

Subsection (3)(a) of s127 requires that a request to change or cancel of a condition is to be treated as a **Discretionary Activity** regardless of the original activity status of the application.

4.2 The Proposal

This application seeks consent to vary several conditions of Resource Consent 2220580-RMAVAR/A pursuant to s127 of the RMA to allow for a different subdivision layout to that previously approved. The approved layout has farm tracks through the centre of the rural residential lots to be created and leaves the balance farm lot an undesirable shape. The proposed layout changes the size and boundaries of all of the lots to create a more functional layout; no additional allotments are being created. Refer to proposed scheme plan in **Appendix C** and **Figure 6** below:



Figure 6 – Proposed Scheme Plan

The size of the lots to be created because of the amendment are similar to those previously approved in that there will be 3 rural residential lots and two balance lots with one around 19ha and the other around 40ha.

In terms of building platforms:

- Proposed Lot 1 (18.59ha) will continue to retain the potential building platform on the previous Lot 1 and will include the headland area with indigenous vegetation to be protected.

It encompasses the small headland, with the northwestern portion being densely vegetated in native forest. The eastern part of proposed Lot 1 is in pasture, and takes in the elevated knoll, where an existing farm barn is present.

- Proposed Lot 2 (3.71ha) will contain the potential building platform on the previous Lot 5. The land slopes moderately towards a narrow esplanade strip, and then into the Whangaroa Harbour. This part of the Harbour catchment is densely vegetated with mangrove forest.
- Proposed Lots 3 and 4 (2.4ha and 3.2ha) are new building platforms and will be located within the General Coastal zone rather than the Rural production zone. The land slopes moderately towards a narrow esplanade strip, and then into the Whangaroa Harbour. This part of the Harbour catchment is densely vegetated with mangrove forest.
- Proposed Lot 5 (40.0425ha) is the balance lot with various building platforms (previous Lot 3). It will encompass the balance of the existing farmland, which is mostly in pasture, with undulating topography, small ridge spurs, and lowland flats. An existing farm track which has access onto State Highway 10 travels up the southern facing slopes of Lot 5, to the main north-south ridgeline. This access track will be upgraded to provide the access to the proposed Lots.

The consent holder therefore proposes the following changes, which are marked up below:

Condition 1

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by ~~Thomson Survey~~ Cato Bolam Consultants, referenced ~~Proposed Subdivision of Lot 1 DP 137855 dated 05/06/2023~~ Lots 1-5 being a subdivision of Lot 1 DP 137855 dated 05/06/2026, Rev B and attached to this consent with the Council's "Approved Stamp" affixed to it.

Reason: A new layout is sought hence the condition needs to reference the proposed scheme plan.

Condition 4(c)

For ROW easement ~~C-A~~, provide the following as consented by RC2240137 RMLAUC:

- Section 1: from the entrance at State Highway 10, for a length of 62m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 2: for the next 80m, provide a 3.5m wide carriageway.
- Section 3: for the next 20m, provide a 5m wide carriageway. The existing batter is to be trimmed back to increase visibility and allow for suitable manoeuvring.
- Section 4: for the next 43m, a minimum 3m wide carriageway, with carriageway extended to 3.5m width with 0.25m wide shoulders on either side where possible.
- Section 5: for the next 64m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 6: for the remaining length, a 3m wide carriageway.

~~For ROW easements A, D, J, L & M to 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation of access within all easements A-M shall include table drains and low impact design principles to contain stormwater~~

runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.

Reason: Consequential updates as a result of changes to the scheme plan.

Condition 4(vi)

To be amended to relate to Lots 1 and 5 as opposed to Lots 2 and 5.

Reason: Consequential updates as a result of changes to the scheme plan.

Condition 4(unnumbered between vi and vii)

To be amended to relate to Lot 1 and 5 as the balance lots as opposed to just Lot 5.

Reason: Consequential updates as a result of changes to the scheme plan.

Condition 4(vii)

To be amended to relate to Lot 2-4 as opposed to Lots 2-4 (the rural lifestyle lots).

Reason: Consequential updates as a result of changes to the scheme plan.

Condition 4(viii) and Condition 4(ix) to be deleted and replaced with the following:

Future development within Lots 1 – 5 shall comply with the following:

- a. Building height on Lot 1-5 shall be limited to a height of no greater than 6 metres above natural rolling ground level.
- b. Building colours should be selected from the A and B Group of the BS 5252 colour chart as they are less likely to stand out in rural and coastal landscapes. The light reflectance values for the exterior colours should not exceed 30% (excluding any minor trims).
- c. It is recommended to make use of architectural features such as verandahs, pergolas and large eaves to create shadow. These will all cast shadows on windows and ranch sliders thus limiting the reflectivity of the facades of the house.
- d. The form of large buildings should be broken up or indented to provide visual interest.
- e. All ancillary structures which are separate from the primary residence should be designed to complement and integrate with the primary residence. The use of landscape plantings to connect these structures with the main residence is recommended.
- f. Water tanks, if not placed underground, should be green or dark coloured and designed to integrate with the overall design of the main structures. Tanks that are placed above ground should be screened by landscape amenity plantings.
- g. Parking areas should be integrated with the overall design of the residence and screened from the CMA by landscaping.
- h. All exterior lighting should be shielded from the coastal marine area. There should be no pole lights or floodlights used. Lighting should be subdued.

- i. During the implementation of any earthworks on the lots for roading, building, landscaping or anything else, sediment control measures should be put in place to stop any runoff into the Whangaroa Harbour mangroves, saltmarsh and waterways.
- j. There shall be no filling, excavation or reclamation of the coastal edge adjoining the Harbour.
- k. There shall be no indigenous vegetation removal within the mangrove shrubland, salt herbfield, and saltmarsh, regardless of whether this is on the application site or not.
- l. There shall be no introduction of noxious weed species or potential pest plant species on the application site, so to avoid accidental spread into the ONC area.
- m. In conjunction with a building consent, the Lot owner shall provide for the approval of Council's duly delegated officer a landscaping plan in general accordance with the landscape plan contained as Appendix 5 of the Hawthorne Landscape Architects Landscape and Visual Assessment dated July 2026. The landscaping shall be implemented the first planting season following the completion of the build and shall be maintained thereafter.

Reason: The above condition requirements are the mitigation measures recommended within the Landscape and Visual assessment that accompanies this variation application to be implemented to ensure any adverse effects are mitigated.

A marked up copy of the changes to conditions sought is provided in **Appendix D**.

4.3 Overall Status of the Application

Overall, the status of the application is a **Discretionary Activity**.

5.0 Statutory Considerations

5.1 Section 127

Section 127 of the Act enables a consent holder to make an application to change or cancel one or more conditions of a resource consent (other than any condition as to the duration of the consent). It also requires that any such application is subject to sections 88 to 121 of the Act as if it were an application for a **discretionary activity**. The references in these sections to a resource consent and to the activity are references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

Considerations under Section 127

"The High Court held that whether an application is truly one for variation of the condition under s.127 or whether, in reality, it is seeking consent for an activity, which is materially different in nature, is a question of fact and degree to be determined in the circumstances of the case. In deciding whether an application for variation is in substance, a new application, a consent authority should compare any differences in the adverse effects likely to follow from the variation proposal with those associated with the activity in its original form. Where the variation would result in a fundamentally different activity or one having materially different adverse effects, a new application may be required (Body Corporate 97010 v Auckland CC)."

It is considered that the application can be accepted as a variation. A Landscape and Visual assessment has been prepared in support of the application (refer to **Appendix E**); this concludes that the proposed change to the subdivision layout will result in a low level (less than minor) adverse landscape, visual amenity and natural character effects).

6.0 Application Assessment

6.1 Statutory Considerations and Weighting

6.1.1 Relevant Section of the RMA

When considering an application for a discretionary activity the Council as consent authority must have regard to Part 2 of the RMA ("Purposes and Principles" – sections 5 to 8), and sections 104, 104B and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received the Council must, in accordance with section 104(1) of the RMA have regard to the matters addressed in 6.2 – 6.5 below.

6.2 Section 104(1)(a) Actual and Potential Effects on the Environment

When considering the effects under a s127 application, it is only the effects of the changes being sought that need to be assessed and considered. As such, this assessment of environmental effects does not re-visit or repeat that provided for under the processing of the original application and subsequent variation.

6.2.1 Positive Effects

The approved layout has farm tracks through the centre of the rural residential lots and leaves the balance farm lot an undesirable shape. The proposed layout changes the size and boundaries of all of the lots to create a more functional layout; no additional allotments are being created.

6.2.2 Landscape and Natural Character Effects

A Landscape and Visual Assessment of the amended layout has been prepared by Hawthorn Landscape Architects; a copy of which is included as **Appendix E**.

There are no Outstanding Landscape, Outstanding Landscape Features or Natural Features identified on the site under the Far North District Plan. The Regional Policy Statement identifies that there are no identified Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character or Outstanding Natural Character areas identified on the site.

The proposed new scheme plan design changes lot boundaries so that the rural residential lots (proposed Lots 2-4) to be created (previously Lots 1, 2 and 4) are shifted to the western side of the ROW so that the ROW does not extend through the lots thus making a more practical lot layout. Proposed Lot 1 continues to incorporate the headland and design controls imposed by the conditions of consent. Proposed Lot 5 (previously Lot 3) continues to be the balance farm block.

There is an existing access farm track off SH10 leading to the proposed lots which will be upgraded for the main access; this was the case for the original layout also.

As proposed Lots 2-4 are located within the General Coastal Zone, a Landscape and Visual Effects Assessment Report was commissioned from Hawthorn Landscape Architects (refer **Appendix E**) who were involved in the original consent and subsequent variation.

The assessment states that the physical change to the landscape because of any future built form will be minimised through the siting below the ridgelines and setting the sites back from the coastal edge. In addition, the use of recessive building colours and landscape integration plantings will amalgamate buildings into the landscape, so they seamlessly become part of the present settlement pattern and character. It goes on to state that the key characteristics of the landscape setting will remain intact so that the landscape has the capacity to absorb the change to ensure that the proposal will be well integrated into the existing coastal landscape.

A set of building design guidelines are proposed for future built development upon Lots 1 – 5 to assist with enabling built development to be set into the landscape to minimise visual and landscape effects and maintain natural character and visual amenity values. These design guidelines will be imposed via a consent notice. Landscaping is also proposed (refer to **Figure 7** below); this includes tree cluster plantings, riparian edge buffer plantings, backdrop planting and foreground plantings. One of the proposed consent notices will require a landscaping plan to be submitted and approved at the time of building consent with the landscaping implemented the first planting season following the completion of the build and to be maintained thereafter.



Figure 7 – Landscaping Plan

It concludes that any such effects are capable of being maintained at a low level (less than minor) with the implementation of the landscape integration plantings and building design guidelines.

6.2.3 Site Suitability and Servicing

The existing conditions of consent require a geotechnical report to be submitted at the time of building consent. They also require potable water supply with sufficient supply for firefighting, a wastewater treatment and disposal system and a stormwater management system. As such the sites will be suitability serviced and any such effects less than minor.

6.2.4 Neighbouring Properties

The applicant owns the two properties to the east – refer to **Figure 8** below:

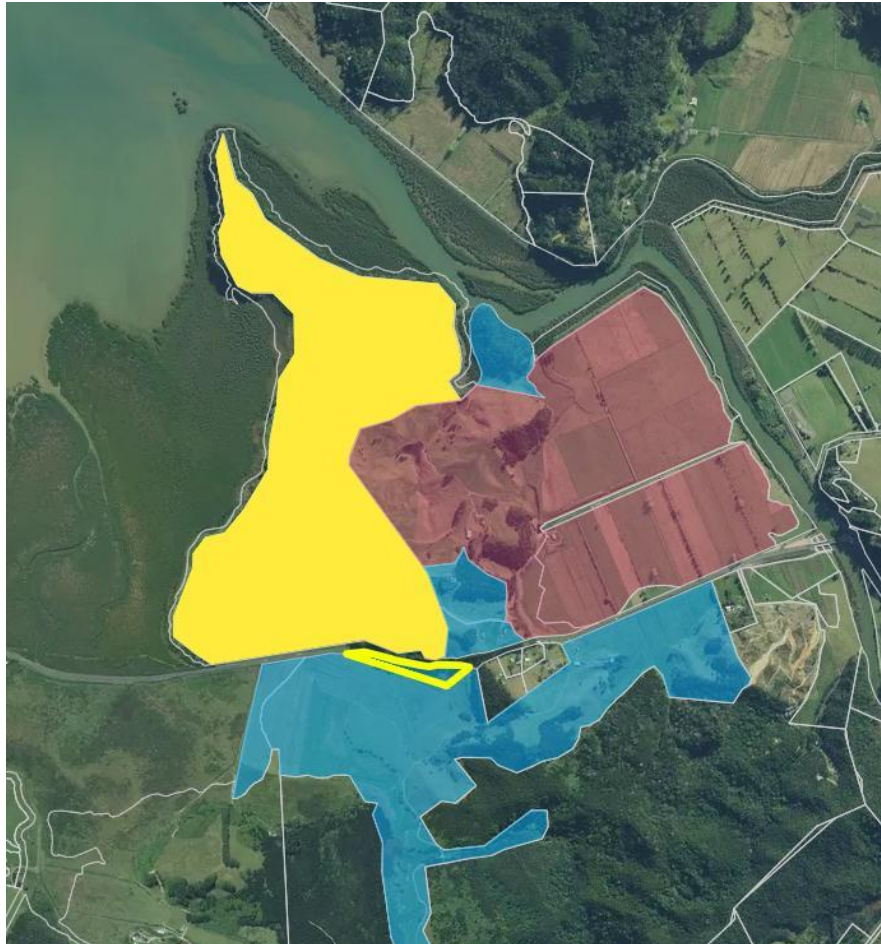


Figure 8 – Adjoining Properties (application site in yellow, other sites owned by applicant in pink and adjoining sites in blue)

While future built development will be visible from some locations; the future buildings are capable of being located below the ridgeline of the site, and there are other ridgelines beyond in the backdrop. Future dwellings will form a small part of the overall scene and with the use of dark recessive building colours the landscape and visual assessment concludes it will be hard to distinguish built form. It concludes that any such effects are capable of being maintained at a low level (less than minor) with the implementation of the landscape integration plantings and building design guidelines.

6.2.5 Adverse Effects Conclusion

Overall it is considered the adverse effects of the proposed variation will be less than minor.

6.3 Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives and Policies

6.3.1 Far North District Plan

The application site is zoned General Coastal and Rural Production under the Operative Far North District Plan, with the majority of the proposed lots situated within the General Coastal zone and the Coastal Environment as mapped by the Regional Policy Statement.

The applicable test is Policy 10.4.1, supported at the zone level by Objectives 10.6.3.1 and 10.6.3.2, which provide for appropriate subdivision consistent with preserving natural character, and Policy 10.6.4.3, which requires adverse effects to be avoided as far as practicable through clustering away from sensitive landform and vegetation and minimising visual impact as seen from public land and the coastal marine area.

No Outstanding Landscape, Outstanding Landscape Feature, Outstanding Natural Character or Outstanding Natural Landscape is mapped over the site itself. The site adjoins an area of Outstanding Natural Character comprising the mangrove forest and saltmarsh at the head of Whangaroa Harbour, valued for its intact vegetation and general absence of built structures. Hawthorn's assessment concludes this adjoining area will not be adversely affected: the bush-clad headland on Lot 1 is protected by a bush protection covenant, no indigenous vegetation clearance is proposed, and a riparian buffer planting will separate future building activity on Lots 2 to 4 from the mangrove margin. This supports consistency with Objective 10.3.2, Objective 10.6.3.2 and RPS Policy 4.6.1.

On visual effects, assessment of representative viewpoints on State Highway 10 (1.7km, 2.4km and 3.8km from the site) found future built development would sit below site and backdrop ridgelines, be seen against or above the mangrove canopy, and, with recessive colours and integration planting, be difficult to distinguish from the surrounding pastoral setting. Effects were rated low at each viewpoint, and the scattered rural dwelling pattern anticipated is consistent with existing settlement character around the upper harbour.

Subject to siting below ridgelines and back from the coastal edge, Hawthorn's assessment found a low level of adverse landscape and natural character effects locally, reducing to very low against the wider Whangaroa Harbour landscape.

These conclusions depend on the building design guidelines and landscape integration plantings at sections 7.1 and 7.2 of Hawthorn's assessment which are proposed to be imposed as a consent notice.

On this basis, the variation is considered consistent with the relevant objectives and policies of the Operative Far North District Plan.

6.3.2 Proposed Far North District Plan

On the 11 June 2026 the Far North District Council approved the release of its decisions on submissions to the Proposed District Plan ("**PDP**"). The council's decisions on submissions on the Proposed District Plan were formally notified on Tuesday 30 June 2026. This marked the beginning of the appeal period, during which submitters may appeal the council's decisions to the Environment Court. It also means all of the Proposed District Plan – Decision Version provisions have legal effect (under s86B(1) of the Resource Management Act 1991).

The site is zoned Rural Production under the Proposed Far North District Plan and falls substantially within the Coastal Environment overlay. Because this is a variation to an existing consent rather than

a fresh subdivision application, this assessment focuses on what the variation changes, being the relocation and addition of building sites, rather than re-litigating the lot pattern and lot count already established and consented.

Rural Production Zone

RPROZ-O3 and RPROZ-P6 direct that subdivision avoid fragmenting land into parcels too small to support farming or forestry, and avoid providing for rural lifestyle living unless there is an environmental benefit or the lot is around an existing residential unit. The lot pattern itself, comprising three lots of 2.40ha to 3.71ha (Lots 2 to 4), a 18.59ha lot containing a bush-covenanted headland (Lot 1), and a 40.04ha balance lot (Lot 5), was established under the original consent and is not altered by this variation. The variation does not create additional allotments, reduce lot sizes, or increase the degree of fragmentation beyond what has already been consented. What the variation does is add building sites to Lots 3 and 4 that were not provided for in the original consent. On that basis, the fragmentation and productive capacity concerns underlying are not engaged by the variation itself.

RPROZ-O4 and RPROZ-P4 require that rural character and amenity values associated with a rural working environment be maintained, including a predominance of primary production activities, low density development with generally low site coverage, and the typical adverse effects of a working rural environment. The addition of building sites to Lots 3 and 4 introduces built form to lots that did not previously have an approved building platform, but at a scale and density consistent with the rural residential character already established for the balance of the subdivision. Subject to the building design guidelines and landscape integration plantings proposed, the additional building sites are considered consistent with maintaining the rural character and amenity values of the zone.

Coastal Environment

CE-O1, CE-P2 and CE-P3 require that adverse effects on outstanding natural character be avoided, and that adverse effects on other natural character values elsewhere in the coastal environment be avoided if significant, and otherwise avoided, remedied or mitigated. No outstanding natural character, ONL or ONF is mapped over the site itself; the adjoining Outstanding Natural Character area covers the mangrove forest and saltmarsh at the head of Whangaroa Harbour. The additional building sites on Lots 3 and 4 do not encroach into that adjoining area, and the bush protection covenant over the headland on Lot 1 remains unaffected by the variation. On this basis the variation is consistent with CE-P2, and the natural character effects elsewhere in the coastal environment are addressed below under CE-P9.

CE-P4 is the more directly engaged policy for a variation of this kind: it requires that land use and subdivision in the coastal environment be consolidated around existing urban centres and rural settlements, and that sprawl or sporadic patterns of development in the rural environment be avoided. The additional building sites on Lots 3 and 4 sit within a subdivision layout already consented and located adjacent to Lot 2, which already has an approved building platform, and Lot 5, the balance farm lot. The building sites are clustered along the upgraded access track rather than introducing a dispersed or sporadic pattern of development into an otherwise undeveloped part of the coastal environment. On that basis, the variation is considered consistent with CE-P4, extending an already-consented and consolidated development pattern rather than creating a new one.

CE-P9 supplies the assessment matters for the additional building sites, including location, scale and design, integration into the landscape, earthworks, natural hazard risk, and whether the activity is on a previously approved building platform. The building sites on Lots 3 and 4 were not part of the previously approved building platforms, which is the reason the variation is required, but they are proposed on farmed land, set back from the coastal edge, and subject to the same building design guidelines and landscape integration plantings proposed for the rest of the subdivision. Subject to

those measures being secured by consent condition, the additional building sites are considered to appropriately address the CE-P9 matters.

Summary

Overall, the proposed changes to the subdivision layout are considered consistent with the objectives and policies of the Rural Production zone and the Coastal Environment overlay under the Proposed Far North District Plan, on the basis that the variation does not alter the underlying lot pattern or increase fragmentation beyond what has already been consented, and that the additional building sites on Lots 3 and 4 extend an already-consolidated development pattern rather than introducing sprawl into the coastal environment.

6.4 Section 104(1)(b)(v) Relevant Provisions of the Regional Policy Statement

The Northland Regional Policy Statement (“RPS”) sets out strategic direction for managing the use, development and protection of the natural and physical resources of the region. The strategic objectives and policies provide a framework to achieve the integrated, consistent and co-ordinated management of the Region’s resources.

The RPS applies to the site as the district plan must give effect to it, and it forms part of the wider statutory context against which this s127 variation is assessed, alongside the Proposed Far North District Plan. As with the district plan assessment, this review is confined to the effects of the variation, being the addition of building sites to Lots 3 and 4, rather than the subdivision pattern already consented.

Objective 3.6 seeks that the viability of land and activities important to Northland's economy be protected from the negative impacts of new subdivision, use and development, with particular emphasis on reverse sensitivity effects on existing primary production activities. The variation does not introduce additional allotments or intensify the subdivision pattern beyond what is already consented; it adds building sites to lots already created for rural residential purposes. The building sites are set back from the boundary of the balance farm lot (Lot 5) and from the mangrove margin, and no evidence indicates the additional building sites will constrain any existing primary production activity on the site or adjoining land. On this basis, the variation is consistent with Objective 3.6.

Objective 3.11 (Regional form) seeks sustainable built environments that integrate infrastructure with subdivision, use and development, and are compatible with surrounding uses and values. The explanation to this objective specifically acknowledges that rural settings are largely made up of primary production businesses and their support industries, and seeks development that is compatible with surrounding uses and values, served by an appropriate level of infrastructure, and appropriate within the context of the surrounding environment. The additional building sites on Lots 3 and 4 are served by the already-consented and upgraded farm access track, sit within a subdivision layout already established rather than introducing new infrastructure demand, and are consistent in scale and character with the rural residential building platform already approved on Lot 2. On this basis, the variation is considered consistent with Objective 3.11.

Objective 3.14 (Natural character, outstanding natural features, outstanding natural landscapes and historic heritage) is given effect principally through Policy 4.6.1, which requires that adverse effects of subdivision, use and development on the characteristics and qualities of outstanding natural character areas be avoided, and that adverse effects on natural character, natural features and natural landscapes elsewhere in the coastal environment be avoided if significant, and otherwise avoided, remedied or mitigated. Policy 4.6.1 further identifies, as a method of achieving this, encouraging new

subdivision and built development to consolidate within and around existing settlements or areas where natural character has already been compromised. The application site adjoins, but does not encompass, the Outstanding Natural Character area covering the mangrove forest and saltmarsh at the head of Whangaroa Harbour, and the additional building sites are proposed on the already-modified, farmed portion of Lots 3 and 4, set back from that adjoining area. The building sites extend a pattern of development already consented on Lot 2 rather than introducing dispersed development into an area of intact natural character, and are therefore considered consistent with the consolidation direction in Policy 4.6.1 and the intent of Objective 3.14.

Overall, the proposed changes to the subdivision layout are considered consistent with the relevant objectives and policies of the Regional Policy Statement for Northland, on the basis that the variation does not increase fragmentation of rural land, does not create reverse sensitivity risk to primary production activities, and consolidates the additional building sites within an already-established and consented development pattern rather than extending built form into the adjoining area of outstanding natural character.

6.5 Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations, Section 104(1)(b)(iii) Relevant provisions of National Policy Statements, Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS)

6.5.1 Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations, Section 104(1)(b)(iii) Relevant provisions of National Policy Statements,

There are no NES or NPS relevant to the assessment of this s127 variation other than the NZCPS which is assessed in Section 6.5.2 below.

6.5.2 Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS)

The site is located within the coastal environment and as such the NZCPS is relevant to the assessment of this variation.

Policy 6 (Activities in the coastal environment) is the most directly engaged policy. Clause (1)(c) requires that the consolidation of existing coastal settlements be encouraged where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement, and clause (1)(f) requires consideration of where development that maintains the character of the existing built environment should be encouraged. The additional building sites on Lots 3 and 4 sit within a subdivision already consented and adjoin Lot 2, which already carries an approved building platform, and Lot 5, the balance farm lot. The building sites extend an already-established and consolidated development pattern along the upgraded access track rather than introducing a new or dispersed cluster of development into an undeveloped part of the coastal environment, and are considered consistent with clauses (1)(c) and (1)(f) on that basis.

Clause (1)(h) requires consideration of how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines. The additional building sites are proposed on the farmed portion of Lots 3 and 4, capable of being sited below the ridgelines that run through the property, with the bush-covenanted headland on Lot 1 unaffected by the variation. Clause (1)(i) requires that development be set back from the coastal marine area and other water bodies where practicable and reasonable, to protect natural character, open space, public access and amenity values; the building sites remain set back from the mangrove margin and coastal

escarpment consistent with the setback already established for the balance of the subdivision. Subject to the building design guidelines and landscape integration plantings proposed, the additional building sites are considered consistent with clauses (1)(h) and (1)(i).

Policy 13 (Preservation of natural character) requires that adverse effects on natural character be avoided in areas of outstanding natural character, and that adverse effects elsewhere in the coastal environment be avoided if significant, and otherwise avoided, remedied or mitigated. No outstanding natural character is mapped over the site itself; the adjoining area of outstanding natural character covers the mangrove forest and saltmarsh at the head of Whangaroa Harbour. The additional building sites do not encroach into that adjoining area, and the natural character values of the site's farmed portion, being already modified through pastoral use, mean the natural character effects of the additional building sites are appropriately addressed through setback, siting below ridgelines, and the proposed landscape integration plantings. On this basis, the variation is considered consistent with Policy 13.

Policy 15 (Natural features and natural landscapes) requires an equivalent avoid / avoid-significant-and-mitigate-other approach for outstanding natural features and landscapes and other natural features and landscapes respectively. No outstanding natural landscape or outstanding natural feature is identified over the site, and the additional building sites do not affect the outstanding landscape features identified elsewhere in the wider Whangaroa catchment (St Pauls Rock and Mount Taratarā). The variation is considered consistent with Policy 15 on this basis.

Overall, the proposed changes to the subdivision layout are considered consistent with the relevant objectives and policies of the New Zealand Coastal Policy Statement, on the basis that the additional building sites on Lots 3 and 4 consolidate an already-established development pattern, remain set back from the coastal marine area and adjoining natural character values, and are capable of being sited and designed so as to avoid adverse visual effects from sensitive viewing positions such as ridgelines and the coastal marine area.

6.6 Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application

In this case there are no other matters that are considered necessary to determine the application

6.7 Section 104(2AE) Compliance History

In accordance with section 104(2AE) of the Resource Management Act 1991, the applicant has no known current or previous non-compliances history, including any abatement notices, infringement notices, enforcement orders, or convictions under the Act. Accordingly, there is no basis for the consent authority to exercise its discretion to decline consent under section 104(6A).

7.0 Notification (Sections 95A, 95C-95D)

Public Notification Assessment (s95A)

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant is not requesting that the application be publicly notified (s95A(3)(a));

- there will be no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from notification because:

- The application is not for a proposal that is subject to a rule or national environmental standard that precludes public notification ((s95A(5)(a)).
- The application is not only for a resource consent for a controlled activity and/or a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity, but no other, activities ((s95A(5)(b)).

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

Public notification is not required under this step because:

- The application is not for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification ((s95A(8)(a)).
- As outlined in the Section 104 Assessment within this AEE, the adverse effects associated with the overall proposal are assessed as being less than minor ((s95A(8)(b)).

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, Council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- Outside of the common run of applications of this nature; or
- Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance, there are no special circumstances. There is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

It is therefore considered that this application can be processed **without public notification**.

Limited Notification Assessment (s95B)

Step 1: certain affected protected customary rights groups must be notified.

Under step 1, limited notification is not considered to be required with the following points being relevant:

- There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).
- The site is adjacent to the statutory acknowledgement area of Ngatikahu ki Whangaroa (s95B(3)(a)). The statutory acknowledgement here relates to the bed and waters of Whangaroa Harbour, being Crown-owned land within the coastal marine area, rather than to the privately owned farmland comprising Lots 1 to 5. The s127 variation adds building sites to Lots 3 and 4, both of which are on the already-modified, farmed portion of the site, set back from the mangrove margin and the coastal escarpment. The variation does not involve any activity within the coastal marine area itself, no reclamation, no discharge, no structure crossing the line of mean high water springs, and no vegetation clearance within the mangrove or saltmarsh that forms the acknowledged area. Because the variation's effects are confined to built form on privately held, already-farmed land above the harbour margin, it does not engage an activity within, adjacent to, or directly affecting the statutory area in the sense that would trigger the acknowledgement's procedural requirements or any substantive effect on the values the acknowledgement records.

Step 2: if not required by step 1, limited notification precluded in certain circumstances.

The application is not precluded from limited notification as:

- The application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)).
- The application is not for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land) ((s95B(6)(b)).

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

An assessment of potentially affected parties is given in the assessment with respect to Adjoining Sites under Section 104 Assessment of this AEE.

As has been detailed, the variation allows for an alternative lot layout where the resulting effects are those associated with landscape effects, visual amenity effects and natural character effects. A Landscape and Visual assessment has been prepared in support of the application and this concludes that the effects associated with the change to the layout will be less than minor. As such no adjoining properties are considered affected by the proposed changes to conditions (s95B(8)). Therefore, under section 95E, there are no party that is assessed as being an affected party (s95B(3)(b)).

Step 4: limited notification in special circumstances.

It is considered that there are no special circumstances and nothing exceptional or unusual about the application that suggests that limited notification should occur.

It is therefore considered that this application can be processed **without limited notification**.

8.0 Consideration of Part 2 (Purpose and Principles) of the RMA

Section 5 in Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and habitats of indigenous fauna, and the protection of historic heritage.

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, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. Section 8 requires a council to take into account the principles of the Treaty of Waitangi.

Overall the variation is considered to meet the relevant provisions of Part 2 of the RMA as the proposal will ensure a lot layout that works best for the site and continues to provide farming activities while ensuring that any effects associated with the change in layout are appropriate mitigation; as such the proposed variation achieves the purpose of the RMA being sustainable management of natural and physical resources associated with the land.

9.0 Conditions

In accordance with section 107G of the Resource Management Act 1991, the applicant requests that the consent authority provide an opportunity to review the draft conditions of consent prior to the determination of this application. This will allow the applicant to consider and provide feedback on the proposed conditions to ensure they are practical, enforceable, and appropriately reflect the effects and mitigation measures described in this application. The applicant also requests that, if necessary, the processing of the application be temporarily suspended to enable this review, consistent with the provisions of section 107G, before the consent authority finalises its decision or a section 42A report.

10.0 Conclusion

The applicant seeks consent to vary conditions of subdivision consent RMA2220580-RMAVAR/A pursuant to s127 of the RMA. The variation is to allow for an alternative lot layout; there are no additional lots to be created as a result of the variation.

The actual and potential effects likely to result from this proposed variation have been considered in accordance with s104(1)(a) of the RMA, as set out in **Section 6** of this AEE. By way of summary, it is concluded that any actual or potential effects on the surrounding environment will be less than minor. The proposed variation has also been assessed to be consistent with the relevant objectives and policies of the District Plan in accordance with s104(1)(b) of the RMA.

Overall, it is considered that the variation is consistent with the purpose and principles of the RMA and that the consent variation sought should be granted.

11.0 Limitations

This report has been prepared for the particular project described to us and its extent is limited to the scope of work agreed between the client and Cato Bolam Consultants Limited.

No responsibility is accepted by Cato Bolam Consultants Limited or its directors, servants, agents, staff or employees for the accuracy of information provided by third parties and/or the use of any part of this report in any other context or for any other purposes.

This report is for the use by the client only and should not be used or relied upon by any other person or entity or for any other projects.

**Whyte Pastoral Ltd
402c State Highway 10, Kaeo
Resource Consent Application**



Appendix A: Copy of Record of Title

PLANNERS
SURVEYORS
ENGINEERS
ARCHITECTS
ENVIRONMENTAL



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




R.W. Muir
Registrar-General
of Land

Identifier **NA81C/773** **Part-Cancelled**

Land Registration District **North Auckland**

Date Issued 29 August 1991

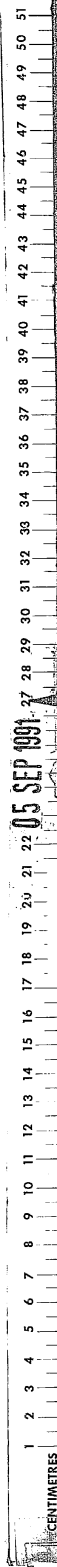
Prior References

NA75B/88

Estate Fee Simple
Area 68.1825 hectares more or less
Legal Description Lot 1 Deposited Plan 137855
Registered Owners
Whyte Pastoral Limited

Interests

C351317.1 Gazette Notice (N Z Gazette 31.10.1991 page 3545) acquiring parts (2170 square metres) for road which pursuant to Section 60(2) Transit New Zealand Act 1989 forms part of State Highway No. 10 and vesting the same in the Crown - 28.2.1992 at 1.42 pm

& S FORM N93

**Whyte Pastoral Ltd
402c State Highway 10, Kaeo
Resource Consent Application**



**Appendix B: Original Subdivision Consent Decisions
and Approved Plans**

PLANNERS
SURVEYORS
ENGINEERS
ARCHITECTS
ENVIRONMENTAL



FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN

DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2220580-RMASUB

Pursuant to section 104C of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Ian and Amelia Hayes

The activity to which this decision relates:

To create 4 additional Lots in the Rural Production and General Coastal Zone as a Restricted Discretionary Activity.

Subject Site Details

Address: 402C State Highway 10, Whangaroa, 0478

Legal Description: Lot 1 DP 137855 Lot 3 DP 487560 Lots 4-5 DP 32504 Secs 19 28 Blk II Kaero SD

Record of Title reference: NA-81C/773, CT-697763, CT-801983

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 137855, dated 8/11/2021, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) Area 'K' to be subject to a bush protection covenant.
 - (c) The fenced area of indigenous vegetation on Lot 2 to be marked as 'L' and subject to a bush protection covenant .

3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) That prior to undertaking bulk earthworks for the internal Right of Way, the consent holder shall provide the evidence that a silt and sediment control plan has been approved by the Far North District Council. The plan is to contain information on and site management procedures for the following matters:
 - i. The measures proposed to minimise silt and sediment runoff during earthworks, and location of such measures (in accordance with GD05). Such mitigation measures shall include interception drains, collection drains, silt fences, settlement ponds and points of discharge to vegetated areas; and
 - ii. The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details; and
 - iii. The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits; and
 - iv. The excavation and filling works, including any retaining structures and any necessary de-watering requirements / methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise; and
 - v. Control of dust and any appropriate avoidance or remedial measures; and
 - vi. Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site; and remedial measures should that occur.
4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
 - (b) Provide evidence that the requirements of New Zealand Transport Agency, as specified in their correspondence referenced 2021-1867 have been complied with. When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.
 - (c) Provide formed and metalled access on ROW easements B and C to 5m wide carriageway, and ROW easements A, D – J to 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6.1.3 of the Far North District Plan. The formation shall include table drains and low impact design principles to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.
 - (d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.

- (i) All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.

[All Lots]

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[All Lots]

- (iii) The consent holder shall ensure that the wastewater treatment and disposal system is constructed generally in accordance with the recommendations contained within the design report prepared by Geologix dated October 21, referenced C0015-S-01-R01.

[All Lots]

- (iv) In conjunction with the construction of any building, the Lot owner shall submit, in conjunction with an application for building consent, and for the approval of Council the design of stormwater mitigation measures to limit stormwater flows from the lot to the pre-development level for rainfall events up to and including those with a 10% AEP, plus an allowance for climate change.

Overland/secondary flow paths that are capable of accommodating the 1% AEP storm event shall be provided on proposed Lot 1 and are to be unobstructed by new buildings, other structures or landscaping. The report shall be prepared by a Chartered Professional Engineer.

[All Lots]

- (v) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[All Lots]

- (vi) The owner shall preserve the indigenous trees and bush now on the allotment as indicated on the survey plan, as areas K and L (in accordance with conditions 2 (b) and (c)) and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 2 and 5]

A maximum of two working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:

- a) micro-chipped,

- b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c) kept in a kennel or tied up at night,
- d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

[Lot 5]

- (vii) No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

[Lots 1 - 4]

- (viii) In conjunction with a building consent, the Lot owner shall provide for the approval of the Council's duly delegated officer, a schedule of natural, recessive colours and textures to be utilised in finishing the building, including tinted or non-reflective glass. The exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or constructed of natural materials which fall within this range. The buildings are to be finished in accordance with this schedule prior to occupation of the building and the approved schedule shall be adhered to for the duration of the building consent.

[All Lots]

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. Before undertaking physical works on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved. Please submit your CAR to the New Zealand Transport Agency CAR Manager, a minimum of fourteen working days prior to the commencement of any works on the state highway or longer.
3. The consent holder and future Lot owners shall be aware that the lower areas on Lots 1, 2 and 5 are subject to a Tsunami Hazard as identified by Northland Regional Council.
4. The consent holder and future Lot owners shall be aware that there may be wetlands on or in proximity to the subject site and are advised that further consent from Far North District Council as well as the Northland Regional Council may be required prior to development under the District Plan and/or the National Environmental Standard for Freshwater Regulations 2020.
5. The consent holder and future Lot owners are advised that any future development (on all Lots), and any earthworks undertaken as a result of the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.

Reasons for the Decision

1. The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected customary rights group or customary marine title group.
2. The application is for a Restricted Discretionary resource consent, as such under 104C only those matters over which council has restricted its discretion have been considered, these matters are:
 - a) Lot Sizes and Dimensions,
 - b) Access,
 - c) Natural and Other Hazards,
 - d) Water Supply,
 - e) Sanitary Sewage Disposal,
 - f) Stormwater Disposal,
 - g) Energy and Telecommunications,
 - h) Easements,
 - i) Preservation of Heritage Resources, Vegetation, Fauna and Landscape, and Land Set Aside for Conservation Purposes,
 - j) Earthworks.

3. District Plan Rules Affected:

Operative District Plan:

Rule # & Name	Non Compliance Aspect
13.7.2.1 MINIMUM LOT SIZES	The proposed subdivision can meet the subdivision requirements for both the Rural Production and General Coastal Zones.
13.7.2.4 LOTS DIVIDED BY ZONE BOUNDARIES	Part of the site is in the General Coastal Zone and therefore, the proposal must be assessed as a Restricted Discretionary activity.

Adverse effects will be less than minor:

It is considered the relevant and potential effects have been addressed within the assessment of effects above, and it has been concluded that the adverse effects will be less than minor.

Objectives and policies of the District Plan:

The following objectives and policies of the District Plan have been considered:

- a) Objectives: 13.3.5, 13.3.8.
- b) Policies: 13.4.2, 13.4.8.

The proposal is not contrary to the relevant objectives and policies of the District Plan.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents.

- a) The Far North District Plan 2009,
- b) The Proposed Far North District Plan 2022,
- c) New Zealand Coastal Policy Statement 2010,
- d) National Environmental Standards (Freshwater Regulations 2020)

No other non – statutory documents were considered relevant in making this decision.

5. No other matters were considered in relevant in making this decision.

6. Part 2 Matters

The Council has taken into account, the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

7. In summary it is considered that the activity is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Hannah Kane, Intermediate Resource Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:



Pat Killalea, Principal Planner

Date: 20th December 2022

Right of Objection

If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing of Consent

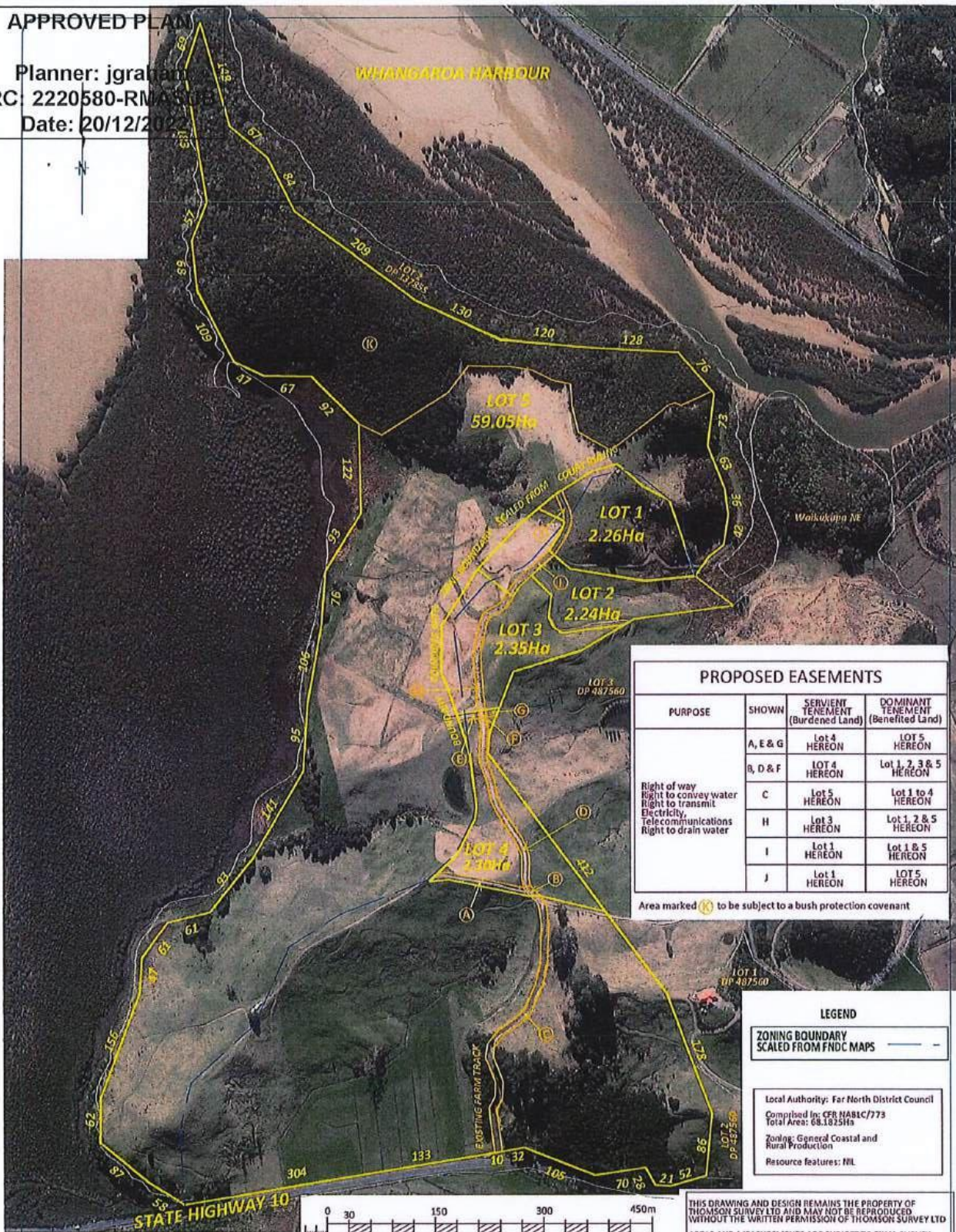
Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

APPROVED PLAN

Planner: jgraham
RC: 2220580-RMA SUB
Date: 20/12/2022



PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (Burdened Land)	DOMINANT TENEMENT (Benefited Land)
Right of way Right to convey water Right to transmit Electricity Telecommunications Right to drain water	A, E & G	Lot 4 HEREON	Lot 5 HEREON
	B, D & F	Lot 4 HEREON	Lot 1, 2, 3 & 5 HEREON
	C	Lot 5 HEREON	Lot 1 to 4 HEREON
	H	Lot 3 HEREON	Lot 1, 2 & 5 HEREON
	I	Lot 1 HEREON	Lot 1 & 5 HEREON
	J	Lot 1 HEREON	Lot 5 HEREON

Area marked (K) to be subject to a bush protection covenant

LEGEND

ZONING BOUNDARY
SCALED FROM FNDC MAPS

Local Authority: Far North District Council
Comprised in: CFR HABIC/773
Total Area: 68.1825Ha
Zoning: General Coastal and Rural Production
Resource features: NIL

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Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOT 1 DP 137855 STATE HIGHWAY 10, KAEO

PREPARED FOR: HAYES

Name	Date
Survey	
Design	
Drawn	GB 10/05/21
Approved	
Rev	4 28.02.22
9960 SCHEME PLAN 20220228	

ORIGINAL	SHEET SIZE
SCALE	A3
1:4500	

Surveyors
Ref. No:
9960
Series
Sheet 1 of 2

DECISION ON SECTION 127 APPLICATION UNDER THE RESOURCE MANAGEMENT ACT 1991

Decision

Pursuant to section 34(1) and sections 104, 104B, 127 and Part 2 of the Resource Management Act 1991 (the Act), the Far North District Council **grants** resource consent to change conditions 1, 4(c) and 4(viii), of resource consent RC2220580-RMASUB, including the addition of a new consent notice to:

Applicant:	Ian Lionel Hayes and Amelia Judith Lorelei Hayes
Council Reference:	2220580-RMAVAR/A
Property Address:	402C State Highway 10, Whangaroa 0478
Legal Description:	Lot 1 DP 137855 Lot 3 DP 487560 Lots 4-5 DP 32504 Secs 19 28 Blk II Kao SD
Description of Application:	Variation to conditions 1, 4(c) and 4(viii) of RC2220580-RMASUB including the addition of a new consent notice pursuant to s127 of the RMA.

The following changes to the conditions of resource consent RC2220580-RMASUB are made:

(~~Strikethrough~~ indicates deletions and underline indicates additions and changes)

For clarity a complete set of conditions, as amended, are provided in Schedule 1 to this decision.

Condition 1:

The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 137855, dated ~~30/06/2023~~ 30/06/2023, and attached to this consent with the Council's "Approved Stamp" affixed to it.

Condition 4(c):

~~Provide formed and metalled access on ROW easements B and C to 5m wide carriageway, and ROW easements A, D-J to 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6.1.3 of the Far North District Plan. The formation shall include table drains and low impact design principles to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.~~

Provide formed and metal access on ROW easement B to 5m wide carriageway.

For ROW easement C, provide the following, as consented by RC2240137-RMLAUC:

- Section 1: from the entrance at State Highway 10, for a length of 62m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 2: for the next 80m, provide a 3.5m wide carriageway.
- Section 3: for the next 20m, provide a 5m wide carriageway. The existing batter is to be trimmed back to increase visibility and allow for suitable manoeuvring.
- Section 4: for the next 43m, a minimum 3m wide carriageway, with carriageway extended to 3.5m width with 0.25m wide shoulders on either side where possible.
- Section 5: for the next 64m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 6: for the remaining length, a 3m wide carriageway.

For ROW easements A, D-J, L & M to 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation of access within all easements A-M shall include table drains and low impact design principles to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.

Condition 4(viii):

In conjunction with a building consent, the Lot owner shall provide for the approval of the Council's duly delegated officer, a schedule of natural, recessive colours and textures to be utilised in finishing the building, including tinted or non-reflective glass. The exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or constructed of natural materials which fall within this range. The buildings are to be finished in accordance with this schedule prior to occupation of the building and the approved schedule shall be adhered to for the duration of the building consent.

~~{All Lots}~~ [Lots 1-4]

New Consent Notice for Lot 5:

Future development within Lot 5 shall be generally in accordance with, and make reference to, the Landscape Plan in Appendix 5, and to Section 7.2 Building Design Guidelines, in the Landscape and Visual Effects Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.

Specifically,

- In conjunction with a building consent, the lot owner shall provide for the approval of Council's duly delegated officer, a Landscape Planting Plan generally consistent with that contained in Appendix 5 referred to above.
- Building height shall be limited to no greater than 6m above natural rolling ground level.
- Building colours are to be selected from the A and B Group of the BS 5252 colour chart.
- Maximum LRV for exterior colours should not exceed 30% (excluding any minor trims).

In addition, at time of lodging building consent application, the lot owner shall demonstrate to Council's satisfaction, how they have given consideration to the other Building Design Guidelines recommendations contained in section 7.2 of the Landscape and Visual Effects Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.

Advice Notes

Lapsing of Consent

1. *The granting of this section 127 application does not alter the lapse date of the original consent. The consent holder is recommended to check that the original consent does not lapse before it is given effect to.*

Right of Objection

2. *If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Act) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.*

Reasons for the Decision

1. By way of an earlier report that is contained within the electronic file of this consent, it was determined that pursuant to sections 95A and 95B of the Act the proposed activity will not have, and is not likely to have, adverse effects on the environment that are more than minor, there are no affected persons, and no special circumstances exist. Therefore, under delegated authority, it was determined that the application be processed without notification.
2. The proposed change is within the scope of the original resource consent and therefore can be considered under section 127.
3. In regard to sections 104(1)(a) and 127(3) of the Act the actual and potential effects of the proposed change will be acceptable as:
 - RC2220580-RMASUB was assessed and approved non-notified with no affected person/s identified. It is considered that the potential adverse effects of the proposed variation will be less than minor.
 - In regard to visual amenity on Lot 5. It has been assessed that the overall potential adverse effects will be less than minor. However, at time of development, the landowner will require a resource consent in this regard, and the full potential adverse effects can be assessed at this time.
4. In regard to sections 104(1)(ab) and 127(3) of the Act there are no offsetting or environmental compensation measures proposed or agreed to by the applicant for the activity.
5. In regard to sections 104(1)(b) and 127(3) of the Act the following statutory documents are considered to be relevant to the application:
 - New Zealand Coastal Policy Statement 2011
 - Operative Far North District Plan 2009

- Proposed Far North District Plan 2022

The activity is consistent with these documents for the reasons set out in pages 8-9 of the Assessment of Environmental Effects submitted with the application.

There have been no changes to objectives and policies in the Operative District Plan since the original consent was issued, and the proposed changes being sought are considered to remain consistent with the existing objectives and policies in the Operative District Plan, and the Proposed District Plan.

6. In regard to sections 104(1)(c) and 127 of the Act there are no other matters relevant and reasonably necessary to determine the application.
7. Based on the assessment above the proposed change will be consistent with Part 2 of the Act.

The proposed change will avoid, remedy or mitigate any potential adverse effects on the environment while providing for the sustainable management of natural and physical resources and is therefore in keeping with the Purpose and Principles of the Act. The proposal remains an efficient use and development of the site that will maintain existing amenity values without compromising the quality of the environment. The activity is not considered to raise any issues in regard to Te Tiriti o Waitangi.

8. Overall, for the reasons above it is appropriate for the change(s) of the conditions of consent to be granted.

Approval

This resource consent has been prepared by Jo Graham, Resource Planner. I have reviewed this and the associated information (including the application and electronic file material) and for the reasons and subject to the conditions above, and under delegated authority, grant this resource consent.



Trish Routley
Manager Resource Consents

Date: 20/11/23

Schedule 1

Complete set of Consent Conditions for RC2220580-RMASUB as Amended by RC2220580-RMAVAR/A

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey, referenced Proposed Subdivision of Lot 1 DP 137855, dated 30/06/2023, and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) Area 'K' to be subject to a bush protection covenant.
 - (c) The fenced area of indigenous vegetation on Lot 2 to be marked as 'L' and subject to a bush protection covenant .
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) That prior to undertaking bulk earthworks for the internal Right of Way, the consent holder shall provide the evidence that a silt and sediment control plan has been approved by the Far North District Council. The plan is to contain information on and site management procedures for the following matters:
 - i. The measures proposed to minimise silt and sediment runoff during earthworks, and location of such measures (in accordance with GD05). Such mitigation measures shall include interception drains, collection drains, silt fences, settlement ponds and points of discharge to vegetated areas; and
 - ii. The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details; and
 - iii. The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits; and
 - iv. The excavation and filling works, including any retaining structures and any necessary de-watering requirements / methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise; and
 - v. Control of dust and any appropriate avoidance or remedial measures; and
 - vi. Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site; and remedial measures should that occur.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
- (b) Provide evidence that the requirements of New Zealand Transport Agency, as specified in their correspondence referenced 2021-1867 have been complied with. When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.
- (c) Provide formed and metal access on ROW easement B to 5m wide carriageway.

For ROW easement C, provide the following, as consented by RC2240137-RMLAUC:

- Section 1: from the entrance at State Highway 10, for a length of 62m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 2: for the next 80m, provide a 3.5m wide carriageway.
- Section 3: for the next 20m, provide a 5m wide carriageway. The existing batter is to be trimmed back to increase visibility and allow for suitable manoeuvring.
- Section 4: for the next 43m, a minimum 3m wide carriageway, with carriageway extended to 3.5m width with 0.25m wide shoulders on either side where possible.
- Section 5: for the next 64m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 6: for the remaining length, a 3m wide carriageway.

For ROW easements A, D-J, L & M to 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation of access within all easements A-M shall include table drains and low impact design principles to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.

- (d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - (i) All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.

[All Lots]

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[All Lots]

- (iii) The consent holder shall ensure that the wastewater treatment and disposal system is constructed generally in accordance with the recommendations contained within the design report prepared by Geologix dated October 21, referenced C0015-S-01-R01.

[All Lots]

- (iv) In conjunction with the construction of any building, the Lot owner shall submit, in conjunction with an application for building consent, and for the approval of Council the design of stormwater mitigation measures to limit stormwater flows from the lot to the pre-development level for rainfall events up to and including those with a 10% AEP, plus an allowance for climate change.

Overland/secondary flow paths that are capable of accommodating the 1% AEP storm event shall be provided on proposed Lot 1 and are to be unobstructed by new buildings, other structures or landscaping. The report shall be prepared by a Chartered Professional Engineer.

[All Lots]

- (v) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[All Lots]

- (vi) The owner shall preserve the indigenous trees and bush now on the allotment as indicated on the survey plan, as areas K and L (in accordance with conditions 2 (b) and (c)) and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 2 and 5]

A maximum of two working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:

- a) micro-chipped,
- b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c) kept in a kennel or tied up at night,

d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

[Lot 5]

- (vii) No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

[Lots 1 - 4]

- (viii) In conjunction with a building consent, the Lot owner shall provide for the approval of the Council's duly delegated officer, a schedule of natural, recessive colours and textures to be utilised in finishing the building, including tinted or non-reflective glass. The exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or constructed of natural materials which fall within this range. The buildings are to be finished in accordance with this schedule prior to occupation of the building and the approved schedule shall be adhered to for the duration of the building consent.

[Lots 1-4]

- (ix) Future development within Lot 5 shall be generally in accordance with, and make reference to, the Landscape Plan in Appendix 5, and to Section 7.2 Building Design Guidelines, in the Landscape and Visual Effects

Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.

Specifically,

- i. In conjunction with a building consent, the lot owner shall provide for the approval of Council's duly delegated officer, a Landscape Planting Plan generally consistent with that contained in Appendix 5 referred to above.
- ii. Building height shall be limited to no greater than 6m above natural rolling ground level.
- iii. Building colours are to be selected from the A and B Group of the BS 5252 colour chart.
- iv. Maximum LRV for exterior colours should not exceed 30% (excluding any minor trims).

In addition, at time of lodging building consent application, the lot owner shall demonstrate to Council's satisfaction, how they have given consideration to the other Building Design Guidelines recommendations contained in section 7.2 of the Landscape and Visual Effects Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.

[Lot 5]

Advice Notes

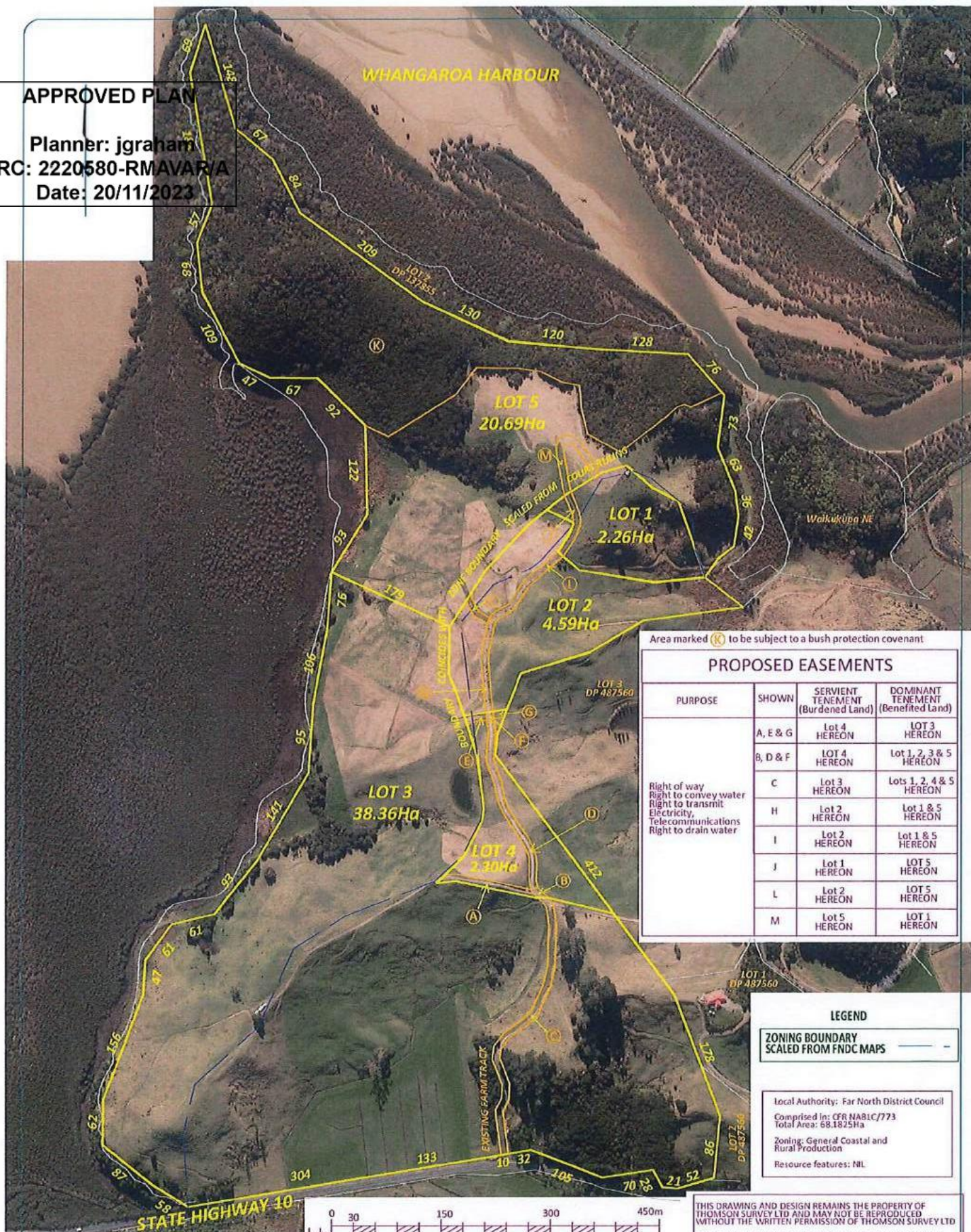
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3. The consent holder and future Lot owners shall be aware that the lower areas on Lots 1, 2 and 5 are subject to a Tsunami Hazard as identified by Northland Regional Council.
4. The consent holder and future Lot owners shall be aware that there may be wetlands on or in proximity to the subject site and are advised that further consent from Far North District Council as well as the Northland Regional Council may be required prior

to development under the District Plan and/or the National Environmental Standard for Freshwater Regulations 2020.

5. The consent holder and future Lot owners are advised that any future development (on all Lots), and any earthworks undertaken as a result of the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.

APPROVED PLAN

Planner: jgraham
RC: 2220580-RMAVAR/A
Date: 20/11/2023



Area marked (K) to be subject to a bush protection covenant

PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (Burdened Land)	DOMINANT TENEMENT (Benefited Land)
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	M	Lot 5 HEREON	Lot 1 HEREON

LEGEND

ZONING BOUNDARY
SCALED FROM FNDC MAPS

Local Authority: Far North District Council
Comprised in: CFR NAB1C/773
Total Area: 68.1825Ha
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PROPOSED SUBDIVISION OF LOT 1 DP 137855 STATE HIGHWAY 10, KAEO

PREPARED FOR: HAYES

Survey	Name	Date	ORIGINAL
Design			SCALE
Drawn	GB	10/06/21	SHEET SIZE
Approved			1:4500 A3
Rev	KY	30.06.23	
9960 SCHEME PLAN 20230630			

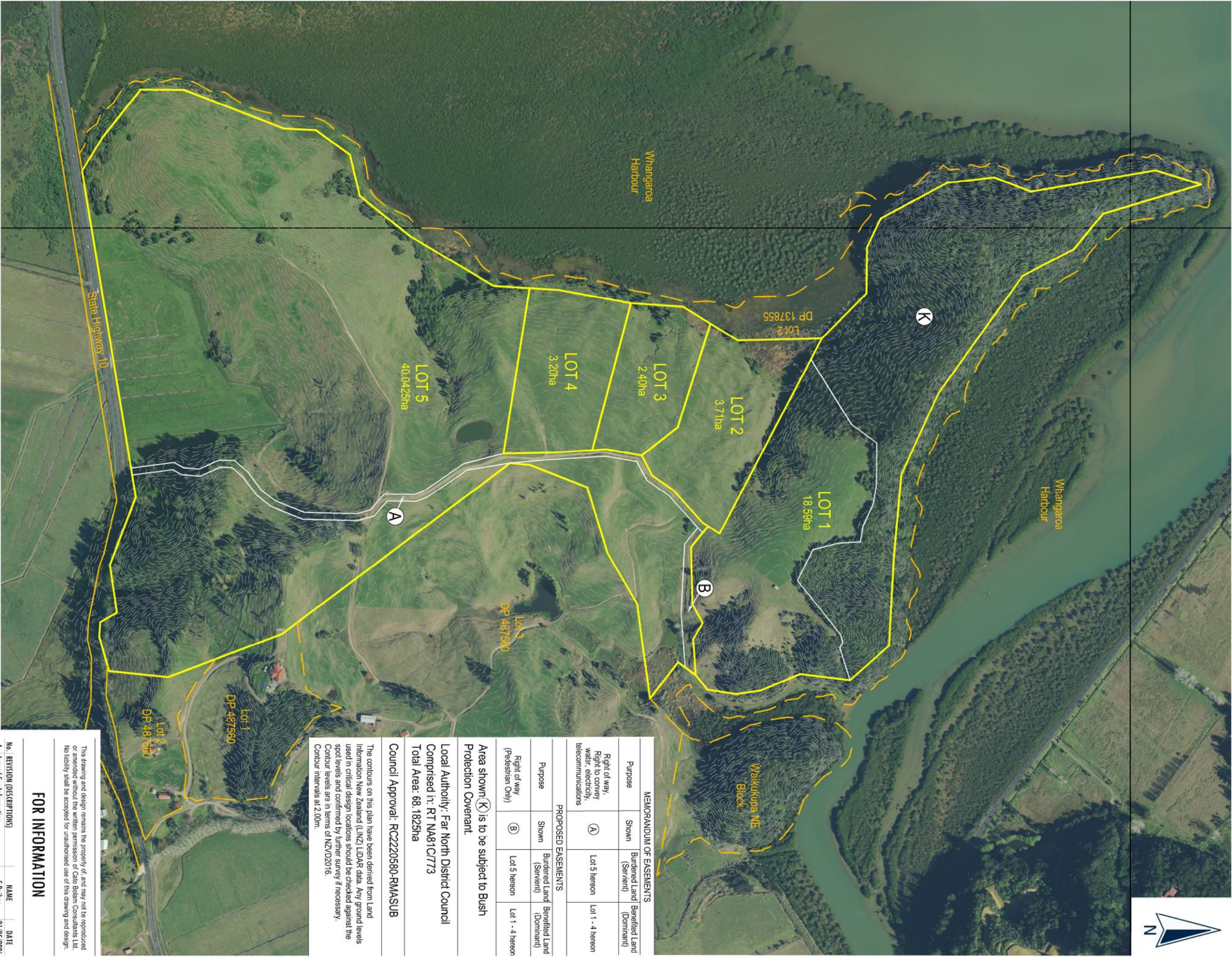
Surveyors
Ref. No:
9960
Series
Sheet 1 of 2

Whyte Pastoral Ltd
402c State Highway 10, Kaeo
Resource Consent Application



Appendix C: Scheme Plan

PLANNERS
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MEMORANDUM OF EASEMENTS

Purpose	Shown	Burdened Land (Servient)	Benefited Land (Dominant)
Right of way, Right to convey water, electricity, telecommunications	(A)	Lot 5 hereon	Lot 1 - 4 hereon

PROPOSED EASEMENTS			
Purpose	Shown	Burdened Land (Servient)	Benefited Land (Dominant)
Right of way (Pedestrian Only)	(B)	Lot 5 hereon	Lot 1 - 4 hereon

Area shown (K) is to be subject to Bush Protection Covenant.

Local Authority: Far North District Council
Comprised in: RT NA81C/773
Total Area: 68.1825ha

Council Approval: RC2220560-RMASUB

The contours on this plan have been derived from Land Information New Zealand (LINZ) LIDAR data. Any ground levels used in critical design locations should be checked against the spot levels and confirmed by further survey if necessary. Contour intervals at 2.00m.

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FOR INFORMATION

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	S. Reiner	21/05/2026

SURVEIED			
DESIGNED		W. Moxinge	05/06/2026
DRAWN			
DATE	05/06/2026	ORIGINAL SCALE	1:5000
		ORIGINAL SIZE	A3
DRAWING NO.	49843-DR-PLN-1200	REVISION	B

Whyte Pastoral Ltd
402c State Highway 10, Kaeo
Resource Consent Application



Appendix D: Marked Up Changes to Conditions Sought

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Schedule 1

Complete set of Consent Conditions for RC2220580-RMASUB as Amended by RC2220580-RMAVAR/A

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Cato Bolam, referenced Lots 1-5 being a subdivision of Lot 1 DP 137855 dated 05/06/2026, Rev B and attached to this consent with the Council's "Approved Stamp" affixed to it.
2. The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) All easements in the memorandum to be duly granted or reserved.
 - (b) Area 'K' to be subject to a bush protection covenant.
 - (c) The fenced area of indigenous vegetation on Lot 2 to be marked as 'L' and subject to a bush protection covenant.
3. Prior to the approval of the survey plan pursuant to Section 223 of the Act, the consent holder shall:
 - (a) That prior to undertaking bulk earthworks for the internal Right of Way, the consent holder shall provide the evidence that a silt and sediment control plan has been approved by the Far North District Council. The plan is to contain information on and site management procedures for the following matters:
 - i. The measures proposed to minimise silt and sediment runoff during earthworks, and location of such measures (in accordance with GD05). Such mitigation measures shall include interception drains, collection drains, silt fences, settlement ponds and points of discharge to vegetated areas; and
 - ii. The timing of civil engineering, including hours of operation and key project and site management personnel and their contact details; and
 - iii. The transportation of materials to and from the site, loading and unloading of materials and associated controls on vehicles through sign posted site entrances and exits; and
 - iv. The excavation and filling works, including any retaining structures and any necessary de-watering requirements / methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise; and
 - v. Control of dust and any appropriate avoidance or remedial measures; and
 - vi. Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site; and remedial measures should that occur.

4. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:

- (a) Provide to Council written confirmation from a Licenced Cadastral Surveyor that the access carriageway is fully contained within the easements provided for access.
- (b) Provide evidence that the requirements of New Zealand Transport Agency, as specified in their correspondence referenced 2021-1867 have been complied with. When contacting NZTA to obtain such evidence, please ensure you quote the NZTA reference number referred to above.
- (c) Provide formed and metal access on ROW easement B to 5m wide carriageway.

For ROW easement A, provide the following, as consented by RC2240137•
RMLAUC:

- Section 1: from the entrance at State Highway 10, for a length of 62m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 2: for the next 80m, provide a 3.5m wide carriageway.
- Section 3: for the next 20m, provide a 5m wide carriageway. The existing batter is to be trimmed back to increase visibility and allow for suitable manoeuvring.
- Section 4: for the next 43m, a minimum 3m wide carriageway, with carriageway extended to 3.5m width with 0.25m wide shoulders on either side where possible.
- Section 5: for the next 64m, a 5m wide carriageway, with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan.
- Section 6: for the remaining length, a 3m wide carriageway.

ROW easement B shall be formed to a 3m finished carriageway width with passing bays provided to comply with Rule 15.1.6C.1.3 of the Far North District Plan. The formation of access within all easements A and B shall include table drains and low impact design principles to contain stormwater runoff as well as catch pits and culverts as required to control and direct the discharge of stormwater runoff.

- (d) Secure the conditions below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
- (i) All buildings will require foundations specifically designed by a Chartered Professional Engineer in accordance with design parameters specified by a suitably qualified Geotechnical engineer. The foundation design details shall be submitted in conjunction with the Building Consent application.

[All Lots]

- (ii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire-fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

[All Lots]

- (iii) The consent holder shall ensure that the wastewater treatment and disposal system is constructed generally in accordance with the recommendations contained within the design report prepared by Geologix dated October 21, referenced C0015-S-01-R01.

[All Lots]

- (iv) In conjunction with the construction of any building, the Lot owner shall submit, in conjunction with an application for building consent, and for the approval of Council the design of stormwater mitigation measures to limit stormwater flows from the lot to the pre-development level for rainfall events up to and including those with a 10% AEP, plus an allowance for climate change.

Overland/secondary flow paths that are capable of accommodating the 1% AEP storm event shall be provided on proposed Lot 1 and are to be unobstructed by new buildings, other structures or landscaping. The report shall be prepared by a Chartered Professional Engineer.

[All Lots]

- (v) Reticulated power supply or telecommunication services are not a requirement of this subdivision consent. The responsibility for providing both power supply and telecommunication services will remain the responsibility of the property owner.

[All Lots]

- (vi) The owner shall preserve the indigenous trees and bush now on the allotment as indicated on the survey plan, as areas K and L (in accordance with conditions 2 (b) and (c)) and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

[Lots 1 and 5]

A maximum of two working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:

- a) micro-chipped,
- b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
- c) kept in a kennel or tied up at night,

d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification.

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

**[Lot 1
and 5]**

(vii) No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

[Lots 2- 4]

~~(viii) In conjunction with a building consent, the Lot owner shall provide for the approval of the Council's duly delegated officer, a schedule of natural, recessive colours and textures to be utilised in finishing the building, including tinted or non reflective glass. The exterior is coloured within the 8S5252 standard colour palette range with a reflectance value of 30% or less or constructed of natural materials which fall within this range. The buildings are to be finished in accordance with this schedule prior to occupation of the building and the approved schedule shall be adhered to for the duration of the building consent.~~

[Lots 2-5]

~~(ix) Future development within Lot 2 shall be generally in accordance with, and make reference to, the Landscape Plan in Appendix 5, and to Section 7.2 Building Design Guidelines, in the Landscape and Visual Effects~~

~~Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.~~

~~Specifically,~~

- ~~i. In conjunction with a building consent, the lot owner shall provide for the approval of Council's duly delegated officer, a Landscape Planting Plan generally consistent with that contained in Appendix 5 referred to above.~~
- ~~ii. Building height shall be limited to no greater than 6m above natural rolling ground level.~~
- ~~iii. Building colours are to be selected from the A and B Group of the BS 5252 colour chart.~~
- ~~iv. Maximum LRV for exterior colours should not exceed 30% (excluding any minor trims).~~

~~In addition, at time of lodging building consent application, the lot owner shall demonstrate to Council's satisfaction, how they have given consideration to the other Building Design Guidelines recommendations contained in section 7.2 of the Landscape and Visual Effects Assessment prepared by Christine Hawthorn Landscape Architect, dated 9th August 2023.~~

{Lot 2}

Future development within Lots 1 – 5 shall comply with the following:

- a. Building height on Lot 1-5 shall be limited to a height of no greater than 6 metres above natural rolling ground level.
- b. Building colours should be selected from the A and B Group of the BS 5252 colour chart as they are less likely to stand out in rural and coastal landscapes. The light reflectance values for the exterior colours should not exceed 30% (excluding any minor trims).
- c. It is recommended to make use of architectural features such as verandahs, pergolas and large eaves to create shadow. These will all cast shadows on windows and ranch sliders thus limiting the reflectivity of the facades of the house.
- d. The form of large buildings should be broken up or indented to provide visual interest.
- e. All ancillary structures which are separate from the primary residence should be designed to complement and integrate with the primary residence. The use of landscape plantings to connect these structures with the main residence is recommended.
- f. Water tanks, if not placed underground, should be green or dark coloured and designed to integrate with the overall design of the main structures. Tanks that are placed above ground should be screened by landscape amenity plantings.
- g. Parking areas should be integrated with the overall design of the residence and screened from the CMA by landscaping.

- h. All exterior lighting should be shielded from the coastal marine area. There should be no pole lights or floodlights used. Lighting should be subdued.
- i. During the implementation of any earthworks on the lots for roading, building, landscaping or anything else, sediment control measures should be put in place to stop any runoff into the Whangaroa Harbour mangroves, saltmarsh and waterways.
- j. There shall be no filling, excavation or reclamation of the coastal edge adjoining the Harbour.
- k. There shall be no indigenous vegetation removal within the mangrove shrubland, salt herbfield, and saltmarsh, regardless of whether this is on the application site or not.
- l. There shall be no introduction of noxious weed species or potential pest plant species on the application site, so to avoid accidental spread into the ONC area.
- m. In conjunction with a building consent, the Lot owner shall provide for the approval of Council's duly delegated officer a landscaping plan in general accordance with the landscape plan contained as Appendix 5 of the Hawthorne Landscape Architects Landscape and Visual Assessment dated July 2026. The landscaping shall be implemented the first planting season following the completion of the build and shall be maintained thereafter.

_____ [All Lots)

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
2. Before undertaking physical works on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved. Please submit your CAR to the New Zealand Transport Agency CAR Manager, a minimum of fourteen working days prior to the commencement of any works on the state highway or longer.
3. The consent holder and future Lot owners shall be aware that the lower areas on Lots 1, 2 and 5 are subject to a Tsunami Hazard as identified by Northland Regional Council.
4. The consent holder and future Lot owners shall be aware that there may be wetlands on or in proximity to the subject site and are advised that further consent from Far North District Council as well as the Northland Regional Council may be required prior

to development under the District Plan and/or the National Environmental Standard for Freshwater Regulations 2020.

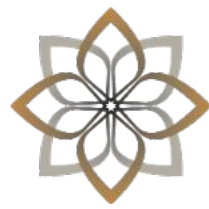
5. The consent holder and future Lot owners are advised that any future development (on all Lots), and any earthworks undertaken as a result of the consent conditions need to be undertaken in accordance with the relevant permitted rules and standards of the Proposed District Plan which was notified on the 27th of July 2022.

Whyte Pastoral Ltd
402c State Highway 10, Kaeo
Resource Consent Application



Appendix E – Landscape and Visual Assessment

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Landscape and Visual Effects Assessment

Proposed Subdivision of Lot 1 DP 137855
402c State Highway 10
Kaeo



Prepared For: Whyte Pastoral Ltd

Prepared By: Christine Hawthorn BLA (Hons)

Date: 28th July 2026

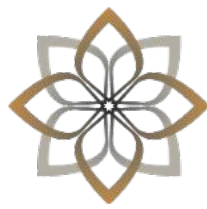


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Appendix 1 – Location Map
Appendix 2 – Scheme Plan
Appendix 3 – On Site Photographs
Appendix 4 – Off Site Viewpoints
Appendix 5 – Landscape Plan

Supplement A: Landscape and Visual Effects Assessment Methodology



1.0 INTRODUCTION

Hawthorn Landscape Architects Ltd (HLA) has been engaged by the clients Whyte Pastoral Ltd to undertake a landscape and visual effects assessment to assist with their application to vary the approved subdivision layout on their property (Lot 1 DP 137855) at 402c State Highway 10, Kaeo.

The applicant has consent to subdivide their 68.1825ha site into 5 lots ranging in size from 2.40ha to 40.0425ha. They are seeking a s127 variation to the approved plan (RC: 2240137-RMAVAR/A) to allow an alternative lot layout, and subsequent location of additional building sites within the General Coastal zone.

The property is located within the General Coastal and Rural Production zones under the Operative Far North District Plan. The property has no landscape overlays as identified on the Resource Maps within the Operative Far North District Plan. Two thirds of the site is located within the Coastal Environment as mapped by the Regional Policy Statement maps.

This report provides a full assessment of the landscape and visual effects associated with the proposal to alter the lot layout and potential location of building sites, in the context of the existing environment and the relevant statutory planning framework.

The potential effects are considered with respect to the subdivision and subsequent addition of future dwelling sites upon the lots, in association with landscape integration plantings.

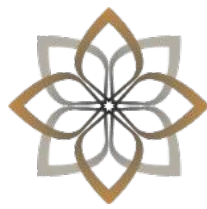
This report will provide the following:

- a) An assessment of the context and character of the existing environment,
- b) Assessment of the potential landscape and visual amenity effects of the proposal,
- c) Assessment of the proposal under the relevant statutory documents,
- d) Proposed landscape plantings to integrate future built form placed upon the lots,
- e) Building design guidelines for future built form to minimise any potential adverse natural character, landscape, and visual amenity effects.

2. METHODOLOGY

The following methodology was used in the preparation of this landscape and visual effects assessment.

- Desktop review of the relevant statutory documents (Regional and District Plan text and mapping);
- Site visits, and filed survey of the local area;
- Identification of the visual catchment and viewing audiences;
- Description of the site and existing landscape character, visual/aesthetic quality and amenity values of the surrounding environment;



- Identification and description of the nature of the proposed development;
- Assessment of anticipated character, landscape and visual effects;
- Ranking of landscape and visual effects;
- Review of the relevant planning documentation and reports;
- Identification of the proposed landscape and visual mitigation approach, options considered and recommendations.

To determine the overall nature and significance of the landscape and visual amenity effects, an understanding of the sensitivity of the landscape and viewing audience has been combined with an assessment of the magnitude of the change resulting from the proposal in order to determine the overall significance of effects.

In summary, the significance of effects identified in this assessment are based on a seven-point scale which includes very low; low; low-moderate; moderate; moderate-high; high and very high ratings.

The ratings of high and very high equate to 'significant' effects when considering Policy 13 (1) (b) and Policy 15(b) of the New Zealand Coastal Policy Statement, where the test is 'to avoid' significant adverse effects.

This assessment has been prepared by a qualified Landscape Architect and in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct and with reference to the Quality Planning Guidelines Note¹.

3.0 THE SITE AND ITS LANDSCAPE CONTEXT

3.1 Site Location

The applicant's property is located at 402c State Highway 10, Kaeo (legally described as Lot 1 DP 137855). It is approximately 4.5km to the north of Kaeo, and 3.5km to the south of Whangaroa.

The proposed development will be accessed via an existing farm vehicle track, off SH10. This will be upgraded to provide right of way access across proposed Lot 5 to proposed lots 1-4 within the subdivision. Refer to **Appendix 1 - Location Map and Appendix 2 – Scheme Plan**.

3.2 Application Site

The 68.1825ha property extends from its southern boundary adjacent to State Highway 10, northwards for approximately 1.6km where it terminates in a small headland spur that juts out into the Whangaroa Harbour. The northern slopes of the headland fall away to the mangrove lined mouth of the Kaeo River.

Proposed Lot 1 encompasses the small headland, with the northwestern portion being densely vegetated in native forest. The eastern part of proposed Lot 1 is in pasture, and takes in the elevated knoll, where an existing farm barn is present. This lot will

¹ <http://qualityplanning.org.nz/index.php/planning-tools/land/landscape>



contain the building platform within previous Lot 1. Refer to **Appendix 3 – On Site Photographs**.

Most of the existing bush area on proposed Lot 1 will be protected by a bush protection covenant. This area is labeled K on the survey plan. Refer to **Appendix 2 – Scheme Plan**.

The grazed part of the property which covers proposed Lots 2 - 4 is located to the south of the vegetated headland, on land that falls away to the west from the nearby north-south ridge crest. Proposed Lot 2 contains the building platform on the previous Lot 5. The land slopes moderately towards a narrow esplanade strip, and then into the Whangaroa Harbour. This part of the Harbour catchment is densely vegetated with mangrove forest.

The application site has expansive views out across this area of mangrove forest which has been identified as having Outstanding Natural Character values as mapped in Northland Regional Policy Statement.

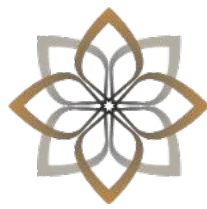
Proposed Lot 5 will encompass the balance of the existing farmland, which is mostly in pasture, with undulating topography, small ridge spurs, and lowland flats. An existing farm track which has access onto State Highway 10 travels up the southern facing slopes of Lot 5, to the main north-south ridgeline. This access track will be upgraded to provide the access to the proposed Lots.

3.3 Neighbourhood Context

The site and surrounding landscape are characterised by the Whangaroa Harbour setting as shown in **Figure 1**. The site is located at the head of the harbour and overlooks a large area of mangrove forest to the west.



Figure 1: Upper Whangaroa Harbour catchment



The landscape that backs this area is made up of grazed pasture and indigenous forest and wetlands. The forest tends to be located on the steeper hill slopes, gullies, and ridgelines. There is scattered built development located throughout this, predominantly farmhouses and accessory buildings. State Highway 10 is located just to the south of the application site and mangrove forest.

To the north of the bush point on Lot 1 the Kaeo River feeds into the Harbour. Views to the north and west take in the upper parts of the Whangaroa Harbour. This part of the harbour is shallow and tidal and accommodates large areas of Oyster racks.

Further to the northeast are the small settlements of Whangaroa and associated marina, and on the other side of the harbour is Totara North. Within the Whangaroa catchment two Outstanding Landscape Features are visible, these being St Pauls Rock, a volcanic plug, which has spectacular views out across the Harbour, and Mount Taratara, located to the west of the Harbour.

4.0 THE PROPOSAL

4.1 Proposed Subdivision

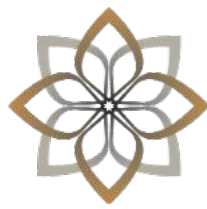
The applicants are applying for a variation to the previously approved 5 lot subdivision (RC: 2240137-RMAVAR/A). They are seeking a s127 variation to the approved plan to allow for an alternative lot layout, which will subsequently result in additional building sites within the General Coastal zone than previously provided for, namely Lot 3 and 4.

The approved subdivision under RC: 2240137-RMALUC created four lots of just over 2ha in size in the Rural Production zone (Lots 1-4) and a 59.05ha balance lot (Lot 5) which straddled both the General Coastal and Rural zones (with the proposed building site in the General Coastal zone). The balance lot was to remain as a farm, while the smaller lots were intended for ownership by the extended family members with subsequent development of dwelling sites on Lots 1 – 4.

The current proposal to vary the original consent will result in proposed Lot 1 being located on the small headland spur, with a size of 18.59ha; this will contain the building platform on previous Lot 1. Refer to **Appendix 2 – Scheme Plan** and **Figure 2**.

The vegetated point will be protected by a Bush Protection Covenant (Area K). The farmed portion of Lot 1 will accommodate any future development of a dwelling site. The elevated knoll on this lot already accommodates a farm shed, and there is ample room for a future dwelling to be located just off the brow of the highpoint of the knoll, so that it will be below the ridgeline. It will be within the General Coastal zone and Coastal Environment

Lots 2 – 4 will be located adjacent to Lot 5 and are of a general rectangular shape. These lots range in size from 2.40ha – 3.71ha, and be within the General Coastal zone and Coastal Environment; the building platform on proposed Lot 2 is that which was previously contained in Lot 5. They are located on the western sloping land to the west of the existing farm track that will be upgraded as the main access road within the subdivision. The contours of these lots will result in future building envelopes likely placed close to the main access road on the upper contours, to obtain views across



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the mangrove forest and beyond towards the waters of the Whangaroa Harbour. Dwelling sites placed in these areas will be viewed below the ridgeline, as the contours continue to rise to the east of the main access road.

Proposed Lot 5 will be 40.0425ha and will cover both the General Coastal and Rural Production zones. This lot is of a size that provides many options for the placement of a dwelling site in an appropriate location.

As Lots 1-4 and possibly Lot 5 will subsequently result in future dwellings located within the General Coastal zone and Coastal Environment, building design guidelines and landscape integration plantings are proposed to ameliorate any potential adverse visual, landscape and natural character effects of such development.

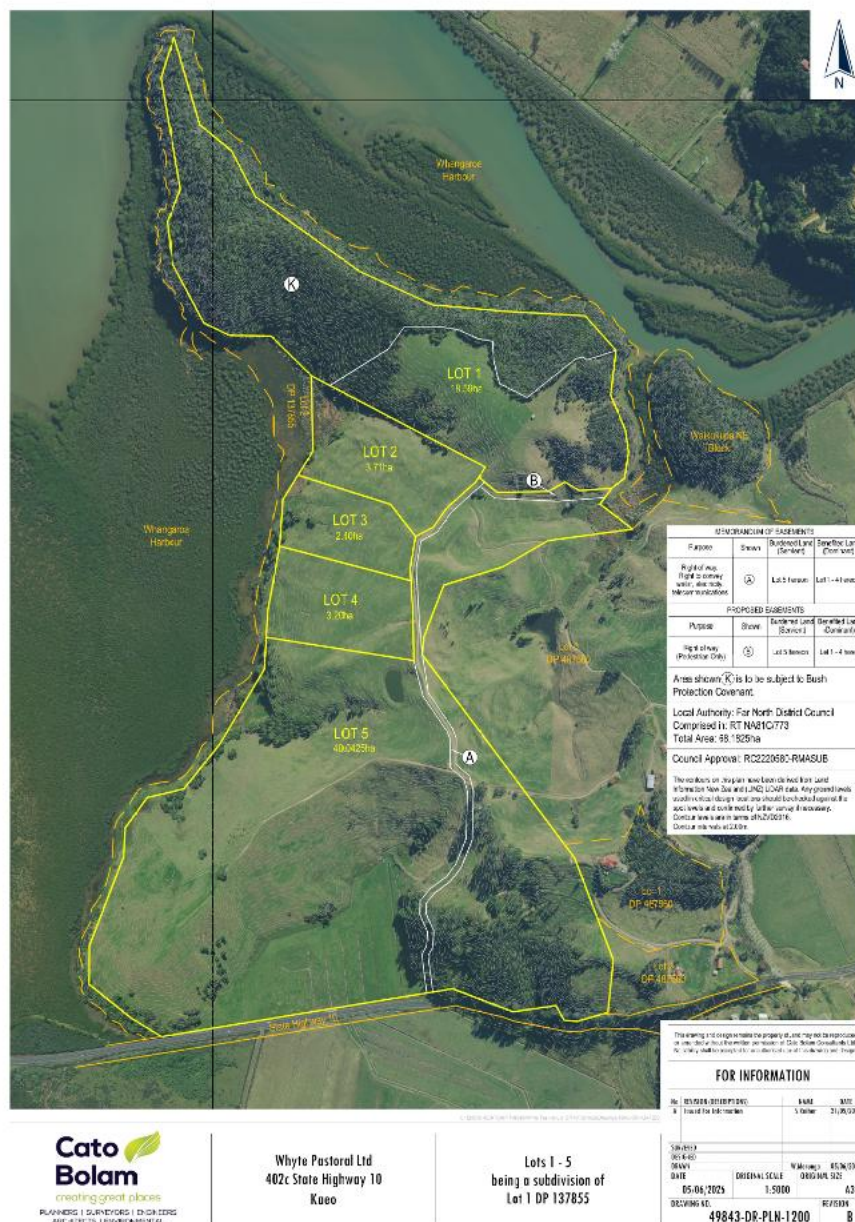


Figure 2: Scheme Plan



4.2 Landscape Integration Plantings

Proposed landscape integration plantings (described in Section 7.1) are proposed to be implemented by future lot owners, once they have determined where the building envelope will be located. The planting will minimise potential adverse effects upon coastal natural character and visual amenity values and provide a vegetated setting for future built form. Refer to the **Landscape Plan** contained in **Appendix 5**.

4.3 Building Design Guidelines

A set of building design guidelines are proposed for future built development upon Lots 1-5 to assist with enabling built development to be set into the landscape to minimise visual and landscape effects and maintain natural character and visual amenity values.

5.0 ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

5.1 Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and significance of potential landscape and visual effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements and existing character of the landscape and impacts on viewing audiences and visual amenity.

The existing landscape and its visual context form the baseline for landscape and visual effects assessments. The assessment of visual effects considers how changes to the physical landscape affect the viewing audience.

In assessing effects on landscape there is a distinction made between landscape effects (effects on the character and amenity of a landscape, this may not be visible to the general public), and visual effects (the response of a viewing audience, principally from public viewing positions, but also surrounding privately owned properties).

These effects are assessed in terms of the degree of change brought about by a development. The degree of landscape and visual effects resulting from a development may be negative (adverse), or positive (beneficial), contributing to the visual character and quality of the environment.

The landscape and visual effects assessment will consider the following:

- Visual amenity effects from the identified viewing audiences.
- Landscape effects, resulting from the physical modification of the site, including any vegetation removal and changes to the landform.
- Landscape character effects generated from the proposal, including how well future built form can be integrated into the landscape context.



5.2 Visual Effects

The potential visual effects of this development will be generated by any visual changes to the landscape as a result of the proposal, with the significance of the effects measured by the response of a particular viewing audience.

This is influenced by the degree of visibility, whether the proposal is the focal point or part of a wider view, whether the view is transient or permanent and the degree of contrast with the surrounding environment. The visual qualities of the proposal and the ability to integrate any change within this landscape setting also influences the degree of effects.

Visual Catchment & Viewing Audience

To evaluate the extent of visibility and assess the potential landscape and visual impact of the proposed development on the surrounding area a number of viewpoints were chosen that are representative of the main public viewing positions that will enable views of proposed Lot 1-5.

The proportion of future development upon the lots will be dependent upon several factors, including the elevation and orientation of the viewpoint, the time, visibility (weather conditions), the individual's activity within the area, and the screening effects of landform and existing and proposed vegetation.

Visual Impact Analysis

The following is an assessment of the representative land based viewing areas that gain views towards the application site. From each of the viewpoints photographs were taken to illustrate the view of the property and the context of its setting.

Refer to the Location Map contained in **Appendix 1** for the viewpoint locations and **Appendix 4 - Off Site Viewpoints**.

Viewpoint 1

This viewing position is located on State Highway 10 approximately 1.7km to the southwest of the site. This view is afforded by passing motorist, their view momentary and ever changing as they drive by.

Future built development upon the site will be visible just visible above the top of the canopy of the foreground mangrove forest. Buildings are capable of being located below the ridgeline of the site, and other ridgelines beyond in the backdrop.

Future dwellings will form a small part of the overall scene. With the use of dark recessive building colours, it will be hard to distinguish built form. Potential effects are capable of being maintained at a low level with the implementation of the landscape integration plantings and building design guidelines.

Viewpoint 2

This view of the site is afforded by passing motorists on State Highway 10 approximately 2.4km to the west of the site. The five proposed lots and future



development of dwelling sites on the lots will be visible from this area of SH10 as a fleeting view as motorists pass by.

The presence of a dwellings located upon Lots 1-5 within this setting is in keeping with the current settlement pattern found around this part of the hinterland of the Whangaroa Harbour. Scattered residences located upon the farmed hillslopes are very characteristic of this area.

Viewpoint 3

Located on State Highway 10 approximately 3.8km to the west of the site. From this very long focal distance any dark recessively coloured built forms placed on the site, set into landscape integration plantings will be very difficult to distinguish.

Due to these aspects the proposal can easily be visually absorbed by the landscape so that the potential adverse visual effects of the proposal will be low (less than minor).

5.3 Landscape Effects

Potential landscape effects of a development can be generated by either landform or land-cover modification or may be more subtle such as influencing the overall pattern and character of the landscape.

Landscape character is the distinct and recognisable pattern of elements that occur consistently in a particular landscape. It reflects combinations of geology, landform, soils, vegetation, land use and human settlement.

The significance of the landscape effects will be determined by the extent of the change, the sensitivity of the landscape, its context, existing levels of development surrounding the site and the contour of the land.

It will also be dependent upon the presence or absence of screening and/or backdrop vegetation, and the characteristics of the future activities associated with the development on the application site.

Physical Landscape Effects

There is an existing access farm track off State Highway 10 leading to the proposed lots which will be upgraded for the main access within the subdivision, refer to **Figure 3**. This track will need some additional cut and fill earthworks to bring it up to standard. In addition, at the time dwellings are developed on Lots 1-5, earthworks will also be required to construct the building platforms.

These earthworks have the potential to create adverse landscape effects due to the potential for visible scarring of the landscape. Upon completion of all earthworks any cut and fill batters should be revegetated to minimise these effects, especially as viewed from Whangaroa Harbour. This may be as simple as re-grassing the earthworks or revegetating them with plantings. These earthworks have been consented as part of the original subdivision application.



Figure 3: Existing farm access track traversing Lot 1

The physical change to the landscape because of any future built form will be minimised through the siting below the ridgelines and setting the sites back from the coastal edge. In addition, the use of recessive building colours and landscape integration plantings will amalgamate buildings into the landscape, so they seamlessly become part of the present settlement pattern and character.

Overall, it is considered that the proposal has the capacity to generate a low level of adverse physical landscape effects, as the key characteristics and values of the site and surrounding landscape can be maintained.

Landscape & Natural Character Effects

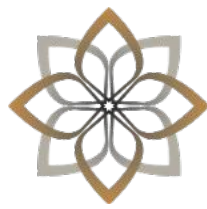
The Far North District Plan maps identify that there are no Outstanding Landscape, Outstanding Landscape Features or Natural Features on the site.

The Regional Policy Statement identifies that there are no identified Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character or Outstanding Natural Character (ONC) areas identified on the site.

As the property has no landscape overlays associated within it and due to its modified state (farmed portion), it is less sensitive to change.

The nearby ONC area will not be adversely affected, and the proposed bush covenant covering the bush clad point on Lot 1 will preserve the natural character values of this part of the property. In addition, an area of riparian planting proposed along the western boundaries of Lots 2-4 (adjacent to the ONC area), will protect the riparian edge and provide a buffer between farmland and the saltmarsh below the coastal escarpment.

The proposal will result in the eventual development of dwellings upon the lots, within the coastal environment. With the implementation of the building design guidelines and the landscape integration plantings the magnitude of change resulting from this will be small when viewed in the wider landscape setting. The key characteristics of



the landscape setting will remain intact so that the landscape has the capacity to absorb the change to ensure that the proposal will be well integrated into the existing coastal landscape character.

Overall, it is considered that the proposal will have a low adverse landscape and natural character effects on the immediate vicinity, but that overall, the proposal will have a very low effect on the landscape character attributes of the wider coastal environment along this part of the Whangaroa Harbour.

6. STATUTORY CONTEXT

6.1 Far North District Plan (FNDP)

Within the Operative Far North District Plan (FNDP) the application site is zoned General Coastal as shown in **Figure 4**. A strip of land that extends around the coastal edge of the property is include within an Esplanade Reserve.

The Resource Map identifies that there are no Outstanding Landscape, Outstanding Landscape Features or Natural Features identified on the site.



Figure 4: FNDP Zone Map

Future buildings sites on proposed Lots 1-4 will be located within the General Coastal zone and likely Lot 5 building site also.

The expected environmental outcomes of development within the General Coastal Zone are an allowance of a wide range of activities providing the natural and physical resources are managed in a sustainable way and the natural character is preserved.

The following are the relevant landscape objectives found in Chapter 10 Section 6 General Coastal Zone.



GENERAL COASTAL ZONE

Objective 10.6.3.1

"To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character".

Objective 10.6.3.2

"To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development"

Objective 10.6.3.3

"To manage the use of natural and physical resources (excluding minerals) in the general coastal area to meet the reasonably foreseeable needs of future generations".

Following are the relevant landscape policy's found in Chapter 10 Section 6 General Coastal Zone.

Policy 10.6.4.1

"That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment".

Policy 10.6.4.2

"That the visual and landscape qualities of the coastal environment be protected from inappropriate subdivision, use and development".

Policy 10.6.4.3

"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:

- 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;*
- 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;*

Policy 10.6.4.6

"The design, from, location and siting of earthworks shall have regard to the natural character of the landscape including terrain, landforms and indigenous vegetation and shall avoid, remedy or mitigate adverse effects on those features".

Comment:

The adjoining ONC which covers the large area of mangrove forest will not be affected by any future built form located upon the proposed lots. Future building site can be positioned well back from the coastal edge and saltmarsh. The riparian edge plantings of Flax, Cabbage tree and Oioi will provide a vegetated native buffer along



this area to ensure that the sensitive values of the coastal edge and HNC area are protected.

Area K on the survey scheme plan covers the area of mature indigenous vegetation that is located on the northern end of Lot 1, Refer to **Figure 5**. This will be protected by a bush protection covenant, thus preserving the natural character values of this part of the property.

The proposed building design guidelines will minimise any potential adverse visual and landscape effects, particularly as seen from the coastal marine area. The building sites have the capacity to be set into the contours below the ridgelines. Proposed landscape integration plantings will provide a vegetated backdrop and foreground.

There is no native vegetation clearance associated with the proposal, and the existing farm access track can be utilised to provide access to the proposed lots.

The development will be viewed as a small change to the landscape scene and will be recessive and subtle so that the natural character and visual amenity values of the coastal environment are maintained.

The potential landscape and visual effects will be low and the natural character values of the coastal environment and nearby Outstanding Natural Character area will be maintained.

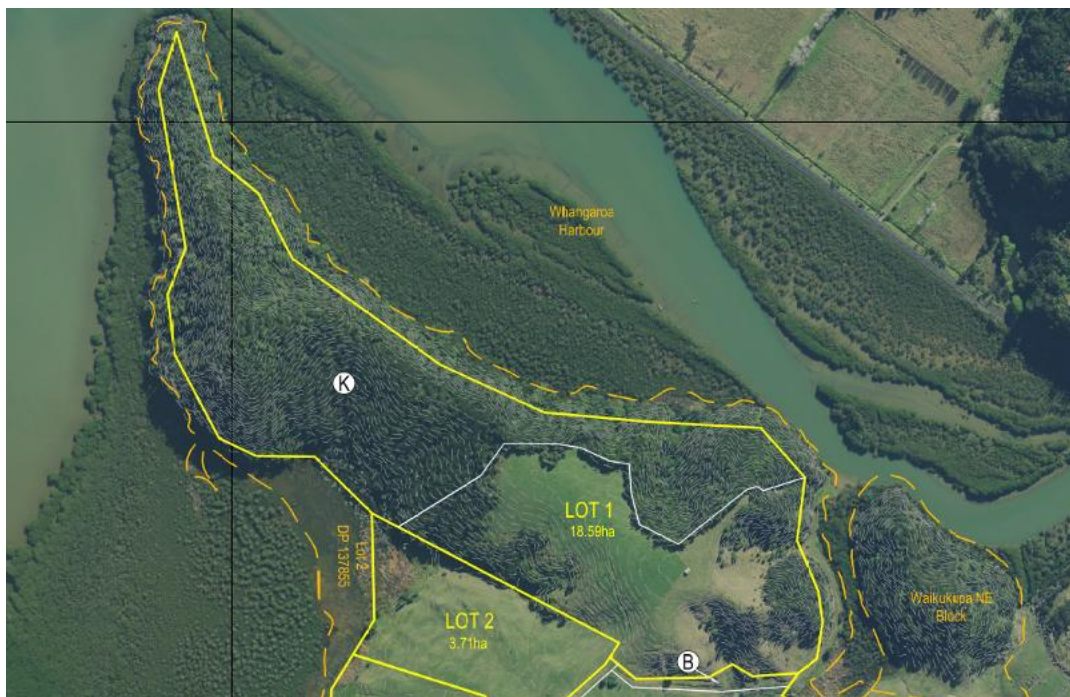
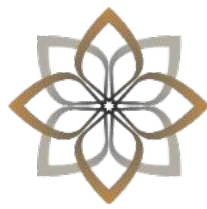


Figure 5: Scheme plan showing the bush on Lot 1 that will be protected (Area K)

10.6.5.3.1 VISUAL AMENITY RULE

- i. *The location of the building;*



Future building envelopes and development upon the lots can be set back from the edge of the adjoining the Mangrove forest and ONC area. Future building envelopes will be located within the open grassed areas of the site that have already been modified through farming practices.

- ii. *The size, bulk and height of the building in relation to ridgelines and natural features;*

Building envelopes and any future built development upon them have the capacity to be set into the landscape so they are not viewed on a ridgeline. Building design guidelines will ensure that development will be subordinate to the natural landscape. There are no natural features on or nearby the site that the proposal could adversely affect. The site has not been identified as having any outstanding natural landscape values or high or outstanding natural character values.

- iii. *The colour and reflectivity of the building;*

Building design guidelines will ensure that any future built form has a LRV of 30% or less.

- iv. *The extent to which planting can mitigate visual effects;*

The proposed landscape integration plantings will soften the view of future built form on the lots from the surrounding viewing positions, including from within the coastal marine area. This will minimise any potential adverse visual amenity effects to a low level.

- v. *Any earthworks and or vegetation clearance associated with the building;*

There is no vegetation clearance associated with the development. Any earthworks associated with future built form upon Lots 1-5 should be done in a manner that maintains any adverse landscape and visual effects to a low level.

- vi. *The location and design of associated vehicle access, manoeuvring and parking areas;*

The building sites will be serviced by the existing farm accessways which will be upgraded. Parking and manoeuvring areas should be screened from the CMA.

- vii. *The extent to which the building and any associated overhead utility lines will be visually obtrusive*

If alternative power sources are not used any utility services shall be laid underground. Building design guidelines will ensure that future built form will not be visually obtrusive.

- viii. *The cumulative visual effects of all the buildings on the site;*

There will eventually be five dwelling sites located upon the application site that has a total area of 68.1825ha. Landscape and building design guidelines will ensure there is no cumulative visual effects of the development of buildings upon Lots 1-5.

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



The Far North District Plan maps identify that there are no Outstanding Landscape, Outstanding Landscape Features or Natural Features on the site. The Regional Policy Statement identifies that there are no identified Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character or Outstanding Natural Character areas on the site.

The characteristic's that make up the outstanding values of the adjacent ONC area that covers the head of Whangaroa Harbour relate to the extensive tract of mangrove forest and little man-made structures. The proposed development will not adversely impact upon the characteristics of this ONC area.

Future building envelopes have the ability to be placed in appropriate positions on the lots. Future built form will be of a size, height, style and colour that can be absorbed by the site and this locality. The proposal is in keeping with the current settlement pattern and character of the area and will not diminish the qualities that give this landscape its naturalness, visual and amenity values.

- x. *The extent to which private open space can be provided for future users;*

The property is of a size that will provide ample private open space for the owners.

- xi. *The extent to which siting, setback and design of buildings avoid visual dominance on landscapes, adjacent sites and the surrounding environment;*

Future building envelopes have the capacity to be set back the required distances from boundaries and as far as possible from the harbour edge. They will be well away from adjoining neighbours. Future built form as the capacity to be sited below ridgelines and will be recessively coloured and integrated into the landscape through foreground and backdrop plantings.

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

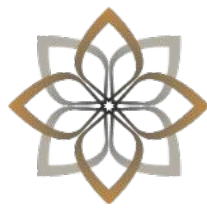
There are no aspects of the proposal that will adversely affect the privacy or outlook of neighbouring properties.

6.2 Regional Policy Statement for Northland (RPS)

In 2012, the Northland Regional Mapping Project ("Mapping Project") was undertaken by the Northland Mapping Group (on behalf of the NRC). The purpose of the Mapping Project was to determine the delineation of the Coastal Environment, and the natural heritage areas within the region comprising Outstanding Natural Landscapes ("ONL").

The application site is located within the Coastal Environment and is adjacent to an area of Outstanding Natural Character, this area is identified as "Catchment Whangaroa" as shown in **Figure 6**.

It is described as an "extensive area of mangrove forest and shrubland and channels. Stop-banked landward. Includes limited area of saltmarsh". The contributing values



include “Indigenous vegetation without pest plants, close to present potential cover for site conditions. Part of a continuum of marine to terrestrial ecosystems. Few obvious human structures”.

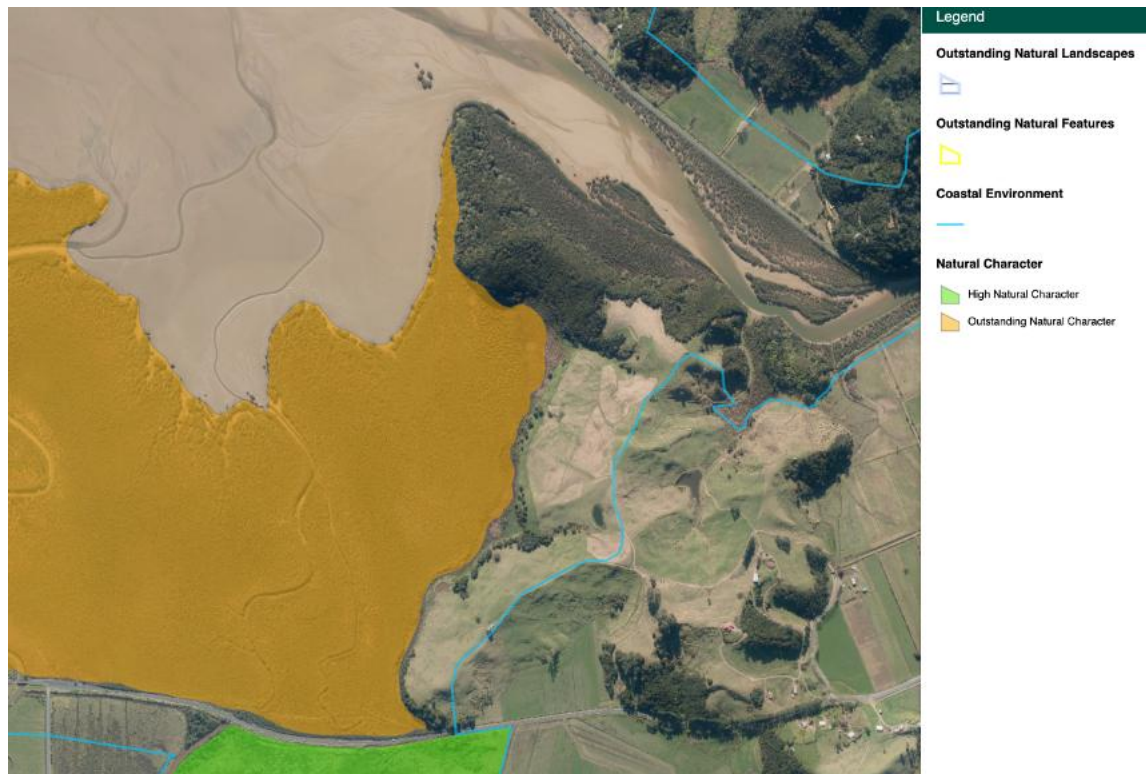


Figure 6: RPS Map

Policy 4.6.1

Managing effects on the characteristics and qualities natural character, natural features and landscape.

(1) In the coastal environment:

- a) Avoid adverse effects of subdivision use and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.
- b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes.

Methods which may achieve this include:

- (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
- (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks/disturbance, structures, discharges and



extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and

(iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

Comment:

Building sites on Lots 1-4 and potentially Lot 5 will be located within the Coastal Environment. The property has no identified ONL, ONF, HNC or ONC designations over it. The property is located adjacent to the ONC area which covers a large area of mangrove forest at the head of the Whangaroa Harbour.

The characteristic's that make up the outstanding values of this ONC area relate to the extensive tracts of mangroves with few obvious man-made structures. The proposed development will not adversely affect these features and characteristics of the ONC area.

The proposal for the addition of building sites set into this farmed part of the property will not adversely impact upon the qualities of the adjoining ONC area or coastal environment.

Although the property has no landscape overlays on it the applicants will be protecting the bush located at the northern point on the property. This area is bound by the Kaeo River on the northeastern side and the head of the Whangaroa Harbour on the western side. The protection of this bush clad headland will preserve the natural character values of this part of the property and surrounding CMA.

Future building envelopes can be positioned so that future built form will not be viewed on a ridgeline. Proposed building design guidelines and landscape integration plantings will ensure any structures are recessive and well-integrated into the surrounding landscape so that potential landscape, visual and natural character effects are low.

6.3 New Zealand Coastal Policy Statement

The site is located within the coastal environment. The following policies are of relevance. Policy 6 - Activities in the coastal environment, Policy 13 - Preservation of natural character, and Policy 15 Natural features and natural landscapes.

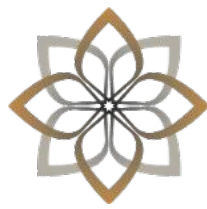
Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(f) consider where development that maintains the character of the existing built development should be encouraged, and where development resulting in a change in character would be acceptable;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;

Policy 13 Preservation of natural character



(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;*

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

- (a) natural elements, processes and patterns;*
- (b) biophysical, ecological, geological and geomorphological aspects;*
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- (d) the natural movement of water and sediment;*
- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 15 Natural Features and natural landscapes

To protect the natural features and natural landscapes (including Seascapes) of the coastal environment from inappropriate subdivision, use and development.

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;*

Comment:

The site has not been identified as being part of or having any ONL, ONF, HNC or ONC areas. Although the site has not been identified as having any of these landscape designations, it is located directly adjacent to a large area of mangrove forest within the Harbour that has ONC values.

The proposal is in keeping with the existing settlement pattern found around the edge of the upper parts of the Whangaroa Harbour. The proposal will not alter the present visual amenity or natural character values associated with this area.

Future building sites have the capacity to be located below the surrounding ridgelines and set back from the coastal edge. Building design guidelines and landscape integration plantings will ensure that the proposal will not adversely impact upon the present landscape character values. The bush protection covenant of the bush clad point on Lot 1 will protect natural character values of the coastal environment.

7.0 MITIGATION MEASURES



7.1 Landscape Integration Plantings

The Landscape Plan contained in **Appendix 5** specifies the landscape integration plantings proposed on the lots and around future building sites to assist with minimising the any potential adverse landscape and visual amenity effects to a low level.

The key components of the planting include:

Tree Cluster Plantings

Clusters of specimen trees located close to the likely building sites to provide a vegetated framework for future built form placed on the lots. The scattered trees will link with future backdrop and foreground plantings that will be positioned at the time building sites and house designs are formalised.

Riparian Edge Buffer Plantings

A proposed strip of plantings along the base of the hill slope, adjacent to the coastal escarpment will provide a buffer between the potential future activities on Lots 2-4 and the mangroves - Outstanding Natural Character area.

Backdrop Planting

A mixed planting of hardy native species to the east of future building sites will provide a vegetated backdrop for future built development when viewed from the west and within the Harbour.

Foreground Plantings

Proposed foreground plantings located generally to the west of building sites will provide a foreground setting to blend any future buildings into the landscape to maintain coastal character and visual amenity values.

7.2 Building Design Guidelines

A set of building design guidelines are proposed for future built development upon Lots 1-5 to assist with enabling built development to be set into the landscape to minimise visual and landscape effects and maintain natural character and visual amenity values.

The building design guidelines will control aspects such as building height, colours, reflectivity, design style and form and scale.

1. Building height on Lot 1-5 shall be limited to a height of no greater than 6 metres above natural rolling ground level.
2. Building colours should be selected from the A and B Group of the BS 5252 colour chart as they are less likely to stand out in rural and coastal landscapes. The light reflectance values for the exterior colours should not exceed 30% (excluding any minor trims).
3. It is recommended to make use of architectural features such as verandahs, pergolas and large eaves to create shadow. These will all cast shadows on windows and ranch sliders thus limiting the reflectivity of the facades of the house.



4. The form of large buildings should be broken up or indented to provide visual interest.
5. All ancillary structures which are separate from the primary residence should be designed to complement and integrate with the primary residence. The use of landscape plantings to connect these structures with the main residence is recommended.
6. Water tanks, if not placed underground, should be green or dark coloured and designed to integrate with the overall design of the main structures. Tanks that are placed above ground should be screened by landscape amenity plantings.
7. Parking areas should be integrated with the overall design of the residence and screened from the CMA by landscaping.
8. All exterior lighting should be shielded from the coastal marine area. There should be no pole lights or floodlights used. Lighting should be subdued.
9. During the implementation of any earthworks on the lots for roading, building, landscaping or anything else, sediment control measures should be put in place to stop any runoff into the Whangaroa Harbour mangroves, saltmarsh and waterways.
10. There shall be no filling, excavation or reclamation of the coastal edge adjoining the Harbour.
11. There shall be no indigenous vegetation removal within the mangrove shrubland, salt herbfield, and saltmarsh, regardless of whether this is on the application site or not.
12. There shall be no introduction of noxious weed species or potential pest plant species on the application site, so to avoid accidental spread into the ONC area.

8. CONCLUSION

The proposal is for the subdivision of the applicants 68.1825ha site into 5 lots ranging in size from 2.40ha to 40.0425ha. The application is for a s127 variation to the approved plan (RC: 2240137-RMALUC) to allow an alternative lot layout, and subsequent location of building sites within the General Coastal zone.

This assessment has provided an understanding of the existing character and quality of the site and surrounding landscape. The potential visual components of future development upon proposed Lots 1-5 within the General Coastal zoned part of the property has been assessed and recommendations made to ensure that any future development will result in a low level of adverse landscape, visual amenity and natural character effects.

The possible future development upon Lots 1-5 constitutes an overall minor component or change to the wider view and will be visually incorporated into the landscape by the proposed landscape integration plantings.



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The visual and physical landscape effects of development of subdivision infrastructure and building sites will be low, providing the proposed building design guidelines and landscape integration plantings are applied.

The Far North District Plan maps identify that there are no Outstanding Landscape, Outstanding Landscape Features or Natural Features on the site. The Regional Policy Statement identifies that there are no identified Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character, or Outstanding Natural Character areas on the site.

The adjoining ONC area to the west of the property which encompasses the mangrove forest at the head of the Whangaroa Harbour will not be adversely affected by the development.

The northern end of Lot 1 which is vegetated in indigenous forest will be protected by a bush protection covenant. This will preserve the natural character values of this part of the property and coastal environment.

This is a development that is consistent with the relevant zone rules and assessment criteria that have landscape, visual and natural character relevance within the FNDP, RPS and NZCPS.

Christine Hawthorn

BLA (Hons.)

Hawthorn Landscape Architects Ltd.



KEY

- ③ Viewpoints
1 - 3



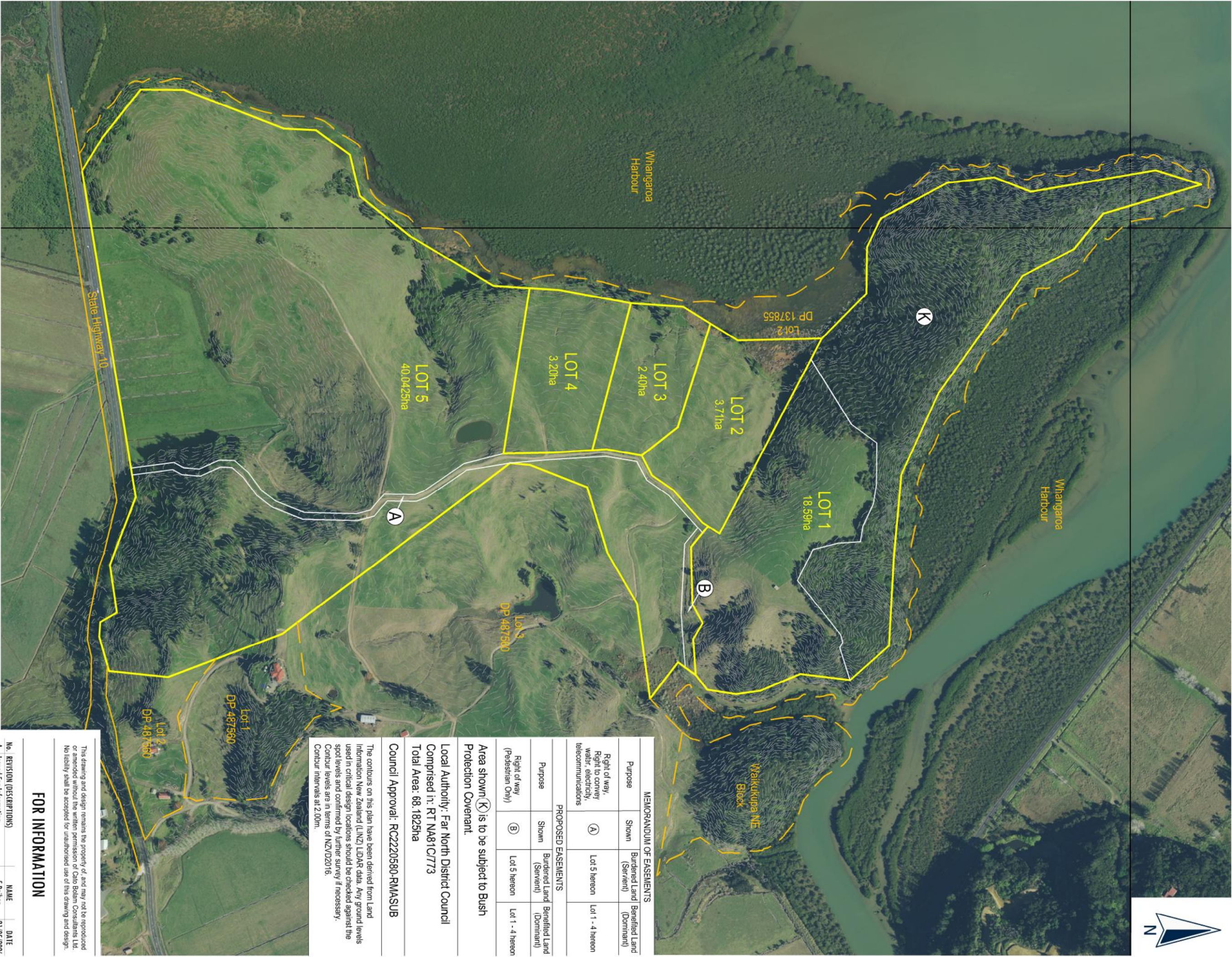
6/07/2026

Location & Viewpoint Location Map

Whyte Pastoral Ltd
402C State Highway10

Scale as shown	Drawn By Cad Design
Drawing # 1.0	Rev # A

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2. Do not scale off this drawing.
3. Landscape Architect to be notified of any variations between on site dimensions and those shown on the plan. Hawthorn Landscape Architects accepts no liability for unauthorised changes to the details changes to the details shown in these drawings.
4. All construction work based on these plans is to comply with relevant local authority regulations and all NZ building codes and standards.



MEMORANDUM OF EASEMENTS

Purpose	Shown	Burdened Land (Servient)	Benefited Land (Dominant)
Right of way, Right to convey water, electricity, telecommunications	(A)	Lot 5 hereon	Lot 1 - 4 hereon

PROPOSED EASEMENTS

Purpose	Shown	Burdened Land (Servient)	Benefited Land (Dominant)
Right of way (Pedestrian Only)	(B)	Lot 5 hereon	Lot 1 - 4 hereon

Area shown (K) is to be subject to Bush Protection Covenant.

Local Authority: Far North District Council
Comprised in: RT NA81C/773
Total Area: 68.1825ha

Council Approval: RC2220560-RMASUB

The contours on this plan have been derived from Land Information New Zealand (LINZ) LIDAR data. Any ground levels used in critical design locations should be checked against the spot levels and confirmed by further survey if necessary. Contour intervals at 2.00m.

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FOR INFORMATION

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Information	S. Reiner	21/05/2026

SURVEIED			
DESIGNED		W. Moxinge	05/06/2026
DRAWN			
DATE	05/06/2026	ORIGINAL SCALE	1:5000
		ORIGINAL SIZE	A3
DRAWING NO.	49843-DR-PLN-1200	REVISION	B



Photograph 1 – Located on the main farm access track, looking north across proposed Lot 2, and beyond to the headland on Lot 1 that is vegetated in mature native forest. The knoll in pasture to the right of this is also Lot 1. The ONC area covering the mangrove forest to the west of the site is visible with Whangaroa Harbour in the background.

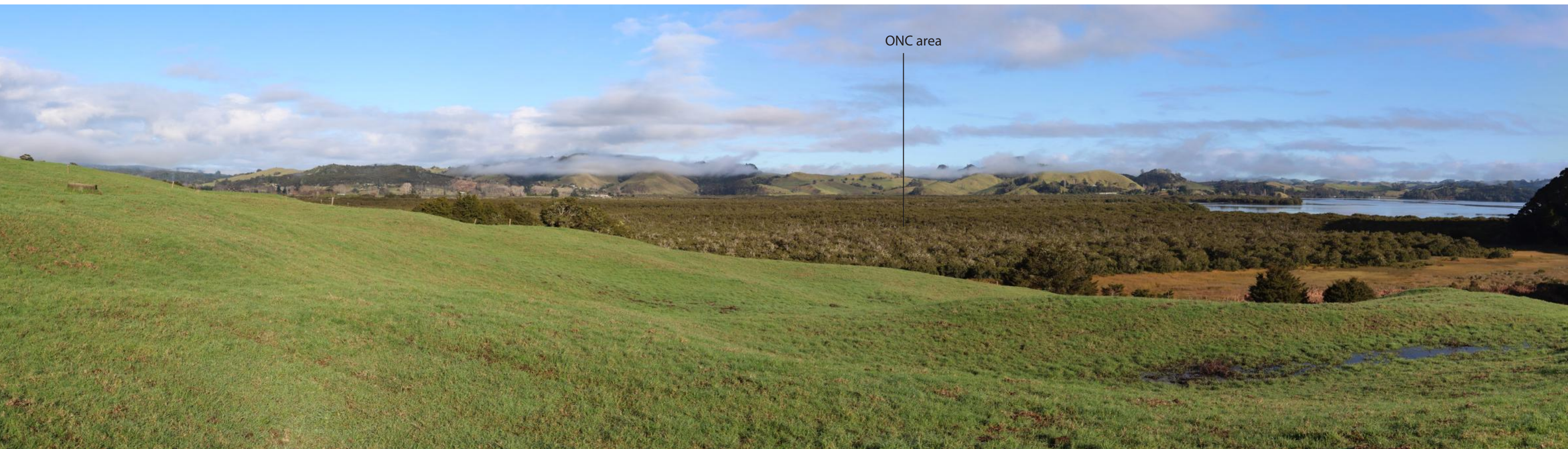


Photograph 2 – View from the lower part of proposed Lot 2, looking north west with the saltmarsh and wetland areas along the coastal escarpment and esplanade reserve. The mangroves within the ONC area extend into the Whangaroa Harbour.





Photograph 3 – View on Lot 2 looking southeast towards Lot 3, illustrating how the contours extend up to a ridgeline that is located on proposed Lot 5, therefore resulting in future dwellings sites on proposed Lots 2-4 being viewed below the ridgeline.



Photograph 4 – View looking southwest across Lot 2 and beyond towards the ONC area.





Photograph 5 – View looking east towards the elevated knoll on proposed Lot 1. The existing shed is located on top of the hill.

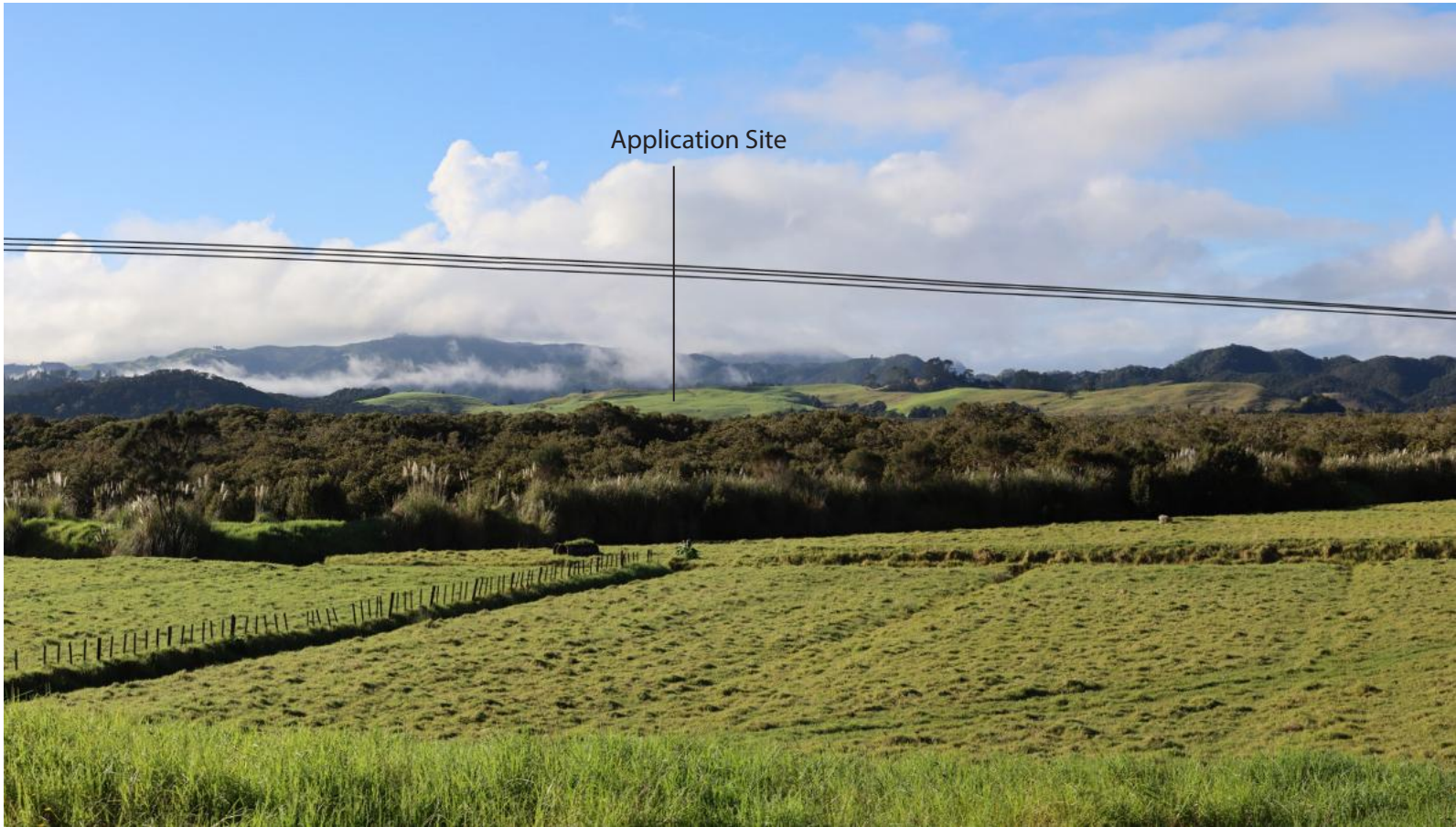


Photograph 6 – View from proposed Lot 1 looking south towards the western facing slope that will accommodate proposed Lots 2-4 in the foreground and midground, with Lot 5 beyond, and to the east of the main access track. The existing dwelling on Lot 1 DP 487560 is visible.





Viewpoint 1 – Located on State Highway 10 approximately 1.7km to the southwest of the site. Future development upon the proposed lots will result in the addition of five dwelling sites to this vista. They will be visible just above the top of the canopy of the foreground mangrove forest.



Viewpoint 2 – Located on State Highway 10 approximately 2.4km to the west of the site. The five proposed lots and future development of dwelling sites on the lots will be visible from this area of SH10 as a fleeting view as motorists pass by.



Application Site

Viewpoint 3 – Located on State Highway 10 approximately 3.8km to the west of the site. From this very long focal distance any dark recessively coloured built forms placed on the site, set into landscape integration plantings will be very difficult to distinguish.





KEY



Tree Cluster Plantings
(Indicative Locations)



Riparian Edge Buffer
Plantings



LIDAR Contours
5m interval

Overlays



Esplanade reserve



Coastal environment
boundary



Outstanding Natural
Character area



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Overall Landscape Plan

Whyte Pastoral Ltd
402C State Highway10

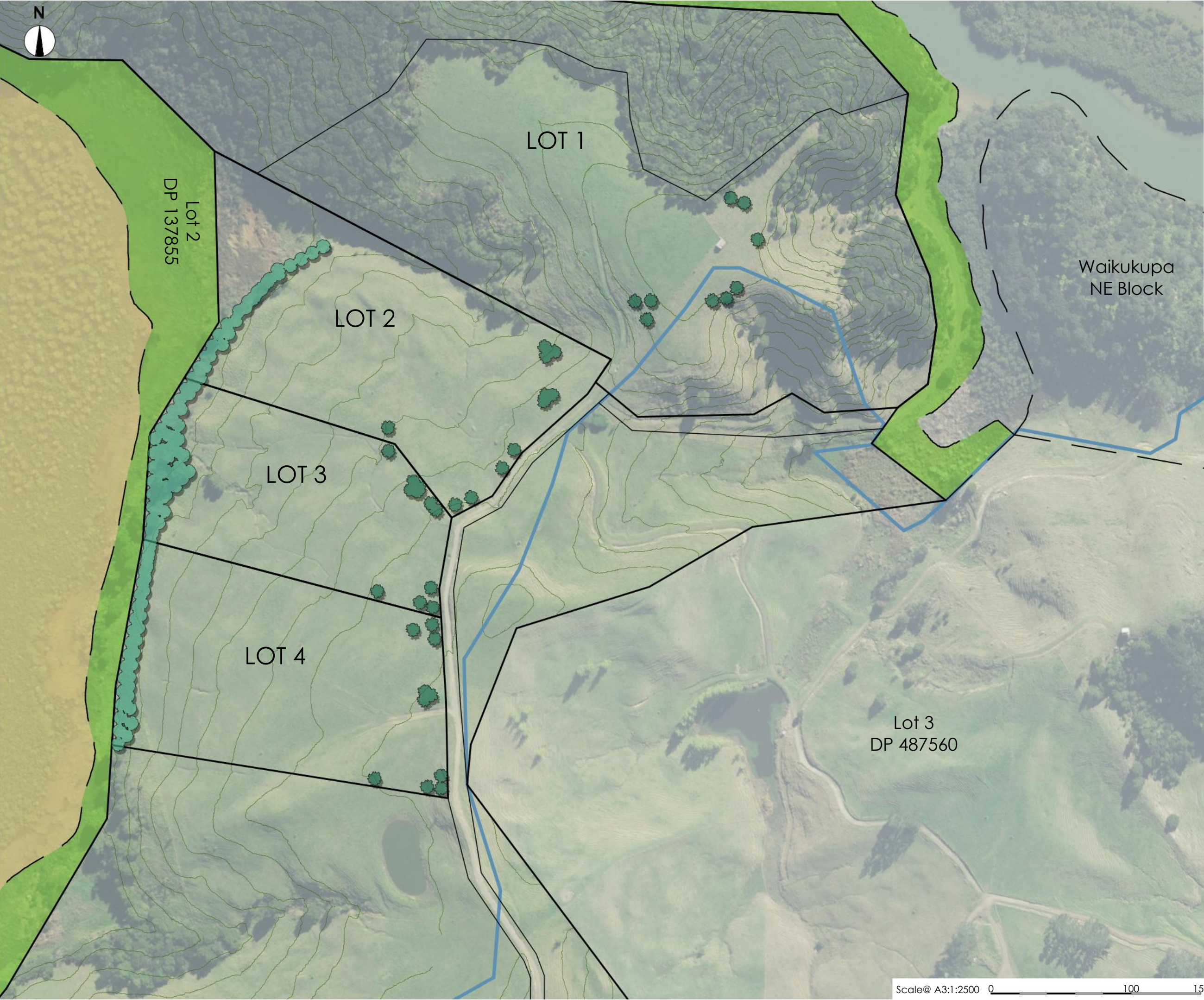
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KEY

Tree Cluster Plantings
(Indicative Locations)

Riparian Edge Buffer
Plantings

LIDAR Contours
5m interval

Overlays

Esplanade reserve

Coastal environment
boundary

Outstanding Natural
Character area

Waikukupa
NE Block

6/07/2026	
Landscape Plan Lots 1-4	
Whyte Pastoral Ltd 402C State Highway10	
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Scale@ A3:1:2500 0 100 150 m



Carex species
Tussock



Coprosma robusta
Karamu



Coprosma repens
Tuapa



Cordyline australis
Cabbage tree



Corokia species
Corokia



Dysoxylum spectabile
Kohekohe



Geniostoma ligustrifolium
Hangehange



Griselinia littoralis
Kapuka



Hebe species
Hebe



Knightia excelsa
Rewarewa



Kunzea ericoides
Kanuka



Leptocarpus similis
Oioi



Leptospermum scoparium
Manuka



Metrosideros excelsa
Pohutukawa



Muehlenbeckia astonii
Tororaro



Myrsine australis
Red Matipo



Phormium tenax
Flax



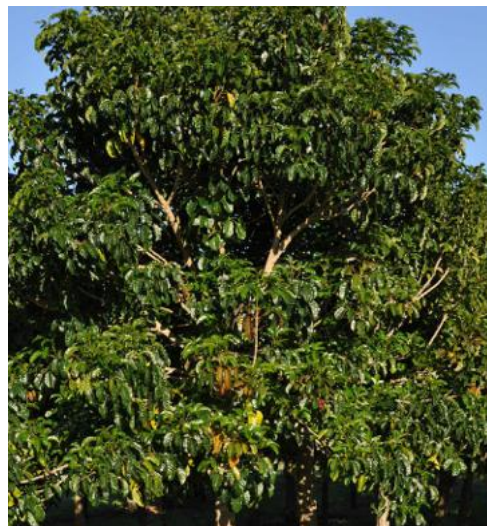
Phormium species
Flax



Pittosporum crassifolium
Karo



Pseudopanax lessonii
Houpara



Vitex lucens
Puriri

Plant Schedules

Tree Cluster Plantings

Clusters of specimen trees located close to the likely building sites will provide a vegetated framework for future built form placed on the lots. The scattered trees will link with future backdrop and foreground plantings that will be positioned at the time building sites and house designs are formalised. Suitable species include:

Botanical Name	Common Name	Plant size
Dysoxylum spectabile	Kohekohe	pb95
Knightia excelsa	Rewarewa	pb95
Metrosideros excelsa	Pohutukawa	pb95
Vitex lucens	Puriri	pb95

Riparian Edge Buffer Plantings

A proposed strip of plantings along the base of the hill slope, adjacent to the coastal escarpment will provide a buffer between the potential future activities on Lots 2-4 and the mangroves - Outstanding Natural Character area. Suitable species include:

Botanical Name	Common Name	Spacing	%mix
Cordyline australis	Cabbage tree	clustered	10%
Phormium tenax	Flax	1m	70%
Leptocarpus similis	Oioi	0.8m	20%

Backdrop Planting

A mixed planting of hardy native species to the east of the building envelope will provide a vegetated backdrop for future built development when viewed from the west and within the Harbour. Suitable species include:

Botanical Name	Common Name	Spacing	Mature Height
Coprosma robusta	Karamu	1.2	4m
Coprosma repens	Tuapata	1.2m	4m
Cordyline australis	Cabbage tree	clustered	5m
Grielinia littoralis	Kapuka	1.2m	5m
Kunzea ericoides	Kanuka	1.2	5m
Leptospermum scoparium	Manuka	1.2	5m
Myrsine australis	Red Matipo	1m	3m
Pittosporum crassifolium	Karo	1.2	5m
Pseudopanax lessonii	Houpara	1.2m	4m

Foreground Plantings

Proposed foreground plantings located generally to the west of building sites will provide a foreground setting to blend any future buildings into the landscape to maintain coastal character and visual amenity values. Suitable species include:

Botanical Name	Common Name	Spacing	Mature Height
Carex species	Tussock	1m	1m
Corokia species	Corokia	1.2m	1.5m
Geniostoma ligustrifolium	Hangehange	1m	2.5m
Hebe species	Hebe	1.2m	1-1.5m
Muehlenbeckia astonii	Tororaro	1.2m	1.2m

Landscape Planting Implementation + Maintenance

Implementation Scope

The scope of the planting is:

- i. Preparation of planting areas;
- ii. Timing of planting;
- iii. Plant material;
- iv. Siting of plants in accordance with the planting plan;
- v. Planting;
- vi. Watering in newly planted shrubs, and;
- vii. General maintenance, and;
- viii. Weed pest and disease control.

Preparation of Planting Areas

- i. Undertake clearance of any exotic weed species.
- ii. The initial weed control should be carried out during the autumn months prior to the winter planting, when plants are still actively growing and therefore more susceptible to herbicides.
- iii. Spot spray planting areas three weeks before planting. A follow up spray should be applied if required.

For grasses spray:

- Spray 100ml glyphosate (e.g. Roundup)+ 20ml penetrant per 10litres water

Timing of Planting

- i. Planting shall only be undertaken when there is adequate ground moisture. If planting is undertaken early or late in the season, plants should be irrigated during any dry periods.

Plant Material

- i. Plants shall be purchased from a reputable nursery. All plants shall be best nursery stock, being healthy and vigorous. Root systems shall be well developed and in balance with the amount of foliage growth of the plant.
- ii. Root-bound plants or those with badly spiraling root systems shall not be acceptable. Plants should have a root ball of fine, fresh root growth. This should be sliced through vertically with a sharp knife when removing the planter bag.
- iii. Plants are to be planted as soon as possible after delivery and no later than 3 days after delivery.

Siting of Plants

- i. Planting shall be in accordance with and as shown on the Landscape Plans.

Planting

- iii. Plants should be well watered in their containers prior to planting.
- iv. Holes for the larger (pb3 and above) plants should be dug approximately 1.5 times wider that the root ball, so that the roots are not cramped. Some loose soil should be left in the bottom of the hole to aid root growth and drainage.
- v. Approximately one tablespoon of good quality eighteen to twenty-four month slowrelease fertiliser should be placed in the bottom of the plant hole, and mixed in with the loose soil, ensuring that the fertiliser is not sitting directly on the roots (as it may burn them).
- vi. Soil returned around the roots should be firmed with the foot, with a small amount of loose soil left at the top of the hole.
- vii. Holes for large plants may exceed the depth of topsoil. In these cases the subsoil is to be thoroughly broken and well mixed with topsoil, which has been added as a 100mm layer to the bottom of the planting hole. Any compacted soil pan is to be thoroughly broken by relevant measures ensuring good root penetration and drainage.
- viii. Individual specimens should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
- ix. The base of the planting hole is to be filled and firmed with backfilling material to a level where the top of the plant root ball is level with surrounding ground.
- x. All care shall be taken to keep the root ball of the plant intact during placement.
- xi. Individual specimen trees shall be mulched with 70mm layer of bark mulch. The plantings with wetland covenant areas do not need to be barked mulched.

The foreground and backdrop plantings can either be bark mulch per individual tree or whole planted area mulched.

Specimen Tree Planting

- i. Ground preparation to take place prior to planting; consisting of a 1m3 hole for each pb95 grade tree. Integrate existing soil within this hole with a 50/50 mix of locally sourced compost and topsoil.
- ii. Trees should be planted approx 50mm proud of the existing ground level to prevent waterlogging.
- iii. Finish with a 70mm layer of locally sourced, high quality mulch to a 1m diameter around tree trunk, do not mound up around trunk.
- iv. Stake trees with appropriate wooden stakes and soft tree tie.

Watering In

Immediately after planting all of the plants are to be thoroughly watered until the planting hole is saturated. The foliage of plants is also to be thoroughly wetted. This is to be done even if soil conditions are already wet.

General Maintenance

- i. Maintenance weed control should commence within three months following the planting, and then twice annually
- ii. Maintenance shall be undertaken for a minimum period of 3 years following practical completion in accordance with this specification and the accompanying plan.
- iii. Care should be taken to identify and control any weeds that may have been introduced to the property in potting mix associated with the new plants.
- iv. All weeds should be cleared from the site by appropriate physical and chemical control. The majority of weeds growing close to the plant can be pulled by hand (taking care not to damage the roots of the plant) or, if appropriate, sprayed with herbicide by an experienced operator.
- v. During this three-year maintenance programme, any dead plants will need to be replaced.

 HAWTHORN Landscape Architects	
6/07/2026	
Implementation + Maintenance	
Whyte Pastoral Ltd 402C State Highway10	
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SUPPLEMENT A:

Natural Character and Landscape Effects Assessment Method

Updated 2 November 2022

Introduction

The Natural Character, Landscape and Visual Effects Assessment (NCLVEA) process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, changes in the existing character or condition of the landscape and the associated experiences of such change. In addition, the landscape assessment method may include (where appropriate) an iterative design development processes, which seeks to avoid, remedy or mitigate adverse effects (see **Figure 1**).

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the **Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines** and its signposts to examples of best practice, which include the **Quality Planning Landscape Guidance Note**¹ and the **UK guidelines for landscape and visual impact assessment**².

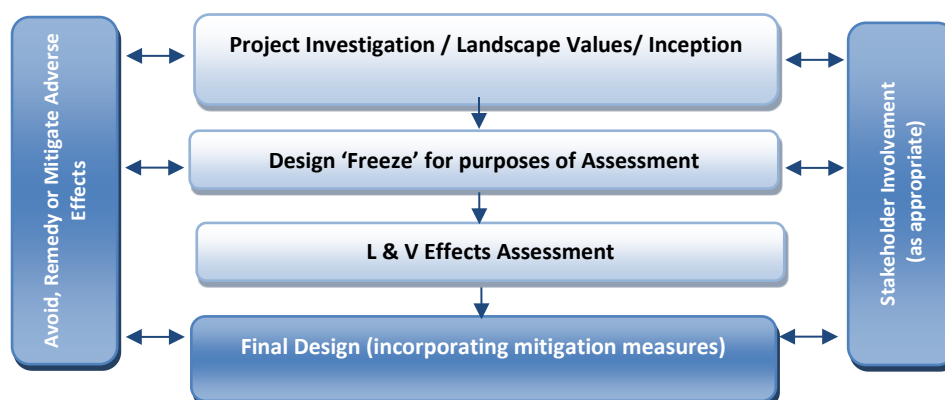


Figure 1: Design feedback loop

When undertaking any landscape assessment, it is important that a **structured and consistent approach** is used to ensure that **findings are clear and objective**. Judgement should be based on skills and experience and be supported by explicit evidence and reasoned argument.

While natural character, landscape and visual effects assessments are closely related, they form separate procedures. Natural character effects consider the characteristics and qualities and associated degree of modification relating specifically to waterbodies and their margins, including the coastal environment. The assessment of the potential effects on landscape considers effects on landscape character and values. The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

Natural Character effects: *Change in the characteristics or qualities including the level of naturalness.*

Landscape effects: *Change in the physical landscape, which may affect its characteristics or values*

Visual effects: *Change to views which may affect the visual amenity experienced by people*

¹ <http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape>

² Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3)

The policy context, existing landscape resource and locations from which a development or change is visible, all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the first step requires identification of the landscape's **character** and **values** including the **attributes** on which such values depend. This requires that the landscape is first **described**, including an understanding of relevant physical, sensory and associative landscape dimensions. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described together with, a judgement made on the value or importance of the potentially affected landscape.

Natural Character Effects

In terms of the RMA, natural character specifically relates to the coastal environment as well as freshwater bodies and their margins. The RMA provides no definition of natural character. RMA, section 6(a) considers natural character as a matter of national importance:

...the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Natural character comprises the natural elements, patterns and processes of the coastal environment, waterbodies and their margins, and how they are perceived and experienced. This assessment interprets natural character as being the degree of naturalness consistent with the following definition:

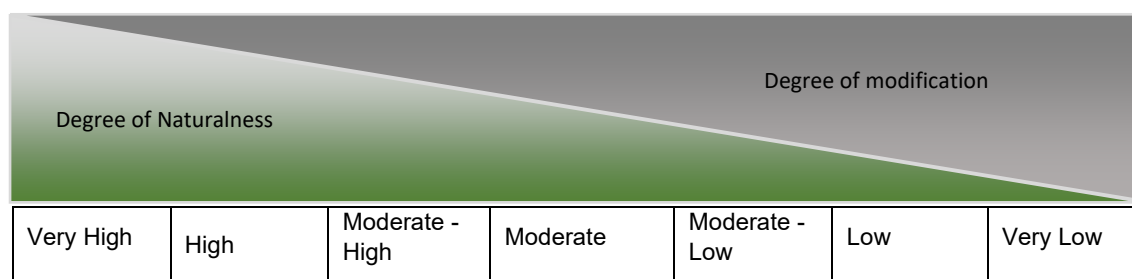
Natural character is a term used to describe the naturalness of waterbodies and their margins. The degree or level of natural character depends on:

- *The extent to which natural elements, patterns and processes occur;*
- *The nature and extent of modifications to the ecosystems and landscape/seascape;*
- *The highest degree of natural character (greatest naturalness) occurs where there is least modification; and*
- *The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different parts of the community.*

The process to assess natural character involves an understanding of the many systems and attributes that contribute to waterbodies and their margins, including biophysical and experiential factors. This can be supported through the input of technical disciplines such as marine, aquatic and terrestrial ecology, and landscape architecture.

Defining the Level of Natural Character

The level of natural character is assessed in relation to a seven-point scale. The diagram below illustrates the relationship between the degree of naturalness and degree of modification. A high level of natural character means the waterbody is less modified and vice versa.



Scale of Assessment

When defining levels of natural character, it is important to clearly identify the spatial scale considered. The scale at which natural character is assessed will typically depend on the study area or likely impacts and nature of a proposed development. Within a district or region-wide study, assessment scales may be divided into broader areas which consider an overall section of coastline or river with similar characteristics, and finer more detailed 'component' scales considering separate more local parts, such as specific bays, reaches or escarpments. The assessment of natural character effects has therefore considered the change to attributes which indicate levels of natural character at a defined scale.

Effects on Natural Character

An assessment of the effects on natural character of an activity involves consideration of the proposed changes to the current condition compared to the existing. This can be negative or positive.



The natural character effects assessment involves the following steps;

- assessing the existing level of natural character;
- assessing the level of natural character anticipated (post construction); and
- considering the significance of the change

Landscape Effects

Assessing landscape effects requires an understanding of the landscape resource and the magnitude of change which results from a proposed activity to determine the overall level of landscape effects.

Landscape Resource

Assessing the sensitivity of the landscape resource considers the key characteristics and qualities. This involves an understanding of both the ability of an area of landscape to absorb change and the value of the landscape.

Ability of an area to absorb change

This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;
- The zoning of the land and its associated anticipated level of development;
- The scope for mitigation, appropriate to the existing landscape.

The ability of an area of landscape to absorb change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies.

The value of the Landscape

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Feature or Landscape (ONFL) (RMA s.6(b)) based on important physical, sensory and associative landscape attributes, which have potential to be affected by a proposed development. A landscape can have value even if it is not recognised as being an ONFL.

Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of

change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

When assessing the level of landscape effects, it is important to be clear about what factors have been considered when making professional judgements. This can include consideration of any benefits which result from a proposed development. **Table 1** below helps to explain this process. The tabulating of effects is only intended to inform overall judgements.

Contributing Factors		Higher	Lower
Landscape (sensitivity)	Ability to absorb change	The landscape context has limited existing landscape detractors which make it highly vulnerable to the type of change resulting from the proposed development.	The landscape context has many detractors and can easily accommodate the proposed development without undue consequences to landscape character.
	The value of the landscape	The landscape includes important biophysical, sensory and shared and recognised attributes. The landscape requires protection as a matter of national importance (ONF/L).	The landscape lacks any important biophysical, sensory or shared and recognised attributes. The landscape is of low or local importance.
Magnitude of Change	Size or scale	Total loss or addition of key features or elements. Major changes in the key characteristics of the landscape, including significant aesthetic or perceptual elements.	The majority of key features or elements are retained. Key characteristics of the landscape remain intact with limited aesthetic or perceptual change apparent.
	Geographical extent	Wider landscape scale.	Site scale, immediate setting.
	Duration and reversibility	Permanent. Long term (over 10 years).	Reversible. Short Term (0-5 years).

Table 1: Determining the level of landscape effects

Visual Effects

Visual effects are a subset of landscape effects. They are consequences of change on landscape values as experienced in views. To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

Field work is used to determine the actual extent of visibility of the site, including the selection of representative viewpoints from public areas. This stage is also used to identify the potential 'viewing audience' e.g. residential, visitors, recreation users, and other groups of viewers who can see the site. During fieldwork, photographs are taken to represent views from available viewing audiences.

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of theoretical visibility (ZTV)' of the site and proposal. Where possible, computer modelling can assist to determine the theoretical extent of visibility together with field work to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

The Sensitivity of the Viewing Audience

The sensitivity of the viewing audience is assessed in terms of assessing the likely response of the viewing audience to change and understanding the value attached to views.

Likely response of the viewing audience to change

Appraising the likely response of the viewing audience to change is determined by assessing the occupation or activity of people experiencing the view at particular locations and the extent to which their interest or activity may be focussed on views of the surrounding landscape. This relies on a landscape architect's judgement in respect of visual amenity and the reaction of people who may be affected by a proposal. This should also recognise that people more susceptible to change generally include: residents at home, people engaged in outdoor recreation whose attention or interest is likely to be focussed on the landscape and on particular views; visitors to heritage assets or other important visitor attractions; and communities where views contribute to the wider landscape setting.

Value attached to views

The value or importance attached to particular views may be determined with respect to its popularity or numbers of people affected or reference to planning instruments such as viewshafts or view corridors. Important

viewpoints are also likely to appear in guide books or tourist maps and may include facilities provided for its enjoyment. There may also be references to this in literature or art, which also acknowledge a level of recognition and importance.

Magnitude of Visual Change

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change, which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA³.

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. **Table 4** has been prepared to help guide this process:

Contributing Factors		Higher	Lower	Examples
The Viewing Audience (sensitivity)	Ability to absorb change	Views from dwellings and recreation areas where attention is typically focussed on the landscape.	Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.	Dwellings, places of work, transport corridors, public tracks
	Value attached to views	Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature. High visitor numbers.	Viewpoint is not typically recognised or valued by the community. Infrequent visitor numbers.	Acknowledged viewshafts, Lookouts
Magnitude of Change	Size or scale	Loss or addition of key features in the view. High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Full view of the proposed development.	Most key features of views retained. Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Glimpse / no view of the proposed development.	Higher contrast/ Lower contrast. Open views, Partial views, Glimpse views (or filtered); No views (or obscured)
	Geographical extent	Front on views. Near distance views; Change visible across a wide area.	Oblique views. Long distance views. Small portion of change visible.	Front or Oblique views. Near distant, Middle distant and Long distant views
	Duration and reversibility	Permanent. Long term (over 15 years).	Transient / temporary. Short Term (0-5 years).	Permanent (fixed), Transitory (moving)

Table 2: Determining the level of visual effects

Nature of Effects

In combination with assessing the level of effects, the landscape and visual effects assessment also considers the nature of effects in terms of whether this will be positive (beneficial) or negative (adverse) in the context within which it occurs. Neutral effects can also occur where landscape or visual change is benign.

It should also be noted that a change in a landscape does not, of itself, necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways; these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes.

³ Best Practice Guide: Visual Simulations BPG 10.2, NZILA

This assessment of the nature of effects can be further guided by **Table 2** set out below:

Nature of effect	Use and Definition
Adverse (negative):	The activity would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values
Neutral (benign):	The activity would be consistent with (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values
Beneficial (positive):	The activity would enhance the landscape and / or visual amenity through removal or restoration of existing degraded landscape activities and / or addition of positive elements or features

Table 1: Determining the Nature of Effects

Cumulative Effects

This can include effects of the same type of development (e.g. bridges) or the combined effect of all past, present and approved future development⁴ of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

Cumulative Landscape Effects

Cumulative landscape effects can include additional or combined changes in components of the landscape and changes in the overall landscape character. The extent within which cumulative landscape effects are assessed can cover the entire landscape character area within which the proposal is located, or alternatively, the zone of visual influence from which the proposal can be observed.

Cumulative Visual Effects

Cumulative visual effects can occur in combination (seen together in the same view), in succession (where the observer needs to turn their head) or sequentially (with a time lapse between instances where proposals are visible when moving through a landscape). Further visualisations may be required to indicate the change in view compared with the appearance of the project on its own.

Determining the nature and level of cumulative landscape and visual effects should adopt the same approach as the project assessment in describing both the nature of the viewing audience and magnitude of change leading to a final judgement. Mitigation may require broader consideration which may extend beyond the geographical extent of the project being assessed.

Determining the Overall Level of Effects

The landscape and visual effects assessment conclude with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation. The process can be illustrated in Figure 2:



Figure 2: Assessment process

This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in **Table 3** below. This table which can be used to guide the level of natural character, landscape and visual effects uses an adapted seven-point scale derived from Te Tangi A Te Manu.

⁴ The life of the statutory planning document or unimplemented resource consents.

Effect Rating	Use and Definition
Very High:	Total loss of key elements / features / characteristics, i.e. amounts to a complete change of landscape character and in views.
High:	Major modification or loss of most key elements / features / characteristics, i.e. little of the pre-development landscape character remains and a major change in views. <u>Concise Oxford English Dictionary Definition</u> <i>High: adjective- Great in amount, value, size, or intensity.</i>
Moderate- High:	Modifications of several key elements / features / characteristics of the baseline, i.e. the pre-development landscape character remains evident but materially changed and prominent in views.
Moderate:	Partial loss of or modification to key elements / features / characteristics of the baseline, i.e. new elements may be prominent in views but not necessarily uncharacteristic within the receiving landscape. <u>Concise Oxford English Dictionary Definition</u> <i>Moderate: adjective- average in amount, intensity, quality or degree</i>
Low-Moderate:	Minor loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not prominent within views or uncharacteristic within the receiving landscape.
Low:	Little material loss of or modification to key elements / features / characteristics. i.e. modification or change is not uncharacteristic or prominent in views and absorbed within the receiving landscape. <u>Concise Oxford English Dictionary Definition</u> <i>Low: adjective- 1. Below average in amount, extent, or intensity.</i>
Very Low:	Negligible loss of or modification to key elements/ features/ characteristics of the baseline, i.e. approximating a 'no change' situation and a negligible change in views.

Table 3: Determining the overall level of landscape and visual effects

Determination of “minor”

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor⁵ or an adverse effect on the environment is no more than minor⁶. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D 'gateway test' is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be 'minor' or not be contrary to the objectives and policies of the relevant planning documents.

These assessments will generally involve a broader consideration of the effects of the activity, beyond the landscape and visual effects. Through this broader consideration, guidance may be sought on whether the likely effects on the landscape or effects on a person are considered in relation to 'minor'. It must also be stressed that more than minor effects on individual elements or viewpoints does not necessarily equate to more than minor landscape effects. In relation to this assessment, moderate-low level effects would generally equate to 'minor' (see Table 4).

The third row highlights the word 'significant'. The term 'significant adverse effects' applies to particular RMA situations, namely as a threshold for the requirement to consider alternative sites, routes, and methods for Notices of Requirement under RMA s171(1)(b), the requirements to consider alternatives in AEEs under s6(1)(a) of the 4th Schedule. It may also be relevant to tests under other statutory documents such as for considering effects on natural character of the coastal environment under the NZ Coastal Policy Statement (NZCPS) Policy 13 (1)(b) and 15(b).

<u>Less than Minor</u>		<u>Minor</u>	<u>More than Minor</u>			
Very Low	Low	Low-Moderate	Moderate	Moderate-High	High	Very High
						Significant

Table 4: Determining adverse effects for notification determination, non-complying activities and significance

⁵ RMA, Section 95E

⁶ RMA Section 95D